



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Miami-Dade County
Citizens Redistricting Advisory Board**

Stephen P. Clark Center
111 Northwest 1st Street
18th Floor Conference Room
Miami, Florida 33128

July 7, 2021
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

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Clerk of the Board Division

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CLERK'S SUMMARY AND OFFICIAL MINUTES
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The Miami-Dade County Citizens Redistricting Advisory Board (MDCCRAB) convened a meeting in the Stephen P. Clark Center (SPCC), 111 NW 1st Street, 18 Floor, Conference Room 18-3; on July 7, 2021, at 9:36 A.M. The following MDCRAB members were present: Joshua Dieguez, Vanessa Joseph, Natalie Milian, Dennis C. Moss, Juan-Carlos Planas and Phyllis S. Smith. (Mr. Ruban E. Roberts and Mr. Roland Sanchez-Medina were absent.)

1A - ROLL CALL AND OATH OF OFFICE

The following staff members were present: Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department, Ms. Kimberly Brown; Assistant County Attorneys Oren Rosenthal and Michael Valdes; and Deputy Clerk Kerry Khunjar Breakenridge.

Prior to convening the meeting, Deputy Clerk Kerry Khunjar Breakenridge administered the Oath of Office to Miami-Dade County Citizens Redistricting Advisory Board (Board) member, Ms. Natalie Milian.

Ms. Brown convened the meeting and briefly introduced herself to the Board members.

Assistant County Attorney Oren Rosenthal advised the Board members that, he along with Assistant County Attorney Michael Valdes, represented the Miami-Dade Elections Department. He noted that he was also involved in the 2010 redistricting process and stated he would provide a brief overview of the Florida Sunshine Law and public records rules and procedures.

1B – REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department, opened the floor to public comments; and upon seeing no one registered or appearing to speak, closed the floor for public comments.

Ms. Brown advised the Miami-Dade County Citizens Redistricting Advisory Board (Board) members that while the public would be permitted to participate virtually, Board members were required to attend meetings in person with exceptions made for Board members presenting with a medical necessity to attend virtually.

Mr. Roland Sanchez-Medina, Miami-Dade County Citizens Redistricting Advisory Board (MDCRAB/Board) member, acknowledged the attendance requirements and announced that he would be monitoring the meeting via Communication Media Technology (Zoom).

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1C – ELECTION OF CHAIR AND CO-CHAIR

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department, requested the Miami-Dade County Citizens Redistricting Advisory Board (MDCCRAB/Board) members present to introduce themselves before proceeding to select/elect the Board's Chair and Vice-Chair.

The following Board members were present and briefly introduced themselves to their colleagues:

~ Ms. Vanessa Joseph, Immigration Attorney with Catholic Legal Services and Elected City Clerk for City of North Miami, welcomed the opportunity to serve as a Board member

~ Mr. Joshua Dieguez, Real Estate, Business and Administrative Attorney, Council Member for Town of Miami Lakes, expressed his enthusiasm to serve as a Board member.

~ Mr. Juan-Carlos "J.C." Planas, Ethics and Election Law Attorney, Former member of the Florida House of Representatives, Adjunct Professor of Law at the St. Thomas University School of Law.

~ Ms. Phyllis Smith, Real Estate Agent, former Commissioner for the City of North Miami Beach, stated she believed her experience and knowledge as a real estate professional for the past 42 years would benefit her as a Board member.

~ Ms. Natalie Milian, Program Director for Miami-Dade County's Hispanic Advisory Board and The Dr. Antonio Jorge Social and Economic Development Council, spoke about the importance of the redistricting process.

~ Mr. Dennis C. Moss, Former Miami-Dade County Commissioner for Commission District 9, noted that he was involved in the 2001 and 2011 redistricting processes and welcomed the opportunity to serve as a Board member for the 2021 process.

Ms. Smith moved to appoint Mr. Moss as the Board's Chair. This motion was seconded by Ms. Milian, and upon being put to a vote, the motion passed by a vote of 6-0. (Mr. Ruban E. Roberts and Mr. Roland Sanchez-Medina were absent.)

Mr. Dieguez moved to appoint Mr. Planas as the Board's Vice-Chair. This motion was seconded by Ms. Smith, and upon being put to a vote, the motion passed by a vote of 6-0. (Mr. Ruban E. Roberts and Mr. Roland Sanchez-Medina were absent.)

Chairman Moss thanked his colleagues for agreeing to serve on the Board. He emphasized the importance of the Board in the redistricting process and briefly reviewed his rules of decorum for future meetings.

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NON-AGENDA ITEM – ADOPTION OF THE BOARD'S RULES OF CONDUCT

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department, noted the County Code required the Miami-Dade County Citizens Redistricting Advisory Board (MDCCRAB/Board) members to vote to adopt the Board's Rules of Conduct as delineated in Section I of Exhibit A.

Vice Chairman Planas moved to adopt the Rules of Conduct as listed in Section I, Page 1 of Exhibit A. This motion was seconded by Ms. Joseph; and upon being put to a vote, the motion passed by a vote of 6-0. (Mr. Ruban E. Roberts and Mr. Roland Sanchez-Medina were absent.)

1D - PRESENTATIONS

1D – PRESENTATION RE: THE FLORIDA SUNSHINE LAW AND COUNTY CODE OF ETHICS ORDINANCE

Assistant County Attorney Oren Rosenthal explained that the Miami-Dade County Citizens Redistricting Advisory Board (MDCCRAB/Board) was subject to The Florida Sunshine Law and Public Records Law.

Assistant County Attorney Rosenthal advised the Board members that any questions related to the County Code of Ethics should be directed to Mr. Jose Arrojo, Director for Miami-Dade Commission on Ethics and Public Trust.

Mr. Rosenthal noted under the Public Records Law any documents, including electronic mail (e-mail), created by the Board members were viewable and accessible to the public. He explained shared documents used to communicate public business must be maintained and preserved. Mr. Rosenthal clarified that personal notes not shared with others were not considered public records. He advised the Board members all public records documents should be preserved and forwarded to Ms. Brown or the Clerk of the Board upon conclusion of service on the Board.

Mr. Rosenthal briefly summarized the Sunshine Law requirements. He explained that Board members were prohibited from meeting, formally or casually, to discuss any matter on which the Board may take action. Mr. Rosenthal reviewed the types of communication covered under the Sunshine Law requirements and the process for noticing a public meeting.

Mr. Rosenthal reiterated the importance of complying with the Sunshine Law requirements and cautioned the Board members that any discussions pertaining to Board business held outside Sunshine Law requirements will have to be redone with public notice.

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1D2 – PRESENTATION RE: OVERVIEW OF REDISTRICTING CRITERIA AND CONSIDERATIONS

Assistant County Attorney Michael Valdes explained the redistricting process was typically done every ten (10) years due to population growth and redistribution; and briefly reviewed Resolution Number R-511-04 which set forth the criteria and factors to be used in the redistricting process, specifically:

- ~ The “One Person, One Vote” condition which requires legislative voting districts to have relatively equal population, within a ten (10%) percent margin;*
- ~ Section 2 of the Voting Rights Act which safeguards individuals of protected classes’ equal opportunity to participate in the political process; and*
- ~ Traditional districting principals to maintain reasonable compact, contiguous, geographical, political, and administrative boundaries to minimize voter disruption and protect incumbent commissioners from running for election against another sitting commissioner.*

Assistant County Attorney Valdes noted deviations exceeding ten (10%) percent were considered unequal and required justification while deviations below ten (10%) percent were acceptable unless challenged. He provided examples of how Section 2 of the Voting Rights Act may impact the redistricting process and resulted in the creation of thirteen (13) single member districts in Miami-Dade County.

Assistant County Attorney Valdes spoke about the challenges encountered in the redistricting process, particularly the division of the population into the thirteen (13) single-member districts; and reiterated his commitment to helping the Board navigate the process.

Referring to Pages 8 and 9 of Exhibit 2, Vice Chairman Planas asked if the district’s demographics were updated to reflect the most current information or reflected the population in 2010.

