

Dissenting Opinion Statement- 2021 Montgomery County Council Redistricting Commissioner Jason Makstein

Introduction

My name is Jason Makstein, I was a commissioner on the Redistricting Commission, map drawer, and first dissenter to sending the map unanimously to the County Council.

The commission also voted against allowing my dissent statement to be part of the report so please consider this to be my statement and I would be honored if you would read in its entirety both about the process and the results of the commission's work over the past 10 months.

The original shorter version of this is in the Addendum of the commission's minutes from the 10/20/2021 meeting

(<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/BCC/redistricting/minutes/Minutes10202021.pdf>)

Process issues / lessons learned

Before I get into the specifics about the issues I have with the map presented to county council, I just wanted to highlight a few underlying issues I had with the process.

Rockville / Gaithersburg Decision

Voting to split Rockville and Gaithersburg had massive impacts throughout the map.

Many of the areas not happy with map such as those living in Derwood, North Bethesda, Clarksburg, Travilah and North Potomac were directly impacted by the decision to keep Rockville and Gaithersburg together. While I agreed with how Derwood and North Bethesda were handled given the constraints, I think they are understandably upset by their districts.

This because there are a lot of areas outside the Gaithersburg and Rockville Municipalities who feel they are part of Gaithersburg and Rockville and in a lot of cases their address says that too as does the community.

Because of size limitations, combining results in having each of these communities excluded and put into other districts.

Additionally, combining the two municipalities severely limits options in the rest of the map, particularly upcounty. For the areas that are alongside Gaithersburg/Rockville, the only option is to stretch the two districts around them making the districts much less contiguous than other potential options with the two municipalities separated.

Process Change and Delayed Vote

Process was changed at the last minute on 10/13 via a straw poll over phones where one sub group was seemingly excluded from decision making to not vote on a map. I received a call the morning of 10/13 from the Chair requesting to cancel the vote. I understood not everyone having a chance to review the material (which was given 5 days prior) before a vote is key but how it occurred and the results of this delayed vote greatly affected the process.

I was the only person in my sub group consulted on this and the others found out a mere hours before the meeting that there would be no vote. Seemingly everyone else on the commission was consulted before bringing us into the conversation including 2 of the 3 map makers. This process was wrong to change so last minute away from our many times over agreed upon process.

Public Hearing Cancelled

Delaying the 10/13 vote then prevented a public hearing from occurring.

The public comments that we have were collected from the maps presented 10/13. However, before the call for public comment was put out, the maps were already changed and outdated.

The comments were still useful but had little to do with the maps which had already changed so much.

There were 400 comments but the number of unique submitters was significantly less than that... each person could comment 3x one per map. Some only commented on 1 but many commented on all 3.

And again due to process changes the public never saw the final maps at all until during the meeting of the vote, they could not give comment on them before our vote.

Blocked Dissent / Minority report

The commission voted to block my dissent from being part of the report. This goes against recent county precedence and the reason given that it was not specifically coded into the charter.

Recent Montgomery County Commissions that have had a Minority Report:

- 2011 Montgomery County Council Redistricting Commission
- 2018 Montgomery County Charter Review Commission
- 2020 Montgomery County Charter Review Commission
- 2015 County Executive's Transit Task Force

Results of Commission Votes

The Montgomery County Redistricting Commission ("the Commission") recommended a redistricting map to County Council based on a 6-5 vote. There were three proposed maps before the Commission and this statement focuses on the differences between the approved Map 1 (proposed by David Stein) and Map 2 (proposed by me, Jason Makstein). There was never a vote on Map 2, but I believe it would have received 5 votes from those across the political spectrum. There was a vote to make Map 1 unanimous and I declined for the reasons laid out in this statement.

The two maps were quite similar in many ways but had key differences. For the final maps, both Map 1 and Map 2 used a similar design for down county districts based on what I proposed in the initial maps

sent to public a few weeks before. Map 1 and Map 2 both fulfill the equity lens with respect to the African American / Black and Hispanic communities in the down county districts.

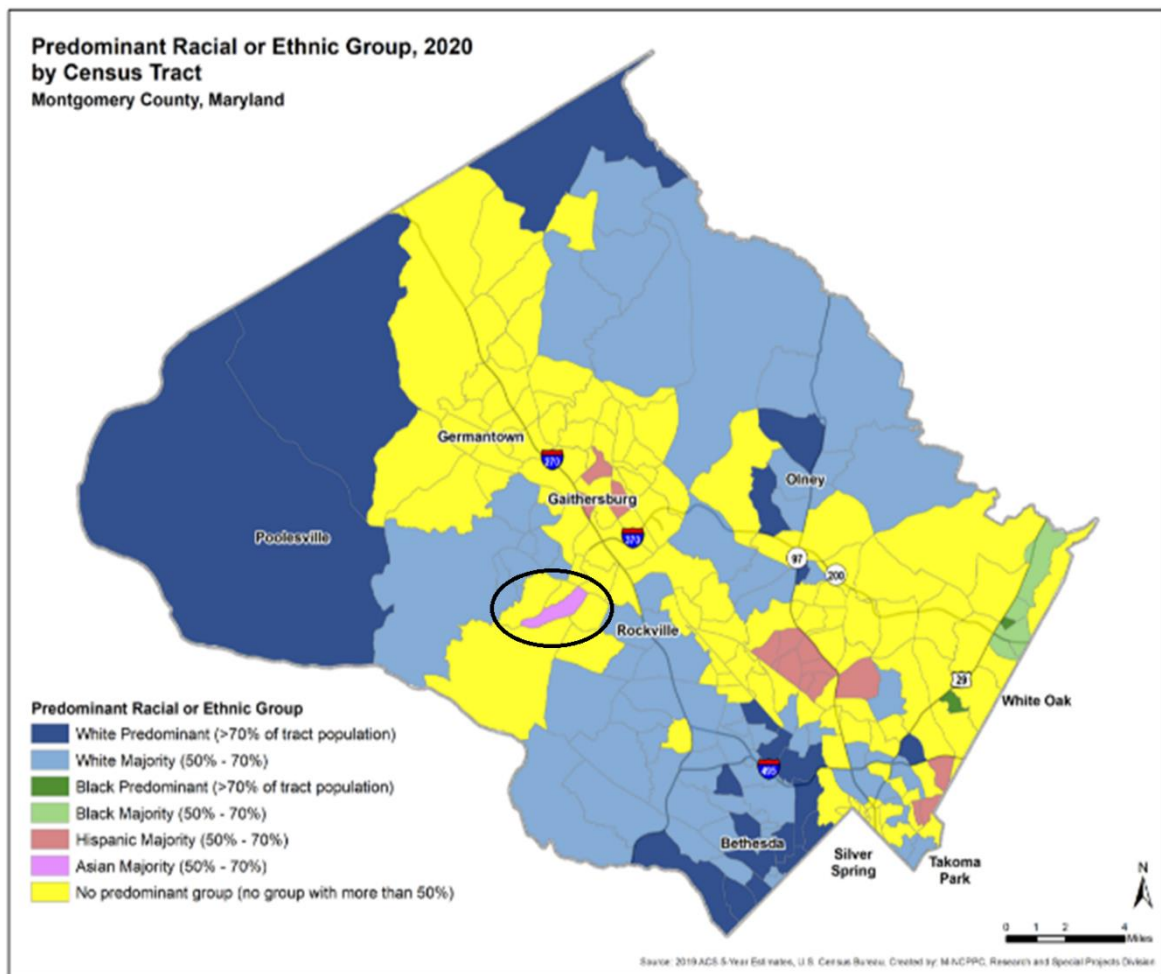
Reasons for Dissent

Approved Map does not fulfil equity lens for Asians / Pacific Islanders

However, Map 1 does not fulfill the equity lens in the upcounty districts (District 2 – blue and District 7 – orange).

The Map 1 fails to consider the equity lens with respect to Asian and Pacific Islanders in any meaningful way. In addition to dividing populations of minorities, Map 1 splits up Clarksburg and splits the districts so that upcounty will not have proper representation.

The biggest issue with this map is how it splits multiple Asian / Pacific Islanders communities of interest. The first area of concern is, one of the most predominantly Asian / Pacific Islanders areas in Montgomery County is the North Potomac and Travilah area.



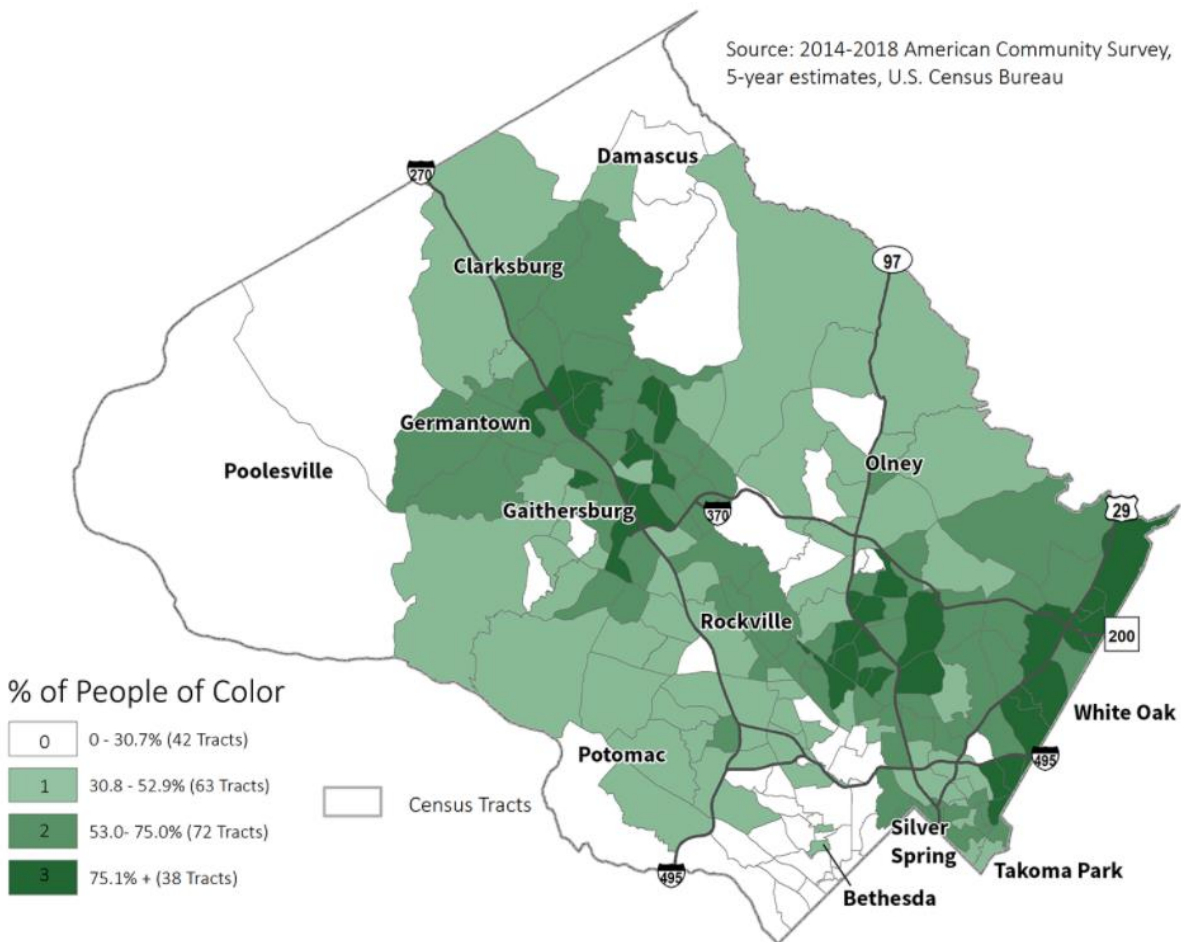
Looking at the “Predominant Racial or Ethnic Group, 2020 by Census Tract” image above, you will see there is exactly one Asian Majority (50% - 70%) area on the map (circled in black).

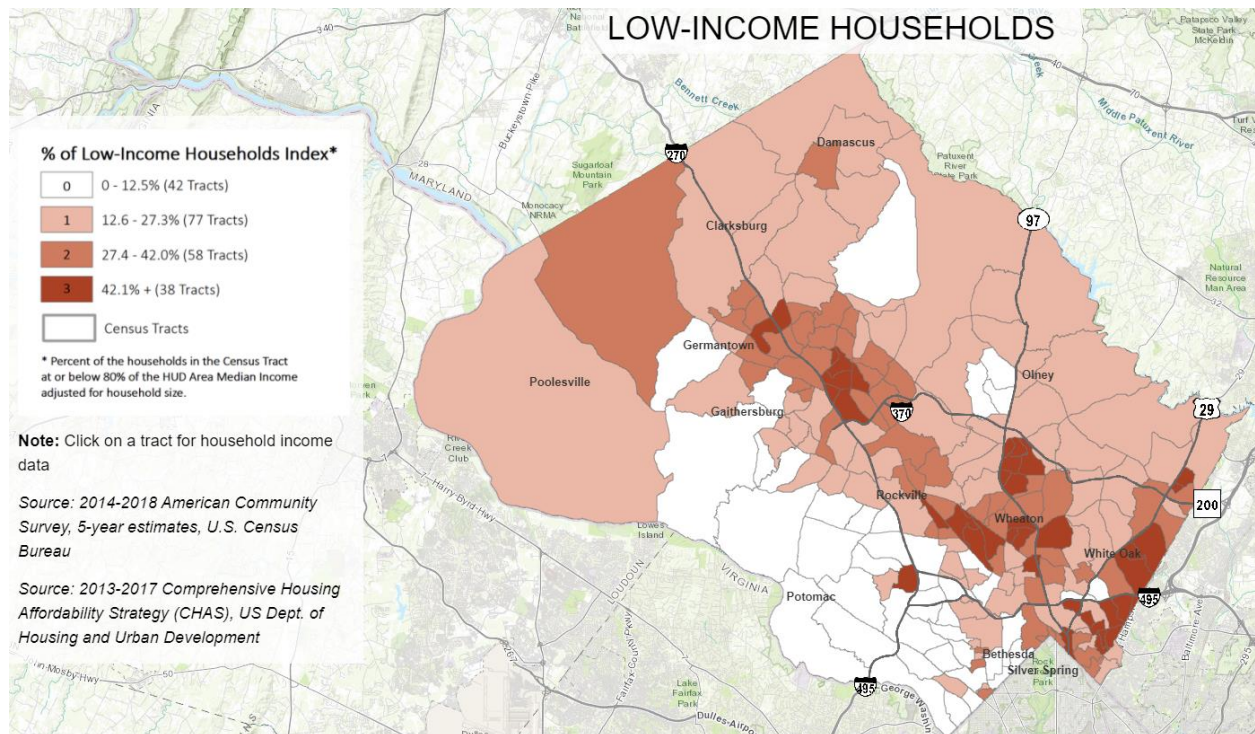
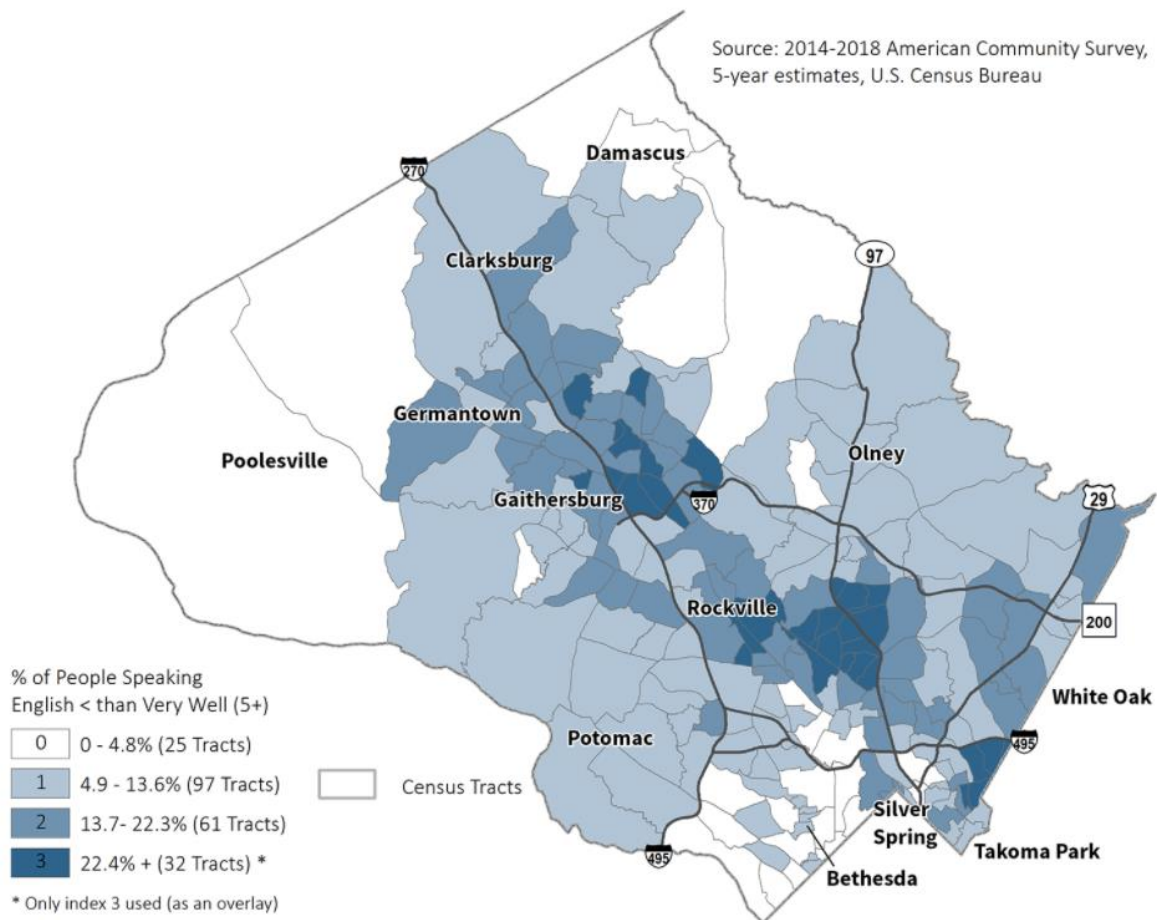
The approved Map 1 splits this census tract and this community in half between North Potomac (District 2 - Upcounty) and Travilah going into the Potomac/Bethesda /Chevy Chase district.

