

**Meeting Date:** 5/24/2016

**Report Type:** Staff/Discussion

**Report ID:** 2016-00558

**Title:** Independent Redistricting Commission Act Ballot Measure Language

**Location:** Citywide

**Recommendation:** Pass a Motion approving the Independent Redistricting Commission Act ballot measure language.

**Contact:** Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk; Matthew Ruyak, Assistant City Attorney, (916) 808-5346, Office of the City Attorney

**Presenter:** Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk; Matthew Ruyak, Assistant City Attorney, (916) 808-5346, Office of the City Attorney

**Department:** City Clerk / City Attorney

**Division:** City Clerk

**Dept ID:** 04001011

**Attachments:**

1-Description/Analysis

2-Proposed Ballot Measure Establishing the Sacramento Independent Redistrict Commission

3-Good Governance Ad Hoc Committee Framework of Recommendations - Status Chart

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**City Attorney Review**

Approved as to Form

Matthew Ruyak

5/19/2016 1:31:40 PM

**Approvals/Acknowledgements**

Department Director or Designee: Shirley Concolino - 5/19/2016 11:02:09 AM

## Description/Analysis

**Issue Detail:** At the November 6, 2014 City Council meeting, Mayor Johnson appointed the Good Governance Ad Hoc Committee to evaluate good governance reforms that he felt reflected the input and interest of the community. The Good Governance Ad Hoc Committee included Councilmembers Ashby, Schenirer, Warren and Mayor Johnson. The Mayor asked the Good Governance Ad Hoc Committee to evaluate good governance best practices and make recommendations to the City Council.

On January 6, 2015 the Good Governance Ad Hoc Committee presented to the City Council recommendations on an approach, mapping process and timeline. During June/July 2015, the Good Governance Ad Hoc Committee held three community meetings to solicit input on ethics and neighborhood engagement.

Following the community meetings, the Good Governance Ad Hoc Committee asked staff to meet with representatives from the League of Women Voters, Common Cause and former FPPC Chief of Enforcement Gary Winuk to get input on the development of final recommendations including a code of ethics. Concurrently, Mayor Johnson asked then Mayor Pro Tem Ashby to bring back a final report of recommendations from the Good Governance Ad Hoc Committee to Council no later than the end of September 2015.

On September 15, 2015 the Ad Hoc Committee presented its findings and recommendations to Council resulting in adoption of the Framework of Recommendations for Good Governance and direction to the City Clerk to work with the City Attorney on the identified items including the establishment of an Independent Redistricting Commission. The direction was to return with language and the appropriate action for Council consideration of a ballot measure for this purpose.

### **Independent Redistricting Commission -- Framework of Recommendations**

Included in this report is the draft ballot measure. The measure incorporates the Council-adopted Framework of Recommendations as noted below. The one change to the adopted framework is a recommendation to place the measure on the November 2016 ballot instead of the November 2018 ballot.

- Support the establishment of an Independent Redistricting Commission
- Commission would have independent authority to redraw council district boundaries
- Model after process used by State of California

- Open application process
- Must meet certain criteria to be eligible (e.g. lived in Sacramento for 10 years, voted in 2/3 of most recent primary elections, cannot run for Council office for 10 years after serving)
- 13 members including one from each Council District plus 2 alternates
- No direct political appointments
- Representative of community diversity
- Redistricting criteria and requirements established to guide Commission's effort
- Place a measure on the November 2018 ballot for voters to approve or disapprove the establishment of an Independent Redistricting Commission

### **Good Governance Framework Deliverables**

Also included in this report is a status chart on the Good Governance Framework deliverables including those that are completed and those in progress. It is intended that these subsequent reports will start going through the Law and Legislation Committee following the budget hearings and then forwarded to Council for approval.

**Policy Considerations:** The recommendations in this report are consistent with the City Council action on the Good Governance Framework which identified opportunities for good governance, improved transparency, compliance and public engagement.

**Financial Impacts:** It is not known for certain the costs associated with the independent redistricting commission. However, in 2011 the council appropriated approximately \$75,000 for the redistricting effort. Approximately \$40,000 was spent on software and technical services; the remainder was spent on expert consulting and some limited staff backfill. However, that amount did not cover staff time, which is the majority of the costs to the City.

The costs for implementing an independent redistricting commission will be significantly greater, as it is a substantial and complex program. It is anticipated that the outreach and education component would begin in 2018, as we will need to initiate and widely publicize an application process in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the city. The city clerk is required to create the application for prospective commissioners and to seek assistance from a broad range of community-based organizations. Once seated, the commissioners are required to have an open meeting process promoted through an outreach program to solicit broad public participation in the redistricting process. The commission is required to hold at least eight public meetings and establish a process for draft map submittals for commissioner consideration.

All of that requires time and resources. The commission, while independent, will require considerable support and resources from the city attorney, city clerk, and city manager.

The initial estimate of associated costs for the commission is as much as \$700,000. A detailed report will be before council at mid-year.

The costs associated with the remaining Good Governance deliverables is yet to be determined and will be addressed in each report to Council regarding implementation of the approved framework deliverables.

**Economic Impacts:** Not applicable

**Sustainability:** Not applicable

**Commission/Committee Action:** The redistricting ballot measure language went before the Law and Legislation Committee on April 14, 2016 and includes revisions made by the Law and Legislation Committee based on public input.

**Rationale for Recommendation:** Approve the Act so that it may be placed on the November 2016 ballot.

**Local Business Enterprise (LBE):** Not applicable.

## Proposed Ballot Measure Establishing the Sacramento Independent Redistricting Commission

### Section 1. Title and Purpose.

These charter amendments are titled and may be cited as the "Sacramento Independent Redistricting Commission Act" (hereinafter, the "Act").

Under current law, city councilmembers adopt an ordinance to establish council districts. The purpose of this Act is to establish under the Sacramento City Charter a redistricting commission that is independent of the city council and that has sole authority for establishing council districts. This Act establishes a process for selection of commission members and a process for the commission's adoption of council district maps.

### Section 2. Section 22 of the Sacramento City Charter is amended to read as follows:

Districts.

The City is hereby divided into eight council districts, designated Districts 1 through 8, respectively. Council districts in existence on the effective date of this Charter amendment shall continue to exist until altered as provided in Article XII. The title of the office of each member of the council other than the mayor shall bear the number accorded the council district of such member.

### Section 3. Section 23 of the Sacramento City Charter is repealed.

### Section 4. Section 24 of the Sacramento City Charter is repealed.

### Section 5. Section 25 of the Sacramento City Charter is repealed.

### Section 6. Section 27 of the Sacramento City Charter is amended to read as follows:

Qualifications of members.

Each member of the council or candidate therefor, other than for the office of mayor, at the date of candidacy and election or appointment, shall be an elector and a resident in such member's council district for not less than 30 days preceding the date of candidacy and election or appointment, as the case may be, and must continue to reside in such council district during the term of office, except that no boundary change under Article XII shall disqualify a member from serving the remainder of the term. The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California. "Date of candidacy" means the date of filing nominating papers or equivalent declaration of candidacy.

Section 7. Article XII ("Board of Education") of the Sacramento City Charter is repealed.

Section 8. Article XII is added to the Sacramento City Charter to read as follows:

Article XII. Redistricting.

§ 170. Sacramento Independent Redistricting Commission.

(a) The exclusive authority to redraw council district boundaries is vested in the Sacramento Independent Redistricting Commission.

(b) The commission shall:

(1) Be independent of city council control;

(2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries;

(3) Comply with the provisions in this article; and

(4) Conduct itself with integrity and fairness.

§ 171. Power and Duty of Commission to Adopt Council District Boundary Map.

(a) Within six months after census-block-level population data from a regular United States decennial census is made available to the public, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each council district. In the final report, the commission shall explain the rationale for the council district boundaries, including, at a minimum, an explanation of how the final map complies with the redistricting requirements and criteria in Section 175 and a reasonable justification for any council district boundary that does not comply with any redistricting criterion.

(b) A commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than six months until the next primary city election, in which case the final map shall go into effect after that election and any applicable run-off election.

(c) If the commission does not adopt a final map by the deadline in subsection (a), the city attorney shall immediately petition the superior court for an

order prescribing new council district boundaries in accordance with the redistricting criteria and requirements set forth in Section 175. The boundaries prescribed by the superior court shall be used for all city council elections that take place more than six months from the date of the superior court's order and shall last until a final map is adopted by the commission to replace it.