Ms. Priti Mathur, Partner and Project Manager with ARCBridge Consulting & Training, Inc., explained the data included in Exhibit 2 was an estimation sourced from the American Community Survey (ACS) from 2015 to 2019.

Chairman Moss asked about the role of the Board of County Commissioners (BCC) in the process.

Assistant County Attorney Rosenthal noted each member of the Miami-Dade County Citizens Redistricting Advisory Board (Board) was appointed by a district commissioner; therefore, each Board member should maintain contact with their respective district commissioner to discuss issues and concerns. He pointed out the consultants were also required to meet with the commissioners individually before drafting the maps. Assistant County Attorney Rosenthal explained this Board

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would ultimately provide its recommendation to the BCC based on the maps developed by the consultants.

Vice Chairman Planas asked about the 2010 redistricting process and whether multiple maps were provided to the BCC for consideration.

Chairman Moss stated the BCC was provided several different maps for consideration. He recognized the role of the consultants during the 2010 process and emphasized the role of the Board was to make recommendations to the BCC based on the data compiled by the consultants.

Responding to Ms. Smith's question as to the timeframe for completing the redistricting process, Assistant County Attorney Rosenthal explained that while there was not an official deadline, the process should be completed before December since it involved redrawing commission districts. He noted commissioners were required to reside in their respective districts six (6) months prior to the election/qualification process.

Ms. Joseph inquired whether an analysis was performed to determine whether the Voting Rights Act was applicable to a particular commission district.

Assistant County Attorney Valdes reported the consultants had been tasked with ensuring the new maps complied with Section 2 of the Voting Rights Act. He noted the consultant's report would also include an analysis regarding minority representation in each commission district.

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department commented on the typical redistricting timeline and noted this year's process was compressed due to the delay in the release of the census data. She reported the anticipated adoption date for the redistricting maps was December 14th 2021; and noted the census data was scheduled to be released in a legacy format by August 16th, 2021. Ms. Brown pointed out that the legislation (R-511-04) also required thirteen (13) public workshops to be conducted in each commission district before the final adoption of the maps.

Discussion ensued between Ms. Smith and Ms. Brown regarding the anticipated timeline for the current redistricting process.

Ms. Brown reminded the Board members that the consultant was required to meet with each district commissioner prior to developing the maps, therefore the public workshops would commence in late October.

Responding to Ms. Smith's question as to whether Board members were required to attend all thirteen (13) public workshops/community meetings, Ms. Brown clarified that the role of the Board was codified in 2020 and pursuant to the County Code, Board members were required to attend all public

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outreach meetings unless a valid excuse was submitted. She advised the Board members that the public workshops would be scheduled between October 20, 2021 and October 29th, 2021.

Discussion ensued between Vice Chairman Planas and Ms. Brown regarding the public outreach meetings and notification process.

Chairman Moss inquired about quorum for the public outreach meetings.

Assistant County Attorney Rosenthal revisited the attendance/absence requirements for Board members and explained that while quorum was not needed to hear testimony from the public, the Board would be unable to take official action on an item if quorum was not met. He noted that the public's input would be recorded by the Clerk of the Board and preserved by Ms. Brown for administrative purposes.

Vice Chairman Planas inquired about the status of the remaining appointees to the Board.

Ms. Brown indicated she had no timeline for the appointment of the remaining five (5) Board members.

Chairman Moss voiced his concerns about the Board making recommendations without proper representation from all commission districts and requested staff to send a memorandum to the respective district commissioners regarding the outstanding appointments particularly given the compressed timeline.

Assistant County Attorney Rosenthal recognized Chairman Moss' concerns and clarified that quorum consisted of the majority of the current Board appointees provided half of the full Board membership was appointed.

Chairman Moss reiterated his concerns regarding the Board making recommendations without representation from all the commission districts given the compressed timeline for completing the redistricting process.

1D3 – PRESENTATION RE: CITIZENS ADVISORY BOARD STRUCTURE, ROLE AND CRITERIA

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department explained that the Miami-Dade County Citizens Redistricting Advisory Board (Board) was empaneled every ten (10) years at the start of the redistricting process and would sunset upon the Board of County Commissioners' (BCC) adoption of the final maps.

