

SPECIAL REDISTRICTING COMMITTEE

June 11, 2001

4:30 PM

Chairman Rivard called the meeting to order.

The Clerk called the roll.

Present: Robert Rivard, Fernand Gelinias, William Gardner (late)

Messrs: R. MacKenzie, T. Clark, F. Thomas

Chairman Rivard stated we will begin the meeting just by a couple of words...just an informational meeting to say we all know why we are here...there has been an increase in the population in the City of Manchester and in order to comply with the "one man/one vote" concept we have to realign the ward lines. In some cases it means moving as many as seventeen hundred people from one ward to as little as forty-one people in ward four. So over the next couple of weeks or couple of months the members of the committee will be getting together with some of the staff people who are going to make a presentation here in an attempt to satisfy that "one man/one vote" concept and hopefully come up with what will be about eighty-nine hundred voters per ward which would meet the requirement give or take five percent from what I understand. Fern Gelinias do you have any comments at this time.

Mr. Gelinias replied in the negative and stated I am still listening.

Chairman Rivard stated I guess we will recognize...

City Clerk Bernier stated on the agenda you have the Director of Planning who is going to do the review.

Chairman Rivard addressed item 3 of the agenda:

Review of city ward and census maps with the Director of Planning.

Mr. MacKenzie stated I was going to offer my staff to help out with the mapping because when you get down to really transferring wards it is a tough role but you really have to have to correct data for each block in the city to get that job done

right. So we have not had much time recently with all the budget issues that are going on but we hope to help you with some mapping and I was going to show you some of that mapping tonight in case you wanted to start working on it. We actually share a common base mapping system now between Highway and our office, Water Works; it is a computerized mapping system we use it for different purposes. But our computer mapping system has been fairly common throughout the city. This particular map shows the city overall with existing wards. I gave you a copy of this one because this one highlights which wards are going to have to change and in which direction. I do have two smaller copies of this I could give to each one of you. I do not have the actual numbers on it but this will give you kind of a visual idea. All the green wards in this particular one are lower than the average so they are going to have to gain geographic area. So the green wards...ward one, four, five, seven, nine, ten, eleven are all going to have to increase in size. The pink wards are normally the wards that have grown the fastest and interestingly only ward three the inner city grew actually quite a bit. Not through housing growth but filling up the vacant units. So these particular wards the pink ones are going to have shrink in size. You could see some of these are already very big...ward eight and ward six and ward twelve are really the three largest wards in the city. Those are going to have to shrink because those have all grown quite a bit in the last few years. So that is...I did this map just to give you the perspective of which wards are going to have to change where. Because "right off the bat" I see some difficulties for you for example do you cross the Merrimack River...I do not think so. That means that the wards on the west side are going to be a little smaller than the wards on the east side because if you look at the average population there I think those are going to have to average about eighty-seven hundred people...if you look just at the west side. Those on the East Side are going to average close to eighty-nine hundred people so there is a little difference.

Chairman Rivard stated the perfect number is eight nine one seven.

Mr. MacKenzie stated we also put together taking those census maps we have started to give you some "working maps". Again as I was talking about...on the west side where you have three wards if you are not going to cross the Merrimack River you are going to have difficulty because you can see the green wards at the end are going to have to grow in size which means wards ten and eleven are going to have to grow...ward twelve is going to be the one to loose it but you have some decisions to make as to whether you take a portion of this in ward eleven and put that into ten and do the same up here. So those are going to be some tougher decisions for you to make. I did put together some "work maps" and clearly the west side you could look at separately from the east side if you are not going to cross the river you could start to look at these separately. And using these census maps that Bill is showing we put together some "work maps"...you will see the

red line indicates the existing ward lines. I kind of “blew” this area up. You do not see all of ward twelve and you do not see all of ward ten. That is because ten is going to have pretty much stay as is...it is just going to gain some. What we have done is taken all of census data and we plugged them as the bold numbers in blocks above. So you could start looking at those individual blocks and try to decide how to get to your magic averages of eighty-seven hundred. So ward ten, for example, is going to have to gain how many...about three hundred and forty people.

Chairman Rivard stated it depends on what you decide ...if you want to do the regular number instead of five hundred and fifty...six hundred...but the five percent ratio is what makes it...you can accomplish this goal because of the five percent. Is that correct that the court allows five percent.

Mr. Gardner replied not really. Technically minus two point five and plus two point five.

Chairman Rivard stated there is a five-percent in there somewhere about getting...

Mr. Gardner stated in the House of Representatives they try to keep it minus five/plus five but that is because it is pretty hard when you have to have the districts within the same county but for congressional districts of course it has to be as even as possible. One-percent is even too high. So you have some right because of geography to make it a little less perfect but when you get up above one-percent you have to have justification for doing it. The House districts the last two times they tried to keep a plus deviation not greater than five and a minus deviation not greater than five-percent.

Chairman Rivard stated here is what I have been reading about this...it says here “Courts have allowed the Federal voting rights expert advise states to try not to have the one-man/one-vote principally exceeded in any voting district by more than five-percent”. I guess it is how you interpret that. It says “voting district”.

Mr. Gardner stated that has been the New Hampshire...the four hundred members House of Representatives. I think the West Side is pretty close. I am not sure we need to go across the river.

Mr. MacKenzie stated there are two hundred of...the west side would be eighty-seven hundred the east side would be eighty-nine hundred that is a difference of two hundred so percentage wise that is about two and a half percent. So you are going to have to give these wards on the West Side very close to each other because if you get one much lower you are going to be beyond the two and half I think.

Mr. Gelinas asked is that your understanding of it, Bill.

Mr. Gardner replied I think if we are within two and half we could justify the river as a geographical...we can get away with it.

Chairman Rivard asked is there something that you think we have to comply with or does this absolutely...

Mr. Gardner replied well the court when it comes to congressional districts because they are so...it is just easy to "pluck" a town here or there...they have said that you really...you are not supposed to have any deviation at all...very slight. They have actually thrown some out that were over one-percent because they said there was no justification for it. But for our House it is very hard because you get towns it is hard to get a statewide plan with the way...you have to limit it to the county and some counties like Strafford County most of the population is in three cities and they try not to have the cities combined with the towns. So their goal has always been not more than plus five or minus five which means ten percent because if someone is minus five and someone is plus five you have a deviation of ten percent. So that is the goal for our legislative districts. For the congressional districts the goal has always been almost within a hundred or two hundred votes of the three or four hundred thousand. So it depends on the race and on the district and how difficult it is for geographic reasons to actually get it to be...the goal is to have one person/one vote...to have every ward be the exact same size. But because of tradition and custom and because of the river I think we have the right to have a little discretion with the West Side. The question is how much will be enough to someone in the city will say it is not fair that one ward ends up...

Chairman Rivard asked so do you have any examples of how...what kind of a percentage is acceptable in a ward...a selectman or an alderman or those types of things.

Mr. Gardner replied I think what Bob is saying that if every...if we get the three West Side wards pretty equal in population the three of them will be somewhere around minus two-percent that will be the deviation.

Mr. MacKenzie stated two point three percent.

Mr. Gardner stated so that...if one gets the wards on the east side as long as we do not let any one ward on the east side get too far over because then if somebody on the east side say it is three percent off and you have a two point something then

you are over five. I think we could be in trouble with that. We may not. If no one sues...

Chairman Rivard stated I remember talking about this type of thing ten years ago...

Mr. Gardner stated because we did not have this situation. All the wards were just about even when it was done ten years ago.

Mr. MacKenzie stated the East Side has grown faster than the West Side.

Chairman Rivard asked is there some way that you could find out what is acceptable. Is there an example that we could find out what is an acceptable difference before you go through this whole thing.

Mr. Clark stated I think what Bill is saying is true. I think the courts want you to try and get as close to equal as you can. As close to zero percent deviation. It is impossible to do an exact number. As long as you have a good reason whether it be historical, geographical or other constraints that allow you to have some deviation I think you are okay. I think you could do just three wards on the west side and not cross the river. I think we could make a good faith argument in the courts if anybody ever challenged that. So you could have say eighty-seven hundred on the West Side for each ward and eighty-nine hundred on the East Side. I do not think that is going to be a problem. But again as Bill said I do think you want to try and get it as close to as equal as possible.

Chairman Rivard stated I think everyone agrees on that. It is interesting that I can read here that a court allow the five-percent difference in a district so obviously somebody went to court and I am just wondering if we could find out if anybody has circumstances...

Mr. Clark stated we could take a look at that and find out. I do not know if that has happened or not.

Mr. MacKenzie stated so that I am clear I think what Bill is saying though is that you could have a plus or minus two and a half percent which means if your average were ten thousand people per ward you could go as high as ten thousand two hundred and fifty and as low as nine thousand seven fifty between the largest and the smallest that is a five-percent swing. It is a plus or minus two and half percent from the average.

Mr. Gardner stated for example, Merrimack they all run at-large. There is eight representatives from Merrimack...let us say the deviation in Merrimack is four

point something percent...now that is pretty high but they say but we want to keep the reps within one town because where do we go we cannot go to Bedford, Bedford is bigot and we cannot go to Amherst and we cannot go to Nashua because Nashua is a city so we can go across the river to Litchfield and that is what they did. They went across to Litchfield and Litchfield had two point three reps or two point four and they made a district but the reason they could get away with the four percent was because if anybody looked at it they would say well tell us what to do...what do we do here...we are trying to keep a town as one unit and we are doing the best we can but it is difficult because of how big our legislature is. I am sure he is referring to the legislature because that has been the basis for the legislature and so far no one has challenged it. But the courts have said that this process one-person/one-voting you should have it as close to perfect as you can unless you have a reason that you can justify that it is not perfect. For the representative districts the reason is that it has to be within the county and with as many representatives as we have it is not easy and it is not easy when they start redistricting the state it is not easy to come up with it. The Senate has always had a lower deviation than the House because in the State Senate you can cross county lines and you can take cities and add towns to the cities. But for Representative Districts you cannot cross county lines. So they say because you cannot cross county lines we are more constrained and therefore it is more difficult to get that deviation. In a city like this they are going to say well wait a minute you are all the same city and we are going to say yes but there is a river that separates one side from the other and there is an historical tradition here. I do not think anybody could give you an answer what deviation would be acceptable. The court could say two point five percent is not acceptable because in this day and age there are four bridges and...but what we could argue if we go across the river than the people who are across the river are going to have to travel two miles to a polling place. And just like if two towns are separated by a mountain and there is not a road...you have to come up with some way to justify it and our best way would be because it is a river and because they are going to be voting on the west side how far is it going to be for people that may have difficulty getting to a polling place. But if someone on the east side objects and someone...I know you have the bus routes free on election day you let people...that is the type of thing you get...you get one citizen who feels that there was not a good reason for it and the city ends up in court. Maybe the city would win.

Mr. Clark stated I think as long as you make a good faith effort to keep it as close as possible I think you do have a good argument to say there is going to be three on the west side and the rest will be on the east side and this is as close as we could get them. You do not want a neighborhood on the East Side being put through a war on the West Side because their representation is different. They cannot talk to their neighbors about getting their alderman over to their

neighborhood you have to go across the river the find him and it just does not work very well.

Chairman Rivard stated we are trying to encourage people to vote not discourage them. You are going to put half the guys on one side of the river...and they will look for any excuse not to go and look at the turnout we have. It is embarrassing the turnout. So if we are going to divide it up and discourage people from voting that would be the worst thing in the world.

