



STAFF REPORT

City Council

Meeting Date:

8/31/2021

Staff Report Number:

21-168-CC

Regular Business:

Adopt Resolution No. 6659 establishing the Independent Redistricting Commission

Recommendation

Adopt Resolution No. 6659 (Attachment A) establishing the Independent Redistricting Commission (IRC.)

Policy Issues

Upon completion of the U.S. Census every 10 years, State law requires the City Council to review and, if necessary, adjust the boundaries of its districts that were established October 4, 2017 with the adoption of Ordinance No. 1044 to ensure compliance with State and Federal law.

Background

On June 29, 2021, the City Council conducted a study session, to consider the various methods for reviewing and adjusting district boundaries. At the conclusion of the study session, the City Council directed staff to return with an action item establishing an Independent Redistricting Commission (IRC) to review the 2020 U.S. Census data and adopt boundaries for the City of Menlo Park.

The State has enacted various laws governing the redistricting process, including the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act (“Fair Maps Act”), which creates standardized redistricting criteria aimed to keep communities together and to prohibit partisan gerrymandering. It also contains expanded community outreach and public hearing requirements and timelines, which more closely track the State redistricting schedule.

Certain legally required criteria must be observed when redrawing districts:

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

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

1. To the extent practicable, city council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include

- relationships with political parties, incumbents or political candidates.
3. City Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, city council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
 4. To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, city council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

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

Requirements to redistrict under the Fair Maps Act stipulate that following each federal decennial census, and using that census as a basis, the City Council must adopt boundaries for all City Council districts so that the districts shall be substantially equal in population as required by the U.S. Constitution. The City Council shall adopt boundaries that comply with the U.S. Constitution, the California Constitution, and the Federal Voting Rights Act of 1965.

The Fair Maps Act also specifies deadlines for the adoption of new boundaries by the governing body and standardizes redistricting procedures and requirements for counties and cities, including imposing new public hearing, outreach, notice and transparency requirements. The Fair Maps Act requires the governing body to take specified steps to encourage the residents of the local jurisdiction to participate in the redistricting process. Cities are required to hold at least four hearings, including at least one hearing or workshop on a weekend or after 6 p.m. on a weekday. Cities are additionally required to provide live translations of hearings – if requested 72 hours in advance – into languages other than English. In addition, the City Council must engage in other specified outreach requirements.

In lieu of holding the public hearings itself, City Council is authorized to establish a redistricting commission to hold the required public hearings. California Elections Code Section 23001 to 23003 states a jurisdiction may establish by resolution, ordinance, an independent, hybrid or an advisory redistricting commission composed of residents of the local jurisdiction.

The establishment of an IRC would require empowering that body to adopt the district boundaries for the City. Pursuant to Elections Code 23003, the City Council may prescribe the manner in which members of the IRC are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents and provided that the commissioners are not directly appointed by the City Council or any other elected official of the local jurisdiction.

Analysis

In response to City Council's direction provided at the June 29, 2021, City Council study session, the city attorney's office has prepared a resolution that, if adopted, would establish an IRC.

The proposed resolution contains the following provisions:

Establishment

The resolution establishes the Menlo Park IRC. The IRC is tasked with adopting a redistricting report and final map establishing new city council district boundaries within prescribed timeframes. The City Council shall have no role in developing or adopting a redistricting report or a final map. Once established, the City Council divests itself of all oversight and authority over the IRC, which operates independently of the City Council. The proposed resolution appoints the city clerk as being largely responsible for appointment of the Commissioners as State law prohibits the City Council from appointing IRC Commissioners.

Composition

The Commission shall be comprised of seven (7) commissioners (“Commissioners”) and two (2) alternate commissioners (“Alternates.”) Alternates may fully participate in Commission deliberations but may not vote and may not be counted toward the establishment of a quorum. Alternates are subject to the same qualifications, restrictions, and standards of conduct as all other Commissioners. At its first meeting, the Commission shall select one (1) Commissioner to serve as chair and one (1) Commissioner to serve as vice chair. The Commission may designate other officers from its membership and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the Commission.

Qualifications and restrictions

Under the proposed IRC Resolution, applicants shall comply with the eligibility requirements in California Elections Code Sections 23001 and 23002(b), (c) and (d) and shall meet all of the following minimum qualifications at the time an application is filed:

1. Be at least eighteen (18) years of age on the date of application; and
2. Be a resident of the City for at least three (3) years immediately preceding the date of application.

A person shall not be appointed to serve on the Commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, City Council in the eight (8) years preceding the person's application.
2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:
 - a. Served as an officer of, employee of or paid political consultant to, a campaign committee or a candidate for City Council.
 - b. Served as a staff member or a political consultant to, or who has contracted with, a currently serving City Councilmember or San Mateo County supervisor.
 - c. Contributed five hundred dollars (\$500) or more in a year to any seated city councilmember or current candidate for City Council.
3. If the person or the person's family member served as an officer of, employee of or paid consultant to, a political party or as an elected or appointed member of a political party central committee in the eight (8) years preceding the person's application.
4. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.
5. If the person is a paid employee of the City or a current City Councilmember.
6. If the person is a paid employee of any redistricting contractor or consultant.
7. Any other restrictions identified in Elections Code section 23003 applicable to independent redistricting commissions, as may be amended from time to time.

In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the city clerk.

Selection

The proposed IRC resolution provides that the city clerk is largely responsible for managing the selection of the Commissioners. The city clerk shall in each year ending in the number zero initiate and widely publicize application process, open to all City residents who meet the requirements listed above in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. The city clerk is also responsible for review of each submitted application for completeness. If the city clerk deems an application to be incomplete, the city clerk shall notify the applicant of such and provide the

applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.

The city clerk shall, at a public meeting, randomly select three (3) names from the pool of qualified applicants. Those three (3) shall serve as Commissioners and shall, by majority vote at a separate noticed public hearing, select the final four (4) Commissioners and two (2) Alternates from the remaining pool of qualified applicants. The initial three (3) Commissioners should select applicants that are best qualified to carry out the Commission's duties under this Section and that, as a group, reasonably reflect the diversity of the City, provided that no quotas, formulas, or ratios may be applied for this purpose.

Restrictions after appointment

The proposed IRC resolution provides that if appointed to the Commission, a Commissioner or Alternate shall not do any of the following:

1. While serving on the Commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for City Council.
2. Be a candidate for City Council if less than five (5) years has elapsed since the date of the member's appointment to the Commission.
3. For four (4) years commencing with the date of his or her appointment to the Commission:
 - a. Accept employment as a staff member of, or political consultant to, a City Councilmember or candidate for City Council.
 - b. Receive a noncompetitively bid contract with the City.
 - c. For two (2) years commencing with the date of his or her appointment to the Commission, accept an appointment to the City Council.

Redistricting criteria

The proposed IRC resolution states that the Commission shall draw its final map so that:

1. Following each decennial federal census, and using that census as a basis, shall, by resolution, adopt boundaries for any or all of the City Council districts of the City so that the City Council districts shall be substantially equal in population as required by the United States Constitution.
2. Population equality shall be based on the total population of residents of the City as determined by that census.
3. The City Council district boundaries must comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.)
4. The Commission shall adopt district boundaries using the following criteria as set forth in the following order of priority in accordance with California Elections Code section 21601.
5. The Commission shall not adopt City Council district boundaries for the purpose of favoring or discriminating against a political party.

Public hearings

The Commission shall conduct a minimum of two (2) public hearings before the drawing of any draft map or maps of the proposed City Council boundaries and a minimum of (2) public hearings after drawing of any draft map or maps of the proposed City Council boundaries. At least one of these public hearings or workshops must be held on a Saturday, on a Sunday or after 6 p.m. on a weekday Monday through Friday. Nothing stated herein shall prevent the Commission from conducting public hearings beyond the minimum number of public hearings stated herein.

Administration

The IRC will be subject to both the Brown Act, the California Public Records Act, and the Political Reform Act. The proposed resolution would direct a budget be established for the IRC and that City staff, such as the city attorney's office, assist the IRC in carrying out their task.

The City Council will need to take future action to repeal or amend certain provisions of the Menlo Park Municipal Code to conform to the establishment of the IRC as well as the City's conflict of interest code. For example, the City Council will need to repeal section 2.04.220, which identifies the district map adopted by the City Council through Ordinance No. 1044, and specify that the district boundaries shall be those adopted by the IRC through a resolution. Additionally, amendments will need to be made to section 2.04.200 to clarify that the IRC is independent, and not an advisory board and/or commission. Given the time constraints relating to the redistricting process, staff will focus first on establishing the IRC and will bring those necessary conforming amendments to the City Council after the IRC is formed.

As an independent body, the IRC will need to conduct its own meetings, which will require the establishment of meeting procedures and staff assistance to conduct the meetings.

