

CITY OF MERIDIAN ORDINANCE NO. 22-1972

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE REPEALING AND REPLACING MERIDIAN CITY CODE SECTION 1-7-1, REGARDING ELECTION; DISTRICTS; TERMS OF OFFICE; RESIDENCY REQUIREMENT; AMENDING MERIDIAN CITY CODE SECTION 1-7-2, REGARDING CITY COUNCIL MEMBER QUALIFICATIONS; REPEALING AND REPLACING MERIDIAN CITY CODE SECTION 1-7-4, REGARDING CITY COUNCIL SEAT VACANCIES; ADDING A NEW SECTION TO MERIDIAN CITY CODE, SECTION 1-7-11, REGARDING MERIDIAN DISTRICTING COMMITTEE; CITY COUNCIL DISTRICTS; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code section 50-707A requires cities with more than one hundred thousand (100,000) inhabitants to establish City Council districts and elect City Council members by such districts; and

WHEREAS, the City Council of the City of Meridian finds that the following ordinance will serve the purposes of Idaho Code section 50-707A, related provisions of Meridian City Code, and the people of the City of Meridian;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. Meridian City Code section 1-7-1 shall be repealed, and replaced with language to read as follows.

1-7-1. ELECTION; DISTRICTS; TERMS OF OFFICE; RESIDENCY REQUIREMENT.

A. Elections. General city elections shall be held on the first Tuesday following the first Monday in November, in odd numbered years.

B. City Council districts established. There shall be six (6) City Council districts in the City of Meridian. Pursuant to the provisions of Idaho Code section 50-707A and Meridian City Code section 1-7-11, following the release of federal decennial census data and the County Clerk's establishment of election precincts, the Meridian Districting Committee shall establish and number six (6) City Council districts.

C. City Council seats established. There shall be six (6) City Council seats on the Meridian City Council. The Meridian Districting Committee shall number each City Council seat pursuant to this section and Idaho Code section 50-707. The number of each City Council seat shall correspond to the numbered City Council districts.

D. Terms. Each elected City Council member shall serve a term of four (4) years, or until his or her successor is elected and qualified.

E. Staggered terms. At each election, three City Council seats shall be open for election, alternating odd-numbered seats and even-numbered seats.

1. Election in 2023. In the 2023 general city election, the first election after the establishment of City Council districts in the City of Meridian, no candidate, including an incumbent candidate, may run for election or re-election to a City Council seat in a City Council district in which the candidate is not a resident. Incumbent City Council members who are serving in City Council seats 1, 3, and 5, as such seats were designated prior to the assignment of City Council seats to City Council districts, and who are running for re-election in 2023, must be residents of the respective City Council districts in which they are running. In order to preserve staggered terms, City Council members serving in City Council seats 2, 4, and 6, as such seats were designated prior to the assignment of City Council seats to City Council districts, shall serve the remainder of their terms in those seats, during which time they shall represent the City Council districts corresponding to their City Council seat numbers, regardless of whether they are residents of the City Council district to which their seat corresponds.

2. Elections in 2025 and thereafter. In the 2025 general city election and in each election thereafter, no candidate, including an incumbent candidate, may run for election or re-election to a City Council seat in a City Council district in which the candidate is not a resident.

F. Candidate to be resident of City Council district. Any candidate seeking election to the City Council shall file his or her candidacy for one, and only one, City Council seat. Except as otherwise set forth in Meridian City Code section 1-7-1(E)(1), the candidate must be a resident of the City Council district that corresponds to the City Council seat for which the candidate is running. City Council members shall be elected by the electors of the said City Council district. To be eligible to run for City Council, the candidate shall meet this and all other qualifications for the office of City Council member, as required by law.

Section 2. Meridian City Code section 1-7-2 shall be amended as follows.

1-7-2. QUALIFICATIONS; DEFINITIONS.

A. Any person shall be eligible to hold the office of City eCouncil member: 1) whose ~~domicile~~ residence is, at the time of declaration of candidacy or intent to seek election, and if elected, remains, ~~in the city limits of the city of Meridian~~ in the City Council district to which the City Council member is elected to serve; and 2) is a qualified elector as set forth in this section and within the City of Meridian under the constitution and laws of the State of Idaho.

