



## Legal Action Report and Minutes

### City of Tucson Redistricting Advisory Committee (RAC)

DATE: Thursday, October 20, 2022  
TIME: 5:30 p.m.  
LOCATION: City Hall  
255 W. Alameda Street  
Mayor and Council Chambers, 1<sup>st</sup> floor  
Tucson, Arizona

#### 1. Roll Call

The Redistricting Advisory Committee (RAC) meeting was called to order at 5:47 p.m. by Suzanne Mesich, City Clerk.

Upon roll call, those present and absent were:

<u>Present:</u>	<u>Appointor:</u>
Patrick Robles	Ward 1
Jenifer Darland	Ward 2
Bobby Jaramillo	Ward 5
Mark Crum	Ward 6

<u>Absent:</u>	
Maribel Alvarez	Mayor
Ed Hendel	Ward 3
Alexus Kaiulani Dudoit	Ward 4

Staff Present:  
Suzanne Mesich, City Clerk  
Yolanda Lozano, Chief Deputy City Clerk  
Maria Talamante, Assistant City Clerk  
Shawna Lee, City Clerk's Office  
Jesus Acedo, City Clerk's Office  
Randy Hammel, City Clerk's Office  
Randy Jones, City Clerk's Office  
Robert Hunter, City Clerk's Office  
Dennis P. McLaughlin, Principal Assistant City Attorney  
Jennifer Stash, Principal Assistant City Attorney  
Peter Johnson, Information Technology  
Cait Boyer, Information Technology  
Laura Sharp, Information Technology

**2. Introduction of Members and Staff**

Suzanne Mesich, City Clerk, introduced herself and staff in attendance from the City Clerk’s Office, and the City Attorney’s Office.

**3. Open Meeting Law Highlights**

Information and presentation was provided by Yolanda Lozano, Chief Deputy City Clerk, regarding key points of the Arizona Open Meeting Law.

**4. Overview of Committee’s Responsibilities**

Information and presentation was provided by Suzanne Mesich, City Clerk, regarding the roles and responsibilities of the RAC. She explained the population information the RAC would need to consider as it formulates its recommendation.

**5. Election of Officers**

It was moved by Committee Member Crum, duly seconded, and carried by a voice vote of 4 to 0, (Committee Members Alvarez, Hendel and Dudoit absent) to postpone the election of officers to the next meeting.

**6. Discussion of Redistricting Timelines**

Suzanne Mesich, City Clerk, reviewed the timelines for the Committee. She said a written recommendation from the RAC was due to Mayor and Council by November 30, 2022. She noted that at least one public hearing on the RAC’s recommendation would need to take place prior to making final recommendation to the Mayor and Council.

**7. Review of Base Map and Discussion of Options**

Suzanne Mesich, City Clerk, provided a description of the components of the base map, the corresponding population and demographic data, and calculation of the Maximum Population Deviation (MPD). She also explained the precincts that were split between Wards, and the efforts to minimize or eliminate such splits, as shown on a proposed map offered for consideration.

**8. Meeting Schedule for Future Meetings**

Discussion ensued regarding members’ availability to meet the following week.

An apparent consensus was reached that the next meeting of the RAC would be Wednesday, October 26, 2022 at 5:30 p.m., and that subsequent meetings would be held on Thursdays at 5:30 p.m.

**9. Future Agenda Items**

The following items were identified for the next meeting agenda:

- Election of Officers
- Discussion of Potential Redistricting Proposal(s)
- Call to the Audience

**10. Adjournment**

The meeting was adjourned at 6:38 p.m.

Upon roll call, those present and absent were:

<u>Present:</u>	<u>Appointor:</u>
Patrick Robles	Ward 1
Jenifer Darland	Ward 2
Bobby Jaramillo	Ward 5
Mark Crum	Ward 6

<u>Absent:</u>	
Maribel Alvarez	Mayor
Ed Hendel	Ward 3
Alexus Kaiulani Dudoit	Ward 4

Staff Present:  
 Suzanne Mesich, City Clerk  
 Yolanda Lozano, Chief Deputy City Clerk  
 Maria Talamante, Assistant City Clerk  
 Shawna Lee, City Clerk's Office  
 Jesus Acedo, City Clerk's Office  
 Randy Hammel, City Clerk's Office  
 Randy Jones, City Clerk's Office  
 Robert Hunter, City Clerk's Office  
 Dennis P. McLaughlin, Principal Assistant City Clerk  
 Jennifer Stash, Principal Assistant City Attorney  
 Peter Johnson, Information Technology  
 Cait Boyer, Information Technology  
 Laura Sharp, Information Technology

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1 MS. MESICH: And I really want to thank you for coming and  
 2 for joining this committee and for waiting. I'm Suzanne Mesich, I'm  
 3 the City Clerk, and I think what we'll do is start with roll call of  
 4 the members who are present. And then we'll go around and introduce  
 5 each other.

6 Please turn on your mics, there's a button, and it will  
 7 light up green at the base of your microphone, so you'll know it's on.  
 8 That'll help us get an accurate recording.

