

A Meeting of the Meridian Districting Committee was called to order at 6:00 p.m., Thursday, June 9, 2022, by Jo Greer.

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

Also Present: Adrienne Weatherly, Kurt Starman, Caleb Hood, Cindi Anderson and Dean Willis.

ROLL-CALL ATTENDANCE

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

Greer: Okay. Good evening. Welcome to the Meridian Districting Committee public hearing on Thursday, June 9th, 2022. The time is 6:01. Adrienne, could you, please, call roll.

PUBLIC HEARING PROCESS

Greer: I'm just going to go ahead and read the agenda, if that's all right. So, the public hearing process -- following an explanation of the process used to create the proposed map, members of the public will be invited to provide comments and ask questions of the committee. Each member of the public who wishes to speak will be allowed up to three minutes to address the committee. Please speak directly into the microphone and provide your name and address for the record. The Clerk will call upon those who have signed up at the start of the meeting. Those who have not signed up or joining to hear virtually will have the opportunity to speak as well. Once everyone who wishes to speak has had the opportunity, the committee may discuss the proposed map and feedback received.

ADOPTION OF THE AGENDA

Greer: Next I need an adoption of the agenda.

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

Nesmith: I will second that motion.

Greer: Okay. I have a motion and a second. All in favor? Any opposed? Okay. The agenda is adopted.

MOTION CARRIED: ALL AYES.

ACTION ITEMS

1. Approve Minutes of the May 20, 2022 Public Hearing

Greer: Next I need approval of the meeting minutes from May 20th, 2022.

Larsen: Madam Chair, I move to approve the May 20, 2022, minutes as written.

Nesmith: I will second that motion.

Greer: All in favor? Any opposed? Okay. The minutes are approved.

MOTION CARRIED: ALL AYES.

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

Greer: Okay. Next we have Mr. Starman, who is our city attorney. I'm going to have him provide a brief overview of the process up to this point and our purpose here today and if you have been to this meeting already this is going to feel very similar to the last one. Okay. Thank you.

Starman: Thank you, Madam Chair. So, I will take a few minutes to briefly describe the impetus for this committee and your charge and sort of what we are all convened here to do today. You have heard this at least twice, probably more like three times now, so I'm going to try to be succinct, but I'm also mindful that we may have, you know, folks online that are watching or that may watch later with the recording, so I want to make sure they have good information. So, I will -- I will try to cover the salient points, but I will try to do so succinctly and, then, before we do that I want to make a -- just a quick little announcement with the chair's indulgence, that many of you -- depending on how you came to City Hall tonight, whether you drove or rode a bike or walked, you may have noticed a lot of police vehicles located just to the west of City Hall. So, we had a law enforcement incident earlier today, an officer involved shooting. That activity -- that law enforcement activity has -- that's done. Everything's safe. There is no public safety concern. But the incident will take quite some time to investigate, so the police vehicles you see there now and the police staff are there investigating what occurred earlier, but it's all past tense. So, nothing -- there is no public safety concerns this evening, but I want to make sure you knew that, because we got like probably 25 police cars across the street. So, I wanted you to be aware. All right. With that little digression I will briefly describe the -- sort of our purpose here tonight and what the committee is charged with doing. In 2020 the state adopted a new state statute that essentially said for those cities that -- with a population of 100,000 or more, that those cities must use city council districts for the purpose of electing councilors to the city council and so there are at this point in time just three cities that fit that criteria. That's Boise City, the City of Meridian and the City of Nampa and so all three jurisdictions actually in the process right now of doing what we are doing here tonight and they are at various -- various stages of that process. I think

Meridian is sort of well ahead of the others, but everybody is doing the same thing. So, the charge is that we -- we, as a city -- Meridian as a city needs to establish six city council districts and there is rules that we need to follow to do so, so I'm going to cover that briefly. But that's our -- our charge this evening in going forward. So, in the case of the City of Meridian, the City Council thought it was very important to have a very open, transparent process that was citizen driven and with citizen participation. So, there is no requirement in state law to use a city -- you know, a citizen committee or anything of that nature. That part of our process was the City Council's desire to make sure that the process was open and we had good community input and representation. So, the -- what the City Council did was to create by ordinance the Meridian Districting Committee and you all were very gracious to agree to serve on that committee, so thank you once again for your community service. It's greatly appreciated. So, thank you for that. And so the committee was formed and your charge, essentially, is what I alluded to earlier was to establish six city council districts and, then, assign one city council seat to each of those districts. So, that's the -- the goal of the process and as we have already learned it's a little more difficult than it sounds, because there are different rules and parameters that we have to adhere to and makes it a bit of a challenge. A little bit of a puzzle. With that, in terms of the puzzle part of this, we talked about before there is sort of a hierarchy of law that is involved, so I just want to recap that also for those that might be watching online or watching at a different -- different time. So, the hierarchy of law -- I'm going to start with the -- the highest and, then, kind of work our way down the ladder from there. But first and foremost whatever we do as a city needs to comply with the U.S. Constitution and in particular with regard to the -- our topic of districting, we need to comply with the Equal Protection Clause, which a lot of -- oftentimes you hear this expression or phrase or term of one person, one vote. Essentially what that -- and that stems from the Equal Protection Clause and the gist of that is that we want to make sure everybody's vote is treated equally and weighted equally and so that everybody has fair participation and equal treatment in terms of selecting our elected officials in our representative form of democracy. So, first and foremost -- and that's why we have spent a lot of time talking about variance -- the population variance and issues that -- surrounding that topic. So, that's -- that's the reason for our -- at least one of the reasons of our interest in population variance. Next in that hierarchy is the Idaho Constitution. The Idaho Constitution also has an equal protection type clause, which would be applicable, and there is some other language in the Idaho Constitution that deals with districting as well, but it almost all pertains to statewide districting, meaning the state representatives and state senators, congressional districts and so forth. So, not a lot of guidance in the Idaho Constitution relative to districting, except that it, too, has an equal protection clause, which is -- has similarities to the U.S. Constitution. And, then, next is the statute I mentioned a moment ago, which was adopted -- a statute that was enacted in 2020 by the state legislature and signed by the governor and that became what is now known as Idaho Code Section 50-707(a) and that really has a couple important parts that are relevant to your work tonight in going forward. The one is -- it basically says that the work product, the districts, each district must or shall consist of one or more contiguous election precincts. So, in the maps that you have worked on up until this point in time, you know, we have these precincts that we have used as our building blocks to create various scenarios for districts. So, the -- at the -- the reason we can't use nice, you know, geometrically precise squares and rectangles

and things like that is that we are -- we need to adhere to the precinct lines and in some cases they are -- they are nice little squares and sometimes they are just oddly configured polygons and so they are what they are. But per the state law we need to use those precinct -- those election precincts as our building blocks for the districts. And, then, secondly, also important and very much related to that equal protection concern of population variance, we need to, under state law, make sure that to the nearest -- the term of art used in the statute is to the nearest extent possible minimize population variances or make the districts as, you know, near as feasible or possible and so that's been part of our thought process throughout as well. And, then, lastly, is the ordinance adopted by the City of Meridian for creating districts, that is in the pecking order or hierarchy that I mentioned, this is our -- the last -- the lowest rung on the ladder, but that, essentially, says do everything I just said and, you know, utilize principles of districting as they may be established by law or custom or practice. So, essentially, use other tools and methods and practices that are often or frequently used for districting. So, you have -- the committee has talked, for example, about community's interest and neighborhoods and, you know, grouping districts to honor those kind of things. So, I think that's, essentially, what was -- what the City Council had in mind with respect to that terminology. So, that is your hierarchy for tonight and going forward is from a legal perspective how we create the districts. So, with that I would be -- I think I will pause and I'm happy to stand for any questions you may have, but, otherwise, I will let -- I will turn it back to you to do the hard work.

Greer: Does anyone have anything for Mr. Starman? Okay. Thank you. Appreciate that. At this time I will open the public hearing on the proposed districting map. We will begin this by asking the staff to describe the proposed map and six city council districts. So, that would be Cindi and Caleb.

Hood: Madam Chair, Members of the Commission, so kind of like Mr. Sharman just did, I'm not going to belabor this too much, although I do want to give a little bit of context for those that may be watching online. You do have -- we made copies of some maps that you have in front of you. I don't know how these proposed districts were described to you previously, it's a little tough, you can use roadways and -- but I think a picture in this case is worth a thousand words. Unfortunately, Windows thought it would be a good time to do an update just about three minutes ago, so it's at ten percent right now. There is no warning, it just said do not turn off your computer and it's doing an update right now. So, we do have hard copies of public option one and I believe you are all familiar with it, so I don't know how else best to describe it, but it is what is before you and is the same as was discussed during your first public hearing. So, nothing has changed up to this point. I would stand for anymore questions or clarifications you may need, but we are kind of pinch hitting. As you know, neither one of us have been actively participating up to this point for Doug and Brian. Mr. Tripple has been here. But we are generally up to speed on the process. So, with that I will conclude the opening remarks and we will let you know -- we will pop it up just as soon as we can and show you pretty pictures.

Greer: Thank you. Excuse me. Well, we will -- we will come back to you if we need that and for the benefit of the members of the public that are here this evening, I wanted to

share what led the committee to presenting the proposed map. Over the course of the last month the committee met to review proposed maps and considered different boundary options. As Caleb mentioned, this is not an easy task. I guess both Caleb and Kurt. 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 our city and keeping the district populations as close as possible. As we saw even moving some of the precincts around, it -- the variance easily changes and goes above the ten percent that's recommended. Would any committee members care to add to that? No? Adrienne, do we have anyone signed up online? Clearly we have no one here.

Weatherly: Madam Chair, we do not.

Greer: Okay. Do we -- as far as I knew as of yesterday we didn't have any public comment.

Weatherly: That is correct.

Greer: Okay. That shortens the -- so, not having any public comments or having anyone here to testify, that brings us back to the committee and so tonight do I -- Kurt?

Starman: Go ahead.

Greer: Do I keep -- do I keep the hearing open so as we discuss it it is on record?

Starman: So, while you were doing business I was seeing if I could share a screen on my side with the map. So, it looks like -- I guess that may be my screen, so we will -- we will use that as a proxy for now until we get a real map. Number one. Number two is if your question is on the public hearing -- so, I think you -- you asked the Clerk if we had anybody in the audience or online and there was not. So, the committee does have the discretion, if you -- there is a motion to that effect and a second you may close the public hearing at this time. You may also keep it open if you have discussion amongst yourself that you want to be part of that record that would be okay as well. But I think it's fine to close the public hearing if that's the -- the druthers of the committee.

Steed: Madam Chair, I would make a motion to close the public hearing.

Greer: Okay.

Larsen: Second.

Greer: Okay. All in favor? Any opposed? Sorry. Okay. The hearing is closed.

MOTION CARRIED: ALL AYES.

Greer: Do we need to take roll for that?

Starman: Is it -- the question is -- yes, you should take a vote. So, there was a motion and a second, then, I would ask for -- did that already occur? I'm sorry, I'm multitasking over here.

Greer: Do we need to -- we need to take roll to close the hearing?

Starman: Take roll on --

Weatherly: Madam Chair, I believe you could do a voice vote. Is that correct? It's not a roll call vote.

Starman: Oh, I'm sorry. If you were asking do we need a roll call vote, no, that is not required. A voice vote is satisfactory. My apologies.

Greer: It's okay. I'm probably asking some questions that aren't really making sense. Okay. So, with that having the hearing closed, do we have any discussion from the committee?

Cory: Madam Chair?

Greer: Member Cory.

Cory: Is your question as to whether there is any general questions or are you expecting something more specific?

3. Meridian Districting Committee Resolution 22-0001: A Resolution of the Meridian Districting Committee to Establish the Meridian Districting Plan; and Providing an Effective Date

Greer: Just if we have any discussion with -- with not having any public input at the moment we are kind of met with a decision as to whether we take a vote on -- voting for the map to be sent to City Council or if we want to have discussion before we do that.

Cory: Thank you, Madam Chair.

Greer: Yeah.

Starman: And, Madam Chair, if you like I can maybe just take a minute or two to describe the resolution that's attached and that might kind of help prime the pump a little bit and we will see if others may have -- committee members might have questions or thoughts after that. So, we did take the liberty of adding Item 3 to your agenda, which does pertain to a resolution that could be used to adopt the Meridian Districting Plan and, then, forward that plan to the City Council for action. So, in essence, the resolution is contemplated by the ordinance. It -- basically the ordinance contemplates that the committee will take

action via a resolution. It requires a minimum of four affirmative votes to advance the topic or to pass the -- or adopt the Meridian Districting Plan. The resolution makes certain assertions or findings on behalf of the committee, which are also required by the ordinance, and I can highlight those very quickly if you like. They -- basically the action that the committee would take -- if the committee votes on the resolution before you was -- is to, essentially, adopt the Meridian Districting Plan. Number two is to certify -- certify that to the best of your knowledge that you have complied with the applicable laws that pertain to the districting process and that the chair be required to transmit the resolution and the Meridian Districting Plan to the City Clerk as required by the ordinance. So, those are sort of the three action items that are contemplated by your resolution. If you are -- if you would like to do so. We put that there just so the committee could take action tonight. I will say -- let me just make clear that you are not required to take action tonight. If you need more time to deliberate, think, look at different options you may do so. Just as a refresher for the committee, the resolution that created the committee and made the appointments indicates that your -- your due date, so to speak, is no later than June 28th. So, you have a -- a couple more weeks -- maybe three weeks. I would have look at a calendar. So, it's not due tonight. It's not due tomorrow. But it is due soon. But you don't have to take action tonight if you don't think you are ready. On the other hand, if you are ready that is certainly your prerogative to -- to do so and, then, it would be transmitted to the City Council. I guess also just as a refresher for the committee, but for those that might watch either now or going forward. The way the ordinance is structured once you take action it's brought to the -- there is another public hearing that takes place with the City Council and, then, the City Council's role is largely ministerial. Essentially what the ordinance says -- if the city finds that the committee's work product -- meaning that the districting plan complies with law, it shall adopt the plan via ordinance and, then, it also says that if the City Council finds for good reason that the plan violates the law in some way, the plan should be remanded back to this committee for additional work. So, those are really the only two choices the Council has. It would say -- it complies with the law and they -- they will adopt it or there is a flaw and it gets remanded for additional work. So, that's where you stand tonight and it's really up to the committee how you would like to proceed.

Greer: Thank you.

Larsen: Madam Chair --

Cory: Madam Chair?

Larsen: -- may I ask a question?

Greer: Yes. Member Larsen.

Larsen: Madam Chair, Mr. Starman, can you expand on provide an effective date that's mentioned in the agenda item?

Starman: Effective date?

Larsen: Yes.

Starman: Well, I think -- I want to just make sure we are talking about the same thing, but the effective date --

Steed: The term provide an effective date. It's in the -- the term provide effective date -- I think she's asking that's in the -- in the --

Starman: Oh, I'm sorry. Yes. So, it's kind of a term of art I guess in the city attorney business. So, basically, the -- we oftentimes in our ordinances and resolutions have sort of two concluding thoughts. One is sometimes we have the savings clause that says that if there is -- any other resolutions or ordinances that are contrary this resolution or ordinance will take precedence and, then, we also often frequently include the effective date clause, which basically says when does this thing really come into play and what it says it comes into -- with regard to the resolution before you it's effective at time of adoption. There is no delay. There is no -- there no interim period of time. Your resolution becomes effective at the time of adoption and it's given to the Clerk and the Clerk will transmit it to the City Council.

