

EXECUTIVE SUMMARY

Recommendation to approve criteria for establishing new Collier County Commission District boundaries, pursuant to Chapter 124, Florida Statutes, and the Florida Constitution.

OBJECTIVE: To obtain Board approval to use the below specified criteria to establish new Collier County Commission District boundaries.

CONSIDERATIONS: The Constitution of the State of Florida, Article VIII, Section 1.(e), requires that, after each decennial census, the Board of Commissioners is to divide the County into districts of contiguous territories as nearly equal in population as practicable, with one Commissioner residing in each district elected as provided by law. Chapter 124, Florida Statutes, also provides for more frequent redistricting to maintain population balance but provides that redistricting shall only occur in odd-numbered years.

Traditionally, pursuant to Public Law 94-171, the United States Census Bureau would provide population data to Florida counties in March of the year following the completion of the decennial census. Due to the impact of the COVID-19 pandemic the State and County level population data is not expected to be distributed until mid-August. While the data delay will push the timeline for redistricting towards the latter portion of the year, in April 2021, the Board approved staff's proposed schedule for the redistricting process to be presented for adoption at the Board's December 14, 2021 public hearing.

The Census Bureau did provide an estimate of the County's 2020 population at 392,973, which is an increase of 71,453 persons over the 2010 population of 321,520. Staff does not anticipate that the population increase was evenly allocated to the five districts, and expects that the data will show that some districts grew at a faster and larger rate than others. The redistricting process is designed to achieve population equity within the five districts, which would be 78,595 persons per district based on the Census Bureau's current estimated 2020 population. Once the final data is released in August 2021, staff will identify the necessary increase or decrease adjustments that must be made to achieve a lawful population distribution.

To comply with the Florida Constitution, and for the convenience of the electorate, staff proposes the following four primary criteria be used for the purpose of redistricting; these are the same criteria approved by the BCC in 2011:

1. The population of each district should be as similar as possible.
2. All districts should be as compact and regularly shaped as feasible.
3. The incumbent Commissioner's residence (and the same for School Board members) must remain in his or her current district.
4. Consider racial and ethnic populations in accordance with the law.

Section 2 of the Voting Rights Act prohibits denial or abridgement of the right to vote based on race, color or minority language status including the opportunity to participate in the political process and elect representative of their choice. Section 2 further forbids creating election districts

that improperly dilute minorities' voting power. Tactics commonly used to dilute minority voting strength include:

1. Cracking — Dividing groups of people with the same or similar characteristics into more than one district to diminish their ability to elect a desired candidate.
2. Packing — Cramming large groups of people with the same characteristics into the same or as few districts as possible to dilute their voting strength elsewhere.

The 2011 redistricting was guided by additional criteria and staff is also requesting approval of the four supplemental criteria stated below:

1. Any plan that has a retrogressive effect on minority voting strength would be eliminated from further consideration.
2. Well-defined, easily recognizable, and major boundaries, such as rivers, arterials and major roads, should be utilized when not in conflict with other criteria.
3. Former district boundaries should generally be maintained when not in conflict with other criteria.
4. Communities of interest, such as Golden Gate Estates, and neighborhood integrity should be preserved when not in conflict with other criteria.

On July 27, 2021, County Staff will appear before the District School Board of Collier County requesting agreement to draw coterminous district boundaries with the County Commission District boundaries, and to request School District staff support, including language interpreters to assist at redistricting public meetings, as similarly carried out during the 2011 redistricting. Finally, as in past redistricting efforts, the Collier County Supervisor of Elections, Jennifer Edwards, has made her staff available to provide technical support as needed.

Independent Review: Staff also plans to take an additional step to ensure compliance with the constitutional and statutory requirements of redistricting, which the County authorized during the 2011 redistricting effort, by engaging a private sector law firm to provide an independent review of the County's redistricting process and final proposed district boundaries. Specifically, the firm retained will:

1. Use GIS mapping techniques to ensure the data accuracy of map options developed by the Comprehensive Planning Section.
2. Observe one community feedback session (public meeting).
3. Review and provide feedback to the County on the process used to garner feedback from the community.
4. Review the five map options for compliance with redistricting criteria, prior to the presentation to the Board.
5. Prepare a brief overview of the accuracy and completeness of the process used, for presentation to the Board when map options are presented.

FISCAL IMPACT: The fiscal impacts to the County are for use of existing County staff and resources; translation services; advertisements associated with public meetings; and contractual services for independent review and evaluation of the redistricting process – all of which costs are included in the current fiscal year budget.

GROWTH MANAGEMENT IMPACT: This item has no Growth Management impact.

LEGAL CONSIDERATIONS: The Florida Constitution, Article VIII, requires Commission Districts to be adjusted following each decennial census so as to achieve population balance, if Census data reveals a population imbalance exists. Based upon Census 2020 population data released pursuant to Public Law 94-171, Commission District populations are expected to be disproportionate. The proposed redistricting criteria are consistent with the Florida Constitution. This item has been reviewed and approved by the County Attorney's Office, is approved as to form and legality, and requires a majority vote for Board approval.—SRT

RECOMMENDATION: That the BCC approve staff's above recommended criteria and the process for establishing new Collier County Commission District boundaries.

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