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Please post the attached public comments for the Supervisors 11-16-21 Public Hearing on the Fresno County Redistricting website to be included as part of the public record. Thank you for ensuring board members receive a copy. Thank you.

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November 15, 2021

PUBLIC COMMENTS FOR 11-16-21 BOS PUBLIC HEARING ON REDISTRICTING

We are submitting the following public comments regarding the redistricting process. These comments are meant to illustrate some of the many deficiencies in the 2021 County Redistricting process. Each comment stands on its own. There are undoubtedly many more defects concerning the County's compliance with the FAIR MAPs Act, so these are meant to be illustrative. Please ensure these comments are included as part of the official record. I truly hope County leaders will re-examine their prior actions and ensure full compliance with not only federal, but also state laws.

1. Tavlian emphasized that his map focuses on Future Growth, a traditional redistricting criteria NOWHERE mentioned in the FAIR MAPs Act.

Tavlian told this Board, "We want maps that reflect not only the population as it is today, but the population of the County of Fresno that will develop over the next decade." According to Tavlian, "The ultimate goal of our changes was to accommodate the trajectory of Fresno County's growth, both from 2011 to today, and from 2021 into 2031."

But as we all know, it is never certain where growth goes, and how quickly it develops. Who can predict economic downturns with certainty? And there are developments, like Copper River, that were approved twenty years ago and are still not fully built out. Plus, who can predict discretionary land use decisions; City Councils have been known to change directions regarding new growth. And, where development occurs and the type of housing allowed, will be impacted due to concerns over sprawl, air quality, vehicle miles travelled, and transportation impacts.

Tavlian admits District 5 has the largest deviation, and "swings quite dramatically from being overweight to very underweight" to give District 5 room to grow and accommodate the "imminent development and imminent population that we'll certainly see within the next five years."

But, if District 5 is under-populated now, it dilutes the power of current residents residing in other districts. It sacrifices present residents for people not even here yet.

More importantly, by drawing lines to accommodate projected future growth, the Supervisors leapt right over the MAPs Act to count people in places they are not, at the expense of residents living in established neighborhoods.

2. Tavlian’s map continues historic representation, which is code for preserving the core of existing districts. Yet another traditional redistricting criteria NOWHERE mentioned in the FAIR MAPs Act. It’s no surprise Map 101b looks very similar to the 2011 map.

Tavlian asserts Map 101b is “the best map to continue historic representation, in terms of where we’ve been for the last 10, 20, 30 years, and move forward for the next 10 years.” While this map continues the historic representation in current Supervisorial districts, we want to move forward, not remain stuck in the past. Map 101b keeps Clovis in 2 Supervisorial districts because that’s what Clovis wanted 20 years ago, when the city was half its current size, and Clovis likes it that way..

With 3/4s of Fresno County now people of color, however, minimal changes to Supervisorial districts that have remained virtually unchanged for decades, is a serious problem. The new FAIR MAPs Act warrants a fresh perspective, but the Supervisors and their preferred Map 101b are tightly tied to the past.

3. NOT ALL COMMUNITIES OF INTEREST ARE CREATED EQUAL.

The NDC consultant felt very, very lucky to receive so much public engagement and testimony, and flashed a list of 160 plus communities of interest on the screen. Neither NDC, the Commission, nor the Supervisors made any effort to prioritize which communities the Board should focus on when evaluating maps.

Supervisor Magsig reiterated, “It’s important for us to try to balance out the different communities of interest. But one community of interest should not supplant another.” And later, “There are numerous communities of interest and we heard from many here today. Each community needs to hold equal weight and value and sometimes those communities of interest come into conflict with one another.”

However, there was no rhyme or reason to which communities the Supervisors chose to recognize. No deliberation about which communities the Commissioners or Supervisors chose to prioritize, nor which they chose to ignore. It was clear, however, marginalized neighborhoods of color were not a priority.

In the end, despite months of community input, the Board’s decision boiled down to Clovis’ long standing desire to have two Supervisors, and where to place the El Paseo neighborhood between the San Joaquin River and Herndon. It’s hard to fathom why either affluent community merits such attention, while equity concerns were completely disregarded.

In stark contrast, the Equity Coalition Map focused on disadvantaged residents living in underserved areas.

When we look at how to meet equal population, you can't create a district that empowers farmworking communities, given the nature of effectiveness metrics, without joining those communities with adjacent, more densely populated areas that are appropriate for them to be with. And, that's why we went to those equity indicators to identify adjacent more densely populated areas, so that we could make sure that folks were being put together in a district where they had aligned characteristics and similar issues they were facing. It was very clear that the parts of the urban area that we did pair with rural farm communities had virtually identical issues that they were facing and they self-identified as such.

4. NOT ALL COMMUNITIES OF INTEREST ARE CREATED EQUAL – TAKE 2.

Supervisor Magsig insists each community needs to hold equal weight and value and one community of interest should not supplant another. But, are all communities of interest equal?

If you give equal weight to all the communities of interest, does the Board also get to arbitrarily choose which communities to recognize? Is maintaining Clovis in two districts a higher priority than recognizing ethnic communities of interest?

Why did the Board ignore a great deal of public testimony to keep the Westside whole in District 1 and split off Eastside rural communities in District 4, in favor of Clovis having two Supervisors, which received little public support?

The Tavlian map does not help the Board create districts that empower farmworker communities, and other neighborhoods of high poverty, low educational attainment, high pollution burden, high housing cost burdens. The new state law requires looking at how best to group marginalized communities.

NDC admitted it removed duplicates, so frequent comments in favor of dividing rural communities along Highway 41 were given no additional weight, despite months of public testimony at Public Workshops, Advisory Commission meetings and at the Board of Supervisors.

NDC also failed to capture any comments asking that their community be joined with neighboring communities with similar demographics and challenges, like South Fresno with nearby rural communities. Or comments asking NOT to be united with communities with whom they had no connection, such as Orange Cove and Coalinga.

There doesn't seem to be any rhyme or reason as to which communities Supervisors chose to recognize, leaving us to believe your decision was arbitrary and capricious.

5. CLOVIS, CLOVIS, CLOVIS! DESPITE SOME OF THE HIGHEST INCOME AND EDUCATION LEVELS IN THE COUNTY, SUPERVISORS FEEL CLOVIS NEEDS AND DESERVES TWO (2) SUPERVISORS, BECAUSE CLOVIS ASKED 20 YEARS AGO. DECADES LATER, IS THAT STILL WISE?

NDC Kristen Parks told you the FAIR MAPs Act mandates criteria must be considered in the given order of importance. Care should be taken to minimize the division of neighborhoods and communities of interest, and then minimize the division of cities and census-designated places in the County to the extent practicable.

Supervisor Magsig said after the 2000 Census, the City of Clovis was about 69,000 people and the Clovis City Council and Chamber wanted more representation on the Board of Supervisors. They asked and Supervisorial District boundaries were changed to give Clovis two Supervisors.

Decades later, Magsig, a former Clovis City Councilmember, is still fighting to keep it that way while our Equity Coalition Map focused on underserved areas, exploring how to empower residents who were not as well represented as Clovis.

Supervisor Brandau was also concerned that the Equity Coalition Map no longer had District 2 represent Clovis. “I really believe just as we would never consider having Fresno just one Supervisor’s District. I think Clovis has risen to the size, we should not consider Clovis just being one Supervisor’s district either. And I know it’s still a fifth the size of Fresno, but that’s where we’re seeing a lot of growth in Clovis. ... I believe that’s a valid reason. I think Clovis has grown to the size that we need to keep a little bit of representation in there from another district as well.”

No, Supervisors, it doesn’t require two districts. In fact, the law says you should respect its city boundaries.

CLOVIS, CLOVIS, CLOVIS! Take 2

Really, Even though Clovis now has 120,000 residents and each Supervisor District almost 202,000 residents.

Magsig reiterated his support for two Supervisors to represent Clovis, arguing that “20 years ago, the Community of Clovis said loudly they wanted representation from District 2,” not just Clovis-centric District 5. And, we’re going to give it to them.

Tavlian confirmed Map 101b took those concerns into account, as all but two of the Clovis census tracts moved into District 5 are currently undeveloped. This minor change would allow increased population growth in District 5, while allowing for a Clovis centric Supervisor.

And, no surprise, many minor modifications in County Maps A through F fixate on who can claim this small section of Clovis.

We all deserve 2 supervisors! But we’d be happy with a map that results in fair, equitable, and ultimately, responsive representation.

6. SUPERVISOR BRANDAU’S FOCUS ON AFFLUENT NEIGHBORHOODS IS BAFFLING. HE WORRIED ABOUT SPLITTING SEVERAL HISTORIC COUNTY ISLANDS, BUT WAS JUST PLAIN WRONG. THE EQUITY MAP DIDN’T SPLIT MAYFAIR OR TARPEY VILLAGE, AND THE DIVISION OF SUNNYSIDE HAS NEGLIGIBLE IMPACTS. AND FIG GARDEN, WELL EVEN OLD FIG RESIDENTS DISAGREE ON THE BOUNDARIES. JUST ANOTHER PRETEXT.

Brandau complained the **Mayfair District**, an **historic community**, “gets chopped up a little bit” in Map 116. He’s just plain wrong. This County Island remains intact in our Proposed District 3.

He complained that **Tarpey Village**, another County Island, gets chopped up. Once again, Brandau is just plain wrong. The Equity Coalition Map sensibly follows the Clovis-Fresno border and maintains all of the neighborhoods surrounding Tarpey in District 5. Neither the Airport nor the multi-family apartment complexes north of the Airport are in Tarpey.

Supervisor Brandau complained that we divide up the neighborhoods around **Fig Garden**. He referenced a “feeling” that goes beyond the classical borders and that even a couple streets away, residents still consider themselves part of Old Fig. More importantly, for a long time, the Old Fig area in his District 2 has been more expansive than in our Map. Wow!

Yet, Brandau acknowledges that “even amongst Old Fig residents, they have a hard time figuring out where that community starts and stops.” The Equity Coalition Map defined Old Fig Garden as the official County island, and kept that Census Designated Place intact.

Sunnyside

Brandau also complained Map 116 **split Sunnyside, yet another County Island, similar to Old Fig Garden**. In the Sunnyside area, we used Kings Canyon Avenue, an easily identifiable cross town thoroughfare, as the border between Districts 3 and 5, and Minnewawa between Districts 4 and 5. This had a negligible impact on a few dozen Sunnyside residents. Certainly, not enough to torpedo a community driven map, but the Supervisors were not interested in a fresh perspective or a map that doesn’t guarantee the status quo remains intact. The rest of Sunnyside remains in District 5.

In the Board’s favored Map 101b, California Avenue serves as the border between Districts 4 and 5, which Tavlian claims “denotes the transition of rural to urban COIs.” Brandau didn’t complain about that, even though Tavlian split off several blocks of densely populated Sunnyside homes. Wonder why?

7. WHAT A TO DO ABOUT THE EL PASEO NEIGHBORHOOD along the San Joaquin River, north of Herndon Avenue.

Pacheco was perturbed Map 101b transfers the El Paseo neighborhood out of District 1 and District 2 now “went across the railroad tracks. I don’t understand the logic of that personally.”

Pacheco insisted El Paseo should remain in District 1, as distinct lines are one mandated criteria. He suggested moving the area between Hughes and West, from the tracks south to Shields, into District 2, allegedly to satisfy Brandau’s desire for an expansive view of Old Fig, even though people west of the tracks don’t identify with Old Fig,

Brandau was none too happy to swap El Paseo, with median household incomes over \$79,000 for a diverse neighborhood, with median incomes under \$40,000 and over 60% renters. He insisted County staff bring back other options to review and suggested changes along the border between Districts 2 and 5, perhaps moving Minnewawa east a street, even though that starts impacting multiple districts.

Under the FAIR MAPs act, preserving COI’s has a higher priority than straight lines. I must admit Supervisor Magsig got it, “I would say railroad tracks are a distinct line throughout the community, sometimes dividing communities, sometimes not. But, you know your district better than I do, so if you feel the railroad tracks are a distinguishable line dividing a community I’m open to that.” Others seemed oblivious.

County staff advised the Commission had recommended NDC 121, which had NO changes to Districts 1 or 2 - which seemed important to both Supervisors Pacheco and Brandau, and only minimal changes in the 3 remaining districts.

But NONE of the Supervisors chose to examine any of the numerous other status quo maps submitted. Perhaps they were determined to make Map 101b work, “with minor modifications” to a minimal changes map, given they knew Tavlian well. Amazing!

8. TWO SUPERVISORS WILL CONTINUE TO HAVE A PRIMARILY RURAL CONSTITUENCY AND NEED TO BE RESPONSIVE TO RURAL CONCERNS, DESPITE SUPERVISORS NOSTALGIC LAMENTS.

Supervisor Magsig claims that Map 116 creates a Board of Supervisors that would be urban centric, and result in a loss of focus on rural areas.

Both Districts 1 and 4 retain their rural focus and their strong majority of rural residents, who will be able to select representatives responsive to their concerns. It isn’t where a person lives, as much as who their Supervisor feels obliged to respond to.

Every Supervisorial district currently contains significant portions of the City of Fresno, except District 4, which does not come into the City at all. Traditionally, and not by chance, District 4

has been the district with the highest Latino CVAP. Latinos are packed in District 4, with no reasonable opportunity to elect their preferred candidates, and it's been that way for decades.

Magsig wondered whether the goal of Map 116 is to have 5 Supervisors from the City of Fresno and no representation from the rural areas.

Since 2/3s of the County resides in the Fresno/Clovis metropolitan area, it only makes sense for the Supervisors to focus on both urban and rural issues. Poor people share many of the same struggles, whether they live in run-down urban neighborhoods or isolated rural communities. Plus, City residents rely on County services.

Map 116 raises up the underserved residents and disadvantaged communities. In the 2020 Census, almost 3/4s of Fresno County residents identify as people of color, most of them constitutionally protected class members. Map 101b, even with minor modifications, has not provided and will not provide constitutionally protected residents the opportunity to elect their preferred candidates. It's a fact, and the definition of **insanity** is doing the same thing over and over and expecting different results.

Status quo maps that focus on future growth, rather than the dramatic demographic shifts that have occurred in the County, preserve the overrepresentation of white voters at the expense of minority voters.

9. MENDES' CONCERN ABOUT SCHOOL DISTRICT BOUNDARIES IS A MERE PRETEXT AND MUCH TO DO ABOUT NOTHING!

Supervisor Mendes smugly told Lori Pesante who presented on Map 116, "I'm going to ask you a couple of simple questions, you can either answer them or don't answer them." Great conversation starter... No one was surprised at his tone, Supervisor Mendes has a reputation for being condescending and disparaging.

Mendes complained that the makers of Map 116 didn't even know where the boundaries of Riverdale Unified, Caruthers Unified, Southwest Transportation or the Oak Grove Cemetery District are, and ended with, "You did blow it right down the middle with your map."

Supervisor Mendes wants to respect the district boundaries of two small school districts in his backyard. And a local cemetery district, really? I'm amazed the boundaries of a local cemetery district deserve mention. One more reason the Board should have thought to prioritize significant communities of interest. Lest we sink into the weeds...

For decades, a neighboring district, Washington Unified High School District has been split between Districts 1 and 4, by South Avenue. This impacts twice as many residents as those Mendes was lamenting. Supervisor Mendes may not realize Map 116 fixes that split, perhaps because he's not be familiar with Washington Unified's boundaries

Mendes also doesn't seem concerned with the continued split of West Hills Community College District and Westlands Water District between Districts 1 and 4, a split that Map 116 resolves.

Perhaps because Westlands, the largest agricultural water district in the nation, like Clovis, needs and deserves two Supervisors.

Once again, the issue is consistent application of the rules. Minimizing the division of the Central Unified School District was NEVER mentioned during the lengthy discussion about what to do with the El Paseo Neighborhood. Removing El Paseo from District 1 orphaned a larger area of Central Unified in District 2. Clovis Unified cuts deep into District 3. Sanger Unified reaches up into District 5.

With 33 school districts in the County, splitting school districts is inevitable, although the Equity Map Coalition tried hard to avoid splits.

10. THE BOARD OF SUPERVISORS DISMISSED AN OUTPOURING OF COMMUNITY INPUT

There was a great deal of public testimony throughout the process, from the initial community Public Workshops in each district to well-attended Advisory Redistricting Commission meetings, and this Board's recent Public Hearing. Although NDC claimed we were "very, very lucky to receive so much public engagement and testimony," almost all was disregarded. Why?

Historically underserved communities have been excluded from the redistricting process, which resulted in inadequate representation. This Board is required by the FAIR MAPs Act to encourage participation by underrepresented and non-English-speaking populations. But, when you totally disregard community input from these populations, you are not acting in good faith to include these voices in the process.

The Supervisors dismissed an outpouring of public input and voted for a map that preserves the status quo. They received extensive public input and promptly disregarded it.

Although all maps were submitted to the Board, only one map was seriously considered – the map created by a Republican strategist, which focused on accommodating future growth and preserving Supervisorial districts as historically drawn.

In Tavlian's presentation to the Board, he offered little detail on its creation, nor any community input he received. It is, in short, an incumbent protection map, drawn in secret, to benefit incumbents and future residents, at the expense of fair representation.

11. SUPERVISORS WASTED OUR TIME – THEY NEVER HAD ANY INTENTION OF CONSIDERING ANYTHING BUT A STATUS QUO MAP

Supervisor Magsig was concerned about emphasizing farmworkers as a community of interest, stating he didn't want one community of interest to supplant another. At least not until the harvest comes in. Another Supervisor lamented it would be a waste of time to look at options other than 101b.

Maybe it was a waste of time, a waste of time for the hardworking people who took time away from work and family to come and testify, and voice not only their concerns, but their hopes for their children's futures and a more responsive government. But look at the bright side, Supervisors, at least you got paid and, with status quo maps, you'll probably get to keep your jobs.

It is no surprise that your Consultant Kristen Parks advised "we want to respect the choices that voters have already made and ensure that decisions about who serves on the Board are made by voters through elections and not by the moving of lines on a map." Fancy that? You chose well.

These community members overcome their fears and bravely come forward, to try to make our government better. For that, they were first attacked and then ignored. The laws, like the FAIR MAPs Act, are to protect people like them, and to give them a chance to meaningfully participate in the political process. You should be welcoming this, not turning your backs on them.

12. TRADITIONAL REDISTRICTING PRINCIPLES ARE ONLY LEGALLY PERMISSIBLE TO CONSIDER AFTER COMPLIANCE WITH FEDERAL AND STATE LAW, AND ONLY INsofar AS THEY DO NOT CONFLICT WITH THOSE LAWS. THAT INSTRUCTION DIDN'T SEEM TO BOTHER THIS BOARD.

NDC advised this Board that it was legally permissible to consider other traditional factors, but ONLY AFTER compliance with federal and state law and ONLY insofar as these traditional factors do not conflict with those laws.

You were also advised that the FAIR MAPs Act requires you first consider mandated criteria, like respecting communities of interest and minimizing the division of cities.

It seems like the Board skipped right over the mandated FAIR MAPs Act criteria, except when it served your purpose to critique Map 116, and went straight to other traditional redistricting factors, like incumbency protection, minimizing changes, and keeping Clovis with two Supervisors, when you selected Map 101b.

For decades, Supervisors have made only minimal changes to district boundaries, despite dramatic demographic changes. And, while almost 8 of 10 County residents identify as people of color, 4 of 5 Supervisors are white males. Yet another status quo map does not serve our diverse residents and our many disadvantaged neighborhoods.

NDC acknowledged that after complying with the FAIR MAPs Act, "we can, to some extent, consider where there may be future population growth." But future growth should NOT serve as the primary rationale for changes made, as is the case with Map 101b.

Finally, NDC recognized "a desire to preserve the core of existing districts, as neighborhoods and communities have organized within these districts in the past and may wish to do so in the

future,” But, the FAIR MAPs Act specifically states that relationships with incumbents and political parties should not be considered “communities of interest.”

Each of these traditional redistricting criteria favor a status quo map. But change is a good thing, particularly given pervasive poverty, high unemployment and underemployment, a dearth of safe, affordable housing, and a host of other issues. The status quo has got to go!

13. DECISIONMAKERS SHOULD CONSISTENTLY APPLY MANDATED REDISTRICTING RULES.

Several Supervisors supported using railroad tracks as a district boundary between Districts 1 and 2, because it was important to follow an easily identifiable boundary. But, when it came to Clovis, the Supervisors refused to respect the City limits, although that too is an easily identifiable boundary. This is particularly egregious, because under the FAIR MAPs Act, respecting City boundaries has a higher priority than easily identifiable boundaries.

Map 101b brings the community south of Fresno State into District 3 from District 5, because Tavlian said it made sense given the dividing line between Clovis and Fresno. So, we respect City boundaries when it serves our purposes but ignore them when it doesn't suit Clovis.

Supervisor Brandau didn't want County islands to be split, but had no issue with splitting the City of Clovis.

The Commission did not thoroughly analyze each map and apply the law, as Magsig asserted. Especially Map 101b which was submitted on the final hour of the final day. NDC had not analyzed its data when the Commission voted to recommend Map 101, as revised, to move forward to the Board. When mandated criteria are not consistently applied in ranked order, decisions appear ARBITRARY & CAPRICIOUS.

14. THE SUPERVISORS' RELIANCE ON THE ADVISORY REDISTRICTING COMMISSION IS MISPLACED. The ADVISORY COMMISSION SHORT-CIRCUITED ITS DELIBERATIONS, AS DID THIS BOARD

Redistricting requires making choices among competing interests and applying criteria in the mandated order of priority. Rules, consistently applied, minimizes opportunities for abuse.

The Advisory Commission did not discuss, prioritize and weigh compliance with communities of interest before going straight to traditional criteria, like preserving the core of existing districts, anticipating future population growth, or continuity in office. There was no methodical comparison of one map, compared to others, using standards detailed in the FAIR MAPs Act.

22 maps were thrown at the Commission during their final October 21 meeting. None had been discussed in prior meetings. As the NDC Consultant spoke, 19 maps scrolled past in a flash. It took only 1.5 minutes. NDC did not discuss or analyze any public maps that evening, although

they briefly summarized only the 3 NDC maps. The Commission did NOT take up each map one by one. They heard hours of community testimony, but then disregarded it. They knew which maps they liked, and their deliberations took less than an hour.

15. MAP 101B, WHICH WAS SUBMITTED ON THE LAST DAY, WITHOUT AN OPPORTUNITY FOR STAFF TO ANALYZE THE CHANGES OR NDC TO REVIEW THE NEW DATA WAS NOT THOROUGHLY ANALYZED.

Map 101b, which was submitted on the last day, without an opportunity for Staff to analyze the changes or NDC to review the new data was not thoroughly analyzed.

Tavlian provided each Commissioner present a packet with several printed Maptitude maps, which are difficult to decipher. Where district lines were placed was NOT clear. But Commissioners were happy to take Tavlian's word about changes made, as they raced to recommend a map they couldn't even see and wasn't made available to the public in attendance.

Magsig commented that at the last Advisory Commission hearing, "I thought they were very thorough as they voted. They looked at each map and they applied the law to each map."

But they did NOT look at each map. Map 101b, as revised, was not fully vetted. And they certainly received minimal guidance on application of the Voting Rights Act and the FAIR MAPs Act. In fact, there was no discussion as to how the Commission, or Supervisors for that matter, would uniformly apply the FAIR MAPs Act's ranked criteria, what communities of interest they would prioritize, and how best to compare maps.

The Advisory Commission was stacked overwhelmingly with Republicans, including a member of the County GOP Central Committee. We can only surmise that Supervisors wanted to ensure they got the maps they wanted.

16. THE FAIR MAPS ACT MANDATES THE BOARD SHALL USE RANKED CRITERIA. INCUMBENCY PROTECTION IS NOT ONE OF THEM. Proposed Map 101b protects all five of you.

Proposed Map 101b, a status quo map, is an Incumbent Protection Plan that keeps things almost exactly the same, empowering the few at the expense of the many.

I trust you have consulted with County Counsel regarding the possible consequences of adopting this map you are considering.

As you may know, the California FAIR MAPs revised the criteria by which Counties adjust Supervisorial boundaries. The Act clearly states that your Board **shall** use certain criteria and specifies the order those criteria are to be considered.

When interpreting legislative language, lawyers are taught that the use of shall means it's mandatory, while the use of may is permissive.

Tavlian asserts Map 101b is "the best map to continue historic representation, in terms of where we've been for the last 10, 20, 30 years, and move forward for the next 10 years."

The FAIR MAPs Act mandates the Board shall use certain criteria. Incumbency protection is not one of them. Nor is a focus on maintaining historic connections and relationships, which is code for preserving the core of existing districts.

After contiguity, the next highest, in order of importance, is not dividing a "community of interest." A population of people who share similar social or economic interests should be included together in one Supervisorial district, in order to ensure effective and fair representation. Relationships with incumbents, candidates and political parties should not be considered "communities of interest".

Right after the requirement to keep communities of interest together is the requirement to minimize the division of Cities (yes, even Clovis) and census designated places. Specifically, they "shall be respected in a manner that minimizes its division." What overriding factors support splitting Clovis into two Supervisorial districts? Why not move the District 5 border to the Clovis City limits? Have you considered whether this may violate the FAIR MAPs Act?

17. NOT ALL VRA DISTRICTS ARE LIKELY TO ELECT LATINOS' CANDIDATES OF CHOICE. WE NEED EFFECTIVE VRA DISTRICTS. HOW DISTRICT LINES ARE DRAWN CAN BE A GAME CHANGER.

Based on recent historical elections, Latinos have NOT been able to elect their preferred candidates in District 4, a rural only district where Supervisors have traditionally packed large numbers of Latino residents. Given the extensive racial polarization in the Central Valley, that is true even though District 4, as currently drawn, has 62% Latino CVAP, or eligible voters. To protect Latino voting rights, our Equity Coalition Map added white crossover voters and other minority coalition voters in South Fresno to increase the chances that District 4 will be a competitive district.

To empower marginalized farmworker communities in rural areas, we must look at VRA effectiveness metrics for constitutionally protected classes. To create effective VRA Districts, we must acknowledge that voter participation increases as family income increases and, conversely, decreases as income goes down. Voter participation also decreases when moving from denser populations of Protected Classes to more rural areas, especially sparsely populated areas where traditional voter outreach strategies are ineffective. Therefore, rural areas must be paired with other more densely populated Protected Class populations to equitably allocate political power.

Supreme Court decisions from just a few years ago explicitly state that map-drawers should not use a 50% majority threshold and that instead local context, the extent of coalition voting with other minority groups, and the extent of white crossover voting should be considered when drawing minority-ability-to-elect districts. In some contexts, such as the Central Valley, it will be important to go well above 50% Latino CVAP to ensure the ability to elect Latinos' preferred candidates.

Many studies have shown when people are civically engaged they become part of the solution to problems. When people feel disrespected and cut out of decision-making processes, they tend to disengage.

Many Supervisor elections are uncontested - none of the 3 incumbents were challenged in 2020. Those that are challenged, often get decided in the primary when Latino voters are less likely to participate. In the 2020 primary election, Kern County's consultant Skinnell advised Latino voter participation dropped off by 10-15%. (Kern, Skinnell)

You see what the status quo has gotten us. So why would we want a Status Quo Map?

