

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

NAME OF GROUP: Commission On Reapportionment

DATE: April 6, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: Paul Benkert, Michael Catalinotto

OTHERS ATTENDING: Legislator Jack Hayes; Robert Leibowitz, Sr. Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Michael Novinson, Reporter, Times-Herald Record; Lee Cane, LWV; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Fawn Tantillo; Beth Murphy; Mike Harkavy; Rokki Carr

- The meeting was called to order by Bill West at 3:03 PM.
- A motion was made by Rich Messina, Seconded by Dare Thompson, to approve the Minutes from the March 30, 2011 Meeting. All in favor, Carried.
- Discussion: Potential Plans/Districts

Vernon brought up the idea of Ulster County passing a Local Law to not count prison populations and he suggested adding it as a recommendation to the Legislature in the Commission's final report. Bea thinks Greene County passed such a Local Law and she will get a copy for the Commission.

Vernon suggested using the full 5% deviation from the mean in the districts where prisons are located. Bea said that Ulster County has traditionally stayed within the 5% range for all districts and she suggested that the Commission strive to do so now. If the Commission decides it is necessary to go above that number then there can be discussion about the justification. Bill West said he believes there was a Supreme Court decision that said the allowable deviation is 10%. Dare Thompson said the Commission had previously agreed to go more conservatively with a 2.5% deviation in either direction of the mean. Bea said that in the last redistricting effort 10 years ago, they were very close to the 2.5%. Bea left the meeting, but said she would be in her office and available should the Commission need her.

The Commissioners discussed their difficulty using the software. Cynthia believes that the Commission may have been sold a bill of goods with the software. It is more time consuming and labor intensive than expected. Rob needs to add patches in order for her to better utilize the software. Cynthia believes that you lose your perspective with the constant zooming in that is necessary to see the census blocks, but then zooming out to see the full impact of the district lines you are creating. Dare said it would have been useful if the program came with instructions.

Bill West said he wanted to discuss two items: an accelerated meeting schedule and getting someone in to help the Commission by developing tentative plans.

The Commission agreed to schedule an additional meeting on Tuesday, 4/12/11, at 3:00PM.

Bill West suggested getting somebody, internally or from the outside, who is up-to-speed and can develop some tentative plans. Vernon said that Rob can fill that role. Rich Messina asked Rob what he could do to help the Commission given the time constraints and problems with the software. Rob said he could make several sample plans based on perimeters set by the Commission. Rob said he can e-mail out the options, giving the Commission a starting point for discussion. Dare said that this idea came up a couple of meetings ago, but at the time the Commission didn't know there would be such trouble with the software. Dare now believes the Commission doesn't have a choice but to go this route. Cynthia said her only concern is that the Commission not appear to have delegated its responsibility to an employee of the County. That is not something the Commission can or should do. Cynthia said the Commission must build oversight into the process and have multiple plans. She said it is the Commission's responsibility to understand what goes into the plan and what the ramifications are for the different populations and different districts.

Vernon commented that he hopes to have his own plan ready by this Sunday and he intends to manually draw the lines on a large County map as a visual tool for the Legislators and general public.

The Commissioners requested that Rob send them at least two plans via e-mail by COB on Friday. Rob will e-mail them in pdf format. The Commission will review and discuss the plans at their meeting on Tuesday afternoon. The Commission intends to present three plans to the Legislature on Tuesday evening. After hearing input from the Legislature, the Commission will open the floor to hear input from the public. The Commission will take the plans presented to the Legislature along with any updates and present them at a public comment meeting for the Southern portion of the County in New Paltz on 4/13/11. Public comment for the Northern portion of the County is scheduled for 4/20/11 at the Olive Library in West Shokan.

Vernon suggested setting aside 20 minutes during Tuesday afternoon's meeting to review plan submissions from the public. The Commissioners agreed they are interested in viewing all public plan submissions in pdf format.

Legislator Hayes asked if the Commission would agree on a common geographic approach to its studies. If everyone started North to South or East to West the Commissioners would have more commonality in their designs. Cynthia Lowe said the Commission doesn't want the commonality. Rob said when trying to get through different iterations you may want to do one from the west, one from the south, etc. From a good planning, good compactness standpoint, you start with the villages and spread out from there seeing where the compact areas are and filling in that way. There are all different approaches you can take and that's part of showing all the alternative options.

- Final Report

Vernon commented that the Commission is planning to compile a report and the information is starting to accumulate. If the Commission intends to deliver a plan by April 26th, Vernon believes the Commission should begin discussing the structure for the final report to coincide with the plan.

Bill West said the report doesn't need to come along with the plan. The report will spell out for the next generation some of the problems that this Commission has had and suggestions on how to address those problems. Bill said that deserves a sit-down and discussion so everything is well thought out. Bill believes the focus should be on creating the districts.

Vernon said the suggestions have been recorded in the minutes and the report can be compiled from those. Vernon is willing to compile the first draft, as he believes the report should be worked on in conjunction with the plan.

- New Business

Bill West passed out a document and asked the Commissioners to review it. (See handout: Reapportionment Concept- Draft) The proposal is a modified form of weighted voting.

Cynthia asked how the plan fits in with the requirement for the districts to have equal numbers. Bill said his plan is one-man one-vote except it's weighted as to the population in each community.

Dare summarized the plan for the benefit of the public. Cynthia reiterated that this draft is from Bill West to the Commission on Reapportionment and it has not been weighed in on by the Commission under any circumstances. Bill's draft was then copied and distributed to the public in attendance.

Bill said his plan addresses the repeated concerns of many of the towns to remain whole and have one legislator. He said the only issue that has come about regarding weighted voting is addressing minority populations and his plan provides for establishing legislative districts to accommodate such populations.

Cynthia asked what authority the Reapportionment Commission has to recommend weighted voting. Bill said it's a concept that goes along with Reapportionment, and he's not sure it's precluded. Bill asked the Commissioners to take the plan home for thorough review.

At the suggestion of Vernon, the Commissioners asked Vicky to provide a copy of Bill's draft to Bea so that she can weigh in on this concept.

- Public Comment

Fawn Tantillo said that she believes if the Commission sets strict criteria, there won't be a large number of plans able to be produced. Fawn said that she believes it should be fundamental criteria to keep as many towns whole as possible. The Commission concurred and said that had been previously stated.

Beth Murphy asked the Commission what criteria Rob was to use in creating his scenarios. Bill West said there are criteria spelled out in the Charter. In addition to the Charter language, Cynthia said there is also input that was provided to the Commissioners at the various Town Board Meetings the Commission attended and that input would be taken into consideration as well. Those comments are public and on record.

- Next Meeting's Agenda

The next meeting will focus on the draft plans. Dare will be the facilitator.

- Adjournment

A motion to adjourn was made by Rich Messina, Seconded by Vernon Benjamin, with all in favor. Carried. The meeting was adjourned at 4:17 P.M.

Respectfully Submitted,
Victoria Fabella, Deputy Clerk, Ulster County Legislature