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<i>Office Use:        Date Received</i>
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## 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.



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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.