



**CITY COUNCIL SPECIAL MEETING
Monday, July 26, 2021 - 6:00 p.m.
Council Chambers, Franklin City Hall**

or view only via Zoom: <https://us02web.zoom.us/j/84844116278>

or by phone: 1-312-626-6799, Meeting ID# 848 4411 6278

SALUTE TO THE FLAG

Agenda Item I.

City Council to discuss ARPA Funding.

Agenda Item II.

City Council to discuss Redistricting, deadlines for filing, and review of supporting information.

Agenda Item III.

Other

Nonpublic Sessions needed:

-RSA 91-A:3, II (c) Matter which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

-RSA 91-A:3, II (i) Consideration of legal advice provided by legal counsel, either in writing or orally to one or more members of the public body, even where legal counsel is not present.

The City Council of the City of Franklin reserves the right to enter into non-public session when necessary according to the provisions of RSA 91-A.

This location is accessible to the disabled. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)

CITY COUNCIL MEETING
AGENDA ITEM I



ARPA At-A-Glance

July 20, 2021

Glossary of Terms

- Types of local government under the Act:
 - Metros: Metropolitan communities (i.e., entitlement cities under CDBG): Manchester, Nashua, Portsmouth, Rochester & Dover
 - NEUs—Non-entitlement units of local government: All other cities and towns in NH
- ARPA: The American Rescue Plan Act
- CSLFRF: Coronavirus State and Local Fiscal Recovery Funds (created by ARPA)
- LFRF: Local Fiscal Recovery Funds (just the money going to local government from the CSLFRF, sometimes even abbreviated as FRF)
- IFR: Interim Final Rule: US Treasury's rule on eligible uses of the CSLFRF (must read for all local governments)
- GOFERR: The Governor's Office for Emergency Relief and Recovery, responsible for administering the money to NEUs (created by Governor Sununu in 2020)
- Guidehouse: The entity contracted by GOFERR to provide resources and support to NEUs.

What Information is Needed to Apply?

1. [DUNs number](#)
2. Municipality's payment information
 - Entity Identification Number (EIN), name, and contact information
 - Name and title of an authorized representative of the entity
 - Financial institution information (e.g., routing and account number, financial institution name and contact information)
3. [SAM.gov registration](#) (For NEUs, not required prior to application; must obtain as soon as possible after receipt of funds.)

[NEU's APPLY HERE!](#)

Eligible Uses

1. Public Health
2. Negative Economic Impacts
3. Services to Disproportionality Impacted Communities
4. Premium Pay
5. Infrastructure (Water, Sewer, Broadband)
6. Revenue replacement*
7. Administrative expenses

How Do We Get Our Municipality's Funds?

- Metros: Directly from US Treasury
- NEUs: By applying through GOFERR's online [portal here](#).
 - o **DEADLINE TO APPLY IS AUGUST 18**
 - o LFRF allocations for both metros and NEUs are received in two installments: The first in 2021 and the second in 2022.

* The IFR allows cities and towns to use LFRF to pay for the general "provision of government services," but only to the extent of revenue loss. How to calculate revenue loss is explained in the IFR, but here is an example. We highly recommend using GFOA's revenue loss calculator to determine lost revenue.

For more instructions, go to NHMA's ARPA page.

Example – Town with December FYE:

- Revenue Growth Rate: Pre-pandemic revenue growth rate was calculated to be **2.1 percent**; Town opts to use the Treasury's greater growth rate amount of **4.1 percent**.
- Base year - fiscal year ending prior to pandemic: December 31, 2019
- Base year annual revenue: **\$500,000**

First Reporting Period: December 31, 2020

- Projected revenue for the first reporting period using **4.1 percent** growth rate: $\$500,000 * 1.041 = \mathbf{\$520,500}$
- Actual revenue for the first reporting period: **\$505,000**
- Extent of lost revenue for first reporting period: $\$520,500 - \$505,000 = \mathbf{\$15,500}$

If you're a member of NHMA and you have a question about ARPA, please email: governmentaffairs@nhmunicipal.org.



ARPA At-A-Glance

July 20, 2021

Compliance & Reporting

Reporting requirements depend on the size/funding your community is receiving.
[US Treasury Website on Compliance & Reporting](#)

[US Treasury Compliance and Reporting Guide](#)

Table 2: Reporting requirements by recipient type

Recipient	Interim Report	Project and Expenditure Report	Recovery Plan Performance Report
States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents	By August 31, 2021, with expenditures by category	By October 31, 2021, and then 30 days after the end of each quarter thereafter ⁹	By August 31, 2021, and annually thereafter by July 31 ¹⁰
Metropolitan cities and counties with a population below 250,000 residents which received more than \$5 million in SLFRF funding		By October 31, 2021, and then annually thereafter ¹¹	Not required
Tribal Governments			
Metropolitan cities and counties with a population below 250,000 residents which received less than \$5 million in SLFRF funding	Not required		
NEUs			

IMPORTANT INFORMATION

The Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") apply to the LFRF. These include, but are not limited to:

- Contracts must follow federal procurement rules and cost principles.
- Cities/towns may enter into Grant Agreements with subrecipients (such as to broadband suppliers, water departments, or school districts that serve multiple NEUs). Cities/towns are responsible for monitoring and reporting on subrecipient use of LFRF funds.
- Single Audit requirements apply to subrecipients who receive in the aggregate more than \$750,000 in federal funds for the year.

For more information:

- For a summary of LFRF-applicable requirements, see the [SAM.gov site specific to Coronavirus State and Local Fiscal Recovery Funds here](#) (see "Compliance Requirements" section).
- For the full text of applicable requirements, [see Title 2, Part 200](#) of the Code of Federal Regulations.

Key Documents (all municipalities must read!)

[Interim Final Rule](#)

[US Treasury FAQ](#)

[US Treasury FAQ for NEUs](#)

[US Treasury Compliance and Reporting Guide](#)

GFOA Revenue Calculator (download for NHMA's ARPA [Page](#))

Key Resources

[US Treasury](#)

[GOFERR's LFRF website](#) (for NEUs)

[NHMA's ARPA website](#)

[National League of Cities website](#)

[GFOA's CSLFRF Guidance FAQ](#)

If you're a member of NHMA and you have a question about ARPA, please email: governmentaffairs@nhmunicipal.org.

CITY COUNCIL MEETING
AGENDA ITEM II

Chapter C. Charter

§ C-2. Wards.

[Amended by Ch. 355 of the Laws of 1973]

Said City of Franklin is hereby divided into three wards, which shall be constituted as follows, namely:

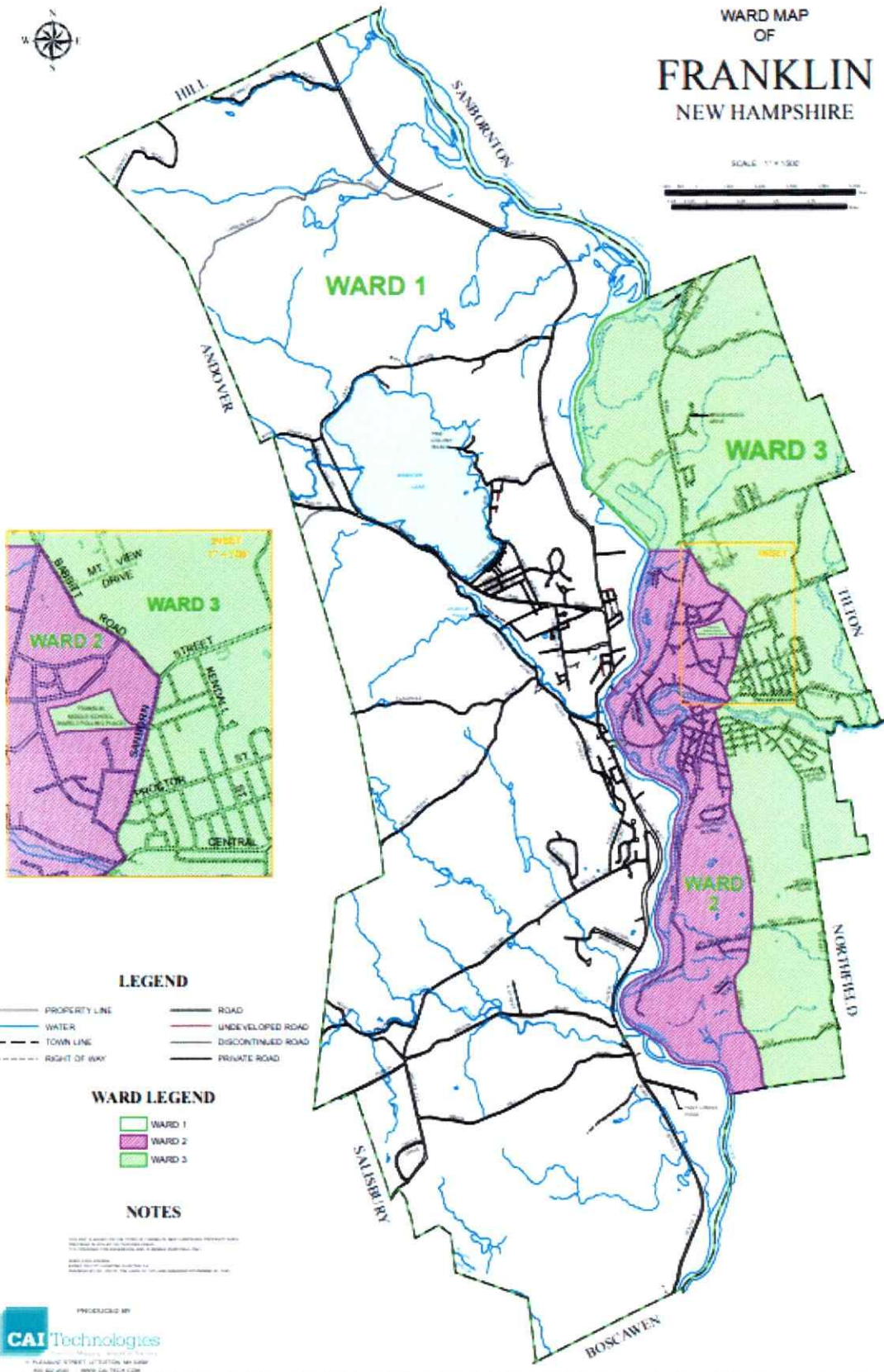
- A. Ward 1 shall include all that portion of said Franklin located west of the Merrimack and Pemigewasset Rivers.
- B. Ward 2 shall include all that portion of the City of Franklin within the boundary commencing at the intersection of Babbitt Road and Victory Drive; then westerly to the Pemigewasset River; then southerly along the Pemigewasset and Merrimack Rivers to the Northfield town line; then easterly to Prospect Street; then northerly along Prospect Street to Central Street; then easterly along Central Street to Sanborn Street; then northerly along Sanborn Street to a point marked by a drill hole on property owned by the City of Franklin and currently occupied by the Franklin Middle School, so called; then turning and running N 78° 35' 01" W 81.27 feet to a point at a rock wall; then turning and running N 78° 16' 32" W 60.43 feet to an iron pipe in said wall; then continuing N 78° 16' 32" W 53.80 feet further along said wall; then turning and running N 77° 56' 13" W 50.19 feet to a granite bound; then turning and running N 78° 14' 54" W 699.98 feet to a point; then turning and running N 78° 52' 56" W 15.26 feet to a highway bound; then turning and running S 60° 58' 38" W 82.90 feet to a highway bound; then N 04° 51' 02" W 52.66 feet to a granite bound; then turning and running N 06° 13' 52" W 5.90 feet to a point; then turning and running N 06° 13' 52' W 77.41 feet to a point; then turning and running N 06° 13' 52' W 157.57 feet to a granite bound; then turning and running N 10° 07' 28" W 12.86 feet to a granite bound; then turning and running N 05° 19' 13" W 85.94 feet to a granite bound; then turning and running N 05° 26' 42" W 81.16 feet to a granite bound; then turning and running N 04° 59' 23" W 35.09 feet to a point; then turning and running S 84° 39' 09" E 121.92 feet to an iron pipe; then turning and running S 86° 17' 40" E 129.59 feet to a granite bound; then turning and running S 82° 14' 29" E 133.53 feet to a granite bound; then turning and running N 82° 45' 25" E 290.51 feet to a granite bound; then turning and running N 82° 50' 50" E 27.07 feet to a point; then turning and running N 82° 50' 50" E 0.87 feet to a granite bound; then turning and running N 84° 34' 50" E 330.51 feet to a point; then turning and running N 84° 34' 50" E 99.26 feet to a drill hole at a rock wall; then turning and running N 84° 04' 36" E 67.21 feet to a drill hole in said wall; then turning and running S 07° 37' 30" E 400.03 feet to a granite bound; then turning and running S 22° 33' 28" E 284.11 feet to a granite bound; then turning and running S 59° 54' 55" E 170.28 feet to a granite bound; then turning and running S 78° 18' 30" E 189.40 feet to a drill hole set in a stone wall on the westerly side of Sanborn Street; then northerly along said Sanborn Street to Babbitt Road; then northwesterly along Babbitt Road to the point of beginning.

[Amended 11-28-1995]

- C. Ward 3 shall include all that portion of the City of Franklin remaining after the formation of the above-indicated lines for Wards 1 and 2.

WARD MAP OF FRANKLIN NEW HAMPSHIRE

SCALE: 1" = 100'



LEGEND

- PROPERTY LINE
- WATER
- - - TOWN LINE
- - - - - RIGHT OF WAY
- ROAD
- UNDEVELOPED ROAD
- DISCONTINUED ROAD
- PRIVATE ROAD

WARD LEGEND

- WARD 1
- WARD 2
- WARD 3

NOTES

THIS MAP IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY LEGAL OR FINANCIAL DECISIONS. THE USER ASSUMES ALL LIABILITY FOR ANY SUCH DECISIONS. THE TOWN OF FRANKLIN, NEW HAMPSHIRE, IS NOT RESPONSIBLE FOR ANY SUCH DECISIONS.

June 3, 2021

The Honorable Olivia Zink
Mayor of Franklin
316 Central Street
Franklin, NH 03235

Dear Mayor Zink,

The Speaker of the New Hampshire House of Representatives has appointed a committee to develop new voting districts for state representatives and certain other state offices. The process for revising state representative districts requires coordination between the House Special Committee on Redistricting and the cities.

The Census Bureau has announced that the state population data for the purpose of redistricting will be released by September 30, 2021. This new data will provide us with city, town and ward population breakdowns so we may begin the redistricting process. As you know, every ten years we must redraw lines for the districts for State Representatives, State Senators, our two Congressmen, as well as County Commissioners and Executive Councilors. We must maintain the principle of "one man/one vote" in all of our work.

Our work will proceed under the assumption that all cities will realign their wards so as to be as equal in population as possible. After all, if you elect local officials on a ward basis, you fall under the "one man/one vote" mandate as well.

Many state representative districts within cities are established using ward boundaries. Therefore, we need information from you relative to your redistricting plans as we prepare for redistricting at the state level. We are aware that not every city uses the same process to revise ward lines – some must be revised pursuant to the charter amendment process outlined in RSA 49-B and others are revised by a vote of the City Council or the Board of Aldermen. The charter revision process, including notice and public hearing requirements, must be completed 60 days prior to the date of the municipal election in which the amendments are on the ballot.

In order to complete the state redistricting process in an orderly manner, it will be important for us to have the following information as soon as possible:

- Do you plan to revise your city ward lines to create an equal alignment?
- What process will your city be using to amend ward lines, if necessary?
- What is the anticipated timeline for the adoption of an initial proposal, conducting a public hearing, and adopting a final proposal for ward line revisions?

- What is the earliest possible date by which you expect to be able to submit updated ward line data to the Legislature?

In order to integrate your data into our software, we would like a listing of all the census blocks that are in each ward in the new plan by tract and block number. It would also be helpful for you to provide the population of each ward in the new plan. While we do not need to know the exact street lines you use as demarcations, we will also need to know which wards are contiguous since wards included in any floterial must be contiguous. We will make every effort to keep districts within cities, but as in the past, it is likely that in a limited number of instances, some city wards will have to be combined with surrounding towns, especially in floterial districts.

It is also important to note that there is a state law that addresses the establishment of ward lines. This law, RSA 44:4-a, requires all ward boundaries to follow easily identifiable physical features.

44:4-a Boundaries of Wards. – All boundaries of wards, other than those boundaries which are coterminous with the boundaries of municipalities, shall follow easily identifiable physical features. For the purposes of this section, physical features include public and private ways, public utility lines, railroad tracks, and surface waters. Ward lines shall be clearly shown on a map of suitable scale. Those portions of physical features with names and used as ward boundaries shall be clearly labeled on the ward map.

The delayed release of the Census data for redistricting will make it extremely challenging to complete our work in time for the 2022 elections. It is our intention to adopt a plan for the new House districts as early as possible in the 2022 legislative session. Your cooperation is certainly appreciated.

Responses can be e-mailed to our Committee Assistant, Lindsay Oestreich, at lindsay.oestreich@leg.state.nh.us or mailed to Room 409, House Committee Services, Legislative Office Building, 33 North State Street, Concord, NH 03301.

Sincerely,

Rep. Barbara Griffin, Chairman
House Special Committee on Redistricting

cc. Katie Gargano, City Clerk

Charter Amendment timeline:

<p>"States, as well as the public, will receive the data they need to begin redistricting by August 16. The Census Bureau will also deliver the final redistricting data toolkit to all states and the public by September 30." https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html</p>	August 16 – September 30, 2021
Cities re-draw ward lines	September - October
Proposed charter amendment on new ward lines is introduced during city council meeting, referred to committee, and a public hearing set (at least 10 days from date of meeting to allow for publication of notice at least 7 days prior to the hearing).	November 1 – 10
Public hearing	November 11 - 20
City council votes on new ward lines and files a report with the city clerk. Within 10 days, the city clerk forwards a copy of the proposed charter amendment to the secretary of state, the attorney general, and DRA.	By November 30
Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.	December
Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot.	January 1 – 10
...the municipal officers may order amendments to be placed on the ballot...at a special municipal election that occurs not less than 60 days after the order...	Election day: early March

CHARTER AMENDMENT PROCESS AND TIMELINE FOR REDISTRICTING

49-B:5 Charter Amendments, Procedure. –

I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and shall, by order, provide for notice and hearing on them. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. If substantive changes are made to the proposed amendment, a hearing on the modified amendment shall be held. Notice of the hearing and the conduct thereof shall be as provided in this paragraph.

(a) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the proposed amendment. In the case of a report of an appointed committee, a copy shall be filed with the municipal officers.

(b) Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the order.

49-B:4-a Review and Approval by State Departments. –

I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as follows:

(a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI.

(b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.

(c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

(d) Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.

II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.

III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.

IV. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general, or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

Status of City Ward Line Revision Process
Updated June 28, 2021

The 13 New Hampshire cities fall into one of three categories:

A. Ward lines revised by session law (1) – Portsmouth

last revised Ch. 9:4, 2012, included in bill that established the state representative districts; effective March 28, 2012

B. Ward lines revised by ballot to amend city charter (7) - Claremont, Dover, Franklin, Keene, Laconia, Manchester, Somersworth

The next municipal election is planned for November, 2021 in most of these cities. Franklin’s municipal election will be held in October, 2021.

C. Ward lines revised by vote of city council or board of aldermen, or no ward lines (5) – Berlin, Concord, Lebanon, Nashua, Rochester

Summary of Responses to June 2021 Request for Timeline for Ward Revision

	Respondent; Date of Response	Plans for Ward Revision
Berlin	Shelli Fortin City Clerk 6/15/21	Wards were eliminated by referendum vote, January 2012.
Claremont		
Concord		
Dover		
Franklin		
Keene		
Laconia		

	Respondent; Date of Response	Plans for Ward Revision
Lebanon		
Manchester		
Nashua	Susan Lovering City Clerk 6/24/21	9 wards; wards revised by ordinance adopted by Board of Alderman process in city charter will be followed <ul style="list-style-type: none"> • upon receipt of census data – aldermen review ward lines and revise, if necessary • not more than 30 days prior to adoption of changes – public hearing • at least 30 days prior to hearing – notice published • not more than 30 days before vote – informational meetings held in all wards for which boundary changes are proposed
Portsmouth		
Rochester		
Somersworth		

6.) Data and [Calculating Deviations for House Redistricting](#)

Also, the population is within the 5% in each ward

I used a tool called districtR.org - which uses the 2010 census block shapefile.

Ward 1 has 2,935 total population in 2010

Ward 2 has 2,611 total population in 2010

Ward 3 has 2,931 total population in 2010

Registered voters # which will show ward 2 is the smallest but the council needs to know about the SCOTUS decision in 2016 that said redistricting must be done by total population, not voting age population based on "one person, one vote."

Currently there the following voters on the list:

2104- Ward 1

1642- Ward 2

2183- Ward 3

We are in the process of the checklist purge, we sent out letters to inactive voters who will be removed if they don't respond by 8/4/21.

We sent the following letters out :

514- Ward 1

464- Ward 2

435- Ward 3

Worst case if all are removed on 8/4/21 we will be left with the following on the checklist:

1590- W1

1178- W2

1748- W3

Thanks,

Katie

Calculating Deviations for House Redistricting

Background

An important underlying principle that governs redistricting that both the New Hampshire and United States Supreme Courts have recognized is the principle of "one person, one vote". "One person, one vote" means that the vote of each citizen, regardless of where they live, should have equal weight to that of others in electing government representation. Deviation calculations serve as a measure of how closely this principle is adhered to in a redistricting plan. There are different standards of adherence for Congressional and state legislative districts that the courts have established.

Congressional Districts – Strict Equality

Pursuant to a long line of United States Supreme Court rulings, Congressional districts must be as nearly equal in population as practicable and no level of population inequality is deemed too small for consideration. Congressional districts must be drawn on a strictly mathematical basis with the lowest possible deviation from the ideal population, though maintenance of municipal boundaries is allowed if consistently applied. The strict equality standard is based on Article I, Section 2, of the U.S. Constitution.

Legislative Districts - Substantial Equality

The U.S. Supreme Court has ruled that states have broader latitude in creating legislative districts. Such districts are to be drawn with an overriding objective of substantial equality of population among the various districts. In general terms, an overall range of 10% from the ideal population of a legislative district is considered likely to withstand judicial scrutiny, though this is not guaranteed (no safe harbor). Plans exceeding 10% have been deemed acceptable by the courts if the state shows that the overall range was necessary to implement a rational state policy such as preservation of political subdivision lines. The substantial equality standard used for establishing legislative districts is founded on the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

Calculation Methodology

Ideal Population

The first step in calculating deviations is to determine the "ideal" population per representative which is equal to the state's population divided by the number of representatives. Based on 2000 census data, the ideal population for New Hampshire equaled $1,235,786 \div 400 = 3,089$ residents per representative. All deviation measurements are based on the ideal population and express how far a district, county, or the overall plan varies from this ideal.

Individual Districts

The deviation for an individual district, which is composed of one or more towns¹ with one or more assigned legislative seats, can be expressed two ways.

ABSOLUTE DEVIATION = District Population – (Ideal Population x Number of reps.)
(+/- number of people result)

RELATIVE DEVIATION = Absolute Deviation ÷ (Ideal Population x Number of reps.)
(+/- percentage result)

To obtain an Absolute Deviation per representative, divide result by number of representatives. A positive result indicates that the district is underrepresented. A negative result means it is overrepresented.

Example:

Presently, Brookfield, Effingham and Wakefield comprise District No. 5 in Carroll County. The combined population of these 3 towns (based on 2000 census data) is 6,129 and there are 2 representatives for the district.

Absolute Deviation = 6,129 – (3,089 x 2) = -49 or -24.5 people per representative

Relative Deviation = -49 ÷ (3,089 x 2) = -0.0079 or -0.79% (*very close*)

County or the Whole State

Once the relative deviation of individual districts are calculated, the overall deviation of a county or the state can then be measured. This can be expressed as either the Relative Mean Deviation or the Overall Range Deviation.

RELATIVE MEAN DEVIATION = Sum of all Relative Deviations ÷ Number of Districts

OVERALL RANGE DEVIATION = Largest Positive Deviation + Largest Negative Deviation

(Negative numbers on right side of equations are converted to positive numbers in these calculations)

The Relative Mean Deviation is a measure of the average district deviation from the ideal, whereas the Overall Range Deviation is a measure of the largest difference in deviations among the districts. The Overall Range Deviation is the measurement most often relied upon as it indicates the greatest degree of separation in representation experienced by those living in different parts of the county or the whole state.

Combined Districts Using Floterials

A floterial or at-large district overlays two or more individual districts and is assigned one or more legislative seats. Floterials are created when the underlying districts have populations that exceed the ideal population (have positive absolute and relative deviations) and the excess can be “absorbed” by the floterial. However, floterial districts

¹ “Town” is used broadly to mean town, city, or ward of city.

are not actually assigned the excess population in that each voter living in a particular location that is encompassed by both a regular district and a floterial district will vote for all representative seats up for election in both districts.

There are different methods for calculating deviations when floterials are involved.

A. Aggregate Method

When the Legislature attempted to redistrict in 2001/2002 under HB 420 using floterials, it relied on what is know as the aggregate method for computing deviations. The aggregate method combines all the districts (both regular and floterial) into one for purposes of computation. The total population encompassed by the districts and the total number of legislative seats assigned to the districts (both regular and floterial) are the variables used in the computation.

$$\text{Relative Deviation} = (\text{Total Population} - \text{Total Ideal Population}) \div \text{Total Ideal Population}$$

Example:

The 2002 House redistricting bill put the towns of Alton, Barnstead and Gilford into single town districts. Alton and Barnstead were assigned one seat apiece and Gilford two. The three towns/districts were also placed into one floterial district with one seat.

	Pop.	Reps	
Alton	4,502	1	Deviation = (15,191 - 15,445) ÷ 15,445 = -0.016 or -1.6%
Barnstead	3,886	1	
Gilford	6,803	2	
<i>float</i>		1	
Total	15,191	5 x 3,089 = 15,445	(Ideal pop. for 5 reps)

In the 2002 New Hampshire Supreme Court decision that redistricted the House of Representatives (*Burling v. Chandler*), the Court held that it is not appropriate to use the aggregate method with floterials, finding that it “masks substantial deviation from the one person/one vote principle.” The House had used the aggregate method, in part, because the U.S. District Court for New Hampshire had previously found the use of floterials acceptable when it reviewed the New Hampshire House redistricting plan in 1982 (*Boyer v. Gardner*). The N. H. Supreme Court, however, felt that *Boyer* was not binding on it because it was basing its decision on the New Hampshire Constitution which it found to separately contain the one person/one vote principle.

A different method for calculating deviations that the court relied upon in doing its analysis is the component method.

B. Component Method

For purposes of computation, the component method apportions the representative seats assigned to the float district between the individual districts that are within the float. The apportionment is weighted based on the population percentage that an individual district makes up of the whole.

Example:

This example uses the same towns and data as in the earlier aggregate method example.

	Pop.	Seats	Ratio Share (Pop ÷ Total)	Adjusted Seats	Ideal Pop (Seats x 3089)	Absolute Deviation (Pop - Ideal)	Relative Deviation (Ab ÷ Ideal)
Alton	4,502	1	0.296	1.296	4,003	499	12.5%
Barnstead	3,886	1	0.256	1.256	3,880	6	0.15%
Gilford	6,803	2	0.448	2.448	7,562	-759	-10.0%
<i>float</i>		1					
Total	15,191	5					

C. Composite Method

Under the composite method, the ideal population for the districts is subtracted from the actual population of all of the affected towns to arrive at a "floterial population". The relative deviation of this floterial population is then calculated.

Example: (again using the same data)

Total Population of affected towns = 15,191

Ideal population x Number of non-floterial seats = Total Ideal

$$3089 \times 4 = 12,356$$

Actual Total Population - Total Ideal Pop = Floterial Population

$$15,191 - 12,356 = 2,835$$

(Floterial Pop - Ideal Pop) ÷ Ideal Pop = Relative Deviation

$$(2,835 - 3,089) \div 3,089 = -0.0822 = -8.22\%$$

7.) Manchester Proposed Charter amendment:

Shall the City of Manchester approve Amendment of the City Charter as follows?

Amend the City Charter in accordance with the provisions of NH RSA Chapter 49-B by repealing in its entirety Section 5.33, which establishes the city's ward lines, and replacing with a new Section 5.33 which provides as follows: Ward lines shall divide the city into twelve wards of equal population as is practicable. To achieve that goal, upon issuance of the federal census and every ten years thereafter, or as may be necessary to conduct fair elections under New Hampshire's Constitution, the Board of Mayor and Aldermen shall initiate review of the city's ward lines to determine if ward redistricting is necessary. If the Board of Mayor and Aldermen determines that ward redistricting is necessary, the board shall propose changes to ward lines through ordinance enactment and/or revision to create wards of equal population as is practicable. Redistricting occurring within the ten-year period shall only be for the purpose of relocating a polling location within a ward's boundaries, and shall not move any voters. A public hearing on the proposed ward boundaries shall be held before its adoption.

The current Section 5.33 description of the city ward lines shall remain in effect until the Board of Mayor and Aldermen adopts an ordinance creating wards of equal population as practicable. Effective Date: Immediately upon passage If you favor this proposal, vote YES; if you do not favor it, vote NO.

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CITY COUNCIL MEETING
AGENDA ITEM III