




Office of the City Manager

ACTION CALENDAR

March 11, 2014

(Continued from February 25, 2014)

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Referendum Petition Regarding Redistricting Ordinance

RECOMMENDATION

1) Accept the City Clerk's Certification of sufficiency for the Referendum Petition regarding Ordinance No. 7,320-N.S. Authorizing the Adjustment of Berkeley City Council District Boundaries Pursuant to Section 9, Article V of the Berkeley City Charter, to Equalize Population in the Districts as a Result of Population Changes Reflected in the 2010 Decennial Federal Census.

2) Take action on the referendum petition to:
a) Repeal Ordinance No. 7,320-N.S. in its entirety.

-OR-

b) Adopt a Resolution 1) calling a Special Municipal Election to be consolidated with the June 3, 2014 Statewide Primary Election, 2) establishing policies and timelines for filing ballot measure arguments, and 3) submitting Ordinance No. 7,320-N.S. to a vote of the electors at the June 3, 2014 Special Municipal Election.

3) If an election is called, determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

FISCAL IMPACTS OF RECOMMENDATION

Estimated cost for calling a special election on June 3, 2014 is approximately \$200,000 - \$250,000. There would be no direct cost to repealing the ordinance.

CURRENT SITUATION AND ITS EFFECTS

A referendum petition regarding Ordinance No. 7,320-N.S. was filed with the City Clerk on January 21, 2014. The proponents of this petition submitted 7,892 prima facie signatures.

The Alameda County Registrar of Voters verified the signatures by conducting a random sampling of 500 signatures in accordance with State Elections Code §9215. This statistical sampling found 429 valid signatures, which is 128% of the number of signatures needed to declare the petition sufficient. Therefore, the petition was certified by the Alameda County ROV as being sufficient on February 3, 2014.

Pursuant to the City Charter, Article XIV §93, once the petition has been found to have a sufficient amount of signatures, the City Council must now begin consideration of whether to repeal the ordinance or submit it to the voters. This item allows the Council to consider the options prescribed by the City Charter.

BACKGROUND

Under the Berkeley Charter, Article XIV, Section 93, if during a 30 day period following the passage of a legislative action, a referendum petition is signed by qualified electors of the City equal in number to at least 10% of the entire votes cast for all candidates for mayor at the preceding general municipal election at which a mayor was elected, and is presented to the Council, the ordinance is suspended from going into operation and it shall be the duty of the Council to reconsider the ordinance. The threshold for sufficiency is 5,275 valid signatures based on the 52,750 votes cast for all candidates for mayor in the November 2012 election.

RATIONALE FOR RECOMMENDATION

The City Clerk is presenting his certification of the petition in order for the Council to consider the options available in the City Charter.

ALTERNATIVE ACTIONS CONSIDERED

The alternative actions are listed in the Recommendation section of the report.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1: Resolution
 - Exhibit A: Text of Ordinance
 - Exhibit B: Schedule and Policy for Filing Ballot Arguments
- 2: City Clerk's Certificate of Sufficiency
- 3: City Attorney Analysis

RESOLUTION NO. -N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A REFERENDUM MEASURE REGARDING ORDINANCE NO. 7,320-N.S. AUTHORIZING THE ADJUSTMENT OF BERKELEY CITY COUNCIL DISTRICT BOUNDARIES PURSUANT TO SECTION 9, ARTICLE V OF THE BERKELEY CITY CHARTER, TO EQUALIZE POPULATION IN THE DISTRICTS AS A RESULT OF POPULATION CHANGES REFLECTED IN THE 2010 DECENNIAL FEDERAL CENSUS

WHEREAS, the Berkeley City Council has elected to submit to the voters at the June 3, 2014 Special Municipal Election, a referendum measure regarding Ordinance No. 7,320-N.S. authorizing the adjustment of Berkeley City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 decennial federal census; and

WHEREAS, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley Special Municipal Election with the Statewide Direct Primary Election to be held June 3, 2014; and

WHEREAS, the City of Berkeley hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to perform services in connection with said election at the request of the City Clerk. These services to include all necessary services related to official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, polling places, poll workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the consolidated election; and

WHEREAS, the Council desires to submit this measure to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that the full text of the measure shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter

of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the June Special Municipal Election.

BE IT FURTHER RESOLVED that the policy contained in Exhibit B is hereby adopted for the June 3, 2014 Special Municipal Election.

BE IT FURTHER RESOLVED that Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.

BE IT FURTHER RESOLVED that said proposed referendum measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY REFERENDUM MEASURE	
Shall Ordinance No. 7,320-N.S. authorizing the adjustment of Berkeley City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 decennial federal census be adopted?	YES
	NO

BE IT FURTHER RESOLVED that the text of the referendum ordinance be shown as Exhibit A, attached hereto and made a part hereof.

Exhibits

A: Text of Ordinance

B: Schedule and Policy for Filing Ballot Arguments

ORDINANCE NO. 7,320-N.S.

AUTHORIZING THE ADJUSTMENT OF BERKELEY CITY COUNCIL DISTRICT BOUNDARIES PURSUANT TO SECTION 9, ARTICLE V OF THE BERKELEY CITY CHARTER, TO EQUALIZE POPULATION IN THE DISTRICTS AS A RESULT OF POPULATION CHANGES REFLECTED IN THE 2010 DECENNIAL FEDERAL CENSUS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Purpose.

In order that the eight City Council Districts shall continue to be nearly equal in population as may be according to said 2010 Decennial Federal Census, the City Council Districts are hereby adjusted as set forth in Section 2.

Section 2. District Boundaries.

FIRST COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 421800

Blocks as follows:

2006	2012	2013	2014	2015	2016	2017	2020	2021	2022
2023									

Tract 421900

Blocks as follows:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2001	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3011	3012	3013	3014
3015	3016	4000	4001	4002	4003	4004	4005	4006	4007
4008	4009	4010	4011	4012	4013	4014	4015	4016	4017
4018	4019	4020	4021	4022	4023				

Tract 422000

Blocks as follows:

1000	1001	1002	1004	1005	1006	1010	1011	1012	1013
1018	1019	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
2038	2039	2040	2041	2042	2043	2044	2045	2046	2047
2048	2049	2050	2051	2052	2053	2054	2055	2056	2057
2058	2059	2060	2061	2062	2063	2064	2065	2066	2067
2068	2069	2070	2071	2072	2073	2074	2075	2076	2077
2078	2079	2080	2081						

Tract 422100**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1025	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
2034									

Tract 422200**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1025	1026	1027	1028	1029
1030	1031	1032	1033	1034	1035	1036	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	3000	3001	3002
3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	3017					

Tract 422300**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	3000	3001	3002	3003	3004	3005	3006
3007	3008	3009	3010	3011	3012	3013	3014	3015	

Tract 422400**Blocks as follows:**

3001	3002	3003	3004	3005
------	------	------	------	------

The foregoing list of Census Blocks in the FIRST COUNCIL DISTRICT is generally located within a boundary line commencing on the point at the intersection of University Avenue and Martin Luther King Jr. Way, thence northerly, along Martin Luther King Jr. Way to the intersection of Martin Luther King Jr. Way and Francisco Street; thence easterly, along Francisco Street to the intersection of Francisco Street and Milvia Street; thence northerly, along Milvia Street to the intersection of Milvia Street and Cedar Street; thence westerly, along Cedar Street to the intersection of Cedar Street and McGee Avenue; thence northerly, along McGee Avenue to the intersection of McGee Avenue and Rose Street; thence westerly, along Rose Street to the intersection of Rose Street and Sacramento Street; thence northerly, along Sacramento Street to the intersection of Sacramento Street and Ada Street; thence westerly, along Ada Street to the intersection of Ada Street and Ordway Street; thence northerly, along Ordway Street

to the northern boundary line of the City of Berkeley; thence westerly, along said northern boundary line to the western boundary line of the City of Berkeley in the San Francisco Bay; thence along said western boundary line to where it intersects with a line which is a direct extension of University Avenue; thence easterly, along said extension line and along University Avenue to the point of the beginning.

