

Whatcom County
Districting Committee

February 22, 2016

CALL TO ORDER

Whatcom County Districting Committee member, Brett Bonner, called the meeting to order at 5:30 p.m. in the Council Office Conference Room, 311 Grand Avenue, Suite 105, Bellingham, Washington.

ROLL CALL

Present: Brett Bonner, Mike Estes, Lisa McShane, Mark Nelson
Also present: Dana Brown-Davis, Clerk of the Council; Karen Frakes, Prosecutors Office; Debbie Adelstein, Auditor

Committee Discussion and Possible Action

1. Discussion and possible appointment of a Districting Master

Bonner asked if he could start with something first. He stated he had sent an email asking that the order of the agenda be changed so that Tjalling Ypma didn't have to wait while the group discussed criteria such as what is compact and how close in population does the committee want the districts to be. He wanted to know why some committee members had not agreed to the change.

Estes stated he felt they could ask questions during the interview process regardless of the criteria they have yet to agree on. He said it wasn't clear to him why it would be necessary to change the agenda.

Bonner stated they hadn't talked about districting criteria yet and it seemed backwards to interview Ypma before they had discussed the guidelines under which he would draw the maps. He didn't want him to have to sit in the lobby for a half hour or 45 minutes prior to the interview. It was a simple request.

Estes responded the criteria are going to take a few meetings to iron out and that he didn't think they would get there in 30 minutes before they interview a candidate.

McShane stated it was her understanding that they were just doing a general interview and it didn't seem necessary to change the agenda.

Bonner stated he wanted his concern on the record because they are supposed to get along and if the others had made a request like his, they would have accommodated them.

The Committee agreed to move on to interviewing.

Brown-Davis introduced Tjalling Ypma to the committee members.

Estes asked him how the process was last time in terms of the data he had, the software he used to calculate the differences in population size, and methodology used to arrive at maintenance adjustments of the 2011 districting.

Ypma responded they based the maps on the 2010 census data. The rules were fairly clear; the rules say they need to conform to the precincts, but at that stage all the precincts are going to get reconfigured with the census data. He worked very closely with Sarah Watts, GIS expert in the Planning and Development Services Department. He worked through Brown-Davis when he needed figures for precincts or portions of precincts. The recent figures he just got are the 2010 census data and that's what they would be working with this time. He didn't use any software. There were a couple alternative scenarios; one was making some adjustments mostly in the county (outside the City of Bellingham), and the other was within the city limits. The pragmatic decision was to go with the scenario that affected the fewest citizens which was basically shifting the meeting point of the three districts.

Bonner asked if, this being a partisan group, the democrats proposed a map and the republicans proposed a map in 2011.

Ypma stated that was not how it worked last time. He said he got input from the Committee members to develop a couple of alternative scenarios. It wasn't particularly partisan. There was consensus on the general ideas and in the end, when it came to a decision, they actually largely deferred to the chair at that time, who was Judge Dave Nichols, who recommended one of the scenarios. It was done in a very pragmatic way. Ypma said he was not an advocate for anything in particular either. He would get input and develop some scenarios.

Nelson asked if he had an idea of what the latitude of differential will be between the five districts as far as population is concerned. They discussed from 250 to 500 but because of the precision of the census data they can get it down to 20 or 30 people. He asked if that was a reasonable expectation.

Ypma stated that they could, but he didn't see that as being particularly desirable.

Bonner stated they discussed at the last meeting that each side would bring in a proposed map at each meeting. They would then talk about the proposals and bring forward new maps at the next meeting, etc. etc. The Districting Master wouldn't really be involved until they got it down to a couple of proposals.

Ypma said that would be a different working system from what they did last time.

Bonner asked if Ypma would be comfortable with the way he proposed it.

Ypma replied it could be done that way; really what he was thinking was that... (inaudible).

McShane stated that was not the way she understood the process would work. She understood that they would see the Districting Master's map. She didn't think they would be working on maps from meeting to meeting. The voters voted on Proposition 9 and 54% of them said they wanted five districts. Those five districts were outlined in the voter guide, so how does that information and... (inaudible).

Bonner stated that is why he wanted to talk about these issues before they spoke with Ypma. He asked Karen Frakes for a legal opinion.

Estes asked Ypma how he would... (inaudible).

