

Private
STAFF SUMMARY OF MEETING



OTHER COMMITTEE COMMITTEE ON JOINT INDEPENDENT REDISTRICTING COMMISSIONS

Attendance

Aislinn Kottwitz	X
Amber McReynolds	X
Blanca Uzeta O'Leary	X
Constance Hass	X
Danny Moore	X
Elizabeth Wilkes	X
Gary Horvath	X
Heather Barry	X
Hunter Barnett	E
Jason Kelly	X
John Buckley	X
Jolie Brawner	X
JulieMarie Shepherd	X
Macklin Kevin Fletcher	X
Lori Schell	X
Martha Coleman	X
Moussa Diawara	E
Paula Espinoza	X
Robin Schepper	X
Samuel Greenidge	X
Simon Tafoya	*
William Leone	X
Carlos Perez	X
Carly Hare	X

Date 07/31/2021
 Time 11:01:05 AM to 01:46:14 PM
 Place Carbondale

This Meeting was called to order by
Blanca Uzeta O'Leary

This Report was prepared by
Zach Beaudoin

X = Present, E = Excused, A = Absent, * = Present after roll call

Hearing Items Action Taken

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Commissioner Uzeta O'Leary called the meeting to order. A quorum was present. She provided introductory remarks. An introductory video was shown.

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Commissioner Kelly continued the introductory remarks by explaining the public participation process.

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Mike Simmons, representing himself, testified. He spoke specifically about Congressional District 3. He discussed the various economic drivers in the Roaring Fork Valley.

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Mr. Michael Ireland, representing self, testified. Mr. Ireland testified about back roads and discussed the hard work of Lake and Pitkin Counties and the surrounding communities to make safer roads and address the issues of a growing population.

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Mr. Allyn Harvey, representing self, testified. Mr. Harvey testified that he doesn't believe Teller, Fremont, and Park Counties belong in CD3. He continued to testify that for the legislative maps he would like the commission to look at community similarities such as resort areas and population types.

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


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Mr. Michael Clark, representing self, testified. Mr. Clark testified that he would like Rifle, Silt, and east to the county line be included in HD 57 for continuity of services and resources.

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Kelly McNicholas Kury, representing self, testified. Ms. McNicholas Kury testified that she would like mountain communities viewed as a community of interest due to their shared interests. She also shared that by combining communities of interest it helps give more representation in congress.

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Greg Poschman, representing self, testified. Mr. Poschman testified that in his community people don't feel like their interests, as a mountain community, are represented. He testified about the influx of people coming into the area and the strain this puts on the services and resources.

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Caroline Bradford, representing self, testified. She testified that she would like the San Luis Valley to be added back into CD 3 so the district is more contiguous.

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Mr. Alex Sanchez, representing Voces Unidas de las Montañas, testified. Mr. Sanchez said that the Latino community in Eagle, Garfield, and Pitkin Counties are a community of interest. He testified that the preliminary maps don't treat them as communities of interest and split their representation.

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Commissioners asked Mr. Sanchez questions about his testimony and expertise.

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Beatriz Soto, representing self, testified. Ms. Soto testified that the Latinx population should be kept in together CD 3 and is a community of interest that needs to be paid attention to in the maps.

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Donna Grauer, representing self, testified. Ms. Grauer testified that Fremont, Park, and Teller counties shouldn't be included in CD 3.

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Mark Chapin, representing self, testified. Mr. Chapin testified that he believes Eagle and Routt Counties are a community of interest and should be together.

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Karl Hanlon, representing self, testified. Mr. Hanlon testified that the water basins are very important community boundaries that should be kept together. He also continued to express that he would like representation that helps his community protect its water basins.

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Sheryl Barto, representing self, testified. Ms. Barto testified that Fremont, Teller and Park counties are in the economic orbit of the Front Range rather than in CD 3.

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Mr. Darrin Smith, representing self, testified. Mr. Smith testified that HD 57 moved the populations of Silt and Rifle into neighboring districts and created a split of Garfield County population centers. He would like to see Rifle and Silt districts abide by the federal "Thompson Divide" amendment.

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Steven Arauza, representing self, testified. Mr. Arauza testified that the preliminary maps crack the Latino population in the Western Slope and hinder representation. He said that Latinos in Rifle and the wider Garfield County face specific issues and need districts that provide their interests representation.

Attachment A

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Ms. Leslie Robinson, representing self, testified. Ms. Robinson testified that she would like to see Rifle in HD 57 and supports the preliminary CD 3 as it stands.

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Ms. Lisa Katze, representing self, testified. Ms. Katze testified that CD 3 doesn't meet the constitutional criteria and explained her concerns.

