

August 12, 2021

MEETING NOTICE & REQUEST FOR RSVP**TO: REDISTRICTING ADVISORY COMMITTEE****Jurisdiction**District 1
District 2
District 3
District 4
District 5
District 6
District 7**Representative**Swanee Edwards
Emilie Gatfield
Michael Kraus
Michael Gross
Hon. Howard Miller
Alfredo M. Morales
Raven Malone

The training meeting of the Redistricting Advisory Committee is scheduled to be held on **Wednesday, August 18, 2021, at 6:00 p.m.**, Join Zoom Meeting

<https://valleywater.zoom.us/j/82398761452>.

Enclosed are the meeting agenda and corresponding materials. Please bring this packet with you to the meeting. Additional copies of this meeting packet are available on our website at <https://www.valleywater.org/how-we-operate/committees/board-advisory-committees> or

A majority of the appointed membership is required to constitute a quorum, which is fifty percent plus one. A quorum for this meeting must be confirmed at least 48 hours prior to the scheduled meeting date or it will be canceled.

Further, a quorum must be present on the day of the scheduled meeting to call the meeting to order and take action on agenda items.

Members with two or more consecutive unexcused absences will be subject to rescinded membership.

Please confirm your attendance by contacting Ms. Glenna Brambill at 1-408-630-2408, or gbrambill@valleywater.org.

Enclosures



Redistricting Advisory Committee Meeting

Join Zoom Meeting

<https://valleywater.zoom.us/j/82398761452>

Meeting ID: 823 9876 1452

One tap mobile

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Dial by your location

+1 669 900 9128 US (San Jose)

Meeting ID: 823 9876 1452



Santa Clara Valley Water District Redistricting Advisory Committee Meeting

Teleconference Zoom Meeting

Join Zoom Meeting

<https://valleywater.zoom.us/j/82398761452>

COMMITTEE MEETING AGENDA

**Wednesday, August 18, 2021
6:00 PM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

**REDISTRICTING ADVISORY
COMMITTEE**

Hon. Howard Miller, Committee Chair
Ms. Emile Gatfield, Committee Vice
Chair

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Mr. Don Rocha (Staff Liaison)
Deputy Administrative
Officer

Ms. Glenna Brambill
(COBLiaison)
Management Analyst II
gbrambill@valleywater.org
1-408-630-2408

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

**Santa Clara Valley Water District
Redistricting Advisory Committee**

**COMMITTEE MEETING
AGENDA**

Wednesday, August 18, 2021

6:00 PM

Teleconference Zoom Meeting

IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-08-21 issued on June 11, 2021, that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

Santa Clara Valley Water District (Valley Water) in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Committee meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting

<https://valleywater.zoom.us/j/82398761452>

Meeting ID: 823 9876 1452

One tap mobile

+16699009128,,82398761452# US (San Jose)

1. CALL TO ORDER:

1.1. Roll Call.

2. APPROVAL OF MINUTES:

2.1. Approval of Meeting Minutes.

[21-0877](#)

Recommendation: Approve the July 14, 2021, Meeting Minutes.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: 07142021 RAC DRAFT Mins](#)

Est. Staff Time: 5 Minutes

3. ACTION ITEMS:

3.1. Redistricting Advisory Committee Training Session #3.

[21-0751](#)

Recommendation: Receive background information on several topics related to the Redistricting Advisory Committee's operational and legal responsibilities in reviewing 2020 census data and recommending adjustments in district electoral boundaries.

Attachments: [Attachment 1: Rosenberg's Rules of Order](#)

[Attachment 2: Rosenberg's Cheat Sheet](#)

[Attachment 3: Valley Water RAC - Draft Bylaws](#)

[Attachment 4: Valley Water RAC Guidelines Direction- Procedure:](#)

[Attachment 5: Valley Water RAC Criteria](#)

[Attachment 6: Redistricting Partners Presentation](#)

[Attachment 7: Outreach Presentation](#)

Est. Staff Time: 60 Minutes

3.2. Next Meeting and Agenda Items.

[21-0878](#)

Recommendation: Discuss and confirm next meeting date and agenda items.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: Schedule](#)

Est. Staff Time: 10 Minutes

4. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

5. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.

6. ADJOURN:

6.1. Adjourn to Regular Meeting at 6:00 p.m., on September 15, 2021, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-08-21.



Santa Clara Valley Water District

File No.: 21-0877

Agenda Date: 8/18/2021
Item No.: 2.1.

COMMITTEE AGENDA MEMORANDUM

Redistricting Advisory Committee

SUBJECT:

Approval of Meeting Minutes.

RECOMMENDATION:

Approve the July 14, 2021, Meeting Minutes.

SUMMARY:

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

ATTACHMENTS:

Attachment 1: 07142021 RAC Draft Meeting Minutes

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193



REDISTRICTING ADVISORY COMMITTEE MEETING

DRAFT MINUTES

WEDNESDAY, JULY 14, 2021
6:00 PM

An orientation meeting of the Redistricting Advisory Committee was held on July 14, 2021, Teleconference via Zoom in San Jose, California.

1. CALL TO ORDER

Committee Chair Hon. Howard Miller called the meeting to order at 6:01 p.m.

1.1 ROLL CALL

Quorum of 7 was established.

