

**LEGAL AND LEGISLATIVE AND SAFETY COMMITTEE**  
**October 25, 2011**

Councilman Murphy called the meeting of the Legal and Legislative and Safety Committee to order with Councilmen Benson, Gilbert, Murphy, Robinson, Scott and McGary present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

Others present included Dan Johnson, Ron Swafford and Richard Beeland.

Councilman Murphy, Chair, opened the meeting by stating Districts 1, 2 and 3 and to the extent any touch another district, will be discussed today. He asked for any comment from the public prior to the discussion and noted he would ask for comments at the end of the meeting, as well. He stated persons present who want to speak that live in Districts 1, 2, 3 and/or 7 were asked to speak now; no one came forward to speak.

Randy Burns displayed by PowerPoint the districts in question for discussion noting that he and Councilman Murphy have been working on Districts 1, 2 and 3 and the statistics reflected are the standards of deviation that are less than two percent and look good numerically. He stated that will change as it does not reflect the current precinct boundary in Districts 1 and 2; that if he were to look at specific boundaries now it looks as if District 3 has a "prong claw" and is very confusing to residents as far as what precinct they live in and the Council person.

Councilman McGary stated it would be helpful to explain the rationale as to how Mr. Burns came up with the boundaries; that in looking at the numbers it appears Districts 1, 2 and 3 are similarly in the 18,000 "ballpark".

Mr. Burns stated the major change between Districts 1 and 2 is to try to "clean it up"; that he used North Market as the dividing line as it is the major thoroughfare between the two areas.

Councilwoman Robinson stated the image reflected by PowerPoint does straighten out the boundary on the west side and inquired as to the adjustment at the north end.

Mr. Burns stated the adjustment at the north end offsets the population between Districts 3 and 1; that there were some adjustments of District 1 both ways. He stated quite a bit of areas were added at the end but very little population as it is mostly a commercial area.

Councilwoman Scott asked that the image be enlarged to view the boundary street marks. Mr. Burns stated 153 is the major dividing line and a lot does not change; that Crestview is still the dividing line on the other side.

Councilwoman Scott inquired as to the northern most border toward the very top and then realized it is the interchange where 27 and 153 intersect. Mr. Burns responded "right, there is very little population in that area". Councilman Murphy stated they are still working on District 3.

Mr. Murphy stated District 3 is in pretty good shape; that it may change again based on what he has to do with the other districts as they get into working with the others. He stated the other districts were all done basically by drawing around the residents of the current sitting Council person.

Councilman McGary inquired as to whether the contiguous area in District 3 is connected or just the same in color by accident on the PowerPoint image. Mr. Burns responded that the River does not break a contiguous segment.

Councilman McGary asked for confirmation that it is part of the district, to which Mr. Burns responded “right”.

Councilman Murphy stated the point has been made that this is subject to change as we continue to work on the rest of the districts and asked if the Council wanted Mr. Burns to zoom in closer on the proposal for the three districts or on the periphery. He asked if anyone in the audience is affected by the changes proposed as the district lines are changing; there was no response from the audience. He stated the Council does not want to change precincts “willy nilly”.

Councilwoman Scott stated she did not want to take everyone’s time to examine all the streets surrounding the proposal for particular districts and asked if the Council can have a printed copy at some point and then take some time to look more fully at it.

Councilman Murphy responded “absolutely”; that even if everyone says those three are perfectly done they may not be because we have two thirds of the city yet to do.

Councilwoman Ladd stated she was speaking as the representative for District 3 and noted it is typical at this point for parts of her district to go over into District 2; that the results today do not give her any concern at all. She stated there is a major development probably “in play” that she will gladly hand off to Councilwoman Scott! She reiterated as the representative for District 3 she is supportive of this.

Councilmen McGary asked if it is possible to begin putting together those issues that make the remaining portion yet to be zoned a difficult issue; that they should be put out in print so citizens can think through and comment what they would propose.

Councilman Murphy stated he, the City Attorney or Mr. Burns can do it. Mr. Burns suggested that Councilman Murphy proceed.

Councilman Murphy stated as discussed the goal is to preserve the principle of “one person one vote” which results in equalization of population for our City Council districts or as near as practical. He stated the first three begin with small single digit percentages of one another and is a good start to the process; that he does not want folks to have more representation, i.e., far fewer people represented by one Councilman than by another. He stated there are many principles in redistricting contiguousness and does not want two districts that are geographically separate and does not want to carve out of one district a portion of another district that has another district in between; that he wants them to be contiguous to preserve communities if at all possible.

Councilman Murphy stated the urban core is different in both character and view than are areas that are not within the urban core -- areas Councilmen Gilbert and Scott represent. He stated on top of that we have the Voting Rights Act and the form of government formed by the Voting Rights Act lawsuit established three majority/minority districts; that the Voting Rights Act through case law has the principle of non-retrogression, meaning do not backslide unless it is not possible to draw the majority/minority districts. He stated the problems going forward are Councilman Benson's district which is widely over-populated; Councilman Gilbert's district which is under-populated; Councilman McGary's district is both over-populated and has come down to 56 percent black which is not the level advocated for majority/minority areas; that he would like to see it back up around 65 percent minority or better. He stated his district is under populated at 71 percent black and Councilman Rico's district is under-populated, also. He stated Councilwoman Berz is "sandwiched in between" two districts that need population and a significant minority and Councilman Benson's, which is greatly over-populated; that those are "knotty" issues! He stated Districts 1, 2 and 3 had minor population imbalances and no requirements to pay any significant attention to majority/minority population.

Councilman Benson expressed hope that what has been done is fair and expressed his thought that Randy is trying to do it, too, to make certain if at all possible and equitable, to not gerrymander some incumbent off the Council by putting their residence in a district where another incumbent serves; that we had that problem once.

Councilman Murphy stated those were political considerations of redistricting of one Council looking to take someone out of a district; that most residences are not a big issue.

Councilman Benson stated someone on the border presented a problem the previous time.

Mr. Burns stated that is why he started with drawing precincts around where everyone lives as a starting point.

**Councilman Murphy** stated these are the three easiest; that the hardest is McGary's, noting that the Council will take up District 8 next and any conjoining district may be involved such as Districts 1, 7 and 9 which are not approximate to any other. He stated in theory next week the primary focus is to wrestle with the potentially most difficult problem; that someone pointed out being done by Thanksgiving and we are running out of time. He **scheduled a meeting of the Committee for next Tuesday, November 1** to address primarily District 8 and touch on all the districts around it.

Councilman Gilbert asked if the Council could start looking beyond that and start looking at his and Councilmen Berz and Benson's districts. Councilman Murphy stated Councilman McGary's will be the hardest as his district is the "problem child"!

On motion of Councilman McGary, seconded by Councilman Gilbert, the minutes of the previous meeting were approved as published.

The meeting was adjourned.