

# LEE COUNTY

NORTH CAROLINA

*Committed Today for a Better Tomorrow*

December 21, 2011

**Transmitted by FedEx**

Chief, Voting Section  
Civil Rights Division  
United States Department of Justice  
Room 7254-NWB  
1800 G Street, NW  
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act;  
New Boundaries for Lee County (North Carolina) Commissioner Electoral Districts

Dear Chief:

Lee County North Carolina (hereinafter the "County") is a covered jurisdiction under Section 4(b) of the Voting Rights Act of 1965, as amended, and therefore, the preclearance requirements of Section 5 of the Act apply to the County. The County Board of Commissioners (hereinafter the "Board") has adopted a Resolution proposing to establish new boundaries for the existing four single-member commissioners' electoral districts to correct a substantial inequality of population among the districts as reported by the 2010 decennial census. The proposed change will in no way deny or abridge any person's right to vote on the basis of membership in a race or language minority. No other voting practice is proposed to be changed. On behalf of the Board, we respectfully request that the Department of Justice preclear the proposed change to the Board's voting practices pursuant to Section 5 of the Voting Rights Act. The following information is submitted in support of the County's request.

**CONTENTS REQUIRED BY 28 C.F.R. § 51.27.**

(a) A copy of any ordinance, enactment, order, or regulation embodying the change affecting voting for which section 5 preclearance is being requested.

Attached as Exhibit A is a copy of the Board's Resolution 2011-23 which proposes to redraw the single-member electoral districts from which four of the County's seven commissioners are elected. No changes are proposed to the existing procedure for

electing the remaining three commissioners at large by all voters in the County. The Resolution is on file at the Lee County Register of Deeds Office at Book 24, pp. 390-394.

Attached as Exhibit B are copies of the agenda and official minutes of Board's July 18, 2011 regular meeting confirming the Resolution was considered and adopted by a unanimous vote, after a public hearing on the matter. It is noteworthy that Commissioner Robert Reives, the Board's only racial minority member, made the motion to adopt the redistricting plan that is being submitted for preclearance (Plan A) and that the vote to implement the plan upon preclearance was unanimous. See, page 6, Minutes. The minutes of the Board's July 18, 2011 regular meeting are on file at the Lee County Register of Deeds Office at Book 24, pp. 332-338.

**(b) A copy of any ordinance, enactment, order, or regulation embodying the voting standard, practice, or procedure that is proposed to be repealed, amended, or otherwise changed.**

Attached as Exhibit C is the Board's Resolution adopted in July 2001 establishing the present boundaries of the four single-member commissioner electoral districts. Attached as Exhibit D is a letter from the Chief, Voting Section, U.S. Department of Justice, dated January 24, 2002, preclearing the existing boundaries and the procedure used to establish them.

**(c) A statement that identifies with specificity each change affecting voting for which section 5 preclearance is being requested and that explains the difference between the submitted change and the prior law or practice.**

The proposed plan affecting voting is the redrawing of the boundary lines for the County's four single-member commissioner electoral districts. Although each district's boundaries are affected to some extent, the primary change is an expansion of District 1's boundaries into Districts 2, 3, and 4, which surround it. District 1 is the County's only "majority-minority" district. The proposed expansion of District 1's boundaries incorporates additional area generally more densely populated by members of racial and language minority groups to preserve the groups' ability to elect a candidate of their choice. However, District 1 also loses a small area to District 2.

**(d) The name, title, mailing address, and telephone number of the person making the submission. Where available, a telefacsimile number and an email address for the person.**

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106 Hillcrest Drive  
Sanford, North Carolina 27330.  
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Office Facsimile: 919-718-4631  
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Alternate contact person is:

W. Dale Talbert, Deputy Lee County Attorney  
106 Hillcrest Drive  
Sanford, North Carolina 27330.  
Office Telephone: 919-718-4610, Ext 2.  
Office Facsimile: 919-718-4631  
Cellular Telephone: 919-523-3342  
E-mail address: dtalbert@leecountync.gov

**(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.**

The Lee County Board of Commissioners is the submitting authority and the jurisdiction responsible for the change. The submitting authority has a business office located at 106 Hillcrest Drive, Sanford, North Carolina 27330 and a telephone number of 919-718-4605.

**(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.**

Not applicable.

**(g) Identification of the person or body responsible for making the change and the mode of decision.**

The Lee County Board of Commissioners is the body making the change. The change is being made by resolution of the Board, as is authorized by North Carolina General Statute § 153A-22(b) (2011). See, Exhibit E.

**(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.**

North Carolina General Statute Section 153A-22 (2011), Exhibit E, provides authority to a board of county commissioners to redefine electoral district boundaries for its commissioners. The law specifically provides that redistricting may occur only by resolution of the board upon a finding by the board that there is a "substantial inequity" of population among the districts. As is explained in greater detail herein, the Board was presented and accepted population data from the 2010 decennial census which shows the total deviation between the most populous and least populous existing commissioner electoral districts is 23.61 percent. This evidence clearly establishes that there is substantial inequality of population among the districts and the Board's July 18, Resolution 2011-23 specifically makes such a finding. See, Exhibit A. The finding,

therefore, provides the Board statutory authority to redraw its commissioner electoral districts.

The statute also requires that the “[r]edefined electoral districts shall be so drawn that the quotients obtained by dividing the population of each district by the number of commissioners apportioned to the district are as nearly equal as practicable, and each district shall be composed of territory within a contiguous boundary.” Exhibit E, N.C. Gen. Stat. § 153A-22(c). As is explained in greater detail herein, the proposed redistricting plan, and all alternative plans submitted to the Board for its consideration, meet this statutory requirement.

In addition to making the findings and following the procedure required by state law, the Board also utilized the following additional procedures in reaching its decision to adopt the resolution proposing to redraw the boundaries of the existing single-member commissioner electoral districts.

At its March 7, 2011 regular meeting, the County’s Strategic Services Director Don Kvasckitz informed the Board that the preliminary 2010 decennial census data indicated that the County’s population had increased by approximately 17% since the 2000 census. The Board was informed that the increase in population was not uniform county-wide and, as a result, Commissioner electoral districts undoubtedly would have to be redrawn. The Board directed staff to prepare alternative redistrict plans for its consideration once the official 2010 census data was available. Copies of the agenda and official minutes of the Board’s March 7, 2011 meeting is attached as Exhibit F.

At its June 20, 2011 regular meeting, the Board was briefed by Mr. Kvasckitz about the final 2010 census data and by Assistant County Attorney Dale Talbert about the state and federal requirements for redrawing the boundaries of Commissioner electoral districts. During this meeting, members of the Board were provided copies of North Carolina General Statute § 153A-22, Exhibit E, and the Department of Justice’s publication “*Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act*,” as published in the Federal Register, Volume 76, Number 27. Exhibit G. As background information, a chart was presented to the Board showing population and demographic data from the 2000 census for the existing commissioner electoral districts. This chart is attached as Exhibit H. Another chart, Exhibit I, was presented showing population and demographic data from the 2010 census for the existing commissioner electoral districts. As previously mentioned, Exhibit I showed there was a “substantial inequity” of population among the single member commissioner districts. Four alternative redistricting plans, identified as Plan A, Plan B, Plan C, and Plan D were submitted to the Board for its consideration. For each proposed plan, the Board was presented a large scale street map showing the existing and proposed boundaries of each of single-commissioner electoral districts and a chart containing associated population and demographic data from the 2010 Census. Exhibit J-1, provided in duplicate, is the map for Redistricting Plan A, the plan being submitted for preclearance.

Exhibit J-2 is a large scale map for Redistricting Plan A. Exhibit K is a chart showing 2010 census population and demographic data for Redistricting Plan A. Exhibit L is the map for Redistricting Plan B. Exhibit M is a chart showing 2010 census population and demographic data for Redistricting Plan B. Exhibit N is the map for Redistricting Plan C. Exhibit O is a chart showing 2010 census population and demographic data for Redistricting Plan C. Exhibit P is the map for Redistricting Plan D. Exhibit Q is a chart showing 2010 census population and demographic data for Redistricting Plan D.

After considering the information, the Board voted unanimously to select two of the proposed plans, "Plan A" and "Plan D," for presentation to the public for comment and for further consideration by the Board. The Board directed staff to schedule and publish notice of a public hearing to be conducted at the Board's regular meeting on July 18, 2011 to solicit and receive comments on the two plans. Copies of the agenda and official minutes of the Board's June 20, 2011 meeting are attached as Exhibit R. The attached Notice of Public Hearing, marked as Exhibit S, was published in *The Sanford Herald*, a newspaper of general circulation in the County on Sunday, July 10, 2011 and Sunday, July 17, 2011. The Publisher's affidavit for the Notice of Public Hearing is attached as Exhibit T. The Board also directed staff to post the Notice and maps of Plan A and Plan D on the County's web page; create a link on the web page through which citizens could submit comments on the Plans; and, post the Notice and large scale maps of the Plans at three public places in the county and make available at those locations forms on which the public could submit comments. As directed, the information was posted on the County web site from June 27 through July 18, 2011. Further, a copy of the Notice of Public Hearing and large scale maps of Plans A and D were posted for public inspection at the County Library, the Board of Elections, and the Government Center along with forms for submission of comments. A copy of the "comment form" is attached as Exhibit U.

At its July 18, 2011 regular meeting the Board held a public hearing on the two proposed redistricting plans. No one spoke for or against either plan. The Deputy County Attorney reported to the Board that no comments had been received from the public through either the County's web site or the public comment forms that were made available at the County Library, the Board of Elections and the Government Center. After discussion, Commissioner Robert Reives moved that a Resolution be adopted that would implement Redistricting Plan A setting the new boundaries for the single-member commissioner electoral districts upon preclearance by the Department of Justice with Redistricting Plan D being the alternate plan. Commissioner Reives' motion was adopted unanimously. See, Exhibits A and B. It should be noted that Plan A maintains incumbent Commissioner's within their existing districts (Exhibit V), produces a substantial equity of population among the districts, and produces districts that are composed of territory within contiguous boundaries. As is more fully discussed herein, Plan A also allows members of racial and language minorities to elect the candidate of their choice.

**(i) The date of adoption of the change affecting voting.**

The Resolution proposing to redraw the Commissioner electoral districts was adopted by the Board on July 18, 2011. See, Exhibit A, Resolution 2011-23.

**(j) The date on which the change is to take effect.**

Should the Department of Justice preclear the proposed redistricting plan, it will take effect with the next election for the Board of County Commissioners which is to begin with the commencement of the filing period for candidates on February 13, 2012 and early voting for the primary elections beginning on April 19, 2012.

**(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**

The change being submitted for preclearance has not been enforced or administered. By the specific terms of the Board's Resolution 2011-23, the proposed redistricting plan will become effective only after the Department of Justice preclears the plan. See, Exhibit A.

**(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

The proposed redistricting plan will affect the entire County.

**(m) A statement of the reasons for the change.**

The reason for the proposed change in the boundary lines of the existing Lee County single member commissioner electoral districts is to correct a "substantial inequity" of population among the existing districts as authorized by North Carolina law and to comply with the "one person, one vote" requirement of the United States Constitution.

The 2010 decennial census data shows that the populations of the existing four Lee County Commissioner single-member electoral districts are no longer "substantially equal." According to the census, Lee County has a total population of 57,866. The ideal population of each of the four single-member commissioner electoral districts is, therefore, one-fourth of the total County population or 14,467. Existing District 1 has a population of 12,673 which is 12.40 percent below the ideal population. Exhibit I Existing District 2 has a population of 14,249 which is 1.51 percent below the ideal population. Id. Existing District 3 has a population of 14,855 which is 2.68 percent above the ideal population. Id. Existing District 4 has a population of 16,089 which is 11.21 percent above the ideal population. Id. The total deviation between the most populous and least populous commissioner electoral districts is 23.61 percent (12.40 percent

below ideal + 11.21 percent above ideal = 23.61 total deviation). Id. This level of deviation produces the “substantial inequity” in population required for redistricting under state law and violates the “10% rule” frequently applied by the federal courts in determining whether the constitutional one person, one vote requirement has been met.

**(n) A statement of the anticipated effect of the change on members of racial or language minority groups.**

Both the existing and proposed plan have the same “majority minority” electoral district—District 1. Under the benchmark plan, minority citizens make up 66.93 percent of the total population in District 1 with Black citizens accounting for 46.64 per cent of the total population. See, Exhibit H. Under proposed Redistricting Plan A, minority citizens would make up 63.94 percent of the total population in District 1 and Black citizens would account for 41.04 percent of the total population. See, Exhibit K. These differences in minority and Black populations are not significant. It is anticipated, therefore, that the proposed plan, when compared to the current voting practice or “benchmark” plan, will continue to allow blacks and other racial and language minority groups to elect their preferred candidate of choice.

**(o) A statement identifying any past or pending litigation concerning the change or related voting practices.**

The Board was a defendant in Sellers et al. v. Board of Commissioners of Lee County, North Carolina et al., C-89-294-D (Middle District of North Carolina). However, prior to judgment being entered in the case, the Board, by resolution, eliminated the challenged method of electing five commissioners at-large to staggered four-year terms and in its place implemented a system that elects seven members, four from single-member districts and three at-large. This change in the system of election created the opportunity for racial and language minority groups to elect representatives of their choice and the suit was ended as against the Board.

**(p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.**

The Department of Justice precleared the existing boundaries for the single-member commissioner electoral districts and the procedure for the adoption of the change by letter from the Chief, Voting Section, Department of Justice, dated January 24, 2002. Exhibit D.

(q) **Required items listed under 28 C.F.R. § 51.28(a)(1) and (b)(1).**

(1) **28 C.F.R. §58(a)(1). Demographic information; Total and voting age population of the affected area before and after the change, by race and language group.**

This information is provided in electronic form on the enclosed compact disc marked as Exhibit W.

(2) **28 C.F.R. §58(b)(1). Maps in duplicate of the area to be affected showing the prior and new boundaries of the voting units.**

The prior and proposed new boundaries of the commissioners' electoral districts under Plan A are reflected on the 8½ X 12 maps attached as Exhibit J-1. A large scale version of the same map is attached as Exhibit J-2. A map showing the Commissioner residences under the existing and proposed Plan A is attached as Exhibit V.

(r) **Supplemental contents.**

(1) **Demographic Information [28C.F.R. §51.28(a)(2) through (5)].**

See, Exhibit W.

(2) **Publicity and Participation [(28 C.F.R. §58(f)].**

As a preliminary matter, it should be noted that as required by state's open meetings law, the Board sends by e-mail the agenda for each of its meeting to a "sunshine list" consisting of all persons who have asked to be notified of the Board's official meetings. The agendas also are posted on the County's web page ([www.leecountync.gov](http://www.leecountync.gov)) in advance of each meeting and the official minutes of the meetings are posted once they are prepared. At each meeting, the Board provides time for public comment on any matter a citizen desires to discuss. The Board also sends to the persons on the "sunshine list" and posts on its web site the day following every meeting an "Actions Taken" document briefly stating what actions took place at the meeting. Further, each Board meeting is streamed live on the County's web site. Video recordings of all meetings also are archived and available for viewing on the County's web site. All of these methods of providing publicity about matters the Board is to consider and allowing citizen participation in the Board's decision making process were followed when it considered and acted on the proposed redrawing of Commissioner electoral districts. More specific information about how these standard and additional publicity and participation practices were followed when the Board considered redrawing the boundaries of its commissioner electoral districts is provided in paragraph (h).

**Copies of newspaper articles discussing the proposed change.**

The Board is informed and believes only two articles discussing the proposed plan were printed in the local newspaper, *The Sanford Herald*. They are attached as Exhibits X-1 and X-2.

**Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).**

Attached as Exhibit S is a copy of the Notice of Public Hearing published as a display ad (one-quarter page) in *The Sanford Herald*, a newspaper of general circulation in Lee County, on July 10 and 17, 2011. The Publisher's Affidavit, attached as Exhibit T, confirms the Notice was published on the dates indicated, the first of which was more than ten days before the Public Hearing was held.

Copies of the Notice of Public Hearing and large scale (36 inches by 36 inches) maps showing the existing and proposed boundaries of the Commissioner electoral districts were posted: (1) outside the Board's Office at the Lee County Government Center, (2) outside the Lee County Board of Elections Office at the Courthouse Annex; and, (3) in the main Lee County Public Library. Forms on which members of the public could submit comments on the proposed redistricting plans were available at the same locations. A copy of the Comment Form is attached as Exhibit U.

**Minutes or accounts of public hearings concerning the proposed change.**

Attached as Exhibit B are the official minutes of the July 18, 2011 regular meeting of the Board at which a public hearing was held to discuss the proposed change in the existing boundaries of the commissioner districts. No person spoke for or against either of the plans being considered.

**Statements, speeches, and other public communications concerning the proposed change.**

Counsel for the Board is informed and believes neither any of the Board's members nor any other person made statements, speeches, or other public comment concerning the proposed change in the existing boundaries of the commissioner electoral districts.

**Copies of comments from the general public.**

No written public comments were received at the locations where the Public Notice of the proposed change to the boundaries of the commissioner electoral districts was posted. Further, no person appeared or spoke at the Public Hearing for or against the proposed redistricting plan.

**Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.**

None.

**(4) Availability of the Submission [28 C.F.R. §51.28(g)].**

Contemporaneously with making this submission to the Attorney General, a Public Notice of the submission will be posted: (1) outside the Board's offices at the Lee County Government Center; (2) outside the Lee County Board of Elections Office at the Courthouse Annex; and, (3) in the main Lee County Public Library. The Notice announces the submission to the Attorney General, informs the public that a complete duplicate copy of the submission is available for public inspection at each of the aforesaid locations and invites comments to be submitted to the Attorney General for his consideration. The Notice also informs the public that an electronic copy of the magnetic media submitted to the Department of Justice, or if so requested, a hard copy of the data contained in the magnetic media, is available at the Office of the Clerk to the Board or the Office of the Lee County Strategic Services Department. A copy of the Notice of Submission is attached as Exhibit Y.

**(5) Minority Group Contacts [28 C.F.R. §51.28(h)].**

The following minority group members residing in Lee County can be expected to be familiar with the proposed change or have been active in the political process.

Mr. Robert T. Reives, County Commissioner, District 1  
827 Primrose Lane  
Sanford, North Carolina  
919-774-4434

Ronnell Dowdy  
390 W. Forest Oaks  
Sanford, NC 27330  
919-775-5817

Alexander Davis  
240 Forestwood Park  
Sanford, NC 27330  
919-775-2791

James French  
261 Breezewood Road  
Sanford, NC 27330  
919-776-5588

Margaret Murchison  
3400 Evers Avenue  
Sanford, NC 27330 27332  
919-258-3277

Lucinda Alston  
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Sanford, NC 27330  
919-776-0665

Alexander Gonzalez  
1100 Wiley St.  
Sanford, NC 27330  
919-777-9954

Ollie Mclver  
Sanford, NC 27330  
919-258-6182

Cleo Blue  
761 Nicholson Road  
Sanford, NC 27332  
919-498-6046  
Gerome Williams  
2320 Pilson Road  
Sanford, NC 27332  
919-499-5541

Lola Wilson  
296 Wagon Trail Road  
Sanford, NC 27332  
919-775-1975

Lucy Hurley  
2110 Brownstone Drive  
Sanford, NC 27330  
919-776-8703

Lee County requests expedited consideration of this submission in order that it may be put into use when the filing for public office opens in February allowing the candidates for the office of County Commissioner to file for election from the proposed revised commissioner electoral districts.

