

COUNCIL PRESENT: Wangemann, Hamrick, Figueras
COUNCIL ABSENT: Bruner, Dunagan
STAFF PRESENT: Jordan
OTHERS: Whalen

BOARD OF EDUCATION MEMBERS PRESENT: Mitchell, Calkins, Diaz, Smith, Syfan
BOARD OF EDUCATION STAFF PRESENT: Shoemake, Brosky, Hartley

PURPOSE OF MEETING: To receive redistricting information.

Chairman Mitchell called the meeting to order.

Board Member David Syfan asked if Home Rule Powers apply to the Board of Education.

Attorney Phil Hartley stated the ward boundaries for the Council and the Board of Education have historically been the same. They can be amended via Home Rule ordinance or a Legislative Act from the General Assembly. The Council can use Home Rule Powers. He recommended that the Board of Education go through the General Assembly. Adoption of a map by Home Rule Powers vs. General Assembly offered different time lines for completion. The method of approval doesn't have anything to do with the ward map to be used.

Attorney Drew Whalen stated O.C.G.A. 36-35-4 and 36-35-3 addresses changes via Home Rule Powers. There was no exclusion of redistricting. As such, he felt the ward boundary changes could be handled via Home Rule Powers.

Mr. Hartley stated Linda Meggars was asked to attend the meeting to show the maps. He commented on the Council being elected At-Large by majority vote where the Board of Education is elected by District by plurality vote. He felt it was particularly important for the Board of Education voters to have commonality within their wards and that the composition of the wards makes sense so voters feel they are well represented. Because of the population shifts, he felt there was no way to accomplish this without a dramatic change. Mr. Hartley stated Ms. Meggars had talked with both attorneys. She was not involved in the original preparation of the proposed map (PROP2RE) but has addressed some specific questions about that map upon request from Mr. Whalen. It was clarified that Ms. Meggars is the former Director of the Legislative Reapportionment Office. She is now retired and offers private consulting services on redistricting issues.

Ms. Meggers stated Wards 1 and 2 were short of population. Ward 5 theoretically shouldn't be touched except it was in the middle which is not a safe spot during redistricting. Ward 3 should be addressed carefully because of its minority concentration. Ward 4 is overpopulated. The shape of the city boundaries was problematic. She didn't know if PROP2RE was the only option for the community.

Mr. Whalen stated another problem was protecting two incumbents in each Ward (one for the Council and one for the Board of Education).

Board Member Smith stated students can attend the elementary school of their choice. They have traditional areas based upon the major transportation arteries. As a city, there was some cohesion based upon major transportation arteries.

Ms. Meggars opened the floor for each Board of Education Member to share thoughts about the proposed map (PROP2RE). The following comments were noted:

- Board Member Syfan, Ward 1, felt some of the area that was added didn't have the same community of interest as the traditional area. He realized redistricting was a zero sum process. Ms. Meggars stated this district needed more population which could be gained by moving into Ward 5. She expressed the need to try to keep Ward 3 intact as much as possible to eliminate concerns related to the Voters Rights Act.
- Board Member Calkins, Ward 2, felt the neighborhoods and the points of interest were logical. She felt it was possible to make changes along Jesse Jewell Parkway without impacting Ward 2. She stated her concern was making sure each community didn't lose its interest and its power.
- Board Member Mitchell, Ward 3, stated he was concerned about the addition of the area above Jesse Jewell Parkway. He was also concerned about the decrease in the minority population percentage. Ms. Meggars stated she had already tried to find additional population and was unsuccessful in doing so. She felt the younger minority population was either leaving the City or moving into other wards. Ms. Meggars felt an increase to 40 percent black population in this ward was not achievable. Mr. Mitchell asked if there was a census block with 500 blacks in Wards 2 or 4 that could be shifted to Ward 3.
- Board Member Diaz, Ward 4, stated the area was wide spread. Shifting the southern portion from Ward 4 into Ward 3 was fine. She was concerned about the illegal non-voters and how that factors into the redistricting process. Attorney Whalen stated the courts say to look at the citizens, i.e., the voting class population. Research revealed the courts had reduced the census information in regards to Hispanics. In 2006, Congress reauthorized the Voting Rights Act (VRA) and added language barrier protection. This means the impact of Hispanics/Latinos must be considered. A review of voter registration information revealed extremely low Hispanic/Latino participation compared to the number of citizens in the community. This will be factored into the process. The citizenship data is not available for consideration. Attorney Hartley stated the Department of Justice requires the use of the information that is available.
- Board Member Smith, Ward 5, expressed a desire to leave the ward as is and to change the other four since Ward 5 falls within the norm. Another priority was to establish communities of cohesion based upon major arteries. He asked if a clockwise approach could be used to improve the proposed map. Mr. Smith felt the Board of Education could have a different map from the Council if so desired. Ms. Meggars said this could probably be done; however, it would be confusing to the voters.

