

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

NAME OF GROUP: Commission On Reapportionment

DATE: May 11, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Michael Catalinotto (arrived at 3:30 PM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislator Maloney; Beatrice Havranek, Ulster County Attorney; Tom Turco, Commissioner, Board of Elections; Vic Work, Commissioner, Board of Elections; Hugh Reynolds, Reporter, Ulster Publishing; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Facilitator Lowe at 3:10 PM.
- Final Report

Facilitator Lowe said the Commission was at a disadvantage because it didn't have any guidelines of any sort to go by. The Commission was breaking brand new ground on its own and didn't know what the options might be. Rather than make strong recommendations declaring exactly what the next Commission should do, Cynthia, referencing a recommendation by Paul Benkert via e-mail, suggested including everything as items for consideration. Cynthia thinks this will allow for all possible topics to be covered. She said, for example, she may not agree with weighted voting but she does agree that if something is a valid issue it should be an item for consideration and people should know about it upfront, as opposed to half way through the process. Cynthia added that there would be no need for a minority report using this method. The Commissioners agreed. The final report will include a recommendation section that will list potential stumbling blocks so the next Commission will not have to review all the minutes of this Commission.

Commissioner Lowe said the Commission needs to speak to two audiences: the Charter Review Commission and the next Redistricting Commission.

The Commissioners have been exchanging e-mails containing suggested recommendations for inclusion in the final report. After considerable discussion, the Commissioners agreed on the following recommendations:

- Any appropriation for the Reapportionment Commission should be made to the Commission, under its control
- The Charter Revision Commission and Legislature should provide clarification through broadening of the term "public official"
- Charter Language should be clarified regarding the adoption of the Commission's final plan by the Legislature; The final vote by the Legislature should be up or down
- The timeline for completion of the redistricting process should be extended
- The prison populations should be addressed
- The Commission's name should be changed from Reapportionment Commission to Redistricting Commission

- All software proposals should be reviewed and researched early on
- Consideration should be given to selecting a chairperson rather than having a rotating facilitator
- Consideration should be given at the beginning of the process to hiring professional staff, consultants, etc.
- Selected Commissioners should have minimal political involvement
- Consideration should be given to weighted voting
- An orientation on County geography should be arranged once the Commission is formed

The following recommendations were made and debated, but a consensus was not reached:

Dare Thompson suggested having both the Legislative and Executive bodies of government participate in generating the candidate pool. The Commissioners agreed the recruitment process should be as broad and wide open as possible.

Cynthia Lowe said there was a constant effort to have a non-partisan Commission and that's what the Charter called for, but there is no way to keep politics completely out of a political process. She thinks that perhaps a cleaner way of establishing the Commission would be to say that the Minority and Majority Leaders are on the Commission. Then, politics are put right upfront and everybody knows exactly what their bias is. On day one you would have the two parties represented and you know who is representing those two parties. Cynthia said not only does it make it very clean, but it brings forward some of the political concerns that the Commissioners need to at least know about in order to make the right decisions. She believes the rest of the Commission should be as nonpartisan as possible, but the political people sitting at the table should be identified. Perhaps if it was known that there were identified political people at the table, one from each party, it would encourage the appointment of less partisan people for the remaining seats at the table.

Dare Thompson suggested adding that Commissioners' reasonable expenses be reimbursed.

Paul Benkert will work with clerk Vicky Fabella to develop an organized draft of the Commission's recommendations. Vernon Benjamin will draft the narrative of the final report. These documents will be e-mailed to all Commissioners on or about May 18th for review and input.

- New Business

Commissioner of Elections, Tom Turco, was given the floor. He said the Board of Elections has received the Commission's Final Plan and corresponding deviation stat sheet. Mr. Turco said that they have not completed their review of these documents, but have noticed that the election districts have been carved up. Some of the changes affect a minute number of people. Tom said he and fellow Commissioner Vic Work will be sending suggested tweaks to this plan that will not affect the 23 districts as the Commission has created them, but might add a few people here or there to keep the election districts whole. He said the reason for doing this is threefold; maintain districts if possible as to not disenfranchise voters, you can not create election districts of over 1150 voters, and finally, there is a financial impact because when a district is changed each voter must be notified by first class mail.

Tom Turco also suggested the Commission include in its recommendations to keep the BOE as a resource. He said he just came back from a conference and discovered that Ulster was the only County going through reapportionment that did not bring in the BOE for assistance. The other counties, as a result of their actions, did not run into the problems that this Commission is facing with the election districts.

Vernon Benjamin commented that the Commission's process has been transparent and open. He also said the Commission did concentrate on protecting election districts during its process. Vernon said the Commission received

no feedback. He also said that if the BOE is recommending minimal changes then the Commission should have the list in-hand today.

Commissioner West asked how many changes the Board of Elections was going to recommend. Vic Work said the exact amount is unknown, but there are 5 or 6 at this point.

After lengthy discussion, the Commissioners, although confused as to why this information wasn't presented sooner, decided that if the BOE recommended changes are trivial, promptly submitted and presented in a clear visible manner via the map, the Commissioners will entertain these changes. If the Commissioners agree to the changes, they will be submitted to the Legislature as endorsed changes attached to the current map.

Bea Havranek said she would need to confer with Legislative Counsel to determine if the changes recommended by the Board of Elections could be considered substantive. If deemed so, a new public hearing would be required.

Bea Havranek distributed a copy of the communications she received via fax from the New York Civil Liberties Union. She said that it is their position that the Commission should not be including the prisoners in the reapportionment process. Bea has contacted the organization to let them know she disagrees, and that there is a timing issue at this point. Bea noted that this Commission is following past practice in counting the prison populations. There is nothing the Commission needs to do in reference to this matter at this time. Bea just wanted to make the Commission aware of the issue.

- Next Meeting

The Commission decided to meet next on Monday, May 16 at 4:00 PM to address the BOE recommendations. There will also be a meeting on Monday, May 23, 2011 at 5:00 PM to finalize the Commission's final report. The Legislature will hold a public hearing on the Commission's plan on Tuesday, May 17, 2011 prior to the start of Regular Monthly Session.

- Adjournment

A motion to adjourn was made by Paul Benkert, Seconded by Vernon Benjamin, with all in favor. Carried. The meeting was adjourned at 5:02 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature