




BOARD OF COUNTY COMMISSIONERS

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**TO:** The Honorable Chair and Members of the Redistricting Committee

**FROM:** Abigail Forrester Jorandby, Deputy County Attorney 

**SUBJECT:** Review of Redistricting Proposal Notes by John Weiler and Robin Fisher

**DATE:** October 18, 2021

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**Question Presented:** On October 4, 2021, the Redistricting Committee voted to move forward for consideration two redistricting proposals identified as the John Weiler proposal and the Robin Fisher proposal, copies of which are attached hereto. Further, the Redistricting Committee requested that I review both proposals as to compliance with the requirements of the Brevard County Charter and the recommended standards for redistricting as identified by the Courts, specifically, as to the recommended range deviation.

**Short Answer:** As noted more fully below, both proposals are acceptable, however, when comparing the two proposals, it could be said that the John Weiler proposal more comprehensively applies the requirements of the Brevard County Charter and caselaw if indeed a legal challenge was raised.

**Summary:** My review of both proposals centered on an evaluation of the requirements of the Brevard County Charter and the resulting range deviation. Specifically, Section 2.2 of the Brevard County Charter requires in the first odd-numbered year after each decennial census that the Board of County Commissioners divide the County Commission districts into "contiguous territory as nearly equal in population as practicable." Moreover, Section 2.2, provides that the Redistricting Committee "shall, to the extent practicable, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from fragmentation." In addition, as stated in the

Florida Association of Counties' presentation, the recommended target metric for redistricting is 3% or lower with the Courts identifying a population deviation of higher than 10% as a "red flag." (See *Brown v. Thomson*, 462 U.S. 835, 843, 850 (1983) (holding plans with large disparities in population (exceeding 10%) create a prima facie case of discrimination.) Thus, under these requirements, the redistricting committee should focus on dividing the districts into contiguous territory nearly equal in population as practicable with a recommended target metric of 3% or lower.

With that said, I have reviewed both proposals and in light of the above requirements and the current change in Brevard County's census data, I would note that both proposals have made adjustments in population of the districts and have an overall range deviation below 10%. However, the John Weiler proposal has the lowest overall range deviation of 2.18% and effects changes to all five district commission populations; in contrast, the Robin Fisher proposal has an overall deviation of 8.78% and effects changes to the population of only two districts. Thus, in light of the above-stated requirements, when comparing the two proposals, the John Weiler proposal could be said to be more comprehensive in applying the requirements of the Brevard County Charter and caselaw if indeed a legal challenge was raised. That is, clearly 2.18% deviation is below the recommended target metric of 3% deviation and the fact that all five district populations are altered in order to balance out the population likewise addresses the requirements of Section 2.2 of the Brevard County Charter.

**Conclusion:**

In sum, both proposals are acceptable, however, when comparing the two proposals, it could be argued that the John Weiler proposal more comprehensively applies the requirements of the Brevard County Charter and caselaw if a legal challenge was raised in that the John Weiler proposal results in a change to the population of all five commission districts while at the same time providing a lower population deviation.