

**Ordinance Creating  
The Citizens Redistricting Commission  
(DRAFT, March 4, 2011)**

**Section 1. Citizens Redistricting Commission General Provisions.**

(a) This chapter implements the City of Austin Charter by establishing the process for the selection and governance of the Citizens Redistricting Commission.

(b) For purposes of this chapter, the following terms are defined:

(1) "Commission" means the 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.

**Section 2. Citizens Redistricting Commission Selection Process.**

(a) (1) No later than \_\_\_\_\_, and by \_\_\_\_\_ 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 and qualified applicant pool.

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

(A) Within the 10 years immediately preceding the date of application, either the applicant, or a member of his or her immediate family, may have done any of the following:

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

(iii) Served as an elected or appointed member of a political party central committee.

(iv) Been a registered federal, state, or local lobbyist.

(v) Contributed one thousand dollars (\$1,000) or more to any candidate for City of Austin elective office in any of the previous 5 years.

(B) Staff and consultants to, persons under a contract with, and any person with an immediate family relationship with any member of the Austin City Council. A Member of the Texas Legislature, a member of Congress, or an elected member of any local government governing board is ineligible to serve as a commission member. As used in this subdivision, a member of a person's "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.

(b) No later than \_\_\_\_\_, and no later than \_\_\_\_\_ 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 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 in paragraph (2) of subdivision (a) of this section, 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

(c) Having removed individuals with conflicts of interest from among the applicants, the City of Austin Auditor shall, no later than \_\_\_\_\_, and no later than \_\_\_\_\_ 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.

(d) No later than \_\_\_\_\_, and by \_\_\_\_\_ in each year ending in the number zero thereafter, the Applicant Review Panel shall select a pool of 50 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 applicants prior to the presentation by the panel of the pool of recommended applicants to the council of the City of Austin.

(e) No later than \_\_\_\_\_, and by \_\_\_\_\_ in each year ending in the number zero thereafter, the Applicant Review Panel shall submit its pool of 50 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 two applicants 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 \_\_\_\_\_, and by \_\_\_\_\_ in each year ending in zero thereafter, the Applicant Review Panel shall submit the pool of remaining applicants to the City of Austin Auditor.

(f) No later than \_\_\_\_\_, and by \_\_\_\_\_ in each year ending in the number zero thereafter, the City of Austin Auditor shall randomly draw eight names from the remaining pool of applicants. These eight individuals shall serve on the Citizens Redistricting Commission.

(g) No later than \_\_\_\_\_, and by \_\_\_\_\_ in each year ending in the number zero 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, geographic, 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.

(h) 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.

**Section 3. Citizens Redistricting Commission Vacancy, Removal, Resignation, Absence.**

(a) 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 the council of the City of Austin after having been served written notice and provided with an opportunity for a response. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the City Attorney, District Attorney, or Attorney General for criminal prosecution.

(b) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the council of the City of Austin within 30 days after the vacancy occurs, from the remaining pool of applicants.

**Section 4. Citizens Redistricting Commission Miscellaneous Provisions.**

(a) 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 paragraph (2) of subdivision (a) of Section 1 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 and one or more 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.

(b) Members of the commission shall be compensated at the rate of three hundred dollars (\$300) for each day the member is engaged in commission business. For each succeeding commission, the rate of compensation shall be adjusted in each year ending in nine by the cumulative change in the State's Consumer Price Index, or its successor. Members of the panel and the commission are eligible for reimbursement of personal expenses incurred in connection with the duties performed pursuant to this act.

(c) 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.

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