SECOND COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 422000

Blocks as follows:

1007	1008	1009	1014	1015	1016	1017	1020	1021	1022
1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	1046	1047	1048	1049	1050	1051	1052
1053	1054	1055	1056	1057	1058	1059	1060	1061	1062
1063	1064	1065	1066	1067	1068	1069	1070	1071	1072
1073	1074	1075	1076	1077	1078	1079	1080	1081	1082
1083	1084	1085	1086	1087	1088	1089	1090	1091	1092
1093	1094	1095	1096	1097	1098	1099	1100	1101	1102
1103									

Tract: 423100

Blocks as follows:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1017	1018	1019	1020	2000	2001	2002	2003
2004	2005	2006	3000	3001	3002	3003	3004	3005	3006
3007	3008	3009	4000	4001	4002	4003	4004	4005	4006
4007	4008								

Tract: 423200

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015				

Tract: 423300

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3011	3012	3013	3014
3015	3016	3017	3018						

Tract: 424001

Blocks as follows:

1004	1005	1006	2004	2005	3004	3005	3006	3007	3008
4003	4004	4008	4009	4010					

Tract: 424002

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2016									

The foregoing list of Census Blocks in the **SECOND COUNCIL DISTRICT** is generally located within a boundary line commencing on the point on the western boundary line of the City of Berkeley in the San Francisco Bay where a direct extension of University Avenue would intersect said western boundary line; thence southerly, along said western boundary line to the southern boundary line of the City of Berkeley; thence easterly, along said southern boundary line to the intersection of said southern boundary line and Sixty-Third Street; thence easterly along Sixty-Third Street to the intersection of Sixty-Third Street and California Street; thence northerly, along California Street to the intersection of California Street and Ashby Avenue; thence westerly, along Ashby Avenue to the intersection of Ashby Avenue and Sacramento Street; thence northerly, along Sacramento Street to the intersection of Sacramento Street and Allston Way; thence westerly, along Allston Way to the intersection of Allston Way and Acton Street; thence northerly, along Acton Street to the intersection of Acton Street and University Avenue; thence westerly, along University Avenue and along the extension of University Avenue to the point of the beginning.

THIRD COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract: 423400

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
3010	3011	3012	3013	3014	3015	4000	4001	4002	4003
4004	4005	4006	4007	4008	4009	4010	4011		

Tract: 423500

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	3000	3001	3002	3003	3004	3005	3006
3007	3008	3009	3010	3011	3012	3013	3014	3015	3016

3017

Tract: 423601

Blocks as follows:

1005 1006 2011 2012 2013 2014

Tract: 423602

Blocks as follows:

1003 1004 3009 3010

Tract: 423901

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
2023	2024	2025	2026	2027	2028	2029	2030		

Tract: 424001

Blocks as follows:

1000	1001	1002	1003	1007	2000	2001	2002	2003	2006
2007	3000	3001	3002	3003	3009	4000	4001	4002	4005
4006	4007	4011	4012	4013	4014	4015	4016	4017	4018
4019	4020	4021							

The foregoing list of Census Blocks in the THIRD COUNCIL DISTRICT is generally located within a boundary line commencing on the point of the westerly intersection of the southern boundary line of the City of Berkeley and Sixty-Third Street; thence easterly, along said southern boundary line to the intersection of said southern boundary line and Deakin Street; thence northerly, along Deakin Street to the intersection of Deakin Street and Ashby Avenue; thence easterly, along Ashby Avenue to the intersection of Ashby Avenue and Ellsworth Street; thence northerly, along Ellsworth Street to the intersection of Ellsworth Street and Dwight Way; thence westerly, along Dwight Way to the intersection of Dwight Way and Sacramento Street; thence southerly, along Sacramento Street to the intersection of Sacramento Street and Ashby Avenue; thence easterly, along Ashby Avenue to the intersection of Ashby Avenue and California Street; thence southerly, along California Street to the intersection of California Street and Sixty-Third Street; thence westerly along Sixty-Third Street to the point of the beginning.

FOURTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 421700

Blocks as follows:

3005

Tract 422400

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1025	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	3000	3006	3007	3008	3009	3010
3011									

Tract 422500

Blocks as follows:

3004

Tract 422800

Blocks as follows:

3003	3008	3009	3010
------	------	------	------

Tract 422900

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2033	2034							

Tract 423000

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014				

Tract 423100

Blocks as follows:

1000	1001	1014	1015	1016
------	------	------	------	------

The foregoing list of Census Blocks in the FOURTH COUNCIL DISTRICT is generally located within a boundary line commencing on the point at the intersection of Ellsworth Street and Dwight Way; thence northerly, along Ellsworth Street to the intersection of Ellsworth Street and Channing Way; thence westerly, along Channing Way to the intersection of Channing Way and Fulton Street; thence northerly, along Fulton Street to where it becomes Oxford Street and continuing northerly, along Oxford Street to the intersection of Oxford Street and Hearst Avenue; thence easterly along Hearst Avenue to the intersection of Hearst Avenue and Arch Street; thence northerly along Arch

Street to the intersection of Arch Street and Virginia Street; thence westerly along Virginia Street to the intersection of Virginia Street and Spruce Street; thence northerly along Spruce Street to the intersection of Spruce Street and Cedar Street; thence westerly along Cedar Street to the intersection of Cedar Street and Henry Street; thence northerly along Henry Street to the intersection of Henry Street and Vine Street; thence westerly along Vine Street to the intersection of Vine Street and Milvia Street; thence southerly along Milvia Street to the intersection of Milvia Street and Francisco Street; thence westerly along Francisco street to the intersection of Francisco Street and Martin Luther King Jr. Way; thence southerly along Martin Luther King Jr. Way to the intersection of Martin Luther King Jr. Way and University Avenue; thence westerly along University Avenue to the intersection of University Avenue and Acton Street; thence southerly along Acton Street to the intersection of Acton Street and Allston Way; thence easterly along Allston Way to the intersection of Allston Way and Sacramento Street; thence southerly along Sacramento Street to the intersection of Sacramento Street and Dwight Way; thence easterly along Dwight Way to the point of the beginning.

FIFTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 421200

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
2028	2029	2030	2031	2032	2033	2034	3000	3001	3002
3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	4000	4001	4002	4003	4004	4005	4006	4007
4008	4009	4010	4011	4012	4013	4014	4015	4016	

Tract 421300

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1025	1026	1027	1028	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	3000	3001
3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021
3022	3023	3024	3025	3026	3027	3028	3029	4000	4001
4002	4003	4004	4005	4006	4007	4008	4009	4010	4011
4012	4013	4014	4015	4016	4017	4018	4019	4020	4021
4022	4023								

Tract 421400

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022				

Tract 421700

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	3000	3001	3002	3003	3004	3006	3007	3008

Tract 421800

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	2000	2001	2002	2003	2004	2005
2007	2008	2009	2010	2011	2018	2019			

Tract 421900

Blocks as follows:

1000	1001	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	2000	2002					

The foregoing list of Census Blocks in the FIFTH COUNCIL DISTRICT is generally located within a boundary line commencing on the point at the intersection of Spruce Street and Cedar Street; thence northerly, along Spruce Street to the northern boundary line of the City of Berkeley; thence westerly, and southerly along said northern boundary line to the intersection of said boundary line with Ordway Street; thence southerly, along Ordway Street to the intersection of Ordway Street and Ada Street; thence easterly, along Ada Street to the intersection of Ada Street and Sacramento Street; thence southerly along Sacramento Street to the intersection of Sacramento Street and Rose Street; thence easterly, along Rose Street to the intersection of Rose Street and McGee Avenue; thence southerly, along McGee Avenue to the intersection of McGee Avenue and Cedar Street; thence easterly, along Cedar Street to the intersection of Cedar Street and Milvia Street; thence northerly, along Milvia Street to the intersection of Milvia Street and Vine Street; thence easterly, along Vine Street to the intersection of Vine Street and Henry Street; thence southerly, along Henry Street to the intersection of Henry Street and Cedar Street; thence easterly, along Cedar Street to the point of the beginning.

SIXTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 421100**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2016	2017	2018	2019						

Tract 421500**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1025	1026	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	3000	3001	3002
3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	3017	3018	3019	3020	3021	3022

Tract 421600**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	3000	3001	3002	3003	3004	3005
3006	3007	3008	4000	4001	4002	4003	4004	4005	4006
4007	4008	4009	4010						

Tract 422500**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	2000	2001	2002	2003	2004	2005	2006	3000	3001
3002	3003	3005	3006	3007	3008	3009	3010	3011	3012
3013									

Tract 422600**Blocks as follows:**

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1013								

The foregoing list of Census Blocks in the SIXTH COUNCIL DISTRICT is generally located within a boundary line commencing on the point at the intersection of Arch Street and Hearst Avenue; thence easterly, along Hearst Avenue to the intersection of Hearst Avenue and Gayley Road; thence southerly along Gayley Road to the intersection of Gayley Road and Stadium Rim Way; thence easterly along Stadium Rim Way to the intersection of Stadium Rim Way and Centennial Drive; thence easterly along Centennial Drive to the eastern boundary line of the City of Berkeley; thence northwesterly along said eastern boundary line to the intersection of the eastern boundary line and Spruce Street; thence southerly, along Spruce Street to the intersection of

Spruce Street and Virginia Street; thence easterly, along Virginia Street to the intersection of Virginia Street and Arch Street; thence southerly along Arch Street to the point of the beginning.

SEVENTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 422600

Blocks as follows:

1011	1012	1014	1015	1016	1017	1018	1019	1020	1021
1022	1023	1024	1025	1026	1027	1028	1029	1031	1032
1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	1046	1047	1048	1050	1051	1052	1054

Tract 422700

Blocks as follows:

2000	2001	2002	2003	2004	2005	3000	3001	3002	3003
3004	3005	3006	3007						

Tract 422800

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
2000	2001	2002	2003	3000	3001	3002	3004	3005	3006
3007	3011								

Tract 423601

Blocks as follows:

1003	1004	1007	1008	1009	1010	1011	1014	1015	1016
2009	2010								

Tract 423602

Blocks as follows:

1000	1001	1002	1005	1006	1007	1008	1009	3004	3005
3006	3007	3008	3011						

The foregoing list of Census Blocks in the SEVENTH COUNCIL DISTRICT is generally located within a boundary line commencing at the point at the intersection of Hillegass Avenue and Russell Street; thence northerly along Hillegass Avenue to the intersection of Hillegass Avenue and Stuart Street; thence westerly along Stuart Street to the intersection of Stuart Street and Telegraph Avenue; thence northerly along Telegraph Avenue to the intersection of Telegraph Avenue and Dwight Way; thence easterly along Dwight Way to the intersection of Dwight Way and Prospect Street; thence northerly along Prospect Street to the intersection of Prospect Street and the southern boundary line of federal census tract number 4226; thence westerly along the southern boundary line of federal census tract number 4226 to the intersection of said boundary line and Piedmont Avenue; thence northerly along Piedmont Avenue to where it becomes Gayley

Road and continuing northerly along Gayley Road to the intersection of Gayley Road and Hearst Avenue; thence westerly, along Hearst Avenue to the intersection of Hearst Avenue and Oxford Street; thence southerly, along Oxford Street to where it becomes Fulton Street and continuing southerly along Fulton Street to the intersection of Fulton Street and Channing Way; thence easterly, along Channing Way to the intersection of Channing Way and Ellsworth Street; thence southerly, along Ellsworth Street to the intersection of Ellsworth Street and Russell Street; thence easterly along Russell Street to the point of the beginning.

EIGHTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley included in the following 2010 Census Tract and Block numbers:

Tract 422600

Blocks as follows:

1030 1049 1053

Tract 422700

Blocks as follows:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009
1010 1011 2006

Tract 423601

Blocks as follows:

1000 1001 1002 1012 1013 2000 2001 2002 2003 2004
2005 2006 2007 2008

Tract 423602

Blocks as follows:

2000 2001 2002 2003 2004 3000 3001 3002 3003

Tract 423700

Blocks as follows:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009
1010 1011 1012 1013 1014 1015 1016 1017 1018 1019
1020 2000 2001 2002 2003 2004 2005 2006 2007 2008
2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2020 2021 2022 2023 2024 2025 2026 3000 3001
3002 3003 3004

Tract 423800

Blocks as follows:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009
1010 1011 1012 1013 1014 1015 1016 1017 2000 2001
2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 2020 2021
2022 2023 2024 2025 2026 2027 2028 2029 2030 2031

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
3010	3011	3012	3013	3014	3015	3016	3017	3018	3019
3020	3021	3022	3023	3024	3025	3026	3027	3028	

Tract 423902

Blocks as follows:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009
1010	1011	1012	1013	1014	1015	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020			

EIGHTH COUNCIL DISTRICT shall comprise all of that portion of the City not otherwise described as constituting the First, Second, Third, Fourth, Fifth, Sixth and Seventh Council Districts.

Section 3. Effective date of Adjustments.

The district boundaries established herein shall govern the election of Councilmembers beginning with the November 4, 2014 General Municipal Election.

Section 4. Posting.

Copies of this Bill shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on December 3, 2013 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Capitelli, Maio, Moore, Wengraf, Wozniak and Bates.

Noes: Arreguin and Worthington.

Abstain: Anderson.

Absent: None.

* * * * *

At a regular meeting of the Council of the City of Berkeley held on December 17, 2013, this Ordinance was adopted by the following vote:

Ayes: Capitelli, Maio, Moore, Wengraf, Wozniak and Bates.


Noes: Anderson, Arreguin and Worthington.

Absent: None.

ATTEST:



Mark Numairville, CMC, City Clerk



Tom Bates, Mayor

Date signed: December 20, 2013

**Schedule and Policy for the Filing of Ballot Arguments
for City Measures Submitted at the
June 3, 2014 Special Municipal Elections**

Section 1. The Primary Argument filing period opens at 8:00 a.m. on March 10, 2014 and closes at 12:00 p.m. on March 14, 2014. The Rebuttal Argument filing period opens at 4:00 p.m. on March 14, 2014 and closes at 12:00 p.m. on March 21, 2014.

Section 2. The 10-day public review period for all ballot materials opens at 4:00 p.m. on March 21, 2014 and closes at 5:00 p.m. on March 31, 2014.

Section 3. Primary Arguments for or against ballot measures shall not exceed 300 words in length. Rebuttal Arguments for or against ballot measures shall not exceed 250 words in length (*EC 9282, 9285*). Word count will be determined using the standards set forth in Elections Code Section 9.

Section 4. If more than one argument is submitted on a measure, the City Clerk shall select the argument and shall give preference, in the order named, to arguments of the following: (*EC 9287*)

- a) The legislative body, or member or members of the legislative body authorized by that body.
- b) The individual voter or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure.
- c) Bona fide associations of citizens.
- d) Individual voters eligible to vote on the measure.

If more than one argument from the same level of standing is submitted, the argument to be printed will be determined by the procedure in Attachment A.

Section 5. Each ballot argument must be accompanied by the printed name(s) and signature(s) of the person or persons submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument (*EC 9283*).

a. The consent form in Attachment B must be submitted in order to use an organization name for the title of a signor or as an endorser in the argument text. The signed original hardcopy must be filed by the deadline. Scanned, faxed, or copies will not be accepted.

b. If the argument is filed by, 1) the legislative body or authorized members of the legislative body; 2) the proponents of a qualified initiative; or 3) individual voters eligible

to vote on the measure, then, pursuant to Elections Code Sections 9282 and 9283, all signors to the argument must be eligible to vote on the measure.

c. If the argument is filed by bona fide association of citizens, it must be accompanied by the name of the organization and the printed name and signature of at least one of its principal officers.

Section 6. No more than five signatures shall appear with any argument. In case any argument is signed by more than five persons, the signatures of the first five shall be printed. *(EC 9283)* Authors must list the signors names on the argument in the order they are to be printed.

Section 7. The certification of the author(s) and proponent(s) in Attachment C must be submitted at the time the primary argument or rebuttal argument is filed. A separate signature form is required for the rebuttal argument even if the same signor completed a form for the primary argument. *(EC 9600)* The signed original hardcopy must be filed by the deadline. Scanned, faxed, or copies will not be accepted.

Section 8. For proponents of ballot arguments whose name and title shall appear with the argument in the voter pamphlet, the title of said proponent is limited to 25 words. Words will be counted in accordance with Elections Code Section 9.

Section 9. The names and titles of proponents will be printed exactly as they appear on "Printed Name" line and "Title" line on the consent form in Attachment C.

Section 10. The Consent Form for Use of Organization Name for Ballot Argument/Rebuttal Statements shown in Attachment B is required for any proponent and/or signatory that uses the name of any organization in their title. If using more than one organization name in the full title(s), a separate consent form is required for each organization.

a. Consent forms are required for persons and/or organizations listed as supporters in the text of the argument.

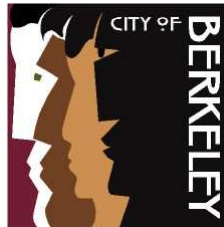
b. Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.

