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
THE STATE OF ARIZONA INDEPENDENT REDISTRICTING

COMMISSION convened in Public Session on October 10,
2001, at 8:30 o'clock a.m., at the Sheraton Airport
Resort, 1600 South 52nd Street, Tempe, Arizona, 85281,
in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA M. HALL
COMMISSIONER ANDI MINKOFF
COMMISSIONER DANIEL R. ELDER

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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
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LOU JONES, IRC Staff
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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
CHAIRMAN LYNN: I'll call the meeting of the Independent Redistricting Commission to order. For the record, all five Commissioners are present along with legal counsel, consultants, consultant's counsel, actually. Consultants will be with us shortly, and NDC staff.

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

This is the time for consideration and discussion of comments and complaints from the public. Those wishing to address the Commission shall seek permission by filling out a speaker slip. Anyone that 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.
If you have a slip and haven't turned one in, turn one in to staff or raise your hand and we'll pick it up.

First speaker is Kirk Adams.

Mr. Adams.

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

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

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

As voters of Arizona, we did not vote to artificially elevate one party over another. Prop 106 is very clear in priorities when it talks about it must comply with the Voting Rights Act, districts must be geographically compact and contiguous, respect geographic interests, et cetera. The last item, number six, competitive districts shall be favored where to do so creates no significant detriment to other goals. This has been an issue of late where people have tried to elevate this as being the most important part of Prop 106.
As a citizen of Arizona, I would like to state my opposition to the idea. We simply need to give a handout to one party and help them obtain an advantage that they clearly do not naturally have at this time. I think that this district, this Commission has done an excellent job, all Members of the Commission, whether they belong to the party I do or not, in listening to the party -- whether they belong to the party I do or not, surprise, endanger, that you should artificially put more emphasis on one factor of Proposition 106 to the detriment of others.

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

CHAIRMAN LYNN: Thank you, Mr. Adams.

The next speaker is Mayor Donaldson.

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

Thank you, sir.

MAYOR DONALDSON: Respectfully, I heard repetition is the mother of studies. While my comments may be somewhat redundant, I will continue to reinforce
the point I feel it is very necessary to make on behalf
the City of Flagstaff and my community.

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

CHAIRMAN LYNN: It's not necessary.

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

As I indicated in my remarks yesterday, I
recommend to the Commission District A east, south
Apache, Greenlee, Graham, Gila, Pinal counties. I
believe it includes interests in the White Mountain
Apache San Carlos Apache Tribe included in District A.

I appreciate the opportunity to prepare a draft map for
your review. I trust the Commission to devote time and
technical resources needed to address the request as it
has done so to address other Commissions, address

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direction to consultants in District A and C.

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

Thank you.

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

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

CHAIRMAN LYNN: It's perfectly fine.

Next speaker, Frank Seanez, Navajo Nation.

MR. SEANEZ: As you well know, I will not repeat myself again relative to matters. I'd like to amplify points made by Mayor Donaldson. Flagstaff should not be joined in the same legislative nation.

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

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

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

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

The Navajo Nation still thinks D option

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

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

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

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

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

Thank you Commissioners. I'll answer other questions.

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

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

CHAIRMAN LYNN: Next speaker is Chuck Gray.

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

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

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

I'd like to commend the Commission on

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

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

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

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

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

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

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

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

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

Next, Patricia Oldrayd.

MS. OLDRAYD: Oldrayd.

CHAIRMAN LYNN: Could be my speaking.

MS. OLDRAYD: I appreciate the ability to speak.
As I understand it, you've listened to the public for months, and really listened to them, because the maps that have been provided have reflected the wishes of people that have spoken.

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

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

CHAIRMAN LYNN: Thank you, Ms. Oldrayd.

CHAIRMAN LYNN: Next speaker, Mr. Pierce.

MR. PIERCE: Thank you, Mr. Chairman.

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

I've been on many boards and Commission's, and the time spent on Boards and Commissions, you don't
get near the publicity you've gotten. It should be good publicity.

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

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

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

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

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

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

Those are my comments. Thank you.

CHAIRMAN LYNN: Thank you Mr. Pierce.

Next is Chuck Daggs.

Mr. Daggs.

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

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Democrats earlier.

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

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

Thank you.

CHAIRMAN LYNN: We're looking at a number of options, studying a lot of options to enhance one or more goals of 106, exploring goals which can be enhanced without doing detriment to other goals, in any case, not just competitiveness, community competitiveness, enhancement of others. Understand that's where we are.

That helps as we go forward.

The next speaker is Hugh Hallman.

Mr. Hallman.

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

What we've already done is some screaming.

What I've done is nothing further from the truth. I appreciate where you find yourself. No disrespect, I assume you've done nothing, made no position. That's accurate for people in public service. That being said, I'm here to speak to you to consideration Congressional
option 3HH as it compares for a preferred alternative for 3PP or 3CC.

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

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

We involve the federal area, overflights.

Tempe overflight. We see the entire East Valley, recognizing the East Valley, the City of Scottsdale, identical issues with the City of Tempe, the FAA Congressional delegation. Examples, I think, demonstrate the commonality of the community with the City of Scottsdale and similar Congressional District 3CC, 3PP, and recognize that goal without sacrificing other goals.

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

I presented the concept of the second community of interest, the City of Tempe, and that boundary had people cut off to the south of the community of interest that deal in legislative grouping,
that would make some sense.

With that, thank you very much,

3HH, bad. 3PP, 3CC, good. The distinction I leave to others. For me, the most important note is 3CC includes the Salt River Community with the City of Scottsdale, leaves the community, they believe that community best represents the interests of the federal level representing the community that moves forward, the community with good things in the three cities, a community working together moving forward in the City of Tempe with joint counsel, meeting neighborhoods to the northeast. I hope to develop a greater sense of community among those cities, 3CC, preferred district over 3PP. 3HH bad. 3CC good.

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

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

CHAIRMAN LYNN: Thank you.

The next speaker is Mark Thompson.

Mr. Thompson.

MR. THOMPSON: I'm not going to be talking about legislative districts. Legislative Districts are
different and aided in some way around Highway 60.