See Attachment A

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Gay Moore, representing self, testified. Ms. Moore testified that communities of interest are important, such as the mountain communities and rural areas. She would like more competitive districts so that the community feels like their vote counts.

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Dawn Randolph, representing self, testified. Ms. Randolph testified that she would like the Roaring Fork Valley and Garfield County kept together as a community of interest due to their uniqueness.

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Paula Stepp, representing self, testified. Ms. Stepp testified about the impact of the droughts and other issues on Western Colorado and why they are a community of interest in CD 3.

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Mrs. Jasmin Ramirez, representing self, testified. Ms. Ramirez testified that the Latino community is the backbone of the community, but they are being pushed into Eagle, Garfield and Pitkin Counties. She testified that they are all connected and can't afford not to have the Roaring Fork Valley united in a district.

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Natasha Leger, representing self, testified. Ms. Leger testified that the North Fork Valley has the largest concentration of organic farms, which makes it a community of interest. She said that Delta county can be split, but half should be with Gunnison County due to the shared watershed.

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Yesenia Arreola, representing self, testified. Ms. Arreola testified that she was priced out of Carbondale and her family has been spread across the area due to the housing crisis. She said that her family commutes through the Roaring Fork Valley or Aspen to Parachute. Ms. Arreola said that the preliminary maps split their corridor and their representation.

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Mr. Bob Pennetta, representing self, testified. Mr. Pennetta testified that the Colorado Water Compact is a big issue in CD3. He believes that taking San Luis Valley out of CD3 and adding Pitkin, Teller, and Park Counties threatens their ability to protect their water.

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Mike Samson, Garfield County Commissioner, representing self, testified. Commissioner Samson testified that HD 57 needs to keep Garfield County whole as a community of interest.

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John Martin, Garfield County Commissioner, representing self, testified. Mr. Martin testified that CD3 needs to include the San Luis Valley, HD 57 shouldn't divide Silt and Rifle, and Eagle County should be in a different House District.

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Stephanie Ramirez, representing self, testified. Ms. Ramirez testified that it is important to protect the mountain communities. For HD 54, she would like to include Garfield and Summit Counties, but also offered other solutions.

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Ms. Jacqueline Argueta Navarez, representing self, testified. Ms. Argueta Navarez testified that the Roaring Fork Valley is a very special community and should be considered together in a district. She also wants to make sure the Latino community is heard in the maps.

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Ms. Jean Alberico, Garfield County Clerk and Recorder, representing self, testified. Ms. Alberico testified that she as county clerk and others in her position are the ones who help create voting precincts. She would like consideration to be given to where people vote and how many will be in each district.

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Ms. Jennifer Quevedo, representing self, testified. Ms. Quevedo testified that splitting the Roaring Fork Valley won't work because it cuts school districts and splits an interconnected community. They also use resources that are spread out based on their needs.

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Robert Comey, representing self, testified. Mr. Comey testified that he would like commissioners to revisit the HD 55, 56, 57 and how Garfield County is divided and connected to Gunnison County.

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The committee adjourned.



Afternoon
Good ~~morning~~, Commissioners and fellow Coloradans. My name is Steven Arauza and I live in Rifle, Colorado. I am here to discuss how the Preliminary Map for State House Districts has the effect of cracking and disenfranchising my Communities of Interest: Rifle area Latinos and Latinos of greater Garfield County.

These Communities of Interest include designated Disproportionately Impacted Communities or DI Communities as defined in the Colorado Air Pollution Prevention and Control Act (CRS Section 25-7-105). This Act defines DI Communities, in part, as communities impacted by a "lack of opportunity for public participation" and describes situations contributing to environmental health disparities suffered by these communities. This definition aligns with that of Communities of Interest and illustrates the intersectional nature of redistricting, environmental justice, and public health concerns. The COGCC website includes a map layer of DI communities that correspond to ^{US Census} Block Groups with minority populations exceeding 50%. In my area, this makes DI Communities a useful analog for Latino populations. Latinos of Rifle and Garfield County are disproportionately impacted by environmental justice issues as we were disproportionately impacted by the county and federal responses to the COVID-19 pandemic. I urge this commission to utilize the DI Communities map layer on the COGCC's website to assess other Communities of Interest and to revise the Preliminary House Map accordingly.

This Preliminary plan is damaging to the political well-being of the Latino Communities of interest because the district boundaries through Rifle divide designated DI Communities. The Preliminary House Map separates roughly 1/3rd of Rifle's DI Communities by area, cracking it in half by population and diluting the area with the higher Latino population density into District 55, which does not have comparable DI Community numbers. As currently defined, this plan has the effect of cracking an important Latino Community of Interest/DI Community in Rifle and the larger Garfield County Latino Community of Interest. I urge this Commission to uphold Sections 46 and 48 of Article V of the Colorado Constitution by preserving the whole Rifle, Colorado and Garfield County Latino Communities of Interest. The State has designated us as Disproportionately Impacted, we cannot afford for our voices and representation to be diminished.

