

Appendix E

CITY OF NEWPORT BEACH CHARTER UPDATE COMMISSION STAFF REPORT

Agenda Item No. 5
February 2, 2010

TO: HONORABLE MEMBERS OF THE CHARTER UPDATE COMMISSION

FROM: OFFICE OF THE CITY ATTORNEY
David R. Hunt, City Attorney
949/644-3131, dhunt@newportbeachca.gov

**SUBJECT: CHARTER SECTION 1005 – TIMING OF APPOINTMENT OF
REDISTRICTING COMMITTEE**

RECOMMENDATION:

Recommend amendment of Charter Section 1005 so that it requires the City Council appoint a committee to study and report on the advisability of redistricting the City every ten years after the completion of the national census and not every four years as presently provided.

DISCUSSION:

The full text of Charter Section 1005 is appended as Attachment "A." A "white paper" with relevant background information and suggested alternatives for the Commission to consider is appended as Attachment "B."

Presently Charter Section 1005 provides in pertinent part, "In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City." Under this section, the next committee would be appointed in 2011, with the following committees being appointed in 2015, 2019, and 2023.

Staff is recommending the amendment of the Charter provision so that the committee needs only be appointed every ten years, coinciding with completion of the national census. Staff makes this recommendation in order to provide for more efficient government. Proceeding in this manner will reduce the expense and effort to the City two and half times. In addition, appointing the committee after completion of the national census would allow the committee's work to be more effective and efficient since the committee could rely on the information developed in the census for making its recommendations.

ENVIRONMENTAL REVIEW: Not applicable.

Prepared by:

Submitted by:

OFFICE OF THE CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

By 
David R. Hunt, City Attorney

By 
David R. Hunt, City Attorney

Attachments: "A" - Charter Section 1005
"B" - Charter Section 1005 White Paper

ATTACHMENT “A”

Charter Section 1005

February 2, 2010 Charter Commission Staff Report

Charter of the City of Newport Beach
(Redistricting)

Article X
Elections

Section 1005. Districts.

The City is hereby divided into seven districts, the names and respective boundaries of which shall be as established by ordinance. No ordinance changing and redefining the boundaries of any district shall be enacted within six months prior to any regular Councilmanic election.

In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the seven districts herein established. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Notwithstanding the provisions of Section 401, no redistricting shall disqualify any Councilman from serving as Councilman from the district from which he was nominated or appointed for the remainder of his term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts. (As amended effective June 19, 1968).

(Sections 1006 through 1012, entitled "FIRST DISTRICT" through "SEVENTH DISTRICT," deleted by amendment effective April 28, 1966)

ATTACHMENT “B”

Charter Section 1005 White Paper

February 2, 2010 Charter Commission Staff Report

Timing of Redistricting

(Charter Section 1005)

STATEMENT OF THE ISSUE:

Should the City modify Charter Section 1005 to provide that the City Council shall appoint a committee to study and report on possible redistricting every ten years coinciding with the completion of the national census instead of every four years as the provision currently provides?

RELEVANT BACKGROUND:

Section 1005 of the City's Charter was adopted with the original enactment of the Charter effective on January 7, 1955 and the provisions of that section governing the appointment of a committee to consider possible redistricting has never been changed.¹

The provisions of Section 1005 provide for the appointment of a committee every four years to study and report on the advisability of redistricting within the City. Specifically the Section states,

In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City.

This injunction by the Charter has not been consistently carried out. The necessary committee has been appointed in 1959 (Reso 5025), 1963 (Reso 5733), continued meeting through 1967, 1979 (Reso 9500), 1983 (Reso 83-21), 1987 (Reso 87-19), 1991 (Reso 91-52), 1995 (Reso 95-64) and 2000 (Resolution 2002-2). Redistricting occurred in 1963 (Ordinance 1050), 1984 (Ordinance 83-29), 1987 (Ordinance 87-43), 1991 (Ordinance 91-37), 1995 (Ordinance 95-51), and 2003 (Ordinance 2003-11).

The state of California, and most agencies, redistrict after the completion of the national census. The census is completed every ten years on the decade. The next census is scheduled to be conducted in 2010 with the results to be issued in 2011.

There is an expense to the City associated with the operation of committees. All committees require data development, staff support, meeting accommodations, document preparation and transmittal, and other support that carries with it a monetary expense. In addition, developing data regarding population distribution and other demographic information necessary for redistricting is not easily available to the City until after the completion of the national census. Thus, appointing a committee to

¹ The section itself has been amended three times. The first amendment occurred in 1964, changing the provisions so that Council Members will not be disqualified from serving in mid-term due to redistricting. The second occurred in 1966, deleting specific descriptions of council districts from the Charter. The third amendment occurred in 1968, adding a provision that prohibits the changing of council districts within six months prior to a regular Council election.

review and consider redistricting the city every four years causes these expenses to be incurred two and a half times more often than if it is done every ten years.

ALTERNATIVES:

The Commission has the following alternatives identified by Staff:

Alternative 1: Recommend no change.

Such a recommendation would mean the Council should appoint a committee to consider redistricting every four years, the next year for the appointment based upon this provision would be 2011. The next committees would then be appointed in 2015, 2019, and then 2023.

Alternative 2: Recommend a change to appoint the committee every ten years upon receipt of the final results of the national census.

This approach would lead to consideration of redistricting in using the data produced by the national census and would be consistent with the redistricting analysis conducted by the state of California. The next committee to consider redistricting would also be appointed in 2011. The next committee after that would be appointed in 2021.