

COUNCIL REDISTRICTING COMMISSION MINUTES

May 12, 2011

The Council Redistricting Commission of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 12, 2011 at 6:02 p.m.

COMMISSION PRESENT

Brian Allen
Nancy Aposhian
Scott Higginson
Terry Hines
Deanna Villanueva-Saucedo

COUNCIL PRESENT

Mayor Scott Smith

STAFF PRESENT

Linda Crocker
Alfred Smith
Carla Wagner

1. Welcome by Mayor Smith.

Mayor Smith thanked the members of the Commission for agreeing to serve in this important capacity. He stated that because of Mesa's geography, history and the manner in which certain neighborhoods have developed, certain areas of the community are unique and have their own personality, while other areas are less clearly defined.

Mayor Smith also commented that the process the Commission Members would undergo would be fascinating and noted that they would be required to make some significant decisions. He cited in particular, the central core of the City and questioned where it would fit within the redistricting process

2. Introductions of Commission Members, staff and consultant.

Executive Management Assistant to the City Manager Carla Wagner requested that the Commission Members and staff introduce themselves and provide brief background information.

3. Election of Chair and Vice Chair.

Deputy City Attorney Alfred Smith invited the members of the Commission to nominate Commission Members to serve as Chairman and Vice Chairman of the Commission. He stated that it was acceptable for Commission Members to nominate themselves if they were willing to serve in such capacities.

It was moved by Commission Member Higginson, seconded by Commission Member Allen, that Commission Member Higginson be appointed Chairman of the Council Redistricting Commission.

Carried unanimously.

It was moved by Commission Member Aposhian, seconded by Commission Member Hines, that Commission Member Aposhian be appointed Vice Chairman of the Council Redistricting Commission.

Carried unanimously.

4. Hear a presentation and discuss training on the Open Meeting Law.

Mr. Smith displayed a PowerPoint presentation (**See Attachment 1**) and offered a brief overview of the Open Meeting Law (OML) and its impact on the Council Redistricting Commission. He cited the legal definition of the OML as follows: "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting."

Mr. Smith reported that per State policy, notices and agendas must be provided for meetings with information reasonably necessary to inform the public of the matter to be discussed or decided. He explained that the purpose of the OML is to ensure that the public has an opportunity to listen to the proceedings and participate in addressing the specific board or commission. Mr. Smith referred the Commission Members to the definition of a "Public Body." (See Page 2 of Attachment 1)

Mr. Smith, in addition, noted that the legal definition of "a meeting" is as follows: "The gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action."

Mr. Smith cautioned the Commission Members against discussing, texting or e-mailing each other relative to Commission matters outside of a legally posted and agendized meeting and said that such actions could result in the individuals unintentionally violating the OML. He also said that if there was a problem reaching a quorum, participation by telephone, pending compliance with certain provisions, was permitted. He added that meeting notices/agendas must be posted 24 hours in advance.

Mr. Smith further remarked that with regard to the five-member Council Redistricting Commission, three members constitute a quorum. He stated that if a quorum of the Commission discusses a subject that is reasonably likely to come before the Commission outside of a legally posted and agendized meeting, such action could violate the OML.

Mr. Smith noted that methods of communication such as phone calls, e-mail, polling, committing your vote to a member of the public, and using staff to transmit information that could be the subject of discussion at a Commission meeting are inappropriate means of conveying information between the Commission Members.

Discussion ensued relative to an opinion issued by the Arizona Attorney General's Office regarding communications to the press (See Page 9 of Attachment 1); the requirements for a legal meeting (See Page 10 of Attachment 1); that the public body may only discuss/take action on items listed on the agenda; the procedural process during a meeting (See Pages 13, 14 and 15 of Attachment 1); that the City of Mesa has not adopted Robert's Rules of Parliamentary Procedure; and various meeting pitfalls. (See Page 16 of Attachment 1)

Responding to a question from Chairman Higginson, Mr. Smith clarified that input from the public is generally included under "Items from citizens present," which is usually listed as the last item on the agenda.

Chairman Higginson thanked Mr. Smith for the presentation.

5. Hear a presentation on the background of National Demographics key personnel and method of redistricting approach, including the background of Mesa's last redistricting effort.

Doug Johnson, President of National Demographics Corporation (NDC), displayed a PowerPoint presentation titled "Mesa 2011 Redistricting." (**See Attachment 2**) He reported that Mesa's 2010 Census population totals 439,041, with 10.8% growth over the last decade. He said that the ethnic breakdown of the total population was 26.4% Hispanic, 64.3% Non-Hispanic White, and 9.3% Other. (See Page 2 of Attachment 2)

Mr. Johnson remarked that with respect to the 2010 Decennial Census, Mesa's Voting Age Population is 21.8% for Hispanic population, 69.7% for Non-Hispanic White population and 8.5% for Other population.

Mr. Johnson also discussed the American Community Survey (ACS), an ongoing statistical survey that the U.S. Census Bureau distributes to 250,000 households every three months. He explained that one of the questions included in the ACS relates to citizenship, the data from which is used to calculate the Citizen Voting Age Population (i.e., eligible voter population). Mr. Johnson noted that in Mesa, the Citizen Voting Age Population of Hispanics had dropped to 12.4%.

Discussion ensued relative to Mesa's current district total population (one person, one vote rule), deviation and percentage of deviation (See Page 3 of Attachment 2); that the goal of the redistricting process is for the City to have as close to 73,174 citizens in each of the six districts (i.e., ideal population equals total population divided by number of districts) while complying with various criteria; that District 6 is the largest district, with 44.95% over the ideal and District 4 is the smallest district, with -19.62% below the ideal; and the difference between those two percentages equals the total deviation.

Responding to a question from Commission Member Villanueva-Saucedo, Mr. Johnson clarified that the ideal population is simply the total population, regardless of voting age or ethnicity.

