

**FRESNO COUNTY  
2021 ADVISORY REDISTRICTING COMMISSION  
BYLAWS**

**Article 1 – PURPOSE AND AUTHORITY**

**Section A. Formation**

The 2021 Advisory Redistricting Commission (“Commission”) was established by Resolution 21-119 by the County of Fresno Board of Supervisors on April 27, 2021.

**Section B. Purpose**

The purpose of the Commission is to recommend to the County of Fresno Board of Supervisors (“Board”) its findings for the need to change supervisorial district boundaries based on the 2020 Federal decennial census, with such recommendation to be acted upon by the Board after public hearings no later than December 15, 2021. (Elec. Code §§ 21501(a)(2) and 23000(a).)

**Section C. Authority**

The Commission is advisory to the Board only. The Commission is not empowered by ordinance, establishing authority, or policy to render a decision of any kind on behalf of the County of Fresno (“County”) or its appointed or elected officials.

**Article 2 – MEMBERSHIP AND TERM OF OFFICE**

**Section A. Composition**

The Commission shall be composed of a total of eleven (11) members.

**Section B. Qualifications**

Each member of the Commission must reside in and be registered to vote in the County. Commission members shall not be County elected officials, or family members, staff, or paid campaign staff of a County elected official. (Elec. Code § 23002(c).) “Family member” is defined as a spouse, parent sibling, child, or in-law. (Elec. Code § 23002(b).) “Spouse” is defined as a spouse or registered domestic partner. (Elec. Code § 23002(h).) Any member who ceases to meet these qualifications shall immediately submit written notice to the Chair and County Administrative Officer, or their designee, of their resignation.

**Section C. Selection of Members**

The application period to serve on the Commission closed on May 14, 2021. Each member of the Board received copies of the applications submitted by the qualified applicants who reside in their respective supervisorial district. Any questions about an applicant’s residency were resolved in accordance with the California Elections Code. At the May 25, 2021 Board meeting, each member of the Board recommended the appointment of two (2) members to the Commission from among all the qualified applicants who reside in their respective supervisorial district (ten (10)

members). At the same Board meeting, the County Administrative Officer recommended one (1) member from the remaining qualified applicants to be appointed as the eleventh member of the Commission.

Each Commission member shall serve at the pleasure of the Board and may have his or her membership terminated at any time and for any reason.

#### **Section D. Vacancies**

The occurrence of any of the following events shall cause a vacancy in a position on the Commission:

1. The member's death.
2. The member's voluntary resignation upon submission of a written notice to the Chair and County Administrative Officer, or their designee.
3. The member's automatic resignation due to a member's failure to meet the attendance requirements of Fresno County Ordinance Code Chapter 2.68, Section 2.68.010. Any member who has not complied with the provisions of Fresno County Ordinance Code Chapter 2.68, Section 2.68.010, pertaining to meeting attendance, shall be deemed to have resigned his or her membership, unless the absences are excused by the Chair.
4. The member's automatic resignation due to a member ceasing to be a resident of Fresno County or of the current supervisorial district of residence, or the member's failure to continue to meet the qualifications in Elections Code section 23002, subdivision (c).
5. The member's removal from the position by the Board.

If a position on the Commission becomes vacant, the Chair shall direct the Secretary, or designee, to notify, as soon as possible, the Board to the fact of the vacancy and any reason for it. A vacancy shall be filled by the Board, with the appointee completing the remainder of the term of the vacated position. If possible, the appointee should be selected from the pool of remaining qualified applicants from the Board's initial selection process.

#### **Section E. Compensation**

Members of the Commission shall not receive any compensation or per diem for serving on the Commission and shall not be entitled to reimbursement for expenses on behalf of the Commission.

#### **Section F. Term of Membership**

The Commission shall dissolve automatically after the Board takes final action on the supervisorial district boundaries no later than December 15, 2021.

#### **Section G. Ethics Training**

Members of the Commission shall complete AB 1234 Local Officials Ethics Training offered by the Fair Political Practices Commission located at <https://www.fppc.ca.gov/learn/public-officials->

[and-employees-rules-/ethics-training.html](#) within 90 days of appointment to the Commission and shall provide proof of completion to the County Administrative Officer, or their designee.

#### **Section H. Conflict of Interest**

Pursuant to Fresno County Board Administrative Policy No. 35, Conflict of Interest – Board Appointees, located at the following link: <https://www.co.fresno.ca.us/departments/board-of-supervisors/county-s-administrative-policies>, no member of the Commission shall make, participate in making, or in any way attempt to use their position to influence a decision in which they know or have reason to know they, or their spouse, have a financial interest. In all such cases, the affected member shall disclose their interests in the record of the Commission and shall refrain from participating in all discussions and votes concerning the matter in which they or their spouse has a financial interest.

#### **Section I. Attendance**

1. Members of the Commission are expected to attend all meetings and public hearings (“meeting” or “meetings”) of the Commission. A member who is unable to attend a given meeting shall give advance notice to the Chair prior to the meeting to report his or her absence. Meetings that are canceled in advance will not be counted as an absence.
2. As provided in these Bylaws, excessive absenteeism may be deemed a resignation. Members are subject to the attendance requirements set forth in Fresno County Ordinance Code, Chapter 2.68, Section 2.68.010, which states that “Except as otherwise specifically provided by this Ordinance Code, a non-elected member of any board, commission, committee or council appointed by the Board shall be deemed to have resigned his or her membership for absences in excess of the following:
  - a. Two regular meetings in a calendar year if the board, commission, committee or council has six or fewer regular meetings per calendar year; or
  - b. Two consecutive regular meetings or three regular meetings in a calendar year if the board, commission, committee or council has from seven to twelve regular meetings per calendar year; or
  - c. Three consecutive regular meetings or five regular meetings in a calendar year if the board, commission, committee or council has thirteen or more regular meetings per calendar year.”
3. The Secretary, or designee, shall give prompt written notice to a member who will be deemed to have resigned his or her membership upon the occurrence of one (1) additional absence. Such notice shall contain a statement advising the member of the absences and the consequences thereof together with a copy of Chapter 2.68 of the Fresno County Ordinance Code. Failure of the Secretary, or designee, to give notice or failure of the member to receive notice shall not alter the automatic resignation provisions of Chapter 2.68, Section 2.68.010 of the Fresno County Ordinance Code.

#### **Section J. Communications**

As provided in Article 3, Section B, the Chair is the sole official spokesperson for the Commission unless this responsibility is delegated in writing to the Vice Chair. Except as provided in this Section, no member shall make any statement or take any action on behalf of or in the name of the Commission. This Section is not intended to prevent any member from disseminating

information regarding the date, time, place, or agenda of upcoming Commission meetings. Members are encouraged to use caution when communicating about redistricting on any internet platform or social media website, including the use of any digital icons that express emotion. However, it should be noted commissioners may encourage public participation on social media by posting about upcoming meetings and opportunities for public input. Commissioners who may receive public comment individually (i.e.: personal email address) and not directed to the entire Commission through the established comment procedure, shall direct those comments to the County's redistricting email address and/or forward the original comment to the Secretary.

### **Article 3 - Officers and Staff**

#### **Section A. Selection of Officers**

The Commission shall, at its first meeting, elect a Chair and a Vice Chair from among its membership. The election of officers shall be administered by the County Administrative Officer, or designee, and they shall entertain and accept nominations of members to the offices at a Commission meeting. Each member shall have one (1) vote for each officer. To win an election, a member must receive a majority of the votes cast in that election. If no member receives a majority, a last-place candidate shall be eliminated from the election, the previous votes shall be erased, and the members shall cast new votes. In case of a tie, elimination shall be by lot.

#### **Section B. Chair**

The Chair provides general supervisory guidance to the Commission, presides over all meetings, may call a special meeting of the Commission as allowed by law when necessary, and performs duties otherwise established by these Bylaws. The Chair shall be entitled to make or second motions and vote on all matters. The Chair is the sole official spokesperson for the Commission unless this responsibility is delegated by the Chair in writing. The Chair assigns coordinating duties to the Vice Chair as necessary. For purposes of these Bylaws, the person presiding over a meeting of the Commission shall be referred to as the "Chair" of the Commission.

#### **Section C. Vice Chair**

In the absence of the Chair, the Vice Chair assumes the duties and responsibilities of that office.

#### **Section D. Office Vacancy**

If an office is vacated, the Chair may temporarily appoint a member of the Commission to fill the vacancy until a new officer is selected by the Commission at a Commission meeting.

#### **Section E. Secretary**

The County Administrative Officer, or designee, shall serve as the Secretary of the Commission. The Secretary, or designee, records the minutes of all Commission meetings, maintains all records of the Commission's business, including managing Commission correspondence. The Secretary keeps the roll, certifies the presence of a quorum, maintains a list of all active members, and keeps records of actions as they occur at each meeting.

## **Section F. Staff and Consultants**

County Administrative Officer, or designee, shall be the County contact for the Commission. Other County staff and consultants working on redistricting shall assist the County Administrative Officer, or designee, and Commission. The County Administrative Officer, or their designee, shall prepare and post notices of meetings as required by law, prepare, post, and distribute agendas and other materials for meetings, and provide other assistance as the Commission may reasonably request. The County Administrative Officer, or designee, shall make its best effort to count the number of members of the public attending a meeting and enter such tally into that meeting's minutes. Commission staff shall also make its best effort to include the number of phone calls, emails, and visits received from the public relating to redistricting in the previous month.

## **Article 4 – ORGANIZATION PROCEDURES**

### **Section A. Conduct of Business**

Business shall be conducted in accordance with the usual semi-formal procedures for a Commission, with a motion for action made by a member recognized by the Chair, a second, and a vote. If any member makes a motion, such motion shall not be debated or further discussed or considered, or voted upon, until after a second to such motion is made by a member.

In addition to these Bylaws, the Commission may establish other rules for the conduct of its business. A technical defect in following the rules governing Commission meetings shall not invalidate any official action taken.

