

November 23, 2015

Pamela Christian
City Clerk, City of Richmond, California
450 Civic Center Plaza
Richmond, CA 94804

RECEIVED
CITY CLERKS OFFICE
CITY OF RICHMOND

2015 NOV 23 PM 12: 26

Dear Ms. Christian,

Enclosed is a draft text of a proposed charter amendment to be submitted to the voters of the City of Richmond, California. We request that a copy be forwarded to the City Attorney so that a ballot title and summary may be prepared. Please send the title and summary to me at the address indicated below. We will also need to have a digital copy sent to my personal email address also indicated below.

Nina G. Smith
561 Dimm Street
Richmond CA 94805
ninakaye53@gmail.com

If you have any questions, please call me on my mobile phone at 510-734-3795.

Thank you for your attention to this matter.


Sincerely,



Nina Smith
Assistant Treasurer
Richmond Citizens for District Elections
FPPC # 1378047

Election Code Section 9608 Statement

I, Cesar Zepeda, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Cesar Zepeda, Proponent
Dated this 23rd day of November, 2015

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Notice of Intent to Circulate Petition

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Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Richmond, California for the purpose of amending the Richmond City Charter to provide for district elections of the City Council. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The current at-large system of electing City Councilmembers has resulted in a lack of neighborhood representation. Historically, a disproportionate percentage of Councilmembers elected through the at-large system have come from only a few affluent neighborhoods. The lack of neighborhood representation has caused many citizens to feel that they do not have a voice in City decisions. Richmond communities have distinct political views and opinions and all communities should be represented on the City Council through district elections.

This ballot initiative will amend Richmond's City Charter to replace our present at-large electoral system for our City Council and establish district elections. Our initiative will create six council districts with an elected councilmember from each district. Councilmembers will be required to live within the district they represent. The City as a whole will continue to elect the mayor at-large.

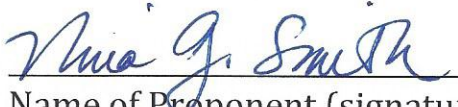
This ballot initiative establishes an independent districting/redistricting Citizens Commission to draw the district lines and has strict conflict of interest rules to prevent political manipulation and gerrymandering of the districts. A transparent, politically neutral process will be used to select commission members.

The districts will be required to comply with federal and state voting rights acts, have approximately equal population and, to the extent possible, keep communities of interest intact, be geographically contiguous and compact. The Commission, not the City, will select and hire its consultants and everything about the redistricting process will be transparent and provide opportunity for public input.

District elections will make campaigns more affordable, reducing the influence of big money and special interest groups, putting working and middle class

candidates on a more equal footing with rich and/or connected candidates. District elections will empower neighborhoods, encourage more voter participation and make City Councilmembers more accountable to the voters. District elections are recognized throughout the country as more representative and democratic than at-large elections.

Cesar Zepeda _____  _____ 11/23/15
Name of Proponent (printed) Name of Proponent (signature) Date

Nina G. Smith _____  _____ 11/23/15
Name of Proponent (printed) Name of Proponent (signature) Date

Sara Cleveland _____  _____ 11/23/15
Name of Proponent (printed) Name of Proponent (signature) Date

Text of Proposed Initiative

Richmond District Elections Act

The people of the City of Richmond do ordain as follows:

Section 1. Title.

This measure shall be known and may be cited as “The Richmond District Elections Act.”

Section 2. Findings and Declaration.

The people of the City of Richmond hereby find and declare all of the following:

- (a) The current at-large system for electing Councilmembers has resulted in a lack of neighborhood representation on City Council.
- (b) Historically, a disproportionate percentage of Councilmembers elected through the at-large system have come from only a few affluent neighborhoods.
- (c) The lack of neighborhood representation has caused many citizens to feel that they do not have a voice in City decisions.
- (d) Richmond communities have distinct political views and opinions, and all communities should be represented on the City Council through district elections.
- (e) Requiring Councilmembers to live in the district they represent allows them to better understand their district’s local needs and quickly respond to the concerns of citizens.
- (f) District elections are recognized throughout the country as the most representative way to elect public officials and the House of Representatives, California Legislature, Contra Costa County Board of Supervisors and almost all major California city councils use district elections.
- (g) District elections empower neighborhoods, create accountability and make campaigns affordable while preventing one particular neighborhood, corporation or special interest group from controlling a city’s political agenda.

Section 3. Purposes and Intentions.

The people of the City of Richmond hereby declare that the purposes and intentions of this measure are to:

- (a) Hold municipal elections in November 2018 to establish a City Council composed of six members elected by district, and one Mayor elected by all residents of the City of Richmond.
- (b) Require all Councilmembers to reside in the district in which they are elected before and

during their term of office.

(c) Provide for a transition period from at-large to district elections in order to stagger future elections, so that Councilmembers elected in November 2016 will only serve a two-year term, and half the Councilmembers elected in November 2018 will only serve a two-year term.

(d) Create a seven-member, independent redistricting commission which will divide the City of Richmond into six districts prior to the 2018 election, and adjust the district boundaries following the publication of the decennial federal census.

(e) Require that all districts comply with federal and state legal requirements, be reasonably equal in population, keep communities of interest together, be geographically contiguous, seek geographical compactness to the extent practicable, and not favor or discriminate against any candidate.

(f) Establish a process by which a screening panel of three active and/or retired Contra Costa County Superior Court judges will evaluate resident applications to the Commission and establish a pool of qualified candidates from which Commissioners will be selected.

(g) Require the Commission to hold at least seven public meetings, of which four must be held before the Commission publishes its first draft map.

(h) Prohibit the Commission from adopting a final district map unless a draft map with substantially similar boundaries was approved at a prior public meeting held at least 14 days after the draft map was publicly displayed.

(i) Establish application requirements and post-service restrictions to ensure that all Commissioners remain impartial and free from outside influence.

(j) Require the City Council to appropriate sufficient funds to meet the operational needs of the Commission.

Section 4. The Richmond District Elections Act.

The Charter is hereby amended for Article III sections 2 and 3 to read as follows:

Sec. 2

(a) The City Council. The City Council shall be composed of seven members, each of whom shall have been an elector of the City for at least one year preceding said member's election.

(b) City Council elections by district. Commencing with the 2018 election, the City Council shall be composed of six members elected by district pursuant to this Article, and one Mayor elected at-large pursuant to Article III-A. Each Councilmember shall be elected by electors within a Council district and must have resided in the district in which he or she is elected for a period of not less than 30 days immediately preceding the date he or she files a declaration of

candidacy, and must continue to reside therein during his or her incumbency, and upon ceasing to be such resident shall be removed from office. Each Councilmember appointed to fill a vacancy must reside in the district on the date of appointment and during his or her incumbency, and upon ceasing to be such resident shall be removed from office. No change in the boundary or location of any district shall operate to abolish or terminate the term of office of any Councilmember prior to the expiration of the term of office for which such member was elected or appointed.

(c) Transition to district elections. Notwithstanding any other provision or provisions of this Charter to the contrary, elections shall be held by district for all six Councilmembers at the general election in 2018. The respective terms of office of all of the Councilmembers who shall hold office on Monday, January 7, 2019 shall expire on that day, and the persons elected as Councilmembers at the general election in 2018 shall succeed to said offices. At that time, the City Clerk shall determine by lot whether the Councilmembers elected from the even- or odd-numbered Council districts shall have terms which expire in January 2021, and which shall have terms which expire in January 2023; commencing, however, with the general election in November 2020, the terms of office of the Councilmembers from the even- or odd-numbered council districts, as the case may be, shall be for a term of four years and shall continue as such thereafter.

(d) Term of office. The term of office for Councilmembers shall be four years commencing on the second Tuesday in January following their election.

(e) Consolidation of elections. The City Council may, by resolution, change the date of any general election for the Mayor and Councilmembers to another date in order to consolidate said election with an election of any other public agency which is held within one month of the dates set forth in this Charter for municipal elections. A notice of the change in the date of a general election shall be published for five days not earlier than the 120th day nor later than the 100th day prior to the date fixed for the election.

Sec. 3

(a) Definitions. For purposes of this section, the following words shall be defined as follows:

- (1) "Alternate" shall mean a non-voting member of the Independent Redistricting Commission who may be sworn in as voting member due to a vacancy.
- (2) "Commission" shall mean the Independent Redistricting Commission.
- (3) "Commissioner" shall mean a voting member of the Independent Redistricting Commission.
- (4) "Day" or "Days" shall mean calendar days.
- (5) "Final district map" shall mean a map detailing the boundaries of the City's six Council districts approved by the Commission.

(6) "Screening panel" shall mean the three member body chosen to review Commission applications.

