

**Item Title:**     Appropriation for Court-Ordered Payment of Legal Fees

**Specific Action Requested:**

**That the Board of Commissioners appropriates \$407,281.37 of Undesignated Fund Balance in the General Fund for payment to plaintiffs' attorneys, as ordered by the US District Court for the Eastern District of North Carolina, in the consolidated case of Raleigh Wake Citizens Association v. Wake County Board of Elections and Calla Wright v. State of North Carolina.**

**Item Summary:**

The North Carolina General Assembly adopted two identical redistricting plans for the Wake County Board of Education and the Wake County Board of County Commissioners. Two groups of residents sued the Wake County Board of Elections and the State of North Carolina to stop implementation of the plans under various claims of unconstitutionality. The State of North Carolina chose not to defend against the lawsuit and was dismissed as a defendant.

The two cases were consolidated. After a lengthy judicial review, the US 4<sup>th</sup> Circuit Court of Appeals ruled 2-1 in favor of the plaintiffs and remanded to US District Court.

After a court ordered interim plan was imposed for the November 2016 elections, plaintiffs were partially successful in requesting legal fees and expenses be paid by the remaining defendant, the Wake County Board of Elections.

June 13, 2013	Legislature adopts new Board of Education (BOE) redistricting plan
March 7, 2014	US District Court dismisses challenge to BOE plan
April 2, 2015	Legislature adopts same plan for Board of Commissioners (BOC)
May 27, 2015	US Court of Appeals reverses dismissal in part and remands
Feb. 26, 2016	US District Court rules against plaintiffs, upholds new districts
July 1, 2016	Court of Appeals overturns, grants permanent injunction
August 4, 2016	District Court rules plans violate one person-one vote
August 9, 2016	District Court imposes court-ordered interim plan for 2016
Sept. 29, 2017	District Court orders reduced plaintiffs' fees payment

**Attachments:**

1. US District Court for the Eastern District of NC Order, September 29, 2017
2. Budget Memo