Mr. Johnson further highlighted a map titled "Population Deviation by District" (See Page 4 of Attachment 2). He stated that during the redistricting process, the boundaries of Districts 1 through 4 will move east, while Districts 5 and 6 will shrink. He also reviewed a document titled "Current District Counts" (See Page 5 of Attachment 2), which reflects the demographic characteristics of each Council district.

Mr. Johnson, in addition, offered a short synopsis of traditional redistricting criteria that the U.S. Supreme Court has recognized as acceptable reasons for deviation as follows:

- Communities of interest
- Visible (natural or man-made) boundaries (i.e., freeways, clear deviations that separate two portions of a community from each other.)
- Compactness and contiguity (Helps citizens to become engaged in the election process.)
- Continuity in office (Provision included in Mesa City Charter. Incumbents should not be paired.)
- Population growth
- Preserve the core of existing districts

Additional discussion ensued relative to Pre-2001 law as it relates to equal population among districts, the Federal Voting Rights Act and the Arizona Revised Statutes (See Page 8 of Attachment 2); and that per the Mesa City Charter: 1.) the Council can send the redistricting plans back to the Commission once, but the Commission has final control, and 2.) redistricting shall not remove the residence of an incumbent Councilmember from his/her district.

Mr. Johnson also spoke relative to a series of legal decisions related to redistricting. (See Pages 10 and 11 of Attachment 2) He also stressed the importance of Mesa receiving Department of Justice (DOJ) approval and conducting the entire process according to established criteria. Mr. Johnson explained that Congress reauthorized the Voting Rights Act and briefly highlighted Sections 2 and 5 of the law. (See Pages 12 and 13 of Attachment 2)

Chairman Higginson requested that the Commission be provided maps of the Census tracts for the location of the existing Councilmembers' residences and also the precincts of Hispanic population with an overlay of the Council districts.

Responding to a series of questions from Commission Member Allen, Mr. Johnson clarified that the Census Bureau considers Hispanics an ethnicity and all other groups on its spreadsheet to be racial groups. He added that the term "protected class," per the Voting Rights Act, only applies to racial, ethnic and language minorities.

Mr. Johnson continued with his presentation and provided a brief overview of the redistricting process, which includes preparation; development of draft plans; public outreach; plan debate/adoption; DOJ review; and plan implementation by Maricopa County. (See Pages 14, 15 and 16 of Attachment 2) He also highlighted traditional redistricting tools and new tools for 2011. (See Pages 17 and 18 of Attachment 2)

Mr. Johnson referred to a proposed schedule of future meetings (See Page 19 of Attachment 2) and said that the schedule would be updated periodically.

Responding to a question from Commission Member Allen, City Clerk Linda Crocker clarified that it was her understanding that Maricopa County set an October 1, 2011 deadline for all municipalities to submit their redistricting plans to the County.

In response to a question from Commission Member Allen, Mr. Johnson explained that "Communities of interest" cannot be defined purely by race. He said that race can be a

socioeconomic factor that is considered, but according to a Supreme Court ruling, cannot be the predominant factor.

Commission Member Villanueva-Saucedo requested that the Commission Members be provided tools that define “communities of interest” in a broader context. She said that the term is fairly subjective with respect to the manner in which individuals define their communities in terms of lifestyle, culture, and language.

Mr. Johnson commented that redistricting clearly has a political impact that should not drive the process and stressed the importance of drawing districts that represent communities and neighborhoods.

Chairman Higginson stated that Maricopa County currently has more than a thousand precincts and noted that it intends to reduce that number to 740.

Commission Member Villanueva-Saucedo also requested that the Commission Members be provided materials that define how to preserve “the core” of a neighborhood, and specifically as it relates to the Council districts. She further requested a list of the types of information that citizens would be able to overlay with their GIS online mapping, such as registered neighborhood maps and Census tracts for Hispanic population.

6. Hear a presentation and discuss Redistricting Criteria.

Mr. Johnson briefly highlighted a document titled “Chapter 4 - The Criteria,” (**See Attachment 3**), which outlined the criteria adopted by the prior Council District Commission for use in designing the new districts. He explained that the first two categories, “Issues of Equality and Fairness and “Councilmanic Districts,” are legal requirements and stated that “Good Government Criteria” includes the traditional criteria.

Commission Member Allen referenced Article II, Section 201 (A)(5) of the City Charter which reads as follows: “The initial district boundaries shall be substantially equalized by geography and population...” He inquired if that meant that the Council districts must have similar size geography and similar size population even though that is clearly not the case.

Mr. Smith responded that after the City Charter was written, Federal mandates were enacted, with which the City was required to comply. He acknowledged that the districts are not in conformance with the City Charter and said that Districts 5 and 6 are “off balance” as compared to Districts 1 through 4. He stated that when the Commission Members review the boundaries, they should bear in mind that the DOJ will be looking for compliance with the Voting Rights Act and not as concerned about the City Charter.

Chairman Higginson stated that the Commission Members were comfortable with the language in items 1 through 4.

Mr. Johnson explained that the type of revisions that could be made to the redistricting criteria would be language that was city-specific, although that was a fairly rare occurrence.

Commission Member Allen suggested that as the Commission Members proceed through this process, they could adopt additional criteria if they deemed it necessary.

Chairman Higginson commented that an example of additional criteria, although he was not suggesting it, would be to have multiple representation of the downtown core.

It was moved by Commission Member Villanueva-Saucedo, seconded by Chairman Higginson, that the proposed Redistricting Criteria be adopted.

Chairman Higginson suggested that the dates on items 7 and 8 be corrected to reflect 2010.

Chairman Higginson called for the vote.

Carried unanimously.

7. Scheduling of future meetings and general information.

Ms. Wagner stated that with regard to future Commission meetings, she suggested the dates of June 1, 15 and 29, 2011.

Discussion ensued among the Commission Members.

