APPROVED
BY GRANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

EFFECTIVE DATE
DEC 0 9 2011 APILO

ORDINANCE NO. 2011-14

AN ORDINANCE PERTAINING TO ELECTIONS IN FLORIDA; **ORANGE** COUNTY, REVISING BOUNDARIES OF THE SIX DISTRICTS FOR THE **ORANGE COUNTY BOARD OF** COUNTY COMMISSIONERS TO ACCOUNT FOR POPULATION CHANGES REFLECTED IN THE 2010 FEDERAL CENSUS. ALL PURSUANT TO ARTICLE VIII, SECTION 1(e), FLORIDA CONSTITUTION, CHAPTER 124, FLORIDA STATUTES AND SECTION 202 OF THE ORANGE COUNTY CHARTER; PROVIDING FINDINGS OF FACT; REDISTRICTING **ADOPTING** A NEW PLAN AND **REVISING COMMISSION DISTRICT BOUNDARIES:** REPEALING ORANGE COUNTY ORDINANCE 2001-23; PROVIDING FOR THE PUBLICATION OF THE NEW BOUNDARIES OF THE DISTRICTS; PROVIDING FOR THE DESCRIPTION OF THE PLAN TO BE ENTERED UPON THE MINUTES; REVISING SECTION 2-26 OF THE ORANGE COUNTY CODE WHICH PROVIDES FOR THE DISTRICT BOUNDARIES FOR THE BOARD OF COUNTY **COMMISSIONERS: PROVIDING FOR EFFECTIVE** DATES AND APPLICABILITY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Intent. It is the intent of this ordinance to adopt a redistricting plan and establish new boundaries for the six districts of the Board of County Commissioners, all as required by article VIII, section 1(e) of the Constitution of the State of Florida, Chapter 124, Florida Statutes, and Section 202 of the Orange County Charter, and in full compliance with all legal requirements, including the one-person, one-vote principle and the Voting Rights Act.

Further, the districts created by the redistricting plan are intended to be compact and contiguous while preserving, to the extent possible, political boundaries, communities of interest, and the core of existing districts and considering other legally valid criteria.

- **Section 2. Findings of Fact.** The Board of County Commissioners adopts the following findings of fact:
- A. Immediately prior to enactment of this ordinance, the Board held a duly advertised public hearing at which all interested persons were given the opportunity to be heard, to comment on the proposed redistricting, and to provide input to the Board.
- B. In developing a redistricting plan in which the districts are compact and contiguous, the Board considered the one-person, one-vote principle, the Voting Rights Act, political boundaries, communities of interest, demographics, census tract and block data, and other legally valid criteria.
- C. The 2011 Orange County Redistricting Advisory Committee was created by the Board to solicit public input and develop a recommendation for redistricting the county commission districts. The Committee was advisory only, and its recommendation was not binding on the Board.
- D. The Committee performed a valuable service to the Board and to all the residents of the county by making the redistricting process open and accessible to all members of the public, and to that end the following findings of fact of the Committee are adopted by the Board as its own:
- 1. The Committee was comprised of fifteen (15) members. Each county commissioner appointed two members to the Committee. The mayor appointed three (3)

members to the Committee. The members of the Committee were all residents and electors of Orange County, Florida.

- 2. The Committee held eighteen public meetings beginning in April, 2011, including six community meetings held in various locations throughout the county.
- 3. All meetings were noticed and advertised in the *Orlando Sentinel*, *El Sentinel*, *La Prensa*, and the *Orlando Times*. Press releases regarding meetings were released on a weekly basis to encourage public participation in Committee meetings.
- 4. One bulk postcard mailing was sent by U.S. mail announcing the Committee's schedule to over 2,800 local non-profit organizations, apartment management organizations, and homeowners' associations.
- 5. Larger newspaper advertisements, although not legally required, were deemed important to notify members of the public of their right to participate in the process. Information regarding the six community meetings was disseminated in both English and Spanish to ten newspapers in Orange County.
- 6. All meetings were recorded and summarized by the taking of minutes. Each meeting was either transmitted live or rebroadcast at least once on the Orange TV government access channel. Additionally, recordings of the meetings were available for viewing online at www.OrangeTV.us.
- 7. A web page was developed at www.ocfl.net/rac to provide the public with updates on the Committee's progress. An e-mail address was also established to provide the public with an additional means of input. The agendas and minutes for each meeting, all

presentation handouts, all proposals moved for further consideration, and other relevant documents and information were posted on the Committee's web page.

- 8. All meetings were open to the public. A printed agenda was provided at every Committee meeting. At each meeting, members of the public were encouraged to speak and to submit map proposals to the Committee.
- 9. Each member of the Committee was provided with two notebooks. One was supplemented with relevant newspaper articles on redistricting, copies of presentations, legal memos, and other relevant handouts, and supplemental information from citizens and the Supervisor of Elections Office. Another contained the proposals and comparative tables. The main branch of the Orange County Library System was provided with copies of both notebooks for general reference.
- 10. All presentation handouts, maps and supporting data were made available to members of the public for free via the website. Additionally, free copies of each map proposal and supporting data were provided to members of the public at each meeting. All other related information was made available to the public for inspection and copying.
- County Comptroller's Office, the Geographic Information Systems Section of the Orange County Administrative and Development Services Division, the Orange County Neighborhood Preservation and Revitalization Division, and the Supervisor of Elections Office, attended each meeting to assist the Committee and to respond to questions raised by members of the public as well as those raised by Committee members. Presentations were made by the County Attorney's Office and the Supervisor of Elections Office that explained traditional redistricting principles

and legal principles to follow in the creation of proposed districts. Presentations were made by the Planning Division and Public Works Engineering Division on future growth areas in the county and transportation improvements in the county's Capital Improvement Program.

- 12. Members of the Committee and members of the public were both given access to the redistricting staff to help design proposed maps. At each meeting, members of the public were invited and encouraged to develop their own recommendations and submit them to the Committee.
- districts based on the population totals as determined by those Census results. The Committee elected to use the federal Census data as opposed to voter population totals based on the recommendation of the County Attorney's Office that the Census results are not only the most reliable data but are also the most legally defensible way to achieve equal population.
- 14. The Committee elected to use the Census numbers by tract and block (Census geography) as opposed to using existing precinct boundaries based on the recommendation of the Supervisor of Elections Office that the use of the Census numbers was more reliable in calculating the population of districts.
- 15. Data considered by the Committee for the existing districts and the proposed districts included, but was not limited to, the following:
 - a. A chart depicting the percentage of population in municipalities or
 Census Designated Places;
 - b. A chart depicting the total number of individuals residing in a district and the percentage deviation of that population from the

- ideal population as well as the maximum deviation of the proposed plan;
- c. A chart depicting the total number of individuals and the percentage of individuals, as broken down by race, ethnicity, and by district;
- d. A chart depicting the total number of individuals and the percentage of individuals over the age of eighteen (18), as broken down by race, ethnicity, and by district;
- e. A table and chart, for the final four proposals, depicting the total number of individuals residing in a district along with the maximum deviation of each district; and
- f. A table and chart, for the final four proposals, depicting the number of residents moved out of their existing district and the percentage of residents moved as a percentage of the total county population.
- 16. In assessing the proposals, the Committee considered legal principles of redistricting as outlined in a memorandum to the Committee from the County Attorney's Office dated April 7, 2011. Those legal principles include:
 - Equal distribution of population with a maximum deviation of 10%
 to comply with the "one-person, one-vote" principle;
 - b. Districts that meet the legal requirements of compactness;
 - c. Districts that meet the legal requirements of contiguity;

- d. Districts that preserve political subdivisions;
- e. Districts that preserve communities of interest;
- f. Districts that preserve the core of prior districts;
- g. Districts that include the home residences of the incumbent commissioners; and
- h. Districts that comply with Section 2 of the Voting Rights Act.
- 17. In materials distributed to the Committee on April 7, 2011, the Supervisor of Elections Office recommended a list of factors for use in designing districts. Those factors which were considered by the Committee in designing the proposed districts, included:
 - a. Use the same Census data and maps that the state legislature is using;
 - b. Follow major roads and water features for district lines whenever possible;
 - c. Follow Census tract lines when major roads and water features are not available;
 - d. Avoid using Census lines that are non-physical features, i.e. unpaved roads, intermittent streams, city boundaries;
 - e. Buffer areas to keep cities and neighborhoods together;
 - f. Consider other geographic boundaries such as Census Designated
 Places and Voting Tabulation Districts; and
 - g. Anticipate future growth.

- 18. The Committee received testimony from the public that the proposed districts should take into account the current racial and ethnic percentages. The Committee made an effort, in proposing districts, to address the concerns of the black and Hispanic communities. While race and ethnic origin were factors, they were not the predominant factors used by the Committee in creating the proposed districts.
- 19. Each proposal included a map and data sheets and was identified as either a "Committee Proposal" or a "Public Proposal," depending on the proponent. All proposals were considered by the Committee in making its final determinations.
- 20. The Committee evaluated twenty-nine (29) plans twenty-four (24) of which were submitted by various members of the Committee, and five (5) of which were submitted by members of the public.

Section 3. Adoption of Redistricting Plan; Repeal of Previous Ordinance.

A. Adoption of Redistricting Plan. The Board of County Commissioners hereby adopts a redistricting plan and revises the boundaries of the six districts for the Board of County Commissioners as set forth in Exhibit "A," consisting of a map depicting the new districts and a disc containing a description of the boundaries of the new districts broken down by census block and tract. The Board of County Commissioners also hereby adopts the corresponding supporting data as set forth in Exhibit "B," consisting of a chart depicting the percentage of population within municipalities or Census Designated Places; a chart depicting the total number of individuals and the percentage of individuals, as broken down by race, ethnicity, and by district; and a chart depicting the total number of individuals and the percentage of individuals over the age of eighteen (18), as broken down by race, ethnicity, and by district

B. Repeal of Previous Ordinance. Orange County Ordinance No. 2001-23 is hereby simultaneously repealed.

Section 4. Publication and Minutes. Pursuant to Chapter 124, Florida Statutes, the Board hereby directs the Clerk to publish the adopted redistricting plan, and to cause an accurate description of the new boundaries of the districts to be entered upon the Board's minutes and a certified copy thereof to be published at least once each week for two consecutive weeks in a newspaper published in the county with proof of such publication entered upon the Board's minutes. The Clerk shall forthwith file a certified copy of the minutes and boundaries with the Secretary of State.

Section 5. Revision of County Code Section 2-26. Section 2-26 of the Orange County Code is hereby repealed and readopted to read as follows:

Sec. 2-26. Districts.

As required by article VIII, section 1(e) of the Constitution of the State of Florida, chapter 124 of Florida Statutes, and the Orange County Charter, the Board of County Commissioners has enacted Orange County Ordinance No. 2011-14 to adopt a redistricting plan and to establish the boundaries of the six commission districts required by the charter. Ordinance No. 2011-14 and its findings of fact, statement of intent, and exhibits, including a description and depiction of the districts and their boundaries, shall remain on file with the clerk to the Board of County Commissioners and shall be available for public inspection and copying. The districts established by Ordinance No. 2011-14 shall govern the qualification and election of county commissioners in the year 2012 and thereafter.

Section 6. Codification. Only section 2-26 of the Orange County Code as set forth in section 5 of this ordinance shall be codified in the Orange County Code. However, all other sections of this ordinance shall also remain in full force and effect.

Section 7. Effective Dates and Applicability. All sections of this ordinance other than section 3 shall take effect in the manner and at the time provided by general law. Section 3 and the new district boundaries approved under section 3 and as set forth in Exhibit "A" shall take effect as of the date on which the terms of the county commissioners elected in 2012 commence. The revised boundaries shall govern the qualification and election of county commissioners in 2012 and thereafter.

APPROVED AND ENACTED THIS 29th DAY OF NOVEMBER, 2011.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

Teresa Jacobs, Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

By:

Deputy Clerk

