



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 21-108

Board Meeting Date: 2/9/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: President David Canepa, District 5
Vice-President Don Horsley, District 3

Subject: Discuss and/or Act Regarding County's 2021 Supervisorial District Lines Advisory Commission

RECOMMENDATION:

Discuss and/or act regarding formation of the County's 2021 Supervisorial District Lines Advisory Commission.

BACKGROUND:

The Board must ensure that the County's Supervisorial districts, which were formed in 2013, remain substantially equal in population based on data from the 2020 federal census and still comply with the United States Constitution, the California Constitution, the Voting Rights Act of 1965, and new state law district-drawing requirements. (Elec. Code, § 21500.)

To assist with the district-drawing process in 2013, the Board formed an advisory committee, the San Mateo County Supervisorial District Lines Advisory Committee, which consisted of two Board members (Supervisor Slocum and then-Supervisor Tissier), two elected city representatives (one from Daly City and one from East Palo Alto), and five public members, one from each Supervisorial district.

On January 26, 2021, the Board decided to again form a Commission to advise it on supervisorial districts pursuant to Elections Code Section 23000, *et seq.* and appointed an *ad hoc* district lines subcommittee consisting of President Canepa and Vice-President Horsley and asked it to return to the Board with recommendations on formation of the advisory commission ("Subcommittee").

DISCUSSION:

A. Advisory Commission Formation and Role

As discussed at the January 26th meeting, the Board controls both who is appointed to the advisory commission and the process for appointment. (Elec. Code, § 23002(b).) Indeed, the only limitation under the law (a change since 2013) is that “[a] person who is an elected official of the [County], or a family member, staff member, or paid campaign staff of an elected official of the [County], shall not be appointed to serve on the commission.” (Elec. Code, § 23002(c).) The Board “may impose additional requirements or restrictions on the commission, members of the commission, or applicants to the commission...” (Elec. Code, § 23002(d).)

Once formed, the advisory commission recommends draft district boundaries to the Board, which approves and adopts a final map. (Elec. Code, § 23000(a).) The final map should be adopted by the Board of Supervisors no later than November 15, 2021. (See Elec. Code, § 21501(a)(2) (adoption deadline of 174 days before the June 7, 2022 Statewide Direct Primary Election, which is December 15, 2021, plus additional 30 days for ordinance to take effect).)

Before the Board adopts the final map, however, the advisory commission must hold a minimum of four (4) public hearings, at least one of which must occur *before* drawing the draft recommended map (s) and at least two of which must occur *after* drawing the draft map(s). (Elec. Code, §§ 21507.1(a), (f).)

B. 2021 Supervisorial District Lines Advisory Commission

The Subcommittee met and now makes the following recommendation regarding formation of the 2021 Supervisorial District Lines Advisory Commission (“Commission”):

1. The Commission will consist of 11 members, all of whom must be residents of the County;
2. All County and city-level elected officials are ineligible to serve on the Commission;
3. Each Supervisor will choose one member from his or her District with each Supervisor deciding the selection process for the appointed Commission member representing his or her Supervisorial district;
4. County staff will work with the Subcommittee to create an application process for the remaining six members and conduct outreach, including to local community based organizations to encourage applications;
5. The remaining six members will be vetted by the Subcommittee, which will make a recommendation to the entire Board;
6. The selection process will prioritize applicants associated with good government, civil rights, civic engagement, and community groups or organizations that are active in the County, including those active in language minority communities with the goal of a diverse and equitable Commission;
7. The approval of the Commission composition will be brought back to the entire Board this Spring potentially with additional recommendations regarding the process the Commission should utilize in forming its recommendations; and
8. Once established, the Commission will meet and elect a Chair.

The Commission’s work will undoubtedly be impacted by delays in the release of applicable 2020 census data, which, at this point, might not be available until July 31, 2021. However, before the data becomes available, the Commission could (and should) hold at least one public meeting to begin compliance with State law requirements, including to gather public views on what constitute our communities of interest. (See Elec. Code, § 21500(c).)

FISCAL IMPACT:

There is no direct fiscal impact associated with discussion and/or action regarding the Commission. However, formation of the Commission and the district-drawing process will involve use of County time and resources yet to be determined.