

ORDINANCE NUMBER O- 18792 (NEW SERIES)

ADOPTED ON MAY 1 - 2000

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 14, SECTIONS 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1407, 27.1408, 27.1409, 27.1410, 27.1411, 27.1412, 27.1413, 27.1414, AND 27.1415 ALL RELATING TO PROCEDURES FOR MAKING APPOINTMENTS TO THE REDISTRICTING COMMISSION.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter 2, Article 7 of the San Diego Municipal Code is amended by adding Division 14, to read as follows:

DIVISION 14

**Procedure for Making Appointments
to the Redistricting Commission**

Section 2. That Chapter 2, Article 7, Division 14 of the San Diego Municipal Code is amended by adding new Sections 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1407, 27.1408, 27.1409, 27.1410, 27.1411, 27.1412, 27.1413, 27.1414, and 27.1415, to read as follows:

27.1401 Purpose and Intent

The purpose and intent of this division is to establish an orderly procedure for the appointing authority established by San Diego City Charter Section 5.1 to follow in making any

appointment to the Redistricting Commission; and for all individuals interested in being appointed to the Redistricting Commission, and all individuals or organizations desiring to nominate individuals for appointment to the Redistricting Commission, to follow in presenting their applications or nominations for consideration by the appointing authority.

27.1402 Appointing Authority

Pursuant to San Diego City Charter Section 5.1, the appointing authority for members of the Redistricting Commission shall be the Presiding Judge of the Municipal Court, or its successor court, of the San Diego Judicial District.

(a) In the event that the Presiding Judge declines to serve as the appointing authority, a Judge of the Municipal Court or its successor court, San Diego Judicial District, shall be the appointing authority. This Judge shall be selected by vote of the Judges of the Municipal Court, or its successor court.

(b) In the event that the Judges of the Municipal Court, or its successor court, decline to select an appointing authority pursuant to Section 27.1402(a), then a panel of three retired Superior Court Judges of the San Diego Judicial District shall serve as the appointing authority. The Judges on the panel shall be

selected at random by the City Manager in the fashion described in Penal Code Sections 900(a) and 902.

(c) In the event that all of the preceding individuals decline to act, then the City *Council* shall serve as the appointing authority, and appointments to the Redistricting Commission shall be made by a majority vote of the City *Council*.

27.1403 Redistricting Commission Members

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

27.1404 Period for Filing Application Forms

(a) Pursuant to San Diego City Charter Section 5.1, there shall be a 30-calendar day nomination period for appointment to the Redistricting Commission. The nomination period shall

commence July 1 of every year in which a national decennial census is taken.

(b) In a year in which a national decennial census is taken, if July 1 falls on a Saturday, Sunday or holiday, the nomination period for appointment shall commence on the next business day following July 1.

(c) In a year in which a national decennial census is taken, if the 30th calendar day following the date the nomination period commences falls on a Saturday, Sunday or holiday, the nomination period for appointment shall end on the next business day following the 30th calendar day.

27.1405 Notice to be Published by Clerk

Pursuant to San Diego City Charter Section 5.1 and except as provided for in Sections 27.1404(b) and (c), the *City Clerk* shall publish the following notice in the City Official Newspaper no earlier than 30 calendar days before, and no later than 14 calendar days before, the beginning of the nomination period:

The nomination period for appointment to the Redistricting Commission of the City of San Diego shall be (insert dates in accordance with Section 27.1404). Interested applicants and individuals or organizations desiring to nominate persons for appointment to the Redistricting Commission

may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City *Clerk* by close of business, 5:00 p.m. on (insert date in accordance with Section 27.1404).

27.1406 Application Forms and Requirements

No earlier than July 1 and no later than the date for return of applications as published by the City *Clerk* under Section 27.1405, applicants and individuals or organizations desiring to nominate individuals for appointment to the Redistricting Commission shall file the following with the City *Clerk*:

(a) On forms provided by the City *Clerk*, background information certified by the applicant or nominee that it is true and correct, signed under penalty of California perjury laws, disclosing the following:

- (1) Name of applicant or nominee.
- (2) Current residence address, including City Council district.
- (3) Length of residence at current address, and address for past five years if other than the current address.
- (4) Ethnicity.
- (5) Gender.
- (6) Business or occupation engaged in during the past five years, together with address of and dates of service with each such business or occupation.

- (7) Branch, dates and rank at discharge of military service
- (8) Educational background including high school and any

college credits. Information shall include the name of each educational institution attended and any degree or diploma received. For each college degree or diploma listed, a copy of transcripts or other proof of degree shall accompany the nomination. A contact name and phone number at the college or other educational institution shall also be included for the highest degree received.

(9) Description of and dates of service in public office, and public service appointments, if any.

(10) Description of and dates of service in civic or community organizations, if any.

(11) Memberships in professional, technical, or other organizations, if any.

(12) Name of nominating individual or organization, if applicable. In the case of an organization making a nomination for appointment, a statement confirming the organization's intent, written on organization letterhead and signed by an officer of the organization, shall accompany the nomination.

(b) A Statement of Economic Interests, Form 700. The scope of disclosure shall be decided by resolution of the City Council.

(c) A statement of qualifications not longer than 300 words expressing in the applicant's own words the reasons why the applicant believes he or she is qualified for the office, and signed by the applicant; or in the case of an individual nominated by another individual or an organization, a statement of qualifications not longer than 300 words expressing the reasons why the nominating individual or organization believes the nominee is qualified for the office. In the case of an individual nominated by another individual, the statement of qualifications shall be signed by the nominating individual. In the case of an individual nominated by an organization, the statement of qualifications shall be signed by an officer of the organization.

