



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Agenda

Districting Commission

Wednesday, August 4, 2021

4:00 PM

Hagler Mason Conference

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can be watched via live stream at cityofpensacola.com/video.

CALL TO ORDER AND WELCOME

ROLL CALL AND DETERMINATION OF QUORUM

APPROVAL OF MINUTES

1. [21-00656](#) APPROVAL OF MINUTES: REGULAR MEETING OF THE DISTRICTING COMMISSION DATED JULY 7, 2021

Attachments: [Draft: Regular Meeting Minutes Dated 7/7/21](#)

PRESENTATIONS

2. [21-00677](#) PRESENTATION FROM DAVID STAFFORD, SUPERVISOR OF ELECTIONS
3. [21-00641](#) PRESENTATION - IN-HOUSE ASSISTANCE FROM GIS IN SETTING DISTRICT BOUNDARIES

Sponsors: Districting Commission

ACTION ITEMS

4. [21-00676](#) SELECTION OF TECHNICAL CONSULTANT
5. [21-00640](#) RULES AND PROCEDURES

Sponsors: Districting Commission

Attachments: [Districting Commission Rules and Procedures](#)

DISCUSSION ITEMS

6. [21-00644](#) HIRING OF OUTSIDE COUNSEL

OPEN FORUM

NEXT MEETING**ADJOURNMENT**

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00656

Districting Commission

8/4/2021

SUBJECT:

APPROVAL OF MINUTES: REGULAR MEETING OF THE DISTRICTING COMMISSION DATED
JULY 7, 2021



City of Pensacola

DISTRICTING COMMISSION

Meeting Minutes

July 7, 2021

3:00 P.M.

Hagler/Mason Conference Room

CALL TO ORDER

The meeting was called to order by Council Executive Kraher at 3:01 P.M.

ROLL CALL

Members Present:

William Brancati, Jewel Cannada-Wynn, Jarah Jacquay, John Jerrals, Diane Mack, Samuel Mathews, Eric Stevenson

Members Absent:

None

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can also be watched live stream at: cityofpensacola.com/428/Live-Meeting-Video.

DISCUSSION

1. 21-00581 DISTRICTING COMMISSION - ORGANIZATIONAL AND EDUCATIONAL MEETING

Council Executive Kraher welcomed everyone in attendance and went over a few housekeeping items. Each member was provided an opportunity to introduce themselves.

Sunshine, Ethics and Open Records Laws – Susan Woolf, City Attorney:

City Attorney Woolf provided an overview of 1) Sunshine Law as provided in Florida Statutes, Chapter 286.011 *Public Meetings and Records; Public Inspection; Criminal and Civil Penalties*; 2) Public Records Law, Florida Statutes, Chapter 119; and 3) Ethics Law, Florida Statutes, Chapter 112, Part III *Code of Ethics for Public Officers and Employees*. She responded accordingly to questions.

DISCUSSION (CONT'D.)**Introduction and Overview – David Stafford, Escambia County Supervisor of Elections:**

Supervisor of Elections Stafford provided an overview of 1) His role in the districting process as provided for in City Charter Section 6.08 (c) *Powers and Duties of the Commission; Hearings, Submissions and Approval of Plan* (but not providing legal advice to the Commission); 2) Purpose and process of redistricting; and 3) Geo-mapping software for data calculation. He responded accordingly to questions.

Redrawing Council Districts: The Law and Best Practices – Video:

Council Executive Kraher informed the Commission that there is a budget available for the hiring of outside legal counsel or other consultants.

Recess: 3:58 – 4:03

Following recess, a video was played which recorded by Florida League of Cities, Dr. Scott Paine, Facilitator and Kurt Spritzer, KS&A Governmental Consultants providing the presentation (with hard copies provided to each member - - on file with background materials).

Following the video, Supervisor of Elections Stafford responded to a question from Commission Member Cannada-Wynn regarding “counting” of overseas military.

Selection of Chair & Vice Chair of the Districting Commission:

Commission Member Jacquay made a motion **nominating Commission Member Mack as Chair** with Commission Member Cannada-Wynn seconding.

