



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 21-840

Board Meeting Date: 11/9/2021

Special Notice / Hearing: 9:30 a.m.

Elec. Code, § 21507.1(d)

Vote Required: Majority

To: Honorable Board of Supervisors

From: Mike Callagy, County Manager
Justin W. Mates, Deputy County Manager

Subject: San Mateo County Supervisorial District Boundaries Following the 2020 Census

RECOMMENDATION:

Recommendation to:

- A) Receive report regarding draft supervisorial district maps considered and recommended by the District Lines Advisory Commission; and
- B) Open a public hearing to receive testimony regarding consideration and potential adoption of San Mateo County Supervisorial district boundaries following the 2020 Census (Elections Code Section 21507.1); and
- C) Close the public hearing; and
- D) Potentially provide direction to staff regarding additional draft maps, modifications to recommended draft maps, and/or adoption of draft maps.

BACKGROUND:

Pursuant to federal and state law, the Board must ensure the County's Supervisorial districts remain substantially equal in population based on data from the 2020 federal census. To assist with this process, on January 26, 2021, the Board voted unanimously to form an advisory commission that would engage in public outreach and recommend draft district lines to the full Board.

Starting in late August 2021 and extending through September 2021, the 15-member District Lines Advisory Commission (DLAC), comprised of commissioners interviewed and recommended for appointment by the League of Women Voters, held a series of seven introductory and engagement public hearings, the purpose of which was to introduce the redistricting process to the public and solicit testimony on communities of interest, district lines, and other public input on the process. Five of those meetings were agendized with a geographic focus on a single existing supervisorial district

and were coupled with geographically targeted outreach in that district in advance of the meeting.

In late September 2021, after significant delays, the State released the official adjusted Census-based dataset required to be used for local jurisdictions' redistricting processes. The DLAC then held three meetings, on October 7, 21, and 28, 2021, during which the DLAC received public testimony on, and discussed, draft district maps based on the official State dataset.

To encourage public participation throughout this process, the County implemented a broad-based outreach campaign informed by learnings from Census- and pandemic-related community messaging efforts. Outreach methods included:

- Broad based traditional media, including recurring ads and op eds in local and regional print and digital publications;
- Social media advertising and boosting;
- Targeted digital, audio, and print advertisements in local ethnic and in-language media sources;
- Dissemination of redistricting-related weekly messages by the County's Office of Community Affairs to a network of 400+ community-based partners, which include good government, civil rights, civic engagement, and community groups active in the County, including those active in language minority communities;
- Targeted flyering, canvassing, and direct mailing to tens of thousands of households in communities across the County considered "hard to count" under the Census framework, including in Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, North Fair Oaks, Pacifica, Redwood City, San Bruno, San Mateo, South San Francisco, and communities on the Coast; and
- In-person tabling and outreach events in every current district in the County.

All public testimony and input received during the redistricting process, whether in the form of live testimony, written comment, social media comment, or draft map, were (and continue to be) collected and posted publicly on the County's redistricting website, www.smcdistrictlines.org <http://www.smcdistrictlines.org>. As of October 28, 2021, the County had received over 300 distinct items of public comment and input regarding the Supervisorial district boundaries, including 69 community of interest surveys, over 20 proposed maps, and 150 written comment submissions.

DISCUSSION:

A. The DLAC Recommended Two Draft Maps.

During the October 28, 2021 meeting, the DLAC voted on a number of proposed maps to recommend to the Board for its adoption. Ultimately, the DLAC voted 8-7 to approve a joint motion to recommend two maps to the Board: the "Unity Map," submitted by the Unity Map Coalition, with a minor adjustment to include all of the City of Millbrae within District 1; and the "Commissioner Espinoza Map," submitted by DLAC member Rudy Espinoza Murray.

A motion to take up the recommendation of each of those two recommended maps separately failed on a vote of 7-8, and a motion to give priority to the "Unity Map" failed on a vote of 7-8. A motion to recommend the "NDC Minimal Changes Map" also failed on a vote of 7-8, as did a motion to recommend the "Commissioner Olbert Map" on a vote of 6-9. Both of the recommended maps, as

well as all the other draft maps submitted by the public and the County's demographer, are available on the County's redistricting website.

B. The Final Map Adopted by the Board Must Comply with Federal and State Legal Requirements.

The Board must decide on a final map. In doing so, the Board may consider the recommendations of the DLAC, an advisory body, consider other maps submitted by the public or the County's demographer, and/or instruct the County's demographer to create a new map or maps for the Board's consideration.

The final map must be adopted by the Board no later than December 15, 2021. And the final map must comply with the United States Constitution, the California Constitution, and the Voting Rights Act of 1965 (Elec. Code, § 21500(b)), plus new State law requirements added since the Board approved the current Supervisorial district lines in 2013 (see Assem. Bills 849, 1276 (2019-2020), (2020-2021)).

State law now provides that district boundaries cannot be adopted for the purpose of favoring or discriminating against a political party (Elec. Code, §§ 21500(d)), and the Board *must* utilize the following *ranked* criteria:

- First, to the extent practicable, Supervisorial districts must be geographically contiguous;
- Second, to the extent practicable, the geographic integrity of any local neighborhood or local community of interest must be respected in a manner that minimizes its division;
- Third, to the extent practicable, the geographic integrity of a city or census designated place must be respected in a manner that minimizes its division;
- Fourth, district boundaries should be easily identifiable and understandable by residents; and
- Fifth, to the extent practicable, and where it does not conflict with the above criteria, districts must be drawn to encourage geographical compactness in a manner that nearly areas of population are not bypassed in favor of more distant populations.

(Elec. Code, § 21500(c).)

To compare, when the Board adopted the current Supervisorial districts in 2013, the applicable law (Elections Code Section 21500) provided, in relevant part: “[i]n establishing the boundaries of the districts the board *may* give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts [*italics added*].” Thus, what in 2013 had been discretionary, unranked criteria are now mandatory, specific, and ranked.

C. The Law Requires Public Hearings.

Finally, public input is integral to the redistricting process, and State law requires that public hearings are held to receive public testimony about the composition of the Supervisorial districts.

Specifically, Elections Code Section 21507.1 requires four public hearings, at least one of which *must* be held *before* the Board draws a draft map or maps, at least two of which *must* be held *after* the

Board draws a draft map or maps, and the fourth *may* be held *before or after* the draft map or maps are drawn. The hearings held by the DLAC can satisfy the one required meeting before a draft map or maps are drawn.

Thus, in addition to the 10 hearings held by the DLAC and the public hearing already held by the Board on October 19, 2021, staff recommends that the Board conduct another two public hearings to gather additional public input about the composition of the Supervisorial districts following the 2020 Census.