

July 29, 2013

Magdalena Blanco

Mariano Diaz-Miranda

Rachel Farris

William Hewitt

Carmen Llanes Pulido

Arthur Lopez

Anna Saenz

Maria Solis

Catherine Coco

TJ Costello

Stefan Haag

Harriett Harrow

Henry Johnson

Ryan Rafols

Dear Commissioners:

I regret leaving the country at this point because this is an important moment in the history of Austin and it is interesting to see this commission function. My commitment to the travel was made in January when I did not expect that I would be involved at this point in the independent redistricting commission process.

It has been my privilege to offer suggestions to this commission based on my four decades of redistricting and academic experience. I hope that at least a few of my suggestions were helpful.

The following are a few points that I wish to emphasize.

Comparable State and Municipal Redistricting Commissions. What is an "independent" redistricting commission and is there a commission comparable to the Austin commission?

There are two meanings to independent. The first, and most basic, is that an independent redistricting commission is autonomous- i.e. that its redistricting plan takes effect without action by the state legislature or local governing board. As of 2012, there were autonomous redistricting commissions in 22 states and five major cities.

The second meaning of independent is that, in addition to being autonomous, the members of the redistricting commission are selected through some means other than appointment by the political leaders (e.g. the officials of the state legislature or local governing board, or officials of the political parties). Most of the autonomous commissions are really bipartisan commissions appointed by the political leaders and designed to encourage a redistricting plan that is "fair" to the two major political parties. Unfortunately, these commissions are highly political and often the "fair" outcome is a plan that is gerrymandered to protect incumbents of both major parties. In only one state (California) and two cities (San Diego and Minneapolis) are the members of the commission selected by a means other than appointment by the political officials.

It also should be noted that virtually every large city in which the city council draws districts also uses an "advisory commission" to hold hearings and to recommend a plan to the council. These advisory commissions are not autonomous and are generally very political. They also are largely ineffectual, with the final decisions left to the city council. An example is the advisory commission used

in Dallas in 2012 that resulted in a heated political battle and what the Dallas Morning News called a gerrymandered incumbent protection redistricting plan. I would be pleased to discuss this experience further if you wish.

The existing city commission most comparable to Austin is in San Diego. The city adopted the commission for the 2001 redistricting cycle through a charter amendment. The commission was used again in 2011-12. The major difference between the commission processes in San Diego and Austin is the manner of selecting the members of the redistricting commission. In San Diego, the seven commissioners are selected by a panel of municipal judges.¹ The persons responsible for passing Proposition 3 in Austin were unwilling to entrust the authority to select commission members with the Austin municipal judges because those judges are appointed by the city council.

The commission selection process utilized at the state level in California was an alternative if adapted to use in a nonpartisan environment at the local level. I drafted the provisions of Proposition 3 based on the model from California, but modified for use in Austin. Therefore, while the model for the commission selection process in Austin is the state commission in California, the more comparable city commission is in San Diego. I have provided the budget, timeline and by-laws for the San Diego commission.

This commission is in a tug-of-war with the city bureaucracy and those persons who want to see you fail.

Many in the city bureaucracy resent that this commission is independent of city government and will rely on its own staff rather than the city staff. Retention of its own staff was a very important step for this commission. However, some in city government would prefer that this commission's executive director and legal counsel become mere liaisons to the city staff – with the city staff guiding the important decisions. I am confident that this commission will be aware of this problem and select commission staff that is dedicated to the independence of this commission. Therefore, I am not overly concerned about the commission's use of city staff and space in ways that reduce costs or hassles and do not affect the ability of this commission to independently draw the city's new election districts.

The other tug is from those persons who want to see this commission fail. They urge that you are "a bunch of novices" that are incapable of drawing this city's election districts. All of you know that this claim is inaccurate.

There will be several themes in the attack on this commission. One theme is that only the city council and persons involved in the political process are capable of drawing election districts. The reality is that the elected officials have essentially no expertise in, or even experience with, redistricting since it

¹ An interesting quirk was that between 2001 and 2011, the municipal judicial system was abandoned by the city. All municipal judges became part of the state judicial system. Therefore in 2011, the solution was to use a panel of three retired judges, but only two could serve. The city is now considering possible charter amendments designed to keep the independence of the prior process, but to find an alternative to the use of municipal judges since the municipal judicial system is now defunct (for reasons unrelated to redistricting).

usually occurs only once per decade.² Virtually all major cities, counties, school districts, junior college districts, etc. with single-member districts are dependent on outside legal and technical experts to guide them through the legal complexities of redistricting. City council members and persons involved in the political process may have a better sense of what will work to the advantage or disadvantage of particular candidates or groups, but it is this “political expertise” that the voters dislike and the independent commission is designed to avoid.

A second theme is that this commission is needlessly spending money for an executive director and attorney. Several responses to consider. First, virtually any major city that redistricts (whether by the city council or a commission) uses extra staff, especially redistricting legal counsel and technical staff, and an advisory commission to help in the process.³ In other words there may be no additional expense at all for Austin in using an independent commission. Second, the additional cost, if any, of this commission is likely to be minimal. Commissioners are serving without compensation and any staff will serve only 4-5 months. Third, the hiring of staff by the commission is justified by the objective of taking politics out of the drawing of city district lines and minimizing the possibility that city council members or city employees can affect the line drawing process. Fourth, the charter itself requires that this commission hire its own staff.

Essentially all independent redistricting commissions utilize an executive director or chief of staff.⁴ The issue of legal counsel is more problematic.⁵ Like the Austin commission, it has often been expedient for other commissions to use the city or state’s legal staff except for issues requiring special expertise, such as compliance with the Voting Rights Act. In Austin, the need for this commission to obtain its own legal counsel was driven primarily by three factors. First, persons in AGR are highly suspicious of the motives of the city legal staff. The organization believes that at times the city legal staff has tried to sabotage the independent commission concept. I personally do not know if the city legal staff has done so. Second, the Applicant Review Panel (and possibly this commission) was disappointed with the adequacy and timeliness of the response of the city legal team to its needs. Third, there is a basic conflict of interest in this circumstance in which the legal counsel is reporting simultaneously to this commission and to city officials that openly opposed adoption of an independent commission. This conflict jeopardizes the assurance of confidentiality that should exist for this commission and always should exist between attorney and client. However, while I believe this commission should retain its own counsel, I also have examined the opinions from the city legal staff and feel that they have generally been accurate and fair.

² In Austin, of course, the city council has no experience in drawing districts since the city’s election system has been at-large.

³ I have sent the budget and timeline for the San Diego Redistricting Commission. In looking at the budget, please note that the commission’s staff was paid for most of two years. This is not the plan in Austin.

⁴ I have not found an exception, but I cannot affirm that such an exception does not exist.

⁵ The Austin charter requires this commission to hire an attorney experienced with the Voting Rights Act, but does not require that this commission hire other counsel. Other commissions have almost uniformly contracted with outside counsel to advise on Voting Rights Act issues.

A third theme in the attack on this commission is that the commission will be a failure if it cannot complete its work by December 1, 2013. Commissioners Saenz and Costello in particular have questioned why the date of "December 1" is no longer effective. I have repeatedly said that this commission should try to complete its work by December, but that it should not accept the December 1 date as "set in stone" and a "drop dead" date for adopting a final redistricting plan. In order to preempt criticism that might arise in December, I strongly suggest that each member of this commission adopt the position that the "target date" for completion is December 1, but that the charter expressly states that "the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date."⁶ I drafted the provision for "December 1" with May elections in mind. The wording in Subsection (B) was added to allow all of the dates in the charter amendment to be moved later if the election date was changed. I firmly believe what I wrote in my July 11 letter that "As a legal matter, however, I do not think that the need for court intervention under the charter arises until the spring of 2014." The members of this commission should be united on this point to minimize the basis for outside criticism.

You have not accepted some of my earlier suggestions. This is the way it should be! You are the persons chosen by the mechanism approved by the voters and authorized to act on behalf of all of the residents of the city. All other persons (including me), organizations or officials can only make suggestions through the public process. I am not lobbying or petitioning for adoption of any of the suggestions that you rejected. There are many good policy reasons for not taking my advice. However, I wish to emphasize the importance of seeing your decision as one of policy, not legal necessity.

Commission Bank Account. The city council has included the sum of \$140,000 in its budget for the operation of this commission. It is required to make more available if necessary. I suggested that the city should make all of these funds available in lump sum to this commission. The decision not to do so was made at the highest levels of city government.

As justification for this decision, this commission was told that the funds were "tax dollars" that could not be spent except pursuant to city rules and regulations. This justification was more hyperbole than reality. The funds are tax dollars and public funds, but the city's regulations are not the only means for preventing the misuse of such funds. This commission is authorized through the city charter, not by ordinance. It is the body entrusted by the taxpayers with responsibility for spending tax dollars or public funds to achieve the objective mandated by the charter. This commission is subject to the restrictions of the charter and state law, but not to all of the rules and regulations imposed by ordinance or the rule-

⁶ The recent letter from the city attorney expressly concludes that the December 1 date is "not set in stone" and that the dates that matter are those that affect the election itself (e.g. the date for raising money, the date for filing in one of the districts) and come in the spring of 2014. This letter is important because it is the city attorney who ostensibly acts to seek court intervention if this commission cannot come up with a final plan.

making power of the city bureaucracy or city council. There was no legal reason why these tax dollars and public funds could not be made available in a lump sum to this commission.

Nevertheless, there are good policy reasons for why this commission might chose to comply with these city rules and regulations even if legally it is not required to do so. For example, it is easier to utilize the city financial system than to develop one yourself and it is foolish to pick a fight with the city over this issue when it would distract from all that this commission must accomplish. Moreover, many of the rules and regulations make sense.

However, this issue of whether city ordinances and rules and regulations control the action of this commission runs throughout this commission's operation – financial, hiring, etc. Perhaps, as Commissioner Saenz said, the burdens associated with following certain of the city's rules are not really a problem. Then again, they might become a problem at some point in the future.

This commission must be willing to assert its independence from city regulation when necessary to accomplish the responsibility entrusted to it by the voters of the city.

Meeting with the Mayor, City Manger and City Auditor. I suggested that representatives of this commission should meet individually with each of these individuals. I thought that these meetings were appropriate to establish the important role of this commission and to determine the attitude of these officials toward the independent course of this commission (e.g. hiring its own staff, further appropriations if necessary). It seemed to me that determining the attitude of these officials toward the commission would be valuable. I especially thought that the auditor in particular might be helpful to this commission. You vetoed this suggestion.

The supplemental letter from Mr. Aleshire agreed with me that such a meeting could occur legally if it did not involve discussion of any redistricting matter.

In the minds of some people, however, there is the danger that if any commissioners meet with these officials they might be seduced to the dark (political) side. I do not agree, but this is a policy (not legal) reason for vetoing the meeting.

Other people think that the perception of such a meeting by the public would be harmful to the perceived independence of this commission. Maybe they are right. However, again, this is a policy question.

I hope that this option can remain open especially if the need for additional appropriations becomes real.

Rotation of the Office of Chairman I suggested that this commission consider making the offices of chairman and vice-chairman rotate among the members of the commission. Every member of this commission is qualified to serve as the chair.

My suggestion originated from the fact that the California Citizen Redistricting Commission had rotated its chair among the willing members of the commission. Commissioner Ancheta from that

commission is of the opinion that this rotation of chair was important to maintaining the cooperation among the commissioners that was critical to the commission's ability to adopt final redistricting plans.

However, I ultimately agreed with the observation of Commissioner Diaz-Miranda that several good reasons had been given by members of this commission for electing a permanent chair. Moreover, the need for rotating the chair was much greater in California because adoption of a final plan required approval by a majority of each classification (Republicans, Democrats, Others) of member. All of the members of the Austin commission are selected for their impartiality and the requirement for adoption of a final plan is nine votes, not a majority of any classification of members.

Voting Rights Act By two separate memos I have tried to explain the effect of the Supreme Court decision in *Shelby County v. United States* and the recent action by U.S. Attorney General Holder under Section 3 of the Voting Rights Act. As discussed in those memos, I do not expect the redistricting plan from this commission to be subject to preclearance.

