

RESOLUTION 22-27

**A RESOLUTION OF THE GOVERNING BOARD
OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY
TO RE-ALIGN THE BOUNDARIES OF AREAS FROM WHICH
MEMBERS OF THE BOARD WILL BE ELECTED (DIRECTOR DIVISIONS)
PURSUANT TO ELECTIONS CODE § 22000**

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 by the California Statewide Database in September 2021; 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 to prepare draft director division maps; 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, on January 27, 2022, the Board received additional information from the Authority’s redistricting consultants regarding the procedures and legal and policy criteria governing redistricting and the current demographics of the District under the 2020 Census and solicited public input regarding appropriate criteria for the realignment of director division boundaries; and

WHEREAS, at the January 27, 2022 meeting the Board also appointed an ad hoc subcommittee of three directors to work with the demographic consultant and legal counsel to prepare mapping proposals to realign the director divisions in light of the 2020 Census; and

WHEREAS, on February 10, 2022, the Board adopted Resolution No. 22-24, specifying the following criteria to guide the re-alignment of director divisions consistent with legal requirements, including substantial equality of population and compliance with Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the District:

- The boundaries of the director divisions shall be realigned so that the director divisions are equal in population as defined by law.

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- The boundaries of the director divisions shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
- The boundaries of the director divisions shall be realigned so that the director divisions do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
- The boundaries of the director divisions shall observe communities of interest, developed primarily around the current director divisions, but also including rural or urban populations, municipalities, county supervisorial districts, city council districts, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
- The boundaries of the director divisions shall be compact, insofar as practicable.
- The boundaries of the director divisions shall be created to contain cohesive, contiguous territory, insofar as practicable.
- The boundaries of the director divisions may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc. as natural divisions between director divisions, insofar as practicable.
- Unless otherwise required by law, the director divisions shall be created using whole census blocks.
- The boundaries of the director divisions may avoid the “pairing” of incumbents in the same director divisions, insofar as this does not conflict with the constitutions and laws of the State of California and the United States.
- The boundaries of the director divisions shall comply with such other factors which become known during the redistricting process and are formally adopted by the Board of Directors.

WHEREAS, the ad hoc subcommittee conducted several meetings to review mapping options; and

WHEREAS, on or about February 18, 2022, the District posted on its website three draft director plans prepared by Redistricting Partners (Plans A, B and C), which were developed according to the criteria set forth above, and which are incorporated herein and a fourth map (Plan 1A) proposed by a member of the public; and

WHEREAS, on February 24, 2022, Redistricting Partners presented Plans A, B, C, and 1A to the Board and to the public at a meeting of the Board, following which the Board held a duly-noticed public hearing to seek public comment with respect to those four plans; and

WHEREAS, following the presentation by Redistricting Partners and the public hearing, the Board requested the preparation of one or more additional plans; and

WHEREAS, in response to the Board’s request, Redistricting Partners presented an additional draft redistricting plan that it had prepared (Plan C2) to the Board and to the public, and an additional plan from a member of the public (Plan 2A), at a meeting of the Board on March 10, 2022, following which the Board held a second duly-noticed public hearing to seek further public comment with respect to all the plans; and

WHEREAS, in response to the Board’s request, Redistricting Partners presented an additional draft redistricting plan that it had prepared (Plan C3, incorporated herein) to the Board and to the public, and additional plans from a

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member of the public (Plans 1B1, 1B2, 2B1, 2B2, 2C1, 2C2, 2E1, 2E2, 3A1, 3A2) at a meeting of the Board on April 14, 2022, following which the Board held a third duly-noticed public hearing to seek further public comment with respect to all the plans; and

WHEREAS, the Board has considered all public comments on the plans; and

WHEREAS, the populations in the proposed electoral divisions of all the Plans are all substantially equal, in conformance with legal requirements; and

WHEREAS, Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and all the draft director division Plans comply with Section 2 of the Voting Rights Act; and

WHEREAS, California Elections Code § 22000 also provides that in establishing the boundaries of the districts, the Board may give consideration to (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory and (4) community of interests of the divisions; and

WHEREAS, all the proposed Plans give consideration to topography, geography, cohesiveness, contiguity, integrity and compactness of territory and community of interests of the divisions, as well as to observing established communities insofar as practical; using census geography and geographical features for division boundaries insofar as practical, and striving for division shapes which are reasonably compact and contiguous; and

WHEREAS, the Board prefers the electoral division boundaries in proposed Plan [redacted] and desires no changes to that proposed Plan as presented to the Board at its regular meeting on April 14, 2022, and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Open Space Authority that

- A. The above recitals are true and correct.
- B. The Board hereby adopts a revision to its current director division boundaries and adopts Plan [redacted], attached hereto as Exhibit "A" and incorporated herein by this reference, for use at the District's November 2022 election and subsequent elections until a further re-alignment is required pursuant to Elections Code § 22000, following the release of the 2030 Census.
- C. The General Manager and/or her designee take all actions necessary to notify the Santa Clara County elections officials of the Board's determination forthwith and provide whatever assistance may be required by the Elections Department to complete the process.
- D. Because the new redistricting plan may contain technical anomalies caused by errors in the 2020 Census line files that do not substantively affect the populations in the director divisions, the division boundaries, or the intent of this resolution, which anomalies are not revealed until implementation begins, the General Manager and/or her designee are authorized to make technical emendations to the new redistricting plan that do not substantively affect the populations in the director divisions, the division boundaries, or the intent of this resolution, and shall advise the Board of any such emendations that are found to be required in plan implementation by the respective county elections officials.
- E. The General Manager and/or her designee shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

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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 14th day of April 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

EXHIBIT "A"

MAP AND DEMOGRAPHICS OF PLAN #

**ADOPTED BY THE BOARD OF DIRECTORS OF
THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY**

APRIL 14, 2022