



OFFICE OF THE CITY CLERK

REPORT

TO THE RULES COMMITTEE

DATE: September 16, 2016

REPORT NO.: CC-16-05

SUBJECT: San Diego Municipal Code Updates Pertaining to Redistricting

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

This report outlines San Diego Municipal Code (SDMC) sections which require updating to reflect the approved Charter changes, in addition to potential Council policy decisions captured during previous Committee discussions on this subject.

The current version of Charter Sections 4, 5 and 5.1, as well as SDMC Chapter 2, Article 7, Division 14: Procedure for Making Appointments to the Redistricting Commission is included as Attachment A for your information.

REQUIRED SDMC UPDATES

Appointing Authority:

Required amendments or additions to the Municipal Code include:

- Changes to the composition of the Appointing Authority, including the fact that an alternate member will be randomly selected to the three-panel member composition;
- The random selection of its members by the City Clerk rather than the City Manager.

Direction needed: Though the changes to the Charter do not require additional Municipal Code changes, previous discussions (November 2015 Rules Committee) revolved around the qualifications or the vetting procedures for the retired judges. In consultation with the City Attorney's Office, determine if there should be language in the San Diego Municipal Code related to specific Appointing Authority requirements or prohibitions.

Redistricting Commission Members and Alternates:

Required amendments or additions to the Municipal Code include:

- Update the number of members from seven (7) to nine (9);
- Mandate the selection of two (2) alternate members;
- Note the requirement that alternates shall have a duty to remain informed of Commission business so they are prepared to serve if called upon to do so;
- Outline the circumstances under which an alternate may become a Commission member;
- Reflect that alternates must sign and file the declaration required that they will not seek election to a San Diego City public office within five years of the Commission's adoption of a final redistricting plan should they become official members of the Commission;
- Enumerate the desired qualifications of appointees and the Commission as a whole;
- Provide the Appointing Authority additional direction in the selection process;
- Outline the Appointing Authority's process should a second public hearing be required;
- Clarify the impact a referendum or legal challenge may have on Commission members' service.

Direction needed: It would be beneficial to receive Committee feedback on the process for determining the specifics regarding alternate selection – for example, does the order of selection determine the order in which a potential alternate would serve? Should the specific Council District be a consideration when selecting alternates since the Charter requires that the Appointing Authority shall attempt to appoint one Commission member from each of the nine Council districts to the extent practicable?

Application:

Required amendments or additions to the Municipal Code include:

- Increase the nomination period from 30 days to 60 days;
- Change the start-date of the nomination period from July 1 to May 1;
- Reflect May 1 as the new start-date for the Clerk's acceptance of applications.

Direction needed: Though the changes to the Charter do not require additional Municipal Code changes, the current Municipal Code limits publication of nomination period notice to no earlier than 30 calendar days before, and no later than 14 days before, the beginning of the nomination period. The Charter does not contain those limits. It might be useful to amend with permissive language to begin outreach even earlier in an attempt to get the application pool as robust as possible.

In addition, in consultation with the City Attorney's Office, consider specific changes to the application itself (see Attachment B). Issues raised in the past have questioned the necessity of requiring a college transcript and social security number; as well as suggestions about adding requirements related to specific redistricting-related knowledge or skills and discussing how to quantify a "working knowledge of the community."

Additional Responsibilities of the City Clerk:

Required amendments or additions to the Municipal Code include:

- Direct the City Clerk to transmit the names and information regarding all nominees to the Appointing Authority immediately upon the close of nominations (the current Municipal Code requirement is "within 10 business days");
- Amendments to reflect the Appointing Authority's process during its initial public hearing (should the voting reference Council Policy 000-13 regarding appointment when there are more candidates than vacancies, or is there a more appropriate selection process in this instance); and to provide direction should the City Clerk serve as the Appointing Authority, necessitating the random selection of Commission members and alternates from a pool of qualified candidates in a public place.

Direction needed: Is there feedback regarding the random selection (e.g., by Council District or as a complete pool)? What happens if there are no applicants from a particular Council District? Are criteria for disqualification prima facie, or should there be a more in-depth consideration of experience in making qualification decisions? If so, the specifics should be outlined for transparent selection.

In addition to the required San Diego Municipal Code changes outlined above, any grammatical and typographical issues will be addressed as necessary.

ADDITIONAL POTENTIAL SDMC AMENDMENTS FOR CONSIDERATION

Other suggestions for additions to the Municipal Code were gathered at Committee and Council presentations:

Redistricting Commission Chief of Staff

It was suggested that details related to the hiring process for the Redistricting Commission Chief of Staff be outlined in the Municipal Code.

Direction Needed: Which department should act as a resource for the Commission? What is the goal of having this in the Municipal Code? Is it to speed up the hiring process? To clarify responsibility for staff support?

Budget Timeline and Process

It was suggested that information about the City's budget timeline and process be included to facilitate the creation and submission of the Commission's budget.

Direction Needed: Would this simply be an outline of the existing City timeline and schedule, or would there be a series of reviews or even a proactive budget provided in anticipation of an upcoming Redistricting effort? How will the Appointing Authority approve the budget submitted by the Commission? Should an official process be outlined? A vote taken? Or is a separate sequential review by the three-member panel sufficient prior to forwarding the budget to the City Council for prompt consideration?

CONCLUSION

In summary, there are specific changes which must be made in order for Chapter 2, Article 7, Division 14 of the SDMC to be in line with the current Charter as it pertains to redistricting. Additionally, the Council may wish to direct the City Clerk to work with the City Attorney's Office to bring forward additional recommended updates.

Listed below are areas where direction is requested:

- Previous discussions (November 2015 Rules Committee) revolved around the qualifications or the vetting procedures for the retired judges. In consultation with the City Attorney's Office, determine if there should be language in the San Diego Municipal Code related to specific Appointing Authority requirements or prohibitions.
- It would be beneficial to receive Committee feedback on the process for determining the specifics regarding the selection of alternate Redistricting Commission members – does the order of selection determine the order in which a potential alternate would serve?
- The current Municipal Code limits the publication of the nomination period notice to no earlier than 30 calendar days before, and no later than 14 days before, the beginning of the nomination period. The Charter does not contain those limits. It might be useful to amend with permissive language to begin outreach even earlier.

In addition, in consultation with the City Attorney's Office, consider specific changes to the application itself. Issues raised in the past include the necessity of requiring a college transcript and social security number; as well as the consideration of adding requirements related to specific redistricting-related knowledge or skills and discussing how to quantify a "working knowledge of the community."

- Is there feedback regarding the random selection (e.g., by Council District or as a complete pool)? What happens if there are no applicants from a particular Council District? Are criteria for disqualification prima facie, or should there be a more in-depth consideration of experience in making qualification decisions? If so, the specifics should be outlined for transparent selection.
- Which department should act as a resource for the Commission prior to and through the selection of the Chief of Staff? What is the goal of having this in the Municipal Code? Is it to speed up the hiring process? To clarify responsibility for staff support?
- It would be helpful to receive specific direction regarding what types of budget-related additions the Committee wishes to see. Would this simply be an outline of the existing City timeline and schedule, or would there be a series of reviews or even a proactive budget provided in anticipation of an upcoming Redistricting effort? How will the Appointing Authority approve the budget submitted by the Commission? Is there an official process? A vote taken? Or is a separate sequential review by the three-member panel sufficient prior to forwarding the budget to the City Council for prompt consideration?

This report provides an overview of the amendments to the San Diego Municipal Code required due to Charter changes approved by the City's voters at the June 7, 2016 election; as well as those additions previously discussed at either Committee or City Council presentations.

My office will work with the City Attorney's Office to return to the Rules Committee with draft San Diego Municipal Code language to capture the direction provided related to the areas outlined above.


Elizabeth Maland
City Clerk

Attachment A: Charter Sections 4, 5 and 5.1

SDMC Chapter 2, Article 7, Division 14

ARTICLE II

NOMINATIONS AND ELECTIONS

Section 4: Districts Established

For the purpose of electing members of the Council, the City shall be divided into nine ~~Council districts as nearly equal in population as practicable. The boundaries of such~~ districts shall be subject to alteration and change under the provisions of this Charter.

In any redistricting plan adopted by the Redistricting Commission pursuant to Section 5.1 or ordinance adopted by the Council establishing, changing or altering the boundaries of any Council district, the redistricting plan or ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in the redistricting plan or ordinance.

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-06-1990; effective 02-19-1991.)

(Amendment voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

Prior Language

Section 5: Redistricting

In the event that any voting precinct established is located partly within two or more Council districts, the precinct shall be allocated to the Council district in which a majority of the voters within the precinct resides, and the district boundaries shall be changed accordingly.

The City shall be redistricted pursuant to Section 5.1 of this Charter at least once in every ten years, but no later than nine months following the City's receipt of the final Federal-Decennial Census information. The term "Federal Decennial Census," as used in this Charter, shall mean the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

Any territory hereafter annexed to or consolidated with The City of San Diego shall at the time of such annexation or consolidation be added to an adjacent district or districts by an ordinance of the Council. However, if any territory annexed, deannexed or consolidated upsets the approximate equality of the populations of the established districts, a redistricting shall be conducted pursuant to Section 5.1 of this Charter, except that the nomination period for appointment to the Redistricting Commission shall commence on the May 1 immediately succeeding the annexation, deannexation or consolidation and the Redistricting Commission shall be constituted no later than the next November 1.

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 formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines.

(Amendment voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

Prior Language

Section 5.1: Redistricting Commission

The members of the City Council shall be elected by districts.

Subject to the provisions of the City Charter relating to referendum and initiative powers of the people, the sole and exclusive authority to adopt plans which specify the boundaries of districts for the City Council is vested in the Redistricting Commission, to be established by this Section.

Commencing in the year following the year in which the Federal Decennial Census is taken at the beginning of each decade, the Redistricting Commission shall adopt plans that redistrict the City into nine Council districts designated by numbers 1 to 9, inclusive. Those districts shall be used for all elections of Council members, including their recall, and for filling any vacancy in the office of member of the Council (and until new districts are established).

No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected. Districts formed by the Redistricting Commission shall each contain, as nearly as practicable, one-ninth of the total population of the City as shown by the Federal Decennial Census immediately preceding such formation of districts.

Each 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.

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.

~~The Redistricting Commission shall be composed of nine members who shall be~~ appointed by a panel of three retired judges who served in any of the following courts: the Superior Court of the State of California, an appellate court of the State of California, or a U.S. District Court located within California. Names of the retired judges willing to serve will be submitted to the City Clerk and drawn at random by the City Clerk, using procedures for judicial nominees and appointees as set forth in the San Diego Municipal Code. The City Clerk shall also draw at random the name of one additional retired judge to be designated as an alternate, who will be appointed to serve on the panel if another member is unable or unwilling to serve. The term "Appointing Authority," as used herein below, shall refer to the panel of retired judges acting to appoint the Redistricting Commission pursuant to the provisions of this paragraph.

The City Clerk shall solicit nominations for appointment to the Redistricting Commission in accordance with this Section and shall distribute to the news media the announcement of a sixty-day nomination period (which shall commence on May 1 of every year in which a Federal Decennial Census is taken) and the guidelines for selection of Commission members.

Individuals or organizations desiring to nominate persons for appointment to the Commission shall submit application materials to the City Clerk within the nominating period, using procedures set forth in the San Diego Municipal Code.

The City Clerk shall transmit the names and information regarding all nominees with the names of nominating individuals and organizations to the Appointing Authority immediately upon the close of nominations.

After receiving Commission member applications from the City Clerk, the three members of the Appointing Authority shall hold a public meeting to appoint the nine Commission members and two alternates. The public meeting shall be held as promptly as possible to ensure the appointments are timely made. The Appointing Authority shall appoint the

members constituting the Commission no later than November 1 of every year in which a Federal Decennial Census is taken.

