

APPROVED

## **Orange County BOCC Elections Advisory Group**

### **Meeting Summary**

**Thursday, February 25, 2021 at 7:00 PM**

#### **Virtual Meeting**

Members Present: Kathy Arab, Nicholas Batman, Dr. Nathan Boucher, Dr. Jennifer Bremer, Jaazaniah Catterall, Dr. Lisa Hazirjian, Dr. Krishna Mondal, Dr. Jonathan Weiler, Brian Crawford, Martha Jenkins, Patrick Mulkey, Alicia Reid, Jenn Sykes, Rex Williams

Members Absent: Susana Dancy

Staff Present: County Attorney John Roberts, Greg Wilder from the County Manager's Office, and Brian Carson from the Planning & Inspections Department

#### **1. Welcome and Introductions**

Greg Wilder welcomed everyone to the Virtual meeting and expressed appreciation for members' willingness to serve on the BOCC Elections Advisory Group (BEAG). He noted that the Group would likely meet via Zoom for all of its meetings unless health circumstances changed substantially. Mr. Wilder also shared that the meeting was open to the public and that several members of the public were viewing the meeting virtually just as they would if the meeting was an in-person meeting.

Mr. Wilder detailed the materials that Group members had received as part of the meeting agenda package.

All Group members, followed by staff, briefly introduced themselves and each member shared background on the perspectives/interest that prompted their interest in serving on the BEAG.

#### **2. Review of the Group Charge and Timeline**

Group members discussed the Group Charge, the Timeline for providing a report to the Board of Commissioners, and related issues. The July 31, 2021 deadline for completing the Group's work would require the Group to be diligent.

County Attorney John Roberts shared that the Board of Commissioners only had certain authority to consider changes to the method and structure of elections via local referendum, while other changes would require legislative action by the North Carolina General Assembly. Mr. Roberts noted that Orange County approaching the General

Assembly at this time requesting something special for Orange County elections would be, at least, difficult and that a referendum would be a better way to go.

It was noted that 2020 Census information was not expected to be available until September 2021 at the earliest and that may lead the Group to look at other data, including voter registration, voter turnout, political affiliation data, etc. It was noted that population data was the determining factor for voting district parameters and decision-making.

The Group also discussed the format for its report and who would receive it. Mr. Wilder shared that there was not a specific report framework and that the format and its size would likely be dictated by the Group's work and conclusions. Mr. Wilder added that he believed the report was expected to transmit from the Group directly to the Board of Commissioners, and that he surmised that the Board of Commissioners would consider the report, determine a direction, and then pursue opportunities for public input and public hearing as appropriate before considering any specific actions. It was noted that Group may want to receive input from the public as its work proceeded.

### **3. Review of County's Legal Authority Related to the Election of Members of the Board of Commissioners**

County Attorney Roberts shared information with the Group regarding the legal parameters under which the Board of Commissioners can change the current framework and method for electing individuals to the Board of Commissioners. The Board of Commissioners itself cannot determine how members are elected, the length of terms, etc. The Board of Commissioners can propose items through voter referendum such as the number of Commissioners, the terms of office, and how the Chair is determined, as well as determining the method of election from the four State-authorized methods. Other changes require North Carolina General Assembly action, including early voting, voting sites, cumulative voting, absentee voting, and mail-in voting. The Group could discuss those topics. However, the Board of Commissioners does not have any decision-making authority in those areas. Attorney Roberts added that he would share this information with the Group in writing.

### **4. Potential Desire for Facilitator to Assist Group**

Group members discussed the potential desire for the County to contract with a facilitator to help guide the Group's meetings and its discussion, consideration of issues and decision-making processes. Group members noted: the need for an independent person to guide the Group discussions; the desire to make sure all voices were heard, ensuring that a majority of Group members did not dominate the discussion or thereby the decisions made; the desire for the Co-Chairs to be actively involved in the discussions and have opinions rather than just lead/guide the meetings' activities; the need for a professional to help the Group figure out how it was going to make decisions; how to

potentially establish a threshold higher than a simple majority for Group decisions; the need for transparency; concerns related to the North/South issue and Chapel Hill influence and Hillsborough influence; and a desire to avoid any potential bias that staff might have.

A question arose about how the Group should make decisions on a temporary basis until a potential facilitator could lead the Group through a discussion on voting thresholds for decision-making. County Attorney Roberts noted that the Board of Commissioners' adopted Advisory Board Policy outlined that decisions by advisory boards occurred by simple majority approval, but the Policy did not apply to this Group. He suggested that the Group could consider a higher threshold if it wished.

It was noted that the County and the Board of Commissioners itself had utilized facilitators from the Dispute Settlement Center, the UNC School of Government and other entities. Group Member Patrick Mulkey expressed hesitancy with a facilitator as he expected there would not be consensus and there would potentially be split votes on recommendations.

Group Members Kathy Arab, Jennifer Bremer and Nathan Boucher expressed interest in pursuing a facilitator. The Group subsequently voted 11-3 to ask staff to work with the County Manager to pursue a facilitator for future Group meetings, hopefully beginning with the March 25, 2021 Group meeting.

After some additional discussion of the County's Advisory Board Policy, Group Member Brian Crawford recommended that the Group adopt the County's Advisory Board Policy as a temporary operating policy to conduct business until a facilitator could assist the Group with a potential alternative framework. Group Member Dr. Krishna Mondal seconded, and the Group voted 11-3 to approve, with Group Member Lisa Hazirjian noting an uncomfortableness with voting for something not yet seen.

## **5. Potential Establishment of Specific Meeting Date & Time**

Mr. Wilder noted that the current meeting was occurring on the 4<sup>th</sup> Thursday of the month at 7:00 pm. He wondered if that day and time might be amenable to the Group to establish as a standard meeting schedule.

Group Member Jaazaniah Catterall motioned that the Group establish the 4<sup>th</sup> Thursday of each month at 7:00 pm as its standard meeting date and time. Group Member Jenn Sykes seconded, and the Group voted to approve unanimously.

## **6. Discussion on and Potential Election of Group Co-Chairs – One from District 1 and One from District 2**

Mr. Wilder noted that the Board of Commissioners had directed that the Group elect two Co-Chairs, one from the current District 1 electoral area in the County and one from the

current District 2 electoral area in the County. The Co-Chairs would customarily be elected at the first meeting, but staff understood there might be some uncertainty how well Group members knew each other, or members simply might not be prepared to elect Co-Chairs at the first meeting. Mr. Wilder noted that this agenda item provided the opportunity for the Group to discuss and determine how it wanted to proceed.

There was some question about which members of the Group should be involved in selecting the two Co-Chairs for the two respective election districts. A facilitator may also help guide the Group in the process of selecting the two Co-Chairs.

After further discussion, Group Member Martha Jenkins motioned that any members wanting to be considered for election as one of the Co-Chairs should send an email outlining the reasons for their interest to fellow Group members. Group Member Catterall seconded, and the motion was approved unanimously.

## **7. Other General Organizational Matters**

The Group discussed other items related to Group interaction. In follow-up to a question from Group Member Rex Williams, County Attorney Roberts shared information on the need to avoid Group discussions on topics via email in order to comply with open meetings requirements. It was recommended that the Group not use the "Reply All" feature and that the emails of interest regarding Co-Chairs discussed earlier only be submitted to staff for organized distribution, and not sent to the entire Group. It was determined that all emails of interest be sent only to Mr. Wilder by March 11, 2021 – two weeks prior to the next Group meeting.

## **8. Current Framework for the Election of Members of the Board of Commissioners**

Mr. Wilder noted that Group members had received a copy of the current BOCC Elections District Map as part of the agenda materials, and that this agenda item provided the opportunity for any Group members to discuss the current framework, clarify any uncertainties, and otherwise discuss as needed. Mr. Wilder briefly detailed the nomination and election method applicable to the current seven seats on the Board of Commissioners.

Group Member Jennifer Bremer asked if the method Orange County utilized with district nomination and at-large election was used in other NC counties. Mr. Wilder noted that, on a general basis, the method used by Orange County was not prevalent across the state. Group Member Mulkey requested that the Group receive information on how the other 99 North Carolina counties elect members of their boards of commissioners.

There was no additional discussion.

## **9. Discussion on Initial Information or Presentation Requests**

Group members took the opportunity to discuss and suggest potential information that might be helpful to the Group as it moved forward to future meetings and discussions. The following information and presentations were suggested:

- Demographic information related to the urban and rural population and changes since the 2010 Census
- Information on areas experiencing or expected to experience significant population growth such as the Mebane/Efland corridor
- Demographic information for both school systems and County funding levels for each district
- Presentation by Rebecca Tippet with UNC Demography Center
- Presentation by Bob Joyce with the UNC School of Government
- Online links referenced by Group Member Bremer
- Population information broken down by precinct
- Information on Recently-approved and Proposed Large/Planned Developments in the County (Example: Collins Ridge)

## **Adjourn**

Upon motion by Group Member Sykes, seconded by Group Member Nicholas Batman, the Group unanimously voted to adjourn the meeting at 9:01 pm.

This Meeting Summary was approved at the March 25, 2021 BOCC Elections Advisory Group Meeting.