

CLA MEMORANDUM

DATE: October 16, 2023

TO: Holly Wolcott
City Clerk

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Council File: 22-1196-S1
Assignment No. 22-10-0613

Independent Redistricting Commission Program: Attachment A

As instructed by the Ad Hoc Committee on City Governance Reform, we have prepared a revised Attachment A describing the Independent Redistricting Commission program as approved by the Committee.

Please contact this Office with any questions you may have.

ATTACHMENT A
INDEPENDENT REDISTRICTING COMMISSION

B. Commission Purpose

The purpose of the Independent Redistricting Commission (also referred to as Commission or IRC) is to strengthen governance of the City by developing Council District boundaries through a fair, transparent, and inclusive Independent Redistricting process that empowers full public participation and maximum public access to its proceedings.

C. Commission Organization

1. There shall be 16 Commissioners.
2. There shall be 4 Alternate Commissioners.
3. Commission vacancies shall be filled by the Chair of the Commission by randomly drawing the name of an Alternate Commissioner.
 - a. If the pool of Alternate Commissioners is exhausted prior to the adoption of a final map, an expedited process shall be conducted, with the Commission randomly selecting replacements from the Commission Selection Pool in E.6 below. After adoption of a final map, either an expedited application process can be conducted as above or the quorum requirement may be revised if the pool of Alternate Commissioners is exhausted.
4. Commissioners and Alternate Commissioners shall attend Commission meetings. Commissioners and Alternate Commissioners who do not attend Commission meetings shall be subject to removal.
5. Each new IRC Commission begins upon appointment of the first Commissioner and serves a term of 10 years.
6. An application process to identify prospective Commissioners shall commence by April 1 in a year ending in the number 9.
7. The Commissioner application process shall include an outreach and education program to ensure that there is wide awareness that the Commission application process is open, with efforts to reach underserved communities and with efforts conducted in multiple languages as provided in Section G.6. Outreach will include information concerning qualifications, disqualification criteria, responsibilities, and restrictions. Outreach will address the public nature of the process, requirements to engage the public and comply with the Brown Act, and other elements of the public process that may be encountered.

8. The application process shall be completed within one year and Commissioners shall be appointed to commence their term and begin their work no later than April 1 of a year ending in 0. Commissioners shall be sworn into service by the City Clerk.
9. Commissioners and Alternate Commissioners shall receive training with regard to redistricting.

D. Commissioner Qualifications, Responsibilities, and Restrictions

1. Candidates to become a Commissioner on the Independent Redistricting Commission shall submit an application. All applications are public records available for public review. Qualified applicants:
 - a. Shall be a resident of the City for at least three years prior to submission of an application.
 - b. Shall be at least 18 years old.
 - c. Shall not be eligible to serve on or be appointed to the Commission if any of the criteria in State Elections Code Section 23003(c) and (d) apply.
 - d. Shall not have been a City Commissioner (excluding Neighborhood Council board members) within the previous 4 years.
 - e. Shall not have been a City employee or an individual who has been employed by the City within the previous 4 years.
 - f. Shall not serve concurrently on a redistricting commission of any other governmental body.
 - g. Shall demonstrate the ability to analyze complex data, collaborative skills, and experience in civic engagement.
2. During service, Commissioners and Alternate Commissioners shall not endorse, work for, volunteer for, or make a campaign contribution to any City elected official or candidate for elective office of the City.
3. A Commissioner shall be ineligible:
 - a. To be a candidate for:
 - i. Any City elective office unless more than 5 years from the expiration of service or 10 years from appointment, whichever is less;
 - ii. Any Council District for which they were involved in drawing the District boundaries.
 - b. For a period of 4 years from the expiration of service or 10 years from appointment, whichever is less:
 - i. to be appointed to another City commission,
 - ii. to serve as paid staff for or as a paid consultant to any City elected official or candidate for elective office in the City,
 - iii. to receive a non-competitively bid contract with the City,
 - iv. to act as a City lobbyist, or
 - v. to accept appointment to a City office.

4. At the time of their appointment, a Commissioner shall file a written declaration with the City Clerk stating their understanding of the restrictions in D.3.
5. Commissioner duties shall include:
 - a. Conduct themselves in a manner to ensure integrity and fairness of the process, including ex parte communication restrictions.
 - b. Attend and participate in commission meetings and hearings.
 - c. Train on redistricting and ethics.
 - d. File appropriate statements of economic interests, such as Form 700.
 - e. Use an assigned e-mail for commission business.
 - f. Conduct self and business in an impartial manner.
 - g. Additional duties may be assigned.
6. All ex parte communications between Commission members and any other person concerning development of the map are prohibited. This does not restrict communication among Commissioners and their staff, consultants, or legal counsel, or communication with City staff regarding administrative matters. This does not restrict educational presentations to the public. At least two Commissioners must be present at any public meeting that is not an official Commission hearing or meeting and such a meeting must be posted on the Commission website for general public participation. This shall include in person and virtual meetings.
7. All ex parte communications between Key Commission staff (the IRC Executive Officer, mapping consultant, and other designated positions) and any elected City official, candidate for City elected office, or their staff concerning development of the map shall be prohibited. This does not restrict communication regarding administrative matters. This does not restrict educational presentations to the public.
8. All ex parte communications between the Ethics Commission, City Clerk, or other entities involved in the Commission Selection Process and any elected City official, candidate for City elected office, or their staff concerning development of the map shall be prohibited. This does not restrict communication regarding administrative matters. This does not restrict educational presentations to the public.
9. The IRC may adopt other rules on communications so long as they comply with the Brown Act and open meeting laws; do not conflict with the ban on ex parte communications contained herein; and are considered and adopted in public meetings of the Commission.

E. Commission Selection Process

1. The City Clerk shall manage the Commission application process, with the City

Ethics Commission providing oversight. The City Clerk and Ethics Commission may delegate these efforts to their staff or consultants. The Ethics Commission shall develop the criteria to be included on the application (objective and subjective).

2. The City Clerk shall prepare the application for Commissioner and ensure wide publication and outreach to ensure that the public is aware of the application process. The City Clerk shall monitor application submissions and enhance outreach if any deficiencies in diversity and geography are identified.
3. The City Clerk shall establish a Pool of Applicants:
 - a. People interested in becoming a Commissioner apply for the position, submitting the application to the City Clerk.
 - b. City Clerk shall review applications and enter any applicant that satisfies the applicant criteria (objective) in D.1.a through f, into the Pool of Applicants for Commissioner.
4. Once the Pool of Applicants has been established:
 - a. The City Clerk shall post the names and applications of the candidates for public review.
 - b. The public may register with the City Clerk a concern with any candidate posted for public review and seek dismissal of that candidate from the Pool of Applicants.
 - c. Any names submitted for exclusion shall be evaluated by the Ethics Commission, who shall make a determination concerning exclusion.
 - d. Following the public review period, the City Ethics Commission shall evaluate the applications of remaining candidates (including all criteria in D.1.a through g) and identify 150 candidates who will be included in the Commission Selection Pool. The names of those included in the Commission Selection Pool shall be posted for public review.
 - e. The public may challenge the candidates on the list posted by the Ethics Commission, with consideration of challenges conducted in a manner consistent with E.4.c above.
5. Commissioners shall be selected in two steps:
 - a. Step One: Geography Selection
 - i. The City Clerk and Ethics Commission, with assistance from the City Data Bureau, shall develop eight (8) regional geographic areas with generally equal population through a public review process.
 - ii. The Commission Selection Pool candidates shall be divided by these eight (8) geographic areas to create eight (8) subpools.
 - iii. The City Clerk shall randomly select one (1) name from each subpool in a public process.
 - iv. The result of this selection process shall be eight (8) IRC Commissioners, one (1) selected from each geographic area.

Ethics Commission.

10. The position of a Commissioner who pleads guilty or no contest to or is convicted of a felony shall immediately be vacated.

F. Redistricting Criteria

1. Primary criteria:
 1. Compliance with the U.S. Constitution
 2. Compliance with the federal Voting Rights Act
 3. Compliance with the State Constitution
 4. Each district shall have a reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or as allowable by law.
2. Additional Criteria shall include those criteria required by the California Elections Code (Sections 21130 and 21621). Other additional criteria may be considered when drawing district boundaries, including consideration of the community and cultural association with economic and cultural landmarks and resources. All decisions concerning Additional Criteria shall be considered and approved in public meetings. Consideration of Additional Criteria should be considered in compliance with and subordinate to the requirements of federal or State law.
3. Council Districts shall be numbered in a manner that, for as many residents as possible, the number of the Council District they reside in remains the same

G. Public Meetings and Public Comment

1. The IRC shall take steps to encourage residents to participate in the redistricting process, including those in underrepresented communities and non-English speaking communities.
2. The IRC shall actively engage and provide information through good government, civic engagement or community groups or organizations that have requested to be notified concerning redistricting.
3. The IRC shall provide live translation in English and Spanish. The IRC shall arrange for the live translation of a public hearing or workshop in an applicable language if a request is made at least 72 hours prior to a hearing or workshop.
4. The IRC shall make public the date, time, and location for any public hearing or workshop on the internet at least five business days before the meeting, or three days if within 28 days of the deadline to adopt boundaries.

5. The IRC shall consider public testimony in their deliberations, as well as any full or partial maps provided in writing and at public hearings and meetings.
6. The IRC shall provide materials in the languages required by federal and State law. In addition, outreach materials and meeting agendas shall be provided in:
 - a. the ten (10) most spoken languages in the City and
 - b. all languages required under the federal Voting Rights Act for elections (English, Spanish, and 11 others) and
 - c. consistent with any approved City language access plans.
7. Best efforts shall be made to provide all other Commission materials in all languages required under the federal Voting Rights Act for elections (English, Spanish, and 11 others).
8. The Commission shall develop and implement an Accessibility Plan to ensure that people with disabilities and seniors are able to access and fully participate in Commission meetings and hearings. This plan shall be developed prior to the initiation of public hearings.
9. For purposes of providing testimony, elected officials shall be subject to the same public comment procedures as members of the public.
10. The Commission shall hold public hearings that ensure the public has the opportunity to participate and comment, including via remote access, and that are held in a manner that is geographically distributed across the City, with a portion of the meetings held evenings after 6 p.m. or weekends, in each phase of the redistricting process. Public hearings are intended to focus on receiving public testimony and presentation of information concerning the redistricting process, while public meetings are designed to conduct the business of the Commission.

H. Commission Process

1. The final map shall be adopted no later than September 30 of a year ending in 1.
2. Quorum of the Commission shall be a simple majority. Commission votes shall be approved by a simple majority vote, except the following which shall be approved by a supermajority (two-thirds):
 - a. a vote for the final map
 - b. a vote to remove a Commissioner, as described in C.4, E.7, and E.8
 - c. a vote for Commissioners selected in Step Two: Diversity Balance, as described in E.5b
 - d. a vote for key staff and consultants, including the Executive Director, map maker, and other key staff as designated by the Commission
 - e. a vote to authorize delegation of authority for hiring and contracting

3. The Commission shall accept full or partial draft maps from the public for consideration. Commissioners shall individually be allowed to prepare and present full or partial draft maps for consideration by the Commission.
4. Consideration of principles for the selection of boundaries for draft and final maps shall be made in a public meeting or hearing and approved by vote of the Commission.
5. Map principles, draft maps, and final maps shall be posted for public consideration for a minimum of seven (7) days before consideration at a Commission hearing or meeting.
6. If the IRC does not adopt a final map by the deadline, the City Attorney must immediately petition the superior court for an order prescribing new Council District boundaries, and those boundaries will apply to elections until the IRC is able to adopt a map.
7. Upon approval of a final map, the Commission shall submit the map, final report, and any other accompanying materials to the City Clerk and publish this material on the redistricting website.
8. The City Clerk shall post to the public record.
9. The final map will be effective upon adoption by the IRC.

I. Records and Data

1. The IRC shall comply with the California Public Records Act, commencing with section 6250 of the California Government Code, or its successor, and any City laws regarding public records, to the degree they require greater disclosure and retention of Commission records than is provided in this article.
2. The IRC shall comply with the Brown Act and other open meeting laws.
3. The IRC and its subcommittees shall keep minutes of all discussions and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the Commission and its subcommittees shall be audio or video recorded, with considerations for technical capacity and difficulties if necessary.
4. The IRC shall make available to the public a free electronic mapping tool, populated with relevant sociodemographic and geographic data, which tool can be used to create draft maps and draft partial maps.
5. The IRC shall provide redistricting training and workshops for the public, including by providing grants to community organizations to conduct such training and workshops. Grant making procedures shall ensure transparency, compliance with public contracting

procedures, and conducted in a manner consistent with ex parte requirements of sections D.6, D.7, and D.8.

6. The IRC shall establish an internet web page dedicated to redistricting. All IRC documents, audio files, video files, minutes, outreach materials, and other materials related to redistricting shall be posted to the website for public access. The IRC shall maintain the website for at least 10 years after the adoption of new Council District boundaries.

J. Funding

1. The City Council and Mayor shall provide sufficient funds to meet the operational needs for the formation and operation of the Commission, conduct any outreach program to solicit broad public participation in the redistricting process, and, if necessary, defend the Commission in any legal proceeding.
2. The City Council and Mayor shall provide funds to all City departments involved with the formation of a Commission, providing support to the Commission, and maintaining records as required by law.

K. Administrative and Operational Issues

1. The IRC shall hire an Executive Director and redistricting, technology, or outreach staff, whose positions shall be exempt from the civil service provisions of the Charter.
2. The IRC shall have the authority to hire consultants through a competitive bidding process consistent with City contracting provisions.
3. The City Clerk shall be designated to provide support to the Commission in accessing City resources as needed.
4. Each member of the Commission shall be a designated employee in the conflict of interest code for the Commission pursuant to State law.
5. The IRC may recommend revisions to the Independent Redistricting process specified in the Charter or Administrative Code by submitting a report to the City Ethics Commission with findings, analysis, and data that support the proposed revisions.
6. Within 60 days of submission of an Ethics Commission report with recommendations, the Council shall hold a public hearing concerning the matter and act to approve or disapprove the Ethics Commission report. If the Council fails to disapprove within the 60 day period, the rule or regulation shall be presented to the Mayor for approval or veto, and to the Council for override of the Mayor's veto. If approved by the Mayor, or the Mayor fails to act, or approved by the Council on override of the Mayor's veto, the rule or regulation shall have the force of law.

7. Charter changes require approval by the voters.
8. Provide the Commission with the authority to choose their legal counsel, including the City Attorney.
9. Commissioners shall be compensated in a manner described in the Administrative Code.
10. Inter-Census Redistricting is allowed only by order of a Court, and must be conducted consistent with the Independent Redistricting requirements of the Charter.

L. Legal Matters

1. The certified map shall be subject to referendum in the same manner that a statute is subject to referendum.

M. City Data Bureau

1. There shall be a City Data Bureau to prepare and manage demographic and geographic data for the City.
2. City departments to be instructed to support the City Data Bureau in the performance of its duties.