



# Santa Clara Valley Water District

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**File No.:** 20-0848

**Agenda Date:** 12/8/2020  
**Item No.:** 9.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Implementation of Countywide Redistricting Process Required Following the 2020 Census.

### **RECOMMENDATION:**

- A. Consider the process, criteria and approach for countywide redistricting as a result of the 2020 decennial census;
- B. Approve establishing a 7-Member Redistricting Advisory Committee and a process for appointment;
- C. Adopt criteria to guide the redistricting process; and
- D. Approve a schedule and approach for the Redistricting Advisory Committee.

### **SUMMARY:**

The District Act, in addition to federal and state law, requires that boundaries of electoral districts must be adjusted before the first day of November of the year following a decennial federal census. This means that any adjustments to Valley Water's seven existing electoral districts must be adopted by the Board by October 31, 2021.

Adjustments of electoral districts are usually accomplished through the completion of a redistricting study to ensure that each modified district meets the one-person, one-vote test and to ensure compliance with the federal Voting Rights Act. Because Valley Water does not have the staff with the requisite demographer skills and appropriate mapping technology to accomplish this effort, to assist with the completion of a redistricting study in an inclusive, transparent, and comprehensive manner, staff has issued a Request for Proposal to identify and select a demographer consultant who specializes in jurisdictional redistricting. That process will be completed in early January.

To garner community input on redistricting of the seven existing districts, staff requests the Board of Directors discuss and provide direction to staff on the following three key issues:

1. Establishment of a Redistricting Advisory Committee, including the number of Committee members and process for appointment.
2. Approval of the criteria to guide the redistricting process.

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3. Review and modify, if necessary, the overall redistricting schedule and approach.

Additional detail and discussion on each issue is as follows:

**1. Establishment of a Redistricting Advisory Committee, including the number of Committee members and process for appointment.**

Similar to Valley Water's last redistricting effort in 2011, staff recommends that the Board establish a resident-led Redistricting Advisory Committee (Redistricting Advisory Committee). The Committee would be comprised of seven members, one representing each of Valley Water's geographical districts. Staff further recommends that each Board member nominate one member of the public who lives within their district for the Committee. This approach is similar to that used in the last redistricting effort by Valley Water in 2011 and by other local jurisdictions.

Given the timeframe within which the redistricting effort must be accomplished, staff is planning to place an item on the Board's January 26, 2021 meeting agenda so the Board can formally make the appointments of nominees to the Redistricting Advisory Committee and set the first meeting agenda for the Committee.

Following the Board's appointments to the Redistricting Advisory Committee in January 2021, staff will notify the appointees of their selection to the Committee.

Committee Nomination Process

To nominate a Committee member, staff recommends that each Board member provide the name and contact information for their nominee to the Clerk of the Board **by January 1, 2021**.

Staff recommends all persons nominated for the Committee meet the following requirements:

- a) live in the electoral district of the appointing Board Member;
- b) be a registered voter; and
- c) understand the time commitment needed to serve on the Committee.

Upon appointment to Committee, each member will be asked to provide a short description of their background. The description will be posted to a website accessible to the public containing information about the Committee and its activities.

**2. Establish the overall criteria to guide the redistricting process.**

Staff recommends that the Board adopt criteria to guide the redistricting process. There is no priority or ranking implied by the order in which the criteria are listed. The recommended criteria are based on principles adopted by Valley Water in its last redistricting process in 2011. The criteria are:

1. Comply with all the applicable laws, including the avoidance of gerrymandering.

2. Equalize the population count in each district within 5-7%.
3. Minimize the dilution of votes and avoid the fragmentation or over-compaction of minority and disadvantaged communities.
4. Maintain cohesive neighborhoods within electoral districts and, where possible, keep neighborhood associations within a single district.
5. Avoid moving current elected Valley Water Board members out of their districts.
6. To the extent possible, recognize the importance of parks, creeks and public facilities in districts.
7. To the extent possible, provide income diversity within electoral districts.
8. Strive to balance district interests with county-wide interests, but not at the expense or exclusion of individual districts.
9. Ensure that minority and disadvantaged communities have opportunities to participate in the redistricting process, including specific opportunities for timely and meaningful comment.

**3. Review and modify, if necessary, the overall redistricting schedule and approach.**

Meeting Schedule

Staff recommends that the Redistricting Advisory Committee meet one to two times a month with the first meeting currently scheduled to take place on Wednesday, March 17, 2021 and the last meeting to take place on Wednesday, August 18, 2021, for a total of eight Committee meetings. This was similar to the approach utilized with the last Valley Water redistricting committee in 2011. Staff recommends holding evening meetings from 6 p.m. to 8 p.m. on Wednesdays to minimize the impact on appointees' work schedules, Board of Directors' meetings and to provide for greater public participation and input. Attachment 1 contains the currently proposed draft Committee meeting schedule.

The federal schedule calls for getting census data to the states by March 31, 2021. However, at this time there is legal action occurring at the federal level related to ending the counting and the accuracy of the final result. This legal activity may impact when the state and local jurisdictions will receive census data. The draft schedule proposed by staff assumes the March 31 timeline. However, there is a possibility that the current federal timeline may be revised. If that occurs, staff may need to revise the Committee timeline and meeting schedule (including the number of Committee meetings to be held) accordingly to complete the redistricting review process on or before by October 31, 2021 so the newly adopted Valley Water electoral district boundaries can be transmitted to the Santa Clara County Registrar's Office by its deadline of November 1, 2021.

Meeting Locations

The past practice of many public agencies, including Valley Water, has been to hold one meeting in each existing electoral district while the redistricting process is underway. For the last Valley Water redistricting effort in 2011, the first meeting was held at Valley Water headquarters with the second through eighth meetings rotating around the seven existing electoral districts. However, given the ongoing COVID-19 pandemic, it is possible that some, if not all, meetings of the 2021 Redistricting Advisory Committee would be virtual for the Committee, the consultants, Valley Water staff and the public. To encourage public participation, staff will undertake a significant outreach effort to advertise the Committee's schedule and how the public will be able to participate in the meetings.

The currently proposed draft schedule calls for all Committee meetings to be virtual. However, should circumstances change (e.g., the emergence of an effective, widely available vaccine), some in-person meetings may be scheduled.

### **Retention of Consultant Services**

As previously mentioned, Valley Water staff is now in the process of identifying and selecting a consultant who specializes in jurisdictional redistricting to assist Valley Water in completing a redistricting study in an inclusive, transparent and comprehensive manner. The selection process is expected to be completed in early January 2021. An abbreviated summary of services and deliverables expected to be provided by the redistricting consultant includes:

1. Development of a detailed, community-oriented project demographic database.
2. Creation of initial draft redistricting plans.
3. Creation of opportunities and methods to engage members of the public to participate in the redistricting process.
4. Maintaining a continuous and timely flow of updates and evolving redistricting plan maps for Valley Water, the Committee and the public.
5. Facilitation of redistricting process and meetings.
6. Development of the final draft redistricting plan (or plans) for the Board of Directors' consideration.
7. Development of a final redistricting plan with necessary electronic data for use by Valley Water and the Santa Clara County Registrar.

### **Next Steps**

Following the Board's actions on the recommendations in this memo, staff will return to the Board on January 26, 2021 for action on the following items:

- Approval of the nominations for appointment to the 2021 Valley Water Redistricting Advisory Committee;
- Approval of the recommended operating guidelines, direction and procedures for the

Committee, Valley Water staff and the Board of Directors; and

- Review and approval of the agenda for the Committee's first meeting on March 17, 2021.

**FINANCIAL IMPACT:**

The Office of Government Relations has budgeted funds in the FY 2021 budget to cover the costs associated with hiring a redistricting consultant and conducting up to eight Redistricting Advisory Committee meetings. It is anticipated that the cost for the overall effort will be approximately \$120,000. The funds are budgeted under program 60231005 (Local Government Relations: Other Preferred Services) as project # 2021-11-152-6199-60231005-0000.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Proposed Redistricting Process Schedule

**UNCLASSIFIED MANAGER:**

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