



**INDEPENDENT REDISTRICTING COMMISSION  
SPECIAL MEETING**

**Monday, December 20, 2021  
5:00 PM**

**Commission Members:**

DISTRICT 1 – TERRY NICOL  
DISTRICT 2 – JESSE SUSSELL  
DISTRICT 3 – LISA M. TRAN  
DISTRICT 4 – CURTIS W. HANSON  
AT-LARGE – DELORES COOPER  
AT-LARGE – CARLY MICHELE ALEJOS  
AT-LARGE – SHERRY SMITH

DISTRICT 5 – WINSTON RHODES  
DISTRICT 6 – ELISABETH WATSON  
DISTRICT 7 – RANA CHO  
DISTRICT 8 – ANDREW FOX  
AT-LARGE – LUPE GALLEGOS-DIAZ  
AT-LARGE – RONALD K. CHOY

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Independent Redistricting Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/85845673323>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **858 4567 3323**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Independent Redistricting Commission by 5:00 p.m. the Friday before the Commission meeting will be distributed to the members of the Commission in advance of the meeting and retained as part of the official record.

# AGENDA

## Roll Call

## Commission Action Items

*The public may comment on each item listed on the agenda for action as the item is taken up.*

- 1. Independent Redistricting Commission Subcommittee Appointments**  
**From: Independent Redistricting Commission**  
**Recommendation:** Adjust the appointments to Commission subcommittees made at the December 15, 2021 regular meeting.  
Contact: Mark Numainville, Commission Secretary, (510) 981-6900

## Adjournment

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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*

*Any writings or documents provided to a majority of the Independent Redistricting Commission regarding any item on this agenda are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info).*

*Written communications addressed to the Independent Redistricting Commission and submitted to the City Clerk Department will be distributed to the Commission prior to the meeting.*

*Communications to the Independent Redistricting Commission are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the Independent Redistricting Commission, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.*

### COMMUNICATION ACCESS INFORMATION:

If you need ASL or Spanish translation services, please contact the City Clerk's Office at (510) 981-6908 or [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info) at least three business days in advance of the meeting.



To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

I hereby certify that the agenda for this meeting of the Independent Redistricting Commission was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on December 17, 2021.



Mark Numainville, City Clerk

## **Communications**

*Communications submitted to the Independent Redistricting Commission are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info) or may be viewed through [Records Online](#).*





City Clerk Department

December 20, 2021

To: Independent Redistricting Commission

From: Mark Numainville, Commission Secretary  
Samuel Harvey, Deputy City Attorney

Subject: Subcommittee Appointments to the Independent Redistricting Commission

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At the December 15, 2021 regular meeting, the Commission made several changes to the membership of the ad hoc subcommittees. After reviewing these appointments and the history of the membership on the subcommittees with the City Attorney's Office, modifications are required in order to ensure compliance with the Brown Act.

Since none of the subcommittees have held any meetings since the December 15, 2021 meeting, there is not a concern about any potential Brown Act violations. Changes to the subcommittee membership may be made at the special meeting in accordance with the information below.

#### Map & Community of Interest (COI) Subcommittee

The original four members of the subcommittee were Commissioners Watson, Tran, Rhodes, and Copper. Commissioners Sussell and Nicol were subsequently added for a total membership of six (less than the Commission quorum of seven).

On December 15, Commissioners Watson, Cooper, and Nicol stepped off the subcommittee and Commissioners Choy and Alejos were added. This creates a concern due to the ongoing subject matter work of the commission and the total number of commissioners to serve on the subcommittee (8) exceeding a quorum of seven.

**Due to these concerns, Commissioners Choy and Alejos may not serve on the Map & COI Subcommittee and only the previous six members are eligible to serve.**

#### Report Drafting Subcommittee

The six members appointed on December 15 were Commissioners Watson, Gallegos-Diaz, Nicol, Cho, Choy, and Smith. Since this is a newly formed subcommittee that has not met, changes to membership are permitted.

As noted at the meeting, Commissioners Choy, Cho, and Gallegos-Diaz have been meeting independently to review submitted maps and COI forms. The fact that all three members are on the Report Drafting subcommittee does not create a concern under the Brown Act because three members does not constitute a quorum of the subcommittee and the open meetings rules do not apply to ad hoc subcommittees. However, any change to the membership of the Report Drafting subcommittee would need to be carefully considered given the independent work of these three commissioners.

Communication Between Subcommittees

Communication between members of separate existing subcommittees about the work of those subcommittees risks violating the serial meetings rules of the Brown Act and should not occur outside of a public meeting of the full Independent Redistricting Commission. All Commissioners are expected to adhere to the Brown Act, the Bylaws, and the City Charter. Any failure to adhere to the rules can be cause for removal from the Commission pursuant to City Charter Section 9.5(e).