



July 8, 2021

Honorable Mayor and Members of the City Commission,

The 2021 Strategic Plan includes Goal 4: City Commission Districts/Re-Districting and Compensation, with eleven (11) key issues identified. In preparation for discussion of these items at the July 12 Conference Agenda, this memo addresses four of those items: Election Districts, the city's charter and code of ordinances regarding election districts, the 1992 federal lawsuit regarding the city's election districts and remote participation by commissioners. Each item is examined separately.

### **Election Districts**

The City of Fort Pierce currently has two (2) election districts. District One (1) generally encompasses the northern and western parts of the city and District Two (2) generally encompasses the southern and eastern parts of the city. A copy of the map of the current districts is attached to this memo as Exhibit "A". The two districts are created and defined geographically by Section 12-6 of the code of ordinances. If there is a need or desire to modify the boundaries of the two election districts, it would require an amendment to Section 12-6 of the code of ordinances, which would require a majority vote of the commission at two regular commission meetings. The boundaries of the two election districts was last modified in February 2012 by Ordinance L-247.

### **Redistricting**

Whenever the national census occurs, the city is required to redistrict (redraw the line) as per the Charter of the city, at Article VI, Section 58. "The City of Fort Pierce shall have two (2) election districts to be known as District 1 and District 2. The boundary between said districts shall be determined by ordinance of the city commission on a periodic basis. The district boundaries shall be adjusted in accordance with population changes as reported by the official U.S. census, so that the population of the two (2) districts remains approximately equal." As soon as the 2020 census numbers are available, the city should endeavor to meet this requirement.



### **The 1992 Federal lawsuit regarding the city's election districts**

In 1992, a federal lawsuit was filed against the city alleging various federal constitutional violations, as well as part of the federal Voting Rights Act of 1965. Prior to the lawsuit and subsequent settlement (also known as a "consent decree", which is Exhibit "B" attached to this memo), the four city commissioners were elected at large to represent the two residency districts, with the mayor-commissioner elected at large. After the settlement, the new election plan established "candidates for city commissioner are required to reside in and be elected by the voters residing in one of the two double member districts." *See page two of the consent decree.* This plan was later embodied in Ordinance J-60, which modified sections of the city's code of ordinances. Additionally, the two election districts are memorialized and confirmed in the Charter of the city, at Article VI, Section 58. As such, to modify the election districts would require a charter amendment, which would require a referendum, pursuant to Florida Statute Section 166.031(1).

### **Absences and Remote Participation**

City Code Section 2-48 addresses absences by a commissioner. Remote participation is not addressed in the code. Because of on-going questions and inquiries, clarification would be helpful in order for the public to clearly understand our practice, procedure and conditions under which remote participation is accommodated.

Thank you,

Sincerely,

Pete Sweeney  
City Attorney

cc: Nicholas C. Mimms, P.E., City Manager  
Linda Cox, City Clerk