

TAB 1



City of Palmetto Agenda Item

Meeting Date

1/9/12

Presenter: Mark Barnebey

Department: City Attorney

Title:

Authorization to negotiate with the Florida State University Applied Demographics Studio regarding possible redistricting scenarios for Ward Boundaries

Background: The City Attorney's office recommends that the Commission move forward with review and possible adjustment of ward boundaries prior to June qualifying for the Ward 1 Commission seat election.

Discussion: Much of the discussion related to this item is contained in the January 5, 2012, memorandum from the City Attorney's Office, which is attached hereto for reference by the Commission.

Subsequent to the memorandum, we have inquired with Dr. Robert Pennock, of the Florida State University Applied Demographics Studio ("Demographics Studio"), as to the cost of his department to assist the City in the redistricting needs for the City. He believes that the cost to the City will be less than \$10,000, unless significant revisions or additional work are required based upon requests of the City.

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: I move that the Commission authorize the Mayor to negotiate and enter into a contract with Florida State University to propose revisions to ward boundaries for consideration by the Commission, subject to City Attorney approval, with a not to exceed amount of \$10,000 without further consideration approval.

Staff Contact:

Attachments: Memorandum to Mayor and City Commission dated January 5, 2012.

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MEMORANDUM

TO: Mayor Shirley Groover Bryant
City Commission

THRU: Mark P. Barnebey, Esquire *MB 1/5/12*

FROM: Scott E. Rudacille, Esquire *SER 1/5/12*

RE: Adjustment of City Commission Wards

DATE: January 5, 2012

Issue

Article I, Section 6, of the City of Palmetto Charter provides that the City Commission shall examine the need for adjustments to ward boundaries at least once every ten years after each decennial United States Census of Population. The most recent census occurred in 2010, but the City of Palmetto was not scheduled to hold ward elections again until 2014. However, with the recent resignation of Commissioner Lancaster necessitating a 2012 election for Ward 1, City staff began to seriously review the issue of redistricting for the City.

Analysis

In 2003, following the 2000 census, the Palmetto City Council made adjustments to the Commission wards through the adoption of Ordinance No. 03-781. At that time, the City's population was divided as follows:

Ward 1	4,400
Ward 2	4,366
Ward 3	<u>3,893</u>
Total Population	12,659

Last week, at our request due to time constraints, Dr. Robert Pennock of the Florida State University Applied Demographics Studio ("Demographics Studio"), at no charge to the City, provided the City with an updated population analysis by ward for the City, based upon the results of the 2010 census and the current ward boundaries. Those results are as follows:

Ward 1	3,722
Ward 2	4,708
Ward 3	<u>4,176</u>
Total Population	12,606

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As stated previously, the City Charter requires that after each census the Commission considers whether ward adjustments are necessary or appropriate. Based upon judicial interpretation of the Equal Protection Clause, and the federal Voting Rights Act, local governments are required to redistrict in order to maintain an appropriate balance of voting power amongst the people. This principle is often referred to as “one person, one vote”, and it requires that local governments attempt to maintain voting districts which are relatively equal in population.

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.

Based upon the information provided by Florida State University and our calculations, it appears that the current ward boundaries result in a deviation of -12% for Ward 1, +12% for Ward 2, and -1% for Ward 3. Thus, under the City’s current ward alignment, the maximum deviation would be approximately 24%.

Conclusion and Recommendation

Based upon current ward alignments, it appears that the City’s ward boundaries could be subject to challenge and judicial scrutiny. As such, we would recommend that the Commission endeavor to re-examine and potentially update ward boundaries to bring the population deviations within the 10% deviation standard. Qualifying for November 2012 elections will begin in the first week of June, so the City should try to finalize new boundaries as quickly as possible.

There are a number of legal considerations that go into a review of voting boundaries, including natural and manmade boundaries, neighborhoods, precinct boundaries, equal population, impact on minority voting strength, recognition of existing voting boundaries, shape of districts, etc. The law in this area is complex, ever-evolving, and in some cases provides for competing interests.

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It appears that in 2003, the City received assistance from the Supervisor of Elections office in preparing revised ward boundaries. Based upon our conversations with the Supervisor of Elections Office, they would like to assist in the process again, although their primary objective is to align wards to the extent possible with precinct boundaries.

It does not appear that the Supervisor of Elections Office would take the lead role in redrawing those boundaries.

Dr. Pennock has indicated that his Demographics Studio could assist the City in revising the boundaries. The Demographics Studio has expertise in dealing with census data and demographic issues which would be helpful dealing with the legal requirements for redistricting, but would also need coordination with City staff. Although not required by law, having an independent third party prepare draft boundaries is also beneficial to the City in that it helps to insulate the Commission from any claims of gerrymandering. It is likely that the cost for assistance by the Demographics Studio would be less than \$10,000.00, but that will depend on requests and desires by the Commission as part of the public hearing process.

SER/cal
Attachment

City of Palmetto Voting Ward Demographics
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Gross Population Amounts	City Total	Ward 1	Ward 2	Ward 3
Total Population	12,606	3,722	4,708	4,176
Race				
Population of One Race	12,329	3,648	4,616	4,065
White	9,091	1,599	4,153	3,339
Black or African American	1,325	759	169	397
American Indian and Alaska Native	50	14	24	12
Asian	76	11	39	26
Native Hawaiian and Other Pacific Islander	1	1	0	0
Some Other Race	1,786	1,264	231	291
Two or More Races	277	74	92	111
Ethnicity				
Hispanic or Latino	3,571	2,067	714	790
Not Hispanic or Latino	9,035	1,655	3,994	3,386

Population Percentages For City and Wards	City	Ward 1	Ward 2	Ward 3
Race				
Population of One Race	97.8%	98.0%	98.0%	97.3%
White	72.1%	43.0%	88.2%	80.0%
Black or African American	10.5%	20.4%	3.6%	9.5%
American Indian and Alaska Native	0.4%	0.4%	0.5%	0.3%
Asian	0.6%	0.3%	0.8%	0.6%
Native Hawaiian and Other Pacific Islander	0.0%	0.0%	0.0%	0.0%
Some Other Race	14.2%	34.0%	4.9%	7.0%
Two or More Races	2.2%	2.0%	2.0%	2.7%
Ethnicity				
Hispanic or Latino	28.3%	55.5%	15.2%	18.9%
Not Hispanic or Latino	71.7%	44.5%	84.8%	81.1%

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Population of Ward Compared to Average (Amount)	Ward Average	Amount Above or Below Average		
Total Population	4,202	-480	506	-26
Race				
Population of One Race	4,110	-462	506	-45
White	3,030	-1,431	1,123	309
Black or African American	442	317	-273	-45
American Indian and Alaska Native	17	-3	7	-5
Asian	25	-14	14	1
Native Hawaiian and Other Pacific Islander	0	1	0	0
Some Other Race	595	669	-364	-304
Two or More Races	92	-18	0	19
Ethnicity				
Hispanic or Latino	1,190	877	-476	-400
Not Hispanic or Latino	3,012	-1,357	982	374

Population of Ward Compared to Average (Percent)		Percent of Average		
Total Population		89%	112%	99%
Race				
Population of One Race		89%	112%	99%
White		53%	137%	110%
Black or African American		172%	38%	90%
American Indian and Alaska Native		84%	144%	72%
Asian		43%	154%	103%
Native Hawaiian and Other Pacific Islander		300%	0%	0%
Some Other Race		212%	39%	49%
Two or More Races		80%	100%	120%
Ethnicity				
Hispanic or Latino		174%	60%	66%
Not Hispanic or Latino		55%	133%	112%

Sources:

2010 U.S. Census:

P1 Race and P2: Hispanic or Latino, and Not Hispanic or Latino by Race

2010 Census Redistricting Data (Public Law 94-171) Summary File

Ward Boundaries Provided by City of Palmetto

Draft Analysis Prepared by Robert Pennock

Applied Demographics Studio, Center for Demography and Population Health

Florida State University

Wednesday, December 28, 2011