

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A REDISTRICTING ADVISORY COMMISSION AND APPROVING ITS BYLAWS

(highlighted items awaiting City Council determination)

WHEREAS, Fullerton voters adopted Ordinance No. 3230 on November 8, 2016, transitioning the City from at-large to by-district council member elections.

WHEREAS, voters now elect a council member to represent each of five districts in the City of Fullerton, elected only by the voters in the district in which the candidate resides.

WHEREAS, the United States Constitution requires a count every ten years of everyone residing in the United States. The City must commence redistricting in the year following every Decennial Census conducted by the U.S. Census Bureau using data collected in the Census.

WHEREAS, the California Elections Code provides criteria and process requirements City Council can consider when redistricting. California Elections Code Sections 21607.1(f) and 23000, et seq. allow City Council to appoint a redistricting commission to assist with some or all of the redistricting process including determination of district boundaries.

WHEREAS, California Elections Code Section 23001 mandates the creation of a Redistricting Advisory Commission by resolution or ordinance and requires commissioners be residents of the jurisdiction.

WHEREAS, City Council provided direction to establish a redistricting advisory commission to assist with the 2021 post-census redistricting process for Fullerton voting districts at the August 17, 2021 City Council meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON RESOLVES:

SECTION 1. ESTABLISHMENT. City Council establishes the Fullerton Redistricting Advisory Commission (RAC) pursuant to California Elections Code Section 23001, effective September 21, 2021 and terminating upon City Council adoption of district boundaries for the November 2022 General Municipal Election.

SECTION 2. MEMBERSHIP. The Commission shall consist of **five members, preferably one from each current voting district.**

SECTION 3. APPOINTMENT.

1. The City Clerk shall immediately post a Notice of Vacancy and accept applications through 5:00 p.m. on October 4, 2021.
2. The City Clerk shall forward all qualified applications to City Council following close

of the application period.

3. City Council will make appointments at the October 5, 2021 City Council meeting.

SECTION 4. ELIGIBILITY REQUIREMENTS. City Council invites all eligible persons to apply for the Commission. Eligible applicants:

1. Must reside in Fullerton (California Elections Code Section 23001).
2. Must be 18 years old or older.
3. May not be an elected official of the local jurisdiction or family member, staff member or paid campaign staff of an elected official of the local jurisdiction (California Elections Code section 23002(c)).

ADOPTED BY THE FULLERTON CITY COUNCIL ON SEPTEMBER 21, 2021.

Bruce Whitaker
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date

Attachments:

- Exhibit A – City of Fullerton Redistricting Advisory Commission By-Laws

**City of Fullerton
Redistricting Advisory Commission By-Laws**

Article 1: Name and Authorization

A. Name

1. The Commission shall be known as the Redistricting Advisory Commission, also referred to as “the Commission” and/or “RAC”.

B. Authorization and Term

1. The Commission exists by authority of the Fullerton City Council. The RAC shall commence with the adoption of these by-laws and disband following City Council adoption of the final district map. The Commission shall comply with all relevant requirements of California Elections Code Chapter 9, Division 21, beginning with Section 23000.

Article 2: Purpose

- A. This advisory commission will assist the City of Fullerton City Council with requirements of the 2021 post-census redistricting process, including creation of new district election maps, in accordance with all applicable federal, state and other laws and regulations.

Article 3: Commission Membership

A. Members

1. The Commission shall consist of **five** members.
2. Commissioners shall comply with eligibility requirements in California Elections Code Section 23002.
3. Commissioners shall electronically file a Fair Political Practices Commission (FPPC) Statement of Economic Interest (Form 700).

4. XX

B. Commissioner Removal / Replacement

1. City Council may remove a commission member for substantial neglect of duty, gross misconduct in office or inability to discharge the duties of the office by a 4/5 vote of the City Council. The Commissioner will receive at least 72 hours-notice of the meeting to consider removal of the commissioner.
2. City Council may **appoint/ratify** another applicant from the eligible applications for this Commission at the same

meeting as the commissioner removal or provide direction regarding the replacement process.

Article 4. Transparency and Public Engagement

- A. The Commission shall follow an open process for public input and commission deliberation.
- B. The Commission shall comply with the California Public Records Act (commencing with California Government Code Section 6250) and the Ralph M. Brown Act (commencing with California Government Code Section 54950).
- C. All Commission records are public records.
- D. Commission Members shall disclose contact regarding the Commission's subject matter jurisdiction that occurs outside of a publicly noticed meeting no later than the next Commission meeting.
- E. The Commission shall make every reasonable effort to afford maximum public access to its proceedings.
- F. The Rules of Procedure and Decorum for Board, Commission and Committee Meetings (Resolution No. 2017-41) shall apply to RAC meetings.

Article 5. Commission Meeting

- A. The Commission shall meet according to the timeline set by City Council. The Commission may, at a public meeting, adjust the meeting schedule to accommodate the presence of a quorum, taking into consideration facility and staffing availability and the overall redistricting timeline.

Article 6. Quorum

- A. A quorum shall be fifty percent of the Commission membership plus one.

Article 7. Voting

- A. All formal actions of the Commission require a motion, second and majority vote of the full Commission.

Article 8. Chair and Vice-Chair

- A. The Commission shall select a Chair and Vice-Chair at its first meeting.

Article 9. Staff Support

- A. The City Clerk and contract demographer shall provide primary support to the Commission. The City Clerk, in consultation with the City Manager and City Attorney, may designate additional staff to support the Commission.

Article 10. Map Submittal Deadline

- A. The Commission will submit maps and input to City Council according to the timeline adopted by City Council.