

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

February 11, 2011

A. CALL TO ORDER

The February 11, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

Deputy Carl Hurt of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2 Absent
- Supervisor Bill Russell-----District 3
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Deputy Carl Hurt presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. OLD BUSINESS

1. Redistricting Plan Proposal

Mike Bridge and Tim Youngblood of Bridge and Watson appeared before the Board of Supervisors to discuss the proposal for redistricting in DeSoto County.

Mr. Bridge said they presented two potential plans that met the constitutional requirements of redistricting and meets requirements of the Department of Justice (DOJ). These plans are based on Census figures from 2010. He said the House of Representatives has taken action to approve a bill that would allow the county to extend the qualifying deadline, but it has not gone to the Senate or the Governor. Mr. Bridge said the result of conversations since our last meeting is they have determined the decrease in minority voting strength is 2% when applying the DeSoto County Redistricting Committee’s plan, alternate #3. He said the DeSoto County Redistricting Committee has expressed they will oppose any plan that does not include their option of combining the three Horn Lake precincts. Mr. Bridge said, however, the result of the DeSoto County Redistricting Committee’s entire plan is a decrease in voting strength. Each of the alternatives presented to the Board previously meets the DOJ requirements. Mr. Bridge said he does not believe there is anything that will meet with a negative response by the DOJ on any of these plans. He said the Board may want some modifications on these plans, but we still have to use the data as a guideline to ensure we are compliant with DOJ population requirements. Tim Youngblood said alternate 1 has a 6% deviation with six split precincts and it pits no

incumbents against each other.

Mr. Youngblood said alternate 2 has a variation of 8.5% and one split precinct.

Alternate 3 takes in the requests by the DeSoto County Redistricting Committee and has an 8.7% deviation. He said there is a significant change in the existing precincts. Mr. Youngblood said there are four voter precincts that are split and no incumbents face each other.

Supervisor Bill Russell said in alternates 1 and 2 no incumbents face each other. It is important to remember that even though judges do not have to live the district in which they run, alternate 2 will cause the judges to move from their district.

Mr. Youngblood said that alternate 3 put a 28.4% black population in District 4. Alternate 2 has 23.6% black population in District 4. Alternate 1 put 25.4% black population in District 4. He said the existing black population in District 4 is 26%.

Mr. Youngblood said they have had meetings with elected officials and other groups of interest and are looking to consider their comments as the Board directs them to do so.

Supervisor Bill Russell said in alternate 1, District 3 has a population of 31,276. He questioned the voting population in District 3 as reported. Mr. Youngblood said they would recheck the figures.

Mr. Bridge said the DOJ and consulting firms such as Bridge and Watson are required by the DOJ to utilize the U.S. Census data when developing these plans.

Supervisor Jessie Medlin said he thinks the Board needs to meet individually with the redistricting consultants and let them know their concerns and review the information. Supervisor Medlin said he has questions about some of the proposed lines in his area. He said District 5 and District 1 are losing area and all the supervisors need to understand the information. He asked what the Legislature did on the bill to extend the qualifying deadline.

County Administrator Michael Garriga said if it passes the Senate and House the Board can have discretion to extend the qualifying deadlines.

Supervisor Tommy Lewis asked if his opponent was present. Supervisor Lewis said he thinks alternate 3 takes his opponent out of District 5. He clarified that he had nothing to do with that as he has just seen the map for the first time in the last few minutes.

Mr. Youngblood said, in order to go through all of the concerns, it will take some time.

Supervisor Russell asked if they could go through that process now. Mr. Nowak said yes.

Mr. Bridges said he thinks it will be impossible to include all of the concerns expressed by all that have commented on the plans and still satisfy the Department of Justice and the Board of Supervisors. He said his firm is doing their best to resolve as many of the issues as possible and still meet the DOJ and Board of Supervisors' requirements.

Mr. Youngblood said there were a couple of concerns about the population numbers. He said those are easy to satisfy. Others had concerns about geography which is harder to address and still meet the DOJ requirements. He said the DOJ is concerned about numbers. Mr. Youngblood said, while all of the concerns are valid and logical, these options address the concerns of the Department of Justice. He said if your decision is to discuss further in open meetings, it is not practical to re-draw the maps at this time. That decision is up to the Board.

Mr. Bridges suggested discussing the areas of concern with the different officials and groups who wish to express concerns.

Mr. Youngblood said the Election Commission is concerned about the large number of voting precincts being in one district.

Supervisor Russell said he understands that voting precincts can be moved. He said he knows it will be a lot of work and feels like we will have more time to address those concerns if the Legislature acts on the county's request for authority to move the qualifying deadline, and that becomes necessary because a plan is not approved before March 1. He asked if we can realign the polling places and notify the people in time for the next election. Circuit Clerk Dale Thompson said she does not know how that would be possible.

Election Commissioner Paul Beale said that is major work. He said it involves a lot of different concerns including notification of voters regarding the changes, the amount of voting equipment the county has, poll workers etc. He said it will be very difficult.

Supervisor Russell said it is important to consider a plan that has less affect on the polling places. He said that will be a consideration of his.

Mr. Beale said we need to have plenty of time to notify the public about any changes in polling places.

Supervisor Medlin said alternate 1 has six splits. That is nothing compared to the last redistricting process. Mr. Beale agreed that six splits will not be a problem.

Supervisor Medlin asked that the Board consider having the consultants get back with the officials and constituency groups to discuss their suggestions and discuss concerns of the people. Then when Chris Watson can be involved and come back before the Board.

Supervisor Latimer said he was hoping some of the concerns could be heard today.

Supervisor Russell said he does not disagree with Supervisor Medlin, but he would like to hear some of the concerns today as well. He said we have talked about polling places and have found they are a real concern in the redistricting process.

Supervisor Latimer said if we do not send the DOJ something about the authority we may get from the Legislature, what does that mean. Mr. Nowak said DOJ would have to approve any change to the qualifying deadline. Mr. Nowak also advised that if a new redistricting plan is not approved by the Board and pre-cleared by DOJ prior to the beginning of absentee ballot voting, the elections would be held under the current boundaries.

Supervisor Russell said he believes the Senate will pass the legislation and the governor will sign it. He said he thinks the Board should still move forward as quickly as possible with getting the submission of a new plan to the DOJ in order to be as fair as possible to the public and anyone considering running the election.

Supervisor Lewis said we have had little public participation since the Census block numbers were received. He said we need to get the public input regardless of any other deadlines.

Judge Billy Lantrip said in the plan he is out of his district and his support base is in his district. Supervisor Medlin asked if Judge Lantrip moved. Judge Lantrip said he moved about three blocks away from his old house to a bigger house. Supervisor Medlin said it may be appropriate to move the District 3 line to I-55.

Constable Jason Motz said 98% of the area in the new plan for his district is not in his current district. He said he knows we can't finalize anything at this meeting. He said we are making the Election Commissioners' jobs harder because we are creating split precincts.

Judge Karen Sanders said please consider giving it a few days so everyone can meet with Chris Watson on Monday. She said she had not seen the plans until Wednesday. She just received alternate 3 today and has not had a chance to look at it to see if she does have concerns. She said she does not think that two judges should be in the same district. She asked that the Board allow them to meet with Chris Watson to express their concerns.

Election Commissioner Tina Hill said her concern is geography. She said the proposal they were looking at gives District 5 eleven precincts. Some of the others have seven or eight precincts. Ms. Hill said it creates a hardship for candidates. Because of the number of voters, they will have to split the Long Point precinct soon. She said that will create another precinct. She some may be able to be combined.

Supervisor Medlin said there are some areas where it is difficult to find an appropriate spot for a voting precinct and that should be considered.

Mr. Bridges said it is a correlation about how rural the area is and how far a voter has to travel.

Constable Liz Medlin said she knows we are not here to talk about her concerns alone. She said she would like to keep the Maywood area. Her main concern is Judge Landtrip's and Constable Motz's area. She said they will have to move around the most. She said constables are the only elected officials that will suffer financially for redistricting. She said Mr. Motz will lose 50% of his salary.

Supervisor Latimer said he heard the Constables work with the judges to be able to serve papers out of their area. Judge Sanders said they have jurisdiction throughout the county. Judge Lantrip said he thought constables could serve papers outside their district, but the elected constable for that district gets paid. Mr. Motz said if you get past who will be paid you may have the 3 constables going to the same apartment complex and that could be a waste of other resources. He said he thinks we will need more time to address those concerns.

Constable Medlin said she knows some of the counties do split up their papers. She said she will lose about one fourth of her area and there is nothing that can be done about that. Constable Medlin said she is here because she sees at least two election officials not coming out on the good end.

Supervisor Latimer said that everyone present does a good job. We have to split the judges and constables districts five ways instead of four because the population numbers have increased. He said he understands it is not a square mile issue but a population issue.

Mr. Motz stated it is not about finances for him. He said it will take more time to make the best decision. He said the Board should to listen to the Election Commissioners and Ms. Thompson. They will have to do the work to make the changes and it affects everyone and their staff.

Supervisor Latimer said he agrees with everyone's comments. He said he agrees with Supervisor Russell that it is urgent to get the recommendation to the DOJ.

Election Commissioner Carl Payne said, whatever is done to the precincts also has to go to the DOJ for approval as well.

Supervisor Latimer asked if anyone else had comments.

No one came forward.

Supervisor Latimer asked if anyone on the Board or the Board Attorney had comments.

Supervisor Lewis asked if the concerns of the public have been addressed.

Kelly Jacobs said the concerns they explained at the meetings were that three precincts in Horn Lake be combined as a community of interest. She said the DeSoto County Redistricting Committee will oppose any plan that does not address their concerns. She said the DeSoto County Redistricting Committee has not had time to have a committee meeting to have anymore comments about the pending plan.

Mr. Garriga said we worked together to put the information on the web site. He asked if anyone has had an opportunity to look at it on the web site. Ms. Jacobs said yes. All three options can be seen on the web site.

Supervisor Latimer asked if anyone else had comments or questions.

GIS Director Matt Hanks said he has maps available if anyone else needs a copy. He said the web site is desotoms.com under public notices.

Supervisor Latimer asked if anyone else has comments.

Supervisor Latimer said he is concerned about getting the information completed by the absentee voter deadline.

Mr. Garriga said Senator Flowers told him they will be taking the matter of the county's ability to move out the qualifying date next week.

Supervisor Russell said he would like the Board to meet Monday but he is available whenever the other Board members want to meet. He said if the legislation passes authorizing the Board to extend the qualifying deadline and the Governor passes the legislation as well and it gets through Washington, and a redistricting plan cannot be approved by March 1, he will be the first to say lets slow things down.

Supervisor Medlin said he has a few minor concerns.

Supervisor Latimer said he does not think the Board needs to meet Monday. That would not be enough time to allow everyone to look over the options. He suggested meeting Wednesday or Thursday.

Mr. Garriga said the Board can schedule a meeting any time next week.

Mr. Bridges said if the Board can meet with the Election Commissioners, the Constables, the Judges and other groups, he can make any adjustments necessary if they stay within the DOJ guidelines.

Supervisor Russell suggested meeting Wednesday.

Supervisor Lewis said he thinks Tim Youngblood can take care of the meetings and then the Board can meet on Thursday. He said that will give everyone time to look at the maps.

Ms. Jacobs asked if the Census data is available to anyone at the block level. Mr. Youngblood said the block data Census information is available on census.gov.

Supervisor Latimer asked if there were any other concerns. There were none.

See Exhibit D.1

E. NEW BUSINESS

F. EXECUTIVE SESSION

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

G. OTHER ISSUES

1. Board of Supervisors-Travel

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize Supervisor Bill Russell and Supervisor Tommy Lewis to travel to Washington on the Holly Springs Road issue if they determine it is necessary, and authorize paying travel expenses

etc. for the Board and those traveling. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until February 17, 2011 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

THIS the 11th day of February, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors