

RESOLUTION 22-16

**A RESOLUTION OF THE GOVERNING BOARD
OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY
TO SPECIFY CRITERIA TO GUIDE THE RE-ALIGNMENT OF DIRECTOR DIVISIONS**

WHEREAS, The Santa Clara Valley Open Space Authority (Authority) currently elects each member of its governing board in “by-division” elections, i.e., elections in which candidates for the Authority’s governing board (Board) must reside within a specific geographic subarea of the Authority called a “director division,” and in which candidates are elected only by the voters of that director division; and

WHEREAS, Elections Code § 22000 requires each special district using director division elections to readjust those division boundaries in the year following the release of a new Census, to ensure compliance with constitutional equal population requirements; and

WHEREAS, the Census Bureau released the 2020 Census data in August 2021; and

WHEREAS, additional demographic data were released in the months thereafter; and

WHEREAS, to comply with Elections Code § 22000 the District has retained an experienced redistricting/demographic consulting firm, Redistricting Partners, based in Sacramento, California, and experienced legal counsel to advise it on the process of re-aligning the existing director divisions; and

WHEREAS, on November 18, 2021, the Board and the public received a presentation from the District’s legal counsel regarding the procedures and legal and policy criteria governing redistricting and the current demographics of the District under the 2020 Census; and

WHEREAS, thereafter, the Board opened the floor to comment from the public regarding appropriate criteria to guide the realignment of the existing director divisions; and

WHEREAS, the Board now wishes to adopt criteria to guide the realignment of director divisions consistent with legal requirements, including substantially equal population, and to provide instruction to be used for preparing alternative redistricting plans; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the adoption of criteria to guide the realignment of director divisions consistent with legal requirements, including substantially equal population and compliance with Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the District.

BE IT FURTHER RESOLVED THAT

- A. the above recitals are true and correct.
- B. The Board of Directors hereby adopts the criteria identified in Exhibit A to this Resolution as criteria to guide the realignment of director divisions for governing board elections in the District in 2022 and thereafter until further realignment is required by law.

Santa Clara Valley Open Space Authority

- C. The General Manager is hereby authorized and directed to instruct the professional demographer to formulate one or more director division plan scenarios based upon the criteria specified in Exhibit A for review by the public at a public hearing and for consideration by the Board of Directors at a future meeting.
- D. The General Manager shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

BE IT FURTHER RESOLVED THAT the General Manager is hereby authorized and directed, on behalf of the Authority and in its name, to execute and deliver such other documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of the above resolution.

PASSED, APPROVED AND ADOPTED this 27th day of January 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kalvin Gill, Chairperson
Santa Clara Valley Open Space Authority

APPROVED AS TO FORM:

ATTEST:

William P. Parkin, Legal Counsel

Kellie Guerra, Clerk of the Board