

Redistricting Meeting, March 16, 2021 at 5:30 p.m.

2725 Judge Fran Jamieson Way, Bldg C, Florida Room

Attendees:

Steve Crisafulli
Robin Fisher
Josiah Gattle
Susan Hodgers
Robert Jordan
James Minus
Yvonne Minus
Kendall Moore
Todd Pokrywa
Sue Schmitt
Jason Steele
John Weiler
Alberta Wilson
David Workman-Absent
Pat Woodard

Staff Present: Jim Liesenfelt, Assistant County Manager
Tad Calkins, Planning and Development Director
Abigail Jorandby, Deputy County Attorney
Pat Mister, County Manager's Office

Call to Order

Welcome

Jim Liesenfelt:

Good evening. Thank you everybody for coming out to our first 2021 Brevard County Redistricting Committee meeting. We have everybody at their seats. This is a little unusual arrangement as we are trying to have everyone socially distant. We have the Agenda up here on the screen for you. We will do Introductions, have a review of the Sunshine law and we will have a look at the presentation of the redistricting process and ask you to elect a Chair and Vice Chair. Then, if you have any business to transact and right after that will be Public Comments, and then we can go home.

Introduction of County Staff

Let me introduce myself. I am Jim Liesenfelt, Assistant County Manager for Brevard County. Over here, we have Abby Jorandby, she is Deputy County Attorney and she will be helping us during the meetings. I'm not supposed to mention Pat Mister of the County Manager's Office. She will be taking the minutes. That's the staff. Oh, and I know, he is hiding in the back, we have Tad Calkins, who is our Planning and Development Director. He is going to have a lot of background information for us.

Committee Member Introductions

We are asking if each of the members could introduce themselves. I am pretty sure you all know each other but this helps us as we get you on and we have everyone's name and place. We will work on the outside table first with Mr. Crisafulli and then we will do the inside table. Oh, I forgot one thing, at your position, there are microphones, we are live. The button right in the middle says "push". If the green light is lit that means you are on and if not, it is not active.

Steve Crisafulli:

Thank you, Jim. Representing District 5

James Minus:

Representing District 3

Pat Woodard:

Representing District 4

Susan Hodgers:

Representing District 2

Kendall Moore:

Representing District 1

John Weiler

Representing District 2

Robert Jordan:

Representing District 1

Robin Fisher:

Representing District 1

Josiah Gattle:

Representing District 2

Todd Pokrywa:

Representing District 4

Jason Steele:

Representing District 5

Sue Schmitt:

Representing District 4

Alberta Wilson:

Representing District 3

Yvonne Minus:

Representing District 3

Sunshine Introduction:

Jim Liesenfelt:

Thank you very much. Once again, just a reminder of the room functions, if the green light is on, you are live all the time. You can turn it on and off with the push button. We do have this set up on Space Coast TV. Space Coast is running the meeting, it is not on Space Coast TV, we are streaming it online as well so we can caption the closed captioning as that will make it easier to do the minutes and also serve as a backup of the meeting. Just to let you know, it is now running through our stream. We will now have Abby come up and do a presentation on the Sunshine Law.

Abby Jorandby:

Good evening, everyone.

Once again, my name is Abigail Jorandby. I'm Deputy County Attorney for Brevard County. You can call me Abby. I will be here for the committee meetings going forward. Tonight, I would like to briefly talk a little bit about the sunshine law. As you may be aware, this committee is subjugated to the sunshine law. So, we need to go over some of the requirements that we have for the meetings go forward. So, bear with me.

So, to begin with, let me give a basic overview of what is the sunshine law. This is Florida government in the sunshine law which basically is an open meeting law. It provides the right of access to governmental proceedings. So, essentially; this is guaranteed by the Florida constitution and obviously is in our Florida statutes. It is very simple. The meetings have to be open to the public where we have public participation and a presence. As well, we have to be given reasonable notice and minutes of the meeting have to be taken.

What does this mean for this particular committee as we go forward with our meetings here?

Essentially, the sunshine law applies to any gathering whether formal or casual of two or more members of the same board, council or committee where they discuss any matter of which foreseeable action will be taken by that committee. Any time two members of this committee get together and actually discuss some kind of business that may come before you for a vote that would be a sunshine meeting, which has to be a public meeting, open to the public where the public participates and have actual minutes taken of the meeting.

It does not matter of the actual meeting location. It could be informal. It could be outside of the actual Board Room or could be, for example, on a golf course. Keep in mind that any time you are meeting with another committee member, you have to be concerned about whether you are actually discussing that something that may come before you in the future. So, keep in mind going forward, that two or more members may not act or engage in private discussions between themselves outside of a public meeting.

Everything needs to be here in this room discussed openly so public can be informed and involved in the decisions. Keep in mind, that you have to be concerned whether if you communicate by written emails, text messages or electronic means such as Facebook or social media. These are other options that potentially members may be tempted to communicate to themselves outside of public meeting. We have to be cognizant of the fact that when you are talking about committee business, it has to be in a publicly noticed meeting. Reasonable notice is required. We do have posting of our agenda, time and place of the meetings so the public can participate and come to the meeting. If for some reason no agenda is available, at that point in time, there is a general subject matter that is usually discussed. The committee can discuss items outside of the agenda; however, formal action is discouraged. It should be postponed until we actually notice that particular discussion on an agenda.

We do take minutes that's why we have Pat here tonight. And we will do verbatim transcripts based off what Jim was discussing earlier. That is not required. There are minutes being taken and there are requirements they have to be properly recorded and open to public inspection. There is no specific timeframe but we don't like to delay the recordings of those minutes. It goes back to the fact that the public has a right to know what is going on at this meeting. That is one means the public can find out what is going on. Be aware we are taking minutes. They will be verbatim and available to the public.

We do get a lot of questions when we talk about having this communication if two members want to meet up and get coffee or they run into each other at Publix. Can we say, hi, and communicate? Yes, you can. Really, the whole issue is if it is something that is business of this committee that you cannot discuss outside of a public meeting. If you run into each other at Publix you can say, "hi, how are the kids?" You can go out to dinner. We want to avoid the appearance of impropriety and avoid the fact you cannot discuss committee business outside of a public noticed meeting, such as this. That is the question I get a lot and, obviously, you all know each other, have social interactions, that is absolutely fine. Just be aware, do not discuss committee business amongst yourselves outside of the publicly noticed meeting.

Can I meet with staff? Absolutely. Jim and I are available during this whole process. We can answer questions. That's why we are here to help facilitate this process as we can go forward from here. You can definitely talk to us. I like to always offer I'm here to help. If you have a question, I don't want you to feel like you are alone. You can call Jim and myself and reach out to us. However, with that said, we cannot be a conduit. We cannot be a go between, between you and another committee member on a question you have about something. We cannot talk about that and say, "hey, Committee Member Number X wants to do this. What do you think? Committee Member Y. We are here to help and facilitate but can't be that go between you and another member.

Another interesting question, can you participate in other board meetings? So let's say you would like to, after a couple of committee meetings here, attend a Board of County Commissioner's meeting later on.

Absolutely. A committee member may go to another meeting. They can go to a Board of County Commissioner meeting, however, be aware of the fact that your attendance could result in another public hearing that you have not noticed. Essentially, if you go and provide comment to the Board of County Commissioners on whatever is going on at a committee meeting and another committee member is in the audience, at this point, you can't start having a go between, or back and forth, with that member because that technically would become its own public meeting for the committee.

Essentially, you can go to a Board of County Commissioner's meeting, say what you like in public comment but avoid having that go between if you have a disagreement with another committee member. Don't get up and have a disagreement or discussion about board business. That can run afoul of the sunshine. That is an interesting question I get a lot.

I want to touch briefly on public records. So, looking at Chapter 119, it provides a very broad definition of public records: All papers, letters, maps, books, tapes, photos, films, recordings and includes electronic media are public records if they are made in connection with the transaction of official business. So, all correspondence and email made or received by a Board member or committee member would be, if it is in connection with the business of the committee, a public record. Keep in mind there is no unfinished business exemption or a draft exemption. If you have a draft document that is a public record and we are obligated to turn that over if there is a public record's request. So just keep that in mind as we go forward.

Why do we have this requirement? It goes back in Chapter 119 of the Florida Statutes which requires the public has a right to access records pertaining to public business. Essentially, there are exemptions to certain documents and information that can be exempted from a public record but that is determined on a case-by-case basis to ensure compliance to the statute.

What happens if for some reason in the course of being a committee member you receive a request for public record? Go ahead and immediately report it to staff. We can help and process that request so that way we comply with state law and we are not running afoul of the public records. Essentially, once again, going back to public records and sunshine law, this is to give the public the right to have access to these meetings and participate and know what is going on. There is no closed meeting per se. If you keep that in mind, you will be fine because you will always be making sure if you talk to a committee member, you are only doing it at a public meeting that has been noticed due to state law. You are not talking to someone about some committee business outside of a board meeting. If you keep that in mind, and why we do this to make sure public participation is preserved, you should not run afoul of that.

Once again. I'm here for questions tonight. If you don't have any but think of something later on we are here to help. I don't want anyone to feel they are alone. Reach out to us. Reach out to Jim and me as well. We are here to facilitate to make it as painless a process as possible so we all can produce a product that we are proud of.

If there are any questions that come up as we go through, I'm here to help. Thank you.

Presentation of Redistricting Process

Jim Liesenfelt:

Members - at your seats, we have packets out for everybody. You will see an Agenda there. There is the Sunshine presentation as well as the presentation I will show you in a moment is in there. There is the map of the county and then the book that is the Brevard County Charter. There is, for your information, the By-Laws from the last Redistricting Committee. I will go over a few items and a little bit of the background of why we redistrict and what the rules are. Ask if you have any questions and we will go further from there.

Chapter 124 of the Florida Statutes defines how you are supposed to divide each of the counties under the different county commissioner districts. It is there under Chapter 124.01 and Chapter 124.02 that describes how we have to publicize once you have finished your work, present it to the Board and they approve it. The Board has to give the public two weeks' notice and make sure the public sees it. It has to be advertised for two weeks and posted so the public can access all the information. And finally, under Florida Statutes, once this is done we have to put the boundaries together. Once again, that is adopted by the Board of County Commissioners and then we send it up to the Department of State.

We have in our county a Brevard County Charter. I will tell you one thing we learned is that we are one of three counties in the State of Florida that has a Redistricting Committee and, according to the Florida Association of Counties, apparently, we were the first to have a citizen's redistricting committee. In case you are wondering, the other two are Columbia County and Pinellas County is just starting up theirs. It is a little unusual for the rest of the state. But we have been doing this and this is our third time under the Charter of putting the redistricting committee together.

Under 2.1 of the Charter, it states the commission should be comprised of five members and each district should have one commissioner. In Section 2.2, I will not go through the entire part but it talks about how we should divide the county up and the fact we have a committee made of 15 members which you have been selected for. And then, once you make your final decision, you pass it on to the Board of County Commissioners. They can only accept or reject what you recommend to the Board. They cannot change it. If they reject it, they will bring it back to this committee to work on it.

Under 7.4 of the Charter Review, the Redistricting Committee has to be set up in the same matter as the Charter Review Committee. The Charter Review Commission has to be 15 persons, no less than two members residing in each commissioner's district. We have 15 members, five from each district and two members that reside in each of the five districts across the county.

The mission of the committee basically is to study the population data that we receive from the U.S. Census bureau that will show us the population of the county where it is at. You have to conduct all your meetings in public and open to the public. And you provide a recommended plan to the Board of County Commissioners for the district boundaries that you see based on the information you receive from the Census bureau.

By the way, I tend to talk fast. If you have questions. please stop me.

Now for the interesting thing, you may or may not have heard, Covid-19 has delayed the census calculation. The census was taken last year. Normal timeline for the Census Bureau is they deliver state data by March 31st to the state with the local data to follow. The Census Bureau, after we scheduled this meeting, put out a notice that their current target timeline (they used the word "target" not deadline) will be to present a national delivery of data on September 30th.

As of this moment, we are not expecting to have specific data for redistricting from the Census bureau until September 30th.

The data sources that we will get you is the information from and which you will be working off of from the Census Bureau. We will have the GIS software when you start working on the maps. We will have GIS personnel here to help with the maps and show you the different ways you want to work the maps and; lastly, the Census Bureau presents the information to us in census blocks. And there is definition of

the census block. I'm sorry I worked with census blocks for 30 years and know what a census block is, but it is how the census bureau divides the different populations in different areas.

I just want to point out a couple of results from the last two redistricting committees. In 2001, the population was approximately 95,000-96,000 per district. If you look at the deviation, and if you take the lowest deviation, which was District 3, which is 1.55 in the highest negative and then you look at the highest deviation which was 1.1, the Redistricting Committee was able to form all five districts with a deviation of 2.7%.

And then the next page, in 2011, this is what the data looked like before redistricting. They had some districts that were separated by 26%. They had some work to do. When they were done with the process, you see the various population districts. It was around 109,000 total population and they were able to get the deviation down to 2.07%. I don't know if you are all competitive but I kind of look at that as a target.

I will tell you if you look at the University of Florida Bureau of Economic & Business Research (BEBR), they are estimating our population somewhere around 602,000 people in the County. We don't know for sure that was their estimate from 2019. The Census Bureau, of course, will give us the final numbers and we'll get that to you as soon as we get them.

What we have done is, before we received word from the Census Bureau, is we sat down as staff and went through the calendars. These are possible meeting schedule dates set up once a month in this room at 5:30 p.m. Staff is available. We are working around other calendars. Once you set up your committee, elect your chair, it is up to you how you want to operate those meetings. These are not set in this schedule as these are just possible dates that were available. We'll work and adjust and help you on the meeting dates if you want.

We had ourselves ready to go if the Census Bureau was ready to go, too.

The resources available to the committee: We'll have the software available for everybody. I do want to point out, if you give me a second here, go to the Brevard County website, Brevardfl.gov. That is our Home page. You will see where it says, Board meetings. When you click on that, you will see all the various County's Board Meetings that go through our Legistar software. If you scroll down a little bit, it is hard to see, you will see, March 16th, the Redistricting Committee. When you click on the meeting details, the agenda and meeting details will pull up. We will post everything online. Minutes will get posted through our website.

As Abby mentioned, myself and Abby, we are your staff contact. You have received a couple of emails from me. If you still have them, my email address and phone number is on them and my business cards are out there. Abby has been copied on the emails so you have Abby's email address, too. As Abby said, we are here to help and to provide information. Remember, so like Abby said, we are not a conduit. As we send out emails, don't hit Reply All, send it back to the single person. This helps us with the sunshine law.

So, for the last additional order of business today. The next, after I am finished with this slide, we will ask you to elect a Chair. Conveniently, the Chair seat is empty. Once we have the Chair selected, the Chair sits upfront and elects a Vice Chair and considers any operative goals or any information, or any questions, you have of us that we can bring back. And after you select the Chair, there are some

timelines. Normally, this process is done around October 1st. The Census Bureau will not have the data out until September 30th. I look at this as a target, not a deadline, so we assume it will be around September 30th. That would be difficult to meet the goal by October 1st.

