

A Meeting of the Meridian Districting Committee was called to order at 10:02 a.m., Friday, May 20, 2022, by Jo Greer.

Members Present: Jo Greer, John Nesmith, Pam Jagosh, Steve Cory, Megan Larsen and Walter Steed.

ROLL-CALL ATTENDANCE

☒ Jo Greer	☒ Steve Cory
☒ John Nesmith	☒ Megan Larsen
☒ Pam Jagosh	☒ Walter Steed

Greer: Okay. Good morning. At this time I will call to order the Meridian Districting Committee for the purpose of the scheduled public hearing to receive input on the proposed districting map. For the record it is 10:02 a.m. on Friday, May 20th. May we please have the Clerk call roll.

ADOPTION OF THE AGENDA

Greer: May I get a motion to adopt the agenda?

Larsen: Madam Chair, I move to adopt the agenda as presented.

Cory: Second.

Greer: I have a motion and a second. All those in favor say aye. Any opposed? Motion carries. The agenda is adopted.

MOTION CARRIED: ALL AYES.

PUBLIC HEARING PROCESS

ACTION ITEMS

1. Public Hearing for the Proposed City Council District Map and Corresponding City Council District Boundaries

Greer: Mr. Starman, would you take a moment to, please, provide a brief overview of the process up to this point and our purpose is here today.

Starman: Thank you, Madam Chair and Members of the Committee. You know, you have heard much of this in previous meetings, but I'm going to recap some of our prior conversations, both to kind of prime the pump for today, but also for the benefit of our audience, both here in the Chambers, as well as those that might be looking at -- or

watching the meeting via Zoom or they might watch the meeting at another time once it's recorded. So, I will -- I will cover some material that you have heard before, but it's probably a good refresher for everybody and I think it would be helpful for the public as well. So, I will start by discussing -- there was a -- a new -- it's not as new any longer, but a law was adopted by the state legislature in 2020 that was subsequently codified as Idaho Code Section 50-707(a) and that is our reason for being here today. So, that state statute essentially says that for those cities -- incorporated cities that have 100,000 or more inhabitants, that there now is a requirement -- state requirement that districts be established and so as of the 2020 Census Meridian falls into that category. There are only three cities in Idaho currently that meet that threshold. So, Boise City, Nampa and Meridian are the three cities that are impacted today and that likely will change going forward, but today is the three. So, that's our purpose for being here today is to assist the Mayor and City Council with its statutory obligation to create districts for City Council elections on a going forward basis. In response to the state statute, the City Council adopted a Meridian ordinance that modified the Meridian City Code to help provide some structure. The state law is fairly brief, doesn't really -- it leaves -- provides the skeleton, but not a lot of meat on the bones and so the one purpose of the Meridian ordinance was to flesh out some of these concepts and ideas in a little bit more detail, but also, importantly, the City Council and the Mayor felt strongly that it was important to encourage citizen involvement and to make sure we have a fair and objective process and so it's not a requirement of state law that we have -- that the City Council or the city established a committee or have public hearings or anything of that nature. That's -- those are all sort of tools that the City Council adopted in order to encourage maximum city -- citizen input, to make sure we had smart people like you all that would assist the City Council and the city in establishing those districts and that we have plenty of opportunity for citizen input. So, the City Council adopted ordinance that created the Meridian Districting Committee and I thank you once again for serving -- agreeing to serve on the committee. We really appreciate your public service and I know you all have busy lives and other duties, so thank you for -- for doing so. It's greatly appreciated by the Mayor and by the City Council. So, we adopted an ordinance -- the City Council adopted an ordinance that created this -- this committee and defined its duties and obligations and sort of the parameters of how all this would work. So, I will just briefly touch on some of those items. So, this is a six member committee. The membership was -- members were selected by the Mayor and confirmed by the City Council and the -- essentially, the charge of this committee is to establish six City Council districts and, then, to number those districts into assigned Council seats to each district accordingly and, then, you -- I will talk in a moment about some of the parameters that we have to be mindful of, but your core duty is to, essentially, generate a proposed Meridian districting plan, the heart of which is a map of the city that would divide the city into six districts and starting in 2023 with the next city general election, elections will start -- Council Members will be elected by the electorate from those particular districts. Just as a sidebar, I will mention that we -- we think it's important -- the state law does not really address this topic, but we think it's important to maintain staggered terms for the City Council and so the way it works is that we have three seats that will be up for election in 2023. Those will be done -- elected by districts. The -- and, then, in 2025 the remaining three seats would be elected by district. So, we will continue to have staggered terms, even with this transition to districts. Importantly I think -- we