Larsen: Thank you.

Nesmith: Madam Chair?

Greer: Member Nesmith.

Nesmith: I had a question for you, Kurt. The map that we -- you know, that we came into this hearing on was option one that we voted for to do that. If we were to change from that wouldn't we need to redo the hearing process?

Starman: Thank you, Madam Chair, and Commissioner -- Committee Members. The short answer is no and I want to elaborate a little bit. So, the answer is, no, you don't have to go through another public hearing process or other iterations of that nature. You may want to, but you don't have to. So, I will say -- to expand upon that and say a couple things. One is that really -- in my opinion really is the purpose of having public hearings and having meetings like this is to solicit input from the community, to give you more time to ask questions, gather information, pros, cons, what makes sense and, you know, sometimes the light bulb goes off and, oh, I didn't think about that or now I see that differently. So, from my perspective if the committee wanted to make -- even though we have closed the public hearing tonight and we have already concluded our previous public hearing. If you wanted to make changes that is certainly allowable and that's fine. The ordinance -- there is no state requirement or statutory requirement for public hearings. That was a city imposed -- we wanted to get -- we wanted to gather public input. So, we put that in our ordinance that said we would hold a minimum of two public hearings, which we have now satisfied. To the extent you make changes tonight or -- or on a going forward basis, you don't have to re-advertise and have more public hearings. But you could if you want to. So, that would really be the committee's choice as well. If you made substantive

changes and you thought it would be helpful and, you know, necessary to get more input you could do that and the city would be happy to -- the Clerk's office would be happy to accommodate that and advertise and that type of thing. But you don't have to. But you have lots of different options.

Nesmith: Thank you.

Steed: Madam Chair?

Nesmith: Madam Chair? Oh, go ahead.

Steed: Go ahead.

Nesmith: Walter, you go ahead.

Steed: I was just going to try to summarize, as I understand, how -- how we got here without going all the way back to the beginning with what we have got before us tonight and make some -- make my observations about the preferred map, which is -- someone referred to as option one a minute ago and -- and option two. These I believe, to my memory, were selected by the group two meetings ago before we had the first public hearing and in looking at them I'm -- I'm a big neighborhood guy on this. I have -- you have heard me say that before. I think it's important. The -- also we also talked about at one point that crossing I-84 was -- I'm not sure what term anybody used, but it's not a neighborhood thing, because in -- I don't know that there are any people that consider themselves living in a neighborhood on the south side of 84 that are also part of the same neighborhood on the north side and vice-versa. So, option two crosses 84 from south all the way up to Ustick in District 6 and, then, also crosses 84 going south out of District 4. So, it -- it -- it -- it crosses 84 in a pretty big way. Granted, the preferred map also crosses 84, recognizing that, but just not to the degree that the second option does. Option two does have the lowest variance of the two. Variance is important in -- in order to -- and the good attorney can correct me if I'm stating it wrong -- in order to protect our decision, so that we are not -- we haven't skewed something so much that it looks like we were creating a district for some purpose other than what we are supposed to be doing. The -- those are the -- those are the differences that I see. Steve Cory probably understands these better than any of us can point out some of the differences, but those are the major ones that I see. I -- I live in -- in -- up in district one on both maps and I do feel that district one of the preferred map is much more of a neighborhood to where I live and where I traffic than district one on option two, crossing all the way across Linder and going off to the east. I can't speak to your neighborhood where you live. I have said before that my understanding, when the Mayor talked to me about joining this, was that he was attempting or was picking people from different neighborhoods in the community, so I cannot talk about your neighborhood, but I -- I can speak to mine. I would love to be able to find a little more preference for option two, I think, to make it a little closer, but I'm personally really leaning toward the preferred map. Thank you, ma'am.

