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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
April 12, 2004
10:00 a.m.

CERTIFIED
TRANSCRIPT
(COPY)

PREPARED FOR:
PREPARED FOR:
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR
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1 The State of Arizona Independent
2 Redistricting Commission convened in Open Public Session
3 on April 12, 2004, at 10:00 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

12

 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
- KRISTINA GOMEZ, AIRC Staff
- DOUGLAS JOHNSON, VICE-PRESIDENT OF NDC,
AIRC Consultant
- MARGUERITE MARY LEONI, NDC Counsel
- LISA A. NANCE, Registered Professional Reporter,
Certified Court Reporter, No. 50349

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Tim Johnson, (Called Upon by AIRC for Expertise)
Expert in Precincts and Computer Technology

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Mayor Joseph Donaldson

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City of Flagstaff

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RECOGNITION AND THANKS BY ARIZONA INDEPENDENT
REDISTRICTING COMMISSIONERS TO:

14

Helen Purcell, Maricopa County
(Recognized and Thanked.)

67

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16

Karen Osborne, Elections Director Maricopa County
(Recognized and Thanked.)

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17

18

Tim Johnson, (Recognized for Excellence)
Expert in Precincts and Computer Technology.

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Marguerite Mary Leoni

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7 Adolfo Echeveste --

8

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24	12	Speaker Slip re: Ronald C. Ramsey, City Attorney, Speaker Slip re: City of Bullhead City
25		

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E X H I B I T S C O N T ' D

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NO. DESCRIPTION

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13 Speaker Slip re: Bruce Murchison, LD 29

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14 Speaker Slip re: Evelyn Shapiro, Isaac Community,
6 Governing Board Clerk

7

15 Speaker Slip re: Kent P. Scribner, Superintendent,
Isaac Schools, Isaac School - Community

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16 Speaker Slip re: W. Kent Foree, Assistant City
9 Attorney, Lake Havasu

10

17 Speaker Slip re: Mary Rose Wilcox, Maricopa County.
Supervisor Minority Coalition for Fair Redistricting

11

18 Speaker Slip re: Buster Johnson, Supervisor,
12 Mohave County

13

19 Speaker Slip re: Mayor Lester Byram,
City of Kingman

14

20 Speaker Slip re: Bob Taylor, City Attorney,
15 City of Kingman

16

21 Speaker Slip re: Tom Carter, Kingman Area
Chamber of Commerce

17

22 Speaker Slip re: Paul McCormick, Kingman

18

23 Speaker Slip re: Mike Flannery, Prescott Valley.
19 Council Member

20

24 Speaker Slip re: Ruth Ann Marson, Ph.D.
Phoenix Historic Neighborhood Coalition

21

25 Speaker Slip re: Alberto Gutier

22

26 Speaker Slip re: Daniel Kincaid

23

27 Speaker Slip re: David Cantelme.

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28 Speaker Slip re: Karen Osborne.

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SPEAKERS FROM THE PUBLIC:

Daniel Kincaid

David Cantelme, Flagstaff

Karen Osborne, Elections Director Maricopa County

Tim Johnson, (Called Upon by AIRC for Expertise) 146
Expert in Precincts and Computer Technology

1 Public Session
2 Tempe, Arizona
3 April 12, 2004
4 10:22 o'clock a.m.

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P R O C E E D I N G S

CHAIRMAN LYNN: The Commission will come to
order.

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Present.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Present.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Present.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Present.

CHAIRMAN LYNN: Chairman is present along
with consultants, counsel, and IRC staff.

Ladies and gentlemen, to give you an update
to frame the meeting, this is the last opportunity we
will have to meet before the Superior Court in Maricopa
County considers a map that we may submit to the court
this week. The hearings are set for the 15th and 16th.
And we are operating under court's order to return to the
court with a map that favors competitiveness in a

1 specific way outlined in the court's order and that has a
2 minimum of seven competitive districts. That was the
3 benchmark set by the court and the target that we cannot
4 go below. The Commission has been dealing with for
5 basically the month of March and first half of April. We
6 are at a point where the work of the Commission on this
7 particular submission to the court currently contains
8 seven competitive districts. And is configured in many
9 ways differently from the original mapping that was done
10 by the Commission in 2003, 2002. What I'd like to do
11 this morning is since the public comment period court
12 recognized has now expired, I'd like to begin the meeting
13 this morning with presentation from Mr. Johnson, NDC,
14 summarizing public comment that has been received to
15 date, or since our last meeting, I should say, on April
16 2nd. The actual date that the public comment period
17 expired I believe is April 8. So public comment between
18 the 2nd and 8th. And then I would like to take
19 additional public comment at this meeting. I know there
20 are several people here that indicated they would like to
21 speak. If you do wish to speak this morning and have not
22 filled out a speaker slip I invite you to do so. They
23 can be found at the entrance to the room. Mr. Echeveste
24 has them available for you. If you will give them back
25 to him if you have one you'd like to submit we'll here

1 your public comment this morning as well. Then just for
2 the purposes of planning and timing, at that point we may
3 require an Executive Session just because we -- it is the
4 last meeting before we do go back to the court, and I
5 think that would be a prudent thing to do, and then we
6 will proceed with the remainder of the agenda and try to
7 work through the mapping process. I cannot begin to
8 predict how long that will take. That will in part be in
9 part the issues in public comment and result of what has
10 been said.

11 Without objection, Mr. Johnson, if you
12 summarize the public input between the 2nd and 8th.

13 MR. JOHNSON: Mr. Chairman, Members of the
14 Commission, as you note, this is just comments that have
15 come in since that last meeting, in addition to thousands
16 of comments we reported on at the April 2nd meeting, we
17 have 75 comments that have come in by e-mail we
18 summarized for you. As before, a few were personal
19 questions about how do I get this data, and other
20 miscellaneous issue items, broken out in support and
21 opposition comments.

22 First of all, the supportive ones. We had
23 58 comments that were supporting even though coming in
24 after the April 2nd date, they were still commenting on
25 the March 1st plan endorsing the competitive changes made

1 in the plan. None of those 58 referenced whether they
2 supported or opposed the new changes in the April 2nd.
3 We had an additional five comments supporting the
4 Flagstaff unification, again referencing back to the
5 March 1 map, not two small changes made there, one
6 comment thanking the Commission for unifying the Yavapai
7 metropolitan planning organization, and then a letter
8 from the Hispanic Coalition that supported the plan as
9 adopted but also endorsed what we call the Encanto test
10 or Encanto change between districts 14 and 15.

11 In terms of opposition comments, again,
12 these are in addition to the thousands reported on April
13 2nd, four more opposed division in Mohave County, one
14 from Lake Havasu City, acknowledged unification of Lake
15 Havasu, opposed the overall split of Mohave County, two
16 more opposing splits of Tucson, the Foothills, and the
17 other part and linkage of Sierra Vista and one comment
18 actually supported going back to lines drawn in Phoenix
19 for the 2002 plan where -- and four more comments that
20 were concerned about Biltmore not being with the downtown
21 area.

22 In terms of specific change requests, we
23 have the request from Maricopa County for some technical
24 changes and I have no report for you on that and also
25 Yavapai County shared technical changes, unify changes,

1 and we have impacts for them.

2 So -- that is the report on the public
3 comment.

4 CHAIRMAN LYNN: Are there any questions
5 about the summary public comment today?

6 If not, I want to remind them, we continue
7 with public comment before we go into our work. And for
8 that purpose, item IV, this is the time for
9 consideration and discussion of comments and complaints
10 from the public.

11 Those wishing to address the Commission
12 shall request permission in advance by filling out a
13 speaker slip. Action taken as a result of public comment
14 will be limited to directing staff to study the matter or
15 rescheduling the matter for consideration at a later date
16 unless it's the subject of an item already on the agenda.

17 I would add to that the following. Because
18 this process has been interactive from day one and
19 because many of the speakers are speakers we have heard
20 before, I would very much ask that speakers limit their
21 comments either to very brief restatements of positions
22 already taken or, if you are bringing something new to
23 the Commission, certainly I would give you more latitude
24 in terms of bringing new positions up.

25 To the extent we are taking extensive

1 public comment today, please keep your comments as brief
2 as possible.

3 If you have written comments to submit,
4 we're more than happy to take written comments and make
5 them part of the record.

6 So the first speaker, as usual, Mayor of
7 the City of Flagstaff, the Honorable Joseph Donaldson.

8 Mr. Mayor, good morning.

9 MAYOR DONALDSON: Good morning.

10 Good morning, Mr. Chairman and
11 Commissioners. Once again, I am Joseph C. Donaldson,
12 Mayor of the City of Flagstaff. I thank you for the
13 opportunity to speak before you on behalf of the City of
14 Flagstaff and our community.

15 At this time, please allow me the
16 opportunity to introduce those from the Flagstaff City
17 Council who have also joined me here this morning.

18 As I call their name, I encourage them to
19 stand up:

20 Commissioner White.

21 Vice Mayor Liberato Silva.

22 Councilman Carolyn Cooper.

23 Councilor Karen Kelty.

24 MS. KELTY: Good morning.

25 MAYOR DONALDSON: My good friend, Al White.

1 MR. WHITE: I'd stand if I could.

2 MAYOR DONALDSON: I recognize the difficult
3 task you've been charged with and recognize your efforts,
4 perseverance on behalf of the citizens of the state.
5 Thank you for recognizing Flagstaff as a community of
6 interest. As I have testified, the FMPO was designated
7 by federal and state actions as indispensable for
8 transportation planning for an incorporated city and
9 population centers in the county areas within its
10 boundaries. As we also testified, the boundaries of the
11 FMPO are identical to those of the Flagstaff area for
12 regional land use. This plan was adopted both by the
13 City of Flagstaff Council, the Coconino Board of
14 Supervisors, and ratified by an overwhelming majority of
15 voters of the Flagstaff area regional land use. The
16 transportation plan utilizes land use, zoning, parks,
17 recreation, open space, and transportation policies.
18 Respecting the FMPO benefits residents, public agencies
19 within its geographic boundaries. It is a benefit to its
20 regional partners as well. We appreciate the difficulty
21 of balancing many interests, decision-making of many
22 factors.

23 I'd respectfully ask the FMPO be maintained
24 as a community of interest, the whole one Legislative
25 interest, and any reduction in its geographic area is

1 kept to a minimum.

2 I thank you for your time and your
3 consideration.

4 CHAIRMAN LYNN: Thank you, Mr. Mayor.

5 MAYOR DONALDSON: Thank you.

6 CHAIRMAN LYNN: Out of curiosity, did you
7 notice the meeting as a City Council meeting?

8 MAYOR DONALDSON: Yes.

9 CHAIRMAN LYNN: Way to use the open meeting
10 laws.

11 MS. KELTY: We also canceled our regular
12 City Council meeting.

13 CHAIRMAN LYNN: Well, I appreciate you all
14 coming down. Hopefully you won't be disappointed by
15 making the trip.

16 Next speaker, Ronald, I believe Ramsey, is
17 that correct, pronounced close to correct, sir?

18 MR. RAMSEY: Good enough. Close. Ronald
19 C. Ramsey.

20 CHAIRMAN LYNN: Ramsey, pardon me,

21 MR. RAMSEY: Mr. Chairman, Members of the
22 Commission, I'm here on the record for first time at
23 least at a public hearing on behalf of the City of
24 Bullhead City. And I'm the city attorney.

25 If I may, I'd like to read a brief report.

1 The City of Bullhead City in reviewing the progress of
2 this lawsuit filed against Commission but did not really
3 take an active part until we started seeing some of the
4 maps, the March 2, 2004, version which would have divided
5 Mohave County into several legislative districts. The
6 City strongly feels that if adopted, this will destroy
7 the historic Colorado River area comprised of Bullhead
8 City, Lake Havasu City, the unincorporated areas which
9 surround the cities, and Kingman, the county seat. And
10 we are submitting along with this documentation what we
11 have passed by the voters in June 2002 showing our
12 general plan and the regional planning area incorporates
13 all these areas, placing Bullhead City with Flagstaff in
14 a Legislative District that attempts to join communities
15 that are as diverse as to topography, economies,
16 recreation, seasonal residents, natural resource
17 planning, transportation, and history as any two regions
18 of the state could be. Pretty well a swap of seasonal
19 tourists summer and winter.

20 As a result of the potential impact of the
21 adoption of the March 1, 2004 map, or any variation which
22 divides Mohave County, the negative impact this would
23 have on the ability of the residents and voters of
24 Lake -- of Bullhead City, we have submitted the record in
25 the past, I'm submitting in today two resolutions signed

LISA A. NANCE, RPR, CCR, NO. 50349

1 by the City Council strongly protesting the division of
2 Mohave County, urging permission to use the already
3 adopted 2002 map, and these resolutions authorize the
4 city staff to join whatever legal actions might be
5 necessary to protect the political interests of the city.

6 The findings of Judge Fields of January
7 16th, 2004, which set in motion revisions to the map
8 included that had the Commission further defined the
9 communities of interest as Arizona units of
10 representation presented by its consultant, NDC,
11 attaching an excerpt of the order as Exhibit 4, the court
12 also found the Commission was required to respect
13 boundaries of the same communities of interest. Another
14 excerpt attached clearly sets distinct that boundary as
15 either the preponderance of evidence on which a county
16 elicited in Proposition, 106, which concerns us today
17 concerning Mohave County, county boundaries which are
18 specifically listed although not defined so far as these
19 proceedings are concerned.

20 Bullhead City would urge this Commission to
21 find division of the Mohave of County under the March
22 1st, 2004, map revisions we've seen since as part of the
23 mandated of the court to form more competitive districts
24 does in fact, quote, create a significant impact in the
25 Proposition 106 that is to have goals and districts

1 distinctly compact, boundaries that respect competitive
2 interests, and existing city, town and county
3 jurisdictions.

4 Mr. Johnson's districts, the district and
5 towns, we place our comments on record of these
6 proceedings.

7 I thank you for your attention.

8 CHAIRMAN LYNN: Thank you, Mr. Ramsey.

9 Next, Bruce Murchison, Legislative 29 in
10 the Tucson area.

11 Hand that to Mr. Echeveste right there.

12 MR. MURCHISON: Thank you, Mr. Chairman,
13 Commissioners. I appreciate you allowing me to speak
14 this morning. This is my first time here. My employer
15 sent a quite few e-mails regarding June 29. I admire,
16 like the Mayor, the enormous task, hard work you've done,
17 and, of course, you cannot make everybody happy. The
18 reason I brought this before you is that several
19 communities of interest in District 29 are together that
20 should not be in the southern part of Tucson, the western
21 portions, west of Alvernon, west of the Air Force Base is
22 primarily Hispanic, a distant populated community, the
23 Base, south of the Base is a very rural community, and
24 then you have less densely populated and very different
25 community of interest, the eastern portion of Tucson.

1 You have taken, if I could have the maps in
2 front of you, if I may have one, if I can have all my
3 paper -- gave the Commission all my papers. I've given
4 you the original boundaries, have shown a few problems I
5 believe are present. The second page shows a modified
6 map. I believe will correct these. The problems you'll
7 see, of course, lines the two communities, the Hispanic,
8 eastern part of Tucson, rural, southern portion, density
9 of population that is Hispanic, which prevents equal
10 representation in the eastern portion, high density of
11 Hispanic community. If a mere 53 percent show up, the
12 entire district is committed to whatever is dictated by
13 that portion of the community. The rural portion of the
14 south, of course, is better situated, LD 30.

15 The second page, gentlemen, LD 26, 28
16 modified in April 2nd map I must say thank you very much,
17 helps keep the community in northern Tucson intact, I
18 believe has the changes needed in 29 as well.

19 The yellow portion you see highlighted I
20 believe will keep the issue eastern portion of two intact
21 taking the urban portion of 30, combining with 29 there,
22 the rural portion of 29 to 30. In addition 27, the
23 little lines through it, is very highly density Hispanic
24 community, be better off 27, keep there, the community
25 intact as well. This would -- this would help satisfy

1 the Voting Rights Act. The Hispanic community is given
2 equal representation, an equal portion of 29. The
3 eastern portion is unified and another competitive
4 district.

5 This district, we see in yellow, the
6 similar, not the same as District L from I think
7 competitive map B from February 9th, I believe. That
8 gives you a competitive district and 52, 48, somewhere
9 around there, so that would help out with what you are
10 looking for there, and of course given the rural portion
11 of 29. Now you've seen the lines of 30, so 30 will keep
12 them intact as well.

13 The base, which is in between those, go
14 with -- well, probably with 29 or 30, depending on
15 population needs.

16 Based on that, I ask for your consideration
17 in this district.

18 CHAIRMAN LYNN: Thank you.

19 MR. MURCHISON: Any questions?

20 MR. JOHNSON: Yes --

21 COMMISSIONER MINKOFF: I have one question.
22 The bottom of the map, lines can be adjusted to account
23 for population shifts. It looks like the area you moved
24 into District 27 you say is a very densely populated
25 area.

1 MR. MURCHISON: Correct.

2 COMMISSIONER MINKOFF: Therefore, I assume
3 as a result of this shift District 27 is significantly
4 overpopulated. Have you suggested a shift out, you know,
5 if we have to adjust lines for population shifts, a way
6 we might adjust is take area and put back in 29?

7 MR. MURCHISON: Ma'am, 25 I believe just
8 north if you need to, how you adjust might be Drexel
9 Heights and -- the map cut-off in that section as you go
10 further west, it's a community less contiguous and the
11 use part of that would not affect the Hispanic community,
12 keep Hispanic community intact. And you don't want to
13 adjust the lines into their area. Also, 26 could be
14 lowered if needed. And the last one, 28 if you wanted to
15 could come down to, the C down here, area of Aviation
16 Highway, somewhere lower than what it's at -- assume
17 lower than what it's at, help take away at least a fair
18 amount of that.

19 COMMISSIONER MINKOFF: The map you are
20 proposing, the only shifts you made basically are between
21 the one in 29 and 30, and then you've taken some out of
22 29, put it in 22, 27, but you don't have corresponding --

23 MR. MURCHISON: What?

24 COMMISSIONER MINKOFF: Don't have a
25 corresponding shift out of 27 in your map.

1 MR. MURCHISON: Yeah. It would be hard,
2 uh-huh, out to Tucson Estates, that portion incorporated
3 into 25 that would not affect the community at large.
4 The Hispanic community goes out to Mission and Alvernon,
5 basically the main focus of that community, take a
6 portion outside, west of mission, I-19 there, next long
7 the line of Mission Road, west of that, Tucson Estates or
8 Drexel Heights, a very rural community as well. That
9 could be given to 25 or however you wanted to shift, line
10 25 or 30.

11 CHAIRMAN LYNN: Mr. Johnson?

12 MR. JOHNSON: Thank you, Mr. Chairman.

13 A quick question so I understand this
14 correctly. The goal here, you are actually unifying the
15 Hispanic community into 27 so we have one Hispanic
16 dominated district rather than two?

17 MR. MURCHISON: I suppose that would
18 happen. Main concern is the eastern portion of 29 is not
19 given equal representation in the densely populated
20 western portion of 29. The main concern may be another
21 end result, the main concern that East Tucson be given
22 equal representation to nominate people. Each of the
23 communities are so vastly different, there's no reason to
24 have them together.

25 CHAIRMAN LYNN: Thank you, Mr. Murchison.

1 Next speaker, Evelyn Shapiro. Ms. Shapiro
2 is representing the Isaac community.

3 MS. SHAPIRO: Good morning, Mr. Chairman,
4 ladies and gentlemen of the Redistricting Commission.

5 For me to get up and speak I need to have
6 someone up here to speak, that's Dr. Scribner,
7 superintendent of the school district. He has maps that
8 understand where I'm coming from. Would that be
9 permissible? He's listed to speak.

10 CHAIRMAN LYNN: I'd ask you keep it
11 succinct and right to the point.

12 MS. SHAPIRO: He's our new superintendent
13 we got in July not aware of all the things going along,
14 ready to come here to speak to you.

15 DR. SCRIBNER: Thank you. You can
16 eliminate my yellow sheet now, put it off to the side.

17 As K-12 educators in Isaac K District, we
18 believe in teaching assistance and graphics. We're
19 visual learners as well.

20 I'd like to thank you for this opportunity.
21 I've come to this conversation after it had begun and
22 understand you have a great charge in front of you. But
23 I'd like to speak first about my relationship with Isaac
24 School District and where I've come from in terms of its
25 relevance to this conversation, and that is I began Isaac

1 on July 1st of 2003. Prior to that I was assistant
2 superintendent here in a very different setting, in Tempe
3 School District. I think that's relevant in that here in
4 Tempe there is a level of Legislative identity, both with
5 the city, politics, with the school district, governance
6 at a school board level, as well as with the State
7 Legislature, the same sort legislative identity I think
8 identified more aptly with what is called now, I guess,
9 the Encanto change, as you know, a change supported by
10 the Minority Coalition for Fair Redistricting, the
11 Historic Coalition for Fair Redistricting as well.

12 I say that map, our Isaac School community,
13 I represent 9,000 K 8 students. An additional 2,500
14 students attend Carl Hayden High School. Under the
15 current consideration, it included a portion of Isaac
16 Community School and the Historic District, Downtown
17 Phoenix.

18 I feel the previous speaker felt very
19 different needs and very different realities which affect
20 the Historic Downtown Community as well as Isaac School
21 community.

22 Isaac School, you know, I'll only speak of
23 demographics of students, that's my business, 94 percent
24 of the population is Hispanic, Mexican American. 93
25 percent live at or below the federal poverty line. 43

1 percent receive free or reduced lunches, are at the lower
2 income, lower majority.

3 The Hispanic population without the Encanto
4 change, we believe greatly in balance in this district,
5 not only through race, culture, clearly with regard to
6 socioeconomic status. This is not speculation. And this
7 is not speculation.

8 I guess as a school teacher -- I apologize.
9 This is not speculation. We have some hard data. We
10 know from the District 4 City of Phoenix election, we had
11 two candidates, two good candidates, running very close
12 race, just come forward, Jessica Flores and Tom Simplot.
13 The race was won by 57 votes, okay? Jessica Flores, a
14 good candidate, won, I understand, zero precincts east of
15 I-17. Tom Simplot won zero precincts west of I-17. I-17
16 acts as a natural border and it clearly is a close race.
17 Simplot was doing a wonderful job building relationships,
18 but we feel that clearly having one Legislative identity
19 in a school district like exists in other communities
20 would be the right thing to do.

21 Community leaders also stand in support of
22 this, would have represented this area, our County Board
23 of Supervisors, a member of the school board, both areas,
24 and as well as legislators. Justice Department, you
25 know, would find an additional majority minority district

1 also desirable. So please give this consideration.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Elder.

4 COMMISSIONER ELDER: Excuse me. Before you
5 leave with the map, could you for reference outline Isaac
6 School District, please.

7 DR. SCRIBNER: Isaac School District runs
8 roughly from Van Buren.

9 COMMISSIONER ELDER: Van Buren.

10 Van Buren up to Thomas, and goes all the
11 way up to Indian School in this area and also goes from
12 27th Avenue to 51st Avenue.

13 CHAIRMAN LYNN: Ms. Hausner.

14 MS. HAUSER: So what I'm seeing from this
15 map, this particular change unites Isaac School District.

16 DR. SCRIBNER: Yes.

17 MS. HAUSER: Maybe this question is for
18 Ms. Shapiro, Evelyn.

19 MS. SHAPIRO: Yes.

20 MS. HAUSER: You communicated you loved
21 being split.

22 MS. SHAPIRO: A little to the point, when I
23 came to you back in 2002, District 20, 22, and another
24 district, and only person that came to help us from the
25 State Legislature was District 22 and only part-time. In

1 your wisdom, you decided to give three districts,
2 District 14, District 16, and -- they have been very good
3 to us, with them culture, we understand culture. What is
4 going on, there are a lot of immigrants there which
5 cannot speak English. We opened schools at nighttime to
6 give education in no large part to get people to learn to
7 speak English, to know that part of the community. We
8 also have been in a very, if you look at McDowell to 34th
9 Avenue, 35th Avenue, there have been so many accidents,
10 children hit by cars, hit and run, we're now trying to
11 get a bridge built for us. None of this happens without
12 laws.

13 13, 14, 16, nobody helped us out. There's
14 no other way of putting it. We are the last buck. All
15 the bucks are given out to everybody else.

16 Finally, with Six House Representatives,
17 Three Senators listening to cries, go do things working
18 with them, they understand where we're coming from, they
19 know not, have Commissioners, Maricopa Commissioners to
20 understand us.

21 A lot of people are now taking a look at
22 Isaac School District, helping out, that before they
23 didn't. And we need to have people that are going to be
24 caring for -- helping kids out, me, Evelyn Shapiro, the
25 children. The children need to have the support of

1 people that care, people in districts taking care of them
2 for the state when they go to pass laws, now have
3 somebody listening and understanding where they are
4 coming from.

5 If you switch us around again, I did send a
6 letter saying the money used, it's for the kids; the, the
7 money is near and dear to our hearts, the school
8 district. That's why I came to you again.

9 CHAIRMAN LYNN: Ms. Hauser.

10 So, based on the -- based on the, based on
11 the Encanto change --

12 MS. SHAPIRO: You are cutting off Van
13 Buren, the migrant people, and we're able to work with
14 it.

15 See what the map is showing us, it's moving
16 in this area, and we're playing together, like a family.
17 When you divide a family after you put a family in three
18 different areas, a family gets lost somewhere along the
19 lines of bonding together. Bring this family and keep
20 them together. We've been able to bond and be there for
21 one another. And that's what Isaac School District needs
22 most of all. You gave us 13, 14, and 16, as it was in
23 2002. Get -- these people are working for us now.

24 I understand that you have a new one coming
25 out, looking at it, F cut it anyway. Please give us the

1 purple, the purple one. Help us out . . .

2 CHAIRMAN LYNN: Mr. Johnson.

3 MR. JOHNSON: For everyone's sake, the
4 discussion, what the change is proposing, the division
5 they're looking at there along McDowell is the same in
6 both the Commission's April 2nd plan and the proposal
7 before us today, what changes is the northern portion in
8 April 2nd from District 15, the black line going east.
9 And this proposal would put with it neighborhoods to the
10 north and then the kind of neck going along the south.
11 That's the difference, looking in this map, is just
12 shifting that northern majority of the district.

13 MS. SHAPIRO: Will we have the help we got
14 now if the shift is put over there, get the large amount
15 of area where they -- how do I put this kindly, where
16 they've got more money, they claim they want things
17 better? Because I have the lower dollar, I can't get the
18 help I need now.

19 People understand where I'm coming, the
20 amount of money we have in our committee. We don't have
21 a lot of places for work. The people there, they are
22 having to go outside, they are taking the dollars outside
23 of the community. We don't have the businesses that put
24 the money into our area. These people are working to
25 help us out, and that's what we got to have is the help

1 again.

2 (Directing focus to a next speaker:)

3 MS. SHAPIRO: Yes, ma'am?

4 CHAIRMAN LYNN: I am running the meeting.

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: I want to make sure
7 I understand what you are saying. One thing a little
8 confusing, I believe I understand it, you are saying the
9 current plan, the current legislature which has been
10 elected works for your district but as between the plans
11 that we're considering now, the March 1 plan versus this
12 Encanto plan, that you prefer the Encanto plan because
13 it's closer to the existing improved districts?

14 MS. SHAPIRO: That's what I'm
15 understanding. I really prefer it the way we had it. I
16 can't see how to do it.

17 CHAIRMAN LYNN: Ms. Minkoff.

18 COMMISSIONER MINKOFF: What I'm hearing you
19 talking about, between two the options, you prefer the
20 Encanto plan to March 1st map, prefer the existing map.

21 MS. SHAPIRO: Yes. Don't pay attention to
22 names. Look at what is happening to our community.

23 COMMISSIONER MINKOFF: For consideration of
24 this meeting, the current plan is off the table because
25 the Judge has said we have to change that plan. So what

1 we're looking at now are changes to the current plan.

2 MS. SHAPIRO: How to make changes.

3 COMMISSIONER MINKOFF: Two options, the
4 March 1st plan vs. the Encanto plan, are you telling us
5 you prefer the Encanto plan?

6 DR. SCRIBNER: Yes.

7 MR. RIVERA: Mr. Chairman, before she
8 leaves.

9 You brought up a map. We need to make that
10 part of the record. We'll make a copy, bring it back to
11 you.

12 COMMISSIONER HUNTWORK: Is that the Encanto
13 plan now?

14 CHAIRMAN LYNN: Do you know the exact
15 source of the map or --

16 DR. SCRIBNER: No, I do not. I can get
17 that, absolutely, for you.

18 CHAIRMAN LYNN: It will be made. We'll get
19 back to you once we identify what it represents.

20 Mr. Foree, Assistant City Attorney, Lake
21 Havasu.

22 MR. FOREE: I really have nothing to add at
23 this time. My slip was available today depending on what
24 was presented and what appears to do later on. I'm
25 presuming agenda item XIII, public comment, will be

1 handled much same as the meeting opens up.

2 CHAIRMAN LYNN: That is custom.

3 Thank you, Mr. Foree.

4 Mary Rose Wilcox, supervisor, representing
5 Minority Coalition for Fair Redistricting, Supervisor
6 Wilcox.

7 SUPERVISOR WILCOX: Thank you, Chairman
8 Lynn, Members of the Commission.

9 I to like to add my thanks for the many
10 hours you put in over the last couple of years in the
11 redistricting plan.

12 On April 6 of this year the Minority
13 Coalition Fair Redistricting sent a letter and we would
14 like to enter it into record, read it, and answer any
15 questions you have.

16 Dear Commissioners. On behalf of the
17 Arizona Minority Coalition for Fair Redistricting, we are
18 writing to respectfully request reconsideration of the
19 changes to Legislative Districts 14, 15 and 10, as urged
20 by the historic neighborhood groups, which were
21 represented at the April 2nd meeting by Dr. Ruth Marston,
22 the Encanto proposal. At the time of the meeting, the
23 Minority Coalition did not have an opportunity to
24 thoroughly analyze and provide comments to the
25 Commission on the proposed changes to these Legislative

1 Districts. Now having had an adequate opportunity to
2 analyze proposed district changes, demographics, the
3 Minority Coalition strongly supports the proposed changes
4 to District 14, 15 drawn in the Encanto proposal and to
5 do so request the April 2nd vote adopt the configurations
6 of 14 and 15 as outlined in the Encanto proposal. The
7 Minority Coalition takes the position Encanto's proposal
8 configuration of Legislative Districts 14, 15 provide
9 minority voters with greater opportunities to elect the
10 candidates of their choice than do the configurations
11 same districts proposed March 1st, 2004, Legislative
12 plan. We have come to this conclusion for two reasons.
13 First, the Hispanic voting age population of District 14
14 in the Encanto proposal is 53.78 percent compared to
15 53.27 percent in the March 1st plan. Although this
16 change seems insignificant, it is achieved while
17 continuing to achieve maintain districts 15 and 10 within
18 the seven percent JudgeIt range, the Commission's adopted
19 definition of a competitive district, continuing to
20 preserve the adopted range, and minority percentages of
21 District 15. Second, the Encanto's proposal's
22 configuration of Legislative District 14 maintains the
23 Hispanic core of voting precincts between Interstate 10
24 and Van Buren Street and similarly maintains core areas
25 between 24th Street and 27 Avenue and between Indian

1 School and McDowell Roads and 51st Avenue to Interstate
2 17. The proposed District 14 also includes Hispanic
3 areas of high voter efficacy south of Camelback Road and
4 near 59th and 67th Avenues. Moreover, the district
5 excludes many of the Historic neighborhoods which are
6 included in District 15 of the March 1st plan, but which
7 typically are not supportive of Hispanic candidates.

8 Accordingly, given the accomplishments
9 achieved in the Encanto plan in maintaining the
10 competitiveness of the districts and the additional
11 protection provided for minority voting rights Hispanics
12 in particular, we support the inclusion of these proposed
13 changes in the Commission's final plan, and we
14 respectfully ask that the Commission reconsider its
15 previous vote and include the Encanto plan previous
16 districts.

17 Thank you. I'll submit for the record
18 this. You have it. I'll submit another one and answer
19 any questions.

20 CHAIRMAN LYNN: Thank you, Supervisor
21 Wilcox. Thank you very much.

22 SUPERVISOR WILCOX: Thank you for your hard
23 work again.

24 CHAIRMAN LYNN: A question from Mr. Rivera.

25 MR. RIVERA: How does the Minority

1 Coalition, what has the Minority Coalition taken into
2 account? Will they still support the plan?

3 SUPERVISOR WILCOX: We would prefer this
4 plan, would try to support the plan, know the communities
5 very well.

6 The plan, of the known configuration, would
7 have supported the March 1st plan. We do support the
8 efforts of the Redistricting Commission and are very glad
9 you are working with the Judge, so we will support it;
10 but we would a hundred percent be behind the changes and
11 believe the Justice Department would respond very
12 cordially to these changes.

13 CHAIRMAN LYNN: Any additional question as
14 well?

15 Bear with us for a second.

16 All right. Thank you very much.

17 Next speaker. It's our day, four elected
18 officials. We appreciate you all being here.

19 Honorable Buster Johnson, Supervisor from
20 Mohave County. He made the trip down, don't know if on
21 his Harley or not.

22 Supervisor Johnson. Thank you for coming
23 down.

24 SUPERVISOR JOHNSON: I gave you a brief
25 outline, handed that out.

1 Mohave's main concern is the break-up of
2 the main operation center which is divided in two
3 districts, each dominated by larger population centers,
4 interests different than Mohave County. Lake Havasu with
5 residentially dominated Flagstaff; Kingman, dominated by
6 Eastern Arizona Counties; southern Mohave dominated by
7 Peoria. Mohave County has three major cities. We ask to
8 be recognized as a community of interest, that Mohave
9 County boundaries be respected as Legislative boundaries,
10 the Colorado River, economic, environ, waterways, water,
11 also ALCO, Western Governor, Colorado Regional Sewer.
12 The Coalition came burst in. It includes not only
13 cities, nonincorporated, the Quad State Coalition, Utah,
14 Colorado, and Nevada, west not east. Mohave residents
15 have suffered significant detriment, the latest
16 determined by the IRC,

17 Move residents voting strengths reduced
18 split, two legislative districts, likely result in loss
19 of influence with funding from the state. All three of
20 no Mohave County Legislative Districts dominated large
21 population centers outside county election legislators
22 not fully committed to pursuing Mohave as unique. The
23 conclusion is Mohave asks you respectfully reinstate the
24 original district map created August 2003, modify April
25 2nd, 2004, Lake Havasu City, Kingman, Bullhead in one

1 Legislative district which follows the general
2 boundaries, Mohave boundaries.

3 CHAIRMAN LYNN: Thank you, Mr. Johnson,
4 appreciate you being here.

5 Next speaker, Mayor of the City of Kingman,
6 Honorable Lester Byram.

7 MAYOR BYRAM: Mr. Chairman, Members of the
8 Commission, thank you again for letting me have another
9 opportunity to be up here before you. I know you are
10 struggling with a -- to comply with an asinine ruling by
11 Judge Fields. In Mohave Fields, recalled Forest, if in
12 Mohave County he would be. Nothing cope with this
13 morning, but I would like, Buster Johnson, of course that
14 many commonalities, governmental commonalty, share a
15 Congressional District, share the Western Arizona
16 government. District 6 has the State Transportation
17 Board, Colorado River Sewer Coalition, and Mohave County
18 water authority. So we have just a great many
19 commonalities in addition to governmental commonalities.

20 I reviewed the comments that were made in
21 Kingman, Bullhead City two years ago, comments made a
22 week ago, and I am absolutely astounded by what is
23 happening in Kingman, Mohave County. You have six golden
24 guidelines, the first two pertain to single districts
25 other if they four pertain to Legislative Districts, C,

1 districts geographic compact contiguous to, D, district
2 boundaries respect, to the extent practicable, extent
3 practicable, district lines visible geographic features,
4 undivided Census tracts. Also extent to be practicable,
5 competitive districts, favorable to do so, create no
6 significant detriment to other goals. By tearing Mohave
7 County apart you are violating every one of your goals
8 set forth in the guidelines you work by. We are
9 astounded by that. We're also astounded why you have
10 taken the grid to go west and remove the Flagstaff
11 cultural trading center for that area, over a hundred
12 years. Even greater than that, why have you not gone
13 south, the Apache Navajo counties. Where there are
14 greater commonalities than in any other area, Navajo
15 Nation, hopefully not all keep that one from being
16 included in Navajo Nation. The Navajo stood, everyone of
17 you sitting Commission knows what you are doing Kingman,
18 Mohave County, is wrong.

19 I urge you today not to continue this
20 travesty, this injustice that, this will be a part of
21 your legacy four having served on this Commission.

22 Any questions I can answer for today, I'll
23 be happy to do so.

24 CHAIRMAN LYNN: Mr. Mayor, thank you for
25 being here. I really do appreciate your comments. As

1 always, they cut through a lot of lot and get right to
2 the point. I appreciate that.

3 MAYOR BYRAM: I think your comments get
4 around to calling a spade a spade.

5 CHAIRMAN LYNN: I like your position on
6 judicial review, admire that greatly, am quite supportive
7 of it.

8 MAYOR BYRAM: If you want Mohave County,
9 tell me.

10 CHAIRMAN LYNN: Appreciate it.

11 Mr. Hall.

12 COMMISSIONER HALL: Let me just reference
13 to -- you referred to, inferred a personal attack. Since
14 I'm -- I just think it's important to recognize that
15 there are two competitive districts in Northern Arizona,
16 and one we created. One was already existing, which was
17 the homogeneous EACO district, a very competitive
18 district. The other created, I agree, was created in
19 creating pursuant to, caused damage to Mohave County.
20 They're absolutely right. I agree. Nevertheless, we're
21 under court order.

22 If we went to the south, we would have
23 eliminated another competitive district, since there are
24 only two there. I just think it's important to keep in
25 mind the reason we're here is because in the court's

1 mind, competitiveness is paramount and so just wanted to
2 make sure we had a clear perspective on why we're here
3 why at.

4 MR. BYRAM: Does it make more sense to you
5 to leave an area that abuts Indian Reservation go 300
6 miles across Northern Arizona Northern Arizona?

7 COMMISSIONER HALL: No. We're here because
8 we were ordered to do that.

9 MAYOR BYRAM: I understand might be enough
10 pack bone not to in just ties Kingman and Northern
11 Arizona.

12 CHAIRMAN LYNN: For the record made aware
13 other meetings part of the process, this part of the
14 process is being undertaken under protest and certainly
15 we believe the maps we're about to for use in 2004 and
16 beyond which do none of the injustices the Mayor just
17 spoke so eloquently of are maps should be used rest of
18 decade subject of appeal of judges ruling, so to be clear
19 on record.

20 Bob Taylor, City of Kingman.

21 Mr. Taylor, why morning.

22 MR. TAYLOR: I have some copies of the, I
23 guess brief position statement from City of Kingman.

24 CHAIRMAN LYNN: Certainly.

25 MR. TAYLOR: Joins the Commission in

1 believe the map originally adopted did serve the
2 interests of proposition 104 and the community of
3 interest and the other interests involved in Kingman and
4 Mohave County. We felt that map complied with the
5 constitutional requirement that the districts be
6 geographically compact, be contiguous and respect
7 commonalty of interest. We feel the map proposed, and is
8 being considered today completely ignores all the goals
9 of Proposition 106, particularly with respect to Kingman,
10 and as the other representatives from the Mohave County
11 will show, it substantially does detriment to those goals
12 balance of Mohave County. Citizens of Kingman, Bullhead
13 City, Lake Havasu City, other areas Mohave County several
14 common unique issues require common representation, we're
15 one of fastest growing counties of state, people coming
16 in from all over country very high population, high
17 percentage of population of retirees. Governmental
18 programs, such as the Western Arizona Council of
19 Governments, District 6 of the State Transportation Board
20 in BORD, involve the entire community. Law enforcement
21 agencies throughout community are involved in MAGNA, a
22 narcotic task force, GITEM, a gang intervention task
23 force, all areas of economic, manufacturing, tourism,
24 transportation -- the Colorado River and national,
25 elective national recreation area that serves as an

1 entire area as a recreational and economic resource.
2 Communities within the entire communities within county
3 national corridors. These common concerns as well as
4 some will be identified from Mohave County community
5 require participation, cooperation among government none
6 go bodies governing community and participation all
7 citizens of that community. Proposed map separates
8 community places 350 miles across state much larger
9 community similar interests effectively causes Kingman to
10 lose any hope of representing its interests within its
11 community and it substantially diminishes the ability of
12 balance in the Mohave community to address common
13 concerns legislatively. Feel community of interest,
14 identity Mohave, is paramount concern here. That goal
15 not being served. The goal geographically compact area
16 not being served. We certainly, I wouldn't consider our
17 area contiguous, own contiguous, on tail end of
18 salamander classic end gerrymander. The county urges
19 Commission reconsider proposed April 2nd map and consider
20 the interests of the community, overriding interests of
21 the Mohave come county community and bring us all back
22 together. We have, our city as well as other cities
23 Mohave county resolved take whatever legal action
24 necessary in order to have our interests acknowledged.
25 We feel, Kingman feels perhaps unlike any other city in

1 state we're completely being denied the protection and
2 rights Proposition 106 should afford to our citizens as
3 well as any other citizens in the state.

4 CHAIRMAN LYNN: Thank you.

5 Ms. Minkoff.

6 COMMISSIONER MINKOFF: Mr. Taylor. I have
7 a quick question, if you can tell me. Do you know the
8 approximate population of the accumulated metropolitan
9 area, not just Kingman, other areas there?

10 MR. TAYLOR: Kingman is growing constantly,
11 right now somewhere in excess of 22,000 people the within
12 the City of Kingman proper, we have an area immediately
13 outside the Kingman City limits, primarily to the north
14 of Kingman, that probably contains another 59, 20
15 thousand people, other population areas, such as Golden
16 Valley, and Dolen springs, a little spread out. In the
17 immediate Kingman region, right immediately around the
18 city, probably close to 40,000 people and it's growing
19 five to seven percent a year I'm told.

20 COMMISSIONER MINKOFF: One other question
21 you may not know as well. Do you have idea of similar
22 statistics for Bullhead City and Lake Havasu City.

23 MR. TAYLOR: No. Perhaps Mr. Ramsey can
24 address that.

25 MR. SISSONS: Yes.

1 MR. TAYLOR: As far as Bullhead City goes.

2 MR. RAMSEY: Approximately 35 to 37 percent
3 of it is incorporated with Bullhead City. For Mohave
4 Valley, another 15,000, which in between Golden Valley
5 15,000.

6 COMMISSIONER MINKOFF: Bullhead is pushing
7 15,000?

8 MR. RAMSEY: On the record, there's a
9 petition for a new Anthem, the buyer is expanding around
10 Eloy, come to annex 11,000 acres, 44,000 residences build
11 up to 2,700 homes, 27,000 people in the next five years.

12 COMMISSIONER MINKOFF: I think I lived here
13 long enough to know when there wasn't a town in Bullhead
14 City, but there always was Kingman.

15 CHAIRMAN LYNN: Next speaker.

16 COMMISSIONER HUNTWORK: May I make a short
17 comment? Ordinarily we just listen to the public comment
18 and then discuss later. I just wanted to have the
19 opportunity to say while the representatives of Mohave
20 County are all still here and before you get away that I
21 personally could not agree with you more and I think that
22 is true of every member of the Commission. As far as I'm
23 concerned everything you are saying is exactly right on
24 target with the exception of, might take issue of the
25 personal attacks to the extent they were. Commissioner

1 Hall, as he said himself, I verify to myself vote
2 heartbeat to change this back if we felt we had the
3 ability to do that under the judge's order. The Judge,
4 as far as the Judge is concerned, I don't think what he
5 did was asinine. I don't think it's appropriate to
6 attack the Judge. We are all part of a process. If I
7 were going to find I was fouled by anybody in the
8 process, my disappointment is with the Court of Appeals
9 for putting us all through this aspect of the process.
10 They could have stayed the Court's order while they
11 looked at the substance of the -- of what we're doing
12 here. I think when that happens, I hope, at least, that
13 this is not going to prevail. The Judge, in my opinion,
14 made a number of legal mistakes in his order that I
15 cannot see how they will stand up. One is he ruled our
16 actions are subject to strict scrutiny as opposed to the
17 broad Legislative discretion that has always
18 characterized redistricting and that seems to be obvious
19 from the way that this Commission was selected and
20 constitutes that we're not technical experts, we
21 represent politically, geographically, diverse positions
22 the obvious inn opportunity was we'd get together and use
23 common sense.

24 Second issue. The Judge ruled we can't use
25 own knowledge but have to take the record that had been

1 created by people coming up and talking to us. I thought
2 about should I get up walk up there to make the comments
3 around the citizen that side microphone as record so take
4 into consideration judgments as Commissioner, how -- how
5 arbitrary, is that?

6 So, you know, I think there are other
7 issues equally valid. But perhaps the most obvious and
8 most painful of all is the requirement that before we had
9 gone through this process and everybody anybody knew
10 where it was going to come out we had to have, we had to
11 end up with seven competitive districts no matter what.
12 That is the thing that is preventing this Commission from
13 doing anything about your complaints. If we were to
14 unify Mohave County, we would eliminate a competitive
15 district there would then be six. Where are we to
16 restore them. We are already doing significant detriment
17 to Tucson in keeping one competitive district there.
18 We've done terrible detriment to, my opinion, at least,
19 to City of Phoenix at least where the Commission has not
20 found the communities of interest that exist throughout
21 the city but it's, you know, 40 miles to north to south,
22 includes everything from five million dollar homes ghetto
23 and barrio areas that obviously are subdivided into
24 numerous and very important communities of interest that
25 we're doing damage to, but we also, of course, are

1 legitimate citizens of the State of Arizona. We have
2 been ordered by a Judge to go through this process. We
3 are legally compelled to go through this process and
4 produce seven competitive districts. So I apologize for
5 that, Mr. Chairman.

6 Ordinarily I wouldn't take everyone's time
7 at this stage of the meeting to do that. But your
8 arguments are so compelling so obviously true in my
9 opinion I felt I needed to acknowledge them and explain
10 at least, as best I could, why we're, at least up to this
11 point, have been forced to ignore them anyway.

12 CHAIRMAN LYNN: No apology, Mr. Huntwork.
13 I think you speak for many if not all the Commissioners
14 when you explain that circumstance.

15 Next speaker Tom quarter, Mr. Charter
16 explains Chamber of Commerce City of Kingman, Mr. Carter,
17 welcome.

18 MR. CARTER: Thank you.

19 Chairman Lynn, Commissioners, thank you for
20 the opportunity to address you again regarding the fate
21 of Mohave County, Kingman. I would like to probably take
22 a little different tact. I'd like to thank you, first of
23 all, attempt to reunite Lake Havasu. I think that's a
24 step in the right direction. I think it shows that your
25 intentions were certainly honorable and wanted to do

1 that. I don't think anybody here questions that.
2 Paragraph I guess it's important for me to say that we
3 want to be on the record we protest the new map. We
4 think the map of 2001, 2002, which was approved by this
5 same body and approved by the Department of Justice is in
6 fact a legitimate map. We agreed with the lawsuits you
7 folks are going to see through. We hope that at a
8 different court level that this will be reversed.

9 On the part of the Kingman Chamber, we
10 share with the other chambers in Mohave County a
11 Coalition of Chambers.

12 This has all come about, frankly, with the
13 new Legislative District that we've enjoyed for the last
14 several years, and we've been able to become cohesive
15 unit working four many different aspects of benefits four
16 Mohave County, you know, especially in view of tourism,
17 tourism important aspect of our revenues. We come
18 together to try to work on Legislative agendas, very
19 important as spoke of what we do in the business of
20 government relation committees. We try to come up with
21 united agenda to give to legislators so they understand
22 fully what the citizens of Mohave County would like to
23 see happen and work to our benefit. Under the new leges,
24 new map, what commonalty will we have now? We also have
25 something that has happened recently as a result of two

1 things, one, new Legislative issues that we enjoy and the
2 department of commerce has seen fit to recognize and
3 appoint an employee now represents Northwestern Arizona.
4 So we have the county, Bullhead City, Lake Havasu, and
5 Kingman together in the regional committee to work
6 towards economic development as a whole for the benefit
7 before Mohave County as a whole. So what will we have
8 now, we'll be competing for the same dollars from
9 different agencies through different Legislative
10 entities. I guess the obvious question is what is the
11 commonalty will we have? Paragraph. Four our first
12 century, Flagstaff, I won't entertain you, I'm Arizona
13 native, Flagstaff commerce four Navajo and Hopi. I
14 think as the result of that, there's some obvious
15 comments to be made. Number one, had it been Kingman,
16 we'd probably have four year University and prosperity
17 give us population we'd be standing perhaps where
18 Flagstaff is now saying we want to be in a different
19 district. But that's not the case and I suggest to you
20 that as a result of this new map, that will not happen
21 either. I don't think we're going to enjoy the
22 prosperity Flagstaff has from dealing with the Navajo and
23 Hopi. I don't think we're going to have any commonalty
24 of interest with other folks in the new district. That's
25 my comments.

1 Any questions.

2 CHAIRMAN LYNN: Mr. Carter, thank you very
3 much. Thank you for coming down and appreciate it.

4 We're about 15 minutes away from a break.
5 We'll see how much public comment we can get in before we
6 need to take that break.

7 Next speaker, Paul McCormick.
8 Mr. McCormick, representing a number of organizations in
9 and around Kingman.

10 Mr. McCormick, good morning welcome back.

11 MR. MCCORMICK: Thank you. Appreciate your
12 time, efforts, to start out before I want to cover area I
13 want to give is on economies and business, businesses
14 Mohave County. Until you ask the question, what is
15 population, I believe the population right close to
16 175,000 between three, all communities, it's getting up
17 there, to point where we reach 200,000 we are allowed
18 by-law to have five member Board of Supervisors. So
19 that's how close we are, and it's just going like mad.
20 Again, I remember Mohave Highway Commission, involved
21 with candidates, also representative of realtor
22 association representing our realtors. What I'd like to
23 discuss, you heard a awful lot of, might throw different
24 tangent on, economies businesses in around Kingman.
25 Kingman as you know, major truck center, due to location

1 along I-40 I-3. There's also a major railroad in Mohave
2 County. The City of Kingman, 92 trains a day go through
3 Kingman. Also has major developing airport. Kingman has
4 an industrial park, as you heard before, more than 70
5 businesses, 2,000 employees. Therefore, Kingman is
6 becoming a major distribution center of highways,
7 airports, rail and trucking industries. It is one of the
8 major parts of CANAMEX, which I'm proud to be a member of
9 this Commission, CANAMEX will be part of NAFTA Mexico
10 south America United States and Canada. We're working
11 vigorously getting major highway up through 93 makes
12 Kingman all more important major distribution centering
13 go up to upper United States and Canada. Counties of
14 Mohave, La Paz and Yuma becoming part of what we call an
15 economic development district which allows the counties
16 to become available to economic grants and to help all
17 prosper under the E, DD development program. Kingman's
18 other major industry told before tourism and recreation
19 because of what it has to offer, because of its location
20 to the Colorado River, communities, and it's lakes. We
21 draw thousands of people over the weekends, as you
22 probably saw the Easter break, Lake Havasu major
23 collecting points four spring break. Another thing heard
24 about retirement, Kingman alone 25 percent more
25 population retired gained all more people moving

1 California. So you see, we are definitely, different,
2 geographically, demographically, and culturally, that not
3 to be placed district so many differences. I look this
4 way, like mixing water and oil. They don't mix. So I
5 appeal to you, and I don't know whether you can appeal to
6 the Judge to say to him, this just isn't right, may we
7 look at it, could there been an eight district created.
8 I want to throw thought out to you, could there been
9 eight district created. Maybe Navajo, Apache people,
10 don't know whether this they'd like to join together,
11 full recognition also. My recognition, create eight
12 district, possibility. My last comment, please help us
13 keep district as it is.

14 CHAIRMAN LYNN: Thank you Mr. McCormick.

15 Mike Flannery, as always, represents the
16 Tri-Cities area of Prescott, Prescott Valley, and Chino
17 Valley.

18 MR. FLANNERY: Good morning, Mr. Chairman,
19 Commissioners, unlike before when I've come to you and
20 spoke on behalf of Tri-Cities, to ask four recognition,
21 today I'd like to speak to you about the changes
22 regarding the April 2nd map. I did not comment on those,
23 that map, last Friday, as we concluded business, because
24 I was unsure of what those changes were. Afterward I had
25 gone to Doug and asked him to pull up and did high

1 altitude fly over of fly over and changes look like may
2 be all right and I left fairly pleased with those
3 changes. But as Doug recognized, the Yavapai County
4 recorder and elections department have indicated some,
5 some problems with those changes. And I believe, Doug,
6 did they get a copy of those?

7 MR. JOHNSON: They have a copy of your
8 remarks, yes.

9 MR. FLANNERY: You have a copy of those
10 requests. On the west side, some of those lines go
11 straight down through precincts, one case divides one
12 community, as Doug had drawn line across top of mountain,
13 normally nothing on top of mountain, one case community
14 rests top of mountain, Highland Pines, divides right in
15 half, half going to be in District 1, half in District 4,
16 in Chino number of districts there been split, so what
17 they would like to do is see those lines be moved over
18 to, to the 2002 map, if possible, and, quite frankly,
19 that is going to move population in into a district that
20 is already overpopulated and I would be willing to
21 suggest perhaps maybe some remedy for that, LD 4 is
22 underpopulated, if we could make a shift from LD 1 to LD
23 4 with Black Canyon City that would create shift 2006
24 hundred '97 into LD 4, perhaps maybe this could be done.
25 I don't want to touch, I know some of that, has cause

1 four concern in L 323LD-5 three something we prefer not
2 touching, so would I, L D three, competitive district
3 don't want to touch that, if make adjustments LD 1 LD 4
4 would be appreciated by Yavapai County recorder and
5 elections.

6 So, with that, let me say that -- now I've
7 gotten Yavapai County on record with that, let me go on
8 record saying as I sit here and I listen to comments made
9 by Mohave County, Kingman, Lake Havasu, Bullhead City,
10 and Flagstaff, Flagstaff, I must, I must say that I think
11 what we have done is moved this process from good
12 intentions of moving from background -- back room
13 gerrymandering to a public forum, court assisted
14 gerrymandering, and what we're doing in Kingman and
15 Mohave County is wrong. What we've done to Flagstaff, if
16 Kachina village and Mountaineer doesn't belong with
17 Flagstaff I don't know who does. I think right now where
18 we're going is waters that don't need to be tempted. I
19 just wanted to get that on the record because you call it
20 public comment. So if I can answer any questions, I
21 will.

22 CHAIRMAN LYNN: Thank you, Mr. Flannery.

23 Without objection, let's take 15 minute
24 break, and we will resume public comment immediately
25 thereafter.

1 (Recess taken.)

2 THE Chairman LYNN: Commission will come to
3 order. For the record, Ms. Minkoff is back with us.

4 COMMISSIONER MINKOFF: And coming car
5 ready.

6 CHAIRMAN LYNN: For the record,
7 Ms. Minkoff's car is here.

8 All five Commissioners, legal staff, and
9 consultants. Are present continuing public comment.
10 Ruth Ann Marston representing Phoenix Historic
11 Neighborhood.

12 Coalition. Ms. Marston, good afternoon.
13 Still good morning for five minutes.

14 DR. MARSTON: Thank you, Mr. Chairman. I'd
15 ask your reconsideration as to the April 2nd vote.
16 Notice I'm actually representing somebody this time, the
17 Historic Neighborhood Coalition. There was time to allow
18 me to convince them, although it wasn't difficult, no
19 negative impacts. I'd like to begin this morning by
20 telling you a story, Saturday morning, about 5:30, I had
21 made coffee and I was blowing up helium balloons a woman
22 yard sale blowup helium balloons 70 block neighbors
23 started arriving at house coffee hot cross buns, of
24 course, I had blown up enough balloons they started
25 distributing them we had 96 yard sales helium balloons in

1 one neighborhood one Saturday morning. I think this is
2 an important story because it is characteristic of
3 Historic neighbors trying to unite into one Legislative
4 District, the neighbors themselves have this sort of
5 community of interest so that for one neighborhood yard
6 sale you can have 3,000 people turn out. We had people
7 all over the street. We do this twice a year, very
8 common in our historic neighborhoods, along with yard
9 sales, whom tours, all kind of newsletters, et cetera.
10 We are really significantly different from the neighbors
11 that were represented by Dr. Scribner, Ms. Shapiro, and
12 superintendent Wilcox, but we have a similar goal with
13 plan calling Encanto plan which is not divide the
14 communities of interest for either westside Hispanic
15 neighbors or historic neighborhoods, that's what I'm
16 asking you to reconsider. Also, although the Phoenix
17 element real school district divided I told you before as
18 board member Phoenix Elementary as Mrs. Shapiro is in
19 Isaac, we believe the Encanto plan will allow all
20 communities in both those districts to be appropriately.

21 I have some new information for you this
22 morning which I would like to submit and I'm taking the
23 least possible amount of time here. I have a letter from
24 Andrew George talking about the ethnic and social
25 economic diversity of Roosevelt neighborhood, mentioned

1 briefly last time that the silver crest apartments and
2 Westward Ho would be different district than Westwood
3 historic neighborhood, plan felt really different from
4 the northern part of that neighborhood, here's letter
5 from there chairperson affirming that. I have a similar
6 letter from Helen Trujillo, President of Garfield
7 Neighborhood talking about how the plan divides that
8 neighborhood, and I have petitions for the Encanto
9 Estates and Greenway Terrace neighbors on the border of
10 15 and 14 in this Encanto plan talking about their
11 preference for the Encanto plan. So I would leave those
12 for you, and I appreciate your giving me opportunity to
13 speak to you once again.

14 CHAIRMAN LYNN: Thank you, Dr. Marston.

15 Next speaker, Alberto Gutier.

16 Mr. Gutier, as always, represents himself,
17 does so most of the time.

18 MR. GUTIER: Most of the time.

19 CHAIRMAN LYNN: Many places.

20 MR. GUTIER: Thank you. I won't bore with
21 you a lot of things said before. You have a tough charge
22 admire you what you've done I think on April 2nd you
23 mapped adjusted and that map sounds fine. What really
24 bothers me we came here, we should split District 14, 15
25 and also add a number of precincts to District 10 where I

1 live or proposed District 10 where I live, same time has
2 only one purpose splitting so-called Encanto plan not
3 protection Historic Districts simply two incumbents, no
4 way incumbent protection incumbent protection incumbent
5 protection admire both senators not charge of Commission,
6 not what voters intended, and that's -- I put together a
7 little map I'll past out to staff in which you show the
8 little corners where one of incumbents gets protected --

9 MS. LEONI: Can't have that --

10 CHAIRMAN LYNN: Don't want see that, don't
11 want part of record, don't want made part of record.

12 MR. GUTIER: Let me tell you what happen
13 do, split example 7th Street south Maryland one part of
14 district, south end north Maryland northern part of
15 district Central Avenue puts it evenly riding path
16 Central Avenue, we own three townhouses, north of that,
17 splitting, why split bridle path, why go other side of
18 I-17, instead leaving District 10 as had it, April 2nd
19 alone that's where should be left alone not do incumbent
20 protection. With that,

21 CHAIRMAN LYNN: Thank you, Mr. Gutier.

22 Ms. Minkoff.

23 COMMISSIONER MINKOFF: Thank you.

24 Mr. Gutier, as you know we are not allowed
25 to consider the residences of incumbents of districts,

1 feel a little uncomfortable with the statement you've
2 made. Is it also true you are planning to be a candidate
3 four Legislature next election your district would be
4 impacted by the changes that are being proposed.

5 COMMISSIONER HUNTWORK: Mr. Chairman
6 Minkoff not allowed to be considered either actual
7 potential candidates.

8 CHAIRMAN LYNN: Candidates four office
9 potential either one question best unanswered at this
10 point.

11 CHAIRMAN LYNN: Can I ask --

12 MS. HAUSER: What was the question?

13 CHAIRMAN LYNN: Whether or not Mr. Gutier
14 is a candidate for office.

15 MS. HAUSER: Has he announced --

16 CHAIRMAN LYNN: No, he has not announced
17 his address.

18 MR. GUTIER: No, he has not.

19 CHAIRMAN LYNN: Thank you very much.

20 Asked you -- said Ms. Hauser -- a asking in
21 either question.

22 CHAIRMAN LYNN: Mr. Gutier, Ms. Hauser has
23 a question.

24 MS. HAUSER: Mr. Gutier just to question,
25 we have a prohibition against having information with

1 respect to the specific addresses or locations,
2 resident -- locations of residences are not to be plotted
3 or considered by the Commission. So that's why your map
4 is not, something we're not to see. But I think we've
5 had known the past with respect to various maps. If you
6 remember one of the Coalition maps came in there was some
7 testimony that was Mr. Wake presented with respect to the
8 numbers of districts or numbers of incumbents protected
9 or whatever. If Mr. Gutier has some information that he
10 can share with us to explain his statement that this
11 particular change is one that is being offered four
12 incumbent protection I think that would be helpful to
13 Commission as stands now just statement can't see map
14 need not know specifically who or specifically where they
15 live and what location moving from or to. If anyway you
16 can -- maybe there isn't. If there is anyway you can
17 elaborate or give sort of an avowal to the Commission
18 with respect to how you know this and -- you know, how
19 many incumbents are being protected, are they one party
20 versus another, some kind of information, that the might
21 be of some help. I guess, Commissioner, you can indicate
22 whether that would be of some help. While still here I
23 wanted to at least put that forward.

24 CHAIRMAN LYNN: Up -- I don't know what
25 feeling s I suggest that that, even though we've had that

1 kind of information in the past at various times with
2 respect to various maps might have been considering, one
3 thing we have really tried very hard to do is avoid
4 getting anywhere close to this notion of considering
5 incumbency or candidacy with respect to making decisions,
6 and I would have some concerns if we go down that path
7 might not be the right one. But that's -- I mean -- I
8 understand your assertion, and assertion as stands is
9 that, assertion it has a purpose other than what was
10 presented.

11 I understand Ms. Hauser's point if there is
12 a way to substantiate, adjourn in some manner that
13 doesn't violate our proceedings more weight to assertion,
14 I don't know that his possible ask Ms. Hauser, listen
15 carefully, jump in if getting close to somewhere there
16 shouldn't be.

17 MR. GUTIER: Mr. Chairman, members of the
18 Commission, the Commission has done an excellent job of
19 drafting maps, March 1st, April 2nd, lines drew people
20 put against each other to senators each other same
21 district and happens to be the other two, and it is also
22 a different party, is also in the same district, that's
23 what happens have you to do the job charged to do by the
24 Judge, especially the order of the Judge and different
25 between, don't want to mess up his word, heterogeneous

1 district and homogeneous districts, order from the Court.
2 This particular case, again, the other to senators ended
3 up in same district, no question aura tempt to the map
4 because you have very difficult job.

5 My main point in this particular case four
6 some reason, one particular case, this particular
7 District 14 and 15 is where the, when the map was created
8 some degree, make sure those two income bands were
9 separated. That's what my concern was, nothing be
10 considered, happen to not because happens to know one of
11 the Senators lives, by doing that, split into two
12 different districts, you know, which is very nice.

13 CHAIRMAN LYNN: Okay.

14 Ms. Minkoff.

15 COMMISSIONER MINKOFF: Mr. Gutier, I don't
16 know where either of the senators live, district, matter
17 of fact not sure where any of the Senators or
18 Representatives live. I do have a question.

19 The person who presented the proposal we're
20 now calling the Encanto of the proposal doctor Ruth an
21 Marston she present herself as Republican committee
22 person. Are you aware of that.

23 MR. GUTIER: I don't live that district.

24 COMMISSIONER MINKOFF: She presented
25 herself. Are you also -- are the people you are talking

1 about of her party or of other party.

2 COMMISSIONER MINKOFF: From the other
3 party.

4 COMMISSIONER MINKOFF: Do you believe it
5 would be in her best interests to help people from the
6 other party have easier districts to run in.

7 MR. GUTIER: Has little signs on top of
8 signs.

9 CHAIRMAN LYNN: Thank you, Mr. Gutier.

10 Daniel Kincaid, homeowner, Encanto Estates
11 area.

12 Mr. Kincaid.

13 MR. KINCAID: As a native Arizonian that
14 you for service on this Commission, I just wanted to,
15 that you for on April 2nd and encourage you to tape
16 Encanto estates and neighbors in District 14 proposed. I
17 lived there for almost 27 years, moved in because wanted
18 to send my daughter to west high, wallet west high, have
19 the Encanto park that separates us, 19th Avenue to all of
20 that, separates us, fair grounds to West Valley, I just
21 would like to raise my voice say I encourage you to keep
22 us in District 14 I greatly appreciate your
23 consideration. Thank you.

24 CHAIRMAN LYNN: Thank you, Mr. Kincaid.

25 COMMISSIONER MINKOFF: Thank you. Historic

1 map. Give me approximate boundaries area we are talking
2 about.

3 MR. KINCAID: West of 19th Avenue, south
4 of 19th, South of Thomas, sorry. And the 3400 is the
5 boundary for both Encanto and Greenway Terrace on the
6 west, to the south of Encanto neighborhood association.
7 It's a stabile neighborhood with a lot of minorities that
8 move into the neighborhood. Like I said, I've been there
9 almost 27 years. It's a great place to live. I hope we
10 can remain in District 14.

11 CHAIRMAN LYNN: Thank you, Mr. Kincaid.

12 Next speaker, have to more speaker slips.
13 If you have yet to fill one out. If do session, David
14 Cantelme representing City of Flagstaff.

15 MR. CANTELME: David Cantelme, Jennings,
16 Strouss, Salmon, representing City of Flagstaff.

17 To be brief, two comments to make. On the
18 discussion of population this morning, I just happen to
19 have with me the Department of Economic Security's
20 population for Arizona cities beginning in 1997 and
21 projected into the future. I'd like to add those to the
22 record, if I might.

23 CHAIRMAN LYNN: Without objection.

24 MR. CANTELME: Kingman, year 2000, 20,000
25 people, projected in 2010 to be 25,225, net gain of

1 5,225; Flagstaff, 60,708 projected to go, 2010, 70,981,
2 net gain 973, .2. The March 1 plan as adjusted on April
3 2, following in Northern Arizona, Lake Havasu kept whole,
4 Bullhead City kept whole, Kingman kept whole, FMPO kept
5 whole, Kachina Mountaineer kept as one. I Strongly
6 recommend make no further changes in Northern Arizona.

7 Thank you.

8 Mr. Huntwork.

9 COMMISSIONER HUNTWORK: With the difference
10 between Flagstaff and Kingman so great, what is the
11 significance of comparing 60,000 to 20,000 population?
12 Do you have the statistic for the 60,000 people who
13 replaced Flagstaff as a whole rather than the City of
14 Kingman separately?

15 MR. CANTELME: I do not. I heard
16 discussion this morning where growth was going to be, who
17 had grown so far. Rather than guesstimates, I thought
18 useful for you to have statistics.

19 COMMISSIONER HUNTWORK: It's useful to
20 understand what the projection for Flagstaff is. The
21 court ordered us not to consider future growth.

22 MR. CANTELME: That is true.

23 COMMISSIONER HUNTWORK: If it is relevant,
24 it is only relevant in comparison to other 60,000 people
25 we're replacing with, in my mind, so Kingman alone would

1 not be a particularly relevant comparison.

2 MR. CANTELME: Thanks so much.

3 CHAIRMAN LYNN: The last speaker slip is
4 Karen Osborne, director of elections for Maricopa County.

5 Ms. Osborn, as she approaches, I'd like to
6 thank Helen Purcell and Karen Osborne for Tim Johnson for
7 the continued work in support of the Commission's
8 activities, primarily support with respect to website.
9 Mr. Johnson has done an outstanding job maintaining our
10 website and continues to communicate with us with respect
11 to those individuals who have addressed the website,
12 addressed the Commission through the website, and
13 provided comments in that way.

14 Mr. Johnson, if would you stand so we can
15 recognize you and show our appreciation.

16 And, Helen, thank you very much, and,
17 Karen, we really appreciate your loaning Tim to us. We
18 know it's difficult and know he's not home as much as he
19 should be working both you and for us. We do appreciate
20 it very much.

21 Good afternoon and welcome.

22 MS. OSBORNE: Thank you, Mr. Chairman, and
23 Committee. We've taken the last memo, said we need to
24 change a few lines thank your Mr. Johnson for doing that.
25 I believe that will be of help to us.

1 The second thing, we've aggressively tried
2 to chase your lines. I don't know how else to put it.
3 You lay down a line, we try to lay down precincts. Tim
4 is very good at it. He has adjusted more than 150
5 precincts to accommodate lines. We've asked the Board of
6 Supervisors to adopt them, sent them to Justice saying we
7 don't intend to implement these unless or until your
8 lines are precleared. Bruce Adelson, Department of
9 Justice, did call, me wanted to make sure I understood, I
10 guess in laymen's terms, how deep the water was. He
11 wanted to make sure I understood they weren't going to do
12 anything with our precinct lines until they had dealt
13 with what comes to them with your Legislative lines. And
14 we may still be chasing your lines somewhat.

15 We'd beg, plead, obviously, if anything can
16 be made to cut down either a precinct line, we would be
17 grateful if you make any changes.

18 The other is to let you know downstream
19 kind of what is happening. And we've always been asked:
20 Last time in May, late May we gave you map, and you can
21 handle it then, you can handle it now. Late May two
22 years ago we were handed a map from the Court which is
23 the only thing that trumps Justice. We can do an
24 election for you.

25 Where we are right now is four days behind.

1 On the 9th of June is the last day for candidates to file
2 with the Secretary of State. And Judge Fields has given
3 her permission to take filings on old lines. That's
4 great for them. But she's going to turnaround and hand
5 me a certification and print a ballot on lines that have
6 been ruled unconstitutional.

7 Now, those stripes on those prison suits
8 still go round and round and round.

9 MR. RIVERA: And up and down and up and
10 down and up and down and up and down and up and down.

11 MS. OSBORNE: I don't want to know where
12 Sheriff Jo's Jail is.

13 Doesn't happen on August 5th. It takes me
14 33 days to print a ballot or more. We're talking July
15 2nd to go to print.

16 Well, the challenges don't happen until
17 June 23rd, but if I don't spree clearance from the
18 Department of Justice, if Lisa and Jose sent them today,
19 60 days from now is four days past the filing deadline.
20 We're in what I have learned to say is exigent
21 circumstances. For the record I may even be able to
22 spell it now, which I wasn't able to previously. We're
23 in more than exigent circumstances because I don't know
24 how to produce a ballot to have somebody vote on the
25 Legislature. We can't do either/or. That's my

1 institutional whining. I wanted to put it on the record
2 again.

3 I'll be happy to answer any questions
4 anybody has.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: Help me to
7 understand the comment you made.

8 Judge Fields said we could use the existing
9 map for filings.

10 COMMISSIONER MINKOFF: Mr. Chairman,
11 Ms. Minkoff, the Secretary of State asked for relief from
12 the Court to permit them to take the candidate, the
13 candidate petitions and nomination paper from the
14 candidates for the Legislature, either in your, districts
15 he decided are unconstitutional or on any map that would
16 be precleared. So they have relief to gather their
17 signatures. They have relief to file their signatures,
18 and presumptively, the Secretary of State will issue our
19 order that says this is where you put them on your
20 ballot. I have no such relief. We asked the Judge for
21 relief for our precincts and were turned down. He said
22 only the Legislative can issue that. Unfortunately,
23 that's how we build the Legislative lines. We're in the
24 catch .22 here.

25 COMMISSIONER MINKOFF: Let me ask a further

1 question. I don't know whether it's for you to answer or
2 the attorneys to answer.

3 Assuming that a candidate circulates a
4 petition and gets signatures under either the adopted map
5 or under the map we're proposing now and ends up in a
6 different district, what happens to to that candidate?

7 MS. OSBORNE: Mr. Chairman, Ms. Minkoff,
8 I'm sure they get to file, I'm sure they get to file, if
9 people sign petitions that are contested. I can tell you
10 if I were in either one, I don't know how I print them on
11 the ballot.

12 COMMISSIONER MINKOFF: Okay. Does anybody
13 else know?

14 CHAIRMAN LYNN: I think the question has to
15 be answered by a court somewhere at some point, as to how
16 do you that.

17 MS. OSBORNE: That's our belief, someone
18 would have to give us permission to print something that
19 would not put me in jail.

20 You know, when we disenfranchise, we
21 disenfranchise the military if we wait. That is printing
22 time. We print everything all together. We do NOT print
23 early ballots separately. When you print, you print the
24 whole thing for that print, the whole amount. Maybe it's
25 a thousand, maybe it's less or more. If you take the top

1 off or test 25, rest or early, the rest for a precinct,
2 they are all done at once. The early ones are sent out.
3 Early ones are called submariners' ballots. Chase
4 submariners around, on top of a mountain with a yak
5 taking off a ballot. We do have yak patrol.

6 That is the first part we disenfranchise,
7 then comes rolling down the line.

8 CHAIRMAN LYNN: Ms. Hauser.

9 MS. HAUSER: Mr. Chairman, Ms. Osborne, I
10 was Ms. Osborne's attorney for some period of time, know
11 her fear of horizontal or vertical stripes. I used to
12 always keep her out of jail, and I did that for many
13 years.

14 In this particular case, let me ask you a
15 couple of follow-up questions.

16 The Secretary of State, the relief the
17 Secretary of State got from Judge Fields, of course, also
18 had to be precleared.

19 MS. OSBORNE: Mr. Chairman, Ms. Hauser,
20 correct, it has been precleared.

21 MS. HAUSER: Do you know when it
22 precleared?

23 MS. OSBORNE: 10 days ago.

24 MS. HAUSER: July 2nd was the printing
25 deadline, one mentioned.

1 MS. OSBORNE: Yes, correct.

2 MS. HAUSER: Is that your drop dead
3 printing deadline?

4 I guess what getting at, of course, there
5 is going to be a challenge period with respect to the
6 nomination petitions. And a printing deadline usually
7 gets pushed a good bit and is one of the deadlines I
8 think the court's are a little skeptical of.

9 So what is your latitude with respect to
10 that printing deadline? How does the July 2nd date, did
11 you have date for the nomination challenges you were
12 certainly facing as well?

13 MS. OSBORNE: Mr. Chairman, Ms. Hauser, we
14 start building the ballot obviously the day the
15 candidates come to us. On the 23rd, the night of the
16 23rd at 5:00 o'clock is the last time for anyone to
17 challenge the nomination of any candidate running
18 anyplace in the state at any level. That night we have
19 representatives from the Secretary of State's Office,
20 Attorney General's Office, our County Attorney, we have a
21 large piece of paper on the wall. Anything that is not
22 contested, we are in contact with our printer that night
23 and they begin to print. Anything that is contested we
24 hold back. And so perhaps if we're very lucky it's just
25 one political party. We're never that lucky. A small JP

1 district that holds those precincts, mix and match,
2 whatnot, under contest at all, we can send, much like a
3 piece of a pen going off the end of a table that will
4 balance for awhile.

5 July 2nd, that night, that's when goes it
6 off the table.

7 We do not have the ability, no matter how
8 much money we throw at it to come off and print that
9 ballot.

10 MS. HAUSER: Can't you just start printing
11 on July 2nd if you find out on July 2nd if you find out
12 what your districts are, I assume?

13 My question is you are going to have
14 everything all ready to go to a set of new lines. If
15 those new lines are precleared, you can essentially flip
16 a switch, figuratively speaking, and go to the new map.
17 What is the last date that you believe you can flip that
18 switch and meet your July 2nd printing deadline?

19 MS. OSBORNE: Mr. Chairman, Ms. Hauser, if
20 we do not have a definitive answer by May 15th, I cannot
21 conduct the 2004 election on lines I have right now.

22 MS. HAUSER: Rather than -- I guess, I know
23 from working with you before, a lot of detail goes into
24 your answer. If I ask you a question what has to happen
25 between May 15th and July 2nd, I think in preparing for

1 your federal court testimony two years ago, we spent two
2 days going over that detail.

3 What I'm asking you for something with
4 respect to the work that is entailed between the May 15th
5 and July 2nd deadline I can use in connection with
6 telling the Department of Justice when we need to have an
7 answer with respect to preclearance of the map we're
8 about to submit. So, can you work with your counsel and
9 get something to me that lays out that particular time
10 period?

11 MS. OSBORNE: Mr. Chairman, Ms. Hauser, we
12 would be happy to. That's where I learned the word
13 exigent circumstances.

14 CHAIRMAN LYNN: It takes an attorney to
15 learn that term, I inferred.

16 MS. HAUSER: She was ready to go and could
17 explain exigent circumstances. I can't say it today.
18 She could explain it two years ago.

19 I think I have one other question for you.
20 It's left my mind momentarily.

21 CHAIRMAN LYNN: Mr. Huntwork has a
22 question.

23 Mr. Huntwork.

24 COMMISSIONER HUNTWORK: It's not really a
25 question. I just wanted to take everybody's time for a

1 second to relate some experiences that I have shared with
2 Ms. Osborne that might bear on this situation.

3 In October of 1991, she and I had the
4 opportunity to fly to the Ukraine in the former Soviet
5 Union, then the Soviet Union, to assist the Central
6 Election in the Election of the Ukraine to create rules
7 under which their independent referendum was held on
8 December 1 of 1991. And as she may recall, it was the
9 Ukrainian vote for independence that essentially
10 destroyed and ended the independence of the former Soviet
11 Union.

12 Ms. Osborne and I flew on to Romania and
13 observed the Soviet election, were interrogated,
14 attempted to be intimidated by KGB agents. We prevailed.
15 I personally can testify Ms. Osborne is not given to
16 undue panic or unfocused anxiety. If she says we have a
17 problem, I just want to say, we've got a problem.

18 COMMISSIONER MINKOFF: This is worse than
19 the KGB.

20 CHAIRMAN LYNN: Mr. Huntwork, I appreciate
21 your comments. As one detained by border guards of the
22 Ukraine for about two-and-a-half hours myself on one
23 occasion, I understand your comments perhaps more than
24 most.

25 Ms. Hauser has remembered her last

1 question.

2 Ms. Hauser, if you'd indulge us.

3 MS. HAUSER: Ms. Osborne's experience is
4 much broader than that. As the Director of Maricopa
5 County, my client, the Assistant Secretary of State,
6 having served under Secretary of State Mofford and then
7 under Secretary of State Shumway, and if you can harken
8 back to those days, maybe it will help you answer this
9 question. If you feel your answer is out of date, you
10 can't answer it, just let me know.

11 My question is: You got this ability to
12 prepare all the way along and do what I explained, what I
13 characterized, what I characterized as flipping a switch,
14 you can run a dual system, you can essentially reprecinct
15 place voters in new precincts under one set of
16 registration rules and be ready go under a new plan with
17 one set of registration ready to go under the precleared
18 plan, right?

19 MS. OSBORNE: Yes, that's right.

20 MS. HAUSER: Other counties don't have that
21 ability, correct?

22 MS. OSBORNE: That's absolutely correct.

23 MS. HAUSER: I don't know if you were here,
24 Ms. Purcell was here, the County Recorder for Pima County
25 testified she doesn't have that ability. Counties that

1 don't have that ability, and I think it's almost all of
2 them, what is your professional opinion, really, with
3 respect to how much more time, I'm assuming they'll need
4 more time than you, you've given us a May 15th deadline,
5 what do you think they need in order to be able to get
6 to the point where they could fully implement a new plan?

7 MS. OSBORNE: Mr. Chairman, Ms. Hauser, I'm
8 not aware of their technology. Last week I was at a
9 meeting of all election directors statewide. I can tell
10 you those counties are as nervous as we are. They do not
11 enjoy the technological we have. Mrs. Purcell gives us
12 technology we lean on. We stand here, tell you a drop
13 dead date, have testing, with thanks, to go on.

14 If you can't even run parallel, and they
15 cannot, I'm not aware of anybody else that can, it is
16 very difficult to draw on resources that are imaginary to
17 create a ballot.

18 I don't know when their drop dead date
19 would be. I know they are fairly well terrorized right
20 now for their job, as mine, and every voter in their
21 county, or those away, the ability to vote. We simply
22 can't do it.

23 MS. HAUSER: The part, they can reprecinct,
24 the board's approve lines, send them to Justice, do all
25 those things. I think where the difference between

1 parallel systems comes into play is registration rules;
2 is that right?

3 MS. OSBORNE: Mr. Chairman, Ms. Hauser,
4 that's absolutely correct.

5 We've blown past the March 1st date when we
6 send cards to anyone who -- we changed anything. We
7 chose not send them; don't know where to tell them to go.
8 Can we clean up for the record? We have a precinct
9 called Pogo. I can't get Paquito on the file, it's too
10 large.

11 MS. HAUSER: How long does it take,
12 additional resources, a lot more voters than everybody
13 else, just for a ballpark figure for me, how long does it
14 take you to reassign voters to new precincts?

15 MS. OSBORNE: It's a 30-day operation for
16 us. We can do it in three weeks, but it is very, very
17 tough. We pushed with the three-week change we did last
18 time. Tim, I'm sure, has not seen his family. I'm not
19 sure there would be any less, Mr. Chairman, Ms. Hauser.
20 The film crew, technical people, they have one person.

21 MS. HAUSER: If you were put in a position
22 of less than 30 days, if the county has less than the
23 time it needs to make that change, are there risks
24 created, for example, in terms of voters being assigned
25 the wrong precinct, illegal votes being cast, people

1 voting for candidates in precincts they don't really
2 reside in, those kind of things? What are the problems?

3 MS. OSBORNE: I can tell you the risk is
4 accuracy. We ran into that two years ago. Had the map,
5 had preclearance from the panel. When we went into that,
6 we were scrambling all the time to prove up again and
7 again and again were we doing this accurately. When
8 changing precincts, it's not just precincts that fit the
9 Legislative, there's a tunnel that comes down from that
10 of all of the different Boards of Supervisors, Justices
11 of the Peace, Community College Boards, technical boards,
12 precinct boundaries, also. All of that has to be
13 manually lined up in a county that does not have our
14 technology, let alone splits for school districts and all
15 of the things that happen there. And you test and test
16 and test. When you can hit a 30-day time period for
17 printing is when you have everything in place. But to
18 not do that requires testing of every single rotation.
19 We have the most complicated rotation in the United
20 States called the Arizona-Wyoming rotation, and Wyoming
21 gave up.

22 The theory is that everybody is on top an
23 equal number of times before an equal number of people,
24 and that has to be done by political party. Everything
25 that you are thinking about doing, everything we are

1 thinking about doing is further complicated not because
2 this is a Presidential year but because it is a primary
3 election and this primary this year there are three
4 parties. I don't have 1,065 precincts, I have 3,215,
5 because I have to have the same lines for the Democrats,
6 for the Republicans, and for the Libertarians. And the
7 testing goes on work with political parties, all the
8 little minutia, elections is what hits us in the back
9 side. What suffers is the accuracy.

10 MS. HAUSER: All right. In connection with
11 the 2002 election, I recall there being a significant
12 number of ballots needing to be verified at the end of
13 the 2002 election. I recall some of that because of the
14 time it took to finish and make those. There were a
15 number of ballots, the name of days, that counties still
16 went on to determine the Governor's race in 2002, was any
17 of that extra to be ballot testing. Something that came
18 from being Legislativewise late last time or something
19 related to something else.

20 MS. OSBORNE: Mr. Chairman, Ms. Hauser,
21 late recording for voting what that did was permit time
22 to print, compress time for people to request and to
23 vote. Mrs. Purcell had us go to every length possible to
24 get people these ballots. We got them little packets and
25 sent them, did everything in the world to make sure

1 people could participate so compressed. Did lead to a
2 lot of problems, the biggest of which is exactly what you
3 speak to, ballots to be verified. If 50,000 ballots to
4 be verified from a whole variety of things, but as
5 Mrs. Purcell said last week, the two groups that are
6 impacted the most with this delay are the voters and the
7 candidates who would want to be candidates, those are two
8 the of greatest impact.

9 Yes, it did impact our primary and, yes, we
10 always have great fun with provisional, now called
11 provisional, a new techy term, came from the feds as
12 well.

13 MS. HAUSER: Well, Mr. Chairman,
14 Ms. Osborne, thank you as always. We hope to have an
15 order from the Court very shortly after the hearing on
16 the 15th and 16th. And that is a -- Thursday and Friday
17 of this week. So we're hoping to be prepared to submit
18 to Justice on Monday or Tuesday of the very next week.
19 So the sooner we can get something from you that
20 explained in more detail, at least from March the
21 county's perspective, that May 15th to July 2nd time
22 frame, that would be really helpful.

23 If in the course of any discussions the
24 federal election directors, six counties direct by map
25 come up with any information by them, pass on to us as

1 well, that would also be real helpful.

2 MS. OSBORNE: Ms. Chairman, Ms. Hauser,
3 we'll be happy to deliver to the airport for you when you
4 get that ready.

5 COMMISSIONER ELDER: I'll probably stumble
6 over this, as I do when something means something to me.

7 Ms. Osborne, I've been pessimistic,
8 optimistic, and then into cynicism many times during this
9 process, and the professionalism, creative way you think
10 and try to solve problems, the passion that you bring,
11 I'm proud to have you as one of my best people I've met
12 in this process who -- you are just an outstanding -- I
13 hate to use the term bureaucrat, public --

14 CHAIRMAN LYNN: Public servant.

15 COMMISSIONER ELDER: -- public servant.
16 You refresh my belief in the system, desire to believe in
17 my country, people of the state. I appreciate your
18 service.

19 CHAIRMAN LYNN: Mr. Elder speaks for all of
20 us.

21 We really have -- there have been few
22 things truly enjoyable about this process. Many were
23 onerous. Dealings with maybe the county because of
24 Ms. Purcell and you, Ms. Osborne, certainly Mr. Johnson,
25 have been the most pleasant, one of the most pleasant.

1 COMMISSIONER MINKOFF: As a resident of
2 Maricopa County, I'm proud to have you as ours. As I
3 said to Mr. Elder: Maricopa County rocks, a
4 geographically partisan statement.

5 CHAIRMAN LYNN: Any other members of the
6 public wishing to be heard at this time?

7 Ladies and gentlemen --

8 Mr. Mills, I don't have a slip with your
9 name on it, Mr. Mills.

10 MR. MILLS: Sorry, a few things were
11 brought up by Ms. Osborne.

12 John Mills, Arizonans for Fair and Legal
13 Representation --

14 MS. HAUSER: -- Redistricting.

15 MR. MILLS: -- Redistricting.

16 CHAIRMAN LYNN: We know who you represent.

17 MR. MILLS: The talk of the time frame
18 here, at this point, we right now have candidates, in
19 fact elected representatives and senators, who even today
20 do not know what House they are going to be running for,
21 the reason being they don't know who their competition is
22 going to be. We have candidates who don't know if they
23 are willing to get into the race. Again, they don't know
24 who they are going to be facing. They could be running
25 for either a House or Senate race, and because of some

1 information we have been given from the Secretary of
2 State's Office, and I realize there is some conflict --
3 whenever you have three lawyers in a room you have four
4 opinions -- lawyers that say this is true and others that
5 say this is not. According to the Secretary of State's
6 office once you file, open a campaign committee, you are
7 there for a candidate for office, not when you file your
8 paperwork, when you open your campaign committee.

9 We also have a statute on the books that
10 says you cannot run for more than one office at a time.
11 So there was some talk of these individuals who thought
12 maybe they'd run for the house or maybe the Senate,
13 thought about going and collecting a signature for both
14 the House and Senate. Yes, it's a lot more work for
15 them, have a stack of House signatures and stack of
16 Senate signatures, and then they would go ahead and on
17 that day of, in June, when filed, just pick which one and
18 do it. You cannot do that because you have to open a
19 campaign committee to even start collecting those
20 signatures. So they are at a huge disadvantage, both
21 incumbents and candidates.

22 Two years ago we had a very low percentage
23 of districts that are were, there was competition in
24 them, and that was not necessarily just because of the
25 lines that you had drawn that disavowed competition, it

1 was because there was such uncertainty of where people
2 were going to be running. And competition every day we'd
3 get further and further down this road. It's one more
4 day and the candidates do not know where they are going
5 to be running. And I'm sure all the Commission realizes
6 that a candidate running for public office takes an
7 inordinate amount of time and effort on their part to go
8 ahead and make the sacrifice to run. It's not something
9 you can do in 20 minutes. If you have a huge amount of
10 resources, if you are an incumbent around for a while you
11 can probably get enough people around to get your
12 signatures, maybe 300 or four or 500 in week or 10 days,
13 not going to do get someone maybe thinking about running
14 in the last few months, don't have big campaign group to
15 draw on, go out and get signatures pretty much on their
16 own, and May 15th, with only a three-week filing deadline
17 window is not going to give those people enough time
18 unless they just do it 24 hours a day seven days a week.
19 Start knocking on a door at 8:00, 9:00 o'clock night,
20 people get testy and won't sign very well.

21 All the issues, it's not just filing
22 deadlines that counties are doing, which is definitely a
23 problem, but to even go ahead with these elections, you
24 have to have candidates. And we're fast running out of
25 some of them. Some candidates have already decided they

1 have parties that are not going to run because they don't
2 know where, who their competition is and they don't know
3 if they can get it done in time.

4 CHAIRMAN LYNN: Ms. Hauser.

5 MS. HAUSER: Mr. Chairman, has the AFLR, or
6 any other party, to your knowledge, approached the
7 Pre-Election Clean Elections Commission about getting any
8 relief from their particular requirements that would
9 allow candidates to get started, maybe run in a low
10 track? The Secretary of State when they asked for their
11 relief with the trial court with respect to boundaries
12 they also asked for it with respect to the \$5
13 contributions on the old and new lines.

14 MR. MILLS: Yes.

15 MS. HAUSER: Has anybody went to the Clean
16 Elections Commission to get additional relief?

17 MR. MILLS: My understanding, their relief,
18 because granted by the trial court to collect \$5, either
19 one of them, that is acceptable to them, and they're not
20 having a problem with that, collect signatures, \$5.

21 MS. HAUSER: Your point was you can't have
22 more than one committee, can't switch money -- that rule
23 is there for a reason --

24 MR. MILLS: Right.

25 MS. HAUSER: I suspect that rule is not

1 there to deal with that situation.

2 Has anyone talked to them about getting
3 relief from that particular?

4 MR. MILLS: Not necessarily just clean
5 elections? This law can't switch money from one campaign
6 to another.

7 Before the clean elections came about, that
8 was done. Didn't want candidates getting a huge pot of
9 money, running to another office or converting to
10 another. The campaign committee has a lot of money in
11 it. The only thing to do is rebate it to the people that
12 did it on a prorated basis or send the money back to
13 charity.

14 MS. HAUSER: Mr. Chairman, all I can report
15 from our end is we will submit to the Department of
16 Justice as soon as we have an order, and that's about all
17 we can do.

18 CHAIRMAN LYNN: And request expedited
19 consideration.

20 MS. HAUSER: And all of these factors will
21 play into our request for expedited consideration.
22 That's all we can do.

23 MR. MILLS: Could also be some type of
24 relief, not necessarily from the Court, would this help
25 in any type of either the appeal or other types of relief

1 you might be asking for down the road from the Court of
2 Appeals?

3 MS. HAUSER: I can't answer that question.

4 MR. MILLS: Thank you very much.

5 CHAIRMAN LYNN: For planning purposes, it
6 would be my intend to have an Executive Session prior to
7 a lunch break. And so I would say for planning purposes
8 for those members of the public, I'd ask the Commission
9 go into Executive Session.

10 I can't estimate exactly how long that will
11 take, as all of you know. I've never been good at that,
12 don't try anymore. It will take until it's over. And
13 following it, I would like to hold us to a 45-minute
14 lunch break following the Executive Session.

15 So if that is acceptable to the Commission,
16 than I would ask that pursuant to A.R.S. 38-431.03(A)(3),
17 38-431.03(A)(4) we have a motion for Executive Session.

18 COMMISSIONER MINKOFF: So moved.

19 COMMISSIONER HUNTWORK: Second.

20 CHAIRMAN LYNN: All in favor, say "Aye."

21 COMMISSIONER HALL: "Aye."

22 COMMISSIONER HUNTWORK: "Aye."

23 COMMISSIONER MINKOFF: "Aye."

24 COMMISSIONER ELDER: "Aye."

25 CHAIRMAN LYNN: Ladies and gentlemen, I

1 guess you can take this for what it's worth. I'd
2 estimate the sum total of the Executive Session and lunch
3 break to be somewhere between an hour and a half and two
4 hours.

5 (Whereupon, the Commission recessed Open
6 Public Session at 1:02 p.m. and convened in
7 Executive Session at which time
8 they recessed for the afternoon lunch break
9 for approximately 45 minutes and resumed
10 Open Public Session at 3:07 p.m.)

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

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

16 At this point we'll ask Mr. Johnson to give
17 us an update on the map as it currently is configured
18 under consideration by the Commission with specific
19 attention paid to any adjustments or changes made as a
20 result of instructions at the last meeting particularly
21 with respect to changes that might have been -- might
22 have needed to occur adjustments that needed to occur to
23 the latest portion of the map developed late in the
24 process last time as well as input received from Yavapai
25 and Maricopa Counties or Pima Counties, Pima and Yavapai,

1 and also anything that was done with respect to
2 population deviation.

3 Mr. Johnson.

4 MR. JOHNSON: Mr. Chairman, Members of the
5 Commission, a lot of this is going to be similar to what
6 has been done in the past with population deviation
7 testing and looking at neighbors, major roads, and the
8 other criteria and small changes that can be used to
9 improve compliance with those criteria. Mixed in with
10 this, primarily because they actually in many cases
11 actually helped balance districts, are a couple of tests
12 the public requested.

13 So what I have to show you today is first
14 what I've termed technical adjustment requests from
15 Yavapai County, precincts, precincts and technical
16 adjustments, a balance of technical LDs.

17 The Commission looked in March at
18 population balancing in all districts and explained and
19 reviewed report at that point. What I'm presenting now
20 is population balancing now against districts changed
21 since that point. Population balancing in the northern
22 three, then my mistake, one change in Winslow West,
23 explain that point in District 5, then as mentioned,
24 wanted to revisit, clarify work done in the meeting last
25 time, clean up Tucson, with three little changes there

1 followed by population among those three districts, then,
2 and -- in the issues, clean-up of the Tucson testing and
3 population balancing in Pima County concerns raised
4 before, finally go through the major county technical
5 adjustments. The Power Point received didn't go through
6 in detail at the last meeting where they had a few
7 technical changes, which I'll walk through quickly.
8 Finally one precinct trap in Phoenix in Coconino County
9 to Phoenix.

10 Listing through, try do this fairly
11 quickly, then get any questions.

12 First, Yavapai County asked for a couple
13 items. A graphic image shown here, a little shown here,
14 but the blue lines that come around are the lines from at
15 the last meeting, the April 2 lines. And then the colors
16 are the result of these tests.

17 So what they asked was previously the April
18 2 line which follows right along the city boarders and
19 Census place boarders, literally right up to them.
20 Everything else is outside the border. District 4, the
21 green district, and everything inside District 1.

22 What the county asked through that area,
23 Prescott, Paulden, is the border move west slightly back
24 to where border was for the 2002 election to reunify
25 those precincts, and then a little south of there, around

1 the southern part of Prescott, Prescott Valley, Dewey,
2 and Maricopa area, they asked if we could unify some
3 Census tracts there, those community borders, Census
4 tracts, and stopped to request people just outside the
5 Census communities, put them with the rest of their
6 community. That is the testing there.

7 And then as mentioned earlier today, that
8 we make two moves, District 1 picking up population in
9 both of those, the tradeoff, pursuant to that request, is
10 Black Canyon. The second piece of this, I'll cover in
11 the next slide, involves a change from 3-1, similar,
12 moving west, 2003 border, not directly tied in because of
13 District 3.

14 So I made these changes between 4 and 1.
15 And compactness, let me see scores, .21, .23, deviation,
16 we're still in District 1 much larger than District 4,
17 but this gets them closer together.

18 The second part of this request mentioned
19 was the switch in District 3 and 1 where 1 comes west to
20 what was the 2002 border, because that's where the
21 precincts were drawn. That involved moving 755 people,
22 I'll mispronounce this, but in Seligman, and that's -- I
23 was working on that at the break, in Seligman. And then
24 there wasn't any offset proposed to that with no -- that
25 change doesn't impact compactness of District 1, District

1 3 actually .18 after that change, and District 1's
2 deviation has gone up slightly. District 3 has gone down
3 because there is no offset there.

4 So, really, it's a lot of walking through.

5 What we're looking for is unifying
6 precincts to the west of the Tri-Cities and unifying
7 Census tracts just below the Tri-Cities around Dewey and
8 Maricopa and trading that for Black Canyon that leads
9 into, and because that brought the districts closer
10 together and started from that point on balancing,
11 balancing changes, you may remember or may not -- it does
12 this all wrong together.

13 CHAIRMAN LYNN: Those are the choices: We
14 may remember or may not.

15 MR. JOHNSON: Either way, I'll fill in.

16 After the last meeting, District 1 and 4,
17 Districts 1 and 3, were overpopulated by 1.75 percent and
18 District 4 was underpopulated by a similar percentage.
19 That's a big gap between those. Attempting to narrow
20 that difference, a couple things became clear. One, I
21 hadn't looked at this at the last meeting. After we
22 unify Lake Havasu City, the whole strip over here,
23 District 4 used to come into Mohave County, 300 people,
24 298. So we actually looked at that at one point unifying
25 all that into compactness issues. Given the change in

1 Flagstaff, Flagstaff FMPO, we now can unify that and stay
2 within the compactness issue of 1.57. The Mohave split,
3 Kingman, the most discussion today, one county was split.
4 Move those just under 400 people.

5 Other steps here, previously the border
6 between 3 and 4 in Yavapai County kind of in the middle
7 of nowhere, so in efforts of both a balance of
8 population, since 4 needs to pick up people, follow other
9 criteria doing that, you're able to move District 4 up
10 toward 40, I-40 there. That actually only has 74 people
11 involved in that move, helps population balancing and
12 follows a major road.

13 The next step here was -- oh, an area just
14 west of Seligman here, I can zoom in later, just west of
15 Seligman.

16 COMMISSIONER HALL: Very good.

17 MR. JOHNSON: Not in the town, just people
18 near that area. Also moved from 3 into 4, as I was
19 trying to balance populations, all three districts,
20 equaled out with equal deviation.

21 The last piece of this is District 1 moving
22 north, goes North to Ash Fork. Coconino County picks up
23 a few people east of here. All the details, moves east
24 to the highway and is also picking up people from
25 District 3.

1 Those changes bring District 3 down. It
2 was one of three higher. It unfortunately brings
3 District 3 down putting into one, one more overpopulated
4 relatively to the two. Switch Cordes Lakes, Spring
5 Valley, the two communities in the IRC's plan, District 4
6 with Black Canyon to balance all out, those three people
7 in 2004. That doesn't impact the area the county talked
8 about. That request is still just as the county asked
9 for, a big change in terms of people rather than just
10 offsetting Black Canyon, also setting off with Cordes and
11 Springerville.

12 After all the changes are complete that
13 Yavapai has asked for and population deviations between
14 1, 3, and 4 are all the same after this, just to zoom in
15 a little on Flagstaff changes I mentioned, see the blue
16 district, or blue district line, it is where we were
17 August 2nd, just moving from Census block borders over to
18 the highway here.

19 CHAIRMAN LYNN: April 2nd.

20 MR. JOHNSON: I'm sorry, april 2nd.

21 We moved east to the highway north a bit.
22 The neighborhood here has about 90 people around Snow
23 Bowl. Therefore, those that know the area see those
24 changes this is taking up and a swap. A block here is
25 unincorporated area, 296. People three people, again, in

1 an effort to balance these, present to the Commission,
2 population is balanced to swap in the two. The result in
3 District 3, 1,134. District 4, 1,136. I'm sorry,
4 District 1, 1,136. All three in question, .166
5 deviation. One note, compactness, District 3, .19, find
6 even a higher rate than that .17.

7 Yes.

8 COMMISSIONER MINKOFF: Doug, do any moves
9 impact the Flagstaff metropolitan planning area more than
10 the initial? I no we took Kachina and Mountaineer, but
11 areas moving around, does that have any significant
12 impact?

13 MR. JOHNSON: Two blocks right on the edge
14 of Flagstaff. Those are -- 300 people moving -- 300
15 people, none in incorporated areas from District 1. 300
16 people moving the other way. When you switch afterwards,
17 see the border, see where the NPO border is here. Off
18 the top of my head, I'm not sure where that is or not.

19 I should note, on the slide, east of the
20 highway, 970 people. That's probably the biggest chunk
21 of bringing District 3 down to balance NPO districts.

22 Mentioned balancing other districts, the
23 reason for balancing other districts rather than
24 perfectly balanced districts, we're somewhat locked in on
25 earlier decisions the district made for reasons you made

1 them in the Northern District, Phoenix area districts,
2 all those addressed earlier.

3 Winslow west, what happened here is when we
4 were doing some testing in the last round, we moved the
5 whole reservations. Looking at Hopi options with Navajo,
6 Winslow West, the tiny area at the edge of the City of
7 Winslow, Winslow West is officially part of the Hopi
8 Reservation. When we moved the Hopi before we moved
9 Winslow West, in switching back, restoring District 5,
10 every Census block, matching what it did before.

11 CHAIRMAN LYNN: Let me understand,
12 Mr. Johnson: I mean, if I understood what you said, does
13 this split the Hopi Reservation?

14 MR. JOHNSON: No. Winslow West, 130 people
15 in District 1 to District 5, before not -- the main body
16 of the Hopi Reservation was. We talk about different
17 reservations, often, having outlying islands,
18 noncontiguous pieces of reservations.

19 CHAIRMAN LYNN: I guess what I want to be
20 clear about, in this iteration of the map, with the
21 change restored, it's a similar circumstance to the 2004
22 map, for example?

23 MR. JOHNSON: Yes. Either way, if we
24 didn't do an adjustment, Winslow West was not with the
25 Hopi. This is restoring it. In the 2004 spread sheet,

1 it was off by 130 people in District 5. This is where
2 the 130 people were.

3 COMMISSIONER HUNTWORK: Doug, why didn't
4 you, there appears to be a zero population track that
5 connects District 2 to Winslow West or am I --

6 MR. JOHNSON: Oh. It's a little hard to
7 see. If I can focus this --

8 Those are district numbers. It's hard to
9 read: District 2, 1, 5. Is that -- Winslow -- it's a
10 little weird. This is City of Winslow, here, and then
11 continue with the area here which is Winslow West.

12 COMMISSIONER MINKOFF: Across the county
13 line?

14 MR. JOHNSON: Across the county line,
15 three, four Census blocks.

16 COMMISSIONER MINKOFF: Winslow West,
17 surprised that is Hopi. Winslow West, I don't believe
18 that's populated by Hopis. It's advertised as a real
19 estate development.

20 MR. JOHNSON: Could be. Winslow West is a
21 development in Winslow, the name, to be on the
22 reservation, reservations, is a Census place.

23 COMMISSIONER HALL: The Hopis own ranches
24 west of Winslow for significant --

25 COMMISSIONER MINKOFF: But don't live

1 there.

2 COMMISSIONER HALL: I hear you. A couple
3 do.

4 COMMISSIONER MINKOFF: Got it.

5 MR. JOHNSON: Going to the south.

6 COMMISSIONER ELDER: Mr. Johnson, District
7 6 seems like some of the things, we're reading through
8 the list, we're affecting precincts or traps in about six
9 counties. Does this move add in an additional county or
10 we're already affecting six?

11 MR. JOHNSON: Putting a line back to where
12 it was in 2002 and where the county thought would be in
13 2004, reducing the workload for almost six.

14 MR. JOHNSON: 2000 changes, informational,
15 not change the testing, District 24, Yuma, La Paz
16 District, there's been a lot of talk about that same
17 district. Essentially it is, one thing we wanted Flag so
18 everyone is on the same page, the Commission earlier was
19 drawing District 4, drawing a competitive District 3.
20 We -- District 4 was failing compactness the test and
21 moved two people west, I'm sorry, east of Salome and
22 Wendon from District 24 to District 4.

23 If you do compare 2000 -- the IRC 2000 for
24 this one, District 24 has a two-person change.

25 Just for your information, we did not

1 change the testing.

2 I should note, all the changes up north,
3 District 3, it's a competitive district by JudgeIt.

4 CHAIRMAN LYNN: Thank you.

5 MR. JOHNSON: The Next area, Tucson, if you
6 compared the 2004 spread sheet to one of April 2nd, the
7 districts 5, 25, and 27, it's not clear when it happened.
8 Two Census blocks moved in some test we were doing. This
9 is returning you do match block for block the IRC 2004
10 plan, move one person in the National Park over to the
11 west side of town. I'm stating for the record it's
12 correcting an inadvertent error made at some point.

13 Around District 29, because of all the
14 testing that went on with 28 and 26, 30, there are a few
15 more inadvertent blocks moved in one of the set blocks of
16 population. So on the top side, recognize District 29,
17 Rita Ranch here, the red circles on the one, north air
18 base, the one down here by Rita Ranch, the one on the
19 south side of the district, too, over here on the western
20 side, zero population blocks at some point in testing I
21 snagged and moved them, so away from the 2004 plan, this
22 is just restoring those. It does match block for block
23 the 2004 plan. Zero population.

24 Three wanted -- up here, the Broadway
25 Broadmoor neighborhood, adopted a community of interest.

1 That's fine. No changes made there. Removing that,
2 remember a couple tests were removed one way or another.
3 This here is the Broadway Broadmoor neighborhood. And
4 what happened is we also moved three Census blocks not
5 part of that community out of District 29 in a test. So
6 this is restoring this. Those are the only populated
7 blocks, all changes, and a total of 196 people we're
8 restoring back to District 29 which puts it back to the
9 2004 plan. The two changes mentioned we're putting back
10 to the 2004 plan.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER ELDER: Mr. Johnson, for the
13 record, somebody correct me for record if I'm wrong,
14 Josh.

15 I don't believe we adopted for Judge
16 Fields' order Broadway Broadmoor as a community of
17 interest. In Tucson the communities of interest were the
18 Foothills and Barrio communities of interest.

19 MR. JOHNSON: No, Broadway Broadmoor was
20 adopted as a community of interest along with the Barrio,
21 Foothills, and Retirement communities as communities of
22 interest.

23 CHAIRMAN LYNN: It was. I believe it was.

24 COMMISSIONER HALL: Foothills, Barrios,
25 Broadway Broadmoor, and Retirement.

1 MR. JOHNSON: This is population balancing
2 26, 28, 24, 30 changes that happened. Since we last
3 reviewed the population last year, the first piece of
4 this is District 30.

5 You can see that District 3, the thicker
6 line here that comes down, yes, the old District 3 from
7 30 from April 2nd, balance population, District 30 was
8 larger than others, District 28 comes east and picked up
9 this area around Langley and LeHigh. That's incorrect,
10 it should say "east" there.

11 COMMISSIONER MINKOFF: Doug, 28 is purple
12 and 30 is green?

13 MR. JOHNSON: Correct. Right by 22nd, 22nd
14 Street, and below it is District 29. So that's what the
15 position is.

16 COMMISSIONER ELDER: Street names? Any
17 north-south streets we can pick out?

18 MR. JOHNSON: Yes. Let me describe, I'll
19 zoom in both for you on Maptitude.

20 28 picked up population, and we need to
21 pass some on to 26, to bring three into balance. Over
22 here by University in District 27. The old line came
23 right across here, went up, squared off among 27, balance
24 these populations, this is Kleindale Road here. One
25 block here, Fort Lowell, and Los Altos, see the pink,

1 these five blocks, one here, picked up by District 26 in
2 order to reach balance.

3 So note on the slide more balanced but less
4 compact.

5 COMMISSIONER MINKOFF: Before we do that, a
6 question?

7 MR. JOHNSON: Sure.

8 COMMISSIONER MINKOFF: The area where you
9 got five Census blocks.

10 MR. JOHNSON: Yes.

11 COMMISSIONER MINKOFF: The upside down U.

12 MR. JOHNSON: Yes.

13 COMMISSIONER MINKOFF: Why do it that way
14 instead of Census blocks in the middle of it, made a
15 little more compact.

16 MR. JOHNSON: Interestingly, moving these
17 Census blocks was 45 minutes' work. Get numbers to
18 balance in a more compact way, not equally populated, and
19 goal to get, see numbers there, these are all off by only
20 one person. So I was maximizing the balance between them
21 and took a little jog there.

22 CHAIRMAN LYNN: And what was, before those
23 changes were made, Mr. Johnson, what was the balance, in
24 both districts, or deviation in those districts?

25 MR. JOHNSON: Let's see. I have that. I

1 don't have that right in front of me. If I pull that up,
2 switch over to the computer.

3 CHAIRMAN LYNN: If making a shift, one of
4 the actions I have to this particular slide, and reaction
5 is to both, the top shift and the bottom shift, is that
6 there is -- there is a point at which the term, as is
7 practicable should apply to a neighborhood or groups of
8 streets that are part of a certain area of community.
9 And I'd be very concerned in the top shift that we have
10 taken half of a neighborhood and shifted it to a district
11 where would could have gone to a major street and
12 withstood a little more deviation and would have alleged
13 a good and proper reason to do so because of the way that
14 community is organized.

15 The same thing would be true of the bottom
16 shift.

17 I do think -- go ahead and move over. I
18 think it would be helpful to have those, have those
19 amplified in terms of street names.

20 MR. JOHNSON: With the first one we're down
21 here south of Broadway, get the names a little larger.
22 And the area that we're talking about is down here, we
23 are west of Colby Road, see it here, and north of 22nd,
24 and the border is moving from, actually it's Tucson's
25 boundary. They send it south of Mann, see Mann up here,

1 over to 17th and LeHigh. You can see, see exactly what
2 you are talking about, the neighborhood, picking up a jog
3 rather than a north-south division. It's this jog here
4 because that's where the Census block jogs.

5 CHAIRMAN LYNN: How many people are we
6 talking about in that adjustment?

7 MR. JOHNSON: That is 568 people.

8 CHAIRMAN LYNN: So the percentage shift by
9 making the adjustment?

10 MR. JOHNSON: We go, let me pull up the old
11 stats for comparison. Paragraph it will be a little hard
12 to read on the screen. I'll read them out.

13 Paragraph so prior to this testing,
14 District 30, District 30 was 525 people underpopulated,
15 and it was at negative 0.01, 3 percent deviation. Which
16 is actually the largest of these three districts, which
17 is why taking people out, negative taking people out to
18 balance it with 26 and 28. Then District 28 was negative
19 1,086 people, or negative .064 percent. And then
20 District 26 was the smallest 1,473 people or negative .86
21 percent. So the net of these two changes is to take 568
22 people from 30 into 28 and then 379 people from 28 into
23 26, and that leaves us with all three districts balanced
24 against them if, the Commission chooses to you adopt
25 these changes.

1 Did you want me to zoom in on the other
2 area as well?

3 CHAIRMAN LYNN: Please.

4 MR. JOHNSON: Over on the border of 28 and
5 26, see the old blue line was the April 2nd border, see
6 how that runs along the Fort Lowell, turns up again on
7 Kleindale to Campbell, in this case the intersection of
8 Fort Lowell and Los Altos, go over by Vine and Cherry
9 five Census blocks and does result in the upside down U
10 shaped Commissioner Minkoff referenced.

11 CHAIRMAN LYNN: Ms. Minkoff referenced fill
12 a whole Census block because of interim population which
13 you don't achieve a more balanced in a couple districts.
14 I take that, I understand that. I guess the question is
15 what would the deviation be if you did that, that is to
16 say square off 36. Is that what that block is?

17 MR. JOHNSON: 26 is pink, light pink.

18 COMMISSIONER HALL: 132.

19 CHAIRMAN LYNN: 132.

20 COMMISSIONER MINKOFF: 31, 152 out, and
21 then --

22 CHAIRMAN LYNN: It would be better not to
23 just pick off one of those Census blocks, rather make
24 some sense, either with a major street or squaring off as
25 best you could.

1 COMMISSIONER MINKOFF: Actually if you took
2 off 16 and 31.

3 COMMISSIONER HALL: Mr. Chairman.

4 CHAIRMAN LYNN: Mr. Hall.

5 COMMISSIONER HALL: I think Doug said he
6 spent 45 minutes on these two changes.

7 I guess rather than us microchanging the
8 mapping process, I'm wondering if we're of the opinion as
9 a Commission we want to increase the acceptability of
10 potential deviations of compactness, give him general
11 direction to that effect. Because I think what I --

12 Doug, you wanted to just get close to zero
13 deviation as possible, right?

14 MR. JOHNSON: I was aiming for one person
15 difference in these three differences.

16 CHAIRMAN LYNN: That's why I want to
17 return, Mr. Hall, to the calculation prior to making the
18 changes, give me a deviation four 28 and 29.

19 Is that where the changes occurred?

20 MR. JOHNSON: 26.

21 COMMISSIONER MINKOFF: 26, 28, 30.

22 MR. JOHNSON: Those are three districts.
23 26 started before any changes were negative .86 percent.
24 28 started negative .864 that, and 30 was negative .31.

25 CHAIRMAN LYNN: And they wound up at --

1 MR. JOHNSON: Wound up negative .8366.

2 CHAIRMAN LYNN: I don't see the value.

3 COMMISSIONER MINKOFF: See -- I wonder what
4 we're trying to do. Take one over in the corner, can't
5 see if population is 36 or 35.

6 MR. JOHNSON: 35, 16, 16 back in, and
7 certainly pretty darn close.

8 Yes, that would be -- the Commission can go
9 either way, drive back into 28 and really --

10 COMMISSIONER MINKOFF: Off by 30 people.

11 MR. JOHNSON: Square off Cherry, or if the
12 Commission preferred go back to the mountain borders, the
13 border of April 2nd, or anywhere in between.

14 MR. RIVERA: Let's go back to February.

15 COMMISSIONER HUNTWORK: I think we ought to
16 take the change or reject it.

17 CHAIRMAN LYNN: I think that's why I was
18 going --

19 COMMISSIONER HALL: I move we reject it.

20 CHAIRMAN LYNN: Second?

21 COMMISSIONER HUNTWORK: Second.

22 CHAIRMAN LYNN: Discussion?

23 Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Well, it just
25 seems, in the midst of an urban area like this, breaking

1 up neighborhoods almost by definition, I'm obviously not
2 familiar with this, to go and start moving lines so
3 minutely does seem to me almost by definition an assault
4 on communities of interest. To the extent we have
5 discretion to take common sense into consideration, we
6 might do it and leave it at that.

7 CHAIRMAN LYNN: Further discussion on that?

8 MR. JOHNSON: Mr. Chairman, Chairman on the
9 26, 28 change or --

10 CHAIRMAN LYNN: At the moment. We'll take
11 the other one up.

12 COMMISSIONER MINKOFF: We intend to make
13 434 motions.

14 COMMISSIONER HUNTWORK: I'm supporting both
15 for the same reason.

16 CHAIRMAN LYNN: Want to include both.

17 COMMISSIONER HALL: Correct.

18 CHAIRMAN LYNN: This change and the change
19 to the east as well.

20 The motion is to reject this test for
21 population balancing in terms of the lines that were in
22 the previous map.

23 MR. JOHNSON: For the record, may I add
24 none of the three districts are the largest or smallest
25 districts, or won't impact total deviation of the plan.

1 CHAIRMAN LYNN: Further discussion on the
2 motion?

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

5 COMMISSIONER HUNTWORK: "Aye."

6 COMMISSIONER MINKOFF: "Aye."

7 COMMISSIONER HALL: "Aye."

8 COMMISSIONER ELDER: "Aye."

9 CHAIRMAN LYNN: Chair votes "aye."

10 (Motion carries.)

11 CHAIRMAN LYNN: Those two changes, we'll
12 live with the deviations.

13 With respect to the other portions of the
14 map that you did provide some population balancing, let's
15 revisit those so we get those on the record.

16 MR. JOHNSON: Population in the north
17 starts with the Yavapai County request and gets part way,
18 add in some changes that the primary goal is population
19 balancing in the districts but because it worked out and
20 another criteria is also following the county line,
21 Mohave rather than the line through the middle of the
22 county we had previously. So up here, let me get the
23 similar comparison for you.

24 April 2nd lines in District 1, we had
25 deviation. The Tri-Cities district deviation, 1.73

1 percent, District 3, Flagstaff to a Lake Havasu District,
2 1.4 positive deviation, and then District 4, we had a
3 negative 1.48 percent deviation after these changes.

4 After we go to changes described at this
5 point, all three are .3, .6, .6; .5, .9, .6; .5, .9, .9.

6 COMMISSIONER MINKOFF: Include changes in
7 Flagstaff only, slides put up so far do not show
8 Flagstaff?

9 COMMISSIONER ELDER: Showed Flagstaff.

10 COMMISSIONER MINKOFF: Ones more than the
11 northwestern, once with Flagstaff are the next line.

12 MR. JOHNSON: Included in the Flagstaff
13 change.

14 Show the FMPO question or one you had
15 earlier.

16 So I mentioned those two blocks swapped on
17 the west side down obviously in the NPO. In addition,
18 come east to the highway and north a little bit as well,
19 we are getting some people on the even of the NPO as
20 well.

21 COMMISSIONER MINKOFF: How many people does
22 that involve?

23 MR. JOHNSON: That was 970 people moving up
24 in that stretch and then exchange about 300 people on the
25 east of town.

1 COMMISSIONER MINKOFF: Now -- help me on
2 this again. 900 people moving into District 3.

3 MR. JOHNSON: Out of District 3.

4 COMMISSIONER MINKOFF: Moving everybody out
5 of District 3, 900 plus 300.

6 MR. JOHNSON: One block of people moving
7 the other way, but yes. Roughly 100 people out of
8 District 3, what is needed to bring District 3 to balance
9 the other two.

10 COMMISSIONER MINKOFF: What happens if we
11 leave in just the area closest to Flagstaff, 300 some
12 people did you say? What does that do to the population
13 deviation?

14 MR. JOHNSON: Going from 1.75 to .76, so
15 talking about just the 297 people --

16 COMMISSIONER MINKOFF: So close to the City
17 of Flagstaff.

18 MR. JOHNSON: Sure.

19 That would be a deviation of .84, then .66.

20 CHAIRMAN LYNN: Mr. Elder.

21 MR. JOHNSON: This is a question for Mayor
22 Donaldson. But since we're asking questions about
23 incumbency, not specifically as to where they live, but
24 does this change the effect of any incumbency in your
25 area?

1 MAYOR DONALDSON: Not that I'm aware of.

2 COMMISSIONER MINKOFF: They don't have any
3 incumbents in Flagstaff, that's part of the problem.

4 COMMISSIONER MINKOFF: Mayor Donaldson or
5 other members of the council here, can you comment on
6 these proposed changes? I asked the question. Almost
7 300 people seem right next to Flagstaff, others further
8 north. You pleaded with us to keep as much of the
9 Flagstaff Metropolitan Planning Area together as we
10 possibly could. I'd like to know what your thoughts are
11 on these proposed changes.

12 MAYOR DONALDSON: Mr. Chairman,
13 Ms. Minkoff, I'd like to keep as many in the FMPO as we
14 can. We understand the challenges you are under. We'd
15 like the more you keep in the FMPO you can.

16 COMMISSIONER MINKOFF: Can you
17 characterize, one has almost 300 people, the other almost
18 900. A larger area, more removed from Flagstaff, is that
19 part of the FMPO?

20 MAYOR DONALDSON: The whole area is the
21 FMPO.

22 Can you bring it up larger?

23 MR. JOHNSON: Yes. Let me put in streets.

24 CHAIRMAN LYNN: Reiterate, Mr. Johnson
25 tried go down as far as he can for deviation, which was

1 appropriate. We were charged with doing this as
2 practicable as we can do this, notwithstanding that
3 admonition, some made public comment, some made how close
4 you get to zero, some practical matters affect decisions.

5 I think we need to either reject or accept
6 changes Mr. Johnson suggested given he spent the
7 considerable amount of time spent as possible. Some
8 choices may be better.

9 COMMISSIONER MINKOFF: Seems suggestions
10 were made in different areas. Some more in the western
11 part of the state, one in particular is one less county
12 split. I'm not sure we need to accept the whole thing.

13 CHAIRMAN LYNN: Each picture. Rather than
14 trying to create pictures, pick between pictures.

15 COMMISSIONER MINKOFF: Right.

16 CHAIRMAN LYNN: Mr. Hall's point earlier.

17 MAYOR DONALDSON: Near the Snow Bowl north
18 of Rita Road, an important part of Flagstaff, growing
19 population area.

20 COMMISSIONER MINKOFF: That area to the
21 west of 180 you are talking about.

22 MAYOR DONALDSON: Yes. It's an important
23 area for us, in my opinion, only us in Flagstaff would
24 know how to represent them well. There are major
25 problems out there with roads, you know. We need to take

1 a look at the effect of increased traffic to the Grand
2 Canyon, that kind of stuff, the highway, the Grand
3 Canyon, again, heavily used. We always are working with
4 ADOT to improve road conditions out in that area. The
5 trick is the APO.

6 COMMISSIONER MINKOFF: Area further south.

7 MAYOR DONALDSON: Same. Integral part of
8 city, share same concerns within city proper, recognizing
9 Flagstaff very environmentally concerned community see,
10 and this area heavy with those environmental concerns,
11 particularly as talking about lake snow mountain talk
12 about impact water line have on that area and also the
13 engine rating station, pumps for the snow maiden, those
14 people out there have been very adamant and forceful to
15 getting Snow Bowl to eliminate illuminating go runs at
16 night. So it's only other as city Flagstaff that
17 understand those environmental concerns, cultural aspects
18 of the area. It's important to us.

19 CHAIRMAN LYNN: Is there a motion with
20 respect to any of those population changes. Ms. Minkoff,
21 first shot.

22 COMMISSIONER MINKOFF: Doug showed us three
23 separate pictures. Motion encompasses three. Identify
24 suggest accept first two corrections, once that are in
25 the western part of the state dealing with Mohave County,

1 primarily, and reject the switch around the City of
2 Flagstaff. That would be my motion.

3 CHAIRMAN LYNN: Is there a second?

4 COMMISSIONER HALL: Second.

5 CHAIRMAN LYNN: Discussion on the motion?

6 Mr. Huntwork?

7 COMMISSIONER HUNTWORK: Mr. Chairman, that
8 last one, one affected 200 people and looks like a
9 brontosaurus, I would oppose that change, certainly, the
10 other one affects about 900 people makes significant
11 contribution toward balancing population, all things
12 considered I'd be in favored that change way motion
13 stands at the moment I think I would vote against it,
14 just that one reason.

