



MEMORANDUM

Agenda Item No. 10(A)(1)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners
DATE: April 27, 2004

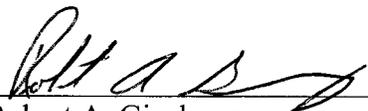
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution setting forth criteria and process for redistricting commission election districts

The accompanying resolution was prepared and placed on the agenda at the request of Chairperson Barbara Carey-Shuler, Ed.D.

This resolution sets forth the legal criteria and traditional redistricting factors to be considered by the Board of County Commissioners when redrawing commission election districts in accordance with Section 1.03(B) of the Home Rule Charter. The resolution also provides for a series of public workshops and a citizen's advisory board to elicit public comments and recommendations prior to the Commission's redistricting decision. At the same time, it is explicitly provided that nothing in the resolution "shall be construed as detracting from the legislative powers and political prerogatives of the County Commission in its performance of the redistricting process."

Additionally, the City of North Miami recently passed a resolution stating that in the event the County passes the proposed resolution the City would dismiss the federal lawsuit challenging the current redistricting plan adopted by the County on November 15, 2001, and subsequently amended. The trial in that case is scheduled for August of this year.



Robert A. Ginsburg
County Attorney

RAG/fp

RESOLUTION NO. R-2004-15

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA APPROVING A SETTLEMENT OF CELESTIN, ET AL. V. MIAMI-DADE COUNTY, ET AL. AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTATION TO EFFECTUATE THE SETTLEMENT.

WHEREAS, City of North Miami authorized the filing of a Federal action styled Celestin, et al. v. Miami-Dade County, et al., challenging, among other things, the County's Commission District Boundaries; and

WHEREAS, in order to resolve the on-going Federal lawsuit, the Mayor and City Council support the adoption by Miami-Dade County of the Resolution attached.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. That the Mayor and City Council authorize the execution of all necessary documentation to settle the Federal action styled Celestin, et al. v. Miami-Dade County, et al., upon the term and conditions expressed in the County Resolution attached as "Exhibit 1".

Section 2. City Administration, Clerk and counsel are authorized to execute all necessary documentation to effectuate the settlement.

PASSED and ADOPTED by a 4-0 vote of the Mayor and City Council this 24 day of February, 2004.

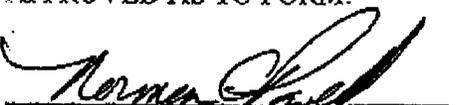
MAYOR



ATTEST:

Deputy
CITY CLERK

APPROVED AS TO FORM:


Norman Powell, Esq., Special Counsel



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: April 27, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(1)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(1)
4-27-04

RESOLUTION NO. _____

RESOLUTION SETTING FORTH CRITERIA AND FACTORS
TO BE USED IN THE REDISTRICTING PROCESS;
PROVIDING FOR A REDISTRICTING ADVISORY BOARD
AND A PUBLIC HEARING PROCESS

WHEREAS, Section 1.03(B) of the Home Rule Charter authorizes the Board of County Commissioners to redraw the County Commission election districts from time to time; and

WHEREAS, there are established legal criteria and traditional redistricting factors to be considered when redrawing election districts; and

WHEREAS, the Board desires that the public be fully informed as to the criteria and factors to be considered by the Board in the redistricting process; and

WHEREAS, the Board desires to elicit public comments through a series of public workshops and a citizens advisory board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Redistricting Criteria and Factors. The following criteria and factors shall be considered when redrawing County Commission election districts during the decennial redistricting process:

a) *One-Person, One-Vote Rule.* Primary consideration shall be given to compliance with the one-person, one-vote requirement of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, as construed by United States Supreme Court decisions. The population deviation between districts shall be minimized to the extent consistent with compliance with §2 of the Voting Rights Act of 1965, as amended in 1982, 42 U.S.C.A.

§1973, and the accommodation of traditional districting principles. In no event shall the population deviation between districts exceed ten percent, unless the Board of County Commissioners fully explains the necessity for doing so.

b) *§2 of Voting Rights Act.* The redistricting plan shall afford minority groups protected under Section 2 of the Voting Rights Act of 1965, as amended in 1982, 42 U.S.C.A. § 1973, with an equal opportunity to participate in the electoral process and to elect their preferred candidates.

c) *Traditional Districting Principles.* While observing the one-person, one-vote rule and compliance with §2 of the Voting Rights Act, the district boundaries shall be drawn on the basis of geography and with respect for communities of interest, in accordance with the requirements of Section 1.03(B) of the Home Rule Charter. To the extent practical, the districts also should be reasonably compact, contiguous, respect political and administrative boundaries, minimize voter disruption and protect incumbent commissioners from running for election against another sitting commissioner.

Section 2. **Citizens Advisory Board and Public Workshops.** In the year preceding the release of the federal decennial census the County Commission shall empanel a 13-member citizens redistricting advisory board. Each Commissioner shall appoint one member to the board, who may not be a member of the County Commission. The advisory board will be advised by the redistricting expert(s) designated by the County Commission to assist the Commission in the drafting of a redistricting plan, the County Attorney's Office and such other staff as may be appointed by the County Manager.

After the initial release of the federal census data public redistricting workshops shall be commenced at various locations throughout the county to inform and elicit comments from the public concerning the redistricting process. The members of the advisory board shall be timely

informed of and invited to attend all such public workshops. As appropriate to the location of the workshop, explanatory materials shall be provided in English, Spanish and/or Creole. Spanish and/or Creole interpreters also shall be available to assist members of the public.

Within twenty (20) days from the last public workshop the redistricting expert(s) shall provide the advisory board with any redistricting plan(s) (not to exceed three) and/or report(s) proposed by the expert(s) to the Commission. Within twenty (20) days from the receipt of any such plan(s) and/or report(s) the advisory board shall submit to the Commission a written report containing its recommendations and comments on each plan and/or report proposed by the expert(s). The recommendations and comments of the advisory board must be based upon the redistricting criteria and factors contained in section 1 of this resolution and must receive at least a majority vote of approval from the members of the advisory board. The written report of the advisory board should endeavor to explain the extent to which the proposed plan(s) and/or report(s) comport with the criteria and factors contained in Section 1 of this resolution.

Section 3. Adoption of Redistricting Plan by County Commission. The County Commission shall perform its political and legislative redistricting responsibilities under Section 1.03(B) of the Home Rule Charter in accordance with the criteria and factors contained in Section 1, and after giving due consideration to any proposed plans and recommendations made by the citizens advisory board pursuant to section 2 of this resolution. The County Commission shall adopt a final redistricting plan only after conducting a public hearing upon reasonable notice, including public notice advertisements in newspapers serving Hispanic and Haitian communities.

Section 4. Nothing contained herein is intended to nor shall be construed as detracting from the legislative powers and political prerogatives of the County Commission in its performance of the redistricting process.

The foregoing resolution was sponsored by Chairperson Barbara Carey-Shuler, Ed.D. and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson | |
| Katy Sorenson, Vice-Chairperson | |
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Betty T. Ferguson | Sally A. Heyman |
| Joe A. Martinez | Jimmy L. Morales |
| Dennis C. Moss | Dorrian D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of April, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Robert A. Duvall