Second area of concern with Clarksburg and Cedar Grove. This one is more complicated because Clarksburg, Germantown, and Cedar Grove areas all have large segments of Asian / Pacific Islander populations and they cannot all be together (due to other constraints around the map).

However, in my Map 2 there is a stronger base of Asian / Pacific Islanders in each of the districts and there are less communities split. If you look at the images below, you will see that in from an equity perspective it is clear this community should have its fair share and that they have a lot in common with the other equity focus areas considered for this project. Map 1 waters down the Asian / Pacific Islander vote by splitting these two major population centers of Asians / Pacific Islanders into 3 districts.

Here are some relevant county planning diagrams showing the breakdowns by income, % that don't speak English well, people of color and diversity.

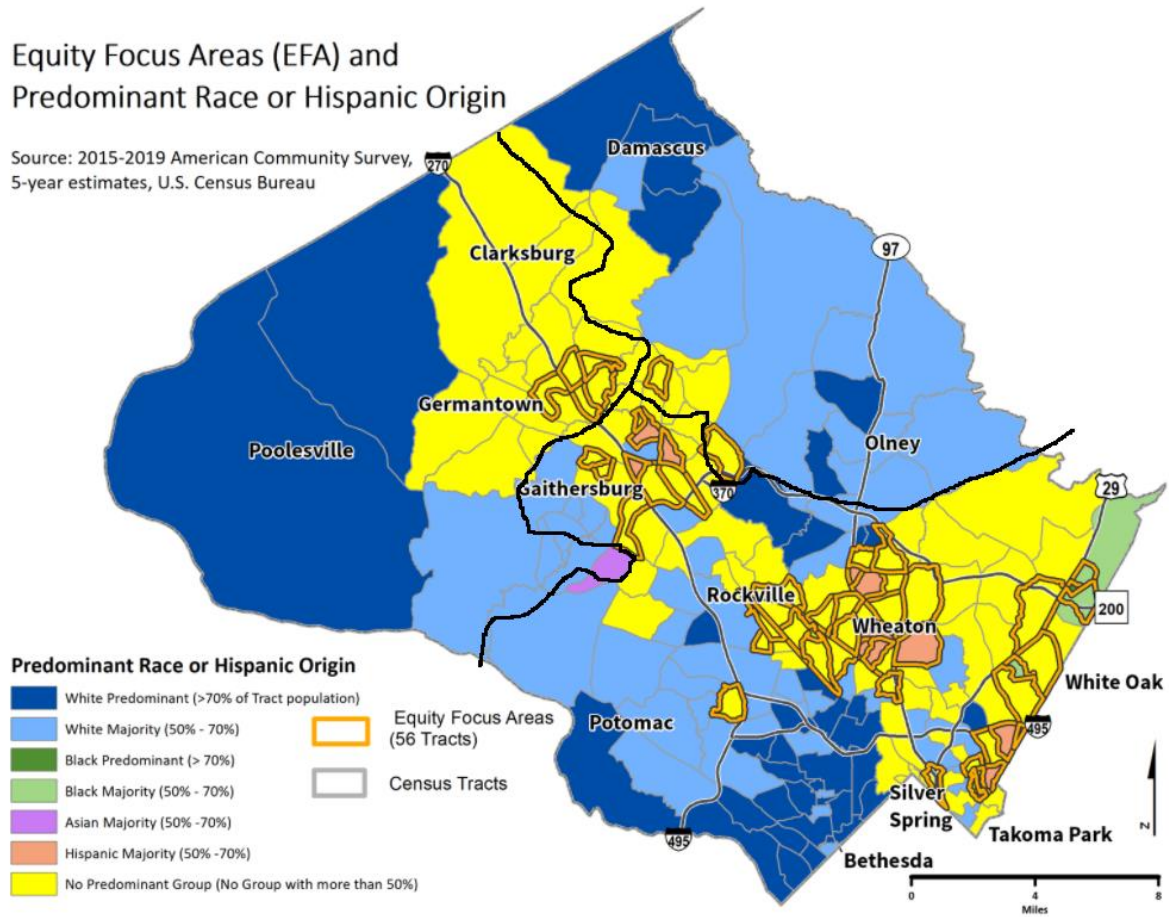




Map 1:

Equity Focus Areas (EFA) and Predominant Race or Hispanic Origin

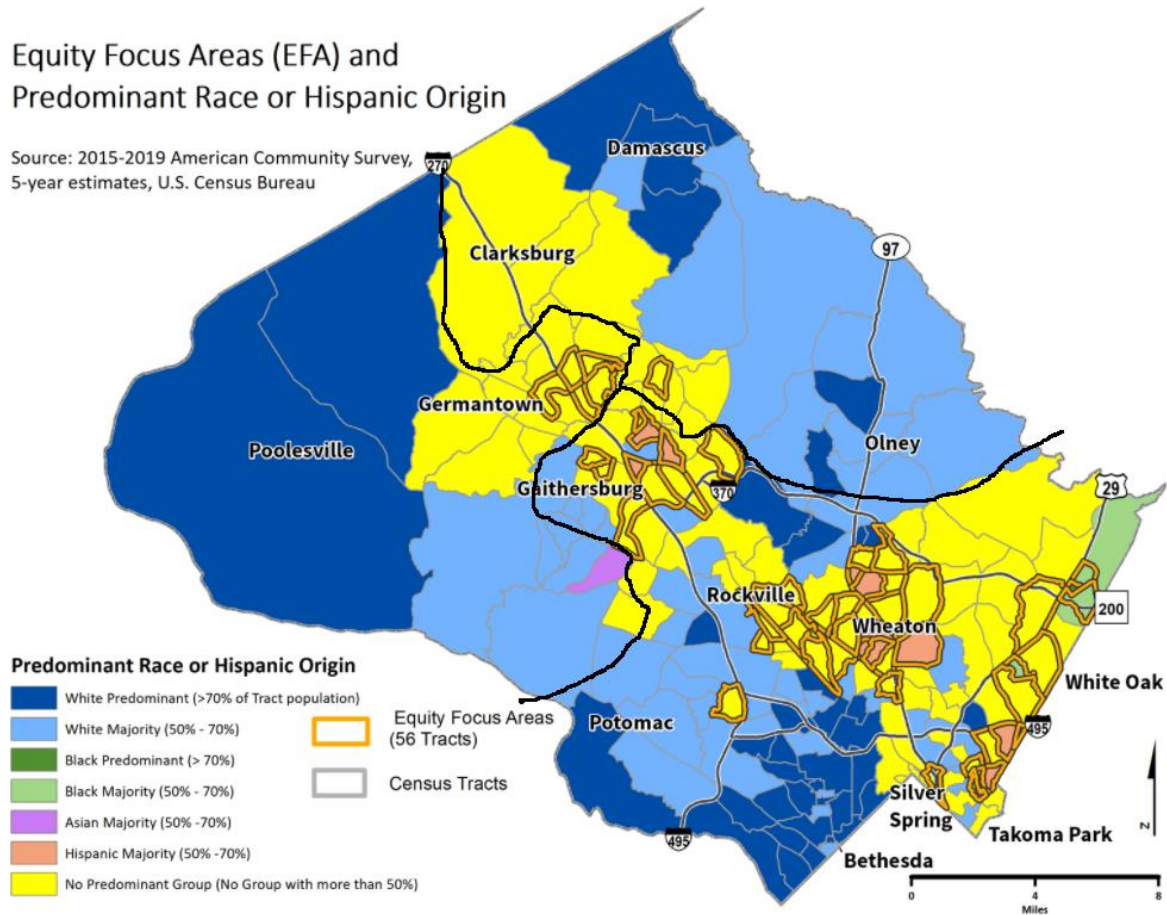
Source: 2015-2019 American Community Survey,
5-year estimates, U.S. Census Bureau



Map 2:

Equity Focus Areas (EFA) and Predominant Race or Hispanic Origin

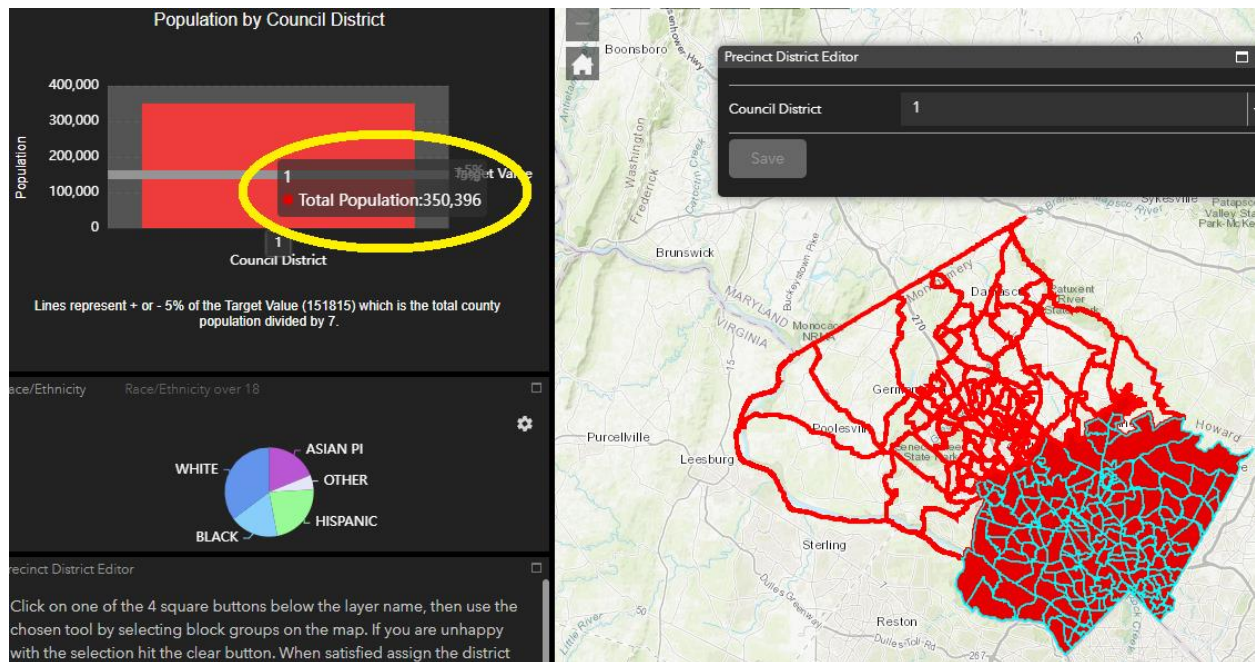
Source: 2015-2019 American Community Survey,
5-year estimates, U.S. Census Bureau



Germantown is another very diverse area of the county and is the largest census designated place in Montgomery County with over 90,000 people and very fast growing. Putting the two largest population centers in the upcounty into a single district heavily dilutes the upcounty vote in the other “upcounty” district which then in reality ends up being not much of an upcounty district by population weight. These two large populations centers are also by far the most diverse in the upcounty.

Upcounty Representation

If we use the term upcounty to represent the top 1/3 of the county highlighted in the map below which is about 350,000 people, these people deserve fair representation as well.



What is happening to the upcounty vote is like how the Asian / Pacific Islander community is being split up there into 3 districts instead of a possible 2. The upcounty, depending on where exactly you start is divided into at least 4 different districts. So instead of having two entire districts upcounty per the 300,000 people, there is one very solid upcounty district which stretches a large area and then the rest of population is divided into 3 other areas.

A large part of where all this started with questions C and D on the ballot was about a lack of feeling represented in upcounty. Adding two new Councilmembers and still lacking upcounty representation would not help this and could result in future ballot questions if people continue to not feel represented.

Additional Notes

I have a couple other notes about minor issues I have noticed with this map that if you choose to make changes I have suggestions that may help resolve other residents' complaints.

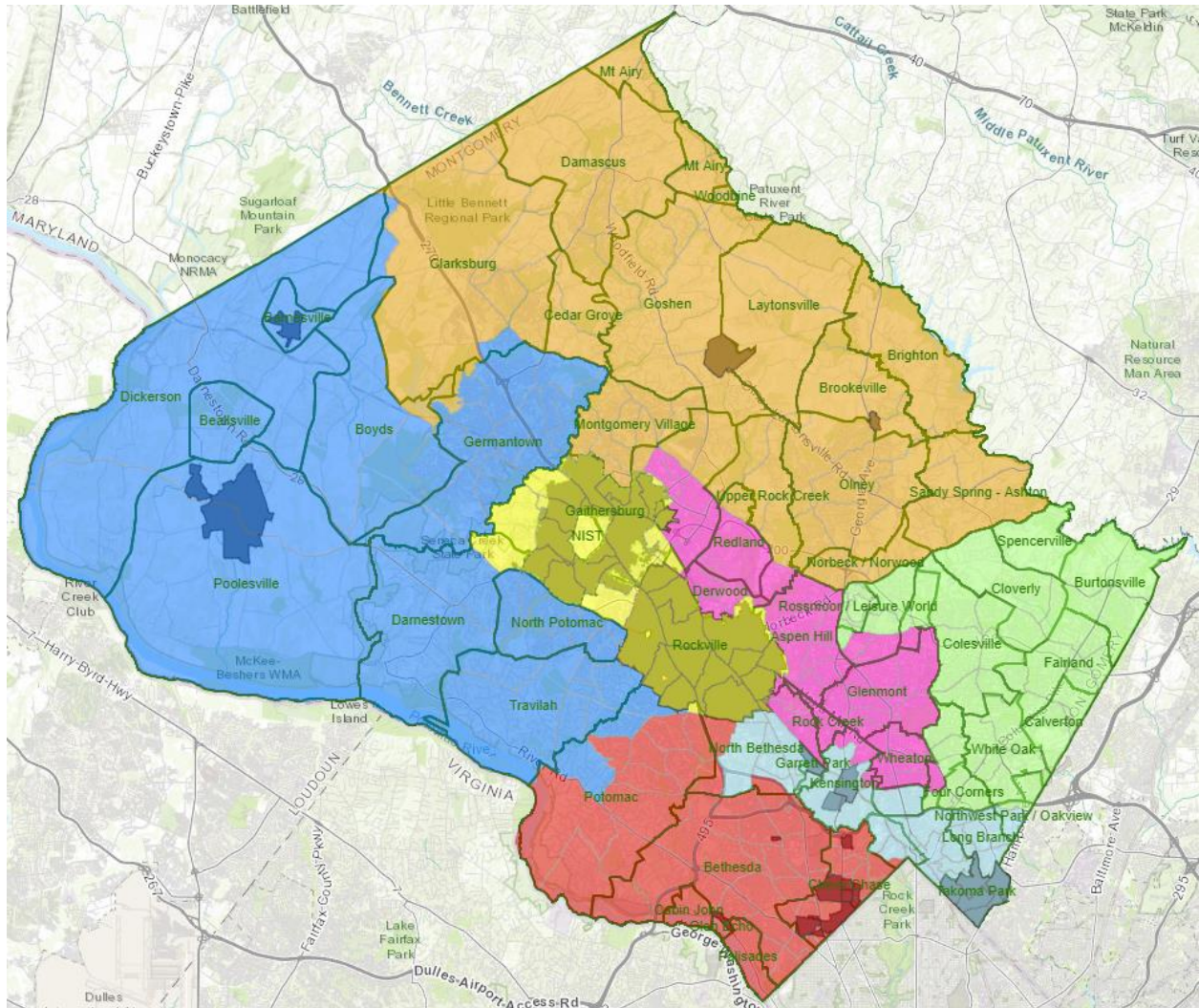
- 1) A possibility that exists to get Derwood in with Rockville / Gaithersburg per the desire of the folks of Derwood (220 people have signed petition so far) <https://sign.moveon.org/petitions/correct-the-marginalization-of-derwood>. In addition to that desire is their future possible annexation into Rockville (<https://www.rockvillemd.gov/DocumentCenter/View/107/Application-for-Annexation-ANX?bidId=>). This issue could be resolved by splitting a few voting precincts down into block groups which is possible. Splitting precinct 06-003 so only municipality is with Gaithersburg/Rockville