(b) Establishment. The Commission shall be established by May 15, 2017 in order to create six Council districts for use in the 2018 general election. The Commission must approve a final district map detailing the boundaries of each district by April 1, 2018. Thereafter, the Commission shall be established within 125 days after the publication of the decennial federal census, or whenever any substantial territory is annexed to or consolidated with the City, and shall adjust the boundaries of any or all of the Council districts in conformance with the standards and process set forth in this section.

(c) Composition. The Commission shall consist of seven Commissioners and two Alternates.

(1) Each Commissioner and Alternate shall be a resident of the City for at least three years preceding their date of application.

(2) No Commissioner or Alternate shall be an employee of the City, or the spouse, parent, child, sibling, or domestic partner of a Councilmember, Mayor or City department head or deputy.

(3) In the ten years preceding the date of application, no Commissioner or Alternate may have:

(A) Held elected City office;

(B) Been a candidate for elected City office;

(C) Served as a staff assistant to a Councilmember or Mayor;

(D) Registered as a City lobbyist;

(E) Received over \$1,000 in salary or consultant fees from the campaign of any candidate for elected City office.

(4) All Commissioners and Alternates must file a Statement of Economic Interests (FPPC Form 700) prior to serving on the Commission.

(5) For a period of five years beginning from the date of appointment, no Commissioner or Alternate shall be a candidate for elected City office or be appointed to serve as a Councilmember or Mayor.

(6) For a period of three years beginning from the date of appointment, no Commissioner or Alternate shall:

(A) Be appointed to serve on a City Commission or Board;

(B) Register as a City lobbyist;

(C) Receive a non-competitively bid contract with the City individually or through any entity which he or she controls;

(D) Serve as a staff assistant to a Councilmember.

(d) Term of office. The term of office of each Commissioner and Alternate shall expire six months after the final district map is adopted and no longer subject to legal challenge. In the event of a legal challenge, terms of office will terminate six months after appeals of such challenge have been exhausted and a final decision entered.

(e) Appointment. The Commission shall be appointed as follows:

(1) 15 days after the publication of the decennial federal census, or 15 days after the effective date of this Article for the initial Commission:

(A) The City Clerk shall initiate and widely publicize the application process for Commissioners. The City Clerk shall publish a formal application outlining the guidelines for selection of Commissioners and allowing applicants to demonstrate their qualifications to perform the duties of Commissioner.

(B) The Presiding Judge of the Contra Costa County Superior Court, or if he or she is unwilling or unable, the Contra Costa County Clerk-Recorder, or if he or she is unwilling or unable, the City Clerk, shall appoint a screening panel of three active and/or retired Contra Costa County Superior Court judges to review applications to serve on the Commission. If an insufficient number of active and/or retired Contra Costa County Superior Court judges are willing to serve on the screening panel, the City Clerk shall appoint the remaining members of the screening panel.

(2) Applications to serve on the Commission may be submitted to the City Clerk for 30 days following the initiation of the application process.

(3) Within 10 days following the close of the application period, the City Clerk shall review the applications, remove from consideration any applicant not eligible to serve on the Commission, and forward the remaining applications to the screening panel.

(4) The screening panel may re-open the application process one time for no more than 15 days if it determines that it has not received a sufficient number of qualified or diverse applicants.

(5) Within 30 days following the receipt of the applications from the City Clerk, the screening panel, through an open and public process, shall select a final applicant pool of the 30 applicants who are the most qualified to perform the duties of the Commission and who are reflective of the geographic, racial, ethnic and economic diversity of the City. In selecting the most qualified applicants, the screening panel shall consider the applicant's relevant qualifications, analytical skills, ability to be impartial, and apparent ability to work together well with other potential Commissioners. Notwithstanding any provision or provisions of this section to the contrary, if the screening panel does not select 30 qualified applicants, the City Clerk shall have authority to

determine the process for finalizing the applicant pool.

(6) At a public meeting 10 days after the selection of the final applicant pool, the City Clerk shall randomly select four names from the applicant pool. These four individuals shall serve on the Commission.

(7) Within 15 days after being selected to serve on the Commission, the four Commissioners shall meet to review the remaining names in the applicant pool and select three applicants to serve as Commissioner and two applicants to serve as Alternates. The Commissioners shall select the applicants who are most qualified to perform the duties of the Commission and who are reflective of the geographic, racial, ethnic and economic diversity of the City. In selecting the most qualified candidates, Commissioners shall consider the applicant's qualifications, relevant analytical skills, ability to be impartial, and apparent ability to work together well with other potential Commissioners. The four Commissioners shall approve the additional Commissioners and Alternates by at least three affirmative votes.

(f) District criteria. The Commission shall establish the boundaries for each of the six City Council districts using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution, the federal Voting Rights Act, commencing at 42 U.S.C. Section 1971, and any other applicable requirement of federal or state law.

(2) Each City Council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or permitted by law.

(3) 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 practicable 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.

(4) Districts shall be geographically contiguous.

(5) To the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

(6) Districts may not be drawn for the purpose of favoring or discriminating against an incumbent or political candidate.

(g) Legal requirements. In developing the final district map, the Commission shall:

(1) Comply with all applicable state and City requirements for open meetings, including the Ralph M. Brown Act, commencing at section 54950 of the Government Code.

(2) Make all data and proceeding information available at City Hall, the Richmond Public Library and online.

(3) Not engage in communications regarding the Commission's subject matter jurisdiction outside of a publicly noticed meeting, except for communications intended solely to educate the public about the districting and redistricting process and to encourage the public to participate therein.

(4) Hold at least seven public meetings throughout the City at which public input is accepted and considered, at least two of which are held in two different parts of the City before the Commission begins drafting maps and at least four of which are held before the Commission publishes its first draft map. The public may submit written comments, draft maps or any other materials to the Commission as part of this process.

(5) Not adopt a final district map unless a draft map with substantially similar boundaries has been approved at a prior public meeting. A draft map must be publicly displayed for at least 14 days prior to the meeting at which it is approved.

(h) Deadline to adopt map. As soon as possible but in no event later than April 1, 2018, and by December 31 of any year ending in the number one (1) thereafter, the Commission shall adopt a final district map for the City specifically describing the district boundaries for each of the City Council districts as prescribed above. Approval of the final district map requires the affirmative votes of five Commissioners. Upon adoption, the Commission shall certify the plan to the City Council. The City Council may not change the plan, and the plan shall have the force and effect of law.

(1) 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 district plan. This report shall also include any changes to the Charter or City law which the Commission recommends to improve the redistricting process.

(2) If the Commission does not adopt a final district plan by the dates in this section, the City Attorney shall immediately petition the Contra Costa County Superior Court for an order directing the appointment of special masters to establish or adjust the boundary lines of the districts in accordance with the redistricting criteria and requirements set forth in this section. Upon its approval of the masters' district map, the court shall certify the resulting map to be used in all subsequent elections until a final plan is adopted by the Commission to replace it.

(i) Legal counsel. Despite any provision or provisions in the Charter or City law to the contrary, the Commission shall have the authority and discretion to retain outside counsel to act as its legal counsel rather than having the City Attorney serve this role.

(j) Removal from office. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, including but not limited to participating in the

activities listed in subsection (c) above, a Commissioner may be removed by the Commission with five affirmative votes.

(k) Vacancy. Any vacancy on the Commission, whether created by removal, resignation, or absence, shall be filled by the Commission within 15 days after the vacancy occurs by randomly selecting an available Alternate.

(l) Appropriation of funds. The City Council shall appropriate funds to meet the operational needs of the Commission including the funding of the Commission selection process and the hiring of City employees and/or outside contractors as the Commission deems necessary. The Commission shall have the sole authority to hire and fire consultants, and shall seek the advice of nonprofit organizations specializing in redistricting issues before hiring or firing any consultant.

Section 5. Effective Date.

This Charter Amendment shall be effective upon its acceptance and filing by the California Secretary of State under California Government Code section 34459.

Section 6. Conflicting Measures.

This measure is intended to be comprehensive. It is the intent of the people of the City of Richmond that in the event this measure and one or more measures relating to the same subject matter shall appear on the same ballot the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

Section 7. Liberal Construction.

This measure is an exercise of the initiative power of the people of the City of Richmond for the protection of the health, safety, and welfare of the people, and shall be liberally construed to effectuate its purposes.

Section 8. Existing Charter Language.

This Charter Amendment language supersedes any existing Charter language to the extent that such existing Charter language is in conflict with this Amendment.

Section 9. Severability.

If any provision of this measure, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this measure are severable. The voters hereby declare that this measure, and each portion and part, would have been adopted irrespective of whether any one or more provisions or parts are found to be invalid or unconstitutional.

**RICHMOND CITIZENS FOR
DISTRICT ELECTIONS FPPC #1378047**
P.O. BOX 1389
RICHMOND CA 94802

303
90-203/1211

CHECK # 111111

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Stacie E. J. Summer

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RF