Chairman Higginson stated that it was the consensus of the Commission Members that the Commission meetings be held at 5:30 p.m. on June 2, 16 and 30, 2011.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Council Redistricting Commission adjourned at 8:08 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Council Redistricting Commission of the City of Mesa, Arizona, held on the 12th day of May, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

ARIZONA'S OPEN MEETING LAW

Presented to
2011 City of Mesa
Redistricting Commission
May 12, 2011

1

The Open Meeting Law

- Arizona law states:
- All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. A.R.S. 38-431.

2

Purpose of Open Meeting Law

- “It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas for those meetings contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided.” A.R.S. § 38-431.09

3

What is a “Public Body”?

Definitions: A.R.S. § 38-431

- All boards and commissions of political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision, including standing, special or advisory committees or subcommittees of, or appointed by, such public body.

4

Exceptions

- Staff meetings
- Staff appointed committees that advise staff (not the City/Town Council)
- Single department head

5

What is a “Meeting”?

- The gathering, in person or through technological devices, of a quorum of members of a public body at which they **discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.**

6

Attending By Phone

- If there is a problem reaching a quorum, participation by telephone is OK, but:
 - The public must be able to hear the person on the phone,
 - The person on the phone must be able to hear everyone at the meeting, and
 - Participation on the phone must be noted on the agenda.

7

What is a “Quorum”

- Majority of the Board/Commission/Committee present
- 5 member commission=3 members
- Subject(s) reasonably likely to come before the commission

8

Splintering the Quorum

- E-mail
- Telephones, including Text Messaging
- Polling
- Committing your vote to a member of the public.
- Staff
 - Cannot direct staff to communicate in violation of open meeting law.
- Social events
 - If more than a quorum present:
 - Post a "courtesy agenda" announcing social event where a quorum may be present.
 - Include a statement that no business of the public body will be discussed and no action will be taken.

9

E-Mail Communications: Possible Violation

- Same OML restrictions apply.
- No E-mails among quorum involving discussions, deliberations, or taking legal action on matters that may reasonably be expected to come before the Council.
- No proposing legal action in an E-mail.
- No using E-mail as a device to circumvent the requirements in the OML.

See Op. Atty. Gen. No. 105-004.

10

Staff E-Mail

- Staff may send e-mail to Commission members.
- Passive receipt of information from staff, without more, does not violate the open meeting law.
 - Example: Commission meeting packets
- Staff may NOT send opinion or substantive communications about Commission business from a Commission member to enough other members to constitute a quorum.

11

EXAMPLE 1:

- E-mail discussions between less than a quorum of the members that are forwarded to a quorum by a member or at the direction of a member would violate the OML.

12

EXAMPLE 2:

- If a staff member or a member of the public e-mails a quorum of members of the public body, and there are no further e-mails among members of the public body, there is no OML violation.

13

EXAMPLE 3:

- A Commission member may copy other members on an e-mailed response to a constituent inquiry without violating the OML because this unilateral communication would not constitute discussions, deliberations, or taking legal action by a quorum of the board members.
- **USE CAUTION:** no proposals of legal action!

14

EXAMPLE 4:

- An e-mail request by a Commission member to staff for specific information does not violate the OML, even if the other members are copied on the e-mail.
- Staff may reply to all without violating the OML as long as that response does not communicate opinions of other Commission members.
- However, if members reply in a communication that includes a quorum, that would constitute a discussion or deliberation and therefore violate the OML.

15

EXAMPLE 5:

- A Commission member may send an article, report or other factual information to the other members or staff with a request to include this type of document in the Commission's agenda packet.
- The agenda packet may be distributed through e-mail.
- Members may not discuss the factual information with a quorum of the board through e-mail.

16

AG Opinion Regarding Communications to the Press

- A prior AG opinion suggested a member of a public body could not speak to the media about matters that may come before the body without violating the OML.
- AG's office has clarified: the OML does NOT prohibit a member of a public body from speaking to the media (Ariz. Att'y Gen. Op. 107-013).
- 2008 Legislation: Public officials may express opinion publicly if not part of a concerted plan to engage in collective deliberation.

17

Public actions...

- **“All LEGAL ACTION of public bodies shall occur during a public meeting.”**

A.R.S. § 38-431.02

18

What is “Legal Action”?

- A collective decision, commitment or promise made by a public body pursuant to the constitution, the public body's charter, bylaws or specified scope of appointment and the laws of this state.

19

Requirements for a Legal Meeting

- Before the meeting...
 - Public notice
 - Notice to members
 - Agendas
 - Accessibility

20

Notice

A.R.S. § 38-431.02

- “Conspicuously post” on city/town websites or on the website of an association of cities and towns a statement indicating the physical and electronic locations where meeting notices will be posted; and
- Post all meeting notices on the city/town website or on a website of an association of cities and towns; and
- Provide “additional notice” of meetings as is “reasonable and practicable.”

21

Notice:

A.R.S. § 38-431.02(E)

- May recess and reconvene properly posted meeting within 24 hours.
 - But prior to recess--must announce time and place of resumption, OR
 - Method by which such notice will be given.

22

Agendas

A.R.S. § 38-431.02

- Must list the specific matters to be discussed, considered or decided at the meeting. Action may only be taken (discussed or considered) on listed items.

23

Agendas

- Call to the Public—A.R.S. § 38-431.01(G)
- “Individual members” may
 - respond to criticism,
 - ask staff to review, or
 - place on future agenda.
- Members may not discuss or take legal action unless properly noticed for action/discussion.

24

Reports on Current Events

A.R.S. § 38-431.02(K)

- Presiding officer, chief administrator or a member of the public body may present brief “summary of current events.”
- **Provided:**
 - The summary is listed on the agenda.
 - The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

25

At the Meeting

- Determine quorum. Record members present, absent.
- Rules of Procedure
- Agenda order/changes
- Public’s right: “All persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.”
A.R.S. § 38-431.01(A)

26

At the Meeting

- Sign-in sheets: optional only.
- Persons addressing the body should identify themselves—(include name and subject in minutes).
- After hours meetings: do not lock entrance doors—accessibility required.
- Record motions and the maker.

27

Procedural Process

- Mesa has not adopted Robert's Rules of Parliamentary Procedure
- Chairperson will decide all questions of procedure
- Chairperson can be overruled by $\frac{3}{4}$ vote of Commission

28

Process to Vote

- Mesa has historically followed this process:
- Read agenda item
- Discussion by Commission
- Motion
- Second
- Further discussion
- Vote

29

Motion Fails If

- Motion does not receive a second
- The motion fails to receive a majority of the committee members vote.
- Tie vote-motion fails.

30

Meeting Pitfalls

- Passing notes (even if it's about when to order lunch).
- Whispering to fellow Commissionmembers.
- Privately using modern technology.
- Quorum talking to individuals before the meeting officially starts or after the meeting officially ends.

31

Executive Sessions A.R.S. § 38-431.03

- Limited exception to public meeting.
 - Must vote in open meeting for executive session.
 - Agenda must state specific provision of law authorizing the session and specify the item.
 - "Legal advice" exception to specific posting of item.
 - Must include a general description of matters to be considered. (Not just statutory authorization, but don't defeat purpose.)

32

Who may attend executive sessions?

- Members of the public body.
- Persons subject to a personnel discussion.
- Auditor general.
- Individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities.
 - Clerk to take minutes/run tape.
 - Attorney to give legal advice.

Tip: Put on the record why certain staff are reasonably necessary.

33

Legal Advice in Executive Session

- Must be lawyers for the public body.
- Not lawyers for someone else.
- What is allowed:
 - Advice regarding the legal ramifications of facts.
 - Legal propriety, phrasing, drafting and validity of proposed legislation, including meanings, legal scope, and possible legal challenges.
- What is not allowed:
 - Discussion regarding the merits of enacting the legislation or what action to take based upon the attorney's advice.
 - Debate over what action to take (i.e., pros and cons, policy implications).

34

Confidentiality of E-session

- Minutes and discussions must be held confidential.
- Except from members of the body and certain other limited exceptions.

35

Executive Session Pitfalls

- Failure to keep executive session discussion confidential.
- Failure to advise persons about the confidentiality requirement of A.R.S. § 38-431.03(C).
- Best practices for preserving confidentiality:
 - Do not fax backup materials to members.
 - Members should not take confidential materials home from the meeting.
 - Let staff destroy extra copies.

36

Meeting Held in Violation of OML:

- All legal action is null and void.

See A.R.S. 38-431.05(A)

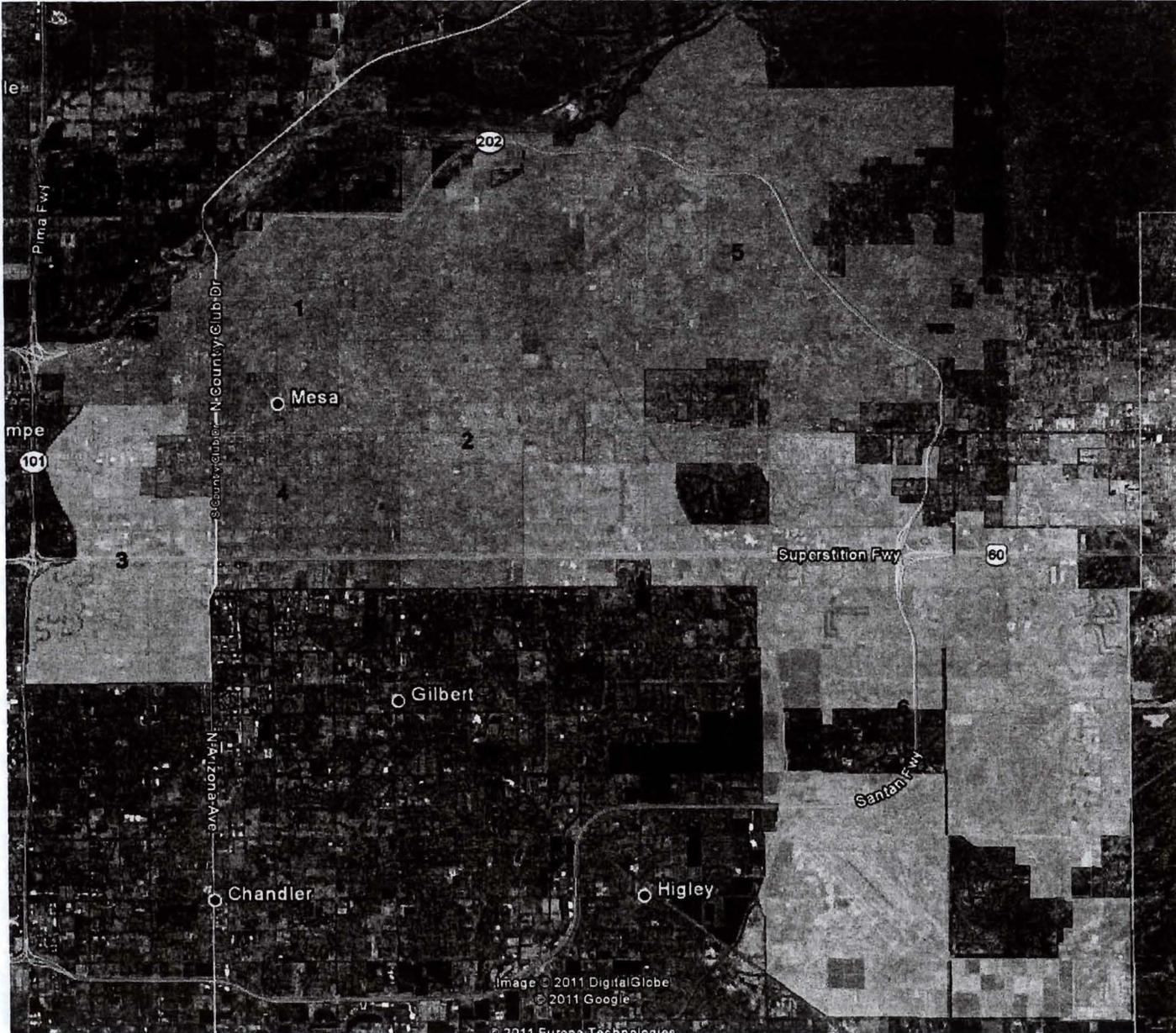
37

QUESTIONS

- Please ask your staff liaison, Carla Wagner, or call me, Alfred J. Smith Deputy City Attorney, at 480-644-2343.

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Mesa 2011 Redistricting



**National
Demographics
Corporation**

Douglas Johnson,
President

May 12, 2011

Current Demographics

Based on Census data from the 2010 Decennial Census and the American Community Survey.

■ Population

- 2010 Census total: 439,041
 - 26.4 % Hispanic
 - 64.3 % Non-Hispanic White
 - 9.3 % Other
 - 42,666 growth from 2000 (10.8 %)

2010

- 2000 Census Voting Age Population
 - 21.8 % Hispanic
 - 69.7 % Non-Hispanic White
 - 8.5 % Other

■ Other Data

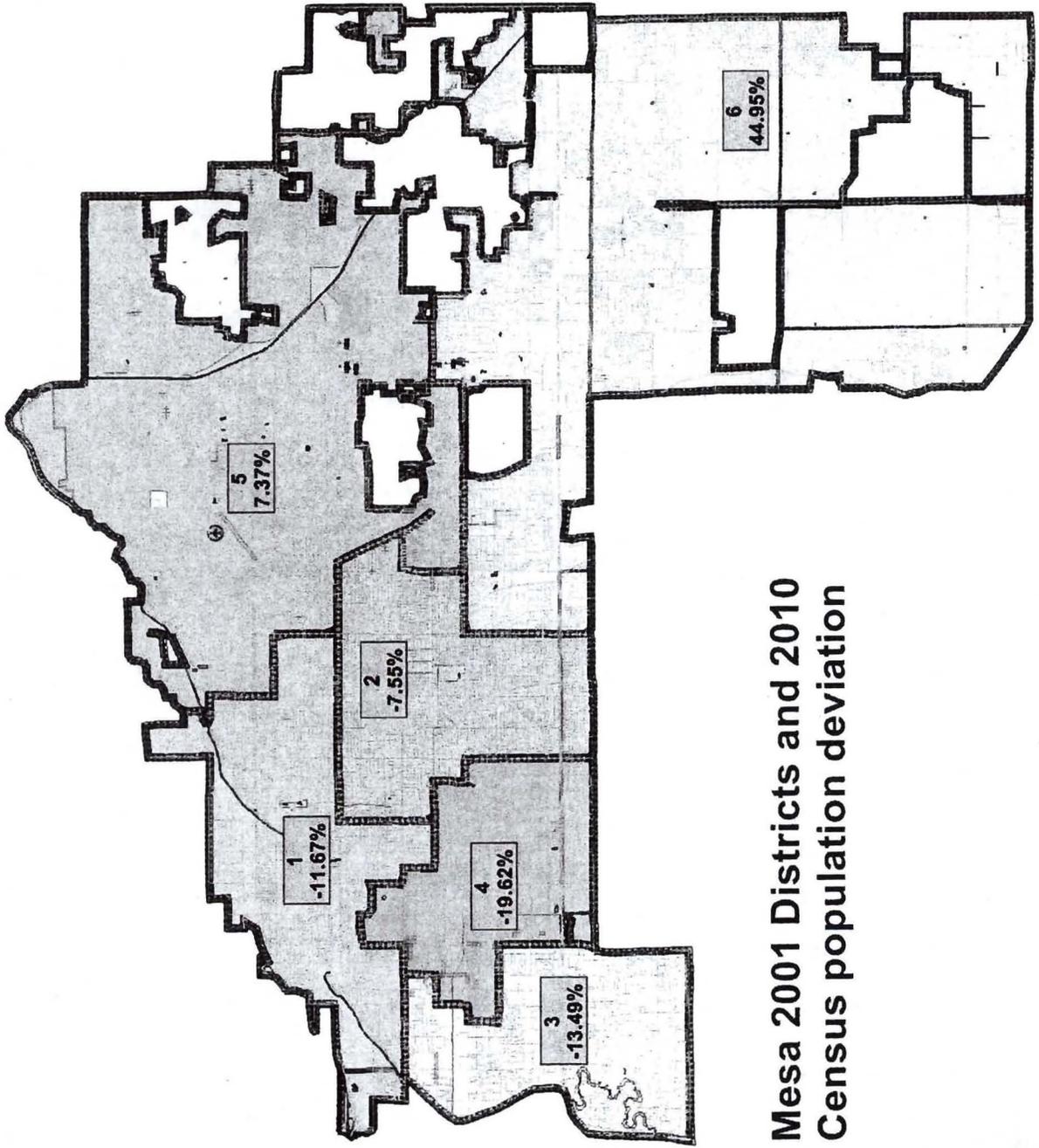
- Citizen Voting Age Population
 - From ACS: 12.4% Hispanic
 - From Census Special Tabulation: 12.4% Hispanic
- (If the state provides it) Hispanic-surname registration

Current District Total Population

District	Tot. Pop.	Deviation	Pct. Dev.
1	64,638	-8,536	-11.66%
2	67,650	-5,524	-7.55%
3	63,303	-9,871	-13.49%
4	58,817	-14,357	-19.62%
5	78,566	5,393	7.37%
6	106,067	32,894	44.95%
Total	439,041	47,250	64.57%
Ideal	73,174		

Ideal population = total population / number of districts

Population Deviation by District



**Mesa 2001 Districts and 2010
Census population deviation**

Current District Counts

Dist	Tot. Pop.	Dev.	% Dev.	NH							
				Hisp	Wht	Blk	Ind	Asn	Hwn	Oth	OthMR
1	64,638	-8,536	-11.66%	16,931	40,689	2,582	2,549	1,287	188	155	257
2	67,650	-5,524	-7.55%	17,852	44,493	2,467	1,151	1,017	287	137	246
3	63,303	-9,871	-13.49%	18,829	34,384	4,134	2,866	2,252	365	116	357
4	58,817	-14,357	-19.62%	35,867	18,394	1,926	1,349	506	518	101	156
5	78,566	5,393	7.37%	9,185	64,674	1,708	824	1,704	151	100	220
6	106,067	32,894	44.95%	17,089	79,871	3,658	1,242	3,328	391	132	356
Total	439,041	47,250	64.57%	115,753	282,505	16,475	9,981	10,094	1,900	741	1,592
Ideal	73,174										

Abbreviations:
 Dev. = Deviation
 Hisp = Hispanic
 NH = "Non-Hispanic"
 Wht = White
 Blk = Black / African American
 Ind = Native American
 Asn = Asian American
 Haw or Hwn = Hawaiian and Pacific Islander
 Oth = Other
 OthMR or MR = Multi-Race
 Fil = Filipino
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Dist	18+ Pop	NH18+							
		H18+ Pop	NH18+ Wht	NH18+ DOJ Blk	NH18+ Ind	NH18+ Asn	NH18+ Hwn	NH18+ Oth	NH18+ OthMR
1	46,572	10,164	31,783	1,698	1,622	946	119	102	138
2	49,821	10,771	35,510	1,590	766	783	187	71	143
3	48,318	12,198	28,764	2,994	2,003	1,827	235	74	223
4	39,396	21,433	14,912	1,271	911	402	325	58	84
5	60,910	5,632	52,114	1,090	573	1,216	106	71	108
6	78,709	10,332	62,458	2,333	816	2,276	226	85	183
Total	323,726	70,530	225,541	10,976	6,691	7,450	1,198	461	879

Dist	Special Tabulation									American Community Survey (ACS)								
	Total	Hisp	NH Wht	NH Blk	NH Asn	NH Ind	NH Hwn	NH MR		Total	Hisp	NH Wht	NH Blk	NH Asn	NH Ind	NH Hwn	NH MR	NH Oth
	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP
1	41,205	4,918	33,143	879	492	1,322	0	459		40,896	4,855	32,843	898	463	1,329	0	581	1,650
2	46,013	5,074	38,673	666	480	564	10	501		45,949	5,136	38,507	714	488	543	40	964	1,968
3	41,086	7,001	28,764	2,126	890	1,884	55	309		41,060	7,153	28,637	2,100	938	2,000	67	564	1,828
4	26,219	6,661	17,048	1,027	214	987	13	228		26,328	6,376	17,347	1,075	219	1,141	63	715	2,249
5	59,553	4,834	51,894	951	781	251	31	785		58,387	4,901	50,493	1,017	812	268	56	949	2,051
6	74,506	7,252	62,505	1,623	1,308	778	52	855		74,056	7,192	62,314	1,528	1,148	871	215	1,151	3,132
Total	288,582	35,739	232,027	7,272	4,165	5,785	161	3,137		286,676	35,613	230,142	7,333	4,068	6,153	441	4,924	12,878

Current District Percentages

Dist	% Hisp.	% NH		% NH		% NH		% NH	
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR	
1	26.2%	62.9%	4.0%	3.9%	2.0%	0.3%	0.2%	0.4%	
2	26.4%	65.8%	3.6%	1.7%	1.5%	0.4%	0.2%	0.4%	
3	29.7%	54.3%	6.5%	4.5%	3.6%	0.6%	0.2%	0.6%	
4	61.0%	31.3%	3.3%	2.3%	0.9%	0.9%	0.2%	0.3%	
5	11.7%	82.3%	2.2%	1.0%	2.2%	0.2%	0.1%	0.3%	
6	16.1%	75.3%	3.4%	1.2%	3.1%	0.4%	0.1%	0.3%	
Total	26.4%	64.3%	3.8%	2.3%	2.3%	0.4%	0.2%	0.4%	

Abbreviations:
 Dev. = Deviation
 Hisp = Hispanic
 NH = "Non-Hispanic"
 Wht = White
 Blk = Black / African American
 Ind = Native American
 Asn = Asian American
 Haw or Hwn = Hawaiian and Pacific Islander
 Oth = Other
 OthMR or MR = Multi-Race
 Fil = Filipino
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Dist	% NH18+		% NH18+		% NH18+		% NH18+	
	Pop	Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR
1	21.8%	68.2%	3.6%	3.5%	2.0%	0.3%	0.2%	0.3%
2	21.6%	71.3%	3.2%	1.5%	1.6%	0.4%	0.1%	0.3%
3	25.2%	59.5%	6.2%	4.1%	3.8%	0.5%	0.2%	0.5%
4	54.4%	37.9%	3.2%	2.3%	1.0%	0.8%	0.1%	0.2%
5	9.2%	85.6%	1.8%	0.9%	2.0%	0.2%	0.1%	0.2%
6	13.1%	79.4%	3.0%	1.0%	2.9%	0.3%	0.1%	0.2%
Total	21.8%	69.7%	3.4%	2.1%	2.3%	0.4%	0.1%	0.3%