15 CHAIRMAN LYNN: Mr. Elder.

16 COMMISSIONER ELDER: Mr. Chairman,
17 Mr. Johnson, right below oh three piece added in to get
18 to I-40, how many --

19 MR. JOHNSON: It was '97 I think.

20 COMMISSIONER ELDER: Are there any roads,
21 anything, where polling please. Can they get from here.
22 Currently tied to the I-40 and East-West along that
23 spine. If take outing south. Anywhere participate in
24 representative government.

25 CHAIRMAN LYNN: Mr. Chairman, Commissioner

1 Elder, I might suggest a representative here from Yavapai
2 County might be better able to speak impact of that
3 change than I could if I put him on the spot.

4 COMMISSIONER ELDER: Mr. Flannery.

5 MR. FLANNERY: Let me see if I understand
6 your question, Mr. Elder, Mr. Chairman. What was --

7 CHAIRMAN LYNN: What is the weather --

8 MR. FLANNERY: You want to know if they can
9 reach a polling place from there.

10 COMMISSIONER ELDER: Is that group of
11 people tied more to the 40 or is it tied more to the
12 southern part of Yavapai? They would be.

13 COMMISSIONER ELDER: Work, play, recreate.

14 MR. FLANNERY: Sparsely populated.
15 Probably more tied to 40 within Yavapai County probably
16 have preexisting polling places already that serviced by
17 Yavapai County in District 1 or District 4, so I don't
18 imagine that would change I'd say more constriction to 40
19 than the southern half.

20 COMMISSIONER ELDER: Blue line splits oh
21 403, hand on, do they function to the south of that line?

22 MR. FLANNERY: To south of line, major
23 community is Bagdad mining community have essentially to
24 your point, one way in, one way out, once come out there
25 is a split. And they have a connection with southern

1 Yavapai you but that goes down to Wickenburg that area
2 down here.

3 COMMISSIONER ELDER: That answers my
4 question. Mr. Chairman this part of mass motion I would
5 like to see if we get pulled out because it doesn't make
6 sense the way people participate apparent compactness of
7 district where they work, place, all the definitions that
8 we have community, this flies in the face of take out so
9 I don't vote against other.

10 CHAIRMAN LYNN: Too multifaceted.

11 COMMISSIONER MINKOFF: I withdraw my
12 motion.

13 CHAIRMAN LYNN: Mr. Hall?

14 COMMISSIONER HALL: Yeah.

15 CHAIRMAN LYNN: Easier. One at time.
16 Mr. Huntwork want to try one?

17 COMMISSIONER HUNTWORK: I have a question
18 that bears exactly on what we are talking about. Doug,
19 one is competitive district. I presume you've done
20 competitiveness tests on districts all changes having
21 been made. Do you have information about how competitive
22 be if made one of changes but not the others?

23 MR. JOHNSON: Don't have specific
24 measurement tell you end up between number measured April
25 2nd and number measured today, so it would stay in that

1 competitive range.

2 COMMISSIONER HUNTWORK: No permanent
3 station or combination knockout of competitive range?

4 MR. JOHNSON: Marguerite will pull up to
5 reports and see the net change and tell you how much
6 change there is. Paragraph in each -- one thing tell you
7 in area around Flagstaff more Democratic than rest of
8 district area Mohave more Republican rest of district not
9 doing either one of changes very slightly increase
10 competitiveness of the district. Hear you go. Paragraph
11 as adopted on April 2nd had 46 point six percent Democrat
12 percentage so it was competitive leaning Republican, and
13 then with these changes, with changes drops to 46.5, just
14 rounding within that point.

15 COMMISSIONER HUNTWORK: Let me ask you
16 this. If we add -- if we were to add, so area north of
17 Flagstaff is Democrat.

18 MR. JOHNSON: More Democrat than the rest
19 of the district.

20 COMMISSIONER HUNTWORK: Okay.

21 CHAIRMAN LYNN: What is pleasure to anyone
22 of adjustments in area. Start anywhere you like, I'll
23 take any of them in any order. Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Mr. Chairman, I
25 move that we accept the change that would unite southern

1 Mohave County in District 3, although I state that
2 somewhat ironically because we're still dividing it right
3 through the heart but nevertheless even tiny step right
4 direction better than none.

5 CHAIRMAN LYNN: Is there a second?

6 COMMISSIONER ELDER: Second.

7 CHAIRMAN LYNN: Discussion. All in favor
8 something signify "Aye."

9 COMMISSIONER ELDER: "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 COMMISSIONER HALL: "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 CHAIRMAN LYNN: Chair votes "Aye."

14 The motion carries and is so ordered.

15 Where shall we go next? Mr. Elder wanted
16 to talk about an area north of there.

17 COMMISSIONER ELDER: I move take area south
18 of I-40 and to the east of Mohave County, it is currently
19 14, and reject that move:

20 CHAIRMAN LYNN: Is there a second? --

21 COMMISSIONER MINKOFF: Need propose to
22 reject something.

23 CHAIRMAN LYNN: No. If we don't accept
24 change, accept something, understanding change not made
25 reverts to previous line.

1 COMMISSIONER MINKOFF: I'd like to question
2 before move on, how many might be, in area Mr. Elder
3 talking about.

4 MR. JOHNSON: Senator.

5 CHAIRMAN LYNN: What about area near
6 Flagstaff. Heard Commission drafts which of those may
7 wish to act. Paragraph Mr. Elder. Why don't start with
8 you. Paragraph Mr. Chairman, as Commission, I move that
9 we -- maybe this is -- negative -- like to get the
10 brontosaurus, Mr. Huntwork, area down central city area,
11 I guess -- negative -- never mind -- paragraph --

12 CHAIRMAN LYNN: Don't make change.

13 COMMISSIONER ELDER: Do not want to make
14 that change.

15 CHAIRMAN LYNN: Are there any changes in
16 Flagstaff we do wish to accept? Paragraph Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Chairman quite
18 significant population deviation rejected come changes
19 would have addressed it. I think that the one change
20 that basically is north of the City of Flagstaff still
21 certainly within the metropolitan planning area but that
22 change. I would like to -- I would like to accept that
23 change really on the ground that it equalizes population
24 where we have kind of community of interest, equal
25 population conflicting go on. This is not a

1 competitiveness issue, according to our experts, but in
2 this case, we have one of the more unbalanced population
3 situations. This is an opportunity to at least partially
4 address it. I'd ask we use it.

5 CHAIRMAN LYNN: Is there a second?

6 COMMISSIONER HALL: Second.

7 CHAIRMAN LYNN: Second. Ms. Minkoff.

8 COMMISSIONER MINKOFF: Mr. Chairman I think
9 this is wrong way to go. I understand a lot of
10 population, 900 some odd people. Honestly Mayor
11 Donaldson told me area talking about, I have driven on
12 area no idea area west side freeway no different east
13 side freeway City of Phoenix, thought that all part of
14 Flagstaff Mayor Donaldson indicated issues dealing with
15 relative traffic on highway, to expansion of the Snow
16 Bowl those kind of things I think we'd be doing very
17 serious discover it area separate rest of district. I
18 understand our mandate try equal eyes population to
19 extent we can I think doing this case causes significant
20 detriment to area belongs rest of Flagstaff, talked about
21 Flagstaff NPO long time little damage as possible,
22 already carved out southern part NPO Kachina village
23 Mountaineer significant part, hate to see do again
24 western edge. I vote against.

25 CHAIRMAN LYNN: Mr. Huntwork.

1 COMMISSIONER HUNTWORK: I'll clarify, to
2 extent the calculable, not significant detriment, to
3 balance population, preserve communities of interest.
4 I'm saying that in this case we will, do less damage to
5 community of interest and better damage to balancing
6 population. Need to do something.

7 CHAIRMAN LYNN: Further discussion on the
8 motion. All those favor motion signify saying "Aye."

9 COMMISSIONER HUNTWORK: "Aye."

10 CHAIRMAN LYNN: Opposed to say "no."

11 COMMISSIONER MINKOFF: "No."

12 COMMISSIONER HALL: "No."

13 COMMISSIONER ELDER: "No."

14 CHAIRMAN LYNN: Chair votes "no."

15 Motion is rejected.

16 Other affirmative motions with respect to
17 population deviation. Ms. Minkoff. I thought to
18 pictures looked at in Northwestern part of state and only
19 dealt first one. Another one need to look at. Don't
20 know if any motions made or not.

21 MR. JOHNSON: Mr. Chairman if I might.
22 Other areas involved are around the Tri-Cities area and
23 then north along the Yavapai Coconino County line around
24 Tri-Cities Yavapai request to move west to match up
25 existing precinct lines and south to unify Census tracts

1 in that area and then Black Canyon and then there's
2 further step moving District 1 north into Coconino County
3 a bit more and then trading that four Spring Valley and
4 Cordes Lakes through Flagstaff population. May not do
5 both of those now, now Flagstaff population is not
6 moving. What Yavapai County request west south, and to,
7 population balancing of moving north into District 3 a
8 bit and trading that, let me look really quick here;

9 CHAIRMAN LYNN: Mr. Elder. Do you know
10 where watershed or headwaters, you know, much concern and
11 discussion when we met Prescott, Cottonwood, and Camp
12 Verdes is, went up that area, unify issues about water in
13 the region or hinder it.

14 MR. FLANNERY: Big Chino headwaters, which
15 is, and I think, let's see, I think that read markings up
16 around the Tri-City area up to where that blue starts
17 taking off on its own right there, just a little bit
18 Southwest of right where your palm is right there.
19 Uh-huh. I'm dangerous with these things, but right in
20 that area right there is where the head water is right
21 there. So in terms of the adjustments that, Doug has
22 made, yes, that does bring that in.

23 COMMISSIONER ELDER: If laws areas north of
24 that, would that affect the watershed big Chino.

25 MR. FLANNERY: Property, property

1 headwaters is, property there, the drilling stack there,
2 property go long to 40 there.

3 COMMISSIONER ELDER: Yes. Flag.

4 MR. FLANNERY: Yes.

5 COMMISSIONER ELDER: AMA --

6 MR. FLANNERY: AMA, active purchase -- CV
7 ranch.

8 COMMISSIONER ELDER: Thank you.

9 CHAIRMAN LYNN: Further discussion on
10 motion to accept the changes.

11 CHAIRMAN LYNN: Don't have motion.

12 COMMISSIONER HALL: Don't have one, I'll
13 make one.

14 CHAIRMAN LYNN: Thought we did. Wish full
15 thinking my point.

16 COMMISSIONER HALL: Make we accept these
17 changes.

18 CHAIRMAN LYNN: Yavapai County changes.

19 COMMISSIONER MINKOFF: I'll second it.

20 CHAIRMAN LYNN: Discussion on the motion?
21 Mr. Huntwork, Ms. Minkoff.

22 COMMISSIONER HUNTWORK: Does this motion
23 include Black Canyon City.

24 COMMISSIONER HALL: Yes. I think Black
25 Canyon City in District 4. Is that correct, Mr. Johnson.

1 MR. JOHNSON: Yes, mentioned earlier on
2 record Black Canyon currently under IRC's plan District
3 4.

4 COMMISSIONER HALL: My opinion makes more
5 sense anyway yes it does.

6 COMMISSIONER HALL: What does population
7 deviation look like with these changes not the Flagstaff
8 changes.

9 MR. JOHNSON: That would take me a minute
10 to run, see exactly where it ends up.

11 CHAIRMAN LYNN: Well, then -- paragraph oh,
12 okay. Paragraph if we do the Yavapai request, and this
13 is, I note, just doing the trade between four and one,
14 not doing northern part, four one, trade these areas into
15 one, Black Canyon one, end up with a deviation of plus
16 1.2 seven District 1 down from 1.74 minus 1.0 three
17 District 4, reducing deviation from district a little
18 larger.

19 CHAIRMAN LYNN: Wouldn't that increase
20 deviation of map total, degrees one of the would reduce
21 one of two.

22 COMMISSIONER ELDER: Deducted population of
23 south Mohave change, and if we take Black Canyon out,
24 reducing population in Yavapai, we're adding it, whether
25 it was Senator people to northwest, and whatever the

1 perimeter was overdue west, still looks like we're
2 pulling more out of there than we've got to play with.

3 COMMISSIONER HUNTWORK: But were going to
4 miss -- thousand -- add one. And, the --

5 MR. JOHNSON: Currently, well, under the
6 April 2nd plan, District 3 was actually the largest
7 district. Yes. So given change there Mohave District 1
8 now largest district. So given change now
9 Mr. Discussion, question asking, this indeed reduce total
10 deviation of the plan.

11 CHAIRMAN LYNN: Further discussion on the
12 motion. You'll all those favor motion signify by saying
13 "Aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER MINKOFF: "Aye."

16 COMMISSIONER ELDER: "Aye."

17 COMMISSIONER HUNTWORK: "Aye."

18 CHAIRMAN LYNN: Chair votes "aye."

19 Motion carries.

20 We need to take 15 minutes, so let's take a
21 15-minute break and resume at that time.

22 (Recess taken.)

23 CHAIRMAN LYNN: The Commission will come to
24 order, all five Commissioners are present along with
25 staff, counsel and consultants.

1 All right. Mr. Johnson, of the changes
2 that you reported on, where are we in order? What more
3 have we to decide on?

4 Mr. Hall.

5 COMMISSIONER HALL: Were you able to fine
6 out, Mr. Johnson, what the most recent motion we adopted
7 did south of Prescott?

8 COMMISSIONER MINKOFF: In terms of what.

9 COMMISSIONER HALL: Spring Valley.

10 MR. JOHNSON: Motion Spring Valley request
11 A, does not affect Cordes Lakes, between 1 and 1, moving
12 one west precinct borders, 2002 election lines, south
13 Census tracts below to you he, offsetting that Black
14 Canyon District 4, that more than den not the affect
15 Cordes Lakes Spring Valley.

16 COMMISSIONER HALL: Flagstaff one did,
17 right?

18 MR. JOHNSON: Reduced need to move them.
19 Cordes Lakes Spring Valley tested in part passing
20 Flagstaff through to four.

21 COMMISSIONER HALL: More simple. Where are
22 they now, which district.

23 MR. JOHNSON: In District 1. Where they
24 began today.

25 COMMISSIONER HALL: Thank you.

1 MR. JOHNSON: Let me think currently. What
2 did I in computer take in District 1 to where it is based
3 on motions made so far. So it, let me zoom in on
4 Flagstaff, you see it's back to line as of April 12, it
5 does not include the area over by highway over the area
6 down in here, can you see it's back into the Flagstaff
7 district, it also, you remember the earlier version
8 showing proposed, and in the test, I can bring this back
9 up, walk north of Coconino and also west over Seligman,
10 which is not shown at this point. Paragraph other thing
11 not shown and will affect overall deviation is over here
12 in Winslow West, Commission not yet voted that concept.
13 So that would actually take 130 people out of District 1
14 and thus make it, District 1 closer to the ideal doing
15 that district change as well. Paragraph currently,
16 though, let me get you measurements, District 1 down to
17 1.27 percent deviation, down from 1.75, District 3,
18 however, 1.97, because we put in Mohave County area not
19 taken anything out of it at this point. And District 4
20 is at negative .26.

21 Let me bring up lines new test and you can
22 see --

23 COMMISSIONER MINKOFF: You are saying
24 District 4 is underpopulated and District 3 is
25 overpopulated?

1 MR. JOHNSON: Yes.

2 COMMISSIONER MINKOFF: Was there suggested
3 shift we have not adopted or was there a shift we did
4 adopt maybe we shouldn't have to equalize those a little
5 more? In other words, --

6 COMMISSIONER MINKOFF: In other words, have
7 we taken anything out of four, Mohave County area out.

8 MR. JOHNSON: Mohave County area out, and
9 also took the, took the areas just west of the Tri-Cities
10 and south of the Tri-Cities out of District 4. Paragraph
11 District 4, however, started the day at negative 1.4
12 eight and it's now at negative 1.26, so it is slightly
13 improved where it started day thanks to putting Black
14 Canyon which is larger than the changes that we've made.

15 CHAIRMAN LYNN: So I thought I heard you
16 talk about Winslow West. Is there --

17 MR. JOHNSON: Yes.

18 CHAIRMAN LYNN: Just to get on the record
19 and beyond it, is there a motion with respect to Winslow
20 West. Again, Mr. Johnson, summarize very briefly the
21 issue here.

22 MR. JOHNSON: Issue here is earlier we
23 attempted to move to contradict five back to its
24 configuration as previously adopted and missed Winslow
25 West matter sometime took it out restoring District 5 to

1 its 2004 configuration, putting 2004 with its adjacent
2 community as well. As can you see all the people around
3 Winslow West are to the east.

4 COMMISSIONER HALL: Move we accept this
5 change.

6 CHAIRMAN LYNN: Second?

7 COMMISSIONER MINKOFF: Second.

8 CHAIRMAN LYNN: Discussion on the motion.

9 All those favor motion signify by saying "Aye."

10 COMMISSIONER HUNTWORK: "Aye."

11 COMMISSIONER HALL: "Aye."

12 COMMISSIONER MINKOFF: "Aye."

13 COMMISSIONER ELDER: "Aye."

14 CHAIRMAN LYNN: Chair votes "Aye."

15 Motion carries.

16 Mr. Johnson, next issue.

17 Keep this current as we go along. Next
18 once we have knocked, looked at, would be whether to move
19 District 1 north, and this is actually an unnamed road
20 north of Ash Fork running over Seligman, and whether to
21 also move District 1 west into District 3. So that that
22 would unify those precincts and match up with the house
23 to line and whether to move four north to I-40 as we
24 mentioned. Then should the Commission consider changes
25 up here moving one to north or northwest, we would then

1 need to offset that with a shift of -- suggestion from
2 the test was Cordes Lakes and/or Spring Valley area.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Mr. Chairman, I
5 think -- this is loud, I think District 3 is
6 significantly overpopulated and to the extent that we can
7 move people from three into one, I think we need to do
8 that. We had a standard, actually, or significant
9 detriment based on population deviation, no not doing
10 that, very uncomfortable exceeding that, I think 1.7,
11 seven five percent, at point nine something here, and --
12 no obvious community of interest here, involved --

13 COMMISSIONER HALL: Where is Ash Fork?

14 MR. JOHNSON: Ash Fork currently in one.
15 Currently one, areas northwest of it.

16 COMMISSIONER HALL: Ripple affect is going
17 down to Spring Valley.

18 MR. JOHNSON: Those two areas combined
19 1,406 people, Spring Valley, Cordes Lakes are a total of
20 3,100 people.

21 COMMISSIONER MINKOFF: They'd move into
22 District 4, which is underpopulated?

23 MR. JOHNSON: Yes.

24 COMMISSIONER HUNTWORK: How many people
25 live other area District 3 we propose to move into.

1 MR. JOHNSON: Area District 4 move into
2 district 40 was Senator people.

3 CHAIRMAN LYNN: Just so clear District 3
4 competitive these changes would not affect the
5 competitiveness of District 3?

6 MR. JOHNSON: Make it somewhere between
7 46.5 and 46 point six percent numbers April to number and
8 full test number.

9 COMMISSIONER HALL: Mr. Huntwork I agree
10 with your assessment with respect to population
11 deviation. I'm just of the opinion that Spring Valley
12 and Cordes should stay with Prescott Valley. I think
13 that moves it with more of Phoenix area. My opinion,
14 Black Canyon is more, there is arbitrary transition line
15 one makes that trek --

16 COMMISSIONER HUNTWORK: Could we take
17 separate issue.

18 COMMISSIONER HALL: I think effect what
19 we're proposing northwest of this. Am I correct, Doug?

20 MR. JOHNSON: Let me look at one quick
21 thing. All this is changing very quickly as we run
22 through little tests.

23 MR. JOHNSON: If we move areas three into
24 one without the offset, we would take one, from 200047,
25 plus 14 oh six, that would leave District 1 at two

1 percent overpopulated, so we would not need to do, could
2 reduce deviations by taking just Cordes lake not Spring
3 Valley to -- as opposed to before hit Flagstaff area and
4 needed both of them. But if we didn't do either of those
5 offsets it would leave us at two percent over. I guess
6 there are different pieces of this I could calculate for
7 you if specific interest one piece.

8 COMMISSIONER HUNTWORK: I didn't follow, go
9 back one step numbers adding District 1, added almost
10 3,000 people, I only heard 1,000 people.

11 MR. JOHNSON: Right. Adding 1,406,
12 population of these, that's two different sections up
13 here in the northwest.

14 COMMISSIONER HUNTWORK: Right.

15 MR. JOHNSON: 2000, District 1 is already
16 overpopulated. As you see on screen without areas,
17 District 1 is overpopulated by 2,000 people. Put those
18 in, it would be 3,000.

19 COMMISSIONER HUNTWORK: Your proposal four
20 moving people from one into four, what was that, again,
21 and where is it that you show on the map.

22 MR. JOHNSON: Sure. Cordes Lakes and
23 Spring Valley area this area down here right along the
24 17. First thought, when doing testing take area around
25 Black Canyon that area zero populated don't get people

1 until up to Cordes lake and Spring Valley.

2 COMMISSIONER HALL: What happen if took
3 more three into four to reduce these, isn't four less as
4 much deviation?

5 MR. JOHNSON: That is correct.

6 COMMISSIONER HALL: Why not do that and
7 bring three two standing --

8 MR. JOHNSON: I could try that quick, try
9 that quick. It will take two minutes quick.

10 CHAIRMAN LYNN: In terms of population
11 done.

12 COMMISSIONER HALL: Population.

13 MS. LEONI: Technical changes Maricopa
14 County still, I think that's it, correct?

15 MR. JOHNSON: Yes. Technical changes in
16 Maricopa, and zero population precinct tract in Maricopa,

17 MS. LEONI: One minor thing in Coconino.

18 CHAIRMAN LYNN: Why don't we motion, while
19 Doug looking up, zero population Maricopa County.
20 Motion?

21 COMMISSIONER HALL: So moved.

22 COMMISSIONER MINKOFF: Second.

23 CHAIRMAN LYNN: All those in favor?

24 COMMISSIONER HUNTWORK: "Aye."

25 COMMISSIONER MINKOFF: "Aye."

1 COMMISSIONER HALL: "Aye."

2 COMMISSIONER ELDER: "Aye."

3 CHAIRMAN LYNN: Chair votes "Aye."

4 So moved.

5 COMMISSIONER HUNTWORK: I -- finally, take
6 one second instead of 20 minutes.

7 CHAIRMAN LYNN: Calculate some of the
8 things.

9 While Mr. Johnson is finishing the
10 calculation, in abundant interests of trying to get out
11 of here sometime today, I wonder, Ms. Hauser, can we try
12 to go through our agenda?

13 MS. HAUSER: Sure.

14 As you, as you know, the Arizonans for Fair
15 and Legal Representation has been represented in court
16 and in front of this Commission by Neil Wake. And
17 Mr. Wake has been appointed and confirmed as a United
18 States District Court Judge. He has not yet taken the
19 bench but will do so very shortly and is making
20 arrangements to transfer his cases to other attorneys.
21 The attorney who will be taking over representation of
22 the AFLR, Mark Dangerfield, he's with the firm of
23 Gallagher and Kennedy. Mr. Wake contacted me last week
24 because Mr. Dangerfield represents the State of Arizona
25 in connection with some Alt fuels matters and because the

1 Commission is a state agency, and this is hopefully one
2 of the last meetings you'll have any time soon, just in
3 the event that becomes an issue, at some point down the
4 road with the Attorney General's Office and whatever, we
5 wanted to at least bring to your attention and seek
6 approval for the Commission's waiver of any conflict in
7 connection with Mr. Dangerfield's representation of AFLR.

8 CHAIRMAN LYNN: Is there a motion to waive
9 the conflict?

10 COMMISSIONER MINKOFF: So moved.

11 CHAIRMAN LYNN: Second?

12 COMMISSIONER HALL: Second.

13 CHAIRMAN LYNN: Discussion on the motion?

14 Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Chairman, I
16 certainly don't see any reason why this Commission should
17 be concerned the situation. I think to the extent that
18 we have the ability to waive, I would certainly vote in
19 favor of it. I do wonder if it's not the other state
20 agency that might have a concern about it and they might
21 need to.

22 MS. HAUSER: It is. Those matters are
23 being addressed by the Attorney General. We also, a
24 state agency, it's sometimes up to the Attorney General,
25 as a whole it's up to us, have taken action a bit

1 attenuated in the event it becomes a problem and we don't
2 need to come back to you to have any telephonic meeting
3 to deal with this.

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

7 COMMISSIONER ELDER: "Aye."

8 COMMISSIONER MINKOFF: "Aye."

9 COMMISSIONER HALL: "Aye."

10 COMMISSIONER HUNTWORK: "Aye."

11 MR. JOHNSON: Okay. Mr. Chairman,
12 Commission, bring this up on the screen, good news.

13 The blue lines back to April 2nd lines,
14 going from old border 4 and bringing 4 up and picking up
15 areas to the north, this includes Seligman and then areas
16 just west of Ash Fork into District 4, from a deviation
17 perspective this brings District 3 down to 1.43 percent,
18 brings District 4 up to negative 0.72 percent. You see
19 real quickly, District 3 is now our largest District,
20 1.43 percent, but that is a smaller total deviation than
21 started this with. The other piece of this is the
22 easiest way to reduce deviation is an undue deviation
23 change, resplit Mohave part of this is keep Mohave County
24 splits down. On the compactness front we came up with a
25 fine -- it's hard to read the screen, District 3 is .19,

1 same thing it was in the other test. District 4 is down
2 to .20, well above our .17 measurement.

3 If there are other questions about this
4 test, I'd be happy to answer them.

5 COMMISSIONER HALL: Well, Mr. Chairman,
6 while I'd like Spring Valley, we're probably better off
7 going north than south. Certainly Seligman is better off
8 going north than being hooked with Phoenix. I'm not sure
9 this is any better.

10 I would move that we would adopt the first
11 attempt at population balancing, not this one.

12 CHAIRMAN LYNN: Let's turn to that so we
13 understand the motion.

14 MR. JOHNSON: The easiest way to show this
15 is put in the overlay, happy colors.

16 Give me --

17 So the shift here would be District 1,
18 coming west, to its old 2002 lines, you know precincts,
19 and moving north, picking up areas of Ash Fork out of
20 Coconino County, the district north, coming north on
21 I-40, and then trading off with Cordes Lakes and Spring
22 Valley, and --

23 COMMISSIONER HALL: Seligman right.

24 MR. JOHNSON: Seligman in District 1,
25 correct.

1 CHAIRMAN LYNN: So that is the motion.

2 Is there a second.

3 COMMISSIONER HUNTWORK: I'll second.

4 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

5 Discussion on the motion?

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Well, once again,
8 there aren't any real good solutions. We're dealing with
9 a problem that shouldn't exist and trying to make the
10 most of it.

11 I do agree with Mr. Hall's assessment that
12 going much further north and pulling down to Phoenix
13 doesn't make any sense. This is the lesser of the two
14 evils.

15 CHAIRMAN LYNN: Mr. Elder.

16 COMMISSIONER ELDER: Is this an all or
17 nothing motion? Looking at the area discussed before
18 right by, oh, 3 on map 19 or something, I wanted at least
19 to look at or I wanted to look at bringing to north.

20 CHAIRMAN LYNN: Out of 4.

21 COMMISSIONER ELDER: Out of --

22 CHAIRMAN LYNN: Into 3.

23 COMMISSIONER HALL: Preferable. Would make
24 4 even significantly underpopulated, wouldn't it?

25 COMMISSIONER ELDER: If you bring in Cordes

1 Lakes and that stuff, still --

2 COMMISSIONER HALL: Back to three being
3 overpopulated.

4 MR. JOHNSON: Mr. Chairman, one thing
5 probably draw in give deviation figures that result from
6 this. Spare me two minutes.

7 CHAIRMAN LYNN: I think that's a good idea
8 at this point.

9 We'll be heading to Maricopa County after
10 we're finished with this issue, are we not, Mr. Johnson?

11 MR. JOHNSON: Yes.

12 CHAIRMAN LYNN: Give me an ETA.

13 MR. JOHNSON: A couple minutes.

14 CHAIRMAN LYNN: I'm looking at the agenda
15 to see if there is anything we might quickly dispense
16 with.

17 COMMISSIONER HALL: Do adjournment --

18 CHAIRMAN LYNN: One I'd most like to do
19 today.

20 Mr. Echeveste, do you have an Executive
21 Director's report?

22 MR. ECHEVESTE: No.

23 CHAIRMAN LYNN: Okay.

24 COMMISSIONER HUNTWORK: If couldn't get you
25 home before rush hour, we'll get you down after.

1 CHAIRMAN LYNN: No, way, it's after.

2 COMMISSIONER ELDER: Let me ask you a
3 couple questions of counsel. No change appeals, no
4 issued any opinions on stays or appeals or stays or any
5 of the above?

6 MS. HAUSER: The only recent developments
7 are a stipulated briefing schedule was agreed to and
8 submitted to the Court of Appeals, at their request, and
9 we haven't gotten anything back confirming that, but that
10 schedule evidences the fact that all parties recognize
11 that it won't be the appeal that will determine what is
12 used this particular election.

13 What else, Jose? Anything else?

14 COMMISSIONER HALL: How are the kids?

15 MS. HAUSER: How are things in Tucson?

16 Amended final judgment was entered into by
17 Judge Fields' that incorporates in the attorney fees'
18 award.

19 COMMISSIONER ELDER: Any movement since the
20 House approved the appropriations for the Commission in
21 pushing it through the Senate, or wherever its going from
22 here?

23 MS. HAUSER: Late last week the Senate --

24 CHAIRMAN LYNN: House bill, Senate approved
25 first.

1 MS. HAUSER: It has been approved by the
2 Senate House, and majority minority caucuses. Both voted
3 support and concurrence. In that amendment, no other
4 action has taken place in the House I'm aware of. I
5 checked that just a little while ago.

6 Anything else?

7 Today's temperature is supposed to be 78
8 degrees.

9 THE REPORTER: We're witnessing the Dougie
10 Award.

11 MS. HAUSER: You usually don't see his
12 computations in action.

13 CHAIRMAN LYNN: No one can accuse us of not
14 doing everything in front of the public, sometimes quite
15 embarrassingly so.

16 Mr. Johnson.

17 MR. JOHNSON: Mr. Chairman, Members of the
18 Commission, this does, easy numbers first, compactness
19 stay at .19, District 3, and District 4 goes up to .22.
20 What I've drawn with District 1, picking up to northwest
21 areas, but District 4 not picking up area between the
22 April 2nd line and I-40. Excuse me. What we end up with
23 in terms of deviations, District 1 as expected is higher,
24 2.02 percent, District 3 comes down to 1.15 percent, and
25 District 4 stays down at negative 1.26 percent. That's

1 why the next piece not drawn into this would be a switch
2 of the Cordes Lakes, Spring Valley area, or somewhere
3 else, between 1 or 4.

4 CHAIRMAN LYNN: District 1, bring that
5 deviation down.

6 MR. JOHNSON: This would, indeed, reduce
7 total deviation of the plan. District 3 would no longer
8 be the largest district.

9 CHAIRMAN LYNN: All right. I believe the
10 motion is to effect this change. I do remember we do
11 have a motion this time.

12 Concern would be that -- I mean if we make
13 a change in isolation, we have a concomitant problem.

14 COMMISSIONER HUNTWORK: Exactly. I'd be
15 opposed to making a change in isolation only because
16 we're correcting deviation of 1.19 percent by creating
17 one 2.02 percent. I would have to see the clear piece of
18 the second --

19 COMMISSIONER HALL: The motion includes not
20 that specific motion, but all three. That's what the
21 motion includes.

22 COMMISSIONER HUNTWORK: That's what I
23 thought. It hasn't been added in.

24 CHAIRMAN LYNN: The remainder of the
25 motion, subsequent adjustment of one and four.

1 MR. JOHNSON: Cordes Lakes and Spring
2 Valley.

3 COMMISSIONER HALL: The motion was to adopt
4 Doug's original proposal, seconded. Dan asked, one
5 little piece, 97 people. Doug said we need to do total
6 numbers. We did. We're back. Here we are.

7 CHAIRMAN LYNN: So the three-way swap is
8 what --

9 COMMISSIONER HALL: What the motion is.

10 CHAIRMAN LYNN: Half the motion.

11 Dan asked about 97 folks as an option to
12 that, could go either way because 97 people doesn't make
13 a huge amount of difference one way or the other.

14 MR. JOHNSON: Right. I guess on that point
15 I'd address -- yes, a change between four and three
16 brought District 3 1.15 percent putting another 97 people
17 out of that very small reduction, 1.15.

18 CHAIRMAN LYNN: What does that shift due to
19 District 1?

20 MR. JOHNSON: The one Commissioner Elder is
21 referring to doesn't affect District 1.

22 COMMISSIONER HALL: Right.

23 CHAIRMAN LYNN: Yes.

24 MR. JOHNSON: A quick thing.

25 COMMISSIONER HALL: Amend the motion,

1 pursuant to Mr. Elder's recommendation of one change in
2 the north, up there in the northwest,

3 COMMISSIONER HALL: Did you second?

4 CHAIRMAN LYNN: Jim.

5 COMMISSIONER HUNTWORK: Second.

6 What did you say?

7 CHAIRMAN LYNN: Did you second?

8 COMMISSIONER HUNTWORK: Right.

9 CHAIRMAN LYNN: Motion amended with that
10 change with 97 people.

11 MR. JOHNSON: Mr. Chairman, if I may, if we
12 ran to include Cordes Lakes Spring Valley shift District
13 1 almost at the ideal of .2, District 3 unaffected by
14 that shift, .15, District 4, 0.56 percent overpopulated,
15 so, 1 and 4 are close together.

16 CHAIRMAN LYNN: All right. Sounds like an
17 improvement.

18 Further discussion on the motion. If not,
19 all those in favor of the motion signify "Aye."

20 COMMISSIONER HUNTWORK: "Aye."

21 COMMISSIONER MINKOFF: "Aye."

22 COMMISSIONER HALL: "Aye."

23 THE COURT: Chair votes "Aye."

24 COMMISSIONER ELDER: "Aye."

25 CHAIRMAN LYNN: Motion carries.

1 Maricopa County.

2 MR. JOHNSON: Everything in Maricopa County
3 are technical changes. Some small numbers of people,
4 labeled for our reference. The first is in the East
5 Valley, right along the Mesa Gilbert border there is
6 essentially the difference between a road and something
7 else, a narrow, two person area where District 21
8 actually extends to the east. Let me show it on a larger
9 scale, here.

10 So down here where 18, 21, and 22 come
11 together, you'll see in this red area there is a very
12 small couple blocks between essentially Baseline and the
13 edge of Baseline. I've -- I'm showing it already moved
14 into the area between the black lines this narrow neck
15 extending over. That area has a total of two people. I
16 just -- the area didn't catch when making earlier
17 adjustments.

18 The next one --

19 CHAIRMAN LYNN: Why don't we deal one at a
20 time, get rid of them as we go.

21 The motion --

22 COMMISSIONER MINKOFF: I move we adopt
23 this.

24 CHAIRMAN LYNN: Second?

25 COMMISSIONER HUNTWORK: Second.

1 CHAIRMAN LYNN: Discussion. All those in
2 favor say "Aye."

3 COMMISSIONER MINKOFF: "Aye."

4 COMMISSIONER HUNTWORK: "Aye."

5 COMMISSIONER HALL: "Aye."

6 COMMISSIONER ELDER: "Aye."

7 CHAIRMAN LYNN: Chair votes "Aye."

8 Motion carries unanimously.

9 Mr. Johnson.

10 Okay. Request B, a very similar issue.
11 Essentially over here between 18 and 22, and -- just
12 moving to the east here, there's an area where the border
13 shifts, city border of Gilbert splits. Go to the south
14 edge of Baseline to the north edge of Baseline, zero
15 population just unifying that.

16 CHAIRMAN LYNN: Motion?

17 COMMISSIONER MINKOFF: I'd move we adopt
18 this change.

19 CHAIRMAN LYNN: Second?

20 COMMISSIONER ELDER: Second.

21 CHAIRMAN LYNN: Discussion?

22 COMMISSIONER HUNTWORK: Mr. Chairman, I
23 apologize. I'm just confused. This is literally the
24 street?

25 MR. JOHNSON: Yes.

1 COMMISSIONER HUNTWORK: Maricopa County
2 precinct for this or --

3 MR. JOHNSON: Mr. Chairman, Commissioner
4 Huntwork, the issue is that that -- technically by law,
5 yes, also unifying the city. The City line jogged, I
6 didn't catch it, moved north 30 feet, or whatever this
7 is.

8 COMMISSIONER HUNTWORK: By law, a street, a
9 homeless person in a street? Sorry. Sorry if I make
10 light of it.

11 MR. JOHNSON: It's larger than some traps
12 fixed.

13 MS. HAUSER: Let me confirm with
14 Mr. Johnson here.

15 CHAIRMAN LYNN: Like to confirm with
16 Mr. Johnson.

17 COMMISSIONER HUNTWORK: Haven't already
18 confirmed?

19 MS. HAUSER: Haven't already confirmed.

20 CHAIRMAN LYNN: Mr. Johnson, Tim, confirm
21 you'd need to create a precinct for the distance which is
22 between the curbs.

23 MR. TIM JOHNSON: Mr. Huntwork, not their
24 own precinct, they'd go to the precinct to the north.
25 The precinct boundary, in this case, if the line stayed

1 where it is, that ballot would have to be a city field.

2 There's no way --

3 CHAIRMAN LYNN: That's the problem.

4 COMMISSIONER HUNTWORK: Thank you.

5 CHAIRMAN LYNN: All in favor, signify by

6 saying "Aye."

7 COMMISSIONER HUNTWORK: "Aye."

8 COMMISSIONER HALL: "Aye."

9 COMMISSIONER MINKOFF: "Aye."

10 COMMISSIONER ELDER: "Aye."

11 CHAIRMAN LYNN: Chair votes "Aye."

12 Mr. Johnson.

13 (All references to Mr. Johnson are

14 Mr. Douglas Johnson of NDC unless otherwise

15 noted.)

16 MR. DOUGLAS JOHNSON: Mr. Chairman, zooming

17 out, there's a narrow section entirely within Mesa in

18 this case, but the interesting thing, the Census says

19 there are 47 people here. Technically, according to

20 numbers, the 47 people, the County discovered the Census

21 was off. The homes are slightly north of it, so -- while

22 the Census counted them in the southern district, the

23 County issues ballots in the Northern District, so this

24 is making our lines match what gets implemented in the

25 election. The difference is the Baseline access road and

1 homes.

2 CHAIRMAN LYNN: Next, a motion correcting
3 the federal government.

4 Motion to accept this change?

5 COMMISSIONER MINKOFF: So moved.

6 CHAIRMAN LYNN: Second?

7 COMMISSIONER HUNTWORK: Second.

8 CHAIRMAN LYNN: Discussion?

9 COMMISSIONER ELDER: How many people are we
10 talking about, 47?

11 This is a stupid question, being in this
12 part of the valley: Does it change competitiveness,
13 change any kind of minority voting rights, or any
14 incumbent partisan issues?

15 MR. JOHNSON: Neither of these change
16 competitive issues by JudgeIt measurements. They are all
17 within Mesa. And obviously we have no idea, no comment,
18 on the incumbency question.

19 CHAIRMAN LYNN: Further discussion on the
20 motion?

21 All in favor, say "Aye."

22 COMMISSIONER MINKOFF: "Aye."

23 COMMISSIONER HUNTWORK: "Aye."

24 COMMISSIONER ELDER: "Aye."

25 COMMISSIONER HALL: "Aye."

1 CHAIRMAN LYNN: Motion carries unanimously.

2 THE REPORTER: May I have a short,
3 five-minute break?

4 CHAIRMAN LYNN: Why don't we take a
5 five-minute break and everybody stay in place except you,
6 Lisa.

7 (Three-minute recess taken.)

8 CHAIRMAN LYNN: Back on the record.

9 MR. JOHNSON: Mr. Chairman, four more of
10 Maricopa County.

11 CHAIRMAN LYNN: Just four more. I can
12 hardly wait.

13 MR. JOHNSON: Next one, jumping up
14 Scottsdale along the Scottsdale-Phoenix border, the red
15 circle here, right where 11, 7, and 8 all come together
16 on the City border, and what it is, as drawn, currently
17 there is a very, very narrow neck with zero population
18 accidentally in the Northern District that comes down
19 between two districts below it. This is unifying with
20 District 8 to the east because the area's in Scottsdale
21 and that's a Scottsdale district.

22 COMMISSIONER HUNTWORK: So moved.

23 CHAIRMAN LYNN: Second?

24 COMMISSIONER ELDER: Second.

25 COMMISSIONER MINKOFF: I'm trying to figure

1 out.

2 CHAIRMAN LYNN: Don't. It's Scottsdale
3 Road.

4 COMMISSIONER MINKOFF: Don't? .

5 I have no objections to it. I'd like to
6 know, are there two Scottsdale Roads in there?

7 MR. JOHNSON: It is -- it's going to be
8 between Scottsdale Road and something right next to
9 Scottsdale Road, a sidewalk, might be the width of the
10 street.

11 CHAIRMAN LYNN: Further discussion?

12 All in favor?

13 COMMISSIONER ELDER: "Aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER HUNTWORK: "Aye."

16 COMMISSIONER MINKOFF: "Aye."

17 CHAIRMAN LYNN: Chair votes "No."

18 Motion carries.

19 Technical changes.

20 (Motion carries.)

21 MR. JOHNSON: Next two, the Gilbert border.
22 Gilbert is extremely fast growing. Lines adopted April
23 2nd followed the 2000 Census border for Gilbert. Gilbert
24 since then annexed portions of the Census blocks just to
25 the south and what Maricopa County raised is the, a nice,

1 take the border down to Queen Creek Road. One key
2 reasons asking for that is that one of the jogs, whatever
3 you want to call the thousands in the 2000 Census border,
4 cuts right through what is now a development. Zoom in on
5 which they provide how the line cuts right through the
6 development. This would, the suggestion to be move the
7 border from the 2000 Census border to pick up additional,
8 what was at the time nonincorporated areas. And these
9 two tests, this, the first is this western swing going
10 over to the canal, which includes 28 people. This is an
11 area currently dividing housing developments. That said,
12 less urgent but might also be useful to them in the
13 future, move an area over to the west at Higley Road.
14 This area, however, involves 130 people. So it would
15 either be 28, just do the 100 left, or 158 people to do
16 both of them.

17 COMMISSIONER MINKOFF: And what does that
18 do to population. Does it have a population issue?

19 MR. JOHNSON: Deviations in these, let's
20 see, 21 is overpopulated and it -- both of these changes
21 together 1.19 percent overpopulated. 22 is currently
22 just underpopulated and this takes it to 2,200 and 23
23 people under. Actually the second change makes 21 our
24 largest district at 1.19 percent if we just did the first
25 change.

1 CHAIRMAN LYNN: Mr. Huntwork.

2 COMMISSIONER HUNTWORK: These are some more
3 than technical issues. Also, those areas have lot more
4 people now than they did before, not that we should
5 necessarily consider that. But I'm opposed to making
6 this change. Let it stay right where it is. I say it is
7 a done deal, kind of neutral, let the chips fall where
8 they may, leave them there.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: I agree. The area
11 to the eastern boundary, the area in the west, far fewer
12 people, also makes the district more compact. They don't
13 have all the zig-zags, so I'd like to move we include the
14 western portion of the proposed change.

15 CHAIRMAN LYNN: Second?

16 COMMISSIONER ELDER: Second.

17 CHAIRMAN LYNN: Discussion on the motion?

18 All those in favor of the motion signify by
19 saying "Aye."

20 COMMISSIONER ELDER: "Aye."

21 COMMISSIONER MINKOFF: "Aye."

22 CHAIRMAN LYNN: Opposed "no"?

23 COMMISSIONER HUNTWORK: "No."

24 COMMISSIONER HALL: "No."

25 CHAIRMAN LYNN: Well, one of those.

1 COMMISSIONER MINKOFF: Not a biggie.

2 CHAIRMAN LYNN: Chair votes "Aye."

3 (Motion passes.)

4 MR. JOHNSON: Last change, zero population
5 change, Districts 13 and 16, a couple jogs down Baseline
6 that followed the border up, both jogs are zero
7 population.

8 COMMISSIONER MINKOFF: So moved.

9 COMMISSIONER HUNTWORK: Second.

10 CHAIRMAN LYNN: Discussion, all those in
11 favor signify "Aye."

12 COMMISSIONER ELDER: "Aye."

13 COMMISSIONER MINKOFF: "Aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER HUNTWORK: "Aye."

16 CHAIRMAN LYNN: Chair votes "Aye."

17 MR. JOHNSON: The trap motion was already
18 addressed.

19 COMMISSIONER MINKOFF: Have we addressed
20 everything in this sheet you handed out or do we need to?

21 MR. JOHNSON: That sheet, the final tables
22 assumed -- incorporated all these tests. I'll replace it
23 with an updated version, updated --

24 COMMISSIONER MINKOFF: We're already
25 considered all the issues. That's what doing up here.

1 MR. JOHNSON: Let me run through real
2 quick. The first section, part, March 1 testing, report
3 Commission reviewed back on March 1st or 2nd. And it
4 walks through changes made to clean up traps and say
5 splits and balance districts to zero deviation outside of
6 the Native American Northern District concerns that were
7 already made. Then from that balanced plan it walked
8 back to visible geographic features and all other
9 criteria. So these are three actions. The only
10 difference in this memo, if one looked back and then
11 added parentheses district numbers, at the time looking
12 letters. The first part is unchanged from the version
13 looked at then, the summary of the Commission's decisions
14 on each of those steps. Then on page seven you see
15 starts the April 12 testing. And this walks through
16 essentially the details piece by piece, items summarized
17 in the Power Point. Mention some out of date, but it
18 starts out with Yavapai, request population balancing,
19 addressing general issues in the north, then the clean-up
20 of the April 2 test, population balancing in the Tucson
21 area, and finally Winslow West adjustment and Maricopa
22 County technical changes. Same topics covered before,
23 updated current information. The last page, a deviation
24 table completely off at this point.

25 CHAIRMAN LYNN: Based on the changes.

1 MR. JOHNSON: Yes. I'll update this,
2 distribute to the Commission, get it posted as well.

3 CHAIRMAN LYNN: What you can do, however,
4 based on the changes made today, just give us a baseline
5 overview of the deviation of however the map is as it
6 currently exists.

7 MR. JOHNSON: As now drawn after those
8 decisions, the smallest district unchanged, District 25,
9 one referred to as border district, majority-minority
10 district. It is at negative 1.93 percent. In past when
11 looked at ways to address that, really we're impacting
12 other Voting Rights Act sensitive districts or cutting in
13 and taking population out of Casa Grande community or
14 cutting into Phoenix urban area take population out of
15 Phoenix Buckeye Goodyear put into the border, the
16 Commission's decisions in the past ended up with that
17 deviation for those reasons.

18 In terms of what is now the largest
19 districts, I think we may -- this actually incorporates
20 both those changes in a border a little off. 3 and 21
21 are very close in deviation. 3 we've just addressed in
22 the earlier tests and 21 was at 1.19, now going to be a
23 few people less than that, so a smaller deviation than
24 1.19. Once I do that I'll know exactly what ends up to
25 be largest.

1 CHAIRMAN LYNN: Total deviation is three.

2 MR. JOHNSON: Yes, a couple hundredths of a
3 point over three.

4 CHAIRMAN LYNN: That is an improvement?

5 MR. JOHNSON: Yes, Mr. Chairman. Actually
6 the IRC's 2004 plan, 4.22 deviation and then the plan
7 before we started today, was it -- oh -- oh -- was at
8 about three and a half. So we're down, down from where
9 we started.

10 CHAIRMAN LYNN: Thank you.

11 Let me draw the Commission's attention to
12 item VIII. Where we've been, continue to be, item VIII
13 on the agenda deals with adjustments either in response
14 to public comment hearings, traps, any sort boundary,
15 equal population, any other items under the Commission
16 under item VIII.

17 Ms. Minkoff.

18 COMMISSIONER MINKOFF: Mr. Chairman, a very
19 long time ago at the start of the meeting we heard
20 presentations from some people in the Central Phoenix
21 area and I really think we owe it to them to give
22 thoughtful presentation at another hearing. So I would
23 like to propose.

24 CHAIRMAN LYNN: Under Robert's Rules to
25 Reconsider, since we had already dealt with that rule at

1 a previous meeting, for a motion to reconsider, we need
2 it to be made by a person who voted on the prevailing
3 side. If I recall the vote on that it was three-to-two
4 with Ms. Minkoff, Mr. Huntwork on the affirmative and the
5 remainder of the Commission on the negative.

6 I'll take one of other Members of the
7 Commission to reconsider the Encanto changes.

8 COMMISSIONER ELDER: Mr. Chairman, does it
9 take a second from the affirmative, also?

10 CHAIRMAN LYNN: It does not. Under
11 Robert's Rules, the maker of the motion must be, have
12 voted on the affirmative side. The second can be any
13 member of the Commission.

14 COMMISSIONER HALL: Mr. Chairman, I move we
15 reconsider that.

16 CHAIRMAN LYNN: Mr. -- for the record,
17 Mr. Hall was one of those that voted against the motion
18 originally.

19 Is there a second?

20 COMMISSIONER MINKOFF: I'll second.

21 CHAIRMAN LYNN: Moved, seconded, to
22 reconsider.

23 Let me explain the motion so everybody is
24 clear. An affirmative vote on this motion simply puts us
25 back in discussion of the original Motion which was to

1 make adjustments as proposed by the neighborhood, does
2 not presuppose the ultimate vote on that vote, simply
3 puts us back in discussion.

4 So on the motion to reconsider, all those
5 in favor of the motion, signify by saying "Aye."

6 COMMISSIONER HALL: "Aye."

7 COMMISSIONER MINKOFF: "Aye."

8 COMMISSIONER HUNTWORK: "Aye.".

9 COMMISSIONER ELDER: "No."

10 CHAIRMAN LYNN: Chair votes "No."

11 Motion passes three-two.

12 Reconsideration to get Encanto back on
13 board for reference, visual reference.

14 While Mr. Johnson is doing that, we're in
15 discussion.

16 Further discussion on the motion,
17 Ms. Minkoff?

18 COMMISSIONER MINKOFF: Mr. Chairman, if you
19 recall at the last meeting, Mr. Huntwork and I have
20 something like 80 years' residency in the Phoenix area.
21 We both said we believed this proposal made sense, made
22 sense for a number of reasons. The Historic Districts in
23 Phoenix are very different in character, and the Historic
24 Districts would be in District 14 under this proposal are
25 heavily minority districts, they are generally lower

1 income districts, the other Historic Districts, those a
2 little further to the north are essentially becoming, I
3 believe the term is "gentrified." These are districts
4 that are really undergoing renaissance, people going in,
5 buying older homes fixing up, as Dr. Marston said home
6 tours group garage sales very different neighbors makes
7 sense to put in separate districts. We have a lot of
8 support for this proposal. The only negative comment
9 today came from someone who is considering running and
10 prefers the other orientation. All of the other people,
11 both those people that would be in District 14 and
12 District 15, I'm not sure we heard much testimony from
13 people in District 10, all the testimony was in favor of
14 this change. It makes modest improvement in the minority
15 population in District 14. The Coalition representative
16 acknowledged it wasn't a large difference, still half of
17 one percent; maintains competitiveness of District 15 and
18 District 10. Quite honestly, except for the potential
19 candidates who might like the other configuration a
20 little better, it really doesn't seem to have much of a
21 down side. District 14, as a matter of fact, looks
22 pretty similar to District 14 in the adopted map, 2004
23 map, also has that little feet that goes off to the east.
24 I really think it represents the central portion of the
25 City of Phoenix much better than what we have before us,

1 and I believe it's a better map, urge my fellow
2 Commissioners to vote for it.

3 CHAIRMAN LYNN: Mr. Huntwork, I will vote
4 for it. And --

5 COMMISSIONER HUNTWORK: Where are we? In
6 Voting for it, do we have it?

7 CHAIRMAN LYNN: The motion on the floor
8 made changes as recommended, the original motion of April
9 2nd.

10 COMMISSIONER HUNTWORK: Thank you.

11 CHAIRMAN LYNN: Thank you. Mr. Hall.

12 COMMISSIONER HALL: The last time we
13 discussed the issue I had a couple issues, one was
14 concerns relative to the impact upon representatives from
15 the Northern Coalition, because we listened, I think,
16 intently in previous meetings to their input.

17 One of the reasons I would like to
18 reconsider now, I have a letter from the Minority
19 Coalition indicating support they feel this is beneficial
20 from their perspective.

21 The second concern I have previously stated
22 on the record, I felt the source of these changes was
23 suspect at best. I'm not so sure that concern in my mind
24 is completely alleviated. Nevertheless, I don't know how
25 we get information one way or another with respect to

1 that. I felt more comfortable with respect to the
2 Minority Coalition in support of these things, have
3 always lent trust to both the Tucson and Phoenix
4 Commissioners with respect to more actively representing
5 communities of interest. And I just -- wanted to explain
6 my current position.

7 CHAIRMAN LYNN: Mr. Elder, Huntwork.

8 COMMISSIONER ELDER: Mr. Chairman, Judge
9 Fields has put us, just by virtue of this point in the
10 lawsuit, put us in a point of partisanship no matter how
11 we function. The change, quote, in community of
12 interest, the portion of the community of interest
13 adopted by Judge Fields' request, or order, not request,
14 puts them into a West Phoenix location. The, the area
15 that is to the east and to the north of this area is
16 pretty homogeneous. We have a golf course that divides
17 the area, but the linkage to Encanto neighbors always has
18 gone to the east, not gone to the west. I truly believe
19 that there is, I won't call it subterfuge, that's the
20 best call for it, the Historic Districts used to be the
21 calling card to get a view of this a second time. I just
22 cannot see that, from an ethical, principled position
23 this Commission has supported, sworn an oath, say we will
24 not take into account partisanship, not take into account
25 residences of potential or current incumbents, you know,

1 it's just, I -- I can't express -- I'm not feeling
2 well -- how livid I am, even taking a look at this.

3 The areas involved, I spoke with one of the
4 Representatives from the, the minority-majority Coalition
5 District who said: We can probably elect from either 14
6 or 15. Did it change the fabric or change the community?
7 Yes. We can still elect from either district.

8 This is not a majority-minority district.
9 It's not strictly incumbency. Partisan. We shouldn't
10 participate. I have to vote no, no matter what.

11 CHAIRMAN LYNN: Thank you.

12 Mr. Huntwork.

13 COMMISSIONER HUNTWORK: Well, Mr. Chairman,
14 this incumbency issue is really a difficult one. You can
15 wrestle with it all day long. Yes, I am -- I, too, am
16 more than suspicious about the origin of this map. I
17 think when Dr. Marston introduced this she did not say
18 she had drawn the map herself. It would be somewhat
19 incredible had she said so. Drawing a map is extremely
20 difficult to do. Had we -- I've been complaining about
21 not having a computer. Even if I had one, even if
22 Maptitude functions were fully enabled, I can't draw a
23 map, check population, get ideas. It would be great to
24 have it, zero in on exact boundaries, exact detail.
25 Drawing a map, figuring out what the heck it does, is a

1 really complicated process. I have no doubt whatsoever
2 this map was created by somebody somewhere who had access
3 to a lot of technical information and drafting ability.
4 And we know it wasn't the Minority Coalition. We know it
5 wasn't the Redistricting Commission. And the number,
6 candidates -- I think, you know, I think that the map
7 probably was prepared by partisans for partisan reasons.
8 However, I challenge you with this thought: We can't
9 reject a map that makes sense because it was prepared by
10 partisans for partisan reasons. That is taking
11 incumbency into account in a negative way. It is an
12 extremely difficult issue. What we have to force
13 ourselves to do is take a look at the map in its own
14 terms and judge what it does by comparison. Now, with
15 that in mind, my honest assessment of this map, and as
16 it's the same as it was the last time, is, number one,
17 if it eliminates that extremely long north-south District
18 14 which made no sense at all in the previous map, that
19 district more than any others doesn't reflect a Phoenix
20 community of interest. Putting the top half of that into
21 District 10 doesn't make whole lot of sense, either. A
22 little more sense, in my opinion. I-17 is a barrier up
23 there to some extent, just as it is further south, I
24 think probably less of one. I do think that this gets a
25 little more in the direction of a test we had in front of

1 us when we adopted the 2004 approved maps. That created
2 a competitive District 15 which was more compact than
3 what you see up there right now. If you were to make the
4 comparison, I don't remember exact boundaries, as if we
5 squared 14, 14 is very similar to the way it is now,
6 squares 15 off at Maryland Avenue and puts more of North
7 Central Phoenix in with District 15 and has taken
8 District 15 less into, into, in effect, Paradise Valley,
9 which is the wrong way to go. So this map does not do
10 nearly as good a job of capturing the Phoenix communities
11 of interest as the map that we had in front of us, and
12 that ironically, you know, at that point, we had just
13 rejected a map that turned a Republican District into a
14 competitive district. That change would have turned a
15 Democratic district into a competitive district.
16 Ms. Minkoff is now supporting this map as opposed that
17 one, but these are all ad hominem arguments, just as is
18 the argument it was created by someone. The question I
19 have in front of me, does this do a better job of
20 reflecting the communities of interest than the previous
21 map. The question to me is all the more calling because
22 you, my fellow Commissioners, have not seen fit to
23 recognize any of the other communities of interest that
24 exist inside Phoenix. We are now here with one limited
25 opportunity to address one very limited issue in a way

1 that only partially addresses it. But nevertheless, all
2 that being said, I think this does a better job than the
3 map we have in front of us right now. That is the only
4 honest answer I can give. In fact, if this does benefit
5 incumbents, it certainly benefits Democrat incumbents.
6 If I can't give an honest answer to that question, I
7 can't give an honest answer to any question. That's what
8 we're here to do.

9 CHAIRMAN LYNN: Further discussion on the
10 motion?

11 Mr. Elder, Ms. Minkoff.

12 COMMISSIONER ELDER: A couple comments
13 about your discussion of the issues there, Mr. Huntwork.
14 In linear miles, 14 in the new configuration is exactly a
15 mile longer than 10 before. It's gotten worse not
16 better. The Historic District that is labeled Phoenix
17 Historic Districts in a map contiguous and complete is
18 the entire district and makes a change splitting the only
19 community of interest we have and we're taking it out of
20 that. So, two strikes on the thing. I can't see it.

21 CHAIRMAN LYNN: Ms. Minkoff.

22 COMMISSIONER MINKOFF: Mr. Chairman, it's
23 splitting a community of interest at their request. We
24 also have the community of interest split interest, split
25 like Gall in three parts. It seems to make more sense.

1 We have support from different areas of the community of
2 interest being put in different districts.

3 The other thing I'd like to remind the
4 Commissioners, even though we may not know the source of
5 the map, if it works, it makes sense we adopt it.

6 We had a map to redo the districts in the
7 southeast valley brought to us by a former member of the
8 State Legislature, an announced currently precinct
9 committeeman. The comment of the political partyman when
10 over said, legitimately, I know addresses of
11 committeemen, I think I'll find I've been told in the
12 reconfiguration there are no protected incumbents in that
13 part of the valley, people brought it to us and said this
14 makes more sense for our area, works for us, please do
15 not change our districts; we like the way you have drawn
16 it; it works for us. And did not have testimony saying
17 no, they are wrong, it's the minority, and it doesn't
18 work for us.

19 I submit to you this is the same situation
20 that existed in the East Valley that we supported and it
21 exists here.

22 Whatever the source was of this map, which
23 I don't think we know for sure, it works better for this
24 area. There has been overwhelming testimony in favor of
25 the configuration from people that live in this area and

1 are voting in this area. So for that reason, I believe
2 that we should approve it.

3 CHAIRMAN LYNN: Perhaps because the judge's
4 order takes away our discretion, certainly on this,
5 particularly where competitiveness is concerned, it,
6 thereby, limits our discretion to those areas where we
7 don't have that problem. And this is one of those areas
8 that we can exercise discretion and make a determination
9 based on not only what we've heard but also what we know.
10 And I would add to that, I suspect, what we suspect,
11 which is part of either what we know or what we heard or
12 what we think about this item. And it's very clear, this
13 is going to sound perhaps orally like a, a certain
14 candidate for president who may have voted on all sides
15 of every issue over time, but having said that, it's very
16 clear since the item first came up I voted against it.
17 But I am, I am persuaded by this fact, and this is
18 something I know, and something that I believe, and that
19 is I have two members of this Commission, both of whom I
20 respect, from two political parties, telling me that
21 their community, Phoenix, would be better off with this
22 change in place. They may be coming from different
23 points of view on this issue, different political
24 perspectives. Both have a pretty good feel for the
25 communities of interest in that area. One of them has

1 taken us to task numerous times about the number of
2 communities of interest we've been able to adopt in this
3 process. And partly because I, I would expect the same
4 deference in other parts of the state, based on that
5 knowledge I have, because of my place of residence, I
6 need to extend deference to those who understand Phoenix
7 better than I. I don't purport to understand Phoenix,
8 don't visit as often as I should, I guess, to really get
9 the sense it's the Great State of Maricopa.

10 Having said that, I understand almost any
11 map presented by anyone to the Commission may have both
12 overt and nonovert purposes. And at some point we're
13 just simply going to have to make those determinations on
14 balance that they improve the situation or they don't.

15 I did vote not to reconsider this item
16 because I thought our original decision was appropriate.
17 I am probably persuaded today to vote in favor of the
18 change if for no other reason than the respect that I
19 have for the two Members of the Commission representing
20 Maricopa County and the deference I think on an issue
21 like this they should be shown absent absolute
22 incontrovertible evidence to the contrary.

23 Mr. Elder.

24 COMMISSIONER ELDER: Mr. Chair, I agree in
25 principle with several things you said. One of the

1 things I look at from a philosophical standpoint when we
2 have doubts and have suspicions as to origin, is that
3 there at least should be some thread of dominant thought
4 or, you know, I guess one of six, six issues, in one of
5 the six, as I combined them, there at all. I find two of
6 our Commissioners from Phoenix say it seems to fit, but I
7 haven't heard any reason why it fits. It doesn't fit.
8 It's probably very narrow on the compactness. You know,
9 that half mile neck connects the east part of 14 west
10 part of 14, you know, it just doesn't appear from that
11 standpoint, barriers arrive at various areas that it
12 makes for the connectivity. It breaks the community of
13 interest. There isn't anything that gives us a plus on
14 any of the issues of 106. All I can see is negatives,
15 yet we're conceding. So --

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Well, I just want
18 to clarify. One thing which is that the argument against
19 Old District 14, or proposed District 14 from our March
20 maps and current April 2nd map was not how long it is,
21 because it passed the Palsby-Popper compactness test, it
22 was that it makes no sense in terms of communities of
23 interest, makes no sense to have Cactus Road with
24 McDowell Road, that North-South dimension makes
25 absolutely no sense in terms of the City of Phoenix. The

1 East-West dimension which is, which captures, you know,
2 similar communities North-South of McDowell Road on the
3 East-West access makes sense in terms of communities of
4 interest, not in length, dimensions, just which one of
5 them does a less bad job in reflecting Phoenix
6 communities of interest. That being said, district
7 whatever it is, the, the -- what is District 15, I guess,
8 the horizontal district in my mind, made no sense with
9 the west end of that district, had no connection at that
10 end with the historic communities right in the middle of
11 it. Those connections made no sense at all in my mind.
12 So you've got, having District 15 in this configuration
13 way up to Paradise Valley Northeast makes no sense. The
14 configuration in front of us at our meetings when adopted
15 in the 2004 plan, which had almost, you know, a straight
16 north boundary, also a competitive district, made more
17 sense. I'm assuming we can't go back to that, because
18 that was -- I'm sorry, we are here changing three
19 districts in union. If we were to try to go back to
20 that, we would have side effects all over the map. So
21 we're trapped. And -- but I just wanted to reassure you,
22 Commissioner Elder, it wasn't dimensionality elements I'm
23 talking about, it's true communities of interest in this
24 part of the city. Saying that, I feel no better about
25 the map as a whole, no better about the fact the whole

1 City of Phoenix is sliced and diced and strung out like a
2 Thanksgiving turkey, you know, but this is only place in
3 the map I seem to have any possibility of doing anything
4 about, and do my best.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: No.

7 CHAIRMAN LYNN: Any further discussion on
8 the motion?

9 If not, all those favor of the motion say
10 "Aye."

11 COMMISSIONER HUNTWORK: "Aye."

12 COMMISSIONER MINKOFF: "Aye."

13 COMMISSIONER HALL: "Aye."

14 CHAIRMAN LYNN: Chair votes "aye."

15 Opposed?

16 COMMISSIONER ELDER: "No."

17 CHAIRMAN LYNN: The vote, a negative vote
18 for Mr. Elder.

19 The record will note a vote of four-to-one
20 to accept the motion four-to-one.

21 I might suggest we have two to three
22 significant pieces of business yet to do. I think what
23 I'd like to do at this point, we're coming up on a break
24 anyway, take a 15-minute break. At the end of that break
25 I'd like to do two important things. Item VII on the

1 agenda and then also make sure that Mr. Johnson's report
2 on population deviation is completely clear on the record
3 and adopted by the Commission, and then I think we may be
4 ready for a -- four item IX, which is the last item we'll
5 take today. Without objection, a 15-minute break and
6 reconvene.

7 (Recess taken.)

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

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

12 On Mr. Johnson's population deviations,
13 corrections, I understand we need to correct a
14 correction.

15 MR. JOHNSON: That's correct, trying to
16 stay on top, I had mispoken on one point, the Gilbert
17 border, the two possible changes. The Commission adopted
18 one of them, other one, an increase in deviations, I
19 misspoke, it reduces deviations. You take people out of
20 the largest district, so in making the second piece of
21 the change you improve deviations.

22 CHAIRMAN LYNN: An affirmative motion to
23 accept.

24 Is there a second based on the new
25 information?

1 COMMISSIONER ELDER: So moved.

2 CHAIRMAN LYNN: Thank you.

3 Moved and seconded.

4 Is there further discussion on the motion?

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: I want to make sure
7 I understand it. Where is the -- do we have the map up
8 of that?

9 MR. JOHNSON: Yes.

10 CHAIRMAN LYNN: Doug, online.

11 COMMISSIONER HUNTWORK: Okay.

12 MR. JOHNSON: This would take the area on
13 the north edge bound by the, what was the Chandler City
14 border, Gilbert City border, over to Higley Road, on the
15 east, down to Queen Creek Road on the south against the
16 city border on the west. 130 people there, from District
17 21 to District 22, and currently District 21 is the
18 largest district.

19 COMMISSIONER HUNTWORK: Okay.

20 CHAIRMAN LYNN: Further discussion on the
21 motion?

22 All those in favor of the motion signify by
23 saying "Aye."

24 COMMISSIONER HALL: "Aye."

25 COMMISSIONER ELDER: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 COMMISSIONER MINKOFF: "Aye."

3 CHAIRMAN LYNN: Chair votes "Aye."

4 The Commission, on the record, as to the
5 population balancing technical changes for March 1st and
6 April 12, I would entertain a motion that the Commission
7 has accepted, understood, and adopts this particular
8 report with the changes that have been ordered by the
9 Commission today as it reflects the individual deviations
10 that occur in the map and the rationale for each.

11 Ms. Minkoff.

12 COMMISSIONER MINKOFF: That incorporates
13 all the votes taken previously.

14 CHAIRMAN LYNN: If it does not now, it will
15 by the affirmative votes taken this afternoon.

16 COMMISSIONER MINKOFF: So moved.

17 CHAIRMAN LYNN: Second?

18 COMMISSIONER HALL: Second.

19 CHAIRMAN LYNN: Discussion on the motion?

20 Mr. Huntwork.

21 COMMISSIONER HUNTWORK: Authorizing our
22 consultant to finalize the report using same the
23 methodology.

24 CHAIRMAN LYNN: That's correct, same
25 methodology, each of the individual votes we adopted

1 today.

2 MR. JOHNSON: Mr. Chairman, I won't be
3 adding anything to it, taking out changes not adopted
4 today, adding the Encanto change.

5 MS. LEONI: And adding.

6 MR. JOHNSON: Not population balancing.

7 CHAIRMAN LYNN: Further discussion on the
8 motion.

9 All those in favor, signify "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 COMMISSIONER ELDER: "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 COMMISSIONER HALL: "Aye."

14 CHAIRMAN LYNN: Chair votes "Aye."

15 Motion carries unanimously.

16 Under VII, any other modifications to the
17 record that the Commission would like to make with
18 respect to the current map's configuration?

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Mr. Chairman, I
21 would like to discuss further the changes that we made in
22 the Tucson Metropolitan area.

23 CHAIRMAN LYNN: Mr. Johnson, if would you
24 bring up that map, please. And I think the best way have
25 that discussion, Mr. Johnson, if you could show us the

1 March 1st lines and the subsequent adopted lines,
2 tentatively adopted lines that the Commission considered
3 on April 2nd.

4 MR. JOHNSON: Okay. That's on the screen.

5 CHAIRMAN LYNN: Just for clarification, the
6 March 1st lines are the ones, are the black border and
7 colors now represent the current configuration we are
8 considering. Is that correct?

9 MR. JOHNSON: Yes.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Mr. Chairman, I
12 would like to make a motion that the March 1 map did
13 significant, caused significant detriment to the
14 community of interest that is the City of Tucson by
15 trapping the portion of the city which is shown on this
16 map as the gray area --

17 It's going to be difficult to see.

18 MS. HAUSER: Weatherman.

19 COMMISSIONER HUNTWORK: Vocabulary.

20 MR. RIVERA: How to describe that area,
21 Mr. Johnson.

22 MR. JOHNSON: Describe the portion of
23 District 26 that came down to the edge of the University.

24 MR. RIVERA: Is that how you describe it?

25 MS. HAUSER: Not very good.

1 MR. RIVERA: Not very good.

2 COMMISSIONER ELDER: Northwest Tucson.

3 CHAIRMAN LYNN: The portion of District 26
4 that goes furthest south and east into 26, Tucson.

5 COMMISSIONER HUNTWORK: Ironically enough,
6 looks like the end of an elephant's trunk.

7 CHAIRMAN LYNN: Anatomical jokes aside.

8 COMMISSIONER HUNTWORK: But by trapping --

9 COMMISSIONER MINKOFF: We don't a have
10 motion.

11 CHAIRMAN LYNN: Sorry.

12 COMMISSIONER HUNTWORK: Being in hurry.

13 CHAIRMAN LYNN: Not a hurry.

14 I prefer specific discussion on a motion.
15 I'd ask you to make motion in terms of stopping at the
16 March 1st lines, doing significant detriment to this
17 portion of the state, because I think there are multiple
18 areas we'd want to discuss as part of the motion.

19 COMMISSIONER HUNTWORK: The motion is only
20 the City of Tucson. There are other things.

21 CHAIRMAN LYNN: I think.

22 COMMISSIONER MINKOFF: Other things.

23 CHAIRMAN LYNN: Okay. I think --

24 COMMISSIONER MINKOFF: Others believe there
25 are other things.

1 COMMISSIONER HUNTWORK: I can stop there,
2 discuss why I believe causes detriment later.

3 CHAIRMAN LYNN: Second?

4 COMMISSIONER ELDER: Second for discussion.
5 I don't understand why three, four, five, six other
6 things, know the effect, know the guidance of
7 Mr. Johnson, why we're fixing.

8 COMMISSIONER MINKOFF: Not fixing,

9 CHAIRMAN LYNN: It's already fixed, we're
10 making it clear why we fixed.

11 Motion has been moved and seconded the
12 March 1st lines as depicted on this map in the dark color
13 outline caused significant detriment to the City of
14 Tucson discussion on the motion. This was seconded by
15 Mr. Elder.

16 COMMISSIONER HUNTWORK: Okay. That area
17 represents 33 percent of a district in my -- in District
18 26, specifically. It is an area that as soon as you get
19 outside the city limits of Tucson, almost immediately
20 shifts to a different, a completely different community
21 of interest and one that is different in terms of
22 economics, in terms of geography, and certainly in terms
23 of relating to annexation, the other Legislative issues
24 that we have discussed previously. That portion of
25 Phoenix -- of Tucson, in my opinion, is simply wasted.

1 It is lost in a district that it is too small to control,
2 too small to influence significantly, and which can in
3 all other respects has just completely different
4 interests and, thereby, simply is lost to any benefit to
5 the City of Tucson and yet it is a very significant
6 number of people so that if Tucson were configured
7 differently, if that same population could be applied
8 somewhere elsewhere, it would have efficacy and potential
9 interest to the City of Tucson.

10 CHAIRMAN LYNN: Further discussion on the
11 motion?

12 COMMISSIONER ELDER: Mr. Chairman, I think
13 another aspect of that, if we were looking and proposing
14 new communities of interest, that the area that is the
15 gray portion, sort of northwest, north central Tucson
16 best fits with the area gray to the right-hand side of
17 that border. The socioeconomic, the school districts,
18 everything clusters around that sort of central nucleus
19 in Tucson as opposed to being connected to the AMPHI
20 district, Flowing Wells District, and all other areas
21 beyond the school districts. The ethnicity of it are
22 distinct, divided to two different areas. I know Judge
23 Fields liked disparate communities maybe to antagonize
24 us. In any case, I think it is something that we need to
25 try and get a nucleus so that there is some sort of

1 responsible presence in that area for this portion of the
2 district. So on that basis I would vote to find
3 substantial detriment to this area of Tucson.

4 CHAIRMAN LYNN: I think it's pretty clear
5 that the Judge made the decision with respect to how we
6 should proceed maybe has never spent any time in Pima
7 County, because if -- I certainly support the finding.
8 And I think the issue here with respect to the City of
9 Tucson's ability to be represented effectively, in all of
10 its interests, is at the heart of what we're dealing with
11 in terms of what we're trying to create competitive
12 districts in this part of the state. The City of Tucson,
13 and its environments, and its surrounding environments
14 have many things which they do not share in common, so
15 the division of the city in any form, any number of
16 districts must be undertaken very carefully in order to
17 assure representation of those various interests is
18 maintained as best as one can and still achieve the goals
19 the Court has set forth. Let me give you an example of
20 that. In this particular configuration, and talking
21 about the dark lines, March 1st, the City of Tucson has
22 two competitive districts. However, those competitive
23 districts are drawn in such a manner as once you look at
24 the voting rights district this the area, which all of us
25 believe need to be kept intact for good and proper and

1 appropriate reasons, you are now talking about the
2 central portion of Tucson, the extent of the Foothills,
3 north areas, Casas Adobes retirement communities, moving
4 all the way to Saddlebrooke and the Foothills, Rita
5 Ranch, Green Valley, Vail School District, all way down
6 to Sierra Vista and Cochise County. The way you have to
7 divide those communities, in order to come up with two
8 competitive districts, does significant detriment to the
9 ability of Tucson to be represented against interests
10 that surround it with respect to issues such as
11 annexation where the City of Tucson is attempting to
12 increase its size by annexing a more unincorporated area
13 in the immediate vicinity. I know several communities
14 surrounding Tucson have at one stage or another either
15 developed their own incorporation scenarios, one even was
16 going to the ballot, although it failed. In the case of
17 Casas Adobes, there was enough interest, pardon me --

18 COMMISSIONER ELDER: Failed on a
19 technicality, did not fail the ballot box.

20 CHAIRMAN LYNN: Failed a technicality. The
21 significant point, much like we protect the City of
22 Tucson, at the same time, we keep designated the
23 Foothills community of interest, in fact, it's
24 impossible. Since its impossible, what becomes necessary
25 is to make the divisions that do the best job of

1 protecting both of those recognizing that they will both
2 have to be split in some manner in order to create the
3 districts this this part of the state. Mr. Huntwork's
4 point about this section of the city being included in a
5 district where it really will have nonsignificant
6 representation is critical because of the issues that I
7 mentioned earlier and other issues that divide the city
8 and the county in this part of the state in ways that are
9 are too numerous to mention and frankly too contentious
10 to often understand but in fact they are. And, so I
11 certainly support the notion that the March 1st map does
12 significant detriment to the ability of the City of
13 Tucson to receive fair and appropriate representation in
14 the Legislature.

15 Further discussion on the motion?

16 Mr. Huntwork?

17 COMMISSIONER HUNTWORK: I just want to be
18 quantitative, Mr. Johnson. This was about -- about what
19 60,000 Tucsonians what. What was the number of
20 Tucsonians in that gray area?

21 MR. JOHNSON: In the area defined by the
22 gray area at the end of the extrusion, it goes down to
23 University, remember, we didn't have an easy way to
24 describe it. I hope we all understand what area that is.

25 MR. JOHNSON: I don't have numbers in front

1 of me, but I'll grab those.

2 CHAIRMAN LYNN: Did you understand the
3 question?

4 MR. JOHNSON: Talking about the number of
5 Tucson City residents in District 26.

6 CHAIRMAN LYNN: That is correct.

7 MR. JOHNSON: Okay. Here we go. It is
8 56,000 people, 33 percent of District 26.

9 COMMISSIONER HUNTWORK: In fact just to be
10 quantitative, 56,000 out of 220,000 potential Tucson
11 voters who are not in the minority districts who are just
12 completely wasted, in fact.

13 CHAIRMAN LYNN: Further discussion on the
14 motion.

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

17 COMMISSIONER HALL: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 COMMISSIONER MINKOFF: "Aye."

20 COMMISSIONER ELDER: "Aye."

21 CHAIRMAN LYNN: The Chair votes "Aye."

22 Motion carries unanimously.

23 Other affirmative motions with respect to
24 this area of the map?

25 Mr. Elder.

1 COMMISSIONER ELDER: Mr. Chairman, I'd like
2 to find the March 1st map does significant detriment to
3 the area of Foothills known of Casas Adobes.

4 CHAIRMAN LYNN: Is there a second to the
5 motion?

6 COMMISSIONER HUNTWORK: Second.

7 CHAIRMAN LYNN: Discussion on the motion.
8 Mr. Rivera.

9 MR. RIVERA: Mr. Chairman, Casas Adobes is
10 not a community of interest in and of itself, so the
11 finding of significant detriment would be a portion of
12 that community of interest, in -- identify the community
13 of interest.

14 CHAIRMAN LYNN: I'd ask the maker and
15 second to modify the general motion as to the general
16 Foothills community of interest, how that significant
17 detriment is accomplished by discussing the various
18 parts.

19 COMMISSIONER ELDER: I'd modify the motion.

20 CHAIRMAN LYNN: Is the second okay?

21 COMMISSIONER HUNTWORK: Yes.

22 CHAIRMAN LYNN: The motion is modified to
23 make a finding of significant detriment to the Tucson
24 area from the testimony as to the Foothills community of
25 interest.

1 Discussion on the motion.

2 Mr. Elder.

3 COMMISSIONER ELDER: Mr. Chairman, we've
4 had several instances where I was a proposer of the
5 community interest of the Foothills not thinging that we
6 needed it subdivided into multiple areas. We find that
7 the Pima Association of Governments handles
8 Intergovernmental Relationship with Oro Valley, Marana,
9 the City of Tucson, Pima County, and South Tucson,
10 designates the three areas in the Foothills as areas of
11 management, areas of significance knowingly,
12 intelligently, and voluntarily as concerns, one of which
13 is Casas Adobes, one is the central Catalina Foothills,
14 and the third Tanque Verde.

15 Tanque Verde is geological as well as
16 geographical, bounded by Tanque Verde on the south and
17 bounded by the Sabino Creek and Sabino Wash on the west.
18 The Central Foothills runs all the way over to the area
19 the citizens that inhabit the area know or the Census
20 have known as Casas Adobes which is distinctly defined
21 and submitted a map with a defined area known as Casas
22 Adobes. They took advantage of the state law that
23 allowed communities within, I believe, five miles of an
24 incorporated area to incorporate for a certain time,
25 specific period of time. Only through some protests and

1 litigation by the City of Tucson did they find petitions
2 signed had error in it from the standpoint of the way it
3 was posted and way it was phrased, yet the citizens
4 overwhelmingly adopted the limits that were presented in
5 the plan as well as voted for incorporation to stop the
6 City of Tucson from trying to incorporate any further
7 into the Foothills in that area. It has not been as
8 vociferous in the Central Foothills or Catalina area.
9 But the animosity and representation the eastern, pardon
10 me, western part of the Foothills district needs in state
11 law and representation at the state level to have any
12 kind of effective representation has to preclude it being
13 split, number one, as in the March 1st plan to being
14 brought into the area that is part of the central portion
15 of City of Tucson. That I would submit, that is
16 substantial detriment to the Foothills area and we should
17 support the motion.

18 CHAIRMAN LYNN: Further discussion on the
19 motion?

20 I think the issue here is what do you do
21 when you declare a community of interest and then
22 determine for variety of reasons you can't protect it in
23 a manner outlined by the court as your only opportunity
24 to protect it. You also have a competing interest with
25 respect to the court's order of using disparate or

1 heterogeneous communities of interest to create interests
2 by nature competitive, politically. And we have that
3 situation in Central Tucson and the Central Foothills.
4 Whereas the March 1st map did divide the Casas Adobes
5 area Foothills, known Casas Adobes, oriented of the
6 western Foothills, a subsequent map the Commission
7 considered also divides the Foothills, in fact divides
8 the Foothills as Ms. Minkoff earlier so well subsequently
9 put it as Gall was divided, into three parts, but
10 truthfully, the three-part division is a kinder cut,
11 single division, single map. Let's be clear why that is.

12 Mr. Elder stated the Foothills developed
13 essentially from the center outward. Central Foothills
14 is the oldest part. That's the area in the new map, the
15 map we are considering, is deemed with Central Tucson to
16 create a competitive district thereby complying with the
17 judge's order to take two disparate areas and combine in
18 way that makes a competitive district. That combination,
19 unlike areas in the prior map, makes sense and makes
20 sense in older areas of the Foothills that have character
21 somewhat more akin to politically defined characteristics
22 more akin to the central city, area west Casas Adobes
23 east Tanque Verde. Those two areas, Tanque Verde more
24 properly belongs to east and south, eastern southern end,
25 the fringe of Tucson, characteristics, housing density,

1 interest, land use issues, school districts, other issues
2 which make tremendous amount of sense, more things in
3 common than they would with the Central City of Tucson
4 and with respect to the west. Casas Adobes certainly
5 belongs in the area that includes the northwest section
6 of the county, retirement communities, and areas to the
7 west. That area does not go into the City of Tucson.
8 The advantage for the City of Tucson, as previously
9 stated, also for that district, is it maintains an area
10 that is far more common in terms of its need for
11 representation in the Legislature.

12 So the truth is that in order to save the
13 Foothills the way it makes sense and must be divided
14 twice, this division both maintains a competitive
15 district and at the same time allows us to make a
16 division that we can at least in some fashion support
17 with the idea that it does reflect some of the things we
18 are trying to achieve in the Tucson area.

19 Mr. Elder.

20 COMMISSIONER ELDER: I think an additional
21 aspect of that, and we've run into that same problem up
22 in Kingman, Mohave runs through District 1, is that the
23 Foothills as configured in the March 1st plan are not
24 contiguous in any manner with the balance of the district
25 that we put them in, put them with, I believe that was

1 District 30. The area on the east side of Tucson goes
2 all the way out, and this would be District 25, is it,
3 Steve?

4 What is the area with the Haughten
5 corridor.

6 CHAIRMAN LYNN: 25.

7 COMMISSIONER ELDER: Okay, 25.

8 COMMISSIONER ELDER: Goes all way out to
9 the National Monument, Saguaro National monument,
10 Coronado Forest. There are no roads, link, to any part
11 Sierra Vista or Vail. That break there is significant, a
12 totally different community, and does not fit as well as
13 the eastern part of Tanque Verde which is more rural,
14 larger lots, four acre and larger and larger, than
15 Central Foothills, one-acre and smaller, the density is
16 smaller, density is lower. Functionality is
17 noncontiguous, an aspect of the Foothills the way
18 configured in the March 1st plan, no way to campaign for
19 citizens to participate in government and have fair
20 representation.

21 With that I would like to call the
22 question, if I can.

23 CHAIRMAN LYNN: The question is called for.

24 Further discussion on the motion?

25 COMMISSIONER HUNTWORK: This is one where I

1 have to defer. I defer to colleagues from Tucson. It
2 seems to me that the very issue that divides the
3 discussion on Casas Adobas and City of Tucson just
4 exacerbates the point we're making, divide each one in a
5 rational way and put together the same district on top of
6 that, you canceling two out. The types of issues we're
7 talking about, you cannot debate and have intelligent
8 debate where one group wins, one group loses completely.
9 There is not going to be compromise on basic gut issues.
10 It underscores the fact this particular split does
11 significant detriment to both.

12 CHAIRMAN LYNN: Further discussion on the
13 motion?

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

16 COMMISSIONER HUNTWORK: "Aye."

17 COMMISSIONER HALL: "Aye."

18 COMMISSIONER MINKOFF: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 CHAIRMAN LYNN: Chair votes "Aye."

21 Carries unanimously.

22 Other changes we wish to make to the map
23 under item VII?

24 I'm sorry, changes to the record regarding
25 that, Mr. Huntwork?

1 COMMISSIONER HUNTWORK: Mr. Chairman, I
2 would like to move, make a motion, the Commission finds
3 the proposed configuration of Districts 26, 28, and 30 do
4 not do significant detriment to the Foothills community
5 of interest for the reasons that have been discussed.

6 CHAIRMAN LYNN: Is there a second?

7 COMMISSIONER MINKOFF: Second.

8 CHAIRMAN LYNN: Discussion on that motion
9 which is really the reverse of the previous motion.

10 COMMISSIONER HUNTWORK: Explained
11 technically, the definition says we find significant,
12 material versus find insignificant, immaterial, the
13 reverse side of that. I think we have in effect but
14 should explicitly make a finding that these are not
15 material, significant detriments.

16 CHAIRMAN LYNN: Further discussion on the
17 motion?

18 If not all those favor motion signify by
19 saying "Aye."

20 COMMISSIONER HALL: "Aye."

21 COMMISSIONER HUNTWORK: "Aye."

22 COMMISSIONER MINKOFF: "Aye."

23 COMMISSIONER ELDER: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries unanimously.

1 COMMISSIONER HUNTWORK: One more.

2 I'd also like to show, make a finding the
3 split shown on the April 2nd plan in the City of Tucson
4 into District 30 does not cause significant detriment to
5 the City of Tucson.

6 CHAIRMAN LYNN: Is there a second?

7 COMMISSIONER MINKOFF: Second.

8 CHAIRMAN LYNN: Discussion on the motion?

9 Mr. Huntwork.

10 COMMISSIONER HUNTWORK: Mr. Chairman, this
11 configuration, number one, puts the -- I believe the
12 statistic over 43 percent of that district is the City of
13 Tucson itself, City of Tucson proper. Additional
14 portions of that district are areas just to the east of
15 Tucson which I believe share a good deal in common with
16 the eastern portion of the City of Tucson. We've not
17 heard the same extent of rancor and divisiveness in that
18 area that characterizes the relationship with the
19 communities to the north that we were discussing further.
20 So certainly the City of Tucson community and environs
21 control this District 30. In addition to that, the
22 remainder of District 30 is quite spread out, doesn't
23 have as sharp of a focal point, so that, you know, in
24 effect, I think, that throughout that district it would
25 be readily acknowledged that the City of Tucson has very

1 significant influence in that district in a portion of
2 the City of Tucson in that district which is not -- does
3 not consist of wasted Tucson votes.

4 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

5 Further discussion on the motion?

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

8 COMMISSIONER HALL: "Aye."

9 COMMISSIONER ELDER: "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 COMMISSIONER HUNTWORK: "Aye."

12 Chair votes "Aye."

13 Motion carries unanimously.

14 Are there further motions to be made under
15 item VII?

16 If not, without objection, what I would
17 like to do, we are awaiting some additional testing to be
18 done to make sure our final map adoption is, is in order,
19 for us to deal with. I want to make sure that is being
20 done.

21 MS. LEONI: Yes.

22 CHAIRMAN LYNN: ETA?

23 MS. HAUSER: Yes.

24 CHAIRMAN LYNN: Deal other items without
25 objection, return to item IX on the agenda.

1 One of the items we always try to save for
2 late in the day is additional call to the public. I want
3 to take that at this time without objection.

4 Are there members of the public who wish to
5 address the Commission on any of the work we have done so
6 far or any items we've taken up today? Any member of the
7 public that wishes to be heard?

8 Mr. Flannery?

9 MR. FLANNERY: Mr. Chairman, Commissioners,
10 let me be brief.

11 CHAIRMAN LYNN: State your name.

12 MR. FLANNERY: Mike Flannery, Prescott
13 Valley Town Council.

14 Mr. Chairman, Commissioners, on behalf of
15 the Prescott Town Council, I'd like to thank you on
16 behalf of the County Recorder and Elections Director.
17 This will make their life a lot easier. I know you
18 worked with our concerns throughout the process. And for
19 that, I would like to thank you. I know that you've had
20 a difficult and daunting task, and you've performed that
21 admirably. And I thank you for that. So with that, I
22 will take my seat.

23 CHAIRMAN LYNN: Thank you, Mr. Flannery.
24 Always appreciative to hear positive comments from the
25 public along with all the others we seem to hear.

1 Other members of the public that wish to
2 address us at this time?

3 I know you are from Kingman.

4 MR. TAYLOR: Bob Taylor, City Attorney from
5 Kingman.

6 I'd like to request this Board consider
7 declaring that the proposed map does significant
8 detriment to Kingman and Mohave Counties communities of
9 interest.

10 I think you've heard significant testimony
11 here today that would support that. I think there's been
12 some expression of opinions among the Board itself that
13 support that. I also request the Board find the proposed
14 map does significant detriment to the concept of
15 compactness. We're spread completely across the state.

16 CHAIRMAN LYNN: Thank you. Mr. Taylor.
17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: Mr. Chairman, I
19 could be wrong. I believe the Board did have in its
20 resolution which adopted the change in Tucson, included
21 in that, I thought was a finding that we recognized that
22 we were doing significant detriment to Mohave County. It
23 was certainly my intention in making that motion that
24 that portion be included in the motion because we
25 recognized at the time that it was one or other and could

1 not be both.

2 CHAIRMAN LYNN: I don't have a complete
3 recollection of that.

4 Ms. Hauser.

5 MS. HAUSER: Mr. Chairman, Mr. Huntwork,
6 that's true.

7 Mr. Taylor, is Mohave asking it be
8 recognized as a community of interest by the Commission
9 and further recognize significant detriment has been
10 caused Mohave County in this map?

11 MR. TAYLOR: Yes.

12 MS. HAUSER: So the finding that was has
13 been made previously was made as a concept but without
14 Mohave as a specific community of interest because we
15 have the notice issue in the last meeting.

16 COMMISSIONER HUNTWORK: True.

17 Do we this meeting?

18 MS. HAUSER: No.

19 COMMISSIONER HUNTWORK: Making a motion, do
20 we -- I remember although recognize doing significant
21 detriment to community of interest consists of Mohave
22 County. So in spirit, at least, I know we had, we
23 traveled this road, I -- if it's in order, if
24 appropriate, I would move that we recognize, firstly,
25 that we recognize Mohave County as a community of

1 interest.

2 CHAIRMAN LYNN: Ms. Hauser.

3 MS. HAUSER: Ms. Chairman, Mr. Huntwork,
4 based on public input received subsequent to the adoption
5 of the communities of interest, in February?

6 COMMISSIONER HUNTWORK: Ms. Hauser, you
7 know, the honest answer to that is yes to some extent it
8 is. We were dramatically reminded by the overwhelming
9 input from the people and their representatives from the
10 county, all major communities within the county that they
11 are a community of interest and amplified the record many
12 times over as to types of issues they have in common and
13 why those issues bind them together, but also, I admit,
14 to some extent to answer the question fully, we also
15 historically had some of that information in the record
16 but wasn't, we failed to, I think, appreciate, but we
17 didn't have all the information in the record. We gained
18 a good deal of good information over the last few week's
19 in very professional, focused presentations received from
20 Mohave County. So certainly that is largely the case but
21 not entirely.

22 CHAIRMAN LYNN: Before we discuss, I want
23 to know if there is a second.

24 COMMISSIONER MINKOFF: Wanted to make, I
25 don't think it is in order. We are in the middle of

1 public comment. Conclude public comment, then put
2 motions on the table.

3 CHAIRMAN LYNN: Great point. Great motion.

4 We are in public comment.

5 Other members of the public wish to be
6 heard at this time?

7 Then I will --

8 Ms. Minkoff is absolutely right. I
9 appreciate that. It's been a long day. That's why
10 Ms. Minkoff is Vice-Chairman of the Commission. She
11 helps me do that.

12 We'll conclude the public comment portion
13 and now recognize Mr. Huntwork for a motion.

14 COMMISSIONER HUNTWORK: Mr. Chairman I
15 recognize -- I move the Commission recognize Mohave
16 County is a community of interest.

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

19 COMMISSIONER ELDER: Second.

20 CHAIRMAN LYNN: Discussion on the motion.

21 Ms. Minkoff.

22 COMMISSIONER MINKOFF: Mr. Chairman, I'm
23 very unhappy with what has been done to Mohave County
24 with the map as it's been proposed, and this will
25 probably be adopted shortly. But -- however, I would

1 feel more comfortable if we recognized counties. I don't
2 know that Mohave County is any more a community of
3 interest than Cochise County who asked very solicitously
4 for one Legislative District. We did not have -- have
5 not designated them as a community of interest or a
6 number of other counties that we have spoken to, had to
7 split.

8 The other thing that concerns me, I believe
9 that adoption of communities of interest needs to be done
10 while the map is still under consideration. I don't
11 believe anybody on the Commission really believes we're
12 going to go back and redo districts. I'm a little bit
13 uncomfortable adopting a community after the fact, after
14 we've already created a map we're about to approve
15 subject to any technical adjustments that have to be
16 made.

17 While I'm sympathetic to Mohave County,
18 while I think what we've done, created a very, very
19 difficult situation for them, and I'm certainly willing
20 to acknowledge that on the record, I believe that's clear
21 to all of us, I have difficulty singling Mohave County
22 out as a community of interest, and also doing that at
23 this the point in process.

24 Based on those reasons, I will vote against
25 the motion though I certainly support the sentiment

1 behind it.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Hall.

4 COMMISSIONER HALL: I think Commissioner
5 Minkoff is right on target. There are significant issues
6 and harm caused to Mohave County.

7 For the purpose of historical perspective,
8 we were handed an inch and a half handout of communities
9 of interest we reviewed in detail, which the river
10 community was one of the communities of interest. For
11 some reason, for the record, I wanted to just adopt that
12 wholesale. Nevertheless, we went through that line item
13 by line item, and I think at this point it would be, for
14 our purposes of complying with the court order, it
15 muddies the water, has no lasting effect because we adopt
16 first then, we the adjusted map pursuant to adoption of
17 public interest.

18 Public input has been very clear. It's
19 evident with respect to their concerns, their community
20 of interest. I don't think official adoption at this
21 point in light of simply adopting the map, complying with
22 the judge's order, has any benefit and may be
23 counterproductive.

24 CHAIRMAN LYNN: Further discussion on the
25 motion?

1 Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Mr. Chairman, the
3 Judge imposed on us a procedure, but I don't know that
4 this is contrary to procedure that we imposed. You know,
5 his -- the basic issue was we were not to use communities
6 of interest in a pretextural way, and the Judge felt
7 that, had hope, determinations, determinations based on
8 personal knowledge, I was suspicious of those, he used
9 the word pretextural. I respectfully disagree with that.
10 I feel the Commission did their honest best in using
11 their honest best to write it the best it did. They are
12 the true, best maps for the State of Arizona at this
13 point. I do not believe anyone could possibly believe
14 it's pretextual to recognize Mohave County as a community
15 of interest. The record is as clear as anywhere in the
16 state. I do think that the additional information that
17 has been provided to us since we made this terrible
18 mistake has underscored that, you know, underlined it 10
19 times and put 10 exclamation points at the end of the
20 sentence. Mohave County is a community of interest or
21 our definitions and our process is meaningless. I don't
22 see any prohibition or bar that would prevent us from
23 making that finding.

24 I do recognize we cannot protect that
25 community of interest as we have been unable to protect

1 other communities of interest around the state. The fact
2 we can't protect it doesn't mean it doesn't exist and if
3 we fail to find it's a community of interest we're going
4 to be the only people in the State of Arizona that don't
5 recognize that it is.

6 CHAIRMAN LYNN: Further discussion on the
7 motion.

8 COMMISSIONER HALL: What are we trying to
9 accomplish? What do we gain by this?

10 COMMISSIONER HUNTWORK: I think what we
11 gain by it is we, we follow the process that we are
12 engaged in honestly. That's what we gain by it. We gain
13 the truth. And the truth is always important. The
14 truth, with all due respect, does make us free. This was
15 to be an exercise in democracy. Democracy of exercise of
16 having a Commission has been, in my judgment, damaged by
17 the, by the fact that our discretion, having been
18 selected as we were, and so on, has been overruled by a
19 single judge. The only thing that could have been worse
20 if this process we're doing now had been performed by a
21 single expert in the back room of the Maricopa County
22 Courthouse. As distasteful as this process is at least
23 it has been performed here in front of the public. And
24 for better or worse, they know what we did and why. I'm
25 sure we've made lots of mistakes. Here's one where I'm

1 certainly not going to be able to look myself in the eye
2 if I vote against the motion.

3 CHAIRMAN LYNN: If I may, Mr. Huntwork,
4 this is very difficult for me, because I agree
5 wholeheartedly with the concept that if we were to list
6 areas of the state that have not been treated fairly by
7 this process as outlined by the judge and executed by the
8 Commission to satisfy his order, and atop that list would
9 be Mohave County. There's no question in any of our
10 minds that the way this is. This has been employed, and
11 the only way we felt it could be employed with a floor of
12 seven competitive districts that must be achieved
13 regardless of where damage is done anywhere in the state,
14 it forces us into a position have not just favoring some
15 not favoring others but ignoring some completely where we
16 would want to make significant changes. And I think
17 that, I think that in and of itself is enough reason to
18 be very upset and very concerned about the product of
19 that process, whatever it looks like when we're finished.
20 Having said that what, bothers me is that there was a
21 time to make a designation of communities of interest in
22 this process, and it was earlier. And I must tell you,
23 must confess one of the reasons I was not supportive of
24 wholesale adoption of every community of interest that
25 came before us was the knowledge in my own mind that the

1 number of communities of interest that we adopted related
2 to the numbers of communities of interest that we would
3 have to do significant detriment to in order to comply
4 with the Court's order and the fact we had so little time
5 to do it meant we would continue to debate each of those
6 as we went through the process. For that reason, I was
7 actually pleased in some way that we adopted fewer
8 communities of interest because it meant less angst as we
9 went through the map in order to comply with the judge
10 and his order.

11 The truth is, I'll say it again and will
12 say it again on the record, I don't care how you approach
13 this process don't care whether you used the methodology
14 we used two years ago, two-and-a-half years ago, or the
15 methodology the judge imposed in history with the
16 exception of Florida, seven competitive districts, if you
17 take that out, go through, create a grid, apply
18 competitiveness first, use no other criteria and come up
19 with 23 competitive districts, apply the Voting Rights
20 Act, automatically five competitive districts,
21 rehabilitate, and talk about communities of interest, if
22 you are fair, balanced on all six criteria in the manner
23 you should be, as a Commissioner, someone sworn to uphold
24 the Constitution, to have a map somewhere with three,
25 six, competitive districts in this state, it is my belief

1 you cannot balance the other interests and you avoid
2 doing the kind of damage we're talking about with respect
3 to Mohave County, do not have the some range in that area
4 of competitiveness, because other things simply take
5 precedence when you try to balance the interests. So
6 without that floor, I think we'd be at place very similar
7 to where we were with the 2002, 2004 map, would look very
8 similar to that approximately same number of districts.
9 So the artificial floor puts us in a position of having
10 to do significant damage, detriment to various parts of
11 the state.

12 My conflict is this: I recognize, want the
13 record, I as Chair of the Commission recognize we have
14 not dealt with Mohave County in a way that in any way
15 reflects what they have presented to us which is a
16 cohesive and compelling case to be kept intact, to be in
17 a portion of the state that is far more aligned with
18 their interests as was the case in the 2004 adopted map.
19 I suspect if we gave Mohave County and its representative
20 the opportunity to go back to that map somehow magically
21 at this moment. They'd be delighted to do so. We didn't
22 hear anything from Mohave County when we adopted that map
23 about how they felt they were treated, how the district
24 looked, who they were with, how that district was going
25 to function and operate.

1 There is no question but this is
2 significantly damaging to that portion of the state. I
3 agree with Ms. Minkoff. I think if we had our druthers
4 we would certain put Cochise County back together, have
5 it remain whole.

6 I think there are several changes we'd make
7 in the state that allow us to feel better about the end
8 product but we simply can't. My concern at this point, I
9 would rather have something I might say that is the sense
10 of the Commission resolution about Mohave County as
11 opposed to a specific designation of community of
12 interest at this late date knowing where we are in the
13 process. I am afraid that rings Hallow. I don't know I
14 can support it.

15 Mr. Huntwork then Mr. Elder.

16 COMMISSIONER HUNTWORK: What I believe I
17 understand you and Commissioners Hall and Minkoff to be
18 saying is that you feel constrained by the court's order
19 not to vote in favor of a motion like this at this time.
20 It's not substance of the motion you feel you can't act
21 on substance of the motion at this time. I do not feel,
22 personally --

23 COMMISSIONER HALL: I agree with that.

24 MS. HAUSER: Was some assent. Might want
25 to get that on the record.

1 CHAIRMAN LYNN: Some agreement to that
2 point of view, Mr. Huntwork.

3 COMMISSIONER MINKOFF: Yes.

4 COMMISSIONER HUNTWORK: Well, I don't want,
5 I don't want to put you in the position of knowing how
6 strongly you feel about this, I don't really want to put
7 you in the position or any of you in the position of
8 appearing to vote against Mohave County, but I don't, I
9 have to think very hard to craft a motion we could all
10 vote in favor of --

11 COMMISSIONER MINKOFF: Mr. Huntwork, if I
12 interrupt a moment, Chairman Lynn said something that was
13 the sense of the Commission, a resolution. We haven't
14 done anything like that before, maybe it's time for it.
15 I certainly would be supportive of a statement that
16 expresses displeasure with what has occurred in that
17 particular district without creating community of
18 interest.

19 If you withdraw your motion, rephrase it in
20 some way that is a sense of the Commission that -- you
21 know, I would be -- I don't know I'd vote for it, but --

22 COMMISSIONER HUNTWORK: Suppose I were to
23 say --

24 COMMISSIONER MINKOFF: First withdraw your
25 motion.

1 CHAIRMAN LYNN: First we're discussing the
2 motion on the floor.

3 COMMISSIONER HUNTWORK: It's the sense of
4 Commission but for the court's order we would have found
5 once again as we did before Mohave County is a community
6 of interest and would have not divided --

7 COMMISSIONER MINKOFF: Never did.

8 COMMISSIONER HUNTWORK: -- the river.

9 COMMISSIONER MINKOFF: The rivers.

10 COMMISSIONER ELDER: Anything in the judges
11 order that says, anything in the judge's order that says
12 we cannot have on the record things that the Court
13 doesn't agree with? That is probably a poor way of
14 putting it. Something that I, right now, believe that we
15 should have something on the record as a formal vote in
16 relation to Mohave County and Kingman in particular, and
17 if no other way of getting it on the record, then I need
18 to vote for this motion. If there's another way of
19 getting on the record so it can be reviewed by the judge
20 he put constraints on us that in our opinion, my opinion,
21 I'll state it that way, it's unreasonable, and do not
22 fulfill the goals of Proposition 106 or anything that the
23 citizens of this state committed to when they voted for
24 that proposition, I -- I guess, again, I stated I'm
25 frustrated, have been frustrated all day, don't feel

1 well, am incoherent. Hopefully the sense comes through.
2 Give me some sense of lead, where we can go, not
3 offend -- no, offend the Court if we need to, get on down
4 the road.

5 CHAIRMAN LYNN: Ms. Hauser.

6 MS. HAUSER: Mr. Chairman, Mr. Elder, there
7 is history through the process, starting in early
8 February, actually late January, the Commission
9 indicating its discomfort or displeasure with certain
10 portions of the court's order, if not the entire order of
11 January 16th. And there are, I think, numerous instances
12 of the Commission doing so under protest and having
13 various problems with the order. So I think along those
14 lines what you are stating would be consistent with what
15 the Commission has done all along.

16 CHAIRMAN LYNN: Mr. Rivera.

17 MR. RIVERA: Commissioner Elder, every time
18 you speak, state dissatisfaction court's order that goes
19 on the record gets submitted to the judge and will be
20 used as basis whatever legal action take from here on, if
21 asking showing your concern, quote, to put it --

22 COMMISSIONER ELDER: Restate my concern,
23 another tally, quarter in the pool.

24 MR. RIVERA: State as many times as you
25 want to. Every one of the concerns is part of the

1 record.

2 Talking about official action by omission,
3 that's another question. Is that what you are asking?

4 COMMISSIONER ELDER: Yes.

5 MS. HAUSER: Yes. A sense of the
6 Commission, a resolution.

7 COMMISSIONER ELDER: A sense of the
8 Commission is a fluffy way of going on the record. I
9 almost rather would have something right to the point,
10 say yes, it does do significant damage, significant harm,
11 and representationly, geographically, you know, all the
12 things we've talked about and issues that hold that
13 community together and yet we cannot do anything about it
14 because of the order of the court. So --

15 CHAIRMAN LYNN: Ms. Hauser.

16 MS. HAUSER: There is no legal prohibition
17 against doing that. How the Commission chooses to
18 address this particular issue is within your discretion.

19 CHAIRMAN LYNN: Mr. Hall and then
20 Mr. Huntwork.

21 COMMISSIONER HALL: Mr. Chairman, I think
22 to more clearly understand my position is, so we are now
23 preparing to submit a map to the court and we are again
24 in a defensive mode. I think as we speak there may be
25 those lining up to find something down the road with what

1 our current situation is. I'm just a little leary who is
2 on our side and who isn't. So I, I -- I guess the answer
3 to my question is, maybe help me, Mr. Huntwork, I
4 personally am recalling statement that were we not
5 limited by a minimum of seven competitive districts? I
6 would be willing to rectify the problems of Mohave
7 County, the statement, wondering if all fellow
8 Commissioners agree with, maybe some kind compromise with
9 your desire, something that is the will of the Commission
10 upon the record.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: I would consider
13 that.

14 Let me ask you a question, ask maybe our
15 counsel a question, may not be able to answer like that,
16 but, I'll preface this way: I feel terrible about the
17 map we have created in many ways. You know, I detest
18 what we've done to the City of Phoenix throughout. I
19 don't believe this map reflects my city. I think we've
20 done a better job in almost every other part of the state
21 than we have in City of Phoenix, and that's not saying
22 much for the rest of the state, the notable exception is
23 Mohave County. We have simply disenfranchised Kingman.
24 Kingman, ironically speaking, was in favor of Proposition
25 106. If you go back to publicity material for 106,

1 people said this will never happen to us again once we've
2 adopted Proposition 106. Just as Pinal County considered
3 themselves the poster boy for 106, Kingman was right
4 there with them. There was a lot of support for this,
5 historically. Here we are, here we are doing the same
6 damn thing, pardon me, but I actually meant it.

7 I think that I would feel somewhat less bad
8 if the net result of all the litigation were that we were
9 stuck with every single portion of the map except what
10 we've done with Mohave County. If there were some way I
11 felt I could actually legally equip Mohave County to
12 succeed in the courts in challenging what we have done as
13 opposed to merely making a bland statement about it, I
14 would prefer to do that. And my question would be do you
15 see any significance, to my counsel --

16 MR. RIVERA: I won't answer publicly.

17 COMMISSIONER HUNTWORK: You cannot answer
18 that question.

19 COMMISSIONER HALL: Answer.

20 MS. HAUSER: We decline to answer the
21 question.

22 COMMISSIONER HUNTWORK: Okay.

23 MS. HAUSER: I think sometimes you don't
24 want to get your legal advice in open session.

25 COMMISSIONER HUNTWORK: Fine.

1 COMMISSIONER HALL: Mr. Huntwork, I think I
2 hear what you are saying. And I guess my concern is that
3 if you hand one soldier equipment, my fear is others may
4 pick it up and use it, too. You have nailed my very
5 concern. So thus my hesitance.

6 CHAIRMAN LYNN: Mr. Elder.

7 COMMISSIONER ELDER: Another question for
8 the attorneys.

9 Is there any opportunity, statements to the
10 court at the beginning, found significant number of
11 problems the way it's -- any potential relief from the
12 seven floor and have a potential plan that would allow us
13 to submit one with six?

14 MS. HAUSER: Can always ask, but --

15 MR. RIVERA: You know, but -- the Court is
16 aware of the Commission's dissatisfaction in terms of the
17 entire ruling but specifically to the manner in which the
18 process supposed to be used, every hearing we've had
19 addressed that both at the beginning of the hearing, end
20 of the hearing, how we're doing it under protest. You
21 know, we could always ask. But the question becomes he's
22 already committed to ruling, already made a determination
23 of ruling. You've already expressed your dissatisfaction
24 of the ruling.

25 COMMISSIONER HALL: In short, he doesn't

1 care.

2 Well --

3 You don't have to have that opinion.

4 That's my opinion.

5 CHAIRMAN LYNN: The important thing here is
6 as follows: Let's not lose sight where we are in this
7 process. We're complying with the court's order, doing
8 so under protest, have an active appeal of that order.
9 With all due respect to Mayor Joe and everyone from
10 Flagstaff, I think they know my position very clear, my
11 hope is our original map of 2004 is upheld on appeal,
12 reinstated, and that will solve the problem for Mohave
13 County. I believe that was right solution in the first
14 place. We're still committed to that map and believe it
15 was the right choice. We have to, here, suck it up and
16 submit to the court. What we have is a really ugly task,
17 made ugly by that floor of seven districts. It means we
18 can't do the things we would normally do, respond to
19 people we'd legitimately respond to as a Commission that
20 ask for relief on the basis of damage to a community.
21 Mohave did, expect us to respond. It's our inability to
22 respond that my opinion is constrained only, solely, and
23 completely by the judge's imposition of a floor of seven
24 competitive districts because there are places in this
25 map I certainly would vote to change if we had more

1 opportunity to do so.

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Chairman, for
4 these reasons I don't know what the best way to handle
5 this is. I do know that my fellow Commissioners are
6 speaking in complete good faith about this. It's not
7 fair to put them in the position of voting against
8 something they believe is right purely because of this
9 form and procedure where we are in the process. I also
10 believe that forcing that vote is counterproductive to
11 what I'm trying to achieve, make a motion, not the
12 greatest. Two, three Commissioners believe it's not a
13 timely and appropriate moment, not because they disagree
14 in substance, but I know that a negative vote would then
15 be used against Mohave County.

16 My best judgment at this point would be to
17 withdraw the motion, although I personally believe in it
18 a hundred percent in favor of a resolution of the type
19 Mr. Hall suggested if the Commission can agree on such a
20 resolution and -- so at least temporarily I'll withdraw
21 my motion if the second will allow me to and see if we
22 can work out Mr. Hall's suggestion.

23 CHAIRMAN LYNN: Who was the second?

24 COMMISSIONER ELDER: I guess.

25 CHAIRMAN LYNN: Thank you.

1 Mr. Hall, do you want to offer?

2 COMMISSIONER HALL: Sure. I was just going
3 to say that with respect to providing assets for Bob, I
4 think that this transcript of this discussion has done
5 just that. I think -- I think that would certainly be
6 helpful.

7 I guess the motion would be: The
8 Commission unanimously resolves were we not limited by
9 the court order in having a minimum of seven competitive
10 districts, we would repair the significant detriment that
11 has occurred in that county.

12 COMMISSIONER HUNTWORK: Second.

13 CHAIRMAN LYNN: Discussion on the motion?

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

16 COMMISSIONER HUNTWORK: "Aye."

17 COMMISSIONER ELDER: "Aye."

18 COMMISSIONER HALL: "Aye."

19 COMMISSIONER MINKOFF: "Aye."

20 CHAIRMAN LYNN: Chair votes "Aye."

21 COMMISSIONER HALL: I --

22 CHAIRMAN LYNN: Please, I hope the
23 representatives of -- I hope the representatives of
24 Mohave County, Kingman understand the sense of the
25 Commission and understand the constraints we're operating

1 under. Make no mistake about our support for your
2 situation.

3 MR. TAYLOR: Thank you for your support.
4 We're operating under some rigid restraints, too. The
5 expression today "exigent circumstances" aptly extends.

6 MS. HERBERT: Yes.

7 COMMISSIONER HALL: To the extent you gave
8 animated support, your name.

9 MS. HERBERT: Deborah Herbert, Mohave County
10 attorney's office.

11 COMMISSIONER HALL: Chairman, I'd like to
12 spend more time.

13 I move we adopt the April 2, 2004, map, as
14 amended on April 12, 2004, as the Legislative
15 Redistricting Plan solely for the purpose of submitting
16 it to Judge Fields in compliance with his January 16th
17 and subsequent orders with the express understanding that
18 by doing so we are not repealing the final 2002
19 Legislative Redistricting plan currently enjoined by the
20 trial court in order to continue our appeal of the trial
21 court's decision.

22 CHAIRMAN LYNN: Is there a second to that
23 motion?

24 COMMISSIONER HUNTWORK: Second.

25 CHAIRMAN LYNN: Discussion?

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Mr. Chairman, I'll
3 vote for this motion, but I want state something for the
4 record before I do.

5 Just to clarify what I believe is a
6 position I felt consistently ever since the beginning, a
7 lot of mention has been made that we are all doing this
8 under protest. I'm not sure that's an accurate statement
9 of the approach I took to this. I wholeheartedly support
10 our appeal of the judge's ruling. I stated on any number
11 of occasions I believe it's very important to have an
12 appellate court decision interpreting Proposition 106.
13 We all served under the uncertainty of exactly what
14 Proposition 106 means.

15 While I certainly don't agree with all
16 aspects of Judge Fields' order, I do believe that through
17 his order competitiveness has received the emphasis
18 mandated by 106 and emphasis I maintained all during our
19 discussions of the earlier map. I know that I am
20 expressing a minority opinion, but I truly believe that
21 while this map is not perfect, it is a better map than
22 the adopted map which Judge Fields has rejected. I voted
23 against that map, and I believe this is a better map
24 because it is a more competitive map. That doesn't mean
25 it's a perfect map, just a better map.

1 I too am very, very troubled by what has
2 happened to Mohave County under this map but I was
3 troubled by what happened to Flagstaff in the adopted
4 map. I am troubled what happened Sierra Vista in every
5 single map, the earlier map, this map. I'm sorry we were
6 not able to unite the entire Flagstaff FMPO, and what
7 happened to Tucson and Phoenix. It's not a perfect map.
8 I want to make sure the record reflects even though I
9 support the appeal and want the appeal to go forward that
10 I do not share the views of my fellow Commissioners that
11 the map that was adopted earlier is a better map. I
12 believe this is better map. And the Court will tell us
13 which one is right.

14 CHAIRMAN LYNN: Thank you, Ms. Minkoff.
15 Further discussion on the record?
16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I respectfully
18 disagree with Commissioner Minkoff. I sincerely mean
19 "respectfully."

20 My own conscience, I could not vote in
21 favor of this map and do exactly what the Mayor of
22 Kingman suggested. If this were the final set, I do have
23 confidence in the court's confidence in Judge Fields to
24 consider potentially what happened in Mohave County,
25 possibly relent on that point. I have confidence if he

1 does not the appellate courts will ultimately look at
2 this and vindicate the discretion of the Commission and
3 judgments that we are entitled to make. It's possible
4 that it will result in our having to come back again do
5 it one last time under final set of rules promulgated by
6 Supreme Court. I hope it doesn't come to that or if it
7 does, it's one more time and not the remainder of our
8 10-year terms.

9 In any event, I vote, under severe protest,
10 and only reason I can, in fact, is it's simply presenting
11 the plan to Judge Fields and the next step in the process
12 is the appeal is continuing.

13 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

14 Further discussion on the motion?

15 Suffice it to say I join Mr. Huntwork in
16 his comments.

17 All those in favor of the comments, signify
18 by saying "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER HALL: "Aye."

21 COMMISSIONER MINKOFF: "Aye."

22 COMMISSIONER HUNTWORK: "Aye."

23 CHAIRMAN LYNN: Chair votes "aye."

24 Mr. Hall.

25 COMMISSIONER HALL: I move we direct

1 counsel to complete preparation of the Section 5
2 submission of this April 12 map to US Department of
3 Justice as directed by Judge Fields.

4 CHAIRMAN LYNN: Second?

5 COMMISSIONER MINKOFF: Second.

6 CHAIRMAN LYNN: Discussion on motion?

7 All those in favor of the motion, signify
8 by saying "Aye."

9 COMMISSIONER HUNTWORK: "Aye."

10 COMMISSIONER HALL: "Aye."

11 COMMISSIONER MINKOFF: "Aye."

12 COMMISSIONER ELDER: "Aye."

13 Chair votes "Aye."

14 Motion carries unanimously.

15 Mr. Hall.

16 COMMISSIONER HALL: I move we direct
17 counsel to request that any order directing use of this
18 April 12 map be contingent on the map being precleared
19 under the Voting Rights Act.

20 CHAIRMAN LYNN: Second?

21 Is there a second?

22 COMMISSIONER ELDER: Second.

23 CHAIRMAN LYNN: Ms. Minkoff?

24 COMMISSIONER MINKOFF: I have a question.

25 It seems to me, why do we need this motion since they

1 can't use map if it isn't precleared anyway?

2 COMMISSIONER HUNTWORK: To remind the
3 Judge --

4 MR. RIVERA: He doesn't have the authority.

5 CHAIRMAN LYNN: Ms. Hauser?

6 MS. HAUSER: Yes, Mr. Chairman,
7 Commissioner Minkoff.

8 The Secretary of State requested an order
9 of the Court allowing candidates to collect signatures
10 and clean election contributions outside possible
11 district lines change requested contingent on
12 preclearance and it is something that would be consistent
13 for us to request as well. I think would be something
14 that would help some of the counties who are, you know,
15 unsure really how far they are supposed to go under the
16 order. So just four clear fashion, happen that way are
17 anyway eliminate an argument if the Judge put in order.

18 COMMISSIONER MINKOFF: Thank you.

19 CHAIRMAN LYNN: Further discussion on the
20 motion?

21 All in favor of the motion signify by
22 saying "Aye."

23 COMMISSIONER ELDER: "Aye."

24 COMMISSIONER HALL: "Aye."

25 COMMISSIONER MINKOFF: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 CHAIRMAN LYNN: Chair votes "Aye."

3 Motion carries.

4 COMMISSIONER HALL: I move we direct
5 counsel to amend our notice of appeal from the trial
6 court's January 26 order to include our appeals from the
7 March 30 amended final judgment and any order of the
8 trial court ordering use, implementation or
9 administration of the April 12 Court ordered plan.

10 THE REPORTER: Can you repeat that?

11 MR. RIVERA: You'll have them in writing.

12 COMMISSIONER HUNTWORK: Second.

13 CHAIRMAN LYNN: Discussion on the motion?

14 Moved and seconded.

15 COMMISSIONER HUNTWORK: I wholeheartedly.
16 I respect counsel and that in any event they will fulfill
17 their professional ethical duty to us, at a minimum, also
18 at a very high standard of efficacy that we know that
19 they are able to achieve by doing everything that is in
20 our best interests in order to protect our position and
21 ultimately to prevail. So if there is some little, or
22 big thing we haven't included, I'm getting worried all
23 specific motions now. I do not mean to exclude anything
24 else necessary and appropriate by virtue of authorizing
25 specific things doing.

1 CHAIRMAN LYNN: Ms. Hauser.

2 MS. HAUSER: Mr. Chairman, Commissioner
3 Huntwork, only concern here on reflection was that taking
4 an action that is an appeal is legal action and is
5 something that the Commission should decide to do just as
6 when you take a vote to bring a lawsuit. Once that legal
7 action is pending counsel can act within, exercise there
8 professional judgment motions to file and other things
9 along those lines without coming back for specific
10 authority.

11 Mr. Chairman, Commissioner Huntwork, an
12 example would be, if the time becomes ripe as we move
13 down road with preclearance caution and as circumstances
14 warrant, the time may come where the Commission, counsel
15 may feel it's appropriate to renew the request four stay
16 which the Court of appeals previously denied and set if
17 there's a change of circumstances come talk to us again.
18 That's the kind of thing where I think it's not necessary
19 to come back for a formal vote of the Commission and if
20 that is the understanding of the Commission as well, then
21 I think we're fine, with the authorization we're in the
22 appeal and we can deal with the rest of it. I think we
23 have the direction we need then.

24 CHAIRMAN LYNN: I think we should state
25 unless there is objection, that is understood and the

1 intent of this motion.

2 COMMISSIONER HUNTWORK: Yes.

3 CHAIRMAN LYNN: Those should be continued
4 and pursued as appropriate.

5 Further discussion on the motion?

6 All those in favor of the motion signify by
7 saying "Aye."

8 COMMISSIONER HUNTWORK: "Aye."

9 COMMISSIONER MINKOFF: "Aye."

10 COMMISSIONER HALL: "Aye."

11 COMMISSIONER ELDER: "Aye."

12 CHAIRMAN LYNN: Motion carries unanimously
13 and is so ordered.

14 Anything further to come from legal
15 counsel?

16 Consultants?

17 MR. JOHNSON: No.

18 Staff?

19 Members of the Commission?

20 If not, Item XIV, discussion of future
21 Commission meetings.

22 The Commission will next meet at the call
23 of the chair.

24 MR. RIVERA: Tomorrow.

25 CHAIRMAN LYNN: The Commission will next

1 meet at the call of the Chair when circumstances or
2 issues have arisen sufficient to require us to gather
3 again together.

4 As much as I have grown like and respect my
5 fellow Commissioners, I hope it's a while. But -- to get
6 together again, at least collectively, and perhaps we'll
7 see each other along the way.

8 Item XV, the Commission will stand
9 adjourned until a call of the Chair.

10 (Whereupon, the hearing concluded at
11 approximately 7:44 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 230 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 15th day of April, 2004.

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

