

REDISTRICTING COMMITTEE MEETING

Tuesday, September 14, 2021

5:30 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way

Viera, Florida 32940

Building C, Florida Room

A. Call to Order

- a. Steve Crisafulli, Chair: called the meeting to order at 5:30 p.m.

B. Roll Call – Teresa Rivera

- a. District 1 – Robin Fisher, Robert Jordan, Kendall Moore
- b. District 2 – Josiah Gattle, Susan Hodgers, John Weiler
- c. District 3 – James Minus, Yvonne Minus
- d. District 4 – Henry Minneboo, Todd Pokrywa, Sue Schmitt (via phone)
- e. District 5 – Steve Crisafulli
- f. Jason Steele, Alberta Wilson, David Workman - absent
- g. Staff – Jim Liesenfelt, Tadd Calkins, Abigail Jorandby, James Shives, Teresa Rivera

Teresa Rivera: Let the record show that Jason Steele, Rich Workman, Alberta Wilson, and John Weiler are not present at the start of the meeting however, we do have a quorum.

Steve Crisafulli: Very good. Members, we do have a quorum, can we get an approval on last meeting's Minutes from August 25th.

C. Approval of Minutes, August 25, 2021

- a. Motion made by Robert Jordan
- b. Seconded by Yvonne Minus
- c. All in favor
- d. Motion passed

Steve Crisafulli: Just a reminder, all the mics and just an effort to make sure everything is on the record, all the mics are actually hot tonight even if you don't push the button, it's live right that green

light is on keep that in mind as we're going through the meeting, we will get feedback if you are talking out of order.

D. Future Meetings

Steve Crisafulli: So, with that, want to make some notes keeping with the agenda with regard to future meetings, we do have some good news, we got the information uploaded last Friday. Poor James has been trying to organize all that. So, hopefully in the next day or so, James we will have everything as it should be with that and obviously everyone can come in and start doing their good work with this process if you choose to be part of drawing a map. Otherwise, certainly your input in a meeting is valuable as we move forward. With that said, the goal I think to meet the timelines that we're trying to meet would be to by the next meeting which at this point in time I would like to say September 27th which I believe is a Monday. In an effort to make sure we do not interfere with the City of Melbourne's council meeting September 27th is our next meeting. Between now and then I would ask you if you do plan to draw a map or draw sections of a map, or be part of that process, I ask you to make time to go in with James and get acquainted with the system and put pen to paper so to speak and start that work. The goal would be to come back on the 27th and have all of those maps presented to this committee in their entirety as we said and understand a lot of them are going to look the same based off how this county is shaped. There will be some differential between them then at the 27th meeting, after that meeting, we would have those maps available to everybody to continue to study until the next meeting on October 4th which is a Tuesday I believe we're back on. Is that Tuesday or Monday?

Jim Liesenfelt: Monday.

Steve Crisafulli: It's a Monday back onto the Monday. At that time, it would be a dream to break those down to maybe 3 maps that we can move forward into the next committee meeting which will be October 11th we would pick a final map to move forward. The goal with that is to make sure we leave time for the Supervisor of Elections to review the maps, do any work they need to do, and any feedback they would need to get to us. So, we can make any adjustments that need to be made. My understanding, Jim, you can tell me if I'm wrong, there needs to be legal descriptions that goes with these maps. That takes time. So, that's why we're kind of on that schedule of getting things to mid-October so we can get them to the Supervisor then to the

Commissioners hopefully in early November would be the goal.
Correct?

Jim Liesenfelt: Yeah, correct.

Jim Liesenfelt: And the Commissioners would approve the map then instruct us to do the legal descriptions in which we have to bring back.

Steve Crisafulli: okay. Got it. That is the goal. So, 27th. 4th and 11th. That's what we're looking at as we sit. We have the availability of this room on the calendar as well so I think we're good on that side of things.

E. Mapping Discussion

Steve Crisafulli: So, with that, we have had some work done in the interim and James you're prepared to go through those? We have a few maps that have been put forward and I think James you are prepared to kind of go through those to do explanations of what we have before us right now. And I know Mr. Jordan I believe what we have behind us are maps these over here.

Robert Jordan: Those five.

Steve Crisafulli: If you know after he's done you want to weigh in with your thoughts on why some of those things are as they are, we certainly appreciate that.

Robert Jordan: Actually if you don't mind Mr. Chairman, I would rather introduce, just so everyone understands how I came up with the maps. It was very simple, and I will tell you it doesn't have anything to do with politics, it had nothing to do with where the existing Commissioners live. I don't know where the Commissioners live. Mr. Lober, I don't know where you live, I don't even know where my Commissioner lives, I know she lives in Titusville that is all I know. I was trying to be as pure as I possibly could and took the numbers we had and divided them, and we came up with what needed to be expanded and each one of the Districts are actually contracted in some of the Districts as you go south there are more we need to bring up. So, I tried my best to just go with some road of demarcation, go horizontally if you will. So, in District 1 you will see, I just went straight down until I got the numbers based on what James is telling me the numbers were. We just played with it until we came up with the plus or minus 3%. Plus or minus 3% of the numbers we were supposed to be to. I think there's a requirement for everyone to have some bit of the beach side if I remember right. So, what you see is basically just

using geographic spots if you will. Most of them are roads to ensure we bring the lines down to increase the number that's required in most of the Districts. That's about as simple as I can get it for sure.

{5:38 John Weiler arrived}

If James can explain the numbers I came up with, then we can have a discussion with that. And by the way, you can't hurt my feelings, just tell me I'm correct. (laughter) I'm good. All right?

Robin Fisher: Just one thing for clarity, is there a rule the everybody has to have some on beach side or where does that come from?

Robert Jordan: I thought I heard that from someone is that true or not? Is there a rule?

Steve Crisafulli: I don't believe there's a rule on that, Abby, you want to clarify that from a legal standpoint? I don't believe there is anything on that. No? Okay.

Abigail Jorandby: Starting with what you currently have the boundaries like I said, you are drawing down the line to either increase or decrease the population. I'm not aware of that rule obviously, you are supposed to preserve as much as you can, the municipalities, and cohesive minority communities as well.

Steve Crisafulli: James, if you would, you can go ahead.

Sue Schmitt: Hello, can you hear me?

Steve Crisafulli: Yes, we can hear you.

Sue Schmitt: Okay. I would just like to add that having been a former Commissioner, and also knowing that the Commission voted on that, way back I think, maybe before Robin was even on again - they felt that every Commissioner should have a piece of the beach because the beach is very unique and different. Each Commissioner should understand what the beach side was about, and also because of hurricanes and tropical storms obviously, that is really where it came from.

Steve Crisafulli: So, Sue, you're saying that the Commission took that up when you were elected?

Sue Schmitt: They did. They voted on it. Then the Commission after I was off the Commission. I was on the Commission 12 years. Which is a long time trust me. Then the Commission after that time also voted on that same thing.

Steve Crisafulli: Ok, thank you for that input. Abby, are you perplexed?

Abigail Jorandby: No. We were just following on the one thing I think is we were discussing perhaps that is pre-charter days, so we do have a

charter now that does provide some direction as to how we do our redistricting. Obviously, you start with the current boundaries and move from there.

Steve Crisafulli: Okay. Sue did you hear what Abby said on that?

Sue Schmitt: Yes, I did. It was probably pre-charter when both Commissions were taken. However, I can tell you in the last redistricting, that point was made very clearly in 2010 and from the Commission and from the Redistricting Committee, the County Commission at that time also said everybody needed to have a piece of the beach.

Steve Crisafulli: Ok.

Sue Schmitt: I was on that Redistricting Committee too.

Steve Crisafulli: Ok, thank you for those comments. James why don't you go ahead and explain the numbers on these maps and let us know what Mr. Jordan has proposed, I believe after that you also have an overlay of the Districts and you can go through some of that. Let's address some of Mr. Jordan's proposals and move from there.

James Shives: Okay, Mr. Jordan, as most of you guys know, we had to take some populations from 3, 4 and 5 and move those into 2 and tried to use appropriate geographical areas to try to add those and meet our target goals. So, our first proposed change is grabbing a little bit of District 2, the northern Merritt Island and shifting that over to District 1 shown in this map that.

Kendall Moore: Which map that's up there represents where you are starting for the ones on the wall?

James Shives: Yeah. It would be the white number 2.

Kendall Moore: White number 2. Okay. Thank you.

(telephone dial tone heard)

Steve Crisafulli: We lost Sue.

James Shives: Adding this area, got us quite a bit of our population total to our target balance for District 1. This change got us within let's see, 300 people from our target population, and the next change we did was also between District 1 and 2 and we took everything south of 520 from District 1, and also, put that to District 2 to kind of balance out the population there, the next proposed change was between - sorry. Between District 4 and District 2 and I guess one of the things it's probably a little hard to see on the map there, in the lower left hand corner is inset of the voting precincts because I know that is one of the things we will try not to break up precincts when we're finalizing some of these maps so I included those. Whenever somebody comes in,

we will try and keep the same template for the maps. This area is the area where we took District 4 and made that change into 2 and I believe that goes down to Viera Boulevard. So, it's everything east of 95 and north of Viera Boulevard. Next proposed area is between, yes.

Robert Jordan: Mr. Chairman, we got puzzled faces it's kind of hard to understand what we're doing. Really if you could explain what roads we're taking District 1 we went further down on 520 if you will. That is where the line of demarcation went over to the east.

James Shives: Okay. Let me bring.

Robin Fisher: And also if you could please explain how if you are taking things south of 520 from District 1, what are you picking up to makeup that extra. Because you're taking from District 1 south of 520, you gotta be adding somewhere.

James Shives: Yeah. So, it's important to remember District 1 and District 2 were short from target population by quite a bit. So, we're taking from - this is taking from 1 giving to 2, this is taking from 2 giving to 1. Sorry, this is taking from District 4 and giving to District 2. This is the other proposed area. This is everything, yeah. East of 95 then north of Viera Boulevard that was in District 4 and bumping that into 2 to get the numbers to line up. Then this map shows taking areas from District 5 and bumping those into District 4 to kind of balance out those target numbers, and this is also east of 95 and, hold on. Wickham Road yeah. This is Wickham and Eau Gallie I believe.

Robert Jordan: Mr. Chairman I will say this, I think we need to be clear what is going on it may be better for us to get a written descriptive of exactly what has occurred versus trying to understand these maps. Because when you are sitting with them, it's very easy to understand what we're trying to do, and also, you don't really see a contrast between let's say we went with District 1 and we added some District 2, what I would like to see is existing District 1 then in a different color, how we added whatever numbers to get District 1 to a certain

Steve Crisafulli: Do you have the capability to do an overlay like that

James Shives: Yes, and in the future

James Shives: Yes.

Robert Jordan: You do.

James Shives: In the future, I will be more clear on what we did to exactly to edit, didn't come prepared with the written notes of street to street.

Steve Crisafulli: I think the overlay with a different color on the map would really help it also I think helps everybody if they see it in its entirety even that is better than that probably just because you can see, you know.

Steve Crisafulli: That is not your fault. We're trying to understand how to do this for sure so. [multiple speakers] [laughter].

James Shives: Right.

Robert Jordan: Coast inland and see where those breaks are. So, as we move persuade through this process, I think having a breakdown of descriptions would be helpful. And the more full picture of it so.

Steve Crisafulli: No. Go ahead.

Henry Minneboo: We helped Mr. Jordan with the information because I submitted that. To keep it simplified, we took 528 which is we call the beach line to Pineda Causeway whatever we want to call it that is our base and we ran that all the way to the east so what we call the Banana River. That in theory encompasses North Merritt Island clearly defines the area north and if you needed to add or subtract, you can come off 528 and go to 524. Wherever that adjustment is need - and it was so close, James was afraid to move it. I will blame it on you James. To me it's clarity for the people that use this on a daily basis you and I are not politicians for the people that work you know. The working people the real people that gives them a tremendous opportunity to keep it very simple because in this county, nobody knows where the end of one District is and the start of another although me and Mr. Fisher the only 2 that know.

Susan Hodgers: Mr. Chair?

Steve Crisafulli: Yes?

Susan Hodgers: Going back to what here it is now and this is proposed for people that are new in the committee not familiar with it things like okay is this District if we change this District, is there a crossing, of natural waters or manmade barrier island, Viera, you don't want to split it up absolute you don't want to do. Some people are like oh, this looks good does this cross manmade waters or different things?

Steve Crisafulli: Yeah. I think in weighing those out, clearly, we have used communities of interest as something we have talked about. We talked about geographic impacts as being those type of things and Commissioner Lober sent out an email that was made for public record, League of Cities presentation which the Association of Counties use the same standard on it. They kind of go through--and it's not it's certainly not the Bible on it, but it's a good you know lead

into a good way to do it. And communities of interest, you know minority communities, geographic guidelines are things that matter and are important in this process. And I think it's obviously, the purview of this committee to determine what we feel is important in that certainly I think compactness is first and foremost, I think that is pretty consistent across the board. So, when we look at this, we are looking at compactness, communities of interest, um...geographic lines and waterways and roads and that sort of thing and then you know we can kind of work our way through the list that's why I think when you look at our County, it becomes pretty evident there is only a few ways to do this based off us being north to south and having an ocean on one side. Certainly, as everybody who chooses to go through this map drawing process goes through it, they're going to have different ways and different ideas to do it. And it may even be more so from the standpoint of you know using the existing map we have and you know pushing the bubble and have it pop up here and shrink, um...over here, we may get a map or 2 that looks like that as well. To your point though, I think compactness, communities of interests keeping minority districts intact keeping precincts and cities intact are important things and obviously, using geographic guidelines as obviously, something important in this process as well. And I think geographically, you keep communities of interest together based on that. The beach side is the beach side and the river separates them from the mainland you get some of that as well. Certainly, as each person goes through this process, they can determine how they like to do that. When they present to this committee that will be something this committee decides on you know the order of importance when it comes to decision. Yes, sir.

Josiah Gattle: Can I get a breakdown of what the new populations of each of these Districts would be under this proposal? Then can we get a clarification on the variance rules for the committee. What are variances? I know our guideline is 3% but can we go to 5? Where is the line of what we would be able to extend if we are following these guidelines?

Steve Crisafulli: James, I would tell you know I think as we move forward to that point when we put these maps together to present them, I think having as much data that can go with it from populations makeup and all the way down the litany of things you can come up with from data points would certainly be important. Abby, on the variances of things, would you like to weigh in on that?

Abigail Jorandby: Yes. So, we are typically looking for a 3% variance but anything up to 10% you don't want to go above 10% that's where you have a red flag essentially. Really, the ideal is 3% to have that variance difference if there's a reason we would want to give I don't know if this is working a reason as to why--oops thank you. I will switch--so okay if for some reason you are going to go over 3% let's say you did 5% for some reason it's to preserve political subdivision boundaries--is it not working Teresa? Okay. If for some reason you are going above that 3% the ideal that's where you want to land if you were to go to 5 percent if it's to preserve political subdivision boundaries, that is a reason for maybe exceeding that ideal percent annual.

Sue Schmitt: Excuse me, when Abby removes the mic I can't hear her.

Steve Crisafulli: Sue, we're having some mic problems maybe we will get her back on here. [multiple speakers] [speaking off the mic].

Abigail Jorandby: Okay. What I was saying for Mrs. Schmitt, 3% is the ideal if we go to 5%, we should have reasoning why we're exceeding the ideal that would be to preserve a political subdivision. One of those issues that we may be able to kind of exceed the ideal amount you don't want to go over 10% that is the red flag courts are looking for you deviated to an extreme they are not comfortable with.

Steve Crisafulli: Did that answer your question?

Josiah Gattle: If I can ask one more follow up on this. How is that variance measured? Is it from the ideal? Is it from relation to the other Districts? Where is that variance kind of measured from?

Jim Liesenfelt: There we go again assuming my math is right, it would be the variance off of the 121,322 number. For each District.

Steve Crisafulli: So basically, the total population divided by the Districts, gives us that number and the variance would be off of that.

Jim Liesenfelt: Bingo.

Steve Crisafulli: I think you have a follow up.

Josiah Gattle: Do we have updated numbers of what the Districts would be under Mr. Jordan's proposal.

James Shives: Once we put it in the software it's hard to see those total show up with the demographic values based on Mr. Jordan's plan.

Steve Crisafulli: Can you read those off to us? I would ask that we make sure that staff can email this out so we have this data for each member to see since it's so hard to see this break down on the screen.

James Shives: Right so for Mr. Jordan's plan District 1 would be 121,063. For District 3 would be 120,808. District 2 would be 122,094.

Teresa Rivera: Can't hear you.

James Shives: Sorry. So, District 2 would be 122,094. District 3 would be 120,808. District 4 would be 122,011. District 5 would be 120,536.

Robin Fisher: What was District 1?

James Shives: District 1 is 121,063.

Robert Jordan: And Mr. Chairman I made sure I was in the 3% so I think we're following along.

Steve Crisafulli: Yeah, you are well outside that.

James Shives: Sorry District 3. 120,808

Steve Crisafulli: Any further questions or comments for James on Mr. Jordan's maps. Again, it's a process and this is the kicking off point, we're going to have other maps we're going to look at. I don't believe there's a reason to edit maps tonight. We have other proposals that will come forward you see an opportunity to massage a couple of maps or 3 maps together to make something work and I think that's kind of the beauty of the process to be able to have James do that while we sit here. Before we go to your overlay where we currently are with the District maps, Mr. Weiler, I wanted to give you the opportunity to explain the email you sent out today through staff and the changes you made on these 2 here they were not - his proposal is simply on Districts 1 and 2. To be in, correct me if I'm wrong - to be incorporated into something else in 3, 4 and 5 in the future but your focus was Districts 1 and 2. I would like for you to have that opportunity to explain that to the committee if you choose.

John Weiler: Sure. In the memo I sent out, I'll just go through some of the things I underlined for myself. When I researched this for James and others, we anticipate that Districts 1 and 2 are likely to have lower than average population growth over the next 10 years. I think that's pretty easy to look at. Keeping that in mind the proposal I will talk to a little bit. District 1 would end up with a population of 122,229. You have this all in the memo you don't have to take it down. On average 1457 from the target and this works out to be approximately 1.2% from the target for District 1. Similarly, District 2 would have population of 123,146 an overage of 1284 for the target that works out to be 1.5% way within the 3%. Both Districts 1 and 2

remain well within the recommended variance. Given the trend of population growth expected to continue over the next decade within District 4. That's where we understand the population growth is going west in that regard meet a target slightly under populated District 4. After proposed changes to 2 and 4th District 4 would need to gain populations from Districts 3 and 5. Why did I focus on District 2? I'm most familiar with District 2 and familiar with the borders and so forth. I personally campaigned walked the neighborhood District 1 and 2 I'm familiar with the neighborhoods and populations and so forth. And try to respect the general rule we were given in maintaining continuous areas the existing neighborhoods the existing geographic boundaries, and so forth. All the changes I proposed are west of the Indian River, leaving Merritt Island and the beaches untouched for District 2. In addition to respecting the major natural boundaries my proposal also maintains I-95 with absolute border with respect to District 2. Don't want to go on the other side of 95. so, keeping that in mind, and I looked at it from contingent neighborhoods and so forth. If you look at the map that James put together, referred to as area 1 on your handout, what area 1 does is takes and gives portions of District 2 to District 1. If you look at the big picture, it's pretty obvious District 1 has to move south. When District 1 moves south then District 2 has to move south. It's pretty obvious for District 2 we propose to move south giving up on south side of 528. With one small area north of 528 and existing precinct line up 227 a very small precinct but makes it contingent for District 1. Then precinct 207, south of 528. The entire precinct keeping it together. Going along the Indian River side 209 along the Indian River south along precinct 227, and 214 from Michigan to the Indian River and [inaudible] and 219 precinct south of Barton area to that is the second area, area 2 we proposed down in the Rockledge area south to give up precinct 219 to District 1 that again would be contingent with District 1. So, when we do that, District 2 loses a lot of population so the gain the population we simply I like to use the kiss principle let's keep it simple, we simply move south there in Rockledge we don't occupy there are 2 precincts in Rockledge not occupied by District 2 currently moving south puts almost all of Rockledge in District 2. Makes it easy for those folks absorbing precincts 417 and 433 and 433 is a little bitty precinct in the middle of 417. I don't understand how that ever existed 433 and 417 sort of go together, move south there. 425, again a small precinct. 436 and 438 - 2 precincts to have 0 voters in them. Just make them

all District 2 it doesn't make any sense why they are where they are in my opinion right now. Then 412 is another small precinct south of Tipperay and south of Viera Boulevard and 428 to south Viera Boulevard essentially. Might dip a little bit below Viera Boulevard to get the population we needed. It's pretty straightforward and follows the geographic boundaries that have been natural, it keeps Merritt Island all in District 2 which has historically been District 2 forever I think going back 40 years or so. From the time we established Districts and keeps all the beach areas the same as they are. Just changes things a little bit, not even a whole lot going west from the Indian River and south from 528.

Steve Crisafulli: So, question for you on your areas 1 and 2, do those break up the City of Cocoa or City of Rockledge or keeping the cities whole?

John Weiler: Rockledge makes it more whole those 2 precincts are now in District 4 for the City of Rockledge I believe area 1 have to rethink that I believe that is unincorporated or at least most of it is that precinct so I'm not sure I don't think it's part of Cocoa I might be wrong I have to go back and look at that. It's around 524 and south of 528. It would be hard for us to move south any time and not looking at the precincts in the map and not take some of the city away I imagine because currently District 4 has part of it right now. You would get more of that area south to District 4 if you look at the map piece of it to blow it up if someone wants to look at the precincts how they line up, it looks again like the kiss principle. Keep it simple.

Steve Crisafulli: Any other questions or comments?

Todd Pokrywa: Mr. Chairman.

Steve Crisafulli: Yes sir.

Todd Pokrywa: With respect to areas 1 and 2 that Mr. Weiler presented, I didn't have any initial concerns relating to those nor most of what Mr. Jordan had presented, but with each of their proposals, I did have a concern as it relates to the proposed changes between District 2 and District 4 in that those that are proposed in each instance don't maintain the contiguous communities within the Viera development of regional impact. I would prefer those would be maintained when we're looking at those scenarios and instead, looking at District 4, I think there are some other opportunities including the areas east of the Indian River Lagoon, as well as some areas along U.S. 1 within District 4. So, I think using the Indian River Lagoon perhaps is that geographic natural boundary is something that

we should look at as it relates to District 4 rather than breaking up communities within the Viera development of regional impact.

Steve Crisafulli: Sure. I think it's an important point to mention when it comes to the variances you're going to be growing significantly still I think it's even mentioned in your memo Mr. Weiler. Some of these can actually be on the downside of the population spectrum knowing they're going to be growing considerably obviously, you can go 3% on either side it doesn't necessarily need to be on the upside that is something to keep in mind when we look at that. We can certainly be short in a District that we know is going to be growing significantly as well using that as a guideline as well. Sir?

Todd Pokrywa: I did want to also state that following receipt of Mr. Weiler's memo, I did have a conversation with Commissioner Lober and expressed these concerns which he conveyed to me that he understood as it related to the Viera DRI.

Steve Crisafulli: Very good, thank you. Yes sir?

Josiah Gattle: Would it be possible to add the Viera DRI to the database just like we have the Cocoa and the Rockledge and other cities we're talking about here just so we have a visual representation of that if that's a concern that Todd or other members of the committee have around the table.

Steve Crisafulli: Is that capability you have James to show -obviously, the DRI is something that is not defined as a city boundary, on his system I'm wondering if that is something that could be done.

James Shives: As long as we have the shape file or legal description, we can add it in. The cities are pretty easy to add in I would just have to find the boundary lines for—

Steve Crisafulli: If you would work with him on his ability to find - I think that would be helpful to the committee for sure, Mr. Weiler?

Todd Pokrywa: We have the shape files.

John Weiler: Relative to Rockledge, look at my notes to make sure I'm not misstating something, we move south in the Rockledge area to 417 and 425 what that does is makes Rockledge all in District 2 then. Right now, it's got 2 District 4 precincts and the rest is District 2. I think I have a map I will come back to it. On Cocoa I will come back to it. Rockledge will end up being whole as far as moving a little bit further south than that beyond the general Rockledge area to what we currently think of as District 4 some of those do go along the Indian River down that side, okay? And we can consider further going down

to Indian River side if you think that's a smart thing to do we can look at that. Or have it together or—

Steve Crisafulli: We're going to have to overlays where this stuff is so we get a better feel for it. I don't know what the capabilities of your system are. Any of those data points that we can have, especially visually that is far more important to be able to see it versus knowing precinct numbers.

James Shives: Yeah. We can add in data from add contents and use it as a reference it kind of clutters up the map for editing, we can flip it on as a reference.

Steve Crisafulli: Sure. If you can turn it on and off. Yes, Mrs. Hodgers.

Susan Hodgers: I have a question for Mr. Pokrywa, I live near 441 in Viera by the Viera hospital. I believe he had concerns he talked about growth. I'm not sure what the population of 441 is. Viera goes to Adalade, correct? And on Mural Road to the west like where Viera east is then there is IRCC that is not considered part of the Viera CDD right?

Todd Pokrywa: That is not within - a portion of it is within the Viera DRI so not all of it is. Property up to Turtle Creek Golf Club.

Susan Hodgers: That is Viera?

Todd Pokrywa: It's all in Viera.

Susan Hodgers: Wow.

Todd Pokrywa: And property on Herein's Landing on the east side.

Susan Hodgers: For the projected growth, I just moved there a year-and-a-half ago I can't believe the amount of growth in Viera. Do we take that into consideration if he says there are x amount of people per year we have to do it for the next 10 years are we allowed to use that type of information?

Steve Crisafulli: Sure, that is the purview of the committee. If we're staying within our 3% we're absolutely fine especially knowing it's going to grow some there I think being short in 1 or 2 Districts, we see potential growth is isn't a sin I think it's us thinking about the future and understanding what the population is going to look like obviously, we're building these maps off today's numbers that's what we're required to do when we're looking at the variances the 3% is obviously, our goal, we can be on the short side of that knowing we can justify it in this committee knowing that we're going to have growth. Yes, sir?

John Weiler: One of the other things to consider that I definitely considered is keeping the existing areas of District 2 from the Indian River going east the same. Particularly precinct 205 which is north Merritt Island. From District 2 standpoint that is our only real area we might grow in we have no other areas, there is significant growth for the future as you go down the way, you are going to have disproportionate other Districts growing if that wasn't part of District 2, we would be going downhill relative to population it's the only place that still has some development to be done of any significance in District 2 so I would be very strongly in favor of leaving Merritt Island right where it is. 205.

Steve Crisafulli: Mr. Fisher first, yes sir.

Robin Fisher: Mr. Chairman I'm not saying I will be supportive of this. I want to make sure I understand the committee's options I think I heard the County Attorney say 3% is a guideline you can go as high as 10% if you are using that math, is it possible this committee could actually say, leave it alone? Because when I look at the numbers there isn't any more than 5%. (laughter)

Steve Crisafulli: That's an interesting statement.

Robin Fisher: So I just curious does the redistricting have to happen? Do you have to move the line? Is it possible the committee could take the position we're within that 3 to 10% guideline and no one is more than 5% you just leave the lines alone? I didn't know if that was an option or not.

Steve Crisafulli: If it is, I hear a motion. [laughter] but Abby?

Robin Fisher: I'm not saying I'm supportive of that.

Steve Crisafulli: Let's go to our legal counsel with that.

Abigail Jorandby: The ideal is 3% and we can deviate above that if there is like I was discussing the preservation of the municipalities there have been situations I understand redistricting - keeps going in and out. Redistricting committee has not taken any action they didn't have major deviations we have to check the percentages we have to make sure. Really 3% is your ideal that is what you should be aiming for. If we're above that, we need to really have a good reason as to why we aren't making alterations. Sorry about that.

Steve Crisafulli: Ok.

Sue Schmitt: Mr. Chairman, I think did you have a comment, Mr. Chairman.

Steve Crisafulli: Yeah Sue, we got a couple of people in front of you then I will come to you. Mr. Jordan.

Robert Jordan: James what is the numbers in the south? I thought we were pretty high in the south that's why we're bringing them all up to the north.

James Shives: Yes. Our existing Districts, District 3 based on our current boundary is 126,271. District 4 is 127,078. And District 5 is 123,261. So, District 5 is right around the target but Districts 3 and 4 are roughly 5,000 and almost 6,000 over our current target. So.

Robin Fisher: My calculations are showing either up or down nobody is more than 5%.

James Shives: Correct.

Steve Crisafulli: Yes sir?

Jim Liesenfelt: Excuse me sirs, the only one I did quick math District 2 is 5.7% below the target in today's numbers. That looks to be the biggest variance.

Steve Crisafulli: Good effort Mr. Fisher, I like the way you are thinking though. Mrs. Schmitt you had a comment?

Sue Schmitt: Yes I know. Abby said the perfect ideal is 3%. I will tell you on the last redistricting, we looked at 5% for all the Districts. And we were obviously, not right on for 5% by each one but it was 5% is what we ended up with.

Steve Crisafulli: Ok. I don't think Abby is telling us we can't go there. She's saying on target—

Sue Schmitt: No. But Robin raised that issue I want to know what was done the last.

Steve Crisafulli: Sure. Thank you. Any further comments on where we are with Mr. Weiler's maps? Again, this is a process we're going to massage these. We will have other people that put maps into play and we're going to have further discussions and then we're going to start massaging things. Yes sir.

Josiah Gattle: On both of these proposals just being aware of the status of current maintenance MSTU's and what the current state of the area is particularly with the area 2 of Mr. Jordan's proposal there is a significant undeveloped area out there that it would be well maintained especially balancing what could land in certain Districts with D1 picking up significant portions of Merritt Island where they would have significant increases in expenditures on flood type concerns and what D2 would mention. There's a way to look at those MSTUs and the tax flow revenue flowing into them. I would appreciate that. I talked to James previously about getting the property values of the various areas to kind of look at that as a

possible indicator that there is any information we can get regarding the maintenance status of those areas.

Steve Crisafulli: Ok. All right. Any further comments? James why don't you go to your - do you have the map as it lays today.

James Shives: Yup. This is our current existing Districts and as you can see this is where the population lies for the Districts based on the boundaries we have now.

Steve Crisafulli: Can you read them off for those that can't see?

James Shives: Yeah. District 1 is 115,623. District 2 is 114,379. District 3 is 126,271. District 4 is 127,078. And District 5 is 123,261.

Steve Crisafulli: And again, this is the baseline, this is what we're working from today. Mr. Fisher wanted to propose to adopt today which would be nice but [laughter]. [multiple speakers].

Robin Fisher: Mr. Chairman? Put some rules in place so when we come back, if the numbers, is going to be 3% variance let's use a 3% variance because you know, my mind got creative a little bit there thinking it can go all the way to 10%. So—

Steve Crisafulli: We can do this in a motion or use this in good faith you think 3% is absolutely the number we're working from with the understanding that there are justifications that we can use to go beyond that if we're trying to keep something intact or if we're going the opposite direction and knowing we could have potential growth, I think obviously, again that's – I don't know if we want to completely put guardrails on that 3% number and we could end up at 3.001 and you know shoot ourselves in the foot. I think if the committee sees there's a justification, it's in our good faith to do it for the right purposes I don't think we need to be definitive on that 3% number. For those numbers it could be justification like Abby said, we could end up at 5% for a need that solves all the problems that we could potentially have. I think it's the best interest of the committee to stay at 3% knowing that if there is justification this committee sees as reasonable justification you can go beyond that. If you all agree with that. I don't want to be careful about how much we handcuff ourselves, we can regret that from the standpoint knowing we could have got some place with a small growth differential to complete' precinct or whatever it is.

Robin Fisher: I guess my concern is if you look at the two different proposals presented today, one is more level then you got one you know coming down all the way into Rockledge. So, you know is there any guidelines you want to try to stay similar to the current status and not jerry rig or whatever you want to call the other one all the way

down to Rockledge for example, I don't know if that is the right term jerry rig. There is not any boundary rules that's the beauty of it. I'm coming for the beaches next time, to get some beach (laughter).

Steve Crisafulli: That is the purview of the committee to decide what is best from the standpoint of representative District if it's the compactness or communities of interest, that is a decision we need to make. And you know and truthfully, the math may help us get there easier. But I think we need some ideas on paper more so than the 2 we have here right now knowing that James is open for business and he's looking for customers I think this is the opportunity for this committee to engage in that. Then we come back and we decide as a committee how we want to massage that if we focus on communities of interest, compactness, geographic areas, city and DRI overlays, whatever it is, I think that's going to be you know the decision that this committee makes but more importantly, again, I think math is going to help determine a lot of that just because trying to stay at that 3% is - are you're going to know it when you are drawing it I encourage us not to bring maps forward to the committee that don't fall within those guidelines if you can massage it in this committee room you we can massage it in James's office let's try to bring forward ideas that are good ideas and make sense from the standpoint of the representatives that get represent those districts again communities of interest or cities that we want to keep whole let's base it on good sound judgment off those decisions as we move forward. I'm not going to sit here and make anybody believe there's a right or wrong answer to it. I think it's a decision every 10 years is the decision of the committee that makes it. Any other comments for the good of the order?

Kendall Moore: One Mr. Chairman, for those of us that were here the last go around were you able to make decisions initially and there was probably another 20 motions after that with little cuts and carves here or there. It's also going to depend a lot whether you start drawing from the top, bottom or middle. That is going to make a significant change then last but not least Mr. Fisher brought up what say difference that would cause us to do this. I would argue to you including beach cause two dramatic changes to the current map we have today. Number 1 for the sake of that, you jumped across bodies of water in all 5 districts to accomplishment it and number 2 you tremendously changes the demographics of Districts when you go east I'm not saying getting beach or not is a positive scenario. In doing that it

dramatically changes the demographics you jumped over large bodies of water to accomplish it. I'm hesitant Commissioner Fisher to draw a line on that and say hey we're going to do this or not. There may be some things that cause us for whatever reason to either jump over a body of water or to consider the demographic impact when you are going in any direction so I think the original carves may be easy it's going to get tougher let's do 423 versus 417. I live in 433, 417. Go back and listen to the last minutes. It was a pretty good jab at me I moved from D2 to D4 in the very last vote of the last time we were here. Some of the folks remember that. We had a good chuckle about it, too. Nonetheless I'm hesitant to say that we can get there in a broad stroke mind you there is going to be a mad rush at the end the deadline is not going to move at all in that regard.

Steve Crisafulli: Yeah. For sure. Any further comments? Any further comments?

F. Public Comment

Steve Crisafulli: We have public comments? Yes. Is it you? I got 3 others in the back. [laughter] Mr. Lober, you are recognized.

Bryan Lober: I don't want to feel like I'm twisting anyone's arms knowing my concerns which frankly may be surprising to some who may think this is a partisan political process as far as how we instruct or give marching orders to our appointees as I mentioned in a prior meeting and Josiah mentioned recently one of the concerns I have with anyone's proposal whether it be from an appointee of mine or someone else's appointee or a mesh of both of those or something all together different I don't know what that would be though, is that we do pay some attention to the state of the infrastructure whatever that may be if I were to inherit or if I were to give away an area that had failing culverts that was relatively low in the socio-economic scale that couldn't pull it's own weight with respect to storm water MSTU it would matter whether the MSTU funds that go towards storm water for instance are coterminus with the District because I may be stuck with or someone could be stuck with a problem that came from me with an area that has failing infrastructure and no money set aside to address it. That to me is much more important than how red or blue a District is. I don't want people that are upset and I don't think any of my colleagues on the Commission want people that are upset because an area where taxes have been paid for years and years are shifted to

another District regardless what those Districts may be. All of the money goes poof. Everything they paid in taxes that had been programmed for a long term project or intermediate project disappears. I did want to give my take, I spoke with the folks in County Legal, Abby you are welcome to jump in after however you want. What I gathered with my attorney hat instead of my Commissioner hat. 0 to 3%, you are essentially perfect. Between 22.999 repeating digit percent in 0 there is essentially no difference are you in good shape. Between 3 and 10% you are also in good shape provided you can articulate why you are there and one of the reasons it's listed permissible. Whether it's keeping communities of interest together respecting boundaries there are a litany of items included in the link too that justify that. The lower the better if you need to under or over population a District by higher or lower than average anticipated population growth between now or the next census or redistricting it's still better closer to the 3 than the 10%. Regardless of what Districts we are talking about over or under populations. As far as DRI Mr. Pokrywa, I did talk to him about it. One Commissioner's stand on it. If two more in the same boat, you have something there. I don't know but you got something. I have no problem if it's feasible. To carve out the Viera DRI it makes sense to me as far as being a community of interest, they have a lot of commonality there. To the degree if for instance, we were to take one of my appoints proposals, Mr. Weiler's I will walk over here.

Steve Crisafulli: I need a microphone.

Brian Lober: I will make sure it gets picked up. So, if we're talking about carving out the area of the Viera DRI, this area is more or less in area of the DRI, we can leave this alone and simply hug it around the side so we carve out the Viera DRI and continue with what Mr. Weiler said keep it simple and run south around that. So, we stay around the borders of the DRI, I don't know if that's what he wants to do. He would draw a revision if he doesn't, I would be surprised, that's a solution to that concern. As far as other thoughts, there is one other general concern that I have in Mr. Weiler's memo, I got a full copy of the second item if you want to call it his marching orders or recommendations from me if I can find it here it is, was not to make sweeping changes from the current status quo unless there is a compelling basis. One of the items ties to that again one Commissioner out of 5, natural boundaries do have a meaning and it's

not just to allow for compactness which is a good goal it makes sense Mr. Chair but another item that comes up that causes me some level of concern that frankly, I don't know wouldn't cause the District 1 Commissioner some concern as well. Is if we split Merritt Island along the boundary that was suggested, we'd be taking the MIRA, the Merritt Island Redevelopment Agency CRA and splitting them in the middle of their strategic area, I can't imagine they would want whether they love me or hate me having two Commissioners over one CRA that's supposed to be in a contiguous unincorporated portion of the County I'd be happy to chat with them if they're okay with it. I suppose it's probably not as bad as I'm thinking to them. I can see that being really bad as far as my feasibility to get things done in that area beyond that, I will let folks know, I'm going to look at anything that comes in whether it comes from my appointee or someone else if it's a good idea and it comes to the Commission, I will support if it's a bad idea I'm not going to support it if any of you have a question a few of you reached out to me individually are you welcome to reach out to me any time I will let you know if it's a great idea terrible idea I have no idea. As far as individual streets, the biggest driver for individual subdivisions is that infrastructure question, is there adequate funding and will that funding follow with the District shift and what position am I going to be in and is the other Commissioner going to be in as far as be able to afford to meet the needs for the constituents I will be brief, I was close to it for an attorney, but still too long. Thank you.

Steve Crisafulli: Thank you Commissioner, with that, staff, we're going to obviously be moving forward to our September 27th meeting. There is a few items that I think the committee should have first and foremost. The maps that were presented tonight. Again, this is in an effort to put everything in one message, one email, the maps presented tonight, and the data that goes with them. To whatever degree we can break that data down, I think it's the understanding however it can be done on the MSTUs, from the standpoint of you know, what would happen when we – you know, break apart some of these communities. I think the data that you had from before on the MSTUs could probably be broken down to a point you are looking for, correct? I mean - yeah.

Jim Liesenfelt: At least from the staff, we'd have to take a look to see what we could break down.

Steve Crisafulli: I know where you are trying to get with that Mr. Gattle. I don't know exactly how you want it formulated for the committee.

Josiah Gattle: If there is some way of projecting what the balance of taxes to be collected is and what the outstanding projects in a particular area if there are no major infrastructure projects, I know along Fisk they keep digging up stuff keep having water mains break in that particular area you know in the Suntree Viera area south there is some water concerns there. I know when I was out with candidates they were like sewage is backing up because of various things in the greater Suntree Melbourne area, down towards the Lincoln Park area, any of the major infrastructure projects that we have to be concerned about that already have Committed funds from say a District and change a major infrastructure project of some variety we know is coming up or we know is needed to keep the quality of life here in Brevard high.

Jim Liesenfelt: Let me see if I get it understanding correctly. So, let's say we are funding a roadway out of MSTU District 2, you want to know what that is, so you don't put it in District 4 before it gets finished. Something like that.

Josiah Gattle: Or there would be sufficient funding for that to be completed under it's new MSTU designation that we're not messing with the ability to maintain quality of services and the quality of completion.

Jim Liesenfelt: Yeah. We will start digging. Yeah

Steve Crisafulli: Mr. Fisher you want to comment on that?

Robin Fisher: I think if fund has been committed to a project than that funding will stay committed to that project I don't think changing the District lines will affect the funding mechanism.

Jim Liesenfelt: Yeah. When I said the digging yeah this had to occur 2010, 11 or 12 Commissioner Fisher is right, there had to be a mechanism for that.

Robin Fisher: If you need help trying to determine values you might reach out to the Property Appraiser, she probably can help you with the MSTU'S.

Steve Crisafulli: So staff, that is I think the biggest thing is making sure that the committee has the information that was presented tonight on the maps and James with the data that we requested and then when we come back on the 27th. Again, between now and then if you going to draw a map make time with James to get in there and

start working on that. When we come back on the 27th, that is our deadline, we will present whatever maps we have available to us. We're going to look at those. We're going to digest them. We're going to have them sent to us so we can study them over the next week. Then we will come back here on the 4th and try to whittle it down to 3 or so maps that we can work off, and massage and get laid out in a way this committee agrees is the best way for us to move over the next 10 years.

Josiah Gattle: If staff can include the variant squares on each of the maps so we can see where each proposal.

Steve Crisafulli: Show them back there so they know.

Josiah Gattle: The variance square right here or some semblance of that. That would be extremely helpful for me at least as a visual person to know where I am or whatever demographic data is consistent across.

Steve Crisafulli: Whatever data is available to spit out of that little machine you're using James would be helpful to all of us that are visual, and pictures are even better, colorful pictures are nice. So, any more business before the committee? Sue, are you still with us?

Sue Schmitt: I am.

Steve Crisafulli: Do you have any more comments before we adjourn.

Sue Schmitt: No, I would just ask you to adjourn [laughter].

Steve Crisafulli: Without any objection, this committee is adjourned. Thank you.

G. Adjournment

- a. Meeting adjourned by Steve Crisafulli at 6:42 p.m.
- b. Next meeting – Monday, September 27, 2021
- c. Attachments

September 14, 2021

** Via Electronic Mail **

**Memo Discussing Redistricting Committee Proposal for the
Tuesday, September 14, 2021 Meeting**

This memorandum does not solicit feedback from any Redistricting Committee appointee and appointees are specifically asked not to respond to it (or discuss it amongst one another outside of a duly noticed Redistricting Committee meeting) as doing so could and likely would constitute a violation of one or more provisions of Chapters 119 and/or 286, Fla. Stat.

So that it may be made available to the public, a copy of this memo is being provided to Teresa Rivera so that it may be included in the minutes for the **Tuesday, September 14, 2021**, Redistricting Committee meeting. Please see the attached County Attorney's Office Inter-Office Memo dated December 12, 2016 which indicates that communications of this variety are authorized under applicable law.

At the outset of my appointment by District 2 County Commissioner Bryan Lober, I inquired whether Mr. Lober had any mission critical objectives and/or specific goals with respect to my involvement in redistricting. In short, I was requested to consider the following:

- (1) Comply with all applicable rules and regulations governing redistricting to reduce the possibility of a meritorious challenge to the Redistricting Committee's eventual recommendation;
- (2) Do not make sweeping changes from the current status quo absent a compelling basis;
- (3) Consider whether population growth is reasonably expected, prior to the next census, in particular portions of Brevard County; and
- (4) Consider deferring to other appointees as to the southern portion of the county (with which I have less familiarity than the northern portion in which I live).

In my research (including consulting with County staff), it is anticipated that Districts 1 and 2 are likely to have lower than average population growth over the next 10 years relative to the other three districts (especially District 4).

In accordance with the League of Cities' webinar on best practices, I sought to keep deviation from the target population (121,322) within the recommended **3%** variance while slightly overpopulating areas of reasonably anticipated lower than average growth within the County.

The proposal which follows is **not intended to be a complete redistricting proposal** as the southern half of the County will still require adjustments to reduce population from Districts 3 and 5 and increase population in District 4 as previously mentioned.

In my proposal, District 1 would have a population of 122,229, an overage of 1457 from the target. This works out to be approximately **1.2%** from target. Similarly, District 2 would have a population of 123,146, an overage of 1824 from the target. This works out to be approximately **1.5%** from target. As such, both Districts 1 and 2 would remain well within the recommended 3% variance from the target.

Given the trend of population growth expected to continue, over the next decade, within District 4, I recommend that we meet the target or slightly under populate District 4. After implementation of my proposed changes to Districts 1, 2, and 4, District 4 would need to gain population from Districts 3 and 5.

As both Districts 3 and 5 are presently overpopulated (relative to the target), District 3 could give residents to District 4 which would place District 3 near the target population

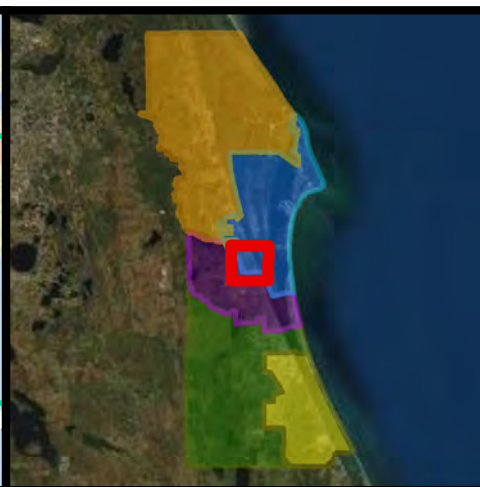
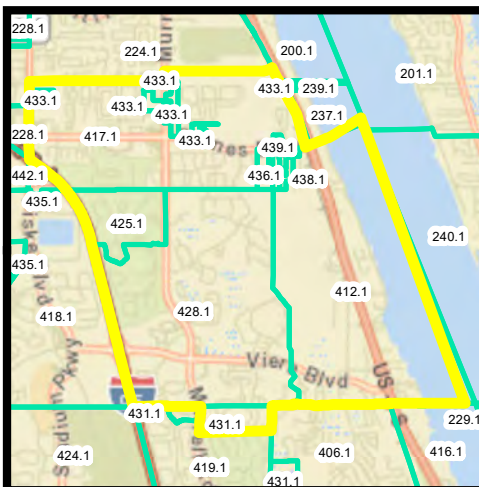
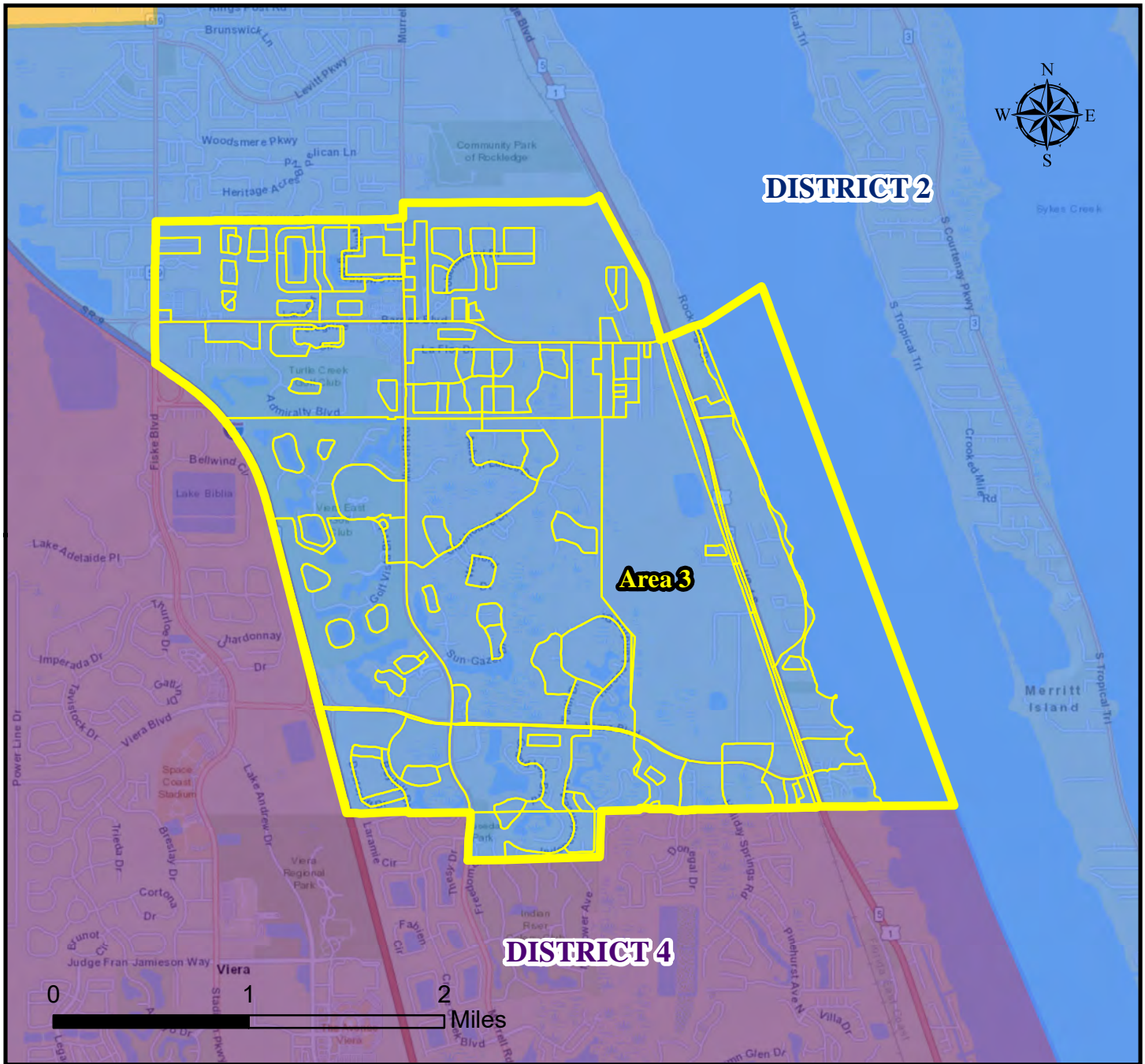
As District 5 is presently overpopulated (relative to the target) by 1,939 residents, the remaining need could easily be fulfilled by shifting population from District 5 to District 4 resulting in all districts falling within the recommended 3% variance with a slight under population of District 4 and a slight overpopulation of Districts 1 and 2.

Respecting the general rule to maintain contiguous areas where possible and to avoid making any sweeping changes, all changes proposed are west of the Indian River, leaving Merritt Island and the beaches untouched. In addition to respecting that major natural boundary, my proposal also maintains I-95 as an absolute border, with respect to District 2, which does not currently extend west of it and which will not extend west of it in the attached proposal.

It is my hope that the Redistricting Committee is amenable to the changes proposed in the northern portion of the County and will agree for this to serve as the basis for subsequent proposals which may be directed exclusively toward the southern half of the County. If we are able to move forward in this fashion, the scope of our work will be substantially reduced and we may proceed with confidence that all best practice suggestions have been incorporated with respect to the northern half of the County.

Please expect to see large format printouts of the following two pages at tonight's meeting. Thank you in advance for your thoughtful consideration.

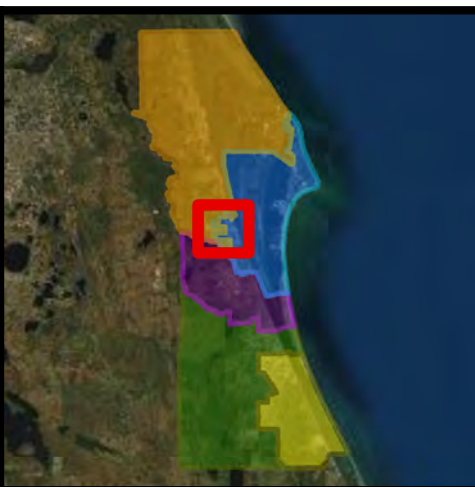
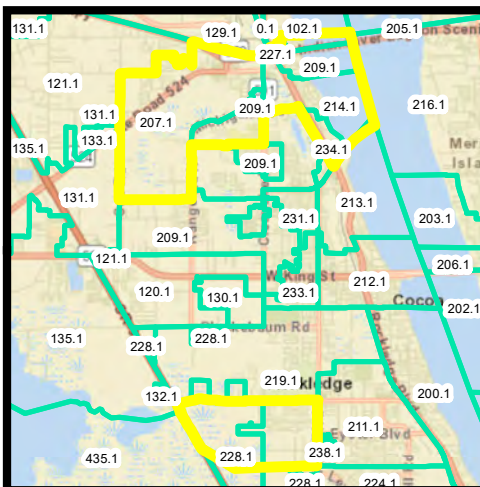
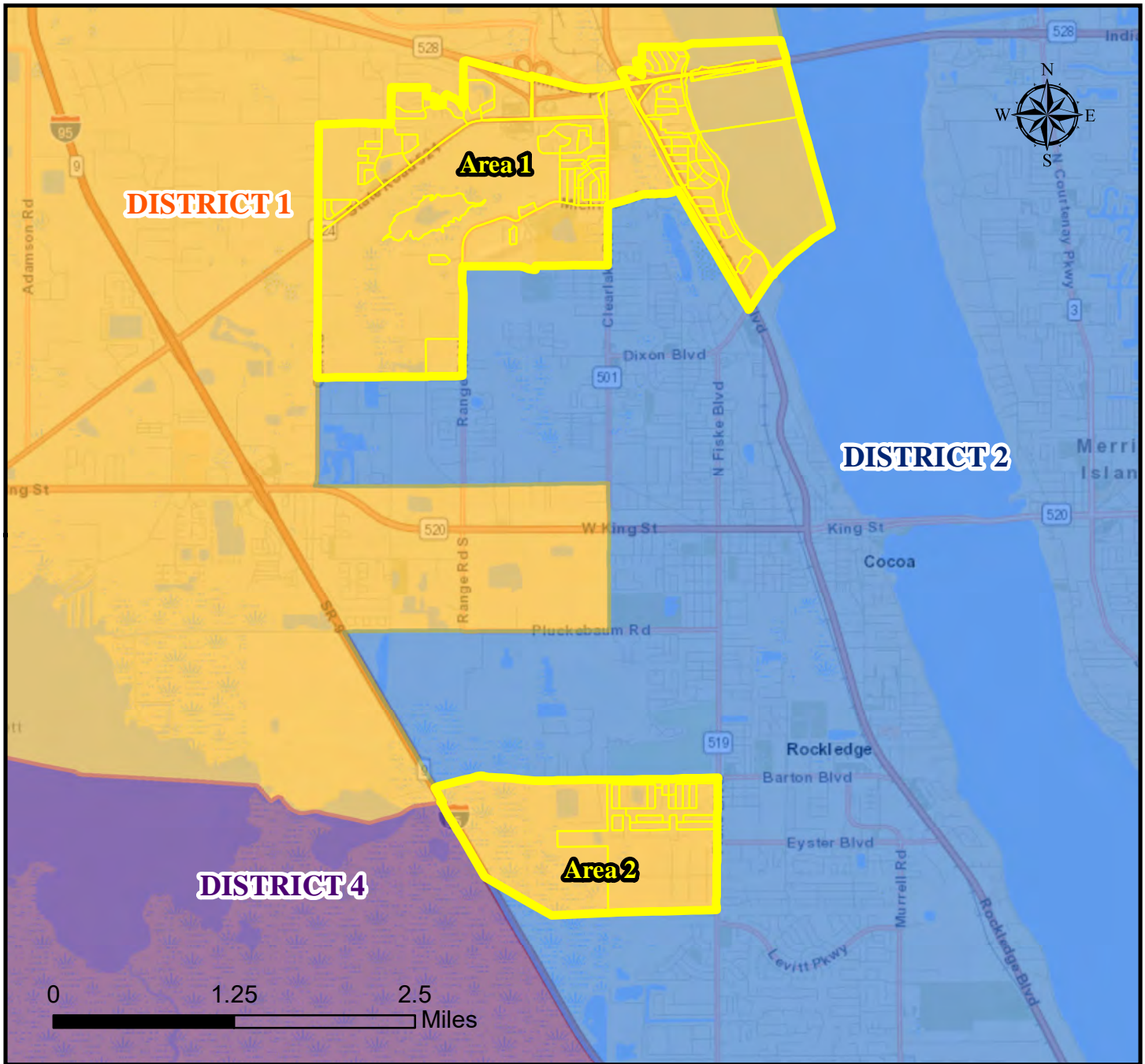
Truly,
/s/ John Weiler



Legend

- D2 to D1 Proposed Change Census Blocks
- D2 to D1 Proposed Change Areas
- Voting Precincts
- District 1 Proposed Area
- District 2 Proposed Area
- District 4 Proposed Area

Service Layer Credits: Source:
Esri, Maxar, GeoEye, Earthstar



Legend

- D2 to D1 Proposed Change Census Blocks
- D2 to D1 Proposed Change Areas
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- District 4 Proposed Area

Service Layer Credits: Source:
Esri, Maxar, GeoEye, Earthstar



BOARD OF COUNTY COMMISSIONERS

County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

Inter-Office Memo

TO: Scott Knox
FROM: Alex Esseeesse
SUBJECT: Ability for commissioner to send out a memorandum or position statement to the other commissioners on an issue that will go before the Board
DATE: 12/8/16

Issue: A commissioner wants to prepare and circulate a written memorandum to the other members of the Board of County Commissioners that discusses an issue that will go before the Board. This memorandum will include the commissioner's stance/position on the matter and will likely recommend that a certain course of action be taken by the Board.

Question: Can a commissioner prepare and circulate a memorandum/position statement to other commissioners on an issue that will go before the Board without violating the Government in the Sunshine Law, Chapter 286, Florida Statutes?

Short Answer: Yes, but with caution. No discussions of the information/positions outlined in the memorandum can be discussed outside of a public meeting; the memorandum cannot solicit feedback from the other Board members; there cannot be any responses to the memorandum prior to the public meeting; and, because the memorandum is a public record, a copy must be made available to the public. Furthermore, the memorandum/statement cannot be used as a substitute for action at a public meeting and cannot be used to enable staff to act as an intermediary among the commissioners.¹

Analysis

The Government in the Sunshine Law was adopted, at least in part, to prohibit public business from being conducted in private. Put another way, "[o]ne purpose of the [G]overnment in the [S]unshine [L]aw was to prevent at nonpublic meetings the crystallization of secret decisions to a point just short of ceremonial acceptance."² In order to accomplish this goal, Florida law provides that

¹See, Op. Att'y Gen. Fla. 01-21 (2001).

²Palm Beach v. Gradison, 296 So.2d 473, 477 (Fla. 1974).

[a]ll meetings of any board or commission . . . of any agency or authority of any county, . . . except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.³

Courts have found that, “[i]n order for there to be a violation of [Fla. Stat. § 286.011], a meeting between two or more public officials *must take place* which is violative of the statute’s spirit, intent, and purpose.”⁴ However, despite this assertion, it has been established that “the physical presence of two or more members is *not necessary* in order to find the Sunshine Law applicable.”⁵ In practice, this means that Fla. Stat. § 286.011 “should be construed so as to frustrate all evasive devices” used to circumvent the statute’s purposes of transparency and openness.⁶

Florida Attorney General Interpretations

The Florida Attorney General has issued a number of opinions on when and how official subject to the Government in the Sunshine Law can use memoranda to discuss their stances and/or suggest certain positions be taken on issues requiring official action before their respective boards. For example, in **AGO 2007-35**, the Florida Attorney General was tasked with determining whether city commissioners could exchange documents on issues that would come before the commission for official action. As mentioned above, “the courts and this office have found that there are instances where the physical presence of two or more members is not necessary in order to find the Sunshine Law applicable.”⁷ The Attorney General found that “a commissioner may send informational material to the other commissioners outside of a public meeting provided that there is no interaction between or response from the other commissioners.”⁸ Importantly,

[w]hile it is not a direct violation of the Sunshine Law for members to circulate their own written position statements to other council members so long as the council members avoid any discussion or debate among themselves on these statements, the members’ discussions and deliberations on matters coming before the commission must occur at a duly noticed [meeting] and . . . must not be used to circumvent the requirements of [Fla. Stat. § 286.011].

³Fla. Stat. § 286.011(1).

⁴*Hough v. Stembridge*, 278 So.2d 288, 289 (Fla. 3rd DCA 1973) (*emphasis added*).

⁵Op. Att’y Gen. Fla. 96-35 (1996) (*emphasis added*).

⁶*Gradison*, 296 So.2d at 477; Op. Att’y Gen. Fla. 96-35 (1996).

⁷Op. Att’y Gen. Fla. 2007-35 (2007).

⁸*Id.*

Ultimately, the Attorney General found that a commissioner may send documents to other members of the commission on matters going before the commission for official action, “provided that there is no response from, or interaction related to such documents among, the commissioners prior to the public meeting.”⁹

In **AGO 01-21**, the Florida Attorney General was asked whether board members could prepare individual position statements on the same subject and exchange these memoranda to the other board members. In the situation outlined in AGO 01-21, board members “prepare[d] and circulate[d] statements meant to communicate a particular council member’s position on issues coming before the board,” but these statements did not solicit responses from the other members and were made available to the public.¹⁰ The Florida Attorney General’s Office found that “[w]hile [it] would strongly discourage such activity, it would appear that council members . . . may prepare and distribute their own position statements to other council members without violating the Government in the Sunshine Law so long as the council members avoid any discussion or debate among themselves on these statements.”¹¹ More specifically, the Florida Attorney General noted that such a practice would become “problematic” if and when “any such communication [was] a response to another commissioner’s statement” because it opened the door for board members to respond to one another outside of a duly noticed meeting, causing the requirements of Fla. Stat. § 286.011 to be circumvented.¹² Despite reaching such a conclusion, the preparation and distribution of such memoranda/statements amongst the commissioners would not be a “direct violation of the Government in the Sunshine Law.”¹³

The Florida Attorney General issued an opinion (**AGO 96-35**) that addressed the issue of whether a school board member could circulate a memorandum “expressing that member’s position on a matter that [would] come before the school board for action and urging the other board members to give the author’s position very serious consideration.”¹⁴ Importantly, “[t]he memorandum [did] not request other board members to respond prior to the meeting at which the topic will be brought up for action or discussion.”¹⁵ The Attorney General made it a point of identifying circumstances where the use of a memorandum would not be permitted. For example, a memorandum cannot request board members to respond with comments and/or to request the board members to “indicate his or her approval or disapproval” for certain views.¹⁶ Based on such a position, the Attorney General came to the conclusion that

if a school board member writes a memorandum to provide information to make a recommendation to other school board members on a particular subject, there is

⁹*Id.*

¹⁰Op. Att’y Gen. Fla. 01-21 (2001).

¹¹*Id.*

¹²*Id.*

¹³*Id.*

¹⁴Op. Att’y Gen. Fla. 96-35 (1996).

¹⁵*Id.*

¹⁶*See, Id.*

no violation of [Fla. Stat. § 286.011]. However, the use of a memorandum to solicit comment from other members of the board or commission or the circulation of responsive memoranda by other board members would violate the statute. Such action would be equivalent to private meetings discussing the public business through the use of memoranda without allowing an opportunity for public input.¹⁷

Another Florida Attorney General opinion (**AGO 89-23**) found that “[t]he use of a written report by one [city] commissioner to inform other commissioners of a subject which will be discussed at a public meeting does not violate Florida’s Government in the Sunshine Law if prior to the public meeting, there is no interaction related to the report among the commissioners.”¹⁸ Again, in that situation, the other commissioners were not requested to and did not provide any comments on the report prior to the public meeting. The Attorney General determined that the memorandum would be allowed as long as “[t]he circumstances . . . do not . . . involve the use of a report as a substitute for action at a public meeting, inasmuch as there is no interaction among the commissioners prior to the public meeting.” Furthermore, the memorandum cannot be used by other city officials, such as a city manager, “to act as intermediary among the commissioners” to ask “each commissioner to state his or her position on a specific matter which will foreseeably be considered by the commission at a public meeting in order to provide information to the members of the commission.”¹⁹

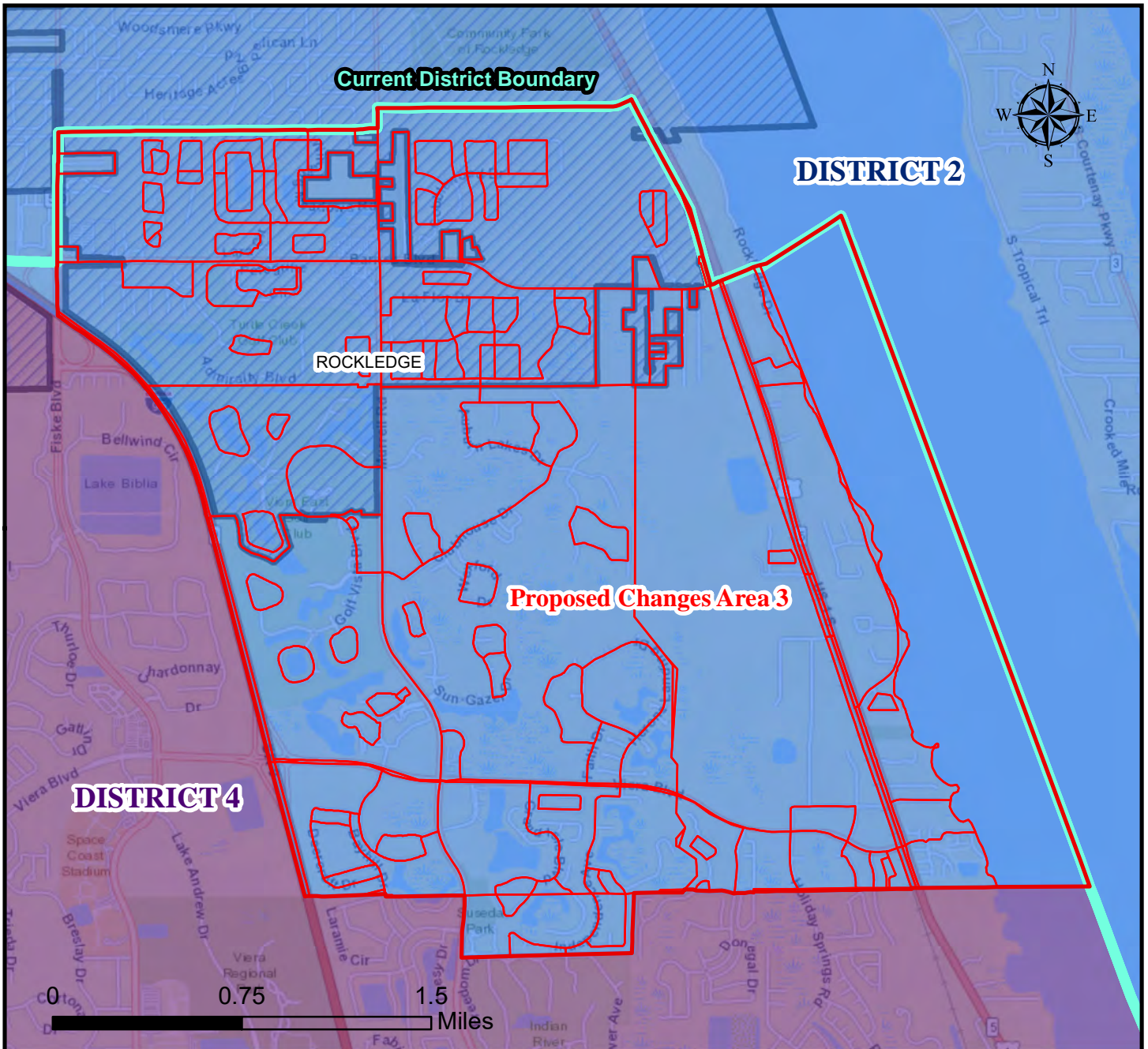
Conclusion

A County commissioner is permitted to prepare and circulate a memorandum on an issue to go before the Board. However, no discussions of the information/positions outlined in the memorandum can be discussed outside of a public meeting; the memorandum cannot solicit feedback from the other Board members; there cannot be any responses to the memorandum prior to the public meeting; and, because the memorandum is a public record, a copy must be made available to the public. Additionally, the memorandum/statement cannot be used as a substitute for action at a public meeting and cannot be used to enable staff to act as an intermediary among the commissioners.

¹⁷Op. Att’y Gen. Fla. 96-35.

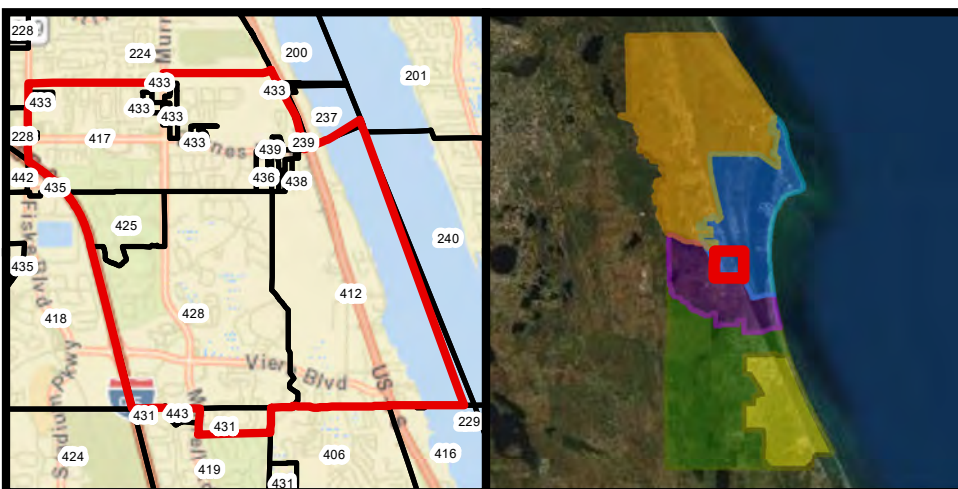
¹⁸Op. Att’y Gen. Fla. 89-23 (1989).

¹⁹*Id.*











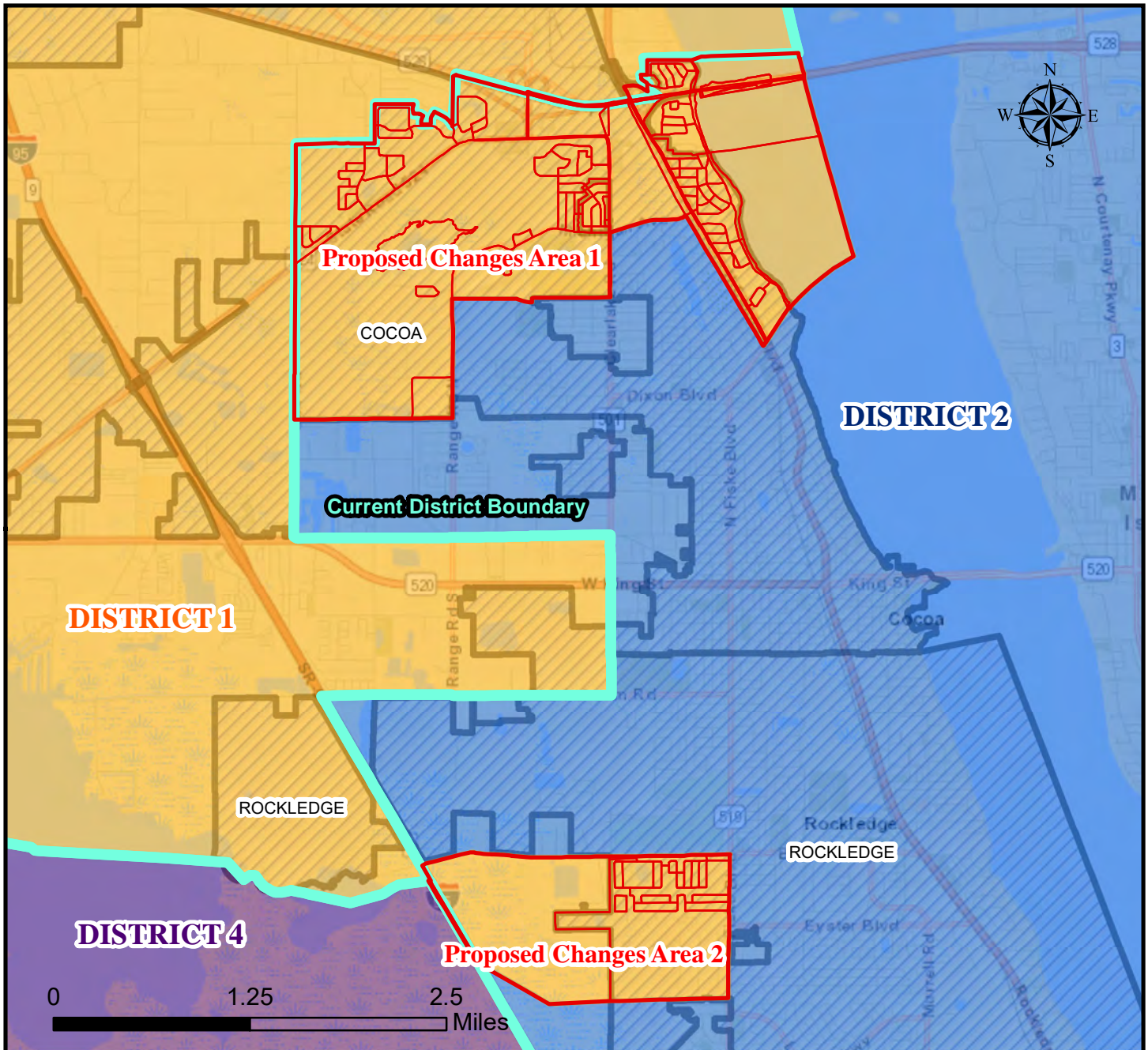
Voting Precincts Display

County Location Display



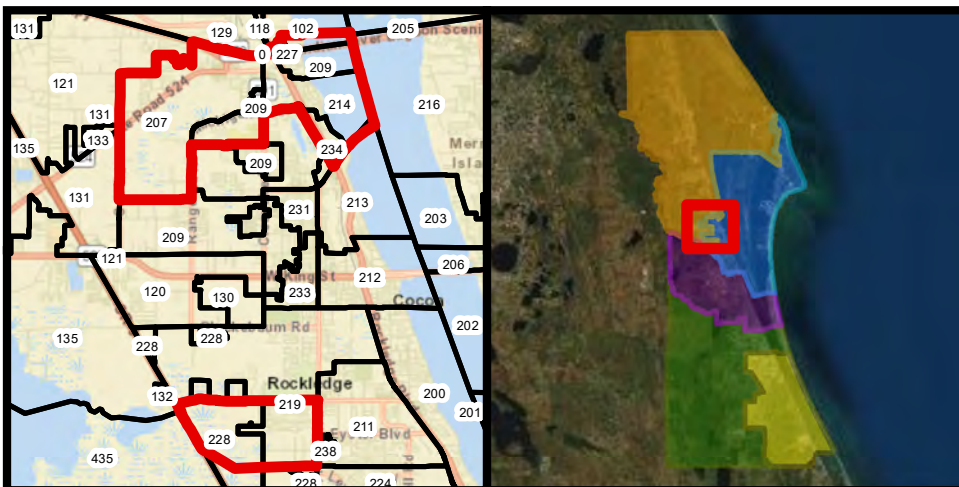
Legend

-  Current District Boundary
-  Municipality Boundaries
-  D4 to D2 Proposed Change Areas
-  D4 to D2 PCA Census Blocks
-  District 1 Proposed Area
-  District 2 Proposed Area
-  District 4 Proposed Area
-  Voting Precincts











Voting Precincts Display

County Location Display



Legend

-  Current District Boundary
-  Municipality Boundaries
-  D2 to D1 Proposed Change Areas
-  D2 to D1 PCA Census Blocks
-  District 1 Proposed Area
-  District 2 Proposed Area
-  District 4 Proposed Area
-  Voting Precincts



REDISTRICTING PROPOSAL NOTES

Summary:

This document provides information related to proposed redistricting changes by John Weiler.

Proposal Notes:

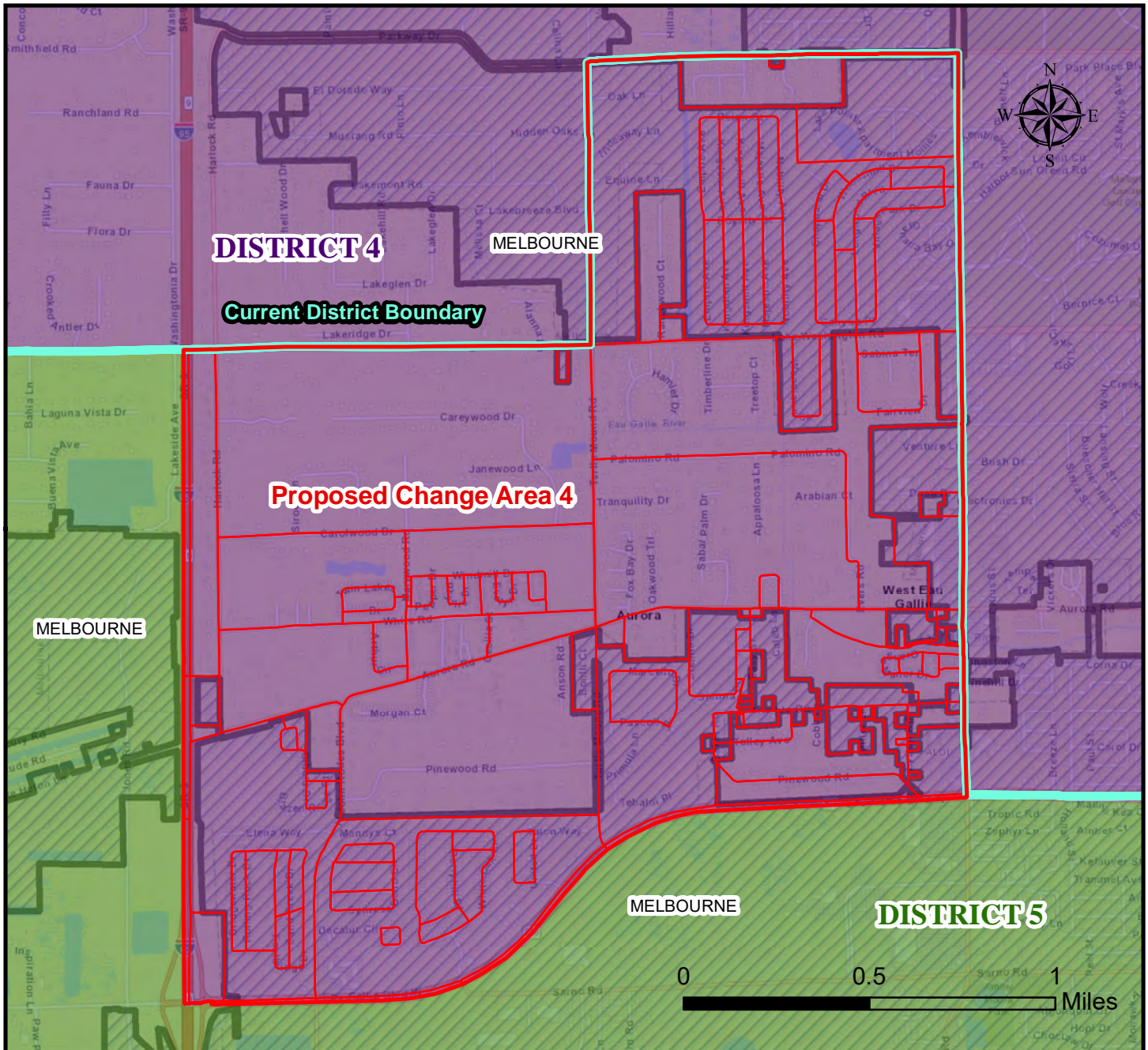
- PCA 1 (D2 to D1): 5262 population change, starting at current boundary going east include voting precinct 207, 214 & sections of 209 & 234 ending at Indian River
- PCA 2 (D2 to D1): 1894 population change, starting at 95 going east and south of Barton Blvd to Fiske Blvd (519)
- PCA 3 (D4 to D2): 15923 population change, starting at 95 going east and south to Voting Precinct 428 including 431 then east to Indian River

Proposed Changes Summary Visit 2: 2020 Census Data

NAME	# of Block Areas	Total Population	Hispanic	White	Black	Asian	Other Races	NAME	Proposed Changes V1 (2020 Total)	Target Population	Target Difference
District 1	2586	122774	9965	91985	13134	2622	1721	District 1	122774	121322	1452
District 2	1921	123151	12492	88862	13320	3768	1736	District 2	123151	121322	1829
District 4	1388	111155	11379	84855	5251	5405	1819	District 3	126271	121322	4949
								District 4	111155	121322	-10167
								District 5	123261	121322	1939

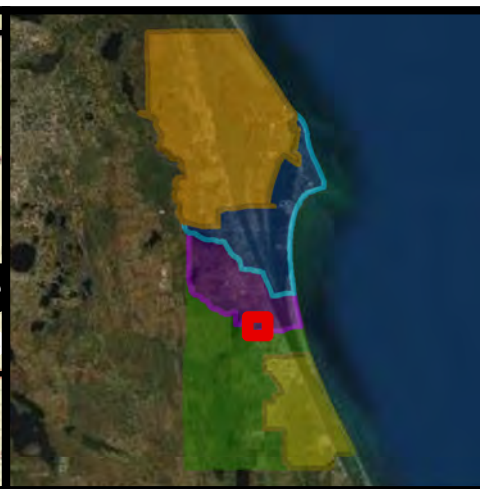
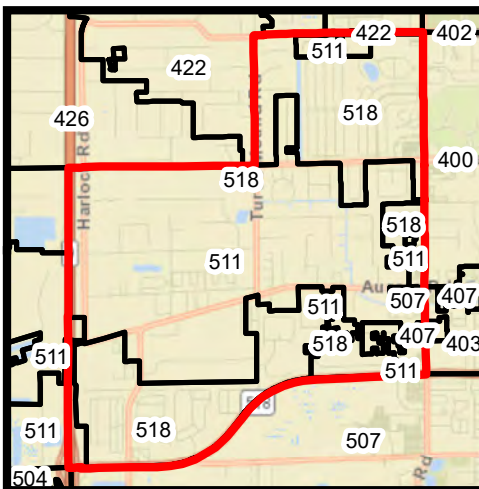
* NOTE: District 3 & 5 didn't have any changes proposed in either Version

Proposed Change Areas		
NAME	# of Block Areas	Total Population
Area 1	128	5262
Area 2	19	1894
Area 3	171	15923













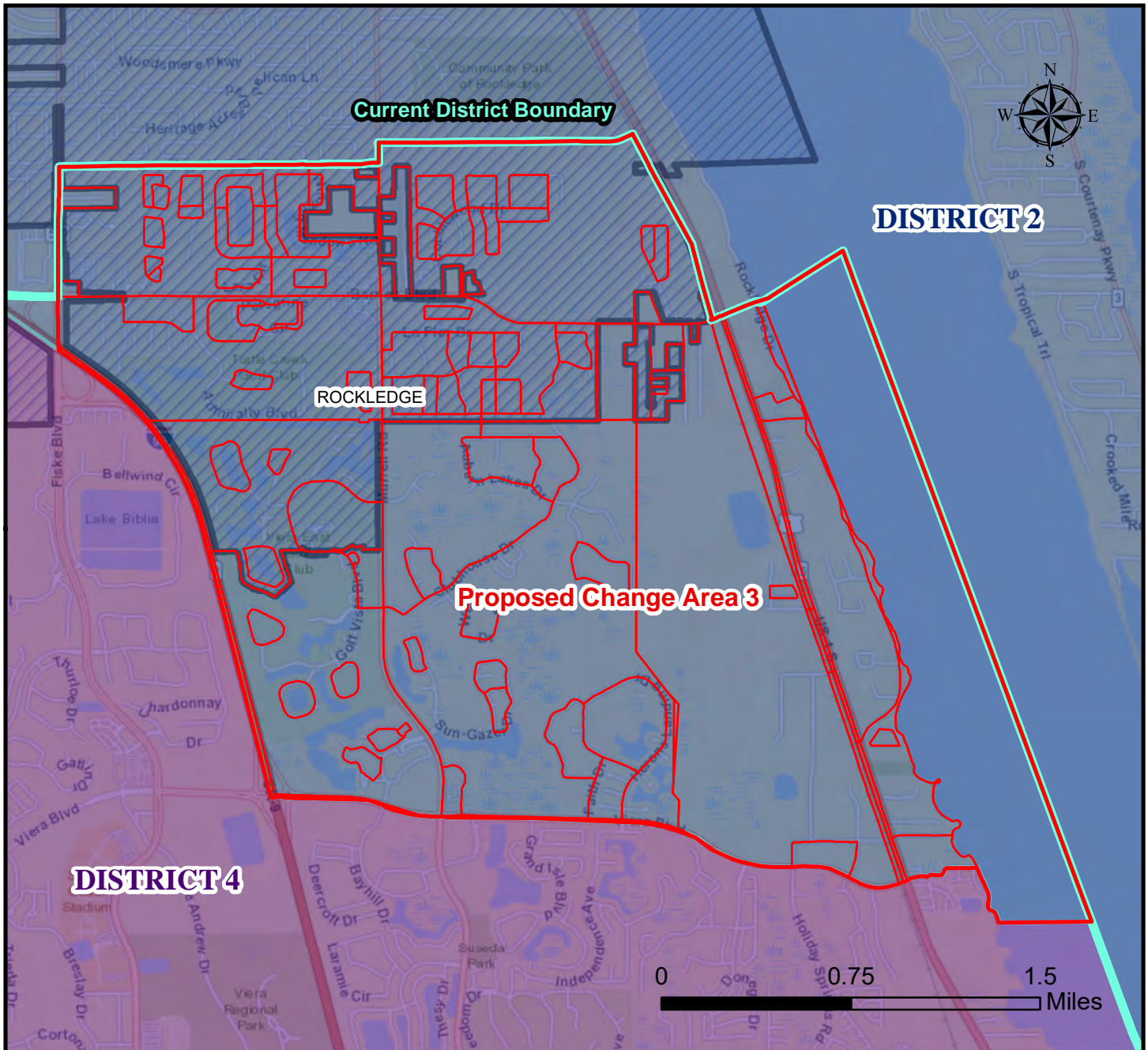
Voting Precincts Display

County Location Display



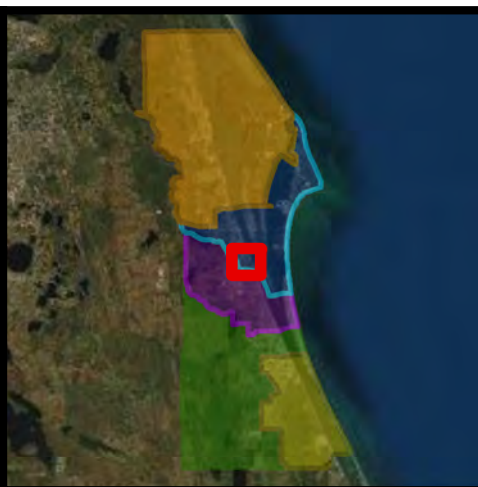
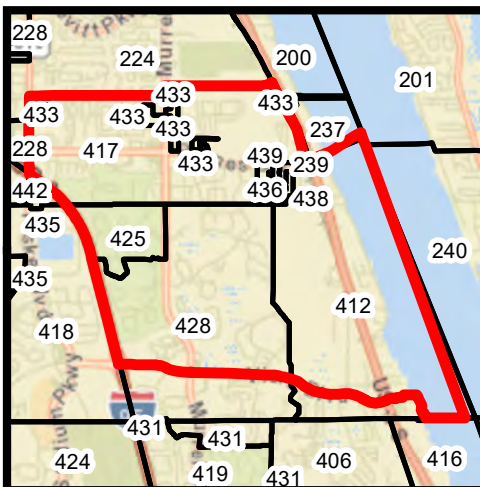
Legend

-  Current District Boundary
-  Municipality Boundaries
-  D5 to D4 Proposed Change Areas
-  D5 to D4 PCA Census Blocks
-  District 1
-  District 2
-  District 3
-  District 4
-  District 5
-  Voting Precincts













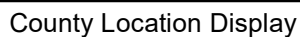
Voting Precincts Display

County Location Display



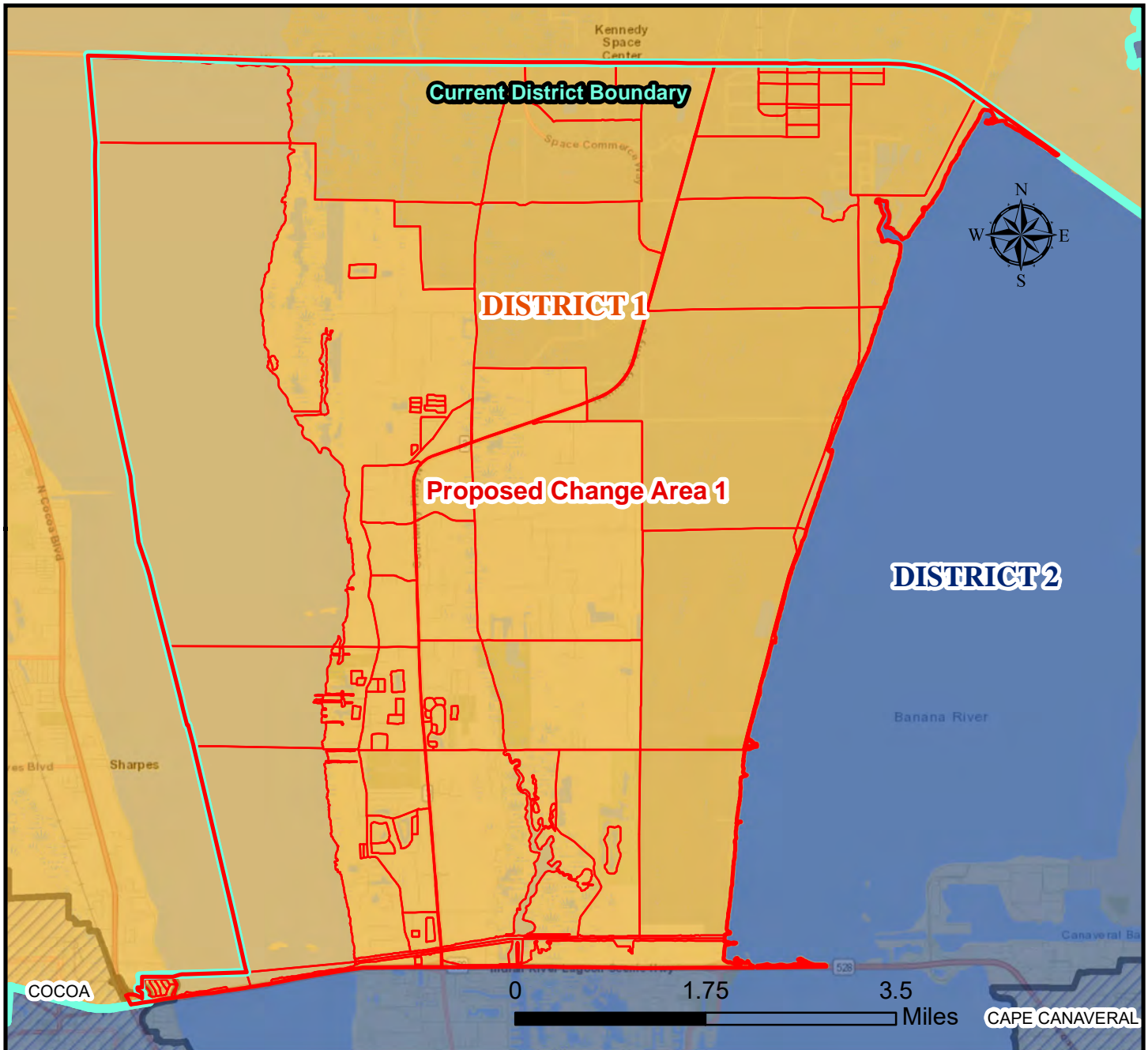
Legend

-  Current District Boundary
-  Municipality Boundaries
-  D4 to D2 Proposed Change Areas
-  D4 to D2 PCA Census Blocks
-  District 1
-  District 2
-  District 3
-  District 4
-  District 5
-  Voting Precincts



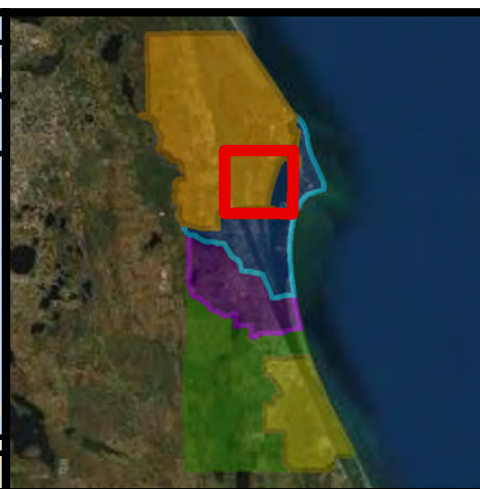
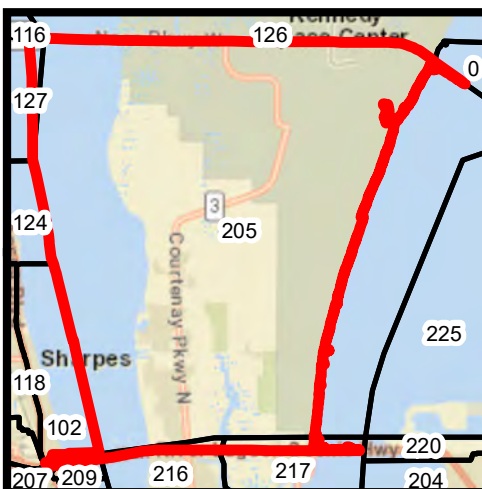
- Current District Boundary
- Municipality Boundaries
- D3 to D5 Proposed Change Areas
- D3 to D5 PCA Census Blocks
- District 1
- District 2
- District 3
- District 4
- District 5
- Voting Precincts

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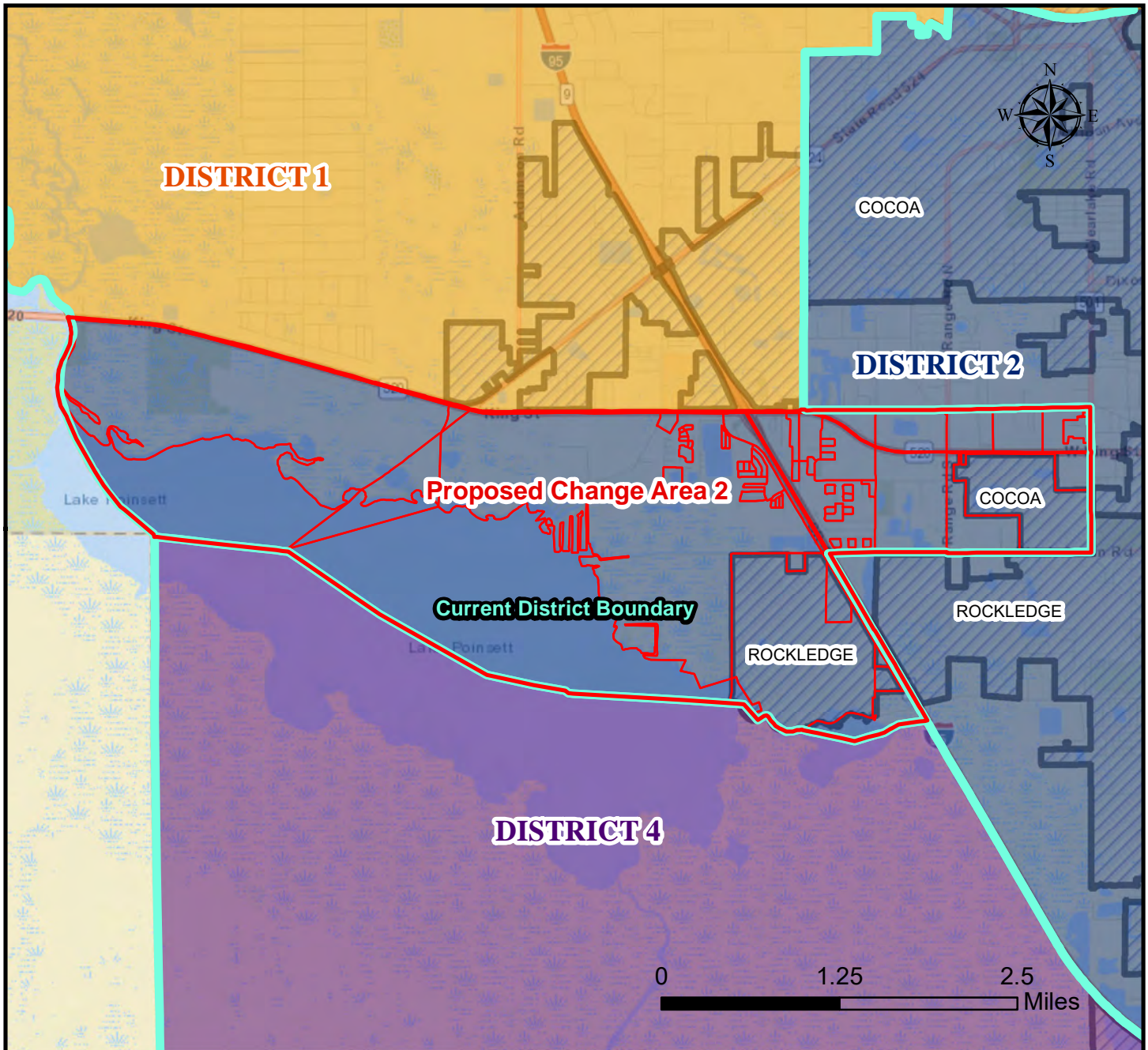
Voting Precincts Display

County Location Display



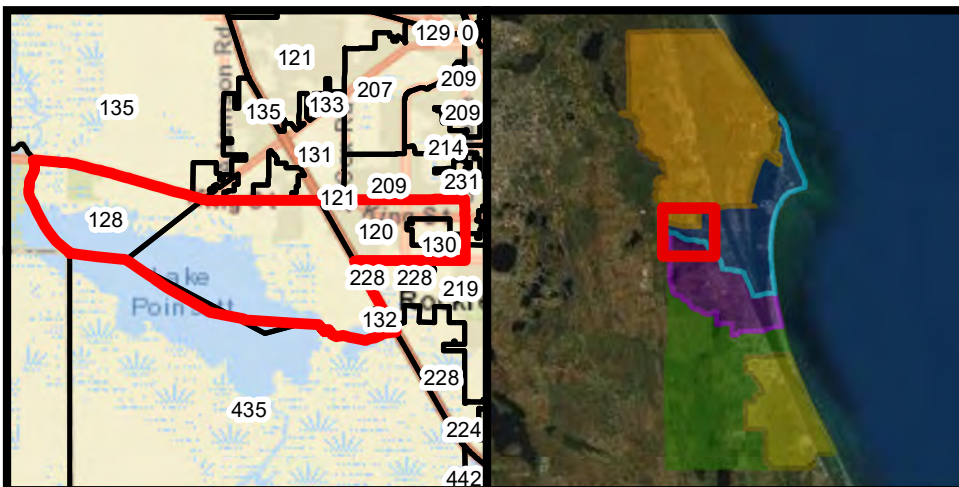
Legend

-  Current District Boundary
-  Municipality Boundaries
-  D2 to D1 Proposed Change Areas
-  D2 to D1 PCA Census Blocks
-  District 1
-  District 2
-  District 3
-  District 4
-  District 5
-  Voting Precincts













Voting Precincts Display

County Location Display



Legend

-  Current District Boundary
-  Municipality Boundaries
-  D1 to D2 Proposed Change Areas
-  D1 to D2 PCA Census Blocks
-  District 1
-  District 2
-  District 3
-  District 4
-  District 5
-  Voting Precincts



REDISTRICTING PROPOSAL NOTES

Summary:

This document provides information related to proposed redistricting changes by Robert Jordan.

Proposal Notes:

- PCA 1 (D2 to D1): 8884 population change, starting at current boundary going east to Banana River, including all of North Merritt Island
- PCA 2 (D1 to D2): 3444 population change, including areas at 520 south & west until the County boundary
- PCA 3 (D4 to D2): 13155 population change, including areas starting at 95 going east and south to Viera Blvd then east to Indian River
- PCA 4 (D5 to D4): 8188 population change, including areas starting at 95 going east to Wickham Rd, then from Eau Gallie Blvd North to Lake Washington and Parkway Dr along Turtle Mound Rd
- PCA 5 (D3 to D5): 5463 population change, including areas south of 192 to north of Henry ave & Crane Creek, then east of current district boundary to the Indian River

Proposed Changes Summary : 2020 Census Data

NAME	# of Block Areas	Total Population	Hispanic	White	Black	Asian	Other Races	NAME	Proposed Changes V1 (2020 Total)	Target Population	Target Difference
District 1	2478	121063	9691	92375	11228	2740	1732	District 1	121063	121322	-259
District 2	1990	122094	12525	86294	15115	3534	1673	District 2	122094	121322	772
District 3	2231	120808	15392	80549	16250	4186	1763	District 3	120808	121322	-514
District 4	1567	122111	12714	92940	5817	5931	1992	District 4	122111	121322	789
District 5	3065	120536	17585	78778	14807	4292	2092	District 5	120536	121322	-786

Proposed Change Areas		
NAME	# of Block Areas	Total Population
PC Area 1	136	8884
PC Area 2	97	3444
PC Area 3	131	13155
PC Area 4	139	8188
PC Area 5	171	5463