

**Buckingham County
Board of Supervisors
Redistricting Public Hearing
March 22, 2011**

The Buckingham County Board of Supervisors held a public hearing to hear public input on the 2011 Redistricting Plan on Tuesday, March 22, 2011 at 7:00 p.m. in the Buckingham County Agricultural Center Auditorium. The following members were present: E.A. "Bill" Talbert, Chairman; I. Monroe Snoddy; Joe N. Chambers, Jr.; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. F.D. "Danny" LeSueur was absent. Also present were Rebecca S. Carter, County Administrator; Karl Carter, Asst. County Administrator; Rebecca S. Cobb, Zoning Administrator; E.M. Wright, Jr., County Attorney; and Jamie Shumaker, IT Manager.

Re: Quorum Present

Chairman Talbert certified there was a quorum-six members present. The meeting could continue.

Re: Call to Order, Invocation, and Pledge of Allegiance

Chairman Talbert called the meeting to order. Supervisor Chambers gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Public Hearing-Redistricting

Talbert: I'd like to thank you all for coming out for the redistricting. The Committee has worked hard on this. They have come up with a program to share with you tonight, so at this time I turn the meeting over to Mrs. Cobb.

Chairman Talbert declared the public hearing open for public comment so any questions can be asked while the presentation is going on.

Mrs. Cobb: First I'm going to start with the steps of this process; how we got to where we are. The first thing that happened was a committee was set. The Board set guidelines that the committee would follow. These are just some of the guidelines:

- The population of each district will be within 5% of the ideal. So the purpose of what we are doing here is to have evenly populated districts.
- The boundaries of each district will be *****
- Incumbents will not be drawn out of their districts.

- Communities of interest will be recognized and we will try to keep those communities together.

February 3rd we received the first census numbers. That was basically, “here is Buckingham’s new population. I think it was another week or so when we started getting more detailed information about the number of people in each district and in each block which you will see in a little bit.

Holding meetings: the committee met on these days, and this is where we are now with the public hearing.

The next item will be after tonight, everything is fine and no changes are made it will be submitted to the Department of Justice for approval. My understanding is that it will go out at the end of this week and then the Department of Justice will have 60 days to review the material and let us know if they approve what we have done. After that happens new voter cards will need to be sent out. The registrar will do that. She will send anyone that has changed a new voter card. The absentee primary voting is going to begin on July 8th and she will have to get those cards out prior to that. So you can see we have been on a tight schedule to get all of this done.

This is the committee members. It was all the Board of Supervisors, Chairman of the School Board, Chairman of the Democratic Party; Chairman of the Republican Party; Chairman of the NAACP; Chairman of the Voters League; and then on the right hand side is the county staff that was involved as well.

This is some of the census information that we received. The top is from 2000 and shows how many people were in each district. The next bar shows 2010. So you can see that Districts 5 and 6 has the greatest growth from 2000 to 2010. From 2000 to 2010, our total change was about a 10% growth.

So then this is taken from software we are using and also with the information that the census has given us. This is a map of Buckingham. The bright...it doesn’t show up very well on this screen but it is the current districts. You can see the black boxes if you will are called blocks. The census knows that each one of those blocks they have assigned...they know where that is...and they can also tell how many people are in each block. Then we had to look at this information to figure out where to move people. Here we did a search to show how many blocks had greater than or equal to 100 people. So those in the teal color are highlighting those that have greater than or equal to 100 people in them. Just to break that down a little bit because we didn’t have very many in the 100 category, this is showing blocks that are greater than or equal to 50 people. Again, the top districts that had the most growth was in District 5 and District 6, so you can see, this is District 5 and District 6 is over here. They have a lot of big blocks. This is another screen shot from the program that we used. Here what we did is looked at one of those blocks. This block may be familiar to a lot of people here; this is Forest Ridge subdivision on Rt. 20 over near Scottsville. What this is telling us is that this particular block has 181 people in it and it also breaks that down by race to tell you how many of each race is in Forest Ridge.

So this is the current districts the way they are, the way they were established in the last census. This is the proposed plan just to show you how that would look. You can see those with major changes. District 1 will be over to the Forest Ridge area. District 7 gets stretches in a couple different directions. District 4 kind of reaches down a little further to the southwest where it didn't before. Really this has come about that because District 5 and 6 does have such a greater population and the others didn't grow as much, those districts we saw had growth of 100-200 people, we had to take people out of district 5 and 6 and distribute them to the other districts by shifting the lines.

This is an overlay, but you can't really see that, so we will skip that. This is the proposed map with the numbers so you can see the population in each district, Districts 1-7. Also one thing that came up during the meeting was that we do include the prisons in the total population counts but obviously they are not voting members so we had a request to see the numbers with the prisons taken out, what the populations would be. So the prisons are in District 2 and 7. You can see there that the total population would be in those districts.

This is the map with the roads on it and it's colored. We have a printed edition here if anyone has any questions about where they are, you can come up and take a look at this and we would be happy to help you figure out where you are.

Are there any questions for me about the presentation? Any questions about where someone might be?

There were none.

Talbert: At this time, what we'll do is start with District 1 and please come to the podium if you think you need a change or review what Mrs. Cobb has showed you. This is your public hearing, not the Boards.

District 1: none

District 2: none

District 3: none

District 4: Wes Saxon: Mr. Chairman, Supervisors, Wes Saxon, Maysville District or District 4. I understand that we are doing the redistricting because of a Supreme Court Order that came about 40+ years ago where our legislatures designated a one man, one vote that was the reason behind it. I am opposed to the redistricting as presented because it counts the prisoners. The districts when the prisoners were not counted vary from 1000 to over 1200 difference in possible voters. The biggest problem is two districts have greater access to their supervisors than the other five. There are only 24 hours per day and you do not have equal access by the voting

citizens, or citizens without the ability to contact the supervisors with the plan with the prisons in and I'd like to see you go back and redo the plan without the prisoners.

Talbert: I'd add, Dr. Saxon, I will add when we were talking this issue was brought up. It's pretty much knowledgeable that before the next redistricting it's going to be automatic that the states going to say it's required and that is why we left it in. I was on this redistricting and Supervisor Bates was on it last time, and it was left in. So they can reconsider what you are talking about ok.

District 5: none

District 6: none

District 7: none

Talbert: I'm going to ask our County Attorney to address that issue. Was I right in what I said, if you wouldn't mind?

Mr. Wright: The history has been with the Board has always chosen to include the population of the prisons in the redistricting. When you adopted your guidelines earlier in the year, you didn't specify that. That did come up at the meeting and a plan was presented that showed some alternatives and the committee and the Board recommended to proceed to include that. Discussions frequently is why should you include inmates when you know they can't vote. The other side is why do you include infants and why do you include people who are not registered. It's not about the voting population, it's about the number of people in each one of those districts. It's an option the state law gives you to include or not include. If the population grows as much, even as close as much as it has in the past ten years, you will not have that option, you will automatically have to include them. As I understood the summarization from the discussion of the Board members on the committee, if you cut the prisons out it would make the biggest disruption in terms of realigning the districts from what we had in the past year and as soon as we did that, in the next ten years you'd have to realign in a drastic fashion to put them back in. My understanding was that the committee and Board chose not to exclude them but to include them in the count simply for continuity. That's my understanding of the history.

Bates: Mr. Wright, at this point when the chairman closes the public hearing and we've discussed all we are going to, what's the proper action of the Board, to adopt?

Mr. Wright: I think you can adopt it as written and I think it calls for it to become effective among approval of the Department of Justice. You can move to adopt this ordinance and add that it be submitted to Justice for approval.

Talbert: Do we have to do a call vote or just raise our hand?

Mr. Wright: I think as long as the hands are recorded which they are with the votes; I think hands will be sufficient.

Kitchen: I've got one thing to say, I didn't agree with it when we sent it for public hearing, and I don't agree with it now so I will be voting against it.

Supervisor Bates moved, Supervisor Snoddy seconded and the motion passed with a five to one vote with Supervisor Kitchen voting in opposition to adopt the ordinance for redistricting and forward it to the Department of Justice for their review.

