

WHEREAS, Idaho Code section 50-707A requires cities with more than one hundred thousand (100,000) inhabitants based upon the most recent federal decennial census data to establish districts and elect city council members by such districts; and

WHEREAS, Idaho Code section 50-707A requires that districts be established no later than one hundred twenty (120) days prior to the general election following the date that election precincts are established; and

WHEREAS, the City Council of the City of Boise finds establishing the Boise Districting Commission the most efficient, impartial, and representative manner in which to satisfy the statutory requirements of Idaho Code section 50-707A and the code requirements set forth in Boise City Code section 1-9-5; and

WHEREAS, the Boise Districting Commission shall create or update, as necessary, the Boise City Council Seat Districts' boundaries and map ("Districting Plan") and propose such districting plan to the City Council for its approval following the federal decennial census data and intermediate changes to the City limit boundaries, annexations, or election precincts resulting in a population variance greater than ten percent (10%) in one or more districts.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 1, Chapter 9, Section 5, Subsection B shall be, and hereby is, amended to add a new subsection 1, and renumbering the subsequent subsections, and amending the renumbered subsequent sections, to read as follows:

B. Boise Districting Commission; District Boundary Updates:

1. Boise Districting Commission: All Decennial District Boundary Updates and Intermediate District Boundary Updates made necessary by changes resulting in a population variance greater than ten percent (10%) in one or more districts, shall be drawn and updated by the Boise Districting Commission as established in Boise City Code Title 2, Chapter 16. The Commission's work shall be done in accordance with the provisions set forth in this chapter and Boise City Code Title 2, Chapter 16.

42. Decennial District Boundary Update: Districts boundaries must be redrawn every ten (10) years following based on the most recent decennial census data. District boundary updates based on decennial census data are established by the Commission and approved by City Council, as set forth in Boise City Code, Title 2, Chapter 16.

23. Intermediate District Boundary Updates: Established district boundaries shall be updated consistently with changes in City limit boundaries, and annexations, and election precinct changes. If the City's boundaries change in the interim, the new territory must be joined to a contiguous district. If two (2) districts are contiguous to the new territory, the territory must be added to the district with the lower population, unless to do so would result in a population variance greater than ten percent (10%). In such a case, or if the districts are of equal population, the new territory may be split evenly by population between the two (2) contiguous districts.

~~34. Updated Boundaries: All intermediate City Council seat district boundary updates shall be established and adopted by the City Council. Intermediate City Council seat district boundary updates, based on changes to the City limit boundaries, annexations, and election precinct changes resulting in a population variance greater than ten percent (10%) in one or more districts, shall be proposed by the Commission and adopted by the City Council as set forth in Boise City Code Title 2, Chapter 16. Intermediate City Council seat district boundary updates, based on changes to the City limit boundaries, annexations, and election precinct changes resulting in a population variance of ten percent (10%) or less in one or more districts, shall be established and adopted by City Council.~~

Section 2. That existing Boise City Code Title 2, entitled “Boards, Commissions, Committees,” shall be, and hereby is, amended to add a new chapter 16, entitled “Boise Districting Commission,” to read as follows:

CHAPTER 16

BOISE DISTRICTING COMMISSION

SECTION:

2-16-1: Definitions

2-16-2: Commission Created

2-16-3: Appointments and Vacancies; Qualifications; Prohibition

2-16-4: Powers and Duties

2-16-5: Election of Officers; Officer Duties; Meetings

2-16-6: Term; Quorum

2-16-7: Districting Procedure

2-16-1: DEFINITIONS:

BOISE DISTRICTING PLAN: A detailed map of the City showing the exact boundaries of the City Council seat districts, with each district labeled with its district and corresponding City Council seat numbers.

CITY: The city of Boise City, Idaho.

CITY COUNCIL: The City Council of Boise City, Idaho.

CITY COUNCIL SEAT DISTRICT: Geographical districts within the City, numbered for City Council seats and used for City elections.

COMMISSION: The Boise Districting Commission as established by this chapter of the Boise City Code.

COMMISSIONERS: The duly appointed and confirmed members of the Boise Districting Commission.

COUNTY CLERK: The Ada County Clerk or their designee.

FEDERAL DECENNIAL CENSUS DATA: Data collected and published by the United States Census Bureau every ten (10) years after each national decennial census.

RESIDE: For determining the residence of a Commissioner, it is the principal or primary home or place of abode of the Commissioner and has been the principal or primary home for such person for no less than thirty (30) days before an appointment to the Commission.

2-16-2: COMMISSION CREATED:

Commission Created: The Boise Districting Commission is hereby created with the purpose of establishing the City Council Seat Districts and updating such districts every ten years or sooner if necessary, as set forth in Boise City Code title 1, chapter 9 and this chapter in accordance with all applicable laws and available federal decennial census data.

2-16-3: APPOINTMENTS AND VACANCIES; QUALIFICATIONS; PROHIBITION:

- A. Appointments and Vacancies: The Boise Districting Commission shall consist of five (5) members appointed by the Mayor and confirmed by the City Council. Commissioners, once appointed and confirmed, are voting members. Should a vacancy occur on the Commission, the Mayor shall fill the vacancy in a like manner within fourteen (14) days or as soon thereafter as practicable. In the event the Mayor fails to timely act pursuant to this provision, the City Council President shall so act.
- B. Member Qualifications: Commissioners shall consist of five (5) City residents that are qualified electors as defined by Idaho Code section 50-402(c). If a Commissioner moves outside of the City, the Commissioner shall resign their position, and a new Commissioner shall be appointed. Commissioners shall be diverse representatives of the City, including from different geographic areas of the City.
- C. Prohibition: A person who has served on the Commission shall be ineligible to run for a City Council seat for five (5) years following such service. A person who has run for a City Council seat in the five (5) years preceding possible appointment to the Commission is ineligible to serve on the Commission.

2-16-4: POWERS AND DUTIES:

Duties and Powers: The Commission shall have the following powers and duties:

- A. Evaluate and apply federal decennial census data regarding the City of Boise in order to establish City Council seat districts pursuant to the provisions of Idaho Code section 50-707A and all other applicable provisions of local, state, and federal law.
- B. Update the Boise Districting Plan to adjust City Council seat district boundaries as is necessary due to a change in the City's boundaries, annexation, or election precinct changes as set forth in Idaho Code section 34-307, resulting in a population variance greater than ten percent (10%) in one or more districts.

- C. Assign City Council seats (1 through 6) to the correspondingly numbered City Council seat districts.
- D. Act independently to make decisions regarding City Council seat districts and City Council seat numbers, without regard for the residency of elected officials or candidates running for a municipal office of the City.

2-16-5: ELECTION OF OFFICERS; OFFICER DUTIES; MEETINGS:

- A. Election of Officers: At the Commission's initial meeting, the Commissioners shall elect a Chair and a Vice-Chair. A special election may be held at any time to fill a vacancy of the office of Chair or Vice-Chair.
- B. Duties: The decisions, statements, or actions of the Chair shall obligate, commit, or represent the Commission only insofar as the Commission has specifically authorized. The Chair's duties shall include:
 - 1. Preparing Commission meeting agendas in cooperation with the City Clerk or designee;
 - 2. Scheduling public hearings, public comment, or presentations before the Commission at their discretion;
 - 3. Setting rules to maximize efficiency and productivity of meetings, including setting a time limit for comments or presentations;
 - 4. Presiding over all Commission meetings; and
 - 5. Signing all documents requiring an official signature on behalf of the Commission, including the Boise Districting Plan.

The Vice-Chair shall perform the Chair's duties in their absence and such other duties as may be delegated by the Chair.

- C. Meetings:
 - 1. The Chair shall propose, and the Commissioners shall adopt, a timeline of meetings and actions to timely complete the Commission's work in accordance with this chapter and with Idaho Code section 50-707A.
 - 2. In the event that the Boise Districting Plan must be updated before the next decennial census due to changes in the City's boundaries, annexation, or election precinct changes resulting in a population variance greater than ten percent (10%) in one or more districts, the Chair shall propose, and the Commissioners shall adopt, a timeline of meetings and actions to timely complete the Boise Districting Plan update, in accordance with this chapter and Boise City Code Title 1, Chapter 9. All updates to the Boise Districting Plan shall follow the procedure set forth in this Chapter, except completion timelines shall be set by City Council on a case-by-case basis.
 - 3. The Commission shall comply with the Idaho Open Meetings Law set forth in Idaho Code Title 74, Chapter 2.
 - 4. Each Commissioner shall be entitled to one (1) vote on any matter before the Commission. Except as otherwise designated herein, the vote of the majority of the Commissioners present at any meeting at which a quorum is present shall effectuate any decision of the Commission. Voting shall be verbal and on the record; proxy voting, secret voting, and written voting shall not be permitted.

2-16-6: TERM; QUORUM:

- A. Term: A Commissioner's term shall last from appointment and confirmation until the City Clerk's filing of the Commission's Boise Districting Plan with the County Clerk, upon which the Commission shall automatically dissolve. The Commission may be reconvened only upon appointment of new Commissioners by the Mayor as set forth in this chapter, as needed in the future as required by law or new federal census data.
- B. Quorum: A majority of currently-appointed Commissioners shall constitute a quorum for the transaction of any business of the Commission.

2-16-7: DISTRICTING PROCEDURE:

- A. The Commission shall evaluate and apply the federal decennial census data for the City of Boise in order to establish the City Council seat districts pursuant to the provisions of Idaho Code section 50-707A and all other applicable provisions of local, state, and federal law.
- B. Upon completion of a draft districting map, the Commission shall designate each City Council seat district with a number from 1 to 6 pursuant to the provisions of this chapter. The draft map and numbered City Council seat districts shall constitute the draft districting plan. The Commission shall hold a minimum of one (1) public hearing to receive public testimony on the draft districting map. Notice of the public hearing shall be published in the newspaper of record at least ten (10) calendar days before the date set for the public hearing.
- C. After the public hearing, the Commission shall act to establish the Boise Districting Plan, to include the following documents and incorporate into the same by reference:
 - 1. A map of the City showing the exact locations of the designated City Council seat districts, labeled with the district numbers and corresponding City Council seat numbers.
 - 2. A description of the City Council seat districts' boundaries, described by the names of streets or other established features or landmarks.
- D. The Boise Districting Plan must be approved by at least three (3) Commissioners to be forwarded to City Council for public hearing and consideration. The Commissioners shall certify that the City Council seat districts meet the criteria set forth in Idaho Code section 50-707A and other applicable statutes and laws.
- E. The Commission shall transmit its Boise Districting Plan to the City Clerk to be placed on the City Council agenda for public hearing and consideration at least one hundred thirty-five (135) days prior to the next general election, as defined by Idaho Code section 50-402(a).
- F. The City Clerk shall publish in the newspaper of record notice of the public hearing on the Commission's Boise Districting Plan before City Council at least ten (10) calendar days prior to the date set for the public hearing.
- G. The Commission shall post any Boise Districting Plan it is considering presenting to City Council for adoption, on the City's webpage at least ten (10) calendar days prior to the date set for the public hearing.
- H. The City Council shall conduct a public hearing on the Boise Districting Plan as proposed by the Commission. Following such public hearing, the City Council shall review the Boise Districting Plan as proposed by the Commission and, upon a finding that it meets the criteria set forth in Idaho Code section 50-707A, shall adopt it by ordinance as the final Boise Districting Plan. Modification of the Boise Districting Plan established by the

Commission shall occur only upon remand to the Commission. The City Council may remand the matter to the Commission only upon a finding, supported by substantial evidence, that the Boise Districting Plan does not meet the criteria set forth in Idaho Code section 50-707A, this chapter, or Boise City Code Title 1, Chapter 9. Should the City Council fail to adopt the Boise Districting Plan via ordinance at least one hundred twenty (120) days prior to the date of the next general election, as defined by Idaho Code section 50-402(a), the Commission's last proposal shall comprise the final Boise Districting Plan.

- I. The City Clerk shall file the Boise Districting Plan with the County Clerk at least one hundred twenty (120) days prior to the next general election, as defined by Idaho Code section 50-402(a), with a request that the County Clerk prepare ballots and establish polling places for all subsequent Boise City Council elections in accordance with the Boise Districting Plan.

Section 3. That this Ordinance shall be in effect immediately upon its passage, approval, and publication.