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2019 JUN 13 PM 4:40

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Richard J. Luna
Assistant to the City
Administrator

SUBJECT: Redistricting Selection Panel
Regulations

DATE: June 5, 2019

City Administrator Approval

Date:

6/13/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Approving Regulations Establishing Minimum Standards For Outreach Efforts To Recruit A Robust Pool Of Applicants For The Screening Panel For The Independent Redistricting Commission.

EXECUTIVE SUMMARY

Oakland City Charter Section 220(J)(1) requires the Oakland City Attorney to draft regulations establishing minimum standards for outreach efforts to recruit a robust pool of applicants and establish criteria for the selection of the Screening Panel for the Independent Redistricting Commission. Per the City Charter, the Screening Panel Regulations must be submitted to the City Council no later than July 1, 2019, and in each year ending in the number zero (0) thereafter. This report and corresponding resolution fulfills this requirement in the City Charter and will set the criteria for how the City Administrator's Office will move forward in selecting a three-member Selection Panel.

BACKGROUND / LEGISLATIVE HISTORY

In November 2014, the Oakland electorate approved Measure DD, which created Section 220 of the City Charter to establish a 13-member, and two-alternate member, Redistricting Commission to oversee the district boundaries for City Council elections and Oakland Unified School District elections.

The 13-member, and two-alternate member, Redistricting Commission will be selected, in part, by a three-member Selection Panel. The Selection Panel must consist of one retired judge who resides in Oakland, one volunteer who shall be a student at a law school accredited by the Committee of Bar Examiners of the State Bar of California or graduate public policy student, and one representative of a local 501(c)(3) nonprofit good government organization.

Item: _____
Rules & Legislation Committee
June 27, 2019

Minimum qualifications for serving on the Selection Panel include:

- Residency in the City of Oakland for at least three years preceding the date of application.
- Members shall not have a conflict of interest, as defined in the Political Reform Act, commencing at Section 81000 of the Government Code.
- Not be paid employees of the City of Oakland, Oakland Unified School District or serve on a City of Oakland or Oakland Unified School District Commission.
- Within the five years immediately preceding the date of application, not be paid employees of any redistricting contractor or consultants.
- The members of the Screening Panel, their spouses, parents, children, or registered domestic partners, shall not, within 10 years immediately preceding the date of application be:
 - Elected to, or a candidate for office for the City of Oakland or the Oakland School Board; or
 - An employee, or paid consultant or contractor to a campaign for local office; or
 - Registered or required to be registered as a local lobbyist; or
 - A paid employee of, a consultant to, or under contract with any elected City of Oakland Official or Oakland Unified School Board Member; or
 - A principal officer of an active campaign committee domiciled in Alameda County that has made an expenditure on local Oakland candidate elections.
- Not contribute 50% or more of the allowable amount to candidates for City of Oakland and Oakland Unified School District elective office in the election preceding the application date.
- The members of the Screening Panel shall not be registered to vote in a polling place located outside of Oakland city limits.

The three individuals appointed to the Selection Panel can serve only one term, which will expire after the final City Council and Oakland Unified district lines are adopted and are no longer subject to appeal. In the event of a legal challenge, terms of office will terminate when appeals of such challenge have been exhausted and a final decision has been entered.

The deadline for the City Administrator to appoint the three-member Selection Panel is January 1, 2020, and in each year ending in the number zero (0) thereafter.

ANALYSIS AND POLICY ALTERNATIVES

Within 90 days of City Council adoption of this Resolution, the City Administrator, or designee, must initiate the following process.

Application

Create an application for appointment to the Screening Panel. The application will verify the applicant's qualifications, inform the applicants that a background check shall be performed prior to their appointment, be made available in languages compliant with the City's Equal Access to Services policy, be made available electronically, and be returnable either electronically or in-person at the City Administrator's Office.

Outreach

The City Administrator, or designee, will follow, but is not limited to, the following outreach plan for appointing the three-member Selection Panel:

- Create a City webpage with information regarding the Screening Panel and application process.
- Advertise the City webpage and application at the central and branch library locations.
- Create posts regarding the City webpage and application on the City's social media pages.
- Advertise the City webpage and application on the City's government TV channel (i.e. KTOP).
- Request City Council Members to advertise the City webpage and application on their social media pages and any community email listservs maintained by their offices.
- Request City Council Members to advertise the City webpage at City Council meetings.
- Contact the career counseling departments at law schools accredited by the Committee of Bar Examiners of the State Bar of California within Alameda, San Francisco, and Contra Costa Counties and request that the departments advertise the City webpage and application to their student body.
- Contact the career counseling departments at graduate public policy schools within Alameda, San Francisco, and Contra Costa Counties and request that the departments advertise the City webpage and application to their student body.
- Advertise the City webpage on appropriate and available community email listservs maintained by the City Administrator's Office and applicable City departments.

FISCAL IMPACT

The proposed resolution stipulates a minimum advertising budget of \$3,000 for the City to use in outreach and promotion of the Screening Panel application. In the proposed Fiscal Year (FY) 2019-21 policy budget, \$41,000 is proposed for Redistricting efforts in FY 2019-20 and \$16,000 is proposed for FY 2020-21. This funding will be used for advertising outreach efforts to recruit the Selection Panel and 13-member, and two-alternate member, Redistricting Commission, and to support the work of the full Redistricting Commission.

PUBLIC OUTREACH / INTEREST

Staff met with representatives from the League of Women Voters in Oakland on the proposed Selection Panel outreach efforts. League representatives did not have any changes to the criteria outlined in this report and corresponding Resolution.

COORDINATION

Staff worked on this report and proposed resolution with assistance from the City Attorney's Office and Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: Staff will work to ensure the three-member Selection Panel is representative of the City at-large. The full 13-member, and two-alternate member, Redistricting Commission will have at least one representative from each of the current City Council Districts. Additionally, criteria in the City Charter stipulates the Redistricting Commission be reflective of the geographic, racial, ethnic and economic diversity of the City of Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

~~Staff Recommends That The City Council Adopt A Resolution Approving Regulations~~
Establishing Minimum Standards For Outreach Efforts To Recruit A Robust Pool Of Applicants
For The Screening Panel For The Independent Redistricting Commission.

For questions regarding this report, please contact Richard J. Luna, Assistant to the City Administrator, at 510-238-4756.

Respectfully submitted,

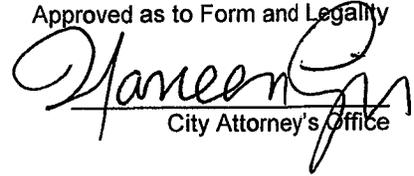


RICHARD J. LUNA
Assistant to the City Administrator

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OAKLAND

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION APPROVING REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR OUTREACH EFFORTS TO RECRUIT A ROBUST POOL OF APPLICANTS FOR THE SCREENING PANEL FOR THE INDEPENDENT REDISTRICTING COMMISSION.

WHEREAS, Section 220 of the Oakland City Charter requires the Oakland City Attorney to draft regulations establishing minimum standards for outreach efforts to recruit a robust pool of applicants and establish criteria for the selection of the Screening Panel for the Independent Redistricting Commission; and

WHEREAS, the Regulations must be submitted to City Council no later July 1, 2019 and in each year ending in the number zero (0) thereafter; now, therefore, be it

RESOLVED: that the City Council hereby approves the Regulations attached to this Resolution as Exhibit A.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California

EXHIBIT A

REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR OUTREACH EFFORTS TO RECRUIT A ROBUST POOL OF APPLICANTS FOR THE SCREENING PANEL FOR THE INDEPENDENT REDISTRICTING COMMISSION.

1 - Creation

Oakland City Charter section 220 established the Independent Redistricting Commission and Screening Panel.

2 - Composition

The Screening Panel shall be appointed by the City Administrator, or their designee, and consist of three members. The Screening Panel shall be composed as follows:

- A. One retired judge;
 - a. Judge shall be defined as: magistrate, administrative law, state, or federal judge.
- ~~B. One student;~~
 - a. The student shall be a Juris Doctorate or Masters of Law student currently enrolled at a law school accredited by the Committee of Bar Examiners of the State Bar of California; or
 - b. A current graduate public policy student;
- C. One representative of a local 501 (c)(3) nonprofit good government organization
 - a. Representative shall mean a current employee, officer, director, volunteer, or board member of an organization.
 - b. Local shall mean that the organization operates or serves within the Oakland city limits.
 - c. 501 (c)(3) nonprofit good government organization shall mean the specific exemption under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

3 - Minimum Qualifications

- A. The members of the Screening Panel shall be residents of the City of Oakland for at least the three years preceding the date of application.
 - a. Residency shall be defined as one's domicile.
 - b. Domicile shall mean one's fixed habitation, wherein the person has the intention of remaining.
 - c. If one is absent from their domicile, they must have the intention of returning.
 - d. A person may only have one domicile.
 - e. A student temporarily residing outside of the Oakland city limits may claim Oakland as their domicile if they intend to return;
- B. The members of the Screening Panel shall not have a conflict of interest, as defined in the Political Reform Act, commencing at Section 81000 of the Government Code;

- C. The members of the Screening Panel shall not be paid employees of the City of Oakland, Oakland Unified School District or serve on a City of Oakland or Oakland Unified School District Commission;
- D. The members of the Screening Panel shall not, within the five years immediately preceding the date of application, be paid employees of any redistricting contractor or consultants;
- E. The members of the Screening Panel, their spouses, parents, children, or registered domestic partners, shall not, within ten years immediately preceding the date of application be:
 - a. Elected to, or a candidate for office for the City of Oakland or the Oakland School Board; or
 - b. An employee, or paid consultant or contractor to a campaign for local office; or
 - c. Registered or required to be registered as a local lobbyist; or
 - d. A paid employee of, a consultant to, or under contract with any elected City of Oakland Official or Oakland Unified School Board Member; or
 - ~~e. A principal officer of an active campaign committee domiciled in Alameda County that has made an expenditure on local Oakland candidate elections.~~
- F. The members of the Screening Panel shall not contribute 50% or more of the allowable amount to candidates for City of Oakland and Oakland Unified School District elective office in the election preceding the application date.
- G. The members of the Screening Panel shall not be registered to vote in a polling place located outside of Oakland city limits.

4 - Removal

The City Administrator, or their designee, shall remove a member from the Screening Panel if they fail to meet minimum qualifications pursuant to sections 3.21.020 and 3.21.030 at any point during their tenure on the Screening Panel.

5 - Terms of Office

- A. The term of office shall expire after the final district lines are adopted and are no longer subject to appeal. In the event of a legal challenge, terms of office will terminate when appeals of such challenge have been exhausted and a final decision has been entered.
- B. A member of the Screening Panel shall serve no more than one term.
- C. A vacancy on the Screening Panel shall exist whenever a member dies, resigns, is removed, or no longer meets qualifications pursuant to sections 3.21.020 and 3.21.030.
- D. When a vacancy on the Screening Panel arises, the City Administrator shall make an appointment to fill the vacancy.

6 - Minimum Recruitment Efforts

Application

The City Administrator, or their designee, shall create an application for appointment to the Screening Panel. The application shall:

- A. Verify applicant qualifications pursuant to sections 3.21.020 and 3.21.030;
- B. Inform applicants that a background check, pursuant to section 3.21.070, shall be performed on members of the Screening Panel prior to their appointment;
- C. Be made available in languages compliant with the City's Equal Access to Services policy;
- D. Be made available electronically;
- E. Be returnable electronically or in-person at the City Administrator's Office.

Budget

The City Administrator, or their designee, shall create an advertising budget of at least ~~three thousand dollars (\$3,000) for the City to use in outreach and promotion of the~~ Screening Panel application.

Outreach

The City Administrator, or their designee, shall create an outreach plan that includes, but is not limited to:

- A. Creating a City webpage with information regarding the Screening Panel and application process ("City webpage"). The City webpage shall include the Screening Panel application;
- B. Advertising the City webpage and application at the central and branch library locations;
- C. Creating posts regarding the City webpage and application on City social media pages;
- D. Advertising the City webpage and application on KTOP;
- E. Requesting City Councilmembers to advertise the City webpage and application on their social media pages and any community email listervs maintained by their offices;
- F. Requesting City Councilmembers to advertise the City webpage at City Council meetings;
- G. Contacting the career counseling departments at law schools accredited by the Committee of Bar Examiners of the State Bar of California within Alameda, San Francisco, and Contra Costa Counties and requesting that the departments advertise the City webpage and application to their student body;
- H. Contacting the career counseling departments at graduate public policy schools within Alameda, San Francisco, and Contra Costa Counties and requesting that the departments advertise the City webpage and application to their student body;
- I. Advertising the City webpage the appropriate and available community email listervs maintained by the City Administrator's Office and applicable City departments.

7 - Background Check

In accordance with federal and state law, a background check shall be performed on members of the Screening Panel prior to their appointment to the Screening Panel. The City Administrator's Office shall retain an independent contractor to perform these background checks, which shall include:

- A. Verification of education and employment background, and any other information that may be verified through a public records search.

8 - Timing

- A. Within ninety days of the enactment of this Section, The City Administrator, or their designee, shall initiate minimum recruitment efforts outlined in section 3.21.060.
- B. No later than September 1 of each year ending in the number nine (9) thereafter, ~~the City Administrator, or their designee shall initiate minimum recruitment efforts~~ outlined in section 3.21.060
- C. No later than January 1, 2020 and in each year ending in the number zero (0) thereafter, the City Administrator, or their designee, shall select members for the Screening Panel