Section 11. The City Clerk, upon receipt of arguments and after the filing deadline, will immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period shown above. *(EC 9285)*

Section 12. Primary arguments may be changed or withdrawn up to 12:00 p.m., March 14, 2014. Rebuttal arguments may be changed or withdrawn up to 12:00 p.m., March 21, 2014. Arguments received prior to the deadline are confidential until the deadline. *(EC 9286)*

Section 13. Only those person(s) whose argument has been selected by the City Clerk in accordance with Election Code 9287 may file a rebuttal argument. (EC 9285)

Section 14. Primary and Rebuttal arguments must be typed or printed from a computer. Hand written arguments will not be accepted. If prepared on a computer, submit the primary/rebuttal argument in electronic format in addition to the required hard copy.



**CITY OF BERKELEY
CITY CLERK DEPARTMENT**

**Selection Procedure
Multiple Ballot Measure Arguments**

Elections Code Section 9287 establishes a hierarchy for the submission of arguments to determine whose argument has priority.

9287. If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city elections official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The legislative body, or member or members of the legislative body authorized by that body.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

The Elections Code does not define “bona fide association of citizens” nor does it state who may be a member, or if any, or all of the members must live in the jurisdiction that is voting on the measure. Similarly, the code does not require that the signors of the argument, when filed by a bona fide association of citizens, must reside or be registered to vote in the jurisdiction that is voting on the measure.

If the argument is being filed by a bona fide association, Election Code Section 9283 requires that “the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument” must accompany the argument.

In order to be considered a “bona fide association” for filing an argument for a city measure, the organization or association must submit one of the following: articles of

incorporation, letterhead with the name of the organization and its principal officers, or some other written document indicating the same.

The code does not contain any provision for selecting an argument based on which argument was filed first, or earliest in relation to any arguments filed later, but before the deadline. All arguments filed before the deadline are considered equal in priority.

The code clearly states that only one argument for and one argument against may be printed (**EC Sec. 9287**). If two or more parties filing an argument for or against a measure fall under the same classification, then the Elections Official shall select one argument to print. The Elections Official will determine the most appropriate procedure to select the argument to be printed.

The Berkeley Municipal Code and the City Charter do not stipulate a method for selecting arguments if multiple arguments of equal standing are filed. Therefore, state law is followed to make the determination.

The procedure to determine the winning candidate in the case of a tie vote is by drawing of lots (**EC Sec. 15651**). The Elections Official may determine that the drawing of lots, as outlined below, is the most appropriate means to select the argument to be printed.

Procedure for Drawing of Lots

The names of the authors of the arguments shall be written on pieces of paper, folded, and placed in a container. The container will be agitated to mix the papers, and then one paper shall be drawn at-a-time. As each piece of paper is removed, it will be opened and the name recorded in the order it was removed.

The order in which the names are removed from the container shall be the order of priority for printing the argument, i.e., the first name chosen shall be the author whose argument shall be printed.

Arguments for a measure and arguments against a measure will each have their own drawing process.

The results will then be posted in the City Clerk Department.

Dated: 1/10/08

**CONSENT FORM FOR USE OF ORGANIZATION NAME
▶ PRIMARY ARGUMENT ◀**

I hereby consent that my organization's name may be referred to as an endorser either within the text of the primary argument or in the title of the signatory listed below for city ballot measure _____ at the City of Berkeley
(subject or measure letter)

Special Municipal Election to be held on June 3, 2014.

To be completed by _____
Organization Principal: Signature of Principal

Title

Organization Name

Date

To be completed by _____
Signatory: Signature

Printed Name

CONSENT FORM FOR USE OF ORGANIZATION NAME
▶ REBUTTAL ARGUMENT ◀

I hereby consent that my organization's name may be referred to as an endorser either within the text of the rebuttal argument or in the title of the signatory listed below for city ballot measure _____ at the City of Berkeley
(subject or measure letter)

Special Municipal Election to be held on June 3, 2014.

To be completed by _____
Organization Principal: Signature of Principal

Title

Organization Name

Date

To be completed by _____
Signatory: Signature

Printed Name

SIGNATURE FORM FOR PROPONENTS
► PRIMARY ARGUMENT ◀

EC 9600: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:"

The undersigned proponent(s) or author(s) of the ballot argument in favor of or against ballot measure _____ at the
(subject of measure)

Special Municipal Election for the City of Berkeley to be held on June 3, 2014, hereby states that such argument is true and correct to the best of his/her/their knowledge and belief:

Signed: _____ Date: _____

Printed Name: _____
(Name will be printed exactly as written on this line)

Full Title: _____
(Title will be printed exactly as written on this line – limit 25 words)

Residence Address: _____

Phone Number: _____

- For any argument filed by the City Council, the proponent of an initiative, or an individual voter, all signors must be eligible to vote on the measure (i.e. Berkeley resident, at least 18 years old, U.S. Citizen, and not incarcerated or on parole for the conviction of a felony).
- For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors.
- Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.
- If using more than one organization name in the full title(s), a separate consent form is required for each organization.

SIGNATURE FORM FOR PROPONENTS
▶ REBUTTAL ARGUMENT ◀

EC 9600: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:"

The undersigned proponent(s) or author(s) of the ballot argument in favor of or against ballot measure _____ at the
(subject of measure)

Special Municipal Election for the City of Berkeley to be held on June 3, 2014, hereby states that such argument is true and correct to the best of his/her/their knowledge and belief:

Signed: _____ Date: _____

Printed Name: _____
(Name will be printed exactly as written on this line)

Full Title: _____
(Title will be printed exactly as written on this line – limit 25 words)

Residence Address: _____

Phone Number: _____

- *For any argument filed by the City Council, the proponent of an initiative, or an individual voter, all signors must be eligible to vote on the measure (i.e. Berkeley resident, at least 18 years old, U.S. Citizen, and not incarcerated or on parole for the conviction of a felony).*
- *For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors.*
- *Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.*
- *If using more than one organization name in the full title(s), a separate consent form is required for each organization.*

REGISTRAR OF VOTERS CERTIFICATE TO PETITION

I, **Tim Dupuis**, Registrar of Voters for the County of Alameda, State of California, hereby certify that a Referendum Petition Entitled. "Redistricting Referendum " was filed with the Berkeley City Clerk within the statutory time limit and forwarded to this office for verification on January 23, 2014, and

The petition contained 7,867 unverified signatures; and

In accordance with Section 93 of the Berkeley City Charter, it was determined that the total number of votes cast for all candidates for Mayor at the November 2012 General Municipal Election was 52,750, the requisite number of signatures required to qualify this referendum is 5,275.

I have examined, or caused to be examined, signatures on the petition pursuant to California Elections Code sections 9211 and 9115, and

Have determined that the petition contained 429 valid signatures of qualified registered voters in the City of Berkeley based on the random sample examination set forth in section 9115 and the formula prescribed by the California Secretary of State; and

That this number represents 128% of the total number of signatures needed to qualify the initiative therefore;

The petition is found to be sufficient to require the City Council of the City of Berkeley to take the appropriate action specified in the California Elections Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 3rd day of **February 2014**.



Tim Dupuis
Registrar of Voters
County of Alameda
State of California

City Attorney Analysis

The City Charter divides the City of Berkeley into 8 council districts, with the Mayor elected at large.

The City Charter requires the City Council to adopt new council districts every ten years, based on the decennial census, and requires the Council to complete its redistricting process no later than the end of the third year after the census is taken.

The Charter requires that council districts be as nearly equal in population as may be. Based on the 2010 census, districts of equal population would each have 14,073 residents. The existing districts, which were based on the 2000 census, diverge from this population by a minimum of 4.5% and a maximum of 18%.

Until 2012, the Charter required that new council district boundaries preserve to the extent possible the original council district boundaries established by a charter amendment in 1986. In 2012, after considering a number of proposed redistricting maps, the Council placed a charter amendment on the ballot to eliminate the requirement that new districts conform as closely as possible to the 1986 boundaries. The voters adopted this amendment in November 2012.

In 2013 the Council reinitiated the redistricting process under the revised Charter rules. In December 2013, after considering a total of 7 redistricting proposals, the Council adopted an ordinance establishing new council district boundaries with a maximum population deviation between district size and equal population of 0.77%.

Under the City Charter and state law, voters may place an ordinance adopted by the Council on the ballot for voter approval or rejection by collecting the signatures of registered voters equal to 10% of the entire vote cast for all candidates for Mayor at the last preceding election at which a Mayor was elected. An ordinance that is placed on the ballot in this manner goes into effect if it is approved by a majority of the voters voting on it.

A "yes" vote would approve the redistricting ordinance adopted by the Council, in which case it would go into effect.

A "no" vote would reject the redistricting ordinance adopted by the Council, requiring the Council to adopt a new redistricting ordinance and leaving in place the existing districts that were adopted in 2002 until it does so.