have talked about this -- is that the City Council and the Mayor felt very strongly that this committee should act independently and autonomously and so we -- that was actually incorporated into the ordinance and the ordinance talks about the fact that this committee will act independently without regard to the residency of current elected officials or potential candidates. That ought not be part of your deliberation or your consideration. You know, you were charged with looking at this from the kind of a broader community perspective and to be independent in your judgment, without respect to, you know, where current elected officials might reside or live or where potential candidates in 2023, for example, might reside. Your charge also from the Council was to complete your work by June 28th at the latest. So, I think -- I think we have plenty of time to accomplish that, but that's not far away. So, it's six or seven weeks perhaps, but I think the committee has made great progress to date and I'm sure the committee will continue to make refinements as you proceed to a final work product. But I think you are well on track, but the -- the due date for your assignment is June 28th at the latest. Sooner is always acceptable, too, of course. Once the Council -- so, I want to kind of reinforce the importance of the work this committee is doing, because the way the ordinance is crafted -- and this is directly related to the fact that they -- they -- the City Council and the Mayor wanted this group to act independently. The way the ordinance is crafted is once you transmit your plan to the City Council, they really just have two choices. They can -- if -- if the plan complies with state law, with Idaho Code Section 50-707(a), if it complies with the law, they are, essentially, required to approve the plan as submitted. The other option is if they make a finding that the proposed plan does not comply with state law, their option is to remand the plan back to this committee for additional work and to make corrections as needed. So, really, the Council has two choices. They can say, yep, you did it right and we will adopt it or you made a mistake somehow and we are going to send it back to you to fix it. So, those are the two choices of the Council. And I mentioned that this -- the -- really, the -- the plan goes into effect in -- for the first time in terms of an election scenario in 2023 -- November of 2023, but the City Council and the Mayor were really mindful of the fact they wanted to have the -- the rules of the land laid out as well in advance as possible, so that incumbents can make decisions about what they might want to do and -- may or may not want to do in 2023 and potential candidates -- other candidates for office can do the same. So, the idea was to have the map and the districting plan in place at least one year prior to the filing period for the 2023 elections, so that everybody knows what the -- the lay of the land is and they can make their decisions accordingly. So, that also is part of the thought process. I'm going to just briefly talk about legal considerations and, then, I'm going to wrap up and turn it over to -- to Doug and to Brian and others. Trent as well. So, with regard -- there is a hierarchy. We have talked about this, but I'm going to just summarize it again. Perhaps for the public's information in particular. But a good -- a good refresher. So, there is a hierarchy in the law and that hierarchy is as follows: So, first and foremost is the United States Constitution. The Constitution trumps everything else; right? If there is -- there is a requirement in the U.S. Constitution that trumps Idaho Constitution, that trumps state law and it trumps city ordinances. So, with respect to the U.S. Constitution we have talked about the one person, one vote rule or holding from the U.S. Supreme Court and other appellate courts that, essentially, says under the equal protection clause in the 14th Amendment, in order to comply or to adhere to the equal protection clause and as a general rule it's one person one vote and so with

