STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
November 9, 2001
4:30 p.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 November 9, 2001, at 4:30 o'clock p.m., at the Independent Redistricting Commission of Arizona Offices, 1400 West Washington, Suite B-10, Phoenix, Arizona, in the presence of:

APPEARANCES (telephonically):

CHAIRMAN STEVEN W. LYNN
VICE CHAIRMAN ANDI MINKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER DANIEL R. ELDER

ATWOOD REPORTING SERVICE
Phoenix, Arizona
ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel  
(telephonically)

JOSE de JESUS RIVERA, Commission Counsel

TRACI RICCITELLO, Commission Counsel  
(telephonically)

ADOLFO ECHEVSTE, IRC Executive Director

DR. ALAN HESLOP, NDC, Consultant  
(telephonically)

DOUG JOHNSON, NDC, Consultant  
(telephonically)

MARGUERITE MARY LEONI, NDC Counsel  
(telephonically)

LOU JONES, IRC Staff

CINDY LE, IRC Staff

KRISTINA GOMEZ, IRC Staff

AMY REZZONICO, IRC Press Information Officer

TIM JOHNSON, MC, Computer Consultant

LISA A. NANCE, RPR, CCR, Court Reporter

PUBLIC PRESENT:

JUDY DWORKIN

JOHN FAR

ATWOOD REPORTING SERVICE
Phoenix, Arizona
AGENDA DESIGNATED SPEAKERS:

DR. ALAN HESLOP
DOUG JOHNSON
LISA HAUER
CHAIRMAN LYNN: Four Commissioners are present: Ms. Minkoff, Mr. Elder, Mr. Huntwork, and the Chairman. Mr. Hall is excused.

Present are the legal staff, Ms. Hauser and Mr. Rivera, NDC, Ms. Leoni, and IRC staff are present telephonically.

Presentation by NDC: Discussion and possible decisions concerning possible changes to the final Legislative plan for neighborhood clean-up and/or to correct small population traps between Congressional and Legislative lines.

MR. ECHEVESTE: Steve, could you start over? We have the tape going now.

CHAIRMAN LYNN: Start from scratch, Adolfo?

MR. ECHEVESTE: Yes, please.

CHAIRMAN LYNN: Call the meeting to order.

Present are: Ms. Minkoff, Mr. Elder, Mr. Huntwork, and the Chairman. Mr. Hall is excused. Also present is

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Ms. Hauser and Mr. Rivera. Also present by -- these are
all by telephone at one location or another. NDC,
Ms. Leoni, and the IRC Executive Director and staff.

Item II.

COMMISSIONER ELDER: One further, Alan
Heslop.

CHAIRMAN LYNN: Sorry.

DR. HESLOP: I'm sorry.

CHAIRMAN LYNN: I said NDC. I wasn't
being specific, Alan and Doug both.

Item number II: Presentation by NDC,
discussion and possible decisions concerning possible
changes to the final Legislative plan for neighborhood
clean-up and/or to correct small population traps
between Congressional and Legislative lines.

Mr. Johnson.

DR. HESLOP: Mr. Chairman, let me give
some tips, if I may, a quick word or two about the trap
issue.

I believe all the Commissioners know there
are two nationally recognized GIS redistricting
programs, Arcview and Maptitude. We've been using
Maptitude from the beginning. Both of these provide
trap identification capabilities. And as we've
discovered recently, Arcview's automated capability is
superior to Maptitude. Prior to November 3rd we were using Maptitude to identify the traps.

As I think Doug previously made clear, what this really involves is visual inspection of the borders of the district.

We received Arcview's trap finder in mid-October, and it was our intention to convert maps to Arcview's judicial trap finding capabilities; and for one reason or another didn't find reason for that task. Also, we believed Maptitude's trap search was comprehensive.

As the Commissioners know, Tim had the opportunity run the trap finder program and identify the additional traps we are reviewing now. Those traps were missed during Maptitude's visual inspection because they are extremely small. They were hidden behind the district lines, the actual border lines on the map. Each of them does have zero population.

I might note that we've been in conversation with Maptitude on this and they are now in the middle of developing an automated trap finder that will be ready to redistrict other jurisdictions but, of course, not Arizona.

So that's the background to the zero traps.

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As you know, there are two other items to discuss along this line. One is the Tucson Summit area, quite a large area. The Commissioners previously discussed it. It involves 36 people. There are voting rights implications in the neighboring districts. But that is something that the Commission would undoubtedly wish to look at.

And the 3rd item is a request from the elections people in Cochise County for a line change in Sierra Vista. The Commission's map for Sierra Vista in fact follows exactly the Census Bureau's reported city boundary for Sierra Vista, but we discover now, from the election's official, that that boundary is not correct and that it actually divides a mobile home park.

COMMISSIONER MINKOFF: Hum.

DR. HESLOP: According to the election's official, the people that lived in the mobile home park voted together for years in the park's clubhouse, and he would like the Commission not to divide the park. Because if we divide it, that would force him to divide the park between two precincts. Now, that item involves moving 85 people from Legislative District 30 to Legislative District 25.

So there are really three subjects,

Mr. Chairman, Members of the Commission: Zero
population traps, the second is the area between Tucson and Summit, and the third is the Cochise-Sierra Vista mobile home park issue.

And with that introduction, Mr. Chairman, I guess our suggestion is that Doug could briefly walk you through the zero population traps, answer any questions you may have on them. And then if it's your wish, you could then move to the Tucson area and the Sierra Vista question.

CHAIRMAN LYNN: Is it -- do you think it's necessary to go through all the zero population traps specifically or would you -- I mean we have the information. I don't know how much of it needs to be put on the record. By identifying them, either by number and providing the record with the particular printout that everyone has for consideration, we might be able to expedite the process. I don't know that we need to spend a lot of time on zero population traps.

DR. HESLOP: I agree if we went into the record for that list, few, if any, issues of any substance issues would arise.

CHAIRMAN LYNN: I wonder if, without objection, the attachment of the final traps for consideration dated November 9th, 2001, from NDC could be made a part of the record? And with that done, I
wonder if we might have a motion to approve the zero
population trap adjustments contained on that
attachment?

COMMISSIONER ELDER: Mr. Chairman, this is
Commissioner Elder.

I move we accept traps numbered one
through 21, which include all of the zero population
traps, as accepted.

COMMISSIONER MINKOFF: I would second that
motion.

MR. JOHNSON: Commissioner Elder, if I
might.

CHAIRMAN LYNN: One through 20.

MR. JOHNSON: It's one through 23. But 14
and 21 both involve population. One through 23 except
14 and 21 as not being zero pop.

COMMISSIONER ELDER: I amend my motion to
respond to that.

COMMISSIONER MINKOFF: I accept that also.

CHAIRMAN LYNN: Moved and seconded to
adopt the zero population changes contained in
attachment entitled final traps for consideration
numbered traps one through 23 with the exception of
number 14 and number 21.

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Discussion on the motion?
If not, roll call.
Ms. Minkoff?
COMMISSIONER MINKOFF: "Aye."
CHAIRMAN LYNN: Mr. Elder?
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."

Motion carries four to zero.
Now let's go back to number 14.
This is our now famous Precinct Nueve, now
Number nine, nine people living in Phoenix,
living near Paradise Valley.
Is that correct?
MR. JOHNSON: That's correct.
CHAIRMAN LYNN: I believe we dealt with
that in a previous meeting.
MR. JOHNSON: Yes.
CHAIRMAN LYNN: There's no action we need
to take on number 14. We just identified it for the
record.
COMMISSIONER MINKOFF: As a trap that is
going to remain.
CHAIRMAN LYNN: That's correct.

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CHAIRMAN LYNN: Then let's move to number 21 which is in fact the Summit adjustment which involves a six-mile wide stretch and 36 people.

MR. JOHNSON: Mr. Chairman, Commissioners, just a very brief discussion of this. This is the area north of Summit and east of the Tohono Reservation lands near Tucson, out of Tucson. It is a very low population, although large area. When the Commission discussed it before, there was discussion of concerns this could be an area of significant growth in the near future.

It's currently in District 30, which is the East Tucson District. And to fix this, if we did consider it a trap, would require moving it into one of the majority-minority districts it neighbors. It neighbors three of them, 25, 27, and 29.

COMMISSIONER MINKOFF: Uh-huh.

MR. JOHNSON: Our recommendation is leave it as is, given -- given the future growth and size of the area.

COMMISSIONER MINKOFF: Why is it a trap?

Most of District 30 is in Congressional District 8 and this is the only portion in 7?
MR. JOHNSON: The only portion in this part of the state, yes.

COMMISSIONER MINKOFF: Okay. So that most of this area is in Congressional District 8, but these 36 people are in Congressional District 7.

MR. JOHNSON: Right.

COMMISSIONER MINKOFF: Thank you.

COMMISSIONER ELDER: Doug, this is Commissioner Elder. Would you give me the demographics of those 36 people?

MR. JOHNSON: They are -- there are a couple of Hispanics among them, definitely not the majority by any means.

COMMISSIONER ELDER: Well, when you made comment it may be a minority-majority or voter rights issue, it's based on dilution of the adjacent districts by Anglos?

MR. JOHNSON: Right. Obviously 36 won't be significant impact. It's concerns about the future growth.

COMMISSIONER MINKOFF: Might ultimately change the character of whichever minority-majority district we moved it in, if we moved it?

MR. JOHNSON: Right.

COMMISSIONER ELDER: Okay.

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CHAIRMAN LYNN: What is the impact of leaving it the way it is? Not in terms of demographics of the district, are we creating another district like District Nueve for the Pima County Elections Officer in the same sense that it creates a mini precinct?

MR. JOHNSON: That is a concern raised. It would have to have its own precinct because it's a different Congressional and Legislative District, but it's its own precinct for a six-mile wide area as opposed to its own precinct for a small city block. The other piece is it's just south of Tucson. When there's a city election, it has to have a separate election anyway.

MS. LEONI: Mr. Chairman, if I may.

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: This is unincorporated, is that what you are saying?

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Let me ask a question related to the last statement, Doug. When you talked about the fact it's not part of the city limits of Phoenix.

MR. JOHNSON: Tucson.

COMMISSIONER MINKOFF: Also not part of the City limits of Phoenix, too. If a city election,
they'd have to vote in a separate precinct. Does that mean 36 people might vote in precinct X for state, city elections, but precinct Y for -- or not allowed to vote in municipal elections? I'm wondering if that might be more confusing than the trap.

COMMISSIONER ELDER: Ms. Minkoff, this is Commissioner Elder. There is an area, 36 square miles annexed by the City of Tucson, I believe, by the 2000 election. This area, I don't believe, went that far west. This portion may be the City of Tucson as well.

COMMISSIONER MINKOFF: I thought what I heard from Doug, it's not City of Tucson.

COMMISSIONER ELDER: Doug, using the 2000 election TIGER files.

MR. JOHNSON: Right.

COMMISSIONER MINKOFF: I was thinking it's not part of the City of Tucson, creating a situation very confusing, one place for state elections, one place for city elections. That's a worse place than a trap.

MR. JOHNSON: I just, going back to my own comment, I'm not entirely up to speed on how they handle city elections in the City of Phoenix, whether they create a separate precinct. I think they create a separate precinct.

COMMISSIONER MINKOFF: If these people are

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not in the City of Tucson, they'd not be part of a
precinct for the City of Tucson.

CHAIRMAN LYNN: If not in an incorporated
area.

COMMISSIONER HUNTWORK: I'd like to toss
in my two cents. Something this big with as much growth
potential does not seem to be a trap. I would -- I
think we ought to leave it the way it is.

COMMISSIONER MINKOFF: I agree. I think
it's a temporary trap at best.

CHAIRMAN LYNN: If the consensus is we
need to leave it the way it is, no motion is required on
this one. It currently is in that district. It will
remain so unless we do something affirmatively to move
it.

Hearing no motion on the affirmative side,
if we may move to Sierra Vista.

MR. JOHNSON: Mr. Chairman, let me ask,
has everyone had a chance look at this or should I
describe in detail where we're talking about?

CHAIRMAN LYNN: What's your pleasure,
ladies and gentlemen? I think I understand it. I
looked at the diagram, understand the description.
The important point here is that the

trailer park, mobile home community, is not in the City

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of Sierra Vista. The action requested here, or
suggested, is simply to reunify the trailer, mobile home
community, so all of it is in the same district. The
district does not include the City of Sierra Vista.

COMMISSIONER MINKOFF: Just so that I
understand, was the Census information incorrect in that
the Census information listed a portion of this trailer
park in Sierra Vista when in actuality it is not?

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: One of the things
jurisdictions needed to do was communicate effectively
with the Census Bureau to make sure boundaries and
jurisdictions were correct. I can only surmise there
must have been a slip in communication with the Sierra
Vista Census Bureau which resulted in what you just
suggested, the Census Bureau has the wrong boundary.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: Is there an affirmative
motion on this issue?

COMMISSIONER MINKOFF: Mr. Chairman, I
would move that we unify this particular area.

How should we describe it for purposes of
the motion? Does it have a name?

CHAIRMAN LYNN: Well, you might call it
mobile home community at the southeast corner outside
Sierra Vista.

COMMISSIONER MINKOFF: As to the mobile
home park adjacent to the southeast corner of Sierra
Vista, I move we unify the mobile home park adjacent to
the southeast corner.

COMMISSIONER ELDER: Second.

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Since you attached the NDC
report, it's page four, not a trap. It's described on
page four of the document, page four.

COMMISSIONER MINKOFF: Not a number.

MS. HAUSER: It has specifics of the move.

CHAIRMAN LYNN: We'll note for the record
this is the same attachment we made part of the record
and contained on page four.

COMMISSIONER MINKOFF: Actually, for some
reason mine came through as page five. I have a page
four that is blank.

CHAIRMAN LYNN: It's identified well
enough as it's the only Sierra Vista change we're
looking at.

COMMISSIONER HUNTWORK: The change
excludes the entire trailer park from Sierra Vista

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rather than including it?

      MR. JOHNSON: Right, excluding. Excluding
the trailer park from Sierra Vista.

      COMMISSIONER ELDER: Doug, the trailer
park precinct, does it split a Census tract, or a split
of a Census block or tract to be able to accommodate
this?

      MR. JOHNSON: In the document, we're
talking about identifying two Census blocks, the
entirety of two blocks.

      COMMISSIONER ELDER: Includes both
annotated here.

      CHAIRMAN LYNN: Two complete Census
blocks, 85 people, 47 registered voters, or 47 voting
age. I don't know which.

      MR. JOHNSON: Registered voters.

      CHAIRMAN LYNN: Okay. 47 registered
voters.

Further discussion on the motion?

      COMMISSIONER ELDER: Mr. Chairman, for the
record, I believe it's a good move. Makes it more
compact, makes it easier for voters and/or political
people that wish to run in District 2, wish to achieve
the goals we're looking for.

      Based on access, and compactness, you
know, I agree with the shift.

CHAIRMAN LYNN: I think it's also the case it's the intent of Cochise County and was not a move to put the City of Sierra Vista into a district with southeastern Tucson but was to leave the entirety of the remainder of Cochise County intact within a Legislative District. This also accomplishes that as well.

COMMISSIONER ELDER: I would move the question.

CHAIRMAN LYNN: Any further discussion?

If not, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries four to nothing and is so ordered.

Those, ladies and gentlemen, then, are the additional traps and population adjustments that need to be made.

Are there other items under Item II we need to consider at this time?

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If not, we will move to Item III which is certification of the final Congressional and Legislative Districts to the Secretary of State.

Ms. Hauser, do you have a specific motion relative to Item III?

MS. HAUSER: Mr. Chairman, I prepared the necessary documents, and we'll circulate them for signature based on a vote that would be taken at this time to certify the Congressional -- excuse me, certify the Legislative Districts based on the changes made here today.

I'm thinking of a short -- I'm trying to think of a shorthand way to describe those, just based on the changes made in this particular meeting. And because of the potential for a change in the Congressional, if there had been a desire to reconsider anything else, we're having you issue new certifications for Congressional as well so they're issued on the same day.

CHAIRMAN LYNN: Very well.

The Chair would entertain an affirmative motion to certify to the Secretary of State Congressional and Legislative Districts including changes made today at the November 9th meeting.

COMMISSIONER ELDER: Mr. Chairman, I would
so move.

CHAIRMAN LYNN: It's been moved.

Is there a second?

COMMISSIONER MINKOFF: I'll second.

CHAIRMAN LYNN: Thank you, Ms. Minkoff.

Discussion?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: At our previous meeting we added to the motion authorization for our counsel to attach the appropriate legal descriptions to the certifications. I assume we would do that again, Lisa, that is you will not have those legal descriptions prepared before circulating the form of the certification, will you?

MS. HAUSER: That's correct.

CHAIRMAN LYNN: Without objection, we'll add that to the motion.

Further discussion?

If not, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries four-zero and it is so order.

MR. RIVERA: Mr. Chairman, maybe discuss how to pass them around, how practically to pass them around?

What, going to the door, as Lisa is going to mail to Traci down in Tucson for Commissioner Elder and Commissioner Lynn's signature; Commissioner Elder, what we would like to do is make arrangements with you and Traci in the Tucson office, 792-7836, to arrange when you can sign it either on Sunday or Monday. And then we'll mail them to Commissioner Hall who will then Federal Express them to Phoenix where we can have Commissioner Minkoff and Commissioner Huntwork sign on Monday or Tuesday, possibly Wednesday.

MS. HAUSER: Later than that, Jose.

MR. RIVERA: Possibly Tuesday, probably Wednesday.

MS. MINKOFF: Notify us where to sign?

MR. RIVERA: Or get them to you where you can sign.

COMMISSIONER MINKOFF: We don't do anything until it gets to you?

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Phoenix, Arizona
MR. RIVERA: The only thing, if Commissioner Elder can get hold of Traci.

MS. HAUSER: He'll get hold of Traci.

COMMISSIONER MINKOFF: Let me give you my home number.

MS. HAUSER: Let me give you my home number.

CHAIRMAN LYNN: I'll be working tomorrow.

COMMISSIONER ELDER: I'm working Monday.

If Jose is at the game, let's relay it Monday.

MR. RIVERA: I know it's out of the agenda, but is Commissioner Elder coming to the tailgate?

COMMISSIONER ELDER: I'm going to try.

I'll get together with where it is.

COMMISSIONER MINKOFF: And wear a maroon and gold Jersey.

CHAIRMAN LYNN: Ouch.

What I'd suggest, I don't know if this has been communicated to Traci, I will be working, and Traci, Traci's office and mine are in the same building. I was going to sign Monday at my office. If that's in any way convenient for you to stop by on Monday at One South Church, the documents will be there for your signature.
COMMISSIONER ELDER: That will work out fine. I have meetings down there also.

Okay with you?

MS. RICCITELLO: That's perfect with me.

CHAIRMAN LYNN: Come in and make sure we get them signed.

MS. RICCITELLO: Sounds great.

CHAIRMAN LYNN: Anything else on the certification?

MR. RIVERA: I don't think so.

Once we get it back to Lisa, she will take care of getting it together with the proper paperwork and getting it taken care of.

CHAIRMAN LYNN: Anything else?

COMMISSIONER MINKOFF: I'd make a request when they finally are certified, the attorneys e-mail us and let us know when it's a done deal.

MS. HAUSER: We'll do that. And you'll also receive your own personal copy for your records.

MR. RIVERA: To be placed on your Etch-A-Sketch.

(Laughter.)

COMMISSIONER HUNTWORK: Is it having any impact on the schedule with the Justice Department?

MS. HAUSER: No. We've been moving

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forward with the preclearance submission.

The only reason you have to have it certified and official is prior to submitting to DOJ. We'll be fine there.

COMMISSIONER MINKOFF: Okay.

I'd also ask as things happen during that that happen you feel is important for us to know, you keep the lines of communication open.

MR. RIVERA: We'll do that also.

CHAIRMAN LYNN: For anyone's information, I plan to be in Phoenix Friday of next week. If there is anything you need me to do, I'll be happy to do that. I will be in the Phoenix area on Friday.

COMMISSIONER MINKOFF: Lucky for you.

COMMISSIONER ELDER: You are assuming, of course, somebody needs you.

CHAIRMAN LYNN: I am making that assumption, obviously erroneously.

MR. RIVERA: We'll always need you,

Mr. Chairman.

CHAIRMAN LYNN: Some of you more than others.

I don't see anything else on the agenda we need to accomplish.

Have yourselves a wonderful weekend.

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Phoenix, Arizona
We'll adjourn this meeting of the Independent Redistricting Commission.

(Whereupon, the hearing concluded at approximately 5:03 p.m.)

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ATWOOD REPORTING SERVICE
Phoenix, Arizona
BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 27 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

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

DATED at Phoenix, Arizona, this 4th day of December, 2001.

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

ATWOOD REPORTING SERVICE
Phoenix, Arizona