JAMES C. HARRISON, State Bar No. 161958
MARGARET R. PRINZING, State Bar No. 209482
HARRY BEREZIN, State Bar No. 280559
REMCHO, JOHANSEN & PURCELL, LLP
201 Dolores Avenue
San Leandro, CA 94577
Phone: (510) 346-6200
Fax: (510) 346-6201
Email: mprinzing@rjp.com

Attorneys for Petitioner/Plaintiff
City of Berkeley

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

CITY OF BERKELEY,

Petitioner/Plaintiff,

vs.

TIM DUPUIS, in his official capacity as Registrar of Voters of the County of Alameda, and MARK NUMAINVILLE, in his official capacity as City Clerk of the City of Berkeley,

Respondent/Defendant.

MAX ANDERSON, JESSE ARREGUÍN, STEFAN ELGSTRAND, PAUL KEALOHA BLAKE, MATTHEW LEWIS, STEPHANIE MIYASHIRO, PHOEBE SORGEN, ALEJANDRO SOTO-VIGIL, and KRISS WORTHINGTON,

Real Parties in Interest.

No.: RG14720117

Action Filed: April 3, 2014

REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF

ELECTION MATTER – IMMEDIATE RELIEF REQUESTED

Hearing:

Date: April 29, 2014
Time: 1:30 p.m.
Dept.: 31

(The Honorable Evelio Grillo)

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INTRODUCTION

Redistricting is complex and often controversial, and Berkeley's ongoing redistricting process is no different. Yet this Court is faced with a single narrow question to which the California Supreme Court has provided a clear answer: when the qualification of a referendum bars the use of a new redistricting map that was validly enacted by a legislative body, the court should nonetheless order the use of that map in the interim where the alternative is an old map that would deprive citizens of their constitutional right to equal representation.

Real parties seek to undermine the City's request for relief by accusing it of everything from dishonesty to "trickery." They argue that every City Council action at issue was motivated by corruption, and ask this Court to rule against the City as a consequence. But the facts tell a different story and the law requires a different result. The redistricting process has taken a long time in Berkeley because the City designed and implemented a redistricting process based on openness, transparency, and public debate. Rather than approve a redistricting plan in 2012 based on criteria that were widely condemned as regressive, the City placed a redistricting reform measure on the ballot that voters overwhelmingly approved. Rather than approve a redistricting plan in September 2013 as the Council had planned, the Council delayed the vote so it could consider the USDA plan, which had been introduced after the deadline for the submission of plans had passed. Rather than decide on the Referendum at its February 25, 2014 meeting, the City Council delayed the vote until March 11 to give all interested parties more time to try to reach a compromise. And rather than filing a lawsuit that named each of the proponents of the Referendum as real parties, the City contacted the proponents to give them the opportunity to decide whether they wanted to participate in this litigation and extended the time to opt-out in response to their questions. None of these decisions were without controversy, but all of them had the effect of creating a more robust public debate and inclusive political process. The City regrets that there is not enough time to provide both an extended political process and an extended briefing schedule. But, as the facts in the *Vandermost* and *Assembly v. Deukmejian* cases attest, redistricting disputes generally take place under the time constraints imposed by short election deadlines.

On the merits, real parties ask this Court to order the use of the 2002 plan. But use of that plan would raise serious constitutional questions due to population changes since 2000. In addition, the plan is based on a regressive provision of the City charter which has since been overwhelmingly rejected by Berkeley voters. Alternatively, real parties propose the use of an alternative map, one of which has been twice rejected by the City Council, and two of which have never been subjected to a vote. Although real parties have cited cases where courts have *considered* untested alternative plans offered by litigants, they have not cited any case where a court has *ordered the use of* such a plan. There is therefore no authority in the record – not a single case – supporting the order real parties seek.

By contrast, the relief sought by the City is supported by two opinions of the California Supreme Court. As in *Assembly v. Deukmejian*, this case involves a legislative plan stayed by the qualification of a referendum. After reviewing the plan and the alternatives, the Court ordered the use of the referred plan because it minimized the risk of disruption and the risk the Court would be perceived as endorsing the referendum. The Court's analysis compels the same result here.

ARGUMENT

I.