Re: County Attorney Matters

Mr. Wright: As you know the County's in the process of constructing a new water plant. Bids will be returned next week. Part of that construction we are going to flood a little bit more land and it will create or destroy certain wetlands and it will also affect certain streams. The regulations of DEQ and the federal government require that whenever you destroy a wetland you have to purchase two or create two. So you have before you a contract purchasing wetlands which has already in the budget and accounted for and also you have a second document which is a purchase of stream credits. We are within one or two words of adopting this. If you have any questions about it I'll be happy to talk about it but I ask that you authorize the Utility Director when it's approved by the County Attorney and County Administrator that he be authorized to sign these contracts for the purpose of purchasing wetland credits we need and stream credits we need.

Kitchen: Do you have any appraisals on this property or is this just a shot?

Mr. Wright: We don't own anything except an entry in a ledger book somewhere. These were put out to bid, there are certain places that certain entities that operate and exist in the State of Virginia and you poll or contact these agencies or individuals and companies and banks, it's called Wetland Bank to see what they will sell you the credit for, price dropped a little bit in terms of the estimate when we originally got into this, all we'll have is an entry in a ledger book. You can't go duck hunting or you can't go fishing on it because these wetlands are still owned by the landowner, they are just admitting that they will never be changed, bothered or indifferent.

Kitchen: \$503,240

Mr. Wright: That's a lot of money.

Kitchen: Who set that figure?

Mr. Wright: We negotiated and that's the best price in town.

Kitchen: Who negotiated?

Mr. Wright: The engineers and utility director. There were several individuals contacted to see if they could find them cheaper and that price actually went down. We expected to pay more than that.

Bates: How time sensitive is this?

Mr. Wright: Your pleasure.

Kitchen: This kind of reminds me of that building down yonder. No appraisal.

Mr. Wright: Unfortunately, to get the permit and start construction, we will need to have these.

Kitchen: In other words, unless you buy this land, you can't start construction on the water plant?

Mr. Wright: You are not buying any land. Please understand this, we are not buying a thing except an entry in a ledger book that says we bought wetland credits and stream credits. We don't own anything except a little piece paper that says you paid money and whoever owns these things have to leave them as wetlands and can't destroy the stream whatsoever. I can't even tell you where these are. I can tell you they are in a bank somewhere. It's like currency; they create these wetland credits and stream credits that they pass around. It's not a tangible thing that we will own.

Bates: What we are basically doing is we are paying for the wetlands that we are disturbing here by paying this company for its property, or whoever this entity is, to keep in trust in perpetuity wetlands somewhere else in the same watershed.

Kitchen: It's one of those things you can transfer from one property to another, correct?

Mr. Wright: It has to be sanctioned. Army Corp of Engineers, DEQ and several other people, had already before we even started looking for these credits agreed that these pieces of property in which these are located generate so many wetland and stream credits and they are sort of on ledger books with Army Corp and DEQ so when it comes time to build something and wetlands are going to be destroyed, you start looking at who holds these things and you begin the negotiation process to see what they will sell them to you for.

Bates: because the Corp of Engineers will not allow us to have a permit us to do what we want to do on this property.

Mr. Wright: The permit is to conditional upon us having these credits.

Mrs. Carter: The money will come from the project budget.

Mr. Wright: There is no new money involved. Just so you understand the \$503,240 is for wetland credits and \$230,740 is for stream credits.

Talbert: For the public and the ladies and gentlemen here tonight, that's money that your federal government back there years ago, fell down through the state, whether it's good or bad, I can't tell you but that's what it's all based on. You've got to do it.

Mr. Wright: It is a got to do. I think Utilities Director has been pretty imprudent because he is a pretty tight fella when it comes to spending money in projects. So he's done a pretty good job in seeing that we got the best price we could get.

Kitchen: Where is this 76+ acres at, down the stream?

Mr. Wright: The 76 acres in the wetland part of it?

Kitchen: Yeah, where's that at?

Mr. Wright: What we are affecting is up stream and down stream. So the water is rising that much above the wetlands so it's destroyed the wetlands. So for every one we destroy we have to buy two. Where they are, I can't tell you.

Kitchen: What do we destroy when we raise that, I thought we bought all that land?

Mr. Wright: We do own the land. We bought an easement but we back the water up...it's not a question of owning the land, we could own everything within miles around it, if that water runs through it...it's what's on that land...there's swamp on that land is what it is. Its mushy ground that swamp land but we are inundating it and destroying what is called a wetland and that has nothing to do with ownership, we're destroying what is by policy is a valuable thing.

Talbert: Basically by law it can be in another county.

Mr. Wright: Sure. It probably is in a district. Some of these may be here and some of them are probably not. I apologize for the shortness of dropping this on you if you need time to reflect on it we've got one of these that gave us the best price putting a little pressure on us saying either sign or we've got someone else that's the main reason I brought it tonight.

Kitchen: Let me ask you this, so that each one of us will have a chance to study this or to maybe get with you and understand it a little better, can we do it at the next meeting or is it something that's got to be sewed up and done right now?

Mr. Wright: You can do it at your next meeting; I just don't know if the figures will be the same. That's the only problem. They are holding this at a price for us.

Allen: So you think this is a good deal right now is what you are saying?

Mr. Wright: I'm not saying it's the best deal; it's the only deal in town.

Kitchen: Whether it's a good deal or not, it's the only deal on the table, right?

Mr. Wright: It's not necessarily the only deal on the table; there are other deals that will cost more money. Somewhere we've got to close this type of deal.

Bates: Given the fact that this is something that we are going to have to do. But these Wetland Mitigation Banks are somewhat subject to the construction industry and when construction is down they are not selling as many credits as when construction is booming, so is our price so volatile we can't wait until the 11th?

Kitchen: That's right. That's what I was saying.

Mr. Wright: As with any offer, you just don't know but you have suspensions that it will be ok. I'm not insisting, it's a lot of money so if you want to table it until next meeting, you are not going to offend me.

Kitchen: We have an obligation to the taxpayers and for us to sit up here and spend over half a million dollars of their money in five minutes say hey approve it, it's just wrong.

Talbert: So it's the feeling of the Board to postpone it to the next meeting. We'll do that then.

Mr. Wright: I'll be happy to meet with you or have the utilities director meet with you.

Mrs. Carter: What information do you want us to bring back at the next meeting.

Kitchen: Well number one, I'd like to get with Mr. Wright and understand this a little better. When I'm sitting up here and you throw something in my lap and say spend \$500,000 of taxpayer's money in less than fifteen minutes, that's wrong. I don't care who does it, when they do it or how they do it.

Mr. Wright: You've always been a cautious man when it comes to spending money. I appreciate that, if it were an emergency, an actual crucial emergency...

Kitchen: This is not an emergency and it can wait until the 11th.

Talbert: The only reason, gentlemen, I say postpone is because in Roberts Rules of Order, if you table something it just means that you want to table it so you can talk about it at the end of the meeting is carried over. If you want to carry the meeting over... That's in Robert's Rules of Order and we'll stick within that. Is that all Mr. Wright?

Mr. Wright: That's fine. I appreciate you taking the time to look at it. I'd be happy to answer any questions you have between now and then.

Re: Consider Business Appreciation Week

Mrs. Carter: Business Appreciation Week is scheduled for May 2-6, 2011. In the past the county has held a reception to show appreciation to the area businesses. Last year the catering for this reception was \$1620 and we only had fifteen people to show up other than county employees. So I ask you what you want to do this year.

Kitchen: That's just too much money.

Supervisor Kitchen moved, Supervisor Chambers seconded and was unanimously carried that the County run an advertisement in the paper and put a banner in front of the office to show appreciation instead of the reception.

Talbert: I've been to most of them that they've had and you just don't have the turn out.

Kitchen: You don't have the turn out and you've got all that food going to waste. It's just bad.

Re: Consider Selling Old Solid Waste Trucks for Scrap Metal

Mr. Carter: This is a recommendation of the committee of Chairman Talbert and Supervisor Chambers. Carolyn has found that we can get more for scrap metal than we can for selling it. The last one we had we got about \$200.

Supervisor Kitchen moved, Supervisor Allen seconded and was unanimously carried by the Board to sell the two old Solid Waste Trucks for scrap metal.

There being no further business to discuss, Chairman Talbert declared the meeting adjourned.

ATTEST:

Rebecca S. Carter
County Administrator

E.A. "Bill" Talbert
Chairman