

**PASQUOTANK COUNTY, NORTH CAROLINA  
FEBRUARY 6, 2023**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, February 6, 2023 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Charles H. Jordan, Chairman  
Barry Overman, Vice-Chairman  
Cecil Perry  
Lloyd E. Griffin, III  
Sean Lavin  
Jonathan Meads  
Sam Davis, III

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Sparty Hammett, County Manager  
John Shannon, Assistant County Manager  
R. Michael Cox, County Attorney  
Mike Barclift, Management Fellow  
Lynn Scott, Clerk to the Board  
Julie Stamper, GIS Coordinator

The meeting was called to order at 6:00 PM by Chairman Charles Jordan. Commissioner Barry Overman gave the invocation and Sam Davis led in the Pledge of Allegiance to the American Flag. Chairman Jordan welcomed those in attendance.

**1. AMENDMENTS TO THE AGENDA:**

Vice-Chairman Barry Overman requested that the agenda be amended to add the following items recommended by the Finance Committee to the Consent Agenda: 1) Approval of Request to Donate Vehicle to Camden County Sheriff's Office; 2) Approval of Purchase of Vehicle for Planning and Inspections Department; and 3) Approval of Extension of National Guard Armory Lease with City of Elizabeth City.

Motion was made by Barry Overman, seconded by Sean Lavin to amend the agenda to add Items #1-3 to the Consent Agenda. The motion carried unanimously.

**2. ANNUAL TRILLIUM UPDATE BY BLAND BAKER:**

Chairman Jordan called on Bland Baker, Northern Regional Director, Trillium Health Resources, to provide the annual Trillium update. Chairman Jordan noted that Mr. Baker will be retiring shortly, so this will be his last update.

Mr. Baker stated that Trillium currently serves 28 counties. Halifax and Bladen were recently added to their service area. They served a total of 1,534,885 patients last year at a cost total of \$520,839,592. Trillium has approximately 550 behavioral health providers in their network.

Medicaid Transformation has been going on for the last two years. Hopefully, it is coming to an end in April 2023. The state decided they were going to make Medicaid a managed care type of situation. It's the biggest transformation that Medicaid has seen in forty years. In July, the standard plans were awarded, which will manage the behavioral health services for mild to moderate individuals. Six tailored plans serving the severe mental health, substance use, and Intellectual/Developmental Disability population are expected to go live April 1, 2023. Trillium is contracting with a pharmacy benefits manager to oversee contracts with approximately 2,000 pharmacies. Additionally, they are contracting with all primary care agencies that serve individuals on Medicaid.

Many organizational changes have taken place. System Care staff moved over to their Care Management Department. They hired Community Liaison Coordinators. Several new care service lines have been added. They have contracted with all of their hospitals and physical health agencies including local health departments. Care Management is a new service they offer, which manages the "whole person".

Mr. Baker explained that the whole point of this transformation is that a person can use one card for all their services. Everybody will know what everybody is doing. Each member will be assigned a care manager that can help them navigate the system, and make sure that they are getting the care they need.

With funds from the opioid settlement, they awarded Camden monies to purchase lock boxes for the community. They continue to provide Naloxone kits for their counties. Their co-responder pilot program has had some struggles keeping staff. Ms. Lowe reported that they received 1,000 lock boxes overall and they were divided between the counties they serve by population.

In Pasquotank County, 1,300 individuals were served. 941 of those received mental health services, 322 received substance use services, and 239 received intellectual/developmental disability services. Roughly \$15 million was spent on these services.

Mr. Baker said after 28 years, it is time for him to retire. He introduced Ms. Bobbie Lowe who will be his replacement. He assured the Board what she will serve them well.

The Board thanked Mr. Bland for his service and for keeping them up-to-date over the years, and wished him the best in his retirement.

Commissioner Perry asked how they advertise their services so that citizens in our community are aware. Mr. Bland said they have Facebook and Twitter. They have billboards. They have liaisons in the communities and attend meetings regularly to educate citizens on the services they offer and how they can access the services. Pamphlets are available in the health department and at DSS. Additionally, they attend civic meetings to talk about their services. Mr. Perry thanked Mr. Bland for his services.

### **3. COMMENTS BY HOLLY AUDETTE:**

Chairman Jordan called on Holly Audette of 609 W. Main Street to address the Board. Ms. Audette read the following column she wrote in this weekend's edition of the *Daily Advance* regarding the 4-2-1 Plan:

When our founding fathers debated what form of government that of our new nation should be, they considered options including a Democracy and a Constitutional Republic. In simple terms Democracy is majority rule. A Constitutional Republic protects the minority interest.

The term minority reflected views of governing. It's a political term. Think liberal versus conservative. We confuse this when discussing organizing voters in to voting districts and many insist minority means racial minority. It doesn't.

But in the evolution of civil rights, voting districts were affected by court rulings that provided a remedy for historic voting discrimination. This revolved mostly around southern voting districts that were allowed temporary advantages for racial minorities as a make-up call if you will, for the disturbing results Jim Crow laws had on restricting or prohibiting involvement of racial minorities in voting and governing.

Like racial quotas in general, the courts have become less tolerant of special treatment of racial minorities as time passes from the imposition of remedies for historic discrimination. It's hard to argue historic racial minorities do not have equal opportunity in ownership of their government now when we elect folks who racially represent less than 15% of the population to all levels of governing, including President of the United States.

But here we are again in this community reconsidering whether county voting districts should be organized around race. What does this actually mean? To argue we need these districts to represent what people look like would only be appropriate as a remedy like the courts did in the 1960's. Yet racial minorities have been successfully elected in our County without organizing districts around what people look like. We have Commissioners voted by all voters in the County in at-large districts. Both white and black Commissioners have been elected at-large. This county elected Barack Obama to be President with 56% of the vote despite being a majority white population. 72% of those voters here who chose straight Party chose the Democrat ticket

with a Black Presidential candidate. So on what basis is there for needed remedy when the courts are undoing the historic remedies because of actual results?

What does voting on the basis of what people look like do to our community and why is this so selective, only proposed for racial minorities? Women got the constitutional right to vote fifty years after black males. Yet, we've never organized voting districts around gender. Look at our Commissioners. It isn't blacks missing from the table, but women sure are. Where is the historic remedy for voting oppression by gender? Women were considered the personal property of men, were not allowed access to business, banking, property ownership and voting.

We should never organize voting districts around race or gender now. Our governing was intended to be organized around ideas, political views. It was those views that were intended to be protected in the organization of our governing. To argue otherwise is to claim that only people who look like you can adequately represent you. That is ridiculous. If you're a liberal female, you have huge numbers of males who agree with your view of abortion. If you're black, huge numbers of voters who do not look like you agree with your perspective of equality. Modern election after election demonstrates this. You have no right to be guaranteed the election of someone who looks like you to be adequately represented since governing is about ideas, not looks.

Is it in the community's best interest to be further divided by race? Do you think this results in "better" representation? Should I reject Commissioner Jordan as inadequate to represent my political positions because we do not look the same? Preposterous! If I oppose him politically it is because we disagree on governing ideas and policies alone.

Beware of those looking to further divide us as voters for reasons other than political ideas. We need more at-large positions, not fewer- obligating elected officials to consider all voters, not just part. We all need to care less about what people's race or gender are, and focus on the ideas of governing.

As a County, I guarantee the issues of safety, spending, roads, opportunity and schools are what the vast majority of voters want elected officials to focus on and debate policy over, not what we look like. Claiming "progress" while returning to a system that provides advantage or disadvantage on the basis of what people look like is not the direction we need to go. Enough with dividing us as a community. Let's move forward together for the right reasons.

#### **4. APPOINTMENTS TO BOARDS AND COMMITTEES:**

Vice-Chairman Overman stated that at the last meeting, the Appointments Committee recommended the appointment of Glenn Weeks to the Newland Water Management & Watershed Improvement Advisory Board. A copy of his application has been provided to Board members, and the Board can give final approval to the appointment or can nominate other individuals to fill the vacancy.

Motion was made by Barry Overman, seconded by Sean Lavin to appoint Glenn Weeks to the Newland Water Management and Watershed Improvement Advisory Board. The motion carried unanimously.

#### **5. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

*a. Approval of Minutes of January 17, 2023 Commissioner Meeting*

*b. Approval of Tax Releases and Refunds*

The Finance Committee has recommended approval of the following tax releases and refunds:

#### Tax Releases

		County	City
1.	Marlin Leasing	212.59	204.31
2.	Tanglewood Dev LLC	9,427.72	8,971.54
3.	Jason Bekanich	859.32	

Tax Refunds

		County	City
1.	M'Kayla Chantel Hoffler		120.60
2.	Cythina Proctor	1,130.26	
3.	Stevenson Sand Company		227.93

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	C. C. Scaff LLC	24-B-5	Vacant
2.	C. C. Scaff LLC	24-B-4	Vacant
3.	Gladys T. Daniels	P127-14	Vacant
4.	Shawn Etheridge Etal	P59-31	Vacant
5.	Raymond M. Godfrey Jr.	P60-26	Vacant
6.	Raymond M. Godfrey Jr.	P34-9	Vacant
7.	Raymond M. Godfrey Jr.	P33-35	Vacant
8.	Palmer C. Griffin Etal Life Est.	P112-3	Vacant
9.	Willie Elnora Hoskins	P63-50	Vacant
10.	Minnie James	76-A-42	Vacant
11.	John T. Long Jr.	P93-23	Vacant
12.	Betsy Smithson Meads	12-E-6	Vacant
13.	Donald & Linda Perry	64-E-10	Vacant
14.	Donald & Linda Perry	P119-114	Vacant
15.	Horace F. Pritchard	P140-183	Vacant
16.	Horace Jr. & Marcy B. Pritchard	P89-84	Vacant
17.	Nancy Sample Life Est.	P90-24E	Vacant
18.	Edward L. & Susan D. Sanderlin	P58-49	Vacant
19.	William A. Walton Etal	P59-10	Vacant
20.	Betsy White	P91-23	Vacant
21.	Verlin E. Williams	P80-4A	Vacant

Solid Waste Fee Refund

		Parcel ID #	Reason for Refund
1.	James B. Carter	P118-19	Vacant

*c. Approval of Late Property Tax Exemption or Exclusion Application*

The Finance Committee has recommended approval of the following Late Property Exemption or Exclusion Application:

Applicant	Map #	Exclusion	County Tax	City Tax	Total Tax
ECSU Housing Foundation LLC	62-D-23,24	306,400	1,899.68	1,807.76	3,704.44

*d. Approval of Budget Amendments*

The Finance Committee has recommended approval of the following budget amendments:

Parks & Rec

Increase	010.0230.4370.00	State Grants	198,904.00
Increase	010.6130.5500.00	Capital Outlay	198,904.00

Sheriff

Increase	010.0600.4930.00	Insurance Proceeds	17,400.00
Increase	010.4310.5353.00	Repair & Maintenance-Vehicles	17,400.00

Sheriff

Increase	010.0220.4532.00	Other Grants	2,000.00
Increase	010.4310.5261.00	Departmental Supplies	2,000.00

Emergency Mgmt

Increase	010.0220.4532.00	Other Grants	2,000.00
Increase	010.4330.5600.00	Grant Funds	2,000.00

*e. Increase in Deputy Clerk Pay during Absence of Clerk*

Staff is recommending approval of a 20% increase (\$1,815.00) in Deputy Clerk Shatoria Reid’s salary during the 10-week period that the Clerk to the Board was out on medical leave.

*f. Approval of Request to Donate Vehicle to Camden County Sheriff’s Office*

The Pasquotank County Sheriff’s Office (PCSO) requested approval to donate a 2009 Ford F-150 (Vin# 1FTRF12W09KA95772) to the Camden County Sheriff’s Office (CCSO). The vehicle was an Animal Control truck that has been replaced. The truck has some minor issues, but will still meet the needs for the CCSO. Camden allows the PCSO to utilize their firearms range multiple times a year to practice and qualify at no cost to the County. Major Aaron Wallio indicated that the PCSO tries to contribute to Camden by allowing the CCSO to use PCSO’s firearms instructors for their qualifications, and this donation will show additional appreciation for Camden allowing PCSO the usage of their firearms range. NCGS 160A-274 allows the transfer of governmental property to another governmental unit. The Finance Committee has recommended approval of the request.

*g. Approval of Purchase of Vehicle for Planning and Inspections Department*

The Board approved a Code Enforcement Officer position in the Fiscal Year 2022-23 budget. An additional vehicle was not requested at that time. Due to the workload of the position and the need for the employee to be in the field, staff requests that an additional vehicle be purchased. We have identified a Ford Bronco for \$33,900.

Last fall, U.S. Treasury launched an application portal for the Local Assistance and Tribal Consistency (LATCF) Fund, which provides direct flexible federal assistance to revenue share (i.e. public lands) counties. LATCF funds can be used for any governmental purpose other than a lobbying activity. We recently received a \$50,000 LATCF allocation and will receive an additional \$50,000 in Fiscal Year 2023-24. The Finance Committee has recommended approval to purchase a 2022 Ford Bronco for \$33,900 using the LATCF funds and approval of the associated budget amendment below.

Increase	010.0240.4380.25	Federal Grants	33,900.00
Increase	010.4910.5500.00	Capital Outlay	33,900.00

*h. Approval of Extension of National Guard Armory Lease with City of Elizabeth City*

The Board approved a one-year lease of the National Guard Armory to the City of Elizabeth City which expires on February 28, 2023. The City has requested a one-year extension of the lease. The Finance Committee has recommended approval of a one-year lease extension of the National Guard Armory lease to the City of Elizabeth City.

Motion was made by Barry Overman, seconded by Sean Lavin to approve the Consent Agenda, as amended. The motion carried unanimously.

**6. RESTRUCTURING PROPOSAL:**

Chairman Jordan explained that the Board previously agreed to have a discussion regarding restructuring. He called on Keith Rivers, President of the Pasquotank County Branch of the National Association for the Advancement of Colored People (NAACP). He thanked the Board for having this discussion, and said the NAACP again thanks the Board for allowing them to come and present the 4-2-1 Plan proposal. He said this is definitely a move in the right direction. He said tonight he has with him their Political Action Chairperson, Ms. Keisha Dobie who will be presenting a brief overview and synopsis of the 4-2-1 Plan. They also have with them Attorney Katelin Kaiser from the Southern Coalition of Social Justice who is willing to answer any questions that the Board has surrounding the legality of the 4-2-1 Plan.

Ms. Dobie thanked the Board for hearing their proposal. She said a basic foundation of being an American is that voting is the first act of building a community. So, when John Ensign, who was a former United States Senator from Nevada pinned the quote “voting is the first act of building a community as well as building a country”, he was not only talking about his rights as a Nevadan, he was also talking about those rights that we have as Pasquotank County residents also. The stronger and more represented Pasquotank County becomes, the greater the impact that we have on the health of not only this state, but also the United States.

Ms. Dobie asked, “What is the 4-2-1 Restructuring Proposal”. She said the proposal is asking that we look at the process of electing commissioners with a 4-2-1 Plan. What this means is the

plan leaves the four single member districts currently in place, converts two of the three remaining at-large seats into two combined districts, and leaves one at-large board seat for all residents of Pasquotank County. The two combined districts will include an inside combined district composed of the southern/northern inside single member districts and an outside combined district composed of the southern/northern outside single member districts. She stated that these combined districts will provide representation for the communities of interest in the area immediately surrounding Elizabeth City (the inside combined district) and the County's more rural areas (the outside combined district). The remaining At-large seat will remain to represent all individuals of Pasquotank County (City and County).

Ms. Dobie said Ms. Audette brought up some very interesting arguments about why restructuring is needed. Very similar to some of the reasons in her article is why restructuring is needed. When we think about fair representation, we think about "how are our voices being heard" about county resources, environmental protection, school funding, and all those other issues that Ms. Audette mentioned. She said at this time, this is a unity plan. She asked how we unify the County and the City. One thing she realizes by being a City resident is that she pays both City and County taxes. She also recognizes as a City resident that when her electric bill goes up that impacts her as a City resident. However, in the County if the landfill taxes go up, that impacts them also. She asked, how we can unify these ideas of what impacts the City and County so that we are not seen as two distinct Pasquotank County individuals.

Ms. Dobie said what this restructuring provides is the opportunity from three voices from the City and three voices from the at-large County to speak for the residents of Pasquotank County, therefore, ensuring an equal balance of equalization on the Board. Then, adding to that conversation about how County resources are fairly requested, used, and allocated. What the 4-2-1 restructuring proposal does is it acknowledges the Counties growing population and composition. Sometimes we think of that as diversity. She said diversity is more than race. Diversity includes age, socioeconomic status, religious preference, sexual orientation, political affiliation, and gender identity.

Ms. Dobie said "just a fun fact", because Ms. Audette brought this up, when you go back and look at the results of the 2020 census, 51% of Pasquotank County's population are female identifying persons. That is a voice that is clearly missing when we look at the current structure of the Board. Another interesting fun fact is that 89% of Pasquotank County residents age 25 or older has a minimum of a high school diploma. So, education becomes another example of diversity. The residents of Pasquotank County bring with them new schools of thought. She said Ms. Audette mentioned that – original ideas and outside influences. If we think about how times have changed in just over two years – remember the census was taken in 2020.

Ms. Dobie said if we look at our County and how it has changed since 2020, ECSU didn't have a degree program for drone technologies in 2020, but you can get an undergraduate degree from there now in drone technologies. When the census was first taken in 2020, the Coast Guard had not sponsored the Inaugural Marathon. Now, they are coming up on their second year of having a marathon. Lastly, when we look at downtown - at Seven Sounds and the alley, in 2020 that wasn't there, but it is now and that's because diversity of thought and influx of different ideas come into the community to change things. That is just three small examples and if we look around we can see more than that – of how restructuring would help to have those voices at the table as well. It allows us to live up to this image of Harbor of Hospitality – by making this a community where all types of people are not just accepted and tolerated, but where they can influence the social fabric and political landscape of Pasquotank County.

Mr. Rivers said the next steps are: 1) Asking the Board to pass a resolution adopting the 4-2-1 Plan; 2) Calling for a special referendum election to allow Pasquotank's voters to approve the 4-2-1 Plan; and 3) Putting the issue to the voters of Pasquotank County. He said on behalf of the Pasquotank County NAACP they thank the Board so much for having this discussion, and hopefully the continued discussion to put this on a referendum and let the voters decide.

County Attorney Mike Cox said we basically have three presentations tonight. He will present the second one. Mike Barclift, the County's Management Fellow prepared some of the slides, so he will be speaking as to some of the slides. Then, Deborah Stagner will present section three.

Mr. Barclift said restructuring is about how commissioners are chosen. He provided an overview of districts and voting methods for selecting governing board members. He said At-large district

members are elected from the County as a whole, with all voters eligible to vote for each at-large position. Single member district members are elected from districts. A district member must reside in the district he or she represents, and only residents of the district may vote for that district's member. Combined single member districts are comprised of multiple single member districts. Members are elected from the combined district and each must reside in the district he or she represents. Residents may vote outside of their single member district for a member if the combined district overlaps their single member district.

Mr. Barclift provided the following breakdown of NC County Commission structures:

- Commissioners nominated (in the primary) and elected at-large (pure at-large – no districts) – 39
- Residence in district required, but typically nominated and elected at-large. (the whole county votes for each seat in the primary as well as the general) – 24
- Combination of pure district and pure at-large seats – 14 (Current Pasquotank County system)
- Combination of pure at-large seats, residency in districts but still nominated/elected at-large (includes 1 mixed which includes limited voting system) – 5
- Commissioners nominated (in the primary) and elected by district (pure district – single member) – 14
- Candidates file as a group for open seats and voters may vote for only 1 candidate (limited voting system) – 4

Attorney Cox explained the general rules for restructuring. There are various structures in the way the commissioners can be set up in NCGS 153A (Part 4). The Commissioners would adopt a resolution. The proposition would be submitted to the voters in the form of a ballot. The new system is then phased in starting in the next election, assuming voters approve the change. He said the NAACP is proposing 2026 when the current terms expire. He noted that changes in board structures are not frequent.

Attorney Cox explained that Pasquotank County was sued in the mid 80's for allegations of violating the Voting Rights Act. There was litigation. The County Board of Commissioners settled. A Consent Order was put in place. As a result of the Consent Order, one minority-majority district was established. The district must be 55% minority voting population in that district. On top of the federal Consent Order, there was a local act of the General Assembly.

If the Board's structure were to be modified, the Board will still have to deal with the federal courts. The court has jurisdiction over the County in this matter. If the proposed plan does not fit the statutory structure, a local act would be needed by the General Assembly. Attorney Cox stated that many North Carolina counties have been sued under the Voting Rights Act to change how local boards are elected. In 30 counties, the parties to the case agreed on mutually acceptable solutions rather than pursuing the cases to a final judgement. These agreements were formalized through court-approved consent decrees requiring the county commission, city council, or school board to change how its members are to be elected. Many of these agreements were codified into state law by an act of the General Assembly. Of the 22 agreements reached that changed county boards of commissioner elections, all but one (Montgomery) remain in force.

Attorney Cox introduced Deborah Stagner who practices with Tharrington Smith in Raleigh. He noted that after the litigation in the 80's, there was not enough deviation in the 1990s census from the One Person One Vote that the County had to redistrict. He stated that Ms. Stagner has been involved in the last three redistrictings.

Attorney Stagner clarified that she is not here speaking as a policy matter about whether the 4-2-1 Plan is a good idea or not. She said she is going to explain a little bit about the history of how we got here and what some of the steps that would have to be taken in order to enact a change, whatever the change may be, to the County's election method.

In 1965, the General Assembly enacted local legislation (S.L. 1965-664) that set up a five member board of commissioners, with residency districts. There were two districts, with five commissioners. These were not true single member districts, because they only required residency. Voters from the whole county would vote for all of the commissioners. Two had to live in District 1, two from District 2, and one At-large. Those types of at-large districts across

the south were frequently challenged under the Voting Rights Act and under the US Constitution as unfair and discriminatory against minority black voters.

In 1984, the NAACP filed a lawsuit in Pasquotank County challenging this at-large voting election method under the Constitution and federal Voting Rights Act. That litigation filed from the NAACP did not go through full litigation to a trial. It was ended with a Consent Order. A Consent Order is a hybrid sort of creature. It is an agreement by the parties to the lawsuit, but it's not just a contract between two parties, it has behind it the force of law. When you have a Consent Order or sometimes called a Consent Decree in federal court directed at protecting some party's interest under the federal law, it's not just an agreement between two parties, but it will be enforced as any other order.

The Consent Order states that the method of electing members to the Pasquotank County Board of Commissioner, as set forth in the Charter 664 of the 1965 Session law, violates Plaintiff's rights as secured by §2 of the Voting Rights Act as amended by the Voting Rights Act Amendments of 1982, 42 U.S.C. 1973.

The courts have said that a Consent Order cannot be entered with a government body if that government body would not otherwise have the power to make that change unless, for example, there is a violation of some federal right that supersedes it. In this case, it is important she thinks to remember and to note that the federal court made a finding of fact that there was a violation of the federal law embodied in that 1965 General Assembly Act. The court found that the 1965 session law violated the plaintiff's rights. Instead of completing the litigation and going through a trial, the parties came together and the Board of Commissioners at the time voted by majority vote to enter into this Consent Decree. In 1984, the County was ordered to design a new voting system that would not dilute black voting strength or have the effect of preventing black voters from electing candidates of their choice.

The plan at the time had a 55% black voting district. The County and the NAACP came together and came up with a proposal for the court. They went to the court in September 1985 and filed this plan that would change the way that commissioners were elected. The plan is basically what we have now, with slight boundary changes. The plan had two Districts outside of Elizabeth City, two Districts inside Elizabeth City – each of those electing one commissioner, and three additional At-large Commissioners. This plan was approved with a second Consent Order effective January 6, 1986, and after that the court file was closed. No further action was ever taken.

Attorney Stagner stated that the current method of election and the Board of Commissions' structure was adopted by the General Assembly in 1987. That included boundaries at the time. Those boundaries have changed through redistricting in 2011 and 2021. It did not change the structure. It only changed the boundaries of the existing districts. What the General Assembly did in 1987 was basically to codify as legislation that 1986 Consent Decree. Since 1987, no one has challenged the constitutionality of the current board structure. No has challenged the compliance with the Voting Rights Act. Neither of the parties has gone back to court to ask that the court's Consent Order be modified or that the County be released from that order. So, it is still in effect. She said any change in the method of election would require either modification of the Consent Decree or release from the Consent Decree.

Attorney Stagner said there was some discussion in both of the previous presentations about the Board adopting a resolution and putting it to a referendum for voters of the County. She said that is the general rule for the setup of the statute in North Carolina for a county board of commissioners to change its method of election. It is not sufficient in the case of Pasquotank County, because of this existing Consent Decree.

Attorney Stager provided a quote from a case from the US Supreme Court. She noted that there are lots of other cases, but this is a succinct statement of law. The case states “[A party seeking modification of a consent decree bears the burden of establishing that a significant change in circumstances warrants revision of the decree. If the moving party meets this standard, the court should consider whether the proposed modification is suitably tailored to the changed circumstances”. She said a party going to court to modify a consent decree would have to have a burden initially of showing that there was some change in circumstances, either a change in the facts from the time of the decree or a change in the law. Once that has been established, if there is a change in circumstance, either factual or legally, the court would determine whether the



proposed modification is tailored to that circumstance and whether it meets the need to resolve the problems that are created by that change in circumstances. She said certainly it is not impossible to have a court go and reopen and modify or release a party from the Consent Decree, but it certainly is not simply a matter of the parties willing it not to be so. Certainly, she thinks that a modification of a federal Consent Order would be easier with the consent of both parties, but that alone wouldn't necessarily guarantee that the court would approve it or that the court would allow it. There certainly would need to be some showing to the court in order to have the court meet and to satisfy the burden that was set up in this case law.

Commissioner Davis asked for clarification. He said are you telling us that since the Board is under a Consent Decree that the method the NAACP is asking us is not possible without the Consent Decree being changed. Attorney Stagner said yes, that is her opinion. She said the Consent Decree remains in force. It has never been lifted or changed. There is no provision within the document itself regarding how it would be ended or changed. Therefore, it would require the intervention of the court in order to make the change. Commissioner Davis asked Attorney Cox if he is in agreement with that. Mr. Cox said you cannot ignore the federal court. It will have to be addressed.

Attorney Kaiser said she actually has a copy of the Consent Decree that she can provide to the Board so that they can actually read it. She said they are not asking the Board to change the Consent Decree at all from 1984. She said the Consent Order states, "to design a new electoral system for the County of Pasquotank that does not dilute black voting strength or have the effect of precluding the black citizens of Pasquotank County from electing their candidates of choice to the county board of commissioners. She said what they are asking is to keep the four single member districts exactly the same. She stated that the Board approved them in November 2021, with the help of Attorney Stagner. She said when Attorney Stagner presented to the Board, she presented to the Board that those four single member districts still abide by the Consent Decree. She stated that they do that because there is at least one District – the Inside Southern District – that has a voting strength of over 55%, which was required by the Consent Decree. She said their position is that none of that here would change, therefore, the Consent Order by the federal court would not need to be modified.

Attorney Kaiser said all they are asking the Board to do is consider the opportunity to give the voters the ability to decide whether or not they want to change the structuring of the Board. She said by changing the structuring of the Board, all they are doing is not creating new districts or not creating new members on the board, they are just combining the four single member districts. There would be two combined districts. One would be on the outside ridge and one would be internally. She explained that you can think of it as a donut. This has been done similar in Pitt County. They have six single member districts and they have three combined districts as well.

Attorney Stagner said she certainly does not want to get into making this a legal court argument, but there is a second Consent Decree. She does not have copies with her, but she would be glad to provide them to the commissioners. The order that was handed out was the initial Consent Decree. She said it did in fact tell the parties to go back and come up with a plan. The parties did that and submitted it to the courts in December 1985. It was effective January 6, 1986. It set out the current election method and it specifically says that there are permanent boundaries for two voting districts outside the City of Elizabeth City. It goes on to state that the commissioners' seat for said Northern District will be up for election in 1986 and Southern District the seat for the Southern District will be up for election in 1986. Boundaries for the City of Elizabeth City divide the City in Northern and Southern Districts. Those will be up for election in 1986. Two of the three At-large seats will be up for election in 1986 in accordance with the North Carolina statutory time frame.

Attorney Stagner stated that yes there was an initial Consent Order that directed the parties, as a way to resolve the litigation, to go forward and come up with a plan that would not discriminate against black voters and that would allow black voters an opportunity to elect a representative of their choice. The parties followed the court's order, went back to the drawing board, and came up with a plan of four single member districts and three at-large districts. They went back to the court and the court approved that specific plan. She noted that the order is still in force, and she does not think it is fair to say that the court having approved a specific method didn't intend for that method to be binding on the parties. The parties agree to it, and the court ordered it. To go back to the earlier Consent Order and say that this is the controlling document, she thinks ignores

the later approved document by the court. She said she certainly would not want to make changes to a court ordered election plan without getting the blessing of the court that entered it.

Commissioner Perry said he has a lot of questions. He said he is probably the one who caused everyone to be here tonight. He is glad everyone is here so they can get a better understanding of exactly what is being talked about. He said he joined this organization in 2003. He noted that approximately 44% of the people in this county are non-white. He said the Board has only had Hugh Cale, W.C. Witherspoon, Cecil Perry, Bettie Parker, and Charles Jordan serve on the Board. Board members reminded him that Una Green and Terry Mitchell served as well.

Commissioner Perry asked Attorney Cox how many commissioners have been elected to the Board over time in Pasquotank County. Attorney Cox said he does not have that number readily available, but believes he is correct in the number of African Americans who have served. Commissioner Perry said he believes that every African American that has ever served on the Board was appointed and then ran. He believes Chairman Jordan was the last African American that was appointed, and later ran. Commissioner Perry said if 44% of the people in the County are non-white, then why aren't there more African Americans on the Board. He knows that is not a fair representation of this County. He served for six or seven years as the only African American on the Board. He asked Mr. Cox "in how many of the districts will blacks outnumber whites". Attorney Cox answered, he does not have those numbers available. Commissioner Perry stated that only one out of six districts is majority black. He said the Northern Inside District does not. Commissioner Griffin noted that the Northern Inside is pretty close to 50/50. Commissioner Perry said the only district that blacks outnumber whites is the district that he serves in. Bettie Parker came here as the first African American to serve outside of his district and won. The second person was Chairman Jordan.

Commissioner Perry said the whole system from the very beginning was flawed. He taught mathematics for 20 years and he can count pretty well. He said the way the Board is structured it is almost impossible to get another black person elected, because people are still voting down racial lines. The only way we are going to improve our community is to learn how to work together and get rid of conversations that we have about who should do this and who should do that. We need to learn to work together and make this community a better place.

Commissioner Meads asked how many African Americans have actually run to be a County Commissioner. Commissioner Perry said he cannot give him the answer to that question, but he does know that there have been people that have run, but didn't win in this environment. After 100 years, you get some funny ideas about whether you are going to win or not. A lot of people are not encouraged to win, because they think they can't win. Commissioner Meads said Chairman Jordan just won overwhelmingly in this County. Commissioner Perry said Bettie Parker won as well, but she was very popular. He said he hopes Chairman Jordan follows whatever the Board wants him to follow, because if not the Board will put him out. He said he has been here a long time and he has seen the same kind of stuff go on and he hasn't said anything. He stated that he is on his way out because he knows he has done what he needs to do. He said he has said what he needs to say, because he knows they can't do anything to him.

Commissioner Lavin pointed out that under the current plan every voting citizen gets a chance to elect four commissioners – one from their home district and 3 at-large. Under the new plan, everyone in the County will get to elect three – one from your home district, one from your super district, and one from at-large. To him, that is not more representation, that's less.

Commissioner Lavin said the letter that was submitted from the NAACP represents a perspective that comes from a vulgar and senseless prejudice. The language and ideas contained in that letter are based on irrational beliefs and are unsupported by factual information, nullified in their entirety by the past general election. The current sitting Chair of the Board collected the highest vote counts of all candidates. He said no man should be excluded from government on the basis of his color, no woman on the basis of her sex, and there should be no shoulder that does not bear the burden of government. This County has tremendous opportunities available to all of our residents. We should continue to promote the systems and behaviors that maintain and strengthen our communities, and there is nothing contained in the proposal that will accomplish anything to further the objectives of us to remain committed to long-term interracial coalition building.

Commissioner Griffin said when reading the Consent Decree it is pretty specific in that parties seeking modification of the Consent Decree bear the burden of establishing that a significant

change in circumstances warrants revision of the decree. He asked Attorney Stagner if that has been demonstrated. Attorney Stagner said she does not have an answer for that. She thinks that would be something that takes a significant amount of time and study to look at voting patterns and to look at demographics. She said perhaps some of the people who presented tonight have already done that groundwork. She certainly has not. She has not been engaged to undertake an analysis whether you could meet the standard for a modification, but that is what you would have to do. She thinks it would be presenting evidence to the court that would allow the court to make a reasoning decision that there had been a change in circumstances and whatever plan that was present to modify it met that new circumstance.

Commissioner Griffin asked who would need to present the case. Attorney Stagner said there are certainly a number of different ways – one party (the commissioners), one party (the NAACP), or a joint effort by both of the parties to move forward to the court. There are cases where both parties want a change because there has been a significant change in circumstance. In that case, both parties would go forward with a joint proposal to the court to say things have changes, it's been 30 years since this was entered, here are the facts that we would like the court to consider regarding the change or there has been some change in the law since then and we want relief from the Consent Decree. The court would consider the evidence and consider the proposal, but certainly it's not a matter of just saying we want a change or we think we need a change because a lot of time has gone by. Attorney Stagner said assuming the commissioners think that the 4-2-1 Plan is a better option than what they have now, there would have to be a showing made to the court and there would have to be some support for that proposal.

Commissioner Griffin said in the past three elections there have been two black candidates that were elected. He noted that there is a large segment of Hispanics, as well as females that need to be considered as well. He said he remembers Bill Owens and Jimmy Dixon talking about this. At that meeting, they proposed the current structure because it gave the whole population four candidates that they could choose. It may not be satisfactory to everybody, but the community has spoken in the last three elections to diversify this Board.

Attorney Kaiser thanked Attorney Stagner for providing the second Consent Order from 1986. She said if you read those two Consent Orders together, starting with the one from 1986, it does reference the one from 1984. The original foundation of the Consent Order was to insure that black voting power was not diluted or there was retrogression. She said that is the bulk of this Consent Order. If you read the 1986 order, it says it is a temporary election structure. She said if it is the position of the County, Attorney Stagner, or Attorney Cox that to be able to modify the districts, then that 1987 General Assembly Local Act ought to also be updated every time the Board redistricts, because the boundaries are incorrect and do not currently match the boundaries of the current commissioner maps. She is more than happy to extend a conversation with Board members and the legal team representing the County Commissioners to talk about the differences they have in their legal interpretation. She also said she wants to reiterate that there is misunderstanding about what the 4-2-1 plan would actually provide to the citizens of Pasquotank County in regard to their representation.

Attorney Kaiser said no one would be losing representation, but they would actually be obtaining granular representation that would have effective opportunities to be responsive of local needs that are within that community or within that district. She said she thinks it's important when we think about at-large representatives - yes you work for the whole entire county. You don't work for the individuals that reside in your actual district. So, by providing two combined districts, you would be able to have explicit opportunities to speak to your representative from your area and be able to have that voice on the county commission. She thanked the Board for having them tonight and allowing them to have this conversation about the 4-2-1 Plan, because it provides opportunity to continue to build that multiracial coalition within Pasquotank.

Commissioner Perry asked if the process can be accomplished by a Consent Order instead of asking everybody in the County. He said we pretty much know or have an idea what the outcome is if everybody in the County is asked a question about change. Attorney Kaiser said she thinks that's a great clarifying question especially as these meetings are public. Many people here may not have the understanding of what a Consent Order or a Consent Decree would actually do. She said she wants to reiterate that this Consent Order can be modified. The parties can go to the court and ask them to modify it. She said they take a different position of what is needed to modify a Consent Decree. If both parties come together saying that there is a joint opportunity to ensure that the Consent Decree continues to protect black voting strength within

Pasquotank County, but adopts this new restructuring to provide combined districts of four single member districts that is something that we can potentially go to a court and ask them to modify the current 1986 Consent Decree to do.

Commissioner Perry said so a Consent Order would do basically the same thing as a public vote. Attorney Kaiser said potentially, but the one thing is you would remove that opportunity for the voters of Pasquotank to have their voices heard. The NAACP is offering this opportunity to present the 4-2-1 Plan to the voters, because the NAACP is for people over politics. She said they want to ensure that voters have the opportunity to make these changes and to feel empowered when they are here in these meetings, as well as knowing that they have accountable representation of who's representing their interests and needs in their community. Commissioner Perry asked do you think the voting districts we are under currently do that with a Consent Order or do we have to have the entire county to vote on it. Attorney Kaiser said the Consent Order ensures that black voting strength is not diluted or retrogressed, and it ensures that there are four single member districts. One of those districts must have at least 55% black voting age population within it. Attorney Kaiser said if you are asking if they would ask for the court to change that, they would not ask the court to change that, but it could.

Mr. Rivers said just for clarity, in the presentation that was presented tonight by the NAACP, at no time did they say race, they said diversity. They try to show how diversity comes in many different forms, not just color. When you look at the 4-2-1 Plan, it is created to make the system healthier. For example, when we look at our City races, they are very competitive, but yet blacks represent over 50% of the population and are only on their fourth African American Mayor, because it is a healthy environment. People want to run, because people believe they can win. At the current system, with the changing in our community, with the changing and the growth, they are looking to help create a healthy system. They know that a healthy political system is a system where people say hey I can run because I have a chance to win, and when candidates do that, that's what helps to create the diversity. That's what makes people feel represented. At no time in the NAACP presentation did they say the 4-2-1 Plan was to create race. He said that has been added to it, but that is not what they said or what they interjected. He just wants the Board to understand that. He stated that they are looking at diversity, which is age, religion, females, and education level, which are all included in diversity.

Commissioner Overman said he heard what Mr. Rivers said, but asked how he is confirming that the 4-2-1 Plan will not dilute black voting. He said he has to assume the districts are created based on race otherwise you couldn't assume how people would vote based on their religion, their gender, and such.

Attorney Kaiser said when we think about how the 4-2-1 Plan would impact this Consent Decree, it would again keep the four single one districts the same. In November, again from a presentation by Attorney Stagner and the Board, they said that those four single member districts in the plan abide by the Consent Decree. On December 14<sup>th</sup>, they provided the Board with a letter that broke down the composition of each district. For example, if those two combined districts were to happen, the inside district would have a minority voting age population of 59% and the outside district would have a voting age population of 31.74%. The Plan itself would not offend the Consent Decree because it would still be maintaining black voters the opportunity to elect their candidates of choice and would not be rolling back anything. If anything, it would provide minority voters, again when she says minority voters, they want to be clear that it's not just black voters, they are thinking about Hispanic voters, Native American voters, Asian Americans, API voters, that whole group, the opportunity to elect their candidates of choice.

Attorney Kaiser said she also wants to speak to the fact that when we are thinking about racial coalitions and insuring that we can all move forward with one voice, it is important to recognize that there are people who have less needs in the community or they don't have the availability to elect their candidates of choice. That impacts all of us in whose voices are heard within our participatory democracy. It provides an opportunity for all voters to be able to elect their candidate of choice and have that representation in front of the Board. She said she has copies of the letter submitted to the Board in December that breaks down the statistical profile of the 4-2-1 Plan if anyone would like to see that.

Commissioner Overman said he is from Weeksville and may not be that bright, but one would think that his three children and his wife, who don't vote according to color, there would be an assumption that they would vote for a white candidate, when it's not the case. He said he uses

Chairman Jordan a lot as an example because they ran together. People in his circles voted for Mr. Jordan as much or more than they did for him, which the numbers reflected. It did not have anything to do with his race or gender or age. He was simply elected based on his character and integrity, which he thinks carries a lot of weight. He said he knows it does in his world. He said he guesses that is why it is harder for somebody that was raised in Weeksville, where his neighbors were not the same color as he was. He didn't look at color then and he raised his kids not to. He said he gets a little confused. He knows that Mr. Perry has been around a long time and has seen it when it was that way. In 1987, he was a senior in high school, so he did not see it that way, and he has never seen it that way in his life. When he was on the School Board, he would call Mr. Jordan and ask him a question about something just as soon as he would Lloyd, because it wouldn't matter. He feels like there is an assumption, and it must be a real assumption because Mr. Perry said that people vote according to the people of their same race, but he begs to differ with that. That's not the way he looks at it.

Attorney Kaiser stated that she thinks they are on the same page about that, and that is why they use the term candidate of choice. It doesn't mean that just because she is a white person she is going to vote for a white person. It doesn't mean if she is an Asian American she is only going to vote for an Asian American. When they say candidate of choice, that means anyone, as you are saying, that has that character that represents and can speak to the community's needs, and will take those needs and act upon those, and bring reinvestment back into the community of where those citizens live. By providing this 4-2-1 Restructuring Plan, they are not focusing on race, they are focusing on diversity. When they think about candidates of choice, it does not mean to match the voter's skin color, it means matching what the voter cares about and their needs. One of those needs could potentially be that, because it is sometimes important to people, but people have lots of different values, so they are providing that opportunity with the 4-2-1 Plan.

Commissioner Overman said he guesses what he was getting at is he is having trouble differentiating what is so different now, because if he has the option of voting someone in his district and three people at-large, it gives him four opportunities to vote in a person. He is not clear what the 4-2-1 Plan changes for him, other than it giving him less opportunity. He does not see a big enough difference that it changes it for him, because he can already vote for four people where he lives of any race or age or anything.

Attorney Kaiser said she totally understand that and she thinks that it is a question that maybe many people here have, such as how does this effect my representation. She said you are saying that you have three opportunities to elect at-large members. Those at-large members can live anywhere in the County. They might not know what is impacting people in my neighborhood. They might not know my sidewalks have been cracked. They might not know I have pot holes. They might not know how I define safety. They may be speaking to other needs that are not necessarily directed to where I live. The 4-2-1 Plan would provide people with an opportunity to have a representation at the level where they are actually from and have that to be accountable. She also wants us to think about more granule representation, representation reflective of Pasquotank's diverse community, as well as its political geography. She said we know that there is a difference within that. She stated that this would provide that opportunity at a more local level.

Commissioner Perry said he is not saying that all white people vote for all white people. He wants the Board to understand that, because he has a lot of white friends.

Commissioner Griffin said if race is not a significant issue then why is the university population, which is included in every census data not being challenged here. He said that population fluctuates year after year. Five or six years ago the university was down to 1,300 students and now it has grown to significant numbers. As that population continues to grow or elevate throughout this census district, why are you not trying to secure that district a little bit.

Attorney Kaiser said because they are looking at this not necessarily specific to securing population growth, because they know that's what the census and redistricting takes into account. The census is done once every ten years. She said the districts that were drawn in 2021 will last until 2030. She noted that population will fluctuate throughout the years. In North Carolina, they don't look at doing what's called mid-decade redistricting. They are not asking to redistrict or change the districts themselves and the voting boundaries of these districts, they are asking for restructuring of the actual representation of those inside and outside districts.

Commissioner Griffin asked Attorney Kaiser if she said race was a factor in this consideration. He thought a minute ago she said this was about diversity and they were trying to have a holistic approach and then all of a sudden race got thrown into it. He asked where that conversation got brought back into it. He said you keep saying that this is about diversity for everybody.

Mr. Rivers said the Consent Decree calls for race. He stated that it's not just Elizabeth City State that houses students, we also have MACU. The prison is counted in the census, but they don't vote. He said when we bring in college students we have to make sure that we bring things in as a whole. The race part is there because as long as it's not regressive. That's the whole key. Mr. Perry's district is not bothered; therefore, it is not regressing. Also, the system has to become more competitive. People don't run. Then, there is the last part of influence. When you run, you represent your constituents. It's not that color is not an issue, but there are so many more things. However, as Mr. Perry said earlier, when you have the majority at the at-large system, then the minority really does not have a say so when they come before the Board, because who is representing their issues. He believes Ms. Dobie said earlier, when you live in the City you pay City and County taxes. You have to have representation on the Board. That person that lives in the City has to have the ability to run. When you look at the 4-2-1, it basically creates three City districts, three County districts, and one district at-large, which makes it almost equal representation. He just wanted to make sure that when we bring up the college students that we bring up all of our college students in Elizabeth City, not just Elizabeth City State. We have MACU, and the prison is counted in the census also.

Commissioner Griffin said if you remember Jeff Dixon lived in the City, Jimmy Dixon lived in the City, Bill Owens and others that lived in the City, including himself, Cecil Perry and Sam Davis. At times, since this Decree has been in place, there have been at least three or four representatives from the City. He said we have representation throughout the whole City, but you are saying you need to make the 4-2-1 Plan work. Currently, there are three members sitting on the Board which supports what you are talking about.

Mr. Rivers said that is why they are asking that it be put on a referendum and go to the people. Let the people decide. He said we have changed in our community. We have seen the election of Bettie Parker and they know that Mr. Witherspoon was the first African American elected since Hugh Cale, the founder of Elizabeth City State University only because of the lawsuit, because the minority/majority district was built. Then, Mr. Perry has followed him. Ms. Parker was elected. Now, we have Mr. Jordan who was elected. We are changing in Pasquotank County, so the NAACP is asking that we put it on a referendum and let the voters decide. He thinks that will take away any ambiguity. It would create a healthy environment, because the voters are who elected you all.

Vice-Chairman Overman said it has been beat to death, and he knows Mr. Rivers realizes this and has thought this through, but whether he lives in Newland or Simons Creek or in the heart of the City, each one of those people have four representatives on the County Commissioners. They have the majority. They have one person from their district and three at-large no matter where you live. That's the way he looks at it. Every person in the County is represented, because they have those one and three. He said he understands what Mr. Rivers is saying about someone having better representation, but he does not think we will have better representation, because you're not going to have those numbers for people to look at your specific areas.

Mr. Rivers said think about it like this – if he lives in Commissioner Griffin's district, he can't elect Mr. Perry nor not elect Mr. Perry. He said if you have three at-large seats, who is representing you. If they come with an issue that is not necessarily the issue of the majority, then there is no influence. He said an example is when you have a presidential election. Minorities make up a very small percentage of the population. Vice-Chairman Overman clarified "race is that number, not minority". He said that is where the difference is. Mr. Rivers said minorities can be females. Vice-Chairman Overman said that is correct, but you are basing it on the 44%.

Mr. Rivers said its non-white voters. That's what it is. The facts and the numbers are there. The City has only elected its fourth black Mayor, so it means it is competitive. You have to go out and seek so many votes. Many times when we look around, there are many African Americans here who go to church. People don't campaign in those neighborhoods. He asked how many people campaign in the Hispanic neighborhoods. How many people go into the poor neighborhoods, because they can't elect you nor not elect you, because you are being held by the

majority. With the 4-2-1 Plan, you are creating that race that will create competition. Competition is healthy, because now you have influence. So, if you are a black that is being elected, guess what, you have to go over there and talk to the whites. If you are a poor person that is running, you have to go over there and solicit people that have more wealth than you do. What it does is it creates that healthy environment of competition and competition is healthy.

Mr. Rivers said we have the Super Bowl coming up. This will probably be one of the most watched Super Bowls we have ever seen because of the competition. It's like in an NBA draft or NFL draft. The team with the worst record gets the first pick, because it builds equity throughout the league, which makes the league stronger. With this Super Bowl coming up, we have the number one passing offense and the number one passing defense. They are going to be competitive because they are all playing with the same competition. For years in professional sports, the teams with the most money won the championships, so they changed it. They put a salary cap up there, because it built more equity throughout the league, which made it more competitive, which means it made more money. He said that's what the 4-2-1 Plan is designed to do - to make the County Commissioner races more competitive; to encourage more minorities to run; to encourage those people that may be less fortunate and who do not have the finances to run; and to get them involved in this system.

Commissioner Perry said he knows there have been counties here in North Carolina that have made changes without going all the way back to the people by using a consent act, that's why he asked the question. Mr. Rivers said when they met they wanted the people to decide, because they said that Pasquotank County is changing. They were unanimous and it was a collective decision when they sent the letter in December. The letter was designed to take this to the people and let the people decide. The last time that the 4-2-1 Plan came to surface, it was asking the commissioners to vote. Because there is more than one way to get it into Raleigh, they are saying let's take it to the people. They have heard that people's views are changing with the election of Bettie Parker, with the election of Chairman Jordan. He does not see where the heartache is once we get through the legal things that came up tonight about adopting a resolution and putting it on a referendum. People can vote it up or people can vote it down.

Commissioner Davis said he has to take exception to one thing. He said he understands what Mr. Rivers is saying about Mr. Witherspoon getting elected because of the change in 1986, but he can assure you if we were fantasy football and he had him on his football team right now, he would vote for W.C. Witherspoon over anybody in this room right now. He was a good friend and he was a great man. It was not just because he is black that he got elected, he got elected because he was a leader, and he was a fabulous human being, and that is what we should be looking for, leaders like W.C. Witherspoon. We should not pick someone for any reason that you want to pick. We need to find somebody who is a quality individual like W.C. Witherspoon and then we would all vote for him. He said he has supported black candidates in this room that are sitting in here. He doesn't have to look at them, but there are some in this room that he has supported and he would support again, not because they are black, but because they are his friend.

Mr. Rivers said that is so true Commissioner Davis, but when you run at large it is expensive to run. They don't want to negate someone who wants to run. It's people over politics. He stated that we are in a small town. We all live here and we all know each other. When the NAACP arrived tonight, color came up because the perception is that the NAACP was founded by whites. It was named by whites. But, the perception is that it is an all-black organization. To breakdown these barriers and to give everyone the opportunity to run, not who he thinks should run or who he thinks should be selected, but people should have that right that if they want to run and they don't have the magnitudes of money or they don't think they have the educational background to run. But, if they feel like they can win then people will run. Many times African Americans don't run, and probably some women don't run because they don't think that they can win. The 4-2-1 Plan creates that environment, that atmosphere, so it's not about who he wants, it's about who wants to run and who feels that they have the opportunity to become a County Commissioner. He said the people elect the commissioners so let them decide. It doesn't put anybody in any type of position. It just simply says people over politics. That's why they asked to put it on a referendum verses asking the commissioners to vote for it to go to Raleigh.

Commissioner Perry stated that he was asked by the public to run.

Chairman Jordan said the NAACP has requested a referendum for the citizens of Pasquotank County to decide. He said then there is the question of the Consent Decree and whether we would need to have that released before we even decided on the referendum. He asked the Board's pleasure.

Commissioner Griffin said what he is hearing right now in the sphere of the Consent Decree - Pasquotank County's system as a 4-3 district is in compliance with what was agreed to and right now there has not been any presentation where there has been an burden or issues with this Consent Decree. He asked is this correct? Attorney Cox answered, he believes so. Commissioner Griffin said he is not hearing any burden. Attorney Stagner said that is basically right. At this point, the method of election for the Board of Commissioners is set by the Consent Decree as enacted by the General Assembly. The districts have changed, but the Board of Commissioner has separate statutory authority to redistrict to adjust population. The statute allows you to change your method of election with a different statute. The Consent Decree sets the method of election. She said she is not here to say that the 4-2-1 Plan is a good plan or a bad plan and that we should or should not do it. She is just here advising the Board as an outside council, requested by Mr. Cox to advise the Board that it is her legal opinion that the Board of Commissioners would not be able to simply have a referendum in order to change its method of election, because you are still subject to the Consent Decree. She does not think it is as simple as just saying to the Board we would like to change it.

Commissioner Perry said so what he is trying to do is keep everything as it is.

Chairman Jordan said he believes we have to investigate this Consent Decree and to see whether we can even do what is being requested. That's what it sounds like to him. Attorney Stagner said if it is the desire of the commissioners to make the change, then the process would involve making a motion to the court to reopen the case. You would be in a position of having to gather evidence she thinks, whether in conjunction with the NAACP or on your own to present the case to the court, but she does not know that there is any more investigation of the Consent Decree that needs to happen. She said we know what it says and we have the documents. It would be a matter of asking the court to reopen the case and embark on more litigation essentially whether that's lengthy or straight forward she thinks depends on what the evidence is and what the parties would submit to the court. Part of that could certainly be the desire of the community. She thinks the timing is something that would have to be considered whether the referendum would be binding. She said she doesn't know that the referendum would be binding or advisory. She said what the commissioners need to do tonight is decide on which direction they want to go and if this is something they want to pursue, and if so, we would have to do more investigation and be able to advise you of the steps to go forward with that.

Chairman Jordan asked the pleasure of the Board. Commissioner Overman said if we want to proceed we need a motion of affirmation. If we don't want to proceed, then we don't need anything.

Commissioner Perry said he wants to move forward with the NAACP's proposal, because it's time for a change. He said we can't keep right on operating and feeling the way we feel about things. He stated that is why people are in here right now. He said if you do the same thing, then you're going to get the same results. He said the same thing might not happen in the next election and if Chairman Jordan doesn't want to run, there will be just one African American out of seven.

Motion was made by Cecil Perry to move forward with the NAACP proposal.

Commissioner Perry reminded Chairman Jordan that the Chairman can second a motion. Chairman Jordan said he is aware.

The motion failed for lack of a second.

## **7. REPORTS FROM COMMISSIONERS:**

Commissioner Lavin said from 2011 to 2021 in just the County Board of Commissioner races, four out of five African Americans won that ran, which is approximately 80%. If you include the City Municipal election, the County election, and the Board of Education election over the last decade, nonwhite winning percentage was 54%. He would be wary of leaders who tell you



to be discouraged because you look a certain way you can't win. Those are not people who have your best interest at heart. They are not doing anything good for our community.

Commissioner Griffin reported that at the last EDC meeting Joe Peele was appointed as the chairman, Charles Jordan as the vice-chairman and Barbara Baxter as the secretary/treasurer. He said they are working with Scott Hinton who will be our Economic Developer. Jordan Davis of Terrell County is the new chairman on the Albemarle Commission Board. The Airport Authority is starting to see some activity and progress on some of their projects, but continue to see supply chain issues.

Vice-Chairman Overman reported that he attended a School Board meeting where a lot of our students were recognized. He attended the Tourism Development Authority Board meeting and their finance meeting. The Coast Guard Marathon is coming up the first weekend in March. He asked the Board to volunteer if they can, because it is a great opportunity. He attended the Albemarle Food Bank Gala, with Commissioner Griffin and Chairman Jordan. He noted that it was a great event. He attended the Public Safety Committee meeting. There was very good attendance. He attended the Department of Social Services meeting this morning and received many good updates. He attended the Gregory Poole ribbon cutting in Camden. Finally, he attended the Non-Profits update held at the Museum of the Albemarle. Ten organizations showed up and gave presentations. He learned a great deal. This will be an annual event that will show the great work these organizations do in our community.

Commissioner Perry attended the Health Board meeting where they discussed the virus and what we can do to improve our health in the environment we are in. He thanked the Board for their support. He stated that this will be his last meeting. He thanked the citizens who attended tonight's meeting and that have supported him.

Commissioner Meads said he had a slow month. He has some meetings coming up next week.

Commissioner Davis said he has an Animal Control Board meeting next week. He attended the Gregory Pool ribbon cutting.

Chairman Jordan attended the Economic Development meeting. He attended the Legislative Breakfast in Currituck County with County Manager Hammett. They were able to tell the legislatures some of the issues here in Pasquotank County that we would like them to work on. He attended the Regional Library Board meeting. He attended the Collective Impact meeting for non-profits to share how they are impacting our community. He attended the Inter County Volunteer Fire Department Banquet where they recognized several of their firemen. He attended the Drainage Committee meeting. He attended training in Raleigh for new chairpersons. Green Saves Green is looking at the trails in Pasquotank County and how some of the trails can be refurbished. He attended the NEAAAT Expo where the students showcased some of the things they are working on. Lastly, he attended the Food Bank Gala. He reminded the Board that the Food Bank would like them to volunteer a day with the Meals on Wheels program.

Motion was made by Barry Overman, seconded by Sam Davis to adjourn the meeting. The motion carried and the meeting was adjourned at 8:15 PM.

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CHAIRMAN

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CLERK TO THE BOARD