



City of Peoria

Office of the City Attorney

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October 18, 2011

VIA OVERNIGHT MAIL

Chief, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254 – NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

**Re: Submission Under Section 5 of the Voting Rights Act
for the City of Peoria, Arizona Redistricting**

Dear Sir or Madam:

Please find enclosed the submission of the City of Peoria, for its City Council Redistricting based on the 2010 Census. A Table of Contents of the Appendixes and relevant Appendixes are enclosed. The Appendixes are indexed based on their numbering contained in the federal regulations. The submission is submitted electronically in accordance with the current regulations issued by the Department.

This submission to the Department of Justice is being made for the pre-clearance under Section 5 of the Voting Rights Act, as amended. For purposes of your analysis, I have outlined the relevant Procedure and Applicable Statutes, City Charter, and City Code provisions below.

The City's Charter requires the City to redistrict in the event a mid-decade census is taken. In 2010, a decennial census was performed by the U.S. Census Bureau in Maricopa County, Arizona and released to the State, County and Cities, beginning on February 9, 2011. Since the 2000 Census, the City has experienced substantial growth and has annexed several large areas to the north of the City.

As a result of the 2010 Census, the City began a redistricting process for the 2012 elections. ¹The City retained National Demographics Corporation to assist the City in this process. The final report prepared by National Demographics contains a detailed

¹ The City's elections are held in September/November of even number years. Under Arizona Law, candidates may pull packets and file statements of organizations for committees at any time and generally do so 6 – 12 months preceding the election.

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outline of the process used by the City in the redistricting. Instead of repeating the detailed report, I will proceed to an analysis of the City's proposed District Boundaries.

The Map enclosed corresponds to Ordinance 2011-17, dated September 6, 2011, which designates the new boundaries for the City Council Districts. The population breakdown of the districts is as follows:

DISTRICT NAME	DISTRICT POPULATION (2010 Census)
ACACIA	25,775
IRONWOOD	25,886
MESQUITE	25,652
PALO VERDE	25,460
PINE	25,486
WILLOW	25,806

The proposed districts vary in population by approximately $-.9\%$ to $.6\%$ or a total of 1.5% from the mean population of 25,677.5. This variance can be explained due to the following:

1. The plan's attempt to minimize retrogression and to maintain a strong minority representation in the City's Acacia District.
2. The plan's attempt to compensate for the rapid Growth in the Mesquite District.

Approximately 70% of the City's population growth from 2000 – 2010 occurred in the Mesquite District. Prior to the redistricting approximately 1/3 of the City's population resided in the Mesquite District. The overpopulation of the Mesquite District and the narrow boundaries of the City between Greenway Road and Union Hills Road (1.5 Miles in width) reduces the City's ability to have compact districts.

The City attempted to address concerns of community and minority organizations in the proposed redistricting plan. A breakdown of the City's population by racial and ethnic group is set forth below:

YEAR	TOTAL	WHITE	AFRICAN AMERICAN	ASIAN	HISPANIC	AMERICAN INDIAN	OTHER
2010	100%	72.2%	3.7%	3.8%	18.6%	1.1%	.7%

A breakdown of the racial and ethnic population under the current districts and the proposed districts is set forth below:

DEMOGRAPHIC ANALYSIS OF CURRENT DISTRICTS
 Based on 2010 Census

CURRENT DISTRICTS	TOTAL	WHITE	AFRICAN AMERICAN	ASIAN	HISPANIC	AMERICAN INDIAN	OTHER
MESQUITE	51,463	41,914	1,313	2,657	4,944	335	300
ACACIA	17,868	7,674	1,176	456	8,064	352	146
IRONWOOD	22,114	18,224	663	698	2,225	164	140
PALO VERDE	19,743	14,069	750	661	3,861	260	142
PINE	22,176	14,255	1,080	656	5,697	317	171
WILLOW	20,701	15,106	727	664	3,838	196	170

DEMOGRAPHIC ANALYSIS OF PROPOSED DISTRICTS
 From Adopted Plan – Concept 8

PROPOSED DISTRICTS	TOTAL	WHITE	AFRICAN AMERICAN	ASIAN	HISPANIC	AMERICAN INDIAN	OTHER
MESQUITE	25,652	20,563	743	1,673	2,346	148	179
ACACIA	25,775	12,068	1,531	767	10,704	486	219
IRONWOOD	25,886	21,506	670	817	2,582	191	120
PALO VERDE	25,460	18,900	947	948	4,220	237	208
PINE	25,486	17,099	1,185	628	6,009	373	192
WILLOW	25,806	21,106	633	959	2,768	189	151

You will note that the Acacia District contains a substantial minority representation. The current Acacia District according to the 2010 Census is 45.1% Hispanic and 6.6% African American for a total of 51.7% minority population. The proposed Acacia District will be 41.5% Hispanic and 5.9% African American for a total of 47.4% minority.

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For purposes of retrogression, the bench mark as defined in the U.S. Department of Justice Guidance Concerning Redistricting and Retrogression is the 2001 Census.² In 2001, the Acacia District population included 37.05% Hispanic and 3.78% African American populations. The City has recognized the risk of retrogression and made a good faith effort to add areas from adjacent council districts into Acacia in such a manner that it would not result in significant retrogression. Unfortunately, this has resulted in some council districts not being as compact as may be preferable. Additionally, the city has made an effort to preserve as many communities of interest together as could reasonably be achieved.

The City has attempted to encourage minority voter participation by modifying its election dates to coincide with the Arizona statewide primary and general election dates, which have higher voter turnouts and the likelihood of a number of minority candidates competing for different offices.

An analysis of the City's overall population growth indicates two factors causing the retrogression. First, as Hispanic Income has risen, there are a number of moderately priced housing developments throughout the City that are affordable. The result is a dispersal of the Hispanic Population into other districts. Second, much of the growth in the City has occurred in the areas North of Bell Road and west of Lake Pleasant Parkway. Much of this growth has included higher end master planned communities such as Vistancia. Unfortunately, high housing prices in these communities have made them less affordable to residents of minority communities with lower income levels.

The City considered a number of Citizen plans and consultant plans to mitigate the retrogression. However these plans generally resulted in more retrogression in the Acacia District and created Districts that were not compact and did not follow major roadways or natural features as boundaries. Further there is not any other identifiable minority community in the City that could be linked into the Acacia District to minimize retrogression.³

At the same time, it should be noted that the City has not generally evidenced block voting that interferes with the election of minority candidates. The only election which appears to indicate some block voting based on ethnic origin was the 2008 recall election in the Acacia District. This recall election was extremely contested. The City submits that any block voting that did occur had no effect on the outcome of the election. A review of the City's history from 1954 to the present indicates the following minority individuals have been elected, with all candidates prior to 1991 being elected at large.

² See, Federal Register, v. 66, No. 12, January 18, 2001, pp. 5412-5414.

³ The City received comments from 288 people. Some of those that commented may have submitted multiple inputs or may have commented multiple times), and a total of 417 maps were submitted.

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Manuel Leyva - Hispanic (At Large) 1954 – 1979

Edmund Tang - Asian American (At Large) 1955 – 1985

James Montoya - Hispanic (At Large) 1967 – 1969

Frank Moreno - Hispanic (At Large) 1971 – 1977

Johnny Osuna - Hispanic (At Large) 1980 – 1983; 1985 - 1989
(Acacia) 1991 – 1997

David Murillo - Hispanic (At Large) 1981 – 1985

James Saunders - African American (At Large) 1985 – 1991

Hortensia Gutierrez - Hispanic (Acacia) 1997 – 1999

Michael Patino - Hispanic (Acacia) 1999 – 2003

Tony Rivero – Hispanic (Acacia) 2010 -- Present

Finally, the City widely advertised the redistricting process. From May – August, 2001, six public hearings were held before the City Clerk and/or City Council to provide input on the plan. Citizens submitted 23 proposed plans to the City for consideration. Minority advocacy groups including but not limited to the NAACP, LULAC, Southwest Voter Registration and others were notified of the process and invited to comment. A list of all minority contacts is part of this submission in Section 51.28.h

The City would submit that the proposed redistricting maintains minority voting representation in the existing Acacia District, while avoiding violation of the other traditional community goals followed by the City in the Redistricting Process. The proposed redistricting meets several important community goals as outlined in the Final Report of National Demographics. These goals include:

1. Districts must be equal in population;
2. A strong minority district is preserved;
3. Geography and community are respected;
4. Existing council boundary lines are followed to the extent possible.

It is the City's position that this plan meets these community goals, while complying with the provisions of the Voting Rights Act as amended.

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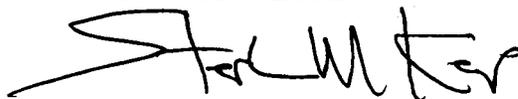
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Under the City's Charter and Ordinances, the first City Council Election under this plan is scheduled for November 6, 2012. Under Arizona Law, petitions for nomination for the position of City Council member may be circulated commencing on December 11, 2011. For those districts not holding an election in 2012, the plan will be used for the 2014 election.

In conclusion, the City would submit that this proposed districting plan meets the requirements of the Voting Rights Act and applicable case law by protecting minority rights, while providing for equal representation. Therefore, the City of Peoria would request that the Department of Justice review the proposed redistricting submission for preclearance under Section 5 of the Voting Rights Act. If you should need any additional information, please contact the undersigned.

Sincerely,

**OFFICE OF THE CITY ATTORNEY
CITY OF PEORIA**



Stephen M. Kemp
City Attorney

SMK/cg

Encl.

cc: Wanda Nelson, City Clerk

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