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Prepared by the ACLU of California Voting Rights Project
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1. Getting Started

Many questions confront the Chula Vista Districting Commission as it gets underway. How often will it meet and when? How will it govern itself? Who will staff it and advise it? Before the Districting Commission begins hearing public testimony on the possible location of district lines, it needs to hold a series of meetings in which it addresses these preliminary issues. The Districting Commission should do the following:

- **Determine if the budget provided will be adequate for the Districting Commission’s work.**

City law requires the City Council to provide the Districting Commission with the funds necessary to carry out the Districting Commission’s duties.¹ The Districting Commission should dedicate its initial meeting(s) to determining whether the $75,000 already budgeted by the Chula Vista City Council is adequate to fund a districting process that is fully open and transparent, encourages public participation, and hears all of the important community perspectives contained in a city as diverse as Chula Vista.

The City of Escondido, which is 57 percent of the size of Chula Vista, budgeted $138,000 for its independent, citizen-run districting commission in 2013.² The Escondido Districting Commission used roughly $107,000 of its allotted funds,³ of which $65,000 was used for hiring a demographer.⁴ The remaining money was used for outreach, publicity, translations, the televising of hearings, and other costs associated with hearings. (See Appendix A for a more detailed description of the Escondido commission’s districting process and budget.)

When contemplating budgetary needs, the Chula Vista Districting Commission will have to consider the costs involved in hiring a demographer, finding and reserving hearing locations, providing translation services to the public, paying city staff to work on evenings and weekends, doing outreach and publicity, and creating a web page on the City of Chula Vista website that has a number of functionalities. The Districting Commission should consider whether to hire outside contractors for some tasks and services, such as scouting meeting locations, preparing and translating outreach materials, and providing simultaneous translation at hearings.

The offices of the city clerk and the city attorney in Escondido may be available for consultation on the estimated costs associated with districting. The same is true in the City of San Diego, which has independent redistricting commissions that adjust City Council boundaries every 10 years, most recently in 2011.

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¹ Chula Vista Municipal Code § 2.51.090.
² “Recommended Districting Plan of the Escondido Independent Districting Commission,” Escondido City Council Agenda Item No. 12, Dec. 4, 2013 (includes staff report on the districting process).
³ Conversation with Allegra Frost, Deputy City Attorney, City of Escondido, July 2, 2014.
⁴ “Recommended Districting Plan of the Escondido Independent Districting Commission,” Escondido City Council Agenda Item No. 12, Dec. 4, 2013 (includes staff report on the districting process).
Develop and adopt by-laws that will govern the Districting Commission’s process and guard the Commission’s independence.

The Districting Commission should begin the districting process by clearly defining and adopting by-laws that will bring order and structure to the Commission’s proceedings and will make clear to the public how it can engage in the process. The Chula Vista Municipal Code authorizes city boards and commissions to “adopt bylaws governing the internal conduct of their affairs.”

By-laws should address the following questions:

- How will Districting Commission meetings and hearings be conducted, including ample time and clear guidelines for public input at all meetings and/or hearings?
- Who will take minutes at Districting Commission meetings and hearings and when and where will they be published?
- Who will take attendance at Districting Commission meetings and how will this be tracked and reported?
- What is the process by which members of the public can submit draft maps, testimony, and public comment to the Districting Commission, including a means to communicate with the Commission by mail, email and phone?
- Which members of the Districting Commission will speak to the media or to the public, if any?
- Which city employees, if any, will be authorized to speak to the media and the public on behalf of the Districting Commission?
- What is the bidding process for outside contractors?
- Will the Districting Commission self-impose a prohibition on communication about districting matters with members of the public, elected officials, and other Districting Commission members outside of public meetings and hearings of the Commission? (See Section 2 on the following page of this guide for a full discussion of how prohibitions of this kind are central to guarding the Commission’s independence.)

As the Districting Commission develops its by-laws, it should make draft by-laws available on its website and in printed form at any meetings at which it will be discussing the proposed by-laws, in order to allow for public review and comment before the by-laws are finalized. For an example of by-laws adopted by an independent commission, the Districting Commission may wish to review the by-laws adopted by the City of San Diego’s Redistricting Commission, which can be found on its website at http://www.sandiego.gov/redistricting/pdf/bylaws.pdf.

Plan and budget for Districting Commission training.

The Districting Commission should seek out training from experts on the districting process, voting rights law, and applicable districting criteria. California is home to multiple experts on these issues, and the ACLU is happy to provide the Commission with a list of experts, ranging from academics to voting rights attorneys with national experience in districting and redistricting, all of whom have expertise with districting in communities as diverse as Chula Vista.

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Seek the advice of people who have previously served on independent districting and redistricting commissions.

As mentioned above, the City of San Diego used an independent, citizen-run redistricting commission in 2001 and again in 2011 to draw its city council district lines. A number of commission members may be available to discuss their experiences and provide guidance on steps for moving forward.

In addition, a member of California’s first Citizens Redistricting Commission (CRC), which oversaw redistricting for the state of California in 2011, lives in San Diego. Gil Ontai, an urban planner and member of the City of San Diego Planning Commission, helped draw California’s State Senate, State Assembly, Board of Equalization, and Congressional district lines as a member of the CRC. Mr. Ontai has presented to community groups about his experiences during the 2011 districting process and has indicated to the ACLU that he is open to sharing his experience with the Chula Vista Districting Commission.

2. Protecting the Districting Commission’s Independence

Chula Vista city law instructs the Districting Commission to “remain free of legislative influence.” It is the Districting Commission’s independence from the influence of elected officials in Chula Vista that gives the Districting Commission credibility and objectivity. The Districting Commission is a vehicle through which the people of Chula Vista can draw the districting lines of their City Council and shape their city’s future.

This is why elected officials, former elected officials, relatives of elected officials, lobbyists, representatives of political parties, and paid campaign workers were ineligible to serve on the Districting Commission. This is why the members of the Charter Review Commission were not permitted to speak to City Councilmembers during the evaluation of applicants to the Districting Commission. This is why the Districting Commission is not permitted, when drawing district lines, to consider what outcomes will advantage or disadvantage sitting incumbents or political parties. This is also why the City Council can approve or disapprove the Districting Commission’s final district map, but in the end may not alter or redraw it, ultimately giving the Commission the final authority to determine the city’s district boundaries.

The Districting Commission should zealously guard its independence. There are multiple ways it can do this:

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6 Chula Vista Municipal Code § 2.51.040(C).
7 Chula Vista City Charter § 300.5.C.
8 Chula Vista Municipal Code § 2.51.060(H).
9 Chula Vista City Charter § 300.5.F.
10 Chula Vista City Charter § 300.5.H.3.
Prohibit interaction with the mayor, city councilmembers, candidates for those offices, and their representatives.

For the public to see the Districting Commission as a truly independent body, Chula Vista residents must know that Districting Commission members are not discussing business or negotiating deals with City Councilmembers between public meetings. To this end, the Chula Vista Districting Commission should adopt a rule that explicitly prohibits Districting Commission members from communicating about the districting process with the Mayor, City Councilmembers, candidates for Mayor or City Council, and their representatives.

Variations on the prohibition suggested here have been used frequently, sometimes even going further. For example, state law explicitly prohibited members of the statewide CRC from communicating with anyone about the CRC’s business outside of public hearings during the 2011 redistricting process.11

The San Diego Redistricting Commission (SDRC) adopted by-laws that advised against communications with the public about redistricting outside of public hearings and included an explicit prohibition against communications with elected officials and their representatives: “Commissioners should attempt to avoid communications regarding Redistricting Commission business outside of public meetings. Commissioners shall not, however, communicate outside of a public meeting with the Mayor or any member of the San Diego City Council, or their representatives, regarding redistricting matters.”12 In the event San Diego Redistricting Commissioners did have “substantive” communications about redistricting outside of open meetings, SDRC by-laws required that they disclose those communications to the rest of the Commission and the public.13 (This disclosure requirement excluded conversations about procedural details, like the time and place of upcoming meetings.) Any written or electronic communication received by a Commissioner about redistricting had to be forwarded to staff for disclosure to other Commissioners and the public.14

