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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
October 10, 2001
8:30 a.m.

ARIZONA INDEPENDENT
REDISTRICTING
COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING
2 COMMISSION convened in Public Session on October 10,
3 2001, at 8:30 o'clock a.m., at the Sheraton Airport
4 Resort, 1600 South 52nd Street, Tempe, Arizona, 85281,
5 in the presence of:

6

7 APPEARANCES:

8 CHAIRMAN STEVEN W. LYNN

9 COMMISSIONER JAMES R. HUNTWORK

10 COMMISSIONER JOSHUA M. HALL

11 COMMISSIONER ANDI MINKOFF

12 COMMISSIONER DANIEL R. ELDER

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Phoenix, Arizona

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ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel

JOSE de JESUS RIVERA, Commission Counsel

DR. ALAN HESLOP, NDC, Consultant

DR. FLORENCE ADAMS, NDC, Consultant

DOUG JOHNSON, NDC, Consultant

CHRIS HUTCHISON, NDC, Consultant

MARGUERITE MARY LEONI, NDC Counsel

MARION PORCH, NDC, Support Staff

LOU JONES, IRC Staff

CINDY LE, IRC Staff

IVA ROCKWELL, IRC Staff

KRISTINA GOMEZ, IRC Staff

AMY REZZONICO, IRC Press Information Officer

PAUL CULLOR, IRC Staff

TIM JOHNSON, MC, Computer Consultant

LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM CALL TO THE PUBLIC:

- KIRK ADAMS
- MAYOR JOE DONALDSON
- FRANK SEANEZ
- CHUCK GRAY
- PATRICIA OLDRAYD
- GARY PIERCE
- CHUCK DAGGS
- HUGH HALLMAN
- MARK THOMPSON
- SPEAKER EDWARD T. BEGAY
- NEIL WAKE
- LOUISE DAGGS
- ATTORNEY GENERAL RODOLFO MARES, (Pascua Yaqui Tribe)

AGENDA DESIGNATED SPEAKERS:

- DR. ALAN HESLOP
- DR. FLORENCE ADAMS
- DOUG JOHNSON
- CHRIS HUTCHISON

1 Public Session
2 Tempe, Arizona
3 October 10, 2001
4 8:30 o'clock a.m.

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9 P R O C E E D I N G S

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13 CHAIRMAN LYNN: I'll call the meeting of
14 the Independent Redistricting Commission to order.

15 For the record, all five Commissioners are
16 present along with legal counsel, consultants,
17 consultant's counsel, actually. Consultants will be
18 with us shortly, and NDC staff.

19 As is custom, the first order of business
20 is call to the public, public comment.

21 This is the time for consideration and
22 discussion of comments and complaints from the public.
23 Those wishing to address the Commission shall seek
24 permission by filling out a speaker slip. Anyone that
25 has not done so, please do so and submit one as quickly
as you can, please. Action taken as a result of public
comment will be limited to directing staff to study the
matter or rescheduling the matter for future
consideration at a later date unless the subject is
already on the agenda for this date.

I have eight speaker slips at the moment.

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1 If you have a slip and haven't turned one in, turn one
2 in to staff or raise your hand and we'll pick it up.

3 First speaker is Kirk Adams.

4 Mr. Adams.

5 MR. ADAMS: I appreciate this opportunity
6 to speak to you.

7 I've had the opportunity to attend several
8 meetings. I commend the Commission and staff for
9 providing a very open process for members like the
10 public and myself to attend the meeting.

11 What I'd like to address today is a reason
12 why voters across Arizona, what we voted for in Prop 106
13 has been in my mind an attempt to distort what Prop 106
14 is all about.

15 As voters of Arizona, we did not vote to
16 artificially elevate one party over another. Prop 106
17 is very clear in priorities when it talks about it must
18 comply with the Voting Rights Act, districts must be
19 geographically compact and contiguous, respect
20 geographic interests, et cetera. The last item, number
21 six, competitive districts shall be favored where to do
22 so creates no significant detriment to other goals.
23 This has been an issue of late where people have tried
24 to elevate this as being the most important part of Prop
25 106.

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1 As a citizen of Arizona, I would like to
2 state my opposition to the idea. We simply need to give
3 a handout to one party and help them obtain an advantage
4 that they clearly do not naturally have at this time. I
5 think that this district, this Commission has done an
6 excellent job, all Members of the Commission, whether
7 they belong to the party I do or not, in listening to
8 the party -- whether they belong to the party I do or
9 not, surprise, endanger, that you should artificially
10 put more emphasis on one factor of Proposition 106 to
11 the detriment of others.

12 We appreciate what the Commission has done
13 and look forward to receiving the final draft.

14 CHAIRMAN LYNN: Thank you, Mr. Adams.

15 The next speaker is Mayor Donaldson.

16 Mr. Mayor, I have no idea what you are
17 about to say. Please, if you would, we understand
18 everything that you said yesterday and in your previous
19 appearances. Redundancy is not the most helpful thing
20 at this point. If there is something new or different,
21 fine. We heard everything you said yesterday.

22 Thank you, sir.

23 MAYOR DONALDSON: Respectfully, I heard
24 repetition is the mother of studies. While my comments
25 may be somewhat redundant, I will continue to reinforce

1 the point I feel it is very necessary to make on behalf
2 the City of Flagstaff and my community.

3 In respect to your request, some remarks
4 may be redundant, and I beg your indulgence and
5 apologize.

6 CHAIRMAN LYNN: It's not necessary.

7 MAYOR DONALDSON: Thank you for the
8 privilege to give comments you raised at the conclusion
9 yesterday. We appreciate the opportunity offered for
10 the Legislative District which takes into consideration
11 two principles of the Flagstaff City Council and
12 Flagstaff community. One is to maintain the Flagstaff
13 principal planning area in one planning area, one
14 Congressional District, and, two, recognition of the
15 rural community of interest most closely allied with
16 Flagstaff in the cities and towns of Verde Valley.

17 As I indicated in my remarks yesterday, I
18 recommend to the Commission District A east, south
19 Apache, Greenlee, Graham, Gila, Pinal counties. I
20 believe it includes interests in the White Mountain
21 Apache San Carlos Apache Tribe included in District A.
22 I appreciate the opportunity to prepare a draft map for
23 your review. I trust the Commission to devote time and
24 technical resources needed to address the request as it
25 has done so to address other Commissions, address

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1 direction to consultants in District A and C.

2 I recognize the need for this direction to
3 include flexibility and full latitude in considering
4 these revisions. I understand some Arizona
5 neighborhoods are included in this Legislative latitude.
6 I understand the latitude is considered needed for
7 meeting the proposition criteria of balancing many
8 requests, concessions, the request for considering
9 options that unified the position of the City of
10 Flagstaff, Northern Arizona University, and the Navajo
11 Nation.

12 Thank you.

13 CHAIRMAN LYNN: Thank you. I apologize
14 for the comment. It's simply long days and trying to
15 get through a lot of material. I did not mean to impede
16 your thoughts and communication with us.

17 MR. DONALDSON: I apologize if I said
18 something I shouldn't have.

19 CHAIRMAN LYNN: It's perfectly fine.

20 Next speaker, Frank Seanez, Navajo Nation.

21 MR. SEANEZ: As you well know, I will not
22 repeat myself again relative to matters. I'd like to
23 amplify points made by Mayor Donaldson. Flagstaff
24 should not be joined in the same legislative nation.
25 The Navajo Nation and Flagstaff should be in separate

1 districts. The Legislative District that includes the
2 Navajo Nation set forth in P now needs to be adjusted,
3 needs to be adjusted so it includes Page. Page was
4 included within the Navajo Nation proposal district.
5 There's a tremendous community district with Page. Page
6 there, as we told the Commission back on June 25th,
7 because the Navajo Nation gave up that land in order for
8 Page to be constructed. Page was constructed in order
9 to service the power plant there for provision of power
10 to the southwest, to this great city we're in now, as
11 well as power for pumping stations for the Central
12 Arizona Project. This is all Navajo water, as I see it,
13 that we're all drinking, refreshing ourselves with
14 today. That's part of that community of interest
15 between the Navajo Nation and Page. As well, the
16 Commission needs to take a step back and look at
17 scenario F, approved on the 24th after you approved,
18 after long debate, to allow the Navajo base Athabascan
19 brothers, sisters, White Mountain Athabascans. That can
20 be done without going through the southern portion, the
21 southern portion of Apache. The Navajo Nation, uniting
22 Navajo County, the entirety of the Apache Nation, that,
23 of course, is in accord with one of the very primary
24 principles of Proposition 106. The Navajo Nation
25 preferred that, recognized that other perceived

1 principles of interest barred that. Some involved
2 partisan politics within the State of Arizona and do
3 realize that. However, there are methods proposed by
4 this Commission and these consultants, scenarios D and
5 F, that allow current communities of interest to remain
6 intact, to a large extent.

7 We're surprised scenario D didn't get any
8 play whatsoever. That would have allowed the eastern
9 portion of EACO to swing around Greenlee County, Graham
10 County, and come up through other mining communities,
11 Morencie, Clifton, big mining counties. There was
12 important discussion of linkage up through mining
13 communities, linked up Mammoth, Superior, Winkelman.
14 Under D, it would not have caused Apache County to be
15 linked with Cochise County. It would have provided a
16 solution for the difficulty for both the Cochise County
17 AUR, we believed was not necessary. For some reason
18 that's not the direction the Commission went. The
19 Navajo Nation believes Navajo should be linked with the
20 up White Mountain Apache, San Carlos Nation.

21 You can still go there. We indicated the
22 Commission could have linkaged it with the Southeastern
23 Navajo County. We believe that is still an option the
24 Commission has left open for itself.

25 The Navajo Nation still thinks D option

1 would have been better, not only for the Navajo Nation
2 but for EACO to perceive and retain its continuing
3 community of interest earlier.

4 One problem the Navajo Nation sees and
5 hopes the Commission sees as well is establishment of
6 the EACO district primarily, as we heard recently as
7 that, primarily a Legislative District, Legislative
8 District map. That's one of the problems you have, big
9 problems, solving what to do with some of the other
10 southern and southeastern districts.

11 Z is solvable if you can look into EACO,
12 if it's reduceable, which generates all other ways, and
13 cannot reduce the other end, crash off EACO, the other
14 side, if you cannot run through it.

15 The Commission does not have unsolvable
16 problems within the Legislative District map within the
17 State of Arizona. EACO cannot be sacrosanct and a jewel
18 so disturbed. As well, the Navajo Nation points out at
19 the end of the Commission's last evening, after the
20 Diamonbacks, 3A incorporated into the map to a certain
21 extent, what you need to look at in the view of the
22 Navajo Nation, the last part of 3AA was not included in
23 yesterday's tests or votes taken, and that is to unite
24 the Hopi Nation and the Northern Arizona District. And
25 one reason why it really needs to be done now, a

1 unanimous vote was taken yesterday evening, four zero,
2 for removal of the Salt River and Fort McDowell from the
3 northern rural Arizona District and involved removal
4 pretty much of 7,000 entirely Native American population
5 from that Northern Arizona rural district. Really the
6 only way is to place that district back in the same
7 position is to do what the Commission ought to do under
8 the other Proposition 106 principles, in the maintenance
9 of interest, contiguity, compactness, unite the Navajo
10 Nation, keep compactness of the Northern Arizona
11 District.

12 Thank you Commissioners. I'll answer
13 other questions.

14 COMMISSIONER ELDER: Frank, have you
15 tasted the water down here? Take it back.

16 MR. SEANEZ: I can taste Navajo Nation
17 Colorado River water a mile away.

18 CHAIRMAN LYNN: Next speaker is Chuck
19 Gray.

20 MR. GRAY: Members of the Commission, I
21 appreciate the opportunity to address you this morning.
22 I'm Chuck Gray representing the City of Mesa. I'm not
23 here in my official capacity but as a resident. I've
24 been a resident my whole life, as were my parents and my
25 grandparents, their whole life, mostly, for my

1 grandparents.

2 The issues you'll address span time for
3 not just this week, month or this decade. My family has
4 been here since 1877. We've been a community of
5 interest since then. The reason for my remarks this
6 morning are I want to thank the Commission for their
7 openness and availability we've had online for maps,
8 interactivity of the maps, so we can actually see what
9 is going on and have an open process. That's been
10 helpful for me and other people in Mesa.

11 I've attended meetings over time mostly
12 focusing on Legislative Districts. Then during the
13 night it came online and we found out there were new
14 proposals for Congressional Districts. Number one, on
15 the website, we couldn't get some maps on the wall over
16 here, couldn't get a map, test map 3HH, the
17 Congressional District. And that was a proposal
18 forwarded to you folks for consideration. So, number
19 one, I mentioned earlier to other speakers, proposition
20 speakers, all criterias, the level of importance, it's
21 obviously to comply with the Voting Rights Act, the
22 number one thing. The number two thing, equal
23 population, represent everybody equally. Number three
24 is districts be geographically compact.

25 I'd like to commend the Commission on

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1 compactness of districts as approved in the August 17th
2 hearing. They were very compact, very contiguous,
3 almost represent square, block, a grid-like situation.
4 Also, I point out the next issue is to respect the
5 community of interest.

6 Number four, on Prop 106, Mesa has been a
7 community of interest since the 1800s. If you divide
8 us, you put one-half in one district, another half in
9 another half, it divides us along a long course. Those
10 settlers came here with that interest. We've always
11 been known as a bedroom community. We've seen in the
12 papers Mesa can't find a moniker. Bedroom community, it
13 always has been. Families are going to be different,
14 educational communities with Tempe, different business
15 communities than with Scottsdale, I submit that what we
16 say, what you've already approved, the Legislative
17 District F provisional map dated August 17th, stay with
18 that map, keep it contiguous. It keeps Mesa together,
19 all sessions. Tempe said keep Mesa together. Chandler
20 said we want to stay together. AJ you heard wants to
21 stay together. Mesa wants to stay together as much as
22 any other.

23 Keep in mind this particular map of test
24 HH Congressional District, 3HH is not anything that to
25 conforms 106. It divides communities, is very divisive.

1 Some people say it's artificially -- makes districts
2 divisive. Competitiveness is the last thing on the list
3 as long as it doesn't conflict with other things on the
4 list. I submit dialogue to you.

5 CHAIRMAN LYNN: For your information, test
6 HH is on the website and available.

7 MR. GRAY: Then during the night it went
8 on the website. Of all the interactives last night, it
9 was not on. Than during the night it was too busy,
10 nobody could not get on.

11 CHAIRMAN LYNN: Maybe it was refreshing.
12 The web master said it would be available and has been
13 since available.

14 MR. GRAY: You guys are wonderful. Went
15 up at the last minute. I was closing in on when you
16 guys need to submit new proposals. You can't look at it
17 under certain circumstances, and I wanted to be open and
18 honest.

19 CHAIRMAN LYNN: We appreciate that. We'll
20 try to keep it updated as best we can.

21 Next, Patricia Oldrayd.

22 MS. OLDRAYD: Oldrayd.

23 CHAIRMAN LYNN: Could be my speaking.

24 MS. OLDRAYD: I appreciate the ability to
25 speak.

1 As I understand it, you've listened to the
2 public for months, and really listened to them, because
3 the maps that have been provided have reflected the
4 wishes of people that have spoken.

5 Up until the new maps, communities have
6 been well-represented in the maps. We in the East
7 Valley have a very distinct community of interest. And
8 we want to keep that community of interest intact and
9 feel that if our City of Mesa is divided, our interest
10 would be divided, also. That was my main concern, that
11 we are able, as a district, to keep that community of
12 interest intact, and ask you to submit the maps that you
13 have already drawn that keeps these interests in the
14 East Valley together.

15 We appreciate the ability to speak to you
16 this morning and hope you'll consider what I said.

17 CHAIRMAN LYNN: Thank you, Ms. Oldrayd.

18 CHAIRMAN LYNN: Next speaker, Mr. Pierce.

19 MR. PIERCE: Thank you, Mr. Chairman.

20 Like all the others, thank you for the
21 work you've done on the committee. It's a tremendous
22 amount of time you've put in. You do need to be
23 thanked.

24 I've been on many boards and Commission's,
25 and the time spent on Boards and Commissions, you don't

1 get near the publicity you've gotten. It should be good
2 publicity.

3 I was at one meeting at the community
4 college, Mesa. I support keeping Tempe and Mesa
5 together. The concern is the 3H map. Looking at that
6 compared to the aforementioned August 17 maps that had
7 Mesa in one, in Mesa, that map in Mesa, there was
8 tremendous amount of room for growth. And there's a
9 great deal of potential as you draw these districts, a
10 million people, 10 years, and another district, not much
11 more than what the goal number is now, 650,000, whatever
12 that is.

13 What you should look at is are there areas
14 to make sure we grow into, in the commonalty requirement
15 that you would like to have. I'd like you to consider
16 that. I don't think the 3H map does that.

17 When I look at areas in that, it looks
18 like it's pretty secured from growth.

19 The draft map out on the table, I don't
20 know which one it is, it's outstanding, outstanding,
21 keeping Mesa, Gilbert, have a little Tempe, and so on.
22 That I believe the Commission voted to keep the East
23 Valley inasmuch as close as possible, a good move to
24 take. I hope you'll abide by that.

25 The 3H map which seems to have fallen was

1 probably as -- I think about the original grid map,
2 really did a lot of good things. It needed to be
3 fine-tuned. That's what you accomplished. 3H
4 influence, commonalty, the 3H map was a worse job than
5 the indiscriminate map. That's something that you
6 should be cautious of. I don't know how you get, said
7 this Mesa community. I don't know how you make it
8 competitive. Primaries are competitive. I don't know
9 how you get general elections competitive.

10 Don't know on the gerrymandering, the same
11 thing, than ever done by the Legislature.

12 Those are my comments. Thank you.

13 CHAIRMAN LYNN: Thank you Mr. Pierce.

14 Next is Chuck Daggs.

15 Mr. Daggs.

16 MR. DAGGS: Thank you. Mr. Chairman,
17 members of the Commission, I'm a Mesa resident, retirees
18 here for about, nine years. Maybe I speak for a number
19 of people in Mesa. I want to say I've had occasion in
20 the last few months to meet on occasion with one, two of
21 you. I'm impressed with the cause, the cause of
22 nonpolitical drawing of lines. It's a true goal you
23 have. I'm a little concerned I've learned you had made
24 a change yesterday, looked to me, very much like one of
25 the partisan proposals we heard earlier from the

1 Democrats earlier.

2 The problems outlined earlier, the problem
3 with the community earlier, it was ignoring -- the break
4 up of Mesa was just not a proper thing to do.

5 Therefore, save a lot of time. We'd really like to see
6 you return to the map you had in the August 17th draft.

7 Thank you.

8 CHAIRMAN LYNN: We're looking at a number
9 of options, studying a lot of options to enhance one or
10 more goals of 106, exploring goals which can be enhanced
11 without doing detriment to other goals, in any case, not
12 just competitiveness, community competitiveness,
13 enhancement of others. Understand that's where we are.
14 That helps as we go forward.

15 The next speaker is Hugh Hallman.

16 Mr. Hallman.

17 MR. HALLMAN: Ladies and gentlemen, thank
18 you for the opportunity be here. I regularly sat on
19 that side of the dias.

20 What we've already done is some screaming.
21 What I've done is nothing further from the truth. I
22 appreciate where you find yourself. No disrespect, I
23 assume you've done nothing, made no position. That's
24 accurate for people in public service. That being said,
25 I'm here to speak to you to consideration Congressional

1 option 3HH as it compares for a preferred alternative
2 for 3PP or 3CC.

3 The City of Tempe has come before you
4 regularly in the sense of a community of interest. With
5 respect to district proposals, let me perhaps outline
6 where the City of Tempe differs with communities placed
7 in 3HH. 3HH compares to Tempe essentially by small
8 population with the 800-pound gorilla west, City of
9 Phoenix, and parts of Glendale.

10 To give you a sense of communities, we
11 don't share commonality. You could make a list yourself
12 and remind yourself of the headlines: Sky Harbor
13 Expands; City of Tempe Quivers. Cardinal Stadium
14 Threatens Sky Harbor. Skip Rimza Threatens Cardinals.
15 Sky Harbor Seeks Expansion, Commuting East Valley Cities
16 to Downtown. City of Tempe Quivers. Four examples of
17 major issues, Federal Congressional overlays to City of
18 Tempe issues that differ dramatically from those issues
19 to west. 3CC, 3PP, coterminous with three other people
20 in other communities. Scottsdale, Tempe share the
21 commonality I refer to as the central corridor.
22 Scottsdale is not quite landlocked to the north. I
23 suspect many people wish it had been. It's continuing
24 it's growth issues in that guard. It, for example,
25 shares a number of items. Downtown areas are very old,

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1 relatively speaking, have major redevelopment issues.

2 We involve the federal area, overflights.
3 Tempe overflight. We see the entire East Valley,
4 recognizing the East Valley, the City of Scottsdale,
5 identical issues with the City of Tempe, the FAA
6 Congressional delegation. Examples, I think,
7 demonstrate the commonalty of the community with the
8 City of Scottsdale and similar Congressional District
9 3CC, 3PP, and recognize that goal without sacrificing
10 other goals.

11 I won't give you a lecture on the goals
12 you face. The goals you face as the City of Tempe
13 streams out should not be included in the district of
14 downtown Phoenix. It's a disastrous move for the City
15 of Tempe. Not to repeat myself, be overly repetitively
16 redundant, the legislative move is quickly, to the
17 extent it can divide the City of Tempe currently
18 proposed, we'd ask you to at least play with the
19 southern boundary slightly and make the boundary
20 coterminous with the Kyrene District respecting the
21 school district boundary.

22 I presented the concept of the second
23 community of interest, the City of Tempe, and that
24 boundary had people cut off to the south of the
25 community of interest that deal in legislative grouping,

1 that would make some sense.

2 With that, thank you very much,
3 3HH, bad. 3PP, 3CC, good. The
4 distinction I leave to others. For me, the most
5 important note is 3CC includes the Salt River Community
6 with the City of Scottsdale, leaves the community, they
7 believe that community best represents the interests of
8 the federal level representing the community that moves
9 forward, the community with good things in the three
10 cities, a community working together moving forward in
11 the City of Tempe with joint counsel, meeting
12 neighborhoods to the northeast. I hope to develop a
13 greater sense of community among those cities, 3CC,
14 preferred district over 3PP. 3HH bad. 3CC good.

15 CHAIRMAN LYNN: Before we leave, can we
16 have on the record, because there was a previous record,
17 just what is the northern boundary of the Kyrene
18 District as it relates to the district?

19 MR. HALLMAN: Guadalupe. I don't have the
20 exactly right. Provide the letter as it sits.

21 CHAIRMAN LYNN: Thank you.

22 The next speaker is Mark Thompson.

23 Mr. Thompson.

24 MR. THOMPSON: I'm not going to be talking
25 about legislative districts. Legislative Districts are

1 different and aided in some way around Highway 60.

2 I spent last week in New Orleans with
3 individuals as we discussed the South as they succeeded
4 from the North. We may be a little from the north.
5 Separate districts.

6 3HH rather takes a lot of time, just to
7 echo Councilman Hallman's "very bad."

8 You heard in the past testimony about
9 unique communities of interest. They do not share
10 anything in common with communities in Glendale or
11 Phoenix. They're unable, as the representative from
12 Mesa said, unable to access maps on Congressional or
13 Legislative maps. We can't give alternatives. There is
14 discussion on the original legislative grid that would
15 better serve Tempe, the legislative grid.

16 CHAIRMAN LYNN: Next speaker, Edward T.
17 Begay from the Navajo Nation. Speaker Begay.

18 SPEAKER BEGAY: Thank you, Mr. Chairman
19 Lynn, distinguished Members of the Independent
20 Commission.

21 As per the orders, you've been given a
22 task to do on order for the State of Arizona, coming up
23 with a plan that would be best used by the citizens for
24 the State of Arizona when they are electing a
25 representative to the State House as well as to the

1 Congressional. This is all triggered off by the 2000
2 Census count. It all happens in the State of Arizona,
3 due to weather, and other things, people all wanting of
4 life and are all attracted to retire, move and work in
5 Arizona, mainly Phoenix, and other cities adjacent to
6 the Phoenix.

7 Now, with that said, then you have all
8 Native Indian Tribes that are in the state. Whether
9 they have a large land base, large population, or what
10 have you, we, the Navajo Nation, we are recognized by
11 the United States government, ratified by the United
12 States Senate, and by virtue of that, we occupy a land
13 base, by virtue of that, which our population is such in
14 the year 2001, we thought we could have a opportunity as
15 native people, not only of the United States, but
16 Arizona, that we would get an opportunity to have an
17 input, an influence, with the Commission, since they are
18 labeled independent. However, looking and listening,
19 sometimes the independent slips here and there.

20 I think that's where we have diverse
21 opinion, ideology that gets into play, which is good.
22 That's why all you folks came from other countries to
23 this United States to which you chair the issues and we
24 chair the issue of freedom.

25 Of course, we enjoy and you enjoyed

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1 freedom and got along all these years and by virtue of
2 that United States government from time to time got this
3 idea we want to put Navajos into the melting pot.
4 Melting pot, different terms are used, melting pot. We
5 survived all those.

6 Ladies and gentlemen, I think, as I stand
7 before you, that will continue to be so. The Indians
8 survived, exercised what the United States called
9 freedom and fair representation. You know, I've heard
10 many years, even to the state statute Proposition 106,
11 that people of a diverse group must have formulated
12 those statutes. Little did they know five people would
13 try to use an instrument whereby they'd try to use that
14 instrument to satisfy an instrument to satisfy all the
15 instruments they believe uses a difficult instrument for
16 you to apply that instrument to organize one, organize
17 it, but the citizens would be representative, citizens
18 would have a say in elections.

19 Ladies and gentlemen, I think that is what
20 this is all about as I listen.

21 You establish rules. And rules are
22 already in place.

23 The Navajo Nation read those rules. And
24 based on that, we submitted a proposal to you. But all
25 your -- all the people that made presentations, as I see

1 it, for some reason for another, maybe it's because of
2 those rules, it became a moving target. That's why
3 there are so many maps. Every time we express
4 something, it gets into the website and it changes.
5 That's where we Navajos, we get nervous, nervous meaning
6 that the justification we provided for some reason gets
7 tweaked, as the word is. We don't like to be tweaked
8 out of the picture. People apply the definition. Well,
9 you can't put race in there, because that's something
10 else.

11 May I remind you, the United States
12 government established statutes, a federal statute,
13 where they recognized the races of the United States.
14 They label it civil rights.

15 I think we as citizens, and officials, we
16 have to pay attention to that. If we don't, somebody
17 will do it for us. But I'd rather have it done by this
18 Commission than other governments. So I think, I just
19 like to emphasize that. And also, in your rules, in the
20 rules, we all have to pay attention to percentages.

21 The Navajo Nation's submittal of a
22 package, we thought we could justify 24 percent plus
23 Native American, we would be in the ballpark, we would
24 be fairly treated if that was honored. Now being
25 tweaked down to 23, 21, and all that, that's where I get

1 nervous, not for myself, but for my people. And as far
2 as I know, the Navajo Nation, Navajo people, ladies and
3 gentlemen, we're here to stay. That does not mean we're
4 going to move to Sun City. That's already spoken for.

5 So with that, I appreciate the time that
6 is afforded to me.

7 I would like to thank you, even though you
8 were chosen to occupy these chairs, that's an awesome
9 responsibility. You are not going to please every one
10 of us. But if you are fair and pay attention to some of
11 our presentations and maps with narratives, then nobody
12 can say to you they didn't do their job.

13 Thank you.

14 CHAIRMAN LYNN: Thank you, Mr. Chairman.

15 Next speaker, Mr. Wake, representing
16 Arizonans for Fair and Legal Redistricting.

17 MR. WAKE: I had fair legal comment.

18 We believe now it's unconstitutional under
19 the Arizona Constitution to have politically motivated
20 and gerrymandering communities or other geographical
21 boundaries.

22 We think some plans explored are worth
23 exploring for the benefit it teaches us they cannot be
24 pursued without crossing over the boundaries. We think
25 that pretty plainly appears from the process.

1 Two other comments I wanted to add, one on
2 adequacy and fairness of the process.

3 The Commission has done a good job of
4 allowing people to study and consider the ideas.
5 Although at the last minute ideas being aired serve a
6 purpose, it would throw into question the legitimacy of
7 the process, strength of the process to make material
8 and last-minute changes that there were not the
9 opportunity to thoroughly air out as we'd go through
10 studying by public statewide comment.

11 The main comment expressed was to do
12 something that arises from past experience and goes to
13 risk for getting benefit and value for the efforts of
14 the Commission for participation of the public and the
15 public's monies spent on its effort.

16 If the Commission can make a last-minute
17 move, legally, a last-minute change in the Commission's
18 plans, as I said, we think the recently aired
19 politically motivated plans are unconstitutional.

20 What if my judgment on that is overstated?
21 What if not they are not clearly unconstitutional? What
22 if it is merely legally risky?

23 I came here to talk about the
24 Constitution, not about a lawsuit. But other people
25 fairly suggested the possibility of lawsuits.

1 Let me speak on the practicality of the
2 draft plan. We feel it will fail. On the Voting Rights
3 Act, it is good. There are no Constitutional defects.
4 If anyone wishes to take that plan to Court, the
5 Commission adopts it, it would be in the unpleasant
6 position of the Courts to order an unconstitutional
7 gerrymander. Good luck with that.

8 If the Court would make a last-minute
9 change to the politically-mandated plan, there's the
10 grave risk all the work done will be wasted. The reason
11 is if the matter goes to Court and if the Courts
12 determine at the last minute it's a
13 politically-motivated plan, that violates the
14 Constitution or federal law and as a practical matter
15 the Court would have to adopt its own plan for technical
16 reasons.

17 There are a lot of reasons people aren't
18 familiar with as a practical impediment to the Court
19 going back to the IRC draft plan as a fallback.

20 One reason is if the Courts adopt the
21 draft plan, the governmental sponsorship of such plans
22 still require preclearance from the Department of
23 Justice. Plans have to be in place by -- I think maybe
24 the second week of May, at the latest. It means only at
25 a certain period of time do you process challenges in

1 court and here is the time for challenges. I don't
2 think there is the time for the Courts allowing it to go
3 through the Justice Department for preclearance. What
4 that means is the Courts adopt their own plan from
5 scratch. They'd not adopt a good plan with an IRC draft
6 plan, if it had not met the legal requirement, and let
7 it go a second round with Justice Department
8 preclearance. That by that time, as what happened in
9 1992, it would be litigation redistricting.

10 The Court consciously, if it adopted,
11 endorsed this plan, the plan emanating from the
12 government, that would have to go through preclearance
13 as opposed to if it had adopted a plan that did not have
14 government sponsorship partly in order to solve that
15 problem and adopt a plan, and to have adopted a good
16 one.

17 The consequence of that, if the Commission
18 were to make a material last-minute change, it would be
19 legally risky. The Commission would also be risking all
20 the work, all the public's effort, and participation,
21 and public expenditure.

22 As a secondary reason, as with any
23 expenditure of money, it should not take any risk with
24 the plans it adopts.

25 If there are any questions, I'd be glad to

1 respond.

2 CHAIRMAN LYNN: Mr. Wake, I have a
3 question. I appreciate your comments, thoughtful,
4 notwithstanding the emotionally charged words you used.
5 I want to pursue that.

6 I'd like you to give me your opinion,
7 which apparently you have a working knowledge of, of
8 politically motivated charges vis-a-vis compliance with
9 one of the tenets of 106 which is competitiveness, and
10 of necessity, competitiveness is a political animal.

11 MR. WAKE: Mr. Chairman, I intended that
12 phrase as descriptive. If emotionally charged and
13 descriptive, I did not intend that.

14 Looking at the lines, the numbers of
15 Democrats and Republicans, for the last provision of
16 106, it says "may be considered" for political
17 competitiveness. So political competitiveness, I
18 believe, means a politically-motivated party, for
19 advantage or disadvantage.

20 Permissible consideration under
21 Proposition 106, only if not compromised for higher
22 goals.

23 That's all I meant to say by fair and
24 active consideration in the process undertaken.

25 It's legitimate to look at maps,

1 legitimate.

2 What I'm saying is the process is what the
3 Commission is doing. So to make a material change, go
4 for changing the scales and dictate a partisan outcome
5 in the elections, politically motivated, that
6 compromises senior values. That's my point. I hope you
7 take it in that fashion.

8 CHAIRMAN LYNN: Let me follow up with two
9 quick factors. The other commissioners want to follow
10 up.

11 To that end, Mr. Wake, the determination
12 of significant detriment in the statute reads, the
13 constitution now reads, it is left to the Commission, in
14 the initial phase of the process, that it is obviously
15 subject to review by whoever wishes to challenge the
16 judgment, the significant detriment issue is achievement
17 of an ultimate goal in the act which is something we are
18 doing as a process and gathering, as we continue to
19 gather today, opinion as to what constitutes significant
20 detriment and what doesn't.

21 MR. WAKE: Yes.

22 CHAIRMAN LYNN: Lastly, we made comment on
23 more than one occasion as to last-minute changes. I
24 only submit to you any change late in the process
25 construed as last minute without inputting concern that

1 it is somehow not shown earlier for reasons of not
2 wishing it to be looked at.

3 This is a fluid process. It's the last
4 day we meet with substantial fluid testimony that
5 appears before the Commission that causes a decision as
6 reflective as it relates to one or more of the goals. I
7 hope that is not viewed as a last-minute negative sense,
8 last-minute in the sense of part of the process and
9 responsive to the process.

10 MR. WAKE: No quarrel. That's a fair and
11 accurate characterization of the responsibility.

12 CHAIRMAN LYNN: Several Commissioners,
13 Mr. Hall, Mr. Huntwork, then Ms. Minkoff.

14 COMMISSIONER HALL: I'll be brief.

15 I have a mental practice of counting the
16 times there's inference of "sued" during public comment
17 period. I'm up to three.

18 MR. WAKE: No such.

19 COMMISSIONER HALL: Nevertheless, it's
20 always there.

21 What I thought I heard you say, and you
22 can always clarify, you are supportive of the general
23 configuration of the draft Congressional map.

24 Is that to say you would represent a plan
25 similar to that on behalf of the Commission?

1 MR. WAKE: Yes.

2 COMMISSIONER HALL: Thank you.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Mr. Wake, you
5 raised a scenario I have not been thinking about at this
6 point that we're trying to think about at this point in
7 time. We're trying to make the best position at this
8 point in time and defend the best decision. I'd ask you
9 a bar question, a fairly simple one.

10 Should we reach a point where the Court
11 were doing the job for us, would the Court be applying
12 principles of 106 in order to draw the lines in Arizona?

13 MR. WAKE: Absolutely.

14 COMMISSIONER HUNTWORK: In that case,
15 would not the Court derive the benefit of the record we
16 created throughout our process?

17 MR. WAKE: I believe the answer to that
18 question is yes. The concern they articulated again
19 arose from what happened last time is the case law under
20 the Federal Voting Rights Act plan that has legislative
21 sponsorship. Our State Commission has legislators', as
22 have other states, judicial endorsement of the
23 legislative sponsored plan. And the plan requires
24 preclearance, a very technical point, with very
25 technical consequences.

1 I believe the answer to the question: The
2 record made here would be used in litigation, I believe
3 and assume. The benefit of what's been done here would
4 be reviewed. The problem is that the actual judgments
5 made by the Commission that says this is a plan that we
6 think is best to implement, that plan they'd not be able
7 to use as a fallback if the Commission adopted the plan
8 if it were rejected for any reason.

9 I want to be clear. I've not been
10 commissioned by anyone to do any lawsuit, to do any
11 suggestion of any lawsuit. Our concerns, my client,
12 John Winny (phonetic), President, is to do exactly the
13 same thing this Commission does, to look at the
14 responsibilities and principles, get our view of how
15 they cash out, as we've all been commissioned to do.

16 CHAIRMAN LYNN: Ms. Minkoff.

17 COMMISSIONER MINKOFF: I have questions in
18 terms of your interpretation of Proposition 106.

19 We've been endeavoring to follow the
20 requirements of Prop 106 all through the process.

21 Proposition 106 is very specific. It says
22 after we developed draft maps we should send it out for
23 a minimum of 30 days' public comment.

24 CHAIRMAN LYNN: Sorry. I didn't mean to
25 throw it at you. I did a poor job of putting that to

1 you.

2 COMMISSIONER MINKOFF: If you did, you did
3 a poor job of it.

4 After 30 days' public comment, we bring it
5 in for development of final maps. Competitiveness
6 cannot be considered in the first phase of the drafting
7 process. The Commission, conscious of the draft maps,
8 considers it after the draft maps are sent out for
9 public comment. My concerns on your admonition that at
10 the last minute politically motivated changes are not to
11 be made, if we don't look at competitiveness, we're in
12 violation, wouldn't you agree?

13 MR. WAKE: I'm not saying don't look at
14 competitiveness. I'm not saying don't look at
15 competitiveness. You can't go -- it's not above higher
16 priorities. It's last -- a tie breaker, not elevated
17 above the others. I believe we had --

18 We wanted to communicate --

19 COMMISSIONER MINKOFF: I understand that.
20 Let me continue.

21 Any changes we make now might be done as
22 straight last-minute changes of developing of final
23 maps. Do we not have an obligation to be responsive to
24 the comment we heard in the 30 days of public comment,
25 that we heard much of, which were addressed in the

1 public comment period?

2 MR. WAKE: Yes.

3 COMMISSIONER MINKOFF: Other comment,
4 which is a difficult and subjective one, would you tell
5 me what is a significant detriment to other criteria?

6 MR. WAKE: Concerns that are with us, the
7 simple district -- Central Phoenix Plan.

8 COMMISSIONER MINKOFF: Okay.

9 MR. WAKE: The Downtown Phoenix plan spoke
10 to previously, I'll briefly restate what I said there,
11 it seeks out disparate portions, disparate portions of
12 -- east-west portions of the valley, breaks up the
13 east-west plans within the cities, self-identified
14 portions.

15 You heard about Tempe, Scottsdale. The
16 reason for that is to change the political voting
17 behavior, outcome, call it Republican, Democrat, there's
18 no secret about that. It's one of the factors the
19 Commission looks at. That kind of particular lines that
20 is drawn for purposes of the affect of the
21 Democrat-Republican outcome, that has to significantly
22 affect real communities of interest.

23 Please do not take comments I'm
24 questioning you're making at the last minute regarding
25 change we're responding to as everything the Commission

1 has heard. What I intend to communicate to is I believe
2 things we explored thoroughly and well-reveal political
3 competitiveness, what I call political motivation,
4 prevailing over senior priorities that divert from the
5 draft plan, even though the Commission must continue to
6 process to the last minute and give weight to everything
7 it hears to the last minute.

8 CHAIRMAN LYNN: Mr. Wake, we appreciate
9 your indulgence at the last minute.

10 The last speaker slip I have, and if
11 anyone else wants to speak, I need their slip fairly
12 quickly, the last speaker slip is Louise Daggs.

13 Ms. Daggs, if you would, please.

14 MS. DAGGS: I've followed the process
15 since the beginning, but I've not spoke before.

16 I followed the process, and I live in East
17 Mesa. I don't have community interest in Tempe, don't
18 have community of interest in Paradise Valley or
19 Scottsdale. In many cases it's difficult to get to
20 those places. There are natural barriers of the river
21 and Indian Reservation where there are no roads.

22 We like what you've done up to now and
23 hope you would keep that in mind.

24 CHAIRMAN LYNN: Thank you very much.

25 Are there other members of the public that

1 wish to be heard at this time?

2 If not, the Commission will recess for
3 some period of time. I'd like to think it would be
4 about 15 minutes, but then, you know how that goes.

