

**BOARD OF SUPERVISORS**

**SEPTEMBER 20, 2011**

**MEETING MINUTES**

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**Supervisor, Tommie Martin:** "And before I go into this next item, what I would like to do is assure the public that they will have plenty of time to comment, but I would like also the board to have plenty of time to discuss this if we need to. And I'd like to hold that public comments until after the board had has had a chance to discuss it both before and after public comments.

And so, with that, regular item 3H, information discussion action regarding redistricting of Gila County supervisorial and college districts, review of public comments, and alternative redistricting maps. No vote will be taken to approve redistricting maps; however, the board may take action to provide further direction to staff regarding mapping alternatives. Linda Eastlick."

**Elections Director, Linda Eastlick:** "What I'd like to do today is perhaps suggest that the board and Brian, Dawn, John and our consultants sit at the table so we can have more of a work session on this item, if that would be appropriate, and then people can lay out their materials. At least we need to move to the table, if that's okay, and then we can conduct the rest of the meeting from there.

What we want to accomplish today is, you know, we can go back over some of the maps that we have, but we really have to move forward on our process. We're at the end of the process. We have one more meeting, at which time we will approve our maps, and so some decisions will need to be made today by the board as to direction for us if you want us to make any changes at this point going forward. You may decide to eliminate some options today, but we will not be voting on a final option today. That vote will occur on October 3rd.

So if we want to take a moment and just move to the table so we can proceed, that would be great. Whatever you guys want to --"

**Supervisor, Tommie Martin:** "Would you all like to move to the table? If so, let's take about -- let me actually take about five minutes for a break as you move to the table. Five minute break."

(Break)

**Supervisor, Tommie Martin:** "All righty. Are we ready?"

**Elections Director, Linda Eastlick:** "Yes. What I'd like to do --"

**Unidentified Speaker:** "Okay. I'll bring us back into --"

**Elections Director, Linda Eastlick:** "Yeah."

**Unidentified Speaker:** "-- into business, and Linda, would you like to proceed?"

**Elections Director, Linda Eastlick:** "Yes. What we'd like to -- okay, I wanted to review a few issues on some of the things that we need to accomplish and resolve today. We have to remember that District 2 has to have more people. If you remember, under the census numbers that we received early on, District 2 was the one that was the lowest, and so we do need to increase people there. At the same time, however, we need to protect the minority voting rights in District 2 and in District 3. And in District 3, we have a unique situation where we have a coalition of minorities, and we need to maintain the coalition minority voting rights status, so we cannot review their voting rights.

"We have a request that the Tonto Apache be included in District 3 that we will need to -- that we want to consider, and we have a request in the Hayden Winkelman area that they not be excluded from District 3, which we need to consider.

"We also have a packing issue in District 5 on our college maps, and when we get to the college maps, we can talk about that a little more, but that's something we will have to address in each of the maps that we currently have in front of us.

"Hopefully today the board can determine -- in fact, what we need to accomplish is for the board to determine any other adjustments they may want us to make. Perhaps the board may want to eliminate some of the plans that are on the table so that when we go into the meeting on the 3rd, you're closer to that point of final approval. That's not very far from now.

"So, as staff and consultants, we would like to take direction from the board today as to how they would like us to proceed. Let me indicate some of the things that you may have -- that you should have in front of you in case you want to refer to them. One is a map that's outlined, done in red, which is of the precincts. In case you want to refer to precincts, there are blow-ups of Payson in Globe in that. You have a couple of pages of census numbers, precinct population change by district, in case you want to look at population in a district. There's a census population page change that shows the growth that we've had. So those are just for reference, not that we'll go over them, but just in case you need them.

"You also have some information in front of you on some combination plans. This was an effort to try to include Gisela. The bottom line in all these plans, we did a lot of work on them, we can't get where we need to be including Gisela in District 3. The reduction in minority percentages is just too great. And so while we have these plans, AA, BB, CC in front of you, there are statistics that are attached to the plans that reflect in the three percent reduction in Hispanic as well as overall voting minorities, and we cannot

accomplish that. So, that's for your information on the AA, BB, CC, why we did it and why they won't, at this point at least, they aren't going to work for what we need to accomplish.

"Perhaps the board -- each member would like to, you know, discuss their thoughts, give us direction, because that's what we need from the board at this time. Also, Tony and Bruce may have comments that they would like to direct to the board at this time. Do you guys want to start, Tony and Bruce?"

**Supervisor, Tommie Martin:** "Would the board like to listen -- would the board like to hear from the consultants first?"

**Supervisor, Mike Pastor:** "Sure."

**Supervisor, Tommie Martin:** "All righty."

**Consultant, Tony Sisson:** "At this point, I have no --"

**Supervisor, Tommie Martin:** "If you could, Bruce or Tony?"

**Consultant, Tony Sisson:** "At this point I don't have any comments. I'm just here to facilitate this process."

**Consultant, Bruce:** "Thank you. And Madam Chair, members of the board, it's my pleasure to be with you again today and certainly I echo what Tony said in being available to answer your questions and offer comments as we move along, particularly in some of the areas that Linda mentioned, but, as I said, it's wonderful to be here again."

**Supervisor, Tommie Martin:** "Thank you. Mike or Shirley, would you like to offer your thoughts at this stage of the game? And I truly mean that we need to discuss this and then open it up to public, and then discuss again afterwards. So --"

**Supervisor, Mike Pastor:** "Well, I --"

**Supervisor, Tommie Martin:** "Mike?"

**Supervisor, Mike Pastor:** "First off, I would say we have plenty -- we -- plenty of information has been presented to us to try and make a decision as to how we're going to go with redistricting. I think that the committee should be commended for all the work they did to get us to this point. It's unfortunate we started off with the three proposals for both the supervisory district and the community college district, and then from that point on we kept getting more and more and more maps. So it's been a long process to disseminate this information.

"I personally was a little concerned about the AA, BB and CC maps because they really changed everything that we were looking at from the beginning. So personally, if we're sure that that is not a doable situation, I think we ought to take those three and set them off to the side. Maybe continue reviewing them. I don't know. After this discussion, we'll figure out some more. But right now, if those three are going to be difficult to come to a determination that the Department of Justice would find any of them acceptable, I don't think we need to waste a whole lot of time discussing those, as far as I'm concerned. So at this point, I would leave it at that.

"I -- I'm more -- I've been more focused on the plans A, B and C and the college community plans draft 1, 2 and 3. That's where I've been concentrating a lot of my effort on. I have attended some of the public meetings. I was at the White Mountain Apache Tribal Council meeting. We made a presentation there. There were no comments publicly while we were there. I don't know -- I didn't see too many in the spreadsheet that Linda provided us, so apparently there was no comments from those folks up there.

"I also was in attendance -- I went to Tonto Basin. There were very few people there. There were some comments made, and they are in the spreadsheet, I believe. I saw those, so -- and then I did attend the Hayden city council meeting, and there was some feedback from those folks there. So -- and the spreadsheet reflects their comments too, so at this point I feel that I've been engaged with the process. I've gotten several calls from individuals with concerns. I've talked to many people just on the street about it, and I, you know, I think I'm ready to have a full discussion on it and at this point I'll just turn it over to Shirley and see what her comments are and then we -- we'll go to Tommie."

**Supervisor, Shirley Dawson:** "Well, I want to thank the committee. I, you know, expanding the committee and making sure that everybody was represented and strong voices were there was important. I think they've done an excellent job, and I appreciate the fact that we didn't just decide that we could draw up our own map, which several counties have done this. In fact, two counties have already submitted their maps and we didn't choose to do that. We wanted public input. The meetings were good. The -- I appreciate the fact that Linda recorded the comments. We have those. And I went through those. Some people were wondering why I was doing this last week, but I called anybody that was critical from whatever district.

"One of the things that I have pointed out before is the fact that we may live in a certain district, but as far as I'm concerned, we are supervisors for the taxpayers of Gila County, and we represent all of Gila County. I am proud that, when we came on this board, Tommie and I, seven plus years ago, Pine and Strawberry had been under evacuations, I think, notice for the previous three or four years. Every year it was a horrid situation of whether they were going to lose their homes. We put a lot of effort and monies into making sure that Pine Strawberry was a safe place to live. We've gone through the aches and pains of water battles.

