

PROPOSED CHARTER AMENDMENT TO THE CITY OF AUSTIN FOR SINGLE MEMBER DISTRICTS AND AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION

1. COUNCIL MEMBERSHIP.

(A) The council shall be composed of:

- (1) a mayor elected from the city at-large; and
- (2) ten (10) council members elected from single-member districts.

(B) The term “council member(s)” includes the mayor unless otherwise provided.

(C) The independent citizens redistricting commission, as prescribed below in Section 3, shall by ordinance divide the city into ten geographical council districts for the election of council members as provided in this article. The commission shall designate each council district by a number or by other designation.

2. ELIGIBILITY OF COUNCIL MEMBERS.

(A) A candidate for mayor must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the city for six months immediately preceding the regular filing deadline for a mayoral candidate’s application for a place on the ballot. If the mayor ceases to reside the city, the mayor or council member automatically resigns.

(B) A candidate for city council from a council district must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the council district from which the member is elected for six months immediately preceding the regular filing deadline for a council candidate’s application for a place on the ballot. If a council member elected from a council district ceases to reside in the district as the boundaries of the district were drawn at the time of the council member’s election, the council member automatically resigns.

3. REDISTRICTING

(A) For purposes of this section, the following terms are defined:

(1) "Commission" means the Independent Citizens Redistricting Commission.

(2) "Day" means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

(3) "Panel" means the Applicant Review Panel.

(4) "Qualified independent auditor" means an auditor who is currently licensed by the Texas Board of Public Accountancy and has been a practicing independent auditor for at least five years prior to appointment to the Applicant Review Panel.

(5) “Substantial Neglect of Duty” means that an individual has disregarded a manifest duty, prescribed by this section, intentionally, knowingly, or negligently. Missing half or more of the meetings in a three month period constitutes a substantial neglect of duty.

(6) “Spouse” means one’s licensed marriage spouse, common law spouse, or recognized domestic partner.

(B) In 2012 and thereafter in each year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Commission shall adjust the boundary lines of the 10 single-member districts in conformance with the standards and process set forth in this Section. The Commission shall not draw district lines at any other time, except if the districts must be redrawn because of a judicial decision invalidating the then existing district plan, in whole or in part. The Commission shall be fully established no later than October 1, 2012, and thereafter no later than March 1 in each year ending in the number one thereafter.

(C) The commission shall:

(1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines;

(2) draw district lines according to the redistricting criteria specified in this article; and

(3) conduct themselves with integrity and fairness. This selection process is designed to produce a commission that is independent from influence by the city council of the City of Austin and is reasonably representative of this City's diversity.

(D) The commission shall consist of 14 members.

(1) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in at least three of the last five City of Austin general elections immediately preceding his or her application. Notwithstanding the above, one commission member shall be a student duly enrolled in a community college or university in the City of Austin and who resides and is registered to vote in the City of Austin.

(2) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.

(3) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any single-member district.

(4) Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible for a period of 10 years beginning from the date of appointment to hold elective public office for the City of Austin. A member of the commission shall be ineligible for a period of three years beginning from the date of appointment to hold appointive public office for the City of Austin, or to serve as paid staff for, or as a paid consultant to, the City of Austin, the city council of the City of Austin, or any member of the city council of the City of Austin.

(E) The commission shall establish the boundaries of the council districts for the City of Austin in a plan using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which 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.

(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) To the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.

(7) To the extent practicable, district boundaries shall be drawn to using geographically identifiable boundaries.

(F) The place of residence of any incumbent or political candidate shall not be considered in the creation of a plan or any district. Districts shall not be drawn for the purpose of favoring or discriminating against any incumbent, political candidate, or political group.

(G) By December 31, 2012, and by November 1 in each year ending in the number one thereafter, the commission shall adopt a final plan for the City of Austin specifically describing the district boundaries for each of the council districts prescribed above. Upon adoption, the commission shall certify the plan to the city council of the City of Austin. The city council may not change the plan. 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 plan.

(2) If the commission does not adopt a final plan by the dates in this subsection, the city attorney for the City of Austin shall immediately petition state court for an order prescribing the boundary lines of the single-member districts in accordance with the redistricting criteria and requirements set forth in this Section. The plan prescribed by the court shall be used for all subsequent city council elections until (1) a final plan is adopted by the commission to replace it, or (2) a new commission is appointed under section (I).

(H) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the city council of the City of Austin if it determines that funds or other resources provided for the operation of the commission are not adequate. The city council of the City of Austin shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the city attorney or other legal counsel retained by the commission at its discretion shall represent the commission in defense of a certified final map.

(I) Commission Selection Process.

(1) No later than May 15, 2012, and by June 1 in each year ending in the number zero thereafter, the City of Austin Auditor shall initiate an application process, open to all registered City of Austin voters in a manner that promotes a diverse (race, ethnicity, gender, and geographic) and qualified applicant pool. This process shall remain open until July 15, 2012, or until September 30 in each year ending in the number zero thereafter.

(2) The City of Austin Auditor shall remove from the Commission or independent auditor applicant pool any person with conflicts of interest including:

(A) Within the 5 years immediately preceding the date of application, of either the applicant or their spouse, shall have done any of the following:

(i) Been appointed to, elected to, or have been a candidate for state or city office.

(ii) Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office.

(iii) Been a registered state or local lobbyist.

(iv) Contributed or bundled one thousand dollars (\$1,000) or more in aggregate to candidates for City of Austin elective office in the last City election.

(B) Staff and consultants to, persons under a contract with, or a spouse of any member of the Austin City Council.