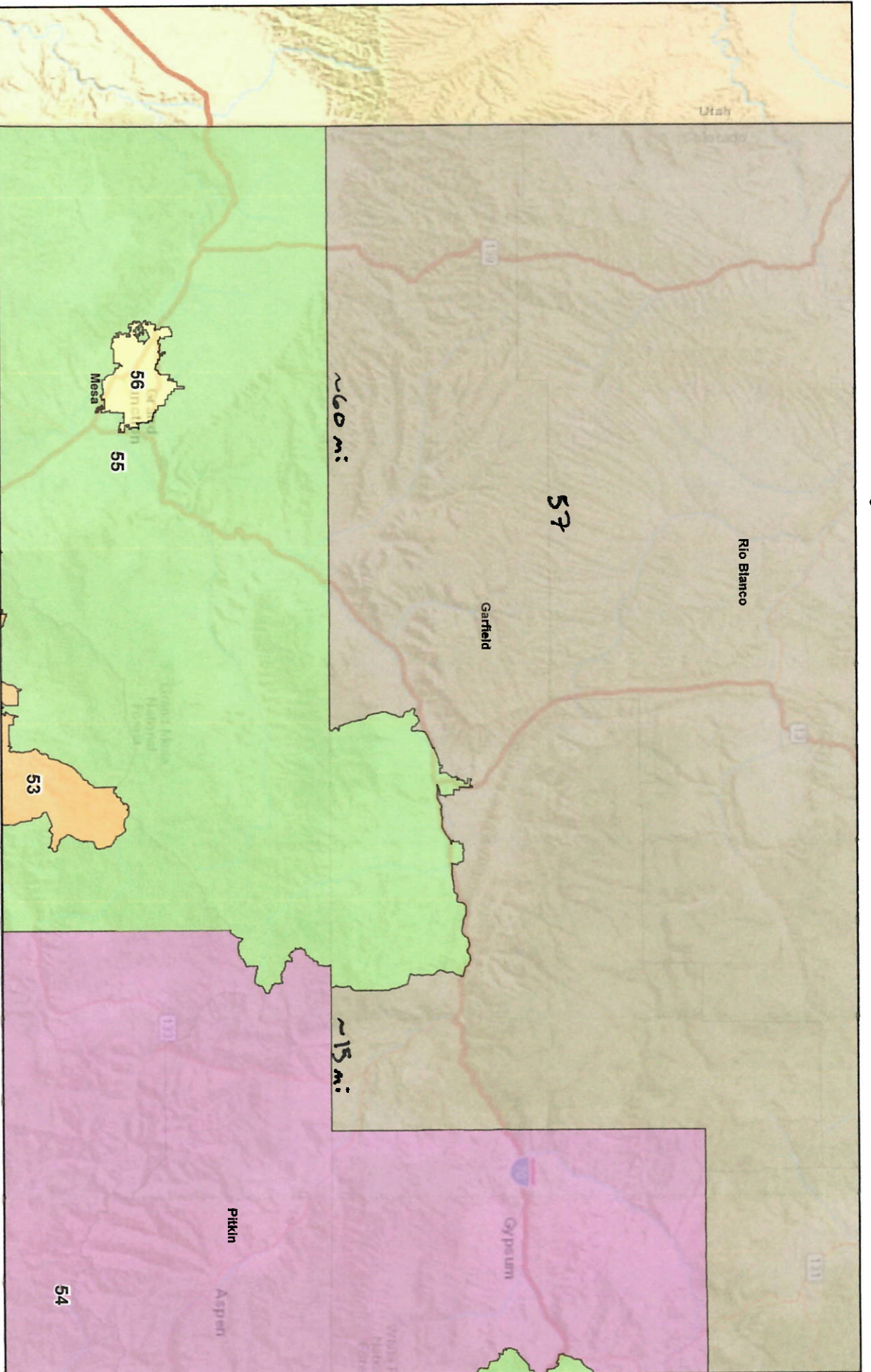
The Preliminary State House map does a disservice to the Latinos of Garfield County by creating arbitrary divisions of important Political Subdivisions. The boundary between Districts 55 and 57 follows the county line between Garfield and Mesa counties for approximately 75 out of 103 total miles, with the exception of jumping to the I-70 Corridor to arbitrarily annex approximately 335 square miles of Garfield County that includes Rifle, Silt, and half of New Castle, into District 55. These divisions arbitrarily divide *communities* of Rifle, Silt, and New Castle, which are not restricted along lines of incorporation. In this way, the Preliminary State House map also creates an arbitrary division of Garfield county.

