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STATE OF ARIZONA  
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

P U B L I C

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona  
March 1, 2004  
9:00 a.m.

CERTIFIED  
TRANSCRIPT  
COPY  
  
PREPARED FOR:  
ARIZONA INDEPENDENT  
REDISTRICTING COMMISSION

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1                                   The State of Arizona Independent  
2 Redistricting Commission convened in Open Public Session  
3 on March 1, 2004, at 9:00 o'clock a.m., at the Sheraton  
4 Airport, Tempe, 1600 South 52nd Street, Tempe, Arizona,  
5 85281, in the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

VICE CHAIRMAN ANDI MINKOFF

10

COMMISSIONER JAMES R. HUNTWORK

11

COMMISSIONER JOSHUA M. HALL

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COMMISSIONER DANIEL R. ELDER

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ADDITIONAL APPEARANCES:

- LISA T. HAUSER, AIRC Counsel
- JOSE de JESUS RIVERA, AIRC Counsel
- ADOLFO ECHEVESTE, AIRC Executive Director
- LOU JONES, AIRC Staff
- KRISTINA GOMEZ, AIRC Staff
- FLORENCE ADAMS, Ph.D., PRESIDENT OF NDC,  
AIRC CONSULTANT
- DOUGLAS JOHNSON, VICE-PRESIDENT OF NDC,  
AIRC Consultant
- MARGUERITE MARY LEONI, NDC Counsel
- MICHAEL P. McDONALD, Ph.D.,  
AIRC Competitiveness Expert  
George Mason University
- LISA A. NANCE, Registered Professional Reporter,  
Certified Court Reporter, No. 50349

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Alberto Gutier. 24

Gilberto Hayes, Pinal County. Election Director, Pinal County. 25

Ivan Leglev, Town Attorney, Town of Prescott Valley. 29

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Alvin Evans, Secretary, Shiloh Apostolic Church. 31

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W. Kent Foree, Assistant City Attorney, Lake Havasu City. 38

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- NO.   DESCRIPTION
- 10   Speaker Slip For:   Lorraine Newman,  
Chairperson for the African American  
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  - 11   Speaker Slip For:   Christina Hankins,  
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  - 12   Speaker Slip For:   Anne Barton, Assoc. Director,  
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  - 13   Speaker Slip For:   Alberto Gutiert.
  - 14   Speaker Slip For:   Gilberto Hayes, Pinal County.  
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  - 15   Speaker Slip For:   Ivan Leglev, Town Attorney,  
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  - 16   Speaker Slip For:   Matt Ryan, Chairman,  
Coconino County Board of Supervisors.
  - 17   Speaker Slip For:   Alvin Evans, Secretary,  
Shiloh Apostolic Church.
  - 18   Speaker Slip For:   Jeff Groscost, Chairman  
District 18, for District 18, Mesa.
  - 19   Speaker Slip For:   Reverand Oscar Tillman,  
President, NAACP.
  - 20   Speaker Slip For:   Cloves Campbell, Publisher,  
Arizona Informant News.
  - 21   Speaker Slip For:   Robert Bob Boyd, Chairman CFOSP.
  - 22   Speaker Slip For:   W. Kent Foree, Assistant City  
Attorney, Lake Havasu City.
  - 23   Speaker Slip For:   Judith Harrison.



1 EXHIBITS CONT'D

2	NO.	DESCRIPTION
3	37	Stats For Competitiveness State Leg - Feb 23 Clean-Up.
4		
5	38	To IRC From Douglas Johnson, NDC, re proposed changes to February 23 Test Plan, changes made for population balancing, precinct trap corrections, 6 and errant single-block city and reservation 7 corrections.
8	39	Arizona Legislative Districts February 23 Clean-Up.
9	40	March 1, 2004, Letter from John D. Haeger to Executive Director Echeveste.
10	41	Map of the Tucson Area.
11	42	Stats for Exhibit 41.
12	43	Map of the Tucson Area.
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14	45	Map of the Tucson Area.
15	46	Stats for Exhibit 45.
16	47	Statement from the Hopi Tribe Chairman Wayne Taylor, Jr. 17 To: The Arizona Independent Redistricting Commission, March 1, 2004.
18		
19	48	Map showing Apache Junction, Queen Creek, Gold Canyon, and other areas.
20	49	2-25-04 Letter from the African American Community Coalition to the Arizona Independent Redistricting 21 Commission, CC US Department of Justice, Subject Proposed District J Minority Adjustment Plan, from 22 Lorraine Newman, Chairman of the African American Community Coalition.
23		
24	50	Petition From the African American Community Coalition Submitted with Exhibit 49, 27 pgs, Envelope Marked Exhibit 50, Each page of the 25 Petition Numbered, pages 50-1 through 50-27.

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Public Session  
Tempe, Arizona  
March 1, 2004  
9:00 o'clock a.m.

P R O C E E D I N G S

CHAIRMAN LYNN: The Commission will come to order.

For the record, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: Here at last. Here at last.

CHAIRMAN LYNN: Happy to have you here.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Here.

CHAIRMAN LYNN: The Commissioners are all present along with legal counsel and consultants.

We're continuing to meet under court's order to comply with the ruling of the court in remapping the Legislative Districts of the state in accordance with the judge's instructions and in compliance with that court order.

1                   The next item on the agenda is public  
2 comment. And I'm going to ask those who wish to speak to  
3 make sure they have a yellow speaker slip filled out. I  
4 would also ask that for those that are speaking  
5 essentially on the same point to, as best they can, not  
6 necessarily repeat what others have said but just,  
7 certainly, identify yourself as being connected with the  
8 point that has been made and we will understand that that  
9 is additional testimony on that point.

10                   We have, as our tradition, not limited  
11 public comment in any way to any specific period of time,  
12 but in deference to your fellow citizens who are here and  
13 might wish to speak as well, we would certainly wish you  
14 keep your comments as brief as possible and still make  
15 the point you wish to make. To the extent you have  
16 written statements, we'd be happy to take them and make  
17 them a part of the record. And we will move as quickly  
18 through the public comment as is feasible.

19                   This is the time for consideration and  
20 discussion of comments and complaints from the public.  
21 Those wishing to address the Commission shall request  
22 permission in advance by filling out a speaker slip.  
23 Action taken as a result of public comment will be  
24 limited to directing staff to study the matter or  
25 directing further consideration or decision at a later

1 date unless it is the subject of an item already on the  
2 agenda.

3 I have a number of speaker slips. Unless  
4 those of you are already filling one out, make sure  
5 Mr. Echeveste in the light gray suit gives you one and  
6 you fill one out and get them to us.

7 The first speaker this morning is Mayor  
8 Joseph Donaldson, Mayor of the City of Flagstaff.

9 Mayor, good morning.

10 MAYOR DONALDSON: Good morning. Good  
11 morning, Mr. Chairman and Commissioners. I'm Mayor  
12 Joseph Donaldson. I thank you for this opportunity to  
13 speak before the Commission.

14 On behalf of the City of Flagstaff and  
15 Flagstaff community, I recognize the difficult task,  
16 charge you have been charged with, and commend your  
17 efforts, perseverance, and service to the citizens on  
18 behalf of the State of Arizona.

19 I understand the challenge you have before  
20 you in considering and making decisions with respect to  
21 the application of Proposition 106 criteria. While I  
22 understand the importance of each of the criteria, the  
23 challenge of respecting the many communities of interest  
24 is significant.

25 I thank you for recognizing and taking

1 formal action to adopt the Flagstaff Metropolitan  
2 Planning Organization, known as FMPO, as a community of  
3 interest and maintaining it whole and in one Legislative  
4 District.

5                   As I, and many from the community have  
6 testified, maintaining the FMPO as a community of  
7 interest is vital to the well-being of our region,  
8 including its University and its economy. Additionally,  
9 the FMPO boundaries mirror the regional plan boundaries.

10                   This plan, adopted by an overwhelming  
11 majority of the voters, addresses the near and long-term  
12 implementation of many issues including: land use,  
13 zoning, and transportation systems.

14                   Mr. Chairman, with your permission, I would  
15 ask for the opportunity to recognize those here with me  
16 today in support of this position. Some may wish to  
17 speak before the Commission during this public comment  
18 period. Others may take the opportunity to address the  
19 Commission later in the process.

20                   Thank you for your time and continued  
21 consideration of the Flagstaff Metropolitan Planning  
22 Organization.

23                   May I introduce Matt Ryan, Chairman,  
24 Coconino County Board of Supervisors; Chris Bauasi,  
25 Navajo Hopi Indian Relocation Commission, also former

1 Mayor of Flagstaff; Ann Barton, Associate Director of  
2 Government Affairs for Northern Arizona University; Jay  
3 Heat, a member of the Mayor's Advisory Group in  
4 Flagstaff, Arizona; and Judge Michael J. Flourney.

5 Thank you.

6 CHAIRMAN LYNN: Thank you, Mr. Mayor.

7 As we move through the speaker slips, if  
8 those other representatives from Flagstaff or the  
9 Flagstaff area, if they wish to have comments, certainly  
10 they are welcome to do so.

11 The next speaker slip, Christopher Bauasi,  
12 former Mayor of the City of Flagstaff.

13 Mr. Bauasi.

14 MR. BAUASI: Thank you for allowing to us  
15 come. I'm Christopher Bauasi, Past Chairman, Northern  
16 Governments, Past President of the Arizona League of  
17 Government and Towns, past Government Redistricting body.

18 I as much as anyone understand and  
19 appreciate the magnitude of your task, as well as it's  
20 importance. The district as you have reconfigured it, no  
21 doubt many making every one happen is logical,  
22 reasonable, and workable. With recent efforts at all  
23 levels, city, county, and state, to encourage and some  
24 cases demand reasonable comprehensive planning, problem  
25 solving and cooperation, the idea of maintaining the

1 metropolitan planning operation community of interest  
2 makes imminent sense. Please don't be dissuaded. I come  
3 here to encourage you in your efforts and in support of  
4 this configuration. Most importantly I want to thank you  
5 for your efforts.

6 CHAIRMAN LYNN: Thank you, Mr. Bauasi.

7 CHAIRMAN LYNN: Next -- I'll apologize  
8 ladies and gentlemen in advance if I mispronounce your  
9 name. I'll do the best I can, and if I'm wrong, please  
10 correct me and the record, as you step forward.

11 Next speaker, Dr. George Brooks.

12 Mr. Brooks represents the community.

13 Dr. Brooks, good morning.

14 DR. BROOKS: Good morning. How are you?

15 CHAIRMAN LYNN: Very well, sir. Thank you.

16 DR. BROOKS: Mr. Chairman, and Members of  
17 the Commission, I am here this morning to speak about the  
18 section here I believe called J. And I, the proposal, as  
19 I understand that proposal to be, is that you would  
20 extend, you would shrink that proposal from its present  
21 western boundary to 35th Avenue. And that shrinking is  
22 tantamount to the exclusion of the present representative  
23 in that district. Now, we have gone through this kind of  
24 thing in North Carolina, and I remember that very brief  
25 period when I served in the State Legislature, didn't

1 like the job, didn't particularly like the people, and  
2 got out. I'm not sure they held me in high esteem as  
3 well. But I would caution us not to do to the present  
4 representative from our district what others through  
5 their own mindset have done to other minorities in this  
6 country. Therefore, I would suggest that we either  
7 maintain our present western boundary or we would shrink  
8 it to approximately 51st Avenue or even 59th. But let it  
9 not be said that the Commission in Arizona gerrymandered  
10 the only present African American out of office. To do  
11 what you are proposing to do is tantamount to just that.

12 Thank you very much.

13 CHAIRMAN LYNN: Thank you, Dr. Brooks. I  
14 would make this point to everyone in the audience. The  
15 Commission is prohibited, by the Constitution, from  
16 taking into account where incumbents or candidates for  
17 office reside. This Commission has not and will not take  
18 that information into account in mapping as it would be a  
19 violation of the constitution. Please be aware that any  
20 map you see and any lines that are drawn as a part of  
21 this process are drawn without that knowledge and without  
22 that information bearing on where those lines are drawn.  
23 That is not only how the maps to date have been drawn,  
24 that is how they will continue to be drawn. That needs  
25 to be very clear on the record.

1 COMMISSIONER HUNTWORK: Mr. Chairman.

2 CHAIRMAN LYNN: Mr. Huntwork.

3 COMMISSIONER HUNTWORK: On the other hand,  
4 evidence regarding the actual locations of the African  
5 American community in South Phoenix would be appropriate,  
6 and we could consider that information.

7 CHAIRMAN LYNN: There's no question  
8 communities of interest of many types of kinds are  
9 appropriate consideration for the Commission. Thank you.

10 CHAIRMAN LYNN: The next speaker is  
11 Lorraine Newman, Chairman for the African American  
12 Community Coalition. Good morning.

13 MS. NEWMAN: Lorraine Newman, Chairperson  
14 for the African American Community Coalition.

15 On behalf of our organization, I would like  
16 to thank you for this opportunity to speak on the  
17 proposed District J minority adjustment plan. It is with  
18 a heavy but hopeful heart that I speak this morning;  
19 because as African Americans, we have had more than our  
20 share of battles and obstacles to overcome. And the saga  
21 continues.

22 Under the auspices of the United States  
23 Department of Justice, we clearly understand that  
24 competitive districts are critical. Moreover, we support  
25 the full and equal representative from the current

1 district boundaries in our Congressional and Legislative  
2 representation. The boundaries from the base of South  
3 Mountain south to Van Buren north, 83rd Avenue west and  
4 48th Street east are strong communities of interest that  
5 need to be maintained. Reason: The best possible chance  
6 for an African American to have an equal opportunity of  
7 representing this district is to leave our boundaries  
8 intact. During the open session meetings regarding  
9 redistricting at Phoenix College, the south and central  
10 communities came together and spoke to these issues. It  
11 was our understanding that our district boundaries would  
12 not change. We did not learn of this latest effort to  
13 try to change the boundaries until your last meeting on  
14 Monday, February 23rd. Many of our members are here  
15 today. But the bulk of our membership is comprised of  
16 working people who could not be here, but their voices  
17 can be heard in the form of petitions requesting this  
18 Commission to understand our plight.

19 I would like to present some of those  
20 petitions with approximately 400 signatures, and there  
21 are many more to come.

22 According to the written commission of this  
23 prestigious Commission, which clearly states: "To  
24 administer the fair and balanced redistricting of  
25 Congressional and Legislative districts for the State of

1 Arizona," we have every confidence that you will consider  
2 our position.

3 We can think of no plausible rationale for  
4 changing the boundaries in our district except to shut  
5 out any possibility of an African American representing  
6 us in government.

7 We come today in the spirit of a desire for  
8 fairness, the spirit of a desire for Justice, and the  
9 relentless spirit of hope. A plea is voiced in our  
10 names, and I thank you.

11 CHAIRMAN LYNN: Ms. Newman, thank you very  
12 much.

13 Ms. Minkoff has a question, if you wouldn't  
14 mind.

15 COMMISSIONER MINKOFF: Thank you.

16 Is this on?

17 Now it is. Okay.

18 Ms. Newman, thank you very much.

19 I just want to make sure I understand the  
20 points that you were making. It seemed that you were  
21 telling us that the African American community of  
22 interest is essentially located between 48th Street and  
23 83rd Avenue and between South Mountain and Van Buren; is  
24 that correct?

25 MS. NEWMAN: That is correct.

1                   COMMISSIONER MINKOFF: Looking at the map,  
2 current District J troubles you and troubles the  
3 community that goes from South Mountain to Van Buren,  
4 goes from 48th Street and stops at 35th Avenue except a  
5 little tail of the Southern end, which I think probably  
6 doesn't have a lot of population in it.

7                   We can only put about 171,000 people in a  
8 Legislative District otherwise we violate the equal  
9 protection clause of the United States Constitution. So  
10 it doesn't seem plausible to create a district runs from  
11 48th Street to 43rd Avenue. And South Mountain to 43rd  
12 Avenue has too many people and would be thrown out by  
13 Department of Justice.

14                   My question to you, since we have to divide  
15 this community, it's too large to put all in one  
16 Legislative District, is there another boundary you think  
17 is better than 35th Avenue? Do we move further to west,  
18 cut off people to the east, move further to the south,  
19 cut off people north of Buckeye Road? Do you have an  
20 alternative suggestion?

21                   MS. NEWMAN: Our primary concern is the  
22 western boundary. We'd gladly compromise: 59th, even  
23 51st Avenue.

24                   COMMISSIONER MINKOFF: If we added people  
25 between 35th and, say, 51st, we have to take them away

1 from 51st. Any district that doesn't negatively impact  
2 your community would be dropped from the district. We  
3 can't add anything to your district without taking  
4 something away. Districts are pretty close to population  
5 balanced now. Any population moved into your district  
6 has to be balanced by population taken out of the  
7 district.

8 MS. NEWMAN: The northern boundary could be  
9 shrunk.

10 COMMISSIONER MINKOFF: Thank you.

11 CHAIRMAN LYNN: Thank you, Ms. Newman.

12 MR. JOHNSON: Mr. Chairman.

13 CHAIRMAN LYNN: Mr. Johnson.

14 MR. JOHNSON: The description 48th Street  
15 to 43rd Avenue is the current district. They are  
16 happiest with the current district?

17 MS. NEWMAN: Yes.

18 CHAIRMAN LYNN: Next speaker, Kristina  
19 Henkins.

20 If I can ask you, the court reporter is  
21 trying to follow everything in the room. To the extent  
22 you can keep side comments, side discussions to a  
23 minimum, it will help her keep the record clear.

24 If you wish to have a conversation, wish to  
25 ask to excuse yourselves and do so in hall.

1 Kristina Hankins representing the African  
2 American Coalition.

3 MS. HANKINS: I'm Christina Hankins,  
4 C.R.I.S.P, Coalition of South Phoenix  
5 Concerned Residents. And I have not kept up too well  
6 with all of the redistricting going west, but I am very,  
7 very concerned about what is going on kind of east of  
8 where we are as well as north. And I would say that  
9 Mrs. Newman has addressed my close concerns. And I'm  
10 willing to go along with the suggestions and add to what  
11 she has to help in the best way that I feel, which is the  
12 same way that she's on, we're on the same course.

13 So I thank you for this space and  
14 consideration that you are giving to the, the group. It  
15 has been -- I always say we have been set off, or  
16 allowed, because I'm used to being always appointed to  
17 where to live, and I'm quite satisfied with where we are  
18 now as well as the district. So I thank you.

19 CHAIRMAN LYNN: Thank you, Ms. Hankins,  
20 very much.

21 I should ask Ms. Newman, you've made  
22 reference to a petition with 400 signatures. Do we have  
23 it for the record?

24 MS. NEWMAN: Yes.

25 CHAIRMAN LYNN: Next speaker, Alberto

1 Gutier.

2 Mr. Gutier, who was here earlier, and is  
3 being hunted for at the moment, let me just take one out  
4 of order so we can keep going. Ann Barton representing  
5 the Northern Arizona University, there's Mr. Gutier.  
6 I'll get to you in a second, Mr. Gutier.

7 MS. BARTON: One good morning,  
8 Mr. Chairman. Ann Barton, Associate Governor for  
9 Governor relations. President Hegarty could not be here  
10 this morning but asked me to read a letter in regard to  
11 your deliberations.

12 This letter follows my previous note to the  
13 Redistricting Commission.

14 As a member of the alliance and policy  
15 management group from Flagstaff, also as president of  
16 Northern Arizona University, I want to support current  
17 efforts to recognize the FMPO as a community of interest  
18 and subsequently maintain it whole and in one district.  
19 The Flagstaff community is a unique community that  
20 combines several distinct groups that establish a  
21 community of interest.

22 First, Flagstaff is an intellectual  
23 community quite remarkable for its population, combines  
24 Coconino College, Northern Arizona University, Lowell  
25 Observatory, Flagstaff Medical Center, Flagstaff

1 symphony, and the regional office for the United States  
2 Geological Service and United States Forest Service.

3                   Flagstaff has the potential through it's  
4 intellectual capacity to lead in economic furtherance of  
5 this area through its combined area of interest.

6                   I urge the Commissioners to support and  
7 maintain the FMPO as a community of interest.

8                   Sincerely, John D. Hegarty, president.

9                   CHAIRMAN LYNN: Thank you, Ms. Barton.  
10 We'll make that letter a part of the record.

11                   Next speaker, Alberto Gutier.

12                   MR. GUTIER: Good morning.

13                   Chairman, Members of the Commission, I had  
14 the pleasure of testifying in front of you about a month  
15 ago. The reason today to not look at my district, you  
16 guys restored part of the district I was very interested  
17 in. More than anything else it comes to community of  
18 interest. I look at a certain part of my county and  
19 state, a different district is changed. One is South  
20 Mountain. I'm very concerned with the fact part of the  
21 South Mountain community, a number of political campaigns  
22 over the years as I looked at it. Somehow 35th to 9th  
23 Avenue, Southern to Baseline is removed out of the South  
24 Mountain District and put with another district. I'm  
25 just wondering if something in the South Mountain

1 community, it's very compact and a quite closed area,  
2 should have been split. I'm just asking you to look at  
3 it.

4 I know you have a very difficult job.  
5 Moving those lines was not easy. At the same time I  
6 praise you for the efforts you've done. I think the maps  
7 reflect a good compromise. At the same time, it's  
8 interesting to see if that could be restored.

9 CHAIRMAN LYNN: Thank you, Mr. Gutier.

10 Next speaker, Gilberto Hayes, representing  
11 Pinal County.

12 MR. HAYES: Hayes, starts with an H.

13 Mr. Chairman, Members of the Commission,  
14 we're going from one side of the county to another. You  
15 have a monumental task to do. 2000 did initiate  
16 legislative district 22 in Pinal County. In your haste I  
17 believe, I'm trying to get some points across, to take a  
18 complete voting precinct in, you didn't, I have a handout  
19 to make it easier for everybody to understand what we're  
20 trying to do, the Legislative District in question here,  
21 District 22, I've got color coding, which is the best way  
22 to understand something, I believe, we're simply asking  
23 for a little in-house housecleaning, that the boundary  
24 highlighted in red be moved to comply with the voting  
25 precinct 48 in green, the reason being immediately

1 southeast of that road, Pinalta Road, which the  
2 Commission took and put as a Legislative District  
3 boundary line on a split of a community, forcing roughly  
4 back then in year the 2000 six to ten voters to travel  
5 all the way down south to Queen Creek to vote,  
6 approximately 30 miles. That area has been growing. It  
7 is a new subdivision there, up to now 40 to 60 voters.  
8 We get the calls to vote, look at 52 dots, polling  
9 places. Voters have to travel from immediately outside  
10 the southeast red line way down to Queen Creek, a 30-,  
11 40-mile round trip. There's no population basically  
12 established in the area of the larger area of the green  
13 area there. That's all state land. And I think it would  
14 be very convenient for those voters if they were to be  
15 included in that District 22, being part of District 48  
16 and eliminate the long travel. Hopefully it's an easy  
17 task and something easily remedied.

18 Thank you very much unless you have  
19 questions.

20 CHAIRMAN LYNN: Thank you, Mr. Hayes.

21 One question. Ms. Minkoff may have one as  
22 well. Let me defer to Ms. Minkoff and then I'll ask  
23 mine.

24 COMMISSIONER MINKOFF: Thank you,  
25 Mr. Hayes.

1                   My question, if this proposal impacts the  
2 congressional district at all or is this entirely, the  
3 whole area within the same congressional district?

4                   MR. HAYES: Mr. Chairman, Ms. Minkoff, it  
5 does not impact the congressional district. The green  
6 line, broken lines, southeast part, southeastern part,  
7 green line, is the congressional district line, no impact  
8 at all.

9                   COMMISSIONER MINKOFF: Thank you.

10                  MR. HAYES: This initial presentation, we  
11 didn't quite get the information to Ms. Hauser. We  
12 discussed it then. It's a simple situation, I believe.

13                  CHAIRMAN LYNN: Mr. Hayes, the question I  
14 have, mentioned the 2002 lines. Does this issue exist as  
15 far as you know in the 2004 map as well?

16                  MR. HAYES: Continues to exist as long as  
17 the red line stays there. Those voters immediately to  
18 the outside of the southeast part of it have to be  
19 traveling all the way down to Queen Creek roughly 30, 40  
20 miles away.

21                  MR. JOHNSON: Mr. Chairman.

22                  CHAIRMAN LYNN: Mr. Johnson.

23                  MR. JOHNSON: Eastern borderline?

24                  MR. HAYES: Mr. Chairman.

25                  MR. JOHNSON: What is the green line?

1                   MR. HAYES: That's Superior, eastern border  
2 of Superior.

3                   MR. JOHNSON: Anything that shows where  
4 that border is with geography?

5                   MR. HAYES: Voting data is incorporated in,  
6 a more detailed map.

7                   CHAIRMAN LYNN: As quickly as possible,  
8 Mr. Hayes, if you're going to make that.

9                   MR. HAYES: I can leave that now.

10                  COMMISSIONER MINKOFF: Mr. Chairman.

11                  CHAIRMAN LYNN: Ms. Minkoff. What you are  
12 asking is if the area surrounded by that green line be  
13 moved into the Legislative District that is immediately  
14 to the west of it.

15                  MR. HAYES: 22, Legislative 22.

16                  COMMISSIONER MINKOFF: You estimated the  
17 population is only 10 people.

18                  MR. HAYES: Up to 40 people have moved into  
19 that southern subdivision occurring there now.

20                  Population is not there to establish a  
21 precinct. We try to get 500 people on up to establish a  
22 precinct. There is a polling place, school there. Right  
23 now we get the calls constantly: Why must I travel 40  
24 miles. We say, "We can't help that." Otherwise, the  
25 overall population is nothing. I don't know that it

1 would have an impact on balancing the numbers for that  
2 Legislative District.

3 CHAIRMAN LYNN: Thank you, Mr. Hayes.

4 Next, Ivan Leglar. Ivan Leglar, Town  
5 Attorney, Town of Prescott Attorney.

6 Mr. Leglar.

7 MR. LEGLAR: Good morning, Chairman Lynn,  
8 Commissioners, staff. Thank you for the opportunity to  
9 address you this morning.

10 I'm a poor substitute for Mike Flannery,  
11 normally the person in front of you. Mike and others  
12 from the Tri-Cities area have been in front of you many  
13 times over the last several years.

14 Primarily I'm here to thank you for your  
15 efforts. We're here to thank you for the fact you've  
16 considered the Tri-Cities an important community of  
17 interest that exists in the Tri-Cities and you've also  
18 looked at the important interest between the Tri-Cities  
19 and Verde River communities, especially with regard to  
20 the explosive new growth and water issues.

21 As you know, we joined with the Commission  
22 when the original map was challenged in court. And when  
23 you revised that map 2002 we remained with you as a  
24 defendant, an intervener. We argued to the court the  
25 work you had done with your last map is something the

1 court needed to give deference to, and we understand that  
2 those issues will be resolved on appeal and look forward  
3 to those issues being resolved. We know you are in a  
4 difficult situation, trying to respond to the court, and  
5 appreciate that.

6                   The map you are currently working on is  
7 continuing to protect communities of interest, trying to  
8 balance many things, and you've done all you can to  
9 balance those things. We encourage you to do so, doing  
10 so to retain, if you will, that important community of  
11 interest between the Tri-Cities and Verde River  
12 communities. We thank you again and wish you well.

13                   CHAIRMAN LYNN: Thank you, Mr. Leglar.

14                   Next speaker, Matt Ryan, Chairman for the  
15 Coconino Board of Supervisors.

16                   Yeah, there is Mr. Ryan.

17                   MR. RYAN: Mr. Chairman, Commissioners,  
18 quickly, for your sake, thank you for the opportunity.  
19 Also, thank you for giving us consideration. And I won't  
20 reiterate the point in Coconino County we do acknowledge  
21 we would be split. We appreciate you giving  
22 consideration of two of our primary populations,  
23 communities of like interest. One would be our Native  
24 American populations, hoping to remain intact. And your  
25 recommendations still retain that ability. Also, the

1 Flagstaff metropolitan planning organization, again, is  
2 one of our larger communities of like interest. Again,  
3 that was acknowledged or has been, so far. So appreciate  
4 that you have given that consideration. We have still  
5 been fractured in our county. Every county will get or  
6 have that happen to them as well. So thank you very  
7 much. I'll keep it nice and simple. I'll defer to later  
8 if there will be any questions.

9 CHAIRMAN LYNN: Thank you, Mr. Ryan.

10 Next speaker, Alvin Evans representing the  
11 Shilo Epistolic church.

12 Ms. Evans.

13 MS. EVANS: I was sent here by my church to  
14 represent District J, cut-off at 35th Avenue. Lorraine  
15 Newman already addressed that. I would not want to take  
16 up your time. We are in support of Mrs. Newman's  
17 concerns and have signed the petition that addresses  
18 those concerns.

19 CHAIRMAN LYNN: Thank you, Ms. Evans.

20 Next speaker, Jeff Groscost, representative  
21 in District 18.

22 Mr. Groscost.

23 MR. GROSCOST: Mr. Chairman, Members of the  
24 Commission, we appreciate your time and efforts. I  
25 understand we would not be back here if you had your way

1 and you would not be going through this. However, in  
2 taking a look at what has happened, members of the East  
3 Valley Legislative Districts Coalition have taken a look  
4 at what appears in District C, F, H, and X, that you  
5 began to do in an attempt to try and realize the  
6 interests charged to add competitiveness where possible.  
7 Unfortunately, it looks like at some point you came to  
8 the realization no matter how you slice and dice those  
9 districts, they'll probably look the same.  
10 Competitiveness, actually any demographic breakdown you  
11 get largely Anglo conservative upper demographic no  
12 matter how you slice it. In the end, you haven't changed  
13 the outside footprint of those districts. What you did  
14 on the interior of that footprint, you did have very  
15 dramatic footprints. In district X you had, under  
16 precleared maps, you had Gilbert all in one community of  
17 interest. And you had them all within district, which is  
18 what Maricopa Berman and the city council requested  
19 happened, giving them, they think, better ability to be  
20 represented by containing them all within one district.  
21 Under this cut you actually take the southern cut of  
22 Gilbert and a little piece on the west and cut it out of  
23 Gilbert.

24 Maricopa Berman has submitted a map that  
25 takes care of that problem and puts them in another

1 district.

2                   Up in my district, District C, there is the  
3 main north-south line is Gilbert Road. And it always has  
4 been, through the last 30 years, as we've redistricted 30  
5 times, that's always been the dividing line. In a city  
6 like Mesa where really your communities of interest, in a  
7 large multi-district city that only has one school  
8 district, really the community of interests start  
9 revolving around high schools and feeder junior highs and  
10 high schools that are this.

11                   In your original maps your original maps  
12 was run under to, for the first time, you jogged east of  
13 Gilbert Road for District C, or what used to be District  
14 29 and now District 18, and we dealt with that. We went  
15 out and we reorganized and tried to reorganize and draw  
16 the people that were involved back into the process.

17                   Under the precleared maps you further  
18 pushed that line to the east, which we dealt with also,  
19 although I have to tell you that we saw a real apathy  
20 begin to evolve where people who had been involved  
21 started to say well, what district am I going to be in?  
22 Who am I going to be working for? Who are my  
23 legislators? Who do I call if I have a problem?

24                   The latest district on 23rd, rubber band  
25 that to Gilbert Road, and on the northern end of the

1 district, come over in District C, is sucked into the  
2 east side into what used to be District F. And on the  
3 south side it's pulled back in.

4 I guess the plea that we are making as the  
5 Legislative District Chairman in the East Valley of which  
6 you have all four of us today along with our Vice  
7 Chairman, is since it makes absolutely no difference for  
8 competitiveness, since it -- and I guess to illustrate  
9 that, prior to the first cut, I was actually in district  
10 X, which used to be old District 30 and the district  
11 Chairman. The lines were cut to where I was within a  
12 half block of the boundary, or District 18, District C,  
13 and I was elected district chairman.

14 Under the current map you cut me into  
15 District H, but you cut the chairman of District H,  
16 District C. You know what, we'd all end up as Chairman  
17 again.

18 It doesn't change the dynamics in the  
19 least. You take a lot of predominantly Anglo upper  
20 middle income acres south of the sidewalk from the  
21 predominantly Anglo upper middle class acre lots on the  
22 middle side.

23 What you do is cut Mesa High in half,  
24 Mountain View in half. You really do, whether that  
25 sounds important or not. You change the impact of the

1 community of interest.

2                   If you don't believe that's a community of  
3 interest, show up at America West Arena for the city  
4 championship. I doubt they'll end.

5                   I'd like all the chairman to stand up.  
6 Dirk Adams, now District H, Bill Norton, which is what is  
7 now district X, John Rutledge, which is now District F,  
8 and we won't be taking up any more time, but we would  
9 like to support Mayor Berman's maps, take the lines back  
10 to what you had as the precleared lines within the  
11 footprint. It doesn't change it outside of the  
12 footprint, at least. One change you have made, try to  
13 make the job easier, try to bring it within a half  
14 percent deviation, understanding the impact of having too  
15 large a deviation. To do that you'll see we cut corners  
16 and tried not to be, tried to take a natural, I guess,  
17 inclusion of areas as opposed to going out and being too  
18 adventuresome.

19                   Round some corners up and squared some  
20 corners. If there are any questions, I'm happy to answer  
21 them if any of your colleagues want me to.

22                   CHAIRMAN LYNN: Do you want to ask any  
23 questions about Mayor Berman's map?

24                   MR. GROSCOST: Sorry. To resubmit, we were  
25 told it was. If you haven't seen it, I'll have it

1 re-e-mailed over.

2 CHAIRMAN LYNN: I want to be sure

3 Mr. Johnson has seen it.

4 MR. JOHNSON: Yes, I have. It will be in  
5 my presentation.

6 CHAIRMAN LYNN: I'd appreciate having the  
7 other gentleman here and the efficiency of your  
8 testimony. Appreciate that.

9 MR. GROSCOPT: I've sat on your side of the  
10 microphone often enough to understand that becomes an  
11 issue.

12 CHAIRMAN LYNN: Next speaker, Oscar  
13 Tillman, NAACP.

14 Mr. Tillman.

15 REVERAND TILLMAN: I'll not take up your  
16 time, either. The fact is today I'm here to support  
17 Ms. Newman and the Coalition which I am a member of, and  
18 that is the fact I know you can't look at the incumbents  
19 but in our community we have to look at the incumbents  
20 and have to really be cognizant of the fact. As  
21 Dr. Brooks said, I grew up North Carolina in the forties  
22 and fifties, know what redistricting gerrymandering can  
23 do, and what have you.

24 I'm here to support Ms. Newman and the fact  
25 we may be small in numbers, African Americans numbers,

1 but please do not deny us our voice.

2 CHAIRMAN LYNN: Thank you, Mr. Tillman.

3 Cloves Campbell.

4 Mr. Campbell, good morning.

5 MR. CAMPBELL: Good morning, Commissioner,  
6 and group.

7 I'll say the same thing, not take up a lot  
8 of time. I do support Ms. Newman's efforts and  
9 organization.

10 I've been a voter, registered voter in the  
11 same district all my life, the last 40 some odd years. I  
12 do appreciate the fact you guys are taking a lot of time  
13 out of your own personal time to do these things. I want  
14 to make it clear you do not enjoy continuing to see the  
15 district reshaped even though it's necessary. It has to  
16 be done. We want to make sure, like the Reverend said,  
17 we do have a voice in the State Legislature with this  
18 redistricting program. It kind of cuts us out. Again,  
19 we do support Ms. Newman and thank you for your time.

20 CHAIRMAN LYNN: Thank you, Mr. Campbell.

21 Again, I apologize. I believe it's Robert  
22 Landrum. Is that accurate? It could be Landro? I know  
23 it's Robert. L A N D R A M or maybe N.

24 Well, I'll ask it again in a bit.

25 Robert Boyd, Chairman of CFOSP.

1 Mr. Boyd, good morning.

2 MR. BOYD: Good morning to the  
3 Commissioners. Robert Boyd, Chairman of the Combined  
4 Fraternal Association of South Phoenix which represents  
5 several organizations, the American Legion, the VFW, West  
6 Buckeye Association, FS Post 55, 66, and I come to  
7 support, as Dr. Brooks said, Ms. Newman said, I come to  
8 support that plan.

9 I'm speaking on behalf of about 1,500  
10 members.

11 We do have other petitions going around.  
12 And by the time we finish with the petitions, you'll have  
13 some more within the next day, you'll probably have about  
14 another 2000 to support this redistricting, because I  
15 feel the same way as they have spoken earlier. I won't  
16 take up any more of your time. I just want to be here to  
17 support we do not need to go backwards, need to go  
18 forward.

19 Thank you very much.

20 CHAIRMAN LYNN: Thank you, Mr. Boyd.

21 Next speaker, W. Kent Foree. I hope that's  
22 close to correct.

23 MR. FOREE: Correct.

24 CHAIRMAN LYNN: Assistant City Attorney  
25 with Lake Havasu City.

1                   MR. FOREE: Good morning. Lake Havasu City  
2 has actively supported the work of Independent  
3 Redistricting, been independently passive supporter in  
4 the Superior Court action, fully supported the work taken  
5 by action including interpretations of the Constitutional  
6 provisions you're trying to comply with.

7                   At this point, though, we understand you  
8 are under the gun under a 45-day order in order to  
9 accomplish this. We're a little under the loop why it  
10 came about Lake Havasu City is being put into two  
11 districts, really impact the community to two  
12 communities. Which community somebody is living in, they  
13 don't know. Lake Havasu City they know. It's not clear  
14 to us exactly where the dividing line was chosen or why.  
15 Maybe Mr. Johnson, I can get with him later and determine  
16 that, but we want to voice our support previously taken  
17 by the Commission, encourage you to pursue the appeal I'm  
18 presuming you are going to, would like to examine any  
19 possibility of leaving Lake Havasu City as its own entity  
20 as opposed to dividing into two separate districts.

21                   CHAIRMAN LYNN: Thank you, Mr. Foree.  
22 We're happy to have you. During a break or when we have  
23 an opportunity, get with Mr. Johnson; he can give you  
24 details.

25                   MR. FOREE: He is the one to be talking to?

1                   CHAIRMAN LYNN: He is, to see exactly where  
2 the line is drawn.

3                   The issue of Lake Havasu was on the agenda  
4 and was talked about at the last meeting, but I, and  
5 others, share the concern you have.

6                   Number one, the appeal is being vigorously  
7 pursued. We're concerned about dividing communities like  
8 Lake Havasu and only will do so if there are no other  
9 alternatives.

10                  MR. FORNEE: That was our presumption.

11                  CHAIRMAN LYNN: Next speaker, Judith  
12 Harrison.

13                  Ms. Harrison, apparently representing  
14 herself.

15                  MS. HARRISON: I am here in representation  
16 of the African American Community, a concerned citizen.  
17 I'd like to say I'll not take you time. Dr. Brooks has  
18 articulated it very well, what the African American  
19 community and others that are concerned feel needs to be  
20 said at this time.

21                  I am prayful you consider the freedom and  
22 fairness of representation our Legislative government  
23 while you get up on the -- while you act upon the  
24 redistricting matter at hand.

25                  As a new citizen to this Phoenix area, and

1 to be a teacher of some of the students that live in the  
2 community that is going to be redistricted, I would like  
3 for you to consider that what you do now will have an  
4 impact on the young minds of the students in that area.  
5 And where we're standing today is where some of those  
6 same students are going to be standing.

7 I would like to feel when I believe all the  
8 considerations that have been stated here would be taken  
9 at hand, we do need representation. We have it. We'd  
10 like to keep it. Thank you very much.

11 CHAIRMAN LYNN: Thank you, Ms. Harrison,  
12 very much.

13 Next speaker, Michael Johnson,  
14 councilmember, City of Phoenix.

15 Councilmember Mr. Johnson.

16 MR. JOHNSON: Good morning. How are you.

17 CHAIRMAN LYNN: Good.

18 MR. JOHNSON: Mr. Chair, members of the  
19 committee, I do strongly support Ms. Newman's position.  
20 There are some issues and very, very deep concerns we  
21 have. I also represent a good portion of this district.  
22 And I'm also the only African American or only minority  
23 on the Phoenix Council, only one, minority in the State  
24 Legislative Office.

25 In the South Phoenix area we have, within

1 the last few years, had the opportunity to start to have  
2 some economic growth in the area, to have some economic  
3 stability brought into the area. It's a shame that as  
4 soon as the area starts to develop, we decide to split  
5 it.

6           The South Mountain community has been in  
7 their existence for a very long time. Not only has it  
8 been in their in existence, it's part of the history of  
9 our state. The South Mountain area is where a lot of  
10 minorities, African Americans, Hispanics, were first able  
11 to buy their homes at. This is the area we're talking  
12 about splitting, taking apart.

13           I think when we look at keeping an area  
14 together, we should look at keeping South Mountain all  
15 the way along, Van Buren going all the way down into  
16 Laveen together, it's always been one contiguous  
17 community, one community involved, that share the same  
18 issues, share some economic growth. New homes coming  
19 into the area, new development coming into the area,  
20 getting sit-down restaurants, seeing development coming  
21 along Baseline Road that now we decided to take this  
22 district or area we're looking at, area J all the way up  
23 to Thomas Road and as far east as I believe it's 62nd  
24 Street. I heard a question asked earlier, if we were to  
25 keep the South Mountain together, what area would we look

1 at taking out.

2                   We'd look at taking out the same area as  
3 we're putting in. That wasn't part of the South Mountain  
4 community. One part looking at Van Buren to Thomas Road,  
5 all the way over, I think it's 64th Street, almost going  
6 into, and may be part of Scottsdale, not Scottsdale, very  
7 close, you've taken our community, you've given us  
8 another part of the community, not a community of common  
9 interest, nor is it a community of minority  
10 representation. The African American community, we need  
11 to be able to have the philosophy that as our community  
12 grows, we're hoping our kids can come back, so our kids  
13 can come back and live near our parents, kids can come  
14 back and take part in the system of communicating and  
15 working within the community, come back. We're not  
16 trying to encourage them to move further on the outskirts  
17 or move in different parts.

18                   I want to strongly encourage you to keep  
19 the South Mountain community together, to the extent to  
20 51st, 59th Avenue, along the corridor there, have new  
21 development, new growth.

22                   I understand the figures with numbers. I  
23 don't know exactly what numbers are between the areas. I  
24 surely do understand that.

25                   It is extremely understood that we don't

1 split up a community that has been unified for so long  
2 when it's time for them to get economic growth, time to  
3 see our school system get better, starting to see tax  
4 dollars, stores get better, homes develop that were once  
5 vacant, beat-up fields in the community, growing,  
6 develop, the community get better. I beg you not split  
7 that, keep the South Mountain community one community and  
8 take that into consideration to the history of those in  
9 the community, let them be a part and part of a thriving  
10 community, let those little people forget that was a  
11 neglected community and now we have focus on it. Let's  
12 not split up, give it focus where needed and has always  
13 been.

14 CHAIRMAN LYNN: Thank you, Mr. Johnson.  
15 Appreciate it.

16 Next speaker, Mel Hannah, intergovernmental  
17 relations director, Greater Phoenix Urban League.

18 MR. HANNAH: Others have stated and  
19 commended you for your difficult task. I won't be long,

20 The Greater Phoenix Urban League did submit  
21 a letter giving their position. The Greater Phoenix  
22 Urban League, and the comments of Ms. Newman that shared  
23 this morning and eloquently stated by the Honorable  
24 Rev. Brooks minus the comments about the Legislature, you  
25 understand our comments are consistent with it.

1                   In regard to boundary adjustments, the  
2 preference, if the district could state the boundaries,  
3 recharged, our first preference without any doubt,  
4 acknowledging you do make some adjustments likely in  
5 terms of what Councilman Johnson spoke about, keep our  
6 community of interest intact, we support the 51st Avenue  
7 west boundary. If in fact you do then retract different  
8 areas, it was mentioned the northern part of it, northern  
9 part, that would be appropriate to do so.

10                   One comment, here, about the community of  
11 interest, economic vitality going up into Scottsdale. I  
12 suggest you consider really talking about community of  
13 interest. It's really community of political interest.  
14 We feel the boundary gives us the best political  
15 opportunity we so sorely deserve and think we should  
16 have.

17                   Thank you, Mr. Chairman.

18                   CHAIRMAN LYNN: Next speaker, Bishop Henry  
19 Barnwell.

20                   Bishop Barnwell, Pastor of the First New  
21 Life Church.

22                   BISHOP BARNWELL: Good morning. How are  
23 you?

24                   CHAIRMAN LYNN: Very well, sir.

25                   BISHOP BARNWELL: I'll won't take much of

1 your time. I just want to go on record as reporting  
2 we're supporting Ms. Newman. I think she adequately  
3 voiced our minutes as a congregation in South Phoenix for  
4 37 years, and what Brother Tillman has said, and  
5 Mr. Johnson. I just want to go on record that we support  
6 what they have said.

7 I beg of you as a Commission to prayerfully  
8 consider what has been said.

9 Thank you very much.

10 CHAIRMAN LYNN: Thank you, sir.

11 The next speaker is Barbara Hein, Chairman  
12 of the Legislative District 26 representing Republicans  
13 of that district and representing, as she always does,  
14 herself.

15 Ms. Hein, good morning.

16 MS. HEIN: Morning, all of you. I'm  
17 tickled to be here.

18 CHAIRMAN LYNN: Pull that down.

19 MS. HEIN: I'm not tickled to be here. I  
20 mean that. I liked the maps of 2004 and I'm sorry we  
21 have to be here. However, I am concerned about the area  
22 of Pima County. And I am concerned more than just for  
23 the district of 26 which I represent.

24 When you look at that map, and then I  
25 compare it to the Phoenix map, I have to honestly admit

1 there's an awful lot more fingers going into the City of  
2 Tucson than is the map that you have in Phoenix, here,  
3 because it -- compactness is a base by which the maps in  
4 fact should be drawn. And I urge you to reconsider Pima  
5 County, because you are getting a lot of tentacles into  
6 the City of Tucson. It's tough dividing up the basis for  
7 unification. Tucson and Pima County have long had a  
8 history of not getting along, is what I guess I can  
9 kindly say. And to divide up the city a lot into many  
10 districts that allow them to have more fights in the City  
11 of Tucson does not hugely represent does not bother me a  
12 lot. It sets up a lot of animosity which would -- the  
13 reason you want concise compact districts you want people  
14 that our Legislative District represents to go to Phoenix  
15 here and make some kind of uniform basis of judgment. So  
16 it seems to me that is one of the things. One of my main  
17 concerns for V and W is that you have divided up, U and Y  
18 have split Casas Adobas as an area. And it has been this  
19 basic area of District 12, Map 26 has been not changed  
20 since 1972 when you had the one man one vote come in. So  
21 this area has been split.

22                   You added in 2004, you went up to Pinal  
23 County, picked up Saddlebrooke that went back in to three  
24 communities, Vistoso, ran up in Saddlebrooke. Areas  
25 changed, so you actually added some retired folks. But

1 what you've now done is split Casas Adobas, an area  
2 geographically together, split the AMPHI School District,  
3 and they did testify seriously about trying to get that  
4 school district in a whole. You've also done some --  
5 they are the only compact district I see is District T,  
6 or District 29. Those boundaries haven't moved at all.

7                   So congratulations, you've got one compact  
8 district you haven't messed with.

9                   One of the pieces that I am really  
10 concerned about is if you take the Catalina Foothills and  
11 one-half of Casas Adobas up in the northern part of the  
12 city, when you look at the city, go up the end of  
13 Campbell, and that's the north part of the city, not the  
14 far northwest but the far north part. Going from the  
15 Catalinas, why is going from Catalina Foothills out to  
16 Tanqua Rita -- out too far east, then you swing around,  
17 all the way down south to Green Valley, another  
18 retirement area, and then just miraculously, that March  
19 over and grab Sierra Vista in this group. You've gone  
20 across two mountains, three rivers, two counties,  
21 continuity and community of interest is an amazing thing  
22 and I don't know how you concluded that this is  
23 compatible district unless this was the end when you got  
24 all the compact district organized and the rest of the  
25 state and said: Well, we just sort of grab them all

1 together and stick them in there.

2 I'm really concerned. I know you've been  
3 around the state. I empathize with you a lot because  
4 I've been with you at Heber, Sierra Vista, Nogales, and  
5 three meetings at Tucson and one up here. So you have  
6 heard a lot of data. And I urge you to seriously in  
7 wrapping up, to make it much more succinct.

8 I'm sorry to take all this time. Please  
9 don't abdicate your appeal of the court decision. People  
10 are counting on you. They voted for this initiative.  
11 They are counting on you to represent Pima County as well  
12 as the rest of the state. So don't divide us up so far  
13 that we can be a community of interest and do pursue the  
14 appeal and I -- we do support the area 2004 maps, the one  
15 you had originally, because they at least changed us, but  
16 they gave us a chance to go in compact way which this map  
17 really didn't allow. I wish you well. Thanks for  
18 hearing me. Bye, bye.

19 CHAIRMAN LYNN: Thank you, Ms. Hein.

20 The next speaker, Mitch Strohman,  
21 government affairs manager of the Chamber of Commerce.

22 MR. STROHMAN: Commissioners, staff, I  
23 speak before you this morning. I'll keep my comments  
24 fairly brief in deference to a number of other speakers  
25 on the list.

1                   I want to first of all thank the  
2 Independent Redistricting Commission and its staff for  
3 its some 40 days of what must be intensely difficult and  
4 hard work and a number of hours that you have all  
5 undoubtedly put into this process. We certainly, as the  
6 Flagstaff Chamber of Commerce, recognize and thank you as  
7 the Commission and staff for your efforts over these past  
8 several days. And your job is not an easy one.

9                   We know no matter what maps you come up  
10 with they will not be satisfactory to everyone in the  
11 state which makes this a most difficult process for you  
12 and we appreciate and respect that.

13                   I want to thank the Redistricting  
14 Commission for respecting the Metropolitan Redistricting  
15 Organization or FMPO whole community of interest,  
16 something we asked to you do a few months ago. We're  
17 very appreciative and thank you for your recognition of  
18 the FMPO as a whole community of interest, hopefully to  
19 be placed as a whole community of interest.

20                   The Chamber of Commerce met last week,  
21 representing 1,100 members of the Community of Interest,  
22 and they voted unanimously with vigor to ask the IRC to  
23 continue in final to represent the FMPO as a single whole  
24 community of interest, to join other Flagstaff officials.  
25 We already heard from, including Mayor McDonald, Chairman

1 of the Board of Supervisors, Matt Ryan and others, also  
2 will hear from the Flagstaff area, to urge the Commission  
3 to retain the FMPO as a single entity within a single  
4 Legislative District.

5 Thank you, Commission, staff, Mr. Chairman,  
6 for your efforts and for this opportunity to speak with  
7 you this morning.

8 CHAIRMAN LYNN: Thank you, Mr. Strohman.

9 Let me again ask if Robert Landrum or  
10 Landrow is present.

11 If not, the last speaker slip I have for  
12 this call to the public is Arthur Mobley, president and  
13 CEO of Worldwide Radio, Incorporated.

14 Mr. Mobley, good morning.

15 MR. MOBLEY: Good morning, Mr. Chairman and  
16 Commission.

17 I appreciate the opportunity to speak  
18 before you today. And I, I have a question. But before  
19 I ask my question, there was a map put up that showed the  
20 most recent changes that you had made to particularly  
21 district, proposed District J.

22 CHAIRMAN LYNN: Mr. Johnson, we'll get that  
23 up for you.

24 MR. MOBLEY: Thank you. I'd like to see  
25 that as well.

1                   The last changes put into the maps and  
2 redrawing of the maps, were those conclusions based on  
3 your internal discussions and deliberations regarding  
4 populations in those areas or were they at the suggestion  
5 of outside groups?

6                   CHAIRMAN LYNN: Let me not answer those  
7 kind of specific questions at this point, Mr. Mobley,  
8 rather ask you to make a statement and ask you to observe  
9 the operation of the Commission as we go through and  
10 discuss not only the testimony we've heard this morning  
11 but all testimony received as part of this process.

12                   MR. MOBLEY: Okay. That's a fair  
13 assessment. I'll do that.

14                   My comment is this. I know that the reason  
15 for your process was, one, to create fairness. The  
16 Justice Department's concern about fairness, particularly  
17 in the areas of voting capabilities of minority groups,  
18 and if the proposed changes go forward, it would seem  
19 that you would defeat almost your own purpose and  
20 mandate. So I would hope as well that the  
21 recommendations of Ms. Newman's committee and some of the  
22 other articulated ideas be considered very seriously so  
23 that you become the representatives that all of us can  
24 say did an excellent job in deliberating and also  
25 reaching conclusions that the Justice Department was

1 hopeful that you would reach in the first place. So  
2 thanks a lot.

3 CHAIRMAN LYNN: Thank you, Mr. Mobley.

4 The next speaker, Leonard Gorman.

5 Mr. Gorman is a Legislative Representative of the Navajo  
6 Nation.

7 MR. GORMAN: Good morning, Members of the  
8 Commission.

9 There is very nice weather down here in the  
10 south.

11 I left this morning from Window Rock, very  
12 cold temperatures.

13 I have here with me another statement from  
14 the Navajo Nation that we'd like to have read into the  
15 record.

16 The Navajo Nation has been participating in  
17 these redistricting meetings for the past couple of years  
18 now and has expressed very strong concerns about its  
19 ability to participate in the Arizona political process.  
20 I want to make a comment about the proposed district AA  
21 which looks like the largest in geographic area proposed  
22 district in the State of Arizona. It goes across the  
23 entire northern part of the State of Arizona from the  
24 west to the east and east to the west. The Navajo Nation  
25 has a redistricting subcommittee of the Navajo Nation

1 Council and submits this statement, attached as Exhibit A  
2 to the resolution number SCRF-02-04, comments of the  
3 Navajo Nation to the Independent Redistricting Commission  
4 on the AIRC February 23rd test map and demographics in  
5 the 2004 redistricting of the Legislative Districts of  
6 February 27, 2003.

7                   The Navajo Nation appreciates the work of  
8 the Independent -- Arizona Independent Redistricting  
9 Commission. The Navajo Nation previously noted the  
10 requirement that district boundaries shall respect  
11 district boundaries to the extent practicable and  
12 recognize the Navajo Nation as a community of interest.  
13 The Commission must maintain the entire Navajo Nation  
14 within a Native American majority-minority district. The  
15 February 23 test map and demographics show that the  
16 Commission has developed a plan which maintains the  
17 entire nation within minority majority AA. The Navajo  
18 Nation map is concerned about native voting percentages.  
19 The Navajo Nation has stated the Commission must maintain  
20 the Navajo Nation in a district, a robust Navajo Native  
21 American voting population age in the Navajo Nation and  
22 not dilution of the Navajo Nation voting age population  
23 from at least the benchmark of 62.16 percent, established  
24 in 2002.

25                   The Navajo Nation asks that the Commission

1 consider that Native American voting age population not  
2 be reduced by eight percent in the 2002 redistricting.  
3 The Navajo Nation reserves its right to comment further  
4 on retrogression.

5 Legislative District AA is significantly  
6 different from District 2. It removes it from the  
7 Flagstaff community and has it in the Kingman community.  
8 These changes have not yet been reviewed by voting rights  
9 expert Mr. Langstrum. The Navajo Nation reserves the  
10 right to comment further once this review has occurred.  
11 The Navajo Nation thanks the Commission for public  
12 comment on the test map and demographics and would like  
13 to introduce its companion from the Navajo Nation also  
14 traveling and has represented Navajo Nation at these  
15 meetings, Mr. Aaron Mitchell, staff from the Office of  
16 the President of the Navajo Nation.

17 CHAIRMAN LYNN: Thank you, Mr. Gorman.

18 Next speaker, J. Michael Flourney, retired  
19 Judge from Coconino County.

20 JUDGE FLOURNEY: Commissioners, it's a  
21 pleasure to appear before you.

22 I just want to -- my concern is over your  
23 concern, dividing Lake Havasu City. I'm here just  
24 representing myself, but indirectly the Flagstaff  
25 community. It was a real disaster, as I've said before,

1 with the map of the 2002, the incorporated counties which  
2 were included in what is now AA. I'm not here to blame  
3 anyone, but someone was to blame. I'm not casting that  
4 on the Commission. I don't agree with the way, I'm not  
5 talking about the way the Legislative Districts of  
6 Phoenix and Tucson are, because I haven't studied those,  
7 the rest of the state I don't completely agree. I do  
8 think that as you have drawn BB and have allowed  
9 Flagstaff to be in with Bullhead City and most of Lake  
10 Havasu, that that is the best and the most reasonable and  
11 the fairest way that Flagstaff can be treated today.

12 I realize that there is an appeal and this  
13 can be reversed. I also realized the Honorable Ken  
14 Fields will receive a new recommendation shortly and rule  
15 on that.

16 In dealing with Prescott you would not have  
17 taken part of Prescott away at any time. Any of the  
18 Prescott subdivisions, and it shouldn't have been done in  
19 Flagstaff, there's City of Flagstaff, Flagstaff Kachina,  
20 Flagstaff Mountaineer, Flagstaff Forest, the Flagstaff  
21 Forest Heights, Flagstaff Baderville, all these areas.  
22 And they are all Flagstaff. They were deleted or taken  
23 away, during the last election. Under the present maps,  
24 our area is still deleted. We don't have, we don't have  
25 Sedona. We don't have Williams. We don't have Parks,

1 they are all in the Prescott area, Prescott district. We  
2 don't have Mormon Lake, Forest Lakes, other areas in the  
3 EACO district. That isn't right, but that can't be  
4 changed today. Maybe in the future.

5           The other areas in the so-called Verde  
6 Valley area are parts people go back and forth, people go  
7 back and forth to Flagstaff, but that can't be changed  
8 today.

9           Why do I say this? The reason I say this  
10 is you have sympathy for splitting up Lake Havasu. That  
11 sympathy, I don't have that sympathy. Nothing against  
12 Lake Havasu people, you have to look out after your own.  
13 Every time you take someone away from the present, as  
14 you've drawn BB, you are going to take away the chance to  
15 have someone from the Flagstaff area being a Senator or  
16 Representative. And one thing all these Flagstaff people  
17 have been trying to put forth is we want to have a chance  
18 to elect a Senator and a Representative. And if we don't  
19 have that chance, we'll be back in the same boat we were  
20 before. And all we want is that chance. Be fair to Lake  
21 Havasu. You should be fair to Lake Havasu, and I'm sure  
22 you will be. If you add more to Lake Havasu in, you will  
23 have to take someone out. When you take that out, you  
24 may cause us lack of a chance to elect a Senator or  
25 Representative.

1 I thank you for your time, your energies.  
2 You are all nice people. You've all done a wonderful  
3 job. Again, you are not being paid, as we went through  
4 before. Again, sometimes I've made the comment of blind  
5 Justice. I do think that, in this, that we don't need to  
6 go blindly along. We need to look at the facts and give  
7 Flagstaff in the area a chance to elect a senator or  
8 representative in this area.

9 CHAIRMAN LYNN: Thank you Mr. Flourney.  
10 Other members of public wish to be heard at  
11 this time?

12 Have you filled out a speaker flip, ma'am?

13 MS. HOLLINS: No, I didn't.

14 CHAIRMAN LYNN: I'd ask you to come  
15 forward, if you can, state your name for the record, if  
16 you would, please, and anyone you represent, and we'd be  
17 happy to hear from you:

18 THE REPORTER: Please spell your name.

19 MS. HOLLINS: Austra Lia Hollins.

20 I would just like to say, A U S T R A,  
21 L I A, H O L L I N S. I represent my community.

22 I would just like to say to the Chairman  
23 and to the Commission: We are just so grateful that you  
24 are here so we can be heard. But I, I'm so glad that we  
25 have good leaders. And we've already been represented

1 here very well. I'm very satisfied is what they were  
2 saying. Matter of fact I could just stand hearsay ditto.  
3 That would be satisfactory. I would like to say I  
4 appreciate Mrs. Newman and Reverend Brooks, all the  
5 people on our behalf. I'd like to thank you for  
6 listening to what we have to say.

7 CHAIRMAN LYNN: Mrs. Hollins, thank you  
8 very much.

9 Any other members of the public wish to be  
10 heard at this time?

11 If not, we'll conclude this portion of  
12 public comment with one exception. We have a written  
13 comment I would ask be made of the record submitted by  
14 Lisa Ann Thompson Nance, and I'll distribute copies of  
15 that written comment to Members of the Commission and to  
16 staff.

17 (Exhibit 36, Public Comment is written as  
18 if spoken:

19 "Comments on the February 23, 2004, Map, to  
20 be Submitted and Included in the Record as if Spoken or  
21 Read on March 2, 2004, in Public Comment, by Lisa Ann  
22 Thompson Nance, Citizen of Phoenix, Arizona, since 1964.

23 "March 1, 2004: Arizona Independent  
24 Redistricting Commission; 1400 West Washington, Suite  
25 B-10, Phoenix, Arizona, 85008 (sic) Note: correct zip is

1 85007).

2 "Re: Feb 23, 2004, Map, Public Comment,  
3 and West Plaza Neighborhood Association Community of  
4 Interest Contained in District L (sic) (Note: correct  
5 designation is K and will be thus noted from here on as  
6 was interlineated on Exhibit 36 on 3-1-04 at the end of  
7 the hearing.)

8 "Dear Chairman Lynn, Vice Chairman Andi  
9 Minkoff, Commissioner Huntwork, Commissioner Joshua Hall,  
10 and Commissioner Dan Elder:

11 "Thank you for the opportunity to submit  
12 comments to you in multiple forms so that all citizens of  
13 Arizona can give their feedback. It is sometimes  
14 difficult for everyone to come speak to you. I realized  
15 this would allow me a chance. Thank you.

16 "I would like to preface my remarks by  
17 saying that while I disagree with the forced process the  
18 Arizona Independent Redistricting Commission has been  
19 placed under, and I personally think plain reading of the  
20 Arizona Constitution, specifically as regards the  
21 language of Proposition 106, clearly has made the Arizona  
22 Independent Redistricting Commission a separate  
23 Legislative Branch of our Arizona Government which must  
24 be entitled to absolute autonomy in order to do the job  
25 it has been mandated by the people to do, which is to

1 independently redistrict the State of Arizona, as this is  
2 what the voters overwhelmingly voiced at the polls;  
3 however, since certain powers have not yet chosen to  
4 recognize that autonomy which you constitutionally  
5 possess, though I'm confident they will, as it is a clear  
6 statement that has been made by the people at the polls,  
7 our most sacred of institutions, I realize you have gone  
8 through this forced and compressed process and come up  
9 with a map that is our best effort. I must say that when  
10 this group puts its independent and frank minds together  
11 for a best effort, the results are the best that can be  
12 obtained anywhere by anyone. And while time would have  
13 been a prudent and thoughtful ingredient, I have been  
14 amazed at the diligence and effort and hours you have  
15 poured into producing the results you have.

16 "I am proud of the Independent Redistricting Commission  
17 in its volunteer efforts for the State of Arizona in  
18 having gone to the lengths and miles and days and nights  
19 it has to comply with Proposition 106 correctly and now  
20 with the court's order. Both were arduous tasks. I dare  
21 say the latter task was probably the most distasteful as  
22 it was not the process that you believed in, for it  
23 ignored what you heard from the people of Arizona when  
24 they spoke to you in shouts, in whispers, and through  
25 volumes and volumes from corner to corner across this

1 vast state and you all patiently listened in earnest to  
2 each and every citizen that wished to give you input in  
3 order to come up with your best efforts to find  
4 communities of interest, to hear their concerns, and to  
5 work together to make a map that was best for the State  
6 of Arizona, taking in its uniqueness in terms of  
7 geography, ethnicity, history, and all the other factors  
8 required by Proposition 106 to make a competitive map and  
9 thoughtful map that the Department of Justice precleared  
10 in a balanced fashion instead of under forced formulary  
11 in a hurried and stressed fashion and under protest.  
12 "That said, I applaud each and every one of you involved  
13 in the process. May one day get the recognition you  
14 deserve. May this Arizona Independent Redistricting  
15 Commission not be the last truly Independent Arizona  
16 Independent Redistricting Commission. Most importantly,  
17 and imperatively, may you get the needed self-funding for  
18 this Commission lest anyone every try to sway an  
19 Independent Redistricting Commission that is in charge of  
20 the political boundaries that affect every political line  
21 in this state by hamstringing its funding. I hope it  
22 happens quickly in your tenure. I hope it happens in my  
23 lifetime. May it certainly happen in my children's  
24 lifetime. If not, we'll be back to singing God Save the  
25 Queen.

1 "Back to the subject of the February 23rd Map. I have  
2 looked at my own district, District L (sic) (Note:  
3 correct designation is K and will be thus noted from here  
4 on as was interlineated on Exhibit 36 on 3-1-04 at the  
5 end of the hearing.) in the February 23 Map, and compared  
6 it to District 14 in the current map under stay, and I  
7 have to be honest and say that while I think the best  
8 work of the Commission was the map under stay, I prefer  
9 District K for my own personal reasons. I live in one of  
10 those Voting Rights Districts that were required to be  
11 fashioned pursuant to the Voting Rights Act due to the  
12 shameful acts of my forefathers and foremothers. If you  
13 look at the boundaries of District 14, there is no way  
14 anyone could possibly think I would not choose K over 14.  
15 It isn't precisely as I'd draw it; however, we can't all  
16 pull out our own box of crayons and draw maps or there  
17 would be a million coloring books and no maps.  
18 "I realize we are still under the scrutiny of Department  
19 of Justice. I think that day can come to an end soon. I  
20 believe we're above and beyond those days. I think we're  
21 to the point of being part of the white minority in  
22 Arizona in many parts of the state and have learned to  
23 get along cohesively. Shall I sing the song of  
24 friendship: Why Can't We All Just Get Along?  
25 "As for my family, I have a son, he's 16, my youngest;

1 and at the beginning of this process he attended a  
2 private school and it was 99.9% Anglo. All my other  
3 children went to the same private school. Through these  
4 past three years I have decided cultural diversity is  
5 something worth experiencing. He now attends public  
6 school. He also attends tutoring classes several hours  
7 a week that equal the cost of the private school  
8 tuition. Perhaps that says something for the funding of  
9 our public schools or it says something about my son.  
10 I'll say, since we have so many of the Legislature and  
11 Senate here, and I've seen his report cards over the  
12 years, it's more about funding of the public schools.  
13 However, at his public school, there is a mix that is 68%  
14 Hispanic, 16% African American, 8% Asian, I believe, and  
15 he is usually the only Anglo or at times finds himself in  
16 a class of 27 with at most 3 Anglo students. That shows  
17 the makeup of at least Alhambra High School. My nephew  
18 at Central High reports the same. I dare say Maryvale  
19 would be similar. My other nephew in Avondale reports a  
20 similar situation. So I don't find that it's necessarily  
21 always going to be the case that Department of Justice  
22 will have to scrutinize Arizona so closely.  
23 "My community of interest is where I live and work  
24 together with my neighbors to keep our little section of  
25 the world a better place. One can't save the world, but

1 you can watch out for your neighbors, have a website that  
2 posts relevant information for Legislative, community,  
3 city, recreational, school, and neighborhood affairs, put  
4 out a newsletter and mail it for those that don't use the  
5 internet, and hold meetings with speakers on topics of  
6 concern to the community of interest, be it political,  
7 safety, health related, whatever is needed, perhaps just  
8 something fun. Often it's serious, how to best lobby for  
9 dollars we hear are up for grabs and if we get it how our  
10 group wants to use it for the benefit of our community of  
11 interest. If that's not meeting the definitions of a  
12 community of interest, then I don't know what does. We  
13 aren't all the same color, but don't hold that against  
14 us. Socioeconomically we're all about the same. Our  
15 houses are about equal. We all have equivalent cars  
16 boats, toys. But that's not what we focus on. It's  
17 looking out for our kids, our home values, our issues as  
18 a group, actually each other. It's like a small  
19 microcosm in a large city, almost. We try to forget that  
20 Glendale is a strong grapefruit throw from my front door,  
21 that car dealerships line the northern boundary, that  
22 pawnshops and bars are popping up on the roads along 43rd  
23 Avenue on the Glendale side, that south of Bethany Home  
24 you get into rentals and closer to a lot of apartments  
25 that deal with a lot of gangs, and to the west are

1 subdivisions, which I just moved from by the way in 1994,  
2 that are about 30% cheaper, smaller, not as  
3 well-maintained, of poorer construction, and within which  
4 there is a lot of crime and no sense of bonding among the  
5 residents. I will provide you some written data to  
6 support the data on The West Plaza Neighborhood  
7 Association, but I will testify to you that is, indeed a  
8 cohesive community of interest, the geographical  
9 boundaries of which are Glendale Avenue to Bethany Home  
10 Road, 35th Avenue to 43rd Avenue. We are an unusual  
11 pocket of homes and a cohesive community of people  
12 working together.

13 "The homes in the West Plaza Neighborhood Association  
14 often have the original owner every couple houses still  
15 living in it. We have two parks in our little area and  
16 are proud of them. We have a neighborhood community  
17 center and after-school program for children and classes  
18 for adults that is run by the city, but we advertise to  
19 people that it is available. Our members hike the trails  
20 and walk the streets and say hello to each other and know  
21 the names of the people on our blocks to a high degree.  
22 The homes are valued for much more than those in the  
23 areas just outside the borders I described, relatively  
24 speaking for the type of homes they are. When you're  
25 talking about homes in the \$115,000 to \$135,00 range,

1 "much more" is very relative. There are not many rentals  
2 in the area. That is not the makeup of most of district  
3 K and it is definitely not the makeup of District 14.  
4 The background of the community of interest is diverse.  
5 Some are retired, many are, some are people of ethnic  
6 origin, and there are quite a few Anglo residents. Like  
7 America, it's a melting pot. But it's a cohesive melting  
8 pot that uniquely works together on issues to make our  
9 community better, aware, and strong. If there is a  
10 Legislative issue that needs attention, we have a website  
11 and a newsletter and we let everyone know. With a  
12 District like 14, how else could we have a prayer of  
13 hoping to be noticed? And I'm not the leader of the  
14 group. There are many that walk the streets and patrol  
15 the alleys and shout from the rooftops to be sure that  
16 people are diligent and alert to funding that becomes  
17 available and how we can get a slice of that pie if we  
18 act quickly and what we need to do to band together to  
19 make a proposal for it to improve something we care  
20 about. The West Plaza Neighborhood Association is a  
21 community of interest if ever there was one.  
22 "You may have had to work in such haste that you didn't  
23 get a chance to hear about it, this community of interest  
24 or consider it. But you are hearing it now. It would  
25 require no line changes. It would not alter anything you

1 have done. It would take an acknowledgement that you  
2 heard testimony, recognized it, realized that it had not  
3 come before you earlier, and if you wanted to, you could  
4 make a motion and acknowledge it. I personally think  
5 that the fact your process was rushed shouldn't mean you  
6 can't listen to the citizens that bring information  
7 before you and it doesn't matter if it doesn't make a  
8 difference because a line doesn't change. Maybe the  
9 next Commission will put great stock in the communities  
10 you have found and it will suddenly have a huge impact if  
11 the West Plaza Neighborhood Association is recognized or  
12 not. Perhaps recognizing my community of interest would  
13 distinguish my area from that of the Red Light District  
14 that is contained in District 14 that Sheriff Joe patrols  
15 on occasion and save the area from being strung down with  
16 51st Street and Van Buren again where we go unnoticed.

17

18 "I have lived in this city since 1964. I grew up in  
19 Maryvale. I know that area well. We insisted my mother  
20 move close to me in 1996 when the crime, drug problems,  
21 and blight were so severe that it was no longer pleasant  
22 or safe there. Though her home was lovely, it was  
23 embarrassing to take relatives from out of town through  
24 the graffiti and down the streets lined with cars like  
25 junk yards. When she realized the drug dealer were on

1 her street and those friendly men on the corner all the  
2 time were lookouts and dealers, she took her losses at a  
3 bad time to sell due to the Maryvale Cancer Cluster  
4 plunge that hit the market and ruined the area, though  
5 the papers kept it quiet that many other parts of the  
6 city were equally damaged by the pollution, and the  
7 Maryvale market suffered. Funny that the Scottsdale and  
8 other prestigious communities kept it very quiet that  
9 they had wells that were tainted at the same time from  
10 the same place. (Sound like I was involved in parts of  
11 that case?) Maryvale became the bargain of bargains and  
12 the gang influences and "barrio culture" as was described  
13 by another speaker a previous day took over where I grew  
14 up. No longer was I proud to say I was from Maryvale. I  
15 was glad to get my mother out and out safely. That area  
16 is not an area that has anything in common with the West  
17 Plaza Neighborhood Association except we are people, we  
18 have families, we live in Phoenix, and if you look at a  
19 group with a wide enough angle you can generalize most  
20 anything. I drive through sometimes still and see the  
21 old neighborhood. My best friend's mother retired from  
22 teaching there and her husband retired from the police  
23 force and they stayed in their home. He has a gun. Some  
24 of the residents are still there and have stuck it out.  
25 But it's not the area that John F. Long originally built.

1 I would describe it as anyone that was living in South  
2 Phoenix that wanted to be "Moving on Up," they thought of  
3 Maryvale as being a step up. That cancer cluster drove  
4 the prices down and residents up and so it was the  
5 perfect time for a northwestern sprawl to occur and those  
6 that wanted out of what they perceived as the problems in  
7 South Phoenix moved to Maryvale. The problem is that  
8 Maryvale was just geography. Poverty came with them.  
9 Reform didn't Magical solutions didn't. So a growing  
10 city has growing problems. And you get to carve the  
11 lines around them and define them. I'll tell you,  
12 Maryvale is a community of interest. Saying that it  
13 isn't as it's part of the Hispanic AUR in my humble  
14 opinion, with all due respect, takes a different spin on  
15 things. I realize it was not necessary for purposes of  
16 drawing a district. I do believe it is a community of  
17 interest as plain as the blight on the map of the city of  
18 Phoenix. Having lived and grown up and being a product  
19 of Maryvale, I think I have the right to call that as I  
20 see it. You get to define it as you choose or have  
21 chosen. I know lots of poor Anglos. I was considered a  
22 relatively lucky one. My mother was a teacher for a  
23 couple years. I watched that area of the State grow from  
24 being a one-building school to the largest school and  
25 fastest-growing school district at one time in the entire

1 State of Arizona. Triple schedules were considered.  
2 They couldn't build the schools fast enough. And yet I  
3 recall the day she entered her classroom with a paperback  
4 pictorial Spanish dictionary to try to communicate with  
5 the migrant students and the feed lots surrounded the  
6 playground and the cotton fields filled all the miles  
7 between 91s Avenue and our home, 63rd Avenue and Thomas.  
8 "Maryvale is a community of interest, anyone that lives  
9 from the boundaries of Glendale to the edges of 75th  
10 Avenue and McDowell over to 43rd Avenue up as far north  
11 as Camelback is in Maryvale. No man's land is Camelback  
12 to Bethany. I'd call that Phoenix. I think there's a  
13 golf course and some strip mall. I didn't intend to  
14 define Maryvale. I'm just pointing out that it is a  
15 community of interest that anyone that lives in Phoenix  
16 is aware of as acutely as Scottsdale. Many probably  
17 think it's a city. Certainly it's an area of blight and  
18 urban decay that desperately needs Legislative help to  
19 get infrastructure going before it falls off the map and  
20 people are afraid to cross it just as much as you don't  
21 want to walk down to 16th Street and Roeser in South  
22 Phoenix at 11:00 P.M. in a business suit on a Friday  
23 night or any night. Frankly, you don't want to walk or  
24 drive there by yourself for fear of being shot most  
25 nights. And I can say that because a relative of mine

1 was shot there while he walked to a Circle K at the age  
2 of 17. The violence in South Phoenix would curl your  
3 hair. My niece, who is half African American, has lived  
4 her life on the divide living with her mother, a lawyer,  
5 in the Historic part of Central Phoenix, and yet keeping  
6 ties with he father and his family in South Phoenix, a  
7 part of town where you can be a 50+-year-old man, sit on  
8 your porch reading your paper with dignity, have kids you  
9 remember since they were toddlers who are now gang  
10 leaders walk by, demand your shoes, you refuse to give  
11 them due to pride, and the next morning be found hung  
12 from the neighborhood basketball hoop by the neck, dead,  
13 with those shoes dangling from the wires nearby to prove  
14 the gang's point: Don't say no to us. This is a true  
15 story my niece relayed to me of a kid she knew from her  
16 visitation weekends with her father. She's now a Jr. at  
17 Hanover University in Indiana. She said that she asked  
18 his father how he was, having known him since they were  
19 both toddling down the street to the neighborhood BBQs,  
20 and asked what sort of remorse does he feel, this gang  
21 leader. The father reportedly shook his head and said,  
22 "Nicole, I don't know what went wrong. He wouldn't say  
23 nothing to his daddy. I went to see him, and he just sat  
24 and stared, said, 'Don't worry 'bout me. I'll be OK.  
25 Just get me 'nuf money for a color TV,'" and she sighed,

1 knowing he had been taken in by the helplessness too  
2 early and now knew he'd spend the rest of his life in  
3 prison, or most of it, and had to act as if he didn't  
4 care, even to his own father. And that is not unusual!  
5 Yet you have not defined South Mountain as a community of  
6 interest. I was at that meeting in South Mountain. I  
7 remember. Those mothers care about their children dying.  
8 Kids that live there think more of their funerals than  
9 graduations because they often have more reality for them  
10 as far as being something that will be a large, highly  
11 attended affair at which they are the center of  
12 attention.

13 "And I ask myself why, why could you not find these  
14 communities of interest? It's obviously because you were  
15 not allowed the proper time to use your methodology and  
16 were forced to use a formulary. People did not have the  
17 time to come in and tell you as they did last time. You  
18 were forced to rush. And it was not due to 18 days  
19 delay. I believe you when you say you started  
20 immediately I fully disagree that you wasted one moment  
21 that was available. I defy anyone to say that this  
22 Commission has wasted a viable moment and in fact believe  
23 the Arizona Independent Redistricting Commission has made  
24 Herculean efforts to meet the deadlines imposed, but it  
25 had to follow strict and confusing methodologies and

1    formularies and time limits and you couldn't listen to  
2    the people or allow everyone a comfortable neighborhood  
3    venue to come in and talk to you again and listen to them  
4    about communities as they were laid out per your newly  
5    defined definitions. The rules had changed and the sand  
6    of time was running out, so it was impossible.  
7    "So process has won out over people. For me it worked  
8    great. I like District K. And amazingly, this map is  
9    good. I've been working too hard to actually look at  
10   every inch of it. I think I'm blurry-eyed from staring  
11   at a monitor. I was lucky to take the time to look at my  
12   own district. I liked what I saw on the screens, though,  
13   during the meetings as I watched the process unfold.  
14   "So once again, I say you deserve the Thanks of a  
15   Grateful State. You deserve Medals of Honor for going  
16   above and Beyond what any volunteers should ever be  
17   expected to do. And I applaud you for what looks like  
18   meeting the deadline that seemed impossible. You have  
19   been gentlemen and ladies throughout this process.  
20   Though stress was significant, as it is in any difficult  
21   task, you always bonded together with dignity even after  
22   having a good, sound debate on an issue. Although  
23   Commissioner Minkoff had to miss a few meetings, I  
24   understand Commissioner Minoff checked in often from Asia  
25   while she was away. I'm sure she would have been proud

1 of you and I'm anxious to hear her views about all the  
2 competitive districts that resulted from your tireless  
3 efforts.

4 "I will stress, again, though this was done under  
5 protest, I think you have done well under the  
6 circumstances, especially the stress of the financial  
7 pressures while it is clearly known to all, I think, at  
8 least everyone that believes in Proposition 106, or who  
9 believes in the Constitution or that the people of  
10 Arizona have the right to express themselves and amend  
11 the Constitution and may not know the exact dollar signs  
12 to put in language attached thereto when factoring in  
13 litigation costs. They must know, those that have the  
14 power, that autonomy and the imperativeness to self-fund  
15 your office is essential, with oversight of the fiscal  
16 books, in order to carry out your responsibility and  
17 duties in order for an Independent Redistricting  
18 Commission to be Independent.

19 "I believe in the court system. I've worked with it and  
20 in it for 23 years. I feel that eventually this will be  
21 heard fully and sound reasoning will prevail and these  
22 thoughts I tried to express, though inartfully, will come  
23 through. One has to believe. It's our Constitution and  
24 the will of the people as expressed at the polls. The  
25 will of the people as expressed at the polls in amending

1 the Constitution cannot nor should it be overturned by  
2 anyone but the people. Supreme justice and sound  
3 reasoning with clear and concise thought and explanation  
4 of the issues to let all the people of Arizona understand  
5 their rights I feel sure will ultimately be heard and  
6 given. The people deserve no less.

7 "Once again, I thank you for giving me this opportunity  
8 to address you.

9 "Respectfully Submitted, Lisa Ann Thompson Nance, 4232  
10 West McLellan Boulevard, Phoenix, Arizona 85019-1230."

11 CHAIRMAN LYNN: Ladies and gentlemen, we've  
12 heard written comment for almost an hour and a half. As  
13 is custom, we'll take a break about every hour and a  
14 half.

15 I'll say for purposes, in terms of  
16 planning, I'm anticipating the Commission may very well  
17 have an Executive Session following the break. In order  
18 to clarify that, let me ask my fellow Commissioners if  
19 there is in fact a motion for Executive Session.

20 COMMISSIONER HALL: So moved.

21 CHAIRMAN LYNN: Discussion on the motion?

22 COMMISSIONER MINKOFF: Second.

23 CHAIRMAN LYNN: Pursuant to A.R.S.

24 38-431.03(A)(3), 38-431.03(A)(4).

25 All those in favor, signify by saying

1 "Aye."

2 COMMISSIONER HALL: "Aye."

3 COMMISSIONER HUNTWORK: "Aye."

4 COMMISSIONER ELDER: "Aye."

5 COMMISSIONER MINKOFF: "Aye."

6 (Motion carries.)

7 CHAIRMAN LYNN: What we'll do, take a  
8 15-minute break, reconvene for Executive Session, and  
9 then, at the conclusion of Executive Session, open the  
10 doors and ask you all to rejoin us, if you would care to.  
11 Those who will be leaving us, we wish to thank you very,  
12 very much on behalf of my fellow Commissioners for your  
13 presence this morning and input. As you know, this  
14 Commission has, from day one, valued public comment as  
15 much as we value anything in this process. It is very  
16 important for you to know that your comments will not go  
17 unconsidered. We not be able to do everything for  
18 everyone. As you've heard there are some areas of the  
19 state simply because of population and other issues tend  
20 to conflict one with one another. We have to make  
21 choices. Please understand it is not because we don't  
22 wish to respect all of the comments we've heard. We will  
23 try to do the best we can for as many people as we are  
24 able.

25 With that said, we'll take a 15 minute

1 break and then reconvene in Executive Session.

2 (Recess taken.)

3 10:44.

4 (Whereupon, the Commission recessed  
5 open Public Session at 10:44 a.m. and  
6 convened in Executive Session until  
7 12:30 p.m. at which time a recess was taken  
8 and open Public Session reconvened at  
9 12:47 p.m.)

10 (Recess taken.)

11 CHAIRMAN LYNN: Back on the record.

12 All five Commissioners are present,  
13 consultants, legal counsel, and staff. Dr. McDonald is  
14 here.

15 What is the Commission's pleasure with  
16 respect to any additional testing that they may wish to  
17 order at this time?

18 Ms. Hauser.

19 MS. HAUSER: I just have a question for  
20 you. Did you not want to get the summary of public  
21 comment before --

22 CHAIRMAN LYNN: I'm sorry, my error.

23 We have received, over the last week, I  
24 guess that's the right appellation for the time period  
25 between our last meeting and this meeting, a significant

1 amount of public comment which has not come in through  
2 testimony in this fashion but has come in through other  
3 means and methods. And I believe Mr. Johnson has  
4 prepared a summary of that testimony. So we can make  
5 that a part of the record as well. From that we will  
6 proceed as follows.

7 I apologize. I intended to do that this  
8 morning.

9 Mr. Johnson.

10 Ms. Minkoff.

11 COMMISSIONER MINKOFF: Before Mr. Johnson  
12 begins, is there written backup?

13 CHAIRMAN LYNN: The three-quarters of an  
14 inch packet we all were faxed.

15 COMMISSIONER MINKOFF: Wait. Some of it I  
16 brought.

17 CHAIRMAN LYNN: I'm happy to have you  
18 browse through mine.

19 COMMISSIONER HALL: I have 10 megabites on  
20 mine.

21 COMMISSIONER MINKOFF: I'm not sure I got  
22 that. My fax stopped working.

23 MR. JOHNSON: Mr. Chairman, Members of the  
24 Commission, as of late last night, e-mails and faxes have  
25 kept coming in today, as of late last night, going

1 through and summarizing -- counting all e-mails, faxes,  
2 letters by the office over the last week. 62 of the 152  
3 comments that came in just expressed general support for  
4 the 2000 plan as adopted by Commission asked no changes  
5 to the plan. Mostly they referred to the 2004 map with  
6 respect communities of interest and we should keep it  
7 that way.

8 41 comments opposed the changes, opposed  
9 any changes in East Valley from the 2004 plan adopted by  
10 this Commission. Three comments opposed division of  
11 Mohave County as shown. Five oppose changes shown in the  
12 test map, Tucson area, and asked Casas Adobas united in  
13 2004, District 26, with the surrounding community. Five  
14 also opposed changes in Tucson area more specific to the  
15 area around Vail and Vail School District, disagreed U  
16 wrapped around Central Tucson, Rita Ranch area. One, put  
17 quote, he "Opposed plan number three unsubtle,  
18 noncontiguous, incompatible units" and asked the IRC to  
19 start over. One supports the February 23 test plan in  
20 general without geographic area. Three comments in  
21 addition to ones this morning, not all public outrage.  
22 Three supporting J, adjustment change between Y and N. A  
23 Petition with roughly 90 names on it that wanted to keep  
24 the area between Southern, Broadway, 35th and 38th out --  
25 in Southwestern Phoenix district, in our map District N,

1 not into Southwestern District J, that adjustment, those  
2 border each other, do not overlap, not conflicting with  
3 each other.

4 31 e-mails, faxes, letters, supporting  
5 unification N, P, O and placement of BB.

6 We also received some maps from the  
7 public --

8 CHAIRMAN LYNN: Mr. Johnson, let's find  
9 that cellphone and turn it off if we can, please.  
10 Somebody's cellphone is going off.

11 Terrific, thank you.

12 If you would, please, turn cellphones off.  
13 Put them on stun, or whatever, maybe that's more sense.

14 MR. JOHNSON: In terms of maps, actually  
15 proposals received for the Commission's consideration,  
16 adjustments in the East Valley, there were three  
17 suggested maps submitted for the Tucson area, J, an  
18 alternative map I just mentioned, and Maricopa County  
19 submitted essentially another layer of trap fixes to  
20 avoid essentially precinct traps, created Justice of  
21 Peace Districts and county supervisorial districts,  
22 asking us to make, don't remember the exact number, 20 so  
23 changes, some 20 so changes, some 100 or so people.

24 Those are maps we received at this point.

25 CHAIRMAN LYNN: Any other addition to the

1 public record at this point we need to make before we  
2 move forward?

3 MR. JOHNSON: Would add more comments  
4 received today not included.

5 CHAIRMAN LYNN: Certainly.

6 Thank you, Mr. Johnson.

7 With respect to any additional testing the  
8 Commission may wish to order at this point.

9 Ms. Minkoff.

10 COMMISSIONER MINKOFF: Thank you,  
11 Mr. Chairman.

12 I was very impressed by the large number of  
13 people that came to our meeting today to talk about their  
14 concern about a -- current boundaries between District J  
15 and District N, and I would move that we ask Doug to run  
16 a test that examines the impact of making that change,  
17 essentially moving the boundary of District J further  
18 west, and any other shifts and changes that may be  
19 necessary to accommodate that.

20 CHAIRMAN LYNN: Is there a second?

21 COMMISSIONER ELDER: Second.

22 CHAIRMAN LYNN: Discussion on the motion.

23 Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Mr. Chairman, you  
25 know, I am really in favor of this motion, but I am very

1 concerned about how we are going about it. The issue in  
2 my mind is I think we have to recognize a community of  
3 interest before we can accommodate, before we can  
4 accommodate this request, as far as our process goes, the  
5 rules of engagement when we started this process.

6           You know, we have said that we're going to  
7 seek the goals of competitiveness, recognition of  
8 communities of interest, and so on. And right now, I  
9 think this is -- I was advocating the recognition of, you  
10 know, a number of additional communities of interest,  
11 particularly within the Phoenix Metropolitan area, all of  
12 which were voted down by the Commission. Right now I'm  
13 concerned that under the rules of engagement we have, we  
14 may not have a basis for taking this action. So what I  
15 would like to do is recognize the existence of an African  
16 American community of interest and then seek to adjust  
17 the map in order to protect that community rather than  
18 just doing it, what would appear to be randomly. I know  
19 it's not, based on the rules of engagement we have, I'm  
20 having trouble rationalizing this.

21           CHAIRMAN LYNN: Further discussion on the  
22 motion.

23           COMMISSIONER MINKOFF: Yes, Mr. Chairman.

24           Even though all the speakers asked us to  
25 consider this change were members of the African American

1 community, what I heard was recognition of a South  
2 Mountain community of interest they wished to have  
3 represented.

4 I understand what you are saying,  
5 Commissioner Huntwork. I'm wondering if that may be a  
6 more effective way to look at the community of interest  
7 we're trying to address in this proposed shift.

8 CHAIRMAN LYNN: I'd like to weigh in as  
9 well.

10 Mr. Hall.

11 COMMISSIONER HALL: Go ahead.

12 CHAIRMAN LYNN: What I heard this morning,  
13 and maybe I heard it differently, but I heard a voting  
14 rights issue being raised. I heard an issue of  
15 representation being raised. I heard that issue being  
16 raised outside what I would consider our traditional  
17 community of interest representation but rather a group  
18 of people, their voice certainly does need to be heard.  
19 They have a tradition and history of having that voice  
20 being heard, a district somewhat different than the one  
21 we currently have. I don't think it particularly  
22 necessary is to go beyond where we are in terms of  
23 recognition of communities. I think it's clear that  
24 there are impingements on what we would consider to be  
25 compliance with Voting Rights Act of federal election law

1 that are certainly at our disposal and certainly  
2 something we are supposed to be sensitive to.

3 I would take the comments in that context  
4 most specifically.

5 Mr. Hall.

6 COMMISSIONER HALL: Call the question.

7 CHAIRMAN LYNN: The question has been  
8 called for.

9 Is there further discussion?

10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Well, I just wanted  
12 to respond to Ms. Minkoff that I had previously proposed  
13 recognition of the South Mountain community of interest,  
14 per se, and the Commission had voted it down or failed to  
15 vote in favor of it. I wasn't sure at least procedurally  
16 if I could introduce that or if you could, because you  
17 weren't here. We had not voted on an African American  
18 community of interest. It was a new motion you and I  
19 could make and second if it came to that.

20 CHAIRMAN LYNN: The question has been  
21 called for.

22 Further discussion on the motion.

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

25 COMMISSIONER ELDER: "Aye."

1 COMMISSIONER HALL: "Aye."  
2 COMMISSIONER HUNTWORK: "Aye."  
3 COMMISSIONER MINKOFF: "Aye."  
4 CHAIRMAN LYNN: Chair votes "Aye."  
5 Motion carries unanimously.  
6 COMMISSIONER MINKOFF: Because we're  
7 ordering the test, I would hope some of the people this  
8 morning, I hope some stay with us. I know it's a long  
9 day. When we get results of the test, your reactions to  
10 it would be helpful to us as Commissioners.  
11 CHAIRMAN LYNN: I second the suggestion.  
12 Not all of you need to be here. Certainly if you can  
13 select representatives with us for the long haul today,  
14 that would be helpful as we move forward.  
15 Are there other tests the Commission wishes  
16 to pursue at this point?  
17 Mr. Elder.  
18 COMMISSIONER ELDER: Mr. Chairman, fellow  
19 Commissioners, I'd like to take a second look, or third,  
20 fourth, whatever it may be now, in the Tucson area.  
21 We had the speaker and several, five, six  
22 other comments, concerning Casas Adobes. When I made the  
23 motion, shoot, forever ago, concerning the Foothills  
24 community of interest, which was passed, it included  
25 Casas Adobes. In the current configuration we split

1 Casas Adobes about fifty-fifty with the predominant  
2 configuration being necked around, the speaker described  
3 it as a tentacle going around the City of Tucson, the  
4 population of City of Tucson,

5 MR. RIVERA: It's up now if you want to  
6 point it out. Got you a little pointer --

7 COMMISSIONER ELDER: I don't know how to  
8 make it work.

9 COMMISSIONER HALL: It's high tech.

10 COMMISSIONER ELDER: The Casas Adobes area  
11 right down there, comes over almost to the freeway and  
12 stays over to the river. That's the area of Casas  
13 Adobes.

14 If there's a critical part to the Foothills  
15 district, as far as being split, Casas Adobes, probably  
16 it is. It is classified as a Census place, but they have  
17 been in litigation to incorporate for the last, I believe  
18 it's six years there. There tremendous animosity between  
19 the City of Tucson and the Casas Adobes population. With  
20 the amount of the population in that district being in  
21 the City of Tucson, the effective representation of the  
22 population being split fifty-fifty in Casas Adobes makes  
23 it almost impossible for them to survive or have  
24 representation in the Legislature.

25 With that said, I would like to request a

1 test be run that would unify Casas Adobes. And I  
2 understand that that will probably change the  
3 competitiveness of district whatever the yellow is up  
4 there.

5 CHAIRMAN LYNN: V.

6 COMMISSIONER ELDER: Yeah, the V district.  
7 And the only way I could see to replace that district if  
8 we came and split, left Casas Adobes with the V, then  
9 took the Democratic population in the City of Tucson and  
10 split the balance of the Foothills, possibly.

11 The other thing I would like to take a look  
12 at would be our original test B, I believe it was, where  
13 we had two fingers coming down into the City of Tucson,  
14 splitting Tucson into about four functional areas and see  
15 if that lends any benefit to us in this search to  
16 maintain Casas Adobes as whole.

17 CHAIRMAN LYNN: Is there a second to the  
18 motion?

19 COMMISSIONER HUNTWORK: Second.

20 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

21 Discussion on the motion?

22 COMMISSIONER HUNTWORK: Mr. Chairman.

23 CHAIRMAN LYNN: Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Well, my concern is  
25 I'm not sure the motion goes far enough. We created the

1 Foothills area. One of the key factors that united that  
2 area was that it consisted primarily of areas outside the  
3 boundaries of Tucson, all of which had been fighting  
4 incorporation. You know, splitting it in one place  
5 versus splitting it in another, we may be able to find a  
6 map that does less damage to the Foothills, but my  
7 question would be is there a map that does no damage or  
8 that where the damage would be insignificant?

9 I think implicit in your motion, Mr. Elder,  
10 is that you, our motion, I guess I should say, is that  
11 you want to keep two competitive districts in Tucson.  
12 And our thinking, if it was split, at least two, maybe  
13 three, the thinking is if that is split somewhere else,  
14 maybe we can accomplish that. I want to see that as well  
15 and be able to determine whether another split might be  
16 insignificant and still keep two districts. But I would  
17 also very much like to see what would happen and whether  
18 it's possible to have one competitive district in Tucson  
19 that does not split this community of interest.

20 So, you know, that's maybe a different  
21 motion.

22 Maybe you would amend your motion to  
23 include that possibility. I don't know whether you  
24 had --

25 CHAIRMAN LYNN: I think when Mr. Elder is

1 talking about looking at it, let's be clear all the ways  
2 we can look at it.

3 COMMISSIONER HUNTWORK: Yeah.

4 CHAIRMAN LYNN: Look at the map of February  
5 23, back to the previous map Mr. Johnson had on the  
6 screen before it, Competitive B2, back to the 2004 map  
7 which has districts that clearly respect those  
8 communities of interest, and there may be a number of  
9 other interim steps that may be looked at, each of which  
10 has its own effect such as competitiveness, communities  
11 of interest, and other competing goals of Proposition  
12 106.

13 I think, I take it the motion to include  
14 any or all of those for Mr. Johnson to sort of walk us  
15 through the options at some point with respect to how  
16 each one treats those issues and see which of them we  
17 might wish to pursue.

18 COMMISSIONER HUNTWORK: Yes. Fine with me.  
19 Absolutely.

20 CHAIRMAN LYNN: Ms. Minkoff.

21 COMMISSIONER MINKOFF: Mr. Chairman, I'm  
22 interested in looking at that Competitive B plan I had  
23 not seen before. The rest of you have. I understand it  
24 has an additional competitive district.

25 COMMISSIONER HALL: On the screen.

1                   If we're going to be making changes, I'm  
2 concerned about reducing competitive districts below what  
3 we have now. Frankly I'm much more interested in a plan  
4 that maintains or increases them, and looking at the way  
5 the Foothills move across the map, and also the natural  
6 barrier of the I-10 freeway. I'm not sure if there is a  
7 way to draw a map that doesn't split the Foothills in  
8 some way. As Mr. Elder said, he's concerned not that the  
9 Foothills are split but the way in which they are split.  
10 If you have 120,000 people running across the Northern  
11 boundary of Tucson, all the way over to the freeway, I  
12 think we're going to end up with pretty ugly districts.  
13 If we try to get that intact large population north of it  
14 and try keep north of it, like to see options that keep  
15 Casas Adobes together and maintain a minimum of two  
16 competitive districts in the Tucson area. If more than  
17 that, that's even better.

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

20                   COMMISSIONER ELDER: Sure. That was my  
21 motion.

22                   Let me ask for a motion. On your narrative  
23 slide, you said there had been a plan, three perhaps  
24 submitted for the Tucson area. Do you have those,  
25 Mr. Johnson?

1                   COMMISSIONER MINKOFF: Yeah, in front of  
2 you.

3                   MR. JOHNSON: Yes. I have them. I haven't  
4 looked at them yet. Have them, yes.

5                   COMMISSIONER ELDER: Those plans submitted  
6 delivered this morning. Wanted to be sure got them on  
7 the record so if any of those plans appear to be of  
8 benefit in the process, that we at least take a look at  
9 those opportunities. My sense is, in looking at them,  
10 there's two of them I just don't see any hope for as far  
11 as contiguousness. I don't see a rationale for saying  
12 that it doesn't do, that I could say yes, this does  
13 significant detriment, and that to them. But I think  
14 that there is some options or some alternatives there  
15 that might provide for, you know, maintaining at least  
16 two if not going to a third competitive district in  
17 Tucson. So I guess my primary concern is I would like to  
18 keep, I feel that with the basis of the boundary  
19 delineated for the court battles of area of incorporation  
20 for Casas Adobes, the ongoing battle, what I feel is  
21 significant detriment, and battle significant  
22 representation, the other, if we have to split the  
23 Foothills district, or if we need to split it, to  
24 maintain the competitiveness aspect, then so be it in the  
25 eastern portions of the Foothills district. We have had

1 several instances where we have had competing communities  
2 of interest. We've had one up in the Chandler, Mesa area  
3 where we looked at, you know, a two-way split, three-way  
4 split, and we were able to justify that basis on Chandler  
5 being split, three ways not having effective  
6 representation was a reason four changing that map. I  
7 feel that same instance where we have the overlay of  
8 city, county municipal jurisdictional to the county,  
9 where we have a designated by the court order community  
10 of interest, where we have, you know, and I was, you  
11 know, looking at that we have a Census place. This is  
12 more a centrus place in Casas Adobes, something  
13 specifically defined, part of the fabric of the state  
14 from defined lawsuits, how a community for 20, 30 years  
15 has used those boundaries as a limit of encroachment from  
16 the surrounding municipalities. I can't state it any  
17 more strongly than that.

18 Thank you.

19 CHAIRMAN LYNN: Mr. Hall.

20 COMMISSIONER HALL: Mr. Chairman, I think  
21 it's important. I understand the intent of Mr. Elder's  
22 motion, and I think, I feel the perspective with respect  
23 to Casas Adobes, feel we step back a couple weeks of  
24 where we've been and where we're going. We started with  
25 a map that created as many competitive districts possible

1 in Tucson that created three competitive districts. The  
2 Commission adopted a definition of -- adopted a  
3 definition. The Commission constitution definition,  
4 definition of significant detriment. It dealt more  
5 favorably with that community of interest, still does  
6 divide it, maybe some, but still leaving two competitive  
7 districts.

8                   What I thought was the intent was favoring  
9 competitive districts without causing significant  
10 detriment to other goals, the other was community of  
11 interest. While I'm sympathetic to, and don't argue with  
12 the Casas Adobes concerns, and while I understand that  
13 they are a subpart, if you will, of an adopted community  
14 of interest, they, themselves, are not an adopted  
15 community of interest of this Commission. Therefore, I  
16 think our goal is to specifically define what, at what  
17 point, favoring competitiveness causes significant  
18 detriment to the larger community of interest which would  
19 be the Foothills, and not specifically to the Casas  
20 Adobes, which is a subpart of a adopted community of  
21 interest. I think it's important we continue through the  
22 process to favor competitiveness to insure that that is  
23 the, pursuant to the order that we are operating under,  
24 that that is the principle that is favored first before  
25 we consider significant detriment.

1                   CHAIRMAN LYNN: Mr. Huntwork and then  
2 Mr. Elder.

3                   COMMISSIONER HUNTWORK: Well, Mr. Chairman,  
4 I agree with Mr. Hall right up to the conclusion, but  
5 there are some additional factors. The main additional  
6 factor is that this map reduced the number of competitive  
7 factors from 322, but it didn't really reduce the impact  
8 on the Foothills community of interest. The number of  
9 people contained within it and the number of people split  
10 off from it is essentially the same as the three  
11 competitive district map that we rejected on the ground  
12 that it did significant detriment. There are  
13 approximately 30,000 people out and approximately 90,000  
14 people in, approximately, in both maps. Now one of the  
15 possible conclusions one might draw from that is that  
16 this map also does significant detriment to the Foothills  
17 community of interest. Another possible conclusion is  
18 that if the, you are going to do that much detriment  
19 anyway and there's no real difference between the two,  
20 then you should go with the three competitive district  
21 map and not to the district competitive map. The  
22 conclusion you should stop here and not go do any more  
23 looking, that's one conclusion you can't come to from  
24 this information.

25                   It seems to me at this point we need to

1 honestly ask the question is there a way to create  
2 districts that don't divide or divide to a substantially  
3 lesser extent the Foothills district and see what that  
4 is, whether two districts or one district. There is a  
5 way to make two competitive districts in Tucson if you  
6 are willing to change U and whatever the central district  
7 there is just on the east side. At least I think  
8 mathematically you can create one competitive district  
9 out of your willingness to mix those two populations  
10 together and without necessarily breaking up the  
11 Foothills area. So I just want to be clear.

12 I'm going to vote in favor of this motion  
13 if it includes looking at that possibility to see if it  
14 looks at that possibility or not and vote against it if  
15 it doesn't.

16 CHAIRMAN LYNN: My sense of the motion is  
17 certainly it includes looking at that.

18 COMMISSIONER ELDER: Mr. Chairman, several  
19 other factors presented on that first slide discuss  
20 comments from Vail School District saying they had been  
21 split. That whole area we looked at as a rural  
22 community, rural community of interest outside of urban  
23 outside of our definition. That's number one. Number  
24 two, Amphitheatre coming again, testimony on two  
25 occasions in previous two rounds before 202 maps occurred

1 in trying to maintain them in a contiguous and complete  
2 system. The map we have there now does not do that in  
3 either side, plus it does not provide for the community  
4 of interest, the Foothills, and we've been through that.

5 I would like to, I don't know whether,  
6 maybe I ask the question, Doug are you clear as to what  
7 you need to do, or do we need to try to rephrase it for  
8 you or --

9 MR. JOHNSON: Let me see if I have this  
10 right.

11 COMMISSIONER HALL: Feel free to say "no,"  
12 Doug. Nobody is clear, has to be clear.

13 MR. JOHNSON: What I understand, look at  
14 one test, unify Casas Adobes District V, the district to  
15 the north of it, trade the Tucson areas into Y, the  
16 Foothills District, then the second test, try not to  
17 split the Foothills at all, unify the entire Foothills,  
18 and also walk through essentially the 2004 plan. Each of  
19 the plans we've had the past couple weeks, in summary  
20 fashion, you've had those before you, and also look at  
21 the three plans that came in today for this area. Is  
22 that accurate?

23 CHAIRMAN LYNN: Yep.

24 Mr. Elder.

25 COMMISSIONER ELDER: Let me ask a plan of

1 my fellow Commissioners.

2 Looking at the three plans submitted this  
3 morning, do we need to look at all three of them?

4 CHAIRMAN LYNN: It's your motion,  
5 Mr. Elder.

6 COMMISSIONER HALL: I don't think we need  
7 to look at any of them.

8 COMMISSIONER HALL: My point.

9 CHAIRMAN LYNN: In a narrow down, happy to  
10 spare Mr. Johnson the work.

11 COMMISSIONER ELDER: My preference, from  
12 the way everything works together, map A has the best  
13 chance of providing all the goals I was looking for in  
14 the thing. I don't know we need to go through B and C.  
15 If somebody wants to look at B and C, include it in the  
16 motion.

17 COMMISSIONER MINKOFF: Just do it.

18 COMMISSIONER HALL: Well, by my counts  
19 we've asked for five maps back. If we reduce the last  
20 request to one, there are three results. Is my  
21 understanding correct?

22 My preference would be we make each a  
23 separate motion in the event that -- just -- I want to be  
24 very clear. Asking one, combine Casas Adobes, one  
25 combine Foothills, one, run tests, analyze the proposal,

1 map A summary?

2 COMMISSIONER ELDER: Map A or map B.

3 Asking --

4 COMMISSIONER MINKOFF: B. 3, 3 maps.

5 COMMISSIONER ELDER: Map A of the ones this  
6 morning.

7 COMMISSIONER MINKOFF: Yes.

8 COMMISSIONER HALL: I'm recommending you  
9 may want to segregate those. But it's up to you.

10 COMMISSIONER ELDER: I'll leave it as all  
11 three described.

12 CHAIRMAN LYNN: Further discussion on the  
13 motion.

14 COMMISSIONER HUNTWORK: Mr. Chairman, just  
15 very briefly, the map submitted this morning should all  
16 be looked at quickly at least just because we're trying  
17 to brainstorm about a different way to solve this  
18 problem. So to the extent they contain the germ of an  
19 idea, we ought to at least look at, as much an expert  
20 task as any task we set for our consultants. I wouldn't  
21 exclude any possibility they have a possibility to  
22 consider.

23 CHAIRMAN LYNN: However, Mr. Johnson, in  
24 your expertise, you may decide, looking at those maps as  
25 you're suggesting, one more than the others seems to fall

1 within the guidelines or direction the motion carries.

2 MR. JOHNSON: The motion, to the  
3 Commission, report on whatever you instruct me to check  
4 on, let you decide.

5 CHAIRMAN LYNN: Fine. We're not limiting  
6 the discovery with respect to the three maps.

7 Ms. Minkoff.

8 COMMISSIONER MINKOFF: Mr. Chairman, my  
9 question really concerns timing. We're obviously looking  
10 at a serious deadline that we have to meet. And so I  
11 would ask Mr. Johnson how much time it's going to add to  
12 run the two additional tests. Because it seems to me all  
13 three of these do essentially the same thing and one  
14 thing they do is reduce the number of competitive  
15 districts to one, which to me is a significant problem.  
16 At most one, haven't done JudgeIt or AQD. I'm looking at  
17 registration figures which we may not have more than one,  
18 may not have that. So I'd hate to have him spend a lot  
19 of time on something which to me may be dead in the  
20 water.

21 How much time does it take.

22 MR. JOHNSON: I've already imported the  
23 maps. That piece is done. Summarizing impact on  
24 Foothills will take a short amount of time. The biggest  
25 amount of time is running the JudgeIt test.

1                   Let me have Dr. McDonald talk about how  
2 long that takes per map.

3                   DR. McDONALD: JudgeIt per map takes  
4 approximately 30 minutes per each test.

5                   COMMISSIONER MINKOFF: Looks to me like the  
6 registration figures on each of the maps weren't far off.  
7 Registration figures, I suggest since JudgeIt -- pick one  
8 map, do JudgeIt. If it looks interesting, we're needing  
9 for doing another JudgeIt -- I hate to spend time that  
10 may we not need. Let's reduce competitiveness in the  
11 Tucson area. It's hard enough getting support, have a  
12 hard time with the rest of the Commissioners.

13                  DR. McDONALD: If I may, my sense of this,  
14 Mr. Johnson already has equivalency files, something  
15 close, ready to go. We can start these working  
16 immediately as soon as we break.

17                  The other work going on is probably going  
18 to take more than an hour.

19                  CHAIRMAN LYNN: Run it concurrent.

20                  COMMISSIONER MINKOFF: Okay.

21                  COMMISSIONER HUNTWORK: Mr. Chairman,  
22 really, three things.

23                  COMMISSIONER HUNTWORK: These maps, in my  
24 mind, are valuable to us in terms of thinking about what  
25 would happen if we tried to unify the Foothill districts,

1 what impact would that have on competitiveness of the  
2 map.

3                   The idea of our looking specifically at a  
4 map that, you know, is submitted by a partisan interest  
5 and viewing it as a test map of the Commission and  
6 running JudgeIt, and so on, is not what I had in mind.  
7 My idea is talking about a principled process here, or as  
8 close as we can come to it. The rules of engagement are  
9 forced upon us. Those rules are not only allowed to, but  
10 required to keep the Foothills community together to the  
11 extent practicable, and consider competitiveness to the  
12 extent it does not do significant detriment to it. We've  
13 already determined the split, have now significant  
14 detriment in effect in another context.

15                   I'm saying let's, you know, let's unite it  
16 and then honestly see what it does to competitiveness. I  
17 certainly want to consider the map submitted by third  
18 parties and then find, sure enough, it has an effect on  
19 competitiveness.

20                   It's not a productive use of time.

21                   CHAIRMAN LYNN: Mr. Hall.

22                   COMMISSIONER HALL: First of all, we  
23 already found a significant detriment to the current map.  
24 I don't think the Commission has found current detriment  
25 to Foothills on the current map.

1                   Second of all, the maps submitted made a  
2 representation relative to competitiveness and the  
3 representation is simply based on the representation  
4 figures we need to make a test if the representation  
5 figures are accurate.

6                   In light of the unification occurs in the  
7 maps, it's appropriate for us to go ahead and analyze  
8 them and determine the overall impact relative to all the  
9 goals.

10                   CHAIRMAN LYNN: Discussion on the motion.

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

13                   COMMISSIONER HUNTWORK: "Aye."

14                   COMMISSIONER MINKOFF: "Aye."

15                   COMMISSIONER ELDER: "Aye."

16                   CHAIRMAN LYNN: Chair says "Aye."

17                   (Commissioner Hall did not vote.)

18                   CHAIRMAN LYNN: Motion carries.

19                   Other tests the Commission would like to  
20 order?

21                   Mr. Huntwork?

22                   COMMISSIONER HUNTWORK: I'd like to go  
23 around the map. As we do that, I'd like to ask for  
24 clarification on specific places, at least in terms of  
25 the broad issues, comments we received. I don't want to

1 make any such motions outside of that context.

2 CHAIRMAN LYNN: In terms of going around  
3 the map, do you want time to review the map or commentary  
4 with that.

5 I'm trying to understand what you wish to  
6 have happen.

7 COMMISSIONER HUNTWORK: We sent consultants  
8 away equalizing populations, for example. I have no idea  
9 how that came out. I don't know how the split in Lake  
10 Havasu City came out once population deviations were  
11 taken into account. I think it is possible we'll see  
12 some of the things done questionable and have some ideas  
13 about them. I don't know when we will be able to take  
14 that into consideration if we don't do it now.

15 CHAIRMAN LYNN: Later today as we hear back  
16 from tests.

17 COMMISSIONER HUNTWORK: Okay.

18 CHAIRMAN LYNN: It may make more sense as  
19 we go through the testing we've ordered to determine if  
20 any of the tests are to be added to the map and look at  
21 the impact on that as opposed to trying to look at  
22 something that is still fluid and determine whether it's  
23 a final determination or not. May make more sense.  
24 Seems to me it does, have these tests run and then look  
25 at how they may or may not impact on the test we're

1 looking at.

2 COMMISSIONER HUNTWORK: If we have time to  
3 do that.

4 CHAIRMAN LYNN: As long as we can before  
5 midnight, before we all turn into pumpkins before our  
6 very eyes.

7 COMMISSIONER MINKOFF: As long as running  
8 tests, it seems to me everything we're testing now deals  
9 only with the Phoenix Metropolitan areas. Maybe it might  
10 be appropriate just to look at other parts of the state  
11 to see if anything else might want to be tested. These  
12 tests are not going to impact those districts.

13 CHAIRMAN LYNN: Mr. Hall.

14 COMMISSIONER HALL: We have looked at the  
15 other parts of the state for any solid detail. Frankly,  
16 I don't know any -- I'm not aware of any information Doug  
17 could convey to me that would somehow magically resolve  
18 conflicts that currently exist. And we've known of these  
19 for three solid years now. Respectfully, I think we need  
20 to move forward on current issues on the table, move  
21 forward as best we can.

22 COMMISSIONER MINKOFF: The only thing in  
23 Mr. Huntwork's issue, he would want to look at the impact  
24 of Lake Havasu City, a relatively small number of people.

25 CHAIRMAN LYNN: Mr. Johnson will report on

1 the split when we give him the opportunity to do that.  
2 Mr. Huntwork will not lose the opportunity to make other  
3 comments or requests at that time.

4 COMMISSIONER HUNTWORK: That's all I'm  
5 concerned about.

6 CHAIRMAN LYNN: You reserve that and I'm  
7 clear.

8 Other tests? Mr. Johnson, collectively,  
9 JudgeIt is running simultaneously, other map drawers are  
10 available to you, as we know they are, senior though they  
11 might be, experienced though they might be. How long do  
12 you surmise that the tests we've just ordered might take?

13 MR. RIVERA: 15 minutes?

14 COMMISSIONER MINKOFF: 20.

15 CHAIRMAN LYNN: I didn't ask for a legal  
16 opinion or comedy routine, either one.

17 Mr. Johnson.

18 MR. JOHNSON: Mr. Chairman, Commissioner  
19 Minkoff, you're looking at two-and-a-half hours JudgeIt  
20 time alone. As you say, much of this can overlap. We  
21 should be able to get this done in three hours.

22 COMMISSIONER HALL: Question: Would be it  
23 be possible to run the first question requested with  
24 respect to Tucson, and while -- in the meanwhile  
25 Dr. McDonald be doing the competitive analysis on those,

1 can he then do subsequent analysis other plans submitted  
2 while you come back and present the result of the first  
3 two tests and start into a presentation of population  
4 balancing? Or is that a viable option.

5 MR. JOHNSON: We can come back a little  
6 early. The first two tests have to be drawn so he can  
7 start JudgeIt on the ones submitted.

8 COMMISSIONER HALL: I see.

9 MR. JOHNSON: We can come back a little  
10 earlier than three hours and still be running one of the  
11 JudgeIt, but --

12 CHAIRMAN LYNN: I do have concerns if we  
13 break four three hours we are not going to get this done  
14 today. I don't know how to shorten that.

15 MR. JOHNSON: Mr. Chairman, if I might,  
16 during discussion, we took a look three Tucson maps, all  
17 three split Foothills into three pieces. I don't know if  
18 that is a concern. Help narrow down how many you want to  
19 look at. Maybe one approach.

20 COMMISSIONER HUNTWORK: Mr. Chairman --

21 CHAIRMAN LYNN: Mr. Huntwork.

22 COMMISSIONER HUNTWORK: That is what I was  
23 driving at.

24 Thank you, Doug, for pointing that out.

25 I don't know that that is something that we

1 can do. You know, we have -- we have several ideas on  
2 the table, all of which are directed specifically at the  
3 very limited number of things we can consider in this  
4 context. And with time being so short, an hour and a  
5 half of processing time sounds like an awful lot of time  
6 right now.

7 I'd be in favor of -- in favor of limiting  
8 it to the tests we are authorizing, the maps we are  
9 authorizing. They know how to look at a map quickly to  
10 see if it contains the germ of an idea helpful, trading  
11 population on the east side of Tucson, quickly decide  
12 that's what should be useful.

13 CHAIRMAN LYNN: To be clear, with the  
14 exception of maps submitted today, we ordered a test in  
15 Phoenix, which obviously needs to be created and run.  
16 Other maps deal with Tucson, Competitive B2, the other  
17 former maps we dealt with that keep Foothills intact, and  
18 then prior iterations all have been run. JudgeIt has  
19 been run on all of them. So the time consuming portion  
20 of this as I understand it, number one, is creating the  
21 test in Phoenix.

22 But if we weren't necessarily to consider  
23 the full JudgeIt impact of the three maps submitted,  
24 would that not cut your time significantly?

25 MR. JOHNSON: I'm sorry, clarify that

1 question.

2 COMMISSIONER ELDER: I'm lost.

3 CHAIRMAN LYNN: The work just ordered  
4 consists of the following: A Phoenix test which has to  
5 be created and then run in order to get a result, in  
6 other words, the changes that have been suggested in  
7 testimony has to be created first based on the testimony  
8 we've received and then run.

9 MR. JOHNSON: Actually the Coalition and  
10 group this morning have submitted a map of that, so  
11 that's fairly quick.

12 CHAIRMAN LYNN: In progress.

13 MR. JOHNSON: Yes.

14 CHAIRMAN LYNN: The second part of that is  
15 note whether or not that test has any bearing on  
16 competitiveness. My guess is it won't, that you we need  
17 to confirm that. The next thing we've asked for is with  
18 respect to Tucson. We've asked for two things. One is a  
19 review of various other maps we've already looked at and  
20 already have run JudgeIt against that have different  
21 features, keeping communities whole, splitting them in  
22 different ways, based on the evolution of those maps.  
23 Those shouldn't take any time either. The time consuming  
24 portion of the assignment, as I understand it, is dealing  
25 with the three maps that came in this morning relative to

1 Tucson.

2 Is that accurate or not?

3 MR. JOHNSON: That's accurate. It's those  
4 three maps, running JudgeIt on those, the too new maps  
5 requested, both of which I think can be done relatively  
6 quickly, also require JudgeIt. Right. That review is  
7 very quick to put together as well.

8 CHAIRMAN LYNN: To Mr. Huntwork's point  
9 about do we give -- the motion we did past would suggest  
10 all three maps be run and JudgeIt run on them. I don't  
11 think we have the luxury of that kind of time.

12 CHAIRMAN LYNN: Ms. Minkoff.

13 COMMISSIONER MINKOFF: Mr. Johnson just  
14 told us each of these maps splits the Foothills into  
15 three parts. The reason we started down road this in the  
16 first place is Mr. Elder raised concern about splitting  
17 the Foothills community.

18 COMMISSIONER ELDER: Casas Adobes.

19 COMMISSIONER MINKOFF: If this splits it  
20 further, why are we going down that road?

21 CHAIRMAN LYNN: Mr. Elder's concern was the  
22 area of Casas Adobes. These maps may address that issue,  
23 may in doing so cause other issues elsewhere.

24 Mr. Elder.

25 COMMISSIONER MINKOFF: Don't we have other

1 maps that unify Casas Adobes?

2                   CHAIRMAN LYNN: 2004 does that, as a matter  
3 of fact.

4                   COMMISSIONER ELDER: Mr. Chairman, things I  
5 considered in reading the judge's order say we shall  
6 consider competitiveness where it does no substantial  
7 harm.

8                   MS. HAUSER: Significant.

9                   COMMISSIONER ELDER: Within the judge's  
10 ruling, I guess I'll say, based on our definitions,  
11 communities of interest, but also 106. What I see or  
12 what I look at 106 for geographical boundaries, the edge  
13 on the east side of one of the Foothills patterns, or  
14 areas or districts, if you would, that there are no  
15 bridges, there are no -- not even pedestrian foot traffic  
16 for 14 miles from one side to the other side; don't have  
17 schools, have geographical boundaries. If, as an  
18 example, in the one I looked at, it's most compact, makes  
19 most sense from that standpoint of what was submitted,  
20 makes a competitive district, I feel I've got to favor  
21 that aspect over the balance of the Foothills community  
22 of interest. When I originally proposed boundaries for  
23 that Foothills district, as I said before, the community  
24 of interest, it was because it had an entirety of the  
25 community in it. Without Casas Adobes whole, I can't see

1 any benefit without splitting again, without going back  
2 to the original plan. That's sort of my thought on that.  
3 I wouldn't mind going back and looking at one or looking  
4 at, you know, this A as an idea where taking the City of  
5 Tucson and combining it with the Foothills district in an  
6 attempt to get a competitive district. If it needs to be  
7 massaged more to take out more Democrats in one area,  
8 more Republicans in another, that may be a trade I'm  
9 willing to make as one of the Commissioners saying as  
10 long as Casas Adobes, the majority of Foothills kept  
11 whole, yeah, 70 percent of Foothills in one district or  
12 whatever it turns out to be there, but to split it saying  
13 splits three ways, Catalina highway northeast is about  
14 30, 30,000, I believe, I believe, balance Foothills, plus  
15 Casas Adobes, makes sense, could split that off at the  
16 Sabino Creek, Bear Canyon geographical boundary. In any  
17 case, if Mr. Johnson would take a look at this as an idea  
18 that might have some validity and move the lines around,  
19 not just run this test, use that as a basis, an approach  
20 to one of these other maps, that would be satisfactory.  
21 Also, I just --

22 CHAIRMAN LYNN: That's Mr. Huntwork's  
23 point, germ of idea, rather than full testing, that  
24 clarification. How does that change your time frame?

25 MR. JOHNSON: Well, as I understood that

1 clarification, for us to do a third new map, now --

2                   You have a request already, unify Casas  
3 Adobes into V and Foothills into Y, and another request,  
4 Foothills entirely United.

5                   COMMISSIONER ELDER: Y?

6                   MR. JOHNSON: Y is most of the Foothills.

7                   COMMISSIONER MINKOFF: Not practical.

8                   CHAIRMAN LYNN: I ask the question most of  
9 Mr. Johnson, most specifically of Dr. McDonald. I'm of  
10 the opinion the resident is some part of the area we're  
11 talking about. My residence can be taken into account by  
12 myself. I can know where I live most of the time. I  
13 can't visit it very often because I'm doing this.

14                   The point is here in Tucson, unless you are  
15 prepared to take voters from the Foothills and match them  
16 with voters from the City of Tucson, recognizing that the  
17 south and west portions of the area are reserved for  
18 voting rights district issues, you simply cannot create  
19 competitive districts very easily, in fact you may not be  
20 able to create them at all. The more restrictions you  
21 put on which area needs to be kept harmless from that  
22 position, the more difficult it becomes.

23                   I guess the question here is can we take  
24 all of the information that we know, and by saying all of  
25 the information we know, all the maps we've created to

1 get to where we are, February 23rd, and review those to  
2 see which if any of them may provide an adequate solution  
3 to the dilemma that we find ourselves with, one trying to  
4 respect certain areas of Tucson, which a great case has  
5 been made they need to be held together if they possibly  
6 can be, and at the same time create competitive  
7 districts. Our charge under the court order.

8 All I'm asking for is review, not  
9 necessarily creation of a lot of new maps. We're looking  
10 at germs of ideas as they relate to maps currently in  
11 existence or maps that might be created. It does imply a  
12 new map, based on the configurations that have been  
13 submitted as suggestions to Mr. Huntwork's point.

14 There may be the germ of an idea you  
15 haven't thought of in that idea. I'm skeptical. There  
16 may be the germ of an idea you haven't thought have in  
17 that area contained in one or more of the new maps. To  
18 that end we'd have you look at it. I think that's all  
19 we're asking you to do in the motion.

20 Mr. Elder.

21 COMMISSIONER ELDER: I would feel that I  
22 would really like to see, from Mr. Johnson, the combining  
23 of that Casas Adobes with the -- and then seeing what the  
24 rotation of population around that had to be and knowing  
25 that area, it is going to make V, if you had been in the

1 current map competitive, it will take it out of  
2 competitiveness. I can't believe there's any way he can  
3 move things and not do that. But I also look at the  
4 proposal where I guess it's U, is it, that is Central  
5 City --

6 COMMISSIONER MINKOFF: No, T, Central City.

7 COMMISSIONER ELDER: No, this is Central  
8 City.

9 COMMISSIONER MINKOFF: Oh, okay.

10 COMMISSIONER ELDER: Could run into areas,  
11 grab Republican populations and trade that.

12 COMMISSIONER MINKOFF: Already is.

13 COMMISSIONER ELDER: And trade that for the  
14 V. So if that is what you were initially discussing --

15 COMMISSIONER MINKOFF: This is competitive  
16 already.

17 COMMISSIONER ELDER: Then that would be  
18 agreeable. But I would really like, if data files are in  
19 there, I would like a run on that.

20 MR. JOHNSON: Chairman, Commissioner  
21 Minkoff, I think this is competitive. District Y,  
22 wrapping around, my understanding of the motion, clarify  
23 if I'm misunderstanding this, unify Casas Adobes into V,  
24 and bring Y into Tucson, to pick up the area you have to  
25 take out.

1 COMMISSIONER MINKOFF: Uh-huh.

2 COMMISSIONER ELDER: Yeah.

3 COMMISSIONER HUNTWORK: Sure.

4 MR. JOHNSON: The other is U, pick up  
5 Tucson, Vail, Rita Ranch.

6 COMMISSIONER MINKOFF: Then no competitive  
7 districts in Tucson.

8 MR. JOHNSON: This may be faster than I  
9 thought.

10 CHAIRMAN LYNN: Cool. I'm All for that.

11 COMMISSIONER HUNTWORK: The thing is you  
12 would have to pick up Republicans in order to remain  
13 competitive.

14 MR. JOHNSON: End up with something similar  
15 to this, the 2004 plan.

16 COMMISSIONER ELDER: That's the 23rd --

17 MR. JOHNSON: -- plan line. The Catalina  
18 Foothills go into District 26, and Y picks up the whole  
19 east side of Rita Ranch. And JudgeIt, no competitive  
20 districts in this plan in Tucson.

21 COMMISSIONER HUNTWORK: Mr. Chairman, the  
22 point as somebody is pointing out, your point, you can't  
23 shift some population between the central population,  
24 District Y and possibly still come up with at least one  
25 competitive district. In fact, if talking about uniting

1 the Foothills, that would still be how you had to create  
2 a competitive district, you United the Foothills.

3 MR. JOHNSON: Yes, Mr. Chairman,  
4 Commissioner Huntwork, put Casas Adobes north of it, one  
5 north of it, totally separate, unite all the Foothills, a  
6 separate test.

7 COMMISSIONER MINKOFF: Uh-huh.

8 COMMISSIONER HUNTWORK: All the tests are  
9 intended to preserve as many competitive districts as  
10 possible. If you can do it, unite that area or unite the  
11 entire Foothills, keep two competitive districts. That's  
12 what we're supposed to do, or one. That's what we need  
13 to know as well so we balance these things. Subtext,  
14 make switches, maintain as many competitive districts as  
15 possible.

16 MR. JOHNSON: We go all the way back to  
17 2004, partially move all the partial Casas Adobes, leave  
18 them out. The more Casas Adobes in V, you might make it  
19 competitive. I don't know where that break will be in  
20 the Foothills area and Tucson area.

21 Does that address the question you are  
22 asking?

23 COMMISSIONER HUNTWORK: Sort of. You can't  
24 come around and switch population and Y.

25 What is the central district?

1 COMMISSIONER MINKOFF: U.

2 MS. LEONI: U.

3 COMMISSIONER HUNTWORK: You can't switch  
4 population in Y and U, create a competitive district.

5 COMMISSIONER MINKOFF: U is already  
6 competitive.

7 COMMISSIONER HUNTWORK: In the 2004 map,  
8 the black line.

9 COMMISSIONER MINKOFF: A Republican map,  
10 but --

11 CHAIRMAN LYNN: U, Democratic District 2 in  
12 the 2004 plan.

13 COMMISSIONER HUNTWORK: Democratic  
14 district.

15 MR. JOHNSON: That was the question  
16 earlier. Could Y pick up Democrats in Tucson. And the  
17 reason I brought this up, Commissioner Elder is saying  
18 he'd prefer not to say that.

19 COMMISSIONER MINKOFF: Uh-huh.

20 MR. JOHNSON: So Y loses area, has to pick  
21 up under the instruction on the east side of Rita Ranch,  
22 Republicans.

23 COMMISSIONER ELDER: Forget Y picking up  
24 that Northwestern part of Tucson. It is not unlike this  
25 test A where --

1 MR. JOHNSON: Right.

2 COMMISSIONER ELDER: 21 picks up northwest  
3 of Tucson.

4 COMMISSIONER MINKOFF: Northwest or  
5 northeast.

6 COMMISSIONER ELDER: Look at it.

7 If over 21, that river, I don't know  
8 whether you can have rivers on there. And Sabino, Bear  
9 Canyon, Tanque Verde Creek, the edges in the communities,  
10 not communities of interest, the Foothills, we're really  
11 the only one we're dealing with there. But again, we  
12 have split other communities of interest. If we have to  
13 do that to be able to do that with one more of the  
14 competitive districts. The only one we're really  
15 strongly willing to argue for is Casas Adobes.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I just want to make  
18 the point, if you do unite the Foothills, the only way to  
19 make population between U and Y, coming in from the east,  
20 you can't come in from the direction from the north and  
21 pick up that the western area of population, a  
22 compactness issue or something else, but -- I think the  
23 sense of the motion is you have to Friday as well,  
24 because that's what you would have to do to keep the  
25 Foothills intact, I think.

1                   MR. JOHNSON: Mr. Chairman, Commissioner  
2 Huntwork, I'd agree with that. The comments I've been  
3 making are only putting Casas Adobes to the north.

4                   CHAIRMAN LYNN: All right. Mr. Johnson,  
5 based on what you understand the assignment to be, let me  
6 ask again how long it will take you to do most of that  
7 work with the idea that JudgeIt may still be running as  
8 we begin to look at your work --

9                   COMMISSIONER ELDER: In Phoenix.

10                  CHAIRMAN LYNN: Coming back.

11                  MR. JOHNSON: Mr. Chairman, Members of the  
12 Commission, getting all the work in three hours  
13 estimating, two hours we can be back and report, get done  
14 with the report and be still waiting, wait at that point.

15                  CHAIRMAN LYNN: Well, not wishing to  
16 restrict you any more than is necessary, but  
17 understanding that we only have today, and today ends at  
18 11:59, but we only have today, I would ask you to try to  
19 be back in less than two hours. And to that end, 3:30.  
20 I'd like to break until 3:30 this afternoon, ask you to  
21 just run out of this room and get started, bring in  
22 intravenous food.

23                  COMMISSIONER ELDER: Florence will feed  
24 you.

25                  CHAIRMAN LYNN: Take a look at those and do

1 a trip around the state.

2 I'll take a look to my fellow Commissioners  
3 and fellow public, use approximately an hour and 45  
4 minutes to eat as much as you can for the long haul this  
5 evening, because it could be late.

6 Without objection, the Commission will  
7 stand in recess until 3:30.

8 (Recess taken.)

9 (Afternoon session.)

10 CHAIRMAN LYNN: The Commission will come to  
11 order.

12 For the record, all five Commissioners are  
13 present along with consultants, legal counsel, and staff.

14 Mr. Johnson, how was your hour, two hours,  
15 and whatever we gave you.

16 MR. JOHNSON: It was productive.

17 MR. RIVERA: Thank you. That's all we need  
18 from you.

19 MR. JOHNSON: Thank you. Good day.

20 COMMISSIONER HALL: I move we adjourn.

21 MR. JOHNSON: Moved through each of the  
22 tests requested. What we have now is a Power Point  
23 walking through each stage we've seen down in Tucson. I  
24 should note this is limited by the ones involved in  
25 voting rights concerned districts with the border

1 district from W and T not being changed, so this is  
2 within that realm.

3 So what I have for you is --

4 Adolfo, is there some way to dim the lights  
5 a bit?

6 -- a map of the area for each plan, and  
7 then the number of competitive districts by JudgeIt in  
8 that plan. If you have questions about details, we can  
9 pull any of that up, or questions about districts,  
10 JudgeIt scores, any of that, bring it through at the end.

11 To start with is the 2004 plan, which is,  
12 if I remember, has the JudgeIt competitive, I'm just  
13 counting in districts 28, or U, I'm sorry, 28 is the  
14 green one here, 26, is the other one, 30 which is the red  
15 one, correspond to U, V, Y, in the plans. Counts are  
16 among three districts, how many are competitive. Under  
17 JudgeIt, 2004 plan, none are competitive. You see the  
18 break in the Foothills, is roughly through the center of  
19 the Catalina Foothills, and then 28 does not come out to  
20 the east side and does not go up to the Foothills.

21 Moving onto -- in this process, after the  
22 Court rules, we started with the purely competitive maps.  
23 I haven't brought those back up, because they obviously  
24 split all through here, went to a voting rights adjusted  
25 map, from those purely competitiveness. The first one on

1 this that incorporated the G, W, T, looking at, in our  
2 current maps, VRA2, or voting rights A2. And in it, we  
3 still split through Catalina Foothills a little further  
4 west than we did in the 2004 plan, and again have no  
5 competitive districts by JudgeIt out of those three.  
6 Then the second step was to unify some communities focus  
7 community integration focused in that process on creating  
8 District U that is most of Catalina Foothills, Tanque  
9 Verde central Tucson, competitive Tucson, one competitive  
10 district out of those three. We then came back with  
11 Dr. McDonald, worked on competitive, this is the map you  
12 saw has week I guess it was, call community of interest  
13 Competitive B2, all three, U, V, N, Y are competitive.  
14 Again cutting through Catalina Foothills, Casas Adobes,  
15 western hills united, Tanque Verde, eastern portion  
16 Foothills united, as discussed last week, eastern portion  
17 of the Foothills united.

18 Last week, February 22nd test A, which  
19 actually in Tucson is identical to the test B map looked  
20 at on February 22nd, also, to February 22nd districts, U,  
21 in the southern half of the Foothills, roughly, and Y,  
22 which is the blue district on this map, it comes from the  
23 east into central Tucson.

24 We went --

25 CHAIRMAN LYNN: Mr. Johnson, in each case

1 does that eastern district go all the way to the Sierra  
2 district?

3 MR. JOHNSON: Yes.

4 CHAIRMAN LYNN: Thank you.

5 MR. JOHNSON: The February 23rd test. In  
6 which we have a competitive U and a competitive V, so the  
7 Rita Ranch to central Tucson district, little north of  
8 University up into the retirement community area, one you  
9 are looking at that divides Casas Adobes. This is very  
10 similar, the planning we're presenting later, it turns  
11 out the same as the previous map, competitive U and  
12 competitive V.

13 Now we get to a new test we're looking at,  
14 in essentially Casas Adobes District V, two of these.  
15 The first one we took Casas Adobes, united District V,  
16 23,000 people, simply traded that. Y gave up that area  
17 for Casas Adobes, picked up Tucson areas from V into  
18 District W. This ended up, neither V nor Y in this  
19 arrangement is competitive so keep unchanged District U  
20 as competitive. Other option discussed is bringing U up  
21 to pick up Tucson area called cause us District V version  
22 U. U remained competitive. Knowingly, intelligently,  
23 and voluntarily this comes up, go, picks up an area in  
24 Tucson. District V, all of Casas Adobes comes down into  
25 Tucson as well. And Y as mentioned goes down to Sierra

1 Vista, picks up southeastern Tucson, including Rita  
2 Ranch, not shown in the zoom-in. Rita Ranch, also,  
3 uniting the Foothills. In this plan, actually the three  
4 Foothills communities, Casas Adobes, Tanque Verde, Casas  
5 Verdes. Marana is the old split we saw last week and  
6 continues and an additional split on the east side.

7                   And actually this comes out with no  
8 competitive districts. The reason we kind of ended up  
9 this way is we put the Foothills with the retirement  
10 community and then District V had Marana, areas between  
11 Marana and the county line came down into Tucson.  
12 District V failed the compactness test. Took V around in  
13 Y until it passed the compactness test.

14                   Three plans submitted by the public, the  
15 versions I have are labeled Tucson, Tucson 1, Tucson 2.  
16 I think paper maps might be labeled A, B, C, I have to  
17 look. I don't know the comparison. One is labeled  
18 Tucson. It has, other than rough edges at the very  
19 corners, Tanque Verde united in one district. Catalina  
20 Foothills united another district. Casas Adobes is  
21 united with a bit of Catalina Foothills in a third  
22 district.

23                   In this plan, District 21 is competitive.  
24 Districts 22 and 25 are not.

25                   People that submitted them used numbers.

1 That's why the switch there.

2 Tucson 1, again we have District 21 which  
3 is competitive and the L shaped district you see.

4 Tucson 2, again, District 21 is  
5 competitive. I believe that's it.

6 Then to just quickly report, the J  
7 alternative, in Maricopa.

8 CHAIRMAN LYNN: Let's just stick with  
9 Tucson a moment. Don't get too confused here.

10 MR. JOHNSON: Summary walked through  
11 starting with 2004, and various planes have gone through  
12 this process, and three planes from the public.

13 CHAIRMAN LYNN: Ms. Minkoff.

14 COMMISSIONER HALL: Doug, you -- is this  
15 on? You've shown us a lot of plans. And I'm a little  
16 confused. Other than --

17 COMMISSIONER MINKOFF: Doug, you've shown  
18 us a plan. I'm confused. Other than February 23rd, you  
19 have two competitive tests. In other tests, all none or  
20 one?

21 MR. JOHNSON: There are others with two.  
22 So the February 22 test A, horizontal U across north  
23 Tucson and the Foothills.

24 COMMISSIONER MINKOFF: Unite or split it?

25 MR. JOHNSON: Unites Casas Adobes, splits

1 Catalina Foothills and Tanque Verde Foothills, and  
2 February 23rd, the clean-up is identical with February  
3 23rd. The rest are one or two. And then, of course, the  
4 earlier one, the community of interest, Competitive B2  
5 has three.

6 COMMISSIONER MINKOFF: Now, so we have B2,  
7 February 22nd, and February 23rd, and those each have two  
8 or in one case, three competitive districts in Tucson,  
9 correct?

10 COMMISSIONER MINKOFF: Yes, Doug.  
11 Others have one or none.

12 MR. JOHNSON: Yes.

13 COMMISSIONER MINKOFF: Thank you.

14 CHAIRMAN LYNN: Other questions or comments  
15 for Mr. Johnson?

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Well, of course.

18 Given, again, the very limited world we're  
19 living in right now, I'm very concerned about the  
20 splitting of the community of interest that we've  
21 defined.

22 And, Doug, what I understand you said was  
23 that there is no way to keep that community of interest,  
24 the Foothills community of interest is what we called it.  
25 You are saying that even if you spent more time on this,

1 you would not be able to find a way to keep that  
2 community of interest intact and still have even one  
3 competitive district in the Tucson area.

4 Is that, I mean is that correct or with  
5 more time could you do so? Is there another approach you  
6 didn't have time to really try?

7 MR. JOHNSON: Let me allow Dr. McDonald the  
8 pleasure of responding to that question.

9 DR. McDONALD: You are looking at the one  
10 map where we have a united Foothills. And we did very  
11 briefly look at extending District V further into  
12 District Y to mix those two up and create a competitive  
13 V. The problem is we're right up against a compactness  
14 issue on V. So when we try to do this, we lost  
15 compactness. It fell under .17 on the Polsby-Popper.

16 COMMISSIONER HUNTWORK: Which is V?

17 DR. McDONALD: V is the red district in the  
18 middle there. There could be other configurations.

19 COMMISSIONER HUNTWORK: Could be. It's  
20 really because of compactness you weren't able to do it.

21 As you move it down kind of to the  
22 southeast, doesn't -- isn't that high density population?

23 DR. McDONALD: Yes, it is.

24 COMMISSIONER HUNTWORK: Why wouldn't it  
25 have the effect of really making it more compact in that

1 it's taking areas very stretched out and have lower  
2 density, replacing them with areas very contiguous and  
3 have higher density?

4 DR. McDONALD: Simply trading U and Y,  
5 leaving this area untouched?

6 MR. JOHNSON: Y came around the south side  
7 of Foothills, staying in Tucson -- I'm sorry, V came  
8 along the south side of the Foothills into Tucson. To  
9 make that tradeoff, Y also has to come west into Tucson.

10 COMMISSIONER HUNTWORK: Okay. Bear with  
11 me.

12 MR. JOHNSON: Narrowing of the district.

13 COMMISSIONER HUNTWORK: Why trading between  
14 the two since you could rotate population among three?  
15 The goal was to keep the Foothills intact. You  
16 understand east of this map couldn't you have put  
17 additional population up into U from the blue district?

18 Mike, why didn't we try that? Move the red  
19 into blue on more of a vertical line instead of just --

20 DR. McDONALD: That's splitting the  
21 Foothills at that point.

22 COMMISSIONER HUNTWORK: It is? Blue  
23 doesn't split the Foothills. Now why would moving red  
24 into blue split the Foothills?

25 DR. McDONALD: That's what we were doing,

1 red into blue.

2 COMMISSIONER HUNTWORK: The vertical line,  
3 red of blue, red into blue and blue into U.

4 MR. JOHNSON: The big portion of blue is  
5 mountains. You wrap the blue District Y all the way  
6 around into Saddlebrooke and the retirement communities  
7 to get any population at all, and you'd end up somewhere  
8 in there splitting the retirement communities.

9 COMMISSIONER HUNTWORK: Isn't there a  
10 population, though, in --

11 The idea, that is in danger of flunking the  
12 compactness test, is that the red district?

13 MR. JOHNSON: Yes.

14 COMMISSIONER HUNTWORK: As you move it  
15 straight east, why can't you move the green area, move  
16 the blue area up into the green area? Just to --

17 MR. JOHNSON: This area?

18 COMMISSIONER HUNTWORK: No. Show me the  
19 outlines of the Foothills.

20 I believe that area right there is east of  
21 the Foothills but maybe that is the eastern extremity.

22 MR. JOHNSON: It's a little hard to show  
23 in -- actually --

24 COMMISSIONER MINKOFF: While looking at  
25 that, can I ask an additional question as it relates to

1 what Mr. Huntwork is trying to get, and that is when you  
2 do that, do you change competitiveness or are we still  
3 left with no competitive districts if you make the switch  
4 he's talking about?

5 MR. JOHNSON: Well, V is a Democratic  
6 district. If you move into a Republican area --

7 COMMISSIONER MINKOFF: I can't see letters,  
8 red, Democratic by JudgeIt. Needs to pick up Republican.

9 COMMISSIONER MINKOFF: That's not going to  
10 do it.

11 MR. JOHNSON: Need to move out to the east  
12 side of Tucson, the edge of the graphic, the edge of  
13 Tanque Verde. This obviously is forest out here. Come  
14 over the hills to get population.

15 COMMISSIONER HUNTWORK: Sure.

16 CHAIRMAN LYNN: Does that answer your  
17 question, Commissioner, or --

18 COMMISSIONER HUNTWORK: It may. Yeah.

19 CHAIRMAN LYNN: Mr. Hall.

20 COMMISSIONER HALL: Mr. Chairman, we're  
21 wrestling in this area as we have in the past between the  
22 goal of respecting communities of interest and the goal  
23 of favoring competitiveness. This has been a challenge  
24 throughout the process. In light of the fact, however,  
25 that we are here to comply with the order of the court, I

1 wonder if it would be appropriate maybe for our  
2 perspective to review a little language in the order  
3 relative to this specific subject.

4           The judge said the Commission failed to  
5 include dissimilar communities of interest to create  
6 heterogeneous and subsequently heterogeneous competitive  
7 districts. Rather the Commission establishes Legislative  
8 Districts in Phoenix and other areas of the state with  
9 the purpose of creating homogeneous districts which  
10 consequently are not competitive. The Commission did so  
11 even though the Commissioners acknowledged heterogeneous  
12 could be created or drawn, I think should be sie,  
13 necessary to favor competitiveness, are drawn that -- are  
14 drawn. If heterogeneous districts are drawn to create  
15 heterogeneous districts all over the state -- then  
16 continues and says, district boundaries shall respect  
17 communities of interest to the extent practicable. It  
18 does not say shall be construed self-described  
19 communities of interest nor state the Commission create  
20 homogeneous districts all like-minded yet distinct  
21 communities of interest in one district, rather respect  
22 distinct communities of interest attempting not to split  
23 boundaries of each community.

24           I think as we go through this exercise that  
25 language is relevant as we attempt to balance this, the

1 dichotomy often between competitiveness and communities  
2 of interest.

3 CHAIRMAN LYNN: Ms. Minkoff.

4 COMMISSIONER MINKOFF: I thank my fellow  
5 Commissioners for reminding us of the judge's order. I  
6 think it's something we need to consider very, very  
7 carefully. I am not comfortable with any redesign of the  
8 Tucson districts which reduces the competitiveness. It  
9 seems that we had three plans that either maintained or  
10 increased the competitiveness. I think B2 or B  
11 something, February 22nd and February 23rd, it's  
12 difficult for me to choose from among these plans because  
13 I'm not as familiar with Tucson and neighbors and various  
14 communities as Chairman Lynn and Commissioner Elder are,  
15 so I'd like some input from them. I'm frankly not  
16 willing to prepare any other options presented to us  
17 because of lack of competitive districts. So I'd like  
18 some insight from our two Pima County Commissioners as to  
19 what communities of interest are united and divided by  
20 these three options which would help me decide which one  
21 of them makes the most sense.

22 CHAIRMAN LYNN: Mr. Elder, I take your  
23 comments under advisement. Mr. Huntwork wishes to be  
24 recognized.

25 COMMISSIONER HUNTWORK: A couple thoughts.

1                   Number one, Andi, are you aware of the  
2 communities of interest we found in the Tucson area?

3                   COMMISSIONER MINKOFF: I read all the  
4 communities of interest yesterday. My poor brain wasn't  
5 able to firmly implant them. I don't remember all of  
6 them. Yes, I have gone through them.

7                   COMMISSIONER HUNTWORK: Helpful, is it  
8 possible on the maps to overlay communities of interest  
9 we found?

10                  MR. JOHNSON: Switch over to Maptitude, do  
11 it there.

12                  COMMISSIONER HALL: It doesn't have the new  
13 maps.

14                  CHAIRMAN LYNN: This is a Power Point  
15 presentation at the moment.

16                  COMMISSIONER HUNTWORK: I just want to go  
17 on to say, Commissioner Minkoff, that what we have really  
18 done, we have very little capacity to consider  
19 communities of interest that we haven't found. So what  
20 you are going to see are the communities of interest. I  
21 have commented somewhat bitterly numerous times during  
22 the last few weeks about what I consider to be the  
23 preposterous inability of this Commission to do the kind  
24 of fine-tuning that we did over a period of many months  
25 when we created the original maps looking at school

1 districts and neighbors. But all we have are these  
2 fairly micro communities of interest. There they are.  
3 There is the -- now you see Foothills community there.  
4 This, I think, we called retirement communities or  
5 something like that, barrio, and then --

6 CHAIRMAN LYNN: Voting rights interest.

7 COMMISSIONER HUNTWORK: The neighborhood  
8 area in the city --

9 MS. HAUSER: Broadway. It's tiny, tiny.

10 CHAIRMAN LYNN: The City of Tucson itself.  
11 Each city adopted a resolution. Every city is a City of  
12 interest. Tucson itself is a city of interest. That's  
13 it. Those are communities of interest.

