

Charter Amendment to Allow City Council to Adopt Decennial Redistricting Plan

BALLOT QUESTION

Shall the Charter of the City of Berkeley be amended to provide that council district redistricting shall be adopted by ordinance and to require that districts be as equal in population as feasible taking into consideration topography, geography, cohesiveness, contiguity, integrity, compactness of territory and communities interest, and have easily understood boundaries such as major traffic arteries and geographic boundaries?

Financial Implications:

No significant cost impacts.

FULL TEXT OF CHARTER AMENDMENT

CHARTER AMENDMENT TO ALLOW CITY COUNCIL TO ADOPT DECENNIAL REDISTRICTING PLAN

The People of the City of Berkeley hereby amend the following sections of the Charter of the City of Berkeley to read as follows:

Section 1. Section 9 of Article V of the Charter of the City of Berkeley is amended to read as follows:

Section 9. Election and Districts.

(a) ___ The Mayor, Auditor and School Directors shall be elected at the general municipal election on a general ticket from the City at large.

(b) ___ The Councilmembers shall be elected at the general municipal election by districts. The Councilmembers shall be recalled by districts.

(c) ___ No later than December 31st of the third year following the year in which each decennial federal census is taken, commencing with the 2010 census, the Council shall by ordinance divide the City into eight Council districts. Any such redistricting shall become effective as of the next general election of Councilmembers immediately following the effective date of said ordinance.

(1) ___ In establishing and modifying district boundaries, the Council shall ensure that the districts continue to be as nearly equal in population as may be according to the census, taking into consideration topography, geography, cohesiveness, contiguity, integrity and compactness of territory of the districts, as well as existing communities interest as defined in California Constitution Article XXI, section 2(d)(4), 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.

(2) Notwithstanding the foregoing paragraph, no change in the boundary or location of any district by redistricting may result in the residences of two sitting Council members being located in the same district.

~~_____ The City is hereby divided into eight Council districts as hereinafter set forth, and, commencing with the general municipal election in November, 1986 and continuing thereafter until new districts are established as hereinafter set forth, such districts shall be used for the election and recall of Councilmembers and for filling any vacancy in the office of Councilmember by appointment. If and when new districts are established, as hereinafter provided, such new districts shall be used for the aforesaid purposes; provided, however, that no change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any Councilmember for which such Councilmember was elected or appointed. The eight Council districts, as established herein, shall be bounded and described as follows:~~

~~**FIRST COUNCIL DISTRICT** shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of University Avenue and Grant Street, thence northerly along the center line of Grant Street to the center of the intersection of Vine Street; thence westerly along the center line of Vine Street to the center of the intersection of Vine Street and Edith Street; thence northerly along the center line of Edith Street to the center of the intersection of Edith Street and Rose Street; thence westerly along the center line of Rose Street to the center of the intersection of Rose Street and Sacramento Street; thence northerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Hopkins Street; thence easterly along the center line of Hopkins Street to the center of the intersection of Hopkins Street and Hopkins Court; thence westerly along the center line of Hopkins Court to the center of the intersection of Hopkins Court and Albina Avenue; thence northerly along the center line of Albina Avenue to the northern boundary line of the City of Berkeley; thence westerly along said northern boundary line to the western boundary line of the City of Berkeley in the San Francisco Bay; thence southerly along said western boundary line to where it intersects with a line which is a direct extension of the center line of University Avenue; thence easterly along said extension line and along the center line of University Avenue to the point of beginning.~~

~~**SECOND COUNCIL DISTRICT** shall comprise all of that portion of the City of Berkeley commencing on the point on the western boundary line of the City of Berkeley in the San Francisco Bay where an extension of the center line of University Avenue would intersect said western boundary line; thence southerly along said western boundary line to the southern boundary line of the City of Berkeley; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of California Street; thence northerly along the center line of California Street to the center of the intersection of California Street and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Sacramento Street; thence northerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and University Avenue; thence westerly~~

along the center line of University Avenue, and along an extension of said center line, to the point of beginning.

~~**THIRD COUNCIL DISTRICT** shall comprise all of that portion of the City of Berkeley commencing on the point where the southern boundary line of the City of Berkeley intersects the center line of California Street; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of Deakin Street; thence northerly along the center line of Deakin Street to the center of the intersection of Deakin Street and Ashby Avenue; thence easterly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Ellsworth Street; thence northerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Dwight Way; thence westerly along the center line of Dwight Way to the center of the intersection of Dwight Way and Sacramento Street; thence southerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Ashby Avenue; thence easterly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and California Street; thence southerly along the center line of California Street to the point of beginning.~~

~~**FOURTH COUNCIL DISTRICT** shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Ellsworth Street and Dwight Way; thence northerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Channing Way; thence westerly along the center line of Channing Way to the center of the intersection of Channing Way and Fulton Street; thence northerly along the center line of Fulton Street to where it becomes Oxford Street and continuing along the center line of Oxford Street to the center of the intersection of Oxford Street and Hearst Avenue; thence easterly along the center line of Hearst Avenue to the center of the intersection of Hearst Avenue, Arch Street and Le Conte Avenue; thence northerly along the center line of Arch Street to the center of Arch Street and Cedar Street; thence westerly along the center line of Cedar Street to the center of the intersection of Cedar Street and Spruce Street; thence northerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Vine Street; thence westerly along the center line of Vine Street to the center of the intersection of Vine Street and Martin Luther King Jr. Way; thence southerly along the center line of Martin Luther King Jr. Way to the intersection of Martin Luther King Jr. Way and Cedar Street; thence westerly along the center line of Cedar Street to the center of the intersection of Cedar Street and Grant Street; thence southerly along the center line of Grant Street to the center of the intersection of Grant Street and University Avenue; thence westerly along the center line of University Avenue to the center of the intersection of University Avenue and Sacramento Street; thence southerly along the center line of Sacramento Street to the intersection of Sacramento Street and Dwight Way, thence easterly along the center line of Dwight Way to the point of beginning.~~

~~**FIFTH COUNCIL DISTRICT** shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Spruce Street and Vine Street; thence northerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Grizzly Peak Blvd; thence northerly along the center~~

line of Grizzly Peak Blvd. to the northern boundary line of the City of Berkeley; thence westerly and thence southerly along said northern boundary line to the intersection of said boundary line with the center line of Albina Avenue; thence southerly along the center line of Albina Avenue to the center of the intersection of Albina Avenue and Hopkins Court; thence easterly along the center line of Hopkins Court to the center of the intersection of Hopkins Court and Hopkins Street; thence westerly along the center line of Hopkins Street to the center of the intersection of Hopkins Street and Sacramento Street; thence southerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Rose Street; thence easterly along the center line of Rose Street to the center of the intersection of Rose Street and Edith Street; thence southerly along the center line of Edith Street to the center of the intersection of Edith Street and Vine Street; thence easterly along the center line of Vine Street to the center of the intersection of Vine Street and Grant Street; thence southerly along the center of Grant Street to the center of the intersection of Grant Street and Cedar Street; thence easterly along the center line of Cedar Street to the center of the intersection of Cedar Street and Martin Luther King Jr. Way; thence northerly along the center line of Martin Luther King Jr. Way to the center of the intersection of Martin Luther King Jr. Way and Vine Street; thence easterly along the center line of Vine Street to the point of beginning.

SIXTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Arch Street, Le Conte Avenue and Hearst Avenue; thence easterly along the center line of Hearst Avenue, and along a direct extension of the center line of Hearst Avenue, to the point where it intersects the boundary line of the campus of the University of California, which boundary line is also the boundary line of federal census tract number 4226, thence northerly, and thence easterly, along said boundary line to where it intersects the eastern boundary line of the City of Berkeley; thence northerly along said eastern boundary line to the intersection of said boundary line and the center line of Grizzly Peak Blvd.; thence southerly along the center line of Grizzly Peak Blvd. to the center of the intersection of Grizzly Peak Blvd. and Spruce Street; thence westerly and southerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Cedar Street; thence easterly along the center line of Cedar Street to the center of the intersection of Cedar Street and Arch Street; thence southerly along the center line of Arch Street to the point of beginning.

SEVENTH COUNCIL DISTRICT shall comprise all that portion of the City of Berkeley commencing at the point on the southern boundary line of the City of Berkeley where it intersects the center line of Deakin Street; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of College Avenue; thence northerly along the center line of College Avenue to the center of the intersection of College Avenue and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Benvenue Avenue; thence northerly along the centerline of Benvenue Avenue to the center of the intersection of Benvenue Avenue and Parker Street; thence easterly along the center line of Parker Street to the center of the intersection of Parker Street and College Avenue; thence northerly along the center line of College Avenue to the center

~~of the intersection of College Avenue and Bancroft Way; thence easterly along the center line of Bancroft Way to the center of the intersection of Bancroft Way, Piedmont Avenue and Gayley Road; thence northerly along the center line of Gayley Road to the center of the intersection of Gayley Road and Hearst Avenue; thence westerly along the centerline of Hearst Avenue to the center of the intersection of Hearst Avenue and Oxford Street; thence southerly along the center line of Oxford Street to where it becomes Fulton Street and continuing southerly along the center line of Fulton Street to the center of the intersection of Fulton Street and Channing Way; thence easterly along the center line of Channing Way to the center of the intersection of Channing Way and Ellsworth Street; thence southerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Deakin Street; thence southerly along the center line of Deakin Street to the point of beginning.~~

~~**EIGHTH COUNCIL DISTRICT** shall comprise all of that portion of the City not otherwise described as constituting the First, Second, Third, Fourth, Fifth, Sixth and Seventh Council Districts.~~

~~The Council shall, by ordinance, adjust if necessary the boundaries of the Council districts herein set forth by December 31st of the third year following the year in which each decennial federal census is taken, commencing with the 2010 census, as provided and required in the Constitution and statutes of the State of California and in order that the eight Council districts shall continue to be as nearly equal in population as may be according to said census. Any such redistricting shall preserve, to the extent possible, the Council districts originally established herein and shall become effective as of the next general election of Councilmembers immediately following the effective date of said ordinance.~~

~~Commencing with the general municipal election in November 1986, e~~

~~(d) Each Councilmember shall be elected by the electors within a Council district, must have resided in the District in which he or she is elected for a period of not less than thirty days immediately preceding the date he or she files a declaration of candidacy for the office of Councilmember, must continue to reside therein during his or her incumbency, and shall be removed from office upon ceasing to be such resident.~~

~~(e) The candidate receiving the highest number of votes for the offices, respectively, of Mayor, Auditor and Councilmembers of the City shall be elected to such offices, provided that such candidate receives at least 40% of the votes cast for each such office. In the event that no candidate for Mayor, Auditor and Councilmember for one or more Council offices receives at least 40% of the votes cast for that office, then there shall be a runoff election between the two candidates receiving the most votes, which runoff election shall be held on the first Tuesday after the first Monday in February of the odd numbered year following the initial election. No other issues shall appear on the ballot of any runoff election. The successful candidate in any runoff election shall assume office on March 1, after the election results have been declared~~

by the Council. If the provisions of Article III, Section 5, Paragraph 12 related to instant runoff voting are operative, the vote threshold requirements in this section shall have no application to municipal elections.

(f) Should any provision of the amendment of this section be held invalid, the remainder of this section the amendment 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 declares 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.

Section 2. Section 5, subdivision 12 of Article III of the Charter of the City of Berkeley is amended to read as follows:

(12) Use of instant runoff voting in lieu of runoff elections.

For purposes of this charter "instant runoff voting" shall refer to a voting system which, in a single election, determines the candidate supported by the voters. Notwithstanding any section of this Charter to the contrary, upon a determination by the City Council of all of the following, that: a) the voting equipment and procedures are technically ready to handle instant runoff voting in municipal elections; b) instant runoff voting will not preclude the City from consolidating its municipal elections with the County; and c) instant runoff elections will not result in additional City election costs, the Council may by ordinance establish a system of instant runoff voting for the offices of Mayor, City Council, and Auditor in any manner permitted by the State of California Elections Code. Once the Council institutes a system of instant runoff voting, future elections shall be conducted as instant runoff voting elections, unless the Council finds that circumstances have changed such that one or more of the prior Council findings required by this section are no longer valid. In such case, the Council shall articulate the specific basis therefore in order to suspend an existing system of instant runoff voting. Subdivision (e) The fourteenth paragraph of Section 9 of Article V relating to the percentage threshold to trigger a runoff election shall have no application to a system of instant runoff voting. The City Clerk shall conduct voter and community education to familiarize voters with instant runoff voting.