(Thank you for your time)

Arauza 1

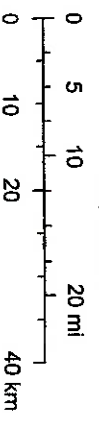
Preliminary State House - Garfield and Mesa

Annex 2



July 30, 2021

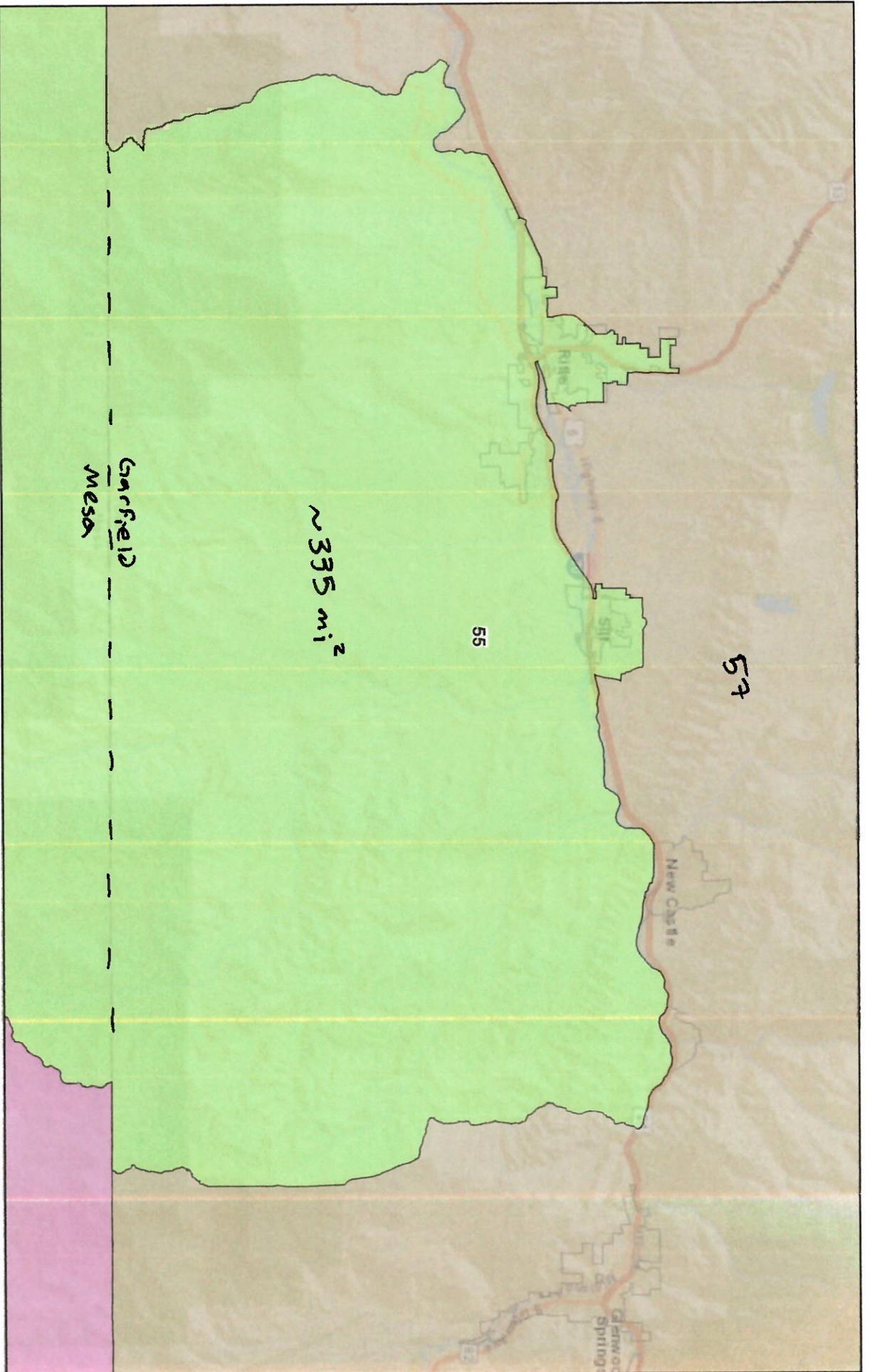
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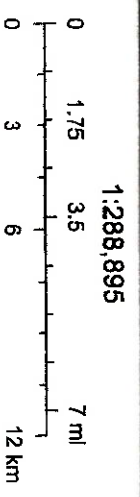
Esri, HERE, Garmin, NGA, USGS, NPS

