

**ORDINANCE 2021-31
REDISTRICTING COUNCIL DISTRICTS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, RELATING TO THE REDISTRICTING OF THE CITY COUNCIL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF THE *CHARTER OF THE CITY OF PALM COAST* AND OTHER APPLICABLE LAW; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE ADOPTION OF THE DISTRICTING COMMISSION REPORT; PROVIDING FOR THE REVISION OF THE FOUR (4) CITY COUNCIL DISTRICTS; PROVIDING DESCRIPTIONS OF THE NEW CITY COUNCIL DISTRICTS; PROVIDING FOR THE ADOPTION OF THE CITY COUNCIL DISTRICT MAP; PROVIDING FOR CODIFICATION AND INCLUSION INTO THE *CHARTER OF THE CITY OF PALM COAST*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR THE EFFECT OF ENACTMENT AND AN EFFECTIVE DATE.

WHEREAS, the provisions of the *Charter of the City of Palm Coast* (hereinafter referred to as the “*City Charter*”) state, in pertinent part at Article IX (4)(a), that “[t]here shall be four City Council districts ...” and that the “... boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting would be appropriate to ensure that the requirements of ... (the *City Charter*) are accomplished and adequately monitored or until a redistricting commission ... is appointed”; and

WHEREAS, Article IX (4)(a) of the *City Charter* also provides that “[a]ll Council district boundaries shall be based upon population data derived from the most recent decennial census”; and

WHEREAS, Article IX (4)(b) of the *City Charter* provides for the appointment of a Districting Commission (the “Commission”) by the City Council after certain certification occurs as to each decennial census and the City Council has, based upon such requirements, appointed a City of Palm Coast Districting Commission; and

WHEREAS, the City of Palm Coast Districting Commission has convened and acted and has issued a resulting Commission Report in accordance with the provisions of Article IX (4)(c) of the *City Charter*; and

WHEREAS, the Commission Report issued by the City of Palm Coast Districting Commission provides the City Council with “ ... a recommended plan for adjustment of the

council district boundaries ...”, in accordance with the provisions of Article IX (4)(c) of the *City Charter*; and

WHEREAS, the Commission Report issued by the City of Palm Coast Districting Commission based the Commission’s recommended plan for adjustment of the City Council District Boundaries on the following principles as detailed in Article IX (4)(c) 1 and 2 of the *City Charter*:

“1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and man-made separations, such as canals, streets, etc., where possible.

2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the State”; and

WHEREAS, the City of Palm Coast Districting Commission has, in accordance with the provisions of Article IX (4)(c) of the *City Charter*, included “a map and description of the districts recommended” in its Commission Report; and

WHEREAS, Article IX (4)(c) of the *City Charter* provides the Commission Report of the City of Palm Coast Districting Commission “shall include and shall be drafted as a proposed ordinance; and “[o]nce filed with the designated official, the report shall be treated as an ordinance introduced by a Council member”; and

WHEREAS, the City Council based its evaluation and has made its determination as to action upon the City of Palm Coast Districting Commission Report in view of the guiding principle set forth in districting and redistricting judicial decisions that there should be a one person/one-vote weight at each election and that the concept of one-person/one-vote means that districts from which representative elected officials are elected should be roughly the same size in terms of population in order that, as each elected official is selected, each voter’s vote will count in essentially an equivalent manner and each vote will be cast on equal terms; and

WHEREAS, the decisions of the United States Supreme Court, and other applicable law, require that the development of electoral districts for representative offices be accomplished in a manner that results in each district having roughly equal populations as nearly as may be “practicable”; and

WHEREAS, the City Council and the City of Palm Coast Districting Commission have adhered to and complied with the provisions of the Federal Voting Rights Act that provides that electoral districts cannot be drawn in a way that would dilute or minimize the voting strength of racial and other minorities; and

WHEREAS, the City Council and the City of Palm Coast Districting Commission have adhered to and complied with the provisions of the decision of the United States Supreme Court

in *Thornburg v. Gingles*, 478 U.S. 30, 106 S. Ct. 2752, 92 L. Ed. 2d 25 (1986), and other applicable judicial decisions in developing revised City Council district boundaries; and

WHEREAS, the City Council and the City of Palm Coast Districting Commission have considered the various communities of interest that may be present within the City and have ensured that each such community of interest shall be provided with adequate, effective, and proportional representation; and

WHEREAS, the City Council and the City of Palm Coast Districting Commission have adhered to and complied with the provisions of Article IX (4)(e) of the City Charter with regard to the procedures mandated for consideration of this Ordinance; and

WHEREAS, the City Council has not failed to enact a redistricting ordinance under the time limits set forth in the provision of Article IX (4)(f) of the *City Charter*, and accordingly, the provisions of the *City Charter* that relate to such failure are inapplicable in the context of this redistricting action; and

WHEREAS, Article VIII, Section 2(b) of the *Constitution of the State of Florida*, provides, in pertinent part, that “[m]unicipalities shall have governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law”; and

WHEREAS, Section 166.021(1), *Florida Statutes*, provides, in pertinent part, that “[a]s provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law”; and

WHEREAS, Section 166.021(1), *Florida Statutes*, provides, in pertinent part, that “[t]he Legislature recognizes that pursuant to the grant of power set forth in s. 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the Legislature may act” except for certain very limited matters; and

WHEREAS, in accordance with the provisions of Article IX(4) of the *City Charter*, the provisions of this Ordinance shall be and constitute an amendment to Article VIII of the *City Charter*; and

WHEREAS, this Ordinance is consistent with all applicable provisions of State and Federal law and the City Charter and furthers a valid municipal purpose benefitting the citizens of the City of Palm Coast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT; ADOPTION OF DISTRICTING COMMISSION REPORT.

- (a) The recitals set forth in this Ordinance are hereby adopted as legislative findings by the City Council of the City of Palm Coast and form a material part of this Ordinance. The legislative intent relative to the enactment of this Ordinance is set forth in said findings.
- (b) The City Council hereby accepts and adopts the Commission Report of the City of Palm Coast Districting Commission and accepts and adopts the findings set forth herein and the Commission's recommended City Council District Boundaries.

SECTION 2. CITY COUNCIL DISTRICT BOUNDARIES.

The City Council District Boundaries for the Districts of the City Council are hereby created and established and shall exist as follows:

- (a) City of Palm Coast City Council District 1 boundaries: Attached as Exhibit "A"
- (b) City of Palm Coast City Council District 2 boundaries: Attached as Exhibit "A"
- (c) City of Palm Coast City Council District 3 boundaries: Attached as Exhibit "A"
- (d) City of Palm Coast City Council District 4 boundaries: Attached as Exhibit "A"

SECTION 3. CODIFICATION AND INCLUSION INTO THE *CHARTER OF THE CITY OF PALM COAST*.

It is the intention of the City Council of the City of Palm Coast, Florida that this Ordinance shall be codified into the City of Palm Coast Code and shall become and constitute an amendment to Article VIII of the *City Charter* in accordance with the provisions of Article IX(4) of the *City Charter*. The code codifier is hereby granted broad and liberal authority as necessary for that purpose.

SECTION 4. SEVERABILITY.

It is declared to be the intent of the City Council of the City of Palm Coast, Florida, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance, is held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of this Ordinance.

SECTION 5. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECT OF ENACTMENT AND EFFECTIVE DATE.

This Ordinance shall take effect immediately upon enactment and shall have all effects as set forth at Article IX (4)(g) of the *City Charter*.

APPROVED on first reading the 16th day of November 2021.

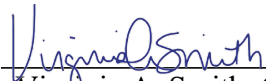
ADOPTED on second reading after due public notice and public hearing the 7th day of December 2021.

CITY OF PALM COAST, FLORIDA



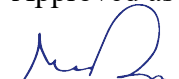
David Alfin, Mayor

ATTEST:



Virginia A. Smith, City Clerk

Approved as to form and legality

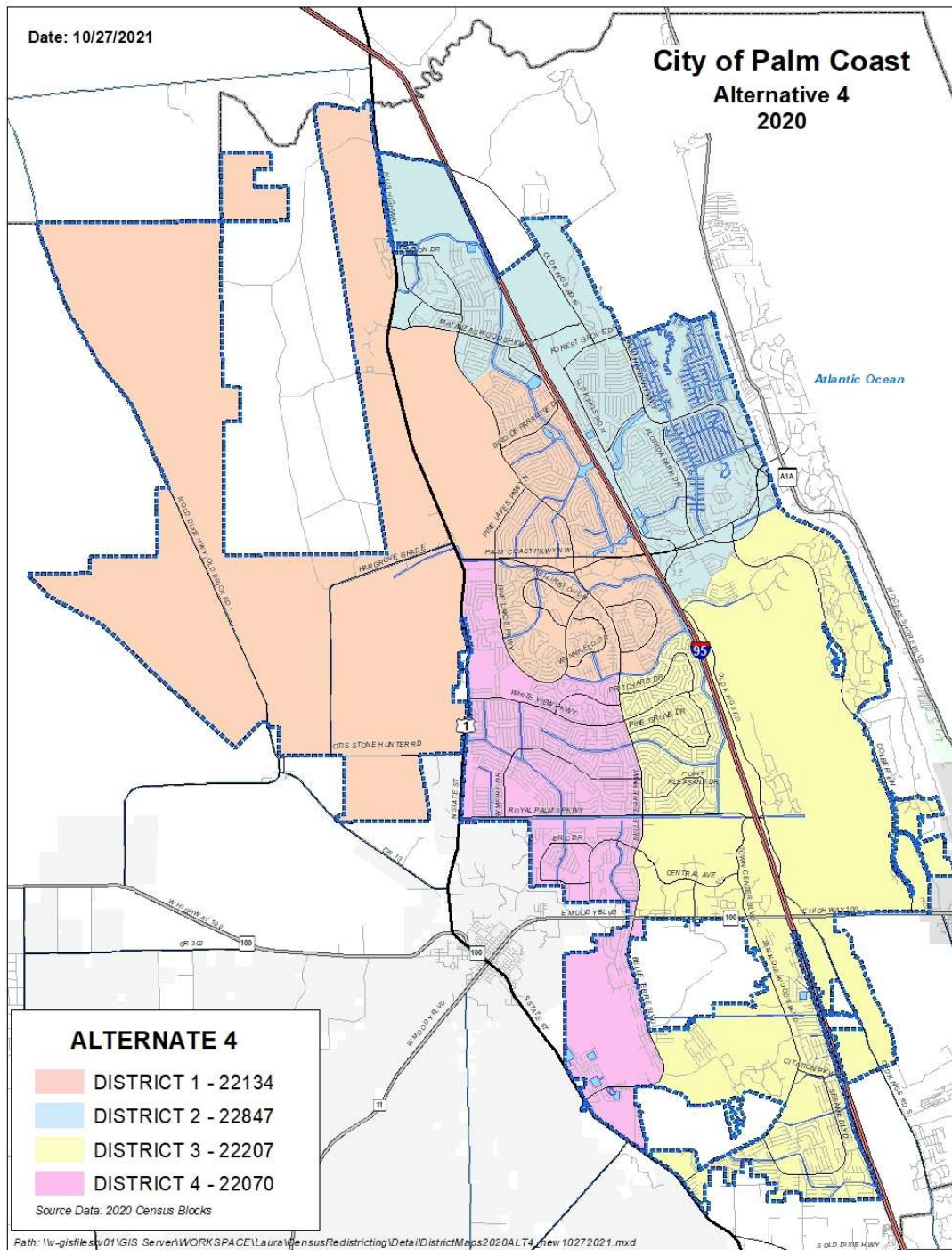


William E. Reischmann, Jr.,
City Attorney

Exhibit "A" – Map and Description of Districts



Exhibit "A" – Map & Description of City Council Districts



District 1:

Point of Beginning at the centerline of US-1 and the centerline of Pellicer Creek head west along the City boundaries and follow boundaries for ca. 42.6 miles until a point ca. 1.21 miles north of Whiteview Pkwy. Head east to centerline of US-1 and go north to the centerline of Palm Coast Parkway (ca .88 miles). Then head east until the centerline of Pine Lakes Pkwy. and go south (ca. 2.48 miles) until Walker Waterway. Go east along centerline of Walker Waterway until it reaches centerline of Interstate-95. Follow centerline of I-95 (ca. 4.48 miles) to a man-made ditch leading to Bird of Paradise Lake. Go west along man-made ditch ca. .11 miles to the banks of Bird of Paradise Lake. Follow line to centerline of Belleaire Waterway go northwest (ca. .6 miles) to centerline of man-made ditch south of Bud Hollow Dr. and follow west for ca. .42 miles to center line of Belle Terre Pkwy. Then north (ca. .88 miles) to centerline of Matanzas Woods Pkwy. Then west (ca. 1.06 miles) to centerline of US-1 head north ca. 3.37 miles to Point of Beginning.

District 2:

Point of Beginning at the intersection of Old Kings Rd. and US-1, go south (ca 2.62 miles) to the centerline of Matanzas Woods Pkwy. Then east (ca. 1.06 miles) to centerline of Belle Terre Pkwy. Follow centerline south (ca. .88 miles) to centerline of man-made ditch south of Bud Hollow Dr. Follow man-made ditch east for ca. .42 miles to centerline of Belleaire Waterway. Head southeast (ca. .6 miles) to Bird of Paradise Lake. Go east to bank of Bird of Paradise Lake to a man-made ditch. Follow ditch to the east for .11 miles to the centerline of I-95. Head south along centerline of I-95 (ca. 4.0 miles) and then east (ca .04 miles) to centerline of Oak Trails Blvd. follow centerline of Oak Trails Blvd. (ca. .43 miles) to centerline of Blare Dr. Follow centerline of Blare Dr. to centerline of Colbert La. (ca. .87 miles) Go north ca. .14 miles to centerline of Palm Coast Parkway SE. Go east ca. .57 miles to centerline of St. Joe Canal, go east along centerline of St. Joe Canal until it intersects with City boundary (ca. .32 miles). Go north following the city boundary ca. 11.4 miles until Point of Beginning at the intersection of Old Kings Rd. and US-1.

District 3 :

Point of Beginning at the intersection of State Road 100 and Belle Terre Pkwy. Go north along centerline of Belle Terre Pkwy. to a point at the centerline of Walker Waterway (ca. 3.67 miles). Then east along centerline of Walker Waterway to centerline of I-95, then north ca. .45 miles, then go east ca. .04 miles to centerline of Oak Trails Blvd. follow centerline of Oak Trails Blvd. to centerline of Blare Dr. (ca. .43 miles). Follow centerline of Blare Dr. to centerline of Colbert La. (ca. .87 miles). Go north ca. .14 miles to centerline of Palm Coast Parkway SE. Go east on Palm Coast Pkwy. SE (ca. .57 miles) to centerline of St. Joe Canal, go east along centerline of St. Joe Canal until it intersects with City boundary (ca. .32 miles). Then south and follow City boundaries for ca. 33.2 miles to a point that intersects Belle Terre Blvd. Go ca. 2.41 miles to a point north of Gore Lake and go ca. .22 miles east to the City boundary and head north (ca. .33) miles along the City boundary to the centerline of State Road 100, go west .15 miles to the Point of Beginning at the intersection of State Road 100 and Belle Terre Pkwy. All less and except the area in and around the Flagler County Airport not within City municipal boundaries.

District 4 :

Point of Beginning at the southeast corner of Palm Coast Pkwy. SW and US-1, head east to centerline of Pine Lakes Pkwy. and go south (ca. 2.48 miles) until Walker Waterway. Then east on Walker Waterway to centerline of Belle Terre Pkwy. (ca. .87 miles). Turn south on Belle Terre Pkwy. to centerline of SR 100 go east ca. .15 miles to City boundary and follow to the south (ca. .33 miles) and west (ca. .22 miles) until it reaches Belle Terre Blvd. Then south on Belle Terre Blvd for ca. 2.63 miles until intersection with City boundary just east of Karas Trail. Follow the City boundaries south and continuing (ca. 10.4 miles) to a point at the centerline of Royal Palms Parkway. Go north on US-1 from Royal Palms Parkway (ca. 3.95 miles) to Point of Beginning at the southeast corner of Palm Coast Pkwy. SW and US-1.