

Shall the measure amending the City Charter to eliminate the residency requirement for sworn members of the fire department, conform the provisions of Article V, Section 9.5 and Section 10 regarding the eligibility requirements for the Redistricting Commission to state law, remove gender-specific language and amend Article VII, Section 28 and Article XVI, Section 113 to update terms and duties of the office of City Attorney be adopted?

**AMENDMENT TO THE BERKELEY CITY CHARTER TO ELIMINATE THE RESIDENCY REQUIREMENT FOR SWORN MEMBERS OF THE FIRE DEPARTMENT, CONFORM THE PROVISIONS OF ARTICLE V, SECTION 9.5 AND SECTION 10 REGARDING REDISTRICTING TO STATE LAW, REMOVE GENDER-SPECIFIC LANGUAGE, AND AMEND ARTICLE VII, SECTION 28 AND ARTICLE XVI, SECTION 113 TO UPDATE TERMS AND DUTIES OF THE OFFICE OF CITY ATTORNEY**

The People of the City of Berkeley hereby amend the Charter of the City of Berkeley as follows:

Section 1. Section 37a of Article VII of the Charter of the City of Berkeley is amended as follows:

**Section 37a. ~~Residency requirement for sworn members of the fire department.~~**

~~Any sworn member of the fire department who is hired subsequent to January 1, 1995, may not reside greater than a radius of forty (40) air miles from the boundaries of the City of Berkeley.~~

Section 2. Article V, Section 9.5 and Article V, Section 10 of the Charter of the City of Berkeley are amended throughout to change all instances of the name of the commission from the “Citizens Redistricting Commission” to the “Independent Redistricting Commission.”

Section 3. Article V, Section 9.5(a)(4) of the Charter of the City of Berkeley is amended as follows:

(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.

Section 4. Article V, Section 9.5(b)(1) of the Charter of the City of Berkeley is amended as follows:

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

Section 5. The first paragraph of Article V, Section 9.5(b)(3) of the Charter of the City of Berkeley is amended as follows:

(3) Qualifications and eligibility. All ~~registered Berkeley residents~~ who are 18 years of age or older at the time their application is submitted, who have voted in the last two General Municipal elections, unless ineligible to do so by reason of age, are eligible for membership on the ~~Citizens-Independent~~ Redistricting Commission, subject to the following limitations.

Section 6. Article V, Section 9.5(b)(3)(i) of the Charter of the City of Berkeley is amended as follows:

(i) The following individuals are prohibited from serving on the ~~Citizens-Independent~~ 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;

(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, except for those laws requiring citizenship status.

Section 7. Article V, Section 9.5(b)(5) of the Charter of the City of Berkeley is amended as follows:

(5) Application process. The City Clerk shall initiate and advertise a 30-day nomination period for appointment to the Citizens-Independent Redistricting Commission. The nomination process shall be open to all registered Berkeley residents voters 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.

Section 8. Article V, Section 9.5(e)(2) of the Charter of the City of Berkeley is amended as follows:

(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 ~~(d)~~(b)(3), a Commissioner may be removed by a two-thirds vote of the Independent Citizens Redistricting Commission, after having been served written notice and provided with an opportunity to respond.

Section 9. Article XVI, Section 109.5 is hereby added to the Charter of the City of Berkeley as follows:

**Section 109.5 Gender-neutral language.**

The Charter of the City of Berkeley is amended throughout to remove all gender-specific language such as “he,” “she,” “him,” “her,” or “his” and any other gendered pronouns or nouns. Gendered language shall be replaced with appropriate gender-neutral pronouns such as “they,” “their,” or “them” or with gender neutral nouns such as “the candidate,” “the voter,” “the Clerk,” or “the officer” as grammatically appropriate and in a manner that does not change the legal meaning of any provision of the Charter. Gendered language will be preserved if legally required due to the specific gendered intent of the provision.

- (a) The gender neutral pronoun includes the feminine and masculine genders.
- (b) “They/them/their” shall indicate a singular individual, unless the context indicates the contrary. In most cases, the singular number includes the plural and the plural number includes the singular.

Section 10. Article VII, Section 28(c) of the Charter of the City of Berkeley is amended as follows:

(c) Except as otherwise provided in this Charter, To exercise control over all departments, divisions and bureaus of the City Government and over all the appointive officers and employees thereof.

Section 11. Article XVI, Section 113 of the Charter of the City of Berkeley is amended as follows:

**Section 113. Office of the City Attorney and conduct of legal proceedings.**

The City Attorney shall be an officer of the City of Berkeley, appointed by a vote of five members of the Council, serving at the will of the Council for an indefinite period, and removed only by a vote of five members of the Council, and shall receive such salary as may be fixed by the Council. Upon presentation of a proposed budget by the City Attorney, the Council shall provide funds sufficient to carry out the responsibilities of the office of City Attorney and for the City Attorney's department (subject to available resources), which shall be under the administrative control of the City Attorney.

Except in the case of the Berkeley Housing Authority, and in the case of the Board of Education, Rent Stabilization Board and any other boards whose members are elective officers pursuant to this Charter, and in addition to duties and powers provided elsewhere in this Charter, the City Attorney shall prosecute all violations of the Charter and ordinances of the City; shall, subject to the general direction of the Council, prosecute and defend for the City and all boards, officers and employees in their official capacity, all proceedings before judicial and quasi-judicial tribunals; shall not commence, compromise, settle or dismiss any action for or against the City except as authorized by an ordinance or resolution adopted by the Council; shall be the legal advisor of and attorney and counsel for the City and for all officers and boards thereof, in all matters relating to their official duties; shall have the authority to enter into contracts to prosecute or defend any action or proceeding or when necessary to advise the Council, any board or commission, the City Manager, or any division, department, or bureau of the City Government; and shall draft proposed City ordinances and amendments thereto.

~~The City Attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this Charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City may be legally interested; provided, the Council shall have control of all litigation of the City and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein.~~