



Agenda Report

21-899

Agenda Date: 7/6/2021

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution Establishing an Independent Redistricting Commission to Conduct Public Engagement and Adoption of City Council District Election Map as a Result of the 2020 U.S. Census

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

Every ten years, following the completion of the U.S. Census, local jurisdictions must review and possibly adjust political boundaries to ensure proportional representation. 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 a roughly equal population.

U.S. Census data is typically released by April 1st 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 complete the redistricting process and adopt the resulting 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 the result of public input as well as a California Voting Rights Act (CVRA) lawsuit. The council district map was drawn using 2010 Census data and considered housing growth since 2010 as well as projected growth. For background on the 2018 districting process, please visit www.santaclaraca.gov/districtelections. Because this effort occurred recently and attempted to account for projected growth, significant changes to council district boundaries are not expected as part of the upcoming redistricting process.

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 currently 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 requirement for by district elections in the City of Santa Clara. The ballot measure and Charter amendment was brought forward as a separate council item on the May 4 agenda, RTC 21-

671. In that report, the Council was asked for direction on returning to the Council with an ordinance that formalizes the current 6-district map. Council approved the ballot measure language and the introduction of an ordinance adopting the map at the May 25th City Council meeting, RTC 21-701.

At the June 15, 2021 City Council meeting, staff provided background on the redistricting process and received direction from the Council on the preferred redistricting approach. The Council passed a motion to establish an Independent Redistricting Commission responsible to carry out the public process for redistricting. The Council passed a second motion to provide direction that the Independent Redistricting Commission shall be comprised of 3, 5 or 7 members, ideally one from each district and one at-large. The Council then passed a third motion to have a random draw as the appointment method for the Independent Redistricting Commission.

Pursuant to Election Code section 23003(b), an Independent Redistricting 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. City Council may not directly appoint the commissioners.

DISCUSSION

The City Council direction on the establishment of an Independent Redistricting Commission, has been incorporated into the attached resolution (Attachment 1) for Council consideration.

In addition to review and approval of the resolution, staff is seeking feedback on:

1. Qualifications (Eligibility Requirements)
2. Additional restrictions during and after service

Below is information on current statutorily required eligibility requirements, automatic disqualifications from service and prohibitions on activities during and after service. A full summary can be found in Attachment 2. City Council may only add to these items, it may not remove any items.

Eligibility Requirements, Disqualifications and Prohibitions During and After Service

The members of the Independent Redistricting Commission will be required to have the following qualifications:

- *Must be a resident of Santa Clara and resided in Santa Clara for at least 30 days.*
- *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.*

The following disqualifications are imposed on those wishing to serve on an Independent Redistricting Commission:

- *A person, or the person's spouse, who has done any of the following in the preceding eight years (or a non-spouse family member in the preceding four years) shall not be appointed to serve on a commission:*

- a. *Been elected or appointed to, or been a candidate for, an elective office of Santa Clara.*
- b. *Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for city council*
- c. *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*
- d. *Served as a staff member of or consultant to, or has contracted with, a currently serving elected officer of City of Santa Clara.*
- e. *Been registered to lobby the City of Santa Clara.*
- f. *Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the City of Santa Clara.*

The following restrictions are imposed on members of the Independent Redistricting Commission:

- *A member of the Commission shall not do any of the following:*
 - a. *While serving on the Commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of City of Santa Clara.*
 - b. *Be a candidate for an elective office of City of Santa Clara for 5 years commencing with the date of his or her appointment to the Commission.*
 - c. *For four years commencing with the date of his or her appointment to the Commission:*
 - *Accept an appointment to a City of Santa Clara Board or Commission.*
 - *Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Santa Clara.*
 - *Receive a noncompetitively bid contract with City of Santa Clara.*
 - *Register as a lobbyist in City of Santa Clara.*

Applicant Recruitment and Random Draw

Should the City Council adopt a resolution at the July 6 meeting, staff will begin recruitment of applicants for the Independent Redistricting Commission. After applications are received and screened as meeting the necessary qualifications adopted by Council, staff will conduct a random draw at a public meeting. The information for viewing the random draw will be posted on City's website and in the City Clerk's Office.

To promote representation from multiple Council districts, a separate random draw will be conducted

for each district from which there are multiple applications for membership on the Commission. For example, if three people apply from District 1, one of them will be selected by random draw to serve on the Commission as the representative of District 1. This process will be repeated for each District for which there was at least two applicants. (For a district with just one qualified applicant, that applicant will automatically be placed on the Commission.) After the district-by-district random draw, all remaining unselected applicants, regardless of district, will be placed into a single pool for the final random selection of an at large Commission member, or for multiple at large members if needed to fill the Commission, and for an Alternate member of the Commission.

If there are at least seven applicants for the Commission, but no applicants from some of the Council districts, then after the drawing is conducted to select a representative for each district from which there was an applicant, the remaining applicants will be placed into a single pool and the random draw process will be used for those applicants to fill the remaining positions on the Commission. If there are fewer than seven qualified applicants, the random draw process will be used to select five people (if there are six applicants) or three people (if there are four applicants) to serve on the Commission. If the City receives exactly three, five or seven qualified applications, all applicants will be appointed to the Commission. After the Commission is filled, one additional person will be selected from the remaining qualified applications (if any) to serve as an Alternate to the Commission.

Next Steps

Date	Action
July 6, 2021	Council adopts resolution on Redistricting Process
July - Aug. 2021	Commission Selection & On-Boarding
Sep. - Oct. 2021	Initial Community of Interest Meeting(s)
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)
Apr. 17, 2022	Final District Map Approval (205 days before election)
Nov. 8, 2022	Statewide General Election

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>>

RECOMMENDATION

Staff recommends City Council adopt a Resolution Establishing and Independent Redistricting Commission to Conduct Public Engagement and Adoption of City Council District Election Map as a Result of the 2020 U.S. Census

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

ATTACHMENTS

1. Resolution
2. Independent Redistricting Commission Chart