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|  | <div>STAFF</div> <div>REPORT</div> |
| <b>Date:</b>  | July 29, 2021                      |
| <b>Prepared By:</b>   | Jack Hendrix                       |
| <b>Subject:</b>   | Reapportionment Process            |

The reapportionment process is used to review the existing Ward boundaries when new Census data is released every 10 years. Court cases have long held that legislative districts within a jurisdiction must be of substantially equal population. The first part of this process is to obtain the current Census data and compare the populations in each ward, as compared to the ideal population – one third of the total population in each of the three wards. The Reapportionment Process also has a general timeline of when things occur to expedite the equalization of districts before the next election occurs.

Generally, the Census data is released to the states on April 1 of the year following the Census (April 2021) and the evaluation and reapportionment process occurs over the following months, with the goal to have a new Ward Boundary Ordinance (if required) in place prior to the time for registering for elections occurs. This year, that registration date begins on December 14, 2021 and it is important that any potential candidate know which ward they can register for ahead of that actual date. This timeline has, obviously been significantly impacted by the COVID-19 pandemic.

The April 1 release date has come and gone and still no Census data has been released. The current estimate is that sometime in September that data will be released for cities to be able to evaluate their current ward boundaries. This effectively gives the Board just October and November to complete the ward boundary review and adjustment in advance of December 14.

The Board may conduct this review and reapportionment process in several ways to evaluate and make recommendations, including appointing an advisory group; creating a public engagement process; or simply direct staff to create one or more proposed drafts of boundary adjustment recommendation. Either option would need to include a Board-created set of standards for the group to follow. When identifying those standards the Board should consider certain standard redistricting criteria.

Those standard criteria include:

- (1) population equality; (must be less than 10% standard deviation between highest and lowest populations)
- (2) compact districts of contiguous territory;

- (3) retention of existing neighborhood boundaries;
- (4) retention of precinct boundaries;
- (5) cohesion of other existing communities of interests;
- (6) desire to retain historic boundaries; and
- (7) consideration of incumbency.

It is important to note that these criteria should be focused on making the resulting wards "substantially equal". City Attorney John Reddoch has provided staff with some legal advice and opinions on the limits of this substantial equality. He expressed specifically that this does not mean absolutely equal. According to John's memo, Courts have recognized a "de minimus" total deviation of not more than 10% between the largest district and the smallest district from the ideal district. An example of that consideration is below:

*The most recent MARC population estimates (6/25/21) have Smithville's population at 11,011. The "ideal" district would contain 3,670 citizens. One example of a maximum 10% standard deviation would have 3,487 citizens in the least populated district (5% below ideal) and 3,853 citizens in the most populated district (5% above ideal) for a total of 10%.*

It is important to recognize that starting off with the goal of making the districts with this 10% maximum deviation is not the proper goal, but instead attempt to meet the ideal district for each.

For an historical note, the last reapportionment occurred following the 2010 Census. That process began with identifying the ideal district population ( $8,425/3 = 2,808$ ) and calculating the existing district boundary populations. That calculation resulted in Ward 1 with 2,193; Ward 2 with 3,173 and Ward 3 with 3,059. This meant there was a total deviation of 40% and new districts were required.

To begin that process, the Board asked staff to come up with potential maps that make each ward as near to the ideal population as possible, maintain the unity of sub-division neighborhoods and maintain a balance of residential and commercial in each ward. Staff presented the Board with three initial maps to the Board. Following the Board's initial feedback, staff came back with two new maps for the Board to consider. At the conclusion of that process, the Board directed staff to present an ordinance that created the new Wards. Attached is a map that identifies the 2000 and 2010 Wards and populations for each.

Staff seeks Board direction on what process they want to follow, along with a recommendation of its' goals that follow the standard criteria listed above.