Council Member Figueras expressed confusion about the terminology "communities of interest". She wondered what this terminology really meant and felt having a definition would help her better understand the discussion.

- Council Member Wangemann, Ward 4, stated he was very happy with the way the map was drawn. He felt the map was drawn in a non-political manner. He was grateful for what has occurred because it was a difficult decision to determine who to draw out of each ward. Mr. Wangemann felt elected officials represent the people. The most important factor for him was to have nearly equal population in each ward. He

commended the committee for trying to do that. Mr. Wangemann felt the group could discuss this issue all day and not satisfy everyone in the room. He understood the differences associated with at-large versus district voting.

- Ms. Calkins agreed with what had been said and felt a strong Board was a diverse Board that truly represents the community.

Mr. Wangemann stated you can't control where people live and how many people in a district exercise their right to vote. Regardless of diversity, he felt having near equal population is critical.

Mr. Hartley, stated there were two legal considerations to remember: (1) the mandate to consider certain communities of interest as defined in the federal law, and (2) the potential for legal challenge and for political non-acceptance and thus controversy if there is a feeling within the community that there has been an effort to change districts in a way that separates people that feel they have commonality.

Mr. Whalen commented on a lawsuit in 2010 involving an elected body in Texas. They challenged the constitutionality of the 2006 reauthorization of the Voter's Rights Act (VRA) and made a very strong argument before the Supreme Court. The Court did not rule in their favor; however, they discussed, at length, the lack of need to centralize the population. He felt that was important to keep in mind during today's discussion.

Mr. Wangemann commented on the election of blacks within the community. He felt this indicated the community was able to elect the person of their choice.

Council Members Figueras and Hamrick left at 11:23 AM.

Ms. Meggers tried to answer questions about the Latino population. She stated they were evenly spread among three districts and felt those districts were evenly impacted. There was a lack of data. She proposed that the Board of Education go back to the current plan and make changes so the Board Members could see what happens as you shift the population.

Ms. Meggers began the process of creating another map which would be called PROP3. She began from the existing ward map and incorporated suggestions from each Board of Education Member to shift the population. There was some discussion about the definition of contiguous property as it pertains to the lake. Changes were made to Wards 1, 2 and 3. Some changes were made to Ward 4; however, there was a point in the process where it became a challenge to shift census blocks and keep both Ward 4 incumbents within their Ward. Council Member Wangemann volunteered to be drawn out of his ward if that was in the best interest of the community; however, Ms. Meggers stated it was not appropriate to do so. No other edits were made after this point.

Board Member David Syfan left the meeting at 11:55 AM

Board Member Maria Calkins and Christine Brosky left the meeting at 12:00 PM

Upon inquiry from Planning Manager Matt Tate, Ms. Meggers felt the meeting was about allowing individuals to state their concerns. What had been done offered fewer changes but the end result was in the eye of the beholder.

Mr. Hartley stated his fear was that there would be issues to surface later by voter reaction placing more pressure on the Board of Education to have a different map.

Mr. Hartley stated the Board of Education was going to lose a quorum and would need to continue working with Ms. Meggars at some point in the future. PROP3 was incomplete at this point in time.

City Clerk Denise Jordan reminded the group of the possibility for additional cost to future elections if both elected bodies had different maps. Mr. Hartley had some questions which she felt should be addressed by the Elections Office.

ADJOURNMENT: 12:16 PM

/dj

Ruth H. Bruner, Mayor

Denise O. Jordan, City Clerk