Members in attendance were:

Jurisdiction

District 1
District 2
District 3
District 4
District 5
District 6
District 7

Representative

Swanee Edwards
Emilie Gatfield
Michael Kraus
Michael Gross
Hon. Howard Miller
Alfredo Morales
Raven Malone

Staff in attendance were: Roseryn Bhudsabourg, Glenna Brambill, Lisa Flores, Andy Gschwind, Albert Le, and Carlos Orellana,

Counsel Team (Nielsen Merksamer, Parrinello Gross & Leoni LLP) in attendance were: Hilary Gibson and Marguerite Leoni.

Consultants (Redistricting Partners) in attendance was: Kim Shigetani,

Public in attendance was: Kay Montplaisir.

2. APPROVAL OF MINUTES

2.1. APPROVAL OF MEETING MINUTES

It was moved by Mr. Michael Gross, second by Ms. Emilie Gatfield, and by roll call and unanimous vote approved the June 23, 2021, Redistricting Advisory Committee meeting minutes, as presented.

3. ACTION ITEMS:

3.1 REDISTRICTING ADVISORY COMMITTEE TRAINING SESSION #2

Ms. Hilary Gibson and Ms. Marguerite Leoni reviewed the materials as outlined in the agenda.

The Redistricting Committee discussed the following: brown act violations, actionable items, Rosenberg's Rules of Order and committee by-laws.

The Redistricting Advisory Committee (RAC) took no action, however, Ms. Swanee Edwards requested and through Chair Hon. Howard Miller's approval, the Committee would like for the next agenda; all items RAC has received to date regarding the Board's directions, by-laws, rules and regulations along with the one page cheat sheet of Rosenberg's Rules of Order and also the full document of Rosenberg's Rules of Order, then the Committee will be able to review, discuss, and take action if they choose, on how RAC will govern themselves moving forward after August 18, 2021.

3.2 NEXT MEETING AND AGENDA ITEMS

Ms. Lisa Flores gave a quick overview of the schedule and potential agenda items.

4. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS TO THE BOARD

Ms. Glenna Brambill reported there were no action items for Board consideration.

5. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA

There was no one present who wished to speak.

6. ADJOURNMENT

Committee Chair Hon. Howard Miller adjourned at 7:23 p.m. to the regular meeting on Wednesday, August 18, 2021, at 6:00 p. m. to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-08-21.

Glenna Brambill
Board Committee Liaison
Office of the Clerk of the Board

Approved:

Attachment 1
Page 2 of 2



Santa Clara Valley Water District

File No.: 21-0751

Agenda Date: 8/18/2021
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Redistricting Advisory Committee

SUBJECT:

Redistricting Advisory Committee Training Session #3.

RECOMMENDATION:

Receive background information on several topics related to the Redistricting Advisory Committee's operational and legal responsibilities in reviewing 2020 census data and recommending adjustments in district electoral boundaries.

SUMMARY:

On April 20, 2021, the RAC held its orientation meeting. Over the months of June, July and August, the RAC will conduct three training meetings to receive background and operational information that will be useful in carrying out its duties. RAC's first training meeting of June 23 focused on providing background information on redistricting principles. The second training meeting of July 14 focused on the application of the Brown Act, adoption of bylaws, governance process, and rules for the conduct of meetings. During the third and final training meeting of August 18, the RAC will receive a presentation led by Valley Water's redistricting consultants, Redistricting Partners, that will include information and training on the mapping software, outreach hearing process, and mapping tools. The meeting will also include a presentation by Valley Water's Office of Communications on the outreach plan relating to the redistricting community engagement process. This memo also includes as attachments the documents the RAC requested during the July 14th meeting.

ATTACHMENTS:

- Attachment 1: Rosenberg's Rules of Order
- Attachment 2: Rosenberg's Rules of Order Cheat Sheet
- Attachment 3: Valley Water RAC - Draft Bylaws Outreach Presentation
- Attachment 4: Valley Water RAC Guidelines Direction and Procedures
- Attachment 5: Valley Water RAC Criteria
- Attachment 6: Redistricting Partners Presentation
- Attachment 7: Outreach Presentation

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

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Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

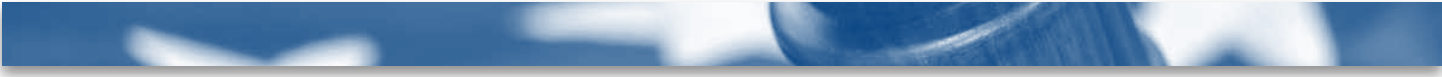


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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

- 1. Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
- 3. Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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ROSENBERG'S RULES OF ORDER CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn" (Only needed prior to the end of the agenda)	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a motion	"I move that..." or "I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee	"I move that the question be referred to a committee for more study"	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This would generally just be used if something is not on the agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

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**BYLAWS
OF THE VALLEY WATER 2021-2022
AD HOC REDISTRICTING ADVISORY COMMITTEE**

ARTICLE I – PURPOSE AND AUTHORITY

Section 1. This 2021-2022 Ad Hoc Redistricting Advisory Committee (hereinafter “the RAC”) was established to support the Valley Water Board of Directors in determining adjusted electoral boundaries of the seven Valley Water districts for the upcoming decade following receipt of the decennial federal census data. The RAC provides an open and transparent process that enables full public consideration and comment on the drawing of district lines.

Section 2. The Valley Water Board of Directors approved the establishment of the RAC and the nominations of its members on the Valley Water Board meeting on January 26, 2021. Each Board member nominated one member of the public who lives within their district and is a registered voter. Descriptions of each member of the RAC members have been posted to a website accessible to the public containing information about the RAC and its activities.

Section 3. Adjustments of electoral districts are accomplished through the completion of a redistricting study to ensure that each modified district complies with applicable laws. The RAC will oversee the redistricting study, including receiving public input on electoral district boundaries and recommending draft maps containing adjusted boundaries to the Board for review and adoption.

Section 4. The RAC will follow all applicable Federal and State laws in addition to the criteria established by the Board of Directors for the redistricting process.

Section 5. The RAC will provide review of census data and recommend adjusted district maps to the Board.

ARTICLE II – COMMITTEE MEMBERS OBLIGATIONS

Section 1. Before holding public outreach meetings, members of the RAC will receive briefings and trainings regarding the Brown Act, parliamentary rules, redistricting, the federal Voting Rights Act, Valley Water demographics and analysis, redistricting terminology and software, communities of interest, and the Fair Maps Act.

Section 2. As indicated in the December 8, 2020, Board Agenda Memorandum adopted by the Valley Water Board of Directors, RAC members must consider the following recommended criteria as a guide to the redistricting process:

- a. Equalize the population count in each district within 5-7%.
- b. Minimize the dilution of votes and avoid the fragmentation or over-compaction of minority and disadvantaged communities.
- c. Maintain cohesive neighborhoods within electoral districts and, where possible, keep neighborhood associations within a single district.
- d. Avoid moving current elected Valley Water Board members out of their districts.

- e. To the extent possible, recognize the importance of parks, creeks and public facilities in districts.
- f. To the extent possible, provide income diversity within electoral districts.
- g. Balance district interests with county-wide interests, but not at the expense or exclusion of individual districts.
- h. Ensure that minority and disadvantaged communities have opportunities to participate in the redistricting process, including specific opportunities for timely and meaningful comment.

Section 3. RAC members must not make any statements or take any action on behalf of or in the name of the RAC unless specifically authorized by the RAC to do so.

ARTICLE III – OFFICERS

Section 1. RAC members shall elect a Chair Pro Tempore.

Section 2. A member of the Office of the Clerk of the Board (“the Clerk”) will record the minutes of all RAC meetings, handle correspondence, keep the roll, certify the presence of a quorum, maintain a list of all active representatives, and keeps minutes and records of actions at each meeting. The Clerk will ensure Valley Water receives and posts notices of meetings as required by law.

ARTICLE IV – MEETINGS

Section 1. The RAC will be subject to the requirements of the Ralph M. Brown Act.

Section 2. RAC Members will meet one or two times a month until the RAC has completed its work.

Section 3. The RAC shall ensure that all meetings are open/accessible to the public.

Section 4. The RAC may establish subcommittees, as needed, for specific activities or goals. These meetings shall be open to the public.

Section 5. The RAC shall consider all maps created by any member of the public through the public participation process.

Section 6. As a standing RAC meeting agenda item, the RAC members shall disclose any and all conversations with any parties, internal or external of Valley Water, including the name or names of the parties and the contents of communication, whether verbal or written, regarding Valley Water’s redistricting efforts. Notwithstanding the previous sentence, RAC members must not disclose any attorney-client privileged communication regarding Valley Water's redistricting efforts unless authorized by to do so by Valley Water's Board of Directors.

Section 7. All emails, letters, phone calls and other official communications regarding redistricting will be documented and copies will be provided to the RAC as part of every agenda.

Section 8. No member of Valley Water staff or Board of Directors may attempt to influence the RAC while the RAC is engaged in the process which will result in a map or maps being sent to the Valley Water’s Board of Directors for their consideration and deliberation.

Section 9. Four RAC members shall constitute a quorum and shall carry any motion, except as otherwise specified by law or these Bylaws.

Section 10. All votes shall be taken on the basis of one vote per RAC member.

ARTICLE V – ADDITIONAL PROVISIONS

Section 1. These Bylaws may be adopted or amended by four of the seven RAC members. The original Bylaws were approved and adopted by the RAC on_____.



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File #: 21-0071 **Version:** 1 **Name:**
Type: Board of Directors Item **Status:** Agenda Ready
File created: 1/14/2021 **In control:** Board of Directors
On agenda: 1/26/2021 **Final action:**
Title: Approval of Redistricting Advisory Committee Nominations, Guidelines and Procedures, and First Meeting Agenda.
Attachments: 1. [Attachment 1: Draft 031721 RAC Agenda](#), 2. [*Supplemental Agenda Memorandum](#), 3. [*Supplemental Attachment 1: Nominee Background Information](#), 4. [Handout 4.2-A: PowerPoint](#)

Text

BOARD AGENDA MEMORANDUM**SUBJECT:**

Title
Approval of Redistricting Advisory Committee Nominations, Guidelines and Procedures, and First Meeting Agenda.

RECOMMENDATION:End Recommendation

- A. Approve the nominations for appointment to the Santa Clara Valley Water District 2021 Redistricting Advisory Committee;
- B. Review and approve the recommended guidelines, direction and procedures for the Redistricting Advisory Committee, Water staff, and Board of Directors; and
- C. Review and approve the agenda for the Redistricting Advisory Committee's first meeting, on March 17, 2021.

SUMMARY:

Body
Section 7.7 of 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 each decennial federal census is taken. Adjustment of electoral districts is usually accomplished through the completion of a redistricting study to ensure that each modified district meets the United States Supreme Court's one-person, one-vote test (which requires electoral districts to be apportioned according to population) and to ensure compliance with the federal Voting Rights Act. During the December 8th, 2020 Board meeting, the Board of Directors authorized the establishment of the Redistricting Advisory Committee (RAC) to assist with the following: 1) the completion of a redistricting study in an inclusive, transparent and comprehensive manner; and 2) to encourage community input in the redistricting process. At its

December 8th meeting, the Board also acted on several guidelines presented by staff as well as the recommended meeting schedule for the RAC.

With the authorization to form the RAC, the Board is now asked to approve the nominations of the individuals for appointment to the RAC. Because nominations were still in progress at the time of preparation for this report, the names of those nominated individuals will be available and published in a supplemental staff report to this agenda item, which will be presented to the Board during its January 26, 2021 meeting. The Board is also being asked to discuss and act on several additional guidelines and procedures that will further guide the operation of the RAC. The purpose of these additional guidelines is to further encourage an open, fair and transparent study. Finally, the Board is asked to review and approve the agenda for the RAC's first meeting, now scheduled for March 17, 2021.

Redistricting Advisory Committee Meeting Agenda

The RAC is scheduled to meet one or two times a month beginning on March 17, 2021 and ending on August 18, 2021, for a total of eight meetings. The first meeting's proposed agenda is included as Attachment 1. Future meeting agendas will be set by the RAC, consistent with the Board's criteria for developing a draft redistricting map (or maps) for the Board's review, possible modification and approval in September or October 2021.

Ensuring and Open, Fair and Transparent Redistricting Process

During the redistricting process of 2010, when the Santa Clara Valley Water District (Valley Water) expanded from five to seven districts, transparency procedures were established to ensure an open, fair and transparent redistricting process.

For the 2011 redistricting process, the Board adopted the additional transparency guidelines, direction and procedures for the Committee. Staff is recommending the Board now adopt those additional guidelines and procedures to further encourage maximum public participation while further ensuring an open, fair and transparent process.

The additional recommended guidelines, direction and procedures are as follows:

- 1) The RAC shall follow all applicable Federal and State laws in addition to the criteria established by the Board of Directors for the redistricting process.
- 2) The RAC, through its public discussions, shall provide the sole and only direction to Valley Water staff and supporting consultants for any and all changes to the redistricting maps under consideration by the RAC.
- 3) The RAC shall consider all maps created by any member of the public through the public participation process.
- 4) The RAC shall ensure that all meetings are open/accessible to the public.
- 5) The RAC may establish subcommittees, as needed, for specific activities or goals. These meetings shall be open to the public.
- 6) The RAC will be subject to the requirements of the Ralph M. Brown Act.
- 7) As a standing Committee meeting agenda item, the Committee members shall disclose any and all conversations with any parties, internal or external of Valley Water, including the name or

names of the parties and the contents of communication, whether verbal or written, regarding Valley Water's redistricting efforts.

- 8) All emails, letters, phone calls and other official communications regarding redistricting will be documented and copies will be provided to the RAC as part of every agenda.
- 9) No member of Valley Water staff or Board of Directors shall attempt to influence the RAC while the Committee is engaged in the process which will result in a map or maps being sent to the Valley Water's Board of Directors for their consideration and deliberation.

Staff believes these recommended additional guidelines, direction and procedures will further encourage an open, fair and transparent redistricting process for both the Committee and the public. The recommended agenda is meant to ensure each Committee meeting is conducted in support the proposed guidelines.

FINANCIAL IMPACT:

There is no additional financial impact associated with this item.

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: Draft 031721 RAC Agenda

*Supplemental Agenda Memorandum

*Supplemental Attachment 1: Nominee Background Information

Handout 4.2-A: PowerPoint

UNCLASSIFIED MANAGER:

Manager
Don Rocha, 408-630-2338

Notice to Public:

The Santa Clara Valley Water District publishes meeting agendas two Fridays prior to regular meetings, and publishes amended and special meeting agendas one Friday prior. During the process of amending an agenda, individual links to Board Agenda Reports may not be available. In these cases, please reference the "Full Agenda Package" instead.



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File #: 20-0848 **Version:** 1 **Name:**

Type: CEO Item **Status:** Agenda Ready

File created: 9/30/2020 **In control:** Board of Directors

On agenda: 12/8/2020 **Final action:**

Title: Implementation of Countywide Redistricting Process Required Following the 2020 Census.

Attachments: 1. [Attachment 1: Proposed Schedule](#)

Text

BOARD AGENDA MEMORANDUM

SUBJECT:

Title
Implementation of Countywide Redistricting Process Required Following the 2020 Census.

End
RECOMMENDATION:

- 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.

Body
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.
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:

Manager
Don Rocha, 408-630-2338

The Santa Clara Valley Water District publishes meeting agendas two Fridays prior to regular meetings, and publishes amended and special meeting agendas one Friday prior. During the process of amending an agenda, individual links to Board Agenda Reports may not be available. In these cases, please reference the “Full Agenda Package” instead.

