

Item Title: Public Hearing to Review Proposed Apportionment Plan on Census-Based Adjustments to the Residence Districts of the Wake County Board of Commissioners

Specific Action Requested:
That the Board of Commissioners:

- 1. Holds a public hearing and reviews staff's recommendation on census-based apportionment adjustments to the residence districts of the Wake County Board of Commissioners; and,**
- 2. Instructs staff to continue making the proposed apportionment plan available for public review and comment, and to include a second public hearing on the proposed apportionment plan during the November 1, 2021 regular meeting; and,**
- 3. Instructs staff to**
 - a. Draft a resolution to adopt the proposed apportionment plan,**
 - b. Draft a resolution returning the Wake County Board of Commissioners to the election format under Session Law 2011-126.**
 - c. Place both resolutions on the November 1, 2021 regular meeting agenda for consideration.**

Item Summary:

Census-Based Adjustments to the Residence Districts

Upon receipt of the federal decennial census data, the Board of Commissioners may adjust the residence districts for the Board of Commissioners in order to achieve population balance within the districts. The purpose of this agenda item is to review the proposed apportionment plan with adjustments to the residence districts.

Adjusting the Board of Commissioners residence districts may be exercised in accordance with Part 4 of Article 4 of Chapter 153A of the N.C General Statutes, and Session Law 2011-126. There are seven residence districts for the Wake County Board of Commissioners. Each Commissioner resides in a separate district and is elected by, and represents, the entire County.

In August, Wake County received data from the U.S. Census Bureau with updated population figures. The data was used to inform a staff driven apolitical process to adjust the residence districts of the Board. The purpose was to achieve population balance among each district within a 5% deviation. The districts were last adjusted in 2011, after the 2010 census.

At the October 4, 2021 Board of Commissioners meeting, the Board agreed to use the following criteria to guide staff during the reapportionment process. These criteria were

established by the using the NC Legislature's Joint Redistricting Committee's proposed criteria.

1. Districts will be adjusted so the population is approximately equal, with no greater than a 5% difference between the largest and the smallest districts.
2. Existing board members will remain in the districts where they were elected.
3. Districts will be a contiguous area, not disjointed.
4. District boundaries will follow existing Wake County Board of Election precincts as much as possible.
5. Districts will not discriminate based on any demographic data.
6. Districts will not be guided by political considerations.
7. Districts will be as compact as possible.
8. Districts may preserve communities of interest, such as neighborhoods, where residents have a common social or cultural connection.

Staff has taken reasonable efforts to incorporate each of the adopted criteria while drafting the proposed plan. The following table summarizes the current and proposed population of the Board's districts. The population totals on the proposed plan are within the 5% deviation threshold.

District	Current Population Totals	Proposed Population Totals
1	165,197	165,197
2	191,299	161,978
3	180,872	162,166
4	149,772	160,728
5	141,297	162,097
6	142,650	158,260
7	158,323	158,984

The geographies of the adjusted districts are depicted on the following plan. The plan shows the areas (Voter Tabulation Districts) that were reassigned from one district to another.

Legend

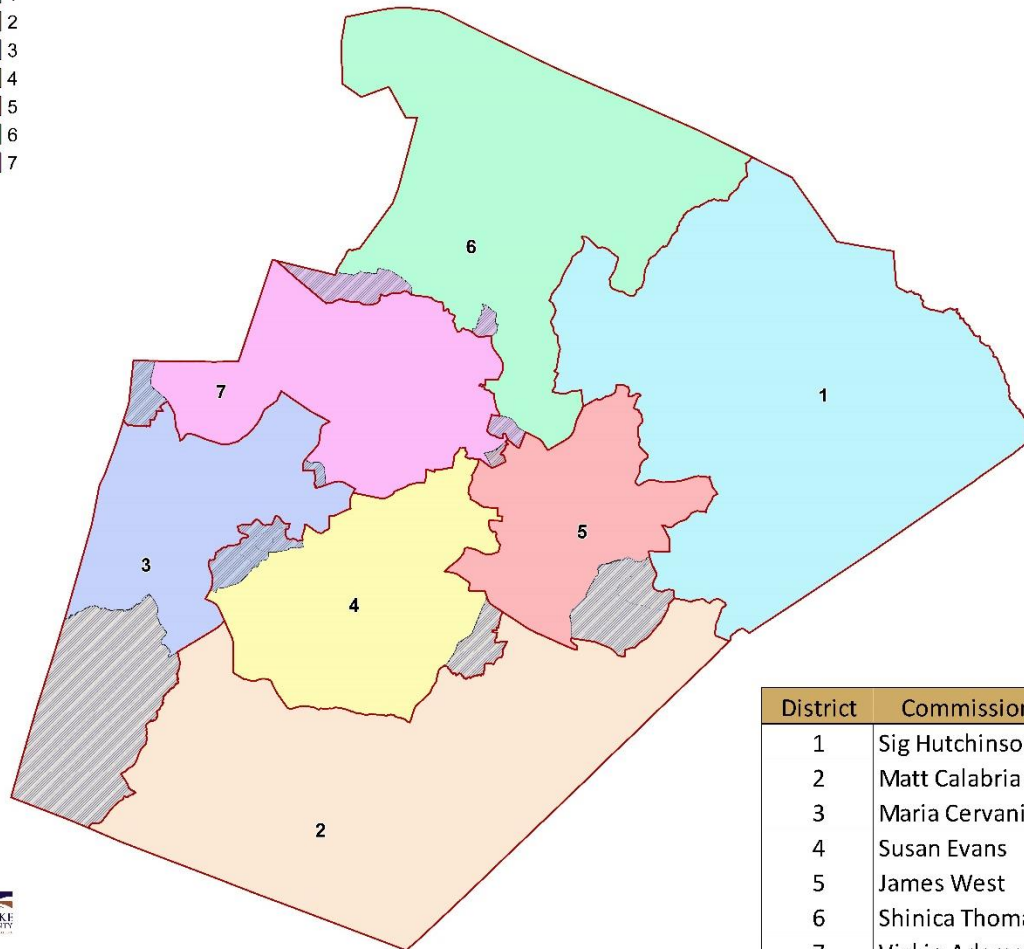
Updated District Boundary

VTD Reassigned

Commissioner Districts**Existing**

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Commissioners' Districts Updated for Population Balancing October, 2021



District	Commissioner
1	Sig Hutchinson
2	Matt Calabria
3	Maria Cervania
4	Susan Evans
5	James West
6	Shinica Thomas
7	Vickie Adamson

On October 15th, the County launched a website at wakegov.com/districtmapping that contains information about the census-based adjustments to the districts. It also includes an opportunity for residents to submit comments on the proposed plan. The County will continue to receive comments until the November 1st regular meeting when the Board will hold a second public hearing and consider adoption of the apportionment plan. Comments submitted online will be shared with Commissioners during the October 18 and November 1 meetings. Pursuant to state law, any district adjustments must be completed by November 17, 2021.

Return to Election Format Under Session Law 2011-126.

In 1981, pursuant to Senate Bill 755, the seven residency districts of the Wake County Board of Commissioners were staggered with districts 1,2,3 & 7 being elected together, and districts 4,5 & 6 being elected together which staggered the four years terms then existing.

Pursuant to SL 2011-126, the Board has authority to redistrict its own residence districts. The Board's 2011 plan was modified by the N.C. General Assembly in 2015 by SL 2015-4 which increased the Board to nine total members with districts 1-7 remaining as numbered districts and the addition of lettered districts A&B.

In 2016 in *Wright v. Wake County Board of Elections*, USDC – EDNC, 5:15-cv-00156 the U.S. District Court for the Eastern District of North Carolina declared the SL-2015-4 redistricting plan unconstitutional and enjoined the Wake County Board of Elections from using this plan for the 2016 election; the Court adopted as a court-ordered interim plan a plan which Ordered that districts 4,5, and 6 to run in the November 2016 election for two-year terms using the 2011 residency districts which were in place in 2014; and, at that time the 2016 Court order noted that the court expected the General Assembly to enact “an appropriate and constitutional system” upon returning in 2017.

Before the filing period for the 2018 elections, no further plans had been enacted. Therefore in 2017, a Consent Order was entered in *Wright v. Wake County Board of Elections*, whereby the Wake County Board of Elections was ordered to conduct the 2018 elections using the seven 2011 residency districts that were used in the 2014 and 2016 Wake County Board of Commissioners elections for all seven seats on a two-year term for the 2018 election only or until the N.C. General Assembly adopted a constitutional redistricting plan, but no later than the return of the 2020 census.

For the 2020 election, the General Assembly did not adopt a redistricting plan for the Board and all seven (7) districts stood for election at the same time as in 2018. The Consent Order has now expired, the 2020 census has been returned and the N.C. General Assembly has not adopted a redistricting plan for the Board.

In accordance with the authority set forth in SL2011-126 and North Carolina General Statute 153A-58 it is the intent for the Board to restore the 2011 format of four-year staggered resident district terms for each member.

The Board of Commissioners directs staff to draft a resolution that will have Commissioners in Districts 1, 2, 3 and 7 be elected in November of 2022 and every four years after, and members to Districts 4, 5 and 6 be elected in November of 2024 and every four years thereafter.

Attachments:

1. Presentation on Census-Based Adjustments
2. Proposed Apportionment Plan for the Board of Commissioners Residence Districts