

March 10, 2011



**NAVAJO
COUNTY
ATTORNEY'S
OFFICE**



**David Carlyon
County Attorney**

P. O. Box 668
Holbrook, AZ 86025-0668
(928) 524-4026
Fax (928) 524-4244

**Jason S. Moore
Deputy County Attorney**

Direct Line (928) 524-4307
jason.moore@navajocountyaz.gov

T. Christian Herren,
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Re: Submission Under Section 5 of the Voting Rights Act (Use of Redistricting Committee)

Expedited Consideration Requested

Dear Mr. Herren:

In accordance with Section 5 of the Voting Rights Act, the Board of Supervisors of Navajo County, Arizona ("the Board"), hereby submits for your approval a plan to utilize a Redistricting Committee to assist them in the upcoming Redistricting process.

The Change Affecting Voting; 28 CFR § 51-27(a)-(c)

Pursuant to Arizona Revised Statutes §11-212, the Navajo County Board of Supervisors is required to meet after the release of the United States decennial census and divide the county into five districts. The boundaries of those districts are required to be drawn so that there is not more than a ten percent difference in population between the proposed districts:

11-212. Supervisorial districts

The board of supervisors shall meet at the county seat on or before December 1 following the release of the United States decennial census data and divide the county into three or five supervisorial districts as provided in this article, which shall be numbered, respectively, districts one, two and three or districts one, two, three, four and five. The board shall define the boundaries and limits of each district and make the division equal or with not more than ten per cent difference in

population. The county may redistrict as often as deemed necessary between each United States decennial census.

When the Navajo County Board of Supervisors last modified its Supervisorial Districts in 2001, it utilized a Committee to assist in fact-finding and making recommendations regarding a redistricting plan. The use of that Committee, including a complete copy of the Board's Resolution creating the Committee, was detailed in Navajo County's March 20, 2002 submission to the Voting Rights Section of the Department of Justice.¹ The Committee created at that time consisted of six members--two each from Districts II, III, and IV--which the Board of Supervisors at that time deemed would be the Districts most impacted by the redistricting.

In conducting the upcoming redistricting process, the Board of Supervisors would, once again, like to utilize a Redistricting Committee. The purpose of the Committee will be to 1.) serve as a mechanism through which the County can obtain public input from all areas of the County and all communities of interest, 2.) study different redistricting alternatives available to the County, 3.) impartially and independently evaluate the impacts of each alternative, and, 4.) be responsible for making recommendations to the Board of Supervisors.²

The structure of the Committee will be different than that utilized in 2001. Rather than having six members that represent only District II, III, and IV, the Committee the Board of Supervisors proposes to create will consist of five members. Each of the five Supervisorial Districts will be represented by an appointee to the Committee. The County believes that the structure of the proposed Committee is superior to that which was used in 2001, as it ensures that all areas of the County are represented, including important communities of interest on the Navajo Reservation and White Mountain Apache Reservation, which were not represented in 2001.

The details of the structure of the Committee and its functions are detailed in the Board's Resolution.³ Each member of the Committee will be required to attend two sets of public fact-finding meetings in his/her own District. When the Committee meets as a whole to study redistricting alternatives, each member will share what he/she learned during the fact finding meetings with the public. The Board of Supervisors is directing that two sets of public fact-finding meetings occur in each of the following locations:

¹ See Exhibit "A," the County's DOJ Submission from March 20, 2002, specifically pages 6-7, with the attachments from that submission that are relevant to this submission.

² See Exhibit "B," Navajo County Agenda Item Request form for the March 7, 2011 meeting.

³ See Exhibit "C" Resolution _____, A Resolution of the Board of Supervisors of Navajo County, Arizona, Establishing a Redistricting Advisory Committee, and Guidelines for the Redistricting Committee, and Navajo County Board of Supervisors Action Report, Tuesday, March 8, 2011.

- 1) Kayenta (Navajo Reservation)
- 2) Pinon (Navajo Reservation)
- 3) Dilkon (Navajo Reservation)
- 4) Hopi Reservation
- 5) Snowflake
- 6) Taylor
- 7) Holbrook
- 8) Winslow
- 9) Show Low
- 10) Heber-Overgaard
- 11) Pinetop-Lakeside
- 12) Whiteriver (White Mountain Apache Reservation)

Notice of said public meetings will be provided through public announcements utilizing newspaper, radio, and Navajo County's website.

As a Committee created by the Board of Supervisors, whenever a quorum of the Redistricting Committee meets, it will be required to comply with all provisions Arizona's Open Meeting Law. It is anticipated that the Committee will be required to meet as a whole a minimum of three times. The first meeting of the Committee will be used to advise the Committee regarding its duties and the redistricting process. The second meeting of the Committee will occur after the first round of fact-finding meetings with the public, and at that time the Committee will begin to put together redistricting proposals. After developing proposals, and conducting a second round of public fact finding meetings to consider the proposals, the Committee will be required to meet again for the purpose of finalizing its proposals and making recommendations to the Board of Supervisors. It is possible that more than three meetings of Committee will need to take place.

The Committee will be required to submit for the Board's consideration no less than two alternative redistricting plans. In developing plans, the Board has set forth its priorities for the Committee in developing the plan. Provision 3(k) of the Board's Resolution set the Board's priorities for the Committee as follows:

Present no less than two redistricting plans to the Board of Supervisors for consideration. In considering the drawing of district boundaries and the plans to be presented to the Board of Supervisors, the Committee shall consider the following to be the top priorities of the Board:

- 1.) In order to comply with A.R.S. § 11-212 and the constitutional principle of "one person, one vote," all districts should be as nearly equal in population as is feasible, and in no event should there be more than a ten per cent difference in population between the largest and smallest

districts.

2.) The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise. Additionally, the plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act.

After assuring that the top two priorities above have been met, the Committee may consider the following desirable elements of any redistricting plan:

3.) The redistricting plan should, to the extent feasible, be based on the existing districts.

4.) The districts should be compact and composed of contiguous territory.

5.) Where possible, easily identifiable geographic boundaries should be followed.

6.) To the extent possible, incorporated municipalities should not be split

7.) Communities of interest should be identified and maintained in a single district, where possible, and all reasonable attempts should be made to avoid splitting neighborhoods.

8.) To the extent possible, districts should be composed of whole voting precincts. Where this is not feasible, districts should be drawn in a way that permits the creation of practical voting precincts and ensures that adequate facilities for polling places exist within each precinct.

9.) Due consideration should be given to the preservation of incumbent- constituency relations by recognizing the residences of incumbents and their history in representing certain areas.

The County believes that the change in structure of the Committee, along with a more aggressive effort by the county to engage in an interactive dialogue with the community through fact-finding meetings by the Committee members, will result in a better process and, ultimately, a better Redistricting Plan.

The Name, Title, Address, and Telephone Number of the Person Making the Submission; 28 CFR § 51.27(d)

Jason S. Moore
Deputy County Attorney
P.O. Box 668
Holbrook, AZ 86025
(928) 524-4307

The Name of the Submitting Authority and the Name of the Jurisdiction Responsible for the Change, if Different; 28 CFR §51.27(e)

Navajo County

If the Submission is Not From a State or County, the Name of the County and State in Which the Submitting Authority is Located; 28 CFR § 51.27(f)

N/A.

Identification of the Person or Body Responsible for Making the Change and the Mode of Decision; 28 CFR § 51.27(g)

The Navajo County Board of Supervisors is responsible for making the change, and it has acted by adopting a Resolution at its March 7, 2011 meeting. See attachments.

A Statement Identifying the Statutory or other Authority Under Which the Jurisdiction Undertakes the Change and a Description of the Procedures the Jurisdiction was Required to Follow in Deciding to Undertake the Change; 28 CFR § 51.27(h).

See A.R.S. § 11-212 above. See also A.R.S. §§11-251(2), 11-251(30):

11-251. Powers of board
(L10, Ch. 238, sec. 1)

The board of supervisors, under such limitations and restrictions as are prescribed by law, may:

2. Divide the counties into such districts or precincts as required by law, change them and create others as convenience requires.

30. Do and perform all other acts and things necessary to the full discharge of its duties as the legislative authority of the county government, including receiving and accepting payment of monies by credit card or debit card, or both. Any fees or costs incurred by the use of the credit or debit card shall be paid by the person tendering payment unless the charging entity determines that the financial benefits of accepting credit cards or debit cards exceeds the additional processing fees.

The only action needed was for the Board to adopt a Resolution at a duly called, public meeting.

The Date of Adoption of the Change Affecting Voting; 28 CFR § 51.27(i)

March 7, 2011

The Date on Which the Change is to Take Effect; 28 CFR § 51.27(j)

The change will be implemented as soon as it has received DOJ preclearance.

A Statement that the Change Has Not Yet Been Enforced or Administered, or an Explanation of Why Such A Statement Cannot be Made; 28 CFR § 51.27(k)

The proposed change has not yet been administered or enforced. The Committee will not meet until such time as Navajo County has received preclearance for this change from U.S.D.O.J.

Where the Change Will Affect Less Than the Entire Jurisdiction, an Explanation of the Scope of the Change; 28 CFR § 51.27(l)

N/A.

A Statement of the Reasons for the Change; 28 CFR § 51.27(m)

As set stated above, the County believes the structure of the proposed Committee is significantly better than that which was utilized in 2001. In restructuring the Committee, the County is making sure that all areas of Navajo County have representation on the Committee. Additionally, the County believes the use of the Committee is a better mechanism to obtain public input.

A Statement of the Anticipated Effect of the Change on Members of Racial or Language Minority Groups; 28 CFR §51.27(n)

The County anticipates the change will positively impact members of racial and language minority groups. The composition of the Committee will provide Navajo County residents from Districts I and V representation on the Committee, which was not present during the last redistricting process in 2001. In addition, the Committee will be required to conduct at least six meetings on the Navajo Nation (two each in Kayenta, Pinon, and Dilkon), two on the Hopi Reservation, and two on the White Mountain Apache Reservation. This will ensure that the County receives significant input from racial and minority groups that exist within the County throughout the redistricting process.

A Statement Identifying Any Past or Pending Litigation Concerning the Change or Related Voting Practices; 28 CFR §51.27(o)

None

A Statement that the Prior Practice Has Been PreCleared (with the date) or is Not Subject To The Preclearance Requirement and A Statement that the Procedure for the Adoption of the Change Has Been Precleared (with the date) or is Not Subject to the Preclearance Requirement, or an Explanation of Why Such Statements Cannot be Made

The Civil Rights Division approved Navajo County's 2002 redistricting submission, and presumably the procedures the County utilized in drawing its' current supervisorial district boundaries (expressly referred to in the submission), by letter dated May 31, 2002.

Thank you for your consideration of this preclearance submission. If you have any questions or need any additional information, please feel free to contact me directly at (928) 524-4307.

Sincerely,



Jason S. Moore
Deputy County Attorney

District I
PERCY DEAL
P.O. Box 365
Oraibi, AZ 86039
Phone: 725-3732

District II
JESSE THOMPSON
P.O. Box 504
Kykotsmovi, AZ 86039
Phone 524-4053

District III
J.R. DESPAIN
P.O. Box 159
Joseph City, AZ 86032
Phone 524-3597

District IV
PETE SHUMWAY
P.O. Box 161
Taylor, AZ 85939
Phone 536-4060

District V
JERRY BROWNLOW
P.O. Box 129
Pinetop, AZ 85935
Phone 367-3516

NAVAJO COUNTY BOARD OF SUPERVISORS

Governmental Complex - NC #18
P.O. Box 668 - 100 E. Carter Drive
Holbrook, AZ 86025
PHONE (928) 524-4053 FAX (928) 524-4239
E-Mail: ncbos@co.navajo.az.us

EDWARD J. KOURY
County Manager

JUDY JONES
Clerk of the Board

March 20, 2002

Mr. Joseph D. Rich
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U. S. Department of Justice
250 Pennsylvania Ave., NW
Washington, D.C. 20035

**Re: Submission Under Section 5 of the Voting Rights Act
(Supervisory District Redistricting Plan of the
Board of Supervisors of Navajo County, Arizona)**

Dear Mr. Rich:

In accordance with Section 5 of the Voting Rights Act, the Board of Supervisors of Navajo County, Arizona ("**the Board**"), hereby submits for preclearance the Supervisory District Redistricting Plan adopted by the Board on December 10, 2001 ("**the New Plan**").

1.

The Change Affecting Voting, 28 CFR § 51.27(a)-(c)

Pursuant to Arizona Revised Statutes ("**ARS**") § 11-201, Navajo County ("**the County**") is governed by the Board. The statute provides: "The powers of a county shall be exercised only by the board of supervisors or by agents and officers acting under its authority and authority of law."

Pursuant to ARS § 11-211, the Board comprises five Supervisors. Each Supervisor represents one of five Supervisorial Districts ("**the Districts**"). The County designates these as District I through District V. The Supervisors are elected to four-year terms at the general election at which the President of the United States is elected (meaning that the next election will be in November of 2004). Pursuant to ARS § 11-213, each Supervisor is elected by the qualified electors of the District that he or she represents.

Copies of ARS §§ 11-201, 11-211 and 11-213 are **Attachment 1**.

The redistricting statute is ARS § 11-212, which provides as follows:

11-212. Supervisorial districts

The board of supervisors shall meet at the county seat on or before December 1 following the release of the United States decennial census data and divide the county into three or five supervisorial districts as provided in this article, which shall be numbered, respectively, districts one, two and three or districts one, two, three, four and five. The board shall define the boundaries and limits of each district and make the division equal or with not more than ten per cent difference in population. The county may redistrict as often as deemed necessary between each United States decennial census.

The statutory requirement that the Districts must be "equal or with not more than ten per cent difference in population" was added by the Arizona Legislature in 2000 (Laws 2000, Ch. 237, § 1). The statute had previously required the Districts to be "equal or as nearly equal in population as is practicable."

The benchmark plan for the County is one that has been in effect since September 13, 1985. In 1984, the number of Districts was increased from three to five pursuant to the statutory procedures. This, of course, necessitated redistricting. There was a lengthy process of obtaining preclearance of the 1984 plan, which was then not changed after the 1990 decennial census and thus has remained in effect since it was precleared on September 13, 1985. The configuration of the Districts under the benchmark plan is shown on **Attachment 2**. Information concerning the preclearance of the benchmark plan is included in **Attachment 2-A**.

The New Plan was adopted pursuant to ARS § 11-212 using the unadjusted data from the 2000 decennial census. It was adopted by the Board on December 10, 2001 pursuant to Resolution No. 99-01. The same resolution authorized this preclearance submission. A copy of Resolution No. 99-01 is **Attachment 3**.

The New Plan will result in the reconfiguration of the five Districts as shown on **Attachment 4** and will be effective for the election of Supervisors at the general election in November of 2004 (assuming that it is precleared).

The County's population as determined by the 1990 census was 77,658. According to the 2000 census, the County's population has grown to 97,420. This growth, however, did not occur evenly across the County. It occurred primarily in the southern part of the County, which includes vacation and resort communities such as the city of Show Low, the towns of Pinetop-Lakeside, Snowflake and Taylor, and the unincorporated community of Heber-Overgaard (as well as White Mountain Apache reservation land). Districts IV and V, which are located in this southern part of the County, grew by 54.6% and 38.2% respectively.

In contrast, Districts I and II, which are in the northern part of the County and are largely Navajo and Hopi reservation land, grew by only 21.9% and 5.4% respectively. District III, which includes the central County cities of Winslow and Holbrook, as well as the unincorporated community of Joseph City, grew by only 4.9%. This imbalance in growth presented a challenge to the Board in its effort to comply with the requirements of ARS § 11-212 (and the constitutional underpinnings of the statute) while avoiding any retrogressive effect on racial and language minority groups. The imbalance in District populations immediately before the adoption of the New Plan is shown in Table 1 (using population figures from the 2000 census). In other words, Table 1 shows the way that the Districts would look if the benchmark plan remained in place:

Table 1.
District Populations Before Adoption of New Plan
(2000 Census)

<u>District</u>	<u>Population</u>
I	18,189
II	14,505
III	17,645
IV	25,450
V	21,681

The deviation between the smallest District (number II, with a population of 14,505) and the largest (number IV, with a population of 25,450) was 10,945. This deviation was 56.15% of the ideal District population of 19,494 and thus made the benchmark plan far out of compliance with ARS § 11-212 and the constitutional principles on which it is based. Achieving compliance

with ARS § 11-212 required a significant shift in population from the southern Districts (principally number IV) to the other Districts (principally numbers II and III). The challenge for purposes of Section 5 was that the other Districts (especially numbers I and II) had by far the largest racial and language minority group populations. District IV, in contrast, was predominantly White. The balance in District populations achieved by the New Plan is shown in Table 2:

Table 2.
District Populations Under New Plan
(2000 Census)

<u>District</u>	<u>Population</u>
I	18,729
II	19,089
III	19,422
IV	20,215
V	20,015

Under the New Plan, the deviation between the largest District (number IV) and the smallest (number I) is 1,486. This deviation is only 7.62% of the ideal District population of 19,494. The New Plan thus will achieve compliance with ARS § 11-212 and the constitutional requirements set forth in Karcher v. Daggett, 462 U.S. 725 (1983), and subsequent decisions. The effect of the New Plan on racial and language minority groups is discussed in Section 6 below.

Tables 1-2 are derived from the documents in **Attachment 5**, which were prepared by the County Manager. This attachment includes precinct-by-precinct demographic data for each District for both 1990 and 2000. More detailed demographic data as required by 28 CFR § 51.28 is included on the enclosed **Disk**. If you encounter any problem with this disk, please contact Jeff Cook in our Public Works Department, (928) 524-4100, e-mail jeffc@co.navajo.az.us.

In addition to reconfiguring the Districts, the New Plan makes minor and non-controversial changes to the boundaries of five voting precincts. These are discussed in Section 14 below. Preclearance is requested for these as well.

2.

Submitting Authority, 28 CFR § 51.27(d)-(f)

This submission was prepared by the Navajo County Attorney's Office as statutory counsel for the Board:

Lance B. Payette
Deputy County Attorney
P. O. Box 668
Holbrook, AZ 86025-0668
(928) 524-4002
Fax (928) 524-4244
e-mail lpayette@co.navajo.az.us

The submitting authority is the Board as the governing body of the County:

Jesse Thompson
Chairman of the Board
Navajo County Board of Supervisors
P. O. Box 668
Holbrook, AZ 86025-0668
(928) 524-4000
Fax (928) 524-4239
e-mail ncbos@co.navajo.az.us

3.

The Redistricting Process, 28 CFR § 51.27(g)-(i)

Attachment 6-A comprises the relevant portions of the official minutes of the various Board meetings discussed below. **Attachment 6-B** comprises the relevant portions of the official minutes of the various Redistricting Advisory Committee meetings discussed below. All meetings were duly noticed, agendized and conducted in accordance with the Arizona Open Meeting Law, ARS §§ 38-431 to 38-431.09.

As is explained above, the redistricting process was undertaken pursuant to the requirements of ARS § 11-212 and the authority vested in the Board by that statute. The Board discussed redistricting with the County Manager at its public meetings on August 6, 2001 and

Mr. Joseph D. Rich

March 20, 2002

Page 6

September 17, 2001. At the September 17th meeting, the County Manager presented the Board with four preliminary alternatives that were intended to address only the population balancing required by ARS § 11-212.

The formal redistricting process began at the Board's public meeting on October 1, 2001. The October 1st meeting was attended by local municipal officials and other residents of the County, several of whom expressed their views about the preliminary alternatives and the need for additional public meetings. The Board adopted a motion to form a Redistricting Advisory Committee ("**the Advisory Committee**") consisting of six members -- two each from Districts II, III and IV (the Districts that would be most affected by the redistricting). The Board also voted to hold additional public meetings in the city of Winslow, the city of Holbrook and the Snowflake-Taylor area, as well as with the Navajo Nation and the Hopi Tribe.

At the Board's public meeting on October 9, 2001, the Board appointed the six members of the Advisory Committee. These were the Mayor of Holbrook, the Mayor of Snowflake, a member of the Taylor Town Council, a member of the Winslow City Council and two Navajo chapter officials. The Board and the Advisory Committee heard a presentation by the County Attorney's Office concerning the legal requirements for redistricting. Immediately after the Board meeting, the Advisory Committee held its organizational public meeting.

At the Board's public meeting on October 15, 2001, the County Attorney's Office made a presentation concerning the criteria traditionally used in redistricting. After determining the criteria most significant to the County, the Board adopted Resolution No. 86-01, establishing the criteria to guide the Advisory Committee and the Board in developing a final plan. A copy of Resolution No. 86-01 is **Attachment 7**. The Advisory Committee met later the same day. The Committee members heard a presentation concerning the criteria adopted by the Board, received public comments and requested additional information from County officials to aid the Committee in developing its recommendations to the Board.

At the Board's public meeting on October 22, 2001, the Board considered expanding the membership of the Advisory Committee but chose not to do so. The Supervisor representing District I (who is a Native American) noted that he had invited (by both telephone and letter) the Navajo Nation and the Hopi Tribe to attend the meetings of the Advisory Committee and that the President of the Navajo Nation had expressed a wish to appoint someone to the Committee in the future. A copy of the Supervisor's letter is **Attachment 8**.

The Advisory Committee held another public meeting on October 29, 2001. At this meeting, the members noted that the President of the Navajo Nation still wished to appoint a member in the future and that the Hopi Tribe had requested a presentation. The members also

received public comments, including three proposed redistricting plans. The Mayor of Holbrook, a Committee member, also proposed a plan.

The Board next met at a public meeting on November 5, 2001. The Supervisors received an update on the proposals made to the Advisory Committee. They noted that time was running short for the President of the Navajo Nation to appoint someone to the Committee but that in any event two Navajo chapter officials were on the Committee and several more public meetings would be held after the Committee had made its recommendations to the Board.

On November 8, 2001, the Advisory Committee met in a public meeting. The Committee member from the Winslow City Council proposed a plan, and the Mayor of Holbrook proposed two plans in addition to the one that he had previously proposed on October 29th. Together with other proposals given to Committee members by members of the public, the total was now up to 12 plans. The Committee voted to meet again on November 13th to discuss and prioritize the plans.

On November 13, 2001, the Board received an update on the Advisory Committee's activities and voted to schedule public meetings to discuss the Committee's anticipated recommendations. The meetings were scheduled for November 26th at a college campus in the Snowflake-Taylor area and for November 27th at the Hopi Tribal Council chambers, the Winslow City Council chambers and the Dilkon chapter house on the Navajo reservation (three separate meetings).

The Advisory Committee met later in the day on November 13th. This was a public meeting, but public comments were not invited because the Committee members wished to focus on prioritizing the proposed plans. Each Committee member assigned a ranking to each of the 12 proposed plans, and the results were tallied by County officials. The Committee then voted to present the top four plans to the Board for its consideration. These four plans are **Attachment 9**. The Committee member from the Winslow City Council, whose plan was not one of the top four, dissented.

The Advisory Committee's recommendations were presented to the Board at a public meeting on November 19, 2001. The Board voted to accept the Committee's recommendations and to move forward with the public meetings on November 26th and 27th.

The public meetings were held on November 26th and 27th at the locations indicated above and were attended by one or more Supervisors, the County Manager and the County Attorney. Minutes were not prepared because a quorum of the Board was not present and because the meetings were intended solely to inform the public and receive public comments.

