



CITY COUNCIL
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6256

Zack Zappone
Council Member
District 3

November 28, 2023

Spokane Ethics Commission
808 W. Spokane Falls Blvd
Spokane, WA 99201

Re: Muller Ethics Complaint – Motion to Dismiss

Dear Ethics Commission Members:

I am writing to respectfully request a motion to dismiss Mr. Muller's complaint filed against me.

It is difficult to address specific allegations that complainant makes. In Mr. Muller's opening brief, he lists different sections of the ethics code and references documents. I'm not sure how each of the documents proves a violation of the ethics code. It reads as if the complainant is just picking almost all sections of the ethics code and saying they were violated without an explanation. Nonetheless, I will address each alleged violation in turn and explain why it is not a violation.

Context

The Spokane City Council Redistricting Commission met six times in 2022 to consider redistricting city council districts. Following the six meetings of the Redistricting Commission, the Spokane City Council met twice to consider the maps and vote to adopt a final map. Minutes and video recordings of each Redistricting Commission meeting can be found online. The two council meeting videos can be found online for October 24th and November 7th. I abstained from every vote on the proposed maps at the Redistricting Commission meetings or the Council meetings.

During the first Redistricting Commission meetings, the Commission did outreach to the community to ask what they should prioritize in their decision-making process. The most important thing to emerge from the community outreach was keeping neighborhoods together (Exhibit 1, page 6, line 26), which is a requirement of RCW 29A.76.010, which is that state law that lists the criteria that redistricting plans shall follow:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.



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(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

The final map that was adopted by City Council kept neighborhood council districts together while splitting up downtown so each council district had a part of downtown.

After a final map was adopted, there was a legal challenge to the maps that alleged that the districts were gerrymandered to benefit a political party. On April 7th, 2023, Superior Court Judge Hazel heard the case and ruled that the maps were not created using population for favoring or disfavoring any racial group or political party – or gerrymandering.

Judge Hazel’s decision was appealed and on November 13th, 2023. The appellants voluntarily dismissed the appeal.

In summary, the issue of redistricting has been heard in court and a verdict has been issued that there was no gerrymandering.

I have included in this response the following 3 exhibits.

1. City of Spokane’s Brief in Opposition to Grant Petition
 - a. This is the legal brief the City of Spokane submitted opposing the legal challenge. It provides an in-depth record of the redistricting process and meetings
2. Judge Hazel’s Order
 - a. This is Judge Hazel’s ruling on redistricting that states that the court “finds the redistricting plan adopted by Spokane City Council in November of 2022 was consistent with the criteria set forth in RCW 29.A.76.010, and that the Petitioners have not demonstrated that the Council, in adopting the redistricting plan, used population data “for purposes of favoring or disfavoring any racial group or political party.”
 - b. Judge Hazel went farther to say, “We’re talking about 1.5 percent versus 3 percent. The differences are not ginormous. It does not scream to me gerrymandering when I look at it... Especially when state law is, the favored principle is to keep neighborhoods intact and that was one of the only ways to do it.”
3. Motion for Voluntary Dismissal
 - a. This is the motion that the appellants filed to dismiss the case in appeals court.

Mr. Muller’s complaint is based on the premise that the maps adopted by Spokane City Council are gerrymandered. This premise was found false in court.



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Additionally, the complaint is based on the premise that maps determine the outcome of elections. That complaint is false. As I as I said during the November 7th, 2022 council meeting, “Maps don’t determine who wins elections. Voters determine who win elections. It’s about who you are as a candidate. How you run your campaign. And how you serve your community. The exact same map elected Amber Waldref, Mike Fagan, Kate Burke, and Jonathan Bingle. Those are people wildly across the political spectrum. A map does not determine who wins an election” (video at 3:06:20).

Finally, the complaint is based on the questionable premise that city council elections benefit individuals based on political parties. That premise is false because these are nonpartisan seats. Candidates do not run with a political affiliation on the ballot. Thus, it is impossible to use population data for the purposes of favoring a political party because these are nonpartisan positions.

The complaint should be dismissed on the outset because it is based on premises that are demonstrably false.

Alleged Violation SMC 1.04A.30.A General Prohibition Against Conflicts of Interest

The complaint alleges that I had a conflict of interest in redistricting because of political motivation. I did not have a conflict of interest because I did not have a financial interest or other interest that conflicted with my ability to discharge my official duties. I also never voted on any map throughout the entire redistricting process.

The code states “No current City officer or employee shall have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that might be seen as conflicting with the City officer or employee’s proper discharge of his or her official duties.”

If changing city council maps creates a conflict of interest, then every city council member would have a conflict of interest. However, the City Charter requires that City Council vote to adopt the final maps (See Exhibit 1). The Charter also allows any city resident to submit maps to the commission, which I am a city resident. (See bold). Council members cannot be found having a conflict of interest in a duty that is required of them according to the City Charter.



Exhibit 4: Spokane City Charter

Section 59: Council Districting

- A. Membership of the districting board shall consist of the council president and one other council member who shall serve as advisory members, and three qualified representatives.
- B. Qualified candidates for the districting board must satisfy the following criteria:
 - 1. Candidates must be registered voters within the City of Spokane.
 - 2. Candidates must be current residents of the City and have maintained a primary residence within the City for the past two consecutive years.
- C. No member of the districting board shall:
 - 1. have been a registered lobbyist in the State of Washington within one year prior to selection;
 - 2. campaign for elective office or actively participate in or contribute to any political campaign of any candidate for local, state, or federal office while a member of the districting board;
 - 3. Hold or campaign for any city council position for two years after the effective date of the districting plan.
- D. The districting board shall convene a minimum of five public hearings throughout the City to receive written and oral comments and to accept proposed districting plans from the general public. **The districting board shall only consider those plans which are submitted by individual city residents.** The districting board shall hold open meetings, prepare and disclose its minutes, and it may employ experts, consultants, and attorneys not employed by the City, as necessary to carry out its duties as established in this Charter. The districting board shall utilize the most recent available census information and guidelines for districting as established in RCW 44.05.090, as applicable.
- E. No more than ninety days from the effective date of this Charter amendment, the districting board shall submit three districting plans to the city council for final public review and comment. No more than one hundred twenty days from the effective date of this Charter amendment, the city council shall select one of the districting board's plans without alteration, except for data errors. **Upon adoption by a majority vote of the city council, the districting plan shall be submitted to the clerk of the city council.** The districting plan shall become effective upon filing and the districting board shall be relieved of any further duties and disbanded. The districting plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as established in this Charter.



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Fundamentally, city council members must participate in the redistricting process. I have no personal interest more than any other council member in the process. Therefore, there is no conflict of interest.

Additionally, I was invited to submit maps and advised at public meetings to submit a map to the Redistricting Commission. At the August 24, 2022 meeting, the chair of the commission invited me to submit maps at the next meeting. "Board Chair Freidlander asked if it was alright if Zack Zappone submitted maps and the Board indicated Mr. Zappone could" (Exhibit 1, page 7, line 20). At the August 31st meeting, "Mr. Zappone then remarked that he included a series of maps that 'showed the logic of things instead of just one option, and that he was 'totally ok not to submit [any maps]'" (Exhibit 1, page 8, line 25).

I never planned on submitting a map. I only did so after the invitation of the Commission chair. I even offered to not show my map. However, our legal advice at that meeting was that I could submit a map because there were multiple levels of approval that prevented a conflict of interest. I was not a voting member of the commission, and thus did not have a vote on the final maps that the commission forwarded on (Exhibit 1, page 9, line 7).

At the August 31, 2022 meeting, the commissioners unanimously voted to forward the map I submitted as one of their finalists. At that point they said the map was no longer my map, but it was the Commission's map. They renamed the map and adopted it as one of their own. I simply followed the legal advice that I was provided about their being a conflict of interest. I cannot be found in violation of an ethics violation when I followed the legal advice I was provided at a public meeting.

Finally, I never voted for any redistricting map at any time. I did not vote when the Redistricting Commission voted for their final four maps at the August 31, 2022 meeting. I abstained from voting when City Council amended the final map at the October 23, 2022 meeting. I abstained from voting on the final adoption of the map at the November 7, 2022 meeting. It was publicly reported at that time the proposed new map would have a slight benefit to liberal candidates in district 3. Because of all the attention that was on the maps at that time, I chose to abstain from the vote.

In summary, this complaint should be dismissed because there is no violation of a conflict of interest because the Charter requires Council to adopt maps, council positions are nonpartisan, I was invited to submit a map by the Commission, I was advised I could, and I never voted on a map.



Alleged Violation – SMC 1.04A.030.G Personal Interest in Legislation

The complaint alleges I had a personal interest in legislation because the adopted maps benefitted me. There is no evidence that I benefit from changed maps. In fact, I could argue that changing maps hurts me from all the attacks.

The code reads: “No City officer or employee may benefit either directly or indirectly from any legislation or contract to which the City shall be a party except for the lawful compensation or salary of the City officer or employee unless such interest is a remote interest where the facts and extent of such interest is disclosed. City council members’ participation in the enactment of legislation shall be governed by chapter 42.23 RCW – The Code of Ethics for Municipal Officers and chapter 42.36 RCW – The Appearance of Fairness Doctrine. City council members shall not be prohibited from participating in the adoption of legislation when the council member has only a remote interest in the legislation, which has been disclosed, and the legislation is applicable to the general public and not unique to the council member.”

The complaint does not show how I benefited either directly or in directly from legislation. The complaint simply refers to a series of messages, most of which I sent to my college friends who live across the country. It does not show any personal benefit. I did not make any money from this legislation. I did not get any personal reward. I don’t benefit electorally. They do not show any personal interest or gain.

Any redistricting changes will have political implications. However, these are nonpartisan positions, so any political changes do not have a direct impact on voters. Additionally, there is no evidence that I will be running an election in this current district in future years. It is purely hypothetical.

In summary, there is no evidence of any personal interest in legislation, and this complaint should be dismissed.

Alleged Violation – SMC 1.04A.30.K Fair and Equitable Treatment

The complaint alleges I violated this section of SMC but yet again provides no evidence of a violation.

