



OFFICE OF THE CITY CLERK

REPORT

To The Honorable Mayor and City Council

DATE: February 18, 2000

REPORT NO.: 00-01

SUBJECT: PROPOSED ADDITION TO THE MUNICIPAL CODE — PROCESS FOR APPOINTING MEMBERS OF THE REDISTRICTING COMMISSION

ISSUE

On November 29, 1999, the Rules Committee approved the addition of Division 14 to Chapter 2, Article 7 of the Municipal Code, outlining the process for appointment of members of the Redistricting Commission. That process is outlined in City Clerk's Report No. 99-08 and is included as Attachment A. The Committee also had a variety of questions about the redistricting process. Following the Rules Committee meeting, minor changes were made to the proposal. A time line with key dates is included as Attachment B.

CLERK'S RECOMMENDATION

Support the proposed addition to the Municipal Code to provide a process for the appointment of members of the Redistricting Commission.

DISCUSSION

Following the Rules Committee meeting on November 29, 1999, the City Clerk and the City Attorney met with Judge Wayne Peterson, Presiding Judge of the Superior Court, to discuss his willingness to participate in the redistricting process outlined in Charter Section 5.1. Judge Peterson agreed to make the appointments to the Redistricting Commission, and he also suggested some additions to the proposed draft. The additions included proof of educational credentials, a list of references, and a police check of the applicants. His suggestions have been incorporated into the proposal. Other changes include a longer statement of qualifications and additional time after the nomination period for the City Clerk's Office to organize materials before delivering them to the Judge.

At the Rules Committee meeting, a number of questions were raised about the redistricting process itself. These are addressed below.

Time Frame for the Redistricting Commission

According to the City Charter, the Redistricting Commission must be appointed by November 1, 2000. The first meeting must be held by November 20, 2000, and a budget submitted by early 2001. The Census Bureau is required to provide census data to the State of California by April 1, 2001. We anticipate that the information will be provided to the City at the same time. The Charter specifies that the redistricting must be completed no later than nine months following the receipt of the final census information. Assuming this information is received on April 1, 2001, the redistricting would have to be completed by December 31, 2001. The newly-drawn districts would then govern elections for candidates in 2004. If the process could be completed earlier, however, the new districts could govern the election of candidates for City Council in March 2002. The nomination period for those candidates opens on November 7, 2001.

According to the City Charter, the Commission must hold four public hearings in various geographic areas of the City before preparing a preliminary redistricting plan. Once a preliminary plan is developed, it is then filed with the City Clerk for a thirty-day public review period. The Charter specifies that the plan is to include "...a written statement of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the Commission." During the public review period, the Commission is required to hold three additional public hearings in various geographic areas of the City. At the end of the thirty-day period, the Commission may adopt the final redistricting plan. The plan becomes effective thirty days after adoption and is subject to the right of referendum.

Redistricting Process

Rules governing the redistricting process are contained in Charter Sections 5 and 5.1. Section 5 was amended in 1992. Charter Section 5.1, creating the Redistricting Commission, was added at the same time and was based on an initiative written by Common Cause. The intent of the proposal was to make the process less "politically charged" by giving it to an independent Commission, rather than having it done by elected officials.

Charter Section 5 states in part that "In any redistricting, the districts shall be comprised of contiguous territory and made as equal in population as shown by the census reports, and as geographically compact as possible, and the districts so formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines."

Charter Section 5.1 states that districts "...shall each contain, as nearly as practicable, one-eighth of the total population of the City as shown by the Federal census immediately proceeding such formation of districts." It states also that the

“... redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and Federal statutes.” The section also states that “To the extent it is practical to do so, districts shall: preserve identifiable communities of interest; be geographically compact--populous contiguous territory shall not be bypassed to reach distant populous areas; be composed of whole census units as developed by the United States Bureau of the Census; be composed of contiguous territory with reasonable access between population centers in the district, and not be drawn for the purpose of advantaging or protecting incumbents.”

Estimated Costs

According to City Charter Section 5.1, the Redistricting Commission would prepare a budget and submit it to Judge Peterson on or about January 2, 2001. If approved by the Judge, the budget would then be submitted to the City Council for approval. The Charter states that the “...City Council shall appropriate funds to the Commission and to the City Clerk adequate to carry out their duties under this section.” According to the Charter, “the Commission shall employ a chief of staff, exempt from the Civil Service, and shall contract for needed staff, technical consultants and services, using existing City staff to the extent possible.” Since the budget request will occur during the middle of Fiscal Year 2001, the City Clerk has submitted information to the City Manager to cover potential costs for that period. We anticipate that the Redistricting Commission’s budget request for Fiscal Year 2002 will be made in time for the regular City budget process. Although the City Clerk will not determine the final budget for the Redistricting Commission, we have identified the following potential costs for the period of March - June 30, 2001.

1. <i>Chief of Staff</i>	
Deputy Director level, ½ time for March - June, 2001 (Salary and fringe benefits)	\$17,815
2. <i>Stenographer</i>	
Intermediate Stenographer or Legislative Recorder to notice meetings and to record and process meetings of the Commission.	\$ 2,963
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FY 2001 TOTAL: \$20,778	

The overall cost of the redistricting process will depend largely on the use of City staff and whether redistricting software is purchased and maps prepared by City staff, or whether outside consultants are hired to perform this task. During the last City redistricting, the Manager’s Office, Urban Analysis Section, City Attorney’s Office and City Clerk’s Office provided staff support.

Below is an estimate for FY 2002 assuming minimal hiring of outside staff. This assumes that City staff can incorporate these duties with their normal duties.

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|--------------------------|--|----------|
| 1. <i>Chief of Staff</i> | Deputy Director level, ½ time for July - December, 2001
(Salary and fringe benefits) | \$26,723 |
| 2. <i>Stenographer</i> | Intermediate Stenographer or Legislative Recorder
to notice meetings and to record and process
meetings of the Commission. | \$ 6,000 |
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FY 2002 TOTAL: \$32,723

Additional costs during FY 2001 or FY 2002 might include a laptop computer with office and redistricting software. The cost for these is estimated at \$8,500. Support staff associated with the Redistricting Commission would also need office space, phones, equipment, and supplies, unless these could be provided by a City department. The City Clerk's Office does not have enough space to accommodate additional staff associated with the Redistricting Commission.

SUMMARY

In summary, the City Clerk proposes the addition of Division 14 to Chapter 2, Article 7 of the San Diego Municipal Code to prescribe a specific, orderly process for the nomination and selection of members of the Redistricting Commission, based upon the provisions of Charter Section 5.1.

I look forward to your review of the proposed division. Should you have any questions, please contact Deputy Director Joyce Lane at 533-4024.



Charles G. Abdelnour
City Clerk

CGA:JL

Attachments

cc: City Manager
City Attorney



OFFICE OF THE CITY CLERK

REPORT

To The Honorable Mayor and City Council

DATE: November 1, 1999

REPORT NO.: 99-08

SUBJECT: MUNICIPAL CODE ADDITION - PROCESS FOR APPOINTING MEMBERS
OF THE REDISTRICTING COMMISSION

ISSUE

On June 2, 1992, the voters approved a Charter amendment which added Section 5.1, "Redistricting Commission," to the San Diego City Charter. This section, which became effective July 13, 1992, provides for the establishment of a Redistricting Commission with the exclusive authority to adopt plans specifying City Council district boundaries. The section also describes the Commission's tasks, and establishes general procedures for the accomplishment of those tasks.

Next year, the federal government will conduct Census 2000, and for the first time, the provisions of Charter Section 5.1 will be used to redraw the boundaries of San Diego's Council districts. The first action to be taken is the appointment of the seven-member Redistricting Commission. The Charter mandates that the nomination period shall begin on July 1, 2000, and provides broad guidelines for the appointment process.

The City Clerk's proposed addition to the San Diego Municipal Code--Division 14, "Procedure for Making Appointments to the Redistricting Commission"-- builds upon the provisions of Charter Section 5.1 to prescribe a specific, orderly process for the nomination and selection of members of the Redistricting Commission.

RECOMMENDATION

Adopt the proposed addition to the San Diego Municipal Code.

DISCUSSION

Charter Section 5.1 clearly identifies who shall appoint the members of the Redistricting Commission, but establishes only a general method for making those appointments. Where the Charter is specific, the proposed division essentially reiterates Charter language. Where the Charter is general, the proposed division draws upon the process for filling a Council vacancy by appointment, codified in Division 8 of the Municipal Code, to flesh out the procedure for appointing Commission members.

Key provisions of the proposed division include (a) identifying the appointing authority; (b) defining the composition of the Redistricting Commission; (c) providing an application and nomination process; (d) clarifying the City Clerk's role in that process; (e) determining what background information must be provided regarding an applicant or nominee to ensure that the appointed Commission meets the Charter's requirements; (f) specifying the public hearing process should the City Council be required to appoint Commission members; and (g) codifying miscellaneous Charter provisions regarding service on the Redistricting Commission. Following is a discussion of each of these key provisions.

The Appointing Authority

Charter Section 5.1 specifies that the Presiding Judge of the Municipal Court of the San Diego Judicial District shall appoint the members of the Redistricting Commission. Should the Presiding Judge decline to act, then a Judge of the Municipal Court, selected by vote of the Judges of the Municipal Court, shall make the appointments. Should the Judges decline to select an appointing authority, then a panel of three retired Superior Court Judges, whose names are drawn at random by the City Manager, shall make the appointments. Should all of the preceding decline to act, then the City Council shall make the appointments by majority vote.

The language of the proposed division essentially parallels that of the Charter, except that it provides for a "successor court" to the Municipal Court. While the Charter specifies "Municipal Court," Municipal and Superior Courts in the San Diego Judicial District were unified in 1998 by a majority vote of the judges of those courts, pursuant to Proposition 220. Consequently, the proposed division takes into account both the provisions of the Charter and the aftermath of the 1998 unification.

The Redistricting Commission

Charter Section 5.1 requires that the Redistricting Commission be composed of seven members, who shall be registered to vote in the City of San Diego. The Charter also requires that the appointing authority appoint women and men who will give the Redistricting Commission geographic, social and ethnic diversity, and who, in the appointing authority's judgment, have a high degree of competency to carry out the responsibilities of the Commission. The appointees shall include individuals with a demonstrated capacity to serve with impartiality in a non-partisan role.

The proposed division essentially reiterates the Charter, but clarifies that any individual applying or being nominated for appointment to the Redistricting Commission shall be a registered voter of the City on the date that the application or nomination for appointment is filed with the City Clerk.

The Application and Nomination Process

Charter Section 5.1 provides for a 30-day nomination period, commencing on July 1 of every year in which a national decennial census is taken. Appointments are to be made no later than November 1 of every year in which a national decennial census is taken.

The proposed division essentially reiterates the Charter, but adds provisions for those years in which July 1 falls on a Saturday, Sunday or holiday; and for those years in which the 30th day following the beginning of the nomination period falls on a Saturday, Sunday or holiday. When July 1 falls on a Saturday, Sunday or holiday, the nomination period shall begin on the next business day. When the 30th day following the commencement of the nomination period falls on a Saturday, Sunday or holiday, then applications and nominations shall be due on the next business day following the 30th day.

The City Clerk's Role

Charter Section 5.1 describes the responsibilities of the City Clerk. Where those responsibilities relate to the appointment process, they are reiterated more specifically in the proposed division. These responsibilities include soliciting nominations; and providing information to the public regarding the nomination period, guidelines for applicants and those wishing to make a nomination, and any public hearing(s) regarding the applications and nominations. The City Clerk must also provide the submitted applications and nominations to the appointing authority on the first business day after the close of the nomination period.

It should be noted that Charter Section 5.1 places additional responsibilities on the City Clerk which are unrelated to the appointment process.

Candidates' Background Information

As discussed above, Charter Section 5.1 broadly defines the composition of the Redistricting Commission. To help ensure that the appointing authority is provided with sufficient information about applicants and nominees to enable the authority to appoint a Commission which meets the Charter's requirements, the proposed division requires disclosure of the following: the applicant's or nominee's name; his or her address for the preceding five years; ethnicity; gender; business or occupation for the preceding five years; and information regarding military service, education, service in public office, public service appointments, service in civic or community organizations, and membership in professional or technical organizations, if any. Additionally, the applicant or nominee shall be required to file a statement of economic interests, with the scope of disclosure to be decided by resolution of the City Council. The applicant or the individual/organization making a

nomination shall also submit a statement of qualifications not longer than 100 words, describing the applicant's or nominee's suitability to serve on the Redistricting Commission.

The Public Hearing Process

Following the procedures for filling a Council vacancy by appointment, established in Division 8 of the Municipal Code, the proposed division provides that, in the event the City Council is the appointing authority, at least one public hearing shall be held for the purpose of considering the applications and nominations for appointment.

