

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF DECEMBER 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE - Mr. Goodson led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC HEARING

1. Ordinance Amendment to Chapter 2, Administration, Section 2-3, Designation and Population of Election Districts

Mr. Leo Rogers, County Attorney, stated that this is a special meeting of the Board of Supervisors where the County advertised the public hearing for the purpose of considering an ordinance amendment to change the Board of Supervisors elections from staggered terms to quadrennial elections. There still would be an election held in 2013 for a two-year term and then a quadrennial election would be held in 2015 where all five Board members would have four-year terms.

Ms. Jones addressed the audience and stated that any citizen may comment specific to the topic of this public hearing. A representative of a group may speak 15 minutes and all others are allowed five minutes.

Ms. Jones opened the Public Hearing.

1. Ms. Linda Rice, 2394 Forge Road, Toano, spoke in opposition of eliminating staggered terms because changing the election process is a significant issue affecting the representation local citizens receive. She stated that in the past, prior to making decisions on important policy issues, the County encouraged public input by means of public forums or a referendum on a ballot. These methods give the public more representation in the decision-making process. Possible outcome of quadrennial terms is that one

party may gain total control over the decision making process. She asked the Board to ask other jurisdictions about the election process they use.

2. Ms. Judy Fuss, 3509 Hunter's Ridge, Williamsburg, spoke in opposition of eliminating staggered terms. She stated that she has done extensive research on this issue and staggered terms allow experience and corporate history to flow from one Board year to the next and protects against special interests influencing a clean sweep of the Board. She said for these reasons the National Civic League endorses this form of election. She further stated that she either watched or attended the public redistricting meetings and after reviewing the meeting tapes the proposal to change the County's election cycle was introduced at the end of the committee's last meeting three and a half hours into the meeting. She felt it was clearly a surprise to several committee members and without opportunity for research or ample discussion a vote was forced. Since April 2011, the proposal has mainly laid dormant and now it is before the Board five days before Christmas. She said that neither the proposal nor the timing is good public policy.

3. Ms. Dorothea Neiman, 105 Broomfield Circle, Williamsburg, spoke on behalf of the James City County Citizens Coalition, (J4C). She reminded the Board that at the April 26, 2011, meeting, Mr. Kennedy stated that he could not support eliminating staggered terms without citizen input. At the same meeting it was mentioned alternatives could be considered such as adding districts and having one or more Board members at large. She urged the Board to study the alternatives, to discuss the effects of eliminating staggered terms, and to let the citizens of the County provide input prior to their making a decision. J4C respectfully requested that the Board not vote on eliminating staggered terms at this time.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, Toano, spoke in favor of eliminating staggered terms. She stated that after the election in November 2011, it became clear that staggered terms have serious flaws and challenges and do not meet the intent of the Constitution. She stated that as a result of redistricting, which occurs every ten years, thousands of citizens were disenfranchised. Another flaw is that it allows for the pursuit of being elected to a parallel position without first relinquishing their current position. This creates a new set of problems depending on whether or not the election bid was successful. She stated that staggered terms specifically permit for selfish pursuits, prohibitions, and disenfranchisement.

5. Mr. Robert Richardson, 2786 Lake Powell Road, Williamsburg, spoke on behalf of the James City Citizens for Ethical Government.

Ms. Jones stated that he had five minutes to speak.

Mr. Richardson stated that he was speaking for a group which has been in existence for four years and should have 15 minutes to speak. He further stated that he has spoken for the group at prior meetings and has not been challenged.

Ms. Jones stated that she did not recognize the group and asked the County Attorney for comment on specific information on what is an organization, how is it recognized by the Board, and how has it been historically recognized.

Mr. Rogers responded that the Board recognizes organizations like legal entities such as homeowner associations, organized groups of citizens, or nonprofit groups. A group should be a group of citizens or members of the public that have a particular interest on a topic which is brought before the Board. He advised the Board that it is certainly within the judgment of this Board as to what they believe a group should or should not be and in this case it is within the judgment of the Board to decide what constitutes a group for giving the additional time. He stated that the reason the Board created the speaker rule for a group was to encourage a collective voice from a group and avoid having several members address the Board providing the same information.

Mr. McGlennon asked Mr. Rogers if he was aware of any organization that the Board had challenged under these circumstances.

Mr. Rogers responded no. He stated that he has questioned individuals outside the meeting as to whether or not they were really speaking on behalf of a group.

Mr. McGlennon inquired if the Board had ever discussed the nature of an organization.

Mr. Rogers responded that to his knowledge the Board had not.

Ms. Jones recognized the speaker to speak for five minutes.

Mr. Richardson spoke in opposition of eliminating staggered terms. He read from an essay he wrote entitled, "Disenfranchisement Lie." He stated disenfranchisement occurs after redistricting is done every ten years. He stated that regardless of terms disenfranchisement will always occur and the only way to eliminate it is to have members at large. He requested a Public Comment at the end of the meeting.

6. Ms. Roseanne Reddin, 2812 King Rook Court, Williamsburg, spoke in favor of eliminating staggered terms. She stated that the census is conducted every ten years to count the population and redistricting follows to equalize the electorate in each voting district. The purpose is to preserve and maintain one man or woman, one vote, not to gerrymander, and that it lets the people vote on who they want to represent them.

7. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, spoke in favor of eliminating staggered terms. He requested that the Board end disenfranchisement.

8. Ms. Penny Pulley, 20 Mile Course, Williamsburg, spoke in opposition of eliminating staggered terms. She gave a possible scenario where the City of Williamsburg could control the School Board placing an outside entity in control over the County's largest expenditure. Due to many recent changes to include redistricting, elections, distraction of the holidays, and the fact that the Board has not given ample opportunity for public input before making a fundamental change in the election process, she requested the Board delay voting on this issue.

9. Mr. James M. Brown, 4 Longleaf Circle, Williamsburg, spoke in opposition of eliminating staggered terms. He requested that the Board consider different alternatives and provide time for citizen input.

10. Ms. Heather Cordasco, 113 Alexander Place, Williamsburg, newly elected School Board member, and a member of the Redistricting Committee, spoke in favor eliminating staggered terms. She stated that going to quadrennial elections would provide continuity and assist with long-term planning which are important factors when making decisions.

11. Ms. Landra Skelly, 6572 Wilkshire Road, Williamsburg, spoke in favor of eliminating staggered terms. She stated quadrennial elections would increase accountability in the County government and eliminate disenfranchisement.

12. Mr. Jeff Ryer, 7154 Merrimac Trail, Williamsburg, spoke in favor of eliminating staggered terms. Accountability and equality are good attributes produced by quadrennial elections. He encouraged the Board to vote tonight.

13. Mr. Les Skelly, 6572 Wiltshire Road, Williamsburg, spoke in favor of eliminating staggered terms. He said that staggered terms are confusing, complicated, and can manipulate power shifts.

14. Mr. Wayne Moyer, 268 Peach Street, Norge, gave the Board three alternatives to consider: 1) vote on the issue tonight, meaning they have already decided on the issue; 2) defer it to the January or February 2012, meeting, for further consideration and to dispel the illusion of manipulation; or 3) modify the resolution before them by having all Board members be up for election in 2013 where the voters have input and which would be more accepted by County citizens.

Ms. Jones allowed Mr. Moyer to play a video as it came from specific County meeting.

15. Mr. Joshua Mayes, 135 Racefield Drive, Toano, a member of the Redistricting Committee, spoke in favor of eliminating staggered terms. He stated that the issue of eliminating staggered terms was mentioned several times in redistricting committee meetings and clarified how voting would work in 2021 if quadrennial elections were in place.

16. Mr. Patrick Sensiba, 122 Braddock Road, spoke in favor of eliminating staggered terms. He stated that it would eliminate confusion and by eliminating disenfranchisement it would increase voter turnout.

17. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, suggested trying a new method for electing Board members for a specific period of time and then reevaluate the issue. He reminded the Board that they are elected by the people and are to do the work of the people.

As no other members of the audience wished to speak, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the Ordinance amendment as presented.

Mr. Goodson stated that he wanted to clarify that this recommendation was not his initiative, but rather that of the Redistricting Committee. His initial motion to approve the redistricting plan submitted by the Redistricting Committee included changing to quadrennial terms.

Mr. Kennedy requested the quadrennial terms be deferred until citizen input had been received and he agreed to defer that issue. He felt that eight months was ample time for the Board to go out and get citizen input. He felt that as this Board assigned members to the Redistricting Committee and approved its plan, this Board needed to take action on the deferred portion of his initial motion to change to quadrennial terms. Eliminating staggered terms will eliminate political manipulation.

Mr. Icenhour submitted a substitute motion to be considered by the Board that would direct the County Administrator or County Attorney to prepare this referendum question for the decision of the voters for the November 6, 2012 ballot.

Mr. Goodson responded that he would not accept the substitute motion.

Mr. McGlennon stated that to his knowledge there was no effort to schedule any discussion to consider the elimination of staggered terms between April and November 18, 2011.

Mr. Kennedy responded that he did not say there was.

Mr. McGlennon stated that at the April 2011 meeting, a time line was not given to receive additional information and because there was a year and a half to comply with regulations for the 2013 election, he feels most people did not think this was a live issue. He stated that he did not see debate in the community between April and November, staff did not prepare a memorandum, and a work session was not scheduled, so he feels it is not appropriate to say there was a lively debate going on in the community about this question. He said it is fair to say the issue was not discussed until after the election occurred and fair to say the redistricting map could have been better as to not affect so many voters' status. If the intent of passing this ordinance is to stop disenfranchisement from occurring this is not going to do it and it would be a mistake to base the decision on that premise. He further stated that he felt this issue could be resolved without touching the election cycles of the Board based on a redistricting map.

Ms. Jones thanked the public audience and all who spoke on this issue as well as those who submitted letters to the newspapers.

Ms. Jones stated that she has listened to the citizens and feels the redistricting process followed a pure process. Politics were not involved in the process but only good representation and good common sense. She said that continuity is not an issue as any new member can contact someone with experience. She feels the process was not rushed as the Redistricting Committee brought it up last April which has been ample time for citizen input. She said that she supports the original motion because eliminating staggered terms makes sense for James City County.

Mr. McGlennon stated that if the Board really believes this is all about ensuring citizens have opportunity for representation then the substitute motion is more appropriate for consideration. A referendum would provide the opportunity to fully debate the question among the public, all issues can be vetted and all can see the alternatives. The election cycle in which these terms would first have to be in place is not until November 2013, which gives time to act tonight and at the same time allow citizens to make the determination on this issue not elected officials.

Mr. McGlennon stated that longevity could occur under both staggered and quadrennial elections.

On a roll call vote on the substitution motion, the vote was: AYE: McGlennon, Icenhour (2). NAY: Kennedy, Goodson, Jones (3).

On a roll call vote on the initial motion to adopt the ordinance amendment as presented, the vote was: AYE: Kennedy, Goodson, Jones (3). NAY: McGlennon, Icenhour (2).

Mr. Icenhour commented that he felt the topic today was disenfranchisement and that it needed further consideration. He noted that redistricting has been done over the years, but this is the first time disenfranchisement seems to have been an issue. He stated that he was disappointed the Board made this decision and would hope that in the future, citizens would be able to make the decision.

Ms. Jones stated that James City County has received a bailout due to complying with the Voter's Rights Act and that the redistricting process was so well done. James City County no longer has to go to the Justice Department which will save time and money.

Mr. McGlennon asked Mr. Rogers for clarification that the Justice Department reviews the records over several years to make their determination.

Mr. Rogers clarified that they look over several years.

Mr. Kennedy stated that Mr. Icenhour violated the Code of Ethics by addressing Mr. Ryer in a derogatory manner. He requested Mr. Icenhour to not address any member of the audience from the dais.

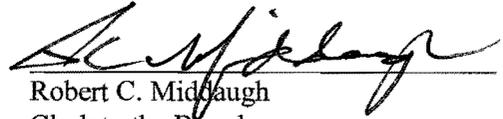
Mr. Icenhour responded that he respectfully disagreed with Mr. Kennedy. He stated that we are all accountable for what we say and that Mr. Ryer made very clear statements at a public meeting, and that Mr. Goodson was also present at that meeting. He further stated that he apologized to Mr. Ryer if he took his comments as an attack on him personally.

Mr. Goodson made a motion to adjourn.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Kennedy, Jones (5). NAY: (0).

E. ADJOURNMENT to 4 p.m. on January 3, 2012.

At 8:52 p.m., Ms. Jones adjourned the Board until 4 p.m. on January 3, 2012.


Robert C. Midlaugh
Clerk to the Board

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