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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Bertha Aranda Glatt,

Plaintiff,

v.

CITY OF PASCO, MATT WATKINS,  
in his official capacity as Mayor of  
Pasco, and REBECCA FRANCIK, BOB  
HOFFMANN, TOM LARSEN, SAUL  
MARTINEZ, and AL YENNEY, in their  
official capacity as members of the Pasco  
City Council,

Defendants.

No. 4:16-CV-05108-LRS

JOINT MOTION FOR MINOR  
MODIFICATION TO  
MEMORANDUM OPINION AND  
ORDER RE: REMEDIAL PLAN  
MAP TO ACCOMMODATE  
MINOR CHANGES REQUESTED  
BY THE FRANKLIN COUNTY  
AUDITOR

(without oral argument - Expedited  
Hearing Requested)

JOINT MOTION FOR MINOR  
MODIFICATION TO  
MEMORANDUM OPINION - 1

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**I. INTRODUCTION**

COMES NOW, the Defendant City of Pasco, Matt Watkins, in his official capacity as Mayor of Pasco, and Rebecca Francik, Bob Hoffman, Tom Larsen, Saul Martinez, and Al Yenney, in their official capacities as members of the Pasco City Council; and the Plaintiff, Berta Aranda Glatt, by and through their respective attorneys of record, and move this Court for to exercise its continuing jurisdiction for modification to its Memorandum Opinion and Order entered on January 27, 2017, amending the Defendants' remedial plan map as adopted therein as Appendix A, to make minor changes to the boundaries to accommodate the Franklin County Auditor's effort to realign voting precincts within the plan adopted by the Court to address minor discrepancies in the City's boundaries, facilitate discernable boundaries for other electoral districts, and to minimize the necessity for splitting precincts.

Both Plaintiff and the City of Pasco have reviewed the requested change from the Franklin County Auditor and determined that they are minor and have no discernable effect on the issues presented in this case.

Therefore, both parties in support of this motion state as follows:

**II. DISCUSSION**

A. By Memorandum Opinion and Order together with separately entered Judgment of January 27, 2017, the Court approved the City's Remedial Plan and

1 Map which was reproduced in Appendix A to that Order as a remedy for the  
2 Section 2 violation. The City Council of the City of Pasco adopted the Remedial  
3 Plan and Map establishing the voting districts for the City of Pasco, Washington.  
4

5       Thereafter in January, the City staff provided a copy of the Ordinance, and  
6 the Memorandum Order and Judgment to the Franklin County Auditor for the  
7 purpose of revising the Council districts and voting precincts to accommodate the  
8 new districts.  
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10       B. In April of this year, the Pasco City's staff met with the Franklin  
11 County Auditor's staff to review the results of their analysis. The Auditor, in  
12 making their analysis, expressed it had a number of additional considerations to  
13 make in addition to balancing the number of registered voters. These include the  
14 ability to draw discernable boundary lines for other electoral districts including  
15 State legislative positions, County Commissioners, PUD Directors, School Board  
16 Directors, etc. They reported that, with a few small adjustments to the adopted  
17 Pasco Council district boundaries established by Ordinance, the Auditor could  
18 align voting precincts and the necessary district boundaries for several elected  
19 officials without the need to have split precincts.  
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24       C. With the ability to describe the City Council Districts in terms of  
25 precinct numbers, the City's ordinance which describes voting district boundaries  
26 would be greatly simplified with much less prospect for error or misunderstanding.  
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1 D. In order to facilitate the Franklin County Auditor's efforts in  
2 realigning the precincts, four minimal changes are requested:  
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4 1. Precinct 25. This precinct has been bisected by the I-182  
5 freeway. The north portion of the precinct contains only the small golf  
6 course on Port of Pasco property. There are no residential properties located  
7 in this portion of the precinct. The demographers who prepared the Mission  
8 8 map included the north portion of the precinct, above the interstate, in  
9 District 3 and the south portion in District 5 in order to show cleaner  
10 boundaries. Maintaining the golf course property in District 5 will assist the  
11 Auditor with precinct/boundary lines and will have no effect on voters in the  
12 City.  
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16 2. A small piece of residential property, 10 lots, has historically  
17 been in precinct 1. Located east of Cedar Avenue and north of Highland  
18 Street, the parcel was split into two different census blocks before it was  
19 developed. This resulted in the demographer using the census boundary to  
20 draw the Mission 8 map even though now, with development of the property  
21 into residential units, the census boundary cuts through houses and lots. The  
22 most logical solution is to shift this small neighborhood into District 2. The  
23 population and registered voter shift represented by 10 homes is  
24 insignificant; however, the neighborhood will, following the shift, be in the  
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1 same district as virtually the entire balance of its larger neighborhood. This  
2 shift will also assist the Auditor with its precinct and boundary lines.

3  
4 3. Kahlotus Highway. This property was part of a fairly recent  
5 annexation, is zoned industrial and contains no residential properties. The  
6 demographer drew a line to include the area in District 3, using the natural  
7 boundary of the Kahlotus Highway. The Auditor relies upon a precinct  
8 boundary line along Dietrich Road to better define boundaries for other  
9 jurisdictions. Moving this parcel from District 3 to District 2 will have no  
10 effect on voters in the City.  
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13 4. Donut Hole (unincorporated area within the City) – Precinct,  
14 city limit lines and census block differences. The Auditor has maintained  
15 voting precincts in and around the so-called donut hole to identify in-City  
16 voters and unincorporated area voters. City annexations do not typically  
17 follow precinct lines but are usually drawn along street or property lines.  
18 Minor boundary discrepancies with City limits/districts, census blocks and  
19 precincts can be seen in this general area in the Mission 8 map which was  
20 developed using census block boundaries. The proposed corrections provide  
21 for precinct realignment in light of recently revised City limit lines, due to  
22 annexation. No voters are moved from the District originally designated, the  
23 lines are merely drawn to correspond together accurately.  
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1 E. The requested changes are illustrated by Exhibit A illustrating Pasco's  
2 District Map as approved by the Court and incorporated by Ordinance designating  
3 on such map the four areas requested for modification; Exhibit B illustrating the  
4 proposed City of Pasco Council district boundaries upon approval of the requested  
5 modification proposed; and Exhibit C substitution for the existing Appendix A  
6 presently attached to the Memorandum Opinion and Order, and Judgment.  
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9 F. The Court has retained jurisdiction in this case until 45 days after  
10 certification of the results of the 2017 election for the purpose of enforcing its  
11 orders, if necessary, for the disposition of any remaining unresolved issues.  
12

13 G. The modification as requested has been reviewed by the City of Pasco  
14 staff expert, and the Plaintiff and their demographer, with both parties concluding  
15 that such modification will not have any meaningful effect on the issues presented  
16 by this case and is consistent with the intent and result of the Court's  
17 Memorandum Opinion and Order.  
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20 H. Upon approval of this Order, the City of Pasco City Council is  
21 prepared to enact an Ordinance incorporating such change, attached as Exhibit D,  
22 at its regular meeting on May 1, 2017, or as soon thereafter, to finalize the district  
23 lines in anticipation of the opening of the filing date for candidates for the City  
24 Council of the City of Pasco, Washington, on May 15, 2017.  
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### III. CONCLUSION

For the reasons set forth, all parties respectfully request that the Court approve this motion to modify the map attached as Appendix A providing for the minor modifications identified above, and authorizing the City Council of the City of Pasco to proceed with the adoption of its amendments to the Ordinance defining City Council voting districts consistent therewith.

DATED this 2<sup>nd</sup> day of May, 2017.

s/ Leland B. Kerr

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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