

**OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES**

NAME OF GROUP: Commission On Reapportionment

DATE: April 12, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Paul Benkert, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Vernon Benjamin (arrived at 4:00 PM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislator Mike Madsen; Beatrice Havranek, Ulster County Attorney; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Tom Turco, Commissioner, BOE; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Beth Murphy; Mike Harkavy

- The meeting was called to order by Dare Thompson at 3:04 PM.
- Weighted Voting

Commissioner West previously requested that Bea Havranek provide case law in relation to weighted voting redistricting plans. Bea summarized her findings by saying that weighted voting is not unconstitutional if done properly, but is highly discouraged for many reasons. Weighted voting is seen predominantly in counties that still have Boards of Supervisors Bea explained. She reminded the Commission that the people of Ulster County voted twice for single member districts, which they did not anticipate would have anything to do with weighted voting. If the Commission chooses to go with weighted voting, Bea said the burden is on the County to prove, via an analytical computer process that is fair, that the Commission hasn't discriminated and that the Commission looked at all other possibilities before it came to the conclusion that weighted voting is what needs to be done. Bea feels weighted voting should be a plan of last resort if the Commission decides there is no other way to accomplish its task. She also strongly believes a weighted voting plan will be challenged in court.

Bill West pointed out that his weighted voting proposal effectively addresses the issue of creating minority districts by allowing for more than one district in the City of Kingston and the Ellenville/Wawarsing area.

Cynthia Lowe made a motion to continue to pursue 23 single member districts which are apportioned by population. Following the legal opinion just heard, Cynthia would like to continue working as the Commission has for the past few months with the intention of creating a map, and consider weighted voting as an option only if the Commission cannot create or come to a consensus on a map.

Facilitator Dare Thompson said that lacking a second, but hearing no objections, the Commission would move on to working with the draft maps.

- Consultant

Before moving on, Michael Catalinotto said, having been absent at the last meeting, it is important that he state his opinion regarding the decisions made at that meeting. Mr. Catalinotto said he thought it was understood that the Commission would go to the Legislature with plans drawn up by the Commission itself. He does not agree with asking a department of County government to draw up the plans that the Commission will present. He said it is late in the game and if he was present at the last meeting he would have voted to postpone the meeting with the Legislature until the Commission itself could draw up plans to present to the Legislature for passage.

Commissioner Catalinotto made a motion to hire a demographic consultant who knows how to analyze population to assist the Commission. Michael has inquired of one. It will cost \$10,000 and he could have a final product for the Commission by the last week of the month or the first week of next month. The motion was seconded by Paul Benkert.

Discussion:

Rich Messina believes this is a great idea and pointed out that Michael had suggested this at one of the first meetings. Rich said at that time, no one knew how complex the software would prove to be.

Cynthia Lowe asked Michael Catalinotto for the credentials of the consultant he spoke about. Michael said he was not proposing to hire anyone specific, he is only proposing the idea of hiring a consultant.

Paul Benkert asked the six Commissioners in attendance if any of them had been able to produce a map.

Dare Thompson said she didn't want to produce a map on her own. She instead wanted to work as a group using the maps that Rob made as a starting point. She said that she doesn't want to spend time researching demographers when the Commission is under the gun.

Bea Havranek informed the Commission that there is a procurement process that must be followed should the Commission decide to pursue this option and therefore, there may be an issue with time here.

Michael Catalinotto further explained his proposal saying that at least two or three Commissioners should interview potential consultants and come back to the Commission with a recommendation. To follow the County's procurement policy, Michael suggested Bill West, Cynthia and himself go to the Purchasing Department and lay out what the Commission is looking for. He suggested this be done in parallel with the Commission continuing on the path it has been on.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 4

NOES: 2

(Noes: Commissioners Lowe & Thompson)

(Commissioner Benjamin arrived at 4PM)

Michael Catalinotto, Cynthia Lowe and Bill West agreed to meet in the Purchasing Department at 2:00 PM tomorrow, 4/13/11.

- Draft Plans (See Draft Redistricting Plan for Ulster County Versions 1, 2, and 3)

Robert Leibowitz told the Commissioners that per their instructions, no plan deviates from the mean more than 2%. In fact, the highest deviation in the plans is 1.7% from the mean.

Secondly, Rob said that per the Commission he kept the town/municipal boundaries intact as much as possible.

Thirdly, the Commission requested that the City of Kingston be kept whole and split into 3 equal districts. Rob said he complied with the request. The City contains an uptown, a midtown and a downtown district. The City appears this way in all three versions of the map.

Cynthia commented that Saugerties is divided similarly in all three versions and the Town of Ulster is split into three districts in all three versions. She hopes that future versions will show alternate options for these areas.

The Commissioners looked at each town and discussed how it was split in each version, weighing the positive and negative effects of the different division options.

Cynthia asked if Rob had taken school districts into account. Rob said he hadn't but the information is now accessible via the software and can be overlaid and considered moving forward.

Rich Messina asked if Rob could show election district boundaries. Rob said the only data of that sort currently available was the information from the census bureau, and it doesn't exactly match the County's districts.

Vernon gave the Commission some details about the map he has been working on.

Cynthia made a motion, Seconded by Vernon Benjamin, to put Draft Map Versions 1, 2, and 3 on the draft map section of the Commission's website to facilitate public access. All in favor. Carried.

Dare Thompson gave Commissioner of Elections Tom Turco the floor. Tom suggested overlaying election districts onto the maps. He believes this will be an area of concern for the Legislature and the voters. He said that equal representation is all about the voters. From quick glance, Mr. Turco can tell that many election districts have been unnecessarily cut up. Tom said that based on statute, the BOE has the authority to change a district to accommodate the Commission. However, he advised the Commission to keep as many election districts whole as possible. The voters just went through a major change with the electronic machines so it wouldn't be good to now turn around and make major changes to their election districts. Vernon Benjamin said he has no problem attempting to do that, but strictly following some of the election districts is not possible because the census blocks don't exactly match up. Tom disagreed and said he believes they can be followed closely if the Commission tries to do so. Cynthia Lowe said that following election districts is part of the process, but the Commission is not there yet.

- Tonight's Meeting with the Legislature

Michael Catalinotto questioned if the maps were going to be presented to the Legislature as a work product of the Commission. If so, he is completely opposed.

Cynthia Lowe said that the three versions show a fascinating picture of what the Commission is up against and what everyone wants, but not everyone can have. One district for every single town is not possible under the current reapportionment approach she said. She has no reluctance at all to meet with the Legislature, telling them exactly what the process has been to date and showing them each version of the map. She believes the maps show the wishes of the towns as they have been articulated to the Commission.

Paul Benkert said the meeting purpose should be for the Legislature to respond to the Commission about the maps. Bea agreed, saying the Charter requires the Commission take input.

Since Dare is today's facilitator, The Commission agreed to have Dare facilitate this evening's meeting as well. Rob will make hard copies of the map versions with major roads and water features overlaid for distribution to the Legislators.

Bill West commented the Commission should explain and take input, but not get into defending any of the maps. He would like to have the meeting run like a typical public hearing.

Cynthia Lowe disagrees and hopes that there is dialogue between the Commissioners and Legislators.

Legislative Chairman Wadnola clarified for the Commission that the meeting is an Informational Session for the Reapportionment Commission to present its plans to the Legislature. The Chairman hopes that there would be a dialogue with the members of the Legislature and the Commission. Bea added that it is not a Public Hearing under the Charter.

- Next Meeting's Agenda

The next regular meeting, tomorrow afternoon, will focus on the draft plans. Cynthia will be the facilitator.

- Adjournment

A motion to adjourn was made by Michael Catalinotto, Seconded by Bill West, with all in favor. Carried. The meeting was adjourned at 4:47 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature