

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

BILL NO. 2014-33

Redistricting Commission

SPONSOR(S): Councilors Dominguez, Trujillo and Ives

SUMMARY: The bill relates to redistricting and proposes to:

- create a new Section 6-18 SFCC 1987 to establish an Independent Citizens' Redistricting Commission ("Commission");
- amend the Santa Fe Election Code, Section 9-1 SFCC 1987 to require that the Commission review and revise the City of Santa Fe district boundaries at least every ten years; and
- make such other changes as are necessary to carry out the purpose of the ordinance.

The bill has been reviewed by the Public Works and Finance Committees. Both committees recommended approval of the bill, however, the Finance Committee recommended amendments to bill which are acceptable to the primary sponsor of the legislation. Additionally, the sponsor has requested that additional amendments to the bill be made. All amendments are referenced on the attached amendment sheet.

PREPARED BY: Melissa Byers, Legislative Liaison

DATE: November 6, 2014

ATTACHMENTS: Amendment Sheet
Bill
FIR
Committee Action Sheets & Minutes

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2014-33
Independent Citizens' Redistricting Commission**

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2014-33:

1. On page 2, *delete* lines 8 and 9 and *insert* the following in lieu thereof: "by using data, including census data."
2. On page 2, line 15, *delete* "establish a" and *insert* in lieu thereof "adopt a final"
3. On page 3, *delete* lines 14 through 18 and *insert* the following, in lieu thereof:

"E. The commission may assign appropriate weight to:

- (1) Geographical boundaries;
- (2) Minimizing the splitting of precincts;
- (3) Minimizing the splitting of political boundaries;
- (4) Minimizing the need for additional polling locations;
- (5) Minimizing voter confusion in switching elected officials into different districts; and
- (6) Establishing districts that have a fairly regular shape."

4. On page 4, line 6, *delete* "may" and *insert* "shall" in lieu thereof
5. On page 4, line 6, after "plans" *insert* ", including maps,"
6. On page 4, line 9, *insert* the following new paragraph:

"H. Districting plans prepared by the consultant shall be made immediately available for public review on the city website or by request to city staff."

Editor's Note: Re-letter paragraphs accordingly

7. On page 5, line 5, after "statistician" *insert* ", except that if a city resident is not available, then a resident of Santa Fe county may be appointed"
8. On page 5, line 7, after "cartographer" *insert* ", except that if a city resident is not available, then a resident of Santa Fe county may be appointed"
9. On page 5, line 19, after "commission" *insert* ", unless otherwise provided for in this Ordinance"
10. On page 6, line 5 after "candidate" *insert* ", as defined in §9-2.3(G) SFCC 1987"

11. On page 6, lines 9 through 12, *delete* the following:

“(f) A person who, at any time within the five (5) years immediately preceding the date of their application for selection to the commission, has worked as a lobbyist. For purposes of this provision, the term “lobbyist” means a person who for compensation, has direct communication with an elected official, including any elected city official, for purposes of influencing a municipal decision; or”

Editor’s Note: Re-letter paragraphs accordingly

12. On page 6, lines 24 through 25 and on page 7, line 1, *delete*:

“(i) A person who, at any time within the five (5) years immediately preceding the date of their application for selection to the commission, has contributed more than five dollars (\$5.00) to the campaign of a city elected official.”

Editor’s Note: Re-letter paragraphs accordingly

13. On page 7, line 18, *delete* “(4)” and *insert* “(5)”, in lieu thereof

14. On page 7, line 22, *delete* “is not” and *insert* “shall be”, in lieu thereof

15. On page 7, line 23, after “however”, *delete*:

“if an alternate is called upon, then the alternate shall be required to become familiar with the minutes and actions of the commission, prior to voting on any items”

and *insert*, in lieu thereof:

“an alternate shall not be allowed to participate in the meetings unless they are called upon to fill the term of a vacant member position”

16. On page 8, line 1, after “commission.” *insert* “The chairperson shall provide direction to the consultant and staff.”

17. On page 8, *delete* lines 4 and 5 and *insert* in lieu thereof:

“The first commission shall be established no later than February 1, 2015, so that the initial districting plan shall be final by June 1, 2015.”

18. On page 8, *delete* lines 11 and 12 and *insert* the following text in lieu thereof:

“6-18.6 [NEW MATERIAL] Budget. The city finance director shall request that adequate funds be appropriated for the commission to carry out its duties.”

Respectfully submitted,

Carmichael Dominguez, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2014-33

3 INTRODUCED BY:

4
5 Councilor Carmichael Dominguez

6 Councilor Ronald Trujillo

7 Councilor Peter Ives

8
9
10 AN ORDINANCE

11 RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO
12 ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION;
13 AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE
14 THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL
15 REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST
16 EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

17
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. A new Article 6-18 SFCC 1987 is ordained to read:

20 6-18 [NEW MATERIAL] INDEPENDENT CITIZENS' REDISTRICTING COMMISSION.

21 6-18.1 [NEW MATERIAL] Creation; Purpose.

22 A. The creation of an independent citizens' redistricting commission ("commission")
23 was approved by the electorate of the city of Santa Fe on March 4, 2014 when the electorate approved
24 an amendment to Section 6.03 of the Santa Fe Municipal Charter ("Charter").

25 B. As required by the Charter, the purpose of this section is to establish a procedure for

1 the appointment and deliberations of the commission.

2 **6-18.2 [NEW MATERIAL] Independent Districting Consultant.**

3 A. Prior to the establishment of the first commission and every commission thereafter,
4 an independent districting consultant shall be acquired through the city procurement process. The
5 consultant shall be experienced and competent in the skills necessary for the districting work to assist
6 the commission in developing the districting plans detailed in this Section.

7 B. The consultant shall provide professional and technical assistance to the commission
8 and use data, including census data, to create four (4) dual member districts for the consideration by
9 the commission.

10 C. The consultant, along with the city attorney, shall ensure that the districting plans
11 comply with state, federal and local laws including the Federal Voting Rights Act of 1965 and the
12 City of Santa Fe Municipal Charter. The creation of districts shall be done in such a way as to avoid
13 splitting precincts.

14 **6-18.3 [NEW MATERIAL] Powers and Duties of Commission.**

15 A. The first commission established under this Section shall establish a districting plan
16 for adjusting the boundaries of the four (4) city council districts in a timely manner, but no later than
17 June 1, 2015, for use in the 2016 regular municipal election.

18 B. Future commissions shall establish a districting plan, if necessary, for adjusting the
19 boundaries of the four (4) city council districts:

20 (1) Within one (1) year of receipt by the city of the final federal decennial census
21 information for use commencing with the next scheduled general municipal election
22 occurring at least three (3) months after adoption of the final districting plan; or

23 (2) When the governing body adopts a resolution expressing the need for
24 convening a commission to establish a districting plan.

25 C. Pursuant to 6-18.2 SFCC 1987, the commission shall rely on the professional and

1 technical assistance of the independent districting consultant when considering and establishing the
2 final districting plan.

3 D. In establishing the district boundaries, the commission will, to the maximum
4 practicable extent, ensure that the commission's decisions will be based exclusively on the following
5 principles in the following order of priority:

6 (1) Each district shall contain as nearly as possible substantially the same
7 population based upon the most recent federal census;

8 (2) Districting plans must avoid dilution of minority voting strength;

9 (3) Communities of interest, including those based upon ethnic and economic
10 factors, shall be preserved within a single district whenever reasonable;

11 (4) Each district shall be formed of compact, contiguous territories. The total
12 length of all district boundary lines shall be as short as possible;

13 (5) Districting plans shall compensate for U.S. census undercount of minorities.

14 E. The commission may assign appropriate weight to:

15 (1) Minimizing the splitting of precincts;

16 (2) Minimizing the need for additional polling locations; and

17 (3) Minimizing voter confusion in switching elected officials into different
18 districts.

19 F. The commission shall conduct a series of public hearings.

20 (1) The commission shall conduct a minimum of one (1) public hearing for
21 organizational purposes in order to select a chairperson and a vice-chairperson and to
22 coordinate with the independent consultant.

23 (2) The commission shall conduct a minimum of one (1) public hearing to
24 provide instruction to the consultant for the development of a preliminary districting plan or
25 plans.

1 (3) The commission shall conduct a minimum of four (4) public hearings to
2 receive oral and written comments on the preliminary districting plan or plans.

3 (4) The commission shall conduct a minimum of one (1) public hearing to vote
4 to adopt a final districting plan.

5 G. In addition to considering districting plans prepared by the commission in
6 coordination with the independent consultant, the commission may consider districting plans
7 submitted by the general public that are consistent with the requirements of the laws of the city of
8 Santa Fe and the state of New Mexico.

9 H. The commission shall conduct the public hearings in an open and transparent manner,
10 in accordance with the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA
11 1978.

12 I. Any member of the commission shall not communicate with any interested parties
13 outside of the public meeting and hearing concerning the merits or substance of any item coming
14 before the commission, except in writing filed with the city clerk.

15 **6-18.3 [NEW MATERIAL] Membership**

16 A. *Definitions.* As used in this subsection:

17 (1) *Cartographer* means a person who makes maps and has a minimum of three
18 years of work experience as a cartographer.

19 (2) *Geographer* means a person who specializes in geography and has a
20 minimum of three years of work experience as a geographer.

21 (3) *Statistician* means a person who is versed in or engaged in compiling
22 statistics and has a minimum of three years of work experience as a statistician.

23 B. *Membership.* The commission shall consist of seven (7) members who shall be
24 selected and appointed in the manner provided for in 6-18.4 SFCC 1987.

25 (1) One (1) member shall be a resident of city council district 1;

- 1 (2) One (1) member shall be a resident of city council district 2;
- 2 (3) One (1) member shall be a resident of city council district 3;
- 3 (4) One (1) member shall be a resident of city council district 4;
- 4 (5) One (1) member shall be a resident of the city of Santa Fe, who is a
- 5 statistician;
- 6 (6) One (1) member shall be a resident of the city of Santa Fe, who is either a
- 7 geographer or cartographer; and
- 8 (7) For the first commission, one (1) member shall be a resident of the city of
- 9 Santa Fe and reside in the newly annexed area of the city that became effective on January 1,
- 10 2014. For future commissions, the one (1) member shall be a resident of any city council
- 11 district.

12 Should the city not receive applications from interested persons for the membership positions

13 described in subparagraphs (5) and (6), above, then those positions may be filled by interested

14 persons of any city council district who have applied for and were not selected for the other

15 membership positions.

16 **6-18.4 [NEW MATERIAL] Eligibility; Selection; Chairperson; Term.**

17 **A. *Eligibility to serve on the commission.***

- 18 (1) Only persons who are both residents and registered voters of the city are
- 19 eligible to apply for and serve on the commission.
- 20 (2) Notwithstanding that a person may be a resident and registered voter of the
- 21 city, the following persons are ineligible to apply for and serve on the commission:
- 22 (a) Any elected official; or
- 23 (b) A relative by blood or marriage within the second degree, or any
- 24 domestic partner, within the meaning of Subsection 19-3.8 SFCC 1987, of any
- 25 elected city official; or

1 (c) A person who, at any time within the five (5) years immediately
2 preceding the date of their application for selection to the commission, has served as
3 an elected city official; or

4 (d) A person who, within the last five (5) years immediately preceding
5 the date of application for selection to the commission, has been a candidate to
6 become an elected city official; or

7 (e) A current employee of the city or a current employee of any
8 organization representing any employee bargaining unit for employees of the city; or

9 (f) A person who, at any time within the five (5) years immediately
10 preceding the date of their application for selection to the commission, has worked as
11 a lobbyist. For purposes of this provision, the term "lobbyist" means a person who,
12 for compensation, has direct communication with an elected official, including any
13 elected city official, for purposes of influencing a municipal decision; or

14 (g) A person who is currently an officer in any non-profit organization
15 that participates in the electoral process through endorsements of candidates.