Preliminary State House - Rifle to Carbondale

Area 3

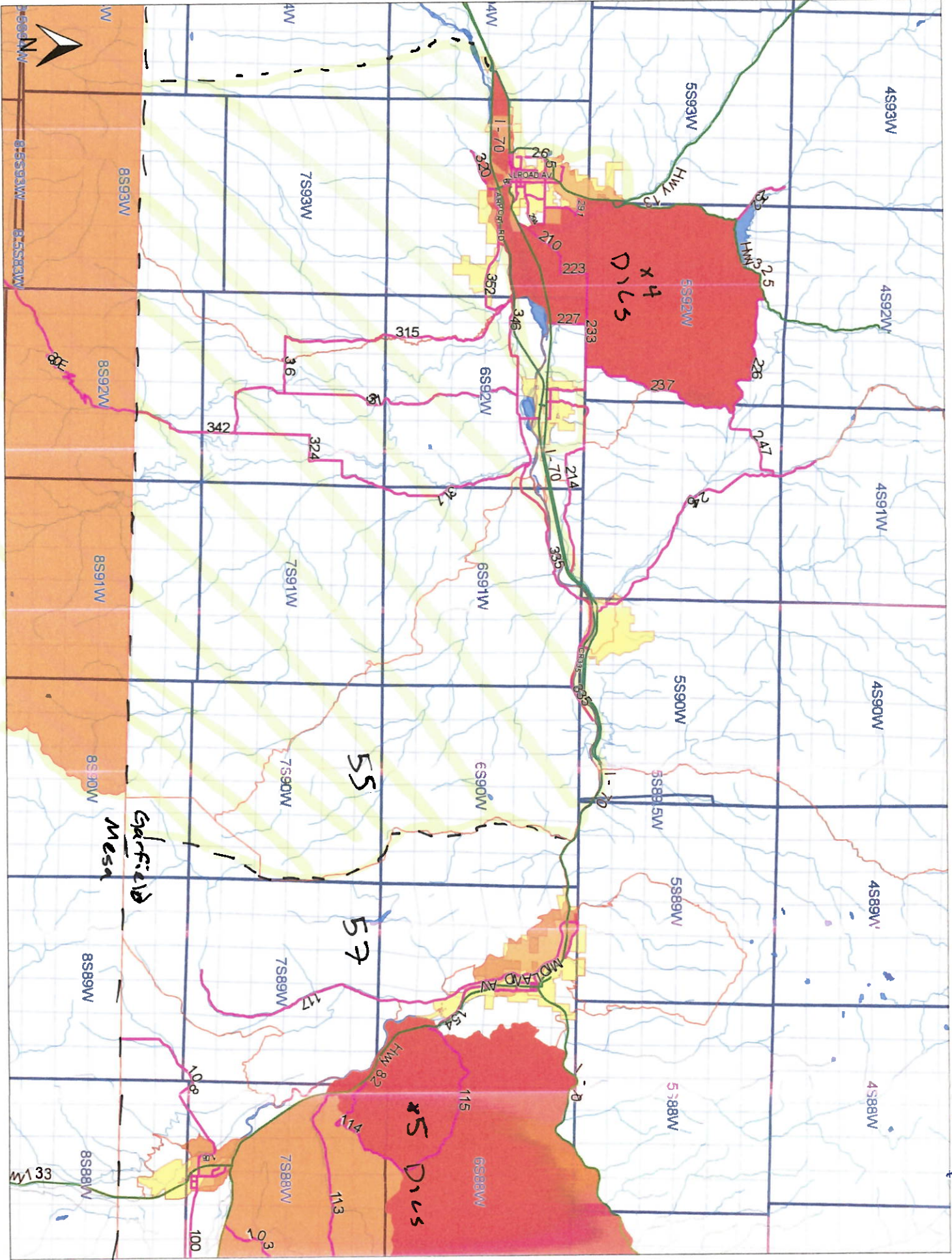


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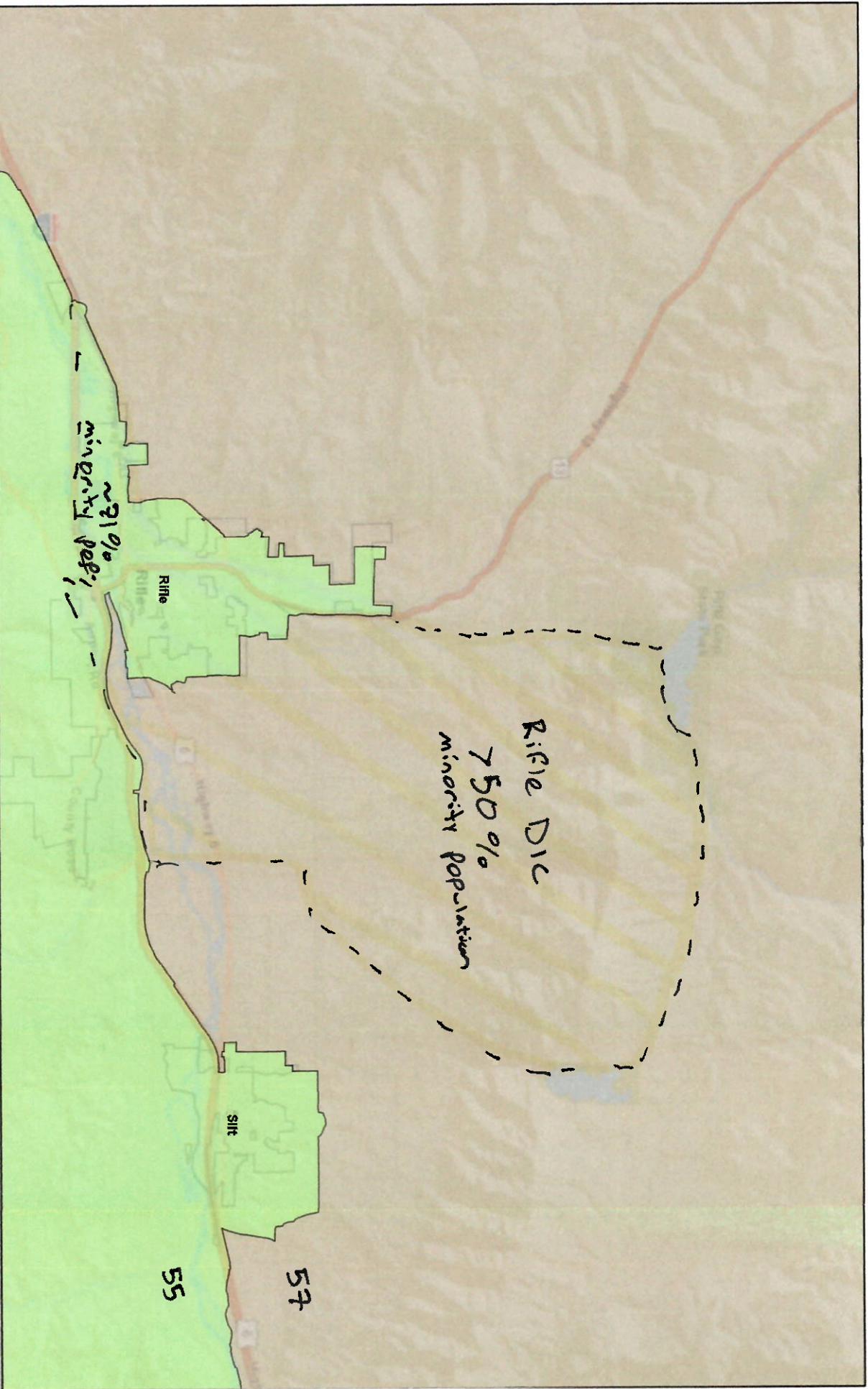
Rifle to Carbondale (Dikes + CoI)

Annex 4

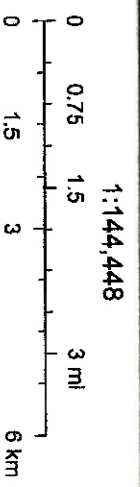


Preliminary State House - Rifle

Annex 5



July 30, 2021



Constitutional Provisions Regarding the Colorado Independent Legislative Redistricting Commission

Sections 46 through 48.4 of Article V of the Colorado Constitution

Section 46. Senatorial and representative districts - commission created. (1) **Declaration of the people.** The people of the state of Colorado find and declare that:

(a) The practice of political gerrymandering, whereby legislative districts are purposefully drawn to favor one political party or incumbent politician over another, must end;

(b) The public's interest in prohibiting political gerrymandering is best achieved by creating a new and independent commission that is politically balanced, provides representation to voters not affiliated with either of the state's two largest parties, and utilizes nonpartisan legislative staff to draw maps;

(c) The redistricting commission should set district lines by ensuring constitutionally guaranteed voting rights, including the protection of minority group voting, as well as fair and effective representation of constituents using politically neutral criteria;

(d) Competitive elections for members of the general assembly provide voters with a meaningful choice among candidates, promote a healthy democracy, help ensure that constituents receive fair and effective representation, and contribute to the political well-being of key communities of interest and political subdivisions;

(e) For years certain political interests opposed competitive districts in Colorado because they are primarily concerned about maintaining their own political power at the expense of fair and effective representation; and

(f) Citizens want and deserve an inclusive and meaningful legislative redistricting process that provides the public with the ability to be heard as redistricting maps are drawn, to be able to watch the witnesses who deliver testimony and the redistricting commission's deliberations, and to have their written comments considered before any proposed map is voted upon by the commission as the final map.