9 CLERK: Committee Member Maribel Alvarez.

10 FEMALE SPEAKER: Absent.

1 CLERK: Committee Member Patrick Robles.

2 MR. ROBLES: Present.

3 CLERK: Committee Member Jenifer Darland.

4 MS. GARLAND: Present.

5 CLERK: Committee Member Ed Hendel.

6 FEMALE SPEAKER: Absent.

7 CLERK: Committee Member Alexis Kaiulani Dudoit.

8 FEMALE SPEAKER: Absent.

9 CLERK: Committee Member Bobby Jaramillo.

10 MR. JARAMILLO: Present.

11 CLERK: Committee Member Mark Crum.

12 MR. CRUM: Present.

13 MS. MESICH: So, we have quorum. And I mentioned I'm  
14 Suzanne Mesich. I'm the City Clerk. Been the City Clerk for seven or  
15 eight months, but I've been in the office for many more decades than  
16 seven months.

17 So, I'm happy to be here and I really appreciate you all  
18 taking this on, because we have a short time frame and, and some work  
19 to do. So, thank you for being here.

20 MS. LOZANO: Hi. My name is Yolanda. I'm the Chief Deputy  
21 City Clerk. I've been with the City Clerk's Office 15 years, but in  
22 this position as long as Suzanne's been City Clerk. And so, we work  
23 very close together. This is my first big redistricting event. So,  
24 welcome, and thank you for (inaudible)

1 MR. McLAUGHLIN: Good evening. My name's Dennis McLaughlin  
2 with the City Attorney's Office. I was just telling Mark, I've been  
3 with the City Attorney for 30 years, and I've been in on several  
4 Redistricting Advisory Committees, so, welcome all. And I look  
5 forward to working with you through Suzanne.

6 MS. STASH: My name is Jennifer Stash, and I am also an  
7 attorney with the City Attorney's Office. And I've been in the Civil  
8 Division for about three years. This will be my second go-round.

9 MS. TALAMANTE: Hi. My name is Maria Talamante. I'm the  
10 Assistant City Clerk for our office, and I've been with our office for  
11 seven years.

12 MR. JONES: I'm Randy Jones. I work part-time for the City  
13 Clerk for the last 20 years.

14 MR. HUNTER: Hi. Robert Hunter, City Clerk's Office  
15 (inaudible)

16 MS. LEE: Hi, there. I'm Shawna Lee. I've been with the  
17 City Clerk's Office for 18 years. This is my third go-round with the  
18 Redistricting Advisory Committee starting back in 2012.

19 MR. HAMMEL: Hello, I'm Randy Hammel. I'm the Systems  
20 Analyst for the City Clerk.

21 MS. MESICH: So, just to tell you what some of the roles  
22 are, Randy, as the Systems Analyst is our IT Specialist, and he's  
23 going to help operate the software we'll be using. Shawna Lee is the  
24 Management Coordinator and not only her experience in redistricting,

1 but her experience in our office elevated her to the fun job of  
2 administering this committee.

3 And Robert Hunter is going to be her admin assistant. So,  
4 you'll be hearing from Shawn and Robert about meeting times and any  
5 other logistics that we need to meet with you on. I think we'll  
6 follow the agenda and start with Yolanda on Open Meeting Law.

7 MS. LOZANO: Okay. So, I did leave handouts on the table  
8 and I'm just gonna do a really quick brief overview of Open Meeting  
9 Law. Open Meeting is through State statute, and it was implemented in  
10 1962, and it's kind of changed and evolved around, throughout the  
11 years. But there's two core concepts of the Open Meeting Law.

12 One is that it requires that all meetings of a public body  
13 be conducted openly with notices and agendas that contain information  
14 necessary to inform the public about the committee's activities.

15 So, the key here is that is the public informed? We  
16 always, always have to be - make sure that they're informed and have  
17 access to our meetings, okay? So, that's a biggie.

18 The second is that it provides the public access to  
19 government and ensures that the people's business is openly - is  
20 conducted openly. Next, we're gonna go into what constitutes a, a  
21 meeting for the redistricting committee.

22 A meeting is a gathering of a commission or committee  
23 through in person, through technical devices, through phone, if you  
24 have to call, attempt via phone, a quorum of the public body. So, for

1 this commission, there's seven people on the committee, so, quorum is  
2 four.

3 At any point in time, if that quorum - we lose that quorum,  
4 we have to stop the meeting immediately and we can't continue. If you  
5 have to get up and go take a phone call, or for whatever reason, we  
6 can recess the meeting for that time, once you come back, we'll resume  
7 the meeting.

8 But if you have to leave and be gone for the rest of the  
9 meeting, the rest of us will have to stop the meeting. And this  
10 applies to all boards, committees and commissions, and then the other  
11 subcommittees.

12 So, a meeting - components of a, of a meeting are your  
13 agenda, that we establish a quorum, call to the audience is most of  
14 the time part of the agenda. It's not required but we do like to have  
15 that to give the public an opportunity to speak on whatever items you  
16 might be talking about.

17 Executive sessions. We won't ever have executive,  
18 executive sessions for our commission. And then we have to do a  
19 legal action report within three days of the meeting, and written and  
20 approved Minutes or an audio.

21 So, we do both because sometimes it takes a little bit of  
22 time to do Minutes. We'll always do, for this commission, we'll do a  
23 verbatim transcription of the Minutes, and that's what we will use as  
24 - for you to approve at the next ensuing meeting.



1           So, if there are any violations of the Open Meeting Law,  
2 any investigations for all Open Meeting Law violations are done  
3 through public complaints to the Attorney General's Office. If they  
4 call us, we, we don't do anything about it. We refer them to the  
5 Attorney General's Office. They handle those complaints and can start  
6 an investigation.

7           So, you know, violations can be that you talk to each other  
8 outside of the meeting, and there's a quorum. That's a violation of  
9 Open Meeting Law. Any business for the committee or the commission  
10 that you do has to be done in the public meeting, open meeting that  
11 the public has access to.

12           Arizona has one of the stricter laws of Open Meeting Law,  
13 and in the country. And again, it's regulated by the Attorney  
14 General's Office and complaint-driven.

15           If you are found in violation of an Open Meeting Law, you  
16 are personally liable. The City Attorney cannot defend you. You  
17 could be fined up to \$500 for that violation and then you will be  
18 removed from the committee.

19           So, ways to avoid some of those violations is don't daisy  
20 chain (sic) with any phone calls, e-mails with other BCC members. If  
21 you have something you need to send out to another member or members,  
22 do it through our support staff. They will send it out with the  
23 notation.

24           And when you do get an e-mail, be sure not to reply to all,  
25 just reply - if, if we're asking for a, a reply, you reply to just

1 that person, and they will keep, the support staff will keep track of  
2 whatever it is you're asking.

3 So, again, don't daisy chain on those e-mails and phone  
4 calls. And don't use a spoken wheel concept. So, are you all  
5 familiar about spoken wheel where A talks to B; B talks to C; A talks  
6 to - whatever. That type of thing. So, just kind of try and avoid  
7 all that. We ask that you avoid all that so that we're not in  
8 violation of the open meeting.

9 You can't consensus-build on any items that we bring  
10 forward outside of the meeting, and they can only be discussed during  
11 the meeting and acted upon at the meeting. Try and stay on track  
12 during the meetings.

13 Stay focused, and that's part of our job. We'll keep you  
14 to stay on what's on the agenda and just make sure that we only talk  
15 about those things on the agenda.

16 Conflict of interest. That was brought up just before we  
17 started. A conflict of interest, any public officer or employee of a  
18 public agency who has, or whose relative has a substantial interest in  
19 any contract, sale, purchase or service shall make known that, that  
20 they have that interest, and state that that's a conflict of interest  
21 for them. I think a question was, Robert, that if you're -

22 MR. JARAMILLO: It states here all members qualifications,  
23 all members of the committee shall be qualified City electors and none  
24 shall hold any elected - I need a, I need a definition of any -

25 MS. LOZANO: (Inaudible)

1 MR. JARAMILLO: - elected public office.

2 MS. LOZANO: Yeah. So, we just conferred with our City  
3 Attorney.

4 MR. JARAMILLO: Yeah, so, the attorney.

5 MS. LOZANO: And that statement right there refers to any  
6 elected office that's in the City of Tucson.

7 MR. JARAMILLO: Within the City. Within the City or -

8 MS. LOZANO: The, the City.

9 MR. JARAMILLO: - City government?

10 MS. LOZANO: City government.

11 MR. JARAMILLO: Okay.

12 MS. LOZANO: City government.

13 MR. JARAMILLO: 'Cause I do.

14 MS. LOZANO: So, you could be like on the school board.  
15 Patrick, -

16 MR. JARAMILLO: With -

17 MS. LOZANO: - you know, with something else. Mr. Crum  
18 with - yeah.

19 MR. JARAMILLO: Okay.

20 MS. LOZANO: But in City government, you can't be on -

21 MR. JARAMILLO: Thank you for clarifying.

22 MS. LOZANO: - like a Council Member or -

23 MR. JARAMILLO: Okay.

24 MS. LOZANO: Okay?

25 MR. JARAMILLO: Gotta make sure -

1 MS. LOZANO: Yeah.

2 MR. JARAMILLO: - on the record.

3 MS. LOZANO: On the record. (Inaudible)

4 MR. JARAMILLO: And we appreciate it.

5 MS. LOZANO: Okay. Any questions about that? Just kind of  
6 real quick. So, if you do think there's a conflict of interest, we  
7 ask that you declare that ahead of time so that we know, and then you  
8 will not be able to vote on that item. So, hopefully, we don't have  
9 that because this is kind of - or participate in the discussion.

10 MR. JARAMILLO: As far as the Open Meeting Law, if it's  
11 open and people would like to come in, there's no access to the  
12 building, how is that justified?

13 MS. LOZANO: So, right now there is access through the  
14 front. We're not opening this -

15 MR. JARAMILLO: Yeah.

16 MS. LOZANO: - door right here because we forgot to arrange  
17 for security.

18 MR. JARAMILLO: Uh-huh.

19 MS. LOZANO: But for future meetings, we will have security  
20 at the front door so that people can come in.

21 MR. JARAMILLO: Okay. When I talked to the young man up  
22 front, he was unaware that these doors were closed, and he wouldn't  
23 let us in the front door. So, -

24 MS. LOZANO: Yeah.

25 MR. JARAMILLO: - thank you.

1 MS. LOZANO: We got it. I'm sorry? If we didn't, we  
2 didn't notice it as being (inaudible)

3 MR. ROBLES: So, am I able to call a colleague on the board  
4 about an item on the agenda?

5 MS. LOZANO: So, call another member of the board to  
6 discuss an item that's on the agenda? No.

7 MALE SPEAKER: Yes, I agree with Yolanda. That's, that's  
8 exactly what you don't want to do in the meeting.

9 MR. ROBLES: But outside of the meeting.

10 MALE SPEAKER: Not outside the meeting.

11 MR. ROBLES: Okay.

12 MALE SPEAK: And the people think, "Well, I'm just - I'm  
13 not gonna call on anything that I'm gonna - we're gonna decide, or  
14 whatever," and it never ends up that way.

15 (Multiple speakers. Inaudible.)

16 MALE SPEAKER: I think that's the problem.

17 MS. LOZANO: Yeah.

18 MALE SPEAKER: Thanks. Good question.

19 MS. LOZANO: Any other questions? I think that's all I  
20 have. Thank you.

21 MALE SPEAKER: Thank you.

22 MS. MESICH: So, let's go through the contents of your  
23 binders. I know you picked up some new material as you came in, but I  
24 just thought I'd go through it because there's quite a bit of material  
25 for you to look over between now and the next meeting. And I'll just

1 start with the first tab, because that's got the list of who's on the  
2 committee and their contact information.

3 And I want to assure you that if a member of the public, if  
4 we get a public records request for your names and who's on the  
5 committee, we provide just the name and the e-mail address. We don't  
6 provide your home, work address or phone numbers.

7 Behind Tab No. 2, the first item is what we call the Data  
8 Sheet. And it's basically summarized information about the committee,  
9 what ordinances or resolutions have been adopted by Mayor and Council  
10 that pertain what the qualifications of membership are, and what the  
11 functions of the committee in terms of office are.

12 After that, we have an excerpt of the Tucson Charter about  
13 the redistricting committee, and behind that, an excerpt from the City  
14 Code. And the Charter is basically our most - our guiding document  
15 almost like a constitution. The Code is what adopts the policies and  
16 procedures to comply with the Charter.

17 Behind Tab No. 3, we have what we call the legal  
18 requirements and policy guidelines for the Redistricting Advisory  
19 Committee, and it starts with the federal - the U.S. Constitution, how  
20 we calculate what we - is termed the MPD, and sorry. I lost my place.

21 We're gonna go through the MPD when we get to the base map  
22 because it's on line. And then the policy objectives which have  
23 changed a little bit this year because Mayor and Council have adopted  
24 a new ordinance. After those guidelines, we - even communication on  
25 the Redistricting Advisory Committee listing the time frame for 2022.

1           And the next item is the Mayor and Council communication  
2     dated August 9th, 2022, and that's the one I'm talking about that has  
3     some new guidelines and in it, it discusses some terms that we'll go  
4     through later, dilution, rough proportionality, fragmenting, and  
5     packing.

6           That's followed by a Memorandum dated March 18<sup>th</sup>, 2008, and  
7     it's signed by Dennis, and it kind of also explains what we put in the  
8     guidelines about the MPD, what the City Code and the Charter require.  
9     And it's an official, legal opinion.

10           So, that's why we've included it because it also has some  
11    history, going that to 2002 redistricting on some things that occurred  
12    and how we got to where we are now.

13           After Dennis' memo, you'll see the inmate population in  
14    Tucson as of May 18<sup>th</sup>. That will come up in your discussions and in  
15    your consideration (inaudible) time. And then now you know why Dennis  
16    has been in the office for 30 years because we have a memo dated 2002  
17    from him. That is why we - it explains why we include the jail  
18    population in the overall city population we will be redistricting.

19           And then Tab 4 has the supervisorial, Congressional and  
20    legislative districts of the whole county. Tab 5 will be for Minutes  
21    or documents that you're creating. Tab 6 has the list of precincts by  
22    wards.

23           So, it's in ward order, and you can see, it's color-coded  
24    because we have what we call "split precincts" where one precinct is  
25    divided into (inaudible) wards. We have - that's followed by the

1 legal descriptions of the precinct, if you care to see those. And  
2 then behind Tab 7, we have a list of the annexations to the City for  
3 the last ten years.

4 And I think the next - Tab 10, 11 and 12 are historical  
5 information in a little more detail going back to 2012. 2012, I  
6 think, Shawna, correct me if I'm wrong, but that was a very big  
7 redistricting year. So, you might want to take a look at that.

8 And then the last tab is Tab 14, and it's got some more  
9 Open Meeting Law information, including a Memorandum. I'm sure Dennis  
10 wrote it. Oh. No, this is Mike Rankin. So, he signed it, but I'm  
11 sure Dennis wrote it.

12 MALE SPEAKER: It's even better coming from Mike.

13 MS. MESICH: Yes. And, Randy, are we set up to do a power  
14 point, or would you prefer I just pass - okay. So, this is a little  
15 bit of information on what your responsibilities will be.

16 Your first duty is to review the relevant data and mostly  
17 it's gonna be census data, and it's going to - your first decision,  
18 really, is going to be whether or not we actually need to redistrict.

19 So, we will give you, we'll go through the base map and the  
20 population figures in a few minutes, and you'll see that it's gonna be  
21 very easy for you to make a decision on that.

22 If you find that redistricting this year is necessary,  
23 you'll once again go through the data - I'm on a different slide.  
24 There we go. One of the things you're required to do is hold at least  
25 one public hearing. So, once you have proposals that you're kind of



1 going through and you think you've got them where you're ready to show  
2 them to the public, we need to have at least one public hearing.

3 And then you're going to recommend to the Mayor and Council  
4 the manner in which you think redistricting would best be complied  
5 with, or to comply with the Charter. And then make - go ahead, Mark.

6 MR. CRUM: I've got a question about the public meeting.  
7 If we don't have any changes at all, do we still - are we still  
8 required to have a public meeting?

9 MS. MESICH: Yes. I think so.

10 MR. CRUM: Okay.

11 MS. MESICH: It'd probably be a small -

12 MR. CRUM: Thank you.

13 MS. MESICH: - hearing, but, yeah.

14 MALE SPEAKER: Mark, somebody in theory, I think, could  
15 come and want to say, "No, you should have a change."

16 MR. CRUM: (Inaudible)

17 MALE SPEAKER: So, we -

18 MR. CRUM: No. I, I just -

19 MALE SPEAKER: We want them to have that opportunity.

20 MR. CRUM: I, I've got the idea that if there were no  
21 changes, you didn't have to have one. But I think it's a great idea  
22 to have one regardless.

23 MALE SPEAKER: Yeah. Good question again.

24 MR. CRUM: Thank you.

1 MS. MESICH: So, one of the challenges this year with  
2 redistricting is for cities - redistricting begins at the state level,  
3 and it is run by an independent redistricting commission and without  
4 getting into too much detail, because I don't know it all anyway,  
5 there were some court cases involved at the state level, and the  
6 actual implementation was delayed.

7 So, that delay came from the county from re-precincting  
8 which they were finally able to do in late February of 2022. But they  
9 still needed to redistrict for their supervisorial district, and they  
10 completed that action in late May.

11 So, now it falls to the City. We had to re-precinct  
12 because we have to adopt the County precincts. So, we were able to do  
13 that, but then we needed to actually redistrict. So, that's why we're  
14 here now.

15 The redistricting meeting process is supposed to be  
16 completed by December 31<sup>st</sup>, 2022. But that means that Mayor and  
17 Council only have the month of December to consider your  
18 recommendation. So, you have a deadline of November 30<sup>th</sup>, 2022,  
19 to complete this process.

20 Our current - as I mentioned, we did re-precinct and we -  
21 the last time we redistricted was in 2020. So, some of the  
22 requirements that you'll need to keep in mind when you're  
23 redistricting are, first, the federal constitution requirement of  
24 one person, one vote; that concept. And then the MPD, the maximum  
25 population deviation, I don't think I ever said what that was.

1           Then we have the Tucson Charter, and it says that any re-  
2 -- no redistricting plan shall be drawn for the purpose of favoring or  
3 disfavoring any political party, or person, nor for the purpose of  
4 diluting the voting strength of any racial or ethnic minority group.

5           To the extent reasonably practicable, ward should equal in  
6 population and shall be contiguous and compact. So, I'm sure you'll  
7 get into that a little bit as you're making your consideration.

8           Lastly, I don't know if it's last, but the other part of  
9 the Charter requires you to redistrict based on the total population.  
10 And as I mentioned when we were going through the binder, this does  
11 include the population of jails and prisons that are located in the  
12 city limits.

13           And we do have an official legal opinion about that, that  
14 those inmates should be included in the count. So, federal law permits  
15 the City to decide whether or not they should count the inmate  
16 population. The City has said, "Yes, we do."

17           Then we go on to our policy objectives. That was part of  
18 one of the documents that you saw, but I just wanted to point it out.  
19 Within the, the Tucson Charter framework and the U.S. Constitution, we  
20 want to maintain a maximum population deviation across all six wards  
21 of no greater than 10%, maintain established and recognizable ward  
22 boundaries with a minimum of disruption.

23           Sustain the compactness of wards as they exist now. I put  
24 "previously", but - and then maintain the ethnic balance so as not to  
25 dilute the Hispanic vote.

1           So, I mentioned software. This year, we're using Autobound  
2 (ph.) software, which will allow us, or allow you to see in Real Time.  
3 If you suggest moving Precinct 98 from Ward 5 to Ward 6, you'll be  
4 able to see right away what effect that will have on the population  
5 deviation and the minority voting.

6           Then, we give preference to options that will advance rough  
7 proportionality of minority voting power. And rough proportionality  
8 is defined as the establishment of districts or wards - in our case,  
9 wards - where the number of wards in which the minority groups  
10 constitute a majority percentage of the voting age population is  
11 roughly proportional to the minority voters' share of the overall age  
12 population.

13           And that definition is in your binder. It's a little tough  
14 to get through, but we'll - that'll be something we'll help you keep  
15 in mind. You have to give preference to options that reduce dilution  
16 that may otherwise exist from prior packing or fragmenting. And  
17 packing means just what it is.

18           Sounds like the practice of packing minority voters, or  
19 voting blocks into one small ward, or a small number of wards to  
20 minimize their influence. And then fragmenting would be the exact  
21 opposite of that. So, that minority voters in districts and wards  
22 would be blocked by the majority voters.

23           And as I mentioned, we have six wards that are split, or  
24 six precincts that are split between wards. So, one of your goals is  
25 to try and minimize that if you can. So, with that, -

1 MR. McLAUGHLIN: Suzanne, could I add one thing?

2 MS. MESICH: Please.

3 MR. McLAUGHLIN: I - this ex- -- this is an excellent  
4 presentation by Suzanne. I just wanted to mention for those of you  
5 who actually read all the material, you'll see in there that in my  
6 2008 memo, there's a reference to pre-clearance which used to be true,  
7 but isn't true anymore.

8 So, if you read about requirement of pre-clearance by the  
9 Department of Justice, that is not a requirement anymore. Doesn't  
10 mean we aren't trying to do all the things Suzanne just said, just  
11 means we're not gonna have that as an additional thing that we have to  
12 comply with or put in for. Thanks.

13 MALE SPEAKER: And when, when you mentioned minority  
14 (inaudible) racial and ethnic minorities or political party minority?

15 MR. McLAUGHLIN: Sorry. Could you repeat that question?

16 MALE SPEAKER: When we use the term "minority", are we  
17 referring to racial and ethnic minorities, or political party  
18 minorities?

19 MR. McLAUGHLIN: Well, in theory, I suppose we could be  
20 doing either because the Charter says we can't - you can't do it to  
21 disfavor political groups. But you, you definitely -

22 Most of the time when we talk about it, it's racial or  
23 ethnic minority, yeah. Certainly on the packing and fragmenting,  
24 well, I don't want to say that. It could be either one.

25 MALE SPEAKER: Yeah.

1 MR. McLAUGHLIN: We, we - it's both.

2 MS. MESICH: We haven't - we didn't get into (inaudible)  
3 voter registration.

4 MR. McLAUGHLIN: Yeah.

5 MS. MESICH: Okay. Item 5 on the agenda is election of  
6 officers. You do need a Chair and I know you don't - go ahead, Mark.

7 MR. CRUM: Yeah. Well, I'm thinking ahead. I wrote, "I  
8 would like to move that we postpone selecting a Chair for the RAC  
9 committee until our next meeting when we will have, hopefully, seven  
10 members present."

11 MALE SPEAKER: I second that.

12 MS. MESICH: Okay.

13 MR. CRUM: All in favor?

14 (Affirmative.)

15 MALE SPEAKER: Thank you.

16 MR. CRUM: Thank you.

17 MS. MESICH: Okay. And we're just doing the basics today  
18 anyway, so, that works. I mentioned the timelines already. We need  
19 to have your written recommendation ready to go to Mayor and Council  
20 by November 30<sup>th</sup>, so that they have December to consider and adopt a  
21 proposal.

22 So, now, we'll go to Item 7, a review of the base map, and  
23 a discussion of options. And Shawna, I think, has base maps to pass  
24 out to you. And they will show you what I'm talking about with the  
25 MPD, and where we stand now. And Randy also brought the map up on the

1 monitor if you'd like whatever is easier for you. And, Randy, I think  
2 we calculated that the overall City MPD is 14.2%, correct?

3 MR. HAMMEL: According to the application, it is thir- --

4 MS. MESICH: 13.4.

5 MR. HAMMEL: It's up on the screen now if you -

6 MS. MESICH: So, if you look at the base map that we handed  
7 out at the bottom lefthand side, you'll see the population tabulation,  
8 and just some demographics that you need to keep in mind.

9 You can see - and the way we calculate the MPD is you take  
10 the most under-represented ward and the most over-represented ward and  
11 add them together, but the negative number turns positive.

12 And you can follow the directions in, in your binder, and  
13 proof the map. But we came up with (inaudible) What did you say?  
14 Yup, that's it.

15 MALE SPEAKER: Suzanne?

16 MS. MESICH: Uh-huh.

17 MALE SPEAKER: I have a question as far as population goes.  
18 Are the folks that live on Base, are they considered part of the  
19 population as well?

20 MS. MESICH: Yes.

21 MALE SPEAKER: Okay.

22 MS. MESICH: And that's all in Ward 4. So, that big  
23 precinct 114 between Kolb and the freeway is, and kind of pink, is the  
24 Base, I believe; most of the Base. So, the - as you can see, the most

1 under-represented ward is Ward 1, and the most over-represented is  
2 Ward 4.

3 We have looked at these ourselves, and the ward - or the  
4 precincts with the diagonal lines in them are where they're split  
5 between wards. And I'll start with Precinct 153 on the northwest  
6 side. It's part green and part blue. The green part is in Ward 1,  
7 and the blue part is in Ward 3.

8 And you can see, it's hard to read the precinct number 153  
9 right above Goret (sic), or Gorette (sic) Road, and has 4,526 voters.  
10 And if you move east from there, there's a Precinct 42 which is split  
11 between Ward 3 and Ward 6. The top half is blue, the bottom part is  
12 buff colored.

13 So, those are the splits that we're talking about that if  
14 at all possible, we'd like to resolve those and put the whole precinct  
15 in one ward. And did you pass - and so, we have - we did go through  
16 those splits and came up with another map that has a different  
17 population deviation, if we just resolve the precinct splits.

18 And we just did this as, as a way to show you what we can  
19 do and then we can also, using the software, if you have any questions  
20 or want to look at precincts, we can do that.

21 So, on the map called Split Precinct Consolidation Proposal  
22 No. One, you can see it resolved the deviations that are red, and  
23 slightly changed the other ones, some for the better and some not.  
24 But that actually really helped our population deviation.



1           So, I don't know how much you want to do on this tonight,  
2 but you're welcome to take these home and, and kind of digest all of  
3 this information and see where you want to go from here. Uh-huh?

4           MR. CRUM: Yeah. I've got a question about Precinct 82.

5           MS. MESICH: Right.

6           MR. CRUM: Is it possible to make a determination in terms  
7 of the split as how many minorities are in each of those areas?

8           MS. MESICH: I think because we would have to determine the  
9 number of voters registered in, in Ward 3 and the number registered in  
10 Ward 6. Or six - I'm sorry. Six and five. And try and guess the  
11 percentage, -

12          MR. CRUM: Yeah.

13          MS. MESICH: - is that what you're talking about?

14          MR. CRUM: This was a difficult one because in the past,  
15 the recommendation was for all of the precinct to go to Ward 6.

16          MS. MESICH: Right.

17          MR. CRUM: What, what I did was actually drove around the  
18 entire precinct, and I thought it being pretty consistent with the  
19 population, which I would expect in Ward 5. So, I don't have any  
20 particular problem with that occurring.

21          MS. MESICH: Okay.

22          MR. CRUM: I just have a question in terms of the  
23 consistency of the makeup of that particular precinct and whether or  
24 not we had any specific information relating to the minority makeup  
25 between the splits. And if we don't, that's fine; I understand.

1 MS. MESICH: We have the overall (inaudible)

2 MR. CRUM: I wouldn't expect, I wouldn't expect you to have  
3 it necessarily.

4 MS. MESICH: We had the - yeah, we had the overall  
5 demographics for the whole precinct, but we don't have it split by  
6 ward.

7 MR. CRUM: Got it.

8 MS. MESICH: Something we might be able to get. We can  
9 look into that.

10 MALE SPEAKER: And, Suzanne, it, it seems like we'd be sort  
11 of at the mercy of the (inaudible) of the census in terms of trying to  
12 est- -- guesstimate what the makeup is based on any particular  
13 splitting or not splitting (inaudible) They, they may not coincide.  
14 In fact, they almost certainly won't coincide -

15 MS. MESICH: That -

16 MALE SPEAKER: - on boundaries.

17 MS. MESICH: That is the problem.

18 MALE SPEAKER: Yeah. Gotcha. Thank you.

19 MR. CRUM: Thank you.

20 MALE SPEAKER: Oh. Suzanne? Sorry.

21 MS. MESICH: Yes.

22 MALE SPEAKER: Can I make one other comment on MPD?  
23 Without trying to influence you at all on any particular plan or  
24 anything, I just wanted to clarify one thing on MPD. So, legally, the  
25 reason that you go for under 10% is that what the courts say is when

1 you're under 10%, you're presumptively valid. You don't have to, you  
2 don't have to really defend it at all.

3 If my memory is right, the case law was between 10 and I  
4 think there were cases where 17%, or 17.4. You, you can still defend  
5 it, but you don't have that presumption of validity. You have to show  
6 why you are doing what you're doing.

7 And then if, if you are above 17, I think it's .4%, call it  
8 17 for our discussion, then it's presumptively invalid and you're  
9 gonna have a problem if you try to implement that.

10 So, those are just why those numbers are the way they are.  
11 And it's why 10% or under and the closer to, to zero you are, the  
12 better off you are. Just so you know that.

13 MS. MESICH: And that's something that's been decided by  
14 the U.S. Supreme Court several times, right?

15 MALE SPEAKER: Correct. Yeah. That's, that's where a lot  
16 of that framework has come from is actually U.S. Supreme Court cases,  
17 yeah.

18 MS. MESICH: Any thoughts on this so far? Is this  
19 something you want to take home and just review on your own time and  
20 see what you would like to discuss for the next meeting? Okay.

21 MR. CRUM: This is not easy, I know.

22 MS. MESICH: Well, I have to - we have great staff and to  
23 figure out this Autobound software is a huge, great tool for us. So,  
24 we're glad to have it. So, thank you, (inaudible)

25 MALE SPEAKER: It will simplify it.

1 MR. JARAMILLO: I do have a question. Why the difference  
2 in colors?

3 MS. MESICH: Just because it's easier to tell the wards  
4 apart.

5 MR. JARAMILLO: Okay.

6 MALE SPEAKER: Also, we're - we have no say in like  
7 annexation, correct? This is purely just the redrawing of the current  
8 boundaries as they stand?

