

TAB 10



City of Palmetto Agenda Item

Meeting Date

3/5/12

Presenter: Mark P. Barnebey
Dr. Robert Pennock FSU Applied
Demographics Studio

Department: City Attorney

Title: Redistricting/Ordinance 2012-06

BACKGROUND:

Pursuant to Section 6 of the City Charter, the City shall examine the need for alterations or adjustments to ward boundaries at least every 10 years after each U.S. Census. The last review of the ward boundaries was completed in 2003 after the 2000 Census. A map of the current ward boundaries is attached. The last U.S. Census was completed in 2011.

Upon review by the Applied Demographics Studio at the Florida State University Center for Demography & Population Health, the census indicates that there has been a shift in the population in at least two of the three wards since 2000. While the courts have recognized that exact equality may not be feasible for a number of legitimate reasons, they have established a "10% Rule" for determining whether a districting plan is subject to strict scrutiny by the courts. Said another way, if the smallest and largest voting districts deviate from equal proportions by a total of more than 10%, the court will strictly scrutinize the plan to determine if the bases for the deviations forward a legitimate governmental interest. The strict security standard is a very stringent standard and often very difficult to meet.

Currently, the population differential between the wards is 22 percent, which indicates, at a minimum, the ward boundaries should be reexamined.

DISCUSSION:

Based upon the new census data, the Applied Demographics Studio at the Florida State University Center for Demography & Population Health examined a number of factors in coming up with possible ward boundaries. These factors, include, but are not limited population differential between the wards, race and ethnicity makeup of the two wards, and geographic boundaries. We also attempted to keep the boundaries compact and distinct. The three most logical of the sets of boundaries are attached as Options A, B and C. For Options A and B, the current boundaries of the wards formed the starting point for possible options. For Option C, a completely distinctive configuration was prepared which proposes to move the area including around Palmetto Mobile Home Park out of Ward 1.

All three options provide wards which are within 10% of each ward's population. Further, the racial and ethnicity of each ward are very similar to the current wards. The ward boundaries for the 3 options are distinct and compact. Comparative information to the current wards with each of the options is attached for your information.

Draft Ordinance 2012-06 is attached. The legal description will be prepared based on the option selected.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information: _____

Funding Source(s): _____ **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:** _____

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

**Potential
Motion/
Direction
Requested:**

Hold first reading Ordinance 2012-06 with Option _____ and schedule Ordinance 2012-06 for public hearing.

Staff Contact:

Mark P. Barnebey		
------------------	--	--

Attachments:

Current Ward Boundaries Ward Options A, B, and C Maps Ward Options A, B, and C Statistics

ORDINANCE NO. 2012-06

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA;
PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR
REDISTRICTING OF VOTING WARDS; ADDING SECTION
12-13 OF THE CODE OF ORDINANCES; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, municipalities of the State of Florida are authorized pursuant to Article VIII, Section 2(b), Florida Constitution to exercise such powers as necessary to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, the Florida Legislature has further implemented the constitutional provisions by adopting the Municipal Home Rule Powers Act, Chapter 166, Part I, F.S., which confirms that municipalities have the governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and,

WHEREAS, the Article I, Section 6 of the Charter for the City of Palmetto, Florida, provides that the City Commission shall divide the City into three (3) voting wards, and shall exercise the need for alteration of ward boundaries after each decennial U.S. Census of Population; and

WHEREAS, the City shall modify the boundaries of those wards by ordinance in accordance with applicable law; and,

WHEREAS, the City Commission has determined that reapportionment through redistricting of the wards is appropriate and necessary under applicable law; and,

WHEREAS, the City has considered modifications to existing ward boundaries after analysis by the Florida State University Center for Demographic and Population Health; and,

WHEREAS, the City Commission has determined that adoption of this Ordinance will benefit the public health, safety and welfare.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The foregoing findings of fact clauses are adopted herein as the factual basis for the adoption of this Ordinance.

Section 2. Ward Redistricting. The three voting wards of the City of Palmetto, Florida, are hereby modified and re-established as reflected in the legal descriptions attached hereto as **Exhibit A** and as generally depicted on the map attached hereto as **Exhibit B**. Property annexed into the City after the date of this Ordinance shall be placed into wards consistent with the boundaries described in **Exhibit A**.

Section 3 Revision language. A new Section 12-13, of the Code of Ordinances of the City of Palmetto, Florida is hereby added to read in its entirety as follows:

“Sec. 12-13. Ward Boundaries.

Ward boundaries are established by Ordinance of the City Commission for the purpose of electing three (3) ward commission members in accordance with the City Charter. The City Clerk shall keep and maintain records containing the adopted and current legal descriptions of each of the ward boundaries, and containing a map or maps clearly showing such current boundaries of the respective wards.”

Section 4. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance of the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by City Charter, Section 14 upon execution by the Mayor or, if the Mayor vetoes this Ordinance, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

APPROVED AND ADOPTED, in open session with a quorum present and voting, this 19th day of March, 2012.

First Reading: March 5, 2012

Publication March 9, 2012

Second Reading and
Public Hearing March 19, 2012

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

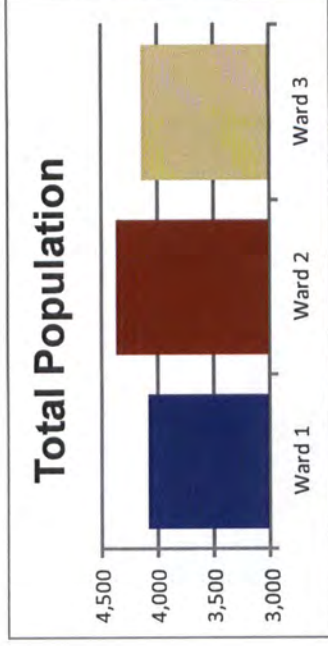
By: _____
Shirley Groover Bryant, Mayor

ATTEST: James R. Freeman
City Clerk

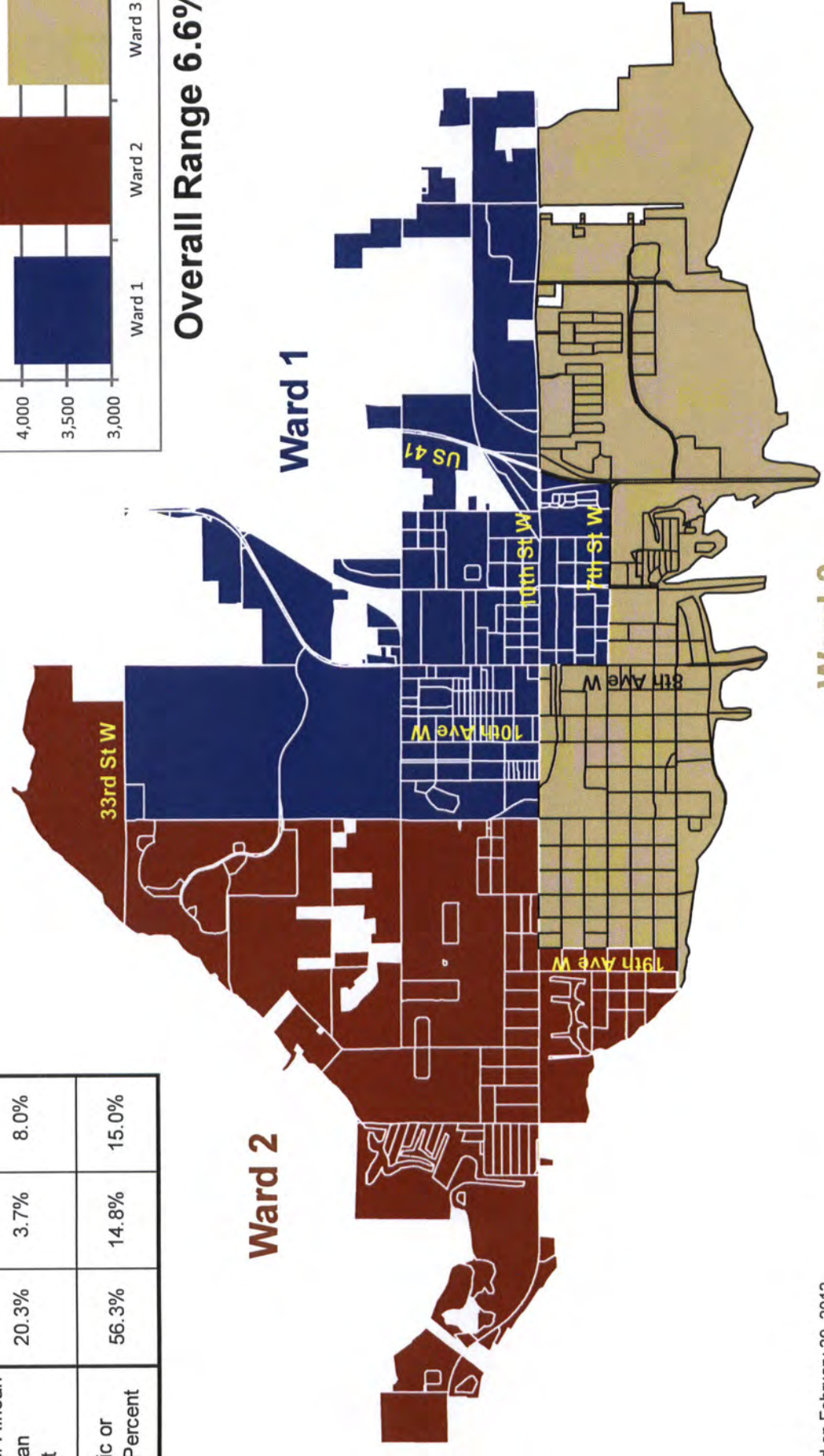
By: _____
City Clerk/Deputy Clerk

City of Palmetto Ward Option A

	Ward 1	Ward 2	Ward 3
Total Population	4,093	4,369	4,152
Black or African American Percent	20.3%	3.7%	8.0%
Hispanic or Latino Percent	56.3%	14.8%	15.0%



Overall Range 6.6%



Ward 3