



OFFICE OF THE CITY CLERK

REPORT

TO THE RULES COMMITTEE

DATE: October 20, 2016

REPORT NO.: CC-16-07

SUBJECT: San Diego Municipal Code Updates Pertaining to Redistricting

OVERVIEW

On June 7, 2016, the citizens of San Diego approved Ballot Measure A: *Charter Amendments Regarding Redistricting of Council Districts in the City of San Diego*.

On September 28, 2016, my office presented an informational report to the Rules Committee, reflecting required San Diego Municipal Code changes that resulted from the approval of Ballot Measure A. In addition, potential changes were set forth for discussion as captured during previous presentations related to the Redistricting process at both Committee and Council Meetings.

This report outlines proposed updates to the San Diego Municipal Code (SDMC) Chapter 2, Article 7, Division 14: *Procedure for Making Appointments to the Redistricting Commission* that resulted from the presentation on September 28, 2016, as well as collaborative staff work and input from the City Attorney's Office, the Independent Budget Analyst and the Mayor's Office.

The City Attorney's Office will be providing a copy of the strikeout ordinance to the Committee prior to the meeting. A summary of those changes follows.

PROPOSED CHANGES

- The title of the Division has been changed to reflect the expansion of content.
- Where appropriate, material that is detailed in the Charter is not duplicated in the Municipal Code, but the section of the Charter is referenced for ease of access (this is consistent throughout the proposed changes to the Municipal Code and will not be noted each time).
- The methodology for the Clerk's random draw of the Appointing Authority members has been added to §27.1402 (Appointing Authority).

- The number of Redistricting Commission members has been updated to nine, and the alternates have been referenced in §27.1403 (Redistricting Commission Members).
- The period for filing the application has been updated to reflect the earlier start date of May 1st, and to provide for a 60 day nomination period in §27.1404 (Period for Filing Application Forms).
- The prohibition on early noticing has been removed from the Municipal Code in §27.1405 (Notice to be Published by Clerk) to provide the Clerk with flexibility in early noticing.
- The requirements related to the application form (§27.1406) have been updated as follows:
 - The earlier start date to the nomination period has been noted;
 - The requirement for transcripts and contact information for a college or other educational institutions have been eliminated;
 - The preference for a typed application has been added for transparency and ease of access;
 - An addition to the statement of qualifications requesting knowledge of neighborhoods and geography of the City of San Diego has been made;
 - A modification has been made to the request for a social security number – the San Diego Police Department has confirmed that the entire social security number is required for a background check. However, the information does not have to be on the application itself. Thus the Municipal Code could reflect the need for the information to be provided to the Clerk as part of the application processing without requiring it on the application itself.
- The responsibilities of the City Clerk have been expanded and updated to reflect the immediate transmittal of the applications to the Appointing Authority upon close of the nomination period and to outline the procedures, including the ministerial review and the random selection of Commission members, should the Clerk be required to act as the Appointing Authority in §27.1408 (Additional Responsibilities of the City Clerk).
- §27.1409 (Public Hearings) has been updated to add the selection of alternates and to specify that the City Clerk would also hold a public hearing for the random selection of Commission members in the event that the Clerk acts as the Appointing Authority.
- The Public Hearing and Appointment process (§27.1410) and the Optional Second Public Hearing (§27.1411) have been updated to reflect the nine members and two alternates and to remove the reference to the City Council potentially acting as the Appointing Authority.

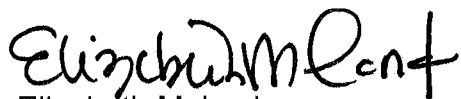
- Alternate members who ultimately serve as Commission members have been added to §27.1413 (Election of Redistricting Commissioner Prohibited).
- The Length of Service on Redistricting Commission (§27.1414) refers to the Charter section that addresses the issue; clarifying language has been added.
- New language has been created for §27.1415 (Vacancy on Redistricting Commission) in order to integrate the selection of the alternate members. Section (b) provides procedures should both alternates already be seated: the Clerk would randomly select a member from the remaining pool of qualified applicants.
- §27.1416 (City Responsibilities for the Independent Redistricting Commission) is a new section and addresses the issue of budgeting and staff support prior to the Commission's selection of a Chief of Staff. Section (b) requires funding guidelines (a starting point of the previous Redistricting Commission's expenditures with a nod to inflation and other known factors) and a timeframe. Section (c) requires the City to provide designated staff to assist the Commission prior to the hiring of the Chief of Staff.

CONCLUSION

This report outlines proposed updates to the San Diego Municipal Code (SDMC) Chapter 2, Article 7, Division 14: *Procedure for Making Appointments to the Redistricting Commission*.

RECOMMENDATION

Forward the recommended changes to the full Council for approval.



Elizabeth Maland
City Clerk