"I don't have a voter in Pine or Strawberry, but I have citizens who are members of the -- of Gila County, and they pay tax dollars. I'm responsible for the tax payers in Hayden and Winkelman, many of whom lost their homes during this financial downturn. Those people understood, clearly, why I was voting in favor of us putting bladders and dip tanks all over the forest in the north. They understood safety of home situation. So as we get into how is the best way to do these maps, I believe that it's important that people understand all three supervisors are Gila County supervisors. Thank you."

**Supervisor, Tommie Martin:** "Thank you, Shirley. I don't have any comment at this point. I'm wanting to hear what the public has to say, and I'm wanting to hear what -- just get farther into the conversation before I -- and Shirley, I had -- as vice chairman, I had wondered if you wouldn't field the public comments down there."

**Supervisor, Shirley Dawson:** "Okay."

**Supervisor, Tommie Martin:** "Mind doing that?"

**Supervisor, Shirley Dawson:** "No."

**Supervisor, Tommie Martin:** "And I think I'll -- and --"

**Supervisor, Shirley Dawson:** "We're -- we have two."

**Supervisor, Tommie Martin:** "We have two? All right."

**Supervisor, Shirley Dawson:** "At this point."

**Supervisor, Tommie Martin:** "Yeah. And I -- and you field those and then I'll field these, and then we'll go from there."

**Supervisor, Shirley Dawson:** "All right."

**Supervisor, Tommie Martin:** "If you'd like to start?"

**Supervisor, Shirley Dawson:** "All right. The first one is David Cook, 10178 Icehouse Canyon Road. Tommie, was the letter that he sent and he submitted maps also, do you have those?"

**Supervisor, Tommie Martin:** "Janice brought those to me in a -- just a bit ago, yes."

**Supervisor, Shirley Dawson:** "Okay. All right."

**Resident, David Cook:** "Good morning."

**Supervisor, Tommie Martin:** "Are they copied?"

**Unidentified Speaker:** "No, I didn't. Because they're not really --"

**Supervisor, Tommie Martin:** "Thank you. Anything else (indiscernible \*\*2:42:48)."

**Supervisor, Shirley Dawson:** "Oh, he doesn't have a microphone."

**Unidentified Speaker:** "Yes, he does."

**Supervisor, Shirley Dawson:** "Oh. Yeah. Yeah. Okay."

**Resident, David Cook:** "Good morning. You know, I want to thank you, the supervisors. This is David Cook, 10178 Icehouse Canyon. But I've had conversations about the redistricting since you've began this process with all three supervisors with the exception of Supervisor Dawson, just recently. I dropped off the packet yesterday, and I want to thank Linda Eastlick's office. They've been very helpful. I want to thank the recorder's office. They've been very helpful as well."

"But one of the comments I received back from one of the supervisors yesterday was that, you know, it's kind of late in the game. Well, it's hard to play the game when the game keeps changing, you know? The maps continue to change. They're not like the first maps that came out. And so as this process has unfolded, I've tried to keep track about it. But I would like to say that some of the people that served on the committee, I think they did a fine job, and I like some of the proposals."

"I think that the supervisors in District 2 should take in the Hayden Winkelman area. I think that Globe Miami, especially Miami, has a lot in common with Hayden and Winkelman. I think that the supervisor district in District 2 would then have all of the mining companies in one district, and that's one of the things that I thought about is the

business and the people that live in the -- work in those areas. You know, a lot of these other people and managers that work at these mining companies don't live and work in the Globe Miami area. They get in their car and they drive back to Queen Creek and live in their house. So I know that I think I'm limited to three minutes, so I'd like to get on with it.

"In the letter, basically says I've studied the stuff, and I'd like to submit the attached plan and the attached maps, and I don't have the big fancy computer over there to make those kind of maps, but what I want to say, this has got to be one of the most fair and balanced ones that -- and if you'll look at the voter population, that I think it meets all of the requirements in what Linda just said. And that, in fact, it would have the less impact to the voters of Gila County and it would cost the county the least amount of money to go back and change the voter registrations.

"Basically what we'd be doing is in Globe precinct 7, and just changing the precinct lines, it would not affect any voters or residents at all, and that's spelled out there. And I think with everyone familiar with the Pinal Mountains, all we're doing is changing the southern boundary to meet that watershed and the forest service roads which go to Pinal Peak and through Sulfide del Rey.

"Now, by changing those forest service roads, this allows the forest -- this allows the District 2 supervisor to come down on the west side of Gila County and to come down and take in Hayden and Winkelman. The other change would be that change to Christmas. The Christmas district would then go to the top of the Pinal mountains and then would follow the forest service road back down.

"Now, the bottom line is, is that District 1, if you -- in the back there, total registered voters would be 11,808. In District 2, the total registered voters would be 11,462, bringing those in line. And District 3 would be 10,331. Now, if you look at the party, and I know we don't really look at parties sometimes, the registered voters in each district would basically remain the same. In fact, there -- I think there would be an increase of democrat voters in District 2 slightly. The District 1, up there in Payson, they generally would stay the same, and in fact, in District 3 it would still be almost two to one Democrats versus Republicans.

"So if the Department of Justice approved these lines before, and this has the least amount of impact on the registered voters, then I see no reason why the Department of Justice would have a problem with this proposed plan or these maps. That's it. Any questions?"

**Supervisor, Tommie Martin:** "Are there any questions up here? Any questions down there?"

**Supervisor, Shirley Dawson:** "Madam Chair, as you know, we have the comments from Hayden and Winkelman and they strongly -- we received no request. We -- the mayors of both towns, council members and public members submitted requests that

they remain in District 3. They do not want to be labeled a Hispanic district. They are Gila County residents, and they wanted to remain as a part of District 3."

**Supervisor, Tommie Martin:** "Any other comments or questions for David? David I thank you for the time and effort you put into this."

**Resident, David Cook:** "Thank you, Tommie."

**Supervisor, Tommie Martin:** "I sure do."

**Supervisor, Mike Pastor:** "Tommie, are we --"

**Supervisor, Tommie Martin:** "Anybody else down there?"

**Supervisor, Mike Pastor:** "Tommie, are we --"

**Supervisor, Tommie Martin:** "I'm sorry."

**Supervisor, Mike Pastor:** "-- are we limiting each presenter to three minutes, or -- I'm getting some --"

**Supervisor, Tommie Martin:** "Well, I think it's --"

**Supervisor, Mike Pastor:** "Okay."

**Supervisor, Tommie Martin:** "I -- if they -- if it takes five, I don't care. I think we need to thoroughly discuss this."

**Supervisor, Mike Pastor:** "Okay."

**Supervisor, Tommie Martin:** "I truly mean, I think the public needs time to weigh in on this, and then we need to go on. Because this is basically the last time we're going to have this kind of in depth comments, I think, from the public."

**Supervisor, Shirley Dawson:** "Madam Chair, I think you maybe just gave --"

**Supervisor, Tommie Martin:** "I'll gavel them down."

**Supervisor, Shirley Dawson:** "Good."

**Supervisor, Tommie Martin:** "I'll gavel them down."

**Supervisor, Shirley Dawson:** "The next speaker request to make public comment is Ed Dawson, 4402 South San Carlos Drive."

**Supervisor, Tommie Martin:** "He only gets a minute."

**Supervisor, Shirley Dawson:** "There you go."

**Resident, Ed Dawson:** "You know, once an attorney gets the microphone, you're going to have to gavel him down. But really, my comments are very few. I expected that there would be more difference, more distinction between the three maps, but they all seem to be very fair. Could live with any one of them, and I appreciate all the work that's gone into them because the logistics and the numbers crunching and everything that the consultants and the committees have done for us can bring us to this point where you can look at them and see what differences they are. And they're slight. I don't think that any one of them would cause any upset in the balance of nature."