B. ~~“Domicile-Residence,”~~ for the purposes of this section, shall have the definition as set forth in Idaho Code section 50-402(d) ~~mean that individual’s true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that~~

~~individual expects to return when that individual leaves without intending to establish a new domicile elsewhere.~~

C. “Qualified elector,” for the purposes of this section, shall mean a person who is at least eighteen (18) years of age, is a United States citizen, has resided in Meridian City Limits and the City Council district for which the City Council member is elected to serve for at least the thirty (30) days preceding the election at which he desires to be elected, and who is registered to vote in such jurisdiction as required by law.

Section 3. Meridian City Code section 1-7-4 shall be shall be repealed, and replaced with language to read as follows.

1-7-4. VACANCIES.

A. In the event a City Council seat becomes vacant through the death, resignation, or relocation of a City Council member, or any other cause, the Mayor shall appoint, with the approval of the City Council, an appointee to fill the City Council seat until the next general city election, at which time the vacancy shall be filled for the balance of the original term, if any, by a vote of the electors of the City Council district that corresponds to the City Council seat.

1. If an appointment is made prior to the establishment of City Council districts, the appointee shall satisfy the qualifications set forth in Idaho Code section 50-702, but need not reside in any specific geographic district within the City of Meridian.
2. If an appointment is made after the establishment of City Council districts, the appointee shall satisfy the qualifications set forth in Meridian City Code section 1-7-2 and reside in the City Council district that corresponds to the vacant City Council seat.

Section 4. A new section shall be added, Meridian City Code section 1-7-11, to read as follows.

1-7-11. MERIDIAN DISTRICTING COMMITTEE; CITY COUNCIL DISTRICTS.

A. **Establishment.** There is hereby established the Meridian Districting Committee, the purpose of which shall be to establish six (6) City Council districts and assign one (1) City Council seat to represent each City Council district, in accordance with applicable laws, available federal decennial census data, and principles of districting as are or may be established by law, policy, and custom governing the same.

B. **Duties and powers.** The Meridian Districting Committee shall be charged with, and authorized to:

1. Evaluate and apply federal decennial census data regarding the City of Meridian in order to establish six (6) City Council districts pursuant to the provisions of Idaho Code section 50-707A; Title 1, Chapter 7, Meridian City Code; and all other applicable provisions of local, state, and federal law.

2. Assign City Council seats, numbering 1 through 6, to the corresponding numbered City Council districts, pursuant to the provisions of Idaho Code section 50-707 and Title 1, Chapter 7, Meridian City Code.
3. Act independently to make decisions regarding City Council districts and City Council seat numbers, without regard for the residency of elected officials or candidates running for municipal office of the City of Meridian.
4. Consult resources and experts in demographics and population distribution, including, without limitation, the Community Planning Association of Southwest Idaho, the United States Census Bureau, and their delegates and staff, as needed or desired.
5. Consult resources and experts in districting and apportionment, including, without limitation, the Idaho Secretary of State, the Idaho Commission for Reapportionment, the Ada County Clerk, and the delegates and staff thereof, as needed or desired.
6. Consult City of Meridian Geographic Information System and Planning staff for information and assistance with establishment of City Council districts and the preparation of maps.
7. Consult the City Attorney or designee regarding compliance with applicable Idaho Code and Meridian City Code provisions.

C. Meridian Districting Committee membership and qualifications.

1. The Mayor shall appoint, with the approval of the City Council, members to the Meridian Districting Committee. Should a vacancy subsequently occur on the Meridian Districting Committee, the Mayor shall fill the vacancy in a like manner within fourteen (14) days, or as soon thereafter as practicable. In addition to the names of the members so appointed, the resolution shall include the following directives to the City Clerk:
 - a. Directing the City Clerk to convene the Meridian Districting Committee.
 - b. Directing the City Clerk to post on the City of Meridian website the agenda and minutes of the Meridian Districting Committee meetings, as well as the census data used by the Meridian Districting Committee in the course of its charge under this section.

