

WORKING PARTNERSHIPS USA

October 13, 2020

The Honorable Sam Liccardo and City Councilmembers
City Council, City of San Jose
200 East Santa Clara St.
San Jose, CA 95113

RE: Item 2, Redistricting Commission

Dear Mayor Liccardo and Councilmembers:

As groups of leaders representing communities of color and working families across San Jose, we write urging the Rules Committee to not approve Mayor Sam Liccardo's plan to silence the voices of our communities in San Jose's redistricting process. As community leaders we have invested thousands of hours making calls and texts and knocking on doors to ensure every resident of San Jose is counted in the 2020 Census so that every person has a voice in the future of this City and our nation. Now we remain gravely concerned by the Mayor's exclusionary proposal to deeply restrict the voices of who has a say in the drawing district lines in the City of San Jose.

In particular, we remain concerned with point #5 in the Mayor's October 9th memo which could limit how community members, neighborhood groups, civil rights organizations and anyone with an interest in ensuring a fair and representative redistricting process can participate in the redistricting process. Certainly it will be important to nominate a set of Redistricting Commissioners who represent the diversity of race, ethnicity, immigration status, gender, social class, and experience of our city. Still as a City we should not limit the source of the community's wisdom and interests in this topic to who the Mayor and Council appoint. Under the Mayor's proposal, unless a community member was appointed to the Commission, they would be limited to communicating with Commission members or staff during public comment opportunities of the proceedings of public hearings.

If a community member or group of such community members wished to express in detail a significant concern, to develop their own proposal for fairly drawing district line or to critique a proposal developed by City staff, unless City Staff or the Mayor's appointed chair of the Commission were to agree to place such dissenting community members onto the Commission's formal agenda, those with a differing opinion could expect no longer than 2 minutes of public comment to express their input directly to any members of the commission, eliminating the

opportunity for meaningful dialogue beyond the space of public comment. For workers who may be working or caregivers who have other responsibilities during these hearings, they may have little or no opportunity to share concerns directly with Commissioners. Such a provision would give staff and the Mayor's appointed Commission chair a disproportionate say over how dissenting opinions of community members other than those who are appointed get considered in Commission proceedings, potentially closing down meaningful debate.

Instead, we recommend that Commissioners should only be prohibited from communicating with those with a direct conflict of interest in redistricting, namely the Mayor and Council, any candidate for Mayor and City Council, campaign staff and their spouses. Additionally we recommend that the Commission make efforts to ensure the voice of community members is heard, by ensuring the Commission presents public hearings in every neighborhood and effectively engages impacted communities and creates protections to ensure that dissenting community voices engaging in the process who may wish to present the Commission with alternatives have opportunity to give extended presentations on their concerns to the Commission, beyond the public comment period, with enough time to be considered and, if approved by the Commission, incorporated before the Commission's final decisions.

Additionally, we disagree with Mayor's recommendation #7 which appears to side-step the City's recently created Charter Review Commission and use limited staff resources to bring forward a charter change proposal to the 2022 ballot before such a concept has received any community input. In recent months, after a vigorous debate around the Mayor's proposed "strong mayor" initiative, the City Council voted wisely to create a charter change commission to evaluate future charter changes for possibly placing on the 2022 ballot. Now the Mayor is proposing placing yet another charter change on the ballot without first requesting the Charter Review Commission could even consider its merits. This proposal would seem to undercut the Charter Review Commission before it even has begun its work.

If the idea is to be considered going forward, it should first be referred to the Charter Review Commission for further exploration before consideration by City Council.

Redistricting impacts how our city's diverse communities are represented. The work of the Redistricting Commission in 2021 will determine the power of the votes of our communities. At a time when our City is experiencing both a profound racial justice reckoning and the deeply inequitable impacts of COVID-19 we should be promoting accountability and enabling a diversity of community members to actively engage in the redistricting process, not limiting the discussion to a handful of Council and Mayoral appointments. Indeed, the pandemic has made it only too apparent how important it is for individuals of all backgrounds to have a voice in our democratic processes. Community health centers serving the most vulnerable patients on the frontlines of

COVID-19 are urgently aware of the need for patient advocates and community members to have more opportunities to weigh in on important issues that affect the health and well-being of our communities - not fewer. Certainly this is not the time to legislate exclusion as we draw our district lines.

As we seek to learn and grow as a City on issues of racial equity, we still live with the scars of exclusionary policies through our history, whether its redlining efforts to prohibit Black and immigrant families from certain neighborhoods or past shifts in policy to limit the power of poor, working class and immigrant voters in elections. Every member of our community equally deserves to have their vote matter and their voices heard, especially in redistricting.

We remain concerned that the Mayor's rushed effort to make such change to close this process off before voters elect a new Council in November benefits the politically connected few at the expense potentially of marginalized, under-represented groups like communities of color, immigrants and low income families. We have seen this story before. This proposal by Mayor Liccardo looks like yet another power grab, 20 days before an enormously consequential election for our City and our nation. The Mayor's proposal yet again looks to significantly change the rules of the game without engaging the community. Instead, the Mayor appears to be plotting with an outside group led locally by one of the biggest advocates for a controversial proposal to consolidate the Mayor's power and give our neighborhoods less say in local government. The Mayor and City Council should absolutely not silence community members.

We urge the City Council to ensure all of our voices matter in redistricting and to reject yet another power grab by Mayor Liccardo.

Sincerely,

Lucila Ortiz, Californians for Justice

Dolores Alvarado, Community Health Partnership

Salvador Bustamante, Latinos United for a New America (LUNA)

Walter Wilson, Minority Business Consortium

Scott Myers-Lipton, Professor, Sociology and Interdisciplinary Social Sciences, San Jose State University and Author, *Ending Extreme Inequality: An Economic Bill of Rights Approach to Eliminate Poverty*

Maria Noel Fernandez, Silicon Valley Rising

Enrique Fernandez, Unite Here Local 19

Derecka Mehrens, Working Partnerships USA