REPORT OF THE SIOUX FALLS DISTRICTING COMMISSION

Submitted: Tuesday, November 9, 2021

Commission Members
Bob Thimjon, Southwest District
Joe Kippley, Southeast District
Mark Millage, Northwest District, Chair
Barbara Johnson, Northeast District
Tom Hurlbert, Central District
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Summary

The Sioux Falls Districting Commission (The “Commission”) respectfully submits this report to the City Council pursuant to Chapter 6.02 of the City Charter (See Enclosure 1). After careful analysis and consideration of the current district boundaries and eleven alternative options, “Option 11a1” is the recommended plan. This option meets the criteria outlined in Section 6.02(d) of the Sioux Falls City Charter. Option 11a1 adjusts City Council district boundaries by moving:

- Precinct 1-3 from the Southwest (SW) District to the Northwest (NW) District;
- Precinct 2-7 from the Southeast (SE) District to the Northeast (NE) District;
- Precincts 3-6 from the NW District and Precincts 4-1 and 4-14 from the NE District to the Central (CE) District; and,
- Precinct 5-11 from the CE District to the SW District.

District Descriptions (using precincts as defined in §38.003, Code of Ordinances)

Southwest: 1-4, 1-5, 1-6, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 5-11
Southeast: 2-1, 2-2, 2-3, 2-6, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16
Northwest: 1-3, 3-5, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17
Northeast: 2-7, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13,
Central: 3-6, 4-1, 4-14, 5-1, 5-2, 5-3, 5-4, 5-6, 5-7, 5-8, 5-9, 5-10, 5-12, 5-13, 5-14, 5-17, 5-18, 5-19, 5-20, 5-21

The “plan shall be deemed adopted by the City Council unless disapproved within 21 days by the vote of the majority of all members of the City Council. If the City Council fails to adopt the plan, it shall return the plan to the Commission with its objections, and with the objections of individual members of the City Council” (City Charter, Section 6.02(c)(4)).
Background

Pursuant to Section 6.02(c)(1) of the City Charter, “[f]ollowing each decennial census ...the [Districting] Commission shall consult the City Council and shall prepare a plan for dividing the City into districts for the election of City Council members.” Accordingly, the Council appointed members to the Districting Commission in December 2020 (Resolution No. 142-20, See Enclosure 2).

In January 2021, the Census Bureau announced that detailed demographic data would not be released until at least July 2021; the timeline was later revised to no later than September 30, 2021. In August 2021, however, data (not in detailed form) was released to the states; this limited release provided enough information for the Commission to conduct its business. Due to the data delays, the City Council shortened the Districting timeline (Ordinance No. 39-21, See Enclosure 3), by requiring submission of a plan no less than four months before the next general election of the City Council and allowing submission of the plan not less than 10 days after the Commission holds a public hearing.

The Commission held its first meeting on February 8, 2021, with subsequent meetings held: June 14th, August 11th, August 26th, and September 22nd, all in 2021. The commission also held a public hearing on Thursday, October 28, 2021. The first three meetings were dedicated to administrative matters and map exercises using housing population estimates as official census data was not available. These exercises proved beneficial when the census data was provided. However, no plans developed prior to the release of the census data were feasible because of disparities between housing estimates and census data. At the Districting Commission meeting of June 14, 2021, the Commission elected Mark Millage as the Chair.

The “plan shall be deemed adopted by the City Council unless disapproved within 21 days by the vote of the majority of all members of the City Council. If the City Council fails to adopt the plan, it shall return the plan to the Commission with its objections, and with the objections of individual members of the City Council” (City Charter, Section 6.02(c)(4)).
Alternatives Considered

Eleven separate map options were developed as alternatives for consideration. Each map is included as an attachment to this report.