By-laws that regulate communications about districting by Districting Commissioners will make clear to the public that the Districting Commission is not engaged with elected officials or people seeking elected offices who may have a direct stake in the outcome of districting. They will also ease some of the burden on Districting Commissioners themselves: a flat prohibition on speaking to elected officials and candidates for office will give a Districting Commissioner an easy way to decline should an elected official or candidate reach out to have a potentially problematic conversation about the districting process.

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11 Cal. Gov. Code. § 8253(a)(3). The CRC did not enact by-laws. Conversations between CRC members themselves and between CRC members and staff were still permitted, so long as they complied with the state open meeting law.
13 Id.
14 Id.
Contract with outside counsel.

Most districting commissions seek outside counsel, particularly in cities in which the city attorney is an elected position. Both the Escondido Districting Commission and the San Diego Redistricting Commission contracted with outside counsel in addition to utilizing the services of their city’s attorneys.

The need for outside counsel for independent districting commissions is critical for two reasons. First, a city attorney is usually the official counsel to the city council, meaning that if an independent commission seeks or receives counsel from a city attorney, that city attorney would be advising both the city council and the commission drawing the boundaries for that same city council. There is thus the potential for a conflict of interest.

Second, drawing district lines in different ways can empower different communities and potentially result in different kinds of turnout on Election Day. In cities in which the city attorney is an elected position, this naturally impacts the city attorney’s prospects as a candidate, creating an inherent conflict.

3. Maximizing Public Participation Through Frequent and Accessible Hearings

The Chula Vista City Charter instructs the Districting Commission to “actively encourage City residents to participate in the districting process.”15 Active participation from all of Chula Vista’s communities is crucial to the Districting Commission’s success for a number of reasons. It will result in maps that better reflect all of Chula Vista’s communities and neighborhoods. It will increase public faith in the Districting Commission and in the maps it ultimately draws. It will make Chula Vista residents feel invested in their government and their city. It can also minimize claims by the public of exclusion, bias, and closed-door decision-making.

Interest in the districting process will grow over time. Community leaders and those engaged in city politics can be counted on to be present at early hearings, but regular Chula Vista citizens may only attend later hearings after interest and “buzz” has been building for a number of weeks or even months. Even after regular community members do become interested, they may have difficulty attending Districting Commission hearings because of a variety of job commitments, family commitments, and/or transportation difficulties. In order to maximize public participation, the Districting Commission should:

- **Establish a set calendar of hearings and make that calendar publicly available.** For many community members, it will require planning for them to attend a Districting Commission hearing. A set calendar of hearings allows community members to plan in advance.
- **Hold a large number of hearings.** A large number of hearings before the release of draft maps, after the release of draft maps, and before discussion and adoption of a final map will allow community members to participate even if they hear about the Districting Commission late in the districting process.

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15 Chula Vista City Charter § 300.5.G.1.
Hold hearings in a variety of locations, all of which should be accessible via public transit and for people with disabilities. The Chula Vista City Charter states, “To the extent practicable, Commission hearings should be held in different geographic areas of the City so as to facilitate participation by persons residing in different areas of the City.”16 The Districting Commission will want to take care to choose hearing locations that are accessible by public transit and are ADA-compliant so community members can attend regardless of car access and mobility issues.

Offer the public diverse hearing days and times. Hearings on weekday evenings and on weekends will allow Chula Vista residents with a variety of jobs and family commitments to participate. Weekday hearings during business hours are difficult for residents with standard work arrangements to attend and should not be used.

Create and publicize a detailed agenda for all meetings and hearings. Districting meetings and hearings can be long affairs with the Commission often needing to spend considerable time on administrative matters before getting to public testimony and comment. Detailed and published agendas will give the public the opportunity to plan their attendance around the public input portions of hearings and meetings.

Videotape all hearings and post on the City of Chula Vista website. Posting video of Commission meetings will allow Chula Vista residents who are unable to attend hearings to watch from their homes. The City Council videotapes its meetings and stores that video on the city website, so the city already has the capacity to implement this best practice.

Offer members of the public the opportunity to participate even if they cannot attend a hearing. Some Chula Vista residents will be unable to attend a hearing to share their perspectives. The Districting Commission should make it possible for members of the public to submit testimony via phone, email, and/or mail.

4. Maximizing Public Participation Through Extensive and Multi-Lingual Public Outreach

The Chula Vista City Charter instructs the Districting Commission to take actions encouraging city residents to “attend Commission meetings [and] provide public comments to the Commission.”17 Achieving this mandate will require proactive outreach to all of Chula Vista’s communities in the languages those communities speak.

Create outreach/publicity materials and distribute them widely.

To maximize the number of Chula Vista residents who are informed about the Districting Commission’s work, the Districting Commission should produce outreach/publicity materials and distribute them as widely as possible. A successful districting or redistricting commission hears from all of the communities and neighborhoods within a city’s limits, regardless of their language abilities, resources, or previous levels of engagement in city politics. The Districting Commission will want to spread the word about its work in local newspapers in various languages, at meetings of local community groups, in multi-lingual robo-calls, on digital marquees at local schools, in flyers sent home with school children, and so on.

16 Chula Vista City Charter § 300.5.G.1.
17 Chula Vista City Charter § 300.5.G.1.
Ensure that outreach/publicity materials are distributed in multiple languages.

The Chula Vista Districting Commission will want to prepare outreach materials in a variety of languages so that word of the Districting Commission’s work spreads to all of Chula Vista’s language communities. There are legal reasons to prioritize multilingual outreach. Section 203 of the federal Voting Rights Act requires that materials pertaining to elections be translated into languages other than English when the populations of speakers of those languages hit a certain threshold. Spanish and Filipino/Tagalog are two languages that meet this threshold in San Diego County. The Districting Commission should translate publicity and outreach materials to meet the needs of the populations of Chula Vista residents who speak these languages. Multi-lingual publicity materials should be shared with civic and cultural organizations and sent to ethnic news media sources, including print, web, and radio outlets.

Provide simultaneous translations at public hearings.

To ensure the Districting Commission’s hearings are accessible to all of Chula Vista’s language communities, the Districting Commission will want to make simultaneous language translation available at hearings. In the event the City does not already have equipment that enables simultaneous translation, the City can purchase or rent such equipment at a reasonable price. The translation can be done by any fluent speaker of the language in question. Simultaneous translation does not require hiring experts or professional translators.

The Districting Commission may wish to offer American Sign Language interpretation as well.

Add content to the districting section on the City of Chula Vista website.

The City of Chula Vista website may be the first place an interested community member goes to learn about the Districting Commission’s work and about the significance of districting generally. Currently, a link to a webpage about the Districting Commission is on the top of the city website. However, as of September 10, 2014, that webpage only contains information about the Districting Commission’s members and the process by which they were selected. More information is needed about the importance of district-based elections and why Chula Vista residents should care about the districting process.

As the process moves forward, the webpage will be an important source of content and information the public is vitally interested in, including notice of meetings, a calendar of future hearings, video of past hearings, and draft maps. It will also be a place for members of the public to submit written testimony and draft maps of their own.

The Districting Commission should consider translating that webpage into Spanish and Filipino/Tagalog or including a link to Google’s website translation tool.

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In order for the public to have faith in the districting process and in the map the Districting Commission ultimately draws, the public must believe the Districting Commission is doing its work in public, without backroom deals or behind-the-scenes negotiating.