Impact on City Resources

City Council's 2021-22 adopted budget includes \$100,000 to support the redistricting effort. The proposed resolution to establish the IRC would also require that the IRC receive City funding in order to conduct its redistricting activity, which may include hiring consultants for the redistricting process, reimbursing Commissioners for incidentals and paying for other costs associated with the redistricting effort. Staff time will also be utilized to assist the IRC by providing support from the city attorney's office and city manager's office.

City staff believes that the IRC will need the following in terms of City resources:

- City attorney's office legal support
- City manager's office staff support, including city clerk, public engagement and communication
- Administrative support (finance and information technology)

IRC members would also receive an official City of Menlo Park email address and individual zoom accounts to conduct all official City business.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution No. 6659

Report prepared by:

Nira Doherty, City Attorney

Denise S. Bazzano, Assistant City Attorney

Judi A. Herren, City Clerk

RESOLUTION NO. 6659**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
CREATING AN INDEPENDENT REDISTRICTING COMMISSION**

WHEREAS, the United States Constitution, as interpreted by the courts, prohibits violations of equal protection, including intentional dilution or abridgement of the right to vote of protected classes, and racial gerrymandering; and

WHEREAS, on October 4, 2017, with the adoption of Ordinance No. 1044, the City Council established five electoral districts for the election of City Councilmembers; and

WHEREAS, Ordinance No. 1044 established five districts from which City Councilmembers would be elected with City Council District Nos. 1, 2 and 4 beginning at the general municipal election in November 2018, and every four (4) years thereafter, and City Council District Nos. 3 and 5 beginning at the general municipal election in November 2020, and every four (4) years thereafter; and

WHEREAS, California Elections Code section 21600 *et seq.*, requires, among other things, that following each decennial federal census, and using that census as a basis, the city council by ordinance or resolution, adopt boundaries for any or all of the city council districts of the city so that the city council districts shall be substantially equal in population as required by the United States Constitution (“redistricting”); and

WHEREAS, California Elections Code section 23000 *et seq.*, governs the formation of local independent redistricting commissions; and

WHEREAS, California Elections Code section 23001 provides that a local jurisdiction may establish by resolution, ordinance, or charter amendment an independent redistricting commission, a hybrid redistricting commission, or an advisory redistricting commission composed of residents of the local jurisdiction to change the legislative body’s district boundaries or to recommend to the legislative body changes to those district boundaries; and

WHEREAS, establishing a redistricting process that is open and transparent and allows public comment on the drawing of City Council district boundaries, ensures that the district boundaries are drawn in accordance with state and federal law, and ensures that the redistricting process is conducted with integrity, fairness, and without personal or political considerations, the City Council hereby desires to establish an Independent Redistricting Commission; and

WHEREAS, the City Council has determined that it is in the City of Menlo Park’s interest to establish and appoint a seven (7) member Independent Redistricting Commission, to redraw district boundary lines, as authorized by state and federal law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby resolves as follows:

1. For the purposes of this Resolution, the following words and phrases shall have the meanings respectively ascribed to them below:
 - a. "Commission" means the City of Menlo Park Independent Redistricting Commission.
 - b. "Consultant" means a person, whether or not compensated, retained to advise the Commission or a Commissioner regarding any aspect of the redistricting process. Consultant excludes outside legal counsel.
 - c. "Family member" means a spouse, parent, sibling, child, or in-law.
 - d. "Federal decennial census" means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.
2. That the Menlo Park Independent Redistricting Commission ("Commission") is hereby established. The exclusive authority to redraw City Council district boundaries shall be vested in the Commission, until such time as the City Council rescinds this Resolution. Accordingly, the City Council shall have no role in developing a redistricting report or map.
3. The Commission shall:
 - a. Be independent of City Council control;
 - b. Conduct an open and transparent redistricting process, enabling full public consideration of and comment on the drawing of City Council district boundaries;
 - c. Comply with the provisions of state and federal law; and
 - d. Conduct itself with integrity and fairness.
4. Duties. The Commission shall, following each decennial federal census, adopt a final map establishing City Council district boundaries and a final report explaining its decision in accordance with this Resolution, within the redistricting deadlines as established by state law. These district boundaries shall be used for the establishment of City Council electoral districts as set forth in Menlo Park Municipal Code section 2.04.210 and 2.04.220.
5. The Commission may adopt for itself rules of procedure that do not conflict with state or federal law or this Resolution.
6. Composition. The Commission shall be comprised of seven (7) commissioners ("Commissioners") and two (2) alternate commissioners ("Alternates"). Alternates may fully participate in Commission deliberations but may not vote and may not be counted toward the establishment of a quorum. Alternates are subject to the same qualifications, restrictions, and standards of conduct as all other Commissioners. At its first meeting, the Commission shall select one (1) Commissioner to serve as Chair and one (1) Commissioner to serve as Vice Chair. The Commission may designate other officers from its membership and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the Commission.

7. Qualifications and restrictions.
 - a. Qualifications. Applicants shall comply with the eligibility requirements in California Elections Code Sections 23001 and 23002(b), (c) and (d) and shall meet all of the following minimum qualifications at the time an application is filed:
 - i. Be at least eighteen (18) years of age on the date of application; and
 - ii. Be a resident of the City for at least three (3) years immediately preceding the date of application.
 - b. A person shall not be appointed to serve on the Commission if any of the following applies:
 - i. If the person or any family member of the person has been elected or appointed to, or been a candidate for, City Council in the eight (8) years preceding the person's application.
 - ii. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:
 1. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for City Council.
 2. Served as a staff member or a political consultant to, or who has contracted with, a currently serving City Councilmember or San Mateo County supervisor.
 3. Contributed five hundred dollars (\$500) or more in a year to any seated City Councilmember or current candidate for City Council.
 - iii. If the person or the person's family member served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee in the eight (8) years preceding the person's application.
 - iv. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.
 - v. If the person is a paid employee of the City or a current City Councilmember.
 - vi. If the person is a paid employee of any redistricting contractor or consultant.
 - vii. Any other restrictions identified in Elections Code section 23003 applicable to Independent Redistricting Commissions, as may be amended from time to time.
 - c. All applicants shall attest to compliance with all of the criteria in subsections 7(a) and (b).
 - d. In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the City clerk.
 - e. If an applicant to the Commission currently serves on another City of Menlo Park board or commission, he or she may serve on the Commission if selected, as long as he or she agrees not to serve on another board or commission during his or her term of office on the Commission. Once sworn into office on the Commission, the Commissioner shall be deemed to have forfeited their previous board or commission position.
 - f. Commissioners shall serve without compensation.
8. Selection.
 - a. The City clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all City residents who meet the requirements listed in section 7 above in a manner that promotes a qualified Commissioner applicant pool that is large and reflective of the diversity of the City.

- b. Commissioners shall be selected through an open application process.
- c. The City clerk shall initiate and widely publicize the Commission application process. To promote a large and diverse applicant pool, the City clerk shall seek assistance from a broad range of community-based organizations to encourage qualified persons to apply. The application period shall be open for at least one month and shall specify a closing date for submission of all applications.
- d. The City clerk shall review each submitted application for completeness. If the City clerk deems an application to be incomplete, the City clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.
- e. Upon close of the application submittal period, the City clerk shall review all applications and remove incomplete or untimely applications and remove individuals who do not meet the qualification criteria listed in Sections 7(a) and (b) from among the Commission applicants.
- f. If the City clerk does not receive sufficient applications to meet the requisite number of Commissioner positions and Alternate positions upon the close of the application submittal period, the City clerk may extend the application deadline and continue to seek assistance from a broad range of community-based organizations to encourage qualified persons to apply until such time as sufficient applications are received.
- g. The City clerk shall, at a public meeting, randomly select three (3) names from the pool of qualified applicants. Those three (3) shall serve as Commissioners and shall, by majority vote at a separate noticed public hearing, select the final four (4) Commissioners and two (2) Alternates from the remaining pool of qualified applicants.
- h. The initial three (3) Commissioners should select applicants that are best qualified to carry out the Commission's duties under this Section and that, as a group, reasonably reflect the diversity of the City, provided that no quotas, formulas, or ratios may be applied for this purpose. The initial three (3) Commissioners shall select the additional four (4) Commissioners such that the Commission shall not be comprised entirely of Commissioners who are registered to vote with the same political party preference.
- i. In evaluating applications, the initial three (3) Commissioners shall consider each applicant's:
 - i. Competency to carry out the responsibilities of the Commission;
 - ii. Ability to serve with impartiality in a nonpartisan role;
 - iii. Familiarity with the City's neighborhoods and communities;
 - iv. Appreciation for the diverse demographics and geography of the City.
 - v. Apparent ability to work cooperatively with other Commissioners;
 - vi. Relevant civic and/or volunteer activities.
- j. The Commission shall be fully established no later than December 1, 2021, and thereafter no later than December 1 in each year ending in the number zero, unless otherwise prescribed by the City Council.
- k. If a Commissioner resigns or is removed from the Commission, the next Alternate in line shall fill the vacancy as a voting Commissioner.
- l. For purposes of this subsection, "diverse" means diversity of geography, race and ethnicity, gender, and age.

9. Appeal. There is no right of appeal to a determination by the Clerk or a Commissioner regarding the appointment process or appointment of a Commissioner.
10. Restrictions after appointment. If appointed to the Commission, A Commissioner or Alternate shall not do any of the following:
 - a. While serving on the Commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for City Council.
 - b. Be a candidate for City Council if less than five (5) years has elapsed since the date of the member's appointment to the Commission.
 - c. For four (4) years commencing with the date of his or her appointment to the Commission:
 - i. Accept employment as a staff member of, or political consultant to, a City Councilmember or candidate for City Council.
 - ii. Receive a noncompetitively bid contract with the City.
 - iii. For two (2) years commencing with the date of his or her appointment to the Commission, accept an appointment to the City Council.
11. Removal. The Commission by a 2/3 vote may remove a Commissioner or Alternate for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject Commissioner or Alternate with written notice and an opportunity for response at a public Commission meeting.
12. Redistricting criteria.
 - a. The Commission shall do the following:
 - i. Following each decennial federal census, and using that census as a basis, shall, by resolution, adopt boundaries for any or all of the City Council districts of the City so that the City Council districts shall be substantially equal in population as required by the United States Constitution.
 1. Population equality shall be based on the total population of residents of the City as determined by that census.
 2. Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted as part of a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the City, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.
 - b. The City Council district boundaries must comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).
 - c. The Commission shall adopt district boundaries using the following criteria as set forth in the following order of priority in accordance with California Elections Code section 21601:
 - i. To the extent practicable, City Council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

- ii. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
 - iii. City Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, City Council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.
 - iv. To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, City Council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
- d. The Commission shall not adopt City Council district boundaries for the purpose of favoring or discriminating against a political party.

13. Adoption of redistricting report and map.

- a. The Commission shall conduct at least two (2) public hearings prior to the drawing of any draft map or maps of the proposed City Council boundaries.
- b. The Commission shall conduct at least three (3) public hearings after drawing of any draft map or maps of the proposed City Council boundaries.
- c. At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.
- d. Public hearing buildings shall be accessible to persons with disabilities.
- e. The Commission shall, at a minimum, take the applicable steps identified in Elections Code section 21608 to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process.
- f. Prior to adoption of a final map, the Commission shall file a preliminary redistricting plan and draft map with the City clerk, along with a written statement of findings and reasons for proposed adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the Commission. The City clerk shall publish the preliminary redistricting plan and draft map in accordance with Elections Code section 21608(d). After having heard comments from the public on the preliminary redistricting plan and draft map, the Commission shall adopt a final redistricting report and final map. A Commission-adopted final redistricting report and final map has the force and effect of law and shall be effective after it is filed with the City clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The City Council may not revise the district boundaries adopted by the Commission.
- g. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.

14. Administration.

- a. The City Council shall appropriate sufficient funds to support the work of the Commission, including funds necessary to recruit Commissioners and Alternates, meet

the operational needs of the Commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for City staff time associated with supporting the work of the Commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.

- b. The City Manager, City Clerk, and City Attorney shall assign sufficient staff to support the Commission. The City clerk or the City clerk's designee shall serve as secretary to the Commission. The City Attorney or the City Attorney's designee shall serve as legal counsel to the Commission.
- c. Subject to funds appropriated to the Commission, the Commission may retain consultants following the City's standard procurement processes and the City Council shall approve any applicable consultant agreements. The Commission shall retain the sole authority for determining the selection criteria for consultants.
- d. The Commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), and the Political Reform Act (Chapter 7 (commencing with Section 87100) of Title 9).

15. Dissolution.

- a. The Commission shall cease operations and dissolve on the ninety-first day following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the Commission shall continue operations until a final redistricting report and final map is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the Commission shall automatically revive and continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the City.

BE IT FURTHER RESOLVED, if any term, provision, or portion of this Resolution is held by a court to be invalid, void or unenforceable, the remaining provisions of this Resolution shall continue in full force and effect unless amended or modified or repealed by the City.

//

//

//

//

//

//

//

I, Judi A. Herren, City clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the thirty-first day of August, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this thirty-first day of August, 2021.

Judi A. Herren, City clerk