

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 29, 2011
	<b>Agenda Item No.</b> 61 <b>Roll Call No.</b> <u>11-1494</u> <b>Communication No.</b> <u>11-580</u> <b>Submitted by:</b> Richard A. Clark, City Manager

**AGENDA HEADING:**

Resolution closing the hearing on proposed amendments to the City precinct and ward boundaries and approving same; and approving agreements with Polk County and the City of Norwalk for combined precincts.

**SYNOPSIS:**

This action will amend the City ward and precinct boundaries using the population data from the 2010 federal decennial census to bring those boundaries into conformance with the requirements of the Iowa Code. The City has annexed some territory north of Interstate 35-80 that is separated from the balance of the City by the intervening unincorporated interstate right-of-way, and some territories that are part of larger census blocks that extend outside the City boundaries, requiring agreements with Polk and Warren Counties and the City of Norwalk for consolidated precincts.

**FISCAL IMPACT:**

Amount: The City is responsible for the cost of each City election at a total of approximately \$1,000 per precinct. As a result of the consolidation of precincts, wherever feasible, the number of required precincts has been reduced from 108 to 88, which includes some pairs of precincts that are expected to be treated as a single precinct for City election purposes. This is expected to result in a savings of approximately \$22,000 per election.

Funding Source: GE001 CCL010000 City Clerk – Administration, page 40 Operating Budget

**ADDITIONAL INFORMATION:**

The City of Des Moines is required to amend the City precinct and ward boundaries using the population data from the 2010 federal decennial census to bring those boundaries into conformance with the requirements of Iowa Code §49.7. On August 8, 2011, by Roll Call No. 11-1370, the City Council directed that a public hearing be held on August 29, 2011, at 5:00 p.m., in the Council Chambers, to consider adoption of an ordinance amending the City precinct and ward boundaries.

The proposed new precinct and ward boundaries were submitted to the Commissioner of Elections for Polk and Warren Counties for review and comment as required by Iowa Code §49.5. No response was received from the Warren County Commissioner of Elections. The Polk County Commissioner of Elections Jamie Fitzgerald responded with several requested changes, which prompted further communications with Mr. Fitzgerald's office and the Iowa Director of Elections.

The Iowa Director of Elections has issued a new interpretation of the Iowa Code requirements regarding the allowed boundaries of election precincts. Where previously Iowa cities were required to split census blocks which cross a city boundary, Iowa cities are now prohibited from splitting census blocks with a precinct boundary. Any city precinct which contains a census block which extends outside the city's boundaries must be established as a combined city/township or city/city precinct with the jurisdiction containing the balance of that census block. Norwalk's reprecincting plan was rejected because Norwalk approved a precinct that split the census block that extends into Des Moines Precinct 82. Norwalk and Des Moines are required to establish a combined precinct which includes the entirety of that census block. As a result, Des Moines Precinct 82 has been expanded to include the portion of Norwalk lying between Iowa Highway 5 and the Polk/Warren County line. However, the Polk County Election Commissioner reports that the creation of the combined Precinct 82 will not affect how Des Moines elections are actually held. The residents of Des Moines in the combined Precinct 82 will continue to vote at a polling place within the City of Des Moines for City elections.

The Polk County Commissioner of Elections identified that Precinct 5, as originally proposed, was not a contiguous area. The northern part of Precinct 5, as originally proposed, is north of Interstate 80/35, and is separated from the balance of the City of Des Moines by the intervening unincorporated interstate right-of-way. While this portion of Precinct 5 is considered to be adjoining for annexation purposes and was allowed to be combined with the City land to the south in a single precinct in 2000, the Iowa Director of Elections has declared that Des Moines will not be allowed to have a precinct which spans the unincorporated right-of-way without an agreement with Polk County to create a combined precinct which includes the intervening unincorporated right-of-way. To include the intervening right-of-way in a combined precinct, the City has been required to create a new precinct which combines the City land generally north of Aurora Avenue, into Polk County Precinct Saylor 2 (to also be known as Des Moines Precinct 5A). As a result Des Moines Precinct 5A will officially extend north to the southern limits of Ankeny. However, the Polk County Election Commissioner reports that the creation of the combined Precinct 5A will not affect how City elections are actually held. The residents of Des Moines in the combined Precinct 5A will continue to vote at a polling place within the City of Des Moines for City elections.

Precinct 7, as originally proposed, split a precinct block. To avoid splitting a census block, the City has been required to create a new precinct which combines the part of the original Precinct 7 containing a single dwelling north of Aurora Avenue, into the Polk County Precinct Saylor 1 (to also be known as Des Moines Precinct 7A). As a result Des Moines Precinct 7A will officially extend north to the southern limits of Ankeny. However, the Polk County Election Commissioner reports that the creation of the combined Precinct 7A will not affect how City elections are actually held. The residents of Des Moines in the combined Precinct 7A will continue to vote at a polling place within the City of Des Moines for City elections.

For similar reasons, Precincts 1, 29, 72, 84 and 85 have been expanded to create combined City/Township Precincts which include adjoining unincorporated territory located within census blocks that extend into the City of Des Moines. The Polk County Election Commissioner reports that the creation of these combined precincts will not affect how City elections are actually held. The residents of Des Moines in the combined precincts will continue to vote at a polling place within the City of Des Moines.

The City must enter into agreements with Polk and Warren Counties and the City of Norwalk to create the combined precincts identified above. The proposed resolution approves the necessary agreements with Polk and Warren Counties and the City of Norwalk.

It is recommended that the City Council adopt the proposed ordinance amending the City precinct and ward boundaries. The ordinance amends the precinct boundaries to create the precincts shown by **the map attached hereto as Exhibit "1"**. To avoid unnecessary confusion, only that part of the combined precincts located within the City of Des Moines **and** affecting City elections is shown **on Exhibit "1"**. The ordinance also amends the ward boundaries to be as shown by Map "2".

Iowa Code §49.7 establishes a September 1st deadline for Des Moines to enact an ordinance amending the City precinct and ward boundaries to conform with the population data from the 2010 federal decennial census. To meet that deadline, the City Council is asked to waive reading and give final passage to the proposed ordinance.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 8, 2011

Roll Call Number: [11-1370](#)

Action: [On](#) proposed amendments to the City Precinct and Ward Boundaries. (8-29-11). Moved by Mahaffey to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

**It is likely that the Iowa Commissioner of Elections will require one or more amendments to the 88 separate legal descriptions used in the ordinance to define the boundaries of the new City precincts. Those amendments will require the adoption of a future ordinance, but should have no impact upon the precinct and ward boundaries as shown by the maps attached hereto as Exhibits "1" and "2".**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).