TO: **MAYOR OMAR ARROYO, VICE-MAYOR MORRIS WEST, COMMISSIONER ANNE HUFFMAN, COMMISSIONER VERNEL SMITH, COMMISSIONER KIM DOWNING and CITY MANAGER JAMES ELENSKY**

FROM: **FRED REILLY, CITY ATTORNEY**

RE: **PROSPECTIVE TRANSITION TO CITY COMMISSION DISTRICTS**

DATE: **FEBRUARY 17, 2025**

I have prepared this Memorandum to brief the City Commissioners on the topic of a prospective transition from At-Large Commission Seats (At-Large Elections) to City Commission Districts (Residency District Elections).

The purpose of this Memorandum is to:

    A. Provide you with an Explanation of Election Methods which summarizes the Pros and Cons of Residency District Elections and At-Large Elections.
    B. Explain the process of amending the Charter to authorize the City Commission to establish Residency Election Districts.
    C. Provide you with the relevant legal standard to be considered in this process.
    D. Provide an example of the Code provisions for the transition to Residency Election Districts (the example is from the City of Orlando).
    E. Provide the City Commission with my recommendation.

A. EXPLANATION OF ELECTION METHODS

Residency District Elections

Electors vote at large on each district seat in every election

> **Pro**

> • Each geographic area of the city is represented

> • Smaller regions within a larger city can be represented

> • Candidates and Commission members are "closer" to voters

> • All voters still get one ballot and can vote in every municipal election

> • Viewpoints that might not be able to win citywide support can be represented

> • Better opportunities for minority candidates to be elected from an unrepresented area in
the City

• Each voter has a specific commission member to go to for assistance

Con

• Works best in larger cities (Only 14 percent of all municipalities use district elections

• Cities with populations of 200,000 or more are more likely to use district elections

• Commission members may represent only the interests of their districts, not the city as a whole

• Districts lines have to be reviewed for each significant annexation and that may cause serious contention and controversy

• Voters may not know district lines, or may not vote unless it's their district representative up for reelection thus reducing overall voter turnout

• Best qualified candidates may be concentrated in one district and unable to serve due to districting limitations

• An elected member who moves out of the district is disqualified from office

At-Large Elections

Pro

• At-Large Elections Electors may vote at large in each election

• Commission members in an at-large system can be more impartial, rise above the limited perspective of a single district and concern themselves with the problems of the whole city

• Better-qualified individuals are elected to the Commission because the candidate pool is larger

• Candidates may be more moderate to appeal to a wider range of voters

• Elections are easy for voters to understand

• Each voter gets to vote for all Commission member seats thus increasing overall voter turnout

• With an opportunity to vote for all seat, each voter is likely to have backed at least one winning candidate and feel represented by that Commission member

• No redistricting is ever needed

• No candidate can be elected without substantial citywide support

• Commission members may move within the city without losing their seats

Con

• Several Commission members could live close together, leaving other areas unrepresented

• Minorities may have a more difficult time electing candidates

• There is less of a direct link between voters and Commission members

• More divergent viewpoints are less likely to be represented

• Large candidate pool increases the potential for a runoff election costing the city more money

Breakdown of Types of City Council Elections by City Size (2001)* (n = 649)

	Small (25,000-69,999)	Medium (70,000-199,999)	Large (200,000+)
At-Large	48.9%	43.7%	16.4%
District	26. 1%	31.0%	45.5%

References: National League of Cities, Florida League of Cities, and Michael Crowell UNC of Government.

B. BASIC STEPS FOR THE CITY TO TRANSITION TO CITY COMMISSION DISTRICTS

1. In order to comply with Section166.0321, Florida Statutes, the City would need to conduct a demographic study to generate the data so that the City could accurately fix the boundaries of its districts so as to keep them as nearly equal in proportion to their respective populations as practicable.
2. The City Commission would need to approve an Ordinance for a Charter Amendment to be placed on the Ballot for consideration by the electors of the city.
3. Assuming approval of the Ordinance for a Charter Amendment, the proposed Charter Amendment would be placed on the Ballot.
4. Assuming that the electors approved the proposed Charter Amendment, the City Commission would adopt an Ordinance designating the new districts. Consistent with Section 166.0321, Florida Statutes, establishment of the new districts by Ordinance "may not be made in the 270 days before a regular general election for the governing body of the municipality."
5. Once new districts were established, the City would need to periodically revise the boundaries of the districts so as to keep them as nearly equal in proportion to their respective populations as possible (due to the City expanding through annexations).

C. RELEVANT LEGAL STANDARD

Section 166.0321, Florida Statutes   Division of municipalities into districts.—Each municipality shall, from time to time, fix the boundaries of its districts so as to keep them as nearly equal in proportion to their respective populations as practicable, provided that such changes may not be made in the 270 days before a regular general election for the governing body of the municipality. Districts may not be drawn with the intent to favor or disfavor a candidate for member of the governing body or an incumbent member of the governing body based on the candidate's or incumbent's residential address. Any ordinance enacted or adopted by a municipality on or after July 1, 2023, which is in conflict with this section is void.

D. EXAMPLE OF TRANSITION ORDINANCE

CITY OF ORLANDO CHATER PROVISION RE: CITY COMMISSION DISTRICT BOUNDARIES

(a) REILLY NOTE: This provision is not shown because it specifies lengthy legal descriptions of the individual districts.

REILLY NOTE: Provisions (b) through (d) provide an example of how another municipality has addressed the (inevitable) changing legal descriptions of the Districts through annexation and how the transition to Districts would be phased in as of a specific date.

(b) The Council shall, by ordinance adopted by a majority vote of all members of Council, redesignate the boundaries of each commission district after every decennial census conducted by the United States government. The Council may, by ordinance adopted by a majority vote of all members of Council, redesignate commission district boundaries whenever it is deemed proper. If any land annexed or consolidated into the jurisdictional boundaries of the City contains population sufficient to upset the approximate population equality of the existing commission districts, then the Council shall, by ordinance adopted by a majority vote of all members of Council at least 30 days before the first day of the qualifying period for the next regular municipal election, redesignate the boundaries of each commission district.

(c) Commission district boundaries may not be changed less than four months before a regular City election, unless it is necessary pursuant to subsection (b) because land annexed or consolidated into the jurisdictional boundaries of the City contains population sufficient to upset the approximate population equality of the existing commission districts.

(d) Schedule to section 4-1. For the purposes of this subsection, the phrase "existing districts," and its derivations, means all land within the jurisdictional boundaries of the City and situated within the boundaries described by ordinance adopted on October 31, 2011 (Documentary No. 1110311102), and the phrase "new districts," and its derivations, means all land within the jurisdictional boundaries of the City and situate within the boundaries described by this section.

New districts shall go into effect on October 1, 2022, Persons taking the office of City commissioner on or after October 1, 2022, shall take office as the representative of the respective

new district. Persons holding the office of City commissioner before October 1, 2022, and whose term of office extends past September 30, 2022, shall, on October 1, 2022, become the representative of the respective new district.

E. CITY ATTORNEY RECOMMENDATION

From my perspective as City Attorney, I do not recommend that the City Commission initiate the process to transition to Residency District Elections.

    A. Although the City is rapidly growing, I do not think that it has reached the point where individual districts are justified.
    B. The process is lengthy (I project 2 years) and will require the expenditure of costs to accurately generate the demographic data to accurately fix the boundaries of the individual districts.
    C. Due to the rapid growth of the City, it would be necessary to periodically adjust the boundaries as the City annexes large parcels (which become residential subdivisions).

I will clearly state that this is a City Commission decision. If the City Commission wants to initiate the process, there are a number of steps (outlined above) in order to fully transition to Residency District Elections.

If you have any questions, please call me directly.

Respectfully submitted this 17th day of February, 2025.

Very truly yours,

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