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## MEASURE R

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### PROPOSAL TO AMEND ROSEVILLE CITY CHARTER

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**Shall Article 11 of the City Charter be added establishing the Roseville Independent Redistricting Commission and vesting in the commission the exclusive authority to redraw Council electoral district boundaries after every federal decennial census?**

YES \_\_\_\_\_

NO \_\_\_\_\_

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#### IMPARTIAL ANALYSIS BY THE ROSEVILLE CITY ATTORNEY

The City Council has placed before the voters the question whether to add Article 11 to the City Charter entitled "Roseville Independent Redistricting Commission."

The City Charter does not currently provide for a Redistricting Commission, however Chapter 2.34 of the Roseville Municipal Code, which was adopted by the City Council in June 2020, established the Roseville Independent Redistricting Commission. The proposed Measure would, essentially, incorporate Chapter 2.34 into the City Charter. As proposed, the eleven-member Redistricting Commission is tasked with the exclusive authority to redraw Council electoral district boundaries after every federal decennial census. The City Council would have no role in developing or adopting final maps.

The Commission would consist of eleven commissioners and five alternates. For purposes of selection to the Commission, the City shall be generally divided into four geographical quadrants. Following a public recruitment and application process, the City Clerk at a public meeting will randomly select eight initial members, two from each quadrant. The initial members will then select three at-large commissioners and five at-large alternates from the remaining applicants using criteria established in the Charter.

The qualifications to serve on the Commission will largely follow the qualifications set forth in State law for Redistricting Commissions established in general law cities. District maps will be drawn using the redistricting criteria required by State law in conjunction with the additional criteria set forth in the Charter. The Commission must hold at least five public hearings, including one public hearing in each existing Council district, and the draft map is required to be published at least thirty days before final adoption.

The Commission will have a budget, as determined by the City Council, sufficient to support the work of the Commission. Staffing to the Commission will be provided by the City Manager, the City Clerk, and the City Attorney. The Commission is required to comply with the Ralph M. Brown Act and the California Public Records Act.

Each Commission established under the Charter will be dissolved ninety-one days following approval of a final map. Thereafter, new Commissions would be formed in each year ending in the number zero.

A "Yes" vote is a vote in favor of this Charter Amendment. A "No" vote is a vote against this Charter Amendment. This Measure will be approved if it receives a simple majority of "Yes" votes.

Robert R. Schmitt  
Roseville City Attorney

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The above statement is an impartial analysis of Measure R. If you desire a copy of the measure, please call the Elections Official at 916-774-5263 and a copy will be mailed at no cost to you.

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## ARGUMENT IN FAVOR OF MEASURE R

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Measure R ensures all decisions on future Council District boundaries are made by unbiased and qualified local citizens who conduct their business as an independent Commission that seeks public input prior to establishing future District boundaries. It gives the community assurances that the people, not special

interests, will determine future boundaries as the City's population changes over time.

The Charter Review Commission recommends a Yes vote on Measure R.

Susan Rohan, Charter Review Commission Chair

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## NO ARGUMENT AGAINST MEASURE R WAS SUBMITTED

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### PROPOSED CHARTER TEXT REVISION

#### **Sec. 11.01 - 11.14 Roseville Independent Redistricting Commission**

##### **Sec. 11.01 Purpose.**

The purposes of this article are to establish a redistricting process that is open and transparent and allows public comment on the drawing of City council district boundaries, ensure that the district boundaries are drawn according to the redistricting criteria set forth in this article and applicable state and federal laws, and ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.

##### **Sec. 11.02. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. "Child" means a biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the commissioner stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

B. "Commission" means the Roseville Independent Redistricting Commission established by this article.

C. "Consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process. Consultant excludes outside legal counsel.

D. "Family member" means a spouse, parent, sibling, child, or in-law.

E. "Federal decennial census" means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

##### **Sec. 11.03. Established.**

A. There is hereby established the Roseville Independent Redistricting Commission. The exclusive authority to redraw council district boundaries is vested in the commission. Accordingly, the council shall have no role in

developing or adopting a redistricting report or a map.

##### **B. The commission shall:**

1. Be independent of 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 state and federal law.

4. Conduct itself with integrity and fairness.

##### **C. The commission may adopt for itself rules of procedure not in conflict with this article or state or federal law.**

##### **Sec. 11.04. Duties.**

No earlier than August 1, 2021, and August 1 in each year ending in the number one (1) thereafter, but no later than one hundred and fifty-one (151) calendar days before the City's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two (2) thereafter, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. These districts shall be used for the election or recall of councilmembers, and for filling any councilmember vacancies.

##### **Sec. 11.05. Composition.**

A. The commission shall consist of eleven (11) commissioners and five (5) 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. At its first meeting, the commission shall select one (1) commissioner to serve as chair and one (1) 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.

**Sec. 11.06. Qualifications and restrictions.**

A. Each commissioner and alternate shall meet all of the following qualifications:

1. Be at least eighteen (18) years of age on the date of application.
2. Been a resident of the City for at least three (3) years immediately preceding the date of application.

B. A person shall not be appointed to serve on the commission if any of the following applies:

1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, council in the eight (8) years preceding the person's application.
2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:

a. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for council.

b. Served as a staff member or a political consultant to, or who has contracted with, a currently serving councilmember or Placer County supervisor.

c. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for council, as adjusted pursuant to Section 2.60.065 of the Roseville Municipal Code.

3. If the person or the person's family member served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee in the eight (8) years preceding the person's application.

4. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.

5. If the person is a paid employee of the City or a current City councilmember.

6. If the person is a paid employee of any redistricting contractor or consultant.

C. A commissioner shall not do any of the following:

1. While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for council.

2. Be a candidate for council if less than five (5) years has elapsed since the date of the member's appointment to the commission.

3. For four (4) years commencing with the date of his or her appointment to the commission:

a. Accept employment as a staff member of, or political consultant to, a councilmember or candidate for council.

b. Receive a noncompetitively bid contract with the City.

4. For two (2) years commencing with the date of his or her appointment to the commission, accept an appointment to the council.

D. The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

E. If an applicant to the Roseville Independent Redistricting Commission currently serves on another City of Roseville board or commission, he or she may serve on the Roseville Independent Redistricting Commission if selected, as long as he or she agrees not to serve on another board or commission during his or her term of office on the Roseville Independent Redistricting Commission. Once sworn into office on the Roseville Independent Redistricting Commission, the commissioner shall be deemed to have forfeited their previous board or commission position.

F. Members of the commission shall serve without compensation.

**Sec. 11.07. Selection.**

A. The City clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all City residents who meet the requirements of Section 11.06, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the City clerk.

B. The City clerk shall review each submitted application for completeness. If the City clerk deems an

application to be incomplete, the City clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.

C. Upon close of the application submittal period, the City clerk shall review all applications and remove incomplete applications and remove individuals who are disqualified under Section 11.06 from among the commission applicants.

D. At a time and place open to the public, and subject to at least ten (10) calendar days public notice, the City clerk shall select the initial eight (8) members of the commission. For purposes of selection to the commission, the City shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The City clerk shall randomly select two (2) persons from each of the four (4) quadrants. To implement this paragraph, the City clerk shall determine a randomized method that meets professional standards and best achieves a random selection.

E. The commissioners selected pursuant to subsection D shall thereafter select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants. The order in which the alternates shall be seated on the commission as voting members shall be established by a random method at the time they are selected. 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, ability to comprehend and apply the applicable state and federal legal requirements, familiarity with the City's neighborhoods and communities, familiarity with the City's demographics and geography, ability to be impartial, and apparent ability to work cooperatively with other commissioners.

F. 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

G. If a commissioner resigns or is removed from the commission, the next alternate in line shall fill the vacancy as a voting commissioner.

#### **Sec. 11.08. Removal.**

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.

#### **Sec. 11.09. Redistricting criteria.**

A. The commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution. Population equality shall be based on the total population of residents of the City as determined by the latest federal decennial census.

2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal law applicable to charter cities.

B. The commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. Areas that are separated by a railyard or a highway are not contiguous.

2. To the extent practicable, the geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.

4. Where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

5. 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 adopt council district boundaries for the purpose of favoring or discriminating against a political party.
- D. The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

#### **Sec. 11.10. Adoption of redistricting report and map.**

A. The commission shall file a preliminary redistricting plan and draft map with the City clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the commission. The City clerk shall publish the preliminary redistricting plan and draft map at least thirty (30) calendar days prior to the adoption of a final redistricting report and final map.

B. During the thirty (30) calendar day period after publication, the commission shall hold at least five (5) public hearings, including one (1) public hearing in each existing council district.

C. After having heard comments from the public on the preliminary redistricting plan and draft map, the commission shall adopt a final redistricting report and final map. A commission-adopted final redistricting report and final map has the force and effect of law and is effective thirty (30) calendar days after it is filed with the City clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The council may not rescind, supersede, or revise the district boundaries adopted by the commission.

D. After the final map is adopted, the City clerk 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.

E. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.

F. If the commission does not adopt council district boundaries by the deadlines set forth in this article, the City attorney shall immediately file a petition in Placer County Superior Court for an order adopting council district boundaries. The map prescribed by the court shall be used for all subsequent council elections until a final redistricting report and final map are adopted by the commission to replace it.

#### **Sec. 11.11. Incumbents.**

The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the councilmember was elected. Accordingly, upon any redistricting pursuant to the provisions of this article, each incumbent councilmember will continue, during the remainder of the councilmember's term, to represent the electoral district to which the councilmember was elected prior to such redistricting.

#### **Sec. 11.12. Addition of new territory.**

If the boundaries of the City expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the City clerk shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries as prescribed by California Government Code Section 21623, as it now exists or may hereafter be amended.

#### **Sec. 11.13. Administration.**

A. The council shall appropriate sufficient funds to support the work of the commission, including funds necessary to recruit commissioners, meet the operational needs of the commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for City staff time associated with supporting the work of the commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.

B. The City manager, City clerk, and City attorney shall assign sufficient staff to support the commission. The City clerk or the City clerk's designee shall serve as secretary to the commission. The City attorney or the City attorney's designee shall serve as legal counsel to the commission.

C. Subject to funds appropriated to the commission, the commission may retain consultants following the City's standard procurement processes and the council shall approve any applicable consultant agreements. The commission shall retain the sole authority for determining the selection criteria for consultants.

D. The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

#### **Sec. 11.14. Dissolution.**

Each commission established under this article shall cease operations and dissolve on the ninety-first day

following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the commission shall continue operations until a final redistricting report and final map is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the commission shall automatically revive and continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the City.