- (d) The commission shall redraw council district boundaries only once per decade as provided in subsection (a), unless the commission is ordered to do so by a court or if requested by the city clerk to approve an update pursuant to subsection (e).
- (e) Any territory that is annexed, consolidated, or otherwise attached to the city shall be allocated to a council district pursuant to this subsection, effective upon the completion of such annexation, consolidation, or other proceedings. The city clerk shall update the final map accordingly.
  - (1) If the territory's boundary is contiguous to the boundary of not more than one council district, the territory shall be allocated to that council district.
  - (2) If the territory's boundary is contiguous to the boundaries of two or more council districts, the territory shall be allocated to the council district with which it shares the longest boundary.
  - (3) If the territory's boundary is not contiguous with the boundary of any council district, the territory shall be allocated to the closest council district.

#### § 172. Commission Organization.

- (a) The commission shall consist of 13 commissioners and 2 alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.
- (b) The term of office of each commissioner begins on December 1 of a year ending in zero, and expires on January 1 of the next year ending in zero. Sixty days after a final map has been adopted the commission shall cease to meet, unless reconvened by order of a court of competent jurisdiction, or by the city clerk or the city attorney pursuant to the following:
  - (1) The city clerk may reconvene the commission to approve a city clerk update pursuant to Section 171(e).

(2) The city attorney may reconvene the commission to consider settlement options if the final map is legally challenged.

(c) Nine commissioners constitute a quorum. The removal of a commissioner or alternate; the approval of additional redistricting criteria; and the approval of a proposed final map, final map, and final report require the affirmative votes of nine commissioners. All other commission actions require the affirmative vote of a majority of commissioners present.

(d) At its first meeting, the commission shall select one commissioner to serve as chair and one to serve as vice chair. The commission may designate other officers from its membership, and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the commission.

§ 173. Commissioner Qualifications, Requirements, and Post-Service Restrictions.

(a) Each commissioner must be a registered voter of the city and must either:

(1) Have voted in two of the last three primary city elections immediately preceding his or her application to be on the commission; or

(2) Have been a resident of the city for at least ten years immediately preceding his or her application to be on the commission.

(b) The following persons are not eligible to be a commissioner:

(1) A person who – or whose spouse, registered domestic partner, or child – has contributed to a candidate for city elective office, in a single city election cycle in either of the last two city election cycles preceding their date of application to be on the commission, more than 50 percent of the allowable amount for a councilmember candidate.

(2) A person who – or whose spouse, registered domestic partner, or child – is or has been, within the four years immediately preceding their date of application to be on the commission, any of the following:

(A) A paid employee of the city;

(B) A registered city lobbyist, or someone who was required to be a registered city lobbyist; or

(C) A paid employee of any redistricting contractor or consultant.

(3) A person who— or whose spouse, registered domestic partner, parent, sibling, or child – has been, within ten years immediately preceding their date of application to be on the commission, any of the following:

(A) Elected to, or a candidate for, city elective office;

(B) An employee of, or paid consultant or contractor to, a campaign for city elective office;

(C) A paid employee of, a consultant to, or someone under contract with any city elected official; or

(D) A principal officer of an active campaign committee domiciled in the County of Sacramento that has made expenditures on candidate elections for a city elective office.

(c) Within 30 days of appointment, a commissioner shall file with the city clerk a Statement of Economic Interest, or similar financial disclosure statement, as required under the city's conflict of interest code.

(d) A commissioner shall be ineligible, for a period of ten years beginning from the date of their appointment, to hold city elective office. A commissioner shall be ineligible, for a period of four years beginning from the date of their appointment, to be appointed to another city commission, to serve as paid staff for or as a paid consultant to any city elected official, to receive a non-competitively bid contract with the city, or to register as a city lobbyist.

(e) A commissioner may not contribute to or participate in any candidate campaign for city elective office, from the date of appointment to the commission until 60 days after the adoption of a final map.

#### § 174. Commissioner Selection and Removal.

(a) The commissioner selection process is designed to produce a commission that is independent and that reasonably reflects the diversity of the City.