So, some things to consider. In your packets, there are By-Laws. Also, the dates of the meetings. Let us know when we will schedule the dates of the meetings and; lastly, if you really want it, we can broadcast the meetings on Space Coast TV.

That is my quick and brief presentation. If you have questions, I can answer them. I have to apologize for turning around. The social distancing makes it hard to see everybody.

John Weiler:

Since the Feds will not have the final Census stuff to us for a while, is there any other source other than what you mentioned, another estimate done 2019, is there any other source that the committee can have that -- from other than the feds -- that can give us a pretty good idea of what the population is so we can get started? Otherwise, it looks like we will be in a circle for six months.

Jim Liesenfelt:

What I can do is research that a bit and get the answer for everyone to see. --There is the American Community Survey. Is that the proper title, Tad?

Tad Calkins:

I think it is. I don't know how accurate it would be of the details we need to do the exercise.

Jim Liesenfelt:

In my previous life, I was a planner and I never seen the BEBR future numbers down to the census. In the American Community Survey, the numbers could be as old as 2014. I'm not sure how detailed they will get you. We will do research.

John Weiler:

Yes. It may give us an area to work with. It might be pretty close if we get decent data.

Jim Liesenfelt:

Thank you. Anyone else? We will do research. Okay. All right. Yes, sir.

Josiah Gattle:

What is the deadline in order for this committee to conclude our business and what is the plan if it is say October/November that we get the data for the -- processing?

Jim Liesenfelt:

If you read the Charter, it says that we have to complete the business in the first odd numbered year of after the decennial census or first odd number year after the census. If you read it, our deadline is December 31st. You have two different Board meetings, a Board meeting where they adopt the descriptions. And there is the Board Meeting where they accept or reject your recommendations. So,

you are looking at getting something to the Board of County Commissioners no later than the first week of November. Which means if the data shows up the end of September, you are looking at a five week time crunch to try to hash this out. Did I describe it very well, Abby?

Abby:

Essentially, what the committee will do is adopt what they would recommend to the Board of County Commissioners. The Board of County Commissioners would then give thumbs up or thumbs down if they approve it. It is basically just a description, we actually have to send it to a surveyor for the legal boundaries which takes some time.

There are two meetings. The first where the Board of County Commissioners approves the plan overall of what the districts are and then you have to wait for the survey preparation, which takes time. It would be a time crunch. We are under a time crunch due to the Census delay due to Covid. I think we can take an aggressive schedule, potentially through October, assuming we get that data as they told us by September 30th, and really work it through October at that point in time, provide it to the Board of County Commissioners and be able to get to the surveyors to do the surveys and then bring it back to the Board of County Commissioners and have that survey attached to the Resolution. It's possible. It is just going to depend of the Census Bureau and when they actually get the data to us.

Jim Liesenfelt:

And we should also add we also give it to the Supervisor of Elections for their review. They look at it and how it affects their precincts.

If we receive the data on September 30th, it is a time crunch to get it done based on what the Charter requires.

John Weiler:

Sounds like we need [inaudible].

Jim Liesenfelt:

I would tell you, from a staff point, we are already looking at that. Staff has handed me a calendar for October of the different Board meetings scheduled in the different rooms. You know it could be weekly meetings in October. Any other questions?

Election of Chair and Vice Chair

Jim Liesenfelt:

Okay. Y'all ready for the fun part about electing a chair. This is interesting since this is a new committee. We don't have an existing chair. You want to keep going, Abby?

Abby:

Yeah, basically we open the floor to the nominations. Oh, we have a question.

Robin Fisher:

Could we continue to move forward with the assumption that the 602 or whatever number, is close to being right and so that gives you about 10,000 more population per district and set boundaries that way and then if we have to adjust it in October, we come back in October and make that adjustment when the census come out?

Jim Liesenfelt:

You can. We see what kind of data we can get you that's in between 2010 and 2020 to see if you can work off that. That is up to the committee if that's what they want we will help you that way.

Robin Fisher:

Where was the 602 number from?

Jim Liesenfelt:

The University of Florida BEBR project population throughout Florida that was their 2019 middle projection for Brevard County. Middle is usually, over the years with my business, it has been pretty decent.

Robin Fisher:

We can just ask Todd, he will tell us what Viera's got? [laughter].

Jim Liesenfelt:

So, if anybody likes to make a nomination for Chair?

Robert Jordan:

I like to nominate Steve Crisafulli.

John Weiler:

I will second.

Jim Liesenfelt:

We should ask if Mr. Crisafulli is willing to. [laughter]

Jim Liesenfelt:

And is there any other nominations?

Kendall Moore:

Mr.Chairman, since we have a great one...

Jim Liesenfelt:

I'm not the chair here. Just staff.

Kendall Moore:

Can we make a motion to close the nominations?

Pat Woodard:

I'll second.

Jim Liesenfelt:

All right.

Good with that Abby?

All in favor of nominating Mr. Crisafulli for Chair of the Redistricting Committee say, Aye. If anyone says Nay, we will take your name. Motion passed unanimously.

Okay. You get the big seat.

Steve Crisafulli:

Thank y'all. I think. Now we need to do a Vice Chair? The floor is open for nomination for Vice Chair.

Mr. Jordan raised his hand:

Alberta Wilson:

I like to nominate Yvonne Minus for Vice Chair.

Steve Crisafulli:

Any further nominations?

Susan Hodgers:

I would like to nominate Robin Fisher

Steve Crisafulli:

Any Further nominations. All right. Nominations are closed. We have two on the floor.

All in favor of Ms. Minus, say, Aye

Opposed, nay? Did I hear any neigh?

Abby:

Okay. Since you have two nominations we need a vote for roll call to see if we do a roll call vote

Steve Crisafulli:

Who has a roll call?

Abby:

I will go ahead. So, will start with Robin Fisher.

Robin Fisher: Yvonne Minus

Josiah Gattle: Robin Fisher

Robert Jordan: Yvonne Minus

Susan Hodgers: Robin Fisher

James Minus: Yvonne Minus

Yvonne Minus: Yvonne Minus

Kendall Moore: Yvonne Minu

Todd Pokrywa: Yvonne Minus

Sue Schmitt: Yvonne Minus

Jason Steele: Can I vote for Yvonne Fisher? Yvonne Minus

John Weiler: Robin Fisher:

Alberta Wilson: Yvonne Minus

Pat Woodward: Yvonne Minus

Steve Crisafulli: Yvonne Minus

Steve Crisafulli:

Yvonne Minus will serve as Vice Chair of the committee. Congratulations. [applause]

Public Comment

Steve Crisafulli:

Jim? We got a public comment?

Jim Liesenfelt:

Sorry Mr. Chair, unless you have any directions for staff. You know schedule the next meeting?

Steve Crisafulli:

Is that something that we need to do at this meeting or is something we can send out over electronic communication?

Jim Liesenfelt:

We can do it how you prefer.

Steve Crisafulli:

Electronic communication. Sorry. I would prefer to do electronic communication and we can see what business we can bring forward to the committee at a meeting to be scheduled and also with the recommendation of the information that you can bring back to the members of the committee that they have asked for.

Jim Liesenfelt:

We will put together when we can determine on -- population estimates the latest we can and get that out and based on that we will give you a call and work from there to get the next meeting schedule.

Steve Crisafulli:

I would be leery from information from the University of Florida. We will have to double-check that Mr. Fisher.

All right. Anymore comments from the committee before we go to public comment? Seeing none.

Public Comment:

Steve Crisafulli:

Public comment? Any public comment? Seeing no public comment.

Adjourn

Steve Crisafulli

I will take a motion for adjournment.

Pat Woodard:

Move to adjourn.

Steve Crisafulli:

MOTION ACCEPTED. WE ARE ADJOURNED.