In the event that a complete panel of three retired judges is unable or unwilling to serve as the Appointing Authority, the City Clerk will serve as the Appointing Authority. The City Clerk will conduct a ministerial review of Commission member applications to determine which persons are qualified to serve, using the requirements of this Charter and procedures set forth in the San Diego Municipal Code. After all qualified applicants are identified and notified, the City Clerk will randomly select the Commission members and alternates from the pool of qualified applications in a public place.

The Appointing Authority shall appoint members who will give the Redistricting Commission geographic, social and ethnic diversity, and who, in the Appointment 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 nonpartisan role.

The Appointing Authority shall attempt to appoint one Commission member from each of the nine Council districts to the extent practicable, given the other requirements of this Charter Section, and considering the extent of the applicant pool and an individual's qualifications to serve. The Appointing Authority shall also attempt to appoint Commission members who possess working knowledge of the geography and neighborhoods of The City of San Diego.

Each member of the Commission shall be registered to vote in The City of San Diego.

The Appointing Authority shall also appoint two alternate Commission members from the same applicant pool, who will be available to serve if a Commission member cannot serve or resigns. The alternates shall have a duty to remain informed of Commission business so they are prepared to serve if called upon to do so.

Persons who accept appointment as members of the Commission, at the time of their appointment, shall file a written declaration with the City Clerk stating that within five years of the Commission's adoption of a final redistricting plan, they will not seek election to a San Diego City public office. Alternates shall sign the declaration if and when they become members of the Commission.

The members of the Redistricting Commission, and the alternates, shall serve until the redistricting plan adopted by the Commission becomes effective and the referendary deadline for the Final Redistricting Plan has passed. If the Final Redistricting Plan is rejected by referendum or by a legal challenge, members of the Commission shall resume their service and shall create a new plan pursuant to the criteria set forth in Sections 5 and

5.1.

Within thirty days after the Commission members are appointed, the Commission shall hold its first meeting at a time and place designated by the City Clerk.

Within sixty days after the Commission members are appointed, the Commission shall adopt a budget and submit it to the Appointing Authority. If approved, the budget shall be forwarded to the City Council for its prompt consideration. The City Council shall appropriate funds to the Commission and to the City Clerk adequate to carry out their duties under this Section.

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, for a reasonable fee, to any interested person.

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

Aye votes by six 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 of the Commission 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.

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 nine public hearings in various geographic areas of the City before the preparation of a preliminary redistricting plan.

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 shall include the 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 five public hearings in various geographic areas of the City before it adopts a final plan. The Final Redistricting Plan shall be effective thirty days after adoption by the Commission 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 be empaneled to create a new plan pursuant to the criteria set forth in Sections 5 and 5.1.

The Final Redistricting Plan document, including all maps, will be final as set forth herein; however, the boundaries of the Council districts in the Final Redistricting Plan shall not be adjusted and effective until after the next regularly scheduled general election for Council seats following the redistricting.

If any part of these amendments to Sections 4, 5, or 5.1 of the Charter or their application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application.

(Addition voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

Prior Language

Section 6: Qualified Electors

The qualifications of an elector at any election held in the City under the provisions of this Charter shall be the same as those prescribed by the general law of the State for the qualification of electors at General State Elections. No person shall be eligible to vote at such City election until he has conformed to the general State law governing the registration of voters.

Section 7: Elective Officers Residency Requirement

An elective officer of the City shall be a resident and elector of the City.

In addition, every Council member shall be an actual resident and elector of the district from which the Council member is nominated. Any Council member who moves from the district of which the Council member was a resident at the time of taking office forfeits the office, but no Council member shall forfeit the office as a result of redistricting.

The Council shall establish by ordinance minimum length of residency requirements for candidacy to elective office, whether by appointment or election.

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-06-1979; effective 12-17-1979.)

Prior Language

Section 8: Election Code

Article 7: Elections, Campaign Finance and Lobbying

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

*(“Procedure for Making Appointments to the
Redistricting Commission” added 5-1-2000 by O-18792 N.S.)*

§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.
(“Purpose and Intent” added 5-1-2000 by O-18792 N.S.)