Santa Clara Valley Water District
2021 Redistricting
Community Outreach Meetings



Welcome

Redistricting Advisory Committee

The seven-member Committee is appointed by the Board of Directors

District 1

Swanee Edwards

District 2

Emilie Gatfield

District 3

Michael Kraus

District 4

Michael Gross

District 5

Hon. Howard Miller

District 6

Alfredo M. Morales

District 7

Raven Malone

Agenda

Things we will cover:

- Redistricting Basics
- Redistricting Advisory Committee
- Traditional Redistricting Principles
- Communities of Interest
- Map Tool Demonstration
- Public Testimony on Communities of Interest
- Public Hearing Schedule

What is Redistricting

Definition

Redistricting is the process of adjusting district lines every 10 years after the release of the U.S. Census. The well-known examples are Congressional and State Legislative Districts, but local governments also must do redistricting.

- The Santa Clara Valley Water District also must go through this process, as it did in 2011, to ensure the supervisorial districts are rebalanced after the decennial census.
- Beyond creating districts of equal population, redistricting also serves to empower local communities and preserve voting rights.

Redistricting Advisory Committee

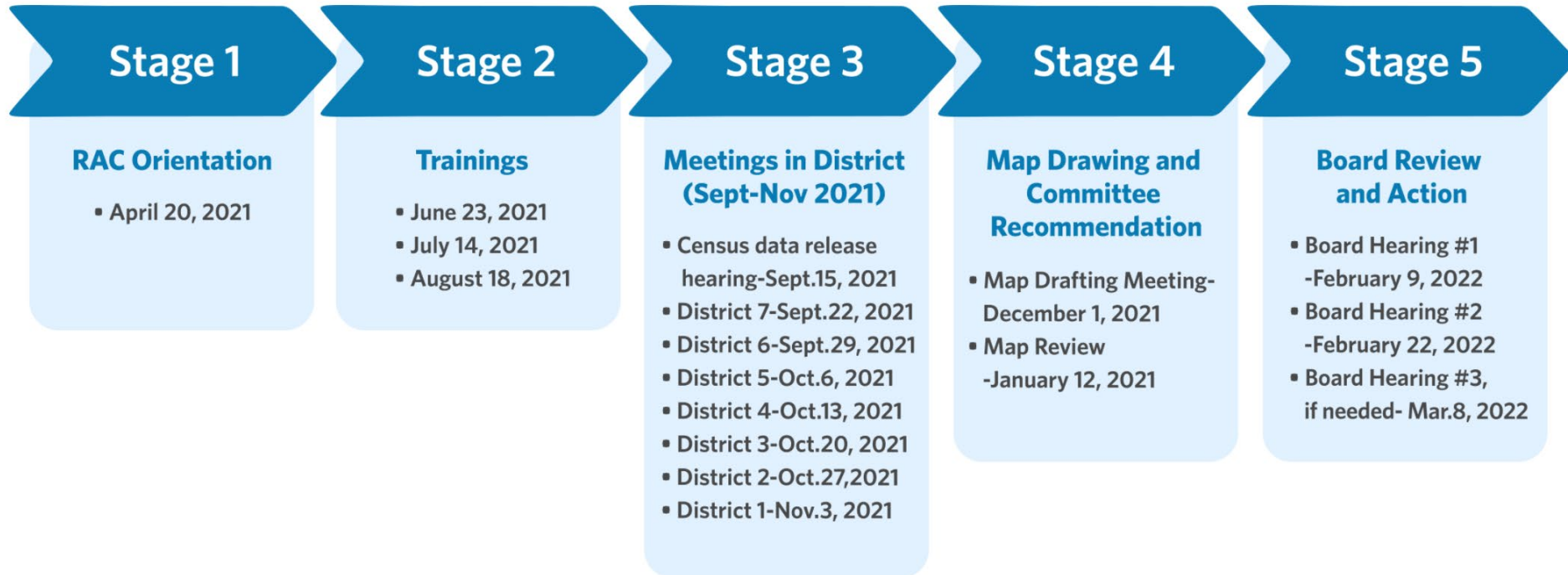
Structure

Valley Water's Board of Directors appointed a seven-member Redistricting Advisory Committee (RAC) to assist them in conducting community outreach.

Goals of the RAC are:

- Conduct Community Outreach Hearings
- Identify communities of interest from public input
- Report to the Board with public input gathered by the RAC

Redistricting Timeline



Traditional Redistricting Principles

Preventing a District from Becoming a Gerrymander

There are a number of criteria that have been used nationally and upheld by courts.

- Relatively equal size - people, not citizens
- Contiguous – districts should not hop/jump
- Maintain “*communities of interest*”
- Follow city/county/local government lines
- Keep districts compact – appearance/function

Traditional Redistricting Principles

Drawing New Valley Water Districts for Fair Representation

There are a number of criteria that have been used nationally and upheld by courts.

- Relatively equal size - people, not citizens
- Contiguous – districts should not hop/jump
- **Maintain “*communities of interest*”**
- Follow city/county/local government lines
- Keep districts compact – appearance/function

Communities of Interest

Bringing like people together for representation

Communities of interest are the building blocks of districts.

A community of interest includes ethnic and language minorities and other groups.

- Subjective
- Open-ended to be as inclusive as possible

Communities covered by the Voting Rights Act

- Latinos
- Asians
- African Americans

Communities of Interest

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Communities covered by the Voting Rights Act

- Latinos
- Asians
- African Americans

While communities of interest may include race, it cannot be the *predominant factor* in drawing district boundaries.

Communities of Interest

Bringing like people together for representation

- Historical communities
- Economic interests
- Racial composition
- Ethnic Areas
- Cultural amenities
- Religious facilities
- Immigrant communities
- Languages spoken
- Geographic features
- Neighborhoods
- Economic opportunity zones
- Tourism Areas
- School districts
- Outdoor recreation areas
- Communities defined by natural resource features
- Downtown / Urban
- Rural or Agricultural
- Homeowner or Renters
- Creative arts communities
- Media markets
- *Many, many more*

What is NOT a Community of Interest

Preventing a Districting from Becoming a Gerrymander

The Fair Maps Act explicitly prohibits these groups from being considered as communities of interest

- Political party affiliation
- Incumbents
- Political candidates

It also is hard, in redistricting to truly consider:

- *Groups of similarly minded people who do not share a similar geographic location.*
- *Communities of Interest that are countywide.*

Communities of Interest

Three Critical Questions in Defining YOUR Community

- Does the community have a shared culture, characteristics or bond?
- Is the community geographic in nature? Is the community able to be mapped?
- Who would you describe the community's relationship with the jurisdiction, and how is your community affected by the policy decisions made by the elected officials?

Is this a Community of Interest?

A group of homeowners who live in Morgan Hill testifies to the Valley Water's RAC.

Would this be considered a *Community of Interest*?

Is this a Community of Interest?

A group of homeowners who live in Morgan Hill testifies to the Valley Water's RAC.

Would this be considered a *Community of Interest*?

YES! This group of residents can easily to be mapped in a distinct area AND they share a common policy interest, which can be addressed through legislation or public services.

Is this a Community of Interest?

A neighborhood association in a historic part of East San Jose organizes and submits testimony on why their neighborhood should not be separated.

Would this be considered a *Community of Interest*?

Is this a Community of Interest?

A neighborhood association in a historic part of East San Jose organizes and submits testimony on why their neighborhood should not be separated.

Would this be considered a *Community of Interest*?

YES! Historical communities and neighborhoods are recognized as communities of interest and should be considered when drawing maps.

Is this a Community of Interest?

A group of mushroom and spinach farmers, concentrated in the rural unincorporated areas of the county, focused on ensuring they have enough water for their orchards.

Would this be considered a *Community of Interest*?

Is this a Community of Interest?

A group of mushroom and spinach farmers, concentrated in the rural unincorporated areas of the county, focused on ensuring they have enough water for their orchards.

Would this be considered a *Community of Interest*?

YES! This is a group of people in a shared geographic location who have similar needs for public services.

Is this a Community of Interest?

A statewide group for people who are fans of San Francisco Giants testifies to the Valley Water Redistricting Advisory Committee.

Would this be considered a *Community of Interest*?

Is this a Community of Interest?

A statewide group for people who are fans of San Francisco Giants testifies to the Valley Water Redistricting Advisory Committee.

Would this be considered a *Community of Interest*?

NO! It is important that a community of interest is distinct enough to draw on a map. This group overlaps throughout the entire state, and it is unlikely that a governing agency has any say over these issues.

Community of Interest Forms

Submitting Your COI Form

- Input can be provided in public hearings or using our “Community of Interest Worksheet.”
- This can be provided on the website as a part of overall community engagement strategy.
- Some agencies convert these to a webform or survey instrument.



Map Submissions

Online Map Submissions will be available in the coming month after the Valley Water completes development / hosting of the Online Redistricting software

Two types of expected input:

- Community of Interest Maps (August – End of Process)
- District Plans Based on 2021 Data (Release of Data – Final Adoption)

Communities of Interest

Drawing YOUR Communities of Interest

Valley Water will be using DistrictR as a public mapping tool to allow residents to draw their own Communities of Interest.



You draw the lines.

<https://districtr.org/california>

Redistricting Advisory Committee

Timeline for Upcoming Meetings

Aug. 18 th	Training #3
Sept. 15 th	Public Meeting on the 2021 Census
Sept. 22 nd	Outreach Meeting #1 – District 7
Sept. 29 th	Outreach Meeting #2 – District 6
Oct. 6 th	Outreach Meeting #3 – District 5

Redistricting Advisory Committee

Timeline for Upcoming Meetings

Oct. 13 th	Outreach Meeting #4 – District 4
Oct. 20 th	Outreach Meeting #5 – District 3
Oct. 27 th	Outreach meeting #6 – District 2
Nov. 3 rd	Outreach meeting #7 – District 1
Dec. 1 st	Map Drafting Meeting
Jan. 12 th	RAC Meeting to Review and select Final Map(s)
Feb. 9 th	Board Meeting on RAC Recommended plan(s) #1

Redistricting Advisory Committee

Timeline for Upcoming Meetings

- Jan. 25th Valley Water Board Meeting to Review and Approve Maps
- Feb. 9th Valley Water Board Meeting to Vote on Final Maps
(if necessary)
- Feb. 22nd Valley Water Board Meeting to vote on Final Maps #2
- March 8th Valley Water Board Meeting #3 (if needed) to vote on Final
Maps