9 MS. MESICH: Right. And it's the ward boundaries -

10 MALE SPEAKER: Okay.

11 MS. MESICH: - not the boundaries of the city. So, it's  
12 strictly ward, and we have to go with the precinct boundaries as they  
13 exist now.

14 MALE SPEAKER: Okay.

15 MR. JARAMILLO: Thank you.

16 MS. MESICH: I don't think I acknowledged Peter Johnson  
17 from my team who's sitting in the audience. But I think he's been a  
18 tremendous help to us (inaudible) GIS. So, thank you. And we have a  
19 few other Staff members on line. We appreciate you all by attending  
20 tonight.

21 MALE SPEAKER: Thank you all.

22 MR. JARAMILLO: I have a question. Would this - once the  
23 final say-so is made, does it, does it go to the public before it goes  
24 to Mayor and Council?

1 MR. CRUM: And just as point of clarification, sometimes  
2 the public doesn't like what we're doing.

3 MR. ROBLES: Exactly.

4 MS. MESICH: Like I said, do you want to digest that and we  
5 can discuss when you want to meet next?

6 MR. ROBLES: Do we need a motion?

7 MS. MESICH: No. We can just set a, a meeting date and  
8 time. If there's day of the week that works better for you -

9 MR. JARAMILLO: Thursdays is, is good for me.

10 MS. MESICH: Thursdays are good for you?

11 MR. JARAMILLO: Uh-huh.

12 MS. MESICH: How about you, Patrick?

13 MR. ROBLES: Yeah, that works. I'm not sure about  
14 colleagues, though.

15 MS. MESICH: I know. We'll check with them.

16 MR. ROBLES: Okay.

17 MS. MESICH: How's 5:30? Is that, is that okay with  
18 everybody? Yeah, do you want meet weekly or more often?

19 MR. JARAMILLO: What's that again?

20 MS. MESICH: Do you want to meet once a week or more often  
21 than that?

22 MR. JARAMILLO: Once a week is fine.

23 (Affirmative.)

24 MS. MESICH: So, how about if we set the next meeting for  
25 Thursday, the 27<sup>th</sup> of October at 5:30?

1 MR. ROBLES: I may not be able to make that particular  
2 Thursday.

3 MR. JARAMILLO: Is there another date that would work for  
4 you?

5 MR. ROBLES: Any other day, you know. But other than that,  
6 I mean, I could do other Thursdays.

7 MS. MESICH: Okay.

8 MR. ROBLES: (Inaudible) a week for the University.

9 MS. MESICH: Oh, yeah. You're okay, Mark?

10 MR. CRUM: Yes.

11 MS. MESICH: How about you, Jenifer? Does Thursday work  
12 for you, Jenifer?

13 MS. DARLAND: (Inaudible)

14 MS. MESICH: Okay. Oh, I'm sorry, but it doesn't for  
15 Patrick. So, is Wednesday okay? Or Tuesday? We don't have a Council  
16 meeting on Tuesday.

17 MR. ROBLES: Tues- -- Tuesday sounds okay. I don't know  
18 about my colleagues.

19 MALE SPEAKER: Yeah.

20 MS. MESICH: Tuesday's okay did you say, Patrick?

21 MR. ROBLES: Tuesday is okay. Okay on the 26<sup>th</sup>.

22 MS. MESICH: Actually, I think Tuesday's bad in our office.  
23 Is Wednesday okay?

24 MR. CRUM: Yes.

25 MS. MESICH: Sorry about that.

1 MR. CRUM: Thursday works the best for me.

2 MS. MESICH: But just for this next week; Wednesday? After  
3 that we'll (inaudible)

4 MR. CRUM: Just for next week.

5 MS. MESICH: Next week, yeah.

6 MR. CRUM: Yup.

7 MS. MESICH: Okay.

8 MR. JARAMILLO: Same time?

9 MS. MESICH: So, for the next agenda it would be probably  
10 discussion of the precinct consolidation proposal, and any data that  
11 you have or want to see; think about what - if there's any additional  
12 information you'd like us to provide and let us know. Otherwise,  
13 it'll be a pretty straightforward agenda each meeting.

14 We don't have a Chair of the committee right now, but we  
15 will probably put a call to the audience on the agenda. That's our  
16 standard procedure with Mayor and Council just in case there are  
17 members of the public who want to speak. If there's nothing else, we  
18 can adjourn, unless anybody has anything else.

19 MR. CRUM: Fine.

20 MR. JARAMILLO : Like to make a motion to adjourn.

21 MR. CRUM: Second.

22 MS. MESICH: All those in favor?

23 (Affirmative.)

1 MS. MESICH: That was an easy one. Thank you. Thank you  
2 four. Thank you to Cait and Laura. We appreciate that. Thank you,  
3 Cait and Laura.

4 (Meeting was adjourned.)



I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 11/05/2022

/s/ Kathleen R. Krassow  
KATHLEEN R. KRASSOW - Owner  
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