§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.

(“Appointing Authority” added 5-1-2000 by O-18792 N.S.)

§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.

("Redistricting Commission Members" added 5-1-2000 by O-18792 N.S.)

§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.

("Period for Filing Application Forms" added 5-1-2000 by O-18792 N.S.)

§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).

("Notice to be Published by Clerk" added 5-1-2000 by O-18792 N.S.)

§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.

("Application Forms and Requirements" added 5-1-2000 by O-18792 N.S.)

§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.

("Acceptance or Rejection of Nomination Papers as Filed" added 5-1-2000 by O-18792 N.S.)

§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.
(*“Additional Responsibilities of the City Clerk” added 5-1-2000 by O-18792 N.S.*)

§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.
(*“Public Hearing” added 5-1-2000 by O-18792 N.S.*)

§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.

("Public Hearing and Appointment" added 5-1-2000 by O-18792 N.S.)

§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.

("Optional Second Public Hearing and Appointment" added 5-1-2000 by O-18792 N.S.)

§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.

("Deadline for Completion of Appointments" added 5-1-2000 by O-18792 N.S.)

§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.

("Election of Redistricting Commissioner Prohibited" added 5-1-2000 by O-18792 N.S.)

§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.

("Length of Service on Redistricting Commission" added 5-1-2000 by O-18792 N.S.)

§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.

("Vacancy on Redistricting Commission" added 5-1-2000 by O-18792 N.S.)

**Attachment B: 2010 Redistricting Commission
Application/Nomination Form**



CITY OF SAN DIEGO REDISTRICTING COMMISSION APPLICATION/NOMINATION FOR APPOINTMENT

FILING PERIOD: JULY 1, 2010 – AUGUST 2, 2010

The Redistricting Commission has the sole and exclusive authority to adopt plans which specify the boundaries of districts for the City Council. It is composed of seven members, to be appointed by the Presiding Judge of the Superior Court no later than November 1, 2010.

APPOINTMENT TO THE REDISTRICTING COMMISSION: San Diego City Charter section 5.1 requires that the appointees be women and men who will give the Redistricting Commission geographic, social and ethnic diversity, with 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.

To qualify, an applicant or nominee must be registered to vote in the City of San Diego. During the filing period, back-ground information, a statement of economic interests, and a statement of qualifications for each applicant and nominee must be filed with the City Clerk (see attached form). A police check will be conducted on each applicant and nominee.

RESPONSIBILITIES: With the assistance of needed staff and technical consultants, the Commission must adopt plans that redistrict the City into eight Council districts. Those districts will be used for all elections of Council members and for filling vacancies in Council offices. The districts formed must contain, as nearly as practicable, one-eighth of the total population of the City as shown by the 2010 Federal census. The redistricting plan must 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. Districts shall preserve identifiable communities of interest; be geographically compact; be composed of whole census units as developed by the U.S. Bureau of the Census; be composed of contiguous territory with reasonable access between population centers in the district, and not be drawn to benefit or protect incumbents.

MEETINGS: All Commission meetings will be open to the public, and the Commission must make every reasonable effort to provide the public with access to its proceedings. The Commission must hold its first meeting within 20 days after the members are appointed, and must adopt its budget within 60 days.

At least four public hearings must be held in various geographic areas of the City before the Commission prepares a preliminary redistricting plan. The Commission must file this 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. The preliminary plan must be filed at least 30 days before the final plan is adopted.

During the 30-day period after the preliminary plan is filed, at least three more public hearings must be held in various geographic areas of the City before the Commission adopts a final plan. Once the Commission adopts the final plan, if it is rejected by referendum, the same Commission must create a new plan.

IMPORTANT: The members of the Redistricting Commission must serve until the redistricting plan it adopts becomes effective and any and all legal and referendum challenges have been resolved.

Persons who accept appointment to the Commission may not seek election to a San Diego City public office within five years of the Commission's adoption of a final redistricting plan.

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.

APPLICATION/NOMINATION FOR APPOINTMENT TO THE REDISTRICTING COMMISSION FOR THE CITY OF SAN DIEGO

Please print or type.

FULL NAME OF APPLICANT OR NOMINEE:		GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female	ETHNICITY:
CURRENT RESIDENCE ADDRESS (including City Council District #): Council District # _____	LENGTH OF TIME AT THIS ADDRESS:	OTHER ADDRESSES FOR PAST 5 YEARS*:	
Telephone Number to be reached at during the day: Telephone Number to be reached at during the evening: Email Address			
BUSINESS(ES)/OCCUPATION(S) ENGAGED IN DURING PAST FIVE (5) YEARS (provide address of and dates of service with each such business or occupation)*:			
BUSINESS:	ADDRESS:	DATES OF SERVICE (beginning/ending):	
BUSINESS:	ADDRESS:	DATES OF SERVICE (beginning/ending):	
BUSINESS:	ADDRESS:	DATES OF SERVICE (beginning/ending):	
MILITARY SERVICE - Branch, Dates of Service, Rank at Discharge*:			
EDUCATIONAL BACKGROUND - High school to highest level attained (provide name of each educational institution, and specific diploma or degree received from each).* NOTE: For each college degree or diploma listed, the applicant must include a copy of transcripts or other proof of degree or diploma. The applicant must also provide a contact name and phone number at the admissions office of the college or other educational institution from which the highest degree was received.			
PUBLIC OFFICES HELD/PUBLIC SERVICE APPOINTMENTS (description of and dates of service)*:			

*If more space is needed, check box and attach continuation sheet(s).

POSITIONS WITH CIVIC/COMMUNITY ORGANIZATION(S) (description of and dates of service)*:

PROFESSIONAL/ TECHNICAL/OTHER ORGANIZATION MEMBERSHIP(S)*:

REFERENCES - Name, current address, and telephone number of three individuals who can attest to the applicant's or nominee's ability to serve as a member of the Redistricting Commission:

1) _____ (name)	2) _____ (name)	3) _____ (name)
_____	_____	_____
_____	_____	_____
(current address)	(current address)	(current address)
(_____) _____ (telephone)	(_____) _____ (telephone)	(_____) _____ (telephone)
_____	_____	_____
(e-mail - optional)	(e-mail - optional)	(e-mail - optional)

If this is a nomination, who is making the nomination? **NOTE:** *In the case of an individual making a nomination for appointment, the individual's name, address and telephone number must be provided. 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, must accompany the nomination.*

*If more space is needed, check box and attach continuation sheet(s).

ADVISORY - A police check will be made on each and every applicant and nominee. Results will be provided to the appointing authority. Dates of birth and Social Security Numbers (SSN) are required from each applicant and nominee for the police check. Dates of birth and Social Security Numbers will be separated from the application/nomination form, and will not be made available to the public.

Applicant/Nominee: _____

Date of Birth: _____ SSN: _____

VERIFICATIONS OF APPLICANT/NOMINEE:

I understand that in order to be a member of the Redistricting Commission, I must be a registered voter of the City of San Diego.

(signature of applicant/nominee)

(date of signature)

Under penalty of California perjury laws, I swear that the information presented on this application is true and correct.

(signature of applicant/nominee)

(date of signature)

NOMINEES ONLY:

I understand that I am being nominated for appointment to the position of Redistricting Commissioner for the City of San Diego, and hereby accept the nomination.

(signature of nominee)

(date of signature)

ADDITIONAL FILING REQUIREMENTS:

At the time of filing this form, applicants/nominees are also required to file:

 A Statement of Economic Interests, Form 700 (available from the Office of the City Clerk; or on-line at www.fppc.ca.gov/).

 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.

IMPORTANT! Applications/nominations for the Redistricting Commission must be filed with the Office of the City Clerk, 202 C Street, MS 2A, San Diego, CA 92101, only during the filing period, which runs from July 1 through August 2, 2010. Applications/ nominations filed before July 1 or after August 2 will not be considered.

TIME TO SUBMIT APPLICATION/NOMINATION: JULY 1 – AUGUST 2, 2010