(b) The city clerk shall, no later than February 1, 2020, and by February 1 in each year ending in the number zero thereafter, initiate and widely publicize an application process, open to all city registered voters who meet the requirements of Section 173, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the city. This process shall remain open until May 1, 2020 and by May 1 in each year ending in the number zero thereafter.

(c) The city clerk shall create an application for prospective commissioners, and seek assistance from a broad range of community-based organizations in its outreach efforts. Applicants shall attest on the application, under penalty of perjury, that the information provided is true.

(d) By June 30, 2020, and in June 30 of each year ending in the number zero thereafter, the city clerk shall report to the city council on applications received up to that point and any additional outreach that is being undertaken or planned to ensure that the applicant pool has a sufficient number of qualified applicants.

(e) By August 1, 2020, and by August 1 in each year ending in the number zero thereafter, the city clerk shall review and remove individuals who are disqualified under Section 173 from among the commission applicants. If the resulting applicant pool does not have at least 40 qualified applicants, including 3 qualified applicants from each existing city council district, the city clerk shall reopen the application period for one month and conduct additional outreach to ensure that the pool meets these requirements.

(f) No later than September 15, 2020, and by September 15 in each year ending in the number zero thereafter, the city clerk shall publish and transmit to a screening panel a list with the names of all qualified applicants. For purposes of this section, "screening panel" means:

(1) The city's ethics commission, if that commission is established under this charter; or.

(2) If an ethics commission matching the description in subsection (1) does not exist, a panel consisting of: one retired judge; one law, government, or public policy professor teaching at an accredited institution located in the city and who has taught, researched, or published on redistricting; and one member of a non-profit organization qualified under Internal Revenue Code section 501(c)(3) that has at least a ten-year history of advocating for good government reform in the city. The panelists shall be randomly selected by the city attorney from a pool of qualified applicants. Panelists shall meet the same qualifications required of commissioners in Section 173. The city attorney shall recruit, over a two month period, a pool of applicants to serve on the screening panel; or.

(3) If an ethics commission matching the description in subsection (1) does not exist, and there are insufficient qualified applicants to form a panel pursuant to paragraph (2), a panel consisting of the city attorney, the city clerk, and the city auditor.

(g) From the eligible applicant pool, the screening panel shall, no later than November 1, 2020, and by November 1 in each year ending in the number zero thereafter, create a subpool of the 25 to 30 applicants most qualified to perform the duties of the commission, including at least two applicants from each existing council district. The screening panel, exercising its independent judgment, shall make these assignments at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The screening panel may ask additional questions of applicants at that meeting. The screening panel shall make each assignment to the subpool on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The subpool should reasonably reflect the City's diversity; provided that, other than the requirement of geographic diversity in this subsection, no quotas, formulas, or ratios may be applied for this purpose.

(h) Immediately after the subpool has been created, and at that same public meeting, the chair of the screening panel shall randomly select eight names – one from each existing council district – from the subpool. These eight individuals shall serve as commissioners on the commission.

(i) The commissioners selected pursuant to subsection (h) shall select five commissioners and two alternates from the remaining applicants in the subpool. Each selection requires six affirmative votes from among the eight commissioners, and the selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other commissioners. The commission should reasonably reflect the City's diversity; provided that no quotas, formulas, or ratios may be applied for this purpose.

(j) The commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero.

(k) The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting. A commissioner may appeal removal by filing a petition for writ of mandate with the Superior Court within ten days of the commission's action.

(l) If a commissioner resigns or is removed from the commission, the chair of the commission shall randomly select one of the alternates to fill the vacancy as a

voting commissioner. If the commission is unable to act because there are fewer than nine active commissioners, the city clerk shall, within one month of making this determination, recruit a pool of qualified applicants to fill the vacancies. The remaining commissioners shall, within two weeks of the pool being constituted, appoint replacement commissioners from this pool by a two-thirds vote.

§ 175. Redistricting Requirements and Criteria.

(a) The commission shall draw its final map so that:

- (1) Council districts are substantially equal in population;
- (2) The final map complies with the U.S. Constitution; the federal Voting Rights Act, commencing at 42 U.S.C. section 1972; the California Constitution; and any other requirement of federal or state law applicable to charter cities; and
- (3) Each council district is geographically contiguous.

(b) In addition to following the requirements of subsection (a), the commission shall consider the following criteria when drawing the final map, in order of priority:

- (1) Existing neighborhoods and community boundaries;
- (2) Communities of interest;
- (3) Integrity and compactness of territory;
- (4) Geography and topography;
- (5) Natural and artificial barriers and boundaries;
- (6) Preservation of population cores that have consistently been associated with each council district; and
- (7) Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

(c) The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

(d) The commission shall number each council district such that, for as many residents as possible, the number of the council district they reside in remains the same.

#### § 176. Public Meetings and Public Comment.

(a) The commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. The commission shall comply with all applicable state and city requirements for open meetings.

(b) Prior to adopting a final map, the commission shall hold at least eight public meetings, including one public meeting in each existing council district. A final map may not be adopted unless a proposed final map with substantially similar council district boundaries has been adopted at least seven days earlier at a prior public meeting.

(c) The commission shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the commission's consideration.

(d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit:

(1) communication between commission members, staff, legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements; or

(2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the commission functions and encouraging public participation in the redistricting process.

(e) Any person who is compensated for communicating with the commission or any commissioner, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

#### §177. Records and Data.

(a) The commission shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, or its successor, and any city laws regarding public records, to the degree they require

greater disclosure and retention of commission records than is provided in this article.

(b) The commission and its subcommittees shall keep minutes of all discussion and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the commission and its subcommittees shall be video recorded.

(c) To the greatest extent practicable, the commission shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data, which tool can be used to create draft maps and draft partial maps.

#### § 178. Administration.

(a) The city council shall appropriate sufficient funds to recruit commissioners, meet the operational needs of the commission, and conduct any outreach program to solicit broad public participation in the redistricting process. The council shall appropriate at least the amount spent in 2011 on redistricting, adjusted for inflation using the Consumer Price Index.

(b) The city manager, city clerk, and city attorney shall assign sufficient staff to support the commission. The commission shall be staffed by no less than three city employees: the city manager, the city clerk, and the city attorney, or their respective representatives. The city attorney's only client on matters relating to redistricting is the commission.

(c) Subject to the funds appropriated to the commission by the city council, the commission may hire an executive director and redistricting, technology, outreach, or other consultants, following a competitive selection process.

(d) The city clerk and the city attorney, or their respective designees, shall, no later than March 1, 2021, and thereafter by March 1 in every year ending in one, train the commissioners on the requirements of this article, federal and state law regarding redistricting, open meeting requirements, and general rules of parliamentary procedure.

(e) The city clerk shall, by January 1, 2020, and thereafter by January 1 in every year ending in zero, provide a report to the City Council that explains, at minimum, plans for: recruiting a qualified applicant pool that reflects the City's diversity; assigning sufficient staff to support the commission's activities; training commissioners; providing work space and relevant technology to support the commission's activities, including city email addresses for commissioners; facilitating an open selection process to hire redistricting consultants; identifying and reserving meeting spaces suitable for holding public

meetings in each council district; creating a website for the commission; and encouraging public participation in the redistricting process.

(f) Within 60 days after the adoption of a final map, the commission shall transmit a report to the city council recommending any changes, including amendments to this article, that could improve the redistricting process in future years. The City Council may, by three-fourths vote, adopt by ordinance changes to time limits and deadlines imposed by this Article that are specifically recommended by the Commission.

(g) No person may threaten, intimidate, coerce, or take adverse action against a commissioner, alternate, or a commission staffer because of their affiliation with the commission, or because of any council district boundaries that are considered, proposed, or adopted by the commission.

#### § 179. Legal Challenge.

(a) The city attorney shall defend the final map adopted by the commission from any legal challenge. The city attorney may not settle any legal challenge without the commission's approval.

(b) Any registered voter in the city may file a petition for a writ of mandate or writ of prohibition, within 30 days after the commission has adopted a final map, to bar the implementation of all or a portion of the new council district boundaries on the grounds that the final map violates this article. No legal challenge may be brought against the final map under this article after the 30 day period has expired.

(c) If a legal challenge is successfully brought against the final map, the court may correct the violation by court order adjusting council district boundaries consistent with the redistricting requirements and criteria of Section 175; alternatively, if the court finds the final map requires significant revisions or must be entirely redrawn, the court may order the commission to reconvene to adjust or adopt new council district boundaries.

#### Section 9: Severability.

The provisions of this Act, including any portion, section, subsection, paragraph, subparagraph, sentence, clause, or word, are severable. If any provision of this Act or its application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

✓ = completed  
 + = in progress

**GOOD GOVERNANCE AD HOC COMMITTEE  
 FRAMEWORK OF RECOMMENDATIONS  
 ON GOOD GOVERNANCE REFORM**

<b>Neighborhood Advisory</b>			
Tasks	Council Direction	Status	
Conduct multiple public forums in late Fall to solicit input on budget priorities for development of the Mayor/Council budget priorities for the next fiscal year budget.	<i>Direct the Independent Budget Analyst (IBA) to work with the City Clerk to hold multiple public forums on budget priorities</i>	The IBA conducted 3 forums in multiple locations in preparation for the development of 2016/17 budget. It is anticipated that this will be an ongoing annual practice.	✓

✓ = completed  
 + = in progress

<b>Independent Redistricting Commission</b>			
Tasks	Council Direction	Status	✓
<p>Support the establishment of an Independent Redistricting Commission</p> <p>Commission would have independent authority to redraw council district boundaries</p> <p>Model after process used by State of California</p> <ul style="list-style-type: none"> <li>• Open application process</li> <li>• Must meet certain criteria to be eligible(e.g. lived in Sacramento for 10 years, voted in 2/3 of most recent primary elections, cannot run for Council office for 10 years after serving)</li> <li>• 13 members including one from each Council District plus 2 alternates               <ul style="list-style-type: none"> <li>○ No direct political appointments</li> <li>○ Representative of diversity</li> </ul> </li> </ul> <p>Redistricting criteria and requirements established to guide Commission's effort</p> <p>Place a measure on the November 2018 ballot for voters to approve or disapprove the establishment of an Independent Redistricting Commission</p>	<p><i>Approve moving forward with the establishment of an Independent Redistricting Commission and direct the City Clerk and City Attorney to return with language and the appropriate action for the Council to act on placing a measure for this purpose on the November 2018 ballot.</i></p>	<p>With approval of the recommendations contained in this report these tasks will be completed. Included in this report is the ballot measure language for the November 2016 election establishing the Commission.</p> <p>One change to the original recommendation was bringing the Commission to the ballot in November 2016 rather than 2018.</p>	✓

✓ = completed  
 + = in progress

Ethics Reform			
Tasks	Council Direction	Status	
<p><b>Create an Ethics Code centralizing all city policies and ordinances related to ethics.</b> New ethics policies/ordinances will be incorporated into the Ethics Code.</p> <hr/> <ul style="list-style-type: none"> <li>Update the current Campaign Finance Ordinance</li> <li>Formalize current policy on city employee participation in campaigns</li> <li>Update current gift restriction policy</li> <li>Require elected officials to complete Sexual Harassment Training every two years</li> <li>Require newly elected official to complete AB1234 Ethics Training within 60 days of taking office (currently 6 months) and every two years thereafter</li> <li>Restrictions on nepotism</li> <li>Statement of Economic Interest (Form 700) reporting and disclosure</li> <li>Revolving door restrictions</li> <li>Candidate disclosure rules</li> <li>Internet advertising disclosure requirement</li> <li>Campaign money laundering provisions</li> <li>Prohibition on soliciting campaign contributions from city employee</li> </ul>	<p><i>Direct the City Clerk to work with the City Attorney to draft an Ethics Code and bring forward the Code to City Council at midyear for review and approval.</i></p>	<p>The campaign finance ordinance update is in progress</p> <p>The policy regarding employee participation in campaigns is in progress</p> <p>Gift restriction policy review is in progress</p> <p>Electeds are now required to complete Sexual Harassment Training every two years.</p> <p>Newly elected officials are required to complete AB1234 Ethics Training within 60 days of taking office and every 2 years thereafter</p> <p>Nepotism policy has been drafted and is in review with unions</p> <p>Form 700 requirements are in place and on the web to assure compliance with FPPC requirements</p> <p>The City's existing policy is being reviewed.</p> <p>Candidate filings are posted on the city website</p> <p>Will be included as part of the campaign finance ordinance update</p>	<p>+</p> <p>+</p> <p>+</p> <p>✓</p> <p>✓</p> <p>+</p> <p>✓</p> <p>+</p> <p>+</p> <p>+</p>

✓ = completed  
 + = in progress

<p><b>Establish an Office of Compliance with a Compliance Officer and administrative support position in the City Clerk’s Office to support an Ethics Commission and focus on proactive education and training</b></p> <ul style="list-style-type: none"> <li>• Modeled after other ethics and compliance programs including cities of San Jose and Oakland</li> <li>• Office of Compliance would be responsible for providing training and education citywide to proactively promote compliance with state and city laws</li> <li>• The Compliance Officer would be responsible for administering complaints received of alleged violations, coordinating a review by an independent third-party evaluator/investigator and forwarding any findings and recommendations to the Ethics Commission       <ul style="list-style-type: none"> <li>○ Focus on complaints would be campaign finance, lobbying, conflicts of interest and other city specific ordinance or policies related to ethics</li> <li>○ City Attorney will be consulted and provide legal advice</li> </ul> </li> <li>• Written recommendations of action would be forwarded to the Ethics Commission to determine the appropriate action, administrative penalty or fine based on the recommendations</li> </ul>	<p><i>Direct the City Clerk to establish an Office of Compliance and bring to City Council for review and approval by midyear a report defining the program and a proposed budget amendment to add staff to create an Office of Compliance in the City Clerk’s Office.</i></p>	<p>The job description for the Compliance Officer (CO) is being created. It is recommended that the City Clerk will set up the office, create a work plan identifying and prioritizing the training needs and requirements and will work with FPPC and other subject area experts to partner in this effort. The Clerk will provide regular progress reports to Council. Once this initial effort is complete the next phased steps will be identified and a recommended timeline brought to Council. The City Clerk will collaborate with the City Auditor and the Independent Budget Analyst in establishing the work plan so as to coordinate the Hotline functions with the Compliance Office and to establish procedures consistent with audit standards.</p> <p>If the Office of Compliance is approved by Council there will be a funding requirement as part of the FY16/17 budget</p>	<p>+</p>
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✓ = completed  
 + = in progress

<p><b>Establish an Ethics Commission:</b> Ethics Commission made up of 5 commissioners with any of the following qualifications: administrative law judge, retired judge with a background in election law or ethics, law school ethics professor or a professional arbitrator/mediator and serve 4 year terms. All must be in good standing.</p> <ul style="list-style-type: none"> <li>• The commissioners would be selected by the P&amp;PE Committee with recommendations to the Mayor. Mayor would appoint the Commissioners with confirmation by the City Council.             <ul style="list-style-type: none"> <li>○ The Ethics Commission would receive findings/recommendations from an independent third-party evaluator/investigator</li> <li>○ Focus on complaints would be campaign finance, lobbying, conflicts of interest and other city specific ordinance or policies related to ethics</li> </ul> </li> <li>• Based on the written recommendations of the independent third-party evaluator/investigator the Ethics Commission would determine the appropriate action, administrative penalty or fine based on the recommendations</li> <li>• The Ethics Commission would meet once a year to review the activity of the Compliance Office and make recommendations to Council on improvements or enhancements</li> </ul>	<p><i>Direct the City Clerk to work with the City Attorney to draft an ordinance to implement an Ethics Commission and bring the ordinance forward to City Council for review and approval by midyear.</i></p>	<p>See notes in status column on item above.</p>	<p>+</p>
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✓ = completed  
 + = in progress

<b>Open Government</b>				
Tasks	Council Direction	Status		
<p><b>Transparency</b></p> <ul style="list-style-type: none"> <li>• Create a Sunshine Ordinance centralizing all city records retention, open meeting, and other transparency laws.</li> </ul>	<p><i>Direct the City Clerk to work with the City Attorney to draft a Sunshine Ordinance and bring the ordinance forward to City Council for review and approval within 60-90 days.</i></p>	<p>The Sunshine Ordinance is in progress. Much of what is included in this ordinance is already being done as evidenced by the check marks next to the items below. Additionally, the transparency portion is complete as the city’s webpage has been updated and is currently in test mode to incorporate a new tab entitled “How Do I” with direct links to the most commonly sought open government information. It is anticipated it will go live in early June. This information was already available on our website but not indexed under one common tab.</p>	+	
<hr/> <ul style="list-style-type: none"> <li>• Ad Hoc Committees               <ul style="list-style-type: none"> <li>○ Amend the Council Rules of Procedure to include regular updates by Ad Hoc Committees at the end of the City Council agenda</li> </ul> </li> </ul>			<hr/> <p>Ad Hoc Committee reports to Council are included in the current Council Rules of Procedure</p>	✓
<hr/> <ul style="list-style-type: none"> <li>○ Public posting of Ad Hoc reports/recommendations prior to presentation to Council Standing Committees or City Council</li> </ul>			<hr/> <p>Standing Committee reports (which would include ad hoc reports if applicable) are posted to the web 5 days prior to the meeting</p>	✓
<hr/> <ul style="list-style-type: none"> <li>• Agendas:               <ul style="list-style-type: none"> <li>○ Codify current City Council practice publishing agendas 5 days in advance</li> <li>○ Require agreements over \$1 million to be noticed 10 days prior to Council action Allow notice subscription for these agreements</li> <li>○ Provide copies of correspondence supporting/opposing agenda items to City Council prior to Council taking any action.</li> </ul> </li> </ul>			<hr/> <p>These are all current practice and captured in our Council Rules and Procedures.</p> <p>We have purchased a Granicus solution for agenda material correspondence called eComment. This will allow the public to comment on specific agenda items which will all be captured for the Council. In addition, the electeds may log in at any time to see the comments.</p>	✓

✓ = completed  
 + = in progress

<ul style="list-style-type: none"> <li>○ Retain all correspondence as part of public record</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Designate a Public Records Manager/Ombudsman within the City Clerk’s office who can help formulate records requests; help mediate records disputes; and produce an annual report on requested statistics</li> <li>• Post online the city’s Records Retention Policy</li> <li>• Require city staff to complete records retention training every two years</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Disclose behested payments online</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Create organized <u>Topic Portals</u> within Open Data Portal, e.g. for Budget &amp; Finances Portal, Public Policy Portal, Public Safety Portal, Land Use Portal, State Open Meeting requirements, etc.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Require a 2/3 vote to remove the City Auditor or the City Independent Budget Analyst from office</li> </ul>		<p>All correspondence will be captured as part of the public record.</p> <hr/> <p>We have a Public Records Ombudsman referred to as the Records Manager who is responsible for managing the City’s public records program including record requests, disputes and statistics reporting. The city’s records retention policy is online and will be available on the newly designed open government tab on the city’s home page referenced above. Records Retention training is provided regularly to staff</p> <hr/> <p>Behested payments are currently posted on line and will be available on the newly designed open government tab on the city’s home page referenced above.</p> <hr/> <p>A team including IT, Finance and City Manager’s Office will evaluate what will be required to implement a broader application of the current Open Data Portal on the city’s website.</p> <hr/> <p>Determined by the City Attorney that our Charter disallows a 2/3 vote requirement for removal of these positions</p>	<p>✓</p> <p>✓</p> <p>+</p> <p>✓</p>
<p><b>Public Engagement</b></p> <ul style="list-style-type: none"> <li>• Create a public engagement webpage that provides information on how the public can effectively engage in city processes and decision making</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Adopt a social media policy for information flow to community</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Allow written public comment (including email) for any agenda item</li> </ul>	<p><i>Council Action: Direct the City Clerk to implement the transparency and public engagement open government recommendations.</i></p>	<p>As referenced above a redesign of the city’s home page allows easier access to the most frequently requested information. There is information on our web page about how to interact with council at a meeting which is linked to the open gov tab.</p> <hr/> <p>We have a current social media policy which is included under the open government tab on the city’s home page</p> <hr/>	<p>✓</p> <p>✓</p> <p>✓</p>

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<ul style="list-style-type: none"> <li>• Look at reinstating on-line public comments as part of Granicus update</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Other council meeting procedural issues will be codified in the annual update of the City Council Rules of Procedure</li> </ul>		<p>With the addition of eComment (referenced above) the public can specifically comment in real time on agenda items and will be captured as part of the original package.</p> <hr/> <p>Annually the CRP is updated to reflect changes in procedural issues.</p>	<p>✓</p>
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