

EQUITY FOR CAMBODIANS

June 16, 2021

Honorable Members of the
Independent Redistricting Commission

Re: Long Beach City Attorney's Memorandum dated April 15, 2021

Dear Members:

In the Fall of 2017, a group of about 20 Cambodian elders came to a weekly class on Civics, Organizing and Government ("COG") provided by the MAYE Center. The class, led by Center Director Laura Som, former UCLA professor Dr. Alex Norman and civil rights attorney Marc Coleman, covered an array of topics about Federal, State and Local government and the rights and responsibilities of citizens in America.

Learning about how changes in government come about and the rise to political power of ethnic organizing raised many questions in this group of primarily women who had survived the killing fields of the Khmer Rouge. One such woman was Vy Sron.

Vy Sron got up at 5:00 a.m. each morning to work in a donut store in Orange County. She took three buses from her home in Long Beach seven days a week so she could work for 4 hours and then return to Long Beach where she came to the MAYE Center for class before going home to get ready for the next day. She had a question, "Why don't we (Cambodian Americans) have the same political power as other groups?"

The 2011 City of Long Beach Redistricting process left the Cambodian community, centered in and around Cambodia Town, split between four Council districts, the First, Second, Fourth and Sixth. This resulted in an already fragmented community feeling disenfranchised and disadvantaged in City politics.¹ I responded to Ms. Sron's question, "Because your community's political power has been diluted."

She asked the next question, "what can we do to obtain the same kind of political power as others?" This question propelled the drafting of a petition to the City Council to immediately act to correct the historical wrong done to Cambodians by redrawing the Council's boundaries in

¹ The election of Long Beach's first Cambodian City Council representative, Dr. Suely Saro, in 2020, demonstrated that, notwithstanding the obstacles to electing a Cambodian, an effective campaign and a multi-ethnic approach could and did overcome the barriers.

time for the 2020 election. The COG class created a petition and then a multi-organization structure of various Cambodian groups and leadership called Equity for Cambodians which began the drive to amend the City Charter to fix the boundaries and correct the historical division of the Cambodian community. A copy of the March 13, 2018 article by Crystal Niebla of Voicewaves covering the beginnings of the redistricting effort is attached as Exhibit A.

While that process was underway, in early 2018, Mayor Garcia approached Equity for Cambodia leadership and requested that, rather than do a piecemeal redistricting process, we join with his attempt to remove the City Council from the redistricting process and institute an Independent Redistricting Commission comprised of citizens without allegiance to protecting the turf of current City Council members as happens historically. The City initially drafted the ordinance, but, in a public hearing, Equity for Cambodians and Common Cause heavily criticized the draft as fatally flawed, in part because the City retained control over the results. The Mayor proposed that Common Cause and Equity for Cambodians draft the initiative which we did. These two organizations and their attorneys were the drafters of the initiative which later became Measure DDD when the Council placed it on the ballot.

The purpose of the Independent Redistricting Commission was two-fold: first, to remove political influence from the redistricting process and second, to create criteria for redistricting that best reflected the diverse characteristics of Long Beach in ways that respected ethnic and racial enclaves and other relevant factors. Proposition DDD passed overwhelmingly and we were all proud to see the creation of the Independent Redistricting Commission with marching orders imbedded in Article XXV of the Long Beach City Charter.

We are disheartened to see the City², despite the voters' clear intent, attempting to sabotage the initiative. The redistricting criteria are very clear and they are set forth in a specific rank order that means something. The April 15, 2021 City Attorney memo to the Redistricting Commission and its supporting memorandum from Olson/Remcho ("the memo") distort the spirit and letter of Article XXV of the Long Beach City Charter found at Section 2500 - 2510. For reference, a copy of the Long Beach City Charter Article XXV is attached as Exhibit B.

This history is not separate from your work. It is the basis of your work. The City, through the City Attorney's office, can only speculate what the framers of DDD intended because they have never asked us. This is not a situation where the drafters are long gone and attorneys must speculate about what was intended. If the City Attorney's office or the Commission has any questions about what was intended in the framing of Measure DDD, ask us.

² Although the memo comes from the City Attorney's office and its subcontracted law firm, this is simply another branch of City government.

We are around and available for questions. Both Common Cause and Equity for Cambodians are deeply critical of any interpretation of the City Charter that circumvents the commitment to equity and diversity which the framers had in mind.

As the Independent Redistricting Commission, you have the ability to reject the City's analysis and follow the law as written. In the interests of our community, we respectfully ask you to do so.

ANALYSIS

1. **What Measure DDD requires.**

The City starts out with the correct premise stated at page 1 of the Memorandum by Olson/Remcho:

“Section 2506 of the City Charter now requires the Commission to draw districts as nearly equal as practicable in total population, in compliance with all federal and state laws (including the federal Voting Rights Act), and that are geographically contiguous. Once those criteria are met, the Commission ‘shall consider’ **in order of priority** a list of eight criteria set forth in subdivision (b), including: (1) neighborhoods; (2) communities of interest; (3) neighborhoods and communities sharing a common language, history, culture and identity; (4) topography and geographic features; (5) natural and artificial barriers for boundary lines; (6) compactness; (7) maintaining whole census blocks; and (8) any other criteria the Commission approves that do not conflict with the other requirements.” (emphasis added)

Olson/Remcho goes on to note that the list **does not** include respecting existing district boundaries. (Memo at 1).

This omission in the drafting was deliberate. Indeed the very point of Measure DDD was to change existing boundaries to reflect the criteria set forth in Section 2506. To use existing Council boundaries as a starting point is a slap in the face to the people of the City of Long Beach who overwhelmingly wanted different criteria than those previously used and, perforce, different results. Using existing Council boundaries as a starting point unjustifiably prejudices the process in favor of what we already have. Nothing in the plain language of Article XXV supports this interpretation while everything else discourages it.

2. To arrive at its position, the City goes to illogical and absurd results.

Nothing in Article XXV requires the use of existing boundaries, either as a starting point or a criteria. Instead the City Attorney's office contorts the language to arrive at its conclusion that Article XXV "requires the core of existing districts (whatever that means) to be preserved." Memo at p.2. Simply stated, nothing requires this.

Section 2506 sets forth the redistricting requirements and criteria through an itemized list stated in a priority which the Commission shall follow. As the City's memo correctly observes, the use of the term "shall" in a legal document means that that term is "mandatory in nature" as opposed to being optional or simply a possibility. Moreover, the use of the term "shall" and the specific requirement that the criteria be followed in the order in which they are stated means that the Commission, in order to properly do its work, must adhere to the ranking set forth in Section 2506.

The City, to make its point, ignores the mandatory language of the order of consideration that is specified in the Article and the absence of any mention of preserving existing boundaries. In a self-serving twist of logic and language, the City-contracted law firm, Olson/Remcho states:

"In fact, the requirement in subdivision (d) is arguably as important as the criteria set forth in subdivision (b) of Section 2506, since it is mandatory in nature ("shall") as opposed to being lumped together with the eight criteria in subdivision (b) that the City "shall consider."

This is an obvious contortion of the statutory language to make the City's argument and contrary to the plain language of the statute which places the eight factors in 2506(b) as mandatory considerations for the Redistricting Commission in order of priority.

Had the framers wanted to do as the City suggested and use existing Council boundaries as a starting point for drawing the redistricting maps, they would have said so. It is disingenuous for the City to surmise what the framers wanted when the framers are still around and could have easily weighed in as they do now. In no way, shape or suggestion did the framers want to elevate existing Council boundaries and residents currently within those boundaries, over the judgment of the Redistricting Commission in following redistricting criteria.

The logical extension of the City's argument for keeping as many residents as possible in existing Council districts rather than allow the Commission to independently draw the districts following the 2506(b) criteria would be to leave all the district boundaries exactly the way they are since that would completely comply with 2506(d). Such a result is absurd.

3. Existing council district boundaries are the problem, not the solution:

The City then makes the leap that since 2506 supposedly does not “establish any rule” for how the Commission should start its work nor identifying any particular “architecture” as a starting point, “the existing districts provide an obvious starting point for drawing the new plan.” Wrong. The existing boundaries are the problem, not the solution. It simply defies logic and the legislative intent and letter of 2506 to use existing districts to start the process. The process needs to start where the Commission uses the criteria, including a demographic and topographic approach to redistricting and creates boundaries that most accurately reflect, the criteria “in rank order” as stated. To do otherwise prejudices the process in favor of the City retaining its own boundaries and perpetrating the very injustice which DDD sought to remedy.

4. The legislative history does not support the conclusion that “the Commission must consider preservation of existing districts while adjusting boundaries”(Memo at p.2)

First, the Impartial Analysis in the Voting Guide is not the same thing as the intent of the framers. The framers of Measure DDD – Common Cause and Equity – had no input into the Impartial Analysis used for the Voter’s Guide. Nor is the term “preservation of population cores” found anywhere in the text of Measure DDD.

To harmonize the language of the Impartial Analysis with Measure DDD, a requirement of statutory construction, the correct understanding is that after the Commission does its job, and following the application of criteria in 2506(b), the resulting Council Districts shall be numbered so that as many residents as possible keep their current Council District numbers.

5. The District Boundaries were challenged in 2011 by the Cambodian community.

The memo is also inaccurate as to the history of the Council’s redistricting work in 2011. Specifically the recently elected City Councilwoman for the Sixth District, Dr. Saro testified regarding the drawing of boundaries which divide the Cambodian community. Councilwoman Saro, then Executive Director of Khmer Girls in Action (KGA), gave testimony to the California Citizens Redistricting Commission in April 2011 and cautioned against dividing Cambodia Town and the surrounding community among four districts. However, she was unable to convince the Commission.

“Because the neighborhoods have specific needs and interests unique to the Cambodian community, we ask that you do not divide Cambodian neighborhoods in the redistricting process,” Saro testified.

Second, the term “preservation of population cores that have consistently been associated with each council district” does not say what the City thinks it does. That is not synonymous with keeping Council boundaries, especially in areas like Cambodia Town, where the existing neighborhoods, and communities of interest, are divided into different districts. Measure DDD would have been pointless if the net effect is to preserve the populations that already inhabit each Council district.

6. The City’s memo confirms that the Commission has the power and duty to change council districts as required by the criteria.

The last sentence of paragraph 3 in the memo is telling,

“However, it is important to keep in mind that the Commission must also adhere to the hierarchy of priority set out in Section 2506, and if adhering to current boundaries conflicts with one of the other criteria, it may have to give way and the boundary may have to be adjusted.”

Thus, everyone acknowledges that the work of the Independent Redistricting Commission is to create Council Districts that serve the people using specifically ranked criteria. The City thus concedes that Section 2506(d) must yield to the broader intent of Measure DDD and the ranked criteria in Section 2506(b).

7. Most likely the City is pushing the use of existing boundaries to avoid having to do the harder work of demographic and topographic analyses that meets the requirements of the criteria.

We suspect that all the so-called legal analysis is simply a smoke screen for the City’s attempt to avoid work. Certainly it is more work to perform a full demographic and topographic analysis of Long Beach without regard to the existing council boundaries. However, once this is properly done by this Redistricting commission, presumably subsequent Redistricting Commissions can use the new boundaries much the way the City wants to use the old boundaries based on a faulted, politically motivated process. The City’s desire to save money and time has nothing to do with what is at stake here. The voters approved Measure DDD overwhelmingly. They want the job done correctly and the fact that the city can save a few dollars by avoiding the kind of analysis, research and exploration needed is no reason why the Commission should be restricted from performing its full function.

8. When in doubt ask the drafters about the issue.

We are here and willing to serve. Please invite us to a meeting(s) and we will be happy to participate.

9. The Independent Redistricting Commission needs independent counsel.

This attempt by the City to manipulate the IRC into using the existing questionable boundaries, as a starting point and the twisted logic that somehow Measure DDD “requires the core of existing distrust (whatever that means) to be preserved” clearly runs counter to plain meaning and unmistakable intent of DDD.

We recommend that the IRC hire its own independent attorney. We will be happy to suggest law firms for your consideration.

Sincerely,

EQUITY FOR CAMBODIANS

By: /s/ Laura Som
Laura Som

By /s/ Charles Song
Charles Song

By /s/ Marc Coleman
Marc Coleman

By: /s/ Dr. Alex Norman
Dr. Alex Norman

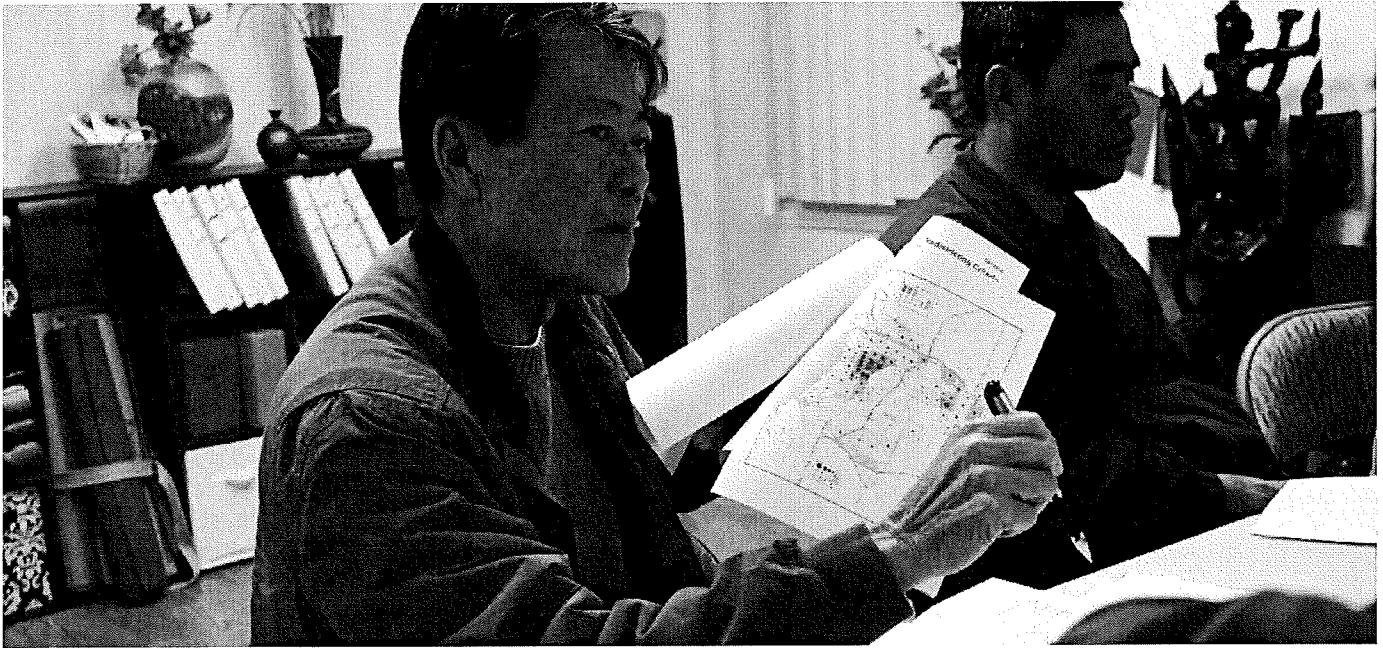
MC/lbb
Attachments

EXHIBIT A

AFTER DECADES OF DIVISION, LONG BEACH CAMBODIANS WANT REDISTRICTING

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MAR. 13, 2018 / BY CRYSTAL NIEBLA ([HTTPS://VOICEWAVES.ORG/AUTHOR/CRYSTAL-NIEBLA/](https://voicewaves.org/author/crystal-niebla/))



Above, an elder discusses district mapping at the MAYE Center, a healing and organizing space based in Long Beach's Cambodia Town. (Photos by Crystal Niebla)

This story was updated on March 27, 2018.

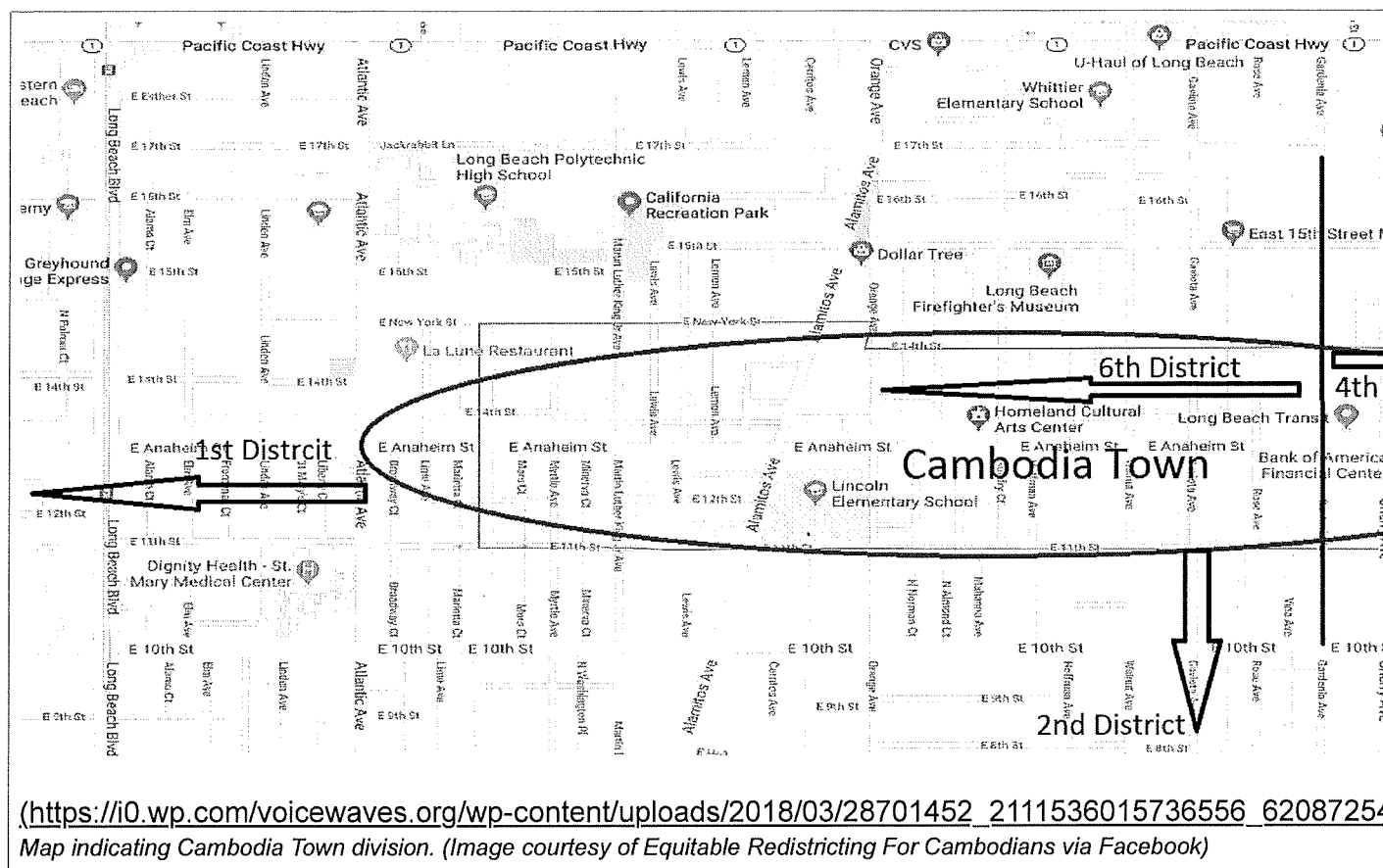
On Wednesday nights, about 20 Khmer Rouge (<https://voicewaves.org/2016/04/survivors-recognized-on-cambodian-genocide-remembrance-day/>) refugees attend a government and community organizing class at the MAYE Center, a trauma-healing space often used by Cambodian elders.

After 13 weeks of learning the ins and outs of Long Beach city politics, there was one question that left student Vy Sron perplexed.

"How do we organize our community for more political power?" Sron asked her teacher, Marc Coleman, a Long Beach organizer and attorney.

"You're limited because your community is diluted," Coleman responded.

The class was at a quagmire. Since the '70s, the Cambodia Town area has been divvied up among various districts — currently districts 1, 2, 4 and 6 — and, for them, the answer explained why they had such little say in city affairs and no ethnic representation on city council.



Now, leaders and allies of Long Beach's Cambodian community say they want more political power.

Sron's question manifested into Equitable Redistricting for Cambodian Community, an initiative by Equity for Cambodians, a [collective](https://www.facebook.com/Equitable-Redistricting-For-Cambodians-2108953489328142/) (<https://www.facebook.com/Equitable-Redistricting-For-Cambodians-2108953489328142/>) of Long Beach residents and 14 organizations that aims to redistrict Cambodia Town and the surrounding community for absorption into the 4th or 6th district, likely the farther east and south parts.

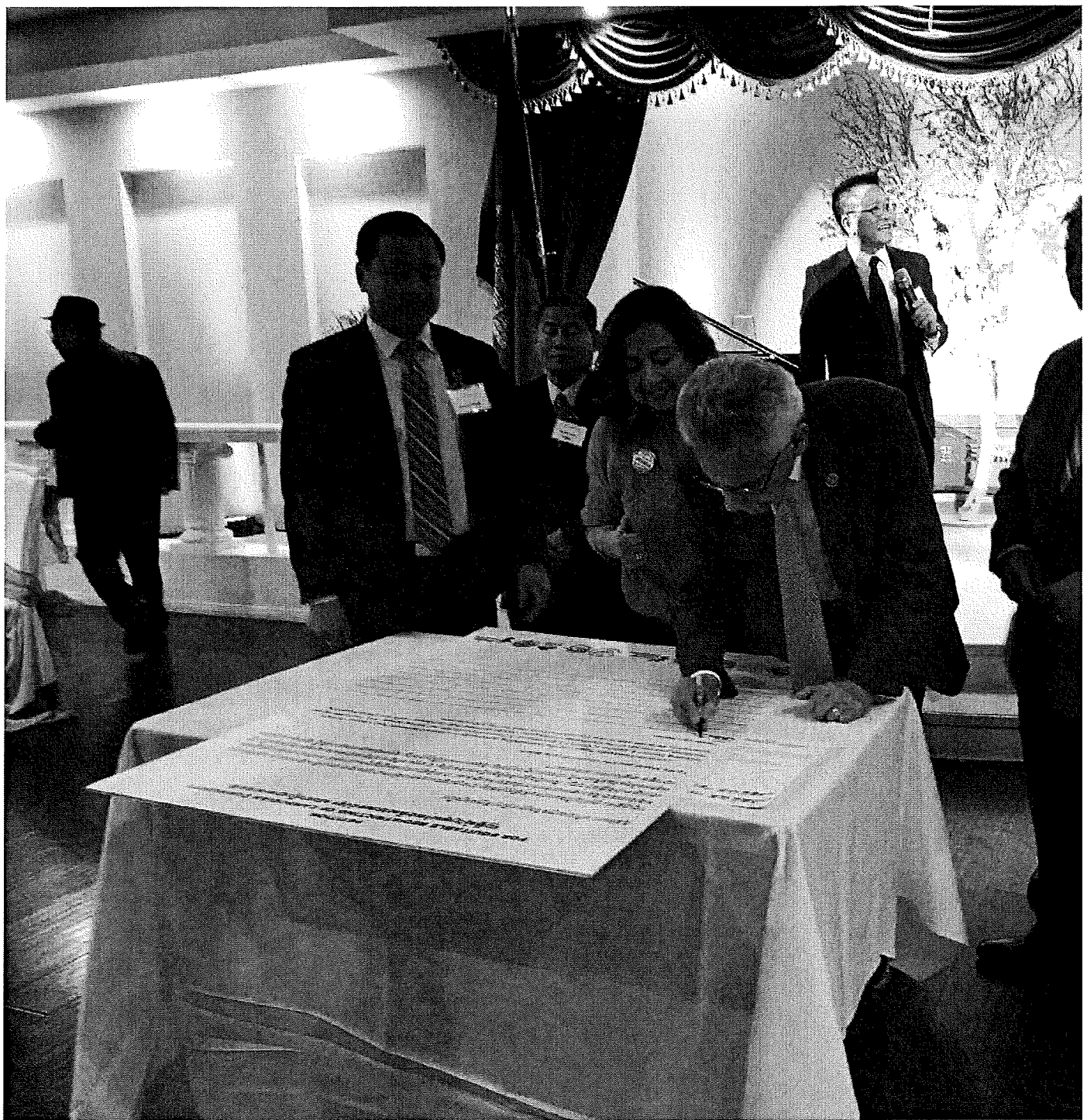
"We don't have a voice to dictate resources in Long Beach," said Laura Som, director at the MAYE Center. "Money is being spent, but no one represents us."

Instead of taking the issue to the ballot this year, Equitable Redistricting for Cambodian Community will entered a petition process to educate people about redistricting and political power.

The collective threw a campaign launch party on March 18, having Rep. Alan Lowenthal (D-Long Beach) be the first to sign the petition. District 7 Councilman Roberto Uranga and field representative Suely Saro on behalf of State Sen. Ricardo Lara (D-Bell Gardens) also signed the petition.

"This is a very important step that they're going through," Lowenthal said, adding that he's willing to help the campaign in any way.

"If they want me to go before the council, I will go before the council," he said.



(<https://i1.wp.com/voicewaves.org/wp-content/uploads/2018/03/Alan-Lowenthal-signs-petition> Courtesy of Congressman Alan Lowenthal (CA-47) is the first to sign a petition supporting Long Beach redistricting that would absorb the Cambodian community on March 18, 2018. (Photo courtesy of Andrea Donado)

Organizers hope to gather between 1,000 and 10,000 signatures to present to the city council sometime before local elections in April. "Residents and friends" of the district are eligible to sign a paper or online petition (<https://www.change.org/p/equity-for-cambodians>). There are no age or geographic limitations to sign either.

"We want young people to be involved because this is their future," Coleman said. "That is a huge force... It'll be something they've never seen before."

Advocates hope better representation can mean more access, for example, with language assistance in applying to the city's affordable housing for elders or low-income residents.

"I do not want people to experience what it means to be divided and alone because I was all by myself," Sron said via a Khmer translator, referring to when she arrived to the U.S. without friends or family.



After finally being able to pay taxes, Vy Sron, 68, said she wants her community's voice to be heard.

"I'm constantly worried about not being represented, not being able to express myself, with many language barriers," Sron said in Khmer.

In March 2011, Long Beach adopted a [redistricting criteria](http://www.longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor-tabbed-file-list-folders/2016/november-29--2016---mid-decade-redistricting-process) (<http://www.longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor-tabbed-file-list-folders/2016/november-29--2016---mid-decade-redistricting-process>) indicating that "splits in neighborhoods, ethnic communities and other groups having a clear identity should be avoided."

Members of Equitable Redistricting for Cambodian Community argue that the city violated one of its own redistricting guidelines, and it hasn't been the first time local Cambodians sounded the alarm.

Suely Saro, a then-executive director of [Khmer Girls in Action](http://kgalb.org/) (<http://kgalb.org/>), gave a [testimony](http://wedrawthelines.ca.gov/downloads/meeting_handouts_apr2011/handout_20110427_public_input_long_beach_02.pdf) (http://wedrawthelines.ca.gov/downloads/meeting_handouts_apr2011/handout_20110427_public_input_long_beach_02.pdf) to the California Citizens Redistricting Commission in April 2011 cautioning against the redistricting of Cambodia Town and the surrounding community among four districts. However, she was unable to convince the commission.

"Because the neighborhoods have specific needs and interests unique to the Cambodian community, we ask that you do not divide either Cambodian neighborhoods in the redistricting process," Saro testified.

"In the last Redistricting in 2011, the City Council direction was to have the minimal changes required to each district to rebalance the population," said Kevin Lee, a public affairs officer for the city, earlier this month via email.

"In March 2017, the City Council made a determine (sic) not to redistrict, based primarily on the fact that reliable data was not available," Lee said.

"Reliable data" continues to be the obstacle for Cambodian community redistricting efforts now, and has been an issue since Long Beach received Khmer Rouge refugees in the 1970s.

Exhibit A

City of Long Beach: Redistricting Criteria
Adopted, March 22, 2011

The Long Beach City Council adopted redistricting criteria applicable to Long Beach City Council districts for the 2011 redistricting process on Tuesday, March 22, 2011. The criteria are presented below and have been numbered for identification purposes only.

1. Transparency and public information should be of the highest priority;
2. Staff will receive input from many sources, but formal direction will come from the City Council in open session;
3. Direction to staff on adjustments shall occur in public session of the City Council;
4. Requested information will be shared publicly with all members of the City Council and the community;
5. Staff will provide the City Council with several options, and request direction until consensus is reached;
6. Deviations from mean population should be as small as possible, but not greater than +/- 5%;
7. Splits in neighborhoods, ethnic communities and other groups having a clear identity should be avoided;
8. Districts should be as compact as possible, avoiding gerrymandering;
9. Residences of Councilpersons should remain within their respective districts;
10. Boundaries should, wherever practicable, follow major roads and other readily identifiable features;
11. Preservation of communities of interest, where possible;
12. Boundary adjustments should generally consist of easily identifiable blocks/areas;
13. Use Census tract boundaries wherever possible. Redistricting shall avoid splitting Census blocks whenever possible;
14. Preservation of population cores which have consistently been associated with particular districts;
15. Avoidance of large scale dislocations of district populations;
16. Recognition of inevitable and historical topographic and geographic limitations on district boundaries; and
17. Redistricting should focus on areas of population, and not on areas of non-population (parks, businesses, etc.).

Redistricting Criteria adopted in March 2011.

Jack Humphrey, a former advance planning officer for the city between 1992 and 2002, cites that the 1990 federal census was “seriously undercounted” because many Cambodian refugees refused to participate due to trauma (during the Khmer Rouge genocide, the Cambodian government used their census data to find and kill citizens).

Although a case can be made that the division was racially discriminatory, a small Cambodian census number translated into “minimal interest” in that community since city council members cared more about voter turnout, Humphrey said. Cambodians were deemed too poor and too new for this investment, he added.

“The city council was not unaware that they were splitting up the Cambodian community up [then] three ways,” he said.

Since the city’s charter bases redistricting data on the decennial census, which will be recorded again in 2020, the next opportunity to redistrict would be in 2021, Lee said. But members of Equitable Redistricting for Cambodian Community are hoping for a win by 2020 because council seats will be up for election then.

“In 2021, should the number warrant a redistricting, the City Council would have a chance to look at the redistricting criteria and provide direction on what they would want to achieve as part of the process,” Lee added.



(<https://i0.wp.com/voicewaves.org/wp-content/uploads/2018/03/2.jpg?ssl=1>)

Laura Som, director of the MAYE Center, helps lead a planning committee meeting on Jan. 31, 2018.

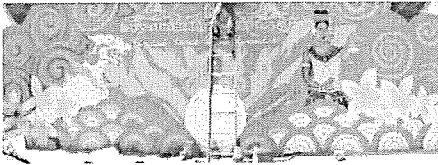
Now, as the city enters a new generation, Long Beach Cambodians are pushing harder to make their voices heard politically and want to see their community reunited under one voting district.

"If it happens in my generation, I would be so grateful to live among my own people with the desire to work hard in this community and build this community," Sron said in Khmer.

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(<https://voicewaves.org/2017/10/beauty-without-the-pain-can-cambodian-americans-revitalize-their-town-without-displacing-their-own/>)

Beauty Without the Pain: Can Cambodian Americans Revitalize Their Town Without Displacing Their Own? (<https://voicewaves.org/2017/10/beauty-without-the-pain-can-cambodian-americans-revitalize-their-town-without-displacing-their-own/>)

October 23, 2017

In "Communities"



(<https://voicewaves.org/2018/04/long-beach-cambodians-launch-campaign-for-fair-redistricting-video/>)

Long Beach Cambodians Launch Campaign for 'Fair' Redistricting [VIDEO] (<https://voicewaves.org/2018/04/long-beach-cambodians-launch-campaign-for-fair-redistricting-video/>)

April 3, 2018

In "Communities"

(<https://voicewaves.org/2014/05/one-night-screening-of-cambodian-son-may-10/>)

One-Night Screening of 'Cambodian Son' - May 10

(<https://voicewaves.org/2014/05/one-night-screening-of-cambodian-son-may-10/>)

May 7, 2014

In "Other News"

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CRYSTAL NIEBLA ([HTTPS://VOICEWAVES.ORG/AUTHOR/CRYSTAL-NIEBLA/](https://voicewaves.org/author/crystal-niebla/))

Crystal was raised in South Los Angeles and is the first college graduate in her family. She is a class of 2016 CSULB graduate who has served as an editor for her campus newspaper and freelanced for the Long Beach Post and Random Length News. Crystal is now a Report for America corps member, covering the Westside for the Long Beach Post. Follow her work @crystalniebla on Twitter and @crystalniebla_media on Instagram.

EXHIBIT B

ARTICLE XXV. - COUNCILMANIC DISTRICTS AND REDISTRICTING

Section 2500. - COUNCILMANIC DISTRICTS.

The City shall be divided, for electoral purposes, into nine (9) Councilmanic Districts approximately equal in population.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2501. - LONG BEACH INDEPENDENT REDISTRICTING COMMISSION.

- (a) The exclusive authority to redraw Council district boundaries is vested in the Long Beach Independent Redistricting Commission.
- (b) The Commission shall:
 - (1) Be independent of Mayor and City Council control;
 - (2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of Council district boundaries;
 - (3) Comply with the provisions in this article; and
 - (4) Conduct itself with integrity and fairness.
- (c) The Commission may:
 - (1) Adopt for itself rules of procedure not in conflict with this article; and
 - (2) Adopt rules and regulations for the interpretation and implementation of this article.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2502. - POWER AND DUTY OF COMMISSION TO ADOPT COUNCIL DISTRICT BOUNDARY MAP.

- (a) Within six (6) months after census-block-level population data from a regular United States decennial census is made available to the public, the Commission shall adopt a final map establishing new Council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each Council district. In the final report, the Commission shall explain the rationale for the Council district boundaries, including, at a minimum, an explanation of how the final map complies with the redistricting requirements and criteria in Section 2506 of this Charter and a reasonable justification for any Council district boundary that does not comply with any redistricting criterion.
- (b) A Commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than six (6) months until the next primary

City election, in which case the final map shall go into effect after that election and any applicable run-off election.

- (c) If the Commission does not adopt a final map by the deadline in subsection (a), the City Attorney shall immediately petition the Superior Court for an order prescribing new Council district boundaries in accordance with the redistricting criteria and requirements set forth in Section 2506. The boundaries prescribed by the Superior Court shall be used for all City Council elections that take place more than six (6) months from the date of the Superior Court's order and shall last until a final map is adopted by the Commission to replace it.
- (d) The Commission shall redraw Council district boundaries once per decade and at such other times as may be required, as provided in subsection (a), unless the Commission is reconvened by a vote of two-thirds of the City Council to address significant population changes, legal challenges, or other issues, or is ordered to do so by a court.
- (e) Any territory that is annexed, consolidated, or otherwise attached to the City shall be allocated to a Council district pursuant to this subsection, effective upon the completion of such annexation, consolidation, or other proceedings. The City Clerk shall update the final map accordingly.
 - (1) If the territory's boundary is contiguous to the boundary of not more than one (1) Council district, the territory shall be allocated to that Council district.
 - (2) If the territory's boundary is contiguous to the boundaries of two (2) or more Council districts, the territory shall be allocated to the council district with which it shares the longest boundary.
 - (3) If the territory's boundary is not contiguous with the boundary of any Council district, the territory shall be allocated to the closest Council district.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2503. - COMMISSION ORGANIZATION.

- (a) The Commission shall consist of 13 commissioners and 2 alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.
- (b) The term of office of each commissioner begins on December 1 of a year ending in zero, and expires on January 1 of the next year ending in zero. Sixty (60) days after a final map has been adopted, the Commission shall cease to meet, unless reconvened by order of a court of competent jurisdiction, or by the City Attorney to consider settlement options if the final map is legally challenged or by the City Council as provided by Section 2502(a) above.
- (c) Nine (9) commissioners constitute a quorum. The removal of a Commissioner or alternate; the approval of additional redistricting criteria; and the approval of a proposed final map, final map, and

final report require the affirmative votes of nine (9) commissioners. All other Commission actions require the affirmative vote of a majority of commissioners present.

- (d) At its first meeting, the Commission shall select one (1) commissioner to serve as Chair and one (1) to serve as Vice Chair. The Commission may designate other officers from its membership, and may establish subcommittees. Subcommittees shall report on their actions at the next meeting of the Commission.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2504. - COMMISSIONER QUALIFICATIONS, REQUIREMENTS AND POST-SERVICE RESTRICTIONS.

- (a) Each commissioner must be a registered voter of the City and must either:
 - (1) Have voted in the City election immediately preceding his or her application to be on the Commission; or
 - (2) Have been a resident of the City for at least one (1) year immediately preceding his or her application to be on the Commission.
- (b) The following persons are not eligible to be a commissioner:
 - (1) A person who, or whose spouse, registered domestic partner, or child, within the eight (8) years immediately preceding their date of application to be on the Commission, has contributed to a candidate for City elective office, in a single year, more than Two Hundred Fifty Dollars (\$250).
 - (2) A person who, or whose spouse, registered domestic partner, or child - is or has been, within the four (4) years immediately preceding their date of application to be on the Commission, any of the following:
 - i. A paid employee of the City, including those employed by an elected official;
 - ii. A registered City lobbyist, or someone who was required to be a registered City lobbyist; or
 - iii. A paid employee of any redistricting contractor or consultant.
 - (3) A person who, or whose spouse, registered domestic partner, parent, sibling, or child - has been, within eight (8) years immediately preceding their date of application to be on the Commission, any of the following:
 - i. Elected to or appointed to, or been a candidate for, City elective office;
 - ii. An officer, employee of, or paid consultant or contractor to a campaign committee or a candidate for City elective office;
 - iii. A staff member, paid employee of, a consultant to, or someone under contract with any City elected official; or
 - iv. A principal officer of an active campaign committee domiciled in the County of Los Angeles that has made expenditures on candidate elections for a City elective office.

- (c) Within 30 days of appointment, a commissioner shall file with the City Clerk a statement of economic interest, or similar financial disclosure statement, as required under the City's conflict of interest code, and shall agree to the City's Code of Ethics and written ethics pledge.
- (d) A commissioner shall be ineligible, for a period of ten years beginning from the date of their appointment, to hold City elective office. A commissioner shall be ineligible, for a period of four (4) years beginning from the date of their appointment, to be appointed to another City commission, to serve as paid staff for or as a paid consultant to any City elected official or candidate for City elective office, to receive a non-competitively bid contract with the City, or to register as a City lobbyist.
- (e) While serving on the Commission, a commissioner shall not endorse, work for, volunteer for, or contribute to any candidate campaign for City elective office. Commissioners choosing to engage in such activity may resign at any time, including after the approval of a final map to ensure that the commissioner no longer serves if the Commission is reconvened to redraw districts

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2505. - COMMISSIONER SELECTION AND REMOVAL.

- (a) The commissioner selection process is designed to produce a Commission that is independent and that reasonably reflects the diversity of the City.
- (b) The City Clerk shall, beginning in 2020, and in each year ending in the number zero thereafter, initiate and widely publicize an application process, open to all City registered voters who meet the requirements of Section 953, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. The application period shall remain open for at least three (3) months.
- (c) The City Clerk shall create an application available in English, Spanish, Khmer and Tagalog and as may be required under the City's Language Access Policy for prospective commissioners, and seek assistance from a broad range of community-based organizations in outreach efforts. Applicants shall attest on the application, under penalty of perjury, that the information provided is true.
- (d) Approximately one (1) month prior to the close of the application period, the City Clerk shall report to the City Council and Mayor on applications received up to that point and any additional outreach that is being undertaken or planned to ensure that the applicant pool has a sufficient number of qualified applicants and reasonably reflects the City's diversity.
- (e) After the close of the application period, the City Clerk shall review and remove individuals who are disqualified under Section 2504 of this Charter from among the commission applicants. The City Clerk shall maintain a public record of the disqualifications that apply to each person whose application is removed from the applicant pool. If the resulting applicant pool does not have at least

35 qualified applicants, including 3 qualified applicants from each existing City Council district, the City Clerk shall reopen the application period for one (1) month and conduct additional outreach to ensure that the pool meets these requirements.

- (f) After removing ineligible applicants, the City Clerk shall publish and transmit to a screening panel a list with the names of all qualified applicants. For purposes of this section, "screening panel" means:
- (1) The City's Ethics Commission, if that Commission is established by ordinance or under this Charter; or
 - (2) If an ethics commission matching the description in subsection (1) does not exist, a panel of Long Beach residents consisting of: one (1) retired judge; one (1) law, government, or public policy professor teaching at an accredited institution; and one (1) member of the governing board of a non-profit organization qualified under Internal Revenue Code section 501(c)(3) that has history of advocating for good government reform in the city. The panelists shall be selected by the Mayor from a pool of qualified applicants. Panelists shall meet the same qualifications required of commissioners in Section 2504. The Mayor shall recruit a pool of applicants to serve on the screening panel; or
 - (3) If an ethics commission matching the description in subsection (1) does not exist, and there are insufficient qualified applicants to form a panel pursuant to paragraph (2), a panel consisting of the City Attorney, the City Clerk, and the City Auditor.
- (g) From this eligible commissioner applicant pool, the screening panel shall, no later than November 1, 2020, and by November 1 in each year ending in the number zero thereafter, create a subpool of not less than 20 nor more than 30 applicants most qualified to perform the duties of the Commission, including at least two (2) applicants from each existing Council district. The screening panel, exercising its independent judgment, shall make these assignments at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The screening panel may ask additional questions of commissioner applicants at that meeting. The screening panel shall make each assignment to the subpool on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The subpool should reasonably reflect the City's diversity; provided that, other than the requirement of geographic diversity in this subsection, no quotas, formulas, or ratios may be applied for this purpose.
- (h) Immediately after the subpool has been created, and at that same public meeting, the chair of the screening panel shall randomly select nine (9) names - one (1) from each existing council district - from the subpool. These nine (9) individuals shall serve as commissioners on the Commission.
- (i) The commissioners selected pursuant to subsection (h) shall select four (4) commissioners and two (2) alternates from the remaining applicants in the subpool. Each selection requires six (6)

affirmative votes from among the nine (9) commissioners, and the selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other commissioners. The Commission should reasonably reflect the City's diversity; provided that no quotas, formulas, or ratios may be applied for this purpose.

- (j) The Commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero. To meet this deadline, the City Clerk may establish other deadlines for the commissioner application and selection process described in this Section.
- (k) The Commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.
- (l) If a commissioner resigns or is removed from the Commission, the Chair of the Commission shall randomly select one (1) of the alternates to fill the vacancy as a voting commissioner. If the Commission is unable to act because there are fewer than nine (9) active commissioners, the City Clerk shall, within one (1) month of making this determination, recruit a pool of qualified applicants to fill the vacancies. The remaining commissioners shall, within two (2) weeks of the pool being constituted, appoint replacement commissioners from this pool by a two-thirds vote.
- (m) For purposes of this section, "diversity" includes, but is not limited to, racial, ethnic, gender, and sexual orientation diversity.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2506. - REDISTRICTING REQUIREMENTS AND CRITERIA.

- (a) The Commission shall draw its final map so that:
 - (1) Council districts are as nearly equal as practicable in total population;
 - (2) The final map complies with the U.S. Constitution; the Federal Voting Rights Act, the California Constitution; and any other requirement of federal or state law applicable to charter cities; and
 - (3) Each Council district is geographically contiguous, to the extent practicable, and has a clearly defined boundary.
- (b) In addition to following the requirements of subsection (a), the Commission shall consider the following criteria when drawing the final map, in order of priority:
 - (1) The geographic integrity of a neighborhood should be respected in a manner that minimizes its division.

- (2) Communities of interest. The geographic integrity of a community of interest should be respected in a manner that minimizes its division. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation;
 - (3) Neighborhoods and communities sharing a common language, history, culture and identity should not be divided so as to dilute their voting power;
 - (4) Geography and topography: Districts should respect major topographic and geographic features of the City;
 - (5) District boundaries should be easily identifiable and understandable by voters. Districts should be bounded by natural and artificial barriers, by street lines, and/or by City boundary lines;
 - (6) Districts should be geographically compact such that nearby areas of population are not bypassed for more distant population;
 - (7) All lines must correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries; and
 - (8) Other Commission may adopt other criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.
- (c) The Commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.
 - (d) The Commission shall number each Council district such that, for as many residents as possible, the number of the Council district they reside in remains the same.
 - (e) The Commission shall not draw districts for the purpose of favoring or discriminating against a political party.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2507. - PUBLIC MEETINGS AND PUBLIC COMMENT.

- (a) The Commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. The Commission shall comply with all applicable State and City requirements for open meetings.
- (b) Prior to adopting a final map, the Commission shall hold at least nine (9) public meetings, including one (1) public meeting in each existing Council district. A final map may not be adopted unless a proposed final map with substantially similar Council district boundaries has been adopted at least seven (7) days earlier at a prior public meeting.
- (c) The Commission shall establish and implement a process for accepting written public comment,

including the submission of draft maps and draft partial maps for the Commission's consideration.

- (d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit:
 - (1) communication between Commission members, staff, legal counsel, and consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements; or
 - (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the Commission functions and encouraging public participation in the redistricting process.
- (e) Any person who is compensated for communicating with the Commission or any commissioner, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2508. - RECORDS AND DATA.

- (a) The Commission shall comply with the California Public Records Act, commencing with section 6250 of the California Government Code, or its successor, and any City laws regarding public records, to the degree they require greater disclosure and retention of Commission records than is provided in this article.
- (b) The Commission and its subcommittees shall keep minutes of all discussion and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the Commission and its subcommittees shall be video recorded.
- (c) To the greatest extent practicable, the Commission shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data, which tool can be used to create draft maps and draft partial maps.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2509. - ADMINISTRATION.

- (a) The City Council shall appropriate sufficient funds to recruit commissioners, meet the operational needs of the Commission, and conduct any outreach program to solicit broad public participation in the redistricting process.
- (b) The City Manager, City Clerk, and City Attorney shall assign sufficient staff to support the Commission. The Commission shall be staffed by no less than three (3) City employees: the City

Manager, the City Clerk, and the City Attorney, or their respective representatives. The City Attorney's, or his/her respective representative's, only client on matters relating to redistricting is the Commission.

- (c) The City Clerk and the City Attorney, or their respective representatives, shall, no later than March 1, 2021, and thereafter by March 1 in every year ending in one, train the commissioners on the requirements of this article, federal and state law regarding redistricting, open meeting requirements, and general rules of parliamentary procedure.
- (d) The City Manager and the City Clerk shall, by January 1, 2020, and thereafter by January 1 in every year ending in zero, provide a report to the Mayor and City Council that explains, at minimum, plans for: recruiting a qualified applicant pool that reflects the City's diversity; assigning sufficient staff to support the Commission's activities; training commissioners; providing work space and relevant technology to support the Commission's activities; facilitating an open selection process to hire redistricting consultants; identifying and reserving meeting spaces suitable for holding public meetings in each Council district; creating a website for the Commission; and encouraging public participation in the redistricting process.
- (e) Within 60 days after the adoption of a final map, the Commission shall transmit a report to the Mayor and City Council recommending any changes, including amendments to this article, that could improve the redistricting process in future years. The City Council may, by two-thirds vote, adopt by ordinance changes to time limits and deadlines imposed by this article that are specifically recommended by the Commission.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2510. - LEGAL CHALLENGE.

- (a) Any registered voter in the City may file a petition for a writ of mandate or writ of prohibition within ninety (90) days after the Commission has adopted a final map, to bar the implementation of all or a portion of the new Council district boundaries on the grounds that the final map violates this article. No legal challenge may be brought against the final map under this article after the 90-day period has expired.
- (b) If a legal challenge is successfully brought against the final map, the Court may correct the violation by court order adjusting Council district boundaries consistent with the redistricting requirements and criteria of Section 2506; alternatively, if the Court finds the final map requires significant revisions or must be entirely redrawn, the Court may order the Commission to reconvene to adjust or adopt new Council district boundaries.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)