

STAFF REPORT

To: Board of Directors
From: Jennifer Buckman, General Counsel
Date: September 2, 2020
Subject: Division-based Elections – Public Hearing No. 3, September 9, 2020

RECOMMENDED ACTIONS

Select Plan B as the draft map for the District's electoral divisions.

Identify proposed sequencing of elections: Divisions 2, 4, and 5 of Plan B would be elected in 2022 and thereafter would stand for election every four years. Divisions 1 and 3 of Plan B would be elected in 2024 and thereafter would stand for election every four years.

BACKGROUND

On May 13, 2020, the Board of Directors adopted a resolution of intention to transition from at large to division-based elections. Pursuant to Elections Code 10010, the District was required to hold at least two public hearings over a period of no more than 30 days before any map or maps of the boundaries for the proposed voting districts are drawn.

The District started this process with a hearing on June 10, 2020. This hearing was conducted via videoconference with limited in-person participation pursuant to the Governor's COVID-19 emergency executive orders. Members of the public participated in this hearing and submitted comments regarding the factors the District's Board should consider in drawing the proposed electoral divisions. However, the second hearing on July 8, 2020 had to be terminated early due to disruptive conduct by anonymous participants in the videoconference.

The District therefore determined to treat the first two hearings as informational sessions and re-started the Elections Code public hearing process. The District conducted its first hearing on August 3, 2020 and its second hearing on August 5, 2020, at which members of the community provided input regarding the factors that the Board should consider in drawing the maps of the electoral districts and raised questions about the process. Citrus Heights Water District and Fair Oaks Water District submitted a comment letter and proposed maps suggesting that San Juan Water District's wholesale customer agencies constitute communities of interest that should be taken into account when the electoral divisions are drawn. These two agencies also submitted two proposed maps (Wholesale 1 and Wholesale 2) with divisions based, in part, on this criterion. However, the maps were not viable because they did not accurately reflect the San Juan Water District boundaries.

Members of the public also submitted comments stating that San Juan's retail customer areas should be considered a community of interest on equal footing with the wholesale customer agencies. Several retail customers also expressed concern that drawing electoral divisions in a way that would result in the majority of the retail customers being in one division would lead to a voting structure where the wholesale customer agencies could control the San Juan Board and shift costs onto the retail customers. Members of the public also stated their opinions that the rural portions of Granite Bay and Orangevale constitute a community of interest, particularly since the water needs of hobby farms/ranchettes may be different than the demands generated by typical suburban development.

At the conclusion of the August 5 public hearing, and based on the comments received and input from the community, the Board of Directors identified criteria relevant to communities of interest for the demographer to consider when creating the proposed district maps. These criteria included: existing county and city lines, rural areas (horse property, small farms, ranchettes), communities represented by bona fide community associations, and boundaries of other special districts (water, fire, parks, cemetery, etc.).

Following the initial two public hearings, and in response to a request from members of the public, the District scheduled an informational workshop on August 15, 2020. Members of the public attended the workshop and asked questions about how the voting for the electoral districts would work, how the divisions would be phased in, how the District is composed of both retail service area and wholesale customer agencies and what implications that hybrid nature might have on this process, and the factors that the District must consider in drawing the maps.

Thereafter, on August 27, 2020, the Board conducted a workshop with the demographer who has been hired to prepare the maps. At that workshop, the demographer presented draft versions of six maps: Plan A, Plan B, DR Plan, DR Plan 2, which had been developed by the demographer based on input from the Board and staff, and Wholesale (revised) Plan and AB Plan, which had been developed by the demographer based on plans submitted by others. The Wholesale (revised) Plan was based on the maps submitted by Citrus Heights and Fair Oaks Water Districts, but the demographer corrected the map so that it accurately reflects the San Juan boundaries, and then reconfigured the divisions slightly to adjust the populations in each division. The AB Plan was submitted by a retail service area customer.

At the August 27 workshop, the Board considered all 6 maps, and the demographer answered questions from the Board and members of the public. During the workshop, Director Miller proposed another map, which would keep nearly all the Placer County residents in one electoral division. This map was identified as "Plan KM." At the conclusion of the workshop, the Board determined to advance all 6 of the maps presented, as well as the new Plan KM, and the unaltered maps submitted by Citrus Heights Water District and Fair Oaks Water District. All 9 of these maps will be considered by the Board at this hearing, and the Board will then determine which, if any, map it wishes to advance or revise for potential adoption.

Wholesale 1 and Wholesale 2 Plans

These two plans were submitted with a comment letter from Citrus Heights Water District and Fair Oaks Water District. These plans do not accurately reflect the San Juan Water District boundaries. Therefore, staff recommends that the Board reject both of these plans.

No Racial Gerrymandering

As the demographer explained using the population-based maps at the workshop on August 27, the District does not have significant African-American or Asian populations. The District does have significant Latino/Hispanic populations, which are fairly concentrated in the area around Citrus Heights.

None of the 7 maps remaining (Plan A, Plan B, Plan DR, Plan DR 2, Plan Wholesale, Plan AB, or Plan KM) shows any evidence of racial gerrymandering.

Notably, Plan A and Plan B were drawn so that Latino/Hispanic voters in the Citrus Heights area would be grouped together in one division approximating a "majority/minority division." The federal Voting Rights Act encourages drawing lines to create a division where a minority group could constitute a majority of voters as long as the minority group is sufficiently large and the division can be drawn in a reasonably compact shape (i.e., without racial gerrymandering). *Bartlett v. Strickland*, 556 U.S. 1 (2009).

Reasonably Equal Populations

Using the most recent census data available (2010), the calculated population within San Juan Water District's boundaries is 150,499. When the transition to division-based elections is complete, the District will have 5 electoral divisions. On average, each division should have approximately 30,100 people in it. The District is aiming to keep the variation between the divisions at 10% or less. To calculate the variation, we determine the percentage by which the largest division exceeds the average and then add that amount to the percentage by which the smallest division is smaller than the average. If the sum of these two numbers is 10% or less, the division map is presumed to comply with the constitutional requirement of "substantial equality of population."

The population calculations for each of the 7 maps remaining (after Wholesale 1 and Wholesale 2 have been removed) are set forth in the table below.

	Plan A		Plan B		DR		DR2		Wholesale		AB		KM	
1	28,406	-5.63%	30,041	-0.20%	32,062	6.52%	29,134	-3.21%	29,572	-1.75%	30,361	0.87%	30,666	1.88%
2	30,807	2.35%	30,529	1.43%	28,057	-6.79%	30,985	2.94%	31,529	4.75%	30,899	2.65%	30,529	1.43%
3	30,764	2.21%	29,407	-2.30%	30,200	0.33%	30,200	0.33%	30,304	0.68%	30,904	2.67%	28,782	-4.38%
4	28,837	-4.20%	28,837	-4.20%	29,211	-2.95%	29,211	-2.95%	28,425	-5.56%	28,848	-4.16%	28,837	-4.20%
5	31,685	5.27%	31,685	5.27%	30,969	2.89%	30,969	2.89%	30,669	1.89%	29,487	-2.04%	31,685	5.27%
Total Range:	10.89%		9.46%		13.31%		6.15%		10.31%		6.83%		9.64%	

Plan B, Plan DR 2, Plan AB and Plan KM all meet the "reasonably equal" population standard. Plan A, Plan DR, and the Wholesale Plan do not, and those maps would need to be adjusted if the Board wished to advance any of them.

Communities of Interest

The California Constitution defines a "community of interest" as a contiguous population that shares common social and economic interests and that should be included in a single district for purposes of its effective fair representation. (Cal. Const., art. XXI, §2(d)(4).) The Constitution's examples of the types of shared interests this term contemplates include "interests common to an urban area, a rural area, an industrial area, or an agricultural area," as well as "those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process." (*Id.*) Thus, "communities of interest" means communities which can transcend more traditional lines such as boundaries of maps and political subdivisions.