Greer: Thank you, Member Steed.

Larsen: Madam Chair?

Greer: Yes, Member Larsen.

Larsen: Thank you. Just for the benefit of folks that may be viewing in the public, the preferred map was what was included in the packet and the materials and that is the one that's on display and so --

Steed: Correct.

Larsen: -- so we are not presenting for the public's consideration both maps this evening; right? We had a preferred map that we presented for the public consideration, just to avoid any confusion.

Nesmith: Madam Chair?

Greer: Member Nesmith.

Nesmith: You know, I would concur with -- with Walter on this, that I think in consideration -- I think through the process that we -- even though the -- option one has more variance than option two, I think the argument can be made of -- it is so difficult to not only get the variance down and then -- but also maintain neighborhoods. You know, I think that is a fair representation and I would argue that even today with the current population -- granted this goes to 2020 census -- that, you know, this is going to evolve and change. So, I think it's a very fair, you know, attempt at getting this done correctly per the law and I would support moving forward and -- and putting a motion forward and sending this to City Council.

Greer: Any other comment?

Cory: Madam Chair?

Greer: Member Cory.

Cory: I want to thank my fellow commissioners. They have done a good job on expressing their opinion on this. I look at the maps and I see those same two issues as negatives. The variance is an issue. It is the currency of the realm and it is something we should be taking into account and I see more neighborhoods being split than need to be. I believe that we have seen some maps that make me feel more comfortable. So, assuming we are going to be moving with the proposed motion, I would just say that I won't be supporting the motion, but you don't need a unanimous vote, so I don't see that as an issue.

Greer: Thank you, Member Cory. But we do value your -- your input and all of the work that you put into the map. So, what you are saying is not untrue. There are a lot of -- well, there are some subdivisions that are split on this one. I guess personally for me I

just -- I was mostly concerned being on the Parks and Recreation Commission, so we have had a lot of public input over the years -- since roughly '15 I think is when I have been on the Commission and south of I-84 we have a lot of feedback from the residents that they feel underserved and so I also live in the northwest section with Mr. Steed in that same area and so for me putting that aside and, then, listening to the comments about the neighborhoods, at least keeping downtown together that was a really good point. All of you have had really good points for the maps and even just moving one precinct over to another district blows up any of the maps. So, this is -- it's really not an easy task. But I appreciate what you are saying. I don't want you to think that it's minimized or ignored.

Greer: Member Jagosh, do you have anything to add?

Jagosh: No.

Greer: Okay.

Nesmith: Madam Chair?

Greer: Member Nesmith.

Nesmith: I would -- I would make a motion that we send option one to City Council with our approval.

Starman: And, Madam Chair, may I -- maybe seek clarification from the maker of the motion. I think I understood your intent. So, the intent basically would be to adopt the resolution before the body today, which includes the transmittal of that plan to the Council. I want -- I like to capture the -- as part of your motion I would like to be able to capture the -- the passing the resolution -- adopting the resolution. Is that part of the motion?

Nesmith: Yes, sir.

Starman: Thank you.

Steed: Second.

Greer: I have a second. Okay. All in favor?

Cory: Nay.

Greer: Okay. Member Cory said nay; right? Okay. Motion carries and the resolution 22-0001 has been adopted by the committee.

MOTION CARRIED: FIVE AYES. ONE NAY.

Greer: Okay. Are we good?

Starman: Other than adjournment. Thank you once again on behalf of the Mayor and the City Council and your community, thank you for your service and your time and I really appreciate all your hard work. So, the last motion you need, Madam Chair, would be a motion to adjourn.

Greer: Can I get a motion to adjourn?

Larsen: Madam Chair, move to adjourn.

Nesmith: I second.

Greer: All in favor? Okay. Meeting is adjourned. Thank you.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 6:34 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ CHAIRMAN JO GREER	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK