



Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: REDISTRICTING COMMISSION

DATE: September 25, 2020

RECOMMENDATION

- A) Open application period for the Redistricting Commission pursuant to Article IV, Section 403 of the City Charter from approval date to December 13, 2020;
- B) Agendize appointment of the Redistricting commission for January 12, 2021; and
- C) Set the date for Councilmembers to nominate Commissioners no later than January 7, 2021.

OUTCOME

This action opens the recruitment period for the Redistricting Commission in order to provide the City Council with a diverse pool of applicants from which to appoint.

BACKGROUND

In 2021, the City of San José will receive data from the 2020 Census which triggers the City's requirement to redraw boundaries for City Council Districts. The City Charter, Article IV, Section 403, requires the City Council to appoint an Advisory Commission to study and make recommendations on redistricting.

Article IV, Section 403 of the City Charter reads:

By no later than February 1 in the year following the decennial census, the Council shall appoint an Advisory Commission whose purpose shall be to study and make appropriate recommendations with respect to such redistricting. This Advisory Commission shall consist of one (1) member from each District, who shall be appointed by the Council member from that District, and a Chairperson chosen from the City at large, who shall be appointed by the Mayor. The membership of the Commission shall be representative of the ethnic make-up of the City at large, to the extent practicable.

Currently, the Advisory Commission is required to conduct at least three public hearings and submit its recommendations within 120 days following its appointment. However, if Measure G passes, the Council may establish the deadline for the Advisory Commission to submit its recommendations.

Further, under State law, the Council must hold at least three public hearings of its own before adopting the redistricting ordinance, and, per the Charter enact the redistricting ordinance no later than October 31, 2021. Once again, if Measure G passes, the Council may change extend the October 31 deadline by ordinance if the results of the 2020 Census are delivered late.

Charter Section 403 requires that the “Council shall make the Districts as nearly equal in population as may be practicable, and may, in establishing the boundaries of the Districts, give consideration to (a) natural boundaries, street lines and/or city boundaries; (b) geography; (c) cohesiveness, contiguity, integrity and compactness of territory; and (d) community of interests within each District.”

The 2000 Redistricting Committee had established criteria that was used in the 2010 Redistricting process and will also apply to the 2020 process. The criteria are as follows:

1. Comply with all applicable laws, including the avoidance of gerrymandering.
2. Equalize the population count in each District within 10%.
3. Where boundaries meet charter requirements, maintain continuity of existing Council Districts as much as possible.
4. Minimize the dilution of votes, and avoid the fragmentation or the over compaction of ethnic communities.
5. Maintain cohesive neighborhoods within Districts and, where possible, keep neighborhood associations within a single District.
6. Avoid unseating current City Council members.
7. To the extent possible, recognize the importance of parks and public facilities in Districts.
8. Where possible, do not divide school districts between separate Council Districts.
9. To the extent possible, provide income diversity within Districts.
10. Strive to balance District interests with City-wide interests, but not at the expense or exclusion of individual Districts.

The Redistricting Commission should consider these criteria in studying and making recommendations on redistricting. Of course, the Commission is free to consider other legally permissible criteria as well. In addition, the Commission will be subject to the requirements of the Brown Act; to ensure maximum transparency, the Commission will also need to comply with the City’s Open Government requirements and staff will develop additional outreach efforts to encourage community engagement.

ANALYSIS

Establishment of the Redistricting Commission will enable the City Clerk to promote recruitment to the Commission in time for Council Appointments to occur in January 2021. In order to achieve the goal of a membership that “shall be representative of the ethnic make-up of the City at large, to the extent practicable,” an open recruitment would provide City Councilmembers with a larger applicant pool from which to appoint.

EVALUATION AND FOLLOW-UP

The Administration proposes that the nomination process start in October 2020 and end on December 13, 2020 with the appointment of the Committee members to be scheduled for the City Council meeting of January 12, 2021. The City Council shall submit names to the City Clerk no later than noon on January 7, 2021 for inclusion on the City Council Agenda.

PUBLIC OUTREACH

This memorandum will be posted on the City Council's Agenda website for the October 7, 2020 Rules and Open Government Committee meeting.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation is associated with this action.

CEQA

Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment - Appointments to boards, commissions, task forces and committees.



TONI J. TABER, CMC
City Clerk

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