

Tonight's Agenda Item

- 2019 District Creation Process
- 2021-2022 Redistricting Process
 - Overview
 - Commission
 - Requirements
 - Public outreach
- Commission questions
- Public comment
- Commission discussion

2021-2022 Redistricting Process

Overview

Commission

Requirements

Public outreach

Commission questions

Public comment

Commission discussion

- Legal challenge
- January July 2019
 - 4 required public hearings
 - Draft maps
 - Adoption of final maps
- First District elections (1 and 3)
 November 3, 2020
- Next District elections (2 and 4)
 November 8, 2022

2021-2022 Redistricting Process



Overview

Commission

Requirements

Public outreach

Commission questions

Public comment

Commission discussion

- FAIR MAPS Act new procedures
- Different criteria from 2019
- 4 public hearings
- More community outreach
- Council approval deadline:
 - April 17, 2022

2021-2022 Redistricting Process

Overview

Commission

Requirements

Public outreach

Commission questions

Public comment

Commission discussion

Hybrid Redistricting Commission

- Not directly appointed by City Council
- Considerable limitations on members
- Conducts all hearings
- Provides City Council with 2 or more maps to consider
- City Council selects final map from Commission options, with <u>no</u> revisions

2021-2022 Redistricting Process

Overview

Commission

Requirements

Public outreach

Commission questions

Public comment

Commission discussion

- Substantially equal populations
- Compliance with U.S. and California Constitutions and Voting Rights Acts
- Order of Priority
 - Geographically contiguous (to extent practicable)
 - 2. Respect Communities of Interest
 - Identifiable and understandable boundaries
 - Geographically compact (to extent practicable)
- Cannot favor or disfavor a political party

2021-2022 Redistricting Process

Overview

Commission

Requirements

Public outreach

Commission questions

Public comment

Commission discussion

- Social media
- Media organizations
- Community groups and organizations
- Availability of meeting translation services
- Dedicated webpage
- Dedicated email address
- Map drawing tools
- Materials at least in English and Spanish

2021-2022 Redistricting Process

Overview

Commission

Requirements

Public outreach

Commission questions

Public comment

Commission discussion

Next Steps

- Commission questions
- Public comment
- Commission discussion

The Rules of the Road

AN OVERVIEW OF SOME OF THE LAWS THAT GOVERN YOUR ROLE AS A MEMBER OF THE BRENTWOOD REDISTRICTING COMMISSION

Tonight's Agenda

- The Brown Act
 Governs public meetings
- 2. The Public Records Act
 Governs availability of public records
- 3. Conflicts of Interest laws

 Govern loyalty to the public interest

Generally: protects the right of the public to attend and participate in meetings of elected and appointed bodies of local agencies

Exceptions apply

May 25, 1952 - Part 1 By Michael Harris

Your Secret Government: It Comes in Many Guises

SINCE the Nation's beginning

In Washington, it is gen- as an opening wedge for some viduals in the community who

erally agreed that some mat- public bodies to do the bulk

want to meet privately with

May 26, 1952 - Part 2

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Anatomy of the Caucus

OF COURSE, Supervisor

18 the board passed a special resolution taking care of him.

Why Have a Closed Hearing?

discussed by the Supervisors, though in some cases they are

By Michael Harris

Stallings added. Otherwise, requested to omit parts of the

May 27, 1952 - Part 3

THE Councilmen got up and left the room. This was a matter to be settled in private, they ex-

plained. The audience in San Jose's diminutive City Hall remained behind in the council chambers. And, after a while, the Councilmen trooped back and an-

They reported that they had gone over the petition of the owners of 386 parcels of land in Bradley Manor who objected to having their subdivision annexed by the City. And the council's decision was to reject 66 of the signatures.

nounced their decision.

The rejection seemed to in-

What, he asked, was wrong with the 66 names?

Council Won't Talk

The council refused to tell. "The information was not given out in open council meeting on the advice of our City Attorney," Mayor Clark L. Bradley explained recently.

(The Mayor and the manor have the same name, but neither is named for the other. Just a coincidence.)

"Our reply to Mr. Burnett was if he would consult with the City Attorney the following morning he would get whatever information needed," the Mayor said.

Shortly after the meeting Burnett filed a suit to block the annexation. He charged

ruled the City Council had effect. acted illegally in rejecting the signatures. The council ap-

Recently the First Court of Appeal in San Francisco also held that the council's action was illegal.

"A closed hearing out of the presence of the protestants is not the kind of hearing contemplated by Government Code," the opinion stated. What is demanded, the court added, is "a fair and impartial hearing at which the complainant's evidence may be presented."

But this opinion has not convinced Mayor Bradley.

Avilla of Santa Clara county seems to have had little other

By Michael Harris

It has not, for instance, ended the council's habit of doing a considerable share of its work in private meetings. Its regular, scheduled caucus starts at 4 p. m. on days when the council meets, and continues for four hours. Food is sent in from the outside.

At 8 p. m. the caucus ends and the council starts its pub-

Reporters may remain for most of the time during the caucus sessions, said City Manager Anthony P. Hamann. But, he added, they do have to agree to one thirtg. They

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

- Meetings must be open to the public
- Public has right to participate
- Notice of meetings must be provided
- Agendas must include brief general description of items to be discussed
- Discussion at Commission meetings cannot stray from agenda
- Majority of members required for meetings

- Configuring a "majority of members"
 - Simple majority
 - 3 or more
 - "Daisy chain"
 - $A \rightarrow B \rightarrow C$
 - "Hub and spoke"



Social media (AB 992)

- Okay to engage in a social media conversation or communication with the public to:
 - answer questions
 - 2. provide information
 - 3. solicit information
- Not okay to:
 - 1. respond to another Commissioner's post, tweet, etc., or
 - 2. converse with a majority of the Commission

Penalties for violation

- Civil: Commission action voided by the court and attorneys' fees and costs awarded to challenger
- ▶ Criminal: misdemeanor

What do you need to do as a Commissioner?

- Avoid talking to other Commissioners about Commission business outside of meetings
- Be mindful of social media participation concerning Commission business
- Stick to matters on the agenda in Commission meetings

2. The Public Records Act

- Generally: sets out and governs the right of the public to access certain public records
 - Exemptions apply
 - May include emails and/or text messages sent to or from members of the Commission on matters within the Commission's jurisdiction

2. The Public Records Act

Penalties for violation

Civil: Records ordered to be disclosed by the court and attorneys' fees and costs awarded to requestor

2. The Public Records Act

What do you need to do as a Commissioner?

Assist staff in responding to any Public Records Act requests concerning Redistricting Commission matters by searching your own records and promptly providing to staff

- ▶ Generally: collection of laws and legal principles that that prohibit public officials from participating in decisions in which the official has a disqualifying conflict of interest
- Many such laws and principles; not all apply to the Commission

▶ Political Reform Act

No public official shall:

- make
- participate in making or
- in any way attempt to influence

a governmental decision in which he or she knows or has any reason to know that he or she has a financial interest.

Under the Political Reform Act, "financial interests" include:

- Sources of income
- ▶ Real property
- Business entity investment
- ► Source of gifts (\$500 within 12 mos.)
- ▶ Personal finances

Penalties for violation

- ▶ Administrative: proceedings by the FPPC
- Criminal: prosecution by a local district attorney or the state attorney general
- Civil: lawsuit by the public, certain government agencies, or the FPPC

What do you need to do as a Commissioner?

- ▶ Identify and disclose if issues arise
- Submit your Form 700
- ► Consult staff
- ▶ If necessary: recuse

Most important take away...

Always call us with questions!

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