Ms. Brown briefly reviewed the Board's duties and attendance requirements and cautioned members that two (2) consecutive absences or three (3) absences without acceptable excuses warranted

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removal from the Board. She noted Board members were required to attend community meetings and reviewed the redistricting process and timeline.

In light of the limited timeline to complete the process, Ms. Smith indicated her expectation that the Board would convene to review the data immediately after its release on August 15, 2021. She also inquired about the timeframe for the consultants to draft the maps.

Ms. Brown clarified that the consultants were required to meet with the District Commissioners individually before drafting the maps. She noted the consultant would provide a full explanation regarding the data and timeline in an upcoming presentation (Agenda Item 1D4).

1D4 – PRESENTATION RE: REDISTRICTING DATA AND TIMELINE

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department introduced the consultants, Ms. Priti Mathur, Partner and Project Manager, ARCBridge Consulting & Training Inc., and Mr. Sam Mathur, CEO, ARCBridge Consulting & Training Inc.

Ms. Mathur, with the aid of a PowerPoint presentation, provided a brief overview of the 2021 Redistricting Process highlighting the following:

- ~ Why Redistrict?*
- ~ Redistricting Demographic Data – Census PL94-171 Data*
- ~ Process PL94-171 Demographic Data – Race and Ethnicity Total and Voting Age Population (VAP)*
- ~ Redistricting Spatial Data – Census Geographies*
- ~ Redistricting Requirements*
- ~ 2010 PL94-171 Census Data and Estimates from the American Community Survey (ACS) – 2014 and 2019*
- ~ District Demographics*
- ~ Distribution of Population by Race and Ethnicity*
- ~ Expected Growth by Districts Based On Census Data and Estimates from ACS – 2014 and 2019*

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~ ***Anticipated Timeline – Completion by December 14, 2021***

In response to Chairman Moss' request for additional information about ARCBridge Consulting & Training Inc. (ARCBridge), Ms. Mathur provided a brief overview of her professional experience and background working on various redistricting projects.

Chairman Moss reviewed the proposed timeline and questioned the Board's role in the interim and whether any additional information would be available before October.

Ms. Brown anticipated October 4th, 2021 as the earliest date for the consultants to return with the draft maps for the Board's review. She stated the bulk of the Board's work would begin the first week of October 2021, noting ARCBridge was currently working with data supplied from the 2019 ACS.

Discussion ensued between Ms. Smith and Ms. Brown regarding the Board's role and duties.

Ms. Smith expressed concerns regarding the Board's role and noted input from the Board would occur after the consultants met with the district commissioners and developed the draft maps.

Ms. Brown explained that ARCBridge was required to meet with the district commissioners prior to developing the draft maps per the firm's contract with the County.

Acknowledging her colleagues' concerns regarding the Board's role in the process, Ms. Joseph asked whether the Board members could be tasked with engaging the community and stakeholders about the process.

Chairman Moss stated that while he recognized the merits of Ms. Joseph's idea for the Board to be more proactive and engage the community and stakeholders, he was concerned that this may be considered an overreach of the Board's responsibilities. He emphasized the Board's role was advisory in nature.

Vice Chairman Planas asked whether the Board or community members would have access to the software used by ARCBridge to recommend changes.

Ms. Mathur explained that while the contract did not require the consultants to provide access to an interactive tool/model, ARCBridge was committed to working with the Board members and offered to review the proposed maps online with the members.

Assistant County Attorney Oren Rosenthal pointed out that the boundaries of the draft maps could always be moved and or changed based on the Board's input.

Discussion ensued between Vice Chairman Planas and Assistant County Attorney Rosenthal regarding the Board's ability to meet with the consultants.

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Ms. Brown noted that the County's Planning Department had access to the software used by the consultants.

Mr. Dieguez questioned whether Board members could attend the meetings between the district commissioners and consultants.

Assistant County Attorney Rosenthal explained the Sunshine Law did not prohibit the Board members from attending meetings for informational purposes.

Ms. Smith noted since the Coronavirus 2019 Disease (COVID-19) pandemic, the County had experienced an influx of new residents since the Census, and asked whether this would be factored into the redistricting process.

Ms. Mathur explained, by law, only the Census data could be used in the redistricting process.

Assistant County Attorney Michael Valdes stated that, while he recognized the limitations of the data provided by the Census; he agreed that other factors could be considered. He emphasized that the redistricting process was driven by the raw population data derived from the Census.

Vice Chairman Planas inquired about the type of data needed to legally substantiate that the population had changed since the Census was taken.

Assistant County Attorney Rosenthal explained that the census data established the prima facie case for the redistricting process and clarified that unique data could not be used to create a prima facie case. He noted during the 2010 redistricting process, the Board voiced concerns that some commission districts would grow more than others, and stated while these concerns could not be considered a "moving" factor in the analysis, it could be considered as a "contributing" factor to justify the differential used.

Ms. Smith identified areas with ongoing construction and contended these increases in density were not captured in the 2020 Census.

Assistant County Attorney Valdes emphasized that antidotal data was not enough to establish a prima facie case and reviewed the ten (10%) percent deviation allowance.

Ms. Smith reiterated her concerns that the projected growth for areas such as North Miami was not considered in the Census.

Assistant County Attorney Valdes referred the Board members to Miami-Dade County Resolution Number R-511-04, which established the criteria and factors to be used in the redistricting process. He explained any deviations exceeding the ten (10%) percent allowance required a factual finding by the BCC and a strong argument to justify the deviation.

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Assistant County Attorney Rosenthal reiterated that, while other fact-based surveys could be considered, the standardized Census data should be the only information used to guide the process.

Ms. Mathur concurred with the Assistant County Attorneys' representation regarding the use of the Census data and agreed the ten (10%) percent deviation allowance provided adequate flexibility.

Vice Chairman Planas argued there were various forms of non-antidotal data, such as certificates of occupancy and voter registration information, which could be used to show significant population changes after the census; and questioned whether such data was enough to establish a prima facie case.

Assistant County Attorney Valdes noted the Supreme Court of the United States established the ten (10%) percent threshold to simplify the process for lower courts. He concurred additional data could be considered and emphasized that an immense amount of "good" data would be needed to establish a prima facie case. Assistant County Attorney Valdes contended that it may be premature to argue that the Census failed to accurately capture the population, particularly since it was only recently taken and the information was yet to be released.

Vice Chairman Planas commented on the circumstances surrounding the execution of the 2020 Census and expressed concerns that there may be reservations regarding the accuracy of the Census results. He maintained that there were other forms of non-antidotal data that could be used to illustrate the County's population growth aside from the Census.

Assistant County Attorney Rosenthal stated that while he acknowledged the concerns voiced by Vice Chairman Planas regarding the Census data, he believed it would be premature to discuss utilizing alternative non-antidotal data given the fact that the Census information was yet to be released and reviewed. He contended the ten (10%) percent deviation allowance provided a forgiving margin and noted that it was the consultant's goal to remain below the ten (10%) percent threshold. Assistant County Attorney Rosenthal reiterated the law required the Census data to be used in the redistricting process and recommended the Board members not deviate from this requirement.

Chairman Moss suggested the Board members meet with their respective district commissioners to determine their concerns and emphasized the Board's advisory role. He cautioned against taking premature action and noted the Board's recommendations would be based on facts presented.

Ms. Smith recognized the challenges of using alternative data sources to establish a prima facie case and pointed out that all commission districts would have to contend with the impact of the Census results.

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1D5 – PRESENTATION RE: COMMUNITY OUTREACH APPROACH AND TIMELINE

Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department briefly reviewed the “2011 BCC Redistricting Public Outreach Summary” highlighting the following components:

- ~ Newspaper Advertisements;***
- ~ Media Release;***
- ~ Flyers;***
- ~ Redistricting Website;***
- ~ Other Outreach Efforts including but not limited to Social Media;***
- ~ Community Outreach Meetings; and***
- ~ Courtesy Public Hearing Notification.***

Ms. Brown urged the Miami-Dade County Citizens Redistricting Advisory Board (Board) members to review the 2011 Community Outreach Meetings schedule to determine whether the locations and times could be used as a model for this year’s meetings. She revisited the timeframe for completing the redistricting process and proposed scheduling in-person community meetings for late October with virtual meetings scheduled in early November. Ms. Brown noted some of the meetings may be scheduled during the weekends to accommodate the compressed timeframe.

In response to Ms. Smith’s question as to the duration of the public meetings, Ms. Brown stated based on the meetings held during the 2011 redistricting process, she anticipated the public meetings to last between one (1) hour to one and a half (1.5) hours.

Ms. Joseph inquired why radio advertising was not utilized for the 2011 public outreach initiative and asked whether Board members were permitted to make recommendations regarding the public outreach plan.

Ms. Brown welcomed the Board’s input regarding the outreach plan and stated it was possible that the 2011 media release included a radio component.

Ms. Joseph requested a discussion item to discuss alternative community outreach efforts be scheduled for a future meeting date.

Ms. Smith concurred that radio was an important element to reaching the public.

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Ms. Milian expressed concerns about scheduling the public outreach meetings at the end of October given the restricted timeframe for completing the redistricting process and asked whether the meetings could instead be scheduled for early October.

Ms. Brown noted the 2011 public outreach meetings were scheduled after the initial redistricting maps were drafted. She explained that while this was not a requirement for scheduling the meetings, if the Board wished for the maps to be available to the public; the public meetings needed to be scheduled in late October to provide the consultants adequate time to review the data, meet with the district commissioners, draft the maps and present the maps to the Board for consideration.

Assistant County Attorney Oren Rosenthal suggested waiting until the legacy data was released on August 16th, 2021 before discussing scheduling matters.

Chairman Moss indicated his intent to schedule at least one (1) Board meeting to discuss the legacy data after the consultants had time to review the data.

Discussion ensued between Mr. Dieguez and Assistant County Attorney Rosenthal regarding the process of adding items to the Board's agenda.

Chairman Moss cautioned his colleagues not to be activists but instead consider their role on this Board.

Mr. Smith requested Ms. Brown to provide the Board members with any supporting information and documents prior to the scheduled Board meeting to provide the members time to review the material.

1E – DISCUSSION

1E – SET DATE FOR NEXT MEETING

Discussion ensued among Chairman Moss, Ms. Smith, Assistant County Attorney Oren Rosenthal, and ARCBridge Consulting Project Manager, Priti Mathur, regarding prospective dates for the next Miami-Dade County Citizens Redistricting Advisory Board (Board) meeting.

Chairman Moss announced the next Board meeting would be scheduled for September 2nd, 2021 at 9:30 a.m. He noted Board members would be notified by staff of any scheduling changes.

SPECIAL NOTE: *Following the meeting, the September 2, 2021 meeting date was rescheduled to September 20, 2021 with due notice provided by staff.*

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IE2 – AGENDA ITEMS FOR NEXT MEETING

Chairman Moss asked his colleagues to contact Ms. Kimberly Brown, Planning Section Supervisor, Long-Range Planning, Regulatory and Economic Resources (RER) Department, to place items on the agenda.

Ms. Smith requested the Board recognize a moment of silence in honor of the Surfside building collapse victims.

Ms. Brown announced the next meeting agenda would include additional information regarding the redistricting data and community outreach efforts.

Ms. Milian asked whether the Board members would have access to the legacy data upon its release.

Ms. Priti Mathur, ARCBridge Consulting Project Manager, stated it would take approximately two (2) weeks after the legacy data become available for it to be shared with the Board members.

ADJOURNMENT

There being no further business to come before the Miami-Dade County Citizens Redistricting Advisory Board (MDCCRAB), by motion duly made, seconded and carried, the meeting was adjourned at 11:19 a.m.



Chairman Dennis C. Moss

Miami-Dade County Citizens Redistricting Advisory Board