

## **Districting Process Advisory Committee: Final Report to City Council**

Presentation to Council: 12/13/2016

### **Introduction**

City Charter requires the City Clerk to redraw the six City Council district boundaries every four years. After the 2012 redistricting process, City Code §5.1.402 was approved in order to create a Districting Process Advisory Committee. The City Clerk maintains direct responsibility and authority over the districting map. In keeping with Council's interest in promoting public awareness and discussion, per City Code §5.1.402, the Committee is to seek out public comment regarding suggested changes and ensure robust and transparent community input. The Committee submitted a Preliminary Report to Council (Appendix A) to make recommendations to the City Clerk on potential districting changes. The following Final Report provides a summary of the public outreach process since the Preliminary Report was submitted, and provides recommendations to improve the districting process.

### **Summary of the Advisory Committee's Public Education Efforts**

In addition to the public meetings that were held to provide input into the Committee's recommendations (further details can be found in the Preliminary Districting Process Advisory Committee Report, attached), further outreach was undertaken to educate the public about the Committee's deliberations and recommendations. In Committee discussion regarding the outreach process, we determined that providing short presentations in recurring community meetings would be effective at reaching the public, in addition to asking the public to come to a separate meeting.

### **Dates, Times, Locations, Attendance & Results of Public Meetings**

1. One open public meeting was held on 9/7/2016 at Westside Community Center to release the Committee's Preliminary Report and was attended by six people; public comments focused on the importance of improving public attendance.
2. We offered presentations to 25+ varied organizations, businesses, and collaboratives and were able to present our recommendations at several community meetings:
  - a. The Pikes Peak Association of Realtors Government Affairs Committee- 10/10/2016, 430 N. Tejon St.; 18 attendees, no specific comments
  - b. The Latino Community Luncheon, 8/10/2016, Hotel Elegante; 80 attendees, no specific comments
  - c. The Black/Latino Coalition, 8/25/2016, 506 E. Moreno; 9 attendees, no specific comments
3. Public comments regarding our recommendations were positive and generally informal. No official or printed comments were received specifically regarding Committee recommendations.
4. The City Clerk hosted a Public Meeting to discuss her Preliminary Recommendations on 10/18. Three members of the public were in attendance and expressed general support for the recommendations and process. Four comments and/or protests of the Preliminary District Report were received either by letter or in-person during the public hearing. The comments pertained mainly to uniting more

communities of interest, in particular moving precinct 605 into Council District 4. The common theme was to allow for larger population deviation among the districts in order to unite these communities. After consideration of the comments, review of the City Charter and Code, and scrutiny of the population data and preliminary map, the City Clerk made no changes to the preliminary redistricting map.

### **Summary of Any Protests**

There were no official protests of the Clerk's recommendations.

### **Evaluation of the Process/Compliance with Requirements of Charter and Ordinance**

The Committee believes that the Clerk fully complied with the requirements of both the charter and the districting ordinance. The Committee has been impressed by the level of cooperation and communication expressed by the City Clerk, and by the sophistication of the mapping process that was employed to illustrate the relationship of neighborhoods, racial/ethnic characteristics, and economic status to existing and proposed districts. While legal requirements were all fulfilled by the Clerk, the Committee has the following recommendations regarding improving the districting process that would help ensure a more precise process, more effective outreach and applicable feedback.

### **Recommendations Regarding Districting Process**

#### 1. Committee Member Selection

- a. **As this Committee's term and the redistricting process is short, it would be helpful to have committee members who are familiar with the municipal elections process.** There is very little time for Committee members to orient themselves to the process and goals of the Committee in a timely fashion. We suggest that future recruitment of committee members make applicant knowledge of municipal elections and districting a significant factor in the selection of members. We appreciate Council's concern with ensuring that no particular interest has undue influence over the process.
- b. **We recommend that advertising for the Districting Process Advisory Committee be expanded,** as there were relatively few applications for Committee membership. We suggest:
  - a. Inclusion on the City's Boards and Commission webpage with more lead time.
  - b. Broader distribution of the opportunity to serve on the committee to the public.
- c. **Ensure that Committee members are aware that the Committee terms require involvement throughout the process and are committed to this need.** While much of the work occurred early in the Committee term, there was less involvement as the process continued, which made appropriate outreach and achievement of a quorum more challenging.

2. Resources/Tools
  - a. The Committee has discussed that the seven public meetings held before the Preliminary Report was submitted would have been more effective if the Committee had sufficient time to develop map recommendations before the public meetings. According to public comment, it was difficult for the public to provide feedback on general recommendations without having potential options visually provided to them. **We recommend that the Committee meet with sufficient time to process and prepare Preliminary Recommended Maps to present to the public at our 7 required public meetings.**
  - b. The Committee benefitted from being provided with a spreadsheet that allowed us to calculate populations within districts if we made changes to precincts; **we ask that this calculation tool be made available earlier in the process**, as it would help the Committee provide more specific recommendations and have a better understanding of how to achieve both the Charter and the Committee's goals.
  - c. Public Outreach - As a whole, the Committee shared disappointment with the level of public involvement, recognizing that it is not a topic that garnered much public attention. At the same time, we believe that the lack of protest or negative comment supports the idea that the Committee's input informed the Clerk's recommendations in a way that ensured a smooth and more transparent process.
    - **We recommend that the 7 preliminary public meetings** (required by ordinance) **be held at varying times of the day**; all 6 of the district-specific meetings were over the dinner hour. The best-attended meeting was the At-Large Meeting, which was held over the lunch hour.
    - **The Committee recommends that informal presentations be given at pre-existing community meetings**, versus creating an additional time commitment for the public. The Committee made some presentations after our Preliminary Report was submitted and reached a larger and more diverse community than what we found at our Public Meetings.

### **Recommendations Regarding Districting Policy**

**The Committee recommends a discussion around the ramifications of the current legislative requirements of the districting process within City Charter and Code.**

While we recognize that these changes are outside the scope of the Committee's role, we encourage Council to consider potential improvements that would improve the districting process. These recommendations were approved by the majority of Committee members. We have summarized dissenting views where they were expressed.

1. **Re-district every 10 years, versus every 4 years.**

Currently, City Charter requires the districting process take place every 4 years. The Committee is concerned that redistricting every 4 years requires the use of estimates of population that may be significantly inaccurate, whereas using census data is far more accurate and reliable.

A four-year districting effort forces the process to rely, during non-census years, on the next most accurate data available. In this case, that has been the *American Community Survey*. However, the ACS is not designed for precise population estimates:

"The ACS is based on a smaller sample [than the Census]. The number of ACS households sampled each year is fairly small (about 1 in 40), compared to the much larger sample for the Census long form (about 1 in 6). The smaller sample size associated with the ACS means that there is increased error surrounding estimates produced by the ACS compared to the decennial Census." (*American Community Survey User Guide*, Gardner, Kimpel, and Zhao, December 2010, revised October, 2015; p. 2)

In the same user guide, the Census Bureau cautions:

**"Use the ACS to obtain information about the characteristics of an area, not counts of the population.** The primary purpose of the ACS is to **measure changes in a community's socioeconomic characteristics** based on a small sample of households surveyed every month. For example, the ACS is useful for gauging trends over time and for comparing characteristics across areas, but **lacks the precision to determine the number** of Hispanics that have moved into your city since the Census 2000. **If population counts are needed, consider using information from the decennial census**, the Census Bureau's Population Estimates Program, or one of OFM's population estimate products. (*American Community Survey User Guide*, Gardner, Kimpel, and Zhao, December 2010, revised October, 2015, p. 4; emphasis added).

**The committee recommends that the districting process occur every 10 years**, in alignment with the release of US census data and districting processes at the state and federal levels of government. This ensures that the districting process relies on the most accurate population data possible. It also reduces city staff time dedicated to the process; the City Clerk estimates that approximately 700 hours were dedicated to the redistricting process by herself and other staff. Additionally, districting less frequently allows more continuity in district composition, affording better familiarity for the voters with their elected representative and vice versa. While there would be challenges in aligning the timing of the districting process with census data and other legislative requirements, we find that the expenditure of City and citizen time and resources, the greater variability for citizens knowing their elected representatives, and the average population growth in the City do not support redistricting every 4 years. (One Committee member holds that City population will grow with enough regularity and speed that redistricting every 4 years is still appropriate.)

2. **Assign the Committee authority to conduct the redistricting process.**  
Currently, the Committee has a purely advisory role; the 2016 districting process has been smooth and cooperative, but the Committee recognized that there is potential for abuse within the current system. While we have confidence that the current City Clerk is well-intentioned and has adhered to the legal requirements and ethics of her role, we are concerned that having a non-elected City Clerk who has final authority over City Council district boundaries could allow for undue outside influence on the districting process. A publicly-appointed committee, operating under public scrutiny with the support and participation of the City Clerk, will minimize the possibility of abuse in the redistricting process. (The two Committee members who disagreed were concerned that an appointed committee would be more open to outside influence than the City Clerk and would not have sufficient time to become familiar with the process to make effective recommendations.)
  
3. **Work in alignment with the County to ensure that precincts within the City are configured to minimize the division of neighborhoods, ethnic populations, and economic communities of interest, as mandated by City ordinance.**

**Appendix A: Preliminary Report to Council**

## **Preliminary Report Redistricting Process Advisory Committee**

### **Introduction**

City Charter requires the City Clerk to redraw the six City Council district boundaries every four years. In the most recent redistricting process in 2012, the City went from 4 Council districts to 6 Council districts. After the 2012 redistricting process, City Code §5.1.402 was approved in order to create a Districting Process Advisory Committee. The City Clerk maintains direct responsibility and authority over the districting map. In keeping with Council's interest in promoting public awareness and discussion, per City Code §5.1.402, the Committee is to seek out public comment regarding suggested changes and ensure robust and transparent community input.

### **Legal Requirements**

#### ***City Charter and Code require:***

- o § 5.1.403A – Contiguous districts – Substantially equal populations – Do not divide election precincts
- o § 5.1.403B – Comply with the Voting Rights Act of 1965 and to the extent possible:
  - Follow obvious geographic boundaries
  - Do not divide recognized neighborhoods
  - Do not divide identified communities of interest

#### ***Timeline Requirements:***

1. The City Clerk will release a preliminary district report by October 1, 2016 and a public hearing will be held in October.
2. The final district report, setting the district boundaries, will be released by the City Clerk between November 5<sup>th</sup> and December 5<sup>th</sup>.

### **Process of the Advisory Committee**

The Advisory Committee oversees the public process, educates the public, assists the City Clerk and advises City Council on the redistricting process.

- City Council appointed the seven committee members on May 24, 2016 from a total applicant pool of 15.
- The Committee consists of one member from each of the six council districts and one member at-large.

District 1 - Mary Washington

District 2 - Paul Seeling

District 3 - Sarah Brittain Jack

District 4 - Mike Ham

District 5 - Dave Munger

District 6 - Randall Kouba

At-Large - Courtney Stone

- The Committee conducted eleven public meetings, seven of which were specifically focused on describing the districting process and encouraging public comment--one in each of the six council districts and one at-large meeting, and four of which were work sessions to consider and finalize recommendations to the City Clerk.
- With support from City Communications and the City Clerk, the committee released a PSA on Springs TV, created an electronic flyer giving meeting locations and process, and had a specific discussion page on the City's SpeakUp! tool regarding the districting process. Reference materials, presentations, maps and information provided to the Committee were made available to the public on the City's website at [coloradosprings.gov/elections](http://coloradosprings.gov/elections). Committee members reached out to those in their particular district and will continue to do so in regards to specific recommendations.
- The Committee has prepared a Preliminary Report and is submitting it to the City Clerk and City Council at the August 8, 2016 City Council Work Session.
- The Committee will prepare a final Advisory Committee report and submit it to City Council at the City Council Work Session on December 12<sup>th</sup>

### **Summary of Public Comments**

Attendance at our public meetings was small, but the organizations represented included Citizen's Project, Sierra Club, the League of Women Voters, Colorado Common Cause, the Black/Latino Coalition, the NAACP, the Urbanites, Colorado Springs Forward, the Republican Party, the Regional Business Alliance and several City Councilmembers. Additional comments were received via email.

Public comments surrounding the districting process have provided broad recommendations for consideration for the Advisory Committee to make preliminary recommendations, though there were fewer comments regarding specific precincts to be moved. One of the most frequent comments made was that the public would prefer being able to review a proposed map in order to respond to potential changes. We intend to seek out comments on the recommendations below in order for the public to provide specific input for the Clerk's consideration. While we suggest preliminary recommendations within this report, we will continue to work as a Committee to reach out to the specific communities which would be affected by our proposed changes and other interested bodies and seek their input.

The Committee acknowledges the need to meet the legal requirements of federal and state law, city charter and code: maintain contiguous districts, substantially equal populations and



current precinct boundaries, while complying with the Voting Rights Act of 1965 and to the extent possible, follow obvious geographic boundaries, not divide recognized neighborhoods and not divide identified communities of interest. While neither City Charter nor Code specify a definition of communities of interest, as a guideline, we have used Article 5 Section 46 of the State Constitution, which identifies ethnic, cultural, economic, trade area, geographic, and demographic factors as communities of interest. The communities of interest which have been most significantly identified via public comments in this process are those areas with low-to-moderate income status and areas with significant populations of ethnic minorities. For recognized neighborhoods, we used the map of neighborhoods maintained by the City at [https://coloradosprings.gov/sites/default/files/planning/hoa\\_2015map1.pdf](https://coloradosprings.gov/sites/default/files/planning/hoa_2015map1.pdf). For ethnic and economic communities of interest, we relied on Census data provided by the City Clerk.

There was discussion concerning whether communities of interest are better served if they are consolidated or dispersed; in general, public comments indicated that communities of interest are best served when they have one representative protecting their interests and a consolidated voice.

There were comments regarding whether any changes needed to be made to current districts at all; as is, the population deviation is legally defensible. The Advisory Committee came to the conclusion that small changes should be suggested in order to consolidate communities of interest to the extent possible. Some public comments mentioned that making changes to representation often discourages the electorate from voting, as that leads to uncertainty regarding who their representative is, as well as presenting potential candidates with uncertainty regarding campaigning.

The committee also focused on trying to make sure that the Clerk has input and comments from the public to better inform her decision. We were not as successful at this as we would have liked, but we will continue to outreach to those who may be affected by our recommendations in order to maximize their opportunity for input.

### **Colorado Springs Population Data**

To ensure the most recent population figures are used in the redistricting process, additional population growth is calculated by the City Clerk's office based on building permits issued by the Pikes Peak Regional Building Department. Both processes use metrics, gathered by the State Demography Office of the Colorado Department of Local Affairs, to develop estimates concerning average number of people per housing unit, local vacancy rate and typical lag time from building permit issuance to the creation of units ready for occupancy. This allows estimation of City population to October 1, 2016.

Estimated population data was purchased from ESRI (Environmental Systems Research Institute). The data shows population at the census block level as of July 1, 2015. Redistricting requires City population to be reported for each county precinct. A process to reapportion population, based on County Assessor housing units, distributes the population identified at the census block level to a county precinct level while also accounting for areas of unincorporated El Paso County.

**Recommendations**

The Committee has recommended changes to the current district map that meet the legal requirements of creating “substantially equal populations” while consolidating representation for communities of interest identified via census data and public comments. The following recommendations were made on a 4-2 vote of the Committee after extensive discussion.

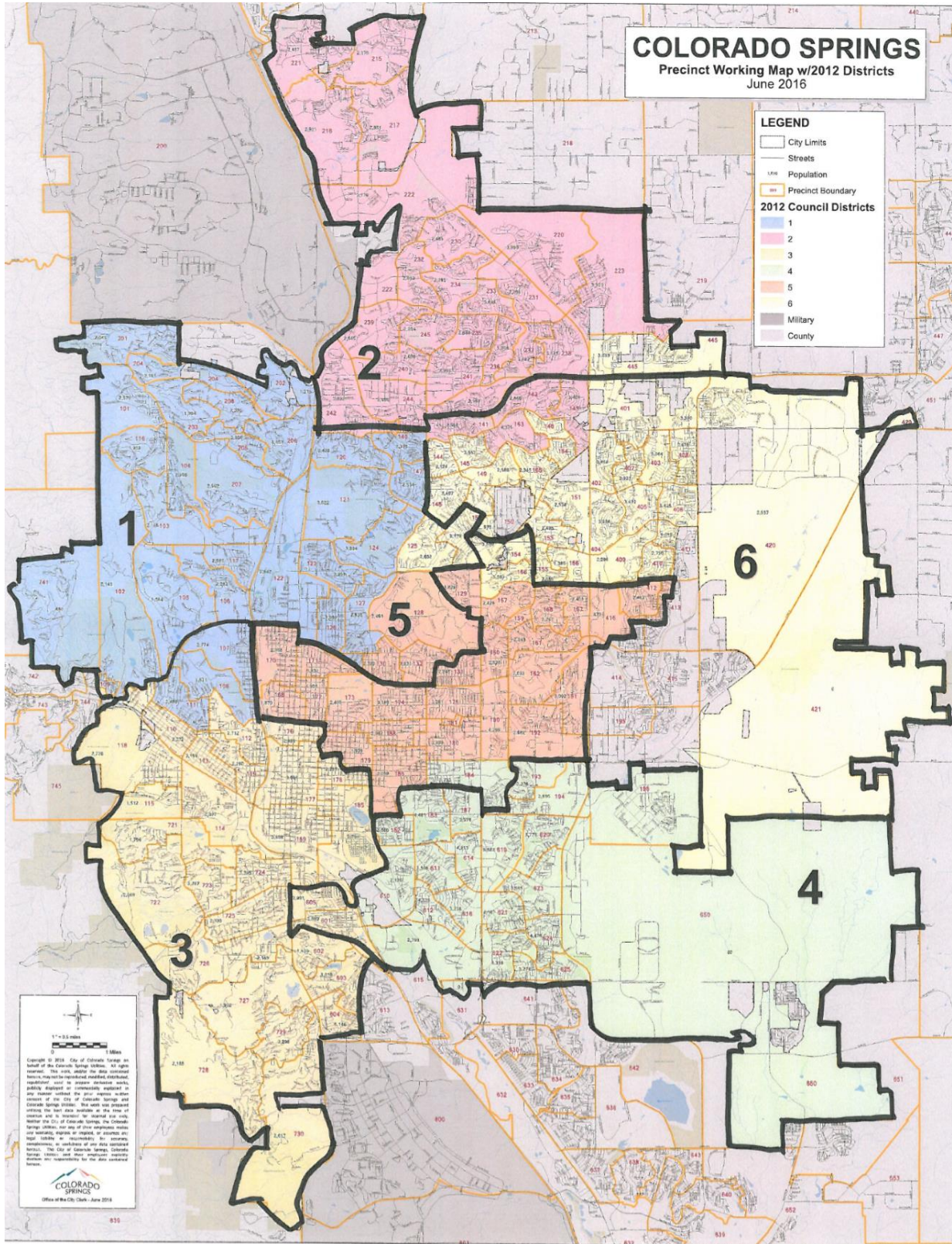
- 1) Include precincts 125, 128, 130, 132, and 152 in District 1; this consolidates neighborhoods, and income and ethnic communities of interest while equalizing population representation.
- 2) Include precinct 445 in District 2; this consolidates neighborhoods that are currently split by a district boundary.
- 3) Include precincts 107, 108, and 111 in District 3, which consolidates the Organization of Westside Neighborhoods and Mesa Neighborhood; public comments indicated these neighborhoods have many common interests with the rest of District 3 and would prefer consolidated representation.
- 4) Include precincts 601 and 605 in District 4, as their income and minority statuses have more in common with District 4. We received multiple public comments encouraging relocating those precincts specifically.
- 5) Include precincts 154, 166, and 184 in District 5; this consolidates neighborhoods, and income and ethnic communities of interest while equalizing population.
- 6) Include precincts 141, 142, 143, and 163 in District 6; this consolidates neighborhoods.

With the estimated population calculated in accordance with our recommendation, the following population numbers are assigned to each district.

| District | Estimated Population | Deviation from estimated average | % Deviation |
|----------|----------------------|----------------------------------|-------------|
| 1        | 76,045               | 2,761                            | 3.77%       |
| 2        | 71,412               | -1,872                           | -2.55%      |

|   |         |        |        |
|---|---------|--------|--------|
| 3   | 73,229  | -55    | .08%   |
| 4   | 71,374  | -1,910 | -2.61% |
| 5   | 77,316  | 4,032  | 5.5%   |
| 6   | 70,330  | -2,945 | -4.02% |
| TOTAL:  | 439,706 |        |        |
| Estimated district size if all districts were to have equal populations | 73,284  |        |        |

# Recommended City Council Districts for April 2017 City Election



We note that the data used in developing city and precinct population is from the American Community Survey and building permit data for Colorado Springs and, while it is the best available data, is nonetheless subject to error.