

# Redistricting Regulations

## Berkeley Charter Article V

### Section 9.5. Independent Redistricting Commission

The purposes of this Section are to: 1) establish a redistricting process that is open and transparent and allows public comment on the drawing of district boundaries; 2) ensure that City Council district boundaries are drawn according to the redistricting criteria set forth in this Charter and applicable State and Federal laws; and 3) ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations. In order to accomplish these purposes, an Independent Redistricting Commission (Commission) is hereby created.

(a) Duties and authority of Commission and City Council.

(1) The Independent Redistricting Commission shall be solely responsible for drawing City Council district boundaries in accordance with state and federal law and this Charter, and shall make adjustments as appropriate, taking into consideration public comment at public meetings and public hearings. The City Council shall have no role in developing or adopting a redistricting plan, and its sole responsibilities in redistricting shall be to: adopt an ordinance establishing procedures to implement this Section; adopt a redistricting ordinance as set forth in subdivision (d)(3); submit a final redistricting plan to the voters as set forth in subdivision (d)(4); submit a redistricting ordinance that is the subject of a referendum to the voters as set forth in subdivision (d)(5); and to adopt the redistricting plan determined by a special master as set forth in subdivision (d)(4).

(2) The City Council, as part of the adoption of the City Budget, shall allocate sufficient funds to support the work of the Independent Redistricting Commission, including funds necessary for community outreach, costs for city staff time associated with supporting the work of the Independent Redistricting Commission, and the hiring of any necessary consultants or outside counsel.

(3) The City Clerk or their designee shall serve as Secretary to the Commission.

(4) The City Council, by a two-thirds vote, shall adopt an ordinance establishing procedures to implement this Charter section. An implementation ordinance cannot be modified by the Council for a period of five years after initial adoption, and without a two-thirds vote of the Council, unless adoption of an amendment to the Charter, a change in applicable state or federal statute, or court decision necessitates an earlier modification.

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(b) Appointment of Commission.

(1) Membership. The Commission shall consist of thirteen members, each of whom is a resident of the City of Berkeley. The application and selection process set forth below and by ordinance is intended to produce an Independent Redistricting Commission that is independent from legislative and political influence, and reasonably representative of the City's population.

(2) Term. Members of the Independent Redistricting Commission shall be appointed following each decennial federal census as set forth below. The term of office of each member of the Commission shall expire upon the effectiveness of a redistricting plan for that decennial federal census period.

(3) Qualifications and eligibility. All Berkeley residents who are 18 years of age or older at the time their application is submitted, are eligible for membership on the Independent Redistricting Commission, subject to the following limitations.

(i) The following individuals are prohibited from serving on the Citizens Redistricting Commission:

(A) any individual who currently holds, has held, or who has been a qualified candidate for the office of Mayor or City Councilmember within the two years preceding the date of application;

(B) any other individual who holds or has held any City of Berkeley elective office identified in this Charter within the two years preceding the date of application;

(C) the immediate family of the Mayor or any Councilmember, as well as immediate family of staff to the Mayor or Councilmember;

(D) any employee of the City of Berkeley;

(E) any person performing paid services under a contract with the City of Berkeley, including employees of subcontractors;

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(F) any individual who has served as an officer, paid staff, or paid consultant of a campaign committee of a candidate for Mayor or City Council within the two years preceding the date of the application;

(G) any individual who is currently, or within the two years preceding the date of application, has been a paid staff member or unpaid intern to the Mayor or any Councilmember;

(H) any individual ineligible to serve in public office under Government Code sections [1021](#), [1021.5](#), [1770](#), or the Constitution and laws of the State of California.

(ii) If an applicant currently serves on a City of Berkeley board or commission whose members are appointed by the Mayor, a City Councilmember, or the full City Council, they may serve on the Independent Redistricting Commission if selected, provided they resign from the board or commission and they agree not to serve on another City of Berkeley board or commission during their term of office on the Independent Redistricting Commission.

(iii) If an applicant has made a disclosable monetary or non-monetary contribution to a candidate for Mayor or Councilmember, they shall be permitted to serve on the Independent Redistricting Commission if selected, under the condition that they disclose under penalty of perjury all monetary and non-monetary contributions made within the four years prior to the date of application to a candidate for Mayor or Councilmember in the City of Berkeley.

(iv) No person, within two years after the termination of their service on the Commission, will be eligible for employment as a paid staff member for the Mayor or any Councilmember or to serve on a City of Berkeley board or commission.

(4) Outreach. The City shall widely publicize the fact that an Independent Redistricting Commission will be appointed during the following year, the date by which applications for appointment to the Commission must be received, and such other information as will adequately inform potentially interested residents of the Commission. The City shall conduct outreach throughout the City of Berkeley in order to solicit a large pool of applicants and applicant diversity by race, ethnicity, gender, and geography.

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(5) Application process. The City Clerk shall initiate and advertise a 30-day nomination period for appointment to the Independent Redistricting Commission. The nomination process shall be open to Berkeley residents who are 18 years of age or older at the time their application is submitted, and be conducted in a manner that promotes a diverse and qualified applicant pool.

(6) Selection process.

(i) The City Clerk shall screen all applications submitted to ensure that each applicant satisfies the eligibility criteria of subsection (b)(3)(i). Procedures to implement the nomination and screening process that are not specified in this Section will be specified in the implementing ordinance adopted by Council.

(ii) At a time and place open to the public, and subject to at least ten days' public notice, the City Clerk shall select the initial eight members of the Independent Redistricting Commission. The City Clerk shall randomly select one person from each of the eight council districts. The first person chosen from each pool shall be appointed to the Independent Redistricting Commission. The City Clerk shall then randomly select one additional individual from each of the eight council districts to serve as an alternate for the individual who has been appointed from that district. To implement this paragraph, the City Clerk shall determine a randomized method that meets professional standards and best achieves a random selection.

(iii) The Independent Redistricting Commission, consisting of the initial eight (8) members, shall then convene within ten days for the purpose of selecting the remaining five members and five alternates from the pool of eligible applicants. In appointing the remaining ("at-large") five members, the Independent Redistricting Commission shall attempt to achieve community representation by taking into consideration geographic diversity, race, age and gender. At-large alternates shall be appointed as voting members as the at-large commissioners leave office for any reason. The order in which the alternates shall be seated on the Commission as voting members shall be established by a random method at the time they are selected. All appointments under this paragraph shall be at a noticed meeting of the Independent Redistricting Commission open to the public.

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(c) Commission procedures.

(1) The Independent Redistricting Commission shall establish and implement an open process for public input and Commission deliberation that shall be promoted through a thorough outreach program to solicit broad public participation in the redistricting process. All Independent Redistricting Commission meetings shall be open to the public unless necessary to convene in closed session under California Government Code sections [54950](#) et seq. Members of the public shall have the opportunity to provide written and oral comments to the Independent Redistricting Commission. The Commission's process must be designed to provide the widest public access reasonably possible to draft redistricting maps and to provide ample opportunity for the public to observe and participate in the redistricting process.

(2) The City Manager shall produce redistricting plans and maps based on specific direction from the Commission. The Commission shall also accept and consider maps that are submitted by the public.

(d) Commission redistricting proceedings.

(1) The Independent Redistricting Commission shall adopt City Council district boundaries no later than February 1st of the second year after the year in which each decennial federal census is taken, or nine months after final adjustments are made to the census data, whichever is later. The boundaries shall be effective until the adoption of new district boundaries following the next decennial federal census. The City Council may not rescind, supersede or revise the district boundaries adopted by the Independent Redistricting Commission.

(2) Decisions by the Independent Redistricting Commission to adopt a redistricting plan shall be by seven votes of the Commission.

(3) Concurrently with its adoption of a redistricting plan, the Commission shall issue a report that explains its decisions in achieving compliance with the criteria listed in this Section and shall include definitions of the terms and standards used in drawing the final City Council districts map. The redistricting plan adopted by the Commission shall be submitted to the City Council at its next regular or special meeting consistent with Berkeley Municipal Code Chapter [2.06](#), and the City Council shall at that meeting adopt a redistricting ordinance that implements the redistricting plan without change.

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(4) Impasse procedure. If the Commission is unable to achieve seven affirmative votes to adopt a redistricting plan, then the Commission shall submit to the City Council the map which received the most votes of the Commission to be placed on the ballot. In the event that redistricting plan is rejected by the voters, the Commission shall have 30 days to adopt a new redistricting plan by seven affirmative votes. If the Commission, after rejection of the map by the voters, cannot adopt a final redistricting plan by seven affirmative votes, then the Commission shall request that the City Clerk recommend a list of at least three special masters to develop a redistricting plan. The Commission shall consider the recommendations of the City Clerk and select a special master, by majority vote, to develop a redistricting plan. The City Council shall adopt by ordinance the redistricting plan determined by the special master.

(5) A redistricting ordinance adopted by the City Council shall be subject to referendum in the same manner that an ordinance is subject to referendum pursuant to state law and Article XIV of the City Charter. The date of final adoption of the ordinance by the City Council shall be deemed the date of final passage for the purposes of Section 93 of the Charter. The procedures of Section 93 shall apply to a referendum of a redistricting ordinance, except that if a referendum petition is signed by the requisite number of qualified electors the City Council shall submit the ordinance to the voters at the next General Municipal Election.

(e) Removal of Commissioners.

(1) Commissioners should apply the law in a manner that is impartial and reinforces public confidence and integrity in the redistricting process.

(2) In the event of substantial neglect of duty, gross misconduct in office or inability to discharge the duties of office, or if it is determined that a commissioner is ineligible under subdivision (b)(3), a Commissioner may be removed by a two-thirds vote of the Independent Redistricting Commission, after having been served written notice and provided with an opportunity to respond.

(3) Any vacancy, whether created by removal, resignation, or absence pursuant to Berkeley Municipal Code Section [3.02.020](#) or its successor, shall be filled by the alternate for that Commission seat selected at the time of the original selection. If the alternate is unable to serve, the Independent Redistricting Commission shall fill the vacancy by selecting an applicant from the original pool of applicants by a two-thirds vote at a noticed



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meeting open to the public. If the seat to be filled is one representing a specific City Council district, the Independent Redistricting Commission shall appoint an individual who resides in that City Council district.

(4) No disqualification of a commissioner shall have any effect on the validity of any action by the Commission or any redistricting map it may adopt.

(f) Criteria for redistricting.

(1) The Commission shall adjust the boundaries of City Council districts in a manner that complies with the Constitution and statutes of the United States and the State of California, in order that the eight City Council districts shall be as nearly equal in population as may be according to the most recent decennial federal census, except where deviation is required to comply with the federal Voting Rights Act.

(2) In establishing and modifying district boundaries, the Independent Redistricting Commission shall take into consideration topography, geography, cohesiveness, contiguity, integrity and compactness of territory of the districts, as well as existing communities of interest as defined below, and shall utilize easily understood district boundaries such as major traffic arteries and geographic boundaries to the extent they are consistent with communities of interest. The geographic integrity of a neighborhood or community of interest shall be respected to the extent possible without violating State or Federal law or the requirements of this Section. For purposes of this subsection “communities of interest” shall mean the following: A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Such shared interests include but are not limited to those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process, as well as neighborhoods, students, organized student housing, shared age, and racial demographics. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(3) Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

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(4) The Independent Redistricting Commission may consider existing district boundaries as a basis for developing new district boundaries. Should the Commission deviate substantially in its redistricting plan from the previous district boundaries in order to reflect population growth, protect communities of interest or better comply with the redistricting criteria in the Charter, it shall issue a report explaining its reasons for doing so.

(5) The Independent Redistricting Commission shall not consider the residence of sitting Councilmembers.

(6) If the Independent Redistricting Commission adopts a redistricting plan that removes the residence of a sitting Councilmember from their then-current district, that Councilmember shall continue to serve on the City Council until the expiration of their term.

(g) Severability. Should any provision of this Section be held invalid, the remainder of this Section shall not be affected thereby, and such word, phrase, sentence, part, section, subsection, or other portion shall be severable, and the remaining provisions of this Section shall remain in full force and effect. The voters hereby declare that they would have passed this Section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more, subsections, sentences, clauses or phrases had been declared invalid



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## Berkeley Municipal Code Chapter 2.10

### Citizens Redistricting Commission

#### 2.10.010 Purpose.

The purpose of this Chapter is to implement Article V, Section 9.5 of the Charter, which provides for the decennial establishment of a Citizens Redistricting Commission in order to ensure an open and transparent redistricting process that allows public comment on the drawing of district boundaries and is conducted with integrity, fairness, and without personal or political considerations. (Ord. 7699-NS § 1 (part), 2020)

#### 2.10.020 Definitions.

- A. “Commission” means the Citizens Redistricting Commission.
- B. “Immediate Family” means a spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle).
- C. “Special Master” means an individual with the requisite expertise and qualification on the subject of redistricting that is appointed by the commission to create a council district map pursuant to the impasse procedures of the City Charter. (Ord. 7699-NS § 1 (part), 2020)

#### 2.10.030 Commission Composition.

- A. The Commission shall consist of eight (8) District Commissioners (one (1) for each Council district) and five (5) At-Large Commissioners.
- B. There shall be eight (8) Alternate District Commissioners and five (5) alternate At-Large Commissioners. (Ord. 7699-NS § 1 (part), 2020)

#### 2.10.040 Duties of the City Clerk.

- A. Beginning no later than September 1st of the year in which the decennial federal census is taken, the City Clerk shall conduct public outreach as specified in Charter Section 9.5(b)(4).

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- B. No later than February 1st of the year after the decennial federal census is taken, the City Clerk shall initiate the nomination process as specified in Charter Section 9.5(b)(5).
- C. The City Clerk shall develop and recommend a budget for the Commission sufficient to carry out the requirements of the City Charter and this Chapter.
- D. The City Clerk or City Clerk's designee shall serve as Secretary to the Citizens Redistricting Commission.
- E. At each meeting or public hearing of the Commission, the City Clerk shall make available for public viewing copies of each Commissioner's application to serve on the Commission as well as copies of all political, financial or other disclosures required of each Commissioner by Section 9.5 of the Charter or any other provision of City or state law, including but not limited to each Commissioner's Statement of Economic Interests and any disclosures under Charter Section 9.5(b)(3)(iii). (Ord. 7699-NS § 1 (part), 2020)

## **2.10.050 Application and Selection of Commissioners.**

- A. All applicants shall submit their application on a form provided by the City Clerk, which shall include a declaration under penalty of perjury that the applicant meets the eligibility criteria set forth in Charter Section 9.5 and this Chapter, has made all required disclosures, and that the statements they are making are true and correct.
- B. The Commission application shall include questions asking if an applicant falls into one or more of the prohibited categories set forth in Charter Section 9.5(b)(3)(i).
  - 1. If an applicant discloses that they fall into any of the prohibited categories set forth in Charter Section 9.5(b)(3)(i), the applicant shall be removed from the applicant pool and shall not be considered for appointment.
  - 2. If it is determined at any point during the selection process that an applicant falls into one or more of the prohibited categories as set forth in Charter Section 9.5(b)(3)(i) then that applicant shall be disqualified.
  - 3. If, after being selected and appointed to the Commission, it is determined that a Commissioner falls into one of the prohibited categories set forth in Charter

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Section 9.5(b)(3)(i), the Commissioner shall be immediately removed from the Commission, as provided for in Charter Section 9.5(e) and this Chapter.

C. All applicants shall affirm that, if selected, they shall comply with all requirements of the Charter and this Chapter applicable to members of the Commission.

D. Applicants shall file a Statement of Economic Interests (Form 700), provide a written statement of qualifications not longer than three hundred (300) words expressing why they believe they are qualified to serve on the Commission, and consent to a background check if appointed. Promptly after reviewing the background check to determine eligibility, the City Clerk shall either return it to the applicant or destroy it.

E. To the extent permitted by law, all application forms, materials and disclosures shall be kept confidential, and shall not be released to the public until all thirteen (13) Commissioners have been appointed.

F. After closure of the 30-day nomination period provided for in Charter Section 9.5(b)(5), the City Clerk shall remove from the applicant pool any applicants who do not satisfy the eligibility criteria set forth in Charter Section 9.5(b)(3), and shall divide the remaining applicants into separate pools, one for each then-existing City Council district in which the applicants reside. If there is an insufficient number of applicants in the pool of eligible applicants to fill a district seat or an alternate seat, the Commission may request, by a majority vote, that the City Clerk conduct a new, accelerated nomination and selection process to add additional applicants to the pool of eligible applicants.

G. The selection process for District Commissioners and At-Large Commissioners shall be conducted in accordance with Section 9.5(b)(6) of the City Charter and this Chapter.

H. When selecting the five (5) At-Large Commissioners, if there is an insufficient number of applicants in the remaining pool of eligible applicants to fill five (5) at-large seats and five (5) alternate at-large seats, the Commission may request, by a majority vote, that the City Clerk conduct a new, accelerated nomination and selection process to add additional applicants to the remaining pool of eligible applicants.

1. Once the pool of eligible applicants has a sufficient number of applicants to fill five (5) at-large seats and five (5) alternate at-large seats, the Commission shall, by a majority vote, select five (5) additional individuals from the remaining pool to serve

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as At-Large Commissioners and five (5) more individuals to serve as alternate At-Large Commissioners.

I. All commissioners and alternate commissioners shall swear or affirm the oath for public officials prescribed by the California Constitution. (Ord. 7699-NS § 1 (part), 2020)

## **2.10.060 Commission procedures.**

A. The Commission shall operate under the provisions of the Commissioners' Manual, as adopted by resolution of the City Council, except when superseded by the City Charter or the provisions of this Chapter.

B. After selection of the five (5) At-Large Commissioners pursuant to Charter Section 9.5(b)(6)(iii), the Commission shall elect one (1) of its members to serve as Chair and one (1) to serve as the Vice-Chair. The term of the Chair and Vice-Chair is the term of their service on the Commission as defined in Charter Section 9.5(b)(2), unless the Chair or Vice-Chair resign the position or is removed from the position by a two-thirds (2/3) vote of the Commission. The Commissioner selected by the body to fill a vacancy in the position of Chair or Vice-Chair shall serve the remainder of the term.

C. Once all commissioners and alternate commissioners have completed training related to their service on the Commission, the Commission shall convene for the purpose of drawing City Council district boundaries.

D. For the purpose of selecting the At-Large Commissioners and At-Large Alternates, a quorum of the eight (8) District Commissioners is always five (5), and five (5) affirmative votes are always needed to take action unless otherwise specified by statute.

E. A quorum of the full thirteen (13) member Commission is always seven (7), and seven (7) affirmative votes are always needed to take action unless otherwise specified by statute.

F. Commissioners may make a request for a Leave of Absence from a Commission meeting, or for a period of time not to exceed three (3) months, by submitting a written request to the City Clerk by 5:00pm on the business day prior to the Commission meeting. The temporary vacancy will be filled as specified in Charter Section 9.5(e)(3).

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G. The Commission shall comply with all relevant provisions of the Open Government Ordinance (Berkeley Municipal Code Chapter [2.06](#)).

H. The Commission shall hold at least three (3) public hearings, each at a different location, to solicit public input on redistricting priorities and allow for submission of redistricting proposals by members of the public and public review of and input on any map proposed to be adopted by the Commission. The Commission shall display draft redistricting maps for public comment in a manner designed to achieve the widest public access reasonably possible and shall provide ample opportunity for public input.

I. Commissioners are strictly prohibited from communicating with or initiating or receiving communications about redistricting matters from anyone outside of a public meeting or hearing; however, communications outside of a meeting between Commissioners, staff, legal counsel, and consultants retained by the City, that are otherwise permitted by the Brown Act (California Government Code Section [54950](#) et seq.) or its successor, are not prohibited. The receipt of written communications (whether through paper or electronic format) from the public submitted at a public meeting of the Commission or submitted prior to a Citizens Redistricting Commission meeting to the Secretary and made part of the public record are not prohibited. Any communication received by a Commissioner inconsistent with this subsection shall be promptly disclosed to the Secretary for the public record. Failure to disclose received communications or a Commissioner's response to such communications may be considered gross misconduct and grounds for removal from the Commission.

J. Alternate commissioners may attend Commission meetings, other than closed session meetings under the Brown Act, and may give public comment to the Commission. Unless appointed to serve on the Commission, Alternate Commissioners may not vote in Commission meetings or hearings.

K. Upon the expiration of thirty (30) days after the Council's final approval by ordinance of the Commission's redistricting plan, the City Clerk shall submit the new district boundaries to the Alameda County Registrar of Voters for implementation starting with the next General Municipal Election. (Ord. 7699-NS § 1 (part), 2020)

## **2.10.070 Removal of Commissioners and Alternate Commissioners.**

If a Commissioner or Alternate Commissioner is eligible to be removed pursuant to Charter Section 9.5(e), the Commissioner or Alternate Commissioner shall be provided

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written notice. The vote to remove the Commissioner or Alternate Commissioner shall appear on the next Commission agenda for which no posting or publication deadline has passed, occurring not more than thirty (30) days from the date the notice was mailed. The Commissioner or Alternate Commissioner may provide a written response or may provide a verbal response at the meeting of the Commission where the vote for removal will occur. The Commissioner or Alternate Commissioner may be removed by a two-thirds (2/3) vote of the Commission. A Commissioner or Alternate Commissioner subject to removal may vote on their own removal. The decision of the Commission is final and may not be appealed. (Ord. 7699-NS § 1 (part), 2020)

## **2.10.080 Selection of Special Master.**

In the event of an impasse in which the City Clerk is required to recommend, and the Commission is required to select, a Special Master pursuant to Charter Section 9.5(d)(4), the City Clerk and Commission shall consider retired judges, professors with knowledge about redistricting and reapportionment law, experts with experience advising government agencies on redistricting, and other persons with appropriate knowledge, expertise and experience. The Commission must select a Special Master within thirty (30) days of the City Clerk presenting their recommendations. (Ord. 7699-NS § 1 (part), 2020)

## **2.10.090 Compensation.**

A. Voting members of the Commission shall be compensated at a rate of one hundred dollars (\$100) per meeting for attendance at a regular meeting of the full Commission to compensate for the time the Commissioner is engaged in Commission business.

B. The rate of compensation for Commissions seated after each of the subsequent federal decennial censuses will be calculated based on the increase in the Consumer Price Index over the compensation provided for in paragraph (A) of this section.

C. Members of the Commission who meet eligibility requirements may also receive reimbursement for expenses for child care, dependent care, or disabled support services in the same manner as members of City boards and commissions. (Ord. 7699-NS § 1 (part), 2020)

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## 2.10.100 Severability.

Should any provision of this Chapter be held invalid, the remainder of this Chapter shall not be affected thereby, and such word, phrase, sentence, part, section, subsection, or other portion shall be severable, and the remaining provisions of this Chapter shall remain in full force and effect. The voters hereby declare that they would have passed this Chapter and each subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases had been declared invalid, and that each subsection, sentence, clause, phrase, word, or other portion is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that the least amount of language possible shall be severed from the Chapter. (Ord. 7699-NS § 1 (part), 2020)



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## Fair Maps Act (AB 849)

### SECTION 1.

This act shall be known, and may be cited, as the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act.

