



Agenda

Redistricting Commission

Thursday, August 19, 2021

6:00 PM

Virtual Meeting -
<https://sanjoseca.zoom.us/j/92742607814>

*** COVID-19 NOTICE ***

Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer’s March 16, 2020 Shelter in Place Order, the City Council Committee meeting will not be physically open to the public and the Committee Members will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment: 1) By email to city.clerk@sanjoseca.gov by 9:00 a.m. the day of the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By phone 888 475 4499. Webinar ID: 92742607814 Click *9 to raise a hand to speak. Press *6 to unmute.
- 2) By online <https://sanjoseca.zoom.us/j/92742607814>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Committee Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

I. Call to Order & Orders of the Day

II. Public Record - N/A

III. Consent Calendar

- a. [21-1861](#) Approve Redistricting Commission Minutes.

Recommendation: Approve the minutes of June 17, 2021.

Attachments [Minutes 15July2021](#)
[Public Hearing Minutes 7August2021](#)

Notice to the public: There will be no separate discussion of Consent Calendar as they are considered to be routine and will be adopted by one motion. If a member of the Board or Commission, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

IV. Reports & Information

- a. Report from Chair
- b. Report from Clerk
- c. Report from Consultant

V. Public Hearing - N/A

VI. Old Business

- a. [21-1862](#) Communities of Interest.

Recommendation: Discussion and possible action on Communities of Interest public hearings and outreach.

Attachments [Letters from the Public](#)

VII. New Business - N/A

VIII. Meeting Schedule and Agenda Items

- a. [21-1864](#) Meeting Schedule for September through November 2021.

Recommendation: Discussion and possible action on the Redistricting Commission meeting schedule for September through November 2021.

Attachments [Memorandum from Vanni](#)

IX. Public Comment/Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

X. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <https://sanjose.legistar.com/Calendar.aspx>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting. Please direct correspondence and questions to:



Redistricting Commission City of San José MINUTES

<https://sanjoseca.zoom.us/j/92742607814>

6:00 PM

Thursday, July 15, 2021

Present: Sylvia Alvarez (6:07), Jonathan Bruns (6:38 p.m.), Enedina Cardenas, Daisy Castro, Gloria Collins, Andrew Ditlevsen, Ramon Martinez, Freddie W. Sidbury Jr., Lenka Wright

Absent: B J Fadem

Staff: Megan Roche, Legislative Secretary; Toni J. Taber, City Clerk; Mark Vanni, Senior Deputy City Attorney; Paul Mitchell, Redistricting Partners

I. Call to Order & Orders of the Day

The meeting was called to order at 6:00 p.m.

Action: Upon motion by Commissioner Wright and seconded by Commissioner Martinez, the Commission moved to accept the Orders of the Day. (7-0-3; Absent: Alvarez, Bruns, Fadem)

II. Public Record- None

III. Consent Calendar

a) Approve Redistricting Commission Minutes.

Action: Upon motion by Commissioner Sidbury and seconded by Commissioner Wright, the Commission moved to adopt the Redistricting Commission minutes from May 20, 2021. (6-0-3-1; Absent: Alvarez, Bruns, Fadem; Abstention: Ditlevsen)

Public Comment: None

IV. Reports & Information

a. Report from Chair

Vice Chair Cardenas announced the appointment of Gloria Collins to the Commission, who will be representing District 4.

b. Report from Clerk

City Clerk Toni Taber announced the resignation of Chair Alvarado.

c. Report from Consultant- None.

Public Comment: None

V. Public Hearing- None

V. Old Business

a) Communities of Interest.

Consultant Paul Mitchell presented on communities of interest public hearings and outreach, and also reviewed best approaches for the Redistricting Commission's first public hearing. Consultant Mitchell guided the commissioners through a community of interest identification exercise as well.

Public Comment: None

VII. New Business

b) Redistricting Software: Districtr.

Paul Mitchell of Redistricting Partners toured the Districtr website (www.districtr.org), demonstrating the virtual mapping tool's capacity, features, and ease of use.

Public Comment: None

VIII. Public Comment/Open Forum

No members of the public wished to speak.

IX. Meeting Schedule and Agenda Items

The next Redistricting Commission meeting is scheduled for August 19, 2021.

X. Adjournment

The Commission adjourned at 6:44 p.m.



**Redistricting Commission
City of San José
Public Hearing MINUTES**

**<https://sanjoseca.zoom.us/j/97678000504> and
403 Cypress Ave, San Jose, CA 95117 (Cypress Community Center)
10:00 AM
Saturday, August 7, 2021**

Present: Sylvia Alvarez, Jonathan Bruns, Enedina Cardenas, Daisy Castro, Ramon Martinez, Lenka Wright

Absent: Gloria Collins, Andrew Ditlevsen, B J Fadem, Freddie W. Sidbury Jr.

Staff: Megan Roche, Legislative Secretary; Toni J. Taber, City Clerk; Mark Vanni, Senior Deputy City Attorney; Sophia Garcia, Redistricting Partners

I. Call to Order & Orders of the Day

The meeting was called to order at 10:04 a.m.

II. Public Hearing

Public Hearing on Communities of Interest.

Sophia Garcia, GIS and Outreach Director for Redistricting Partners, presented a communities of interest overview to the public. She highlighted the many ways that members of the public may submit their community of interest testimony and also provided a demonstration of the DistrictR website.

Public Comment: None

VIII. Public Comment/Open Forum

No members of the public wished to speak.

X. Adjournment

The Commission adjourned at 10:38 a.m.

Comment on Agenda Item 21-1646: Districtr

Andrew Raj <[REDACTED]>

Fri 7/9/2021 10:37 AM

To: redistricting <redistricting@sanjoseca.gov>

[External Email]

Hello Redistricting Commission,

I am submitting this link for your consideration in your discussion of Districtr at your next meeting. Forgive me, but I do not see prior conversations about redistricting software and I think this [resource by Ballotpedia](#) summarizes all the options available. At first glance, I have no problem with Districtr though I did find it a little confusing. Hopefully the Ballotpedia page can provide more options to consider.

Also, I am pretty sure the City of San Jose uses [ArcGIS](#), which may be a quicker option if staff are already using it.

Thank you,
Andrew Raj

[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Redistricting

[Redacted] <[Redacted]>

Thu 8/12/2021 10:55 AM

To: redistricting <redistricting@sanjoseca.gov>

You don't often get email from [Redacted]. [Learn why this is important](#)

[External Email]

I understand that redistricting occurs to ensure that there is general balance between the City's district populations and that any one district is not excessively large to get adequate representation. Consideration of potentially including another district to ensure fair representation is important – and we need to balance that with ensuring we aren't creating a City Council that can't function together. Our City is very diverse and it's important to me that districts are not artificially drawn or somehow inhibit the City's best chance to have Council members who reflect people of color. Also want to have the redistricting process consider density – we need more density in order to grow both the homes and the jobs we need to in order to create the place we want San Jose to be.

Thank you for the opportunity to give input to the redistricting process.



Virus-free. www.avast.com

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: ACTIONS RELATED TO THE
TIMELINE TO COMPLETE
REDISTRICTING DUE TO
DELAYS IN THE 2020 CENSUS**

DATE: August 6, 2020

RECOMMENDATION

(a) Approve an ordinance adjusting the deadline to enact a redistricting ordinance as permitted under Charter Section 403;

(b) Adopt a resolution amending Resolution No. 79867 to set a new deadline for the Redistricting Commission to submit its reports and recommendations to the City Council in accordance with Charter Section 403 as directed by the City Council on October 27, 2020.

OUTCOME

These actions will establish the timeline for the City Council and the Redistricting Commission to complete redistricting in light of delays in the with the 2020 Census.

BACKGROUND

Per Charter Section 403, the Council is required, by ordinance, to redistrict the City's ten Council districts by October 31 in the year following the decennial census (e.g. 2021). In 2001 and 2011, this deadline was met without issue, as federal law requires Census data to be delivered to the States by April 1 the year after the Census takes place. However, due to operational adjustments caused by the COVID-19 pandemic, the delivery of the 2020 Census was delayed and the federal government missed the April 1 deadline.

A delay in Census results was known to be a possibility in 2020, but when the federal government would deliver the actual results in 2021 was not certain. To account for this delay, the voters passed Measure G to, among other things, amend Charter Section 403 to provide for additional flexibility in redistricting if the Census was late. With the passage of Measure G, the Council may now set the time for the Redistricting Commission to submit its report and recommendations, instead of the prior requirement of 120 days from appointment, and the Council may adopt an ordinance revising the October 31 deadline to complete redistricting if Census results are delivered late.

ANALYSIS

The Census Bureau currently reports that the States will receive Census data to begin redistricting by August 16 and will deliver the final redistricting data toolkit to the States by September 30.¹ Once California receives the complete results, the State must reallocate persons incarcerated in State facilities back to their last known residence before incarceration; meaning a fully complete dataset may not be available for redistricting until sometime in September. Finally, per Elections Code section 21628(c)(3)(A), draft maps may not be released earlier than three weeks after this reallocation by the State occurs.

While the City awaits the final results of the 2020 Census, the Redistricting Commission is meeting regularly and will begin holding public hearings in August throughout the City. When it was established, the Council provided the 2020 Redistricting Commission with 120 days from the date the redistricting counts were delivered to the States to complete its report and recommendations. This timeline was established on the understanding at the time that Census results would be delivered in July. Now that the final data will be delivered in September, it is recommended that the Council revise this deadline to accommodate a shorter timeframe.

In establishing a timeline to complete redistricting, certain requirements must also be considered. Under Charter Section 403, the redistricting ordinance must be adopted like other ordinances in accordance with Charter Section 604 of the Charter and is effective at the expiration of thirty (30) days after adoption. If the redistricting ordinance becomes effective on or after the first day on which nomination papers may be filed for Council office, then the ordinance will not apply at the upcoming election. Candidates running for Council office in the June 2022 primary may begin to file nomination papers on February 14, 2022, so the redistricting ordinance must be effective before then for it to apply for the June primary.

In addition, the Legislature passed the “Fair Maps Act” in 2019 regulating the adjustment or adoption of districts in cities and counties. While charter cities with their own redistricting process are exempt from much of the Fair Maps Act, a few requirements still apply, most notably the requirement under Elections Code 21627.1 to hold at least four public hearings where the public is invited to provide input regarding the composition of one or more council districts. The criteria for these hearings are as follows:

1. At least one public hearing must be held before a draft map or maps of the proposed council boundaries is drawn. This hearing can be held the Redistricting Advisory Commission instead of the Council.
2. At least two public hearings after the council has drawn a draft map or maps of the proposed council boundaries.

¹ See <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html>

August 6, 2020

Subject: Actions Related to the Timeline to Complete Redistricting

Page 3

3. At least one public hearing or public workshop must be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

With these requirements in mind, it is recommended that the Council adopt an ordinance establishing the deadline to complete redistricting by January 11, 2022, at latest. It also recommended that the Council establish the deadline for the Redistricting Commission to submit its report and recommendations as November 18, 2021. The following tentative schedule for the public hearings is also proposed, which may be changed as needed:

November 18, 2021	Redistricting Commission completes report and recommendations to the Council.
December 7, 2021	Council public hearing on draft map as proposed by Redistricting Commission.
December 14, 2021	Council public hearing, after 6:00 p.m. on draft map.
January 4, 2022	Final public hearing on draft map. Council passes redistricting ordinance for publication.
January 11, 2022	Council adopts redistricting ordinance.

EVALUATION AND FOLLOW-UP

The Ordinance will return for a second reading on August 24, 2021. In addition, the Redistricting commission will be notified of the deadline for their recommendations.

PUBLIC OUTREACH

The memorandum has been posted on the City Clerk's website as part of the August 10, 2021 City Council Meeting Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

CEQA

Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.