



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY COUNSEL

File #: 21-941

Board Meeting Date: 12/7/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John C. Beiers, County Counsel

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

RECOMMENDATION:

Recommendation to:

- A) Open a public hearing to receive testimony regarding consideration of, and potential adoption of an Ordinance establishing, San Mateo County Supervisorial district boundaries following the 2020 Census (Elections Code Section 21507.1); and
- B) Close the public hearing; and
- C) Introduce an Ordinance repealing and replacing Sections 2.02.020, 2.02.030, 2.02.040, 2.02.050, and 2.02.060 of Chapter 2.02, of Title 2 of the San Mateo County Ordinance Code Establishing the Boundaries of Supervisorial Districts, and waive the reading of the Ordinance in its entirety.

BACKGROUND:

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, the Board appointed an advisory commission, the District Lines Advisory Commission ("DLAC"), comprised of 15 residents interviewed and recommended by the League of Women Voters, to engage in public outreach and recommend draft Supervisorial district lines to the full Board.

Beginning in August 2021, the DLAC held seven public meetings during which they introduced the redistricting process to the public and solicited testimony on communities of interest and Supervisorial district lines.

In late September 2021, after significant delays, the State of California finally released the official adjusted Census-based dataset necessary for the County's redistricting process. The DLAC then held more three meetings, on October 7, 21, and 28, 2021, during which it received public testimony

on, and discussed, communities of interest, reviewed draft district maps based on the official state dataset, and heard other public input regarding the redistricting process.

During its final meeting on October 28, 2021, the DLAC voted on a number of proposed maps to recommend to the Board for its adoption, ultimately voting 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, 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” failed on a vote of 7-8, and a motion to recommend the “Commissioner Olbert Map” failed on a vote of 6-9.

In addition to the 10 public meetings held by the DLAC, the Board has held three public hearings, on October 19, November 7, and November 16, 2021, at which the public was invited to provide testimony on communities of interest and input regarding the Supervisorial districts. At the November 7 and 16, 2021 meetings, the Board considered a number of draft maps, including the two maps recommended by the DLAC.

At the November 16, 2021 meeting, the Board instructed staff to return on December 7, 2021 with an ordinance adopting the “Communities Together” map, a copy of which is attached to this Memorandum, as the final map of Supervisorial district boundaries following the 2020 Census.

To encourage public participation throughout the redistricting process, including by those in underrepresented and non-English speaking communities as required by Elections Code Section 21508, the County implemented a broad-based public information campaign with outreach through traditional and social media; targeted advertisements in local ethnic and in-language media; dissemination of redistricting-related weekly messages to a network of 400+ community-based partners who include good government, civil rights, civic engagement, and community groups or organizations active in the County; focused flyering, canvassing, and direct mailing to tens of thousands of households in communities across the County considered “hard to count” under the Census framework; and in-person tabling and outreach events in every current district in the County. The County has also arranged for the live translation of every public hearing on the redistricting process in Spanish, Chinese, and Tagalog.

All public testimony and input received during the redistricting process, whether in the form of live testimony, written comment sent to districtlines@smcgov.org or via the redistricting webform, social media comment, or draft map, are posted on an ongoing basis on the County’s redistricting website, www.smcdistrictlines.org, for review by the Board and the public. The website will be maintained for at least 10 years following adoption of the new Supervisorial district boundaries pursuant to Elections Code Section 21508(g).

DISCUSSION:

A. The Communities Together Map Complies with Federal and State Law.

The final map adopted by the Board 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.

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).)

The Communities Together map best meets federal and state law requirements, including, to the extent practicable, respecting the geographic integrity of any local neighborhood or local community of interest in a manner that minimizes its division by, among many other ways:

- Minimizing division of coastal community(/ies) of interest shared by those living in areas encompassed by portions of Pacifica and extending to the County's southern border;
- In addition to minimizing division of the following cities to the extent practicable, minimizing division of community(/ies) of interest shared by those living in areas encompassed by portions of East Palo Alto, Belle Haven, North Fair Oaks, and Eastern Redwood City, and not combining them with very different communities with which they share limited ties;
- Minimizing division of community(/ies) of interest shared by those living in areas encompassed by the San Carlos hills through Emerald Lake Hills, including Palomar Park, Pulgas Ridge, and Devonshire Canyon;
- In addition to minimizing division of the following cities to the extent practicable, minimizing division of community(/ies) of interest shared by those living in areas encompassed by portions of San Bruno, South San Francisco, and Millbrae, and not combining them with very different communities with which they share limited ties;
- In addition to minimizing division of the following cities to the extent practicable, minimizing division of community(/ies) of interest shared by those living in areas encompassed by portions of Southwestern Daly City and Northwestern San Bruno; and
- In addition to minimizing division of the following cities to the extent practicable, minimizing division of community(/ies) of interest shared by those living in areas encompassed by portions of Northeastern and Southeastern San Mateo, and not combining those Southeastern San Mateo communities with very different communities with which they share limited ties.

B. The Final Map Must Be Adopted by December 15, 2021.

The final map must be adopted by the Board no later than December 15, 2021. (Elec. Code, § 21501

(a)(2)). Adoption occurs upon passage of an ordinance or resolution specifying the new boundaries. (Elec. Code, § 21500(e).)

The County's Charter provides that the Supervisorial districts "shall be apportioned **by ordinance** pursuant to general law [emphasis added]" and the current Supervisorial districts are set forth in Sections 2.02.020, 2.02.030, 2.02.040, 2.02.050, and 2.02.060 of Title 2 of the County's Ordinance Code.

Therefore, it is recommended that the Board introduce the proposed Ordinance repealing and replacing Sections 2.02.020, 2.02.030, 2.02.040, 2.02.050, and 2.02.060 of Chapter 2.02, of Title 2 of the San Mateo County Ordinance Code Establishing the Boundaries of Supervisorial Districts, which will be adopted and take effect upon a second reading on December 14, 2021, the day before the statutory deadline. The proposed Ordinance incorporates the Supervisorial district boundaries provided in the "Communities Together" map.

FISCAL IMPACT:

There is no fiscal impact associated with introduction of an Ordinance repealing and replacing Sections 2.02.020, 2.02.030, 2.02.040, 2.02.050, and 2.02.060 of Chapter 2.02, of Title 2 of the San Mateo County Ordinance Code Establishing the Boundaries of Supervisorial Districts.