

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.

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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.

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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.

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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

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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.