

## **MINUTES**

### **SPECIAL COMMITTEE ON REDISTRICTING**

October 19, 2011

Dodge City and Garden City Public Hearings

#### **Dodge City Public Library and Garden City Community College**

##### **Members Present**

Senator Tim Owens, Co-chairperson  
Representative Mike O'Neal, Co-chairperson  
Representative Paul Davis, Co-Ranking Minority Member  
Senator Anthony Hensley, Co-Ranking Minority Member  
Senator Ralph Ostmeyer  
Senator Mike Petersen  
Senator Ruth Teichman (Dodge City only)  
Senator Susan Wagle  
Representative Forrest Knox  
Representative Janice Pauls  
Representative Larry Powell  
Representative Don Schroeder  
Representative Sharon Schwartz  
Representative Jim Ward  
Representative Brian Weber

##### **Staff Present**

Corey Carnahan, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Craig Callahan, Kansas Legislative Research Department  
Theresa Kiernan, Senate Committee Assistant  
Cindy O'Neal, House Committee Assistant

##### **Conferees-Dodge City**

Jay Dill, City Manager, City of Kinsley  
Senator Anthony Hensley  
Ethel Peterson, former Representative  
Mike Weber  
Representative Don Hineman  
Nancy Blake

##### **Conferees-Garden City**

John Doll, Mayor, Garden City  
Matt Allen, City Manager, Garden City

Consuelo Sandoval, Executive Director, Finney County United Way  
Sam Henderson, Garden City  
Verna Weber, Executive Director of the Finney County Community Health Coalition, Inc.  
Senator Anthony Hensley  
Dave Jones, Finney County Commissioner

### **Dodge City Public Hearing**

Co-chairperson Mike O'Neal called the meeting to order and welcomed the members of the Committee, other members of the Legislature in attendance, staff, and members of the public attending the public hearing.

Co-chairperson O'Neal explained hearings were being held to give members of the public an opportunity to be involved in the redistricting process by allowing them to ask questions about the process, to voice opinions on and make suggestions relating to the drawing of Congressional Districts, State Senate and House of Representative districts (legislative districts), and State Board of Education (SBOE) Districts.

Co-chairperson O'Neal gave an overview of the 2012 redistricting process. He explained, though the acceptable deviation from the ideal population is very small for Congressional Districts, at almost zero percent, the courts allow more flexibility for legislative and SBOE districts, and has approved deviations of 5 percent above or below the ideal population. Once the maps or plans designating or defining the legislative and SBOE Districts have been enacted, they are submitted to the Kansas Supreme Court for a determination of compliance with federal and state law. The map or plan designating or describing congressional districts is not subject to a mandatory court review. The Congressional District map or plan enacted in 2002 was challenged, but upheld by the court. Four counties were divided in the 2002 Congressional District map in order to meet the deviation standard.

Co-chairperson O'Neal stated the Legislature will attempt to follow the guidelines in the redistricting process and will try to avoid breaking up geographical areas, but it may become unavoidable in order to meet the acceptable deviation standard of almost zero. The most important factor the court considers when determining whether a Congressional District map or plan is constitutional is whether the population of each district is within the acceptable range of deviation from an ideally-sized district. Other factors considered by the court include: dilution or preservation of minority voting strength, gerrymandering, recognition of similar communities of interest, and preservation of the integrity of political subdivisions (splitting cities and counties between or among districts only when necessary to meet the acceptable population deviation).

Co-chairperson Owens extended his appreciation to members of the Legislature in the audience for their attendance at the meeting. He concurred with the opening comments of Co-chairperson O'Neal and gave an overview of the redistricting guidelines. He stated meeting the acceptable deviation in population is a very important factor when determining the validity of district boundaries. He stated neither he nor the courts look favorably on the process of drawing districts by gerrymandering. He stressed it is early in the process of redistricting and no official decisions have been made on any map or plan. He urged the citizens of Kansas not to jump to any conclusions and stated the Legislature is striving to make this a transparent process.

Corey Carnahan, Kansas Legislative Research Department (KLRD), stated Kansas is the only state that adjusts census numbers for college students and military personnel, while Maryland adjusts their numbers for their prison population. The process involved in the adjustment of numbers causes Kansas to start the redistricting process later than most other

states. He stressed the adjusted numbers could still change due to Garden City filing an appeal, because they believe there was an undercount of Garden City residents. If the challenge succeeds, the numbers would change. However, the success rate of past census challenges is extremely low. The Committee and staff reviewed population figures of importance to the redistricting process.

Mr. Carnahan went on to explain the 2010 Census showed a majority of Kansas counties lost population while only 28 counties actually gained population. The census also showed citizens have moved from rural areas to more populated urban areas. Overall, the state grew by 164,700 citizens allowing the state to keep four congressional districts.

Mr. Carnahan stated Maptitude software would be used for drawing district lines. Those wanting to participate in drawing their own maps should contact KLRD or any of the four caucus offices. KLRD has launched [redistricting.ks.gov](http://redistricting.ks.gov). This website provides notice of upcoming meetings and maps that have been technically approved to be released to the public, and those under consideration by the Legislature.

Jay Dill, City Manager, City of Kinsley, provided testimony regarding communities of interest. Kinsley is 85 miles away from Garden City and shares a greater community of interest with Dodge City and Larned. He hoped the Committee would consider moving Kinsley into the same district as Dodge City and Larned.

Senator Anthony Hensley provided a PowerPoint presentation similar to the presentation provided at previous town hall meetings. (See Attachment 8 of Wichita and Hutchinson Public Hearings.)

Mr. Dill asked whether the First Congressional District could be extended toward the Wichita area (but not split the city of Wichita) instead of extending the First District across the State to include Wyandotte County. Senator Hensley responded that a swap between the First and Second Congressional Districts would seem most logical by including Pottawatomie and Riley Counties in the First District. Kansas State University is the state's largest agricultural school and the First Congressional District is a strong agricultural community of interest. Senator Hensley stated such a plan also makes minimal changes in the existing districts to achieve the population requirement.

Mr. Dill expressed his preference would be to extend the First District into Wichita rather than including Manhattan, but added including Manhattan in the First District would be better than including Wyandotte County.

Demonstrating the countless ways to draw maps, Co-chairperson O'Neal stated the Legislature could actually move the state capitol, Topeka, into the First Congressional District, because it is the biggest district in the state. The drawing of the congressional map is going to be a unique challenge for the Committee.

Former Representative Ethel Peterson stated, under either of the proposals discussed above, anyone interested in running for the congressional seat would figure out that he or she would not have to campaign in western Kansas because the largest number of voters live in urban areas and would then have the most influence in electing the representative.

Co-chairperson Owens pointed out Congressman Huelskamp is the only Kansas Congressman serving on a military-related committee. He suggested it might be beneficial to

split up the military bases and have each base be represented by a different member of the congressional delegation.

Mike Weber, individual, stated Dodge City would like to be represented with other rural areas. He liked the idea the Flint Hills could be included in the First Congressional District.

Co-chairperson O'Neal read the following excerpt from the 2002 Court decision concerning the Congressional map:

We acknowledge that preserving communities of interest is a legitimate and traditional goal in drawing congressional districts. Indeed, it is one of the goals explicitly included in the Kansas Legislature's *Congressional Redistricting Guidelines* and one of the concerns that justifies the deviation of 33 persons. However, the fact that this is a legitimate goal does not mean that there is an individual constitutional right to have one's particular community of interest contained within one congressional district. Rather, it is the province of the state legislature to determine and apply redistricting priorities, so long as they do not conflict with constitutional mandates. This process will almost inevitably require some compromise among conflicting goals, as it will be virtually impossible to satisfy every priority to the fullest possible extent, and the District Court's preferences do not override whatever state goals [are] embodied in a Legislature's plan. This is particularly the case with communities of interest, which may overlap and be defined in different ways, as the Guidelines themselves make clear. The Kansas Legislature considered specific communities of interest, along with other legitimate factors, and it decided to divide certain communities of interest in order to achieve a redistricting plan that pursues a combination of goals. Graham and the Junction City intervenors have presented no evidence of bad faith by the Legislature, which might have affected our evaluation of the proffered justifications. In the final analysis the legislature had to split Junction City from Ft. Riley, and the City of Lawrence in order to get to zero deviation. All of the final maps submitted to the court split cities and counties.

