The State of Arizona Independent

Redistricting Commission convened in Open Public Session

on February 9, 2004, at 8:30 o'clock a.m., at the

Sheraton Airport, Tempe, 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 DANIEL R. ELDER
ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
ADOLFO ECHEVESTE, IRC Executive Director
LOU JONES, IRC Staff
KRISTINA GOMEZ, IRC Staff
DOUG JOHNSON, NDC, Consultant
MARGUERITE LEONI, NDC Counsel
MICHAEL P. McDONALD, Ph.D., Consultant
LISA A. NANCE, RPR, CCR, Court Reporter
SPEAKERS FROM THE PUBLIC:

Matt Ryan,
Coconino County Board of Supervisors

Liberato Silva,
Vice Mayor, City of Flagstaff

Jeri Dustir,
Deputy Manager, City of Flagstaff

Mike Flannery,
Councilman, Prescott Valley, Tri-Cities.

Michelle Dodds,
Principal Planner,
City of Phoenix

Michael Mandell,
Arizonans for Fair Redistricting
PRESENTATION BY NDC:
Doug Johnson
Marguerite Leoni

EXPERT CONSULTANT:
Michael P. McDonald, Ph.D.,
George Mason University

MOTIONS BY THE COMMISSION:
31, 81, 136, 150, 189, 190, 191, 192, 193, 203, 214

REPORT OF EXECUTIVE DIRECTOR:
Adolfo Echeveste

LISA A. NANCE, RPR, CCR (623) 203-7525
<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Arizona Legislative Grid Plan.</td>
</tr>
<tr>
<td>2</td>
<td>Arizona Competitive Test Plan A1.</td>
</tr>
<tr>
<td>3</td>
<td>Arizona Competitive Test Plan B1.</td>
</tr>
<tr>
<td>5</td>
<td>Arizona Competitive Test Plan A2.</td>
</tr>
<tr>
<td>6</td>
<td>Map Submitted By Rim Community.</td>
</tr>
<tr>
<td>7</td>
<td>IRC Meeting of 2-9-2004 Testimony of Liberato Silva, Vice Mayor City of Flagstaff, Matt Ryan, Chairman, Coconino County Board of Supervisors.</td>
</tr>
<tr>
<td>8</td>
<td>Spread Sheets re Arizona Legislative Districts, A1 VRA 2.</td>
</tr>
<tr>
<td>9</td>
<td>Spread Sheets re Arizona Legislative Districts, Competitive Test B2.</td>
</tr>
<tr>
<td>10</td>
<td>Spread Sheets re Arizona Legislative Districts, Competitive Test B1.</td>
</tr>
<tr>
<td>11</td>
<td>One Sheet, Competitiveness State Leg – AV VRA 2.</td>
</tr>
<tr>
<td>12</td>
<td>Spread Sheets re Arizona Legislative Districts, Legislative Grid Plan.</td>
</tr>
<tr>
<td>13</td>
<td>Spread Sheets re Arizona Legislative Districts, Competitive Test A2.</td>
</tr>
<tr>
<td>14</td>
<td>Report to the Arizona Independent Redistricting Commission on Recommended Competitiveness Baseline for State Legislative Districts.</td>
</tr>
<tr>
<td>15</td>
<td>Spread Sheets re Arizona Legislative Districts, Competitive Test A1.</td>
</tr>
<tr>
<td>NO.</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>-----</td>
<td>-------------</td>
</tr>
<tr>
<td>16</td>
<td>Residential Districts Phoenix Historic Property Register.</td>
</tr>
<tr>
<td>17</td>
<td>Public Session Tucson, Arizona, 8-16-01, 9:30 a.m. Testimony Excerpt.</td>
</tr>
<tr>
<td>19</td>
<td>Past Years' Legislation, 2001 Neighborhood Legislation.</td>
</tr>
<tr>
<td>20</td>
<td>South Mountain Village Brochure.</td>
</tr>
<tr>
<td>21</td>
<td>Desert View Village Brochure.</td>
</tr>
<tr>
<td>22</td>
<td>Paradise Valley Village Brochure.</td>
</tr>
<tr>
<td>23</td>
<td>South Mountain Village Brochure.</td>
</tr>
<tr>
<td>24</td>
<td>North Mountain Village Brochure.</td>
</tr>
<tr>
<td>25</td>
<td>North Gateway Village Brochure.</td>
</tr>
<tr>
<td>26</td>
<td>Maryvale Village Brochure.</td>
</tr>
<tr>
<td>27</td>
<td>Laveen Village Brochure.</td>
</tr>
<tr>
<td>28</td>
<td>Estrella Village Brochure.</td>
</tr>
<tr>
<td>29</td>
<td>Encanto Village Brochure.</td>
</tr>
<tr>
<td>30</td>
<td>Deer Valley Village Brochure.</td>
</tr>
<tr>
<td>31</td>
<td>Central City Village Brochure.</td>
</tr>
<tr>
<td>32</td>
<td>CYMPO Map.</td>
</tr>
<tr>
<td>NO.</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>-----</td>
<td>-------------</td>
</tr>
<tr>
<td>34</td>
<td>Matt Ryan Speaker Slip.</td>
</tr>
<tr>
<td>35</td>
<td>Liberato Silva Speaker Slip.</td>
</tr>
<tr>
<td>36</td>
<td>Mike Flannery Speaker Slip.</td>
</tr>
</tbody>
</table>
PROCEEDINGS

CHAIRMAN LYNN: Commission will come to order. For the record, all four Commissioners are present. Ms. Minkoff is excused. We are with counsel this morning and Ms. Hauser is on assignment and will be joining us later in the morning and we have representatives from NDC and Commission staff. As is our custom, we would like to start the session with a call to the public.

And for the record, Lisa, if you'll just put in that paragraph I always read, everyone can recite it by heart, as to why we do it how we do it.

First speaker this morning, Matt Ryan continues to be Chairman and Coconino Board Supervisor, Coconino County, since Mr. Ryan joined us, yet and still Chairman of that Board.

Chairman Ryan.

MR. RIVERA: I have to wonder if he still meets the residency requirement.

MR. RYAN: Mr. Chairman and Commissioners,

I have not been home, so I may not be the Chairman of the
board. However, I am a supervisor, and listening to
testimony -- or deliberation yesterday, I'm an executive
member of CSA, I must state I'm now speaking on behalf of
CSA.

Each county perceive themselves as a
community of like interest, and it is the quandary you
wrestle through. The uniqueness of Yuma compared to
Cochise is not substantial nor is that of Yavapai or
Cochise. I could state, however, that we recognized
erly on your task would be very difficult based on past
redistrictings, and we brought before you the
understanding that we knew our county would be split
acknowledging the issues that have been brought up in
past redistrictings associated with the -- our Native
American communities and their pursuit of their
individual interests in the county.

While it happened, you've been tasked to go
around the state and try to grasp an understanding of
different communities of interest. On behalf of
communities within the county, I see the challenge you
have. You get testimony, might be from 15 people or a
hundred people from our communities, and you have to walk
away and, as best you can, gauge perception of what is
that community that they are speaking of.

I could easily make the argument that the
forested areas of Coconino country, rim country are a very strong community of like interest, stronger, I could say, than the eastern counties, of similar nature or similar to the eastern county, for that matter. I could also make argument they are stronger than Yavapai in the split between Mingus Mountain and the Prescott Valley area, the separation, the water issues, the -- just the political dynamics that occur.

Also, the difficulty for our communities is that it's very difficult to understand how to go about the task of providing you with information, because the mechanisms seem to vary. If we had known within our communities that we should get our political structure together and get resolutions before you, we could have done that.

There is a degree that we defer to you. As you went around and listened to allow you the opportunity, we understood that not only our community but other communities would be split. However, we do want to retain portions of our communities so that there is not a significant detriment that would occur and that voting blocks would be substantially affected.

I do commend the Commission on behalf of the consideration of the Flagstaff metropolitan area in recognizing that. I do compliment you on that.
So with all that said, you have a difficult task. I understand that. If you need additional comment from our county on behalf of our various communities, I would welcome the opportunity to provide additional information to assist you. But please also help our communities have a potential effective voting block no matter which portion of our county we have, whether Native American areas for Legislative purposes or forested rim country communities for the sake of municipalities and the statutory pieces quite common within those communities.

Thank you very much.

CHAIRMAN LYNN: Thank you, Mr. Ryan.

Comments or questions for Chairman Ryan?

Thank you, sir, very much.

The second speaker this morning is Liberato Silva.

Mr. Silva, Vice Mayor of the City of Flagstaff. I assume he's standing in for -- not standing in for, a gentleman in his own right. We're saddened by the absence of Mayor Joe this morning, but pleased that you are with us.

Mr. Silva.

MR. SILVA: Thank you very much,

Mr. Chairman and Commissioners. I am Liberato Silva,
Vice Mayor of the City of Flagstaff. I thank you for this opportunity to speak before the Commission on behalf of the Flagstaff community.

As you just mentioned, Mayor Donaldson is not available to be with us today. He and others in our community are meeting with the Governor on issues concerning forest, health, and, of course, the Flagstaff Metropolitan Planning Organization, or the FMPO. And I'm sure that they are going to have a large discussion concerning, especially, forest health. Since we are right in the middle of the forest, you understand why that's very important to us.

On behalf of the Flagstaff community and FMPO, I thank the Commission for identifying the FMPO yesterday as an important community of interest for the community of Flagstaff. As you continue your discussions today, I stress the importance of maintaining Flagstaff and its environs, including the entirety of the Flagstaff Metropolitan Planning Organization, maintaining that as a whole and, of course, as a community of interest.

The goal of the effective representation for the citizens, public agencies and businesses within the FMPO, is of primary importance to the future health and the vitality of our region. Effective representation is critical in the development and implementation of the
public policy as well as funding for our local
government's planning and public agencies, issues
including education, K through 12, colleges, and
universities; economic development; public safety; forest
health and field management; environmental policy and
services; transportation; water resources development;
land use and zoning; and parks and recreations, and, of
course, open space.

We appreciate the fact that, as the old
farmers used to say here in Arizona, you have a hard road
to toe, or to hoe, and so we understand the situation
that you are in. It's going to be hard to come up with
the right answers. We, of course, hope that you will
come up with those right answers and look out for our
community of interest there. Thank you very much.

CHAIRMAN LYNN: Thank you, Mr. Silva.
Mr. Huntwork has a question or comment.
MR. SILVA: Mr. Chair, Mr. Huntwork.
COMMISSIONER HUNTWORK: A question. Both
you and a previous speaker suggested the possibility of a
rim, I guess, forested rim country community of interest
with water issues, issues relating to forest, I guess,
recreational issues, tourist issues. It's an interesting
concept, and, you know, I don't recall anybody mentioning
it previously. What -- what we're dealing with right
now, of course, is we can't really adopt anything that can't be mapped. Do you have any suggestions on what the physical territory that this community might include would look like? Is there a way you can quickly --

MR. SILVA: As we mentioned yesterday, or Mayor Donaldson mentioned, and, of course, he followed up with that, and in mentioning the FMPO is, for us, the guide post, or the guidelines, in order to create that community of interest, because it covers the area in which we are concerned in that. We naturally are looking for the right composition of other communities that can be within our area and be in the community of interest we're talking about.

COMMISSIONER HUNTWORK: We're not allowed specifically to lump together like communities, but we are allowed to recognize a community.

MR. SILVA: Yes.

COMMISSIONER HUNTWORK: If you could provide us with some physical definition of what this might be, we could at least consider it.

MR. SILVA: Okay.

COMMISSIONER HUNTWORK: Without that, I don't think we can.

MR. SILVA: We'd be more than glad to do that.
COMMISSIONER HUNTWORK: You have to do that right away.

MR. SILVA: We will. We have a mapmaker, Tony. I think he can help us with that.

COMMISSIONER HUNTWORK: Thank you very much.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Vice Mayor, more in the form of a statement than a perspective I'd like you to carry back with you to your community, I found really two areas of the state, or two communities within the state that sort of reflected what I thought this country -- not just Arizona, not just the various areas we're dealing with, reflected what I thought we were about, and one of them was Santa Cruz, Nogales, and one of them was your community. I found leadership integrated without edges, not Hispanic, Anglo, Native American, within the community. We spoke to people in meetings, people integrated with whole needs of the community as you found in Nogales.

I also commend you even though our process is directing lines to be drawn and edges to be drawn, and the Voting Rights Act requires we put boxes around certain groups of people, I found that not to be true in your area. And don't let it happen.
MR. SILVA: Thank you.

CHAIRMAN LYNN: You have a really nice counsel chamber.

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Prescott needs work.

Flagstaff has it going on.

MR. FLANNERY: I concur.

VICE MAYOR SILVA: You are welcome to use it any time you want.

CHAIRMAN LYNN: Next speaker, speaking of Prescott, Mike Flannery, Councilman of Prescott. Mike Flannery of Prescott Valley.

COMMISSIONER HUNTWORK: Same community.

CHAIRMAN LYNN: Same community of interest, three distinct communities, speak of representing Prescott Valley, speaking of all communities.

MR. FLANNERY: I'm asked to represent three communities. Other issues I represent only Prescott Valley. I'll carry the message back about the council chambers.

CHAIRMAN LYNN: Please don't. I'm, and the Commission, are in enough trouble about Prescott. We don't need help.

MR. FLANNERY: For your enlightenment, they are refurbishing the Council Chambers. I do agree with
you. Flagstaff does have excellent Council Chambers there.

COMMISSIONER ELDER: They're hanging a new picture of Barry Goldwater.

No.

MR. FLANNERY: Oh, oh.

Mr. Chairman, yesterday we've had some discussion regarding the MPO that represents the Tri-City areas, which is Central Yavapai Metropolitan Planning Organization. You had asked me to get maps for you. I do have a map that is representational. I think it is the map sponsored -- it is a map drawn by GIS from the Arizona Department of Transportation. I have asked -- it was early, I couldn't get specifically the -- I have colored maps for you here that I did get. I did ask for -- who would you like me to hand these two for distribution?

CHAIRMAN LYNN: Ms. Jones will take those.

MR. FLANNERY: I did ask for electronic versions to be handed -- to be sent down to Doug for mapping purposes, but I left early enough I'm not overseeing that. I asked somebody else to oversee that. Hopefully sometime today, I'll check with Doug and make sure that is accomplished. We'll make sure those are there to show census tracts and everything. So --
CHAIRMAN LYNN: Thank you, Mr. Flannery.

I would like to -- the little map in the corner gives you some kind of idea of different MPOs around the state: FMPO, CYMPO, and PAG and MAG, the areas that they encompass as well. So it gives you a little bit of an idea how it all fits together.

So -- I would like to say that I am not without empathy towards Flagstaff and their situation, but when it came to the MPOs, I did need to state for the record that they were asking for their MPO to stand together and divide ours. But I do empathize with their position.

Mayor Donaldson and I have -- we've discussed this situation they're in up there for some time now. I ah -- I do understand where they are coming from. I didn't mean to come off as callus yesterday, but -- anyway, are there any questions regarding the map?

None?

CHAIRMAN LYNN: Thank you, Mr. Flannery. I don't think anyone took your comments as callus or in any way disrespectful. This is a process that unfortunately is a zero sum gain. When you are finished with 30 districts, they each have to have nearly the same population. And because of that, and because population centers are, in this state, distributed across many
miles, decisions have to be made that in some cases do
damage, we know that, to areas of the state, cities,
communities, communities of interest.

MR. FLANNERY: Yes.

CHAIRMAN LYNN: We clearly understand that.

It is a tradeoff.

MR. FLANNERY: I have a number of dealings
with the City and the Mayor up there. So I understand
what their plight is up there.

CHAIRMAN LYNN: Thank you, Mr. Flannery.

MR. FLANNERY: Thank you.

CHAIRMAN LYNN: Other members of the public
who wish to be heard at this time? If not, we'll return
to call to the public later in the agenda.

I would ask my fellow Commissioners to turn
to the materials that was distributed last evening, or
perhaps this morning -- or perhaps Mr. Huntwork still
needs his -- regarding some of the issues that we were
dealing with last night regarding the planning areas in
Phoenix, referred to as "the villages."

Mr. Hall, you simply did not receive
information on the villages?

COMMISSIONER ELDER: The phone didn't blink
in his room to tell him there was information?

COMMISSIONER ELDER: It did this morning
CHAIRMAN LYNN: Well, what we have received from our consultants is essentially the printout of the website that identifies the planning villages and some information about each of them, essentially with respect to what each purports to -- to contain, and some information about the representatives who have been elected or selected from that village to represent them insofar as community planning is concerned.

So I guess the question is: What, if anything, would the Commission like to do with respect to these designations in Phoenix as it relates to communities of interest?

MR. RIVERA: Mr. Chairman.

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: I should inform the Court that the City of Phoenix is going to send a representative, hopefully sometime this morning. I've just talked to them. They will come in and explain these two terms in a little more detail in terms of how they were developed, what they are supposed to -- what the conception is supposed to do. If you want to table this until the City of Flagstaff comes in and gives further explanation?

CHAIRMAN LYNN: City of Phoenix?
MR. RIVERA: City of Phoenix.

CHAIRMAN LYNN: May be good thing to do.

I'll take comment at this point, but perhaps would ask
without objection we defer a decision until we can at
least hear from the City of Phoenix representative.

Mr. Elder and Mr. Huntwork.

COMMISSIONER ELDER: Mr. Chairman, before

that comment was made, I was going to weigh in on some of
the features and issues and items I saw in reading
through the document last night, and I'll defer those
until later on. It may be appropriate to go ahead with
Mr. Johnson's presentation of the grid and get that far
and see if they have arrived and take it up at that time.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, I also

think -- it appears to me that there is a separate
brochure for each village, which would contain a lot of
information about the -- you know, the types of
residences, the types of businesses, the things that
define the village and unite it and so on. It appears to
me that all of that is online. The icon says "Click here
for brochure." I think that would be helpful to us, not
only recognizing there are interests in common to each
village, also hopefully being able to group them,
because, you know, each one does not comprise a district.
We may be able to see that some of them are more similar to each other than others, assuming that we agree they are appropriate classifications at all. But -- could you get that?

CHAIRMAN LYNN: Understanding,

Mr. Huntwork, our task insofar as complying with the Court order is to identify specific and discrete communities of interest; and, in fact, grouping them is not something that we have the authority to do unless it enhances our ability to create competitive districts.

COMMISSIONER HUNTWORK: Or unless, because of what we see, we can determine that two areas in fact form a single community because of their commonalities and synergies, and whatever other multisyllabic words we need to supply. Yes, you are quite right about the legal cite.

CHAIRMAN LYNN: Thank you.

Other comments, Mr. Hall?

COMMISSIONER HALL: Well, for me, while -- and I am anxious to hear the comments from representatives for further detail, but for me, the test is, is whether or not these communities of interest would benefit from common representation. And I think that means common Legislative representation. So, given the fact that this is brand-new information that we really
have extremely new information on and no previous
information before, you know, I -- the question arises
not do I have an opinion, I'm saying the question arises
as to whether or not these issues are more of a city or
municipal nature versus an -- issues relative to -- that
would require or be benefited by common representation at
the state Legislature level.

MR. JOHNSON: Mr. Chairman --

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Particularly because it's
right on that point, the Commission yesterday asked NDC
to look see what other information we could find on these
planning areas and how it might relate to the
Commission's definition of "community."

This is actually being copied up front and
by the time we come back to this topic, we should have
copies of it.

To show on the screen, Phoenix puts out
reports for its neighborhoods important legislation at
the state level that is affecting those neighborhoods.
We have these reports and it's a list of both new bills,
and I actually had a list of new bills, past legislation,
directly affecting neighborhoods and the neighborhoods
you might be interested in lobbying on. That's at the
front desk being copied.
CHAIRMAN LYNN: We'll postpone until we have perhaps the representative of the City of Phoenix with us.

Are there other proposed communities of interest that the Commission wishes to consider this morning?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, one of the points raised earlier, also, was in a sense each county is a community of interest. We recognized that each city, state, is a community of interest in a very important sense. Each city has common issues of providing public services and residents of the city have common interests and common -- the same is true of counties. And it's difficult -- since there are many variations, you know, in Arizona cities, it's difficult to make a distinction between cities and counties in that regard. So just for the sake of discussion, we never really -- we looked at Cochise County and we backed away from it because there are differences within it. But yet we've defined communities of interest in terms of the similarities, not in terms of the differences. So I would like to -- and we use that -- I think we used that in saying the cities were communities of interest, but the cities, obviously have differences within them, too,
saying the City of Phoenix is as diverse as the state as a whole, as diverse as any county in the state could possibly be; and yet it has important issues that unite it in many ways, so it was appropriate to do that. But I -- for this reason I would like to make the motion, at least, that we also classify all of the counties in the state as communities of interest.

CHAIRMAN LYNN: Is there a second to the motion?

COMMISSIONER ELDER: Second for purposes of discussion.

CHAIRMAN LYNN: Thank you, Mr. Elder.

Discussion on motion. Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, it seemed to me that in the process that we were using before, we had directed NDC to use county and municipal lines to the extent possible to keep them whole. But it wasn't that the whole county was necessarily a community of interest, I was trying to keep the already defined jurisdictional boundaries, the precincts, the voting. The people know what county, they pay taxes in that county.

When the option was given to either weigh in on let's move one area from one side of the county line to other side of the county line, if the county line
was the determining factor, we used it. I'm not so sure
that the county as a whole should be considered a
community of interest, but we do want to still keep that
avenue for NDC to go ahead and when it is -- doesn't do
substantial harm to any of the other things we've looked
at, then the county line should take precedence as to how
they develop or divide edges of the district.

CHAIRMAN LYNN: Thank you, Mr. Elder.

Other discussion on motion, Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, I
would like to ask my fellow Commissioners now, because
someone else is surely going to at some point, how you
distinguish between a city and a county, just so that it
is indeed on the record and we can't be accused of
inconsistent provisions in this. I was not in favor of
making all cities, willy-nilly, communities of interest,
but having done so, I think that it's important for the
sake of intellectual integrity, legal consistency, to at
least explain why we're not making all counties
communities of interest since in every sense they also
have countywide issues and constitutional issues and
services issues and planning issues and law enforcement
issues and, you know, I find in my own mind, at least, I
find it very difficult to distinguish. So, with -- I
welcome comment.
CHAIRMAN LYNN: I'll be happy to give you my take on it. I'd first tell you I'm inclined not to support the motion. I'll try to give you a rationale, which may be not flawless in its logic, but has some sense of comfort in terms of my making a distinction. I think in the broadest sense you can begin with the largest geographic representation we have and say that the country is a community of interest with respect to international affairs and foreign trade and a number of other things that bind us together. That makes sense.

I think you could also make that case for the state of Arizona. The state, relative to other states, with respect to western water rights and Colorado River water, and other things that may be of great import, constitute a community of interest.

For me, there is a distinction between cities and towns, which are, generally speaking, smaller geographic areas than counties. They are -- they are more closely knit. And because of a number of factors, not the least of which relate to specific micro climate, micro economic factors, that is to say what various cities have as their industry or method of earning a living or that -- the composition of the citizenry, either in terms of their employment or recreational activities, as an example.
I love Flagstaff, I love the White
Mountains. I love all of those places to visit. I would
not choose to be a resident there because winters for me
need to be around 70 degrees.

COMMISSIONER HALL: "Pansy." (Laughter.)

MR. RIVERA: "Wuss." "Wuss." (Laughter.)

CHAIRMAN LYNN: Absolutely.

And, by example, I think people tend to
live where they are most comfortable and create
communities that turn into communities of interest
because of those affinities.

Counties in the state of Arizona are quite
varied. Maricopa County, even as it is mostly urban, has
some areas that are quite rural in nature. I just invite
anyone to drive through Gila Bend and never want to go
back. See, they are now mad at me, too.

The fact is that even though they do have
the Space Time Motel, which is really an interesting
place, you know, once you've been there, you pretty much
have been there, and I don't think you need to go back.

On a serious note, Mr. Huntwork, to answer
your question, I think the larger you get in geography,
the harder it is to make a case, except in special
circumstances, for large land masses to be communities of
interest. The ones we've identified I think do fit the
definition, specifically, but in my mind they are
extceptions rather than a rule that should be extended.
And for me, I'm comfortable with the distinction. I
don't know whether that helps, but it's sort of where I
am.

If anyone else would like to comment, I'd
be happy to get off the hot seat.

Mr. Elder.

COMMISSIONER ELDER: Let me say, I don't
know that I've ever heard of anybody that wants to move
to Coconino, but they may say, I want to move to
Flagstaff, or, I may want to move to Williams, I may want
to go to Show Low, Pinetop. You identify and there is a
sense of place you identify with, you know, with cities
and towns. Very rarely do you ever identify with
anything other than the balance of the state. We don't
want to be a part of the state of Maricopa.

So from that standpoint, the knowledge of
where you live, how you interact with people and that at
the town and city level, is a distinct edge, I think, the
brings people together, allows them to know exactly where
they are, you know, as far as voting, what their taxes
are, county taxes, or city taxes, and I think it does
make a difference, whether it's a city and town as
opposed to, you know, a county-type area.
I don't know anybody who could tell me driving down I-10, if they don't see a big sign there, when they enter Maricopa, when they enter Pinal, when they enter Santa Cruz. The county line doesn't really make a definition in people's minds or psyche. For that reason I don't think I'll end up supporting the motion other than using it, as I said, as a defining edge when there is something, there's a reason and it doesn't make any difference to the other issues or criterion in 106. Then I think that's how we would divide and put precincts and census blocks together.

CHAIRMAN LYNN: Further discussion on the motion? If not, all those in favor of the motion signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Opposed to, say "No."
COMMISSIONER ELDER: No.
COMMISSIONER HALL: No.
CHAIRMAN LYNN: Chair votes "No."

Motion -- one, three motion defeated.

Are there other considerations for communities of interest this morning?
If not, I believe the representative of the City of Phoenix has just arrived.
COMMISSIONER ELDER:  Surprise, Surprise.  I could tell by your map you were in fact a representative of the City of Phoenix.  I don't want to rush you.  Good time for to you present whenever you are ready to do so.

MS. DODDS:  I could do so immediately.

COMMISSIONER ELDER:  Move my coat --

CHAIRMAN LYNN:  Or prop that right in front of the podium and I'll see it even then.

MR. RIVERA:  For the record, it should be stated the City of Phoenix has impeccable timing.

COMMISSIONER ELDER:  Do you have some case before the City of Phoenix trying to --

MR. RIVERA:  I may know the Mayor.

CHAIRMAN LYNN:  And as --

CHAIRMAN LYNN:  I would ask, first, you state your name and your position with the City, and welcome.

MS. DODDS:  Thank you.  My name is Michelle Dodds, I am a principal planner with the planning department in the City of Phoenix, and it's my understanding that you all wanted a little bit of background on our urban villages.  So the map that I -- you see before you would be a map of our 15 -- we have 15 urban villages, the newest being the bright green one way up.
CHAIRMAN LYNN: Ms. Dodds, don't want to interrupt, what I'd like to do, you have not been privy to the conversation we've been having, perhaps suggest what we are doing at the moment is making a determination as to which and whether certain areas of the state should be designated as communities of interest. And we have a working definition of that community.

COMMISSIONER HALL: Chairman, I'd ask Doug to deliver that to her.

CHAIRMAN LYNN: Thank you, Mr. Hall. I'd ask you to take a moment familiarize yourself with that definition. Your presentation, to the extent it addresses those qualifiers, would be very helpful in allowing us to make an informed decision as to whether or not planning villages deserve that designation.

MS. DODDS: I see.

Okay. As I said, we have 15 urban villages, all very unique in their own way. In fact, I have brochures that kind of show how each urban village is unique. The concept really is not unique to Phoenix. However, the City of Phoenix is ideally suited for the urban village model because each of these areas, you know, there is a -- well, there's a committee that covers each one of these areas. So we have 15 different
committees, and each committee reviews land use issues, general plans, zoning, those types of issues. And they are all unique to that particular area.

For instance, the Laveen Village Planning Group, this area right here, out of our villages that is probably the -- probably unique, and it is a very rural area, so a lot of the cases and land use considerations that come before that village planning committee or that area are unique to that area trying to maintain the rural lifestyle. Okay.

Then you have other villages that are kind of different. You have the Central City Village area, right in the center of the city, and that is unique in its own way.

You have -- a lot of our Historic Districts within the city of Phoenix are located in the Central City Village. There is a lot of infill development. Laveen, if you contrast with that, a lot of vacant land in Laveen, so their issues are more to struggle with trying to keep their rural lifestyle while accommodating growth.

Whereas Central City, they are trying to get infill development, encourage development. If you know about infill development, it can be very challenging.
So just picking those two particular villages, you really have a lot of -- there's a lot of contrast among the 15 villages.

If you looked up north and looked to, say, the Desert View Village right in this area, you have a lot of mountains and preserves. Edge treatment is very important in preserving the views of those mountains, preserving what is there and providing access to the public.

So each -- I could go through all 15 villages and explain to you how they are unique.

COMMISSIONER HALL: Well, the question in my mind, which would help me answer whether or not these particular villages constitute community of interest, I think that could be argued that they share political ties or history or tradition or socioeconomic status, et cetera. The competition for me, the last sentence, if I focus on that, that would benefit from common representation. I think it's important to remember from our standpoint that means common Legislative representation, not municipal or whatever.

Can you respond to that?

COMMISSIONER HUNTWORK: Mr. Chairman, you know what, I think with all respect, Commissioner Hall, that last phrase, we didn't -- we recognized, for
example, in Arcadia, or in other areas, that the people identified themselves as a community. We inferred from that just the fact that they are a community and have common interests. We recognized from that that it may result in shared Legislative concern at some point and on some issues.

What I would think the more appropriate question would be is: Do the people in these areas view themselves as a neighborhood? Do they view themselves as living in this area? Are these divisions related to the self-identity of the people who live in them or are they purely artificial? I think that's --

COMMISSIONER HALL: Mr. Huntwork, you're more than welcome to ask her any question you want as soon as she answers the one I asked her.

MS. DODDS: I do not have a map before me of different Legislative Districts. I have a map of the City of Phoenix, a map of Council Districts. For instance, District 6, District 6, largely Greg Stanton, Councilman Greg Stanton covers basically the Ahwatukee area.

COMMISSIONER HALL: We wouldn't know.

MS. DODDS: Also the Camelback East area.

COMMISSIONER HALL: Thank you, thanks.

MS. DODDS: Also, largely people have -- on
village planning committees, Maricopa has some
appointments, large reappointments by council districts
that represent that area. I don't know exactly, can't
answer your question how Legislative boundaries fit with
Village Planning Committees. I don't think that
was their consideration in setting boundaries.

Boundaries very often are geographic.

Obviously Ahwatukee was divided from the rest of city by
South Mountain. Some are geographic. Another was
between Encanto. The shape of Encanto, that northern
boundary is the canal. So we do have some geographic
barriers for some of these villages. Some are more
obvious than others.

CHAIRMAN LYNN: Well, Mr. Hall.

COMMISSIONER HALL: Let me maybe rephrase
it because -- I guess what I'm trying to understand is if
these particular villages have issues that are of a
statewide nature that they would benefit from having a
representative, collectively having the same
representative, or they would benefit from having --

MS. DODDS: Okay.

COMMISSIONER HALL: -- one person to whom
they could go to to represent their issues on a state
level. I guess that's the intent of my question.

MS. DODDS: I understand better now.
Really, there are two different types of urban villages. There's the more rural or still developing areas or the outer areas of the city, and their interests and their perspective is much different than what you would see in the central areas of the city.

So we do have certain villages that have issues that are different than what you might find in the outlying areas. They are trying to encourage growth, especially in those infill areas. Villages like Encanto, Camelback East, Alhambra, Central City, Maryvale, those are the types of villages that are looking for people to come and develop those infill parcels. And their concerns are much different than the folks way up in the northern villages like North Gateway or Desert View and areas like Estrella, Laveen, who they are getting growth and trying to kind of manage that growth so it develops in a character that is -- each one of these 15 villages have their own special unique character, but yet they are similar in that they have concerns, the growth -- the growth areas versus the infill areas.

So there is kind of a division in between those villages that have more infill issues and those that are trying to manage growth, and so there are two different varied types of villages, if you can break them out that way.
CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, okay. Let me ask my question: Are these -- do these divisions between the villages correspond, in your opinion, to how the people who live in them think of their community? Do people think: "I live in the Deer Valley area of Phoenix," "Do I live in the Alhambra section?" or is this a completely artificial planning division that has nothing to do with how the people feel?

MS. DODDS: Commissioner Huntwork, if you went out and did a survey on the street, there probably are some people that live in the City of Phoenix that couldn't tell you what village they live in. But are they artificial, no. They are not artificial boundaries. They were carefully chosen. Some, like I said, have geographic boundaries. You took a kind of natural separation because of South Mountain Village. If you go ask anyone who lives in Ahwatukee, some might consider themselves to be their own little city.

The idea behind the urban village concept is really to be able to work, play, and live all within one village area. Have a village core, an area you want the most dense development, other than downtown. For Central City, the downtown area is very obvious. Something less obvious for Camelback East, if you look at
24th and Camelback Road, you can see more dense
development there. We're encouraging a village core,
more dense development, doing that in all of our
villages. Some are more challenging to do that, some
follow that model more than others. That certainly is
the goal. Those are not artificial boundaries. There
are a lot of different reasons those boundaries were
chosen. But --

COMMISSIONER HUNTWORK: Do these villages,
do they ever compete with each other for new business
location or something like that?

MS. DODDS: Ah --

COMMISSIONER HUNTWORK: Is that an unfair
question?

MS. DODDS: Competition probably from other
cities, ourselves. Areas of the city go to village
planning committees, all meet once monthly, view the
village planning proposals. They know if a Loews, Home
Depot is going in and they don't have one in their area.
You know, not competition like you might see between
cities, but there is some of that to some degree.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Couple of questions,

Ms. Dodds.

First of all, I notice that the -- if I'm
reading the map correctly, please correct me if I've misconstrued this, the red outline in its entirety --
talking about the map in front of us, the one you handed out, the red line in its entirety represents the boundary of the city of Phoenix. Is that accurate?

MS. DODDS: I believe accurate. County would be pockets within the City of Phoenix, especially the Laveen area, lots of county pockets.

CHAIRMAN LYNN: May have come unincorporated in areas in Laveen and also, actually, Desert View Section Two Northeast.

MS. DODDS: Correct.

CHAIRMAN LYNN: The red line represents the city of Phoenix?

MS. DODDS: Correct.

CHAIRMAN LYNN: Lines within councilmanic wards, within the city or districts, on my map, numbered 1 through 8.

MS. DODDS: That's correct. That's correct, Chairman Lynn.

CHAIRMAN LYNN: And I'm struck by the fact that even in terms of local representation, many of these planning districts cross councilmanic wards or representative districts and that there doesn't seem to be much of a relationship between the districts. And I
know the districts are older than the planning district.

I'm clear on that. So these were developed subsequently.

I'm sure they represent an affinity in the community that
people have coming to to identify and promote. So the
question arises -- well, two. One is technical and one
is a general question. Let me ask the general question
first.

In terms of representation on the Phoenix
city council, how do these planning districts address
that, given the fact that there really is not much
comparison between where they reside within a district
and the outline of the planning area?

MS. DODDS: That's an excellent question.

You are right. Boundaries are very different. However,
if you look at any given village planning committee area,
Laveen, most of the representation that you'll find on
that is District 7, which is Doug Lingner's district. So
when a case comes before the city council and it is an
issue, land use issue in Laveen, a lot of deference is
given to Councilman Lingner, most of representation in
that Laveen area is with Councilman Lingner within his
district.

But you are right, because the reasons we
choose the village planning committee boundaries has
nothing to do with the way we choose city council
boundaries. You do have what you call "maybe" majority, Ahwatukee was mentioned earlier. Even though some districts, 7 and 8, come down into just past the South Mountain area, a majority of that area is represented by Councilman Greg Stanton. So, you know, when there is a case constituents have issues in the Ahwatukee area, that's the Councilman they refer to or go to because he has the most representation for that particular village.

CHAIRMAN LYNN: The technical question I have, I give you all time you need, Mr. Huntwork. Technical question, just curiosity more than anything else. Mr. Stanton's district, which we talked about, is District 6, I take it?

MS. DODDS: Correct.

CHAIRMAN LYNN: That's what the testimony is, essentially Ahwatukee, also the northeast portion of the Camelback district, the western portion of the Alhambra district. And it must just run along that street somehow, a very narrow band to connect the two. It's a gerrymander. I'm not -- don't misunderstand the purpose of my -- I think it's interesting that in terms of the city of Phoenix, that that was obviously done intentionally, and the city of Phoenix happens to be a nonpartisan local council, good "government is" how they portray it. How do they portray it?
MS. DODDS: I don't have information on the representation of District 6. When I came in, it was already in configuration. The boundary's changed slightly. I'm not well equipped now to answer how District 6 obtained that particular shape.

CHAIRMAN LYNN: Assume connects running up one side or the other, whatever avenue or whatever street that would be on 48 or 44?

MR. JOHNSON: Mr. Chairman, this may help. NDC drew that district when it was first drawn.

CHAIRMAN LYNN: You ought to be ashamed of yourself.

MR. JOHNSON: We didn't recommend it. One of the regulars, Jose Solares, it was his recommendation, what would be gerrymander for Voting Rights reasons. Ahwatukee is too small to be a council district itself. If you didn't have that linkage, it would be placed with South Phoenix. And so Voting Rights drove Ahwatukee to not go with South Phoenix. That's why that district actually runs the width of a gas pipe.

CHAIRMAN LYNN: More information than I wanted to know.

Mr. Huntwork, then Mr. Elder. Thank you, Ms. Dodds.

COMMISSIONER HUNTWORK: Along the lines of
asking seven, eight council districts, 14 --

MS. DODDS: Now 15.

COMMISSIONER HUNTWORK: -- 15 villages, the
lines can't match up. Does it appear the city -- it's
not only true that one of the councilmen typically would
have the majority of the planning area in his district,
but it appears to me that that probably was done
intentionally. Is that correct? Was an effort made in
crafting the council boundaries to try to make sure that
you got a good cross-section of each planning area in
somebody's district so that they could be substantially
represented or --

MS. DODDS: Commissioner Huntwork, I did
not participate in the redistricting. I can tell you
that it does appear that way, although obviously there
are many more village planning committees than there are
council districts. Shortly those boundaries were exact,
did match up perfectly. The villages are more a
geographic area, an area we saw within this given area.
There are geographic boundaries that assist naturally,
but that we saw in that area you could have a village, a
dense core area, then you could have secondary shopping
areas and neighborhoods, and so -- I don't -- from the
planning perspective, you know, those village boundaries
certainly weren't chosen to match council boundaries,
more a function of geographic area, you know, being able
to support a work-live-and-play concept.

COMMISSIONER HUNTWORK: The question really
was -- you may not know, maybe NDC even knows: Were the
villages taken into consideration when the council
boundaries were drawn?

MS. DODDS: I'll defer that.

COMMISSIONER HUNTWORK: Coincidentally or
intentionally, each -- maybe all villages have a core at
least within one or more of the districts.

MR. JOHNSON: NDC drew that district back
in '95 or '96. Actually, Mr. Sissons did the 2001
redistricting. He did state yesterday that these village
planning areas were a consideration in the district
drawing when he spoke before the Commission. I don't
know to what extent.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman,
Ms. Dodds, I had some preconceived ideas to some extent
just growing up in Phoenix, and I'd like to take a look
at the North Mountain District. My sense was
geographical barriers, Squaw Peak up to Mummy Mountain,
Papago created the edge of Deer Valley, Scottsdale,
Paradise Valley from Phoenix. Yet I see on the map the
mountain area there almost appears to be the focus of the North Mountain District. Do the people from the north side of the mountain function and participate, play -- all the various terms you were calling, speaking to there -- on both sides? I think that is, like, Sunnyslope, I remember on south side, then Paradise -- the racetrack on the north side, but --

MS. DODDS: Commissioner Elder, I know, when it started out much fewer villages, the north side of city, when we have village planning committee meetings, the folks that attend that meeting, usually when there's an issue in the area. If it's a case in the Sunnyslope area, somebody wanted to develop a hillside lot that had been vacant for some time, what you get is committee meetings of those people with particular interest in the area. If you had an issue, land use decision before the committee on the north side of the mountain, those are the folks you see there.

So, you know, when you have village planning committee meetings, of course the committee members are constant, consistent. But the folks that show up at that meeting, it really is not -- you may have a few people that go to all meetings, usually a land use decision in their immediate neighborhood, when they're the most impacted, they'll show up at these committee
meetings.

So it's on a case-by-case basis as far as interest shown. So it depends. If there's an issue on the north side of the mountain, those are the folks that are going to come to the committee meeting. If the issue is in Sunnyslope, those are the folks that show up.

COMMISSIONER ELDER: Then as you go down to Encanto, Camelback, East Edge, Canal. In one sense, Canal has a unifying factor: People recreate, play along, kayak, whatever. Kids try to surfboard the flumes. Other than that, here, using it as the edge of the community. Here they are diametrically opposed to the concept of the mountain being the focus. The canal is not the focus. Is there some time you used edges differently than other times?

MS. DODDS: I've not been part of that decision-making process from the very beginning when assigning areas. As the city has grown and added more villages or split villages, sometimes we've done that. We're looking for population, looking for where services are provided, where people live, work, where we provide city services, try to -- when doing a general plan, copy of a general plan book, and we were looking at everything from city services, tried to distribute that out among different planning committee areas. Work with all city
departments to try to make sure each of these village
planning committee areas have what they need so people
can get services and have parks and have libraries and
fire stations and everything within that area to service
that group, and people on those committees either live
in -- a majority of them live in that village planning
committee, so they know firsthand what's going on in the
geographic area, or work there.

So -- and they provide when -- the city
council and planning Commission look to these committees
because they have firsthand knowledge of those areas.
So -- but as geographic boundaries, I don't think there
is a set rule. I think we look at what is the
population, where is the core of that area, how far do we
go around that core. There's a lot, I think, of
different variables in selecting those boundaries. As I
said, those boundaries have changed over time. Desert
View used to have a -- completely different boundaries
over time. As things change over time, those boundaries
can change as well.

CHAIRMAN LYNN: Ms. Dodds, another series
of questions, if I may. Just a couple.

Off the website we've pulled -- off of
your -- your, the City of Phoenix website regarding this,
this issue, we've pulled Legislative issues, and it goes
to the heart of Mr. Hall's original question in terms of common legislation. My reading of this suggests that it's a comprehensive list of state issues that the City of Phoenix is interested in, and there's no designation here between or among the planning areas with respect to certain pieces of legislation.

Is it in fact the case that you could trace somehow an interest that emanated in one or more of the villages, made its way through the process, and became an agenda item for the City of Phoenix and lobby it? And I'm only asking the question because we are talking about ultimately representation. And this seems to lump them rather than separate them.

MS. DODDS: Chairman Lynn, I believe you could look back over -- again, because of many of these village planning committees and a lot of those issues may have arisen over in a particular area of the city, or several villages. I believe if you looked at the various agendas, over time you would see, you know, particular issues that may be of concern to certain villages, maybe not all of them. Could be issues are a concern across the board. Certainly are some issues, you know. I used to be village planner at Ahwatukee Foothills. Believe me, the air traffic concern is a huge concern there. There are issues that do arise or get a lot of attention
through village planning committees in meetings.

CHAIRMAN LYNN: Is it ever the case, in your memory, that a single area of the city, single planning village, was lobbied for by the City?

MS. DODDS: I think that the City might have a broader scope than that.

CHAIRMAN LYNN: And the last question: You mention -- first of all, I know some of these are newer than others. When was the first one established?

MS. DODDS: Well, in the mid '80s is when that village concept came to be, the urban village model. So when we did our general plan in the mid '80s and '85, that was when the concept came about then.

CHAIRMAN LYNN: And which was the first, Central City, was that the first one?

MS. DODDS: Wasn't one; several. I think six or seven. Let's see when they first initiated it.

CHAIRMAN LYNN: In the mid '80s.

Over time you mentioned boundaries, one to another changed.

MS. DODDS: Uh-huh.

CHAIRMAN LYNN: Can you guesstimate how many times those boundaries have changed?

MS. DODDS: You know, for older ones, I don't think boundaries have changed that much. I know,
because I personally was here at the time Desert View changed its boundaries a little bit, and -- so I don't think it's real common. Those boundaries change over time.

CHAIRMAN LYNN: Is that function more a function of annexation and growth than development patterns?

MS. DODDS: I think that view -- Desert View may have been keep annexing northward.

CHAIRMAN LYNN: Finally on this line of questions, when was the last time those boundaries changed?

MS. DODDS: I --

CHAIRMAN LYNN: I should ask, the map we're looking at, as of this map current, when did those last districts develop?

MS. DODDS: New Village is something that came about the end of last year, this green area before here. Before that, the latest village was -- added was North Gateway Village. So those were the last two villages added. And other than that, I don't think the boundaries -- I do know that at one time Laveen and South Mountain -- this occurred within the last seven years, I remember personally this, Laveen and South Mountain, these two, was actually all part of South Mountain, then
split at 27th Avenue, and Laveen became its own village.

CHAIRMAN LYNN: One last question for me,

the northernmost edge of -- of the city boundary

contained within New Village, where is that?

Maybe Mr. Johnson knows. Just looking at

this map, New Village extends obviously into an

unincorporated area. I'm trying to establish what the

northernmost boundary of the city is in that line.

COMMISSIONER ELDER: Not quite as far as

Prescott Valley.

CHAIRMAN LYNN: So it goes as far as --

it's north of the prison?

MS. DODDS: Yes.

CHAIRMAN LYNN: And near the outlet mall

that's across the freeway from Anthem?

MS. DODDS: Right.

CHAIRMAN LYNN: Okay. Thank you.

Other questions for Ms. Dodds?

Ms. Dodds, thank you very much. It was

very helpful to see that. And did you indicate that you

had brochures from the various villages?

MS. DODDS: I do. I don't have anything

from the two newest ones. I'll distribute several copies

of different brochures. Somewhat dated, but it gives a

better understanding of that particular village and its
CHAIRMAN LYNN: Thank you.

Mr. Rivera.

MR. RIVERA: Would you also thank Dave Rickert and everybody else for their speedy response to our request.

THE REPORTER: Could I have the spelling of your name?

MS. DODDS: M I C H E L L E D O D D S.

I'll give you my card.

CHAIRMAN LYNN: Mr. Hall, I'm happy to continue the discussion.

COMMISSIONER HALL: Well --

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: My question I'm asking of those with more urban knowledge: What do we do to the west and Peoria or the east and Cave Creek, other areas that probably don't have a similar adoption of village planning committees?

I mean, I'll ask Mr. Johnson, who did work in Glendale, for example, what their planning capability was. Correct, it was developments, is that correct, about the villages? Or what is your experience there, Mr. Johnson?

MR. JOHNSON: Communities discussed
redistricting there, similar to how we're discussing now,
not an all encompassing cover-the-whole-city approach,
looking more at individual neighborhood developments,
keeping each one of those intact, but not an effort to
link up the whole city or something. May very well have
something similar, but it did not come up in their
district.

COMMISSIONER HALL: My question, in the
name of consistency, or some consistency, I'm just -- I
have a lot of questions. I'm searching for answers.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman. I
suppose I'm not that worried about the consistency aspect
of it, because I'm viewing these now that I see them more
as a edge, almost more similar to the counties in the way
they work and how they may be used, is if we move
something for -- say, from the competitiveness base that
we'll start with, and then to address the Voting Rights
Act, we have to adjust some of the edges.

Now, if we can adjust and match a line of a
village and it meets the goals of the Voting Rights Act,
competition, and then communities of interest, which I'm
not so sure that these represent our functional
definition of "communities of interest," but it'd
probably be good to say if we have a choice, use the
edge, but it's not a determining or not a fatal flaw in
any one of the communities we deal with.

CHAIRMAN LYNN: But it seems to me,

Mr. Elder, if you want to follow that logic, this
designation is important. Otherwise, since it doesn't
fall into any other category, in other words, it's not a
jurisdiction, in many cases it could be a physical
boundary like a canal, in other cases a physical boundary
in the center of a district or use some other
determination. So if you wish to use them in that
context, I'm not sure you could without the designation.

COMMISSIONER ELDER: The designation --

CHAIRMAN LYNN: As a community of interest.

COMMISSIONER ELDER: Each village. Or this

as the City of Phoenix.

CHAIRMAN LYNN: Well, the City of Phoenix

is already on as one of the cities and towns. But the
subdivisions within the city, to the extent they may be
used in future mapping, would need to be -- have to have
a rationale for doing it.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I would make

the same point you did. I also want to just add that
these are substantively the best information we have
about the whole vast, you know, internal divisions of
Phoenix. Without taking advantage of this material, we would be putting out maps based on the premise that there are no communities of interest, other than the -- you know, the Maricopa Hispanic community of interest within the entire, you know, 20 miles north and south, or however much that is, or million people, however many there are, of the city of Phoenix. That -- we are under such time pressure here, we have to do the best we can. This is certainly better than having no division whatsoever within that entire mass of people, which is extremely diverse.

CHAIRMAN LYNN: Mr. Rivera, a question for you: Would it be possible -- I am actually challenging the statement I just made a moment ago. It's very clear to me that it would be a direct instruction to NDC, if these were adopted as communities of interest, either all of them or some of them, that to the extent practicable as they were mapping, those lines should be respected.

In your opinion, is it possible for us to give NDC an instruction relating to these geographic lines without designating them as communities of interest? In other words, could it be a supplemental instruction and, in terms of the Court's order, be reasonable to be followed, that when possible, in mapping districts in Central Phoenix, or in the city of Phoenix,
that if it's possible to respect some of these divisions, they should do so even as we have not necessarily said that these meet the full definition, assuming we did that, of communities of interest?

MR. RIVERA: The only -- the only criteria that you have is 106. So the question becomes whether these fit within one of the 106 criteria. The testimony today would seem to be that a lot of these were drawn not only for the various urban planning decisions, but they were drawn along geographical features. If you are going to ask NDC, since these have distinct geographical features within Arizona, I think you can do it based on the concept they have. 106 requires you to follow geographical features and take into account geographical features. This is an easy way of determining what pertinent or what recognizable geographical features may be in Phoenix.

CHAIRMAN LYNN: If I understand your answer, it -- for example, in the Encanto example, the eastern -- north and eastern boundary followed the canal, we now understand. That's easy enough to identify. But if I understood Ms. Dodds' description of the North Mountain District, the mountains are in the middle, so it -- in effect, that district surrounds the mountains as opposed to being discerned by them. So it would almost
have to be on a case-by-case basis.

MR. RIVERA: Right. You have a -- there is no subcategory of communities of interest. Either they are communities of interest or they are not.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, if we look back at the functional definition that we are using during this process that we are in now, with the Court order, you know, it lists concerns about common issues such as -- it doesn't say "all of the above," or "all that follows," it says "such as." There are areas there we talk about geography, demography, talk about socioeconomic status, also talk about trade and common interest. So this area or these villages do have, A, a common interest, they do have a trade, they were talking about the core and then places to live and recreate. So there is that aspect of it. It appears as though that there is some geography involved, and demography. So they meet a majority of the criteria we are using to call it a common area of interest.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: First of all, I want to say I agree with Mr. Huntwork. And on the record yesterday, I think I was the one to first express a
serious concern about the lack of communities of interest
in a town of this size.
However, given the answers to the questions
that I asked and specifically that the chairman asked, I
have some concerns, not to mention the issues of
consistency with neighboring communities of just
wholesale adopting this -- these urban villages carte
blanche for communities of interest.

Do I -- from my perspective, do I feel some
of these are communities of interest? I do. I think
that some of them are. On the other hand, as pursuant to
the feedback that we've heard today, some of these were
drawn purely for political reasons. You know, as the
pipeline suggests.

So, I guess my question is, is that, I am
willing to discuss specific communities of interest, but
I have some very serious concerns of just wholesale
adopting this map as every one of these constituting a
community of interest.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Clarify one thing: The
political discussion, what went on in the city council
districts, pipeline characteristic, city council
district, not the planning district?
CHAIRMAN LYNN: Not the planning district.

COMMISSIONER HALL: Are you saying the boundary -- for example, Camelback East, that those boundaries were determined by what?

Maybe I need to ask that question.

MS. DODDS: Commissioner Hall, yes. The village boundaries are not chosen for political purposes. Again, it's more of the urban village concept. It could be afterwards when looked at redistricting, looked at village boundaries. I think the village boundaries are not really political boundaries. I think they are more a mix of things, sometimes geographic, sometimes may be already a natural core in place, kind of build the village around it. I don't think the village boundaries are necessarily political. I think they are more -- pertain one to the urban village concept and what constitute a village and core and periphery areas and neighborhoods rather than --

COMMISSIONER HALL: So who determines the boundaries?

MS. DODDS: Those go through a planning process, when we did the general plan back in the mid '80s and we went through and just looked at what made sense. There are just some natural boundaries. May not always be geographic, like a canal or mountain. There
are other reasons to say this area is unique in this way, and maybe this neighboring area, Laveen is unique and different than South Mountain. South Mountain is more infill area whereas Laveen is more farmland.

COMMISSIONER HALL: Right. So after the process, analysis, and discussion, who pulls the trigger?

MS. DODDS: Well, ultimately city council approves the general plan. But it goes through --

COMMISSIONER HALL: Okay.

MS. DODDS: -- goes through Commission, planning Commission. Ultimately city council approves the general plan.

COMMISSIONER HALL: City council makes final determination?

MS. DODDS: They do.

CHAIRMAN LYNN: Ms. Dodds, I don't know how annexation is done in the city of Phoenix. Does your department have anything to do with annexation?

MS. DODDS: We have to do the of equivalent zoning for -- whatever zoning is in a county. We, we go through, we are part of the process. The city clerk's department, they have some hearings with the city council ultimately approving the ordinance. We do write annexation reports.

CHAIRMAN LYNN: Since the year 2000, can
you guesstimate how much the city of Phoenix has grown,
either in terms of square miles or, if you can't
guesstimate that, could you at least identify on the
periphery on the city boundary where it has grown?
MS. DODDS: Certainly New Village has
grown, a very large annexation up there.
Certainly in Laveen we are annexing
property on a regular basis in Laveen, so county pockets
are becoming fewer and fewer.
You know, the North Gateway area certainly.
If you want, I have our -- if someone does
the research, I can get you the exact figure in pretty
quick order.
CHAIRMAN LYNN: It is fair to say the City
of Phoenix corporate boundaries have changed several
times since the year 2000?
MS. DODDS: There have been several
changes, most up north and Laveen, maybe a little bit in
Estrella too.
CHAIRMAN LYNN: Thank you.
Mr. Huntwork.
COMMISSIONER HUNTWORK: I'm -- as I said
yesterday, I'll say again many times, I'm sure, before
this is done, the difficulty of having the rules changed
from the way they were, and having to make a record of
what we're -- what communities of interest we want to
use, in such a short period of time, is not only
daunting, but truly an impossible task. That is the
difficulty of the question that Mr. Hall continues to
raise about consistency between one area and another,
and, indeed throughout the state.

If we had the opportunity, if this is
indeed the law, and this is what we are indeed required
to do, and then we had the opportunity to be the
Redistricting Commission and do this thoroughly, we would
deavor to understand, number one, the relationships
between these areas and would probably -- what we'd
probably do is lump a number of them together that have
similar characteristics, and then we truly would have
a -- some communities of interest that would help us to
differentiate the entire mass of the city of Phoenix.

The question that we have to struggle with
is whether there is enough here to make these communities
of interest, based on what we know, or, number two, to
defer and continue to work with this and see if we can
get more information in time to be meaningful in the
process. Or, number three, simply to say we are not
going to be able to make differentiations inside the city
of Phoenix anymore than we are inside the city of
Scottsdale or any of the surrounding communities and just
basically end up with mapping that doesn't recognize any communities of interest within that area despite the obvious fact that there are many communities of interest within that area. And I don't know which is -- which is the worst. They are all awful.

The whole situation is preposterous, but we are in the position, as a practical matter of choosing the best alternative, honestly choosing the best alternative that we can and simply doing the best we can under the circumstance.

I don't actually have a motion to make on this right now. That's too complicated a question for me to just now say, okay, here's what we should do. Perhaps if we think about it for a few hours and let those thoughts settle in, at least each of us may be able to -- at least I may be able to formulate an idea of what I do want to do and it's something I could present and discuss. Right now I'm just -- I've just hit a brick wall and would like to back away for a minute and think about it.

CHAIRMAN LYNN: Just a technical point:

There is actually a motion on the floor, and the motion is to include all the villages as a community of interest, made by you, Mr. Huntwork, and seconded by Mr. Elder. I take what you are saying, you would like to
continue the tabling of that motion for some period of
time?

COMMISSIONER HUNTWORK: Or withdraw it or
whatever.

CHAIRMAN LYNN: Withdraw it, remake it.

COMMISSIONER HUNTWORK: Remake it later
after --

CHAIRMAN LYNN: Acceptable to maker and
second?

COMMISSIONER ELDER: Second, yes.

CHAIRMAN LYNN: You wish to withdraw it?

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Motion withdrawn.

Again, I -- Mr. Huntwork has just
articulated the difficulty that the Commission faces, and
I think all of us share exactly his frustration with the
ability to do a thoughtful job of what we've been asked
to do in the time we've been given to do it. It is not
of our choosing, it is certainly not of our making, and
it is certainly not of our liking. And so we -- we
continue to do what we do under protest and we make that
quite clear and quite evident. And for all the reasons
Mr. Huntwork has so very well articulated, we are -- it's
very difficult to make these kinds of decisions.

Mr. Huntwork.
COMMISSIONER HUNTWORK: And we are certainly going to do the best job we can, given all that.

CHAIRMAN LYNN: Indeed we will.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: If I might add, in addition to the difficult philosophical challenge you face, a technical point: In Phoenix, simply population numbers, there have to be at least seven and part of eight districts inside the city. We'll have to draw lines. Whereas bordering cities, none of them has to have more than two. Purely population, not looking at community. Just in addition to the philosophical issue, also a technical issue to wrestle with.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Pile on to that some extent in the vacuum, having nothing, these would be something that you would be able to say, well, it was not totally arbitrary how we drew the line as long as it did not affect competition, didn't affect any other communities of interest. At least it gives rationale why we put it on 12th Avenue instead of 10th Avenue, and to that end it seems like the line or edge may be valuable. Not as a community of interest, but a way of justifying
and defining a specific line.

So -- I'm having the same, probably,

problems as Mr. Lynn and Mr. Hall has, you know. It's

arbitrary for the City of Phoenix, and we have nothing in

the other areas but for saying we want to throw it out on

the City of Phoenix because we don't have it consistently

throughout the rest of state. It's not part of the

judge's order, have to throw out the judge's order, don't

have statewide information.

Let's move on.

CHAIRMAN LYNN: Observation: Hasn't been

specific instruction, I know when Mr. Johnson is drawing

lines, to show us, at our direction, I know he tries to

keep in mind as much of the record as he can keep in his

head at any given time. I know that's a difficult task.

To the extent we've had this discussion, Mr. Johnson is

aware of it, and it may not be much salvation, but it's

comforting to know Mr. Johnson pays attention when we

have these discussions and tries to show us alternatives

that represent information we've been given and direction

we've given him.

Ms. Dodds, thank you very much, thank the

others Mr. Rivera mentioned. It was short notice and we

really appreciate it. I feel much informed on what the

city of Phoenix is doing with its planning and I
appreciate you coming. Thank you.

Why don't we take a 15-minute break and
we'll resume at 11:30 -- 10:30, pardon me. Well, might
be 11:30. 10:30 is what we're scheduled for.

(Recess taken.)

CHAIRMAN LYNN: The Commission will
reconvene. Four Commissioners present along with legal
staff, consultants and staff.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,
regarding the village concept within the city of Phoenix,
I spoke further with Ms. Dodds on the way out and she
is -- she understands better what our task is and has the
definition, and indicated that she would take it back and
the City of Phoenix would try to get us some information
that would be directly responsive to the definition we're
working with as quickly as possible.

I hope with -- I just want to express my
hope they are able to do that in sufficient time for us
to be able to consider it and act on it at the
appropriate time and take that information into
consideration.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Mr. Johnson, on the issue of communities of
interest, in the Tucson area where we yesterday
considered the development of and adoption of a community
of interest in the central southern portion of the
southern Tucson area, I believe you resurrected testimony
and have a comment with respect to that district.

MR. JOHNSON: Yes, Mr. Chairman. What I
printed out is actually the same thing, same testimony
displayed yesterday, but with a different section
emphasized, Tucson planners testimony about the South
Tucson community of interest. What he references is
testimony that they -- let me pull it up so the public
can see it as well.

Yesterday I showed this as a reference I
used to draw up in looking at borders, a statement by
Walker Smith. Also referred to prior testimony they had
gave earlier being a community of interest at the Desert
Vista campus and Pima Community Campus where IRC held
hearings. I did a quick computer scan every evening and
didn't even didn't pop up with any quotes over the
evening with a full copy and the written materials
submitted at that time.

It does also have a comment at the end
referring to "End of South Tucson's Relationship with
this Area Marks the Family," or "What says urban league,
morning, single ethnic consideration," at least pointers
to where in the record to find more information.
CHAIRMAN LYNN: In sum, additional, the additional information that you found supports the discussion we had yesterday and designation of that area.

MR. JOHNSON: Oh, yes, definitely.

CHAIRMAN LYNN: Thank you.

Another question, just for the record, Mr. Johnson, I want to ask you a question because I made -- don't want to forget it later on, and it doesn't specifically have to do with communities of interest. But I do think the point needs to be made on the record. As we follow the judge's order, and if we were to complete our task, it would result in a map ultimately adopted by the Commission and submitted to the Court. That map, as you understand it, in terms of its development, based on the process that we've already adopted, could you comment on whether or not that map would in fact conform to precinct boundaries that counties have already determined and whether or not that is even possible for the 2004 elections or at any time?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Or at any time?

MR. JOHNSON: Well, there's two issues to that. The first is that precincts are drawn in part based on Legislative Districts, and this was actually a topic of part of the trial. And as they follow the
borders of Legislative Districts, they thus incorporate many of the decisions made in the Legislative District drawing.

So there is -- so if we were to use the precincts drawn for the 2004 plan, we would be continuing to work on decisions made for that plan and that would tend to influence our new plan as opposed to what the Commission is trying to do, go back to the grid and start from scratch without what has been referred to as the "original sin." So that is one concern, that the precincts reflect the 2004 map and its decisions.

The other piece of it is in many, many cases, although I don't think it's true in Maricopa, it's true in much of the state, precincts do not follow census block lines. So attempting to use precincts, A, we have to build the matching database and approximate matching them up, and, B, you end up with population deviations driven solely by that technical matter.

And the third -- I guess I should add the third thing, this came up in our emergency process, we actually asked the counties to provide the precincts maps. Only Maricopa was able, in the time frame we had at that time, to prepare those maps. So that would be, I suspect, a concern at this time. Although I've not spoken to the counties. So, the first shot is simply
getting the maps.

Many of these counties don't use the GIS systems the files have to be in. Some of them, I suspect, may still have paper, actually. And the second would be the 2004 plan and the third would be precincts just don't match blocks. And what people tend to focus on, as well, they match the Legislative District lines. So if we use blocks there, it is following blocks. But as districts move, we're going to go to internal precincts and those may very well have not followed block lines because they were not on our border.

CHAIRMAN LYNN: So to summarize your answer, the answer is no, the new maps will not conform to the current precincting in much of the state?

MR. JOHNSON: Right. Attempts to do that would definitely affect the criteria that are in 106.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Johnson, would -- in addition, if permitted to use precinct boundaries, would it have any affect on the time necessary to complete a map?

MR. JOHNSON: Well, getting those precinct boundaries would be a big time issue. And, yeah, I mean, it would be an additional criteria we would be adding into the mix and we'd have to -- depending on the
instruction, we'd have to somehow balance against the
other concerns, which would be an additional step.

CHAIRMAN LYNN: It would elongate the
process.

MR. JOHNSON: Yes.

CHAIRMAN LYNN: I just wanted that to be
clear, because there are those in the state who are very
centered about that issue.

MR. JOHNSON: Uh-huh.

CHAIRMAN LYNN: Thank you, Mr. Johnson.

With respect to communities of interest, we
have -- we have for the moment concluded that discussion,
unless any member of the Commission wishes to provide
additional information.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Members of the
Commission, Mr. Sissens did provide an electronic map of
the Historic Districts I can put up on the board if you'd
be interested in that at this point.

CHAIRMAN LYNN: Sure.

MR. JOHNSON: He provided paper maps, too.

CHAIRMAN LYNN: That would be great.

MR. JOHNSON: Mr. Chairman, Members of the
Commission, this shows that there is -- I forgot to keep
one for myself -- one Historic District that is up
actually just north of Camelback, borders the north side
of Camelback, and one that goes down the south side of
Van Buren. I think that is probably one that goes to
Roosevelt. Let me confirm that.

It goes down to Adams.

CHAIRMAN LYNN: But the configuration we
were looking at yesterday, as I recall, had a northern
boundary, the main district, two sections. The main
district was a northern boundary of Thomas, and eastern
boundary of 52nd, I think, if I remember correctly.

COMMISSIONER HUNTWORK: 48.

MR. JOHNSON: Mispronounce, says, Piestewa.

CHAIRMAN LYNN: Piestewa.

I better pull that out, I don't think I
remember that. One thing also to note, what is somewhat
affectionately referred to as the "brick houses"
neighborhood, I think they are actually applying to
become a historic map, not on this map, are in the
application process. They weren't shown yesterday. I'll
bring that up.

CHAIRMAN LYNN: Right, Mr. Johnson. It is
the 51. So --

COMMISSIONER HUNTWORK: Mr. Chairman, that
configuration contains most of the Historic Districts
that have currently been recognized. It quite accurately
reflects that. My only concern about that, no bright
lines, and many other areas on all besides that are
becoming eligible. And I might add that this is not --
this map is not complete. It doesn't contain the Los
Olivos Historic District, which is the newest one. I
happen to live in it, so I would notice that one in
particular.

CHAIRMAN LYNN: Well, can we know where you
live? Is that okay?
COMMISSIONER HUNTWORK: Yeah. But I'm not
sure I want anyone else to know.
CHAIRMAN LYNN: Well, then don't give the
address.
COMMISSIONER HALL: I'm not even sure I
remember where I live, Mr. Chairman.
CHAIRMAN LYNN: It occurs to me that
because the districts are spread, and because many of
them are quite small, the designations, perhaps the best
we can do, with respect to mapping, is to stick with the
districts we adopted where the bulk of those districts
reside with the idea that it would be unlikely that these
would be split, given that just a visual impression
suggests that major thoroughfares and streets and so on
don't divide these communities very often. And so, as a
practical matter, we should be okay.
COMMISSIONER HUNTWORK: Yes. I agree with that.

CHAIRMAN LYNN: Okay.

Thank you, Mr. Johnson. Anything else, Mr. Johnson, on communities of interest?

COMMISSIONER HALL: Have we adopted this?

CHAIRMAN LYNN: No. We adopted the other.

COMMISSIONER HALL: Have we adopted the other?

CHAIRMAN LYNN: Yes.

COMMISSIONER HALL: That was a long time ago.

CHAIRMAN LYNN: It was.

MR. JOHNSON: Mr. Chairman, the only thought I have on that, I guess this -- asking earlier, going all the way to the 51 or whether you would want to stop just as 14th? Because the one we adopted goes all the way over to 51 versus this map shows nothing going over east to 14th. If comfortable to 51, we can stick with that.

CHAIRMAN LYNN: As a practical matter, I don't think --

COMMISSIONER HUNTWORK: No real distinction, at 16th Street, by the way, I believe.

COMMISSIONER HALL: That's correct.
COMMISSIONER HUNTWORK: 51 is a true barrier. 16th Street is no visual difference, and I think it's just purely coincidental some were created on one side and not the other. I wouldn't be surprised to see some more in that area. I think we've done as well as we can. We can leave it at that.

CHAIRMAN LYNN: Okay. Then, are we ready for Item 8?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: A minor clean-up matter. Yesterday I had a laptop here turned to the transcript, the definition of "to the extent practicable" is incorrect. The resolution was very clear that we were going to include both of the sentences inside the bubble that contained this one. We didn't say the words, but that was actually the resolution, we were adopting both of those sentences as the definition. We didn't merge them or anything else, just said put them both down. And if you wish, you know, depending what we would like to do here, maybe I could move to amend or perhaps you'll just take my word for it.

CHAIRMAN LYNN: No. I'm not going to do that, even though I trust you absolutely. Let's do it on the record.
COMMISSIONER HUNTWORK: My whole point, it is on the record. I looked and it wasn't ambiguous.

CHAIRMAN LYNN: If the record is clear, let's refer to the record. We don't need to be redundant. It's not easy to find. I had it here yesterday, was ready to quote from it. Never had the opportunity.

MR. JOHNSON: Mr. Chairman, if I might, so put it up on the screen here so we can all read it together, is the language from the Power Point -- the first section here, is the language from the slide that we looked at in the meeting. Get my mouse back. And the bottom definition we put on, on the IRC website now, if anyone put on the IRC website. I guess that's the one Commissioner Huntwork --

CHAIRMAN LYNN: Bottom of Section 1, Jim, you think needs some addition to it?

COMMISSIONER HUNTWORK: What I believe is that the bottom one has nothing whatever to do with it. The top two are what we adopted as the definition.

COMMISSIONER HALL: I'm willing to second any motion you make.

CHAIRMAN LYNN: On this issue.

COMMISSIONER HALL: I'll second any motion, won't say I vote for it.
COMMISSIONER HUNTWORK: I move to reconfirm the definition of "to the extent practicable" is the two quotes.

CHAIRMAN LYNN: And for the record, read them.

CHAIRMAN LYNN: Mr. Johnson, you read them.

COMMISSIONER HUNTWORK: Could have done it a minute ago.

MR. JOHNSON: "'To the extent practicable' contemplates the need for flexibility in carrying out an enormous task that necessarily involves many compromises and difficult choices. 'To the extent practicable' expresses a recognition that the actor will be required to reconcile competing considerations, interests, or goals."

CHAIRMAN LYNN: Does that form a motion?

COMMISSIONER HUNTWORK: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

All those in favor of the motion --

COMMISSIONER HALL: Do we have to have "to the extent practicable" twice?

MS. HAUSER: And means --

COMMISSIONER HALL: Wordsmithing needs to
occur. Other than that, I'm good with it.

CHAIRMAN LYNN: Certainly don't think it hurts, but --

MS. HAUSER: Leave it on the screen so I get it down. Thanks.

COMMISSIONER HUNTWORK: After the word "choices" and "difficult choices," you could say "and expresses."

MS. HAUSER: "And expresses," yeah.

CHAIRMAN LYNN: Acceptable, Mr. Elder?

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Discussion on the motion?

MR. JOHNSON: There you go. All those in favor of the motion signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye." Motion carries unanimously and is carried.

COMMISSIONER HALL: One more title, now actors.

CHAIRMAN LYNN: Kinder things we've been called.

(Note, Motion Passed: 'To the extent practicable' contemplates the need for flexibility in carrying out an enormous task that necessarily involves
many compromises and difficult choices and expresses a
recognition that the actor will be required to reconcile
competing considerations, interests or goals.

MS. HAUSER: Do we need to say "the actor"?

COMMISSIONER HALL: That is my point, but
they wanted to go with it.

COMMISSIONER HALL: That's good enough.

"Actor" is good. I like "actor."

COMMISSIONER HUNTWORK: The Commission will
be required.

CHAIRMAN LYNN: All right? Fine. Clear
what we intend by the definition? I do.

Okay, Item 8. At this point, we are going
to have a report from NDC on previous instructions
regarding the beginning of the mapping process and a
return to the grid map, which was ordered by the
Commission, and then the -- pardon me, thank you,
Mr. Hall, very good -- both are correct.

As a matter of fact, we ordered Mr. Johnson
to return to the grid to begin, and that was as a result
of the Court order, which we believe requires that. And
Mr. Johnson has gone to the grid. He will present that
map and then tell us what subsequently transpired when
other variables, such as competitiveness, were added.

Mr. Johnson.
MR. JOHNSON: Mr. Chairman, Members of the Commission, I'm joined by Dr. McDonald on this.

CHAIRMAN LYNN: For the record, Dr. Michael McDonald is -- not his whole CV, but, in connection with this process, Mr. McDonald is a recognized expert in the area of competitiveness, and voting patterns.

MR. JOHNSON: Yes. Dr. McDonald served as a consultant to consultant NDC through the drawing and also an expert witness in the trial on this issue. So I have a -- I have a Power Point. This --

COMMISSIONER HALL: Anything else you might need while I'm up?

MR. JOHNSON: Anything else might start off, keeping with our theme, now we're back to competitive plans. So this is, as instructed, taking the grid map we originally began with, and then working to improve competitiveness. The only criteria that were used in this mapping were competitiveness, contiguity, and equal population as allowed in the time frame that we had.

Just to give you a little background on the goals and process and how we did this, as we were moving one block here, one block there, we were using AQD spread. JudgeIt is not in the computer system, but we frequently pause to run JudgeIt. I do want to clarify,
pursuant to, you know, the judge's findings and order and then the instructions from the Commission, cities, counties, communities, reservations, visible borders, all those other 106 criteria were not used in drawing the map. We did not have them on the screen as we were moving blocks and tracts. This was purely competitiveness, keeping districts contiguous, and equal population.

CHAIRMAN LYNN: So, Mr. Johnson, fair to say that the goal of the initial map was to draw a map that not just favored competitiveness, but had competitiveness as the central focus?

MR. JOHNSON: Yes, yes.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I'd like to hear how you did that. What did you do to assure that you achieved the maximum number of competitive districts by doing that? Just from the very top down, spaceship view, what was your methodology?

MR. JOHNSON: I'll give you, basically, Dr. -- I'll hand off the discussion to Dr. McDonald to a point, and he can go into that in more detail if you wish. I'd just say -- I would not claim these are the maximum competitive maps. What these are is initially taking competitiveness only into consideration, given
months, years, months that some parties will have before they go back into court, probably take these maps and refine them a little bit more to go for the ultimate maximum. These are maps drawn purely on competitive criteria.

COMMISSIONER HUNTWORK: I thought the instruction was to go for the ultimate maximum. That is certainly what I voted for. That's what I thought the Court order required. Why did we not do that?

MR. JOHNSON: Well, I would say from a technical point, I would not know I reached the ultimate maximum map for probably months, if not years, of testing.

COMMISSIONER HUNTWORK: Well, the goal was to do so to the extent humanly possible.

CHAIRMAN LYNN: In the time available.

COMMISSIONER HUNTWORK: In the time available.

MR. JOHNSON: That's precisely what we did.

COMMISSIONER HUNTWORK: How did you conceptualize that task?

MR. JOHNSON: We actually have two approaches we're going to show you, the phrases I'll get into result in four maps. One was go for districts, the most number of districts that were at a zero percent
spread. And then once those were drawn, to go for
districts that were within a seven percent spread. So
kind of going for zero perfectly balanced districts and
then once those were drawn, we couldn't do more of those,
go seven. The other approach, only a seven percent
spread once in it, not worrying where you are in it.

COMMISSIONER HUNTWORK: Before I see the
map, I want to understand: If you were to take -- if you
just look at the state, the pixels showed nothing but how
heavily Republican it is, how heavily Democrat it is, how
balanced it is, it seems you create the optimum map by
combining as many Republican and Democrat as possible
through the middle part neutral. Is that basically what
you did? If not, how can you compare what you did to a
map that would have been created by that means, which
conceptually seems to be the way to get the maximum
number?

DR. MCDONALD: We are starting from the
grid map. We do have a basis to start from. We couldn't
do exactly what you are describing. I think that does
get the gist of what the effect of the map is.

COMMISSIONER HALL: Yeah, Jim. If they
started with the state blank, I think you are right. Our
basis is grid. We had to adjust from the grid.

CHAIRMAN LYNN: Mr. Elder.
COMMISSIONER ELDER: Mr. Chairman, was there something I missed in the judge's order that said we were to look at a zero spread? I thought he said using ADQ -- ADQ, using competitiveness, which was judged to be accepted at a seven percent spread. Why not develop just that map? Why do we even go through the exercise of developing zero zero?

MR. JOHNSON: Let me, in answer to that, similar to many tests done in the past, seen where when we run into a question as we're doing this, we like to present the options to the Commission and have you make that call in terms of we certainly wouldn't anticipate the Commission look at these four plans and evaluate them, instruct us to go forward with one or more of them. We wanted to present both those options to you.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, can I just recommend maybe we allow NDC to complete their presentation and then maybe a lot of the questions we have will be answered along the way. There's certainly ample opportunity subsequent to that to answer and ask questions.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Well, since neither one of our attorneys are here to answer the question --
ah, excuse me. I stand corrected. Ms. Hauser is in the room. I would think that we would want to address the judge's specific order. And having NDC go out and develop other options that are outside his direction would seem to be counterproductive. And I don't, I guess, understand why we're going to come up with other permutations outside of what his order was until we see what the effects are and say wait a minute, let's take a look at some other alternatives to address his order more precisely. But --

COMMISSIONER HALL: I guess my point is, Mr. Elder, I'm not sure we know what we've done yet. I was suggesting we wait until we look at the whole picture and then we could evaluate or inquire about it.

COMMISSIONER HUNTWORK: Well, I think --

MR. JOHNSON: If I could add to that, had we thought of this question of should we be just within seven percent or aim for zero before the instruction, we would have mentioned it and asked you about it and expected instruction. This is a thought that occurred to us after we received instructions. We didn't want to be the ones making the call on that.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: There is a sense,
however, I think, it is important that conceptual issues be raised before we see the map, because otherwise it could be done skewed or interpreted by somebody who wished to do so that we had an ulterior motive in raising these issues once we've seen the map, because we don't like it for some reason. So I think it is important to say that the -- at least for me to say, that the conceptual approach that I described is absolutely achievable by adjusting the grid. What you do is you derive the ultimate map and then you simply transmute the grid into that map by a program that adjusts the lines until they equal that map.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, may I suggest, then, if Members of the Commission have specific questions with respect to the Court's order, it would probably be best to direct those to counsel in Executive Session rather than to direct them to NDC, and we're happy to do that.

COMMISSIONER HUNTWORK: That's fine. I was not asking a question, I was making a statement. I will at least be looking for a thorough explanation of how this, what we were about to see, accomplishes exactly what I was talking about. Because that's how you come up with the maximum number of districts.
CHAIRMAN LYNN: That's one way.

MR. JOHNSON: Mr. Chairman.

COMMISSIONER HUNTWORK: Not the only way.

MS. LEONI: Mr. Chairman, it might be helpful if we walked through the entire process and then let's stop at that point and we'll glad to take questions on the process.

COMMISSIONER HALL: Very good suggestion.

CHAIRMAN LYNN: Go through the process short of showing the product and discuss it.

MS. LEONI: Walk through the process.

MR. JOHNSON: Last --

CHAIRMAN LYNN: I might add, these are maps the Commission has not seen. Part of the issue here, part of Mr. Huntwork's concern, is when we do see a map, we want to be clear all of us understand how the map was developed.

COMMISSIONER HUNTWORK: If we have objections to it, I think it's important to say, to the extent we can, to articulate beforehand so that as we did with original creation of the grid itself, so that it's -- it cannot be construed as a biased one we did.

MR. JOHNSON: Making sure the presentation map comes up, so we don't have question to address that.

The last piece of the goal I mentioned is,
obviously, per instruction, making sure we at least met or exceeded the number of competitive districts in the Hall-Minkoff test.

So the process was that the first steps in adjusting the grid NDC, we just did some basic work and using just AQD information to get the process started and a lot of obvious changes made. Then on February 5th and 6th, Dr. McDonald joined me and we were accompanied by Mr. Rivera as well, and we worked together for two days in doing changes to all over the map to revise those numbers. I already mentioned we had -- you'll see sets of maps labeled A, which are once we started initial work aiming within the seven percent spread.

MS. LEONI: AQD?

DR. McDONALD: AQD.

MR. JOHNSON: Work AQD data. NDC doesn't run JudgeIt. B was other work mentioned. Did work, in-progress maps done. Dr. McDonald joined us 5th and 6th, immediately ran JudgeIt. Have him go into what -- that process.

DR. McDONALD: Walk through all the changes.

I provided you with the report of our activities.

MS. HAUSER: Michael, it may be off, see if
DR. MCDONALD: That would help.

I provided you with a report of our activities. As Mr. Johnson discussed, he provided, or NDC provided two maps, as he described, for my understanding. And under that, at my direction, Mr. Johnson investigated ways to increase the competitiveness of those maps, given the JudgeIt methodology that we've discussed previously as well.

And so we took both Test A and Test B and developed, sequenced them. There will be a Test 1, A1, and then a Test A2, which is culmination of all changes we made to A. Test B1, Test B2, which is all of the changes we made to B too. And there were several intermediate tests along the way in which we'd stop, evaluate a change, see how that affected the competitiveness, according to JudgeIt, of a map and then proceed onwards to see what sort of changes could be made.

And although we -- since this is a question that just came up, although we started with two test maps with AQD, and then we made changes to those in accordance with the JudgeIt methodology, I find it to be a very useful exercise to have two different starting points and then evaluate how we can increase competitiveness coming
from two different angles, because we may miss something
in one angle that would be valuable in another angle. So
in that respect, I found that having the two maps was a
useful enterprise as a beginning point of conducting
these JudgeIt tests.

But again, remember ultimately what we're
doing is we're creating as many districts as we can find,
as competitive, using the JudgeIt methodology with the
express instructions to only look at contiguity and equal
population and given a time constraint as well. I think
that needs to be kept in mind again, and we probably will
repeat it again. With given more time, given different
constraints, you undoubtedly will reach a different
number of competitive districts that you will find.

Okay. To begin with, what -- I'll actually
begin with Test B.

MS. LEONI: Lisa.

May I interrupt you, Dr. McDonald? Are you
going to go into the maps now or should we ask them about
questions on process?

COMMISSIONER HUNTWORK: I have a question
about --

DR. Mc Donald: Into the maps now.

CHAIRMAN LYNN: Let's talk about the
process, Mr. Huntwork.
COMMISSIONER HUNTWORK: I just want to give you a mathematical hypothetical and get your response. You know, one way to look at this is if you were to create a handful of districts that were as close as possible to a hundred percent Republican, and then all the rest of the districts were -- in the state, were competitive Republican, conceptually that is obviously the most competitive map that could be made. And I don't see -- just paging ahead to look at the results, without looking at any of the maps, I don't see anything that even remotely resembles that result. Why is that?

DR. McDONALD: Well, as I mentioned, we're starting with the Legislative grid map and making adjustments to it. As I'll explain, one of the things that became rather obvious to us in doing these adjustments, one time constraint was that there's an area of Tucson which we couldn't unpack and connect with other Republican areas of the state in order to mix those Democrats with Republicans and increase the overall competitiveness. Theoretically speaking, I think you are correct, that that would be the way to maximize competitiveness, theoretically. Practical constraints forced us to do something that would be less than theoretical.

COMMISSIONER HUNTWORK: Okay. As -- well,
as you go through, I would be interested to have you
explain specifically with reference to the maps why you
were constrained against achieving that result, because,
again, I think for this exercise to be legitimate, to
really start with what the Judge apparently ordered us to
do, it needs to come as close as is practically --
practically possible to that mathematical result that I
just outlined. So we need to understand why it didn't.
So I guess that's my point.

CHAIRMAN LYNN: The only thing I would add
to that is if in fact there is some difference in
interpretation as to what the Court is ordering us to do,
as Ms. Hauser suggested, we ought to have that discussion
in Executive Session with counsel, because I'm not sure
I'm at the same place you are with respect to what the
Court said we ought to do. So that discussion is a
separate discussion. If you think that discussion is
going to help or bear significantly on us going forward
with this presentation, I would recommend we have that
discussion first, because I don't have any problem with
the distinction being made between theoretical and
practical, because theory is interesting, but not
relevant to anything we are doing in the time we have to
do it.

Mr. Elder.
COMMISSIONER ELDER: Mr. Chairman, I believe that Mr. McDonald's discussion of the zero sum and the seven percent swing discussion is that it gave him two ways of evaluating opportunities. Making one map better fits what I needed to know as far as why we went ahead with another alternative that wasn't prescribed by the Courts initially. So I think that is a valid way of approaching it, gives us a better oversight and them a better way of answering our questions. I don't have an objection of going ahead at this time.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I think your comments were probably directed toward me. I think that the -- the advice of council on this point, while interesting, is not going to -- is not going to stop me from wanting to know, from wanting to understand why some of these results are so far off from the theoretical possibilities. And I'm going to ask the questions so that I can understand that regardless. We've got -- and whether you have interpret the Court's order as absolutely as I was saying or not, I didn't mean -- the Court only ordered us to do this to the extent practicable. In order to ascertain whether we've done that or not, I will need to understand why it deviates from what the practicalities were.
CHAIRMAN LYNN: I'll simply make one other comment, then: I'm fine with going through it. If I understood your comment, what you are trying to do is ascertain how what we did differs from a theoretical and, as we have discussed, and practical absolute. And for the reasons given, that absolute wasn't -- in the time available, couldn't be tested. So it's tough to figure out the deviation when you don't know the two points, you only know one point and you have a theory about the other point.

Having said that, I mean, I think what we have to do is get comfortable with the methodology we're using or not, and move forward.

Mr. Elder.

COMMISSIONER ELDER: Ms. Leoni.

MS. LEONI: Thank you, Chairman, and Members of the Commission. I did want to point out that our instruction, and I had assumed it was because of the time constraints, was to do what the -- the best we could in the time constraints within the seven percent JudgeIt range. And I don't recall that we were asked to, once we got there, to evaluate whether that was a Republican or Democratic leaning. But we do recognize the validity of the question and we welcome those questions.

COMMISSIONER HUNTWORK: Thank you.
MR. JOHNSON: Let me add one thing that might clarify. The one deviation really jumps up, like in Reports A1 and B1 have a four and three packed Democratic districts versus the one Dr. McDonald referenced shows up in A2, B2. That difference is simply because A1, B1 were drawn using only AQD before Dr. McDonald arrived. The difference between one and four, the difference between AQD measurements and JudgeIt measurements.

DR. McDONALD: True.

MR. JOHNSON: If that's a question why there were four Democratic packed districts, AQD and JudgeIt results when we ran JudgeIt, if that clarifies a little bit.


CHAIRMAN LYNN: Okay.

DR. McDONALD: So to proceed with what we actually did, we first started off with the investigating Plan B, and that was the plan that had as many AQD at zero percent deviation as NDC could find. And we started with that one because it was clear that there was going to be more opportunities to create further competitive districts within the JudgeIt spread, excuse me, just because that seven percent hadn't been really
investigated under that model.

And so if you look at the result of that, I'll just point you to it, it's the Competitive A2, the second-to-last page of the report -- excuse me, Competitive B1. You can see justification for this.

There are 16 competitive districts according to JudgeIt in this particular map. If you return to the second page of the report, in bullet points I describe the trades that we did make, starting from this map, to reach the B2 map. And these changes were made over the two days that we investigated making changes to the maps.

So initially we looked at Districts L and Districts M, and we rebalanced the population between them to create new Districts L and M. Previously District L was a competitive district. You can see District M was an uncompetitive Democratic district, and by balancing the population between the two we're able to bring the District M into the competitive range.

We then looked at -- although we don't have maps up here, it might be somewhat useful to put the map up --

MS. LEONI: Not until the Commission instructs me.

The next step we took, Districts A, C and -- A, CC, and DD, we explored trading population between these three districts, where before we have two uncompetitive districts and one competitive district, DD, and by exchanging the population among these three districts we were able to create -- let me make sure -- three new districts that are all competitive: District A, District CC and District DD.

And then after that stage was done, we looked at District B and District A, and looked at exchanging population between those two and formed District B was uncompetitive, the new District B resulted in a competitive district.

I would note, too, that that A, when you see something, that is the final result that shows up in the B2 competitiveness report. So when I first mention A, there is an intermediate step to reach that 52.2, which is described in that next sentence of that bullet point.

So that exchange that happened between A, CC and DD, is, is not the final result for A, that it's -- that value of JudgeIt, 52.2 percent that is given for that District A, is the result when all adjustments are made through all of these bullet points. Just to clarify that.
The Maricopa graph and the next bullet point we moved population again between A, CC and DD, and that was in order to open up possibilities of adding population between DD and the other districts. And so in the next bullet point I describe how we shifted population between C, D, and DD to bring Districts C and D within the competitiveness range.

And then we looked at population exchanges --

CHAIRMAN LYNN: Dr. McDonald.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I -- I think that the, that the mechanics, the things we did, would be, as you did this would be illustratively if the map were on the board. I'm wondering if there is anything more of a kind of conceptual nature we need to talk about before we can put the maps up? Personally I don't have any additional questions of that nature, and --

CHAIRMAN LYNN: Are you satisfied at this point and ready to look at a map?

COMMISSIONER HUNTWORK: I believe so.

CHAIRMAN LYNN: Any other Members of the Commission wish to ask additional questions about methodology before we view the product?
If not, then why don't we -- because I --
my eyes were glazing over. Too many districts, too many
letters, and clearly not enough visual input for me to
figure that out.

MR. JOHNSON: Mr. Chairman, if I might give
a couple summary totals before.

CHAIRMAN LYNN: Mr. Elder has a comment,
then we'll get to you, Mr. Johnson.

COMMISSIONER ELDER: Mr. Johnson,
Mr. McDonald, Dr. McDonald, when you were choosing
districts, let's see if we can take A, CC or DD.
Were they contiguous or a ripple effect
outside those, or were the changes, effects outside those
districts?

DR. MCDONALD: When I describe a three-way
trade, the trades were between those three districts and
did not affect any other district.

COMMISSIONER ELDER: Thank you.

MR. JOHNSON: Let me just --
Mr. Chairman, Members of the Commission,
one thing, again, I want to reemphasize, the maps drawn
were solely for competitiveness, not other community
issues. What it has done, we just put some summaries up
for comparison.

Competitiveness, looking at the JudgeIt
map, as the report before you shows, the A1, the 21
districts, Dr. McDonald's work, we've gotten that up to
23. B1 had 16. And that is also now up to 23. That
compares to seven in the Hall-Minkoff test, four in the
2004 plan, and six in 2002. Obviously that's a
significant jump. The flip side, we've run city splits
and haven't yet had the time to run county splits and
reservation splits. I can ballpark that for you. City
splits, the 2004 plan had 54. The interim plan, 54.
Hall-minkoff, 57 splits through cities.

So if three splits in a city, that counted
as three, the competitive plans you see jump up to 112,
114, 130 splits. So actually -- the 2004 number I think
is a typo. Because we didn't split any -- it should be
16. The number of split cities is 16, 16 and 17. It
jumps up to 31, 41. You're getting a sense of what you
are about to see.

Compactness, using the definition adopted
the other day with the Polsby-Popper measurement, .17 or
lower, you see '90, the '90s plan had 10. The grid,
A1 had eight. B1 had 16. Under that measure, and then
competitive -- actually this work increases -- increased
the lack of compactness to 10 and kept it at 16 for the B
test.
So those are some summary tests to prepare you for what you are about to see.

CHAIRMAN LYNN: Sounds like the same kind of warning television does before they show you a program you are not like to like.

DR. McDONALD: Small children.

CHAIRMAN LYNN: How many times did we split for the squeamish.

DR. McDONALD: Let me point out one thing, that the maps at this point we're going to see, these are beginning and end points of looking at these maps. At some point we're describing intermediate steps which are going to be made which are not going to be reflected on these maps.

MR. JOHNSON: What I'll do is put B maps over here and A maps.

CHAIRMAN LYNN: Mr. Echeveste, what is helpful would be if the paper curls, get tape and tape the bottom to the legs so we see the interior of Phoenix and Tucson.

Mr. Johnson, you also have it on the computer on the screen?

COMMISSIONER HALL: People can help you tape while you pull it up on the computer, if you like.

COMMISSIONER ELDER: Josh will help tape.
CHAIRMAN LYNN: You are "Hall monitor" this morning: "Hall monitor."

COMMISSIONER ELDER: Ohh.

MR. JOHNSON: Let me see if I can make these bigger.

Let me just highlight a couple things on these maps.

CHAIRMAN LYNN: Okay.

MR. JOHNSON: Because questions -- questions off the top.

MS. HAUSER: These are ugly.

MR. JOHNSON: Yes. For example, on A1, and actually true on B1, the yellow district up here, it is the same yellow district down here in Scottsdale. So Z is similar, this red District Z actually is the same as this red District Z. And district X actually is competitive because it has East Valley Republicans and Tucson Democrats. So where colors match, you have to follow along. They are all contiguous, even ones that do not appear to be so on these maps when you zoom in are contiguous, though often by one block. If something appears strange, it can't possibly be that district, it probably actually is.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Well, Mr. Chairman, for
the benefit of those in the audience who now have a floor
Jack to get their jaws off their knees: I think these
maps highlight the absolute ignorance of the judge's
order with respect to the whole presumption that
competitiveness should trump all. And the order that was
considered. And unfortunately, as we've stated before,
here we are, placing competitiveness paramount. And now,
with the expedited process, now, of trying to determine
what, which of the other goals that competitiveness has
caused significant detriment to, we are criticizing the
order for not, for saying in the judge's opinion, that we
know it when we see it. Well everybody in this room
knows about 50 or to a hundred significant detriments the
minute they see them. That in my mind is a tremendous
irony. And so I just -- I'm not sure everyone in the
audience has had the benefit to read the order and
understand what we have been required to do. And I think
that a picture does say more than 1,000 words relative to
the predicament that this Commission has been placed in.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I --
I do not -- I wish to disassociate myself from the
comment about the ignorance of the judge's order.
I do believe that this, that these maps are
anathemacal to Proposition 106 and everything that it
stands for. I think they are grotesque. I think they are twisted. I think they are abominable. I think it's almost inconceivable that, that this type of starting point could ever have been intended by the framers of Proposition 106 with the emphasis that has been placed on communities of interest, you know, natural divisions, political boundaries, and so on. Nevertheless, you know, the Judge is part of the process as well. He has entered an order that will be reviewed by the appellate courts and will result in law to guide us and future commissions. And so he has a job that is in the process quite different from ours. And only part of what you said, Mr. Hall, I don't agree with is to make it at all personal to the court or the role that it plays in the process. But I do think we have to finish hearing the explanation because in order to comply with the order we're going to have to take one of these approaches and then direct our consultants to proceed based on that and somehow come up with a map that makes as much sense as possible.

COMMISSIONER HALL: Maybe I should clarify, Mr. Huntwork. Certainly nothing intended, I'm sure Judge Fields is a very nice man, but the product of what is in the order is, in my mind, an impracticable application, is ignorant. So I'm not trying to cast personal
aspersions, but it is absolutely contradictory to the
intention and wording of 106 and the purpose of this
Commission.

COMMISSIONER HUNTWORK: I agree completely,
Mr. Hall.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman,
Mr. McDonald, when you go through some of your process,
would you also make an effort, maybe it's also
Mr. Johnson, make an effort to show me or give me one
scenario, like if we started, I believe, when we chose
the grid, or produce the grid, the first district or
first grid was the northwest portion of the state, then
tell me or at least give me some sort of word picture of
how you started to work that and what choices or how you
made the choices as to which way to together pick up the
right population and get as much competitiveness as
possible. I'm having trouble getting from, you know, the
grid back there to the northwest sector there and
northwest sectors around the room. So I'm -- just some
idea of how you chose blocks, the precincts, districts,
whatever it was you used.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: I'll tell you first part then
Dr. McDonald describe the part when we worked together.
What we did is put up thematic map Commission has seen part of record of actually AQD scores don't have JudgeIt in data base and AQD fairly close approximator of it, and then we took looked at the district's scores by AQD.

COMMISSIONER ELDER: The grid scores.

MR. JOHNSON: Grid scores which within for and a half or five percent to increase our odds staying within seven percent once we went to actual step of JudgeIt, so, once we identified those districts we started, that were outside of that range, we just started looking all over the map for thematic indications of where we could add population in. And of course any time you add population in you have to move some out. So as you can see, this is not, these are not at the edges, to use the favorite quote of the lawsuit, not-at-the-edges changes. Changes happen all over and many districts traveled significant distances from their grid starting points.

So we weren't taking one district in particular at a time. We were jumping in and saying, you know, big picture where do we need to go with these districts to try to get to appropriate populations we were looking for with the appropriate thematic. That is how we went from the grid to A1 and B1 maps.

I'll let Dr. McDonald describe our
CHAIRMAN LYNN: But the question I think Mr. Elder was asking is if you look at map in total, you may have districts that were within that four to five percent starting point and districts outside. And of the several districts outside, how did you pick the one to start with? That was your question.

COMMISSIONER ELDER: Well, to some extent. What I wanted to make sure was there was either uniform process selection across the state as we are deciding: Well, are we going to get -- say we needed to pick up Republicans in a district and looked around the perimeter of the very first district you are looking at, you saw Republicans in maybe three or four different areas. You also, not being in a vacuum would look at how those Republicans might have been used in the original grid system. All I want to make sure is there was a reasonable process of how we looked at those that we didn't have you, or you didn't in the process for us, you know, say: Oh, here is some over here. Really make the map weird looking if we picked those up.

MR. JOHNSON: No.

COMMISSIONER ELDER: That's what I want to make sure you express to us, how we get a compact, contiguous, responsible map.
MR. JOHNSON: Actually that's a very good question, something left out of the description.

Whenever we saw two blocks of population, if looking for Democrats, two blocks of Democrats, we would look to the nearby one first. You know, we didn't -- it would be nice to avoid compactness issues. We didn't let it restrain us, if a limit was on the impact on competitiveness; but if there was an option of going for one further away or one closer by, we did definitely try to do one closer by as long as it got us to the same point, same result.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: All I just want to say, these maps I'm sure were prepared in a responsible way and to some extent in anticipation of what we have to do with them. My earlier comment about what is theoretically possible was not meant necessarily to be a criticism but just to point out, you know, what the full compliance might be. And the step you've described clearly could have constrained your ability to achieve the maximum number of districts depending on how that other piece might have fit in with something somewhere else. I don't, I don't really criticize it because, you know, I -- I really, truly, would not want to look at a map that was worse than this as a starting point for
achieving the goals of Proposition 106.

CHAIRMAN LYNN: Mr. Huntwork, one point.

And again, this may, may cause us to want to have a
different discussion in a different setting, but, my
reading of the order, there is nothing about the maximum
number of districts. Neither was, was our instruction
intended to deal with the maximum number of anything so
much as it was designed to express a specific order of
process, which is to take the grid, which we understand
is benign except with respect to population, and use
competitiveness as the first criterion that was used to,
in that sense, draw competitive districts. The order as
I read it is not necessarily to have maximum anything.
It's to have the order of criteria set forth where
competitiveness is favored, and used first, and then to
do the other things you need to do to put the other goals
in there and wind up at a result. So I'm just a little
concerned about the concept of maximum, because that's
not either the judge's charge nor was it our instruction.

COMMISSIONER HUNTWORK: Well, and I -- you
are right, Mr. Chairman, I apologize. I'm saying favor
competitiveness and taking that to the ultimate extreme.

CHAIRMAN LYNN: As much as practicable.

COMMISSIONER HUNTWORK: Practicability is a
good point here. Thank you.
CHAIRMAN LYNN: Thank you. I think the other thing -- I think the other thing worth saying is we all knew that this first group of maps were going to be interesting, to say the least, although I really liked Mr. Huntwork's adjectives better. I was concerned we didn't in our significant detriment definition have twisted and, what was other one I liked so much, grotesque, I think those two were. They --

COMMISSIONER HUNTWORK: Sorry.

CHAIRMAN LYNN: No, they were fine. I'm absolutely happy with them. I do think what is important for everyone to remember here, is we are literally talking about a process that could be done several different ways. What you see represented here is what the court instructed us to do with respect to the beginning of the process. So the court ordering us to do this in this order produced the maps you see here. We're trying to be comfortable we understand the methodology we get from the grid to the maps you see. You'll see other iterations when other criteria are added to the maps in future mapping we do to continue to change these districts in various ways, based on the criterion we're using and how it affects the map. So, I mean it is a process.

Mr. Hall.
COMMISSIONER HALL: Well, Mr. Chairman,
while the maps are interesting, and fun to look at, just
so I make sure I understand where we need to go,
obviously our instructions now are to adjust these maps
pursuant to the goals set forth in Proposition 106. Is
it safe to say that we need to pick one of these maps to
adjust and move on a go-forward basis? And if so, I
would recommend that we start those deliberations and
move forward.

COMMISSIONER ELDER: Mr. Chairman, I'm
sorry, I'd like to heat the presentation by NDC,
Dr. McDonald, how they went through the process here
before we start choosing some map.

COMMISSIONER HALL: I guess, Mr. Elder, I
think that is in front of us in writing, and I guess my
question is would be I think it's clear that they have
given the the best expertise available with the expertise
of Dr. McDonald who is probably reknowned nationwide for
this, that they, my trust is implicit that they have
utilized the best skills, tools, expertise available to
produce an extremely, if not the most competitive map
possible. And I guess, from a practical standpoint,
analyzing all of the avenues that they went down, which
is already in writing and of record, is not necessarily
the most productive use of our time to move to achieve
the ultimate goal of what we're here to do.

CHAIRMAN LYNN: I'm not sure remainder of
report would have taken any less time than that
statement. Let's see.

COMMISSIONER HALL: Eight pages.

CHAIRMAN LYNN: I don't think being read,
being talked through, I'd like the consultants --

I'd like the consultants to complete their
report so it is fully complete on the record, then we can
move forward as we can.

Mr. Johnson, Ms. Leoni, Dr. McDonald,
please add whatever else you wish to add in terms of your
report.

MR. JOHNSON: I think what might be useful,
as Dr. McDonald talks about different districts, I'll
point out different districts.

MS. HAUSER: Vanna. You can be Vanna.

DR. MCDONALD: I guess I want some
direction from the Commission. If you want me to, I'll
consider going through every one of the bullet points and
say we made changes between these two districts and this
was the result; or I could just tell you generally, as
Mr. Johnson just did, in general terms, what we did, what
the rationale was for choosing these districts and what
changes we made to them.
CHAIRMAN LYNN: Again, Commissioners may differ on this. Let me offer one and see if it makes sense. Your report can be made a part of the record. The actual detailed changes from one district to another to achieve a specific result are part of the record as a part of the report.

What I am interested in, and I hope my fellow Commissioners would feel comfortable with, number one, a 1,500 feet understanding of the methodology we now have in terms of where you started, how you moved forward. We can see in general terms the results, because the results are graphically depicted on the maps. And because these maps are going to change many times in the process, I guess my concern at this point would be only to understand how we got to where we are and fully understand sort of the analysis of each of the maps with respect to how many districts are competitive, and so on, so that we understand where we start and as we move through the iterations of maps how we progress.

Now if Commissioners want additional information at this point, let's get it on the record and make sure we have it at every stage.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I agree with that with the caveat while like Mr. McDonald takes
one example of a bullet, says this district, this is how we looked at it, here is how population was or wasn't, we had defined and go through a one step with us, and then go ahead and summarize or take a look at the maps.

DR. McDONALD: Why don't we start with districts L and districts M on map B1, and this is a sort of trade between two districts to increase competitiveness.

COMMISSIONER ELDER: Bottom right, L --

DR. McDONALD: Down in Tucson.

MR. JOHNSON: Dr. McDonald, D and B.

DR. McDONALD: D and B.

COMMISSIONER HUNTWORK: Something bigger.

DR. McDONALD: I was a little concerned we did multiple trades. This is an isolated trade, that's why I thought we'd start, use this one as an example.

MR. JOHNSON: Okay. District L had a JudgeIt of 47.9 and District M had 57.2. So District M would be outside the competitiveness range and since there was a Republican leaning District L adjacent to it, it made sense to try. And M was just outside the competitiveness range. It made sense to look at what sort of trades. We could make between District L and District M in order to bring District M down from its 57.2 percent Democratic performance into the
competitiveness range and so the trades that are evident
on that map are the result of that activity and resulted
in two districts. We managed to almost perfectly balance
them at 52.1 percent for both of them in terms of their
JudgeIt score.

When we look elsewhere in the state, these
sorts of trades between two districts in order to
equalize their JudgeIt score to bring, say, one that was
a Democratic and one Republican, both within the
competitiveness range, was not as fruitful when we
started looking in. So the need to do swaps between
three districts, perhaps.

One district that was outside the
competitiveness range and another next to -- adjacent
right at it would be within the competitiveness range or
one outside of it, and have to look at how we -- because
we, believe it or not, we really did try to look at
territory that would be adjacent and keep it within
competitiveness, all districts within a competitiveness
range, looked at making a trade of two districts equal to
two percent on JudgeIt, at least -- which we thought
would be two percent in JudgeIt, before we ran it, and
then we might look at other trade too, plus or minus one
percent between two other districts in order to bring
other district looking what we're at to make it
competitive within the JudgeIt trade.

Trades between A, CC and DD were of that sort of nature in trying to reconfigure all three of these districts to make them all three fit within the competitiveness range. So that's the general terms of what we did.

The result -- and specifics are in the report with the bullet points. And there are intermediate steps.

We had a series of maps in which we would do a test, create a test map, run the analysis, see what the effect was, of that, and then maybe have to come back and do another adjustment to the districts in order to fully bring a district within the competitiveness range.

But to go on, just in a very general term, what really struck me was that at the end of the day, once we looked at both of these maps, the result was that we had 23 districts in both of them. And it strikes me, we sat down and we didn't have enough time to do it, what Mr. Huntwork described earlier was one option to possibly increase the competitiveness of the map would have been to do something to take, unpack Tucson. There's a Democratic district, it appears different numbers, different letters on the two maps. I think J and T. I'm not exactly sure if that is correct. In any case, in
order to unpack that part of Tucson, we would need to
create some connectors outside of Tucson, to Republican
areas of the state. And given time constraints to do
that sort of activity, and we're talking block wide
connectors that would come in and out of Tucson, we
basically ran out of time at that point and couldn't
further produce a map that would be more competitive.
But my belief is that there probably is another map that
is out there that is more competitive because we do have
a Democratic district there and ideally we would not want
that district in the map, but the result of 23
suggestions to me that is close to the upper limit of the
number of competitive districts that can be drawn in the
State of Arizona.

CHAIRMAN LYNN: Mr. Elder then

Mr. Huntwork.

MR. JOHNSON: Very quickly on point, you
mentioned which is Democratic. Can you mention which are
packed Republican?

DR. MCDONALD: Packed Republican.

MR. JOHNSON: B2.

DR. MCDONALD: A number of them, North
Phoenix.

MR. JOHNSON: J, all around it. J would
have to be linked. I believe one packed Republican is
left in the East Valley. Otherwise looked at linkage, that district up to Y or V up in the Phoenix area. I'm not sure if A is competitive. But -- that is where we'd have to link that to to get rid of one packed.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, that may have addressed most of my question. I wanted to know in the process did you look at any districts as saying: Boy, if we pulled out and packed a district on purpose to make three competitive around it, did you take that option or look at that option?

DR. McDONALD: We did not look at that option because we were already starting with packed districts. But your question sparks another thought of mine which we did do in district, in map A1. We did explore one District CC that was outside the competitiveness range. And it was the district closest to being competitive. And we were looking to create another competitive District to make it 24 rather than 23. And we, we really had some very strange -- I shouldn't say strange. We were not instructed to look at compactness, so they are all beautiful. They were very beautiful. They were very beautiful connectors that came out of CC and had some of the adjoining districts. And we couldn't bring CC within the competitiveness range and
so we abandoned that. That was our last endeavor before time expired and we had to get on flights to come out here.

CHAIRMAN LYNN: Absent a consideration of aesthetics, everything is beautiful.

DR. MCDONALD: They are my babies.

CHAIRMAN LYNN: I understand.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I think Mr. Elder got to the point I was going to ask about, so --

CHAIRMAN LYNN: Okay. All right.

Please, is that -- is that -- is that --

MR. JOHNSON: We have the statistic sheets you are familiar with for all these plans I can hand out.

COMMISSIONER HALL: Shows the spread with.

MR. JOHNSON: A report from Dr. McDonald, the spread with AQD and JudgeIt.

COMMISSIONER HALL: Do the math?

MR. JOHNSON: No, we added that now.

CHAIRMAN LYNN: Absent a motion to just adopt these and submit them, we have more work to do.

CHAIRMAN LYNN: Any other comments or questions by the Commission relative to the tests, competitive tests A1, A2, and B1, B2 as presented?

If not, would it then be appropriate to
move to the next stage based on the instructions given to
the consultants?

And just for review, Mr. Johnson, would you
begin that phase of your presentation by reviewing the
next step as you understood it?

MR. JOHNSON: Sure.

CHAIRMAN LYNN: As you understood it and
how you went about it.

MR. JOHNSON: Sure. The next step in the
process, that was adopted by the Commission, is to adjust
the maps to comply -- with the Voting Rights Act, as
described in the order. So what we have to present to
you is that we've done with one of the maps. There
wasn't sufficient time from when we finished with
Dr. McDonald to make those adjustments for today. So we
have as an example of what happens when we make those
adjustments a plan A1 adjusted for voting rights. You
can see what happens when we do that, what happens when
we do that.

CHAIRMAN LYNN: Just a moment. Why A1?

MR. JOHNSON: A1, B1, B2, we've not done
work we began when we were doing those. Did not have
enough time to get B1 done as well.

CHAIRMAN LYNN: So it's an example of.

MR. JOHNSON: Yes, example of based on what
we did on that impact of maps very similar. Districts
may be configured with similar results and will be fairly
close in each one. What we did was interpreting the
instruction was we united each of the tribal
reservations. Part of the discussion, the instruction
for the Voting Rights Act, each reservation needed to be
intact. And then we attempted to get districts which the
Hispanic voting age would be essentially where they were
in the Coalition 2 plan, based on the comments at the
hearings. And that that would be that those may be
sufficient numbers for voting rights compliance.

We have those for you to look at. I can
show them on the computer. Actually, I don't have a big
map. Dr. McDonald has run JudgeIt on it as well.

CHAIRMAN LYNN: Without objection, let's
look at the next step in the process.

MR. JOHNSON: Let me start with kind of
summary stats. If I can bring up for you on the Power
Point.

COMMISSIONER ELDER: While doing that, I'll
ask a question of Dr. McDonald.

Do you remember off the top of your head
while saying you were attempting to go to zero on
competitiveness, on the B, was it the B2 plan or --

DR. McDONALD: AQD, NDC began with, and
that would be AQD had zero percent for as many districts
as they could find with AQD of zero.

COMMISSIONER ELDER: Okay. Spread or
range, what was considered zero statistical, half a
percent either way gave you zero in the column?

MR. JOHNSON: The summary is at the bottom
of the first page there. It tells how many districts had
AQD of within one percent, a spread of three percent,
five percent. All the numbers are there. I can walk you
through this, show you the statement. It states it as
before.

Remember this. It did not look at city
borders, county borders. We haven't done anything on
those fronts, solely united tribal reservations. Each
one is intact. We drew some districts that had Hispanic
voting age numbers comparable to what have been discussed
before, but just those changes, not any improvements to
any changes to follow community lines or city lines. We
go from in A1, this is all work off of plan A1, from 23,
from 21 in JudgeIt, seven percent districts down to 10.
City splits, however, go from 112 total to 115. And the
number of cities split goes up from 31 to 33. And then
compactness, we go from having eight districts in A1 that
were lower than that 1.17 to 3.17. So that is
comparative stats.
Let me bring up the map on the screen.

(Recess taken.)

CHAIRMAN LYNN: We have a technical issue we need to deal with. Let's take a 15-minute break. That will give you an opportunity to get up close and personal with the maps, take a look at them, find your house and be amazed. We'll reconvene at 12:30.

(Recess taken.)

CHAIRMAN LYNN: If I could ask the Commissioners to proceed. In terms of housekeeping, and scheduling, my suggestion would be that we take a look at the example of the voting rights --

MS. HAUSER: I'm sorry, I need to ask Ms. Nance.

(Discussion off the record.)

CHAIRMAN LYNN: My suggestion would be that we look at the example of what happens to one of these competitive maps when you add voting rights criteria to it, and that at that point we take a break. It's midday anyway, and we're going to need a break. Take about 45 minutes at the conclusion of that presentation and then come back and address the issues that we see presented in that transformation from competitive to voting rights and give instructions for future work as we move forward. So that's my intent.
Without objection, we'll move in that
direction.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I just
had members of the public ask what -- an overview of what
our intentions were for the rest of the day. While some
of that I understand is a by-product of time, I wonder if
we could do a 10,000-foot fly-over just for the benefit
of the public.

CHAIRMAN LYNN: Well, part of it relates to
scheduling. And because we are on this accelerated
schedule as dictated by the court's order, there is a
tremendous amount of work that needs to be done by
consultants between meetings that we are scheduling.
What I was going to suggest later in the day is that to
the extent we have material that can be put out for
review, that we try to figure out how to do that, and
we'll talk about that later. We are specifically going
to instruct the consultants to do a certain amount of
work between now and the next time the Commission gets
together as a full Commission. And that will include the
additional mapping of criteria that we have yet to order.
And we need to discuss how that will take place. We need
to provide instructions on any other issues that we
believe will be important in the mapping process. And we
will have an additional call to the public. We will talk about the remainder of our schedule pending the decision on the stay request that is being heard today. And I think that's about it. I don't have any idea how long all of that will take. I do know that it will be completed today because we are not noticed for nor are we going to meet beyond today at this setting.

So that's the best I can do, Mr. Hall.

COMMISSIONER HALL: Perfect. Thank you.

CHAIRMAN LYNN: Thank you.

So let's hear from the consultants with respect to what happens when one of these maps, I believe it was A1 or A2, A1?


CHAIRMAN LYNN: A1, as an example, was then changed by virtue of the criteria for the Voting Rights Act.

MR. JOHNSON: First thing I want to note, in terms of A1 and B1, which one we started with, we actually start with A1 because it is more competitive than B1. We hope to have both of them done for you. That's where the A1 decision over B1 takes on. Let me go through this kind of piece by piece.

First is the big picture of what happens. The map on the screen right now is the competitive test
Al without the changes. And, for example, one of the things we did is we moved splits from tribal reservations. So you can see, the easiest one to see is probably the Navajo up here which in the competitive tests are split between four districts, the Z, AA, blue one coming around here, and then D. When we unite that, you can see you end up with it entirely in AA.

Now let me zoom out and show -- then, as I said, just uniting it is all we were going for in this area. We weren't taking into account communities, or anything like that as well. So what happens if you look at District DD, let me show you a before and after on that one.

I'm sorry, District D started out having part of the Navajo coming up here to the Grand Canyon Village, Flagstaff. Actually the competitive district gets Republicans down here. Let me show you. Down here in Scottsdale. So when you unite these reservations, you take D out of the Navajo Reservation and also it was impacted by the changes down here in the Apache Reservations. So D ends up kind of getting pushed around from all sides, from three sides, at least, and we balance population in these districts, just walk down, actually worked down to the city line, weren't looking at cities at the time, just where they hit balance.
So you end up with a district that is Flagstaff, one of the Apache tribes, and it is a result of eliminating all districts that went from Navajo down south, just get the District D coming in, and now it comes into South Scottsdale, Tempe, and Mesa. Actually a little bit of Apache Junction out there, too, I think. So that gives you a flavor of what happens both uniting a reservation and rippling out all different pieces. They kind of fall where they may in this approach.

To go into -- that happened throughout, also united in B one of the Apache Reservations, the other reservation in Y. Both had a piece of those Apache Junction’s before, D in the northern one, Y in the southern one. So we unite in each of those, that happened throughout the state.

In terms of looking at Hispanic voting rights districts and concerns, a similar thing. We started out -- actually let me do a before, first. Started out in the Phoenix area. And I believe, let me make sure I get this right, actually in A1, J was Democratic, just outside the JudgeIt 70 percent range. A2 Dr. McDonald walked throughout, we made that into a competitive district, nearly competitive here, and then we change that around somewhat and took it from, let me see, 34-and-a-half percent Hispanic and -- Hispanic
voting age, it is now -- let see the percentages, just
real quick, a calculator, it's now 51 percent Hispanic
voting age. So we also changed District N, you can see
before -- actually let me show you this whole area
together. What you had was districts O, M, L, K all
coming down together, each one of them competitive. And
then this area, the southern end, however, is fairly
densely Hispanic. So when we make the changes to bring
the numbers up, O gets pushed out, M gets pushed out, K
gets pushed up to bring L and K to what we think may be
in compliance with the judge's order in terms of voting
rights.

You end up with J, J and L and A being the
heavily Hispanic districts in this area. And you lose,
let me confirm this, J is no longer competitive, N is no
longer competitive by JudgeIt, L is not, and A is not.
And also on the flip side of those issues becoming
Democratic by JudgeIt, O becomes Republican, and K
becomes Republican. M actually stays competitive. So
zooming out to get a little bit of a larger picture --
oh, let me go down to Tucson -- for up there, in the
Tucson District, T as we looked at before was packed with
Democrats in the competitive plan. And even in the
competitive plan it was already at, let me see, 51.3
percent Hispanic. So took a little bit out of that. But
X was in the competitive test 27.2 percent Hispanic voting age and now resulted -- now it's up to 47.6 which is about where all the plans up there were.

Oh, okay. We did similar out in Yuma.

District DD, District DD was 38-and-a-half percent Hispanic. So as you can see, there were only some minor changes in District DD that brought together reservations, did not require a lot of changing in the configuration for Hispanic voting rights concerns. The other area I should mention is the African-American concerns in the South Mountain and the freeway loop area that have come up. Actually those we did not have a chance to test bringing those back up to the percentages of the adopted plan. What is needed there is bringing areas that are just on the north side of the loop here together with areas that had been put in the competitive plan into I in order to improve the competitiveness of this district.

So we're not yet to percentages or community links we think we need to be for that community. But this gives you hopefully a good flavor for the impact on these competitive plans when we do unite the reservations and when we do try to come up to, in this case, Hispanic voting strengths in the districts similar to the Coalition 2 plan.
CHAIRMAN LYNN: Can you maximize that image for us or is that it, Mr. Johnson?

MR. JOHNSON: This is about it, I'm afraid.

CHAIRMAN LYNN: Okay.

MR. JOHNSON: Yeah. For next meeting we'll try to set up with a projector further back.

CHAIRMAN LYNN: For next meeting let me ask a question and other Commissioners will have others I'm sure. When you make adjustment to whatever test map we choose and infuse the voting rights issue, number one, is it feasible to, and number two, did you then go back and try to rebalance in a way that would, to the extent you decreased competitiveness by looking at having the voting rights, could you refavor competitiveness by looking at the new districts and trying to make adjustments that would increase competitiveness from that point, without doing damage to the voting rights districts that you created? Is it feasible and did you do it?

MR. JOHNSON: It's certainly feasible and definitely something on our minds.

As we were doing this, though, we were focusing on just those districts we were trying to hit certain targets for, have reservations for. Those districts are competitive. We tried to keep them competitive in. Obviously that's very hard to do. For
districts that surround them, I think we definitely do need to revisit those, with Dr. McDonald's assistance, and try to see if we put those pieces together we can make more competitive. We've not yet thought of anything we can put together at this point, correcting for compactness of communities and then blow apart to do after we do that.

CHAIRMAN LYNN: Exactly. My point is, thinking of future instructions, as you move through this process, are you saying we could give you an instruction that once those other criteria were infused, that you could do an additional review at certain points, or a point, to attempt to rebalance without undoing what you've done but to increase competitiveness, if possible?

MR. JOHNSON: Definitely.

CHAIRMAN LYNN: Okay. Thank you.

Other questions for Mr. Johnson.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Just a follow-up on that one. The follow-up on that is I would say also to see if you could make the voting rights districts themselves competitive.

MR. JOHNSON: Commissioner Huntwork, because those districts are actually looking at watching numbers on, to keep competitive while in this
stage, too, so, yeah, because focusing on those, just
leftovers, not paying attention to competitiveness on at
this point could get hit by those. Definitely on
those --

CHAIRMAN LYNN: Double goal.

MR. JOHNSON: It's on our minds.

CHAIRMAN LYNN: Other questions at this
point before we take a break?

What I'd like to do, if not impossible, can
we leave that up so people can sort of take a look at it?

MR. JOHNSON: Sure.

CHAIRMAN LYNN: People can take a look at
it, judge the evolution of one map to the next. The map
can evolve as we order additional testing as we infuse
other goals.

Without objection, shall we take a break
for lunch? It is 1:00 o'clock now. Let us try to be
back and really begin at 1:45.

Take a 45-minute break.

Without objection.

(RECESS TAKEN.)

CHAIRMAN LYNN: Back on the record.

Four Commissioners are present along with
council, staff and consultants. I wonder before we give
specific instructions, as we move forward, we might very
well want to have a brief Executive Session.

Under A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4), is there a motion?

COMMISSIONER HUNTWORK: So moved.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Moved and second.

All those in favor of an Executive Session, signify by saying "aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

I'll guesstimate this one will be 20 minutes or so. I said that yesterday and I lied, in retrospect. I really don't know exactly how long it will be, but that's where I'm guessing.

(Whereupon, the Commission recessed open Public Session at 2:11 p.m. and convened in Executive Session until 3:05 p.m. at which time a recess was taken and open Public Session reconvened at 3:10 p.m.)

(Recess taken.)

CHAIRMAN LYNN: Back on the record with all four Commissioners present. Is there any more
information from the consultants on the map we are
referring to as the voting rights map?

MR. JOHNSON: Mr. Chairman, Members of the
Commission, we have handed out to the Commission and
members of public I could find out there during the break
our standard sheet sheet shows data on voting rights
adjusted plans. If there are questions you'd like me to
look at, specific districts, I'd like to do that.

Otherwise --

CHAIRMAN LYNN: There may be general
questions, so let's -- let's see if there are any general
questions relative to that map or methodology or anything
else.

Any questions from the Commission?

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

Mr. Chairman, Doug, or Dr. McDonald, at one
time or another during the court case the Judge directed
or ordered, or in his written order said we should not
fall below Hall-Minkoff or Hall Modified for a floor of
competitive districts. Does this map now fall within
this range or are we short?

DR. MCDONALD: According to JudgeIt, with
this map we're above Hall-Minkoff in terms of the number
of competitive districts.
COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, as we give our consultants and Dr. McDonald instructions, on a go-forward basis, I think it's, it would behoove us to start with our new and not improved adjusted grid maps, start with one of the two that are the most competitive, in other words, because of the time constraints, that our consultants were, had to immediately start with their first map shot, which was a one, and I'm just wondering if it wouldn't be better for us to instruct them to utilize the most competitive one of the two most competitive maps of the 23 competitive districts, pardon me, to then begin to make changes from that starting point.

CHAIRMAN LYNN: And that would be either map A2 or B2.

COMMISSIONER HALL: That's correct.

CHAIRMAN LYNN: All right. Mr. Huntwork.

COMMISSIONER HUNTWORK: Considering that the, the initial adjustments were made to A1, would it be easier to work with A2, since it also came from A1, or does it not matter at all at this point?

MR. JOHNSON: It's pretty much the same effort to do on either of the plans, so you could go
COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Well, does anybody have a choice?

COMMISSIONER HALL: Was there a difference in, I know they have the same number of competitive districts. Dr. McDonald, comparing the two, is one more competitive, smaller ranges, I'm just, I want to do the best we can do.

DR. MCDONALD: My impression was that they were fairly equivalent, but I'll go ahead and take a look here.

Let's see. Oh, that's -- probably did --

COMMISSIONER HALL: While looking at that, Dr. McDonald, let me ask Doug a question, if that's okay, Mr. Chairman, Doug, it was my observation, correct me if I'm wrong, map B2 had two districts strung from Tucson to Phoenix. Map A2 had three districts strung from Tucson to Phoenix. It didn't know that. Dovetailing on Mr. Huntwork's question, if that would make your make adjustments as we go forward any easier or --

MR. JOHNSON: I don't know. Each map has its areas have those kind of changes needed, so, in terms of ease, in terms of compactness and city splits, if
that's what you are talking about, let me bring this up. I mean the B2 plan splits a number 42 cities, A2 splits 30, and B2 has 16 districts below the Commission's compactness measure A2 has 10, so -- as noted before, these weren't things we were looking at as drawing them, having drawn them we ran these tests.

CHAIRMAN LYNN: Really a mixed bag, but it sounds like A2 might be closer?

MR. JOHNSON: Yeah. If from a competitiveness standpoint you consider both maps the same, yeah, city splits and compactness, A2 is closer to --

CHAIRMAN LYNN: A little closer. Let's get an answer to the first question, Dr. McDonald.

DR. MCDONALD: I don't see an appreciable difference in terms of the two in terms of overall competitiveness. Either one I believe would be a good starting point.

COMMISSIONER ELDER: Mr. Chairman would it be all right if we take A2 over with B2 and see that we look at them side by side?

CHAIRMAN LYNN: Sure.

Mr. Echeveste, would you assist doing that, if you would.

MR. ECHEVESTE: B2.
COMMISSIONER ELDER: B1 can go away or over here. Put B2 over here.

CHAIRMAN LYNN: We're trying to get Dr. McDonald to a plane, if we possibly can.

If anyone would possibly think of anything they need to ask Dr. McDonald that they can, the last opinion we have is one critical to the decision we're about to make.

COMMISSIONER HALL: I thought we had one more question for him.

COMMISSIONER HUNTWORK: Let me ask this question. Is there any advantage to either of these? Either maps suggest any advantage if going to try to make the minority districts. The Ashcroft district's themselves are competitive, is that, based on the earlier answer. That seemed like a goal we would want to try to accomplish. There is just nothing here in that regard, either.

MS. HAUSER: May I inject something before Dr. McDonald answers that question? Just to clarify something, Mr. Huntwork, the Ashcroft districts are districts that elect representatives who are sympathetic to the needs of that minority community and not necessarily electing a member of the minority community.

So -- and I asked Mr. Mandell to confirm his
understanding of this the other day and he agreed that it
meant electing a Democrat in those particular districts.
So to some extent, those districts are going to have to
be not competitive districts but Democrat districts. The
level of Democrat you would need in the districts is
another story, depends on the type of Democratic voters,
but they are not going to be competitive districts.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Let me see if I
understand this. There must be something about this that
I do not understand. One of the key provisions in the
court order, I thought, was that we would go from the
conventional Voting Rights Act analysis to these Ashcroft
districts so that there would be more Democrat voters who
were not confined to these districts so that we could
increase the overall competitiveness of the map. And
what you are saying is that -- well, what I understand
you to be saying is that no, these still have to be
Democrat districts where Democrats are electable and so
all we're doing is changing one type of Democrat voter
for another type. We have -- we haven't, it sounds as if
we haven't increased the number of Democrat voters
available, but we have decreased number of minorities in
the minority districts. To what end? I'm sorry, but,
I --
MS. HAUSER: It may be that the number of Democrats you would need in those Ashcroft districts might still be fewer than it would be in a safe majority-minority district because if you remember the minority voters, particularly in the Phoenix area, have poor turnout, so in order to provide that safe opportunity to elect you put more Democrats in, and so there may be some increased ability but not a lot. They are still going to be Democrat districts.

COMMISSIONER HUNTWORK: Two districts. The first question is under our traditional analysis I thought we had a voting rights district that was, that was competitive. I thought District 23, or whatever it was --

MS. HAUSER: That district is not a majority-minority district. That district is a minority influence district and Senator Rios had a demonstrated ability to be elected from that district but it's not -- it's an effective district but not majority-minority district.

Mr. Rivera is on the phone. I'll step out a minute.

COMMISSIONER HUNTWORK: I have a follow-up question.

Maybe, however, I can ask Dr. McDonald
actually this question. Okay. I thought, again, I admit something here I truly don't understand. There must be.

But I truly thought that JudgeIt took into consideration the effectiveness of the voting so that when we said, you know, that we had enough Democrats in this district or enough minorities in this District to be effective, or when we say these districts are competitive, based on the JudgeIt analysis, it is fully taken into consideration the effectiveness of voters in that district, not just how many there are what registration is, but how they turn out. So if we applied that to determine whether a district was safely Democrat or not, wouldn't we just replace, you know, a certain number of relatively ineffective voters with a certain number of relatively effective voters and would it not be a zero sum game?

DR. MCDONALD: As a test for determining the effective number of Democrats within a district to elect a candidate, clearly there is a certain amount of inference that you can take from JudgeIt to determine that. I have no idea, and I doubt anybody in here has any idea if Ashcroft, if we can apply JudgeIt to Ashcroft. So I would caution on that, making any inferences. But I believe, from my limited understanding of interpreting Ashcroft would be that essentially you have the gist of it, is that we can use minorities, we
can free up minority voters, we don't have to adhere to
boundary strictly to minority communities and in doing so
that may allow us to create ripples that will be able to
increase competitiveness in adjacent districts and we'll
have to see how that actually can play out when we look
at these districts. But I was really struck by one of
the features was when we drew on this voting rights A2
plan, or A1 plan, excuse me, I was really struck at how
those minority districts, or Ashcroft districts, or
whatever they are, how they basically build a wall in
Phoenix which will prevent drawing competitive districts
because you are going to need to connect some of those
northern parts of Phoenix with Democratic areas elsewhere
in the state and you create these walls in and above
putting Democrats in above those districts, minority
districts.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Well, I think that was
my question. I just want to confirm my assumption is
correct that tweaking the numbers in our Hispanic
community of interest, in South Phoenix, may have some
effect but in reality because of the geography and the
demographics of where they are located it's difficult to
link whatever small excess there may be with another
district with sufficient Democrats to make it competitive, wouldn't you agree with that initial assessment.

DR. McDONALD: Initially, yes, I agree with that.

CHAIRMAN LYNN: And lastly, Dr. McDonald, I don't know you've gone through this exercise with any other set of maps or situations, but it strikes me that in the test that was run, going from however many districts there were when you started with, I think it was A1, test A1, and then looking at the voting rights criteria, forget about Ashcroft for a moment, the criteria established in Coalition 2, which was the instruction, there was a dramatic decrease in competitive districts simply by looking at those. Is this not the classic conflict set up between the intent to be competitive and the intent to comply?

DR. McDONALD: I agree with that fully that's in previous reports I've made to the Commission and in my testimony to -- in regards to the lawsuit. These drawing Democratic majority-minority districts in a Republican leaning state makes the remainder of the state more Republican and therefore limits the ability to draw competitive districts.

CHAIRMAN LYNN: Okay. Any other questions
for Dr. McDonald because I really would like to get him on the plane if we possibly could.

COMMISSIONER HUNTWORK: No.

CHAIRMAN LYNN: Dr. McDonald thank you very much. Thank you very much for being with us the last three days, and enjoy your drip.

DR. McDONALD: I hope I get onto it.

CHAIRMAN LYNN: Just so that everybody understands what is happening, it shouldn't be a secret, Ms. Hauser is conversing with Mr. Rivera who argued the stay motion before the Court of appeals today and understandably we're interested in what she is finding out if in fact the Court of appeals has made any ruling from the bench or shortly after the hearing.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, it's very unlikely that they would make a ruling from the bench. And I think until we hear from the contrary, we ought to proceed on the assumption and forge ahead.

Can we do so without counsel being present?

CHAIRMAN LYNN: I prefer we not just in an abundance of caution. We have Ms. Leoni. She's not quite in the same circumstance.

Why don't we --

Mr. Elder.
COMMISSIONER ELDER: Just another question to the process, for Doug Johnson: Did you take both the B2 and A2 and then run the Voting Rights Act on each of those and come up with a B2 we saw here in B1 or whatever we're calling it?

MR. JOHNSON: Not yet. There are NDC people working on it, we don't have those plans done.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, visually, I see absolutely nothing to recommend either one of these maps. However, if Mr. Johnson indicates that he's not sure but he thinks maybe it would be easier to start with A2, then I move we start with A2.

MR. JOHNSON: Can I just clarify one thing. It's not a matter of it being easier, it's a matter of fewer city splits and districts are a little more compact in 2.

COMMISSIONER HUNTWORK: Okay. Fine, 2, if you prefer.

CHAIRMAN LYNN: Is there a second to A2?

I guess not.

COMMISSIONER HALL: I'm sorry, Mr. Chairman. She was distracting me. It's her fault.

MS. HAUSER: My fault?

COMMISSIONER HALL: I guess what I was
going to say, Mr. Huntwork, in light of -- in agreement
with your previous comment, there seems to be no --

COMMISSIONER HUNTWORK: Didn't the value --

COMMISSIONER HALL: One or the other, why
don't we flip a coin. What I'm trying to avoid in this
whole process is an inferred intent of the whole result.
I'm throwing that out as an option.

CHAIRMAN LYNN: That certainly would
maintain the randomness of a lot of things, but --

COMMISSIONER HUNTWORK: In fact --

CHAIRMAN LYNN: There are advantages.

There are advantages to the process, however slight they
may be, however conflicting some the over another might
be. But in terms of slight improvements in compactness,
slight improvements in city splits, slight improvements,
however slight they may be in one map over another, those
things on the record, we'll have to deal with them sooner
or later. It doesn't seem to be, no hidden message here,
very overt, one of those maps is, if you look at it, is a
journey, and you are trying to get somewhere. One of
them is a little closer to the designation than the
other, not much, it's a long trip, but you may have one
mile or two less road to travel if you use one as opposed
to the other. I think A2 may be a better choice.

I wish I could second your motion. I
can't.

COMMISSIONER ELDER: I thought your motion was A2.

COMMISSIONER HUNTWORK: It was.

CHAIRMAN LYNN: I asked for a second. I didn't get one.

COMMISSIONER HALL: I second it.

CHAIRMAN LYNN: Thank you, Mr. Hall.

Discussion on A2 as the starting place for the process in furtherance of the process.

COMMISSIONER HALL: I call the question.

CHAIRMAN LYNN: The question has been called for.

Any further discussion?

If not, all in favor of the motion signify "Aye."

COMMISSIONER HUNTWORK: "Aye"

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Opposed "no"?

COMMISSIONER ELDER: "No."

CHAIRMAN LYNN: Three-one, A2 is the starting place.

Mr. Elder.

COMMISSIONER HALL: If you told me, I would
have switched --

CHAIRMAN LYNN: Nothing if not accommodating, Mr. Hall. Thank you very much.

All right. So we have A2 as a next step.

So then, just to reiterate: The instructions, beginning with map A2, you are then to use the criteria of voting rights and we will talk about that in a minute. And the next iteration of the map will be, as represented by your test, A2 with the voting rights criteria infused. Okay? And I think we'll give you some additional instructions beyond that as you move forward.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman. I have a question for Doug that I would like to know the answer to before we give the rest of our instructions if, in fact, it can be answered.

The question is whether, in your opinion, having gone through this step of the exercise, you can say one way or the other whether it mattered which order you did these things in, that is you go to all the trouble of creating completely competitive map, as much as possible, then you inject some voting rights districts or if you had simply set aside some voting rights districts and then adjusted the map to be as competitive as possible without, you know, disrupting those
districts. Would there have been any appreciable difference in either voting rights compliance or competitiveness based on the order in which you performed those tasks?

MR. JOHNSON: Well, given the same definition of voting rights compliance in both cases, which I think is part of the assumption there.

COMMISSIONER HUNTWORK: Sure.

MR. JOHNSON: Those districts are going to be fairly tightly defined by that definition. It's -- I mean it's a very theoretical question. The other side of doing voting rights first. Once you comply with voting rights, you don't do anything else with the rest of the map. You have whatever number of voting rights districts and rest of the map would be I guess identical too old grid.

COMMISSIONER HUNTWORK: No, then adjust the rest of the map to be competitive.

MR. JOHNSON: Okay.

COMMISSIONER HUNTWORK: Perform both steps in the rest of the order. Would it be pretty much the same, completely different?

MR. JOHNSON: It would -- I mean if you did voting rights then adjust for competitiveness versus doing competitiveness then voting rights and kind of
cleaning up for competitiveness, again, you would end up
with very similar maps. You should end up with very
similar maps.

COMMISSIONER HUNTWORK: In general terms,
then, assuming that you take the same care with each step
regardless of what you order you do them in, does it
matter when you next apply compactness or whatever you do
next, would it matter if you had started out with the
compactness rule that you are not going to violate in
doing the first two steps or that you do the first two
steps and then apply the compactness rule afterwards, or
does that basically end up being pretty much the same in
addition?

MR. JOHNSON: Well, compactness is a little
bit unusual in that, and for that -- for this reason
should probably come near the end, because compactness
applies to every district. Voting rights concerns only
apply if there is someone covered by the voting rights in
that district, community concerns only apply if there is
a community in that district. Those are somewhat limited
in what areas they impact whereas compactness is
everywhere. So --

COMMISSIONER HUNTWORK: Even so.

MR. JOHNSON: Come near the end.

COMMISSIONER HUNTWORK: Even so, if --
MR. JOHNSON: What I mean.

COMMISSIONER HUNTWORK: Talking is easier for you to do, not necessarily what the final result is. Because if it doesn't matter, we certainly wouldn't want to do an order easiest for you. It does matter, may not be able to have that luxury.

MR. JOHNSON: It is.

COMMISSIONER HUNTWORK: The question is does the end result, is the end result the same or is it appreciably different depending on which order you do it in?

MR. JOHNSON: I'm more of a technician and Dr. McDonald is more of theoretical situation expert, but I would say it's going to come out essentially the same. If you are applying the same tests and same guide posts for those tests come out the same --

COMMISSIONER HUNTWORK: Logically it seems it should, doing it to the extent practicable, comes out pretty much the same. I think if that's your -- if later called to testify because we're about to tell you what to do here --

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: That would be what you would say, right, as long as do thoroughly, not trying to mislead you, want to know what is the honest
1 answer.
2 MR. JOHNSON: This is the question you
3 asked last week, wanted more time to think about it, have
4 spent a considerable amount of time this week thinking
5 about it. Yeah, these things should, and in the end will
6 all come up with the same map or certainly should come up
7 with the same map.
8 COMMISSIONER HUNTWORK: Okay. Thank you.
9 CHAIRMAN LYNN: Is that helpful?
10 Then with respect to the infusion of the
11 voting rights issue, it seems to me we have a decision to
12 make in terms of the instruction. The standard that was
13 used is a standard contained in Coalition 2, for the
14 test. We have other information, including a letter from
15 the Minority Coalition dated February 5th in which they
16 make some statements relative to not only existing
17 districts but the manner in which the voting rights issue
18 should be approached. And it would offer some
19 alternative to the standard that was used in the test.
20 So the question that the Commission needs to wrestle with
21 is what specific instruction with respect to voting
22 rights are we giving the consultants to perform the next
23 step.
24 Mr. Hall.
25 COMMISSIONER HALL: Mr. Chairman, I move
that we instruct NDC to take map A2 and apply the voting
ing rights related issues to the appropriate districts
pursuant to the information contained in the letter that
you are holding in your hand from the Minority Coalition.

    CHAIRMAN LYNN: Is there a second?

    COMMISSIONER HUNTWORK: I'll second. But I

have some questions.

    CHAIRMAN LYNN: Certainly.

    CHAIRMAN LYNN: Moved and seconded.

    Mr. Huntwork.

    COMMISSIONER HUNTWORK: Well, I want to --

I just want to ask whether it's possible to give a legal
opinion, for a legal opinion, are I suppose, based on
Ashcroft whether we can mix and match, I mean, can we do
a number of districts that are based on the old criteria
and then some original criteria and then change some of
the districts to the Ashcroft criteria or when the court
said that a state may choose between the two did it mean
you have to do one or the other but not both.

    CHAIRMAN LYNN: Ms. Hauser.

    MS. HAUSER: Mr. Chairman, one of the

important features of Ashcroft was support of the
minority community. And the Court here has said that
instead of having the option of choosing between the two,
you must choose the option of going with the opportunity
to create districts that provide representation sympathetic to the minority community. But the caveat for that would have to be that the minority community would have to be in support of that otherwise it's not really an Ashcroft type situation. So with that caveat, and based on the Coalition's request, it would seem that what the Coalition is seeking is a mixture of some safe districts and some districts that provide the more substantive representation described in Ashcroft.

COMMISSIONER HUNTWORK: Okay. Follow-up question, then, but were we to do what the Coalition asked, you are saying, appeared to say, and whether it's the intent or not, what I gleaned from it is that we would be in violation of the court's order, that we must do the Ashcroft test, the Ashcroft approach across the board whether the Coalition supports it or not or whether anybody else does.

MS. HAUSER: Happily Mr. Mandell just walked into the room we can blind side him with this question. Let me ask him the question I think, because -- I don't believe it does violate the court's order because implicit in the court's order is what goes with the Georgia, the Ashcroft decision.

Mr. Mandell, welcome back. The question that we're discussing right now has to do with the
Coalition's request and the court's order in terms of Georgia vs. Ashcroft. And, the question has to do with the Court having said that the, the Commission must use Georgia vs. Ashcroft as a way to help, you know, improve competitiveness by not choosing the safe majority-minority district approach. And the question comes up certainly because the Coalition's letter does include a request for a number of safe districts but also some districts that might tend to fit the Georgia v. Ashcroft criteria. Mr. Huntwork is asking whether or not doing that mix, because the Court said we must choose the substantive representation approach violates the court's order if we were to comply with your request. My response to him, when you were coming in the room, was because Georgia bases the acceptability of the substantive districts on support from the minority community that if the minority Coalition requests some safe and some substantive representation districts that that would not, in my view violate the court's order. So we are asking whether you agree or disagree with that.

MR. MANDELL: Thank you, Mr. Chairman.

Michael Mandell representing the Arizona Minority Coalition.

COMMISSIONER HALL: Was the question long enough?
MR. MANDELL: The answer can be a very short answer which is yes. The way we view Georgia vs. Ashcroft is a combination should have been done. While you are creating districts that make it likely or at least give Hispanics or minorities an opportunity to elect a candidate of their choice, there is still an obligation from the Commission to create districts in which minorities can win. So there is a, as our understanding of it, a combination to be used because what you are trying to do as well as create number minority influence districts. Looking at benchmark looking new plan it's a matter of combining the two to create enough minority influence districts to allow minorities to have an effective representation in as many districts as possible.

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: To a point. Minority influence districts. How is the Coalition defining minority influence district for this purpose?

MR. MANDELL: Mr. Chairman, members of the Commission, don't know the set threshold number. I believe in Georgia Ashcroft they set 30 percent or more Hispanic voting age. That case, an African American voting age threshold number, what would be minority
influence district. Certainly if you create as many
districts in which they have Hispanic or minority, a
single minority percentage, that is more than 30 percent,
I think that would be something that should be done. But
at the same time, if, in trying to do that, you have a
number of districts that are only at 30 percent, I don't
know that that necessarily gets to you where you want to
be.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Just clarification. What the
Commission is doing is been motion to instruct NDC to,
what was it, apply the voting rights related issues
pursuant to the Coalition's letter. So my question is in
the letter it refers to slight reductions in 13, in
Hispanic voting age percentage 13, 14, and 16, and I was
wondering if you can give more of an indication of what
slight might mean.

MR. MANDELL: Mr. Chairman, Members of the
Commission, slight is a term based on the use of certain
voting precincts that were identified as those that are
high efficacy voting precincts, one of reasons we
supported the Coalition 2 plan is that when drawing those
plans those districts were, those precincts were looked
at and in determining that we could lower the percentages
to a certain extent it was also looked at, well, these
are precincts that turnout very highly and typically vote
very high Hispanic and those were placed in districts
strategically to insure that Hispanic candidates would
still be allowed to be elected end though percentages
were lower. So it's -- I can't say slight is to percent
or three percent or for percent or 10 percent. It really
depends on the individualized district and looking at
some of the precincts and how those precincts have turned
out in the past. I'm sorry, but I -- identify love to be
able to give you a number but I just can't.

CHAIRMAN LYNN: Mr. Hall and then
Mr. Elder.

COMMISSIONER HALL: Mr. Mandell, I wish you
were here earlier.

MR. RIVERA: He was following me around.

MS. HAUSER: No, he was following
Mr. Eckstein around.

COMMISSIONER HALL: I understand you've
been at the state hearing, I just automatic he assume
after seeing these maps that all your representatives
would have called you and heard support a state, maybe
that was an erroneous thought. Earlier on we were having
a conversation with Dr. McDonald who had to leave. He
had to catch a flight. And one -- Commissioner Huntwork
and myself were asking questions relative to try together
understand the practical implications of the judges
direction relative to Georgia versus Ashcroft. And one
of the things that became more -- evident again to the
Commission in hypothetical test in application of voting
rights districts to these scribblings that we're now
referring to as maps in quoting Commissioner Huntwork is
how automatically, basically, a wall is created around
South Phoenix relative to those areas where there is a
high percentage of minority population. And the question
I wanted to you confirm that we asked Dr. McDonald and
Commissioner Huntwork, if I miss portions please dive in,
but was we were trying to figure out if the Judge is
assuming that by reducing minority percentages pursuant
to Georgia v. Ashcroft that we are able to free up more
Democrats to allow them to assist other districts in
becoming more competitive, but yet it requires that still
those districts are minority influences decrease, that
they elect a Democrat, we were having a hard time
understanding how really the net effect was beneficial
creating more competitive districts, because in a sense,
, in a sense we just were trying to understand that. I
guess we're asking for in your input relative to P.

MR. MANDELL: Mr. Chairman, Commissioners,
I don't think that the Judge was trying to say that you
needed to create districts to elect a Democrat. What the
Judge was trying -- was saying, at least as I read it,
take districts, I'll give you example District 14 last
map on interim plan was 55 percent voting age Hispanic
final adopted map became 58 something percent voting age
Hispanic part of that, granted I mean 90 percent
Hispanics are Democrats by increasing it by three percent
in that specific district as an example you've taken
three percent of Democrats foremost part and put them in
a district that was already deemed to be effective for
electing Hispanics and basically wasted those folks by
stuff go them into the same district. I think that is
what the court was trying to refer to in talking about
Georgia vs. Ashcroft in begin examination with the
Arizona Constitution in saying you can create effective
districts but you can create them at the level of
effectiveness and then use those additional folks to
create additional minority influence districts.

CHAIRMAN LYNN: Ms. Hauser. I'll get to
Mr. Elder in just a second.

MS. HAUSER: Mr. Mandell, we went over this
yesterday -- not yesterday, I don't know what day it was,
Saturday, Sunday, and talked a little bit about the
meaning of substantive representation in this context.
And District 14 is the only district that Judge Fields
referred to as packed. I'm not saying certainly we agree
with that, but he -- that's the only district he said
that about. So his order -- I don't see anywhere in his
order that he says the Georgia v. Ashcroft substantive
representation is limited to that particular area, that
particular district, because -- it's a broader concept
than that, certainly. And when I asked you about that
the other day, what your understanding was of the term
likely to elect representatives of their choice and
persons sympathetic to the needs of the minority
community you agreed that that was speaking about
electing Democrats in this case because most minority
members are registered Democrats. I just -- I'm
understanding your response to Mr. Hall to be saying that
we're -- you are looking at Georgia only in terms of
District 14 but you your request is for lower percentages
in 13, 14, and 15. So can you reconcile those statements
to make sure -- because we really do want to know what it
is that your clients are trying to ask for.

MR. MANDELL: Mr. Chairman if I said that
if I only stated that District 14 needed to be changed,
then I misspoke. I used that -- it was my intention to
use that as an example of what was done in the last
redistricting, not as the only thing that needed to be
fixed. And my understanding of likely to elect would
again -- typically it is Democrats because in fact most
of minorities are registered Democrats your understanding
I don't think that has changed any from last time we
spoke I was using District 14 just as example as opposed
to the rule.

CHAIRMAN LYNN: Okay Mr. Hall I think had
follow up question Mr. Elder next then Mr. Huntwork
everybody get opportunity.

MR. MANDELL: Maricopa --

COMMISSIONER HALL:

MS. HAUSER: We give you more time than the

Court of Appeals.

COMMISSIONER HALL: I wasn't trying to
increase my understanding of the legal intricacies of the
instructions. What -- I guess I was leading to a very
practical question, which we ask Dr. McDonald, given
demographic and geographic configuration of Hispanic
community even if you free up few here, few Democrats
here few Democrats there, Dr. McDonald's opinion was is
that because of those other issues and basically to quote
him a wall is created around the Hispanic community of
interest, it's very difficult and in some cases
impossible to link those Democrats in other places where
it really has an impact of competitiveness. So my
question was do you agree with that assessment or if you
don't how -- do you have some instructions of how you
could use whatever additional Democrats there were to
help really make neighboring districts quote unquote
competitive.

MR. MANDELL: Mr. Chairman Mr. Hall not
having seen the maps hard for me to sort of visualize
what it does I'll refer back again two to thousand for
projected maps those are the ones that are I think most
available in all of our minds. You have District 16,
South Mountain, and then neighboring 13, 14, 15, above it
as an example. Looking at the percentages, and if those
percentages are changed, you can also look as Coalition 2
as example of those areas as well and maybe a combination
of the two, for that, but for example District 12 adjoins
District 13 and District 14 and so there are Hispanics
can be removed out of District 14 for example where it
was at 58 percent and brought back down to a lower
percentage and those can be transferred into for example
districts 12 or even District 10 not exactly knowing
District 10 touches District 14, since you just don't
have the map in front of me. But it could be that
districts already competitive but might have been
competitive Republican, become more to the 50 percent, so
actually made more competitive, because competitiveness
according to Dr. McDonald on a continuum closer to 50
percent more unsure he is which way it will go one way or another. If 50 percent is the ideal, then some of that can be done to increase the Hispanic percentages of those districts and by doing so de facto increasing the competitiveness of those districts as well.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: This is a question both for Mr. Mandell as well as Mr. Johnson. I've been mulling around in my mind whether it might not be more appropriate to make the mapping a to step process where the first adjustment for voting rights issues comes down to the benchmarks and traditional or pro Georgia v. Ashcroft conditions, so they see where those districts or what that effect is, and then modify that to accommodate Ashcroft. And that way, then, the Hispanic or Native American or whatever communities are involved with the minority rights as well as then being able to support us would be able to look at it and say this is where we were, yes, this is better approach and we can accept those reduced percentages and the shift of the population to, of the Democrats to another area in this case. Does that make any sense at all?

MR. MANDELL: Mr. Chairman, Commissioners, it does make sense. But I would also say that in the creating the districts they don't need to be above what
the federal court determined to be an effective District 4 minority candidates and 55 percent was roughly the percentage the federal court deemed was okay, and that was pre Georgia vs. Ashcroft. District 16 could also be reduced a bit in that it has I believe about 65 percent and that's off the top of my head so I could be plus or behind us here or there voting age Hispanic which is probably in excess of what is necessary.

COMMISSIONER ELDER: My recollection in that area had a benchmark or to avoid retrogression of approximately 64, 63.9, or something like that, is that anybody else's recollection.

MR. JOHNSON: Let me just, recollection of drawing to issues, correct, District 16 benchmark was considerably higher than other benchmarks why ended up higher than others. This isn't really so much a question just wanted -- this issue District 14 comp up a lot in ruling, comes up a lot in papers, wanted to be clear everyone understands what happened there. DOJ approved.

Mr. Peter Moraga came in representing the Arizona minority alliance, not Coalition, different group. He came in speaking for the Arizona Minority Alliance and asked us to make some changes to take, unify the Historic Districts and take Historic Districts out of 14. So is that is what led to that change request of Mr. Moraga
representing community and the Coalition's going along
with that request. Want to be clear on what happened
there. While the numbers did go up, not Commission
voting to pack a district implement request of the
community. Back to your question though on 16, it was a
higher benchmark and thus results higher.

COMMISSIONER ELDER: If we look at Georgia
v. Ashcroft if, the feds are saying we can go down to a
55 or thereabouts where we once had a score, is that a
fair interpretation of Georgia v. Ashcroft, or effects
thereof?

MR. JOHNSON: I'll defer to council. Are
we still just sort of --

COMMISSIONER HUNTWORK: Wouldn't that be a
matter for Executive Session?

COMMISSIONER HALL: Right.

CHAIRMAN LYNN: Might be. Want Mr. Johnson
concur or not first portion Mr. Elder asked. Mr. Mandell
asserted I believe in fact a to step process is
appropriate and correct and bringing them down to what
would be a traditional voting rights level and additional
step of Georgia v. Ashcroft. Do you concur with that?

MR. JOHNSON: We can certainly follow
whatever process the Commission would like us to do in
terms of drawing step by step. We'd need to do both
steps before we started working on communities of
interest and other criteria.

CHAIRMAN LYNN: Does it make a difference
you believe to do in that order. Seems to me, two sides
of same coin.

MR. JOHNSON: I was going to say in
evaluating whether comply Georgia v. Ashcroft is a
question for council.

MR. MANDELL: Mr. Chairman if I might add,
not that that process would or would not comply Georgia
vs. Ashcroft seemed most practical way to get there to
draw those districts and then you can see what the
districts are and then use that as a matter of getting
where you want to go. From a practicality standpoint it
seemed the best route to get there.

COMMISSIONER ELDER: I guess my thought on
the issue was if we do that second step, it would be
something that then the Minority Coalition and the
minority citizens could then give us the support that we
could then go to DOJ and with that support get it
precleared. But without the support of the minority
community I don't think we've got it to where we could
get it precleared with Georgia v. Ashcroft.

MR. MANDELL: Another thing Mr. Chairman
along those lines. If the Commission were to draw that
we would be more than happy to take those districts and
meet with the members of the Coalition 2 try and again
come up with a proposed map to provide to the Commission
to create those types of districts as well so at least
you'd have another example of what it is that we were
trying to do.

CHAIRMAN LYNN: Mr. Huntwork has been
waiting, patiently.

COMMISSIONER HUNTWORK: You seem about to
explode. Go ahead.

COMMISSIONER HALL: Only question I have
Mr. Huntwork when you say start here, Mr. Mandell, start
here come down, where is here? Where is here? Define
here for me.

MR. MANDELL: Mr. Chairman, Mr. Hall, as I
understood Mr. Elder's intention was to star at the
benchmark and go from there. Or at least start at the
federal --

COMMISSIONER ELDER: 1990 federal voting
rights rules starting from a benchmark --

MR. RIVERA: Score.

COMMISSIONER ELDER: 2000 census. Mandell
have a census from them.

MS. HAUSER: A benchmark.

COMMISSIONER HALL: We have a new
benchmark.

MR. JOHNSON: Mr. Chairman, Mr. Mandell, take, if motion passes, take A2, draw a map complies with the first option of Georgia, and then get comment and come back revise that into map comply second option of Georgia. And then we would.

MS. LEONI: Not time for.

CHAIRMAN LYNN: Not enough time.

MR. JOHNSON: Comply compactness community of interest. Mandell I understand benchmark federal interim court plan that to be benchmark percentages.

COMMISSIONER ELDER: Misspoke, interim, latest approved or latest plan has been accepted by the court, or Justice Department then is bench.

COMMISSIONER HALL: Why isn't our plan since preapproved the benchmark. The adopted plan.

MR. MANDELL: Mr. Chairman, Hall, could be. Giving example --

COMMISSIONER HALL: Obviously not asking my question in public not afraid to ask that question.

MR. MANDELL: No problem providing answer to question, from our position.

COMMISSIONER HALL: Thank you. Your time.

COMMISSIONER HUNTWORK: I was puzzling this, at this from another angle. And it's more -- I
guess more numerical. The process will be, if we reduce
the number of his span panic voters in these districts in
order to comply with the equal population requirements,
we have to replace them with somebody. And so we either
replace them with Anglo Democrats or we replace them with
Anglo Republicans. If we replace them with Anglo
Democrats, we have not necessarily increased the
competitiveness of the map as a whole and in fact we may
have decreased it depending on the efficacy of voters we
move in and out. If we replace them with Anglo
Republicans, we eventually cause this no longer to be not
only a safe minority district but not even a safe
Democrat district. And so my question is, you know, how
far do we go. Can we in fact make an Ashcroft compliant
district competitive?

MR. MANDELL: Mr. Chairman Mr. Huntwork
assumption as underlying premise assume that all
Democrats are minorities which we all know is not to be
the case. For example if you have a district that has 52
or 53 percent voting age Hispanic, 90 percent of those
are going to be minorities, also contours of the district
are very likely in fact probably hundred percent likely
to include additional Anglo Democrats African American
Democrats of all persuasions, so I don’t think that
simply by putting -- necessarily by putting in a certain
number, and we're also talking about, to, few percentage points, three, for percent, 3, 4 percent 171,000 people is not that significant in sense it's 10 to 12,000 people, roughly, and Doug can correct my math, which is probably wrong anyway.

COMMISSIONER HUNTWORK: Point I'm making not one you accuse me of. It's we're going to be replacing, whoever we take out replacing with somebody else. And whether we do it on purpose or whether we just close our eyes and, you know, shut our eyes and pick someplace and when all said done open again because we have to look at competitiveness of all districts, we're eventually going to figure out what we added to this District 1 way or the other. Do you, do you agree that it has to be a safe Democrat district in order to comply with Ashcroft even fit isn't a safe minority district or kit, kite in fact be a competitive district and still comply with Ashcroft?

MR. MANDELL: Mr. Chairman, Commissioner Huntwork, if I accused you of anything, I apologize. It was not my intent to do so.

COMMISSIONER HUNTWORK: It seemed you were accusing me of not understanding all Democrats whatsoever. I obviously was not asking that question. I wanted to know wanted to know if you believed you could
create a competitive district that still complies with
Ashcroft, if not, how close can we get to that before we,
before we fail to comply with Ashcroft.

MR. MANDELL: Mr. Chairman, Mr. Huntwork,
it is my belief that it would be difficult to create
minority-majority districts that were competitive no
matter who you replaced them with.

COMMISSIONER HUNTWORK: An Ashcroft
district doesn't have to be minority-majority, it's a --
that just -- you know, that's the whole point, talking
about Ashcroft districts not minority majority districts.

MR. MANDELL: Mr. Chairman, not all
majority districts as currently exist, then none minority
influence districts --

COMMISSIONER HUNTWORK: Not all, one of
them, talk about 13, 14, 16, pick 14, anyone of them,
don't care which one, can that district comply with
Ashcroft and be competitive and if not, how close, how
strongly Democrat does it have to be in order to comply
with Ashcroft? Not how strongly minority does it have to
be, we're going to assume we're no longer obligated to
have minority-majority not Ashcroft traditional district
as I understand it, create anyone of these districts
become Ashcroft district, how strongly Democrat does it
have to be in order comply with Ashcroft? If at all.
MR. MANDELL: Mr. Chairman Huntwork part
reason struggling not conceptualize what it is you are
trying to get out. I apologize for that, not
understanding --

COMMISSIONER HUNTWORK: Trying to
understand, the very beginning here, trying to understand
the court's order what court trying to accomplish. We
all understand that the Court was trying to free up
Hispanic voters assumption Democrat voters in order to
increase the overall competitiveness of the map or create
the opportunity for increase in overall competitiveness
of the map. But if those Hispanic voters have to be
replaced by other Democrat voters so that the
contradictory main safely Democrat, we have a zero some
game and it does not increase the overall competitiveness
of the map. So what we're trying to do, I'm sorry, I'm
not -- this is very difficult and we're going -- we're
going to alive at a common understanding at the same the
time I hope, what we're trying to do is figure out
whether we have any room to maneuver, if so how far we
can go in order to, in order to try to free up Democrats
in net to increase the competitiveness of the map while
still having a district that complies with the Voting
Rights Act under either test. Because at the moment it
looks like if we take one type Democrat out of these
districts still have to replace with another type in
order to assure they remain Democrat districts or we
won't past Ashcroft won't accomplish what Senator Rios
want accomplish make more Democrat districts if you will,
so my question how far do we go, how do that.

MR. MANDELL: Chairman, Mr. Huntwork,
Senator Rios, he'd like the opportunity to elect more
Democrats, not necessarily create more Democrats or --
create more Democrats, they had to be elected from the
standpoint, I think, as I understand the question, and
I'm really trying, it is it doesn't -- you are not
required to replace the Democrats you take out with
non-Hispanic or non-minority Democrats. I think you can,
and I don't know that there surgically is an area have a
complete hundred percent area of Democrats, of Democrats
one area Republicans in another. I don't know, at least
on the fringes of where minority areas are located, I
think there is a fair mixture of Democrats Republicans,
not be able to just insert Republicans or insert
Democrats, putting in Independents, Democrats, Greens,
Libertarians and everyone's.

COMMISSIONER HUNTWORK: Unless we put in
Democrats, we'll change the likelihood Democrats will get
elected from that district. We reduce overall Democrats
majority in a district, decrease the chance of a Democrat
to get elected.

CHAIRMAN LYNN: Maybe just put another spin on it, ask same question, please correct me if I'm wrong. I understand when lawyers communicate there may be a problem. Let me step in, try to make more simple.

COMMISSIONER ELDER: Let me draw a picture.

CHAIRMAN LYNN: Might help as well.

The crux of the question: Under Georgia v. Ashcroft of substantive representation, if a district were competitive leaning Democrat or leaning Republican or that matter, it seems us that wouldn't fit that definition, that is to say if a you have a likelihood of electing a representative that would be the appropriate representative for a group of minorities in that district as the ruling talks about, what Mr. Huntwork is asking is that seems to force you into a district that is not just leaning Democrat and not even competitive by our definition of plus or minus three-and-a-half percent, but outside the bounds Democratic. And if that is true, that is the first question do. You believe that is true. And if that is true, that seems to tie our hands in terms of moving voters around to have an overall effect on competitiveness if part of our task is to draw a certain number of districts that meet that definition.

MR. MANDELL: And Mr. Chairman, I think,
partly, that is why you have a Voting Rights Act expert
to help you to determine what the effectiveness of a
district is. And they can do an analysis to determine
whether or not that district, under, whether it's
competitive or not, would at least provide the
opportunity for a Hispanic candidate or minority
candidate to elect candidate -- to be elect. That's
where the crux is is getting voting right expert who can
tell you effectiveness of a given district and whether or
not you've crossed the line of making it from -- taking
it from likely to not likely or from taking it from
likely to save in either direction. So I think --

CHAIRMAN LYNN: You believe --

MR. MANDELL: In a vacuum.

CHAIRMAN LYNN: You believe the voting
rights expert could tell us that a two-and-a-half percent
Democratic leaning competitive district could be
effective for Democrats. You believe that.

MR. MANDELL: Not necessarily Democrats for
minority candidates. Not looking at Democrats. I think
for example District 2, Dr. Handley did an effectiveness
analysis for District 2, and it's all based on voting
precincts, turnout, those type of issues, she can tell
you, gave a specific percentage in that district as to
when it became effective.
CHAIRMAN LYNN: Not talking minority candidates, Mr. Mandell, candidates that are sympathetic to minorities.

MR. MANDELL: Uh-huh.

CHAIRMAN LYNN: That's a Democrat by your definition, by Mr. Rios' definition, by the court's definition, so we're not talking about electing minorities, we're talking about electing Democrats, and that's the point.

MR. MANDELL: I don't think Mr. Chairman Senator Rios was arguing all Republicans don't favor minority issues, in fact are some Republicans are good on those types of issues.

CHAIRMAN LYNN: Mr. Rios is off the list, a few others are arguing that point.

MR. MANDELL: That's fine, I agree it's, in part, to elect, get Democrats elected, but also in part to allow Democrats the opportunity to be elected. And that's, I think, where we were trying to go.

CHAIRMAN LYNN: Well I would argue that a competitive district, even if it leans 3.4 Republican, and that's to the limits of our standard, it might afford a Democrat an opportunity to be elected by definition because it's competitive.

COMMISSIONER HUNTWORK: Mr. Chairman, I'm
hearing a continuum of thoughts here. I do think I
understand, but I need to express it in terms of, of the
competitiveness criteria which is what we're having to
come back to. The question in my mind is, you know, I
can see a couple of arguments here. One is, in a
district with a very large minority influence any
Republican who runs and expects to get elected would have
to be sympathetic to minority issues, so even if it was a
competitive district, the argument would be, it still
complies with Ashcroft because the Republican is going to
have to be sympathetic in order to get elected. The next
step is it can't be a competitive district that's going
to far but it doesn't have to be an iron clad safe
District 4 the Democrats, it liens Democrat, outside the
competitiveness range but not so far outside Republican
who runs a good campaign wouldn't have a chance to win in
that district, that's likelihood, competitive hood,
likely, third category would be safe, a safe Democrat
district. Now, the question is, I guess, in your
opinion, whereon that spectrum does the Ashcroft district
fall because for better or worse, we feel as if we have
to milk a decision in those terms even though we would
prefer to make the decision on other terms, but we are,
we feel like we're ordered to make decision based on that
type of evaluation. So, do you -- can you express it in
MR. MANDELL: Mr. Chairman, Mr. Huntwork, it's hard to put it in words. It's basically all three.

COMMISSIONER HUNTWORK: Okay. So competitive -- could a competitive district conceivably comply with Ashcroft.

MR. MANDELL: Okay.

COMMISSIONER HUNTWORK: All right.

MR. MANDELL: Conceivably, absolutely.

COMMISSIONER HUNTWORK: All right. I believe I understand.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Well, Mr. Chairman, I didn't want to cut anyone short. I was going to remind the Commission we had a motion on the floor.

CHAIRMAN LYNN: I understand. This discussion may be very helpful in determining that motion. Paragraph for the record, Mr. Mandell, you are still -- I mean you are familiar with the letter of February 5th, delivered to the Commission.

MR. MANDELL: I am.

CHAIRMAN LYNN: The motion on the floor is to utilize the letter directing NDC in its progress of applying voting rights criteria to the map.

Just curious. Is that a motion you would
support?

MR. MANDELL: In concept, Mr. Chairman,

yes, without seeing the actual districts as it comes up,

yes in a sense we'd support the motion --

CHAIRMAN LYNN: That, Mr. Mandell, is

knowing it when you see it. We know that doesn't work.

We will give a very important instruction

to NDC and we will all see what that produces, but we're

trying to be responsive to the letter that was given to

us.

COMMISSIONER HUNTWORK: Mr. Chairman, it's

somewhat unfair. I prefer to let Mr. Mandell off the hot

seat, let him off, stay if he wants to.

CHAIRMAN LYNN: It may be an unfair

question. I did not intent for him to be on a hot seat.

MR. MANDELL: I didn't feel I was.

To clarify, finalize a point in the

address, support the process going through, doing what we

asked you to do the in letter. I can't say I support

districts we haven't seen.

CHAIRMAN LYNN: I didn't ask that. I asked

if you support the process.

MR. MANDELL: Mr. Chairman, that's why we

wrote the letter.

CHAIRMAN LYNN: I just want it on the
record. Thank you.

On the question.

COMMISSIONER HUNTWORK: Mr. Chairman, I would like to withdraw my second of the motion.

CHAIRMAN LYNN: Okay. The second is withdrawn.

COMMISSIONER HUNTWORK: If that's okay.

CHAIRMAN LYNN: Certainly. Anyone else wishing to second the motion?

COMMISSIONER ELDER: Mr. Chairman, it has been probably 45 minutes since the motion was made. Could I have somebody --

CHAIRMAN LYNN: Absolutely.

COMMISSIONER ELDER: Restate the motion.

COMMISSIONER HALL: I don't think I can quote perfectly, Mr. Elder. In essence motion was we instruct motion NDC to take map A2, adjust for voting rights issues in appropriate districts pursuant to the instructions letter Mr. -- our Chairman is holding from the Arizona Minority Coalition.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: So we're back in discussion on that motion.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I --
I'm opposed to this motion because I'm not -- I do not agree, or I'm not convinced that this motion is in full compliance with the order of the court.

CHAIRMAN LYNN: Well --

COMMISSIONER HUNTWORK: And the -- and I would prefer to have a motion which says that we instruct them to draw the districts in full compliance with the Voting Rights Act as we have defined it and as we have defined it, had, with reference to compliance order of the court. Order of the court said that all of our districts had to comply, all of them had to comply with Georgia v. Ashcroft. I know there has been an interpretation, there is an interpretation, but the -- I do not agree that a district that uses the old standard, it seems to me that that is an alternative standard. The order of the court made it clear that the majority-minority district is an alternative standard. And that, in order to fully comply with the order of the court it appears to me that we have to use Georgia vs. Ashcroft for the alternative standard in Georgia vs. Ashcroft for all districts. We, after all, can't do what we want to do. We have to comply with the order of the court. I don't think that merely because someone else wants to do something we are free to fail to comply with the order of the court. So that's my, that's why I'm
voting against this motion.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, would the maker of the motion include all districts as opposed to just districts enumerated Minority in the Coalition letter of February 5th?

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Of course the district numbers that are in the minority Coalition's letter refer to districts that are not before the Commission. So we're talking not about districts but areas of the state. So with that clarification.

COMMISSIONER ELDER: Then --

COMMISSIONER HALL: Help -- I just told her I wouldn't talk until she said I could.

MS. HAUSER: That's new and different.

COMMISSIONER HALL: They -- the intent, I think that is very accurate by Mrs. Hauser. The intent is not to reference specific district numbers but the intent is to advise, give our consultants some level of specificity with respect to how, how is that for a word --

CHAIRMAN LYNN: I want that in the record just that way.
COMMISSIONER HALL: The way I mispronounced it, it's been a long day.

COMMISSIONER HALL: A specific level of instruction, how's that?

MS. HAUSER: I like that.

COMMISSIONER HALL: So that they were, they do not feel like we were being vague. I feel like the letter does a pretty good job of outlining some specifics with respect to those numbers. So that's the intent. It isn't to enumerate or itemize specific districts because we don't know what those are yet.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I suppose the question is that can't give the direction to Mr. Johnson to use the districts that are not there in the directions to him to modify the plan and we need to come up with other language in the motion. That's all I'm --

COMMISSIONER HALL: Okay. If I amend the motion to say the area represented by the former district numbers listed in the letter, would that be more acceptable to the second?

COMMISSIONER ELDER: I believe so. But I'm also wanting to ask the question as to why not just say conforming to Georgia v. Ashcroft criteria.

COMMISSIONER HUNTWORK: For all districts,
COMMISSIONER HALL: Before I answer that question, I would like council to say I can answer that question.

COMMISSIONER ELDER: Or do we need an Executive Session on Georgia v Ashcroft?

COMMISSIONER HALL: I don't think we do.

Jose, do you want to comment since Steve is distracting Lisa?

COMMISSIONER HUNTWORK: Josh, they may be talking about it. Hold on. Ask.

COMMISSIONER HUNTWORK: Can I be recognized?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, the question to me while waiting to answer until after you returned from your visit with counsel, I don't -- I think we have a hanging issue present before us.

MS. HAUSER: I didn't hear it.

MR. RIVERA: Can we go into Executive Session?

CHAIRMAN LYNN: All right.

COMMISSIONER HALL: I move we go into Executive Session.

CHAIRMAN LYNN: There's a motion on the
floor. We have to move to table the motion first.

COMMISSIONER HALL: I'm sorry, move to table the motion.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Moved and seconded.

Those in favor of tabling the motion, signify "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

CHAIRMAN LYNN: Now you can move to go into Executive Session.

COMMISSIONER HALL: So moved.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Pursuant to the regular sections always cited --

Lisa, put those in.

(Whereupon, the Arizona Independent Redistricting Commission made its motions for Executive Session pursuant to: A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4).)

CHAIRMAN LYNN: All those in favor, signify
"aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Motion carries and it is so ordered.

I can't estimate this one, ladies and gentlemen. Sorry.

(Whereupon, the Commission recessed open Public Session at 4:34 p.m. and convened in Executive Session pursuant to A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4) until 4:54 p.m. at which time open Public Session reconvened and a recess was taken until 5:14 p.m.

(Recess taken.)

CHAIRMAN LYNN: Back on the record.

All four Commissioners, staff, legal consultants, and staff are present.

For the record, and without objection, we now have both both a digital representation and description of the Rim Country community of interest that Flagstaff has, apparently accompanied with music, which is a nice touch.

Thank you, Vice Mayor, for that.
And so I just wanted the Commission to know it was here and Mr. Johnson, I guess, could give us a look. We’re also having copies of it made to take a look at it as well.

COMMISSIONER ELDER: Do we currently have a motion on the floor?

CHAIRMAN LYNN: We will. We’re not going to -- there is nothing there now. That was just by putting on the record it was here present.

In fact, we do have a motion which has been tabled. And I would ask someone move to remove it from the table.

COMMISSIONER HALL: I move to withdraw my motion.

CHAIRMAN LYNN: No, you can’t do that, I can’t consider it.

COMMISSIONER HALL: Why don’t we move to remove it?

CHAIRMAN LYNN: Thank you. Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion.

If not, all those in favor of removing the tabled motion from the table signify saying "Aye."

COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Motion carries unanimously.

COMMISSIONER HALL: I make a motion to remove the motion.

CHAIRMAN LYNN: Don't. Simply withdraw it if the second is amenable.

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Mr. Elder, thank you.

Therefore, the floor is open.

For instructions on the meaning of the Voting Rights Act, Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I move that we instruct our consultants to adjust test plan A2 to incorporate the requisite number of voting rights districts in compliance with the criteria of Georgia v. Ashcroft and the order of the court pursuant to the instructions of our council working with their council.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion.

If not, all those in favor of the motion signify by saying "Aye."

CHAIRMAN LYNN: One moment.

Ms. Hauser?
Mr. Rivera?

MR. RIVERA: Didn't define "their council."

I'm not sure you need to put that portion into it.

(Whereupon the record was read as follows:

"I move that we instruct our consultants

to adjust test plan A2 to incorporate the
"requisite number of voting rights
"districts in compliance with the criteria
"of Georgia v. Ashcroft and the order of
"the court pursuant to the instructions of
"our council working with their council."

MS. HAUSER: Just us.

COMMISSIONER HUNTWORK: Mr. Chairman, on advice of our council, I will -- I would like to change the motion to withdraw the reference to NDC's council.

CHAIRMAN LYNN: Is that acceptable to the second?

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Thank you.

On the motion, all in favor of the motion, signify by saying "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair says "Aye."
Motion carries four-zero and is so ordered.

(Motion as carried reads: We instruct our consultants to adjust test plan A2 to incorporate the requisite number of voting rights districts in compliance with the criteria of Georgia v. Ashcroft and the order of the court pursuant to the instructions of our council.)

CHAIRMAN LYNN: Further instructions to NDC with respect to voting rights?

I'm going to defer to council periodically just to make sure. We want to be very precise in this, in all of these instructions. So if I can have counsels' attention.

We're about to move away from voting rights and instruction.

Unless there is anything more on voting rights. We've had some discussion about the other various criteria.

What is your pleasure with respect to those?

Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, before I make any motion, I would like to make clear with Mr. Johnson, I would like to see that adjustment based on

LISA A. NANCE, RPR, CCR (623) 203-7525
Georgia vs. Ashcroft as a separate, I want to see what that evolution did before you infuse it any of the other criteria of 106. With that said, then I would like to make a motion that we then apply the other criteria of 106 after the competitiveness issues have been addressed.

CHAIRMAN LYNN: I'm sorry. Say that one more time, Mr. Elder.

COMMISSIONER ELDER: I would move that we direct NDC to apply the criteria of 106 after the Voting Rights Act issues as well as the Court order for competition has been addressed.

CHAIRMAN LYNN: Well, I think you are going to have to be more specific than that. I'll take it, but it's a vague motion in that we've used some of the 106 criteria already and others have not been specifically ordered. So are you taking about the remaining criteria of 106?

COMMISSIONER ELDER: Remaining criteria.

If you want to take them one at a time, do it one at a time.

CHAIRMAN LYNN: I don't necessarily want to do that. I want to be clear what the motion requests of them.

COMMISSIONER ELDER: Let me restate the motion. I'd like NDC -- I move that NDC apply the
communities of interest criteria of 106 to the resulting map.

CHAIRMAN LYNN: Okay.

Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

My understanding then is -- I'm going to repeat this process so everybody is clear. Because we have done this over several days I want all of us to be clear as to what we're ordering. We have now indicated that we're going to start with test map A2 which has already been infused with the competitiveness criteria. We have then instructed NDC to take that map and apply the voting rights criteria as it is defined in Georgia v. Ashcroft. Mr. Elder has indicated that he would like to see the result of that. But then to go on and then add communities of interest to the map and show then the transition from this map to the first map which has the voting rights in it to the next map which would then have communities of interest in it.

MR. JOHNSON: If I can just ask one question, clarification. Showing the Voting Rights Act, okay, if we do it, present all of it, hold a meeting, present it to you before we go on?

COMMISSIONER ELDER: No. Be -- I want a
document or record during our next meeting that would
include all these other issues being integrated into the
map that we have that so we know where that line was that
was the issues in relation to competition and the voting
rights --

CHAIRMAN LYNN: Just, I think analogous we
have the grid, have this, we need the next steps along
the way so we at some point put the whole thing up on the
wall and end with a map we submit to the court.

MR. JOHNSON: No problem.

COMMISSIONER ELDER: I'm not so sure. The
reason we made the original motion to include all the
balance of the remaining criteria in 106 as we're doing
the thing, I would expect Mr. Johnson would also be
taking into account compactness and continuity and the
edges and the other factors that we want to have
addressed in the mapping. And I'm not saying or at least
I don't particularly want to see then the evolution of
the communities of interest and another map and another
presentation. Now let's apply compactness and adjust
again, let's comply with that linear process I don't need
to see that.

CHAIRMAN LYNN: Well, okay. The motion, at
least, deals with communities of interest at this point.

Mr. Huntwork.
COMMISSIONER HUNTWORK: Well, I would just like to ask, Doug, what -- is there an order that you feel would be the easiest to accomplish, the quickest to accomplish time frame?

CHAIRMAN LYNN: Sacrificing nothing in terms of our deliberate process and outcome we're trying to achieve.

COMMISSIONER HUNTWORK: As we apply each factor, pause, save that, apply the next one, so we see how it evolved, given that order, is that easiest for you?

MR. JOHNSON: We can do them -- easiest, probably do communities of interest, cities, counties, visible borders, compactness all together, but we could also do them as communities, and then --

CHAIRMAN LYNN: In other words, finish criteria, and do them simultaneously.

MR. JOHNSON: Right.

CHAIRMAN LYNN: Back to the original motion. Didn't want to talk you out of it, but to be clear on the record, Mr. Elder, if you want to change the motion and make it together, that would be fine.

COMMISSIONER ELDER: Mr. Chairman, the motion on the floor, I'd withdraw.

I withdraw the original motion, if that's
acceptable to the second?

COMMISSIONER HUNTWORK: Yes.

COMMISSIONER ELDER: Mr. Chairman, I move we direct NDC to apply the remaining criteria of Proposition 106 to the resultant map.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

Discussion on that motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I think implicitly we are saying each criteria, to the maximum extent practicable, and without significant detriment, we want to maintain the competitiveness as much as possible without significant detriment to the other criteria. There is some subjectivity involved in that and ultimately we're the ones that are going to have to make those judgments. And so my question really is how are you going to be able to preserve the decisions that you've made so that we can either agree or disagree with them.

MR. JOHNSON: Chairman, Commissioner Huntwork, through the process of drawing a number of plans to date within the legal framework we're been operating under, we've been pretty good at recording our
steps, what choices we ran into at each point and to be
to sure to revisit them similar as Dr. McDonald did
today.

CHAIRMAN LYNN: At any point as the
Commission arises, the Commission will be given the
choice on how to resolve the ordeal with the issue that
has arisen.

COMMISSIONER HUNTWORK: Whether we agree or
not with the choice made, I guess.

MR. JOHNSON: Yes. Certainly we can go
back and revisit any one or more of them you wish to.
Obviously revisiting may have impacts on what we did
after that. We will be available should the Commission
wish to do that.

CHAIRMAN LYNN: At the next meeting we'll
have the ability to do realtime, whatever that means,
changes to the mapping process with results available in
the near term. In other words, not days in between.

MR. JOHNSON: We'll have it as fast as we
can. The scope of instruction always drives how long it
takes, so it's, as the Commission knows, we're not --
we're not going to be sitting live in the meeting and
moving blocks, because that, that's just not efficient.
But we will have all the resources we can bring to bear
on this.
CHAIRMAN LYNN: Further discussion on the motion?

COMMISSIONER ELDER: Mr. Chairman I would just like to interject a question here of NDC. Do you need or do you feel it would be appropriate in the way that you manage the data and the sequence you take it in to have any kind of priorities or hierarchy as to which to apply first or which might take precedence over another or is it possible through your process to allow us to have that ability to prioritize as you bring the map back, to say: Well, we feel that this compactness is really important here but it's not as important there because it affects a community of interest or -- I'm just rambling there, but that's what I'm looking for. Do you need some sequence in your process?

MR. JOHNSON: I believe, was referring to earlier, probably it's easier if we can do the three criteria, the communities and compactness and the city and county and visible borders stuff together rather than sequencing them.

COMMISSIONER ELDER: Okay.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, one of the things that Mr. Elder's, maybe even Mr. Huntwork's questions or statements repeatedly brings up is that
given the time frame here, the adjustments that are being
time frame here, the adjustments that are being
made are, essentially, NDC taking a stab the adjusting
for significant detriment. So NDC is going to need to be
able to, and council has already discussed this with
council for NDC, be able to come in with changes that
they believe to represent adjustments for significant
detriment to the criteria. And they will be able to show
you first of all on A2 where a particular community of
interest was impacted by those lines and then they can
show you the map that they developed, or whatever the
test or map is that they develop to try to adjust for
what they believed to be a significant detriment, or at
least what they believe you would consider to be
significant detriment based on familiarity with your
prior record. They may be wrong at that point. You may
look at that and say: Well, I don't think that that was
a significant detriment to that particular community and
therefore you would reject that change but there will at
least be able -- there will be a way for you to see the
before and after on that particular community.

COMMISSIONER ELDER: On the before and
after, will we be able to or will you be able to tell us
the effect on either competition and/or communities of
interest? I mean like the Hispanic or Voting Rights Act
issues?
MR. JOHNSON: Well, significant detriment question would just be in relation to competitiveness, but, yes, we'll look at all of that with only very minor clarification, it won't be comparing A2, comparing to voting rights adjustments of A2. Otherwise I agree exactly with what Ms. Hauser said.

CHAIRMAN LYNN: Further discussion on the motion.

If not, all those in favor of the motion signify by saying "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye." Motion carries unanimously and is so ordered.

Are there other instructions --

MS. HAUSER: Hold.

CHAIRMAN LYNN: All right. Ms. Hauser asked we "hold" a second. I don't think this requires legal counsel to be attentive. We do have the map that was submitted by Flagstaff for a rim community of interest. And my recollection is dimming as the hours go by, but I don't believe we actually voted on that. We asked they come back to us.

COMMISSIONER HUNTWORK: Correct.

LISA A. NANCE, RPR, CCR (623) 203-7525 203
CHAIRMAN LYNN: So we now have received that information. And I wanted to know if we wanted to act on it in anyway.

COMMISSIONER HUNTWORK: Mr. Chairman, I would make the motion that we consider the area depicted in the map provided by Flagstaff with one change, which is that we incorporate straight lines from the upper area to bottom area rather than merely connecting them by Highway 89 so that we have in effect more of a, more of a contiguous area to look at, that we, we declare that to be a community of interest.

CHAIRMAN LYNN: Is there a second to that motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Now I'm going to need to look at that map again.

COMMISSIONER HUNTWORK: I don't know where it has gotten to.

COMMISSIONER HALL: Well, Mr. Chairman, while you are waiting to look at that map, I'd ask Mr. Huntwork in a second where in the world they have any evidence in the record that would indicate that a district that runs across those points would constitute a community of interest.

COMMISSIONER HUNTWORK: Well, I --
Okay. Well, the answer to the question, then, is that the testimony this morning was that there are common issues involving forest management, recreation, water rights, and kind of, I think, I believe the testimony included a history of communities in this area working together with respect to these issues. So obviously it seems obvious to me that those include critically important issues of state law as well as to some extent federal law, really probably more state law. So the only concern I had was that, you know, we -- for our purposes have to have take contiguity into account, and that spur of Highway 89 is somewhat of a thin, you know, road, what is it, 40-foot-wide strip in reality. I don't think it needs to be that narrow. I think there is, there is in fact no harm, certainly no harm would be done by just simply creating a wider connector between those two areas.

CHAIRMAN LYNN: I don't know whether there was a question in there, Mr. Silva, I was looking at the map. Mr. Elder, if you want to post a question, if there was one. I know Mr. Silva is here to answer whatever questions we have to ask.

VICE MAYOR SILVA: Thank you.

COMMISSIONER ELDER: This morning we heard this was like a rim recreation mountain pine, I don't
know what, covered area. That functioned together. When I look at this, you know, it's really like part of the Verde Valley goes up on the rim and plateau and doesn't seem to have that continuity I sort of expected when I first heard the concept. I'm not so sure the issues in Verde Valley are the same as up in the plateau and on the forested rim. So I'm not quite sure that this fits our definitions for, you know, the community of interest.

VICE MAYOR SILVA: Mr. Chair.

CHAIRMAN LYNN: Mr. Silva.

VICE MAYOR SILVA: Commissioner Elder, it really does. It goes on the line of the Mogollon Rim which includes a lot of the forest areas. The water issues that we have to include the Verde Valley, and the ranching, graze lands, and so forth, that are actually all the way from -- well, Tusayan, to the Apache and those -- in other words, those are the commonalities that we have in that particular area. I'm not sure whether I understood your question in terms of what is like or not like.

COMMISSIONER ELDER: I guess, Vice Mayor, it appears as though there is potential on the forest station forest tree logging, for and recreation. You mentioned the issues of water that, you know, are managed and two different or three different areas there. I
don't know if this is contiguous with one AMA or active management or ah or not, range, and cattle, you know, appears as though overlaps in and out, not defined or contained to this area. You know, I don't see that there is that much that is contained within the whole that makes this a specific area of concern.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, in the interests of time I just would add that respectfully Mr. Silva that the record is replete with, I think, evidence from the eastern communities to the contrary of what they consider to be a community of interest. I don't want to go into that much intimate detail, but -- I, with the exception that they all have pine trees I respectfully disagree with your assessment.

VICE MAYOR SILVA: If I may, may I read this into the record.

CHAIRMAN LYNN: We certainly have copies of it. I would be happy to have it made part of the record in its entirety. I'd be happy to do that.

VICE MAYOR SILVA: Thank you. Thank you. I guess I'm not seeing or I'm not really understanding what it is that you don't see in the map itself which are the many commonalities that we have have between Flagstaff and going through the Apache and --
CHAIRMAN LYNN: I think each of us may have a different take on it, because it is the application of common definition that we try to make. And I was struck -- I was anticipating the map. And I was struck by its enormity in terms of the size of the area that you think is a single community of interest. I believe that there are things which the area designated have in common. My concern is that there are a number of other things that they would find so different one from another based on local cultural demographic and other considerations that it's, to me, and I'm only speaking for myself, it's the same argument as saying at some level the United States is a community of interest. There are things that are shared, but we also recognize differences, great differences at that point within the state, the same thing is true, and for me even even within certain counties that is the case. This area encompasses parts of several counties. It in compasses -- it does have things in common, no question about it, it is rim county, timber, certainly water issues, certainly those things it does have in common just doesn't seem to me to rise to level discrete community of interest enough in common in terms of our definition to meet the threshold. That may be a judgment call but, you know, I was actually surprised at the size
of it.

VICE MAYOR SILVA: And probably the most common of all those areas is the forest health along the rim.

CHAIRMAN LYNN: Sure.

VICE MAYOR SILVA: And of course the water issues we do have.

CHAIRMAN LYNN: I submit to you that the state has national forests from top to bottom and they all have forest health issues every single one of them recently Governor is talking about as one of her initiatives forest health. I don't think that was limited simply to the forests along the rim. So we have the Coronado national forest north of Tucson certainly has the same kinds of issues.

VICE MAYOR SILVA: Gerry I think is wanting to say something. May I -- Jeri.

CHAIRMAN LYNN: Identify yourself for the record, if you would.

MS. DUSTIR: Vice Mayor Silva.

For the record, Jeri Dustir, J E R I, D U S T I R. I serve as Deputy Manager for the City of Flagstaff.

Again, thank you for this opportunity to address some of the questions that you have raised.
Beginning with the physical size of the community of interest Vice Mayor Silva and Chairman Ryan have presented for your consideration. It is predicated on the geographic and physical characteristics of the Rim Country itself. It is difficult to say the geography of the rim starts any less than where it does or ends any earlier than it does. So the Commission, in its deliberations, may determine that the size is greater than what is necessary for a community of interest, but we are presenting this fully for your consideration and that is a geographic consideration.

CHAIRMAN LYNN: I appreciate that.

Obviously if you are defined by the rim you have to complete the rim. That I understand.

MS. DUSTIR: Thank you, Mr. Chairman.

Continuing on, we recognize this is made up of a number of diverse communities and populations. We do, however, within this geographic boundary find concerns and -- in addressing common issues. And Vice Mayor Silva began to describe those. And I would like to continue for the record and more importantly for your consideration to perhaps more clearly recognize what it is that we are providing for your consideration this afternoon. The natural resource issue and the development of policies and implementation of programs to address forest health
and fuel management, common to areas here. It is my understanding that given recent history and record keeping that this area has, particularly, the highest rate of ignitions in forested areas in Arizona. The structural and infrastructure that can be affected by these ignitions and fires is significant along this particular area within the state. Infestation of bark beetles in this area is particularly significant and probably more so in many respects than in other areas of the state. With respect to the water issues that Vice Mayor Silva discussed, although we have identified water in general, I would like you to consider the following. There are unique geophysical features of the Anderson Mesa Falls and the Little Colorado Ground Water Basin that are characteristic of much of this community of interest as described here and do not necessarily describe what is happening north of this area, south of this area, east of this area or west of this area. Similarly, there are distinct legal considerations with respect to water and water law, and it's a distinction made on a state based interest versus Federal Reserve rights. It's another thing that characterizes this particular community of interest that we are proposing for your consideration. Vice Mayor Silva touched on economic development components and issues common to
communities and population areas within this community of interest.

As I'm sure you recognize, this geographic area and its communities are heavily dependent on tourism, primarily ecotourism, and government employment. These areas in the west and in the east are also developing industries to develop to process forest by-products. And as Vice Mayor Silva mentioned ranching and grazing traditional pursuits in many of the geographical areas here.

With respect to growth and development issues, many communities are addressing issues of residential development and second home ownership. We recognize again it is larger area than you anticipated. We understand that and ask that if, in your wisdom, you see a way to reduce that based on geographic bounds, we are certainly prepared to hear that. We also recognize as the Commission has discussed over many months and months and months of meetings that there are occasionally and not unexpectedly overlapping communities of interest. And we're clearly recognizing that. Again, I would like to thank the Commission for the opportunity to provide this information for your consideration, recognizing that it was first brought forth in maps and data sets to the Commission in the summer of '02, and we appreciate the
opportunity to bring it back for your consideration.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, just -- I would just express my thoughts for the benefit of my fellow Commissioners. The first thought is that, you know, the definition of a community of interest does not require that the community have everything in common but only that it have some things that are important in common and that would benefit from common representation. Personally, I do find this here. I also find that because of the size that this encroaches on other communities that we have previously identified and, you know, in my mind the evidence is very compelling that those areas here adhere much more strongly to another more localized community of interest, at least in some cases. However, it does not mean this is not a community of interest. And I have to take into consideration as we wait it one way or another. So at least in my thinking, this does define a community of interest. And I'm going to vote in favor of it, to that extent, so that we can take interest into consideration as I believe we should.

CHAIRMAN LYNN: On the motion, further discussion?
If not, all in favor of the motion signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Opposed to say "no."

COMMISSIONER ELDER: "No."

COMMISSIONER HALL: "No."

CHAIRMAN LYNN: Chair votes "no."

Motion is defeated one to three.

Thank you, Mr. Silva.

Consider you are one to two today. The planning area is in the list. That's better than we've done today in some arenas.

Let's -- let's continue with instruction to NDC if there is any other instruction and I do need to ask question of council I do want to be clear, are we missing anything? This is there opportunity to additional instruction to NDC compliance with order moving ahead with process.

CHAIRMAN LYNN: Do we have clarification with Doug's answer or not?

MS. LEONI: I don't know if clarification or -- if everybody is talking about the same process. I -- I think that Commissioner Elder was requesting the ability see the process in stages. Even though we're instructed to compile all of the criteria, it was your
desire to see the progression of that so you could
analyze the choices made along the way, the Commission
could analyze the choices made along the way.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, let me
clarify that. The only point as a note along the way I
want to see is implementation of voting rights map that
is the basis where we're starting from here that we
selected A2, and the Georgia v. Ashcroft voting rights,
you know, infusion there that we have not done yet. I
want to know what those, when we look at communities of
interest, that's after this. I want to see what voting
rights, Georgia v. Ashcroft does first and then
everything else, from there on.

MS. LEONI: Okay. Response to that is the
map will be freeze framed at that point and you will be
able to look at it. However, given the time --

CHAIRMAN LYNN: No, you continue.

MS. LEONI: We continue.

CHAIRMAN LYNN: As presented here, we don't
have a printed copy, took a test took to that point.
With this instruction, Mr. Elder, looking for a map like
that to look at, and then all the rest of the instruction
we've given you.

MS. LEONI: We're understood.
CHAIRMAN LYNN: Don't stop along the way.

COMMISSIONER ELDER: I want to see a record of where you were before you kept on going. We don't have to approve it. Just see what it is, what it does. That way there's a benchmark to see what the impact was further on down the line.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Then when NDC comes back you look at those things and you will need to make specific decisions with respect to whether significant detriment was caused and then what, whether or not that is the change that you want to use to deal with that?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Two things really quickly. The first one is when we were talking about a motion that applied to one criteria, I also made the comment that we would see that one frozen, then see the next one. But it was obviously my intent and I'm sure the intent of the Commission when we changed to the motion we actually adopted we did not expect to see those stages as they develop. So just the same comment. I just wanted to be made clear I also do not expect to see that.

MS. LEONI: Good. But we'll bring a clear record of plan development.
COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: Okay.

Any other instructions we need to give NDC?

All right. Then what I would like to do, in accordance with our agenda, is give the opportunity at this time for public comment.

It has been a long time since we had public comment. That was early this morning. And I would ask that those that wish to speak please fill out a speaker slip and let us have that.

Are there members of the public who wish to address the Commission at this time?

Seeing none.

Mr. Echeveste, a report from the Executive Director.

MR. ECHEVESTE: Mr. Chairman, I included the written report in your packet. Unless you have any questions, I'll let that stand.

CHAIRMAN LYNN: No. I think it's good to go. Thank you very much.

COMMISSIONER HUNTWORK: Mr. Chairman, can I ask a quick question?

CHAIRMAN LYNN: Yes.

COMMISSIONER HUNTWORK: How much per diem, however it is to be calculated, is it costing us to
CHAIRMAN LYNN: In terms of daily cost?

COMMISSIONER HUNTWORK: Yes. Average daily cost as long as we're continuing on, what is it costing?

CHAIRMAN LYNN: I'm not sure we know, because days will be different. In other words, various individuals who are employed either directly or by contract are either working or not working on a given day. We could average it, have an average.

COMMISSIONER HUNTWORK: Say from the day the court order came down and then we, say from -- between the date of the first meeting and today, do we have any idea how much that has cost and divide that by a number of days? That's all I want to know, some rough measure.

CHAIRMAN LYNN: We may have to get it to you.

MR. ECHEVESTE: Mr. Chairman, that really -- we can only do that after we receive all invoices. And that -- that kind of data will pick up on the monthly report we will get back to you. So we will get that to you.

COMMISSIONER HUNTWORK: I'd appreciate knowing that as soon as possible.

CHAIRMAN LYNN: And I'll be happy to work
with you, and I know Mr. Hall will as well, to get a
number and --

MR. ECHEVESTE: As soon as I can get that,
I'll get to you.

THE COURT: Thank you.

Any other comments or questions for

Mr. Echeveste?

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Hall.

COMMISSIONER HALL: Just in light of the
fact that we are preparing to submit necessary
information to the Legislature anticipating an elongated
process which will require the remainder of requests we
made for funding, I'd like to renew on the record
instructions both to consultants and to council with
respect to information that we need to have relative to
their budgets.

CHAIRMAN LYNN: Without objection. And we
need that because we will soon been having discussions
with the leadership in the Legislature regarding
additional funding.

Thank you.

There is one more item with respect to
discussion of future meetings. As I understand the
discussion that we have had in general today and based on
the instructions that we have given NDC, I believe our
next formal meeting of the Commission, again, subject to
the call of the Chair in the interim, would be the 21st
of February. Is that correct?

MS. HAUSER: Correct.

CHAIRMAN LYNN: It is anticipated so all of
you can plan your vacations accordingly. That meeting
may last four full days, the 21st through the 24th, might
even spill over to the 25th. I should also tell you that
the location of that meeting has yet to be finally
determined but I of course will be lobbying for Tucson.

I will tell you that I am indeed only one
vote and if compromise is required we have an offer from
Casa Grande which, you know, would make all of us
similarly inconvenienced, but not by being there, because
it's a lovely place, Mr. Hartdegen, as we both know.

MR. RIVERA: Puerta Vallarta.

MS. HAUSER: In the state, please.

CHAIRMAN LYNN: Just for information
purposes only, you might block out those days if you care
to be with us.

In the meantime, on the record, I would say
that not only maps we have today but the instructions and
other material that we have adopted will be put on the
website and we will invite and encourage input from the
public on an ongoing basis through the mechanisms that
have been in place since the beginning of this process.
We hope that those in attendance will tell others where
we are and how we are proceeding so that input is as rich
and helpful as it was the first time around and part of
the process. And we appreciate it.

Any other business to come before the
Commission?

COMMISSIONER HUNTWORK: Well, Mr. Chairman,
I apologize.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I apologize. Once
again, I just feel I have to say that we all know that it
is absolutely impossible that the input can be as rich
and appropriate, or whatever your comments were, as it
was the first time around. It's simply not possible.
But we'll all do the best we can.

CHAIRMAN LYNN: Mr. Huntwork, I stand
corrected you are absolutely correct. Let me state for
the record, before we leave today, that this and
everything we do is under protest. We do not believe
this is the way to redistrict and we do not believe this
is the way that the framers of Proposition 106 intended
that this be done. We are doing this to comply with the
Court's order and we are doing it to comply as fully and
completely as we can. It is only for that purpose that we are meeting and will continue to meet to produce the product that the Court has ordered.

Any other business?

Any more from council?

Consultants?

Staff?

The Commission will adjourn until we next post our meeting.

Thank you all for coming.

Off the record.

(Whereupon, the hearing concluded at approximately 6:01 p.m.)

* * * *

LISA A. NANCE, RPR, CCR (623) 203-7525
BE IT KNOWN that the foregoing public hearing
of the Arizona Independent Redistricting Commission 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 222 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 9th day of
April, 2004.

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