This section of code reads:

1. *“No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use position to secure special privileges or exceptions for himself/herself or for the benefit, gain or profits of any other persons.*



2. *No City officer or employee shall employ or use the employment of any person under the City officer's or employee's official control or direction for the personal benefit, gain or profit of the City officer or employee or another beyond that which is available to every other person.*
3. *No City officer or employee shall use City-owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business (not personal use), and for such purposes and under such conditions as can be reasonably expected to be approved by City policies.*
4. *Except as authorized by law and in the course of his or her official duties, no City officer or employee shall use the power or authority of his or her office or position with the City in a manner intended to induce or coerce any other person to provide such City employee or any other person with any compensation, gift, or other thing of value directly or indirectly.*
5. *City Officers and employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of City facilities of resources for such purposes except as authorized by the provisions of RCW 42.17A.555."*

At no point does the complainant provide any evidence that I used my position as city council member to secure personal benefit, gain, or profit or use my position to secure special privileges for the benefit, gain, or profits of any other persons. There are no direct or indirect gains for anyone in this allegation. Therefore, the allegation of violating #1 is not valid because there is no personal gain. The complaint alleges I violated #2 because I directed my aide. However, my aide was carrying out his duties in advising me on policy issues and communication. At no point is there any personal benefit, gain, or profit. I am on city council and by law I am a part of the redistricting process. It is part of my legislative duties. Thus, it is perfectly appropriate for me to use city resources to carry out my legislative duties. There is no evidence I violated #3 using City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. There is no evidence of violation of #4 of inducing or coercing any other person to provide me or another person any compensation, gift, or other thing of value. And there is no evidence of #5 of participating in the political process. This complaint should be dismissed because there is no instance of me violating this code.

Alleged Violation – SMC 1.04A.030.M Aiding Others Prohibited

The complaint alleges I violated this code but does not even explain how a text message violates this section.



The code reads: *"No City officer or employee may knowingly aid or assist any City officer or employee in the violation of any provision of this Code of Ethics."*

There is absolutely no instance in this complaint of that occurring. The text messages with my aide are discussion about policy and messaging. It has nothing to do with knowingly violating the Code of Ethics. This complaint should be dismissed.

Alleged Violation – SMC 1.04A.030.N Commission of Acts of Moral Turpitude or Dishonesty Prohibited

The complaint alleges I violated this section but again provides no evidence or explanation.

This section of code reads: *"No City officer or employee shall commit any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions."*

There is no evidence that I committed a felony or a misdemeanor. In fact, The Spokane County Superior Court has heard the full case and upheld the map and process as legal. There is no evidence of me committing any act of moral turpitude or dishonesty, and this complaint should be dismissed.

Summary

SMC 1.04A.030 (A, G, K, M, and N) are as follows: a general prohibition against conflicts of interest, personal interest in legislation prohibited, fair and equitable treatment, aiding others prohibited, and commission of acts of moral turpitude or dishonesty prohibited. No evidence provided shows how any of these subsections were violated. There is no evidence that I made a personal benefit or gain. This complaint simply shares text messages that were already made public, discussed, and ruled on by the Spokane County Superior Court.

Additionally, the City of Spokane was the defendant in the case in which the Spokane County Superior Court upheld the map in question and the legality of my involvement in the redistricting process. I ask the Ethics Commission: if the City of Spokane defended my actions in Superior Court and prevailed, how could the City of Spokane then charge me with a violation of the Code of Ethics?

This complaint makes several allegations and then just lists text messages that are irrelevant to the allegation. Furthermore, it does not provide explanations for how those text messages prove a violation of the ethics code – namely personal gain. It is true that I was aware that the



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maps had a slight benefit for future liberal candidates. This change was publicly reported at the time. Any change to redistricting would have political implications. Similarly, because there are political impacts does not mean there is a violation of the Code of Ethics.

It is unfortunate how politicized the redistricting process became. Looking at the timeline of events of redistricting, one can see that the politicization occurred leading up to the October 4th, 2022 Redistricting Commission meeting. This was an effort by the Republican party and leaders to try to influence members of the Commission and the Council.

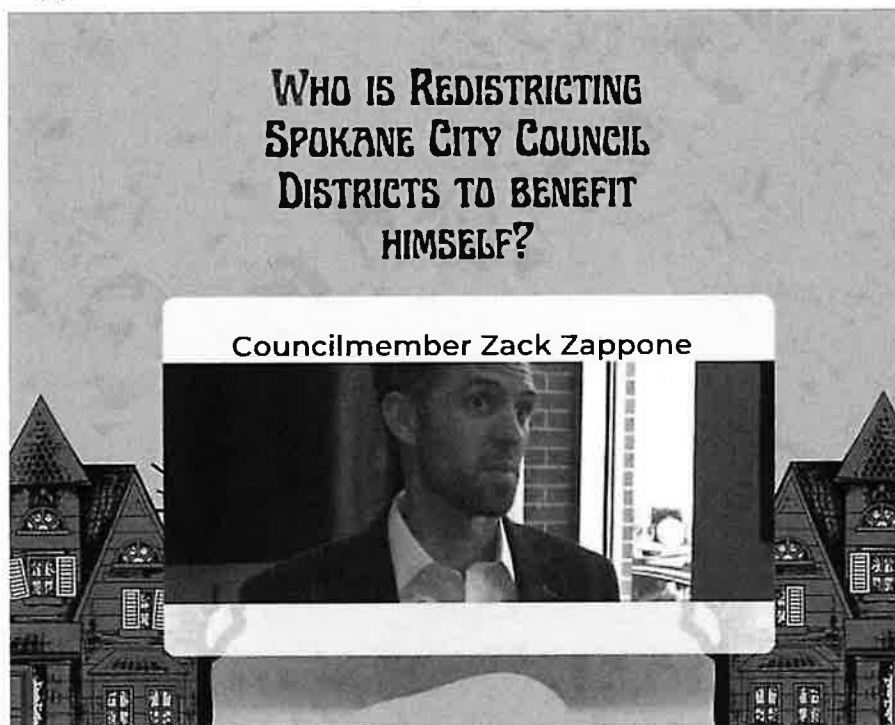
Inlander article shortly after the October 4th, 2022 Commission meeting, highlighted the intense GOP lobbying effort (Exhibit 4). These efforts included social media posts, emails, and phone calls recruiting people to attend the October 4th meeting to lobby the Commission.

One email stated, ""If Zappone's map is chosen, it will completely decimate any chance of business-friendly candidates winning, in any of the districts, for at least 10 years,' the Spokane GOP wrote in an email to their members. 'If we think they do not listen to diverse opinions now, just wait until ALL the Districts are drawn to only elect ultra-liberals.'"

Another post made allegations that I was making a map to benefit myself.



Spokane County Republican Party





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Shift Washington, a statewide right-wing organization, sent a newsletter across the state claiming that, “Zappone has proposed a redistricting plan which ignores neighborhood boundaries, yet benefits his own selfish political ambitions.”

The Inlander article points out that was false and that, “Zappone’s map was, in fact, the only map that *didn’t* split up existing neighborhood boundaries.”

Finally, Mayor Nadine Woodward used her campaign account to send a newsletter to supporters encouraging them to lobby Council. “They have chosen to move forward with the gerrymandered map proposed by Zack Zappone. The final vote takes place this Monday, November 7th at the regular City Council Meeting... If you haven’t already done so, please let the city council know what you think by emailing them... or make plans to make a statement at Monday’s council meeting.” The mayor goes on to say that elections matter and encouraged people to vote to stop Breean Beggs attempt to grab power and break up the veto proof majority on council (Exhibit 5).

The chair of the Redistricting Commission, Rick Friedlander, wrote an email to Council on the day of the final vote on the adoption of the neighborhood map. In that email, Rick points out that the original round of community outreach prioritized a desire to keep neighborhoods together. He points out that the committee unanimously put forward to the public all maps, including the one I drew, and he states that at that point it became the committee’s map. He also states that in retrospect of the October 4th meeting, “I must say I was taken aback by how identical the words and phrases used by many who spoke or wrote. This caused me to be disappointed in observing that this apolitical task had been taken over by politics” (Exhibit 6).

So, it wasn’t until the lead up to the final Redistricting Commission hearing that politics dominated the conversation about redistricting. Most spread the message that the map was gerrymandered by me, which the Court has now determined is not true. It is clear that there was a concerted effort by a political party to not only smear me but pressure the Redistricting Commission and Council to choose a map that they favored instead of the map that kept neighborhoods together.

If Council had made a decision to NOT choose the map that favored neighborhood boundaries BECAUSE it also favored liberal candidates, then it could be argued that the decision violated RCW 29A.76.010, which states “(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.” Council prioritized keeping communities of interest together, neighborhoods. This was the priority when the map was draw and later adopted. There has been no evidence that shows that the map was drawn to be used for purposes of favoring or disfavoring any political party. That is why the neighborhood map was upheld in Superior Court.



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In June 2023, an Inlander article shed light on how the Ethics Commission and complaint process has been weaponized against elected officials for political gain. "It's all part of a political plot. In context, it looks like part of an organized salvo from professional political operatives to use ethics complaints, record requests and litigation to further muddy up the reputation of local left-leaning politicians, sometimes years before the election" (Exhibit 7).

In this article, Daniel Walters connects many of the recent "scandals" involving liberal council members, including this redistricting one. He discovers that Emily Strode and Dawn Sugasa, consultants at Town Square Strategies and work experience under Rep. Cathy McMorris Rogers, have been involved as ghost writers on ethics complaints and press releases. Strode also organized the phone banking efforts for the Republican party to testify against the redistricting map. Additionally, Mark Lamb, an attorney who is a registered agent for Town Square Strategies, represented the petitioners in the redistricting case in Superior Court. Lamb has also submitted 13 different public records requests against liberal council members, consisting of over 25 gigabytes of data (Exhibit 7).

All of this is to say, the ethics complaint process, public records, and court cases have become weaponized by a group of political operatives with a political agenda. It is unfortunate that a small group of individuals has distorted an incredibly important process. Mr. Muller asks the Ethics Commission to investigate this case further. If the Commission chooses to do that, then the Commission should consider investigating the connections between Mr. Muller, Town Square Strategies, and the organizers who organized the aggressive campaign against the redistricting process.

To conclude, I deeply appreciate your consideration and the work you do for Spokane. Once again, I am respectfully requesting you dismiss this complaint outright. The complainant has not shown evidence that I have violated the Code of Ethics. The Court has already determined that the maps were not gerrymandered, which means there is no financial or personal gain or interest that I could even have in the process. The original appellants in the court case have dropped the case following the 2023 election. The adopted neighborhood map did not determine the election results in 2023. During the discussion in 2022, the Inlander reported that there may be a 1.5% benefit (3% gap) for liberal candidates. I won my race 50.5% to 49.2%. In 2023, the more liberal candidate in district 3 won her election 59.4% to 39.8%. This was a 9% swing between elections. The map did not determine the election. Voters determine who win elections. It's about who you are as a candidate. How you run your campaign. And how you serve your community.

