

BUNCOMBE COUNTY BOARD OF EDUCATION  
SPECIAL CALLED MEETING  
2:30 p.m. – Work Session – Yeager Room  
Thursday, November 2, 2023

*MINUTES*

**BE IT REMEMBERED:** That the Buncombe County Board of Education met in a special called work session on November 2, 2023, at 2:30 p.m. in the Yeager Room located at 175 Bingham Road, Asheville, North Carolina, when the following business was transacted.

The following Board members were present:

Ann Franklin, Madam Chair  
Peggy Buchanan, Member  
Rob Elliot, Member  
Judy Lewis, Member

Kim Plemmons, Member  
Amanda Simpkins, Member  
Amy Churchill, Vice-Chair

Staff present: Dr. Rob Jackson, Superintendent; Dr. Jennifer Reed, Associate Superintendent of Curriculum and Instruction; Joseph Hough, Assistant Superintendent Auxiliary Services; Dr. Jamie Johnson, Assistant Superintendent of Educational Equity & Student Support; Dr. Stacia Harris, Communications Director; Dean Shatley, Attorney and Kim Matthews, Executive Administrative Assistant

Madam Chair, Ann Franklin called the meeting to order at 2:30 p.m.

#### **Opening Comments**

Mr. Shatley introduced Adam Mitchell from Tharrington Smith, LLP and Blake Esselstyn (joining remotely), of Mapfigure Consulting.

- Discussion of BCS' Redrawing of Electoral Districts  
Adam Mitchell, Tharrington Smith, LLP  
Blake Esselstyn, Mapfigure Consulting

Mr. Mitchell began by reminding the board members that the discussion today is only about school board electoral districts and not about student attendance assignment districts. He further gave a brief summary on the basics of redistricting and the optional types of criteria that can be used to help in redistricting. In his presentation, Mr. Mitchell shared the following:

#### Electoral Systems for Local Governments

- At-Large
  - Candidates can live anywhere in the administrative unit and all voters can vote for all candidates.
- Residency Districts
  - Candidates must live in a particular district to run for office from that district but are voted on by all voters in the administrative unit.
  - This is the system that has been in place in BCS (six residency districts plus one at-large member all elected by all voters in the administrative unit).
  - Redistricting is optional but not required.
- Electoral Districts
  - Candidates must live in a particular district and are only voted on by voters in that district.
  - This is the only system that requires redistricting based on the decennial census.

#### The Basic Principles of Redistricting

- The US Constitution requires a census every ten years. The 2020 census was a count of the entire US population as of April 1, 2020.
- Local governments — boards of county commissioners, school boards, and city councils — that use districts to elect some or all their members are subject to the same one-person/one-vote requirements as Congress and the General Assembly.
- One-person/one-vote means that districts need to be nearly equal in population. The accepted rule of thumb for local governments is no district should be more than five percent above or below the ideal population of exact equality.
- The governing body for the local government draws the new districts. The new districts are adopted by resolution.
- Although boards of election have no formal role to play in redistricting, they need to be kept informed of the redistricting process because district assignments will need to be updated on voter registration rolls.
- The open meetings law applies to redistricting just as other governmental functions, and there is no provision for a closed session just to discuss redistricting.

# 1638

Work Session Minutes – November 7, 2023

## The Basic Mechanics of Redistricting

- Consider a hypothetical administrative unit with a total 2020 census population of 120,000 and six electoral districts.
- Step one is to calculate the ideal district size:
  - Divide the total population by the number of districts.
  - In this case, the ideal district size is 20,000.
- Step two is to create the acceptable deviation range of plus/minus 5%:
  - The high end of the range equals 20,000 multiplied by 1.05 or 21,000.
  - The low end of the range equals 20,000 multiplied by .95 or 19,000.
- To comply with one-person, one-vote, all six districts must have a population between 19,000 and 21,000.

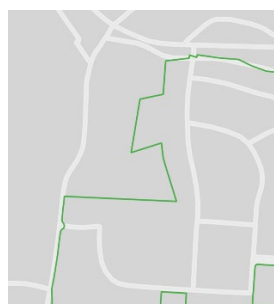
## HB66 and HB142

- Ratified in June of 2023, HB 66 re-wrote the law governing elections in BCS.
- Instead of six residency districts (based on the six high school attendance zones) and one at-large member, the law directed BCS to create six electoral districts along with the one at-large seat.
- The law provided a list of nine mandatory criteria to be complied with in the redistricting process:
  1. Equal population (with sole reliance on the most recent federal decennial census).
  2. Contiguity.
  3. Racial data (cannot be considered).
  4. Compactness.
  5. Municipal boundaries.
  6. Election data (partisan considerations and election results data cannot be considered).
  7. Current member residence.
  8. Current districts.
  9. Community consideration.
- After the passage of HB66, we were asked to assess the viability of BCS implementing the bill in light of its boundaries with the Asheville City Schools (ACS).
- While the list of criteria in HB66 would be reasonable in most local government redistricting scenarios, we concluded that putting any redistricting plan into effect for BCS would be extremely complex in any instance and impossible given the constraints of the criteria in HB66.
- After discussions with local officials, legislators, and members of the NCGA staff, the NCGA passed HB142.
- HB142 postponed the deadline to complete the redistricting from February 1, 2024 to June 30, 2024.
- HB142 also removed the nine criteria contained in HB66 and instead only required that the redistricting needed to comply with all requirements of State and federal law.

## The Unique Challenges of Redistricting BCS

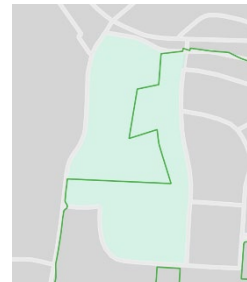
### Census Blocks

- Redistricting processes rely on data from the U.S. Census Bureau to count population in order to achieve balance.
- The smallest unit that the Census Bureau calculates counts for is the block, often called the “census block.”
- The boundary between BCS and ACS (green) does not always follow census block boundaries (white outlines around gray blocks), as shown.



## Split Block Example

- According to the 2020 Census, the example block has a population of 74 people.
- How much of that population lives in the BCS jurisdiction vs. the ACS jurisdiction?
- Census data provides no information for geographic units smaller than a census block (like property parcels or individual households).



## Split Block Treatment

- Theoretically, then, all 74 people in this block could live on one side of the line, or the other.
- To be safe, we need to proceed as if the BCS portion of the block could include zero people, 74 people, or any number in between.
- The same logic holds true for all populated split blocks.

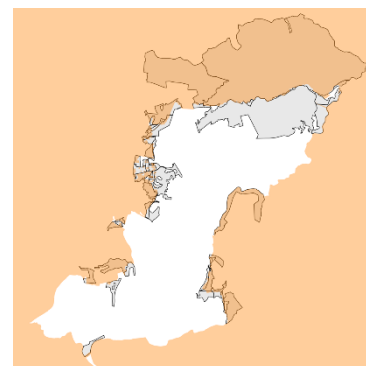
## Boundary Complications

- These challenging split blocks are all at the boundary of BCS and ACS jurisdictions (where orange meets white).



## Split Block Locations

- The example areas outlined in black are all the *divided* census blocks which have a population greater than zero.
- These blocks' populations add up to 6,155 people.



## Minimum Scenario

- If all of the population in every split block were to be in ACS jurisdiction, the **combined population** of the remaining (orange) blocks in the BCS jurisdiction would be **223,093**.

## Maximum Scenario

- If all of the population in every split block were to be in BCS jurisdiction, the **full population** of the split blocks plus the other (orange) blocks in the BCS jurisdiction would equal **229,248**.

## Ideal District Populations

**Total population ÷ number of districts**

- Minimum scenario:  $223,093 \div 6 = \mathbf{37,182}$  (rounded to nearest whole person)
- Maximum scenario:  $229,248 \div 6 = \mathbf{38,208}$  (rounded to nearest whole person)

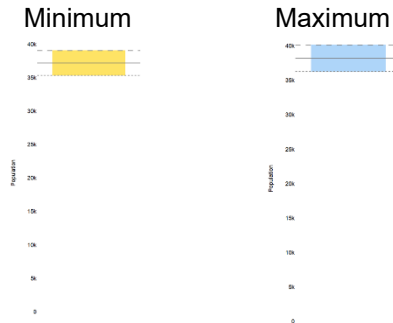
# 1640

Work Session Minutes – November 7, 2023

## Permissible Population Deviation

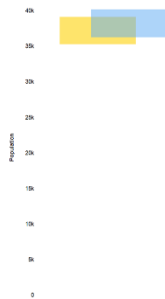
### District populations must be within $\pm 5\%$ of the ideal district population

- Minimum scenario:
  - Ideal = 37,182
  - Minus 5% = 35,323
  - Plus 5% = 39,041
  
- Maximum scenario:
  - Ideal = **38,208**
  - Minus 5% = **36,298**
  - Plus 5% = **40,118**



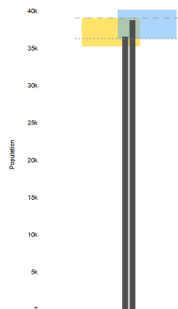
Thankfully these ranges have considerable overlap.

- Specifically, districts with populations between 36,298 and 39,041 will be in the acceptable ranges for the minimum scenario, the maximum scenario and every possibility in between.
- That “window” of 2,744 people is not as large as it would be without the ambiguities caused by the split blocks, but it still allows for a few percentage points of deviation, which will be helpful because ...



Individual districts can have scenarios, too.

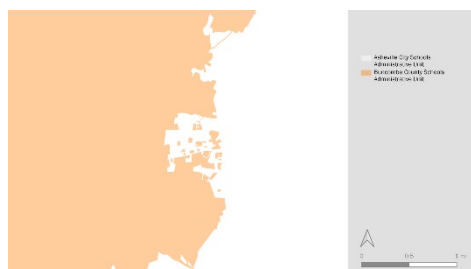
- We need to keep in mind that proposed districts, if they have split blocks in them (which most, if not all, of them will), will also have their own minimum and maximum possible populations.
- So care will need to be taken that the minimum *and* maximum possible populations for each district fall within the acceptable thresholds for deviation.



## Feasibility of Making Compliant Plans

- Our initial analysis confirmed that it is possible to create a new districting plan complying with the range limitations described in previous slides.
- Further our analysis revealed that the permissible ranges will allow for the drafting of multiple plan options with meaningful differences between the district shapes. (In other words, there's not just one single arrangement which will satisfy the parameters.)

## Contiguity (or the Lack Thereof)

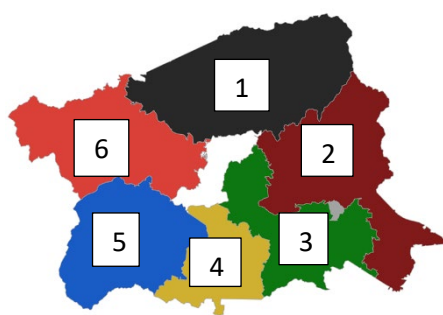


Work Session Minutes – November 7, 2023

#### Optional Criteria to Inform Drafting of Plans

- **High School Enrollment Districts**
  - Prioritizing drawing six electoral districts that match the current six high school enrollment districts to the extent possible. (The eponymous high school campuses themselves would also be kept in separate districts.)
- **Incumbents**
  - Drawing districts so that no two incumbents are placed in the same electoral district.
- **Keeping Precincts Whole**
  - Drawing districts that minimize the splitting of voting precincts. This “best practice” is sometimes prioritized as it tends to decrease voter confusion and simplify election administration by having fewer ballot styles at individual voting locations.
- **Communities of Interest**
  - Keeping communities of interest whole to the extent practicable. A “community of interest” is a group of people with a common interest, such as social, cultural, racial, ethnic, and economic interests common to the population of the area.
- **Municipal Boundaries**
  - Drawing districts that avoid splitting municipalities into multiple electoral districts to the extent practicable.
- **Compactness**
  - Drawing districts that are “compact.” There is no official definition, however, of a compact district and many people instinctively rely on the “I know it when I see it” test. In general, a compact district has a more regular shape, as opposed to a more convoluted one.
- **Major Physical Features as Boundaries**
  - Prioritizing using major roads, railroads, waterways, and other similar visible features as district boundaries as opposed to administrative boundaries that aren’t visible on the ground.
- **Post-Census Development**
  - Weighting the population of various districts based on known growth patterns. For example, in a known high-growth area, a district could be drawn towards the lower end of the acceptable deviation range. Likewise, a lower-growth district could be drawn towards the higher end of the acceptable deviation range. The purpose of this practice is to try to use current information and projections in an effort to keep the districts within the acceptable deviation range until the next census. This is not required by law and most redistricting plans do not stay in balance over a ten-year census period.
  - This generally calls for us to work with school system or county planning staff to learn about growth patterns and projections.
- **Contiguity**
  - Ensuring contiguity, in other words, keeping all parts of a district connected to each other, is a fairly standard requirement for many redistricting processes. In this instance, however, the jurisdiction already contains non-contiguous regions—meaning that districts will unavoidably have disconnected parts. That said whether the new districts introduce any *new* non-contiguous situations could be specified as a principle for the process.
- **Pie Wedge Configuration** (particular to the BCS situation)
 

Preserving the arrangement where each district radiates from the center, touching the ACS Administrative Unit, to the outer Buncombe County boundary. With this layout each electoral district would border two other BCS electoral districts—and no more.



1. North Buncombe
2. Owen
3. Reynolds
4. Roberson
5. Enka
6. Erwin

Population Deviation with Current Districts

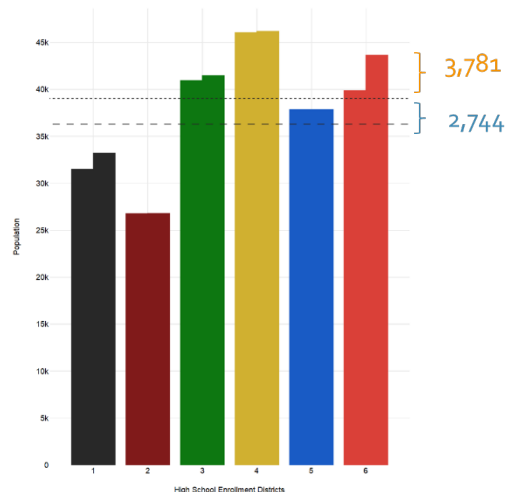
#### Split Blocks Between Existing Enrollment Districts



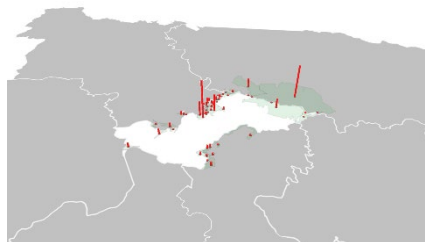
# 1642

Work Session Minutes – November 7, 2023

## Population Deviation with Current Districts



## Split-Block Uncertainty Magnitudes



## Next Steps and Timeline

- Today—reach consensus on optional criteria to the extent possible.
- December meeting—present three alternative plans to the Board based on the constraints of the split block uncertainty and the criteria provided by the Board today.
  - Remember that emphasizing some set of criteria may make it difficult to emphasize some of the other criteria. It is a balancing process.
  - Should any plans be eliminated? Are any additional plans needed?
  - Make determinations about feedback from the public.
    - Timing/nature of public hearing.
    - Other methods to gather input—web landing page with submission form, posting paper maps with comment cards, etc.
- January/and or February Meeting (or special meeting)—continue discussion and possible public hearing.
- February or March Meeting—consider resolution adopting preferred plan.
- Following adoption—we will work with the Board of Elections to export the data they need to update their voter information.

Mr. Mitchell and Mr. Esselstyn then addressed questions from board members and asked the Board to share with them their top criteria in considering new electoral district lines. The plans will be developed from the criteria that the Board feels is most important. After discussion, the board members determined that the following criteria were important priorities to consider in redrawing electoral districts: maintaining as much as possible “high school” districts; taking into consideration where incumbents currently reside; communities of interest – keeping elementary attendance districts together; contiguity to the extent possible; and the pie wedge shape of the district.

## Closing Comments

In closing, the Board determined that there would be a need to have a work session before the regular BOE meeting on December 7, to begin at 2:00 p.m.

## ADJOURNMENT

Ms. Churchill made a motion to adjourn the meeting at 4:10 p.m. and Ms. Lewis seconded the motion – the motion was approved unanimously.

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Rob Jackson, Superintendent &  
Ex Officio Secretary

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Ann B. Franklin, Madam Chair

Minutes for Approval: December 7, 2023  
klm