THE EQUITIES FAVOR THE CITY

A. The City's Decision To Place The Referendum On The November Ballot Was Lawful And Has No Effect On This Lawsuit

Real parties claim that "the Council-majority created this problem by failing to put the referendum up for a vote in June" (Opposition of Real Parties Worthington and Elgstrand ["Worthington Opp."], p. 5), but the controversy underlying this lawsuit would still exist even if the Referendum were on the June ballot. The Alameda County Registrar of Voters needs to know the lines that will be used to conduct the November election by *April 30, 2014*. (Declaration of Cynthia Cornejo ["Cornejo Decl."], ¶ 24.) This controversy must therefore be resolved well before the results of the June election are certified.

Nor is there any merit in the allegation that the City has "unclean hands" because the City Council placed the Referendum on the November rather than the June ballot. That decision

complied with the letter of the Charter and furthered the policies underlying the use of the referendum power.

Article XIV, section 93 of the City Charter states that whenever a referendum petition qualifies for the ballot, the ordinance being challenged:

> shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in Article XIII of the Charter, to the vote of the electors of the city, at the next occurring regular statewide or general or special municipal election . . . .

According to its plain text, the requirement that the City Council place the Referendum on the ballot at the next occurring election runs from the date that the City Council "reconsider[s]" the ordinance. Requiring the City Council to instead place the Referendum on the ballot at the election following qualification would undermine the City Council's ability to adequately "reconsider" the ordinance because it would truncate the amount of time available to do so.

In this case, the short amount of time available between the qualification of the Referendum on February 4, 2014 and the March 7, 2014 deadline for placing items on the June ballot left the City Council insufficient time to fulfill its duty to reconsider the challenged redistricting ordinance. (Elec. Code, § 9241.) In proposing to carry over the item from the February 25th meeting to the March 11th meeting, Mayor Bates emphasized that the City needed time to consider alternative maps and to understand the legal ramifications of placing the Referendum on the ballot. (Second Declaration of Brian Metzker ["2nd Metzker Decl."], ¶ 3.)[1]

Placing the Referendum on the November ballot rather than on the June ballot also furthered an important interest underlying the entire redistricting process: the interests of UC Berkeley students. Given that a central issue during redistricting was the creation of a designated student district, a consensus developed at the February 25 meeting that it would be unfair to decide the Referendum in June, when many UC Berkeley students will be out of town for the summer. Both City

[1] Because the legal deadline under the Elections Code to place items on the June ballot had passed by March 11, 2014, the date the City Council reconsidered the ordinance, the next available election was the November 2014 election.

Councilmembers and members of the public who spoke at the meeting agreed that the Referendum, if it were to be put to a vote of the people, should be considered in November so that "the very community affected most by the redistricting plan" (Opposition of Real Parties Soto-Vigil and Arreguín ["Arreguín Opp."], p. 9) would have an opportunity to participate. (2nd Metzker Decl., ¶ 4.) This sentiment was shared both by those in favor of the City Council-approved plan and those who supported the Referendum to overturn it. (*Id.*)

Moreover, placing the Referendum on the November ballot ensured the maximum amount of political participation by the electorate as a whole. There are no other City issues to be decided on the June ballot, but four City Council seats are up for election in November. The City Council's decision to submit the Referendum to the voters at the election with the greatest anticipated turnout furthers the very purpose for which the right of referendum was created – to make government more responsive to the wishes of its citizens.

Finally, it is not possible at this stage in the election process to grant real party Phoebe Sorgen's request to place the Referendum on the June ballot. (Opposition of Real Party Phoebe Sorgen ["Sorgen Opp."], pp. 7-8.) According to the Registrar, ballots for the June 2014 election were sent to the printer in March and mailed to members of the armed services stationed overseas on April 19, 2014. (California Secretary of State, *Summary of June 3, 2014 Election Calendar* <http://sos.ca.gov/elections/statewide-elections/2014-primary/section_6_primaryelection.htm#fn-1-1> (as of Apr. 24, 2014).) It is not feasible for the Registrar to change the June ballot now.

In short, the City's hands are clean. It based its decision to submit the Referendum to the voters in November on the plain language of the Charter, the need to reconsider the redistricting map being challenged, the need to allow for consideration of alternative plans, and the goal of encouraging the maximum amount of public participation possible, particularly from the student population which would be most affected by the passage of a new redistricting plan.

