

.SANTA YNEZ RIVER WATER CONSERVATION DISTRICT

MEMORANDUM

Date: December 1, 2021

To: Cindy Allen Mark Altshuler Art Hibbits Steve Jordan Brett Marymee

From: Kevin Walsh

Subject: Proposed Adjusted Division Boundaries

Recommendation

Adopt Resolution No. 704 “Declaring Its Intent to Adjust Division Boundaries and Notice of Hearing”, direct staff to publish a Notice of Hearing to be held on March 2, 2022 and complete the other items necessary to adopt a resolution adjusting division boundaries.

Requirements

Reapportionment must be considered every ten years using population data from the federal decennial census. Senate Bill 594 (Glazer), signed into law late September 2021, took effect immediately. The measure requires all special districts with board member elections by division to pass a board resolution adopting adjusted division boundaries by April 17, 2022, if their regular election is on the same day as the statewide November 2022 general election (Election Code § 22000.1(b)(1)). The District's next general election (Jordan, Allen) is November 8, 2022.

Should Directors decide to adjust division boundaries, then a Resolution of Intent and Notice of Hearing, including a preliminary description of division boundary adjustments, must be approved and published locally. After the noticed hearing, a resolution adjusting the boundaries and describing the final boundary adjustments, in detail, must be approved and provided to the County. To meet the April 17, 2022 deadline, these activities should occur no later than the scheduled March 2, 2022 regular board meeting. Should the Directors decide not to adjust division boundaries, then a resolution to that effect, including the justification for not making changes, should be adopted and provided to the County.

Elections Code Section 22000 requires the District, using the federal decennial census as a basis, to adjust the boundaries of its divisions so they are equal in population "as far as practicable." This standard is similar to the "substantial equality" rule applied to state legislators. The goal is to establish divisions with equal populations in each. However, in adjusting boundaries, Elections Code Section 22000 expressly provides that the Board may consider the following factors: 1) topography, 2) geography, 3) cohesiveness, contiguity, integrity and compactness of territory, and 4) communities of interest.

The equal population estimate is determined as follows. For SYRWCD, the District's population is divided by five to determine the average or equal population of each division. The

difference between the actual population in each division and the average division population is determined, and that difference is divided by the average to determine the division's variance in percent. The absolute difference between the highest and lowest percentage variances is the range, also referred to as the deviation.

In determining what population deviation between divisions would be acceptable to be equal "as far as practicable" while applying the other factors to be considered, it would be convenient to have a clear-cut "safe harbor" deviation. Unfortunately, case law provides no such specific standard. However, it does show generally that with a deviation of over 10%, the burden to justify that number would be on the public agency, while with a deviation of 10% or less, the burden to show that the deviation is not justified would shift to the challenger. Plans with deviations higher than 10% have been accepted by the courts and deviations lower have been rejected, depending on the circumstances.

There is also case law addressing whether the proper measure should be population or the number of eligible voters. Population speaks to equal representation and eligible voters speak to electoral equality. In California, population is the acceptable standard. However, the California Attorney General has opined that California law allows for, but does not require, the exclusion of certain classes of population, including among others, persons convicted of a crime. This latter point is potentially relevant because the Lompoc Federal Penitentiary is within Division 3 of the District (Altshuler).

Methods and Results

Census Block population data are used to estimate the district and division existing populations, and from this to calculate the division variances and overall deviation. In a few cases, the Census Blocks do not exactly line up with either the district or division boundaries. Thus, in the final analysis while both the existing and proposed populations are believed to be very close, (within 4 or 5 persons), there was a need to do a very small amount of interpolating of some of the Census Block data.

The current divisions were set in 2012, after review of the 2010 census. **Table 1** shows the current division populations, the division average or equal population, and the variances in absolute numbers and by percentage. The high/low differential deviation is 31.7%.

The attached **Figure 1** shows the existing 2012 division boundaries, the 2020 census populations within those boundaries, and, represented by the large blue numerals, the number of persons each division needs to either gain (+ number) or lose (- number), in order to reach the target goal of having the average population in each division.