"But just commenting on my good friend, David Cook's, map, he and I are more politically bent, and so maybe looking more at the politics, and I appreciate the fact that the committee doesn't. They just look at -- not registered voters -- not registrations, but population. But the -- I think the one problem with -- I have to tell you that, when David ran last time, I applied to be his campaign manager, and he turned me down. He got a better offer from someone that was much smarter, much younger, and much prettier. And -- but still, I look out for David's political well being. But I think his proposal is maybe a little bit overkill on the political side. He would take himself and put himself in a

very favorable district, and then change that district to take out the heavily democratic south tip and add some Republican votes from the north.

"But I don't think -- I think we're all kind of looking at this under a microscope, and we shouldn't be, because, you know, wherever the population is, for generations, population center's been in the south and they've elected the majority of the members of the board of supervisors, and that's the way the game is played. If the population center goes to the north and they elect the majority of the board, that's only fair. So whereas we're looking at it in the now, in the long term I think these things will all be differences without any distinction. So I could support any one of the three maps that have been proposed. Thank you."

**Supervisor, Tommie Martin:** "Thank you, Judge. Comments, Shirley?"

**Supervisor, Shirley Dawson:** "Madam Chair, that's all the comments from here."

**Supervisor, Tommie Martin:** "Okay. And they know that they have a -- I mean, they have a second chance in a minute if there's somebody else wants to hand you a paper, folks down there, you still have time to do that."

"I have, at this moment, four up here. The first one will be Shirley Dye, 1107 South Dearborn Drive in Payson. Shirley?"

**Resident, Shirley Dye:** "Hello board of supervisors down there and up here. I'm a little bit offended or whatever that Mr. Pastor does not even want to consider plans BB, CC that have been just recently submitted. You know, I went to the -- what was that meeting I went to down there? I can't -- the one down at the school, Tonto Basin School, okay, and I presented that I preferred the Tonto Apache tribe plan D that I suggested at the Payson meeting also, that could be tweaked to bring it from the seven percent majority minority mix that was out of whack to make it more fully, you know, into -- within the five percent that was needed. And the -- Mr. Sissions and Mr. Adelman (sic) had done plan A that was a tweak of the plan B, and it balanced things, but it took Gisela away from the Tonto tribe."

"And I was really kind of offended that one person down there called me a segregationist because that is something that never, ever would have crossed my mind, because in reading all the literature from Mr. Adelson (sic), they said they needed more Hispanic people in District number 2 anyhow, so I was just, you know, commenting to that point."

"I fully prefer the one person one vote, you know, but now we've got this Civil Rights Act that's mixed in. So the plan BB and CC fully comply with all of the requirements, either one of them, they're tweaked a couple of ways in the Globe area and -- that make the differences between the two of them, but if it meets everything, I read all of the reports, the input summary from your thing, from the Winkelman people. They prefer plan C. The reason they prefer plan C is they want to be -- remain in District 3 and that's fine. In BB and CC, they remain in District 3, and yet Gisela and the Tonto Apache tribe also



get to be together in District 3 and it brings the majority minorities in line in Districts 2 and 3.

"So why would you not want to consider that, is my question."

**Supervisor, Tommie Martin:** "Okay. Thank you, Shirley. I think I'll go through all of the comments before we answer. Is that good for you all?"

**Supervisor, Shirley Dawson:** "Fine."

**Supervisor, Tommie Martin:** "My second -- and if not, I -- you can -- you change my mind if you would rather comment as we go, but second request is from Mack Feasor (phonetic), 828 West Longhorn Road, Payson. Mack?"

**Resident, Mack Feasor:** "Greetings. They've seen me before. I'll -- I will have to plead guilty to submitting the two maps that are under consideration at the request of some people who wanted to see if they could consolidate those, and I believe that they provide perhaps the best (indiscernible - mic interference \*\*2:55:36) of giving the Tonto Apache what we're looking for and what (indiscernible - mic interference \*\*2:55:44) --"

**Supervisor, Shirley Dawson:** "I'm sorry, Tommie. We're not hearing Mr. Feasor well and we are picking up --"

**Unidentified Speaker:** "Marian's papers are moving all over the --"

**Supervisor, Shirley Dawson:** "Marian, it's your papers that -- in front of the mic that are --"

**Marian:** "Oh."

**Supervisor, Shirley Dawson:** "-- really messing us."

**Marian:** "Sorry."

**Resident, Mack Feasor:** Okay. "Let's try this again."

**Supervisor, Shirley Dawson:** "Great microphone system."

**Supervisor, Tommie Martin:** "Yeah."

**Resident, Mack Feasor:** "I'll try this again. I'm guilty of creating those maps that are being rejected at the moment, and they are simply an attempt to give everybody what they asked for. It's as balanced a map as any that we had submitted originally without resorting to manipulation of census block, to balance minority. It is as close as I could come. It gives the Tonto Apache tribe their request to have Gisela and to be joined with their -- the tribes in District 3. It leaves the lower part of the state -- or the county in District 3, per their request, and the population balances fairly well and the minority deviation is much less than the original Tonto Apache plan, but is in keeping with their expressed interests. They said they could have things moved. That didn't bother them. But they did insist on having -- being joined with 3 and also to take Payson 2 and the Gisela area. So I think we need to take a stronger look at that before rejecting them out of hand."

**Supervisor, Tommie Martin:** "Thank you, Mack."

**Resident, Mack Feasor:** "I'll pass the mic."

**Supervisor, Tommie Martin:** "The next person is Jan Chilton (phonetic)."

**Resident, Mack Feasor:** "Jan?"

**Supervisor, Tommie Martin:** "191 South Valley View Road, Gisela. Jan?"

**Resident, Jan Chilton:** "Well, I haven't been involved in this process, but I am a citizen of Gila County, a very interested citizen. We usually have meetings like this in Gisela. We hadn't been talked to about it, and I went around, I saw the ranchers, I saw the homeowners' associations, and we're all in favor of being in District 3. We would, you know, our representation is, you know, a little bit too far for our supervisor to come up and take a look at our roads, and each person that I talked to said Jan, go for it. We need to be in District 3. And after looking at and reading all of the numbers, I think that that is what we would like to have."

**Supervisor, Tommie Martin:** "Okay, Jan. Next is Don Pascoli (phonetic), 269 South Warner Drive in Payson. Don?"

**Resident, Don Pascoli:** "Thank you. Thank you, chairman and members of the board. I'd just like to reiterate what was mentioned by Mack earlier. I'm looking at the numbers and I'm just picking out plan CC, for instance. I know the -- one of the big stipulations or guidelines being used is the minority majority -- or is it majority minority? Say it right?"

**Unidentified Speaker:** "Minority majority."

**Resident, Don Pacoli:** "Minority majority? And I'm looking at the numbers on CC, and they are well within the guidelines or -- of the current percentage that we have right now. District 3's at 50.28 and the proposed is 52.26. District 2 is 30.16. It's now, for the redo on CC, and I've just picked CC as the example, of 30.16. So I think it preserves that intended goal as well besides one man one vote. It does meet, when you have a particular segment, the Tonto Apache tribe, becoming active and involved in this, is making a request, which I think is a fair request, this plan seems to address that as well as keep intact all the requirements for redistricting. So I would urge the supervisors' support and full consideration of those tweaked plans, I guess labeled BB and CC. Thank you."

**Supervisor, Tommie Martin:** "Thank you, Don. And I -- the last one I have at this moment is Vivian Berdette (phonetic), 12 Tonto Apache Rose, Payson. And we'll move the microphone around, you all (indiscernible \*\*3:00:07)."

**Resident, Vivian Berdette:** "Thank you, supervisor from Payson and also from down there. I thank you for giving me the opportunity to speak. I have looked at the maps and the AA, BB and I find that, you know, I support BB, you know, because of our request. I know that there was a comment made about somebody didn't want to be called Hispanic. Well, I'm proud to be an Apache. I'm proud to be a -- an Indian, so you can go ahead and call my map Tonto if you wish. I -- I'd commend you for that. I think that, you know, my recommendation for requesting that Gisela, you know, that the maps that the Tonto Apache requested for the Gisela to come in is because, you know, that is an area where the Tontos originated, in the Rye area. There's several different areas in, even in District 1. But I think that our request is that, only because of that, we've always, you know, we've always been -- that has always been our land, so to speak."