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

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

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

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

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

As per the orders, you've been given a task to do on order for the State of Arizona, coming up with a plan that would be best used by the citizens for the State of Arizona when they are electing a representative to the State House as well as to the
Congressional. This is all triggered off by the 2000 Census count. It all happens in the State of Arizona, due to weather, and other things, people all wanting of life and are all attracted to retire, move and work in Arizona, mainly Phoenix, and other cities adjacent to the Phoenix.

Now, with that said, then you have all Native Indian Tribes that are in the state. Whether they have a large land base, large population, or what have you, we, the Navajo Nation, we are recognized by the United States government, ratified by the United States Senate, and by virtue of that, we occupy a land base, by virtue of that, which our population is such in the year 2001, we thought we could have an opportunity as native people, not only of the United States, but Arizona, that we would get an opportunity to have an input, an influence, with the Commission, since they are labeled independent. However, looking and listening, sometimes the independent slips here and there. I think that's where we have diverse opinion, ideology that gets into play, which is good. That's why all you folks came from other countries to this United States to which you chair the issues and we chair the issue of freedom. Of course, we enjoy and you enjoyed

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

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

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

You establish rules. And rules are
already in place.

The Navajo Nation read those rules. And
based on that, we submitted a proposal to you. But all
your -- all the people that made presentations, as I see
it, for some reason for another, maybe it's because of
those rules, it became a moving target. That's why
there are so many maps. Every time we express
something, it gets into the website and it changes.
That's where we Navajos, we get nervous, nervous meaning
that the justification we provided for some reason gets
tweaked, as the word is. We don't like to be tweaked
out of the picture. People apply the definition. Well,
you can't put race in there, because that's something
else.

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

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

The Navajo Nation's submittal of a
package, we thought we could justify 24 percent plus
Native American, we would be in the ballpark, we would
be fairly treated if that was honored. Now being
tweaked down to 23, 21, and all that, that's where I get
nervous, not for myself, but for my people. And as far
as I know, the Navajo Nation, Navajo people, ladies and
gentlemen, we're here to stay. That does not mean we're
going to move to Sun City. That's already spoken for.

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

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

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Chairman.

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

MR. WAKE: I had fair legal comment.

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

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

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

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

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

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

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

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

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

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

There are a lot of reasons people aren't familiar with as a practical impediment to the Court going back to the IRC draft plan as a fallback. One reason is if the Courts adopt the draft plan, the governmental sponsorship of such plans still require preclearance from the Department of Justice. Plans have to be in place by -- I think maybe the second week of May, at the latest. It means only at a certain period of time do you process challenges in
court and here is the time for challenges. I don't think there is the time for the Courts allowing it to go through the Justice Department for preclearance. What that means is the Courts adopt their own plan from scratch. They'd not adopt a good plan with an IRC draft plan, if it had not met the legal requirement, and let it go a second round with Justice Department preclearance. That by that time, as what happened in 1992, it would be litigation redistricting.

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

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

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

If there are any questions, I'd be glad to
CHAIRMAN LYNN: Mr. Wake, I have a question. I appreciate your comments, thoughtful, notwithstanding the emotionally charged words you used. I want to pursue that.

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

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

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

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

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

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

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

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

MR. WAKE: Yes.

CHAIRMAN LYNN: Lastly, we made comment on more than one occasion as to last-minute changes. I only submit to you any change late in the process construed as last minute without inputting concern that
it is somehow not shown earlier for reasons of not wishing it to be looked at.

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

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

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

COMMISSIONER HALL: I'll be brief. I have a mental practice of counting the times there's inference of "sued" during public comment period. I'm up to three.

MR. WAKE: No such.

COMMISSIONER HALL: Nevertheless, it's always there.

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

Is that to say you would represent a plan similar to that on behalf of the Commission?
MR. WAKE: Yes.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Mr. Huntwork.

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

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

MR. WAKE: Absolutely.

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

MR. WAKE: I believe the answer to that question is yes. The concern they articulated again arose from what happened last time is the case law under the Federal Voting Rights Act plan that has legislative sponsorship. Our State Commission has legislators', as have other states, judicial endorsement of the legislative sponsored plan. And the plan requires preclearance, a very technical point, with very technical consequences.
I believe the answer to the question: The record made here would be used in litigation, I believe and assume. The benefit of what's been done here would be reviewed. The problem is that the actual judgments made by the Commission that says this is a plan that we think is best to implement, that plan they'd not be able to use as a fallback if the Commission adopted the plan if it were rejected for any reason.

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

CHAIRMAN LYNN: Ms. Minkoff.

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

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

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

CHAIRMAN LYNN: Sorry. I didn't mean to throw it at you. I did a poor job of putting that to
COMMISSIONER MINKOFF: If you did, you did a poor job of it.

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

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

We wanted to communicate --

COMMISSIONER MINKOFF: I understand that.

Let me continue.

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

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public comment period?

MR. WAKE: Yes.

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

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

COMMISSIONER MINKOFF: Okay.

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

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

Please do not take comments I'm questioning you're making at the last minute regarding change we're responding to as everything the Commission
has heard. What I intend to communicate to is I believe things we explored thoroughly and well-reveal political competitiveness, what I call political motivation, prevailing over senior priorities that divert from the draft plan, even though the Commission must continue to process to the last minute and give weight to everything it hears to the last minute.

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

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

Ms. Daggs, if you would, please.

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

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

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

CHAIRMAN LYNN: Thank you very much.

Are there other members of the public that
wish to be heard at this time?
If not, the Commission will recess for
some period of time. I'd like to think it would be
about 15 minutes, but then, you know how that goes.
(Whereupon, a recess was taken until
approximately 10:00 a.m.)
CHAIRMAN LYNN: I'd call the Commission in
session.
This morning there was one individual who
for scheduling reasons, looking at our session, thought
we started today at 10:00, wanted to speak today.
Without objection, I'll entertain one more speaker,
Rodolfo Mares, Assistant Attorney General for the Pascua
Yaqui Tribe.
MR. MARES: Mr. Chairman, Members of the
Commission, I welcome the opportunity to offer comments
for the Pascua Yaqui Tribe in Tucson.
I'll make my comments brief. I have a
letter as well as a proposed map.
My comments are related to the Tucson
Metropolitan area. Given the way the Pascua Yaqui Tribe
scattered is about different areas of the metropolitan
region, we ask you simply move the reservation. The way
you have it configured, I believe it's Y down there,
into, I believe that would be now AA. What that would

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

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

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

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

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CHAIRMAN LYNN: We can figure it out.

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

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

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

MR. MARES: Yes.

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

MR. MARES: Correct.

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

MR. MARES: Correct.

CHAIRMAN LYNN: Old Pascua in Tucson.

New Pascua is in Marana.

MR. MARES: Correct.

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

MR. MARES: Correct as well.

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CHAIRMAN LYNN: Thank you.

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

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

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

Let us turn to the Legislative mapping.

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

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Ms. Hauser.

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

CHAIRMAN LYNN: Thank you.

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

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

As is often the case, we're sending the consultants out to do work to show us and you exactly at the same time. Therefore, many items there's a lag in terms of the ability to be duplicated, ability to be made available. There's a lag in the ability to be made available on the website. You are seeing what we're seeing. We don't want you to think it's orchestrated.

Most of you can attest if orchestrated, it should have

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

Mr. Johnson.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Which base map have
you worked off?

MR. JOHNSON: Worked off 3G.

COMMISSIONER MINKOFF: 3G. Thank you.

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

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

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

MR. JOHNSON: He gave me a nice entry
there.
Mr. Chairman, in order, the multipage handout, October 9th adjustments, map 3G describes for you what pieces of the area moved how many people in areas per each instruction. If that's okay with the Commission, the test started down in Tucson.

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

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

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

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

CHAIRMAN LYNN: You obviously haven't seen Camp Adventure. It's not a landmark.
MR. JOHNSON: Well, picked up the same region, same area, and looked at it on the other side north and generally east of White Stone.

MS. HAUSER: White Stone.

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

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

CHAIRMAN LYNN: Mr. Johnson, before you go on, recount for us as we go through these not just --

what we were trying to achieve based on instructions, what you did, what the result was.

MR. JOHNSON: Okay. In the case of those three changes just described, 11,000 moved in each one.

The goal was to improve the competitive measure of District Z by registration and AQD measurements, a similar change proposed from various citizens, and increased the competitive level of Z by the change. BB and DD were both impacted by the change but their competitiveness did not significantly change.

CHAIRMAN LYNN: Can you quantify that improvement?

MR. JOHNSON: I don't have that number in
front of me at this moment. I have spread sheets to
hand out of new stats.

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

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

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

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

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

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

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

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

So the Rita Ranch change worked out at

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

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

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

The south pointing section already in Tucson remains in Tucson.

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

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

CHAIRMAN LYNN: Microphone.

COMMISSIONER MINKOFF: There isn't an additional area that moved south? Right near that area
pointing south, it looks like an additional area moved
south right towards that finger pointing south.

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

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

CHAIRMAN LYNN: Mr. Huntwork.

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

CHAIRMAN LYNN: Not a coherent
neighborhood or pocket. District Z, I think District Z
has significant community interest issues. District Z
is a sandwich. Two outside districts sandwich the
northern boundary of Z. Eastern Pinal County is heavily
Democratic. Flowing Wells is heavily Democratic. The
middle communities of Marana, Oro Valley, Saddlebrooke,
Sun City, Vistoso, they're heavily Republican.
Adjustments made to the edge, a high concentration of
voters in one party. I don't know if that helps explain
it. That's how it's configured.

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

CHAIRMAN LYNN: Mr. Elder.

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

CHAIRMAN LYNN: Incorporation.

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

COMMISSIONER HUNTWORK: Thank you.

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

MR. JOHNSON: Correct.

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

MR. JOHNSON: See the spread sheet.

COMMISSIONER MINKOFF: Both changes.

MR. JOHNSON: Competitive registration and AQD.

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

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

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

We are, can highlight that city border.

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

CHAIRMAN LYNN: Actually Plumer.

MR. JOHNSON: Just like the old camp.

CHAIRMAN LYNN: Kind of.

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

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

COMMISSIONER ELDER: The request --

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

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

COMMISSIONER ELDER: Fine.

CHAIRMAN LYNN: Rather square off.

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

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I have a question.

We heard a lot of questions from the Broadway Broadmoor

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

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

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

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

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

COMMISSIONER MINKOFF: Square what off?

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

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

CHAIRMAN LYNN: West to Tucson Boulevard.

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

CHAIRMAN LYNN: Probably would.

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

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

COMMISSIONER MINKOFF: Break a Census tract.

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

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

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

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

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

COMMISSIONER MINKOFF: I so move.

CHAIRMAN LYNN: What do you want to do?

COMMISSIONER MINKOFF: West Tucson Boulevard, move the boundary.

What is the beige district?

MR. JOHNSON: CC.

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

COMMISSIONER ELDER: Second.

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CHAIRMAN LYNN: Seconded.

Roll call.

Ms. Minkoff?

MS. MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

MS. HAUSER: I'd ask for clarification.

COMMISSIONER ELDER: Clarification is it's on the basis of the neighborhood associations, cohesiveness of the association. The span of Broadway, the initial thrust was, defined Southern Broadway, 22nd Street was defined from 22nd East to Randolph Park. We started getting conflicting communities of interest overlapping in the full area, the Barrio Viajo area south of Winsett, and homeowners' associations were more interested in being associated with homeowners north of Broadway, felt Arroyo Chico, in that range, was the proper demarcation. It's primarily a community of interest shift. I don't feel it's R to D, Hispanic, non Hispanic. It's not a minority shift taking place.

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Does that answer it?

MS. HAUSER: Yes.

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

Mr. Johnson.

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

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

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

CHAIRMAN LYNN: Slightly.

MR. JOHNSON: Very slightly.

CHAIRMAN LYNN: For those not familiar, the reservation, it's the Santaveer District, the Tohono O'dham Reservation.

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

CHAIRMAN LYNN: Mr. Elder?

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

CHAIRMAN LYNN: If you want to incorporate it.

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

CHAIRMAN LYNN: CC.

COMMISSIONER ELDER: In CC, the rationale being that we had a fairly continuous barrio community to the south and west of the Aviation Parkway and railroad system. There had been testimony at the Tucson hearings the barrios and South Tucson should be one
community of interest. It is heavily Hispanic. In
discussing the area trading, or moving to AA, it was a
finger wrapped around DD. It makes it a little more
compact. CC doesn't affect the compactness of AA, per
se. It's a Hispanic-Hispanic trade, per se, and doesn't
affect the trade, per se. On that basis, I move we make
that change.

CHAIRMAN LYNN: Second?
COMMISSIONER HUNTWORK: Second.
CHAIRMAN LYNN: Thank you.
Discussion on the motion?
Roll call.
Ms. Minkoff?
COMMISSIONER MINKOFF: "Aye."
CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Mr. Hall?
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Mr. Elder?
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries five-zero.
MR. JOHNSON: That was the last of tests
in the Tucson area.

What I realize we didn't do a motion on

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

CHAIRMAN LYNN: Are there motions regarding the first three?
The Chair is not inclined to incorporate Z. I think it still needs work. I'm more than happy to look at Rita Ranch.

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

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

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

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COMMISSIONER ELDER: I'd like to discuss it.

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

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

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

MR. JOHNSON: Mr. Chairman?

CHAIRMAN LYNN: Let me make sure that

amendment is acceptable to Ms. Minkoff.

COMMISSIONER MINKOFF: Yes.

MR. JOHNSON: If I might offer a

suggestion to the approach on this.

CHAIRMAN LYNN: Yes.

MR. JOHNSON: One thing we encounter, we

accept certain tests, do not accept other tests. A lot

of lines move depending on which tests are accepted,

rejected. This area might get changed again. You might

make and get a sense of the map as accepted when it's

finished.

CHAIRMAN LYNN: Population adjustment.

COMMISSIONER MINKOFF: Let's withdraw for

now.

CHAIRMAN LYNN: If that works better for

you. The goal, the goal has several pieces. If you'd

adjust streets later, fine.

COMMISSIONER HUNTWORK: The motion makes

sense, the amendment.

COMMISSIONER ELDER: I modify the motion

for removing the smoothing and the Stella line.

Is that acceptable Ms. Minkoff?

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COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: On the motion unamended.

Ms. Minkoff.

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

COMMISSIONER ELDER: Two north, same issues, Tanque Verde Road, Bear Canyon, and city limits that were, they were noncontiguous, not compact, smooth the areas as much as possible. Look at those.

MR. JOHNSON: Certainly.

Generally to comment, we'd welcome suggestions and a formal motion.

COMMISSIONER ELDER: Do we need to revisit the Flowing Wells area with a formal motion?

CHAIRMAN LYNN: If you wish.

COMMISSIONER ELDER: I'd move in Flowing Wells area that we extend the, what is it Z --

CHAIRMAN LYNN: Z. Brown is Z.

COMMISSIONER ELDER: That we have, extend

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

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

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

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

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

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

Next item, Isaac School District.

COMMISSIONER HALL: As we move into
central Maricopa, the big question, I think from more of a macro, is this completely independent, are there other adjustments you're contemplating in other areas of Maricopa County?

MR. JOHNSON: Actually yes.

CHAIRMAN LYNN: Yes.

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

For this I do need to turn on the districts. We're looking at the area of I-17 west,
Indian School north, and Thomas Road on the south. So -- yeah. It is the blue region south of Indian School we're looking at here and down at Thomas Road. That area is about 6,300 people. The difference is 118, so two Census blocks, Encanto and 18th. At the time of the test, Encanto and 19th were all subsumed in this test. The tradeoff we made, this test remains the final version which was a straight trade. And the Westwood Village area was going into District O.

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

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

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

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

CHAIRMAN LYNN: Probably could be done by
now. That's all right.

Ms. Minkoff.

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

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

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

MS. HAUSER: Instruction.

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

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

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

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gone up to 50.58 and O has gone to 43.63.

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

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

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

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

COMMISSIONER ELDER: I'd like to ask if as
we go through these changes in demographics, if, from
the standpoint of a Hispanic minority-majority, we can
understand the balance between what trade areas are and
understand what the pluses and minuses are, understand
where it is.

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

CHAIRMAN LYNN: Hear that, Ms. Minkoff?
COMMISSIONER MINKOFF: You should have
heard that.

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

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

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

CHAIRMAN LYNN: In connection with item
four.

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

MR. JOHNSON: Yes. It might make sense to

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

CHAIRMAN LYNN: Go to the other smaller tests.

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

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

Flagstaff.

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

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

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

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

MR. JOHNSON: Wenden, Salome.

COMMISSIONER HALL: Mr. Johnson, being

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from California, we do extremely well.

COMMISSIONER MINKOFF: Where is your home town?

MR. JOHNSON: Artois.

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

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

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

COMMISSIONER ELDER: Second.

COMMISSIONER MINKOFF: Map La Paz County.

CHAIRMAN LYNN: Question: Anybody recall
any of the testimony from the Yuma hearing with respect
to unification? I remember they wanted to be unified.
Was there any testimony they ought to be unified south
or north?
Ms. Minkoff?
COMMISSIONER MINKOFF: When we went to
Yuma, they weren't divided. A lot testimony from
Quartzsite "please put us together." The dividing line
went through Quartzsite, the blue dip. That's to unify.
This, we didn't hear in Salome.
COMMISSIONER HALL: What? What,
Quartzsite?
COMMISSIONER MINKOFF: What it was, I
don't want to be divided. Did not ask Yuma County.
Didn't hear how divided. Didn't want to be divided.
CHAIRMAN LYNN: If divided, double, very
small, also very small. I'm not sure they shouldn't go
the other direction.
COMMISSIONER HUNTWORK: The overwhelming
testimony was La Paz wanted to be with Yuma. The point
was if we were going to divide it where each city was
going to be, we never asked, they never said, the
sentiment was go south. I would infer given the choice,
they'd want to be united south, if they had the choice.
COMMISSIONER HALL: It could be argued
Quartzsite south. We don't know the relationship.

Maybe, Mr. Chairman, it would be appropriate to table it and --

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

CHAIRMANN LYNCH: Further discussion on the motion?

If not, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMANN LYNCH: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMANN LYNCH: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMANN LYNCH: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMANN LYNCH: Chair votes "Aye."

Motion carries.

MR. JOHNSON: Thank you, Ms. Nance.

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

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impact other changes in Maricopa County.

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

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

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

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

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

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

CHAIRMAN LYNN: Knaperek.

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

COMMISSIONER HUNTWORK: I stand corrected.

COMMISSIONER HUNTWORK: In my mind, I can't justify population deviation that great on
splitting a school district.

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

COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: If it turned out to be a significant population deviation mark, regardless of whether good or bad to do it, if a large number and you instructed three kind of notches to move away from major votes, and that's the 324 people at the northeast corner of Rural Road and Elliott, those three small Census blocks south Guadalupe west of Rural Road, and the other on Guadalupe, the net change between those is 323. One suggestion I offer to the Commission is to keep the issues as a roll.

CHAIRMAN LYNN: Keep them for active consideration?

MR. JOHNSON: Leaves us with the northern consideration and central Maricopa considerations. Have you received the map and spread sheet? Let me turn off the underlining just to introduce this.

The thick black lines are the districts drawn in base map 3G. First look at the requests of the South Mountain hearing to unite the freeway at I-10, 17,
to make it oval. There's been significant testimony at
that hearing talking about the shared community of
interest between those areas. The instruction we
received was test that and trade off, exchange
population over here, the Scottie dog head -- the head
is northeast of the airport.

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

COMMISSIONER MINKOFF: 10,000.

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

CHAIRMAN LYNN: Mr. Johnson, I'm
wondering, we're coming up on time to maybe take a break
before a big discussion. In this instance, unlike
others we've tried, I'd really like to keep it to 10
minutes, a comfort break, and get back to this
particular issue so we can wrap this up and then take a
break.

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

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

CHAIRMAN LYNN: The Commission will
reconvene.

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

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

Goals we had were to meet our targets and

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

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

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

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

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significant impact on the rest of the map.

H is largely unchanged.

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

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

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

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

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

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

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

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Commission attorneys, offer them a chance.

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

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

COMMISSIONER HALL: I see.

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

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

MS. LEONI: I have it here.

MS. HAUSER: I have it.

COMMISSIONER MINKOFF: How many
Republican? How many Democratic?

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

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

COMMISSIONER MINKOFF: Nine.

MS. HAUSER: Nine Republican --
Democratic, 14 Republican, two competitive?

MR. JOHNSON: Between AQD to McDonald.

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

MR. JOHNSON: It's on a separate computer.

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

Another idea occurs to us. I'd be
interesting in looking at this. Instead of taking G,
keep it together, same interest, move F over, address
the concern Commissioner Elder brought up where D comes
over on both sides. There's more logic. F slides to
the east and D picks up area on both sides. It offers
more promise, a three-way division. The outside
division of J, K, F over here doesn't address the
changes.

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

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

CHAIRMAN LYNN: The option of downtown
Scottsdale three ways?

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

CHAIRMAN LYNN: Mr. Johnson.

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

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

COMMISSIONER MINKOFF: Exactly. It puts
them in different municipalities, similar neighborhoods,  
with similar interests. It might be a good fit.

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

CHAIRMAN LYNN: Unifying Carefree, Cave Creek.

COMMISSIONER MINKOFF: And or Scottsdale.

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

COMMISSIONER HUNTWORK: Go back down to  
Central Phoenix.

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

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

COMMISSIONER HUNTWORK: In O.

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

COMMISSIONER HUNTWORK: Population.

COMMISSIONER MINKOFF: The spread sheet

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you gave us today, the legislative spread for G.

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

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

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

MR. JOHNSON: Mr. Chairman, Commissioners, definitely changes. Only after number nine with the freeway line, it doesn't say it there, that's what it is, after the freeway loop, district nine is 49 percent. After we moved that, it went back up. I should have deleted that table. I didn't go back that far.

District O, after all, is 50.68 percent Hispanic population, 43.63 Hispanic voting age population.

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

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

CHAIRMAN LYNN: Have we increased,
decreased, or maintained districts that are
representative of the community of interest, Hispanic
community of interest AUR.

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

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

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

CHAIRMAN LYNN: Just five.

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

CHAIRMAN LYNN: All right. What is your
pleasure?

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

COMMISSIONER HALL: A second run.
COMMISSIONER HUNTWORK: Sophisticated data.

COMMISSIONER HALL: Second.

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

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

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

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

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

MR. JOHNSON: A small number of people.

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

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

COMMISSIONER MINKOFF: I understand.

Taking M and putting it into L. What you take from L

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you put into M.

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

COMMISSIONER MINKOFF: Avondale said "Don't split us. Put us all together." I'm not sure we could do it. It's a natural split. Avondale north of the freeway is very different. If there's any portion, take it all rather than split it north of the freeway.

That's unite the area north of I-10, make a change moving into M, the northeastern edge. It will not be split north of the freeway, or don't split it, or going into communities of interest and neighborhoods that you should not divide.

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

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

Mr. Huntwork.

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

MR. JOHNSON: AQD, seven percent, 8.06.

COMMISSIONER HUNTWORK: You said under
seven. I'm trying to be on the right page.

MR. JOHNSON: You are.

COMMISSIONER HUNTWORK: L, Republican 39.99; Republican 49.22.

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

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

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

CHAIRMAN LYNN: Mr. Huntwork, your motion.

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

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it as soon as possible.

CHAIRMAN LYNN: Mr. Hall.

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

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

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

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

MS. HAUSER: Correct.

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

COMMISSIONER MINKOFF: Whatever changes in

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

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

MR. RIVERA: Mr. Chairman.

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: Send it out to Judge It.

Look at it. Mr. McDonald's time, get something back
today. Wait until today, get it back tomorrow. That's
a consideration.

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

MR. RIVERA: Haven't checked his schedule.

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

COMMISSIONER HALL: My intent.

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

COMMISSIONER MINKOFF: Specify districts H through P.

COMMISSIONER HUNTWORK: Not at all.

COMMISSIONER MINKOFF: Add that through the motion.

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

CHAIRMAN LYNN: Mr. Hall, acceptable?

COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: On the motion, discussion?

Roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

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(Motion carries.)

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

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

Mr. Huntwork?

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

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I agree a hundred percent.

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

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do careful examination so we will have had some
preparation.

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

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

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

COMMISSIONER HALL: Perfect.

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

Mr. Elder.

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

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

CHAIRMAN LYNN: Black and white, Maricopa
version.

This is not sufficient detail?

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

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

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

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

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

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

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

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include that as part of the big picture.

CHAIRMAN LYNN: Northern Arizona is
Northern Arizona.

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

COMMISSIONER HUNTWORK: So moved.

COMMISSIONER HALL: Working.

Recommendation, hour-and-a-half lunch? The reason
being, Mr. Chairman, it will give the consultants a
little more time.

COMMISSIONER MINKOFF: If an hour.

CHAIRMAN LYNN: I thought they were
prepared.

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

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

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

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

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

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Commission?

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

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

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

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

CHAIRMAN LYNN: Elephant's tusk.

CHAIRMAN LYNN: Down to a rhinoceros horn.

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

You see essentially the size of the

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

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

COMMISSIONER MINKOFF: Can I ask a
question?

CHAIRMAN LYNN: Ms. Minkoff.

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

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: 3,000.

MR. JOHNSON: 23,000 people.

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

MR. JOHNSON: We don't have the
established AUR up there.

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

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

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

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

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

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

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

CHAIRMAN LYNN: Is there an affirmative
motion to incorporate the change.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

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

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

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

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

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

CHAIRMAN LYNN: 3G.

MR. JOHNSON: 3G.

CHAIRMAN LYNN: What is the Commission's
pleasure on this portion of the map? Mr. Hall.

COMMISSIONER HALL: Well, Mr. Chairman,

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

CHAIRMAN LYNN: There is no objection,

Mr. Hall.

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

It's no secret to the interests of anybody

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

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

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

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

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

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, when
we are discussing creation of districts that involve
reservations, we have to bear in mind that there are a
number of important considerations which are not
totally or even necessarily at all racial, per se.
We're talking, number one, community of interest,
involving matters of national sovereignty, important
legal questions that are in common, in many cases issues
of resources and critically important federal
constitutional questions, or treaty questions that are
common between many Native American tribes. And we also
deal with the fact we have determinations, expressions
of interest and desire by sovereign communities within
the borders of the State of Arizona that I personally
feel are entitled to a great deal of respect and
deference. I've not heard a completely consistent view
of that even from the Native Americans themselves. That
is when tribes like some of urban tribes expressed a
desire to be included in the urban district, I give that
a great deal of deference. If a sovereign tribe, the
Hpis, express a desire they do not to be included with
the Navajos, I give that a great deal of deference.
When the Navajos and Apaches express a desire to be
together, I give that a great deal of deference. Given
the self-definitions and the serious and important
determinations made by the various tribal authorities, I
would be very serious in considering the Navajos,
Apaches, Navajos, and excluding the Hopis. If I recall
the three tests we've conducted which would -- the three
basic tests accomplish that. One was test D, the second
was test F, and the third was test H.

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

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

The other test we tried is test H, simply using a different way of connecting the Apache, ways of
coming down sparsely connected, a sparsely connected
part of the state into the Apache Reservations of the
state between the connection part of the state
wilderness area, or very sparse Lee populated area,
which creates a district in the southern Apache and
Navajo counties, Flagstaff, Williams. Flagstaff is then
made whole in that district and I believe that -- it
includes Sedona the way that map is drawn and does not
include Verde Valley, unites, essentially, a united
Yavapai.

Do you have the maps?

COMMISSIONER HALL: One at a time.

CHAIRMAN LYNN: Where do you want --

COMMISSIONER HUNTWORK: Go back to D.

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

COMMISSIONER HALL: So I make sure, if we
were to determine to move the Apache with Navajos, exclude the Hopis from the Navajos?

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

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

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

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

COMMISSIONER HALL: Before we do that, Mr. Chairman, in light of the fact Mr. Huntwork has
summarized the districts benefits, flash up D, E, F, and whatever else Doug may have on his plate, A, H, whatever else, and briefly discuss the pros, cons of each of the options. Then I think that is appropriate. Maybe we can consider receiving more detailed input. And then based upon that, based on that then maybe we can do a couple of tests.

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

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

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

COMMISSIONER HALL: I agree, Mr. Huntwork. For the benefit of those in the audience, pursuant, Mr. Huntwork, to request, if all of these Hopis come out, minus three point out percentage, putting percentages up, right? In addition, Yuma moves
into urban areas. That's another concern on this particular test.

COMMISSIONER HUNTWORK: F.

MR. JOHNSON: F.

COMMISSIONER HALL: F3 or 2?

MR. JOHNSON: Population balanced F2.

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

COMMISSIONER MINKOFF: F2.

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

COMMISSIONER HUNTWORK: Right.
CHAIRMAN LYNN: I'm pointing out other features.

COMMISSIONER HUNTWORK: My recollection is it divides Flagstaff.

MR. JOHNSON: F2 does not.

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

CHAIRMAN LYNN: No reservation.

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

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

COMMISSIONER MINKOFF: The Florence area is split off.

COMMISSIONER HALL: What does Florence have to do with Nogales? Yavapai has gone back to the urban districts. Yuma is now urban.

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

COMMISSIONER MINKOFF: Maybe McDonald's.

COMMISSIONER HALL: That's true.

District Y is interesting. Gold Canyon...
with Payson.

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

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

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

CHAIRMAN LYNN: Move to H, the next one?

COMMISSIONER HUNTWORK: H.

CHAIRMAN LYNN: While H is up, for the record it should be stated, as I think Mr. Huntwork said very well, Mr. Hall started saying it. There's attention, plans by the Navajo Nation, not casual, several, several variety of ways to meet the concerns of the Navajo Nation expressed and continue to look for opportunities to address the issues of the Navajo Nation presented to the Commission. It's also fair to say when and if the Commission does address those issues it will get to bear on the Navajo Nation in this context and not be done without some affect in many parts of the rest of the state. The truth is you get concentrations of
voting population in the proposal, and we need to cover
a significant amount of territory. That impacts the
creation of districts, particularly in rural areas
around the rest of the border of the state. I'm not
saying that is wrong or won't happen. I'm saying that's
a natural consequence of addressing this issue.

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

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

CHAIRMAN LYNN: Or black salmon.

COMMISSIONER HALL: All Republicans.

CHAIRMAN LYNN: I see one. All
Republicans.

COMMISSIONER HALL: Sorry, Mr. Begay.

Called you Republican. Great disrespect.

(Laughter.)

COMMISSIONER HUNTWORK: Just to make sure
what happened with this map, the exercise we're seeing,
what happened in the rural districts, we connect things
up this way. We never followed up, going up the rural
areas, cleaning up the districts. There was no thought
given to the Tucson districts, the Phoenix districts on
this map. What you see here is you, by coming down the
eastern boundary of the state, you hook up the Apache
Reservations and you create a north central eastern district.

COMMISSIONER MINKOFF: North central eastern.

COMMISSIONER HALL: Looks like a running cat.

CHAIRMAN LYNN: Swollen front leg.

COMMISSIONER ELDER: Bear.

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

COMMISSIONER HALL: With a balloon on its back.

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

COMMISSIONER MINKOFF: Except Sedona.

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

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

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

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

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

COMMISSIONER HALL: The gray district,

171,000 people?

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Population.

COMMISSIONER MINKOFF: Takes out --

COMMISSIONER MINKOFF: Almost completely
out of people in Tucson.

COMMISSIONER MINKOFF: Salt River and Fort
McDowell.

COMMISSIONER HUNTWORK: Do some tinkering.

Yuma is out. The river is in two
districts between Yuma and --

COMMISSIONER MINKOFF: The border.

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

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Phoenix, Arizona
No thoughts? Whole thoughts? Circulation
of the rural districts, and never got to the urban
districts. Those are the tests that dealt with the
only -- the means of uniting Apache and Navajo.
CHAIRMAN LYNN: What is your pleasure?
COMMISSIONER HALL: Mr. Chairman, I don't
want to beat a dead horse.
Certainly it's bizarre, being you took
one, two major employers out of that county. So far
Yavapai is good. I'm not sure what Yavapai and Eagar
have in common. That's another story. Cochise, you
can't tell how far it is with Cochise. That stays out
of it.
CHAIRMAN LYNN: All but.
MR. JOHNSON: This is Vail on the edge
here. This is --
CHAIRMAN LYNN: Saguaro National Park
east.
COMMISSIONER MINKOFF: Not a lot of
population in there.
CHAIRMAN LYNN: Not a lot of stays
overnight.
COMMISSIONER HALL: Mr. Chairman, please.
COMMISSIONER ELDER: Rincon National
Mountains, in that yellow line is the interstate forest

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Phoenix, Arizona
national monument boundaries, little or no population north of Vail.

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

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

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

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

There's no question, I argue vehemently there, having been living there my whole life. I
dispute that comment.

COMMISSIONER ELDER: I'm not so sure why we didn't carry forward the test three period. If you want to look at an ugly, ugly district, add the Hopi, pull out the purple whatever that is. It's just a disaster. There are a lot of pros, as I see, in it. It rated Yavapai, everything, with those two. And they've been probably one of the hardest areas to deal with. As we mentioned before, halfway, or an interface between a north Navajo and a Maricopa County issue, South Yavapai, Pinal County between Tucson and Phoenix, and -- I think the comment was if we worked from outside in, a different map with metropolitan areas out, I would like at least to see the run on -- I think H fits most of the best things we've seen of the three maps Mr. Huntwork brought forward. I'd like to see what the demographics or competence is, have we lost. The down sides I see in it, the work on that border area with Tucson on that edge, to resolve some of those issues, we might have a winner going. It's something I'd like to take a look at in the process. I move we do that.

CHAIRMAN LYNN: As is?

COMMISSIONER ELDER: Either we go through the process, direct the consultant on how to modify it,
take a break, do the numbers, come back with the
numbers, balance the population, run a test, or see
where we're at now. And that's -- the plan as it is
now, I'd not probably, I'd not vote for a final adopted
map. It has potential. I'd look for it at least as
it's covered bases. It comes out, it does not work to
have done diligence to return on that. Without testing
or work further, we haven't given it a fair evaluation.
I'd like to see that.

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

CHAIRMAN LYNN: Is there an appropriate
section?

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

CHAIRMAN LYNN: Sorry.

COMMISSIONER HALL: Map E.

COMMISSIONER HUNTWORK: Yes, map Apache
Navajo. E is a map that is also much stronger in
demographics.
Josh, why don't you.

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

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

So moved.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Discussion on the motion?

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

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

Mr. Elder?

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

I guess, Mr. Hall, other maps do better, parts we look at --
COMMISSIONER HALL: To reiterate the motion, I apologize for not being clear, we'd take the Northern District, put it on the current working map G, leave everything south as much as possible unaffected, but it will affected some stuff on it, ripples. We'd look at a configuration to accomplish that.

COMMISSIONER ELDER: That answers that.

CHAIRMAN LYNN: On the motion end, further discussion?

Mr. Huntwork?

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

MR. RIVERA: Closer to the microphone.

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

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

If you'd get closer to the mike.

COMMISSIONER HUNTWORK: I'm concerned with keeping Flagstaff whole, if possible. I'm concerned with splitting Yavapai, that rationale. I think that, if those are the type ripple effects we have from this, I wouldn't want to go that direction. I think the direction of District E coming down south may have to be at least partially in play in order to give the
experiment a fair test. We have to do some prioritizing here.

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

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

CHAIRMAN LYNN: Point well-taken.

Mr. Johnson, recite the areas we've already dealt with and choose not to deal with again if
we don't have to, which areas are sensitive which way.
To that extent that we do it, we'll take a look at it,
which things, which to avoid, if avoidable.

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

CHAIRMAN LYNN: On the motion, further
discussion?

Roll call.
Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Aye.

CHAIRMAN LYNN: Chair votes "aye."

(Motion carries.)

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I'd like to make a
motion we also try to take a look at test H and complete
the preparation of test H which again includes the work
we've done, particularly in the urban areas, and use the rural concepts in test H and merge the rural concepts of test E to the extent you can do that.

CHAIRMAN LYNN: Second?
COMMISSIONER ELDER: Second.
CHAIRMAN LYNN: Discussion?
Roll call.
Ms. Minkoff?
COMMISSIONER MINKOFF: "Aye."
CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Mr. Hall?
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Mr. Elder?
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries five-zero.

What is your pleasure at this point?
COMMISSIONER ELDER: Mr. Chairman --
CHAIRMAN LYNN: Mr. Elder.
COMMISSIONER ELDER: Now would be the appropriate time to talk with counsel concerning legal issues. I'd like to go into Executive Session.

I'd make a motion for Executive Session pursuant to A.R.S. 38-431.03(A)(4) and 38-431.03(A)(3).
CHAIRMAN LYNN: I have no idea on the
time. We'll open the doors.

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

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

CHAIRMAN LYNN: The Commission will come
to order.

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

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

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Phoenix, Arizona
on, to get a sense of how much Legislative discussion we have.

Mr. Huntwork.

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

CHAIRMAN LYNN: A third item in terms of Legislative.

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

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

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

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

CHAIRMAN LYNN: Perhaps wait on the motion.

COMMISSIONER HUNTWORK: Let's actually do that.

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

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

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

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

CHAIRMAN LYNN: Anyone wishing to be heard?

As there's not anyone wishing to be heard,

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

Mr. Huntwork.

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

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

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

(Laughter.)

COMMISSIONER MINKOFF: Some have a husband
to call.

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

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

Mr. Hall?

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

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

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

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

COMMISSIONER HALL: Yes.

COMMISSIONER ELDER: Second.

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

Mr. Huntwork.

COMMISSIONER HUNTWORK: Test E.

COMMISSIONER HALL: E on G.

COMMISSIONER MINKOFF: Translate that for me.

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

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

COMMISSIONER HALL: Okay.

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

COMMISSIONER MINKOFF: Okay. Test E.

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

CHAIRMAN LYNN: Understand the motion, Ms. Minkoff?

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

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

COMMISSIONER MINKOFF: E.

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

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I do not necessarily agree with the conclusion regarding
communities of interest. I'm definitely still thinking about that aspect of that it. But on the other hand I agree this test should be run in this manner. I'll vote for the literal words of the motion. I just wanted to make a distinction.

CHAIRMAN LYNN: Further discussion on the motion?

If not, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries.

COMMISSIONER HALL: Other tests.

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

Mr. Huntwork, did you make that motion?

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

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

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

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

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

Mr. Elder.

COMMISSIONER ELDER: I'd like to ask the consultants, the test shows Hopi out. Will we get, by putting the Hopi in, in these two tests, a statistical variation we could somewhat rely on, the results of Hopi in Hopi or out on other tests or other tests that are
not compatible with that kind of transference?

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

CHAIRMAN LYNN: Further discussion on the motion?

If not, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

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

CHAIRMAN LYNN: In.

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

CHAIRMAN LYNN: What is the pleasure regarding other instruction to the consultants?
Mr. Hall?

Mr. Huntwork?

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

CHAIRMAN LYNN: Let me ask that question, then.

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

Any other tests you'd like to order?

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: I have a question.

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

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

COMMISSIONER HALL: I have no idea what
she said. I became part of the kitchen staff temporarily.

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

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

CHAIRMAN LYNN: Mr. Elder.

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

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

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

I'm sorry, both, actually.

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

What we're talking about was test E.

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

COMMISSIONER MINKOFF: Correct.

CHAIRMAN LYNN: On map H.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: You made a motion.

COMMISSIONER HUNTWORK: Map H, the motion
made earlier, map H is basically complete, the urban
districts, using the patterns developed from other maps
and test the whole map.

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

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

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

CHAIRMAN LYNN: For the record, whose

second is that motion.

COMMISSIONER HUNTWORK: Dan.

COMMISSIONER HALL: Dan.

COMMISSIONER ELDER: How much time would

it take to insert the most recent downtown plan worked

on this morning into H for a fuller picture on how the

whole thing fits together, Doug, having nothing to do

with this evening, take another step down the road, if

we could, instead of taking a break, if we could?

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Commissioners,

to actually draw districts into the map, we're probably

looking at a full day, to leave H, whether that's to

clear H or not, to give it as comparable earlier, a

comparable test, look at how it could be done. That

could be done in 24 hours or so.

COMMISSIONER ELDER: I believe the second

motion is without modifying the metropolitan areas of H.

CHAIRMAN LYNN: Motion as passed.

Mr. Hall?

COMMISSIONER HALL: As demonstrated today,

the internal areas of Phoenix are significantly

impacted. Without the metropolitan area, we're
interested in what impact. By reason of a different possible configuration of Phoenix -- I don't think, in the interests of time, I think we should only put on the plate what is really the issue, what we're trying to make a decision on.

COMMISSIONER ELDER: I agree with that.

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

MR. JOHNSON: Yes.

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

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

Mr. Hall.

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

CHAIRMAN LYNN: Ms. Minkoff.

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

CHAIRMAN LYNN: Mr. Huntwork.

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

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

COMMISSIONER HUNTWORK: True.

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

Mr. Elder.

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

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

COMMISSIONER HUNTWORK: Three competitive districts.

CHAIRMAN LYNN: I'd like 30.

COMMISSIONER MINKOFF: That's not going to happen.

CHAIRMAN LYNN: Everyone's point. The instruction is clear. Maximize competitiveness of districts in every part of the state being drawn. If there's the opportunity, in whatever impact tests there are, as they reach Tucson, we're trying to at minimum maintain, if possible, or increase the number of competitive districts.

Mr. Hall.

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

CHAIRMAN LYNN: Mr. Huntwork.

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

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

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

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

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

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

Am I thinking correctly, Doug?

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

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

COMMISSIONER HALL: Any questions, Mr. Johnson?

MR. JOHNSON: Thoroughly confused.

COMMISSIONER HALL: No?

MR. JOHNSON: No.

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

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

CHAIRMAN LYNN: Other Southern Arizona concerns we wish to instruct the consultants on this evening?
Other matters we need to discuss this evening before we recess until tomorrow morning?

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

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

(Applause emanates from the next room.)

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

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

(Laughter emanates from the next room.)

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

That's the potential schedule for tomorrow.

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

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

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)  
) ss.  
COUNTY OF MARICOPA  

BE IT KNOWN that the foregoing hearing was 
taken before me, LISA A. NANCE, RPR, CCR, Certified 
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Certificate Number 50349; that the proceedings were 
taken down by me in shorthand and thereafter reduced to 
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I FURTHER CERTIFY that I am in no way 
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way interested in the outcome hereof. 

DATED at Phoenix, Arizona, this 25th day 

LISA A. NANCE, RPR  
Certified Court Reporter 
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