

City Hall, Monroe, Louisiana
December 14, 2022
7:15 p.m.

There was a legal and special session public meeting of the City Council of the City of Monroe, Louisiana held this date at the Council's regular meeting place, the Council Chamber, City Hall Building, Monroe, Louisiana.

The Honorable Chairman Kema Dawson, called the meeting to order. She then asked the clerk to call roll.

There were present: Mr. Harvey, Mrs. Ezernack, Ms. Woods, Mr. Marshall & Mrs. Dawson

There was absent: None

The Invocation was led by Pastor Vance Price of Community Family of Faith Church.

INTRODUCTION OF ORDINANCE:

(a) Upon motion of Mr. Harvey, seconded by Mrs. Ezernack and approved to Introduce an Ordinance adopting a Reapportionment Plan for Monroe City Council Districts in accordance with the 2020 Census of Population and Appropriate Federal and State Laws, and Section 2-02 of the Home Rule Charter of the City of Monroe and further providing with respect thereto. (Council) (Mr. Marshall nay, Ms. Woods nay)

Mrs. Ezernack stated her second is to Introduce an Ordinance for Plan 5A that was presented to the Council with a legal description and the plat.

Mr. Harvey clarified the legal description that is in the packet are from Plan 5A.

Mr. Roosevelt Wright, Chairman of the Political Action Committee of the NAACP, said they want to express their opposition to Plan 5A because it is out of deviation.

Mr. Harvey stated the consultant the Council used to guide them through this process gave them maps that are in deviation.

Ms. Woods said before the Council votes there have been a lot of community dialogue around this item. She noted this is something that will be in place for the next ten years and right now she is not comfortable with everything. She further noted she doesn't know all of the legal ramifications and that a lot of people are not satisfied with the rush job the Council is doing. She said she spoke with Mr. Brandon Creekbaum, Assistant Attorney, but she doesn't know what the Council can do or can't do from a legal perspective. She said she understands the Council has a motion but right now we are at the questions.

Mr. Harvey stated the Council has a motion and a second.

Mr. Brandon Creekbaum, Assistant Attorney, wanted to know what is the Council's specific question to the extent he can answer.

Mr. Marshall stated there were discussions during the community meeting about preparing a map that is in deviation.

Mr. Brandon Creekbaum stated to the Council if he doesn't precisely answer their questions to let him know. He noted in any redistricting process there are starting considerations, traditional redistricting criteria, certain thresholds, and benchmarks which are called ideal values. He further noted nothing in redistricting is hard and fast and he said if you hit the ideal benchmarks, it makes a particular map less susceptible to challenge or it may make it more susceptible to challenge depending on the location. He said he thinks in the jurisprudence if someone challenges a map for a particular reason there are certain burdens of proof depending on where you're at in deviation or what the map may look like whether impermissible or permissible factors were considered in the redistricting process. He stated he has reiterated over and over again that he can't predict where a challenge would come from or what it may look like. He further stated based on his understanding of the law a deviation less than 10% is presumptively constitutional but it doesn't mean it's absolutely constitutional. He said even if it is 1% deviation people could still say the Council considered an impermissible factor such as race in drawing this map which may make the map

illegal. He said even at 11% deviation it doesn't render it automatically unconstitutional and it doesn't stop someone from bringing a challenge. He noted the map is defensible because it used traditional redistricting criteria compactness contiguousness not splitting districts or precincts and respecting the traditional district boundaries of communities that have been historically tied together. He said there are factors that go into whether a map is a defensible map or whether the map is subject to a challenge. He said the demographer has expressed throughout a lot of meetings the criteria he could see and what he did. He further noted the Council has the ultimate determination as to whether these maps fairly and accurately reflect what the boundaries should be in the City of Monroe. He further noted the law in this area is not a cut and dry thing at least on whether a map is subject to a challenge or not, but the deadlines established by the law are cut and dry. He said there are potential ramifications for failing to meet those deadlines which are in the election code. He said he is not responsible for upholding the election or enforcing those standards. He said he can only tell the Council what the law says but not how to vote.

Mr. Marshall wanted to know if the Council chooses to not go with Plan 5A but with a different map what does that look like. He said what changes would need to be made for the item to go on the agenda.

Mr. Creekbaum said he is not sure which maps Mr. Marshall is referencing but there is a motion and a second on the table for Plan 5A. He said he thinks at some point unless a substitute motion is authorized, he doesn't know what might occur. He said for any map to be introduced the Council would need to have the map and boundaries that go with it. He said he doesn't know if we have the legal description of the map Mr. Marshall is referencing.

Mrs. Dawson wanted to know which map Mr. Marshall was referring to.

Mr. Marshall said possibly 5B or 5A 1

Ms. Woods said no 5B or 5C.

Mr. Creekbaum said those two maps would be the city-wide deviation close to 20% which is a high number. He said the further the Council gets away from an ideal benchmark number the less defensible a map becomes. He said there are no hard and fast rules but again he can't guarantee a 20% would survive a challenge. He said it's a lot farther away from the one person one vote principles when you have a 20% city-wide deviation of who's in the district which means someone's district on a map will be over-represented or under-represented. He said the people in that particular council member's district have less authority or less influence and their vote matters less because there are more people voting for one person.

Mr. Harvey stated the largest deviation for a district is 4.87% and the smallest is 6.59%.

Mr. Creekbaum said that is the answer to the question.

Mr. Harvey wanted to clarify out of the three maps the Council has Plan 5A is the closest to deviation, to represent boundaries, and it allows the Council to meet the deadlines required by the election code.

Mr. Creekbaum said of the three maps mentioned by Mr. Marshall, yes. He said Mr. Marshall mentioned 5A, 5B, 5C and of those three maps 5A is the one with the lowest deviation.

Mr. Marshall said there were concerns about the deviation and he said it was a hard point in the community meeting that the Council can bring it into deviation but not with the maps they have right now.

Mr. Brandon Creekbaum said he is not the demographer, and he doesn't pick the precincts.

Mr. Marshall said he knows but wanted to know if the Council made changes could they bring it into deviation and not have that problem to worry about.

Mr. Creekbaum said sometimes minor changes have a drastic impact and map 5A 1 which he thinks has been discussed in various stages simply adding a block or 2 to the proposed District 4 changes the deviation depending on how many people live in that block. He said for Ms. Wood's district it is a large tract of uninhabited areas and if you put that in another district it would make a huge difference. He said when you make changes in one district it has a ripple effect in other districts.

Ms. Woods wanted to know if the Council submits something that far out of deviation would it be sent back to the demographer for changes, and they would have to resubmit it.

Mr. Creekbaum said this is the first redistricting process for the City of Monroe and Statewide, they are not subject to preclearance by the Department of Justice. He said the maps are sent to the State and submitted to the Department of Justice to say if those are good maps or not. He said there is a federal process but due to the United States Supreme Court ruling of the Attorney General we are no longer subject to that process. He noted the biggest risk comes from a local challenger and it ends up in the court system.

Ms. Woods said her concerns is as long as the Council submits something by December 31st there will be no penalties.

Mr. Creekbaum said he doesn't know, and the Council has complied with regulations. He said he has to be careful what he says because he hasn't researched it, but sham compliance with the law is what is occurring which will not be looked upon favorably if you are adopting a map the Council knows is in essence an illegal map or is entirely indefensible. He said this is the first time the Council has done this without some federal oversight.

Mrs. Ezernack said she represents District 2 but it's not her district it's the people's district. She said this is not a rush job at all and the Council has been working on this for several months. She said she was on the Council in 2010 and they didn't meet their deadlines which cause the Mayor's race to run in March and the Council to run in November. She said she would hate to see the Council have another faux pas and be known for not getting things in on time with something this important. She noted they have all spent a lot of time on it and they want to meet their deadline which is based on one man one vote. She said it was less than 25 people at the community meeting tonight an estimate of 100 people who came to the other meeting to give their input. She said there are 47,000 or so people in the City of Monroe, and we are here tonight changing what the demographer told the Council is an acceptable map for 100 people that came to the meeting. She further noted she was expecting the meeting tonight to be packed with people who have concerns. She said District 2 has experience the most growth and 14 to 16 hundred people moved into District 2 unfortunately a lot of those people move from Districts 4 and 5. She stated District 2 is made up of all sorts of people from African Americans, White People, Asians, American Indian and some Hawaiian People. She said it is surrounded by three predominantly African American Districts and a predominantly White District which she considers it a blend of the City of Monroe. She further noted if they started shuffling around numbers it affects every District in one way and soon the City will be out of compliance. She said what happened before is embarrassing and nothing that the Council wants to be on record for doing. She stated she feels we should move forward, and they were elected to make hard decisions. She further stated a lot of times the Council has more information than most people because they have been able to ask questions. She said she believes the Council should move forward and adopt this particular map this evening. (Introduction)

Mr. Marshall said he understands where the community stands on the issue and even though it was just a few people representing they speak for a lot of people. He said even though the meeting is not packed, and he said he understands where the Council is with the City. He said at this point with everything the way it went he votes nay.

Ms. Woods said she always says she is the voice of the people who elected her and when the people who elected her called her to say what they wanted to do. She said she has to go with the people who elected her therefore she votes nay.

There being no further business to come before the council, the meeting was adjourned at 7:43 p.m., upon motion of Mr. Harvey and it was seconded by Mrs. Ezernack.

Mrs. Kema Dawson
Chairman

Carolus S. Riley
Council Clerk

Ileana Murray
Staff Secretary

