

**CITY OF WINTER GARDEN
DISTRICTING COMMISSION MEETING
MINUTES OF JULY 9, 2008**

The regular meeting of the District Commission was called to order by Chairman Derek Blakeslee at 6:01 p.m. on July 9, 2008 in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida. Mr. Blakeslee called roll and declared that a quorum was present.

MEMBERS PRESENT

District 1 - Kent Horsley (*Vice Chairman*)
District 2 - Fred Crabtree
District 4 - Mark DeFuso
District 5 - Derek Blakeslee (*Chairman*)

ALSO PRESENT

City Manager Mike Bollhoefer
Assistant City Attorney Dan Langley
City Clerk Kathy Golden
Commissioner Bob Buchanan
Economic Development Director Dolores Key
GIS Coordinator Alan Booker

ABSENT

District 3 - Pat Angry

APPROVAL OF THE JUNE 18, 2008 MINUTES

Motion by Commission Member Horsley to approve the regular minutes of June 18, 2008 as submitted. Seconded by Commission Member DeFuso and carried unanimously 4-0.

CITIZENS COMMENTS – There were none.

DISCUSSION ON THE PROPOSED DISTRICTING MAPS

Mr. Horsley read comments made at the last meeting that generates two questions for him. Since the Hispanic population is six percent more than the African-American population, do we have the same obligation to retain a core of the Hispanic community as we do the African-American community? Second question is, if the total African-American population is 4,862 and 63.8 percent (3,102) live within the existing boundaries of District 3, if each district will now require 7,780 citizens how does this committee add 4,678, mostly white citizens, to the base of 3,102 African-Americans without diluting the core of District 3?

Mr. Langley clarified that the federal lawsuit judgment actual language states that “alterations of boundaries shall ensure that changes do not lead to a retrogression in the position on minorities with their respect to their effective exercise of the electoral process.” Essentially, that language comes from another case that is essentially the standard for all redistricting. Mr. Langley clarified that he has researched to see what the City can do to be conservative and try not to be charged with some violation of the judgment. To ensure you are not violating federal laws, you should try to avoid dividing up core districts. District 3 is at issue because it had a large concentration of minorities as a protected class under the federal voting rights act. His understanding is that the core of District 3 is south of Plant Street, east of Ninth, west of the Beltway, and north of Story Road. To be conservative and avoid retrogression there would not be a line down the center or through the area to try to preserve the neighborhood.

Mr. Horsley understands not dividing the district but the term dilute, as referenced in the lawsuit, is not part of our natural evolution due to the need to increase the district's size. Mr. Langley responded that the term "dilute" is not specifically used in the lawsuit, but rather "retrogression."

Mr. Bollhoefer added that redistricting will dilute the African-American vote. There is no way to avoid it. Our Charter only allows a five percent population difference in each district and to accomplish that requirement, there is no way to not dilute the vote. Mr. Horsley stated that he has this same perception.

Commission Member Horsley asked if there is then not a core for the Hispanic community. Mr. Bollhoefer answered that there is not nor has there been what you would call a central Hispanic population. Instead, the Hispanic community is spread out over several districts.

Mr. DeFuso asked about adding two more districts rather than only working with 4. Mr. Blakeslee responded that that is not an option because we are operating under the City's recently revised Charter. If the City Commission wants to change the number of districts, that's their option, not ours.

Map Scenario #7

Mr. Horsley stated that in order to create an equitable balance within our voting districts he submits that this committee's basic need is to stratify our voting districts so that each has as a similar socioeconomic mix as possible. To accomplish this, the districts should be altered from running lateral to a more vertical alignment. For purposes of clarity, to stratify means to divide voting districts into a series of graded socioeconomic strata, each with an equal mix of economic differences, social groups, and each with an opportunity to absorb future growth. The only area with growth potential is towards the south. For this City to retain the current voting district alignments just enough to absorb increased population does not address our significantly changed socioeconomic mix, and leave some districts with little or no opportunity to absorb future growth, performs a significant disservice to this community. By running the districts from north to south, as shown on Map Scenario #7, each district will have a similar socioeconomic mix. Mr. Horsley shared the City's voting and district history, stating that the socioeconomics of the City's population has changed dramatically, but the district layouts have stayed basically the same. He suggested to the Commission and city administrators that the City's voting districts be dramatically altered in order to reflect present day demographics and to plan for future growth.

Map highlights include:

- Takes into account current socioeconomic mix
- Stratifies each district with an even mix of social groups
- Preserves the core population of District 3
- Provides for each district to grow exponentially in the future to the south

Mr. Crabtree shared that he has tried to maintain the integrity of the districts as they pertain to the current elected officials. The biggest problem he has with map Scenario #7 is that the City could have all five elected officials from either the north or the south side of town at one time. He is not sure that solves the problem Mr. Horsley was alluding to. This map puts Commissioner Jowers out of his district, while everyone else maintains their district. What he

and Commissioner Buchanan looked at what was the revised D3 South that preserves the elected officials in District 1 and 2. Philosophically if we are going to protect the integrity of the core in District 3, he thinks the same logic should be applied to all the other districts.

Mr. Blakeslee stated that he would withdraw his map due to it being so similar and he has no issues with the revised D3 south map. He stated that he went back and reread the notebook that indicates districts should be; compact, contiguous, preservation of communities of interest, the preservation of cores of prior districts, and protection of incumbents. We have talked about protection of incumbents not being quite as important because they would not be removed from office if they were moved out of their district. They would not be able to run if they did not live within the new district boundary. He feels there is some responsibility to look at the protection of incumbents. The first thing he did was draw the old district on top of the new proposed district to see what it would do to it. He feels Districts 1 and 3 simply need to increase in size and no one should be drawn out into another district. District 2 is obviously going to have to rotate around and start moving to the south. His feeling is that as a Redistricting Commission, their job was not to start from scratch, but rather to adjust the existing districts and allow residents to stay where they are if possible. To the extent that we can't, that is what we are forced to do.

Mr. Bollhoefer added that the majority of our future growth will be in the south area along Marsh Road with 10,000 to 15,000 residents in about 15 years.

Mr. DeFuso stated he could live with any of the maps, but he feels like District 3 is going to get the short end of the stick. He doesn't want to unseat any of the current Commissioners. He still stands by his map and would like to hear from everyone else. He regrets Pat Angry was not able to attend this meeting because she stands to be impacted the most.

Mr. Blakeslee stated he feels that important piece is that we have districts that have similar interests. District 4 constituents have interests that are a little bit different the constituents in District 1 right now. So there are issues specific to a district such as District 4 with Fowler Mall and District 3 contains a lot of industrial space. The Commissioners should be able to focus on what is going on in his district. He thinks that having a little bit of everything in every district, the commissioners can get torn with what group is important. The north / south issues happened in the Mayoral election because everyone could vote. He thinks that creating four north to south districts allows the opportunity for it to occur in all five elections. It also can potentially have the north or south side of town entirely disenfranchised from having their Commissioner elected from the north of State Road 50. He is in favor of Mr. Crabtree's Scenario 8 map because it allows this commission to present something back to the City Commission that says we respected District 3 by not moving anyone out that we didn't have to; the people moved in are contiguous and a natural growth; left District 1 and took from District 2, but the demographics added fit; District 2 is moving. He feels the map Mr. Crabtree presented encompasses and matches the five topics.

Mr. Bollhoefer noted that Scenario 7 shows three commissioners residing in a single district.

Mr. Crabtree stated while he was not a proponent to changing the charter to require a commissioner to live within their district. He would hope that those elected are representing everyone in our City and not just their district. He does think it is important to maintain the current cores of the districts and meet the guidelines that they were given. He agrees district 3 will suffer, but there is nothing that could change that. His job on this Commission is to not make the south or the north like each other, but to redistrict and do it fairly.

Mr. Horsley addressed comments made by Mr. Crabtree and Mr. Blakeslee with regard to retaining the current elected officials voting areas. According to the minutes of the last meeting Mr. DeFuso asked that very question and Mr. Blakeslee commented that he does not think that whenever looking at the maps, that a City Commissioner's residence was ever a consideration. Mr. Horsley stated he is surprised we are now discussing the retention of the current elected officials within their respective districts.

Mr. Blakeslee stated that he has since reread their notebook on this subject.

City Manager Bollhoefer asked the Assistant City Attorney Langley to clarify the difference between what requirements must be met and what requirements could be considered.

Mr. Langley identified those items which shall be a consideration and those which may be a consideration:

Shall be a consideration

Be compact

Be contiguous

Must afford equal and effective representation

District with populations no greater deviation than five percent

Must have equal protection, i.e. minority interests

May be a consideration

Protection of incumbents

Preservation of core districts

All the criteria should be taken into consideration and there should be balance. You should not need focus on making sacrifices in all other considerations to achieve compactness. Also, regarding preservation of core districts can fall into equal protection rights. There are some overlaps.

Mr. Crabtree stated that he thinks it would be a disservice to our community to not allow our elected officials the opportunity to run again for continuity. The first year is getting familiar with their responsibilities and that was part of his consideration.

Mr. Horsley stated he has heard a Commission member state he started with a blank slate and asked if they can start with a fresh slate and realign. There was discussion on the pros and cons of starting with a blank slate. Mr. Langley noted that the results have to follow all the criteria and if it does, he guesses it is possible that it would be okay to start all over. However, if you are trying to preserve a district's core and you are rearranging the core he is not sure you have met the criteria. Mr. Horsley noted that Mr. Langley previously said map #7 meets the criteria of preservation. Mr. Langley reply that he thinks the question on map #7 was does it preserve the core of District 3 and he replied yes; but he doesn't think he was asked to render an opinion as to

whether it meets all the factors to be considered but it is a determination this Commission has to make.

There was discussion as to whether any of the maps violate their criteria. Mr. Langley responded that map #7 is probably the most difficult to clarify.

Mr. Blakeslee stated that he believes the demographics within districts is important. He is not looking to change them. District 3 will have new demographics because it will increase in population but it will maintain its existing demographics.

Mr. Horsley stated that his problem with map Scenario #8 is that it basically land-locks Districts 1 and 3 with no significant growth allowed for in either district and leaves it for someone else to solve in two or three years. When making decisions based on incumbency we are not making wise long-term decisions. This map leaves District 4 with the growth potential and District 2 has some growth potential towards Oakland Park and can go down some.

Mr. DeFuso stated that he still supports his map and that it makes the most sense. He feels it encompasses all the requirements and allows for growth.

Mr. Blakeslee stated he would accept this map over the over the north/south map, but he holds firm to his map. He drew his map with the future in mind. It holds together the groups in the city; it will allow for growth in the future; it can be redistricted in the future without having to start from scratch; and it impacts the least amount of people in our city.

Mr. Horsley stated that alignment of map #7 provides a socioeconomic mix of all ethnicities, which puts a commissioner in the position of representing all of the interests of the socioeconomic groups that is a powerful argument for the map and improves the decisions for our city.

Mr. Blakeslee said that due to their deadline some progress needs to be made. At least narrow the maps down to three maps for consideration and recommended #6, #7, and #8. The committee agreed to review these maps at the next meeting and narrow it down to just one map. He anticipates that the meeting on July 23rd will be to make any adjustments to map selected.

Mr. DeFuso noted that he will be out of town from July 29 to August 10, 2008. Mr. Crabtree shared that he would be out of town July 27 and will not return for two-and-a-half weeks. Assistant City Attorney Langley advised the Commissioners that he would not be able to attend the July 16th meeting, but would answer any legal questions at the July 23rd meeting.

Mr. Bollhoefer shared that under the Sunshine laws, one-way communications are allowed such as sending map revisions. Mr. Langley suggested sending it through staff so it is not a direct correspondence. Mr. Blakeslee requested that even though they are allowed to do this, let's not. We have three maps and rather than coming back with multiple tweaks, let's do it here during the meeting.

Motion by Commission Member DeFuso to address map scenarios 6, 7, and 8 (*see attached*) at their next meeting on July 16, 2008. Seconded by Commission Member Horsley and carried unanimously 4-0.

The meeting adjourned at 7:37 p.m.

APPROVED:

ATTEST:

Derek Blakeslee, Chairman

Kathy Golden, City Clerk