CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2014-37

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.

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

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

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

6-18.1 [NEW MATERIAL] Creation; Purpose.

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

B. As required by the Charter, the purpose of this section is to establish a procedure for the appointment and deliberations of the commission.

6-18.2 [NEW MATERIAL] Independent Districting Consultant.

A. Prior to the establishment of the first commission and every commission thereafter, an independent districting consultant shall be acquired through the city procurement process. The consultant shall be experienced and competent in the skills necessary for the districting work to assist

the commission in developing the districting plans detailed in this Section.

B. The consultant shall provide professional and technical assistance to the commission by using data, including census data.

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

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

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

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

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

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

C. Pursuant to 6-18.2 SFCC 1987, the commission shall rely on the professional and technical assistance of the independent districting consultant when considering and establishing the final districting plan.

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

(1) Each district shall contain as nearly as possible substantially the same

population based upon the most recent federal census;

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

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

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

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

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.

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

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

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

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

(4) The commission shall conduct a minimum of one (1) public hearing to vote

to adopt a final districting plan.

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

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.

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

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

6-18.4 [NEW MATERIAL] Membership

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

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

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

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

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

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

(2) One (1) member shall be a resident of city council district 2;

(3) One (1) member shall be a resident of city council district 3;

(4) One (1) member shall be a resident of city council district 4;

(5) One (1) member shall be a resident of the city of Santa Fe, who is a statistician, except that if a city resident is not available, then a resident of Santa Fe county may be appointed;

(6) One (1) member shall be a resident of the city of Santa Fe, who is either a geographer or cartographer, except that if a city resident is not available, then a resident of Santa Fe county may be appointed; and

(7) For the first commission, one (1) member shall be a resident of the city of Santa Fe and reside in the newly annexed area of the city that became effective on January 1, 2014. For future commissions, the one (1) member shall be a resident of any city council district.

Should the city not receive applications from interested persons for the membership positions described in subparagraphs (5) and (6), above, then those positions may be filled by interested persons of any city council district who have applied for and were not selected for the other membership positions.

6-18.5 [NEW MATERIAL] Eligibility; Selection; Chairperson; Term.

A. *Eligibility to serve on the commission.*

(1) Only persons who are both residents and registered voters of the city are eligible to apply for and serve on the commission, unless otherwise provided for in this Ordinance.

(2) Notwithstanding that a person may be a resident and registered voter of the city, the following persons are ineligible to apply for and serve on the commission:

(a) Any elected official; or

(b) A relative by blood or marriage within the second degree, or any

domestic partner, within the meaning of Subsection 19-3.8 SFCC 1987, of any elected city official; or

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

(d) A person who, within the last five (5) years immediately preceding the date of application for selection to the commission, has been a candidate, as defined in §9-2.3(G) SFCC 1987, to become an elected city official; or

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

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

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

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

(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 served as a paid campaign worker or paid campaign consultant for an elected city official; or

C. *Selection of commission members.*

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

(2) Any person desiring to serve on the commission shall apply by submitting an application to the city clerk during the application submittal period. The application shall be

on a form prepared by the city clerk and approved by the city attorney.

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

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

(5) The city clerk shall set a date, time and place for the members to be selected by means of a drawing by lot, so that (1) member for each position, described in 6-18.3 SFCC 1987, is selected, along with one alternate, in the event the member resigns in writing prior to the end of the term of the commission. An alternate shall be subject to the same requirements of a member. An alternate shall be required to attend commission meetings; however, 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.

D. *Chairperson.* The chairperson and vice-chairperson shall be elected by members of the commission. The chairperson shall provide direction to the consultant and staff.

E. *Term.*

(1) The members of the first commission shall be selected as soon as practicable. 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.

(2) Members of each commission shall serve from the time they are appointed

until after the vote on the final redistrict plan, or unless ordered otherwise by a court.

F. *Eligibility to run for office.* Members of the commission are ineligible to become a candidate for an elected official in a regular municipal election for two (2) years following the expiration of their membership term.

6-18.6 [NEW MATERIAL] Meetings. Each commission shall establish its regular meeting day, time and location and shall publish notice of each meeting with the city clerk, in accordance with the New Mexico Open Meetings Act, , Sections 10-15-1 through 10-15-4 NMSA 1978.

6-18.7 [NEW MATERIAL] Budget. The city finance director shall request that adequate funds be appropriated for the commission to carry out its duties.

6-18.8 [NEW MATERIAL] Staff. The city attorney shall be the staff liaison to the commission.

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

9-1.4 Districting.

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

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

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

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

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

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

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

C. Revisions to the district boundaries shall be effective beginning with the March 2016 regular municipal election.

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

9-1.4.1 Incorporation by Reference.

The approved redistricting plan and plan documents (subsections 9-1.3 and 9-1.4) presented to the independent citizens' redistricting commission, in the course of revising the boundaries of the four (4) city council districts are incorporated by reference. A true and correct copy of said plan and plan documents shall be retained by the municipal clerk and made available for inspection by the public.

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

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

PASSED, APPROVED and ADOPTED this 10th day of December, 2014.

/S

JAVIER M. GONZALES, MAYOR

ATTEST:

/S

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

/S

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Ordinances 2014/2014-37 Redistricting Commission Ordinance