Sincerely,



K.R. Hoyle, Sr.  
Lee County Attorney



W. Dale Talbert  
Deputy Lee County Attorney

**EXHIBIT LIST**  
**Submission Under Section 5 of the Voting Rights Act;**  
**New Boundaries for Lee County (North Carolina) Commissioner Electoral Districts**

- Exhibit A, Lee County Board of Commissioners Resolution 2011-23
- Exhibit B, Agenda and official minutes of Board's July 18, 2011 regular meeting
- Exhibit C, Board's July, 2001 Resolution establishing the present commissioner electoral district boundaries
- Exhibit D, Letter from the Chief, Voting Section, U.S. Department of Justice, dated January 24, 2002, preclearing the existing commissioner electoral districts
- Exhibit E, North Carolina General Statute Section 153A-22 (2011)
- Exhibit F, Agenda and official minutes of Board's March 7, 2011 regular meeting
- Exhibit G, *"Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act,"*
- Exhibit H, Chart containing demographic data from the 2000 census for the existing commissioner electoral districts
- Exhibit I, Chart containing demographic data from the 2010 census for the existing commissioner electoral districts
- Exhibit J-1, Redistricting Plan A map
- Exhibit J-2, Large scale Redistricting Plan A map
- Exhibit K, Redistricting Plan A 2010 census population and demographic data
- Exhibit L, Redistricting Plan B map
- Exhibit M, Redistricting Plan B 2010 census population and demographic data
- Exhibit N, Redistricting Plan C map
- Exhibit O, Redistricting Plan C 2010 census population and demographic data
- Exhibit P, Redistricting Plan D map
- Exhibit Q, Redistricting Plan D 2010 census population and demographic data
- Exhibit R, Agenda and official minutes of the Board's June 20, 2011 regular meeting
- Exhibit S, Notice of Public Hearing
- Exhibit T, Publisher's Affidavit of Publication of the Notice of Public Hearing
- Exhibit U, Public Comment Form
- Exhibit V, Map showing residences of incumbent commissioners
- Exhibit W, Demographic information
- Exhibit X-1, Newspaper article discussing the proposed change
- Exhibit X-2, Newspaper article discussing the proposed change
- Exhibit Y, Notice of Submission

# **EXHIBIT A**

**RESOLUTION**  
**REDEFINING COMMISSIONER ELECTORAL DISTRICT BOUNDARIES**

**WHEREAS**, the Lee County Board of Commissioners adopted a resolution on June 26, 1989, altering the structure of the Board to provide that it consist of seven members, four of whom are elected from single-member districts by the voters of those districts, and three of whom are elected by all of the voters of the County; and

**WHEREAS**, the Lee County Board of Commissioners adopted a resolution on October 18, 1993 redefining the Commissioner electoral district boundaries to correct a substantial inequality of population among the four single-member districts as reported by the 2000 Decennial Census and did so in a manner so as to not diminish the ability of any racial or language minorities to elect their preferred candidate of choice and meet other requirements of law, including those contained in the Voting Rights Act of 1965; and,

**WHEREAS**, the 2010 Decennial Census data shows there is a substantial inequality of population among the four single-member districts and the Board finds as a fact that such a condition exists; and,

**WHEREAS**, North Carolina General Statute Section 153A-22 provides that when such inequality of population among electoral districts exists, that the Board of Commissioners may by resolution redefine the electoral districts; and

**WHEREAS**, the Lee County Board of Commissioners at its June 20, 2011 regular meeting reviewed four proposed redistricting plans, each of which produces an acceptable population balance among the districts and complies with the requirements of the Voting Rights Act of 1965; and,

**WHEREAS**, the Lee County Board of Commissioners selected two of the plans it reviewed, designated "Plan A" and "Plan D," to present to the public for comment before adopting a final plan; and,

**WHEREAS**, notice of a public hearing concerning redrawing Commissioner electoral district boundaries was published in the Sanford Herald, a newspaper of general circulation in the County, on July 10 and July 17, 2011 and posted, along with large scale maps of Plan A and Plan B, at the Offices of the Lee County Board of Elections, the County Library, and the Lee County Government Center on July 1, 2011; and,

**WHEREAS**, a public has been held this date with all Commissioners in attendance;

**NOW, THEREFORE BE IT RESOLVED** by the Lee County Board of Commissioners as follows:

**Section 1:** That Section 1 of the Resolution of June 26, 1989 altering the structure of the Board of Commissioners, as amended by the Resolution of October 18, 1993 redefining Commissioner electoral district boundaries, is hereby amended by deleting the present provision identified as Paragraph 3 and inserting in lieu thereof the following:

3. Maps showing the boundaries of the four (4) single-member districts will be made available for public inspection at the office of the Clerk to the Board, pursuant to North Carolina general Statute Section 153A-20. All references to streets which are boundaries of a district shall mean to the middle line of the right-of-way of such street. The districts are as follows:

**DISTRICT 1:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of East Weatherspoon Street and North Third Street, thence east along East Weatherspoon Street to North Seventh Street, thence south along North Seventh Street to North Avenue, thence east along North Avenue to North Tenth Street, thence south along North Tenth St to Midland Avenue, thence East along Midland Avenue to Lower Moncure Road, thence north along Lower Moncure Road to NC 87 Highway Bypass, thence north along NC 87 Highway Bypass to Wallace Branch Creek, thence east along Wallace Branch Creek to F. L. Dowdy Lane, thence south along F. L. Dowdy Lane to Lower Moncure Road, thence north along Lower Moncure Rd to Lick Creek Road, thence east along Lick Creek Rd to Lick Creek, thence south along Lick Creek to San-Lee Drive, thence west along San-Lee Drive to NC 87 Highway Bypass, thence south along NC 87 Highway Bypass to Kelly Drive, thence south along Kelly Drive to the Sanford city limit line, thence east along the Sanford city limit line to the east most extend of census block number 1039, thence clockwise along census block number 1039 to Kelly Drive, thence south along Kelly Drive to Nash Street, thence south along Nash Street to Broadway Road, thence east along Broadway Road to the second intersection with Rice Road, thence north along Rice Road to Thomas Drive, thence east along Thomas Drive to Poplar Springs Church Road, thence south along Poplar Springs Church Road to Avents Ferry Road, thence south along Avents Ferry Road to Broadway Road, thence west along Broadway Road to Cox Mill Road, thence south along Cox Mill Road to Mt Pisgah Church Road, thence south along Mt Pisgah Church Road to US 421 Highway, thence south along US 421 Highway to the Sanford city limits, thence clockwise along the Sanford city limits to Carrs Creek, thence north along Carrs Creek to Cox Maddox Road, thence west along Cox Maddox Road to NC 87 Highway, thence south along NC 87 Highway to the Sanford city limits, thence clockwise along the Sanford city limits to Patriot Way, thence west along Patriot Way to Industrial Drive, thence south along Industrial Drive to Cherokee Trail, thence west along Cherokee Trail to Cemetery Road, thence north along Cemetery Road to the Sanford city limits north of Khalif Court, thence clockwise

along the Sanford city limits to Tramway Road, thence west along Tramway Road to Fire Tower Road, thence north along Fire Tower Road to Carthage Street, thence north along Carthage Street to Wicker Street, thence east along Wicker Street to South Vance Street, thence north along South Vance Street to North Vance Street, thence north along North Vance Street to West Weatherspoon Street, thence east along West Weatherspoon Street to North Gulf Street, thence north along North Gulf Street to North Horner Boulevard, thence south along North Horner Boulevard to Randolph Street, thence east along Randolph Street to North Steele Street, thence south along North Steele Street to West Weatherspoon Street, thence east along West Weatherspoon Street to East Weatherspoon Street, then east along East Weatherspoon Street to the beginning point at the intersection of East Weatherspoon Street and North Third Street.

**DISTRICT 2:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of East Weatherspoon Street and North Third Street, thence east along East Weatherspoon Street to North Seventh Street, thence south along North Seventh Street to North Avenue, thence east along North Avenue to North Tenth Street, thence south along North Tenth St to Midland Avenue, thence East along Midland Avenue to Lower Moncure Road, thence north along Lower Moncure Road to NC 87 Highway Bypass, thence north along NC 87 Highway Bypass to Wallace Branch Creek, thence east along Wallace Branch Creek to F. L. Dowdy Lane, thence south along F. L. Dowdy Lane to Lower Moncure Road, thence north along Lower Moncure Rd to Lick Creek Road, thence east along Lick Creek Rd to Lick Creek, thence south along Lick Creek to San-Lee Drive, thence west along San-Lee Drive to NC 87 Highway Bypass, thence south along NC 87 Highway Bypass to Kelly Drive, thence south along Kelly Drive to the Sanford city limit line, thence east along the Sanford city limit line to the east most extend of census block number 1039, thence clockwise along census block number 1039 to Kelly Drive, thence south along Kelly Drive to Nash Street, thence south along Nash Street to Broadway Road, thence east along Broadway Road to the second intersection with Rice Road, thence north along Rice Road to Thomas Drive, thence east along Thomas Drive to Poplar Springs Church Road, thence south along Poplar Springs Church Road to Avents Ferry Road, thence south along Avents Ferry Road to Broadway Road, thence west along Broadway Road to Cox Mill Road, thence south along Cox Mill Road to Mt Pisgah Church Road, thence south along Mt Pisgah Church Road to US 421 Highway, thence south along US 421 Highway to the Sanford city limits, thence clockwise along the Sanford city limits to Carrs Creek, thence north along Carrs Creek to Cox Maddox Road, thence west along Cox Maddox Road to NC 87 Highway, thence south along NC 87 Highway to Lake Trace, thence counterclockwise along the southern most boundary of Lake Trace to the Upper Little River, thence east along the Upper Little River to the Lee County boundary, thence counterclockwise along the Lee County boundary to Hawkins Avenue, thence south along Hawkins Avenue to US 1 Highway, thence south along US 1 Highway to Spring Lane, thence east along Spring Lane to Spottswood Drive, thence

south along Spottswood Drive to North Vance Street, thence south along North Vance Street to West Weatherspoon Street, thence east along West Weatherspoon Street to North Gulf Street, thence north along North Gulf Street to North Horner Boulevard, thence south along North Horner Boulevard to Randolph Street, thence east along Randolph Street to North Steele Street, thence south along North Steele Street to West Weatherspoon Street, thence east along West Weatherspoon Street to East Weatherspoon Street, thence east along East Weatherspoon Street to the beginning point at the intersection of East Weatherspoon Street and North Third Street.

**DISTRICT 3:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of Tramway Road and Fire Tower Road, thence west on Tramway Road to Center Church Road, thence west on Center Church Road to Henley Road, thence west along Henley Road to Center Church Road, thence west along Center Church Road to South Plank Rd, thence south along South Plank Road to the end of South Plank Road at the Lee County boundary, thence counterclockwise along the Lee County boundary to the Upper Little River, thence west along the Upper Little River to Lake Trace, thence clockwise along the southern most boundary of Lake Trace to NC 87 Highway, thence north along NC 87 Highway to the Sanford city limits south of Cox Maddox Road, thence clockwise along the Sanford city limits to Patriot Way, thence west along Patriot Way to Industrial Drive, thence south along Industrial Drive to Cherokee Trail, thence west along Cherokee Trail to Cemetery Road, thence north along Cemetery Road to the Sanford city limits north of Khalif Court, thence clockwise along the Sanford city limits to Tramway Road, thence west along Tramway Road to the beginning point at the intersection of Tramway Road and Fire Tower Road.

**DISTRICT 4:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of Tramway Road and Fire Tower Road, thence west on Tramway Road to Center Church Road, thence west on Center Church Road to Henley Road, thence west along Henley Road to Center Church Road, thence west along Center Church Road to South Plank Rd, thence south along South Plank Road for 1,043 feet to the Lee County boundary, thence clockwise along the Lee County boundary to Hawkins Avenue thence south along Hawkins Avenue to US 1 Highway, thence south along US 1 Highway to Spring Lane, thence east along Spring Lane to Spottswood Drive, thence south along Spottswood Drive to North Vance Street, thence south along North Vance Street to South Vance Street, thence south along South Vance Street to Wicker Street, thence west along Wicker Street to Carthage Street, thence south along Carthage Street to Fire Tower Road, thence south along Fire Tower Road to the beginning point at the intersection of Tramway Road and Fire Tower Road.

**Section 2.** Except as amended herein by Section 1, the Resolution of June 26, 1993, as amended by the Resolution of October 18, 1993, shall remain in full force and effect.

**Section 3.** Within thirty days (30) after adoption of this Resolution, the County Attorney is directed to submit the Resolution, the proposed redistricting plan, and supporting data and documentation to the United States Department of Justice for pre-clearance under the Voting Rights Act of 1965, pursuant to North Carolina General Statute Section 120-9E.

**Section 4.** This amendment redefining the electoral district boundaries shall be effective upon pre-clearance by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

**Section 5.** This Resolution shall be published in full upon its preclearance by the United States Department of Justice.

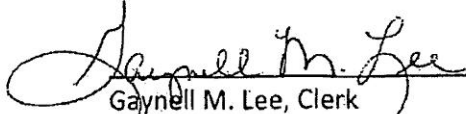
**Section 6.** Not later than ten (10) days after the date on which the Resolution becomes effective, the Clerk to the Board shall file certified true copies of the Resolution with the North Carolina Secretary of State's Office, in the office of the Lee County Register of Deeds, with the Chairman of the Lee County Board of Elections, in the North Carolina Supreme Court Library, and in the North Carolina General Assembly's Legislative Library.

**Section 7.** Not later than thirty (30) days after the date on which a proposed redistricting plan is pre-cleared by the United States Department of Justice, the Clerk to the Board shall file with the Director, Office of Administrative Hearings certified true copies of all letters and other documents received by Lee County from the Attorney General of the United States in which a final decision is made concerning the redistricting plan submitted for pre-clearance, as is required by North Carolina General Statute Section 120-30.9H.

Adopted this the 18<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Linda A. Shook, Chair  
For the Lee County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Gaynell M. Lee, Clerk

# **EXHIBIT B**

# LEE COUNTY

*Committed Today for a Better Tomorrow*

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

JULY 18, 2011  
3 P.M. BUSINESS MEETING  
6 P.M. PUBLIC HEARINGS

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**CALL TO ORDER** – Linda Shook, Chairman

**INVOCATION** – Commissioner Shook

**PLEDGE OF ALLEGIANCE**

**I. ADDITIONAL AGENDA**

**II. APPROVAL OF CONSENT AGENDA** (All items listed below are routine and will be approved by one motion. No separate discussion will be held except by a request of a member of the Board. Any item removed from the Consent Agenda will be considered individually as a part of the regular agenda).

- A. Minutes from the June 15, 2011 Clearwater Drive public hearing (pages 1-3)
- B. Minutes from the June 20, 2011 regular meeting (pages 4-14)
- C. Minutes from the June 27, 2011 special called meeting (pages 15-17)
- D. *Memorandum of Understanding* for Vehicle Maintenance Software (pages 18-20)
- E. Amendment to Jail food service agreement with Aramark (pages 21-26)
- F. Tax Releases and Refunds for June 2011 (pages 27-30)
- G. Contract for FY 2011-12 Seniors Health Insurance (SHIIP) Grant (page 31)
- H. Resolution endorsing Boys & Girls Club project (pages 32-33)
- I. Renewal contract for Inmate Labor at the Animal Shelter (pages 34-41)

**III. PUBLIC COMMENTS**

**IV. OLD BUSINESS**

- A. Consider amended *Lee County Animal Control Ordinance* – Deputy Attorney Dale Talbert (pages 42-62)
- B. Appointments to boards/commissions – Gaynell Lee (pages 63-67)

**V. NEW BUSINESS**

- A. Presentation and approval of NC Cardinal Membership Agreement – Mike Matochik and Grant Pair (pages 68-71)
- B. Consider voting delegate for August NCACC Annual Conference – John Crumpton (pages 72-73)

Exhibit \_\_\_\_\_ B \_\_\_\_\_

- C. Presentation and approval of Tax Collector's Annual Settlement – Dwane Brinson (pages 74-90)
- D. Consider Industrial Development Grant for Lee County Industrial Park – John Crumpton (pages 91-96)
- E. Consider Interlocal Agreement with the Lee County Board of Education – John Crumpton (pages 97-104)

**VI. MANAGER'S REPORT**

- A. *Monthly Financial Report* for month ending June 30, 2011 – John Crumpton (pages 105-108)

**VII. COMMISSIONERS' COMMENTS**

**VIII. CLOSED SESSION**

Closed Session to discuss matters relating to the location or expansion of business in the area per North Carolina General Statute 143-318.11(a)(4)

**PUBLIC HEARINGS** – 6 p.m.

**IX. PUBLIC HEARINGS**

- A. Joint public hearing with the Lee County Planning Board in reference to application by Carolina Trace Volunteer Fire Department to rezone .93 ± acres of land located at 37A Indian Trail from Residential Restricted district to Office & Institutional district – Althea Thompson (pages 109-123)
- B. Public hearing and approval of redrawn boundaries of Lee County Commissioner electoral districts – Dale Talbert and Don Kovasckitz (pages 124-129)

**ADJOURN**

# LEE COUNTY

Committed Today for a Better Tomorrow

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

JULY 18, 2011

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The regular meeting of the Lee County Board of Commissioners for the County of Lee, State of North Carolina, convened at 3 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Richard B. Hayes, Larry "Doc" Oldham, Charles T. Parks, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and James K. Womack, Jr.

Chairman Shook called the meeting to order and the following business was transacted:

Commissioner Shook delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. Commissioner Womack asked that the Board discuss the Economic Development matter that was discussed and approved at the June 20<sup>th</sup> meeting. With no other changes made, Commissioner Hayes moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Parks moved to approve the *Consent Agenda* which consisted of the following items:

- Minutes from the June 15, 2011 Clearwater Drive public hearing,
- Minutes from the June 20, 2011 regular meeting,
- Minutes from the June 27, 2011 special called meeting,
- *Memorandum of Understanding* for COLTS Vehicle Maintenance Software (copy attached),
- Amendment #5 to Jail food service agreement with Aramark (copy attached),
- Tax Releases and Refunds for June 2011 (copy attached),
- Contract for FY 2011-12 Seniors Health Insurance (SHIIP) grant (copy attached),
- Resolution endorsing Boys & Girls Club project on Church Street (copy attached), and

- Renewal contract for Inmate Labor at the Lee County Animal Shelter with the NC Department of Corrections (copy attached)

Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Pursuant to N.C. General Statute 153A-52.1, Chairman Shook opened the floor for *Public Comments*. The following signed up to speak and were allowed 3 minutes for comments:

1. Ms. Tamara Brogan, 2520 Waterford Ct., Sanford
2. Ms. Martha Underwood, 3309 Westcott Circle, Sanford

The Board considered an amended *Lee County Animal Control Ordinance*. Deputy Attorney Dale Talbert discussed proposed changes to the Animal Control Ordinance that were recommended by the Board of Health (BOH) based upon comments made at three public hearings held during January 2011. The proposed amendments to the Ordinance were posted on the County's website with a link through which citizens could make comments concerning the Ordinance for the Board of Commissioners to consider. The Board of Commissioners deferred action on the Animal Control Ordinance at their June 20<sup>th</sup> meeting until this date and time. Concerns addressed by the public included if an animal was impounded for running at large for the second time it must be neutered as a condition of returning it to the owner. Owners of pedigreed breeding animals argued the provision could impose an unreasonable financial hardship on them. The BOH amended the Ordinance to provide for an exemption from the neutering requirements, if the owner of the animal found running at large reports it missing within three business days of impoundment. Another concern was that plastic barrels should not be allowed as permissible shelters for dogs. The BOH responded to this concern by proposing to eliminate plastic barrels as proper shelters. Another concern was that a proposed prohibition against tethering animals for more than 12 hours in a 24 hour period would be unenforceable. The BOH responded to this concern by considering an "attended tethering" requirement and a total prohibition of tethering. The BOH recommended to this concern by considering an "attended tethering" provision authorizing tethering only if "the owner is at all times....outside and within eyesight of a tethered animal." The final comments considered by the BOH concerned the minimum size of pens that are required should an owner of an animal decide to keep the animal in a pen. Owners of pedigreed and hunting animals suggested that the minimum pen size be reduced because they sometimes desired to keep animals that were in heat or being temporarily restrained for other reasons in smaller pens. The BOH responded to this concern by suggesting that a temporary exemption of the minimum pen size be authorized for up to 30 days once every six months upon request of the owner and an animal services officer's approval of the pen. It was also noted that the Sheriff's Office now has responsibility for enforcing the Ordinance and has the authority to sanction violations. Commissioners shared their concerns with the proposed Ordinance. Commissioner Womack presented a list of revised changes addressing the tethering issue (animal must not be tethered for more than 12 hours in any 24 hour period), sheltering (adequate shade, protection from precipitation, and access to drinking water must be within reach of a tethered animal), reduction to civil penalty amounts for first, second and third offenses (reduced to \$50.00, \$100.00 and \$200.00), and the complete elimination of Section 4-195 (2) Issuance of a Criminal Citation or Arrest. After much discussion, Commissioner Oldham moved to approve the Animal Control Ordinance with the above referenced changes presented by Commissioner Womack. After further discussion, Commissioner Oldham withdrew his motion. After further discussion, Commissioner Womack made an amended

motion to approve the Animal Control Ordinance with changes addressed and to include Section 4-195 (2) as part of the Ordinance. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the amended motion had been adopted unanimously.

Commissioner Reives moved to change the civil penalty amount to \$25.00 for the first offense, \$50.00 for the second offense, and \$100.00 for each subsequent violation after the second offense. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Oldham moved to approve the *Lee County Animal Control Ordinance* as amended above. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the amended *Lee County Animal Control Ordinance* had been approved unanimously, with all noted changes, a copy of which is attached to these minutes and by this reference made a part hereof.

The Board considered appointments to boards/commissions that were not filled at the June 20<sup>th</sup> meeting. Clerk to the Board Gaynell Lee presented two applications for the Parks & Recreation Commissioner. Commissioner Womack moved to appoint Ms. Nicole Ingram as a regular full-time member to the Parks & Recreation Commission and Ms. Rhea Monti as alternate #1 to said board. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *NC Cardinal Membership Agreement* through the State Library of North Carolina. Library Director Mike Matochik introduced Mr. Grant Pair from the NC Cardinal Program who discussed the program and presented a power point presentation. "North Carolina Cardinal" is an initiative by the State Library of North Carolina to provide a common library automation system for interested North Carolina libraries. NC Cardinal will include shared bibliographic and patron databases that will enable participating libraries to share their collections more effectively and will provide library users with easier access to more materials. Lee County, while retaining autonomy over its operations, can be one of nine libraries participating in the first year of the project. By the time Lee County is ready to go online, its present server-based contract will expire and a smooth transition both in technology and a savings in dollars will have been effected. The technology is user-friendly, future-oriented and with no current system costs, although the county will have usual costs for computer equipment (monitors, printers) and for operations (paper and ink). This project, a high priority for the State Library system, is based on federal funding. With economic conditions the way they are, overall funding levels

may be lower in the future, but Congress has authorized library funding in five-year increments since 1956 with bipartisan support. If funding is reduced, a fee may be charged. If that cost becomes burdensome, which is not likely, the library can leave the project, although it is estimated that the costs of running the system on our own would be much higher. The Lee County IT Department approves the project and will see its workload and budget lightened. Patrons and staff will experience a top of the line circulation system that is easy to use and they can have the opportunity for statewide library privileges. After the presentation and discussion, Commissioner Womack moved to approve the *Agreement with NC Cardinal* as presented, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a voting delegate for the August North Carolina Association of County Commissioners annual conference scheduled in Cabarrus County. Commissioner Oldham moved that County Manager John Crumpton be appointed as the voting delegate for Lee County since no Commissioners were signed up to attend the conference. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the Tax Collector's Annual Settlement. Tax Administrator Dwane Brinson told Board members each year the Tax Collector must make settlement with the governing board per North Carolina General Statute 105-373. As part of the settlement, the governing board charges the Tax Collector with collecting taxes for the current fiscal year. This charge gives the Tax Collector authority to use enforced collection measures and it gives notice that the tax lien is first in priority. Mr. Brinson provided a power point presentation giving highlight aspects of this year's settlement as well as performance of the Tax Office for FY 2011. After the presentation and questions, Commissioner Hayes moved to approve the FY 2011 Settlement – Order of the Board of Commissioners, Resolution Approving FY 2011 and Prior Years, FY 2011 Settlement – Sworn Statement, and Affidavit, copies of which are attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an *Industrial Development Grant* for the Caterpillar Project. County Manager John Crumpton told Board members the County had received a \$500,000 Industrial Development Fund grant to pay for a secondary access road at the Lee County Industrial Park as part of the Caterpillar Project. Caterpillar is constructing a new 275,000 square foot facility and the new road is critical to providing secondary ingress and egress to the site. The company is committing \$28 million to the new facility and Lee County will be contributing \$166,700 to the cost of the road. After discussion, Commissioner Oldham moved to approve the *Industrial Development Grant* and authorized the Chairman and designated staff to sign required documents, copies of which are attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an *Intergovernmental Agreement with the Lee County Schools*. County Manager John Crumpton presented a revised draft of an Intergovernmental Agreement with the Lee County Schools for supplemental current expense appropriation of \$500,000 in FY 2011-12 and FY 2012-13. Mr. Crumpton stated that as part of the negotiated agreement between the County Manager and School Superintendent, it was agreed that to ensure that the additional \$500,000 appropriated for current expenses went to Teach Assistants, Tutors and Graduation Ambassadors that an Intergovernmental Agreement needed to be approved by the two governing bodies. Commissioners approved the additional \$500,000 current expense funding at their June 20<sup>th</sup> meeting and made this agreement a requirement as part of the Budget Ordinance. Commissioner Hayes stated he would like to see the agreement approved and for the Board of Commissioner not to micro-manage the Board of Education. Commissioner Womack stated he didn't feel the Board was micro-managing because it is a legal two-year agreement, involving a lot of tax payer money. After further discussion, Commissioner Womack moved to defer action on the Interlocal Agreement with the Board of Education until the Board of Commissioners could review the agreement in more detail. Upon a vote, the results were as follows:

Aye: Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: Hayes

The Chairman ruled the motion had been adopted by a 6 to 1 vote.

The Board discussed an Economic Development matter that had been voted on during the June 20, 2011 meeting. At the June 20<sup>th</sup> meeting Commissioner Womack made the following motion in reference to funding for the Lee County Economic Development (EDC) department. "I move for the Board to adjust our budget resolution to signal our withdrawal from the present EDC organization and structure; that we notify the Town of Broadway and the City of Sanford of our intent to terminate the present contract for the EDC no later than December 31, 2011; that we transition the present EDC into an economic growth office working under the direct supervision of the County Manager by that date; that the County Manager exercise close oversight of all EDC funds disbursement until the transition is complete; and that we commit to honoring the existing grants, loan oversight, and other pledges we are contractually obligated to as of June 30, 2011." Commissioner Reives stated he was disappointed in what he's read in the paper about the EDC matter and some of the comments made by Commissioners. Commissioner Hayes stated the action taken on June 20<sup>th</sup> was callous and very untimely and inconsiderate of others and unnecessary because it is fundamentally flawed. He went on to state that we have an outstanding EDC program and he was upset on the June 20<sup>th</sup> vote of the Board. Much discussion followed with no action taken.

Commissioner Oldham moved to go into closed session to discuss matters relating to the location or expansion of business in the area per North Carolina General Statute 143-318.1(a)(4). Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. Upon returning from closed session, the meeting resumed with all members present.

Chairman Shook called the meeting to order for advertised public hearings.

Chairman Shook opened the public hearing for discussion and approval of redrawn boundaries of Lee County Commissioner electoral districts that had been advertised for this date and time. Deputy Attorney Dale Talbert updated the Board on discussion that was held during their June 20<sup>th</sup> meeting where Plans A and D were selected as the two boundaries for a public hearing to be held. Mr. Talbert stated that maps have been available for inspection at the Lee County Library, Lee County Government Center and Board of Elections office. Information was also provided on the Lee County website with a link for citizens to make comments.

No one present spoke for or against Plans A and/or D as presented.

The public hearing was left open in case individuals arrived later for the meeting.

Chairman Shook opened the public hearing with the Lee County Planning Board that had been advertised for this date and time in reference to an application by the Carolina Trace Volunteer Fire Department to rezone from Residential Restricted (RR) district to Office and Institutional (O & I) district approximately .93 ± acres of land east of Highway 87 South and being the site of the Carolina Trace Volunteer Fire Department located at 37A Indian Trail, Sanford, North Carolina. Planner Althea Thompson outlined the proposed rezoning request.

Mr. Frank Layton, President of the Carolina Trace Fire Department spoke in favor of the request and stated the fire department would like to expand their current facility to add more training room and office space with no additional tax increase to the citizens.

No one present spoke in opposition to the proposed rezoning request.

Chairman Shook closed the public hearing with the Lee County Planning Board.

At this time, citizens were once again allowed time to address the redistricting issue, with no one speaking in favor of or in opposition.

Chairman Shook closed the public hearing.

Commissioner Reives moved to accept Plan A as the new redistricting plan with Plan D as the back-up plan and approve a Resolution Redefining Commissioner Electoral District Boundaries, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Shook opened the regular meeting of the Board back in session to finalize items not completed prior to the Closed Session.

County Manager John Crumpton presented the *Monthly Financial Report* for month ending June 30, 2011. No action was taken.

With no further business to come before the Board, Commissioner Oldham moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

Chairman Shook moved the motion had been adopted unanimously and the meeting adjourned at 6:35 p.m.



*Gaynell M. Lee*  
Gaynell M. Lee, Clerk

*Linda A. Shook*  
\_\_\_\_\_  
Linda A. Shook, Chairman  
Lee County Board of Commissioners

## **RESOLUTION REDEFINING COMMISSIONER ELECTORAL DISTRICT BOUNDARIES**

**WHEREAS**, the Lee County Board of Commissioners adopted a resolution on June 26, 1989, altering the structure of the Board to provide that it consist of seven members, four of whom are elected from single-member districts by the voters of those districts, and three of whom are elected by all of the voters of the County; and

**WHEREAS**, the Lee County Board of Commissioners adopted a resolution on October 18, 1993 redefining the Commissioner electoral district boundaries to correct a substantial inequality of population among the four single-member districts as reported by the 2000 Decennial Census and did so in a manner so as to not diminish the ability of any racial or language minorities to elect their preferred candidate of choice and meet other requirements of law, including those contained in the Voting Rights Act of 1965; and,

**WHEREAS**, the 2010 Decennial Census data shows there is a substantial inequality of population among the four single-member districts and the Board finds as a fact that such a condition exists; and,

**WHEREAS**, North Carolina General Statute Section 153A-22 provides that when such inequality of population among electoral districts exists, that the Board of Commissioners may by resolution redefine the electoral districts; and

**WHEREAS**, the Lee County Board of Commissioners at its June 20, 2011 regular meeting reviewed four proposed redistricting plans, each of which produces an acceptable population balance among the districts and complies with the requirements of the Voting Rights Act of 1965; and,

**WHEREAS**, the Lee County Board of Commissioners selected two of the plans it reviewed, designated "Plan A" and "Plan D," to present to the public for comment before adopting a final plan; and,

**WHEREAS**, notice of a public hearing concerning redrawing Commissioner electoral district boundaries was published in the Sanford Herald, a newspaper of general circulation in the County, on July 10 and July 17, 2011 and posted, along with large scale maps of Plan A and Plan B, at the Offices of the Lee County Board of Elections, the County Library, and the Lee County Government Center on July 1, 2011; and,

**WHEREAS**, a public has been held this date with all Commissioners in attendance;

**NOW, THEREFORE BE IT RESOLVED** by the Lee County Board of Commissioners as follows:

**Section 1:** That Section 1 of the Resolution of June 26, 1989 altering the structure of the Board of Commissioners, as amended by the Resolution of October 18, 1993 redefining Commissioner electoral district boundaries, is hereby amended by deleting the present provision identified as Paragraph 3 and inserting in lieu thereof the following:

3. Maps showing the boundaries of the four (4) single-member districts will be made available for public inspection at the office of the Clerk to the Board, pursuant to North Carolina general Statute Section 153A-20. All references to streets which are boundaries of a district shall mean to the middle line of the right-of-way of such street. The districts are as follows:

**DISTRICT 1:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of East Weatherspoon Street and North Third Street, thence east along East Weatherspoon Street to North Seventh Street, thence south along North Seventh Street to North Avenue, thence east along North Avenue to North Tenth Street, thence south along North Tenth St to Midland Avenue, thence East along Midland Avenue to Lower Moncure Road, thence north along Lower Moncure Road to NC 87 Highway Bypass, thence north along NC 87 Highway Bypass to Wallace Branch Creek, thence east along Wallace Branch Creek to F. L. Dowdy Lane, thence south along F. L. Dowdy Lane to Lower Moncure Road, thence north along Lower Moncure Rd to Lick Creek Road, thence east along Lick Creek Rd to Lick Creek, thence south along Lick Creek to San-Lee Drive, thence west along San-Lee Drive to NC 87 Highway Bypass, thence south along NC 87 Highway Bypass to Kelly Drive, thence south along Kelly Drive to the Sanford city limit line, thence east along the Sanford city limit line to the east most extend of census block number 1039, thence clockwise along census block number 1039 to Kelly Drive, thence south along Kelly Drive to Nash Street, thence south along Nash Street to Broadway Road, thence east along Broadway Road to the second intersection with Rice Road, thence north along Rice Road to Thomas Drive, thence east along Thomas Drive to Poplar Springs Church Road, thence south along Poplar Springs Church Road to Avents Ferry Road, thence south along Avents Ferry Road to Broadway Road, thence west along Broadway Road to Cox Mill Road, thence south along Cox Mill Road to Mt Pisgah Church Road, thence south along Mt Pisgah Church Road to US 421 Highway, thence south along US 421 Highway to the Sanford city limits, thence clockwise along the Sanford city limits to Carrs Creek, thence north along Carrs Creek to Cox Maddox Road, thence west along Cox Maddox Road to NC 87 Highway, thence south along NC 87 Highway to the Sanford city limits, thence clockwise along the Sanford city limits to Patriot Way, thence west along Patriot Way to Industrial Drive, thence south along Industrial Drive to Cherokee Trail, thence west along Cherokee Trail to Cemetery Road, thence north along Cemetery Road to the Sanford city limits north of Khalif Court, thence clockwise

along the Sanford city limits to Tramway Road, thence west along Tramway Road to Fire Tower Road, thence north along Fire Tower Road to Carthage Street, thence north along Carthage Street to Wicker Street, thence east along Wicker Street to South Vance Street, thence north along South Vance Street to North Vance Street, thence north along North Vance Street to West Weatherspoon Street, thence east along West Weatherspoon Street to North Gulf Street, thence north along North Gulf Street to North Horner Boulevard, thence south along North Horner Boulevard to Randolph Street, thence east along Randolph Street to North Steele Street, thence south along North Steele Street to West Weatherspoon Street, thence east along West Weatherspoon Street to East Weatherspoon Street, then east along East Weatherspoon Street to the beginning point at the intersection of East Weatherspoon Street and North Third Street.

**DISTRICT 2:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of East Weatherspoon Street and North Third Street, thence east along East Weatherspoon Street to North Seventh Street, thence south along North Seventh Street to North Avenue, thence east along North Avenue to North Tenth Street, thence south along North Tenth St to Midland Avenue, thence East along Midland Avenue to Lower Moncure Road, thence north along Lower Moncure Road to NC 87 Highway Bypass, thence north along NC 87 Highway Bypass to Wallace Branch Creek, thence east along Wallace Branch Creek to F. L. Dowdy Lane, thence south along F. L. Dowdy Lane to Lower Moncure Road, thence north along Lower Moncure Rd to Lick Creek Road, thence east along Lick Creek Rd to Lick Creek, thence south along Lick Creek to San-Lee Drive, thence west along San-Lee Drive to NC 87 Highway Bypass, thence south along NC 87 Highway Bypass to Kelly Drive, thence south along Kelly Drive to the Sanford city limit line, thence east along the Sanford city limit line to the east most extend of census block number 1039, thence clockwise along census block number 1039 to Kelly Drive, thence south along Kelly Drive to Nash Street, thence south along Nash Street to Broadway Road, thence east along Broadway Road to the second intersection with Rice Road, thence north along Rice Road to Thomas Drive, thence east along Thomas Drive to Poplar Springs Church Road, thence south along Poplar Springs Church Road to Avents Ferry Road, thence south along Avents Ferry Road to Broadway Road, thence west along Broadway Road to Cox Mill Road, thence south along Cox Mill Road to Mt Pisgah Church Road, thence south along Mt Pisgah Church Road to US 421 Highway, thence south along US 421 Highway to the Sanford city limits, thence clockwise along the Sanford city limits to Carrs Creek, thence north along Carrs Creek to Cox Maddox Road, thence west along Cox Maddox Road to NC 87 Highway, thence south along NC 87 Highway to Lake Trace, thence counterclockwise along the southern most boundary of Lake Trace to the Upper Little River, thence east along the Upper Little River to the Lee County boundary, thence counterclockwise along the Lee County boundary to Hawkins Avenue, thence south along Hawkins Avenue to US 1 Highway, thence south along US 1 Highway to Spring Lane, thence east along Spring Lane to Spottswood Drive, thence

south along Spottswood Drive to North Vance Street, thence south along North Vance Street to West Weatherspoon Street, thence east along West Weatherspoon Street to North Gulf Street, thence north along North Gulf Street to North Horner Boulevard, thence south along North Horner Boulevard to Randolph Street, thence east along Randolph Street to North Steele Street, thence south along North Steele Street to West Weatherspoon Street, thence east along West Weatherspoon Street to East Weatherspoon Street, thence east along East Weatherspoon Street to the beginning point at the intersection of East Weatherspoon Street and North Third Street.

**DISTRICT 3:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of Tramway Road and Fire Tower Road, thence west on Tramway Road to Center Church Road, thence west on Center Church Road to Henley Road, thence west along Henley Road to Center Church Road, thence west along Center Church Road to South Plank Rd, thence south along South Plank Road to the end of South Plank Road at the Lee County boundary, thence counterclockwise along the Lee County boundary to the Upper Little River, thence west along the Upper Little River to Lake Trace, thence clockwise along the southern most boundary of Lake Trace to NC 87 Highway, thence north along NC 87 Highway to the Sanford city limits south of Cox Maddox Road, thence clockwise along the Sanford city limits to Patriot Way, thence west along Patriot Way to Industrial Drive, thence south along Industrial Drive to Cherokee Trail, thence west along Cherokee Trail to Cemetery Road, thence north along Cemetery Road to the Sanford city limits north of Khalif Court, thence clockwise along the Sanford city limits to Tramway Road, thence west along Tramway Road to the beginning point at the intersection of Tramway Road and Fire Tower Road.

**DISTRICT 4:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of Tramway Road and Fire Tower Road, thence west on Tramway Road to Center Church Road, thence west on Center Church Road to Henley Road, thence west along Henley Road to Center Church Road, thence west along Center Church Road to South Plank Rd, thence south along South Plank Road for 1,043 feet to the Lee County boundary, thence clockwise along the Lee County boundary to Hawkins Avenue thence south along Hawkins Avenue to US 1 Highway, thence south along US 1 Highway to Spring Lane, thence east along Spring Lane to Spottswood Drive, thence south along Spottswood Drive to North Vance Street, thence south along North Vance Street to South Vance Street, thence south along South Vance Street to Wicker Street, thence west along Wicker Street to Carthage Street, thence south along Carthage Street to Fire Tower Road, thence south along Fire Tower Road to the beginning point at the intersection of Tramway Road and Fire Tower Road.

**Section 2.** Except as amended herein by Section 1, the Resolution of June 26, 1993, as amended by the Resolution of October 18, 1993, shall remain in full force and effect.

**Section 3.** Within thirty days (30) after adoption of this Resolution, the County Attorney is directed to submit the Resolution, the proposed redistricting plan, and supporting data and documentation to the United States Department of Justice for pre-clearance under the Voting Rights Act of 1965, pursuant to North Carolina General Statute Section 120-9E.


**Section 4.** This amendment redefining the electoral district boundaries shall be effective upon pre-clearance by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.



**Section 5.** This Resolution shall be published in full upon its preclearance by the United States Department of Justice.

**Section 6.** Not later than ten (10) days after the date on which the Resolution becomes effective, the Clerk to the Board shall file certified true copies of the Resolution with the North Carolina Secretary of State's Office, in the office of the Lee County Register of Deeds, with the Chairman of the Lee County Board of Elections, in the North Carolina Supreme Court Library, and in the North Carolina General Assembly's Legislative Library.

**Section 7.** Not later than thirty (30) days after the date on which a proposed redistricting plan is pre-cleared by the United States Department of Justice, the Clerk to the Board shall file with the Director, Office of Administrative Hearings certified true copies of all letters and other documents received by Lee County from the Attorney General of the United States in which a final decision is made concerning the redistricting plan submitted for pre-clearance, as is required by North Carolina General Statute Section 120-30.9H.

Adopted this the 18<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Linda A. Shook, Chair  
For the Lee County Board of Commissioners

ATTEST:  
  
  
\_\_\_\_\_  
Gaynell M. Lee, Clerk

**NORTH CAROLINA, LEE COUNTY**  
Presented for registration on this 17<sup>th</sup> day  
of August 20, 11 at 2:30 AM/PM  
recorded in Book 24 Page 332  
Mollie A. McInnis, Register of Deeds

# **EXHIBIT C**

RESOLUTION REDEFINING ELECTORIAL DISTRICT BOUNDARIES  
BY LEE COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Lee County Board of Commissioners adopted a resolution on June 26, 1989, altering the structure of the Board of Commissioners to provide that it consist of seven (7) members, four (4) of whom shall be elected from single-member districts by the voters of those districts, and three (3) of whom shall be elected by all of the voters of the County; and

WHEREAS, one of the stated aims for altering the structure of the Board was to increase the opportunity for black voters to elect a candidate of their choice on the Board; and

WHEREAS, the single-member districts as established by the June 26, 1989 resolution were based upon 1980 census data; and

WHEREAS, analysis of the 1990 census data revealed there was a substantial inequality of population among the districts and the Board, acting pursuant to N.C. Gen. Stat. §153A-22, redefined the electoral districts in the manner prescribed by law by resolution adopted on October 18, 1993; and

WHEREAS, analysis of the 2000 census data reveals there is a substantial inequality of population among Districts 1 and 3 and the Board so finds as a fact that such a condition exists; and

WHEREAS, N.C. Gen. Stat. §153A-22 provides that when such inequality of population among electoral districts exists, that the Board of Commissioners may, by resolution, redefine the electoral districts; and

WHEREAS, a public hearing has been held on this date after ten (10) days notice was given; and

WHEREAS, in keeping with the doctrine of one person-one vote, the Board of Commissioners feels that it is necessary to redefine Electoral Districts 1 and 3; and

NOW, THEREFORE, BE IT RESOLVED by the Lee County Board of Commissioners as follows:

Section 1: That Section 3 of the resolution altering the structure of the Board adopted on June 26, 1989 as amended by the resolution adopted on October 18, 1993 is amended by deleting the present provisions describing Districts 1 and 3 and inserting in lieu thereof the following:

**DISTRICT 1:** Includes all persons residing within the boundaries of the area beginning at a point at the intersection of Weatherspoon Street and First Street,

Exhibit \_\_\_\_\_ C \_\_\_\_\_

thence east along Weatherspoon Street to Seventh Street, thence south along Seventh Street to North Avenue, thence east to Tenth Street, thence south along Tenth Street to Midland Avenue, thence east along Midland Avenue to Eleventh Street (Lower Moncure Road), thence east along Lower Moncure Road to a point approximately 750 feet south of the intersection of Lower Moncure Road and Valley view Drive, thence northwest to Wallace Branch, thence northeast along Wallace Branch to the confluence of Wallace Branch and Lick Creek, thence south along Lick Creek to Lick Creek Road, thence east along Lick Creek Road to Poplar Springs Church Road, thence south along Poplar Springs Church Road to San-Lee Drive, thence west along San-Lee Drive to pumping Station Road, thence south along Pumping station Road to Kelly Drive, thence southwest along Kelly Drive to the intersection of Kelly Drive and the 1990 boundary line of the City of Sanford, thence following the 1990 boundary line of the City Sanford south and west to the intersection of the 1990 boundary line of the City of Sanford and Main street (Broadway Road), thence east along Broadway Road to the easternmost intersection of Broadway Road and Rice Road, thence north along Rice Road to Thomas Road, thence northeast along Thomas Road approximately 3000 feet to an unnamed stream, thence south along said unnamed stream to Broadway Road, thence west along Broadway Road to Cox Mill Road, thence southeast along Cox Mill Road to Mt. Pisgah Church Road, thence south along Mt. Pisgah Church Road to Cox Maddox Road, thence west along Cox Maddox Road to Highway 87 South, thence north along Highway 87 South to Wilson Road, thence southwest along Wilson Road to Lee Avenue, thence north along Lee Avenue to Cameron Drive, thence west along Cameron Drive to Industrial Drive, thence northwest along both sides of Cameron Drive (including Kenwood Terrance) to Frazier Drive, thence West along both sides of Frazier Drive to Lemon Springs Road, thence approximately 800 feet northwest to W. Main Street, thence southwest along W. Main street to Fire Tower Road, thence north along Fire Tower Road to Carthage Street, thence north along Carthage Street to wicker Street, thence northeast along wicker Street to First Street, thence north along First Street to Weatherspoon Street. Being the same area which was District 1 in the last election for Commissioners from districts plus the addition of Tract 0304, Block Group 00: Block 7000, Block 7001, Block 7002, Block 7003, Block 7004, Block 7005, Block 7006, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011, Block 7012, Block 7013, Block 7014, Block 7015, Block 7016, Block 7017, Block 8004, Block 8005, Block 8006, Block 8007. The tract, block group, and blocks specified herein are as they are legally defined and recognized in the 2000 U.S. Census.

**DISTRICT 3:** Includes all persons residing south and west of a line beginning at the intersection of the Harnett County line and the Upper Little River, thence west along the Upper Little River to Highway 87 South, thence north along Highway 87 South to the southern boundaries of District 1 as reconstituted, thence that boundary line west and continuing west along Tramway Road to Henley Road, thence west along Henley Road to Center Church Road, thence west along Center Church Road to S. Plank Road, thence south along S. Plank Road to intersection of S. Plank Road and Little Governors Creek at the Moore County line. Being the same area which was District 3 in the last election for Commissioners from districts minus Tract 0304, Block Group 00: Block 7000, Block 7001, Block 7002, Block 7003, Block 7004, Block 7005, Block

7006, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011, Block 7012, Block 7013, Block 7014, Block 7015, Block 7016, Block 7017, Block 8004, Block 8005, Block 8006, Block 8007. The tract, block group, and blocks specified herein are as they are legally defined and recognized in the 2000 U.S. Census.

Section 2: This amendment redefining the electoral district boundaries for Districts 1 and 3 shall be effective upon preclearance pursuant to Section 5 of the Federal Voting Rights Act of 1965.

Section 3: Except as amended herein, the resolution adopted on June 26, 1989 as amended by the resolution adopted on October 18, 1993 altering the structure of the Lee County Board of Commissioners remains in full force and effect.

Section 4. The County Attorney is directed to request expedited consideration of this change by the Attorney General of the United States.

Section 5. This resolution shall be published in full upon its adoption.

Section 6. Not later than ten (10) days after the date on which this resolution becomes effective, the Clerk shall file certified true copies of this resolution in the Secretary of State's office, in the Office of the Register of Deeds for Lee County, with the Chairman of the Lee County Board of Elections, in the Supreme Court Library, and in the Legislative Library.

Section 7. Not later than ten (10) days after the date on which this resolution becomes effective, the County Attorney shall file with the Director of the Office of Administrative Hearing, all letters and other documents received by the Lee County authorities from the Attorney General of the United States in which a final decision is made concerning the submitted change effecting voting pursuant to N.C. Gen. Stat. §120-30.9(h).

NORTH CAROLINA LEE COUNTY  
Presented for registration on the 25<sup>th</sup> day  
of July 2001 at 2:00 P.M.  
18 Page 480  
Book of Records Register of Deeds

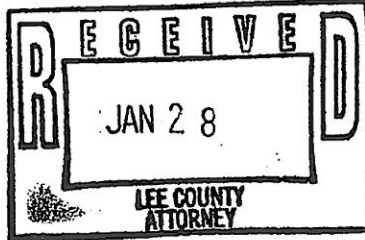
# **EXHIBIT D**



U.S. Department of Justice

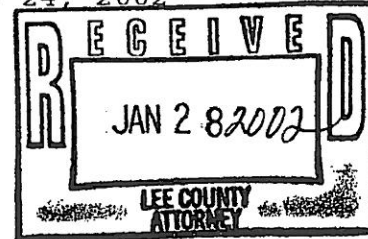
Civil Rights Division

JDR:RPL:BGE:nj  
DJ 166-012-3  
2001-2560



Voting Section - GS  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

January 24, 2002



Kenneth R. Hoyle, Sr., Esq.  
County Attorney  
P.O. Box 1968  
Sanford, North Carolina 27331-1968

Dear Mr. Hoyle:

This refers to the 2001 redistricting plan for Lee County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your response to our October 23, 2001, request for additional information on December 5, 2001.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

*for* *Joseph D. Rich*  
Joseph D. Rich  
Chief, Voting Section

Enclosure

Exhibit \_\_\_\_\_ D \_\_\_\_\_

# **EXHIBIT E**

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TOC: General Statutes of North Carolina Annotated, Constitution, Court Rules & ALS, Combined > / ... / >  
 ARTICLE 3. BOUNDARIES > **§ 153A-22. Redefining electoral district boundaries**

*N.C. Gen. Stat. § 153A-22*

General Statutes of North Carolina  
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\*\*\* Statutes current through the 2011 Regular Session \*\*\*  
 \*\*\* Annotations current through June 24, 2011 \*\*\*

CHAPTER 153A. COUNTIES  
 ARTICLE 3. BOUNDARIES

**Go to the North Carolina Code Archive Directory**

N.C. Gen. Stat. § 153A-22 (2011)

§ 153A-22. Redefining electoral district boundaries

(a) If a county is divided into electoral districts for the purpose of nominating or electing persons to the board of commissioners, the board of commissioners may find as a fact whether there is substantial inequality of population among the districts.

(b) If the board finds that there is substantial inequality of population among the districts, it may by resolution redefine the electoral districts.

(c) Redefined electoral districts shall be so drawn that the quotients obtained by dividing the population of each district by the number of commissioners apportioned to the district are as nearly equal as practicable, and each district shall be composed of territory within a continuous boundary.

(d) No change in the boundaries of an electoral district may affect the unexpired term of office of a commissioner residing in the district and serving on the board on the effective date of the resolution. If the terms of office of members of the board do not all expire at the same time, the resolution shall state which seats are to be filled at the initial election held under the resolution.

(e) A resolution adopted pursuant to this section shall be the basis of electing persons to the board of commissioners at the first general election for members of the board of commissioners occurring after the resolution's effective date, and thereafter. A resolution becomes effective upon its adoption, unless it is adopted during the period beginning 150 days before the day of a primary and ending on the day of the next succeeding general election for membership on the board of commissioners, in which case it becomes effective on the first day after the end of the period.

(f) Not later than 10 days after the day on which a resolution becomes effective, the clerk shall file in the Secretary of State's office, in the office of the register of deeds of the county, and with the chairman of the county board of elections, a certified copy of the resolution.


Exhibit \_\_\_\_\_ E \_\_\_\_\_

(g) This section shall not apply to counties where under G.S. 153A-58(3)d. or under public or local act, districts are for residence purposes only, and the qualified voters of the entire county nominate all candidates for and elect all members of the board.

**HISTORY:** 1981, c. 795.

**NOTES:** LOCAL MODIFICATION. --Dare: 1991, Ex. Sess., c. 2, ss. 4-5.1 (As to applicability and contingency provisions, see 1991 Session Laws, Ex. Sess., c. 2, s. 7).

**EDITOR'S NOTE.** --Session Laws 1993, c. 521, s. 2 provides: "Section 1 of this act supersedes any previous action under G.S. 153A-22." Section 1 provides: "Chapter 136, Session Laws of 1991, [relating to expanding and redistricting the Guilford County Board of Commissioners] is reenacted." Session Laws 2011-407, s. 3(a), effective July 28, 2011, repealed Session Laws 1991, c. 136, as reenacted by Session Laws 1993, c. 521, s. 1. Session Laws 2011-112, s. 4, provides: "G.S. 153A-22 applies to the Duplin County Board of Commissioners. G.S. 115C-37(i) applies to the Duplin County Board of Education."

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TOC: General Statutes of North Carolina Annotated, Constitution, Court Rules & ALS, Combined > / . . . / >  
ARTICLE 3. BOUNDARIES > § 153A-22. Redefining electoral district boundaries

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Date/Time: Wednesday, December 14, 2011 - 10:55 AM EST

In

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# **EXHIBIT F**

# LEE COUNTY

NORTH CAROLINA

*Committed Today for a Better Tomorrow*

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

MARCH 7, 2011  
3 P.M.

---

**CALL TO ORDER** – Linda Shook, Chairman

**INVOCATION** – Commissioner Charlie Parks

**PLEDGE OF ALLEGIANCE**

**I. ADDITIONAL AGENDA**

- II. APPROVAL OF CONSENT AGENDA** (All items listed below are routine and will be approved by one motion. No separate discussion will be held except by a request of a member of the Board. Any item removed from the Consent Agenda will be considered individually as a part of the regular agenda).
- A. Minutes from the February 21, 2011 regular meeting (pages 1-5)
  - B. Minutes from the February 22, 2011 quarterly joint meeting with Economic Development (pages 6-8)
  - C. 2011 Community Waste Reduction Recycling Grants (page 9)

**III. PUBLIC COMMENTS**

**IV. OLD BUSINESS**

- A. Appointment to the Lee County Board of Health – Gaynell Lee (pages 10-21)
- B. Appointment to the Library Board of Trustees – Gaynell Lee (pages 22-25)

**V. NEW BUSINESS**

- A. Discussion on redistricting of Commissioner districts – Don Kovasckitz (pages 26-33)
- B. Consider Golden Leaf Foundation Grant with Frontier Spinning - Bob Heuts (pages 34-48)
- C. Consider amendment to CDBG Project with The Wooten Company – Karen Kennedy (pages 49-54)

**VI. MANAGER'S REPORT**

**VII. COMMISSIONERS' COMMENTS**

**ADJOURN**

Exhibit \_\_\_\_\_ F \_\_\_\_\_

# LEE COUNTY

*Committed Today for a Better Tomorrow*

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

MARCH 7, 2011

---

The Lee County Board of Commissioners met with representatives from the Sanford Area Chamber of Commerce at 1 p.m. on said date in the Gordon Wicker Conference Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, to discuss the Community Vision Plan. Commissioners attending were Richard B. Hayes, Larry "Doc" Oldham, Charles T. Parks, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and James K. Womack, Jr. Staff in attendance included County Manager John Crumpton, County Attorney, K. R. Hoyle, and Clerk to the Board Gaynell Lee.

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Richard B. Hayes, Larry "Doc" Oldham, Charles T. Parks, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and James K. Womack, Jr.

Chairman Shook called the meeting to order and the following business was transacted:

Commissioner Parks delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. County Manager John Crumpton asked the Board to hold a closed session at the end of the regular meeting to discuss a personnel matter. Commissioner Parks moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack

Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Oldham moved to approve the Consent Agenda which consisted of the following items:

- Minutes from the February 21, 2011 regular meeting;

- Minutes from the February 22, 2011 quarterly joint meeting with Economic Development; and
- Approval to apply for 2011 Community Waste Reduction Recycling Grants from the NC Department of Environment and Natural Resources' Division of Environmental Assistance and Outreach

Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

Pursuant to N.C. General Statute 153A-52.1, Chairman Shook opened the floor for *Public Comments*. The following signed up to speak and were allowed 3 minutes for comments:

1. Ms. Tamara Brogan, 2520 Waterford Ct., Sanford
2. Mr. Keith Clark, 212 Acorn Drive, Sanford

The Board considered an appointment to the Lee County Board of Health due to a recent resignation. Clerk to the Board Gaynell Lee presented eight applications for consideration for said appointment. Commissioner Reives moved to appoint Ms. Alice Hooker to the Board of Health. Commissioner Richard Hayes nominated Mr. Doug Doris. Commissioner Reives moved to close nominations. After voting, Ms. Hooker received five votes (Parks, Oldham, Reives, Shook and Womack), and Mr. Doris received two votes (Hayes and Paschal). Ms. Alice Hooker was appointed to fill the unexpired term on the Lee County Board of Health by a five-to-two vote.

The Board considered an appointment for an "alternate" member to the Library Board of Trustees due to a recent resignation. Clerk to the Board Gaynell Lee presented two applications for consideration. Commissioner Womack nominated Mr. James Lehmann to serve and Commissioner Paschal nominated Mr. Bob Bridwell. After voting, Mr. Lehmann received five votes (Hayes, Parks, Reives, Shook, and Womack) and Mr. Bridwell received two votes (Oldham and Paschal). Mr. James Lehmann was appointed to fill the unexpired term on the Lee County Library Board of Trustees by a five-to-two vote.

Strategic Services Director Don Kovasckitz discussed with the Board 2010 Census data and statutes governing county redistricting and the process that must be taken. Mr. Kovasckitz stated the county will have to redraw lines for the four Commissioner districts based on the recent census count. The major factor in redistricting is population, and population must be in balance in the districts. The county will have until September or October to redraw the lines. Mr. Kovasckitz further stated the recent census results show Lee County's population jumped by 17% but officials feel the total may be off a few thousand. Census numbers will be challenged since the count is much less than what was anticipated. No action was taken.

The Board considered a Golden Leaf Foundation Grant in the amount of \$1 million. Economic Development Director Bob Heuts stated that in October 2010 the Lee County Economic Development Corporation applied for a \$1 million grant from the Golden Leaf Foundation that would be used to purchase special made pallets used for shipping yarn worldwide and leased to Frontier Spinning Mills for the life of the pallet. The grant will be used to purchase 8,500 sets of plastic pallets to be purchased by Lee County and leased to Frontier Spinning. The 5-year lease will begin in March 2011 and expire in March 2016. Mr. Heuts stated a revised lease is being worked on by both sets of attorney's and will

be presented for approval at the March 21, 2011 meeting of the Board of Commissioners. The Equipment Lease will be presented as an Operating Lease (per Frontier Spinning) with changes made only to the numbers and not the language in the agreement. Frontier Spinning will pay the county a monthly amount during the term of the lease. As part of the lease agreement, Frontier Spinning agrees to maintain a certain number of jobs in North Carolina and purchase a certain amount of NC cotton. Lee County, as the applicant and lesser for the pallets, will use the repayment of the lease to possibly set up a revolving loan fund for business attraction in Lee County. The Department of Commerce, who supports this project, sees this as a way to maintain and potentially create more jobs in North Carolina. The project has been approved and endorsed by the Lee County Economic Development Corporation. Mr. Heuts also stated that Frontier Spinning has agreed to purchase insurance for damaged/unusable pallets. No action was taken.

The Board considered an amendment to the 2008 Community Development Block Grant (CDBG) with The Wooten Company. Community Development Manager Karen Kennedy stated The Wooten Company has requested a contract amendment to cover unexpected costs overrun in the administration of the relocation line item and unexpected compliance needs. Ms. Kennedy stated additional services were required, beyond those anticipated in the original scope of work. The amended agreement is in the amount of \$19,500 and if approved would be taken from the grant's budget. No additional funding from the county would be required. After discussion, Commissioner Oldham moved to approve an *Amendment for Professional Services with The Wooten Company* in the amount of \$19,500, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton stated he would have a revised *Board Appointment Policy* for Commissioners to consider at the March 21<sup>st</sup> meeting. After discussion, Commissioner Reives moved to amend the current Policy on Board Appointments as it relates to Commissioner appointments. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Womack asked that there be a section in the revised Board Appointment Policy that states individuals wishing to serve on boards/commissions must have their taxes paid before being considered for appointments.

County Manager John Crumpton reported to the Board that he had contacted Allied Crawford Steel, as instructed by the Commissioners at the last meeting, to see if they were still interested in relocating to Lee County. Mr. Crumpton stated he was informed by Allied Crawford Steel they were no longer interested in relocating to Lee County.

Mr. Crumpton stated the County would be looking at a \$3 million lose this year during the budget process due to State budget cuts. He will recommend changes to the Board at the March 21<sup>st</sup> meeting in reference to the upcoming budget.

Mr. Crumpton stated the Board of Health will meet and review revisions to the proposed Animal Control Ordinance discussed from the public meetings held throughout the county in January before submitting the final draft to Commissioners for consideration.

Mr. Crumpton stated the dam project at San Lee Park has been completed. A final walk-through was held last week and the project has been finalized.

Commissioner Oldham moved to go into closed session to consider a personnel matter. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session.

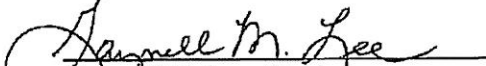
After completing business in closed session, Commissioners returned to the Commissioners' Room and the regular meeting resumed, with all members present.


With no further business to come before the Board, Commissioner Parks moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 5:10 p.m.

ATTEST:

  
Gaynell M. Lee, Clerk

  
Linda A. Shook, Chairman  
Lee County Board of Commissioners

# **EXHIBIT G**

## DEPARTMENT OF JUSTICE

**Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act; Notice**

**AGENCY:** Office of the Assistant Attorney General, Civil Rights Division, Department of Justice.

**ACTION:** Notice.

**SUMMARY:** The Attorney General has delegated responsibility and authority for determinations under Section 5 of the Voting Rights Act to the Assistant Attorney General, Civil Rights Division, who finds that, in view of recent legislation and judicial decisions, it is appropriate to issue guidance concerning the review of redistricting plans submitted to the Attorney General for review pursuant to Section 5 of the Voting Rights Act.

**FOR FURTHER INFORMATION CONTACT:**

T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Washington, DC 20530, (202) 514-1416.

**SUPPLEMENTARY INFORMATION:** Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, requires jurisdictions identified in Section 4 of the Act to obtain a determination from either the Attorney General or the United States District Court for the District of Columbia that any change affecting voting which they seek to enforce does not have a discriminatory purpose and will not have a discriminatory effect.

Beginning in 2011, these covered jurisdictions will begin to seek review under Section 5 of the Voting Rights Act of redistricting plans based on the 2010 Census. Based on past experience, the overwhelming majority of the covered jurisdictions will submit their redistricting plans to the Attorney General. This guidance is not legally binding; rather, it is intended only to provide assistance to jurisdictions covered by the preclearance requirements of Section 5.

**Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c**

Following release of the 2010 Census data, the Department of Justice expects to receive several thousand submissions of redistricting plans for review pursuant to Section 5 of the Voting Rights Act. The Civil Rights Division has received numerous requests for guidance similar to that it issued prior to the 2000 Census redistricting cycle concerning the procedures and standards that will be applied during review of these redistricting plans. 67 FR 5411 (January 18, 2001). In addition,

in 2006, Congress reauthorized the Section 5 review requirement and refined its definition of some substantive standards for compliance with Section 5. In view of these developments, issuing revised guidance is appropriate.

The "Procedures for the Administration of Section 5 of the Voting Rights Act," 28 CFR Part 51, provide detailed information about the Section 5 review process. Copies of these Procedures are available upon request and through the Voting Section Web site (<http://www.usdoj.gov/crt/voting>). This document is meant to provide additional guidance with regard to current issues of interest. Citations to judicial decisions are provided to assist the reader but are not intended to be comprehensive. The following discussion provides supplemental guidance concerning the following topics:

- The Scope of Section 5 Review;
- The Section 5 Benchmark;
- Analysis of Plans (discriminatory purpose and retrogressive effect);
- Alternatives to Retrogressive Plans; and
- Use of 2010 Census Data.

**The Scope of Section 5 Review**

Under Section 5, a covered jurisdiction has the burden of establishing that a proposed redistricting plan "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in [Section 4(f)(2) of the Act]" (i.e., membership in a language minority group defined in the Act). 42 U.S.C. 1973c(a). A plan has a discriminatory effect under the statute if, when compared to the benchmark plan, the submitting jurisdiction cannot establish that it does not result in a "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Beer v. United States*, 425 U.S. 125, 141 (1976).

If the proposed redistricting plan is submitted to the Department of Justice for administrative review, and the Attorney General determines that the jurisdiction has failed to show the absence of any discriminatory purpose or retrogressive effect of denying or abridging the right to vote on account of race, color or membership in a language minority group defined in the Act, the Attorney General will interpose an objection. If, in the alternative, the jurisdiction seeks a declaratory judgment from the United States District Court for the District of Columbia, that court will utilize the identical standard

to determine whether to grant the request; i.e., whether the jurisdiction has established that the plan is free from discriminatory purpose or retrogressive effect. Absent administrative preclearance from the Attorney General or a successful declaratory judgment action in the district court, the jurisdiction may not implement its proposed redistricting plan.

The Attorney General may not interpose an objection to a redistricting plan on the grounds that it violates the one-person one-vote principle, on the grounds that it violates *Shaw v. Reno*, 509 U.S. 630 (1993), or on the grounds that it violates Section 2 of the Voting Rights Act. The same standard applies in a declaratory judgment action. Therefore, jurisdictions should not regard a determination of compliance with Section 5 as preventing subsequent legal challenges to that plan under other statutes by the Department of Justice or by private plaintiffs. 42 U.S.C. 1973c(a); 28 CFR 51.49.

**The Section 5 "Benchmark"**

As noted, under Section 5, a jurisdiction's proposed redistricting plan is compared to the "benchmark" plan to determine whether the use of the new plan would result in a retrogressive effect. The "benchmark" against which a new plan is compared is the last legally enforceable redistricting plan in force or effect. *Riley v. Kennedy*, 553 U.S. 406 (2008); 28 CFR 51.54(b)(1). Generally, the most recent plan to have received Section 5 preclearance or to have been drawn by a Federal court is the last legally enforceable redistricting plan for Section 5 purposes. When a jurisdiction has received Section 5 preclearance for a new redistricting plan, or a Federal court has drawn a new plan and ordered it into effect, that plan replaces the last legally enforceable plan as the Section 5 benchmark. *McDaniel v. Sanchez*, 452 U.S. 130 (1981); *Texas v. United States*, 785 F. Supp. 201 (D.D.C. 1992); *Mississippi v. Smith*, 541 F. Supp. 1329, 1333 (D.D.C. 1982), appeal dismissed, 461 U.S. 912 (1983).

A plan found to be unconstitutional by a Federal court under the principles of *Shaw v. Reno* and its progeny cannot serve as the Section 5 benchmark, *Abrams v. Johnson*, 521 U.S. 74 (1997), and in such circumstances, the benchmark for Section 5 purposes will be the last legally enforceable plan predating the unconstitutional plan. Absent such a finding of unconstitutionality under *Shaw* by a Federal court, the last legally enforceable plan will serve as the benchmark for Section 5 review. Therefore, the question of whether the

benchmark plan is constitutional will not be considered during the Department's Section 5 review.

#### Analysis of Plans

As noted above, there are two necessary components to the analysis of whether a proposed redistricting plan meets the Section 5 standard. The first is a determination that the jurisdiction has met its burden of establishing that the plan was adopted free of any discriminatory purpose. The second is a determination that the jurisdiction has met its burden of establishing that the proposed plan will not have a retrogressive effect.

#### Discriminatory Purpose

Section 5 precludes implementation of a change affecting voting that has the purpose of denying or abridging the right to vote on account of race or color, or membership in a language minority group defined in the Act. The 2006 amendments provide that the term "purpose" in Section 5 includes "any discriminatory purpose," and is not limited to a purpose to regress, as was the case after the Supreme Court's decision in *Reno v. Bossier Parish* ("*Bossier II*"), 528 U.S. 320 (2000). The Department will examine the circumstances surrounding the submitting authority's adoption of a submitted voting change, such as a redistricting plan, to determine whether direct or circumstantial evidence exists of any discriminatory purpose of denying or abridging the right to vote on account of race or color, or membership in a language minority group defined in the Act.

Direct evidence detailing a discriminatory purpose may be gleaned from the public statements of members of the adopting body or others who may have played a significant role in the process. *Busbee v. Smith*, 549 F. Supp. 494, 508 (D.D.C. 1982), *aff'd*, 459 U.S. 1166 (1983). The Department will also evaluate whether there are instances where the invidious element may be missing, but the underlying motivation is nonetheless intentionally discriminatory. In the *Garza* case, Judge Kozinski provided the clearest example:

Assume you are an anglo homeowner who lives in an all-white neighborhood. Suppose, also, that you harbor no ill feelings toward minorities. Suppose further, however, that some of your neighbors persuade you that having an integrated neighborhood would lower property values and that you stand to lose a lot of money on your home. On the basis of that belief, you join a pact not to sell your house to minorities. Have you engaged in intentional racial and ethnic discrimination? Of course you have. Your personal feelings toward minorities don't

matter; what matters is that you intentionally took actions calculated to keep them out of your neighborhood.

*Garza and United States v. County of Los Angeles*, 918 F.2d 763, 778 n.1 (9th Cir. 1990) (Kozinski, J., concurring and dissenting in part), *cert. denied*, 498 U.S. 1028 (1991).

In determining whether there is sufficient circumstantial evidence to conclude that the jurisdiction has not established the absence of the prohibited discriminatory purpose, the Attorney General will be guided by the Supreme Court's illustrative, but not exhaustive, list of those "subjects for proper inquiry in determining whether racially discriminatory intent existed," outlined in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 268 (1977). In that case, the Court, noting that such an undertaking presupposes a "sensitive inquiry," identified certain areas to be reviewed in making this determination: (1) The impact of the decision; (2) the historical background of the decision, particularly if it reveals a series of decisions undertaken with discriminatory intent; (3) the sequence of events leading up to the decision; (4) whether the challenged decision departs, either procedurally or substantively, from the normal practice; and (5) contemporaneous statements and viewpoints held by the decision-makers. *Id.* at 266–68.

The single fact that a jurisdiction's proposed redistricting plan does not contain the maximum possible number of districts in which minority group members are a majority of the population or have the ability to elect candidates of choice to office, does not mandate that the Attorney General interpose an objection based on a failure to demonstrate the absence of a discriminatory purpose. Rather, the Attorney General will base the determination on a review of the plan in its entirety.

#### Retrogressive Effect

An analysis of whether the jurisdiction has met its burden of establishing that the proposed plan would not result in a discriminatory or "retrogressive" effect starts with a basic comparison of the benchmark and proposed plans at issue, using updated census data in each. Thus, the Voting Section staff loads the boundaries of the benchmark and proposed plans into the Civil Rights Division's geographic information system [GIS]. Population data are then calculated for each district in the benchmark and the proposed plans using the most recent decennial census data.

A proposed plan is retrogressive under Section 5 if its net effect would be to reduce minority voters' "effective exercise of the electoral franchise" when compared to the benchmark plan. *Beer v. United States* at 141. In 2006, Congress clarified that this means the jurisdiction must establish that its proposed redistricting plan will not have the effect of "diminishing the ability of any citizens of the United States" because of race, color, or membership in a language minority group defined in the Act, "to elect their preferred candidate of choice." 42 U.S.C. 1973c(b) & (d). In analyzing redistricting plans, the Department will follow the congressional directive of ensuring that the ability of such citizens to elect their preferred candidates of choice is protected. That ability to elect either exists or it does not in any particular circumstance.

In determining whether the ability to elect exists in the benchmark plan and whether it continues in the proposed plan, the Attorney General does not rely on any predetermined or fixed demographic percentages at any point in the assessment. Rather, in the Department's view, this determination requires a functional analysis of the electoral behavior within the particular jurisdiction or election district. As noted above, census data alone may not provide sufficient indicia of electoral behavior to make the requisite determination. Circumstances, such as differing rates of electoral participation within discrete portions of a population, may impact on the ability of voters to elect candidates of choice, even if the overall demographic data show no significant change.

Although comparison of the census population of districts in the benchmark and proposed plans is the important starting point of any Section 5 analysis, additional demographic and election data in the submission is often helpful in making the requisite Section 5 determination. 28 CFR 51.28(a). For example, census population data may not reflect significant differences in group voting behavior. Therefore, election history and voting patterns within the jurisdiction, voter registration and turnout information, and other similar information are very important to an assessment of the actual effect of a redistricting plan.

The Section 5 Procedures contain the factors that the courts have considered in deciding whether or not a redistricting plan complies with Section 5. These factors include whether minority voting strength is reduced by the proposed redistricting; whether minority concentrations are fragmented

among different districts; whether minorities are overconcentrated in one or more districts; whether alternative plans satisfying the jurisdiction's legitimate governmental interests exist, and whether they were considered; whether the proposed plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries; and, whether the plan is inconsistent with the jurisdiction's stated redistricting standards. 28 CFR 51.56–59.

#### Alternatives to Retrogressive Plans

There may be circumstances in which the jurisdiction asserts that, because of shifts in population or other significant changes since the last redistricting (e.g., residential segregation and demographic distribution of the population within the jurisdiction, the physical geography of the jurisdiction, the jurisdiction's historical redistricting practices, political boundaries, such as cities or counties, and/or state redistricting requirements), retrogression is unavoidable. In those circumstances, the submitting jurisdiction seeking preclearance of such a plan bears the burden of demonstrating that a less-retrogressive plan cannot reasonably be drawn.

In considering whether less-retrogressive alternative plans are available, the Department of Justice looks to plans that were actually considered or drawn by the submitting jurisdiction, as well as alternative plans presented or made known to the submitting jurisdiction by interested citizens or others. In addition, the Department may develop illustrative alternative plans for use in its analysis, taking into consideration the jurisdiction's redistricting principles. If it is determined that a reasonable alternative plan exists that is non-retrogressive or less retrogressive than the submitted plan, the Attorney General will interpose an objection.

Preventing retrogression under Section 5 does not require jurisdictions to violate the one-person, one-vote principle. 52 FR 488 (Jan. 6, 1987). Similarly, preventing retrogression under Section 5 does not require jurisdictions to violate *Shaw v. Reno* and related cases.

The one-person, one-vote issue arises most commonly where substantial demographic changes have occurred in some, but not all, parts of a jurisdiction. Generally, a plan for congressional redistricting that would require a greater

overall population deviation than the submitted plan is not considered a reasonable alternative by the Department. For state legislative and local redistricting, a plan that would require significantly greater overall population deviations is not considered a reasonable alternative.

In assessing whether a less retrogressive plan can reasonably be drawn, the geographic compactness of a jurisdiction's minority population will be a factor in the Department's analysis. This analysis will include a review of the submitting jurisdiction's historical redistricting practices and district configurations to determine whether the alternative plan would (a) abandon those practices and (b) require highly unusual features to link together widely separated minority concentrations.

At the same time, compliance with Section 5 of the Voting Rights Act may require the jurisdiction to depart from strict adherence to certain of its redistricting criteria. For example, criteria that require the jurisdiction to make the least possible change to existing district boundaries, to follow county, city, or precinct boundaries, protect incumbents, preserve partisan balance, or in some cases, require a certain level of compactness of district boundaries may need to give way to some degree to avoid retrogression. In evaluating alternative or illustrative plans, the Department of Justice relies upon plans that make the least departure from a jurisdiction's stated redistricting criteria needed to prevent retrogression.

#### The Use of 2010 Census Data

The most current population data are used to measure both the benchmark plan and the proposed redistricting plan. 28 CFR 51.54(b)(2) (Department of Justice considers "the conditions existing at the time of the submission."); *City of Rome v. United States*, 446 U.S. 156, 186 (1980) ("most current available population data" to be used for measuring effect of annexations); *Reno v. Bossier Parish School Board*, 528 U.S. 320, 334 (2000) ("the baseline is the status quo that is proposed to be changed: If the change 'abridges the right to vote' relative to the status quo, preclearance is denied \* \* \*").

For redistricting after the 2010 Census, the Department of Justice will, consistent with past practice, evaluate redistricting submissions using the 2010 Census population data released by the Bureau of the Census for redistricting pursuant to Public Law 94–171, 13 U.S.C. 141(c). Thus, our analysis of the proposed redistricting plans includes a review and assessment of the Public

Law 94–171 population data, even if those data are not included in the submission or were not used by the jurisdiction in drawing the plan. The failure to use the Public Law 94–171 population data in redistricting does not, by itself, constitute a reason for interposing an objection. However, unless other population data used can be shown to be more accurate and reliable than the Public Law 94–171 data, the Attorney General will consider the Public Law 94–171 data to measure the total population and voting age population within a jurisdiction for purposes of its Section 5 analysis.

As in 2000, the 2010 Census Public Law 94–171 data will include counts of persons who have identified themselves as members of more than one racial category. This reflects the October 30, 1997, decision by the Office of Management and Budget (OMB) to incorporate multiple-race reporting into the Federal statistical system. 62 FR 58782–58790. Likewise, on March 9, 2000, OMB issued Bulletin No. 00–02 addressing "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Enforcement." Part II of that Bulletin describes how such census responses will be allocated by Federal executive agencies for use in civil rights monitoring and enforcement.

The Department will follow both aggregation methods defined in Part II of the Bulletin. The Department's initial review of a plan will be based upon allocating any multiple-item response that includes white and one of the five other race categories identified in the response. Thus, the total numbers for "Black/African American," "Asian," "American Indian/Alaska Native," "Native Hawaiian or Other Pacific Islander" and "Some other race" reflect the total of the single-race responses and the multiple responses in which an individual selected a minority race and white race.

The Department will then move to the second step in its application of the census data to the plan by reviewing the other multiple-race category, which is comprised of all multiple-race responses consisting of more than one minority race. Where there are significant numbers of such responses, we will, as required by both the OMB guidance and judicial opinions, allocate these responses on an iterative basis to each of the component single-race categories for analysis. *Georgia v. Ashcroft*, 539 U.S. 461, 473, n.1 (2003).

As in the past, the Department will analyze Latino voters as a separate group for purposes of enforcement of the Voting Rights Act. If there are significant numbers of responses which

report Latino and one or more minority races (for example, Latinos who list their race as Black/African-American), those responses will be allocated

alternatively to the Latino category and the minority race category.

Dated: February 3, 2011.

**Thomas E. Perez,**  
*Assistant Attorney General, Civil Rights Division.*

[FR Doc. 2011-2797 Filed 2-8-11; 8:45 am]

**BILLING CODE 4410-13-P**

# **EXHIBIT H**

County of Lee population  
 Ideal Commissioner District population  
 Total plan population deviation

49,040  
 12,260  
 5,62%

Lee Co Commissioner Districts 2001 Plan  
 Approved by the U.S. Department of Justice  
 Civil Rights Division January 24, 2002

	District 1			District 2			District 3			District 4			Total	
	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop
Total	12,047		-1.74%	12,139		-0.99%	12,118		-1.16%	12,736		3.88%	49,040	
White	3,948	33.07%		9,588	78.99%		9,905	81.74%		10,866	85.32%		34,307	69.96%
Black	5,619	46.64%		1,612	13.28%		1,487	12.27%		1,314	10.32%		10,032	20.46%
Amlndian	74			35			44			53			206	
Asian	75			98			41			114			328	
Hawaiian	7			1			8			3			19	
Other	2,103	17.46%		695	5.73%		488	4.03%		307	2.41%		3,593	7.33%
(Hispanic)	3,242	26.91%		1,164	9.59%		713	5.88%		596	4.68%		5,715	11.65%
(Minority)	8,063	66.93%		2,551	21.01%		2,213	18.26%		1,870	14.68%		14,697	29.97%

# EXHIBIT I

County of Lee population  
 Ideal Commissioner District population  
 Total plan population deviation

57,866  
 14,467  
 23,61%

## Current Commissioner District Boundaries with 2010 Decennial Census Data

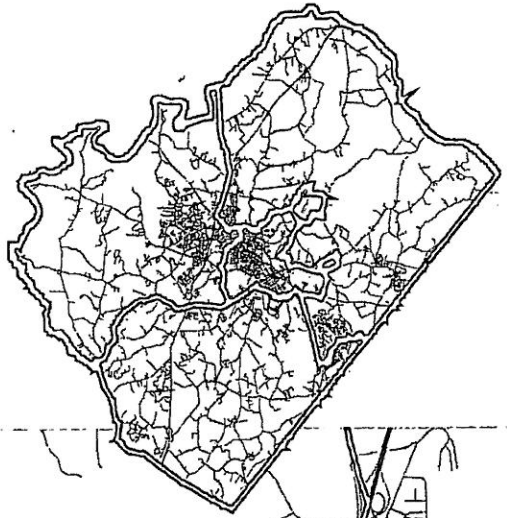
	District 1			District 2			District 3			District 4			Total		
	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	
<b>Total</b>	<b>12,673</b>		<b>-12.40%</b>	<b>14,249</b>		<b>-1.51%</b>	<b>14,855</b>		<b>2.68%</b>	<b>16,089</b>		<b>11.21%</b>	<b>57,866</b>		<b>66.86%</b>
<b>White</b>	4,414	34.83%		10,967	76.97%		10,821	72.84%		12,486	77.61%		38,688	66.86%	
<b>Black</b>	5,256	41.47%		1,876	13.17%		2,202	14.82%		2,231	13.87%		11,565	19.99%	
<b>Amlndian</b>	149			76			101			81			407		
<b>Asian</b>	54			118			61			256			489		
<b>Hawaiian</b>	6			3			3			8			20		
<b>Other</b>	2,794	22.05%		1,209	8.48%		1,667	11.22%		1,027	6.38%		6,697	11.57%	
<b>(Hispanic)</b>	4,872	38.44%		1,833	12.86%		2,327	15.66%		1,544	9.60%		10,576	18.28%	
<b>(Minority)</b>	8,259	65.17%		3,282	23.03%		4,034	27.16%		3,603	22.39%		19,178	33.14%	

# **EXHIBIT J-1**

# Plan A

- 1
- 2
- 3
- 4

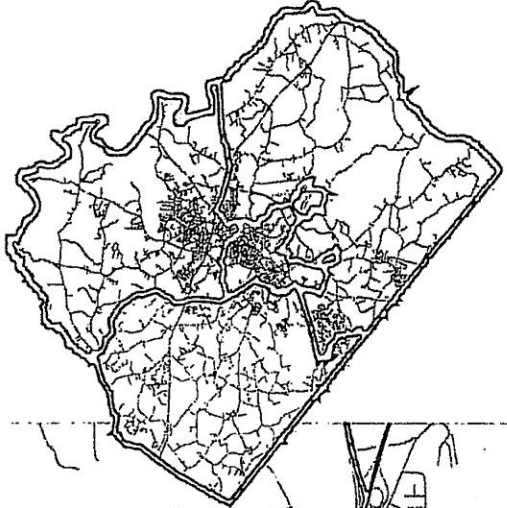
Current District Boundary



# Plan A

- 1
- 2
- 3
- 4

Current District Boundary



# **EXHIBIT J-2**

# EXHIBIT J-2

(A COPY OF THE LARGE SCALE MAP FOR REDISTRICTING PLAN A IS NOT PART OF THIS PACKAGE.  
THE MAP MAY BE VIEWED AT THE LEE COUNTY BOARD OF ELECTIONS, 225 SOUTH STEELE ST)

# **EXHIBIT K**

County of Lee population  
 Ideal Commissioner District population  
 Total plan population deviation

57,866  
 14,467  
 2.80%

## Proposed Commissioner District Plan A

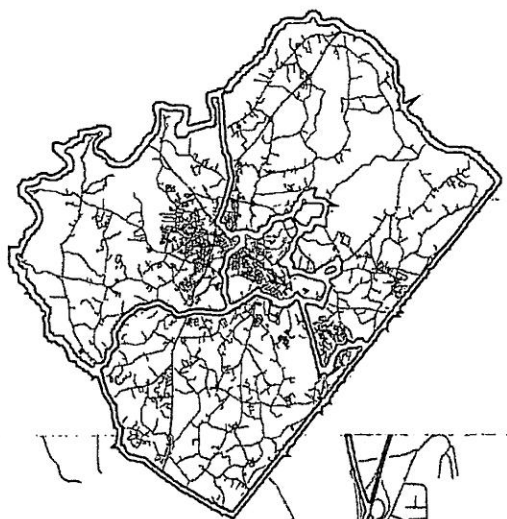
	District 1			District 2			District 3			District 4			Total	
	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop
<b>Total</b>	14,363		-0.72%	14,359		-0.75%	14,381		-0.59%	14,763		2.05%	57,866	
<b>White</b>	5,180	36.06%		11,095	77.27%		10,643	74.01%		11,770	79.73%		38,688	66.86%
<b>Black</b>	5,894	41.04%		1,782	12.41%		2,027	14.09%		1,862	12.61%		11,565	19.99%
<b>AmIndian</b>	160			78			100			69			407	
<b>Asian</b>	77			117			50			245			489	
<b>Hawaiian</b>	7			3			3			7			20	
<b>Other</b>	3,045	21.20%		1,284	8.94%		1,558	10.83%		810	5.49%		6,697	11.57%
<b>(Hispanic)</b>	5,293	36.85%		1,917	13.35%		2,166	15.06%		1,200	8.13%		10,576	18.28%
<b>(Minority)</b>	9,183	63.94%		3,264	22.73%		3,738	25.99%		2,993	20.27%		19,178	33.14%

# **EXHIBIT L**

# Plan B

- 1
- 2
- 3
- 4

Current District Boundary



# **EXHIBIT M**

County of Lee population  
 Ideal Commissioner District population  
 Total plan population deviation

57,866  
 14,467  
 6.24%

### Proposed Commissioner District

#### Plan B

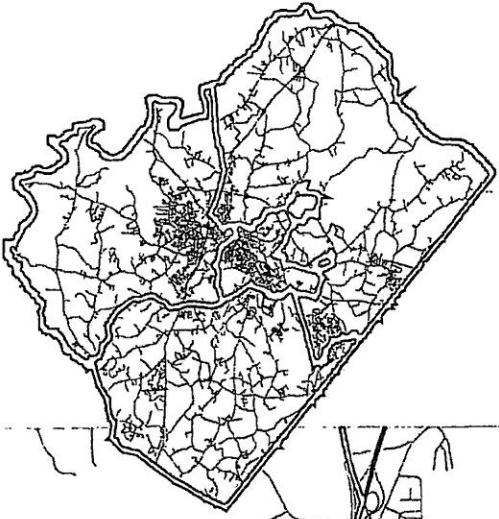
	District 1			District 2			District 3			District 4			Total	
	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop
<b>Total</b>	<b>14,444</b>		<b>-0.16%</b>	<b>14,067</b>		<b>-2.76%</b>	<b>14,384</b>		<b>-0.57%</b>	<b>14,971</b>		<b>3.48%</b>	<b>57,866</b>	
<b>White</b>	5,285	36.59%		10,843	77.08%		10,644	74.00%		11,916	79.59%		<b>38,688</b>	<b>66.86%</b>
<b>Black</b>	<u>5,794</u>	<u>40.11%</u>		1,838	13.07%		2,029	14.11%		1,904	12.72%		<b>11,565</b>	<b>19.99%</b>
<b>AmIndian</b>	161			77			100			69			<b>407</b>	
<b>Asian</b>	70			122			50			247			<b>489</b>	
<b>Hawaiian</b>	7			3			3			7			<b>20</b>	
<b>Other</b>	3,127	21.65%		1,184	8.42%		1,558	10.83%		828	5.53%		<b>6,697</b>	<b>11.57%</b>
<b>(Hispanic)</b>	5,391	37.32%		1,793	12.75%		2,166	15.06%		1,226	8.19%		<b>10,576</b>	<b>18.28%</b>
<b>(Minority)</b>	<u>9,159</u>	<u>63.41%</u>		<b>3,224</b>	<b>22.92%</b>		<b>3,740</b>	<b>26.00%</b>		<b>3,055</b>	<b>20.41%</b>		<b>19,178</b>	<b>33.14%</b>

# EXHIBIT N

# Plan C

- 1
- 2
- 3
- 4

Current District Boundary



# **EXHIBIT O**

County of Lee population	57,866
Ideal Commissioner District population	14,467
Total plan population deviation	4.47%

## Proposed Commissioner District

### Plan C

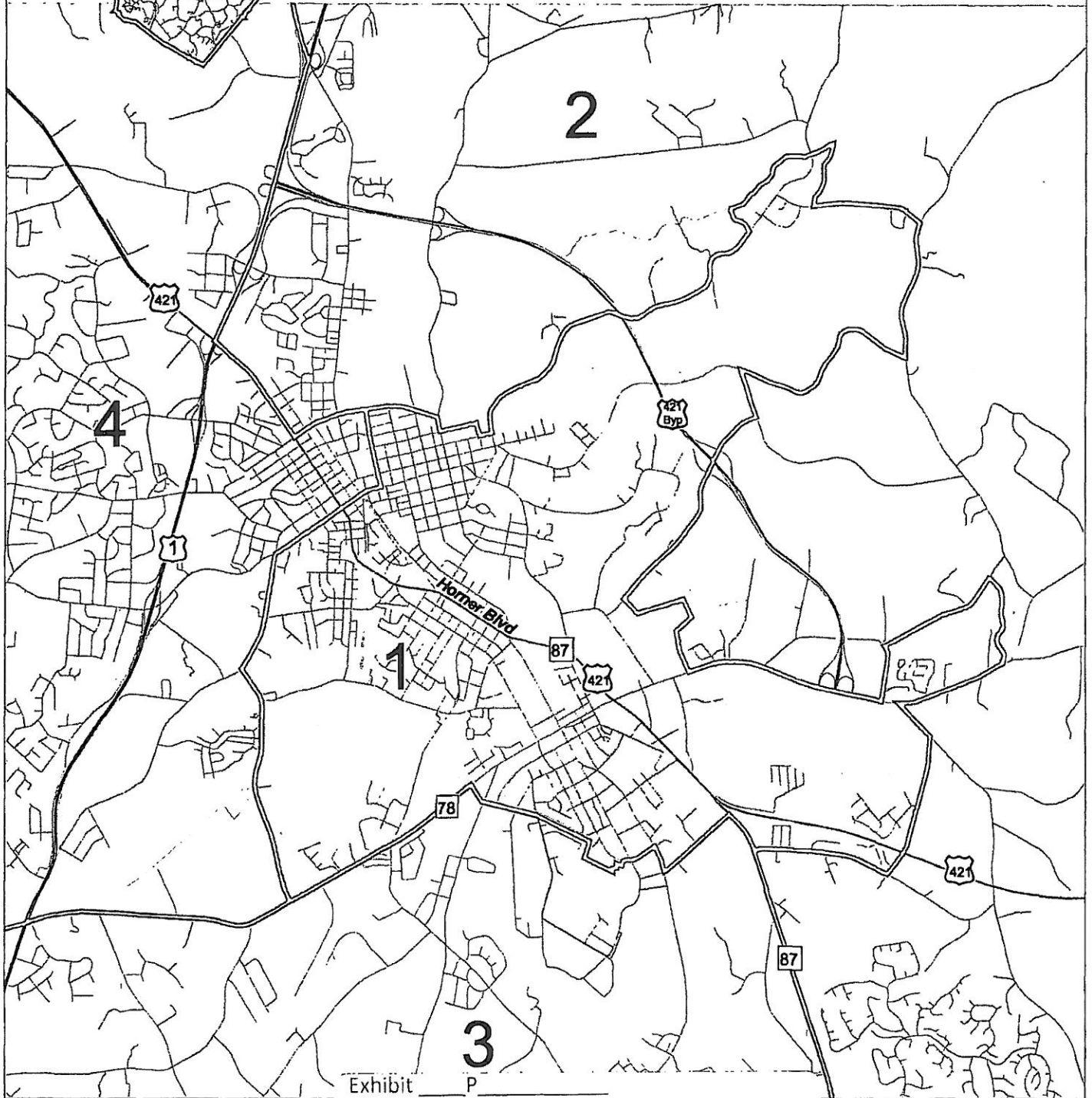
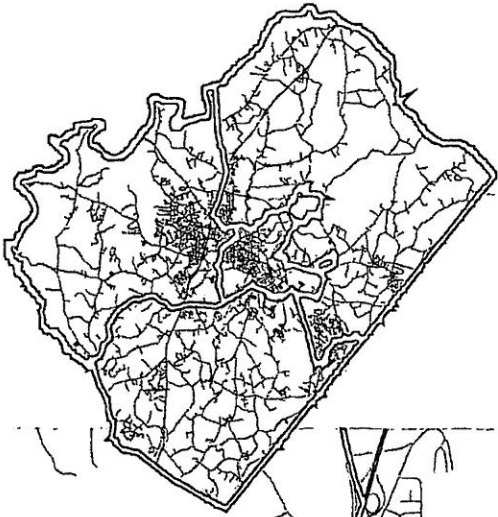
	District 1			District 2			District 3			District 4			Total	
	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop
<b>Total</b>	<b>14,399</b>		<b>-0.47%</b>	<b>14,218</b>		<b>-1.72%</b>	<b>14,384</b>		<b>-0.57%</b>	<b>14,865</b>		<b>2.75%</b>	<b>57,866</b>	
<b>White</b>	5,233	36.34%		10,970	77.16%		10,644	74.00%		11,841	79.66%		<b>38,688</b>	<b>66.86%</b>
<b>Black</b>	<u>5,817</u>	<u>40.40%</u>		1,842	12.96%		2,029	14.11%		1,877	12.63%		<b>11,565</b>	<b>19.99%</b>
<b>AmIndian</b>	161			77			100			69			<b>407</b>	
<b>Asian</b>	72			122			50			245			<b>489</b>	
<b>Hawaiian</b>	7			3			3			7			<b>20</b>	
<b>Other</b>	3,109	21.59%		1,204	8.47%		1,558	10.83%		826	5.56%		<b>6,697</b>	<b>11.57%</b>
<b>(Hispanic)</b>	5,355	37.19%		1,835	12.91%		2,166	15.06%		1,220	8.21%		<b>10,576</b>	<b>18.28%</b>
<b>(Minority)</b>	<u>9,166</u>	<u>63.66%</u>		<b>3,248</b>	<b>22.84%</b>		<b>3,740</b>	<b>26.00%</b>		<b>3,024</b>	<b>20.34%</b>		<b>19,178</b>	<b>33.14%</b>

# EXHIBIT P

# Plan D

- 1
- 2
- 3
- 4

Current District Boundary



# EXHIBIT Q

County of Lee population	57,866
Ideal Commissioner District population	14,467
Total plan population deviation	0.73%

## Proposed Commissioner District Plan D

	District 1			District 2			District 3			District 4			Total	
	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop	%Dev	Pop	%Pop
<b>Total</b>	<b>14,540</b>		<b>0.50%</b>	<b>14,441</b>		<b>-0.18%</b>	<b>14,434</b>		<b>-0.23%</b>	<b>14,451</b>		<b>-0.11%</b>	<b>57,866</b>	
<b>White</b>	5,334	36.69%		11,134	77.10%		10,684	74.02%		11,536	79.83%		<b>38,688</b>	<b>66.86%</b>
<b>Black</b>	<u>5,836</u>	<u>40.14%</u>		1,877	13.00%		2,029	14.06%		1,823	12.62%		<b>11,565</b>	<b>19.99%</b>
<b>AmIndian</b>	161			78			100			68			<b>407</b>	
<b>Asian</b>	74			122			50			243			<b>489</b>	
<b>Hawaiian</b>	7			3			3			7			<b>20</b>	
<b>Other</b>	3,128	21.51%		1,227	8.50%		1,568	10.86%		774	5.36%		<b>6,697</b>	<b>11.57%</b>
<b>(Hispanic)</b>	5,377	36.98%		1,871	12.96%		2,177	15.08%		1,151	7.96%		<b>10,576</b>	<b>18.28%</b>
<b>(Minority)</b>	<u>9,206</u>	<u>63.31%</u>		<b>3,307</b>	<b>22.90%</b>		<b>3,750</b>	<b>25.98%</b>		<b>2,915</b>	<b>20.17%</b>		<b>19,178</b>	<b>33.14%</b>

# **EXHIBIT R**

# LEE COUNTY

NORTH CAROLINA

*Committed Today for a Better Tomorrow*

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

JUNE 20, 2011  
6 P.M.

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**CALL TO ORDER** – Linda Shook, Chairman

**INVOCATION** – Commissioner Jim Womack

**PLEDGE OF ALLEGIANCE**

**I. ADDITIONAL AGENDA**

**II. APPROVAL OF CONSENT AGENDA** (All items listed below are routine and will be approved by one motion. No separate discussion will be held except by a request of a member of the Board. Any item removed from the Consent Agenda will be considered individually as a part of the regular agenda).

A. Minutes from the June budget work sessions (pages 1-15)

1. June 1, 2011
2. June 2, 2011
3. June 3, 2011
4. June 6, 2011
5. June 7, 2011
6. June 10, 2011
7. June 13, 2011

B. Minutes from the June 6, 2011 regular meeting (pages 16-21)

C. Tax Releases and Refunds for May 2011 (pages 22-28)

D. Fireworks permit for July 4<sup>th</sup> Deep River celebration (pages 29-33)

E. Ten-year write off of delinquent taxes (pages 34-38)

F. Bids for construction of White Goods handling area (pages 39-43)

G. Budget Amendment # 06/20/11/18 (pages 44-47)

H. Renewal contract for Inmate Labor with Department of Corrections (pages 48-56)

I. Bids to repair Daymark Recovery Services building (pages 57-59)

J. Mini grant from Community Care of The Sandhills for the Health Department (pages 60-62)

K. Annual Enterprise Agreement payment for Microsoft Software Licensing (pages 63-66)

**III. PUBLIC COMMENTS**

**IV. OLD BUSINESS**

- A. Appointment to the Central Carolina Community College Civic Center study committee – Chairman Shook (pages 67-69)

Exhibit \_\_\_\_\_ R \_\_\_\_\_

- B. Discussion of alternate redistricting plans – Dale Talbert, Don Kovasckitz and K. R. Hoyle (pages 70-88)
- C. Consider revised Lee County Animal Control Ordinance – Dale Talbert and Heath Cain (pages 89-110)
- D. Consider creation of two fire protection and rescue service districts in the Cape Fear Fire Protection District – Dale Talbert (pages 111-125)
- E. Consider contract with Moseley Architects for design of courthouse basement renovation project – John Crumpton (pages 126-129)
- F. Consider FY 2011-12 funding for Temple Theater – Commissioner Hayes (page 130)

**V. NEW BUSINESS**

- A. Consider request from Boys & Girls Club and Sanford Housing Authority – Bo Hedrick (pages 131-138)
- B. Consider FY 2011-12 Budget Ordinance – John Crumpton (pages 139-208)
- C. Consider FY 2011-12 Fire Department Budget Ordinance – John Crumpton (pages 209-215)
- D. Annual appointments to boards/commissions/committees – Gaynell Lee (page 216)
- E. Consider support of Service Area of Foreign Trade Zone (FTZ) #93 with the Triangle J Council of Governments – John Crumpton (pages 217-224)

**VI. MANAGER'S REPORT**

- A. Monthly Financial Report for month ending May 31, 2011 – Lisa Minter (pages 225-229)

**VII. COMMISSIONERS' COMMENTS**

**ADJOURN**

# LEE COUNTY

*Committed Today for a Better Tomorrow*

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

JUNE 20, 2011

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The regular meeting of the Lee County Board of Commissioners for the County of Lee, State of North Carolina, convened at 6 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Richard B. Hayes, Larry "Doc" Oldham, Charles T. Parks, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and James K. Womack, Jr.

Chairman Shook called the meeting to order and the following business was transacted:

Commissioner Womack delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. County Manager John Crumpton asked that a budget amendment be added to the Manager's Report at the end of the meeting. Chairman Shook stated that discussion on funding for the Temple Theater would be held during budget discussion and not as a separate item as listed on the Agenda. With no additional changes made, Commissioner Oldham moved to approve the Agenda as amended. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Hayes moved to approve the *Consent Agenda* which consisted of the following items:

- Minutes from the June 1, June 2, June 3, June 6, June 7, June 10, and June 13, 2011 budget work sessions,
- Minutes from the June 6, 2011 regular meeting,
- Tax Releases and Refunds for May 2011 (copy attached),
- Fireworks permit for July 4<sup>th</sup> Deep River celebration (copy attached),
- Ten-year write off of delinquent taxes,
- Bids for construction of White Goods handling area to Cole Construction Co. of Sanford in the amount of \$138,640 (copy attached),

- Budget Amendment # 06/20/11/18 (copy attached),
- Renewal contract for Inmate Labor with the NC Department of Corrections (copy attached),
- Bids to Uretex ICR-Mid Atlantic (Kernersville, NC) for repairs to the Daymark Recovery Services building located at 130 Carbonton Road in the amount of \$63,012 (copy attached),
- Acceptance of \$3,000 mini grant from Community Care of The Sandhills for the Health Department to purchase three scanners for the Electronic Health Records technology project, and
- Annual Enterprise Agreement payment for Microsoft Software Licensing in the amount of \$59,953.27 (copy attached)

Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

Pursuant to N.C. General Statute 153A-52.1, Chairman Shook opened the floor for *Public Comments*. The following signed up to speak and were allowed 3 minutes for comments:

1. Mr. Ed Underwood, 3309 Westcott Circle, Sanford
2. Ms. Martha Underwood, 3309 Westcott Circle, Sanford
3. Mr. Donnie Oldham, 2412 Brookwood Trail, Sanford
4. Mr. Keith Clark, 212 Acorn Drive, Sanford
5. Ms. Sheila Barber, 232 Palace Drive, Sanford
6. Mr. Charles Staley, 3117 Hickory Hill Drive, Sanford
7. Mr. Lloyd Jennings, 678 Chelsea Drive, Sanford
8. Mr. Frank Del Palazzo, 425 Rolling Hill Road, Sanford

The Board considered an appointment to the Central Carolina Community College 20/20 Civic Center Committee. At the June 6<sup>th</sup> meeting, Mr. Ed Garrison, President of the CCCC Board of Trustees asked Commissioners to appoint a sitting commissioner, along with the County Manager, to study future plans for the next twenty years for the Dennis A. Wicker Civic Center, along with representatives from the community college and local business leaders. Chairman Shook had asked Commissioners to contact her if they were interested in serving on said committee. Commissioner Parks moved to appoint Commissioner Robert Reives to serve on the *20/20 Civic Center Committee*. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered alternate redistricting plans as a result of the recent census. Deputy Attorney Dale Talbert updated the Board on state and federal requirements for "redistricting" (redrawing of electoral boundaries for elected offices) Commissioner Districts after the 2010 census. The existing districts must be redrawn because, based upon the 2010 census data, retaining them as drawn would result in deviation of more than 10% in population among certain districts and would violate the "one –

person-one-vote" principle under which all electoral districts for the same office must be more or less the same size. At a previous meeting the Board of Commissioners directed Strategic Services staff and the County Attorney to develop alternative redistricting maps that would comply with the law related to redistricting and would allow the County to redistrict in a timely manner. Mr. Talbert stated that when redrawing district lines to correct a population imbalance, all persons living in a district must be counted, even those not eligible to vote. It was further stated that the County must obtain approval from the US Department of Justice (USDOJ) before making any change in election procedures, including changing electoral district boundaries, through a review procedure called "pre-clearance." During the preclearance review, the USDOJ will make a judgment concerning whether all required laws and guidelines emphasis on whether the proposed new district boundaries preserve the County's one existing "minority district" making it likely that African-Americans or other minorities will be able to elect candidates of their choice or whether the proposed new minority district causes a "retrogression" of that ability. Strategic Services Director Don Kovasckitz provided data concerning the 2010 redistricting plan to Board members. Four (4) alternate redistricting plans were created and presented for Commissioners to consider and review with relevant population, population deviation, and demographic data, and maps. Mr. Talbert stated that a public hearing is not required by law on the redistricting plan or alternate plans but is advisable because the matter is one of great public interest. If a public hearing is held, at least two of the four alternative redistricting plans should be submitted for comment and discussion. After discussion, Commissioner Reives moved to hold a public hearing at the July 18, 2011 meeting of the Board and present **Plans A** and **D** for consideration and discussion. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a revised Lee County Animal Control Ordinance. Deputy Attorney Dale Talbert presented an amended Animal Control Ordinance that Health Department staff and Health Board members have been working on for over a year. A series of public meetings were held across the county where citizens could address concerns they had with the proposed new Ordinance. Health Department staff Heath Cain discussed identified concerns that were addressed by the Board of Health (BOH) through the new proposed amendments. One concern was that the proposed Ordinance required an animal impounded for running at large for the second time was to be neutered as a condition of returning to the owner. Owners of pedigreed breeding animals argued the provision could impose an unreasonable financial hardship on them. The BOH responded to this concern by proposing an amendment to the provision providing for an exemption from the neutering requirement if the owner of the animal found running at large reported it missing within three business days of impoundment. Another concern was that plastic barrels should not be allowed as permissible shelters for dogs. This issue was addressed by proposing to eliminate plastic barrels as proper shelters. Another concern was that a proposed prohibition against tethering animals for more than 12 hours in a 24-hour period would be unenforceable. This concern was addressed to considering an "attended tethering" requirement and a total prohibition of tethering. The BOH recommends the Ordinance establish an "attended tethering" provision authorizing tethering only if "the owner at all times...outside and within eyesight of a tethered animal." The final comment considered by the BOH concerned the minimum size of pens that are required should an owner of an animal decides to keep the animal in a pen. Owners of pedigreed and hunting animals suggested that the minimum pen size be reduced because they sometimes desired to keep animals that were in heat or being temporarily restrained for other reasons in the smaller pens. The BOH responded to this concern by suggesting that a temporary exemption of the minimum pen size be authorized for up to 30 days once every six months upon request of the owner and an animal services officer's approval of the pen. It was also stated that since the time the Animal Control

Ordinance first came before the Board of Commissioners (BOC) for review, the BOC has transferred the responsibility of enforcing the Animal Control Ordinance from the Health Department to the Sheriff's Office. For this reason, the County Attorney has proposed conforming changes concerning the authority to enforce the provisions of the Ordinance and seek administrative, civil, and criminal remedies and in other administrative provisions found within the Ordinance. After discussion, Commissioner Oldham moved to defer action on the revised *Lee County Animal Control Ordinance* until the July 18, 2011 meeting of the Board of Commissioners. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously. It was noted that if the Ordinance is approved unanimously after the first reading, with a quorum present, it would not have to be submitted for a second majority vote at a second meeting.

The Board considered the creation of two fire protection and rescue service districts in the Cape Fear Fire Protection District and approval of an Interlocal Agreement with the City of Sanford through which the City will provide services to the Clearwater Forest Fire Protection and Rescue Services District. Deputy Attorney Dale Talbert stated that at the April 18<sup>th</sup> meeting, the Board adopted a resolution making statutorily required findings concerning the eligibility of two certain areas currently within the territorial jurisdiction of the existing Cape Fear Rural Fire Protection District to be established as separate fire protection and rescue service districts. The resolution also directed County staff to take actions necessary to allow the Board to make a final decision concerning whether to establish the service districts at its June 20<sup>th</sup> meeting. All prerequisites to establish the proposed service districts have been accomplished with a public hearing being held on June 15, 2011. The Law and Finance Committee of the City of Sanford's City Council has expressed by consensus approval of a proposed interlocal agreement between the City and Lee County to provide fire protection and rescue services to the proposed Clearwater Forest Fire Protection and Rescue Service District. The interlocal agreement is for a one-year term beginning July 1, 2011 renewable annually upon consent of the parties. Under the agreement, the City will deliver to the proposed service district fire protection and rescue services similar to those provided to property owners and residents within the city limits. The charge for the services will be \$36,000 during FY 2010-11. In subsequent years, the charge for services will be adjusted according to a fixed formula approved by the parties and contained in the agreement. Mr. Talbert further stated that the Board of the Town of Broadway has, by resolution adopted, consented and agreed to have all of its corporate limits included in the proposed Cape Fear Fire Protection and Rescue Service District. It was noted that by law, the districts will become effective on July 1, 2011 and the County must by contract or otherwise arrange to provide specified services to a service district within one year of its establishment. The County will levy and collect a special fire protection and rescue tax in each proposed service district sufficient to pay for the services. County Manager John Crumpton stated he would like to see quarterly payments made to the City instead of one-time upfront payment. After discussion, Commissioner Womack moved to approve a *Resolution Establishing and Defining the Clearwater Forest Fire Protection and Rescue Service District of Lee County*, a *Resolution Establishing and Defining the Cape Fear Fire Protection and Rescue Service District of Lee County*, and an *Interlocal Agreement to Provide Services to the Clearwater Forest Fire Protection and Rescue Service District with the City of Sanford*, including the recommendation from the County Manager for quarterly payments to the City of Sanford, copies of which are attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a contract with Moseley Architects to begin the design of architectural plans for the courthouse basement renovation project. County Manager John Crumpton updated the Board on the project presented at the June 6<sup>th</sup> meeting for a backup 911 Center, Emergency Operations Center, Emergency Management Offices, Sheriff's Office expansion, Jail security enhancements and Clerk of Court record storage in the basement of the Courthouse. After discussion, Commissioner Reives moved to approve a contract addendum with Moseley Architects in the amount of \$74,000 for professional services, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from the Boys & Girls Club for a letter of commitment in reference to a HUD application. Mr. Bo Hedrick, Director of the Boys & Girls Club discussed a federal grant application submitted by the Sanford Housing Authority (SHA) for a \$2.4 million facility to replace the 200 Church Street Club Unit that was previously denied by HUD. The proposed new facility would house the Boys & Girls Club programs and CCC classes. The Boys & Girls Club has committed \$50,000 to the project along with \$450,000 from the SHA. Reviewers of the application indicated it was denied (according to their grading scale) due to the lack of community support. Although the grant was denied, SHA learned that it made the top 30 out of 300 applications and is being reconsidered because HUD has re-issued additional money under the same RFP. Mr. Hedrick asked Commissioners for a written commitment to be used in the re-submission of the grant to HUD indicating that contingent upon the grants approval, the County would appropriate \$50,000 capital investment (one-time agreement) for the project. After discussion, Commissioner Reives moved that a commitment letter for the above-reference project be made available stating that a one-time \$50,000 capital investment is provided, contingent upon approval of the HUD application. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the FY 2011-12 Budget Ordinance. The following budget items were discussed:

- (1) Commissioner Womack expressed his dis-satisfaction with the Lee County School Board for not providing contracts as requested by Commissioners. He further moved that the County amend our physical policy that includes multiple year contracts. County Manager John Crumpton stated he wasn't sure if this would be legal. Commissioner Womack withdrew his motion until the County Manager and legal counsel can research.
- (2) Commissioner Womack moved funding for the Temple Theater be considered in the amount of \$6,000 with \$2,500 being deducted from the Commissioner Travel line item and the remaining \$3,500 coming from Commissioners' paychecks evenly divided. Upon a vote, the results were as follows:

Aye: Womack  
Nay: Hayes, Oldham, Parks, Paschal, Reives, and Shook

The Chairman ruled the motion had failed with a 6 to 1 vote.

- (3) Commissioner Hayes moved to approve \$6,000 in funding for the Temple Theater for FY 2011-12. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Paschal, and Reives  
Nay: Parks, Shook, and Womack

The Chairman ruled the motion had been adopted by a 4 to 3 vote.

- (4) Commissioner Parks moved that the Lee County Board of Commissioners fund the school system at the current expense as last year. Mr. Parks further stated he would make a commitment to provide funding for current operating expenses for the coming year. From a prepared statement Mr. Parks read, "It seems unfair to provide the additional funding to the schools when all county employees have had to take cuts in all departments and staffing for the past three years. The State has made the Teachers and Teacher Assistants position fully funded. We need to hold the line on spending. Times are tough and we need to face the economic realities that those that rely on tax dollars are going to have to do more with less. Most other counties are funding at the same level as last year; Moore, Cumberland, Orange, etc. Lee County is hurting more than some of the counties in unemployment and it will not get better for a while". Upon a vote, the results were as follows:

Aye: Parks, Shook, and Womack  
Nay: Hayes, Oldham, Paschal, and Reives

The Chairman ruled the motion had failed with a 4 to 3 vote.

- (5) Commissioner Hayes moved to affirm the school budget approved at the last budget work session. Commissioner Reives amended the motion to approve the school budget approved at the last budget work session contingent upon approval of the contract between the two boards concerning the special current expense appropriation in the amount of \$500,000. Upon a vote of Commissioner Hayes motion the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, and Reives  
Nay: Shook and Womack

The Chairman ruled the motion was adopted by a 5 to 2 vote.

Upon a vote of the amended motion, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time the Board took a five-minute recess. Upon returning from recess, with all members present, the meeting resumed.

- (6) Commissioner Parks moved that the Lee County Board of Commissioners conduct a comprehensive performance audit of the Lee County School System as well as the Lee County departments and services and that the County Manager be authorized to solicit RFP's from external consultants who specialize in such services. This would be spread over the next two fiscal years, with the school audit taking place in the 2011-12 fiscal year and the county audit during the 2012-13 fiscal year. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None  
 The Chairman ruled the motion had been adopted unanimously.

- (7) Commissioner Womack moved to withdraw the present Economic Development structure and dissolve the department by December 31, 2011. Mr. Womack stated he wished to transition the Lee County Economic Development department over to report to the County Manager over the upcoming 6-months, terminate the contract with the corporation as of December 31st, change the title to *Economic Growth Office*, and for the Director to report directly to the County Manager who will also supervise all money for the department. Upon a vote, the results were as follows:

Aye: Parks, Reives, Shook, and Womack  
 Nay: Hayes, Oldham, and Paschal

The Chairman ruled the motion had been adopted by a 4 to 3 vote.

- (8) Commissioner Womack moved to reconsider funding for Johnston-Lee-Harnett Community Action in the amount of \$6,720 contingent upon their organization holding a statewide disabilities conference at the Dennis Wicker Civic Center in January 2012. Mr. Womack stated the conference would involve approximately 250 attendees from across the state that would be staying overnight in local hotels and eating at local restaurants. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
 Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered annual appointments to boards/commissions/committees. Clerk to the Board Gaynell Lee reported to the Board tally votes submitted by Commissioners for the following board appointments:

<u>BOARD/COMMISSION</u>	<u>TERM</u>	<u>APPOINTED</u>
ADA – American with Disabilities	3-year term	Patricia Cameron *
Airport Authority	3-year term	Doug Wilkinson, Jr.
Board of Adjustments (Sanford)	3-year term	Paul Kelly *
CCCC Board of Trustees	4-year term	Susan Laudate
Lee County Economic Development	3-year term	Alan Holt
Environmental Affairs Board	3-year term	David Silvey

Fire Advisory Board	4-year term	Richard Holshouser Gary Gilliam
Board of Health	3-year term	Linda Kelly, RN * Dr. Diane Schaller, Veterinarian * Martha Underwood, Engineer
Juvenile Crime Prevention Council	2-year term	Brenda Williams *
Jury Commission	2-year term	Harold York *
Parks & Recreation Commission	3-year term	James Emerson Harry Stryffeler Jamie Norton (moved from alternate position to full-time position) *
Lee County Planning Board	3-year term	Elizabeth Kovasckitz * Joe Johnson (moved from alternate position to full-time position) * Dowell Eakes (alternate #1) * Martha Lucas (moved from full-time position to alternate #2 position) *
Rest Home-Nursing Home Adv. Board	3-year term	Mary Bristow * Evelyn Bullard Carol Bates * William Bates * Lynne Green
Social Services Board	3-year term	Paul Utley *
Transportation Advisory Board	2-year term	Robert McCarthy *

\* Reappointments

The Board considered the FY 2011-12 Fire Department Budget Ordinance. Commissioner Reives moved to approve the *FY 2011-12 Fire Department Budget Ordinance* as presented, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a letter of support for the Service Area of Foreign Trade Zone with the Triangle J Council of Governments. County Manager John Crumpton stated that staff is seeking permission to send a letter of interest to the Triangle J Regional Council of Governments showing our support to include Lee County in the expanded zone of the Foreign Trade Zone #93. Mr. Crumpton

further stated that Foreign Trade Zones are designated sites licensed by the United States Foreign-Trade Zones (FTZ) Board at which special Customs procedures may be used for foreign goods. The activities in a zone offset Customs advantages available to overseas producers who compete with producers located in the United States. The program has existed since 1934 and continues to thrive and change to better meet the needs of American companies to compete in the global economy. As Grantee of FTZ #93, Triangle J Council of Governments currently administers General Purpose zones in Wake County. FTZ #93 can serve an area within 60 miles or 90 minutes driving time from the US Customs Port of Entry for RDU. Three general-purposes zone sites are approved with two presently activated. FTZ #93 was established under the "Traditional Zone Framework". Triangle J member counties include Wake, Durham, Orange, Chatham, Lee, Johnston and Moore. After discussion, Commissioner Parks moved to approve a letter of support to Triangle J Council of Governments in reference to the Foreign Trade Zone #93. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the FY 2011-12 Budget Ordinance. After discussion of revised changes made to the budget earlier in the meeting, Commissioner Parks moved to approve the *FY 2011-12 Budget Ordinance*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Assistant County Manager/Finance Director Lisa Minter presented the *Monthly Financial Report* for month ending May 31, 2011. No action was taken.

County Manager John Crumpton presented a budget amendment to clean up various budget items that was not available when the agenda packages were delivered on June 15<sup>th</sup>. After discussion, Commissioner Oldham moved to approve budget amendment # 06/20/11/19, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows;

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

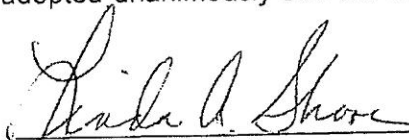
The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton stated that with the adoption of the FY 2011-12 budget, three employees would be rified but would be offered current open vacancies before final letters are given out.

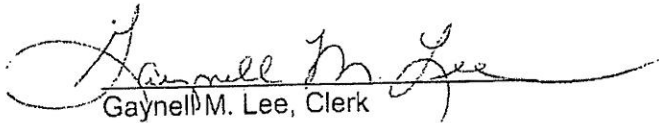
With no further business to come before the Board, Commissioner Parks moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Hayes, Oldham, Parks, Paschal, Reives, Shook, and Womack  
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 9:55 p.m.

  
\_\_\_\_\_  
Linda A. Shook, Chairman  
Lee County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Gaynell M. Lee, Clerk

# **EXHIBIT S**

# NOTICE OF PUBLIC HEARING

## REDRAWING BOUNDARIES OF LEE COUNTY COMMISSIONER ELECTORAL DISTRICTS ("REDISTRICTING")

**NOTICE IS HEREBY GIVEN** that a public hearing concerning redrawing the boundaries of the current Lee County Commissioner electoral districts, from which four of the seven Commissioners are elected ("redistricting"), will be held Monday, July 18, 2011, from 6:00 p.m. until 8:00 p.m., unless sooner concluded, in the Commissioners' Room, First Floor of the Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina.

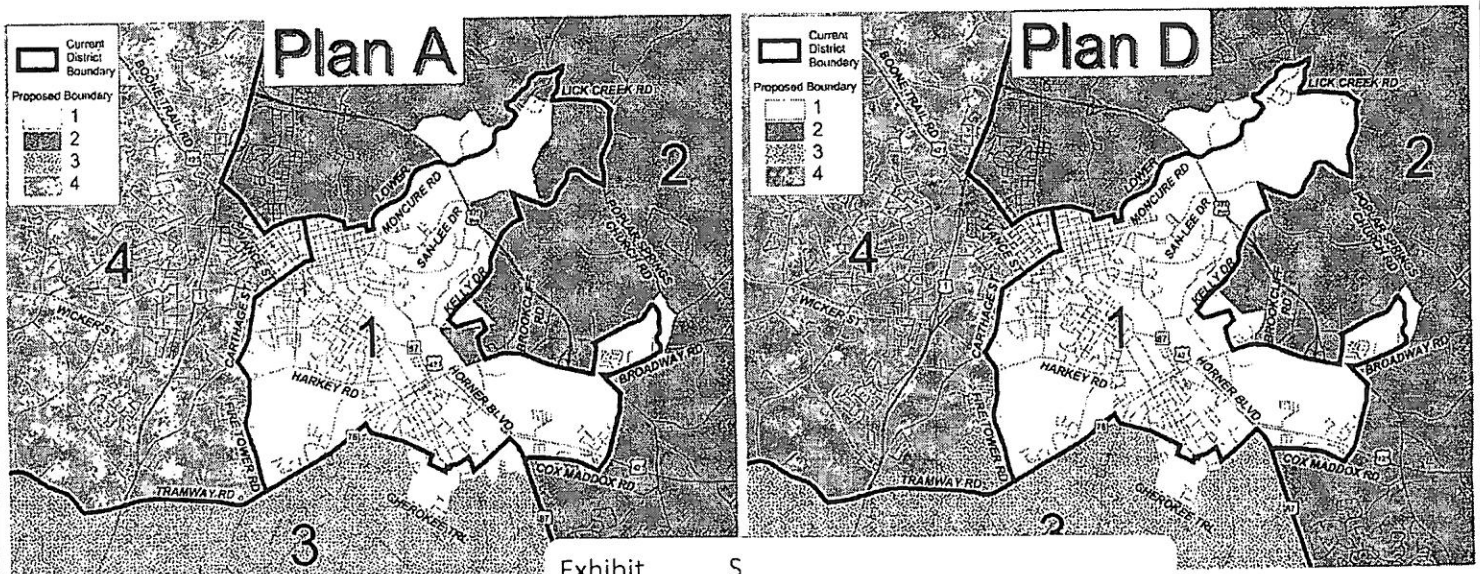
The boundaries of the districts must be redrawn to correct population imbalances among the districts as reported by the 2010 Decennial Census and done in a manner so as to produce substantial equality of population among the four districts. The redrawn district boundaries also must not diminish the ability of any racial or language minorities to elect their preferred candidate of choice and meet other requirements of law, including those contained in the Voting Rights Act of 1965.

The Lee County Board of County Commissioners has reviewed several redistricting plans which comply with these requirements and has selected two of the plans, designated "Plan A" and "Plan D," to present to the public for comment before adopting a final plan. The plans primarily affect the boundaries of District 1, but also affect the boundaries of the other districts where they are contiguous to District 1. Maps showing the proposed district boundaries under the two alternate redistricting plans are printed below and also may be viewed on the homepage of the Lee County web site at [www.leecountync.gov](http://www.leecountync.gov) through the link to "Notice of Public Hearing Concerning Redistricting." Large scale maps of the plans are available for public inspection in the lobby of the Government Center between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday. Copies of the maps also are available for inspection at the County Library located at 107 Hawkins Avenue, Sanford, North Carolina and the Board of Elections located in the Courthouse Annex, 225 South Steele Street, Sanford, North Carolina during those offices' regular hours.

All interested residents and organizations are urged to attend the public hearing, provide comments about the proposed plans, and, if they wish, propose alternative plans. If you desire to speak at the public hearing, please contact the Board of Commissioner's Clerk at **919-718-4605** prior to the hearing or sign up as you enter the Commissioners' Room on the night of the hearing. Citizens will be allowed a maximum of three minutes each to make comments. Citizens holding identical positions on the proposed plans are encouraged to select a spokesperson for the group. Forms on which citizens may provide written comments also will be available at the public hearing, at each location identified above, and on-line.

This the 10th day of July, 2011.

Gaynell M. Lee, Clerk  
Lee County Board of Commissioners



# **EXHIBIT T**

# Affidavit of Publication

**Lee County  
North Carolina**

Bill Horner III, Publisher of The Sanford Herald, a newspaper published in Lee County in the state of North Carolina, being duly sworn, deposes and says: that the attached advertisement of notice, in the action entitled

Notice of Public Hearing

Rearranging Boundaries of

Lee Co. Commissioner distn

was duly published in the aforesaid newspaper on page 8A in the

Sunday, July 10, 2011 edition of The Herald.

Sunday, July 17, 2011 10A pgs

[Signature]  
Bill Horner III, Publisher

Received of Lee Co Attorneys, \$ 6000<sup>00</sup>, the cost of the above publication. Office

July 18, 2011.

By Jama Powers

Sworn to and subscribed before me, this 18 day of July, 2011

Jammygo Pipkin  
Notary

My commission expires:

8-10-15

Exhibit T

# **EXHIBIT U**

# Public Comment on Redistricting of Lee County Commissioners Electoral Districts

The Lee County Board of Commissioners is seeking public comment and input on the redrawing of the boundary lines for the existing county commissioner electoral districts ("redistricting"). If you would like to comment on either of the proposed plans being considered by the Board, identified as "Plan A" and "Plan D" on the maps posted nearby, please complete this form and deliver it to the reception area. All information you submit will become part of the public record and will be distributed to the Board of Commissioners and may be submitted to others involved in the redistricting process.

_____	_____	_____
First Name	Initial	Last Name
_____		
Residence Address		
_____		
Organization represented, if any, and position		
_____		
Email Address (Optional)		

Comments: \_\_\_\_\_

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(If more space is needed, use reverse side or additional forms with your full name entered on each form.)

Exhibit \_\_\_\_\_ U \_\_\_\_\_

# **EXHIBIT V**

- 1
- 2
- 3
- 4

# Plan A

★ Incumbent Residence

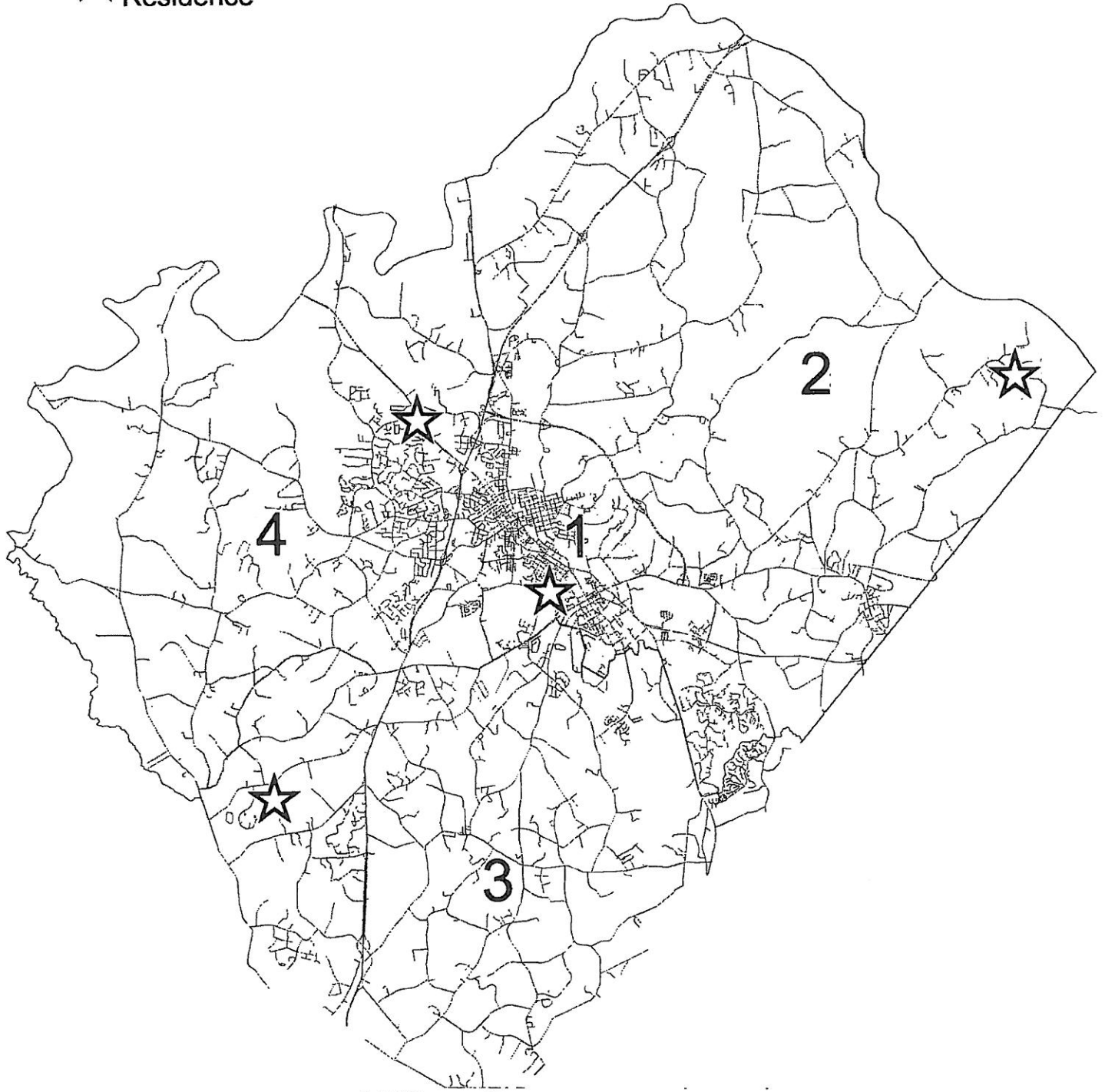


Exhibit V

# **EXHIBIT W**

# **EXHIBIT X-1**

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November 19, 2011

Community NEWS

2011 Football Special Section

### County forced to redraw district lines

by Billy Liggett

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8 months ago

SANFORD — Lee County officials feel they've been undercounted in the 2010 Census, but winning a challenge to add to its population could take a few years.

News Local \*Business Archives Special Sections

More immediately, the county has to redraw the lines for its four districts, meaning who you'll vote for in future county elections could change.

\*Obituaries

"The lines are going to move ... there's no doubt about it," Don Kovasckitz, the county's director of strategic services, told the Lee County Board of Commissioners at the board's regular meeting Monday. "The major factor in redistricting is population, and population must be in balance in the districts. Constitutional voting rights refer to the concept of 'one person, one vote' where the weight of one voter must be same in each district."

Our Community \*Arts & Calendar Faith & Values Celebrations Seniors Movie Reviews Book Reviews Columnists Our Partners

Recent Census results show Lee County's population jumped by 17 percent to 57,866 (though County Manager John Crumpton and Kovasckitz both feel the tally may be off by a few thousand people). In order for each district to be even population-wise, the district would need 14,467 voters.

Sports All Sports Sports Blog Lee County High Southern Lee Lee Christian Grace Christian Local Schools CCCC Campbell U.

District 2, which covers Broadway, portions of Carolina Trace and parts of Lee County north and east of downtown, comes close to that count with 14,249 people. District 3, which includes Tramway, the other part of Trace and southern Lee County, is also close with 14,855 people.

Business \*On the Street

But Kovasckitz said the most populated district and the least populated district need to be less than 10 percent apart in population. District 4 (West Sanford and parts of the Rosemount McIver Historic District) and District 1 (Downtown Sanford and East Sanford) have a 23 percent gap with West Sanford leading the district with 16,089 people and downtown coming in at just 12,673.

Opinion Our Opinion Letters Columns Thumbs

And redistricting will be much more complicated than simply adding land to District 4 and taking away from District 1. The new districts must also be similar in the percentage of minority voters.

Community Blogs \*Social Sanford \*Sheila Barber \*Joe Jon Bryant \*Amy Burns \*Alex Podlogar \*Kim Prill \*Jeanne Rhea

Kovasckitz said the county will have until September or October to redraw the lines. The next county election is slated for 2012 unless a county-wide issue is added to this year's municipal elections.

#### OTHER BUSINESS

\* The Rev. Alice Hooker was appointed to the Lee County Board of Health in Monday's meeting. Commissioners voted 5-2 (Richard Hayes and Ed Paschal voted for Central Carolina Hospital CEO Doug Doris) to appoint Hooker, the founder of the Works for Christ Christian Center.

"Pastor Hooker has with depth dealt in some minority health issues and with teenage pregnancy," Commissioner Jim Wornack said in endorsing Hooker. "Her ministry has been helpful in that area as well. She would be an outstanding choice for the board."

\* The board also approved James Lehmann as an alternate to the Library Board with a 5-2 vote (Paschal and 'Doc' Oldham voted for city planner Bob Bridwell.

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City begins redrawing district lines | 7 months ago

# **EXHIBIT X-2**

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November 19, 2011

Community NEWS

2011 Football Special Section

### County redrawing voting districts; state lines change Lee as well

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by Billy Ball

4 months ago | [social icons]

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SANFORD — Lee County commissioners could decide on new voting districts next week that would come with some changes in the downtown blocks and southern parts of the county.

Officials are mulling two plans, both of which are available on the county's website, that would largely shift some downtown neighborhoods from Commissioner Jim Womack's District 4 into Robert Reives' District 1.

\*Obituaries

The plans would also slice some Jonesboro vicinity neighborhoods near Cemetery Road out of Linda Shook's District 3 and pull them into Reives' district, part of an effort to keep a like population in each voting district.

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Don Kovasckitz, local administrator for geographic information systems, said recent U.S. Census figures showed a 23 percent difference in population between the county's most populous district, District 4, and its least populous, District 1.

Federal voting regulations require the deviation between districts be less than 10 percent.

Commissioners picked a pair of plans, a primary and a secondary, for consideration at a 6 p.m. public hearing Monday. Officials said they chose the two redrawn maps because they represent the closest fits for population deviation and minority count.

Sports

All Sports

Sports Blog

Lee County High

Southern Lee

Lee Christian

Grace Christian

Local Schools

CCCC

Campbell U.

County attorney Dale Talbert said federal voting officials, who will have to approve the new districts, are not likely to support any plans that diminish minority voting districts like Reives' District 1.

Under the plans, roughly 41 percent of the voters in District 1 would be black; another 37 percent would be Latino.

The chief changes in the primary plan would be for neighborhoods starting from First Street west to Vance Street. Wicker Street would make up the southern border of the redrawn maps and Weatherspoon Street would be along the northern border.

Business

\*On the Street\*

A secondary plan would stretch Reives' district farther west to Hillcrest Street.

The county plan is the latest redistricting in store for Lee. Earlier this year, Sanford officials drew up similar tweaks for city voting districts.

Opinion

Our Opinion

Letters

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Thumbs

Meanwhile, state lawmakers are considering proposals for N.C. General Assembly districts that would, at the least, shuffle Lee County into the more conservative 10th District of incumbent Sampson County Republican Brent Jackson. Currently, Lee County is situated in the left-leaning 18th District of Sen. Bob Atwater representing Orange, Chatham and Lee counties.

Community

Blogs

\*Social Sanford

\*Sheila Barber

\*Joe Jon Bryant

\*Amy Burns

\*Alex Podlogar

\*Kim Pritz

\*Jeanne Rhea

Proposals for N.C. House of Representatives districts don't figure to have a large impact on Lee County, as state officials have maintained much of the county's positioning along with western Harnett County in the 51st District of Sanford Republican Mike Stone.

The state GOP's plans for congressional districting would likewise slide Lee County into a more conservative 6th District that includes parts or all of Moore, Chatham, Alamance, Randolph, Guilford and Harnett counties.

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# **EXHIBIT Y**

# LEE COUNTY

NORTH CAROLINA

Committed Today for a Better Tomorrow

## NOTICE

### Submission Under Section 5 of the Voting Rights Act; New Boundaries for Lee County Commissioner Electoral Districts

PLEASE TAKE NOTE the Lee County Board of Commissioners has submitted to the United States Department of Justice a request to have precleared under Section 5 of the Voting Rights Act its proposed plan to redraw the boundaries for its single-member Commissioner electoral districts.

A complete duplicate copy of the submission is available for public inspection at the Office of the Clerk to the Board located at 106 Hillcrest Drive Sanford, North Carolina, the Office of the Lee County Board of Elections, Courthouse Annex, 225 South Steele Street, Sanford, North Carolina, 27330 and the main Lee County Public Library, 107 Hawkins Avenue, Sanford, North Carolina. A complete duplicate copy of the submission also is available for public inspection on the County's web site, [www.leecountync.gov](http://www.leecountync.gov), through the link named "Redistricting—Section 5 Submission." An electronic copy of the magnetic media submitted to the Department of Justice, or if so requested, a hard copy of the data contained on the magnetic media, is available at the Office of the Clerk to the Board, 106 Hillcrest Drive, Sanford, North Carolina and the Lee County GIS / Strategic Services Department, Federal Building, 226 Carthage Street, Sanford, North Carolina.

Interested persons are invited to present comments on the plan for the consideration of the United States Attorney General. If you wish to make a comment, you may email it to the Voting Section at [vot1973c@usdoj.gov](mailto:vot1973c@usdoj.gov). Please type the word "comment" in the subject line. Additional information concerning the Voting Rights Act and the Department of Justice's enforcement activities may be found at <http://www.justice.gov/crt/about/vot/>.

This the \_\_\_\_\_ day of December, 2011.

Exhibit \_\_\_\_\_ Y \_\_\_\_\_

W. Dale Talbert  
Lee County Deputy Attorney

#### OFFICE OF THE COUNTY ATTORNEY

P. O. Box 1968 • 106 Hillcrest Drive • Sanford NC 27331-1968  
Tel 919-718-4610 • Fax 919-774-8407 • [khoyle@leecountync.gov](mailto:khoyle@leecountync.gov)