Co-chairperson O'Neal reminded the audience the maps shown in Senator Hensley's PowerPoint presentation are not formal maps and have not been submitted to or by the Committee.

Representative Don Hineman stated rural areas of the state have a unique character and culture that needs to be preserved to the extent possible. He suggested the Committee preserve the rural representation in legislative districts by taking advantage of the allowable deviation of 5 percent above, or below, the ideal population when drawing legislative districts. The goal should be to minimum change to districts. He wanted the Committee to consider putting 5 percent less (light) citizens in rural districts, so there is less change in ten years.

Co-chairperson O'Neal stated courts have allowed for a deviation of plus or minus 5 percent. He stated it is legitimate use of the permissible deviation to anticipate areas of population growth or loss, and to draw legislative districts so the one person, one vote standard is met for the longest period of time over the ten-year period.

Senator Ostmeyer liked the 5 percent deviation to be under or light, because western Kansas senators travel long distances in their districts, currently.

Representative Sharon Schwartz stated the difference between urban and rural areas is defined by the economic driver – rural is agricultural and is one of the biggest economic drivers in Kansas and it needs to be supported by urban and rural areas.

Nancy Blake, citizen, was concerned there are maps suggesting rural western Kansas legislators increase the size of their districts when they have such large districts anyway. She also stated “eastern rural” is not the same as “western rural.”

Co-chairperson O'Neal adjourned the meeting.

### **Garden City Public Hearing**

Co-chairperson O'Neal, Co-chairperson Owens, and staff began the meeting with opening comments and an overview of the process.

John Doll, Mayor, City of Garden City, stated the 2010 Census numbers for Garden City are inaccurate as parts of the city were severely undercounted. The census count for 2010 was 26,658 and he believes that Garden City's true population is between 28,000 and 30,300 citizens. The city believes there was a miscount in areas populated by people with lower income, minorities, elderly people in non-institutional group-homes, and people with special needs (Attachment 1).

Matt Allen, City Manager, City of Garden City, stated, no matter how the census appeal process comes out, the committees have an interesting dilemma whether to use the numbers provided by the census or correct the undercount (Attachment 2). Co-chairperson O'Neal explained the Committee has limited options to remedy the situation.

Consuelo Sandoval, Executive Director, Finney County United Way, believes the undercount may be worse than explained by previous conferees. Much of the time several families live in one house. As the number of those serviced through the United Way is increasing or remaining unchanged, the undercount also has an impact on the distribution of state and federal grant moneys allocated on the basis of population.

Sam Henderson, City of Garden City, provided an explanation of the census challenge. The federal government has given no time line as to when the challenge will be resolved. Garden City is one of the first 35 challenges submitted to the Census Bureau. Only one challenge has been resolved, and it was the first challenge. The challenge is in its first steps and is being verified by census workers at the regional office before being sent to the federal census office (Attachment 3).

Co-chairperson O'Neal asked what caused the undercount; whether it was attributable to the failure of residents to return census forms; an untrained, inadequately-trained, or overworked census worker; lost or misplaced census forms; or the failure of a census worker to go into the area and conduct a count in the area.

Mr. Henderson stated he could not cite a single cause, but it was possible census workers were overworked, issued bad equipment, or under time constraints. However, any of the reasons suggested by Co-chairperson O'Neal could have contributed to the undercount.

Verna Weber, Executive Director, Finney County Community Health Coalition, Inc., believed the forms were not completed because members of the "new populations" either do not understand the language or do not trust the government asking personal questions and, therefore, are reluctant to return the information (Attachment 4).

Senator Anthony Hensley provided a PowerPoint presentation similar to what he used at previous town hall meetings (See Attachment 8 of Wichita and Hutchinson Public Hearings).

Representative Reynaldo Mesa thanked everyone for coming to Garden City. He stated it is unfortunate the federal government has failed the citizens again. He did not blame the census workers, however. The workers were concerned because they were given little time to complete their work. Kansas needs to send a message to the Census Bureau that we are losing part of a legislative House District, and federal and state dollars because of the inaccurate count. The Census Bureau does not need to conduct the census in 17 languages, for example, but the federal government needs to make an effort to count citizens.

Dave Jones, Finney County Commissioner, works with emergency management for the City of Holcomb. He pointed to a 600-unit mobile home park that was under-counted. He related he drinks coffee with a census taker and was told the census forms were mailed out, but residents of the areas did not return completed forms. The census taker went to the homes and returned several times, but many homes have two or more families living in them. Usually the residents simply did not answer the door.

Co-chairperson O'Neal adjourned the Garden City Public Hearing.

Prepared by Theresa Kiernan and Cindy O'Neal  
Edited by Corey Carnahan

Approved by Committee on:

January 13, 2012

(Date)



**CITY COMMISSION**

**JOHN DOLL,**

*Mayor*

**ROY CESSNA**

**DAVID D. CRASE**

**DAN FANKHAUSER**

**CHRIS LAW**

**MATTHEW C. ALLEN**  
City Manager

**MELINDA A. HITZ, CPA**  
Finance Director

**RANDALL D. GRISELL**  
City Counselor

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***Testimony presented by:***

**John Doll, Mayor, City of Garden City**

**2011 State of Kansas Special Committee on Redistricting**

**Garden City, Kansas**

**October 19, 2011**

Good afternoon. My name is John Doll; I currently serve as the Mayor of Garden City.

I understand that redistricting is done in response to population changes determined by the results of the decennial Census. However, I believe the population reduction reflected for Garden City by the 2010 Census is inaccurate as parts of the City were severely undercounted.

The 2010 Census population count shows a dramatic decrease from the 2000 Census as well as Census Bureau's 2009 estimates. Garden City's population according to the 2000 Census was 28,080 and the estimated population in 2009 was 28,532. The Census count total for 2010 was 26,658. It is the opinion of the City that the true population is between 28,000 and 30,300. We understand that Census numbers for 2010 are derived from counts, rather than an estimate of the population, and we have submitted a challenge through the "Count Question Resolution" Program.

The challenged miscounts occurred in areas of the City populated by lower income and minority demographics. Non-institutional group homes for the elderly and special needs populations were also miscounted.

Garden City does not want to lose representation because of an inaccurate Census count. It is the City's position that our population did not decrease in between 2000 and 2010. We understand that even if the challenge is approved that revised totals may not be used officially when making plans for redistricting. However we request that the committee consider as favorably as possible, our request to amend our population total when the lines are redrawn. Please redistrict accordingly to give our citizens fair representation.

Special Committee on Redistricting  
October 19, 2011  
Attachment 1



**CITY COMMISSION**

**JOHN DOLL,**

*Mayor*

**ROY CESSNA**

**DAVID D. CRASE**

**DAN FANKHAUSER**

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*Testimony presented by:*

**Matt Allen, City Manager, City of Garden City  
2011 State of Kansas Special Committee on Redistricting  
Garden City, Kansas  
October 19, 2011**

Good afternoon. I'm Matt Allen, City Manager of Garden City. The City of Garden City is especially concerned with the impending redistricting due to inaccuracies in the 2010 Census—inaccuracies that have led us to file a challenge.

The 2010 Census numbers for Garden City do not accurately reflect the population growth that the City has undergone since Census 2000. The Census Bureau has reported that Garden City's population fell by approximately 6.3 percent between 2000 and 2010. This estimate of 26,658 people shows a loss of roughly 1,793 Garden City residents. Estimates approved by the Census Bureau based on utility customers in Garden City show the population of 28,532 residents in 2009.

The Bureau's estimation was based on a failure to count nearly 400 housing units, located mostly within two Census tract boundaries, with the balance in the lower income areas of the City. However, there is ample data to support the existence of the occupied housing units in those areas, which continue to be among the most stable neighborhoods in the city.

While I am aware that extensive measures were taken by the Department to ensure that Census 2010 was the most inclusive in our history, I maintain that there is a significant undercount of the population of Garden City. There is well documented evidence of considerable shortcomings in the efforts to reach racial and ethnic minority populations during Census 2010. The two most glaring errors are in East Garden Village and The Trails Apartment Complex.

I urge you to take this information under consideration to ensure our communities get their fair share of federal resources and do not lose representation.

This is not the first time the City has been forced to challenge results from the Census Bureau. In 2008 the City successfully challenged the Bureau's 2007 population estimate of 26,629. The City's population estimate was amended to 28,614.

Special Committee on Redistricting  
October 19, 2011  
Attachment 2





**CITY COMMISSION**

**JOHN DOLL,**

*Mayor*

**ROY CESSNA**

**DAVID D. CRASE**

**DAN FANKHAUSER**

**CHRIS LAW**

**MATTHEW C. ALLEN**  
City Manager

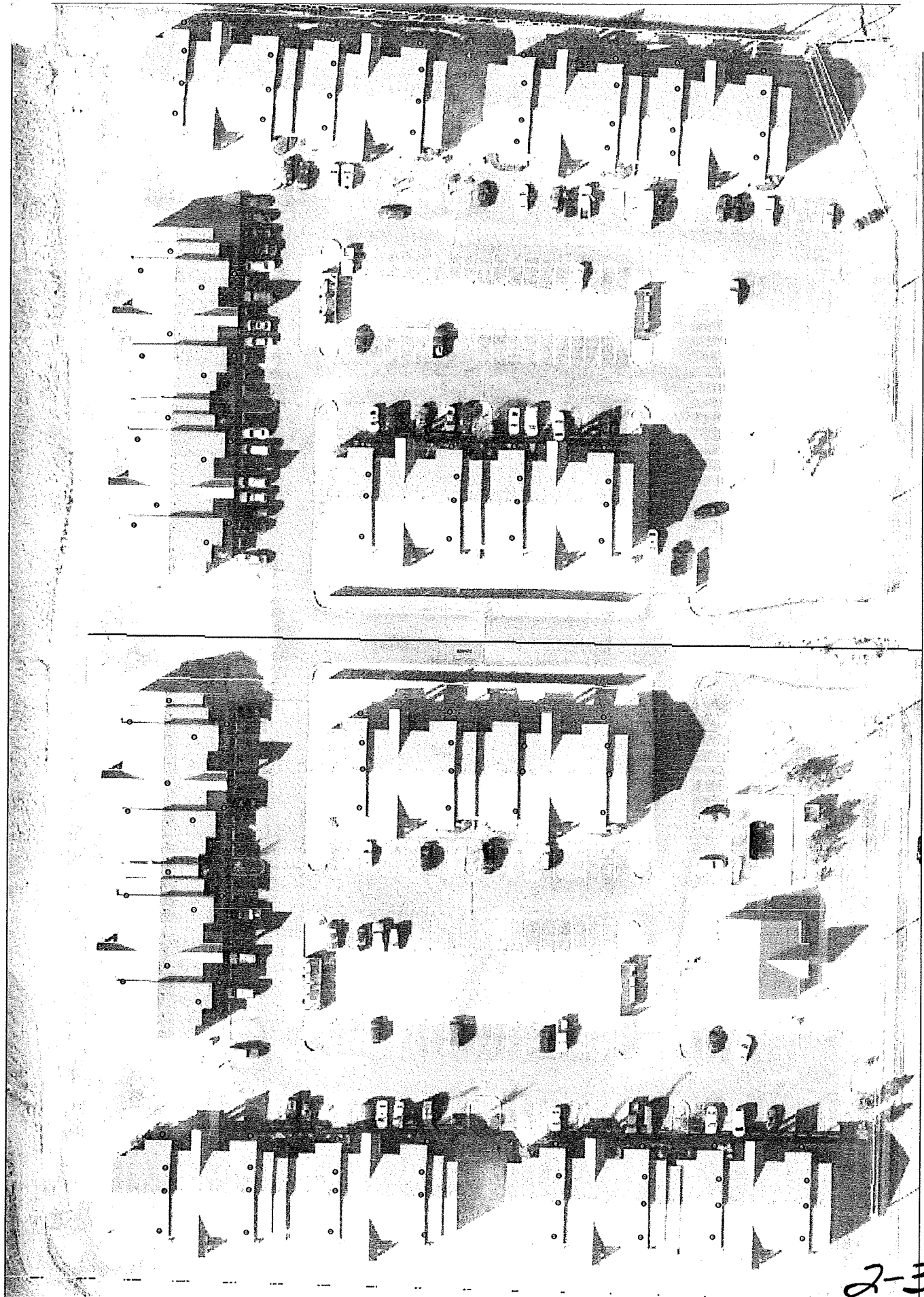
**MELINDA A. HITZ, CPA**  
Finance Director

**RANDALL D. GRISELL**  
City Counselor

The 2010 Census total for Garden City was 26,658. The Census total was approximately 3,400 below the City's own estimate of 30,065, which was based on utility customers during 2010 (evidence that is accepted by Census estimators every year and has been upheld as an accepted basis of challenge). Based on the information provided to the Bureau, it is our opinion that the 2010 Census population count for the City of Garden City should be increased from 26,658 to between 28,000 and 30,300, depending on the degree of success of each challenge.

The City is confident (particularly with the two egregious mistakes shown earlier) that the result of the challenge will be a considerable increase in population count. Therefore, your Special Committee has an interesting dilemma. Results of an appeal are not to be officially used to justify any decisions regarding the redistricting process. However, if you fail to take into account the corrections of a horribly executed Census in Finney County you will knowingly disenfranchise several thousand, predominately minority citizens from representation in their State or Federal government for the next decade. It is the hope of the City of Garden City that the State will find a way to take this information into account and make the most informed decision possible when voting to redistrict next summer.

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2-3

# The Trails Apartments

Census Units: 10  
Actual Units: 128

Census Population: 29  
Estimated Population: 371

## Legend

● 2010 Active Utility Accounts

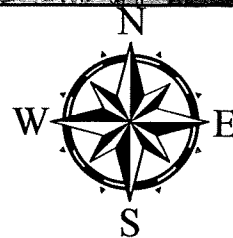




# East Garden Village

## Legend

- 2010 Active Utility Accounts



2-4

Census Units: 292  
Actual Units: 458

Census Population: 932  
Estimated Population: 1832



**COMMUNITY  
DEVELOPMENT  
DEPARTMENT**  
SERVING THE CITIES

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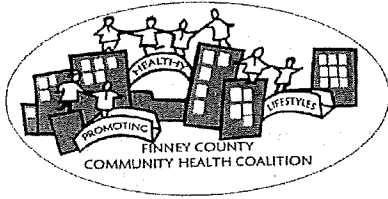
Talking Points – Sam Henderson

The 2010 census population count shows a dramatic decrease from the 2009 estimates currently on the census web site. The numbers are as follows:

	Garden City Population
2000 (Census Count)	28,080
2009 (Census Estimate)	28,532
2010 (Census Count)	26,658
2010 ComDev Estimate	28,000 – 30,300

- In 2008, Garden City successfully challenged the census estimated population for July 1, 2007. This estimate was changed to the Community Development Department estimate based on local utility data from 26,629 to 28,614.
- We understand that census numbers for 2010 are derived from counts, rather than an estimate of population. Therefore, Garden City is challenging the 2010 count through the "Count Question Resolution" Program (CQR) as established by the Census Bureau.
- The CQR Program opened June 1, 2011 and closes June 1, 2013. Challenges are processed in the order they are received and a Challenging Body may submit an unlimited number of challenges during that period. Garden City's challenge was in the first 35 submitted.
- The CQR Program allows only three types of challenges; Boundary, Geocoding, and Coverage. City Staff have identified several areas within the City that qualify for a Coverage challenge.
- The challenge miscounts occurred in areas of the City populated by lower income and minority demographics, for example East Garden Village, the Trails apartment complex, and areas in the southern and western areas of the City. Non-institutional group homes for the elderly and special needs populations were also miscounted. (See attached maps for area locations.)
- Unit counts:
  - East Garden Village show only 292 units counted by the Census. Utility usage shows there were 458 occupied units.
  - The Trails show only 10 units counted by the Census. Utility usage shows there were 128 units.
  - Group quarters Counts show a difference of 76 residents in the Nursing and Non-institutional Group Quarters.
  - There were also multiple blocks with discrepancies between the Census count and the utility usage count in the more densely populated areas of the City.
- Based on the success of the challenge to each individual area, City Staff estimates the population count should be upwardly revised to between 28,000 and 30,300.
- In the interest of reducing or eliminating potential economic and social impacts of a perceived declining population, we want the final determination of our population we submit for the CQR, which is anticipated to reflect the higher population, to replace the final count determined by the 2010 Census.





**FINNEY COUNTY COMMUNITY HEALTH COALITION, Inc**

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October 19, 2011

Hello. My name is Verna Weber and I am the Executive Director of the Finney County Community Health Coalition, Inc. We are a non-profit corporation working in the community to improve the Health, Well Being and Safety for Finney County. I would like to support the City's petition for special consideration in the redistricting process. Much has been said of the 2010 Census totals and I believe I can provide some insight.

We are involved in several initiatives right now in which we provide training and other informational programs for parents, youth and all residents of the county.

Recently, we brought into the community an Early Childhood Specialist who is a Somali woman to meet with the Somali community. During the meeting we asked the Somali participants to fill out the Community Assets Survey which is being conducted in the community. It was evident that the Somali parents at the meeting either could not or chose not to answer the questions asked on the survey. They answered only one or two of the questions and then handed the survey back.

This experience along with other experiences I have had working with the new populations is evidence that many of these newcomers may not have responded to the Census forms that came to them through the mail simply because they do not understand the written English language. Not only do many of them not read English, most are not at all familiar with what the purpose of the Census survey is. In addition, some are not comfortable answering personal questions when they don't understand why the government would be gathering this type of information. Many of the refugee newcomers have had negative experiences in their own country which has resulted in them being afraid to give any information to the "government". They may have been able and willing to answer the questions if there had been a full verbal explanation or if someone they trust could have explained why it is important. Without a full verbal explanation in their own language, they most likely just laid the Census survey aside. Some don't understand the importance of counting all people who live in a certain community and they are very leery that some agency is getting government money that should be theirs because they live in the community.

I believe there are many more minority residents in Garden City than were counted on the Census because of this experience at the Early Childhood cultural training. At this event there were 9 Somali individuals who participated. Of those 9 - 6 were parents and of the 6 parents - they had 14 children all under the age of 5. In visiting with Social Service providers throughout the community, we have determined that the number of known Somali and Burmese children is very low compared to how many adults we see in the community. It is very hard to determine how many young children there are because the Somali parents shared that they seldom take their very young children out into the community. There are a variety of reasons for this - one reason is that transportation is difficult. Some do not yet drive nor do they have vehicles. When they shop, they leave their children at home with other family members or friends. Some are very newly arrived in Garden City and they are sharing an apartment with family or friends until they can get employment and an apartment of their own.

These experiences combined with the City's Census Challenge lead to the conclusion that Census numbers in the areas of the community where the refugees live are underreported. When making plans for redistricting, please consider these facts as well as the undercount that likely took place in Garden City during the 2010 Census.