(3) No later than July 15, 2012, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall establish an Applicant Review Panel, consisting of three qualified independent auditors, to screen applicants. The City of Austin Auditor shall at a public meeting randomly draw the names of three qualified independent auditors from a pool consisting of all qualified independent auditors residing in the City of Austin that have applied to serve on the Applicant Review Panel. After the drawing, the City Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors declines to serve on the panel or is disqualified because of any conflict of interest prescribed above in subsection 3(I)(2), the City of Austin Auditor shall resume the random drawing until three qualified independent auditors who meet the requirements of this subdivision have agreed to serve on the panel.

(4) Having removed individuals with conflicts of interest from among the applicants, the City of Austin Auditor shall, no later than August 1, 2012, and no later than October 31 in each year

ending in the number zero thereafter, publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(5) No later than September 1, 2012, and by January 15 in each year ending in the number one thereafter, the Applicant Review Panel shall select a pool of 60 applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the City, and appreciation for the City of Austin's diverse demographics and geography. The members of the Applicant Review Panel shall not communicate directly or indirectly with any elected member of the Austin City Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the council of the City of Austin.

(6) No later than September 2, 2012, and by January 16 in each year ending in the number one thereafter, the Applicant Review Panel shall submit its pool of 60 recommended applicants to the council of the City of Austin. Each member of the council of the City of Austin within five days in writing may strike up to one applicant from the pool of applicants. No reason need be given for a strike. Any applicant struck by any member of the council of the City of Austin must be removed from the pool of applicants. No later than September 8, 2012, and by January 22 in each year ending in one thereafter, the Applicant Review Panel shall submit the pool of remaining applicants to the City of Austin Auditor.

(7) No later than September 9, 2012 and by January 23 in each year ending in the number one thereafter, the City of Austin Auditor shall randomly draw at a public meeting eight names from the remaining pool of applicants. These eight individuals shall serve on the Citizens Redistricting Commission.

(8) No later than September 30, 2012 and by February 28 in each year ending in the number one thereafter, the eight commissioners shall review the remaining names in the pool of applicants and, from the remaining applicants in that pool, shall appoint six applicants to the commission. These six appointees must be approved by at least five affirmative votes among the eight commissioners. These six appointees shall be chosen to ensure that the commission reflects the diversity of the City of Austin, including, but not limited to, racial, ethnic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial. As for geographic diversity, for the first redistricting in 2012, the eight commissioners shall appoint the remaining 6 members to ensure geographic diversity and that at least 3 commissioners come from each of the 4 existing Travis County Commissioners districts, to the extent feasible with the remaining 6 seats. As for the redistricting in each year ending in the number one thereafter, the eight commissioners shall ensure that at least one commission member reside in each of the then current council districts, to the extent feasible with the remaining 6 seats.

(9) Once constituted, the commission shall conduct hearings and adopt a plan for the boundaries of the city's council districts as required by the charter of the City of Austin.

(J) Citizens Redistricting Commission Vacancy, Removal, Resignation, or Absence.

(1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may be removed by a vote of ten of the

Commissioners, having been served written notice and provided with an opportunity for a response.

(2) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the Commission within 15 days after the vacancy occurs, from the remaining pool of applicants. Nine members must agree to any appointment.

(K) The activities of the Citizens Redistricting Commission are subject to all of the following:

(1) The commission shall comply with all state and city requirements for open meetings.

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

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

(4) The commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.

(5) The commission shall hire commission staff, legal counsel, and consultants as needed; provided, however, that compensation of such persons shall be limited to the period in which the commission is active. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in subsection 3(I)(2) to the hiring of staff to the extent applicable. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

(6) Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.

(7) The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall include hearings to receive public input before the commission adopts any plan. In 2013, there shall be at least one such public hearing in each of the four Travis County Commissioner Precincts, and in each year ending in the number one thereafter, there shall be at least one public hearing in each of the then existing ten council districts. There also shall be at least three hearings following the adoption of any plan. In addition, hearings shall be supplemented with other activities as appropriate to further increase opportunities for the public to observe and participate in the review process. The commission shall display any adopted plan for public comment in a manner designed to achieve the widest public access reasonably possible. Public comment shall be taken for at least ten days from the date of public display of any adopted plan. The commission may subsequently amend the adopted

plan. Unless such amendment is purely technical, the adopted plan, as amended, shall be subject to a reasonable opportunity for further public hearing and comment. The Commission shall be finished with all hearings and adopt the final plan by no later than December 31, 2012, and by November 1 in each year ending in the number one thereafter

(8) Members of the commission shall not be compensated for their service. Members of the panel and the commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed pursuant to this act.

(9) Appropriations by the council of the City of Austin shall be sufficient to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.

(10) The commission shall remain inactive except when necessary to comply with its duties under this ordinance and the city charter.

4. TRANSITION.

(A) This section provides for a transition from the seven-member council elected at large to the eleven-member council provided by this article. Except as provided in this section, and after the transition as prescribed in this section, the mayor and council members shall serve three-year terms.

(B) The three council members elected at large in May 2011 shall serve two-year terms. The mayor and three council members elected at-large in the May 2012 general election shall serve one-year terms.

(C) A general election shall be held for the council in May 2013, at which the mayor and ten council members elected from council districts shall be elected.

(D) As soon as practicable after assuming office after the May 2013 general election, the City Clerk shall divide at a public hearing the council members elected from council districts into two classes by drawing lots. Class one shall consist of five council members who shall serve initial two-year terms. Class two shall consist of five council members who shall serve three-year terms.

(E) At the May 2015 general election, the five class one council members elected by districts will be elected for three-year terms.

(F) At the May 2016 general election, the five class two council members elected by districts will be elected for three year terms, marking the end of the transition period.