The motion carried by the following vote:

Yes: 7	William Brancati, Jewel Cannada-Wynn, Jarah Jacquay, John Jerralds, Diane Mack, Samuel Mathews, Eric Stevenson
No: 0	None

Commission Member Mathews made a motion **nominating Commission Member Jerralds as Vice Chair** with Commission Member Stevenson seconding.

Commission Member Jacquay made a motion **nominating Commission Member Cannada-Wynn as Vice Chair** which Commission Member Cannada-Wynn respectfully declined.

DISCUSSION (CONT'D.)

The vote was called on the nomination for Commission Member Jerralds as Vice Chair

The motion carried by the following vote:

Yes: 7	William Brancati, Jewel Cannada-Wynn, Jarah Jacquay, John Jerralds, Diane Mack, Samuel Mathews, Eric Stevenson
No: 0	None

OPEN FORUM:

Clifford Stokes: Encouraged the Commission to be mindful of voter rights ensuring minority districts and no diluting of votes.

James Gulley: Addressed what he considers drastically changing demographics, census block and split, and wants concerns of African American community taken into consideration.

Following public input, closing discussion took place.

Council Executive Kraher provided a handout of City Charter Section 6.08 (c) *Powers and Duties of the Commission; Hearings, Submissions and Approval of Plan* (on file with background materials.)

Supervisor of Elections Stafford requested, as was the practice during the 2010 District Commission process, that all communication be facilitated on behalf of the Commission between himself and the chairperson.

Chairperson Mack polled the members as to which day of the week and time would be mutually agreeable to schedule meetings. Consensus among the Commission Members was for meetings to be held on Wednesdays at 4:00 P.M.

Some discussion took place regarding Supervisor of Elections Stafford being an integral part of the districting process and the possibility of hiring outside legal counsel. **Council Executive Kraher suggested he first talk with City Attorney Woolf (who is leaving the City for another position with UWF) and provide her recommendation to the Commission. Chairperson Mack agreed and recommended there be additional orientation meetings scheduled (prior to receiving current census data) in order to consider: 1) Supervisor of Elections Stafford being an integral part of the districting process; and 2) and the possibility of hiring outside legal counsel.**

No objections.

Further there was consensus among the Commission Members to schedule the next meeting on Wednesday, August 4th beginning at 4:00 P.M.

Chairperson Mack and Council Executive Kraher made closing remarks.

ADJOURNMENT

4:59 P.M.

Approved:_____



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00677

Districting Commission

8/4/2021

PRESENTATION ITEM

FROM: Diane Mack, Chairperson

SUBJECT:

PRESENTATION FROM DAVID STAFFORD, SUPERVISOR OF ELECTIONS

REQUEST:

That the Districting Commission receive a presentation from David Stafford, Supervisor of Elections to explain what services, software and programs his office could make available to the Commission.

SUMMARY:

This item seeks to provide the Commission with information regarding what services, software and programs Mr. Stafford's office could make available to the Commission in completing their task.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None

PRESENTATION: Yes



City of Pensacola

222 West Main Street
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Memorandum

File #: 21-00641

Districting Commission

8/4/2021

PRESENTATION ITEM

FROM: Diane Mack, Chairperson

SUBJECT:

PRESENTATION - IN-HOUSE ASSISTANCE FROM GIS IN SETTING DISTRICT BOUNDARIES

REQUEST:

That the Districting Commission receive a presentation from Paul Kelly, with in-house GIS, to explain what services, software and programs GIS could make available to the Commission.

SUMMARY:

This item seeks to provide the Commission with information regarding what services, software and programs in-house GIS could make available to the Commission in completing their task.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: Yes



City of Pensacola

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Memorandum

File #: 21-00676

Districting Commission

8/4/2021

ACTION ITEM

SPONSOR: Diane Mack, Chairperson

SUBJECT:

SELECTION OF TECHNICAL CONSULTANT

RECOMMENDATION:

That the Districting Commission select a technical consultant to assist them in their duties.

SUMMARY:

The Districting Commission has the ability to use a technical consultant to assist them in completing their assigned tasks. This item allows the Commission to select whom they would like to use as a technical consultant.

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None



City of Pensacola

222 West Main Street
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Memorandum

File #: 21-00640

Districting Commission

8/4/2021

ACTION ITEM

SPONSOR: Diane Mack, Chairperson

SUBJECT:

RULES AND PROCEDURES

RECOMMENDATION:

That the Districting Commission adopt a set of rules and procedures.

SUMMARY:

This item seeks to provide the Commission with a set of Rules and Procedures to guide their meetings and functioning.

These Rules and Procedures will be modeled after City Council Rules and Procedures. Rules and Procedures allows for smooth, fair, and predictable meetings and actions taken by the Commission.

The proposed rules and procedures are in the form of an attachment.

STAFF CONTACT:

Don Kraher, Council Executive

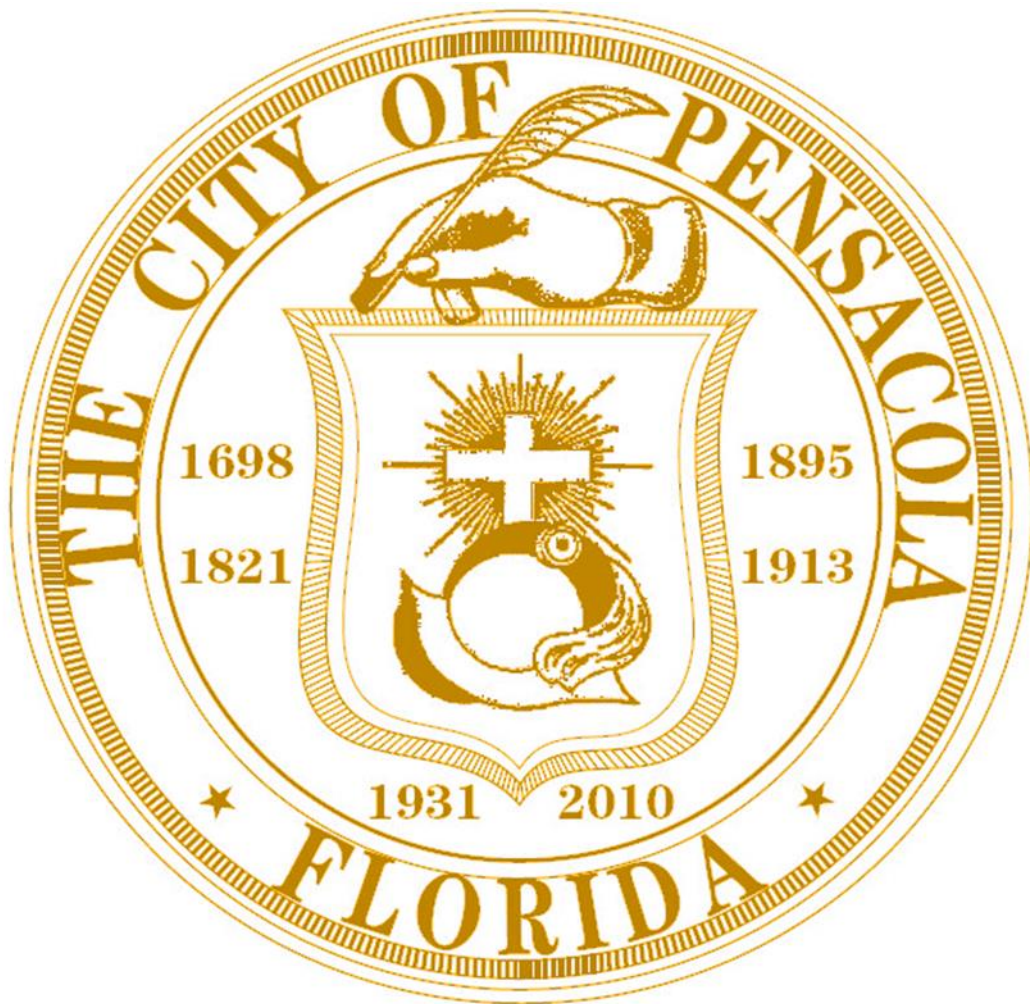
ATTACHMENTS:

- 1) Districting Commission Rules and Procedures

City of Pensacola

Districting Commission

Rules & Procedures



City of Pensacola

Districting Commission

Rules & Procedures

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City of Pensacola Districting Commission

Rules and Procedures

Section 1. Creation and Purpose of the Districting Commission

(A) Creation. The creation of the City of Pensacola Districting Commission hereinafter referred to as the Districting Commission is authorized by Section 6.08. (Council Districts), of the City Charter.

(B) Powers and Duties of the Commission. The Districting Commission shall have the following powers and duties:

(1) Following each decennial census, the commission shall consult the City Council and the Supervisor of Elections, and shall prepare a plan for dividing the City into districts for the election of Council Members. In preparing the plan, the commission shall be guided by the criteria set forth in section 6.08(d). The report on the plan shall include a map and description of districts recommended.

(2) The commission shall hold one or more public hearings not less than one month before it submits the plan to the City Council. The commission shall make its plan available to the public for inspection and comment not less than one month before its public hearing.

(3) The commission shall submit its plan to the City Council not less than one year before the first general election of the City Council after each decennial census.

(4) The plan shall be deemed adopted by the City Council unless disapproved within three weeks by the vote of the majority of all Members of the City Council. If the City Council fails to adopt the plan, it shall return the plan to the commission with its objections and with the objections of individual Members of the Council.

(5) Upon rejection of its plan, the commission shall prepare a revised plan and shall submit such revised plan to the City Council no later than nine months before the first general election of the City Council after the decennial census. Such revised plan shall be deemed adopted by the City Council unless disapproved within two weeks by the vote of two-thirds of all the Members of the City Council and unless, by a vote of two-thirds of all of its Members, the City Council votes to file a petition in the circuit court in and for Escambia County, for determination that the plan fails to meet the requirements of this Charter. The City Council shall file its petition no later than ten days after its

disapproval of the plan. Upon a final determination upon appeal, if any, that the plan meets the requirements of this Charter, the plan shall be deemed adopted by the City Council and the commission shall deliver the plan to the City Clerk. The plan delivered to the City Clerk shall include a map and description of the districts.

(6) If in any year population figures are not available at least one year and five months before the first general election following the decennial census, the City Council may, by local law, shorten the time periods provided for districting commission action in paragraphs (2), (3), (4), and (5) of this subsection.

Section 2. Membership

(1) There shall be a districting commission consisting of seven (7) members. The City Council shall appoint one (1) member from each of the seven (7) Council districts of the City.

(2) No member of the commission shall be employed by the City or hold any other elected or appointed position in the City.

(3) The City Council shall appoint the commission no later than one year and five months before the first general election of the City Council after each federal decennial census. The commission's term shall end upon adoption of a districting plan, as set forth in section 6.08(c).

(4) In the event of a vacancy on the commission by death, resignation or otherwise, the City Council shall appoint a new member from the same district from which his or her predecessor was selected to serve the balance of the term remaining.

(5) No member of the districting commission shall be removed from office by the City Council except for cause and upon notice and hearing.

(6) The members of the commission shall serve without compensation.

(7) The commission may hire or contract for necessary staff assistance and may require agencies of City government to provide technical assistance. The commission shall have a budget as provided by the City Council.

Section 3. Officers

(A) Officers. The officers of the Districting Commission shall be a Chair and Vice Chair, selected from among its members, each of whom shall be elected by a majority of the full Districting Commission membership. The Commission may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all offices shall be until the termination of the Commission.

(B) Election of Officers. The officers shall be elected by the membership of the Districting Commission. All nominations for officers shall be from the floor in open forum. Any person nominated for office should first be consulted to insure that person is willing to serve and/or have his or her name placed in nomination.

(C) Chair. The Chair shall preside at all meeting of the Districting Commission; call special meetings as needed or required; sign documents on behalf of the Districting Commission and see that all actions of the Districting Commission are properly taken. He or she shall serve as liaison between the Districting Commission and the City Council.

(D) Vice-Chair. During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise and perform all the duties and be subject to all the responsibilities of the Chair. The Vice-Chair shall succeed the Chair if the Chair vacates the office before his/her term is completed. In that event, a new Vice-Chair shall be elected from among the Districting Commission membership at the next regular meeting of the Districting Commission.

(E) Acting Chair. If the Chair and Vice-Chair of the Districting Commission are not able to preside over the meeting and a quorum is present, an acting Chair to serve only at that meeting shall be elected by a majority of the members present.

Section 4. Meetings of the Districting Commission

(A) Meetings. The Districting Commission shall hold meetings at a time and date designated by the Commission at City Hall or other location as needed. All meetings -- regular, special and workshops -- shall be open to the public.

(B) Special Meetings. Special meetings may be called at the Chair's discretion but shall allow time for a minimum notice of three (3) business days to designate the place and time.

(C) Meeting Records. A written record of the proceedings of the Districting Commission shall be kept showing its actions on each question considered and filed in the office of the Districting Commission. Meeting minutes shall be uploaded to the City

website within seven (7) days of approval. Meeting videos shall be uploaded to the city's website within 48 hours of meeting completion.

(D) **Quorum.** A majority of the existing membership as designated by the City Charter shall constitute a quorum for the transaction of business. The determination of quorum should follow immediately after roll call. If no quorum is established, the Chair can call the meeting to order, announce the absence of a quorum and share information without formal action pending the establishment of a quorum, or adjourn the meeting.

(E) **Attendance.** No member shall miss three (3) consecutive meetings of the Commission within the time and functioning of the Commission. Attendance information shall be communicated to the Council Executive by the Board Chair or staffing member of that board.

(F) **Voting Requirements.** For an item to pass, it must obtain the affirmative vote of the majority of the existing membership of the commission. No member present at a meeting may abstain from voting except when a conflict of interest exists. Results of votes should be announced and recorded in a way that reflects the vote of those present. For example, if 5 board members are present on a 7-member board, the results should reflect that the item passes 5-0 with two members absent. It should not be reflected as the item passes unanimously, as not all members were present. If all members are present, the item then should reflect passes unanimously.

(G) **Conflicts of Interest.** Any member of the Districting Commission who may have a conflict of interest on any item that is on the agenda shall refrain from participating in discussion of the item and shall not vote on said item. In such cases, said member shall comply with the disclosure requirements of State Law.

(H) **Robert's Rules.** Robert's Rules of Order will serve as a guide for parliamentary procedures in the conduct of board meetings not otherwise specified in these rules or in the Handbook for appointed Boards, Commission and Authorities .

(I) **Order of Business.** The order of business on the Districting Commission agenda shall generally be:

1. Call to order
2. Roll call and determination of quorum
3. Approval of minutes
4. Presentations
5. Consideration of Action Items
6. Discussion Items
7. Public comments
8. Comments of Commission Members

9. Adjournment

(J) Public Input and Participation. All meetings of the Districting Commission must be open to the public. The commission shall allow for full and ample opportunities to receive public input. The public shall be afforded a reasonable opportunity to provide input on any agenda item prior to a vote or action being taken. In addition, there shall be an open forum opportunity for members of the public to provide input on items not on the agenda, in a reasonable and orderly manner.

Where these rules and procedures are silent on any particular topic, please refer to the Handbook for appointed Boards, Commission and Authorities or Robert's Rules of Order for guidance.

Section 5. Districting Plan

Districting Plan; Criteria. In preparation of its plan for dividing the City into districts for the election of Council Members, the commission shall apply the following criteria which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

- (1) Districts shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five percent (5%) of the average population for all City Council districts according to the figures available from the most recent census.
- (2) Districts shall consist of contiguous territory; but land areas separated by waterways shall not be included in the same district unless said waterways are traversed by highway bridges, tunnels or regularly scheduled ferry services both termini of which are within the district, except that, population permitting, islands not connected to the mainland or to other islands by bridge, tunnel or regular ferry services shall be included in the same district as the nearest land area within the City.
- (3) Consistent with the foregoing provisions, the aggregate length of all district boundaries shall be as short as possible.
- (4) To the extent possible, consideration should be given to coordinating district lines for the various public offices, as well as precincts.
- (5) The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and general law.
- (6) Effect of Enactment. The new City Council districts and boundaries as of the date of enactment shall supersede previous Council districts and boundaries for all purposes

of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Council Members elected at that regular City election take office.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00644

Districting Commission

8/4/2021

DISCUSSION ITEM

SPONSOR: Diane Mack, Chairperson

SUBJECT:

HIRING OF OUTSIDE COUNSEL

SUMMARY:

Due to current staffing levels and responsibilities within the City Attorney's Office, it has been suggested that the hiring of outside Counsel to assist the Districting Commission might be well served.

Staff is currently in the process of discussions with a couple of possible suitors.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None

PRESENTATION: No