- **Existing Boundaries:** The current district boundaries were established by a Districting Commission convened in 2017, for the purpose of adjusting boundaries as a result of the City’s population growing by more than 15% since the last redistricting (in 2011). Current districts are described below using precincts as defined in §38.003, Code of Ordinances:

  South: 1-3, 1-4, 1-5, 1-6, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18,
  South: 2-1, 2-2, 2-3, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16
  Northwest: 3-5, 3-6, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17
  Northeast: 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13, 4-14
  Central: 5-1, 5-2, 5-3, 5-4, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-13, 5-14, 5-17, 5-18,
  5-19, 5-20, 5-21

- **Option C11a1 (Submitted Plan):** This map alternative included six (6) precinct moves:

  1-3 to NW
  2-7 to NE
  3-6, 4-1, and 4-14 to CE
  5-11 to SW
  See Enclosure 4

- **Option C7:** This map alternative included nine (6) precinct moves:

  2-7 to NE
  3-6 to CE
  4-1 & 4-14 to CE
  5-6 from to SE
  5-19 from to SW
  See Enclosure 5
• **Option C8**: This map alternative included eight (8) precinct moves:

  1. 1-3 and 1-6 to NW
  2. 2-10 and 2-15 to SW
  3. 3-5 to NE
  4. 3-6, 4-1, and 4-14 to CE
  See Enclosure 6

• **Option C9**: This map alternative included seven (7) precinct moves:

  1. 1-3 to NW
  2. 1-4, 3-6, and 4-1 to CE
  3. 2-10 and 2-15 SW
  4. 5-6 to NE
  See Enclosure 7

• **Option C11**: This map alternative included five (5) precinct moves:

  1. 2-7 to NE
  2. 3-6, 4-1, and 4-14 to CE
  3. 5-13 to SE
  See Enclosure 8

• **Option C11a**: This map alternative included seven (7) precinct moves:

  1. 1-3 to NW
  2. 2-7 to NE
  3. 3-6, 4-1, and 4-14 to CE
  4. 5-11 to SW
  5. 5-13 to SE
  See Enclosure 9
• **Option C12:** This map alternative included eleven (11) precinct moves:

  1-3 to NW
  2-3 and 2-6 to NE
  2-10 to SW
  3-6, 4-1, 4-2, and 4-3 to CE
  5-11, 5-12, and 5-13 to SE
  See Enclosure 10

• **Option G:** This map alternative included six (6) precinct moves:

  2-3 and 2-6 to NE
  3-6, 4-1, and 4-14 to CE
  4-5 to NW
  See Enclosure 11

• **Option H:** This map alternative included five (5) precinct moves:

  2-1 and 2-2 to SE
  3-6 to CE
  4-5 to CE
  5-21 to SW
  See Enclosure 12

• **Option I:** This map alternative included fourteen (14) precinct moves:

  2-3, 2-6, and 2-7 to NE
  3-6, 4-1, 4-2, 4-3, and 4-14 to CE
  4-4 and 5-20 to NW
  5-11, 5-12, and 5-13 to SE
  5-19 to SW
  See Enclosure 13

• **Option J:** This map alternative included three (3) precinct moves:

  2-7 to NE
  4-1 and 4-14 to CE
  See Enclosure 14
Evaluation of Alternatives

In developing the plan, the Commission was guided by the criteria set forth in Section 6.02 (d) of the Sioux Falls City Charter:

“(d) Districting plan; criteria. In preparation of its plan for dividing the city into districts for the election of council members, the commission shall apply the following criteria which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

(1) Districts shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five (5) percent of the average population for all city council districts according to the figures available from the most recent census.

(2) Districts shall consist of contiguous territory.

(3) No voting precinct (as set by the counties) shall be divided in the formation of districts.

(4) The number of districts which include territory in more than one (1) county shall be as few as possible.

(5) Consistent with the foregoing provisions, the aggregate length of all district boundaries shall be as short as possible.”

• In addition to the criteria above, a strategy for equitably adjusting district boundaries was also informed by other considerations such as future growth, characteristics of the voting population, and “natural” boundaries.

• The chart on the next page shows population data for each option along with the deviations associated them.
### Map Option, Population, and Deviation from Average Population for all Districts

<table>
<thead>
<tr>
<th>Option</th>
<th>District 1 (SW)</th>
<th>District 2 (SE)</th>
<th>District 3 (NW)</th>
<th>District 4 (NE)</th>
<th>District 5 (CE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing*</td>
<td>37,576</td>
<td>42,947</td>
<td>39,789</td>
<td>40,551</td>
<td>32,119</td>
</tr>
<tr>
<td>C7*</td>
<td>38,556</td>
<td>40,162</td>
<td>36,423</td>
<td>39,274</td>
<td>38,567</td>
</tr>
<tr>
<td>C8**</td>
<td>40,412</td>
<td>37,524</td>
<td>38,631</td>
<td>36,744</td>
<td>39,671</td>
</tr>
<tr>
<td>C9</td>
<td>38,721</td>
<td>37,524</td>
<td>38,090</td>
<td>38,484</td>
<td>40,163</td>
</tr>
<tr>
<td>C11*</td>
<td>38,556</td>
<td>39,082</td>
<td>36,423</td>
<td>39,274</td>
<td>39,647</td>
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<td>C11a</td>
<td>38,321</td>
<td>39,082</td>
<td>38,090</td>
<td>39,274</td>
<td>38,215</td>
</tr>
<tr>
<td>C11a1</td>
<td><strong>38,321</strong></td>
<td><strong>37,882</strong></td>
<td><strong>38,090</strong></td>
<td><strong>39,274</strong></td>
<td><strong>39,415</strong></td>
</tr>
<tr>
<td>C12</td>
<td>38,660</td>
<td>40,211</td>
<td>38,090</td>
<td>37,827</td>
<td>38,194</td>
</tr>
<tr>
<td>G</td>
<td>37,576</td>
<td>37,918</td>
<td>40,128</td>
<td>37,813</td>
<td>39,547</td>
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<td>H</td>
<td>38,398</td>
<td>38,573</td>
<td>40,128</td>
<td>36,846</td>
<td>39,037</td>
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<tr>
<td>I</td>
<td>38,556</td>
<td>37,897</td>
<td>39,237</td>
<td>38,026</td>
<td>39,266</td>
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<tr>
<td>J</td>
<td>37,576</td>
<td>37,882</td>
<td>39,789</td>
<td>39,274</td>
<td>38,461</td>
</tr>
</tbody>
</table>

- Deviation greater than 5% for one or more districts
- Non-contiguous territory

- Three options exceed the prescribed deviation; one option includes noncontiguous territory; no option increases or decreases the number of districts in any one county; no option splits precincts; and consideration was given to the length of district boundaries.
Submitted Plan (Option 11a1)

Option 11a1 is the submitted plan based on an evaluation of the alternatives. Option 11a1 is derived from Option 11a, the only difference being that C11a1 does not move precinct 5-13 to the Southeast District. On September 22, 2021, the Commission unanimously adopted a motion to recommend Option 11a for comment and a subsequent hearing (October 28, 2021). The comment period opened on September 25th and closed on October 28th. Shortly after the comment period opened, Commission Chair Millage noted that moving precinct 5-13 out of the Central District was not essential. Keeping 5-13 in the Central District would increase the deviation only slightly (still under 5%) and eliminate the need for an unnecessary precinct move. A proposed amendment, with map, was drafted, posted online, and subsequently presented at the public hearing.

The population distribution by district under Option 11a1 is shown below along with the deviation for each.

<table>
<thead>
<tr>
<th>District</th>
<th>Population</th>
<th>Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1—Southwest (SW)</td>
<td>38,321</td>
<td>-0.71%</td>
</tr>
<tr>
<td>District 2—Southeast (SE)</td>
<td>37,882</td>
<td>-1.85%</td>
</tr>
<tr>
<td>District 3—Northwest (NW)</td>
<td>38,090</td>
<td>-1.31%</td>
</tr>
<tr>
<td>District 4—Northeast (NE)</td>
<td>39,274</td>
<td>1.76%</td>
</tr>
<tr>
<td>District 5—Central (CE)</td>
<td>39,415</td>
<td>2.12%</td>
</tr>
</tbody>
</table>

Under Option 11a1, a total of six precincts will move. Descriptions of the resulting districts is below:

Southwest: 1-4, 1-5, 1-6, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 5-11
Southeast: 2-1, 2-2, 2-3, 2-6, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16
Northwest: 1-3, 3-5, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17
Northeast: 2-7, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13,
Central: 3-6, 4-1, 4-14, 5-1, 5-2, 5-3, 5-4, 5-6, 5-7, 5-8, 5-9, 5-10, 5-12, 5-13, 5-14, 5-17, 5-18, 5-19, 5-20, 5-21
Adoption of the Plan

• “The plan shall be deemed adopted by the City Council unless disapproved within 21 days by the vote of the majority of all members of the City Council. If the City Council fails to adopt the plan, it shall return the plan to the Commission with its objections, and with the objections of individual members of the City Council.” City Charter, Section 6.02 (c) (4).

• “Upon rejection of its plan, the Commission shall prepare a revised plan and shall submit such revised plan to the City Council no later than 21 days after the initial plan is rejected. Such revised plan shall be deemed adopted by the City Council unless disapproved within 14 days by the vote of two-thirds of all of the members of the City Council and unless, by a vote of two-thirds of all of its members, the City Council votes to file a petition in the Circuit Court, Minnehaha County, for a determination that the plan fails to meet the requirements of this charter. The City Council shall file its petition no later than 10 days after its disapproval of the plan. Upon a final determination upon appeal, if any, that the plan meets the requirements of this charter, the plan shall be deemed adopted by the City Council and the commission shall deliver the plan to the City Clerk. The plan delivered to the City Clerk shall include a map and description of the districts.” City Charter, Section 6.02 (c) (4).

As a result of the plan, the City Council will be required to amend Section 38.003 of the Code of Ordinances to reflect precinct changes.

The Commission appreciates the opportunity to participate in this important process of adjusting City Council district boundaries. The Districting Commission members respectfully submit this report on this 9th day of November 2021.

Commissioner Bob Thimjon, Southwest District
Commissioner Joe Kippley, Southeast District
Commissioner Mark Millage, Northwest District, Chair
Commissioner Barbara Johnson, Northeast District
Commissioner Tom Hurlbert, Central District
Enclosure 1: Section 6.02 Council districts: adjustment of districts.

(a) Number of districts. There shall be five (5) city council districts.
(b) Districting commission; composition; appointment; terms; vacancies; compensation.

(1) There shall be a districting commission consisting of five (5) members. No more than three (3) commission members may belong to the same political party. The city council shall appoint five (5) members, one member from each of the city’s five (5) districts. These five (5) members shall, with the affirmative vote of at least three (3) members, choose one of their members who shall serve as chairperson.

(2) No member of the commission shall be employed by the city or hold any other elected or appointed position in the city.

(3) The city council shall appoint the commission no later than one (1) year and five (5) months before the first general election of the city council after each federal decennial census. The commission’s term shall end upon adoption of a districting plan, as set forth in section 6.02(c).

(4) In the event of a vacancy on the commission by death, resignation, incapacity or moving out of the district within 30 days of his or her appointment, the city council shall appoint a new member enrolled in the same political party and from the same city district from which his or her predecessor was selected, to serve the balance of the term remaining.

(5) No member of the districting commission shall be removed from office by the city council except for cause and upon notice and hearing.

(6) The members of the commission shall serve without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

(7) The commission may hire or contract for necessary staff and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the city council.

(c) Powers and duties of the districting commission; hearings; submissions, and approval of plan.

(1) Following each decennial census or upon reliable evidence that the city’s population has increased more than 15% since the last redistricting, the commission shall consult the city council and shall prepare a plan for dividing the city into districts for the election of council members. In preparing the plan, the commission shall be guided by the criteria set forth in section 6.02(d). The report on the plan shall include a map and description of districts recommended.
(2) The commission shall hold one (1) or more public hearings not less than 30 days before it submits the plan to the city council. The commission shall make its plan available to the public for inspection and comment not less than 30 days before its public hearing.

(3) The commission shall submit its plan to the city council not less than nine (9) months before the first general election of the city council after each decennial census.

(4) The plan shall be deemed adopted by the city council unless disapproved within 21 days by the vote of the majority of all members of the city council. If the city council fails to adopt the plan, it shall return the plan to the commission with its objections, and with the objections of individual members of the council.

(5) Upon rejection of its plan, the commission shall prepare a revised plan and shall submit such revised plan to the city council no later than 21 days after the initial plan is rejected. Such revised plan shall be deemed adopted by the city council unless disapproved within 14 days by the vote of two-thirds of all of the members of the city council and unless, by a vote of two-thirds of all of its members, the city council votes to file a petition in the Circuit Court, Minnehaha County, for a determination that the plan fails to meet the requirements of this charter. The city council shall file its petition no later than 10 days after its disapproval of the plan. Upon a final determination upon appeal, if any, that the plan meets the requirements of this charter, the plan shall be deemed adopted by the city council and the commission shall deliver the plan to the city clerk. The plan delivered to the city clerk shall include a map and description of the districts.

(6) If in any year population figures are not available at least one (1) year and five (5) months before the first general election following the decennial census, the city council may by local law shorten the time periods provided for districting commission action in subsections (2), (3), (4), and (5) of this section.

(d) Districting plan; criteria. In preparation of its plan for dividing the city into districts for the election of council members, the commission shall apply the following criteria which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

(1) Districts shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five (5) percent of the average population for all city council districts according to the figures available from the most recent census.

(2) Districts shall consist of contiguous territory.
(3) No voting precinct (as set by the counties) shall be divided in the formation of districts.

(4) The number of districts which include territory in more than one (1) county shall be as few as possible.

(5) Consistent with the foregoing provisions, the aggregate length of all district boundaries shall be as short as possible.

(e) Effect of enactment. The new city council districts and boundaries as of the date of enactment shall supersede previous council districts and boundaries for all purposes of the next regular city election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all council members elected at that regular city election take office.

(4-13-10, § B)
Enclosure 2: Resolution 142-20

<table>
<thead>
<tr>
<th>Name</th>
<th>Party Affiliation</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob Thimjon</td>
<td>Democrat</td>
<td>Southwest</td>
</tr>
<tr>
<td>Joseph Kippley</td>
<td>Republican</td>
<td>Southeast</td>
</tr>
<tr>
<td>Mark Millage</td>
<td>Republican</td>
<td>Northwest</td>
</tr>
<tr>
<td>Barbara Brooks Johnson</td>
<td>Democrat</td>
<td>Northeast</td>
</tr>
<tr>
<td>Tom Hurlbert</td>
<td>Independent</td>
<td>Central</td>
</tr>
</tbody>
</table>

RESOLUTION NO. 142-20

A RESOLUTION APPOINTING MEMBERS OF THE DISTRICTING COMMISSION.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the following persons are hereby appointed as members of the districting commission created by Section 6.02 of the City Charter. The appointments are effective until the adoption of a districting plan pursuant to the charter.

Date adopted: 12/08/20

[Signature]
Paul TenHaken, Mayor

ATTEST:
[Signature]
Thomas Greco, City Clerk
REPORT OF THE SIOUX FALLS DISTRICTING COMMISSION

Enclosure 3: Ordinance 39-21

1st Reading: 04/06/21
2nd Reading: 04/13/21
Date Adopted: 04/13/21
Date Published: 04/17/21
Effective Date: 05/07/21

ORDINANCE NO. 39-21

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, SHORTENING THE TIME PERIODS FOR DISTRICTING COMMISSION ACTION PURSUANT TO SECTION 6.02(C)(6) OF THE CITY CHARTER.

WHEREAS, on December 8, 2020, the City Council adopted Resolution 142-20 appointing a Districting Commission pursuant to Section 6.02(b)(3) of the Charter of the City of Sioux Falls; and,

WHEREAS, the Commission shall consult the City Council and shall prepare a plan for dividing the city into districts for election of Council members pursuant to Section 6.02(c)(1); and

WHEREAS, the Commission shall hold one (1) or more public hearings not less than 30 days before it submits the plan to the City Council and shall make its plan available to the public for inspection and comment not less than 30 days before its public hearing pursuant to Section 6.02(c)(2); and

WHEREAS, the Commission shall submit its plan to the City Council not less than nine (9) months before the first general election of the City Council after each decennial census pursuant to Section 6.02(c)(3); and

WHEREAS, the first general election of the City Council after the decennial census is April 12, 2022; and

WHEREAS, if in any year population figures are not available at least one (1) year and five (5) months before the first general election following the decennial census, the City Council may by local law shorten the time periods provided for Districting Commission action in subsections (2), (3), (4), and (5) of Section 6.02 (c) of the Charter of the City of Sioux Falls; and

WHEREAS, the U.S. Census Bureau’s announcement on February 12, 2021, that it will deliver the Public Law 94-171 redistricting data to all states by September 30, 2021, makes the timeline prescribed by the City Charter unachievable;

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That the time period for the Commission to hold one (1) or more public hearings before it submits the plan to the City Council be shortened from not less than 30 days to not less than 10 days.
Section 2. That the time period for the Commission to submit its plan to the City Council be shortened from not less than nine (9) months before the next general election of the City Council after the decennial census to not less than four (4) months before the next general election of the City Council after the decennial census.

Section 3. That all other time periods not identified in Sections 1 and 2 remain unchanged.

Date adopted: 04/13/21.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk
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