Mr. Gelinas stated Mr. Chairman, if we go by the advice and apparently it may work then we should go that route. It does not make sense to me at all when you say we could cross the river. You are talking about a big fight just crossing the street. Dividing it on one side of the street to the other so I cannot see them crossing the bridge but maybe they would.

Chairman Rivard stated just a point of information is that this piece of paper that I read it was interesting that someone has taken it to court apparently they have taken some part of this to court and the court has said that the district more than five percent and what I am saying is based on this small thing I assume that we could have that cap flexibility and I was hoping that we could find something that would justify that and Mr. Gardner obviously with his vast amount of experience does not think that this applies to what we are doing here probably...you think it may not work the five-percent.

Mr. Gardner replied it may, I certainly do not have any problem trying to keep the west side together and do the best we can to make the three wards as equal as possible and use that as...the reasons we talked about as justification for doing that.

Mr. Gelinas stated we have somebody on our side who is going to defend us.

Mr. Clark stated at least not recently it has not been challenged in New Hampshire. You are going to find that the courts are going to tell you that the one-man/one-vote you want to try and get as close as you can. I think as long as you are doing that you are all set.

Chairman Rivard stated I agree and Bob said he has the ability to throw these things in the computer and the departments are interacting with members and so you could come up with some kind of a rough draft of how this could look.

Mr. MacKenzie replied we could do that I think we are presuming you were going to get in there and start looking at this and we could help show you the map when it comes to that. Just be clear that in the map that I gave you was the smaller bold

numbers are the population in each one of those census blocks. So those are your building blocks when you make changes. I would note that we did find a mistake in some of the census numbers not in a particular area but we are going to go back and check the other areas too just to verify not that the census counts were wrong but when they applied the ward boundaries they had a “glitch” between ward one and ward two. We are going to go back and double-check those. It was a small amount like twelve people. At this point we have to make sure of all of that.

Chairman Rivard stated I think as we move forward the first thing that we should agree on is how many wards we are going to divide the city into. It is a process that has been talked about whether or not it should be twelve wards or fourteen wards. And if we can agree that we should continue with the twelve-ward concept then at least we know what numbers we are looking at and we could move forward from that. We need to decide I believe that is one of the main steps we should take. I would accept a motion that we continue to have the twelve-ward concept and just draw lines accordingly.

Mr. Gardner stated I did talk to Representative Don Strick from Auburn who is going to Chair the Redistricting Committee because the Speaker announced today the members of that committee and I told him that we were meeting and he said that thirty-five is probably going to be the number of representatives. So that does present a bit of a problem for the representatives. I am fine with the twelve. He just said that well are you even thinking about it and what about seven wards so I said I will at least pass on about the thirty-five.

Chairman Rivard stated I think we should least disrupt it as possible and try to be as consistent as we can because there is a lot of tradition some of these wards have been pretty similar for more than ten years it has been for years and years and years. To try to disrupt this...I am not going to vote unless I have to but I would have a hard time. The motion is accepted and we will go forward drawing the lines under the present twelve-ward concept.

On motion of Mr. Gelinas, duly seconded by Mr. Gardner, it was voted to draw the lines under the present twelve-ward concept.

Chairman Rivard stated so as we move forward our goal will be to redraw the ward lines and to maintain the twelve existing wards that we have keeping it as close as possible in a ninety degree fashion not a jigsaw fashion.

Mr. Gelinas stated we should start working on the West Side with the three wards.

Mr. Gardner asked Bob, did you do this because what you are predicting is what will happen in ward eleven and so you put the blocks that are closest to ward ten or ward eleven because we may not in the middle here if these wards are going to stay configured basically the same as what they are we are just probably going to take from the edges.

Mr. MacKenzie replied I made some assumptions just to reduce staff time and pick all of the blocks at the edges. We could provide some more if you would start looking in areas and need some information we could certainly change those maps and provide more information.

Mr. Gardner asked so if we know the population of ward ten and it needs to gain somewhere around three hundred people then that way it does not come from right around the edge here and in ward twelve needs to loose three hundred so that is why you did what you did and that is great and that makes it...did you figure out the actual number if we made the three west side wards within fifty votes of eachother...

Mr. MacKenzie replied it is just a fraction over eighty-seven hundred.

Mr. Gardner asked is it two point percent is that what you are...

Mr. MacKenzie replied that would be two point three percent of the East Side number. Assuming you could get all the East Side wards close the West Side would then be two point three percent lower than the East Side wards.

Mr. Gardner asked so it would be even less of a deviation if you divide the twelve wards into the city population.

Mr. MacKenzie replied yes it would be. I am showing the maximum and the minimum.

Mr. Gelinas stated that is even better now.

Chairman Rivard asked Frank are you just here to make sure we do it right.

Mr. Thomas replied I would offer any help that you may need.

Chairman Rivard addressed item 4 of the agenda:

Communication from Rep. C. Donald Strick, Chairman of the State House

Redistricting Committee requesting notification as to whether the City of Manchester will be using updated ward lines or would prefer (or continue) to vote at large for State Representatives.

Chairman Rivard stated what we will do is ask Leo to send to him a communication telling him what we are doing and where we are in our realignment so we will comply with his...

City Clerk Bernier stated I would send a letter so they will know what we are doing.

On motion of Mr. Gardner, duly seconded by Mr. Gelinas, it was voted to request the City Clerk to respond to the communication...

Mr. Gardner continued that Manchester is planning to revise its ward lines. Nashua has a ward that has twelve thousand five hundred and a ward that has seven thousand.

Chairman Rivard stated there is going to be some upset people but it is still a pretty simple thing to do. You just divide it and there are going to be guys on one side of the street that are not going to be happy.

Chairman Rivard addressed item 5 of the agenda:

NEW BUSINESS

Chairman Rivard for the record I wanted to state that there is a timeframe that we are working within here and that it has been suggested by the City Clerk that Monday, August 20th we have to finalize the report that would be submitted to the Board of Mayor and Aldermen on Tuesday, August 28th so that the Board of Mayor and Aldermen can refer it for public hearing. It would happen sometime in September and September 11th has been recommended and then we will have a special meeting of the Board of Mayor and Aldermen to act on the redistricting plan and to put it on the ballot in November.

City Clerk Bernier stated that gives us plenty of time to get the question on the ballot and there is some flextime in there.

Chairman Rivard stated so we have June and July to get things done and wrap it up in August and then move forward. What we need to do is to have a working

session of some sort once we get all the numbers so we can see it all and draw imaginary lines that we can all agree on.

Mr. Gelinas asked are we going to work the three wards on the West Side...we can do that separately.

Chairman Rivard replied sure absolutely. So you have the proposed schedule here and we have a rough draft of the West Side and we have begun the challenge.

Mr. Gardner stated Frank you helped us last time...how did it work...Bob, did you put together all of the blocks for the whole city and then or...

Mr. MacKenzie replied I was not Director at the time...I was with the office but I was not the Director. I think that the data was provided to Highway.

Mr. Gardner asked the CD that you got from the State will you be able to super-impose those numbers like you did here for the east side within the next few weeks.

Mr. MacKenzie replied it does take awhile because of the computer mapping and we had limited time over the last couple of weeks but we are hoping to work on that.

Mr. Gardner asked when would be a time that you would feel comfortable that you could get it.

Mr. MacKenzie replied I would like to "shoot" for probably two to three weeks would be reasonable to try to get most of the city done. Again we would start to work out from these areas that are the logical ones like I do not see that the tail of the city for example is going to be effected by any changes so we would attack the first areas most likely but then we would add in filling as we go along all the blocks in the city so you have ultimately mapped with the population listed on each one of the blocks.

Chairman Rivard stated it is interesting I am not sure that what I am hearing is clear but ten years ago we did not have the technology that we have today. Ten years ago we had this done pretty quick. They gave us a map and it had all the numbers in the whole wards. You got them and every street told you where everybody was and how many people lived on each side of the street. I cannot believe that ten years later it is going to be a difficult thing to do. If it is something you do not want to do just say it and we will get Monty to do it. But it was done pretty quickly.

Mr. MacKenzie replied the two things is it does take time and if you do not need them it is all right. The time align maps that Bill has here are not necessarily accurate so the block shapes and the buildings that fall within them are not always accurate. What we do is take each of the blocks and make them accurate to the city blocks then we verify that the lines as the census used are correct and that takes time we check each of the lines and each of the ward lines we did already find one mistake again I do not think there is going to be any big ones in the city but that was a mistake of twelve people.

Chairman Rivard asked how do you find those mistakes.

Mr. MacKenzie replied the lines as drawn by the Census Bureau...I am assuming that all the counts that they did are correct but they took the wrong ward line on their working maps. I could show you exactly where it is as a matter of fact on this particular map. So the Census Bureau got some information from the State and put it on the ward maps. We use ward maps...the City Clerk's Office has to use those all of the time and they are very accurate. So even the Census Bureau did not have all the correct ward lines. So we are going to go through and verify each one of those ward lines. We check each of the blocks to make sure that they look...

Chairman Rivard stated that should be pretty easy. I am just trying to say ten years ago it was done very simple. Ten years later we cannot do it very simple and I do not know what the deal is here. Let us get it done and get somebody who can do it. This is crazy.

Mr. MacKenzie replied this book has all the blocks in the city. We could handprint the data on these maps for you fairly quickly but again accuracy is of some question. If you want the most accurate maps then we go through and actually process we review each block to see if it is shaped correctly.

Mr. Gardner stated there are eighteen hundred blocks in the city and so what you are saying is that the census when they developed this map and they overlaid the ward lines they made a mistake they have the ward lines not in the right place in some instances.

Mr. MacKenzie replied in the affirmative.

Chairman Rivard stated maybe I am too simple but it does not sound like a "big deal" to me. Can we do it without it.

Mr. MacKenzie replied we could put the data right on the map handwritten but unverified. If you want us to put it on the computer and each block verified and each line verified for accuracy that is what is going to take about two weeks.

Mr. Thomas stated my recommendation would be to wait for two or three weeks and we would get some good information. Once you have that and you have blocks as over on the West Side it is not going to take you too long to do your calculations and shifting around of the lines.

Mr. Gelinas stated let us do it the right way. We can say that this is the best we can offer then we can move with a lot of confidence.

Chairman Rivard stated I cannot believe that ten years ago we did it the wrong way. All I am saying is that it seemed to be some uncertainty about how long it is going to take to do it. Frank and I worked together a long time and I have a hard time dealing with uncertainty. Two weeks...three weeks...a month...tell us how long it is going to take and that is that. It is not like having a baby like we are not sure so two weeks is good...we will go with two weeks. We cannot go with two months.

City Clerk Bernier stated we have plenty of time to address the issue.

Chairman Rivard asked so is it fair to assume that we could get these in no more than three weeks.

Mr. MacKenzie replied in the affirmative and stated and as a backup we will certainly have the hand numbered ones for you if we could take these maps we could make a copy and then if we hand numbered population in each block we could have that to you certainly in two weeks but we will also be working on the verifying of each block and each line.

Chairman Rivard stated the problem is that we really need to have those things so we could look at it before we have another meeting.

Mr. MacKenzie replied you do have all the information you really need for the West Side. You could work the West Side at any time and I will get you more maps if want to scribble on other maps but the west side you should be able to jump into pretty quickly.

There being no further business to come before the committee, on motion of Mr. Gelinas, duly seconded by Mr. Gardner, it was voted to adjourn.

06/11/01 Spcl. Redistricting Cmte.
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A True Record. Attest.

Clerk of Committee