In the prior hearings and workshops, the Board has identified the following communities of interest: existing counties and cities, less densely developed rural areas (horse property, small farms, ranchettes), communities represented by bona fide community associations, special districts including water districts, the retail service area and customers, and post-office designated neighborhoods (ZIP codes).

As explained during the workshop on August 27, it is not possible to draw divisions of reasonably equal populations that are contiguous and compact and that also respect exactly all identified communities of interest. Boundaries must be adjusted to ensure reasonably equal populations and compact divisions, and this will necessarily result in an imperfect ability to keep all portions of all identified communities of interest together.

Of the 4 plans that meet the "reasonably equal" population standard (Plan B, Plan DR 2, Plan AB and Plan KM), Plan B appears to best reflect the communities of interest as identified by the Board based on the public comments and hearings. Specifically, as demonstrated at the August 27 workshop, Plan B follows the population density map as nearly as practicable so as to create a division that represents the Granite Bay and Orangevale rural area community of interest identified by the Board. Plan AB also appears to meet this criterion, but it is less compact and may require adjustment to ensure contiguity (as described below). Plan DR 2 is also a potentially viable plan and likely could be adjusted to better accommodate the rural area, should the Board so desire, or it could be selected if the Board determines that other factors should take priority over the rural area community of interest. In contrast to the Wholesale Plan and Plan KM, Plan B and Plan DR 2 also refrain from "packing" all the retail customers into one division and effectively diluting their voting power, should the Board determine to address these issues (as raised in public comments). Plan B also follows the county, city, and special district boundaries to the extent practicable while still balancing populations among the five divisions.

Contiguity, Integrity and Compactness

A division is considered "contiguous" if you can travel from any point in the district to any other point in the district without crossing the district's boundary. Divisions of irregular shape are not considered contiguous. *Connor v. Finch*, 431 U.S. 407, 422 (1977). Integrity of a division refers to its respect for existing local political subdivisions, such as census blocks, census-designated places, cities, or county lines. Districts are considered compact when they do not bypass nearby population for people farther away.

Of the 4 plans that meet the "reasonably equal" population standard (Plan B, Plan DR 2, Plan AB and Plan KM), all of them except Plan AB are contiguous and are reasonably compact. As explained at the workshop on August 27, Plan AB prioritized the integrity of existing local political subdivisions over compactness. If the Board were to choose to advance Plan AB, it would be advisable to refine the map to make it more contiguous and compact.

Next Steps

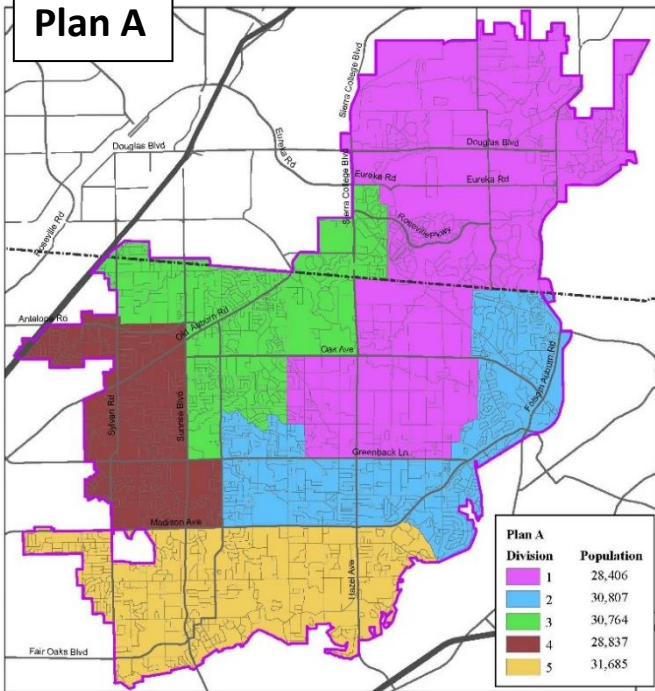
At the conclusion of this hearing, the Board should identify which map it wishes to advance to consider for approval at the October 14, 2020 public hearing.

At the October 14 hearing, the Board will also determine the sequencing of the elections for the proposed divisions. In other words, the Board must determine which three electoral divisions will be elected in 2022, and which two electoral divisions will be elected in 2024. Staff has proposed that Divisions 2, 4, and 5 of Plan B would be elected in 2022 and Divisions 1 and 3 of Plan B would be elected in 2024. If the Board chooses to advance a different map, or if the Board wishes to adjust the proposed sequencing of the division elections, the Board should identify that sequencing at the conclusion of this hearing.

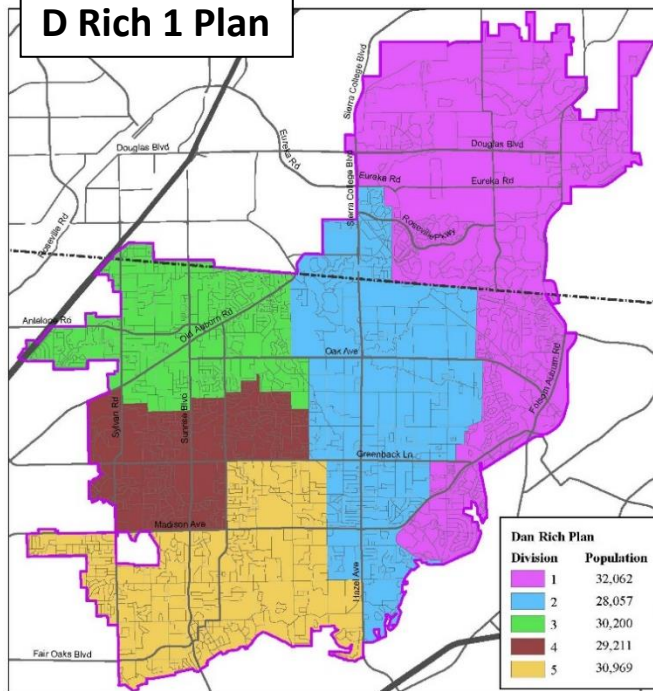
Attachments

Proposed maps: Plan A, Plan B, DR Plan, DR Plan 2, Wholesale (revised) Plan, AB Plan, KM Plan, Wholesale 1 Plan, Wholesale 2 Plan.

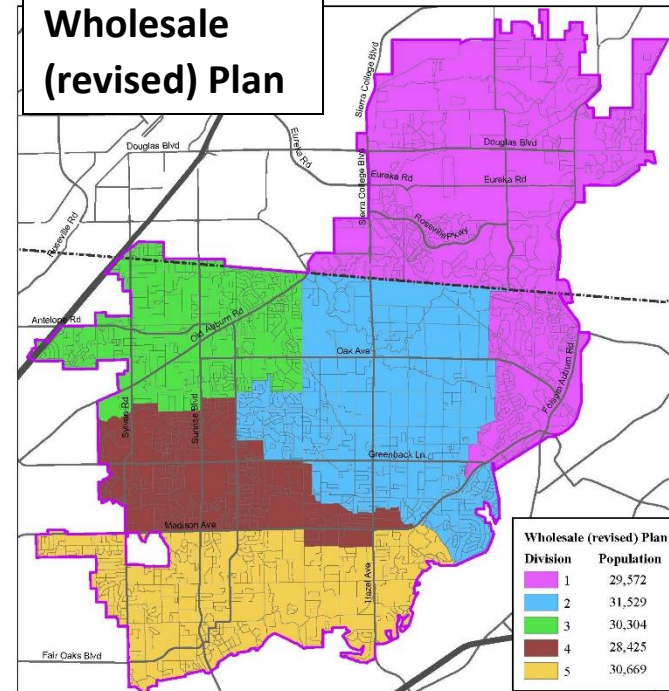
Plan A



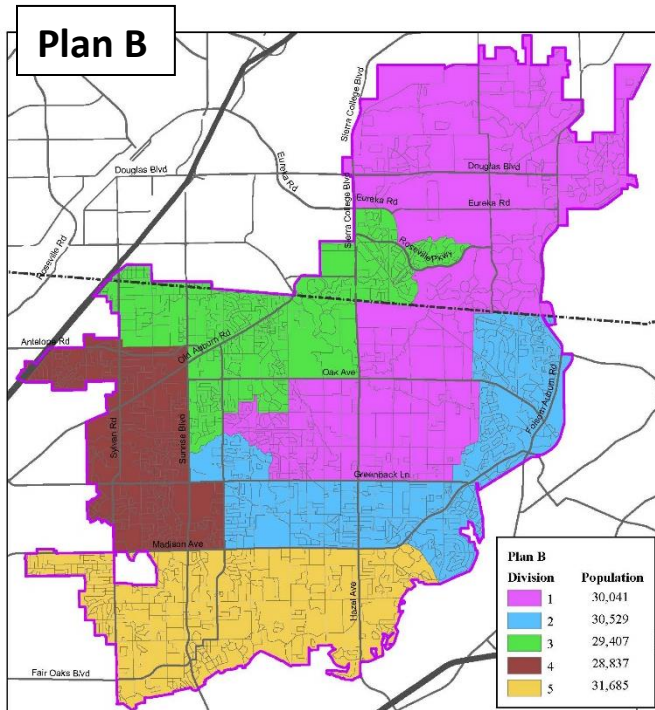
D Rich 1 Plan



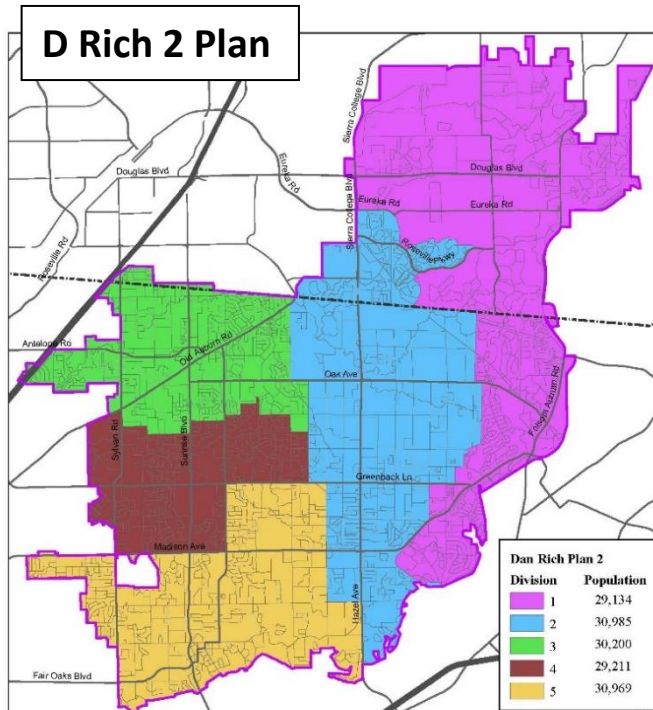
Wholesale (revised) Plan



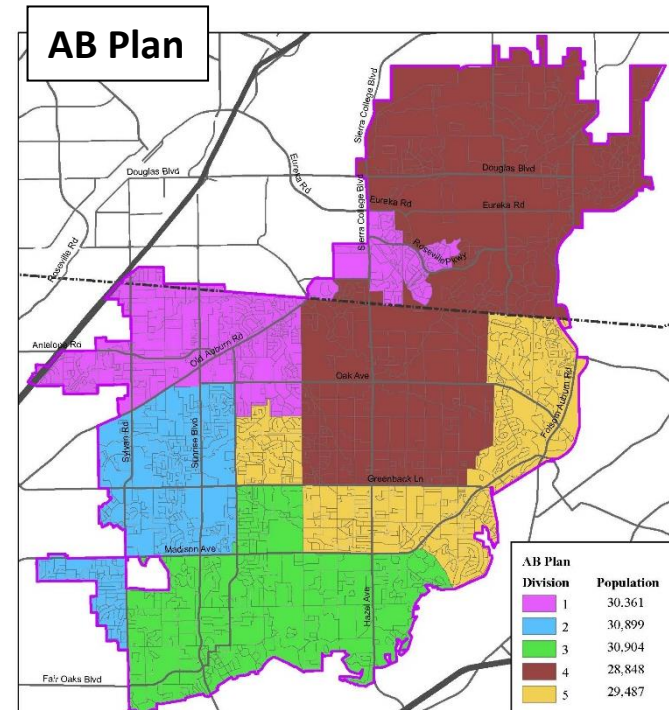
Plan B



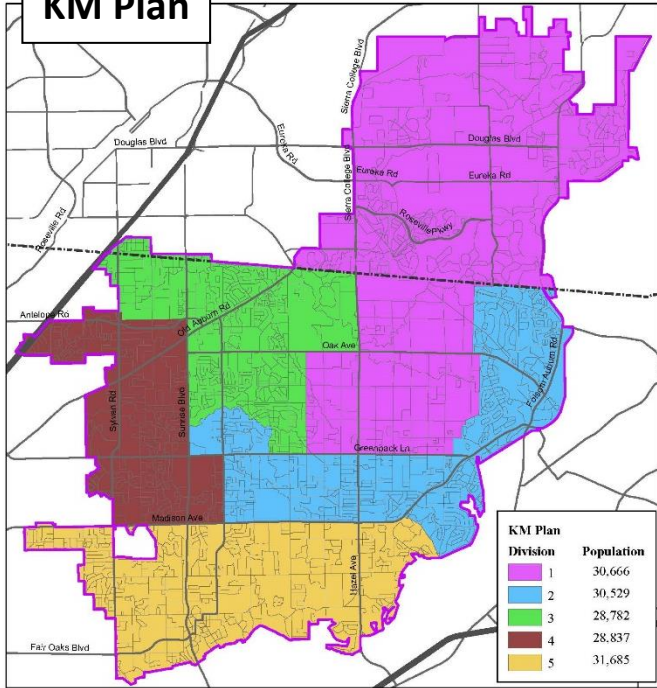
D Rich 2 Plan



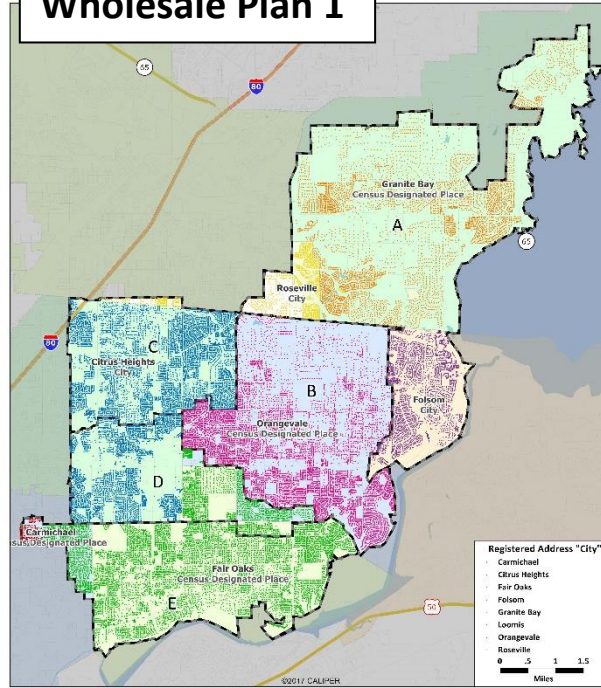
AB Plan



KM Plan



Wholesale Plan 1



Wholesale Plan 2

