



## Legislation Text

---

**File #:** 21-0102, **Version:** 1

---

DISCUSSION AND POSSIBLE ACTION TO NEGOTIATE AN AGREEMENT WITH FLORIDA ATLANTIC UNIVERSITY (FAU) FOR THE PURPOSES OF CONDUCTING A REDISTRICTING STUDY TO ESTABLISH THE CITY'S FOUR ELECTION DISTRICTS.

### **PROCUREMENT PROCESS TAKEN:**

- *Chapter 35 of the City's Code of Ordinances is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."*
- *Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."*
- *Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"*
- *Section 35.18(C)(2) states that "Professional services. Contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature unique and not subject to competitive bidding, or competitive proposals, are exempt from this section; however, state laws, such as the Consultants' Competitive Negotiation Act of the state statutes, as may be amended from time to time to the extent applicable, shall be followed."*
- *Section 35.18(C)(8) states that "Purchases of and contracts for commodities or services are exempt from this section when the City Commission declares by a simple majority affirmative vote that the process of competitive bidding and competitive proposals is not in the best interest of the City. The City Commission shall make specific factual findings that support its determination, and such contracts may be placed on the City Commission consent agenda."*

### **SUMMARY EXPLANATION AND BACKGROUND:**

1. The City's Charter, specifically, section 3.02 (e), states that following the decennial census in 2010 and every ten (10) years thereafter the City Commission shall contract with an accredited four (4) year college or university located within the State of Florida for the purposes of identifying the four (4) election districts.
2. The City's Charter was amended in 2014 pertaining to the time frame associated with redistricting, the revised language calls for the process to occur every ten (10) years to coincide with the decennial census instead of every four (4) years.
3. The Census Bureau estimates that City's population has grown from 154,898 (2010) to 173,591 (2019) people. The growth in population is attributed to new residential development as well as changes in occupancy (reduced vacancy rate).

4. It has been reported that the dataset used for redistricting, Public Law (PL) 94-171 should be released by the Census Bureau in late spring 2021.
5. Administration has determined it would be in the best interest of the City to negotiate an agreement with FAU for these professional services.
6. Below are the factual findings:
  - FAU is an accredited four year University.
  - Since 2000, the City has contracted with FAU for all of the required redistricting services (2003, 2007, 2011).
  - The City has an election scheduled for March 2022 and it is in the best interest of the City to establish district boundaries as soon as possible so residents seeking office may comply with charter requirements for residency.
7. Administration recommends negotiating these services as soon as possible in order to be under contract with a four year college or university, as other municipalities and the county also require four year colleges or universities to perform these types of studies.
8. Administration requests the City Commission pass a motion to allow administration to negotiate an agreement with Florida Atlantic University (FAU) for the purposes of conducting a redistricting study to establish the City's four (4) election districts.

**FINANCIAL IMPACT DETAIL:**

- a) **Initial Cost:** TBD - Based on negotiation with FAU
- b) **Amount budgeted for this item in Account No:** \$50,000 - 1-519-1001-31500 (Professional Services)
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable