



September 4, 2020

President Edward J. "Ted" Costa  
San Juan Water District  
PO Box 2157  
Granite Bay, CA 95746

Re: *SJWD CVRA Workshop #3*

Dear President Costa:

The Citrus Heights Water District and Fair Oaks Water District appreciate this opportunity to provide additional perspectives on the San Juan Water District's ("SJWD") process to transition from "at large" to "by district" elections. Having been through this process ourselves recently we understand it is not an easy task. Our colleagues and we request that you and your colleagues consider the attached map as the proposed electoral map for SJWD.<sup>1</sup> This map makes amendments to your District's previously released Map W to more accurately capture your Board's expressed preference for respecting urban-rural divides within SJWD while also ensuring compact and contiguous districts that reflect existing communities of interest, namely the existing counties, cities, and self-identified neighborhoods within SJWD.

#### Concerns with Process to Date

As an initial matter, CHWD and FOWD have concerns with some of the difficulties you have encountered in the process to date:

- Lack of Opportunity for Remote Participation. While CHWD and FOWD appreciate SJWD's scheduling workshops in addition to the required four public hearings, some of these meetings have been "in person" only and scheduled on a weekend with short notice. For example, the August 15th public workshop was conducted outdoors during an unprecedented heat wave. While the workshop moved into the SJWD Board room because of audio issues, there was no opportunity for the public to participate remotely. Given the COVID-19 pandemic, SJWD's obligations under the Americans with Disabilities Act, and

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<sup>1</sup> CHWD appreciates that the current maps reflect those areas where SJWD actually provides water. As discussed numerous times below, please note that these maps are not coterminous with the retail agency boundaries. (See enclosed letter.) This raises a host of potential issues, including property tax charges and allocation.

basic fairness, we hope that SJWD can ensure that all future meetings have a remote option for those who may be unable or unwilling to attend in person hearings. This remote option should ensure that all participants (remote and in person) can hear and see all speakers. SJWD may further wish to obtain an opinion from its General Counsel on the effect (if any) of the prior lack of remote access.

- Use of Legally Appropriate Metrics to Capture Density. We understand that the SJWD Board has apparently reached consensus on the importance of drawing maps to respect existing urban-rural divides. While the merits of this approach are discussed below, SJWD should re-evaluate its chosen metrics in order to legally achieve this objective. You will recall that it was recommended that you and your Board use "household density" to measure actual population density. Household and population densities are very different things. As an example, a family of three living in a one acre hobby farm home has the same household density as three college students sharing an apartment. As such, SJWD should utilize population density or some other more accurate metric for measuring the urban-rural split.

- Urban-Rural Split Must Not be Pre-textual. If the SJWD Board decides to consider the urban-rural divide when drawing maps, please remember that it may not be used as a pretext for some other impermissible purpose like splitting minority groups or incumbent protection. On this later point the maps being considered by your Board do not seem to follow existing urban-rural splits. We believe your Board wants to achieve the best urban-rural division it can and hope you will not consider other unexpressed interests, like incumbency protection actually driving the process.

- Lack of Compactness. As you know, one of the most important considerations for map drawing is compactness. The most common mathematical method for measuring compactness is Polsby-Popper, which is a measurement of the ratio of the length of the perimeter of the shape of the district, compared to a perfect circle of the same size. Using this metric, in which a higher score is better (more compact) and a lower score can be a sign of concern, or even evidence of gerrymandering, Map W performs best.

District	Plan W	Plan Dan Rich	Plan Dan Rich 2	Plan A	Plan B	Plan AB
Mean	0.31	0.30	0.30	0.28	0.25	0.24
Dist 1	0.25	0.21	0.21	0.28	0.21	0.25
Dist 2	0.43	0.31	0.31	0.27	0.25	0.23
Dist 3	0.31	0.31	0.31	0.27	0.23	0.15
Dist 4	0.34	0.43	0.43	0.30	0.34	0.26
Dist 5	0.22	0.24	0.24	0.26	0.24	0.32

### Evaluation of Maps

Under existing law and as noted in our prior joint comment letter, the preparation of voting district maps requires compliance with certain state and federal requirements. Perhaps

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Proposed Map

the most important requirement is the long-recognized "one-person, one vote" standard, which requires all voting districts be as nearly equal in population as possible. Other factors that should be considered in preparing voting district boundaries are maintaining existing counties, cities, neighborhoods and other communities of interest, using identifiable geographic boundaries, ensuring voting districts are geographically contiguous, and ensuring geographical compactness. (*See* Article 21 of California Constitution.) Additionally, drawing districts solely to accommodate the place of residence of any existing Director is not an appropriate consideration. (*See* Article 21 of California Constitution.)

Of the maps provided to date, we believe the maps directly provided by CHWD and FOWD and Map W most closely follow these directives. These maps largely draw voting districts based on existing county, city, and neighborhood boundaries. SJWD staff has characterized these maps as being based on a desire to have voting districts reflect retail water agency boundaries. This is incorrect and is certainly not consistent with our prior joint comment letter.

In our maps, portions of the CHWD service area for its customers in Orangevale and Carmichael are not in the same district as those in the City of Citrus Heights. Rather, our maps have been based on respecting (1) Sacramento-Placer County boundaries by having Placer County (with the exception of Placer County adjacent to Citrus Heights) being located in a single district, (2) existing municipal boundaries for Citrus Heights, Folsom, and Roseville (again subject to the carve-out for the small portion of Roseville that is not contiguous to the remainder of the city), and (3) respecting the neighborhoods of Carmichael, Fair Oaks, Granite Bay, and Orangevale.<sup>2</sup> These neighborhoods have not been defined by reference to retail agency boundaries but the expressed residence of voters when self-identifying their place of residence.

The other maps provided by SJWD to date do not reflect these natural boundaries and do not emphasize appropriate communities of interest. As an example, Map AB attempts to be contiguous by having portions of Divisions 1 and 5 be contiguous through a single "point." This is not generally appropriate, as your legal counsel has correctly noted. (*See* generally Article 21 of California Constitution; Elections Code, § 21500(c)(1).)

The maps presented by SJWD to date do not accurately capture the expressed preference for respecting the urban rural-divide. As an example, Map B which seems to be preferred by some does not actually respect urban-rural boundaries. Division 1 includes urban areas on its western and southern boundaries that better fit with adjacent urban areas. It similarly excludes rural portions of Division 3 on its south-eastern edge. Division 2 wraps through the other divisions without any real expressed community of interest. Admittedly, this map does group urban portions of Granite Bay into Division 3. However, this one modification does not appear to achieve your rural-urban objectives through the other actual line-drawing set forth in Map B.

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<sup>2</sup> In addition to providing a sense of place, these neighborhoods are used for land use planning. (*See*, e.g., ' community plans adopted by Sacramento County for Carmichael, Fair Oaks, and Orangevale: <https://planning.sacounty.net/LandUseRegulationDocuments/Pages/SpecificPlansCommunityPlansSpecialProjects.aspx>)

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Map W Should be Revised to More Accurately Capture the Urban-Rural Divide

While the maps provided by CHWD and FOWD best adhere to accepted legal standards, we recognize that redistricting is an imperfect process of compromise. Based on this, CHWD and FOWD request that SJWD consider a revision to Map W to more accurately capture its expressed preference for maintaining the urban-rural divide as attempted in Map B. This map acknowledges the discussion by the SJWD Board regarding including the more urban portions of Placer County in a district with adjacent urban areas. Specifically, Division 2 now includes this area, and Division 3 has captured area to account for the population difference. This revised map makes an adjustment to Map B that reflects the urban-rural split of Map B while also respecting existing self-identified neighborhoods.

Finally, we thought it might be helpful to attach for your use what we understand to be a precise delineation of CHWD's service area boundary to assist SJWD in correlation of its wholesale and retail boundaries with that of CHWD. CHWD and FOWD appreciate the opportunity to participate in this process, and we would be happy to share shape-files of the revised map or answer any questions. Thank you for your consideration.



Ray Riehle  
President  
Citrus Heights Water District



Gary Page  
President  
Fair Oaks Water District