"Basically, if you go back on history, the Tonto National Forest is the Tonto Apache, actually it's their country, so to speak. But I would appreciate it if you would consider that, because I think that it's one of the reasons why we want to -- we got involved in this, because of nonsupport for many different things. And I think that if we can get to be in 3, we're able to, you know, collaborate with the other Apaches south and then

even from the east side because there's a section of it that does involve some of the White Mountain Apaches.

"So I guess that that is my request, and I would like to see that to go forward. And I think that to say, well, we're, you know, I'm not going to consider this plan or this map, this map, but I think that you want the public to speak out and that's what we're doing right now. We're the public, you know, we vote for people to go into office. That's our position. And I think, for that reason, I think that the public should be heard, not the people that do the maps, not the people that, you know, say, well, this is the way it's got to be done. Well, take a look at it again, and I would recommend, you know, that you take a look at BB because that's more sufficient for us as a tribe, as a people, as voters, and I appreciate this opportunity. Thank you."

**Supervisor, Tommie Martin:** "Thank you, Vivian. At this time I don't have any more up here for public comment. Shirley, are there any more down there that want public comment?"

**Supervisor, Shirley Dawson:** "(Indiscernible - away from mic \*\*3:02:59)."

**Supervisor, Tommie Martin:** "Will we let him go twice?"

**Supervisor, Shirley Dawson:** "You said you were going to let him go twice. I was worried about it in the first place."

**Resident, Ed Dawson:** "Fifteen seconds, because I forgot to comment on the Tonto Apache request, and I can see why it might be advantageous for them to be united with the other Apache tribes. And if there's a way to make them into their own precinct, their numbers aren't so great that if we just moved the Tonto Apaches into whatever district, 2 or 3, it's not going to upset the figures and we have, like Carrizo is smaller than what the Tonto precinct would be, so if they want to move into 3 and I don't see why they can't be made into their own precinct and be in whichever district would be best for them. And that's all I had to say."

**Supervisor, Shirley Dawson:** "Thank you for being brief."

**Supervisor, Tommie Martin:** "Okay, Linda, do we have any more information from the consultants after hearing the public comments?"

**Elections Director, Linda Eastlick:** "Maybe I can make some comments. Whoops, here, turn that on. Maybe I can make a couple of comments and then Bruce can make a couple of comments."

"The reality is that we have heard the people. We have tried to create a number of different mapping alternatives that take into account those things that would be desirable. But -- and the reality is that, although we have done that, we still have to live by the law of the land. We are not exempt from the Voting Rights Act. We are not exempt from the requirements that the Department of Justice has placed upon us as citizens of the State of Arizona. And the plans that we submit must comply with the law. We can do everything we can to meet the needs of the people, but we must submit plans that comply with the law."

"Plans AA, BB, CC, which are the ones that we just started looking at, as well as plan D in the supervisorial ranks are illegal plans. They are retrogressive. They reduce

minority voting rights, and they will not be approved by the Department of Justice. And while I wish we could please everyone, I know that we're going to have to make some tough decisions. And that will be my recommendation to the board is that we do what we can to satisfy the most people that we can while at the same time keeping in mind that we must comply with the law.

"We, as Gila County, I do not think should be placed in the position where our citizens are funding a lawsuit. We do not have the monies to fund lawsuits. And I think that if we accomplish as much as we can through plans A, B or C, whichever one the board feels is appropriate, that we can do so.

"Plan A does, in fact, meet some of the needs of the Tonto Apache tribe. Plan A meets some of the needs of the people in the Hayden Winkelman area. And that was an attempt to try to meet those citizens' needs. Of course plan C has the least amount of change. It does not meet the requests of the Tonto Apache. Plan B would require a great deal of change to precinct boundaries in the south, quite a bit of precinct boundary change, which of course would be an extra burden on our recorder's office. But those are just comments, excuse me, about those plans.

"Bruce, Tony, do you have any additional comments about the plans that we have in front of us?"

**Consultant, Bruce:** "Thank you. Linda, Madam Chair, members of the board, I, excuse me, I wanted to reiterate one of the comments that was made before, that I commend that the county and the redistricting committee, for all the work that you've done, because, as we know, this is an enormous task. It's incredibly complicated. Looking at the wall in the hearing room and just seeing all the maps and knowing what went into them, I really say bravo, because your process has been detailed and excruciating, and that's certainly what is called for by all the laws and regulations that we've been talking about.

"I wanted to mention just a couple of points that perhaps may be helpful, as the board goes forward. And I'll go back to when I was with the Justice Department, what I would do when I would receive a redistricting plan. One of the first things that I would do is look at, under the pre-cleared plan, which is called the benchmark plan, how many majority minority districts are there; one, two, three or four, five or six, depending on the jurisdiction, and then look at how many majority minority districts there are in the proposed plan.

"If, let's say for example, the benchmark plan had three and the proposed plan had two, that would be an immediate red flag problem because, under Section 5, under the regulations, the statutes, and -- the statute, I'm sorry, the Voting Rights Act, and Supreme Court decisions, you cannot reduce or diminish or weaken minority voting strength. If your benchmark has the number of majority minority districts that I

mentioned before, then your proposed plan, by law, needs to have that same numerical majority.

"Majority minority districts can also be something called effective, meaning that there may not be an absolute numerical majority, but minorities in that district or precinct have the ability to elect candidates of choice. Once that ability has been established, as the Justice Department said in its redistricting guidance earlier this year, then that must be maintained. And the ability to elect either exists or it does not.

"In this county, it exists in District 2 and District 3. So since that ability exists, by law it cannot be weakened, diminished or reduced. So I think it's important to put yourselves in the Justice Department -- the shoes of the Justice Department, since they must pre-clear or approve any plan that you approve and look at that distinction I mentioned; benchmark versus proposed. If the benchmark has a certain number of majority minority districts, your proposed plan must have the same amount. That's certainly what I did nine years ago.

"That's certainly what the Justice Department is doing today, and there were districts or jurisdictions 10 years ago that either received objection letters from the Justice Department or requests for additional information because they would change that number. So if the benchmark was two and they had zero majority minority districts, even if the percentages were one and a half, two and a half, two percent, then they'd get either an objection or a request for additional information from the Department of Justice.

"So, excuse me, I -- I'd certainly be very happy to answer questions from the board as we go forward or discuss how the department reviews the plans, the benchmark versus proposed, about retrogression, anything that I can help you with I'd be happy to. Thank you for the opportunity to talk."

**Supervisor, Tommie Martin:** "Bruce, I've got a -- I've just got a question. I think that with this -- the comments that are coming from some of the folks here, I need to have you tell us exactly how the plans are illegal, exactly what it -- that means. We keep throwing around the word that four of these plans are illegal, and then we also hear, in fact, that there's numbers that make them legal and so I need to have you very simply lay out for us exactly how the four are illegal. Exactly where are they illegal?"

**Consultant, Bruce:** "Yes, Madam Chair, I'd be happy to do that. I -- in your benchmark plan, your pre-cleared plan that you have now, District 3 has a total voting age minority population of a little over 50 percent. That makes it a majority minority district.

"In the AA, BB and CC plans that we've been discussing, you no longer have a majority minority district. The minority voting age population goes below 50 percent. So, as I said, that's the first thing that Justice will look at. They'll look at under your current plan you have a 50.2, approximately, percent voting age majority minority. Under, let's say,

using the example I have in front of me, CC, has a 47.02 percent voting age majority minority. It's not a majority minority district any more. It -- you've gone from one majority minority district under your benchmark pre-cleared plan to zero under the plan CC that I'm looking at.

"So the standard is the comparison to the benchmark. If your benchmark plan did not have a majority minority district, there'd be a different conversation. When you go from one to zero, that's retrogressive. And under Section 5 of the Voting Rights Act, you cannot retrogress the rights of minority voters. You can't reduce, weaken, or diminish their ability to exercise the right to vote and elect the candidates whom they want.

"So I think, in looking at -- and the same is true in the plan D, that has been referred to as the Tonto Apache plan that also reduces the minority voting strength in District 3 so you don't have a majority minority district any more. That's a significant issue that the department will pick up on and places the county in a significantly risky position. As I said, that's the first thing you do when you're with Justice and reviewing plans. What's the benchmark; what's the proposed. If the benchmark has a certain number of majority minority districts, by law the department expects the proposed plan to have at least the same. You may have to have more, but you cannot have less. Does that help you?"

**Supervisor, Tommie Martin:** "It does. And I've -- I -- Matt Feasor, I think, Shirley Dye. I've got two that would just like to just visit a second about this. Shirley?"

**Resident, Shirley Dye:** "Okay. Mr. Sissions and Mr. Adelson (sic), it seems to me that nine years ago you got us into this mess. I have not read the whole Civil Rights Act, okay? But I have read your commentaries, Mr. Adelson (sic), on the descriptions of majority -- minority majorities and stuff. And in your paperwork, you said that they have to have language differences and cultural difference of which the Apaches and the Hispanics do not have. They are two distinct groups. So it is my feeling, if you went back to the Department of Justice and said, well, you know, nine years ago we made this mixed minority majority in our District 3 and that was a mistake and it is causing all kinds of problems with the public in Gila County and that you would prefer that they re-look at what you did nine years ago, then we would have BB and CC perfectly meet the minority majorities of, you know, what we want to do and we have three very well thought out supervisorial districts that meet all the requirements of minority majorities, assuming that we have distinct minorities. And I'm not a segregationist, believe me. "

**Supervisor, Tommie Martin:** "Thank you, Shirley. Mack?"

**Resident, Mack Feasor:** "The only comment I would -- wander over here so I can get in the camera -- the only comment I would say is that when we first started this, the analysis has a 6.7 percent imbalance in population. District 2, which has a significant minority population, was underrepresented population wise. District 3 was over. Equalizing those, doing nothing else, is going to change those concentrations.

"I realize this is discrimination by effect and not intent, but, damn it, the constitution says one man, one vote. We equalize those things out, and then we do what we can to mitigate any possible damage to minority voting rights. The first thing that should

happen is we should have equal population in the districts. That's what we went for. Then we went and accommodated as much as possible the requests of the significant minority groups that are involved in this. They were asked; what do you want. And they responded, and we provided several plans that gave them exactly what they wanted, it gave the different groups, north and south, what they asked for at their request, written requests, and we did our best on that, and I don't believe that anything that we've done actually infringes on anybody's rights as a voter.

"Neither the minority groups, the civil rights stuff, any of it that I've seen. I am very confident that we have obeyed the law and by intent and purpose we have followed the constitution in this. I don't believe that that analysis of proving that these groups vote together so that they can be treated as a single minority majority coalition was ever provided to the public. I know that Tommie has requested it twice and hasn't seen it. I never saw it, and I requested it multiple times, and I just -- I don't see the whole thing that is causing you to say that Districts 2 and 3 are locked. I just don't see it."

**Supervisor, Tommie Martin:** "Thank you, Mack. Let me have that back down here. Any other comments? Bruce, would you like to comment about --"

**Consultant, Bruce:** "Oh, yes, Madam Chair and members of the board. Thank you very much for the opportunity to comment. And, I think, as I said earlier, I think, you know, I commend the committee and all the residents of Gila County for what is a very complicated process and putting forward all the proposals that you have.

"I did want to clarify, though, about the comment about what happened nine years ago. Nine years ago I was an enforcement officer for the United States of America, and I worked for the Department of Justice. So my enforcement responsibility nine years ago was to enforce the law. I didn't draw any plans nine years ago, other than plans that I drew at the Department of Justice.

"In providing you the benefit of my expertise concerning redistricting, certainly I think it is important, as I said, to remember that the law does not differentiate between a little retrogression and a lot of retrogression, which the law says retrogression.

"So retrogression could be one percent, five percent, six percent. As I said, the Department of Justice looks at a benchmark and looks at a proposed plan. Whatever you have under the benchmark is what you at least must have under your proposed plan. So in providing you today and in the past and in the future with the benefit of my expertise, as I said, I'm very happy to provide you with a window into what the department looks at, what they we did nine years ago, what they're doing today, and what the department's new Section 5 regulations say and what their new Section 5 guidance says, all of which enhances and reinforces retrogression as a legal concept.

"So I understand that this is a -- it's a difficult process, and there are many competing constituencies. As I've said to many jurisdictions around the country all summer, the law may be a difficult thing, but the law is the law. And right now, Section 5 is the law of the land. In order to get approval of your districts for elections next year, the

department must approve them, and that's the pre-clearance process that we've been speaking about.

"So I appreciate the opportunity to respond. As I said, I'm very happy to provide you with any insight I can, any information I can given my experience and my expertise that can help you in this process. Thank you very much."

**Supervisor, Tommie Martin:** "Bruce, I have one last question. In your opinion, is the draft plan A, B or C legal? Are those legal plans as opposed to what you're thinking the others are illegal?"

**Consultant, Bruce:** "As, Madam Chair, I think that the plans A, B and C retain your majority and minority status, so they are, if you have one majority minority district, which you have under your benchmark, A, B and C maintain that. And I think that those are -- present the board with some very good options to decide which way you want to go. Of course, there are differences among the three, but they don't present that retrogression issue that we've been talking about, which is a threshold one. If there is retrogression, you -- it's like an absolute 30 foot thick concrete wall. You can't get past it. So A, B and C are different because they maintain a majority minority status. The minority population in District 2 is maintained or strengthened, so they're not -- won't be a retrogression there. So A, B and C, yes, to -- in answer to your question, I think that those present some very viable options for the board. Thank you."

**Supervisor, Shirley Dawson:** "I have a question --"

**Supervisor, Tommie Martin:** "Thank you, Bruce. You bet."

**Supervisor, Shirley Dawson:** "-- Madam Chair. I would like to, in looking at plan A and comparing it to BB, BB respects the requests of Gisela area and also of the Tonto Apaches. Is there a way -- I guess I need to know what makes plan BB retrogressive, and if we split the Tonto Apaches and Payson 2, can we accommodate the request of Gisela and the Tonto Apaches at the same time? (second part begins, missing portion) ...me, I guess I need to know what makes plan BB retrogressive, and if we split the Tonto Apaches and Payson 2, can we accommodate the request of Gisela and the Tonto Apaches at the same time?"

**Elections Director, Linda Eastlick:** "Can I comment on that? Shirley, we have tried everything to accommodate that request. We have tried splitting off the top of Payson. That gives us a thousand people that we have to put somewhere. We cannot add them to Payson, because that would make the population in -- I'm sorry -- to District 1, because then the population is in excess of 19,000 people or something.

"If we isolate the top half of Payson 2 from the reservation and the lower portion of Payson 2, there is nowhere else to add them. They either have to go with 3 or they have to go with 1. And if they can't go with 3 and they can't go with 1, they can't remain an island. So we can't separate just the bottom portion, which would include the reservation and the other lands. That was one attempt we made.

"We have played with lots of different alternatives down in the Globe area as far as moving different precincts around, and, quite frankly, the best alternative is something



similar to plan A. We -- by the time we start moving in Gisela, that's when we run into problems. The biggest reason is, there are no minorities in Gisela. I'm going to probably get the number wrong. I think there are 40 something. Okay? You just can't add that number of people in, there are over 800 people in Gisela, with only 40 minorities, and not impact your minority percentages. It just simply doesn't work."

**Supervisor, Shirley Dawson:** "Thank you."

**Supervisor, Mike Pastor:** "Madam Chair, Mr. Cook has -- would like the floor again."

**Supervisor, Tommie Martin:** "All righty. David Cook?"

**Resident, David Cook:** "Thank you, Madam Chairwoman. I want to go back to the statement I made earlier and the plan that I submitted. I've listened to 20 minutes of conversation about these other plans, and it impacts the least amount of voters. And while the judge said the truth, he forgot to mention that I asked him to be my next campaign chairperson, so he forgot to mention that part. He's thinking about it, I think. But it impacts the least amount of voters."

"And with the comment about taking away the democratic voter block in the southern Gila County, all that I see you're doing is you are strengthening the minority district by two by taking in the other parts in your changes."

"So what I would ask is that the supervisors would ask the consultants to take the crayon drawing that I did and have them put it on one of them fancy maps and crunch those numbers, and you're going to impact the least amount of people, it'll save the county money, and have them look at that. And I think that you're going to find that it'll be the closest one to whatever your preapproved standard is today. Thank you."

**Supervisor, Mike Pastor:** "All right. Thanks, David."

**Supervisor, Tommie Martin:** "Thank you, David. Bruce, I'd like to go back to something that Shirley was talking about on -- I didn't -- between BB and A. Is there any way to tweak BB? To start with BB and tweak it? Have you all looked at that?"

**Consultant, Bruce:** "Madam Chair, I have not looked at tweaking it. I think that if you're going -- whatever you're going to tweak, you must maintain --"

**Supervisor, Tommie Martin:** "Right."

**Consultant, Bruce:** "-- one majority minority district, and the voters in that district must not have their voting rights diluted, as that term is used under federal law, by large non-minority populations, by Anglo populations. So whatever tweaking the board decides to move forward with, you must maintain one majority minority district that is a viable district where minority voters can elect their candidates of choice."

"In your other district, in District 2, where minority voters currently have the opportunity to elect --"

**Supervisor, Tommie Martin:** "Right."

**Consultant, Bruce:** "-- you cannot weaken minority voting strength. Because the minority population there --"

**Supervisor, Tommie Martin:** "(Indiscernible - simultaneous speech)."

**Consultant, Bruce:** "-- is relatively small compared to District 3, any reduction, arguably even as much as half a percentage point could be retrogressive because the minority population is already relatively small. So I would add that guidance as you move forward with whatever it is that you wish to consider as far as tweaking. Maintain one majority minority district, and the majority minority opportunity to elect in the second district cannot be reduced. And because it's already such a small percentage, it's very important that that percentage not decline.

"I also think it's important, as another matter of guidance as you go forward, federal law requires almost an absolute equivalency in United States congressional districts as far as population. That is not true for legislative districts or county supervisory districts. Right now your deviation from the absolute is relatively good. You don't have large deviations in population in the maps that we're talking about, A, B and C, for example. So while the redistricting commission at the statewide level, for example, must maintain an almost absolute equivalency among the districts as far as population, that's according to the constitution, that's not true at the supervisory level or at the legislative level. So I think that's an important distinction.

"The Voting Rights Act is, for Arizona and 16 other states, an absolute requirement as far as the retrogression that we were talking about. Thank you."

**Supervisor, Tommie Martin:** "Bruce, thank you. And just so that I'm clear, this draft plan A, which was the tweak originally of the Tonto Apache, does in fact meet the legality questions that you're talking about."

**Consultant, Bruce:** "Yes, Madam Chair, I think that because you maintain the majority minority district and the Latino residents, for example, in Hayden Winkelman are satisfied that they are -- maintain their current status in District 3, District 2 minority population, there's no retrogression apparent on the surface to me, so yes, I think plan A is a better option pursuant to federal law than, let's say, AA, BB or CC. Or plan D. Thank you."

**Supervisor, Tommie Martin:** "Okay."

**Supervisor, Mike Pastor:** "Tommie --"

**Supervisor, Tommie Martin:** "Any other --"

**Supervisor, Mike Pastor:** "Yeah."

**Supervisor, Tommie Martin:** "-- Mike? Yes, Mike."

**Supervisor, Mike Pastor:** "Yeah. I'd like to comment. You know, if you take all three maps and look at them, there's pretty good options in all three. And I'm talking draft plan A, B and C. Plan A and B, I believe, address the issue of the Tonto Apache except for Gisela, and Gisela seems to be the hurdle because of the minority majority population there. So, you know, the top portion, and I hate to say this, but the northern portion, looks good, okay?"

"And then when you put the maps together -- when you put map B and C together on the southern part in the Globe Miami, Hayden Winkelman area, I think if we worked on

tweaking -- oh, man, let me see where I'm at. If we worked at tweaking B and C on the southern part, we might be able to come to a pretty close or pretty reasonable map that Department of Justice probably wouldn't be happening. And right now, even in all of the maps we've seen, if we really wanted to be right to the point, map C is the only map -- is the map with the least amount of deviation in the whole process. And I think from the very beginning that was the main emphasis in this whole process is that we stay as close to or as little deviation as possible and granted, it does affect District 2. I do represent District 2. But, you know, facts are facts. I mean, that's where all the tweaking's got to be done, whether we like it or not, and I think if we look at maybe working on combining the three maps to, you know, as I said, you know, on A and B, it addresses the Tonto Apache. C doesn't. C keeps the Tonto Apache in District 2. But with some tweaking in B and C in the southern part, I think we can come to a pretty good map that might satisfy everybody. But not everybody will be satisfied. But that's a suggestion or a proposal."

**Supervisor, Tommie Martin:** "Shirley?"

**Supervisor, Shirley Dawson:** "Well, I appreciate all the work that went into BB and CC and AA and I'm ready to join the AA, all right? Anyway, I wish that we could do everything that everyone wants done. Obviously we can't do that. I think the committee, I think out of all this discussion, it's been proven that the committee came forward with three really good maps, and I, you know, it's been clear to us that we can't respect the request of Gisela at this point and not be almost back at the drawing board in trying to respect the Voters Right Law. So I am feeling like plan A meets the requirements and I do not want to submit something to the Department of Justice that is obviously going to delay this process and cost us significant amount of money in trying to fight it. In the meantime, you know Gisela obviously needs some attention in the coming years, so we need to work on that. That's my comments."

**Supervisor, Mike Pastor:** "Tommie, I have a request from another citizen."

**Supervisor, Tommie Martin:** "Okay. And get a name and --"

**Supervisor, Mike Pastor:** "Okay."

**Supervisor, Shirley Dawson:** "I call him snoop. He's with KQSS. It's close to snoop. What -- go ahead."

**Resident, Jerry Ellison:** "Jerry Ellison. I just wanted to find out --"

**Supervisor, Tommie Martin:** "Oh, yeah, that sounds real like snoop."

**Resident, Jerry Ellison:** "-- yes or no; will the consultants be analyzing the legal sufficiency of this proposal by Mr. Cook?"

**Consultant, Bruce:** "And if directed by the board, we will."

**Supervisor, Shirley Dawson:** "I would object to the consideration because it does not respect the request of the citizens that have voiced their opinions. It disregards Hayden and Winkelman area, Christmas, and I think it disregarded Tonto Apache's also, so I'm sorry, I would not be in favor of asking or spending money having that map."

"It isn't a matter of just asking them to look at it. We're not under a blanket contract that we're going to pay them X number of dollars. They're just like attorneys, and every minute that they tweak things, they cost us money, and so they will tweak until the cows come home, but that's my opinion. Thank you."

**Supervisor, Tommie Martin:** "And you all have -- Jan Chilton would like to make one final comment also. Jan?"

**Resident, Jan Chilton:** "I forgot to mention that, in Gisela, we have a lot of the range that belong to the Tonto Apaches. It is ancestral homeland for them. That is one of the reasons why we would like to be moved into that Payson number 3, to help them, so they'll be able to come down, in and out, and only have to talk to one supervisor about anything."

**Supervisor, Shirley Dawson:** "Oh, Jan, they love talking to two or three of us. So --"

**Unidentified Speaker:** "I don't know about that, Shirley."

**Supervisor, Shirley Dawson:** "The -- well, you know, my comment on that is I believe that, as far as Tommie goes, Tommie's very aware of what's going on in Tonto Apaches and Gisela and Rye. But she doesn't represent you. But that is not a concern. Again, I go back to my statement at the beginning. We are Gila County supervisors. We have fought for the resolution copper, which is in Pinal County. Will it affect Arizona tax base? You bet you. We have worked for forest safety and are continuing that effort in a big way. We will continue working for the best interests of all the citizens of Gila County, which includes Gisela."

**Supervisor, Tommie Martin:** "(Indiscernible \*\*4:55:29)."

**Supervisor, Mike Pastor:** "Tommie?"

**Supervisor, Tommie Martin:** "Yes, Mike?"

**Supervisor, Mike Pastor:** "I would like to address the lady, I'm sorry, I forgot her name, from Gisela. Jan?"

**Supervisor, Shirley Dawson:** "Jan Chilton."

**Supervisor, Tommie Martin:** "Jan Chilton."

**Supervisor, Mike Pastor:** "Jan? Jan, as your representative, I've received several calls through Tommie's office from folks who are down in the Gisela area, and Tommie's been very good at sending concerns to me and then we try and address them as quick as we can. The Tonto Apache, they communicate with Tommie quite a bit, and she relays that information to me. It's not that we don't represent you. We represent you as a group. And, you know, it's -- I appreciate the fact that you do contact a supervisor so we can take care of the things that we need to take care of. It's nothing personal with anybody, and it's just the nature of the beast that you guys are closer to that area and you're more connected to the Payson area, and when I do have community meetings and stuff, it's kind of interesting, because they want to go do everything in Payson when I'm there. So, and that's just the nature."

"As to Mr. Cook's proposal, I appreciate the fact that he did make the proposal. We've talked several times over the last month and a half, and I was concerned that, you know, that we didn't get his proposal until the day -- couple of days before we make the decision. We make some proposals. It's -- I'm not sure I quite understand it. I know where some of those roads are, and I'd have to look at the map, but at this point, I'm still kind of directed to accepting plans A, B and C to look at that we tasked the committee to do. I don't know how much fairer that would be."

"Those folks put in a lot of time, a lot of hours working on this. There was a lot of in-fighting back and forth. They were able to compromise and come to an understanding how they wanted to operate and they operated very good and, you know, this is where I'm at with the proposals. I think if we look at tweaking all three of them, addressing the Tonto Apache needs and looking at the lower part of the county as to making sure we have everything in balance, I think we can come to a resolution, and that's kind of what I would like to recommend to the consultants. I'm sure they'd be more than happy to take it on. Thank you."

**Supervisor, Tommie Martin:** "I'm seeing if there's any further comments -- are there any further comments down there from public, one last time?"

**Supervisor, Mike Pastor:** "No."

**Supervisor, Tommie Martin:** "Because we're about to beat this dead horse to death, I think. But do we have any more up here?"

**Supervisor, Shirley Dawson:** "Yes."

**Supervisor, Tommie Martin:** "I think Vivian wants to make one last one, and then I'd like to also give my thoughts."

**Resident, Vivian Berdette:** "I appreciate all the comments that were being made. I guess you talk about the minorities in the three districts and so forth. I have one huge question. I want to know where the 357 Indians are in District 1. That's what I'd like to know. I mean, if you're Cherokee, you're not recognized. You go back to North Carolina. But, I mean, you -- you're saying that you want all these to be equal, and yet you look -- take a look at your District 1, 2 and 3, and you have all these figures in here, and you're saying we're going to treat this, we're going to treat that. Okay. Then tell me. I want to see the 357 that are in District 1. And then I'll say, okay, you can go. And then I can say, okay, we'll go with plan A. That's all I ask."

"And then, about Gisela, that's where my biological father was raised. So that's our homeland. We've got people buried there, we've got people buried at the Rye Creek Bridge and that area, so -- but I know that that's not one of the 357 people. So -- thank you."

**Supervisor, Shirley Dawson:** "Vivian, I think those figures, if I'm not mistaken, come from the census questionnaire. You know, I -- and that's supposed to be information that you fill out and you declare -- you're not a recognized tribe, certainly, but you're a recognized citizen of the United States, wherever you've chosen to be, and if you happen to check that you're Native American in Payson, Arizona, then that's where those 357 people are."

**Resident, Vivian Berdette:** "Well, you know, with the Tonto Apache tribe, in order for you to be a Tonto Apache member of the tribe, you have to have a DNA test to prove that you are a child of a Tonto Apache. So why can't they do that here as well? I mean, you know, we have to live by certain laws. You talk to the gentleman right there who's talking about laws. We have to live by those laws to be recognized through the Bureau of Indian Affairs, the Interior, all these things. We have to do that. So why not let these people that say I'm Indian on the census prove that they are Indian?"

**Supervisor, Shirley Dawson:** "Wow."

**Supervisor, Tommie Martin:** "Thank you, Vivian."

**Resident, Vivian Berdette:** "Thank you."

**Supervisor, Tommie Martin:** "Any other comments? I too, see I don't -- I'm not sure that we need to tell them to tweak anything, is where I am with this. I think it's been tweaked and tweaked and tweaked. I think we have three plans, A, B and C, that we need to be taking a look at. From the conversation up here, I think A, that the tweaked Tonto Apache, which is A, of what we can do legally best suits these folks. And so I guess that, at this stage of the game, I don't know how we could make any of them any better. I think we have tweaked them to death. And I think we've got three good plans, and we need to go forth with them. I'm not sure there's any other instructions that I have for anybody, and that's kind of, Shirley, and Mike, are you sure we need to spend any more time with the consultants tweaking on these?"

**Supervisor, Shirley Dawson:** "No. I want them to go have their hamburgers, you know, or hot dogs, not the t-bone steak, and so I'm all in favor of moving this forward and let's get on with it."

**Supervisor, Tommie Martin:** "And --"

**Supervisor, Shirley Dawson:** "And --"

**Supervisor, Tommie Martin:** "And making our choice in a couple of weeks and --"

**Supervisor, Shirley Dawson:** "Yeah."

**Supervisor, Tommie Martin:** "-- get , okay. And, Mike?"

**Supervisor, Mike Pastor:** "That would be fine with me. If we're satisfied with A, B and C, I think those are the ones we put out for review, I guess, or --"

**Supervisor, Tommie Martin:** "We choose in a couple of weeks."

**Supervisor, Mike Pastor:** "-- just for notice, and then we'll make a decision in a couple of weeks."

**Supervisor, Tommie Martin:** "All righty."

**Supervisor, Mike Pastor:** "I think --"

**Supervisor, Tommie Martin:** "With that, I'd like to close this portion and if you all want to --"

**Elections Director, Linda Eastlick:** "Tommie?"

**Supervisor, Tommie Martin:** "Oh, on the community college --"

**Elections Director, Linda Eastlick:** "Yeah, Tommie --"

**Supervisor, Tommie Martin:** "-- plans."

**Elections Director, Linda Eastlick:** "Can I make a --"

**Supervisor, Tommie Martin:** "Do we need to --"

**Supervisor, Mike Pastor:** "Tommie, Linda's got a comment."

**Supervisor, Tommie Martin:** "You bet."

**Elections Director, Linda Eastlick:** "Could I make just one comment --"

**Supervisor, Tommie Martin:** "You bet, Linda."

**Elections Director, Linda Eastlick:** "-- on the community college plans. The plans -- we do have to address a slight -- it is slight -- packing problem in District 5, and I would ask that the board direct us to go ahead and do what we need to do to avoid that packing problem in District 5 on the college plans so that when we bring them back to

you on the 3rd that they're all fully compliant, as much as we can possibly do that. And, Bruce, you may have a comment on that packing issue."

**Supervisor, Shirley Dawson:** "Tommie, my comment on the college issue is I've been really surprised at how quiet and the lack of comment on any one of the college plans, so I need to know what's packing on the San Carlos reservation, I guess, but --"

**Consultant, Bruce:** "And --"

**Supervisor, Tommie Martin:** "Well, and me too, Shirley. I want to know what packing is that it wasn't before."

**Consultant, Bruce:** "And, Madam Chair and members of the board, let me just explain briefly what packing is. Packing is a legal term of art that refers to a potential violation of the Equal Protection Clause of the U.S. Constitution and Section 2 of the Voting Rights Act. Section -- District 5 in your college districts now is a very heavily majority minority district. It is, in total population, almost 80 percent. minority. That is suggestive of a packing issue.

"What that means is, that there are more minorities there than are needed to be able to elect candidates of choice. Certainly when you have an -- a Native American reservation like you do in 5, that reservation must be maintained in whole and cannot be split, because splitting a reservation is a very serious Section 2 vote dilution problem under the Voting Rights Act. So the packing issue that I raised and that I put out for the board to consider is reducing the Latino population in District 5.

"Right now under your benchmark plan, your overall Latino population is almost 20 percent. That's pretty high, in order to allow minority voters in that district to elect candidates of choice, because in District 4 you have about 35 percent Latino and about three percent American Indian. In a sense, it's similar to the board of supervisors District 2. That district elects candidates of choice for minority voters. In District 3, the board member is a Latina, as I understand. So what my advice would be is to see about moving some of the Latino population from 5 and distributing it a little further in 4 and 3.

"What's also important to remember, with packing, packing and Section 2 are not part of the pre-clearance process. The Justice Department will not object because a district is packed. That raises separate liability issues for the county either by private individuals bringing suit alleging a constitutional and Voting Rights Act violation if the minority population is so high, and also the department could internally refer a Section 2 packing issue while they're doing their Section 5 pre-clearance review to an enforcement attorney for an investigation. So this is something that I mentioned as guidance to the board. The proportions could be altered by reducing, for example, the Anglo population. Anglo population can dilute minority populations, so if you have a high Anglo population, perhaps reducing that as in 4, for example, might increase the minority population.

"The tweaks that we're talking about are pretty minor. And these, as I said, they are -- they're more Section 2 issues, which is not part of pre-clearance, but raises separate liability issues. So the packing is not the Native American population, because you can't

split the reservation. It's more the Latino population in 5 and moving population in order to support further minority voters in 3 and 4 so they continue to have the opportunity to elect candidates of choice. Thank you."

**Supervisor, Tommie Martin:** "And, Linda and Bruce, is this in plan 1 and 2 or all three plans?"

**Consultant, Bruce:** "I think that the packing issue, there are differences in the minority population. For example, in plan 1, the Latino population has come down to about ten and a half percent, which is probably in a pretty good range. Instead of moving as many Latinos into 4 as the plan does, perhaps there could be some Latino population movement into District 3. Because right now, under plan 1, for example, the Latino population increases by more than five percent in District 4, but the Latino population in District 3 goes up by about a half a percent. So perhaps some of the Latino population in 4 could also be moved into 3.

"But one of the things I commend the redistricting committee for again is that the minority population in 3 and in 4 was maintained or enhanced. It was not reduced. So the question is whether you can move some more minority population, Latino population, from District 4 into District 3. Perhaps you can do that, perhaps you can't do it, but the important thing is, there's no retrogression there because the population has not decreased. It has increased, which is something that the Department of Justice will look at right away as a threshold matter. Thank you."

**Supervisor, Shirley Dawson:** "Sounds like we're going back to steaks."

**Supervisor, Tommie Martin:** "I hope not."

**Elections Director, Linda Eastlick:** "Hopefully we can keep this painless. These should not be too bad, I don't think, uh-uh."

**Supervisor, Shirley Dawson:** "Painless?"

**Elections Director, Linda Eastlick:** "For you guys."

**Supervisor, Shirley Dawson:** "I think, Madam Chair, the motion is that we submit plans A, B and C on the supervisorial districts and that we --"

**Supervisor, Tommie Martin:** "Oh, Shirley? Shirley, would you say that again? I'm sorry. We're getting sound things."

**Supervisor, Shirley Dawson:** "Yeah. We're now submitting that we move plans A, B and C forward for our October meeting and that the college plans be tweaked so that they're unpacked."

**Supervisor, Mike Pastor:** "I'll second that motion, Tommie."

**Supervisor, Tommie Martin:** "We can't make a -- can we make a motion on this?"

**Supervisor, Mike Pastor:** "Yeah. This is a regular agenda item."

**Supervisor, Tommie Martin:** "Okay."

**Supervisor, Mike Pastor:** "Yep, and it's an action item."

**Unidentified Speaker:** "Oh, a comment before you do a motion?"

**Supervisor, Tommie Martin:** "There is a motion and a second. I've got public comment for one minute on the college --"

**Supervisor, Mike Pastor:** "Go ahead."



**Supervisor, Tommie Martin:** "-- conversation. And I didn't ask down there if there was any college. We have Don Escoli (phonetic) and Don -- talk my way, maybe, so you talk into the --"

**Resident, Don Escoli:** "Oh. Oh yeah. Yeah. Well, I -- Bruce, can you just help me? I'm looking at what you're saying, and I'm trying to follow the numbers, and I can't get where you're at. I'm looking at plan 1. I'm looking at a sheet that was passed out on the -- August 23rd that showed the current percentage voting age, total minority in District 5 at that point was 76.31 percent. Could you show me, on District -- the question is District 5; do I understand that, or not?"

**Consultant, Bruce:** "Well, I -- excuse me, sir. I'm not sure that I understand your question. I -- I'm looking at the same paper you are, and yes, under draft plan 1, the minority voting age population for current districts in community college district 5 are -- it is 76.31 percent."

**Resident, Don Escoli:** "Okay. That's current. And you're saying District 5 proposed under plan 1 still has a packing issue?"

**Consultant, Bruce:** "Well, I think that -- yes, I -- as I indicated, excuse me, right now, under proposed plan 1, it's 72 -- over -- more than 72 percent minority voting age population. That is likely more than minority voters need in that district to elect candidates of choice and avoid retrogression. Typically, to avoid retrogression, we're talking about populations in the high 50s or low 60s. Having a population over 70 percent is, to me, is very -- is indicative of a Voting Rights Act Section 2 packing issue, also a packing issue under the Equal Protection Clause."

**Resident, Don Escoli:** "So, help me, is the Voting Rights Act say to move population of minorities so that you have between 50 and 60 percent? Is that really what the law says?"

**Consultant, Bruce:** "Well, the --"

**Resident, Don Escoli:** "(Indiscernible - simultaneous speech \*\*5:12:23)."

**Consultant, Bruce:** "-- the -- you will not find --"

**Resident, Don Escoli:** "(Indiscernible - simultaneous speech \*\*5:12:26)."

**Consultant, Bruce:** "-- those percentages written in the Voting Rights Act. However, excuse me, we're talking about more than 40 years of jurisprudence and enforcement by the Department of Justice and examination of voting patterns and voting history. So the idea of the Voting Rights Act, the intent of congress when it passed the Voting Rights Act in 1965, was to give minority voters as many opportunities as they can have within the confines of the law to elect candidates of choice.

"The issue of packing is that if you put a -- an inordinate number of minority voters in one district, more than is necessary to maintain the ability to elect, then the question that congress looked at and that the courts and the justice department looked at is shouldn't you also -- shouldn't you move some of those minority voters to other districts so they can have the opportunity to elect there. And if they already have that opportunity, to strengthen it so there's no retrogression."

**Resident, Don Escoli:** "Going down four percent is not -- is retrogression, but still too high a majority, you're telling me?"

**Consultant, Bruce:** "No, I didn't say that that's retrogressive at all. The -- you -- there is no retrogression issue with District 5. That's why, as I said earlier, the issue is not a pre-clearance Section 5 issue. It's a Section 2 issue. Section 2, according to the United States Supreme Court, cannot be used by the Department of Justice in reviewing a Section 5 submission, so that it's not retrogressive. That's a packing issue. You have too many minority voters, arguably, in one district, then it's necessary to avoid retrogression. If you cut the minority population to 45 percent, that would be retrogressive. But that's not what the committee did."

**Resident, Don Escoli:** "I -- my last comment is that, but we didn't -- people didn't -- you supervisors didn't put them there. They were there to begin with, right?"

**Supervisors, Mike Pastor:** "The supervisors didn't move anybody, I --"

**Resident, Don Escoli:** "(Indiscernible - simultaneous speech \*\*5:14:40)."

**Supervisor, Mike Pastor:** "-- that I know of, Don. That -- that's just the way it --"

**Unidentified Speaker:** "(Indiscernible \*\*5:14:43) packing."

**Supervisor, Mike Pastor:** "-- yeah, that's just the way it broke out when the community college was -- went to that districting. Yeah, that 5 district board."

**Resident, Don Escoli:** "Okay."

**Supervisor, Tommie Martin:** "Okay. Are there any other comments, and if not, any other discussion from the two? I'd call for the -- we have a motion on -- we have a motion and a second on the floor. I'd like to call for the question. All those in favor signify by saying Aye."

**Supervisor, Mike Pastor:** "Aye."

**Supervisor, Shirley Dawson:** "Aye."

**Supervisor, Tommie Martin:** "Aye. Opposed? Okay. So ordered."