

LEGAL AND LEGISLATIVE AND SAFETY COMMITTEE
DECEMBER 6, 2011
5:30 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative and Safety Committee to order with Councilpersons Berz, Ladd, Rico, Benson, Gilbert, Scott, Robinson, and McGary present. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Daisy Madison, Christy Creel, Ulystein Oates, Fredia Kitchen, Chief Maffett, Richard Beeland and Dickie Hutsell.

REDISTRICTING

Chairman Murphy stated that despite there being a consensus vote the previous week, there were suggested changes of the map; that we had solicited input from the general public and do so at this time, but there is an additional caveat of a suggestion to alter the map. He stated that if anyone in the public wished to address the Council, they should come to the podium now. No one came forward. Chairman Murphy noted that there would be another opportunity at the close of the meeting. He then called on Randy Burns to bring the proposal forth and to highlight the alternative from the prior week's poll.

Mr. Burns explained that an adjustment was made between District 5 and District 6—a smoothing between the lines along Airport Rd. and Brainerd Rd.; that the line was to the creek; that this did not move a whole lot of people because of the golf course and the levee; that some of Brainerd Rd. was moved from District 6 to District 5—the Eastgate 1 Precinct.

Chairman Murphy noted a proposed split in the precinct.

Mr. Burns indicated that this was more logical and cleans up lines; that Brainerd Rd. is the main street in the area, and it is easier to follow for residences; that Brained Rd. is the dividing line and District 5 follows Airport Rd. up to Shallowford Rd.—that the lines are cleaned up, and the balance is better now. He noted that the target is 18,630 per district and District 7 is 4.5% over and District 6 2.3% under.

Councilman McGary extended his thanks to Chairman Murphy and Mr. Burns for guiding us through this process. He noted that this is a Committee of the Whole and that each councilperson justly represents their own growing population. He noted that we had had a series of meetings with public input, and we had taken the comments into consideration and acted; that Mr. Rowe had attended a number of the meetings, and we had applied his suggestions and tried to be true to our word. He noted that the timeframe is December 31st deadline and that he did believe this is the best proposal that he had seen. He stated that he would like to take a consensus vote that we adopt this as a Committee of the Whole.

Chairman Murphy noted that the voting age of African-Americans go higher for Districts 5 and 9.

Councilwoman Berz stated that a lot of work had gone into this, this afternoon; that she and Councilman Gilbert had taken into consideration Mr. Rowe's comments and had reached an agreement which makes good sense and gives him a super majority, and she is good with this.

Chairman Murphy noted that Mr. Rowe wanted to bring District 7 up over 50% voting age. He asked if this were possible? Mr. Burns responded that "sure" it would be possible but would require a big reconfiguration, and it is not what we are charged to do; that we have come as close as we can. Chairman Murphy noted that to achieve this, would result in terrible gerrymandering and would result in a complete readjustment for a large part of the city.

Councilman Gilbert asked Attorney McMahan if lines can be changed after we do this? He stated that he thought he had heard this could be done in a ten year period; that he would like to hear more about this concerning district lines.

Chairman Murphy noted that we have to set the precinct lines by the end of this year so that they are in place in January; that he could not speak to changing district lines later on.

Attorney McMahan explained that in order to change lines it would have to require some major population shift during the ten years; that when we establish lines, they are good for ten years; that it would have to be something that would be really earth-changing and then we could reconsider.

Councilman Gilbert asked Attorney McMahan to give him an example of a disaster. Attorney McMahan responded being destroyed by a flood like what happened in New Orleans; that the only changes he could see here in the next ten years would be the result of annexation.

At this point, Chairman Murphy asked if anyone from the public wanted to address the Council concerning the map as it is today. If so, he asked them to approach the podium and after that, he would ask for a consensus vote. No one came forward. Chairman Murphy recognized the presence of State Representative Joanne Favors, stating that we appreciated her attendance and her service to the community.

A consensus vote was taken and it was all "yeses". Chairman Murphy stated that an Ordinance would be drafted on this plan for first reading next week, with the understanding that until second reading, nothing is final; that there was still time for interested people to get data and also a demographer.

Chairman Murphy stated that the issue of Administrative Hearing Officer would be deferred until after the first of the year if that was okay with everyone.

Chairman Murphy asked if the committee wanted to address the Recall issue and have a discussion now or if they wished to adjourn? **On motion of Councilwoman Ladd, seconded by Councilwoman Robinson, it was decided to adjourn.**

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

This meeting was adjourned at 5:45 P.M.