

Independent Redistricting and Number of Council Districts

Council File 21-1472

Council File 22-1196

Overview

Election Calendar

Past Redistricting

California Elections Code

Key Concepts

There are three concepts to consider:

- Definition of Independent
- Governance Organization
- Simplicity to Complexity

2021 Commission Recommendations

Review of the Redistricting Process

- Pre-Redistricting
 - Census Technical Programs
 - Commission Formation
- Redistricting Work program
 - Initial Phase
 - Draft Map Phase
 - Final Map Phase
- Post-Redistricting

Components of an Independent Redistricting Commission Program

Number of Council Districts

ELECTION CALENDAR

- Any change to the City Charter requires presentation of a measure to the voters, with approval by majority vote.
 - California Elections Code requires that Charter amendments may only be presented on a Statewide ballot at a Primary or General election.
 - The Council must initiate such action by requesting the City Attorney to prepare the necessary documents no later than 125 days prior to the election date.
- ❖ For measures to appear on a 2024 ballot, they would need to be adopted as follows:
 - March 2024 Primary
 - Council action by November 2023
 - November 2024 General
 - Council action by June 2024

Past Redistricting

Prior to 1999, City Council members prepared and approved Council District boundaries

1999 Voters approve Charter reform, including a provision for an Advisory Redistricting Commission process for Council Districts and LAUSD Board Districts

2001 First cycle of Advisory Redistricting Commissions for City Council and LAUSD

2011 Second cycle of Advisory Redistricting Commission for City Council and LAUSD

2021 Third cycle of Advisory Redistricting Commission for City Council and LAUSD

2031 Next regular redistricting cycle for City Council and LAUSD

The City Charter provides for inter-Census redistricting, but that option has not been exercised by the City for either the City Council or LAUSD Board districts.

California Elections Code

Elections Code Section 21600 et seq addresses the completion of redistricting in all cities in California, with a section that provides criteria for Charter Cities. With regard to the Elections Code, the City's Independent Redistricting program:

- Must include some provisions required by the Elections Code
- Can include alternative provisions to some Elections Code requirements

Elections Code Section 23000 et seq (the California Fair Maps Act):

- describes independent redistricting commissions for general law cities and other legislative bodies
 - does not apply to Charter cities
- provides a baseline on which to build a City Independent Redistricting program
- provides a legislative basis for the City's program

Definition of an Independent Commission

- Establish separation from the influence of elected officials in all elements of the redistricting process
- Provide a commissioner selection process that does not include the involvement of elected officials
- Require that interested, qualified individuals apply for the position of commissioner
- Provide that the final District map is approved without confirmation by any elected official or elected body

California Fair Maps Act

Section 23000 (d) “Independent redistricting commission” means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.

Section 23003 (b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members 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 legislative body or an elected official of the local jurisdiction.

Models for Independent Commissions

Independent redistricting commissions are authorized under a variety of legislative authorities, including:

- State Constitution
- State Elections Code
- City charters
- Ordinance
- Resolution

State of California	State Constitution
California Fair Maps Act	State Elections Code
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County of Los Angeles	State Elections Code
County of San Diego	State Elections Code
County of Santa Barbara	Ordinance
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City of Berkeley	Charter
City of Carlsbad	Resolution
City of Lincoln	Resolution
City of Long Beach	Charter
City of Martinez	Resolution
City of Menlo Park	Resolution
City of Oakland	Charter
City of Roseville	Municipal Code
City of Sacramento	Charter
City of San Diego	Charter

Degrees of Independence

More Influence



More Independence

-
- Council engagement
 - City-wide elected official (Mayor, City Attorney, Controller) engagement
 - City commissioner engagement
 - City department engagement
 - Other governmental agency engagement
 - Random selection of qualified voters

Authority can be further refined so that the acting entity at any point in the process can:

- Amend an action
- Approve or reject an action, but not amend

Governance Organization

- City Charter
 - Section 204 concerns City Council redistricting
 - Section 802 concerns LAUSD Board redistricting
 - Administrative Code
 - Commission By-laws
-
- California Elections Code

- ❖ Where should provisions be codified?
- ❖ What process for revision should be contemplated for each provision?
 - How difficult should it be to make revisions?
 - Who should approve revisions, the voters or the Council?
 - If an independent commission makes recommendations for revision, how should those revisions be addressed?

Simplicity to Complexity

- Codify details in the Charter, Administrative Code, and other regulatory documents
 - Refer to other laws and regulations:
 - Without refinement
 - With amendments
 - Remain silent
- ❖ Determining factors...
 - How are related laws and regulations amended?
 - Which governmental body is responsible for amendments?
 - To what extent does the City have the ability to adopt alternative laws and regulations?