Dist	Special Tabulation								American Community Survey (ACS)								
	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
1	88.5%	11.9%	80.4%	2.1%	1.2%	3.2%	0.0%	1.1%	87.8%	11.9%	80.3%	2.2%	1.1%	3.2%	0.0%	1.4%	4.0%
2	92.4%	11.0%	84.0%	1.4%	1.0%	1.2%	0.0%	1.1%	92.2%	11.2%	83.8%	1.6%	1.1%	1.2%	0.1%	2.1%	4.3%
3	85.0%	17.0%	70.0%	5.2%	2.2%	4.6%	0.1%	0.8%	85.0%	17.4%	69.7%	5.1%	2.3%	4.9%	0.2%	1.4%	4.5%
4	66.6%	25.4%	65.0%	3.9%	0.8%	3.8%	0.0%	0.9%	66.8%	24.2%	65.9%	4.1%	0.8%	4.3%	0.2%	2.7%	8.5%
5	97.8%	8.1%	87.1%	1.6%	1.3%	0.4%	0.1%	1.3%	95.9%	8.4%	86.5%	1.7%	1.4%	0.5%	0.1%	1.6%	3.5%
6	94.7%	9.7%	83.9%	2.2%	1.8%	1.0%	0.1%	1.1%	94.1%	9.7%	84.1%	2.1%	1.6%	1.2%	0.3%	1.6%	4.2%
Total	89.1%	12.4%	80.4%	2.5%	1.4%	2.0%	0.1%	1.1%	88.6%	12.4%	80.3%	2.6%	1.4%	2.1%	0.2%	1.7%	4.5%

Rules: Traditional Criteria

- Communities of interest
- Visible (Natural & man-made) boundaries
- Compactness & contiguity
- Continuity in office
- Population growth
- Preserve Core of existing districts



Rules: Pre-2001 Laws

- **Equal Population** among districts
 - Total population: not voting age population, citizens, or voters

- **Federal Voting Rights Act**

- Section 2 – Ensure equal power to elect candidates of choice
- Section 5 – Avoid retrogression
- No racial gerrymandering

- **AZ Statute 9-473.B.** (Cities and Towns only)

- “Each district shall contain a nearly equal number of inhabitants at the time of the redistricting and shall consist of contiguous territory in as compact form as possible.”

Bill of Rights

Congress of the United States,
Began and held at the City of New York, on
Wednesday, the fourth of March, one thousand seven hundred and eighty nine.

That a Convention of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: and an extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution:

Resolved, by the SENATE and HOUSE OF REPRESENTATIVES of the UNITED STATES of AMERICA in Congress assembled, two thirds of both Houses concurring, That the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which, when ratified by three fourths of the said Legislatures, to be valid to all Intents and Purposes, as part of the said Constitution, viz.

Article I. In addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution.

Article the first. After the first Enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons. [Not Ratified]

Article the second. The time, carrying the computation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. [Not Ratified]

Article the third. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government, for a redress of grievances.

Article the fourth. A well regulated Militia, being necessary to the security of a free State, the right of the people in keeping and bearing Arms, shall not be infringed.

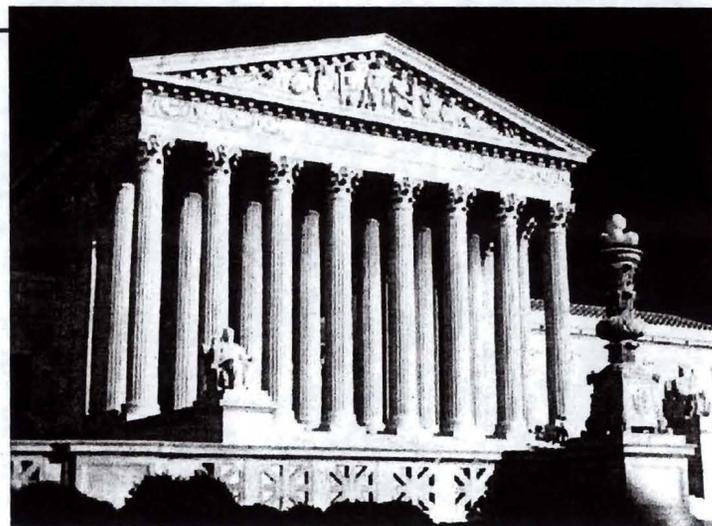
Article the fifth. No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by Law.

City Charter

Article II, Section 201 (A) 3 – 5:

- Council can send plans back to the Commission once, but the Commission has final control.
- Districts shall be numbered 1 through 6.
- Redistricting shall not remove the residence of an incumbent Councilmember from his/her district.

Rules: New Laws I



- **Larios v. Cox** (Georgia)
 - Population balance “safe harbor” is gone

- **League of United Latin American Citizens v. Perry** (Texas)
 - Limits on “community of interest” definitions

- **Bartlett v. Strickland** (Georgia)
 - “Protected Class” must be 50% of VAP to qualify for Section 2 status

- **NAMUNDO v Holder** (Texas)
 - Allows any local jurisdiction to “bail out” of Section 5 coverage after meeting certain criteria

Rules: New Laws II



■ Congressional Reauthorization

- H.R. 9: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act:
 - Extends Section 5 through 2032
 - Overturns Georgia v. Ashcroft, which opened the door for “influence” districts

■ New Draft DOJ Regulations

- Aggressive review.
- Shifts some powers from Chief of the Voting Rights Section at DOJ to the individual attorney reviewing a given request.

Federal Voting Rights Act: Section 2

- **Requires “Protected Class” populations have an “equal opportunity to elect the candidates of their choice”**
- **No “packing”**
- **No “cracking”**
- **Challenge: what is an “effective” district?**
 - Avoid splitting neighborhoods (except to avoid regression)
 - Specific figures require expensive, time-consuming analysis
 - Past elections and community input provide guidance
 - Population must be able to constitute a majority of a district
- **No racial gerrymandering allowed**

Federal Voting Rights Act: Section 5

- **Bans retrogression in the ability to elect of protected class populations**
 - Protected class status results from past discrimination due to race or language
 - In Mesa, this covers Latinos
 - Uneven growth may make it difficult to avoid retrogression
 - In such cases, Department of Justice asks jurisdictions to do everything possible to avoid or, if not possible, minimize retrogression

Process (I of III)



1. Prepare

- ❑ Conduct initial demographic analysis
- ❑ Adopt schedule
- ❑ Launch project website
- ❑ Create public participation kit (paper, excel and/or online)
- ❑ Adopt criteria
- ❑ Develop initial draft plans to jump-start discussion

Process (II of III)



2. Outreach

- ❑ Educate, engage and empower the public, including:
 - ❑ Individuals
 - ❑ Community Groups, including “protected class”-focused organizations
 - ❑ The media
- ❑ What are your community’s “communities of interest”?
 - Which want to be united? Which want to be divided?
- ❑ How well do the current and draft plans meet those goals?
- ❑ Participation kits take the public input beyond just “yes” and “no”

Process (III of III)



3. **Decide**

- Plan debate and adoption

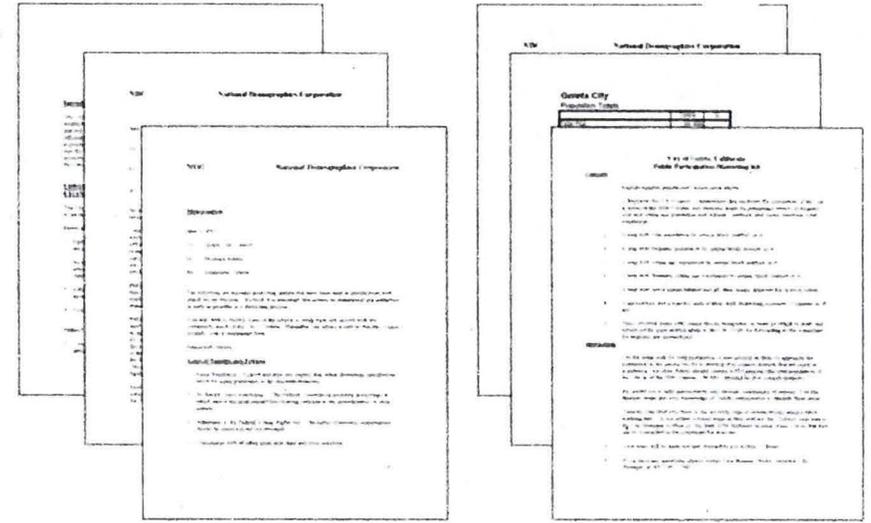
4. **Implement**

- U.S. Department of Justice review
 - Initial 60-day review period
 - DoJ can extend for an additional 60 days at its discretion
- Plan implementation
 - Coordinated with the County Registrar

Tools (I of II)

Traditional Redistricting Tools

1. 2010 Census data
2. Project website
3. Media & community education
4. GIS software
5. Information on redistricting, the Voting Rights Act, and how the public can participate
6. Provide paper & Excel public participation kits
7. Email address for public questions and public comment



Tools (II of II)

New Tools for 2011

1. American Community Survey data
2. Local GIS data
 - Zoning, homeowner associations, housing developments, neighborhood associations, key facilities, future development areas, school attendance areas, aerial imagery, etc.
3. Live, interactive maps of plans
4. Google Maps and Google Earth plan files
5. Online redistricting



Schedule

Proposed Schedule:

- April 2011 Appoint Commission
- May 2, 2011 Receive census data
- May – June 2011 Commission Meetings
- June 2011 Council Study Session: Review of draft plans
- August 2011 Public Hearings (one in each district)
- August 2011 Commission Meeting: Recommendation & alternative plans
- August 2011 Council Study Session: Update on redistricting efforts
- September 2011 Commission Meeting: Final resolution
- September 2011 Council Study Session: Hear/discuss final recommendations
- October 2011 Regular Council Meeting: Adopt resolution
- November 1, 2011 Submittal to Department of Justice

CHAPTER 4

THE CRITERIA

In this chapter, we present the criteria adopted by the Commission for use in designing the new districts.

Issues of Equality and Fairness

1. Equal Population – Under the federal mandate of one-person one-vote, each person's vote is equal to that of any other person; therefore, districts must be equal in population. Arizona state law also speaks to this criterion stating that districts should be "nearly equal."
2. Adherence to the Voting Rights Act – The rights of minority communities should be respected and not be abridged. This means that minority communities must not be improperly packed or divided, and a full faith effort should be made to assure opportunities for minority representation. Race cannot, however, be the primary criterion in drawing boundaries.
3. Compactness and Contiguity – Arizona statute requires that districts "shall consist of contiguous territory in as compact form as possible."

Councilmanic Districts

4. The City Charter requires that, "The redrawing of district boundaries shall not remove the residence of an incumbent Councilmember from the district he was elected to represent during his term in that office."

Good Government Criteria

4. Respect Community of Interest – Self-identifying communities should be recognized and kept whole to the extent possible; and community centers (e.g., schools) should be used wherever possible in revising districts.
5. Follow Natural and Man-Made Boundaries to the Extent Possible – This is to assure ease of access, recognizable boundaries and to give respect to existing geography.
6. Citizen Input – Citizen opinions should be expressed through the use of citizen kits, at public meetings and hearings and through the City's hotline and should receive due consideration in the redistricting process.
7. Population Growth – Recognizing that the ²⁰¹⁰2000 Census was taken more than one year ago and that the City continues to grow at a rapid rate, to the extent possible population growth should be factored in when creating the revised boundaries.

8. Existing Districts – Mesa established its current district plan in ²⁰¹⁰1999. Because of rapid population change, it will be impossible to prevent significant change in the existing boundaries; but, nevertheless, there is an advantage to both citizens and their representatives in maintaining to the extent possible the general configuration of the current plan.

The foregoing criteria suggest the great complexity of developing districts to meet all the many legal requirements, aspirations and constraints that are important in designing a redistricting plan for Mesa. Nevertheless, we believe that plans can be developed that will indeed meet them. In assisting in this process, NDC will keep well in mind that the real experts on the community features that should be incorporated in district designs are the people who will live in the districts -- the citizens of Mesa.