### **Section B. Agenda**

The County Administrative Officer, or designee, in consultation with the Chair shall set the agenda for Commission meetings. The Chair shall place items on the agenda at the request of four (4) or more members of the Commission. Requests for agenda items shall be made no later than 10 days prior to the meeting.

### **Section C. Quorum**

Six (6) members of the Commission shall constitute a quorum. Six (6) or more affirmative votes shall be required for any official action, except adjournment of a Commission meeting for lack of a quorum present.

### **Section D. Voting**

Members shall be present, in person or by remote access if applicable, in order to vote. All votes shall be taken on the basis of one (1) vote per member. No proxy or absentee voting is permitted.

### **Section E. Ralph M. Brown Act**

The Commission shall be subject to the Ralph M. Brown Act. As an advisory commission, the Commission is not required to set the time and place for regular meetings. (Gov. Code § 54954.) Even if a meeting is scheduled elsewhere, the agenda shall be posted at the County Hall of Records building.

## **Section F. Commission Meetings**

County Administrative Officer, or designee, shall set the Commission meeting dates, times, and locations for the Commission. A calendar of all meetings shall be posted on the County's redistricting web page, along with the agendas. Meetings shall be recorded and posted on the County's redistricting web page.

## **Section G. Public Comment**

1. Matters not on agenda – Members of the public may comment on any item not appearing on the agenda that is within the subject matter jurisdiction of the Commission. No person shall be permitted to speak unless he or she is recognized by the Chair and given permission by the Chair to speak. Matters presented under public comment that are not on the agenda cannot be discussed or acted upon by the Commission at that time, with the following exceptions:
  - a. The Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights.
  - b. The Commission may ask a question for clarification, make a brief announcement, or make a brief report of activities.
  - c. The Commission may provide a reference to the County Administrative Officer, or designee, or other resources for factual information, request the County Administrative Officer, or designee, to report back to the body at a subsequent meeting concerning any matter, or take action to direct the County Administrative Officer, or designee, to place a matter of business on a future agenda.
2. Agenda items – For items appearing on the agenda, the public is invited to make comments at the time the item comes up for the Commission's consideration. Upon being recognized by the Chair, such person may speak or present evidence relevant to the matter being heard.
3. Right to speak – No person shall be denied the right to speak because he or she declines to disclose their name, address, or telephone number.
4. Time restrictions – Public comment will be limited to two (2) minutes per person and to a total of ten (10) minutes for the item. The time for non-English speakers shall be doubled if their comments need to be translated. The Chair may increase or decrease the time per person in the exercise of the Chair's discretion based on the number of speakers and the time available. To the extent time is increased or decreased, all persons speaking on a particular item shall be allowed equal time. The Chair may reopen public comment on an item in the exercise of the Chair's discretion.
5. Groups – Whenever a group wishes to address the Commission, it shall be proper for the Chair to request that a spokesperson be chosen by the group. In addition, the Chair may limit the number of persons from a particular group who are allowed to speak if it appears to the Chair that additional data or argument would result in unnecessary repetition.

## **Article 5. DUTIES OF COMMISSION**

### **Section A. Background**

California law requires that, following each decennial Federal census, the Board, using that census as a basis, to adjust the boundaries of any or all the supervisorial districts of the County so that the districts shall be substantially equal in population. (Elec. Code § 21500(a).) When redrawing district boundaries, the Board must comply with the requirements of the U.S. Constitution, California Constitution, the Federal Voting Rights Act of 1965, and the California Elections Code. (Elec. Code § 21500(b).) These authorities require each district to have substantially equal population, generally prohibit using race as a predominate criteria for redrawing districts and prohibit diluting the voting rights of racial or language minority communities. Additionally, the Board shall adopt district boundaries using the following statutory criteria listed in order of priority:

1. To the extent practicable, districts shall be geographically contiguous.
2. To the extent practicable, districts shall respect the geographical integrity of any local neighborhood or local community of interest in a manner that minimizes its division.
3. To the extent practicable, districts shall respect the geographic integrity of a city of census designated place in a manner that minimizes its division.
4. District boundaries should be easily identifiable and understandable by residents. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.
5. To the extent practicable, and where it does not conflict with the preceding criteria, district boundaries shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Further, the Board shall not adopt Supervisorial District boundaries for the purpose of favoring or discriminating against a political party. (Elec. Code § 21500(c) and (d).)

### **Section B. Duties of the Commission**

Upon receipt of the census data for the County, the Commission shall work collaboratively with County staff and consultants to redraw the supervisorial district boundaries in order to meet population equality and the other statutory criteria described in Article 5, Section A.

The Commission shall conduct public hearings at which the public is invited to provide input regarding the composition of one (1) or more supervisorial districts. At least one (1) public hearing shall be held before a draft map of the proposed supervisorial district boundaries is drawn. (Elec. Code § 21507.1(a)(1) and (f).)

The Commission may recommend the Board to adopt one (1) of its submitted redistricting plans or may decline to prioritize among multiple submitted plans. The Commission's recommendation shall be advisory only and the Board may adopt, modify, or not adopt any of the recommended plans as the Board determines appropriate.