Santa Clara Valley Water Redistricting Website

<https://www.valleywater.org/how-we-operate/redistricting>



REDISTRICTING PARTNERS



Valley Water

Clean Water • Healthy Environment • Flood Protection



Valley Water Redistricting Public Outreach 2021

Redistricting Outreach Platforms

- Social Media
- Be Heard
- Valleywater.org
- Email
- Print Ads

Social Media Platforms

- Social Posts on Facebook, Instagram, Twitter and LinkedIn
- Events created for every meeting
- Director NextDoor post announcements
- Meetings livestreamed on Facebook

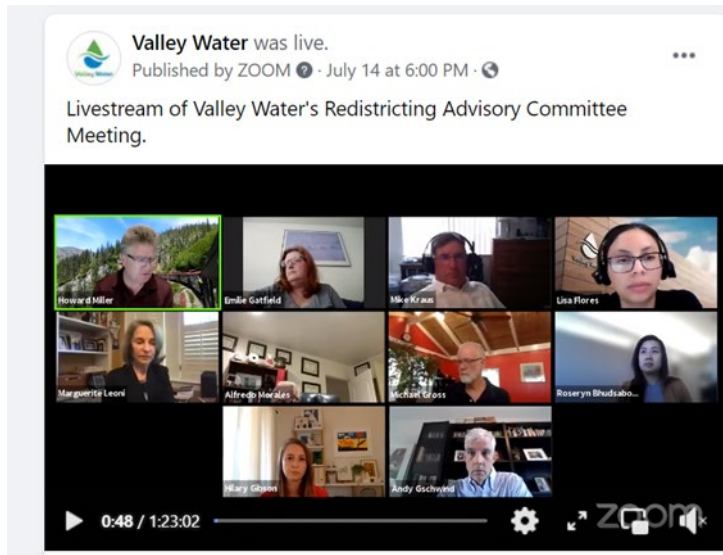
Facebook Ad results for July 14 meeting

5



valleywater.org

Facebook Livestream July 14 meeting performance





Video Views	146
Impressions	204
Reach	192
Engagements	73

NextDoor Director Meeting Posts

Total Impressions: 22,300


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 **Santa Clara Valley Water District** Liaison Neighborhood Relations • 23 Jun



Have Your Voice Heard in Valley Water’s Redistricting Process. Dear Neighbor, Valley Water recently kicked off the process to adjust its electoral boundaries and invites you to participate. This process occurs every ten years after the decennial census. The process, commonly called redistricting, is done to ensure a fair

See more...

 Redistricting | Santa Clara Valley Water
valleywater.org

valleywater.org

Social Media Video Explainer



Be Heard Interactive Page



[Home](#) » [Redistricting](#)

Redistricting

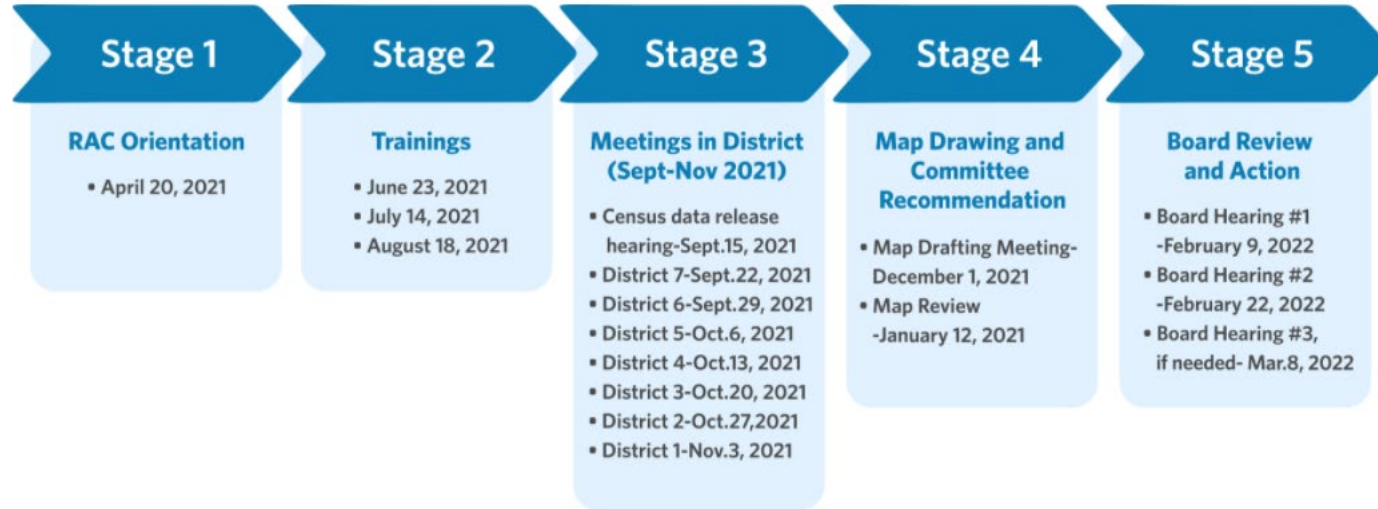


Following the census that occurs every ten years, Valley Water is required to update and adjust the boundaries of electoral districts to ensure the community is equally represented.

