



# Councilmanic Redistricting Commission 2021

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## Members

Donna Hill Staton, Chair  
McNeal Brown  
Everlene Cunningham  
Mahesh S. Kukata  
David Marker  
Chris Oxenham  
Ray Serrano

Cynthia Fikes, Alternate  
Lili Shippe, Alternate

## Councilmanic Redistricting Commission

### Minutes

#### Virtual Meeting via Webex

Tuesday, September 14, 2021

4:00 p.m.

Commissioners Attending: Donna Hill Staton, Chair, McNeal Brown, Everlene Cunningham, Mahesh S. Kukata, David Marker, Chris Oxenham, Ray Serrano, and Cynthia Fikes (Alternate).

Commissioners Absent: Lili Shippe (Alternate)

Staff Attending: Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Michelle Harrod, Council Administrator; Theodore Wimberly, Administrative Manager; Lynne Rosen, Senior Legislative Analyst; Rob Slivinsky, GIS Manager; and Jeff Bronow; DPZ Manager

Ms. Staton welcomed everyone.

The Commissioners approved with specified changes the minutes of the Commission's June 27, 2021 meeting and August 17, 2021 public hearing.

Mr. Jeff Bronow reviewed the final 2020 Census data in relation to current councilmanic district boundaries, including where population growth has occurred and the current distribution of population among the current councilmanic district boundaries. The PowerPoint presentation accompanying his report is posted on the Councilmanic Redistricting Commission website.

In response to Commissioners' request for clarification regarding permissible deviations from the requirement that districts be "substantially equal" in size, Ms. Mihill and Mr. Kuc of the Office of Law advised that case law indicates that this requirement is generally satisfied if the population deviation between the districts is under 10%, from the largest to the smallest district. Ms. Mihill and Mr. Kuc explained that a plan with a maximum population deviation above 10%, creates a prima facie case of discrimination, whereas for a plan with a maximum deviation below



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10%, the burden of proof shifts to the challenger of a plan to provide further evidence of discrimination.

Ms. Staton reviewed the update on the Councilmanic Redistricting Commission at the County Council Monthly Meeting she presented on September 13, 2021. She reported on the work done so far and the support provided by the Department of Technology and Community Services, the Office of Law, the Department of Planning and Zoning, and other staff, including the training on Maptitude so that the Commissioners could start their work.

Mr. Wimberly explained the reason for the change of the date that was adopted by the Commission for the Commission to present the Councilmanic Redistricting Commission Plan to the County Council from November 17, 2021 to November 22, 2021. Mr. Wimberly discussed that typically the Council is in recess in December. If the Council decides to have a legislative session in December because of the need to get a redistricting plan to the Board of Elections by mid-January, the Council would hold a public hearing on December 20, 2021. If a Council Member were to introduce a bill on December 6, 2021 relating to a plan of Councilmanic Districts, the Charter requires the Council to hold a legislative public hearing on the bill. The County Charter also requires the County Council to hold a public hearing on the Commission plan of Councilmanic Districts within 30 days after receiving the Commission plan. The date for presentation of the plan to the Council was changed to November 22, 2021 to satisfy the 30 day requirement.

Ms. Staton discussed that the date change does not affect the remainder of the Commission schedule. The change supports the scheduling of the County Council and gives the Commission more time to do its work.

The Commissioners adopted a motion to alter the date for the transmission of the plan and report to the Council from November 17 to November 22.

Ms. Staton discussed Public Hearing #1 on August 17, 2021 and thanked the Commissioners who attended the public hearing and the people who attended and submitted written testimony.

Ms. Harrod discussed the three virtual/hybrid options that are available for future Commission meetings: 1) 100 percent virtual; 2) in person meetings with use of the Banneker room that allows for social distancing; and 3) a hybrid solution that combines the two with members participating via WebEx or in person in the Banneker room. Staff would need to know if members want to participate in person one business day in advance to set up the room. The public could also be accommodated in person in the Banneker room.

Ms. Staton asked for an explanation of the hybrid system.



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Ms. Harrod discussed the different camera views during a hybrid meeting. If a person is speaking who is remote the camera view is switched to reflect person on the WebEx call. When the camera view is the WebEx participant, the people in the Banneker room will see the WebEx view. If no one is speaking, the view is on the people speaking in the Banneker room. The issue is that someone needs to be on the WebEx call to see the hand raises on WebEx.

