

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: AUTHORIZATION TO RETAIN LEGAL COUNSEL AND
REDISTRICTING EXPERT TO ASSIST WITH 2021
REDISTRICTING**

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

**LINK TO STRATEGIC
BLUEPRINT: INFORMED, EMPOWERED & ENGAGED STAKEHOLDERS**

Every ten years, legislative and local government district lines are redrawn to balance population for demographic changes revealed by the United States census. The School Board is required by Florida Statutes §1001.36 to make changes “it deems necessary in the boundaries of any district school board member residence area at any meeting of the district school board, provided that such changes shall be made only in odd-numbered years” No boundary change can occur that would affect a member’s residence qualifications during the term for which he or she is elected. Additionally, Federal District Court Judge Lenore C. Nesbitt’s Order of November 18, 1994, mandates that the School Board reapportion its Board member residence areas “after each decennial census.”

The School Board is required to review, formulate, and approve a redistricting plan and adopt a resolution setting forth the boundaries for that plan prior to the end of 2021. The 2020 United States Decennial Census indicates, based on preliminary estimates, an increase in population of Miami-Dade County, Florida, over the last ten years by approximately 8.8%. The U.S. Census Bureau announced on February 12, 2021, that it will deliver redistricting data to all states by September 30, 2021, due to COVID-19-related delays. The School Board must redraw the nine residence area boundaries to achieve board member residence areas that are reflective of the population changes that have occurred since the 2010 census.

In order to comply with Florida Statutes §1001.36 and address other related issues and/or concerns of the Board, the Board must obtain the services of outside counsel, consultant(s), and redistricting database expert(s). These individuals will assist with the complexities of the redistricting process and study the legal repercussions of proposed legislative changes in the configuration of the Board that could impact the redistricting process in 2021.

A summary of the minimum qualifications and experience needed is attached. Recommendation for a consultant will be presented at a future School Board meeting.

RECOMMENDATION:

That The School Board of Miami-Dade County, Florida authorize the Board Attorney to retain the services of outside legal counsel, consultant(s), and redistricting database expert(s) for the purpose of 1) assisting with the complexities for the redistricting process; and 2) reviewing and advising the Board on the legal repercussions related to proposed legislation.

REDISTRICTING CONSULTANT

QUALIFICATIONS AND EXPERIENCE:

Consultant's proposal shall address, at a minimum, the following:

- Introduce the team, providing a summary of the administration, organization and staffing, including multiple offices, if applicable. This description should indicate the positions and names of the core team that will undertake this contract and their relationship to the consultant's task.
- Submit detailed resumes for all management, supervisory and key personnel to be assigned to the contract. Resumes shall be structured to emphasize relevant qualifications and experience specifically related to the specifications outlined in s contract and their relationship to the consultant's overall task. this solicitation. Resumes shall clearly identify the individual's previous experience in completing similar contracts, the beginning and ending dates shall be given for each similar contract, and a description of the contract shall be given and shall demonstrate how the individual's work on the completed contract relates to the individual's ability to contribute. Include any professional designations and affiliations, certifications and licenses, etc.
- Demonstrate expertise in block voting analysis.
- Describe the team's experience (within the last ten years) in performing services of similar size and scope. For each contract listed, include contact names and current phone numbers for each individual identified.

SPECIFICATIONS:

Consultant shall use 2020 decennial federal census data, and all work and proposals shall conform to federal and state law. Consultant's responsibilities shall specifically include, but not be limited to the following:

1. **Public Meetings:** Consultant shall participate and attend redistricting meetings and discussions of the School Board. Planned meetings would include a minimum of two (2) School Board meetings and/or workshops. Consultant will provide hourly rate for the provision of additional public meetings and workshops, as may be necessary. Anticipated meetings include:
 - a. Conduct an initial kick-off session and describe the process and the legal setting, and discuss districting principles.
 - b. Present results of board member input, community input, block voting analysis and criterion used in map evaluation, including submittal requirements from members of the public.
 - c. Present draft and final redistricting map proposals and public input to consider approval of a final plan.

2. **Board member and Stakeholder Input Outreach:** Consultant shall receive board member and public input at School Board meetings and/or workshops in Miami-Dade County.
 - a. Meet and explain the process with board members, key community leaders, and the public to discuss expectations, and seek suggestions about the process. Consultant shall provide non-English speaking support for non-English speaker inquiries.
 - b. Collaborate with District in the preparation of illustrative materials, maps, brochures, and advertising for public meetings, workshops, and outreach.
 - c. Coordinate with MDCPS staff to prepare public notices and media releases.
 - d. Facilitate meetings and provide a short formal presentation on the scope, purpose, process, timelines, and legal issues.
3. **Block Voting Analysis:** Consultant shall conduct performance test districts, if necessary, for compliance with Section 2 of the federal Voting Rights Act including, but not limited to, conducting mock elections.
4. **Redistricting Plans:** Consultant shall create at least one (1) draft redistricting plan and one (1) final redistricting plan for consideration by the Board as follows:
 - a. Each plan shall have districts that comply with federal, state, and local criteria.
 - b. Consultant shall procure and utilize mapping software for the creation of the draft and final redistricting plans.
5. **Deliverables:** Consultant shall utilize the mapping software to draft maps and develop legal descriptions for adjustment of the School Board member residence area boundaries based on the 2020 decennial Census. The Board may require GIS files (personal geo-database) from the Consultant that display the newly defined district boundaries:
 - Access to prototype geographic support products and data tabulations from the 2018 Census Test to begin to design redistricting systems prior to the release of the official redistricting data in or around September 30, 2021, to help minimize the impact of schedule delays.
 - Access to Census Bureau's 2020 Census geographic products needed for redistricting in Miami-Dade County, Florida, to enable the School Board to redistrict promptly upon receipt of their 2020 Census tabulation data.
6. **Timeline:** Consultant shall provide a weekly status report of project management. Consultant shall provide a detailed timeline for all requirements of this scope of work and in compliance with the deadline specified, Consultant shall complete the final draft of the redistricting plan.

7. ***Expert Testimony:*** Consultant shall provide expert technical assistance to the School Board in any legal action relating to the redistricting process of plans developed with Consultant's assistance. Consultant shall provide expert testimony and "special services," if necessary, in state and federal court in the area of redistricting.