

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Ward Redistricting

Meeting Date: February 14, 2011
Department: Central Services
www.eugene-or.gov

Agenda Item Number: B
Staff Contact: Keli Osborn
Contact Telephone Number: 541-682-5406

ISSUE STATEMENT

Every 10 years, the Eugene City Council adjusts council wards based on the results from the U.S. Census. Data from the 2010 Census will be available in the coming months, and federal, state and local districts will all be addressing boundary adjustments to accommodate population changes and shifts. This work session provides the council an opportunity to begin discussions on the criteria, public involvement process, council role and time schedule that will guide the development of scenarios and eventual decisions which must be made.

BACKGROUND

The basic purpose of ward redistricting is to bring each ward back to equal population distribution. In 1991 and 2001, the council as a whole processed ward redistricting. In 2001, the public information and involvement process was shaped with guidance from the Citizen Involvement Committee, and ultimately included drop-in forums, public hearings and other opportunities for input on criteria, scenarios and maps.

The council in 2001 adopted the following criteria to guide development of boundary options:

1. Wards should contain equal population within a reasonable range (+/- five percent).
2. Plan for expected growth in Eugene in the next 10 years. Faster-growing wards should be drawn to be undersized in population and slower-growing wards drawn to be oversized. This will reduce to some extent the disparity in ward populations during the coming years.
3. Division of recognized neighborhood organization boundaries should be avoided to the greatest extent possible.
4. Where practicable, consider geographic features such as rivers, large open spaces, parks, and major transportation systems to define ward boundaries.
5. While acknowledging that there have been significant population increases in the last 10 years that will require major shifts in ward boundaries, make incremental changes and attempt to respect existing ward boundaries and configurations to the extent possible. This criterion is not meant to be used to specifically protect incumbents.

Using 2010 information from the Population Research Center at Portland State University, Lane Council of Governments (LCOG) staff estimates ward populations as follows:

Ward 1: 18,548
Ward 2: 18,916
Ward 3: 15,658
Ward 4: 20,610
Ward 5: 21,265
Ward 6: 23,069
Ward 7: 19,342
Ward 8: 20,431

These estimates are based on dwelling units and do not account fully for residents of group housing -- for example, dormitories and off-campus "Greek" housing could add another 3,500 to the Ward 3 total.

A summary of residential building data and location map from the last 10 years is provided in Attachment A. Although this doesn't reflect population shifts among the wards, permitting data does provide a snapshot of new residential development in recent years.

As U.S. Census data become available, numbers will become more reliable and yield more information on population demographics. The actual redrawing of boundaries awaits availability and preparation of the census data and transfer of this data to the local mapping system later this year. The redistricting decision in the past has been made by December 31, and guidelines drive completion of the process before key election-related dates in 2012. The Eugene City Council and Eugene Water & Electric Board (EWEB) elections occur in spring 2012, and it could be helpful to potential candidates and others who would be involved in those races to make the final redistricting decision by this fall. A general time schedule in Attachment B outlines key steps in the process.

Informing and involving the public can take many forms. A number of options are listed in Attachment C. At a minimum, redistricting information and data would be available to the community via the City's public web site and handouts at public centers, and a public hearing would happen before the council adopts new boundaries. The framework for public information and involvement depends in part on the decision-making process the council chooses. The council also may want to reach out to specific groups, such as neighborhood associations, the League of Women Voters, Friends of Eugene, the Eugene Area Chamber of Commerce, and others.

RELATED CITY POLICIES

The Eugene Charter provision related to redistricting is general and states:

***Section 33. Wards.** The council shall divide the city into wards and redefine the boundaries thereof as necessary to accord persons in the city the equal protection of the laws. No person may vote at a city election in a ward other than that in which he or she resides.*

The Eugene City Code includes the following:

2.692 Elections – Wards. *The city council shall by resolution divide the city into eight wards, but neither this requirement nor any action pursuant to it disqualifies, or shortens the term of office of, a member of the council or the Eugene Water & Electric Board.*

The specific method, process, and criteria used for adjusting the ward boundaries are left to the council. The City Attorney has prepared a memo (Attachment D) which outlines the City Charter and City Code provisions related to redistricting. It also provides guidance on equal protection and population apportionment to wards.

COUNCIL OPTIONS

Options for timing, public information and involvement, and process oversight are described in attachments.

CITY MANAGER'S RECOMMENDATION

This is an information item. At this time, the City Manager requests general direction on the time schedule and public information and involvement components of the 2011 ward redistricting process.

SUGGESTED MOTION

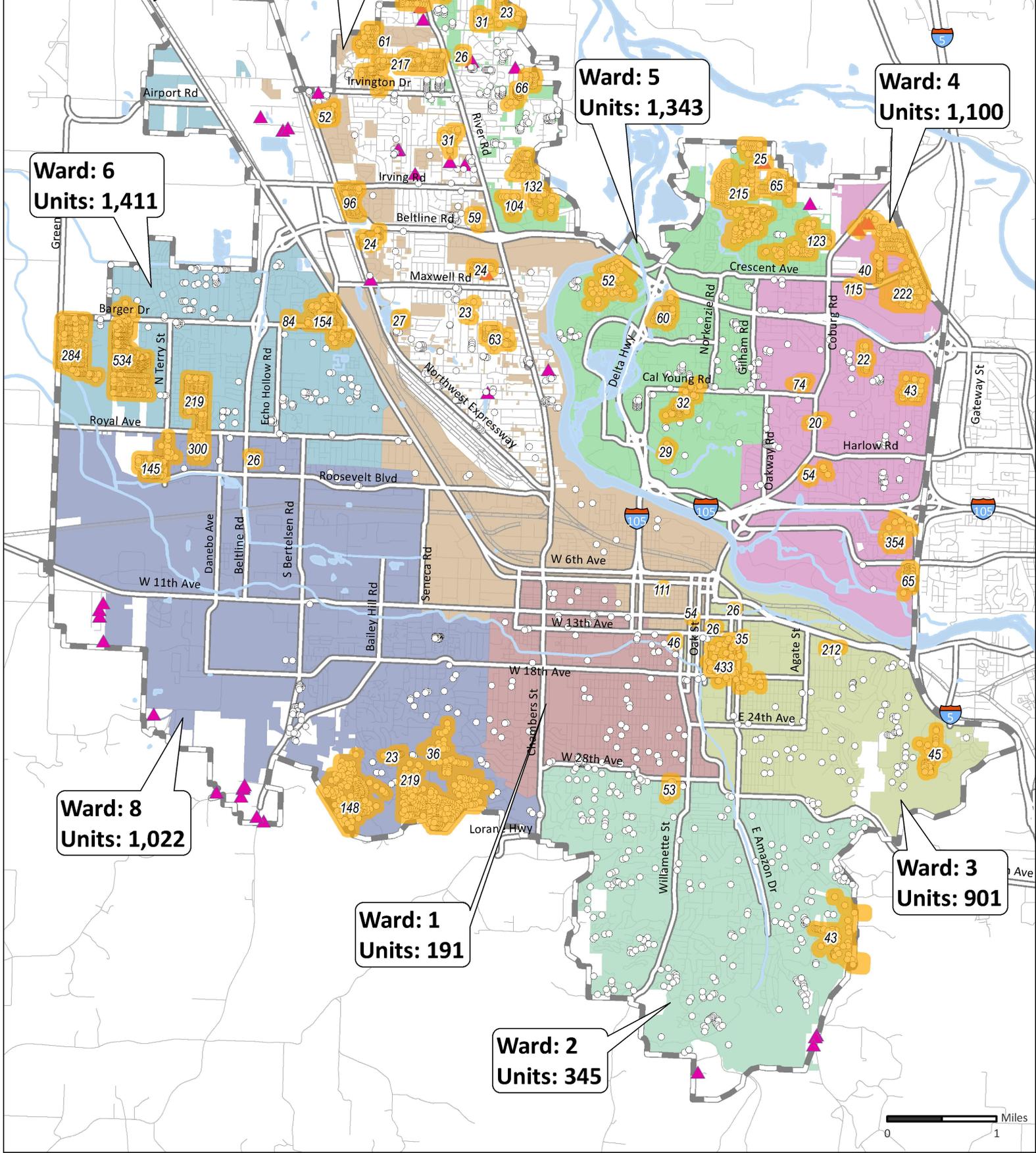
None is provided.

ATTACHMENTS

- A. Summary of Residential Building Data and Location Map, 2000-2010
- B. Time Schedule
- C. Public Information and Involvement
- D. Memo from City Attorney on Redistricting
- E. Current Ward Boundary Map

FOR MORE INFORMATION

Staff Contact: Keli Osborn
Telephone: 541-682-5406
Staff E-Mail: keli.m.osborn@ci.eugene.or.us



New Residential Building Permits 2000-2010		City council wards and number of new residential units 2000-2010	
○	Permits in City Council Wards	■	Ward 1, Units: 191
▲	Permits not in City Council Wards: Permits: 38, Units: 39	■	Ward 2, Units: 345
●	Groupings of New Residential Units with over 20 units	■	Ward 3, Units: 901
		■	Ward 4, Units: 1,100
		■	Ward 5, Units: 1,343
		■	Ward 6, Units: 1,411
		■	Ward 7, Units: 1,143
		■	Ward 8, Units: 1,022

2011 Ward Redistricting - Proposed Time Schedule

Time Frame	Possible Steps & Decision Points
February 14, 2011	Hold initial Eugene City Council work session to share information, identify issues, and discuss general approach.
Late winter/ early spring	Review and agree on redistricting criteria. Provide information and obtain public input on criteria.
Late spring	Review 2010 ward population counts.
Late spring/ early summer	Give direction to staff on ward boundary options. Provide information and obtain public input on options.
Summer/early fall	Review options for ward boundaries.
Fall	Give direction on boundary revisions or new ward options. Provide information and obtain public input on suggested boundary revisions.
Fall	Prepare ordinance and map.
Before December 31, 2011	Adopt new ward boundaries

2011 Ward Redistricting – Public Information & Involvement

Process Oversight Options

- Council provides direction for tasks, schedule and scenarios
- Council subcommittee studies issues and provides recommendations
- Ad hoc committee formed with invited membership to advise staff and council

Public Information Options

- City web page – population and voting data, maps and links to relevant sites, up-to-date information on public meetings, legal requirements and legal challenge options, redistricting timeline
- Information handouts for public counters and centers
- Interested parties list for news releases, meeting notices and information handouts
- Articles for neighborhood newsletters
- Presentations to civic organizations and neighborhood associations (City Council and/or staff)
- Public meetings in each ward early in the process

Public Involvement Options

- Public forum(s) before key council decisions (such as redistricting criteria)
- Public hearing before council adoption of new ward boundaries
- Online input forms



MEMORANDUM

City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401-2793
(541) 682-8447
(541) 682-5414 FAX
www.eugene-or.gov

Date: February 8, 2011
To: Keli Osborn
From: Jerry Lidz 
Subject: Redistricting of Council and EWEB Wards

This memorandum addresses several questions related to the Council's task of redistricting. Part I outlines the legal requirements applicable to the Council's task. Part II discusses what would happen if the Council's redistricting decision resulted in a councilor or EWEB commissioner no longer residing in his or her "old" ward or district.

I. The Legal Framework for Redistricting

Section 33 of the City Charter provides, in part, that the Council "shall divide the city into wards and redefine the boundaries thereof as necessary to accord persons in the city the equal protection of the laws." This Charter requirement, coupled with federal court decisions interpreting the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, establish the minimum standards for the Council's redistricting task. In addition, the Eugene Code adds some direction for ward boundaries.

Stated broadly, the goal of revising ward boundaries should be to make the wards nearly equal in population, but the Council may also consider other legitimate factors such as preserving neighborhood boundaries and avoiding drastic changes in ward boundaries.

A. Federal requirements

The U.S. Supreme Court has held that different standards apply to redistricting decisions for (1) congressional seats, (2) state legislative districts, and (3) local government wards or districts. The standard for congressional seats is based on Article I, § 2 of the U.S. Constitution. The Supreme Court has interpreted that provision to require strict equality in redrawing congressional districts. In one case, the Supreme Court struck down a congressional redistricting plan in New Jersey that had an overall range of less than 1% (one percent), because another plan before the legislature had demonstrated that an even smaller range was practicable.

The congressional redistricting standard – based on Article I, §2 of the U.S. Constitution – does not govern redistricting of state or local districts. Instead, the constitutional standard applicable to state and local districts derives from the Equal Protection Clause of the 14th Amendment. With respect to the Equal Protection Clause, the U.S. Supreme Court has stated

that “mathematical nicety is not a constitutional requisite.” Instead, the constitutional standard is “substantial equality of population among the various districts.” The federal courts have applied that standard differently depending on whether the redistricting decision involved state legislative districts or local government districts.

For legislative redistricting plans, the U.S. Supreme Court has held that such plans generally are valid if they have an overall range of less than 10%, even if the plans do not explain why a 10% deviation was necessary. In addition, the Court has suggested it might uphold a legislative plan that exceeds the 10% if there is a “rational state policy” that exists to justify the greater disparity.

For local redistricting plans, the U.S. Supreme Court has concluded that even greater flexibility is permissible. One reason is that state legislative districts and local government wards usually have smaller populations, so small shifts in numbers of residents may result in larger percentage disparities. In short, for the Council’s redistricting decision, a plan which includes an overall range of 10% clearly is constitutional since a state legislative redistricting plan containing that percentage range is constitutional. The U.S. Supreme Court decisions suggest that a local redistricting plan that contains a range higher than 10% also would be upheld.

B. State requirements

Both the Oregon Constitution (for example, Article IV, §6) and state statutes govern how the state shall reapportion legislative districts. ORS 188.010 provides specific criteria that apply to **state** (but not local) apportionment efforts; we quote those criteria here merely as an example of the type of criteria that the Council could consider:

“The Legislative Assembly or the Secretary of State, whichever is applicable, shall consider the following criteria when apportioning the state into congressional and legislative districts:

“(1) Each district, as nearly as practicable, shall:

“(a) Be contiguous;

“(b) Be of equal population;

“(c) Utilize existing geographic or political boundaries;

“(d) Not divide communities of common interest; and

“(e) Be connected by transportation links.

“(2) No district shall be drawn for the purpose of favoring any political party, incumbent legislator or other person.

“(3) No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

“(4) Two state House of Representative districts shall be wholly included within a single state senatorial district.”

Neither the Oregon Constitution nor state statutes prescribe standards for apportionment of local government wards or districts.

C. Local requirements

With respect to the Council (see below for discussion of EWEB), sections 5 and 6 of the Eugene Charter provide that the Council shall be composed of eight councilors who shall be elected by wards. Section 33 of the Charter further provides that the Council itself shall divide the City into wards, and redefine the boundaries as necessary to ensure that residents are accorded “the equal protection of the laws.” Nothing in the Charter, however, requires that there be eight wards.

Section 2.962 of the Eugene Code provides that the Council shall divide the City into eight wards.¹ Should the Council decide to do so, the Council could choose to divide the City into four wards (or some other number of wards), with multiple councilors from a single ward. To change the number of wards, the Council would need to adopt an ordinance amending section 2.962.

With respect to EWEB, section 44 of the Charter provides that the Board shall be composed of five electors whose election shall be prescribed by ordinance. Section 2.175 of the Eugene Code, in turn, provides that one EWEB commissioner shall be elected from wards 1 and 8, one from wards 2 and 3, one from wards 4 and 5, one from wards 6 and 7, and one at large. The Council can change how EWEB Board members are elected by amending section 2.175.

In 2001, the Council’s redistricting efforts were guided by five factors which are set out in the AIS. The “law” has not changed since then, and we believe that the Council lawfully can choose to use the same factors. We also believe that neither the Constitution nor the Charter requires the use of those factors. In other words, the Council has the discretion to adopt, modify or reject those factors.

II. Effect of Redistricting on Incumbents

In past redistricting efforts, there has been a concern about whether a councilor or EWEB Board member can serve out his or her term if the new ward boundaries do not keep them within their ward. The answer is yes.

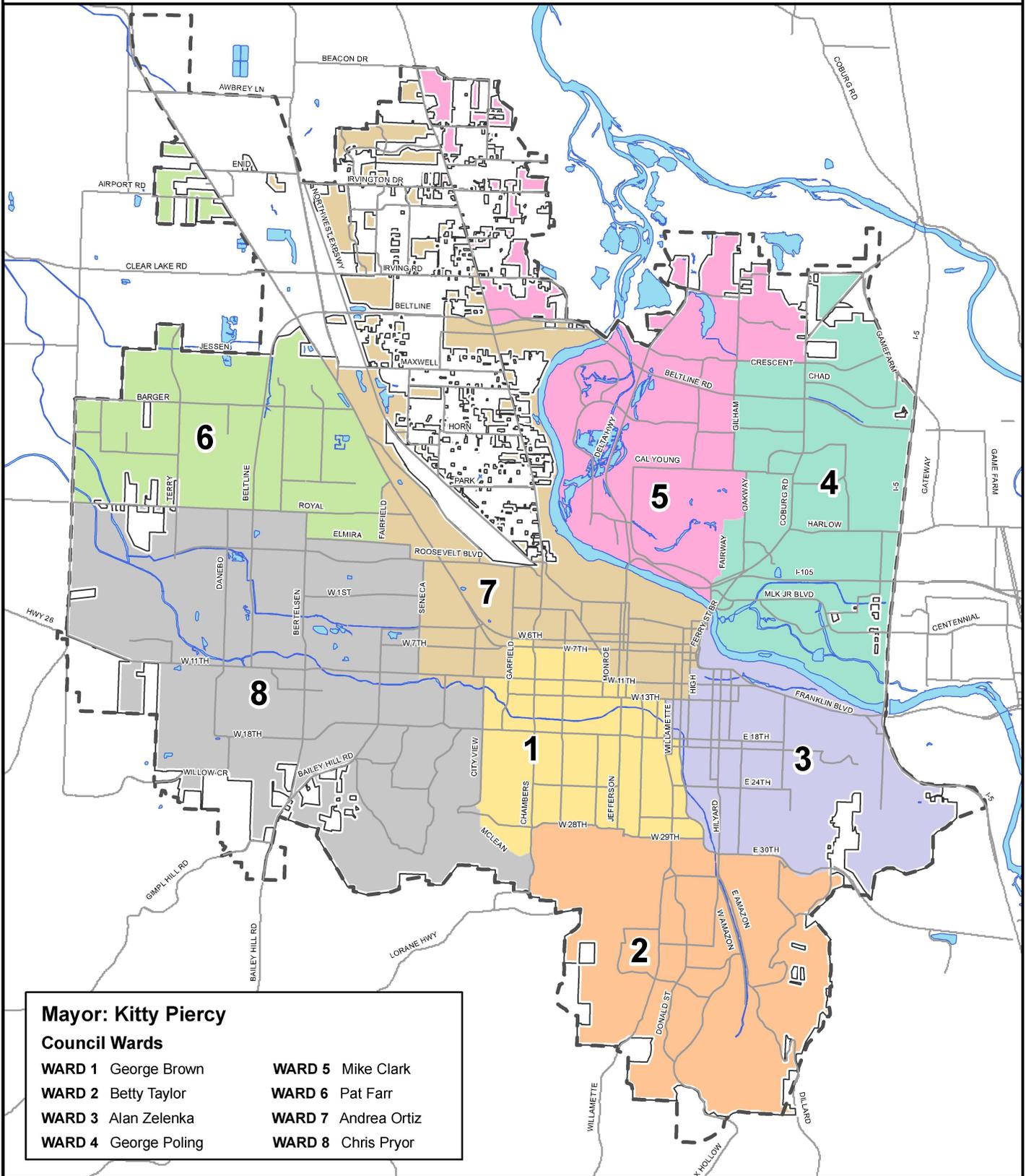
¹ Prior to 1974, the City was divided into four wards. In 1974, the Council amended this section to provide for eight wards. To ensure that the redistricting resulting from the additional wards did not deprive any councilor of his or her office, the Council added that “neither this requirement [dividing the city into eight wards] nor any action pursuant to it disqualifies, or shortens the term of office of, a member of the council or the Eugene Water & Electric Board.” This issue is discussed in more detail in part II of this memorandum.

With respect to a councilor, the councilor is entitled to serve out his or her term based on the text of, and past practice under, the Charter. Section 6 of the Charter provides that once a councilor is elected, he or she "shall hold office until his or her successor is elected and qualified." Section 8 of the Charter provides that a "councilor shall reside **in the ward from which the councilor was elected.**" Similarly, Section 23 provides that a councilor's office may be declared vacant if the councilor ceases to reside "in the ward from which elected." During a councilor's term of office, the councilor retains his or her position so long as a councilor continues to reside in the ward from which he or she was **elected**. Although redistricting may cause a councilor to reside in a new ward, the councilor would continue to reside in the ward from which he or she was elected. In other words, under the Charter, a councilor does not lose his or her position if he or she does not change residence or moves only to another residence within the boundaries of the "old" ward as they were when he or she was elected. However, in order to run for "re-election", the councilor who is redistricted into another ward either would need to move into his or her "old" ward, as redefined, or alternatively, would need to run in the new ward.

With respect to EWEB, the Charter does not address how Board members are elected or when vacancies occur. Instead, the Charter leaves those decisions to the Council. Although Code Section 2.175, pertaining to EWEB members, is phrased differently than the Charter provisions relating to councilors, we believe the result is the same: A board member does not lose his or her office simply because redistricting places him or her in a "different" ward.

JL:abm

City of Eugene City Council Wards

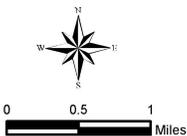


Mayor: Kitty Piercy

Council Wards

WARD 1 George Brown	WARD 5 Mike Clark
WARD 2 Betty Taylor	WARD 6 Pat Farr
WARD 3 Alan Zelenka	WARD 7 Andrea Ortiz
WARD 4 George Poling	WARD 8 Chris Pryor

- Major Roads
- Eugene City Limits
- - Urban Growth Boundary



This map was created on Dec. 20, 2010. Current City Limits, UGB, and Ward Boundaries should be confirmed with the Eugene City Recorder at 682-5042.

