

# **City of Austin Independent Citizens Redistricting Commission**

## **Quick Reference**

### **Hiring**

Hiring, removal, and contracting decisions require 9 votes. City Charter II.3.(K)(5)

The commission shall hire commission staff, legal counsel, and consultants as needed. II.3.(K)(5)

Compensation for staff, legal counsel, and consultants shall be limited to the period in which the commission is active. II.3.(K)(5)

The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. II.3.(K)(5)

The commission shall apply the conflicts of interest listed in subdivision 3(I)(3) to the hiring of staff, legal counsel, and consultants. Conflict of interest considerations: Individuals in the following categories are ineligible to be hired as staff, legal counsel, and consultants:

- Within the five year immediately preceding the date of application, either the applicant or their spouse have:
  - Been appointed to, elected to, or have been a candidate for state or city office
  - Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office
  - Been a registered state or local lobbyist
  - Contributed or bundled \$1,000 or more in the aggregate to candidates for City of Austin elective office in the last city election
- A person who has been, within the three years immediately preceding the date of application: a paid employee of the City of Austin; person performing paid services under a professional or political contract to the City of Austin, to the City Council, or to any member of the City Council; any controlling person of any such consultant; or a spouse of any of the foregoing. II.3.(I)(3)

#### Hiring staff

- “Staff” is generally internal to the city. The process is guided by the Human Resources Department.
- Due to the finite period of service, staff will be considered City of Austin temporary employees
- Temporary employees are required to comply with City of Austin Personnel Policies

#### Hiring consultants

- “Consultants” are generally external to the city. The process is guided by the Purchasing Department.
- “Nonprofessional” consultants are required to be competitively bid: contracts under \$2,500 require one bid, contracts from \$2,500 to \$5,000 require 3 bids, and contracts from \$5,000 to \$50,000 require an informal solicitation (office staff; printing; video; photography)
- “Professional” consultants under \$56,000 can be selected and approved without a competitive process (data research, community outreach, map services)

#### Hiring legal counsel

- “Legal counsel” is generally attorneys and those who work for their firm. The process is guided by the Law Department.
- Legal services can be selected and approved without a competitive process
- At least one of the legal counsel hired by the commission must have demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act. II.3.(K)(5)

## ***DRAFT FOR DISCUSSION***

### **Independent Citizens Redistricting Commission Criteria for Hiring & Removal**

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#### **1. General Provisions**

- A. Authority.** The Independent Citizens Redistricting Commission (ICRC) has the authority to retain administrative support staff, legal counsel, and consultants as needed (City Charter II.3.(K)(5)). All retention and removal decisions on administrative staff, legal counsel, and consultants requires an affirmative vote of nine ICRC members at a properly called meeting (City Charter II.3.(K)(5)).
- B. Eligibility.** Eligibility for retention as legal counsel, consultant, or administrative support for ICRC is subject to the conflicts of interest requirements of the Charter (City Charter II.3.(I)(3) and II.3.(K)(5)), which state that an individual is ineligible for ICRC staff, legal counsel, or consultants positions if the individual (or their spouse or domestic partner):
- i.** Within the five years immediately preceding the date of application has done any of the following: been appointed to, elected to, or have been a candidate for state or city office; served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county, or city office; been registered state or local lobbyist; or contributed or bundled \$1,000 or more in aggregate to candidates for City of Austin elective office in the last city election, or
  - ii.** Within the three years immediately preceding the date of application: was a paid employee of the City of Austin; performed paid services under a professional or political contract to the City of Austin, to the City Council, or to any member of the City Council; or were any controlling person of any such consultant.
- C. Compensation.** Compensation of ICRC staff, legal counsel, or consultants is limited to the period in which the commission is active (City Charter II.3.(K)(5)). “Active” means the period from the date on which the first eight ICRC members are randomly drawn at a public meeting to the date Council receives the final plan. Should a plan be challenged at any time during the ICRC’s term, the ICRC will reactivate from the date a court orders the drawing of a new plan to the date Council receives the final plan.
- D. Use of Existing City Staff.** The City Manager will designate a Staff Liaison with responsibility for facilitating access of the ICRC to City facilities and City staff needed to

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support the work of ICRC. With concurrence of the City Manager, the ICRC may utilize existing City staff to assist in accessing City services necessary to ensure effective administration of the ICRC, such as Channel 6 support, CTM audio support, agenda and records management support from the office of the City Clerk, Law Department support, and training support. Council member staff personnel are specifically excluded from eligibility to support the ICRC directly or indirectly.

### **2. ICRC Members**

- A. Removal.** The ICRC shall make ICRC member removal decisions by ten or more affirmative votes at a properly called meeting (City Charter II.3.J.1.). The ICRC may act to remove an ICRC member for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, after first providing the ICRC member with written notice and an opportunity for a response.
- B. Vacancies.** The ICRC shall fill ICRC member vacancies – whether created by removal, resignation, or absence – within 15 days after the vacancy occurs, by random drawing from the remaining pool of applicants and by nine or more affirmative votes at a properly called meeting (City Charter II.3.J.2.).
- C. Compensation & Reimbursement.** ICRC members shall not be compensated for their service but may receive reasonable and necessary reimbursement of personal expenses (City Charter II.3.K.8. and Resolution 20130117-052).

### **3. Consultants and Attorneys**

- A. Status.** Outside legal counsel and other professional consultants (if any) retained by ICRC shall be independent contractors and not City employees, and shall be retained by written professional services agreement using the templates attached as Exhibits A and B.
- B. Legal Counsel Expertise.** Outside legal counsel hired by ICRC, if any, shall include at least one attorney with demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act (City Charter II.3.(K)(5)).

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**C. Reporting and Administration.** Outside legal counsel and other professional consultants (if any) shall report to and advise the ICRC. Invoices for professional services will be submitted to the Staff Liaison and approved in the manner determined by the ICRC.

### **4. ICRC Administrative Support Staff**

**A. Status.** Administrative support staff for ICRC may be either existing City staff or other individuals retained directly by ICRC. Individuals retained by ICRC who are not current City staff shall be classified as temporary City employees and retained for the period during which the commission is active, subject to the removal authority of the commission. All temporary employees comply with the City of Austin Personnel Policies.

**B. Compensation and Administration.** Administrative support staff shall perform such tasks as directed by the commission, and coordinate with the Staff Liaison as needed to access necessary City resources. Such staff shall report for administrative and timekeeping purposes to the Staff Liaison.