18. DATA CONCERNS WITH NDC LATINO MAJORITY/MINORITY DISTRICT DATA

In reviewing the PowerPoint Presentation slides for the November 16, 2021 meeting, I have a few questions about the Voter Registration and Voter Turnout data.

You provided the Maptitude data sheet for each proposed map, with two types of data for both Voter Registration and Voter Turnout. The % Latino Spanish Surnamed is 3-4% points lower, as compared to the % Latino Estimate.

In the footnotes to the data metrics, NDC explains that the Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. Please explain.

The footnotes also explain NDC estimated the NH White and NH Black registration and turnout counts. How did NDC estimate those counts?

The Data Metrics Table also uses voter turnout for the November 2018 and November 2020 election. But, as explained by Chris Skinnell, an attorney with Nielsen Merksamer, if you look historically at voter turnout rates, they tend to drop by over 10-15% in a primary election, which is when the Board of Supervisors are often elected. So a 54% Latino CVAP district, might be more like a 40% turnout district. That doesn't present an opportunity to elect district.

Fresno County saw a 75% record voter turnout in the November 2020 election, far more than participated in the 2020 Primary.

If we are to assess whether Latino Majority /Minority Districts realistically present an opportunity to elect a preferred candidate, we need to examine voter turnout data for March 2020 and primary elections where almost all recent Supervisorial elections have been decided.

An opportunity to elect district requires the use of primary voter turnout data, as 8 of the last 10 Supervisor races have been decided in the primary. Therefore, NDC should provide primary data for both % Spanish-Surnamed and % Latino Estimate.

I also want to share some background, to illustrate how significant the FAIR MAPs Act has become. Prior to the Act, the rules governing the redistricting process had hardly changed since 1947. This Act now standardizes the requirements and procedures for counties. According to the author of the FAIR MAPs Act, it would “result in a redistricting process that is fairer to California’s divorce communities. The name of the author? Assemblymember Rob Bonta, now the State Attorney General.

I understand County policy requires at least four votes to adopt new Supervisorial boundaries. If there are only three votes, the County can ask the Superior Court to adopt new boundaries, done according to the FAIR MAPs Act.

REDISTRICTING IS NOT A REFERENDUM ON INCUMBENTS

Some commented that there should be no change because residents are happy with their representative. This effort to re-district is not a popularity contest or a referendum. It’s an effort to provide fair and effective representation for everyone for the next ten years, especially those who are often left out of these discussions.

19. FARMWORKERS ARE VITAL TO THE SUCCESS OF OUR AG ECONOMY. DURING COVID, FARMWORKERS WERE RECOGNIZED AS A CRITICAL PART OF THE ESSENTIAL WORKFORCE, BUT INVISIBLE DURING REDISTRICTING DELIBERATIONS.

Farmworkers are an identifiable community of interest, are they not?

Farmworkers share similar demographics and similar economic interests, do they not? Their working conditions are similar. Their income is seasonal, their preferred language likely Spanish, or an indigenous dialect. They share high levels of poverty, language challenges, transportation challenges, and a lack of access to available health services.

Have you reviewed the report by the agricultural economist Rick Mines? Rick Mines reports that based on the most recently available data for the Census Bureau’s American Community Survey, 34% of farmworkers in Fresno County live in the Rural Eastside, 31% in the Rural Westside and 32% in the City of Fresno. While many mistakenly believe that farmworkers live scattered in small towns, most live in cities of 20,000 or more, and almost a third live in the City of Fresno. They live crowded in houses and apartment buildings in dense urban areas. Though they sleep and shop in the City of Fresno, they commute to work and spend their workday in

agricultural environments. All the County policies and programs that affect workers in rural towns and farm areas, like their working conditions, their healthcare, and access to social services, also affect the farmworkers who often, by necessity must live in cities like Fresno.

To fairly represent the interests of farmworkers, it is necessary for some urban neighborhoods with farmworkers to be grouped with ones in more rural parts of a District. The Equity Coalition Map groups densely populated neighborhoods of farmworkers with nearby rural farmworker communities they are similar to, joining together folks with similar social and economic interests, and similar challenges in one district. We used data-based equity indicators to identify which urban areas of South Fresno were appropriate to pair with rural communities in Southeastern Fresno County face similar issues.

Have you examined the impact of Map 101b on farmworker communities of interest? Let's not forget how COVID-19 infections, hospitalizations, and deaths have overwhelmed and continue to impact racial/ethnic minorities and agricultural workers. Keep them at the forefront, as you make critical policy decisions - especially in the redistricting arena to ensure funding decisions are fair to all.

20. IMMIGRANTS ARE A GROWING FORCE THROUGHOUT THE COUNTY, YET NOT ONCE RAISED UP BY THE SUPERVISORS

The Census tells us big changes have been happening over the years. Our eyes confirm this as we travel around the County. But nobody told the Board of Supervisors, who has allied itself with the status quo (radical right). Supporters of Map 101b used racists and fearmongers to divide us into an "us versus them" mentality. Somehow, they have convinced themselves that our map is a threat to our County and civilization itself. They are afraid of the weak and powerless. Despite the best efforts of the Advisory Commission Chair, and the hard work and dedication of a few members, the work of the Advisory Commission was largely a sham.

21. UNINCORPORATED COMMUNITIES ON THE VALLEY FLOOR WEST OF HIGHWAY 41 ARE BEST SERVED WHEN JOINED TOGETHER IN ONE DISTRICT. GROUPED TOGETHER, THEY HAVE A STRONGER VOICE. GROUPED TOGETHER, THEIR ELECTED REPRESENTATIVE IS MORE LIKELY TO LISTEN TO, AND TRY TO RESPOND TO THEIR CONCERNS.

Joining these unincorporated rural communities together in District 1 will focus their Supervisor's attention on the many challenges that have existed for decades. Far too many lack the basic elements that make up a safe and healthy community, including safe and affordable drinking water, affordable housing, effective and safe transportation, efficient and affordable energy, green spaces, and clean air.

Historically, these underserved communities have been excluded from the redistricting

process, one reason these struggling rural communities are underserved in the allocation of public resources and are frequently overlooked in local decisions.

It's time to help advance equity for underserved and unincorporated communities by keeping them together, as a community of interest. To be sure, this approach may elect new officials who represent these impoverished and underserved communities, it may divide cities, or require incumbents to compete for their seats. Yet, adhering to decades-long “business as usual” practices has never been equitable. Nor does it advance justice or democracy.

The Equity Map Coalition uses data-based equity indicators to help maximize rural communities' opportunities for adequate representation, because these underserved areas deserve to be effectively represented.

Let's create new electoral opportunities for constitutionally protected classes that advance equity by balancing power, promoting equitable representation, and helping all communities prepare for a better future. That's why I support Map 116, the Equity Coalition Map.

22. EASTON – WE SPENT TIME TRYING TO DETERMINE WHERE EASTON WOULD BE BEST SERVED.

We kept Easton, the only census designated place straddling Highway 41, whole, even though it messed up our straight border. In an early iteration of the Equity Coalition Map, our demographer, perhaps guided by the name, put Easton with the Eastside communities East of Highway 41.

We explained that many West Fresno students living in the neighborhoods south of Edison attend small elementary feeder schools for Washington Union High School in Easton. How Easton residents often travel Elm Avenue to get into the City of Fresno. We explained about the Portuguese Hall, and the dairies scattered around the Westside. In fact, two of our esteemed Supervisors take great pride in their Portuguese heritage and dairyman roots – both live on the Westside.

Folks were persistent and, after much discussion, Easton was placed with District 1, to join the many other unincorporated communities on the Valley's Westside.

By now, you're likely wondering why I'm headed down this rabbit hole. First, I wanted to show the care we took to create the Equity Coalition Map, how community conversations informed that work, as the map was vetted and refined.

23. WE'VE ALSO BEEN MULLING OVER THE RECENTLY RELEASED COUNTY MAPS E AND F. AND, QUITE FRANKLY, THE CHANGES AROUND SUNNYSIDE AND EASTON ARE PUZZLING.

Tavlian explained to the Commission, "Most importantly, and the reason why most of us are here, is to bring communities of interest together as part of our map making process. The finalized FRC map does just that." A few bullets later, he noted, "Most importantly, it also brings portions of south Sunnyside in with their rural neighbors where we are experiencing somewhat of a transition between rural and suburban and we want to make sure that we preserve that transition in a district that makes more sense than necessarily Clovis where it's a little more developed." Or, maybe not... I know, I'm in the weeds. But you can't make this stuff up.

County Map E swaps out a large section on the eastern section of the densely populated area south of Sunnyside and returns it back to District 5. Instead, Easton and a surrounding square of several square miles moves into District 4. What's the rationale? Remember our earlier discussion...

County Map F takes a different tact. A small, but different section, on the western edge, of Tavlian's important COI south of Sunnyside is put back into District 5 and, instead, several square miles skirting around Easton are moved into District 4 but Easton is left in District 1. So, the three unincorporated communities on the southern edge of the City are in three different districts, Calwa in D3, Malaga in D4 and Easton in D1.

We're having a hard time figuring out the rationale for these changes, given the FAIR MAPs Act.