The District Act, in addition to Federal and State law, requires that boundaries of electoral districts must be adjusted before November 1 of the year following the year in which each decennial census is taken. Adjustment of electoral districts is 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. To assist with the completion of a redistricting study in an inclusive, transparent, and comprehensive manner, and in order to garner community input on redistricting, the Board of Directors established a Redistricting Advisory Committee. The committee is comprised of seven community leaders from throughout Santa Clara County.

Valleywater.org/Redistricting Page

10

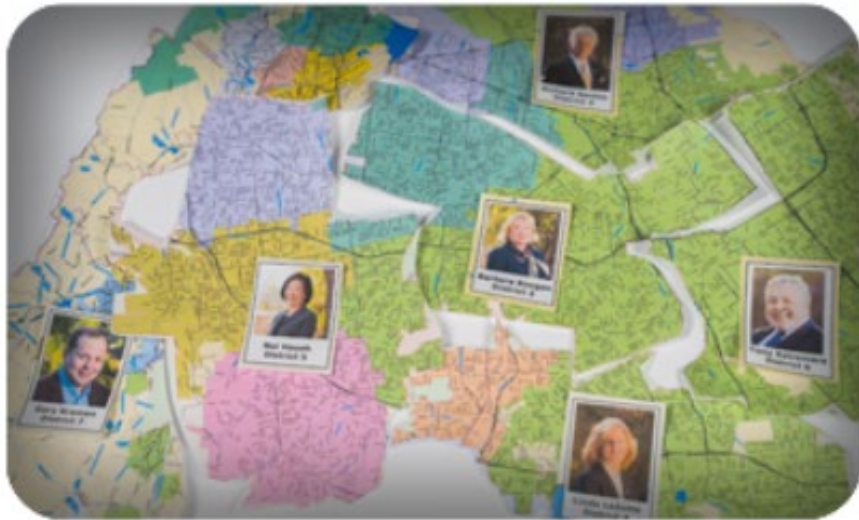


- + [Redistricting Manual](#)
- + [Redistricting Advisory Committee Members](#)
- + [Redistricting Guidelines and Procedures](#)
- + [Next Meeting](#)

Constant Contact Newsletter Monthly Story

July Clicks: 264

11



Join the redistricting process

Following the census that occurs every ten years, Valley Water is required to update and adjust the boundaries of electoral districts to ensure the community is equally represented.

[How to get involved](#)

QUESTIONS





Valley Water

Clean Water • Healthy Environment • Flood Protection

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Santa Clara Valley Water District

File No.: 21-0878

Agenda Date: 8/18/2021
Item No.: 3.2.

COMMITTEE AGENDA MEMORANDUM

Redistricting Advisory Committee

SUBJECT:

Next Meeting and Agenda Items.

RECOMMENDATION:

Discuss and confirm next meeting date and agenda items.

SUMMARY:

Review schedule for upcoming meeting dates in 2021-2022.

ATTACHMENTS:

Attachment 1: Schedule

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193



2021-22 Redistricting Advisory Committee Meeting Schedule

Activity	Category	Date
<p>RAC elects permanent Chair and Vice Chair and receives presentations on:</p> <ul style="list-style-type: none"> • Review of draft redistricting “manual” outlining different terminology, including: <ul style="list-style-type: none"> ○ Voting Rights Act ○ rules of redistricting, ○ the census, ○ communities of interest ○ map creation ○ Fair Maps Act • Introduction of BeHeard effort 	Training	June 23, 2021 6 pm
<p>Presentations on</p> <ul style="list-style-type: none"> • Brown Act • Conduct of Meetings Rules • Adoption of bylaws • Governance process 	Training	July 14, 2021 6 pm
<p>Presentations on</p> <ul style="list-style-type: none"> • DistrictR Redistricting software and training for public and committee • process for outreach hearings • mapping tools • Outreach plan overview 	Training	August 18, 2021 6 pm
<p>Presentation on:</p> <ul style="list-style-type: none"> • Census Data Release Meeting with presentation to RAC on existing districts and new populations 	Public Meeting	September 15, 2021 6 pm
Outreach Meeting #1 for District 7	Public Meeting	September 22, 2021 1:30 pm
Outreach Meeting #2 for District 6	Public Meeting	September 29, 2021 6 pm



Activity	Category	Date
Outreach Meeting #3 for District 5	Public Meeting	October 6, 2021 6 pm
Outreach Meeting #4 for District 4	Public Meeting	October 13, 2021 6:00 pm
Outreach Meeting #5 for District 3	Public Meeting	October 20, 2021 6 pm
Outreach Meeting #6 for District 2	Public Meeting	October 27, 2021 6 pm
Outreach Meeting #7 for District 1	Public Meeting	November 3, 2021 6 pm
Map Drafting meeting – live map drawing with direction from the Committee	Public Meeting	December 1, 2021 6 pm
RAC Meeting to review and select Final Map(s)	Public Meeting	January 12, 2022 6 pm
Board Meeting on RAC Recommended plan(s) #1	Public Meeting	February 9, 2022 1:00 pm
Board Meeting to vote on Final Maps #2	Public Meeting	February 22, 2022 6 pm
Board Meeting #3 (if needed) to vote on Final Maps	Public Meeting	March 8, 2022 1 pm

