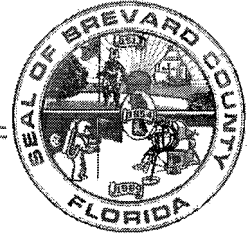


BREVARD *County*
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



OFFICE OF THE COUNTY MANAGER
Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, FL 32940

Telephone: (321) 633-2010

TO: REDISTRICTING COMMITTEE MEMBERS
FROM: PEGGY BUSACCA, ASSISTANT COUNTY MANAGER *PAB*
SUBJ: FINAL REPORT TO THE BREVARD COUNTY COMMISSION
DATE: DECEMBER 18, 2001

Enclosed is a copy of the final report from Kurt Spitzer to the Board of County Commissioners. Adoption of the resolution acknowledging the legal description advertisement, as required by Florida Statutes, is scheduled to occur at this evening's Board meeting. The new districts will become effective on January 1, 2002.

Thank you again for giving of your time, insights and experience to serve the citizens of Brevard County. It was a pleasure to work with each of you.

Best wishes for a peaceful New Year.

/PAB
Enclosure

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Telephone: (321) 633-2010

TO: REFERENCE LIBRARIANS

FROM: PEGGY BUSACCA, ASSISTANT COUNTY MANAGER *PAB*

SUBJ: FINAL REPORT TO THE BREVARD COUNTY COMMISSION
RE: BREVARD COUNTY COMMISSION REDISTRICTING

DATE: DECEMBER 18, 2001

Enclosed is a copy of the final report from Kurt Spitzer to the Board of County Commissioners. Adoption of the resolution acknowledging the legal description advertisement, as required by Florida Statutes, is scheduled to occur at this evening's Board meeting. The new districts will become effective on January 1, 2002.

/PAB
Enclosure

FINAL REPORT

to the

Brevard County Commission

Brevard County Commission

Redistricting

submitted by

Kurt Spitzer & Associates
719 East Park Avenue
Tallahassee, Florida 32301
(850) 561-0904

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INTRODUCTION

This Report is submitted as part of the work of the Consultant to the Brevard County Redistricting Committee. The Consultant was retained by the County Commission to assist the Redistricting Committee (the "Committee") in completing its work pursuant to Section 2.2 of the Brevard County Charter.

Brevard's charter is unique among the 17 charter counties in Florida as it relates to redistricting matters in that a special citizens committee is required to present a redistricting plan to the County Commission. While the ultimate authority to redistrict its district boundaries is retained by the County Commission as provided by general law, their authority is limited by the Charter to acceptance or rejection of the recommendation of the Redistricting Committee.

The 15-member Committee operated independently of county government. Its mission was to study the population data obtained from the U.S. Bureau of the Census, develop criteria to be considered in the redistricting process, conduct public meetings and present a recommended plan for the realignment of the district boundaries to the County Commission.

The Committee conducted 11 meetings and hearings to review the work of the Consultant and receive comments from members of the public and community leaders. Members of the Committee devoted over 400 hours of personal time in attending meetings, receiving testimony, debating policy options and drafting the redistricting plan. They served without compensation.

After their appointment, the Committee conducted an organizational meeting to select a chair and vice-chair. The members subsequently adopted operating rules and criteria to be used by the Consultant when preparing alternative draft plans for the Committee's consideration.

COMMITTEE MEMBERSHIP and STAFF

The Brevard County Redistricting Committee was composed of the following individuals:

Anselmo Baldonado, Chair	Indian Harbour Beach
Karen Andreas, Vice Chair	Merritt Island
Mark Cook	Rockledge
Don Griffin	Rockledge
Cathy Jarrell	Merritt Island
Janet Laimont	Palm Bay
Hal Markowitz	Melbourne
Gordon Masterson	Melbourne
David Matte	Palm Bay
Hugh Normile	Melbourne
Tom Redmond	Palm Bay
Maureen Rupe	Cocoa
Dick Thompson	Merritt Island
Will Warren	Mims
Herman Wattwood	Titusville

