RESOLUTION NO. 21-8988

A RESOLUTION OF THE CITY OF SANTA CLARA ESTABLISHING AN INDEPENDENT REDISTRICTING COMMISSION TO CONDUCT PUBLIC ENGAGEMENT AND TO ADOPT A CITY COUNCIL DISTRICT ELECTION MAP FOLLOWING A REVIEW OF THE 2020 US CENSUS DATA

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on July 24, 2018, Judge Thomas E. Kuhnle of Santa Clara County Superior Court issued an "Amended Statement of Decision: Remedies Phase of Trial; Judgment" in a lawsuit filed against the City under the California Voting Rights Act (CVRA);

WHEREAS, in its Amended Statement of Decision dated July 24, 2018 in Yumori-Kaku et al. v. City of Santa Clara, Santa Clara County Superior Court Case No. 17CV319862, the Superior Court of the State of California for the County of Santa Clara ordered the City to adopt district-based elections based on the lines shown on Draft Plan 3, a copy of which is attached hereto as Exhibit A, that was submitted by the City, and ordered the Santa Clara County Registrar of Voters to immediately begin implementing district-based elections for the 2018 and 2020 elections;

WHEREAS, as result of the above-referenced litigation, the City Council entered into a settlement agreement and agreed to continue district-based elections and submit a ballot measure to the voters at a special municipal election to amend the City Charter to establish six council districts;

WHEREAS, following the release of the 2020 decennial census data, all local governments that elect by district must redraw their district lines to assure that all district have nearly equal population;

WHEREAS, the California Elections Code section 21622 requires that the City Council complete its redistricting process and adopt a City council district map based on the 2020 US Census no later than April 17, 2022;

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WHEREAS, the population data of council districts must be evaluated to determine if there is any changes in district boundaries required so that each district is substantially equal in population and to ensure compliance with federal and state laws;

WHEREAS, Elections Code Sections 21601 and 23000 authorize the City Council to appoint an independent redistricting commission; and,

WHEREAS, the City Council desires to receive input on district boundaries from a geographically diverse sector of the community.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. <u>Establishment:</u> There shall be established the Santa Clara Redistricting Commission, hereinafter "Commission" which shall be an Independent Commission pursuant to Elections Code §23001. The Commission shall be vested with the authority to redraw Council district boundaries as provided in this Resolution. The Commission shall serve until the City Council adopts the ordinance approved by the Commission establishing City Council district boundaries for the November 2022 election.

2. <u>Membership:</u> The commission shall consist of up to seven (7) commissioners and one alternate. In no event may the Commission consist of less than three members and one alternate if the City is unable to establish a seven-member Commission.

3. <u>Minimum Qualifications:</u> The members of the Commission must meet each of the following qualifications:

    A. Must be a resident of Santa Clara and resided in his/her Council district for at least 1 year.

    B. A person, or the family member of a person (i.e., spouse, registered domestic partner, parent, sibling, child or in-law), who has done any of the following in the preceding eight years, shall not be appointed to serve on a Commission:

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1. Been elected or appointed to, or been a candidate for, an elective office of Santa Clara.

2. Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of Santa Clara.

3. Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

4. Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of Santa Clara.

5. Been registered to lobby in Santa Clara.

6. Contributed five hundred dollars ($500) or more in a year to any candidate for an elective office of the City of Santa Clara.

C. A member of the Commission shall agree not to engage in any of the following:

1. While serving on the Commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Santa Clara.

2. Become a candidate for an elective office of Santa Clara for 5 years commencingwith the date of his or her appointment to the Commission.

3. For four years commencing with the date of his or her appointment to the Commission:

a. Accept employment as a staff member of, or consultant to, anelected official or candidate for elective office of Santa Clara.

b. Receive a noncompetitively bid contract with Santa Clara.

c. Register as a lobbyist in Santa Clara.

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4. Selection and Appointment Process:

    A. The City Clerk shall select and appoint the commissioners in accordance with the following criteria.

    B. The City Clerk shall initiate and widely publicize the Commission application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage qualified persons to apply. Applicants shall attest on the application, under penalty of perjury, that the information provided in the application is true.

    C. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including applicants' eligibility to serve on the Commission under Section 3. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum Commission member qualifications. Eligible applicants who sign the attestation will be sorted based on district of residence. The City Clerk shall randomly draw at a public meeting to select each member of the Commission following the process set forth below.

    1. If there is at least one eligible applicant per district:

    a. For each district that has more than one eligible applicant, a random drawing will occur to determine the selected commissioner.

    b. For each district that has only a single eligible applicant, that applicant will be selected to serve on the commission.

    c. After all 6 districts each have a single selected commissioner, all remaining eligible applicants will be put in another random drawing. The first drawn name will be selected as the 7th commissioner. The 2nd drawn name will be selected as the alternate.

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2. If there are any districts with no eligible applicants, but still at least 8 eligible applicants, then the same process will be followed in subsection D for each district that has at least one eligible applicant, and the remainder of the commission members will be selected by random drawing.

3. If there are fewer than 8 eligible applicants, then 5 commission members will be selected by random drawing, in addition to a 6th randomly selected individual as an alternate.

4. If there are fewer than 6 eligible applicants, then 3 commission members will be selected by random drawing, in addition to a 4th randomly selected individual as an alternate.

D. Any vacancy shall be filled by the Commission within 15 days after the vacancy occurs, from the available alternate.

5. During and Post-Service Restrictions: Commission members shall comply with the restrictions established by the City Council as set forth below.

A. Within 30 days of appointment, an appointed commissioner shall file with the City Clerk a statement of economic interest (FPPC Form 700), or similar financial disclosure statement, as required under the City's conflict of interest code, and shall agree to the City's Code of Ethics and written ethics pledge.

B. While serving on the Commission, members may not work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Santa Clara.

C. Commission members may not run for an elective office of Santa Clara for 5 years commencing with the date of my appointment to the Commission.

D. For four years commencing with the date of his or her appointment to the Commission, members shall not:

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1. Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Santa Clara.

2. Receive a noncompetitively bid contract with Santa Clara.

3. Register as a lobbyist in Santa Clara.

6. Redistricting Requirements and Criteria:

A. The Commission shall perform its redistricting duties in accordance with applicable state and federal law.

B. The Commission shall number each Council district such that, for as many residents as practicable, the number of the Council district they reside in remains the same.

7. Public Meetings, Public Comment and Redistricting Map Approval:

A. The Commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. Except as set forth herein, the Commission shall comply with the Ralph M. Brown Act and all other applicable State and City requirements for open meetings.

B. Prior to adopting a final map, the Commission shall hold at least four (4) noticed public hearings, at which the public is invited to provide input regarding the composition of one or more council districts. At least one public hearing shall be held before the Commission draws a draft map or maps of the proposed council boundaries. The Commission may have city staff, the City's retained demographer or other consultant conduct one or more public workshops in lieu of holding a public hearing prior to drafting the map or maps. At least two public hearings shall be held after the Commission has drawn a draft map or maps of the proposed Council district boundaries. At least one public hearing or workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday. Public hearing buildings shall be accessible to persons with disabilities and the Council shall arrange for live translation of a public hearing or workshop in an applicable language if a request is made at least 72 hours before the hearing or workshop.

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C. Notwithstanding the provisions of the Brown Act, notice of the date, time and location for any public hearing or workshop shall be published on the City's Internet website for at least five (5) days before the hearing/workshop; provided that if there are fewer than 179 days until the City's next regular election, the Commission may publish the agenda on the City's Internet website for at least three (3) days before the hearing/workshop.

D. The Commission shall establish and implement a process for accepting written public comment, either in writing or electronically, including the submission of draft maps and draft partial maps for the commission's consideration. Each draft map prepared by a member of the Commission, by City employees or consultants, or by members of the public shall be accompanied with information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed Council district, to the extent the City has that data.

E. The City shall either record or prepare a written summary of each public comment and commission deliberation made at every public hearing or workshop held pursuant to this Chapter. The City shall make the recording or written summary available to the public within two (2) weeks after the public hearing or workshop.

F. A final map may not be adopted by the commission unless and until:

    1. a proposed final map with substantially similar Council district boundaries has been adopted at least seven days earlier at a prior public hearing; and

    2. a proposed final map has been published on the City's Internet website for at least seven (7) days and made available to the public for at least seven (7) days prior to final adoption; provided that if there are fewer than 179 days until the City's next regular election, the proposed final map may instead be published on the City's Internet website for at least three (3) days.

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G. The City shall establish, and maintain for at least 10 years after the adoption of new Council district boundaries, an Internet web page dedicated to redistricting. The web page may be hosted on the City's existing Internet website or another Internet website maintained by the City. The web page shall include, or link to, all of the following information:

1. A general explanation of the redistricting process for the City in English, Spanish and any other applicable language as defined under State law.

2. The procedures for a member of the public to testify during a public hearing/workshop or to submit written testimony directly to the Commission in English, Spanish and any applicable language.

3. A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subsection (C).

4. The notice and agenda for each public hearing and workshop.

5. The recording or written summary of each public hearing and workshop.

6. Each draft map considered by the Commission at a public hearing.

7. The adopted final map of Council district boundaries.

8. Public Engagement: The Commission and the City should activelyencourage residents to participate in the redistricting process.

A. The Commission shall make every reasonable effort to afford maximum public access to its proceedings.

B. The City shall solicit broad public participation in the redistricting process, including from residents of communities that traditionally participate less frequently in the local political process. At minimum, the City shall:

1. Develop and present a proposed outreach campaign to the City Council at a public meeting;

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2. Conduct an outreach campaign to educate the public on the redistricting process and how to be involved; and

3. Request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the redistricting public review process.

9. Commission Meetings: The hearing location shall be accessible to persons with disabilities and, to the extent practicable, shall have free parking nearby and be accessible by public transit. Public hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible. The Commission shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Commission's consideration.

10. Administration: A quorum shall consist of a majority of the seated Commission members (i.e., if seven members are seated, a quorum shall be four members). The Commission may only approve a map with a majority vote of the seated Commission members (i.e., if seven members are seated, four votes would be needed). All other Commission actions, other than map, require only a majority vote of those present, provided that a quorum is present.

11. Compensation: All members, including alternate(s), of the Commission shall be compensated at a rate of fifty dollars ($50) per meeting for attendance at a regular meeting of the full Commission to compensate for the time the Commissioner is engaged in Commission business.

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12. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF JULY, 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Chahal, Jain, Park, and Mayor Gillmor

NOES: COUNCILORS: Becker, Hardy, and Watanabe

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None