

SALT LAKE COUNTY

*2001 So. State Street
Salt Lake City, Utah 84114*



Meeting Minutes

Thursday, November 4, 2021

10:30 AM

N2-220

Salt Lake County Redistricting Commission

1. Call to Order

Present: Commission Member Brian Maxwell
Commission Member Yándary Chatwin
Excused: Commission Member Landon Clark
Call In: Commission Member Alene Bentley
Commission Member Jeffrey Enquist
Commission Member Scott Riding
Commission Member Sylvia S. Andersen

2. Public Comment

3. Approval of Minutes

3.1 Approval of October 28, 2021 Meeting Minutes

[21-1297](#)

Attachments: [102821 - RD](#)

A motion was made by Commission Member Andersen, seconded by Commission Member Bentley, that this agenda item be approved. The motion carried by a unanimous vote.

4. Discussion Items

4.1 School District Updates

[21-1298](#)

Commission Member Maxwell stated at this point, the Commission has recommended approval of the Granite School District map. Salt Lake City School District and Jordan School District will be presenting their maps today. The Canyons School District will present its map at the November 18, 2021, Redistricting meeting. Once all the maps have been reviewed and recommended for approval to the Salt Lake County Council, the work of the Redistricting Commission will be done.

➤ *Salt Lake City School District*

Mr. Alan Kearsley, CPA, Business Administrator, Salt Lake City School District, stated the Salt Lake City Board of Education unanimously voted to submit a map to the Redistricting Commission for review and to be forwarded to the Salt Lake County Council for approval. He then reviewed the map stating this option has a 4 percent difference between the highest and the lowest population within each district and no board members were

moved out of their district.

Commission Member Andersen stated one section in Precinct 6 seems to jut out into Precinct 4. She asked why the boundary line was not straight.

Commission Member Riding stated the jut is needed to keep all the apartments within the Gateway in the same precinct.

A motion was made by Commission Member Maxwell, seconded by Commission Member Chatwin, to forward this map to the Salt Lake County Council with a recommendation to approve and allow the Salt Lake County Clerk's Office to make minor adjustments to the map if needed. The motion carried by a unanimous vote.

➤ *Jordan School District*

Commission Member Maxwell stated representatives from Jordan School District will not be in attendance today; however, they did submit a map along with a letter explaining the map. The letter indicated the Jordan School District Board of Education unanimously supported the “Blue” option as submitted to the Redistricting Commission. The map follows the parameters set forth in County Ordinance.

After reviewing the proposed map, Commission Members had questions about some of the district lines.

Commission Member Chatwin asked if the Commission could postpone approval of the map until a representative of the Jordan School District could attend a meeting and answer some of the questions.

Commission Member Maxwell stated due to the time crunch, it might be best to approve the map and forward it to the Salt Lake County Council for approval. The Redistricting Commission will not be meeting next week and the County Clerk needs time to redraw its precinct maps before the first of the year. For transparency, he suggested that an email could be sent to the Jordan City District Board of Education with a list of questions. Any questions the Commission wanted included in the email needed to be submitted to him by November 16, 2021. These answers would be included in the November 18, 2021, Redistricting Commission minutes.

A motion was made by Commission Member Andersen, seconded by Commission Member

Bentley, that this agenda item be forwarded to the Salt Lake County Council with a recommendation to approve. A list of questions will be submitted to the Jordan School District Board of Education. The answers to those questions will be included in the November 18, 2021, Redistricting Commission minutes. The motion carried by a unanimous vote.

4.2 Proposed Letter to County Council re: Map Rankings

[21-1299](#)

The Council reviewed the following letter prepared by Commission Member Enquist at the request of the Redistricting Commission and edited by Commission Members Bentley and Andersen. (See minutes from the October 28, 2021, Redistricting Commission meeting.)

