

# 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

## C. Commission Organization: Number of Commissioners

Criteria for setting the number of Commissioners

- Odd number of Commissioners
- Not 15
- More than 9
- Fewer than 21
- The total number is comprised of Commissioners and Alternates
- Ratio of 2 Commissioners to 1 Alternate

There shall be \_\_\_\_\_ Commissioners:

- 7 Commissioners
- 4 Alternates  
11 Commissioners total
- 9 Commissioners
- 4 Alternates  
13 Commissioners total
- 11 Commissioners
- 6 Alternates  
17 Commissioners total
- 13 Commissioners
- 6 Alternates  
19 Commissioners total
- Another configuration

## E. Commissioner Selection Process

Commissioner selection conducted in two phases

### **Phase 1: Applications**

1. Applications
  - a. Initiate application process
  - b. Receive applications
2. Establish a Pool of Qualified Candidates
  - a. Screen applications
  - b. Establish a pool of candidates
3. Public review of list of qualified candidates

### **Phase 2: Selection of Commissioners**

- Model in all cities and counties reviewed:
  1. Selection of commissioners by geography
  2. Selection of commissioners to balance for diversity
- An alternative model may be developed

## E. Phase 1: Applications

1. The process begins with the application process:
  - a. Designated entity initiates the application process
  - b. Interested applicants prepare and submit their applications
  - c. Applications are screened
2. Pool of qualified applicants is established:
  - a. Applications are reviewed to ensure that they satisfy the application requirements
  - b. Screening process needs to be determined
3. Public review of qualified applicants:
  - a. Names of qualified applicants can be published for public review
  - b. Public can register a concern with a name on the qualified list and seek dismissal from the pool

## E. Phase 1: Applications

### Considerations:

- How big shall the pool be?
- Should there be a minimum number of candidates from each of the designated geographic areas?
- If the pool is too small, shall the reviewing entity:
  - Reconsider applications excluded in the initial review?
  - Open the application period for additional applicants?

### Entities Involved

- Which entity or entities will be involved in the application process?
- Shall there be different entities at each stage of the process?
- Entities that could be designated include:
  - City Clerk
  - City Ethics Commission
  - Personnel Department
  - Some other entity
  - Panel of Department heads
  - Panel of existing or retired judges
  - Some other panel
  - If the Commission is established for 10 years, the retiring Commission

# E. Process for seeking applications

E.1 The \_\_\_\_\_ shall prepare the application for Commissioner and ensure wide publication and outreach to ensure that the public is aware of the application process.

- The application process will be initiated by:
  - City Clerk
  - City Ethics Commission
  - City Redistricting Commission (if remaining seated)
  - Some other recipient

E.2 \*\* People interested in becoming a Commissioner apply for the position, submitting the application to the \_\_\_\_\_.

- The application process will be submitted to the:
  - City Clerk
  - City Ethics Commission
  - City Redistricting Commission (if remaining seated)
  - Some other recipient

# E. Process for screening applications

E.3 How shall the screening process be conducted?

- In a single step process by a single entity? (3.a)
- In a two step process conducted by one or two entities? (3.b)

E.3a Applications are screened in for eligibility by a single designated entity. The designated entity would be:

- City Clerk
- Personnel Department
- City Ethics Commission
- Panel of City department heads
- City Redistricting Commission (if remaining seated)
- Panel of existing or retired judges
- Some other panel

E.3b Applications are screened in for eligibility two phases, by different entities, one for objective criteria and one for subjective criteria. The designated entities would be:

- City Clerk
- Personnel Department
- City Ethics Commission
- Panel of City department heads
- City Redistricting Commission (if remaining seated)
- Panel of existing or retired judges
- Some other panel

*Decision Matrix*

# E. Establish a pool of qualified candidates

E.4a Establish a pool of candidates as a result of the screening process.

- A pool of all qualified candidates, resulting in a general pool that could have an unlimited number of candidates
- A limited pool of the most qualified candidates, comprised of eligible candidates
  - 30
  - 60
  - 120
  - Some other number

E.4b Once a pool of candidates has been established, shall the list of names be posted for public review?

- Yes
- No

E.4c If the names of the candidates are posted for public review, shall there be a process to allow someone to register a concern with any name and seek dismissal of that candidate from the pool?

- Yes
- No



# E. Additional considerations

E.5 Shall any of these criteria be included in the development of the pool:

- The pool shall include at least \_\_\_\_\_ candidates from each Council District
  - 2
  - 3
  - Some other number
- Diversity criteria shall be included in the development of the pool of most qualified candidates
  - Race
  - Sex
  - Gender
  - Sexual orientation
  - Profession
  - Geography
  - Other criteria

E.6 If the pool of qualified candidates is too small, the \_\_\_\_\_ shall reopen the application period

- The same entity named in E.3a or E.3b
- Some other entity

And the application process entity shall:

- Seek additional submissions
- Reconsider applications not selected as qualified

## E. Phase 2: Commissioner Selection

Once a pool of candidates has been developed, a process to select Commissioners from among that pool is needed.

Every city and county reviewed for this analysis used a two step process:

- A set number of commissioners selected randomly from a designated geographic area (lottery ping pong balls are a popular choice)
- A set number of commissioners selected by the commissioners selected randomly

### **Geography Selection**

- All cities and counties used the number of existing council or supervisor districts
- Counties additionally selected a few from the general pool

### **Diversity Selection**

- A set of diversity factors are identified to guide selection of the remaining commissioners
- The randomly selected commissioners review the applications of the qualified applicants remaining in the pool to identify candidates to be selected to fill the remaining open slots in an effort to balance diversity

## E. Phase 2: Commissioner Selection

### **Geography Selection**

- Conducted randomly, such as using lottery balls
- Random selection process to ensure that there is no influence by governmental officials
- Determination of geography to be used is dependent upon the total number of commissioners on the Commission

### **Diversity Selection**

- Conducted by the commissioners selected randomly
- Guided by requirements to consider balanced diversity
- Diversity factors could include:
  - Race
  - Sex
  - Gender
  - Sexual orientation
  - Profession
  - Geography
  
  - Other criteria

## E. Selection Process

E.8a Step One: Selection by geography would involve:

- Divide the pool of qualified candidates into sub-pools based on \_\_\_\_\_ and select one Commissioner from each area in that geography considering the number of Commissioners designated in C.1:
  - Select a geography:
    - Seven (7) Regional Planning Areas
    - 12 Neighborhood Council Regions
    - Existing Council Districts
    - Some other geography

## E. Selection Process

### E.8b Step Two: Diversity selection would involve the following steps:

- Recombine the sub-pools of remaining qualified candidates.
  - The Commissioners selected in Step One select \_\_\_\_\_ candidates to ensure diversity among the full Commission.
    - The number of Commissioners selected in this step would equal the total number of Commissioners designated in Action C.1 less the number of Commissioners selected in Action E.9a.
  - Designate the diversity factors that would be considered:
    - Race and ethnicity
    - Sex and Gender
    - Sexual orientation
    - Profession
    - Geography
    - Other factors as designated
- OR
- Selection consideration would include, but not be limited to, a list of diversity factors.

## E. Commissioner Removal

Most independent redistricting commissions in the State specify reasons a Commissioner should be removed.

### Commissioner Removal Criteria Examples:

- Substantial neglect of duty
- Gross misconduct in office
- Inability to discharge the duties of office
- Disqualification based on set criteria
- A certain number of unexcused absences from commission business within a specified time frame
- Working or volunteering for, contributing to, or endorsing a candidate for an elective office in the jurisdiction in which the commission is performing its duties
- A transparency violation (e.g., ex parte communications)
- Failure to meet qualifications
- Conviction of a felony
- Moving out of the jurisdiction

## E. Commissioner Removal (continued)

Commissioners are usually removed at the prerogative of the Commission.

### Pre-Removal Process:

- Before the vote, a Commission member is typically provided with the reasons for removal, a note of the public hearing where their removal will be voted on, and an opportunity to respond or rebut.

### Removal Process:

- The Commission votes on removal of a Commissioner, either by simple majority or a supermajority (two-thirds).

### Automatic Removal:

- In certain cases, commissions may remove a member automatically.

### Appeal:

- Some jurisdictions allow for an appeal process.

*Decision Matrix*

# E. Commissioner Removal

<ul style="list-style-type: none"><li>● Shall there be a Commissioner removal process? YES                      NO</li></ul>
<ul style="list-style-type: none"><li>○ If yes, which criteria shall be identified as cause for removal?<ul style="list-style-type: none"><li>■ Select among factors in the report</li><li>■ Select among other factors</li></ul></li></ul>
<ul style="list-style-type: none"><li>○ If yes, what shall the vote requirement for removal be?<ul style="list-style-type: none"><li>■ Majority of Commission</li><li>■ Supermajority of Commission (two-thirds)</li></ul></li></ul>
<ul style="list-style-type: none"><li>○ If yes, shall there be a pre-removal process? YES                      NO</li></ul>



*Decision Matrix*

# E. Commissioner Removal: Pre-Removal Process

• Shall a Commissioner be suspended upon the charge of a serious crime and pending further due process?

YES NO

• Shall a notice of public hearing regarding the suspension or removal consideration be issued?

YES NO

• Shall the Commissioner have an opportunity to provide rebuttal in writing prior to the hearing?

YES NO

• Shall the Commissioner have the opportunity to address the matter at a public hearing?

YES NO

*Decision Matrix*

# E. Commissioner Removal: Automatic Removal and Appeal

- Shall a Commissioner be automatically removed because they are convicted of a serious crime?

YES NO

- Shall a Commissioner be automatically removed because it is determined by vote of the Commission that the Commissioner is not qualified or has ceased to be qualified?

YES NO

- If yes, what would result in automatic removal?

- Select among factors in the report
- Select among other factors

- If yes, what shall the vote requirement be for automatic removal?

- Majority of Commission
- Supermajority of Commission (two-thirds)

- Shall there be an appeal process in case of suspension, removal, or automatic removal?

YES NO