

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 21- 04

IN THE MATTER OF CREATING AN
INDEPENDENT REDISTRICTING
COMMITTEE; ADOPTING A SAVINGS
AND SEVERABILITY CLAUSE

WHEREAS, Lane County is governed by the Lane County Home Rule Charter approved by the voters at the November 6, 1962 General Election; and,

WHEREAS, the Lane County Home Rule Charter Chapter III Sections 10(d) and 10(e) require the Board of Commissioners in accordance with federal census figures to redraw the boundaries for the five (5) commissioner districts; and,

WHEREAS, the Lane County Home Rule Charter Chapter III, Section 10(d) requires the Board of Commissioners to engage in the review of the boundaries for the five (5) commissioner districts not less than every ten (10) years; and,

WHEREAS, the Lane County Home Rule Charter Chapter III, Section 10(e) requires the Board of Commissioners to adopt the five (5) commissioner districts by ordinance not less than every ten (10) years; and,

WHEREAS, the last ordinance creating the boundaries for the five (5) commissioner districts was adopted on by the Board of Commissioners on October 26, 2011; and,

WHEREAS, the World Health Organization has declared COVID-19 a global pandemic; and,

WHEREAS, the President of the United States has declared COVID-19 to be a national emergency; and,

WHEREAS, the Governor of Oregon has declared COVID-19 a statewide public health emergency; and,

WHEREAS, the Lane County Board of Commissioners has declared COVID-19 a Lane County public health emergency on March 17, 2020 with Board Order 20-03-17-06 and extended the emergency declarations on multiple occasions; and,

WHEREAS, the National Center for Disease Control has issued guidelines related to COVID-19 which state that if individuals are in high-risk categories, they should follow

recommended hygiene protocols, stay at home when ill, and follow social distancing practices whenever possible; and,

WHEREAS, COVID-19 poses and has posed a health risk to Lane County residents, visitors, and first responders which has extended for several months with historically high case counts; and,

WHEREAS, Lane County has experienced continued closures or restrictions to government and non-government services, and the cancellation of large gatherings of people, which has made the gathering of census data more difficult; and,

WHEREAS, on March 2, 2021 the United States Census Bureau advised the current timeline for delivering 2020 redistricting data to the states is September 30, 2021; and,

WHEREAS, the State of Oregon will need to perform certain redistricting work with the 2021 census data before Lane County can complete its redistricting plan; and,

WHEREAS, the amount of time between September 30, 2021 and October 26, 2021 is insufficient to permit a complete and thoughtful review of population densities to permit the creation of commissioner district boundaries so as not to deny any person equal protection of the law; and,

WHEREAS, the Board of Commissioners will adopt contemporaneously with this ordinance an ordinance that will use the 2010 census data gathered by the United States Census Bureau to readopt the 2010 boundaries for the five (5) commissioner districts to maintain compliance with the Lane County Home Rule Charter; and,

WHEREAS, the Board of Commissioners is only adopting the ordinance adopted contemporaneously with this ordinance to comply with the timelines required by the Lane County Home Rule Charter for redistricting, but which have been made impossible by the pandemic and the delayed the distribution of 2020 Census data; and,

WHEREAS, the Board of Commissioners fully intends to adopt an ordinance as required by the Lane County Home Rule charter based upon a plan developed by the Independent Redistricting Committee using the 2020 Census data; and,

WHEREAS, on April 21, 2020 the Lane County Counsel prepared a memorandum outlining various redistricting options and presented that information to the Board of Commissioners; and,

WHEREAS, on April 28, 2020 the Lane County Counsel presented two redistricting options for the Board of Commissioners: (1) one being an ordinance and (2) the other being an amendment to the Lane County Home Rule Charter; and,

WHEREAS, on July 28, 2020 the Board of Commissioners directed the Lane County Counsel to develop of process to obtain public input on the redistricting process and the format for an evening public comment devoted to redistricting; and,

WHEREAS, the Board of Commissioners and staff developed an extensive list of individuals and organizations to invite to the public comment session on September 15, 2020; and,

WHEREAS, the Board of Commissioners held the public evening comment session on September 15, 2020 and provided direction to the Lane County Counsel to invite certain individuals

and organizations to a work session to provide input on the redistricting process on December 2, 2020; and,

WHEREAS, the Board of Commissioners held a work session on December 2, 2020 and heard testimony from the League of Women Voters and the Democratic Party of Lane County on their suggestions for the redistricting process; and,

WHEREAS, on January 27, 2021 the Board of Commissioners heard a presentation regarding the creation of the Independent Redistricting Committee and at the conclusion of the meeting the Board directed the Lane County Counsel to develop of a process for selecting members of the Independent Redistricting Committee and draft by-laws for the Independent Redistricting Committee; and,

WHEREAS, on February 16, 2021 the United States Census Bureau announced that it would have redistricting data available to the states by September 30, 2021; and,

WHEREAS, on March 2, 2021 the Board of Commissioners discussed the inability to complete the redistricting process in a meaningful and thoughtful manner before October 26, 2021 as required by the Lane County Home Rule Charter; and,

WHEREAS, on March 2, 2021 the Board directed the Lane County Counsel to draft two ordinances relating to redistricting: the first to be a place holder to make certain the Board remained in compliance with the Lane Charter deadlines for redistricting and the second to create an Independent Redistricting Committee that would perform the required redistricting using the 2020 census data; and,

WHEREAS, the Board adopted the suggestion of the Lane County Counsel that the two proposed ordinances be put on the same schedule so there would be no question redistricting would ultimately be performed using 2020 Census data; and,

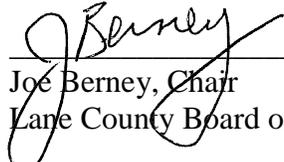
WHEREAS, this Ordinance has been reviewed through Lane County's equity lens and has been approved for adoption.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. The attached 2021 Independent Redistricting Committee 21.001 is added to the new Lane Code Chapter 21.
2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision and such holding does not affect the validity of the remaining portions thereof.

Nothing herein is intended to, nor acts herein to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provision.

ENACTED this 8th day of June, 2021



Joe Berney, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

21.001 Independent Redistricting Committee

Description: The 2021 Independent Redistricting Committee (IRC) is an advisory committee created by the Lane County Board of Commissioners with the authority granted in Lane Manual section 3.505. The purpose of the IRC is to create options for the Board of Commissioners to comply with the obligation imposed by the Lane County Home Rule Charter Chapter III, section 3 subsections (d) and (e) to not less than every 10 years to modify the district boundaries for Lane County Commissioners. The redistricting options must comply with the relevant law relating to redistricting, voting rights and the applicable local, state and federal legal requirements.

1. Composition:

- (a) The IRC shall be composed of fifteen (15) Regular members and three (3) Alternate Members;
- (b) The membership of the IRC should reflect the diversity of Lane County and shall include members with the following characteristics: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, disability, national origin, age, religion, speaking English as a second language and geographic identification, political affiliation and non-affiliated voters, registered voters and non-registered voters; and,
- (c) All potential members will be required to complete the application described in section 2.

2. Qualifications/Application:

- (a) Applicants will be solicited in the following manner:
 - (i) Notice will be sent by e-mail to all of those that expressed interest in the redistricting process during the Board's September 15, 2020 and December 2, 2020 listening sessions and the January 27, 2021 work session and anyone that has e-mailed the Board of Commissioners regarding redistricting; and,
 - (ii) The advertisement for applications will be run for not less than thirty (30) days. The advertisement will be posted in the same manner as vacancies on other Lane County Committees.

Lane Code
Chapter 21

- (b) All members of the IRC must meet the following qualifications:
 - (i) Be a resident of Lane County at the time of appointment to the ICRC; and
 - (ii) Complete the application described in section 2(b).
- (c) All members of the IRC must complete the application form and the Oregon Government Ethics Commission disclosure form.

Selection of IRC:

- (a) Each commissioner will select one applicant to serve as a member of the IRC.
 - (i) Committee staff will remove all personally identifying information creating a “blind” application.
 - (ii) Each commissioner using the blind application will select one person from their district to serve on the IRC applying the criteria in section 1(b).
- (b) The five (5) Regular members selected by the five (5) Commissioners will select the remaining ten (10) Regular members and three (3) Alternate members of the IRC.
 - (i) The process used by the five (5) Regular members to select the remaining ten (10) Regular members and three (3) Alternate will members follow the same process and apply the same criteria as the selection of Regular members described in Section 1(b) and,
 - (ii) The selection process must be transparent and comply with the Oregon Public Meeting Law.

3. Duties of the IRC:

- (a) The IRC will prepare at least two (2) but not more than four (4) proposed redistricting plans in ordinance form for adoption by the Lane County Board of Commissioners as required by the Lane County Home Rule Charter Chapter III, section 3 subsections (d) and (e); and,
- (b) The proposed plans must comply with the relevant law relating to redistricting, voting rights and all applicable local, state and federal requirements; and,

- (c) The proposals must be ranked by the IRC in the order of its preference and the IRC must report to the Lane County Board of Commissioners the strengths and weaknesses of each proposal.

4. Operation of the IRC:

- (a) The IRC will conduct all of its work in compliance with the Oregon Public Meetings Law;
- (b) The IRC will operate according to By-Laws and the By-Laws are by this reference incorporated herein.
 - (i) A draft of the By-Laws shall be initially adopted by the Lane County Board of Commissioners;
 - (ii) Once the full fifteen (15) Regular members and three (3) Alternate members of the ICRC has been selected the first order of business is to review and make any suggested changes to the By-Laws adopted by the Board of Commissioners;
 - (iii) The Board of Commissioners shall approve the final version of the By-Laws and any subsequent amendments to the By-laws proposed by the IRC.
- (c) Staffing. The IRC will be staffed with a person from County Administration, County Counsel and the Lane County Clerk.

5. Duties of the Lane County Board of Commissioners:

- (a) Shall approve the IRC By-laws and any subsequent amendment of those By-Laws; and,
- (b) In accordance with the Lane County Home Rule Charter Chapter III, section 3 subsection (e) the Board shall adopt in the form of an ordinance a redistricting plan; and,
- (c) The plan adopted by the Board shall be a plan, unchanged by the Board, developed and proposed by the IRC.

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