Example: the Ralph M. Brown Act and the California Elections Code

A City Independent Redistricting Commission would be obligated to comply with the Brown Act and the more extensive provisions of the California Elections Code. As a result,

- Refinements can include additional provisions beyond those required by the State
- The City Charter can reference those laws, which would be incorporated by reference
- The City Charter can be silent, as the Commission is obligated to comply with those laws

2021 Redistricting Commission Recommendations

The 2021 City Council Redistricting Commission made several recommendations for City Council consideration:

1. Establish an independent, rather than advisory, Redistricting Commission;
2. Create narrow criteria for the replacement of Commissioners;
3. Ban all ex parte communications between elected officials and the Commissioners;
4. Begin the redistricting process earlier;
5. Assign a full-time City staff member to assist the Commission;
6. Provide sufficient funds for the Commission's work;
7. Authorize the search for an Executive Director prior to the seating of a Commission;
8. In the year preceding redistricting, provide grants to community organizations to conduct redistricting training for the public;
9. Establish a starting point website for the Commission prior to the beginning of their work.

Should voters choose not to implement an independent redistricting commission process, many of these recommendations can be implemented by ordinance or Council action.

Redistricting Process: Preparation

- **Commission Selection**

- Prepare application
- Publicize and conduct outreach about application period
- Receive applications
- Screen applications for eligibility
- Conduct selection process

- **Resources**

- Budget approval
- Lease and furnish office space
- Set up telecommunications
- Obtain and set up computing resources
- Obtain and set up copiers and other office equipment

- **Data**

- Select and implement redistricting software
- Set up and manage sociodemographic data
- Set up and manage geographic data
- Prepare data documentation

❖ Establishing the time to initiate the redistricting process impacts the ability to complete these tasks.

- Starting earlier allows the commission to hire staff, fully outfit an office, identify contractual support needed, and other tasks as needed.
- A commission formed for a limited time will require more time to prepare.
- Establishing a permanent City Data Bureau would reduce the time required to meet Commission data requirements.

Redistricting Process: Work Program

Initial Phase

- Establish organizational structure
- Hire staff, contractors
- Conduct special studies
- Public education and outreach

- **Initial public hearings and workshops concerning communities of interest**

Draft Map Phase

- Evaluate maps, comments, and data
- Develop criteria for draft map(s)
- Draw draft maps

- **Public hearings presenting draft map(s) and obtaining input from the public concerning the maps**

Final Map Phase

- Evaluate comments submitted
- Refine and amend the draft map(s)

- **Public hearings on final map**

- **Approve a final map**

Redistricting Process: Post-Redistricting

- Close out contracts, staffing, and other administrative matters
- Organize and transfer background materials and all records to the City Clerk
- Ensure all payments to contractors and staff are completed

If there is litigation...

- Legal counsel would remain engaged to address any litigation
- Commission staff may be required to provide support
- The Commission might be called back to prepare a revised map
- The Court might require documentation and other support to prepare a revised map

OPTIONS for an INDEPENDENT REDISTRICTING COMMISSION

Elements of an Independent Commission Program

- A. Number of Council Districts
- B. Purpose of an Independent Redistricting Commission
- C. Commission Organization
- D. Commissioner Qualifications, Responsibilities, and Restrictions
- E. Commissioner Selection and Removal
- F. Redistricting Requirements and Criteria
- G. Public Meetings and Public Comment
- H. Commission Process
- I. Records and Data
- J. Funding
- K. Administrative and Operational Considerations
- L. Legal Matters

Two other issues of possible interest and concern have been identified as well:

- M. City Data Bureau
- N. Los Angeles Unified School District

B. Commission Purpose

Examples from other jurisdictions:

- Conduct open and transparent process enabling full public participation, make a reasonable effort to afford maximum public access to its proceedings
- Solicit broad public participation in the process, including from residents in neighborhoods and communities that traditionally participate less frequently in the local political process
- Draw district lines according to the redistricting criteria and applicable federal and State law

Other concepts:

- Seek consensus and resolve conflicts with regard to Council District boundaries

B. Commission Purpose

<ul style="list-style-type: none">● Conduct open and transparent process enabling full public participation, make a reasonable effort to afford maximum public access to its proceedings
YES NO
<ul style="list-style-type: none">● Solicit broad public participation in the process, including from residents in neighborhoods and communities that traditionally participate less frequently in the local political process
YES NO
<ul style="list-style-type: none">● Draw district lines according to the redistricting criteria and applicable federal and State law
YES NO
<ul style="list-style-type: none">● Seek consensus and resolve conflicts with regard to Council District boundaries
YES NO
<ul style="list-style-type: none">● Other statements<ul style="list-style-type: none">○○○