Table 1 – Current Divisions with Current Population

<u>2012 Division</u>	<u>2020 Current Population</u>	<u>2020 Average Population Target</u>	<u>Population Variance</u>	<u>Percent Variance</u>
1	16,703	14,848	-1,855	-12.49
2	15,307	14,848	-459	-3.09
3	11,922	14,848	2,856	19.23
4	14,506	14,848	342	-2.30
5	15,732	14,848	-884	-5.95
District	74,240			

NOTE: Variance and Percent numbers indicate what adjustments are needed for each division to meet the target population. Examples: Division 1 needs to have 1,855 persons shifted out of the division, thus the negative number. Division 3 needs to gain 2,856 persons, thus the positive number.

In 2002 and 2012, division populations were equalized to match more-or-less the representative of the groundwater basins. For example, Divisions 1 and 2 represent the Lompoc Plain and the City of Lompoc. Division 3 represents the Lompoc Upland and a small portion of the City/Lompoc Plain. Division 4 represents the Buellton Upland, Santa Rita Upland, eastern Lompoc Plain, and the River Alluvium. Division 5 represents the Santa Ynez Upland and the River Alluvium. Buellton was recognized as a community of interest that, if possible, should be kept whole, but that was not possible in 2012 and was divided along Highway 101. Because the City of Lompoc is almost three times bigger than the average division size (43,000 versus 14,848), it is necessarily split into three divisions.

Proposed Adjusted Division Boundaries

During the last ten years, Division 3 experienced a relatively large population decrease, primarily as the result of a significant net decrease in the population of the Federal Penitentiary of about 3,382 persons. This was equalized by moving a portion of City of Lompoc Census Blocks from Division 1 to Division 3. Division 5 grew in population compared to Division 4, requiring a shift in Census Blocks from Division 5 to Division 4. This allowed for the City of Buellton as a community of interest to be kept undivided, intact, entirely within Division 4 as it had been prior to the 2012 re-adjustment.

For 2020, there were some changes to the Census Block boundaries by the Federal Government. This, combined with a desire to achieve compactness where possible and respect major physical divisions and natural boundaries (eg. Highways 1, 246, and H Street), resulted in some additional minor shifting of Census Blocks between Divisions 1, 2, 3, and 4.

All proposed boundary changes and associated populations are shown in cross hatch on the attached **Figure 2**.

The recommended proposed boundary adjustments would produce the populations and variances shown on **Table 2**, which would result in a high/low differential deviation of just 4.03% compared to the existing 31.72%. and, in my opinion, meet the as far as practicable, equal in population standard and otherwise comply with Election Code section 22000.

Table 2 – Proposed Boundary Adjustments by Population

<u>2020 Division</u>	<u>2020 Proposed Population</u>	<u>2020 Average Population Target</u>	<u>Population Variance</u>	<u>Percent Variance</u>
1	14,841	14,848	7	0.05%
2	14,968	14,848	-120	-0.81%
3	14,897	14,848	-48	-0.32%
4	15,066	14,848	-218	-1.47%
5	14,468	14,848	380	2.56%
District	74,240			

NOTE: Variance and Percent numbers indicate what adjustments could be made to each division to meet the target population. Examples: Division 1 needs to have 7 persons shifted into the division, thus the positive number. Division 2 needs to lose 120 persons, thus the negative number.

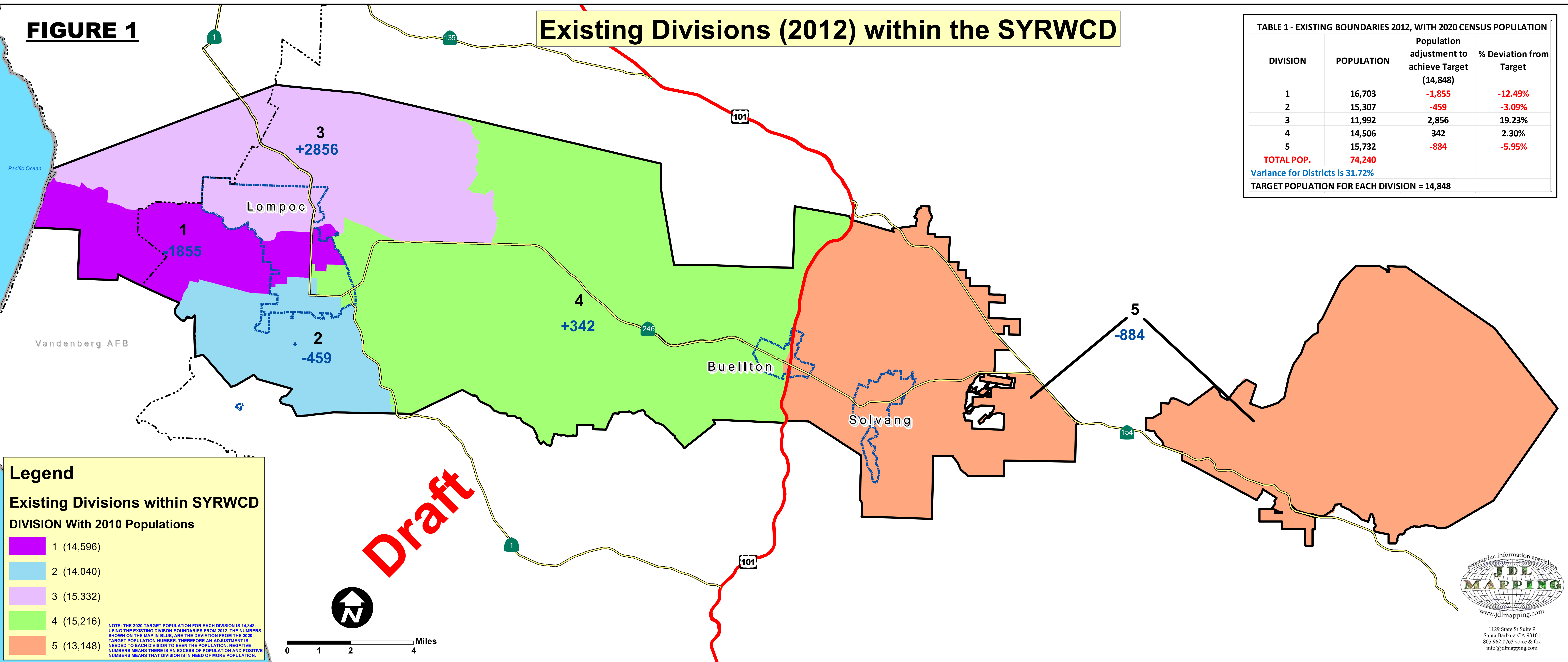
The attached **Figure 3** is the proposed map of the new division boundaries, which, if approved by the Board, would be submitted to the County in the acceptable format along with a legal description of the boundaries.

FIGURE 1

Existing Divisions (2012) within the SYRWCD

TABLE 1 - EXISTING BOUNDARIES 2012, WITH 2020 CENSUS POPULATION

DIVISION	POPULATION	Population adjustment to achieve Target (14,848)	% Deviation from Target
1	16,703	-1,855	-12.49%
2	15,307	-459	-3.09%
3	11,992	2,856	19.23%
4	14,506	342	2.30%
5	15,732	-884	-5.95%
TOTAL POP.	74,240		
Variance for Districts is 31.72%			
TARGET POPULATION FOR EACH DIVISION = 14,848			



Legend

Existing Divisions within SYRWCD

DIVISION With 2010 Populations

- 1 (14,596)
- 2 (14,040)
- 3 (15,332)
- 4 (15,216)
- 5 (13,148)

NOTE: THE 2020 TARGET POPULATION FOR EACH DIVISION IS 14,848. USING THE EXISTING DIVISION BOUNDARIES FROM 2012, THE NUMBERS SHOWN ON THE MAP IN BLUE, ARE THE DEVIATION FROM THE 2020 TARGET POPULATION NUMBER. THEREFORE AN ADJUSTMENT IS NEEDED TO EACH DIVISION TO EVEN THE POPULATION. NEGATIVE NUMBERS MEANS THERE IS AN EXCESS OF POPULATION AND POSITIVE NUMBERS MEANS THAT DIVISION IS IN NEED OF MORE POPULATION.

Draft

0 1 2 4 Miles

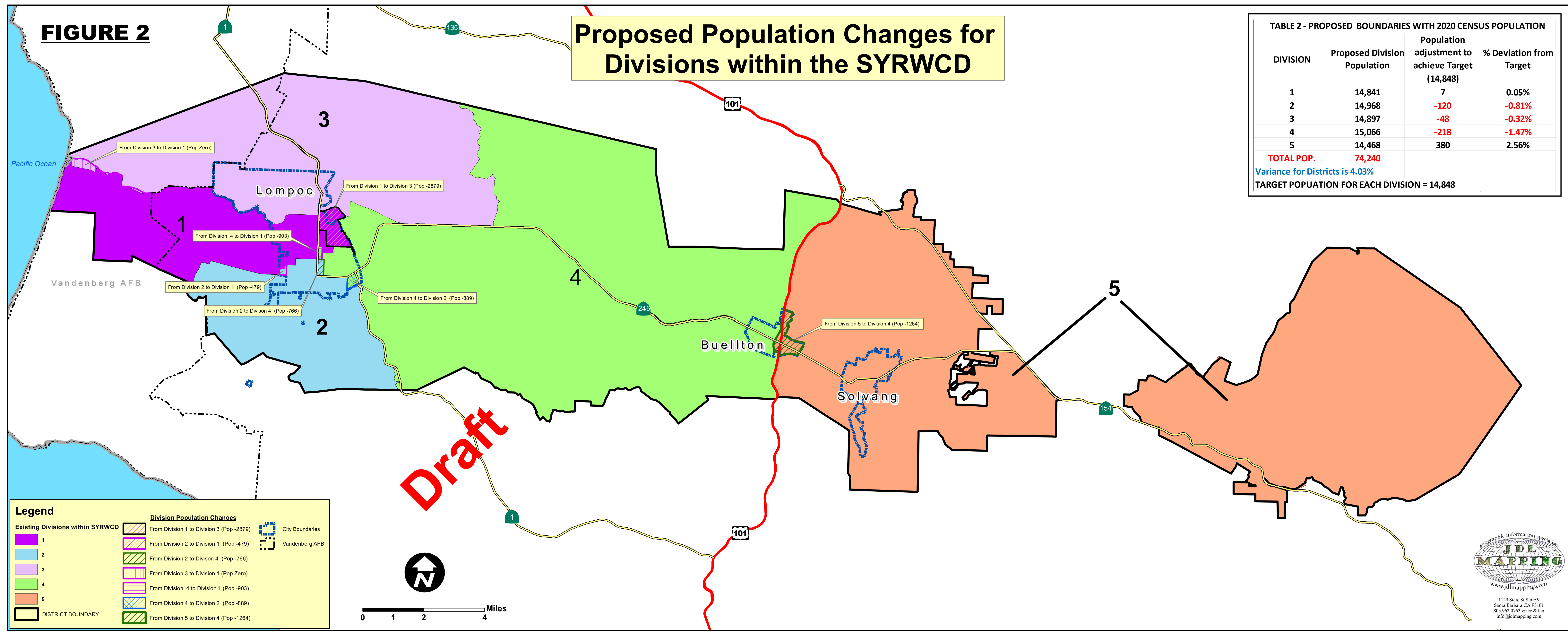
FIGURE 2

Proposed Population Changes for Divisions within the SYRWCD

TABLE 2 - PROPOSED BOUNDARIES WITH 2020 CENSUS POPULATION

DIVISION	Proposed Division Population	Population adjustment to achieve Target (14,848)	% Deviation from Target
1	14,841	7	0.05%
2	14,968	-120	-0.81%
3	14,897	-48	-0.32%
4	15,066	-218	-1.47%
5	14,468	380	2.56%
TOTAL POP.	74,240		

Variance for Districts is 4.03%
 TARGET POPULATION FOR EACH DIVISION = 14,848



Legend

Existing Divisions within SYRWCD	Division Population Changes	City Boundaries
1	From Division 1 to Division 3 (Pop -2879)	Vandenberg AFB
2	From Division 2 to Division 1 (Pop -479)	
3	From Division 2 to Division 4 (Pop -766)	
4	From Division 3 to Division 1 (Pop Zero)	
5	From Division 4 to Division 1 (Pop -903)	
DISTRICT BOUNDARY	From Division 4 to Division 2 (Pop -889)	
	From Division 5 to Division 4 (Pop -1264)	

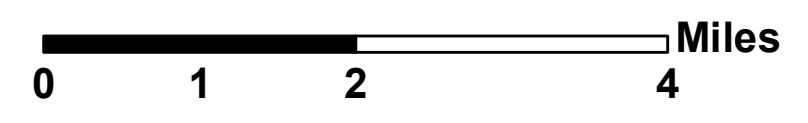


FIGURE 3

Proposed Divisions within SYRWCD with Adjusted Division Boundaries

TABLE 1 - EXISTING BOUNDARIES 2012, WITH 2020 CENSUS POPULATION

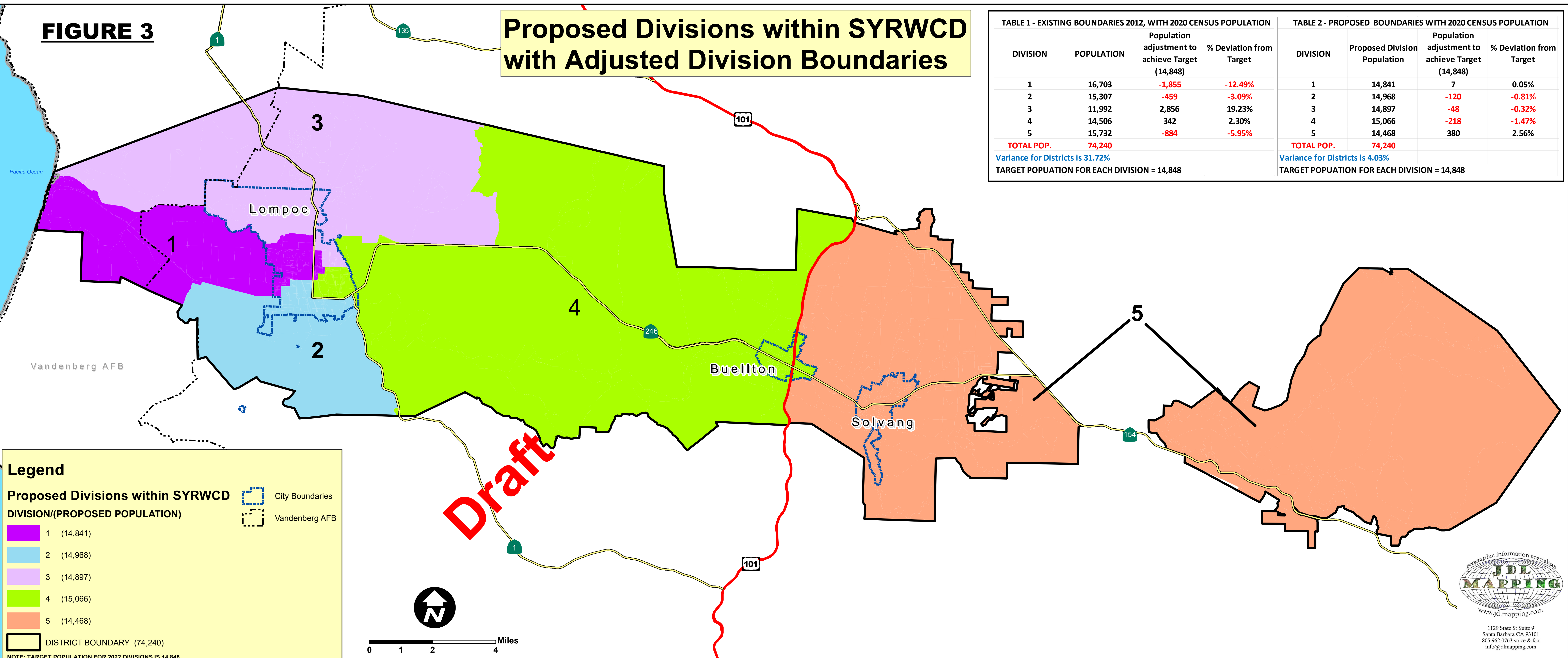
DIVISION	POPULATION	Population adjustment to achieve Target (14,848)	% Deviation from Target
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2	15,307	-459	-3.09%
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5	15,732	-884	-5.95%

TOTAL POP. 74,240
 Variance for Districts is 31.72%
 TARGET POPULATION FOR EACH DIVISION = 14,848

TABLE 2 - PROPOSED BOUNDARIES WITH 2020 CENSUS POPULATION

DIVISION	Proposed Division Population	Population adjustment to achieve Target (14,848)	% Deviation from Target
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TOTAL POP. 74,240
 Variance for Districts is 4.03%
 TARGET POPULATION FOR EACH DIVISION = 14,848



Legend

Proposed Divisions within SYRWCD

DIVISION/(PROPOSED POPULATION)	City Boundaries	Vandenberg AFB
1 (14,841)		
2 (14,968)		
3 (14,897)		
4 (15,066)		
5 (14,468)		
	DISTRICT BOUNDARY (74,240)	

NOTE: TARGET POPULATION FOR 2022 DIVISIONS IS 14,848

