

Agenda

Local Governance Study Commission
October 1, 2019 - 6:00 pm
Public Works Conference Room (Room #352), 3rd Floor City Hall

CALL TO ORDER

Committee Members Present: Dr. David Branch (Co-Chair), Steve Berlin (Co-Chair), Gayle Anderson, Kismet Loftin Bell, Rev. Alvin Carlisle, John Cocklereece, Jack Fleer, Katie Hall, Cynthia W. Jeffries; Absent: Ed Hanes, Jeannie Metcalf

Elected Officials Present: Jeff MacIntosh, Northwest Ward City Council Member

City Staff Present: Ben Rowe, Assistant City Manager; Meridith Martin, Assistant to the City Manager; Scott Tesh, Office of Performance and Accountability Director

Others Present: Allison Riggs, Southern Coalition for Social Justice

1. Welcome

Co-Chair Steve Berlin provided a brief welcome.

2. Approval of Minutes from Prior Meeting

Co-Chair Berlin asked if any members of the committee had proposed changes to the September 5, 2019 minutes. Mr. Jack Fleer made a motion to approve the minutes. The motion was duly seconded by Ms. Cynthia Jeffries. The members present unanimously approved the minutes.

3. Presentation: "Constitutional and Voting Rights Act Considerations When Contemplating a Change in Governmental Structure"

- a. Allison Riggs, Chief Counsel, Voting Rights Program, Southern Coalition for Social Justice

Co-Chair Berlin introduced Ms. Allison Riggs from the Southern Coalition for Social Justice to discuss items that should be reviewed as this commission moves forward. Ms. Riggs covered topics including legal considerations outside of changing structure of government, federal and state constitutions. Ms. Riggs discussed the Equal Protection Clause and 14th Amendment of the Federal Constitution, Article 1 Section 19 of the North Carolina Constitution, and Sections 2 and 5 of the Voting Rights Act.

Mr. Berlin asked if there were situations where a commission would draw district lines rather than an elected body. Ms. Riggs noted that in Asheville, the legislature wanted the municipality to redraw the district lines; however, Asheville decided not to use this model. Asheville used an independent firm. In the past, local bills only related to districting appeared with a consensus of the local elected body. Mr. Berlin asked the commission to consider the fact that if restructuring is agreed upon, would the commission draw the districts or allow to Council to complete this task following the census.

Mr. Fleer asked if there was a difference in United States Supreme Court and the NC three judge panel on gerrymandering in light of the Equal Protection Clause. Ms. Riggs responded that the US Supreme Court stuck with constitutional history whereas NC is more evolving.

Mr. Jack Cocklereece asked about the number of districts requiring 51% minority and what counts as a minority district. Ms. Riggs answered that districts must allow black voters equal opportunity to vote and select their candidate of choice.

Co-Chair David Branch inquired if any communities that have gone through this process previously been unsuccessful? Ms. Riggs noted that smaller towns have tried this through referendums without the buy-in of voters; however, this has not occurred frequently. Ms. Riggs typically works with communities trying to resolve a problem rather than a community being told there is a problem to resolve.

4. Review of Documents and Questions
 - a. Jurisdiction Comparison
 - b. National League of Cities District versus At-Large Information
 - c. House Bill 519

Mr. Scott Tesh led the commission through the materials provided for this meeting. Ms. Jeffries asked staff to provide recent changes that have occurred with the municipalities included on the comparison information document. She also requested that any changes listed include a designation of how the changes were made (General Assembly or local change).

Co-Chair Branch asked if there is a trend for municipalities to move towards nonpartisan elections. Ms. Riggs responded that one or two municipalities have moved to being nonpartisan. She noted that it is less common to be partisan; however, she was hesitant to make a suggestion based on what other jurisdictions do.

Ms. Kismet Loftin Bell asked what changes have been made in the past by the General Assembly. Ms. Riggs stated it might be tough to determine because the local delegation could ask the General Assembly to implement a change, or it can be mandated.

Ms. Jeffries asked what the process would be as it pertains to House Bill 519. Co-Chair Branch stated that the bill is currently inactive; however, because it was discussed in the long session, it could be discussed again in the short session.

5. Additional Information Requests by Commission Members
 - a. Presenters
 - i. Elected Officials from Other Jurisdictions
 - ii. Additional Professional Experts

Co-Chair Branch discussed potential future presenters to the commission. Ms. Gayle Anderson asked what happens when a decision is made by the commission. Co-Chair Branch responded that a report would be given to the City Council and ultimately the General Assembly would determine if the recommendations were acceptable. He noted that this commission serves in an advisory role. Mr. Fleer asked if local government staff from other jurisdictions could serve as presenters. Co-Chair Branch responded that this could occur but the staff would likely be retired.

Ms. Riggs suggested future presenters could also include election administrators because this group can discuss the implications of elections being partisan/nonpartisan and elections occurring on even/odd years. Ms. Riggs also suggested retired City Attorneys, Managers, and Budget Directors.

Ms. Katie Hall asked if additional reading materials could be provided that would benefit the commission for this process. Ms. Riggs suggested the National Conference of State Legislatures might have reading related to this. The National League of Cities might have information on redistricting. Co-Chair Branch stated that a redistricting would occur in 2021 due to the census. Ms. Riggs added that there would be more benefit in waiting on census data in 2021 for line drawing rather than using data from 2010.

6. Adjourn

The next meeting is scheduled for Tuesday, November 5, 2019 at 6:00 pm in the Public Works Conference Room on the third floor of City Hall.

The meeting was adjourned at 7:15 pm with a motion by Mr. Fleer and seconded by Ms. Loftin Bell. The motion was unanimous.