TOWN OF HILTON HEAD ISLAND

INTERGOVERNMENTAL RELATIONS COMMITTEE

Minutes of the Monday, July 11, 2011

Special Meeting

Members Present:	George Williams, *Chairman;* Lee Edwards, *Council Member;* Ken Heitzke, *Council Member*
Members Absent:	None
Others Present:	Bill Harkins, Bill Ferguson, and Kim Likins, *Council Members;* Drew Laughlin, *Mayor*; Bobby Bowers, *Director of Research, S.C. Budget & Control Board, Office of Research & Statistics;* Joe Croley; *Hilton Head Area Association of Realtors;* Tom Hatfield, *Hilton Head Plantation resident*; Perry White, *Beach City Road resident*; Jim Collett
Staff Present:	Steve Riley, *Town Manager;* Greg DeLoach, Esq., *Assistant Town* Manager; Brian Hulbert, Esq., *Staff Attorney;* Faidra Smith, *Administration Manager/Public Information Coordinator;* Rich Hamilton, *GIS Administrator;* Shawn Colin, *Comprehensive Planning Manager;* Charles Cousins, *Director of Community Development;* Marcy Benson, *Senior Grants Administrator, Community Development Department;* Tom Fultz, *Director of Administrative Services;* Chief Lavarn Lucas, *Fire Chief*; Lynn Buchman, *Administrative Assistant*
Media Present:	None

1. Call to Order

The meeting was called to order at 9:00 a.m.

2. **Freedom of Information Act Compliance**

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes

May 17, 2011 Regular Meeting

Mr. Edwards moved to approve and Mr. Williams seconded. The motion was approved by a vote of 2-0. (Mr. Heitzke was not present at the May 17, 2011 meeting and abstained from voting.)

4. Chairman's Report

None.

5. Unfinished Business

None.

6. New Business

a. Redistricting Scenarios for Hilton Head Island – Bobby M. Bowers, Director of Research, S.C. Budget and Control Board, Office of Research and Statistics

Charles Cousins introduced Bobby Bowers, who has worked with the Town numerous times in the past, most recently in 2000 to assist in reconfiguring our Districts to meet the Department of Justice requirements in connection with the 2000 census. Mr. Bowers' appearance is to explain what is required to comply with the 2010 census changes.

Mr. Bowers expressed his appreciation for being asked to appear. He first explained that every time we get a new census it creates the need to look at districts and re-draw districts. The Home Rule Act of 1965 requires counties with a population deviation of 10% or more to redistrict. While the Act does not require redistricting by cities and school districts, he recommended that a review be made in the event litigation might occur. He further strongly recommended the adoption of a set of criteria to be used for developing the redistricting plans in accordance with State and Federal laws.

Mr. Bowers pointed out the overriding considerations for any redistricting, which are:

- **The constitutional requirement of one person - one vote.** This means that districts need to be as near mathematically equal as practical. He commented on the fact that the present Congressional districts (6 of them now), vary by only 1 person – and he assisting in drawing that plan for the Federal Courts. He pointed out that any suit in Federal Court would likely be determined by the lowest deviation possible. Even though the population shifts and growths change constantly, he indicated the redistricting should be based on the latest official decennial census.
- **The adherence to the 1965 Voting Rights Act, as amended, and by controlling court cases.** He pointed out that unless there is change, we will be under the Voting Rights Act until the year 2032. Therefore, there must be no retrogression of minority districts - meaning the plan you are proposing does less for minorities (defined under the new guidelines as non-Hispanic Black population) than the plan in existence. The goal is to keep from diminishing the minorities' opportunity to elect a candidate of their choice in a district that you presently have. He described the two types of retrogression – policy retrogression where you intentionally lower the opportunity for minorities to elect candidates of their choice – and natural retrogression where population shifts and grows in the non-minority populations. He saw no retrogression in either plan, which is good.
- **Ensure that parts of the districts are contiguous.** Although it looks like the districts are not contiguous, the cul-de-sacs, water bodies, and marsh make it appear so. The requirement is for contiguity.
- **Communities of interest.** Plantations may consider themselves communities of interest, but with the other three overriding criteria of constitutional requirement of one person/one vote, adherence to the Voting Rights Act, and contiguity – the plantations may have to be split to comply with those.
- **Attempt to maintain constituency consistency.** As he explained, Courts have ruled that you can separate the incumbents, as long as it does not adversely affect the constitutional requirement, the Voting Rights Act, nor contiguity. He pointed out this was the case because Council has to vote on the plan.

- **Avoid splitting precincts.** He explained there is no way you can avoid splitting precincts in a jurisdiction this size, when you have to adhere to Section 5 requirements of the Voting Rights Act. Furthermore, it is not as important now that you don't split precincts as it is that you have the registered voter in the right part of the precinct. With electronics available now and GeoCoding, we can tell where each registered voter in this Town needs to be in a precinct to vote in that district. However, it does increase the time and labor of the Voter Registration Board to get it all straight.
- **Solicit public input.** Today would be one of your public meetings.

