

City Attorney Analysis Charter Amendment Creating Citizens Redistricting Commission

This measure was placed on the ballot by the City Council.

This measure asks the voters to amend the City of Berkeley Charter to transfer responsibility for redistricting from the City Council to a Citizens Redistricting Commission (“CRC”).

The standards for redistricting would be largely unchanged – compact equal districts reflecting communities of interest, compliance with state and federal law and other charter requirements – except that the CRC could not consider the residences of sitting Council members. If the CRC adopted districts that removed a sitting Councilmember from his or her district, that Councilmember could still complete his or her term.

Any registered voter who has voted in the last two Berkeley elections could apply for selection to the CRC, subject to various exceptions intended to minimize political considerations, such as current or recent former elected officials and political appointees or campaign employees or consultants. City employees and contractors and subcontractors and their employees would also be ineligible to serve.

Members of City boards and commissions could serve as long as they resign from their board or commission and do not serve again during their tenure on the CRC.

Persons who have made a disclosable contribution to a candidate for Mayor or Councilmember, may serve on the CRC if they disclose all such contributions made within the previous four years.

For two years after the termination of service on the CRC, no person may be a paid staff member for the Mayor or any Councilmember or serve on a City board or commission.

No person who has served as a member of the CRC may be a candidate for City Council or Mayor in the next election in which that office is on the ballot after his or her service on the CRC terminates.

After each census, a 13 member CRC would be formed. The City Clerk would select 1 member and 1 alternate at random from each Council district. The 8 members would then select 5 more members and 5 alternates at large to achieve community representation.

The CRC would be a City legislative body subject to the Brown Act. The CRC would be required to do public outreach, and redistricting plans could be submitted to it by the public. The CRC would be required to select a redistricting plan by February 1st of the second year after the later of the year in which the census is taken or nine months after final adjustments to the census. If it could not select a plan by majority vote, the plan receiving the most votes go on the ballot. Redistricting plans adopted by the CRC could

be subjected to a referendum in the same manner as ordinances.

The City Council could not make any changes to the plan adopted by the CRC. The City Council's role would be limited to adopting an ordinance to enact the plan adopted by the CRC, putting a referendum on the ballot and adopting an ordinance to implement the Charter amendment.

s/ZACH COWAN
Berkeley City Attorney