B. <u>The City Did Not Engage In Any Unreasonable Delay</u>

Real parties accuse the City of unreasonably delaying this litigation. Any delay, however, was justified by the law or the need to allow transparent, robust, and well-informed debate concerning the City's redistricting process.

First, real parties claim that the City unreasonably delayed the adoption of a redistricting plan until "the very last possible date . . ." (Worthington Opp., p. 8.) In fact, the City could have approved a redistricting plan months earlier, but, on July 2, 2013, real parties and Councilmembers Anderson and Arreguín directed staff to create a new map based on the USDA plan, which consumed substantial additional time. (City of Berkeley's First Request for Judicial Notice ["City's 1st RJN"], Exh. 2, p. 14.) The staff presented the plan at the September 10, 2013 meeting and presented its analysis of the plan on October 15, 2013, thereby ensuring that the final vote to pass the redistricting ordinance could not occur until December. Real parties cannot reasonably complain about a delay to which they contributed, or fault the City Council for giving them time to present their preferred alternative redistricting plan.

Next, real parties complain that the City delayed taking action on the Referendum. But the facts indicate that the City acted to comply with the municipal code and Charter. Respondents Dupuis and Numainville certified the sufficiency of the referendum petition on February 3, 2014 and February 4, 2014, respectively. (City's 1st RJN, Exh. 7, pp. 122, 126, 151-152.) The City Council had a regular meeting scheduled for February 11, but the Council could not have added the redistricting item to the agenda for that meeting due to a local ordinance that requires agenda items to be determined 15 days prior to a meeting. (Berkeley Mun. Code, § 2.06.060.) Consequently, the City placed the item on the agenda for the next Regular Meeting, which occurred on February 25.

At the February 25 meeting, City Councilmembers and members of the public engaged in a discussion about the ramifications of placing the Referendum on the June ballot and the possibility of generating a compromise plan. (2nd Metzker Decl., ¶ 3; *see also* First Declaration of Brian Metzker [1st Metzker Decl."], ¶ 12.) Set against this backdrop, Mayor Tom Bates offered a motion, which passed by a vote of 6-to-3, to hold over the question until the following City Council meeting on March 11 to give the City Council more time to consider compromise proposals and gather information about the legal ramifications of placing the Referendum on the ballot. (2nd Metzker Decl., ¶ 4; *see also* 1st Metzker Decl., ¶ 13.) This additional time afforded the Council and the public an opportunity to consider alternative plans, including the USDA plan, and understand the consequences of putting the Referendum on the ballot, consistent with the Council's duty under the Charter to

"reconsider" the ordinance. (City's 1st RJN, Exh. 8, pp. 188-236; Berkeley Charter, art. XIV, § 93.) Real parties cannot fault the City for providing the Council with more time to reach a compromise over redistricting when they simultaneously ask the Court to order the City to spend more time trying to reach a compromise.

Finally, real parties accuse the City of unreasonably delaying the initiation of this litigation. Real parties argue that the City commenced "negotiations to hire counsel for this litigation as far back as January 30, 2014 . . .", but ignore the fact that the City Council did not take final action on the Referendum until March 11. (Worthington Opp., p. 9.) Surely, real parties would agree that it would have been irresponsible for the City to incur legal expenses to prepare for litigation before a final decision was made to file a lawsuit.

Once the City placed the Referendum on the ballot on March 11, the City's counsel began preparing for litigation, including reviewing the extensive factual record before the Court. Thirteen days later, on March 24, 2014, the City sent its initial letter to the proponents of the Referendum asking whether they wanted to be a part of the lawsuit. (Request for Judicial Notice in Support of Real Parties Worthington and Elgstrand's Opposition, Exh. B.) Given the complicated facts at issue in this case, 13 days was not an unreasonable amount of time in which to prepare litigation. Between March 24 and April 3, the day the City filed this action, counsel for the City communicated with real parties to determine who among the proponents of the Referendum would be named as real parties. As a courtesy to real parties, counsel extended the period of time for real parties to communicate whether they wished to opt-out of the lawsuit from March 27th to April 1st. Two days later, the City filed suit.

Real parties also had more notice than they imply. Mayor Bates stated, at both the February 25 and March 11 meetings, his intention that the City would retain counsel and file suit if the Referendum were placed on the ballot to determine which lines should be used in the November election. (2nd Metzker Decl., ¶ 5.)

In short, the City did not unreasonably delay either the final adoption of the redistricting plan, the consideration of the Referendum, or the filing of this lawsuit.

C. **Real Party's Brown Act Claims Are Not Ripe**

Real parties further claim that the City violated the Brown Act by hiring counsel and placing the Referendum on the November ballot without sufficient notice. Real parties' Brown Act claims, however, are not ripe. Under the Brown Act, the City has 30 days to "cure or correct the challenged action . . . or inform the demanding party in writing of its decision not to cure or correct the challenged action." (Gov. Code, § 54960.1(c)(2).) A Brown Act challenge may only be initiated after the governmental body responds or after the 30 days have expired. (*Id.*, § 54960.1(c)(3) & (4).) Here, the City received two demand letters identifying these alleged Brown Act violations on April 3 and April 4, 2014. (2nd Metzker Decl., Exhs. 2 & 3.) Thus, the City has until May 3, 2014, to cure any alleged Brown Act violations.

Furthermore, although the City disagrees that its actions to retain outside counsel and place the Referendum on the November 2014 ballot violated the Brown Act, the City Council will vote on whether to ratify both actions at its April 29th meeting in order to address any concerns regarding insufficient notice. (City of Berkeley's Second Request for Judicial Notice ["City's 2nd RJN"], Exh. 4, p. 12.) Consequently, we expect that any alleged Brown Act violation will be cured by the time this Court issues its decision in this case, rendering any Brown Act claim moot.[2]

II.

***VANDERMOST* AND *ASSEMBLY V. DEUKMEJIAN* APPLY HERE**

Mr. Worthington and Mr. Elgstrand's effort to distinguish *Vandermost v. Bowen* (2012) 53 Cal.4th 421 and *Assembly v. Deukmejian* (1982) 30 Cal.3d 638 fails because – incredibly – it ignores the majority opinion in *Assembly v. Deukmejian*. (Worthington Opp., pp. 9-11.)

It is true that the *Vandermost* decision involved a plan produced by a citizens' redistricting commission rather than the Legislature, and it is true that the *Vandermost* Court cited the lack of partisanship inherent in the commission's process as one of many reasons supporting its decision. (53 Cal.4th at 469.) But it is also true that the *Assembly v. Deukmejian* decision involved a

[2] We will notify the court by 9:00 a.m. on April 30 of whatever action the City Council takes.

plan produced by the Legislature that opponents criticized as partisan. (30 Cal.3d at 644-645, 680.) Thus, while both cases apply here, *Assembly v. Deukmejian* is squarely on point and requires the interim use of the City Council's plan here.

Real parties decline to mention this holding, choosing to cite only from the dissenting opinion in *Assembly v. Deukmejian.* (Worthington Opp., p. 10, fn. 6.) They also argue that *Vandermost* "strongly suggests" that the Court would not order the interim use of a partisan plan drawn by a legislative body. (*Id.*, p. 10, citing *Vandermost*, *supra*, 53 Cal.4th at 470, fn. 32.) But *Vandermost* suggests nothing of the kind. The Court only noted differences between the facts in the two cases. It did not even criticize the opinion in *Assembly v. Deukmejian*, let alone overrule it. To the contrary, the *Vandermost* Court repeatedly cited the *Assembly v. Deukmejian* decision in support of its holding. (*See, e.g.*, *Vandermost*, *supra*, 53 Cal.4th at 437, 453, 470.) Thus, it is beyond question that *Assembly v. Deukmejian* remains good law.

Mr. Worthington and Mr. Elgstrand worry that the interim use of the City Council-approved plan could lead to a situation where the voters reject that plan by approving the Referendum, but are nevertheless left with four City Councilmembers who have been elected from the rejected districts. (Worthington Opp., p. 11.) Real parties have correctly identified one potential outcome of the situation now faced by the City. Yet they fail to weigh that outcome against the other potential outcomes, as the Supreme Court did in *Assembly v. Deukmejian* when it concluded that the newly approved map minimized the risk of such disruption. (30 Cal.3d at 668-669.) The same analysis applies here. If voters reject the Referendum, the interim use of the City Council-approved plan would lead to no disruption at all because new Councilmembers would be elected from districts approved by both the City Council *and* the voters, and subsequent City Council elections will proceed under the same plan for the rest of the decade. By contrast, the use of every other redistricting plan guarantees disruption. If either the 2002 plan or the MAPMINDS plan is used, the elected Councilmembers will represent the 1986-era districts that the voters rejected in 2012 when they approved Measure R. If the USDA plan is used, the elected Councilmembers will represent districts rejected by the City Council. If the Minimal Deviation plan is used, the elected Councilmembers will represent districts that were never even considered by the City Council or the public. Furthermore, if any alternative plan is used –

USDA, MAPMINDS, or Minimal Deviation – Berkeley voters will be subjected to at least three different districting maps in a single decade. For these reasons, the City Council-approved plan is the least disruptive of any option presented to this Court.

Finally, it is important to note that the remedy sought by the City would keep this Court out of the "political thicket," notwithstanding Mr. Worthington and Mr. Elgstrand's warnings to the contrary. This point cannot be overstated. As the Supreme Court declared in *Assembly v. Deukmejian*, a court risks being perceived as "political" when it appears to endorse a referendum by refusing to implement the redistricting plan duly adopted by the legislative body charged with redistricting:

> Real parties argue that use of the old legislative districts would cause less disruption. That conclusion, however, rests on an implicit and impermissible assumption – that the referenda will result in the rejection of the Legislature's reapportionment statutes. That is an assumption this court cannot legally make. To do so would thrust the court into the political realm, prejudging an issue which is exclusively for the voters of the state to decide.
>
> (30 Cal.3d at 668.)

Thus, the precedents in *Assembly v. Deukmejian* and *Vandermost* ensure that a court order requiring the interim use of the City Council-approved plan would be based solely on legal precedent, not political considerations, which would leave the voters free to make the ultimate political decision concerning that redistricting plan when they vote on the Referendum in November.

III.

THE CITY MUST BE ALLOWED TO USE THE CITY COUNCIL-APPROVED PLAN FOR THE NOVEMBER 2014 ELECTIONS

A. The Old Map Is Unconstitutional And Contrary To The City Charter

1. Use of the 2002 Map Would Raise Serious Constitutional Questions

Real parties argue that the 2002 plan is constitutionally permissible because courts have never explicitly "establish[ed] an upper limit on the amount of population deviation that would violate Equal Protection" in cases involving municipal districts. (Worthington Opp., p. 19.) But regardless of where the upper limit of tolerable population deviations for municipal districts sits, the Equal Protection Clause requires that "elections [ ] be held in districts that more nearly comply with the

constitutional mandate of one-person, one-vote." (*Assembly v. Deukmejian*, *supra*, 30 Cal.3d at 674 ["By law, the court must adopt the plan which is most constitutional and least disruptive."].)

This requirement is enforced particularly strictly when a court is required to choose between different redistricting plans, as is the case here. "*Court-ordered* reapportionment, contrasted with legislatively enacted reapportionment, is subject to even stricter standards, and must ordinarily achieve the goal of population equality with little more than *de minimis* variation." (*Vandermost*, *supra*, 53 Cal.4th at 472, emphasis in original, citations and internal quotation marks omitted.) Thus, in *Vandermost*, the Court, without deciding whether the population deviations of a decade-old map violated the Equal Protection Clause, held that the old plan could not be used because "the disparities would not be de minimis . . . ." (*Id.*)

In *Vandermost*, the Court was faced with a choice between a decade-old map that had become malapportioned and a new plan that had been drawn in response to the most recent census and strictly complied with the "one-person, one-vote" standard. The Court concluded that the decade-old map could not be used, "in light of the court's obligation, in adopting an alternative interim map, to avoid any but de minimis deviations." (Vandermost, *supra*, 53 Cal.4th at 474.)

Here too, the Court must choose between a decade-old map and a map drawn in response to the most recent census, and like the Court in *Vandermost,* it is obligated to choose a map which avoids any "but de minimis" variations. The deviations in the 2002 plan are clearly not de minimis. As discussed by the City in its July 2, 2013 analysis, under the 2002 plan, District 5 would need to gain over 1,300 residents to achieve population equality and District 6 would need almost 1,200 residents. By contrast, District 7 is overpopulated by 2,550 voters and District 8 is overpopulated by over 1,500 voters. (City's 1st RJN, Exh. 2, p. 22.) In a City where the ideal district population, based on the 2010 census, is 14,073, 2,550 voters represents over 18 percent of an ideal district; moreover, District 7's population is over 30 percent more than that of District 5.

This deviation is not de minimis. For example, if the 2002 plan were used for the 2014 elections, the vote of an individual from District 5 would count 30 percent more than the vote of an individual from District 7. That is hardly the level of deviation that a Court tasked with ensuring

that "each citizen have an equally effective voice"[3] can permissibly tolerate when it has a plan in front of it, approved in accordance with the City Charter and the process developed by the City, in which all districts are within a one percent population deviation from each other. (Petition for Writ of Mandate ["Pet."], ¶ 8.) Thus, use of the 2002 plan for the November election is not a viable alternative under the Equal Protection Clause.

2. The old map was not drawn to comply with the City Charter's redistricting provisions

The 2002 plan also does not comply with the new City Charter criteria. It instead complies with the City Charter's old – and highly regressive – requirement that City Council districts adhere as closely as possible to boundaries drawn nearly 30 years ago in 1986. (City's 1st RJN, Exh. 1; 1st Metzker Decl., ¶ 2; Berkeley Charter, art. V, § 9.) None of the real parties disagree with those fundamental points, but they still ask this Court to order the use of the 2002 lines in 2014. The Court should refuse for at least the following two reasons.

First, such an order would run afoul of the *Vandermost* decision. As explained in the City's opening brief, the *Vandermost* Court considered whether to order the use of new maps that had been drawn to comply with new criteria that the voters added to the Constitution in 2008 and 2010, and old maps that had been drawn to comply with criteria that the voters had since chosen to replace. (*Vandermost*, *supra*, 53 Cal.4th at 448, 476.) The Court refused to order the use of the old maps in part because they failed to "respect[ ] the constitutionally specified criteria. . . ." (*Id.* at 476-477.) None of the real parties even acknowledge this aspect of the *Vandermost* case, let alone explain how this Court could depart from that precedent.

Second, such an order would run afoul of the very principle that real parties claim to be defending: the need to protect the will of the voters. In 2012, Berkeley voters approved Measure R by an overwhelming 65.9 percent in order to reform the redistricting process in Berkeley. (Arreguín Opp., p. 7.) As Mr. Arreguín describes it, voters believed the old 1986 boundaries "were intentionally created to divide the student community and other communities of interest, and . . . were arbitrary,

[3] *Reynolds v. Sims* (1964) 377 U.S. 533, 565.

unfair, and did not reflect the City's current population." (Declaration of Jesse Arreguín, ¶ 5.) Yet neither Mr. Arreguín nor any other real party explains why this Court should ignore the will of the vast majority of Berkeley voters who wished to be free of the 1986 boundaries just because a small minority of voters signed a referendum petition addressing a different map.[4]

Moreover, such a ruling would violate the City Charter's redistricting deadlines, and Mr. Worthington and Mr. Elgstrand are mistaken to suggest otherwise. To reiterate, the City Charter provides that:

> No later than December 31st of the third year following the year in which each decennial federal census is taken, commencing with the 2010 census, the Council shall by ordinance divide the City into eight Council districts. *Any such redistricting shall become effective as of the next general election of Councilmembers immediately following the effective date of said ordinance.*
>
> (Berkeley Charter, art. V, § 9(c), emphasis added.)

Mr. Worthington and Mr. Elgstrand invite the Court to view this as a rolling deadline that voters intended to extend in the event of a qualified referendum, in light of the need to harmonize the redistricting Charter provision with the Referendum Charter provision. (Worthington Opp., pp. 18-19.) But real parties' interpretation does not "harmonize" these provisions. It declares that the Referendum provision's stay requirement trumps the redistricting provision's deadline. Real parties point to nothing in the text or legislative history of the Charter to support this interpretation, nor could they. When Berkeley voters approved Measure R, the ballot pamphlet materials told them that "[t]he City Council is required to adopt new council district boundaries within three years after the U.S. census . . . ." (City's 1st RJN, Exh. 1, p. 7.) There is no reason to believe the voters actually wanted this process to stretch out to five or more years before they could be relieved of the redistricting criteria they voted so decisively to reject.

Mr. Worthington and Mr. Elgstrand also argue there would be no difference between the City Council's decision to authorize the use of the 2002 plan in 2012 (in order to allow the

[4] Nothing in the Referendum petition suggests that signers wanted – or even contemplated the possibility – that their signature could delay the redistricting reforms the voters had approved at the last election. (City's 1st RJN, Exh. 6.)