should give enough flexibility to bring Derwood into that district. Then split 04-034 to get Derwood separate from Redland.
- 2) Precinct 04-035 is part of North Potomac under 500 people and some have wondered why this small slice isn't in with North Potomac and is instead with Gaithersburg / Rockville.

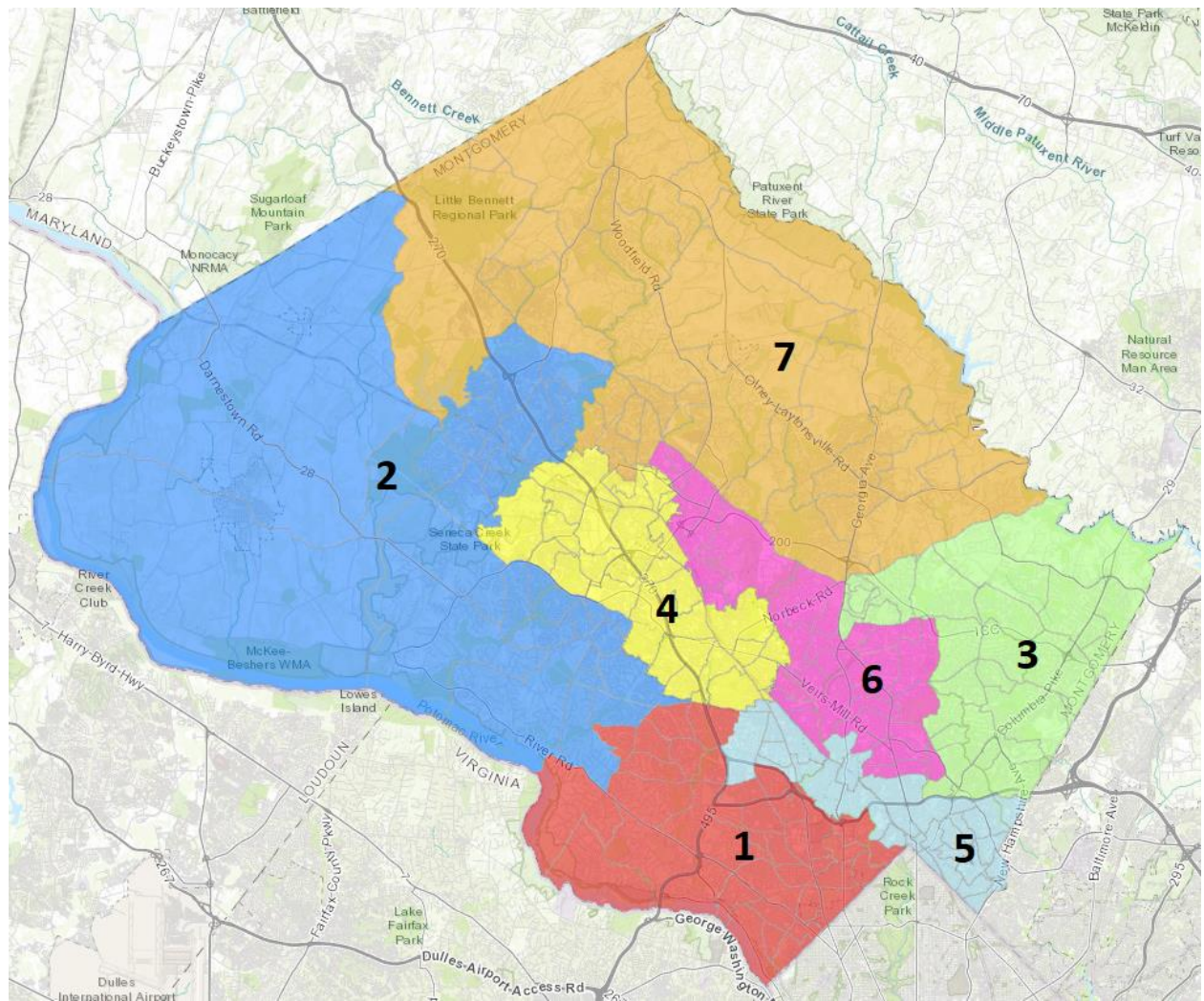
3) The only minor issue with down county is that I think the District 4 (light blue) would look better if it included Forest Glen instead of the small chunks of Bethesda and Potomac. This is mostly just about the look and shape of district I have no substantive complaints about this area.

Tweaked Map Recommended

I have copied the approved map and made a few very slight modifications which would be my recommended map with details below. I understand it does not accommodate 1 in the “Additional Notes” section but that would have to be done with help from planning staff.

Maps of Tweak





District Populations

<u>District</u>	<u>Total Population</u>	<u>Pop diff</u>	<u>% diff</u>
1	152,462	647	0.43%
2	150,880	-935	-0.62%
3	147,673	-4,142	-2.73%
4	155,495	3,680	2.42%
5	148,422	-3,393	-2.23%
6	152,560	745	0.49%
7	155,218	3,403	2.24%

<u>District</u>	<u>Total 18+</u>	<u>Avg 18+ Pop size</u>	<u>18+ pop diff</u>	<u>18+ pop % diff</u>
1	117,781	117,110	671	0.57%
2	114,953	117,110	-2,157	-1.84%
3	115,016	117,110	-2,094	-1.79%
4	121,802	117,110	4,692	4.01%
5	116,439	117,110	-671	-0.57%
6	117,131	117,110	21	0.02%
7	116,646	117,110	-464	-0.40%

Demographics Breakdown by population

<u>District</u>	<u>Asian PI</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>White</u>
1	21155	7735	13126	9090	101356
2	35518	26915	25144	8045	55258
3	17331	54260	27236	7465	41381
4	30799	21298	35509	8456	59433
5	13244	32034	30429	8544	64171
6	20256	26223	55002	7995	43084
7	24617	24624	31107	8469	66401

<u>District</u>	<u>% Asian PI</u>	<u>% Black</u>	<u>% Hispanic</u>	<u>% Other</u>	<u>% White</u>
1	13.88%	5.07%	8.61%	5.96%	<u>66.48%</u>
2	23.54%	17.84%	16.66%	5.33%	<u>36.62%</u>
3	11.74%	<u>36.74%</u>	18.44%	5.06%	28.02%
4	19.81%	13.70%	22.84%	5.44%	<u>38.22%</u>
5	8.92%	21.58%	20.50%	5.76%	<u>43.24%</u>
6	13.28%	17.19%	<u>36.05%</u>	5.24%	28.24%
7	15.86%	15.86%	20.04%	5.46%	<u>42.78%</u>

Demographics breakdown by Voting Age Population

<u>District</u>	<u>Asian PI 18+</u>	<u>Black 18+</u>	<u>Hispanic 18+</u>	<u>Other 18+</u>	<u>White 18+</u>
1	16,485	5,916	9,325	5,048	81,007
2	27,934	19,334	17,639	4,687	45,359
3	14,721	40,781	19,144	4,885	35,485
4	24,902	16,275	25,032	5,176	50,417
5	11,078	25,330	21,388	5,346	53,297
6	16,900	20,164	39,096	4,998	35,973
7	18,795	17,920	21,140	4,687	54,104

<u>District</u>	<u>% Asian PI 18+</u>	<u>% Black 18+</u>	<u>% Hispanic 18+</u>	<u>% Other 18+</u>	<u>% White 18+</u>
1	14.00%	5.02%	7.96%	4.29%	<u>68.78%</u>
2	24.30%	16.82%	15.06%	4.08%	<u>39.46%</u>
3	12.80%	<u>35.46%</u>	16.35%	4.25%	30.85%
4	20.44%	13.36%	21.37%	4.25%	<u>41.39%</u>
5	9.51%	21.75%	18.26%	4.59%	<u>45.77%</u>
6	14.43%	17.21%	<u>33.38%</u>	4.27%	30.71%
7	16.11%	15.36%	18.05%	4.02%	<u>46.38%</u>