16 (h) A person who is currently an officer in any political committee, as
17 that term is defined in 9-2.3(M) SFCC 1987; or

18 (i) A person who is currently an officer in any qualified political party,
19 as that term is defined in 1-1-10 NMSA 1978, including, an officer of any county
20 political party; or

21 (h) A person who, at any time within the five (5) years immediately
22 preceding the date of their application for selection to the commission, has served as
23 a paid campaign worker or paid campaign consultant for an elected city official; or

24 (i) A person who, at any time within the five (5) years immediately
25 preceding the date of their application for selection to the commission, has

1 contributed more than five dollars (\$5.00) to the campaign of a city elected official.

2 C. *Selection of commission members.*

3 (1) The city clerk shall set a reasonable period for an application submittal
4 period.

5 (2) Any person desiring to serve on the commission shall apply by submitting an
6 application to the city clerk during the application submittal period. The application shall be
7 on a form prepared by the city clerk and approved by the city attorney.

8 (3) The city clerk shall conduct a ministerial review of each submitted
9 application for completeness. All applications shall be submitted to the city clerk by the close
10 of the application submittal period in order to be considered.

11 (4) Upon close of the application submittal period, the city clerk shall count all
12 applications submitted and determine the number of complete applications that will be
13 available for the drawing. If the city clerk determines that less than three (3) complete
14 applications, per membership position, have been submitted, the city clerk shall extend the
15 application period, if doing so will not interfere with applicable deadlines for the redistricting
16 process. The city clerk extended application period shall be no more than one-half the length
17 of the initial application period.

18 (4) The city clerk shall set a date, time and place for the members to be selected
19 by means of a drawing by lot, so that (1) member for each position, described in 6-18.3 SFCC
20 1987, is selected, along with one alternate, in the event the member resigns in writing prior
21 to the end of the term of the commission. An alternate shall be subject to the same
22 requirements of a member. An alternate is not required to attend commission meetings;
23 however, if an alternate is called upon, then the alternate shall be required to become familiar
24 with the minutes and actions of the commission, prior to voting on any items.

25 D. *Chairperson.* The chairperson and vice-chairperson shall be elected by members of

1 the commission.

2 E. *Term.*

3 (1) The members of the first commission shall be selected as soon as practicable.
4 For the first commission, the goal is to have the commission members determined by no later
5 than February 1, 2015 so that the initial districting plan shall be final by June 1, 2015.

6 (2) Members of each commission shall serve from the time they are appointed
7 until after the vote on the final redistrict plan, or unless ordered otherwise by a court.

8 **6-18.5 [NEW MATERIAL] Meetings.** Each commission shall establish its regular meeting
9 day, time and location and shall publish notice of each meeting with the city clerk, in accordance with
10 the New Mexico Open Meetings Act, , Sections 10-15-1 through 10-15-4 NMSA 1978.

11 **6-18.6 [NEW MATERIAL] Budget.** The city finance director shall ensure that adequate
12 funds are appropriated for the commission to carry out its duties.

13 **6-18.7 [NEW MATERIAL] Staff.** The city attorney shall be the staff liaison to the
14 commission.

15 **Section 2. Subsection 9-1.4 SFCC 1987 (being Ord. #1985-60, §4, as amended) is**
16 **amended to read:**

17 **9-1.4 Districting.**

18 A. In establishing the district boundaries, [~~the governing body~~] the independent citizens'
19 redistricting commission, established by Section 6-18 SFCC 1987, shall consider the following
20 principles in the following order of priority:

21 (1) Each district shall contain as nearly as possible substantially the same
22 population based upon the most recent federal census;

23 (2) Districting plans must avoid dilution of minority voting strength;

24 (3) Communities of interest, including those based upon ethnic and economic
25 factors, shall be preserved within a single district whenever reasonable;

1 (4) Each district shall be formed of compact, contiguous territories. The total
2 length of all district boundary lines shall be as short as possible;

3 (5) Districting plans shall compensate for U.S. Census undercount of minorities.

4 B. District boundaries shall be reviewed and revised, if necessary, following each
5 decennial federal census.

6 C. Revisions to the district boundaries [~~in existence on the date of adoption of this~~
7 ~~ordinance~~] shall be effective beginning with the March~~[, 2012]~~ 2016 regular municipal election.

8 **Section 3. Subsection 9-1.4.1 SFCC 1987 (being Ord. #2002-7, §§4,5, as amended)**
9 **is amended to read:**

10 **9-1.4.1 Incorporation by Reference.**

11 The approved redistricting plan and plan documents (subsections 9-1.3 and 9-1.4) presented
12 to [~~and utilized by the governing body at the August 1, 2011 meeting]~~ the independent citizens'
13 redistricting commission, in the course of revising the boundaries of the four (4) city council districts
14 are incorporated by reference. A true and correct copy of said plan and plan documents shall be
15 retained by the municipal clerk and made available for inspection by the public.

16 **Section 4. Review.** This Ordinance shall be reviewed by the governing body no later
17 than one year from the date of adoption.

18 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon
19 adoption.

20 APPROVED AS TO FORM:

21 

22
23 KELLEY A. BRENNAN, CITY ATTORNEY

24
25 *M/Melissa/Bills 2014/Redistricting Commission*

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X 2014-33 Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):

Relating To Redistricting:

- An Ordinance Creating an Independent Citizens' Redistricting Commission; Amending the Santa Fe Election Code to Require the Commission to Review and Revise the Council District Boundaries At Least Every Ten Years.
- A Resolution Directing Staff to Provide Outreach and Education to the Public Regarding the Commission and Call on Interested Persons, Who Meet the Qualifications for Commission Membership, to Apply for a Position on the Commission.