### SEC. 28.

Section 21620 is added to the Elections Code, to read:

#### 21620.

(a) This article applies to charter cities that elect members of the charter city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

### SEC. 29.

Section 21621 of the Elections Code is repealed.

### SEC. 30.

Section 21621 is added to the Elections Code, to read:

#### 21621.

(a) Following each federal decennial census, and using that census as a basis, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the census.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

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(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

## **SEC. 31.**

Section 21622 is added to the Elections Code, to read:

21622.

(a) The boundaries of the council districts shall be adopted by the council no earlier than August 1, 2021, and August 1 in each year ending in the number one thereafter, but no later than 151 days before the city’s next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two thereafter. However, this

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subdivision does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before August 1.

(b) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter before October 1, 2021, and October 1 of each year ending in the number one thereafter.

## **SEC. 32.**

Section 21623 is added to the Elections Code, to read:

### **21623.**

(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21621.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population as determined by the most recent federal decennial census.

(c) This section does not apply to a charter city that has adopted, by ordinance or in its city charter, a different standard for adding new territory to existing council districts.

## **SEC. 33.**

Section 21625 is added to the Elections Code, to read:

### **21625.**

(a) After redistricting or districting pursuant to Section 21621 or 21623, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

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(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city expand by the addition of new territory pursuant to Section 21623.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(c) This section does not apply to a charter city that has adopted different rules for mid-cycle redistricting in its city charter.

## **SEC. 34.**

Section 21626 is added to the Elections Code, to read:

21626.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.

(b) At the first election for council members in each city following adoption of the boundaries of council districts, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire.

(c) The successor to the office in a council district for which the boundaries have changed shall be a resident and voter of that council district.

## **SEC. 35.**

Section 21627 is added to the Elections Code, to read:

21627.

Before adopting the boundaries of a council district pursuant to Section 21621, 21623, or 21624, or for any other reason, the council shall hold public hearings on the proposal, in accordance with Section 21627.1. This section does not apply when a city transitions from at-large to district-based elections.

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## SEC. 36.

Section 21627.1 is added to the Elections Code, to read:

### 21627.1.

(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.

(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.

(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The council may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).

## SEC. 37.

Section 21628 is added to the Elections Code, to read:

### 21628.

(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

# Redistricting Regulations

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the city, including those active in language minority communities, or that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation of a public hearing or workshop held pursuant to this article in an applicable language if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 179 days until the city's next regular election, the council may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 179 days until the city's next regular election, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees of the city shall be accompanied with information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web

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page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

- (1) A general explanation of the redistricting process for the city in English and any applicable language.
- (2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.
- (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the council at a public hearing.
- (7) The adopted final map of council district boundaries.
- (h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.
- (i) This section does not apply when a city transitions from at-large to district-based elections.



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(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

## **SEC. 38.**

Section 21629 is added to the Elections Code, to read:

### **21629.**

(a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21622 or subdivision (a) or (b) of Section 21624, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant to this subdivision is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21621, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are

# Redistricting Regulations

knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

(c) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a redistricting deadline is missed.

## **SEC. 39.**

Section 34874 of the Government Code is amended to read:

### **34874.**

(a) An amendatory ordinance altering the boundaries of the legislative districts established pursuant to this article shall not be submitted to the registered voters until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.

(b) An amendatory ordinance altering the boundaries of legislative districts shall comply with the requirements and criteria of Section 21601 or 21621 of the Elections Code, as applicable.

## **SEC. 40.**

Section 34877.5 of the Government Code is amended to read:

### **34877.5.**

(a) After an ordinance is passed by the voters pursuant to Section 34876.5, or after an ordinance is enacted by the legislative body pursuant to Section 34886, the legislative body shall prepare a proposed map that describes the boundaries and numbers of the districts for the legislative body. In preparing the proposed map, the legislative body shall comply with the requirements and criteria of Section 21601 or 21621 of the Elections

# Redistricting Regulations

Code, as applicable, and shall seek public input, including accepting proposed maps submitted by the public.

(b) If the legislative body is changing from an at-large method of election to a district-based election, as those terms are defined in Section 14026 of the Elections Code, the legislative body shall hold public hearings pursuant to Section 10010 of the Elections Code. If the legislative body is otherwise adjusting the district boundaries, the legislative body shall hold public hearings on the proposed district boundaries pursuant to Section 21607 or 21627 of the Elections Code, as applicable.

## **SEC. 41.**

Section 34884 of the Government Code is amended to read:

### **34884.**

(a) If, at the time a vote is held on the subject of incorporation of a new city, a majority of the votes cast is for incorporation and, if, in accordance with Section 57116, a majority of the votes cast on the question of whether members of the city council in future elections are to be elected by district or at large is in favor of election by district, all of the following procedures apply:

(1) Before the first day on which voters may nominate candidates for election at the next regular municipal election, the legislative body shall, by ordinance or resolution, establish the boundaries of the districts of the legislative body. The districts shall be substantially equal in population as required by the United States Constitution. The districts shall comply with the requirements and criteria of Section 21601 or 21621 of the Elections Code, as applicable.

(2) The terms of office of the two members elected with the lowest vote shall expire on the Tuesday succeeding the next regular municipal election. At that election, members shall be elected by district in the even-numbered districts and shall hold office for four years.

(3) The terms of office of the three members elected with the highest vote shall expire on the Tuesday succeeding the second regular municipal election following the incorporation. At that election, members shall be elected by district in the odd-numbered districts and shall hold office for four years.

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(b) The result of the vote cast on the question of whether members of the city council in future elections are to be elected by district or at large shall not preclude the submission to the voters at any future election of a measure in accordance with Section 34871.

## **SEC. 42.**

Section 34886 of the Government Code is amended to read:

### **34886.**

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall comply with the requirements and criteria of Section 21601 or 21621 of the Elections Code, as applicable, and include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

## **SEC. 43.**

The district boundary criteria specified in this act apply to supervisorial and council district boundaries that are adopted or readopted on or after January 1, 2020. Supervisorial and council district boundaries adopted before January 1, 2020, shall comply with the applicable district boundary criteria in effect at the time of their adoption.

## **SEC. 44.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

# Redistricting Regulations

## Fair Maps Act (AB 1276)

### SEC. 17.

Section 21620 of the Elections Code is amended to read:

#### 21620.

(a) This article applies to a charter city that elects members of the city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

### SEC. 18.

Section 21621 of the Elections Code is amended to read:

#### 21621.

(a) Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

# Redistricting Regulations

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

(e) Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter. For purposes of this subdivision, “comprehensive or exclusive” means either that the city’s charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city’s charter provides two or more traditional criteria for redistricting other than the requirement that districts be equal in population.

## **SEC. 19.**

Section 21622 of the Elections Code is amended to read:

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21622.

(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election. For cities that charge candidates a filing fee, notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.

(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.

(b) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter.

(c) This section does not apply when a city transitions from at-large to district-based elections.

## SEC. 20.

Section 21623 of the Elections Code is amended to read:

21623.

(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district under the circumstances described in subdivision (a) if both of the following conditions are met:



# Redistricting Regulations

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21621.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population as determined by the most recent federal decennial census.

(c) This section does not apply to a charter city that has adopted, by ordinance or in its city charter, a different standard for adding new territory to existing council districts.

## **SEC. 21.**

Section 21625 of the Elections Code is amended to read:

### **21625.**

(a) After redistricting or districting pursuant to Section 21621 or 21623, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21623 or by the subtraction of territory.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(c) This section does not apply to a charter city that has adopted different rules for mid-cycle redistricting in its city charter.

## **SEC. 22.**

Section 21626 of the Elections Code is amended to read:

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21626.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) For a city employing both a primary and a general election, a change in the boundaries of a council district shall not be made between the direct primary election and the general election.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

## **SEC. 23.**

Section 21627 of the Elections Code is amended to read:

21627.

Before adopting the boundaries of a council district pursuant to Section 21621 or 21623, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21627.1. This section does not apply when a city transitions from at-large to district-based elections.

## **SEC. 24.**

Section 21627.1 of the Elections Code is amended to read:

21627.1.

(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.

(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.

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(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The council may establish an advisory redistricting commission to hold the public hearings required by paragraph (1) of subdivision (a).

## **SEC. 25.**

Section 21628 of the Elections Code is amended to read:

### **21628.**

(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are

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provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this

# Redistricting Regulations

article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the city in English and applicable languages.

(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.

(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).

(4) The notice and agenda for each public hearing and workshop.

(5) The recording or written summary of each public hearing and workshop.

(6) Each draft map considered by the council at a public hearing.

(7) The adopted final map of council district boundaries.

(h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited

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English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

(i) This section does not apply when a city transitions from at-large to district-based elections.

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

## **SEC. 26.**

Section 21629 of the Elections Code is amended to read:

### **21629.**

(a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21622, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21621, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

# Redistricting Regulations

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

(c) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a redistricting deadline is missed.

## **SEC. 27.**

Section 21630 is added to the Elections Code, to read:

### 21630.

If a council assigns the responsibility to recommend or to adopt new district boundaries to a hybrid or independent redistricting commission as defined in Section 23000, the charter city remains subject to the redistricting deadlines, requirements, and restrictions that apply to the council under this article, unless otherwise exempted by law. A redistricting commission described in this section may perform the duties required of a city council under this article.

## **SEC. 28.**

Section 23000 of the Elections Code is amended to read:

### 23000.

For purposes of this chapter, the following terms have the following meanings:



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- (a) “Advisory redistricting commission” means a body that recommends to a legislative body placement of the district boundaries for that legislative body.
- (b) “Family member” means a spouse, parent, sibling, child, or in-law.
- (c) “Hybrid redistricting commission” means a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.
- (d) “Independent redistricting commission” means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.
- (e) “Legislative body” means a county board of supervisors, a city council of a general law city, a governing board of a school district, a governing board of a community college district, or an elected governing board of a special district.
- (f) “Local jurisdiction” means a county, general law city, school district, community college district, or special district. “Local jurisdiction” does not include a charter city.
- (g) “Redistricting” means either districting or redistricting.
- (h) “Spouse” means a spouse or registered domestic partner.

## **SEC. 29.**

This act and Division 21 (commencing with Section 21000) of the Elections Code shall not be construed as limiting the ability of a charter city to create an advisory, hybrid, or independent redistricting commission. The amendment of Section 23000 of, and the addition of Section 21630 to, the Elections Code made by this act do not constitute a change in, but are declaratory of, existing law.

## **SEC. 30.**

The amendment of Sections 21500 and 21601, and subdivision (a) of Section 21621, of the Elections Code made by this act do not constitute a change in, but are declaratory of, existing law.

## BYLAWS OF THE BERKELEY INDEPENDENT REDISTRICTING COMMISSION

### Purpose

These Bylaws establish the Berkeley Independent Redistricting Commission's guidelines for orderly, consistent, and fair conduct of the Commission's business.

### Consensus

The Commission recognizes the importance of bringing diverse perspectives to form collective decisions throughout the redistricting process. To the greatest extent possible, the Commission agrees to strive for consensus when making decisions.

The Commission's principles for building consensus include:

- All participants are equal.
- We will not exclude any relevant topic from discussion.
- We welcome differing opinions as helpful to our work.
- We will listen actively when others are speaking.
- Those who are not in agreement will voice their reservations, concerns, and opinions.

We acknowledge that consensus does not mean unanimous agreement. Below are degrees of agreement that Commissioners may consider as the Commission seeks to build consensus:

- I fully agree with the action.
- I substantially agree with the action.
- I have reservations, but I support the action.
- I do not agree with the action; however, I have shared my opinions during the discussion and I support the Commission's action.

### Rule 1. Definition of Terms

The following terms, whenever used or referred to in these Bylaws, have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- a) **Agenda** means the agenda for the Berkeley Independent Redistricting Commission.
- b) **Alternate Commissioner** means a non-voting, unseated member of the Redistricting Commission.
- c) **Chair** means the chairperson of the Berkeley Independent Redistricting Commission.
- d) **Charter** means the Charter of the City of Berkeley.
- e) **Commission** means the Berkeley Independent Redistricting Commission.
- f) **Commissioner** means a voting, seated member of the Berkeley Independent Redistricting Commission.
- g) **Member** means Commissioners and Alternate Commissioners collectively.
- h) **Municipal Code** means the City of Berkeley Municipal Code.
- i) **Open Government Ordinance** means City of Berkeley Municipal Code Chapter 2.06.
- j) **Presiding Officer** means the Chair, Vice Chair, or other commissioner presiding over the conduct of the meeting.
- k) **Secretary** means the City Clerk, or their designee, serving as the secretary to the Berkeley Independent Redistricting Commission.
- l) **Subcommittee** means a sub-group of the Commission composed of less than a quorum of the full commission.
- m) **Vice Chair** means the vice chairperson of the Berkeley Independent Redistricting Commission.

# **BYLAWS OF THE BERKELEY INDEPENDENT REDISTRICTING COMMISSION**

## **Rule 2. Meetings**

Except as otherwise determined by the Commission, regular meetings begin at 6:00 p.m. Commission meetings conclude no later than 9:00 p.m., unless extended by majority vote of the Commissioners in attendance.

To accommodate the broadest participation possible, Commission meetings are held on various days of the week, including weekends, and can start at various times of day.

In the course of its regular business, the Commission may form ad hoc subcommittees to review particular topics in depth and recommend future actions on particular topics at a duly noticed Commission meeting. A report from the subcommittee of its recommendations will be provided at a meeting of the full Commission.

## **Rule 3. Robert's Rules of Order**

The business of the Commission is conducted, so far as it is practicable, in accordance with parliamentary rules as contained in Robert's Rules of Order Revised, except as modified by these Bylaws and in accordance with state open meeting laws and the Open Government Ordinance. The Secretary to the Commission serves as the official parliamentarian for meetings of the Commission.

## **Rule 4. Motions**

If any Commissioner makes a motion, such motion is not debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner. All motions must be restated by the Chair or Secretary immediately prior to voting.

When a question or motion is before the Commission, no motion is entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions have precedence in the order indicated above. Any such motion, except a motion to amend or substitute, must be put to a vote without debate.

## **Rule 5. Voting Order**

The Commissioners vote in alphabetical order according to their surnames, with the Vice Chair, Chair, or presiding officer of the Commission voting last.

## **Rule 6. Rights of Commissioners Less Than a Quorum**

In the absence of a quorum at a noticed meeting of the Commission, no information may be presented and no official action taken by the Commissioners present except to reschedule the meeting, to recess, or to adjourn.

# **BYLAWS OF THE BERKELEY INDEPENDENT REDISTRICTING COMMISSION**

## **Rule 7. Commissioner Conduct**

Commissioners must be mindful that the Charter states that the purpose of the Commission is to “ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.” Commissioners should avoid any action or communication that could be interpreted to compromise their ability to serve in that regard.

Commissioners are expected to attend all meetings and to have read all pertinent materials and reports provided related to items on the agenda.

Commissioners must not publish opinions about Commission redistricting matters on social networking websites. This rule is not intended to prohibit the publication of information regarding the time, place, and agendas of upcoming meetings.

While the Commission is in session, Commissioners must practice civility and decorum in their discussions and debate. Commissioners must value each other’s time and must preserve order and decorum. A Commissioner must not, by conversation or otherwise: delay or interrupt the proceedings of the Commission; use personal, impertinent, or slanderous remarks; disturb any other Commissioner while that Commissioner is speaking; or refuse to obey the orders of the presiding officer or the Commission, except as otherwise provided herein.

The presiding officer has the affirmative duty to maintain order. Commissioners must honor the role of the presiding officer in maintaining order. If a Commissioner believes the presiding officer is not maintaining order, the Commissioner may move that the Vice-Chair, or another Commissioner if the Vice-Chair is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Commission, then the Vice-Chair, or other designated Commissioner, must enforce the rules of decorum and maintain order.

## **Rule 8. Commissioner Protocols at Meetings**

All Commissioners have the opportunity to speak, but no Commissioner can speak twice on any given subject unless all other Commissioners have had the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Commissioners during Commission discussion.

Commissioners must request acknowledgment from the Chair to speak to an issue.

## **Rule 9. Virtual Meeting Protocol**

Additional protocols apply during virtual meetings:

- Commissioners should identify themselves by using the title “Commissioner” before their first or last name.
- Staff and presenters should identify themselves by using their official title or the word “staff” after their full name (“First Last, Title”).
- Commissioners should leave their video cameras on when possible, except when doing so would create a disruption to the meeting.
- Commissioners who wish to comment should use the “raise hand” function and wait to be recognized by the Chair.
- Commissioners may eat or drink during meetings but should do so in a manner that limits disruption to the meeting.
- Be mindful that all meetings are recorded and available on the Commission webpage.
- Public speakers cannot yield time to other speakers during virtual meetings.

## **BYLAWS OF THE BERKELEY INDEPENDENT REDISTRICTING COMMISSION**

### **Rule 10. Alternate Commissioners**

Alternate Commissioners are strongly encouraged to attend all meetings of the Commission so they can stay current on the Commission's business and be prepared for the role, should they be required to fill a vacancy.

### **Rule 11. Agenda**

City staff, in consultation with the Chair, or Vice Chair in the Chair's absence, set the Agenda for Commission meetings. Agendas should reflect materials that cover a 3-hour window to accommodate comments before and after training/agenda items. If a Commissioner requests an item be added to a meeting Agenda, then the member must notify City staff no fewer than nine (9) days prior to the meeting date.

Commissioners may submit written materials or reports for the agenda packet no fewer than nine (9) days prior to the meeting date. All such materials must be in final form, ready to publish when they are submitted.

Estimates of time allocated to each agenda item should be listed on the Commission's agenda or in other materials as an effort to help the Commission manage meetings efficiently. Actual time spent on an item may vary depending on the needs of the Commission and the public's participation.

### **Rule 12. Non-Agenda Public Comment**

Non-Agenda Public Comment must be listed at the beginning of the Agenda. The public must be awarded two (2) minutes to address the Commission under Non-Agenda Public Comment. The Chair or presiding officer may adjust the speaking time for Non-Agenda Public Comment; however, the public must be awarded at minimum one (1) minute to address the Commission.

### **Rule 13. Speaking Time Limits on Agenda Items**

Each public speaker has two (2) minutes to address the Commission on each Agenda item. The presiding officer may adjust the speaking time for Agenda Items; however, the public must be awarded at minimum one (1) minute to address the Commission. A member of the public may speak only once at public comment on any single item, unless called upon by the Chair to answer a specific inquiry.

To ensure that non-English speakers and disabled persons receive the same opportunity to address the Commission as other speakers, the presiding officer must allocate additional time to speakers using translators and to speakers with a disability that necessitates the provision of additional time.

### **Rule 14. Yielding Time**

Public speakers are permitted to yield their time to one other speaker, however no one speaker can have more than four (4) minutes. Speakers wishing to yield their time must: identify themselves, be recognized by the presiding officer, and announce publicly their intention to yield their time. Pursuant to Rule 9, speakers cannot yield time to other speakers during virtual meetings.

### **Rule 15. Addressing the Commission**

Members of the public should address their questions or remarks to the Commission as a whole. Commissioners and City staff can respond to questions only when requested to do so by the

## **BYLAWS OF THE BERKELEY INDEPENDENT REDISTRICTING COMMISSION**

presiding officer. Commissioners and City staff must refrain from entering into any debates or discussion with speakers during public comment.

The public has the right to criticize policies, procedures, actions, or omissions of the Commission or City staff. The public should not vocally oppose statements made by anyone while they speak. Speakers should speak clearly and refrain from using profanity, yelling, or screaming.

### **Rule 16. Audience Conduct (For In-person Meetings)**

The public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants.

No person can disrupt the orderly conduct of the Commission meeting.

### **Rule 17. Removal of a Disruptive Person**

When the public's behavior is disorderly or indecorous, the presiding officer must call for order, inform the person(s) that the conduct is violating the Bylaws, and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and to desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

The presiding officer has the power and duty to order removal from the meeting room (virtual or in-person) any person who is disorderly or indecorous after being warned that such conduct could lead to their removal.

### **Rule 18. Vacancy**

A member voluntarily resigning from the Commission must immediately submit written notice of this action to the Chair and the Secretary. The Chair may call a Special Meeting of the Commission to fill a vacancy.

### **Rule 19. Eligibility**

In the event a Commissioner is no longer eligible to serve on the Commission based on the criteria listed in Charter Section 9.5(b)(3), that Commissioner must immediately submit a written resignation to the Chair and Commission Secretary.

### **Rule 20. Amendment**

The Commission can amend these Bylaws by a majority vote at a publicly noticed meeting and then must submit them to the Commission Secretary to send out with regular Commission notices.

# 2021 Annual Commission Attendance Report

Reporting Period: September 1, 2020 through August 31, 2021

Appendix **c**

Vacant seats: <u>    0    </u> (as of August 31, 2021)
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**Commission:** Independent Redistricting Commission

**Commission Secretary:** Mark Numainville

**Example:**

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
9/15/20		8 of 9	5	3	2.5 hrs
2/1/21	Yes – no quorum				

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
1/20/21		8 of 8	18	3	3.25 hrs
2/10/21		8 of 8	7	0	3 hrs
2/24/21		8 of 8	7	2	2
3/17/21		13 of 13	12	0	3.5 hrs
4/1/21		13 of 13	12	1	2.25
4/15/21		13 of 13	10	1	3 hrs
5/6/21		13 of 13	8	3	3.5 hrs
5/19/21		13 of 13	8	2	3.75 hrs
6/9/21		11 of 13	8	1	3.5 hrs
6/23/21		10 of 13	2	0	2.5 hrs
6/30/21	Yes – lack of business				
7/10/21		12 of 13	22	2	1 hr
7/21/21		11 of 13	6	0	2.25 hrs
8/4/21		11 of 13	0	0	2 hrs
8/18/21		11 of 13	4	0	1.25 hrs
8/30/21		12 of 13	5	0	1.25 hrs









City Clerk Department

May 19, 2021

To: Independent Redistricting Commission

From: Mark Numainville, Commission Secretary

Subject: Independent Redistricting Commission Communities of Interest/Mapping Outreach Resources and Timeline 2021-2022

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Public outreach to the community is an essential element of the redistricting process, and it is mandated in both our local regulations and in state legislation. The City is committed to supporting the work of the Independent Redistricting Commission to ensure it meets and exceeds its obligations to engage the community as the Commission redraws the council district boundaries.

The City is drawing from past experience and existing infrastructure to guide the outreach efforts of the Independent Redistricting Commission (IRC) for the coming year. In the summer and fall of 2020, the City began an ambitious community outreach plan to encourage applicants for the IRC. The plan was curtailed somewhat by the limitations of the COVID-19 Shelter-in-Place orders, but staff was able to pivot away from in-person activities and use more of the outreach budget for print and social media advertising, and harness established networks of the City's community partners.

The IRC and staff can build upon the previous efforts in the next phase of outreach for communities of interest and district mapping by expanding the use of technology. Additionally, if permitted under state and local emergency orders, staff will attend various in-person activities and events throughout the City. Partners in other City departments have proven to be important allies in our outreach efforts so far, and we anticipate continuing to work with our internal counterparts to share the Commission's messaging.

Staff has created a framework for the timeline and resources that are available for the next phase of outreach. The documents that follow provide a summary of the timeline for outreach, the various outreach channels, and a list of community organizations that may assist with messaging and mobilization among Berkeleyans.

The IRC may wish to form a subcommittee to work with staff on the development and implementation of the outreach plan; and to advise staff and the full commission of resource needs, goals, objectives, and accomplishments for public engagement. The outreach subcommittee would round-out a plan that targets a diverse population of Berkeley residents through a variety of outlets.

The IRC can and will play an important role in the development and implementation of the outreach plan, while adhering to the limitation in the municipal code about interacting with the public outside of noticed meetings. The work accomplished at noticed meetings of the IRC is an important part of the engagement with the public, whether virtual or in-person.

Attached to this memo you will find the following documents that outline the Redistricting Outreach Resources and Timeline.

### 1. Timeline

The timeline proposes dates for major IRC milestones and activities for the next year. A subcommittee of the IRC will be helpful to establish a more fixed schedule and work with the full commission and staff on finalizing dates before publishing an official timeline for the public. Some dates may become clearer when the exact date of US Census data release from UC Berkeley is known.

### 2. Outreach Channels

The list of outreach channels is based on the previous outreach efforts conducted for the IRC application period. The list has been expanded and revised to account for current health order conditions and the more expansive outreach that is expected for the redistricting process.

### 3. List of Outreach Organizations

The City has compiled a list of over 250 organizations that have previously partnered with the City on community information campaigns. The list is not exhaustive and more organizations will likely be added to the database. In addition, some of the organizations may fit into more than one category, and some of them may no longer be active due to the pandemic. The City has some contact information for all of the organizations listed and will be gathering new information as it becomes available.

### 4. Community of Interest Form

Staff has developed a community of interest form to solicit input from residents about important groups, neighborhoods, and communities that can impact how district lines are drawn. The form is based on best practices from other cities in the region and has been reviewed and improved by the expertise of our consultants at Redistricting Partners.

# KEY REDISTRICTING OUTREACH DATES AND MILESTONES

Below is the anticipated timeline for major outreach milestones from June 2021 – April 2022.

## **Summer 2021 – April 2022**

Public Outreach (virtual/in-person) about public process, timeliness, and participation

## **Summer 2021**

IRC Public Hearing #1 – Redistricting Process, Timelines, and Requirements

## **Summer 2021**

IRC Community Workshops – Communities of Interest

## **Early Fall 2021**

IRC Community Workshops – Maptitude Software Demo & Public Submission Process

## **September/October 2021**

Release of Final Census Data

## **October 2021 (Exact Date TBD)**

Public map submission period opens

## **December 2021 (Exact Date TBD)**

Public map submission period closes

## **January 2022**

IRC Public Hearing #2 – Public Submissions & Draft Map Development

## **February 2022**

IRC Public Hearing #3 – Public Submissions & Draft Map Development

## **March 2022**

IRC Public Hearing #4 – Public Submissions & Draft Map Development

## **April 1, 2022**

Deadline for IRC Adoption of Final Map

## **April 17, 2022**

Deadline for City Council to Adopt IRC Final Map

## **April/May 2022**

Candidate messaging from the City regarding new boundaries

## **April – November 2022**

Community messaging from the City regarding new boundaries



## COMMUNITIES OF INTEREST/MAPPING OUTREACH (2021-2022)

The City's outreach plan consists of the following components. Many of these outlets were successfully used in the public outreach campaign for the IRC application period. All of these resources may be used to increase public participation during key milestones in the redistricting process.

### Print Advertising

- ▶ Advertisement in the City's Recreation Activity Guide (Fall & Winter)
- ▶ Announcements in the Berkeley Library newsletter (105,000 recipients monthly)
- ▶ Informational postcards at the City's senior and recreation centers, administrative offices, public meetings, and public libraries; U.C. Berkeley student union; and sent to community agencies and neighborhood associations
- ▶ Announcements in Berkeley Unified School District Newsletter: BUSD A+ News (20,000 recipients; Spanish language version utilized as well)
- ▶ Print advertisements in the Berkeley Times, Daily Cal, Berkeley Voice, East Bay Express, East Bay Times, and Tri-City Post newspapers

### Community

- ▶ As permitted under COVID-19 restrictions, City staff will attend a variety of community events across the City including hosting a table at each of the 3 Farmer's Markets in Berkeley
- ▶ Co-host events with community organizations
- ▶ Hold additional Town Hall community meetings upon request (in-person or via videoconference as conditions permit)
- ▶ Send information through existing communication outlets (Council newsletters; neighborhood groups, etc.) for dissemination
- ▶ Communities of Interest outreach meetings
- ▶ Additional outreach regarding Independent Redistricting Commission meetings



# COMMUNITIES OF INTEREST/MAPPING OUTREACH (2021-2022)

## Media

- ▶ Public notices broadcast on Berkeley Community Media
- ▶ Press releases with targeted outreach to local print, online, radio, and multilingual media sources
- ▶ Coordinating with the Health, Housing, and Community Services Department to reach additional community partners

## Internet & Social Media

- ▶ Dedicated page on City's website and front-page advertising
- ▶ Posts on the City's social media accounts, including Twitter and boosted advertisements on Facebook
- ▶ Paid advertisements posted on Berkeleyside including their Twitter and Facebook account
- ▶ Text updates from City account
- ▶ Berkeley Unified School District social media outlets





# Redistricting 2021 – Community Outreach Organizations (April 2021)

## Arts (Visual / Performing)

Berkeley Academy of Music
Berkeley Art Center
Berkeley Art Studio
Berkeley Artisans Open Studio
Berkeley Arts Festival
Berkeley Camera Club
Berkeley Community Chorus Orchestra
Berkeley Folk Dancers
Berkeley Playhouse
Berkeley Potter Guild
Berkeley Repertory Theatre
Berkeley Symphony
Berkeley West Edge Opera

## Business Sector

Adeline/Alcatraz Merchants Association
Adeline/Ashby Merchants Association
Another Bullwinkel Show
Berkeley-Albany Bar Association
Berkeley Albany Licensed Daycare Operators Association
Berkeley Association of Realtors
Berkeley Chamber of Commerce
Berkeley City Club
Berkeley Dental Society

## Business Sector

Berkeley Federation of Teachers AFT Local 1078, AFL-CIO
Berkeley Fire Fighters Association
California Federation of Business & Professional Women (CFBPW)
Downtown Berkeley Association
Eastwind Books of Berkeley
Elmwood Merchants Association
Fourth Street Businesses
North Shattuck Association
Northside Merchants Association
Sacramento Street Merchants
Saint John's Child Care Program
Shattuck/Blake Merchants Association
Solano Avenue Merchants Association
Telegraph Business Improvement District
West Berkeley Artisans and Industrial Companies
West Berkeley Design Loop

## Communications

Berkeley Community Media
Berkeley Daily Planet
Berkeley Liberation Radio (104.1 FM)

## Communications

Free Radio Berkeley
KALX Radio

## Community Based

A Better Way
Ala Costa Centers
Alameda County Homeless Action Center
Alameda County Network of Mental Health Clients
Alliance Francaise de Berkeley
Alzheimer's Services of the East Bay
American Association of University Women (AAUW) Berkeley Branch
American Legion. Berkeley Post #7
Athletes United for Peace
Bay Area Community Resources
Bay Area Hispano Institute for Advancement
Berkeley Addiction Treatment Services
Berkeley Age Friendly Continuum
Berkeley Architectural Heritage Association
Berkeley Bipolar Support Group
Berkeley Boosters
Berkeley Business Academy for Youth
Berkeley Citizens Action



# Redistricting 2021 – Community Outreach Organizations (April 2021)

## Community Based

Berkeley City Club Conservancy
Berkeley Community Fund
Berkeley Copwatch
Berkeley Creative Wellness Center
Berkeley Democratic Club
Berkeley Drop-in Center (Coalition for Alternatives in Mental Health)
Berkeley Earth Day (Vegan Earth Day)
Berkeley Emergency Storm Shelter
Berkeley Finnish Hall
Berkeley Food & Housing Project
Berkeley Food Pantry
Berkeley Foundation for Opportunities in Information Technology
Berkeley Free Clinic
Berkeley Garden Club
Berkeley Geochronology Center
Berkeley Hadassah
Berkeley High School Development Group
Berkeley Hillel Foundation. Jewish Student Community Center
Berkeley Historical Plaque Project
Berkeley Historical Society and Museum
Berkeley Holiday Fund
Berkeley Humane
Berkeley Ironworks

## Community Based

Berkeley Juneteenth Association, Inc.
Berkeley Law Foundation
Berkeley Lions Club
Berkeley Mental Health - Family Youth and Children's Clinic
Berkeley Needle Exchange Distribution
Berkeley Parents Network
Berkeley Partners for Parks
Berkeley Place Deaf/Hard of Hearing Project
Berkeley Place, Inc. Casa de la Vida
Berkeley Public Library Foundation
Berkeley Special Education Parents Network
Berkeley Symphony
Berkeley Therapy Institute
Berkeley Youth Alternatives
Black Women Organized for Political Action Berkeley/Oakland Chapter (BWOPA)
Bonita House
Building Opportunities for Self-Sufficiency
California Writers Club - Berkeley Branch
Center for Accessible Technology
Center for Independent Living
Chaparral House
Community Energy Services Corporation

## Community Based

Disaster Supply Cache Network
Dorothy Day House
East Bay Asian Youth Center
East Bay Center for the Blind
East Bay Community Law Center
East Bay Community Mediation
Easy Does It
Ecology Center
Ed Roberts Campus
Eden Council for Hope and Opportunity (ECHO Housing)
Ephesian Children's Center
Family Violence Law Center
Fred Finch Youth Center
Friends of the Fountain and Walk
Gray Panthers
Housing Groups
Housing Rights
Inter-City Services
Japanese-American Services of the East Bay
Kiwanis Club of Berkeley
Latinos Unidos/ United In Action
LeConte Neighborhood Association
Lifelong Medical Care
Multicultural Institute



# Redistricting 2021 – Community Outreach Organizations (April 2021)

## Community Based

Needle Exchange
New Bridge Foundation
Odd Fellows Temple, Berkeley Lodge #270
Options Recovery Services
Pacific Center for Human Growth
Rebuilding Together Albany-Berkeley-Emeryville
Resources for Community Development
Rotary Club of Berkeley
RISE
Rubicon
Satellite Affordable Housing Associates
Satellite Housing
SEEDS Community Resolution Center
Senior Center, North Berkeley
Senior Center, South Berkeley
Senior Center, West Berkeley
Sierra Club (San Francisco Bay Chapter)
Spiral Gardens
The Bread Project
Through The Looking Glass
United for Health
United in Action (Collaborative of 10+ Orgs)
West Berkeley Blogger
West Berkeley Lions Club

## Community Based

Women's Daytime Drop-In Center
Youth Spirit Artworks
Youth, Engagement, Advocacy, and Housing
YWCA Berkeley/Oakland
Zonta Club of Berkeley/North Bay

## Education

Acupuncture and Integrative Medicine College, Berkeley (AIMC)
Associated Students of the University of CA
Berkeley Adult School - BUSD
Berkeley Alumni Association
Berkeley City College
Berkeley City College
Berkeley Hills Nursery School
Berkeley Public Schools Fund
Berkeley Unified School District
Nia House
Public Tables
Stiles Hall
Student Organizations
UC Berkeley Disabled Student Union

## Education

University Avenue Association
University of California, Berkeley. ASUC Student Legal Clinic
University of California, Berkeley. Boost@BerkeleyHaas Alternate Name: Young Entrepreneurs at Haas (YEAH)
UC Berkeley: Cal Camps and Youth Programs
UC Berkeley: Early Academic Outreach Program (EAOP)
UC Berkeley: Intercollegiate Athletics. Cal Athletic Camps
UC Berkeley: International House
UC Berkeley: Local Government and Community Relations Office
UC Berkeley: Pre-College Trio Programs-Upward Bound
UC Berkeley: Public Service Center
UC Berkeley: Recreational Sports. Cal Rec Club
UC Berkeley: Recreational Sports. Cal STAR Program
UC Berkeley: Recreational Sports. Fitness and Wellness
University of California, Berkeley. Recreational Sports. Intramural Sports



# Redistricting 2021 – Community Outreach Organizations (April 2021)

## Education

University of California, Berkeley. School of Public Health. Labor Occupational Health Program and Resource Center
University of California, Berkeley. Student Speakers Bureau (IHSSB)
Voluntary Optometric Services to Humanity (VOSH). Berkeley Chapter

## Faith Based

Berkeley Black Ecumenical Ministers Association
Berkeley Baha'I Community
Berkeley Buddhist Monastery
Berkeley Buddhist Priory
Berkeley Buddhist Temple (Satsuki)
Berkeley Eckankar Center
Berkeley Fellowship of Unitarian Universalists
Berkeley Friends Meeting (Quakers)
Berkeley Organizing Congregations for Action
Berkeley Psychic Institute (BPI).
Berkeley Shambhala Center
Berkeley M.T.O. Shahmagsoudi Center: School of Islamic Sufism
Berkeley Zen Center

## Faith Based

Chabad Jewish Center of Berkeley
Church Without Walls
First Presbyterian Church of Berkeley
Lutheran Church of the Cross (YEAH Shelter)
McGee Avenue Baptist Church
South Berkeley Community Church

## Neighborhood

Alcatraz Avenue Neighborhood Association
Association for Sports Field Users (ASFU)
Bateman Neighborhood Association
Berkeley Disaster Prep Neighborhood Network
Berkeley Property Owners Association (BPOA)
Berkeley Property Owners Association (BPOA)
Berkeley Property Owners Association (BPOA)
Berkeley Safe Neighborhoods Committee
Dwight-Hillside Neighborhood Association
Halcyon Neighborhood Association
Live Oak Cordornices Creek Neighborhood Assoc

## Neighborhood

Monterey/Hopkins Neighborhood Association
North East Berkeley Association
Panoramic Hill Association
Parks Hills Homes Association
San Pablo Neighborhood Council
South Berkeley Neighborhood Development Corporation
South Berkeley Neighborhood Development Corporation
Thousand Oaks Neighborhood Association
Vicente Canyon Neighborhood Association
West Berkeley Neighborhood Development Corporation
Willard Neighborhood Association
Claremont/Elmwood Neighborhood Association
Cordonices Glen Neighborhood Association
Friends of Five Creeks
North East Berk Association
Panoramic Hill Association
San Pablo Neighborhood Council
San Pablo Neighborhood Council



# Redistricting 2021 – Community Outreach Organizations (April 2021)

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## Sports and Recreation

Albany Berkeley Girls Softball League
Albany-Berkeley Soccer Club (ABSC)
Bay Area Outreach and Recreation Program (BORP)
Berkeley All Blues Women's Rugby Club
Berkeley Association of Sports Field Users (ASFU)
Berkeley Ballet Theater
Berkeley Bicycle Club (Berkeley Hills Road Race)
Berkeley Bike Station
Berkeley Chess School
Berkeley City Ballet
Berkeley Echo Lake Camp Association (BELCA)
Berkeley Lacrosse Club
Berkeley Lawn Bowling Club
Berkeley Moving Arts
Berkeley Paddling and Rowing Club (BPRC)
Berkeley Path Wanderers Association
Berkeley Rowing Club
Berkeley Tennis Club
Berkeley Water Ski Club
Berkeley Yacht Club

## Sports and Recreation

Berkeley Yoga Center
Cal Adventures
Cal Sailing Club
Waterside Workshops
YMCA



# Tell us about your community!



## Help shape the future of Berkeley's Council districts

Every ten years, U.S. Census data is used to redraw Berkeley's Council district boundaries. This ensures the districts are balanced for changes in population. Berkeley's Independent Redistricting Commission (composed of 13 volunteers) wants to hear from you on how the boundaries should be drawn. Complete this form to tell the Commission about your **community of interest** so it can be considered in the redistricting process.

## What is a "community of interest"?

A community of interest is a group of people in the same geographic area who share common social and economic interests.

Are there things that make your community unique when compared to surrounding areas? What characteristics do you share with your neighbors? How would you describe the area to a friend?

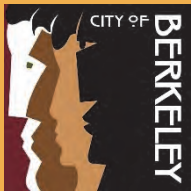
For example, some characteristics a community can share are:

- Resources
- Identity
- Business districts
- Education
- Ancestry
- Shared transportation
- Cultural centers
- History
- Economic interests
- Language
- Common neighborhood activities
- Neighborhoods

Redistricting laws also prohibit a few things from being included when drawing district boundaries – such as political parties and candidates, or where current councilmembers live.

Use our "Community of Interest Form" on the next page to describe your community. You can add more pages if needed. Your input is essential and we welcome your comments.

You can attend public meetings to give more input on this topic. Visit our webpage for dates and times: [cityofberkeley.info/redistricting](http://cityofberkeley.info/redistricting). You can also email the Commission at [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info).



# Community of Interest Form

Optional – Name / Email:

Which district do you live in? If you're not sure, write your address and we'll look it up:

- District 1     District 2     District 3     District 4  
 District 5     District 6     District 7     District 8

What are the common interests in your community? Describe how they are important:

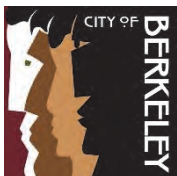
Explain the geographical location of your community of interest. What are the boundaries?

How is your community impacted by the City and the actions of the City Council?

What else would you like to tell us about your community? Add more pages if you need to.

## Questions or comments?

We want to hear from you. Email the Berkeley Independent Redistricting Commission at [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info) or visit our webpage at [www.cityofberkeley.info/redistricting/](http://www.cityofberkeley.info/redistricting/).



INDEPENDENT  
REDISTRICTING  
COMMISSION

## Submit this form by XXXXXXXXXXXX:



Email: [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)



In person: Call (510) 981-6908 to make an appointment.



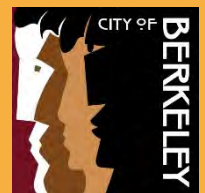
Mail: City Clerk Department, 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley, CA 94704



# Community of Interest

## Berkeley City Charter – Article V, Section 9.5 (f)(2):

For purposes of this subsection “communities of interest” shall mean the following: A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Such shared interests include but are not limited to those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process, as well as neighborhoods, students, organized student housing, shared age, and racial demographics. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.





# GET READY!

## REDISTRICTING STARTS SOON

The City of Berkeley is convening a Redistricting Commission. The 13-member Commission of Berkeley residents is tasked with redrawing the City Council district boundaries. As a Commissioner, you will engage the public, provide your own input, and ultimately adopt an updated map of the City Council District boundaries. If you are a resident of Berkeley and meet a few other requirements, you are eligible. Get involved and play an important role in elections in the City of Berkeley!

[www.cityofberkeley.info/redistricting](http://www.cityofberkeley.info/redistricting)  
[redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)  
510-981-6900

Applications are due October 9, 2020

### WHERE CAN I GET MORE INFORMATION?

The webpage [www.cityofberkeley.info/redistricting](http://www.cityofberkeley.info/redistricting) has more information. You can also send your questions to the City Clerk Department: [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)

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INDEPENDENT  
REDISTRICTING  
COMMISSION

BERKELEY

# GET READY!

## REDISTRICTING STARTS SOON

Applications are due October 9, 2020

# GET READY!

## REDISTRICTING STARTS SOON

### WHAT IS REDISTRICTING?

The City of Berkeley utilizes a district-based system of electing councilmembers. There are 8 Council districts and the Mayor is elected at-large [by all Berkeley voters]. In 2016, Berkeley voters amended the City's Charter for drawing electoral boundaries from the City Council to an independent Redistricting Commission. The measure's intent was to establish a process open to the public, that meets legal requirements, and is conducted with integrity, fairness and without personal or political connections.

As a Commissioner, you will be part of a 13-member independent body with broad community representation. The Commission will engage the public, and adopt an updated map of City Council district boundaries.

Applications are due October 9, 2020

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[redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)  
510-981-6900

### AM I ELIGIBLE TO SERVE?

You need to be a Berkeley resident to serve on the Commission. You're ineligible if you are a paid City of Berkeley staff member [or family member of one] a consultant or contract with the City, or have held elective office in the last 2 years. There are a few other qualifications, so review the Redistricting Plan on the website for further details.

### I DON'T KNOW ANYTHING ABOUT REDISTRICTING BUT WANT TO LEARN, WILL THERE BE STAFF SUPPORT?

Yes, the Redistricting Commission will have a lot of support. The Commission will receive staff support from the City Clerk

Department, City Attorney's Office, the Department of Information Technology and the City Manager's Office.

Don't worry, you don't have to be a cartographer!

### WHAT'S NEXT?

Commissioners are selected January 2021. The Commission meets for the next several months and then adopts a redistricting plan by February 1, 2022.







# APPLY NOW

TO BE ON THE COMMISSION

You're invited to apply to be part of a group of 13 Berkeley residents tasked with redrawing the City Council district boundaries. As a Commissioner, you will engage the public, provide your own input, and ultimately adopt an updated map of the City Council District boundaries. Applications are due October 9, 2020. If you are a resident of Berkeley and meet a few other requirements, you are eligible to apply. Get involved and play an important role in elections in the City of Berkeley!

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INDEPENDENT  
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BERKELEY

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510-981-6900

### WHO CAN APPLY?

You must be a Berkeley resident to serve on the commission. You're ineligible if you are a paid City of Berkeley staff member [or family member of one] or have held elective office in the last 2 years. There are a few other qualifications, so review the Redistricting Plan on the website for further details.

### I DON'T KNOW ANYTHING ABOUT REDISTRICTING BUT WANT TO LEARN, SHOULD I STILL APPLY?

Yes, the Redistricting Commission will have a lot of support. The Commission will receive staff support from the City Clerk Department, City Attorney's Office, the

Department of Information Technology and the City Manager's Office.

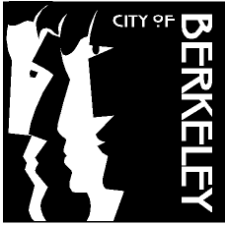
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City Clerk Department  
 2180 Milvia Street  
 Berkeley, CA 94704  
 (510) 981-6900  
[www.cityofberkeley.info](http://www.cityofberkeley.info)  
[redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)

<i>Office Use:</i> <i>Date Received</i>
--

## APPLICATION FOR THE CITY OF BERKELEY INDEPENDENT REDISTRICTING COMMISSION

### Introduction

The City of Berkeley is seeking Berkeley residents to apply for the Independent Redistricting Commission. This 13-member body will be responsible for setting Berkeley's electoral boundaries for City Council districts following the 2020 Census.

### Eligibility

There are limitations to who can serve on this commission. Please review Appendix A of this application to verify that you are eligible before you apply. You will be asked questions to verify your eligibility on Page 2 of this application.

### SECTION 1. APPLICANT INFORMATION

FIRST NAME	M.I.	LAST NAME
RESIDENCE (HOME) ADDRESS (STREET, CITY, ZIP)		
EMAIL ADDRESS	PHONE NUMBER	
COUNCIL DISTRICT		

### SECTION 2. DEMOGRAPHIC SURVEY

1. **Gender:**  Female  Male  Nonbinary  Prefer not to say
2. **Are you currently a student?**  No  Yes
3. **Which racial/ethnic category do you most closely identify with? Select one category:**
  - WHITE** (Not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
  - BLACK** (Not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.
  - HISPANIC:** All persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race.
  - ASIAN / PACIFIC ISLANDER:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, and Samoa.
  - AMERICAN INDIAN / ALASKAN NATIVE:** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
  - OTHER / BI-RACIAL:** Persons who do not identify with any of the above categories or who have mixed or unknown racial/ethnic origins.



# APPLICATION FOR THE CITY OF BERKELEY INDEPENDENT REDISTRICTING COMMISSION

SECTION 3. ELIGIBILITY QUESTIONNAIRE		YES	NO
Are you a resident of the City of Berkeley?		<input type="checkbox"/>	<input type="checkbox"/>
Will you be 18 years of age or older at the time you submit your application?		<input type="checkbox"/>	<input type="checkbox"/>
Have you been a candidate for the office of Mayor or Councilmember within two years?		<input type="checkbox"/>	<input type="checkbox"/>
Are you (or have you been in the last two years) Berkeley Mayor, Councilmember, Auditor, School Board Director, or Rent Stabilization Board Commissioner?		<input type="checkbox"/>	<input type="checkbox"/>
Are you the immediate family of the Mayor or any Councilmember?		<input type="checkbox"/>	<input type="checkbox"/>
Are you the immediate family of any staff to the Mayor or Councilmember?		<input type="checkbox"/>	<input type="checkbox"/>
Are you an employee of the City of Berkeley?		<input type="checkbox"/>	<input type="checkbox"/>
Are you performing paid services under a contract with the City of Berkeley (including subcontractors)?		<input type="checkbox"/>	<input type="checkbox"/>
Have you served as an officer, paid staff, or paid consultant of a campaign committee of a candidate for Mayor or Councilmember within the past two years?		<input type="checkbox"/>	<input type="checkbox"/>
Are you currently, or have you been within the last two years, a paid staff member or unpaid intern to the Mayor or any Councilmember?		<input type="checkbox"/>	<input type="checkbox"/>
Are you disqualified from serving in public office pursuant to Government Code sections 1021, 1021.5, 1770, or the Constitution and laws of the State of California?		<input type="checkbox"/>	<input type="checkbox"/>
Do you currently serve on a City of Berkeley board or commission?		<input type="checkbox"/>	<input type="checkbox"/>
If you currently serve on a City of Berkeley board or commission, are you willing to resign from the board or commission if selected and agree to not serve on another City of Berkeley Board or commission during the term of your office on the Independent Redistricting Commission?	N/A  <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have you made disclosable monetary or non-monetary contributions to a candidate for Mayor or Councilmember in the City of Berkeley within the past four years? If yes, please disclose the amount(s) of the contribution(s) and to which candidate(s) in the space provided on the next page.		<input type="checkbox"/>	<input type="checkbox"/>
Do you understand that if you serve on the Independent Redistricting Commission, you are ineligible for employment as a paid staff member for the Mayor or any Councilmember or to serve on a City of Berkeley board or commission for a two-year period?		<input type="checkbox"/>	<input type="checkbox"/>



# APPLICATION FOR THE CITY OF BERKELEY INDEPENDENT REDISTRICTING COMMISSION

## SECTION 4. DISCLOSABLE CONTRIBUTIONS TO MAYOR OR COUNCIL CANDIDATES WITHIN THE PAST FOUR YEARS

If you have made disclosable monetary or non-monetary contributions to a candidate for Mayor or Councilmember in the City of Berkeley within the past four years, disclose the amount(s) of the contribution(s) and to which candidate(s) here. You may attach additional pages if needed.

## SECTION 4. WRITTEN STATEMENT

Provide a written statement of qualifications not longer than three hundred (300) words expressing why you believe you are qualified to serve on the Commission. Please attach an additional page if needed. *(statement to be used for at-large appointment process)*



# APPLICATION FOR THE CITY OF BERKELEY INDEPENDENT REDISTRICTING COMMISSION

## SECTION 5. CERTIFICATION

I consent to a background check if appointed. (Promptly after reviewing the background check to determine eligibility, the City Clerk will either return it to the applicant or destroy it.) Furthermore, I hereby certify under penalty of perjury that the information provided on this application is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
APPLICANT SIGNATURE/VERIFICATION

\_\_\_\_\_  
DATE SIGNED

## APPLICATION INSTRUCTIONS

*Applications are accepted beginning September 8, 2020. Complete pages 1-4 and submit no later than Friday, October 9, 2020. Submit hard copy applications to the City Clerk Dept., 2180 Milvia St., 1<sup>st</sup> Floor, Berkeley, CA 94704 or submit via e-mail to [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info).*



# APPENDIX A – INDEPENDENT REDISTRICTING COMMISSION ELIGIBILITY WORKSHEET

Are you a resident of the City of Berkeley and 18 years of age or older?

Yes  No (ineligible)



Have you been a qualified candidate for Mayor or Councilmember within the past two years?

No  Yes (ineligible)



Are you (or have you been in the last two years) Berkeley Mayor, Councilmember, Auditor, School Board Director, or Rent Board Stabilization Board Commissioner?

No  Yes (ineligible)



Are you the immediate family member of the Mayor or any Councilmember, or immediate family member of any staff to the Mayor or any Councilmember?

No  Yes (ineligible)



Are you employed by the City of Berkeley?

No  Yes (ineligible)



Are you performing paid services under contract with the City of Berkeley (including subcontractor employees)?

No  Yes (ineligible)



Have you served as an officer, paid staff, or paid consultant of a campaign committee of a candidate for Berkeley Mayor or Councilmember within the past two years?

No  Yes (ineligible)



Are you currently, or have you been within the last two years, a paid staff member or unpaid intern to the Berkeley Mayor or any Councilmember?

No  Yes (ineligible)



Are you disqualified from serving in public office pursuant to Government Code sections 1021, 1021.5, or 1770, and the Constitution and laws of the State of California?

No  Yes (ineligible)



Do you serve on a City of Berkeley board or commission appointed by the Mayor or Councilmembers?

No  Yes → Eligible. However, you must resign from the board or commission if selected and agree not to serve on the City's other boards or commissions during your term on the IRC.



Have you made disclosable monetary or non-monetary contributions to a candidate for Mayor or Councilmember in the City of Berkeley within the past four years?

No  Yes → Eligible. However, you must disclose those contributions under penalty of perjury.



**Congratulations – you are eligible to serve on the Independent Redistricting Commission!**

## APPENDIX B – INDEPENDENT REDISTRICTING COMMISSION DEFINITIONS

**“Immediate Family”** means a spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle). (*BMC §2.10.020*)

**“Employee”** means an employee of the city including a person in any of the following categories:

**ACTING EMPLOYEE:** An employee who has been appointed to fill a vacancy in any department head or assistant department head position in compliance with these Rules.

**AT-WILL EMPLOYEE:** An employee who is excluded from the career service by BMC Section 4.04.120 of the Personnel Ordinance and serves at the will of the appointing authority. At-will employees can be dismissed at any time without cause.

**EMERGENCY EMPLOYEE:** An employee appointed to meet the requirements of an emergency condition. Such appointment may be made without regard to the regulations as to appointments in these rules.

**FLSA EXEMPT EMPLOYEE:** An employee who is exempt from the overtime pay requirements of the Fair Labor Standards Act ("FLSA") and does not receive overtime pay or compensatory leave.

**FLSA NON-EXEMPT EMPLOYEE:** An employee who is covered by the overtime provisions of the Fair Labor Standards Act ("FLSA") and receives overtime pay or compensatory leave.

**FULL TIME EMPLOYEE:** An employee who is appointed to a position that works the normal number of working hours as defined by the City.

**INTERMITTENT EMPLOYEE:** An at-will employee who works on an hourly basis on call at irregular intervals or without a set pattern on an intermittent basis.

**UNREPRESENTED EMPLOYEE:** An employee who is not a member of a designated representation unit that is represented by an employee organization formally certified by the City.

**“Contractor”** means any person or persons, firm, partnership, corporation, or combination thereof which enters into a contract with the City of Berkeley for construction or improvements to be performed, or for a franchise, concession or lease of property, or for goods, services or supplies to be purchased, at the expense of the City of Berkeley, or to be paid out of moneys deposited in the treasury, or out of trust moneys under the control or collected by the City of Berkeley. (*BMC §13.26.020*)

**“Sub-Contractor”** means a person or business which has a contract (as an "independent contractor" and not an employee) to provide some portion of the work or services on a project which the “Contractor” as defined above has agreed to perform. (*BMC §9.04.026*)

## APPENDIX B – INDEPENDENT REDISTRICTING COMMISSION DEFINITIONS

**“Disclosable monetary or non-monetary contribution”** means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; a candidate's own money or property used on behalf of his or her candidacy; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services of any person serving on behalf of a candidate or committee, when such payments are not made from contributions the candidate or committee must otherwise report under the terms of this chapter. The term "contribution" further includes any transfer, gift, loan, advance, deposit, forgiveness of indebtedness, payment of a debt by a third party, pledge, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor, but shall include service or labor for which a payment is made, nor shall the term "contribution" include a gift of the use of personal or real property where the value of such use is not in excess of fifty dollars, nor shall it include food and beverages the value of which for any one event is no more than fifty dollars. (*BMC §2.12.100*)



# APPENDIX C – STATE CODE REFERENCES

## Government Code Section 1021

A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State.

## Government Code Section 1021.5

(a) If a public employee is convicted of any felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of his or her official duties as a public employee, he or she shall be disqualified for five years from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state.

(b) The five-year disqualification period described in subdivision (a) shall begin on the later of either of the following:  
(1) The date of final conviction.  
(2) The date on which the public employee is released from any incarceration.

(c) For purposes of this section, "public employee" means any person employed at will for the purposes of providing services to an elected public officer who takes public office, or is reelected to public office, on or after January 1, 2013.

## Government Code Section 1770

An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) (1) His or her resignation, except as provided in paragraph (2).

(2) In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his or her election or appointment.

## APPENDIX C – STATE CODE REFERENCES

### Government Code Section 1770 (continued)

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

(m) (1) The incumbent is listed in the Excluded Parties List System and all of the following subparagraphs apply:

(A) The office is one that the incumbent holds ex officio, by virtue of holding another office, or as an appointee.

(B) The appointed or ex officio office is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law.

(C) A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.

(2) For purposes of this subdivision, the following terms have the following meanings:

(A) "Excluded Parties List System" means the list maintained and disseminated by the federal General Services Administration containing names of, and other information about, persons who are debarred, suspended, disqualified, or otherwise excluded from participating in a covered transaction, pursuant to federal law.

(B) "Local agency" includes, but is not limited to, a county, whether general law or chartered, city, whether general law or chartered, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency of one of these entities.

(C) "Federal law" includes, but is not limited to, federal regulations adopted pursuant to Section 2455 of Public Law 103-355 (108 Stat. 3327), Executive Order No. 11738, Executive Order No. 12549, and Executive Order No. 12689.

(3) This subdivision shall not apply to an elective office.

# Tell us about your community!



## Help shape the future of Berkeley's Council districts

Every ten years after the Census, the City Council district boundaries are redrawn to ensure the districts are balanced for changes in population. **Complete this form to tell the Independent Redistricting Commission about your community of interest so it can be considered in the redistricting process.**

## What is a “community of interest”?

A community of interest is a group of people in the same geographic area who share common social and economic interests.

Are there things that make your community unique when compared to surrounding areas? What characteristics do you share with your neighbors? How would you describe the area to a friend?

For example, some characteristics a community can share are:

- Identity
- Business districts
- Education
- Ancestry
- Shared transportation
- Cultural centers
- History
- Economic interests
- Language
- Neighborhoods

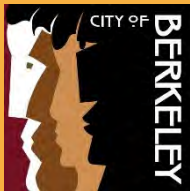
Redistricting laws also prohibit a few things from being included when drawing district boundaries – such as political parties and candidates, or where current councilmembers live.

Use our “Community of Interest Form” on the next page to describe your community. You can add more pages if needed.

Online web form available at: [cityofberkeley.info/redistricting/](http://cityofberkeley.info/redistricting/)

You can attend public meetings to give more input on this topic. Visit our webpage for dates and times: [cityofberkeley.info/redistricting](http://cityofberkeley.info/redistricting). You can also email the Commission at [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info).

*To provide feedback on City services or to request specific City services for your neighborhood, please call 311 or contact your Councilmember.*



# Community of Interest Form

Optional – Name / Email:

Which district do you live in? If you're not sure, write your address and we'll look it up:

- District 1     District 2     District 3     District 4  
 District 5     District 6     District 7     District 8

What are the common interests in your community? Describe how they are important:

Explain the geographical location of your community of interest. What are the boundaries?  
Does your community/neighborhood have a name?

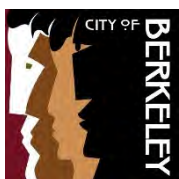
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[redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)



INDEPENDENT  
REDISTRICTING  
COMMISSION  
BERKELEY

*Mapping Berkeley Communities: Redistricting by the People.*

## Submit this form by:



Email:

[redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)



**In person:** City Clerk Department,  
2180 Milvia Street, 1<sup>st</sup> Floor



**Mail:** City Clerk Dept., 2180 Milvia  
Street, 1<sup>st</sup> Floor, Berkeley, CA 94704





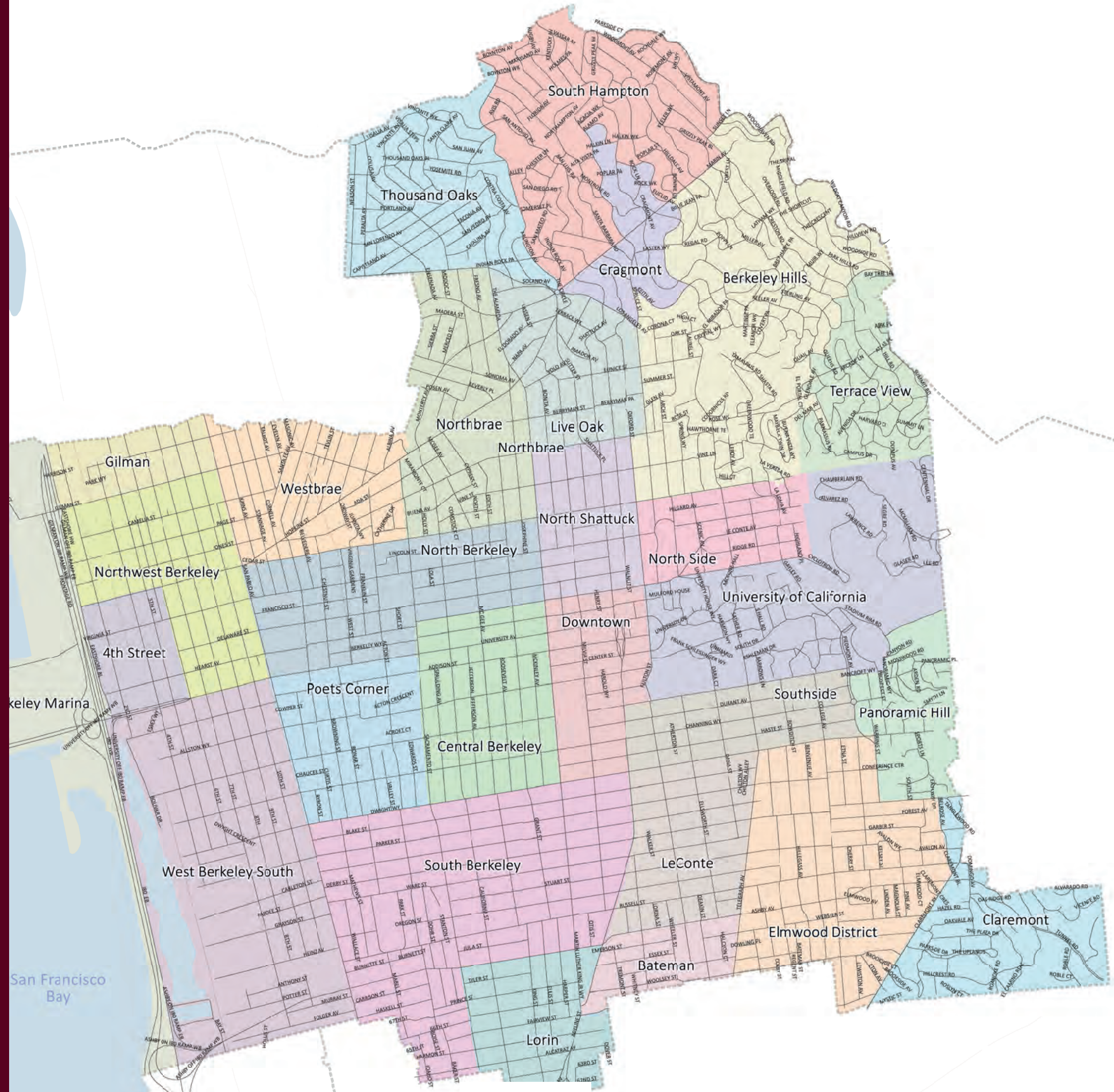
# Mapping Berkeley Communities: Redistricting by the People

## COMMUNITY MAPPING TOOL

Please use this map to draw your community of interest. It is important to know about communities so that the new council district lines can amplify the voices of residents.

The Fair Maps Act defines “Communities of Interest” as populations that share common social or economic interests and should be included within a single district for purposes of effective and fair representation.

To start, please include a name for your community, your name and email address, and a description of your community. Then draw your community on the map.



COMMUNITY NAME

NAME

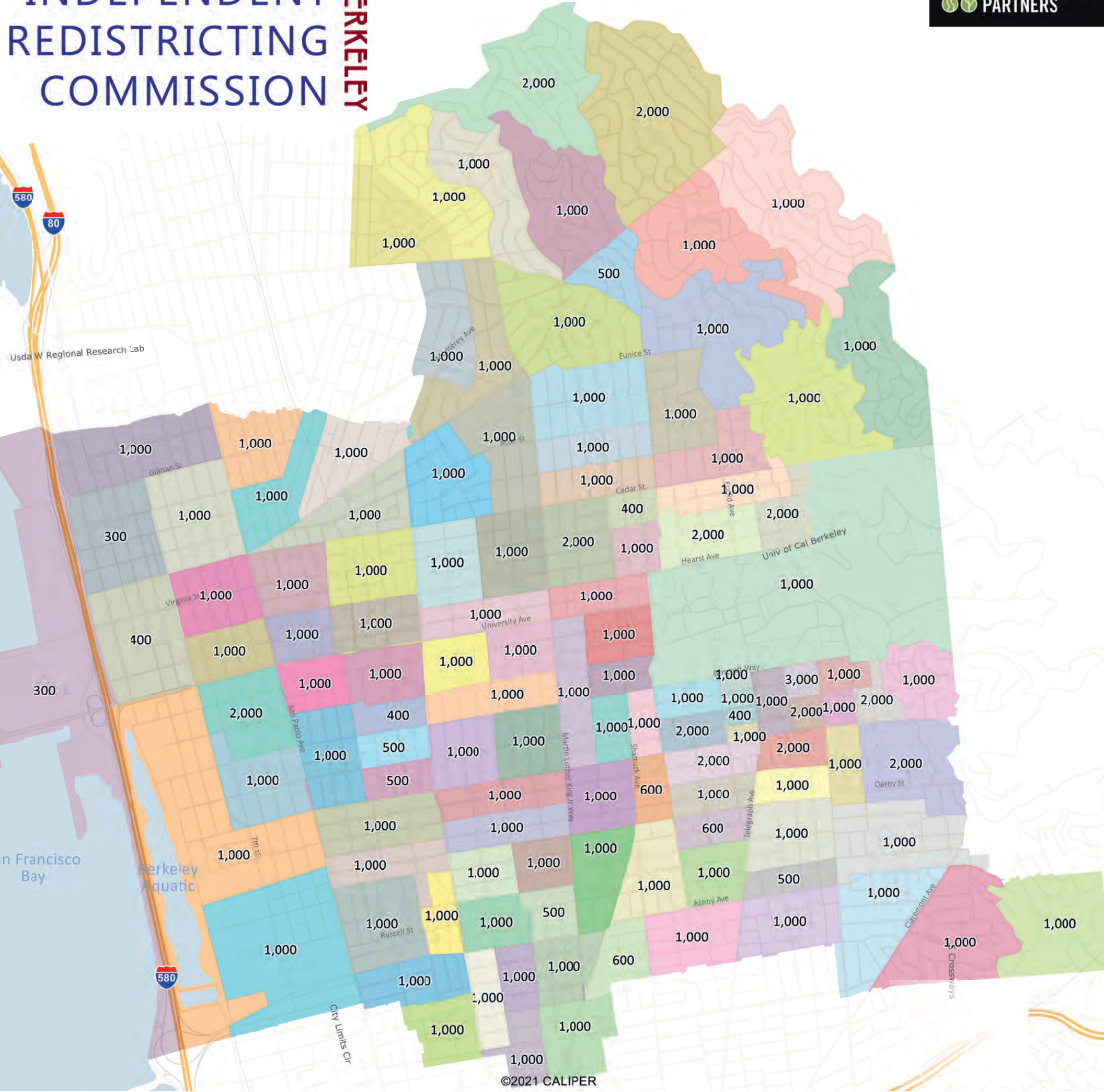
EMAIL

DESCRIPTION





# INDEPENDENT REDISTRICTING COMMISSION BERKELEY



## CITY OF BERKELEY REDISTRICTING

### Mapping Berkeley Communities: Redistricting by the People

# PUBLIC REDISTRICTING EXERCISE

#### THE RULES

- Create a single city council district or all eight districts using the population blocks in the map.
- New districts should have a population of around 15,500.
- The largest district should be no more than 1,500 people greater

#### ABOUT THE BLOCKS

Each of these blocks is drawn within Berkeley's existing neighborhoods.  
 The numbers from the final release of the 2020 US Census as required by the California Fair Maps Act.

#### ONCE COMPLETE

● **EMAIL A PHOTO** of your completed map to: [redistricting@cityofberkeley.info](mailto:redistricting@cityofberkeley.info)

● **MAIL IT TO:** City Clerk Department  
 2180 Milvia Street, 1st Floor Berkeley,  
 CA 94704

Write in the population estimates for each of your drawn districts.  
 ~15,500 Target Population Per District

**DISTRICT 1** \_\_\_\_\_

**DISTRICT 2** \_\_\_\_\_

**DISTRICT 3** \_\_\_\_\_

**DISTRICT 4** \_\_\_\_\_

**DISTRICT 5** \_\_\_\_\_

**DISTRICT 6** \_\_\_\_\_

**DISTRICT 7** \_\_\_\_\_

**DISTRICT 8** \_\_\_\_\_