5 (Whereupon, a recess was taken until
6 approximately 10:00 a.m.)

7 CHAIRMAN LYNN: I'd call the Commission in
8 session.

9 This morning there was one individual who
10 for scheduling reasons, looking at our session, thought
11 we started today at 10:00, wanted to speak today.
12 Without objection, I'll entertain one more speaker,
13 Rodolfo Mares, Assistant Attorney General for the Pascua
14 Yaqui Tribe.

15 MR. MARES: Mr. Chairman, Members of the
16 Commission, I welcome the opportunity to offer comments
17 for the Pascua Yaqui Tribe in Tucson.

18 I'll make my comments brief. I have a
19 letter as well as a proposed map.

20 My comments are related to the Tucson
21 Metropolitan area. Given the way the Pascua Yaqui Tribe
22 scattered is about different areas of the metropolitan
23 region, we ask you simply move the reservation. The way
24 you have it configured, I believe it's Y down there,
25 into, I believe that would be now AA. What that would

1 serve to do is join the majority of the members of the
2 tribe, at least the next largest cluster of tribal
3 members come to be known as Old Pascua, bring the vast
4 majority of tribal members to reside on tribal lands,
5 also join with -- the slight possibility of bringing in
6 folks residing in the South Tucson area.

7 The actual line for CC splits members that
8 reside in the South Tucson area. But the way that the
9 population is scattered about in that area, it's much
10 more difficult to draw the lines so as to cleanly bring
11 them in. So the members of the tribe are very disbursed
12 with what is a predominantly Mexican population. So
13 it's difficult to draw them out.

14 Simply said, I ask on behalf of the Tribe
15 that the way the Legislative District map is drawn with
16 Y, including the Pascua Yaqui reservation lands, that be
17 moved to AA. Given the small population we're talking
18 about, according go to our demographics drawn in August
19 2001, we're talking a population base of slightly over
20 3,300 people. The shift is not going to be of a
21 dramatic shift as far as still maintaining a one-to-one
22 ratio which I know you want to be satisfied.

23 So with that said, I'd like to present our
24 letter as well as a depiction of demographics of the
25 tribe and depicted map. At the time we had it down as

1 double T.

2 CHAIRMAN LYNN: We can figure it out.

3 MR. MARES: That's not what the
4 nomenclature is presently.

5 That being said, let me thank you all for
6 the opportunity to address you all. And please let me
7 say somewhat on a personal side, as someone from Texas
8 10 years ago that sat in the position you all are
9 sitting in in several districts: Good luck.

10 CHAIRMAN LYNN: Mr. Mares, we have a quick
11 request for the record.

12 MR. MARES: Yes.

13 CHAIRMAN LYNN: The Pascua Yaqui members
14 occupy four groups of land, if you will, around the
15 Tucson area.

16 MR. MARES: Correct.

17 CHAIRMAN LYNN: We only recognized the
18 Reservation and New Pascua?

19 MR. MARES: Correct.

20 CHAIRMAN LYNN: Old Pascua in Tucson.
21 New Pascua is in Marana.

22 MR. MARES: Correct.

23 CHAIRMAN LYNN: The remaining members are
24 wholly in South Tucson?

25 MR. MARES: Correct as well.

1 CHAIRMAN LYNN: Thank you.

2 MR. MARES: Merely addressing members of
3 the tribe in the Tucson Metropolitan area, the other
4 small communities in Coolidge, Eloy, the large community
5 in Guadalupe, a small community to the northwest of
6 Guadalupe, tribal identity as family. You'll find those
7 population breakdowns. There's a smaller area in
8 Chandler identified as High Town.

9 CHAIRMAN LYNN: Please, you're not asking
10 all those be joined as well. That's helpful. We
11 appreciate that.

12 We're happy to take your letter. Thank
13 you.

14 Let us turn to the Legislative mapping.

15 I believe the Commissioners received work
16 instructions given to the consultants the day before, or
17 the day before that, someday this week, and a chart to
18 indicate the results of work we asked the consultants to
19 perform. In some cases, some instruction was given,
20 particularly with respect to population equalization.
21 It may not have been completed at this point. I think
22 what we can do is we can see the general effect of what
23 we are trying to achieve based on the instruction given
24 and that some of that, some of the population work may
25 very well follow on as we look at maps.

 ATWOOD REPORTING SERVICE
 Phoenix, Arizona

1 Ms. Hauser.

2 MS. HAUSER: I wanted to let members of
3 the audience know that these handouts were just
4 delivered following the break to the Commissioners, and
5 Amy is out making copies for all of them even as we
6 speak. They'll be here shortly.

7 CHAIRMAN LYNN: Thank you.

8 As a general note, for anyone following
9 the process, most are regular attendees, we'll pass the
10 hat later, collect our normal offerings for whatever
11 causes we're supporting this week.

12 We should tell you in light of some
13 speakers that have been before us in recent days, we are
14 going to be, again, exploring a number of options and
15 may be making a number of statements about those
16 options. They shouldn't be misconstrued as anything
17 final. We're exploring.

18 As is often the case, we're sending the
19 consultants out to do work to show us and you exactly at
20 the same time. Therefore, many items there's a lag in
21 terms of the ability to be duplicated, ability to be
22 made available. There's a lag in the ability to be made
23 available on the website. You are seeing what we're
24 seeing. We don't want you to think it's orchestrated.
25 Most of you can attest if orchestrated, it should have

1 been better orchestrated. The work is an illustration
2 we're doing this in real time, a lot of real time.

3 Mr. Johnson.

4 COMMISSIONER MINKOFF: Mr. Chairman.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: Which base map have
7 you worked off?

8 MR. JOHNSON: Worked off 3G.

9 COMMISSIONER MINKOFF: 3G. Thank you.

10 MR. JOHNSON: Mr. Chairman, Commissioners,
11 I should thank the previous speaker. One thing I wanted
12 to correct from when I spoke the other day when working
13 on Tucson maps, the Tucson test, Monday I asked the
14 Pascua Yaqui be in the border district.

15 District Y as the gentleman purports was
16 referred to today, that I misspoke, it could be
17 fortuitous luck, depending, Pascua Yaqui AA on base map
18 G, I planned to come up with my apologies, a plan for a
19 way to put it back. The Commission can plan whether to
20 leave it this way or be putting it back.

21 CHAIRMAN LYNN: To set the record on
22 responding to public comment, unfortunately, Mr. Mares
23 isn't here to enjoy it.

24 MR. JOHNSON: He gave me a nice entry
25 there.

1 Mr. Chairman, in order, the multipage
2 handout, October 9th adjustments, map 3G describes for
3 you what pieces of the area moved how many people in
4 areas per each instruction. If that's okay with the
5 Commission, the test started down in Tucson.

6 The first test was to draw what was
7 proposed as 3G Competitive, the map for 3G.

8 I'll lay over the lines from 3G, see
9 exactly what moved on the map.

10 If we zoom in here, the two tests overlap
11 here, three portions of the plan. The black line you
12 see, thick black line, the original 3G border, the color
13 border does not correspond to the black line where the
14 color lines take place. The street descriptions are
15 given in the handout.

16 The first remainder of Flowing Wells, this
17 corner of the northwest Tucson, essentially the orange
18 area goes beyond the black line. The area moved
19 essentially north of Prince Road and over to the
20 highway. The tradeoff, first tradeoff that occurred is
21 after that area, BB. District BB is underpopulated over
22 here, the East Tucson Camp Adventure area, Census area
23 designations.

24 CHAIRMAN LYNN: You obviously haven't seen
25 Camp Adventure. It's not a landmark.

1 MR. JOHNSON: Well, picked up the same
2 region, same area, and looked at it on the other side
3 north and generally east of White Stone.

4 MS. HAUSER: White Stone.

5 MR. JOHNSON: The third and final piece of
6 the circle here is in the foothills area. Essentially
7 the line moves over to the La Pinata division. There's
8 the same tradeoff described when we described 3G.

9 The second change in Tucson was Rita
10 Ranch, move the Rita Ranch area from District CC.

11 CHAIRMAN LYNN: Mr. Johnson, before you go
12 on, recount for us as we go through these not just --
13 what we were trying to achieve based on instructions,
14 what you did, what the result was.

15 MR. JOHNSON: Okay. In the case of those
16 three changes just described, 11,000 moved in each one.
17 The goal was to improve the competitive measure of
18 District Z by registration and AQD measurements, a
19 similar change proposed from various citizens, and
20 increased the competitive level of Z by the change. BB
21 and DD were both impacted by the change but their
22 competitiveness did not significantly change.

23 CHAIRMAN LYNN: Can you quantify that
24 improvement?

25 MR. JOHNSON: I don't have that number in

1 front of me at this moment. I have spread sheets to
2 hand out of new stats.

3 COMMISSIONER ELDER: Mr. Johnson, is there
4 any attempt to stay in city and jurisdictional
5 boundaries?

6 MR. JOHNSON: Yes. In the moves around
7 Flowing Wells, Flowing Wells is a Census designated
8 place, not city, and we did unite Flowing Wells through
9 this move. And here, you previously see the black line,
10 Census place divided. On the city side, yes, we
11 attempted to follow two general lines, different places.
12 As the Commission and citizens testified, the Tucson
13 City line or river made more sense. We attempted to
14 follow the input from the two cases and follow either
15 the river division between the Tucson or foothills or
16 city border, as you see in the east. The unusual shape
17 added in the area was really just moving east, moving BB
18 east, keeping it within the City of Tucson. That's an
19 explanation for the somewhat unusual northern edge. But
20 it is the city border.

21 Going to the next step, I have files on
22 disk and will throw them on your computers at the next
23 break.

24 Rita Ranch, there's been testimony from
25 citizens, the Rita Ranch area, the instruction from the

1 Commission was to remove that. It followed those
2 borders, the Old Vail Road on the west, Valencia on the
3 north, and Cotton Street on the east.

4 Testimony and the goal here was Rita Ranch
5 community was a growing development which does not fit
6 in the demographics of community CC and has similar
7 features with District DD, which is just going to become
8 more of a difference as time goes on. So the
9 instruction was to look at taking that area out, which
10 we did. The tradeoff area is -- and there were 11,100
11 people in that area. The tradeoff area used again was
12 East Tucson. So we're working again at the Cotton Road
13 area, picking up DD into CC. It's a rough road south of
14 Golf Ranch Road.

15 I should point out as the Chairman noted,
16 the Commission gave instruction where we use major roads
17 as a border, things like that, there's minimal impact to
18 population deviation, and we want to do that in the
19 overall effort.

20 The population we got in the tests, we
21 want to do that with instruction when we revisit,
22 instructions changed as a result of that and a couple
23 other tests, regain D into this area, as you see here,
24 orange to east of the black line.

25 So the Rita Ranch change worked out at

1 population levels and did not change the community or
2 city borders.

3 The next instruction, we looked at the
4 Flowing Wells area, for lack of a better instruction.
5 The south pointing finger of what that was, the
6 instruction given to BB, the competitive change of
7 District Z, the area below Prince Road, the northwest
8 corner of Tucson, and traded. That put AA, it makes AA
9 more compact, follows Prince Road across more of that
10 area. What we traded off for the area was AA, moved it
11 to Z, north of Sunset Road near Silverbell.

12 In terms of cities and communities in this
13 area, I'll highlight them so you can see. This is the
14 area where Tucson was coming up towards this area, and
15 it is not affected by this change.

16 The south pointing section already in
17 Tucson remains in Tucson.

18 The area here is an unincorporated area.
19 You can see it's right on the edge of Marana here. The
20 unincorporated area is moved.

21 COMMISSIONER MINKOFF: There isn't an
22 additional area you moved?

23 CHAIRMAN LYNN: Microphone.

24 COMMISSIONER MINKOFF: There isn't an
25 additional area that moved south? Right near that area

1 pointing south, it looks like an additional area moved
2 south right towards that finger pointing south.

3 MR. JOHNSON: Yes. I thought from the
4 other change, you are right. This is another point of
5 change as listed on the handout there.

6 Looking at Gardner to Pomona and down to,
7 again, Prince Road, there are a couple of effects. It
8 significantly improved the compactness of the area
9 smoothing out a bunch of jags and did so without
10 affecting communities of interest.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: I have to admit,
13 I'm not familiar with the area. It seems to have a
14 fairly good effect on competitiveness. With quick
15 calculations, the areas switched a 10 percent difference
16 in registration to make something close to one and a
17 half difference in total ratio for the entire area. It
18 suggests to me there may be a community issue going on
19 there, community of interest issues, if somebody can
20 tell me who we are affecting there and why a seemingly
21 small change would have that dramatic of impact on
22 overall registration for coherent neighborhoods or
23 pockets.

24 CHAIRMAN LYNN: Not a coherent
25 neighborhood or pocket. District Z, I think District Z

1 has significant community interest issues. District Z
2 is a sandwich. Two outside districts sandwich the
3 northern boundary of Z. Eastern Pinal County is heavily
4 Democratic. Flowing Wells is heavily Democratic. The
5 middle communities of Marana, Oro Valley, Saddlebrooke,
6 Sun City, Vistoso, they're heavily Republican.
7 Adjustments made to the edge, a high concentration of
8 voters in one party. I don't know if that helps explain
9 it. That's how it's configured.

10 COMMISSIONER HUNTWORK: I'm concerned a
11 litter bit at the change. The area has a 10 percent
12 difference in Republicans and Democrats and is switched
13 around. And I'm wondering if the community of interest
14 differences are down there and how they're affected.

15 CHAIRMAN LYNN: Mr. Elder.

16 COMMISSIONER ELDER: The only things I
17 see, so the point of Lee Flowing Wells does not follow
18 the interface of BB, or the green area, and -- that line
19 right there. The Flowing Wells area probably comes down
20 to Flowing Wells, and here. It is split, was split
21 before. The other area looks like a trade, this area
22 here, and is almost indistinguishable in the foothills.
23 As Mr. Lynn said, it's indistinguishable, the Casas
24 Adobas area, the battle was incorporation.

25 CHAIRMAN LYNN: Incorporation.

1 COMMISSIONER ELDER: Incorporation. No
2 difference in issues, incorporation issues. This line
3 is a soft line. Type of socioeconomic, communities of
4 interest, education, the way they vote, the parameters,
5 what glue holds the community together, it's Tucson in
6 nature, what happens around Oro Valley, what line shifts
7 has made no difference. It's all sort of the same
8 population. This blend, this area here is unified,
9 uniform. There's a high school district, Flowing Wells
10 high schools. The whole sort of things hold together
11 with no injection in shifts made there.

12 COMMISSIONER HUNTWORK: Thank you.

13 MR. JOHNSON: Mr. Chairman, the next test,
14 let me ask a quick question. The first test you showed
15 us had increased competitiveness in District Z. The
16 second test showed us you just evened out lines,
17 correct?

18 MR. JOHNSON: Correct.

19 COMMISSIONER MINKOFF: Do you know if that
20 had an impact on competitiveness of districts,
21 significant impact?

22 MR. JOHNSON: See the spread sheet.

23 COMMISSIONER MINKOFF: Both changes.

24 MR. JOHNSON: Competitive registration and
25 AQD.

1 MR. JOHNSON: Competitiveness was changing
2 11,000 for some people. Smoothing of lines is only
3 1,500 people, smaller population.

4 MR. JOHNSON: Next to the tests combined
5 into one, Aviation Park people combined into one of the
6 areas contiguous. This is an area just northwest of the
7 Air Force base, obviously, and south of University.

8 Zooming in here, the first instruction
9 was, given in a related instruction as well, link
10 Aviation Parkway up and over to the river. And moving
11 that area, a portion of it divided into AA, unifying the
12 community into CC. Did that. Becomes Silver Lake,
13 wording comes down to 19, and the reason the Census
14 block was linked over, a very few people, using the
15 major road as a border there. That area was used from
16 AA to CC, which was 5,600 people. Interest was
17 expressed by the Commission the other day about uniting
18 that community.

19 We are, can highlight that city border.
20 The area, south highlight for South Tucson. The Census
21 place by this changes. There's a partnership and half
22 of this unites east as I just described, the area above
23 22nd Street, BB and AA, with the previous uniting of the
24 entire community in District CC. So we've done that.
25 The area from AA is up to Broadway and comes over to

1 Plumer Avenue.

2 CHAIRMAN LYNN: Actually Plumer.

3 MR. JOHNSON: Just like the old camp.

4 CHAIRMAN LYNN: Kind of.

5 MR. JOHNSON: The area of 22nd and East
6 Country Club, exactly where to draw the northern edge,
7 Arroyo Chico.

8 There was various testimony asking about
9 Arroyo Chico, balancing it. Arroyo Chico, there's
10 conflicting testimony, different lines.

11 COMMISSIONER ELDER: The request --

12 COMMISSIONER ELDER: Copies relate more to
13 the University housing development area, areas south of
14 Arroyo, and relate more to barrios and communities to
15 the southwest and southeast, if that answers why you did
16 it.

17 MR. JOHNSON: The census tract, we haven't
18 looked at it. I had one tract.

19 COMMISSIONER ELDER: Fine.

20 CHAIRMAN LYNN: Rather square off.

21 COMMISSIONER ELDER: It goes across Chico
22 there. That's kind of it.

23 CHAIRMAN LYNN: Ms. Minkoff.

24 COMMISSIONER MINKOFF: I have a question.
25 We heard a lot of questions from the Broadway Broadmoor

1 Association. Is that essentially east of Country Club
2 or does this divide that neighborhood?

3 MR. JOHNSON: Commissioner, we looked at
4 the map submitted by that association. They are from
5 Tucson. They are in this area. Tucson, there's some
6 down to Winsett, up to Broadway, dividing a southern
7 piece of that off.

8 COMMISSIONER MINKOFF: Think we're talking
9 a lot of people. If such a small area, we heard so much
10 from them, take the little area and put the rest of the
11 neighborhood association in, if the numbers don't cause
12 any other problems.

13 CHAIRMAN LYNN: There's conflicting
14 testimony, Ms. Minkoff. The conflicting testimony is
15 that particular neighborhood testified to two things:
16 One, they wanted the neighborhood held together. The
17 other is it related strongly to neighborhoods north of
18 Broadway that wanted to be connected to neighborhoods
19 north and east, both of which were of different
20 character, the southern portion down to Winsett. The
21 southern portion of that neighborhood, we also heard
22 testimony from the southern part of this block, actually
23 the block mentioned between Tucson Boulevard and Country
24 Club, south of Winsett, which belonged west with this
25 area. This move accommodates some of that.

1 I'm persuaded almost either way. It
2 wouldn't bother me to square that off at Broadway, half
3 the request.

4 COMMISSIONER MINKOFF: Square what off?

5 CHAIRMAN LYNN: Square the southern
6 district off at Broadway. It wouldn't put same the
7 district neighborhoods north and east. Again, we can't
8 balance those two very well.

9 COMMISSIONER MINKOFF: What did Broadway
10 and Broadmoor say were the boundaries of the district?
11 Go just to Country Club west to Tucson Boulevard?

12 CHAIRMAN LYNN: West to Tucson Boulevard.

13 COMMISSIONER MINKOFF: Squared off Winsett
14 just to Tucson Boulevard, accommodate both groups?

15 CHAIRMAN LYNN: Probably would.

16 COMMISSIONER MINKOFF: The tradeoff, maybe
17 take the area west of Tucson Boulevard all the way up to
18 Broadway?

19 COMMISSIONER ELDER: Trap showed east
20 Parkway Terrace, this area here, traded for this area
21 here. Get all of the comments from the neighborhood
22 association, and it didn't respond or reflect on
23 Broadway.

24 COMMISSIONER MINKOFF: Break a Census
25 tract.

1 MR. JOHNSON: Break once, order the data,
2 no problem breaking again. Fine.

3 MR. JOHNSON: I definitely wish the
4 Commission, if that area is not the right population,
5 would show a tradeoff area.

6 COMMISSIONER MINKOFF: Or work population
7 deviation depending on how many people are involved.
8 The green area doesn't mean there's not a lot of streets
9 or not a lot of people.

