

RESOLUTION NO. 2015-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA, CREATING AN ADVISORY COMMITTEE ON ELECTORAL DISTRICTS COMPOSED OF RETIRED JUDGES, ESTABLISHING THE RULES AND PROCEDURES GOVERNING THE COMMITTEE AND ESTABLISHING A PROCESS FOR THE DRAWING OF CITY COUNCIL DISTRICTS

WHEREAS, at the November 2014 election the voters of the City of Anaheim approved Measure L, consisting of amendments to the Anaheim City Charter requiring that, commencing with the November 2016 general municipal election, City Council members be elected by single-member districts rather than at-large. As a result, beginning with the 2016 election, City Council members must live in and be elected from a geographic district, only by voters of that district; and

WHEREAS, at the November 2014 election the voters of the City of Anaheim approved Measure M, consisting of amendments to the City Charter requiring that, commencing with the November 2016 general municipal election, the size of the Council increase from four members to six members, plus a Mayor. The Mayor will continue to be elected at-large; and

WHEREAS, pursuant to that certain Settlement Agreement and General Release of Claims (as amended) between the City and certain individual plaintiffs in the case entitled *Moreno et al. v. City of Anaheim*, the City agreed to create an advisory committee to assist in the development and recommendation of district maps for adoption by the City Council. Upon Council approval, these district maps would be used commencing with the 2016 City Council elections under the "by district" electoral system; and

WHEREAS, pursuant to the Settlement Agreement, it is preferred that the advisory committee be comprised of either three or five (with preference for five) retired judges who served on the Orange County Superior Court and are registered voters in Orange County. The Settlement Agreement further provides that in the event that one or more retired judges are voters of Anaheim, then preference would be given to these individuals. Any remaining committee members would be selected by random draw; and

WHEREAS, in connection with the preference expressed in the Settlement Agreement to create an advisory committee consisting of retired judges that have served on the Orange County Superior Court, the City Attorney's Office engaged in research of and outreach to retired judges meeting the requirements of the Settlement Agreement. Through this outreach process, the City received applications from retired judges sufficient in number to permit the use of an advisory committee composed of retired judges; and

WHEREAS, the City of Anaheim seeks to promote the participation of the City's voters, residents, community groups, businesses and other stakeholders in the City's process to establish City Council district maps for use commencing with the November 2016 election; and

WHEREAS, to provide adequate time for candidates and the public to consider the district maps prior to the filing period for the November 2016 general municipal election, the Council directed that the advisory committee process be promptly established and completed so that the City Council could consider Council district maps prior to the end of 2015, if reasonably possible; and

WHEREAS, following a notice, inquiry and outreach process to retired judges that served on the Orange County Superior Court, applications from 14 retired Orange County Superior Court judges were submitted expressing willingness to serve as members to the advisory committee. Of those submitting applications, one person was determined to be a resident and voter of Anaheim and the remaining applicants have stated they are registered voters in Orange County, as required by the Settlement Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anaheim as follows:

1. Committee Creation. There is hereby established the City of Anaheim Advisory Committee on Electoral Districts ("Committee"). The Committee shall consist of five voting members who are retired judges that served on the Orange County Superior Court. The Committee is an advisory body to the City Council, solely created for the purposes identified in Section 5 of this Resolution.

2. Appointments to Committee and Replacements. Based on the applications submitted by interested retired judges meeting the qualifications described above and in the Settlement Agreement, the following individuals are hereby appointed to the Committee: Justice Edward Wallin (an Anaheim resident and registered voter), Judge James Jackman, Judge Steven Sundvold, Judge Thomas Thrasher and Justice Nancy Wieben Stock, with the latter four persons being appointed pursuant to random draw at the Council meeting at which this Resolution is approved. In addition, the following two retired judges are selected based on random draw (without further need for action or ratification of the City Council) as replacements who shall serve as members of the Committee if, and only if, there is a vacancy on the Committee: Judge James Alfano and Judge David Brickner. The aforementioned replacements shall be deemed appointed automatically upon a vacancy in the order listed, so long as such persons remain willing to serve. Any further need to fill vacancies arising on the Committee shall be made by random draw from the remaining pool of eligible applicants who filed applications to serve on the Committee. In the event that vacancies cannot be filled due to a lack of interest by eligible applicants who filed applications, then the Committee may continue to meet and perform its duties, without further need to select replacements, so long as three persons remain members. The terms "eligible applicant" or "eligible" as used in this Resolution shall mean as determined either by City staff or the City Council, subject to the requirements of the Settlement Agreement, and City Staff or the City Council may seek additional applicants as deemed necessary.

3. Committee Vacancies. Committee members serve at the pleasure of the Council. If a Committee member resigns from the Committee, fails to attend sufficient meetings as set forth in City policies, or is removed by the City Council, then replacements shall be made pursuant to the process established in Section 2.

4. Committee Makeup. Committee members must, at all times during their service on the Committee, be registered voters of Orange County. Persons who are appointed have, at the time of their appointment filed a written declaration with the City Clerk stating that they will not seek election to a by-district seat on the City Council in 2016 or 2018.

5. Committee Jurisdiction & Criteria for Action on Maps. The Committee's sole and exclusive purpose and jurisdiction shall be to assist in the development of district maps to recommend for adoption by the City Council for use commencing with the 2016 City Council elections and such other ancillary matters as the City Council may direct. The Committee shall take input from the public. The Committee shall recommend district maps that it believes, based on testimony submitted from the public and in reliance on advice from professional staff and counsel, are compliant with applicable state and federal law. The Committee shall, if requested by a Councilmember or the City Council, consider such matters as specifically requested by the Councilmember or City Council; such matters may include if directed, but are not limited to, particular focus on specific lawful districting criteria, communities of interest and a transition plan from at-large to district elections.

6. Committee Recommendations and Final Report. The Committee's recommendation(s) shall be delivered in a written final report to the City Council by no later than October 6, 2015, or through such other means and on such other dates as shall be set by the City Council. The final report does not need to be unanimously approved. The final report shall offer one or more recommended district maps for adoption by the City Council. The final report containing the Committee's recommendations shall thereafter be discussed by the City Council at upcoming meetings, which shall include public hearings as required by law.

Pursuant to Charter Section 500.1, the City Council retains discretion to modify, reject or approve any Committee recommendations and to propose and ultimately approve district maps.

7. Committee Staff and Consultants. To assist the Committee, the City's staff and City's consultants are authorized and directed to provide logistical and legal support, community outreach assistance, and all necessary information to the Committee regarding the Committee's jurisdiction described in Section 5 above. The Committee will be staffed by the offices of the City Manager, City Attorney (through outside counsel) and City Clerk (including demographic consulting staff).

8. Committee Meeting Dates/Times. To encourage public input and access, the Committee will meet an average of twice a month during the months of May through September, 2015 and may meet as desired by the Committee (or directed by the Council) at other times prior to its termination. The times and dates of Committee meetings shall be determined by the Committee. Committee meetings may occur at City Hall and at other locations in the City, to afford community involvement.

9. Subcommittees. The Committee may create and assign tasks to subcommittees composed solely of Committee members and have those subcommittees report to the full Committee.

10. Automatic Termination of Committee. The Committee shall automatically terminate thirty (30) days after delivery of the final report to the City Council, unless otherwise extended by the City Council pursuant to resolution or motion.

11. Open Meetings, Applicable Rules, Website. The Committee and its members shall be governed by the Ralph M. Brown Act (Cal. Govt. Code § 54950 *et seq.*), the Anaheim Municipal Code (including, without limitation, with respect to conflicts of interest) and all other applicable laws. Committee meetings shall be open to the public, recorded, and available for viewing at www.anaheim.net. The City will establish a special section of the City's website for full access and transparency on all agendas, minutes, and schedules of the Committee, as well as proposed maps and other matters related to the Committee and the process of establishing City Council district boundaries. Required public notices and agenda (but not agenda material) of the Committee will be translated into Spanish, Chinese, Korean and Vietnamese.

12. Committee Chair, Procedural Rules. The Committee shall appoint a chairperson to preside over the meetings of the Committee. If desired, the Committee may adopt procedures for the conduct of its meetings and activities that are necessary and convenient to enable the Committee to carry out its functions.

13. Reimbursement for Expenses. Committee members shall serve without compensation but shall be reimbursed for necessary and approved travel and expenses incurred in the performance of their duties in accordance with Council policy.

[Resolution continued on next page.]

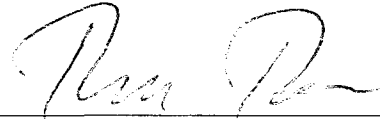
THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this 7th day of April 2015, by the following roll call vote:

AYES: Mayor Tait and Council Members Kring, Murray, Brandman and Vanderbilt

NOES: None

ABSENT: None

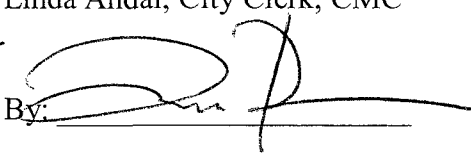
ABSTAIN: None



Tom Tait, Mayor

ATTEST:

Linda Andal, City Clerk, CMC

for

By: _____

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