

**GENERAL ORDINANCE CREATING A NEW  
CHAPTER 62 OF THE REVISED GENERAL  
ORDINANCES OF THE CITY OF SYRACUSE, AS  
AMENDED, TO CREATE AN INDEPENDENT  
CITIZENS REDISTRICTING COMMISSION FOR  
THE CITY OF SYRACUSE PURSUANT TO  
SECTION 3-104 OF THE CITY CHARTER**

BE IT ORDAINED, that the Revised General Ordinances of the City of Syracuse, as amended, are hereby further amended to add a new Chapter 62 that shall establish an independent citizens Redistricting Commission pursuant to Section 3-104 of the City Charter; and

BE IT FURTHER ORDAINED, that Chapter 62 of the Revised General Ordinances of the City of Syracuse, as amended, shall read as follows:

**Chapter 62. REDISTRICTING COMMISSION**

**Sec. 62-1. Definitions.**

For purposes of this chapter, the following terms shall have the meanings set forth in this section:

**Commission** means the independent citizens Redistricting Commission.

**Commission staff** shall be staff hired by the Commission and shall not include any staff of the City's Common Council office.

**Controlling person** means an officer, director, manager, principal or shareholder or member owning at least 10% ownership of a legal entity.

**Day** means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday in which the City of Syracuse's offices are closed, the period is extended to the next day that is not a Saturday, Sunday, or holiday in which the City of Syracuse's offices are closed in accordance with applicable New York State Law.

**Spouse** means one's licensed marriage spouse, spouse, or recognized domestic partner.

**Substantial Neglect of Duty** means that an individual has disregarded a manifest duty, prescribed by this section, intentionally, knowingly, or negligently. Missing half or more of the meetings in a three month period constitutes a substantial neglect of duty.

## **Sec. 62-2. Procedure for Establishment of an Independent Citizens Redistricting Commission**

Pursuant to Section 3-104 (3) of the Charter of the City of Syracuse, as amended by Local Law No. 10-2019, not later than September 1 of a year ending in 1, the Common Council shall authorize by ordinance an independent citizens redistricting commission made up of qualified electors who reside within the City to reconsider the boundaries of Council Districts. In 2021 and each year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Commission shall adjust the boundary lines of the five (5) single-member districts in conformance with the standards and process set forth in this article. The Commission shall be fully established no later than September 1 in each year ending in the number (1). The Commission shall not draw district lines at any other time, except if the districts must be redrawn because of a judicial decision invalidating the then existing district plan, in whole or in part, a change in number of single-member districts made to the City Charter, or the date of the city election is moved. If the date of the City election is moved, then the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date.

### **Section 62-3. Membership**

#### **(a) Number of Members**

The Commission shall consist of fourteen (14) members.

#### **(b) Requirements for Membership**

Each Commission Member shall be a voter who (1) has been continuously registered in the City of Syracuse for five or more years immediately preceding the date of his or her appointment and (2) shall have voted in at least three of the last five City of Syracuse general elections immediately preceding his or her application for membership.

#### **(c) Term**

The term of office of each member of the Commission expires upon the appointment of the first member of the succeeding Commission in the year following the year in which the national census is taken.

#### **(d) Compensation**

Members of the Commission shall not be compensated for their service. However, members of the panel and the Commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with their duties as a member of the Commission as outlined in this Chapter. Funding for the Commission is subject to the City's Annual Budget Process and the Common Council shall be responsible for including sufficient funds in the

Budget to meet the operational cost of the Commission and the cost of any outreach program to solicit broad participation in the redistricting process.

**(e) Quorum**

Nine members of the Commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any Common Council District.

**(f) Commission Vacancy, Removal, Resignation or Absence**

- (1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of ten (10) of the Commissioners.
- (2) Any vacancy, whether created by removal, resignation, or absence, in the fourteen (14) commission positions shall be filled by the Commission within fifteen (15) days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of this section. Nine members must agree to any appointment.

**(g) Prohibitions as a result of Membership**

A commission member shall be ineligible, for a period of five (5) years beginning from the date of appointment, to hold elective public office for the City of Syracuse. A member of the commission shall be ineligible, for a period of three (3) years beginning from the date of appointment, to hold appointive public office for the City of Syracuse, to serve as paid staff for or as a paid consultant to the City of Syracuse, the City Common Council or any member of the City Common Council, or to receive a non-competitively bid contract with the City of Syracuse. This three year ban on having a paid consultancy or entering noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.

**(h) Activity of the Commission**

The Commission shall be inactive except when necessary to comply with its duties under this Chapter.

**(i) Legal Standing**

The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the Mayor and Common Council if it determines that funds or other resources provided for the operation of the commission are not adequate. The City Common Council shall provide adequate funding to defend any action regarding a certified map. The Commission can request the assistance of the Corporation Counsel or

utilize legal counsel retained by the commission at its discretion to represent the commission in defense of a certified final map.

**(j) Commission Roles**

The Commission shall select one of its members to serve as the Chair of the Commission and one to serve as the Vice Chair of the Commission. The Chair and Vice Chair shall both remain voting members of the Commission.

**(k) Staff and Legal Counsel**

The Commission shall hire staff, legal counsel, and consultants as needed to support the Commission; provided, however, that compensation of such persons shall be limited to the period in which the Commission is active. The Commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

**(l) Members Regular Employment shall not be terminated due to their membership on the Commission**

Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the Commission or attendance or scheduled attendance at any meeting of the Commission.

**Section 62-4. Commission Selection Process**

The Commission Selection Process is designed to produce a Commission that is independent from influence by the City Common Council and is reasonably representative of the diversity of the City's population. The process shall be conducted as follows:

- (1) No later than ~~June 1~~ December 1 in each year ending in the number zero, the City of Syracuse Auditor shall initiate and widely publicize an application process, open to all registered City of Syracuse voters who meet the requirements of Section 62-3 above, in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified Commissioner applicant pool. The City Auditor shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until ~~September 30~~ March 31 in each year ending in the number ~~zero~~ one.
- (2) The City of Syracuse Auditor shall remove from the membership pool any person with conflicts of interest including:

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- (a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following: (i) been appointed to, elected to, or have been a candidate for state or city office; (ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office; (iii) been a registered state or local lobbyist; (iv) contributed or bundled \$1,000 or more in aggregate to candidates for City of Syracuse elective office in the last city election.
- (b) A person who has been, within the three years immediately preceding the date of application: a paid employee of the City of Syracuse; person performing paid services under a professional or political contract to the City of Syracuse, to the City Common Council, or to any member of the City Common Council; any controlling person of any such consultant; or a spouse of any of the foregoing.
- (3) No later than ~~October 31~~ May 15 in each year ending in the number ~~zero one~~, the City of Syracuse Auditor shall have reviewed and removed individuals with conflicts of interest as defined in section 62-4 (2)(a), or fail to meet the qualification prescribed in section 62-4(2)(b), from among the commission applicants, and then shall publicize the names in the applicant pool and provide copies of their applications to the Syracuse Common Council for information purposes.
- (4) No later than ~~January 15~~ May 22 in each year ending in the number one, the City of Syracuse Auditor shall select a pool of ~~sixty (60)~~ applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the City, and appreciation for the City of Syracuse's diverse demographics and geography. The Syracuse City Auditor shall not communicate directly or indirectly with any elected member of the City Common Council or the President of the Common Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the City Common Council.
- (5) No later than ~~January 16~~ May 31 in each year ending in the number one thereafter, the City Auditor shall submit its pool of 60 recommended applicants to the City Common Council. Each member of the City Common Council and the President of the Common Council within five (5) days in writing may strike up to one applicant from the pool of applicants. No reason need be given for a strike. Any applicant struck by any member of the City Common Council or the President must be removed from the pool of applicants.
- (6) No later than ~~January 28~~ June 30 in each year ending in the number one, the City of Syracuse Auditor shall randomly draw at a public meeting eight names from the remaining pool of applicants. One name will be drawn from applicants residing in each of the Five Common Council Districts as well as three subsequent names from the total pool of applicants. These eight individuals shall serve on the Citizens Redistricting Commission.
- (7) No later than July 31 in each year ending in the number one, the eight commissioners shall review the remaining names in the pool of applicants and, from the

remaining applicants in that pool, shall appoint six applicants to the commission. These six appointees must be approved by at least five affirmative votes among the eight commissioners. These six appointees shall be chosen to ensure that the commission reflects the diversity of the City of Syracuse, including, but not limited to, racial, ethnic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial.

### **Section 62-5. Role of the Commission**

The Commission shall establish the boundaries of the Common Council districts for the City of Syracuse in a plan using the following criteria as set forth in the following order of priority:

- (1) Districts shall comply with the United States Constitution. Each Common Council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
- (2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.
- (3) Districts shall be geographically contiguous.
- (4) The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. 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. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (5) To the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.
- (6) To the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.
- (7) To the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.
- (8) The place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or any district.

### **Section 62-6. Responsibilities of the Independent Citizens Redistricting Commission**

(+) The Commission shall:

- (1) conduct an open and transparent process enabling full public consideration of and public comment on the drawing of District Lines;
  - (2) draw District Lines according to the redistricting criteria specified in this Chapter;
- and

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(3) conduct themselves with integrity and fairness.

~~(b)~~(a) The activities of the Commission are subject to all of the following:

- (1) The commission shall comply with all state and city requirements for open meetings;
- (2) The records of the Commission and all data considered by the Commission are public records that will be made available in a manner that ensures immediate and widespread public access.
- (3) Commission members and Commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between Commission members, Commission staff, legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.

~~(e)~~(b) **Public Hearing Process and Preliminary Plan**

The Commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. There shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in each of the existing five Common Council districts. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process. [These hearings shall take place between August 1, 2021 and January 31, 2022](#)

Following the commission's vote approving the preliminary plan, there shall be at least five public hearings, geographically dispersed with at least one hearing in each of the five existing Syracuse Common Council Districts and hearing shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan.

~~(d)~~(c) **Final Plan**

The commission then shall vote on a proposed final plan and then it shall hold two subsequent public hearings, one north of Interstate 690 and one south of Interstate 690 and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than ~~November 1~~ [February 1](#) in each year ending in the number ~~twoone~~. [It will then send the final plan to the City Clerk for review and approval by the Common Council.](#)

By ~~March 1~~ May 1 in each year ending in the number two (2), the ~~commission~~ the Common Council shall adopt a final plan for the City of Syracuse specifically describing the district boundaries for each of the Common Council districts prescribed above. ~~Upon adoption, the commission shall certify the plan to the City Common Council.~~ The City Common Council may not change the plan. ~~It shall not be subject to amendment and must be voted up or down. If the final plan is defeated the City Clerk will send it back to the Commission on behalf of the Common Council detailing the objections to it. The Commission shall revise the Plan and send it back to the Council until approved.~~ The plan shall have the force and effect of law. It shall be adopted by an ordinance of the Common Council no later than ~~March~~ June 1 of each year ending in number two (2) and not be subject to approval or disapproval of the Mayor in accordance with Section 3-104 of the City Charter.

- (1) **Report.** The Commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed above and shall include definitions of the terms and standards used in drawing the final plan.
- (2) **Failure to Adopt a Plan.** If the Commission does not adopt a final plan by the dates in this section, the Corporation Counsel for the City of Syracuse shall immediately petition state court for an order prescribing the boundary lines of the single-member districts in accordance with the redistricting criteria and requirements set forth in this Section. The plan prescribed by the court shall be used for all subsequent city Common Council elections until a final plan is adopted by the Commission to replace it.

**Section 62-7. Effective Date.**

The provisions of this Chapter shall be effective immediately.

; and

BE IT FURTHER ORDAINED, that all Chapters of the Revised General Ordinances of the City of Syracuse, as amended, not amended by this Ordinance shall remain in full force and effect as previously adopted.

**Commented [BJ-L3]:** We need to add language such as this because under State Law the Council cannot delegate its power and be bound by a non-elected body.