10 CHAIRMAN LYNN: West Tucson, Old Tucson
11 Boulevard, there's some commercial strip, commercial,
12 very little residences, at least below -- at least to
13 the southern district as currently represented.

14 CHAIRMAN LYNN: Put it in the form of a
15 motion.

16 COMMISSIONER MINKOFF: I so move.

17 CHAIRMAN LYNN: What do you want to do?

18 COMMISSIONER MINKOFF: West Tucson
19 Boulevard, move the boundary.

20 What is the beige district?

21 MR. JOHNSON: CC.

22 COMMISSIONER MINKOFF: Move west Tucson
23 Boulevard, East Tucson Boulevard, move it west to
24 Winsett.

25 COMMISSIONER ELDER: Second.

1 CHAIRMAN LYNN: Seconded.
2 Roll call.
3 Ms. Minkoff?
4 MS. MINKOFF: "Aye."
5 CHAIRMAN LYNN: Mr. Huntwork?
6 COMMISSIONER HUNTWORK: "Aye."
7 CHAIRMAN LYNN: Mr. Hall?
8 COMMISSIONER HALL: "Aye."
9 CHAIRMAN LYNN: Mr. Elder?
10 COMMISSIONER ELDER: "Aye."
11 CHAIRMAN LYNN: Chair votes "Aye."
12 MS. HAUSER: I'd ask for clarification.
13 COMMISSIONER ELDER: Clarification is it's
14 on the basis of the neighborhood associations,
15 cohesiveness of the association. The span of Broadway,
16 the initial thrust was, defined Southern Broadway, 22nd
17 Street was defined from 22nd East to Randolph Park. We
18 started getting conflicting communities of interest
19 overlapping in the full area, the Barrio Viajo area
20 south of Winsett, and homeowners' associations were more
21 interested in being associated with homeowners north of
22 Broadway, felt Arroyo Chico, in that range, was the
23 proper demarcation. It's primarily a community of
24 interest shift. I don't feel it's R to D, Hispanic, non
25 Hispanic. It's not a minority shift taking place.

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1 Does that answer it?

2 MS. HAUSER: Yes.

3 CHAIRMAN LYNN: When we make shifts, let's
4 incorporate the rationale with the shift. It will make
5 that much easier for people to follow what we've done.

6 Mr. Johnson.

7 MR. JOHNSON: To wrap up this shift,
8 there's a significant population shift from AA, BB, into
9 CC. It sounds like simply shifting BB, CC, and a
10 tradeoff incorporated in the area which was mentioned
11 before, the east side of AA which made up the population
12 of the southern area where two districts meet. This
13 area, there are many, in the area of Valencia Road, the
14 reservation is in the area of yellow, which is
15 previously split in half, in AA, CC, and it's made up in
16 the population above. It's split in half.

17 CC below Valencia picks up additional
18 population. There's a small area, very dense in terms
19 of population, not a large number of people. So it's
20 looking kind of jagged for looking for population
21 numbers, population in L, that area.

22 Demographic shifts, shifts between C, A
23 resulted in a slight increase in District AA, a slight
24 decrease in CC, and reversing the increase between the
25 two, which increases the one that had a lower

1 percentage.

2 CHAIRMAN LYNN: Slightly.

3 MR. JOHNSON: Very slightly.

4 CHAIRMAN LYNN: For those not familiar,
5 the reservation, it's the Santaveer District, the Tohono
6 O'odham Reservation.

7 MR. JOHNSON: You'll see on the map this
8 is the Pascua Yaqui Reservation here south of the
9 reservation. It did not change in AA. We found it that
10 way on the base map sheet.

11 CHAIRMAN LYNN: Mr. Elder?

12 COMMISSIONER ELDER: Do we need a motion
13 for that shift change there and the rationale.

14 CHAIRMAN LYNN: If you want to incorporate
15 it.

16 COMMISSIONER ELDER: Mr. Chairman, I move
17 we incorporate the areas there in Valencia slightly
18 north, a mile south into AA, as offset for populations
19 in the area to the north of South Tucson.

20 CHAIRMAN LYNN: CC.

21 COMMISSIONER ELDER: In CC, the rationale
22 being that we had a fairly continuous barrio community
23 to the south and west of the Aviation Parkway and
24 railroad system. There had been testimony at the Tucson
25 hearings the barrios and South Tucson should be one

1 community of interest. It is heavily Hispanic. In
2 discussing the area trading, or moving to AA, it was a
3 finger wrapped around DD. It makes it a little more
4 compact. CC doesn't affect the compactness of AA, per
5 se. It's a Hispanic-Hispanic trade, per se, and doesn't
6 affect the trade, per se. On that basis, I move we make
7 that change.

8 CHAIRMAN LYNN: Second?

9 COMMISSIONER HUNTWORK: Second.

10 CHAIRMAN LYNN: Thank you.

11 Discussion on the motion?

12 Roll call.

13 Ms. Minkoff?

14 COMMISSIONER MINKOFF: "Aye."

15 CHAIRMAN LYNN: Mr. Huntwork?

16 COMMISSIONER HUNTWORK: "Aye."

17 CHAIRMAN LYNN: Mr. Hall?

18 COMMISSIONER HALL: "Aye."

19 CHAIRMAN LYNN: Mr. Elder?

20 COMMISSIONER ELDER: "Aye."

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Motion carries five-zero.

23 MR. JOHNSON: That was the last of tests

24 in the Tucson area.

25 What I realize we didn't do a motion on

1 was the first three, competitive Z and the jagged
2 edges --

3 CHAIRMAN LYNN: Are there motions
4 regarding the first three?

5 The Chair is not inclined to incorporate
6 Z. I think it still needs work. I'm more than happy to
7 look at Rita Ranch.

8 COMMISSIONER ELDER: I'd make a motion,
9 Mr. Chairman, we move Rita Ranch from CC to DD, offset
10 the areas to the north of the Pantano River being used
11 to offset the population shift, the rationale being that
12 the Rita Ranch was identified by speakers at the Tucson
13 hearings as not having any community of interest with
14 the balance of CC. It would allow CC to be more, let's
15 say, unified, and represent a broader range of the
16 community of interest in South Tucson, what the southern
17 part of Tucson represents.

18 The area to the north of the river is a
19 transitional area. I don't believe there is much
20 difference again in demographics of the area. I believe
21 the trades to be equal.

22 CHAIRMAN LYNN: Second?

23 COMMISSIONER MINKOFF: Second.

24 CHAIRMAN LYNN: Thank you.

25 Discussion on the motion?

1 COMMISSIONER ELDER: I'd like to discuss
2 it.

3 I heard Mr. Johnson say there would be
4 some smoothing of lines. Do we need to address
5 smoothing of lines, blocks of areas north of the river,
6 going through, way-smithing, going through the area? If
7 we need to make a motion to go through more than a large
8 area of that, or if we can rely upon the consultants to
9 use primary, secondary arterials, then doesn't need it.

10 CHAIRMAN LYNN: Any instruction we give on
11 that sort of thing, we need to be -- I don't mean this
12 street over this street, but be clear, if we ask the
13 consultant to use population deviation on the map, to
14 use your term, to smooth out a district, but not be
15 invasive of another district, for example, so it doesn't
16 cut across a district we've unified in some way, we must
17 be specific about the why and how, not so much street
18 for street; unify a neighborhood or be sure a specific
19 neighborhood is not divided, in some way impact a
20 community of interest.

21 COMMISSIONER ELDER: I'd amend my motion
22 to include smoothing of the area East of Stella to the
23 half-mile road, secondary arterial, smooth the area, use
24 a slight population shift to DD, or Stella as a
25 half-mile street, Stella there and Stella there, as it

1 has a reasonable effect.

2 MR. JOHNSON: Mr. Chairman?

3 CHAIRMAN LYNN: Let me make sure that
4 amendment is acceptable to Ms. Minkoff.

5 COMMISSIONER MINKOFF: Yes.

6 MR. JOHNSON: If I might offer a
7 suggestion to the approach on this.

8 CHAIRMAN LYNN: Yes.

9 MR. JOHNSON: One thing we encounter, we
10 accept certain tests, do not accept other tests. A lot
11 of lines move depending on which tests are accepted,
12 rejected. This area might get changed again. You might
13 make and get a sense of the map as accepted when it's
14 finished.

15 CHAIRMAN LYNN: Population adjustment.

16 COMMISSIONER MINKOFF: Let's withdraw for
17 now.

18 CHAIRMAN LYNN: If that works better for
19 you. The goal, the goal has several pieces. If you'd
20 adjust streets later, fine.

21 COMMISSIONER HUNTWORK: The motion makes
22 sense, the amendment.

23 COMMISSIONER ELDER: I modify the motion
24 for removing the smoothing and the Stella line.

25 Is that acceptable Ms. Minkoff?

1 COMMISSIONER MINKOFF: Yes.

2 CHAIRMAN LYNN: On the motion unamended.

3 Ms. Minkoff.

4 COMMISSIONER MINKOFF: "Aye."

5 CHAIRMAN LYNN: Mr. Huntwork?

6 COMMISSIONER HUNTWORK: "Aye."

7 CHAIRMAN LYNN: Mr. Hall?

8 COMMISSIONER HALL: "Aye."

9 CHAIRMAN LYNN: Mr. Elder?

10 COMMISSIONER ELDER: "Aye."

11 CHAIRMAN LYNN: Chair votes "Aye."

12 COMMISSIONER ELDER: Two north, same

13 issues, Tanque Verde Road, Bear Canyon, and city limits

14 that were, they were noncontiguous, not compact, smooth

15 the areas as much as possible. Look at those.

16 MR. JOHNSON: Certainly.

17 Generally to comment, we'd welcome

18 suggestions and a formal motion.

19 COMMISSIONER ELDER: Do we need to revisit

20 the Flowing Wells area with a formal motion?

21 CHAIRMAN LYNN: If you wish.

22 COMMISSIONER ELDER: I'd move in Flowing

23 Wells area that we extend the, what is it Z --

24 CHAIRMAN LYNN: Z. Brown is Z.

25 COMMISSIONER ELDER: That we have, extend

1 District Z along the river road alignment to Oracle Road
2 slightly to Prince and back as shown to the freeway. I
3 think it makes sense from the standpoint of community of
4 interest. It's uniform either direction to go. I don't
5 see that it harms adjacent communities.

6 COMMISSIONER MINKOFF: Doesn't he need to
7 add another shift?

8 CHAIRMAN LYNN: My concern, I'll ask for a
9 second on the motion.

10 The concern I have, I have serious
11 concerns regardless. To take this amount of time on a
12 perfect district, it may be a waste of time later on. I
13 don't want to waste votes. There are serious concerns,
14 and it could take an hour or so, make it right, then
15 wipe out with one vote. I'd rather move on to things
16 knowing we'd incorporate them and save these for some
17 other things.

18 COMMISSIONER ELDER: I'll give deference
19 to any commissioners during the course of debates today
20 with a fairly adamant point of view on the debate issues
21 as a whole.

22 CHAIRMAN LYNN: Thank you,
23 Mr. Commissioner. I appreciate that very much.

24 Next item, Isaac School District.

25 COMMISSIONER HALL: As we move into

1 central Maricopa, the big question, I think from more of
2 a macro, is this completely independent, are there other
3 adjustments you're contemplating in other areas of
4 Maricopa County?

5 MR. JOHNSON: Actually yes.

6 CHAIRMAN LYNN: Yes.

7 MR. JOHNSON: To hide the background, it
8 incorporates the background, the other background base
9 three map, the area we combined to the instructions, the
10 instruction to unite Isaac School District in District
11 N, and the instruction to put Westwood Village into O.
12 The reason we're combining the two is to make a good
13 tradeoff for each other. So we zoom in here. The area
14 of Isaac School District, we took the colors off, and
15 they incorporate a lot more changes. On the east side
16 of the thick black line, map 3G, the west side is 10.
17 Isaac School District, it's almost entirely in 10,
18 generally the Thomas Road area all the way down to Van
19 Buren. The area cut-off is this region here, I-10 on
20 the north, 27th on the east, Van Buren and back over to
21 the district border. So this area was 6,800 people in
22 the school district, entirely the City of Phoenix. The
23 area that it -- Westwood Village.

24 For this I do need to turn on the
25 districts. We're looking at the area of I-17 west,

1 Indian School north, and Thomas Road on the south.
2 So -- yeah. It is the blue region south of Indian
3 School we're looking at here and down at Thomas Road.
4 That area is about 6,300 people. The difference is 118,
5 so two Census blocks, Encanto and 18th. At the time of
6 the test, Encanto and 19th were all subsumed in this
7 test. The tradeoff we made, this test remains the final
8 version which was a straight trade. And the Westwood
9 Village area was going into District O.

10 CHAIRMAN LYNN: The question, I understood
11 you to say the second half of the trade was subsumed.
12 Is Isaac the front half of the trade also subsumed in
13 the other tests?

14 MR. JOHNSON: Isaac School and Westwood
15 pieces were not affected by the other changes and stay
16 in N and O.

17 CHAIRMAN LYNN: Further tests keep them
18 where they were supposed to be. Whether we need to do
19 anything to this test or approving later tests, we can
20 approve the change de facto.

21 MR. JOHNSON: Procedurally, from the
22 consultant point of view, do whatever you like. Wait,
23 get a motion, a later one. If that motion fails, wait
24 and then return.

25 CHAIRMAN LYNN: Probably could be done by

1 now. That's all right.

2 Ms. Minkoff.

3 COMMISSIONER MINKOFF: The first part of
4 the change I like. It accommodates two groups of
5 people. My concern is there, 118 people, to me, east of
6 them is a the fair grounds barrier. We don't go here to
7 there, McDowell and around. This is where people
8 connect with, accept the population deviation and take
9 it out.

10 CHAIRMAN LYNN: It makes sense it would be
11 addressed in the general deviation anyway. It makes
12 sense.

13 MR. RIVERA: It may be a good time, based
14 on legal, for advising on specific, even the rationale,
15 give NDC advice on the population instruction.

16 MS. HAUSER: Instruction.

17 CHAIRMAN LYNN: Mr. Huntwork sought
18 instruction, have Mr. Huntwork.

19 COMMISSIONER HUNTWORK: This switch does
20 something we didn't realize, if reading the numbers
21 correctly. Reading, what it shows, if reading
22 correctly, it's almost identical, 47.96 in N, 47.21 in
23 O.

24 MR. JOHNSON: If I may, look at the
25 demographics change, and look at the printout. N has

1 gone up to 50.58 and O has gone to 43.63.

2 MR. HUNTWORK: I'm concerned about the
3 second of those. First, am I comparing apples to
4 apples?

5 MR. JOHNSON: It's confusing. Demographic
6 changes, you're looking at a significant last test
7 they've gone to which involved essentially a fairly
8 large change to all central Maricopa Districts, a
9 separate instruction. This area we're talking about,
10 700 people wouldn't be shifting anything more than a
11 percent or two. There were larger shifts in both
12 districts we'll come to when we look at the region as a
13 whole. The demographic numbers were not as a result of
14 this test.

15 COMMISSIONER HALL: To that point,
16 Mr. Chairman, I'm wondering if it wouldn't be
17 appropriate for us to hear all of the proposed changes
18 in this area before we delve into attempting to make
19 motions on specific changes.

20 CHAIRMAN LYNN: Doesn't it make sense to
21 learn about changes in Maricopa County and how they
22 inter-relate?

23 COMMISSIONER ELDER: I'd like to ask if as
24 we go through these changes in demographics, if, from
25 the standpoint of a Hispanic minority-majority, we can

1 understand the balance between what trade areas are and
2 understand what the pluses and minuses are, understand
3 where it is.

4 COMMISSIONER MINKOFF: Mr. Chairman,
5 rather than all Maricopa County, unlike Pima County,
6 it's pretty large.

7 CHAIRMAN LYNN: Hear that, Ms. Minkoff?

8 COMMISSIONER MINKOFF: You should have
9 heard that.

10 Central Maricopa, M, N, O, P, resolve that
11 whole area, not confuse changes in Tempe. If I recall
12 other areas, Central Maricopa County, M, N, O, P.

13 CHAIRMAN LYNN: All related changes, some
14 don't impact others. They're interrelated, the same
15 districts are represented by numbers we have here,
16 change the demographics by virtue of changes, so let's
17 look at those, if we can.

18 COMMISSIONER HALL: I think we're moving
19 to items nine and 10.

20 CHAIRMAN LYNN: In connection with item
21 four.

22 COMMISSIONER HALL: Is that correct, Doug?
23 Would those not be all proposed ideas that may affect
24 four?

25 MR. JOHNSON: Yes. It might make sense to

1 get others out of the way. They're smaller.

2 CHAIRMAN LYNN: Go to the other smaller
3 tests.

4 COMMISSIONER ELDER: It might be time to
5 break for lunch.

6 CHAIRMAN LYNN: At that time, not at this
7 time.

8 Flagstaff.

9 COMMISSIONER ELDER: Instruction is to go
10 two ways. Community of interest, Kachina Village and
11 Flagstaff, and look at ways to put them together. I
12 have numbers in hand, looking at 2,600 people in Kachina
13 Village. As I zoom in here, on the map, I'm looking at
14 Mountainaire.

15 COMMISSIONER HALL: Ms. Minkoff, of yours,
16 can we postpone discussion on this change in light of
17 the fact there are a variety of other issues to discuss
18 in this area and bring it back to the area with a more
19 global level?

20 CHAIRMAN LYNN: Without objection, perhaps
21 we can move to La Paz.

22 MR. JOHNSON: Deals with two designated
23 places, Wenden and Salome.

24 MR. JOHNSON: Wenden, Salome.

25 COMMISSIONER HALL: Mr. Johnson, being

1 from California, we do extremely well.

2 COMMISSIONER MINKOFF: Where is your home
3 town?

4 MR. JOHNSON: Artois.

5 Working on the City of Quartzsite, we can
6 see if we unite them, given the small size, the only
7 population center in eastern La Paz County, uniting in B
8 or X, whichever district would have the smaller impact.
9 It turned out moving into X, the Yuma district south,
10 the pink district, had a smaller resulting, 805 total
11 moved in these two places.

12 Results of the population deviation was
13 805 people -- 804 people in district X, 805 in District
14 B, plus or minus 047, a total deviation of four percent.
15 We also looked at uniting them in B, almost had twice as
16 large a population deviation, 0.84 plus or minus.

17 COMMISSIONER HALL: I make a motion in
18 light of the fact one of the redistricting principles is
19 unification of municipalities and communities of
20 interest, I make a motion this accomplishes an important
21 goal that we adopt and change combining them in district
22 X and only create a deviation of 0.47.

23 COMMISSIONER ELDER: Second.

24 COMMISSIONER MINKOFF: Map La Paz County.

25 CHAIRMAN LYNN: Question: Anybody recall

1 any of the testimony from the Yuma hearing with respect
2 to unification? I remember they wanted to be unified.
3 Was there any testimony they ought to be unified south
4 or north?

5 Ms. Minkoff?

6 COMMISSIONER MINKOFF: When we went to
7 Yuma, they weren't divided. A lot testimony from
8 Quartzsite "please put us together." The dividing line
9 went through Quartzsite, the blue dip. That's to unify.
10 This, we didn't hear in Salome.

11 COMMISSIONER HALL: What? What,
12 Quartzsite?

13 COMMISSIONER MINKOFF: What it was, I
14 don't want to be divided. Did not ask Yuma County.
15 Didn't hear how divided. Didn't want to be divided.

16 CHAIRMAN LYNN: If divided, double, very
17 small, also very small. I'm not sure they shouldn't go
18 the other direction.

19 COMMISSIONER HUNTWORK: The overwhelming
20 testimony was La Paz wanted to be with Yuma. The point
21 was if we were going to divide it where each city was
22 going to be, we never asked, they never said, the
23 sentiment was go south. I would infer given the choice,
24 they'd want to be united south, if they had the choice.

25 COMMISSIONER HALL: It could be argued

1 Quartzsite south. We don't know the relationship.
2 Maybe, Mr. Chairman, it would be appropriate to table it
3 and --

4 (Reporter interjects and offers to find
5 testimony from Yuma Public Hearing on her laptop
6 computer files. Reporter does keyword search. Excerpt
7 of public record is read from the Yuma Public Hearing.)

8 CHAIRMAN LYNN: Further discussion on the
9 motion?

10 If not, roll call.

11 Ms. Minkoff?

12 COMMISSIONER MINKOFF: "Aye."

13 CHAIRMAN LYNN: Mr. Huntwork?

14 COMMISSIONER HUNTWORK: "Aye."

15 CHAIRMAN LYNN: Mr. Hall?

16 COMMISSIONER HALL: "Aye."

17 CHAIRMAN LYNN: Mr. Elder?

18 COMMISSIONER ELDER: "Aye."

19 CHAIRMAN LYNN: Chair votes "Aye."

20 Motion carries.

21 MR. JOHNSON: Thank you, Ms. Nance.

22 The last test, the southern border of Q,
23 it's an attempt to unite a school district in that area
24 to see what the impact of that would be with population
25 levels. The population deviation of this, it doesn't

1 impact other changes in Maricopa County.

2 We looked at the main instruction, and the
3 entire area south of Guadalupe, and it is Guadalupe, the
4 school district south. The school district down is
5 8,000 people. We're looking at population south of Q to
6 T. T is overpopulated 8.47 percent. Q is overpopulated
7 9.7 percent.

8 CHAIRMAN LYNN: Are you aware, don't
9 expect you to be aware, I need to ask, are you aware how
10 many school districts around the state are split?

11 MR. JOHNSON: I haven't run a test on that
12 split.

13 CHAIRMAN LYNN: It's fair to say we've
14 split one or two.

15 COMMISSIONER HUNTWORK: I'd like to say we
16 haven't split one school district.

17 COMMISSIONER MINKOFF: There was testimony
18 from Representative -- I'll mispronounce her name --
19 Knaperek.

20 CHAIRMAN LYNN: Knaperek.

21 COMMISSIONER MINKOFF: Regarding the area
22 south of Guadalupe, Kyrene, is the only reason.

23 COMMISSIONER HUNTWORK: I stand corrected.

24 COMMISSIONER HUNTWORK: In my mind, I
25 can't justify population deviation that great on

1 splitting a school district.

2 COMMISSIONER MINKOFF: It's much smaller,
3 like explained, eight, not suggesting 8,000 people.

4 COMMISSIONER HUNTWORK: Right.

5 CHAIRMAN LYNN: Mr. Johnson.

6 MR. JOHNSON: If it turned out to be a
7 significant population deviation mark, regardless of
8 whether good or bad to do it, if a large number and you
9 instructed three kind of notches to move away from major
10 votes, and that's the 324 people at the northeast corner
11 of Rural Road and Elliott, those three small Census
12 blocks south Guadalupe west of Rural Road, and the other
13 on Guadalupe, the net change between those is 323.

14 One suggestion I offer to the Commission
15 is to keep the issues as a roll.

16 CHAIRMAN LYNN: Keep them for active
17 consideration?

18 MR. JOHNSON: Leaves us with the northern
19 consideration and central Maricopa considerations.

20 Have you received the map and spread
21 sheet? Let me turn off the underlining just to
22 introduce this.

23 The thick black lines are the districts
24 drawn in base map 3G. First look at the requests of the
25 South Mountain hearing to unite the freeway at I-10, 17,

1 to make it oval. There's been significant testimony at
2 that hearing talking about the shared community of
3 interest between those areas. The instruction we
4 received was test that and trade off, exchange
5 population over here, the Scottie dog head -- the head
6 is northeast of the airport.

7 This change was a significant change. One
8 difference is the NDC draft map was already in District
9 D. The adopted draft map, the Commission adopted the
10 entire freeway and moved into O. It doesn't make it
11 impossible, it does mean it was a move of approximately
12 43,000 people. The side effect is the Isaac School
13 District, another 10,000 people are moving out of
14 District O, so 54,000, and feed 54,000, move into this
15 one, is the instruction. And I'll move them then into
16 this one.

17 COMMISSIONER MINKOFF: 10,000.

18 MR. JOHNSON: The Isaac School, for a
19 geographic reference, is the entire arm stretching west,
20 one small corner.

21 CHAIRMAN LYNN: Mr. Johnson, I'm
22 wondering, we're coming up on time to maybe take a break
23 before a big discussion. In this instance, unlike
24 others we've tried, I'd really like to keep it to 10
25 minutes, a comfort break, and get back to this

1 particular issue so we can wrap this up and then take a
2 break.

3 10 minutes and keep to that. We'll call
4 this to order in 10 minutes.

5 (Whereupon, a recess was taken for 10
6 minutes.)

7 CHAIRMAN LYNN: The Commission will
8 reconvene.

9 Tell us what was intended, the impact of
10 changes, what decisions we have to make here. Summarize
11 the changes. Summarize the look by the consultants,
12 then your own attorneys, followed by the Commission
13 attorneys, how modifications from M, N, O, and P might
14 be made to achieve a more competitive or a competitive
15 district in Central Phoenix without some of the
16 noncompact concerns raised by the earlier test.

17 MR. JOHNSON: As you can tell from the
18 map, there was fairly significant reconfiguration of all
19 districts from H through P. H, I, K, J, which were
20 previously the Central Phoenix districts, L, which was
21 the West Valley district, M, F, L and P, West Valley
22 district. I should note Q, F, D and P, districts on out
23 regions of districts, were not affected by these
24 changes.

25 Goals we had were to meet our targets and

1 targets citizens laid out and citizens represented laid
2 out by Hispanic groups and the Commission to avoid city
3 splits wherever possible and end up with at least one
4 additional district with registration and AQD at this
5 stage that came out as competitive.

6 What we're looking at here, P is a heavily
7 majority Hispanic district. Populationwise, it's a 67.4
8 percentage district. The reason there is unification of
9 community groups, South Mountain, primarily an African
10 American district, expressed a desire to be unified, the
11 African American percentage of the district was 13 and a
12 half, and all districts spelled out such a desire at the
13 South Mountain hearing.

14 District O remains a majority Hispanic
15 district. It does decline in percentages from the
16 previous test. District N's percentages go up. Also,
17 there was a request made by organizations made in the
18 communities, and goals we're trying to meet.

19 L, this map, obviously as with all tests
20 made late than during the night, there's a little
21 tweaking we'd like to do in District L. The
22 registration spread, I believe, is three points between
23 Republicans and Democrats on the AQD side. Before this,
24 it was seven percent. Since slid to eight percent. I
25 think with some minor work it can be adjusted without

1 significant impact on the rest of the map.

2 H is largely unchanged.

3 I, J and K have rotated around demographic
4 characteristics and are not changed significantly.

5 Demographic considerations, instead of
6 north-south configuration, K is now an east-west
7 district as a result.

8 Other highlights to summarize on this test
9 map, all changes incorporated end up with what the AQD
10 measurement says are six competitive districts, assuming
11 we make the change to L.

12 I should note the analysis from
13 Dr. McDonald may come back with a higher number. At
14 this point all we have is AQD.

15 Districts E, I, L, Q, X, and Z, E, I, L,
16 Q, X, and Z all come out of competitive districts. As
17 per instruction, there's one competitive district with
18 the caveat for adjustment to L.

19 COMMISSIONER HALL: So, Mr. Johnson, for
20 the benefit of everyone here, what, to bring the total
21 tally, based upon the current configuration, the current
22 configuration adjustment?

23 MR. JOHNSON: AQD, six current statewide
24 AQD, the same as the Democratic Party proposal. One
25 thing suggested is review with our attorney and the

1 Commission attorneys, offer them a chance.

2 COMMISSIONER HALL: Weren't we seven on
3 the draft.

4 MR. JOHNSON: I believe by McDonald
5 measurements. We were five.

6 COMMISSIONER HALL: I see.

7 CHAIRMAN LYNN: Apples to apples. We're
8 five to six.

9 COMMISSIONER HALL: McDonald seven to
10 eight, right? McDonald seven. Is that right,
11 Ms. Hauser?

12 MS. LEONI: I have it here.

13 MS. HAUSER: I have it.

14 COMMISSIONER MINKOFF: How many
15 Republican? How many Democratic?

16 MR. JOHNSON: Finishing at 5:15 this
17 morning, I can present that and get it to you. There
18 weren't any intentional changes. No changes except I.
19 We can double-check that.

20 COMMISSIONER HALL: At the risk of being
21 redundant, total Democratic Districts to -- what was it
22 on our draft, Lisa, total Democratic Districts, from the
23 Judge It analysis?

24 COMMISSIONER MINKOFF: Nine.

25 MS. HAUSER: Nine Republican --

1 Democratic, 14 Republican, two competitive?

2 MR. JOHNSON: Between AQD to McDonald.

3 COMMISSIONER MINKOFF: Mr. Chairman, I
4 don't want to confuse things. We were looking,
5 suggested redrafting of Maricopa redistricts with one
6 instruction. I recall don't seeing, requested the
7 Carefree attempt. I did see that, but it didn't work,
8 did not attempt it. Where are we on that?

9 MR. JOHNSON: It's on a separate computer.
10 We did look at it, and it doesn't have
11 significant impact on what we're looking at here. I'll
12 show you very briefly what we're looking at here. The
13 areas of Carefree, Cave Creek, requested to go in G and
14 out of D. The area of Scottsdale is along here. The
15 other unincorporated Phoenix areas are cut off and have
16 to be moved. We can do that. The result is G picked up
17 that population, must go north, and J slides over. And
18 kind of the downtown Scottsdale area ends up divided
19 three ways. It does work.

20 Another idea occurs to us. I'd be
21 interesting in looking at this. Instead of taking G,
22 keep it together, same interest, move F over, address
23 the concern Commissioner Elder brought up where D comes
24 over on both sides. There's more logic. F slides to
25 the east and D picks up area on both sides. It offers

1 more promise, a three-way division. The outside
2 division of J, K, F over here doesn't address the
3 changes.

4 CHAIRMAN LYNN: Quickly, if we ask as we
5 move forward in deference to information, you did get
6 Cave Creek, Carefree, in that particular attempt, that
7 is to say, we'd like to see it, like to see the results
8 of moving F eastward, eliminating the two-prong overlap
9 of the Northern District, attempting to move Cave Creek
10 and Carefree into the Scottsdale district.

11 COMMISSIONER MINKOFF: Mr. Chairman, I'd
12 like to see both options, the two different approaches
13 here. It seems --

14 CHAIRMAN LYNN: The option of downtown
15 Scottsdale three ways?

16 COMMISSIONER MINKOFF: Moving Carefree
17 three ways. Moving into F, that's not the first choice.
18 It's a better fit for them than where they are now. To
19 proceed, that would be the way to go.

20 CHAIRMAN LYNN: Mr. Johnson.

21 MR. JOHNSON: Scottsdale is cut-off at D.
22 Cave Creek, Carefree, Scottsdale in F, not G.

23 CHAIRMAN LYNN: I misunderstood. That's
24 the one we'd like to see brought back.

25 COMMISSIONER MINKOFF: Exactly. It puts

1 them in different municipalities, similar neighborhoods,
2 with similar interests. It might be a good fit.

3 COMMISSIONER HUNTWORK: To reiterate, what
4 we just did, I apologize, a division of downtown
5 Scottsdale --

6 CHAIRMAN LYNN: Unifying Carefree, Cave
7 Creek.

8 COMMISSIONER MINKOFF: And or Scottsdale.

9 CHAIRMAN LYNN: Looks like a better fit
10 for F. The north district is coming down on both sides
11 of F, potentially, Mr. Huntwork.

12 COMMISSIONER HUNTWORK: Go back down to
13 Central Phoenix.

14 I am concerned about the change of
15 demographics in O which was a majority-minority district
16 and it's not anymore.

17 COMMISSIONER MINKOFF: Yes, it is. It's
18 not majority Hispanic. It's majority-minority, 55
19 percent.

20 COMMISSIONER HUNTWORK: In O.

21 COMMISSIONER MINKOFF: Voting age
22 population, minority is 55 percent. Only 44.79 white.
23 Hispanic population is a shade under 44 percent.

24 COMMISSIONER HUNTWORK: Population.

25 COMMISSIONER MINKOFF: The spread sheet

1 you gave us today, the legislative spread for G.

2 MR. JOHNSON: The clarification, different
3 instructions, the percentage area moved. The spread
4 sheet gives final percentages.

5 COMMISSIONER HUNTWORK: I'll try to give
6 the right percentage.

7 The final move, O before the test, nine
8 Hispanic; 54 African American; Hispanic American,
9 African American, 52. Voting age, those two, was
10 essentially 45 percent Hispanics and African American.

11 MR. JOHNSON: Mr. Chairman, Commissioners,
12 definitely changes. Only after number nine with the
13 freeway line, it doesn't say it there, that's what it
14 is, after the freeway loop, district nine is 49 percent.
15 After we moved that, it went back up. I should have
16 deleted that table. I didn't go back that far.
17 District O, after all, is 50.68 percent Hispanic
18 population, 43.63 Hispanic voting age population.

19 CHAIRMAN LYNN: Someone quickly, so we get
20 the full picture of changes, maybe the series of changes
21 in a summary, the increased and decreased, the
22 maintained number of minority and majority districts.
23 Can somebody answer that?

24 MS. HAUSER: Mr. Chairman it is up by one.

25 CHAIRMAN LYNN: Have we increased,

1 decreased, or maintained districts that are
2 representative of the community of interest, Hispanic
3 community of interest AUR.

4 MS. LEONI: Strengthened the minority
5 community of interest from the draft plan comparable to
6 interested members of that community that presented that
7 plan.

8 CHAIRMAN LYNN: Represented people from
9 that plan, K, J, to some extent, I think were disrupted;
10 any known communities of interest for which we have
11 specific testimony?

12 MR. JOHNSON: Mr. Chairman, I, J, K are
13 all Phoenix and Paradise Valley. Phoenix divides the
14 valley. Phoenix remains divided. We didn't go into
15 additional communities. It's one thing to go into
16 Glendale, one piece of Glendale, a six-way cut of
17 Glendale that is removed so Glendale is back to five.

18 CHAIRMAN LYNN: Just five.

19 MR. JOHNSON: Peoria, two divisions as
20 opposed to three or four.

21 CHAIRMAN LYNN: All right. What is your
22 pleasure?

23 COMMISSIONER HUNTWORK: I'd like
24 sophisticated data, data run on this.

25 COMMISSIONER HALL: A second run.

1 COMMISSIONER HUNTWORK: Sophisticated
2 data.

3 COMMISSIONER HALL: Second.

4 CHAIRMAN LYNN: Motion for more
5 sophisticated data run on this configuration.

6 CHAIRMAN LYNN: We'd like to adjust
7 District L to bring it into a competitive state prior to
8 sending it to Dr. McDonald.

9 COMMISSIONER HUNTWORK: Yes, of course.
10 How easy, broadbrush, how do we do that?

11 MR. JOHNSON: I think in two, three
12 attempts we can succeed. One percent change for the AQD
13 result. I believe either arm L comes, essentially as a
14 trade, L, M, the northeast corner, and off along the
15 southeast corner. May be P impacted. Make sure
16 demographics are not changed.

17 COMMISSIONER MINKOFF: Are you suggesting
18 taking that area and moving south into M?

19 MR. JOHNSON: A small number of people.

20 COMMISSIONER MINKOFF: The panhandle of
21 Avondale. Go into Avondale.

22 CHAIRMAN LYNN: North end of M, not south
23 end.

24 COMMISSIONER MINKOFF: I understand.
25 Taking M and putting it into L. What you take from L

1 you put into M.

2 MR. JOHNSON: Avondale is hatched, not a
3 new split. Look where it's divided, a new area.

4 COMMISSIONER MINKOFF: Avondale said
5 "Don't split us. Put us all together." I'm not sure we
6 could do it. It's a natural split. Avondale north of
7 the freeway is very different. If there's any portion,
8 take it all rather than split it north of the freeway.
9 That's unite the area north of I-10, make a change
10 moving into M, the northeastern edge. It will not be
11 split north of the freeway, or don't split it, or going
12 into communities of interest and neighborhoods that you
13 should not divide.

14 CHAIRMAN LYNN: Is each Commissioner
15 hearing Ms. Minkoff's point of view on the particular
16 issue?

17 Unless there's a question, let's vote, if
18 not other instructions or suggestions.

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Doug, I'm trying
21 to understand, though, we have -- it looks like a
22 registration difference of three percent as it stands.
23 What standard, is it Judge It?

24 MR. JOHNSON: AQD, seven percent, 8.06.

25 COMMISSIONER HUNTWORK: You said under

1 seven. I'm trying to be on the right page.

2 MR. JOHNSON: You are.

3 COMMISSIONER HUNTWORK: L, Republican
4 39.99; Republican 49.22.

5 COMMISSIONER HALL: Three levels: Party
6 registration; AQD, quick and dirty; and Judge It.
7 Registration is a little over three percent. AQD went
8 seven, eight percent. And we said a quasi threshold was
9 seven. If you will, pursuant to core testimony, I would
10 be interested to see what the analysis is from our Judge
11 It.

12 CHAIRMAN LYNN: The point Mr. Johnson
13 raised, he recognizes we maintain competitive districts
14 and are looking to achieve some adjustments that might
15 be necessary prior to the Judge It tests.

16 MS. HAUSER: To clarify, the purpose of
17 the motion is the Judge It run has just the Maricopa
18 portion of F4, or run it as soon as this map is more
19 fully developed in surrounding parts of the state?

20 CHAIRMAN LYNN: Mr. Huntwork, your motion.

21 COMMISSIONER HUNTWORK: My motion just is
22 talking about not ones unaffected by competitiveness
23 adjustments. We're focusing on, I don't know
24 technically how it works, perhaps run it on the whole
25 state anyway. Just do these districts, get started on

1 it as soon as possible.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: I think Ms. Hauser has
4 a valid point. Hopefully by the end of the day we'll
5 have done more work.

6 Your opinion, in light of the fact -- it's
7 piecemeal to the party, or better to later on in the day
8 we'll feel like we made more progress and can give one
9 more load of work. We all agree we should have
10 accomplished those which in the most efficient way
11 require a response.

12 MS. HAUSER: It takes five hours to run a
13 plan through. That's statewide, the statewide plan. I
14 have to assume just this portion Maricopa County, I
15 think -- I think it just depends on what the
16 Commission's pleasure is. If you want to get Maricopa
17 County, do that, or just the rest of it, or the state as
18 a whole.

19 CHAIRMAN LYNN: If there are further
20 adjustments on this area?

21 MS. HAUSER: Correct.

22 CHAIRMAN LYNN: Running this area first,
23 we'll run it again as it's changed, there's a ways to go
24 on one, two tests.

25 COMMISSIONER MINKOFF: Whatever changes in

1 the area, alphabetically speaking, H through P, other
2 changes we're talking about making, I don't see going
3 into this area at all. There Might be a test we can
4 run. Tests we talked about were Carefree, Cave Creek.
5 Tests in Cave Creek won't affect it at all. Of the nine
6 districts, I really think those nine districts, the
7 external boundaries of those nine districts won't
8 change.

9 CHAIRMAN LYNN: I understand your point of
10 view, that there may be profound affects of the
11 districts, or could.

12 MR. RIVERA: Mr. Chairman.

13 CHAIRMAN LYNN: Mr. Rivera.

14 MR. RIVERA: Send it out to Judge It.
15 Look at it. Mr. McDonald's time, get something back
16 today. Wait until today, get it back tomorrow. That's
17 a consideration.

18 MS. HAUSER: We haven't checked his
19 schedule today.

20 MR. RIVERA: Haven't checked his schedule.

21 COMMISSIONER HALL: As a seconder to
22 Mr. Huntwork's motion, as I understood what you heard,
23 we'll get the word back as quickly as possible in an
24 effort to determine whether or not we're doing anything,
25 really.

1 COMMISSIONER HUNTWORK: Right.

2 COMMISSIONER HALL: My intent.

3 CHAIRMAN LYNN: The intent is to send it
4 as soon as possible and get it back as soon as possible
5 on this map.

6 COMMISSIONER MINKOFF: Specify districts H
7 through P.

8 COMMISSIONER HUNTWORK: Not at all.

9 COMMISSIONER MINKOFF: Add that through
10 the motion.

11 COMMISSIONER HUNTWORK: Amend the motion
12 for Districts H through P.

13 CHAIRMAN LYNN: Mr. Hall, acceptable?

14 COMMISSIONER HALL: Yes.

15 CHAIRMAN LYNN: On the motion, discussion?

16 Roll call.

17 Ms. Minkoff?

18 COMMISSIONER MINKOFF: "Aye."

19 CHAIRMAN LYNN: Mr. Huntwork?

20 COMMISSIONER HUNTWORK: "Aye."

21 CHAIRMAN LYNN: Mr. Hall?

22 COMMISSIONER HALL: "Aye."

23 CHAIRMAN LYNN: Mr. Elder?

24 COMMISSIONER ELDER: "Aye."

25 CHAIRMAN LYNN: Chair votes "aye."

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 (Motion carries.)

2 CHAIRMAN LYNN: Other consideration of the
3 Central Maricopa District we need to make at this time
4 prior to receiving a report from Judge It on
5 competitiveness?

6 Other things we need to take entertain
7 motions for on inclusion or exclusion or want to wait
8 for that information?

9 Mr. Huntwork?

10 COMMISSIONER HUNTWORK: I think we need to
11 look at this map with the same amount of detail and care
12 we have with other maps in order to determine whether or
13 not there's a significant effect on communities of
14 interest. I think we need to know first whether we've
15 accomplished anything. That's why we wanted a test done
16 sooner rather than later. There's nothing in the effort
17 of fine-tuning until we've ascertained it.

18 CHAIRMAN LYNN: Mr. Hall.

19 COMMISSIONER HALL: I agree a hundred
20 percent.

21 While running that, heaven forbid we're a
22 few minutes off at lunch, or something. Maybe it would
23 be possible to print detail of the current
24 configurations and maybe give all of us an opportunity
25 to begin examination on paper of where some lines are to

1 do careful examination so we will have had some
2 preparation.

3 CHAIRMAN LYNN: Without objection, if you
4 would, Mr. Johnson, make those available as soon as you
5 can.

6 MR. JOHNSON: Mr. Chairman, Commissioners,
7 two questions on that. The level of detail, the
8 district-by-district maps would take a considerable
9 amount of time.

10 One option that would be ready quickly,
11 there are files on each of the computers.

12 COMMISSIONER HALL: Perfect.

13 CHAIRMAN LYNN: In deference to others,
14 those interested in changes, at the same time, it's one
15 thing loading computers. The other thing, the best we
16 can make are representations available to see on the
17 website and in the room as quickly as practicable.

18 Mr. Elder.

19 COMMISSIONER ELDER: I'd like a hard copy
20 to sketch on, or whatever, available. Get Tim to print
21 it out, a disk to print out, so I can point it out, talk
22 about it over lunch time.

23 MR. JOHNSON: Commissioners want to have
24 an eight-and-a-half-by-11 map, I understand.

25 CHAIRMAN LYNN: Black and white, Maricopa

1 version.

2 This is not sufficient detail?

3 COMMISSIONER ELDER: It's sufficient
4 detail. A plotter.

5 CHAIRMAN LYNN: Sufficient detail. You
6 don't need anything more than this for us.

7 Mr. Johnson, we're coming up on time --
8 several people want a lunch break. I heard the rumor on
9 this side of the table. We'll break at this moment,
10 return to other items on the undone list. There are
11 other items we still need do. It's a good time to do
12 it.

13 How much of a break do we need to do it?

14 COMMISSIONER MINKOFF: To enumerate the
15 other issues, Northern Arizona, District Z, Southern
16 Arizona, what are the others?

17 CHAIRMAN LYNN: Those two. Nine are
18 significant, the adjunct, Kachina Village on this list,
19 we also -- I think if we do those things, the rest fall
20 into place or are highlighted.

21 COMMISSIONER MINKOFF: One of the other
22 things, when we do Northern Arizona, concern is
23 expressed about the Dewey-Humboldt District, the
24 Dewey-Humboldt Tri-Cities area as a whole which we are
25 going to be looking at, District A, District C, and also

1 include that as part of the big picture.

2 CHAIRMAN LYNN: Northern Arizona is
3 Northern Arizona.

4 CHAIRMAN LYNN: Lunch break, what is your
5 pleasure? An hour's worth?

6 COMMISSIONER HUNTWORK: So moved.

7 COMMISSIONER HALL: Working.
8 Recommendation, hour-and-a-half lunch? The reason
9 being, Mr. Chairman, it will give the consultants a
10 little more time.

11 COMMISSIONER MINKOFF: If an hour.

12 CHAIRMAN LYNN: I thought they were
13 prepared.

14 Try an hour. Let's look to reconvene
15 around 2:30ish.

16 (Whereupon, a recess was taken from 1:16
17 to approximately 3:02 p.m.)

18 CHAIRMAN LYNN: Commissioners, all five
19 are present, the consultants, consultants' counsel, and
20 IRC staff.

21 We are continuing with the Legislative
22 map. It seems to me we've moved to the northern part of
23 the state for the next part of the discussion.

24 Mr. Johnson, is there anything you need to
25 offer at this point or would you like to hear from the

1 Commission?

2 MR. JOHNSON: If the Commission would
3 like, I can walk through the changes 3G, 4G, so you know
4 what we're looking at, or put 3G back up.

5 CHAIRMAN LYNN: As long as we deal with
6 the northern part of the state, we may as well have
7 information in hand while we take a look at that part of
8 the state. Without objection, take look at that
9 quickly.

10 COMMISSIONER MINKOFF: Changes on the map,
11 4G map?

12 MR. JOHNSON: Colored areas on the map,
13 connection of Hualapai, Havasupai, got much narrower.

14 CHAIRMAN LYNN: Elephant's tusk.

15 CHAIRMAN LYNN: Down to a rhinoceros horn.

16 MR. JOHNSON: Instruction was to
17 incorporate Kachina Village with Flagstaff. What you
18 see, I'll zoom out, is the way this was done is
19 essentially taking everything that wasn't a part of
20 either a reservation or the City of Flagstaff and
21 putting it into B in order to make population space in C
22 for Kachina Village, the yellow area, black line,
23 including Grand Canyon. The connection area is the
24 north rim of the Grand Canyon.

25 You see essentially the size of the

1 village was essentially equivalent to the size of
2 everything else. It wasn't either Flagstaff, one of the
3 reservations, or wholesale trades. We're getting close
4 here. The village area was put with Flagstaff, and
5 result of that, that -- let me get the numbers here --
6 dropped the Native American percentage in the district
7 by about -- from 67.95, 67.05, a quarter point total
8 population voting age population. The statistics are
9 page four, to walk through. It is actually accurate in
10 this case.

11 So that's a tradeoff, get Kachina Village
12 in Flagstaff, narrow connections. The other thing we
13 stayed in Winslow, next to Winslow, and couldn't
14 tradeoff.

15 COMMISSIONER MINKOFF: Can I ask a
16 question?

17 CHAIRMAN LYNN: Ms. Minkoff.

18 COMMISSIONER MINKOFF: We moved over 2,000
19 people, correct?

20 MR. JOHNSON: Yes.

21 COMMISSIONER MINKOFF: 3,000.

22 MR. JOHNSON: 23,000 people.

23 COMMISSIONER MINKOFF: The impact of
24 Native American AURs in District A.

25 MR. JOHNSON: We don't have the

1 established AUR up there.

2 COMMISSIONER MINKOFF: The statewide AUR
3 is heavily represented in this district.

4 MR. JOHNSON: I understand. All
5 reservations are united in A before this test and remain
6 united.

7 COMMISSIONER MINKOFF: I understand the
8 people living outside the reservation you've taken out
9 other than Kachina Village and Mountainaire, which
10 changed the composition of the village.

11 MR. JOHNSON: There are definitely a
12 number of people who moved that were what are now in the
13 yellow area just west of the Navajo Nation and have been
14 in the area between Flagstaff and the Navajo Nation.
15 There is some population there, in the neighborhood of
16 five or one thousand. I don't know the exact number of
17 people. A number of them are Native American.

18 Is that an answer to the question? The
19 overall impact was a quarter percent reduction.

20 COMMISSIONER MINKOFF: Ah. Looks like two
21 pockets in the Navajo Reservation, also.

22 MR. JOHNSON: Around the districts, there
23 are a number of places, District E and C, actually over
24 B as well, the issue is noncontiguous pieces.

25 CHAIRMAN LYNN: Is there an affirmative

1 motion to incorporate the change.

2 COMMISSIONER MINKOFF: Mr. Chairman.

3 CHAIRMAN LYNN: Ms. Minkoff.

4 COMMISSIONER MINKOFF: It's premature
5 until we look at other issues in Northern Arizona. I'm
6 supportive of including Kachina Village and Mountaineire
7 with Flagstaff. I don't know where Flagstaff is going
8 to be. It may be premature to put it in the form of a
9 motion.

10 CHAIRMAN LYNN: It may be premature to
11 test it since we don't know where we're testing. Let's
12 move to the larger question.

13 MR. JOHNSON: Mr. Chairman, we did not
14 have a specific test to run on the Northern District.
15 There were a set of instructions to address specific
16 questions in front of the attorneys, and we could
17 address questions, if you like.

18 CHAIRMAN LYNN: Reference that point, are
19 you still talking about -- statistics for the district,
20 same as 3G and 4G?

21 MR. JOHNSON: Mr. Chairman, they change
22 slightly on the base map 3G.

23 CHAIRMAN LYNN: 3G.

24 MR. JOHNSON: 3G.

25 CHAIRMAN LYNN: What is the Commission's

1 pleasure on this portion of the map? Mr. Hall.

2 COMMISSIONER HALL: Well, Mr. Chairman,
3 maybe for -- maybe in the review, for our benefit, I --
4 we've heard testimony from the Navajo Nation that it was
5 their opinion that we have not adequately considered
6 their proposal of pulling the Apache's north into
7 Northern District A. I'm wondering if it wouldn't be
8 appropriate, I'll try to be brief, for a brief summary
9 of our analysis, to brief that issue, without objection?

10 CHAIRMAN LYNN: There is no objection,
11 Mr. Hall.

12 COMMISSIONER HALL: As evidenced by all
13 the material the Commission produced, numerous tests
14 run, in addition to the proposal given by the Navajo
15 Nation, and I won't spend time to itemize every one of
16 the tests, but they were several, there was concern
17 given to that. We looked at that, a variety of
18 iterations, not only what I perceive to be potential
19 legal problems of that, also what the impact of that
20 was, what that does to the remainder of the state, and
21 that all of us desire to provide adequate numbers for
22 the Navajo Nation so they can be properly represented.
23 We simultaneously want to balance that opportunity with
24 the needs and interests of the remainder of the state.

25 It's no secret to the interests of anybody

1 in this room I have interests in rural Arizona.
2 Simultaneously, all the tests for interests in rural
3 Arizona have been minimized by reason of what it does to
4 the remainder of the state. Also, I'm concerned the
5 district could be perceived, or perceived by some, to be
6 racial gerrymandering. There could be concern we would
7 have subordinated principles of the process to a
8 particular process of the race. If you look at
9 percentages I think the Commission has before them, I
10 think it could be argued we have created an excessively
11 high percentage. I'm concerned, also, that some may
12 well consider that to be packing. I -- we have a report
13 from experts relative to voter turnout that indicates
14 that's a very high Navajo Nation and also reports that
15 indicate where there is polarization on voting, it
16 appears to be not necessarily to be legally significant.
17 There's no question a district that pulls the Apache
18 north is bizarrely shaped and noncompact. I think that
19 is also concerning.

20 The question is, as I understand it, I
21 think everyone of us are in agreement, we need to do all
22 we can to maximize the percentage of Native Americans in
23 the district. I suggest alternatives I think we tried
24 thus far in an attempt to accommodate everyone's
25 interests. The fact of the matter is I don't think

1 that's going to be a possibility. I think in order to
2 do that we'll have to impact EACO to some degree, at
3 least may well impact the City of Flagstaff, and
4 simultaneously we'll impact the lower cities of Sierra
5 Vista. The options then would be that then hopefully
6 we'd try to preserve the bulk other major AURs in
7 Arizona throughout the remaining portions of the state.
8 So I continually asked, I know we've asked our
9 consultants, to consider alternatives that may well up
10 the percentage. I don't know if they've had that
11 chance.

12 Mr. Chairman, is there additional comment
13 relative to any of the options I've previously
14 discussed?

15 CHAIRMAN LYNN: Before we move into
16 possible solutions, any other general comments on the
17 issue?

18 Mr. Huntwork?

19 COMMISSIONER HUNTWORK: Mr. Chairman, when
20 we are discussing creation of districts that involve
21 reservations, we have to bear in mind that there are a
22 number of important considerations which are not
23 entirely or even necessarily at all racial, per se.
24 We're talking, number one, community of interest,
25 involving matters of national sovereignty, important

1 legal questions that are in common, in many cases issues
2 of resources and critically important federal
3 constitutional questions, or treaty questions that are
4 common between many Native American tribes. And we also
5 deal with the fact we have determinations, expressions
6 of interest and desire by sovereign communities within
7 the borders of the State of Arizona that I personally
8 feel are entitled to a great deal of respect and
9 deference. I've not heard a completely consistent view
10 of that even from the Native Americans themselves. That
11 is when tribes like some of urban tribes expressed a
12 desire to be included in the urban district, I give that
13 a great deal of deference. If a sovereign tribe, the
14 Hopis, express a desire they do not to be included with
15 the Navajos, I give that a great deal of deference.
16 When the Navajos and Apaches express a desire to be
17 together, I give that a great deal of deference. Given
18 the self-definitions and the serious and important
19 determinations made by the various tribal authorities, I
20 would be very serious in considering the Navajos,
21 Apaches, Navajos, and excluding the Hopis. If I recall
22 the three tests we've conducted which would -- the three
23 basic tests accomplish that. One was test D, the second
24 was test F, and the third was test H.

25 If I recall the correction of tests D and

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1 F, the variations of test F2, now I guess it's 3F2, the
2 latest version we're working with, we use essentially
3 the same manner of connecting the Apache Reservations to
4 District A, and that's through a connection that comes
5 down south of Coconino County and connects up basically
6 a point of the northwest corner of two reservations.
7 The difference between tests D and F is in the way that
8 the remainder of the EACO district is dealt with. One
9 of the tests swings EACO around the Apache Reservations,
10 connected it back up with Gila County, includes some of
11 the mining districts, and so on, in eastern Pinal. The
12 other test is based on the other configuration and picks
13 up Eastern Pinal, I believe, which includes Sierra Vista
14 because of the -- just how many people are in that area,
15 which, however, does put Sierra Vista into the pool for
16 balancing population in Tucson and makes it possible to
17 create a District Z that does not include those mining
18 communities to the north.

19 Logic arguably may be that there are some
20 advantages to that approach. That approach also
21 combines eastern rural counties, not that Gila County
22 with Southern Apache Counties has been an important
23 test.

24 The other test we tried is test H, simply
25 using a different way of connecting the Apache, ways of

1 coming down sparsely connected, a sparsely connected
2 part of the state into the Apache Reservations of the
3 state between the connection part of the state
4 wilderness area, or very sparse Lee populated area,
5 which creates a district in the southern Apache and
6 Navajo counties, Flagstaff, Williams. Flagstaff is then
7 made whole in that district and I believe that -- it
8 includes Sedona the way that map is drawn and does not
9 include Verde Valley, unites, essentially, a united
10 Yavapai.

11 Do you have the maps?

12 COMMISSIONER HALL: One at a time.

13 CHAIRMAN LYNN: Where do you want --

14 COMMISSIONER HUNTWORK: Go back to D.

15 COMMISSIONER HUNTWORK: I want to
16 emphasize the only justification, given the weight of
17 the tribal authorities, in each case their own preferred
18 disposition was self-identified communities of interest.
19 And in that sense, these maps they were included with
20 the Navajos. I do not see any way to rationalize or,
21 personally, don't see principled way to not include the
22 Apache and Navajo and continue to include the Hopis with
23 the Navajos in the face of their own clear and expressed
24 desire not to be.

25 COMMISSIONER HALL: So I make sure, if we

1 were to determine to move the Apache with Navajos,
2 exclude the Hopis from the Navajos?

3 COMMISSIONER HUNTWORK: Absolutely. We're
4 attempting in each case to listen to each of these
5 sovereign communities, the own individual sovereign
6 expression of what they'd like to see done. Once I do
7 that, I have to listen to the Hopi's sovereign
8 expression of what they'd like to see done. That's my
9 personal take on this issue.

10 COMMISSIONER MINKOFF: Mr. Chairman.

11 CHAIRMAN LYNN: Ms. Minkoff.

12 COMMISSIONER MINKOFF: I think that this
13 portion of the map is probably the most difficulty
14 decision we have to make in terms of dealing with the
15 legislative map. I think there are a number of legal
16 questions raised by the proposals Mr. Huntwork
17 mentioned.

18 I think before we resolve this issue, I
19 think we need to talk to lawyers, get legal advice. If
20 we want to break into that now, move to something else,
21 I'm not suggesting when in Executive Session, but before
22 any kind of vote on what to do with Northern Arizona, we
23 need to get legal advice.

24 COMMISSIONER HALL: Before we do that,
25 Mr. Chairman, in light of the fact Mr. Huntwork has

1 summarized the districts benefits, flash up D, E, F, and
2 whatever else Doug may have on his plate, A, H, whatever
3 else, and briefly discuss the pros, cons of each of the
4 options. Then I think that is appropriate. Maybe we
5 can consider receiving more detailed input. And then
6 based upon that, based on that then maybe we can do a
7 couple of tests.

8 CHAIRMAN LYNN: Without objection, let's
9 look at D -- I think that's F.

10 MR. JOHNSON: Test D, described how Gila
11 wraps around the Gila reservations.

12 COMMISSIONER HUNTWORK: Preserves as much
13 of EACO as possible to do so consistent with the overall
14 move. There are things in this test one would like to
15 correct. It still divides Flagstaff, still divides the
16 Tri Cities area. And it doesn't do a good job with
17 Pinal County, just lays away Pinal County. This has a
18 lot of collateral damage from the test. I'm sure
19 there's a way to minimize it. I doubt there's a way to
20 solve it without basically doing what test F does.

21 COMMISSIONER HALL: I agree, Mr. Huntwork.
22 For the benefit of those in the audience,
23 pursuant, Mr. Huntwork, to request, if all of these
24 Hopis come out, minus three point out percentage,
25 putting percentages up, right? In addition, Yuma moves

1 into urban areas. That's another concern on this
2 particular test.

3 COMMISSIONER HUNTWORK: F.

4 MR. JOHNSON: F.

5 COMMISSIONER HALL: F3 or 2?

6 MR. JOHNSON: Population balanced F2.

7 COMMISSIONER HUNTWORK: All right. This
8 shows how you can also do it by bringing Southern Apache
9 County down through Graham and Greenlee County, pick up
10 most of the Cochise County population, for reasons, and
11 end up putting Sierra Vista in District DD, or in the
12 mix, and it includes Tucson. There are some advantages
13 and disadvantages. The advantage is you don't have to
14 go up to the Kearny mining communities and pick up
15 enough population to finish off the Tucson districts.
16 Pinal County is in essentially a rural district that, at
17 least as I recall it, does many of the things the
18 original Pinal County would have done.

19 COMMISSIONER MINKOFF: F2.

20 CHAIRMAN LYNN: It does not deal with
21 Eastern Pinal County, as I heard the other day they'd
22 prefer. Clearly physical barriers move further with
23 Graham, Greenlee County, and make that district work in
24 terms of a community of interest.

25 COMMISSIONER HUNTWORK: Right.

1 CHAIRMAN LYNN: I'm pointing out other
2 features.

3 COMMISSIONER HUNTWORK: My recollection is
4 it divides Flagstaff.

5 MR. JOHNSON: F2 does not.

6 COMMISSIONER MINKOFF: Pinal is in five
7 different districts. One reservation.

8 CHAIRMAN LYNN: No reservation.

9 COMMISSIONER MINKOFF: The rest of Pinal,
10 four different districts.

11 COMMISSIONER HUNTWORK: Casa Grande is
12 united, I believe. The essence is it united Casa Grande
13 into kind of an agricultural rural district.

14 COMMISSIONER MINKOFF: The Florence area
15 is split off.

16 COMMISSIONER HALL: What does Florence
17 have to do with Nogales?

18 Yavapai has gone back to the urban
19 districts. Yuma is now urban.

20 And it's difficult to say what Douglas and
21 Holbrook have in common. I'm sure they may both have
22 the same restaurant. I don't know.

23 COMMISSIONER MINKOFF: Maybe McDonald's.

24 COMMISSIONER HALL: That's true.

25 District Y is interesting. Gold Canyon

1 with Payson.

2 By my count, there may be four rural
3 districts in this map.

4 In my opinion, this one and the previous
5 one disenfranchises rural Arizona.

6 COMMISSIONER HUNTWORK: I agree. The one
7 thing, the additional rural district is combining C, Y,
8 Flagstaff, Sedona, Payson, so we divide, C, Y,
9 north-south instead of east-west to salvage the rural,
10 and the collateral damage to the rural districts
11 ameliorates it at least to that extent.

12 CHAIRMAN LYNN: Move to H, the next one?

13 COMMISSIONER HUNTWORK: H.

14 CHAIRMAN LYNN: While H is up, for the
15 record it should be stated, as I think Mr. Huntwork said
16 very well, Mr. Hall started saying it. There's
17 attention, plans by the Navajo Nation, not casual,
18 several, several variety of ways to meet the concerns of
19 the Navajo Nation expressed and continue to look for
20 opportunities to address the issues of the Navajo Nation
21 presented to the Commission. It's also fair to say when
22 and if the Commission does address those issues it will
23 get to bear on the Navajo Nation in this context and not
24 be done without some affect in many parts of the rest of
25 the state. The truth is you get concentrations of

1 voting population in the proposal, and we need to cover
2 a significant amount of territory. That impacts the
3 creation of districts, particularly in rural areas
4 around the rest of the border of the state. I'm not
5 saying that is wrong or won't happen. I'm saying that's
6 a natural consequence of addressing this issue.

7 COMMISSIONER HUNTWORK: Let me give the
8 quick tour of this.

9 Maybe something north central, the light
10 salmon or dark salmon?

11 CHAIRMAN LYNN: Or black salmon.

12 COMMISSIONER HALL: All Republicans.

13 CHAIRMAN LYNN: I see one. All
14 Republicans.

15 COMMISSIONER HALL: Sorry, Mr. Begay.
16 Called you Republican. Great disrespect.

17 (Laughter.)

18 COMMISSIONER HUNTWORK: Just to make sure
19 what happened with this map, the exercise we're seeing,
20 what happened in the rural districts, we connect things
21 up this way. We never followed up, going up the rural
22 areas, cleaning up the districts. There was no thought
23 given to the Tucson districts, the Phoenix districts on
24 this map. What you see here is you, by coming down the
25 eastern boundary of the state, you hook up the Apache

1 Reservations and you create a north central eastern
2 district.

3 COMMISSIONER MINKOFF: North central
4 eastern.

5 COMMISSIONER HALL: Looks like a running
6 cat.

7 CHAIRMAN LYNN: Swollen front leg.

8 COMMISSIONER ELDER: Bear.

9 COMMISSIONER MINKOFF: Before we decide
10 what it looks like, add the Hopi.

11 COMMISSIONER HALL: With a balloon on its
12 back.

13 COMMISSIONER HUNTWORK: The benefits:
14 Flagstaff is whole; EACO is whole; Apache, the populated
15 portions; Flagstaff with Sedona; Yavapai is united in
16 what is essentially the county.

17 COMMISSIONER MINKOFF: Except Sedona.

18 COMMISSIONER HUNTWORK: Picks up
19 Wickenburg, probably. Doesn't come down to Wickenburg.
20 Not enough.

21 MR. JOHNSON: Yavapai, no more than 11,000
22 others.

23 COMMISSIONER HUNTWORK: Eastern boundary,
24 the configuration is Cochise, Graham, Greenlee, which
25 there was some testimony in favor of.

1 CHAIRMAN LYNN: Parts of Pinal, Pima. Two
2 different districts or are they --

3 COMMISSIONER HUNTWORK: Casa Grande,
4 Pinal, Casa Grande, Pinal County, in the midst of a
5 normal rural district there. The reason that happened,
6 in this particular map, Apache Junction and Gold Canyon
7 were thrown into the East Valley. There was a test done
8 on another map that showed what was done.

9 COMMISSIONER HALL: The gray district,
10 171,000 people?

11 MR. JOHNSON: Yes.

12 COMMISSIONER MINKOFF: Population.

13 COMMISSIONER MINKOFF: Takes out --

14 COMMISSIONER MINKOFF: Almost completely
15 out of people in Tucson.

16 COMMISSIONER MINKOFF: Salt River and Fort
17 McDowell.

18 COMMISSIONER HUNTWORK: Do some tinkering.
19 Yuma is out. The river is in two
20 districts between Yuma and --

21 COMMISSIONER MINKOFF: The border.

22 COMMISSIONER HUNTWORK: The border we may
23 be able to unite. Eastern Yuma, traded southern Santa
24 Cruz, might put the border in three districts instead of
25 four, with Tucson out of the border all together.

1 No thoughts? Whole thoughts? Circulation
2 of the rural districts, and never got to the urban
3 districts. Those are the tests that dealt with the
4 only -- the means of uniting Apache and Navajo.

5 CHAIRMAN LYNN: What is your pleasure?

6 COMMISSIONER HALL: Mr. Chairman, I don't
7 want to beat a dead horse.

8 Certainly it's bizarre, being you took
9 one, two major employers out of that county. So far
10 Yavapai is good. I'm not sure what Yavapai and Eagar
11 have in common. That's another story. Cochise, you
12 can't tell how far it is with Cochise. That stays out
13 of it.

14 CHAIRMAN LYNN: All but.

15 MR. JOHNSON: This is Vail on the edge
16 here. This is --

17 CHAIRMAN LYNN: Saguaro National Park
18 east.

19 COMMISSIONER MINKOFF: Not a lot of
20 population in there.

21 CHAIRMAN LYNN: Not a lot of stays
22 overnight.

23 COMMISSIONER HALL: Mr. Chairman, please.

24 COMMISSIONER ELDER: Rincon National
25 Mountains, in that yellow line is the interstate forest

1 national monument boundaries, little or no population
2 north of Vail.

3 CHAIRMAN LYNN: Vail is a growing area.
4 South of Vail Coronado de Tucson. To answer the bottom
5 line question, doesn't create an urbanized fringe. It
6 will grow into a changed district over the next 10
7 years.

8 COMMISSIONER HALL: Mr. Chairman, I
9 dispute the general notion that the White Mountain and
10 Navajo Tribes have communities of interest. Native
11 Americans are not automatic communities of interest.
12 They have economic, social interests, are directly tied
13 to neighborhoods.

14 They those are -- both have casinos, both
15 support casinos, I would say, from the neighborhoods.
16 The tribes have the ski run, the White Mountain ski run.
17 Based on that, the tourists come typically from the
18 valleys.

19 In Mr. Massey's first letter, prior to
20 completely reversing his position, he was eloquently
21 stating his community interest ties of the White
22 Mountain Apache Tribe area with the surrounding
23 neighborhoods.

24 There's no question, I argue vehemently
25 there, having been living there my whole life. I

1 dispute that comment.

2 COMMISSIONER ELDER: I'm not so sure why
3 we didn't carry forward the test three period. If you
4 want to look at an ugly, ugly district, add the Hopi,
5 pull out the purple whatever that is. It's just a
6 disaster. There are a lot of pros, as I see, in it. It
7 rated Yavapai, everything, with those two. And they've
8 been probably one of the hardest areas to deal with.

9 As we mentioned before, halfway, or an
10 interface between a north Navajo and a Maricopa County
11 issue, South Yavapai, Pinal County between Tucson and
12 Phoenix, and -- I think the comment was if we worked
13 from outside in, a different map with metropolitan areas
14 out, I would like at least to see the run on -- I think
15 H fits most of the best things we've seen of the three
16 maps Mr. Huntwork brought forward. I'd like to see what
17 the demographics or competence is, have we lost. The
18 down sides I see in it, the work on that border area
19 with Tucson on that edge, to resolve some of those
20 issues, we might have a winner going. It's something
21 I'd like to take a look at in the process.

22 I move we do that.

23 CHAIRMAN LYNN: As is?

24 COMMISSIONER ELDER: Either we go through
25 the process, direct the consultant on how to modify it,

1 take a break, do the numbers, come back with the
2 numbers, balance the population, run a test, or see
3 where we're at now. And that's -- the plan as it is
4 now, I'd not probably, I'd not vote for a final adopted
5 map. It has potential. I'd look for it at least as
6 it's covered bases. It comes out, it does not work to
7 have done diligence to return on that. Without testing
8 or work further, we haven't given it a fair evaluation.
9 I'd like to see that.

10 COMMISSIONER MINKOFF: Mr. Chairman,
11 before we do that, because it takes the consultants a
12 lot of time and effort to do the kind of test, I'd like
13 to find out the things from the attorneys, the options,
14 and we may or may not be able to consider what is
15 available. I'm happy to consider what may or may not be
16 available.

17 CHAIRMAN LYNN: Is there an appropriate
18 section?

19 COMMISSIONER HALL: I believe there's one
20 more map.

21 CHAIRMAN LYNN: Sorry.

22 COMMISSIONER HALL: Map E.

23 COMMISSIONER HUNTWORK: Yes, map Apache
24 Navajo. E is a map that is also much stronger in
25 demographics.

1 Josh, why don't you.

2 COMMISSIONER HALL: What I'm proposing,
3 test the addition. Let's run it, look at it, and
4 receive appropriate advice on them, both tests, all
5 aspects. This map also has some significant problems.
6 I think we worked as a hard Commission on southern
7 Arizona, central Southern Arizona, to solve problems.
8 The district in the northern portion also provides
9 opportunities. The fact of the matter is, folks, we
10 want as a Commission to maximize the opportunity of the
11 Native Americans to insure their voice is appropriately
12 heard. And the Northern District, I think, presents
13 that opportunity.

14 What I recommend, the test I'd like to see
15 run is to take essentially this northern configuration
16 and try to overlay it onto map G, if you will the
17 preserve hard work we've done throughout the remainder
18 of the state, and see what the ripple effect
19 ramifications are of doing that.

20 So moved.

21 CHAIRMAN LYNN: Is there a second?

22 COMMISSIONER HUNTWORK: Second.

23 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

24 Discussion on the motion?

25 Seems to me there's a significant

1 similarity, again, with the exception of the two Apache
2 tribes that were the subject of the configuration in
3 your earlier map, a great deal of similarity in the
4 Northern District above, or let's say running parallel,
5 to I-40, a little above or below, and things in common
6 westerly, far enough so Page is included. They also
7 have a number other things in common, looking at various
8 maps, and that may provide a clue or potential solution.

9 I'd support the motion as stated because
10 of the similarities.

11 Mr. Elder?

12 COMMISSIONER ELDER: Mr. Chairman, I'd ask
13 Mr. Hall run down the benefits, give a rundown on this.
14 Two detriments, I don't know how significant they are,
15 he informed me Flagstaff in this instance is split. We
16 should take a look at it. The testimony, comments we've
17 heard, there may be bullet biting before long in the
18 southern part of the state. Sierra Vista could be
19 pulled from Pima County, not be influenced by Tucson, be
20 a bullet district pulling out part of Cochise. It
21 doesn't seem that part of Cochise, it doesn't seem to
22 make sense to say it's a visual attempt at a border
23 district. It didn't really function.

24 I guess, Mr. Hall, other maps do better,
25 parts we look at --

1 COMMISSIONER HALL: To reiterate the
2 motion, I apologize for not being clear, we'd take the
3 Northern District, put it on the current working map G,
4 leave everything south as much as possible unaffected,
5 but it will affected some stuff on it, ripples. We'd
6 look at a configuration to accomplish that.

7 COMMISSIONER ELDER: That answers that.

8 CHAIRMAN LYNN: On the motion end, further
9 discussion?

10 Mr. Huntwork?

11 COMMISSIONER HUNTWORK: I think there are
12 several things up there.

13 MR. RIVERA: Closer to the microphone.

14 COMMISSIONER HUNTWORK: Pardon me? If
15 you'd get closer to the mike.

16 MR. RIVERA: I would, but Lisa stole my
17 mike.

18 If you'd get closer to the mike.

19 COMMISSIONER HUNTWORK: I'm concerned with
20 keeping Flagstaff whole, if possible. I'm concerned
21 with splitting Yavapai, that rationale. I think that,
22 if those are the type ripple effects we have from this,
23 I wouldn't want to go that direction. I think the
24 direction of District E coming down south may have to be
25 at least partially in play in order to give the

1 experiment a fair test. We have to do some prioritizing
2 here.

3 CHAIRMAN LYNN: I'm not sure we can
4 select ripples, put them on there, and see what it does,
5 if anything can be done to ameliorate what the outcome
6 of that test is. I may be wrong. Doug, correct me if
7 this is a misstatement. We'd take elements of the two
8 maps put together, clearly some things of the two in
9 Phoenix, two maps, not created in two pieces, major or
10 minor, depending on how the two pieces fit together.
11 The best thing is what it is, at that point we'd take a
12 look at that one, see essentially the same thing: This
13 is ugly; this doesn't work. See if anything can be done
14 with those elements that can be done to correct the
15 problem.

16 COMMISSIONER HUNTWORK: I see what you're
17 driving at, in general terms, in Holbrook, Page, and I
18 suppose taking out part of Flagstaff, going into C, and
19 now crowding the Tri-Cities area. There's population
20 balance in C, the Tri-Cities area, or a safety valve
21 down in the Gila Valley. We'd anticipate, evaluate the
22 test C over headed in that direction.

23 CHAIRMAN LYNN: Point well-taken.

24 Mr. Johnson, recite the areas we've
25 already dealt with and choose not to deal with again if

1 we don't have to, which areas are sensitive which way.
2 To that extent that we do it, we'll take a look at it,
3 which things, which to avoid, if avoidable.

4 COMMISSIONER HALL: And which by county
5 are avoidable. We've discussed ad nauseam the affects
6 of EACO, affects of District Z, and we've established
7 the base map work from which we've done considerable
8 work. Let's not pitch the baby and bath water.

9 CHAIRMAN LYNN: On the motion, further
10 discussion?

11 Roll call.

12 Ms. Minkoff?

13 COMMISSIONER MINKOFF: "Aye."

14 CHAIRMAN LYNN: Mr. Huntwork?

15 COMMISSIONER HUNTWORK: "Aye."

16 CHAIRMAN LYNN: Mr. Hall?

17 COMMISSIONER HALL: "Aye."

18 CHAIRMAN LYNN: Mr. Elder?

19 COMMISSIONER ELDER: Aye.

20 CHAIRMAN LYNN: Chair votes "aye."

21 (Motion carries.)

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: I'd like to make a
24 motion we also try to take a look at test H and complete
25 the preparation of test H which again includes the work

1 we've done, particularly in the urban areas, and use the
2 rural concepts in test H and merge the rural concepts of
3 test E to the extent you can do that.

4 CHAIRMAN LYNN: Second?

5 COMMISSIONER ELDER: Second.

6 CHAIRMAN LYNN: Discussion?

7 Roll call.

8 Ms. Minkoff?

9 COMMISSIONER MINKOFF: "Aye."

10 CHAIRMAN LYNN: Mr. Huntwork?

11 COMMISSIONER HUNTWORK: "Aye."

12 CHAIRMAN LYNN: Mr. Hall?

13 COMMISSIONER HALL: "Aye."

14 CHAIRMAN LYNN: Mr. Elder?

15 COMMISSIONER ELDER: "Aye."

16 CHAIRMAN LYNN: Chair votes "Aye."

17 Motion carries five-zero.

18 What is your pleasure at this point?

19 COMMISSIONER ELDER: Mr. Chairman --

20 CHAIRMAN LYNN: Mr. Elder.

21 COMMISSIONER ELDER: Now would be the
22 appropriate time to talk with counsel concerning legal
23 issues. I'd like to go into Executive Session.

24 I'd make a motion for Executive Session
25 pursuant to A.R.S. 38-431.03(A)(4) and 38-431.03(A)(3).

1 CHAIRMAN LYNN: I have no idea on the
2 time. We'll open the doors.

3 (Whereupon, the Commission recessed Public
4 Session at 4:05 p.m. to go into Executive Session which
5 concluded at 5:43 p.m.)

6 (Whereupon, a recess was taken until
7 approximately 6:05 p.m.)

8 CHAIRMAN LYNN: The Commission will come
9 to order.

10 All five Commissioners are present, legal
11 representatives, consultants, and legal staff.

12 There are at least, at least two issues
13 yet to be discussed on the legislative map for this
14 round. The two issues are as follows: First, we've
15 begun a discussion of the Northern District. We need to
16 get to the point where we are comfortable with the
17 direction given the consultants for working on solutions
18 to that Northern District. Included in the concept is
19 that the Northern District effect, or doesn't affect the
20 northern part of the state, Flagstaff, Yavapai, and that
21 portion of the state. The other portion I know is here
22 for discussion is the issue of District Z in the
23 southern part of the state. And beyond those two, there
24 may be others individual Commissioners wish to talk
25 about at this point. Those are two I understand we have

1 on, to get a sense of how much Legislative discussion we
2 have.

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Mr. Chairman, I
5 wanted a look at whether the way District BB in Tucson
6 is more competitive. Changes in BB are something like
7 10 percent different. It's possible there are some
8 adjustments involving DD, which is quite heavily
9 Republican adjacent to BB, adjacent to Democrat,
10 possible to create a competitive district there. We
11 could at least look at that.

12 CHAIRMAN LYNN: A third item in terms of
13 Legislative.

14 Other items? I'm trying to get a sense.

15 COMMISSIONER HALL: I make that motion to
16 dispense with it.

17 CHAIRMAN LYNN: Is Mr. Huntwork disposed
18 to make a motion to dispense with it?

19 COMMISSIONER HUNTWORK: I move the
20 consultants examine the alternatives and make a
21 recommendation as to whether it is possible and, if so,
22 how they recommend we try to make BB a competitive
23 district. I think my hesitation, as I talk about Z, is
24 in talking about changes in Tucson in anyway. I wanted
25 to continue with that discussion.

1 COMMISSIONER HALL: Good point.

2 CHAIRMAN LYNN: Perhaps wait on the
3 motion.

4 COMMISSIONER HUNTWORK: Let's actually do
5 that.

6 CHAIRMAN LYNN: Two issues, one, the
7 northern part of the state, and one is the southern part
8 of the state.

9 Let me get the sense here of timing. I
10 need to ask this question and get a sort of individual
11 response. There are two options as I see it, and
12 probably others. One option is a dinner break, come
13 back, and work through options. The other option is
14 work through the others now, conclude the evening at
15 some point mid-evening and reconvene mid-morning.

16 With those options, what is the sense of
17 what you'd rather do?

18 COMMISSIONER MINKOFF: I think because we
19 have more energy now, I can't talk about later, and the
20 public has been waiting, I'd favor going ahead, working
21 as long as we can, not having, leaving for dinner on our
22 own.

23 CHAIRMAN LYNN: Anyone wishing to be
24 heard?

25 As there's not anyone wishing to be heard,

1 I'll announce now, tomorrow's meeting will be here at
2 the hotel, not in this room, the Arizona Room around the
3 corner this way toward the restaurant area. We'll start
4 at the same time, 8:30 tomorrow morning.

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Mr. Chairman, if
7 we do that, would somebody on staff call my wife and ask
8 her not to have dinner until I come home?

9 MR. CULLOR: I'll lend you the phone.

10 CHAIRMAN LYNN: Some of us have wives to
11 call, to see if they've been replaced.

12 (Laughter.)

13 COMMISSIONER MINKOFF: Some have a husband
14 to call.

15 CHAIRMAN LYNN: Perhaps we ought to
16 continue with the northern portion of the state since
17 that was a point of focus when we broke.

18 Additional directions, commence with
19 directions to consultants for tests on these portions?

20 Mr. Hall?

21 COMMISSIONER HALL: Mr. Chairman, I need
22 to clarify something.

23 In review, running the two tests, I
24 believe test H and E, on G, with respect to the latter
25 one, E on G, I need to clarify for the record, I think

1 the Navajo Nation has done an excellent job in
2 representing similarities of the community of interest
3 on the legislative level with respect to themselves and
4 the Hopi Nation. I think in light of that I would like
5 the test to reflect the continuation of the combination
6 of both of those tribes.

7 CHAIRMAN LYNN: Is that in the form of a
8 motion?

9 COMMISSIONER HALL: Yes.

10 COMMISSIONER ELDER: Second.

11 CHAIRMAN LYNN: Moved and seconded that
12 the test that we have ordered would continue to show as
13 our draft legislative map has shown that the Hopi Tribe
14 be included with the district with the Navajo Nation.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Test E.

17 COMMISSIONER HALL: E on G.

18 COMMISSIONER MINKOFF: Translate that for
19 me.

20 COMMISSIONER HALL: Test E provided a
21 different configuration of District A. Instructions
22 previously were is that we overlay the reconfigured
23 district, Legislative District A on test E on the base
24 map we're currently working on, which my understanding
25 is map 4G we're up to or 3G.

1 COMMISSIONER MINKOFF: 4G.

2 MR. JOHNSON: Working off 3G incorporating
3 pieces of 4G.

4 COMMISSIONER HALL: Okay.

5 CHAIRMAN LYNN: It will be 4G as we get to
6 it.

7 COMMISSIONER MINKOFF: Okay. Test E.

8 COMMISSIONER HALL: The motion states on
9 that test it is my opinion, I'm moving, that the Hopis
10 stay in the same district with the Navajos.

11 CHAIRMAN LYNN: Understand the motion,
12 Ms. Minkoff?

13 COMMISSIONER MINKOFF: Does the motion
14 refer to test E to narrow the motion for the Hopi and
15 Navajo?

16 CHAIRMAN LYNN: With respect to the test,
17 the purpose of the test is analyzing results of the
18 test, Mr. Hall is asking to test run Hopi in with Navajo
19 with respect to Navajo.

20 COMMISSIONER MINKOFF: E.

21 CHAIRMAN LYNN: In the binder, up on
22 screen, map E, the Northern District, from that map.

23 Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Mr. Chairman, I do
25 not necessarily agree with the conclusion regarding

1 communities of interest. I'm definitely still thinking
2 about that aspect of that it. But on the other hand I
3 agree this test should be run in this manner. I'll vote
4 for the literal words of the motion. I just wanted to
5 make a distinction.

6 CHAIRMAN LYNN: Further discussion on the
7 motion?

8 If not, roll call.

9 Ms. Minkoff?

10 COMMISSIONER MINKOFF: "Aye."

11 CHAIRMAN LYNN: Mr. Huntwork?

12 COMMISSIONER HUNTWORK: "Aye."

13 CHAIRMAN LYNN: Mr. Hall?

14 COMMISSIONER HALL: "Aye."

15 CHAIRMAN LYNN: Mr. Elder?

16 COMMISSIONER ELDER: "Aye."

17 CHAIRMAN LYNN: Chair votes "Aye."

18 Motion carries.

19 COMMISSIONER HALL: Other tests.

20 In light I did not make a motion to test
21 H, I insured the consultants we'd have clarification on
22 the very same issue on test H.

23 Mr. Huntwork, did you make that motion?

24 COMMISSIONER HUNTWORK: I made that
25 motion. My feeling, personal feeling, is if we take

1 that approach --

2 COMMISSIONER HALL: I'm having trouble
3 hearing. There are people with ears cupped.

4 COMMISSIONER HUNTWORK: My personal
5 feeling is if we take that approach, the justifications
6 for it compel me to separate the Hopi for the same
7 reasons I was combining the Apaches. I prefer to run
8 it.

9 Well, I think I prefer to run it with the
10 Hopi Reservation out and combined with District E, what
11 is called District E on that test. I do want to say
12 there's a really discrete change that can be made either
13 way. Since Hopi is in, at the moment, on that, on that
14 design, I think actually just for ease of doing it,
15 leave it right where it is, leave it in and see what the
16 numbers show.

17 CHAIRMAN LYNN: I think it also gives us
18 an apples-apples comparison for one solution or another.
19 We can always order the reverse very easily be done.

20 Mr. Elder.

21 COMMISSIONER ELDER: I'd like to ask the
22 consultants, the test shows Hopi out. Will we get, by
23 putting the Hopi in, in these two tests, a statistical
24 variation we could somewhat rely on, the results of Hopi
25 in Hopi or out on other tests or other tests that are

1 not compatible with that kind of transference?

2 MR. JOHNSON: Commissioner, I can give you
3 a number of various demographic groups that go up or
4 down, take Hopi out. What it varies test to test is the
5 offset, areas that are put back in. You get a sense of
6 the change that would apply to each of the other maps
7 that won't have a specific number because the offset
8 varies.

9 CHAIRMAN LYNN: Further discussion on the
10 motion?

11 If not, roll call.

12 Ms. Minkoff?

13 COMMISSIONER MINKOFF: "Aye."

14 CHAIRMAN LYNN: Mr. Huntwork?

15 COMMISSIONER HUNTWORK: "Aye."

16 CHAIRMAN LYNN: Mr. Hall?

17 COMMISSIONER HALL: Is the motion for it
18 in or out?

19 CHAIRMAN LYNN: In.

20 COMMISSIONER HALL: "Aye."

21 CHAIRMAN LYNN: Mr. Elder?

22 COMMISSIONER ELDER: "Aye."

23 CHAIRMAN LYNN: Chair votes "aye."

24 CHAIRMAN LYNN: What is the pleasure
25 regarding other instruction to the consultants?

1 Mr. Hall?

2 Mr. Huntwork?

3 COMMISSIONER HUNTWORK: Mr. Chairman, if
4 we're ready to move off the northern part of the state,
5 I was going to move off.

6 CHAIRMAN LYNN: Let me ask that question,
7 then.

8 In terms of other issues you'd like tested
9 in this round, are there other issues in the Northern
10 District we need to address?

11 Any other tests you'd like to order?

12 CHAIRMAN LYNN: Ms. Minkoff?

13 COMMISSIONER MINKOFF: I have a question.
14 We are going to be running, essentially superimposing
15 Northern District A on test E, the existing map? That
16 impacts a number of other Northern Districts, impacts
17 specifically yellow districts, that is C, rather
18 dramatically, less dramatically. I'm wondering what the
19 ripple effect is. I'd ask the consultants for
20 instructions on what the ripple is. I'd like to see or
21 leave it up to them as to what we'd like to see rippled
22 through very different for District A on that map.

23 (Loud noise emanated from the facilities'
24 background area.)

25 COMMISSIONER HALL: I have no idea what

1 she said. I became part of the kitchen staff
2 temporarily.

3 COMMISSIONER MINKOFF: I just asked them
4 to run a test using the northern configuration from test
5 E, superimpose it on G4, G3, which we're working on.
6 That is a very different configuration. We can't just
7 stick it on, been done with it, stick it on other
8 districts. My request is for leaving it so the
9 consultants can work out changes in other Northern
10 Districts or giving instruction.

11 COMMISSIONER HALL: Correct, Ms. Minkoff,
12 with the ramifications, we discussed previously, we are
13 confident we've discussed a number of areas appear to be
14 sensitive. Obviously Flagstaff is a sensitive area.
15 Yavapai County is a sensitive area. Rippling in Sierra
16 is sensitive. EACO is sensitive, the impact of that. A
17 variety of areas are impacted. I think many of the
18 details at this point, Doug knows more than we do,
19 certainly running tests so we know what tests would be
20 appropriate, from his state at this point, we'd
21 anticipate what tests there are to solve the
22 hypothetical problem and investigate what they perceive
23 the result to be when we don't know the reality yet.

24 CHAIRMAN LYNN: Mr. Elder.

25 COMMISSIONER ELDER: Mr. Chairman, I'd

1 like to ask, maybe we did not understand the original
2 motion, we're looking only at the overlaying original
3 motions of H, A into G, and I'd like to make sure we
4 look at H further onto the south, looking at G from an
5 internal standpoint from the metropolitan areas. So if
6 H is compatible, and we insert G, new G, whatever it
7 might be, from Maricopa and Tucson areas, the periphery
8 of H is something I would like to see tested.

9 Now is that what we're doing or only doing
10 the northern portion of H?

11 CHAIRMAN LYNN: The motion is to overlay
12 District A from test H.

13 I'm sorry, both, actually.

14 COMMISSIONER HUNTWORK: No, I don't think
15 so. No. Stick with test E a minute.

16 What we're talking about was test E.

17 CHAIRMAN LYNN: Test E, putting the
18 Northern District from test E on map G, Hopis included.

19 COMMISSIONER MINKOFF: Correct.

20 CHAIRMAN LYNN: On map H.

21 COMMISSIONER HUNTWORK: Yes.

22 CHAIRMAN LYNN: You made a motion.

23 COMMISSIONER HUNTWORK: Map H, the motion
24 made earlier, map H is basically complete, the urban
25 districts, using the patterns developed from other maps

1 and test the whole map.

2 I think, if we're ready to talk about test
3 H, what we probably should do is finish the rural areas
4 in detail and plug in the most comparable, give us maps
5 showing the most comparable existing drawings from areas
6 to interface to the maps. I know in the Phoenix
7 Metropolitan area we did a test that started in the East
8 Valley exactly the same way, picked up Apache Junction,
9 I believe Gold Canyon, and showed how we moved through
10 Gold Canyon. We could see a good part of the ripple in
11 that direction. It ripples west, had quite a bit of
12 work necessary to make all that compatible. We'd also
13 take consideration of the work we just did on districts
14 H through P, see if it creates an additional competitive
15 district inside.

16 There's so much going on inside that area
17 right now, it seems as if we should not, should not try
18 to complete that task in all of its detail to get an
19 idea how of the East Valley is affected.

20 One key difference between test H and test
21 3G or 4G, we can see what happens there, and perhaps
22 do -- pick up a comparable point in the Tucson area to
23 give us a general idea what the consequences will be
24 there without going through the entire exercise at this
25 point. Then if it seems favorable, we'd certainly

1 complete that test as expeditiously as possible.

2 CHAIRMAN LYNN: For the record, whose
3 second is that motion.

4 COMMISSIONER HUNTWORK: Dan.

5 COMMISSIONER HALL: Dan.

6 COMMISSIONER ELDER: How much time would
7 it take to insert the most recent downtown plan worked
8 on this morning into H for a fuller picture on how the
9 whole thing fits together, Doug, having nothing to do
10 with this evening, take another step down the road, if
11 we could, instead of taking a break, if we could?

12 CHAIRMAN LYNN: Mr. Johnson.

13 MR. JOHNSON: Mr. Chairman, Commissioners,
14 to actually draw districts into the map, we're probably
15 looking at a full day, to leave H, whether that's to
16 clear H or not, to give it as comparable earlier, a
17 comparable test, look at how it could be done. That
18 could be done in 24 hours or so.

19 COMMISSIONER ELDER: I believe the second
20 motion is without modifying the metropolitan areas of H.

21 CHAIRMAN LYNN: Motion as passed.

22 Mr. Hall?

23 COMMISSIONER HALL: As demonstrated today,
24 the internal areas of Phoenix are significantly
25 impacted. Without the metropolitan area, we're

1 interested in what impact. By reason of a different
2 possible configuration of Phoenix -- I don't think, in
3 the interests of time, I think we should only put on the
4 plate what is really the issue, what we're trying to
5 make a decision on.

6 COMMISSIONER ELDER: I agree with that.

7 CHAIRMAN LYNN: As long as we have a full
8 understanding of the motion, a full understanding of
9 what the consultant is given by the motion.

10 MR. JOHNSON: Yes.

11 CHAIRMAN LYNN: Any other Northern Arizona
12 direction we wish to give the consultant.

13 If that's the case, Southern Arizona,
14 District Z, and the competitiveness issue, dealing with
15 the heart of state, Mr. Huntwork asked to attempt to
16 make District BB more competitive in part by looking at
17 the adjoining District DD for a trade that would affect
18 that increased competitiveness.

19 Mr. Hall.

20 COMMISSIONER HALL: Mr. Chairman, my sense
21 is that both of the tests that we are presently working
22 on are going to affect District Z. My question is would
23 it be premature at this point to solve some of the
24 problems until we know what the two tests will do to Z?
25 I could be wrong. I'd defer to Mr. Johnson.

1 COMMISSIONER MINKOFF: Mr. Chairman.

2 CHAIRMAN LYNN: Ms. Minkoff.

3 COMMISSIONER MINKOFF: To that point,
4 rather than mixing DD in an attempt to make BB more
5 competitive, we may look to combine some portion of Z.
6 What I gather from Mr. Huntwork, he's trying to create
7 an additional competitive district. We have District Z,
8 and we may have an additional competitive district. It
9 might be a way to solve the issue, restore a competitive
10 issue. I suggest maybe we want to hold off on that.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: Obviously what may
13 happen, the three districts in play, none of which are
14 majority-minority district, or any of those districts,
15 right now Z is competitive. We have BB which is
16 noncompetitive Democrat, and DD noncompetitive
17 Republican. BB is surrounded by DD and looks like a
18 Golden opportunity where we have two
19 nonmajority-minority districts right next to each other,
20 which opposite tendencies perhaps may create.

21 CHAIRMAN LYNN: I wonder if there's a
22 contingent instruction. Mr. Hall's point I think may be
23 in play, meaning when the tests are done there may very
24 well be an impact we can't see.

25 COMMISSIONER HUNTWORK: True.

1 CHAIRMAN LYNN: The subsequent
2 instruction, as we work through the impact, may come in
3 to the Tucson area, the instruction being an attempt at
4 securing a second competitive district in the Tucson
5 area as a solution is developed.

6 Mr. Elder.

7 COMMISSIONER ELDER: Maybe in lieu of
8 that, if you can't bring Z in competitive, bring in
9 another district to offset that.

10 CHAIRMAN LYNN: Absolutely. The intent is
11 to increase. There's no reason to change something
12 we're not trying to change.

13 COMMISSIONER HUNTWORK: Three competitive
14 districts.

15 CHAIRMAN LYNN: I'd like 30.

16 COMMISSIONER MINKOFF: That's not going to
17 happen.

18 CHAIRMAN LYNN: Everyone's point.

19 The instruction is clear. Maximize
20 competitiveness of districts in every part of the state
21 being drawn. If there's the opportunity, in whatever
22 impact tests there are, as they reach Tucson, we're
23 trying to at minimum maintain, if possible, or increase
24 the number of competitive districts.

25 Mr. Hall.

1 COMMISSIONER HALL: I'm always trying to
2 defend the consultants a bit. What I thought I heard us
3 say earlier, the internal configurations of the
4 metropolitan areas on test H at this point were not in
5 play. So are you limiting that contingent instruction
6 only to the one test, or, I'm just wondering if in
7 general it's just tabled until we get back both tests
8 and make a decision -- I'm not opposed, just
9 concerned -- trying not to create additional work
10 unnecessarily.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: I agree
13 completely. There's an important idea and a need to do
14 it at an appropriate time. We need to pick a plan and
15 see how it comes into the Tucson area, then configure
16 those districts as best as possible.

17 CHAIRMAN LYNN: I think you've heard
18 previous testimony, although, or previous comments from
19 the Commission about District Z. There's the same
20 argument at this point about District Z.

21 The difficulty, let me put on record one
22 person's opinion how we might treat Z as we start
23 working through the solution. I want to go on record
24 saying I find it very difficult to make a case on the
25 central part of Tucson, more specifically, retirement

1 communities at the north end of Tucson, southern portion
2 or middle portion of Tucson, which have much in common
3 with the communities of Pinal County, eastern portion of
4 Pinal County, that very large disconnection. If there
5 is an opportunity to correct that, either by bringing
6 the district south, there's a precedent in a current
7 district in Tucson, a Legislative District on the far
8 east side that includes parts of Sierra Vista that are
9 already existing, that district may involve part of
10 Cochise County to make that work, that may, I emphasize
11 "may," I'd like to see it, be preferable to what I see
12 now. I'd like that explored as you work through the
13 solution. I don't want dictate any more than that.

14 Maybe bring back whatever the natural
15 consequence of what that test is. At that point I renew
16 the direction, either way. If it works, it works. I
17 wanted you to know what I was thinking on that issue.

18 COMMISSIONER HALL: Mr. Chairman, my sense
19 is that instruction is apropos to test E. On test G, in
20 light of the fact we'll lose population in the northern
21 portion of EACO, garner population, we'll thereby garner
22 population in the central part of Pinal --

23 Am I thinking correctly, Doug?

24 COMMISSIONER HUNTWORK: Mr. Chairman, if
25 you look at test E, that's what it does.

1 COMMISSIONER MINKOFF: My only concern, go
2 back and look at public testimony, we heard the areas on
3 eastern Pinal County, they didn't see much connection to
4 the EACO district. Now I recall also there was some
5 other testimony talking about SEAGO, or a multi-county
6 organization that did connect another county. I don't
7 have it in front of me. Look at it, what we do with
8 eastern Pinal if no longer in G? Put the rest of Pinal
9 in, then we don't know where to find population.

10 CHAIRMAN LYNN: We can talk about
11 potential solutions all night. We don't know what E
12 looks like until we run the test.

13 COMMISSIONER HALL: Any questions,
14 Mr. Johnson?

15 MR. JOHNSON: Thoroughly confused.

16 COMMISSIONER HALL: No?

17 MR. JOHNSON: No.

18 CHAIRMAN LYNN: I think he feels his dance
19 card is more than full.

20 MR. JOHNSON: I understand. I may not
21 understand all the alternatives, options for further
22 testing.

23 CHAIRMAN LYNN: Other Southern Arizona
24 concerns we wish to instruct the consultants on this
25 evening?

1 Other matters we need to discuss this
2 evening before we recess until tomorrow morning?

3 COMMISSIONER HALL: Maybe for the benefit
4 of those in the audience, maybe to give an idea. They
5 maybe don't know what the potential agenda is tomorrow.

6 CHAIRMAN LYNN: Certainly we'll begin with
7 Congressional tomorrow. We'll hear results of tests
8 ordered on Congressional Districts. I assume we'll
9 continue with Congressional as long as possible to try
10 to reach final or near final recommendations on any
11 changes made to that map. Because tests were ordered on
12 the Legislative map that take considerable time, and
13 it's quite possible we'll not get back to the
14 legislative matters until either very late tomorrow or
15 probably Friday.

16 (Applause emanates from the next room.)

17 COMMISSIONER HALL: Mr. Chairman, may I
18 say, for the record, that's your second ovation.

19 CHAIRMAN LYNN: Had they seen it, it never
20 would have happened.

21 (Laughter emanates from the next room.)

22 CHAIRMAN LYNN: Now they're laughing at
23 me. It's just terrible.

24 That's the potential schedule for
25 tomorrow.

1 Without objection, the Commission is in
2 recess until 8:30 tomorrow morning in the Arizona Room
3 down the hall.

4 (Whereupon, the hearing adjourned at
5 approximately 6:40 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 148 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 25th day of October, 2001.

LISA A. NANCE, RPR
Certified Court Reporter
Certificate Number 50349

ATWOOD REPORTING SERVICE
Phoenix, Arizona

