

Volume

1

INDEPENDENT CITIZENS REDISTRICTING COMMISSION

City of Austin, Texas

Operations Policy Manual

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Name, Purpose, and Plan

The name of this commission is the Independent Citizens Redistricting Commission of the City of Austin, hereinafter referred to as the Commission. All of the activities of this Commission will be conducted in its official name.

The sole and exclusive authority to establish the boundaries of the council districts for the City of Austin is vested in the Commission. The following criteria shall be included in the plan in order of priority:

- a) Districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act of 1965 or allowable by law.
- b) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.
- c) Districts shall be geographically contiguous
- d) The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- e) District boundaries shall be drawn to encourage geographical compactness such that nearby areas of population is not bypassed for more distant populations.
- f) To the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.
- g) District boundaries shall be drawn using geographically identifiable boundaries.
- h) The place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or any district. Districts shall not be drawn for the purpose of favoring or discriminating against any incumbent, political candidate, or political group.

By December 1, 2013, and thereafter by November 1 in each year ending in the number one (1), the

commission shall adopt a final plan for the City of Austin specifically describing the district boundaries for each of the ten (10) council districts. Upon adoption, the commission shall certify the plan to the City Council. The city council may not change the plan. The plan shall have the force and effect of law.

The Commission shall issue a report that explains the basis on which the Commission made its decisions in achieving compliance with the criteria listed above and shall include definitions of the terms and standards used in drawing the final plan.

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 City of Austin Charter.

The Commission shall conduct regular meetings to address commission business as well as conduct special meetings that will encourage the public's involvement.

The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan.

In 2013, there shall be at least two public hearings in each of the four Travis County Commissioner Precincts before the commission votes on a preliminary plan. In each year ending in the number one after 2013, there shall be at least one public hearing in each of the existing ten (10) council districts, before the commission votes on a preliminary redistricting plan.

In 2013, following the commission's vote approving the preliminary plan, there shall be at least four public hearings, geographically dispersed, with at least one hearing in each of the four Travis County Commissioners' precincts and hearings shall be held on a different date.

The commission shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan.

The commission shall vote on a proposed final plan and shall hold two subsequent public hearings, one north of Lady Bird Lake and one south of Lady Bird Lake and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than December 1, 2013, and thereafter by November 1 in each year ending in the number one.

Commissioners

Selection Process

By June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all registered City of Austin voters who meet the requirements within the Charter at 3(D)(1), in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified Commissioner applicant pool. The City Auditor shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until September 30 in each year ending in the number zero.

The Commission selection process shall follow the requirements as stated in the Charter in section 3(I)(1-10).

The Commission shall conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines and conduct themselves with integrity and fairness. The Commission shall remain independent from influence by the City Council. 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.

The Commission shall consist of 14 members, with one designated as a student representative. Term of office for each member expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.

Commissioners shall not be compensated for their service; however, reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed is eligible.

Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the Commission within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of subdivision 3(I)(8). Nine members must agree to any appointment.

The commission shall remain inactive except when necessary to comply with its duties under the Charter of the City of Austin.

Commissioners are expected to attend all meetings. In the event of substantial neglect of duty, as

defined in the Charter at Sec. 3(A)(7), a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 10 of the Commissioners.

The Commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes. Nine members of the Commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any council district.

Code of Conduct

All individuals serving the Commission shall:

Conduct themselves in a manner which reflects credit on the Commission, their colleagues, and themselves.

Speak the truth with no intent to deceive or mislead by technicalities or omissions.

Ensure that all reports presented to the Commission or the public are accurate and honest.

Honor all agreements made with the Commission or colleagues.

Avoid actual or perceived conflicts of interest and, if in doubt, openly discuss any concerns with their immediate supervisor. The Executive Director should have any such discussion with both the Chief Counsel and the current Chair of the Commission.

Take personal responsibility for their actions – for success or failure.

Serve all members of the Commission impartially and provide no special privilege to any one member of the Commission or staff.

Discharge their responsibilities with dedication to achieving the Commission's mission and in line with the Commission's principles.

Comply with City and State laws and Commission policy.

Disclose information that belongs in the public domain freely and completely but protecting information which is confidential to the Commission.

Commissioners will request acknowledgment from the Chair to speak to an issue.

Officers and Staff

Officers

The Commission shall select one of its members to serve as the Chair and one to serve as Vice Chair. The Chair and Vice Chair shall remain voting members of the Commission.

Chair and Vice Chair

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

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

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

The Chair will be the point of contact for the Executive Director and will supervise the Executive Director's work for the purpose of performance evaluation. The Vice Chair will be the designated alternate should the Chair not be available.

