

CURRITUCK COUNTY
NORTH CAROLINA
SPECIAL MEETING
SEPTEMBER 24, 2007

The Board of Commissioners met on September 24, 2007, at 7:00 p.m. for special meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Bowden, Gregory, Taylor and Etheridge.

Action on Resolution Redesigning County Commissioner Residency Districts

Dan Scanlon, County Manager, presented a revised map F-1 which moves the boundary a little to the south of Maple Road. He stated that the meeting held in Gibbs Woods the residents desired to stay with Knotts Island.

Commissioner Gregory moved to approve the resolution and map F-1. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

**RESOLUTION REDESIGNING
COUNTY COMMISSIONER RESIDENCY DISTRICTS**

WHEREAS, in November 2006 and pursuant to Part 4 of Chapter 153A of the General Statutes of North Carolina the structure of the Currituck County Board of Commissioners was modified by increasing the number of commissioners from five to seven with five commissioners residing in a particular district and two residing from anywhere within Currituck County; and

WHEREAS, pursuant to Session Law 2007-206, the Currituck County Board of Commissioners may by resolution redefine the residency districts established in November 2006 upon holding at least two public hearings prior to the adoption of such resolution; and

WHEREAS, following public hearings as required by Session Law 2007-206 and the receipt of comments from the public regarding redefinition of commissioner residency districts, the Currituck County Board of Commissioners finds that it is advisable to redefine commissioner residency districts as provided by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Currituck that:

Section 1. The five Currituck County Commissioner residency districts shall be, and hereby are, redefined as set forth on the map attached to this resolution as Attachment A which attachment is incorporated herein by reference.

Section 2. The Clerk to the Board of Commissioners shall, not later than 10 days after the day on which this resolution becomes effective, file a certified copy of this resolution in the Secretary of State's office, in the office of the Currituck County Register of Deeds and with the Chairman of the Currituck County Board of Elections.

Section 3. This resolution is effective upon its adoption.
ADOPTED this the 24th day of September, 2007.

Commissioner Etheridge made the following statements for the record:
I AM ENOUGH OF A REALIST TO KNOW THERE IS ABSOLUTELY NOTHING I CAN SAY OR DO THAT WILL AFFECT THE OUTCOME OF TODAY'S VOTE. HOWEVER, I WILL MAKE A STATEMENT THAT I WILL READ IN TO THE RECORD AND ASK THAT IT BE INCLUDED VERBATIM AS PART OF THE RECORD. I WILL PROVIDE A COPY OF MY STATEMENT TO THE CLERK.

THIS VOTE IS ONLY A FORMALITY IN ORDER TO FULFILL THE LEGAL REQUIREMENT OF HOUSE BILL 1103. THE TRUTH OF THE MATTER IS THE DECISION TO REDRAW THE DISTRICTS WAS MADE AS SOON AS THE NOVEMBER 2006 ELECTION RESULTS WERE KNOWN. THE PROCESS TO CIRCUMVENT THE RESULTS OF A LEGAL, LEGITIMATE REFERENDUM BEGAN WITHIN ONE WEEK OF THE ELECTION, BEFORE THE NEW COMMISSIONERS WERE EVEN SWORN IN.

ON NOVEMBER 13, 2006 COUNTY ATTY KATE MCKENZIE EMAILED MICHAEL CROWELL THE EXPERT REDISTRICTING ATTORNEY WHO DREW THE MAP APPROVED BY THE VOTERS AND ASKED HOW THE NEW BOC COULD UNDO THE RESULTS OF THE ELECTION AND DRAW DIFFERENT DISTRICTS. CROWELL ADVISED THERE WERE TWO METHODS, ASK THE GENERAL ASSEMBLY FOR SPECIAL LEGISLATION SO THE BOC COULD DO THIS ON THEIR OWN OR BRING A NEW REFERENDUM TO THE PEOPLE.

OVER MY OBJECTIONS, THIS BOC DECIDED TO USURP THE VOTERS AND NOT HAVE ANOTHER REFERENDUM. ALSO OVER MY OBJECTION, THIS BOC WOULD NOT AGREE TO ASK FOR THIS LEGISLATION SEPARATELY FROM ALL OTHER CURRITUCK LEGISLATIVE REQUESTS.

ON NOVEMBER 30, 2006 MS. MCKENZIE WAS AGAIN DIRECTED TO CONTACT CROWELL WITH THE QUESTION WAS THE NEW MAP ACTUALLY ADOPTED BY THE PEOPLE SINCE THE REFERENDUM QUESTION SPOKE TO INCREASING THE NUMBER OF COMMISSIONERS. MR. CROWELL INFORMED THAT NCGS153a-60 AND 61 LAID OUT THE PROCESS THE COUNTY FOLLOWED ON HIS ADVICE AND THAT YES, THE MAP WAS LEGALLY

ADOPTED. AT THE 1ST MTG OF 2007, CHAIRMAN NELMS MADE THE FOLLOWING STATEMENT," ONE OTHER THING I AM PERSONALLY LOOKING INTO BECAUSE IT HAS GOTTEN INTO THE PAPER ONCE OR TWICE ABOUT THE REDRAWING OF DISTRICTS LINES, THE INFORMATION I HAVE SO FAR IS THAT THE LINES WERE REDRAWN DUE TO A RESOLUTION PASSED BY THE PREVIOUS BOARD, BUT THERE WAS NEVER A PUBLIC HEARING HELD AT EITHER A WORK SESSION OR A COMMISSIONER'S SESSION AT LEAST THE MINUTES INDICATE THAT. I INTEND ON DEALING WITH THE COUNTY ATTORNEY AND CONTACTING THE STATE ATTORNEY GENERAL AND FIND OUT IF THE LEGALITY OF IT INVOLVED AND WE WILL BE ADDRESSING THIS TOPIC IN OUR WORK SESSION AND WE WOULD LIKE TO GET ALL THE PUBLIC INPUT. IF THE COUNTY IS SATISFIED WITH THE WAY IT WAS DONE, THAT IS FINE. WE WILL ACCEPT THAT AND IF THE COUNTY RESIDENTS ARE NOT SATISFIED, WE CAN STILL HAVE TIME TO ADDRESS THAT AND THE LINES CAN BE REDRAWN".

INQUIRY WAS MADE TO THE NC ATTY GENERAL BY LETTER ON JANUARY 10, 2007. THE MATTER WAS ASSIGNED TO SPECIAL DEPUTY ATTY GEN TIARA B. SMILEY OF THE SPECIAL LITIGATION DIVISION WHO BY LETTER ON JANUARY 17, 2007 REQUESTED INFORMATION ON THE REFERENDUM. THIS INFORMATION WAS SUPPLIED ALONG WITH A LETTER FROM MS. MCKENZIE ON FEB. 6, 2007. SEVERAL WEEKS WENT BY WITH NO WORD SO I CONTACTED MS. SMILEY AS I FELT IT WAS IMPORTANT FOR THE PEOPLE OF CURRITUCK TO KNOW IF THE REFERENDUM THEY HAD PARTICIPATED IN WAS LEGAL AND PROPER. MS. SMILEY INFORMED ME HER CONCLUSION WAS THAT THE COUNTY HAD GONE ABOVE AND BEYOND WHAT WAS LEGALLY REQUIRED FOR A REFERENDUM. I ASKED IF SHE HAD ISSUED A WRITTEN REPORT AND SHE INDICATED SHE TALKED TO CHAIRMAN NELMS ABOUT A WEEK AFTER RECEIVING THE COUNTY'S INFORMATION ON THE REFERENDUM, INFORMED HIM OF HER FINDINGS AND HE DIRECTED HER NOT TO ISSUE A WRITTEN REPORT.

IN A FEB 19, 2007 LETTER TO STATE REP BILL OWENS, CURRITUCK REQUESTED ALL OF IT'S LEGISLATIVE INITIATIVES, INCLUDING THE REQUEST FOR A NEW BILL ALLOING THE BOC TO DRAW NEW DISTRICTS. Hb1103 WAS INTRODUCED, PASSED AND RATIFIED IN TO LAW ON JULY 13, 2007.

REP. OWENS HAS NOW PUBLICLY STATED HE INTENDED AND EXPECTED THIS NEW LAW TO REQUIRE NEAR EQUAL DISTRICTS BUT HE INADVERTENTLY OMMITTED THE REFERENCE TO THE STATE LAW THAT SPELLS OUT THAT

STANDARD, GS153a-58 WHICH REQUIRES THAT POPULATION BE DIVIDED AMONG THE DISTRICTS AS NEARLY EQUAL AS PRACTICABLE.

ON JUNE 8, 2007 REP. OWENS IS QUOTED IN A TDA ARTICLE ON REDISTRICTING AS SAYING ABOUT THE MAP VOTED IN THE REFERENDUM, " I DON'T THINK THE DISTRICTS WERE LEGAL ANYWAY. A STAFF MEMBER TOLD ME THEY NEEDED TO BE APPROXIMATELY THE SAME SIZE AND THEY WEREN'T". EVIDENTLY COMMISSIONER GREGORY HELD THE SAME POSITION THAT THE DISTRICTS NEEDED TO BE NEAR EQUAL TOO AS HE IS QUOTED IN TWO TDA ARTICLES SAYING THE SAME ON JULY 14, 2007 AND JULY 20, 2007. REP. OWENS ASKED THE CHAIRMAN TO CONSIDER HIS INTENT TO HAVE THE NEW DISTRICTS MORE CLOSE IN POPULATION THAN EVEN THE VOTER APPROVED MAP WAS AND TO NOT HAVE THE COUNTY TAKE ADVANTAGE OF HIS MISTAKE OF OMISSION, TO NO AVAIL.

LET'S LOOK AT THE FACTS:

1. THE NOV 7, 2006 REFERENDUM WAS LEGAL AND PROPER AND THE NEW MAP APPROVED.
2. 6201 PEOPLE VOTED 3434(55%) YES/2767(45%) NO-AN ELECTION LANDSLIDE.
3. AT THE 6 PUBLIC MEETING, 69 DIFFERENT PEOPLE ATTENDED.
4. AT THE TWO OFFICIAL PUBLIC HEARINGS REQUIRED BY THE NEW LAW, 31 PEOPLE ATTENDED AND 6 SPOKE FOR THE NEW PROPOSED MAP E, 6 OPPOSED TO MAP E.

AT ALL THE OTHER MEETINGS WHICH WERE NOT HEARINGS AND THEREFORE NO MINUTES OR OFFICIAL RECORDS KEPT, WHERE ONLY APPROXIMATELY 40 MORE PEOPLE PARTICIPATED, THE OPINIONS EXPRESSED WERE ABOUT EVENLY DIVIDED. HARDLY THE EVIDENCE IN MY OPINION THAT JUSTIFIES OVERTURNING THE DECISION MADE BY 6201 VOTERS IN A REFERENDUM.

SO, WHERE ARE WE TODAY, WE HAVE A MAP PROPOSED THAT WILL CHANGE THE DISTRICT BOUNDARIES FROM THE MAP APPROVED BY DIRECT VOTE OF OVER 6000 PEOPLE IN THE LAST ELECTION'S REFERENDUM, BY AS FEW AS 3 COMMISSIONER'S VOTES.

69 MEMBERS OF THE PULIC HAVE SHOWN UP AT PUBLIC MEETINGS HELD ON THE ISSUE. THE OPINIONS GIVEN WHETHER TO FAVOR OR REJECT THE

NEW MAP ARE ABOUT EVENLY DIVIDED AMONG THOSE WHO ATTENDED AND SPOKE. COUNTY MANAGER DAN SCANLON IS ON WRITTEN RECORD THAT LESS THAN 10 PEOPLE COMPLAINED TO THE COUNTY ABOUT THE ELCTION REFERENDUM AND THE MAJORITY OF THOSE WERE COMPLAINTS ABOUT MISINFORMATION THEY GOT ABOUT THEIR POLLING LOATION CHANGING.

NC LAW REQUIRES REDISTRICTING FOR AT-LARGE VOTING TO DIVIDE POPULATION NEAR EQUALLY. REP. OWENS HAS PUBLICLY STATED HE INTENDED CURRITUCK'S DISTRICTS TO BE NEAR EQUALLY DIVIDED IN POPULATION TOO BUT HE ERRED IN LEAVING THIS REQUIRMENT OUT OF THE SPECIFIC LANGUAGE OF CURRITUCK'S LAW. HE HAS ASKED THIS BOC TO ADHERE TO THE NEAR EQUAL STANDARD AS INTENDED.

THIS BOC HAS REFUSED. THIS BOC REFUSED TO ALLOW A VOTE OF THE PEOPLE EVEN THOUGH THEY CLAIM THEY ARE DOING THIS BECAUSE OF VOTER CONFUSION. THIS BOC CLAIMS THAT THEY HAVE HUGE POPULATION DISPARITY IN COMMISSIONER BOWDEN'S DISTRICT OF ALMOST TWO THOUSAND BECAUSE THEY ARE GROUPING WATERFRONT COMMUNITIES TOGETHER WITH LIKE ISSUE.

HOWEVER, COMMISSIONER GREGORY WAS QUOTED IN AN ARTICLE IN TDA JULY 20, 2007 SAYING THE FOLLOWING, "WE WANT TO GET THE DISTRICTS CLOSER IN POPULATION AND WE WANT DISTINCT LINES.

ALTHOUGH SOME MAY HAVE DIFFERENCES OF A FEW HUNDRED PEOPLE WE SHOULDN'T REALLY HAVE DISCREPANCIES OF THOUSANDS". BUT THERE ARE DISCREPANCIES OF THOUSANDS. COMMISSIONER BOWDEN'S DISTRICT HAS APPROXIMATELY 2000 PEOPLE FEWER THAN DISTRICT FOUR. And what did they change to supposedly link like, water front communities WHO SHARE LIKE ISSUES? They removed COMMUNITIES EAST OF TULLS CREEK ROAD AND BELLS ISLAND, ALL WATERFRONT COMMUNITIES with like issues.

WHAT DOES THAT MEAN? IT MEANS COMMISSIONER BOWDEN, WHOSE ONE VOTE HAS EQUAL AUTHORITY TO EACH OTHER COMMISSIONER'S ONE VOTE, REPRESENTS ALMOST 2000 LESS VOTERS AND, ALMOST 2000 FEWER

POTENTIAL COMPETITORS FOR HIS SEAT THAN ANY OTHER COMMISSIONER. IT MEANS THE OUTER BANKS DOES NOT HAVE TO MEET THE SAME STANDARD OF NEAR EQUAL POPULATION DIVISION THAT ALL THE OTHER CURRITUCK

DISTRICTS DO BUT THEY GET A COMMISSIONER WHOSE VOTE HAS EQUAL WEIGHT TO ALL THE OTHER COMMISSIONERS REPRESENTING AREAS OTHER THAN THE OUTER BANKS. THE OUTER BANKS MAY HAVE UNIQUE ISSUES THAT DESERVE UNIQUE CONSIDERATION BUT I CANNOT IN GOOD CONSCIENCE IGNORE HISTORY, THE LAW FOR OTHER COMMUNITIES

ACROSS NC, THE WISHES AND LEGISLATIVE INTENT OF OUR OWN STATE REP. AND MOST IMPORTANTLY THE WILL OF THE PEOPLE WHO VOTED IN A REFERENDUM, SIMPLY TO AFFORD THE OUTER BANKS SPECIAL REPRESENTATION. THERE SHOULD BE NEAR EQUAL COMPETITION FOR COMMISSIONER BOWDEN'S SEAT AS FOR ANY OTHER IF HIS VOTE AS COMMISSIONER IS GIVEN EQUAL WEIGHT OF ALL OTHERS.

This precedent of allowing BOC members to draw their own districts for upcoming elections that do not require near equal population divisions and are not subject to a vote of the people is very, very harmful to the idea of fair and impartial elections. It also opens the door for future BOC's to politically gerrymander districts to their own political advantage. The last map went to the people through a referendum process, and so should this and all future changes to an approved map.

FINALLY, ARE WE DOING WHAT CHAIRMAN NELMS SAID ON JANUARY 2, 2007, WE WILL DO WHAT THE PEOPLE OF CURRITUCK WANT? REGARDLESS OF HOW THIS ISSUE IS SPUN, IF THE MEMBERS OF THIS BOC WERE SITTING AS IMPARTIAL JUDGES, I SUBMIT THE EVIDENCE WOULD BE WOEFULLY LACKING TO CONCLUDE THAT THERE IS ADEQUATE EVIDENCE THAT THE PUBLIC WANTS THEIR REFERENDUM VOTE OVERTURNED BY THE VOTE OF AS FEW AS THREE BOC MEMBERS.

I CANNOT AND WILL NOT SUPPORT OVERTURNING THE PEOPLE'S VOTE. TO DO SO UNDERMINES AND USURPS THE WILL OF THE PEOPLE OF CURRITUCK COUNTY WHOM WE ALL COMMITTED TO SERVE. THIS WOULD SIMPLY BE WRONG.

There being no further business the meeting adjourned