

COUNCIL DISTRICT COMMISSION MINUTES

May 9, 2001

The Council District Commission of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 9, 2001 at 5:33 p.m.

COMMISSION PRESENT

COMMISSION ABSENT

COUNCIL PRESENT

Pat Langdon, Chairman None None
Jim Driskill
Dwayne Priester
Marti Soza
Alice Swinehart

Chairman Langdon welcomed everyone to the meeting and provided a brief explanation regarding the agenda and procedures associated with convening an executive session.

1. Convene an Executive Session.

It was moved by Commission Member Driskill, seconded by Commission Member Swinehart to adjourn the Council District Commission Meeting and convene an executive session.

Chairman Langdon declared the motion carried unanimously by those present.

(Commission Member Priester joined the meeting at 5:35 p.m.)

2. Executive Session.

The Council District Commission entered into executive session at 5:35 p.m.

a. Discussion or consultation for legal advice with attorney for Council District Commission pursuant to A.R.S. 38-431.03A(3), with regard to the criteria to be used in the redistricting of City Council district boundaries.

3. Adjourn Executive Session.

It was moved by Commission Member Driskill, seconded by Commission Member Swinehart, that the executive session adjourn at 5:49 p.m.

Carried unanimously.

4. Reconvene Council District Commission Meeting.

The Council District Commission Meeting reconvened at 5:50 p.m.

5. Approval of minutes from April 26, 2001 Commission Meeting.

It was moved by Commission Member Soza, seconded by Commission Member Priester, that the minutes of the April 26, 2001 Council District Commission Meeting be approved.

Carried unanimously.

6. Hear, discuss and consider proposed criteria for the redistricting of City Council districts. The Commission may take action by adopting criteria.

Dr. Alan Heslop of National Demographics Corporation (NDC) addressed the Commission and referred to a Memorandum provided to the Commission Members dated May 4, 2001 (see Attachment) regarding criteria proposed by Dr. Heslop, Dr. Florence Adams and Attorney Don Peters for the redistricting process. Dr. Heslop stated the opinion that it is important that the redistricting process begins with clearly stated criteria. He commented on the criteria utilized during the previous districting process and said that the proposed criteria differs from the previous criteria in that it refers to the existing districts and reflects legal advice from Mr. Peters regarding the applicability of Arizona law to criteria 1 (Equal Population).

Don Peters, of Miller, LaSota and Peters, addressed the Commission and said that the governing Arizona statute has not been interpreted by the Courts. He noted an error in the Memorandum under criteria 1 (Equal Population) and said that "as equal as possible" should be "nearly equal."

In response to a question from Chairman Langdon regarding establishing population deviation limits, Dr. Heslop stated the opinion that it is unwise to set deviation limits at the beginning of the redistricting process due to the fact that predetermined limits can restrict the process and mislead citizens. He also noted that predetermined deviation limits are closely scrutinized by the Department of Justice.

Mr. Peters advised that although he concurs with Dr. Heslop's comments regarding Federal guidelines, uncertainty exists under Arizona law and suggested that the Commission provide direction as to whether the redistricting process should proceed on the basis of flexibility or proceed under the premise of eliminating all risk of challenges to the line-drawing process.

Discussion ensued regarding the language contained in the Arizona statute and the fact that Dr. Heslop and Dr. Adams were not aware of the statute prior to this redistricting process.

Dr. Florence Adams of NDC stated that any deviation from equal population must be justified.

Mr. Peters clarified that he is not suggesting that the Commission establish a specific degree of deviation at this point.

Commission Member Driskill voiced the opinion that a degree of flexibility is appropriate to allow consideration of other issues important to the community.

Chairman Langdon stated support for remaining flexible regarding population deviation limits during the initial phase of the process and for determining an acceptable degree of latitude subsequent to the selection of three alternate plans.

Discussion ensued regarding criteria 2, (Adherence to the Voting Rights Act). Dr. Heslop said that before Mesa's redistricting plan can become law, it has to be approved by the United States Department of Justice and must not result in retrogression of minority communities to elect representatives.

Mr. Peters noted that the United States Supreme Court has ruled that race may not be considered a primary criteria when determining district lines. Mr. Peters added that the Supreme Court ruling outranks the Voting Rights Act.

Dr. Heslop commented on criteria 3, (Compactness and Contiguity) and explained that this criteria means that districts should appear compact on a map.

Discussion ensued regarding criteria 4 (Councilmanic Districts) which addresses Mesa's City Charter requirement regarding where incumbents are located when new boundary lines are drawn.

In response to a question from Chairman Langdon, Deputy City Attorney Joe Padilla advised the Commission that a Councilmember at-large must first resign his position in order to run for a District Councilmember position.

Mr. Peters advised the Commission that only incumbents representing districts need to be considered when applying criteria 4 (Councilmanic Districts).

Dr. Adams reported that two of Mesa's at-large Councilmembers reside in districts with duly elected district Councilmembers and chose not to resign at the time they could have resigned to run for their District Councilmember seat.

Dr. Heslop said that the Good Government Criteria contained in the Memorandum represent the criteria that Mesa specified during its initial districting process as criteria that serves the needs of the community. He spoke about criteria 4 (Good Government Criteria – Respect Community of Interest) and said that the primary function of the public hearings is to solicit input regarding groups that should be kept together in the line drawing process. He noted that during the initial districting process, school districts were recognized as community centers.

Discussion ensued regarding Criteria 5 (Follow Natural & Man Made Boundaries) and the fact that Mesa residents recognize canals, freeways and other transportation routes as boundaries.

Dr. Heslop commented on Criteria 6 (Citizen Input) and the importance of establishing a hot line, the City's web site and other methods of publicizing the redistricting process.

Discussion ensued regarding the important role citizen kits played in the initial districting process; that National Demographics responds to all citizen kits and other citizen inquiries within 72 hours; and that all citizen kits and inquiries are submitted to the City and routed to National Demographics via Jenny Sheppard.

In response to a question from Commission Member Driskill regarding the City's efforts to publicize the process, Special Assistant to the City Manager Jenny Sheppard reported that 200,000 brochures are being produced for direct mail to citizens; that the process is on the City's web page and will be advertised in the newspaper prior to each public meeting; and that districting maps will be displayed in the Mesa City Plaza, Mesa's Public Libraries and at each public meeting.

Dr. Heslop spoke about Criteria 7 (Population Growth) and said that Federal and State requirements prevail on the issue of population. Dr. Heslop commented on the process of assigning negative deviations to districts experiencing rapid growth and positive deviations to districts experiencing less growth as tools to equalize district populations. He reiterated the opinion that it is inappropriate to assess deviation limits at this point in the process.

Discussion ensued regarding the fact that the redistricting process is based on April 2000 census numbers, and that Mesa has experienced rapid growth in certain parts of the City since that census was conducted.

Dr. Heslop discussed on Criteria 8 (Existing Districts) and said that the Commission may decide to apply this criteria in the event overwhelming public input opposes massive boundary changes.

Discussion ensued regarding the fact that the memorialized criteria are in priority rank order; that the criteria addressing Federal and State mandates are required; and that the Good Government Criteria are electives.

Commission Member Driskill voiced the opinion that the criteria are straightforward and will not be difficult for citizens to understand.

It was moved by Commission Member Driskill, seconded by Commission Member Priester, that the Commission accept the memorialized criteria addressing *Issues of Equality and Fairness* (incorporating "nearly equal" in place of "as equal as possible" in Criteria 1 Equal Population), *Councilmanic Districts* and *Good Government Criteria* as the basis for proceeding with the Council District Commission's analysis regarding redistricting.

Carried unanimously.

7. Scheduling of future meetings and general information.

Chairman Langdon commented on the upcoming public hearings and voiced support for each Commission Member to chair at least one hearing. He encouraged the Commission Members to attend as many public hearings as possible and stated that attendance will provide the Commission Members with a sense of the public's ideas and preferences regarding the line-drawing process.

Further discussion ensued regarding the public hearings to be held during May and June; Commission Member Soza agreed to chair the May 24, 2000 Public Hearing at Pedro Guerrero Elementary School; Commission Member Swinehart agreed to chair the June 4, 2001 Public Hearing at Hale Elementary School; Commission Member Priester agreed to chair the June 6, 2001 Public Hearing at Holmes Elementary School; and Commission Member Driskill agreed to Chair the June 7, 2001 Public Hearing at the Superstition Police/Fire Substation.

Ms. Sheppard stated that the Commission's next meeting is on May 16, 2001, followed by a presentation to the City Council on May 17, 2001.

Mr. Peters commented on restrictions imposed on the Commission by the Open Meeting Law.

Dr. Heslop reiterated the importance of generating media coverage regarding the redistricting process following the Commission's meeting on May 16, 2001.

8. Adjournment.

Without objection, the Council District Commission meeting adjourned at 6:42 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Council District Commission Meeting of the City of Mesa, Arizona, held on the 9th day of May 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001.

BARBARA JONES, CITY CLERK

Attachment
pjt

Memorandum

May 4, 2001

To: City of Mesa Districting Commission
Fr: Alan Heslop, Florence Adams, Donald Peters
re: Criteria for Redistricting Process

As we shared with you at the Commission meeting on April 26th, it is of utmost importance that the Commission set criteria for the redistricting at the outset of the process.

We recommend that the Commission adopt the following prioritized list of criteria to guide the process:

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 "as equal as possible."
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 2000 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 1999. 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.