

## Dugan, Matthew

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**From:** Dugan, Matthew  
**Sent:** Friday, May 21, 2021 1:41 PM  
**To:** Dugan, Matthew  
**Cc:** Rodriguez, Lisa  
**Subject:** FW: Please Hand this Today to the Commission on Its Authority

Hello ICRC Members:

Please see email below from Fred Lewis.

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**From:** Fred Lewis <[REDACTED]>  
**Sent:** Friday, May 21, 2021 12:44 PM  
**To:** Dugan, Matthew <Matthew.Dugan@austintexas.gov>  
**Subject:** Please Hand this Today to the Commission on Its Authority

\*\*\* External Email - Exercise Caution \*\*\*

Dear Mr Dugan: I think the Commission and you would like to see this short memo (below and attached) since I was one of two authors of the ICRC. The CRC is supposed to make all process, hiring, and other decisions and city staff's role, because of its inherent conflict of interest, should be nil. Please hand them the memo today despite your document deadline. If you don't hand the Commission the memo today, the members will get it soon anyway and wonder why you didn't show them it today during their hearing. Yours truly, Fred Lewis

### **Solely the Commission Controls Hearings and Staffing.**

**1. City Staff Has No Role:** Unlike other city commissions, city council and city staff have no legal or other role in the ICRC, which is established by separate charter amendment as an independent commission not under the City Council or City Manager's control. This is because of the City's inherent conflict of interest in drawing city council district lines. This conflict of interest is even greater than this year, because if the Commission cannot draw the final lines by November 1, 2021 because of data delays, then the city attorney arguably may draw the lines.

**2. ICRC solely decides whom it hires.** Because the ICRC is an independent commission, only the Commission decides on whom to hire as its staff and counsel: city staff has no role because of its conflict of interest.

**3. ICRC solely decides its hearing process,** which is to be as open as possible.

Austin City Charter, Article II, Section (G)(2): "If the commission does not adopt a final plan by the dates in this section[November 1, 2021], the city attorney for the City of Austin 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."

Austin City Charter, Article II, Section 3(K)(5): “**the commission shall hire commission staff**, legal counsel, and consultants as needed... **The commission shall make hiring, removal, or contracting decisions on staff**, legal counsel, and consultants by nine or more affirmative votes.”

Austin City Charter, Article II, Section 3(K)(7):“**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.” See also Charter, Article II, Section(C)(1): The commission shall:(1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines...”

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