

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Voting District Boundaries - adjustments following 2020 US Census.	MEETING DATE: September 13, 2021 AGENDA ITEM NO.: 7.a.
RECOMMENDED ACTIONS: Adjustment/Redistricting of Voting District Boundaries following 2020 US Census—Receive information, and provide direction on process and timeline.	
<p>SUMMARY AND DISCUSSION:</p> <p>At its June 10, 2019 meeting the District adopted Ordinance No. 121 “An Ordinance of the Novato Sanitary District Providing for the Election of Members of the Board of Directors By-District, Establishing the Boundaries and Identification Numbers for Five Divisions, and Establishing the Election Order for Each Division”, as mandated by the California Voting Rights Act (CVRA).</p> <p>At this time, consistent with the CVRA, and following the release of the 2020 US Census data, the District is required to adjust or “redistrict” its electoral districts (Divisions) to reflect demographic changes from the Census data. Accordingly, the Board is required to hold at least two (2) public hearings related to the redistricting of its five electoral divisions, to provide an opportunity for public input on the criteria for the final adjustments (if any) to the electoral districts/divisions. A draft proposed schedule outlining the proposed timeline for the process is provided as Attachment 1.</p> <p>Staff from the District’s redistricting consultant, Q2 Data and Research LLC (Q2) will also be available to provide a presentation including an overview of their work and recommendations and respond to any questions or comments. A copy of Q2’s presentation is included as Attachment 2.</p> <p>As referenced in the draft proposed timeline, at today’s meeting, the Board will receive an overview of criteria and process for adjusting voter district boundaries from, and provide direction, if any, to: District Counsel, consultants, and staff. This will be followed by public hearings at the October and November Board meetings.</p> <p>As required by the CVRA, the Notice of Public Hearings, will be posted in English and Spanish on the District’s website, and distributed at various sites within the District. Spanish translation will also be available at the hearings.</p>	
<p>ATTACHMENTS:</p> <ol style="list-style-type: none"> 1. Draft “<i>Proposed Timeline for Consideration and Implementation of Redistricting Electoral Districts</i>”. 2. Q2 Data and Research LLC, presentation. 	
STRATEGIC PLAN INFORMATION: This item addresses Goal 3 (Board District and Community Alignment and Communications) of the latest Strategic Plan Update.	
Prepared by: RH, SSK	Reviewed by General Manager: SSK

Novato Sanitary District
District Secretary
500 Davidson Street
Novato, CA 94945

NOTICE OF PUBLIC HEARINGS

On April 1, 2019, the Novato Sanitary District (District) Board of Directors (Board) took action to adopt District Resolution No. 3131 – “Resolution Declaring the Intent to Initiate Procedures to Transition From At-Large Elections to District-Based Elections (By Zone) Pursuant to the California Voting Rights Act and Taking Related Actions”. On June 10, 2019, the Board adopted Ordinance No. 121 “An Ordinance of the Novato Sanitary District Providing for the Election of Members of the Board of Directors By-District, Establishing the Boundaries and Identification Numbers for Five Divisions, and Establishing the Election Order for Each Division”.

Following the release of the 2020 US Census data, and to conform with the California Voting Rights Act (CVRA), the Board has initiated the process of redistricting the District’s existing electoral districts (Divisions). The following schedule is proposed to hold the required minimum of two (2) public hearings required of the redistricting process, but may be subject to change.

NOVATO SANITARY DISTRICT

Proposed Timeline for Consideration and Implementation of Redistricting Electoral Districts

DATE	EVENT	COMMENT
Monday, September 13, 2021*	Board receives overview of criteria and process for adjusting voting district boundaries from District Counsel, staff, and consultants.	No maps for review, but receive public input and Board instructions.
By Monday, September 20, 2021	Publish draft map online (District website).	
Monday, October 11, 2021*	1st Public Hearing (Regular Meeting).	Show map options, take public comments with live in-person adjustments, and finalize map.
By Monday, October 18, 2021	Publish finalized map online (District website)	
Monday, November 8, 2021*	2nd Public Hearing (Regular Meeting).	Respond to comments (if any); Board vote to adopt final map of revised Electoral Districts (Divisions).

*Virtual meeting, unless otherwise noted in the agenda packet for the meeting.

Novato Sanitary Redistricting Orientation:

Criteria, Data, and The Process

Karin Mac Donald
Q2 Data & Research, LLC

September 13, 2021



Roadmap



- Introduction & Background
- What is Redistricting?
- Laws Governing Redistricting
- Criteria for Redistricting
- Process Timeline
- How to Get Involved

Introduction & Background

- In 2019, the Novato Sanitary District (NSD) converted from at-large to by-division elections
- NSD now has 5 electoral Divisions for its Board of Directors
- Board members must live in their district to be eligible to represent it
- Voters in each division elect the Board member that represents them
- The Board of Directors oversees the redistricting process and is responsible for adopting the new districts

Districting versus Redistricting

- Districting is the process of creating districts where there were none before
- Redistricting is the process of adjusting the existing district boundaries
- Redistricting usually happens every 10 years after the release of the decennial Census
- Decennial Census data are used to equalize the populations of the districts
- Redistricting provides the opportunity to bring the existing districts into compliance with all redistricting criteria



Laws Governing Redistricting in California

- U.S. and CA Constitutions
- Federal Law
 - Voting Rights Act
- California Elections Code

California Elections Code for Special Districts

- CA Elections Code Sections 22000 — 22001 address Redistricting for Special District
- Outlines the process, criteria, and deadlines
- 2 Required Meetings
 - At least 1 public input hearing
 - 1 public hearing to vote on the adoption of the map

What are the mapping criteria?

1. Compliance with US and CA Constitution (**equal population**)
2. Compliance with **Federal Voting Rights Act** (race and language minorities)
3. Topography
4. Geography
5. Cohesiveness, contiguity, integrity, and compactness of territory
6. Communities of Interest

Criterion 1: US and CA Constitutions

- The US Constitution requires districts to have reasonably equal populations
 - “one person, one vote”
- 14th Amendment (Equal Protection)
 - Prohibits intentional discrimination because it is a violation of equal protection (the jurisdiction is treating residents differently because of race, and thus not according them equal protection under the law).
- 15th Amendment
 - Bans racial discrimination in voting

What is the Ideal Population per district?

Ideal population per district =

Total population ÷ # of districts

- Districts are equalized with the count of all persons from the decennial census
 - Novato Sanitary District 2020 Population: 57,303
- Ideal population for NSD Divisions?
 - Total Population ÷ five divisions = Ideal population
 - 57,303 ÷ 5 = **11,460 people per district**

How equal is equal?

- **Different standards for different jurisdictions**
 - Congressional Districts held to ‘strict scrutiny’
 - Lower level districts have more flexibility
- **Special districts must be reasonably equal**
 - Some deviation above and/or below the ideal population is allowed
 - Generally up to $\pm 5\%$ is used in Federal Voting Rights Act compliance
 - Ideal population: 11,460 \pm 573 people

Current Divisions Population Deviation

- Division 1 ~ +1.5%
- Division 2 ~ +5.86%
- Division 3 ~ -4.15%
- Division 4 ~ +1.93%
- Division 5 ~ -5.12%

Criterion 2: Federal Voting Rights Act, Section 2

- Prohibits the denial or abridgement of voting rights on the basis of ***race*** or ***language minority status***. (42 USC § 1973)
 - FVRA defines “language minority” as Asian, Native American, Alaskan Native or Spanish heritage. Does not apply to other language groups.
- Prohibits practices that have the purpose or effect of discriminating on the basis of race or language minority status.
- Applies to ALL jurisdictions that conduct elections

FVRA and Redistricting: Vote Dilution

- Electoral systems can limit the “ability to elect a candidate of choice” by a protected class of voters in various ways:
 - Example: at-large election systems can make it impossible for even a large minority group to elect a candidate of choice, when the majority votes against them.
 - Example: single-member districts can be drawn in ways that minimize voters’ ability to elect a candidate of choice.
- Systems that limit ability to elect in this way are said to “**dilute**” minority voting strength.

FVRA Section 2: Methods of Vote Dilution

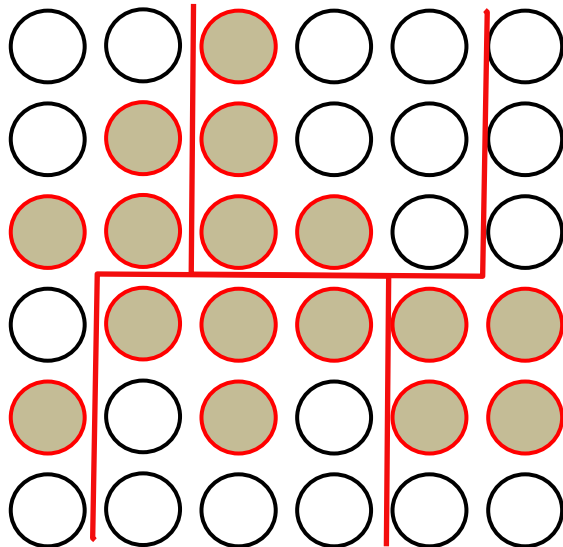
A redistricting plan can dilute the voting strength of protected minorities through two main ways:

1. **“Cracking”**: Dividing up a politically viable protected minority population concentration so it doesn’t constitute a majority in any district.

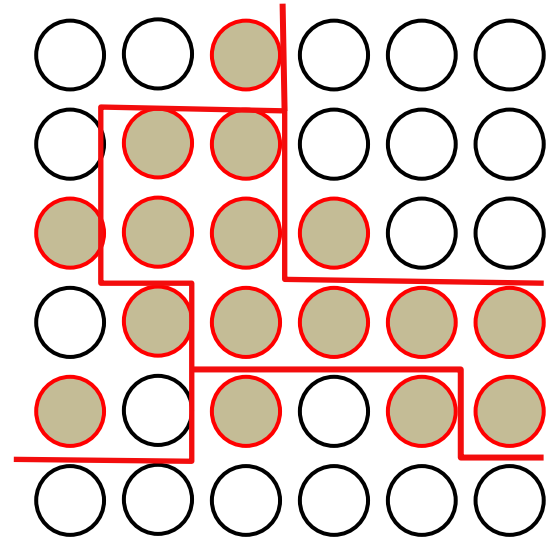
2. **“Packing”**: Drawing a high proportion protected minority population into one district when it could be politically viable in more than one district

FVRA Section 2: Methods of Vote Dilution

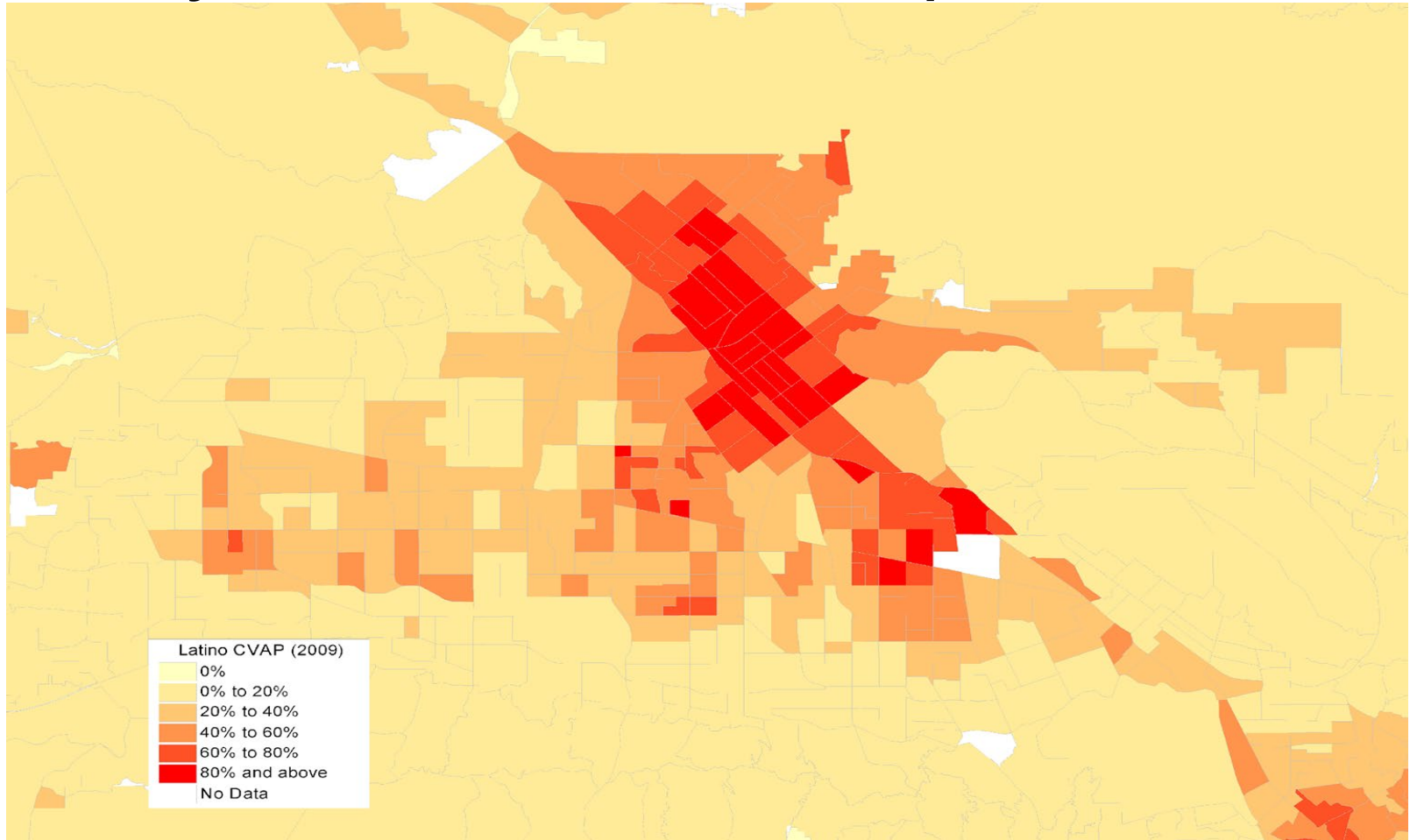
“Cracking”



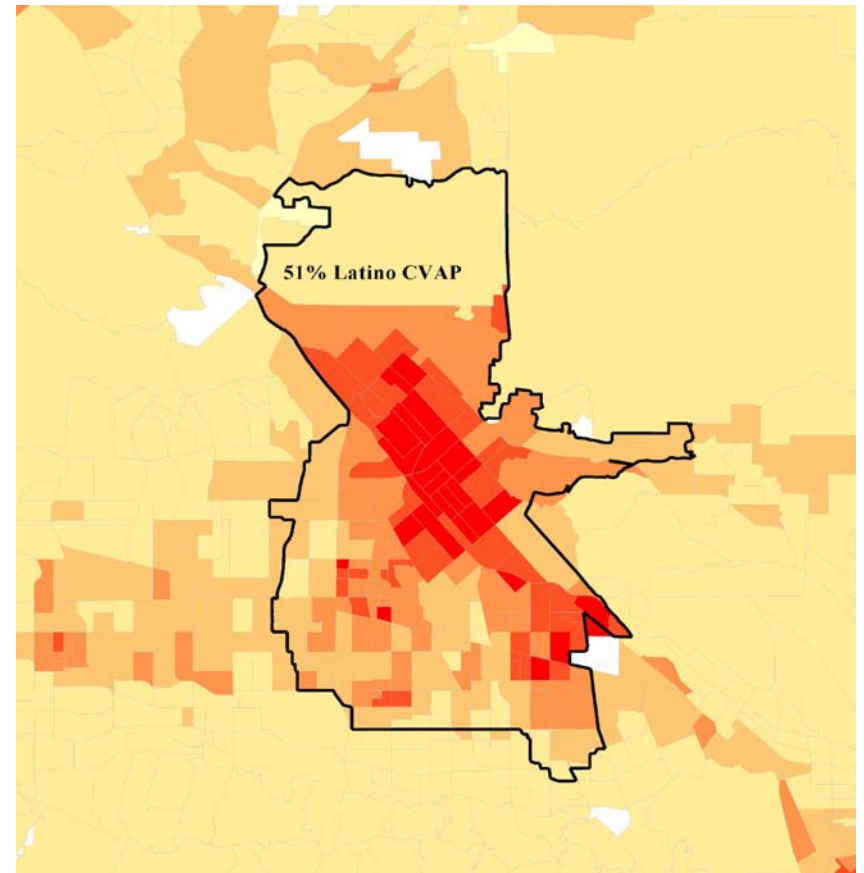
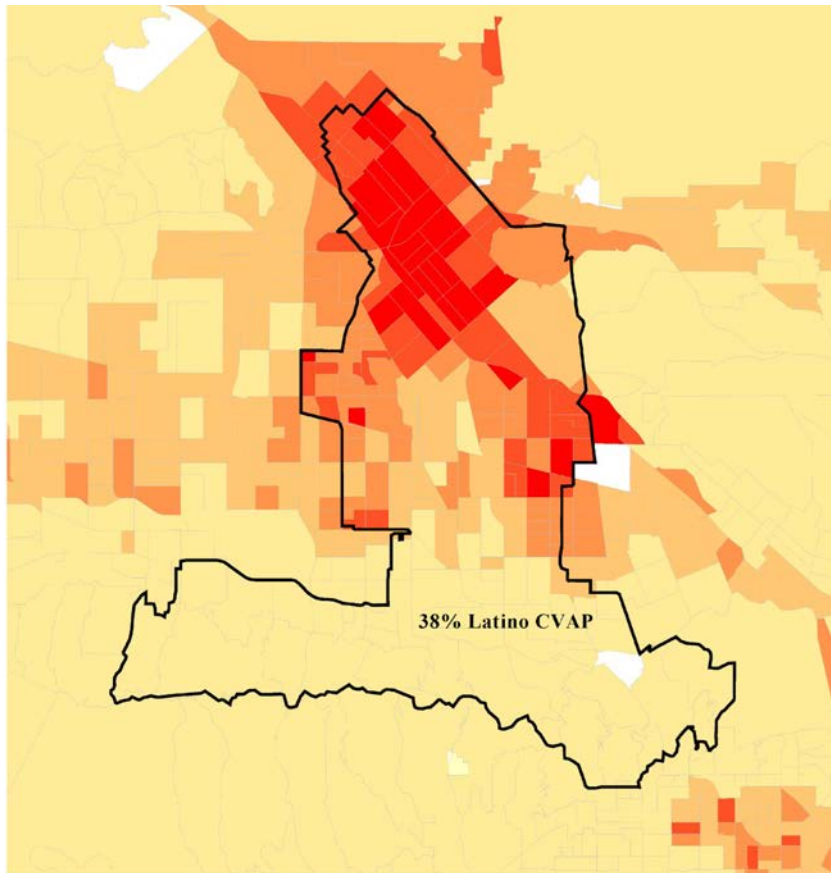
“Packing”



Minority Vote Dilution Example



Two ways to approach this area



Criterion 2: Federal Voting Rights Act

There are two parts to compliance with FVRA:

- Measuring/analyzing
 - Expert conducts a Racially Polarized Voting (RPV) Analysis
 - Work with Expert(s) and Counsel to make decisions about Majority/Minority districts
- Drawing a division
 - Work with redistricting consultant to construct divisions that comply with the FVRA

Race and Redistricting

- Supreme Court opinions have limited the role that race can play in electoral map making
- Race cannot be the predominant factor in line drawing
- Race should not subjugate “traditional [re]districting principles” (Contiguity, Communities of Interest, etc.)
- District appearance (Compactness) has been important in some cases.

Criteria 3 & 4: Topography and Geography

- These are geographic criteria
- Division lines should make geographical and topographical sense
- Follow natural and artificial boundaries
 - Ex: Respect roads, natural features

Criterion 5: Contiguity and Compactness

- **Contiguity:** *A district in which all parts must be adjacent to another part*

in other words...

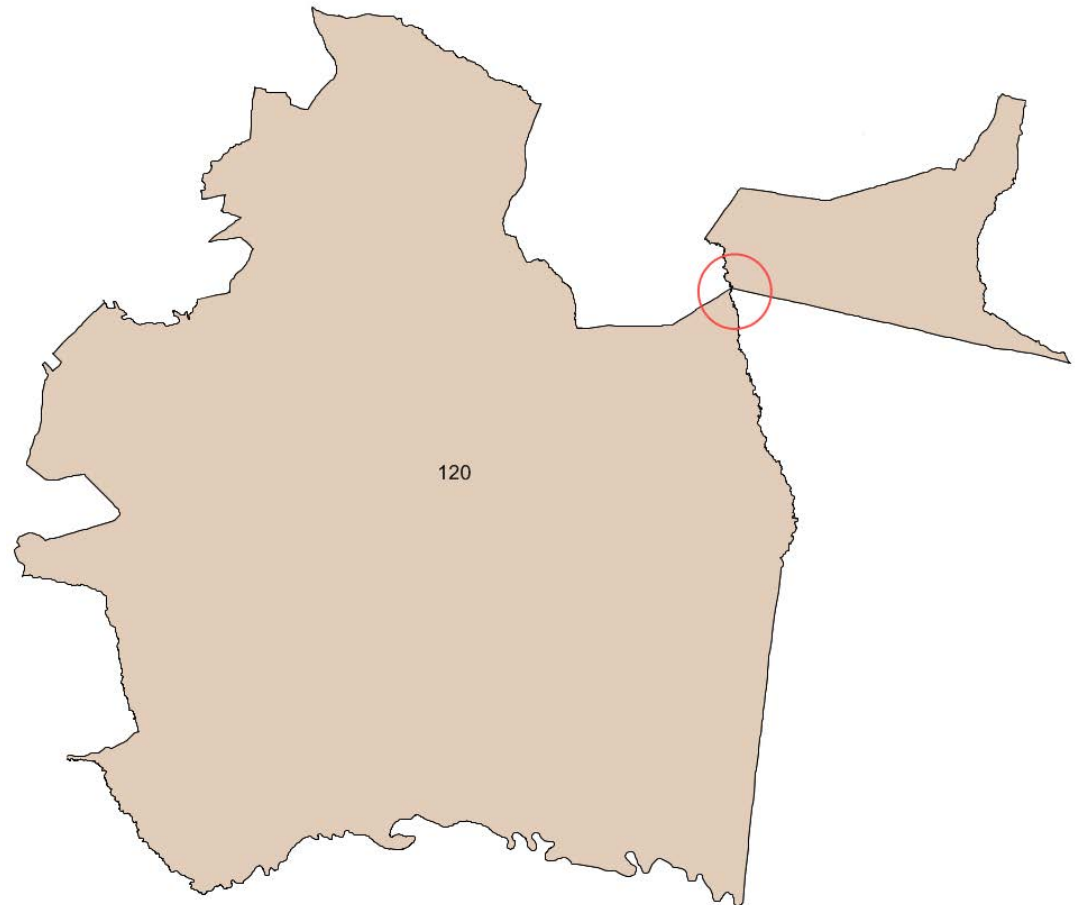
- A district in which one may travel from any location to any other location without crossing the district boundary
- California law specifies that areas that meet only at the points of adjoining corners are not contiguous

and that:

- Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

Criterion 5: Contiguity

NO Point Contiguity
allowed



Criterion 5: Contiguity and Compactness

- **Compactness:** Don't bypass nearby areas of population in favor of more distant populations
- Assumed to “guard against all types of gerrymandering” “drastic departures from compactness are a signal that something may be amiss”
 - Karcher v. Daggett, 462 U.S. 725 (1983)
- Most common complaints come from appearances:
 - Does a district look “funny”?
- “eyeball approach” “appearances do matter”
 - Shaw v. Reno, 509 U.S. 630 (1993)

Criterion 6: Communities of Interest (COIs)

The concept of “**Community of Interest**” is generally described as a geographic area comprised of residents who share similar interests.

COIs are defined by those familiar with the community...

- Law does not limit the kinds of interests that may bind a community.
- It is up to those who live in or work with a community to identify and establish the interests that unite it.
- Interests need not be limited to current situation but can also include common goals.

What common interests unite a COI?

➤ **Economic interests**

- *Current situation:* common employment or economic opportunities (or lack thereof).
- *Goals:* expanding opportunities, development, bringing in jobs & businesses, etc.

➤ **Social interests**

- *Current situation:* schools, culture, transportation, parks
- *Goals:* improving recreation opportunities or public safety, etc.

Documenting a COI

Please answer the following questions:

- **Outline what defines your COI**
 - What bonds your community?
 - What is your mission or commonality?
 - You may also explain what is different outside of the boundaries of your Community of Interest

- **Where is your community located in NSD?**
 - Create a map of the boundaries (use drawmycommunity.org, Google maps, GIS/mapping program, paper, etc.) or
 - Write down the boundaries

Timeline Overview

- **Meeting 1: Kickoff**
 - Overview of criteria and process
 - receive input and instructions
 - Tonight! September 13, 2021 at 5:30pm
- **Meeting 2: Live Mapping**
 - Show map options with live in person adjustments, finalize map
 - October 11, 2021 at 5:30pm
- **Meeting 3: Feedback/Vote**
 - Final vote to adopt the map
 - November 8, 2021 at 5:30pm

Why should you participate?

- To make sure we know about your Community of Interest.
- To give your community a voice and make sure it has equal access to the political process.
- To encourage citizens to register, vote, and remain politically engaged.
- To help shape a redistricting plan that provides communities a meaningful opportunity to elect candidates who represent their interests on issues that are important to their lives.

Get Involved & Learn More

➤ **What should you share?**

- What is your Community of Interest? What ties your community together?
- Where is your COI? Be specific in your geography

➤ **How to submit your input?**

- During a hearing on October 11 and November 8, 2021
- Written:
 - By Email at info@novatosan.com
 - By Written correspondence to: Novato Sanitary District, 500 Davidson Street, Novato CA, 94945
- By Telephone - (415) 473-6437

➤ **Where to learn more & find these resources?**

**THANK YOU
FOR PARTICIPATING!!!**