Sincerely,

Zack Zappone, City Council Member

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF SPOKANE**

9 **IN RE: SPOKANE REDISTRICTING**
10 **and MICHAEL BROWN, REBECCA**
11 **COOK, COLIN COOK and MARK**
12 **HOWARD**, all registered voters in the
13 City of Spokane,

14 Petitioners,

15
16 **CITY OF SPOKANE,**

17
18 Respondent,

Case No.: 22-2-04123-32

**CITY OF SPOKANE'S OPPOSITION
TO PETITIONERS' MOTION TO
GRANT PETITION FOR SPOKANE
REDISTRICTING**

19
20 **I. INTRODUCTION**

21 On November 7, 2022, the Spokane City Council, as required by RCW 29A.76.010,
22 adopted a redistricting plan for its three council districts. Even though, by Charter, City
23 Council positions in the City of Spokane are non-partisan¹, Petitioners urge this court
24 to invalidate that legislative act on the ground that the Council adopted the plan / map
25 "for purposes of favoring or disfavoring ... [a] political party" in violation of RCW
26 29A.76.010(4)(d).

27 This claim should be rejected . Careful examination of the administrative record upon
28 which the Council based its decision shows that the Council, in adopting the plan / map,

29
30 ¹ Spokane City Charter, Article VIII, Sec. 58

1 was motivated by two considerations which members of the public had expressed to
2 both the Redistricting Board and the Council through public outreach measures and at
3 public meetings: 1) elimination of the district split for the West Hills, Riverside and East
4 Central neighborhoods; and 2) the inclusion of a portion of downtown in each district.
5 Because one of the criteria listed in RCW 29A.76.010 for redistricting is "to preserve
6 existing communities of related and mutual interest," (RCW 29A.76.010 (4)(e)) the plan
7 / map adopted by the City was fully consistent with the criteria set forth in the statute.
8 Thus, the City of Spokane respectfully requests that the Petition be denied.

9 II. FACTS

10 After every federal decennial census, the governing body of a Washington municipal
11 corporation is required by statute to re-district its "governmental unit." RCW
12 29A.76.010. To accomplish that, the statute requires the governing body of the
13 municipal corporation to prepare and adopt a redistricting plan.

14 The City of Spokane was not scheduled to elect members to its governing body in 2022.
15 Thus, RCW 29A.76.010 (3)(b) required the City Council to prepare a plan for
16 redistricting by November 15, 2022. RCW 29A.76.010 (3)(b).

17 To carry out the mandate of RCW 29A.76.010, and consistent with Sec. 60A of the
18 Spokane City Charter, the City established a decennial Redistricting Board. This Board
19 consisted of three voting representatives: Rick Friedlander (Board Chair) from District
20 Three, Heather Beebe-Stevens (Board Vice Chair) from District Two, and Jennifer
21 Thomas, from District One. City Council President Breean Beggs and Councilmember
22 Zack Zappone were appointed to the Board as non-voting advisory members.
23 *Respondents Docs. 855.*

24 A. First Board Meeting – June 16, 2022

25 The Board held six meetings during the summer and early fall of 2022. At the first, held
26 on June 16, 2022, Board members were introduced to, and received a tutorial on a
27 software program called "Dave's Redistricting". *Video of June 16, 2022, Board Meeting*
28 *at 16:43.* It was explained to Board members that the tool included "partisan lean"
29 information based on prior election results but Board members were told that,
30

1 according to [our] legal advisor “[we] would not be looking at that information.” *Id. at*
2 *17:18*.

3 Also during this initial meeting, the City Council employee conducting the tutorial
4 (Hannahlee Allers) stated that splitting election precincts was discouraged because
5 Board members “did not want the County Auditor to be irate at us.” *Id. at 25:00*. Board
6 members were advised they should try to “keep the population deviation [between
7 districts] far below 5%.” *Id. at 28:43*.

8
9 **B. Second Board Meeting – July 8, 2022**

10 The second board meeting took place on July 8, 2022. Board Chair Friedlander, at one
11 point, expressed that trying to keep precincts intact was problematic because that
12 produced “very weird shapes” on maps. *Video of July 8, 2022, Board Meeting at 10:33*.
13 City Attorney Mike Piccolo remarked that the County Auditor would be “very angry
14 with me” if he “allowed precincts to be split”. *Id. at 11:47*. Heather Beebe-Stevens
15 observed, based on her preliminary map drawing with Dave’s Redistricting, that
16 keeping neighborhood councils together could not be done because of the prohibition
17 against changing precincts – “there was absolutely no way.” *Id. at 16:45*. She remarked
18 that one could “keep neighborhoods together, or keep precincts together, but not both.”
Id. at 16:49.

19 The Board examined the existing district map on their laptop screens with
20 neighborhood overlays, which revealed the split neighborhoods to be West Hills, East
21 Central and Riverside. *Id. at 20:18*. There was discussion of what neighborhood
22 councils were and how they were integral to the City’s communications with the
23 community. *Id. at 21:40 – 22:30*.

24 Breean Beggs offered that it is not “all bad” to split a neighborhood. Because one
25 advantage [to a split neighborhood council] is that the neighborhood council will have
26 more City council persons representing the neighborhood that way and the
27 neighborhood could “potentially get more attention.” “It can go either way.” *Id. at*
28 *22:48*.

1 Heather Beebe-Stevens wondered if the Board could combine East Central because it
2 had been historically split. She remarked that it would be good to hear from
3 neighborhood councils regarding what they wanted and she suggested communicating
4 directly with neighborhood councils be part of the Board's community outreach as it
5 did its work. *Id. at 23:20*. She suggested that the East Central neighborhood outreach
6 entail asking the neighborhood whether they wanted to be combined (into a single
7 district) or whether the neighborhood "liked being split and having more City council
8 members." *Id. at 25:15*.

9 C. Third Board Meeting – July 20, 2020

10 The next Board meeting was on July 20, 2022. This meeting was in City Council
11 chambers and open to the public. Breean Beggs began the meeting by providing an
12 overview of the Board's work, using a PowerPoint presentation that included a slide
13 showing the criteria set forth in RCW 29A.76.010. The "overview" slide also included a
14 bullet point stating that, in addition to the Washington State criteria listed in RCW
15 29A.76.010, "the County Auditor strongly recommends not splitting up precincts." *Vide*
16 *of July 20, 2020, Board Meeting at 1:59*.

17 Next, Ms. Allers publicly demonstrated the use of the Dave's Redistricting software. *Id.*
18 *at 6:15*. The existing map created with 2020 census data was put on the screen along
19 with teal lines showing neighborhood council boundaries. *Id. at 7:08*. Ms. Allers
20 remarked that, in an ideal world, one would want to keep neighborhood councils
21 together, but that's not how it lines up right now, and that "we do have a few split
22 districts, East Central, Riverside (Downtown) and West Hills. *Id. at 7:25 – 7:30*.

23 Ms. Allers displayed the 2022 census population figures for District 1, District 2 and
24 District 3. She then remarked that a goal of the redistricting process was to make the
25 numbers "as even as possible." *Id. at 8:25 – 9:15*.

26 Each Board member discussed his/her priorities. Ms. Beebe-Stevens talked about civic
27 engagement and ensuring that the outcome of the redistricting effort allowed people to
28 feel like they were participating. *Id. at 10:20*. Jennifer Thomas "echoed a lot of what
29 Heather said" and indicated that the question that guided her as a Board Member was
30

1 “what served the people of Spokane best.” *Id. at 12:35 – 13:50*. Rick Friedlander stressed
2 the importance of fairness and making sure there is “nothing silly going on.” *Id. at*
3 *14:50*. Zack Zappone offered that what was important to him was representation – how
4 do we represent our community? And he remarked that one interesting idea with
5 regard to downtown was splitting downtown so that everyone had an interest. *Id. at*
6 *15:45*. Breean Beggs said the Board might want to explore all three districts sharing
7 downtown and that he wished to explore that. *Id. at 16:20*.

8 One Board member asked how much the Board was committed to not splitting
9 precincts. *Id. at 17:20*. The Board Chair asked if the Board could have the Auditor visit
10 to discuss the precinct splitting issue and Mr. Beggs indicated the Board could ask the
11 Auditor to attend a Board meeting. *Id. at 17:50*.

12 At the conclusion of this meeting, Ms. Allers indicated that the next Board meeting
13 would be August 24, 2022, and that the members of the Board should have preliminary
14 maps to her a couple of weeks in advance so she could have them ready to pull up (on
15 the screen). *Id. at 31:02*.

16 The Board then discussed ways to obtain community feedback. The use of Survey
17 Monkey was mentioned as “a way to get the word out.” *Id. at 33:10*. Ms. Allers also
18 mentioned the Board could get community feedback through an online application
19 called “Thought Exchange.” and then do maps after receiving that feedback. *Id. at*
20 *34:02*. Rick Friedlander suggested Board members send their questions for Thought
21 Exchange to Ms. Allers. *Id. at 35:07*. Questions for inclusion in Thought Exchange were
22 then discussed. *Id. at 36:18 – 40:05*. The Board agreed that one question that should be
23 included was what people thought about splitting neighborhoods. *Id. at 40:05*.

24 The Board agreed they would start with the “Thought Exchange” process and then
25 follow-up with something like Survey Monkey after they had drawn some maps. *Id. at*
26 *40:50*. It was agreed that Ms. Allers would send the Thought Exchange data to Board
27 members by August 15, and that Board members would then send their suggested
28 maps to her by August 19. *Id. at 44:10*. Ms. Allers stated she would draft the “Thought
29 Exchange” outreach and do a press release. *Id. at 46:30*. At the conclusion of the
30

1 meeting, Mr. Friedlander repeated the need for a response from the County Auditor on
2 the precinct splitting question. *Id. at 47:05.*

3
4 **D. Fourth Board Meeting – August 24, 2022**

5 The next Board meeting occurred on August 24, 2022. Near the beginning of the
6 meeting, Mr. Friedlander reiterated that he had been told that, “whatever you do, don’t
7 mess with the precincts.” Mr. Friedlander explained he wanted to get feedback from
8 the Auditor because based on feedback from the public through Thought Exchange,
9 many people wanted to maintain the neighborhoods. *Id. at 1:25 – 1:50.*

10 County Auditor Vicky Dalton attended this meeting. She explained the purpose and
11 nature of precincts and that they existed for “election administration.” *Id. at 2:20.* Mr.
12 Friedlander asked the Auditor if there was some adjustment to the district lines that the
13 Board wanted to make within all the other criteria that would be okay with the County
14 Auditor. *Id. at 9:23 – 9:24.* The Auditor explained that readjusting the precinct lines
15 could be done and asked the Board to contact the Auditors office if the Board was going
16 to create a precinct that significantly impacted precinct boundaries or the number of
17 voters in that precinct. *Id. at 9:40.* Ultimately, the Auditor confirmed that the Auditors
18 office could alter precincts in order to match neighborhood boundaries. *Id. at 16:12.*
19 The Auditor explained that earlier that year the Auditor had actually made only minor
20 adjustments to precinct boundaries because the Auditor wanted to wait for the Board
21 and the City Council to draw new district lines. *Id. at 16:30.* The Auditor’s office
22 requested that, “whatever they [the Board] came up with,” [with respect to maps and
23 district lines], “just feed that to the County Auditor’s office through staff and the
24 Auditor’s office will then take a look at it and let the Board know what the potential
25 impacts were.” *Id. at 17:13 – 17:30.*

26 The Board then addressed the feedback it had received through “Thought Exchange.”
27 *Id. at 21:56.* The Board observed that the most important consideration to emerge from
28 the “Thought Exchange” outreach was keeping neighborhoods together. *Id. at 22:18,*
29 *23:10 and 23:37.*
30

1 At one point, Board Member Jennifer Thomas asked the Board whether, when it came
2 to keeping precincts together or keeping neighborhoods together, "precincts trump the
3 neighborhoods." *Id. at 24:55*. Board Chair, Friedlander, answered "No, we didn't hear
4 that [from the County Auditor]." *Id. at 25:00*. Ms. Thomas remarked that the message
5 from "Thought Exchange" was "clearly, keep our neighborhoods together." *Id. at 25:17*.

6 Next, Maps submitted by Board Members were put up on the screen and discussed. *Id.*
7 *at 26:39*. [At this point, no maps had been submitted by Zack Zappone].

8 The "Thought Exchange" questions and answers were displayed on the screen. *Id. at*
9 *28:50*.

10
11 At *54:15*, a Board member asked whether the Board had another meeting scheduled. It
12 was decided that, although there was not one scheduled, the Board was free to schedule
13 another and the Board discussed wanting to do so they could all "come back with some
14 more maps." *Id. at 54:15*. The Board then agreed to meet again on August 31, 2022, and
15 to send proposed maps to Ms. Allers in advance of that meeting so she could include
16 them in the agenda packet. *Id. at 56:48*.

17 At this point Mr. Zappone mentioned the possibility of redrawing a neighborhood as
18 its own precinct and that downtown "got out of whack" when he tried to split it among
19 districts. *Id. at 58:38 – 59:30*. After Mr. Zappone made this remark, Board Chair
20 Friedlander asked if it was alright if Zack Zappone submitted maps and the Board
21 indicated Mr. Zappone could. *Id. at 1:00:43 – 1:00:47*. As the meeting concluded, a Board
22 member made reference to "redrawing maps now that we know that splitting precincts
23 is okay." *Id. at 1:01:20*.

24
25 **E. Fifth Board Meeting – August 31, 2022**

26 The next Board meeting was on August 31, 2022. The agenda for that meeting included
27 a public comments followed by a presentation of the maps that had been submitted by
28
29
30

1 Board members and a discussion of those maps. *Video of August 31, 2022, Board*
2 *Meeting at 00:35*. By this time, 15-17 maps had been submitted for discussion ²

3 Mr. Friedlander submitted at least three maps. Ms. Beebe-Stevens submitted at least
4 three, Jennifer Thomas submitted four and Zack Zappone submitted six. Mr. Zappone
5 titled his map #1 "Home Neighborhood Councils." *Respondents Docs* – 46. This was
6 similar to map #3 submitted by Ms. Beebe-Stevens, which she named "Neighborhoods
7 v2." *Respondents Docs* – 43. Mr. Zappone's map #1 was also similar in many ways to
8 Jennifer Thomas' map #4, which she named "Population of Neighborhoods
9 Prioritized." *Respondents Docs* – 45. Before discussing the specific maps submitted, the
10 Board noted that the "precinct piece" had changed based on what the Board heard from
11 the County Auditor and that the Board, in drawing maps, could split precincts, subject
12 to the Auditor's review. *Id. at 16:09 – 16:26*.

13 The Board then discussed the various maps submitted by Board members, with
14 individual members describing the map he/she submitted and the thought process
15 behind it. *Id. at 17:01*. Ms. Thomas went first, describing the reasoning behind each of
16 her submitted maps. *Id. at 17:01 – 31:00*.

17 At 33:00, Ms. Thomas remarked that she would caution Mr. Zappone with respect to
18 the maps he submitted "so it is above reproach." Mr. Zappone responded that he
19 "wasn't planning on doing it [submitting maps] until last week, when someone said
20 "Yeah, sure, submit it." *Id. at 33:13*. Mr. Zappone then said "but [I am] also happy to
21 not [submit maps] – either way." *Id. at 33:25*.

22 At 34:03, Mr. Friedlander remarked that Ms. Thomas had "raised a good point" with
23 respect to the potential problem of Mr. Zappone submitting maps, and he observed that
24 the only reason he suggested that Mr. Zappone submit maps was to address the "funny
25 little problem of ... how you balance ..." *Id. at 34:02*. Mr. Zappone then remarked that
26

27 ² It is difficult to tell from the paper record and the video of this Board meeting exactly
28 how many maps were submitted, and by whom, because different names were
29 assigned to the maps at different times, resulting in some duplication.
30

1 he included a series of maps that “showed the logic of things instead of just one option”
2 and that he was “totally okay not to submit [any maps].” *Id. at 34:20.*

3 Ms. Thomas remarked that, as she was looking through the maps submitted by Mr.
4 Zappone, she could “see [his] thought process.” *Id. at 34:28.* Ms. Thomas asked him
5 what his philosophy was with respect to the creation of maps and he remarked that he
6 prioritized neighborhoods in creating his maps. *Id. at 35:09.* In the context of this
7 discussion, Mr. Beggs stated that he and Mr. Zappone were just council members
8 chosen to be on the Board and that they did not have a vote and that any City Council
9 member could submit a map if they wanted to. *Id. at 35:36.*

10 There was then discussion of Mr. Zappone’s map #5. *Id. at 37:24.* Mr. Zappone
11 explained that map #5 would not work because it was open in a population deviation
12 of 19%. *Id. at 37:46.*

13
14 The discussion then turned to Mr. Zappone’s map #1 and he stated that he “actually got
15 all of the neighborhoods whole and it was all under 5% (population deviation).”
16 39:23:21. Mr. Zappone then stated that the population deviation for his map #1 was
17 actually 3.5%. 39:23.

18 With his map #1 on the screen, Mr. Zappone explained that Browne’s Addition and
19 Peaceful Valley were not naturally apart of District 3 and were more connected to
20 downtown and that including Browne’s Addition and Peaceful Valley in his map of
21 District 3 was “part of [his] philosophy that everyone has a part of downtown. . *Id. at*
22 *40:04.* Ms. Beebe-Stevens, with respect to Mr. Zappone’s map #, offered that part of what
23 she liked about it was that the neighborhoods were all part of one community, and she
24 spoke to the advantages of neighborhood identity. *Id. at 40:22 – 40:46.*

25 Board Chair Mr. Friedlander added “great job” with respect to the map submitted by
26 Mr. Zappone. *Id. at 41:38.*

27
28 The Board then addressed the maps submitted by Ms. Beebe-Stevens and Mr.
29 Friedlander explained what they were attempting to accomplish with each. *Id. at 42:11.*
30 *Id. at 54:19.*

1 With respect to the extent to which various proposed maps placed the River Run area
2 of northwest Spokane in District 2, Mr. Zappone remarked that the people who lived in
3 River Run considered themselves to be part of the South Hill. *Id. at 1:00:56*. Ms. Beebe-
4 Stevens, at *1:01:18*, observed that I-90 had done “a huge disservice to East Central.” And
5 she wondered “how do we mitigate that and reinforce that community.” *Id. at 1:01:42*.

6 At *1:04:17*, a Board Member (not Mr. Zappone) suggested that, with respect to the maps
7 the Board ultimately put forward, we “jointly name them and all own them.” *Id. at*
8 *1:04:17*. Mr. Friedlander remarked “I agree.” *Id. at 1:04:21*. The Board then discussed
9 renaming all of the maps the Board would ultimately put forward. *Id. at 1:06:20*. All
10 Board members agreed that Mr. Zappone’s map #1 should be included and renamed
11 “Neighborhood Boundaries with Shared Downtown”, because that map kept whole all
12 the neighborhood councils. *Id. at 1:06:34*. It was decided the Board would rename Ms.
13 Thomas’ map #1 as “Balanced Minimalists Shared Downtown.” *Id. at 1:07:47*. It was
14 decided that two of the maps offered by Ms. Beebe-Stevens would be named
15 “Geographic A and Geographic B.” *Id. at 1:09:19 – 1:12:43*. Geographic A placed the
River Run neighborhood in District 2, whereas Geographic B included the River Run in
District #3. *Id. at 1:12:43*.

16 The Board then discussed its plan to move forward with these four maps and have the
17 public comment on them before having another meeting. *Id. at 1:16:33*. Mr. Friedlander
18 observed that, with respect to moving ahead with the four maps selected, they “all
19 encompass thoughts we had” at *Id. at 1:21:15* and that “these [maps] are representative
20 of solutions to challenging facts.” *Id. at 1:21:25*. He also stated, “there are wonderful
21 things about all of them.” *Id. at 1:21:54*. He added “We could vote to approve any of
22 these and know that we have done a good, fair job.” *Id. at 1:21:54*.

23 At *1:30:17*, the Board voted unanimously to approve all four maps with the new titles /
24 names stated above. *Id. at 1:30:17*. The Board then discussed the composition of a
25 “Survey Monkey” survey, and Mr. Friedlander putting together a narrative for the next
26 meeting that would generally describe the maps and the Boards thought process. *Id. at*
27 *1:32:25 – 1:32:58*.

1 F. Sixth Board Meeting – October 4, 2022

2 At the October 4 meeting, which took place in council chambers, the Board reviewed
3 the work it had done over the summer. Using a PowerPoint, the Board explained that
4 the public engagement part of its process included a “Thought Exchange” from which
5 “two elements” arose. The first was the preservation of neighborhood councils so that
6 each neighborhood was within one district or another. The Board Chair recognized that
7 currently that was not the case with three districts: West Hills, East Central and
8 Riverside, with each of those neighborhood councils being split so that part was in one
9 district and the other part in another. The other element to emerge from the thought
10 exchange was that each of the three districts should have part of downtown within their
11 district.

12 At that meeting, the Board described each of the four maps, including the objectives,
13 purposes and policies the Board endeavored to address with each. Map #1 was
14 described as the map having the least amount of change. The map took a piece of
15 downtown Spokane and added it to district one. But, as described by the Board Chair
16 at this meeting, “the main goal of this map was to make as few changes as possible but
17 getting population more equal.”

18 The Board described two maps as “geographic boundary maps”, which it referred to as
19 Geographic A and Geographic B. The Board Chair observed that neither of those maps
20 “did anything for the Riverside (neighborhood) split, so they are less than optimal with
21 the neighborhood idea but they are reasonable to think of otherwise.” The Board Chair
22 also observed that the “West Hills Neighborhood is a difficult one to keep intact and
23 not make it look funny ... it is a funny looking neighborhood.” *Video of October 4, 2022,*
24 *Board Meeting at 1:22:30.* With respect to map two, in the context of discussion over
25 that map putting all of the West Hills neighborhood into one district, while that made
26 part of district #2 look really odd, [the central portion north of I-90] that was “the natural
27 boundary of the Spokane River.” *Id. at 1:22:18.*

28 At the October 4, 2022, meeting, members of the public spoke in favor of both map one
29 and map two. One speaker who was in favor of map two noted that map one “keeps in
30 place a system that benefits district number two with the core of downtown straddling

1 between districts three and two." *Id. at 0:35:45*. The speaker urged the Board to vote for
2 map two "which keeps neighborhood councils together." *Id. at 37:33*. With respect to
3 the extent to which various maps kept neighborhoods together, a number of speakers
4 commented on how map one perpetuated a racial divide of the East Central
5 neighborhood and the importance of "putting East Central together." *Id. at 40:58*.

6 A speaker who identified herself as an academic in the field of government systems also
7 spoke in favor of map number two. *52:26*. She testified that Spokane had "created a
8 wonderful system of neighborhood councils that she hadn't encountered anywhere
9 else" and that she was very fortunate to be in the Emerson-Garfield neighborhood with
10 its "very lively neighborhood council." She urged the adoption of map number two
11 because it "encourages involvement in neighborhood councils." *Id. at 52:26*.

12 With respect to map #1, the Board Chair stated that population distribution was
13 "definitely the number one priority." *Id. at 1:21:53*. That map was also reflective of some
14 members of the public stating they did not want the downtown split. *Id.*

15
16 **G. First City Council Meeting – October 24, 2022**

17 At its October 24, 2022 meeting, redistricting was on the agenda. The council addressed
18 the various maps forwarded by the Board. By this time, there had been criticism of map
19 number two as being a "gerrymandering" effort by Zack Zappone. At the October 24
20 City Council meeting, Councilperson Stratton read a statement from Rick Friedlander.
21 In that statement, Friedlander emphasized that the four maps the Board presented to
22 the City Council for their consideration, including map #2, "represented the best of the
23 many maps we looked at." *Video of October 24, 2022, Board Meeting at 2:49*. With
24 respect to Zack Zappone's contribution to map #2, Mr. Friedlander remarked that Mr.
25 Zappone "produced a map that was the most elegant expression of the desire to keep
26 the neighborhoods intact and have each district have a piece of downtown." *Id. at*
27 *2:50:03*. Mr. Friedlander also emphasized that all four maps were unanimously put
28 forth by the Board. *Id. at 2:50:43*.

1 In response to allegations that map number two was "Zack Zappone's map," Mr.
2 Friedlander urged the Council to note that it was not [Zappone's] map. *Id. at 20:50:12.*
3 Friedlander stated:

4 It is the committees map. All four are viable options and
5 meeting the criteria of the statute though it may be arguable
6 that some do it better than others.

7
8 *20:50:12.*

9 At the October 24, 2022, Council meeting, Mr. Friedlander, reviewed the Board's
10 process again. He emphasized that over the summer the Board's work included
11 conducting a "Thought Exchange" from which two ideas emerged: (1) Wouldn't it be
12 nice to redraw the districts to consolidate neighborhoods within a district, an idea
13 "borne out" by the Board's meetings with neighborhood councils. (2) Wouldn't it be
14 nice for each district to "have a piece of downtown." *Id. at 1:38:00.* Mr. Friedlander
15 explained that, when the Board learned that the County Auditor would shift precincts
16 to accommodate whatever the Board came up with in the way of redistricting maps, "a
17 flurry of creativity was unleashed." *Id. at 1:39:04.* And that the Board, at one point,
18 "came up with 16 to 17 different map possibilities." *Id. at 1:39:04.*

19 Mr. Friedlander also explained that the map drawn by Zack Zappone that preserved
20 neighborhoods and split downtown was "quite similar" to a map drawn by another
21 Board member. *Id. at 1:39:51,* and that these two maps were the only ones that reunited
22 the Riverside neighborhood, and that keeping Riverside and the West Hill's
23 neighborhoods intact "led to some weird shapes." *Id. at 1:39:04.* But Mr. Friedlander
24 emphasized that all three voting members of the Board decided to go with the four
25 maps brought to the City Council. *Id. at 1:39:51.* Mr. Friedlander also expressed his
26 disappointment "in statements made questioning the ethicality of any member" of the
27 Board. *Id. at 1:42:51.*

28 With respect to the similarity between maps proposed by Zack Zappone and other Board
29 members, Board Member Jennifer Thomas testified that, on August 31, both she and
30 Zack Zappone had maps that merged the neighborhoods, and that Heather [Beebe-
Stevens] did as well. But they "decided as a group to use the one proposed by Mr.

1 Zappone because her map and Heather's map "didn't balance population as well." *Id.*
2 *at 1:45:10.*

3
4 With respect to why the Board voted to recommend map number 1, Thomas explained
5 that, in the Board's view, the most important task with respect to the guiding RCW was
6 population, even though the Board "might have felt some responsibility to want to
7 merge neighborhood councils because that would a nice thing." *Id. at 1:46:12.*

8 The City Council voted six to two in favor of map number 2, with Council Member
9 Zappone abstaining. *Id. at 3:29.*

10 III. ARGUMENT AND AUTHORITIES

11 1. Petitioners' have asked the court for relief that is not authorized by 12 RCW 29A.76.010

13 In their motion, Petitioners twice make the request that the Court direct that the City
14 Council's old boundaries be maintained for the 2023 election or, in the alternative, that
15 the Redistricting Board's recommendation (map #1) be adopted. Petitioners take it upon
16 themselves to conclude that the 2020 federal census data does not mandate any change.
17 See footnote at bottom of page 6 of Petitioners' Motion.

18
19 In this regard, Petitioners request and conclusion are incorrect and directly contradict
20 RCW 29A.76.010(6)(c), which states:

21 ...
22 (c) If the Superior Court determines the plan does not meet
23 the requirements of this section, in whole or in part, it shall
24 remand the plan for further or corrective action within a
25 specified and reasonable time period. (emphasis added).

26 This remand referred in the statute would direct the process back to the City Council
27 pursuant to RCW 29A.76.010(1), which provides that it is the responsibility of each
28 municipal corporation to periodically redistrict its governmental units based on
29 population information from the most recent federal decennial census. In short, RCW
30 29A.76.010 does not permit the court to grant the relief Petitioners request.

1 2. All of Petitioners' arguments regarding the City's alleged violation of the Spokane
2 City Charter with regard to the redistricting process should be rejected because
3 they are based on a misreading of the City Charter.

4 Petitioners assert that each voting member of the District Board is allowed to submit a
5 plan to the Council for consideration and that the Council is required to select one of
6 those plans. See Petitioners' Motion, page 5, lines 15-16. But there is no provision in the
7 City Charter that provides for each member of the Board to submit their own plan.

8 Petitioners' arguments with respect to the alleged illegality of the redistricting process
9 employed by the City are based on a misinterpretation of the Charter. Section 59 of the
10 Charter relates primarily to the districting Board that created the original districting
11 plan for the City. The original districting Board created the original districting plan
12 after the City adopted the strong mayor form of government. That process was
13 completed in approximately the year 2000.

14 By contrast, Section 60 of the Charter primarily addresses the process of decennial
15 federal census redistricting pursuant to RCW 29A.76.010. Section 60 relates to the
16 creation of the "decennial districting Board" for the purpose of accomplishing City
17 Council redistricting based on federal census data. The Petitioners are incorrectly claim
18 that the Charter requires the submission of three plans. That was the process under
19 Section 59 for creation of the original district plan. Again, redistricting is the process
20 done pursuant to Section 60A and RCW 29A.76.010. That process provides for the
21 Council publishing a draft plan which was submitted by the Redistricting Board on a
22 unanimous vote. The Council subsequently amended the plan after receiving public
23 comments and resubmitted the amended plan.

23 3. The Court's review must be confined to the administrative record before the City
24 Council when it voted on the redistricting plan map.

25 In the only case interpreting RCW 29A.76.010, *Kilbury v. Franklin County*, 151 Wn.2d
26 552, 90 P.3d 1071 (2004), the Washington Supreme Court made it abundantly clear that
27 a superior court's review of a redistricting plan under RCW 29A.76.010(6) "is on the
28 administrative record" before the government entity "governing body" at the time it
29 made its decision. 151 Wn.2d at 561. While the court did not directly address what
30

1 constitutes the “administrative record” in a redistricting case, it offered examples of
2 documents that “would likely have been part of the administrative record.” 151 Wn.2d
3 at 562. The court then identified those documents as follows:

4 Those documents are the map that the auditor’s office initially
5 provided to the redistricting committee (showing the district
6 boundaries then in existence) and a list of precincts with
7 population data from the 2000 census (citation omitted);
8 George Fearing’s October 1, 2001, memo to the redistricting
9 committee, his notes, and the map showing his proposed plan
10 (citation omitted); the redistricting committee’s undated, one-
11 page report to the county (citation omitted); the relevant
12 portions of the minutes of the April 1, 2002 board meeting
13 (citation omitted); and the County’s April 1, 2002 resolution
14 adopting the majority plan (with attachment 1 only) (citation
15 omitted).

16 *Kilbury* at 562, fn.8.

17 Here, the administrative record consists of the documents generated and collected by
18 the Board, as well as the videos of the Board’s meetings, and the City Council Meetings
19 where redistricting was discussed and voted upon.

20 On the importance of the administrative record for purposes of review, the *Kilbury* court
21 criticized the challengers in that case for not submitting the entire administrative record
22 to the court. On this point, the court stated:

23 The challengers alluded to the principle that review of a local
24 government decision is on the administrative record, but
25 rather than ensuring transmittal of that record, they
26 submitted new evidence in the form of affidavits, attaching to
27 those affidavits a mix of documents.

28 151 Wn.2d at 561 – 562.

1 Here, the approach Petitioners have taken with respect to the administrative record is
2 contrary to *Kilbury*. Instead of providing the entire administrative record to the court
3 and basing their arguments on that record, Petitioners have submitted emails and text
4 messages from a single non-voting City Council member which were not a part of the
5 administrative record, (and, which, accordingly, were not available to or considered by
6 the City Council members who voted on the redistricting plan / map.) Petitioners then
7 base their entire challenge on those text messages and emails.

8 Respondent has submitted the entirety of the administrative record to the court as an
9 attachment to the Declaration of Christopher J. Kerley, and Respondent respectfully
10 submits that the courts review must be confined to that record.

11 4. Petitioners have the burden of proof to demonstrate that the redistricting plan /
12 map adopted by the City Council was inconsistent with RCW 29A.76.010,
13 including that the plan was adopted "for purposes of favoring or disfavoring any
14 ... political party."

15 The burden to demonstrate that a redistricting map is inconsistent with the criteria set
16 forth in RCW 29A.76.010 (4) is "on the party requesting review." *Kilbury* at 561. *Kilbury*
17 is silent, however, on what the standard of proof is that accompanies this burden. After
18 recognizing that "different standards of review may be applied to the specific criteria
19 being challenged", the court adopted a "clearly erroneous" and "arbitrary and
20 capricious" standard with respect to the compactness criteria at issue. 151 Wn.2d 560.
21 But the court did not identify the standard or burden of proof applicable to criteria
22 (4)(d) – ("population data may not be used for purposes of favoring or disfavoring any
23 racial group or political party.")

24 While *Kilbury* does not provide direction or guidance on this question, courts from other
25 jurisdictions have adopted a "beyond a reasonable doubt" burden. See e.g. *Neiman v.*
26 *LaRose*, 2022 Ohio LEXIS 1398, 2022 W.L. 2812895; *Harkenride v. Hocul*, 204 A.D. 3d 1366
27 (N.Y. App. Div. 2, 2022). Here, because the Petitioners are challenging a legislative act – the
28 Council's adoption of the redistricting plan – the most appropriate burden would be
29 beyond a reasonable doubt. That burden would be consistent with the burden
30 established by the Washington Supreme Court for a court challenge to the

1 constitutional validity of a legislative act. See *School District's Alliance for Adequate*
2 *Funding of Special Education v. State*, 170 Wn. 2d 599, 244, P.3d 1 (2010); *Island County v.*
3 *State*, 135 Wn.2d 141, 955 P.2d 377 (1998). While Petitioners challenge does not directly
4 address the constitutionality of the Council's legislative act, statute RCW 29A.76.010 is
5 derived from Article II, Section 43 of the Washington Constitution, as is the state
6 legislative redistricting statute RCW 44.05.090³. Indeed, Article II, Section 43, and the
7 two statutes establish the same criteria for redistricting, including that the plan not be
8 drawn "purposely to favor or discriminate any political party or group."

9 Here, Petitioners must establish, and the court must be satisfied, beyond a reasonable
10 doubt, that the Council adopted the redistricting plan / map that it did "for purposes of
11 favoring or disfavoring ... a political party." As demonstrated below, Petitioners have
12 fallen far short.

13 The relationship between the constitution and these statutes was recognized in *Kilbury*,
14 *supra*, at 563-564.

15 5. Whether the court applies a "beyond a reasonable doubt" or a "preponderance of
16 the evidence" standard, Petitioners have not demonstrated that the City Council
17 adopted redistricting plan / map #2 for the specific purpose of favoring or
18 disfavoring any political party.

19 As a threshold matter, how Petitioners could possibly satisfy this burden – that the
20 council's acts were for the purpose of favoring or disfavoring any particular political
21 party, is unclear. That is because City Council positions, by charter, are non-partisan.
22 Significantly, RCW 29A.76.010 (4)(d), prohibits the use of population data for "purposes
23 of favoring or disfavoring any ... political party." It does not mention use of such data
24 for the purpose of favoring or disfavoring an incumbent.

25 Notwithstanding this threshold issue, the record does not come close to demonstrating
26 that the City Council adopted map #2 for the specific purpose of favoring or disfavoring
27 any political party. The work of the redistricting Board clearly shows that the genesis
28 of the map ultimately adopted by the City Council (map #2) was Board map drawing

29 ³ The relationship between the constitution and these statutes was recognized in *Kilbury*,
30 *supra* at 563-564.

1 to accommodate not only the criteria of population equivalence but also the statutorily
2 authorized objective of the preservation of neighborhoods and communities of interest.
3 While Petitioners go to great lengths to malign Mr. Zappone and his supposed motives,
4 it cannot be over emphasized that Mr. Zappone only submitted maps after he was asked
5 to do so by the Board Chair, that Mr. Zappone offered to withdraw his maps, and that
6 Mr. Zappone's map was virtually identical to one proposed by another Board member.
7 In addition, the Board voted unanimously to include this map in the four that it
8 submitted to the City Council for its consideration because the map addressed
9 redistricting considerations the entire Board regarded as important and legitimate.
10 Also, Mr. Zappone was a non-voting member of the Board, and he abstained from the
11 City Council vote that adopted the map because of the charge that he, by submitting a
map, had engaged in political gerrymandering.

12 In short, considering the entire record, particularly the thorough and thoughtful
13 deliberations of the Redistricting Board and the genesis of the map ultimately adopted
14 by the City Council, Petitioners have fallen far of demonstrating beyond a reasonable
15 doubt (or even by a preponderance of the evidence) that the Council adopted the map
16 for the purpose of favoring or disfavoring a particular political party.

17
18 6. Zack Zappone's emails and text messages do not demonstrate that the City
19 Council, in adopting the map it did, acted with the purpose or intent to favor a
20 political party.

21 Petitioners make much of Zack Zappone's text messages and emails. But they do not
22 demonstrate that the City Council acted with the purpose of favoring or disfavoring a
23 particular political party when it adopted the map it did.

24 As a threshold matter, Zack Zappone's text messages were not part of the
25 administrative record and, accordingly, they were not available to or even known to
26 City Council members (other than Zack Zappone, who abstained) when the Council
27 voted on the redistricting plan / map on October 24, 2022.⁴

28
29 ⁴ In its motion to quash, the City objected to the production of these emails and text
30 messages, on the ground of separation of powers and legislative immunity / privilege.
Respondent adopts and incorporates that argument by reference.

1 In addition, even if Zack Zappone's text messages were considered to be part of the
2 administrative record, they do not show Mr. Zappone had an improper motive or
3 purpose in creating his map #1 (which became the Board's map #2). To the contrary, the
4 text messages show that Mr. Zappone, like other Board members, was motivated by the
5 desire to keep neighborhood councils intact and to split downtown, as well as the need
6 to balance population, considerations which all Board members deemed important.
7 Those concerns were taken into account by other Board members when they drew their
8 various maps. And they were openly discussed by Board members in multiple
9 meetings, and were why the Board unanimously voted to rename the map and include
10 it in the four maps submitted to the Council.

11 Petitioners stress that the text messages Mr. Zappone exchanged with Jim Dawson on
12 October 25, 2022, essentially make their case and demonstrate that Mr. Zappone was,
13 all along, motivated by an improper political purpose. Specifically, on October 25, 2022,
14 Jim Dawson asked Mr. Zappone: "How much better are D1 and D3 now? Could you
15 send me the Dave's Redistricting map with those boundaries?" To this inquiry, Mr.
16 Zappone replied: "Can do! Its about +1.5% more Dem. So plus 3% gap between D / R.
17 I'll email it later today." But, critically, this text exchange happened after the
18 redistricting Board had voted to adopt and include Mr. Zappone's map as one of the
19 four it would present to the Council, after the October 4, 2022, Board meeting where the
20 maps proposed by the Redistricting Board were discussed, and, most importantly, after
21 the October 24, 2022, City Council meeting, where the Council voted to adopt map #2.
22 By this point in time (October 25, 2022), it would be quite natural for anyone to wonder
23 about the political ramifications of the adopted map. And all Mr. Zappone did was
24 respond to a direct inquiry about those ramifications. That is hardly evidence that Mr.
25 Zappone was motivated, as insinuated, by an improper motive or purpose when he
26 proposed his map #1.

27 IV. CONCLUSION

28 It is difficult to imagine a district boundary line adjustment that does not have some
29 political consequence. That is because adjusting boundary lines moves people – voters
30 – from one district to another. It is also self-evident that adjusting district boundary
lines to account for or accommodate the traditional redistricting criteria of compactness,

1 contiguousness, natural and artificial boundaries, and the preservation of communities
2 of related and mutual interest, invariably has some political impact. Indeed, in *Nieman*
3 *v. LaRose*, 2022 Ohio LEXIS 1398, 2022 W.L. 2812895 (Ohio Supreme Court 2022), the
4 Ohio Supreme Court observed:

5 ... [The Ohio Law's] requirement that a plan not unduly favor
6 or disfavor a political party or its incumbents does not
7 prohibit a plan from favoring or disfavoring a political party
8 or incumbents to a degree that inherently results from the
9 application of neutral criteria ...

10 *Nieman* at *P32. (emphasis added).

11 But an ultimate political consequence is quite distinct from a purpose or intent to favor
12 or disfavor a political party. While the City Council's adoption of map #2 may well have
13 political consequences, the record before the court does not show, and Petitioners have
14 certainly not demonstrated, to any standard of proof, let alone beyond a reasonable
15 doubt, that the Council adopted the redistricting plan (map #2) for the purpose of
16 favoring or disfavoring a political party.

17 Accordingly, Respondent respectfully requests that Petitioners' motion be denied.

18
19 DATED this 5 day of April, 2023.

20
21 EVANS, CRAVEN & LACKIE, P.S.

22
23 

24 CHRISTOPHER J. KERLEY, WSBA #16489

25 Attorneys for City of Spokane, Zack Zappone
26 & Breean Beggs

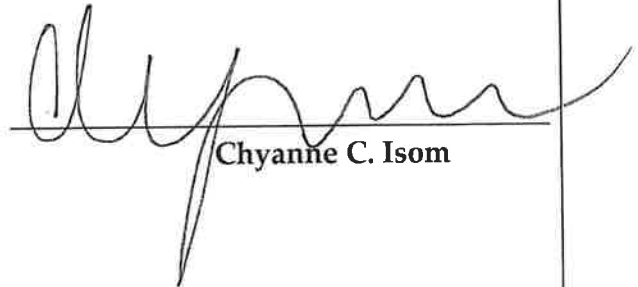
CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 5th day of April, 2023, the foregoing was delivered to the following persons in the manner indicated:

Counsel for Petitioners

MARK C. LAMB, WSBA #30134
KENNETH W. HART, WSBA #15511
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VIA REGULAR MAIL [☒]
VIA CERTIFIED MAIL [☐]
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APR 07 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

IN RE: SPOKANE REDISTRICTING
and MICHAEL BROWN, REBECCA
COOK, COLIN COOK and MARK
HOWARD, all registered voters in the
City of Spokane,

Petitioners,

CITY OF SPOKANE,

Respondent,

Case No.: 22-2-04123-32

~~PROPOSED~~ ORDER DENYING
PETITIONERS' MOTION TO
GRANT PETITION FOR SPOKANE
REDISTRICTING

Petitioners' Motion to Grant Petition for Spokane Redistricting came on for hearing before the undersigned Judge of the above captioned court on April 7, 2023. In ruling on the motion the court considered the pleadings, the court file, the materials submitted by the parties in connection with the motion, and the argument of counsel.

Having considered the above, the court finds that the redistricting plan adopted by the Spokane City Council in November of 2022 was consistent with the criteria set forth in RCW 29A.76.010, and that Petitioners have not demonstrated that the Council, in adopting the redistricting plan, used population data "for purposes of favoring or disfavoring any racial group or political party."

Accordingly, Petitioners' Motion is hereby DENIED. The plan shall take effect immediately. Oral record from entire hearing including argument is incorporated.

[PROPOSED] ORDER DENYING PETITIONERS'
MOTION TO GRANT PETITION FOR SPOKANE
REDISTRICTING - Page 1

Evans, Craven & Lackie, P.S.

818 W. Riverside, Suite #250

Spokane, WA 99201-0910

P: (509) 455 - 5200 | F: (509) 455-3632

1 DATED this 7 day of April, 2023.
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5 
6 THE HONORABLE JUDGE HAZEL
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CERTIFICATE OF SERVICE

**[PROPOSED] ORDER DENYING PETITIONERS'
MOTION TO GRANT PETITION FOR SPOKANE
REDISTRICTING - Page 2**

Evans, Craven & Lackie, P.S.

818 W. Riverside, Suite #250

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**FILED
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State of Washington
11/13/2023 8:37 AM**

NO. 397328

**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

IN RE: SPOKANE
REDISTRICTING and
MICHAEL BROWN,
REBECCA COOK, COLIN
COOK and MARK HOWARD,
all registered voters in the City
of Spokane,

Appellants.

MOTION FOR
VOLUNTARY
DISMISSAL OF
APPEAL

King County Superior
Court Case No. 22-2-
04123-32

I. IDENTITY OF MOVING PARTY

Appellants seek the relief described in Section II below.

II. RELIEF REQUESTED

Appellants ask the Court for entry of an order pursuant to RAP 18.2 of the case. Appellants have decided not to pursue the appeal and move the court for voluntary dismissal of review.

III. GROUNDS FOR REQUESTED RELIEF

Under RAP 18.2 an appellate court may dismiss review of a case "on motion of a party who has filed a notice of appeal." In

general, an appellant has a "right to abandon [his or her] appeal" and the reasons for doing so are "immaterial." *State v. Eskridge*, 58 Wn.2d 546, 554, 364 P.2d 813 (1961). Although a court has discretion to terminate an appeal pursuant to RAP 18.2, "the court will almost always do so at the request of the appellant, made before oral argument, in a civil case." 2 Wash. State Bar. Ass'n, WASHINGTON APPELLATE PRACTICE DESKBOOK § 26.6 (4th ed. 2016) (appendix).

IV. CONCLUSION

For the foregoing reasons, Appellants respectfully ask that this Court grant their motion to voluntarily dismiss the case.

This document contains 183 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Respectfully submitted this 13th day of November, 2023.

CARNEY BADLEY SPELLMAN, P.S.

By /s/ Sidney C. Tribe
Sidney C. Tribe, WSBA No. 33160
Mark C. Lamb, WSBA No. 30134
Kenneth W. Hart, WSBA #15511

701 Fifth Avenue, Suite 3600
Seattle, Washington 98104-7010
Phone: 206-622-8020

Attorneys for Appellants

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

☒ Via Appellate Portal to the following:

Christopher Joseph Kerley
WSBA #16489
EVANS, CRAVEN & LACKIE, PS
818 W Riverside Ave Ste 250
Spokane WA 99201-0910

DATED this 13th day of November, 2023.

/s/ Patti Saiden

Patti Saiden, Legal Assistant

CARNEY BADLEY SPELLMAN

November 13, 2023 - 8:37 AM

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Appellate Court Case Title: In re: Spokane Redistricting and Michael Brown, et al
Superior Court Case Number: 22-2-04123-9

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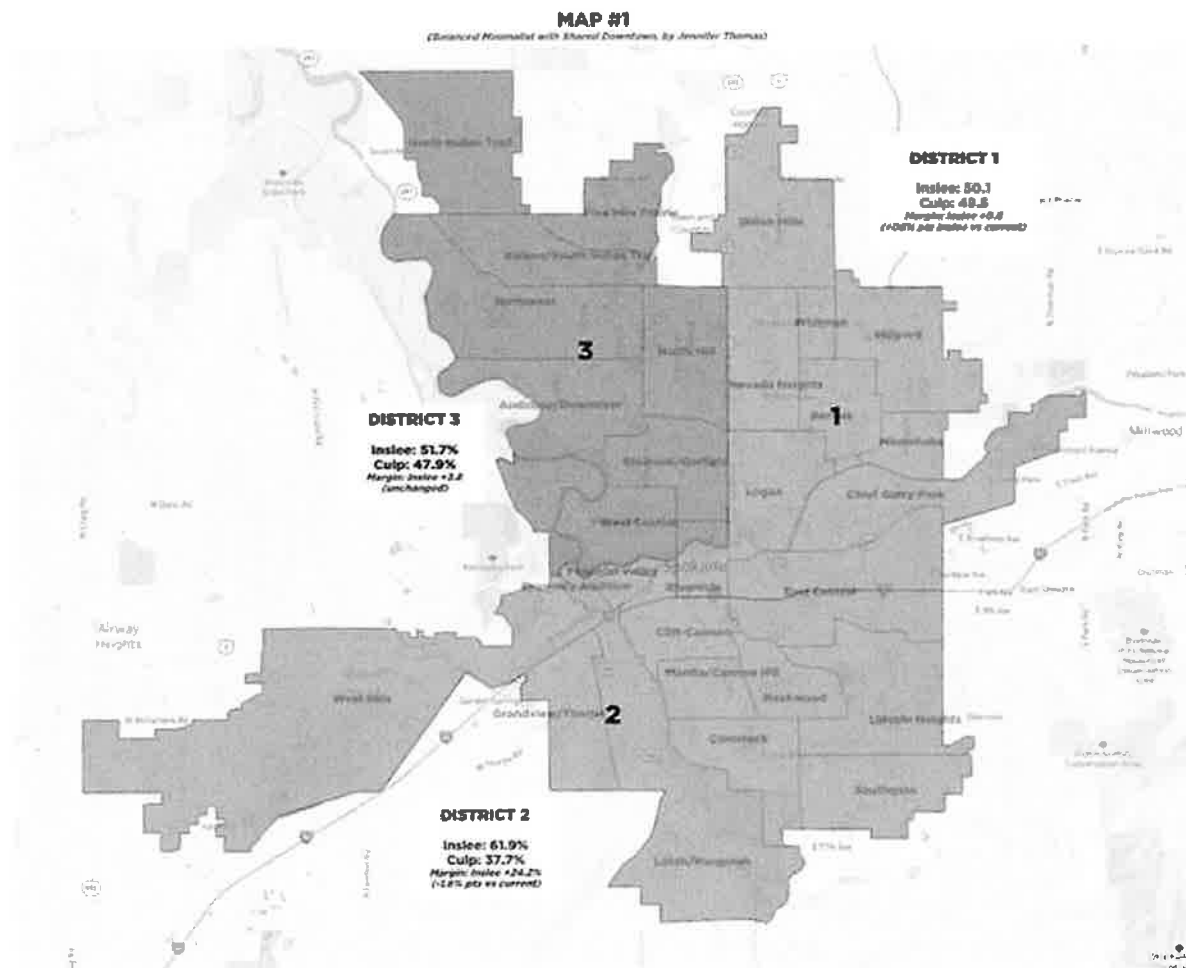
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After intense GOP lobbying, board recommends Spokane City Council map with few changes

By [Daniel Walters](#)



Daniel Walters data visualization

The map supported by a bunch of Republican types actually makes things slightly harder for Republicans.

After around two hours of debate and testimony on Tuesday night, the City of Spokane Redistricting Board members settled — some grudgingly — on a clear recommendation: Pick the map that keeps things mostly the same.

Map 1 "Minimal Changes w/ Shared Downtown," designed by board member Jennifer

Thomas, shifts part of northeast Spokane's District 1 into downtown Spokane, but otherwise leaves the map alone.

That was the map clearly favored by both the SurveyMonkey results and the vast majority of dozens of members of the public who turned out to speak.

✕
"All of a sudden thanks to the *Inlander* we get a whole bunch of people interested in what little old us are doing," said Rick Friedlander, the board's chair. "Your comments are all welcome and the process, I think, has been sound."

Last week, the *Inlander* published a story about another proposed map — Map 2 — that was authored by Council member Zack Zappone, an advisory member of the board. While Zappone argued that the map was the only feasible proposal that would keep all the neighborhood councils together while sharing the downtown space, the *Inlander* noted it would also give Zappone a small but significant bump to his re-election prospects. (Zappone said that wasn't his intention.)



Zappone was not at Tuesday's meeting, but most of the public commenters offered criticism of Zappone's map.

"I think Map 2 will further divide our community, because it will seem to many of us that this redistricting process is unfair and biased," said Gretchen McDevitt, wife of former U.S. Attorney Jim McDevitt, who sat on the county's redistricting board.

Even before the *Inlander* flagged the issue, there was an active right-wing campaign to rally opposition to Zappone's map and support for Map 1.

Related



Councilman Zappone swears his proposed redistricting map wasn't meant to benefit Councilman Zappone

×

Shift Washington, a right-wing organization that previously hammered Zappone for riding his bike without touching his handlebars, sent out a newsletter claiming that "Zappone has proposed a redistricting plan which ignores neighborhood boundaries, yet benefits his own selfish political ambitions."

Part of that was false – Zappone's map was, in fact, the only map that *didn't* split up existing neighborhood boundaries. But other complaints – like the idea that the draft map split the Spokane Club in two – were echoed by other commenters.



Shortly after, the Spokane County Republican Party sent out multiple emails warning the city council was "trying to gerrymander Spokane's Council Districts."

"If Zappone's map is chosen, it will completely decimate any chance of business-friendly candidates winning, in any of the districts, for at least 10 years," the Spokane GOP wrote in an email to their members. "If we think they do not listen to diverse opinions now, just wait until ALL the Districts are drawn to only elect ultra-liberals."

On Facebook, the GOP put out this image:



Facebook screenshot

Another *Inlander* employee told me that she'd been contacted by someone phone-banking to spread the word about the issue.

✕
Jennifer Hicks, a precinct committee officer with the Spokane GOP who made some of those phone calls, told the *Inlander* she "was just helping a friend," but declined to say who that friend was.

Darin Watkins, government affairs director for the Spokane Association of Realtors — which often pours tremendous sums of money into supporting conservative and moderate candidates locally — says he sent out emails to their membership promoting the meeting as well, encouraging them to attend.

"For us it was about keeping [district boundary changes] as minimalistic as possible," Watkins says. "If there's anything we're hearing from voters, there's voter fatigue about change."

Redistricting Board member Heather Beebe-Stevens suggested that the way that the board gathered community input was flawed.

"I don't think that any of the maps are perfect. And I don't think that our system of getting feedback is perfect," Beebe-Stevens said. "We're assuming someone is able to get off work at 5 and has childcare to make it here."

She noted that the Board wasn't allowed to consider political factors. Ultimately, she agreed that Map 1, which has the most equally distributed population numbers, "is the least bad of them. I don't like it. But I would be in favor of Map 1."

Ironically, for all the conservative enthusiasm for Map 1, the map itself doesn't actually help Republicans very much. While it leaves Northwest Spokane unchanged, it makes Northeast Spokane's District 1 slightly more Democratic, making it harder for conservatives like Jonathan Bingle and Michael Cathcart to get re-elected.

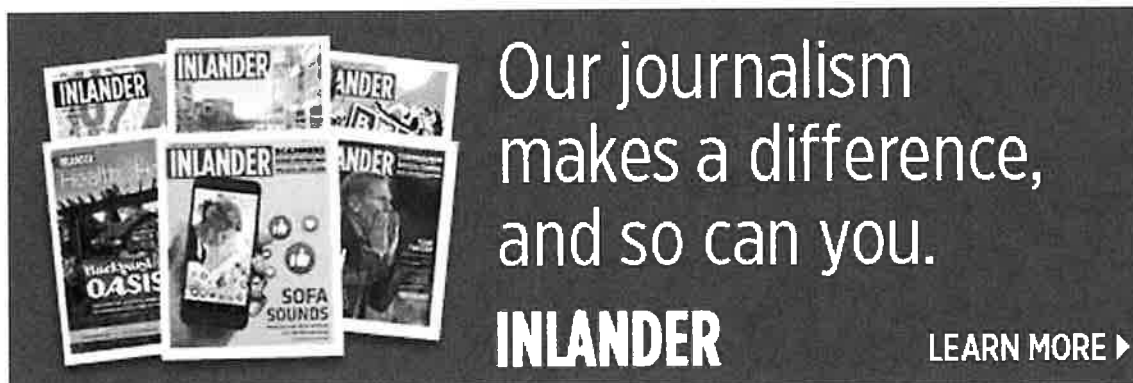
That's despite the fact that Thomas, the map's designer, works as the government affairs director for the Spokane Home Builders Association — a role Cathcart once held.

"I laid aside any political agenda, any bias, any preconceived notions," Thomas said. "I came in here with a commitment and a purpose to serve my community."

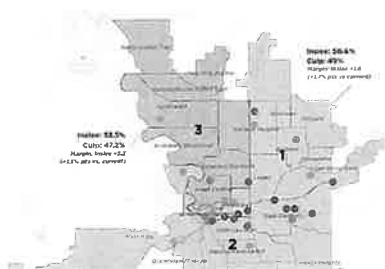
Ultimately, the Spokane City Council will have the final say on whether to approve or reject the map.



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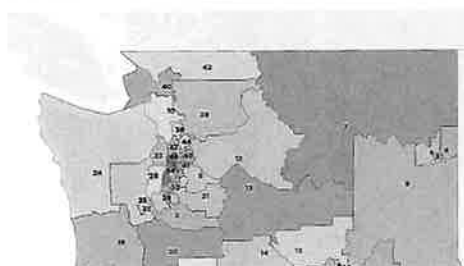
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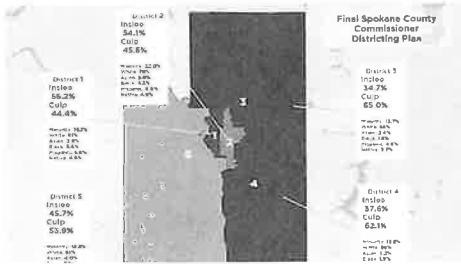
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ABOUT THE AUTHOR



Daniel Walters



A lifelong Spokane native, Daniel Walters was a staff reporter for the Inlander from 2009 to 2023. He reported on a wide swath of topics, including business, education, real estate development, land use, and other stories throughout North Idaho and Spokane County. His work investigated deep flaws in the Washington...

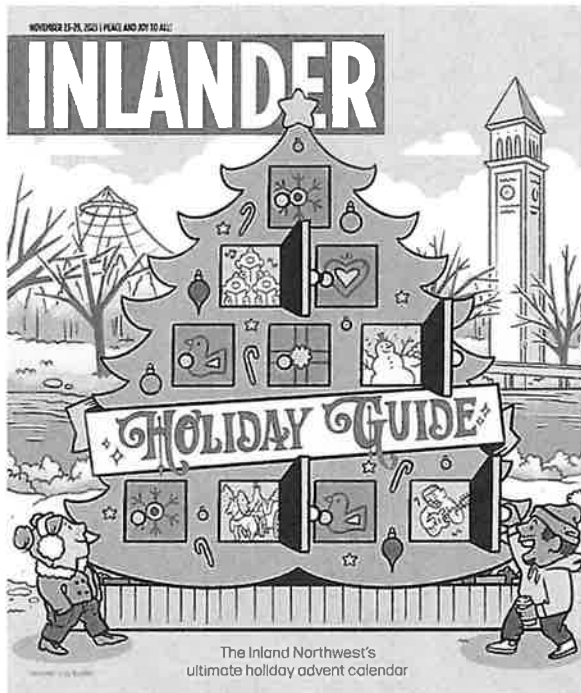
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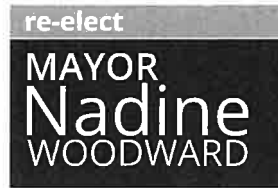
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Dear Friends,

As you may have heard, the majority on the Spokane City Council have once again ignored undeniable public support and the unanimous recommendation by the Redistricting Board to support redistricting Map #1, which had the least amount of change, and provided the most consistent representation. Instead, they have chosen to move forward with the gerrymandered map proposed by Zack Zappone.

The final vote takes place this Monday, November 7th at the regular City Council Meeting. Although, the majority on the council seem to have made up their minds, it's not a done deal. If you haven't already done so, please let the city council know what you think by emailing them at citycouncil2@spokanecity.org, or make plans to make a statement at Monday's council meeting.

I'm pleased to announce my veto against the council's attempt to rob the Spokane Police of much needed drug enforcement funding will stand. The Council President's smoke and mirrors attempt to defund the police by diverting funds has failed. This is a big win for our Spokane Police Department and a big win for the citizens of Spokane.

Every week, we see Breean Beggs attempt to grab power. Unfortunately, he has a veto proof majority on the council. This is why elections matter. Zack Zappone won his race by only 273 votes. Every election we are told this is the most important election of our lifetime to date. It's true. Make sure you return your ballot by November 8th so your vote is counted.

For Spokane,

Nadine

Mayor Nadine Woodward

PS- If you haven't sent in your ballot, please vote "NO" on Proposition 1. Despite the ambiguous language, the Council majority has a bad track record on public safety and this is nothing more than a power grab that would give the City Council the ability to hand-pick the City Attorney for a 7-year contract with no cause for termination. Again, make sure you vote "NO" on Prop 1 and let your neighbors know.

Vote **NO** on Proposition 1




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Zappone, Zack

From: Rick Friedlander <rickfriedlander@comcast.net>
Sent: Monday, November 7, 2022 4:32 PM
To: Allers, Hannahlee; City Council Members and Staff
Subject: Spokane Redistricting 2022

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To Spokane City Council Members:

Please feel free to consider this as testimony and you may quote from it at the meeting November 7.

As a "front row" observer of the process of redistricting I would like to lay out a few facts.:

- Our process strove to be as inclusive of public sentiment as possible.

- This started off very slowly with our first Townhall meeting on July 20 having one person of the public testify – thank you Ann Murphy!

- The second round of public input was in the form of thought exchange and visits with neighborhood councils which advanced the desire of the neighborhoods to be unified within a district. Some of the Maps we put out for public comment reflected that.

- The four maps selected represented the best of many versions we looked at.

Please note: ALL maps were unanimously put forward to the public by the Committee, not by any particular member or advisor. The designated council member/advisor to our committee, Mr. Zappone, did produce one that was the most elegant expression of the desire to keep neighborhoods intact and have each district have a 'piece' of downtown.

Please note: It is not HIS map- it is the COMMITTEE'S map.

- ALL four are viable options and meet the criteria of the statute. Though it may be arguable that some do it better than others.

- The third wave of public input was from survey monkey and testimony collected at the Townhall on October 4. This input was overwhelmingly in favor of Map 1, which the committee felt we could move forward with. In retrospect, I must say I was taken aback by how identical the words and phrases used by many who spoke or wrote. This caused me to be disappointed in observing that this apolitical task had been taken over by politics.

- I have no idea what input council members received between the time of our Townhall and their decision to proceed with Map 2 on Oct 24.

- Finally, I have been asked how I feel about the council not proceeding with the recommendation of our committee. To that I respond that we did the difficult work of exploring options and coming up with viable alternatives and collecting community input from which various publics at various times weighed in on first to the committee, and then to the council members.

The Redistricting Committee had the RESPONSIBILITY to make a recommendation, which was done at city Council meeting October 24. At that point our work was done.

The City Council, has the AUTHORITY to decide which if any of the options we put forward will be used in this round of redistricting. I trust them to complete this task.

Respectfully,

Rick Friedlander