Although not required to do so by the Charter, the County Commission named five individuals suggested by the Brevard County School Board to serve as *ex officio* members of the Committee. The *ex officio* members had no voting rights on recommendations but were authorized and encouraged to actively participate in all discussions and debates on redistricting. The representatives of the School Board were:

Tom Etheredge	Titusville
Jewel Collins	Cocoa

Helene Kansas	Satellite Beach
Kathy McClelland	Melbourne
John Allen	Rockledge

Committee Consultants and Staff

Consulting services for the Committee were provided by a team of three firms headed by Kurt Spitzer of KSA Governmental Consultants in Tallahassee. Mr. Spitzer served as primary Consultant and Project Manager. William Pollock, a Senior GIS Analyst with PBS&J in Tallahassee provided data analysis and mapping services. Allen Watts of Cobb, Cole and Bell in Daytona Beach provided legal advice and counsel.

Support from staff of the Board of County Commissioners was provided by Peggy Busacca, Assistant County Manager; Mel Scott, Director of Planning and Zoning; and Don Hurst, Sharon Luba and Dorothy Thompson.

THE REDISTRICTING PROCESS

Reapportionment or redistricting of Commission boundaries is a function of the legislative branch of government - in this case, the County Commission. All county governments are required to consider the realignment of the boundaries of the Commission districts at least after each census. The census is completed every ten years.

While the final decision on redistricting is one that is clearly reserved by the Florida Statutes to the County Commission, the Brevard County Charter provides that a Redistricting Committee will prepare a recommended redistricting plan for the County Commission. The County Commission is authorized to reject or accept the Committee's recommendation but may not modify the proposed plan.

Data Sources and Software

The consulting team used several sources of data during the course of the project. The 2000 population estimates, as prepared by the U.S. Bureau of the Census, was made available through the Caliper Corporation of Massachusetts in its proprietary software product *Mapitude For Redistricting*.

The population data is available in units known as "census blocks". Such blocks are of widely varying shapes and population sizes but generally follow existing, logical boundaries, such as streets or roadways, rivers, lakes, railroad tracks, etc.

Block data includes the total number of persons identified as being residents of the census block. It also includes a wide variety of information concerning the background of each person, such as race, ethnicity and age.

Other data sources were provided to the Consultants by the Brevard County Planning and Zoning Department (for municipal boundaries) and the Florida Geographic Data Library. Additionally, PBS&J had a wide variety of geographic features existing in its in-house data libraries.

The consulting team used two primary types of software for data analysis and mapping purposes: *Mapitude For Redistricting* and ESRI Corporation's *ARC Info* and *ARC View*.

Layering County Data

Supplemental data from the County Planning Department and the Florida Geographic Data Library were layered electronically over the year 2000 data so that all fields could be viewed individually or simultaneously.

Current commission district boundaries were added as a data field. Layering existing districts over the year 2000 population data allowed the Consultants to determine the current population of each district and whether one or more districts were significantly over or under the population of the average district size, and the racial composition of the population of each district.

Generally, districts must be less than 5% over or under the average size of a commission district. After adding the current district boundaries to the new population data, it was determined that the populations of the current commission districts were not as "nearly equal in population as possible," which the Florida constitution and statutes require.

Using the 2000 data, the average or "ideal" population size of the commission districts in Brevard County is 95,246. Current populations of the existing commission districts (prior to redistricting) were as follows:

District	Population	Deviation	% Deviation
1	94,345	-901	-0.95
2	88,766	-6,480	-6.8
3	92,704	-2,542	-2.67
4	109,826	+14,580	+15.31
5	90,589	-4,657	-4.89

Since the populations of District 1 and District 3 were within acceptable tolerances and those district were at opposite ends of the county, the Committee directed the Consulting team to begin its work assuming that few changes were needed to the boundaries of those districts, while significant changes were needed to the boundaries of District 4. Changes would likely also be required to the boundaries of Districts 2 and 5.

