




**City Council Hearing**

**Item 7 – RTC 21-671**

- **Charter Amendment**
- **Ordinance of current 6-district map**
- **2021 Redistricting Process**

**May 4, 2021**

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**Two Topics**

**Ballot and Ordinance**

- Settlement Agreement
- Ballot Language for Charter Amendment
- Map Ordinance to establish current District Map as official map for redistricting process

**Redistricting Process**

- Technical (non-political) process directed by State and Federal laws
- Adjusts district boundaries to balance population based on 2020 Census

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## CVRA Settlement Agreement

- Court order, as a result of California Voting Rights Act (CVRA) lawsuit, implemented district-based elections for November 2018 and November 2020 General Elections and Special Elections through November 2020 (6 Council districts)
- From the Settlement Agreement:
  - 3.1 On or before June 1, 2021, Defendant, by its City Council, shall enact a resolution calling an election to seek voter approval of an amendment to Defendant's City Charter. Such proposed amendment shall require the election of all City Council members, except the Mayor, from single-member districts with a requirement that candidates reside within their respective districts in accordance with the Judgment. The election system included in the proposed Charter Amendment shall in all respects comply with applicable governing provisions of State law. In the event that the State or County enact changes to the election procedures originally contemplated by the resolution adopted by City, City shall enact such resolutions or other legislation to place the Charter Amendment on the ballot in time such that it will be in effect for the November 2022 elections.
  - 3.2 The election system included in the proposed Charter Amendment shall not shorten the terms of any previously-elected Members of the City Council.

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## Ballot Language

- Required per the Settlement Agreement:
  - Elimination of at-large, by-seat system.
  - Addition of 6 single-member districts, keeping the Mayor, Chief of Police and City Clerk at-large.
  - Adoption of the 6-district map as ordered by the Superior Court and subsequently amended per redistricting procedures.
- Optional (based on discussion from latest Charter Review Committee recommendation):
  - 30-day residency requirement within the City of Santa Clara for running for any at-large office.
  - 30-day residency requirement within a City of Santa Clara district for running for council seat of that district.
  - Establishment of an Independent Redistricting Committee in accordance with Elections Code Sections 23001 and 2300.

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## Direction of Ballot Measure

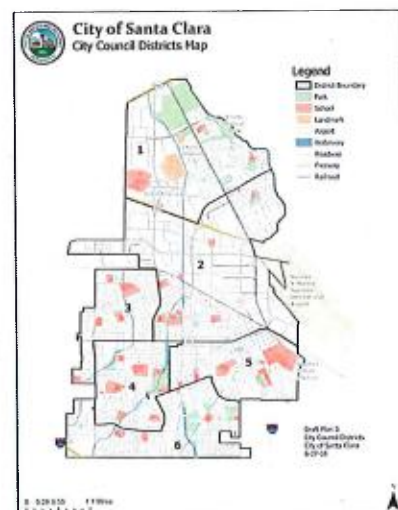
1. Adoption of 6 districts
2. 30-day residency requirement?
3. Type of redistricting committee? Charter?

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## Current District Map - Ordinance

- In order for the re-districting process to have a starting point the Council would have to enact an ordinance to extend the use of the map to elections beyond 2020. The map that was designated would be subject to future boundary changes required by the redistricting process following receipt of US census data.
- Requested Action:
  - City Council direct staff to bring back an ordinance to establish the court-ordered six district map for council member elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.



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# 2021 Redistricting Process

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## Redistricting Process

- Provide background on redistricting
- Introduce City's consultant
- Receive Council direction on preferred approach for redistricting
- Additional Council discussion at the May 25, 2021 meeting, if needed
- Return to Council with proposed Ordinance based on Council direction

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## Background

- Redistricting occurs every 10 years after each U.S. Census
- Typically census data released by April 1<sup>st</sup> of the year following the census, but is delayed due to COVID-19
  - **City expects data no earlier than end of September 2021 (adjusted)**
- Charter Cities must adopt its map no later than April 17, 2022 (per Election Code section 21622)
- Current map was drawn using 2010 Census data, housing growth since 2010 and projected growth and was a result of public input
- As a result, significant changes to boundaries are not expected

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## Redistricting Requirements

- Applicable Laws
  - U.S. Constitution
  - Federal Voting Rights Act (1965)
  - California Voting Rights Act (2002)
  - Fair Maps Act (AB 849)
  - Local Redistricting (AB 1276 - Sept. 2020)
  - California Elections Code

**NOTE:** *Standing Councilmembers are not unseated as a result of any redistricting process*

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## Lapkoff & Gobalet

- Has supported redistricting projects since 1990 including redistricting work after the 1990, 2000, and 2010 U.S. Censuses
- Worked with both the Charter Review Committees and Ad-Hoc Redistricting Committee between 2016 and 2019
- Assisted with the development of the current district map that was court-ordered in 2018
- Familiar with City's demographics, including its Communities of Interest

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## City Council Options for Redistricting

1. Independent Redistricting Commission
2. Hybrid Redistricting Commission
3. Advisory Redistricting Commission
4. Council performs hearings and adopts map
5. Other - Elections Code provides Charter Cities with flexibility on the design of redistricting process and commission

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## Option #1 – Independent

- **Council Role:** Council does not appoint directly to this Independent Redistricting Commission. Council decides which method/body will appoint to this commission.
- **Commission Role:** Commission reviews census data, conducts public hearings, solicits input and makes the final decision on the map
- **Considerations:** Recommended by the 2019 Charter Review Committee (5-1-1. Aye: Cooley, Koltermann, Jain, Ricossa, Bonito. Nay: Silva. Abstain: Almazol)

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## Option #2 – Hybrid

- **Council Role:** Council does not appoint directly to this Independent Redistricting Commission. Council decides which method/body will appoint to this commission.
- **Commission Role:** Reviews census data, conducts public hearings solicits input and approves two or more draft maps to be forwarded to City Council for review and approval
- **Considerations:**
  - Council consideration limited to the maps provided by the Commission
  - Council makes final decision
  - Council may appoint selection committee, chose random draw, panel of retired judges, etc.

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## Option #3 – Advisory

- **Council Role:** Conducts recruitment and appointment process of the Advisory Redistricting Commission. Council approves the final map.
- **Commission Role:** Reviews census data, conducts public hearings solicits input and submits recommended map(s) to the City Council
- **Considerations:**
  - Council retains final decision on map

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## Option #4 – Council Adoption of Map

- **Council Role:** Reviews census data, takes public input, conducts public hearings and approves map
- **Considerations:**
  - No recruitment process needed; shortest timeline
  - Council retains final decision on map
  - Council may want to separate itself from the process

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## Option #5 - Other

- Elections Code provides Charter Cities with flexibility on the design of redistricting process and commission
- For example, Sunnyvale adopted a Hybrid model whereby the Council appoints the commission members but then is required to adopt one of the maps recommended by the commission

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## Appointment Methods for Independent or Hybrid Commissions

- Committee Appointment
  - Council delegates appointment authority to another body (e.g. board, commission, taskforce)
- Random Draw
  - Qualified candidates are selected at random (Council would define the eligibility criteria)
- Retired Judges
  - Panel of retired judges select the members of the committee

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## Benchmarking

Advisory Commission	Independent Commission	Hybrid Commission	Other
San Jose	Berkeley	Modesto	Sunnyvale*
Stockton	Oakland		
	Roseville		
	Sacramento		

\*Sunnyvale designed its redistricting to be a modified hybrid commission process. Rather than having an independent body appoint the commission, the Council appoints the members to the commission.



## Draft Timeline

Date	Action
May - June 2021	Council discussion & direction on Redistricting Process
June – Aug. 2021	Commission Selection & On-Boarding (if needed)
Sept. – Oct. 2021	Initial Community of Interest Meetings (optional)
End of August 2021 (est.)	U.S. Census Data Released – not adjusted
Mid to end of September 2021 (estimate)	State Population Adjustment Released
Nov. 2021 – Mar. 2022	Public Hearings/Outreach (4 required)
<b>Apr. 17, 2022</b>	<b>Final District Map Approval</b> (205 days before election)
Nov. 8, 2022	Statewide General Election



## Provide Direction for Ordinance

- What type of Process? (Options 1-5)
- If a Commission:
  - Size of Commission (e.g. 7, with alternates)
  - Additional Qualifications (e.g., age, voter/non-voter)
  - Representation (e.g., by Council District/Citywide)
  - Certain Restrictions apply for those that serve
- If Council chooses to include Redistricting Process as part of ballot language, consider a common direction to reduce public confusion

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