14 COMMISSIONER MINKOFF: Commissioner Hall  
15 read the judge's statement by combining similar  
16 neighborhoods in districts. We created homogeneous  
17 districts and could not create competitive districts.  
18 And the community of interest we're dealing with right  
19 now is the Foothills community of interest, one that  
20 motivated all these tests,

21 COMMISSIONER HUNTWORK: Correct.

22 COMMISSIONER MINKOFF: The Foothills  
23 community of interest apparently is 120,000 people.  
24 Putting that entire community of interest in any single  
25 district will probably make it virtually impossible to

1 create a competitive district involving the Foothills.  
2 It seems to me that's what the Judge said we shouldn't  
3 do. When you put an area of hundred 20,000 people that  
4 is relatively similar in its demographic characteristics,  
5 it is not going to be competitive. It's going to be  
6 dominated by whatever demographics, politicals or  
7 otherwise, dominate that community of interest. That  
8 runs afoul of the judge's order.

9 CHAIRMAN LYNN: Mr. Huntwork.

10 COMMISSIONER HUNTWORK: Mr. Chairman, I --  
11 I disagree with that. Let me just give my take on what I  
12 think the judge, said what came out of Josh's excerpt,  
13 what Commissioner Hall was reading.

14 The judge's facts specifically said we are  
15 allowed to keep communities of interest together, but we  
16 can favor competitiveness to the extent we don't do  
17 significant detriment to a community of interest. We  
18 adopted a definition of significant detriment and now are  
19 obligated to apply that on a consistent manner throughout  
20 the state. What we're talking about here, what I'm  
21 talking about, is not dividing a community of interest  
22 that we have found. I'm not talking about what we do to  
23 fill up the rest of the district that contained that  
24 community of interest. I've never been talking about  
25 that. I am only talking about keeping that community

1 together sufficiently that we do not do significant  
2 detriment to that community with any of the maps we draw.  
3 There we have a map which shows it being cut in half  
4 geographically. We have a map that shows 25 percent of  
5 the population in that community of interest being split  
6 off and, I might add, in an area, you know, extremely  
7 sensitive to the reason we created it in the first place.  
8 And go back and look at the transcript. One of the  
9 reasons we recognized this area is because these are  
10 unincorporated areas immediately adjoining Tucson that  
11 have a very strong interest in remaining unincorporated  
12 areas.

13                   So, again, I think you -- we are in  
14 complete compliance with the judge's order in keeping  
15 that district together, that community of interest  
16 together enough we don't do significant detriment to it.  
17 So if we found that keeping it together costs us one,  
18 two, three, or 10 competitive districts, which we were  
19 not only entitled to, but I think we are required by  
20 Proposition 106 to respect that community of interest and  
21 not do significant detriment to it, the issue here is  
22 going to turn out, boil down to, you know, is there any  
23 way to keep it together. And is, if we break it, is  
24 there a way to do so that doesn't do significant  
25 detriment to that district.

1                   CHAIRMAN LYNN: Mr. Hall.

2                   COMMISSIONER HALL: Well, there's a  
3 difference between keeping it together and significant  
4 detriment. Keeping it together means no detriment.  
5 But -- but not keeping it together -- the question is  
6 what constitutes any division of the community of  
7 interest that causes significant detriment. So if we  
8 read from our definition with respect to significant  
9 detriment two communities of interest, a significant  
10 detriment to that community to have effective  
11 representation or deprivation of material and  
12 substantial, but not which the IRC determines to be  
13 minimal or inconsequential, a community of interest  
14 deprived of effective representation, I have yet to hear  
15 division of this community. Some examples we've seen  
16 which constitutes significant detriment, the reason we're  
17 denying them the opportunity to have effective  
18 representation. Therefore, I don't think dividing  
19 portions of the Foothills, I again welcome input from  
20 others, but if you split it in half and have 60,000  
21 people in a particular district, that's a significant  
22 influence on any district. And how does that constitute  
23 significant detriment for them having effective  
24 representation?

25                   COMMISSIONER ELDER: I need information

1 from the attorneys. Where it said to the extent  
2 practicable, it goes on to say the flexibility in  
3 carrying out enormous task by necessity involves many  
4 compromises and difficult choices. And goes on from  
5 there. I'm interested in that. What I'm looking at is  
6 that Doug made in his presentation, it says where it  
7 doesn't pass the Polsby-Popper test. We're looking at  
8 one community of interest, looking at a Polsby-Popper. I  
9 said, guess my question to Doug would be, if didn't have  
10 compactness in there, prioritize, say community of  
11 interest is more value to us as Commissioners as opposed  
12 compactness. And it's a moot question. If that does not  
13 help an effect competitive district there a little  
14 longer, make it competitive, I'd give up compactness for  
15 community of interest. And it goes to the extent  
16 practicable. Would either one or both ways in as to can  
17 you meet five of the six criteria even though one of the  
18 definitions must be .17 of Polsby-Popper?

19 MR. RIVERA: Adopted a compactness issue.  
20 Can't go outside if you have voting rights issue, that's  
21 with competitiveness, you are locked into the  
22 Polsby-Popper. Do you see that difference?

23 MS. HAUSER: We didn't say different. I  
24 don't have definitions in front of you.

25 We did not say voting rights was the only

1 reason; neutral criteria not dealing with the  
2 competitiveness arena. Dan, you can have, completely  
3 sacrifice a criteria in order to respect a different  
4 criteria, a tradeoff factor that goes on. In terms of  
5 competitiveness, you are required to favor that criteria,  
6 favor the creation of a competitive district unless it  
7 causes significant detriment to one or more of the other  
8 criteria. And the Polsby-Popper compactness measure is  
9 one of those criterion. And by your definition if it's  
10 below the .17 score, it is significant detriment. If you  
11 are looking at -- if you are looking at the  
12 competitiveness issue, I mean only one significant  
13 detriment need be found. But if your question is, is  
14 your question if competitiveness is not the issue can you  
15 sacrifice compactness? The answer is yes, you can.

16 COMMISSIONER ELDER: My question: If I'm  
17 looking at community of interest, another community,  
18 area, another district doesn't past Polsby-Popper, I  
19 don't know how close it is, .168 or something, .3?

20 MR. JOHNSON: Mr. Chairman, Commissioner,  
21 .12.

22 COMMISSIONER HALL: Way down.

23 MR. JOHNSON: Suspicion --

24 COMMISSIONER ELDER: Way off. On that  
25 basis, the way it's going, community of interest,

1 compactness, way inside community of interest as long as  
2 functionally linked, linked this case by freeway, trade,  
3 economics, all that, they do make that a contiguous,  
4 compact area from a use standpoint. It's unlike, you  
5 know, my argument where we had the retirement communities  
6 in, I believe it was, the, maybe it was the B2 where the  
7 retirement communities were separated functionally from  
8 the Foothills district by eight or 10 miles of town or  
9 city, Oro Valley, Casas Adobes, and that as it came  
10 around. It's by definition contiguous. Take in zero  
11 population, the Catalina Forest, national forest, to  
12 connect up to disparate areas to give us a compactness,  
13 if you will. And that was where Doug was going come up  
14 through national forest and pick up retirement  
15 communities to make the other district competitive, get  
16 enough Republicans to get it competitive.

17                   My sense is it would be far preferable to  
18 have that linkage along the freeway, which is fast and  
19 fairly uniform, and all the different factors we look at,  
20 and the community of interest of the Foothills. And then  
21 if competitiveness falls out of that, that's fine. I'd  
22 say I was looking to see whether you could favor  
23 community of interest over compactness. One is  
24 subjective, what is community of interest, the other is  
25 it's a number, .17.

1                   MS. HAUSER: Again, if it's not, if it's  
2 not a competitiveness tradeoff, you clearly can favor one  
3 of the other criteria over another. We do that all the  
4 time. The difficulty -- here is the difficulty with the  
5 order in terms of competitiveness. Again, I'm trying to  
6 follow exactly at what point competitiveness comes into  
7 play in the scenario. But the bottom line is the  
8 constitution says that you are to favor competitiveness  
9 except if it causes significant detriment to one of the  
10 other criteria. With respect to compactness, you have a  
11 bright line measurement there. And if it causes, if a  
12 competitiveness change causes significant detriment to  
13 compactness, the constitution says you are not to favor  
14 competitiveness in that situation. Here's the rub. If  
15 you get down to, through whatever changes you make  
16 elsewhere in the state, to a point where you are below  
17 seven competitive districts the Judge has told you, then,  
18 essentially that you must create a competitive district,  
19 even if it causes significant detriment to something  
20 because he's given you a minimum number of districts that  
21 you have to create that are competitive. So your  
22 discretion exists, as I've laid it out, only to a certain  
23 point. But with that caveat, I think that's the best  
24 answer I can give.

25                   CHAIRMAN LYNN: Ms. Minkoff.

1                   COMMISSIONER MINKOFF: I have a comment and  
2 also a question. My comment, actually, was somewhat  
3 preempted by Lisa's last comment. We have a map before  
4 us, February 23rd map. We haven't adopted it yet but the  
5 map under consideration, eight competitive districts. If  
6 we eliminate competition in the Tucson area, we fall down  
7 to six competitive districts, a map not accepted by the  
8 court cannot do it. We must maintain one and I'd say  
9 preferably two, or even three if we could do it,  
10 competitive districts in the Tucson areas.  
11 Competitiveness is supposed to be the primary  
12 consideration for this Commission according to the  
13 judge's order. I think that anything that doesn't have  
14 at least one and for my purposes two or three, two or  
15 three competitive districts in Tucson is not something we  
16 should even consider unless we're willing between now  
17 midnight to create another competitive district someplace  
18 else. I don't think we have time to do that.

19                   My question, Doug, the February 23rd test,  
20 one up there, District V, the yellow one goes into Pinal  
21 County. There's a rather dense area of the City of  
22 Tucson that is at the southeastern portion of that  
23 district. Can you tell me the approximate population of  
24 the City of Tucson in that district?

25                   MR. JOHNSON: It will take me a minute. I

1 can do that.

2 COMMISSIONER MINKOFF: I'd like to  
3 understand whether Tucson dominates that district or all  
4 communities to the north of Tucson are not going to be  
5 overshadowed by the Tucson population in that district.

6 CHAIRMAN LYNN: While Mr. Johnson is  
7 getting that information, I'll take a comment from  
8 Mr. Huntwork.

9 COMMISSIONER HUNTWORK: Well, I agree that  
10 we have to have one competitive district in Tucson no  
11 matter what. And if that means we have to do significant  
12 detriment to a community of interest or do significant  
13 detriment to compactness, or both, we're not going to be  
14 able to comply with the judge's order. What worries me  
15 is that when we breach one of our criteria in order to  
16 find a competitive district in Tucson, does the judge's  
17 requirement that we apply our criteria uniformly  
18 throughout the state require us to redefine that  
19 criteria? For example, if we were to go out of our way,  
20 a 1.2 on Polsby-Popper but is competitive, do we then  
21 have to go to 1.2 everywhere else in the state and see  
22 what happens?

23 MS. HAUSER: I like that question.

24 CHAIRMAN LYNN: Since 1.2 would be the  
25 lowest, it would already apply everywhere else. In other

1 words, we've lowered the standard by accepting it.

2 COMMISSIONER HUNTWORK: We have, if we go  
3 apply it throughout the state, we find two more  
4 throughout the state.

5 CHAIRMAN LYNN: I doubt it. Might be able  
6 to. Possible.

7 COMMISSIONER HALL: Doubt it.

8 CHAIRMAN LYNN: As Doug is doing  
9 calculations -- finished?

10 MR. JOHNSON: Yes.

11 CHAIRMAN LYNN: Give Ms. Minkoff the  
12 answer.

13 MR. JOHNSON: 56,343 people, almost  
14 one-third of the district.

15 COMMISSIONER MINKOFF: Tucson would not  
16 dominate that district. A significant player but a  
17 minority of population in the district. Thank you.

18 CHAIRMAN LYNN: Ms. Hauser, want to add  
19 something?

20 MS. HAUSER: I'm just answering  
21 Commissioner Huntwork's question. Want me to share it  
22 with the rest of the class?

23 CHAIRMAN LYNN: As long as not throwing  
24 spit wads. I'm not throwing spit wads, I'm not keeping  
25 you after.

1                   MS. HAUSER: The answer to Mr. Huntwork's  
2 question is: If you find you have to create a  
3 competitive district and doing so causes you to hit a  
4 Polsby-Popper score that is below in the significant  
5 detriment range and requires you to do that anyway, it  
6 doesn't mean that detriment is not significant, it just  
7 means you were pushed into it because of numbers you have  
8 to come up with. I don't think it requires running  
9 around the rest of the state --

10                   COMMISSIONER HUNTWORK: If we make a clear  
11 record that's why we did it in this instance.

12                   MS. HAUSER: Yes.

13                   CHAIRMAN LYNN: I'd love nothing better  
14 than to prolong this discussion. In interest of perhaps  
15 drawing it to some level of conclusion, I wonder,  
16 Mr. Johnson, if you could go back to your Power Point  
17 presentation, just for the sake of ease.

18                   If you would, again, just scroll through  
19 those tests, various maps of various kinds, that maintain  
20 at least one, and, quite honestly -- we know we have a  
21 test that does three. We get that. We've also kind of  
22 gone beyond it by adopting the February 23rd test. For  
23 purposes of my test, I'll eliminate one with three for  
24 the moment. Concentrate on those options we've asked to  
25 be drawn that have either from one or two competitive

1 districts remaining in Tucson.

2 COMMISSIONER MINKOFF: Mr. Chairman, can I  
3 ask a further question when we go through, show U is  
4 competitive, show us what District U is on the map? It  
5 changes from map to map.

6 MR. JOHNSON: Communities U on the map, U,  
7 the green district, Catalina Foothills, Tanque Verde  
8 Foothills Tucson. B we've discussed.

9 COMMISSIONER MINKOFF: B2, united or divide  
10 Casas Adobes, 2.

11 MR. JOHNSON: Unites Casas Adobes in B, the  
12 yellow here.

13 COMMISSIONER MINKOFF: Thank you.

14 MR. JOHNSON: Test A, February 22, unites  
15 Tanque Verde in Y, and Y, Sierra Vista, Rita Ranch, and  
16 into Central Vista. The February 23rd test also has two  
17 districts, U, in this case is again green, Rita Ranch,  
18 Vail, up to Tucson; and V, which is the also in Tucson,  
19 and going up to retirement communities of Marana and  
20 Saddlebrooke, a portion of Casas Adobes. 23rd, clean  
21 some the same as the rest. Casas Adobes in District V  
22 test one, one competitive test, U, green district Rita  
23 Ranch, Vail, up into Tucson. Casas Adobes in District V  
24 version to still has one competitive district. It's  
25 District U, now it does nothing down to Rita Ranch and

1 Vail. It's more of a central district. The public maps  
2 came in, Tucson, just plain Tucson. District 21 is the  
3 green district, Catalina Foothills and City of Tucson  
4 area. One is competitive by JudgeIt. Tucson one has  
5 part of Catalina Foothills and more of Tucson than  
6 District 21. The green district is competitive. Finally  
7 District 21 is competitive, the green.

8 CHAIRMAN LYNN: For my purposes,  
9 Mr. Johnson, go back to the communities map.

10 For my purposes, scroll forward for me, if  
11 you would, please. Keep going.

12 Now go back to 22 test A.

13 The two competitive districts here are U  
14 and Y, u being the green area in the middle and Y being  
15 the blue area that cuts in under U and goes into the  
16 Central City. It goes, includes, if I understand it, in  
17 Y, Rita Ranch.

18 MR. JOHNSON: That's correct. And  
19 continues down Sierra Vista, yes.

20 Now we keep going forward.

21 COMMISSIONER MINKOFF: Mr. Chairman, before  
22 we keep going forward, could I ask for JudgeIt scores on  
23 competitive districts?

24 CHAIRMAN LYNN: They are within the range.

25 COMMISSIONER HALL: They are on the

1 printout.

2 COMMISSIONER MINKOFF: I don't have a  
3 printout.

4 CHAIRMAN LYNN: We have printouts on all of  
5 them somewhere.

6 COMMISSIONER MINKOFF: I don't.

7 CHAIRMAN LYNN: Keep going.  
8 Somewhere.

9 Okay. Well, is there any map up there for  
10 which three votes can be assembled?

11 Mr. Hall.

12 COMMISSIONER HALL: Mr. Hall. With the  
13 exception of the test, I don't want to confirm, I thought  
14 this is correct, with the exception of combined on  
15 Foothills, I don't think any of those maps does not split  
16 the Foothills, other than this one.

17 Is that correct, Mr. Johnson?

18 CHAIRMAN LYNN: The current map splits the  
19 Foothills.

20 MR. JOHNSON: Correct.

21 COMMISSIONER HALL: All the maps with the  
22 exception of your map splits the Foothills.

23 COMMISSIONER HALL: I guess, from your  
24 perspective, I guess I'm the only one that feels like  
25 we're trying to reinvent the wheel.

1                   We ran several tests last time in an effort  
2 to comply fully with the judge's order. The test, map we  
3 brought forward, I thought was pursuant to instructions  
4 from both your self and Mr. Elder effort with to do the  
5 best to address some of those issues while favoring  
6 competitiveness. And so from my perspective, the map  
7 that we've moved forward is as good as any of the other  
8 alternatives in maintaining that and simultaneously  
9 favoring competitiveness pursuant to the judge's order.

10                   CHAIRMAN LYNN: Mr. Elder.

11                   COMMISSIONER ELDER: Mr. Chairman, could we  
12 go back to the 22nd test 1, February 22nd test A. And  
13 there was, the next one, where U is the Central City --  
14 no, there is one --

15                   COMMISSIONER HUNTWORK: You are thinking  
16 A2, I think.

17                   MS. LEONI: There it is.

18                   COMMISSIONER ELDER: One just before this  
19 one.

20                   Keep going. There.

21                   COMMISSIONER ELDER: Casas Adobes V2.

22                   Mr. Johnson, is all Casas Adobes united  
23 there?

24                   MR. JOHNSON: Yes, it is.

25                   COMMISSIONER ELDER: A couple of comments,

1 you know, Mr. Hall, if he remembers these or not. We had  
2 very distinct testimony through the first and second  
3 phases concerning rural and urban. Most of the other  
4 maps we have take the central city of Tucson and try to  
5 connect them with Sierra Vista rural areas, Green Valley  
6 and that in C. This one, with U being contained as to  
7 the majority of the City of Tucson, the Foothills, low  
8 density, Green Valley, retirement, and Sierra Vista,  
9 areas in between, Vail School, we had comments this  
10 morning, again, which makes this preferable from that  
11 stand point.

12                   The split of the Foothills, as I mentioned  
13 three different occasions, as long as Casas Adobes out of  
14 that stays whole, going to Ms. Minkoff comments saying if  
15 you have 90,000 in the area, and you've got 50,000 in  
16 Tucson of which Casas Adobes is 30,000, Casas Adobes  
17 still gets overpowered by the City of Tucson in this  
18 instance where I think you end up with a better  
19 relationship that Casas Adobes may have a chance of  
20 having significant representation. You may have lessened  
21 the impact on the rural communities, from the rural to  
22 urban, and the Foothills are, you know, fairly intact.  
23 So I would think that, you know, if this would be a fair  
24 compromise between the two issues.

25                   CHAIRMAN LYNN: Are you moving it.

1                   COMMISSIONER ELDER: Yeah. Let's try it.  
2 See what happens. I'll move to accept the map, Casas  
3 Abobes in V2 Map 4 adoption.

4                   CHAIRMAN LYNN: Is there a second?

5                   COMMISSIONER HUNTWORK: For the sake of  
6 discussion, Mr. Elder, I'll second.

7                   CHAIRMAN LYNN: Thank you, Mr. Huntwork.  
8 Ms. Minkoff.

9                   COMMISSIONER HUNTWORK: Mr. Chairman, I  
10 think reasoning Commissioner Elder gave for preferring V2  
11 is going to cause the Judge to not prefer it because when  
12 he explained we're putting all retirement communities  
13 together, all low density communities, all central Tucson  
14 together, that's exactly what he told us not to do,  
15 similar communities together to create homogeneous  
16 districts. Doing so reduces competitive districts by  
17 one. That concerns me a little bit.

18                   I also have a concern, talking about the  
19 concern of Casas Adobes being overwhelmed by Tucson, I'm  
20 not necessarily speaking in favor of the February 23rd  
21 test, that's the one so far on the table, we've been told  
22 by Tucson it is about a third of the district. Casas  
23 Adobes has 30,000 people in that district. My question  
24 is wouldn't Casas Adobes find support for their  
25 positions, in terms of unincorporated areas, trying to be

1 free of control by Tucson? They're trying to incorporate  
2 separately. Wouldn't they find support for that with  
3 communities like Oro Valley, Catalina, other communities  
4 up there, not Casas Adobes? Many have similar interests,  
5 priorities, free from condemnation by Tucson. Wouldn't  
6 that allow them to get support for positions important to  
7 them?

8 COMMISSIONER MINKOFF: Okay.

9 CHAIRMAN LYNN: Huntwork.

10 COMMISSIONER HUNTWORK: Could I get an  
11 answer?

12 CHAIRMAN LYNN: Commissioner Elder.

13 COMMISSIONER ELDER: Mr. Chairman,  
14 Commissioner Minkoff, the magnitude of population in the  
15 City of Tucson, to any politician representing District  
16 V, would be so significant that I do not believe that we  
17 could avoid significant detriment to the Casas Adobes  
18 area. We've got a geographical edge there that is just  
19 amazing. And the Towns of Oro Valley and Marana have  
20 been annexing as fast as they can from the north down to  
21 try and grab as much land as they can to keep the City of  
22 Tucson out of it. Casas Adobes is out in middle of it.  
23 That's why when I initially put forward the Foothills I  
24 included all of Casas Adobes. It appears as though they  
25 might become half sections of the west end, don't fit on

1 the map. The intent is Casas Abodes be whole. That's  
2 why I'm almost adamant in doing that.

3                   There were two other maps, 22nd test A had  
4 two competitive, but really, when we get down to it, one  
5 submitted, you know, the A 21 or whatever it was. We  
6 have A which is competitive. That's got better  
7 compactness, better contiguousness, people function in  
8 that manner. It does do harm to the Foothills from the  
9 standpoint of combining the Foothills with the core of  
10 the City of Tucson. But the Central Foothills, if  
11 there's any, an area as strong a issue as other areas,  
12 central area, as strong with a school district, the  
13 school district is something that they comprise. And  
14 it's separate from Tucson District 1.

15                   Tanque Verde, the edge, Sabino and Bear  
16 Canyon, as area everybody knows, is exactly where they  
17 are in their community. And even though it combines east  
18 of Tucson, I'd rather have this type of split than the  
19 split in the 23rd district. So --

20                   CHAIRMAN LYNN: Mr. Huntwork.

21                   COMMISSIONER HUNTWORK: There's a map, I  
22 think, of communities A2.

23                   COMMISSIONER ELDER: B2.

24                   COMMISSIONER HUNTWORK: Communities 2A.

25                   COMMISSIONER HALL: Are you dyslexic today?

1                   COMMISSIONER HUNTWORK:  When they flash up  
2 that fast, I occassionally miss a thing or two.

3                   CHAIRMAN LYNN:  That would be a bad thing.

4                   COMMISSIONER HUNTWORK:  I feel good I even  
5 remember this map at all.

6                   What I wanted to point out about it, it  
7 keeps more of the Foothills together, keeps Casas Adobes  
8 together in one area.  I think it keeps more of the  
9 Foothills together in one area.  I think it may keep the  
10 red district as rural as possible.  I'm not sure about  
11 that.  And it comes in --

12                   COMMISSIONER ELDER:  Just mirror half the  
13 City of Tucson, the east half.

14                   COMMISSIONER HUNTWORK:  Dan, took the other  
15 half and keeps them together, right with the natural --  
16 this will be a competitive district by putting  
17 Saddlebrooke -- you know, the opposites together, people  
18 fighting to -- to incorporate and people fighting to  
19 remain unincorporated.

20                   CHAIRMAN LYNN:  Motion on the floor.  
21 Discussion on the motion.

22                   COMMISSIONER MINKOFF:  Can I ask Doug to  
23 put the February 22nd map up, please.

24                   This one has two competitive districts  
25 except for that one little blue area.  It looks

1 reasonably compact, and I'd like to ask if that does  
2 significant damage to the Foothills. Because if not, it  
3 has one additional competitive district.

4 CHAIRMAN LYNN: Well, Ms. Minkoff, that  
5 problem with that pretty little blue area is it's most of  
6 the City of Tucson.

7 COMMISSIONER MINKOFF: Compactness, not --

8 CHAIRMAN LYNN: It puts most of the City of  
9 Tucson with Sierra Vista.

10 COMMISSIONER MINKOFF: Sierra Vista with  
11 the City of Tucson.

12 Casas Adobes with Foothills, that's  
13 everybody's concern.

14 I'm not comfortable going back from eight  
15 we already have. I think we can achieve that. I think  
16 we need to balance as many communities of interest as we  
17 can. I'm not comfortable supporting anything that  
18 retreats from eight competitive districts we have in  
19 February 23rd. This one does not retreat to what  
20 communities of interest it does significant damage.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: Mr. Chairman, I know  
23 I'm just a slow country boy from up north.

24 MR. RIVERA: With a plane.

25 COMMISSIONER HALL: But I'm positive there

1 is nothing more I can learn with any maps, with any  
2 additional discussion. That is probably just because  
3 I've tuned out.

4                   To me this is simple. I read from the  
5 judge's order earlier because that's why we're here. The  
6 question is very simple. Do we have authority, pursuant  
7 to our definitions, to reduce competitiveness by defining  
8 significant detriment. And in all the discussion  
9 occurred last hour, I've yet to hear where significant  
10 detriment caused or was going to competitive districts,  
11 one competitive district.

12                   Mr. Chairman, I wanted to explain my to  
13 vote against and call the question.

14                   CHAIRMAN LYNN: The question is called for.  
15 Further discussion on the motion.

16                   COMMISSIONER MINKOFF: Can we have it  
17 repeated, up on the board?

18                   If you look at it, that is the motion.

19                   COMMISSIONER HUNTWORK: Mr. Chairman,  
20 Mr. Hall raises an excellent point. The key is we've not  
21 made a finding as to whether a particular split of the  
22 Foothills does significant detriment to the Foothills  
23 community of interest. But it certainly is my belief,  
24 any of the splits that have been proposed do significant  
25 detriment. We're talking, in most of these splits, about

1 taking 30,000, or more, if we unite Casas Adobes -- how  
2 many in that total, 60,000 out of total, dividing  
3 population of the Foothills community exactly in half,  
4 making them a minority in any district they are in, but  
5 the -- but taking, in my view, taking 30,000 out is also  
6 a significant detriment. And that I think is highly  
7 appropriate to Mr. Hall's question. But if we do get  
8 back to the issue that we are required to find at least  
9 one competitive district in the Tucson area, unless we  
10 find somewhere else in our map, and so I'm in the phase  
11 of this analysis of saying where do we do the least  
12 damage.

13                   And based on the arguments that have been  
14 made I am convinced that splitting the Foothills at Casas  
15 Adobes is probably the -- or sounds to me as if that's  
16 the configuration doing the least damage to the Foothills  
17 community of interest. So --

18                   COMMISSIONER HALL: B2 does that, go back  
19 to three competitive. Does not B2 do that.

20                   COMMISSIONER MINKOFF: February 22nd.

21                   COMMISSIONER ELDER: February 22nd.

22                   CHAIRMAN LYNN: B2, keeps Casas competitive  
23 and whole. An interesting connection with Saddlebrooke  
24 and the City of Tucson.

25                   COMMISSIONER HALL: True.

1 In so doing, you have the 23rd map.

2 CHAIRMAN LYNN: See, there is something to  
3 me which seems to be missing, and maybe it's impossible.

4 In this map, if we say an area that is  
5 important to us is split, and it's split between Y, or  
6 the red district, and V, the yellow district, is it not  
7 possible to trade some of Y into V and take it up at the  
8 lower part of V in the city? Is that what you did in  
9 Casas Adobes in the whole test or V1 or V2?

10 MR. JOHNSON: That's exactly what we did in  
11 V1, Y came down into Tucson, gave up half of Casas  
12 Adobes. The only difference, V1, V2, that area of V2  
13 goes into U and Y picks up on the east side from U.

14 COMMISSIONER MINKOFF: And you've lost a  
15 competitive district.

16 CHAIRMAN LYNN: V2 is on the table. In  
17 other words, that's your motion.

18 CHAIRMAN LYNN: V2 or V2.

19 COMMISSIONER ELDER: V1 for compactness,  
20 kept --

21 COMMISSIONER HALL: The motion is V2?

22 CHAIRMAN LYNN: Yes, the motion is V2.

23 COMMISSIONER HALL: Yes.

24 I have a sequence.

25 CHAIRMAN LYNN: That doesn't help me.

1 COMMISSIONER HALL: I still call the  
2 question.

3 CHAIRMAN LYNN: The question is called  
4 four.

5 Further discussion?

6 We need to do it by roll call, I think, so  
7 we keep this straight.

8 COMMISSIONER HUNTWORK: May I ask a  
9 question, Mr. Chairman?

10 CHAIRMAN LYNN: Certainly.

11 COMMISSIONER HUNTWORK: In terms of  
12 procedure, just parliamentary procedure, should this  
13 motion, just for sake of discussion, be defeated three to  
14 two, it's my understanding that the Chair cannot make a  
15 motion to reconsider. Is that correct?

16 CHAIRMAN LYNN: That is correct.

17 COMMISSIONER HUNTWORK: And so the, if  
18 after further discussion and debate, it turned out that  
19 this was the map that three people would prefer to have,  
20 unless one of those who voted against it changed their  
21 minds, it would be impossible to come back to this map.

22 CHAIRMAN LYNN: You are absolutely accurate  
23 with respect to Robert's Rules of Order which we are  
24 operating under.

25 COMMISSIONER HUNTWORK: Okay.

1                   Well, then, I just would admonish everybody  
2 involved in the process that if, if they think this map  
3 be the map but aren't sure, that we should continue to  
4 discuss it until we are sure one way or the other,  
5 because this is going to be a vote yeah or nay on this  
6 map, period.

7                   CHAIRMAN LYNN: I think you make a good  
8 point. The only way to avoid this would be to perhaps  
9 continue the discussion and withdraw the motion, which is  
10 certainly an option.

11                   COMMISSIONER HUNTWORK: I would think that  
12 until, until we know what other map is going to command a  
13 consensus, that it would be wise not to preclude  
14 consideration of this particular motion; therefore, I  
15 withdraw my second of the motion.

16                   CHAIRMAN LYNN: With the second withdrawn,  
17 if there is no other second to the motion, then the  
18 motion is withdrawn.

19                   My suggestion would be that we try to  
20 narrow the field as best we can. Mr. Elder indicated he  
21 has a series of maps he might offer. And we may want to.

22                   COMMISSIONER ELDER: Peek at just a couple  
23 and narrow our discussion between or among those in order  
24 to arrive at some sort of consensus so we can move ahead.

25                   Mr. Hall.

1                   COMMISSIONER HALL: Mr. Elder, so you  
2 understand my frame of reference, while your perspective,  
3 and very outstanding perspective relative to this area,  
4 and we relied on that very heavily, I think, to produce a  
5 good map in 2004, but for me, pursuant to our current  
6 procedure, what is relevant is adopting communities of  
7 interest and significant detriment to adopted communities  
8 of interest unless there are other factors or variables  
9 with respect to why we should not favor communities of  
10 interest. For me it's a simple discussion. What I'm  
11 looking for in a discussion is, versus a tour of the  
12 area, how, what constitutes -- why does a certain map  
13 constitute certain detriment to an adopted community of  
14 interest.

15                   CHAIRMAN LYNN: Mr. Elder.

16                   COMMISSIONER ELDER: Mr. Chairman,  
17 Mr. Hall, we'd probably end up disagreeing until the end  
18 of the Commission.

19                   In my opinion, and as was, I guess,  
20 discussed or presented by the League of Women Voters at  
21 the -- earlier on, we make decisions using our own  
22 background. And we're going to resolve disparate issues.  
23 We're going to have competing interests.

24                   When I looked at and made the motion for  
25 the Foothills communities of interest, it was, I've said

1 this for the fourth time now, Casas Adobes is key, the  
2 most important part of that Foothills district. So if  
3 that remains whole and we have to take in some portion,  
4 90 percent, 80 percent, 70 percent left of the Foothills  
5 district, that does not do irreparable harm to that  
6 community of interest. And on that basis, I can move  
7 forward to look at other maps that may not keep that  
8 community of interest whole but does maintain Casas  
9 Adobes. It's as hot an issue in Southern Arizona as  
10 probably the Hopi-Navajo is in Northern Arizona. It is  
11 that acrimonious, that strong. There other maps that  
12 tend to do it.

13 COMMISSIONER HALL: I don't dispute that.

14 Let me clarify. It's not you and I that  
15 disagree. A guy by the name of Fields may not agree.  
16 We're operating under his directive. I'm simply trying  
17 to do that pursuant to his directive.

18 CHAIRMAN LYNN: Might we move forward and  
19 look at the other maps in question? Because we're going  
20 to have to pick one.

21 COMMISSIONER HALL: Today.

22 COMMISSIONER MINKOFF: Can I ask a  
23 question?

24 CHAIRMAN LYNN: You can certainly try.

25 I mean I don't think it's a surprise to

1 anybody in this Commission where I'm coming from in terms  
2 of competitive districts.

3 MR. RIVERA: Vietnam.

4 COMMISSIONER MINKOFF: Cambodia most  
5 recently.

6 A map, the February 22nd, maintains a  
7 number districts, and unifies Casas Adobes. Honestly,  
8 the only way I can support changes in these maps is if we  
9 maintain at least two competitive districts in the Tucson  
10 area. I'm wondering, Dan, if that might be the next map  
11 we consider. If so, I'll consider it.

12 COMMISSIONER HALL: Dan, can I respond real  
13 quick?

14 I don't think I'll absolutely not consider,  
15 absolutely not consider any map with less than two  
16 competitive districts. What I want to do is fully comply  
17 with the constitution to favor competitiveness until I  
18 identify significant detriment to any of the goals that  
19 has occurred.

20 Respectfully, we have the most -- a very,  
21 very competitive map moving forward at this point now. I  
22 don't think you are the only champion of competitiveness.

23 COMMISSIONER MINKOFF: No.

24 COMMISSIONER HALL: I'm saying we apply the  
25 tests pursuant to what we've been instructed to do.

1                   COMMISSIONER MINKOFF: I would agree with  
2 that.

3                   CHAIRMAN LYNN: Mr. Elder, Mr. Huntwork.

4                   COMMISSIONER ELDER: Mr. Chairman, I move  
5 we consider map A 21, or the last map reviewed, which  
6 had, I guess, 21 or, maybe I'm calling it Y as  
7 competitive.

8                   No. That one.

9                   MR. JOHNSON: Just for the record, this is  
10 the map that came to me as plain "Tucson," no number.

11                  COMMISSIONER HALL: How did you receive it?

12                  MR. JOHNSON: The map came today.

13 That's --

14                  CHAIRMAN LYNN: That's the motion.

15                  Second to the motion?

16                  COMMISSIONER HALL: What was the motion?

17                  CHAIRMAN LYNN: To accept that map.

18                  Dies for lack of a second.

19                  COMMISSIONER HUNTWORK: The problem is I  
20 think we, I didn't realize that we should be discussing a  
21 number of these maps before we coalesce to a motion.  
22 Unfortunately the best map might get rejected if we -- if  
23 we move on it prematurely. I wouldn't mind discussing  
24 this map. I'd like to discuss the map, we showed three  
25 competitive maps in Tucson, again, and talk about it in

1 terms of -- talk about it technically in terms of  
2 criteria. We're just been all talking to each other  
3 about it.

4 CHAIRMAN LYNN: Perhaps that methodology  
5 makes the most sense.

6 Why don't we do it this way: Discuss Map  
7 3, competitive districts. If in fact we decide, for  
8 whatever reason, that map does create difficulties we can  
9 document, we'll move to ones that have to, discuss those,  
10 and discuss ones that have one, given that's sort of the  
11 way we're supposed to be proceeding, maybe, along the  
12 way. Sounds like that might work.

13 Mr. Hall.

14 COMMISSIONER HALL: My recollection  
15 determined, when back on this map, not only significant  
16 detriment in the Foothills district, caused significant  
17 detriment to the City of Tucson itself that was the, the  
18 general basis. I think there are other factors in  
19 addition to that, to key factors in my mind for taking  
20 this and making the motion and instructions to the  
21 Commission, to create the next level of the map.

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: That is correct. I  
24 want to point out that this, number one, it does keep the  
25 Casas Adobes portion of the Foothills intact; number two,

1 it keeps the rest of the Foothills intact. The thing I  
2 see about it that is perhaps the most troubling to me is  
3 it takes that central portion of Tucson and puts it down  
4 into District W, or whatever it's called in this map, and  
5 basically guts Tucson. Now, the thing I would ask is or  
6 point out is when we look at some of the other maps they  
7 do exactly the same thing. It would be somewhat  
8 preposterous to a two district map, two-district  
9 competitive map, to that accept it when we're rejecting a  
10 three-district competitive map that does exactly the same  
11 thing. So I would have to hear some reason why the two  
12 or one competitive map treats Tucson better before  
13 walking away from a three competitive district map over  
14 that issue.

15 To me the issue was we're dividing the  
16 Foothills in half and we're gutting the City of Tucson.

17 So there's no doubt in my mind this map  
18 does significant detriment to communities of interest.  
19 Of course that's going to eliminate a lot of maps in my  
20 mind, if it doesn't do it in yours. Let's be consistent.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: In fairness, part of  
23 the confusion, part of your statement, Casas Adobes is  
24 intact. We've respected a significant element of the  
25 Foothills district. This does it. The reason we went

1 away from this, we considered the division in the lower  
2 portion of the Foothills community of interest to be  
3 significant detriment. So it may be a situation where  
4 can we -- we may not be able to have both, both where you  
5 respect the Foothills and respect the City of Tucson. I  
6 don't know.

7 CHAIRMAN LYNN: There are more issues than  
8 that with this map.

9 Mr. Elder.

10 COMMISSIONER ELDER: Let me try to bring  
11 Commissioner Elder up to speed with first discussion we  
12 had when this map came up or I made one, the one -- might  
13 even call it a stretch, but I object to the definition  
14 that we had of contiguousness, it has functional  
15 discommunication or linkage between City of Tucson and  
16 the central portion of the Foothills. And then it goes  
17 through the national forest to pick up the retirement  
18 communities.

19 There is approximately 12 to 15 -- I think  
20 12 miles around, length to populated areas together, too,  
21 the City of Tucson divided into four different sectors,  
22 the northeast sector yellow, the central piece that is  
23 red, another section yellow, and then red again,  
24 connected very tenuously by a narrow area. That area  
25 that is yellow in the South Central is then connected to

1 Sierra Vista and community of rural and urban, rural  
2 urban, the City of Tucson divided at one time for  
3 population.

4 COMMISSIONER MINKOFF: Twice.

5 COMMISSIONER ELDER: Two pieces, not two  
6 pieces 171.

7 CHAIRMAN LYNN: Not bigger than 340,000.

8 COMMISSIONER ELDER: What?

9 COMMISSIONER MINKOFF: Tucson is 140  
10 million.

11 COMMISSIONER ELDER: Three times.

12 MR. RIVERA: Doug? Mr. Johnson?

13 MR. JOHNSON: It has to be split in three  
14 districts.

15 COMMISSIONER ELDER: Oh, it does. So we  
16 have the rural-urban issue, we have the bringing the four  
17 segments, four pieces of the City of Tucson separately,  
18 we've got communities of interest in the Foothills, Casas  
19 Adobes being whole a plus, we've got the retirement  
20 communities linked to the Foothills, I guess that could  
21 be stretched as a plus. If I was to look at the options,  
22 you know, if we can't get a better plan with two, I'd say  
23 well, heck, let's just go back and take the three. It  
24 would be an interesting campaign but Tucson is known for  
25 weird and interesting campaigns in the City of Tucson,

1 puts the University with the Foothills. Hey, it's going  
2 to be fun.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: What is the  
5 population of Tucson?

6 MR. JOHNSON: According to Tucson, almost  
7 487,000.

8 COMMISSIONER HUNTWORK: Thank you.

9 COMMISSIONER MINKOFF: Three full  
10 districts, probably end up with four.

11 CHAIRMAN LYNN: Mr. Johnson, let's move  
12 ahead from B2, to --

13 COMMISSIONER ELDER: 22nd, Test A.

14 CHAIRMAN LYNN: Yeah.

15 COMMISSIONER ELDER: If I'm on a roll, I'll  
16 state what I said before. The Casas Adobes whole at this  
17 point in V, but where it goes due east of Casas Adobes  
18 along an unknown road because there is no road there,  
19 split the Foothills north to south direction, two  
20 population uses, functions. No way running east and  
21 west. Again penetrate South Central to Tucson and put  
22 with Green Valley, Sierra Vista. It makes again a very  
23 interesting district at that point. So we've split the  
24 Foothills, we've got the urban rural community of  
25 interest, we've got the -- I think -- yeah, that hits it.

1                   CHAIRMAN LYNN: Mr. Huntwork.

2                   COMMISSIONER HUNTWORK: Well, it looks to  
3 me, a mere Phoenician, as if this doesn't cut Tucson  
4 quite as bad. You have the downtown area taken out but  
5 that District U is very solidly a Tucson district doesn't  
6 take as many people from the west end, the west central  
7 part of Tucson up into Foothills area. In that respect  
8 it seems as if it may not be quite as bad. That little  
9 finger right into the heart of Tucson still looks pretty  
10 bad from this distance.

11                   CHAIRMAN LYNN: You know, as much fun as  
12 we're having, we do need to take a break.

13                   What I would suggest is we take a 15-minute  
14 break, and that we resume this discussion on the other  
15 side of that break. Try to hold to 15 minutes, if we  
16 may. And within that, and Ms. Minkoff, to your break,  
17 I'm sure Mr. Johnson will show you as many times as you'd  
18 like to see them the maps you were looking at.

19                   (Recess taken.)

20                   CHAIRMAN LYNN: Back on the record.

21                   For the record, all five Commissioners are  
22 present along with legal staff and consultants.

23                   COMMISSIONER ELDER: Mr. Chairman, I make a  
24 proposal we table the discussion on the Tucson map. We  
25 table the discussion on the Tucson area so we can go

1 ahead and deal with Phoenix, deal with any other areas to  
2 try and get that done so people here primarily for the  
3 Phoenix discussion can leave if they so like and we come  
4 back to Tucson.

5 CHAIRMAN LYNN: I think that's an excellent  
6 idea.

7 I apologize for waiting to have a clear  
8 disposition of the Phoenix area. I actually thought  
9 Tucson wouldn't take long. Shows how much we know.

10 Without objection, we'll move, Mr. Johnson,  
11 to the report ordered in the Phoenix area.

12 MR. JOHNSON: Mr. Chairman, the black line  
13 you see here is the border in the February 23rd test.  
14 And it runs down 35th to Baseline. And the suggestion,  
15 actually from a map submitted by the public, was to come  
16 down 35th to Southern, and come across Southern to 51st  
17 from here over on the west side. Yes. So that moves  
18 about 1,400 people. I have a couple numbers I was able  
19 to put together.

20 It takes the African American percentage of  
21 District J down from February 23rd from 15.46 and goes  
22 down to 15.30, but it does move the area talked about by  
23 the public this morning. And the petition I also  
24 mentioned came in, the area north of Southern, this area  
25 here stays in the southwestern district as they

1 requested.

2 Dr. McDonald looked at the competitiveness  
3 here.

4 CHAIRMAN LYNN: Well, did you population  
5 adjust elsewhere?

6 COMMISSIONER HALL: Just a trade.

7 MR. JOHNSON: Just a straight trade.

8 COMMISSIONER HUNTWORK: Of what people?

9 CHAIRMAN LYNN: You mean larger, as opposed  
10 to doing significant detriment, to it blowing up.

11 MS. HAUSER: Like a baseball in Chicago.

12 COMMISSIONER HUNTWORK: Can we have a  
13 blow-up of the particular map, not the whole map, but  
14 this particular portion of it?

15 CHAIRMAN LYNN: Mr. Elder.

16 COMMISSIONER ELDER: Mr. Elder.  
17 Mr. Johnson, were we out of operation deviation, 1,000,  
18 1,200, increase that, a straight across trade, what does  
19 it due to population in the two districts?

20 MR. JOHNSON: One second, I'll pull up a  
21 plan for it.

22 I have to get the right spread sheets.  
23 Give me just a minute.

24 DR. McDONALD: Mr. Chairman. Mr. Chairman,  
25 I can say this had no effect on competitiveness.

1 CHAIRMAN LYNN: Thank you, Dr. McDonald.  
2 COMMISSIONER MINKOFF: What a surprise.  
3 COMMISSIONER HALL: We pay him a lot for  
4 that opinion.  
5 COMMISSIONER MINKOFF: I could say that for  
6 free.  
7 COMMISSIONER HALL: But not with the same  
8 authority.  
9 COMMISSIONER MINKOFF: That is true.  
10 COMMISSIONER HALL: Mr. Chairman.  
11 I assume the population tests --  
12 I move we accept the alteration.  
13 COMMISSIONER HUNTWORK: I second.  
14 CHAIRMAN LYNN: Moved and seconded.  
15 Mr. Johnson, whenever ready.  
16 MR. JOHNSON: J, the February 3rd clean-up  
17 map, before, was overpopulated 481 people, one-quarter  
18 and one people. After this, 1,900 people or 1.11  
19 percent.  
20 CHAIRMAN LYNN: That's within the deviation  
21 of the map that already exists?  
22 MR. JOHNSON: Correct. It does not make it  
23 the biggest district.  
24 COMMISSIONER MINKOFF: Mr. Johnson, before  
25 you did the population equalization district, J was

1 slightly underpopulated, maybe just not do some of the  
2 population equalization. You suggested you have less  
3 deviation or does that create other problems?

4 MR. JOHNSON: It's possible. I'd have to  
5 go back and look at that.

6 COMMISSIONER MINKOFF: According to initial  
7 figures, J is about 169,009.

8 MR. JOHNSON: Uh-huh. Yeah. I'd have  
9 to --

10 COMMISSIONER MINKOFF: Almost right on with  
11 1,400 more people.

12 MR. JOHNSON: Could very well be it would  
13 work. I'd have to look at that.

14 CHAIRMAN LYNN: There is a motion on the  
15 floor.

16 Further discussion on the motion?

17 I want to ask. Go ahead, Mr. Elder.

18 COMMISSIONER ELDER: Mr. Chairman, there  
19 was a comment that this came from a citizen that  
20 submitted a map. Was it -- I apologize, was it Thelma?

21 CHAIRMAN LYNN: Ms. Newman.

22 COMMISSIONER ELDER: Is Ms. Newman still  
23 here.

24 MS. NEWMAN: Yes.

25 COMMISSIONER ELDER: Are you familiar with

1 this plan?

2 MS. NEWMAN: Yes.

3 COMMISSIONER ELDER: Maybe a more direct  
4 question. This area we're showing here, shifted from N  
5 to J, does that meet the Coalition or the group's sense  
6 of what you were requesting?

7 MS. NEWMAN: Yes.

8 COMMISSIONER ELDER: Okay. Thank you.

9 CHAIRMAN LYNN: I also ask you one other  
10 question, Ms. Newman, recognizing Mr. Johnson indicated  
11 even though it's a small deviation, the actual percentage  
12 of African American voting age population in the district  
13 has actually decreased to a slight extent from 13.42 to  
14 13.30, if I heard Mr. Johnson correctly. In your  
15 opinion, is that an acceptable reduction?

16 MS. NEWMAN: Yes, it is.

17 COMMISSIONER ELDER: I move the question.

18 CHAIRMAN LYNN: The question has been  
19 called for.

20 Is there further discussion on the motion?

21 All those in favor on the motion, signify  
22 "aye."

23 COMMISSIONER ELDER: "Aye."

24 COMMISSIONER HALL: "Aye."

25 COMMISSIONER HUNTWORK: "Aye."

1 COMMISSIONER MINKOFF: "Aye."

2 CHAIRMAN LYNN: Chair votes "Aye."

3 Carries unanimously and is adopted into our  
4 draft map.

5 Let me indicate to you we'll continue  
6 working for the rest of the evening.

7 I don't anticipate revisiting this part of  
8 the map.

9 Never say never, because things change.

10 Simply know Mr. Elder and rest of us wanted  
11 to be sensitive to your schedules. Please do with the  
12 rest of the day anything you wish to do with it. We give  
13 it back to you. I don't expect we'll be back to this  
14 part of the map. I can't guarantee anything.

15 Thank you for your participation.

16 DR. BROOKS: George Brooks. Thank you for  
17 allowing us.

18 CHAIRMAN LYNN: Thank you for your  
19 patience.

20 Back to Tucson. Here we are.

21 COMMISSIONER HALL: No, please.

22 MR. RIVERA: I think this ceded from the  
23 state.

24 COMMISSIONER HUNTWORK: During the break I  
25 talked to Mr. Johnson. Population outside of the voting

1 district is approximately 220,000. And I feel because  
2 those districts are essentially fixed by virtue of  
3 previous votes, that that is the number that makes the  
4 most sense for us to work with. That number says that  
5 Tucson has enough population to control two districts.

6 COMMISSIONER HALL: I don't know about  
7 control.

8 COMMISSIONER HUNTWORK: 110,000 out of  
9 170,000 voters in each have two districts, or it could  
10 have 110 out of one and 55 out of two others, or have  
11 73.33 out of three, et cetera. But it does matter. It's  
12 just a number we should keep in mind to some extent as we  
13 talk about whether we're doing significant detriment to  
14 the City of Tucson.

15 CHAIRMAN LYNN: Numbers being but one  
16 measure of that detriment.

17 COMMISSIONER HUNTWORK: Yes.

18 CHAIRMAN LYNN: But certainly one.

19 Back to Tucson. What is your pleasure?

20 COMMISSIONER HALL: Mr. Chairman, while I'm  
21 sure we can discuss this for a long, long time, I, after  
22 hearing all the argument, I am convinced that the map  
23 that is, that we have presently moved forward in my  
24 opinion best addresses the variety of concerns and still  
25 favors competitiveness without causing significant

1 detriment to other goals. Therefore, I make a motion we  
2 move forward with the February 23rd test map.

3 CHAIRMAN LYNN: Is there a second?

4 COMMISSIONER MINKOFF: I'll second that.

5 CHAIRMAN LYNN: Moved and seconded.

6 Discussion on the motion?

7 Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Well, Mr. Chairman,  
9 I -- I believe the other map that we were just looking  
10 at, firstly I believe this map does significant detriment  
11 to the Foothills area just because of the particular way  
12 that it splits that area. Secondly, I think that the  
13 other map that we were just looking at before the break  
14 has -- does a better job.

15 COMMISSIONER HALL: Which is the other map  
16 before the break?

17 COMMISSIONER HUNTWORK: B1.

18 CHAIRMAN LYNN: Probably V2.

19 MS. HAUSER: Let's have Doug clarify.

20 COMMISSIONER HUNTWORK: Split horizontally.

21 MR. RIVERA: Let Doug answer, have a good  
22 record.

23 COMMISSIONER HALL: Which was that, Doug?

24 MR. JOHNSON: There was a motion on the  
25 Tucson plan that didn't get second, discussion without a

1 motion on the B2 plan.

2 COMMISSIONER HUNTWORK: That's it, way,  
3 back.

4 MR. JOHNSON: Discussion may have moved on  
5 without me catching each twist.

6 COMMISSIONER HALL: That one being --

7 MR. JOHNSON: The February 22nd test A map.

8 COMMISSIONER HALL: I'm just trying to  
9 clarify the record.

10 COMMISSIONER HUNTWORK: Thank you.

11 If we have to -- if we are going to do a  
12 two district map, this one appears to me to do less harm  
13 and better represent the City of Tucson. However, you  
14 know, I honestly, honestly feel we're using the wrong  
15 calculus -- most of these maps do significant detriment  
16 to multiple districts and that neither one of them is  
17 really an alternative that I would personally prefer.  
18 But as a to a district map, this one looks to me like the  
19 best one we can find.

20 CHAIRMAN LYNN: Ms. Minkoff.

21 COMMISSIONER MINKOFF: I second the motion  
22 and will vote to support it. I believe the map still  
23 splits the Foothills, just splits them horizontally  
24 rather than vertically.

25 COMMISSIONER HUNTWORK: It does.

1                   COMMISSIONER MINKOFF: My major concern is  
2 the blue area in the middle, a heavily Metropolitan  
3 Tucson now in the district, goes down in Sierra Vista, an  
4 urban rural, small town, big city separation, as much as  
5 we can. It is achieved here, although Sierra Vista picks  
6 up the Foothills, far less urban than Central Tucson.

7                   When weighing them, this works better. I  
8 still believe Casas Adobes, even in this configuration,  
9 cannot be ignored by a Legislature in District Y,  
10 certainly, because there's all the other Foothill  
11 communities. Or District V, because there are other  
12 communities not part of Metropolitan Tucson allied Casas  
13 Adobes, cause them to create Coalition's, alliances, to  
14 find people to support positions in both districts that  
15 increase and influence the legislature, two Legislative  
16 Districts which listen to them rather than one.

17                   MR. JOHNSON: Mr. Chairman, to clarify,  
18 this district, the district in motion, the February 23rd  
19 test.

20                   COMMISSIONER MINKOFF: Casas Adobes,  
21 influence in both of those districts.

22                   CHAIRMAN LYNN: If I may, I haven't spoken  
23 a lot on those choices. I guess it's time for me to try  
24 to say something about them since I live in the area.

25                   The difficulty I'm having, and difficulty

1 we're all having, to Mr. Huntwork's most recent point,  
2 every single one of these maps does something really  
3 horrible to this part of the state. They do it  
4 differently and in different ways and do it in different  
5 parts and do it for different reasons, but they all do  
6 things that really we would not do. And it strikes me  
7 that we could make all sorts of findings about each one  
8 of these with respect to what does more detriment here or  
9 less detriment there, what is split, which isn't, which  
10 goes with which other community in which map. But it  
11 seems to me that if you balance all of that out, you wind  
12 up with one sort of sort of conclusion. If you move from  
13 a map that has two competitive districts in Tucson to any  
14 map choice that would only have one competitive district  
15 remaining in Tucson, you would need to make significant  
16 findings that depending on which map you chose different  
17 from findings, you make on some other map.

18           It just has struck me in the last hour as  
19 we've tried to discuss this and wrestled through it I'm  
20 not going to be happy with any of these maps, none of  
21 them, not one of them, because they're not the maps I'd  
22 have drawn if I had the opportunity to draw a map that  
23 reflects the way Tucson should vote or does vote, should  
24 be represented or is represented.

25           And so given that none of the choices is

1 good, given that a significant finding could be made on  
2 any number of them, I've come to the conclusion that we  
3 should probably stick with the map that gives us the most  
4 competitive districts. And I've come to that conclusion  
5 because any of the findings that I might make on other  
6 maps reduce the number of competitive districts in my  
7 mind and based on my own reading of the judge's order  
8 would be difficult, not impossible, difficult to do given  
9 other choices of the other maps.

10 I'm prepared to -- prepared to support this  
11 motion. Frankly, I'm asking the rest of the  
12 Commissioners to think along the same lines as they've  
13 tried to outline and come to their own conclusions about  
14 whether or not other maps really are significantly better  
15 as a whole versus the whole here which does to favor  
16 competitiveness, if we can. And I've come to that  
17 conclusion and I'm prepared to support the motion.

18 Mr. Elder, then Mr. Hall.

19 COMMISSIONER ELDER: Could we have the 22nd  
20 test day come up.

21 As you said, Mr. Chairman, there are some  
22 variations on each map that could be construed or we  
23 could look at as substantial detriment. This plan,  
24 contrary to the 23rd, does keep the Casas Adobes area  
25 intact. For the most part the City of Tucson running

1 along the southern border of the Foothills stays intact  
2 and only the area in the south central which in several  
3 of the alternatives that Dr. McDonald and Mr. Johnson put  
4 together had penetrations into the city or town. Because  
5 I really believe that the Casas Adobes area is critical,  
6 I prefer to have this map in this manner and we could  
7 support that intrusion or extension into the southern  
8 part of the town which has been there in past districts.  
9 Historically they function together --

10 COMMISSIONER MINKOFF: Which southern --

11 COMMISSIONER ELDER: Blue something X --

12 MR. JOHNSON: District Y.

13 COMMISSIONER ELDER: District Y. It's wide  
14 enough, unlike what we were looking at a week ago, one  
15 mile wide, 17 miles, whatever it was in Mesa to get to  
16 the two population areas needed there for a competitive  
17 district. It does have that going for it, that it's not  
18 quite as gerrymandered as some districts already  
19 eliminated.

20 I have a hard time and cannot support the  
21 23rd map because of the split in the Casas Adobes area.

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Mr. Chairman,  
24 making my comments to an audience of one, namely  
25 yourself, I followed your reasoning. I was certain what

1 your conclusion was going to be, then when you came to  
2 the opposite conclusion, I was astonished.

3 I want to understand your thinking better.  
4 The conclusion I thought you should have come to, based  
5 on everything you said was, therefore, I'm going to  
6 support the B2 map because it creates -- because it  
7 creates three competitive districts and so far as I can  
8 tell does no more harm, it does make, to Mr. Elder's  
9 point, a more logical break of the Foothills district  
10 and, you know, it passes our compactness tests, it passes  
11 our contiguity test, whether we define contiguity or  
12 compactness correctly or not, passes them, keeps  
13 compactness correctly, as you say, will have to be  
14 divided anyway. Tucson, A very solid Tucson district as  
15 well as influence in two other districts. Why would we  
16 not create three competitive districts as long as we're  
17 doing significant damage anyway?

18 CHAIRMAN LYNN: I'll be happy to answer  
19 that question because it was directed at me and I'm  
20 pleased to make that distinction.

21 There are things about B2 I guess go beyond  
22 significant detriment. The problems with B2, if you know  
23 Tucson, by connecting Saddlebrooke with the other side of  
24 the Catalina Foothills it creates a district, and  
25 district there, literally you can't drive from one end of

1 that district to the other and stay in the district. You  
2 have to go into other districts to get from the northern  
3 part of the district to southern part of the district.

4                   The second thing it does, within the  
5 Central City of Tucson, it has that vertical --  
6 horizontal rather division of the city a number of maps  
7 have connect the Center City with the district to the  
8 east that goes out the southeast end of Tucson then  
9 connects to rural areas in the southeastern part of the  
10 state, some of which are even in Cochise County. And the  
11 fact that the Foothills is more intact or fact Casas  
12 Adobes more intact to me less significant difficulty  
13 connecting top part District B to with the rest of that  
14 district as it relates to the northern part of Tucson.

15                   And the other thing, I guess -- maybe this  
16 is a distinction too late in day to make sense of, but  
17 there is a point at which competitiveness only goes  
18 beyond just making sacrifices in certain things we  
19 believe in, to my mind it's ridiculous, borders on the  
20 ridiculous.

21                   When I first saw the map on the 22nd and  
22 was told that they were able to create, by our  
23 instructions, three competitive districts in City of  
24 Tucson where none existed before, I was prepared for some  
25 significant detriment to appear. I was confident

1 significant detriment would appear and in fact this map  
2 does that in a number of places. I guess, to answer your  
3 question, Mr. Huntwork, all of these arguments are  
4 relative, none is absolute, so the argument I'm making is  
5 relative to the maps we have developed along the way,  
6 there is a point at which significant detriment gets to  
7 the place where it's sort of even. Among the maps we've  
8 been considering in the last hour, B2 not necessarily  
9 among them, at least in my mind, we had moved beyond B2  
10 to a February 23rd test, that wasn't on my radar screen,  
11 looking at tests, February 23rd test and beyond, all of  
12 that essentially across the board, different and equal  
13 value. This one, in order to draw three competitive  
14 districts creates, I argue, a district which passes the  
15 Polsby-Popper test but may not even be contiguous in the  
16 best sense of that determine, being able to drive from  
17 one end to other.

18 I know we've had discussion about very  
19 large, rural districts being too big to represent. This  
20 is not a matter of being rural. This is a matter of a  
21 community on one side of a mountain range being put  
22 together with part of the Foothills of Tucson on the  
23 other side of the mountain range, not talking about two  
24 hills, not small mountains, the Catalina Mountains,  
25 altitude of 9,000 plus.

1 COMMISSIONER ELDER: 9,000 plus.

2 CHAIRMAN LYNN: As Mr. Elder point out, it  
3 would take a five wheel vehicle, four hardly gets it, you  
4 cannot drive up the back side of the mountain, must go up  
5 the back face.

6 There's just a point at which the detriment  
7 that is causes gets to be beyond what is acceptable under  
8 any circumstance. And for me, I guess, I've reached that  
9 limit on this map.

10 The February 23rd test then detriment  
11 becomes more blurred in terms of the specific impact on  
12 any impact as we move forward with successive maps.

13 That may not be best the response to your  
14 question, Mr. Huntwork. It's all I've got at 5:30  
15 Monday.

16 COMMISSIONER HUNTWORK: Let me say I  
17 appreciate you taking the time to say that. I just want  
18 to express my concern that in my judgment the arguments  
19 you make, while absolutely correct in terms of the work  
20 and this Commission and what we should be doing are -- I  
21 think it may be incorrect and inconsistent in terms of  
22 what we have been doing. The fact that it's -- that one  
23 region does not relate to another has not been a bar to  
24 our creating competitive districts anywhere else in the  
25 state unless it did significant -- unless that thing that

1 we were considering is what did significant detriment to  
2 a community of interest. Here we have the retirement  
3 communities intact and the fact they are being related to  
4 or have to cross a mountain is nothing more than common  
5 sense, good judgment. That's not the process we've sworn  
6 onto or undergone. It does not violate any express  
7 criteria.

8                   Here we are eliminating a competitive  
9 district. I mean can we do that? I don't -- we've gone  
10 to all this trouble to be consistent. We've spent days,  
11 weeks, and come down to this choice. And we're actually  
12 making a decision based on logic and common sense. It  
13 disturbs me. We may get thrown out of court.

14                   CHAIRMAN LYNN: Call me an optimist,  
15 Mr. Huntwork, but I would still hope I have that ability.

16                   COMMISSIONER HUNTWORK: I hope so,  
17 Mr. Chairman.

18                   CHAIRMAN LYNN: I just suggest, I think  
19 those comments may be more properly directed at  
20 Ms. Minkoff.

21                   Ms. Minkoff has made quite clear she wants  
22 very badly to have the most competitive districts we can  
23 fashion, I assume she means not without regard to  
24 completely other interests, certainly those taken with  
25 some measure of agreement.

1                   On that basis, if she's comfortable voting  
2 this map vis-a-vis your reasoning, I'll be comforted she  
3 seconded the motion and I felt compelled to join her in  
4 supporting it.

5                   COMMISSIONER MINKOFF: Gosh.

6                   CHAIRMAN LYNN: I know I'm speechless.

7                   Mr. Elder.

8                   COMMISSIONER ELDER: I thought Ms. Minkoff  
9 would respond.

10                  COMMISSIONER MINKOFF: I did. My response  
11 was "gosh."

12                  COMMISSIONER ELDER: Mr. Chairman, I have  
13 to look back. And your comments about every single map  
14 has significant detriment to one community of interest,  
15 one of the factors brought forth in the definitions,  
16 somewhere along the line, and I've got to look at, again,  
17 the judge's mandate that unless it did significant  
18 detriment to a factor, to a community of interest, to any  
19 of the other standards or requirements that we were  
20 ordered to follow, that we must favor competitiveness.  
21 So it almost seems like we're back to this three-district  
22 position.

23                  You know, when I look -- I'm not sure I can  
24 figure out how we can get a Polsby-Popper score on the  
25 other map, the one we're considering under the motion,

1 with that long circuitous neck. Or one of the people  
2 came in this morning, a tentacle coming down in.

3                   Again, it doesn't follow, you have to come  
4 out of the district, River Road, curve at La Canada out,  
5 come back in. Nothing -- it follows the same rationale.  
6 The area going from the retirement areas up to the  
7 Foothills area.

8                   So my preference would be, took it in  
9 order, there's obviously another map or two I'd like to  
10 have, only like one competitive district.

11                   If I can't get those, I'll fall, say hey,  
12 three competitive districts. The detriment to the  
13 retirement communities, it doesn't seem to way as heavily  
14 as the detriment we do in the other Casas Adobes 90  
15 stretch rather go the other direction than this way.

16                   CHAIRMAN LYNN: Other discussion?

17                   COMMISSIONER MINKOFF: I certainly won't  
18 say I'm an expert on Casas Adobes. I'm not, don't  
19 understand all the issues. I'll accept Mr. Elder's  
20 concerns about the area even though, as said previously,  
21 I believe they can be addressed.

22                   The map with three competitive districts  
23 and reason I'm inclined to support the one on the floor  
24 as a motion is that there are two significant problems,  
25 at least two in this particular map. In addition to some

1 of the other minor ones, one is very significant problems  
2 Chairman Lynn has laid out for us of the northern part of  
3 that district being totally disconnected from the  
4 southern part of the district, and you don't have to go  
5 just a little bit out of the district but you have to go  
6 through miles and miles of circuitous driving to get from  
7 Saddlebrook or Catalina down into the Foothills area  
8 which is other parts of the district. I believe that's  
9 significant problem for a district trying to come  
10 together and other serious problems that would be, even  
11 though Sierra Vista doesn't want to be any part of any  
12 part of Tucson and wants to be Cochise County, we can  
13 keep out of the district which includes the most urban  
14 part of Tucson which we are combined with in B2. Those  
15 are the reasons I say go, in this particular instance, I  
16 believe the detriments are significant enough to  
17 sacrifice one competitive district. It still gives us  
18 eight competitive districts, one more than the Judge  
19 mandated. I'm inclined to support it.

20 CHAIRMAN LYNN: Mr. Elder.

21 COMMISSIONER ELDER: Well, to  
22 Mrs. Minkoff's discussion on the retirement Foothills  
23 circuitous seven, eight miles.

24 COMMISSIONER MINKOFF: Or miles.

25 COMMISSIONER ELDER: I can't get the Sierra

1 Vista Foothills map considering, up this through the  
2 freeway corridor, two districts, the Foothills eastern  
3 boundary district is the City Tucson proper onto the Rita  
4 Ranch area which is indeed the National Park boundary.  
5 And part of it is, I believe, the national forest  
6 boundary. If we're looking for contiguousness, as I  
7 explained before, on the functional aspect, that's a  
8 dysfunctional district also.

9                   Again, both of them or all of them seem to  
10 have appreciation in how they function. I see no  
11 difference in that bonus that Casas Adobes, the whole  
12 district in the other plan, so the argument of  
13 contiguousness flies both ways.

14                   CHAIRMAN LYNN: I think they all fly both  
15 ways.

16                   COMMISSIONER HUNTWORK: Mr. Chairman.

17                   CHAIRMAN LYNN: Mr. Huntwork.

18                   COMMISSIONER HUNTWORK: Mr. Chairman, it  
19 appears the dye is cast. I don't know it does us any  
20 good to continue chewing on this. I think it's time.  
21 Record is made. We're under strict scrutiny, and a  
22 decision to eliminate a competitive district will be  
23 judged on that basis, or higher court will determine  
24 we're not subject to strict scrutiny and uphold the  
25 original maps. I don't know how they'll how judge eight

1 instead of nine. So be it. Let's get on with it.

2 CHAIRMAN LYNN: We have tried to make that  
3 record, and we have the ability to exercise more limited  
4 but a certain amount of judgment on these things and we  
5 as a majority of the Commission, we'll do so, I suspect,  
6 if we get to it.

7 Mr. Hall, why don't you prolong the  
8 discussion. Go ahead.

9 COMMISSIONER HALL: I thought I would.  
10 Let's call the question. I have --

11 COMMISSIONER MINKOFF: I have --

12 COMMISSIONER HALL: No, please.

13 COMMISSIONER MINKOFF: I have, in terms  
14 of --

15 CHAIRMAN LYNN: Ms. Minkoff.

16 COMMISSIONER MINKOFF: I recognize I have  
17 problems driving the Sierra Vista Foothills, the rural  
18 districts. Rural districts are larger, require more  
19 driving times, sometimes have circuitous routes to  
20 another. This should not be as true of urban district.  
21 I'm ready to vote.

22 COMMISSIONER HALL: Thank you.

23 CHAIRMAN LYNN: On the motion.

24 This is -- the irony of this is  
25 unbelievable, just for those who follow the bouncing

1 ball.

2 Mr. Huntwork?

3 COMMISSIONER HUNTWORK: "No."

4 CHAIRMAN LYNN: Mr. Hall?

5 COMMISSIONER HALL: "Aye."

6 CHAIRMAN LYNN: Ms. Minkoff?

7 COMMISSIONER MINKOFF: "Aye."

8 CHAIRMAN LYNN: Mr. Elder?

9 COMMISSIONER HALL: "Aye."

10 CHAIRMAN LYNN: Chair votes "Aye."

11 Motion passes three to two?

12 I think we're ready for Mr. Johnson to give  
13 a report at this point.

14 COMMISSIONER HALL: I just want to discuss  
15 Tucson a little longer.

16 Maybe not.

17 I recommend Mr. Johnson to --

18 CHAIRMAN LYNN: Mr. Elder seeks the floor.

19 Mr. Elder.

20 COMMISSIONER ELDER: I wanted to ask that  
21 my fellow Commissioners, do we need to or would we like  
22 to revisit one of the comments made this morning in the  
23 East Valley? Is there any need, is there any value in  
24 looking at the East Valley? There's no difference to  
25 competitive districts, to voting rights districts, to put

1 it back the way it was, so that in effect we don't change  
2 districts unneedfully?

3 COMMISSIONER HUNTWORK: Mr. Chairman --

4 CHAIRMAN LYNN: Mr. Huntwork.

5 COMMISSIONER HUNTWORK: I prefer,  
6 Mr. Elder, we commence the grand tour. As we get to the  
7 area, we can ask those types of questions. That would  
8 work better at this point.

9 COMMISSIONER ELDER: Perfect.

10 By law, go through, two, three areas, go  
11 across the state.

12 If no need to do it, why do it type of  
13 thing.

14 CHAIRMAN LYNN: Mr. Johnson, there may be a  
15 note the February 23rd was the map under consideration,  
16 was the motion, and was one adopted three to two.

17 Mr. Johnson, give me some help in planning.

18 MS. HAUSER: Actually, I think we need to  
19 clarify one thing, because the February 23rd map, the  
20 whole map of the entire state, and made a change in J.

21 CHAIRMAN LYNN: The Tucson configuration,  
22 which would include the districts in and around Tucson,  
23 lettered on this map: V, U, Y, T, W -- have I missed  
24 anything?

25 COMMISSIONER MINKOFF: G.

1 CHAIRMAN LYNN: G.

2 COMMISSIONER HALL: Which represents, if  
3 I'm correct, Dr. McDonald, that U and V are competitive  
4 districts.

5 DR. McDONALD: That is correct.

6 CHAIRMAN LYNN: Okay. Are we clear? Clear  
7 on that?

8 Mr. Johnson, just for planning purposes,  
9 how long do you think your presentation will take?

10 MR. JOHNSON: I think, just going straight  
11 through, probably 15 to 20 minutes.

12 COMMISSIONER ELDER: Never happen.

13 CHAIRMAN LYNN: Okay, Mr. Johnson.

14 MR. JOHNSON: Mr. Chairman, Members of the  
15 Commission, this is a process that you've seen twice  
16 before, first in 2001, then again in 2002, where we walk  
17 through, kind of go back through the map and clean up any  
18 errant blocks, city splits, things like that, balance  
19 populations so all are more or less perfectly balanced  
20 within decisions made earlier.

21 So this is the first of two steps, the  
22 third step, go back to balance districts, look at areas  
23 where the Commission previously wanted to a development  
24 unified or follow visible geographic feature, improve  
25 compactness, that kind of thing.

1                   So, under the process, the third thing at  
2 the end, third thing at the end in developing a final  
3 map, the first, let me walk through kind of how we got  
4 here and where we're at.

5                   This slide was made before today, I'd say  
6 it's a little bit, doesn't have today's test on it.

7                   Just to restate for everyone, we started  
8 with a grid, we're calling it the judge's decision, and  
9 then we looked at a set of four purely competitive maps.  
10 And the Commission decided to move forward with the map  
11 of A2.

12                   Then we split that into two options, voting  
13 rights one, which was essentially an all new district,  
14 Voting Rights Act two, kept Southern Arizona districts  
15 together pursuant to the Coalition's request. Some more  
16 testing was done voting rights one, continued voting  
17 rights two. After the Tucson discussion, which everyone  
18 is familiar with, communities 2A, Competitive B, B2, the  
19 only thing between those two small compactness changes,  
20 to small compactness changes, test A, the February 23rd  
21 test, now what I'm going to walk you through is the  
22 changes between the February 23rd test and February 23rd  
23 clean-up, which is a compilation of those three steps I  
24 just described.

25                   So in terms of split cities, and city

1 splits, the number of competitive districts, compactness,  
2 the only difference between the February 23rd test,  
3 February 23rd clean up, three additional city splits, all  
4 are of Phoenix, they are already split. So the number of  
5 cities divided does not go up. The number of cities are  
6 three, two unpopulated areas are created to avoid a  
7 precinct split. The congressional lines, the third will  
8 sound familiar to you, a nine percent block in the  
9 Phoenix, Scottsdale district we visited each time we came  
10 through this. So the clean-up map actually eliminates  
11 that trap so in doing this it creates a third extra split  
12 of Phoenix.

13                   The number of competitive districts,  
14 Dr. McDonald tested this, there is no change in the  
15 number of districts with compactness below 1.7.  
16 Polsby-Popper also does not change. So to do big  
17 picture, give numbers that go into details and show you  
18 some lines moved, the first step of looking at  
19 inadvertent splits, increasing traps, 18 changes made,  
20 only four involved any population at all. The other four  
21 are zero population. I see there the largest were 15  
22 people, nine of 18 were correcting precinct traps. The  
23 other nine corrected inadvertent city splits, essentially  
24 one block in testing in the middle, between meetings I  
25 had missed or lassoed incorrectly. So that was the first

1 step. Just 18 small changes, a very small population  
2 move.

3                   The next step, larger, involved population  
4 balancing.

5                   Pursuant to the Commission's earlier  
6 divisions, Southern Arizona voting rights sensitive  
7 districts, this map, S, DD, W and T, I did not change  
8 pursuant to an earlier decision. The blocks in the  
9 Tucson area separate from the rest of Arizona and so  
10 balancing took place in the Tucson area and the rest of  
11 Arizona. I didn't try to balance between the areas  
12 because of that decision.

13                   The last set of meetings looked at AA and  
14 different areas underpopulating AA for voting rights  
15 reasons, didn't try to then repopulate AA based on  
16 earlier decisions.

17                   When we got to BB, as we looked at the last  
18 week, really bringing to balance, it throws off  
19 compactness scores. In that case we also did not  
20 balance -- well, did only small balancing of BB, did not  
21 take it all the way to a balanced district. That  
22 balances north.

23                   What that leaves us with, in Tucson,  
24 balancing three districts, not voting rights sensitive  
25 there. As you familiar at this point, three would be

1 balanced 1,027 people, or minus 0.6 percent.

2                   On the flip side, of kind, of the Southern  
3 Arizona districts, the Maricopa region, balancing among  
4 those districts, caveats as mentioned already up north,  
5 balance each one to be 343 people, or over plus .2 plus  
6 percent.

7                   Took all three Tucson districts,  
8 flexibility in, minus .6 percent, and took districts in  
9 Maricopa listed there and took each to plus .20 percent.

10                   I should note though after doing all the  
11 balancing in the overall deviation of the plan, total  
12 deviation of the plan, it didn't change 3.5 because the  
13 contradict of B and BB stayed unchanged.

14                   The largest districts, the G border  
15 district and BB, being the Flagstaff district, this  
16 balanced population between two, the overall plan did not  
17 change.

18                   Now, as you've seen before, doing the  
19 balancing that results in picking specific places,  
20 looking for that exact number of people, and it has some  
21 noncompact results that can split neighbors. We cannot  
22 follow visible boundaries when doing it though, trying to  
23 keep all other criteria as best as possible while doing  
24 population balancing.

25                   The third step goes back through a balanced

1 map, detailed in the report this morning. And each  
2 change, move by move, is listed there with the resulting  
3 impact from that change.

4                   So I can show you any specific spot you  
5 want to look at.

6                   So the third step of this process, you go  
7 back through and look at where you're taking some small  
8 deviation that could allow us to use a major road or  
9 other visible feature, allow us to improve the  
10 compactness in those districts.

11                   For example, let me show you one, districts  
12 Q and R, Q comes south down through Peoria. R -- Q is  
13 Sun Cities and coming up in Peoria, and R coming down in  
14 Peoria.

15                   When I balanced it, the image on the left,  
16 R comes down across Bell Road, in the middle of Bell  
17 Road, and picks through different blocks to get right to  
18 a population balance point. And then the third step, I  
19 went back to Bell Road, the major visible feature, major  
20 road, in improving compactness, obviously as see from the  
21 graphic there. The result was, in this case, from this  
22 and other changes done in this step, P went from .2  
23 balanced up to .4 deviation, and Q as a result, there  
24 were other changes overall throughout this process that  
25 went from .5 to .7. So that's the scope of the changes

1 you see in here.

2 I'll give you one other example. This is  
3 the border between P, District P and District E, also in  
4 Phoenix, but this time over on the east side of Phoenix,  
5 getting close to Paradise Valley.

6 Hopefully you'll see in red circles here,  
7 when I balanced them in single block extensions coming up  
8 north and then kind of breaking across major roads along  
9 this side as well. When I followed major roads, other  
10 visible features, visible compactness, I tried to keep  
11 balance as much as I could, each of the changes, put  
12 population into P, the blue district, along the western  
13 one of these two changes, put it in population E. This,  
14 any other changes in districts, E went .20 to .39. That  
15 went from .20 to .66, which gives you an example  
16 following the major roads to keep compactness and the  
17 general approach I followed in this approach.

18 As I mentioned before, the overall result  
19 of the total deviation of the plan stayed the same.

20 One thing I should note after doing this, I  
21 came across an issue in the Glendale area, North Glendale  
22 area. I wanted to mention to you for your consideration  
23 if you choose, once you had done these changes, see here,  
24 the district, in both cases with and without a switch,  
25 District P being north Scottsdale, North Phoenix, what

1 happened through the process, E moved north a little bit,  
2 instead of one piece, Happy Valley Road, the north border  
3 is Happy Valley. What this highlighted, that coming down  
4 on three sides of District O. It's both on the west side  
5 district, north side of district, and east side of the  
6 district. And the northern Glendale area actually comes  
7 across the top of O which at the time of the Census was  
8 largely uninhabited and comes across northeastern  
9 Phoenix.

10                   One thought I want to present because it  
11 seemed straightforward as we walked through us, it comes  
12 out to 220,000 people, so we didn't include it as a  
13 change. District O can shift west. Essentially the area  
14 of District O north of, is it Beardsley, Beardsley, would  
15 shift over and the freeway would become the boundary of  
16 O, and some -- to make up for giving up that population,  
17 Northern, Glendale and actually going up to Phoenix,  
18 Happy Valley Road would be added. That would be one  
19 thing, improves compactness, Glendale, far north area  
20 with Phoenix instead of Scottsdale, but it is 20 some  
21 thousand people, yes, 26,000 people didn't do it as part  
22 of neighborhood clean-up process.

23                   Deviations of O actually goes from the  
24 negative .42 positive .04, and P has a lot of things  
25 going on, as you've seen from these examples, ends up

1 positive .05. That community in statistics, it doesn't  
2 affect city splits or anything like that.

3                   The East Valley, we can walk through the  
4 East Valley. Let me switch over to Maptitude and show  
5 you in more detail here.

6                   This version I'll show you, this is without  
7 the Glendale switch. The black lines here show the --  
8 no, let me get it so they show the February 23rd test  
9 plan. Oh, black lines show the February 23rd test plan,  
10 and colors show clean-up after I made those changes. One  
11 very noticeable area at the macro level is District CC.  
12 You'll remember last week when doing District BB and  
13 doing some other changes, brought D into Coconino County  
14 and Yavapai in an attempt to make CC compact, comply,  
15 compact. This overpopulated District D by over 1,000  
16 people.

17                   What happened last week, made changes in  
18 Western Yavapai County and other changes to BB and CC and  
19 R also included compactness of CC.

20                   What I found as looking at compactness,  
21 improving general criteria was this area of Coconino  
22 County south of the Navajo Reservation and going down the  
23 freeway, Gila County, it could move back to CC without  
24 hurting the compactness of CC.

25                   This would, made this change reduce the

1 number of city splits, restore back to the EACO community  
2 as defined earlier, and so that change is included here  
3 for your consideration.

4 For similar reasons, compactness of C is  
5 gone. Take the Yavapai foot, call it, zero populated CC  
6 and D, and put back in CC, reducing the city splits as  
7 well.

8 Other changes, let me zoom in, Tucson  
9 changes for population --

10 COMMISSIONER MINKOFF: That's Phoenix.

11 MR. JOHNSON: Right.

12 The Tucson area population balancing  
13 changes were actually all across major roads and hurt the  
14 neighborhood impacts of districts. So step three  
15 reversed back, and these districts were unchanged from  
16 the February 23rd test.

17 The Maricopa and Phoenix area highlight one  
18 thing, some shifts, thousands of people moving. The  
19 largest, 4,800 moving for population balancing. The  
20 reason for that is in the February 23rd test plan,  
21 generally, East Valley districts are overpopulated and  
22 South Phoenix districts were underpopulated.

23 The options of moving populations around to  
24 get off land annexed city voters, the Voting Rights Act,  
25 tribal reservations, voting rights and tribal reservation

1 concerns, what happened is District N was underpopulated  
2 so picked up population from District J.

3                   District J, one side has the Tempe city  
4 border. The other side has South Mountain. So it picked  
5 up, the other side has the reservation. It picked up  
6 population needed from A. There had to be population to  
7 bring J up to balance, population to then pass through to  
8 N.

9                   There is a train of population moving. We  
10 then had to pick up population from all three of them,  
11 from L and K, given we had extensive discussion last week  
12 where the community border between A and K went. A  
13 picked up from L.

14                   Then we had the hills, four mountains,  
15 pending on the definition, the border between L and E,  
16 around to the city border of Paradise Valley and  
17 community border of Arcadia, the other side border of  
18 Glendale.

19                   K and L pick up L, shuffling through  
20 population. That's where the largest population changes.  
21 Population comes up, O gets population, P, and pass  
22 through Scottsdale and East Valley.

23                   Why even though moving few hundred people  
24 per district to get balanced, the number of people to  
25 move in a certain stage is thousands in the East Valley,

1 people up around that come back down through Phoenix.  
2 This also contributes both to population balancing and  
3 community balancing, a visible change in Phoenix over  
4 here. In Scottsdale we had a border cutting really  
5 through two different neighbors and now has unified,  
6 essentially, Bell Road, the border there.

7                   That is a result both of population  
8 balancing, passing population through, and then being  
9 able to follow a major road better make a more compact  
10 district there, once that population balancing had  
11 occurred.

12                   That's the end of the report, the chart  
13 saying net compactness changes, clean-up two, population  
14 balance act, clean-up three, final clean-up plan, had  
15 unifications and major roads, features.

16                   One district, CC, dropped compactness .19  
17 to .18, primarily because of reducing the number splits,  
18 Coconino County reducing the number of splits in Yavapai.  
19 Other districts were unchanged or went up, P went up .8,  
20 .08, as did O went up .18.

21                   I could show you specifics, if you'd like  
22 to see, zoom in on any changes, show you Glendale shift  
23 if you like to see. Whatever is your pleasure. That's  
24 my report. Slides, details on the shift, if you'd like  
25 to see it.

1                   COMMISSIONER HALL: What did the Glendale  
2 shift do, if anything, to competitiveness?

3                   DR. McDONALD: No effect on  
4 competitiveness.

5                   COMMISSIONER HALL: Did it, however,  
6 increase O? I think O was predominantly Republican, is  
7 that correct, Dr. McDonald?

8                   COMMISSIONER MINKOFF: Yes.

9                   COMMISSIONER HALL: Thank you, sister  
10 McDonald.

11                   DR. McDONALD: I have to look that up.  
12 Bear with me.

13                   COMMISSIONER HUNTWORK: Is there a spread  
14 sheet? I don't have it.

15                   CHAIRMAN LYNN: Handed out today.

16                   COMMISSIONER HALL: I'll sell you my copy.

17                   MS. HAUSER: Wait. This pile of stuff is  
18 under my chair.

19                   MR. JOHNSON: An extra set just for you.

20                   COMMISSIONER HALL: Probably in this book.

21                   DR. McDONALD: Mr. Chairman, Commissioners.

22                   CHAIRMAN LYNN: Dr. McDonald.

23                   DR. McDONALD: In the February 23rd  
24 clean-up, O has a score of 43.43 Democratic performance,  
25 and in the Glendale shift O has performance of 42.5

1 percent.

2 COMMISSIONER HALL: Thank you.

3 CHAIRMAN LYNN: Other comments or questions  
4 for Mr. Johnson or Dr. McDonald?

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: A couple places I  
7 want to look at in more detail, I'm wondering on how  
8 we're doing on time.

9 CHAIRMAN LYNN: We're pretty close to  
10 needing a break. It's just about right for a break.

11 I appreciate that.

12 Let's take 15 minutes, and then let's see  
13 if we can make our way through the balance of the map.

14 Without objection, we'll stand in recess  
15 for 15 minutes.

16 (Recess taken from 6:43 p.m. to 7:01 p.m.)

17 CHAIRMAN LYNN: Back on the record.

18 All five Commissioners are present, along  
19 with counsel, consultants, and staff.

20 Are there comments or questions four  
21 Mr. Johnson on his report with respect to the population  
22 balancing and clean up of the February 23rd map or are  
23 there other issues that the Commission wants to bring  
24 forward. Mr. Huntwork?

25 COMMISSIONER HUNTWORK: Mr. Chairman, I

1 would like to know what finally happened in Lake Havasu  
2 City. What is that split with population balanced map?

3 CHAIRMAN LYNN: I'm sure Mr. Foree would  
4 like to know that as well.

5 MR. JOHNSON: Mr. Chairman, Members of the  
6 Commission, one thing we looked at were trades, zoom out  
7 a little bit, between districts BB, CC, and R to improve  
8 the population balancing between the three of them. We  
9 looked at rotation of a couple of different areas,  
10 Yavapai County south of I-40, looked at taking that out  
11 into CC, and area south of 40 into R to try to reduce the  
12 population deviation in BB, and also, just anywhere  
13 population changes, and what ended up happening in those  
14 is that we failed on compactness. I was trying to get  
15 population balanced taking people out of BB, giving the  
16 testing that had been done last meeting, taking  
17 additional people out of Lake Havasu. And the  
18 Commission's decision on that, the test was not to  
19 increase the amount of people taken out of Lake Havasu  
20 into R, did not change a line Lake Havasu, remains where  
21 it was at the last meeting.

22 COMMISSIONER HUNTWORK: And that split was  
23 approximately 5,000 taken out?

24 COMMISSIONER HALL: 5,500.

25 COMMISSIONER HUNTWORK: Out of 40,000.

1 MR. JOHNSON: Let me just compare that.

2 Yes, almost 42,000.

3 COMMISSIONER HUNTWORK: Okay. Okay.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Mr. Chairman,  
6 Mr. Johnson, did you look at a four-way trade? Where I'm  
7 looking at is we discussed one time the area just east of  
8 the Flagstaff FMPO, what the population was there, to see  
9 if it could be rotated around and come out the bottom of  
10 Lake Havasu City.

11 MR. JOHNSON: The discussion about area  
12 east of FMPO, we did, we made that change at the last  
13 meeting as part of that. If you remember last meeting,  
14 split of 5,000, also looked at an additional 2,500, so  
15 the split of Lake Havasu, and decided not, the Commission  
16 decided not to go forward with that additional split,  
17 that was all part of that whole round of testing. So the  
18 eastern border of District BB is now the eastern border  
19 of the FMPO. So that area already moved.

20 COMMISSIONER ELDER: And the area east of  
21 that where you are cursor is right now, what is the  
22 population of that area right there?

23 MR. JOHNSON: The portion in AA?

24 COMMISSIONER ELDER: Yes.

25 MR. JOHNSON: Off the top of my head, 250

1 people. It's in the record of our last meeting.

2 COMMISSIONER ELDER: Okay.

3 CHAIRMAN LYNN: Other comments or questions  
4 for Mr. Johnson?

5 COMMISSIONER HUNTWORK: Mr. Chairman.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Could we look at  
8 the East Valley, Mr. Johnson.

9 MR. JOHNSON: Did you want to look at the  
10 map submitted?

11 COMMISSIONER HUNTWORK: I probably do. I  
12 want to make sure I understand, since our last meeting,  
13 did you move population out of the East Valley?

14 MR. JOHNSON: Let me see.

15 The small area moved out of B into Z, which  
16 is a move into Scottsdale, not East Valley, other than  
17 that small changes among the districts in the East  
18 Valley. You can see, F came a little further down into  
19 the C border, C a little south on that jog, and H went a  
20 little further north. Other than that, no, nothing came  
21 out of the valley.

22 Well --

23 COMMISSIONER HUNTWORK: Mr. Hall, go ahead.

24 CHAIRMAN LYNN: I wanted you to finish your  
25 thought, if there was one.

1 I'm sorry. I didn't mean that the way it  
2 sounded. All I meant was --

3 COMMISSIONER HUNTWORK: I'm sure you  
4 didn't.

5 CHAIRMAN LYNN: If on a particular line of  
6 questioning, I wanted you to finish that.

7 COMMISSIONER HUNTWORK: I do want to finish  
8 the map that goes by Republicans.

9 Before we go up there --

10 CHAIRMAN LYNN: Thank you. I meant  
11 absolutely no offense by the comment.

12 COMMISSIONER HUNTWORK: At this point, it's  
13 too late. Don't worry about it.

14 CHAIRMAN LYNN: Oh.

15 COMMISSIONER HUNTWORK: No, years too late.

16 MR. JOHNSON: If I may add a little: As  
17 soon as it's in the report, a lot of population is  
18 moving, population balancing steps of this process,  
19 people moved, you yet the details here.

20 COMMISSIONER HUNTWORK: The question I have  
21 is just since our last meeting. I understood the  
22 previous step.

23 CHAIRMAN LYNN: You understand now where  
24 that population did move among the districts in the East  
25 Valley?

1 COMMISSIONER HUNTWORK: Yeah.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: Just for the benefit of  
4 Ms. Minkoff, I think it's important for us to kind of  
5 review how we got here. We ran a couple of tests which I  
6 think were February 22 tests A and B which did a couple  
7 of things, one of which it created a competitive District  
8 C in the East Valley looked kind of like a key, you may  
9 recall, and upon my motion, we voted, as a Commission, to  
10 reject both those tests.

11 COMMISSIONER MINKOFF: Both tests.

12 CHAIRMAN LYNN: A and B.

13 COMMISSIONER MINKOFF: Both involving  
14 competitive C.

15 COMMISSIONER HALL: Competitive C and H.

16 COMMISSIONER MINKOFF: Oh.

17 COMMISSIONER HALL: The explanation was it  
18 caused harm to the City of Mesa community of interest, in  
19 the City of Mesa. I think it's important to explain our  
20 thought. Mesa's population, 396,375 people, which is  
21 about two and one-eighth districts, Mesa can clearly  
22 dominate three districts with this population. The test  
23 created a competitive C. Mesa was split, split Mesa in  
24 five or six pieces. Most importantly, all but three of  
25 those pieces is an East Valley district. The test

1 resulted in 16,000 Mesa residents in District I that was  
2 dominated by Phoenix and Ahwatukee. This 16,000 portion  
3 of Mesa is located, approximately, from Southern to Ray  
4 Road and Price to Alma School and is a -- is material and  
5 substantial and in accordance with our definition, is not  
6 a minimal or inconsequential portion of the Mesa  
7 community of interest. So placing the portion of Mesa in  
8 a Phoenix-Ahwatukee district, such as I, where they will  
9 be, in a district, a minority in my view, deprived of  
10 that portion of Mesa of effective representation, and  
11 that was the premise of our motion to reject both tests A  
12 and B. And I think by definition it caused significant  
13 detriment to their ability to achieve effective  
14 representation.

15                   If that is not the understanding of my  
16 three fellow Commissioners, I think it is important for  
17 to you indicate now if I've not adequately provided a  
18 synopsis of where we were.

19                   COMMISSIONER MINKOFF: So that's the  
20 competitive map that was rejected.

21                   COMMISSIONER HALL: That was one of the  
22 tests, correct.

23                   COMMISSIONER MINKOFF: Okay.

24                   CHAIRMAN LYNN: I think Mr. Hall's summary  
25 accurately reflects our thinking on rejection of those

1 two tests and it does reflect a consistency with respect  
2 to a application of the definition and finding of  
3 significant detriment. And I do believe almost all who  
4 viewed map casually and critically would agree that that  
5 finding is absolutely on point and should have been made.

6 COMMISSIONER MINKOFF: I would agree with  
7 that. It's interesting to see you can create a  
8 competitive map in the East Valley, ugly though it may  
9 be.

10 COMMISSIONER HALL: Contrary to testimony  
11 this morning.

12 COMMISSIONER HUNTWORK: We said if you went  
13 to Democrat houses in the East Valley, connected them up  
14 in the East Valley, you could create a competitive  
15 district houses one at a time. This proved you could do  
16 just that.

17 COMMISSIONER MINKOFF: It strikes me, based  
18 on what I see, you made the right decision.

19 CHAIRMAN LYNN: Mr. Huntwork.

20 COMMISSIONER HUNTWORK: To follow-up on  
21 what I thought.

22 COMMISSIONER HALL: Thank you for letting  
23 me interrupt you.

24 I certainly -- what occurs to me now that  
25 I've seen all of this, is that the Mayor of Gilbert

1 actually submitted a proposed map that was almost  
2 identical to our adopted districts. When I put that  
3 after the population adjustments had already taken place.  
4 When I put that information together with the fact that  
5 there are no extraneous issues involved in this area,  
6 that is the competitiveness analysis, the voting rights  
7 districts, and so on, were simply not applicable, I don't  
8 see any reason why we shouldn't consider adopting the map  
9 proposed by the Mayor. It actually, as you look at it,  
10 and print-outs were handed out earlier, to all Members of  
11 the Commission, as you look at it, it certainly captures  
12 the city boundaries of Gilbert a lot more closely. And  
13 there were some slight adjustments made. The map that  
14 was handed out has a white line. The white line shows  
15 the boundaries of the two thousand four adopted  
16 districts. The colored areas show the districts as  
17 proposed by Mayor Berman. As you can see, they are very,  
18 very similar, a few slight differences, but it's much  
19 closer to the adopted districts than configuration that  
20 we have come up with. My feeling on this area is that  
21 the originally adopted districts were much closer to the  
22 communities of interest that we identified in that area.  
23 This is an area where I feel the map is not tainted by  
24 the failure to consider competitiveness adequately.

25 I would like to make the motion that we

1 substitute the lines proposed by Mayor Berman for those  
2 created and recreated, changed again, with new lines now  
3 seen again just now for the first time. Let's use the  
4 ones adopted as close as possible to the adopted line.

5 CHAIRMAN LYNN: Hearing none --

6 COMMISSIONER ELDER: Wait.

7 CHAIRMAN LYNN: Is that a second?

8 COMMISSIONER ELDER: Yes, a second.

9 CHAIRMAN LYNN: Moved and seconded.

10 I have a comment.

11 If Ms. Minkoff would like a few more  
12 moments, I'll make my comment.

13 COMMISSIONER MINKOFF: My comment, I see  
14 white lines in all kinds of other parts of the map. It  
15 looks like it rolls through the entire map.

16 COMMISSIONER HUNTWORK: If you look at the  
17 blue line on here, it shows our 2-23 map. And if you  
18 look, the color districts proposed by Mayor Berman all  
19 fall entirely within the blue line, not a single person,  
20 not one single person is shifted outside of those East  
21 Valley districts. This map has absolutely no impact on  
22 the rest of the map.

23 COMMISSIONER MINKOFF: White lines, 2004  
24 adopted map, where it may be. The only lines he's  
25 proposing, since no names, colors --

1                   COMMISSIONER HUNTWORK: Graphic maps,  
2 contains a number of different information, if you will.  
3 If you look at the white lines they show us how closely  
4 Mayor Berman's proposal corresponds to our 2000 proposal.  
5 If blue lines show us this change of information took  
6 place entirely, 100 percent, inside the East Valley  
7 districts, there is no impact whatsoever anywhere else on  
8 the map.

9                   COMMISSIONER MINKOFF: Blue maps in the  
10 February 23rd test.

11                  COMMISSIONER HUNTWORK: Yes.

12                  CHAIRMAN LYNN: Mr. Hall.

13                  COMMISSIONER HALL: Go ahead, Mr. Chairman.

14                  CHAIRMAN LYNN: A question for Mr. Johnson.

15                         Again, I've not studied this map as  
16 thoroughly as Mr. Huntwork apparently has, but would we  
17 not achieve essentially the same goal as proposed by  
18 Mayor Berman if we revert to our own district lines from  
19 the 2004 map?

20                         (Note: Dr. Florence Adams, NDC President,  
21 consultant to the AIRC, is present.)

22                  CHAIRMAN LYNN: The reason I'm asking that  
23 question is as follows. I'm not comfortable and never  
24 have been comfortable with taking an entire map from the  
25 public and simply adopting it. It's not what we're

1 about. But I am sympathetic to the testimony of both  
2 Gilbert and other parts of the East Valley that have  
3 suggested certain changes might be made that would allow  
4 the map to return most closely to the 2004 map that we  
5 adopted.

6 I guess my question is either for  
7 Mr. Huntwork, since he studied it, or Mr. Johnson since  
8 he's most familiar with it, instead of this motion, to  
9 adopt, within the confines of this portion of the East  
10 Valley, if we return to the 2004 lines that we drew,  
11 would it not accomplish essentially the same purpose?

12 COMMISSIONER HUNTWORK: Well, I can answer  
13 the question because our lines had a 5,000 plus  
14 population over balance in the East Valley which have now  
15 been moved out and so we would be restoring that  
16 population imbalance if we used our line. What this  
17 represents is an effort to accept the -- and,  
18 furthermore, that would then result in ripples all  
19 through the map as we attempt to adjust populations.  
20 What this does is take the February 23rd map and confine  
21 this change entirely to districts C, F, X, H, and I guess  
22 I, and it doesn't get up into B or J, and thereby filter  
23 through the rest of the map at all. I would also say,  
24 Mr. Chairman, we have had people here telling us to move  
25 this block and that block, and we have accommodated those

1 requests with, I think, good grace. And this is another  
2 one where I don't really suspect any ulterior motives  
3 other than these, as pointed out this morning. Very  
4 frankly, these districts are organized and simply going  
5 to be inconvenient to people, why do it. Nothing is  
6 tainted about what we did in this area. You know, let's  
7 accommodate people as well as we can. We can accommodate  
8 Democrats as well as Republicans if we don't have any  
9 reason not to.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Well, Mr. Chairman, the  
12 changes we've made in the past in accommodating,  
13 adjusting lines, I think, have been primarily, solely for  
14 voting rights related issues. And sometimes I feel like  
15 the class historian. The reason we're here is this was,  
16 when we started from a competitive map, our current  
17 configuration was a product of that map, did tests to  
18 increase competitiveness, basically came back because of  
19 population adjustments Mr. Huntwork alluded to. I'm not  
20 so sure I agree with the premise that this map has no  
21 agenda to it.

22 I concur, Mr. Chairman, your concern  
23 relative to just adopting, the fact East Valley leaders  
24 climbed in SUVs hopped in the HOV lane to be with us here  
25 this morning, I'm not so sure means they're not without

1 some other motive involved. So I'm concerned with that  
2 respect and don't know I concur all conclusions  
3 Mr. Huntwork has drawn.

4 CHAIRMAN LYNN: Ms. Minkoff.

5 COMMISSIONER MINKOFF: Mr. Chairman, I also  
6 have problems with adopting this particular map. Mine  
7 may be slightly different. This map makes lot of  
8 changes, comes not at the 11th hour, certainly the  
9 seventh hour, and I would be reluctant to do that without  
10 time to analyze these changes properly and really examine  
11 what changes they make in cities, well, probably none in  
12 competitiveness, population equalization, none of which  
13 comes with this. My question about the Chairman's  
14 suggestion we revert back to our adopted district map for  
15 the East Valley, the only issue I would see with that is  
16 that it's going to abut our current District I and B. If  
17 the eastern boundaries of those districts are in any way  
18 different from what they would be in our adopted map it  
19 would be difficult to superimpose districts on the East  
20 Valley. Don't know whether they would be or not, would  
21 ask Mr. Johnson.

22 CHAIRMAN LYNN: Have to ask it again.

23 MR. JOHNSON: I was consulting with  
24 Dr. McDonald.

25 CHAIRMAN LYNN: That's why we'll ask it

1 again.

2 COMMISSIONER MINKOFF: Chairman Lynn asked  
3 rather than accepting the map from an outside source we  
4 don't have time to analyze at this late date, if we'd be  
5 more comfortable taking the adjusted map. My question is  
6 whether it's possible those districts that abut districts  
7 B, and I wondered whether the eastern lines of those  
8 districts had changed from our, I guess we're calling it  
9 the 2004 map.

10 MR. JOHNSON: It would indeed. I guess the  
11 way to best show this is in Maptitude. The easiest way  
12 to show this is Tempe. The colors show the map we were  
13 walking through earlier, the February 23rd clean-up plan.  
14 The black lines show the 2004 plan.

15 So what is happening is -- we can describe  
16 correctly. If we were to switch to the 2004 districts in  
17 the area, the border of District B would move north  
18 from --

19 COMMISSIONER MINKOFF: No, not B and I,  
20 talking about the districts to the east, but it does look  
21 like there's a chunk of I.

22 MR. JOHNSON: Oh.

23 COMMISSIONER HUNTWORK: I is primarily  
24 involved, not B.

25 MR. JOHNSON: Stop at whatever point there.

1 COMMISSIONER HUNTWORK: I and H.

2 MR. JOHNSON: C, F, H, X border, resolve  
3 between H and I.

4 Picture in ones mind without actually doing  
5 it, you have a deviation. Is it clear that it doesn't  
6 fit, simply to go to the 2004 map. The other question  
7 Mr. Huntwork raised is population deviation of 5,000  
8 people. Which district, Mr. Huntwork.

9 COMMISSIONER MINKOFF: East Valley, the  
10 whole excess population. The earlier stage of the  
11 process, our consultants moved out, moved Tempe down into  
12 I and rotated that population out into the Phoenix  
13 Metropolitan area basically through Tempe. So that was  
14 the answer to your original question, see, that was, is  
15 why our 2004 adopted map doesn't fit.

16 CHAIRMAN LYNN: Mr. Johnson, have you had  
17 the opportunity to analyze the Mayor's map so that you  
18 understand how these adjustments would fit within the  
19 context of the February 23rd map we are currently  
20 considering?

21 MR. JOHNSON: Yes. I looked at them on the  
22 slide on screen overlays. I see the border, black line,  
23 clean-up plan in Tempe, the same border as in the East  
24 Valley proposal. Excuse me. So -- same all the way  
25 around eastern side southern side as well. These are

1 contained in the east valley and you could swap them out.  
2 The other part of this I looked at in terms of  
3 deviations, among these districts, this what Commissioner  
4 Huntwork talked about, 2004 to 2002, 2003, two three one  
5 deviation, and one eight six.

6 The Mayor of Chandler doesn't have Phoenix,  
7 looked to a fixing housing development, and that leads to  
8 a larger deviation.

9 CHAIRMAN LYNN: Let me understand the last  
10 point. I apologize, it's a long day.

11 Are you telling me adoption of the Mayor's  
12 plan would do some damage to that portion of the map we  
13 already fixed or did I not hear you correctly?

14 MR. JOHNSON: The Chandler development, H  
15 and I, the border previously split through it, down here  
16 on the corner, the rough edge coloring there, the Mayor's  
17 map beginning back through that development, allows you  
18 to reduce the deviation, raises that concern you  
19 addressed.

20 CHAIRMAN LYNN: I take it, then, if we were  
21 to wish to continue to deal with that adjustment, that it  
22 would increase deviation slightly over the Mayor's  
23 calculations still keep it within or below what we had  
24 originally done with our East Valley adjustments.

25 COMMISSIONER MINKOFF: I don't know.

1 There's a lot of people.

2 CHAIRMAN LYNN: Too small. I guess the  
3 people in question I'm asking, one point, something you  
4 had, and 1.9, or I think exceed 1.97 or .87.

5 COMMISSIONER MINKOFF: .87.

6 MR. JOHNSON: In the February 23rd clean-up  
7 plan, H and I are the largest and smallest districts in  
8 that area, probably close to that. The small difference  
9 is the northern portion of I differs, might differ with  
10 that, take it apart, you have to look at that and see how  
11 it plays.

12 COMMISSIONER HUNTWORK: Mr. Chairman, let's  
13 call the question and see how people feel about this,  
14 unless there's something else --

15 COMMISSIONER MINKOFF: I think we need to  
16 know more about it, authorize Doug to test it, but I  
17 certainly wouldn't vote to adopt it at this point.

18 COMMISSIONER HALL: That's why we're going  
19 to call the question.

20 CHAIRMAN LYNN: Before we do that, I'm  
21 trying to figure out if I could vote four this motion.  
22 I'd like to vote for the motion, but only under  
23 circumstances I'm comfortable with.

24 Mr. Johnson, to the extent you have had a  
25 chance already to look at how this suggestion impacts the

1 map we're currently dealing with, February 23rd, can you,  
2 at this point, offer an opinion as to how, other than  
3 what appears obvious here, the little corners of the  
4 districts, are rearranged, and you've analyzed the impact  
5 on population, that much I understand, have you, do you  
6 have an opinion with respect to compactness, whether it  
7 changes compactness scores, with respect to splitting any  
8 other cities in any way? I'm sort of going through the  
9 list essentially of due diligence with respect to this  
10 option as opposed to other options we have before us.

11 MR. JOHNSON: Mr. Chairman, I've not yet  
12 run a compactness report on this.

13 Looking at it, unless there is some  
14 inadvertent small block, the number of city splits should  
15 remain the same relative to our plan. I mentioned the  
16 Chandler issue. This would comply with the request we  
17 received this morning or over the past few days actually  
18 about District 22 and the Queen Creek Chandler issue, but  
19 other than that, I would have to run the compactness  
20 reports and other reports to check.

21 CHAIRMAN LYNN: How long do you think that  
22 would take to do those things?

23 MR. JOHNSON: It would be fairly quick to  
24 just look at those. As submitted I could look at it in  
25 15, 20 minutes. If you want JudgeIt, that would be --

1                   CHAIRMAN LYNN: It would not change  
2 JudgeIt, they're noncompetitive districts, they'd  
3 continue to be noncompetitive --

4                   COMMISSIONER HUNTWORK: Maptitude, doesn't  
5 Palsby-Popper --

6                   CHAIRMAN LYNN: If BB passes  
7 Palsby-Popper --

8                   COMMISSIONER MINKOFF: I'm more concerned  
9 about population.

10                  COMMISSIONER HALL: Respectfully, what  
11 would further analysis disclose? Population deviation  
12 we'll clean up.

13                  COMMISSIONER MINKOFF: Not population  
14 deviation, housing area.

15                  COMMISSIONER HALL: I'm one hundred percent  
16 confidence Doug can fix it. Principle. We started a  
17 process, produced a product, and while much of what we've  
18 done is under protest, we're doing this, proceeded on a  
19 path. As you indicated, we're at the 11th hour to adopt  
20 wholesale a plan.

21                  To me it doesn't mean we adopt the smell  
22 test. We don't have a better way to describe that,  
23 articulate the reaction, that's why I'm prepared to vote  
24 against the motion.

25                  CHAIRMAN LYNN: I understand. My sense is

1 to do the same thing with the exception we have had ample  
2 input from the public on the issue of this portion of our  
3 map in a variety of ways. One, like other parts of the  
4 state where we've made changes either minor or major  
5 where the community has been largely silent on those kind  
6 of changes, this one has been not only more vocal but  
7 more widespread in terms of the things that were not  
8 acceptable or certainly not wanted in this map, in this  
9 portion of the map. So I'm trying to get to the place,  
10 Mr. Hall, where I cannot be inconsistent but get to the  
11 place I feel we are being consistent but look at  
12 suggestions by the public.

13 I would prefer taking the concept and draw  
14 the map ourselves. Yes, I'd certainly be more confident  
15 in doing that. Is it worth 15 or 20 minutes for  
16 Mr. Johnson to do a more detailed analysis? Perhaps.  
17 But unless I'm missing something, this is relatively  
18 straightforward. I could be missing something. But it  
19 seems to be relatively straightforward as to what it  
20 does. So I'm disposed in this instance to try to  
21 accommodate it for the reasons I've stated because of the  
22 concerns that have been heard on the record.

23 I wonder if the maker and second of the  
24 motion might entertain an amendment that would deal with  
25 the housing, the housing area we had previously

1 corrected.

2 COMMISSIONER HUNTWORK: Mr. Chairman, I  
3 think I was just coming to that same thought, sure,  
4 absolutely.

5 CHAIRMAN LYNN: Mr. Elder.

6 COMMISSIONER ELDER: Yes. If we come back  
7 to it as soon as we get that information.

8 COMMISSIONER MINKOFF: What information?

9 CHAIRMAN LYNN: We either adopt it or not.  
10 That's the motion.

11 COMMISSIONER MINKOFF: How many are in that  
12 area we'd have to move.

13 CHAIRMAN LYNN: Which area?

14 COMMISSIONER MINKOFF: Housing, the little  
15 corner we'd move from I into --

16 CHAIRMAN LYNN: Mr. Johnson, remember the  
17 adjustment, housing development in the corner, in terms  
18 of how many people we were talking about?

19 MR. JOHNSON: I don't. I could look it up  
20 real quick, 30 seconds or so.

21 CHAIRMAN LYNN: Okay. Why don't you do  
22 that.

23 My point, Mr. Elder, the motion on the  
24 floor is to accept this map, not to order a test on it,  
25 to accept it. And all I'm trying to do is get to the

1 place where I feel --

2 COMMISSIONER HUNTWORK: And fix that area  
3 or possibly exchanging for area, a little area up above  
4 where some has been added, some has been taken out.

5 MR. JOHNSON: Mr. Chairman, the area we're  
6 looking at, addressed last week, 3,390 people. It's the  
7 offset -- the other difference, I guess, on that border.  
8 Up on the northern edge of that border there is what we  
9 had moved to offset it. They have partially gone back  
10 the other way.

11 COMMISSIONER HUNTWORK: Figure out how many  
12 are in that?

13 MR. JOHNSON: Sure.

14 COMMISSIONER ELDER: Mr. Chairman,  
15 Mr. Johnson, can you get into Maptitude and highlight  
16 Chandler, the City of Chandler?

17 CHAIRMAN LYNN: Relevant to the motion.

18 COMMISSIONER ELDER: If it affects the town  
19 of Chandler, I have to vote against it.

20 CHAIRMAN LYNN: I see. I have your  
21 question.

22 Let's complete the population analysis and  
23 then you can ask that question.

24 MR. JOHNSON: The area up north, 2,061. So  
25 reversing, accepting overall the East Valley plane,

1 except those two pieces, that actually puts us very  
2 clothes to the previous deviation. Other districts would  
3 be more balanced.

4 COMMISSIONER HUNTWORK: Net 1,000 people  
5 from District I.

6 MR. JOHNSON: Net 1,000 from I to H.

7 CHAIRMAN LYNN: Now to Mr. Elder's question  
8 of Chandler, changes and impact in Chandler in any way.

9 COMMISSIONER ELDER: Doesn't appear to.

10 COMMISSIONER HUNTWORK: Both in Chandler.

11 MR. JOHNSON: Those two changes are both in  
12 Chandler.

13 COMMISSIONER HUNTWORK: Would you highlight  
14 Gilbert. That border, yes, that area in the border  
15 between pink and green actually follows the Gilbert city  
16 limits, almost, exactly, actually. That would not be  
17 surprising considering this proposal.

18 CHAIRMAN LYNN: You say you are color blind  
19 but distinguish between pink and green.

20 COMMISSIONER HALL: Wants to know district  
21 42.

22 MR. JOHNSON: Big picture change, process  
23 coming through, or North-South district, this bring  
24 further south, nothing into Mesa as much, and in exchange  
25 swing over to pick up Queen Creek. Rotation

1 counterclockwise rotation going on, as mentioned before,  
2 there were comments asking for that.

3 CHAIRMAN LYNN: Exactly. Any further  
4 discussion on the motion?

5 I'm sorry, did you agree with the  
6 amendment, switch on the housing association?

7 COMMISSIONER HUNTWORK: Switch in and out.

8 CHAIRMAN LYNN: Switch in and out on two  
9 corners.

10 Further discussion?

11 All in favor of the motion signify by  
12 saying "Aye."

13 COMMISSIONER HUNTWORK: "Aye."

14 COMMISSIONER ELDER: "Aye."

15 COMMISSIONER MINKOFF: "Aye."

16 CHAIRMAN LYNN: Chair votes "no."

17 Opposed say "no."

18 COMMISSIONER HALL: "No."

19 CHAIRMAN LYNN: Ms. Minkoff?

20 COMMISSIONER MINKOFF: "Yes." I voted for  
21 it.

22 CHAIRMAN LYNN: Thank you.

23 Three-two.

24 CHAIRMAN LYNN: Mr. Huntwork.

25 COMMISSIONER HUNTWORK: I would like to go

1 back to look at the -- well, Glendale, kind of northwest  
2 Phoenix --

3 MR. RIVERA: Tucson? Wants to go back to  
4 Tucson?

5 COMMISSIONER ELDER: Direction? Going to  
6 make a shift in Glendale from O?

7 CHAIRMAN LYNN: Yeah. Well, it's already  
8 in there. We need to talk about it.

9 COMMISSIONER MINKOFF: What. What shift is  
10 this?

11 COMMISSIONER HUNTWORK: Mr. Chairman, I'm  
12 not sure that this is the -- this is a map I want to talk  
13 about, but there's another test map we passed up I want  
14 to go back and take a look at. I want to make the motion  
15 with respect to the City of Glendale that this particular  
16 map with or without the reconfiguration of the north  
17 piece of Glendale, because we haven't yet decided  
18 whether -- there's this proposed Glendale switch that  
19 we're going to look at, correct, Doug?

20 COMMISSIONER ELDER: Yes.

21 COMMISSIONER HUNTWORK: Moves a third piece  
22 of Glendale from one to another, moves it intact.

23 MR. JOHNSON: Changes one piece to another.

24 COMMISSIONER HUNTWORK: The motion in this  
25 map, splitting Glendale a third time, does not do

1 significant detriment to the City of Glendale.

2 COMMISSIONER MINKOFF: Is that a motion?

3 CHAIRMAN LYNN: Mr. Huntwork, I'm -- first  
4 of all, I'm not often disposed to take negative motions,  
5 because they don't have the effect of doing anything, and  
6 essentially it's proving a negative.

7 I'm happy to have you comment on the record  
8 as to why you believe --

9 COMMISSIONER HUNTWORK: Let me explain my  
10 motion, the reason I made it as a motion.

11 Certainly we commented on the record  
12 previously that we, many of us commented, I think all of  
13 us commented that we felt this split did not do  
14 significant detriment to the City of Glendale. However  
15 our definition of significant detriment contains this  
16 phrase "but does not do" -- "but is not inconsequential,"  
17 but -- excuse me, it's better if I were reading from  
18 this, "but not which the IRC determines to be minimal or  
19 inconsequential." But I wanted to simply have a  
20 determination by the IRC that that particular split is  
21 minimal and inconsequential with respect to the community  
22 of interest that is Glendale.

23 CHAIRMAN LYNN: I'd be happy to take that  
24 in an affirmative motion, that that particular  
25 configuration, which I would expect would be explained as

1 we discussed the motion, would constitute a minimal or  
2 inconsequential split of Glendale.

3 COMMISSIONER HUNTWORK: Okay. I propose  
4 that the Commission determines that the split of Glendale  
5 shown in this map is minimal and inconsequential.

6 CHAIRMAN LYNN: Is there a second to the  
7 motion?

8 COMMISSIONER HALL: I second.

9 CHAIRMAN LYNN: Thank you, Mr. Hall.  
10 Thank you, Lisa.

11 CHAIRMAN LYNN: We're looking at the  
12 February 23rd map, clean-up version, and we are  
13 specifically looking at the West Valley portion of that  
14 map.

15 COMMISSIONER MINKOFF: Are we looking at  
16 the colored districts or the black lines?

17 MR. JOHNSON: Colors.

18 CHAIRMAN LYNN: Colors at this point, you  
19 may want to separate them so you can, even Mr. Huntwork  
20 distinguishes the differences among the districts.

21 COMMISSIONER HUNTWORK: Yellowish green and  
22 greenish yellow are hard for me to tell the difference.

23 CHAIRMAN LYNN: You ought to be able to see  
24 that, Mr. Huntwork.

25 COMMISSIONER HUNTWORK: See what?

1                   No, I have that.

2                   Could you show Glendale on there?

3                   Okay.

4                   MR. JOHNSON: One thing, for the record to  
5 know, it doesn't show up very well, the border of M is  
6 the Glendale annexation strip. It's Hard to see from  
7 shading it's so small. It's part of the City of  
8 Glendale.

9                   COMMISSIONER MINKOFF: Luke Air Force Base  
10 is part of the City of Glendale.

11                  COMMISSIONER MINKOFF: That's Glendale?

12                  COMMISSIONER HUNTWORK: Mr. Chairman, in  
13 this map, we have a district that is very largely, that  
14 contains very large portions of City Glendale in District  
15 M, District Q that is, also contains a very significant  
16 portion of Glendale. Glendale has significant influence.  
17 Two of those districts together do a very good job of  
18 reflecting the total population of Glendale and assuring  
19 Glendale of as much -- as strong a representation I  
20 believe as any, as any map that any map drawer with be  
21 capable of doing. The piece at the top does not impair  
22 the City of Glendale to achieve representation.

23                  CHAIRMAN LYNN: Further discussion on the  
24 motion?

25                  If not, all those in favor of the motion

1 signify by saying "Aye."  
2 COMMISSIONER ELDER: "Aye."  
3 COMMISSIONER HALL: "Aye."  
4 COMMISSIONER MINKOFF: "Aye."  
5 COMMISSIONER HUNTWORK: "Aye."  
6 CHAIRMAN LYNN: Chair votes "Aye."  
7 Opposed "no"?  
8 Motion carries.  
9 COMMISSIONER HALL: The spot for O, the  
10 piece -- P does not hook around O, more a sense for O to  
11 move to the west as was presented in his presentation, I  
12 move we adopt the Glendale swap as part of this map.  
13 CHAIRMAN LYNN: Second?  
14 COMMISSIONER ELDER: Second.  
15 CHAIRMAN LYNN: Moved and seconded. Would  
16 you show -- I know that's where you are moving, show the  
17 swap.  
18 Dr. McDonald, for the record, changes we're  
19 currently considering, my understanding is they have no  
20 effect on competitiveness in the overall map. Could you  
21 confirm for me?  
22 DR. McDONALD: Minimal changes to  
23 competitiveness.  
24 CHAIRMAN LYNN: Thank you.  
25 COMMISSIONER HUNTWORK: Mr. Chairman.

1                   CHAIRMAN LYNN:  Huntwork.

2                   COMMISSIONER HUNTWORK:  Clean-up of

3 February 23rd, clean-up compiled 2-27-04.

4                   Does this map show the competitiveness with

5 or without this change?

6                   MR. JOHNSON:  At the top, at the top,

7 looking at one that says February 23rd clean-up?

8                   COMMISSIONER HUNTWORK:  Yes.

9                   MR. JOHNSON:  That's all it says?

10                  COMMISSIONER HUNTWORK:  Is there one that

11 shows this change?  The answer to that is one I have does

12 not show change.

13                  DR. McDONALD:  I was directed by NDC to do

14 a JudgeIt analysis of a Glendale shift, did provide to

15 counsel, don't know if they provided to you.

16                  CHAIRMAN LYNN:  How would it be labeled?

17                  DR. McDONALD:  Clean-up Glendale shift.

18                  CHAIRMAN LYNN:  I don't know if circulated,

19 if somebody has it.  We could answer Mr. Huntwork's

20 question.

21                  COMMISSIONER HUNTWORK:  I'd like to know,

22 just know --

23                  DR. McDONALD:  I could tell you what

24 changes to O and P are.

25                  CHAIRMAN LYNN:  Great.

1 COMMISSIONER HUNTWORK: That's what I want.

2 All I want to know.

3 DR. McDONALD: Since you have clean-up  
4 without the Glendale shift, I'll go through O and P, the  
5 only ones affected. District O with clean-up, that will  
6 be a 43.3 Democratic Republican District not competitive.  
7 Under the Glendale shift, O is 42.5, still uncompetitive  
8 Republican. District P is 38.3 noncompetitive  
9 Republican. And in the clean-up it is a 38.7, still an  
10 uncompetitive Republican district.

11 COMMISSIONER HUNTWORK: Thank you.

12 CHAIRMAN LYNN: Thank you, Dr. McDonald.

13 Further discussion on the motion?

14 On the question of adopting the Glendale  
15 shift. All those in favor of motion signify by saying  
16 "Aye."

17 COMMISSIONER HALL: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER MINKOFF: "Aye."

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Motion carries unanimously.

23 COMMISSIONER HALL: Mr. Johnson, I want to  
24 confirm. Are you done with all your presentation?

25 MR. JOHNSON: Yes. That's everything I had

1 to walk through for you.

2 Other than the Glendale shift, Mr. Johnson,  
3 I think, there may be a question to counsel as well,  
4 we -- I think we probably had, on the record, better  
5 accept the population and trap adjustments. Other than  
6 the Glendale shift, the one you teed up for us, others  
7 essentially were ordered and there was no significant, if  
8 I understood your report, no significant deviation other  
9 than those we've addressed with the Glendale shift and  
10 what we did in the East Valley with respect to that  
11 particular map.

12 Is that accurate, Mr. Johnson?

13 MR. JOHNSON: The J adjustment had impact  
14 on population deviation as well. But if we looked at the  
15 time, I'd have to go back and check it.

16 CHAIRMAN LYNN: What I'm trying to do is  
17 get your report substantially not just in the record but  
18 adopted with respect to population adjustments and trap  
19 adjustments that you've made.

20 COMMISSIONER HALL: Well, the question is,  
21 in the event Commission were to vote an amend version of  
22 February 23rd clean-up map, I think that would include  
23 all those adjustments and trap adjustments, is that  
24 correct, Mr. Johnson?

25 CHAIRMAN LYNN: February 23rd clean up as

1 amended by motion, in other words, talking about Glendale  
2 shift, East Valley adjustment, talking about District J,

3 COMMISSIONER HALL: In fact, Mr. Chairman,  
4 if the Commission is ready, I'd be happy to make a  
5 motion.

6 COMMISSIONER HUNTWORK: Mr. Chairman, we're  
7 getting a little ahead of ourselves.

8 CHAIRMAN LYNN: Can't be too far ahead of  
9 ourselves. We're pretty much at the end of the day; but  
10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: I want to go back  
12 to a test that, from a couple weeks ago, I would call  
13 competitive District O that was at a point that we chose  
14 one version of the map versus another, and I don't recall  
15 the --

16 MR. JOHNSON: I can bring that up. That  
17 was included in February 22nd test B.

18 COMMISSIONER HUNTWORK: Yes.

19 Once again, can we impose the City of  
20 Glendale on it.

21 MR. JOHNSON: It's a little hard to see  
22 here, white shading in north portion of Q, central  
23 portion split M and K coming down through here, western  
24 portion in M.

25 COMMISSIONER MINKOFF: What map is that

1 that we're looking at Doug,

2 MR. JOHNSON: February 22 test map B.

3 COMMISSIONER MINKOFF: Is there a  
4 competitive O we decided not to pursue. Oh, I see it.

5 COMMISSIONER HUNTWORK: Mr. Chairman.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: I would like to  
8 make the motion that the Commission determines that this  
9 map does do -- does have significant detriment to the  
10 City of Glendale community of interest.

11 CHAIRMAN LYNN: Is there a second?

12 COMMISSIONER HALL: Second.

13 CHAIRMAN LYNN: Discussion on the motion.  
14 Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Huntwork. The  
16 distinction here is that competitive District M, I  
17 appreciate the color contrast. This one so dark it is M,  
18 right?

19 COMMISSIONER MINKOFF: Yes.

20 COMMISSIONER HALL: Actually that's Andi's  
21 head.

22 COMMISSIONER HUNTWORK: Doesn't help me to  
23 see it very well, either.

24 This one moves this one further out of  
25 Glendale, includes a smaller piece of Glendale on the

1 eastern end, and it also divides the heart of Glendale at  
2 a place that is very significant -- excuse me -- well,  
3 very significant to the ability of Glendale to have  
4 representation in that District M. Also, it, you know,  
5 it divides the other two into pieces that are less  
6 workable for the City of Glendale. So my feeling is that  
7 this map divides Glendale up in a way that is less  
8 protective of the city and dilutes the ability of the  
9 city to have representation in two solid districts.  
10 That's why I believe this map has significant detriment  
11 to the City of Glendale.

12 CHAIRMAN LYNN: Thank you.

13 Other comments?

14 MR. JOHNSON: Mr. Chairman.

15 CHAIRMAN LYNN: Mr. Johnson.

16 MR. JOHNSON: One thing rather than further  
17 west difference goes further north and takes larger chunk  
18 of City of Peoria, that's a difference, too.

19 CHAIRMAN LYNN: Other comments.

20 Ms. Minkoff.

21 COMMISSIONER MINKOFF: Mr. Chairman, I  
22 wasn't here for initial discussion of this, not sure I'm  
23 fully following this, so I don't really feel comfortable  
24 voting on this. I'd like to abstain and let you vote on  
25 this.

1                   CHAIRMAN LYNN: The real record, no vote if  
2 we get to vote.

3                   Further discussion?

4                   I think Mr. Huntwork articulated the  
5 difficulty we had with this map, this portion of the map,  
6 when we saw it on the 22nd. And it, it does reflect, I  
7 think, a significant detriment in Glendale. I certainly  
8 concur with that finding.

9                   Further discussion on motion?

10                  All in favor of the motion say "aye."

11                  COMMISSIONER HUNTWORK: "Aye."

12                  COMMISSIONER HALL: "Aye."

13                  COMMISSIONER ELDER: "Aye."

14                  CHAIRMAN LYNN: Chair votes "Aye."

15                  Record one abstention.

16                  (Commissioner Minkoff abstained.)

17                  CHAIRMAN LYNN: Passes foresee row and one.

18                  With the traps recently identified in  
19 Maricopa County, please let us know what adjustments  
20 those represent.

21                  COMMISSIONER HALL: While pulling that up,  
22 a 10,000-foot perspective, Maricopa County identified  
23 traps, very small population, too, within the heart of  
24 the city, that would clean the map up a little bit. Is  
25 that kind of a general overview?

1                   MR. JOHNSON: What happens, just as  
2 familiar general Congressional lines precinct maps, same  
3 thing Justice of the Peace districts and supervisorial  
4 districts, it was their request we not create these, for  
5 lack of a better term, mini precincts, most zero  
6 population, some zero population.

7                   Very quickly -- numbers coming up on the  
8 screen, 12 people affected on the border of E and P, a  
9 come near the Phoenix Scottsdale border, a couple up  
10 here, oh, this is I guess they've used river up here next  
11 to Sun City Grand rather than, rather than Sun City Grand  
12 border, drew other district lines creating a trap here,  
13 how many people involved -- oh, that area, that's about  
14 51 people in there that we would be moving, 35 people  
15 down on the border of Tempe and, what is it -- oh, Tempe,  
16 oh, yes, about 35 people in Tempe where don't come quite  
17 all way down to southern city border, and some other  
18 district did, so there's 74 people affected there. So  
19 that's the flavor of them.

20                   I haven't gone by one by one to look at  
21 them. They just came in this morning.

22                   COMMISSIONER HALL: Mr. Chairman, I think  
23 part of this, it's an expedited process for everybody.  
24 To minimize the process upon officials, elected  
25 officials, I move we accept adjustments for trap

1 adjustments.

2 COMMISSIONER ELDER: Second.

3 CHAIRMAN LYNN: All in favor?

4 COMMISSIONER HUNTWORK: "Aye."

5 COMMISSIONER ELDER: "Aye."

6 COMMISSIONER HALL: "Aye."

7 COMMISSIONER MINKOFF: "Aye."

8 CHAIRMAN LYNN: "Aye."

9 Motion carries unanimously.

10 COMMISSIONER HALL: I don't know if my  
11 fellow Commissioners are done analyzing the motion, but  
12 with all due respect, if we're going to move an adoption  
13 for purposes of complying with the court order, I guess I  
14 would ask my fellow Commissioners, wouldn't it be  
15 appropriate to hear from the public before we do that.  
16 And I'd certainly want to.

17 CHAIRMAN LYNN: Uh-huh.

18 COMMISSIONER HUNTWORK: Sure.

19 CHAIRMAN LYNN: Are there members of the  
20 public that wish to be heard on this so late?

21 Is this a mural?

22 Well, if not. They seem fairly content.

23 If not.

24 COMMISSIONER HALL: Mr. Chairman, it proves  
25 the principle a job tends to expand to the time allotted

1 to complete it.

2 COMMISSIONER HUNTWORK: Mr. Chairman, I'm  
3 more adamantly opposed to what we're doing than Mr. Hall  
4 is. I'd like to make the motion to approve it.

5 COMMISSIONER HALL: Great.

6 COMMISSIONER HUNTWORK: I'm just kidding.  
7 Go ahead, Josh.

8 COMMISSIONER HALL: Jim, you are welcome  
9 to. If only you'd gotten to it four hours ago, we'd be  
10 better off.

11 I move -- this is a long motion -- I move  
12 we adopt the February 23rd clean-up map as amended with  
13 the J alternative, the East Valley Berman map with  
14 population adjustments, the Glendale shift, as our March  
15 1st --

16 MS. HAUSER: Add in Maricopa trap  
17 adjustments.

18 COMMISSIONER HALL: Oh, that's right.  
19 Start over:

20 March 23rd clean-up map with Maricopa trap  
21 adjustments, as amended with the J alternative, the East  
22 Valley Berman map, the trap adjustments, and the Glendale  
23 shift, as the March 1st Legislative Redistricting plan  
24 solely for the purpose of submitting it to Judge Fields  
25 in compliance with his January 16th order, further

1 understanding by doing so we are not repealing the final  
2 2002 Legislative Redistricting Plan currently enjoined by  
3 the trial court in order to order to continue our appeal  
4 of the trial court's decision.

5 CHAIRMAN LYNN: Second?

6 COMMISSIONER HUNTWORK: Second.

7 CHAIRMAN LYNN: Second on the motion.

8 MR. JOHNSON: Reference the Chandler  
9 change?

10 COMMISSIONER HALL: Yes.

11 CHAIRMAN LYNN: Is the rest of motion clear  
12 to you?

13 MR. JOHNSON: Yes.

14 COMMISSIONER HUNTWORK: Mr. Chairman, out  
15 of all the reasons why I think it's sad that we are  
16 compelled to adopt this plan, the saddest one for me is  
17 that I feel that the Commission did not recognize a  
18 number of communities of interest that I feel clearly  
19 exist and I think in retrospect we should have  
20 recognized. I feel strongly the Mohave County, North and  
21 South, and Kingman with the River Communities were a  
22 community of interest. I feel strongly that there are  
23 numerous communities of interest inside the City of  
24 Phoenix which we have not recognized. I personally  
25 believe that had we recognized those, we would have found

1 significant detriment in this map to the Mohave County  
2 community of interest, we would have found significant  
3 detriment to a number of communities of interest inside  
4 the City of Phoenix and ultimately ended up with,  
5 essentially, three or four naturally competitive  
6 districts that did not impinge on or impair communities  
7 of interest. I believe if the Commission had had time to  
8 really discuss these areas and make decisions freely, and  
9 if the Commission had not felt that doing so might be  
10 considered, what is the word used, pretextual, had not  
11 been considered pretextual by the Judge, we would have  
12 been able to provide a very clear demonstration to the  
13 court and the public that what we did, and the order in  
14 which we went about it produced, essentially, the same  
15 result in terms of competitiveness as the map that we are  
16 about to adopt. And I feel that our inability, I won't  
17 call it failure, exactly, because I honestly acknowledge  
18 that we didn't have time, and I know that on the record  
19 my, some of my fellow Commissioners voted against some of  
20 the proposed communities of interest, specifically on the  
21 grounds we didn't have time. We didn't adopt them the  
22 first weekend when we first considered communities of  
23 interest, and after that it would be considered  
24 pretextual. So I just wanted to make that clear.

25 I think we found four competitive districts

1 on our approved maps. I think had we had time we would  
2 have found approximately the same number of competitive  
3 districts on this map. And that we could have, we could  
4 have manipulated either map to produce seven, eight, nine  
5 competitive districts. If someone tells us how many  
6 competitive districts we have to produce, well, you know,  
7 we can produce that number. But there is nothing  
8 superior about the method that we have followed to  
9 produce this map compared to the method we produce the  
10 other in terms of honestly producing competitive  
11 districts that emerge from the natural competition of the  
12 populous that was promised by, in the original movement  
13 to adopt Proposition 106.

14 Thank you.

15 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

16 Further discussion on the motion?

17 Mr. Hall.

18 COMMISSIONER HALL: I just want to say that  
19 while, while Dr. McDonald does an outstanding job in his  
20 competitive analysis, we agree, Jim, the definition of  
21 competitiveness has to do, as we've all said, and  
22 Chairman Lynn has repeated on more than one occasion, has  
23 to do with people, running a campaign effectively,  
24 persuading others their voice is -- their voice and  
25 opinions will represent their best interests. And I

1 think there are many areas a lot of us agree with what  
2 you've said with respect to what really is best for the  
3 State of Arizona. And it will be interesting to see in  
4 the event that, in hopeful the unlikely event an election  
5 is held under this map it is more competitive, frankly in  
6 some areas it, quote unquote, fits the definition, I  
7 don't think it is. Nevertheless, I want to compliment my  
8 fellow Commissioners. I appreciate the fact we've been  
9 placed in a very accelerated position, and to comply with  
10 the order of the court. And I compliment my fellow  
11 Commissioners on their efforts.

12 CHAIRMAN LYNN: Further discussion on the  
13 motion?

14 Ms. Minkoff.

15 COMMISSIONER MINKOFF: Once again, I'd just  
16 like to express a minority opinion. I really do believe  
17 we can recognize communities of interest and create  
18 competitive districts. However, I believe that we can  
19 also create a situation where it is impossible to create  
20 competitive districts by recognizing so many communities  
21 of interest or such large communities of interest that we  
22 make it impossible to do so. I believe that a balancing  
23 act is necessary. I'm sorry for the reasons why we had  
24 to go through this exercise, but I believe that it was an  
25 appropriate exercise. And I, for one, am pleased that we

1 do have more competitive districts in the State of  
2 Arizona. I'm sorry for the reason we were forced to do  
3 it, but I believe that competitive districts serve the  
4 people best because they moderate the political  
5 discussion and lesson extremes. And I believe that all  
6 of the people of Arizona, whatever their political party  
7 affiliation, are better served by a Legislature that  
8 works towards the middle rather than towards both sides.

9 CHAIRMAN LYNN: Up to me, then.

10 First of all, I want to thank my fellow  
11 Commissioners. This has not been easy, as those of you  
12 who follow the process know. This is a very difficult  
13 task even when done without additional rules and  
14 regulations. This is a state difficult state to  
15 redistrict under the best of circumstances due to the  
16 large areas of population separated by many miles with  
17 very few people with very little in common one with  
18 another. It is difficult to be fair to all in this  
19 process. The additional rules imposed by the court make  
20 it even more difficult in some ways to be fair to certain  
21 interests in the state while favoring other interests  
22 which we may have been directed by the court to take  
23 priority over those that I think occupy at least equal  
24 position in the Constitutional Amendment and in the  
25 intent of those who put the amendment on the ballot. The

1 frustration that often you witnessed, if you were with us  
2 for this month and a half, was real. It was not in any  
3 way a "pretext," to use that term, nor was it, was it  
4 conjured up by anything other than the members of the  
5 Commission trying their level best to reconcile what they  
6 believed to be what was right with the rules that they  
7 believed to be very, very difficult, if not impossible,  
8 to follow.

9 I need to commend them for coming to terms  
10 with the task at hand, for doing the level best they  
11 could under the circumstances, for respecting the  
12 communities of interest that we were allowed to respect,  
13 for balancing the differences in the various aspects of  
14 Proposition 106 that at times are inherently at odds with  
15 one another. And it was, certainly wasn't easy to do. I  
16 don't -- I guess save Ms. Minkoff, whose comments stand  
17 on their own, I think those of us that went through the  
18 bulk of the process this month, I mean no slight by that,  
19 none of us is happy with this map, having struggled with  
20 this as it is.

21 I want to thank all of the people who  
22 helped us do this, the staff of the Commission, certainly  
23 our court reporter who was with us every step of the way,  
24 our consultants from NDC, and certainly Dr. McDonald as  
25 he has always been very efficient putting together his

1 analysis on the competitiveness aspects of what we were  
2 discussing. But most of all, I want to thank the public  
3 for understanding how difficult this was and sticking  
4 with us in this regard. I appreciate when we come to  
5 this point in the process and we ask if there is  
6 additional public input, not that you said nothing,  
7 because that could just be a function of fatigue. And I  
8 understand that, but I understand the interests in this  
9 room have been discussed for 45 days. I take your  
10 silence to mean even under trying circumstances the  
11 Commission has dealt as fairly and honestly with those  
12 interests as we could. I expect understanding we are  
13 doing two things today: First, foremost, we are renewing  
14 our objection to doing this process this way and we are  
15 renewing our commitment to an appeal process that we need  
16 to have finished in due course to determine how this  
17 Commission and -- and future Commissions will operate  
18 under the law, but that we have made an honest attempt to  
19 fully comply with the order of the court in the time  
20 frame we were given and the rules which were imposed, and  
21 that by adopting this map under the circumstances and the  
22 conditions in the motion, that we have done so.

23                   With that, I will give Mr. Elder one other  
24 opportunity.

25                   I don't want to put you on the spot but I

1 want to give you a chance to say something if you want  
2 to.

3 COMMISSIONER ELDER: Mr. Chairman, I'm  
4 afraid if I said what I really want to say I'd be in  
5 contempt of court or something else. I respectfully  
6 decline. I'm so livid about this process I can't see  
7 straight.

8 CHAIRMAN LYNN: I appreciate that,  
9 Mr. Elder. I certainly understand.

10 With that, on the motion, roll call:  
11 Mr. Huntwork?

12 COMMISSIONER HUNTWORK: "Aye."

13 CHAIRMAN LYNN: Mr. Hall?

14 COMMISSIONER HALL: "Aye."

15 CHAIRMAN LYNN: Ms. Minkoff?

16 COMMISSIONER HUNTWORK: "Aye."

17 CHAIRMAN LYNN: Mr. Elder?

18 COMMISSIONER ELDER: Abstain.

19 No, no. "Aye, what the hell."

20 CHAIRMAN LYNN: Record that as an: "Aye,  
21 what the hell."

22 CHAIRMAN LYNN: Chair votes "aye."

23 By a vote of five to zero this map is  
24 adopted under the conditions and for the purposes stated  
25 in the motion.

1 Mr. Hall.

2 COMMISSIONER HALL: I'd like to make  
3 another motion we ask counsel to ask the trial court for  
4 30 days public comment pursuant to the Constitution and  
5 for sufficient opportunity for the Commission to react to  
6 that comment prior to its implementation.

7 THE REPORTER: Would you repeat that.

8 COMMISSIONER HALL: I would move we direct  
9 counsel to ask the trial court to allow 30 days of public  
10 comment pursuant to the Constitution on this map and  
11 allowing the Commission the opportunity to react to that  
12 comment before the Court orders implementation of this  
13 map.

14 Is there a second?

15 COMMISSIONER HUNTWORK: Second.

16 CHAIRMAN LYNN: Discussion on the motion.

17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: Mr. Chairman, my  
19 earlier remarks about our inability to recognize  
20 communities of interest are simply underscored and  
21 exacerbated by the fact that the Court's time table for  
22 implementation does not include any opportunity for  
23 public comment after this map is adopted nor, for that  
24 matter, does the court's alternative plan of having a  
25 Special Master create a map in the back room of the

1 Maricopa County Superior Courthouse, rather than at least  
2 out in the open under the lights in front of the people  
3 of Arizona, as difficult as this process might be. The  
4 Court's, I digress a little, but the Court's alternative  
5 way of doing this with a Special Master is as far from  
6 the open and balanced process with five individuals with  
7 different viewpoints, politically, geographically, and so  
8 on, five ordinary citizens, not experts in redistricting,  
9 versus one man in the back room who is an expert, there  
10 couldn't be a more stark contrast between the goals and  
11 purposes of Proposition 106 and what the court has  
12 proposed to do or threatened to do. But I do digress a  
13 little bit there simply in saying that the period four  
14 public comment is an integral part of this process. It  
15 wasn't put there by coincidence. It's there so the  
16 public will have a chance to react to our maps. And I  
17 know that there is a tremendous latent reaction to what  
18 we are, what we have just done. And I think it would be  
19 a complete violation of the Arizona, the constitution of  
20 the state of Arizona for the judge not to allow that time  
21 period for public comment to take place.

22 CHAIRMAN LYNN: Thank you for that,  
23 Mr. Huntwork.

24 Further discussion on the motion?

25 If not, all those in favor of motion

1 signify by saying "Aye."

2 COMMISSIONER MINKOFF: "Aye."

3 COMMISSIONER HUNTWORK: "Aye."

4 COMMISSIONER ELDER: "Aye."

5 COMMISSIONER HALL: "Aye."

6 CHAIRMAN LYNN: Chair votes "aye."

7 Mr. Hall.

8 COMMISSIONER HALL: I move we submit to DOJ  
9 for preclearance upon order of the trial court.

10 CHAIRMAN LYNN: Second.

11 COMMISSIONER MINKOFF: Second.

12 CHAIRMAN LYNN: It is moved upon order of  
13 the trial court to submit to Department of Justice for  
14 preclearance.

15 Discussion on the motion?

16 COMMISSIONER HUNTWORK: Mr. Chairman, I  
17 feel that before we submit this Map for preclearance,  
18 that we need to bring further motions before the Court of  
19 Appeals and the Supreme Court of Arizona in an effort to  
20 determine which map will be used for the November  
21 election. I don't think that the issue in those motions  
22 is preclearance or not preclearance. I think the issue  
23 is that the trial court erroneously said that this  
24 Commission is subject to strict scrutiny when I believe,  
25 absolutely and completely, from the bottom of my heart,

1 that this Commission has very broad discretion and that  
2 that is a fundamental and obvious error of law in the  
3 ruling made by the trial court which is determinative of  
4 the outcome of the proceedings in the trial court. If  
5 our discretion had been recognized, I do not believe that  
6 the trial court could have come to the conclusion it did  
7 regarding the original maps and I believe the appellate  
8 courts will recognize that. Therefore, I would like to  
9 have that issue presented to the appellate courts to see  
10 which maps they want to have used in the fall election  
11 before we have this submitted for preclearance. I don't  
12 believe this is the one for the fall election to preserve  
13 our right for appeal and I want it ordered to be used  
14 before we submit it for preclearance.

15 CHAIRMAN LYNN: I understand your concern  
16 and certainly share much of the concern you have. I take  
17 it the purpose of the motion is to be direction to  
18 counsel if the trial court orders a map immediately be  
19 submitted to Department of Justice, we need not meet  
20 again in order to allow counsel to comply with the trial  
21 court's order. That's why I'm prepared to vote in favor  
22 notwithstanding it does not have any negative impact on  
23 our ability or our issues at trial in the appellate  
24 court. And I'm convinced that that was Mr. Hall's  
25 intent. And I'm fine with that. Mr. Huntwork.

1                   COMMISSIONER HUNTWORK: Mr. Chairman, I'd  
2 be less opposed if the motion stated if ordered by the  
3 trial court.

4                   COMMISSIONER MINKOFF: It did.

5                   COMMISSIONER HALL: It did.

6                   COMMISSIONER HUNTWORK: Let me ask counsel,  
7 they don't have to answer in public if don't want to:

8                   Can we have two precleared maps at the same  
9 time so if we submit this and the precleared it will take  
10 away preclearance of the other precleared?

11                  MS. HAUSER: No. You can have two  
12 precleared.

13                  COMMISSIONER HUNTWORK: Somebody said you  
14 can't.

15                  MS. HAUSER: Yes.

16                  MS. LEONI: Under these circumstances, yes.

17                  COMMISSIONER HUNTWORK: The answer is yes  
18 you can.

19                  CHAIRMAN LYNN: Further discussion?

20                  If not, all in favor say "Aye."

21                  COMMISSIONER HUNTWORK: "Aye."

22                  COMMISSIONER HALL: "Aye."

23                  COMMISSIONER MINKOFF: "Aye."

24                  COMMISSIONER ELDER: "Aye."

25                  CHAIRMAN LYNN: Chair votes "Aye."

1 Motion carries unanimously.

2 Further motions by the Commission?

3 If not, further motions or considerations  
4 from counsel?

5 Mr. Johnson, you are clear on instructions  
6 from this point forward?

7 MR. JOHNSON: All set. And thank you to  
8 all the Commissioners.

9 CHAIRMAN LYNN: No, thank you, Mr. Johnson.

10 MR. JOHNSON: It's been a long 45 days.

11 COMMISSIONER HUNTWORK: You'll send all the  
12 Commissioners a packet of maps and summary?

13 COMMISSIONER HALL: You'll be sending a  
14 packet of maps and a summary matrix?

15 CHAIRMAN LYNN: You'll be sending something  
16 to us, a summary packet to discuss with people that stop  
17 us on the streets and accost us?

18 MR. JOHNSON: Yes.

19 CHAIRMAN LYNN: Anything from the Executive  
20 Director, Mr. Echeveste?

21 MR. ECHEVESTE: Mr. Chairman, Members of  
22 the Board, I'll continue to send you the monthly report  
23 about the third week after the close of the month so that  
24 you have a continuous record, a monthly, continuous  
25 record. In addition to that, I'll send you and Mr. --

1 CHAIRMAN LYNN: -- Hall.

2 MR. ECHEVESTE: An update, the exact month  
3 on what we have in the bank when we receive major  
4 invoices from attorneys and consultants.

5 CHAIRMAN LYNN: Thank you, Mr. Echeveste.

6 COMMISSIONER HUNTWORK: If you can estimate  
7 how much money we have left in the allotment in order to  
8 continue the appeal?

9 CHAIRMAN LYNN: There's no way for  
10 Mr. Echeveste to estimate.

11 COMMISSIONER MINKOFF: No bills.

12 CHAIRMAN LYNN: No bills are submitted.

13 COMMISSIONER HUNTWORK: I see.

14 CHAIRMAN LYNN: 980.

15 MR. ECHEVESTE: 980,000 plus, I'd say  
16 ballpark, probably, on our -- close to 700 or less.

17 CHAIRMAN LYNN: Less, probably.

18 COMMISSIONER HUNTWORK: Thank you.

19 CHAIRMAN LYNN: For the information of the  
20 Commission, I requested, and we're awaiting meetings with  
21 leadership at the Legislature to continue funding of the  
22 remainder of the work of the appeal.

23 Is there further business to come before  
24 the Commission?

25 If not, the Commission will adjourn pending

1 call of the chair. Call of chair will depend on how the  
2 court receives our request for 30 days' review and our  
3 ability to deal with the comments of the public  
4 subsequent to that 30-day review.

5 So without objection, the Commission will  
6 stand adjourned.

7 (Whereupon, the Arizona Independent  
8 Redistricting Commission adjourned at  
9 approximately 8:29 p.m.)

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STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing Arizona Independent Redistricting Public Hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 265 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 12th day of April, 2004.

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