regard to districting you can't -- you can't have a -- such a deviation in population amongst districts that we throw that one vote one -- one person one vote rule out of kilter and so the U.S. Supreme Court, the Idaho Supreme Court, and other appellate courts have held that if -- and there is nothing magic about this number -- it's what the court came up with. But they basically have ruled and held that if the deviation between districts is ten percent or greater, there is a presumption that there is discrimination, that there is a violation of the equal protection clause and it's the burden -- the burden is on the government agency to prove that is not the case. So, our goal is to stay below ten percent if we can to avoid that legal presumption and potential challenge and I think the plans that you all are focused on now accomplish that, so I don't envision that being a problem. But certainly a goal is to be mindful of that ten percent threshold, so to speak, and we are going to try to stay below that to avoid any potential issues with the equal protection clause. Part two, the next layer in that hierarchy, is Idaho State Constitution. The Constitution really doesn't have any explicit language on City Council districts. There is language that talks about legislative districts and redistricting. There is no explicit language that deals with City Council districts. So, I think we are good there. But we need to be mindful that the Idaho Constitution is applicable here as well and I don't envision that being an issue or problem. The next layer of your legal considerations is state law, which is the Idaho Code Section 50-707(a). So, that's the provision that we have discussed previously as well and I mentioned already several times here. So, there are two things I want to point out that is in that state law. So, one is there is verbiage that basically says each city council district shall consist of one or more contiguous election precincts and so as we have discussed you can put -- you know, there are lots of smart people out there that can parse language and so forth, but I think the -- the most logical interpretation of that language is that we need to use whole election precincts as established by Ada county and just recently this year after the election -- or excuse me -- after the census data became available. So, as you know that -- we have been working with that premise -- under that premise that we are going to use whole election precincts to create the districts. Those precincts are not determined by the City of Meridian, those are determined by Ada county based upon their criteria and, you know, perform a nice -- I like to think about it as they form nice building blocks for the districts that you all are charged with creating. The other important aspect of state law is a requirement that states that each of the districts we are talking about -- each district shall, to the nearest extent possible, contain the same number of people. That's very consistent with the equal protection clause. That's exactly what the one person one vote language is referring to and so as we talked about -- there is a little bit of flexibility there, because it doesn't say that they shall be equal, it says to the extent possible. So, there is a little bit of wiggle room, but I don't want to overstate that. It's not that much wiggle room. So, we need to be mindful of that. And, then, the last thing I will say on the legal requirements is we have the ordinance that the City of Meridian has adopted, that also talks about many of these issues and so in addition to everything else I described, the local ordinance says that this committee will also look at principles of districting as they may -- are or may be established by law, policy, and custom. So, that's not language found in state law, that's language that's specific to Meridian that talks about districting principles established by law, policy, custom. So, that would include things like, you know, communities of interest, neighborhoods, some things that you have all talked about before. I think that all falls within that provision within the municipal ordinance and

I will just reinforce, however, that we had the hierarchy, so you have to be able to check the boxes at the -- the legal requirements that -- that are -- that trump -- or are superior to a local law. We need to check all those boxes before we get to that category. So, all these things work together. It all kind of forms the basic framework for your decision making authority. But those are kind of the -- a brief overview of the -- the legal lay of the land. So, with that I'm happy to stand for questions and -- or we can transition to a description of the maps that have been generated to date.

Greer: Thank you, Kurt. Does anyone have any questions? Okay. At this time I will open the public hearing on the proposed districting map. We will begin by asking the staff to describe the proposed map and the six City Council districts.

Green: Thank you. All right. Let me share my screen here. May I ask would you like me to run through the whole explanation of all of the steps for this hearing or would you like me to just describe the map -- the proposed map at the -- at the end?

Greer: Just I guess for viewers who haven't been part of it you could probably go through the process.

Green: Okay. All right. So, Kurt already covered the law, but the detail here that's important is that our ordinance specified that we use the 2020 census information and so we began with the area designated by the census as the City of Meridian. So, not our current city limits boundaries and that population designated by them was 117,635. We, then, selected the census blocks that were within that area and verified that -- that that population, by summing those census blocks, also equaled the population we are expecting. Then noting that we needed to use precinct boundaries and that census -- well, the precinct boundaries mostly aligned with census blocks, but that some of them were split by the precinct boundaries. We had to use a map method where we generate a point of the center of each census block and, then, we took those points and assigned them to whichever precinct they were in and sometimes this means that all of the population of a particular block is assigned to one precinct and so one precinct may miss out on a few. Those were all -- let's see here. This map shows the census blocks that were split by precincts and just for discussion why not split the population of those blocks? It -- you know, there is a -- a very tight methodology used by the Census Bureau on how they assign population. If we were to try to do that ourselves and repeat it with a new study it would take a lot of time and be scrutinized and so we basically just used this method, which is highly used and somewhat well accepted. So, with that explanation in place the populations that were assigned to each precinct were used by the committee to -- to group precincts and form their proposed districting plan, which is shown here, and many of the items discussed in their -- in their meetings included a -- a feeling of those in the city who feel like they are a part of different portions of the city and so the -- the proposed map that you see here reflects their feeling of keeping certain groups of the city together and not lumping large areas around the outside or other areas that wouldn't feel very cohesive or in line with keeping neighborhoods together and things like that. So, what we end up with is a District One that's in the northwest above the freeway and mostly west of -- what is this? Linder. And a District Two that is in the north above -- I believe

that's Ustick. And, then, a District Three that is kind of in a -- a more central area of the city. A District Four being on the east and north of the freeway. And, then, a District Five that is south of the freeway and on the east of the city. And, then, a District Six, which is mostly the southwest of the city, but not completely below the freeway. Branching up just a little bit there. So, I am -- that's -- that's as much explaining as I have to do there.

Greer: Thank you. For the benefit of the members of the public here this morning -- and some of this may repeat what you just said -- I wanted to do share what led the committee to presenting the proposed map. Over the course of the last month we have met to review proposed maps and consider different boundary options. Committee members were able to review potential map changes to see how the changes would affect the population variance. The committee felt strongly about district boundaries not dissecting neighborhoods. Having more than one district south of I-84. Looking at growth areas in the city and keeping the district populations as close as possible. Would any of the committee members like to add to that? Okay. With that, Mr. Clerk, could you, please, call those who signed up to testify?

Johnson: Madam Chair, I checked the back a few moments ago there was -- it's a full house as you can see. No one signed up.

Greer: If there is anyone on Zoom who would like to provide comment --

Johnson: Madam Chair, there is nobody in Zoom.

Greer: Nobody on Zoom. Okay. Yes, you will still have to state your name and address for the public record.

Hon: Michael Hon. 2134 East Summerridge Drive, Meridian, so -- actually, I had just had a question. I don't have a color version. Can you bring that color version back up on this? So, out of curiosity, theoretically, right, if you guys adopt this -- or if the City Council adopts this; right? And we flip into next year in regards to elections for City Council. So, you have two city councilmen that are coming up for election that are in the same district, the green one, which is number two; right? So, I would assume that they either will have to run against each other; right? And, then, you have the -- oh. Well, thank you, sir. And, then, you have District Three, which is, essentially, open, so someone will run for that and, then, you have District Five, which is also open. Someone will have to run in that. But, then, you have District Six, which has a sitting City Councilman -- actually two sitting city councilmen, one whose seat is up next year. So, I guess question one is in that District No. Six will the Councilman -- the sitting Councilman Jessica Perreault, will she have -- will she be able to run or not? I don't think anybody can answer that.

Johnson: They will be able to go through when your time is done.

Hon: What was that?

Johnson: We will get all your questions and then --

Hon: Oh. Okay. So, that's the question number one. And, then, question number two is in Section Two, you have two sitting Councilmen who comprise the other two that have -- that seats are up this next year. I'm assuming that they will have to run against each other and, then, you have got two other open. So, that's my questions right there.

Greer: Thank you.

Hon: Go sit back down and --

Greer: Yeah. You can have a seat. Mr. Starman, would you like to comment on that?

Starman: Thank you, Madam Chair, Members of the Committee. Mr. Hon. So, I will -- let me preface my comments by repeating what I said a little bit earlier. To date, you know, the -- the committee has not looked at the residences of existing Council Members. So, that's not been part of the consideration at all, but -- so, I'm going to sort of answer the question in a more general -- kind of more generic or general type of answer, which is as follows: I mentioned earlier in my comments that the -- the ordinance adopted by the Council maintains staggered terms and so in 2023 there are three seats that will be elected by district. Those are seats one, three and five. And, then, in 2025 the three remaining seats will be elected by district and those are seats two, four, and six. I will add a footnote, which is if there is a vacancy during that time, you know, the -- the seat becomes vacant for whatever reason, then, there may be other seats that come into play, but that's kind of speculative at this point. So, right now odd number seats are up in 2023. Even numbered seats in 2025. And, then, with respect to how that might play out if there are two incumbents in -- in a district, yes, they are -- they are -- both could choose to run. One may choose not to. It's -- it's certainly within their prerogative. The incumbent's prerogative. And with respect to candidates that don't currently serve in the Council, their choice as well. So, there is -- the ordinance and state law does not dictate any of that. It's up to each council member and/or potential candidate to make a decision whether they wish to run or not.

Greer: Does that answer your question, Mr. Hon? Yes, you may.

Hon: So -- so, when you say seats one, three and five, that's going to correspond to -- let's say hypothetically this map is -- is -- is adopted by City Council; right? So, when you say one, three, and five you are looking at Section One -- or, actually, District One, District Three and District Five; correct?

Starman: Madam Chair, would you like me to respond?

Greer: Yes, please.

Starman: So, I would answer a little bit differently. See if this makes sense. What I would say is that we are kind of -- they do correspond, but I -- I think initially I want to make a distinction. We are talking about City Council seats initially. So, Seat One, Seat Three Seat Five are up for election in '23 -- 2023.

Hon: Right.

Starman: In that election of 2023 those seats will be elected by those districts that correspond to those numbers. So, Seat One will correspond to District One and so forth.

Hon: All right. That's it. Thank you.

Greer: Thank you. Is there anyone else in the room that would like to provide comment on the proposed map? Okay. Committee, at this time do you have comments on the -- on the map that you would like to include in the record? Okay. So, committee, based on feedback received would you like to discuss any changes to the proposed map prior to the publication of the notice of the second public hearing?

Cory: Madam Chair?

Greer: Yes, Mr. Cory.

Cory: I would like to go on the record as saying that I have a concern on the -- the option one map that -- in that the District Six goes all the way from Hubbard Road across Cherry Lane. I do not have a proposal for how to fix that at this time.

Greer: Thank you, Mr. Cory. Would anyone like to add to that?

Larsen: Madam Chair? I appreciate Member Cory's concerns and as -- as we recall from our exercise in trying to do this it is quite difficult given the population sizes of the various precincts to make the ideal map that still meets the population requirements. I am pleased with this proposed map as it being as good as it can be to meet all of the requirements. Same size population. Keeping the precincts whole. And, then, also keeping those neighborhoods together to the extent possible. And I would just also note that, of course, these are 2020 population figures and in our high growth area they are already a little different.

Greer: Anyone else? I think I will just follow with that.

Steed: Madam Chair, if I might.

Greer: Oh, yes.

Steed: A question for Mr. Starman. Based upon 2020 and the way this has been done, we have got an 8.89 percent variance in the preferred map. What happens in -- ten years from now, in 2030, District One here balloons and district -- pick a number -- shrinks for whatever reason and, then, you have got a 34 percent variance between districts. Does the city redistrict again or do you even know? And it's not -- it's not pertinent to what we are -- we are -- we are voting on, but it's just -- the comments made a moment ago made me wonder kind of a -- then what?

Starman: Madam Chair, Members of the Committee, so we do look at a point in time. That's by state law. So, we look at the -- now we are looking at the 2020 Census figures, which are already quite dated as committee members have alluded to and so we are looking at those numbers when we do our -- when the committee does its work and does its analysis, those are the numbers that we need to focus upon. When the 2030 Census numbers become available, which absent another pandemic or something crazy, should be in 2031. It was delayed this last cycle because of the pandemic. But when those 2030 Census numbers become available we will -- the city and -- and other entities as well -- but the City of Meridian will have to redistrict at that point in time based on the 2030 numbers and basically we will reapportion, so that we strike a balance once again between the six districts, so -- and, you know, the city and whatever process is used at that point in time, it could be simply making changes around the edge of current districts or we can start with the blank -- the city could start with a blank slate and just do it all again from scratch. So, when the 2030 numbers come out there is a lot of latitude how the districts get drawn at that point in time.

Steed: Thank you. Thank you, ma'am.

Larsen: Madam Chair?

Greer: Yes.

Larsen: I would assume as well, Kurt or Trent, that the county would do the precincts over in 2030 as well.

Starman: Yeah. That's correct. The county has an obligation under state law as well to develop precincts after census data becomes available and I would ask Trent maybe to elaborate on when and how that happens.

Tripple: Yes, Madam Chair. That this exact same process that we have been through will happen in 2030. So, you will have probably a lot more options based off growth as we redraw precincts as well based off what I assume would be possibly changes to legislative districts within the county as well. So, there will be a lot more options and the puzzle pieces will probably be easier if the variances look like they would be outside of ten percent.

Starman: Madam Chair, that just jogged another thought for -- in response to the question is that, really, the way I visualize it -- and this might not be technically accurate and Trent can correct me, but I kind of visualize it as sort of the three steps that lead to the city council districts. So, the first is statewide redistricting. That -- that process occurs first. That's step one. Step two is, then, Ada county will create precincts once those districting lines are known. The Ada county -- Ada county will create precincts and honor those new legislative boundaries and, then, step three would be the city updating its city council district maps as well.

Greer: Is that helpful?

Steed: Yeah. Thank you very much. Just like -- it doesn't -- it doesn't have anything to do with the drawing lines on this one, it just made me start thinking about how does this work in the future and I think that's very helpful. Thank you.

Greer: Okay. I guess at this time as all members of the public who wish to speak have had the opportunity, we will continue this public hearing to Thursday, June 9th, at 6:00 p.m.

Cory: Madam Chairman?

Greer: Yes, Mr. Cory.

Cory: I would like to make a request just for the record.

Greer: Yes.

Cory: It's possible -- let's say just as a hypothetical example the particular district that we have got that has the highest population and the one that has the lowest population could be adjacent and they may actually have one of our pre -- precinct blocks straddling that line and just as kind of something I want to keep in mind is if that -- the place where that particular census block got placed, if it puts in jeopardy the -- the deviation that we have got -- so, I would appreciate it if the staff would go ahead and augment the map that we have got with the split precincts and identify where the geocenter is for those split precincts.

Green: Yeah. I would be happy to. I will show those -- the centroids is what they are called of each census block on that map, so that you can see where the population will be assigned.

Cory: Thank you.

Starman: So, Madam Chair, I think we were heading -- was to continue the hearing until a date certain. I'm going to ask the City Clerk, do you -- is that how you intended that to be? It's going to be -- are we going to have two discrete public hearings or is it a continued public hearing?

Johnson: It could be either way. We -- we published -- or we said we were having two hearings, so if you interpret that to be two separate public hearings that's completely fine. It can be continued or new -- either way we will be publishing a new hearing notice for it and, then, publishing whatever is directed by the committee to publish.

Starman: Madam Chair, I think with that last sentence I might just -- I would defer to the chair and to the committee members, but I think both ways -- both methodologies work. I have a slight preference for just closing this hearing and opening a second public hearing on a date certain, because that's how the ordinance is crafted is that you will -- you shall have two public hearings. So, in order to technically check that box I kind of like the idea

of closing this hearing and having a second standalone hearing, but -- does that make sense?

Greer: Does anyone disagree with that? That makes perfect sense.

Nesmith: Madam Chair?

Greer: Yes. Commissioner Nesmith.

Nesmith: I move that we close this public hearing.

Steed: Second.

Greer: All in favor?

MOTION CARRIED: ALL AYES.

Greer: Meeting is adjourned.

MEETING ADJOURNED AT 10:37 A.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

CHAIRMAN JO GREER

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK