*SUMTER COUNTY BOARD OF COMMISSIONERS*
**EXECUTIVE SUMMARY**

**SUBJECT:** **Resolution Approving the Redistricting of the Board of Sumter County Commissioner Districts Pursuant to the Florida Constitution and Florida Statutes (Staff recommends approval).**

**REQUESTED ACTION:** Approve resolution.

☒ Work Session (Report Only) **DATE OF MEETING:** 4/26/2011
☐ Regular Meeting ☐ Special Meeting

**CONTRACT:** ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: Planning

**BUDGET IMPACT:** _____
☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

**HISTORY/FACTS/ISSUES:**
Article VIII, Section 1(e), Florida Constitution, and Chapter 124, Florida Statutes, requires each county to evaluate the results of each decennial Federal Census to reapportion the county commission districts.

Section 124 01(3) of Florida Statutes states
"The board of county commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible; provided, that changes made in the boundaries of county commissioner districts pursuant to this section shall be made only in odd-numbered years."

The total population for Sumter County according to the 2010 U S Census is 93,420 Based on this population, the ideal population per Commission District is 18,684 The draft reapportionment of the Commission Districts results in the following population distribution and % deviation from the ideal

District 1 – 17,886 (-4.27%)
District 2 – 19,004 (1.71%)
District 3 – 18,736 (0.28%)
District 4 – 19,583 (4.81%)
District 5 – 18,211 (-2.53%)

Florida Statues does not require strict equal distribution of population between Commission Districts. A deviation of less than 5% from the ideal population is held to be consistent with the requirement "as equal as possible"

Attached is a memo from the General Counsel of the City of Jacksonville that provides a summary of the standards in reapportionment Although much of the memo contains specific provisions only related to the City of Jacksonville, it does provide confirmation of the 5% deviation standard and a standard that no two (2) districts deviate from each other by more than 10%.

The proposed new Commission Districts meet both the 5% deviation standard (maximum is 4 81%) and 10% deviation standard (9 49% between highest and lowest)

On April 19, 2011, the Board reviewed the draft of the proposed new Commission Districts and provided consensus to bring the item forward for the Board's formal consideration at the April 26, 2011, Board meeting.

Attached is a resolution prepared by the County Attorney for the Board's consideration to approve the new Commission Districts.

**RESOLUTION NO. : 2011 - _____**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, CHANGING THE COMMISSIONERS' DISTRICTS PURSUANT TO THE FLORIDA CONSTITUTION AND FLORIDA STATUTES, ENTERING SAID CHANGES INTO ITS MINUTES, AND PROVIDING THE PROPER NOTICES OF THE CHANGES AS REQUIRED BY LAW, AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Board of County Commissioners of Sumter County, Florida, has received Sumter County's decennial census information, and,

**WHEREAS**, Section 1(e), Article VIII, of the Florida Constitution provides that the Board of County Commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable after each decennial census, and,

**WHEREAS**, the Board of County Commissioners of Sumter County, Florida, after reviewing the decennial census information for Sumter County, has determined that the existing Commissioners' Districts must be changed in an effort to divide the districts into territories as nearly equal in population as practicable as required by the Florida Constitution, and,

**WHEREAS**, pursuant to Florida Statute §124 02, whenever the Board of County Commissioners changes the existing Commissioners' Districts, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published at least once each week for two (2) consecutive weeks in a newspaper published in Sumter County; and,

**WHEREAS**, the Board of County Commissioners of Sumter County, Florida, hereby finds that changing the Commissioners' Districts is necessary to provide effective representation as well as to promote the health, safety and welfare of the citizens of Sumter County, Florida.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Sumter County, Florida, as follows

1 Each of the **WHEREAS** clauses referenced above are hereby incorporated into this Resolution, *in haec verba*

2 A description of the boundaries of the Commissioners' Districts, as changed, is attached to this Resolution as Exhibit "A", and is incorporated herein, *in haec verba*

3 A map, depicting the boundaries of the Commissioners' Districts, as changed, is attached to this Resolution as Exhibit "B", and is incorporated herein, *in haec verba*

4 The boundary changes to the Commissioners' Districts reflected in Exhibits "A" and "B" of this Resolution shall hereby be entered upon the minutes of the Board of County Commissioners of Sumter County, Florida.

5 The boundaries of the Commissioners' Districts reflected in Exhibits "A" and "B" of this Resolution shall remain in place until specifically changed by subsequent action of the Board of County Commissioners of Sumter County, Florida.

6 The Board of County Commissioners of Sumter County, Florida, shall cause a certified copy of the boundary changes reflected herein to be published at least once each week for two (2) consecutive weeks in a newspaper published in Sumter County, and furthermore, shall cause its Clerk to furnish the Department of State with a certified copy of its minutes, reflecting the description of the boundaries of its Commissioners' Districts, as changed

7 This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners of Sumter County, Florida.

**DONE AND RESOLVED THIS ____ DAY OF _____, 2011**, at _____, Sumter County Florida.

ATTEST:
GLORIA HAYWARD
Clerk of Circuit Court

_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF SUMTER COUNTY, FLORIDA

_____
Don Burgess, Chairman

# Exhibit A
# Sumter County - 2011 Redistricting
# Legal Descriptions of New Board of Sumter County Commissioner Districts

**District 1 –**

Northern boundary: Intersection of Buena Vista Blvd and County Road 466, moving easterly on County Road 466 to the intersection of County Road 466 and the Sumter/Lake County border.

Eastern boundary. Intersection of County Road 466 and the Sumter/Lake County border moving southerly along the Sumter/Lake County border to the intersection of the Sumter/Lake County border and the Florida Turnpike.

Southern boundary: Intersection of the Florida Turnpike and the Sumter/Lake County border moving westerly along the Florida Turnpike to the intersection of the Florida Turnpike and County Road 468, then northerly on County Road 468 to the intersection of County Road 468 and State Highway 44, then westerly on State Highway 44 to the intersection of State Highway 44 and Buena Vista Blvd.

Western boundary: Intersection of State Highway 44 and Buena Vista Blvd moving northerly along Buena Vista Blvd to the intersection of Buena Vista Blvd and County Road 466.

# Exhibit A
# Sumter County - 2011 Redistricting
# Legal Descriptions of New Board of Sumter County Commissioner Districts

**District 2 –**

Northern boundary. Intersection of Citrus/Sumter/Marion County borders, moving easterly along the Sumter/Marion County border to the intersection of the Sumter/Marion County border and US Highway 301.

Eastern boundary: Intersection is Sumter/Marion County border and US Highway 301 moving southerly on US Highway 301 to the intersection of US Highway 301 and County Road 468, continuing easterly along County Road 468 to the intersection of County Road 468 and the Florida Turnpike, continuing southeasterly along the Florida turnpike to the intersection of the Florida Turnpike and the Sumter/Lake County border, continuing southerly along the Sumter/Lake County border to the intersection of the Sumter/Lake County border and County Road 48.

Southern boundary: Intersection of the Sumter/Lake County border and County Road 48 moving southwesterly to the eastern City limits of Center Hill, moving northerly, then westerly, and southerly around the Center Hill city limits to the intersection of the western Center Hill city limits and County Road 48, continuing westerly on County Road 48 to the intersection of County Road 48 and County Road 567, then northerly on County Road 567 to the intersection of County Road 567 and County Road 567 and State Road 471, continuing westerly, becoming County Road 476, westerly along County Road 476 to the intersection of County Road 476 and County Road 553, continuing northerly along County Road 553 to the intersection of County Road 553 and County Road 548, continuing westerly along County Road 548 to the intersection of County Road 548 and eastern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91), continuing northerly along the eastern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91) to the intersection of the eastern and northern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91), continuing westerly along the northern boundary Royal Crest Estates Sub-Division (PB 4, Page 91) to the intersection of the northern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91) and US Highway 301.

Western boundary: Intersection of the northern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91)and US Highway 301, moving northerly to the intersection of US Highway 301 and County Road 542, continuing westerly on County Road 542 to the intersection of County Road 542 and County Road 475 continuing northerly on County Road 475 to the intersection of County Road 475 and County Road 470, continuing westerly on County Road 470 to the intersection of County Road 470 and County Road 491, continuing southerly along County Road 491 to the intersection of County Road 491 and County Road 491 South, continuing westerly along County Road 491 South to the intersection of County Road 491 South and County Road 491 West, continuing northerly along County Road 491 West to the intersection of County Road 491 West and County Road 470, continuing westerly along County Road 470 to the intersection of County Road 470 and County Road 489, continuing along County Road 489 to the intersection of County Road 489 and County Road 482 North, continuing northerly on County Road 482 North to the intersection of County Road 482 North and County Road 470, continuing north westerly on County Road 470 to the intersection of County Road 470 and County Road 479, continuing westerly on County Road 479 to the intersection of County Road 479 and County Road 481, continuing southerly on County Road 481 to the intersection of County Road 481 and County Road 481A, continuing westerly on County Road 481A to the intersection of County Road 481A and NW 13th Drive, continuing southerly on NW 13th Drive to the intersection of NW 13th Drive and NW 7th Lane, continuing westerly on NW 7th Lane to the intersection of NW 7th Lane and County Road 481A, continuing northerly on County Road 481A to the intersection of County Road 481A and County Road 481B, continuing easterly along County Road 481A to the intersection of County Road 481A and NW 14th Street, continuing northerly along NW 14th Street to the intersection of NW 14th Street and County Road 479 continuing westerly along County Road 479 to the intersection of County Road 479 and County Road 416, continuing northerly along County Road 416 to the intersection of County Road 416 and County Road 415, continuing westerly along County Road 415 and then northerly along County Road 415 to the intersection of County Road 415 and County Road 414, continuing westerly along County Road 414 to the intersection of County Road 414 and the Outlet River, continuing westerly along the Outlet River to the intersection of the Outlet River and the Sumter/Citrus County boarder. Intersection of the Outlet River and the Sumter/Citrus County border moving northerly along the Sumter/Citrus County border to the intersection of the Citrus/Sumter/Marion County borders.

# Exhibit A
# Sumter County - 2011 Redistricting
# Legal Descriptions of New Board of Sumter County Commissioner Districts

**District 3 –**

Northern boundary. Intersection of County Road 101 and Sumter/Marion County border, moving easterly along the northern Sumter/Marion County border to the intersection of the Sumter/Marion County/Lake County borders.

Eastern boundary. Intersection of Sumter/Marion County/Lake County border moving southerly along the Sumter/Lake County border to the intersection of Sumter/Lake County border and County Road 466.

Southern boundary: Intersection of Sumter/Lake County border and County Road 466 moving westerly to the intersection of County Road 466 and Buena Vista Blvd, then southerly along Buena Vista Blvd to the intersection of Buena Vista Blvd and Belvedere Blvd, then westerly along Belvedere Blvd to the intersection of Belvedere Blvd and the southern boundary of Villages Unit 104, then easterly along the southern boarder of Villages Unit 104 to the intersection of Villages Unit 104 and Oakbend Villas (Villages Unit 682), continuing along the southern border of Oakbend Villas (Villages Unit 682) to the intersection of Oakbend Villas (Villages Unit 692) and Villages Unit 104, continuing easterly along the southern border of Villages Unit 104 to the intersection of Villages Unit 104 and Tall Trees Lane, then northerly along Tall Trees Lane to County Road 466, crossing County Road 466 becoming Southern Trace, continuing northerly along Southern Trace to the intersection of Southern trace and Woodridge Drive, then westerly along Woodridge Drive to the intersection of Woodridge Drive and County Road 101.

Western boundary. Intersection of Woodridge Drive and County Road 101, moving northerly on County Road 101 to the intersection of County Road 101 and the Sumter/Marion County border.

# Exhibit A
# Sumter County - 2011 Redistricting
# Legal Descriptions of New Board of Sumter County Commissioner Districts

**District 4 –**

Northern boundary. Intersection of Citrus/Sumter County border and the Outlet River, moving easterly along the Outlet River to the intersection of the Outlet River and County Road 414, continuing along County Road 414 to the intersection of County Road 414 and County Road 415, continuing southerly along County Road 415 and then easterly on County Road 415 to the intersection of County Road 415 and County Road 416, continuing southerly on County Road 416 to the intersection of County Road 416 and County Road 479, continuing easterly on County Road 479 to the intersection of County Road 479 and NW 14th Street, continuing southerly on NW 14th Street to the intersection of NW 14th Street and County Road 481B, continuing westerly on County Road 481B to the intersection of County Road 481B and County Road 481A, continuing southerly on County Road 481A to the intersection of County Road 481A and NW 7th Lane, continuing easterly on NW 7th Lane to the intersection of NW 7th Lane and NW 13th Drive, continuing northerly on NW 13th Drive to the intersection of NW 13th Drive and County Road 481A, continuing easterly on County Road 481A to the intersection of County Road 481A and County Road 481, continuing northerly on County Road 481 to the intersection of County Road 481 and County Road 479, continuing easterly on County Road 479 to the intersection of County Road 479 and County Road 470, continuing southerly on County Road 470 to the intersection of County Road 470 and County Road 482 North, Continuing southerly on County Road 482 North to the intersection of County Road 482 North and County Road 489, continuing easterly on County Road 489 to the intersection of County Road 489 and County Road 470, continuing south easterly on County Road 470 to the intersection of County Road 470 and County Road 491 West, continuing southerly on County Road 491 West to the intersection of County Road 491 West and County Road 491 South, continuing easterly on County Road 491 South to the intersection of County Road 491 South and County Road 491, continuing northerly on County Road 491 to the intersection of County Road 491 and County Road 470, continuing southeasterly on County Road 470 to the intersection of County Road 470 and County Road 475, Continuing southerly on County Road 475 to the intersection of County Road 475 and County Road 452, continuing easterly on County Road 452 to the intersection of County Road 452 and US Highway 301, continuing southerly on US Highway 301 to the intersection of US highway 301 and northern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91), continuing easterly along the northern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91) to the intersection of the northern and eastern boundary of Royal Crest Estates Sub-Division (PB 4 Page 91), continuing southerly along the eastern boundary of Royal Crest Estates Sub-Division (PB 4, Page 91) to the intersection of the eastern boundary of Royal Crest Estates Sub-Division (PB 4 Page 91) and County Road 548, continuing easterly along County Road 548 to the intersection of County Roar 548 and County Road 553, continuing southerly along County Road 553 to the intersection of County Road 553 and County Road 476, continuing easterly along County Road 476 to the intersection of County Road 476 and State Road 471, continuing easterly along County Road 567 to the intersection of County Road 567 and County Road 48, continuing easterly along County Road 48 to the intersection of County Road 48 and western boundary of the city limits of Center Hill, continuing northerly along the western boundary of the city limits of Center Hill to the intersection of the western boundary of the city limits of Center Hill and the northern boundary of the city limits of Center Hill, continuing easterly along the northern boundary of the city limits of Center Hill to the intersection of the northern boundary of the city limits of Center Hill and the eastern boundary of the city limits of Center Hill, continuing southerly along the eastern boundary of the city limits of Center to Hill to the intersection of the eastern boundary of the city limits of Center Hill and County Road 48, continuing northeasterly along County Road 48 to the intersection of County Road 48 and the Sumter/Lake County border.

Eastern boundary: Intersection of County Road 48 and the Sumter/Lake County border, moving southerly along the Sumter/Lake County border to the intersection of the Sumter/Lake County Border and the Sumter/Lake/Polk County border.

Southern boundary: Intersection of Sumter/Lake/Polk County border, moving westerly along the Sumter/Polk County border to the intersection of the Sumter/Pasco/Polk County borders.

Western boundary. Intersection of the Sumter/Pasco/Polk County borders, moving northerly along the Sumter/Pasco County border, continuing northerly along the Sumter/Hernando County border, continuing northerly along the Sumter/Citrus County border to the intersection of the Sumter/Citrus County border and the Outlet River.

# Exhibit A
# Sumter County · 2011 Redistricting
# Legal Descriptions of New Board of Sumter County Commissioner Districts

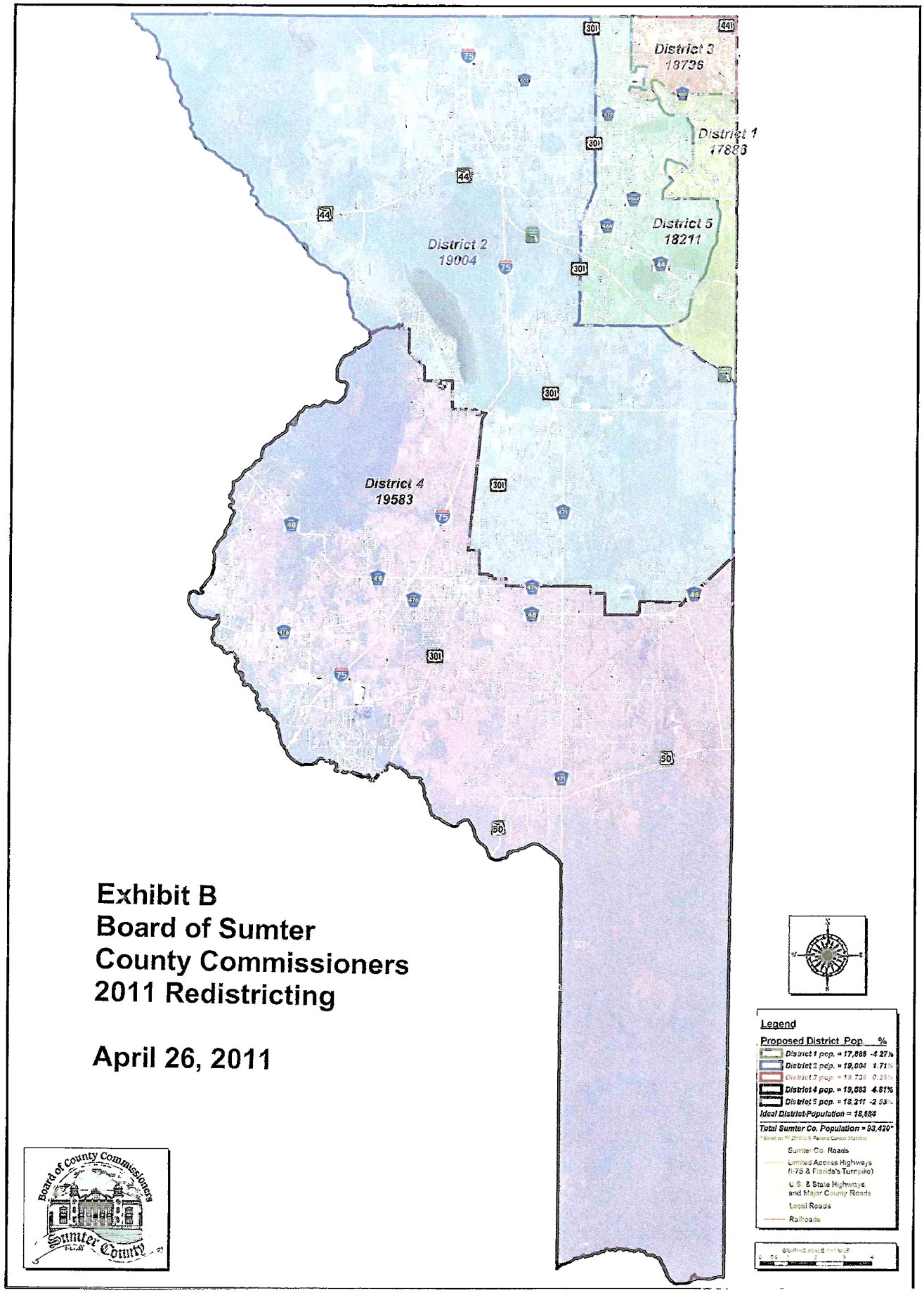
**District 5 –**

Northern boundary. Intersection of US Highway 301 and the Sumter/Marion County border moving easterly along the Sumter/Marion County border to the intersection of the Sumter/Marion County border and County Road 101.

Eastern boundary. Intersection of Sumter/Marion County border and County Road 101, moving southerly to intersection of County Road 101 and Woodridge Drive, then easterly on Woodridge Drive to the intersection of Woodridge Drive and Southern Trace, then southerly on Southern Trace to the intersection of Southern Trace and County Road 466, crossing southerly over County Road 466 and becoming Tall Trees Lane, continuing southerly on Tall Trees Land to the intersection of Tall Trees Lane and the southern boundary Villages Unit 104, continuing westerly along the southern boundary of Villages Unit 104 to the intersection of Villages Unit 104 and Oakbend Villas (Villages Unit 682), continuing westerly along the southern boundary of Oakbend Villas (Villages Unit 682) to intersection of southern boundary of Oakbend Villas (Villages Unit 682) and Villages Unit 104, continuing westerly along the southern border of Villages Unit 104 to the intersection of the southern border of Villages Unit 104 and Belvedere Blvd. continuing southerly and easterly along Belvedere Blvd to the intersection of Belvedere Blvd and Buena Vista Blvd, continuing southerly on Buena Vista Blvd to the intersection of Buena Vista Blvd and St. Charles Place, continuing westerly along St. Charles Place to the intersection of St. Charles Place and Bailey Trail, continuing southerly along Bailey Trail to the intersection of Bailey Trail and Buena Vista Blvd. continuing southerly along Buena Vista Blvd to the intersection of Buena Vista Blvd and County Road 466A, continuing easterly on County Road 466A to the intersection of County Road 466A and Morse Blvd, continuing southerly on Morse Blvd to the intersection of Morse Blvd and State Highway 44.

Southern boundary. Intersection of Morse Blvd and State Highway 44, moving westerly on State Highway 44 to the intersection of State Highway 44 and County Road 468, continuing southerly along County Road 468 to the intersection of County Road 468 and US Highway 301.

Western boundary: Intersection of County Road 468 and US Highway 301, moving northerly along US Highway 301 to the intersection of US Highway 301 and the Sumter/Marion County border.


District 3
18736
District 1
17883
District 5
18211
District 2
19004
District 4
19583
Exhibit B
Board of Sumter
County Commissioners
2011 Redistricting
April 26, 2011
Legend
Proposed District Pop. %
District 1 pop. = 17,883 -4.27%
District 2 pop. = 19,004 1.71%
District 3 pop. = 18,736 0.28%
District 4 pop. = 19,583 4.81%
District 5 pop. = 18,211 -2.53%
Ideal District Population = 18,684
Total Sumter Co. Population = 93,420*
Sumter Co. Roads
Limited Access Highways (I-75 & Florida's Turnpike)
U.S. & State Highways and Major County Roads
Local Roads
Railroads
Board of County Commissioners
Sumter County

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GABY YOUNG


# MEMORANDUM

**To:** **Council President John D. "Jack" Webb**
**Rules Chairman E. Denise Lee**
**W.C. Gentry, Chairman, DCSB**

**From:** **Cindy A. Laquidara, General Counsel**

**Re:** **Reapportionment Process and Legal Analysis for Council Members and School Board Members**

**Date:** **January 31, 2011**

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## I. Introduction.

The decennial federal census has been completed and is due to be delivered. As you have requested legal guidance on the reapportionment process for City Council and Duval County School Board districts, I am providing this Memorandum to address the process for reapportioning those seats, and the key legal principles to be applied in that process.

## II. Reapportionment Process.

A. Florida Constitutional and Charter Provisions. Under Art. VIII, §1(e), of the Florida Constitution, and Articles 5 and 13 of the Consolidated City of Jacksonville's Charter, following

the decennial census, the Council, acting in its capacity as the county commission, is required to redraw council district boundaries so as to evenly divide the population therein as closely as reasonably practicable. The goal is to provide each council district with the same number of constituents, to approximate one person one vote, a goal which is usually within a total of 5% of the actual number for any one council district. The United States Constitution requires that the states undergo this process to address congressional representation. While state law governing that process is somewhat different, the federal legal issues overlay all considerations. These legal issues are addressed following the discussion on process.

B. The General Process for the Council. As you know, the Council is comprised of fourteen district council members and five at-large council members with residency requirements. Article 5, section 5 02 of the Charter, entitled *Reapportionment of council districts and residence areas*, requires that the council shall apportion the fourteen council districts and five at-large residence areas within eight months of the publication of the official federal census data. That publication is set to occur on April 1, 2011, thus obligating the Council to reapportion these districts and residence areas on, or before, December 1, 2011 [1]

Jacksonville Municipal Ordinance Code (the "Code") Section 18.104, *Preparation of plan*, requires that the Reapportionment Committee, or Rules Committee as is designated here, submit a reapportionment plan to the Council within thirty days after the final census certification. This provision apparently anticipated that the states would receive early census data in January, and thus be able to begin the redistricting

[1] If the Council is unable to reapportion the districts within this eight-month period, the General Counsel is to petition the circuit court to redistrict the Council. Charter, Article 5.02(a).

process and propose plans early. That is not the case this year, however, with no usable data being generated ahead of the final distribution date of April 1 Accordingly, the deadlines which must be met are those in the Charter and not those in the Code for the submission of the reapportionment plan. An outline of those key dates is included as Exhibit A.

The Rules Committee, having been designated by the Council President as the standing committee referenced under Art. 18 104 of the Charter for creating the Reapportionment Plan (the "Plan"), must take two preliminary actions: 1) determine whether to employ the Planning Department as the redistricting staff, or to hire outside consultants and 2) adopt a schedule for the preparation and submission of the Plan to Council These two items should be addressed before the final census data is published on April 1, 2011

Jacksonville Municipal Ordinance Code ("JMOC") Constraints. Under the JMOC§18 101(b) and (c), the Council has several considerations that must be incorporated in the reapportionment of districts. Specifically, the JMOC provides as follows:

* * *

> In making this reapportionment, the Council is obligated to insure that all districts are as nearly equal in population and are arranged in as logical and compact a geographical pattern as it is possible to achieve and to insure that all federal and state constitutions, laws and requirements are complied with,
>
> While the Council districts are based upon population with respect to their size, the geographical arrangement and territorial boundaries of the districts must take into consideration other factors, particularly compactness and contiguity, so that the people of the city, and their varied

> economic, social and ethnic interests and objectives, are adequately represented in the Council . . . .
>
> * * *

*JMOC 18.101 (b) and (c).* No further directions on the substantive issues affecting the reapportionment are addressed in either the JMOC or the Charter Once there is a recommended reapportionment plan ("the Plan"), the Rules Committee must meet at least three times and include public hearings at each meeting, at differing locations in the City JMOC §18 107. Prior to the development of the Plan, the Rules Committee holds those meetings that it deems necessary A copy of JMOC Chapter 18 is attached as Exhibit B to this Memorandum.

Once the Council has adopted a reapportionment plan, the new boundaries are implemented by the Council at the next general consolidated government election to be held more than nine months after the reapportionment. Charter art. 5.02 The DCSB, however, implements the changed districts at the next Duval County School Board election. Charter Art. 13 02. Copies of Articles 5 02 and 13 02 are attached as Exhibits C and D respectively

State Law Constraints. Under Florida law, counties must draw districts contiguously with as equal population as practicable. Art. VIII §1(e), Fla. Const. No direction is given that the districts must be compact, however, and thus, counties are under no state direction to have compact districts. Over time, case law has defined typical allowable redistricting considerations to include the following.

- major physical boundaries, such as a bridges;
- political subdivision boundaries;
- schools;

- notable major structures;
- existing incumbencies, as they represent communities of interest,
- political affiliation.[2]

Issues that cannot be the predominant reason for drawing district lines:

- race – while reapportionment authorities must be cognizant of the racial composition of a block of residents, district lines must not be drawn so as to dilute or enhance the vote of a racial minority The deft interplay of the Voting Rights Act and the Equal Protection Clause required to be considered by the Council is addressed in the Legal Analysis Section of this Memorandum.
- sex
- economic status (Florida constitutional analysis only).

The Rules Committee must meet to review the census data and apply the above factors to redraw district lines as necessary

C. Information Available from the Supervisor of Elections.[3] The following voter data tracks the requirements for Section 5 of the Voting Rights Act, 28 C.F.R. 51.28 (2005) ("VRA") and would be needed to defend a VRA challenge under Section 2 of the VRA.[4] This information ranges from helpful to necessary in redrawing district

[2] Recent Florida constitutional amendments amending these considerations for state and congressional redistricting by expressly prohibiting certain considerations are inapplicable to county reapportionment. See art. III Sections 20 and 21, requiring that districts be drawn as contiguously and compactly as possible, without regard to race, language, or political affiliation, while adhering to state and federal laws.

[3] Almost all of this information regard the SOE has been gathered from the presentation prepared by John Guthrie, Staff Director, Florida Senate Reapportionment Committee, Guthrie.john@flsenate.gov in his excellent presentation to the Supervisors of Elections Conference in January, 2011

[4] While the consolidated city of Jacksonville is not a reporting entity under Section 5, the State of Florida as a whole is required to obtain this data, and hence the SOE gathers and transmits this data to the State. In addition, Section 2 of the VRA does apply to Jacksonville.

boundaries. In general, the Supervisor of Elections ("SOE") can gather the following information:

1 Analysis of voting patterns, which would be necessary to defeat a Voting Rights challenge and would be helpful in avoiding one; the SOE can identify each candidate by name, position, and race if known, for the past 4 years[5].

2. Identification, by voting precinct, of the number of registered voters, by race;

3 Identification, by voting precinct, of the number of votes for each candidate.

4. Identification, by voting precinct, of the following, using the unique voter identification number assigned by the state:

   a. all non-exempt information supplied by the voter pursuant to Fla. Stat. 97.052(2);

   b. date of registration for each qualified voter;

   c. the current precinct for each qualified voter;

   d. each qualified voter's current state representative district, state senatorial district, and congressional district, according to the Supervisor of Elections;

   e. voting history for each qualified voter, including, among other things, whether the voter voted in the precinct or by absentee ballot, or voted provisionally, and whether the vote counted,

[5] The present SOE has kept all such data retrievable; the status of records before he began to serve is unclear Data for the past 10 years is most helpful.

5 Geographic data regarding community of interest and compactness.

a. actual maps showing roads, streams, railway lines, and other major features, along with the geographical boundaries of each precinct, and additional data,

b. or, in lieu of a map, if the precincts are comprised of census blocks, a listing of the blocks in each precinct.[6]

The above are requirements presently being fulfilled by the SOE to the state, and therefore this information could be used by the City Council in reapportioning their seats and defending a VRA or equal protection challenge, as is discussed, infra, in the Legal Analysis section of this Memorandum.

## III. Legal Analysis.

### a) Background.

The legal issues arising out of congressional redistricting have resulted in numerous United States Supreme Court decisions. Under the federal process, a challenge to a state's congressional redistricting plan is filed in federal court, and heard by a unique, 3-judge panel, comprised of two district court (trial level) and one circuit court (appellate level) judges. 28 U.S.C. § 2284(a). Appeals from this three-judge panel are made directly to the Supreme Court. As such, there are a series of decisions that have been reached on each of the key issues, although such holdings tend to be modified with more regularity than in other areas of the law, given the absence of intervening appellate

[6] It should be noted that Precincts shall consist of areas bounded on all sides by: census block boundaries; governmental unit boundaries from the census bureau; visible features readily distinguishable on the ground and present in current official maps; boundaries of public parks, public school grounds, or churches; or boundaries of counties, and other political subdivisions. §101.001, Fla. Stat.

decisions to hone the legal analysis. The present seminal decisions will be discussed below in detail.

**b) The Application of Equal Protection Principles.**

There are various issues that arise under the Equal Protection Clause of the United States Constitution. We begin by noting that these principles have been applied to local governments since 1968, *Avery v Midland County*, 390 U.S 474 (1968) (the districts on appeal ranged from a population of 67,000 to a population of less than 1,000), with the bedrock principle being the requirement that reapportionment provide for equally populated[7] districts to the extent possible. Thus, generally, the City is obligated to provide numerically equal representation to its residents under the Equal Protection Clause and is free, within that initial constraint, to draw boundaries. What may today seem self-evident, however, must nevertheless be stated. intentionally dividing districts on the basis of race, known as racial gerrymandering, is also prohibited by the Equal Protection Clause of the Fourteenth Amendment, and can be proven in court by Plaintiffs by imputation. *Shaw v. Reno*, 509 U.S. 630, 649, 113 S.Ct. 2816 (1993) (*Shaw I*) (applying strict scrutiny analysis in holding that a claim may be proven by demonstrating the absence of any rational explanation for the district configuration other than race, see Voting Rights Act discussion, *infra.*)

In *Shaw I*, the three judge panel heard a claim by white plaintiffs that a congressional district in North Carolina was so irregularly drawn as to leave one with the conclusion that it was drawn on the basis of race. In this case, North Carolina had originally drawn one majority-black district and had added a second following a VRA

[7] Population may be analyzed using either total population figures or voting age population figures. *Chen v. City of Houston*, 532 U.S. 1046 (2001).

objection by the United States Justice Department; thus it was undisputed in the record as it appeared before the Supreme Court that race was likely the predominant reason for drawing the majority-black second district. The Supreme Court made it clear that whenever it appears that race is the predominant reason for district boundaries, the courts must apply the strict scrutiny analysis, and may uphold a determination based on race only if the state agency demonstrated a compelling reason for using race, and narrowly tailored its remedy *Id.* at 2826-2827 After noting that the present lawsuit arose out of a complaint alleging racial gerrymandering, and not political gerrymandering, the Supreme Court remanded the case back to the three-judge district court panel to make specific findings of fact under the strict-scrutiny standard. *Id.* at 2832.

In *Shaw v Hunt*, 116 S.Ct. 1894 (1996) (*Shaw II*), the District Court addressed the claims raised in *Shaw I*, and concluded that, although North Carolina's redistricting plan classified voters by race, the classification survived strict scrutiny because it was narrowly tailored to further the State's compelling interests in complying with sections 2 and 5 of theVRA.

The Supreme Court reversed, finding that the plan did not survive strict scrutiny. Considering the three interests argued by the State, the Supreme Court held that: (1) an interest in remedying the effects of past or present racial discrimination could justify the State's use of racial classifications, but not when there was no evidence that such discrimination was considered at the time the plan was drafted, *Id.* at 1902-1903; (2) an interest in complying with § 5 of the VRA did not justify the redistricting plan, since the creation of a second majority-black district was not required under a correct reading of the statute, *Id.* at 1903 1904, and (3) assuming that compliance with § 2 of the VRA

could be a compelling interest, the creation of the second majority-black district was not narrowly tailored to further that interest, where the district was not "geographically compact" and had not been created in the area where the Justice Department had identified a possible compact and cohesive minority population, *Id.* at 1905-1907 As the Court noted, the right to an undiluted vote belongs to the individual, not to the minority as a group, and the vote-dilution suffered by individuals in a particular are is not remedied by creating a majority-black district somewhere else within the State. *Id.* at 1906.

*Shaw I*'s holding that districts drawn on the basis of race could violate the Equal Protection Clause unless the application of strict scrutiny demonstrated that the redistricting authority's action had been narrowly tailored to address a compelling state interest was applied in 1995 by the Supreme Court to strike a black voting district in Georgia, on a factual record demonstrating that race was the predominant reason for the district boundaries. *Miller v. Johnson*, 515 U.S. 900 (1995) (suit brought by white voters alleging equal protection violation by creation of a minority district) Following *Shaw II* however, the Court was careful to recognize that party affiliation may closely approximate minority status, and that districts drawn to favor party affiliation would not undergo strict scrutiny analysis. *Hunt v. Cromartie*, 526 U.S 541, 547 (1999) (*Cromartie I*) (race must be the predominant factor motivating the legislature's districting decision, upholding a district that was majority black of an irregular shape, where party affiliation had a 95% correlation with race).

### c) The Relationship between the Equal Protection Clause and the VRA

Thus, an equal protection analysis of minority districts requires, as does that of majority districts, an analysis of the predominant motive in the creation of the boundaries. As discussed earlier, section 2 of the VRA requires an analysis of district changes that may have the effect of diluting the strength of minority voters. It had been argued that the need to prevent minority voting power dilution was a requirement in and of itself, and that intentionally creating a district on the basis of race may be justified under the Equal Protection Clause by demonstrating that such action was taken to comply with the VRA. In rejecting this argument in *Shaw I*, supra, the Court confirmed its earlier interpretation that section 2 of the VRA is violated if black and white voters are impeded such as to cause an inequality in the ability to elect their preferred candidates. In making this determination, the Court has repeatedly held that such a violation is proven by demonstrating that the minority voters' rights had been diluted, impairing their right to vote as compared to majority voters, under the totality of the circumstances, which includes, but is not limited to, the following: 1) a sufficiently large compact district; 2) that the minority group is politically cohesive; and that 3) the white electorate votes as a block to prevent the minority group from electing their candidate of choice. *Thornburg v. Gingles,* 478 U.S 30 (1986); *Shaw I, Reno v Bossier Parish School Board,* 528 U.S 320 (2000). (*Bossier II*) In *Reno v. Bossier Parish Sch. Bd.*, 120 S.Ct. 866 (2000) (*Bossier II*), the Supreme Court considered whether § 5 of the VRA prohibited redistricting plans that had a discriminatory, but non-retrogressive, purpose. The Court held that, in order to obtain preclearance under § 5, the redistricting authority had to show it had neither the purpose, nor the effect, of denying or abridging the right to vote on the basis of race or

color *Id.* at 871 A plan enacted with the purpose of discriminating against a minority, but without a retrogressive effect, could not be denied preclearance. *Id.* at 871-78 As the Court observed, the purpose of §5 was to avoid backsliding, and the sole consequence of failing to obtain preclearance was the preservation of the status quo, regardless of how discriminatory it may be. *Id.* at 875. In this context, it would be counterintuitive to reject a redistricting plan that may ameliorate the existing discrimination while still having a discriminatory purpose. *Id.* at 875-76 However, the Court also pointed out that the issue under consideration was preclearance pursuant to § 5, not the constitutionality of the redistricting plan. *Id.* at 877

Therefore, for redistricting purposes, the Council's redistricting plan will not violate the VRA if any one of the three components identified in *Thornburg v.* Gingles and listed above is absent, regardless of the impact on minorities. Further, so long as discriminatory intent is absent, and the one person/one vote principle is met as nearly as is reasonably practicable, the Council's newly-drawn districts will not be violative of the Equal Protection clause.

**d) Total Population as compared with Voting Age Population or Citizen Voting Age Population.**

The United States Supreme Court has not definitively ruled on whether legislatures may use either total population or voting age population. See the dissent by Justice Thomas to the denial of certiorari in *Chen v City of Houston*, 532 U.S 1046, 121 S. Ct. 2020, 2021 (2001) (stating he would grant certiorari on the question of the proper measure of population to obtain equal distribution, and noting that a plan had less than 10% deviation under population, but a 20% to 32.5% deviation under citizen voting age population).

It is recommended that the Council work closely with the Planning Department to understand the differences in these measures, but that so long as the intent to discriminate on the basis of race is absent, it is unlikely that a District Court would overturn a Council selection within the 10% relative deviation range from council district to council district.[8] It has been held that this 10% relative deviation (meaning a combination of deviations from the actual numerical equality number no greater than 10% for any two districts) is acceptable for state legislative districts, and hence, by implication, for local districts, but that greater deviations must be justified. *Voinovich v. Quilter*, 507 U.S 146 (1993). This justification will have to be demonstrated using the traditional neutral redistricting principles discussed below

**e) Political Gerrymandering.**

Presently, the Supreme Court has determined that political gerrymandering is justiciable, meaning that there is a point at which political gerrymandering could violate the Constitution. The Supreme Court has not, however, agreed on the standard of review to be applied to such questions. See *Easley v. Cromartie*, 532 U.S 234 (2001) (*Cromartie II*) (declining to invalidate a district after holding that the gerrymandering was not racially based and instead was merely political); *Vieth v. Jubelirer*, 541 U.S. 267 (2004) (plurality; political gerrymandering in and of itself is not justiciable, retreating from *Baker v. Carr*, 369 U.S 186 (1962) (landmark case holding redistricting issues are not non-justiciable, political, questions)).

Thus, whether a voter may challenge political gerrymandering under the Equal Protection Clause is currently unsettled, and reflects the odd, lurching, nature of the

[8] This analysis is equally applicable to Duval County School Board districts, as such districts are comprised of two council districts.

Supreme Court's opinions on redistricting. It is therefore advisable to constantly consider the overriding principle of one person, one vote; to consider race to avoid vote dilution, and to consider party affiliation in the context of standard, redistricting criteria such as maintaining community of interests, respecting political subdivisions, preservation of cores of prior districts, and protection of incumbents. See *Cromartie II*, 532 U.S 234 (2001).

**f) Additional Resources**

For additional legal resources, please see *Redistricting Litigation*: An Overview of Legal, Statistical, and Case-Management Issues (The American Law Institute, 2002) and *November 2009 National Conference of State Legislatures*, Redistricting Law 2010, www.ncsl.org.

**IV. Conclusion.**

The process for having the Rules Committee begin the reapportionment plan for submission to Council begins with the selection of either the Planning Director or a consultant to gather data, largely from the Supervisor of Elections and the Planning and Development Department. The Committees direction is largely to divide the fourteen council member districts and the five at-large residency requirement districts as evenly as possible in either total population or voting age population. These districts should respect natural and significant man-made boundaries, including political subdivisions wherever reasonably practicable, and should be aware of changes in majority-minority voting districts to ensure compliance with Equal Protection principles and with Section 2 of the VRA. Legal counsel should be present during the process to assist in the application of

the pertinent legal principles in order to avoid litigation and ensure compliance with applicable laws.

I trust that this Memorandum is of some assistance to you, and look forward to working with you on these matters.

CAL/

EXHIBIT A TO REAPPORTIONMENT MEMORANDUM DATED 1/31/2011

Timeline (assumes Census results are certified March 31, 2011)[1]

- Reapportionment consultant (City department or private entity) uses preliminary Census data and instructions from the Reapportionment Committee to prepare and refine several draft redistricting plans in January-March 2011.
- When Census is certified, consultant perfects one of the draft plans to the Reapportionment Committee's specifications using final Census data.
- Reapportionment Committee shall submit a plan to City Council within 30 days of Census certification – assuming March 31 certification, deadline is Saturday, April 30 (practical deadline would be Friday, April 29).
- Redistricting plan must be introduced at the next Council meeting after Reapportionment Committee adopts a recommended plan. Assuming Rules Committee adopts a plan at a special meeting the last week of April immediately prior to the 30 day deadline, Council introduction would occur on May 10, second reading on May 24
- Rules Committee must hold at least 3 public hearings to be completed no more than 45 days after plan is referred to Rules – if bill is introduced and referred at Council meeting of May 10, then Rules public hearings must be complete by Friday, June 24
- As soon as practicable, but not less than 15 days after the Rules public hearings are completed, Rules Committee shall report the redistricting ordinance to the City Council – next City Council meeting at least 15 days beyond June 24 is July 26 (following Council summer break).
- Assuming March 31 Census certification, City Charter deadline for plan adoption is December 1, 2011
- If the deadline is not met the General Counsel is to take the necessary action to compel the circuit court to draw the districts.

[1] This chart was prepared by Jeff Clements, Chief of Council Research

# Chapter 18 REAPPORTIONMENT OF COUNCIL AND SCHOOL BOARD DISTRICTS [27]

Sec. 18.101. - Legislative findings.
Sec. 18.102. - Definitions.
Sec. 18.103. - Reserved.
Sec. 18.104. - Preparation of plan.
Sec. 18.105. - Reserved.
Sec. 18.106. - Transmission of plan to Council; report.
Sec. 18.107. - Reference to Rules Committee; public hearings; report.
Sec. 18.108. - Enactment of ordinance; effective date of reapportioned districts.
Sec. 18.109. - Reapportionment by Circuit Court.
Sec. 18.110. - Effect on School Board districts.
Sec. 18.111. - Effect on appointive offices.

## Sec. 18.101. - Legislative findings.

The Council finds and determines as follows:

(a)

Charter sections 5.02 and 11.03 impose upon the Council the duty and responsibility of reapportioning the Council districts and the School Board districts;

(b)

In making this reapportionment, the Council is obligated to insure that all districts are as nearly equal in population and are arranged in as logical and compact a geographical pattern as it is possible to achieve and to insure that all federal and state constitutions, laws and requirements are complied with;

(c)

While the Council districts are based upon population with respect to their size, the geographical arrangement and territorial boundaries of the districts must take into consideration other factors, particularly compactness and contiguity, so that the people of the city, and their varied economic, social and ethnic interests and objectives, are adequately represented in the Council; and

(d)

This chapter is enacted in order to set forth legislative policy, to provide for appropriate public input, and to provide for an adequate review of the reapportionment plan before it is enacted into law.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 1)*

Note—Former § 4.101.

## Sec. 18.102. - Definitions.

In this chapter, unless the context indicates otherwise:

(a)

*Census* means the official decennial census master enumeration district list published by the Bureau of the Census and containing the population figures for the city.

(b)

*Department* means the Planning and Development Department.

(c)

*Director* means the Director of Planning and Development.

(d)

*District* means one of the fourteen Council districts into which the General Services District is required to be divided by section 13.03 of the Charter.

(e)

*Plan* means a plan or scheme for the reapportionment of Council districts, which shall also be a reapportionment of School Board districts by operation of section 13.03 of the Charter

(f)

*Reapportionment Committee* means the committee of the Council appointed by the President to study reapportionment and draft a reapportionment plan; such committee may be a special committee or a standing committee designated as the Reapportionment Committee; such committee's duties will terminate with the submission of a proposed plan to the Council.

(g)

*Reapportionment Consultant or Consultant* means the Department or a person, partnership, corporation or entity requested or hired by the Council to assist the Council in drafting a reapportionment plan.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 2)*

Note—Former § 4.102.

## Sec. 18.103. - Reserved.

Editor's note— The provisions of former § 18.103, relative to time for reapportionment, were deleted as part of the Super Supplement to the Code. Former § 18.103 derived from Ord. 81-827-390, § 1; and Ord. 83-591-400, § 1

Note—Former § 4.103.

## Sec. 18.104. - Preparation of plan.

Whenever the Council President deems appropriate, but no more than six months after the official date for the taking of the decennial census, the President shall appoint a special committee or designate a standing committee to serve as a Reapportionment Committee. The Reapportionment Committee shall investigate possible persons or entities, including the Planning Department, qualified to serve as a Reapportionment Consultant. If it deems appropriate, the Reapportionment Committee shall send out a request for proposals. After it has completed its investigation, the Reapportionment Consultant shall present to the Council the names of the persons or entities recommended to be chosen as the Reapportionment Consultant. Such selection shall be based on professional qualifications and experience in reapportionment. Unless the Department is chosen, the hiring of a Reapportionment Consultant shall follow the Purchasing Code, except that the final choice of the Reapportionment Consultant shall be made by the Council. In addition, the Reapportionment Committee shall adopt a schedule for preparation of a plan to be submitted to the Council. Within thirty days after U.S. Bureau of the Census certification of the final population count for the city, the Reapportionment Committee will submit to the Council a final proposed plan pursuant to section 18.106. The Reapportionment Committee shall have available all alternative plans considered but not recommended. If the Department is not requested to be the Reapportionment Consultant, the Department shall advise the Council and the Reapportionment Committee with regard to any matter the Council deems advisable.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 3)*

Note—Former § 4.104.

## Sec. 18.105. - Reserved.

Editor's note— Former § 18.105 which pertained to guidelines and derived from § 1 of Ord. 81-827-390 and § 1 of Ord. 83-591-400, was repealed by § 4 of Ord. 90-765-354.

## Sec. 18.106. · Transmission of plan to Council; report.

The plan shall be in the form of an ordinance, introduced by the Reapportionment Committee, amending Appendix 1 of the Charter to substitute for the then-existing district boundaries, the proposed district boundaries. The plan shall be accompanied by a report containing the following information:

(a)

A map of the General Services District showing both the existing district boundaries and the proposed district boundaries;

(b)

A table indicating the population of each proposed district and the variations of each such population from the population average for all the districts, with an explanation of the variation in each district;

(c)

A statement of the methodology used in arriving at the particular plan recommended by the Reapportionment Committee;

(d)

An appendix of any other reapportionment plans considered or created by the Reapportionment Committee in the process of creating the recommended plan, with the reasons for rejection of each such reapportionment plan; and

(e)

Comments and recommendations deemed necessary or advisable by the Reapportionment Committee to explain or illustrate the plan.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 4)*

Note—Former § 4.106.

## Sec. 18.107. - Reference to Rules Committee; public hearings; report.

(a)

As soon as the plan is received by the Council Secretary, it shall be referred to the Rules Committee. The ordinance amending the Charter shall be introduced at the next regular Council meeting following its reception by the Council Secretary, but the Rules Committee may begin consideration of the ordinance as soon as it is referred. It shall not be in order at any time to move for the enactment of the ordinance as an emergency measure. It shall not be in order to move for withdrawal of the ordinance from the Rules Committee, less than sixty days after the ordinance has been referred to the Rules Committee. The ordinance shall be a priority item of business of the Rules Committee, and the Rules Committee shall consider and report the ordinance with all deliberate speed. The Reapportionment Consultant shall provide all necessary information and support to the Rules Committee, and the Director shall advise the Rules Committee during its deliberations or provide it with knowledgeable staff personnel.

(b)

The Rules Committee shall hold not less than three public hearings, at three separate places in the city, on the ordinance and the plan. The public hearings shall be advertised and held in accordance with the Council rules, and they shall be held after five p.m. and on any day except Sunday. Copies of the ordinance, the plan and the report of the Reapportionment Consultant shall be made available to the public upon request and shall be available at the places where the public hearings are held. Written comments or views submitted by members of the public shall be made a part of the official record of the proceedings. The Rules Committee shall consider the testimony heard and evidence received at the public hearings, but it shall not be bound by them nor confined in its deliberations to them. These public hearings shall be completed not later than forty-five days after the ordinance is referred to the Rules Committee.

(c)

As soon as practicable, but not less than fifteen days, after the public hearings have been completed, the Rules Committee shall report the ordinance to the Council. If the Council adopts amendments to the ordinance which substantially change the boundary lines of the proposed districts, the ordinance shall be recommitted to the Rules Committee and it shall hold additional public hearings to receive the comments and views of those persons who are or would be affected by the amendments. All such additional public hearings shall be completed not later than seventy-five days after the ordinance was originally referred to the Rules Committee, and the Rules Committee shall report the ordinance as amended as soon as practicable after the additional public hearings are completed.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 4)*

Note—Former § 4.107

## Sec. 18.108. - Enactment of ordinance; effective date of reapportioned districts.

The ordinance amending Appendix 1 of the Charter shall be enacted by the Council according to its rules, except as provided in section 18.107. The ordinance shall become effective at the time therein stated, but the reapportioned districts shall not become effective for the purpose of electing members of the Council until the next general Consolidated Government election which occurs at least nine months after the enactment of the ordinance.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 4)*

Note—Former § 4.108.

## Sec. 18.109. - Reapportionment by Circuit Court.

If the Council has not enacted a plan which is approved by the Mayor or becomes effective without the Mayor's signature within six months after the official publication of the census, the Council Secretary shall certify this fact to the General Counsel. The General Counsel shall forthwith petition the Circuit Court for the Fourth Judicial Circuit to make the reapportionment required by the Charter and this chapter. An order of the Circuit Court making the reapportionment shall be considered the same as an ordinance amending Appendix 1 of the Charter, and shall be given the same effect under this chapter. The reapportionment order shall be included in the printed Charter in the same manner as an ordinance amending Appendix 1 thereof.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1)*

Editor's note— Ord. 82-490-191, § 1 permitted approval of the 1980 reapportionment plan not later than June 22, 1982,

notwithstanding that this date extended beyond the period allowed by this section.

Note—Former § 4.109.

## Sec. 18.110. - Effect on School Board districts.

The reapportionment of the fourteen Council districts shall automatically reapportion the School Board districts, as provided in section 13.02 of the Charter The description of the School Board districts contained in Appendix 2 of the Charter shall determine the Council districts comprising each School Board district. The Council may, by ordinance, amend Appendix 2 of the Charter to change the Council districts comprising each School Board district, subject to the requirements of section 13.02 of the Charter, which shall also be considered a reapportionment. Any reapportionment of School Board districts shall not affect any term of office in existence at the time the reapportionment becomes effective, but shall be applicable at the next School Board election which occurs at least nine months after the reapportionment.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1; Ord. 90-765-354, § 4)*

Note—Former § 4.110.

## Sec. 18.111. - Effect on appointive offices.

A change in the division of the city into districts shall not vacate or otherwise affect the office of any member of an appointed board, commission or independent agency who is serving at the time the reapportionment becomes official and who was appointed by reference to a district as it existed at the time such member was appointed. A member shall continue to represent the district in which he resided at the time of his appointment until the expiration of his term or until he resigns from the board, commission or independent agency, notwithstanding that, as a result of the reapportionment, the member no longer resides in the district from which he was appointed.

*(Ord. 81-827-390, § 1; Ord. 83-591-400, § 1)*

Note—Former § 4.111

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FOOTNOTE(S):

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(27) **Charter reference**— Reapportionment of council districts, § 5.02; school board districts, § 13.02; apportionment of school board districts, § 13.03. (Back)

EXHIBIT C TO REAPPORTIONMENT MEMORANDUM DATED 1/31/2011

**Section 5.02. Reapportionment of council districts and residence areas.**

(a)

Within 8 months after publication of each official federal census of the City of Jacksonville (Duval County), the council shall apportion the 14 council districts and 5 at-large residence areas so that all districts and at-large residence areas are as nearly equal in population and are arranged in a logical and compact geographic pattern to the extent possible. If the council shall be unable to complete the apportionment of the council districts within 8 months after the official publication of the census, the general counsel shall petition the circuit court for the fourth judicial circuit to make such apportionment Any reapportionment of the council districts or at-large residence areas made pursuant to this section shall not affect any term of office in existence at the date of such reapportionment, but shall be applicable beginning with the next succeeding general consolidated government election which occurs at least 9 months after the effective date of the reapportionment.

(b)

The council shall establish the initial 5 at-large residence areas according to the same considerations for reapportioning the existing council and school districts as are established in chapter 18 of the Ordinance Code. Establishment of the initial 5 at-large residence areas by the council shall be accomplished no later than 9 months prior to the opening of the qualifying period for candidates seeking election in the 1995 consolidated government elections. Subsequent reapportionment of the residence areas shall be accomplished in the same manner provided for in the Ordinance Code for the reapportionment of council and school board districts. The 5 council members elected countywide in the general consolidated government election occurring in 1995 and thereafter shall each qualify from 1 of the 5 residence areas.

*(Ord. 90-765-354, § 6; Ord. 91-1356-600, § 2; Laws of Fla., Ch. 92-341, § 1)*

Editor's note— For current reapportionment regulations, see Jacksonville Ordinance Code, Ch. 18.

EXHIBIT D TO REAPPORTIONMENT MEMORANDUM DATED 1/31/2011

**Section 13.02. - School board districts.**

Members of the school board shall be elected from one of the seven school board districts hereby created and established. Each school board district shall be composed of two adjoining council districts as set forth in appendix 2 of this charter

*(Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)*