The Board next met at a public meeting on December 3, 2001 to adopt a final plan. This meeting was attended by several representatives of the city of Winslow, as well as representatives of the Navajo Nation and the Hopi Tribe. The Navajo Nation offered suggestions in the form of Resolution No. IGRN-304-01 of the Intergovernmental Relations Committee of the Navajo Nation Council, a copy of which is **Attachment 10**. The Hopi Tribe offered suggestions in the form of Resolution No. H-121-2001 of the Hopi Tribal Council, a copy of which is **Attachment 11**. The Board also considered the plan proposed by the Advisory Committee member from the Winslow City Council, which was not one of the four recommended by the Committee. It is **Attachment 12**. The Board agreed to incorporate the majority of the suggestions of the Navajo Nation and the Hopi Tribe as described in Section 6 below, as well as minor changes in precinct boundaries recommended by the County Manager and County Elections Coordinator as described in Section 14 below. This plan was designated the "12/03 Board Proposal" and was approved by the Board by a vote of 4-1. It is the New Plan (**Attachment 4**). The dissenting vote was by the Supervisor representing District III, which included the entire city of Winslow under the benchmark plan but does not include the entire city under the New Plan. (All of the plans considered by the Advisory Committee or the Board, together with more detailed demographic information, are included on the **Disk**.)

The Board formalized its adoption of the New Plan at its public meeting on December 10, 2001 by the adoption of Resolution No. 99-01 (**Attachment 3**).

4.

The Effective Date of the Change, 28 CFR § 51.27(j)

The New Plan will first apply to the election of Supervisors at the general election in November of 2004. Pursuant to ARS § 16-201, the primary election day is the eighth Tuesday before the general election.

The New Plan has not yet been enforced or administered.

5.

The Scope and Reasons for the Change, 28 CFR § 51.27(l)-(m)

The New Plan will affect the entire County. The redistricting accomplished by the New Plan is required by ARS § 11-212 (as described above) in order to balance the populations of the five Districts in light of the 2000 census data.

6.

Effect on Racial and Language Minority Groups, 28 CFR § 51.27(n)

By far the largest racial or language minority group in the County is Native American (Hopi, Navajo and White Mountain Apache). Since 1984, the Supervisors representing Districts I and II have been (and currently are) Native Americans. Detailed information concerning Supervisorial District elections over the past ten years is included on **Attachment 13**. The Native American population of each District under the benchmark plan (1990 data) and the New Plan (2000 data) is shown in Table 3:

Table 3.
Native American Population of Districts

<u>District</u>	<u>Benchmark</u>	<u>New Plan</u>
I	14,210 (95.27%)	17,778 (94.92%)
II	13,387 (97.25%)	14,712 (77.02%)
III	3,456 (20.54%)	2,926 (15.07%)
IV	824 (5.01%)	764 (3.78%)
V	8,540 (54.43%)	9,958 (49.75%)

Table 3 shows a decrease in the percentage of Native Americans in each District. This is partly because the Native American population of the County increased by only 5,721 from 1990 to 2000, while the non-Native American population increased by 14,091. In 1990, Native Americans accounted for 52.04% of the County's total population, whereas in 2000 they accounted for only 47.34%. Moreover, in order to balance the populations of the Districts in compliance with ARS § 11-212, it was necessary to shift population from the predominantly non-Native American Districts to the predominantly Native American ones. The Board believes the significant points are that (1) Native Americans retain a super-majority in Districts I and II, from which Native American Supervisors have historically been elected, and (2) the Plan was

developed with input from the Navajo Nation and the Hopi Tribe and incorporates their suggestions as described below.

The Hispanic population of the County is much smaller than the Native American population and remained stable (as a percentage of the County's total population) during the period from 1990 to 2000. The figures for Hispanics are shown in Table 4:

Table 4.
Hispanic Population of Districts

<u>District</u>	<u>Benchmark</u>	<u>New Plan</u>
I	208 (1.39%)	161 (0.86%)
II	148 (1.08%)	1,262 (6.61%)
III	3,783 (22.48%)	3,650 (18.79%)
IV	862 (5.24%)	1,848 (9.14%)
V	651 (4.15%)	1,092 (5.46%)

The Hispanic population of the County increased from 5,652 (7.28%) in 1990 to 8,013 (8.22%) in 2000, an increase of only 0.94%. In developing the New Plan, the principal concern with respect to Hispanics was the decrease in voting strength from 22.48% to 18.79% in District III. The Board was very sensitive to this issue and considered alternative plans as described above. As is apparent from Table 1, District II (which is predominantly Native American) had become the most severely "under-populated" by 2000. To achieve compliance with ARS § 11-212, it was necessary to shift significant population from District IV to District III and from District III to District II. The largest population center in District III is the city of Winslow, which is located on the boundary with District II. Winslow, which has a significant population of Hispanics and Native Americans, thus was the geographically logical choice from which to shift population to District II. Moreover, the Board received suggestions from the Navajo Nation to move Navajo-owned land in Winslow to District II and from the Hopi Tribe to move Hopi land in Winslow (including the Hopi Industrial Park) to District II. Of the 5,124 individuals shifted to District II from District III under the New Plan, 1,422 are Native Americans and 1,043 are Hispanics. The Board determined that the New Plan was the best alternative for preserving the Native American super-majority in District II, accomplishing the consolidation of Tribal land as requested by the Navajo Nation and the Hopi Tribe, minimizing any retrogressive effect on Hispanics in District III, and conforming to the redistricting criteria adopted by the Board.

The Black population of the County is very small and is shown in Table V:

Table 5.
Black Population of Districts

<u>District</u>	<u>Benchmark</u>	<u>New Plan</u>
I	12 (0.08%)	20 (0.11%)
II	10 (0.07%)	146 (0.76%)
III	604 (3.59%)	546 (2.81%)
IV	29 (0.18%)	84 (0.42%)
V	48 (0.31%)	92 (0.46%)

The Black population of the County grew from 703 in 1990 to 888 in 2000. The Black population as a percentage of the County's total population remained stable at 0.91%. As with Hispanics, under the New Plan there is a small decrease in the percentage of Blacks in District III and a corresponding increase in Districts I and especially II. This results from the same considerations described above with respect to Hispanics.

Tables 3-5 are derived from the documents in **Attachment 5**, which were prepared by the County Manager. This attachment includes precinct-by-precinct demographic data for each District for both 1990 and 2000. More detailed demographic data as required by 28 CFR § 51.28 is included on the **Disk**.

The only significant opposition to the New Plan was by the city of Winslow, which favored the plan proposed by the member of the Advisory Committee from the Winslow City Council (**Attachment 12**). It is referred to in some of the materials as "McCauley Map 1." The Winslow plan was given due consideration, particularly since the member from the Winslow City Council was the chairman of the Advisory Committee, but it was not one of the four plans recommended by the Committee. Even though it was not one of the recommended plans, it was given special consideration by the Board but was not adopted. In light of the magnitude of the population shift that was required to achieve compliance with ARS § 11-212 and its constitutional underpinnings, the Board believes that dissatisfaction on the part of some municipality or community of interest was inevitable. Because the city of Winslow has indicated that it intends to lodge a protest with the Voting Section, the Winslow plan will be addressed in some detail.

The Winslow plan would keep Winslow entirely within District III but would shift the entire city of Holbrook to District II, together with the Holbrook-affiliated communities of Sun Valley and Woodruff. It would result in a far more "gerrymander-appearing" configuration of

Districts than does the New Plan. The Board believes that it would also have a more retrogressive effect on racial and language minority groups for the reasons explained below.

A comparison of the effect of the New Plan and the Winslow plan on Districts II and III, which is the sole area of concern to Winslow, shows the following:

The New Plan

1. District III will lose the following precincts, which will be moved to District II:
 - a. A small portion of Winslow Precinct No. 1 that includes the Hopi Industrial Park, which will be moved at the request of the Hopi Tribe.
 - b. Winslow Precinct No. 5 (including will now include the above portion from Winslow Precinct No. 1).
 - c. Winslow Precinct No. 4.
2. District III will gain the following precincts, which will be moved from District IV:
 - a. Snowflake Precincts No. 1 and No. 2.
 - b. Cedar Hills Precinct.
 - c. White Mountain Lake Precinct.

The Winslow plan

1. District III would lose the following precincts, which would be moved to District II:
 - a. Holbrook Precincts No. 1, No. 2 and No. 3.
 - b. Sun Valley Precinct.
 - c. Woodruff Precinct.
2. District III would gain the following precincts, which would be moved from District IV:
 - a. Snowflake Precincts No. 1 and No. 2.
 - b. Taylor Precincts No. 1 and No. 2.

The effect of each plan on racial and language minority groups is summarized in Table 6, which is derived from the documents in **Attachment 5**:

Table 6.
Effect of the New Plan and the Winslow Plan on
Racial and Language Minority Groups in
Districts II and III.

District II			
	<u>Nat. Am.</u>	<u>Hispanic</u>	<u>Black</u>
New Plan	14,712 (77.07%)	1,262 (6.61%)	146 (0.76%)
Winslow plan	14,597 (74.16%)	1,432 (7.27%)	145 (0.74%)
District III			
	<u>Nat. Am.</u>	<u>Hispanic</u>	<u>Black</u>
New Plan	2,926 (15.07%)	3,650 (18.79% %)	546 (2.81%)
Winslow plan	3,188 (15.84%)	3,643 (18.10%)	544 (2.70%)

The Winslow plan would result in fewer Hispanics and Blacks in District III than would the New Plan. It thus is retrogressive with respect to these groups. It would result in 262 more Native Americans in District III - but the shift of more Native Americans to District II under the New Plan helps preserve the historical super-majority in District II and is to a large degree being made at the specific request of the Hopi Tribe. There are 152 Native Americans in the portion of Winslow Precinct No. 1 being combined with Winslow Precinct No. 5 and moved to District II at the suggestion of the Hopi Tribe.

In District II, the Winslow plan would result in fewer Native Americans and Blacks than would the New Plan and only 170 more Hispanics. Of perhaps greatest significance, the Winslow plan would result in 3,273 Whites (16.63%) in District II in comparison to 2,577 Whites (13.50%) under the New Plan - a substantial increase in Whites in a District that has historically had a Native American super-majority and has historically elected a Native American Supervisor.

In short, the Board believes that the Winslow plan is more retrogressive than the New Plan. The sole virtue of the Winslow plan is that it keeps the entire city of Winslow in District III. However, this is done at the price not only of retrogression in both Districts II and III but also of quasi-gerrymandering that does not take into account the wishes of the Navajo Nation

and the Hopi Tribe and does not conform to the redistricting criteria adopted by the Board. The Board acknowledges that one redistricting criterion was that "to the extent possible, incorporated municipalities should not be split." However, this was only one of ten criteria, and the Board believes that the Winslow plan would meet this criterion at the expense of others that the Board regards as more important (and that the courts have likewise regarded as more important).

7.

Past or Pending Litigation, 28 CFR § 51.27(o)

There has been no past litigation in regard to redistricting by the County. As is indicated above, the benchmark plan was precleared in 1985 in connection with an increase from three to five Districts. There is no pending litigation in connection with the Board's adoption of the New Plan.

8.

Prior Practice Preclearance, 28 CFR § 51.27(p)

The benchmark plan was precleared in 1985 in connection with an increase from three to five Districts. See **Attachment 2-B**.

9.

Demographic Information and Maps, 28 CFR § 51.28(a)-(b)

This information is provided on the **Disk**.

10.

Election Return Information, 28 CFR § 51.28(d)

This information is provided in **Attachment 13**.

11.

Publicity and Participation, 28 CFR § 51.28(f)

The public meeting and public participation process is described in Section 3 above and is supported by **Attachments 6-A and 6-B**.

12.

Availability of Submission, 28 CFR § 51.28(g)

This submission is a public record under Arizona's Public Records Law, ARS §§ 39-121 to 39-125, and the County has already received requests for copies. The availability of copies was emphasized at the Board's public meeting on March 11, 2002. See **Attachment 14**, which is the relevant portion of the meeting minutes. Simultaneously with this submission, the Board is issuing a news release emphasizing the availability of copies and encouraging citizens to send comments to the Voting Section. The news release is being distributed to all newspapers and radio stations in the County. In addition, the County is publishing a similar notice in the Holbrook Tribune, which is the official County newspaper. The news release and notice are included in **Attachment 14**.

13.

Minority Group Contacts, 28 CFR § 51.28(h)

A list of minority group contacts who participated in the redistricting process or who may be interested in the New Plan is set forth below. The Board would again emphasize that two Supervisors (including the undersigned) are Native Americans, two Native Americans were members of the Advisory Committee, and the Navajo Nation Council and the Hopi Tribal Council both formally offered suggestions in the form of resolutions.

Mr. Percy Deal
P.O. Box 365
Oraibi, Az 86039

Mr. Elmer Begay
HCR 63 Box 6081
Winslow, AZ 86047

Mr. Joseph D. Rich

March 20, 2002

Page 16

Mr. Jesse Thompson
P.O. Box 504
Kykotsmovi, Az 86039

Mr. Todd Honyaoma Sr.
P.O. Box 788
Hotevilla, AZ 86030

Mr. Tommy Joe
Teesto CPU Box 7285
Winslow, AZ 86047

14.

Precinct Boundary Changes

The changes in voting precinct boundaries being made in connection with the New Plan are minor and non-controversial. Hence, preclearance of these is requested as well. Maps showing the precincts and the changes are in **Attachment 15** and on the **Disk**. The Board's authority to change voting precinct boundaries is found in ARS § 16-411, which is included in **Attachment 1**.

As part of the balancing of the populations of Districts IV and V, most of the Lakeside No. 2 Precinct is being moved from District V to District IV. However, a small portion of the Lakeside No. 2 Precinct (649 individuals) is remaining in District V and becoming part of the Lakeside No. 1 Precinct. This is being done solely as part of the effort to balance the populations of Districts IV and V in compliance with ARS § 11-212. The portion remaining in District V is bounded on one side by a lake and on the other by a state highway, so the configuration is geographically logical.

The Hardrocks No. 3 Precinct in District I is being combined with the Toreva Precinct in District II. This affects only two individuals, both Native Americans. In both Districts, Native Americans have a super-majority. This change was suggested by the Hopi Tribe in order to consolidate Hopi land in District II.

A portion of the Winslow No. 1 Precinct (152 individuals, all Native Americans) in District III is being moved to the Winslow No. 5 Precinct in District II. This change was likewise suggested by the Hopi Tribe in order to consolidate Hopi land in District II.

The boundary between the Clay Springs Precinct and the Pinedale Precinct in District IV is being changed to its original configuration along a roadway in accordance with a request made to the District IV Supervisor by residents of the area. Both Precincts will remain in District IV.

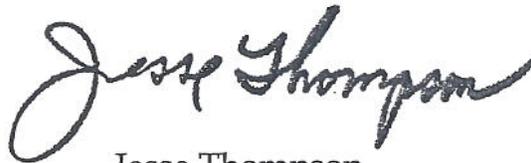
Mr. Joseph D. Rich
March 20, 2002
Page 17

The Whiteriver Precinct in District V is being split into Whiteriver Precinct No. 1 and Whiteriver Precinct No. 2. This is being done at the request of the White Mountain Apache Tribe because the Whiteriver Precinct had grown to 8,681 individuals and was simply too large for administrative and voter convenience. Both Precincts will remain in District V. The Board has reached an agreement with the Whiteriver Unified School District to use the Chief Alchesay Activity Center, a large and modern facility, as the polling place for Whiteriver Precinct No. 2. A copy of the agreement and photographs of the facility are in **Attachment 14**.

Thank you for your consideration of this preclearance submission. Please feel free to contact me or our Deputy County Attorney if you have any questions or concerns or need additional information to facilitate your review.

Very truly yours,

NAVAJO COUNTY BOARD OF SUPERVISORS

A handwritten signature in black ink that reads "Jesse Thompson". The signature is written in a cursive style with a large, looping initial "J".

Jesse Thompson
Chairman of the Board

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

OCTOBER 1, 2001

BOARD OF SUPERVISORS: Eddie Koury, County Manager: Public Hearing re: Possible Approval of new Supervisorial District Boundaries: Mr. Koury began by providing some history. In 1985, Navajo County went from three districts to five. That process took over two years to complete because we could not get Department of Justice (DOJ) approval for the various maps proposed. In 1990, the districts were left exactly as they were created in 1985. Because of the 2000 census, the Supervisors must again draw new district boundaries in keeping with the new population counts. Based on Navajo County's population of 97,470, the ideal number for each district is 19,494. The redistricting boundary lines must be drawn and submitted no later than December 1, 2001, and there cannot be more than a 10% variance between the districts with the highest and lowest population counts. Mr. Koury advised that the proposal tentatively approved by the Board on September 17, 2001 results in a 7.1% variance. This proposal would have Precincts 4 & 5 in Winslow moved from District III into District II. District III would pick up Taylor Precincts 1 & 2, Cedar Hills and White Mountain Lakes from District IV. Lakeside Precinct 2 would be split, with 649 people moved into Lakeside Precinct 1. District IV would then pick up Lakeside Precinct 2 from District V.

Mr. Deal noted that the Board was presented with three proposals, and keeping in mind the statutes and mandates, the Board felt this was the best proposal which would be acceptable to the DOJ. He said the Board wanted to have public input prior to a formal adoption of the proposal, and opened the meeting for public comment. Mr. DeSpain welcomed the many community leaders from Holbrook and Winslow. Marlin Gillespie (citizen of Holbrook) said he sees a problem with disenfranchising half of Winslow's population from their Supervisor. He felt there could be some changes, but Winslow should not be the one sacrificed. His proposal would move Winslow Precinct 4 back into District III, and move Holbrook Precinct 2 and Sun Valley into District II. This would result in a 9.5% variance, which is still within the limit of 10%. He noted this would leave Districts I & II mostly intact so there should be no problem with the DOJ. Thomas McCauley (Winslow City Council) advised that 53% of Winslow's population is minority based. This proposed split would divide the minority vote and would disenfranchise the Hispanic vote permanently. He advised that the City of Winslow has passed a resolution in opposition to this proposal, and he presented Mr. DeSpain with approximately 100 letters from citizens also in opposition. He proposed that Winslow not be split, and that Holbrook Precincts 1, 2 & 3, Sun Valley and Woodruff be moved to District II. He said this would keep an entire region intact. Mr. McCauley voiced concern that there was not adequate, formal notice of this meeting to the public. He requested additional public meetings, scheduled in several locations, to be held in the evenings so more people can come and be heard. Mr. Thompson said Mr. McCauley's points are well taken and asked if there are minorities on the Winslow City Council. Mr. McCauley responded there are. He added that his wife is Native American, as is his son, and he has recently adopted a Hispanic child. Dale Patton (Counsel for City of Winslow and Winslow Unified School District) stated that the Board's proposal moves nearly 5000 people from District III to District II, and then moves approximately 6000 people back into District III from District IV. He said Winslow should stay together so the people can vote in a block. If split, Winslow would be like two cities the

size of Holbrook, but in different districts. Although he feels Mr. Gillespie's proposal is better than the Board's, he does not agree that some communities will have to be split. He feels the only reason not to move Holbrook Precincts 1, 2 & 3, Sun Valley, Joseph City, and Woodruff into District II would be that it would undermine the political base of the current supervisor. Mr. Patton said that the Winslow Unified School District agrees with the position of the City of Winslow. He presented some demographic information which indicated that 25.6% of the population in Winslow is Native American, and 28.8% is Hispanic. This shows that 53% of the population is minority. Holbrook's demographics are similar: 26.3% Native American and 23.3% Hispanic for a total of 49.9% minority. In closing, Mr. Patton said that Winslow has always had a good relationship with Navajo County, and it is time for the County to do right by them. He also agreed that more public meetings should be held before a final decision is made. Kerry Ballard (Mayor of Snowflake), said he does not want his community split and agrees that Snowflake Precinct 1 should be put back into District IV. He said that his community is working on a lot of projects with Mr. Tenney, and if the city is split, this may not continue because part of the city would be in another district.

At this point, Mr. Tenney expressed his appreciation to everyone who attended this meeting today. He said this public comment is what the Board wanted, and he suggested a committee be formed to come back to the Board with a recommendation. He agreed there should be additional public meetings held. He noted that this proposal basically impacts Districts II, III and IV, and he would recommend that the Supervisors from those districts each appoint 2 or 3 people to sit on the committee. He said the committee must be committed to move quickly because the final proposal has to be sent completed by December 1.

Celeste Sojourner (citizen of Winslow) expressed her dissatisfaction with the lack of public notice of this meeting. She stressed that more public input is needed and suggested that an extension of time could be requested from the DOJ. Dee Rodriguez said she is a member of the Winslow City Council, and she does not want to see the city split. She said she appreciates the public hearing today, but there should have been more notice. Bryan Smithson (Mayor of Holbrook) said he intended to come to this hearing today and support the Board's proposal. However, after listening to the other speakers, he is concerned about splitting any community. He agreed that more public meetings are necessary, and he said he would be willing to serve on a committee. Todd Honyaoma, Sr. (Hopi Tribe) said he found out about this meeting only yesterday. He would like a representative to come to a tribal meeting and educate them about this procedure. He said he knows all people will not be satisfied, but everyone should be comfortable with whatever decision is finally reached. Amber Hill (City of Holbrook) said Holbrook is also concerned with this issue. She noted it would not be a disadvantage to be in any district. She supports Mr. Tenney's suggestion to form a committee to come up with another draft proposal to address the concerns voiced today. She expressed appreciation to the Board for their hard work, and noted it is impossible to please 100% of the people, 100% of the time. Mark Ollerton (Snowflake Unified School District) said that he doesn't want to see the school districts split any more than the community. He supports the idea of a committee and added that resources must be made available to them. He expressed his appreciation to the Board for this hearing, and for their willingness to hold more public meetings.

Mr. DeSpain said he agrees with the formation of a committee to address the concerns of the public. Mr. Brownlow noted that one community in his district will be split (Lakeside). He said he has not

received any calls in opposition to this, and he noted that the DOJ will not allow the White Mountain Apache Tribe to be diluted. He supports the Board of Supervisors and is happy there will be additional public meetings. Mr. Deal said that 20 years ago there was no problem in the way the county was divided. The Democratic and electoral process put us where we are today. He said we shouldn't be chastising each other, we should be cooperating, because we're all in the same boat. He reminded everyone that the DOJ will have the final say regarding any proposal we send them. **Mr. DeSpain made a motion** to form a committee, with the Supervisors from Districts II, III and IV each appointing two people to sit on said committee; a minimum of three additional public hearings will be held (Holbrook, Winslow, Snowflake, Hopi Tribe); and the timetable for this committee to bring a recommendation to the Board will not exceed 30 days; motion seconded by Mr. Tenney; vote unanimous approving the motion.

When recorded, return to:
Judy Jones
Clerk of the Board of Supervisors
Navajo County
P. O. Box 668
Holbrook, AZ 86025

RESOLUTION NO. 86-01

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF
SUPERVISORS, ESTABLISHING THE CRITERIA TO BE
USED IN THE 2001 REDISTRICTING PROCESS.

WHEREAS, A.R.S. § 11-212 requires the Board of Supervisors to meet on or before December 1, 2001 for the purpose of defining the boundaries and limits of each Supervisorial district and further requires that each district shall be equal or with not more than a ten per cent difference in population ; and

WHEREAS, in redistricting the Supervisorial districts the Board is also subject to other federal and state laws, specifically including Sections 2 and 5 of the Voting Rights Act, 42 U.S.C. § 1973 et seq., as well as the United States Supreme Court's 1993 decision in Shaw v. Reno; and

WHEREAS, as a result of growth in the southern part of Navajo County, there now exists a significant population imbalance between the existing Supervisorial districts; and

WHEREAS, curing this imbalance will require that significant population be added to Districts I and II, which are composed largely of Navajo and Hopi Reservation land; and

WHEREAS, in order to meet the challenge of complying with A.R.S. § 11-212 while avoiding to the extent possible retrogressive effect on racial minorities and members of language minority groups, the Board finds that it is appropriate to set forth criteria to be used by the Redistricting Advisory Committee and the Board itself during the 2001 redistricting process,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the following criteria shall guide the Redistricting Advisory Committee in developing a proposed redistricting plan and the Board in adopting a final redistricting plan:

1. In order to comply with A.R.S. § 11-212 and the constitutional principle of "one-person, one vote," all districts should be as nearly equal in population as is feasible in light of the other criteria set forth below, and in no event should there be more than a ten per cent difference in population between the largest and smallest districts.
2. The redistricting plan should, to the extent feasible, be based on the existing districts.

3. The districts should be compact and composed of contiguous territory. Compactness may contain a functional as well as a geographical dimension.
4. Where possible, easily identifiable geographic boundaries should be followed.
5. To the extent possible, incorporated municipalities should not be split.
6. Other communities of interest should be identified and maintained in a single district, where possible, and all reasonable attempts should be made to avoid splitting neighborhoods.
7. To the extent possible, districts should be composed of whole voting precincts. Where this is not feasible, districts should be drawn in a way that permits the creation of practical voting precincts and ensures that adequate facilities for polling places exist within each precinct.
8. Due consideration should be given to the preservation of incumbent-constituency relations by recognizing the residences of incumbents and their history in representing certain areas.
9. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
10. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act.

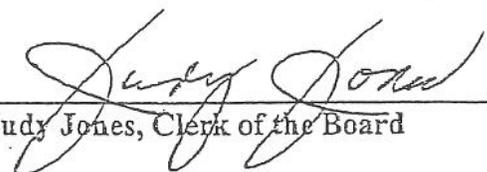
PASSED, ADOPTED AND APPROVED at Holbrook, Arizona on October 15, 2001.

NAVAJO COUNTY BOARD OF SUPERVISORS



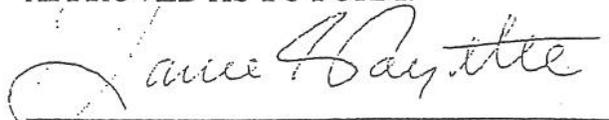
Percy Deal
Chairman of the Board

ATTEST:



Judy Jones, Clerk of the Board

APPROVED AS TO FORM:



Lance B. Payette, Deputy County Attorney



RESOLUTION NO. 09-11

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAVAJO COUNTY, ARIZONA, ESTABLISHING A REDISTRICTING ADVISORY COMMITTEE, AND GUIDELINES FOR THE REDISTRICTING COMMITTEE

WHEREAS, pursuant to A.R.S. §11-212 the Navajo County Board of Supervisors shall meet at the county seat December 1 following the release of the United States decennial census data and divide the county into five districts and define the boundaries and limits of each district and make the division equal or with not more than ten percent difference in population, and;

WHEREAS, the Navajo County Board of Supervisors is desirous of establishing a Navajo County Redistricting Advisory Committee to collect public input to the redistricting process, and;

WHEREAS, the Navajo County Board of Supervisors desires and expects the Committee members to conduct themselves in a fair and unbiased manner, and to have a clear understanding of their role in the redistricting process; and;

WHEREAS, the Article 4 Part 2 Section 1 of the Arizona Constitution sets forth guidelines for the State independent redistricting commission, and;

WHEREAS, the Navajo County Board of Supervisors is desirous of establishing guidelines for selection of the Navajo County Redistricting Advisory Committee members.

NOW, THEREFORE, BE IT RESOLVED that the Navajo County Board of Supervisors does hereby establish the "Navajo County Redistricting Advisory Committee" (hereafter, "Committee") whose members shall be appointed consistently with, and who shall conduct themselves, in accordance with the following guidelines:

1. Each year following the decennial census, a five member Navajo County Redistricting Advisory Committee (hereinafter "Committee") shall be established to provide recommendations for the redistricting of the Navajo County Board of Supervisor Districts and other districts within the County requiring action by the Navajo County Board of Supervisors.
2. Committee Selection Guidelines:
 - a) Each of the five (5) members of the Navajo County Board of Supervisors shall have the responsibility for nominating one member of the Committee who shall reside in the

nominating Supervisor's District. The Navajo County Board of Supervisors shall act to confirm all five members of the Committee upon their nomination.

- b) Each member of the Committee shall be a registered Arizona voter.
 - c) Within the three years previous to appointment, members shall not have: (1) been appointed to, elected to, or a candidate for any partisan public office or community college board; (2) served as an officer of a political party; (3) served as a registered paid lobbyist; nor (4) served as an officer of a candidate's campaign committee.
 - d) Current County Employees may not serve as members of the Committee.
 - e) During their tenure on the Committee, members shall be ineligible for partisan public office or for registration as a paid lobbyist.
 - f) The Navajo County Recorder's Office in conjunction with the Navajo County Elections Office shall review applicant background information and remove any applicant who does not meet the qualifications of these guidelines.
 - g) Any vacancy in the above five Committee positions shall be filled by a nomination from the Supervisor from the District which nominated the resigning member, and upon approval by the Navajo County Board of Supervisors.
3. Duties and Responsibilities of Committee members include, but are not limited to:
- a) Select a chair and vice chair. The five Committee members shall select by majority vote one of their members to serve as chair and one of their members to serve as vice-chair. If the Committee fails to select a chair or vice chair, the Board of Supervisors shall appoint a chair or vice-chair from amongst the five members.
 - b) Work on the Committee in an honest, independent, and impartial fashion and to upholding public confidence in the integrity of the redistricting process.
 - c) Work under the direction and guidance of the Navajo County's staff and consultants.
 - d) Attend a minimum of three (3) Redistricting Committee meetings with County's staff and consultants.
 - e) Each individual member of the Committee will be required to attend two rounds of public community fact-finding meetings to be hosted by the County in the District in which the Committee member resides. At those public meetings, the Committee member attending shall conduct an interactive dialogue with the public for the purposes of providing information and gathering public input. Each Committee member will be responsible for sharing the information learned from the public during those public meetings with the Redistricting Committee as a whole when it conducts its meetings and considers drawing new district boundaries. For the purposes of facilitating this requirement, community meetings shall be held in the following areas:
 - 1) Kayenta
 - 2) Pinon
 - 3) Dilkon

- 4) Hopi Reservation
- 5) Snowflake
- 6) Taylor
- 7) Holbrook
- 8) Winslow
- 9) Show Low
- 10) Heber-Overgaard
- 11) Pinetop-Lakeside
- 12) Whiteriver

These meetings shall be facilitated by County staff, who shall keep written minutes at each meeting.

- f) Provide for reporting of the outcome of its' public meetings. Outcome materials must be made available to the public. The official record shall be addressed to the Board of Supervisors and submitted to County staff for review and dissemination.
- g) Evaluate public input and redistricting proposals under the direction and guidance of the County's staff and consultants.
- h) Make formal presentations to the Board of Supervisors in conjunction with County staff and consultants.
- i) Abide by Arizona Open Meeting Law and conduct meetings open to the public with 72 or more hours public notice provided of each meeting. Abide by all other applicable Federal and State laws.
- j) Conduct its business meetings in public meetings only when a quorum is present. Three committee members shall constitute a quorum.
- k) Present no less than two redistricting plans to the Board of Supervisors for consideration. In considering the drawing of district boundaries and the plans to be presented to the Board of Supervisors, the Committee shall consider the following to be the top priorities of the Board:
 - 1.) In order to comply with A.R.S. § 11-212 and the constitutional principle of "one person, one vote," all districts should be as nearly equal in population as is feasible, and in no event should there be more than a ten per cent difference in population between the largest and smallest districts.
 - 2.) The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise. Additionally, the plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act.

After assuring that the top two priorities above have been met, the Committee may consider the following desirable elements of any redistricting plan:

- 3.) The redistricting plan should, to the extent feasible, be based on the existing districts.
 - 4.) The districts should be compact and composed of contiguous territory.
 - 5.) Where possible, easily identifiable geographic boundaries should be followed.
 - 6.) To the extent possible, incorporated municipalities should not be split
 - 7.) Other communities of interest should be identified and maintained in a single district, where possible, and all reasonable attempts should be made to avoid splitting neighborhoods.
 - 8.) To the extent possible, districts should be composed of whole voting precincts. Where this is not feasible, districts should be drawn in a way that permits the creation of practical voting precincts and ensures that adequate facilities for polling places exist within each precinct.
 - 9.) Due consideration should be given to the preservation of incumbent-constituency relations by recognizing the residences of incumbents and their history in representing certain areas.
- l) Serve from the date of appointment by the Navajo County Board of Supervisors through the preclearance of the new district boundary plan by the United States Department of Justice. Once the preclearance letter has been received, the committee shall meet to present the letter of preclearance to the Board of Supervisors. At that point, the Committee will automatically be dissolved.
 - m) Members of the Committee shall be eligible to receive per diem at established county rates for mileage from their home to the location of meetings of the Committee or the community meetings they are required to attend . Committee members may also be furnished meals at County expense when deemed appropriate and approved by the County Manager.

4. Resignation or Termination from Appointment:

- a) After having been served written notice, and provided with an opportunity for a response, a member of the Committee may be removed by the Board of Supervisors for failure to attend scheduled Committee planning meetings or presentation/hearing meetings, substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.
- b) Committee members who must resign should provide two-weeks notice in a written letter addressed to the Navajo County Board of Supervisors and the County Manager.
- c) In the event a vacancy on the Committee occurs, a new name shall be presented to the Board of Supervisors for appointment by the same member of the Board of Supervisors who submitted the vacating member's nomination. The nominee shall be of the same political party or status as was the member who vacated the office at the time of his or her appointment.

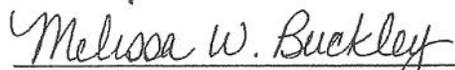
- d) In the event there is a vacancy of the chair or vice chair, the appointment of a new chair or vice chair shall be made by the remaining Committee members.
- e) Any newly appointed Committee member shall serve out the remainder of the original member's term.

PASSED, ADOPTED AND APPROVED at Holbrook, Arizona, on March 8, 2011.

NAVAJO COUNTY BOARD OF SUPERVISORS

By: 
J.R. DeSpain ~~Chairman~~ - Vice Chairman

ATTEST:


Melissa W. Buckley, Clerk of the Board

NAVAJO COUNTY BOARD OF SUPERVISORS' ACTION REPORT
TUESDAY, March 8, 2011

CONSENT AGENDA: a) Minutes: February 22, 2011 b) Constable Reports: Holbrook Precinct #1, January; Winslow Precinct #2, February; Snowflake Precinct #3, February; and Show Low Precinct #5, February, 2011 c) Clerk of Superior Court Report February 2011 d) Juvenile Justice System Report February 2011 e) Justice Court Reports: Holbrook #1, February; Winslow #2, February; Snowflake #3, February; Kayenta #4, February; Show Low #5, February; and Pinetop #6, February, 2011 f) Warrant & Voucher Report over \$1000, February 2011 g) Authorization for Clerk of the Board to request undercover plates h) U.S. Forest Service Grant Agreement 11-LE-11030121-002 Modification Number 1, to increase the reimbursement from \$10,000 to \$12,742 i) **Resolution Number 08-11**, canceling the election for the White Mountain Summer Home Domestic Water Improvement District, for which the number of candidates filed, was equal to or less than the number of positions open for each District j) Sympathy letter to Greg Repine and Jackie Walker **APPROVED**

BOARD OF SUPERVISORS:

- a. Consideration and possible approval of a Proclamation declaring February 26, 2011 as the "Day of the Roadrunners" **APPROVED**
- b. Navajo County Recognizes Staff Sgt. Brandon Bennett **NO ACTION**
- c. Personnel Service Awards **NO ACTION**

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions **APPROVED**

NAVAJO COUNTY LIBRARY DISTRICT Board of Directors Session: CONSENT AGENDA:

- a. Navajo County Library District Resource Access and Attainment Policy **APPROVED**

COUNTY ATTORNEY: Consideration and possible adoption of **Resolution Number 09-11**, establishing a Redistricting Advisory Committee and Guidelines for the Committee **APPROVED**

TREASURER: Consideration and possible approval of abatement of personal property taxes **APPROVED**

ADMINISTRATION:

- a. Consideration and possible adoption of **Resolution Number 10-11**, amending the Jail Usage Fees Ordinance, Ordinance number 08-10 **APPROVED**
- b. Legislative Update **NO ACTION**

PUBLIC WORKS:

- a. Consideration and possible approval of an expenditure of \$135,000 from District IV Special Road Funds to cover the costs to double chip seal 3.25 miles of Pinedale Road **APPROVED**
- b. Consideration and possible adoption of **Resolution Number 11-11**, in support of Shonto Chapter's application for Navajo Nation Fuel Excise Tax (FET) funding for planning, engineering and design of NR6310 **APPROVED**

COUNTY BUSINESS UPDATE: Report from Board members, County Attorney and County Manager **NO ACTION**

3) **BOARD OF SUPERVISORS:**

- a. Consideration and possible approval of a Proclamation declaring February 26, 2011 as the "Day of the Roadrunners" (Vice-Chairman DeSpain/Melissa Buckley)
- b. Navajo County Recognizes Staff Sgt. Brandon Bennett (James Jayne)
- c. Personnel Service Awards (Shalice Cook)

4) **HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions (Gail Calisen)

5) **NAVAJO COUNTY LIBRARY DISTRICT Board of Directors Session: CONSENT AGENDA:** The following item(s) are considered to be of a routine or administrative nature and will be approved as a group unless a member of the Board wishes to discuss a particular item: (Geneva Durkee)

- a. Navajo County Library District Resource Access and Attainment Policy

6) **COUNTY ATTORNEY:** Consideration and possible adoption of **Resolution Number 09-11**, establishing a Redistricting Advisory Committee and Guidelines for the Committee (Jason Moore)

7) ***TREASURER:** Consideration and possible approval of abatement of personal property taxes (Manny Hernandez)

8) **ADMINISTRATION:**

- a. Consideration and possible adoption of **Resolution Number 10-11**, amending the Jail Usage Fees Ordinance, Ordinance number 08-10 (Dusty Parsons)
- b. Legislative Update (Hunter Moore)

9) **PUBLIC WORKS:**

- a. Consideration and possible approval of an expenditure of \$135,000 from District IV Special Road Funds to cover the costs to double chip seal 3.25 miles of Pinedale Road (Homero Vela/Bill Bess)
- b. Consideration and possible adoption of **Resolution Number 11-11**, in support of Shonto Chapter's application for Navajo Nation Fuel Excise Tax (FET) funding for planning, engineering and design of NR6310 (Homero Vela)

10) **COUNTY BUSINESS UPDATE:** Report from Board members, County Attorney and County Manager

11) **ADJOURN**

Dated: March 3, 2011

Posted: 4:30pm By: MD

NAVAJO COUNTY BOARD OF SUPERVISORS

Melissa W. Buckley
Melissa W. Buckley - Clerk of the Board