(2) **Legislative districts - commission created.** There is hereby created the independent legislative redistricting commission. The commission shall divide the state into as many senatorial and representative districts as there are members of the senate and house of representatives respectively. After each federal decennial census, the senatorial districts and representative districts shall be established, revised, or altered, and the members of the senate and the house of representatives apportioned among them, by the independent legislative redistricting commission.

(3) **Definitions.** As used in this section and in sections 47 through 48.4 of this article V, unless the context otherwise requires:

(a) "Commission" means the independent legislative redistricting commission created in subsection (2) of this section.

(b) (I) "Community of interest" means any group in Colorado that shares one or more substantial interests that may be the subject of state legislative action, is composed of a reasonably proximate

(B) Except as provided in subsection (4)(b)(I)(D) of this section, a commissioner shall not communicate with nonpartisan staff on the mapping of legislative districts unless the communication is during a public meeting or hearing of the commission.

(C) Except for public input and comment, nonpartisan staff shall not have any communications about the content or development of any plan outside of public hearings with anyone except other staff members. Nonpartisan staff shall report to the commission any attempt by anyone to exert influence over the staff's role in the drafting of plans.

(D) One or more nonpartisan staff may be designated to communicate with commissioners regarding administrative matters, the definition and scope of which shall be determined by the commission.

(E) Any commissioner who participates in a communication prohibited in this section must be removed from the commission, and such vacancy must be filled within seven days.

(II) The commission, each commissioner, and nonpartisan staff are subject to open records requirements as provided in part 1 of article 72 of title 24, C.R.S., as amended, or any successor statute; except that maps in draft form and not submitted to the commission are not public records subject to disclosure. Work product and communications among nonpartisan staff are subject to disclosure once a plan is submitted to the supreme court.¹

(III) Persons who contract for or receive compensation for advocating to the commission, to one or more commissioners, or to nonpartisan staff for the adoption or rejection of any map, amendment to a map, mapping approach, or manner of compliance with any of the mapping criteria specified in section 48.1 of this article V are lobbyists who must disclose to the secretary of state any compensation contracted for, compensation received, and the person or entity contracting or paying for their lobbying services. Such disclosure must be made no later than seventy-two hours after the earlier of each instance of such lobbying or any payment of such compensation. The secretary of state shall publish on the secretary of state's website or comparable means of communicating with the public the names of such lobbyists, as well as the compensation received and the persons or entities for whom they work within twenty-four hours of receiving such information. The secretary of state shall adopt rules to facilitate the complete and prompt reporting required by this subsection (4)(b)(III) as well as a complaint process to address any lobbyist's failure to report a full and accurate disclosure, which complaint must be heard by an administrative law judge, whose decision may be appealed to the court of appeals.

Section 48.1. Criteria for determination of legislative districts - definition. (1) In adopting a legislative redistricting plan, the commission shall:

(a) Make a good-faith effort to achieve mathematical population equality between districts, as required by the constitution of the United States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house. Districts must be composed of contiguous geographic areas.

(b) Comply with the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 50301, as amended.²

(2) (a) As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns. To facilitate the efficient and effective provision of governmental services, with regard to any county, city, city and

¹ The reference to the Colorado Open Records Act is incorrect in the Colorado Constitution. The correct citation is part 2 of article 72 of title 24, C R S.

² The federal "Voting Rights Act of 1965" was recodified and moved. The citation in the Colorado Constitution is incorrect. Section 2 of the Voting Rights Act is now 52 U.S.C. 10301, which can be accessed through the following link: <https://bit.ly/3f52VWm>.

Colo. Rev. Stat. § 25-7-105

Section 25-7-105 - Duties of commission - rules - legislative declaration - definitions

(1) Except as provided in sections 25-7-130 and 25-7-131, the commission shall promulgate such rules and regulations as are consistent with the legislative declaration set forth in section 25-7-102 and necessary for the proper implementation and administration of this article 7, including, but not limited to:

(a)

(I) A comprehensive state implementation plan which will assure attainment and maintenance of national ambient air quality standards and which will prevent significant deterioration of air quality, all in conformity with the provisions of this article. The comprehensive plan shall meet all requirements of the federal act and shall be revised whenever necessary or appropriate.

(II) The comprehensive state implementation plan of the commission shall, wherever feasible, include local or regional air pollution plans and programs adopted or enforceable by municipal or county governments. Before making any changes to those portions of the state implementation plan which include such air pollution plans and programs or to such plans and programs which are suggested for inclusion in the state implementation plan, the commission shall give thirty days' notice of the proposed changes to the affected municipal or county government to allow a reasonable opportunity to prepare comments on the proposed changes. The commission shall consider such comments in its action on the state implementation plan and shall document in the record of the hearing its reasons for any changes to such plans and programs. Any such plans and programs which are approved by the commission and formally submitted as a part of the state implementation plan shall be deemed a part of the comprehensive program of the commission and shall be enforced as such.

(III) The revisions to the Denver element of the PM-10 state implementation plan adopted by the commission on February 16, 1995, which contain a sixty tons-per-day PM-10 mobile source emissions budget which expires January 1, 1998, and reverts to a forty-four tons-per-day budget, are amended to provide that such forty-four tons-per-day reversion shall not be a part of the state implementation plan and shall only apply as a regulation adopted exclusively under reserved state authority pursuant to the provisions of section 25-7-105.1. The sixty tons-per-day emissions budget shall, unless modified by the commission through rule-making, apply for federal transportation conformity and is included in the state implementation plan only as required by the federal act. Any entity with authority to adopt a transportation plan required under section 43-1-1103, C.R.S., shall consider any mobile source emissions budgets in effect under this article in the development of transportation improvement programs for federal purposes.

(IV) Notwithstanding the provisions of section 25-7-133, the expiration of the state implementation plan for ozone maintenance and related rules of the air quality control commission, and the amendments to commission regulations number 3 and 7, which

(i) an outdoor venue or recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of public assembly owned or operated by a local government, which the local government seeks to have established as a Designated Outside Activity Area; or

(ii) an outdoor venue or recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of public assembly where ingress to, or egress from the venue could be impeded in the event of an emergency condition at an Oil and Gas Location less than three hundred and fifty (350) feet from the venue due to the configuration of the venue and the number of persons known or expected to simultaneously occupy the venue on a regular basis.

The Commission shall determine whether to establish a Designated Outside Activity Area and, if so, the appropriate boundaries for the DOAA based on the totality of circumstances and consistent with the purposes of the Oil and Gas Conservation Act.

DIRECTOR shall mean the Director of the Oil and Gas Conservation Commission of the State of Colorado or any member of the Director's staff authorized to represent the Director.

DIRECTOR'S RECOMMENDATION means the Director's written recommendation to the Commission about whether to approve or deny an Oil and Gas Development Plan pursuant to Rule 306, or whether to approve or deny a Comprehensive Area Plan pursuant to Rule 314.g.

DISPROPORTIONATELY IMPACTED COMMUNITY means communities of color, low-income, or indigenous populations in the state that potentially experience disproportionate environmental or socioeconomic impacts and risks, as described in § 25-7-105(1)(e)(III), C.R.S. For purposes of the Commission's Rules, Disproportionately Impacted Communities are identified as:

- a. A U.S. Census block group in which more than 50% of the population meets the definition of a "minority population" pursuant to the U.S. Environmental Protection Agency's ("EPA") Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (June 2016). Only the June 2016 edition of EPA's Technical Guidance for Assessing Environmental Justice in Regulatory Analysis applies to this definition; later amendments do not apply. All materials incorporated by reference in this definition are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203. In addition, these materials may be examined at the U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, CO 80202, and are available online at https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf.
- b. A U.S. Census block group in which the percentage of the population that meets the definition of a "minority population" pursuant to the EPA's Technical Guidance for Assessing Environmental Justice in Regulatory Analysis, as incorporated by reference in subpart a, exceeds the percentage of the minority population of the county.
- c. A U.S. Census block group in which the median household income as identified by the U.S. Census Bureau's American Community Survey ("ACS") is less than or equal to 200% of the federal poverty guideline for a household of three pursuant to the U.S. Department of Health and Human Services ("DHHS") Poverty Guidelines. Only the 2015–2019 version of the ACS data applies to this definition; later amendments do not apply. Only the 2020 DHHS Poverty Guidelines apply to this definition; later amendments do not apply. The U.S. Census Bureau's 2015–2019 ACS data and the DHHS 2020 Poverty Guidelines are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203. In addition, the 2015–2019 version of the ACS data may be examined at the U.S. Census Bureau's Headquarters at 4600 Silver Hill Road, Washington, DC 20233, and may be accessed online at www.census.gov/data/developers/data-sets/acs-5year.html. The 2020 DHHS Poverty Guidelines may be examined at the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, DC 20201, and may be accessed online at <https://aspe.hhs.gov/poverty-guidelines>.