Sponsor(s): Councilors Dominguez, Trujillo and Ives

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Melissa Byers Date: 10/27/14 Phone: 955-6518

Reviewed by City Attorney: Kelly A. Brennan Date: 10/29/14
(Signature)

Reviewed by Finance Director: Theresa Garcia Date: 10/30/14
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The purpose of the bill is to establish an independent citizens redistricting commission pursuant to Section 6.03 of the Santa Fe Municipal Charter. The purpose of the resolution is to direct staff to provide outreach and education regarding the commission and call on members of the public who meet the qualifications of membership, to apply for a position on the commission.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

_____ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 14/15	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*								
Attorney	\$ 750.00	A	NR	\$ _____	_____	_____		12005
City Clerk	\$ 900.00	A	NR	\$ _____	_____	_____		12006
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____		
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____		
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____		
Professional Services:								12005
Redistricting Consultant	\$25,000	N	NR	\$ _____	_____	_____		12006
Stenographer Services	\$ 2,100	N	NR	\$ _____	_____	_____		
Precinct /District Maps	\$ 1,000	N	NR	\$ _____	_____	_____		12006
Total:	\$29,750			\$ _____				

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 14/15	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	
	REVENUE SOURCE HAS NOT BEEN IDENTIFIED					

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

There is currently not a revenue source identified for the legislation, however, City Attorney staff has a request in to the Finance Department to identify funding to carry out the purposes of the legislation. Once the funding source is identified, a budget adjustment request will be prepared to transfer:

\$25,000 into the City Attorney's budget for the redistricting consultant; and
\$ 3,100 into the City Clerk's budget for the stenographer services and precinct/district maps.

Personnel costs identified will be absorbed in the current budget and include salary for attendance at commission meetings (approximately 14 staff hours each for an assistant city attorney and the city clerk).

Section D. General Narrative

1. **Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

The proposed legislation relates to §6.03 of the Santa Fe Municipal Charter which mandates that the Governing Body adopt an ordinance to establish the independent citizens' redistricting commission. Additionally the legislation relates to Ordinance No. 2013-36 which authorized the Phase 2 annexation that annexed approximately 4100 acres, primarily on the southern and western borders of the City, into the City limits. The annexation incorporated at least 13,250 new residents into the City limits.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The residents that have been annexed into the City will not be equally absorbed into the City's four Council Districts and the consequence is possible legal challenge because the Municipal Charter Section 6.03A states "each district shall contain as nearly as possible substantially the same population...."

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The voters of the City of Santa Fe mandated that an independent citizens' redistricting commission be established. By establishing the commission, the Governing Body is complying with such mandate and the residents of the city of Santa Fe will be equally represented and absorbed into the four Council districts.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2014-____ Redistricting – Call for Members

SPONSOR(S): Councilor Dominguez

SUMMARY: The resolution directs staff to provide outreach and education to the public regarding the city of Santa Fe Independent Citizens' Redistricting Commission ("Commission") and calls on interested persons, who meet the qualifications for commission membership, to apply for a position on the Commission.

The resolution has been reviewed by the Public Works and Finance Committees. Both committees recommended approval of the resolution, however, the Finance Committee recommended amendments which are acceptable to the sponsor. Additionally, the sponsor has requested that additional amendments to the resolution be made. All amendments are referenced on the attached amendment sheet.

PREPARED BY: Melissa Byers, Legislative Liaison

FISCAL IMPACT: No

DATE: November 6, 2014

ATTACHMENTS: Amendment Sheet
Resolution
FIR

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2014-____
Independent Citizens' Redistricting Commission

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2014-____ :

1. On page 2, line 13 after "about" *insert* "such things that include, but are not limited to, demographics, statistics,"
2. On page 2, line 21, after "that" *insert* "between December 15, 2014 and January 15, 2016,"
3. On page 2, line 24, after "about" *insert* "such things that include, but are not limited to, demographics, statistics,"
4. On page 3, line 5, after "statistician" *insert* ", except that if a city resident is not available, then a resident of Santa Fe county may be appointed"
5. On page 3, line 6, after "cartographer" *insert* ", except that if a city resident is not available, then a resident of Santa Fe county may be appointed"
6. On page 3, line 16, *insert* the following:

"Applications for membership on the Commission shall be received by the City Clerk between December 15, 2014 and January 15, 2015. No later than January 30, 2015, the City Clerk shall select the members of the Commission in accordance with the procedure established in Ordinance No. 2014-____."

"BE IT FURTHER RESOLVED that applicants for Commission membership shall submit a written narrative describing the:

- (1) Applicant's qualifications for serving on the Commission;
- (2) Reasons why the applicant is interested in serving on the Commission; and
- (3) Applicant's knowledge about the history, geography, governmental structure and community dynamics of the city of Santa Fe.

Respectfully submitted,

Carmichael Dominguez, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-___

3 INTRODUCED BY:

4
5 Councilor Carmichael Dominguez

6
7
8
9
10 A RESOLUTION

11 DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC
12 REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING
13 COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS, WHO MEET
14 THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A
15 POSITION ON THE COMMISSION.

16
17 WHEREAS, on March 4, 2014, the voters of Santa Fe approved an amendment to Section
18 6.03 of the of *Santa Fe Municipal City Charter* ("Charter") that mandated the Governing Body to
19 establish, by ordinance, a procedure for the appointment and deliberations of an Independent
20 Citizens' Redistricting Commission ("*Commission*"); and

21 WHEREAS, on December 10, 2014, the Governing Body adopted Ordinance No. 2014-___
22 to create a new section 6-18 SFCC 1987 to establish the Commission; and

23 WHEREAS, the Commission is charged with reviewing and revising, at least every ten
24 years, the four dual-member council districts in the city of Santa Fe; and

25 WHEREAS, currently there is a need to redistrict the four council districts because on

1 January 2, 2014, the City of Santa Fe annexed approximately 4100 acres, primarily on the southern
2 and western borders of the City, into the City limits; and

3 **WHEREAS**, the annexation incorporated at least 13,250 new residents into the City limits;
4 and

5 **WHEREAS**, because of the areas in which they lived, those residents are not equally
6 absorbed into the four City Council Districts; and

7 **WHEREAS**, Santa Fe is a diverse community that embodies a rich history, melding
8 Hispanic, Anglo and Native American cultures; and

9 **WHEREAS**, the people of Santa Fe derive invaluable benefits from our multi-cultural
10 heritage and multi-ethnic and multi-racial residents who have made their homes in Santa Fe over the
11 centuries have each left their unique cultural mark on our city; and

12 **WHEREAS**, the Governing Body desires for residents of Santa Fe, who are registered
13 voters, and are knowledgeable about the history, geography, governmental structure and community
14 dynamics of the city of Santa Fe to apply for membership on the Commission; and

15 **WHEREAS**, time is of the essence for establishing the Commission because the next regular
16 municipal election is set for March 1, 2016.

17 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
18 **CITY OF SANTA FE** that in order for redistricting to be finalized prior to the beginning of the
19 campaign cycle for the 2016 election, the Commission members shall be selected by February 1,
20 2015, pursuant to the mandate in Ordinance No. 2014-___.

21 **BE IT FURTHER RESOLVED** that staff, using existing city resources, is directed to
22 provide outreach and education to the public regarding the City of Santa Fe Independent Citizens'
23 Redistricting Commission and call on residents of Santa Fe, who are registered voters, and are
24 knowledgeable about the history, geography, governmental structure and community dynamics of the
25 city of Santa Fe to apply for one or more of the following membership positions on the Commission:

- 1 (1) One resident of city council district 1;
- 2 (2) One resident of city council district 2;
- 3 (3) One resident of city council district 3;
- 4 (4) One resident of city council district 4;
- 5 (5) One resident of the city of Santa Fe, who is a statistician;
- 6 (6) One resident of the city of Santa Fe, who is either a geographer or cartographer; and
- 7 (7) One resident of the city of Santa Fe who resides in the newly annexed area of the city
- 8 that became effective on January 1, 2014.

9 For purposes of membership on the Commission:

- 10 (1) *Cartographer* means a person who makes maps and has a minimum of three years of
- 11 work experience as a cartographer.
- 12 (2) *Geographer* means a person who specializes in geography and has a minimum of
- 13 three years of work experience as a geographer.
- 14 (3) *Statistician* means a person who is versed in or engaged in compiling statistics and
- 15 has a minimum of three years of work experience as a cartographer.

16 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

17
18 _____
19 JAVIER M. GONZALES, MAYOR

20 ATTEST:

21
22 _____
23 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

2 
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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2014/Redistricting_Call for Members*

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, OCTOBER 27, 2014**

ITEM 11

INDEPENDENT CITIZENS REDISTRICTING COMMISSION

- REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZEN'S REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY
- REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS, WHO MEET THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A POSITION ON THE COMMISSION (COUNCILORS DOMINGUEZ, TRUJILLO, AND IVES) (ZACHARY SHANDLER)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	X		
COUNCILOR DIMAS	Excused		
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA	X		

Mr. O'Reilly said no; it is the City's responsibility.

Councilor Bushee asked if the condition was on the deed.

Mr. O'Reilly said the standard requirements were consolidated.

Councilor Dominguez asked about the hiring status for the Parks Department Director position and was told they were doing interviews of qualified candidates.

Councilor Bushee asked where this sale money would go.

Mr. O'Reilly said the Economic Development Fund was earmarked for that money.

Councilor Bushee pointed out that the City no longer has a land sales fund.

Mr. O'Reilly said that by resolution the money would go to that fund.

Councilor Bushee made a motion to approve this request. Councilor Dominguez seconded the motion and it was approved unanimously by voice vote.

11. INDEPENDENT CITIZENS REDISTRICTING COMMISSION

- **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZEN'S REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY**
- **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS, WHO MEET THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A POSITION ON THE COMMISSION (COUNCILORS DOMINGUEZ, TRUJILLO, AND IVES) (ZACHARY SHANDLER)**

Committee Review:

Finance Committee (Scheduled)	11/03/14
City Council (Request to publish)	11/12/14
City Council (Public hearing)	12/10/14

Councilor Dominguez asked if this would make the City in compliance with the state constitution and the City Charter - that the redistricting commission have autonomy. This is time sensitive. He wanted to make sure they didn't make it too complicated. It has value and meat to it.

Councilor Dominguez made a motion to approve the request. Councilor Rivera seconded the motion.

Councilor Bushee how the City planned to make it independent.

Mr. Shandler referred to page 4, line 12 of the bill which talked about it.

Councilor Bushee clarified that she meant the appointment.

Mr. Shandler explained that people apply and there is a lottery held.

Councilor Dominguez added that the City Clerk will draw the names.

Mr. Shandler agreed. There are seven positions.

Councilor Bushee asked how the City is promoting it.

Mr. Shandler said the resolution encourages participation and the City will do a press release campaign.

Councilor Bushee thought the cartographer and statistician qualifications put limits on this.

Councilor Dominguez said there are more than you think.

Councilor Bushee asked how soon they anticipated this commission starting and finishing.

Mr. Shandler said it would be in place February 1 and the work completed by June 1.

Councilor Bushee asked about public meetings.

Mr. Shandler said there would be seven at least.

Councilor Bushee asked if all the work would be done in the public eye.

Mr. Shandler agreed.

The motion was passed unanimously by voice vote.

- ~~13. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THE GOVERNING BODY'S ON-GOING SUPPORT FOR THE HOMELESS COMMUNITY, LOCAL BUSINESSES AND ESTABLISHED RESIDENTIAL NEIGHBORHOODS; DIRECTING STAFF TO ANALYZE AND REPORT BACK TO THE GOVERNING BODY ON THE OVERALL OPERATION OF THE ONE-STOP FOR HOMELESS SERVICES AND WINTER SHELTER LOCATED AT 2801 CERRILLOS ROAD AND WHETHER THE SHELTER SHOULD BE EXPANDED OR RELOCATED TO MEET THE ON-GOING NEEDS OF THE HOMELESS COMMUNITY (COUNCILOR RIVERA) (TERRIE RODRIGUEZ)~~

Committee Review:

Finance Committee (Scheduled)

11/03/14

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 11/12/14
ITEM FROM FINANCE COMMITTEE MEETING OF 11/03/14

ISSUE:

13. Independent Citizens' Redistricting Commission. (Councilors Dominguez, Trujillo and Ives) (Zachary Shandler)

A. Request for Approval of an Ordinance Relating to Redistricting; Creating a New Section 6-18 SFCC 1987 to Establish an Independent Citizens' Redistricting Commission; Amending the Santa Fe Election Code, Section 9-1 SFCC 1987 to Require That the Independent Citizens' Redistricting Commission Shall Review and Revise the City of Santa Fe District Boundaries at Least Every Ten Years; and Making Such Other Changes as are Necessary.

B. Request for Approval of a Resolution Directing Staff to Provide Outreach and Education to the Public Regarding the City of Santa Fe Independent Citizens' Redistricting Commission ("Commission") and Call on Interested Persons, Who Meet the Qualifications for Commission Membership, to Apply for a Position on the Commission.

Committee Review:

Public Works Committee (approved)	10/27/14
City Council (request to publish)	11/12/14
City Council (public hearing)	12/10/14

Fiscal Impact – Yes

FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

Approved A & B with amendments. Add Councilor Maestas as co-sponsor.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			

contractor, basically to do work that the City could not do, and felt the contractor was better able to do, to tap the lowest valve in the tower that is directly in line with the outlet works. They attempted to bore two 6-inch holes through the bottom of the 20 inch gate valve. And that was not successful in providing enough flow. At that point in time, we directed the contractor to ahead and pump the Reservoir out, and that operation was successful. It was completed last Friday night. They are demobilizing the equipment that was done on a time and material basis. So we've got the flow through the Reservoir accomplished. And that was required before we could start to do any kind of work, to even dry out the reservoir basin."

Councilor Lindell asked, "What specifically are these monies requested for."

Mr. Jorgensen said, "On page 2 of 2 of the Change Order Sheet, Item #1 is for the top McClure existing 100 foot valve, and that was in the amount of \$82,644, plus tax. Item #2 is the McClure pumping to dewater the reservoir before the 84 foot valve. And that was on a time and material basis. And that required the contractor to bring in barge, fabricate a barge and put electric pumps in it, specialty submersible pumps and run 400-500 feet of electrical cable from the dam crest to power the pumps."

Councilor Lindell asked if the work for this request already has been completed.

Mr. Jorgensen said, "It has. And we received the approval from the City Manager on a critical need basis and we are now going through Committees, as required for, I believe it's called, ratification of the City Manager's action."

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve this request.

NOTE: The motion was approved unanimously on a voice vote.

13. **INDEPENDENT CITIZENS' REDISTRICTING COMMISSION (COUNCILORS DOMINGUEZ , TRUJILLO, AND IVES AND MAESTAS). (ZACHARY SHANDLER)**
- A. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-8 SFCC 1987, TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.**
- B. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS WHO MEET THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A POSITION ON THE COMMISSION.**
- Committee Review:** Public Works Committee (approved) 10/27/14; City Council (request to publish) 11/12/14; City Council (public hearing) 12/10/14. Fiscal Impact – Yes

Items 13(A) and 13(B) were combined for purposes of presentation and discussion, but were voted upon separately.

An amendment sheet to Item 13(A), proposed by Chair Dominguez, is incorporated herewith to these minutes as Exhibit "1."

An amendment sheet to Item 13(B), proposed by Chair Dominguez, is incorporated herewith to these minutes as Exhibit "2."

Chair Dominguez noted there are two amendments on the desks for your consideration. He said, "I won't make a big speech other than to say that timing is of the essence, and I would encourage the Committee to be as efficient as they could be in getting this to move forward in the process."

The Committee commented and asked questions as follows:

- Councilor Lindell said, "I saw on page, oh Zach you can probably direct it to me rather quickly, that in terms of eliminating people that could serve on the Committee, one of the groups of people that were eliminated was anybody who had donated \$5 or more to a political campaign. Can you direct me to that Zach, oh there it is. I guess it's on page 9 of the packet. Item (A(2)(i) says:

A person who, at any time within the five (5)s immediately preceding the date of their application for selection to the commission, has contributed more than five dollars (\$5.00) to the campaign of a City elected official.

What's the logic behind that."

Mr. Shandler said, "Many other cities use a financial number where I guess the rationale is that big donors should be excluded from these types of committees. We tried to find an objective number that we could rely on, and the public allows a citizen to make a qualifying contribution of \$5. So that group of people would still be eligible, but anyone that had made a seed money contribution, or just a private contribution in excess of \$5 would be excluded."

- Councilor Lindell said, "Well, I object to that. I don't see that, if someone who has contributed \$100 to a campaign, that if they have a lot of expertise with this, that that should eliminate them from serving on this type of committee, whether it be whether seed money or some other contribution that they've made. So I want to register my objection to that."
- Chair Dominguez said, "So, just so I can respond to that, since this is my bill. I think if there is another amount that makes sense, I'm certainly open to that. I think that we were looking for something that was going to make sort of sense in our Campaign Code. So, if there's another amount that is not necessarily arbitrary but has some rationale to it, I'm certainly open to that."

- Councilor Lindell said perhaps we could have a discussion about that.
- Councilor Maestas said, "I would to maybe offer on that point, that maybe we make a differentiation on that or a clarification that anyone who has donated to a privately financed campaign would be ineligible. Because there's going to be a lot of people that want to participate in public financing and support a candidate, and maybe give as little as \$5 or give a seed money contribution. I don't think those people should be affected or penalized. So I would offer that clarification that distinction that, okay if the sponsor wants to keep that in there, then let's qualify that and say those who have given a contribution to a privately financed campaign."
- Chair Dominguez said, "What we can do, and I'll talk to staff about it. There was some discussion very vaguely about that making that differentiation. So, if you're a publicly financed campaign, \$5 contributors still get to be a part of the committee. Privately funded campaigns, I think that there are some thresholds that have established, so we can certainly look at that and try to get that incorporated into the bill. Again, the intent is to be very careful about who can and can't be involved in this."
- Councilor Lindell said, "The second part of that would be someone who has made a contribution to a PAC. How do you deal with that. I just think to try to eliminate anyone from being on that commission that has made a donation to someone that is privately financing their campaign is unfair and not just. And, it needs a lot of thought, because if someone contributes to a PAC is something is something we really need to think about."
- Chair Dominguez reiterated that he is open to suggestions.
- Councilor Maestas said, "There are only two milestones in this bill. One is to have the redistricting commission appointed by February 1st and the other is to have a final plan by June 1st. And I agree, time is of the essence here, and there's a lot that needs to occur between now and at least February 1st. But let's focus on June 1st. What is magical about that. Why can't it be August 1st. It must be tied into the campaign timeline. How absolute is June 1st."

Mr. Shandler said, "I think September is the date you usually vote on your Resolution in it's first form. We wanted to build in time for two reasons. One, there could be litigation. Two, some candidates may declare prior to that, and they would need to know what their districts are to make the decision where they might run, or what they might run for."

- Councilor Maestas said, "The reason I bring it up is because there are no other timelines, especially for the application process. The thing that prompted me to think about this, was the companion resolution calling on folks that are interested to apply for the commission. And so, if we're going to approve that tonight, then we definitely need some kind of timeline for the application process. I know in the proposed legislation it says, 'To be determined by the City Clerk.' Unless we hold off on the Resolution calling on interested applicants to serve on the Commission. But I strongly feel we need a timeline."

- Councilor Maestas continued, "And let me explain why. I did a little research on other commissions, and I focused on California. In California, before they entertained any applications, they did a conflict of interest clearance, kind of a pre-application. You saw all the prohibitions in there. Did you guys think about having a two-stage application process where the first is kind of a conflict of interest or a disclosure form, with specific questions relating to all the prohibitions. That way, we establish and verify the prohibitions first before even considering their application. Did you guys consider that in this."
- Chair Dominguez said, "I'll answer that since I worked with staff on this and it is, again, my bill. We did. We talked about it. There has been some discussion about having a clearinghouse. It is what they do in California, and it's a very very complicated process, because you have to then identify who are going to be the qualified people to make the distinction about who can get cleared or who can apply. And so, if anything, it was an attempt to make it not so problematic, not make it more complicated than it really needed to be. So I hear you about the timeline for the City Clerk. I think that's possibly something we can work on. But in response to the second part of your question, we did consider it, and I just chose not to put it in there. Because if we can't even get to the point where we can identify the qualifications for members, we complicate it that much more by identifying what the qualifications are for that group of folks who are going to make the determination about who qualifies. Again, I remind you, the whole idea of this is to keep this as politically neutral as possible, so I chose not to go there."
- Councilor Maestas said, "I'm simply responding to the numerous prohibitions, and all those required verifications. And in what form. Let's just say we keep the prohibition that prohibits anyone [from applying] that's made a political contribution, well how do we verify that. Do they have to submit some kind of an affidavit saying, oh my honor, I've not made any contributions to any campaigns. I see that the verification process could be very rigorous. And I would hate for that to bog down this whole process, given the fact that our desire is to fully staff and appoint this Commission by February 1st. So, I think we need a timeline. If we can come up with a timeline to go with the Resolution, Zach, on the application process, with key milestones leading to February 1st, that ultimate goal, I would feel much better."
- Councilor Maestas said, "Also, I would like some secondary conditions to be added and I don't have any language at this point. But I suppose, if the Committee is open to it, perhaps I can work with the bill sponsor for some language on some secondary conditions. If you look on page 3 of the Ordinance, it's regarding considerations, principles that the Commission should consider when redistricting. I would like, and since it's a secondary consideration, it could be under part E, and those considerations are geographic boundaries. I believe if you look at our existing Council Districts, a lot of those are based on geographical boundaries, streets. Parts of my District is bounded by Cerrillos Road, St. Michaels Drive, the railroad tracks, Rodeo Road and there's no mention in here of geographic boundaries. So I would like that considered as a secondary consideration."
- Chair Dominguez asked, for clarification, if Councilor Maestas is asking that to be in part D, or if he doesn't care whether it's in part D or E.

- Councilor Maestas said, "I think the considerations under part D, I agree those are very high level principles. And I don't think considering geographic boundary is as high a level to be considered a principle."
- Chair Dominguez said, "That makes sense only because part D was actually language that came from our Charter, I believe, so it makes sense to have it in Part E."
- Councilor Maestas said, "So geographical boundaries. And this is nothing new. Other processes have considered existing political boundaries. Just as we don't want to split precincts when people get their voter cards. If we don't consider political boundaries, we might have a neighbor that is in one State House District and the person next door is in a different House District. I don't think that's getting anywhere in the area of gerrymandering. I just think the Commission should look at existing political boundaries. And this is all in the vein of minimizing confusion to the voter after the redistricting process."
- Councilor Maestas said, "And then the last consideration was that the Commission strive to approve a redistricting plan and a district that has a fairly regular shape. That terminology has been used in other redistricting. And we don't want some crazy, crazy shape. No, it can't be perfectly square, no it can't be a rectangle. And this is accepted language, that the Commission strive to approve a district that has a fairly regular shape, or at least a geographical boundary."
- Councilor Dominguez said, "That speaks to the gerrymandering that happens in lots of other place. So I'm amenable to working with staff to find language to address all that."

FRIENDLY AMENDMENT: Councilor Maestas would like to add the "secondary considerations and a timeline which would be integrated into the Resolution regarding the application process." **THE AMENDMENT WAS FRIENDLY TO THE SPONSOR AND THERE WERE NO OBJECTIONS FROM THE OTHER COMMITTEE MEMBERS.**

- Councilor Maestas said he likes the public involvement program. He said there is ambiguity in terms of who will give direction to the consultant that comes up with the options for the Commission, but he will take a wait and see approach.

FRIENDLY AMENDMENT: Councilor Maestas noted a correction on page 2 of the Resolution, packet page 18, under the first "Now Therefore Be It Resolved." On line 20 it refers to the February 1, 2015 date as a mandate in the Ordinance, and in the Ordinance it is stated as a goal on page 4 of the Ordinance. packet page 11. He asked which one you want to reconcile, or keep it as a goal, or change the Ordinance and make it hard and fast and make it a mandate. Chair Dominguez said he would change it to make it more mandatory which probably is the best thing. **THE AMENDMENT WAS FRIENDLY TO THE SPONSOR AND THERE WERE NO OBJECTIONS FROM THE OTHER COMMITTEE MEMBERS**

FRIENDLY AMENDMENT: Councilor Maestas suggested a change to the Ordinance, on page 2, line 15, under Powers and Duties of the Commission. He would like some clarifying language on adoption of the Districting Plan. Currently it provides, "The first commission established under this section shall establish a

districting plan for adjusting the boundaries of the four council districts..... but no later than June 1st." He would like to amend the language that the commission shall adopt a final districting plan by that date. He said establishing it by June 1st "is not soft, it's pretty hard, so if we could qualify that as the date to adopt a final districting plan." **THE AMENDMENT WAS FRIENDLY TO THE SPONSOR AND THERE WERE NO OBJECTIONS FROM THE OTHER COMMITTEE MEMBERS**

- Councilor Maestas said for a first cut this is a significant effort by the City. It's precedent setting and this is a great first draft, so "great job everyone."
- Councilor Trujillo said, "Going back to Councilor Lindell's issue about the \$5 contribution. I don't want somebody to get on this committee who said they didn't contribute \$5 to somebody's campaign, and somebody comes up and says, you might not have contributed \$5 but you worked on the campaign. You were at the election office, helping out, answering phones. How would we do that. Is that going to come into play, Councilor, do you think. It's not monetary."
- Councilor Dominguez said, "If you look at the bill, there's a part that talks about being a paid employee of a campaign, and it prohibits that. But I don't think we should go to the point that if you volunteer you are excluded – a volunteer is a volunteer. To some degree, politics is going to creep into some of this discussion, but we're going to minimize it as much as possible. If someone feels a volunteer has become unjustly political, I'm not quite sure how you would legislate that. So the intent is basically, if you're a volunteer that's one thing. Monetary contributions are held at a different standard."
- Councilor Trujillo said, "Are we going to vote on this tonight. My thing is that I do have a problem with the \$5 contribution. I'm hoping we can raise that threshold."
- Chair Dominguez said, "There was no discussion at Public Works. I think the discussion today was good. I think those are some of the things that, again, I'm open to amending some of that language. If we can get a go-pass so that we can get it... this still has to go to publish, and then we'll have the debate after that. So if we get a pass today, I will work on the language to make sure that I address these items, especially the contributions. And then we'll have the final debate at Council, and if we want to make adjustments to it then, well we can."
- Councilor Maestas said, "Since you're talking about the commissioners. I think there was a provision in there to select an alternate for each sitting member. And that's a lot of alternates. The alternates, as I read this, are not required to attend the proceedings. But if a sitting commissioner were to leave, how would they [alternate] get up to speed. So, my suggestion would be that we select a fewer number of alternates and mandate that they attend the meetings, in the event a commissioner cannot fill his or her duty, like jury duty. There's not all these alternate jurors, there's only a few and those few have to sit through the entire trial until it gets to deliberations. And then it's announced who the alternates are. In fact, nobody even knows who is going to be an alternate until they are ready to begin deliberations."

- Councilor Maestas continued, "So I don't know, Zach, what do you think about that concept, to appoint fewer alternates, maybe a cadre of 3 or 4, but mandate that they attend. They wouldn't have a vote, but they would be mandated to attend the commission meetings and basically get all the material the commissioners have and be there, at the ready, in the event a commissioner cannot fulfil his or her duty. And that could expedite the whole process by reducing the number of alternates that we select."

Mr. Shandler said, "We thought about that and debated it. Two reasons why we stuck with the language as proposed. One, the way it's set up in this format is that you have an alternate from a specific either District or profession. And if you just had a pool of alternates, you could have a bunch of the alternates kick-in from one District or one profession. Second, in terms of mandating alternates to attend, we thought might put a lot of pressure on the Chairperson, if someone is an alternate and they're really well read, and then [they ask], can I sit up there, can I ask a couple of questions. And suddenly you have Commission of more than initially planned, so that was the rationale. As the Chair says, we're trying to keep it as simple as possible this time, but mindful that there probably are going to be a lot of productive amendments in the next go around for lessons learned."

MOTION: Chair Dominguez moved, seconded by Councilor Rivera, to approve Item 13(A) with three friendly amendments: One is to include the geographic boundary as part of Subsection (E) on page 3, that we consider geographic boundaries and existing political boundaries and that we try to maintain fairly regular shapes; second, that on page 2, line 15 of the Ordinance, to make that language is consistent with the Resolution.

FRIENDLY AMENDMENT: Councilor Maestas suggested language on page 2, line 15, to clarify that we shall adopt a final districting plan by June 1st. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS FROM THE OTHER COMMITTEE MEMBERS**

DISCUSSION: Chair Dominguez thanked staff for their work on this, and said hopefully we can get it to the point "where everyone will be semi-happy with it." He will work with staff on the \$5 public contribution, saying he is thinking of separating the two and using some of our Finance Code and what it says in terms of thresholds on monetary contributions as the trigger for those.

VOTE: The motion, as amended, was approved unanimously on a voice vote.

MOTION: Chair Dominguez moved, seconded by Councilor Maestas, to Approve Item 13(B), with an amendment to add the timeline for the application process leading to February 1st.

DISCUSSION: Mr. Shandler said the credit goes to Melissa Byers for all the writing.

Chair Dominguez thanked Ms. Byers.

VOTE: The motion was approved unanimously on a voice vote.