Service on the Commission

The proposed division includes the following additional Charter requirements:

(a) any individual who accepts appointment to the Redistricting Commission shall declare that he or she will not seek election to a San Diego City public office for a period of five years after the Commission's adoption of a final redistricting plan;

(b) members of the Commission shall serve until the redistricting plan the Commission adopts becomes effective, and any and all legal challenges and referendary actions have been resolved; and

(c) any vacancy occurring in the Commission shall be filled within seven calendar days by the appointing authority. The procedures and criteria for filling the vacancy shall be the same as required by Charter Section 5.1 and the proposed division, and the appointing authority shall fill the vacancy from the same pool of individuals originally considered.

OTHER PROVISIONS OF CHARTER SECTION 5.1 NOT ADDRESSED BY THE PROPOSED MUNICIPAL CODE AMENDMENT

As proposed, Division 14 is limited to those portions of Charter Section 5.1 which relate to the appointment of members of the Redistricting Commission. The Charter section also addresses other procedural requirements for the Commission itself, including the following:

First Meeting

The Commission shall hold its first meeting within twenty days after the members of the Commission are appointed, at a time and place designated by the City Clerk.

Commission Staff

The Commission shall elect a chair and a vice chair and shall employ a chief of staff. The chief of staff is exempt from Civil Service, and shall contract for needed staff, technical consultants and services, using existing City staff to the extent possible.

Commission Budget

The Commission shall adopt a budget and submit it to the appointing authority within sixty days after the members of the Commission are appointed. If the budget is approved by the appointing authority, it shall be forwarded to the City Council for consideration. The City Council shall appropriate funds to the Commission and to the City Clerk adequate to carry out their duties under Charter Section 5.1.

Meetings Open to the Public

All Commission meetings shall be open to the public; and Commission records, data and plans shall be available, at no charge, for public inspection during normal business hours in the office of the City Clerk. Copies of records and plans shall be provided to any interested person, for a reasonable fee.

The Commission shall make every reasonable effort to afford maximum public access to its proceedings. It shall solicit public comment and shall hold at least four public hearings in various geographic areas of the City before the preparation of a preliminary redistricting plan.

Number of Votes Required/Quorum

Aye votes by five members of the Commission shall be required for the appointment of its chief of staff, the election of its chair, and the adoption of the final redistricting plan. A majority vote shall be required for all other actions. A majority of the entire Commission shall constitute a quorum for the transaction of business or exercise of any power of the Commission.

Preliminary and Final Redistricting Plans

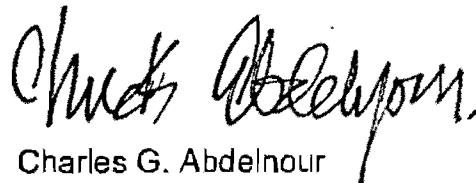
At least thirty days prior to the adoption of a final plan, the Commission shall file a preliminary plan with the City Clerk, along with a written statement of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the Commission.

During the thirty-day period after such filing, the Commission shall hold at least three public hearings in various geographic areas of the City before it adopts a final plan. Upon approval of the final plan, the Commission shall adjust the boundaries of any or all of the Council districts of the City pursuant to the final plan. Said final redistricting plan shall be effective thirty days after adoption and shall be subject to the right of referendum in the same manner as are ordinances of the City Council. If rejected by referendum, the same Commission shall create a new plan pursuant to the criteria set forth in Charter Sections 5 and 5.1.

SUMMARY

In summary, the City Clerk proposes the addition of Division 14 to the San Diego Municipal Code to prescribe a specific, orderly process for the nomination and selection of members of the Redistricting Commission, based upon the provisions of Charter Section 5.1.

I look forward to your review of the proposed Division 14. Should you have any questions, please contact Deputy Director Joyce Lane at 533-4024.



Charles G. Abdelnour
City Clerk

REDISTRICTING COMMISSION TIMELINE

<u>Event</u>	<u>Date</u>
Nomination period conducted by City Clerk	July 1 - 30, 2000
Deadline for Judges Panel to make appointments to the Redistricting Commission	November 1, 2000
Commission holds first meeting	November 20, 2000
Commission adopts budget and submits to Judges Panel for approval. If approved, it is then forwarded to the City Council for consideration.	January 2, 2001
Deadline for Census Bureau to release Census data to California	April 1, 2001
Candidate Nomination Period opens for Council candidates in Districts 2, 4, 6 & 8 for the election to be held March 5, 2002	November 7, 2001
Charter deadline for completion of redistricting process	December 31, 2001