❖ **Be mindful of open meeting laws and strive to avoid behind-the-scenes conversations about the subject of districting.**

Out of a recognition of how central doing business in public is to maintaining public trust, the open meeting law that governs local governing bodies in California prohibits a majority of the Districting Commission from discussing or deliberating on official business outside of an open meeting.\(^{19}\) Because a majority can be formed inadvertently if four members discuss the same subject in a series of phone calls or emails,\(^{20}\) the Districting Commission will want to adopt rules and regulations to clarify when and how Commission members can speak to one another about official business outside of public hearings, if at all.

❖ **Hold an open and transparent bidding process when hiring a demographer.**

The demographer hired by the Districting Commission will be one of the most important figures in the districting process. The Districting Commission will want to make all bids received from potential demographers public and evaluate those bids at a public meeting so the community has trust in the selection process. The Districting Commission should allow a month for demographers to respond to a Request for Proposals in order for all qualified demographers in the state to learn of the opportunity and to prepare bids.

The Districting Commission should ask demographers submitting bids if they will agree to certain activities and practices. For example: Can the demographer provide easy-to-use tools that will allow community members to experiment with district lines and draw maps on their own, either online or at public hearings? Will the demographer assist in community education before line-drawing begins? Will the demographer draw multiple draft maps so community members have multiple options to evaluate? Will the demographer be physically present at hearings? These questions will help the Districting Commission evaluate which of the demographers under consideration will be most helpful in encouraging and considering public participation.

The demographer chosen should have experience assisting a districting process in a city as diverse as Chula Vista. If the demographer has helped draw maps later found to be in violation of the federal or California Voting Rights Act, he or she should be required to disclose that in his or her proposal. Any demographer submitting a proposal should also be required to provide references for and discuss work done with historically disenfranchised communities.

\(^{19}\) Cal. Gov. Code § 54952.2(b)(1).


The City of Chula Vista will undergo redistricting shortly after the 2020 Census.\(^{21}\) To aid the redistricting commission that will exist at that time, the Districting Commission should develop a report that summarizes all actions taken and choices made, with commentary on which worked well and which could be improved or changed. That report should incorporate the views of Districting Commission members, city staff, and the public. In order to incorporate public input, the Districting Commission should create opportunities for the public to provide feedback about the process after the final district map has been adopted.

The City of Escondido, the City of San Diego, and the statewide Citizens Redistricting Commission all created concluding reports that pass their experiences on to the bodies that will succeed them.

The Escondido report is incorporated into the agenda for the Escondido City Council’s December 4, 2013 meeting, at which the City Council approved the Districting Commission’s final map. It is available online here: [https://www.escondido.org/Data/Sites/1/media/agendas/Council/Updated12-4-13CCAgendaPacketDocument.pdf](https://www.escondido.org/Data/Sites/1/media/agendas/Council/Updated12-4-13CCAgendaPacketDocument.pdf).


The staff of the statewide Citizens Redistricting Commission is currently drafting a final report. It is not yet finalized and is thus not available online.

\(^{21}\) Chula Vista City Charter § 300.5.A.2.
Appendix A: City of Escondido Independent Districting Commission

The City of Escondido completed a transition from at-large to district-based elections in 2013. With a population of 146,000 people, Escondido is roughly 57 percent the size of Chula Vista. The Escondido Districting Commission initially decided it needed a budget of $110,000 but later revised that budget upward to $138,000. It received that sum from the Escondido City Council and ultimately used $107,000. The Consent Decree mandated the Districting Commission hold at least six public hearings before the drawing of draft maps and at least three public hearings after the drawing of draft maps and before the adoption of a final map. The Escondido Districting Commission ultimately held 19 meetings: six hearings to receive comments from the public before the drawing of draft maps, two public meetings in which the Districting Commission and its demographer drew draft maps in front of the public, three hearings to receive comments from the public after the drawing of draft maps, and eight public meetings throughout the process in which the Commission conducted other business, such as brainstorming hearing locations, setting its budget, evaluating demographer bids, and hiring contractors for translation services.22 Hearings were held in a variety of locations around Escondido and were held on weeknights and on weekends.

The Escondido Districting Commission relied heavily on city employees, including an assistant city attorney, two employees of the city clerk’s office, one bilingual city staffer assigned to do some translations, and a member of maintenance staff who set up equipment during meetings. A contractor was used to translate handouts, presentations, and other materials. The Districting Commission contracted with an outside attorney and referred one legal question to that attorney.

All outreach was done by the City Clerk’s office. Examples of outreach included English and Spanish robo-calls to residents and information about hearings placed on digital marquees at local schools. In addition, the City of Escondido website included a feature where residents could print a map of the city, draw district lines on it, and submit it to the City Clerk via email. According to the Escondido City Attorney’s staff this was the method most frequently used by the public to submit testimony to the Escondido Districting Commission.

Summary of Escondido districting facts:

- Total population: 145,901.
- Number of council districts: 4.
- Districting budget: $138,000.
- Number of required hearings: 9.
- Number of actual hearings held: 19.
- Hearings held in a variety of locations on weeknights and on weekends.
- Handouts, presentations, and other materials translated into Spanish.
- Contracted with outside counsel.

Appendix B: City of San Diego Independent Redistricting Commission

When San Diego underwent decennial redistricting in 2011, the San Diego Redistricting Commission was given a budget of $1 million. The SDRC convened a total of 45 public hearings, significantly exceeding the seven required by city law.\(^2\)\(^3\) Hearings were held in diverse locations and were held on both weeknights and weekends. The SDRC held 35 public hearings before the drawing of draft maps, including one widely publicized pre-mapping hearing in each City Council district. According to SDRC documents, almost a thousand people attended those early hearings and hundreds provided public comment. The SDRC then held nine hearings after the drawing of draft maps, five in various neighborhoods and four located downtown. Over 1,500 people attended those hearings and hundreds again gave public comment. More than two dozen groups and individuals used the SDRC’s online mapping program to create and submit proposed district maps on the City of San Diego website.

The SDRC routinely translated documents into Spanish. It translated documents into other languages as the needs of a specific community demanded. The SDRC contracted with an outreach firm that created translated outreach materials and disseminated them to community groups and members of the public. The SDRC provided simultaneous interpretation in Spanish at four hearings. It translated materials at a number of other hearings and made an American Sign Language interpreter available upon request.

The San Diego City Attorney’s office provided a number of trainings to the SDRC during open meetings and contracted with outside counsel to do the same. Outside counsel also evaluated the final map. A commissioner on the SDRC reports that outside counsel was necessary because the City Attorney was an elected position. The SDRC created subcommittees to work in greater detail on specific subjects. The SDRC had subcommittees on budget, bylaws, hiring, the Commission website, and a hearing timeline.

The SDRC had dedicated staff support. It hired an executive director who, among other more administrative tasks, spoke for the SDRC and gave presentations about redistricting to a variety of community groups. The SDRC used contractors heavily: it contracted with outside counsel, with third parties for translation services, and with a firm to do both outreach and location-hunting for hearings.

**Summary of San Diego redistricting facts:**

- Total population: 1,355,896.
- Number of council districts: 9.
- Budget: $1,000,000.
- Number of required hearings: 7.
- Number of actual hearings: 45.
- Hearings held in a variety of locations on weeknights and on weekends.
- Handouts, presentations, and other materials translated into Spanish and occasionally other languages, including Filipino/Tagalog and Somali.
- Contracted with outside counsel, translators, and outreach coordinators.

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\(^2\)\(^3\) A full list of SDRC hearings and other materials used by the SDRC are available at the City of San Diego’s redistricting website: [http://www.sandiego.gov/redistricting/index.shtml](http://www.sandiego.gov/redistricting/index.shtml).