Mr. Wimberly discussed the need to consider the displaying of maps and the ability to share the maps in a hybrid session.

Ms. Harrod discussed that if there is a presentation it needs to be sent in advance because the camera view is the presentation. There is not a way to share the screen, so presentations would need to be shared in advance unless the capacity of the technology changes. There is more flexibility in person because a lap top can be plugged in to display a presentation.

Ms. Staton discussed that in the current environment there should be a virtual option for the public. Ms. Staton asked if the Commissioners wanted a hybrid option to allow everyone to be comfortable based on each Commissioner's own comfort?

Ms. Harrod discussed that the Council has raised these questions. A virtual option gives constituents the option to be virtual, but some constituents are hindered from a technical standpoint if they cannot be in person.

Ms. Staton discussed the need for a virtual option for the public. She discussed having a hybrid option for the Commissioners and the public so that everyone can be comfortable.

The Commissioners discussed the various meeting options.

The Commissioners and Mr. Slivinsky discussed the options for printing maps and making PDFs of maps.

The Commissioners discussed that a virtual option should be made available to the public and to any Commissioners who would like to be virtual and that an in-person option in the Banneker Room should also be available to the public and the Commissioners. The September 30, 2021 meeting that was scheduled to be in person needs to be made hybrid.

Mr. Wimberly discussed the need for 48 hours notice if Commissioners plan to be in person and the need for social distancing and mask wearing in the Banneker Room.

Mr. Slivinsky discussed that Maptitude is ready for the Commissioners to use. There are potential modifications that people have asked for that could require taking down the system for approximately one hour.



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The Commissioners discussed their experiences with Maptitude, including saving changes to maps, creating and naming new maps, and the data available to make the maps, including party affiliation.

Ms. Mihill discussed the basis for drawing district boundaries must primarily be based on substantially equal in population. There are other Charter factors such as compact, contiguous, and have common interest as a result of geography, history, or existing political boundaries that must also be considered. Substantially equal in population is the main criteria. You can consider other non-related Charter factors, but they cannot override the Charter factors, and they cannot be illegal. The Commissioners can consider party affiliation but cannot override substantially equal in population or other Charter factors.

The Commissioners and Mr. Slivinsky discussed technical issues relating to Maptitude, including printing maps, zoom tolerances, and seeing street names.

Mr. Slivinsky requested feedback from the Commissioners regarding any problems to see if he can address them.

Mr. Serrano noted that the PowerPoint slide summarizing redistricting guidelines referenced existing boundaries but did not mention political boundaries and asked for clarification on appropriate factors to consider.

Ms. Mihill discussed that the legal guidelines for drawing district boundaries come from a mixture of the County Charter, and other relevant laws and case law, which may not be reflected in the Charter language. She referred to the memo she sent earlier with specific guidance regarding the legal guidelines for drawing district boundaries.

Mr. Kuc clarified that the Charter language specifically refers to existing political boundaries. Mr. Kuc stated that case law is clear that political boundaries refer to boundaries creating counties and municipalities. There are no municipalities in Howard County, but if there were, the boundary of that municipality would be a political boundary. There is not a city in Howard County. Mr. Kuc discussed that political boundaries and party affiliation are different concepts. Party affiliation is a non-Charter factor that could be considered by the Commission keeping in mind that the Charter and constitutional provisions control.

Ms. Staton discussed that there has been considerable growth, but it is rather even throughout the county.

The Commissioners discussed that for the first time the district lines will determine where Board of Education members are elected but not where students will go to school.



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Mr. Kuc stated that the Charter provision specifically refers to existing political boundaries and that the school district boundaries are not political boundaries as that term is described in the Charter. Mr. Kuc reinforced that for Howard County, there is only one political boundary and that is the one that created Howard County and separates it from Montgomery County, Anne Arundel County, and Baltimore County. Mr. Kuc further reinforced that the Commission's task per the Charter is to use the factors in section 202(f) to draw Councilmanic districts that are substantially equal in population.

Mr. Wimberly discussed that Mr. Slivinsky is available to set up an appointment with a Commissioner to assist with the software.

Mr. Slivinsky discussed the create a plan button, the share plan button, and naming a plan. The shared plan will show up and another person can use the shared plan as a starting point.

Ms. Staton thanked everyone for attending and adjourned the meeting at 5:43 p.m.