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. **In accordance with the Texas Open Meetings Act**

Staff

The Commission shall hire commission staff, legal counsel, and consultants as needed for the period in which the commission is active. All decisions must be made by a quorum of the commission members, refer to section xxx in xxx.

Criteria for Hiring and Removal of Staff

Hiring

The Commission shall develop a job description that will be posted to recruit talent. The job description developed by the inaugural Commission shall be used as the template for all subsequent Commissions.

Job description is posted for a period of at least two weeks.

Job applications (resume, letter of interest, questions) shall be reviewed by the Commission and scored based on whether applicant meets the job description requirements.

The Commission members will bring their top 3-4 choices from the pool of applicants to discuss at a public meeting at which time a vote to select the top 3 candidates for interview will occur.

The Commission shall develop interview questions and conduct interviews at a public meeting. The questions developed by the inaugural Commission shall be used as a template for all subsequent Commissions.

The Commission shall select one candidate to make an offer to. The Chair or a designee will contact the candidate, make the offer, and negotiate salary.

The Chair and final candidate shall sign a contract employee agreement developed by the City's purchasing department.

Removal

Staff serve at the pleasure of the Commission and may be removed if performance declines, a conflict of interest arises, and/or a violation of their contractual agreement

The Chair will establish and maintain a personnel file to document issues. Staff will be notified of any performance issues in writing and/or verbally.

The Commission may consult with the City's Human Resources department, and Commission Legal Counsel to determine best course of action for removal of employee.

The Commission will notify the employee in writing

Code of Conduct

Executive Director

The Commission shall employ an Executive Director who shall serve at the Commission's pleasure, exempt from Civil Service, and shall contract for needed staff, technical consultants and services.

The duties of the Executive Director 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. To ensure that the Commission's standards are met, Commissioners require the Executive Director to abide by the following:

- The Executive Director shall keep a log of all substantive communications the Executive Director 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 Executive Director will also collect information for a similar log from Commissioners and publish this on the Redistricting Commission website.
- The Executive Director 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 Executive Director 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 Executive Director must keep the website current.
- ... Any staff work generated by staff for presentation to Commission must be reviewed and approved by the Executive Director or his designee prior to the presentation.
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Legal Counsel

The commission shall ensure that at least one of its legal counsels has demonstrated extensive experience and expertise in implementation and enforcement of the Federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following).

The duties of Legal Counsel 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. To ensure that the Commission’s standards are met, Commissioners require Legal Counsel abide by the following:

- ...
- ...
- ...

Mapping Consultant

Communication

Commission Members and Staff

All employees, consultants, and legal counsel working for the Commission shall comply with the requirements of the **Texas Open Meetings Act**.

Commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This does not prohibit communication between commission members, commission staff (which shall exclude staff of any council members), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.

The Commission may receive communication from the public regarding redistricting matters to its centralized email or physical address. This communication must be posted on the commission's website and adhere to all **open meetings and open records requirements**.

Commissioners shall not, however, communicate outside of a public meeting with the Mayor or any member of the Austin 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 before a public meeting.

This paragraph shall not restrict the Commission Chair from communicating with City staff regarding administrative matters of the Commission.

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.

External Communications

All communications or requests from the Commission are to be directed to the Executive Director or an individual designated by the Executive Director (designee) to receive communications or requests

from the Commission.

All communications between the Commission and the Executive Director will be funneled through the Chair and/or Vice-Chair of the Communication. If the Chair and/or Vice-Chair designate another Commissioner as a lead, the Executive Director will send and receive information from that individual directly and provide the Chair and the Vice-Chair with copies of all communications.

All calls, e-mails, media requests, questions, and mail regarding redistricting matters shall be funneled through the Executive Director. The Executive Director shall inform the Chair and/or Vice Chair of any communication. The Chair and/or Vice Chair shall determine if the information should be posted to the website or archived; as well as take appropriate action.

Conflicts of Interest – Commission members and staff

This section applies to both Commission Members and Staff hired by the Commission. Within the five years immediately preceding the date of application, either the applicant or their spouse, shall not have 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 a registered state or local lobbyist.
- Contributed or bundled \$1,000 or more in 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.

Budget

Per diem

Budget development

The City Council shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.

The City Council shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the city attorney or other legal counsel retained by the commission at its discretion shall represent the commission in defense of a certified final map.

Accounting

Invoicing process/reimbursements

Records Retention

The records of the commission and all data considered by the commission are public records that will be made available in a manner that ensures immediate and widespread public access.

Pursuant to Opens Records Act.