In the event that the Mayor fails to timely act pursuant to this provision, the City Council President shall so act.
2. Voting members of the Meridian Districting Committee shall include six (6) Meridian residents from diverse geographic areas of Meridian, to include at least one (1) individual who resides south of Interstate 84, one (1) individual who resides north of Ustick Road, one (1) individual who resides west of Meridian Road, and one (1) individual who resides east of Meridian Road. The six (6) Committee members shall be voting members, and shall serve without salary or compensation for their service.

3. The Meridian Districting Committee shall include the following ex-officio, non-voting members:
 - a. The City of Meridian Geographic Information System Manager or designee;
 - b. The City of Meridian Planning Manager or designee; and
 - c. The Ada County Clerk or designee.
4. The Meridian Districting Committee may include the following ex-officio, non-voting members, as may be hired by the City of Meridian: a statistician, a cartographer, and/or any other experts whose services may be helpful in the discharge of the Meridian Districting Committee's responsibilities.
5. A person who has served on the Meridian Districting Committee shall be ineligible to run for a Meridian City Council seat for five (5) years following such service.

D. Organization and meetings.

1. At the initial meeting of the Meridian Districting Committee, the Committee members shall elect a Chair and Vice Chair.
 - a. The Chair shall be a voting member of the Meridian Districting Committee and shall hold the same rights and privileges as any other Committee member. The decisions, statements, and/or actions of the Chair shall obligate, commit, and/or represent the Meridian Districting Committee only insofar as the Committee has specifically authorized. The Chair's duties shall include:
 - 1) Preparing Meridian Districting Committee meeting agendas in cooperation with the City Clerk or designee;
 - 2) Presiding over all Meridian Districting Committee meetings, and
 - 3) Signing all documents requiring an official signature on behalf of the Meridian Districting Committee, including the Meridian Districting Plan.
 - b. The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and such other duties as may be delegated by the Chair.
 - c. A special election may be held at any time to fill a vacancy of the office of Chair or Vice Chair.
2. The Chair shall propose, and the Committee members shall adopt, a timeline of meetings and actions to timely complete the Meridian Districting Committee's work in accordance with this section and with Idaho Code section 50-707A.
3. The Meridian Districting Committee shall comply in all respects with the Idaho Open Meetings Law. The agenda for all meetings shall be prepared by the Chair in consultation with the City Clerk or designee. The City Clerk or designee shall assist the Chair with scheduling meetings, posting meeting and agenda notices, preparing meeting minutes, and distributing agendas, minutes, and other materials to Committee members prior to each meeting.
4. A majority of currently-appointed Committee members shall constitute a quorum for the transaction of any business of the Meridian Districting Committee.

5. Each voting member shall be entitled to one (1) vote on any matter before the Meridian Districting Committee. Except as otherwise designated herein, the vote of the majority of the voting members present at any meeting at which a quorum is present shall effectuate any decision of the Meridian Districting Committee. Voting shall be verbal and on the record; proxy voting, secret voting, and written voting shall not be permitted.
6. Scheduling of public hearings, public comment, or presentations before the Meridian Districting Committee shall be at the discretion of the Chair. The Chair may set rules to maximize efficiency and productivity of meetings, including setting a time limit for comments or presentations to the Meridian Districting Committee.
7. Upon the City Clerk's filing of the Meridian Districting Plan with the County Clerk as set forth in Meridian City Code section 1-7-11(H), the Meridian Districting Committee shall automatically dissolve and may be reconvened only upon appointment by the Mayor pursuant to Meridian City Code section 1-7-11(C)(1).

E. Procedure.

1. The Meridian Districting Committee shall evaluate and apply the federal decennial census data for the City of Meridian in order to establish six (6) City Council districts pursuant to the provisions of Idaho Code section 50-707A; Title 1, Chapter 7, Meridian City Code; and all other applicable provisions of local, state, and federal law. To assist the Committee, one or more of the ex officio members set forth in Meridian City Code section 1-7-11(C)(3) shall prepare three (3) potential districting maps for the Committee's initial consideration. The Committee may utilize one of these potential districting maps, or the Committee may develop and utilize a different districting map.
2. Upon completion of a draft districting map, the Meridian Districting Committee shall designate each City Council district with a number from 1 to 6 pursuant to the provisions of Meridian City Code section 1-7-1(C) and this chapter. The draft map and numbered City Council districts shall constitute the draft districting plan. The Meridian Districting Committee shall hold a minimum of two (2) public hearings to receive public testimony on the draft districting map.
3. The Meridian Districting Committee shall act to establish, by resolution, the Meridian Districting Plan, to include the following documents, which shall be appended to the resolution, and incorporated into the same by reference:
 - a. A map of the City of Meridian showing the exact locations of the designated City Council districts, labeled with the district numbers and corresponding City Council seat numbers.
 - b. A description of the boundaries of the City Council districts, described by the names of streets or other established features or landmarks.
 - c. A declaration that the City Council seats shall be designated with numbers corresponding to the like-numbered City Council districts, in accordance with Meridian City Code section 1-7-1(C).

The resolution must be approved by at least four (4) voting members to be effective, and shall certify that the established City Council districts meet the criteria set forth in Idaho Code section 50-707A and other applicable statutes and laws.

4. The Meridian Districting Committee shall transmit its resolution to the City Clerk, and the City Clerk shall:
 - a. Schedule a public hearing before the City Council on the resolution;
 - b. Make the resolution available on the City of Meridian's website; and
 - c. Publish a notice of hearing on the matter before the City Council.

- F. The City Clerk shall publish notice of the public hearing on the Meridian Districting Committee's Meridian Districting Plan before City Council at least once prior to the date set for the public hearing, which notice shall solicit written and verbal testimony on the City Council districts as established by the Meridian Districting Committee, and shall include a link to the City of Meridian's webpage with access to the resolution and documents described in Meridian City Code section 1-7-11(E)(3).

- G. The City Council shall conduct a public hearing on the Meridian Districting Plan as established by the Meridian Districting Committee, in accordance with the procedures set forth in Meridian City Code section 1-7-7. Following such public hearing, the City Council shall review the Meridian Districting Plan as established by the Meridian Districting Committee, and upon a finding that it meets the criteria set forth in Idaho Code section 50-707A, shall adopt it by ordinance as the final Meridian Districting Plan. Such act shall be a ministerial function of the City Council; modification of the Meridian Districting Plan established by the Meridian Districting Committee shall occur only upon remand to the Meridian Districting Committee. The City Council may remand the matter to the Meridian Districting Committee only upon a finding, supported by substantial evidence, that the Meridian Districting Plan established by the Meridian Districting Committee does not meet the criteria set forth in Idaho Code section 50-707A. Should the City Council fail to adopt the Meridian Districting Plan via ordinance at least one hundred thirty-five (135) days prior to the date of the next general city election, the Meridian Districting Committee's last resolution shall comprise the final Meridian Districting Plan.

- H. The City Clerk shall file the Meridian Districting Plan with the County Clerk at least one hundred thirty-four (134) days prior to the next general city election, with a request that the County Clerk prepare ballots and establish polling places for all subsequent Meridian City Council elections in accordance with the Meridian Districting Plan.

Section 5. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

Section 6. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ___ day of ____, 2022.

APPROVED by the Mayor of the City of Meridian, Idaho, this ___ day of ____, 2022.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 22-1972**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 22-1972 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2022.

William L.M. Nary, City Attorney

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 22-1972

An ordinance repealing and replacing Meridian City Code section 1-7-1, regarding election; districts; terms of office; residency requirement; amending Meridian City Code section 1-7-2, regarding City Council member qualifications; repealing and replacing Meridian City Code section 1-7-4, regarding City Council seat vacancies; adding a new section to Meridian City Code, section 1-7-11, regarding Meridian Districting Committee; City Council districts; adopting a savings clause; and providing an effective date.