



**SPECIAL MEETING AGENDA**

**Date:** 6/29/2021  
**Time:** 5:00 p.m.  
**Location:** [Zoom.us/join](https://zoom.us/join) – ID# 932 2768 7788

**NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE**

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the closed session and regular meeting
  - Submit a written comment online up to 1-hour before the meeting start time:  
[menlopark.org/publiccommentJune29](https://menlopark.org/publiccommentJune29) \*
  - Access the meeting real-time online at:  
[Zoom.us/join](https://zoom.us/join) – Meeting ID 932 2768 7788
  - Access the meeting real-time via telephone at:  
(669) 900-6833  
Meeting ID 932 2768 7788  
Press \*9 to raise hand to speak

\*Written public comments are accepted up to 1-hour before the meeting start time. Written messages are provided to the City Council at the appropriate time in their meeting.

- Watch meeting:
  - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:  
Channel 26
  - Online:  
[menlopark.org/streaming](https://menlopark.org/streaming)

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website [www.menlopark.org](https://www.menlopark.org). The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information ([menlopark.org/agenda](https://menlopark.org/agenda)).

According to City Council policy, all meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

**Special Session ([Zoom.us/join](https://zoom.us/join) – ID# 932 2768 7788)**

**A. Call To Order**

**B. Roll Call**

**C. Study Session**

- C1. Consider establishing a hybrid independent redistricting commission for the upcoming redistricting process following the release of the 2020 Census results ([Staff Report #21-137-CC](#)) ([Presentation](#))

**D. Adjournment**

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Council on any item listed on the agenda at a time designated by the chair, either before or during the City Council's consideration of the item.

At every special meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at [jaherren@menlopark.org](mailto:jaherren@menlopark.org). Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at [menlopark.org/agenda](http://menlopark.org/agenda) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 6/25/2021)



## STAFF REPORT

### City Council

Meeting Date:

6/29/2021

Staff Report Number:

21-137-CC

### Study Session:

Consider establishing a hybrid independent redistricting commission for the upcoming redistricting process following the release of the 2020 Census results

## Recommendation

Staff recommends that the City Council consider establishing a hybrid independent redistricting commission for the upcoming redistricting process following the release of the 2020 Census results.

## Policy Issues

On October 4, 2017, the City Council adopted an ordinance transitioning from at-large to by-district city councilmember elections under Elections Code § 10010. Once the federal census is completed in 2020, State law requires the City Council to review and, if necessary, adjust the boundaries of its districts to ensure compliance with the Voting Rights Act.

Following the presentation, staff is requesting the City Council select one of the below processes for establishing district boundaries for City Council approval on July 20, 2021:

1. City Council may adopt districts itself
2. City Council may appoint an advisory commission to recommend district boundaries for City Council adoption
3. City Council may establish an independent redistricting commission to either adopt or recommend new boundaries to the City Council
4. City Council may establish a hybrid independent redistricting commission to either adopt or recommend new boundaries to the City Council
5. City may contract with the County to draw boundaries

## Background

Until 2018, Menlo Park's five City Councilmembers were elected at large. In 2018, the City transitioned from at large to by district elections. In 2018, elections in Districts 1, 2 and 4 took place. In November 2020, elections in Districts 3 and 5 took place, completing the full transition to district-based elections. This transition was prompted by a letter dated August 21, 2017 asserting that the City's at large elections violated the California Voting Rights Act (CVRA.)

### District boundary criteria

Since the City Council's transition to district elections in 2018, the State has enacted additional laws governing the redistricting process, including the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act ("Fair Maps Act"), which creates standardized redistricting criteria aimed to keep communities together and to prohibit partisan gerrymandering. It also contains expanded community outreach and public hearing requirements and timelines, which more closely track the State redistricting schedule.

Certain legally required criteria must be observed when redrawing districts:

- Each City Council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- City Council districts shall not be drawn with race as the predominate factor.<sup>1</sup>

Additionally, the Fair Maps Act now requires the City Council to adopt district boundaries using specific criteria as set forth in the following order of priority:

1. To the extent practicable, city council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents or political candidates.
3. City council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, city council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
4. To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, city council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.<sup>2</sup>

State law does not allow city council district boundaries to be drawn for the purpose of favoring or discriminating against a political party.

#### Process for establishing district boundaries (Attachment A)

SB 1018, effective January 1, 2019, provides additional methods for adjusting boundaries. There are now five methods available to general law cities:

1. City Council may adopt districts itself<sup>3</sup>
2. City Council may appoint an advisory commission to recommend district boundaries for City Council adoption<sup>4</sup>
3. City Council may establish an independent redistricting commission to either adopt or recommend new boundaries to the City Council<sup>5</sup>
4. City Council may establish a hybrid independent redistricting commission to either adopt or recommend new boundaries to the City Council<sup>6</sup>
5. City may contract with the County to draw boundaries.<sup>7</sup>

#### *City Council draws own map*

State law authorizes the City Council to draw its own map. However, this may be time consuming for city

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<sup>1</sup> *Shaw v. Reno*, 509 U.S. 630 (1993).

<sup>2</sup> Elections Code Section 21601.

<sup>3</sup> Elections Code Section 21601.

<sup>4</sup> Elections Code Section 23001.

<sup>5</sup> Elections Code Section 23001.

<sup>6</sup> Elections Code Section 23001.

<sup>7</sup> Elections Code Section 23004.

councils to draw and review maps.

*Advisory Commission*

The process for establishing an advisory commission is similar to other local boards and commissions. The commission shall consist of residents and the City may specify the qualifications and selection process for commissioners. Current City Councilmembers or family, staff member or paid campaign staff of a City Council member may not serve on the commission.

*Independent Commission*

State law authorizes the City Council to transfer redistricting authority to an independent redistricting commission. The manner of appointment is set by the City Council, but commissioners cannot be appointed directly by the City Council. Commissioners must pass an extensive list of possible disqualifications and there are post-service limitations on their ability to run for local office, serve on a local board or commission, seek city employment or otherwise contract with the City. Los Angeles, Santa Barbara, and San Diego counties have independent commissions, along with the cities of Berkeley, Chula Vista, Escondido, Long Beach, Modesto, Oakland, Sacramento, San Diego, San Francisco and Santa Barbara.

*Hybrid Commission*

A hybrid commission is formed in a manner similar to an independent commission and has similar pre-service and post-service limitations, but a hybrid commission is required to submit two or more maps to the City Council and the City Council must select one of the submitted maps. The City Council is not permitted to alter the selected map in any way except as needed to comply with Federal or State law.

*Contract with County Redistricting Commission*

Under new State law, cities may also contract with a county Independent redistricting commission to adjust the City’s map boundaries. San Mateo County currently does not have an independent districting commission, but this option would be available to the City if such a commission were formed in the future. The County commission is required to hold at least three public hearings in the local jurisdiction before adopting the new boundaries.

The Fair Maps Act requires that the City take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. A good faith effort satisfies the requirement and includes:

- Providing information to media organizations that provide City news coverage, including media organizations that serve language minority communities.
- Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the City, including those active in language minority communities, or that have requested to be notified concerning City redistricting.

Table 1 outlines resource intensity for the City Council, Commission (if applicable), staff, and community. One (1) being low, two (2) being moderate, and three (3) being high.

Type	City Council	Commission	Staff	Community
City Council	3	n/a	3	1
Advisory Commission	2	3	2	2
Independent Commission	1	3	2	3

Hybrid Commission	2	3	2	3
County contract commission	n/a	n/a	n/a	n/a

**Timeline**

The timeline for redrawing district boundaries is dependent on the dates the 2020 census is completed and the population data is delivered to the states and individual counties. The current deadline for completing the census counts was recently moved from October 31, 2020 to September 30, 2021. In addition, a recent bill extends the time for general law cities to complete redistricting from October 8, 2021 to April 17, 2022.<sup>8</sup>

Based on the most recent information, which is subject to change, here is the current schedule:

- September 30, 2021: Census counts must be delivered to States.
- October 2021: Cities receive redistricting data from the Census Bureau and the California Statewide Database
- April 17, 2022: City must complete its redistricting process.

**Analysis**

In 2017, the City utilized a process similar to the now statutorily defined “hybrid” commission process (Attachment B.) to establish the districts for City Councilmember elections. The Committee, which was randomly selected, submitted two maps to the City Council for consideration – one map consisted of five districts and the other map contained six districts with an elected at-large mayor. The City Council’s implementing resolution indicated its intent to select one of the maps proposed by the Committee.

The Committee conducted eight hearings over a six-week period and considered approximately 40 different map configurations. The Committee’s work was conducted during a compressed period to take advantage of a safe harbor State law encouraging transitions from at large to by district elections.

The City conducted a range of outreach methods both for Committee recruitment as well as map drawings. Ultimately, 29 applicants applied for the nine-member Committee, with one being disqualified because they lived in unincorporated Menlo Park (e.g., within San Mateo County.)

Staff is now seeking direction from the City Council on the redistricting process that City Council desires to utilize once the 2020 census data is released.

**Impact on City Resources**

Impact on staff resources and time varies depending on the level of commitment to providing specific services during the redistricting process. Some items are required for compliance with federal and state voting laws, such as a minimum number of public hearings at various times and days of the week. Other services can be provided to enhance transparency and community engagement beyond the requirements set by federal and state voting laws.

Impact on community resources and time is highly variable. In some cases, this depends on the level of commitment from community organizations and residents involved in the process.

Table 2 below provides examples of service types that can be offered and actions the City can take to

<sup>8</sup> This extension is codified in AB 1276, which was signed by the Governor on September 20, 2020 and which became effective January 1, 2021.

enhance community outreach and encourage participation during the redistricting process.

Table 2: Examples of service types	
Service type	Notes
Public hearings	<ul style="list-style-type: none"> <li>Minimum of 5 for compliance with the California Fair Maps Act</li> <li>• Host at City Hall.</li> <li>• Host at other locations within the City for ease of access to different populations. For example, hosting a meeting in each distinct neighborhood.</li> <li>• Advertisement of public hearings. Methods include digital means such as City website, local news media, social media, or printed materials.</li> </ul>
Acceptance of maps	<ul style="list-style-type: none"> <li>• Verbally at public hearings</li> <li>• Digital data (e.g. shapefiles, geodatabase, pdf, etc.)</li> <li>• Paper maps for consideration. Analysis must determine which maps are in compliance with state and federal voting laws for population balance, geographic integrity, etc.</li> <li>• Community-submitted maps.</li> <li>• Consultant-generated maps based on US Census data.</li> </ul>
Community outreach website	<ul style="list-style-type: none"> <li>Requirement for compliance with Fair Maps Act</li> <li>• Offer translation to multiple languages. Example – Tulare County</li> <li>• Easily accessible links to information resources about redistricting</li> <li>• Access to a map-drawing tool (provided by GEOinovo)</li> </ul>
Outreach to community-based organizations	<ul style="list-style-type: none"> <li>• City staff "on the ground" conducting community engagement activities.</li> <li>• Outreach to Local or regional redistricting and voter advocacy groups.</li> <li>• Upon request, GEOinovo may provide the City with a list of non-profit organizations within Menlo Park. The list is comprised of eligible organizations filing an IRS tax return as of 2018.</li> <li>• Example 1: Common Cause</li> <li>• Example 2: League of Women Voters</li> <li>• Example 3: Chamber of Commerce</li> <li>• Example 4: Rotary Club</li> <li>• Example 5: Local faith groups</li> </ul>
Commission empowerment	<ul style="list-style-type: none"> <li>• Support staff and resources to enable the commission to interact freely with the public</li> <li>• Empower commission to organize hearings and community outreach activities</li> </ul>
Publication of other digital tools	<ul style="list-style-type: none"> <li>• ArcGIS Dashboard (provided by GEOinovo Solutions)</li> <li>• Survey 123 w/location-based question (GEOinovo can assist with this option as needed)</li> </ul>

## Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment.

**Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

- A. Process for establishing district boundaries
- B. Resolution No. 6418 establishing an Advisory Districting Committee

Report prepared by:  
Judi A. Herren, City Clerk

Report reviewed by:  
Denise Bazzano, Assistant City Attorney



# Process for establishing district boundaries supplemental information

## Section 1: Description of redistricting processes.

### 1. Independent and Hybrid Redistricting Commission, Elections Code 23003 (b)

*Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents and provided that the commissioners are not directly appointed by the legislative body or an elected official of the local jurisdiction.*

From

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=ELEC&division=21.&title=&part=&chapter=9.&article=>](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=21.&title=&part=&chapter=9.&article=>)

- Independent Commission empowered to interact with community members for feedback regarding redistricting.
- Hybrid Commission: minimum two map requirement.

### 2. Advisory Commission, Elections Code 23002 (b)

*Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission.*

- Minimum two map requirement.

From

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=ELEC&division=21.&title=&part=&chapter=9.&article=>](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=21.&title=&part=&chapter=9.&article=>)

### 3. Contract w/County Redistricting Commission, Elections Code 23004

*A local jurisdiction, except for a county, may contract with a county in which the local jurisdiction is partially or wholly located that has established an independent redistricting commission to have that commission adopt the local jurisdiction's election district boundaries. The county independent redistricting commission shall hold at least three public hearings in the local jurisdiction before adopting those boundaries.*

*(Added by Stats. 2018, Ch. 462, Sec. 5. (SB 1018) Effective January 1, 2019.)*

From

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=ELEC&division=21.&title=&part=&chapter=9.&article=>](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=21.&title=&part=&chapter=9.&article=>)

- San Mateo County does not have its own independent redistricting commission. This option is not applicable to the City of Menlo Park.
4. City Council draws its own maps: "*...the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.*"

Note: The following criteria apply to districts drawn by City Council (or any other redistricting model).

1. Council Districts shall be geographically contiguous
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.

*A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.*

*From*

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=21601.&lawCode=ELEC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21601.&lawCode=ELEC)

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
4. Council Districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

*From*

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=21601.&lawCode=ELEC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21601.&lawCode=ELEC)

**RESOLUTION NO. 6418****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MENLO PARK ESTABLISHING AN ADVISORY  
DISTRICTING COMMITTEE PURSUANT TO  
ELECTIONS CODE SECTION 23002**

WHEREAS, members of the City Council of the City of Menlo Park ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each city councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter on August 21, 2017, from Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large city councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing city councilmembers; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting impairs the ability of a protected class to elect their preferred candidates (Elections Code Sections 14027 and 14028). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the City denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, on October 4, 2017, the City Council adopted a Resolution expressing its Intent to transition from at-large to district based elections; and

WHEREAS, Elections Code 23002 authorizes the City Council to appoint an advisory districting committee and Menlo Park Municipal Code Section 2.04.200 requires the City Council to form committees by Resolution; and

WHEREAS, the City Council desires to receive input on district boundaries from a geographically diverse sector of the community, including the Belle Haven neighborhood which is the subject of the CVRA complaint; and

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

SECTION 1. Establishment. There shall be established the Menlo Park Advisory Districting Committee, hereinafter "Committee." The Committee shall be established by January 20, 2018 and shall exist until the City Council adopts an ordinance establishing City Council district boundaries for the November 2018 election.

SECTION 2. Purview. The Committee shall present two recommendations to the City Council: (1) a recommendation for dividing the City into five voting districts and (2) a recommendation for dividing the City into six voting districts (with an at-large elected mayor). Each submitted districting map shall also contain an election sequencing recommendation. Election sequencing shall take into account the City's practice of staggering elections every two years and in accordance with State law shall not cut any existing city councilmember's term short.

SECTION 3. Membership. The Committee shall consist of up to 9 Committee members. Committee members shall consist of a diverse group of residents.

SECTION 4. Selection Process. The Committee member selection process is designed to produce a qualified, independent and impartial Committee. Committee members shall be selected through an open application process. Any person who meets the minimum Committee member qualifications in Section 5 may apply to serve on the Committee.

A. The City Clerk shall initiate and widely publicize the Committee application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage

qualified persons to apply. The application period shall be open through January 8, 2018.

B. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including applicants' eligibility to serve on the Committee under Section 5. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum Committee member qualifications.

C. The City Clerk shall, at a public meeting of the City Council, randomly select 3 names from that subpool. Those 3 shall serve as Committee members.

D. Those initial 3 Committee members shall, by majority vote at a public meeting, select the final up to 6 Committee members from the remaining applicants in the subpool.

E. The initial 3 Committee members should select applicants taking into account the following factors:

(1) The Committee should not be comprised entirely of members who are registered to vote with the same political party preference.

(2) Committee members should reasonably reflect the City of Menlo Park's diverse geography and reside in diverse areas throughout the city.

(3) Race/ethnicity may be considered without using formulas, quotas or ratios.

(4) Gender, age, economic class, sexual orientation and party registration may be considered in selecting Committee members.

(5) Committee members shall be impartial, know the jurisdiction's neighborhoods and communities, appreciate the jurisdiction's diversity and work well with others.

(6) If committee members utilize a random selection process, they should consider dividing applications into geographic areas to better ensure geographic diversity.

SECTION 5. Eligibility Requirements for Members of the Committee. The application process shall be open to all eligible residents. The following qualifications and restrictions are imposed on members of the Committee:

A. A person, or the family member of a person (i.e., spouse, registered domestic partner, parent, sibling, child or in-law), who has done any of the following in the preceding eight years, shall not be appointed to serve on a Committee:

- (1) Been elected or appointed to, or been a candidate for, an elective office of Menlo Park.
- (2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of Menlo Park.
- (3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
- (4) Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of Menlo Park.
- (5) Been registered to lobby in Menlo Park.
- (6) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of Menlo Park.

B. A member of the Committee shall not do any of the following:

- (1) While serving on the Committee, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.
- (2) Be a candidate for an elective office of Menlo Park for 10 years commencing with the date of his or her appointment to the Committee.
- (3) For four years commencing with the date of his or her appointment to the Committee:
  - a. Accept an appointment to a Menlo Park Board, Commission or committee.
  - b. Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.
  - c. Receive a noncompetitively bid contract with Menlo Park.
  - d. Register as a lobbyist in Menlo Park.

C. Must be a resident of Menlo Park and resided in Menlo Park for at least the past five years.

D. Must be a registered voter.

E. Must have voted in two of the last three local Menlo Park City Council elections. Those residents not eligible to vote due to age or citizenship are

exempt from this requirement.

SECTION 6. During and Post-Service Restrictions. Committee members shall comply with the following during and post-service restrictions as contained in California Elections Code Section 23003(d):

A. While serving on the Committee, members may not work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.

B. Committee members may not run for an elective office of Menlo Park for 10 years commencing with the date of my appointment to the Committee.

C. For four years commencing with the date of his or her appointment to the Committee, members shall not:

(1) Accept an appointment to a Menlo Park Board, Commission or Committee.

(2) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.

(3) Receive a noncompetitively bid contract with Menlo Park.

(4) Register as a lobbyist in Menlo Park.

SECTION 7. Districting Criteria. The Committee shall take into account the following legally required criteria in recommending district boundaries:

A. Each city council district shall contain a nearly equal population;

B. A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act, the California Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and

C. City Council districts shall not be drawn with race as the predominate factor.

The Committee may also adopt its own criteria consistent with this Section 7 and may take into account additional criteria, including the criteria set forth in Elections Code 21601, such as including topographical and geographical boundaries (major roads, freeways, creeks, railroad lines or other barriers) and communities of interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.).

SECTION 8. Public Transparency. The Committee shall implement an open process for public input and Committee deliberation as follows:

A. The Committee members shall file Form 700 – Statement of Economic Interest

forms.

B. The Committee shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, and the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.

C. The Committee shall publish on the internet and make available to the public a draft version of a proposed final map before final recommendation to the City Council.

D. All records of the Committee relating to districting, and all data considered by the Committee in drawing a draft map or proposed final map, are public records.

E. The Committee shall establish and make available to the public on the internet a calendar of all public hearings.

F. The City shall establish and maintain, at least until the districting process is concluded, a webpage for the Committee where important redistricting materials may be published, including hearing agendas, hearing minutes, links to hearing audio or video recordings where applicable, a Committee member roster, and draft maps created by the Committee.

G. Committee members shall disclose all contact regarding the Committee's subject matter jurisdiction that occurs outside of a publicly noticed meeting. Committee members shall disclose these contacts no later than the Committee's next regular or special meeting.

H. Any person who is compensated for communicating with the Committee or any Committee member, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

SECTION 9. Public Engagement. The Committee and the City should actively encourage residents to participate in the districting process.

A. The Committee shall make every reasonable effort to afford maximum public access to its proceedings.

B. The City shall solicit broad public participation in the districting process, including from residents of communities that traditionally participate less frequently in the local political process. At minimum, the City Clerk shall:

(1) Develop and present a proposed outreach campaign to the City Council at a public meeting;

(2) Conduct an outreach campaign to educate the public on the districting process and how to be involved; and



- (3) Request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the districting public review process.

SECTION 10. Committee Meetings. The hearing location shall be accessible to persons with disabilities and, to the extent practicable, shall have free parking nearby and be accessible by public transit. Public hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible. The Committee shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Committee's consideration.

SECTION 11. Administration. A quorum shall consist of a majority of the seated Committee members (i.e., if nine members are seated, a quorum shall be five members). The Committee may only recommend a plan for district boundaries and election sequencing with a 2/3 affirmative vote of the seated Committee members (i.e., if nine members are seated, six votes would be needed). All other Committee actions, other than maps and sequencing, require only a majority vote of those present, provided that a quorum is present. The City Council or the Committee may remove a Committee member for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Before being removed, a Committee member must be provided with the reasons for their proposed removal, at least a week's notice of the public hearing where his or her proposed removal will be voted on, and an opportunity to respond to or rebut those reasons in writing and at the hearing.

SECTION 12. Staff Support. The City Manager, City Clerk, and City Attorney shall designate staff to support the Committee, as needed.

SECTION 13. Schedule. The Committee shall forward its final recommendation regarding proposed five and six member district maps and related election sequencing to the City Clerk by no later than February 23, 2018. Upon receipt of the recommendation, the City Clerk shall immediately cause the recommended map(s) to be published for a seven day public review period. Thereafter, the City Council shall conduct a public hearing on the Committee proposed map(s). At this hearing the City Council may elect to: (1) direct staff to introduce an ordinance approving one of the Committee recommended maps/sequencing or (2) reject the map(s)/sequencing and return it to the Committee for reconsideration with a statement of the reasons for such disapproval and request the Committee to modify the map(s)/sequencing. If the City Council rejects the Committee's recommendation, the Committee shall have up to seven days (but in no event later than March 26, 2018) to submit a revised map(s)/sequencing to the City Council for further consideration. Upon receipt of the revised map(s) the City Clerk shall immediately cause the maps to be published for a seven day public review period.

SECTION 14. Statement of Council Intent: It is the intention of the City council to adopt one of the districting maps recommended by the Committee.

I, Clay J. Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing resolution was duly and regularly passed and adopted at a meeting by said City Council on the twelfth day of December, 2017, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twelfth day of December, 2017.

  
\_\_\_\_\_  
Clay J. Curtin, Interim City Clerk



Demographic  
Analysis and  
Census Mapping  
Study Session

Presentation

June 29, 2021



# GEOinovo Team Intro



Program Manager



# Luciane Musa

- ❑ Certified Geographic Information System Professional (GISP)
- ❑ 20 + years of experience
- ❑ OSHA Certified
- ❑ BA in Geography with emphasis in GIS
- ❑ Expert in Esri Product
- ❑ Expert in GIS
- ❑ Expert GeoEvent, real time mapping and analytics

President of GEOinovo Solutions



Demographer



# Jesus Garcia

- ❑ 30 + years of experience in data analytics and GIS
- ❑ Masters in Urban Planning, UCLA
- ❑ Expert in Redistricting
- ❑ Subject-matter expert in over 20 California Voting Rights Act cases
- ❑ Moved district boundaries to comply with State and Federal Voting Rights Act
- ❑ Former Demographic Statistician, US Census Bureau, Population Division



Project Manager



# Alex Sainz

- ❑ 13 years of experience
- ❑ Proven Project Management approach
- ❑ BA in Geography
- ❑ Expert in solution implementation
- ❑ Expert Data Manager
- ❑ Expert GIS Administrator
- ❑ Expert in supporting local government GIS projects



# Study Session

- Goal: Inform City Council regarding key aspects of the redistricting process
- Overview of project schedule and tasks
- Presentation of map templates



# Redistricting Options

- Independent Commission
- Advisory Commission
- Hybrid Commission
- Contract with County Redistricting Commission
- City Council

# Redistricting Considerations

- Time commitment to execute the process
- Appearance of transparency and community engagement
- Compliance with federal and state voting laws

# Commission

- Independent: Redistricting authority transferred to commission
- Advisory: Provide district boundary recommendations for consideration by City Council
- Hybrid: Recommends two or more redistricting maps for consideration by City Council – must select one.

# Contract w/County Redistricting

- Option to contract with independent county-level redistricting commission
- San Mateo County does not have an independent redistricting commission – option not applicable to Menlo Park

# City Council

- City Council draws and approves districts
- Compliant with state voting laws
- Time-consuming for City Council
- Possible appearance of bias

# Current Examples

- Independent Commission: City of Berkeley, Tulare County
- Hybrid Commission: City of Chula Vista
- City Council: City of Bakersfield

# Community Engagement

- Important element of the redistricting process
- Commission with autonomy has the ability to enhance perception of transparency
- Hybrid: Retains community involvement, increased control by the board
- Non-Commission: Time constraints limit ability of the board to synthesize all community input

# Transparency in Action

- Glossary of Terms
- Map of existing boundaries
- Links to federal and state laws
- Links to redistricting resources from outside organizations
- Digital dashboard and mapping



# Federal Voting Rights Act

- Section II, Federal Voting Rights Act of 1965
- *" Prohibits discrimination on the basis of race, color, or membership in a language minority group" – [justice.gov](http://justice.gov)*

# California Voting Rights Act (AB 182)

- *"...prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election."*
  - [leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov)
- City of Menlo Park (not applicable).  
City Council adopted district-based elections

# California Fair Maps Act (AB 849)

- Encourage transparency throughout the redistricting process
- Applicable to city redistricting
- Collaborate with City to ensure redistricting process adheres to California Fair Maps Act

# Redistricting Criteria AB 849

- Equal population
- State federal law
- Geographic contiguity
- Follow city and CDP geography
- Follow major features
- Geographic Compactness
- Exclude political party preferences
- Communities of Interest

# Project Schedule

- Project Planning
- Community Engagement
- District Maps and Potential Boundaries
- Presentation Support
- Adoption of Final Map

# Task 1: Project Planning

- Training/information on redistricting process, including applicable federal and state laws
- Assist City of Menlo Park with preparation of staff reports and presentation materials for public hearings
- Map template options for consideration

# Task 2: Community Engagement

- Collaborate with City staff on preparation of staff reports and presentation material
- Deployment and training of Districtr.org digital mapping interface
- Collaborate with City for information gathering and input from Communities of Interest

# Task 3: Review District Boundaries

- Evaluate existing council districts for population balance and race/ethnicity
- Evaluate existing council districts for adherence to Section II, Federal Voting Rights Act



# Task 4: Presentation of Initial Maps

- Assist City of Menlo Park with preparation of staff reports and presentation materials for public hearings
- Presentation of initial maps and 1990 - 2020 US Census data – trends by city and council districts

# Task 5: Adoption of Final Map

- Presentation of final maps for adoption
- Submit GIS data, block equivalency file, and other supporting materials to the City in requested format
- Assist City staff with submittal of adopted maps to County Registrar of Voters

# Map Templates

- All templates designed for flexibility and ease of production
- Finalize / approve look and feel for production maps

# DEMO

- [Districtr.org](http://Districtr.org)
- ArcGIS Dashboard



**esri** Partner Network  
Bronze