



## Agenda Report

21-546

Agenda Date: 6/8/2021

### REPORT TO COUNCIL

#### **SUBJECT**

Council Discussion and Direction on the 2021 Redistricting Process Based Receipt of 2020 Census Data

#### **COUNCIL PILLAR**

Enhance Community Engagement and Transparency

#### **BACKGROUND**

Every ten years, after the U.S. Census is conducted, city council district lines must be reviewed and possibly adjusted to ensure each council district contains the same number of residents. This process is known as redistricting. The redistricting process is a non-political process of reviewing census data and ensuring that council district lines are accurately drawn so that each district contains an equal population. The Census counts also provide for federal funding for many key program areas. To be clear, there are two distinct bodies of work planned for the May 4 City Council meeting, which are : (1) the Charter amendment to enact Council District Elections and an ordinance to enact the Court Ordered Six District map and (2) the 2021 Redistricting Process based on receipt of the 2020 Census data.

Typically, U.S. Census data is released by April 1<sup>st</sup> of the year following the census; however, due to the COVID-19 pandemic the 2020 U.S. Census data is delayed. The City of Santa Clara (City) expects the census data no earlier than end of September 2021 after the State of California adjusts its population counts. Per Elections Code sections 21622 and 21628, the City must adopt its map no later than April 17, 2022. This will be the City's first redistricting process since the City moved to council districts in 2018.

The City's current council district map was drawn using 2010 Census data and considered housing growth since 2010 as well as projected growth. For background on previous districting efforts, please visit [www.santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections). As a result of this past work, significant changes to council district boundaries are not expected. The current council district map was the result of public input as well as a California Voting Rights Act (CVRA) lawsuit.

The City transitioned to by-district elections in 2018 as a result of a court order issued in July 2018. On August 7, 2018, the City adopted the City Council District map, Resolution 18-8585, defining the six districts within Santa Clara for the 2018 and 2020 City elections. While the Court order implemented district-based elections with six Council districts, it did not amend language of the City Charter, which still states that City Councilmembers are to be elected "at-large." Although the Court enjoined the City from having at-large elections for council members, efforts to amend the Charter to create language to establish districts were not approved by the voters.

Under the terms of the CVRA settlement, the City is obligated to bring a ballot measure to amend the City Charter requiring by district elections in the City of Santa Clara. The ballot measure and Charter amendment is being brought forward as a separate council item on the May 4 agenda, RTC 21-671. In that report, the Council is being asked for direction on returning to the Council with an ordinance that formalizes the current 6-district map as well.

This report is the first discussion on the redistricting process with Council. The purpose of this item is to provide background on the redistricting process, introduce the City's consultant, and receive direction from the Council on the preferred redistricting approach that will inform an ordinance establishing a public process for redistricting that will be brought back to City Council for consideration at the May 25, 2021 Council meeting. In short, the City Council is directing staff on the governing structure that it prefers to use to revise the Council District maps based on 2020 Census data and directing staff to proceed as follows.

Several applicable laws inform the redistricting process, including the U.S. Constitution, the Federal Voting Rights Act (1965), the California Voting Rights Act (2002), the Fair Maps Act (AB 849) and Local Redistricting (AB 1276 - Sept. 2020). These laws also provide for the various criteria applied to drawing district lines which includes: geographic contiguity, communities of interest preservation, geographic integrity, geographic compactness, easily identifiable by residents and prohibit favoritism.

While conducting the redistricting process, specific outreach requirements must be met. At a minimum, four public hearings are required. One of these public hearings must be held prior to issuing the first draft map, two must be held after the draft map is issued one must be held on a weekend or weeknight after 6:00 p.m. Live translation is also required if requested at least 48 or 72 hours in advance depending on how much notice is provided. In addition to the four required public hearings, the City will create a specific redistricting process webpage, utilize our OpenGov platform for residents to provide input through a public survey, promote public hearings via social media, city calendar alerts, etc., and establish an email address for feedback. Additional public hearings can also be scheduled if needed.

To assist staff with resourcing the redistricting process, the City has already contracted with Lapkoff & Gobalet Demographic Research, Inc. (Lapkoff and Gobalet). Lapkoff and Gobalet has supported redistricting projects since 1990 including redistricting work after the 1990, 2000, and 2010 U.S. Censuses. The firm has also worked with past City Charter Review Committees, the City Ad-Hoc Redistricting Committee and assisted with the development of the map that was court-ordered in 2018. Lapkoff and Gobalet is also familiar with City's demographics, including its communities of interest.

## **DISCUSSION**

To proceed with the redistricting process the City Council will need to adopt an ordinance establishing a public process for redistricting and staff is seeking feedback from the City Council on the type of process and other key decision points. To move forward with the redistricting process, staff is asking the City Council at the May 4, 2021 Council meeting to select one of five possible redistricting processes outlined in State law. Staff is also requesting direction on the formation of a redistricting commission, should the City Council select one of the processes that include a commission role.

## **Redistricting Process**

State law describes four processes for general law cities. As a charter city we have the flexibility to follow or create our own process for redistricting:

1. *Independent Redistricting Commission* - In this process, the City Council will either appoint a body or delegate to a current Board and Commission the recruitment and appointment process of a Redistricting Commission. Election Code section 23003(b) provides that the City Council may not directly appoint the commissioners. The Independent Commission reviews the census data, conducts public hearings, solicits input, and makes the final decision on the map. Council has no role in approving the final district map.
2. *Advisory Redistricting Commission* - In this process, the City Council will conduct a recruitment and appointment process for the Redistricting Commission. The commission will review census data, conduct public meetings, solicit input, and submit recommended map(s) to City Council for adoption. City Council can choose to adopt a recommended map or approve another map.
3. *Hybrid Redistricting Commission* - This process is the same as the Independent Redistricting Commission, except, the commission approves two or more draft maps to forward to City Council for review and adoption. City Council can only approve one of the maps forwarded by the Commission.
4. *Council Adoption of Map* - In this process, the City Council reviews the census data, takes public input, conducts public hearings, and adopts the map.
5. *Other* - State law also provides that Charter Cities may design and adopt a process other than one of the four described above.

It is also worth noting that the 2019 Charter Review Committee, which was formed to solicit public input on draft language to amend the City Charter with respect to council district elections, recommended the Independent Redistricting Commission process. The Charter Review Committee recommendations were also included in what became known as Measure C. Measure C was on the March 2020 ballot but was ultimately not approved by voters.

#### Redistricting Commission Considerations

If the City Council chooses one of the options that includes a Commission (e.g., Redistricting Process Options #1- #3 above), staff is also requesting that the City Council provide direction on the formation of the Commission as follows.

1. **For a commission, what will be the selection method?**
  - a) Advisory

- i) Use the Boards & Commission selection process?
- b) Independent or Hybrid Commission
  - i) Pursuant to Elec. Code sec. 23003(b), the City Council may not directly appoint the commissioners that will serve on an Independent or Hybrid Commission.
  - ii) While the City Council cannot choose the commissioners, the City Council will choose the committee or method that will appoint the commissioners.
    - (1) Some selection options for discussion include:
      - (a) Mayor and Council appoint one person from each district and one person “at-large” to create an appointing committee
      - (b) Mayor and Council conduct a recruitment and appointment process for the appointing committee like Boards & Commission selection process
      - (c) Mayor and Council delegate authority to a current Board, Commission or Task Force (i.e. Task Force on Diversity, Equity and Inclusion)
      - (d) Select the current chairs from Boards and Commissions to serve as an appointing committee
      - (e) City Clerk to randomly select from a pool of qualified applicants
      - (f) Panel of three retired judges

This is not an exhaustive list, but a list assembled from what other cities have done and what the City has done for past appointments.

## 2. For a commission, what will be the criteria (size, qualifications, representation)?

- a. Size Commissions in other cities typically range in size from 7 to 11 members, but the City Council has discretion in creating an appropriate size.
- b. Qualifications - please review Attachment 1 for a list of criteria related to qualifications, disqualifications, prohibitions on activities while serving and prohibitions on activities after serving to help inform this discussion. NOTE: Potential candidates will be made aware of these restrictions during the recruitment process and will be required to sign an acknowledgement form indicating their understanding of the requirements during and after service.
- c. Representation - Council may consider things like diversity (geographic, ethnic, socio-economic, gender, sexual orientation, party affiliation) and community of interest representation (renters, homeowners, mobile home parks, districts).

### Benchmarking

For reference, the following is a summary of what redistricting processes some other cities have chosen to pursue:

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

	Sacramento		
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\*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.

### Redistricting Timeline

Below is the initial estimated timeline for the redistricting process:

Date	Action
May - June 2021	Council discussion & direction on Redistricting Process
June - Aug. 2021	Commission Selection & On-Boarding (if needed)
Sep. - Oct. 2021	Initial Community of Interest Meetings (optional)
End of Aug. 2021 (estimate)	U.S. Census Data Released (not adjusted)
Mid - end of Sept. 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

Once staff receives input and direction on the decision points noted above, they will be incorporated into an ordinance that will be brought back to City Council for consideration at the May 25, 2021 Council meeting.

### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### FISCAL IMPACT

Staff estimates the cost of the redistricting process to be approximately \$100,000. The redistricting process is not specifically included in the budget and cost impacts will be absorbed by the City Clerk and City Communications Budgets.

### COORDINATION

This report was coordinated with the City Manager's Office and the City Attorney's Office.

### PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Staff recommends City Council discuss the key elements of a redistricting process and provide direction to staff on items that will inform an ordinance establishing a public process for redistricting that will be brought back to City Council for consideration at a future meeting.

Approved by: Deanna J. Santana, City Manager  
Hosam Haggag, City Clerk

**ATTACHMENTS**

1. Redistricting Commissions Chart