

ORDINANCE NUMBER O- 20761 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING THE DIVISION, AND BY AMENDING SECTIONS 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1408, 27.1409, 27.1410; BY AMENDING AND RETITLING SECTION 27.1411; BY AMENDING SECTIONS 27.1412, 27.1413, 27.1414 AND 27.1415; AND BY ADDING A NEW SECTION 27.1416, ALL RELATING TO THE REDISTRICTING COMMISSION.

WHEREAS, in June 1992, San Diego voters approved Proposition C, which amended the City Charter to grant “sole and exclusive authority to adopt plans which specify the boundaries of districts for the City Council” to a seven-member citizen Redistricting Commission; and

WHEREAS, in June 2016, voters at the City’s Municipal Special Election adopted a proposition amending the Charter to revise the redistricting process and related laws, in response to the City’s experiences with the Charter sections related to redistricting in 2000 and 2010; and

WHEREAS, amendments to the City’s redistricting laws had been proposed initially by two Redistricting Commissions, the San Diego County Grand Jury, City staff involved with the process, and members of the public; and

WHEREAS, the 2016 Charter amendments now require amendments to provisions of the San Diego Municipal Code related to redistricting, and this Ordinance will ensure the Municipal Code sections are updated to follow the new Charter language; NOW, THEREFORE,

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

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

Article 7: Elections, Campaign Finance and Lobbying

Division 14: Redistricting Commission

Section 2. That Chapter 2, Article 7, Division 14 of the San Diego Municipal Code is amended by amending sections 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1408, 27.1409, and 27.1410 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 Charter Section 5.1 to follow in making appointments 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. This Division also establishes a procedure for the related responsibilities of the *Clerk*, sets a duration for Redistricting Commissioner service, and confirms the prohibition on Redistricting Commissioners seeking public office in the *City* for a specific time period after their service.

§27.1402 Appointing Authority

The Appointing Authority for members of the Redistricting Commission shall be constituted as set forth in Charter Section 5.1. The *Clerk* shall conduct a random drawing from the names of judicial applicants submitted through outreach efforts conducted by the City Attorney's Office.

§27.1403 Redistricting Commission Members

The Redistricting Commission shall be composed of nine members, along with two alternate members, as set forth in Charter Section 5.1.

§27.1404 Period for Filing Application Forms

- (a) There is a 60-calendar day nomination period for appointment to the Redistricting Commission, as set forth in Charter Section 5.1. The nomination period commences May 1 of every year in which a Federal Decennial Census is taken.
- (b) In a year in which a Federal Decennial Census is taken, if May 1 falls on a Saturday, Sunday or holiday, the nomination period for appointment shall commence on the next business day following May 1.
- (c) In a year in which a Federal Decennial Census is taken, if the 60th 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 60th calendar day.

§27.1405 Notice to be Published by Clerk

As set forth in Charter Section 5.1, and except as provided for in Sections 27.1404(b) and (c), the *Clerk* shall publish the following notice in accordance with the *City's* rules for publication of notices:

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 or from the City of San Diego website. 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 May 1 and no later than the date for return of applications as published by the *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 *Clerk*:

- (a) On forms provided by the *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, if applicable to the applicant or nominee:
- (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.
 - (9) Description of and dates of service in public office, and public service appointments.
 - (10) Description of and dates of service in civic or community organizations.
 - (11) Memberships in professional, technical, or other organizations.
 - (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 completed Statement of Economic Interests, Form 700. The scope of disclosure shall be as required by the Commission's conflict of interest code, decided by resolution of the *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. The statement of qualifications should include discussion of the applicant's or nominee's knowledge of the neighborhoods and geography of the *City*, which is material to the redistricting process. Anyone submitting a statement of qualifications for appointment to the Redistricting Commission must submit a typed form, or a form in an otherwise approved alternative format.

- (d) On forms provided by the *Clerk*, a statement signed by the applicant or nominee acknowledging that he or she must be a registered *voter* of the *City* in order to serve as a Redistricting Commission member or alternate.
- (e) In the case of an individual nominated by another individual or an organization, on forms provided by the *Clerk* and signed by the nominee, a statement that he or she accepts the nomination.
- (f) On forms provided by the *Clerk*, the date of birth and an acknowledgement to later provide, if requested by the *Clerk*, the applicant's or nominee's social security number, for the purpose of conducting the police background check pursuant to Section 27.1408(d). The social security

number shall not be disclosed or made public by the *City* and shall be used only for the purpose of the background check, unless otherwise required by law.

- (g) A list of three individual references who can attest to the applicant's or nominee's ability to serve as a member or alternate 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.

§27.1408 Additional Responsibilities of the Clerk

- (a) The *Clerk's* responsibilities in the redistricting process include those provided in Charter Section 5.1 and in this Section. These will include soliciting nominations for appointment to the Redistricting Commission.
- (b) The *Clerk* will distribute to the news media the guidelines for selection of Redistricting Commission members.
- (c) The *Clerk* will furnish each applicant, or individual or organization desiring to nominate an individual for appointment, with a copy of this Division.
- (d) The *Clerk* will cause a police background check to be conducted on each applicant after informing applicants that the check will be conducted and that the Appointing Authority will be informed of the results.
- (e) The *Clerk* will transmit the names and information regarding all applicants and nominees to the Appointing Authority immediately upon the close of nominations.

- (f) In the event the *Clerk* serves as Appointing Authority to the Redistricting Commission in accordance with Charter Section 5.1, the *Clerk* will conduct a ministerial review of applications as the Charter provides, and advise each applicant or nominating individual or organization of the date set for the public, random selection of Redistricting Commission members and alternates from the pool of qualified applicants.
- (g) For the purpose of conducting the *Clerk's* random selection of members and alternates from the pool of qualified applicants:
 - (1) Applications will be grouped by the *Council* district in which an applicant resides.
 - (2) If there are at least two applications from a *Council* district, the *Clerk* will randomly draw a name to select a member from the district.
 - (3) All other applications will become part of a general applicant pool. To fill any remaining seats for members, and to select alternates, the *Clerk* will randomly draw from those names until all members and alternates are selected.

§27.1409 Public Hearing

- (a) The Appointing Authority shall hold at least one public hearing to appoint the nine Redistricting Commission members and two alternates, as set forth in Charter Section 5.1. The Appointing Authority may hold

a second public hearing if there are additional questions or if additional time for discussion is needed prior to making the appointments.

- (b) If the *Clerk* serves as the Appointing Authority, a single public hearing shall be held for the purpose of the *Clerk's* random selection of nine members and two alternates from the pool of qualified applicants.

§27.1410 Public Hearing and Appointment

- (a) At the public hearing required by Section 27.1409(a), at the discretion of the Appointing Authority, each applicant and nominee may be allowed to make a presentation in support of the applicant's or nominee's candidacy for appointment. The Appointing Authority may ask brief questions for clarification concerning either the presentation or matters contained in the application or nomination filed with the *Clerk*. Applicants and nominees will also be expected to answer questions concerning their candidacy. Such questions may concern but need not be limited to the candidate's background, reasons for seeking appointments, 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 required by Section 27.1409(a), the Appointing Authority may make appointments of the Redistricting Commission's nine members and two alternates.

Section 3. That Chapter 2, Article 7, Division 14 of the San Diego Municipal Code is amended by amending and retitling section 27.1411 to read, as follows:

§27.1411 Optional Second Public Hearing

- (a) If, during the public hearing required by Section 27.1409(a), the Appointing Authority determines that there are too many *candidates* to consider in a single public hearing, the procedures outlined in Section 27.1409(a) for a second public hearing shall be used.
- (b) Before the conclusion of the first public hearing, the Appointing Authority shall select the *candidates* to appear at the second public hearing. After the selection is made, the Appointing Authority 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 will be expected to answer questions from the Appointing Authority 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 Appointing Authority may then, or at a later meeting, appoint the Redistricting Commission's nine members and two alternates.

Section 4. That Chapter 2, Article 7, Division 14 of the San Diego Municipal Code is amended by amending sections 27.1412, 27.1413, 27.1414, and 27.1415 to read, as follows:

§27.1412 Deadline for Completion of Appointments

The Appointing Authority shall appoint the members and alternate members of the Redistricting Commission as set forth in Charter Section 5.1, and no later than November 1 of every year in which a Federal Decennial Census is taken.

§27.1413 Election of Redistricting Commissioner Prohibited

When an applicant, nominee, or alternate accepts an appointment as a member of the Redistricting Commission, the individual shall, at the time of his or her appointment, file a written declaration with the *Clerk* that he or she will not seek election to a *City elective office* within five years of the Redistricting Commission's adoption of a Final Redistricting Plan.

§27.1414 Length of Service on Redistricting Commission

Members of the Redistricting Commission, and the alternates, shall serve as set forth in Charter Section 5.1, including, but not limited to, until the redistricting plan adopted by the Commission becomes effective and the referendary deadline for the Final Redistricting Plan has passed.

§27.1415 Vacancy on Redistricting Commission

(a) In the event of a vacancy for reasons including, but not limited to, the resignation, death or incapacity of a member of the Redistricting Commission, one of the two alternate members shall fill the vacancy. Alternates shall be seated based upon the order in which they were initially appointed by the Appointing Authority.

- (b) In the event that both alternates have already been seated on the Redistricting Commission and another vacancy occurs, the *Clerk* shall randomly select a member from the remaining names in the original pool of qualified applicants, at a public hearing held for that purpose.

Section 5. That Chapter 2, Article 7, Division 14 of the San Diego Municipal Code is amended by adding a new section 27.1416 to read, as follows:

§27.1416 City Responsibilities for the Independent Redistricting Commission


- (a) The Redistricting Commission is an independent panel that was created by *City voters* and is governed by the Charter. It is to operate independently of the *City's* elected officials and the departments that serve them.
- (b) The *City* shall be responsible for ensuring that funds are allocated in the *City* budgets for the fiscal years in which the Redistricting Commission will be empaneled, in amounts sufficient to enable the Commission to carry out its legally required duties, with the budgets to be adjusted as the Commission may require so that it may complete its work. To determine the Redistricting Commission's initial budget, the *City* shall consider the total amount spent by the previous Redistricting Commission, any necessary adjustments for inflation, and the potential cost of additional resources and consultants the Commission may require to complete its work.
- (c) The *City* shall provide designated staff necessary to ensure that the Redistricting Commission has adequate office space, supplies, and support to enable it to independently carry out its duties and to hire a Chief of

Staff. Once hired, the Chief of Staff for the Redistricting Commission shall serve as the liaison between the Redistricting Commission and the City regarding the Commission's additional administrative needs, if any. The Chief of Staff shall also work with the City Attorney's Office and the Clerk's Office regarding the development and filing of the Final Redistricting Plan.

Section 6. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf:ccm
10/30/16
Or.Dept: City Clerk & City Attorney
Doc. No.: 1377781

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/14/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(NOTE: The date of final passage is December 16, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING THE DIVISION, AND BY AMENDING SECTIONS 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1408, 27.1409, 27.1410; BY AMENDING AND RETITLING SECTION 27.1411; BY AMENDING SECTIONS 27.1412, 27.1413, 27.1414 AND 27.1415; AND BY ADDING A NEW SECTION 27.1416, ALL RELATING TO THE REDISTRICTING COMMISSION.

Article 7: Elections, Campaign Finance and Lobbying

Division 14: ~~Procedure for Making Appointments to the Redistricting Commission~~

§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 appointments 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. This Division also establishes a procedure for the related responsibilities of the

Clerk, sets a duration for Redistricting Commissioner service, and confirms the prohibition on Redistricting Commissioners seeking public office in the City for a specific time period after their service.

§27.1402 Appointing Authority

~~Pursuant to San Diego City Charter Section 5.1, the Appointing Authority for members of the Redistricting Commission shall be constituted as set forth in Charter Section 5.1. The Clerk shall conduct a random drawing from the names of judicial applicants submitted through outreach efforts conducted by the City Attorney's Office, 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, tThe Redistricting Commission shall be composed of ~~seven~~ nine members, along with two alternate members, as set forth in Charter Section 5.1, 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, tThere shall be is a 360-calendar day nomination period for appointment to the Redistricting Commission, as set forth in Charter Section 5.1. The nomination period shall commence July~~July~~ May 1 of every year in which a Federal ~~national~~ dDecennial eCensus is taken.~~
- (b) In a year in which a Federal ~~national~~ dDecennial eCensus is taken, if July~~July~~ May 1 falls on a Saturday, Sunday or holiday, the nomination period

for appointment shall commence on the next business day following ~~July~~May 1.

- (c) In a year in which a Federal ~~national~~ Decennial ~~e~~Census is taken, if the ~~30th~~60th 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~~60th calendar day.

§27.1405 Notice to be Published by Clerk

~~Pursuant to~~As set forth in 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~~ accordance with the City's rules for publication of notices 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 or from the City of San Diego website. 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~~May 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, if applicable to the applicant or nominee:

- (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 completed Statement of Economic Interests, Form 700. The scope of disclosure shall be as required by the Commission's conflict of interest code, 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. The statement of qualifications should include discussion of the applicant's or nominee's knowledge of the neighborhoods and geography of the City, which is material to the redistricting process. Anyone submitting a statement of qualifications for appointment to the Redistricting Commission must submit a typed form, or a form in an otherwise approved alternative format.

- (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 voter of the ~~City of San Diego~~ City in order to serve as a Redistricting Commission member or alternate.
- (e) In the case of an individual nominated by another individual or an organization, on forms provided by the ~~City Clerk~~ 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 an acknowledgement to later provide, if requested by the Clerk, the applicant's or nominee's social security number ~~of the applicant or nominee~~, for the purpose of conducting the police background check pursuant to Section

27.1408(d). The social security number shall not be disclosed or made public by the City and shall be used only for the purpose of the background check, unless otherwise required by law.

- (g) A list of three individual references who can attest to the applicant's or nominee's ability to serve as a member or alternate 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

[No change in text.]

§27.1408 Additional Responsibilities of the City Clerk

- (a) The Clerk's responsibilities in the redistricting process include those provided in Charter Section 5.1 and in this Section. These will include soliciting 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~~ will distribute to the news media the guidelines for selection of Redistricting Commission members.
- (c) Pursuant to San Diego City Charter Section 5.1, ~~the City Clerk shall~~ will 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 will cause a police background check to be conducted on each applicant. ~~Each applicant shall be informed by the City Clerk after~~

informing applicants that a police the check will be made on the applicant conducted and that the aAppointing aAuthority will be informed of the results thereof.

- (e) Pursuant to San Diego City Charter Section 5.1, tThe City Clerk shall will transmit the names and information regarding all applicants and nominees, with the names of nominating individuals and organizations, to the aAppointing aAuthority within ten business days after the close of the nomination period immediately upon the close of nominations.
- (f) In the event the City ~~Council~~ Clerk serves as aAppointing aAuthority to the Redistricting Commission pursuant in accordance with San Diego City Charter Section 5.1, the City Clerk shall will conduct a ministerial review of applications as the Charter provides, and advise each applicant or nominating individual or organization of the dates set for the public, random selection of Redistricting Commission members and alternates from the pool of qualified applicants. ~~by the City Council for public hearings on the applications, as provided for by Sections 27.1408, 27.1409 and 27.1410.~~
- (g) For the purpose of conducting the Clerk's random selection of members and alternates from the pool of qualified applicants:
- (1) Applications will be grouped by the Council district in which an applicant resides.
 - (2) If there are at least two applications from a Council district, the Clerk will randomly draw a name to select a member from the district.

(3) All other applications will become part of a general applicant pool. To fill any remaining seats for members, and to select alternates, the Clerk will randomly draw from those names until all members and alternates are selected.

§27.1409 Public Hearing

- (a) ~~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~~ The Appointing Authority shall hold at least one public hearing to appoint the nine Redistricting Commission members and two alternates, as set forth in Charter Section 5.1. ~~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~~ The Appointing Authority may hold 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 appointments.
- (b) If the Clerk serves as the Appointing Authority, a single public hearing shall be held for the purpose of the Clerk's random selection of nine members and two alternates from the pool of qualified applicants.

§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 27.14089(a), at the discretion of the ~~presiding officer~~ Appointing Authority, 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~~ The Appointing Authority 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~~ will 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 appointments, 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 required by Section 27.1409(a), the Appointing Authority may make appointments of ~~City Council~~ may adopt a resolution appointing the seven the Redistricting Commission's nine members and two alternates ~~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 27.14089(a), the Appointing Authority ~~City Council~~ determines that there are too many

candidates to consider in a single public hearing, the procedures outlined in Section 27.14109(a) for a second public hearing shall be used.

- (b) Before the conclusion of the first public hearing, the Appointing Authority ~~City Council~~ shall select the *candidates* to appear at the second public hearing. After the selection is made, the Appointing Authority ~~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~~ will be expected to answer questions from ~~City Council members~~ the Appointing Authority 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~~ Appointing Authority may then, or at a later meeting, ~~adopt a resolution appointing the Redistricting Commission's nine seven members and two alternates of the Redistricting Commission.~~

§27.1412 Deadline for Completion of Appointments

~~Pursuant to San Diego City Charter Section 5.1, t~~The a~~Appointing a~~Authority shall appoint the members and alternate members of the Redistricting Commission as set forth in Charter Section 5.1, and no later than November 1 of every year in which a Federal ~~national d~~Decennial e~~Census~~ is taken.

§27.1413 Election of Redistricting Commissioner Prohibited

~~Pursuant to San Diego City Charter Section 5.1, any individual~~ When an applicant, nominee, or alternate accepts an appointment as a member of ~~to the Redistricting Commission, the individual~~ 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~~ City elective office within five years of the Redistricting 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 m~~Members of the Redistricting Commission, and the alternates, shall serve as set forth in Charter Section 5.1, including, but not limited to, until the redistricting plan adopted by the Commission becomes effective and the referendary deadline for the Final Redistricting Plan has passed. ~~any and all legal challenges and referendary actions have been resolved.~~

§27.1415 Vacancy on Redistricting Commission

- (a) In the event of a vacancy for reasons including, but not limited to, the resignation, death or incapacity of a member of the Redistricting Commission, one of the two alternate members shall fill the vacancy. Alternates shall be seated based upon the order in which they were initially appointed by the Appointing Authority.
- (b) In the event that both alternates have already been seated on the Redistricting Commission and another vacancy occurs, the Clerk shall

randomly select a member from the remaining names in the original pool of qualified applicants, at a public hearing held for that purpose.

~~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.~~

§27.1416 City Responsibilities for the Independent Redistricting Commission

- (a) The Redistricting Commission is an independent panel that was created by City voters and is governed by the Charter. It is to operate independently of the City's elected officials and the departments that serve them.
- (b) The City shall be responsible for ensuring that funds are allocated in the City budgets for the fiscal years in which the Redistricting Commission will be empaneled, in amounts sufficient to enable the Commission to carry out its legally required duties, with the budgets to be adjusted as the Commission may require so that it may complete its work. To determine the Redistricting Commission's initial budget, the City shall consider the total amount spent by the previous Redistricting Commission, any necessary adjustments for inflation, and the potential cost of additional resources and consultants the Commission may require to complete its work.

- (c) The City shall provide designated staff necessary to ensure that the Redistricting Commission has adequate office space, supplies, and support to enable it to independently carry out its duties and to hire a Chief of Staff. Once hired, the Chief of Staff for the Redistricting Commission shall serve as the liaison between the Redistricting Commission and the City regarding the Commission's additional administrative needs, if any. The Chief of Staff shall also work with the City Attorney's Office and the Clerk's Office regarding the development and filing of the Final Redistricting Plan.

SBS:jdf:cm
10/30/16
Or.Dept: City Clerk & City Attorney
Doc. No.: 1365117_4

Passed by the Council of The City of San Diego on DEC 06 2016, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| District 3 - (Vacant) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage DEC 16 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 15 2016, and on DEC 16 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20761