Looking at the existing plan, Mr. Bowers noted a total of 47.88% deviation - deviation being defined as your largest positive percentage and your largest negative percentage added together without regard to their algebraic sign. The ideal population is 6183 people per district, so the goal is to redistribute the population among the districts, which is the task that Town Staff has undertaken.

Mr. Bowers noted the two Plans that were submitted to him for critique and review. He commended the Town Staff on the marvelous job of getting the deviation down to 3.51% on Plan 1 and 3.56% on Plan 2. He pointed out that coming down from a 47.88% deviation, that figure is excellent. In Plan 1 there is no retrogression in the minority district, and the redistribution of population brings it down to 6,126 people, instead of the current 8,152, allowing a better chance for a minority to be elected in a smaller district with a higher percentage.

Under Plan 2, he noted the deviation is 16/100ths of a percent higher at 3.56%. The primary goal of the Justice Department is to look at minority population under Section 5 and make sure the plan does not diminish the opportunity for minorities to elect candidates of their choice. They will only look at deviation if they can tie it into minority representation.

Mr. Bowers indicated that he felt that either Plan would pass Justice Department approval fairly easily. He pointed out that the minority district has been protected as much as possible, the deviation is low, and each Plan provides for constituent consistency or separation of incumbents. He congratulated Town Staff on drawing such excellent plans.

Mr. Bowers submitted the criteria for developing plans for the Committee's review and recommended the adoption of these criteria as the criteria under which the plans have been developed so there would be a record of having drawn the plans as outlined. (See attached criteria document provided by Mr. Bowers and made a part of these minutes.)

Mr. Bowers concluded his remarks and asked for any questions.

Mr. Edwards inquired about the meaning of separating incumbents and how far reaching the district could be.

Mr. Bowers responded that it meant putting the incumbent in their own district, no matter where that might be within the district. He pointed out that it was not uncommon for incumbents to live close to the border. Although, the ideal situation is that even though you have districts, that all of the Council Members would vote their conviction on the Town as a whole, regardless of district. Districts are drawn to insure some distributional representation throughout the area.

Mr. Heitzke commented that there is very little difference between the two Plans, other than in two wards, and Mr. Bowers concurred.

Mr. Edwards inquired if Mr. Bowers saw any advantage of one Plan over the other, and Mr. Bowers noted that sometimes there are political considerations to be made, but he saw no substantial difference. He pointed out that the decision was solely one to be made by Council, but all Plans publicly considered would have to be submitted to the Justice Department. The only difference he observed was that neither of the Plans has a safe minority district - being over 50%. Plan 2 does have about 2 percentage points more African American population in it than Plan 1 does. Both plans meet the same criteria, as far as deviation is concerned, but Plan 2 has a slightly higher minority population. He would not speculate on whether the Department of Justice would consider that adverse or not.

Chairman Williams asked for public comments.

Tom Hatfield, an eighteen year resident who lives in Hilton Head Plantation introduced himself and informed the Committee that he had been on the Beaufort County Election Commission for seven years, and Chairman for four of those years. His main reason for appearing was to ask that Hilton Head Plantation be represented by one person instead of two. Looking at the census numbers, he noted that it now appears impossible to do so. He congratulated the Committee for seeking input from Mr. Bowers, who had also assisted Beaufort County with its redistricting. He requested that the Committee and Staff do an overlay of current voting precincts when drawing the district lines to keep as few splits as possible, thereby benefiting the taxpayers and voters, and making the poll managers' jobs considerably easier. Chairman Williams thanked Mr. Hatfield for his comments.

Perry White, Beach City Road resident introduced himself and recognized the problems in carving out a district that includes as many Blacks as possible. He expressed a concern that the citizens in the Baygall area (the old Mitchelville Community) get left out since they are in between Palmetto Hall and Port Royal. He pointed out the lack of common interests of the electorate in Ward 6 and the inability of the Baygall area to influence the outcome of an election. He inquired if it was possible for that group to be connected to Ward 1, as they were at one time. He expressed a concern that if you don't have a majority, then the next best thing is to have the ability to influence the outcome of an election. As configured now, he felt the Baygall area would have no influence in Ward 6. With such a small minority and a compact population, he noted that this undercuts their ability to influence if not elect representation, and inquired about what might be done to remedy this. Chairman Williams responded that this would be researched as the process proceeds.

In response to Mr. White, Steve Riley pointed out that the Town has been advised it cannot split census blocks. He pointed out that although that is not in the criteria, it is a requirement, and questioned Mr. Bowers concerning this. Mr. Bowers responded that this was correct. He explained that if you split a census block there is no way the Court or Justice Department will be able to determine what population is a part of the block.

Referencing a map of the existing wards showing census blocks delineated by dots projected onto the screens in Council Chambers, (such map being attached to these Minutes and made a part hereof), Mr. Riley indicated the census block is where Baygall becomes problematic. He also pointed out an appendage in Hilton Head Plantation where it is all one census block and all or none had to be picked up. He noted that Baygall is all part of one big census block that cannot be split, requiring Baygall to stay in Ward 6 and not made a part of Ward 1. Attempts to amend the boundaries of these census blocks with the Census Bureau have been unsuccessful. Mr. Bowers indicated that a census block by definition is an enclosed polygon. He explained that the reason they

have these weird kind of blocks is that they are going to use a feature (street, road or creek) that makes an enclosed polygon. He pointed out that is why you see some census blocks completely surrounded by another area. They have no justification or way to cut that across a big block to make it two or three blocks.

Chairman Williams indicated it was his understanding that the proposed plans were the result of many hours' work by Staff to incorporate and address the concerns expressed by Mr. White. Mr. Riley agreed and noted specifically the work over several months by Rich Hamilton, with his GIS background, and Marcy Benson, with her statistics background. In conjunction with Bobby Bowers and his staff, they have labored for several months trying to maximize the different criteria, but primarily the deviations to maximize a minority district for Ward 1. The resulting Plans are as close as can be achieved using all these criteria. Chairman Williams thanked Mr. Riley and asked for further comments.

Mr. Riley suggested that a recommendation be made to full Town Council to adopt these criteria for developing redistricting plans, and at least one more public meeting should be held to solicit input.

Chairman Williams agreed. Mr. Heitzke moved that the Committee recommend to Town Council that the criteria presented by Mr. Bowers be adopted as the criteria used by the Town in developing its redistricting plans. Mr. Edwards seconded. The motion was approved by a vote of 3-0.

7. Adjournment

At 9:35 a.m. Mr. Heitzke moved to adjourn and Mr. Edwards seconded. The motion was approved by a vote of 3-0.

Respectfully submitted:

Approved:

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Lynn W. Buchman
Administrative Assistant

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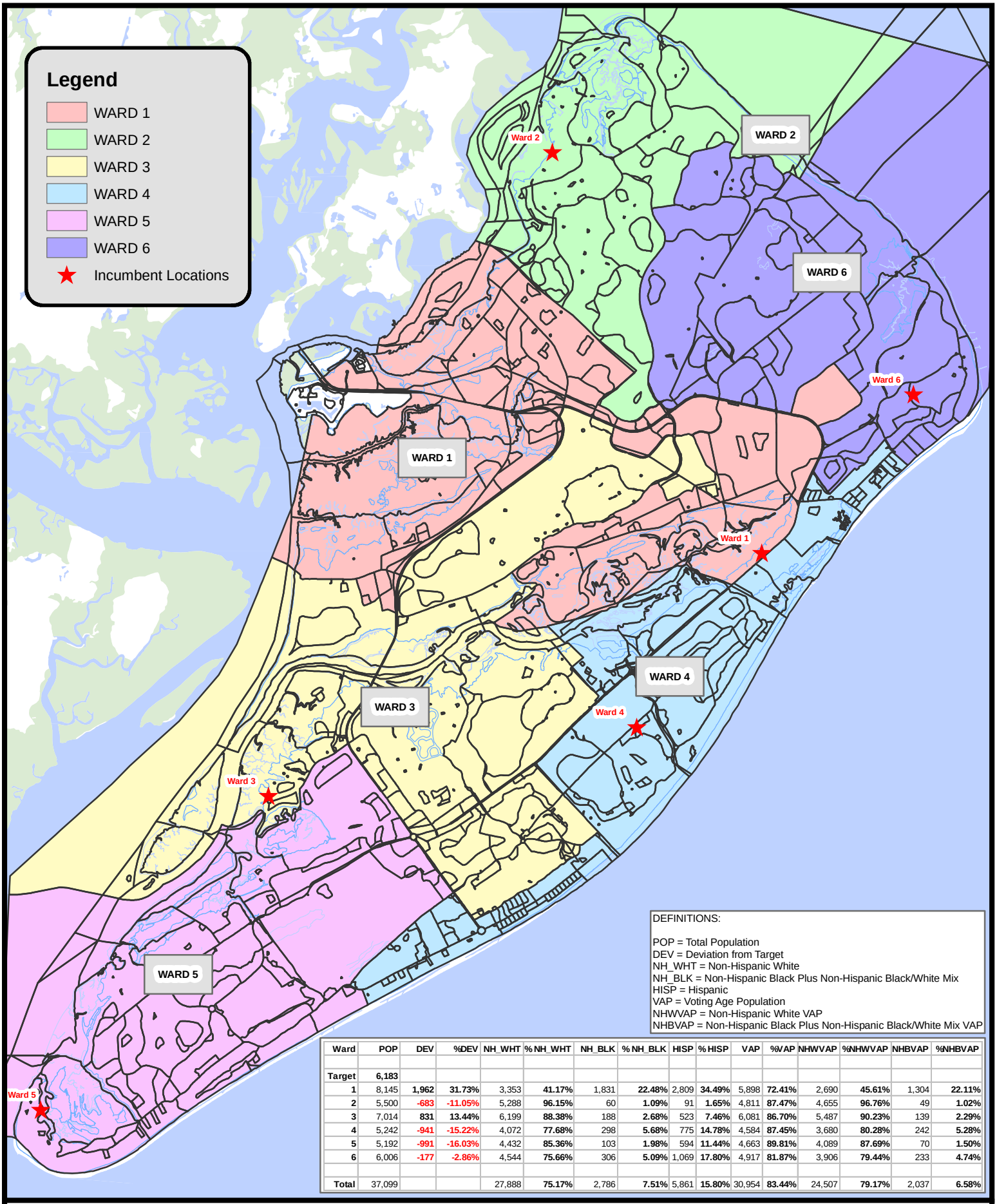
George Williams, Chairman



DEFINITIONS:

POP = Total Population
DEV = Deviation from Target
NH_WHT = Non-Hispanic White
NH_BLK = Non-Hispanic Black Plus Non-Hispanic Black/White Mix
HISP = Hispanic
VAP = Voting Age Population
NHWVAP = Non-Hispanic White VAP
NHBVAP = Non-Hispanic Black Plus Non-Hispanic Black/White Mix VAP

Ward	POP	DEV	%DEV	NH_WHT	% NH_WHT	NH_BLK	% NH_BLK	HISP	% HISP	VAP	%VAP	NHWVAP	%NHWVAP	NHBVAP	%NHBVAP
Target	**6,183**														
1	8,145	**1,962**	**31.73%**	3,353	**41.17%**	1,831	**22.48%**	2,809	**34.49%**	5,898	**72.41%**	2,690	**45.61%**	1,304	**22.11%**
2	5,500	**-683**	**-11.05%**	5,288	**96.15%**	60	**1.09%**	91	**1.65%**	4,811	**87.47%**	4,655	**96.76%**	49	**1.02%**
3	7,014	**831**	**13.44%**	6,199	**88.38%**	188	**2.68%**	523	**7.46%**	6,081	**86.70%**	5,487	**90.23%**	139	**2.29%**
4	5,242	**-941**	**-15.22%**	4,072	**77.68%**	298	**5.68%**	775	**14.78%**	4,584	**87.45%**	3,680	**80.28%**	242	**5.28%**
5	5,192	**-991**	**-16.03%**	4,432	**85.36%**	103	**1.98%**	594	**11.44%**	4,663	**89.81%**	4,089	**87.69%**	70	**1.50%**
6	6,006	**-177**	**-2.86%**	4,544	**75.66%**	306	**5.09%**	1,069	**17.80%**	4,917	**81.87%**	3,906	**79.44%**	233	**4.74%**
Total	37,099			27,888	**75.17%**	2,786	**7.51%**	5,861	**15.80%**	30,954	**83.44%**	24,507	**79.17%**	2,037	**6.58%**

TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341- 4600

Date Created: May 16, 2011

Project - Wards2011_Existing_8x11.mxd (rwh)

Town of Hilton Head Island

Redistricting 2011 - Existing Wards (With Census Blocks)

May 16, 2011

3,200 1,600 0 3,200 6,400 9,600 Feet

1 inch = 6,321 feet

N W E S

The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

CRITERIA FOR DEVELOPING PLANS: REDISTRICTING 2010

1. Adhere to the court ordered constitutional requirement of one person, one vote
    a. County Councils must adhere to a state law of population variance under 10%
2. Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions
3. Ensure that parts of the districts are contiguous
4. Respect Communities of Interest
5. Attempt to maintain constituent consistency
6. Avoid splitting voting precincts
7. Solicit public input

CONSTRUCTION OF A REDISTRICTING PLAN

- Step 1 – Construct Benchmark Plan
- Step 2 – Locate incumbents
- Step 3 – Copy Benchmark Plan and adjust blocks to adhere to 1965 Voting Rights Act, the constitutional requirement of one person, one vote and traditional redistricting principles.
- Step 4 – Hold public hearings
- Step 5 – Pass plan at local level (3 readings County Council, 2 readings City Council)
- Step 6 – Submit to Justice Department
- Step 7 – Receive preclearance letter and implement plan