Personal Privilege I am a bit frustrated because several persons have continued to ask me why I am offering these suggestions. Please bear with me. In my July 17, 2013 letter I tried to explain as follows:

Why Am I Interested in the Success of this Commission? I am not a member of AGR. My interest in the success of this commission arises from my belief that, if successful, the independent commission process now being used in Austin will be a model for many cities nationwide. I believe this is a desirable result. For 38 years I have represented state and local governments in redistricting, including virtually all of the largest cities (and counties and school districts) in Texas.⁷ Beginning in 1992, I also taught election law (including redistricting) at the University of Texas Law School until my retirement in 2012. My experience representing elected officials has gradually convinced me that these officials really have no business drawing the districts from which they are elected. A written account of the reasons for this conclusion and of the use of redistricting commissions nationwide can be found in *Redistricting Need Not Be an Essentially Political Process: Independent Commissions for Cities*, a manuscript written by me which will be published later this year as an article in the Election Law Journal. I will gladly provide any of you with a copy of the manuscript if you wish.

In 2011, I drafted the provision for the independent commission that eventually became a part of Proposition 3 and the Austin city charter. I modeled it on the independent commission that successfully drew the state legislative and congressional districts in California. The decision to use the California model came after my evaluation (as part of my law school work) of all of the autonomous redistricting commissions used by the various states (22 commissions) and fifty largest cities (five commissions).

⁷ There is irony in the current circumstance because I represented the City of Austin in the 1980s when the federal court upheld the city's at-large election system. Although I did not start or expand the site, the personal information on Wikipedia (en.wikipedia.org/wiki/Steve_Bickerstaff) is accurate.

This commission is composed of bright, impartial, conscientious people representing the diversity of Austin. I wish every resident of the city could see the seriousness with which you have taken your task.

Good luck.

Steve Bickerstaff

512-206-0780

**2010 REDISTRICTING COMMISSION OF THE CITY OF SAN DIEGO
2011 WORKING TIMELINE**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT*
1 Procure mapping and outreach consultant services as needed										
2 Receive legal training by City Attorney's Office										
3 Conduct introductory public hearings (2)										
4 U.S. Census data released										
5 Receive publicly submitted preliminary redistricting plans and input										
6 Conduct pre-map public hearings (9)										
7 Develop preliminary redistricting plan										
8 Procure additional legal services as needed										
9 File preliminary redistricting plan and statement of findings										
10 Conduct post-map public hearings (5)										
11 Make revisions to preliminary redistricting plan										
12 Adopt final redistricting plan										
13 Final redistricting plan subject to right of referendum (30-day period)										
14 Complete Commission final report										
15 Close consultant contracts and Commission office										
16 Provide community presentations and conduct outreach										
17 Commission meetings (additional opportunities for public testimony)										
18 Maintain and submit communication logs										

**The Redistricting Commission shall serve until the redistricting plan adopted by the Commission becomes effective and any and all legal and referendum challenges have been resolved (City Charter Article II, Section 5.1).*

revised June 2011

REDISTRICTING COMMISSION 2010

FINAL BUDGET

	FY 2011 - Prorated figures	FY 2012 - Prorated figures	Redistricting Commission Final Budget
Staffing Costs			
1.00 Chief of Staff	\$ 81,932	\$ 81,932	\$ 163,864
1.00 Executive Secretary	\$ 36,801	\$ 44,162	\$ 80,963
Subtotal	\$ 118,733	\$ 126,094	\$ 244,827

Other support staff/professional services

Consulting / legal services	\$ 7,500	\$ 7,500	\$ 15,000
Consulting / mapping and outreach services	\$ 45,000	\$ 45,000	\$ 90,000
As-Needed Sign Language Interpreter Services	\$ 1,867	\$ 1,867	\$ 3,733
As-Needed Spoken Language Interpreter Services	\$ 5,530	\$ 5,530	\$ 11,060
City Attorney Support	\$ 24,661	\$ 24,661	\$ 49,321
City Clerk Support	\$ 12,258	\$ 12,258	\$ 24,516
Subtotal	\$ 96,815	\$ 96,815	\$ 193,630

Non-Personnel Expense

Advertising/Noticing	\$ 3,000	\$ -	\$ 3,000
Advertising/Chief of Staff	\$ 700	\$ -	\$ 700
Advertising/Executive Secretary	\$ 700	\$ -	\$ 700
Application Support/Labor	\$ 250	\$ 250	\$ 500
Cell Phone	\$ 1,000	\$ 1,000	\$ 2,000
Meeting Expenses	\$ 250	\$ 250	\$ 500
Network Access Charges		\$ 3,050	\$ 3,050
Office Supplies	\$ 500	\$ 500	\$ 1,000
Phone Service - Long Distance	\$ 250	\$ 250	\$ 500
Postage	\$ 500	\$ 500	\$ 1,000
Print Shop Services	\$ 4,000	\$ 4,000	\$ 8,000
Redistricting/Mapping Software	\$ 15,000	\$ -	\$ 15,000
Rent	\$ -	\$ -	\$ -
Transportation Allowance - Mileage	\$ 375	\$ 375	\$ 750
Transportation Allowance - Parking	\$ 1,250	\$ 1,250	\$ 2,500
Subtotal	\$ 27,775	\$ 11,425	\$ 39,200

Initial office expenditures

Fax Machine - hardware	\$	-	\$	-	\$	-
Modular/Cubicle Furniture	\$	500	\$	-	\$	500
Moving/Relocation costs	\$	1,800	\$	-	\$	1,800
Network Printer - hardware	\$	-	\$	-	\$	-
Network Ready Computers	\$	-	\$	-	\$	-
Office Furniture	\$	800	\$	-	\$	800
Office phones - hardware	\$	1,000	\$	-	\$	1,000
Office Software	\$	750	\$	-	\$	750
Phone/Data/Fax connection	\$	800	\$	-	\$	800
Scanner - hardware	\$	-	\$	-	\$	-
Subtotal	\$	5,650	\$	-	\$	5,650
Totals	\$	248,973	\$	234,334	\$	483,307
Contingency Reserve	\$	8,347	\$	8,347	\$	16,693
Grand Total	\$	257,320	\$	242,680	\$	500,000

Note: Non-Personnel expenditure allocation is subject to actual expenditure patterns. Transfers within each expenditure category may take place based on actual business needs.

BYLAWS
&
OPERATING PROCEDURES
of the
CITY OF SAN DIEGO 2010 REDISTRICTING COMMISSION

ARTICLE I Name and Purpose

Section 1. The name of this commission is the CITY OF SAN DIEGO 2010 REDISTRICTING COMMISSION, hereinafter referred to as the Commission, with each member registered to vote in the City of San Diego. All of the activities of this Commission will be conducted in its official name.

Section 2. The sole and exclusive authority to adopt plans which specify the boundaries of districts for the City Council is vested in the Commission. After the decennial census, the Commission will adopt plans that redistrict the City into nine (9) Council Districts designated by one (1) to nine (9) inclusively. Those districts will be used for all elections of Council Members, including their recall, and for filling any vacancy in the office of member of the Council. No change in the boundary or location of any district by redistricting as herein provided will operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected.

Districts formed will each contain, as nearly as practicable, one ninth (1/9) of the total population of the City as shown by the Federal census immediately preceding such formation of districts.

Section 3. It is the intent of the Commissioners to perform their duties to ensure fair and equitable redistricting for all racial, ethnic and language minorities, and be in conformance with the requirements of the U.S. Constitution and federal statutes as amended and the San Diego Charter.

Section 4. To the extent it is practical to do so, districts will preserve identifiable communities of interest; be geographically compact-populous contiguous territory will not be bypassed to reach distant populous areas; be composed of whole census units as developed by the United States Bureau of the Census; be composed of contiguous territory with reasonable access

between population centers in the district, and not be drawn for the purpose of advantaging or protecting incumbents.

- Section 5. Positions and opinions of the Commission will not be established or determined by any other criteria than contained in Section 5 of the San Diego Charter.

ARTICLE II - Commissioners

- Section 1. Members of the Commission will be composed of seven (7) persons who have been appointed by three (3) retired Judges of the Superior Court, San Diego Judicial District drawn at random by the City Clerk pursuant to Section 5.1 of the San Diego Charter.
- Section 2. The Judges will appoint women and men who will give the Commission geographic, social and ethnic diversity, and who in their judgment, have a high degree of competency to carry out the responsibilities of the Commission. The appointees will include individuals with a demonstrated capacity to serve with impartiality in a non-partisan role.
- Section 3. Any vacancy in the Commission which occurs after the Commission is constituted will be filled within seven (7) calendar days by the same procedure and using the same criteria as the appointment of the initial Commissioners.
- Section 4. Any vacancy created by continuous absences (without approval of the Chair) will not exceed three (3). Upon such occurrence the Commission, by the majority vote, can recommend to the Appointing Authority, removal of the member for cause.

ARTICLE III - Officers and Chief of Staff

- Section 1. Officers will include a Chair and Vice Chair.

Their duties are as follows:

The Chair will convene and conduct regularly scheduled and or special Commission meetings, order committee meetings and other activities germane to the Commission.

All public statements will be the responsibility of the Chair and any inquiries will be directed to his or her attention.

The Vice Chair will chair meetings and duties in the absence or instruction of the Chair.

- Section 2. The Commission shall employ a Chief of Staff who shall serve at the Commission's pleasure, exempt from Civil Service, and shall contract for needed staff, technical consultants and services, using existing City staff to the extent possible. Aye votes by 5 members of the Commission shall be required for the appointment of its chief of staff.

The duties of the Chief of Staff will be consistent with the job description approved by the Commission, and consistent with such other instructions or requests that are later provided by the Commission.

- Section 3. The Chairperson of the 2010 Redistricting Commission will be the point of contact for the Chief of Staff and will supervise the Chief of Staff's work for the purpose of performance evaluation. The Vice-Chairperson will be the designated alternate should the Chairperson not be available.

The Redistricting Commission requires that the process of redistricting be open and transparent to the fullest extent possible. It is only with the trust and cooperation of the public that the Commission can succeed in its task. To ensure that the Commission's standards are met, Commissioners require the Chief of Staff to abide by the following:

- The Chief of Staff shall keep a log of all substantive communications the Chief of Staff has with the public, organizations or interest groups. This log will be published on the Redistricting Commission website. The log will include the name of the person or organization, date of contact and general description of the communication.
- The Chief of Staff will also collect information for a similar log from Commissioners and publish this on the Redistricting Commission website.
- The Chief of Staff shall not have private meetings or discussions with the Mayor, or any member of the City Council, or their representatives. This provision, however, is not intended to

prohibit the discussion by the Chief of Staff with such persons of procedural information, such as discussion of the time, place and list of items on the agendas of upcoming meetings, conversations necessary to coordinate the holding of public meetings, or conversations necessary to conduct the day-to-day operations of the Commission.

- The Chief of Staff must keep the website current.

ARTICLE IV - Meetings

- Section 1. Commission meetings will be open to the public and all records and data will be available at no charge to the public for inspection in the Office of the City Clerk during normal business hours. Copies of records and plans shall be provided, for a reasonable fee, for any interested person.
- Section 2. The Chair will establish regular and special meetings according to the requirements of the activities of the Commission and provide notices to the public thereof.
- Section 3. The Commission shall make every reasonable effort to have meetings to afford maximum public access to its proceedings. It will solicit public comment and will hold at least four (4) public hearings in various geographic areas of the City before the preparation of a preliminary redistricting plan.
- Section 4. Commission staff shall make its best efforts to count the number of members of the public attending a meeting and enter such tally into that meeting's minutes. Commission staff shall also make its best efforts to include the number of phone calls, emails, and visits staff fielded from the public in the previous month. Commission staff shall report at each regular meeting the status of receipt of final Census data until such information is officially received.
- Section 5. Within sixty (60) days after the Commissioners are appointed, the Commission will adopt a budget and submit it to the Appointing Authority. If it is approved, the budget will be forwarded to the City Council for its consideration. The City Council shall appropriate adequate funds to the Commission and to the City to carry out their duties

- Section 6. At least thirty (30) days prior to the adoption of the final plan, the Commission will file a preliminary plan with the City Clerk, along with a written statement of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the Commission.
- Section 7. During the thirty (30) day period after the filing, the Commission will hold at least three (3) public hearings in various geographic areas of the City before it adopts a final plan. Upon approval of the final plan, the Commission will adjust the boundaries of any or all of the Council districts of the City pursuant to the final plan. The final redistricting plan will be effective thirty (30) days after adoption and will be subject to the right of referendum in the manner as are ordinances of the City Council. If rejected by referendum, the same Commission will create a new plan pursuant to the criteria set forth in Sections 5 and 5.1 of the City Charter.

ARTICLE V - Policies

- Section 1. Decision for comportment or action of the Commission will be by majority vote of members.
- Section 2. Commissioners will request acknowledgment from the Chair to speak to an issue.
- Section 3. Commissioners are expected to attend all meetings.
- Section 4. Persons who accept appointment to the Commission, at the time of their appointment, shall file a written declaration with the City Clerk stating within five (5) years of the Commission's adoption of a final redistricting plan, they will not seek election to a San Diego City public office. The members of the Commission will serve until the redistricting plan is adopted and becomes effective and all legal and referendum challenges have been resolved.
- Section 5. To avoid conflicts of interest, all Commissioners will be governed by the highest standards of conduct in compliance with any applicable conflict of interest laws regarding their actions or decisions on issues of redistricting matters which may be of personal or financial benefit to themselves, members of their immediate or extended family and associates.

Section 6. Commissioners shall be mindful that the City Charter requires that they have “a demonstrated capacity to serve with impartiality in a non-partisan role.” Commissioners should avoid any action or communication that could be interpreted to compromise their ability to serve in that regard.

In addition, the Commission is committed to transparency, fairness and openness with the public. Thus, to the extent possible, Commissioners should attempt to avoid communications regarding Redistricting Commission business outside of public meetings.

Commissioners shall not, however, communicate outside of a public meeting with the Mayor or any member of the San Diego City Council, or their representatives, regarding redistricting matters. If the Mayor or any member of the City Council, or their representatives, wish to present testimony or public comment, such testimony or public comment shall only be accepted if it is presented orally at a public meeting or presented in writing and disclosed to the public either before or during a public meeting. This paragraph shall not restrict the Commission Chair from communicating with City staff regarding administrative matters of the Commission.

Commissioners shall publicly disclose all substantive communications they have regarding redistricting with any member of the public, or organizations or interest groups, regarding redistricting outside of public meetings. This provision is not intended to prohibit the discussion of procedural information, such as discussion of the time, place and list of items on the agendas of upcoming meetings.

Communications include all oral, written and electronic communications. Copies of all written and electronic materials received by a Commissioner regarding redistricting matters shall be forwarded to the Chief of Staff for distribution to all Commissioners and the public.

The Commission shall keep a log of all substantive communications between Commissioners and the Mayor or any member of the City Council, or their representatives, the public, organizations and interest groups, that occur outside public meetings. The log will include the name of the person or organization, date of contact, and general description of the communication. The log will be published on the Redistricting Commission website and regularly updated.

Section 7. Commissioners and Commission staff should not publish opinions about Commission redistricting matters on social networking websites. This

paragraph is not intended to prohibit the publication of information regarding the time, place and agendas of upcoming meetings.

- Section 8. Commissioners and Commission staff shall make reasonable effort to archive operational information such as selection of IT and office resources, off-site locations, meeting attendance, budget matters, PR/marketing logistics and other such operational information that will be beneficial to the 2020 Redistricting Commission. Creating such an “Institutional Memory” is intended to facilitate and make more efficient future Redistricting Commissions. The City Clerk shall be asked to maintain such archives.

ARTICLE VI - Amendments

- Section 1. These Bylaws may be amended by majority vote of the Commissioners and be submitted to the Chief of Staff to be sent out with regular Commission notices.

These Bylaws were approved at a meeting of the CITY OF SAN DIEGO 2010 REDISTRICTING COMMISSION on November 22, 2010 and amended on February 3, 2011.