(d) On forms provided by the City Clerk, a statement signed by the applicant or nominee acknowledging that he or she must be a registered voter of the City of San Diego in order to serve as a Commission member.

(e) In the case of an individual nominated by another individual or an organization, on forms provided by the City Clerk

and signed by the nominee, a statement that he or she accepts the nomination.

(f) On forms provided by the *City Clerk*, the date of birth and social security number of the applicant or nominee, for the purpose of conducting the police check pursuant to Section 27.1408(d).

(g) A list of three individual references who can attest to the applicant or nominee's ability to serve as a member of the Redistricting Commission. The information provided shall include a current address and phone number for each reference. An e-mail address, if any, may also be provided.

27.1407 Acceptance or Rejection of Nomination Papers as Filed

(a) If the *City Clerk* determines that the nomination papers are in substantial compliance with this division, the *City Clerk* shall accept the nomination papers as filed.

(b) If the *City Clerk* determines that the nomination papers are not in substantial compliance with this division, the *City Clerk* shall not accept the nomination papers as filed.

27.1408 Additional Responsibilities of the City Clerk

(a) Pursuant to San Diego City Charter Section 5.1, the *City Clerk* shall solicit nominations for appointment to the Redistricting Commission.

(b) Pursuant to San Diego City Charter Section 5.1, the City *Clerk* shall distribute to the news media the guidelines for selection of Commission members.

(c) Pursuant to San Diego City Charter Section 5.1, the City *Clerk* shall furnish each applicant, or individual or organization desiring to nominate an individual for appointment, with a copy of this division.

(d) The City *Clerk* shall cause a police check to be conducted on each applicant. Each applicant shall be informed by the City *Clerk* that a police check will be made on the applicant and that the appointing authority will be informed of the results thereof.

(e) Pursuant to San Diego City Charter Section 5.1, the City *Clerk* shall transmit the names and information regarding all applicants and nominees, with the names of nominating individuals and organizations, to the appointing authority within ten business days after the close of the nomination period.

(f) In the event the City *Council* serves as appointing authority to the Redistricting Commission pursuant to San Diego City Charter Section 5.1, the City *Clerk* shall advise each applicant or nominating individual or organization of the dates set by the

City *Council* for public hearings on the applications, as provided for by Sections 27.1408, 27.1409 and 27.1410.

27. 1409 Public Hearing

In the event the City *Council* serves as appointing authority to the Redistricting Commission pursuant to San Diego City Charter Section 5.1, the City *Council* shall hold at least one public hearing for the purpose of considering the applications and nominations for appointment. The hearing shall be held a reasonable time after the period for filing applications and nominations has ended as provided in Section 27.1404. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the City *Council* prior to making the appointment.

27.1410 Public Hearing and Appointment

In the event the City *Council* serves as appointing authority to the Redistricting Commission pursuant to San Diego City Charter Section 5.1:

(a) At the public hearing required by Section 27.1408, at the discretion of the presiding officer, each applicant and nominee may be allowed to make a presentation to the City *Council* in support of the applicant's or nominee's candidacy for appointment. At the discretion of the presiding officer, City Councilmembers

may ask brief questions for clarification concerning either the presentation or matters contained in the application or nomination filed with the *City Clerk*. Applicants and nominees shall also be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, reasons for seeking appointment, and demonstrated capacity to serve with impartiality in a non-partisan role.

(b) At the conclusion of the public hearing or at a later meeting, the *City Council* may adopt a resolution appointing the seven members of the Redistricting Commission.

27.1411 Optional Second Public Hearing and Appointment

In the event the City Council serves as appointing authority to the Redistricting Commission:

(a) If, during the public hearing required by Section 27.1408, the *City Council* determines that there are too many *candidates* to consider in a single public hearing, the procedures outlined in Section 27.1410 shall be used.

(b) Before the conclusion of the first public hearing, the *City Council* shall select the candidates to appear at the second public hearing. After the selection is made, the presiding officer

shall announce the names of the candidates invited to appear at the second public hearing and set the date and time of such hearing.

(c) At the second public hearing, candidates invited to appear shall be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, reasons for seeking appointment, and demonstrated capacity to serve with impartiality in a non-partisan role.

(d) At the conclusion of the second public hearing the City *Council* may then, or at a later meeting, adopt a resolution appointing the seven members of the Redistricting Commission.

27.1412 Deadline for Completion of Appointments

Pursuant to San Diego City Charter Section 5.1, the appointing authority shall appoint the members of the Redistricting Commission no later than November 1 of every year in which a national decennial census is taken.

27.1413 Election of Redistricting Commissioner Prohibited

Pursuant to San Diego City Charter Section 5.1, any individual who accepts an appointment to the Redistricting Commission shall, at the time of his or her appointment, file a written declaration with the City *Clerk* that he or she will not seek

election to a San Diego City public office within five years of the Commission's adoption of a final redistricting plan.

27.1414 Length of Service on Redistricting Commission

Pursuant to San Diego City Charter Section 5.1, the members of the Redistricting Commission shall serve until the redistricting plan adopted by the Commission becomes effective and any and all legal challenges and referendary actions have been resolved.

27.1415 Vacancy on Redistricting Commission

Pursuant to San Diego City Charter Section 5.1, any vacancy in the Redistricting Commission which occurs after the Commission members have been appointed shall be filled within seven calendar days by the appointing authority, following the same procedure and using the same criteria established with San Diego City Charter Section 5.1 and this division, and making the selection from the same pool of individuals given consideration for appointment when the Commission's original members were appointed.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from
and after its passage.

APPROVED: CASEY GWINN, City Attorney

By *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

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Or.Dept:Clerk
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