

CITY OF MERIDIAN ORDINANCE NO. _____

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; AMENDING 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 CITY COUNCIL DISTRICTS; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code section 50-707A requires cities with a population greater than hundred thousand (100,000), based upon the most recent federal decennial census, to establish districts, and to elect council members to represent such districts; and

WHEREAS, it is anticipated that data collected in the 2020 United States Census will show that Meridian, Idaho, has a population greater than one hundred thousand (100,000); 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 Meridian City Code section 1-7-1 shall be repealed, and replaced with language to read as follows.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. 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 release of the federal decennial census data and the County Clerk's establishment of election precincts, the Meridian City Council Districting Committee shall establish six (6) City Council districts.

C. Seats established. There shall be six (6) seats on the Meridian City Council. The Meridian City Council Districting Committee shall number each City Council seat pursuant to this section, Idaho Code section 50-707, and the direction of the Meridian City Council Districting Committee. Each seat number shall correspond to the district so numbered. In 2021, after

DRAFT • 12/2/2020

districts are established, the Committee should attempt to assign seat numbers to the districts that include the residences of City Council members in seats 1, 3, and 5, as such seats were designated prior to assignment of City Council seats to 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 2021. In the 2021 election, the first election after the establishment of districts in Meridian, no candidate, including an incumbent candidate, may run for election or re-election to a district seat in which the candidate is not a resident. Incumbent City Council members who are serving in seats 2, 4, and 6, as such seats were designated prior to assignment of City Council seats to districts, and who are running for re-election in 2021, must be residents of the respective districts in which they are running. In order to preserve the staggered terms, City Council members in seats 1, 3, and 5, as such seats were designated prior to assignment of City Council seats to districts, shall serve the remainder of their terms in those seats, during which time they shall represent the districts corresponding to their seat numbers, regardless of whether they are residents of the geographic district to which their seat corresponds.

2. Elections in 2023 and thereafter. In the 2023 election and in each election thereafter, no candidate, including an incumbent candidate, may run for election or re-election to a district seat in which the candidate is not a resident.

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

A. Any person shall be eligible to hold the office of council 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~~ the district to which the council member is elected to serve; and 2) is a qualified elector within the city of Meridian and the district that the council member is running and elected to serve under the constitution and laws of the state of Idaho.

B. “~~Domicile Resident,~~” 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 eighteen (18) years of age, is a United States citizen, ~~has resided~~ whose residence is in Meridian city limits and in the district for which the 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 amended as follows.

1-7-4: VACANCIES:

In the event an Office of the Council member becomes vacant, through death, moves out of the ~~ward~~ district, or for any other cause, the Mayor shall appoint, with the approval of the Council, an individual to fill the unexpired portion of the term, until the next general election, when the unexpired term shall be filled by regular election. Any individual so appointed must be duly qualified to hold such office as set forth in Meridian City Code section 1-7-2.

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

1-7-11: CITY COUNCIL DISTRICTS:

A. Establishment. There is hereby established the Meridian City Council 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 district, in accordance with the applicable laws, available Census data, and principles of districting as are or may be established by law, policy, and custom governing same.

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

1. Evaluate and apply Meridian’s Federal decennial census data 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 districts, pursuant to the provisions of Idaho Code section 50-707 and Title 1, Chapter 7, Meridian City Code.

3. Act independently to make a final decision regarding districts and seat numbers, without regard for the residency elected officials or candidates running for municipal office of the City of Meridian, except as set forth in Meridian City Code section 1-7-1(C).
4. Consult resources and experts in demographics and population distribution, including, without limitation, COMPASS, the United States Census, 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, Idaho Commission on Redistricting, the Ada County Clerk, and the delegates and staff thereof, as needed or desired.
6. Consult City Geographic Information System (GIS) and Planning staff for information and assistance with establishment of districts and preparation of maps.
7. Consult the City Attorney or designee regarding compliance with applicable Idaho and Meridian City Code provisions.

C. Membership and qualifications.

1. By December 31 of the year of a federal decennial census, as soon thereafter as practicable, or as may be otherwise necessary or required, the Mayor shall, by proclamation, appoint members to the Meridian City Council Districting Committee. In addition to the names of the members so appointed, the proclamation shall include the following directives to the City Clerk:
 - a. Directing the City Clerk to convene the Committee. Should a vacancy occur during the tenure of the Committee, the Mayor shall fill the vacancy in like manner within fourteen (14) days.
 - b. Directing the City Clerk to post on the City website the agenda and minutes of the Committee meetings, as well as the census data used by the 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 Districting Committee shall include six (6) Meridian citizens whose residences are in 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, one (1) individual who resides east of Meridian Road. These six (6) Committee members shall be voting members, and shall serve without salary or compensation for their service.
3. The Districting Committee shall include the following ex-officio, non-voting members:
 - a. The City Geographic Information System (GIS) Manager or designee;
 - b. The City Planning Manager or designee; and
 - c. The Ada County Clerk or designee.

4. The Districting Committee may include the following ex-officio, non-voting members, as may be hired by the City: a statistician, a geographer or cartographer, and/or any other experts whose services may be helpful in the Committee's discharge of its responsibilities.
5. A person who has served on the Districting Committee shall be ineligible to run for Meridian City Council for five (5) years following such service.

D. Organization and meetings.

1. At the initial meeting of the Districting Committee, the members shall elect a Committee Chair and Vice Chair.
 - a. The Chair shall be a voting member of the Committee and shall hold the same rights and privileges as any other member. The decisions, statements, and/or actions of the Chair shall obligate, commit, and/or represent the Commission only insofar as the Commission has specifically authorized. The Chair's duties shall include:
 - 1) Preparing Committee meeting agendas in cooperation with the City Clerk or designee;
 - 2) Presiding over all Committee meetings, and
 - 3) Signing all documents requiring an official signature on behalf of the Committee, including its report to the Mayor and City Council.
 - 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 Commission Chair.
 - c. A special election may be held at any time to fill a vacancy of the office of Chair or Vice Chair.
2. At the initial meeting of each Districting Committee, the Chair shall propose, and the members shall adopt, a timeline of meetings and actions to which the Committee must adhere in order to timely complete the Committee's work in accordance with this section and with Idaho Code section 50-707A.
3. The Districting Committee shall comply in all respects with the Idaho Open Meetings Act. 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 the 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 Committee.
5. Each voting member shall be entitled to one (1) vote on any matter before the 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 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 other requests to or appearances before the 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 presentations to the Committee.
7. Upon the City Clerk's filing of the Meridian City Council Districting Plan with the County Clerk as set forth in Meridian City Code section 1-7-11(E)(8), below, the 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 Committee shall evaluate and apply Meridian's Federal decennial census data 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. Upon completion of a draft districting map, the Districting Committee shall designate each 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 districts shall constitute the draft districting plan. The Committee shall hold at least one (1) public hearing to receive public testimony on the draft districting plan.
 3. No later than May 1, the Districting Committee shall act to establish, by resolution, the Meridian City Council Districting Plan, to include the following documents, which shall be appended to the resolution, and incorporated into same by reference:
 - a. A map of Meridian showing the exact locations of the designated districts, labeled with the district numbers and corresponding City Council seat numbers.
 - b. A description of the boundaries of the designated 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 districts, in accordance with Meridian City Code section 1-7-1(E).The resolution shall certify that the established districts meet the criteria set forth in Idaho Code section 50-707A and other applicable statutes and laws.
 4. The Committee shall transmit its resolution to the City Clerk and direct the City Clerk to:
 - a. Schedule a public hearing before City Council on the resolution;
 - b. Make the resolution available on the City's website; and
 - c. Publish a notice of hearing on the matter before City Council.
- F. The City Clerk shall publish notice of the public hearing on the Committee's Meridian City Council 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 districts as

established by the Committee, and shall include a link to the webpage with the documents described in Meridian City Code section 1-7-11(E)(5)(b), above.

- G. City Council shall conduct a public hearing on the Meridian City Council Districting Plan as established by the Committee, in accordance with the procedures set forth in Meridian City Code section 1-7-7. Following such public hearing, City Council shall review the Meridian City Council Districting Plan as established by the 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 City Council Districting Plan. Such act shall be a ministerial function of City Council; modification of the Meridian City Council Districting Plan established by the Committee may occur only upon remand to the Committee. City Council may remand or modify the matter to the Committee only upon a finding, supported by substantial evidence, that the Meridian City Council Districting Plan established by the Committee does not meet the criteria set forth in Idaho Code section 50-707A. Should City Council fail to adopt the Meridian City Council Districting Plan via ordinance at least one hundred thirty-five (135) days prior to the date of the general city election, the Committee's last resolution shall comprise the final Meridian City Council Districting Plan.
- H. The City Clerk shall file the Meridian City Council Districting Plan with the County Clerk at least one hundred and thirty-four (134) days prior to the Tuesday following the first Monday in November of each year, with a request that the County Clerk prepare ballots and establish polling places for all subsequent Meridian City Council elections in accordance with Meridian electors' respective City Council districts of residence.

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 December, 2020.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of December, 2020.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 20-_____**

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. 20-_____ 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 October, 2020.

William L.M. Nary, City Attorney

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

CITY OF MERIDIAN ORDINANCE NO. 20-_____

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; amending 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 City Council districts; adopting a savings clause; and providing an effective date.

City of Meridian
Mayor and City Council
By: Chris Johnson, City Clerk

First Reading: _____
Adopted after first reading by suspension of
the rule as allowed pursuant to Idaho Code
§ 50-902: YES _____ NO _____
Second Reading: _____
Third Reading: _____