



CHARLOTTE

**Council Budget and Effectiveness Committee**

June 17, 2021

2:30 – 4:30 p.m.

The public can view the meeting on the [Government Channel](#), the [City's Facebook page](#) or on the [City's YouTube page](#)

Committee Members: Ed Driggs, Chair  
Julie Eiselt, Vice Chair  
Dimple Ajmera  
Malcolm Graham  
Renee Johnson

Staff Resources: Ryan Bergman, Strategy and Budget Director  
Kelly Flannery, Chief Financial Officer

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**AGENDA**

**Agenda Overview**

Staff Resource: *Ryan Bergman, Strategy and Budget Director*

**I. Elections Schedule**

Staff Resource: *Patrick Baker, City Attorney*

- Review options for the upcoming election schedule and determine recommendation for full Council.

Action Requested: Informational and vote

**II. Redistricting Considerations**

Staff Resource: *Patrick Baker, City Attorney*

- Overview of the legal framework and considerations for the city's options and feasible next steps for redistricting

Action Requested: Review legal framework and options to determine next steps for redistricting

**III. Virtual Meetings**

Staff Resource: *Patrick Baker, City Attorney*

- Discussion on specific wording updates to Rule 28 and determine proposed language to be considered by full Council for updating the Rules of Procedure pertaining to broadening the provisions of Rule 28.

Action Requested: Vote

**Next Meeting:** TBD

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<b>Distribution:</b>	Mayor/City Council	Marcus Jones, City Manager	Executive Team
	City Attorney	City Clerk	

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# Budget and Effectiveness Committee

JUNE 17, 2021

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## Budget Committee Agenda

### Senate Bill 722

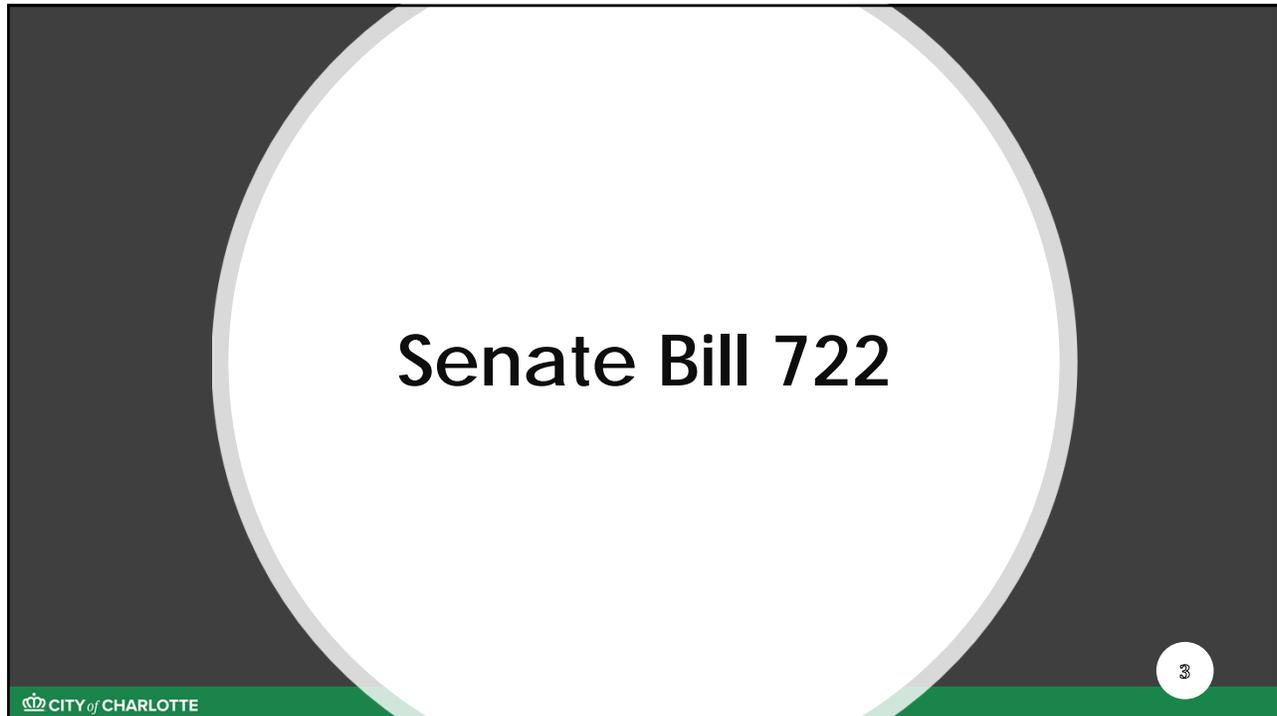
- Consideration of FY 2022 city election schedule

### Redistricting Considerations

- Legal Options

### Virtual Meeting Options

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## Senate Bill 722 – Summary

### Revise municipal redistricting after census

- **New law:** Delays 2021 municipal elections to 2022 (applies to true electoral districts); GS 160A-23.1 does not apply to delayed elections
- **Term:** Extends terms of office until 2023 (same as if elections held in 2021)
- **Public hearing:** Council may solicit *public input* before release of 2020 data; Council *shall* have *public hearing* before adopting revised districts
- **Bifurcation:** Allows option for mayoral and at-large elections to take place in 2021; if so, must notify County Board of Elections (BOE) by **July 19** (5 business days before municipal filing period opens).
  - *Upon notification, BOE opens candidate filing period (July 26 – Aug 13, 2021) with primaries on September 14, second primary on October 5, and general election on November 2.*
- **Redistricting deadlines:** Requires Council to review and revise districts by November 17, 2021, in accordance with law *and* notify County Board of Elections of revised districts by **November 12**; if redrawing incomplete by deadline, then alternate completion and filing dates apply\*
- **Filing deadline:** Filing period for delayed municipal elections begins on December 6 – 17, 2021; \*if redistricting incomplete, alternate filing: January 3-7, 2022
- **Revised Election schedule:** For partisan municipal districts, March 8 (primary) and April 26, 2022 (general election); no second primary

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## Senate Bill 722

### Consideration of FY 2022 city election schedule

#### Bill Summary as it relates to the City of Charlotte

- Delays until 2022 the 2021 municipal elections for cities using true electoral districts (2022 - March primary/April general election)
  - *Delaying the election to 2022 does not require City Council action.*
  - *Terms of current district members are extended until successor is elected, qualified, and sworn into office in 2022*

#### Considerations for At-large Council Members and Mayor

- Current Schedule from SB 277: at-large and mayoral election same as delayed district election schedule
  - *March 8 primary and April 26, 2022 general elections*
- Alternative Option: keep at-large and mayoral election on normal year election schedule
  - **Must notify County BOE by July 19**
  - *Sept/Oct primaries and Nov 2021 general municipal elections*

## Senate Bill 722

### Consideration of FY 2022 city election schedule

#### Estimated Additional Expense for Bifurcated Elections

Current - District, At-large, and Mayor in  
Spring 2022

Alternative - At-large and Mayor in  
Fall 2021

**Additional Expense Estimate: \$850,000**

City portion (40%): \$340,000 in FY 2022



Questions and Discussion

 CITY of CHARLOTTE 7

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Redistricting Considerations  
(Legal Options)

 CITY of CHARLOTTE 8

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## Key Considerations

- Usually, cities receive about 3-4 months to adopt redistricting plans after release of decennial census data (March – July).
- When establishing district boundaries, Council may use data from recent census and *shall not be required* to use any other population estimate (GS 160A-23).

## District Criteria (used in 2001 & 2011)

### Importance of the First Order (Highest)

- Districts must have substantially equal population – one person/one vote rule (required)
- Districts should be reasonably compact (strongly recommended)
- District boundaries may follow neighborhood boundaries or the boundaries of areas containing residents sharing similar interests.

## District Criteria (used in 2001 & 2011) – cont.

### Importance of the Second Order

- District boundaries may be drawn to create/maintain (representative) balance between major political parties.
- District boundaries may follow precinct boundaries.
- District boundaries may be drawn considering the race of district residents as long as race is not the predominant motivating factor.
- District(s) most likely to be impacted by future annexations (or growth rates) may be smaller to minimize impact of future annexations on future redistricting.
- District boundaries may be drawn to avoid contests between incumbents.
- *When possible, districts should have relatively even partisan balance.\**  
(Only additional criterion recommended by Citizens' Advisory Committee on Governance in its 2020 report.)

## Redistricting Planning Committee

In 2001 and 2011, *Ad Hoc* Bi-partisan Redistricting Planning Committee of five appointed by Mayor and Councilmembers; chaired by MPT or another at-large member.

Redistricting Committee sets *Rules of Operation* (district criteria) for process of adopting redistricting plans.

After Council adopts its district criteria, Redistricting Committee uses it in redrawing districts.

Meet with all Councilmembers and Mayor to solicit proposals for revised district plans.

Recommends to Council revised district plans for adoption based on census data in accordance with law.

## Timelines Tied to Redistricting and Census Data

### 2021 and 2022 KEY DATES (based on SB 722)

- **November 12:** Deadline to notify County BOE of if redistricting in accordance with law will be complete by November 17
- **November 17:** Provide revised electoral districts to appropriate BOE (if redistricting incomplete by this deadline, then alternate completion and filing dates apply\*)
  - *Filing deadline: Filing period for municipal district elections delayed until December 6 – 17, 2021; \*if redistricting incomplete, alternate filing: January 3-7, 2022*
- **December 6 - 17:** Filing period for delayed electoral districts revised by November 17
- **\*December 17:** Alternate deadline for municipalities to review and revise electoral districts
- **\*January 3 - 7, 2022:** Alternate filing period for electoral districts revised by December 17
- **March 8, 2022:** Partisan municipal primary (no second primary date)
- **April 26, 2022:** General municipal election

## Questions and Discussion

# Virtual Meeting Options

## Current Law

### **Electronic meetings authorized before COVID-19 (G.S. 143-318.13)**

- Must provide *notice, location and access for public to listen* to official meetings of public bodies

### **In 2020, General Assembly adopted new “remote meetings” law (G.S. 166A-19.24)**

- Only applicable during statewide declarations of emergency (not local declarations);
- Made no changes to Open Meetings law;
- Specifically revised **voting, quorum** and **closed session** statutes to allow for remote meetings.

## Potential Legal Issues

➤ **If Council revise its Rules to allow for electronic/virtual/remote meetings without limitation, possible concerns include:**

- **Quorum challenges\*** – best practice is to be “physically present” although current Rules allow electronic attendance when quorum necessary (but along with other factors); and,
- **Voting challenges\*** – best practice to be “physically present”; consider revising Rules to also allow “deciding vote” to be cast during remote attendance, although this remains an area subject to legal challenge.
- **Also, consider revising Council’s Rules on:**
  - Duty to Vote (Rule 16)
  - Closed Sessions (Rule 18), and
  - Quorum (Rules 19 and 20)
  - Consider Establishing (Minimum) Remote Attendance Policy

\*Quorum and Voting statutes (G.S. 160A-74 and -75, respectively), were amended under remote meetings law – so long as participant maintains simultaneous communication. When not in a state of emergency, existing laws for both may pose potential concerns.

## Public access – virtual vs. in-person

**Points to consider:**

- Law requires public to have access *to listen* to official meetings.
- During statewide state of emergency (SOE), likely must provide virtual access even if Council meets in person, building open to public, and public allowed to attend in person.
- *During SOE*, “remote meetings” law only applies to official meetings of public bodies, not to public’s right to virtual access;
- Public has right to participate in meetings (at public hearings and at monthly public comment period, GS 160A-80 & -80.1), however...
- *After SOE ends*, City must still provide means of public access which could be limited to in-person attendance, but... if Council attends remotely...

## Rule 28 – Current Provision within Rules of Procedure

### Telephonic and electronic attendance at meetings

**(a) Committee meetings.** Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.

**(b) Council meetings.** Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:

- (i) necessary to achieve a quorum;
- (ii) attendance is precluded due to weather, civil unrest, emergency, etc.; and
- (iii) the meeting needs to be continued (e.g., need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed.

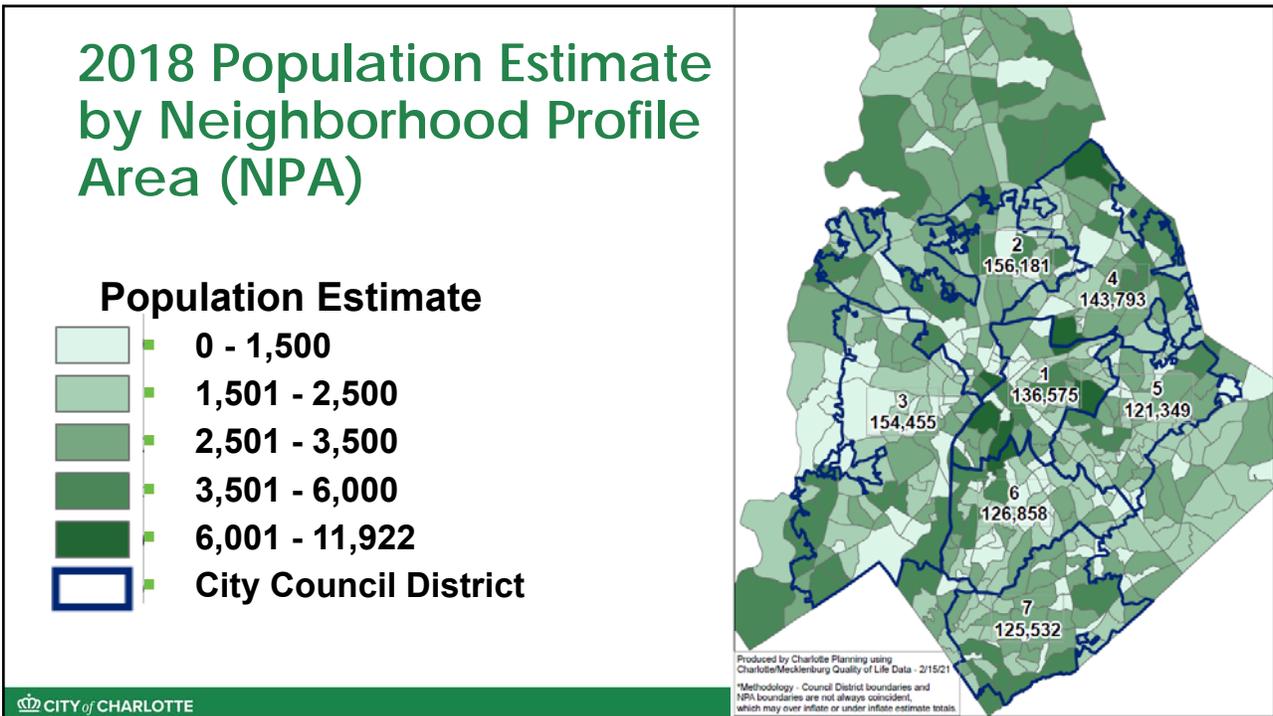
## Questions and Discussion

# Appendix

CITY of CHARLOTTE

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## LOCAL BOARDS USING TRUE ELECTION DISTRICTS

### City Councils

Ahoskie — 4 from districts, 1 at large  
 Albemarle — 4 from districts, 3 at large  
 Benson — 4 from districts, 3 at large with limited voting  
 Cary — 4 from districts, 2 at large  
 Charlotte — 7 from districts, 4 at large  
 Clinton — 5 from districts  
 Dunn — 6 from districts  
 Edenton — 4 from districts, 2 at large  
 Elizabeth City — 8 from districts  
 Enfield — 4 from districts, 1 at large  
 Fayetteville — 9 from districts  
 Fremont — 6 from districts  
 Goldsboro — 6 from districts  
 Greensboro — 5 from districts, 3 at large  
 Greenville — 5 from districts, 1 at large  
 Henderson — 4 from districts, 4 at large  
 High Point — 6 from districts, 2 at large  
 Jacksonville — 4 from districts, 2 at large  
 Kings Mountain — 5 from districts, 2 at large  
 Lake Waccamaw — 4 from districts  
 Laurinburg — 4 from districts, 1 at large

Lexington — 6 from districts, 2 at large  
 Longview — 5 from districts  
 Lumberton — 8 from districts  
 Mooresville — 4 from districts, 2 at large  
 Mt. Olive — 4 from districts, 1 at large  
 New Bern — 6 from districts  
 Plymouth — 6 from districts  
 Princeville — 4 from districts  
 Raleigh — 5 from districts, 2 at large  
 Reidsville — 4 from districts, 2 at large  
 Roanoke Rapids — 5 from districts  
 Robersonville — 4 from 2-member districts, 1 at large  
 Rocky Mount — 7 from districts  
 St. Pauls — 4 from districts, 2 at large  
 Sanford — 5 from districts, 2 at large  
 Siler City — 5 from districts, 2 at large  
 Smithfield — 3 from districts, 4 at large  
 Statesville — 6 from districts, 2 at large  
 Tarboro — 8 from districts  
 Whiteville — 6 from 2 districts  
 Williamston — 4 from districts, 1 at large  
 Wilson — 7 from districts  
 Winston-Salem — 8 from districts