Ypma stated one scenario he might be able to develop if the two parties bring maps for consideration he could propose scenarios to accommodate the proposed differences. He said one of the legal things that bothers him is the statement about North Bellingham/South District. He imagines that is going to be one of the touchy issues here. Each district needs to have 40,228, the Bellingham city limits contain 80,885 (a little more than two districts). The obvious conclusion is that if you are going to include in the Bellingham districts some top parts of the Bellingham city, there are bits that won't be in the Bellingham districts.

Bonner agreed, and noted urban growth, communities of interest, contiguity, etc.

Ypma stated he would be looking for the Committee's input on how to fulfill the criteria in general terms. Are there two widely divergent camps? This can be very difficult. He imagined the most contentious discussion will be about the fringes of Bellingham. He said last time they had issues with not wanting to district the people out of their areas, like Port Commissioners. He wasn't sure if there are the same considerations this time around.

Brown-Davis stated the Port will have to work with their commissioners to re-draw their own boundaries if necessary.

Bonner asked if the location of current council incumbents plays any role in this. It was agreed that it did not.

Brown-Davis explained it will be a phased-in approach so in 2017 folks that are going to be running will run in the new districts, and then the same in 2019.

Bonner stated the last time they met it was basically modification of an existing map. This is important, more than in the past, because they will be coming up with something completely new and it will probably be the model that each future committee will take a look at and just tweak.

Ypma stated in looking at the maps it would be really helpful to have the precincts on them. He said if the committee gave him a proposal on Monday he would like to turn it around by Friday.

Estes stated Ypma could be given a map or two to work with. He asked Ypma if he was given just the ordinance, which has the cities and descriptions and population data, if he would be able to come up with a couple concepts on his own to bring back to the committee.

Ypma responded that he could.

Bonner explained that one of the reasons they are considering him is the Whatcom County Charter says they have to find a master who has the background and the education, and obviously he does. The County Council doesn't so when they drew the ordinance they were basically guessing because they didn't have the population data, they didn't have the experience. He said he didn't think they should have any preconceived notions coming into this.

Ypma responded that his question is whether it is feasible to get more or less equal population distribution within the confines of the ordinance. Looking at the maps the committee gave him he said he is assuming that this is reasonable population equality.

Bonner said District 5 is 5,000 people over.

Estes stated if you put the cities in, it will be fairly equal, but you will need to split some precincts.

Bonner stated they can get to that. He said he had questions for Karen Frakes.

Brown-Davis asked if they could take a quick break so she could change batteries in the recorder. They agreed to take a short break.

McShane asked Ypma about his part in the process in 2011 regarding precinct changes. Did he recommend precinct changes or did the County Auditor?

Ypma responded that one of the committee members brought forward fairly detailed recommendations and that he made some himself.

Nelson stated that it went well last time because they were all of good will and they worked well together and probably took very little time.

Brown-Davis stated they had about six meetings last time.

Bonner asked Ypma, since the deadline in the Charter is May 1, how much lead-time he would need to come up with something. Ypma responded that he would hope to come up with something way before the deadline. He said he would like to get started on it tonight. The committee said they didn't think they were ready for that tonight.

McShane asked Ypma if after he had presented the final map if there were public hearings.

Ypma responded that all the meetings are open to the public. There was very little attendance.

Bonner stated that state law says they have to have one public hearing at least a week prior to their voting. They said the hearing could be held in the Council Chambers since it accommodates more people.

There was mention of having meetings out in the county. They decided to discuss that issue later.

Estes asked Ypma if he presented a couple of options to the committee and if they then selected one of the items "as is."

Ypma responded that was correct.

Nelson stated that that Ypma then essentially did all the work. He asked what the committee did.

Ypma stated they discussed proposals and suggested some modifications.

McShane asked about communities of interest. She asked how Ypma would address that. State law and the Charter all say Communities of Interest.

Bonner asked if there is a standard definition.

Ypma stated he really didn't know. He thinks of geography, rivers, roads, etc. which is primarily what he would be using.

Bonner said he was concerned about that because there are people who live in Ferndale and work in Bellingham or Sudden Valley, does that make it a community of interest. Apparently there is no standard definition. He asked what compact and contiguous meant.

Ypma replied that as a mathematician he defines compact as "minimize the maximum distance from the center of gravity."

Bonner stated state law says that areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous. So those separated by geographical boundaries that prevent transportation from one area of the same district to another should not be deemed contiguous.

Nelson clarified that people shouldn't have to go through another county to get to part of their district.

Nelson asked Ypma how he would define contiguous.

Ypma stated he would define contiguous as "not separate."

Bonner stated what is interesting about contiguous in state law is that they have to have communities of interest in mind, be compact. There are only two that don't talk about as nearly equal as possible, or as compact as possible. The two that say shall are "each district shall be contiguous" and the other one is that you will not use population data to favor or disfavor any racial group or political party.

Nelson summarized that the proposal needs to have 40,228 people per district, and that is based on 2010 districting and the GIS that was incorporated into the current 177 precincts, trying to split as few as possible. The districts are to be compact and contiguous and communities of interest.

Ypma stated it would be a good idea to have an idea of a margin of latitude that would be acceptable. He suggested 1% or about 400.

Nelson stated they should try to keep as close to 40,228 as possible, trying not to divide precincts as much as possible. It causes a lot of extra work for the Auditor and costs the taxpayers money.

McShane said she thought the whole county would be changed.

Brown-Davis said the Auditor would be there soon so they decided to wait until she arrived to continue that discussion.

The committee thanked Ypma for volunteering and coming to the meeting. They stated his qualifications are unmatched and his resume' is outstanding.

McShane asked if the Open Public Meeting Act was discussed at the last meeting.

Brown-Davis stated it was touched on but they didn't really cover it. She explained all the meetings are open to the public. There are a couple of videos that they can watch at one of their meetings or she can send a link so Committee members can watch them on. There is a certificate to sign once the video session is complete. It is sent to HR (Human Resources) to verify that they have met the requirements. It takes about half an hour. All members must view the videos.

2. Discussion and possible selection of a fifth committee member, who shall serve as committee chair.

Estes stated Thursday is the deadline for appointing a Districting Master and they need to select a fifth member as chair before they select and vote on a Districting Master. He said it is in the Charter that the five member Districting Committee shall appoint the Districting Master. The Districting Committee shall within 30 days of its appointment meet and appoint a Districting Master. His understanding is that they should have a Chair at the table before they vote on a Districting Master.

Bonner and Nelson asked where it says that.

Estes stated it is in the Charter that a five member Districting Committee shall be appointed.

Bonner agreed but said it doesn't have a deadline

Frakes said she thinks it is implicit that the Chair is appointed at the onset of the committee.

Bonner stated they are prepared tonight to vote he would get a 4-0 vote.

McShane said they need to follow the Charter that says by January 31 the five member Districting Committee shall be appointed. She said they intend to vote on the fifth member at this meeting but not on the master. She asked if they could do a phone meeting on Wednesday.

There was discussion about setting a special meeting.

Bonner said they could call a meeting for Thursday and if he's not present the other three members can vote. He said he wants to follow the Charter because it's very important.

Nelson read from the Charter. "Each tenth year there will be a five member Districting Committee shall be appointed.

McShane said yes, by January 31st.

Nelson said yes, but the Committee has already been in violation of that so that's kind of a moot point.

McShane agreed, and stated they should get into compliance.

Bonner suggested calling a meeting for Thursday even though he might not be present the three members in attendance can vote.

Brown Davis said they could meet Wednesday or Thursday.

Frakes agreed that a majority meets the requirement.

There was considerable debate amongst the members on their interpretation of the Charter regarding appointment of the fifth member.

Frakes stated the Charter states the Council will appoint four members and the committee will appoint the fifth by January 31st. She said everybody has to do their job. The Council has to appoint the four members and the committee has to appoint the fifth member by January 31.

Nelson said he didn't want to be rushed. They had a chance to interview the master and should go ahead with appointing the Districting Master regardless of whether they have a fifth member or not. Then get on to the fifth member at they have appointed the master.

Estes said they are close to following the process in the correct order and should accomplish it this week.

McShane stated her preference is always that they not make decisions over email. Her preference is that conversations always happen in public.

Bonner asked if emails are considered public.

McShane said their emails are available to the public if they request it but it is not an open venue like a meeting.

Nelson said he would much rather converse across the table with people.

The Committee agreed to talk about appointing the fifth member.

Bonner said he contacted Judge Nichols who did it last time. He declined.

They discussed Rick Sucee briefly.

McShane recommended Dale Kinsley, former school superintendent. She said he is highly regarded. He is not running for office and is not going to run for office. There was another name mentioned in an email but they withdrew their recommendation for that person.

Bonner spoke in favor of Kinsley.

McShane moved to appoint Kinsley as the fifth member and the chair.

The motion was seconded.

Nelson suggested they meet with him and ask a few questions.

Bonner said they can also vote on the Master at the same time.

The committee decided to meet Wednesday at either 10 am or at 3 pm or Thursday at 10 am.

Brown-Davis said she would call Kinsley and let the committee know when he is available.

Committee Discussion

1. Discussion of initial map concepts

Bonner said he wasn't comfortable drawing a map until they agreed on how close in population they need to be, what is compact, what is community of interest, what is contiguous.

Nelson stated they have definitions now, they have numbers now, and they have the GIS integrated into the precincts, so they can begin.

Bonner stated would like to talk about it at their meeting on the 29th.

Estes asked if Bonner had questions for Karen Frakes and said some of the questions may require research and could be answered on the 29th.

Bonner stated he had questions about process more than anything. He asked how equal the population should be. He felt they should get as close as possible even if it means that precincts have to be split.

Nelson said the Auditor is present at the meeting now, so they could ask her questions. He said it was his understanding that the Auditor will have to re-draw all the precincts anyway after the new districts are formed.

McShane said she didn't think that was the case.

Adelstein said it turns out it won't be all of the precincts. Since the GIS numbers can be superimposed over the precincts the way they are they will be able to get a sense of where the equalization needs to occur.

Nelson stated if there is a way to save the taxpayers money they should do it. He confirmed that this may not be as big an impact as they had thought.

Adelstein said it would be best to avoid splitting precincts.

Bonner asked what triggers a recount in election law.

Estes stated there is a different threshold for machine recount and hand recount. Machine recount is one-half a percent and hand recount is one-fourth a percent.

Bonner stated he preferred aiming for one-half percent. Nelson agreed. McShane said she thought one percent seemed reasonable; however she felt they were making decisions before they even get into a...(inaudible).

Bonner said they should have a clear target.

There was discussion about what the target number should be.

They agreed there are many things to consider, such as geographical boundaries, etc.

Adelstein clarified that the committee is tasked with determining the district boundaries but they do not change the precinct boundaries - that is what the Auditor's Office does.

Estes asked Adelstein if there is a list of precincts that are too large that she would like to be split up. They agreed that a list like that would be helpful.

Bonner summarized that they will target as low as possible as far as population. He asked if the lines should be drawn regardless of where the current incumbents live as far as councilmembers. He asked if the committee agreed that should have no bearing. They agreed it will not be an issue.

He asked if they should talk about communities of interest.

Nelson said it will come up as they present their maps. It isn't something they need to define in detail now. He said he thought they had a general idea of what it is after speaking with Ypma.

Bonner asked if people who live in Sudden Valley and work in Bellingham are a community of interest. People who live east of Britton Road in Silver Beach get Bellingham water, is that a community of interest.

Estes stated there are several neighborhood names like Bellingham, Sudden Valley. He mentioned you wouldn't split Sudden Valley down the middle.

Bonner said they were splitting Bellingham.

Estes and McShane responded they have to.

Estes said if they can recognize a community by a natural boundary, political boundary, shared culture, a stream going around it; if they can identify those and cut as little of that as possible that should be their objective.

Bonner stated in many cases people who live outside the City of Bellingham have a vested interest in what happens in the City of Bellingham.

McShane responded that would be everyone in Whatcom County; it's the county's center, but that doesn't mean that it is a community of interest with Bellingham.

Bonner said he disagrees.

Estes stated you can draw a map of people commuting from here to here and backwards, it's going to be very hard to measure the numbers of that, so, just having population density and population per precinct is a hard and fast number. Factoring in how many people commute from Fairhaven to Lynden or vice versa is something that is going to be very difficult to put numbers to.

Nelson suggested they deal with the difficulty that is already on the table without borrowing one called a community of interest.

Bonner stated he thinks it is probably one of the major factors when they draw the maps. He feels the ones that are important are compact, contiguous, and communities of interest.

McShane said sometimes things become easier to discuss when you have something tangible to discuss.

Bonner said he is just trying to define what it is before he can draw a map.

Nelson said he wouldn't split communities if he doesn't need to.

Bonner asked what contiguous is.

Nelson and McShane said 'not separate' according the definition that was given to them.

Bonner stated part of it was being able to go through the district without going through another district or leaving the county. He said state law says that areas separated by geographical boundaries or natural barriers that prevent transportation within a district should not be deemed contiguous. Under the proposal, you can't get from Lake Samish to Glacier without leaving the district. It's impossible.

McShane said that was interesting; she thinks it's possible.

They agreed to talk about it as the matter came up later.

The committee took a five minute break.

Bonner reconvened the meeting. He said earlier that day he received a copy of a letter that he thought was also delivered to Karen Frakes' office. He read it into the record. It was from a group called Common Threads Northwest that brought a lawsuit against Proposition 9. It is the ordinance that put the five district matter on the ballot. He read the letter into the record.

"Dear Ms. Frakes:

This letter is sent to you in your dual capacity as legal counsel for the Whatcom County Council and the newly appointed Districting Committee. My clients obviously are a stakeholder in this process and want to make sure the process accurately follows the Whatcom County Charter and state law. The process is important to how the Committee substantively performs its work. We wish to bring two issues to your attention and to the attention of the Committee members.

1) You will recall from the litigation in the fall that one of the concerns we raised was the issue of language in Ordinance 2015-029 and Exhibit A that appeared to preclude the work of the Districting Committee by stating what geographic areas and municipalities had to be assigned to specific districts. In response to our motions on this and other issues, the County advised the Court that the language was not mandatory. See the Declaration of Rud Browne wherein he advised the Court that "The redistricting language in Exhibit A was inserted to make it crystal clear that any actual changes in district boundaries would not be determined by the ordinance, but would in fact be the responsibility of a yet to be appointed Districting Committee. " We anticipate that will be your advice to the Committee so that the Committee is free to do its work without reference to the Council's instructions, inferences or guidance. It is not acceptable that this issue be unresolved or ambiguous. It should be clearly stated so that the Committee members, the Districting Master and the public know what is influencing or not influencing the Committee.

2) In that regard we trust the Committee will be advised that guidance for redistricting should be the Charter language, the criteria in RCW 29A.76.010 and case law that has interpreted the statute. Maps that were published and circulated pre- election have nothing to do with what is required in the work of the Committee.

Thank you for your consideration.

Sincerely, C. Thomas Moser"

Bonner asked Frakes about the language in Ordinance 2015-029 that states District 1 shall contain Ferndale, Lummi Reservation, Lummi Island, Birch Bay, Blaine and Point Roberts. District 2 shall contain Lynden, Sumas, Everson, Nooksack, and the surrounding farm land. District 3 shall contain Deming, Welcome, Kendall, Maple Falls, Acme, Sudden Valley, Lake Whatcom, Lake Samish, and Chuckanut. District 4 shall be North Bellingham. District 5 shall be South Bellingham. He asked if they have to follow the ordinance.

Frakes responded not the ordinance but it is important to look at what was before the voters that the voters approved. The ordinance was not seen by the voters. She explained that whenever we do questions for the ballot we are limited to a very short amount of words. It is incumbent upon the voter if they really want to know what they are approving to look at what the amendment language that they are actually approving is. You're never going to get everything in that very short statement that is limited by state law. In the case here, the amendments to the Charter, the full text of the amendments to the Charter were laid out in the voters' pamphlet. Among the changes to be made, it included transition language. That transition language is a part of the Charter at this point. We need to look at what that transition language says in order to know whether any specific areas should be a starting point for these districts. If you look at that transition language it says the committee shall draw a districting plan for five council districts. The approximate geographic areas covered by each district are anticipated to be... Arguably, that's pretty loose language; it's not mandatory, but it lays out what those districts are anticipated to be, approximately. Her advice was to give the voter intent weight. She feels that is a starting point.

Bonner asked if that is a legal opinion or a personal opinion.

Frakes stated it is her legal opinion. She said she didn't think they could totally disregard the language the voters approved. So this is a starting point. If it doesn't comply with the provisions of state law (population, compact, communities of interest) then clearly those trump these areas.

Bonner clarified that she was saying what the voters saw was in the voters' pamphlet, but the voters pamphlet is different than the ordinance.

Frakes agreed they are different. The language of the ordinance, the part that Bonner read, is not part of the transition language. The transition language actually was attached to that ordinance and that was the proposed Charter change that was attached as an exhibit to the ordinance. That isn't precisely the same as what was in the ordinance itself.

Bonner said then the ordinance itself was in conflict with the transition language.

Frakes said that was argued in court and the court wasn't concerned about any potential or existing conflict.

Bonner said that the court said it wasn't their role because it was up to the public to decide because it hadn't been to the ballot.

Estes asked if the difference was the word "shall" and the word "anticipated".

Frakes said beyond that, what are important is what the voters saw and what the voters approved. The voters approved the transition language. They didn't approve the language in the ordinance. That was part of her argument; the ordinance isn't going to be before the voters. The transition language was. The transition language is not mandatory language. It's looser than the language in the ordinance. She thinks it was purposely written that way.

Bonner asked if in drawing the map, they should follow the spirit of the transition language.

McShane said she thinks Frakes is saying to follow the transition language because that is the voters' intent.

Frakes said that this should be a starting point; if it doesn't comply with state law then you start changing it.

Bonner asked if state law allow a legislative body to set its own district boundaries.

Frakes answered yes, at the state level the legislature has to approve what the Districting Committee comes up with. It is a much more detailed procedure than what we have here. If the Districting Committee comes up with a plan, that has to be approved by the legislative body. It has to be a 2/3 majority.

Bonner said in the state law the legislature does not say legislative district one shall include Burien... (inaudible). What it says basically is there will be 49 districts.

Frakes explained that here it isn't the County Council saying where the districts are; it's the voters who are saying these are the approximate areas. She said that is a crucial distinction. You still have to comply with the state law. State law doesn't even really set out a procedure for counties to follow. As long as they come up with a product that meets the requirements of state law.

Bonner asked if the voters see or hear that it's important that the Districting Master have the education, experience and requisite skills, but the County Council doesn't. Did the voters see that? How can the County Council define what the boundaries should be without having the population... (inaudible).

Frakes stated they didn't define what the boundaries should be. The voters didn't define the boundaries. The voters voted on approximate areas that they thought represented the districts they wanted to see. Whether or not that complies with state law is the job of the Districting Committee.

Bonner asked who wrote the transition language.

Frakes said she is not sure who wrote the language, but she knows the County Council, by adopting an ordinance, put that language to the voters for their approval.

Nelson stated the Council didn't have the population facts, they didn't have the boundary requirements, they didn't have the precincts correct because there are 122 instead of 177, we know they didn't have any of the information required to do any of the districting at all, but yet they wrote the transition language and recommended five districts based on...(inaudible).

Frakes said the voters approved it; 54% of the public, 31,000 people.

Bonner said regardless of that they are not wedded to that because it says approximate geographical areas...(inaudible).

Frakes reiterated that she believes that's a starting point; she thinks the voters' intent needs to be given credence, but if it conflicts with state law...(inaudible).

McShane asked if Bonner was suggesting they ignore the voters.

Bonner and Nelson said no, not at all.

Nelson said he is suggesting they inform the voters, something that seems to be in short supply.

Bonner stated at the state level the Districting Committee submits their plan to the legislature for approval. In our case they submit the plan to the Auditor.

Brown-Davis said the committee approves the plan.

Frakes said the County Council will adopt an ordinance to reflect.

Nelson asked where it says that.

Frakes replied it doesn't; that is the procedure that has been followed in the past. They don't make changes to the plan but in order to codify it and reflect the boundaries they need to adopt an ordinance.

Bonner said that is not how it is in the Charter. He said the Charter says the Districting Committee shall adopt the Districting Plan within 15 days. Upon adoption, the districting plan shall be filed with the County Auditor by the Districting Committee. The plan shall become effective upon filing.

Frakes said she knows what it says. She said that she understood the Council adopted an ordinance to reflect what the committee did but they don't change anything.

Adelstein explained what they submit to the Council are the precinct boundaries.

Bonner asked what the process would be if they do not reach an agreement. The Charter is silent on that.

Frakes suggested they wait and see if that happens. She said it is a difficult question to answer. Researching this issue really doesn't get you anywhere because we have a unique Charter. We have to interpret our Charter separately from State law. We don't just read the State law. We are a Charter county. We have gaps in our Charter. State law fills in those gaps by sending the undecided issues to the Supreme Court. And that way they bestow jurisdiction on the Supreme Court. We can't just give it to a court because there is no jurisdiction for the court to make that decision. She hopes we don't get that situation because we will be treading new ground and we'll have to figure that out. At this point she thinks we can proceed and figure it out if that happens.

Bonner clarified that under the Charter it does not specify what would happen if the committee doesn't agree. State law doesn't address what happens in counties.

Brown-Davis said she contacted Kinsley. He is available at 3 pm Wednesday.

The committee agreed to have the next meeting at 3 pm Wednesday in the same meeting room.

McShane asked about citizen initiatives with tons of language and small print; but then what is in the voters' guide is so small. If it is incumbent on voters to look back on the actual ordinance, that gets back to the conflict between the ordinance and the transition language.

Frakes reminded them that the ordinance wasn't before the voters; just the transition language.

Bonner said the language in the voters' pamphlet doesn't even reference the ordinance.

Frakes said it doesn't reference the ordinance but in the voters' pamphlet it has the full text of the amendment at issue, which includes the transition language. The ordinance really has no bearing.

Adelstein explained that ultimately what develops into being the complete text of what's there goes through legal review, and it may be at the time they draft an ordinance it's got the bones of what they're trying to get but the develop it further or state in a way that is more legally correct. What gets produced as complete text is really what is being proposed.

Bonner clarified that the transition language is what the voters approved, but if it is not in line with State law that would be an issue.

Frakes agreed and said given the way it is worded gives it some room.

They agreed to talk about what will happen at the meeting on February 29.

Estes said they anticipate they will have a Chair and a Districting Master with them.

Nelson said he didn't know if the master wants to attend every meeting. He said they should get their feet wet on the maps. If they can reach reconciliation on the maps, with the Master's assistance, he didn't see any reason for them to reach an impasse.

McShane asked if the Districting Master should come with a map. She pointed out how difficult it is to talk about things without a general map.

Bonner said what happened last time is he had a couple of maps but he took input first. Our input would be our maps.

Nelson said he thought they should be involved and do the job they were assigned to do which means they bring maps.

Estes said to some extent, bring a map is taking final work and giving it to the Districting Master. We could consider giving the guidance of the variables and having a couple variations come back.

Bonner said he doesn't want to do it that way. He said that takes them out of it. What he would like to see is if each side brings a map so they could put them up and talk about them. Otherwise they have no role. They could set a deadline like March 7 to give all the maps to the Master and he can take all the discussion and all of the ideas and from that point he could draw a couple maps.

McShane said her preference is to bring maps and talk about maps and then give their thinking to the Master right away.

Bonner responded that he wants to hear what they have to say because he may change his proposal.

Nelson said they would have to take their proposed map and analyze a lot of things, and they would do the same. He said the Master should only be called on to examine maps when they have been seriously examined by the both sides.

Estes asked if he was saying that the Master would not come to the meeting.

Nelson said no, he should come and listen and be available for them to ask questions. He said giving maps to him at the next meeting is very premature.

Bonner said he thought they should bring maps to the March 7 meeting to discuss and submit to the Master. Part of this process is brainstorming and re-working. He said it should be online so the public can look at it and send letters.

McShane asked about taking comments from the public.

Bonner said the voters stated their intent, and until they come up with a plan there isn't anything to weigh in on.

Estes said they could weigh in if there are two competing plans.

Nelson asked how much time they wished to allocate before they get some concrete maps.

Bonner said at the next meeting (29th) each side will bring a detailed map with precinct overlays on them.

Estes asked if they are using the 2012 precincts with the 2010 data.

Brown-Davis said the most recent email that was sent out had the 177 precincts is 2014. The population is 2010 census. She suggested the committee vote to use the 2014 map.

Bonner moved that the committee use the 2014 precinct maps when they are drawing or making decisions on the districting.

The motion was seconded.

The motion carried by the following vote:

Ayes: Nelson, Estes, Bonner, McShane (4)

Nays: None (0)

Nelson asked if the 2010 population data has been integrated into the 2014 maps.

Brown-Davis said the Sarah Watts, PDS (Planning and Development Services) has done that. She said in her email she mentioned something about population by block.

McShane asked if they had population by precinct number on an Excel spreadsheet or something.

Brown-Davis said she would find out from her tomorrow.

The committee said that would allow them to be much more accurate.

ADJOURN

The meeting was adjourned at 7:22 pm.