

APPROVED

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

### **Meeting Summary**

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

#### **Virtual Meeting**

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

Members Absent: Nicholas Batman, Brian Crawford

Facilitator: Jay Bryan, Retired District Court Judge

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 meeting was open to the public and several members of the public were viewing the meeting virtually just as they would if the meeting was an in-person meeting.

Mr. Wilder referenced the Group's February 25, 2021 meeting discussion regarding the interest in a facilitator assisting the Group. Based on that discussion, County staff moved forward with engaging a facilitator. Mr. Wilder introduced Jay Bryan, a retired District Court Judge for Orange and Chatham counties, as the Group facilitator. He also referenced an online link that staff had previously provided Group members sharing information regarding Judge Bryan.

Judge Bryan introduced himself to Group members and expressed his appreciation for the opportunity to assist them. He noted that he and Group Member Brian Crawford generally knew each other as legal colleagues and that they jointly serve on a mentoring committee through the Bar Association. He noted that he did not recall any other specific connections between him and other Group members.

## **2. Discussion on Responsibilities of the Facilitator and Co-Chairs**

Judge Bryan moved the Group forward to discussing the DRAFT “Responsibilities of the Facilitator and Co-Chairs” document that had been provided with the agenda package. He noted several aspects of the proposed responsibilities to help coordinate efforts and complement each other and opened the floor for Group questions and discussion on any portions of the roles detailed in the draft document. There were no topics for discussion.

Judge Bryan requested a show of hands from Group members to indicate support for the “Responsibilities of the Facilitator and Co-Chairs” document as written, and all Group members raised their hands.

## **3. Ground Rules for Group Function & Interaction**

Judge Bryan referenced the DRAFT “Discussion Guidelines for BOCC EAG Meetings” document that had been provided with the agenda package. He noted that the draft document originated with Roger Schwarz, with some minor refinements. Judge Bryan opened the floor for Group questions and discussion on any portions of the draft document. There were no topics for discussion.

Judge Bryan requested a show of hands from Group members to indicate support for the “Discussion Guidelines for BOCC EAG Meetings” document as written, and all Group members raised their hands.

## **4. Discussion on Decision-making Process**

Judge Bryan moved the Group forward to discussing the “Decision-making Processes” document that had been provided with the agenda package. He noted previous Group discussion on consensus and a super-majority framework, and he discussed the various options detailed in the document.

In response to a request for clarification from Group Member Martha Jenkins, Group Member Jenn Sykes noted that there had been discussion at the February 25, 2021 meeting regarding the need to establish a framework for the Group to make decisions. Group Member Jenkins suggested that the Group move forward with deciding how decisions were going to be made.

Group Member Lisa Hazirjian noted that several members had shared their thoughts at the February 25, 2021 meeting, and that she would like to hear perspectives from other members who had not previously spoken on this matter. She also asked for any viewpoints on previous experiences with any of the voting frameworks. She noted that for some things, like approval of meeting minutes, a simple majority would work.

Group Member Nathan Boucher noted that he had used consensus for much of his past work and that he liked it. He shared that matters of weight for this Group should require a supermajority and that routine actions should be a simple majority.

Group Member Sykes shared that a supermajority threshold needed to be considered with District 1 having 9 representatives and District 2 having 6 representatives on the Group.

Group Member Jaazaniah Catterall requested an additional breakdown on the types of decisions that would be made, and he proposed an approval standard of three-fifths plus one of all members present at a meeting.

Group Member Jennifer Bremer referenced an alternative with a simple majority that included an additional required support threshold such as two votes in support from Group members from the northern portion of the County. She noted a desire to avoid a framework that was awkward,

Judge Bryan inquired with Group members regarding the kind of decisions that would require the higher super-majority standard for approval.

Group Member Jonathan Weiler noted that a super-majority should apply for matters of weight and should reference only members actually present at a meeting, not the full membership.

Group Member Krishna Mondal questioned whether it was possible for voting to occur by Districts that Group members represented.

Group Member Weiler noted that it sounded like there was a definite interest in a two-thirds majority for major decisions.

Group Member Hazirjian referenced Group Member Catterall's earlier suggestion and questioned what type of decisions the Group was going to be considering.

Group Member Rex Williams noted agreement with Group Member Weiler's comments.

A question arose regarding voting in public. County Attorney John Roberts followed up that due to the virtual nature of the meeting, Group members needed to vote in ways that identified the voter publicly by actively expressing votes during meetings through roll call voting or the Chair publicly confirming each member's vote by name.

Mr. Wilder read written comments provided by Group Member Kathy Arab who was experiencing internet connections issues as the meeting progressed and had emailed comments to Mr. Wilder as an alternative. Group Member Arab indicated support for a qualified supermajority (2/3 vote of the entire group, not just those in attendance) on decisions other than closing discussion and closing a meeting itself, and a desire to accommodate unfortunate circumstances, like she was experiencing with internet issues, that affected Group members participation and voting.

Group Member Boucher inquired about the work-around the Group was attempting to address in recognition of District 1 having nine representatives and District 2 having six representatives and how that unevenness was created. Mr. Wilder shared the process the County pursued to solicit applications from residents interested in serving on the BEAG. The Board of Commissioners then reviewed all the applications and selected the Group members to appoint and balance the Group based on various criteria that could include geographical location in the County, gender, population distribution in the County, and other factors.

Group Member Hazirjian commented that she would appreciate additional comments from District 2 representatives on the possible parameters for a super-majority threshold for making decisions.

Group Member Jenkins asked if members could use a phone to call in to a meeting and to vote, and it was noted that the virtual framework did allow for the use of a phone to participate and vote, with County Attorney Roberts adding that it was permissible provided the phone caller could be heard by everyone. County Attorney Roberts also noted that actual attendance at the meeting was required in order to vote on any items.

Group members discussed several factors related to approval of an item by a super-majority plus additional votes in support. Group Member Bremer suggested that a standard of approval for major decision items be at least sixty (60) percent of Group members present at the meeting and at least two members from District 1 and at least two members from District 2 voting in support. Multiple Group members voiced support for the proposal.

Group Member Williams motioned that the standard of approval for major decision items be at least sixty (60) percent of Group members present at the meeting including at least two members from District 1 and at least two members from District 2 voting in support. Additionally, items such as approval of minutes and adjourning a meeting would only require a simple majority of members present. Group Member Catterall seconded the motion.

Judge Bryan called for any discussion on the motion. Group Member Susana Dancy indicated that she would not be voting on the item since she was not present for all of the discussion. There was no other discussion.

Group members then voted by raised hand and roll call on the motion, and it was unanimously approved.

Judge Bryan recognized Group Member Dancy to introduce herself since that had not been possible at the beginning of the meeting. Group Member Dancy shared some brief comments with the Group.

## **5. Discussion on Process to Elect Co-Chairs**

Judge Bryan focused Group discussion to the election of two Co-Chairs as directed by the Board of Commissioners, with one Co-Chair to represent District 1 and one Co-Chair to represent District 2. Group Member Sykes referenced discussion at the February 25, 2021 meeting regarding each District electing its respective Co-Chair.

It was noted that Group Member Patrick Mulkey had submitted a Statement of Interest in serving as the District 2 Co-Chair. Group Member Mulkey commented that the Co-Chairs should be elected by simple majority.

Group Member Hazirjian noted that she and Group Member Catterall each submitted Statements of Interest in serving as the District 1 Co-Chair, and they had discussed the Co-Chair position prior to the BEAG meeting. Group Member Catterall indicated that he would be supporting Group Member Hazirjian as the District 1 Co-Chair. Group Member Catterall subsequently motioned to elect Group Member Hazirjian as Co-Chair representing District 1 and Group Member Mulkey as Co-Chair representing District 2. Group Member Sykes seconded the motion. Group members then voted by roll call on the motion, and it was approved unanimously.

## **6. Approval of February 25, 2021 Meeting Summary**

As the presiding Co-Chair for the remainder of the meeting, Group Co-Chair Hazirjian requested a motion to approve the February 25, 2021 Meeting Summary as written and distributed with the agenda package. Group Co-Chair Mulkey motioned to approve the meeting summary, and Group Member Jenkins seconded the motion. Group Member Dancy indicated that she was abstaining from voting since she did not attend the February 25, 2021 meeting. Group members voted by roll call on the motion, and the meeting summary was approved unanimously.

County Attorney Roberts noted that the Group did need to decide how it wanted to treat abstentions for the purposes of voting. Group Member Sykes motioned that for purposes of all voting by the Group, all abstentions on all items would be considered as a vote in support of the motion on the floor. Group Member Bremer seconded the motion. It was noted that there might need to be an allowance in certain cases for a Group member to abstain due to a legitimate reason or something unforeseen at this time. After discussion, it was agreed that scenario would be an occasion for potential recusal from voting, but not an abstention.

Group members voted by roll call on the motion, and the motion was approved by a vote of 12 to 1 with Group Member Williams opposed.

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

It was noted that this item was addressed earlier in the meeting.

## 8. Discussion on Various Information Requests

Group discussion moved to the information provided by staff in follow-up to requests from the February 25, 2021 Group meeting. Brian Carson highlighted Orange County population and demographic information for the period 1980 to 2010, estimated Orange County population and demographic information for the period 2010 to 2020, and mapping related to Orange County Precincts, Electoral District, Census Blocks.

Mr. Wilder briefly discussed some additional population and demographic information, and also detailed population, demographics, and budget information from Orange County Schools (OCS) and Chapel Hill Carrboro City Schools (CHCCS). He also noted Recent and Planned Development Activity information that had been provided with the agenda package and expressed appreciation to the County's Planning staff for compiling that information.

Mr. Wilder then referenced the "Election Methods for 100 North Carolina Counties" document from the North Carolina Association of County Commissioners (NCACC) and noted that Mr. Carson had developed the map that was provided based on the list from NCACC.

Group Co-Chair Hazirjian expressed appreciation for the map of the NC counties and asked which counties required NC General Assembly legislative action for their voting methods. County Attorney Roberts shared that he could not specifically identify which counties required legislative action, but noted that all the counties that aligned with the the four methods outlined in the NC General Statutes would not have required specific General Assembly action.

Group Member Bremer noted that this topic had been confusing as part of her work on redistricting research, and that Orange County was one of the few in the state that utilized the districts nomination/at large general election method. She also referenced a chart she was working on that summarized election methods.

Mr. Wilder noted an article provided in the agenda package, "Redistricting for Local Governments After the 2000 Census", by Robert Joyce with the UNC School Government. Mr. Wilder noted that Group Member Bremer had recommended the Group members review the article by Mr. Joyce and that Mr. Joyce might be a potential speaker to the Group, as well as Rebecca Tippett with the Carolina Demography Center.

Group Member Bremer noted that she was not necessarily pushing Mr. Joyce as a speaker, rather as something for the Group to consider as possibly useful. Group Member Jenkins noted that it might be useful to hear from him, and County Attorney Roberts stated that Mr. Joyce is considered an elections law expert.

Judge Bryan noted that inviting the speakers would be a discussion topic for the Co-Chairs for the next Group meeting

Mr. Wilder closed by noting other information provided in the agenda package that had been previously referenced.

## **9. Planning/Potential Topics for April 22, 2021 and Future Group Meetings**

Group Co-Chair Hazirjian noted a need for the Group to discuss potentially and, if so, how to engage the public in the Group's work and receive input. Group Members Bremer agreed. After additional discussion, Judge Bryan proposed that the Co-Chairs discuss options in preparation for the April 22, 2021 Group meeting. Group Member Sykes noted that the County and Towns should be able to solicit public input and poll the public through their public information officers. Group Co-Chair Mulkey noted that the Group needed to have a framework that the public could respond to rather than something poorly defined.

Group Member Jaaz Catterall noted that the presentations by Mr. Joyce, as discussed earlier, as well as by Rebecca Tippet with the Carolina Demography Center, may help identify issues and help the Group determine potential changes.

Group members discussed receiving local election turnout data and precinct voting data from past elections and proportion of completed ballots that would allow Group members to see voting trends across the County. Group Member Sykes noted that much of this information for Orange County was accessible through the State Board of Elections website and suggested staff utilize the State site as a resource.

## **10. Meeting Evaluation**

This item was not addressed due to the length of the meeting.

## **Adjourn**

Group Member Bremer motioned to adjourn the meeting at 9:17 pm. Group Member Boucher seconded the motion. Group members voted by roll call on the motion to adjourn, and it was approved unanimously.

This Meeting Summary was approved at the April 22, 2021 BOCC Elections Advisory Group Meeting.