

SARASOTA COUNTY GOVERNMENT

Planning and Development Services

To BCC # 19006
FYI
This will be
on your agenda
May 22 for
any discussion
JRL

TO: Jonathan R. Lewis, County Administrator
FROM: Matthew Osterhoudt, Director, Planning and Development Services
DATE: May 15, 2019
SUBJECT: Board Assignment 19006 - Redistricting

On May 7, 2019, the Sarasota County Commission (Board) discussed BA 19006 regarding redistricting of the County Commission district boundaries. The Board requested County Administration provide current preliminary population estimates of the existing district boundaries. The table below provides the requested information. The estimates from 2011 reflect the population when the existing district boundaries were adopted and are derived from the 2010 decennial census. Current population estimates by district are calculated using the demographic data and tools from our GIS software provider, Esri, and are based on 2018 data.

**Sarasota County Population by
Commissioner District and Year**

	2011 - After Redistricting	2018
District 1	75,906	81,106
District 2	75,163	79,915
District 3	77,322	87,130
District 4	73,320	80,685
District 5	77,737	87,525
Data Source	2010 Census block level data	2018 Esri block group level data

The Esri software uses the latest decennial census data as a base year and produces current year and five-year forecasts from a combination of models and data sources (e.g., U.S. Postal Service carrier routes and Metrostudy residential construction counts). A detailed methodology can be found online at www.esri.com.

SARASOTA COUNTY GOVERNMENT

Administration

TO: Sarasota County Commission
FROM: Jonathan R. Lewis, County Administrator
Frederick J. Elbrecht, County Attorney
DATE: May 7, 2019
SUBJECT: BA 19006: Redistricting

BACKGROUND/ANALYSIS:

On April 9, 2019, the Sarasota County Commission (Board) requested a report that includes logistics and a timeline for the Board to consider regarding the process of redistricting.

Data

The most accurate data available is the official Census count at the time it is produced. As the accuracy of the decennial Census diminishes with each passing year, the Board may need to consider other more recent sources of population data. The decennial Census is often used as the base year for many population estimating models. In years following the Census the estimates require adjustment. The block level data produced from the decennial Census is the most granular data available. Some of the available data sources staff considered for use in calculating population are listed below.

1. GIS Demographic Data

The county's GIS software has additional tools that produce demographic data. The software uses the latest decennial census data as a base year and produces current year and five-year forecasts from a combination of models and data sources (e.g., U.S. Postal Service carrier routes and Metrostudy residential construction counts). The software company has released their 2018 and 2023 forecasts which are available at the block group level. For the 2010 Census, Sarasota County contained 252 block groups.

The current commission district boundaries tend to align with the 2010 block groups, however, in districts that do not align with block group boundaries, reliable estimates are difficult to obtain. To account for custom geographies that do not align with block groups, our GIS software provider developed its own data apportionment model that allocates population based on the distribution of population at the underlying block level. This allocation model provides an advantage over other allocation techniques that are less precise. The demographic data produced by our software vendor is the most current and easily accessible data by staff.

2. American Community Survey

The American Community Survey (ACS) is a rolling survey produced by the U.S. Census Bureau every year. Unlike the 100% data of the decennial census, the ACS is based on random sampling of U.S. households via mailed surveys. The ACS does not produce data at the block level, but rather at the block group level. In order to produce an adequate sample size for block group estimates, the

ACS combines the household surveys from an area over a period of five years. These are called *five-year estimates*. The most recent ACS block group data available are the 2013-2017 five-year estimates.

As noted above, the district boundaries do not always follow block group boundaries. Current ACS data is not available to use our GIS software provider data apportionment model which accounts for the discrepancies in boundaries. Other available allocation methods are much less precise, particularly in the eastern county where large block groups may have unevenly distributed populations. Furthermore, the Census Bureau acknowledges that although the ACS produces population estimates, it is the Census Bureau's Population Estimates Program (PEP) that produces the Bureau's official population estimates, in which the smallest geography available is at the city or town level. Examination of the 2017 ACS block group data and the 2017 PEP estimate revealed an undercount of over 14,000 county residents in the ACS survey.

3. Housing Units Analysis

Because housing unit growth at the parcel level is available from the Property Appraiser's database, population estimates could be determined at a small-area geography, such as block or block group. Using the 2010 census block or block group level population estimates as a base, housing growth since 2010 in each census geography could be calculated. Then, by applying a variety of assumptions in each geography including housing occupancy/vacancy rates, seasonal/full-time residency, and household sizes, current population estimates could be calculated.

While having the advantage of using local data, this approach would be time-intensive as data for the assumptions and analysis would need to be formatted and analyzed. Additionally, the variability in the assumptions can impact the accuracy of the estimates.

4. Hiring an Expert to Provide Data

An expert can analyze the available data sources and determine which is the best available for redistricting at this time.

A final determination on the source or sources of data to be used for redistricting has not yet been determined.

Legal requirements

- I. The US Constitution, Florida Constitution, federal law, state law, and the County Charter all govern the redistricting process.
 - A. The Fourteenth Amendment of the US Constitution, the Equal Protection Clause, applies to any redistricting. The equal protection requirement as applied to redistricting is frequently summarized in case law as "one person, one vote."
 - B. The federal Voting Rights Act of 1965, as amended, also applies to the County. Section 2 (52 USC § 10301) provides:
 - (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) [52 USC § 10303(f)(2)], as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

C. The Florida Constitution provides as follows in Article VIII, Section 1:

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

D. The Florida Statutes provide as follows:

124.01 Division of counties into districts; county commissioners.—

(1) There shall be five county commissioners' districts in each county, which shall be numbered one to five, inclusive, and shall be as nearly equal in proportion to population as possible.

(2) There shall be one county commissioner for each of such county commissioners' districts, who shall be elected by the qualified electors of the county, as provided by s. 1(e), Art. VIII of the State Constitution.

(3) 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.

(4) County commissioners' districts now existing shall remain as now constituted until changed by the board of county commissioners, as provided by the constitution and in this chapter.

(5) This section shall not apply to Miami-Dade County.

124.02 Notice of change of boundaries of district to be given by publication.—

(1) Whenever the boundaries of existing county commissioners' districts are, from time to time, changed by the board of county commissioners, 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 2 consecutive weeks (two publications being sufficient) in a newspaper published in said county.

(2) If there be no newspaper published in such county, then three copies of said minutes shall be posted for 4 consecutive weeks in three different and conspicuous places in such county, one of which shall be at the front door of the courthouse.

(3) Proof of such publication or posting shall be entered on the minutes of the board. The publication or posting of such copy shall be for information only and shall not be jurisdictional.

124.03 Description of district boundaries to be furnished Department of State.—

Whenever the boundaries of existing county commissioners' districts are, from time to time, changed by the board, it shall cause its clerk to forthwith furnish the Department of State with a certified copy of its minutes, reflecting the description of the boundaries of the district, as changed, which shall record a description of such boundaries in its office in a book kept for that purpose.

E. The Sarasota County Charter provides in Section 2.3, Redistricting:

Redistricting of the County Commission districts shall be in accordance with general law; provided however that any redistricting of the County Commission district boundaries shall be approved by the Board of County Commissioners at a public hearing. Notice of the public hearing shall include a summary of the proposed changes and a substantially detailed map comparing proposed district boundaries to existing boundaries and shall be published in a newspaper of general circulation pursuant to the statutory notice period for the enactment of ordinances.

II. There are several differences between the legal requirements for redistricting of the State legislature and the County due to a 2010 Florida Constitution amendment. Article III, Section 21, which applies to redistricting of the Florida Legislature and creates additional requirements, provides:

In establishing legislative district boundaries:

- (a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
- (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
- (c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

III. What does "population" mean?

Population has generally been held to mean the total population of a district, including non-voters. Rarely, the U.S. Supreme Court has upheld the use of voter registration numbers or voter-eligible population numbers, where such numbers produce results that would not be substantially different from the use of a permissible population basis.

IV. What does "as nearly equal in proportion to population as possible/practicable" mean?

The US Supreme Court has found that for local legislative districts, a deviation from close to perfect equality is permitted, especially where the deviation is driven by accommodating traditional districting

objectives, such as maintaining communities of interest and geographic compactness. Generally, the maximum population deviation between the largest and smallest district should be less than 10% to presumptively comply with the one person, one vote rule. A good faith effort to achieve equality is still required.

V. Redistricting Prior to 2020

Mid-decade redistricting is legally permissible. Census data is generally considered the best source of data, but there is no federal or state requirement to use it, and its accuracy decreases over time. The data used should be reliable and the best source of data available at the time.

Timing

The redistricting process must be completed by the end of 2019 in order to comply with the state law limitation of redistricting only in odd-numbered years.

RELEVANT PRIOR BOARD ACTION:

1. June 8, 2011 – The Board adopted Resolution No. 2011-085, approving the redistricting of the Sarasota County Commission Districts following the decennial census (5-0 vote).

NEXT STEPS:

If the Board would like to pursue redistricting, the next step would be to finalize the source of the data, receive the data, and determine the software to be used in redistricting.

Following receipt of the finalized data, the population data by district would be presented to the Board for determination on whether to continue with the redistricting process.

County Administration and the Office of the County Attorney recommend the use of an outside expert to select and provide data for the Board's consideration. This would provide a dedicated resource to assist in meeting required timelines and provide needed statistical expertise. Such an expert would not perform the redistricting itself, but could aid in any technical analysis needed.

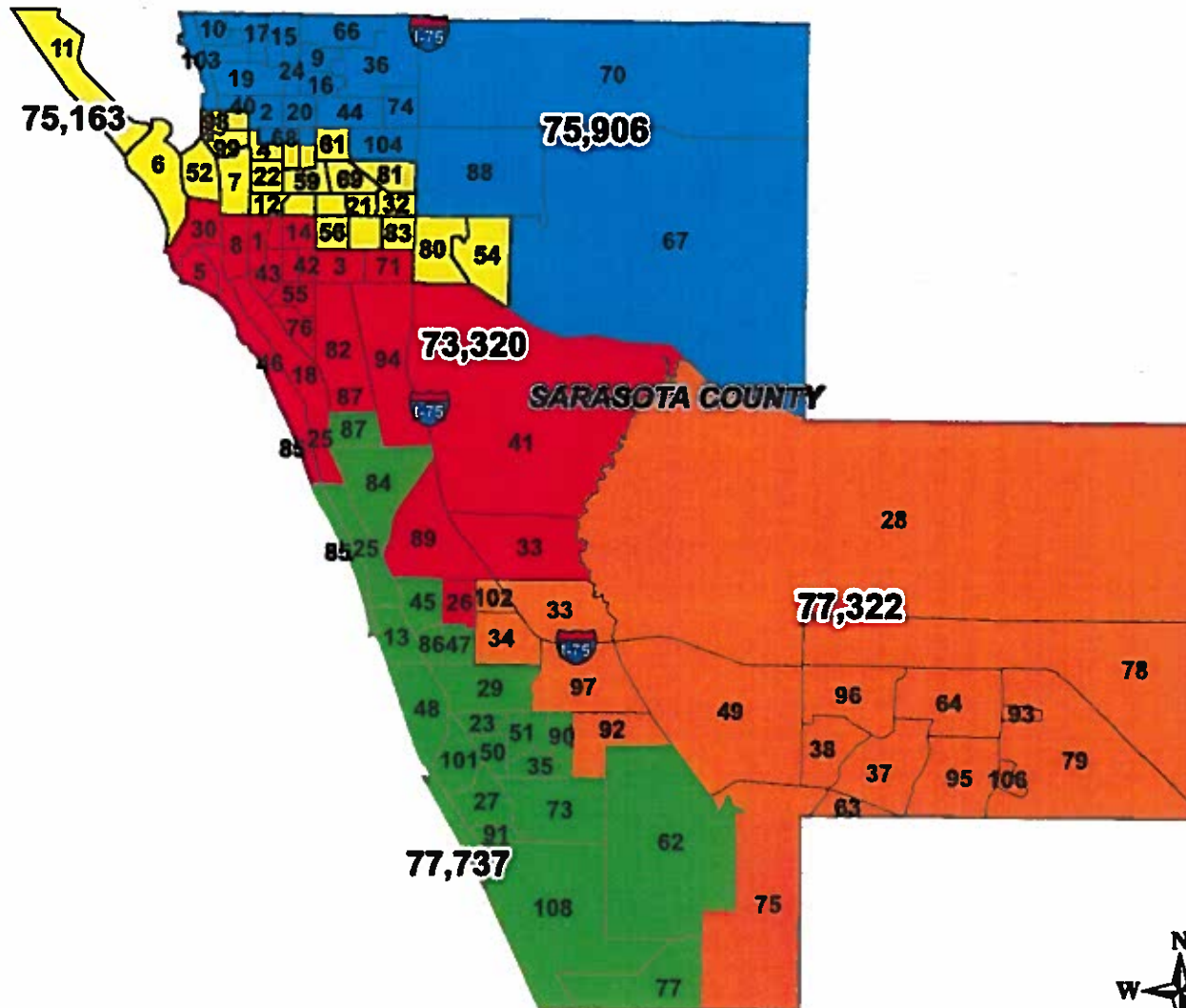
STAFF RECOMMENDATION(S):

Staff recommends that the Board provide direction regarding the proposed next steps.

ATTACHMENTS:

1. Map of current county commission districts with 2010 Census population

Sarasota County 2011 Commission District Boundaries



Legend **2011 BCC** **COMMISSION**

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