

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ESTABLISHING ADDITIONAL REQUIREMENTS FOR THE 2021 REDISTRICTING ADVISORY COMMISSION, AND ESTABLISHING THE TIMELINE FOR THE COMMISSION TO SUBMIT ITS REPORT AND RECOMMENDATIONS TO COUNCIL IN ACCORDANCE WITH CHARTER SECTION 403 AS DIRECTED BY THE CITY COUNCIL ON OCTOBER 27, 2020

WHEREAS, City of San José (“City”) Charter Section 403 establishes the Advisory Commission, and sets forth the process for redistricting Council District boundaries following the decennial census; and

WHEREAS, by no later than February 1 in the year following the decennial census, the City Council shall appoint an Advisory Commission whose purpose shall be to study and make appropriate recommendations with respect to redistricting Council District boundaries; and

WHEREAS, the Advisory Commission shall consist of one (1) member from each Council District, who shall be appointed by the Councilmember 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; and

WHEREAS, the Advisory Commission shall conduct at least three (3) public hearings, at various locations in the City, concerning its recommendations regarding Council District boundaries; and

WHEREAS, the voters amended Charter Section 403, through the passage of Measure G in the November 3, 2020 election, to permit the City Council to establish the time for

the Advisory Commission to submit its report and recommendations for City Council consideration; and

WHEREAS, the Advisory Commission under the Charter may also be referred to as the Redistricting Commission or Redistricting Advisory Commission; and

WHEREAS, on October 27, 2020, the City Council provided direction to establish additional criteria for the appointment and the conduct of the 2021 Redistricting Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. ESTABLISHMENT OF COMMISSION.

The Redistricting Commission for the 2020 federal decennial Census is hereby established in accordance with City Charter Section 403 and with the direction from City Council on October 27, 2020.

SECTION 2. REPORT AND RECOMMENDATIONS.

- A. The Redistricting Commission shall submit its report and recommendations regarding Council District boundaries within one hundred twenty (120) days from the date the redistricting counts are delivered to the States.
- B. In addition to any requirements under the City Charter and State and federal law, the Redistricting Commission, to the extent practicable, should recommend Districts to the Council that provide racial minorities with an equal opportunity to participate in the political process and do not dilute or diminish their ability to elect candidates of choice whether alone or in coalitions with others.

SECTION 3. MEETINGS.

The Redistricting Commission shall conduct at least one (1) meeting in each Council District, to the extent practicable and consistent with public health orders and guidelines. Notice for these meetings shall be placed in newspapers of record in the City. At least one meeting shall be on the subject of redistricting principles. At least two (2) meetings shall be conducted in Spanish, Vietnamese, and English with notice provided in newspapers specific to those languages.

SECTION 4. COMMISSIONER CONDUCT.

- A. Commissioners and City staff may not communicate with or receive communications about redistricting matters from anyone outside of a public meeting. This paragraph does not prohibit communication between Commissioners, City staff, legal counsel and consultants retained by the Redistricting Commission that is otherwise permitted by law outside of a public meeting. Further, this paragraph does not prohibit City staff from receiving communications about redistricting matters for the purpose of disseminating the communication at a public meeting of the Redistricting Commission.
- B. All communication with Commissioners concerning redistricting from elected officials shall be made orally during public comment at a Redistricting Commission meeting or in written comment submitted to the Redistricting Commission and published online.

SECTION 5. COMMISSIONER REMOVAL.

A Commissioner may only be removed by the appointing Councilmember for that District for good cause with confirmation by majority vote of the Redistricting Commission. Good cause shall include, but not be limited to, the criteria listed in Sections 2.08.050 and 2.08.060 of the Municipal Code.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk