

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**HYBRID VIRTUAL/IN-PERSON SPECIAL COMMITTEE ON REDISTRICTING**

**Meeting minutes**

 **February 25, 2021**

**9:00 a.m.**

**Location:** City Council Chamber and via Zoom application

**In attendance:** Council Members Garrett Dennis (Chair), Randy DeFoor, Reggie Gaffney, Brenda Priestly Jackson, Randy White; School Board Members Darryl Willie (via Zoom) and Dr. Kelly Coker (via Zoom)

**Also:** Council Members Ron Salem, JuCoby Pittman (via Zoom), Michael Boylan (via Zoom); Jeff Clements and Yvonne Mitchell – Council Research Division; Jason Gabriel, Paige Johnston and Mary Margaret Giannini – Office of General Counsel; Jerry Holland – Property Appraiser (via Zoom)

**Meeting Convened**: 9:01 a.m.

Chairman Dennis welcomed the group and the attendees introduced themselves for the record.

Legal Guidance

General Counsel Jason Gabriel gave an introduction to the principles and legal parameters of the redistricting process and referred to a legal memo his office released earlier this week. He said the basic legal framework is the same as 10 years ago, but there have been updates of legal cases decided in the last 10 years. The U.S. Census data release is delayed this year, so the timeline to start the redistricting process will be delayed to the fall of this year.

Mr. Gabriel reviewed the fundamental principles underlying redistricting:

1. Equal population standard (one person one vote); courts have ruled that a 10% deviation from most to least populated district is the maximum permissible.
2. Logical and compact districts are required by the City Charter.
3. Major physical boundaries, water bodies, political subdivision boundaries, existing incumbencies, and communities of interest are factors that can be considered.
4. The process cannot be based primarily on considerations of race, gender or economic status. Plans cannot dilute or enhance the interests of racial minorities. There is an inherent tension between the requirements of the Voting Rights Act and Equal Protection Clause of the Constitution – the Voting Rights Act says that minority representation can’t be diluted, but the Equal Protection Clause says redistricting cannot be based primarily on race. A strict scrutiny standard applies to judging redistricting cases. Voter dilution is determined based on a 3-pronged test promulgated by the U.S. Supreme Court in the Gingles case from the 1980s. The Special Committee will have to be very cognizant of all the relevant factors, see what the Census data says about how districts have to grow or shrink, and then perform a well-considered balancing act with regard to Jacksonville’s 4 long-established, traditionally majority-minority districts.

Council Member Salem asked for clarification about what “established” districts means, and how long they may be required to continue. Mr. Gabriel said that Council Districts 7, 8, 9, and 10 have been traditionally majority-minority since at least the 2000 redistricting, but they have changed each time the districts are re-drawn based on what the Census data shows at the time. There is an inherent tension between the Voting Rights Act and the Equal Protection Clause – race may be considered as one factor in redistricting, but it can’t be predominant over other required factors such as geography, compactness, etc. If race were to be a primary factor, it could still be legally defensible if narrowly tailored to meet other legitimate considerations. The fundamental rule is that race should not be used any more than necessary to meet legitimate redistricting requirements.

Property Appraiser (and former City Council member and Supervisor of Elections) Jerry Holland said that Jacksonville is becoming a more integrated community, but there is still a substantial concentration of African-American population in the Northwest area. The “heat maps” he previously distributed to the members show heavy concentrations in the same area in both minority voter registration and Democratic Party registration. Chairman Dennis asked if the Council decides to keep 4 minority access districts, can the Office of General Counsel defend that. Mr. Gabriel said it could, depending on what the Census data shows. He urged the committee to be cognizant of race, but don’t let it predominate over other traditional redistricting factors.

Mr. Gabriel said redistricting will be a long process and OGC will address specific questions as they arise. OGC has developed a tentative new timeline for the redistricting process based on Census data being released by September 30th as currently expected. The delay will impact most directly on the School Board election in 2022 because of the timing of the release and the length of the process. Council Member Salem asked about the impact on the School Board election in 2022 and whether the data delay could potentially impact City Council elections in 2023. Mr. Gabriel said that redistricting is an 8 month process from Census release to plan adoption, and the effective date of the plan is for the next general election held at least 9 months after plan adoption. If the data release delay is beyond September 2021 then the March 2023 City election might have to be held using the current council district boundaries. Mr. Salem asked about the possibility of a legal challenge to council members if they are elected under the current districts in 2023 and then new districts come into effect shortly thereafter and a council member might potentially be drawn out of their previous district. Mr. Gabriel said that would not be the case since the Council would be abiding by the redistricting process as established under the Charter and Ordinance Code. He also noted that if Council doesn’t adopt a redistricting plan in the 8 months required, the OGC is required by the Code to refer the matter to the Fourth Judicial Circuit and a judge will draw the plan. Mr. Holland said the Council has always accomplished the task in the allotted time.

In response to a question from Council Member Gaffney about what other factors may be considered in the redistricting process beyond race, Mr. Gabriel listed geography of population distribution, major physical boundaries, communities of interest, political subdivision boundaries, and major public facilities, among others. Mr. Holland added political leanings of different areas, geographical compactness, and location of schools.

Council Member DeFoor asked if the process could take less than the maximum 150 days if work is done in advance in preparation for the data release. Mr. Gabriel said it could be shorter, but noted that there are some specific minimum timing requirements applied to the public hearing process. Ms. DeFoor asked to see the historical maps of previous council districts to see how they have changed over time. Council Member White asked Mr. Holland for an estimate of the city’s population growth since 2010. Mr. Holland estimated 12% overall, but said the growth varies widely from district to district; some may have grown by as much as 20%.

School Board Member Willie thanked the committee for recognizing that schools are an important factor in redistricting, and cautioned that the number of schools in a district and the number of students can be two very different things. Mr. Willie asked Mr. Holland how to evaluate the “political leanings” he mentioned earlier, since that will likely be heavily scrutinized. Mr. Holland said the methodology is to overlay voter registration figures by political party over districts developed based on Census data to see what their future political leaning might be. In response to a question from Council Member DeFoor about overlaying actual voter behavior from previous elections on proposed districts, Mr. Holland said the data is available but would take more massaging than using voter registration as a proxy for actual voting patterns.

In response to a question from Council Member Gaffney about what data is available to get the process started without having to wait for the Census release, Mr. Holland said there isn’t much the committee can do without real Census data; he recommends against starting to draw hypothetical districts and getting the community worked up needlessly about district lines that may never materialize. He’s been meeting with council members and School Board members to hear their thoughts and thinks the process will work well when the data finally arrives. Chairman Dennis asked if is there anything the committee could be doing now to get ready for the process to move quickly when the data becomes available. Mr. Holland said it would be helpful if Council and School Board would make themselves available for consultation with him when the data arrives to start making real decisions and adjustments.

Consolidated Government Experts Update

Chairman Dennis thanked Mr. Jerry Holland for being willing to facilitate this process. Mr. Holland thanked the Council and School Board members for being available to meet thus far – he’s gotten lots of good input. He said City Council will drive this process, and he’s confident that the process will work well as it has in the past and a good map agreeable to everyone will be developed. He urged the members to keep looking at their districts and prioritizing where they prefer to grow or shrink as the numbers may determine. He is happy to meet again with anyone for further discussion.

Mr. Willie asked if Mr. Holland could outline any pitfalls to avoid based on his previous redistricting experience. Mr. Holland said that in the 2001process, individual council members worked with the Special Committee’s private consultant and drew about 40 maps and that was too much. He recommended that groups of council members have noticed meetings in different parts of town to discuss how to shape districts there. What happens in one district affects all the neighboring districts, so nothing happens in a vacuum. The Rules Committee’s public hearings will be geographically dispersed, but holding regional meetings in advance of those hearings would be useful.

Status of Census Data

Mr. Gabriel reported that the data release has been delayed from March 31 to September 30, per the Census Bureau. In response to a question from Chairman Dennis about how the data released (i.e. does it go through the states and then on to local governments?), Mr. Gabriel said he believes the data is posted on the Census Bureau web site and is immediately available; his office will research that process. Mr. Dennis asked about the public hearing process when a proposed map is developed. Mr. Gabriel said the Redistricting Committee has 150 days from data release to develop a proposed plan, then hands that proposed plan to the Rules Committee which must hold at least 3 public hearings in separate places around the city. Ten years ago the hearings were held at FSCJ campuses around the city for ease of contracting with one entity and having large, accessible facilities. At the end of the hearing process the Rules Committee reports a plan to City Council for consideration like any other ordinance. The Council could hold more public hearings if that is desired. Mr. Gabriel cautioned the committee members that every time a change is made to the map, that triggers a recalculation of all the district populations to ensure compliance with the maximum deviation requirement.

Next Steps

Chairman Dennis announced that the special committee will meet the last Thursday in March. The agenda will include the Planning Department showing the historical pattern of council district changes.

Council Member Gaffney said the committee needs to think of ways to start making headway before the Census data comes out so the committee is ready to move quickly when the time comes. He proposed at least starting by looking at the current maps and how they might be adjusted based on what is known now about population changes.

Chairman Dennis said that in 2010 there was a decision made to minimize river crossings and asked if the committee wanted to have a similar policy this time. Mr. Holland said that more direction about what the Council wants to see in a proposal is always helpful to the staff in coming up with concepts. He said there isn’t much more to do than guess about population movement without the real Census data being available. He will work with Planning Department and Council Research to look at what estimates may be available, but those are still just estimates and subject to change with the real data comes out. Council Member Salem said he believes that eliminating river crossings is a good goal; it’s better for citizens and good representation. Mr. Holland said early data shows that there will be a need at least 1 river crossing to balance the population north and south of the river and meet the required maximum deviation standard among the districts. Council Member DeFoor said she agrees that eliminating river crossings is a good goal, but will be hard to achieve. She wants more historical perspective about how the current districts came to be as they are. For instance, why do the Beaches communities get a council member while Baldwin doesn’t? Council Member Boylan agreed with not crossing the river if possible. He believes representing both sides would be extremely difficult for a council member.

Next meting

March 25th at 9 a.m.

Other Business

Chairman Dennis commended Council President Tommy Hazouri for appointing a very diverse committee to do this job. It will be done in a very open, transparent way. He thanked Jerry Holland and the Office of General Counsel for facilitating the process.

Council Member Pittman said she learned a lot from today’s discussion and likes the idea of Council members and School Board members meeting collectively about their districts. She is glad to see that transparency will be the rule and looks forward to participating in the process.

Darryl Willie said he is glad the School Board is involved in the redistricting process. He wants to find a way to inform students about the redistricting process and how it impacts on their lives since it’s a unique, once-in-a-decade process.

Public Comment

Stanley Scott of the African-American Economic Recovery Think Tank said he agreed with Mr. Willie’s and Mr. Gaffney’s earlier comments. The citizens should be involved in the process from the outset, not brought in at the end. There has been no change in the condition of African American community in decades. He doesn’t think the at-large members have any place in the representation system, since it’s discriminatory against the African-American population.

Carnell Oliver said free market principles should prevail. Population growth means more resources. He wants to see a strong emphasis on getting the numbers faster and recommended get Congressmen Al Lawson and John Rutherford to push the Census Bureau for and earlier release. He disagrees with having Jerry Holland meet with council members one-on-one because he shouldn’t be involved in this process. Council Member Diamond is doing the community a disservice by his recent behavior.

LaShonda Holloway said some districts will shrink while others will grow, and asked what she can do as a citizen to ensure that the Northside gets its fair share of seats.

Jerry Holland said that using total population vs. voting age population as the basis for redistricting makes a difference in the outcome. The Council has used total population for at least the last 2 redistrictings. Total population produces more compact districts; using voting age population means that districts in some parts of town with a younger population need to be larger than they would be using total age. Population must be evenly distributed and within the 10% deviation threshold, which will be apparent throughout the process. He is willing to meet with interested citizens to talk about district proposals and invited interested parties to call him at 904-318-6177 with questions or suggestions.

Council Member Priestly Jackson said that Mr. Holland is acting as a consolidation expert for the special committee and asked if or how that impacts on his ability to meet with individual citizens with regard to who has access to the process and who doesn’t. Jason Gabriel said the Committee sets the rules and everyone will follow them. It’s a policy decision for the committee to make about whom Mr. Holland can speak to about the process. He stated that nothing will go into a redistricting plan unless and until the Committee puts it there. Ms. Priestly Jackson said the Chair should consider what the policy should be to ensure fair access to all citizens. Dennis asked OGC representatives to call all committee members to discuss this issue and said the committee will make a policy decision at the next meeting. Ms. Priestly Jackson said she doesn’t want there to be any charges of impropriety or undue influence on the process by anybody. Mr. Holland said the members of the public he’s talked to so far are mostly interested in knowing how the process works and what the timeline is. He will take the committee’s direction, and is interested in maximum transparency. Chairman Dennis asked the OGC to send the 19 council members and 7 School Board members invitations to meet, starting first with the Redistricting Committee members, to discuss a policy on transparency and public access.

Council Member Pittman asked if there is a way to discuss redistricting at community and town hall meetings, CPACs, Sheriff’s Advisory Councils, and other public meetings, and suggested putting information on the City Council web site. Jeff Clements of the City Council Research Division described where all redistricting information will be available on the Special Committee’s web site, found through the Hot Topics link on the City Council’s homepage. Ms. Pittman urged inviting public participation early on in the process. Mr. Holland said he’s found that public participation is most effective when there’s a map to look at. Prior to that you can explain the process and timeline, but it’s hard for the public to have effective input in the abstract when there’s nothing to look at and comment on.

Nicole Hamm asked how future development is factored into redistricting. New development is popping up constantly, so is future growth incorporated into the districting process to keep districts from becoming immediately unbalanced? Are districts readjusted periodically? Mr. Holland said that redistricting is based on a snapshot in time using the Census data. The process doesn’t redistrict based on hypothetical future growth, but potential future growth can be considered a bit as long as the plan meets the 10% maximum deviation rule.

**Meeting adjourned:** 10:53 a.m.

Minutes: Jeff Clements, Research Division

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3.3.21 Posted 5:00 p.m.