Dear Chair DeBry:

As you are aware, Salt Lake County Municipal Code §2.71.010 created redistricting commission to act in an advisory capacity to the Salt Lake County Council by providing recommendations on boundary changes to county council districts, as well as certain school districts, following the decennial census conducted by the United States Census Bureau. This letter constitutes the written redistricting plan for county council districts, accompanied by plat maps, required under section 2.71.040 of the Code. A separate recommendation for school districts, required by Code §2.71.040(B) will be submitted at a later date.

Attached to this letter, and as explained below, please find the redistricting commission's ranked recommendations and reasoning for each recommendation. In addition to providing recommendations, we have also noted specific challenges faced by the redistricting commission in performing our duties outlined under the Code. These challenges are noted for the record and for the purpose of advising the Salt Lake County Council, should it decide to amend ordinances related to future redistricting commissions and the criteria guiding their duties. The redistricting commission makes no recommendations and takes no position on possible changes to future ordinances, instead leaving that debate for the elected members of the Salt Lake County Council and their constituents.

Introduction

Section 2.71.010 of the Code “created a county redistricting commission to act in an advisory capacity to the Salt Lake County Council.” The county redistricting commission’s role is to “assist the council by providing no more than three written redistricting plans for the council districts to the council within six months after the publication of the decennial census report.” See Code §2.71.040(B). In the event the county redistricting commission elects to produce more than one plan, then the plans must be rank-ordered.

*Furthermore, section 2.04 of the Optional Plan for Salt Lake County Government (hereinafter “Optional Plan”), authorized following the enactment of the Optional Forms of County Government Act of 1998, requires that council districts have “substantially equal populations” and “to the extent practical, remain consistent with their geographical configuration and representation.” Section 2.04 of the Optional Plan has been incorporated by reference into Code §2.71.050, specifically that council districts should remain consistent and unchanged if doing so does not violate state or federal law. See Code § 2.71.050(A). In *Gaffney v. Cummings*, 4.12 U.S. 735 (1973), the United States Supreme Court began a line of cases establishing that redistricting plans with a total deviation of ten percent (10 percent) or less are presumptively constitutional.*

Guided by the aforementioned principles and the population growth experienced by some districts in the county, the county redistricting commission recommends changes to existing boundaries. Code § 2.71.050(B) provides additional guidelines to the county redistricting commission when making changes to existing boundaries. These guidelines are:

- 1. Boundary will be limited, to the maximum extent possible, so as to remain consistent with the district’s original configuration.*
- 2. Boundary changes that remove existing council members from*

the district to which they were elected will be avoided, where possible;

3. Where consistent with the requirements of Section 2.04 of the Optional Plan for Salt Lake County Government, district boundaries will be aligned with the jurisdictional boundaries of municipalities and townships;

4. All council districts will have at least two jurisdictions (municipalities and/or unincorporated area of Salt Lake County) within the council district boundaries;

5. No boundary will be gerrymandered for the purpose of political advantage.

See Code §2.71.050(B). The county redistricting commission is also charged with applying each principle, if possible. See Code §2.71.050(C). The following recommendations comply with each of the stated guidelines or principles.

Recommendations

An early concern expressed by public comment to commission members was the potential for gerrymandering of districts for the purpose of political advantage, despite the criteria set forth in the Code. It should be noted that the county redistricting commission did not ask for nor receive any information that disclosed the political affiliation of any census blocks or any other information that would allow a political gerrymander.

The following recommendations are made using the criteria set forth in the Code and presented in ranked order. In order to avoid confusion, the county redistricting commission labeled the recommended maps as their ranked-order numbers, which ranking was adopted unanimously by the commission. The rationale behind each attached recommended map is set forth below.

Ranked Map No. 1

This map makes changes to boundary lines, most significantly between districts 2 and 5. This map fulfills all the listed criteria, though it admittedly deviates from existing boundary lines. The county redistricting commission recognized the boundary changes, but ultimately recommends this map for two primary reasons:

1. The map recognizes and accounts for population growth expected in the southwest and west portions of the county. The boundary line modifications in the map allow for expected growth in districts 2 and 5 while keeping each district within the ten percent (10 percent) presumptively constitutional deviation.

2. The boundary line change between districts 2 and 5 creates a “more natural” contiguous boundary. While this map contains a significant boundary change, it retains the existing council members in their elected districts, largely aligns with jurisdictional boundaries of municipalities and townships, and contains at least two jurisdictions.

Ultimately, the county redistricting commission believes the strengths of the map (accounting for growth and creating a more natural boundary line between district 2 and 5) outweigh any drawbacks. Therefore Map No. 1 was adopted as the primary recommendation.

Ranked Map No. 2

This map is based on existing boundary lines. The strength of this map is that it satisfies each criterion set forth in Code §2.71.050(B). The changes are minimal and pose the least possible confusion for voters. The changes also provide for the most equal population distribution possible in that the largest deviation is approximately 0.25 percent. We wish to note, however, District 2 represents populations of Magna and West Valley City as well as South Jordan and Herriman, communities with two vastly different populations in terms of community and

socio-economic status.

Ranked Map No.3

This map is based primarily on municipal boundaries. The strength of this map is that boundaries based on municipalities appear to be more “natural.” However, this map contains an obvious inherent weakness. Although the districts maintain currently elected council members, the representation of each district would change significantly. Furthermore, we debated whether there is inherent logic in trying to follow municipal boundaries in a populous county of wall-to-wall cities.

Challenges

The county redistricting commission recognized the following challenges:

- The commission was hampered by the delay in receiving the necessary data following the decennial census. The delay was attributable to issues at the federal level. We were unable to begin deliberations until late September, which left a compressed schedule to consider population changes and make boundary changes. Ultimately, the commission evaluated over twenty (20) proposed maps of county council districts, each of which satisfied the criteria set forth in the Code to varying degrees. In so doing, we concluded the criteria themselves pose a significant challenge.*
- The Code requires the commission to start with existing maps and preserve existing boundaries to the largest extent possible, keep members within their current districts and avoid a political gerrymander. The commission ultimately fulfilled its duties and the recommended maps fulfill the criteria. However, future commissions may face difficulties in accomplishing the same task based on the ordinance, as written. Of particular concern is the avoidance of a gerrymander or the perception of a gerrymander. As these guidelines may ultimately become untenable. In the current district maps, as well as those recommended, current council members in districts 2 and 5 live incredibly close to the*

existing boundary lines. In order to comply with the Code as written, future commissions and councils may be forced to recommend or adopt boundary lines that become more distorted in favor of keeping council members in their districts, which may look more and more like a political gerrymander. The commission experienced this challenge and makes note of it for the record. We wish to draw the Council's attention to potential issues in an effort to guide future debate and potential changes to the Code. The commission also notes that future elections could shift the location of council members, making this challenge moot.

Conclusion

The commission has fulfilled its duties regarding recommendations on Salt Lake County Council district boundaries by recommending three maps to the Council. Finally, the commission would like to thank the staff of the Salt Lake County Clerk's Office, the Surveyor's Office, and the Council's legal and administrative teams who worked diligently and tirelessly to assist the commission in fulfilling its duties.

Sincerely,

By /s/ BRIAN MAXWELL

Chair, Salt Lake County Redistricting Commission

After minor edits relating mostly to grammar and punctuation, the following motion was made:

A motion was made by Commission Member Chatwin, seconded by Commission Member Maxwell, that this agenda item be approved with the minor corrections. The motion carried by a unanimous vote.

4.3 Report on Updates to Council Council

[21-1301](#)

5. Other Committee Business

6. Adjournment

The meeting was adjourned at 11:35 AM.

SHERRIE SWENSEN, COUNTY CLERK

By _____
DEPUTY CLERK

By _____
CHAIR, REDISTRICTING COMMISSION