DISTRICTING CRITERIA

Population is the dominant criteria to be considered in all districting plans. Districts should be a nearly equal in population as is possible and in most cases may not be greater than 5% over or under the average district size. However, in addition to population, other criteria are commonly considered when redistricting commission boundaries. All criteria are considered in total - none are absolute. A variety of factors are “balanced” against one another. They include:

1. *Man-made and Natural Boundaries* – District boundaries should generally follow existing natural or man-made boundaries when possible and practical to do so, such as major highways, bridges, water-bodies, etc.
2. *Municipal and Neighborhood Boundaries* – District boundaries should attempt to avoid splitting neighborhood and municipal boundaries, especially those of small cities.
3. *Compact District Shape* – While district shapes need not be perfect circles or squares, they should have a shape that is relatively compact.
4. *No Discriminatory Intent or Effect* – Districts may not be drawn in a manner that has a discriminatory effect or intent toward members of a minority community. District shapes that are drawn that have the effect of diluting minority voting strength will likely be challenged and are frequently held by the courts to be unconstitutional. However, the courts have also recently ruled districts that have “bizarre” shapes that are drawn exclusively to create minority-influence or minority-majority districts are likewise unconstitutional.
5. *Recognition of Existing District Boundaries* – Plans to redistrict county commissions may recognize existing boundaries. The voters have shown their preferences by electing each of the current incumbents. Plans that significantly change the current boundaries fail to recognize the preferences expressed by the voters of that district in that such significant

changes could result in a large number of new electors being added to the district who are unfamiliar with the incumbent commissioner.

Committee Districting Preferences

The Redistricting Committee expressed its preferences during its meeting of August 23, 2001. The Committee's general direction to the Consultant was to develop district boundaries that:

1. Did not split cities, especially smaller cities;
2. Take natural and significant man-made boundaries into account;
3. Had a population deviation between districts of less than two or three percent;
4. Were co-terminous with those of the School Board;
5. Maintained minority communities and other neighborhoods intact;
6. Met the requirements of the Charter and State law; and
7. Made as few changes as possible to existing district boundaries.

The Consulting team was also directed to investigate possibility of stronger minority influence in one or more districts.

DISTRICTING PLANS CONSIDERED

The Redistricting Committee considered a total of 12 alternative plans. Generally, the plans can be grouped into one of four series of alternatives:

1. Plan One – Maps considered in this series had their initial genesis in the current districting plan. There were a total of six alternatives presented in Plan One.
2. Plan Two – Maps considered in Plan Two presented commission district boundaries that were co-terminous with those of the School Board; where the incumbent County Commissioners and members of the School Board would continue to reside in their current districts.

Generally, Plan Two boundaries of District 1 and 2 were similar to those of the current County Commission district boundaries, and the boundaries of Districts 3, 4 and 5 were similar to those of the School Board. There were three alternatives presented to the Committee in this series.

3. Plan Three – The Consulting team had been directed to analyze the possibility of creating a minority district, or a “minority coalition” district. Plan Three presented a conceptual plan that showed two “minority coalition” districts: One in the Cocoa-Rockledge area and another in the Palm Bay-Melbourne area. There was one map prepared in this series and alternatives were not considered.

The African American population of Brevard County is 8.4%. Total minority population, including the African American population and all other non-white races is 16.3%. Plan Three demonstrated that the minority population of Brevard County is not located in a particular area or areas of the county in numbers significant enough to create a minority district. The most significant “minority coalition” district population was in the Palm Bay-Melbourne area and was less than 26%.

4. Plan Four - Maps considered in Plan Four again presented commission district boundaries that were co-terminous with those of the School Board. However, in this series, the School Board districts would be re-numbered so that the incumbent member would maintain the current election cycle and term of office. There were two alternatives presented to the Committee in this series.

Generally, Plan Four boundaries had their genesis in Plan One (above). However, changes were made to the boundaries between Districts 3 and 5 so that only one incumbent member of the School Board and County Commission resided in each district.

CO-TERMINOUS DISTRICTS

Many counties in Florida, especially small counties, have co-terminous districts between the County Commission and School Board. Administering elections in counties with such districting schemes is often less expensive for the Supervisor of Elections. It is less confusing to the electors, and can result in a more direct operating linkage between the two elected officials representing each district.

Both the County Commission and School Board had expressed an interest in co-terminous districts. The Redistricting Committee devoted a large amount of time to the question of co-terminous districts. No fewer than five alternative maps were presented to the Committee for its consideration.

In the end, maps that were part of either Series Two or Four presented concerns for members of the Committee. Plan Two maps caused a significant addition of new population into the districts of the incumbent County Commissioners in Districts 3, 4 and 5. Additionally, they necessitated the abandonment of the concept of each district encompassing at least part of the island or beach communities.

Plan Four would have presented similar problems for the School Board in that the new districts would have contained significantly different populations than those who had elected the incumbents.

The Committee was created pursuant to Section 2.2 of the Charter. By its nature, it was intended to be separate and independent of the County Commission. Such is not the case with the School Board. However, the School Board never officially indicated its preferences in terms of alternative districting plans to the Committee.

The Charter effectively prohibits the County from considering any further changes to district boundaries until 2011; however, the School Board is free and able to adjust its district boundaries

during any odd-numbered year (including 2001) so as to cause its boundaries to be co-terminous with those of the County Commission.

If the next committee created pursuant to Section 2.2 of the Charter is to actively consider the question of co-terminous boundaries, the 2001 Redistricting Committee believes that more specific planning, direction and guidance on that subject should be provided in advance.

RECOMMENDED DISTRICTING PLAN

The recommended plan meets all criteria normally considered in the redistricting process and achieves most of the objectives established by the Committee.

1. *Population Deviation* – All proposed districts have a deviation from the mean population of less than 2%. This far exceeds the commonly used threshold of 5%.

District	Population	Deviation	% Deviation
1	96,235	+989	+1.0277
2	94,430	-816	-0.8641
3	93,786	-1,460	-1.5567
4	96,406	+1,160	+1.2032
5	95,373	+127	+0.1332

2. *Municipalities and Neighborhood Boundaries* – The plan improves but does not eliminate the practice of splitting cities by different districts. Indian Harbour Beach is no longer split into two different districts and Cocoa is split to a much lesser extent. However, Palm Bay, West Melbourne and Melbourne remain split by district boundaries.

The goal of not splitting cities (especially in the case of the larger cities) proved difficult. Given the size of Melbourne (71,382) and Palm Bay (79,413), and their geographic location, it is impossible to not split at least one of them when creating districts of approximately 95,246 people. This goal was made more difficult given the location of the incumbent commissioner's residences.

3. *Natural and Man-made Boundaries* – The districts follow significant boundaries, such as major roads, bridges, water bodies, municipal boundaries, etc.
4. *Minority Communities* – The proposed districts preserve minority communities intact and do not split certain (minority) voter precincts that were identified by the Committee. Said precincts were: 68, 26/169, 17, 109, 123, 55/167, 98, and 99.

Pursuant to a request made by residents of the Sharpes community, the census block that includes the northern end of the City of Cocoa was retained in District 1, thus causing that city to be split into two districts but preserving that community in a single commission district.

5. *Existing Boundaries* – The proposed plan is derived from the current districting system but makes adjustments thereto to bring it into compliance with the charter, and state and federal law.

Appendix A

Section 2.2, Brevard County Charter

Brevard County Charter

ARTICLE 2

LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS

2.2 Redistricting.

In the first odd-numbered year after each decennial census, or more frequently where allowed by this section, the Board of County Commissioners shall cause the county to be divided into County Commission districts of contiguous territory as nearly equal in population as practicable. Redistricting shall be the responsibility of a committee appointed in the same manner as a Charter Review Commission under this Charter. The recommendations of the committee shall be made directly to the Board of County Commissioners which shall approve or disapprove them without amendment. In its recommendation the committee shall, to the extent practicable, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from fragmentation. Redistricting more frequently than decennially shall be permitted only where the population of a district has been changed by more than 25% since the last redistricting.