

IN THE CHANCERY COURT OF TENNESSEE
FOR THE ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

Chattanooga Publishing Company,

Plaintiff,

v.

City of Chattanooga, Chattanooga City
Council,

and

Chip Henderson, Jenny Hill, Ken Smith,
Darrin Ledford, Isiah Hester, Carol B.
Berz, Raquetta Dotley, Marvene Noel,
and Demetrus Coonrod, in their official
capacity as members of the Chattanooga
City Council,

Defendants.

No.22-0902

Part I

This Motion will be heard in person on
NOVEMBER 18, 2024 at 1:30 p.m.
at the docket call.

**CHATTANOOGA PUBLISHING COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Tenn. R. Civ. P. 56, Plaintiff Chattanooga Publishing Co. ("Chattanooga Publishing") files this Motion for Summary Judgment. In support of this Motion, Chattanooga Publishing concurrently submits and relies upon (i) Plaintiff's Memorandum of Law in Support of Motion for Summary Judgment; (ii) Plaintiff's Statement of Undisputed Material Facts; and (iii) the Declaration of Paul R. McAdoo in Support of Summary Judgment and all exhibits thereto, which is attached hereto as Exhibit A. Chattanooga Publishing also relies upon (iv) the parties' Stipulation as to Facts on Which Further Proof is Unnecessary, and all

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CHATTANOOGA COUNTY CLERK

exhibits thereto, which was submitted for filing by Defendants on October 30, 2024, and (v) the parties' Supplement to Exhibit A to Stipulations as to Facts on Which No Further Proof is Necessary, filed by Plaintiff on November 6, 2024.

As set forth herein and in the above-listed filings, this Court should grant summary judgment for Chattanooga Publishing on each of the two counts in its December 15, 2022 Complaint (the "Complaint") to enforce the Tennessee Open Meetings Act, Tenn. Code Ann. §§ 8-44-101 to 8-44-201 (the "OMA") because there is no genuine issue as to any material fact and Chattanooga Publishing is entitled to judgment as a matter of law.

1. Chattanooga Publishing is a Tennessee corporation with its principal place of business in Chattanooga and it therefore has standing to bring this action. SUMF ¶ 1.

2. As alleged in Claim I of Plaintiff's Complaint, Defendants violated the Open Meetings Act because a committee of the Chattanooga City Council convened or held informal assemblages to decide and deliberate public business in circumvention of the express requirements and spirit of the OMA and those meetings were not properly noticed, open to the public, or had recorded meeting minutes. Compl. ¶¶ 64-74; Tenn. Code Ann. § 8-44-102, -103, -104(a).

3. Each separate occurrence of a meeting not held in accordance with [the Open Meetings Act] constitutes a separate violation." Tenn. Code Ann. § 8-44-106(c).

4. The Chattanooga City Charter requires the City Council to “reorganize and adjust by ordinance” the boundaries of the districts currently established every ten years, following publication of the United States Census. SUMF ¶ 21.

5. On September 21, 2021, the Chair of the Chattanooga City Council appointed a four-person *ad hoc* committee, the “Redistricting Committee,” which he “tasked” with “gather[ing] some data” and “look[ing] at some options for what a redistricting map should look like.” SUMF ¶ 27.

6. The Redistricting Committee constituted a “governing body of a public body” as that term is defined in the Open Meetings Act. SUMF ¶ 5; Tenn Code Ann. § 8-44-102(b).

7. The Redistricting Committee convened on September 30, 2021, December 9, 2021, and February 15, 2022. SUMF ¶ 30.

8. These three convenings were not open to the public, the public was not notified in advance of the convenings, and minutes were not kept. SUMF ¶¶ 31, 32.

9. On September 30, 2021, the Redistricting Committee decided on a set of guidelines for redistricting. SUMF ¶¶ 41, 42, 43.

10. On December 9, 2021, the Redistricting Committee decided that each individual councilmember would meet with City Staff prior to the full City Council discussing proposed redistricting boundaries in open session. SUMF ¶¶ 55, 56.

11. On February 15, 2022, the Redistricting Committee decided that the full City Council should consider a newly developed redistricting map. SUMF ¶¶ 93, 94.

12. The Redistricting Committee's convenings were deliberative because they deliberated toward the process-level decisions described hereinabove. *Neese v. Paris Special Sch. Dist.*, 813 S.W.2d 432, 435 (Tenn. Ct. App. 1990); *see also Mayor & City Council & City of Columbus v. Com. Dispatch*, 234 So.3d 1236, 1237 (Miss. 2017); *Grein v. Bd. of Educ. of Sch. Dist. of Fremont*, 343 N.W.2d 718, 722 (Neb. 1984).

13. The Redistricting Committee's convenings were deliberative because its members examined and considered two proposed maps, the "December 9, 2021 Proposed Map," SUMF ¶¶ 50, 51, and the "February 15, 2022 Proposed Map," SUMF ¶ 90. *Neese*, 813 S.W.2d at 435.

14. The Redistricting Committee's convenings were deliberative because its members received information that informed their deliberations and process-level decision-making. SUMF 37–39, 45, 50–51, 90–92. *Johnson v. Neb. Env't Control Council*, 509 N.W.2d 21, 32 (Neb. Ct. App. 1993) (citation omitted); *State ex rel. Newspapers v. Showers*, 398 N.W.2d 154, 161 (Wis. 1987).

15. The Redistricting Committee's convenings constituted "meetings" under the Open Meetings Act because it was a "governing body of a public body" that engaged in decision-making and deliberated toward decisions during those convenings. Tenn. Code § 8-44-102(b)(2). These meetings failed to comply with the notice, openness, and minute keeping requirements of the Open Meetings Act. Tenn. Code Ann. § 8-44-102(a), -103, -104(a). They were also used to decide public business in circumvention of the spirit of the Open Meetings Act. Tenn. Code Ann. § 8-44-

102(c). As such, Chattanooga Publishing is entitled to judgement as a matter of law on Count I of the Complaint.

16. As alleged in Claim II of Plaintiff's Complaint, Defendants also violated the Open Meetings Act because they circumvented the requirements and spirit of that statute by holding a series of meetings, calls, and emails between individual City Council members and members of the City staff. Compl. ¶¶ 72-78; Tenn Code Ann. § 8-44-102; *State ex rel. Matthews v. Shelby Cnty. Bd. of Comm'rs*, 1990 WL 29276, at *5 (Tenn. Ct. App. Mar. 21, 1990); *see also Harris v. City of Fort Smith*, 359 Ark. 355, 360 (2004); *State ex rel. Cincinnati Post v. Cincinnati*, 668 N.E.2d 903, 906 (Ohio 1996); *Blackford v. Sch. Bd. of Orange Cnty.*, 375 So. 2d 578, 579 (Fla. Dist. Ct. App. 1979).

17. The following discussions about redistricting took place between individual City Council members and City Staff at the direction of the Redistricting Committee:

December 14, 2021	Councilmember Ken Smith (Dist. 3). SUMF ¶ 58.
January 11 or 14, 2022	Councilmember Chip Henderson (Dist. 1). SUMF ¶ 60.
January 11, 2022	Councilmember Darrin Ledford (Dist. 4). SUMF ¶ 66.
January 18, 2022	Councilmember Jenny Hill (Dist. 2). SUMF ¶ 68.
February 3, 2022	Councilmember Demetrus Coonrod (Dist. 9). SUMF ¶ 72.
February 10, 2022	Councilmember Demetrus Coonrod (Dist. 9). SUMF ¶ 76.
January - February 2022, precise date not recalled	Councilmember Raquetta Dotley (Dist. 7). SUMF ¶ 81.

January – February 2022, precise date not recalled	Councilmember Carol Berz (Dist. 6). SUMF ¶ 83.
February 17, 2022	Councilmember Demetrus Coonrod (Dist. 9). SUMF ¶ 95.
March 28, 2022	Councilmember Marvene Noel (Dist. 8). SUMF ¶ 107.
April 13, 2022	Councilmember Marvene Noel (Dist. 8). SUMF ¶ 109.
April 19, 2022	Councilmember Demetrus Coonrod (Dist. 9). SUMF ¶ 113.

18. These discussions were not properly noticed, open to the public, or recorded in meeting minutes. SUMF ¶ 57; Tenn. Code Ann. §§ 8-44-102(a), 103, 104(a).

19. The City Council reached an initial consensus set of boundaries through the private discussions held before March 1, 2022, that it presented to the public on that date. SUMF ¶¶ 55–90, 100–102, 104.

20. The December 9, 2021 Proposed Map was amended based on Councilmember Henderson’s January 11 or January 14 discussion with City Staff. SUMF ¶¶ 60–64.

21. The December 9, 2021 Proposed Map was amended based on Councilmember Hill’s January 18, 2022 discussion with City Staff. SUMF ¶¶ 68–71.

22. The December 9, 2021 Proposed Map was amended based on Councilmember Coonrod’s February 3 and February 10, 2022 discussions with City Staff. SUMF ¶¶ 72–80.

23. The February 15, 2022 Proposed Map was amended based on Councilmember Coonrod’s February 17, 2022 discussion with City Staff. SUMF ¶¶ 95, 96.

24. The March 1, 2022 Proposed Map was amended based on Councilmember Noel's decision in her April 14, 2022 discussion with City Staff. SUMF ¶¶ 110–112, 115, 117; *Johnston*, 320 S.W.3d at 310–11; *see also White v. King*, 60 N.E.3d 1234 (Ohio 2016).

25. The City Council circumvented the spirit of the Open Meetings Act by reaching a consensus set of boundaries through individual discussions during the period between December 9, 2021, and March 9, 2022. In addition, decisions were made by individual City Councilmembers in individual discussions during the period between December 9, 2021, and April 14, 2022, that resulted in changes to proposed redistricting maps, again in circumvention of the spirit of the Open Meetings Act. Tenn. Code Ann. § 8-44-102(c). As such, Chattanooga Publishing is entitled to judgement as a matter of law on Count II of the Complaint.

WHEREFORE, this Court should grant summary judgment in favor of Chattanooga Publishing and order the relief requested in Chattanooga Publishing's Complaint. Compl. ¶¶ A–E.

Dated: November 6, 2024

Respectfully submitted,



Paul R. McAdoo
Tennessee BPR No. 034066
THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
6688 Nolensville Rd., Ste. 108-20
Brentwood, TN 37027
Phone: 615.823.3633

Facsimile: 202.795.9310
pmcadoo@rcfp.org

and

Lin Weeks
THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
1156 15th Street, NW, Suite 1020
Washington, D.C. 20005
Phone: 202.800.3533
Facsimile: 202.795.9310
lweeks@rcfp.org

Counsel for Chattanooga Publishing

CERTIFICATE OF SERVICE

The undersigned certifies that on November 6, 2024, a true and correct copy of the foregoing was served by email, as agreed by the parties, on:

Phillip A. Noblett
City Attorney
Kathryn C. McDonald
Assistant City Attorney
100 E. 11th Street, Suite 200
Chattanooga, TN 37402
pnoblett@chattanooga.gov
kmcdonald@chattanooga.gov

Sam D. Elliot
GEARHISER, PETERS, ELLIOTT & CANNON, PLLC
320 McCallie Avenue
Chattanooga, TN 37402
selliott@gearhiserpeters.com

Attorneys for Defendants



Counsel for Chattanooga Publishing

Exhibit A

IN THE CHANCERY COURT OF TENNESSEE
FOR THE ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

Chattanooga Publishing Company,

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City of Chattanooga, Chattanooga City
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and Demetrus Coonrod, in their official
capacity as members of the Chattanooga
City Council,

Defendants.

No.22-0902

Part I

DECLARATION OF PAUL R. MCADOO
IN SUPPORT OF SUMMARY JUDGMENT

I, Paul R. McAdoo, hereby declare as follows:

1. I am counsel for Plaintiff Chattanooga Publishing Company (“Chattanooga Publishing”) in this action. I submit this declaration pursuant to Tenn. R. Civ. P. 56.06 in support of Plaintiff’s Motion for Summary Judgment, filed concurrently with this declaration.

2. Exhibit 1 is a true and correct copy of City of Chattanooga Charter Section 8.9. I obtained Exhibit 1 by starting on the City of Chattanooga’s official website’s page for the City Code: <https://chattanooga.gov/stay-informed/city-code>. On

that page, the City of Chattanooga provides a link to MuniCode's website, which I clicked on before locating and printing Section 8.9 from MuniCode's website. Exhibit 1 can be found at: https://library.municode.com/tn/chattanooga/codes/code_of_ordinances?nodeId=TIT8DIPO_CHILE_S8.9RE.

3. Exhibit 2 is a true and correct copy of a September 16, 2021 U.S. Census Bureau press release from its official website and is available at: <https://www.census.gov/newsroom/press-releases/2021/2020-census-redistricting-data-easier-to-use-format.html>.

4. Exhibit 3 is a true and correct copy of excerpts from the deposition transcript of Defendant/Councilmember Dr. Carol Berz, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

5. Exhibit 4 is a true and correct copy of excerpts from the deposition transcript of Andrew Sevigny, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

6. Pursuant to Tenn. R. Civ. P. 43.04(3), Exhibit 5 is a composite exhibit comprised of Chattanooga Publishing's First Request for Production and Defendants' Response to Plaintiff's First Requests for Production.

7. Exhibit 6 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000123-000124. Exhibit 6 is an email string from Chris Anderson to Joda Thongnopnua dated March 8, 2022. Exhibit 6 was

marked as Exhibit R to Mr. Anderson's deposition and Exhibit 4 to Mr. Sevigny's deposition.

8. Exhibit 7 is the City of Chattanooga and the Chattanooga City Council's responses to Chattanooga Publishing's First Set of Interrogatories, including, pursuant to Tenn. R. Civ. P. 43.04(2), a copy of the signature of the responding party or attorney.

9. Exhibit 8 is a true and correct copy of excerpts from the deposition transcript of Chris Anderson, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

10. Exhibit 9 is a true and correct copy of a document produced by Defendants in discovery without Bates labeling. Exhibit 9 is a presentation titled "Redistricting Data." Exhibit 9 was marked as Exhibit C to Mr. Anderson's deposition, Exhibit 3 to Councilperson Dotley's deposition, Exhibit 8 to Mr. Sevigny's deposition, and Exhibit 3 to Councilmember Berz's deposition.

11. Exhibit 10 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000195. Exhibit 10 is an email string from Councilmember Berz to Councilmember Smith dated October 4, 2021. Exhibit 10 was also marked as Exhibit 7 to Councilmember Berz's deposition.

12. Exhibit 11 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000209. Exhibit 11 is an email string from Councilmember Berz to Dr. Everlena Holmes, among others, dated March 17, 2022. Exhibit 11 was also marked as Exhibit 16 to Councilmember Berz's deposition.

Exhibit 11 is also a part of a larger email string that was marked as Exhibit S to Mr. Anderson's deposition.

13. Exhibit 12 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000051-000064. Exhibit 12 is the minutes for the City Council's November 9, 2021 Meeting.

14. Exhibit 13 is a true and correct copy of excerpts from the deposition transcript of Councilmember Dotley, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

15. Exhibit 14 is a true and correct copy of a document produced by Defendants in discovery without Bates labeling. Exhibit 14 is a presentation titled "Redistricting 12/9/21." Exhibit 14 was also marked as Exhibit F to Mr. Anderson's deposition, Exhibit 4 to Councilmember Dotley's deposition, and Exhibit 11 to Mr. Sevigny's deposition.

16. Exhibit 15 is a true and correct copy of a document produced by Defendants in discovery without Bates labeling. Exhibit 14 is a presentation titled "City Council of Chattanooga Redistricting Presented on 4/12/22." Exhibit 15 was also marked as Exhibit V to Mr. Anderson's deposition.

17. Exhibit 16 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000199. Exhibit 16 is an email from Councilmember Berz to Councilmember Henderson dated December 9, 2021. Exhibit 16 was also marked as Exhibit 9 to Councilmember Berz's deposition.

18. Exhibit 17 is Councilmember Smith's responses to Chattanooga Publishing's First Set of Interrogatories to Councilmember Smith, including, pursuant to Tenn. R. Civ. P. 43.04(2), a copy of the signature of the responding party or attorney.

19. Exhibit 18 is Councilmember Henderson's responses to Chattanooga Publishing's First Set of Interrogatories to Councilmember Henderson, including, pursuant to Tenn. R. Civ. P. 43.04(2), a copy of the signature of the responding party or attorney.

20. Exhibit 19 is a true and correct copy of excerpts from the deposition transcript of Councilmember Henderson, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

21. Exhibit 20 is a true and correct copy of a document produced by Defendants in discovery without Bates labeling. Exhibit 20 is a presentation titled "City Council of Chattanooga Redistricting Presented 3/1/22." Exhibit 20 was also marked as Exhibit Q to Mr. Anderson's deposition, Exhibit G to Councilmember Coonrod's deposition, Exhibit 7 to Councilmember Dotley's deposition, and Exhibit 12 to Councilmember Berz's deposition.

22. Exhibit 21 is Councilmember Ledford's responses to Chattanooga Publishing's First Set of Interrogatories to Councilmember Ledford, including, pursuant to Tenn. R. Civ. P. 43.04(2), a copy of the signature of the responding party or attorney.

23. Exhibit 22 is Councilmember Hill's responses to Chattanooga Publishing's First Set of Interrogatories to Councilmember Hill, including, pursuant to Tenn. R. Civ. P. 43.04(2), a copy of the signature of the responding party or attorney.

24. Exhibit 23 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000863. Exhibit 23 is a series of short messages from Andrew Sevigny to Chris Anderson dated January 19, 2022. Exhibit 23 was also marked as Exhibit 15 to Mr. Sevigny's deposition.

25. Exhibit 24 is a true and correct copy of a document produced by Defendants in discovery without Bates labeling. Exhibit 24 is a presentation titled "Redistricting 2/15/22." Exhibit 24 was also marked as Exhibit O to Mr. Anderson's deposition, Exhibit 6 to Councilmember Hester's deposition, and Exhibit 10 to Councilmember Berz's deposition.

26. Exhibit 25 is a true and correct copy of excerpts from the deposition transcript of Councilmember Coonrod, including a copy of the certification of the officer taking the deposition and the title page as required by Tenn. R. Civ. P. 43.04.

27. Exhibit 26 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000025-000026. Exhibit 26 is the minutes of the City Council's February 15, 2022 Agenda Session. Exhibit 26 was also marked as Exhibit 11 to Councilmember Berz's deposition.

28. Exhibit 27 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 445. Exhibit 27 is a recap of the City Council's

Strategic Planning session on March 1, 2022. Exhibit 27 was also marked as Exhibit 13 to Councilmember Berz's deposition.

29. Exhibit 28 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000003-000004. Exhibit 28 is the minutes of the City Council's March 1, 2022 Agenda Session. Exhibit 28 was also marked as Exhibit 14 to Councilmember Berz's deposition.

30. Exhibit 29 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000019-000024. Exhibit 29 is the minutes of the March 29, 2022 City Council meeting.

31. Exhibit 30 is a true and correct copy of a document produced by Defendants in discovery as Bates No. 000391-000393. Exhibit 30 is an email from Andrew Sevigny to Councilmember Noel on April 14, 2022 that Councilmember Noel forwarded to Councilmember Dotley on April 19, 2022, including the email's two attachments. Exhibit 30 was also marked as Exhibit W to Mr. Anderson's deposition, and Exhibit 3 to Councilmember Noel's deposition. The original email in Exhibit 30 from Mr. Sevigny to Councilmember Noel, but without the forwarded portion, was marked as Exhibit 20 to Mr. Sevigny's deposition.

32. Exhibit 31 is a true and correct copy of excerpts from the deposition transcript of Councilmember Noel, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

33. Exhibit 32 is a true and correct copy of excerpts from the deposition transcript of Councilmember Hester, including a copy of the certification of the officer taking the deposition and title page as required by Tenn. R. Civ. P. 43.04.

I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct.



Paul R. McAdoo

5th day of November, 2024

Exhibit 1

Sec. 8.9. - Redistricting.

Following publication of each new official decennial federal census, the council shall reorganize and adjust by ordinance the boundaries of the districts currently established. The council's reorganization and adjustment of the district boundaries shall be completed no later than one (1) year prior to the next city election; provided, however, that the council shall have not less than six (6) calendar months within which to reorganize the districts. The adjusted districts shall be as equal in population as practicable. Such reorganization and adjustment of district boundaries shall not affect the qualifications of any council member to fulfill his or her remaining unexpired term.

(Ord. No. 11272, § 1, 5-2-02)

Exhibit 2

For Immediate Release: Thursday, September 16, 2021

Census Bureau Delivers 2020 Census Redistricting Data in Easier-to-Use Format

September 16, 2021
Press Release Number: CB21-CN.63

SEPT. 16, 2021 — The U.S. Census Bureau today released the 2020 Census Redistricting Data (Public Law 94-171) Summary File [<https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>] to states and the public in an easier-to-use format.

These data are now available on data.census.gov [<https://data.census.gov/cedsci/all?q=redistricting>]. They are identical to those released Aug. 12 [<https://www.census.gov/newsroom/press-releases/2021/population-changes-nations-diversity.html>] on the Census Bureau's FTP site and in various data visualizations.

The Census Bureau has also delivered to states an easy-to-use toolkit of DVDs and flash drives with integrated browsing software to use in redrawing their congressional and state legislative district boundaries.

Topics in both formats include 2020 Census population counts by race, Hispanic origin, voting age and housing unit data for counties, places, census tracts and blocks.

"We are excited to be able to provide these data to the public in a format that's easier to use," said acting Census Bureau Director Ron Jarmin.

Data users can now access redistricting data with demographic information for cities and towns without downloading the FTP files.

Contact

Kristina Barrett
Public Information
Office
301-763-3030 or
877-861-2010 (U.S. and
Canada only)
pio@census.gov

Related Information

- [P](#) [[/newsroom/press-kits/2021/2020-census-redistricting.html](#)]
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America's Composition of Cities: Change Since 2010

The nation's composition remains a mix of big cities and small cities. Only 4.1% (787) of all U.S. cities had a population of 50,000 or more in 2020. On the other hand, of the 19,320 cities in the United States that were incorporated in both 2010 and 2020, around 75.5% (14,591) had fewer than 5,000 people as of April 1, 2020.

Overall, large cities with 2020 populations of 50,000 or more grew at a faster pace in the South than in any other region. Since the 2010 Census, the population living in large cities in the South increased by 12.3%. In comparison, the population living in large cities in the West grew by 10.4%, while those in the Northeast and Midwest grew by 6.8% and 4.8%, respectively.

On average, the population living in small cities — those with fewer than 5,000 people in 2020 — has had slow or negative growth from 2010 to 2020:

- Western small cities saw growth with an increase of 1.4%.
- Southern small cities declined by 0.3%.
- Midwestern small cities declined by 0.9%.
- Northeastern small cities declined by 1.9%.

Cities that were incorporated in 2010 and 2020 with a 2020 population of 50,000 or more [content/dam/Census/newsroom/press-kits/2021/redistricting/places-population-2010-to-2020.xlsx] (Excel) contained 129.2 million people out of the nation's 331.4 million. Of all the people who live in incorporated places, 62.2% live in these big cities.

Accessing Statistics on Data.census.gov

This is the first 2020 Census data release available on the Census Bureau's data dissemination platform, data.census.gov [data.census.gov]. The site allows data users to search geographies down to the block level and access data through tables, maps and downloads. Data users can also access a geography, such as a state, county or place, in a geographic profile with visualizations and infographics to provide an overview on a specific area.

Features of data.census.gov include:

Is this page helpful? ×

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- Data tables: Users can select geographies, sort by topic, or add any other applicable filters. Data can be reordered, pinned, and hidden with drag and drop functionality. Included are the following tables:
 - P1. Race
 - P2. Hispanic or Latino, and Not Hispanic or Latino by Race
 - P3. Race for the Population 18 Years and Over
 - P4. Hispanic or Latino, and Not Hispanic or Latino by Race for the Population 18 Years and Over
 - P5. Group Quarters Population by Major Group Quarters Type
 - H1. Occupancy Status
- Mapping: Data users can display data across collections of geographies in a thematic map for a more visual representation.
- Data downloads: Users can download multiple tables for 2020 and 2010 censuses at the same time for easier reference.

Instructional videos on accessing 2020 Census redistricting data are available on the [data.census.gov resources page](https://www.census.gov/data/what-is-data-census-gov/decennial-census.html) [https://www.census.gov/data/what-is-data-census-gov/decennial-census.html] and include videos on accessing population counts, census blocks, mapping geographies, customizing the table view, and comparing 2020 and 2010 census data. Additional tutorials and materials on how to access data on data.census.gov, including a webinar scheduled Sept. 21 [https://www.census.gov/data/academy/webinars/2021/2020-census-redistricting-data-and-how-to-find-it-on-data-census-gov.html] , are available on Census Academy [https://www.census.gov/data/academy/topics/2020-census.html] .

Additional information about the Redistricting Data Program, including data visualizations for the nation, state, county and metropolitan/micropolitan statistical areas is available in the 2020 Census Redistricting Files Press Kit [https://www.census.gov/newsroom/press-kits/2021/2020-census-redistricting.html] . More information on the redistricting data program is also available on the 2020 Census P.L. 94-171 Redistricting Data Summary Files [https://www.census.gov/programs-surveys/decennial-census/about/rdo.html] webpage.

Is this page helpful? ×



Yes



No

Exhibit 3

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

CAROL BERZ

October 05, 2023



Lexitas Legal TENNESSEE | 1015 Avery Park Dr | Smyrna, TN 37167 | (615) 595-0073 |
tn.scheduling@lexitaslegal.com

1 IN THE CHANCERY COURT OF TENNESSEE
 2 FOR THE ELEVENTH JUDICIAL DISTRICT
 3 AT CHATTANOOGA

4 CHATTANOOGA PUBLISHING COMPANY,
 5
 6 Plaintiff,
 7 vs. Case No. 22-0902
 8 Part 1
 9 CITY OF CHATTANOOGA, CHATTANOOGA
 10 CITY COUNCIL
 11 AND
 12 CHIP HENDERSON, JENNY HILL, KEN SMITH,
 13 DARRIN LEDFORD, ISIAH HESTER, CAROL B.
 14 BERZ, RAQUETTA DOTLEY, MARVENE NOEL,
 15 and DEMETRUS COONROD, in their official
 16 capacity as members of the Chattanooga
 17 City Council,
 18 Defendants.

19
 20 Deposition of:
 21 CAROL BERZ
 22 Taken on behalf of the Plaintiff
 23 October 5, 2023
 24
 25 Commencing at 10:30 a.m.

LEXITAS
 www.LexitasLegal.com
 MELISSA M. SMITH, RPR, LCR, CCR
 Chattanooga, Tennessee
 (423)266-2332

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1
 2 A P P E A R A N C E S
 3
 4 For the Plaintiff :

5 MR. PAUL R. McADOO
 6 Attorneys at Law
 7 Reporters Committee for Freedom of the Press
 8 6688 Nolensville Road
 9 Suite 108-20
 10 Brentwood, TN 37027
 11 (615) 823-3633
 12 pmcadoo@rcfp.org
 13 MR. LIN WEEKS
 14 Attorney at Law
 15 Reporters Committee for Freedom of the Press
 16 1156 15th Street NW
 17 Suite 1250
 18 Washington, DC 20005
 19 (202) 800-3533
 20 lweeks@rcfp.org

21 For the Defendants:

22 MR. SAM D. ELLIOTT
 23 Attorney at Law
 24 Gearhiser, Peters, Elliott & Cannon, PLLC
 25 320 McCallie Avenue
 Chattanooga, TN 37402
 (423) 576-5171
 sellriott@gearhiserpeters.com

MR. PHIL NOBLETT
 MS. KATHRYN C. McDONALD
 Attorneys at Law
 Office of the City Attorney
 City of Chattanooga
 100 East 11th Street
 Suite 200
 Chattanooga, TN 37402
 (423) 643-8250
 pnoblett@chattanooga.gov
 kmcdonald@chattanooga.gov

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 13 "Chapter 3: A Guide to Local
 14 Redistricting" 14
 15 Bates Nos. City's Responses to RFP
 16 07/17/2023 000179 - 183
 17
 18 Exhibit No. 2 17
 19 E-mail, Subject: City Redistricting
 20 Bates No. City's Responses to RFP
 21 07/17/2023 000191
 22 Exhibit No. 3 21
 23 Powerpoint presentation, titled
 24 "Redistricting Data"
 25 Exhibit No. 4 32
 November 17, 2021, Redistricting
 Working Session invitation
 Bates Nos. Bates Nos. City's Responses
 to RFP 07/17/2023 00197
 Exhibit No. 5 32
 Defendant Carol B. Berz's Responses to
 Plaintiff's First Set of
 Interrogatories
 Exhibit No. 6 34
 PowerPoint presentation titled
 "Redistricting 11/17/21"

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 3 (continued)
 4
 5 Exhibit No. 7 Page
 6 E-mail string, Subject: Times and
 7 related info regarding redistricting
 8 Bates Nos. City's Responses to RFP
 9 07/17/2023 000195 37
 10 Exhibit No. 8 42
 11 PowerPoint presentation titled
 12 "Redistricting 12/9/21"
 13 Exhibit No. 9 50
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 15 Bates Nos. City's Responses to RFP
 16 07/17/2023 000199
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 18 Exhibit No. 10 56
 19 PowerPoint presentation titled
 20 "Redistricting 2/15/22"
 21
 22 Exhibit No. 11 60
 23 February 15, 2022, Agenda Session
 24 Minutes
 25 Bates Nos. City's Responses to RFP
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7 Exhibit No. 16	81
E-mail string, Subject: Minutes of the meetings held by the Redistricting Committee Bates Nos. City's Responses to RFP 07/17/2023 000209	

* * *

CAROL BERZ,

was called as a witness, and after having been duly sworn, testified as follows:

EXAMINATION

BY MR. McADOO:

- 8 Q. Would you, please, state your full name?
- 9 **A. Carol Barnett Berz.**
- 10 Q. Have you ever been deposed before?
- 11 **A. I'm trying to think. I don't think so.**
- 12 Q. Okay. I know you're an attorney, correct?
- 13 **A. Well, let's put it this way. I'm a recovering one. I train mediators for the Supreme Court.**
- 14 **Supreme Court.**
- 15 **Supreme Court.**
- 16 Q. Okay. You're going to be familiar with a lot of things I probably am about to say, but bear with me if you don't mind.
- 17 Even though we're in an informal setting, this is a formal legal proceeding. Do you understand that you're obligated to answer my questions fully and truthfully just as though you were testifying before a judge in a courtroom?
- 18 **A. Yes, I do understand.**
- 19 Q. Okay. Some basic ground rules. Again,

S T I P U L A T I O N S

The deposition of CAROL BERZ was taken by counsel for the Plaintiff, by Notice, at the offices of the City of Chattanooga, 1000 Lindsay Street, JB Collins Meeting Room, Chattanooga, Tennessee, on October 5, 2023, for all purposes under the Tennessee Rules of Civil Procedure.

All formalities as to caption, notice, statement of appearance, et cetera, are waived. All objections, except as to the form of the question, are reserved to the hearing, and that said deposition may be read and used in evidence in said cause of action in any trial thereon or any proceeding herein.

It is agreed that MELISSA M. SMITH, RPR, Licensed Court Reporter for the State of Tennessee, may swear the witness, and that the reading and signing of the completed deposition by the witness was not discussed.

//

- 1 things that I'm pretty sure you know, but I want to it say just in case. Please wait until I finish asking a question to answer it, and I will do my best to wait for your full answer before I ask my next question.
- 2 Please answer clearly and audibly so that the court reporter can take down your response. Please don't just nod your head or shake your head, for example.
- 3 If you don't understand a question, please let me know, and I will do my best to rephrase it in a way that is hopefully easier to understand.
- 4 If you need a break at any point, please let me know. We'd just ask that you finish answering the question that is before you at that time, and we'll see what we can do.
- 5 You are hopefully familiar with the way objections work in depositions.
- 6 **MR. McADOO:** Sam, are you going to be the one?
- 7 **MR. ELLIOTT:** Yes.
- 8 **BY MR. McADOO:**
- 9 Q. He may object to a question that I ask, but unless he objects on the grounds of privilege you're still expected to answer.

1 mayor's office, the IT people, the people that --
2 Chris Anderson was chairing it -- I'm sure you've
3 already deposed him -- to learn about the
4 process. And each one of us represented
5 different areas of the community. And to learn
6 about the process and then we would meet as a
7 committee as a whole back in the main assembly
8 room and do whatever decision-making needed to
9 happen.

10 So it was a pretty loose charge, and none
11 of us were really playing with full information,
12 so that's what the charge was.

13 Q. Okay. You mentioned earlier the guide
14 from the State about redistricting, correct?

15 A. Right.

16 Q. Did you review that document?

17 A. Oh, God. Not totally.

18 Wait a minute. Did I review it myself --

19 Q. Yes.

20 A. -- or did we review it in our education
21 sessions?

22 Q. Have you read that document?

23 MR. ELLIOTT: At any point in time?

24 MR. McADOO: At any point in time.

25 THE WITNESS: Yeah. A hundred years

1 ago, yeah.

2 MR. McADOO: Mark this as Exhibit 1,
3 please.

4 (WHEREUPON, a document was marked
5 Exhibit Number 1.)

6 BY MR. McADOO:

7 Q. Could you please take a look at this and
8 tell me what this is?

9 A. Are you talking to me?

10 Q. Yes.

11 A. Look at what?

12 Q. Look at this document, take your time,
13 review and, let me know, do you recognize this?

14 A. I think I've seen it before, but -- sure.

15 Q. Okay. What do you think it is?

16 A. A guide to local redistricting.

17 Q. Okay. Are these steps that you reviewed
18 as part of your role on the Redistricting
19 Committee?

20 A. No. I just looked at the reason for us
21 even existing, because I talked with Chip about
22 that. And it was just appoint a Redistricting
23 Committee to draw up plans.

24 And the reason I talked with him about it
25 is because the Redistricting Committee in our

1 operation can't draw plans. It's got to be the
2 full council that draws the plans, and so I --
3 that's the only thing I discussed with him.

4 I said Chip, "You know a committee can't
5 meet and make decisions and this sort of thing.
6 What we can do is get educated and then bring
7 everything back to Council." And he said,
8 "Okay."

9 Q. Can committees of the City Council make
10 recommendations to Council, to the Council as a
11 whole?

12 A. Not really. Not really.

13 What happens is that -- you're familiar
14 with our strategic planning meetings that we
15 have?

16 Q. I am.

17 A. All right. So every committee acts as a
18 committee of the whole, so there's not a
19 committee that behaves alone. So in strategic
20 planning, I may -- I think committee chair for
21 the way our council works is -- "point person" is
22 a better word for that. And so the point
23 person -- I chair the budget, and as the point
24 person I can bring information to the Council and
25 I can recommend what I think a process should be.

1 Q. So on the -- who serves on the Budget
2 Committee?

3 A. The council as a whole.

4 Q. Everyone?

5 A. Yes. Every committee is a committee of
6 the whole.

7 Q. Then why was the Ad hoc Redistricting
8 Committee just a committee of four?

9 A. I have no idea. And that's what
10 I questioned. That's why I read that.

11 The first thing we were supposed to do is
12 go meet with Chris Anderson and have an education
13 session. And we did. I mean, there was nothing
14 to make a decision on.

15 And -- but I'm glad you brought this up
16 because that's exactly -- we can't make
17 decisions.

18 Q. So this first step on Exhibit 1 where it
19 says "Appoint a Redistricting Committee to draw
20 plans," that's what the Redistricting
21 Committee's --

22 A. We were never told to draw plans. It was
23 a Redistricting Committee, which is very common
24 practice in our council, the way our council
25 works.

1 Q. Okay. When was the first meeting -- you
2 mentioned a minute ago that you -- the Ad hoc
3 Redistricting Committee met with Chris Anderson?
4 **A. Well, it wasn't a meeting. I called no**
5 **meetings. Chris called -- I ended up being kind**
6 **of useless. Chris called an education session.**
7 **It was in August or September. This was right**
8 **after Chip had appointed us.**

9 **And we learned what redistricting was**
10 **supposed to be. The IT people showed us the maps**
11 **from -- everything was from the State. Showed us**
12 **the maps of what was -- the State was using, told**
13 **us the basic rules for redistricting. You know,**
14 **you take 180,000, divide it by nine, and then**
15 **it's plus or minus whatever.**

16 **And it's all the stuff that was presented**
17 **in Open Meetings subsequently.**

18 Q. Let's talk about a little more about how
19 that process started.

20 MR. McADOO: Let's mark that as
21 Exhibit 2.

22 (WHEREUPON, a document was marked
23 Exhibit Number 2.)

24 BY MR. McADOO:

25 Q. If you could, please take a look. Take

1 your time, as much time as you need to read it.
2 Obviously, this is pretty short.

3 **A. Yeah. You know what? Can I get my**
4 **glasses? I left them.**

5 Q. Sure.

6 (Respite.)

7 **A. Okay. (Reviews document.)**

8 **Yes. What's your question?**

9 Q. Yes. So a minute ago -- are you familiar
10 with this document?

11 **A. Yeah. It's mine. Yes.**

12 Q. Yeah. You sent this e-mail?

13 **A. Yes.**

14 Q. Okay. A minute ago you testified that
15 Chris Anderson is the one that scheduled the
16 meetings?

17 **A. Uh-huh.**

18 Q. But this e-mail says -- appears to be it's
19 from you to Councilman Dotley, Councilman Smith,
20 Isiah Hester, and then copies Chair Henderson.

21 **A. Sure. I should have added the phrase**
22 **"after meeting with Chris."**

23 **He did all of that. Forgive me.**

24 **I answered too quickly.**

25 Q. It's okay. So it says: "In order to get

1 us ready for our task, I am setting up" -- and
2 that "I" is you, correct?

3 **A. Yes, correct.**

4 Q. -- "setting up several education sessions
5 with the mayor's staff just for us to get up to
6 speed before we make any presentation to the
7 entire Council."

8 **A. Uh-huh.**

9 Q. Is that an accurate statement?

10 **A. It is.**

11 Q. So sounds like, then, you are the one that
12 asked Chris to set up the meeting?

13 **A. No. No. Chris asked me. He said, "When**
14 **do you want to set up the meetings?" And I said,**
15 **"I will send an e-mail and set it up with the**
16 **other folks."**

17 **And that's what this is, and Chris was**
18 **calling the shots on those.**

19 Q. Chris was calling the shots on this?

20 **A. Yeah.**

21 Q. So this was a process that was driven by
22 the mayor's staff?

23 **A. Yes.**

24 Q. The redistricting process?

25 **A. Yes.**

1 Q. Okay. Let's dig into that a little bit
2 more, then.

3 **A. Well, let me -- you said "was driven by**
4 **the mayor's staff." They educated us. The only**
5 **meetings that we had were on the third floor of**
6 **the mayor's office, and they were Chris**
7 **Anderson's meetings to educate us.**

8 Q. But they were gatherings of the
9 Redistricting Committee, correct?

10 **A. Well, yeah, we had to go in the same place**
11 **to get the education.**

12 Q. Right.

13 **A. We were using the big screen in the**
14 **mayor's office. Yes, we all were in the same**
15 **room on the third floor. It was Chris's meeting,**
16 **and he did a great job of educating us as to the**
17 **process.**

18 Q. So you're saying it's Chris's meeting, but
19 it was a meeting of the Redistricting Committee,
20 correct?

21 **A. It was a meeting that Chris called of the**
22 **folks that Chip had appointed to get us educated.**

23 Q. Was there a presentation of the first
24 meeting, this meeting that occurred with the

25 mayor's staff, Chris Anderson, and Andrew Sevigny

1 among the others? Was there a presentation at
2 it?

3 **A. There was.**

4 MR. McADOO: Please mark this as
5 Exhibit 3.

6 (WHEREUPON, a document was marked
7 Exhibit Number 3.)

8 BY MR. McADOO:

9 Q. Could you please take a look at this
10 document. And then, when you're done, please let
11 me know.

12 **A. Sure. I remember this, yes.**

13 Q. Was this the presentation that was given
14 at the first gathering of the Redistricting
15 Committee?

16 **A. Yes, it was. Yes. This was basic, yeah.**

17 **What's missing is the IT. Andrew showed us the
18 various maps and how they worked and how the
19 tools to worked.**

20 Q. And those were not in the presentation,
21 but you saw maps at the first meeting of the
22 Redistricting Committee?

23 **A. No. We saw what the State -- well, there
24 were maps included, not of -- it was how the
25 State's process works.**

1 Q. If we look on page -- sorry. These are
2 not paginated. The fourth page, do those --

3 **A. It says "data used"?**

4 Q. No. I'm sorry. It's required steps from
5 State guide for counties.

6 **A. Okay.**

7 Q. Are those same steps as in Exhibit 1 from
8 the State guide?

9 **A. I've got to tell you -- and I only paid
10 attention to that first one. I can't imagine
11 that they wouldn't be, but I can't swear that
12 they are exactly the same.**

13 Q. Could you compare the two right now?

14 **A. Sure. (Reviews document.)**

15 **It's worded a little differently.**

16 Q. Is the gist the same?

17 **A. Is the what?**

18 Q. Gist the same.

19 **A. I imagine so.**

20 Q. You imagine so?

21 **A. Yeah.**

22 Q. Okay. So you were shown maps that are not
23 found in Exhibit 3, is that correct, in the first
24 meeting of the Redistricting Committee?

25 **A. We were shown how the State processes**

1 **stuff in maps. They were not specific to any
2 particular thing. The maps -- State program is
3 amazing. And so it was able to overlay. So we
4 were shown how it works.**

5 Q. Okay. On the last page of Exhibit 3, it
6 shows a couple of community input tools, at least
7 that's what it says at the top.

8 Districter and Representable, did you ever
9 do anything with either of these applications?

10 **A. No. No.**

11 Q. Okay. Great.

12 So this was the presentation at the first
13 meeting of the Redistricting Committee, correct,
14 Exhibit 3?

15 **A. Yes. The public meeting. This is what
16 was shown here to us and was shown in the public
17 meeting.**

18 Q. Is it your testimony that this document --
19 exact document was presented to the public?

20 **A. I don't have my file with me, but I can
21 tell you that this, without this page that I've
22 never seen before, was shown to Council.**

23 Q. Which page have you never seen before of
24 Exhibit 3?

25 **A. The last page. I don't know what that is.**

1 Q. Okay.

2 **A. However, we did show -- Chris did. He
3 showed the requirements, the required steps, the
4 data used -- I don't know whether or not there
5 was a map -- and the current council districts
6 with the 2020 population.**

7 Q. The first Redistricting Committee meeting
8 where you saw this presentation was not open to
9 the public, was it?

10 **A. No.**

11 Q. Was there any public --

12 **A. I mean, I don't know. It wasn't my
13 meeting. It was Chris's meeting.**

14 Q. But you were there?

15 **A. Yeah. Our City attorney was there, we
16 were there, the data people. And it was Chris's
17 meeting, so, to my knowledge, there were no other
18 members of the public.**

19 Q. You keep labeling it "Chris's meeting."

20 **A. Well, they were --**

21 Q. Please let me finish.

22 **A. I'm sorry.**

23 Q. Thank you. I appreciate it.

24 It was a gathering of the Redistricting
25 Committee, correct?

1 there's discussion that says August of 2021 is
2 when the process began.

3 MR. ELLIOTT: Okay.

4 MR. McADOO: And then, yeah, the
5 conclusion of the process in May. Thanks, Sam.

6 BY MR. McADOO:

7 Q. So at this point what you recall is you
8 had a September 30th meeting with Chris Anderson
9 and the other members of the Redistricting
10 Committee, at which time you were given the
11 presentation that we've -- I've shown you?

12 **A. That went to the Council, yeah.**

13 Q. The one that I've shown you?

14 **A. Yes.**

15 Q. And let me -- let's backtrack a little
16 bit.

17 Just a little bit. We're going to go back
18 to the beginning of October.

19 (WHEREUPON, a document was marked
20 Exhibit Number 7.)

21 BY MR. McADOO:

22 Q. So the court reporter has now handed you
23 Exhibit 7. Take a look at it, and then let me
24 know when you're ready.

25 **A. (Reviews document.) Yes. What's your**

1 **question?**

2 Q. Yes.

3 **A. And I did send this.**

4 Q. Okay. You recognize this document, then?

5 **A. Sure.**

6 Q. And it is an e-mail string with
7 Councilperson Ledford, Councilman Smith, and
8 yourself, correct?

9 **A. Uh-huh.**

10 Q. And I see Councilman Hester is also on
11 your e-mail; is that correct?

12 **A. Yes.**

13 Q. Okay. In this e-mail you say -- and it's
14 two lines into your e-mail at the top: "Our
15 Redistricting Committee has met once, has
16 requested data, and will be carefully considering
17 a variety of models that, one, will interrupt the
18 present model as little as possible and, two,
19 will legally meet the numbers requirements."

20 Is that an accurate statement?

21 **A. It is.**

22 Q. Okay. So you had met once with the
23 Redistricting Committee at that point, correct?

24 **A. No. We had met once in Chris's -- these**
25 **were Chris's meetings.**

1 Q. It was still a gathering of the
2 Redistricting Committee members, correct?

3 **A. It was. It was gathered. Chris gathered**
4 **the Redistricting Committee members and the City**
5 **attorney to give us the information you have.**

6 Q. The presentation that we --

7 **A. Yes. Yes. And I said to Chris at the**
8 **time, I said, "Look, Chris, this is all very**
9 **interesting. Council has to make all these**
10 **decisions. I think that what you need to do is**
11 **disrupt things as little as possible when you**
12 **make the presentation to Council."**

13 **That's what that is about.**

14 Q. And so you decided that as chair of the
15 Redistricting Committee?

16 **A. Yeah. I made the decision that we**
17 **would -- excuse me, not we. That Council's**
18 **districts should be disrupted as little as**
19 **possible.**

20 Q. And did Ms. Dotley agree with that
21 decision?

22 **A. There was no discussion. I don't know.**
23 **I didn't ask her.**

24 Q. But she didn't object at the
25 September 30th meeting to that --

1 **A. It wasn't even a discussion. It was Chris**
2 **presenting the information, as I've told you,**
3 **them presenting the various ways the State looked**
4 **at information, them presenting the various**
5 **physical boundaries that Chattanooga has.**

6 **And I do remember saying, "Well, you know**
7 **what? Council has to make the final decision,**
8 **but I think you probably should disrupt things as**
9 **little as possible, particularly neighborhood**
10 **associations."**

11 **There really was no discussion.**

12 Q. Okay. But my question is, is at that
13 meeting do you recall if Councilwoman Dotley
14 objected to that course of action?

15 **A. No.**

16 MR. ELLIOTT: Asked and answered.

17 MR. McADOO: I don't believe you have
18 answered that question.

19 **THE WITNESS: No.**

20 BY MR. McADOO:

21 Q. She did not object. Thank you.

22 **A. Well, I think the -- I don't remember.**
23 **There wasn't any discussion. We were really just**
24 **sitting there, listening.**

25 Q. And then you made a statement that you

1 wanted things disrupted as little as possible?

2 **A. Yeah, I sure did. I said, "It just makes**
3 **common sense." So yes, I did.**

4 Q. And you requested as well that Chris
5 Anderson and his team gather the data, and did
6 you request that they draw up a map?

7 **A. No. So for some reason -- and this is**
8 **knowledge I don't have. For some reason, Chris**
9 **was tasked with pooling all the information**
10 **together. When we got appointed, we were told**
11 **Chris is pooling all this information together,**
12 **you need education sessions to know what you're**
13 **doing.**

14 **I don't know why and how the committee was**
15 **appointed, other than what we talked about at the**
16 **very first the State guideline. And so this was**
17 **all Chris's doing, and we were listening. And**
18 **I may -- I would have. I'd make the comment**
19 **again today, given all that was happening with**
20 **the county, make as little disruption as**
21 **possible. Whether or not anyone else in the room**
22 **said yeah, no, whatever, I have no recollection**
23 **of that.**

24 Q. As chair of the Redistricting Committee,
25 did you agree with the course of action that was

1 outlined by staff after the September 30th -- or
2 at the September 30th meeting?

3 **A. You mean the legal requisites? That was**
4 **the course outline. Yeah, I said, "Follow the**
5 **law."**

6 Q. And the gathering of data?

7 **A. I said, "Follow the law."**

8 Q. And you said, "Follow the law," as the
9 Redistricting Committee chair?

10 **A. Yeah.**

11 Q. Correct?

12 **A. Yeah.**

13 MR. McADOO: Please mark that as
14 Exhibit 8.

15 (WHEREUPON, a document was marked
16 Exhibit Number 8.)

17 **THE WITNESS: Okay. Is this the same**
18 **thing as you handed out earlier?**

19 **Oh, this has required steps. Okay.**
20 **Go ahead.**

21 BY MR. McADOO:

22 Q. Okay. Thank you. The next meeting of the
23 Redistricting Committee, in the City's
24 interrogatories, was held on December 9th. Does
25 that sound correct?

1 **A. Probably.**

2 Q. And what I've handed you -- was there a
3 presentation that day?

4 **A. I don't remember.**

5 Q. What I've handed you and is marked as
6 Exhibit 8 is a slide deck that on page 1 is --
7 says "redistricting," and it says December 9th,
8 2021.

9 Do you have any reason to doubt that this
10 is the presentation given on December 9th, 2021?

11 **A. No.**

12 Q. Okay. Was this a presentation done by
13 either Chris Anderson or Andrew Sevigny?

14 **A. Are you talking about at the meeting?**

15 Q. Yes, ma'am.

16 **A. All right. This date, is this the, quote,**
17 **Committee meeting you're talking about or the one**
18 **presented to Council?**

19 Q. This was in the Redistricting Committee
20 meeting, according to the City's interrogatory
21 responses.

22 **A. This was? Okay.**

23 Q. Yes, ma'am.

24 **A. Okay. I have no reason to believe that**
25 **this wasn't what was presented.**

1 Q. Great. Can you take a look at the last
2 few pages? Do you know -- well, you don't recall
3 that.

4 MR. ELLIOTT: What particular page?

5 MR. McADOO: Yeah.

6 BY MR. McADOO:

7 Q. Let's start at the page -- and again, I'm
8 sorry. They're not paginated. Let's start with
9 the fourth page, and we'll work our way back from
10 there.

11 **A. The one with "data" on it?**

12 Q. Yeah. The current council districts with
13 2020 population.

14 **A. Sure. Sure.**

15 Q. So this is, I believe, a different --
16 different than Exhibit 3. So if we look at
17 Exhibit 3, which is the presentation at the
18 September meeting, and we look at Exhibit 8, we
19 have what looks to be identical besides some of
20 the printing charts regarding the new population
21 data and the current council districts; is that
22 right?

23 **A. Okay. Yeah.**

24 Q. Some of it it's hard to read.
25 I apologize.

1 **A. Yeah. I'll take your word for it.**

2 Q. We can look at, say, Councilman Ledford's.
3 The deviation is 116.55 percent on both?

4 **A. Yeah.**

5 Q. Correct?

6 **A. Yes, sir.**

7 Q. So that's the same. But from there, the
8 presentation changes from the one in September,
9 correct?

10 So, like, if we go to the next page of the
11 one in September, it's the community input tools
12 that you don't recall having seen?

13 MR. ELLIOTT: Which one?

14 **THE WITNESS: Well, this is the same**
15 **page.**

16 MR. ELLIOTT: Yeah. Which one of
17 these?

18 MR. McADOO: So we're looking at the
19 September one, which is Exhibit 3.

20 MR. ELLIOTT: So we're asking her to
21 look at 3.

22 And what he's saying, Carol, is that
23 stuff is not there on the one you're looking at
24 there.

25 MR. McADOO: We've got new pages in

1 **A. Yes.**

2 Q. And then the page that starts with
3 "process used" on Exhibit 8.

4 **A. Yes.**

5 Q. Those are different, correct?

6 **A. Yes.**

7 Q. So the November -- the September 30th
8 presentation was kind of an introduction, is that
9 fair to the say, to the redistricting process?

10 **A. Yes.**

11 Q. But now staff has gone -- using the data
12 as you requested and gone and done some new work
13 on redistricting, correct?

14 **A. Yes. Okay.**

15 Q. And so we've got this process used. Is
16 this -- do you recall this portion of the
17 presentation where they discussed process used?

18 **A. Yes.**

19 Q. Okay. So existing City Council
20 boundaries -- because you asked them to disrupts
21 as little as possible, right?

22 **A. Uh-huh.**

23 Q. With new census data. And then the staff,
24 whether it was Chris Anderson or Andrew Sevigny,
25 says that "we have to" -- "we" being the City --

1 the December one.

2 **THE WITNESS: Help me. What am**
3 **I comparing?**

4 BY MR. McADOO:

5 Q. The last page of Exhibit 3, which is the
6 September 30th, that one right there.

7 **A. All right. With?**

8 Q. With the next page that comes after
9 current council districts with 2020 population in
10 Exhibit 8, which is the December presentation.

11 MR. ELLIOTT: What he's saying, the
12 page after the population table is -- for that --

13 **THE WITNESS: I've never seen that**
14 **page before.**

15 BY MR. McADOO:

16 Q. And what I'm really getting at is, we have
17 new material in the December presentation.

18 MR. ELLIOTT: New, as opposed to
19 Exhibit 3?

20 MR. McADOO: Correct.

21 **THE WITNESS: All right. And let me**
22 **see the page you're looking at.**

23 BY MR. McADOO:

24 Q. So these are the two pages that I'd like
25 you to look at. One, Exhibit 3, last page.

1 "need to increase the population to Districts 5,
2 8, and 9, and decrease the populations probably
3 of 3, 4, and 7. Use neighborhood boundary file
4 as guidelines, use arterial roadways and natural
5 land features as guidelines."

6 C and D, did you ask staff to use those as
7 guidelines for their redistricting process?

8 **A. No.**

9 Q. And then what I'd like to do is I'd like
10 to flip to the last page, which is a map.

11 **A. Map. Okay.**

12 MR. ELLIOTT: Of Exhibit 8?

13 MR. McADOO: Of Exhibit 8, correct.

14 **THE WITNESS: Got you.**

15 MR. McADOO: Thank you.

16 BY MR. McADOO:

17 Q. Was this the -- have you seen this map
18 before?

19 **A. I've seen a million maps. I'm sure I saw**
20 **this among them.**

21 Q. And again, you have no reason to believe
22 that this is not the presentation you were given
23 on December 9th?

24 **A. No.**

25 Q. Okay. So this is the -- is this the first

1 map that the members of the Redistricting
 2 Committee saw in the redistricting process?
 3 **A. Once the data were collected?**
 4 Q. Yes, ma'am.
 5 **A. I really don't know. We saw so many maps.**
 6 Q. Do you have any reason to believe that
 7 this is not the first map?
 8 **A. I don't.**
 9 Q. Okay. Was the September -- sorry. A lot
 10 of dates.
 11 **A. You're okay.**
 12 Q. The December 9th meeting, was it open to
 13 the public? Were members of the public in
 14 attendance?
 15 **A. No, no, no, no. It was the City attorney.**
 16 **It the same people again.**
 17 Q. Was public notice given to the -- about
 18 this meeting?
 19 **A. I have no idea.**
 20 Q. Do you know if minutes were kept of this
 21 meeting?
 22 **A. I have no idea.**
 23 Q. Do you know if this exact presentation was
 24 ever given in a properly noticed public meeting?
 25 **A. Exact, I don't know.**

1 Q. What was next for the Redistricting
 2 Committee and the redistricting process after
 3 this meeting on December 9th?
 4 **A. I don't remember. I don't have my file**
 5 **with me. You would probably know better than I.**
 6 MR. McADOO: Mark this as Exhibit 9,
 7 please.
 8 (WHEREUPON, a document was marked
 9 Exhibit Number 9.)
 10 BY MR. McADOO:
 11 Q. Please take a look at Exhibit 9 and let me
 12 know when you're ready.
 13 **A. Yes. Is that from me and I did say that?**
 14 Q. So this is an e-mail that you sent?
 15 **A. Yes.**
 16 Q. To Chip Henderson, correct?
 17 **A. Yes.**
 18 Q. And in it you say: "Redistricting
 19 Committee met this morning" -- which is
 20 consistent with the slide deck I've shown you --
 21 "as part of the process each of our Council
 22 members will have an individual session with the
 23 data people to be educated with the latest
 24 iteration of the district map."
 25 So this is an accurate statement?

1 **A. It absolutely is.**
 2 Q. How was it decided that that was what next
 3 steps would be?
 4 **A. There was no decision. I chair the Budget**
 5 **Committee. And what -- the process in the Budget**
 6 **Committee -- so the colleagues, because there**
 7 **were going to be public meetings, is, the**
 8 **colleagues that are in charge of different areas,**
 9 **I make sure that they're fully informed as a**
 10 **courtesy before they meet with their publics,**
 11 **whether it be their constituencies or whatever.**
 12 In this particular case, this was
 13 district -- district directed, and I felt like
 14 the Council members should have the same
 15 information we had. And -- and because you can't
 16 make decisions outside of the assembly room, the
 17 committee as a whole, I felt it was only correct
 18 that each councilperson before they met with
 19 their districts be advised on whatever
 20 information they needed.
 21 Q. Isn't that something that could have
 22 happened in a properly noticed public meeting?
 23 **A. And it was eventually.**
 24 But what happened was it's the process of
 25 the Council -- and, again, I think this has

1 probably been left out -- to show courtesy as
 2 colleagues, as individual members, to get them
 3 fully up to par. So it seemed very good to get,
 4 say, Raquetta up to par so she could speak with
 5 her district and make informed decisions. It
 6 seemed proper.
 7 As far as I know, Chris met or whoever met
 8 with them and got them up to snuff, and then it
 9 was all brought to a public meeting. They
 10 weren't having -- they had the courtesy of not
 11 having to sit there like deer in the headlights
 12 and being the first to hear about it.
 13 Yeah. I think that's probably better
 14 form.
 15 Q. Okay. Is this a decision you made that
 16 that's what the request was?
 17 **A. I made the decision.**
 18 Q. To request staff to meet with individual
 19 Council members?
 20 **A. I did.**
 21 Q. And you did that as chair of the
 22 Redistricting Committee?
 23 **A. Yeah.**
 24 Q. Did anyone object to that course of
 25 action?

1 **A. There really wasn't a discussion. If**
 2 **anyone was unhappy about it, I never heard it.**
 3 **I really don't know.**
 4 Q. So let's go back to my question.
 5 **A. Sure.**
 6 Q. My yes-no question.
 7 **A. Yes.**
 8 Q. Did anyone object at the December 9th,
 9 2021, Redistricting Committee meeting to that
 10 course of action?
 11 **A. I don't know.**
 12 Q. You don't recall?
 13 **A. No.**
 14 Q. Do you recall if anyone agreed with it
 15 verbally --
 16 **A. No.**
 17 Q. -- or otherwise?
 18 **A. No.**
 19 Q. But that was -- that's what staff was
 20 charged with, then, after December 9th --
 21 **A. Yes.**
 22 Q. -- go talk to the individual Council
 23 members?
 24 Was it your expectation that the
 25 individual meetings, the staff would solicit

1 feedback from the Council members on their
 2 districts?
 3 **A. I didn't have any expectation. I respect**
 4 **my colleagues. I just wanted them fully**
 5 **informed. If there was any discussion, I know**
 6 **nothing about it.**
 7 Q. You were never informed of the results of
 8 the individual meetings?
 9 **A. No. The only thing I knew was I told the**
 10 **chair that once -- he should check with Council,**
 11 **and once they felt they were ready to have open**
 12 **discussion with full understanding, to let me**
 13 **know. And he would call; I would chair a**
 14 **meeting.**
 15 **As it turned out, the way we sit, we moved**
 16 **chairs. And, as it turned out, he chaired it,**
 17 **but yeah.**
 18 Q. Did you ever have an individual meeting or
 19 phone call with Chris Anderson regarding
 20 District 6 and your feedback?
 21 **A. I didn't meet with him. I told him from**
 22 **the very beginning that whatever got assigned to**
 23 **me was fine.**
 24 Q. And when did you tell him that?
 25 **A. I guess when he started the meetings.**

1 **I guess he contacted people to see when they**
 2 **could meet. I don't know about that. But he**
 3 **called me or -- I think he called me and he said,**
 4 **"Do you have any questions or concerns," and**
 5 **I said, "No. I don't care. I can represent**
 6 **anybody."**
 7 Q. Okay. So you approved of the changes to
 8 District 6?
 9 **A. Yeah. I was fine.**
 10 Q. And you told Chris Anderson that?
 11 **A. Yeah.**
 12 Q. All right. So earlier, I think we talked
 13 about there was three total meetings of the
 14 Redistricting Committee, correct?
 15 **A. There were three gatherings in Chris's**
 16 **office, yes.**
 17 Q. Whether we call them meetings or
 18 gatherings, we can call them gatherings, if you
 19 prefer.
 20 **A. They really were education sessions, but,**
 21 **yes.**
 22 Q. But it was a gathering of the
 23 Redistricting Committee?
 24 **A. Yeah, yes, yes, yes. And, plus, the City**
 25 **attorney, plus -- I think whoever he brought, the**

1 **IT people. It would have still been Andrew. It**
 2 **was before he left.**
 3 MR. McADOO: If we could mark what
 4 I've handed you as Exhibit 10.
 5 (WHEREUPON, a document was marked
 6 Exhibit Number 10.)
 7 BY MR. McADOO:
 8 Q. So she's handed you Exhibit 10. If you
 9 could, please take a look and let me know when
 10 you're ready.
 11 **A. Okay.**
 12 Q. Okay. Did you -- at the February 15th
 13 meeting of the Redistricting Committee with City
 14 staff, gathering, was there a presentation?
 15 **A. Yes.**
 16 Q. Is the -- is Exhibit 10 the presentation
 17 that was given that day?
 18 **A. It looks to be.**
 19 Q. Looks to be.
 20 Okay. All I want to do is flip to the
 21 last page of Exhibit 10. And I'd like you to
 22 compare that with the last page of Exhibit 8. So
 23 that's the December presentation to the
 24 Redistricting Committee and the February
 25 presentation to the Redistricting Committee.

1 So there's some changes between the two;
 2 is that right?
 3 **A. I guess.**
 4 Q. Let's look at 1 in particular. All right?
 5 **A. All right.**
 6 Q. So the northernmost portion of the City is
 7 in Exhibit 8, that small tip, pretty easily
 8 identifiable, do you see it?
 9 **A. Yes.**
 10 Q. So it's one color that appears to be not
 11 Mr. Henderson's district in the December 1st.
 12 And in Exhibit 10 that northernmost portion of
 13 Chattanooga is in the District 1; is that right?
 14 **A. Yes.**
 15 Q. Do you know why that change was made?
 16 **A. I have no idea.**
 17 Q. Did Mr. Henderson ever explain why that
 18 change was made?
 19 **A. No.**
 20 Q. Mr. Henderson, in his interrogatory
 21 responses and in his deposition testimony, has
 22 testified that in his meeting with Chris Anderson
 23 he requested that change be made.
 24 **A. Okay.**
 25 Q. Have you ever heard that before?

1 **A. No. I mean, I don't doubt it, but there**
 2 **were individual meetings I wasn't part of.**
 3 Q. But that sort of feedback is something you
 4 would expect to happen in an individual meeting?
 5 **A. I guess. I mean, that's why they were**
 6 **meeting, so yeah.**
 7 Q. To get councilperson feedback?
 8 **A. Yeah.**
 9 Q. Any other changes kind of jump out at
 10 you -- or let me -- we can take that question off
 11 the table.
 12 **A. Okay.**
 13 Q. Did you ever hear about Councilperson
 14 Hester requesting that Gaylon Heights stay in his
 15 district?
 16 **A. No.**
 17 Q. Or any discussion about the area around
 18 the airport and which district it should be in?
 19 **A. No.**
 20 Q. Did you ever hear any discussion or
 21 receive any information from staff, Council
 22 members, anyone about Councilwoman Coonrod
 23 requesting the Mill Town Development to stay in
 24 District 9?
 25 **A. No, I never really knew anything about**

1 **that.**
 2 Q. Did staff, when they presented the new map
 3 and the new presentation on February 15th, did
 4 they explain to you why changes were made between
 5 the December map and the February map?
 6 **A. All right. To the Council or to me, no.**
 7 Q. To the redistrict -- in the presentation
 8 on February 15th?
 9 **A. No, no, no.**
 10 Q. So they showed you the map and say,
 11 "Here's the new map"?
 12 **A. What they did is they said, "We've talked**
 13 **to all the people and" -- fine. And they**
 14 **presented this is what -- yeah. I mean, there**
 15 **wasn't that discussion. Yes.**
 16 Q. So the staff said, we've talked to all the
 17 Council members -- and I'm paraphrasing, of
 18 course, but hopefully it's going to be the gist.
 19 **A. Sure.**
 20 Q. We've talked to all the Council members,
 21 and they're fine with this map. We've gotten
 22 their feedback, and they're good with the map?
 23 MR. ELLIOTT: Object to the form.
 24 You can answer, if you know.
 25 **THE WITNESS: Okay.**

1 **As far as I remember, yes.**
 2 BY MR. McADOO:
 3 Q. What was the -- did the -- was there
 4 discussion at the February 15th meeting of the
 5 Redistricting Committee that -- what was next in
 6 the redistricting process?
 7 **A. Not really.**
 8 Q. How did everyone know what to do next?
 9 **A. There was nothing to do next. As I said,**
 10 **once the individual meetings had happened and all**
 11 **the Council had had input, then it was time for**
 12 **the chair to schedule the public meeting where**
 13 **the public could question and question Council**
 14 **members, et cetera. And he did.**
 15 MR. McADOO: Can we go off the record
 16 just a second.
 17 (Off-the-record discussion.)
 18 MR. McADOO: Please mark this as
 19 Exhibit 11.
 20 (WHEREUPON, a document was marked
 21 Exhibit Number 11.)
 22 BY MR. McADOO:
 23 Q. Please take a look and let me know when
 24 you're ready.
 25 **A. Agenda session. Okay.**

1 Q. Do you recognize this document?
 2 **A. Yeah. It's what -- it's our minutes form.**
 3 Q. Okay. And this appears to be the minutes
 4 for an agenda session on February 15th, 2020?
 5 **A. Sure.**
 6 Q. Can we look at page 2, the sentence --
 7 first sentence and second sentence on "other."
 8 **A. Uh-huh.**
 9 Q. It says: "Councilwoman Berz asked that
 10 the report from the Redistricting Committee be
 11 brought before the Council at the next strategic
 12 planning meeting."
 13 "Chairman Henderson instructed Council
 14 staff to add this to the March 1st strategic
 15 planning agenda."
 16 Is that -- do you recall making that
 17 request?
 18 **A. If it's here, I must have done it. Nicole**
 19 **is great.**
 20 Q. So it was you that requested that the
 21 Redistricting Committee provide a report to the
 22 full Council, not Chair Henderson; is that right?
 23 **A. Yeah, it would be me.**
 24 Q. Okay. I just to make sure. A minute ago
 25 I thought you had said Chair Henderson was the

1 one that did that.
 2 **A. No, no, no. He would have been -- I think**
 3 **he ended up -- we didn't switch seats, and he**
 4 **ended up sitting in the same seat. But no, he**
 5 **didn't.**
 6 Q. How was it decided that the report would
 7 be given -- that the Redistricting Committee was
 8 ready to have their report done?
 9 **A. I was following -- I was following the**
 10 **procedure once people had been met with. Then**
 11 **they were ready to come forward.**
 12 Q. So your perspective was that as soon as
 13 the individual Council had given all their
 14 feedback and there was some degree of
 15 consensus --
 16 MR. ELLIOTT: Object to the form.
 17 MR. McADOO: Thanks, Sam. Let me
 18 finish getting my question out.
 19 MR. ELLIOTT: I'm sorry.
 20 **THE WITNESS: Go ahead.**
 21 BY MR. McADOO:
 22 Q. After the staff received feedback from
 23 individual Council members and had a map that
 24 staff thought everyone could agree upon, then it
 25 was time to bring it forward to City Council?

1 MR. ELLIOTT: Object to the form.
 2 **THE WITNESS: That's right.**
 3 BY MR. McADOO:
 4 Q. And then you approved that as the next
 5 step as Redistricting Committee chair?
 6 **A. I didn't approve anything. The whole idea**
 7 **was when it was ready Chris let me know, and I at**
 8 **the next meeting said we're ready to come**
 9 **forward.**
 10 Q. I guess what I'm getting at is --
 11 **A. Yeah.**
 12 Q. You agreed that it was ready?
 13 **A. Yeah. Chris said he talked with everyone,**
 14 **so it was ready.**
 15 Q. And so that was -- you sat as -- as
 16 Redistricting Committee chair, you thought it was
 17 ready, you asked for it to be put on?
 18 **A. Yeah.**
 19 Q. Okay. Did any other members of the
 20 Redistricting Committee either agree or disagree
 21 with that as the next course of action for the
 22 Redistricting Committee?
 23 **A. I don't -- not that I know of.**
 24 MR. McADOO: Mark this as Exhibit 12,
 25 please.

1 (WHEREUPON, a document was marked
 2 Exhibit Number 12.)
 3 BY MR. McADOO:
 4 Q. Just take your time and take a look, if
 5 you don't mind.
 6 **A. Sure. What page are we going to be**
 7 **looking at?**
 8 Q. I really wish Andrew would have paginated
 9 these.
 10 MR. ELLIOTT: They were not meant to
 11 be printed. They were online.
 12 MR. McADOO: That's true.
 13 BY MR. McADOO:
 14 Q. We'll probably start mostly talking six
 15 and then eight.
 16 **A. Tell me what the top is.**
 17 Q. Proposed major changes. You ready?
 18 **A. I'm ready.**
 19 Q. Okay. Do you recognize this document?
 20 **A. I'm sure it's a document or the**
 21 **iteration -- the latest iteration of what we've**
 22 **been looking at.**
 23 Q. Okay. So any reason to believe that this
 24 is not the PowerPoint presentation or other slide
 25 deck from March 1st, 2022 --

1 **A. No.**
 2 Q. -- that was given to the City Council as a
 3 whole?
 4 **A. No.**
 5 Q. Was this, to your knowledge, the first
 6 public map or presentation made about
 7 redistricting in the 2021-2022 process?
 8 **A. It probably was.**
 9 Q. Okay. So the process started in
 10 September, and the public didn't see a map until
 11 about five months later; is that right?
 12 **A. They didn't see any map, yeah.**
 13 Q. Until March 1st, 2022?
 14 **A. Yeah.**
 15 Q. Did -- was there a discussion at this
 16 meeting about what had happened in the prior
 17 Redistricting Committee meetings?
 18 **A. I don't remember. I think several times**
 19 **in public meetings -- and you probably have**
 20 **the -- you probably have the note I sent to**
 21 **Everlena, and you probably have the minutes of**
 22 **all the meetings.**
 23 **Throughout the process there, it was**
 24 **common knowledge of everything that was**
 25 **happening.**

1 **And I want to say one thing that I want to**
 2 **correct. I don't know whether any maps were**
 3 **shown, you know -- my colleagues had private**
 4 **meetings with Chris. I have no idea whether they**
 5 **met with their constituents and showed maps.**
 6 **I know they met with their constituents. I have**
 7 **no idea if they saw this. Other people may have**
 8 **seen it. I know several of them met with their**
 9 **constituents and, I think, showed them maps.**
 10 Q. Do you think that happened before the
 11 first public -- before March 1st?
 12 **A. You know, I don't know.**
 13 Q. Okay.
 14 **A. Yeah, I really don't. I'm totally unaware**
 15 **of what happened districtwise as the Council**
 16 **people were getting educated. They may have had**
 17 **meetings. That, I don't know.**
 18 Q. Okay. But there was no discussion about
 19 what happened, for example, at the September 30th
 20 Redistricting Committee meeting or the
 21 December 9th Redistricting Committee meeting or
 22 the February 15th Redistricting Committee meeting
 23 at this one?
 24 **A. You mean from the dais?**
 25 Q. Yeah. In the public meeting.

1 **A. No.**
 2 Q. To the best of your knowledge, is the --
 3 let's go to the document.
 4 **A. Let me correct that for a minute.**
 5 Q. Sure.
 6 **A. I can't remember. So at the end of every**
 7 **Council meeting they ask -- the chair asks for**
 8 **committee reports. All right? And you'll say**
 9 **"no report, Mr. Chair" or "Madam Chair" or**
 10 **whatever.**
 11 **I could have easily said, "We're still in**
 12 **process, Mr. Chair." That, I don't know.**
 13 Q. You don't remember?
 14 **A. Yeah. The minutes would show it.**
 15 Q. Great. We'll look at those in a minute.
 16 **A. Okay.**
 17 Q. Was this presentation given on March 1st,
 18 2022, the report of the Redistricting Committee?
 19 **A. Actually, what happened was this was**
 20 **Chris, again, presenting the latest iteration of**
 21 **everything.**
 22 Q. Was the map at the end the recommendation
 23 of the Redistricting Committee?
 24 **A. We made no recommendations.**
 25 Q. Okay. Let's look. Let's go ahead and

1 we'll probably end up bouncing back, but let's
 2 look at the minutes.
 3 So we saw -- just to reiterate, Exhibit 11
 4 says that you asked for -- that the report from
 5 the Redistricting Committee be brought before
 6 Council at the next strategic planning meeting?
 7 **A. Yes.**
 8 Q. So we've got that. So the next strategic
 9 planning meeting, you guys call them recap.
 10 Someone people call them minutes.
 11 If we could, mark that as Exhibit 13.
 12 (WHEREUPON, a document was marked
 13 Exhibit Number 13.)
 14 **THE WITNESS: Okay. You're at**
 15 **Item 2?**
 16 BY MR. McADOO:
 17 Q. Yeah. That's the one I'm interested in.
 18 Before we get there, could you tell me
 19 what this is?
 20 **A. It looks like a recap for our strategic**
 21 **planning meeting.**
 22 Q. On March 1st, 2022?
 23 **A. Yes.**
 24 Q. Are recaps the equivalent of minutes?
 25 **A. They're not quite as formal as minutes,**

1 **but yes.**

2 Q. Let's look at Section 2. It says -- it's
3 labeled "Redistricting Committee Report."
4 So is this is the report that was referred
5 to in the February 15th agenda session minutes?

6 **A. Yes.**

7 Q. It says: "Councilwoman Berz made
8 introductory remarks about the process for the
9 ad hoc committee working on a redistricting
10 recommendation. She then introduced
11 Mr. Anderson, who gave a presentation."

12 That sure makes it sounds like, one,
13 there's a recommendation being made by the
14 Redistricting Committee and, two, that the
15 presentation was part of that report and
16 recommendation; is that right?

17 **A. Well, it doesn't to me because I know what
18 happened. I can understand that you might think
19 that.**

20 Q. Well, I've watched the videos, and I've
21 read this. So what am I missing?

22 **A. Made an intro about the process for the --
23 (Reviews document.)**

24 Well, what I did was talk about the
25 process. Tell me what I'm missing in what you're

1 saying, please.

2 Q. You're saying it wasn't a recommendation.

3 **A. No.**

4 Q. This says it was a recommendation.

5 **A. On the redistricting recommendation. And
6 that would have been -- it should say -- Nicole
7 should have written, comma, from Mr. Anderson.**

8 Q. But Mr. Anderson did -- took direction
9 from you as chair of the Redistricting Committee,
10 didn't he?

11 **A. He took direction about the process that
12 I've already spoken about.**

13 **I'm not sure what you're asking, so please
14 rephrase.**

15 Q. No problem.

16 Is the -- is the recap of the strategic
17 planning meeting that's marked Exhibit 13
18 incorrect when it says under the title
19 "Redistricting Committee Report" that there was a
20 redistricting recommendation?

21 MR. ELLIOTT: From the committee or
22 from --

23 MR. McADOO: From the committee.

24 MR. ELLIOTT: Okay. From the
25 committee.

1 **THE WITNESS: Yeah. Yeah, there was
2 no recommendation from the committee. It was
3 from Mr. Anderson. So I think the wording is
4 misleading.**

5 BY MR. McADOO:

6 Q. If everything came from Mr. Anderson, why
7 were there Redistricting Committee meetings at
8 all?

9 **A. I have no idea. I told you that from the
10 very beginning. I believe it's in the beginning
11 of what she wrote down.**

12 **It would have been inappropriate to have
13 that because we work as a committee of the whole,
14 and so there was really nothing we could do as a
15 committee.**

16 Q. But you did as a committee, with you as
17 the chair -- or at least you, as the chair, tell
18 Chris Anderson to have individual meetings with
19 City Council members?

20 **A. I did.**

21 Q. You told Mr. Anderson, as chair of the
22 Redistricting Committee, that they should disrupt
23 the districts as little as possible?

24 **A. I did.**

25 Q. Okay. And no one else on the committee

1 objected or for that matter approved of that
2 course of action?

3 **A. To my knowledge, I know of either [sic] a
4 pro or a con. If anything happened later,
5 I don't know about that.**

6 Q. But they seemed to go along with it,
7 right?

8 MR. ELLIOTT: Object to the form.

9 BY MR. McADOO:

10 Q. If they didn't object --

11 **A. I really can't answer that knowingly.
12 I simply said, "Hey, Chris, make as little
13 disruption as possible."**

14 Q. And no one objected to that course of
15 action, right?

16 **A. I guess not. Not to my knowledge.**

17 Q. But then the second piece of what I'm
18 trying to get at with this recap is it's all part
19 of the Redistricting Committee report, according
20 to this document?

21 **A. Yes.**

22 Q. That then Mr. Anderson gave a presentation
23 as part of the Redistricting Committee's report.
24 But you keep calling it Mr. Anderson's report, so
25 that's where I'm confused.

1 **A. Well, yeah. And I think that is confusing**
 2 **and that's why I was trying to clear it up at the**
 3 **beginning.**
 4 **I know where you're going with this, but**
 5 **there's a misunderstanding of what really**
 6 **happened, and I would be derelict if I didn't**
 7 **make it clear. All right?**
 8 **From the very beginning I've said that**
 9 **Council works as a committee of the whole. For**
 10 **some reason, instead of using a point person for**
 11 **something, they used the word "committee chair."**
 12 **This particular committee came into being**
 13 **based on the -- Number 1, on the State**
 14 **recommendations. At the time, as I said earlier,**
 15 **I explained to the chair -- and he knew it too.**
 16 **But we work colloquially, I guess, and I said,**
 17 **"There's no need for a committee. We can't do**
 18 **anything."**
 19 **Q. When did you tell Chair Henderson that?**
 20 **A. Oh, gosh, way back when he talked about a**
 21 **committee.**
 22 **Q. Because I don't believe it's in the**
 23 **actual -- that discussion occurred in a public**
 24 **meeting.**
 25 **A. It probably didn't. He called people**

1 **individually and asked them to be on committees.**
 2 **Q. So Chair Henderson talked to you before**
 3 **the September meeting where he appointed the**
 4 **committee?**
 5 **A. Apparently, what he did is he called each**
 6 **person, and it -- I had no idea who was going to**
 7 **be on it. And he called me. When he called me,**
 8 **he asked me if I would chair, be chair/point**
 9 **person. And I said, "Sure. We can't make any**
 10 **decisions or anything, but sure."**
 11 **And he said, "Well, that's good because**
 12 **Chris wants to give y'all an education session.**
 13 **I've appointed a diverse group listen to it."**
 14 **I said, "Great." And from then on, I said,**
 15 **"Chris will let us know?"**
 16 **Yeah. And that's what happened.**
 17 **Chris had -- held three education**
 18 **sessions, which you have records of which you**
 19 **referred to. I, as point person, said, "Make as**
 20 **little disruption as possible," based on what was**
 21 **going on with the County at the time.**
 22 **And that was it. And at each meeting**
 23 **Chris came back and educated to where he was**
 24 **then. And I said -- I said, "Great. Please give**
 25 **the Council people the dignity of understanding**

1 **what is going on before there's a public**
 2 **meeting."**
 3 **And, to my knowledge, he met with all of**
 4 **them, had discussions with all of them based on**
 5 **individual discussions. I don't even know -- on**
 6 **mine, I said, "I don't care." And based on**
 7 **individual discussions a map came forward. And**
 8 **I said, "Fine. Are they ready to come forward**
 9 **and discuss intelligently with their districts**
 10 **and with the public?" He said, "Yeah," so**
 11 **I said, "Okay, Mr. Chair, we're ready to come**
 12 **forward." That was about it.**
 13 **Q. Have you ever moved to correct the**
 14 **March 1st, 2022, recap, the language in it**
 15 **regarding recommendation or how Mr. Anderson's**
 16 **presentation was part of the Redistricting**
 17 **Committee's report?**
 18 **A. I did not.**
 19 **MR. McADOO: Let's mark this one**
 20 **as 14, please.**
 21 **(WHEREUPON, a document was marked**
 22 **Exhibit Number 14.)**
 23 **THE WITNESS: Tell me where you're**
 24 **looking.**
 25 **//**

1 **BY MR. McADOO:**
 2 **Q. I'm going to be most interested on page 2**
 3 **under "other," but please take your time.**
 4 **A. Okay. Under "other."**
 5 **Q. Is this the agenda session minutes from**
 6 **March 1st, 2022?**
 7 **A. I'm sure it is.**
 8 **Q. Under "other," on page 2 it says:**
 9 **"Councilwoman Berz asked the chairman for the**
 10 **Redistricting Committee recommendations to be**
 11 **placed on the April 5th agenda"; is that correct?**
 12 **A. Yes.**
 13 **Q. So "recommendation."**
 14 **A. It doesn't say "Redistricting Committee**
 15 **recommendations." It says "redistricting**
 16 **recommendations," which were Chris's -- which was**
 17 **Chris's perception.**
 18 **Q. But Chris didn't ask it to be put on the**
 19 **agenda. You did.**
 20 **A. It's the chair. Our process is the chair**
 21 **of the various committees would ask the chair.**
 22 **Chris said he was ready. I said, "Fine."**
 23 **So I asked the chair to do it.**
 24 **Q. So you did it as chair of the**
 25 **Redistricting Committee at the request of Chris**

1 **A. Sure. And I would -- I would be confused**
 2 **as well.**
 3 **So what's your question?**
 4 Q. So this is incorrect?
 5 **A. As far as process, I think from everything**
 6 **I've already said on record it would be obvious**
 7 **it's not quite correct.**
 8 Q. So that's an e-mail on March 6th. Let's
 9 look at another one.
 10 MR. McADOO: Mark that as Exhibit 16.
 11 (WHEREUPON, a document was marked
 12 Exhibit Number 16.)
 13 MR. ELLIOTT: Take your time and read
 14 the whole e-mail, Carol.
 15 BY MR. McADOO:
 16 Q. Yes. Always do.
 17 **A. Sure. I remember this.**
 18 **Okay. What's your question?**
 19 Q. Let's start with the preliminary. Do you
 20 recognize this e-mail?
 21 **A. Yes. It's my e-mail.**
 22 Q. Okay. So this is an e-mail that you sent,
 23 correct?
 24 **A. Uh-huh.**
 25 Q. Great. So it's an e-mail from March 17th,

1 so several days later than Mr. Thongnopnua's
 2 e-mail?
 3 **A. Uh-huh.**
 4 Q. And also responding to Dr. Everlena
 5 Holmes; is that right?
 6 **A. Yes.**
 7 Q. So it says kind of two things that I'm
 8 interested in just confirming.
 9 You say in this e-mail: "On several
 10 occasions Councilpersons Dotley, Smith, Hester,
 11 and I occupied the same space in the mayor's
 12 large conference room where Mr. Anderson and his
 13 folks educated us regarding the law relative to
 14 redistricting and city demographics resultant of
 15 the 2020 census."
 16 And that's accurate, correct?
 17 **A. Yes.**
 18 Q. Interesting turn of phrase there with "we
 19 occupied the same space" rather than saying
 20 "meeting." Do you know why you didn't say just
 21 "we met"?
 22 **A. Yeah. Because I'm very familiar with**
 23 **Everlena and the other people, and they had --**
 24 **they were accusing us of meeting. This is why**
 25 **I finally put this -- I'm sure if you read the**

1 minutes of the meetings, I kept saying over and
 2 over again we didn't meet because we didn't.
 3 And given my previous responses, we did.
 4 **We occupied the same space.**
 5 I couldn't -- Everlena's a friend. And
 6 I was saying, "Everlena, come on. You know we
 7 didn't meet. We got educated. You know this.
 8 I didn't know you weren't invited. I didn't know
 9 anything, but we got educated."
 10 "Oh, you met."
 11 **So I said, "Okay."**
 12 **So in writing, I put it that way.**
 13 Q. So let's go a couple sentences down.
 14 **A. Sure.**
 15 Q. It says: "Subsequently, I asked that
 16 Mr. Anderson do two things. One, get the
 17 districts in compliance with the law with as
 18 little disruption as possible of existing
 19 boundaries, and, two, meet individually with each
 20 councilperson to go over the outcomes."
 21 Is that accurate as well?
 22 **A. It's what I've testified to, yes.**
 23 Q. Yeah. Just making sure.
 24 **A. Yes.**
 25 Q. So -- and you did that as chair of the

1 Redistricting Committee?
 2 MR. ELLIOTT: Did what?
 3 BY MR. McADOO:
 4 Q. You made those requests of Mr. Anderson
 5 that we just discussed?
 6 **A. Yeah. I have already said I did several**
 7 **times.**
 8 Q. And again, just making sure.
 9 **A. Right.**
 10 **And I believe the rest of it relates**
 11 **everything I've already said as well.**
 12 Q. Mr. Sevigny and -- let's pivot a little
 13 bit, talk about -- so we know that there was some
 14 problems with the State data, correct?
 15 **A. Yes.**
 16 Q. And that led to changes in April of 2022,
 17 correct?
 18 **A. Yes.**
 19 Q. Mr. Sevigny and Councilwoman Noel both
 20 testified that Mr. Sevigny gave Ms. Noel a choice
 21 between two options for redistricting on
 22 April 14th, 2022. Were you aware of that?
 23 **A. No.**
 24 Q. Was there ever any discussion of that
 25 choice --

1 (Short break.)
 2 BY MR. McADOO:
 3 Q. All right. Let's just circle back to one
 4 of your comments. Earlier, you looked at an
 5 e-mail from Mr. Thongnopnua, and you said that --
 6 a typical Joda response, or something like that.
 7 What do you mean by that?
 8 **A. Joda is really good at trying to smooth**
 9 **things out. He was at all the meetings. Not the**
 10 **ones in Chris's office, but any of the public**
 11 **meetings.**
 12 **And Everlena and several others -- and**
 13 **you'll have this on record -- if you look at**
 14 **meeting minutes -- do we -- may I ask a question?**
 15 **THE WITNESS: Phil, I don't have --**
 16 **I need to know -- so I can be helpful to them.**
 17 **Are public comments on our minutes?**
 18 **MR. NOBLETT: It all depends on your**
 19 **minutes, whether they were recorded or not.**
 20 **THE WITNESS: No. I mean, at a**
 21 **public council meeting, 6 o'clock when everybody**
 22 **lines up.**
 23 **MR. NOBLETT: They actually do a link**
 24 **to the recording session. I think they do now.**
 25 **I'm not sure if they did.**

1 **MR. ELLIOTT: They did then.**
 2 **THE WITNESS: All right. Good.**
 3 BY MR. McADOO:
 4 Q. And just so you know, we are -- we either
 5 have or in the process of hopefully receiving the
 6 recordings of all the different public meetings.
 7 **A. So at the end of every meeting, we have**
 8 **public comment, three minutes.**
 9 **And all of the dissatisfied people, there**
 10 **was the Unity Group, there was the Voters**
 11 **Coalition, there was often Helen, whatever her**
 12 **name, is speaks for. There was Everlena, NAACP.**
 13 **And they brought up -- that's when they would**
 14 **bring these things up.**
 15 **And from the dais, and you'll hear this,**
 16 **we don't come back with any comments. We listen;**
 17 **we take notes. And Joda is there as well; the**
 18 **mayor's staff is there as well.**
 19 **Finally, Everlena started writing the**
 20 **mayor's office. And I don't blame her, because**
 21 **at the end when you have public comment none of**
 22 **the Council responds, or we would say to**
 23 **somebody, "Mr. Smith, if you're unhappy about**
 24 **something the chief of staff is back there to**
 25 **talk with you," but there's no comments of**

1 **substance made by the Council.**
 2 **I believe that the letter to Joda came**
 3 **after one of those meetings. That would make**
 4 **sense, and she still felt that the mayor's office**
 5 **represented by Joda, the chief of staff, that**
 6 **things weren't going right. Okay?**
 7 **And Joda -- well, I guess from what --**
 8 **I don't have it in front of me, but she was**
 9 **saying the process wasn't right.**
 10 **And Joda responded. And the way he**
 11 **responded was very diplomatic, but it wasn't**
 12 **correct because the correct process that happened**
 13 **was exactly as I explained it. There was nothing**
 14 **for us to be in charge of. City Council acts as**
 15 **a committee of the whole. We had three education**
 16 **sessions, period, that we have been over a number**
 17 **of times. I take responsibility, as I put in**
 18 **writing finally because Everlena didn't want to**
 19 **understand this, what I said I did.**
 20 **And Joda's response was not exactly**
 21 **correct.**
 22 Q. And that's what you mean, that he was
 23 either -- either lying or that he was --
 24 **A. I'm not accusing him of lying. I think he**
 25 **was trying to be diplomatic.**

1 **MR. ELLIOTT: Well, let him finish**
 2 **his question.**
 3 **THE WITNESS: Okay. Sorry.**
 4 BY MR. McADOO:
 5 Q. Or he was providing, would you say, a
 6 political or diplomatic response?
 7 **A. Yes. Forgive me for interrupting. That's**
 8 **exactly what I was going to say.**
 9 Q. Just to back up to one of the things you
 10 said during that statement, why doesn't Council
 11 respond during public comment?
 12 **A. Council has made the decision to take**
 13 **notes and to get back with people afterwards.**
 14 **It's at the end of meetings. People have 3**
 15 **minutes to say -- well, somebody might complain**
 16 **about potholes. And very often the chair will**
 17 **say the head of paving is over here and he'll**
 18 **meet with you afterwards.**
 19 **When there were the string of comments**
 20 **about the process, the redistricting process,**
 21 **I guess -- I remember telling Everlena afterwards**
 22 **she needed to talk to Chris because they were**
 23 **doing the process. And Chris would say the same**
 24 **thing.**
 25 **So we just don't respond there at that**

1 moment because sometimes we're hit with things
2 out of left field or things that Council has no
3 control over, and so we respond when we can take
4 time to give a substantive response.

5 Q. Thank you. I believe you said that you
6 have been on the council for about 14 years; is
7 that right?

8 A. Yes.

9 Q. Have you ever been aware of or
10 participated in another ad hoc committee of less
11 than the whole?

12 A. I don't think so.

13 Q. Have you ever been on a committee that
14 never met in public besides the Redistricting
15 Committee?

16 A. I'm just trying to -- I can't imagine
17 I did, no.

18 Q. You've -- am I summarizing or recounting
19 your testimony correctly that the process from
20 September until basically February, whether it
21 was 28th or 29th, 2022, was a staff process?

22 A. Yes.

23 Q. Mayor's staff process?

24 A. Yes.

25 Q. Are you familiar with the Chattanooga City

1 Charter?

2 A. I don't have it committed to memory.
3 I look at it when an issue comes up, so I know
4 there is one.

5 Q. So Section 8.9 says: "Following
6 publication of each new decennial federal census"
7 -- the 2020 in this case -- "the Council" -- not
8 the staff -- "the Council shall reorganize and
9 adjust by ordinance the boundaries of the
10 district currently established."

11 "The Council's reorganization and
12 adjustment of the district boundaries shall be
13 completed no later than one year prior to the
14 next city election, provided, however, that the
15 Council shall not have less than six calendar
16 months within which to reorganize the districts."

17 A. Yes, I am familiar with that, and that's
18 what happened.

19 Q. But you're telling me that the staff is
20 what happened, the staff did the work from
21 September --

22 A. May I?

23 Q. -- to basically the end of February?

24 A. Yes.

25 Q. And then Council started their process on

1 March 1st?

2 A. Exactly what was read there happened. And
3 in order for it to happen, Council needed to get
4 educated. Council made -- Council acts as a
5 committee of the whole, and that process never
6 kicked in until it came to the public meeting and
7 then the vote.

8 Now the process, I believe, was very
9 thorough in enlightening people. People that
10 said they had no knowledge were actually at
11 district meetings and did have knowledge. And
12 the law was followed. We took full
13 responsibility once the process happened from
14 beginning to end. We put it forward, and then we
15 took the vote. So we absolutely did that.

16 Q. So when did the Council's process for
17 redistricting start?

18 A. The process, the entire process, it
19 started in probably August when Chip appointed
20 the people. It started with meetings of getting
21 educated; then, it followed with educating
22 ourselves even more; then, educating the
23 district; then, making sure everybody had full
24 information; and, then, having a public meeting
25 where there was opportunity for full discussion.

1 And in between that there were full
2 Council meetings and there were agenda session
3 meetings, and all of those were public.

4 Q. Okay. What is -- from your perspective,
5 what is the purpose of being educated on the
6 redistricting process in -- from September
7 through the end of February? September 2021
8 through the end of February 2022, you've said
9 repeatedly that those were education sessions?

10 A. Yeah.

11 Q. What was the purpose of being educated?

12 A. So that at least representatives of us
13 from across the city would understand the
14 process. And then at pivotal points those were
15 presented in Council meetings on the overhead.

16 And so I believe you have them. The
17 presentations that you showed that kept changing,
18 those were public presentations and -- I think
19 probably they could have all been public. But no
20 decisions were made by the smaller groups.

21 Q. Was the point of the education -- which
22 happened -- and if I get this wrong, please tell
23 me -- happened in the meetings that the members
24 of the Redistricting Committee had with Chris
25 Anderson and happened at the individual meetings

1 that Chris Anderson and others had with
 2 individual members of the City Council, the point
 3 of that was to educate them on the redistricting
 4 process that they would later have to vote upon?
 5 **A. Yeah. You left -- if I may, sir.**
 6 Q. Yeah.
 7 **A. You left one group out.**
 8 Q. Okay.
 9 **A. And those were the public presentations**
 10 **that happened throughout at council.**
 11 Q. At council, so -- but I'm talking about
 12 the period until the first presentation of
 13 council.
 14 **A. I don't remember the first presentation.**
 15 **It was --**
 16 Q. March 1st, 2022.
 17 **A. Was it -- March 1st. Okay.**
 18 Q. According to the interrogatories from the
 19 City.
 20 **A. Yeah. Our records would show it. Our**
 21 **minutes would show it.**
 22 **All right. Give me your question again.**
 23 Q. So you've got these -- all these different
 24 types of education sessions, which is what you've
 25 called them?

1 **A. Yes.**
 2 Q. Was the purpose of those education
 3 sessions to inform the members of the City
 4 Council about redistricting so that they could
 5 make informed decisions about it?
 6 **A. Yes.**
 7 Q. Later at the public meetings?
 8 **A. Yeah. And I think it was a little more**
 9 **than that, if I may.**
 10 **Individual Council members were educated.**
 11 **To my knowledge, many of them -- and I'm sure**
 12 **you've already checked -- took that knowledge out**
 13 **to their communities and educated them. And so**
 14 **that, when there was a public meeting, there**
 15 **would be no one that didn't know what was going**
 16 **on, et cetera, so that they could at the public**
 17 **meeting ask cogent, clear questions, or show**
 18 **anger or, you know, the Council needed to go back**
 19 **to the drawing board, whatever. So there was --**
 20 **it was like a level, step-up education, to my**
 21 **knowledge.**
 22 Q. Okay. And you testified earlier that
 23 you're not aware -- you don't have specific
 24 knowledge regarding any meetings that other City
 25 Council members had with the public.

1 **A. I don't.**
 2 Q. Did you have any public meetings with your
 3 constituents in District 6?
 4 **A. My constituents were totally satisfied,**
 5 **except for one guy in the Hilltop community that**
 6 **didn't want to be in a different district. But**
 7 **other than that, my district was fine.**
 8 Q. Is it the regular practice of the
 9 committees or the Council as a whole to hold
 10 private information sessions or educational
 11 sessions?
 12 **A. Okay. You mean -- help me a bit.**
 13 Q. Sure. You've talked about informational
 14 or educational sessions aren't meetings.
 15 **A. Are you talking about is it for a Council**
 16 **member to meet with?**
 17 Q. No, ma'am. I'm sorry.
 18 Are there other situations where the City
 19 Council meets in private to be educated on a
 20 subject?
 21 **A. Only attorney/client privilege meetings.**
 22 Q. Those are the only other ones?
 23 **A. That I know of, yes.**
 24 Q. So it's attorney/client privileged
 25 meetings and the Redistricting Committee's

1 meetings, gatherings?
 2 MR. ELLIOTT: Object to the form.
 3 **THE WITNESS: Yeah. So they weren't**
 4 **my meetings. They were Chris's meetings to**
 5 **educate us.**
 6 BY MR. McADOO:
 7 Q. Did you communicate with either
 8 Mr. Anderson or Mr. Sevigny by text or any other
 9 kind of similar mode of communication?
 10 **A. You would have it if I did.**
 11 Q. We've not received any texts. Do you know
 12 if --
 13 **A. I don't think so. I don't think so.**
 14 **I don't remember any, but it's been a while.**
 15 Q. So Mr. Sevigny and Mr. Anderson both
 16 testified that they received input from you
 17 regarding using neighborhood boundaries and
 18 arterial lines in drawing maps.
 19 **A. Yeah. I've already answered that.**
 20 Q. Is that correct?
 21 MR. ELLIOTT: I want to object to the
 22 form, but go ahead.
 23 **THE WITNESS: Yeah.**
 24 BY MR. McADOO:
 25 Q. Is that correct?

1 **A. I've already said. I said, make it --**

2 **keep it simple and -- yeah.**

3 Q. Use arterial lines and neighborhood
4 boundaries.

5 **A. Well, I never said "arterial lines." I**
6 **don't even know -- but I would have said, "Keep**
7 **the neighborhoods intact."**

8 Q. Okay. At the -- I think it was strategic
9 planning session on March 1st, 2022, about the 44
10 minute, 55 second mark, you say: "The next step
11 would be to set it for a vote," referring to
12 redistricting.

13 "I would assume that we would get a copy
14 of those couple of changes here. I assume the
15 map would stay the same since it continues to
16 meet all requisites. There is no cogent argument
17 against that, just some very good thoughts."

18 What did you mean by there were no cogent
19 arguments against what sounds like the map?

20 **A. Well, I would have meant that Chris said**
21 **everyone was satisfied and everything was ready**
22 **to go as a result of the individual meetings.**

23 Q. Right. And when did Chris tell you that?
24 Was it at the February 15th meeting?

25 **A. No. I think he told Chip that. I said**

1 **yeah -- I don't know.**

2 Q. You don't recall?

3 **A. I don't recall.**

4 MR. ELLIOTT: Yeah. If you don't
5 know, just say you don't know.

6 BY MR. McADOO:

7 Q. It's not a memory contest.

8 **A. Yeah. I really don't recall.**

9 Q. Give me just a minute.

10 **A. Sure.**

11 Q. Do you know if -- if anyone has looked at
12 your texts to see if there was anything
13 responsive in discovery?

14 **A. My texts?**

15 Q. Text messages, yes.

16 **A. No.**

17 MR. ELLIOTT: Let me ask you, how
18 long do you keep your texts?

19 **THE WITNESS: Well, it's on my**
20 **private phone, and I -- I don't really keep them.**

21 MR. ELLIOTT: We'll check and see.

22 MR. McADOO: Okay. All right.

23 **THE WITNESS: Yeah. When it comes to**
24 **the City, I'm not a great texter.**

25 //

1 BY MR. McADOO:

2 Q. One just kind of clarifying question.

3 **A. Sure.**

4 Q. So I've shown you five presentations, four
5 of which you have some recollection of, the
6 four --

7 **A. You talking the PowerPoints?**

8 Q. Yeah. The presentations, right, the
9 PowerPoints. September 30th, December 9th,
10 February 15th, and then March 1st.

11 The March 1st one is not exactly the same
12 as the ones that predate it, correct?

13 **A. I guess. If you say so.**

14 MR. ELLIOTT: Either you know or you
15 don't, Carol. I mean, if you need to look at
16 it...

17 BY MR. McADOO:

18 Q. Well, let me change that.

19 **A. As they progressed -- if this helps, as**
20 **they progressed, they changed. And I know that.**
21 **Usually, the first few pages were the same and**
22 **then as, I guess, meetings were held, they**
23 **changed.**

24 Q. So the March 1st one which is the first --
25 according to the City's interrogatories, is the

1 first one that was made in public would have been
2 different in some ways from the prior iterations
3 because they progressed, like you just said?

4 **A. Yeah. They progressed. The ones that**
5 **were presented -- for instance, the first one you**
6 **showed me, that last page, I've never seen**
7 **before. So the second one, if it never changed**
8 **at all, it would have been without that page.**
9 **I haven't seen it.**

10 **As the computer guys were looking at all**
11 **the numbers and laying out maps and stuff, I feel**
12 **certain they would have changed.**

13 **As a matter of fact, I think you showed me**
14 **several maps where there was change with Chip's**
15 **district and so, yeah.**

16 Q. Okay. Let's just wrap up, a few follow-up
17 questions.

18 Is there any answer to my questions that
19 you'd like to change before we wrap up?

20 **A. No.**

21 Q. Great. Is there any information that
22 I asked you about that you remember now but you
23 didn't recall when I asked you the question about
24 it?

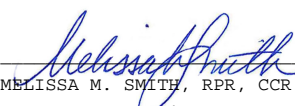
25 **A. No, sir. I've told you the truth of**

1 **everything that happened to the best of my**
 2 **recollection.**
 3 Q. Is there anything you'd like to add to
 4 clarify an answer you gave me?
 5 **A. No. I think I did that at the front end.**
 6 **Thank you, sir.**
 7 MR. McADOO: That's all I've got.
 8 MR. ELLIOTT: I've got one set of
 9 questions, Ms. -- or Dr. Berz.
 10 **THE WITNESS: Sure.**
 11
 12 EXAMINATION
 13 BY MR. ELLIOTT:
 14 Q. Would you read -- Mr. McAdoo asked you
 15 about the Chattanooga City Charter.
 16 Are you aware --
 17 **A. Let me see what you've got.**
 18 Q. Okay. Read the first sentence out loud
 19 into the record, if you would.
 20 **A. If I may: "The City shall be divided into**
 21 **nine districts within the geographic boundaries**
 22 **of the City."**
 23 MR. ELLIOTT: 8.2.
 24 MR. McADOO: Thank you.
 25 **THE WITNESS: Is that it?**

1 BY MR. ELLIOTT:
 2 Q. Yes, that's it.
 3 Okay. So you're aware that the
 4 Chattanooga City Charter requires nine member
 5 districts?
 6 **A. Yes.**
 7 Q. So it wasn't really the Committee's choice
 8 to say there would be ten districts or seven
 9 districts or how many districts?
 10 **A. No.**
 11 Q. It's in the charter?
 12 **A. Right. Yeah.**
 13 Q. And the charter -- Chattanooga is a home
 14 rule city, is it not?
 15 **A. Yes.**
 16 Q. So changing the charter requires an
 17 election and all that sort of stuff?
 18 **A. Yes.**
 19 MR. ELLIOTT: Thank you.
 20 MR. McADOO: Anything else?
 21 MR. ELLIOTT: No, that's it.
 22 MR. McADOO: All right. Thank you.
 23 **THE WITNESS: Thank you so much.**
 24 **THE COURT: Counsel, same orders as**
 25 **last time?**

1 MR. McADOO: Yes.
 2 MR. NOBLETT: Yes.
 3 **FURTHER DEPONENT SAITH NOT**
 4 **(WHEREUPON, the deposition was**
 5 **concluded at 12:45 p.m.)**
 6
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1 REPORTER'S CERTIFICATE
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF HAMILTON
 5
 6 I, MELISSA M. SMITH, Licensed Court
 7 Reporter, with offices in Chattanooga, Tennessee,
 8 hereby certify that I reported the foregoing
 9 deposition of CAROL BERZ by machine shorthand to
 10 the best of my skills and abilities, and
 11 thereafter the same was reduced to typewritten
 12 form by me. I am not related to any of the
 13 parties named herein, nor their counsel, and have
 14 no interest, financial or otherwise, in the
 15 outcome of the proceedings.
 16 I further certify that in order for this
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 23 39-14-149, Theft of Services.
 24
 25


 MELISSA M. SMITH, RPR, CCR, LCR
 LCR # 122 - Expires: 6/30/2024




Exhibit 4

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

ANDREW SEVIGNY

October 04, 2023



Lexitas Legal TENNESSEE | 1015 Avery Park Dr | Smyrna, TN 37167 | (615) 595-0073 |
tn.scheduling@lexitaslegal.com

1 IN THE CHANCERY COURT OF TENNESSEE
 2 FOR THE ELEVENTH JUDICIAL DISTRICT
 3 AT CHATTANOOGA

4 CHATTANOOGA PUBLISHING COMPANY,
 5 Plaintiff,
 6 vs. Case No. 22-0902
 7 CITY OF CHATTANOOGA, CHATTANOOGA
 8 CITY COUNCIL
 9 AND
 10 CHIP HENDERSON, JENNY HILL, KEN SMITH,
 11 DARRIN LEDFORD, ISIAH HESTER, CAROL B.
 12 BERZ, RAQUETTA DOTLEY, MARVENE NOEL,
 13 and DEMETRUS COONROD, in their official
 14 capacity as members of the Chattanooga
 15 City Council,
 16 Defendants.

17 Deposition of:
 18 ANDREW SEVIGNY
 19 Taken on behalf of the Plaintiff
 20 October 4, 2023
 21
 22 Commencing at 1:30 p.m.

23 LEXITAS
 24 www.LexitasLegal.com
 25 MELISSA M. SMITH, RPR, LCR, CCR
 Chattanooga, Tennessee
 (423)266-2332

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1 A P P E A R A N C E S
 2
 3 For the Plaintiff :

4 MR. PAUL R. MCADOO
 5 Attorney at Law
 6 Reporters Committee for Freedom of the Press
 7 6688 Nolensville Road
 8 Suite 108-20
 9 Brentwood, TN 37027
 10 (615) 823-3633
 11 pmcadoo@rcfp.org
 12 MR. LIN WEEKS
 13 Attorney at Law
 14 Reporters Committee for Freedom of the Press
 15 1156 15th Street NW
 16 Suite 1250
 17 Washington, DC 20005
 18 (202) 800-3533
 19 lweeks@rcfp.org

20 For the Defendants:

21 MR. SAM D. ELLIOTT
 22 Attorney at Law
 23 Gearhiser, Peters, Elliott & Cannon, PLLC
 24 320 McCallie Avenue
 25 Chattanooga, TN 37402
 (423) 576-5171
 sellriott@gearhiserpeters.com

MR. PHIL NOBLETT
 MS. HAROLDA BRYSON
 Attorneys at Law
 Office of the City Attorney
 City of Chattanooga
 100 East 11th Street
 Suite 200
 Chattanooga, TN 37402
 (423) 643-8250
 pnoblett@chattanooga.gov
 hbryson@chattanooga.gov

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1 I N D E X
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 3 Page
 4 Examination
 5 By Mr. Weeks 7
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 8 Examination
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10 E X H I B I T S
 11 Page
 12 Exhibit No. 1 14
 13 E-mail, Subject: ESRI Redistricting
 14 Bates Nos. City's Responses to RFP
 15 07/17/2023 000840
 16
 17 Exhibit No. 2 18
 18 E-mail string, Subject: Welcome to
 19 Representable!
 20 Bates Nos. City's Responses to RFP
 21 07/17/2023 000844 - 845
 22
 23 Exhibit No. 3 20
 24 PowerPoint presentation titled "City
 25 Council of Chattanooga Redistricting
 Presented on 3/1/22"
 Exhibit No. 4 24
 E-mail string, Subject: City of
 Chattanooga Redistricting Questions
 Bates Nos. City's Responses to RFP
 07/17/2023 000123 - 124
 Exhibit No. 5 26
 E-mail string, Subject: Request!! City
 of Chattanooga Redistricting
 Bates Nos. City's Responses to RFP
 07/17/2023 000893 - 895

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1 E X H I B I T S
 2 (continued)
 3 Page
 4 Exhibit No. 6 29
 5 Document titled "Redistricting
 6 Timeline"
 7 Exhibit No. 7 32
 8 September 20, 2021 Invitation:
 9 Redistricting Education session for
 10 council
 11 Bates Nos. City's Responses to RFP
 12 07/17/2023 000933
 13
 14 Exhibit No. 8 33
 15 PowerPoint presentation titled
 16 "Redistricting Data"
 17
 18 Exhibit No. 9 35
 19 Tennessee Comptroller of the Treasury:
 20 A Guide to Local Government
 21 Redistricting in Tennessee May 2021
 22 Exhibit No. 10 41
 23 December 9, 2021 Invitation:
 24 Redistricting committee information
 25 session
 Exhibit No. 11 43
 PowerPoint presentation titled
 "Redistricting 12/9/21"
 Exhibit No. 12 48
 February 15, 2022, Invitation:
 Redistricting information session
 (final)
 Bates Nos. City's Responses to RFP
 07/17/2023 000931
 Exhibit No. 13 48
 PowerPoint presentation titled
 "Redistricting 2/15/22"

1 E X H I B I T S
2 (continued)
3 Page
4 Exhibit No. 14 56
5 January 18, 2022, Invitation:
6 Redistricting Discussion: Councilwoman
7 Hill, District 2 Bates Nos. City's
8 Responses to RFP 07/17/2023 000960
9 Exhibit No. 15 57
10 E-mail string (no subject)
11 Bates Nos. City's Responses to RFP
12 07/17/2023 000863
13 Exhibit No. 16 67
14 February 3, 2022, Updated Invitation:
15 Redistricting discussion: Councilwoman
16 Coonrod
17 Bates Nos. City's Responses to RFP
18 07/17/2023 000952
19 Exhibit No. 17 70
20 E-mail, Subject: Redistricting
21 Bates Nos. City's Responses to RFP
22 07/17/2023 000805
23 Exhibit No. 18 71
24 PowerPoint presentation titled "City
25 Council of Chattanooga Redistricting
Presented on 4/19/22"
Bates Nos. City's Responses to RFP
07/17/2023 000790 - 796
Exhibit No. 19 73
April 13, 2022, Invitation:
Redistricting meeting: Councilwoman
Noel Bates Nos. City's Responses to
RFP 07/17/2023 000949
Exhibit No. 20 74
E-mail, Subject: Two Options for
Redistricting Changes
Bates Nos. City's Responses to RFP
07/17/2023 000901 - 903

1
2 S T I P U L A T I O N S
3
4
5 The deposition of ANDREW SEVIGNY was
6 taken by counsel for the Plaintiff, by Notice, at
7 the offices of the City of Chattanooga, 1000
8 Lindsay Street, JB Collins Meeting Room,
9 Chattanooga, Tennessee, on October 4, 2023, for all
10 purposes under the Tennessee Rules of Civil
11 Procedure.
12 All formalities as to caption, notice,
13 statement of appearance, et cetera, are waived.
14 All objections, except as to the form of the
15 question, are reserved to the hearing, and that
16 said deposition may be read and used in evidence in
17 said cause of action in any trial thereon or any
18 proceeding herein.
19 It is agreed that MELISSA M. SMITH, RPR,
20 Licensed Court Reporter for the State of Tennessee,
21 may swear the witness, and that the reading and
22 signing of the completed deposition by the witness
23 was not discussed.
24
25

1 * * *
2 ANDREW SEVIGNY,
3 was called as a witness, and after having been duly
4 sworn, testified as follows:
5
6 EXAMINATION
7 BY MR. WEEKS:
8 Q. Would you please state your full name for
9 the record.
10 A. **Andrew Thomas Sevigny?**
11 Q. Mr. Sevigny, have you ever had your
12 deposition taken before?
13 A. **No.**
14 Q. So I'll go over some ground rules. Even
15 though we're in an informal setting, this is a
16 formal legal proceeding.
17 Do you understand that you are obligated
18 to answer my questions fully and truthfully, just
19 as if you were testifying before a judge in a
20 courtroom?
21 A. **Yes.**
22 Q. So as we go through today, please wait
23 until I finish asking a question before you
24 answer it.
25 Please answer clearly and audibly so that

1 the court reporter can take down your response.
2 So no head nods or headshakes. Those won't show
3 up in the transcript.
4 If you don't understand a question, just
5 let me know and I can rephrase it.
6 And, if you need a break at any point,
7 just finish answering the question that I've
8 asked, and then let me know you need a break and
9 we can see what we can do.
10 Does that make sense?
11 A. **Yes.**
12 Q. Do you take any medications that affect
13 your memory?
14 A. **No.**
15 Q. Is there any other reason that you can
16 think of why you might not be able to give your
17 best testimony today?
18 A. **No.**
19 Q. What is your current job?
20 A. **Currently, I am the Director of Data
21 Science and Analytics at Unum.**
22 Q. How long have you been in that role?
23 A. **I've been in that role since January of
24 this year.**
25 Q. January 2023?

1 **A. Yes.**
 2 Q. In September 2021 were you employed by the
 3 City of Chattanooga?
 4 **A. Yes.**
 5 Q. And what was your role in September 2021?
 6 **A. In September of 2021 I believe I was at**
 7 **the time the Director of the Office of**
 8 **Performance Management and Open Data.**
 9 Q. As Director of the Office of Performance
 10 Management and Open Data, who did you report to?
 11 **A. I reported to Tim Moreland.**
 12 Q. Is the -- is that office within a
 13 different office of the City?
 14 **A. Yes. And that is within the Department of**
 15 **Innovation, Delivery, and Performance.**
 16 Q. And who was the head of the Office of
 17 Innovation, Delivery, and Performance at that
 18 time?
 19 **A. That would be Chris Anderson.**
 20 Q. Did you have people that reported to you
 21 in your role as Director of the Office of
 22 Performance Management and Open Data?
 23 **A. Yes.**
 24 Q. Who were those people?
 25 **A. That would be Ian Evett. And at the time**

1 **I think Cody -- I'm blanking on his last name.**
 2 **He wasn't involved in the redistricting at all,**
 3 **but that's...**
 4 Q. Did you have that same role in May 2022?
 5 **A. Yes.**
 6 Q. Other than the process that took place in
 7 2021 and 2022, have you worked on redistricting
 8 in other contexts?
 9 **A. No.**
 10 Q. Where did you attend college?
 11 **A. I attended college at Elon University in**
 12 **North Carolina.**
 13 Q. What year did you graduate?
 14 **A. 2013.**
 15 Q. What degree did you earn?
 16 **A. Bachelor of Science in Statistics.**
 17 Q. Do you have an advanced degree?
 18 **A. No.**
 19 Q. Did you do any preparation for today's
 20 deposition?
 21 **A. Not really.**
 22 Q. What did you do to prepare?
 23 **A. Looked at previous redistricting**
 24 **information I had online and mentally thought**
 25 **through what happened.**

1 Q. When you say previous redistricting
 2 information online, do you mean information that
 3 is available on the City of Chattanooga's
 4 website?
 5 **A. Yes.**
 6 Q. Did you work with anyone to prepare?
 7 **A. No.**
 8 Q. Did you speak with anyone about today's
 9 deposition?
 10 **A. No.**
 11 Q. Are you aware that -- my client, that we
 12 have taken depositions of other people in this
 13 case?
 14 **A. Yes.**
 15 Q. And did you review any transcripts of
 16 those depositions?
 17 **A. No.**
 18 Q. Did you talk to anyone else that you know
 19 that we've deposed?
 20 **A. No.**
 21 Q. So in your capacity as head of the Office
 22 of Performance Management and Open Data, were you
 23 aware in September of 2021 that the City Council
 24 had appointed a subcommittee to focus on
 25 redistricting?

1 **A. Yes.**
 2 Q. And the members of this subcommittee were
 3 Councilpersons Berz, Dotley, Smith and Hester,
 4 correct?
 5 **A. Yes.**
 6 Q. Prior to that subcommittee being formed,
 7 did you do any of the work regarding the City's
 8 upcoming redistricting?
 9 **A. Yes.**
 10 Q. What work was that?
 11 **A. Initially, when the census released its**
 12 **redistricting file -- which I want to say was**
 13 **maybe August of 2021 -- I took that information,**
 14 **and I created a dataset for the state of**
 15 **Tennessee that could be used by us and actually**
 16 **other cities, if they wanted to. And I e-mailed**
 17 **it to some other cities, the big four, so**
 18 **Knoxville, Memphis, and Nashville.**
 19 **And then I looked at the current city**
 20 **districts as it compared with the new 2020**
 21 **information, which was not asked of me. I just**
 22 **took that initiative.**
 23 Q. On both of those counts?
 24 **A. Yes.**
 25 Q. After you compiled that dataset in

1 August 2021, did you share it with anyone else
 2 other than the cities you named?
 3 **A. No.**
 4 Q. Did you share it with any member of the
 5 City Council?
 6 **A. I believe I used that same data for a**
 7 **future initial meeting to show what the current**
 8 **council districts' overall numbers were.**
 9 Q. Were you involved in the selection process
 10 for the Redistricting Committee from the City
 11 Council?
 12 **A. Could you clarify?**
 13 (Reporter communication.)
 14 BY MR. WEEKS:
 15 Q. So the committee that was appointed to
 16 focus on redistricting, if I refer to that
 17 committee as the Redistricting Committee going
 18 forward, will you know what I mean?
 19 **A. Yes.**
 20 Q. Okay. Were you involved in selecting the
 21 members of the City Council that would be on the
 22 Redistricting Committee?
 23 **A. No.**
 24 Q. Generally speaking, as of September 2021,
 25 what did you understand your role to be in the

1 redistricting process?
 2 **A. I understood my role to be technical**
 3 **support.**
 4 Q. Did that understanding change between
 5 September 2021 and May 2022?
 6 **A. No.**
 7 MR. WEEKS: I'll mark this Exhibit 1.
 8 (WHEREUPON, a document was marked
 9 Exhibit Number 1.)
 10 BY MR. WEEKS:
 11 Q. Go ahead and take a look at that. I've
 12 handed you a document that appears to be an
 13 e-mail sent by you on September 24th, 2021.
 14 Is this, in fact, e-mail you sent on that
 15 date?
 16 **A. Yes.**
 17 Q. Who is Mickey Park?
 18 **A. Mickey Park at the time, who is now**
 19 **retired, was the head of our GIS team in Public**
 20 **Works.**
 21 Q. What is GIS?
 22 **A. Geographic information systems.**
 23 Q. And what is the ESRI redistricting add-on?
 24 **A. ESRI -- which I don't know what that**
 25 **stands for -- is a large company, think the**

1 **Microsoft of GIS applications. So a**
 2 **redistricting add-on is probably a tool that goes**
 3 **onto an ESRI GIS product to allow for easier**
 4 **redistricting.**
 5 Q. You say "we're looking at ways to solicit
 6 some public input and council input on districts,
 7 and it seems like ESRI might have a solution."
 8 When you wrote "input on districts,"
 9 you're referring to redistricting, correct?
 10 **A. Yes.**
 11 Q. Who is "we" referring to in that
 12 statement?
 13 **A. "We" most likely refers to myself, Tim**
 14 **Moreland, Chris Anderson.**
 15 Q. What was the reason you were looking to
 16 solicit public input on redistricting?
 17 **A. At that time, I believe, this was in the**
 18 **infancy of even understanding the methodology.**
 19 **So we weren't even fully aware of the**
 20 **methodology, State requirements. This is first,**
 21 **I guess, like the fact-finding of just finding**
 22 **what's available.**
 23 Q. And what was the reason you were looking
 24 to solicit Council input on redistricting?
 25 **A. Probably just kind of a similar -- similar**

1 **concept. It's just fact finding.**
 2 Q. Were you aware that City Council was
 3 responsible for redistricting?
 4 **A. At this time I believe we were.**
 5 Q. And was the office -- was your office, the
 6 Performance Management and Open Data, that
 7 office, responsible for choosing the new
 8 redistricting boundaries?
 9 **A. I would say it's probably not written down**
 10 **anywhere.**
 11 Q. It's not written down anywhere?
 12 **A. In the city charter or ordinance. It's**
 13 **just that we have a lot of experience dealing**
 14 **with data, data science, analytics, GIS work.**
 15 Q. As of September 24th, 2021, you understood
 16 that, though it wasn't written down anywhere, the
 17 Office of Performance Management and Open Data
 18 was responsible for choosing the new district
 19 boundaries?
 20 MR. NOBLETT: Objection to the form.
 21 Go ahead and answer, if you know.
 22 **THE WITNESS: No. I'd say we were**
 23 **not necessarily responsible. We just took**
 24 **initiative.**
 25 //

1 This is titled "City of Chattanooga
 2 Redistricting Presented on March 1, 2022." Are
 3 you familiar with this document?
 4 **A. Yes.**
 5 Q. What is this document?
 6 **A. It is a slide deck of a presentation**
 7 **related to redistricting.**
 8 Q. Did you author this presentation?
 9 **A. I believe so.**
 10 Q. Did you give this presentation to the City
 11 Council?
 12 **A. Given it's title, City Council of**
 13 **Chattanooga Redistricting, I'm assuming so, but**
 14 **I'm not sure.**
 15 Q. Do you recall attending a City Council
 16 meeting on March 1st, 2022?
 17 **A. I'm unsure of the specific date, but I do**
 18 **know I did attend and present at several City**
 19 **Council meetings.**
 20 Q. If you could turn to page 3 here, which is
 21 requirements and considerations, the last bullet
 22 point says "Public input is not required by state
 23 law or the charter." Is this accurate?
 24 **A. Yes.**
 25 Q. What was the purpose of including this

1 bullet point?
 2 **A. I'm unsure.**
 3 Q. Next page, titled "Process Used," at
 4 Point E here it says that one of the
 5 considerations for changing boundaries was,
 6 quote, use individual Council input.
 7 Is this a true statement?
 8 **A. Yes.**
 9 Q. As of March 1st, 2022, in what way had
 10 individual Council input been used in the process
 11 of changing boundaries?
 12 **A. In general?**
 13 Q. Uh-huh.
 14 **A. I believe we shared the proposed**
 15 **redistricting boundaries. And individually, a**
 16 **council member, we -- when I say "we," I mean**
 17 **Chris Anderson, myself, and Tim Moreland, or just**
 18 **Chris Anderson would show it to a council member**
 19 **individually.**
 20 Q. Yeah. So I'll read you a statement that
 21 you made during this meeting while discussing
 22 this slide. You said, "And then we also used, as
 23 Chris said, individual Council input" --
 24 (Reporter communication.)
 25 "Then we also used, as Chris said,

1 individual Council input. So we'd come to you
 2 individually and say, "What are you interested in
 3 having in your district, and what works for you?"
 4 Was that statement true?
 5 **A. If it's recorded that I said it? Are you**
 6 **saying is it true I said it?**
 7 Q. No. No. Is it true that's what happened?
 8 **A. I would say that is probably a bit of a**
 9 **selling statement I made. That's probably --**
 10 **that is not true that that's exactly what**
 11 **occurred.**
 12 Q. In what way is it not true?
 13 **A. In the fact that we did not directly ask**
 14 **them what do they want in their district.**
 15 Q. Okay. So I'll read you a statement
 16 Mr. Anderson made during the same meeting.
 17 Mr. Anderson said, "Full lines reflect
 18 hours and hours, really hundreds and hundreds of
 19 staff time spent with the nine and now eight of
 20 you. We can change the lines however you want,
 21 and I want to stress that this is the proposal
 22 based on your input."
 23 Same question. Was that statement true?
 24 **A. Yes.**
 25 Q. You would agree that staff spent hundreds

1 and hundreds of hours with the City Council
 2 members on an individual basis?
 3 **A. Not hundreds and hundreds of hours on an**
 4 **individual basis.**
 5 **On an individual basis, I would say for**
 6 **each council member on average maybe an hour or**
 7 **two, maybe one meeting or two.**
 8 Q. So at most 18 hours?
 9 **A. Sure.**
 10 Q. Was -- the second part of the statement
 11 was the -- was the proposal shown to City Council
 12 on March 1 based on the input of individual City
 13 Council members in meetings with you and
 14 Mr. Anderson and Mr. Moreland?
 15 **A. As in we showed them the proposed**
 16 **districts.**
 17 Q. Was the proposal that you showed them on
 18 March 1st, was that proposal based on the input
 19 of individual City Council members in those
 20 meetings with you and Mr. Anderson and
 21 Mr. Moreland?
 22 **A. Yes.**
 23 MR. WEEKS: This will be Exhibit 4.
 24 (WHEREUPON, a document was marked
 25 Exhibit Number 4.)

1 BY MR. WEEKS:

2 Q. I've handed you a set of e-mails that --
3 a document that appears to be a set of e-mails
4 ending March 6th, 2022. This is Bates
5 stamped 123.

6 Do you recall seeing -- do you recall
7 seeing this set of e-mails previously?

8 **A. Am I on these e-mails?**

9 Q. You're not. You're not on --

10 **A. No. But I am aware of the interaction
11 with Dr. Holmes.**

12 Q. So I'll direct you specifically to the
13 e-mail written by Joda Thongnopnua on March 6th
14 at 6:26.

15 Did you help Mr. Thongnopnua author this
16 e-mail?

17 **A. No.**

18 Q. Who is Mr. Thongnopnua?

19 **A. He was the chief of staff at the time.**

20 Q. Did you report to him?

21 **A. I suppose, through chain of command.**

22 Q. He says here: "This year, as in prior
23 administrations, we believe it is appropriate
24 that Chattanooga City Council direct the
25 development and process of determining their new

1 boundaries. The Kelly administration simply
2 helped to provide data and render maps with
3 changes requested by council members as guided by
4 the process outlined by Chattanooga City
5 Council."

6 Are you included within the group that
7 Mr. Thongnopnua is calling the Kelly
8 administration?

9 **A. Do you mean --**

10 Q. Were you at that time included within the
11 group that Mr. Thongnopnua is calling the Kelly
12 administration?

13 **A. He is most likely referring to, yes, our
14 group.**

15 Q. And in your personal experience is
16 Mr. Thongnopnua's statement about the role of the
17 Kelly administration in the redistricting process
18 true?

19 **A. Yes.**

20 (WHEREUPON, a document was marked
21 Exhibit Number 5.)

22 BY MR. WEEKS:

23 Q. So I've handed you a document that appears
24 to be a set of e-mails ending March 29th, 2022,
25 Bates stamped 893.

1 Did you send the e-mails on this page
2 dated March 29, 2022, and March 7th, 2022?

3 **A. Yes.**

4 Q. On March 7th -- and just to clean this up,
5 this thread includes the e-mail that we just
6 discussed from Mr. Thongnopnua, correct?

7 **A. Yes.**

8 Q. On March 7th Everlena Holmes writes a set
9 of questions, which includes Question 5, which is
10 a request for information regarding the committee
11 makeup of those who worked on redrawing the
12 districts and how was this committee formed.

13 Then on March 7th you sent a message to
14 Chris Anderson that says, in part, for Question 5
15 that you -- this is the fourth line down here,
16 fifth line down, met individually with council
17 members between December 9th and February 15th
18 for Council input.

19 Is that statement true?

20 **A. Yeah.**

21 Q. What input are you referring to here?

22 **A. Generally, we would show them the map.**

23 Q. The -- was there input from City Council
24 members during that time period?

25 **A. There might be -- they might have a**

1 **reaction. They might also not. So it depends.**

2 Q. Was the -- you say here you met for
3 Council input. Was the purpose of your meetings
4 to obtain input from the Council Members?

5 **A. Yes.**

6 Q. Below that you say "February 15th, 2022,
7 Redistricting Committee meeting with new proposed
8 based on Council input."

9 What does "proposed" refer to here?

10 **A. Probably the proposed map.**

11 Q. And did the Redistricting Committee
12 approve the proposal that you made during that
13 February 15th, 2022, meeting?

14 **A. No. There was no vote or approval.**

15 Q. What happened with the proposal that you
16 made?

17 **A. I believe we then took it to City Council.**

18 Q. When you say "we," who do you mean?

19 **A. Myself, Chris Anderson, Tim Moreland.**

20 Q. Who asked you to bring it to City Council?

21 **A. Most likely the chairs, Dr. Berz.**

22 Q. Why do you say that? Why do you say "most
23 likely"?

24 **A. Because I can't recall the exact events.**

25 MR. WEEKS: This will be Exhibit 6.

1 (WHEREUPON, a document was marked
 2 Exhibit Number 6.)
 3 BY MR. WEEKS:
 4 Q. Are you familiar with this document?
 5 **A. Somewhat.**
 6 Q. How so?
 7 **A. It seems to reflect the timeline that was**
 8 **in the other e-mail that you just showed me.**
 9 Q. Did you write this document?
 10 **A. I think I may have.**
 11 Q. What gives you the impression that you
 12 would have?
 13 **A. Because it seems to reflect the prior**
 14 **e-mail.**
 15 Q. If you -- in the normal course of
 16 business, if you had written this document, what
 17 would you have done with it?
 18 **A. With this timeline?**
 19 Q. (Nods head.)
 20 **A. This might have been a request to**
 21 **Dr. Holmes that had just put together more**
 22 **detailed...**
 23 Q. Looking here at the entry September 22nd,
 24 2021, it says Redistricting Committee Chair Carol
 25 Berz requests help from City staff with

1 tabulation of census data within existing City
 2 council borders to help prepare for the City's
 3 works.
 4 Did Council Member Berz get that request
 5 to you?
 6 **A. Yes.**
 7 **Well, not directly.**
 8 Q. Oh. Who communicated that request to you?
 9 **A. Most likely came from Chris.**
 10 Q. Your understanding is that she
 11 communicated that request to Chris.
 12 **A. Yes.**
 13 Q. What was your understanding of how she
 14 made that request to Chris?
 15 **A. I don't know.**
 16 Q. Did you speak with Council Member Berz
 17 directly on or around September 21st, 2021, about
 18 redistricting?
 19 **A. We did have a meeting with her, just her,**
 20 **at one point, Chris Anderson, myself, Tim. I'm**
 21 **not sure. There might have been other people,**
 22 **but not -- not other City Council people. At**
 23 **some point I think in late September, early**
 24 **October.**
 25 Q. Did she request any information from you

1 at that meeting?
 2 **A. I believe we had a -- some visual**
 3 **information that we had found through the State's**
 4 **redistricting guidelines and maybe a couple other**
 5 **sources.**
 6 Q. Did she request anything else from you
 7 during that meeting?
 8 **A. Most likely maybe to make a presentation**
 9 **for the Redistricting Committee.**
 10 Q. On the entry dated February 15th, 2022, it
 11 says: Redistricting Committee meeting to present
 12 the updated map based on individual council
 13 member's feedback, map placed on agenda for
 14 consideration and deliberation.
 15 That -- taking the first sentence first,
 16 Redistricting Committee meeting to present the
 17 updated map based on individual council member's
 18 feedback, is that statement accurate?
 19 **A. Yes.**
 20 Q. Okay. Taking the second sentence now, who
 21 made the decision to place the map on the Council
 22 agenda for consideration and deliberation?
 23 **A. I believe that would be Carol Berz.**
 24 Q. And, finally, looking at the entry here
 25 dated October 6th, this says: Initial

1 Redistricting Committee meeting.
 2 And I just want you to keep that date in
 3 mind as we look at the next exhibit here.
 4 (WHEREUPON, a document was marked
 5 Exhibit Number 7.)
 6 BY MR. WEEKS:
 7 Q. So I've handed you Exhibit 7, which is a
 8 document that appears to be an invitation for a
 9 redistricting education succession for Council
 10 dated September 30th, 2021.
 11 Did you attend this meeting?
 12 **A. Yes.**
 13 Q. Is this the meeting dated October 6th on
 14 the timeline that we looked at in Exhibit 6?
 15 **A. It could be. This could also be an**
 16 **education session for Carol Berz.**
 17 Q. Were there -- so was there a separate
 18 education session for Carol Berz as well as a --
 19 **A. Prior to.**
 20 Q. Sorry. Excuse me.
 21 -- prior to a Redistricting Committee
 22 meeting around the same time in September or
 23 October 2021?
 24 **A. Yes.**
 25 Q. Speaking about the second one of those,

1 the Redistricting Committee meeting then, did
 2 Councilwoman Dotley also attend that meeting?
 3 **A. She may have.**
 4 Q. Had you also -- so you had previously
 5 discussed redistricting with Councilwoman Berz
 6 prior to that meeting.
 7 Had you also discussed redistricting with
 8 Councilwoman Dotley prior to that first meeting?
 9 **A. I don't believe so.**
 10 Q. In that first meeting did you propose a
 11 redistricting map?
 12 **A. Not in the first meeting with the**
 13 **Redistricting Committee.**
 14 MR. WEEKS: This will be Exhibit 8.
 15 (WHEREUPON, a document was marked
 16 Exhibit Number 8.)
 17 BY MR. WEEKS:
 18 Q. Take a second to look through this one.
 19 **A. (Reviews document.)**
 20 Q. So I've handed you a document that appears
 21 to be a presentation titled "Redistricting Data."
 22 Are you familiar with this document?
 23 **A. Yes.**
 24 Q. And did you author this?
 25 **A. I believe so.**

1 Q. Did you give this presentation during the
 2 initial Redistricting Committee meeting?
 3 **A. This does look like a presentation I would**
 4 **give during the initial Redistricting Committee**
 5 **meeting.**
 6 Q. Do you have any reason to think it wasn't
 7 this presentation?
 8 **A. No.**
 9 Q. If you could, turn to page 4, required
 10 steps.
 11 **A. Yes.**
 12 Q. So this says: Required steps from State
 13 guide for counties.
 14 What is the State guide for counties this
 15 is referring to?
 16 **A. There is a PDF, State guide from the State**
 17 **of Tennessee on redistricting, that is written**
 18 **for counties specifically.**
 19 Q. Have you -- did you review that State
 20 guide?
 21 **A. Yes.**
 22 Q. Did you review it prior to writing this
 23 presentation?
 24 **A. Yes.**
 25 Q. How was that State guide used during the

1 redistricting process?
 2 **A. We felt many of the steps were valuable to**
 3 **follow even though they were not legally required**
 4 **by us.**
 5 Q. Those steps are paraphrased on this slide,
 6 correct?
 7 **A. Yes.**
 8 MR. WEEKS: This will be Exhibit 9.
 9 (WHEREUPON, a document was marked
 10 Exhibit Number 9.)
 11 BY MR. WEEKS:
 12 Q. So I've handed you a document that appears
 13 to be a Guide to Local Government Redistricting
 14 in Tennessee dated May 2021. It's Bates stamped
 15 starting at 278.
 16 Is this the State guide that we were just
 17 speaking about?
 18 **A. Yes.**
 19 Q. So if we turn to Chapter 3, which starts
 20 on page 17, Step 1 here says: Appoint a
 21 Redistricting Committee to draw plans. County
 22 legislative bodies must decide who will be
 23 responsible for drawing the district lines. The
 24 whole legislative body itself can work in this
 25 capacity, but it may be more appropriate to

1 select a redistricting committee.
 2 Was one of the purposes of the City
 3 Redistricting Committee to draw plans?
 4 **A. As in -- not from my understanding, but**
 5 **they were going to draw the plans.**
 6 Q. What do you mean by that?
 7 **A. They lacked the technical capacity to draw**
 8 **plans.**
 9 Q. Okay. Was it your understanding that they
 10 were responsible for drawing the district lines?
 11 **A. They were responsible -- sorry. The**
 12 **Redistricting Committee -- when you say "they,"**
 13 **you're referring to the Redistricting Committee?**
 14 Q. Yeah. Let me rephrase.
 15 Was the Redistricting Committee
 16 responsible for asking the City staff to draw the
 17 district lines?
 18 **A. Yes.**
 19 Q. Step 3 here says on page 18: Decide if
 20 the number of districts and commissioners will
 21 remain the same.
 22 And then it says: If the committee or
 23 county commission decides to change the number of
 24 districts and/or size of the commission, skip to
 25 Step 4.

1 the Redistricting Committee meeting then, did
 2 Councilwoman Dotley also attend that meeting?
 3 **A. She may have.**
 4 Q. Had you also -- so you had previously
 5 discussed redistricting with Councilwoman Berz
 6 prior to that meeting.
 7 Had you also discussed redistricting with
 8 Councilwoman Dotley prior to that first meeting?
 9 **A. I don't believe so.**
 10 Q. In that first meeting did you propose a
 11 redistricting map?
 12 **A. Not in the first meeting with the**
 13 **Redistricting Committee.**
 14 MR. WEEKS: This will be Exhibit 8.
 15 (WHEREUPON, a document was marked
 16 Exhibit Number 8.)
 17 BY MR. WEEKS:
 18 Q. Take a second to look through this one.
 19 **A. (Reviews document.)**
 20 Q. So I've handed you a document that appears
 21 to be a presentation titled "Redistricting Data."
 22 Are you familiar with this document?
 23 **A. Yes.**
 24 Q. And did you author this?
 25 **A. I believe so.**

1 Q. Did you give this presentation during the
 2 initial Redistricting Committee meeting?
 3 **A. This does look like a presentation I would**
 4 **give during the initial Redistricting Committee**
 5 **meeting.**
 6 Q. Do you have any reason to think it wasn't
 7 this presentation?
 8 **A. No.**
 9 Q. If you could, turn to page 4, required
 10 steps.
 11 **A. Yes.**
 12 Q. So this says: Required steps from State
 13 guide for counties.
 14 What is the State guide for counties this
 15 is referring to?
 16 **A. There is a PDF, State guide from the State**
 17 **of Tennessee on redistricting, that is written**
 18 **for counties specifically.**
 19 Q. Have you -- did you review that State
 20 guide?
 21 **A. Yes.**
 22 Q. Did you review it prior to writing this
 23 presentation?
 24 **A. Yes.**
 25 Q. How was that State guide used during the

1 redistricting process?
 2 **A. We felt many of the steps were valuable to**
 3 **follow even though they were not legally required**
 4 **by us.**
 5 Q. Those steps are paraphrased on this slide,
 6 correct?
 7 **A. Yes.**
 8 MR. WEEKS: This will be Exhibit 9.
 9 (WHEREUPON, a document was marked
 10 Exhibit Number 9.)
 11 BY MR. WEEKS:
 12 Q. So I've handed you a document that appears
 13 to be a Guide to Local Government Redistricting
 14 in Tennessee dated May 2021. It's Bates stamped
 15 starting at 278.
 16 Is this the State guide that we were just
 17 speaking about?
 18 **A. Yes.**
 19 Q. So if we turn to Chapter 3, which starts
 20 on page 17, Step 1 here says: Appoint a
 21 Redistricting Committee to draw plans. County
 22 legislative bodies must decide who will be
 23 responsible for drawing the district lines. The
 24 whole legislative body itself can work in this
 25 capacity, but it may be more appropriate to

1 select a redistricting committee.
 2 Was one of the purposes of the City
 3 Redistricting Committee to draw plans?
 4 **A. As in -- not from my understanding, but**
 5 **they were going to draw the plans.**
 6 Q. What do you mean by that?
 7 **A. They lacked the technical capacity to draw**
 8 **plans.**
 9 Q. Okay. Was it your understanding that they
 10 were responsible for drawing the district lines?
 11 **A. They were responsible -- sorry. The**
 12 **Redistricting Committee -- when you say "they,"**
 13 **you're referring to the Redistricting Committee?**
 14 Q. Yeah. Let me rephrase.
 15 Was the Redistricting Committee
 16 responsible for asking the City staff to draw the
 17 district lines?
 18 **A. Yes.**
 19 Q. Step 3 here says on page 18: Decide if
 20 the number of districts and commissioners will
 21 remain the same.
 22 And then it says: If the committee or
 23 county commission decides to change the number of
 24 districts and/or size of the commission, skip to
 25 Step 4.

1 Did the Redistricting Committee decide if
 2 the number of districts would remain the same?
 3 **A. The Committee collectively did not.**
 4 Q. Who made that decision?
 5 **A. Carol Berz.**
 6 Q. When did she make that decision?
 7 **A. Most likely it was -- it was never**
 8 **communicated directly to me from Carol Berz.**
 9 Q. Did she make it in her capacity as the
 10 chair of the Redistricting Committee?
 11 **A. Yes. I would say so.**
 12 Q. You said it wasn't communicated to you
 13 directly from Ms. Berz. How was it communicated
 14 to you?
 15 **A. It most likely came from Chris Anderson.**
 16 Q. Step 4 here says: If necessary, draw one
 17 or more new district plans.
 18 And then a bit later it says: Determine
 19 if the committee wants to adopt guidelines under
 20 which the district lines will be drawn.
 21 Did you -- did the Redistricting Committee
 22 adopt guidelines under which the district lines
 23 would be drawn?
 24 **A. No.**
 25 Q. So I'll just tell you that we're going to

1 look at a set of slides later that says that a
 2 neighborhood boundary file along with arterial
 3 roadways and natural land features should be used
 4 as guidelines.
 5 Did the Redistricting Committee adopt
 6 those guidelines?
 7 **A. We adopted those guidelines in redrawing**
 8 **of districts. "We," as in myself and Tim**
 9 **Moreland.**
 10 Q. Were you directed to adopt those
 11 guidelines?
 12 **A. We were not.**
 13 Q. How did you determine that those
 14 guidelines would be the ones adopted?
 15 **A. We proposed them to Carol Berz.**
 16 Q. And what was her response to that
 17 proposal?
 18 **A. She agreed with it.**
 19 Q. When did you make that proposal to her?
 20 **A. Most likely before the initial**
 21 **Redistricting Committee meeting.**
 22 Q. Did you make that proposal to her during
 23 the information session that included her only?
 24 **A. Yes.**
 25 Q. Next page, still under Step 4, we have:

1 Determine the method for drawing new districts.
 2 MR. NOBLETT: Going back to
 3 Exhibit 8, or which?
 4 MR. WEEKS: No. No. We are still on
 5 Exhibit 9.
 6 MR. NOBLETT: State Guide, page 4
 7 instead of 17?
 8 MR. WEEKS: No. We're on Step 4,
 9 page 19.
 10 BY MR. WEEKS:
 11 Q. So, "If necessary, draw one or more new
 12 district plans."
 13 It says, third: Determine the method for
 14 drawing new districts. There are three basic
 15 choices on how to start redistricting, and then
 16 three choices are given in bold here. The first
 17 is use census blocks with current districts, the
 18 second is use census blocks only, and the third
 19 is use precinct boundaries.
 20 Which approach was used in Chattanooga's
 21 redistricting?
 22 **A. Most -- the initial setup is using the**
 23 **census blocks with current districts.**
 24 Q. Whose decision was it to use that first
 25 approach?

1 **A. Most likely that was a methodology that**
 2 **myself, Tim Moreland proposed to Dr. Berz.**
 3 Q. Did you propose it in the same discussion
 4 as you proposed the last -- as you made the last
 5 proposal that we just talked about?
 6 **A. I believe so.**
 7 Q. What did Ms. Berz say?
 8 **A. I don't recall.**
 9 Q. But you did go ahead and use that
 10 proposed?
 11 **A. Yes.**
 12 Q. Step 5 here says on page 20: Complete the
 13 final district plan. When the committee agrees
 14 on a final district plan, the committee should
 15 review it with the following legal guidelines in
 16 mind.
 17 And then there's a few guidelines here
 18 given.
 19 The full City Council reviewed a
 20 redistricting map during its March 1st, 2022,
 21 strategic planning session and the presentation
 22 you gave, correct?
 23 **A. Yes.**
 24 Q. Did that presentation contain a plan on
 25 which the Redistricting Committee had agreed?

1 **A. They did not formally vote to approve.**
 2 Q. You had a set of meetings with individual
 3 City Council members between December 9th and
 4 March 1st, 2022.
 5 Did the individual meetings you had with
 6 those staff members -- through those meetings,
 7 was a consensus reached as to the proposed map
 8 that would be presented on March 1st, 2022?
 9 **A. Yes, I would say so.**
 10 (WHEREUPON, a document was marked
 11 Exhibit Number 10.)
 12 BY MR. WEEKS:
 13 Q. I've handed you a document that appears to
 14 be an invitation to a redistricting committee
 15 information session on Thursday, December 9th,
 16 2021.
 17 Did you attend this meeting?
 18 **A. Yes, I believe so.**
 19 Q. We reviewed Councilperson Berz's
 20 March 17th, 2022, e-mail earlier which she wrote:
 21 On several occasions Councilpersons Dotley,
 22 Smith, Hester, and I occupied the same space of
 23 the mayor's large conference room.
 24 Does the December 9th meeting fit that
 25 description?

1 **A. Yes.**
 2 Q. Did you ask for the Redistricting
 3 Committee to get together on December 9th?
 4 **A. I believe Chris Anderson did, based on**
 5 **this invitation.**
 6 **Or whoever sent out this invitation asked**
 7 **that.**
 8 Q. To your knowledge, was Mr. Anderson
 9 directed to call this Redistricting Committee
 10 information session?
 11 MR. NOBLETT: Objection to form.
 12 **THE WITNESS: I would assume so.**
 13 BY MR. WEEKS:
 14 Q. Who would you assume?
 15 **A. I would assume it's Chris or could even --**
 16 **this actually looks like it is Ryan Ewalt's**
 17 **calender. So it could have been Ryan Ewalt.**
 18 Q. Thinking back again to that March 17th
 19 e-mail Councilperson Berz goes on to say: I ask
 20 that Mr. Anderson do two things; one, get the
 21 districts in compliance with the law with as
 22 little disruption as possible of the existing
 23 boundaries; and, two, meet individually with each
 24 councilperson.
 25 Do you recall the conversation between

1 Ms. Berz and Mr. Anderson to cause as little
 2 disruption as possible of existing boundaries?
 3 **A. That conversation most likely occurred in**
 4 **our initial meeting with Dr. Berz.**
 5 Q. Not in this December 9th?
 6 **A. No.**
 7 Q. Okay. Did you attend those meetings with
 8 the individual council members that we discussed?
 9 **A. Sometimes.**
 10 Q. What determined whether or not you would
 11 attend that individual meeting?
 12 **A. Strictly, it was most likely availability.**
 13 Q. When you didn't attend a -- stepping back,
 14 when you were available, you did attend?
 15 **A. Yes.**
 16 Q. And when you didn't attend, were you
 17 updated about the discussion that had occurred?
 18 **A. Yes.**
 19 Q. Who updated you?
 20 **A. Chris Anderson.**
 21 Q. And how did he update you?
 22 **A. Verbally.**
 23 MR. WEEKS: This will be Exhibit 11.
 24 (WHEREUPON, a document was marked
 25 Exhibit Number 11.)

1 BY MR. WEEKS:
 2 Q. So this is the presentation that
 3 I mentioned earlier. This is a document that
 4 appears to be labeled "Redistricting." It's
 5 dated December 9th, 2021.
 6 Are you familiar with this document?
 7 **A. Yes.**
 8 Q. Okay. Did you author this document?
 9 **A. I believe so.**
 10 Q. And did you give this presentation?
 11 **A. I did give this presentation.**
 12 Q. If we can turn to the page titled "Process
 13 Used." So there's a set of -- so on this
 14 page, Point 1, it says: "Apply existing Council
 15 boundaries to new census data."
 16 It's your testimony that you and Mr. --
 17 you and -- you and Chris Anderson proposed this
 18 approach to Ms. Berz and that she agreed with
 19 that approach; is that correct?
 20 **A. Yes.**
 21 Q. And as to Points 2C and -- .2C and .2D,
 22 it's your testimony that you and Mr. Anderson
 23 proposed this -- these guidelines to Ms. Berz and
 24 that she agreed with that approach, correct?
 25 **A. Yes.**

1 MR. NOBLETT: Objection to form.
 2 BY MR. WEEKS:
 3 Q. Were you -- let's see. Looking now at the
 4 second-to-last page, we have side-by-side maps.
 5 To clean that up, when you and
 6 Mr. Anderson were speaking with Ms. Berz
 7 about Point 1, you were speaking with her in her
 8 role as the Redistricting Committee Chair,
 9 correct?
 10 **A. Yes.**
 11 Q. And as to Point 2C, you were speaking with
 12 her in her role as the Redistricting Committee
 13 Chair, correct?
 14 **A. Yes.**
 15 Q. And as to Point 2D, in her role as
 16 Redistricting Committee Chair, correct?
 17 **A. Yes.**
 18 Q. Looking at these maps, was this the first
 19 time that Councilwoman Berz had seen the map
 20 labeled "Proposed Map"?
 21 **A. I don't recall if we had an individual**
 22 **meeting with her prior to showing this proposed**
 23 **draft.**
 24 Q. What about the other members of the
 25 Redistricting Committee?

1 **A. I don't believe they have seen it then**
 2 **either.**
 3 Q. The boundaries changed in the map labeled
 4 "Proposed Draft" -- or "Proposed Map," correct?
 5 **A. Correct.**
 6 Q. Did any member of the Redistricting
 7 Committee provide input regarding the proposed
 8 draft map -- sorry -- the proposed draft map
 9 prior to your presentation on December 9th?
 10 **A. I don't believe so.**
 11 Q. Did any other member of the City Council
 12 provide input on the proposed draft map prior to
 13 December 9th?
 14 **A. I don't believe so.**
 15 Q. Who was it a proposal to?
 16 **A. To the Redistricting Committee.**
 17 Q. Is the proposed draft here identical to
 18 the eventual final redistricting boundaries?
 19 **A. No.**
 20 Q. What did the Redistricting Committee do
 21 with the proposal that you made to them on
 22 December 9th in this proposed draft map?
 23 **A. Nothing.**
 24 Q. Councilwoman Dotley testified that she was
 25 glad about the proposed map and that it made some

1 of the neighborhoods whole instead of splitting
 2 them down the middle.
 3 Do you remember her saying something to
 4 that effect on December 9th?
 5 **A. I don't recall, but she may have.**
 6 Q. Do you recall her saying something to that
 7 effect at any point?
 8 **A. I do recall receiving feedback, which**
 9 **could have been from Council or anyone,**
 10 **appreciating us not splitting up neighborhoods.**
 11 Q. Was that feedback that you recall during a
 12 Redistricting Committee meeting?
 13 **A. It may have been.**
 14 Q. Following the presentation of the proposed
 15 draft map, did the Redistricting Committee give
 16 you and Mr. Anderson any instructions?
 17 **A. No.**
 18 Q. Did the Redistricting Committee instruct
 19 that you and Mr. Anderson meet individually with
 20 members of the City Council?
 21 **A. No.**
 22 Q. Who instructed you to do that?
 23 **A. I honestly cannot recall if we took that**
 24 **up as our own prerogative or if Mr. Anderson did**
 25 **or if we were directed by Dr. Berz.**

1 Q. Did you inform the Redistricting Committee
 2 in this December 9th meeting that you would be
 3 conducting individual meetings with members of
 4 the City Council?
 5 **A. I believe we did.**
 6 MR. WEEKS: 12.
 7 (WHEREUPON, a document was marked
 8 Exhibit Number 12.)
 9 BY MR. WEEKS:
 10 Q. You met with the Redistricting Committee
 11 again on February 15th, correct?
 12 **A. Yes.**
 13 Q. And prior to that meeting, as we
 14 discussed, you had met with several Council
 15 members individually, correct?
 16 **A. Yes.**
 17 Q. Do you recall between the December 9th
 18 meeting and the February 15th meeting which
 19 Council members you met with individually?
 20 **A. I do not.**
 21 MR. WEEKS: This will be Exhibit 13.
 22 (WHEREUPON, a document was marked
 23 Exhibit Number 13.)
 24 BY MR. WEEKS:
 25 Q. I've handed you a document titled

1 "Redistricting, February 15th, 2022."
 2 Are you familiar with this document?
 3 **A. Yes.**
 4 Q. And did you author this document?
 5 **A. Yes.**
 6 Q. And did you make this presentation?
 7 **A. Yes.**
 8 Q. And did you make it on February 15th,
 9 2022?
 10 **A. Yes.**
 11 Q. Page 6 is titled "Current Changes."
 12 Were any of the -- were any of the changes
 13 on this list a result of your meetings or phone
 14 calls with individual Council members?
 15 **A. They may have been.**
 16 Q. So I'm going to read you a quote from a
 17 March 1st Strategic Planning Session.
 18 At that meeting, Councilwoman Berz said,
 19 "One thing we talked about -- that Council
 20 persons Dotley and Hester and I talked about at
 21 great length is that none of this affects
 22 District 8."
 23 Did that conversation happen during this
 24 February 15th meeting?
 25 **A. I don't recall.**

1 Q. What is your recollection of what would
 2 happen with District 8 following the departure of
 3 Councilman Byrd in February 2022?
 4 **A. My recollection for District 8 is having
 5 to shift it due to population changes.**
 6 Q. Do you recall taking a different approach
 7 as to District 8, as compared with other
 8 districts, given that, starting in February 2022,
 9 it was not represented by a councilperson for a
 10 period?
 11 **A. Yes. Where we tried to keep it more in
 12 line with what was the current District 8.**
 13 MR. WEEKS: Let's take a break for
 14 five minutes.
 15 (Short break.)
 16 BY MR. WEEKS:
 17 Q. When was the first redistricting proposed
 18 map published to the public?
 19 **A. If I had to guess, it would be around the
 20 presentation to all of City Council.**
 21 Q. The March 1st presentation?
 22 **A. Around that time, probably. The meta-data
 23 should be on ChattaData --**
 24 Q. We saw at least that there were maps --
 25 proposed maps given to the Redistricting

1 Committee on December 9th and February 15th.
 2 Why weren't those maps published to the
 3 public?
 4 **A. I don't know.**
 5 Q. You mentioned your office's commitment to
 6 transparency.
 7 Would publishing the earlier maps have
 8 promoted that commitment to transparency?
 9 **A. Yes.**
 10 Q. Were you instructed not to publish those
 11 earlier maps?
 12 **A. I don't believe so.**
 13 Q. Was it suggested to you that you shouldn't
 14 publish those earlier maps?
 15 **A. I don't believe so.**
 16 Q. Did you have a discussion with anyone
 17 about publishing those earlier maps?
 18 **A. No, I don't believe so.**
 19 Q. Did you consider publishing those earlier
 20 maps?
 21 **A. Most likely not, since we probably viewed
 22 those as a work in progress.**
 23 Q. Would you have been allowed to publish
 24 those earlier maps?
 25 **A. As in did I have the technical authority**

1 **to publish it onto the website or legally was
 2 I allowed to?**
 3 Q. Not legally, but would you have had to ask
 4 permission of somebody?
 5 **A. At that time, I probably would feel that
 6 I needed to ask permission.**
 7 Q. Who would you have had to ask that
 8 permission of?
 9 **A. Most likely Chris Anderson.**
 10 Q. Who made the decision to publish the map
 11 on or around March 1st?
 12 **A. That was most likely our decision.**
 13 Q. "Our" being?
 14 **A. Myself, Chris Anderson, Tim Moreland.**
 15 Q. And did the three of you seek permission
 16 from anyone on City Council to publish that map?
 17 **A. Chris Anderson may have, but not that
 18 I recall.**
 19 Q. Do you recall a meeting with Councilman
 20 Henderson?
 21 **A. I don't recall if I -- if I met with him.
 22 There are some Council people I distinctly
 23 remember, but I don't recall if I met with him.**
 24 Q. Are you aware of whether he met with at
 25 least Mr. Anderson?

1 **A. Yes.**
 2 Q. How are you aware of that?
 3 **A. I believe that Mr. Anderson would have**
 4 **communicated to me, as he did make an attempt to**
 5 **meet with every single Councilperson.**
 6 Q. And do you recall being aware that
 7 Councilperson Henderson had objected to the
 8 proposed map at his individual meeting?
 9 MR. NOBLETT: Objection to the form.
 10 **THE WITNESS: That sounds familiar,**
 11 **but I can't remember the exact objection -- or**
 12 **issue.**
 13 BY MR. WEEKS:
 14 Q. Were you told to make a change to
 15 District 1 between -- to the -- to the boundary
 16 of District 1 during the period between
 17 December 9th and February 15th?
 18 **A. We made a change, I believe, between**
 19 **District 1, 2, and maybe 3 on some of their**
 20 **boundaries between them.**
 21 Q. Do you recall why you made that change?
 22 **A. Do you have a specific change you can**
 23 **reference?**
 24 Q. Sure. If we can, look at the
 25 Redistricting presentation from February 15th and

1 compare it to the one from December 9th. So
 2 that's Exhibits 11 and I think 13.
 3 So looking at the proposed draft in the
 4 December 9th map. Do you have that pulled up?
 5 This is Exhibit 11.
 6 So which district here is District 1?
 7 **A. It is the -- I guess the lighter salmon**
 8 **district.**
 9 Q. And so in the proposed draft on
 10 December 9th we see that the top portion of the
 11 northernmost portion of the City of Chattanooga
 12 is green, and in the February 15th map we see
 13 that is part of District 1, correct?
 14 **A. Yes.**
 15 Q. Why was that change made?
 16 **A. That change was made due to population**
 17 **shifts.**
 18 Q. Was that change made in response to a
 19 conversation that Mr. Henderson had with City
 20 staff, including Mr. Anderson?
 21 **A. The change in current and proposed, I**
 22 **believe, was due to population shifts from the**
 23 **city center where populations broadly within the**
 24 **city had not increased at the same rate as more**
 25 **suburban areas. And due to that, districts -- I**

1 **believe it was 8, 9, and 5 -- needed to expand,**
 2 **which, geographically, pushes other districts**
 3 **kind of out into each other in order to balance**
 4 **populations.**
 5 Q. Now, looking at Exhibit 13 -- if you
 6 could, turn to the map on Exhibit 13.
 7 This northernmost piece that we just
 8 referenced of the -- of the -- what is the
 9 salmon-colored district in the proposed draft is
 10 green in the proposed draft, but is returned to
 11 District 1 in the February 15th draft; is that
 12 correct?
 13 end of proof
 14 **A. Yes.**
 15 Q. Why that change between December 9th and
 16 February 15th?
 17 **A. That may have been feedback from Council.**
 18 Q. Feedback from Mr. Henderson?
 19 **A. Yes.**
 20 Q. What feedback?
 21 **A. Mr. Henderson may have wanted to keep that**
 22 **neighborhood at the very top.**
 23 Q. And who did he give that feedback to?
 24 **A. Most likely to Chris Anderson, or, if**
 25 **I was there, myself.**

1 Q. And after you -- after Mr. Anderson
 2 received that feedback, were you the one that
 3 made the change to District 1 to add this new
 4 boundary back?
 5 **A. Yes. I would be the one who would make**
 6 **the technical change.**
 7 MR. ELLIOTT: Off the record.
 8 (Off-the-record discussion.)
 9 MR. WEEKS: This will be 14.
 10 (WHEREUPON, a document was marked
 11 Exhibit Number 14.)
 12 BY MR. WEEKS:
 13 Q. So I've handed you what appears to be an
 14 invitation for a January 18th discussion between
 15 Chris Anderson and Councilperson Hill.
 16 Did you attend this meeting between
 17 Mr. Anderson and Councilperson Hill?
 18 **A. I am not on the invite, so most likely**
 19 **not.**
 20 Q. If you would have been available, you
 21 would have attended this meeting?
 22 **A. Yes.**
 23 Q. Did Mr. Anderson discuss this meeting with
 24 you, following it?
 25 **A. He probably did.**

1 Q. Do you recall that discussion?
 2 **A. No.**
 3 Q. Are you aware -- or did Councilperson Hill
 4 make any requests to change the boundaries of her
 5 district during this January 18th, 2022,
 6 discussion?
 7 **A. I don't recall any requests from her.**
 8 MR. WEEKS: So this will be
 9 Exhibit 15.
 10 (WHEREUPON, a document was marked
 11 Exhibit Number 15.)
 12 BY MR. WEEKS:
 13 Q. So following the January 18th discussion
 14 between Mr. Anderson and Ms. Hill -- I've handed
 15 you a document that appears to be a set of
 16 e-mails from you to Mr. Anderson sent the morning
 17 of January 19th. This is Bates-stamped 863.
 18 Did you send these e-mails?
 19 **A. Yes.**
 20 Q. And these e-mails were sent the morning
 21 after the discussion indicated on the invitation
 22 that we just looked at, correct?
 23 **A. That is correct.**
 24 Q. Does this refresh your recollection as to
 25 whether Mr. Anderson -- as to whether

1 Mr. Anderson informed you about the contents of
 2 his discussion with Ms. Hill?
 3 **A. Yes.**
 4 Q. How so?
 5 **A. I believe, through some other change that**
 6 **we made, that essentially created an issue with**
 7 **the numbers in her district. And so we were**
 8 **looking at how to balance her district out.**
 9 Q. When you say some other change that you
 10 had made, that's some other change as compared to
 11 what?
 12 **A. Are you asking what the some other change**
 13 **is, or?**
 14 Q. Yeah. What was the change that was made?
 15 That's a better way.
 16 **A. Let's see. I believe -- and I could be**
 17 **wrong -- but based on the information you've**
 18 **provided to me, that when we put the top of**
 19 **District 1 back into District 1, then, by that**
 20 **time, District 3 had already moved across the**
 21 **river as a natural boundary.**
 22 **And because we took the top off**
 23 **District 3 -- and this is going to help, I think,**
 24 **show you the complexity of how redistricting**
 25 **works.**

1 **District 3's numbers became out of**
 2 **compliance. And so we had to take -- again,**
 3 **trying to keep neighborhoods together and using**
 4 **arterial roads, following kind of the**
 5 **redistricting guidelines -- had to take a**
 6 **neighborhood that was in, at the time,**
 7 **District 2, Councilwoman Hill's, to shift that to**
 8 **balance the District 3 number, which then put her**
 9 **numbers and population out of compliance. So**
 10 **then we had to figure out from her numbers where**
 11 **we could make a shift.**
 12 **Does that make sense?**
 13 Q. Part of that made sense.
 14 So if I understand, when the -- when the
 15 top portion of Chattanooga shifted from
 16 District 2 back to District 1, that lowered the
 17 remaining population in District 2, correct?
 18 **A. District 3 back to District 1. That**
 19 **lowered their population in District 3, which**
 20 **then that needed to be made up.**
 21 **And the only other option was to take some**
 22 **of that from District 2, which then meant**
 23 **District 2 needed to take some population from**
 24 **District 1 -- which is referring to east of 27,**
 25 **using a main highway as a boundary that people**

1 **can easily relate to, and Hill City, which is a**
 2 **neighborhood -- so a full neighborhood -- and the**
 3 **Pinnacle -- the Pinnacle apartment building,**
 4 **which is referring to a large apartment building**
 5 **downtown.**
 6 Q. Did Mr. Anderson ask Ms. Hill in this
 7 meeting where she wanted her boundary to change
 8 to encompass more population?
 9 MR. NOBLETT: Objection to form.
 10 **THE WITNESS: I am unsure.**
 11 BY MR. WEEKS:
 12 Q. What caused the -- what caused the set of
 13 e-mails to be sent?
 14 **A. If I -- I mean, I'm unsure.**
 15 Q. Did you speak with Mr. Anderson on
 16 January 19th before 7:30 a.m.?
 17 **A. Most likely I probably, yes, spoke to him**
 18 **between January 18th, Ms. Hill, and January 19th,**
 19 **my e-mail.**
 20 Q. And do you recall whether he -- does this
 21 refresh your recollection as to whether he
 22 communicated information from his meeting with
 23 Ms. Hill to you during that time?
 24 **A. Yes.**
 25 Q. So what from his meeting with Ms. Hill had

1 he communicated to you in -- in that period?
 2 **A. I believe it was the change that I was**
 3 **just referencing. He was showing that to**
 4 **Councilwoman Hill, that had been created from the**
 5 **District 1 shift into 3 to 2.**
 6 Q. Did Mr. Anderson tell you that Ms. Hill
 7 had approved that shift?
 8 **A. Sorry. I'm trying to recall the specific**
 9 **conversation.**
 10 **I believe it was in reference to this**
 11 **portion about Ely, that it was either a**
 12 **neighborhood or a section of streets that she**
 13 **cared about and was maybe curious about that.**
 14 Q. Curious whether that could be encompassed
 15 within her district?
 16 **A. Yes.**
 17 Q. Just to clarify some things here, Ely is
 18 Ely Street, correct?
 19 **A. I believe it might be a road.**
 20 Q. Oh, Ely Road. Okay.
 21 And everything east of 27 is referring to
 22 Highway 27?
 23 **A. Yes.**
 24 Q. And "2" here is referring to District 2?
 25 **A. Yes.**

1 Q. When you say it really messes some things
 2 up, was that referring to -- well, what was that
 3 referring to?
 4 **A. I think that might have been referencing**
 5 **her wanting potentially to have some of Hill City**
 6 **in there as well, as well as some of the -- like**
 7 **I said, the streets north of Ely, which**
 8 **statistically were impossible.**
 9 Q. If we could, look at the February 15th
 10 slides again. This is Exhibit 13. Yep. The
 11 slide marked "Current Changes."
 12 The bullet point here says: "Districts 1,
 13 2, and 3 shifted together in a clockwise
 14 direction, with Pine Hill and Northmont Estates
 15 moving to District 1. Neighborhoods north of Ely
 16 Road moving to District 3. Hill City and
 17 Pinnacle building moving to District 2."
 18 This desire of Ms. Hill's that you were
 19 saying was likely involving Hill City, is that
 20 reflected in this set of current changes?
 21 **A. Yes.**
 22 Q. Did you make that change to the boundaries
 23 in response to Ms. Hill's desire to have Hill
 24 City within her district?
 25 **A. Yes.**

1 Q. And with respect to Pine Hill and
 2 Northmont Estates moving to District 1, did you
 3 make that change to the boundaries with -- in
 4 response to Mr. Henderson's desire expressed in
 5 an individual meeting?
 6 **A. Yes.**
 7 Q. Did you participate in a telephone call
 8 with Councilperson Hester regarding
 9 redistricting, specifically related to
 10 redistricting, in January or February of 2022?
 11 **A. I believe we did have a -- when you say**
 12 **"telephone," do you mean like a Google Meet?**
 13 Q. Yeah. A discussion, but not in person,
 14 I suppose.
 15 **A. Yes. I believe we did -- or I at least**
 16 **did attend a meeting with Councilperson Hester.**
 17 Q. Who else attended that meeting?
 18 **A. Chris Anderson.**
 19 Q. Anyone else?
 20 **A. Tim Moreland may have been there.**
 21 Q. Do you recall whether that was in January
 22 or February?
 23 **A. I do not.**
 24 Q. Councilperson Hester requested on that
 25 call that Gaylon Heights remain in District 5; is

1 that correct?
 2 MR. NOBLETT: Objection to the form.
 3 MR. ELLIOTT: Lacks foundation.
 4 **THE WITNESS: I do not recall his**
 5 **exact request.**
 6 BY MR. WEEKS:
 7 Q. Did you discuss Gaylon Heights on that
 8 call?
 9 **A. I know at some point Gaylon Heights did**
 10 **come up with a councilperson. And that could**
 11 **have been Councilman Hester, but I can't recall.**
 12 Q. What do you recall from that call?
 13 **A. From that call, I do recall mentioning the**
 14 **airport change and the shift of taking over all**
 15 **of the District 3 that was previously in that**
 16 **area, as well as maybe gone over some of the more**
 17 **specific neighborhood shifts that could have**
 18 **occurred.**
 19 **Also, on the southern portion where**
 20 **District 9 -- 9, 5, and 6 intersect.**
 21 Q. With respect to the airport change, was
 22 that a request made by Councilperson Hester or
 23 was that information that you were giving
 24 Mr. Hester?
 25 **A. That was just information I was giving.**

1 Q. With respect to the boundary between 5
2 and 3, was that a request made by Mr. Hester?
3 **A. That was just information that was given.**
4 Q. And with respect to the boundary you just
5 mentioned, between 9, 5, and 6?
6 **A. Just information I was giving.**
7 Q. Did Mr. Hester make a request that you
8 recall on that call?
9 **A. Not that I can recall. Yeah. I can't**
10 **recall any specific requests he may have made.**
11 Q. Did Councilperson Hester discuss the
12 Murray Hills neighborhood on that call?
13 **A. Murray Hills does ring a bell.**
14 Q. How so?
15 **A. Of it potentially being discussed.**
16 **I'm going to go ahead and apologize and**
17 **say I have -- having done this redistricting,**
18 **I've looked at all these neighborhoods. So if**
19 **you mention any neighborhood name, it's just**
20 **going to ring a bell in my head.**
21 Q. If we can compare Exhibit 13 with the
22 March 1 presentation -- let's see, which one is
23 that? Exhibit 3.
24 So do you have Exhibits 13 and 3 in front
25 of you?

1 **A. This is still -- 13, yes.**
2 Q. On the two slides labeled "Current
3 Changes" and -- on February 15th and the slide
4 that says "Proposed Major Changes" on March 1st,
5 last bullet point for each, on February 15th it
6 says: "District 9 makes some shifts east to
7 include Gaylon Heights and North Tower Forest.
8 Now includes all of Highland Park."
9 On March 1st, it says: "District 9 now
10 makes some shift east."
11 Was there a change to which district
12 Gaylon Heights was in between February 15th and
13 March 1st?
14 **A. Yes.**
15 Q. What caused that change?
16 **A. I believe we actually shifted also some of**
17 **the southern portion of 5 to be more congruent,**
18 **which led to a need to increase the population by**
19 **eating some into District 9 -- which meant that**
20 **District 9 needed to increase population, which**
21 **included, I think, Gaylon Heights, which is on**
22 **the north side of 9, if I'm not mistaken.**
23 Q. Gaylon Heights is included in District 9
24 on February 15th, correct?
25 MR. NOBLETT: Objection to the form.

1 **THE WITNESS: Yes.**
2 BY MR. WEEKS:
3 Q. Is Gaylon Heights included in District 9
4 on March 1st?
5 MR. NOBLETT: Objection to the form.
6 **THE WITNESS: No.**
7 BY MR. WEEKS:
8 Q. So that's the change that I'm asking
9 about.
10 What caused that change between
11 February 15th and March 1st as to which district
12 Gaylon Heights was in?
13 **A. It could be a specific request. It could**
14 **also be just a cascading of boundaries.**
15 Q. Did you attend any meetings with
16 Councilwoman Coonrod about redistricting in
17 February 2022?
18 **A. I did attend meetings with her, I think,**
19 **several times. It may have been in February.**
20 MR. WEEKS: This will be Exhibit 16.
21 (WHEREUPON, a document was marked
22 Exhibit Number 16.)
23 BY MR. WEEKS:
24 Q. I've handed you what appears to be an
25 invite to a discussion between Chris Anderson and

1 Councilwoman Coonrod on February 3rd.
2 Do you recall if you attended this
3 meeting?
4 **A. I think I'm -- I think I did.**
5 Q. How many meetings with Councilwoman
6 Coonrod?
7 **A. I think I attended two meetings with**
8 **Councilwoman Coonrod.**
9 Q. Did you discuss the Mill Town development
10 with Councilwoman Coonrod around this time?
11 **A. At that time, I do recall Mill Town being**
12 **brought up.**
13 Q. In what context?
14 **A. It was a new development -- well, it still**
15 **is a new development -- in Chattanooga that**
16 **I think is on the border of her district or maybe**
17 **within her district.**
18 Q. Did Councilwoman Coonrod express a
19 position as to the Mill Town development?
20 **A. I think she wanted it in her district.**
21 Q. And did you change boundaries based on
22 this expressed desire?
23 **A. I don't recall. I may have.**
24 Q. Around this time, did you discuss Highland
25 Park with Councilwoman Coonrod?

1 **A. Yes.**
 2 Q. In what context?
 3 **A. That, I do remember, was a -- informing**
 4 **her of Highland Park being fully in her district.**
 5 Q. And what was her reaction to that?
 6 **A. She liked it.**
 7 Q. What caused the change for Highland Park
 8 to go into District 9?
 9 **A. It was previously split in half.**
 10 Q. If we look at the February 15th
 11 presentation, can you tell from this map whether
 12 the Mill Town development has -- is in
 13 District 9?
 14 MR. NOBLETT: Are we back on
 15 Exhibit 13?
 16 MR. WEEKS: Sorry. Exhibit 13, yes.
 17 **THE WITNESS: Exhibit 13, tiny map.**
 18 **Yeah.**
 19 BY MR. WEEKS:
 20 Q. It is?
 21 **A. It is.**
 22 Q. How can you tell?
 23 **A. Because it's just below Highland Park.**
 24 Q. To the best of your recollection, was that
 25 a change that was made following the discussion

1 with Ms. Coonrod?
 2 **A. I believe the inclusion of Mill Town was**
 3 **potentially partially her interest, as well as**
 4 **Highland Park by itself looked just a little**
 5 **awkward in the shape of District 9 sticking out.**
 6 MR. WEEKS: This will be Exhibit 17.
 7 (WHEREUPON, a document was marked
 8 Exhibit Number 17.)
 9 BY MR. WEEKS:
 10 Q. So I've handed you an e-mail from
 11 Councilwoman Coonrod to you and others on
 12 March 7th, Bates-stamped 805.
 13 Do you recall this e-mail?
 14 **A. Yes.**
 15 Q. And you received this e-mail?
 16 **A. Yes.**
 17 Q. Councilwoman Coonrod writes: "I have some
 18 concerns from constituents with the way
 19 District 9 is drawn. The Battery Heights area
 20 has shown opposition."
 21 Do you recall taking any action to address
 22 these concerns of Councilwoman Coonrod?
 23 **A. Yes.**
 24 Q. What actions?
 25 **A. I believe we had some information session**

1 **on what redistricting is and what it entails and**
 2 **how the populations in Chattanooga are shifting.**
 3 Q. An information session for whom?
 4 **A. For Councilwoman Coonrod.**
 5 Q. When you say "information session," do you
 6 mean a -- what do you mean by that?
 7 **A. I mean providing her information on**
 8 **redistricting and the shifts in populations that**
 9 **are occurring in Chattanooga.**
 10 Q. And those sessions took place following
 11 this e-mail?
 12 **A. I believe so.**
 13 Q. Who else was in those sessions?
 14 **A. Probably just Chris Anderson.**
 15 MR. WEEKS: So this will be
 16 Exhibit 18.
 17 (WHEREUPON, a document was marked
 18 Exhibit Number 18.)
 19 BY MR. WEEKS:
 20 Q. I've handed you what appears to be a set
 21 of slides titled "City Council of Chattanooga
 22 Redistricting." This was presented on
 23 April 19th, 2022, Bates-stamped beginning at 790.
 24 Are you familiar with this document?
 25 **A. Yes.**

1 Q. Did you author this document?
 2 **A. I believe so.**
 3 Q. Did you give this presentation?
 4 **A. Yes -- well, sorry. Yes, I believe I gave**
 5 **this presentation.**
 6 Q. So did Councilwoman Coonrod bring up her
 7 issues with the Battery Heights neighborhood
 8 during this presentation?
 9 **A. She may have. The larger issues**
 10 **I recall -- which are what she highlighted in her**
 11 **e-mail -- where she had concern about having**
 12 **three majority minority districts and wanted to**
 13 **have more equally distributed districts that**
 14 **would have no majority minority, which would be**
 15 **in violation of our consent decree.**
 16 Q. There are a couple agenda items on page 2.
 17 These items are "Updates to Proposed Map Table of
 18 Values" and "Updates to Proposed Map."
 19 What's meant here by "Updates to Proposed
 20 Map Table of Values"?
 21 **A. Yes. I believe this is the fix after we**
 22 **learned of the State's incorrect data.**
 23 Q. And how was the State's data incorrect?
 24 **A. The State overcounted minorities.**
 25 Q. And what result -- or what impact did that

1 have on your process?
 2 **A. It meant that -- I believe, I think at**
 3 **least one of our majority minority districts was**
 4 **no longer in compliance.**
 5 Q. Do you recall which district?
 6 **A. I don't recall which one.**
 7 Q. The second agenda item here is updates to
 8 proposed map, and on the last two pages we have
 9 changes to south 8 and 9 and changes to mid/north
 10 8 and 9.
 11 Does this refresh your recollection as to
 12 which district was affected by the updated data?
 13 **A. Yes. Probably Districts 8 and 9.**
 14 MR. WEEKS: This will be Exhibit 19.
 15 (WHEREUPON, a document was marked
 16 Exhibit Number 19.)
 17 BY MR. WEEKS:
 18 Q. I've handed you a document that appears to
 19 be a meeting invitation dated April 13th.
 20 Did you attend this meeting?
 21 **A. Yes.**
 22 Q. And what was the topic of this meeting?
 23 **A. I believe this was a redistricting**
 24 **information session.**
 25 Q. And what information was communicated in

1 this?
 2 **A. Probably just going more in detail of**
 3 **District 8's new district lines that were**
 4 **proposed.**
 5 Q. Was that information -- did that
 6 information follow the updated data from the
 7 State?
 8 **A. At this point, April, I believe so.**
 9 (WHEREUPON, a document was marked
 10 Exhibit Number 20.)
 11 BY MR. WEEKS:
 12 Q. So I've handed you a document that is an
 13 e-mail from you to Councilwoman Noel -- appears
 14 to be an e-mail from you to Councilwoman Noel on
 15 April 14th, 2022, Bates-stamped 901.
 16 Do you recall sending this e-mail?
 17 **A. Yes.**
 18 Q. What is being discussed in this e-mail?
 19 **A. Yeah. I believe when we received -- well,**
 20 **when we realized the State data for the initial**
 21 **tool was incorrect and we had to fix it, the 8/9**
 22 **shifts that had to occur, there wasn't a way to**
 23 **do it without breaking up a neighborhood. And so**
 24 **we wanted to be thoughtful in what neighborhood**
 25 **would have to be split between -- between**

1 **districts.**
 2 **So there was the option of splitting Alton**
 3 **Park or splitting Glenwood, was kind of what --**
 4 **what was available.**
 5 Q. That option was given to Councilwoman Noel
 6 to decide, correct?
 7 **A. Yes.**
 8 Q. And what did she decide?
 9 **A. I believe it was Option 2. Yeah.**
 10 Q. Option 2?
 11 **A. Yes.**
 12 Q. Three days after this e-mail was sent to
 13 Councilwoman Noel was the presentation that we
 14 just looked at, correct -- or was it five days,
 15 five days after?
 16 **A. Yes, five days.**
 17 MR. NOBLETT: Objection to the form.
 18 **THE WITNESS: Exhibit 18.**
 19 BY MR. WEEKS:
 20 Q. Exhibit 18.
 21 By the time that presentation, Exhibit 18,
 22 was given by you, had Councilwoman Noel selected
 23 Option 2?
 24 **A. Yes.**
 25 Q. And Option 2 was the -- was presented on

1 April 19th, correct?
 2 **A. Correct.**
 3 MR. WEEKS: Let's take another
 4 five minutes, please.
 5 (Short break.)
 6 BY MR. WEEKS:
 7 Q. Returning just briefly to the decision we
 8 were discussing between Option 1 and Option 2,
 9 how did Councilwoman Noel communicate that
 10 decision?
 11 MR. ELLIOTT: Objection to the form.
 12 **THE WITNESS: I don't think it was**
 13 **communicated directly to me. There's no e-mail**
 14 **reply. She may have told Chris Anderson.**
 15 BY MR. WEEKS:
 16 Q. How do you know there's no e-mail reply?
 17 **A. I don't know.**
 18 Q. Other than these -- so we've discussed
 19 Councilwoman Noel, Councilwoman Coonrod,
 20 Councilman Hester, Councilman Henderson --
 21 **A. Hill, Hester --**
 22 Q. -- Hill, Hester --
 23 **A. -- Henderson, Coonrod --**
 24 Q. And Noel?
 25 **A. Noel.**

REPORTER'S CERTIFICATE

1
2
3 STATE OF TENNESSEE
4 COUNTY OF HAMILTON
5

6 I, MELISSA M. SMITH, Licensed Court
7 Reporter, with offices in Chattanooga, Tennessee,
8 hereby certify that I reported the foregoing
9 deposition of ANDREW SEVIGNY by machine shorthand
10 to the best of my skills and abilities, and
11 thereafter the same was reduced to typewritten
12 form by me. I am not related to any of the
13 parties named herein, nor their counsel, and have
14 no interest, financial or otherwise, in the
15 outcome of the proceedings.

16 I further certify that in order for this
17 document to be considered a true and correct copy,
18 it must bear my original signature, and that any
19 unauthorized reproduction in whole or in part
20 and/or transfer of this document is not
21 authorized, will not be considered authentic, and
22 will be in violation of Tennessee Code Annotated
23 39-14-149, Theft of Services.



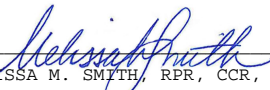
24
25

MELISSA M. SMITH, RPR, CCR, LCR
LCR # 122 - Expires: 6/30/2024

Exhibit 5

IN THE CHANCERY COURT OF TENNESSEE
FOR THE ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

Chattanooga Publishing Company,

Plaintiff,

v.

City of Chattanooga, Chattanooga City
Council,

and

Chip Henderson, Jenny Hill, Ken Smith,
Darrin Ledford, Isiah Hester, Carol B.
Berz, Raquetta Dotley, Marvene Noel,
and Demetrus Coonrod, *in their official
capacity as members of the Chattanooga
City Council,*

Defendants.

No. 22-0902

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION TO DEFENDANTS

Pursuant to Tenn. R. Civ. P. 26 and 34, Plaintiff hereby propounds the following requests for production of documents to all Defendants to produce for inspection and copying at a place to be agreed upon by counsel for both parties, the documents requested herein, on or before the date established by the Tennessee Rules of Civil Procedure.

Instructions and Definitions

1. As used herein, the term "you" (and derivations thereof) Defendants individually and in any combination, as well as Defendants' agents, representatives and attorneys, and each person acting or purporting to act on Defendants' behalf.

2. “City Council” means the legislative body created by Section 8.1 of the City of Chattanooga Code of Ordinances.

3. “Redistricting Committee” means the “small, ad hoc” committee referenced by Councilperson Henderson at the City Council’s public meeting of September 21, 2021, *see* Complaint ¶¶ 30–31, and by Councilperson Berz at the City Council’s public meeting of November 9, 2021, *see* Complaint ¶¶ 39–41.

4. “Executive Staff” means Christopher Anderson, Andrew Sevigny, Timothy Moreland, Brent Goldberg, and/or Dylan Rivera. *See* Complaint ¶ 37.

5. “Redistricting Process” means the entire process undertaken to decide the new voting maps for the City of Chattanooga pursuant to Section 8.9 of the City of Chattanooga Code of Ordinances that began in 2021 and culminated in the final passage of Ordinance #13815 by public vote of the City Council on May 3, 2022.

6. “Proposed Map” means any and every version of a map, including drafts, of possible new voting districts considered or utilized in any way during the Redistricting Process.

7. As used herein, the term “person” shall include natural persons, firms, partnerships, associations, joint ventures, corporations, agencies, boards, authorities, commissions, governmental entities, and any other form of legal or informal entity.

8. “And,” as well as “or,” as used herein shall be read and applied as though interchangeable, and shall be construed either disjunctively or conjunctively so as to require the fullest and most complete disclosure of all requested information.

9. “Relating to” means and includes constituting, referring to, pertaining to, evidencing, reflecting, describing, or has anything to do with and in each instance directly or indirectly. These terms mean, without limitation, any reference or relationship which either provides information with respect to the subject of inquiry or might lead to individuals who might possess or documents which might contain information with respect to the subject of inquiry.

10. The term “Communications” is to be construed in the broadest sense and refers to and includes, without limitations and in the singular as well as in the plural, every manner or means of disclosure, transfer or exchange whether orally, written, or face-to-face or by telephone, mail, personal delivery, document, text message, e-mail or otherwise, including, all conversations, telephone conversations, statements, discussions, debates, arguments, discourses, colloquies, interviews, consultations, and every other kind of oral utterance.

11. “Document(s)” refers to and includes all materials within the full scope of Tennessee Rules of Civil Procedure 34, including but not limited to: all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but without limitation to, email and attachments, text messages, “instant” messages or "IM" messages, like Slack messages, postings on social media, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice

and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, calendar entries (including cancellations and declinations) and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings, cloud storage), including metadata.

12. Documents originating in paper format should be scanned as images at the time of copying, with optical character recognition (“OCR”).

13. Documents attached to one another should not be separated.

14. Electronically stored documents shall be converted to images, Bates-stamped, and produced in a load file via disc (or secure link) that is compatible with industry-standard e-discovery software, such as Relativity, with the following folder structure:

- A. Images Folder: All images shall be single-page TIFFs (for B&W images) and/or single-page JPGs (for color images).
- B. OCR Folder: Multi-page OCR/extracted text.
- C. Data Folder:

- i. .DAT file (with metadata and text field path for OCR, and native link field if producing natives).

15. All Bates numbers in a given document should have a consistent length and proceed consecutively – for example, EXMPL-00001 for the first page, EXMPL-00002 for the second page, and so on in consecutive fashion.

- ii. .OPT file

D. Natives Folder: If producing native files.

The following metadata fields shall be provided in the .DAT file:

<u>FIELD NAME</u>	<u>DESCRIPTION</u>
BEGDOC#	Bates number of the first page of a document
ENDDOC#	Bates number of the last page of a document
BEGATTCH	Bates number of the first page of the parent of an attachment
ENDATTCH	Bates number of the last page of the last attachment to a parent document
PARENTID	Begdoc# for parent document
ATTCHIDS	Begdoc#'s for all attached documents
FILEPATH	The original location of a file on a network, workstation or CD, or the original folder location of an email in an Outlook mailbox
DOCTYPE	The file type of a document (Microsoft Word Document, Portable Document Format, etc.)
FILENAME	Original name of the native file or email
FILEEXT	Extension from filename (DOC, XLS, PPT, MSG, etc.)
MD5HASH	Program generated unique document identifier
AUTHOR	The creator of a native file
EMAIL FROM	The sender of an email
EMAIL TO	The recipients to an email who are included in the To line
EMAIL CC	The recipients to an email who are included in the CC line

<u>FIELD NAME</u>	<u>DESCRIPTION</u>
EMAIL BCC	The recipients to an email who are included in the BCC line
EMAIL SUBJECT	The subject line of an email
DATESENT	The date an email was sent
TIMESENT	The time an email was sent
PGCOUNT	Amount of pages of document
DATEMODIFIED	The date a document was last modified
TIMEMODIFIED	The time a document was last modified
DATECRTD	The date the document was created
TIMECRTD	The time the document was created
SOURCE	Document custodian – person from whom the document was collected
CDVOL	The volume name of the processing set
TEXTLINK	The relative path to load the OCR/extracted text files
DOCLINK	The relative path to create the link for the native version of the document (i.e. *\PROD01\NATIVES\0001\EX000001.doc)
DESIGNATIONS	Confidentiality designation (if any)

16. The singular and plural of words shall be interpreted either in the singular or plural to bring within the scope of these requests any records that might otherwise be construed to be outside the scope of these requests and shall not be interpreted so as to exclude any records otherwise within the scope of any one or more of these requests.

17. As used herein, the present shall always include the past tense.

18. If any document responsive to any of the following requests is not produced due to a claim of privilege or other objection, produce as much of the

document as to which a privilege or objection is not asserted and, with respect to the portion withheld, state or identify:

- a. The basis for the claim of privilege or other objection;
- b. The date of the document;
- c. The general subject matter of the document;
- d. The author of the document;
- e. The addressee and any other person to whom the contents of the document or the document itself has been communicated;
- f. The person or persons now in possession of the original document and, to the extent known, the location of all copies of the document; and
- g. The paragraph of these requests to which the document is responsive.

19. If your response to any request is that the documents are not in your possession, custody or control, describe in detail the unsuccessful efforts you made to locate the documents and identify who has control of the documents and describe the present location of the documents.

20. If you or any of your attorneys, accountants, employees, or agents of any kind have had possession or control of any document called for under these requests, and such document has been lost, misplaced, misfiled, obliterated, purged, mutilated, erased, or otherwise destroyed or is not presently in your possession or control or the possession or control of your attorneys, accountants, employees or agents of any kind,

describe the document, state the date of its loss or destruction and describe the circumstances surrounding that loss or destruction.

21. In accordance with Tenn. R. Civ. P. 34.02, you are to produce the documents as they are kept in the ordinary course of business or shall organize and label them to correspond with the categories of this request.

Requests for Production

REQUEST NO. 1: All documents, including communications, referred to or relied upon to prepare the responses to Plaintiff's First Set of Interrogatories to each Defendant.

REQUEST NO. 2: All documents, including communications, reflecting every version of the Proposed Map from September 21, 2021 through and including April 26, 2022.

REQUEST NO. 3: All documents, including communications, from September 1, 2021 through and including May 3, 2022, related to the City's Redistricting Process.

REQUEST NO. 4: All calendar entries, including those that were cancelled or rescheduled, from September 1, 2021 through and including May 3, 2022, related to the City's Redistricting Process.

REQUEST NO. 5: All documents, including communications, related to policies and guidance for holding public hearings and for non-public discussions between members of the City Council.

REQUEST NO. 6: All documents, including communications, reflecting policies and procedures for ad hoc committees of the City Council.

REQUEST NO. 7: All documents, including communications, related to the formation of the Redistricting Committee.

Respectfully submitted,



Paul R. McAdoo
Tennessee BPR No. 034066
THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
6688 Nolensville Rd., Ste. 108-20
Brentwood, TN 37027
Phone: 615.823.3633
Facsimile: 202.795.9310
pmcadoo@rcfp.org
Counsel for Chattanooga Publishing

Certificate of Service

The undersigned certifies that on April 27, 2023, a true and correct copy of the foregoing was served by email, as agreed by the parties, on:

Phillip A. Noblett
City Attorney
Kathryn C. McDonald
Assistant City Attorney
100 E. 11th Street, Suite 200
Chattanooga, TN 37402
pnoblett@chattanooga.gov
kmcdonald@chattanooga.gov

Sam D. Elliot
GEARHISER, PETERS, ELLIOTT & CANNON, PLLC
320 McCallie Avenue
Chattanooga, TN 37402
selliott@gearhiserpeters.com

Attorneys for Defendants



Paul R. McAdoo
Counsel for Chattanooga Publishing

HAMILTON COUNTY, TENNESSEE CHANCERY COURT
FOR THE ELEVENTH JUDICIAL DISTRICT AT CHATTANOOGA

CHATTANOOGA PUBLISHING COMPANY, :

Plaintiff, :

v. :

CITY OF CHATTANOOGA, CHATTANOOGA
CITY COUNCIL :

and :

CHIP HENDERSON, JENNY HILL, KEN
SMITH, DARRIN LEDFORD, ISIAH HESTER,
CAROL B. BERZ, RAQUETTA DOTLEY,
MARVENE NOEL, and DEMETRUS COONROD, :
in their official capacity as members of the
Chattanooga City Council :

Defendants. :

NO. 22-0902

PART I

**DEFENDANTS' RESPONSES TO PLAINTIFF'S
FIRST REQUESTS FOR PRODUCTION**

REQUEST NO. 1: All documents, including communications, referred to or relied upon to prepare the responses to Plaintiff's First Set of Interrogatories to each Defendant.

RESPONSE: Defendants would state that all documents that may have been referenced or relied upon to prepare the responses to Plaintiff's First Set of Interrogatories to each Defendant are produced in the following Request for Production of Documents.

REQUEST NO. 2: All documents, including communications, reflecting every version of the Proposed Map from September 21, 2021 through and including April 26, 2022.

RESPONSE: Please see attached Documents Bates stamped 000001-000087

REQUEST NO. 3: All documents, including communications, from September 1, 2021 through and including May 3, 2022, related to the City's Redistricting Process.

RESPONSE: Please see attached Documents Bates stamped No. 000088-000929

REQUEST NO. 4: All calendar entries, including those that were cancelled or rescheduled, from September 1, 2021 through and including May 3, 2022, related to the City's Redistricting Process.

RESPONSE: Please see attached Documents Bates stamped 000930-000976

REQUEST NO. 5: All documents, including communications, related to policies and guidance for holding public hearings and for non-public discussions between members of the City Council.

RESPONSE: Please see attached Documents Bates stamped 001016-001055.

REQUEST NO. 6: All documents, including communications, reflecting policies and procedures for ad hoc committees of the City Council.

RESPONSE: There are no responsive documents currently in Defendants' possession. Defendants reserve the right to supplement this response, as necessary.

REQUEST NO. 7: All documents, including communications, related to the formation of the Redistricting Committee.

RESPONSE: Please see attached Document Bates stamped 001056.

Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: Phillip A. Noblett

PHILLIP A. NOBLETT – BPR #10074

City Attorney

KATHRYN C. MCDONALD – BPR #30950

Assistant City Attorney

100 E. 11th Street, Suite 200

Chattanooga, TN 37402

(423) 643-8250 – Telephone

(423) 643-8255 – Facsimile

GEARHISER, PETERS, ELLIOTT & CANNON, PLLC

By: Sam Elliott (w/permission from)

SAM D. ELLIOTT – BPR #9431

320 McCallie Avenue

Chattanooga, TN 37402

(423) 756-5171 – Telephone

(423) 266-1605 – Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

The parties having agreed to transmit service copies by e-mail, the undersigned hereby certifies that the foregoing pleading was e-mailed to:

Paul R. McAdoo

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

6688 Nolensville Rd., Ste. 108-20

Brentwood, TN 37027

pmcadoo@rcfp.org

This the 17th day of July, 2023.

Phillip A. Noblett

Exhibit 6

City's Responses to RFP 07/17/2023 000123

Re: City of Chattanooga Redistricting Questions**canderson@chattanooga.gov Chris Anderson**

Sunday, March 6, 2022 at 6:53:51 PM Eastern Standard Time

To: joda@chattanooga.gov Joda Thongnopnua

Cc: emholmes@epbf.com, berz_c@chattanooga.gov Berz, Carol B., dcoonrod@chattanooga.gov Coonrod, Demetrus, cchenderson@chattanooga.gov Henderson, Chip, Isiahhester7@gmail.com Hester, Isiah, jhill@chattanooga.gov Hill, Jenny, dledford@chattanooga.gov Ledford, Darrin, kensmith@chattanooga.gov Smith, Ken, tkelly@chattanooga.gov Mayor Tim Kelly, rdotley@chattanooga.gov Raquetta Dotley

Hi Dr. Holmes,

It's always wonderful to hear from you! Are you available to meet with me tomorrow (Monday) afternoon? I can meet you any time, 2:00pm or later. Let's confirm in the morning a time that works best for you. I look forward to speaking with you soon!

Chris

On Sun, Mar 6, 2022 at 6:46 PM Joda Thongnopnua <joda@chattanooga.gov> wrote:

Hi Dr. Holmes,

Thanks for reaching out. I just wanted to underscore, for you and the Hamilton County Voters Coalition, that this is a process that is primarily guided and driven by Chattanooga City Council. This year, as in prior administrations, we believe it is appropriate that Chattanooga City Council direct the development and process of determining their new boundaries. The Kelly administration simply helped provide data and render maps with changes requested by council members as guided by the process outlined by Chattanooga City Council. Every member of the City Council has been engaged throughout the process.

I know Chris Anderson is happy to meet with you to discuss any specific questions you may have, and I've let him know to give you a call, but I did want to clarify our administration's role and underscore that this is a process led by Chattanooga City Council rather than the administration.

Thanks,
Joda

Joda Thongnopnua

Chief of Staff

City of Chattanooga - Office of Mayor Tim Kelly

Office: 423-643-7816

Mobile: 423-298-3676

Email: joda@chattanooga.gov

On Sat, Mar 5, 2022 at 6:46 AM <emholmes@epbf.com> wrote:

Mr. Anderson,

There are residents contacting the Hamilton County Voters Coalition asking questions about the information released this week regarding the proposed Districts for the City of Chattanooga. As a result of the public participating in the County Commissioners redrawing the Hamilton County Districts, for the first time, there was transparency in what they did in re-drawing of the districts in Hamilton County. Not only was there transparency, but there was plenty opportunity for public input. Unfortunately, this was not the case in the re-drawing of the districts in the City of Chattanooga.

Most of the questions we have received centered around, when did the redrawing of the Districts in the City take place and who was involved as well as how the decisions were made regarding the redrawing of the City's Districts???

Would you give me a call prior to Tuesday's City Council Meeting to discuss this? This item has been placed on the Agenda for The Hamilton County Voters Coalition's meeting for this upcoming Wednesday and we need more information regarding this matter prior to the meeting.

Your assistance in this matter would be greatly appreciated.

Dr. Everlena Holmes
423-622-0974

--

Chris Anderson

Senior Advisor for Legislative Initiatives

Regional Planning Commissioner

LGBTQ+ Liaison

5/23/23, 3:18 PM

Google Vault - Re: City of Chattanooga Redistricting Questions

City of Chattanooga, Mayor Tim Kelly

City's Responses to RFP 07/17/2023 000124

Mobile: 423-503-0595
Office: 423-643-7807

Exhibit 7

IN THE CHANCERY COURT OF TENNESSEE
FOR THE ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

Chattanooga Publishing Company,

Plaintiff,

v.

City of Chattanooga, Chattanooga City
Council,

and

Chip Henderson, Jenny Hill, Ken Smith,
Darrin Ledford, Isiah Hester, Carol B.
Berz, Raquetta Dotley, Marvene Noel,
and Demetrus Coonrod, *in their official
capacity as members of the Chattanooga
City Council,*

Defendants.

No. 22-0902

**DEFENDANTS THE CITY OF CHATTANOOGA AND THE CHATTANOOGA
CITY COUNCIL RESPONSES TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. Defendants' investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. Defendants expressly reserve the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

3. Defendants object to each instruction, definition, document request, and interrogatory to the extent that it purports to impose any requirement or discovery obligation greater than or different from those under the Tennessee Rules of Civil Procedure.

4. Defendants object to each instruction, definition, document request, and interrogatory as overbroad and unduly burdensome to the extent it seeks documents or information that are readily available from the public record.

RESPONSES

1. Identify all persons who assisted or participated in the preparation of answers to these interrogatories. If more than one person participated, identify which answers were prepared by which persons.

ANSWER: Philip A. Noblett, City Attorney, Kathryn McDonald, Assistant City Attorney, Sam D. Elliott, Special Counsel, Chris Anderson, senior advisor, and by means of referral to the information gathered to respond to the individual defendants' interrogatory answers, each of them.

2. Identify every change to the Proposed Map from September 22, 2021 to May 3, 2022 and for each such change, describe when the change was made, who was involved in deciding to make the change, and why the change was made.

ANSWER: In creating an initial map, city staff did an unknown number of changes on an experimental level in order to achieve a map compliant with standards established by the state comptroller and further using the *Brown v. Board* decision

by Judge Edgar in 1989 as a guideline, as the actual obligations under that order had expired. Council members were not involved in that process. As these were experimental and contingent, these changes were not recorded. An e-mail dated November 11, 2021 suggests there may have been two or three such versions. The experimental changes were:

- 1) Making a district bigger in order to meet the less than 10% deviation standard.
- 2) Making a district smaller in order to meet the less than 10% deviation standard
- 3) Adjusting boundaries to meet an over 50% African American majority in Districts 5, 8 and 9
- 4) Keeping neighborhoods whole.

Another applicable standard was that no existing office holder could be zoned out of the district they represented. However, the 2021/2022 process did not call for the application of that rule given the residential locations of existing council members.

With that proviso, as best as can be identified, maps were generated/changes were made as follows:

A presentation entitled “Redistricting 11/17/21” was generated on or about **November 16, 2022** which included an initial map. The presentation states that the reasoning behind the map was:

1. Apply existing Council Boundaries to new Census Data
2. Considerations for changing boundaries

- a. Districts 5, 8, and 9 need to increase in population
- b. Districts 3, 4, and 7 have room to decrease
- c. Use neighborhood boundary file as guidelines
- d. Use arterial roadways and natural land features as guidelines

A second presentation entitled “Redistricting 12/9/21” was generated on or about that date, for the purpose of the presentation to the Redistricting Committee on **December 9, 2021**. The same reasoning was supplied. A proposed map applying those factors was included and placed next to the existing map. A feature allowed a user to click on a tab and see the difference on a single page.

A third presentation entitled “Redistricting 2/15/22” was generated on or about **February 15, 2022**, again for presentation to the Redistricting Committee on that date. The changes presented were:

- Districts 1, 2, & 3 shifted together in a clockwise direction with:
 - Pine Hill and Northmont Estates moving to District 1
 - Neighborhoods North of Ely Road moving to District 3
 - Hill City and Pinnacle building moving to District 2
- District 5 continues all the way to the river and now contains all of Hwy 58
 - District 5 also shifts into Austin Farm neighborhood
- District 6 shifted more into District 4
 - Summit moves into District 6 as well as everything north of Standifer Gap Rd
 - Small neighborhood near airport road also moves into District 6

- Part of East Lake moves to District 8
 - East of Georgia Ave and Battery Heights are now in District 8 as well
- District 7 now encompasses north part of E Main St, making neighborhood whole
- District 9 makes some shifts East to include Gaylan Heights / North Tower Forest
 - Now includes all of Highland Park

The map shown to the Committee on February 15 was published to the public on **March 1, 2022** and was made available to the public thereafter online.

A second map was published on **April 5, 2022**. As best as can be determined the changes were to note that City Greene was moved to District 2, and the description as to District 9 did not specify Gaylan Heights / North Tower Forest. The map was thereafter made available to the public online.

On or about April 11, 2022, Andrew Sivigny discovered that incorrect data in the use of the state mapping tool resulted in the need for minor changes to Districts 7, 8 and 9 as follows:

District 7,8,9 changes are as follows:

- Northeast corner of E 38th and Central moves from 7 to 8
- Fort Cheatham area between Dodds and Westside Drive moves from 9 to 8
- 3 blocks near Dodson and Wilder moves from 9 to 8
- Some other minor swaps between 7 and 8

No changes to the remaining districts. Accordingly, a corrected map was generated dated **April 12, 2022** and thereafter made available to the public online.

A fourth and final map was published on **April 19, 2022**. Staff determined further adjustments were needed for Districts 7, 8 and 9:

District 7,8,9 changes are as follows:

- No longer splitting Alton Park or adding three blocks on Dodson into 8
- Glenwood split between 8 and 9 with 8 taking area North of E 3rd and West of Glenwood Dr

This map was also thereafter available to the public online. All iterations of the map since March 1, 2022 are on the City's website and accessible to the public at: <https://www.chattadata.org/stories/s/7jfp-49bt>

In the course of the process, as detailed in response to Interrogatory 4 below, some individual council members met with Chris Anderson for the purpose of understanding the status and suggested changes to the map for their respective districts. In some cases, the lines would be adjusted based on these meetings, but not in a significant manner. Mr. Anderson did not act as a "go-between" between council members as to these changes, and there were no tacit arrangements. In every case, a suggested change was made without debate or significant comment by the affected adjacent council member.

3. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, of the Redistricting Committee and for each such meeting, gathering or oral communication, identify who was involved or in attendance, describe what was discussed and by whom,

describe where or how the meeting, gathering or oral communication took place, and describe the duration of the meeting, gathering, or oral communication.

ANSWER: There were three gatherings of the committee as such, all of which were in person. Based upon the best recollection of the persons with knowledge, Defendants respond as follows:

1. First Redistricting Education session for Council Committee members, attended by the Council redistricting committee and called by the Mayor's staff, reviewed excerpts from 2011 Legal, Legislative, and Safety Committee minutes on redistricting after last decennial census. The various legal and practical requirements outlined in the Comptroller's "A Guide to Local Government Redistricting in Tennessee" were discussed, as well as the then-current districts with 2020 census numbers added. The gathering was attended by City Attorney O'Donnell, Chris Anderson, Andrew Sivigny, Dylan Rivera, Councilpersons Dotley, and Berz. Brent Goldberg briefly attended to greet the council members. The session lasted less than one hour.– **September 30, 2021**
2. Second Redistricting Education session called by the Mayor's staff and briefing, attended by City Attorney O'Donnell, Anderson, Sivigny, Rivera, Councilpersons Berz, Dotley, Ken Smith and Isaiah Hester, and Tim Moreland. The information provided related to the slide presentation "Redistricting

12/9/21” and the factors listed therein, and the session lasted less than an hour.

– **December 9, 2021**

3. Third Redistricting Education session with Council redistricting committee called by Mayor’s office. Attendees were Anderson, Sivigny, Berz, Hester, Dotley, Moreland, Councilperson Ken Smith and possibly Joda Thongnopnua. The information provided related to the slide presentation “Redistricting 2/15/22” and the factors listed therein, and the session lasted less than an hour

– **February 15, 2022**

During these sessions, there was no deliberation between the council members present. The sessions were informational and intended to reflect the staff’s progress toward generating an appropriate map of compliant districts.

4. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between individual members of the City Council and the Executive Staff related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, describe where or how the meeting, gathering or oral communication took place, and describe the duration of the meeting, gathering, or oral communication.

ANSWER: November 17, 2021—Meeting between Councilperson Berz and Chris Anderson, Andrew Sevigny, Tim Moreland, Dylan Rivera (Director of Innovation Special Projects) and Ian Evatt (Senior Data Analyst), presumably

relating to information in a slide presentation dated November 16, 2021. This lasted approximately an hour.

December 14, 2021—Redistricting Administrative Briefing by Chris Anderson for Councilman Smith, possibly Sevigny was present. The meeting lasted approximately a half hour and related to how the proposed map affected Smith's district.

January 11, 2022—Redistricting update briefing by Chris Anderson for Councilperson Ledford and later for Councilperson Henderson. Each meeting lasted approximately a half hour and related to how the proposed map affected each member's district.

January 18, 2022—Redistricting discussion by Chris Anderson with Councilperson Hill, District 2. Hill recalls that they reviewed the legal requirements for the redistricting process and likely adjustments to District 2, particularly relating to the line of Eli Road and perhaps Hill City. The meeting lasted approximately a half hour.

February 3, 2022—Chris Anderson's records indicate a Redistricting discussion with Councilperson Coonrod, District 9. He recalls the meeting lasted approximately a half hour and related to how the proposed map affected Coonrod's district.

February 10, 2022—Mr. Anderson's records reflect a (Second) Redistricting discussion (virtual) between Chris Anderson and Councilperson Coonrod, District 9.

February 17, 2022–Mr. Anderson’s records reflect a (Third) Redistricting discussion (virtual) between Chris Anderson and Councilperson Coonrod, District 9

Three February meetings with Coonrod are reflected by Anderson’s records. As indicated in her interrogatory answers, Councilperson Coonrod remembers one virtual meeting in February, 2022 to discuss her district. She recalls that she and Mr. Anderson discussed the boundaries of her district, the legal requirements, and particular areas relating to my district. Coonrod recalls that meeting lasted about 45 minutes.

March 28, 2022– Councilperson Noel, District 8 meets with Chris Anderson, Andrew Sevigny and Joda Thongnopnua for approximately a half hour. The discussion was to the effect that there was little or no change to the District 8 map at that time.

April 13, 2022–Redistricting discussion by Chris Anderson and Andrew Sivigny with Councilwoman Noel. That meeting was also short, and issues with the district boundary arising out of the discrepancy in the state numbers were explained.

April 19, 2022–Fourth Redistricting discussion by Chris Anderson, Andrew Sivigny and Joda Thongnopnua with Councilwoman Coonrod. Coonrod was shown some changes that related to Glenwood and Conrod posed questions relating to the same. That meeting lasted approximately 30 minutes.

Councilpersons Dotley and Hester did not have separate meetings with staff relative to redistricting.

Further, to the extent public record shows that members of the Executive Staff were present at public meetings as shown by the public record, the Defendants incorporate the same by reference in response to this Interrogatory.

5. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between and among members of the City Council related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, describe where or how the meeting, gathering or oral communication took place, and describe the duration of the meeting, gathering or oral communication.

ANSWER: The three sessions of the Redistricting Committee are identified above and incorporated herein by reference.

With the exception of Councilperson Dotley attending a community meeting held by Councilperson Coonrod where Dotley did not speak, as is reflected in her interrogatory answers, all contact outside the Redistricting Committee sessions occurred in the context of a public meeting.

Public meetings related to the Redistricting Process include:

September 21, 2021–City Council Strategic Planning Meeting.

February 15, 2022–Council Agenda Session.

March 1, 2022–City Council Strategic Planning Meeting.

–City Council Agenda Session.

–City Council Regular Meeting.

March 8, 2022–City Council Agenda session.

March 8, 2022–City Council Regular Meeting.

March 15, 2022–City Council Strategic Planning Meeting.

–City Council Regular Meeting.

March 29, 2022–City Council Agenda session

– City Council Regular Public Meeting with public hearing on Redistricting.

April 5, 2022–City Council Strategic Planning Meeting (Councilperson Conrood indicates she wanted discussion at one time but was currently satisfied).

April 12, 2022–City Council Agenda Session

April 12, 2022–City Council Regular Meeting

April 19, 2022–Agenda Session

April 26, 2022–Agenda Session

– City Council Regular Meeting

May 3, 2022–Agenda Session

May 3, 2022– City Council Regular Meeting

Each of these meetings had minutes prepared and approved and were recorded. These Defendants object to the burden and oppression of recapitulating what is in the public record, in order to respond to the aspect of this interrogatory asking Defendants to “identify who was involved or in attendance, describe what was discussed and by whom, describe where or how the meeting, gathering or oral communication took place, and describe the duration of the meeting, gathering or oral communication.” The minutes and the videos of each meeting are publicly available,

and the details sought by this interrogatory are easily ascertainable by Plaintiff, who quoted liberally from the same in its Complaint.

6. Identify every meeting, gathering, or oral communication, including virtual meetings or gathering, between members of the City Council and the public related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was in involved or in attendance, describe what was discussed and by whom, describe where or how the meeting, gathering or oral communication took place, and describe the duration of the meeting, gathering or oral communication.

ANSWER: See the response to Interrogatory No. 5 above, which were all open to the public. The minutes of each will indicate those members of the public present.

These defendants also adopt the responses of each of the individual council members to this interrogatory.

7. Describe all facts that you claim support your laches defense.

ANSWER: Upon information and belief, Plaintiff was aware of the untrue allegations that the Redistricting Committee's meetings violated the Open Meetings Act as early as March 28, 2022, as reflected by an article in the Plaintiff's publication by Logan Hullinger. The same day Plaintiff published an opinion piece to that effect by Helen Burns Sharp. An editorial by David Cook of April 3, 2022 indicated at least one agent of the Plaintiff had concluded a violation occurred. Plaintiff's discovery served over a year later has asked for minute details from events well prior to March

28, 2022. Plaintiff's delay in bringing suit prejudiced the defendants in requiring them to reconstruct from memory the minute details of the process Plaintiff now seeks in discovery.

8. Identify all persons having knowledge of discoverable facts pertinent to the allegations in the Complaint in this case and for each person identified describe what knowledge they hold.

ANSWER: Chip Henderson, council chairman and member, District 1.

In partial response, the Defendants adopt Mr. Henderson's response to the interrogatories Plaintiff separately directed to him. Mr. Henderson has knowledge of the fact that no illegal meeting took place in his presence, that the contact he had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to him, he gave full, new and substantial consideration to the same.

Jenny Hill, council member, District 2. In partial response, the Defendants adopt Ms. Hill's response to the interrogatories Plaintiff separately directed to her. Ms. Hill has knowledge of the fact that no illegal meeting took place in her presence, that the contact she had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to her, she gave full, new and substantial consideration to the same.

Ken Smith, council member, District 3. In partial response, the Defendants adopt Mr. Smith's response to the interrogatories Plaintiff separately directed to her. Mr. Smith also has knowledge of the fact that no illegal meeting took place in his presence, that the contact he had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to him, he gave full, new and substantial consideration to the same.

Darrin Ledford, council member, District 4. In partial response, the Defendants adopt Mr. Ledford's response to the interrogatories Plaintiff separately directed to him. Mr. Ledford also has knowledge of the fact that no illegal meeting took place in his presence, that the contact he had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to him, he gave full, new and substantial consideration to the same.

Isiah Hester, council member, District 5. In partial response, the Defendants adopt Mr. Hester's response to the interrogatories Plaintiff separately directed to him. Mr. Hester also has knowledge of the fact that no illegal meeting took place in his presence, that the contact he had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to him, he gave full, new and substantial consideration to the same.

Carol B. Berz, council member, District 6. In partial response, the Defendants adopt Ms. Berz's response to the interrogatories Plaintiff separately directed to her. Ms. Berz also has knowledge of the fact that no illegal meeting took place in her presence, that the contact she had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to her, she gave full, new and substantial consideration to the same.

Raquetta Dotley, council member, District 7. In partial response, the Defendants adopt Ms. Dotley's response to the interrogatories Plaintiff separately directed to her. Ms. Dotley will also has knowledge of the fact that no illegal meeting took place in her presence, that the contact she had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to her, she gave full, new and substantial consideration to the same.

Marvene Noel, council member, District 8. In partial response, the Defendants adopt Ms. Noel's response to the interrogatories Plaintiff separately directed to her. Ms. Noel also has knowledge of the fact that no illegal meeting took place in her presence, that the contact she had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to her, she gave full, new and substantial consideration to the same.

Demetrus Coonrod, council member, District 9. In partial response, the Defendants adopt Ms. Coonrod's response to the interrogatories Plaintiff separately directed to her. Ms. Coonrod also has knowledge of the fact that no illegal meeting took place in her presence, that the contact she had with the city staff was purely of an informational nature (as noted above) and not a device intended to evade the Open Meetings Act, and that after the last iteration of the map was provided to her, she gave full, new and substantial consideration to the same.

Emily O'Donnell, former city attorney. Ms. O'Donnell is believed to have knowledge of the process to ascertain the legal requirements for redistricting, to have participated in one or more of the meetings of the Redistricting Committee and to therefore be a witness to the lack of deliberation among the council members present, and to have been present during most of the City Council's advertised meetings.

Chris Anderson, senior advisor Mr. Anderson took the lead for the Executive Staff in shepherding the process through to the final adoption of the redistricting ordinance on May 3, 2022. The details of his involvement are provided elsewhere in these answers, but he is expected to have knowledge of the lack of deliberation among council members during the process

Andrew Sevigny, former Director of Data Science and Analytics. Mr. Sevigny has knowledge as to the process of creating the maps following the required legal procedures for redistricting, and to have participated, as indicated elsewhere in these answers, in the gatherings of the Redistricting Committee and the various City Council proceedings, also indicated elsewhere in these answers.

Tim Moreland Administrator Department of Innovation Delivery and Performance. Mr. Moreland attended two of the three Redistricting Committee sessions, and would have knowledge of what transpired and information relative to the maps generated.

Joda Thongnopia, interim chief of staff/chief of staff to Mayor Kelly after December, 2021, and prior to that chief policy officer. As noted above, Mr. Thongnopia attended certain gatherings of the Redistricting Committee and a meeting with Councilperson Coonrod.

Brent Goldberg, chief of staff from April 2021 to December 2021, afterwards Chief Financial Officer. As noted above, he attended the first gathering of the Redistricting Committee.

Dylan Rivera (Director of Innovation Special Projects) attended the September 30, 2021 session and the November 17, 2021 session with Dr. Berz.

Ian Evatt (Senior Data Analyst) attended the session with other staff and Councilperson Berz on November 17, 2021.

Matthew Hill, Tennessee Comptroller's Office, provided data from State of Tennessee.

There are also who appeared at public meetings where some aspect of the redistricting issue was addressed who would therefore be persons with knowledge of that meeting. As that information is public, these Defendants object to the burden of identifying each such person.

Oath

STATE OF TENNESSEE :
COUNTY OF HAMILTON:

I, Chris Anderson after first being duly sworn according to law, make oath that the above responses to the Interrogatories propounded by Plaintiff are true to the best of my knowledge, information and belief.

Chris Anderson

Sworn to and subscribed before me
this the 18th day of July 2023.

Kathy A. Repay


Notary Public at Large

My commission expires: 04-28-26



Signed as to objections only

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: 
PHILLIP A. NOBLETT- BPR # 10074
KATHRYN C. MCDONALD - BPR 30950
100 East 11th Street, Ste. 200
Chattanooga, TN 37402
(423) 643-8250
pnoblett@chattanooga.gov
kmcdonald@chattanooga.gov

GEARHISER, PETERS, ELLIOTT &
CANNON, PLLC

By:  (w/permission Ken)
SAM D. ELLIOTT (BPR #09431)
320 McCallie Avenue
Chattanooga, TN 37402
(423) 776-5171
sellott@gearhiserpeters.com

CERTIFICATE OF SERVICE

The parties having agreed to transmit service copies by e-mail, the undersigned hereby certifies that the foregoing pleading was e-mailed to:

Paul R. McAdoo
THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS
6688 Nolensville Rd., Ste. 108-20
Brentwood, TN 37027
pmcadoo@rcfp.org

This the 15th day of July, 2023.



Exhibit 8

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

CHRIS ANDERSON

July 27, 2023



Melinda Cantrell, CCR, LCR, RPR

Chattanooga (423)266-2332 Jackson (731)425-1222
Knoxville (865)329-9919 Nashville (615)595-0073 Memphis (901)522-4477
www.elitereportingservices.com

1 CHANCERY COURT OF TENNESSEE FOR THE
 2 ELEVENTH JUDICIAL DISTRICT AT CHATTANOOGA

3 CHATTANOOGA PUBLISHING COMPANY,
 4 PLAINTIFF,
 5 V. CASE NO.: 22-0902
 6 PART 1

7 CITY OF CHATTANOOGA, CHATTANOOGA
 8 CITY COUNCIL,
 9 AND
 10 CHIP HENDERSON, JENNY HILL, KEN SMITH
 11 DARRIN LEDFORD, ISIAH HESTER,
 12 CAROL B. BERZ, RAQUETTA DOTLEY
 13 MARVENE NOEL, AND DEMETRUS COONRAD,
 14 IN THEIR OFFICIAL CAPACITY AS MEMBERS
 15 OF THE CHATTANOOGA CITY COUNCIL,
 16 DEFENDANTS.

17 The Deposition of:
 18 CHRIS ANDERSON
 19 Taken on behalf of the Plaintiff
 20 July 27, 2023
 21 Commencing at 9:00 a.m.

22 Lexitas
 23 www.lexitaslegal.com
 24 MELINDA CANTRELL, CCR, LCR, RPR
 25 Chattanooga, Tennessee
 (423)266-2332

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1 A P P E A R A N C E S

2

3 For the Plaintiff:
 4 MR. PAUL R. MCADOO
 MR. LIN WEEKS
 5 Attorneys at Law
 The Reporters Committee For
 6 Freedom of the Press
 6688 Nolensville Road, Suite 108-20
 7 Brentwood, TN 37027
 (615) 823-3633
 8 pmcadoo@rcfp.org
 lweeks@rcfp.org

9

10 For the Defendants:
 11 MR. SAM D. ELLIOTT
 Attorney at Law
 12 Gearhiser, Peters, Elliott
 & Cannon, PLLC
 13 320 McCallie Avenue
 Chattanooga, TN 37402
 14 (423) 756-5171
 sellriott@gearhiserpeters.com

15

16 MR. PHILLIP A. NOBLETT
 Attorney at Law
 17 City Attorney's Office
 Suite 200
 18 2nd Floor City Hall Annex
 100 E. 11th Street
 Chattanooga, TN 37402
 19 (423) 643-8250
 pnoblett@chattanooga.gov

20

21 Also Present:
 22 MS. KATHRYN MCDONALD
 23
 24
 25

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S T I P U L A T I O N S

The deposition of CHRIS ANDERSON was taken by counsel for the Plaintiff on July 27, 2023, at 100 E 11th Street, Suite 200, Chattanooga, Tennessee, for all purposes under the Tennessee Rules of Procedure.

All formalities as to caption, notice, statement of appearance, et cetera, are waived, that said deposition may be read and used in evidence in said cause of action in any trial thereon or any proceeding herein.

It is agreed that MELINDA CANTRELL, RPR, Licensed Court Reporter for the State of Tennessee, may swear the witness, and that the reading and signing of the completed deposition was not discussed.

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* * *

CHRIS ANDERSON,

having been called as a witness, and after being duly sworn, testified as follows:

EXAMINATION

QUESTIONS BY MR. MCADOO:

Q. Good morning.

A. Good morning.

Q. Would you please state your name?

A. Chris Anderson.

Q. Have you ever been deposed before?

A. Many times.

Q. Many times. What types of cases?

A. Cases involving City government. I spent four years in the Chattanooga City Council; anytime somebody sues the City Council, as you're well aware, they're suing corporate officers in the City, so I've been involved in multiple lawsuits. Never in my personal capacity.

Q. One thing I'm going to say -- this is mostly because I do it in court -- please slow down just a little bit, it will make it easier for the court reporter to get everything down.

A. Okay.

Q. Okay. I have that problem in court and I just don't want to have a problem with that.

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All right. Even though this is an informal setting, this is a formal legal proceeding. Do you understand that you're obligated to answer my questions fully and truthfully just as though you were testifying in front of a judge in the courtroom?

A. Yes, I do.

Q. Ever been deposed in an open meetings case before?

A. No.

Q. Couple of some ground rules, which, since you're an experienced deponent, you will probably know. Please wait until I finish asking the question to answer it. Please answer it clearly and audibly so that the court reporter can take down your response. No nodding your head or head shakes or stuff like that. If you don't understand a question, please let me know and I'll be happy to try and rephrase it.

If you need a break at any point in the deposition to use the restroom or anything like that, please answer the question that I asked and let me know and we'll take a break and we'll see what we can do. I try to be very flexible on that.

Any questions about that, on the basic ground rules?

A. No.

Q. Did you take any medication that affects your

1 the council about this was just Carol because we kind of
2 set out together the process that we were going to follow
3 and there were no other council members in that first
4 discussion, as I remember. But it's possible that
5 Councilwoman Dotley was there and she just didn't speak
6 and that's why I have no recollection of that.

7 Q. You said a second ago, I'm paraphrasing, that you
8 and Dr. Berz came up with a process for redistricting; is
9 that accurate?

10 A. She asked us, as in my team and I, to develop the
11 process, and we explained to her how the data collection
12 would work, receiving data from both the U.S. Census
13 Bureau and state comptroller and gave back to her a
14 procedure.

15 Q. Who decided to have this meeting be a private
16 meeting or a non-public meeting?
17 A. I don't recall that meeting the decision that was
18 debated. It was just a meeting for the administration to
19 show Councilwoman Berz what the process was going to be.
20 It's not unusual for a meeting with one council person to
21 be private, so it's not like a decision was made regarding
22 that. That's just common practice.

23 Q. Okay. In what role is Dr. Berz meeting with you?

24 A. As chair of the Redistricting Committee.

25 Q. And the purposes of the meeting was to start the

1 process of redistricting?

2 A. Yes.

3 Q. I'm handing you a document, page 1 says,
4 "Redistricting Data." Would you please take a look at
5 that?

6 A. (Witness reviews document.)

7 Q. Are you familiar with this document?

8 A. Yes.

9 Q. Will you tell me what it is?

10 A. It's a slide deck presentation describing the
11 requirements of redistricting for the Chattanooga City
12 Council.

13 Q. Did you, you or members of your staff use this
14 PowerPoint presentation in the September 30th, 2021,
15 meeting?

16 A. I believe so, yes.

17 MR. MCADOO: Can we please mark this as
18 Exhibit C?

19 (WHEREUPON, a document was marked as Exhibit
20 Number C.)

21 BY MR. MCADOO

22 Q. So if you can look at that page -- sorry these are
23 not paginated -- fourth page, it's entitled, "Required
24 Steps."

25 A. Yep.

1 Q. During that September 30th meeting, which of these
2 steps were you on, you being the City?

3 A. To be clear, I represent the executive branch. I
4 do not represent the entire City, which includes the
5 legislative and judicial branch. Some of these steps were
6 taken by the legislative branch, out of my control or
7 involvement, such as Step 1. I believe we were still on
8 Step 2 prior to the redistricting data.

9 Q. Okay. Thank you. If you will turn to the last
10 page of the document, what is Districtr?

11 A. I believe it's an open source redistricting tool
12 that is available over the Internet to anyone. I don't
13 know what else to say about it. It's a redistricting tool
14 online.

15 Q. Is that the redistricting tool that your office
16 used?

17 A. We looked at several. I believe this is the one
18 that we actually used to draw the lines, but there were
19 two or three that we reviewed. I don't remember the names
20 of the others.

21 Q. Did your office keep copies of the various
22 iteration used that were drawn during the redistricting
23 process?

24 A. I did not. I believe Andrew Sevigny did.

25 Q. Were those in the original format provided to us

1 during discovery?

2 A. To the best of my knowledge, yes.

3 MR. MCADOO: Mr. Elliott, to the extent we
4 can locate them.

5 BY MR. MCADOO:

6 Q. Did you keep notes of your meeting on September --
7 during this process, but particularly the September 30th,
8 2021, meeting?

9 A. I don't believe I kept notes in that meeting.

10 Q. Did someone else on your staff take notes?

11 A. Not that I know of.

12 Q. Were you or your staff provided any instructions
13 by Dr. Berz at this meeting?

14 A. I need a moment.

15 Q. Yeah, no problem.

16 (Pause in proceeding.)

17 THE WITNESS: We did receive instruction from
18 her to come back to them with maps. That meant the
19 requirements from the State government as well as the
20 federal court order. I don't believe there were any more
21 detailed directives other than that.

22 BY MR. MCADOO:

23 Q. Okay. And there was -- were there any maps shown
24 to Dr. Berz during this meeting?

25 A. I don't believe so, no, unless it was the current

1 districts as they currently existed. It's possible that
 2 that could have been used. There were no new maps created
 3 at this point, so it would have been impossible to show
 4 her a new map.
 5 Q. Stepping back a little bit. What was the purpose
 6 of the meeting on September 30th, 2021?
 7 **A. I believe it was to present this presentation**
 8 **describing what the requirements were, what we had to**
 9 **follow, and, obviously, show the tools that we would use**
 10 **for that.**
 11 Q. Why was it important for Dr. Berz to know about
 12 the process for redistricting?
 13 **A. She's the chair of the Redistricting Committee.**
 14 Q. And do you recall what the task of the
 15 Redistricting Committee was?
 16 **A. To draw new district lines based on the decennial**
 17 **census.**
 18 Q. All right. Do you recall what the next meeting
 19 you had with any members of the City Council regarding
 20 redistricting?
 21 **A. One moment.**
 22 Q. Yeah, no problem.
 23 **A. I believe it was -- hmm. I think it was the**
 24 **November meeting.**
 25 MR. ELLIOTT: Can I ask you to clarify? You

1 mean a formal meeting or just any meeting?
 2 MR. MCADOO: Any meeting. Any meeting in
 3 which Mr. Anderson was with a member of City Council.
 4 MR. ELLIOTT: Any. Okay.
 5 MR. MCADOO: Okay.
 6 MR. ELLIOTT: Any meeting. That's a little
 7 broad here.
 8 MR. MCADOO: We'll clarify here. Give me
 9 just one second.
 10 BY MR. MCADOO:
 11 Q. All right. Mr. Anderson, I put before you an
 12 invitation -- that looks to be an invitation, calendar
 13 appointment invitation. Do you recognize this document?
 14 **A. Yes.**
 15 Q. Can you tell me what it is?
 16 **A. It's a calendar invitation for redistricting**
 17 **working session on Wednesday, November 17th, 2021.**
 18 Q. Do you know if this session took place?
 19 **A. I believe it did.**
 20 MR. MCADOO: Okay. Can we mark that as
 21 Exhibit D, please?
 22 (WHEREUPON, a document was marked as Exhibit
 23 Number D.)
 24 BY MR. MCADOO:
 25 Q. Can you tell me who attended this meeting on

1 November 17th, 2021?
 2 **A. Myself, Andrew Seigny, Tim Moreland,**
 3 **Dylan Rivera, Ian Evatt, and Carol Berz.**
 4 Q. And you recall all of them being in attendance?
 5 **A. I do.**
 6 Q. What was the purpose of this meeting?
 7 **A. This was a recurring calendar item that I and my**
 8 **staff blocked off every Wednesday at this time for the**
 9 **purpose of updates for each other, as in -- each other, as**
 10 **in my staff and I, to see where we were with**
 11 **redistricting. This was a weekly block on the calendar.**
 12 **We did not actually meet every week. It was just a weekly**
 13 **hold if we needed to meet. Some weeks we did and some**
 14 **weeks we didn't. I believe this is the only one that**
 15 **Councilwoman Berz attended.**
 16 Q. Okay. All right. I'm showing you a document that
 17 page 1 said, "Redistricting," it says, 11/17/21. Would
 18 you please take a look at that?
 19 **A. Okay.**
 20 Q. Are you familiar with this document?
 21 **A. I am.**
 22 Q. Could you tell me what it is?
 23 **A. It's a presentation that was used in the**
 24 **November 17, 2021, meeting.**
 25 Q. Okay. Could you turn to page 5? And before you

1 read that, why was Dr. Berz the only council member to
 2 attend this meeting?
 3 **A. I don't recall.**
 4 Q. Was it because she was the chair of the
 5 Redistricting Committee?
 6 **A. That's likely the reason, yes.**
 7 Q. Let me take a step back. Had the Redistricting
 8 Committee done anything between the September 30th and
 9 November 17th, that you're aware of, on redistricting?
 10 **A. One moment.**
 11 Q. No problem.
 12 **A. At this point, my recollection is that we had**
 13 **merely internally talked about the requirements set forth**
 14 **by Judge Edgar's federal court Order and the State**
 15 **comptroller's office. I don't believe we had received the**
 16 **data that we needed to complete the process.**
 17 MR. ELLIOTT: Can I ask to clarify? He asked
 18 you the committee, not your staff.
 19 MR. MCADOO: Right, right.
 20 **THE WITNESS: I misunderstood the question.**
 21 **I don't believe the committee had done anything at that**
 22 **point, but I can't testify to what they did outside of my**
 23 **presence.**
 24 BY MR. MCADOO:
 25 Q. Right. But you did not meet with members of the

1 Redistricting Committee between September 30th and
 2 November 17th, 2021?
 3 **A. I'm certain I met with members of the**
 4 **Redistricting Committee because outside of being members**
 5 **of the Redistricting Committee, they are the City Council**
 6 **members and I see them every week.**
 7 Q. That's a fair clarification. In their capacity as
 8 members of the Redistricting Committee, discussing the
 9 redistricting?
 10 **A. No.**
 11 MR. MCADOO: Let's go back to -- can we mark
 12 this as Exhibit E, please? And thank you for your help.
 13 (WHEREUPON, a document was marked as Exhibit
 14 Number E.)
 15 BY MR. MCADOO:
 16 Q. Let me ask you a question about this. Did you
 17 author this PowerPoint?
 18 **A. Explain the question.**
 19 Q. Did you write it, create it?
 20 **A. No.**
 21 Q. Who did?
 22 **A. I believe it was Andrew Sevigny. He may have also**
 23 **had input from Tim Moreland.**
 24 Q. Did you edit it or approve it before the meeting?
 25 **A. I probably approved it. I don't think I made any**

1 changes to it.
 2 Q. And for Exhibit C, which is the -- and I'm sorry
 3 to jump back and forth. These things are fluid, as I'm
 4 sure you have experienced. Is that a document that you
 5 authored?
 6 **A. No.**
 7 Q. Is that one that Mr. Sevigny authored?
 8 **A. I believe so, yes.**
 9 Q. And did you either edit it or approve it?
 10 **A. Almost certainly I approved it. I did not edit**
 11 **it.**
 12 Q. Okay. Thank you. Let's go ahead and go back to
 13 Exhibit E. So on page 5, it's entitled, "Process Used,"
 14 and all throughout this process, Mr. Anderson, take your
 15 time, whatever time you need to read things, look through
 16 pages. I'm not going anywhere, so take your time.
 17 What is discussed on page 5 of Exhibit E?
 18 **A. Are you asking about the page entitled, "Our**
 19 **Process?"**
 20 Q. I'm looking at, "Process Used."
 21 MR. ELLIOTT: Are you in the same document?
 22 MR. MCADOO: Let's double check. No, I am
 23 not, am I?
 24 **THE WITNESS: No.**
 25 MR. MCADOO: My apologies.

1 BY MR. MCADOO:
 2 Q. Yes, "Our Process."
 3 **A. What was the question?**
 4 Q. Could you tell me -- describe what is on page --
 5 what is on this page of Exhibit E?
 6 **A. The page titled, "Our Process?"**
 7 Q. Yes.
 8 **A. It explains the process that we must undertake,**
 9 **including applying the existing council boundaries to the**
 10 **new census data, because the first step would be to**
 11 **determine, based on the new census data we received, what**
 12 **were the new numbers for each of the nine City Council**
 13 **districts.**
 14 Q. Okay. And go to Step 2 on it.
 15 **A. Considerations for changing boundaries, Districts**
 16 **5, 8, and 9 need to increase in population. Districts 3,**
 17 **4, and 7 need to decrease, and that is because 3, 4, and 7**
 18 **had grown at the fastest rate over the last ten years,**
 19 **while 5, 8, and 9 have grown at the slowest rate. We --**
 20 Q. Sorry, go ahead.
 21 **A. We also used the neighborhood boundary file as**
 22 **guidelines to keep the neighborhoods together. And per**
 23 **the comptroller's instructions, we used roadways and**
 24 **natural land features as guidelines, which is common**
 25 **practice.**

1 Q. Is this process the one that Dr. Berz had
 2 instructed your office to undertake at the September 30th,
 3 2021, meeting?
 4 **A. More or less, yes. I don't know that she was this**
 5 **descriptive, but yes. The neighborhood -- the arterial**
 6 **roadways and natural land features come from the State**
 7 **comptroller.**
 8 Q. And she instructed your office to comply with the
 9 law?
 10 **A. Of course.**
 11 Q. Can you turn to the next page? Is this the -- can
 12 you tell me what's on the final page of Exhibit E?
 13 **A. It's a map of the nine City Council districts.**
 14 Q. Is this the first map that your office shared with
 15 a member of City Council?
 16 **A. I can't state that for certain. I don't even know**
 17 **which map this is because there are no identifying**
 18 **roadways. If I had to guess, which is all I can do, I**
 19 **would say that this would be the existing map from the**
 20 **redistricting ten years earlier. I don't believe this was**
 21 **a new map.**
 22 Q. So let's go back to the previous page. It makes
 23 it sound like your office was doing something with the
 24 map, "Our Process," applying existing council boundaries
 25 to the new census data. But you are telling me that you

1 do not believe the map on the following page is a new map?
 2 **A. I can't say for certain, again, because there are**
 3 **no major roadways noted on this map. If I could see it**
 4 **blown up, which the presentation would allow, I could say**
 5 **for certain.**
 6 Q. Do you recall what the first map was that was
 7 shown to a member of City Council?
 8 **A. I'm pretty sure the first map would have been the**
 9 **existing district lines as approved in, I believe, 2012,**
 10 **and what the new racial and demographic makeups were based**
 11 **on the new census from 2020.**
 12 Q. When was the first new map, potential map, for
 13 redistricting shown to a member of City Council?
 14 **A. Hold on. It may have been this meeting. This may**
 15 **be a new map. I just can't tell because a significant**
 16 **chunk of the city is not in this frame. Let me look at it**
 17 **closer.**
 18 **No, this was -- no, this was the old map. I'm**
 19 **certain of it.**
 20 Q. Okay. Let's --
 21 **A. It would have been in late 2021, near the end of**
 22 **2021, would have been the first time we had a map based on**
 23 **when we got the census data from the U.S. Census Bureau.**
 24 Q. Let's go back to Exhibit A, page 3. It's the
 25 interrogatory responses.

1 **A. Okay. Thank you.**
 2 Q. Look towards the bottom where -- the sentence that
 3 starts: A presentation entitled, "Redistricting
 4 11-17-21," could you read from down there to the end of
 5 the page?
 6 **A. (Witness reading.) A presentation entitled**
 7 **"Redistricting 11-17-21" was generated on or about**
 8 **November 16, 2022 -- 2022 is obviously a typo. It wasn't**
 9 **generated a year before the meeting, or a year after the**
 10 **meeting, rather. The presentation states that the reason**
 11 **behind the map was apply existing council boundaries to**
 12 **new census data, consideration for changing boundaries.**
 13 **That was the end of the page.**
 14 Q. Yeah. And let's go back to the first sentence.
 15 It says there in the last clause -- I just want to make
 16 sure, in case I missed it -- that last sentence says:
 17 Which included sn initial map. Is that right?
 18 **A. Yes.**
 19 Q. And what is the -- this response to
 20 interrogatories mean when it says: Which included the
 21 initial map?
 22 **A. It appears that this was the initial map that**
 23 **showed the existing council boundaries as of 2012 -- 2012,**
 24 **sorry, with the new census data applied to it.**
 25 Q. So this was not the first new map --

1 **A. No.**
 2 Q. -- of the redistricting process?
 3 **A. No.**
 4 Q. Did anyone take notes in this meeting?
 5 **A. I didn't. I don't know of anyone else taking**
 6 **notes.**
 7 Q. Did you ask anyone to take any notes?
 8 **A. I did not.**
 9 Q. And can you explain to me why you are -- why you
 10 believe that the map on page 5 that we've been discussing,
 11 page -- in the last page of Exhibit E is not a new map
 12 but, instead, is the old map?
 13 MR. ELLIOTT: Asked and answered, but go
 14 ahead.
 15 **THE WITNESS: It appears that the Hill City**
 16 **neighborhood in this map is in District 1, which would**
 17 **have been in the 2012 redistricting. At the end of the**
 18 **redistricting period, Hill City was in District 2.**
 19 BY MR. MCADOO:
 20 Q. So let me ask about that. But there are multiple
 21 maps during the 2021, 2022 redistricting process, correct?
 22 **A. Yes.**
 23 Q. And during any of them, was that neighborhood you
 24 just described in the district you just identified?
 25 **A. Restate. I just identified two districts. What**

1 **are you talking about?**
 2 Q. Okay. So you said -- could you tell me what
 3 identifying feature -- Madame Court Reporter, could you
 4 read back what he said regarding the map?
 5 (The court reporter read back the requested
 6 excerpt.)
 7 **THE WITNESS: Hill City was in District 2.**
 8 **Hill City is the name of the neighborhood.**
 9 BY MR. MCADOO:
 10 Q. Thank you for clarifying that. Is Hill City, at
 11 any point, in a different district during this
 12 redistricting process?
 13 **A. During the redistricting process, Hill City, of**
 14 **course, was in two different districts, as already stated,**
 15 **because it was in District 1 at the end of the 2012**
 16 **redistricting, which I was not a City employee, and at the**
 17 **end of the 2022 redistricting, it was in District 2, so**
 18 **obviously, during the process, it was in two different**
 19 **districts.**
 20 Q. What I'm trying to get at is: You have the 2012
 21 map and then you're referring to the map at the end of the
 22 2022 process. I'm talking about within the 2021, 2022
 23 process, did Hill City move? When did it move?
 24 **A. I don't recall exactly when it moved. I believe**
 25 **it would -- I believe it would have moved --**

1 MR. ELLIOTT: It's in the interrogatory
 2 answer, page 4.
 3 BY MR. MCADOO:
 4 Q. And I guess what I'm getting at, Mr. Anderson,
 5 just to be clear, how are you certain that the
 6 interrogatories you signed say -- well, let me start over.
 7 The interrogatories you signed says that there was
 8 an initial map in the redistricting presentation on
 9 11-17-2021; is that right?
 10 **A. Yes.**
 11 Q. But you're saying the initial -- what you meant,
 12 what the City meant in the interrogatories you signed by
 13 initial map was the old map?
 14 **A. As I've stated twice, the initial map was the old**
 15 **map with new census data applied to it showing the new**
 16 **demographics based on population changes.**
 17 Q. Sorry to frustrate you there, just trying to make
 18 sure I understand.
 19 MR. ELLIOTT: And this is the first time a
 20 map appears. That's why they show it.
 21 BY MR. MCADOO:
 22 Q. Okay. Why wasn't the map on the last page of
 23 Exhibit E shown to the whole City Council?
 24 **A. I don't recall ever needing to show or thinking**
 25 **that we needed to show this map to the whole City Council**

1 **since a year earlier, less than a year earlier, they had**
 2 **all run for office in various districts and under where**
 3 **the City district lines were.**
 4 Q. Why was this presentation only given to Dr. Berz
 5 and not the whole City Council?
 6 **A. She was chair of the Redistricting Committee.**
 7 Q. Why were the other members of the Redistricting
 8 Committee not in attendance on November 17, 2021, at this
 9 meeting?
 10 **A. I assume we didn't think it was necessary.**
 11 Q. Did Dr. Berz give you or any of your colleagues
 12 instructions at the end of the November 17th, 2021,
 13 meeting?
 14 **A. She -- I remember her telling us to follow the**
 15 **rules from the census bureau and the State comptroller. I**
 16 **don't believe she was prescriptive in any other way.**
 17 Q. Did Dr. Berz instruct that changes should be made
 18 to the map that appears on the last page of Exhibit E
 19 during the November 17th, 2021, meeting?
 20 **A. Only changes to get us compliant with state and**
 21 **federal regulation. No specific changes were prescribed**
 22 **by her.**
 23 Q. What else was discussed at the meeting other than
 24 the PowerPoint presentation?
 25 **A. This would have been it. This would have been**

1 **comprehensive for everything.**
 2 Q. Did Dr. Berz ask you any questions during this
 3 meeting, you or your colleagues?
 4 **A. I don't recall.**
 5 Q. Did Dr. Berz give you any feedback on a -- no,
 6 sorry, you've already answered that.
 7 And was this map created in Districtr?
 8 **A. I believe so, yes.**
 9 Q. Why was the information provided to Dr. Berz in
 10 this meeting important to provide?
 11 **A. I believe we were just giving her an update for**
 12 **where we were. That's not uncommon for the administration**
 13 **to give updates to committee chairs on where we are in the**
 14 **process of things.**
 15 Q. Do you know if there was any public notice
 16 provided for this meeting?
 17 **A. There was not.**
 18 Q. Were minutes kept of this meeting?
 19 **A. No.**
 20 Q. And I'm pretty sure on the answer to this, but I'm
 21 going to ask it anyway: Did any members of the public
 22 attend the November 17th, 2021, meeting with Dr. Berz?
 23 **A. No.**
 24 Q. I'm showing you a document that is on the first
 25 page described as "Redistricting 12-9-21." Could you

1 please take a look at that?
 2 **A. Yes. Okay.**
 3 Q. Could you tell me what the document is?
 4 **A. This is a presentation given in the meeting on**
 5 **December 9th, 2021.**
 6 MR. MCADOO: Could we please mark this as
 7 Exhibit F?
 8 (WHEREUPON, a document was marked as Exhibit
 9 Number F.)
 10 BY MR. MCADOO:
 11 Q. Do you recall who -- was there a meeting on
 12 December 9th, 2021, of the Redistricting Committee?
 13 **A. I believe so, yes.**
 14 Q. Do you recall who attended this meeting, the
 15 December 9th, 2021, Redistricting Committee meeting?
 16 **A. Definitely Emily O'Donnell, myself, Andrew**
 17 **Sevigny, Dylan Rivera, Councilwoman Berz and Dotley,**
 18 **Councilwoman Hester. I'm not sure that Ken Smith was**
 19 **there. I'm certain he was on the calendar invite as a**
 20 **member of the committee. And then Tim Moreland, my**
 21 **deputy.**
 22 Q. Okay. Was the Exhibit F presented at the
 23 December 9th, 2021, Redistricting Committee meeting?
 24 **A. Yes.**
 25 Q. And did you author this document?

1 **A. I did not.**
 2 Q. Did you either -- did you approve it?
 3 **A. Yes.**
 4 Q. So you saw it before the meeting?
 5 **A. Yes.**
 6 Q. Can you please turn to page 7 of the document, of
 7 Exhibit F? It's the one that says, "Current and Proposed
 8 Draft" at the top.
 9 **A. Okay.**
 10 Q. What's on this page?
 11 **A. Two maps.**
 12 Q. Okay. What are they?
 13 **A. The map on the left is the existing City Council**
 14 **districts at that time as approved after the 2012**
 15 **redistricting process, and on the right, the first draft**
 16 **of new maps for nine new districts based on the initial**
 17 **data that we received.**
 18 Q. Who developed the map on the right that is
 19 labeled, "Proposed Draft?"
 20 **A. Andrew Seigny would have been the one actually**
 21 **using the tool and functionally on a computer producing**
 22 **the map. There was almost certainly input from myself and**
 23 **Tim Moreland and people on Andrew's team.**
 24 Q. Was this map developed based on the instructions
 25 provided by Dr. Berz at either the September 30th, 2021,

1 meeting or the November 17th, 2021, meeting?
 2 **A. To the extent that she told us to follow state and**
 3 **federal regulations, yes, it was.**
 4 Q. Why wasn't this map shown to the full City Council
 5 on the properly noticed public meeting?
 6 **A. The process was not complete with a fully formed**
 7 **draft that we could be sure met all the requirements at**
 8 **that time.**
 9 Q. All right. Just a second.
 10 (Pause in proceeding.)
 11 BY MR. MCADOO:
 12 Q. Did you or any of your colleagues keep notes from
 13 this meeting on December 9th, 2021?
 14 **A. I did not. I can't say if anybody else did.**
 15 Q. Was there a public notice of this meeting on
 16 December 9th, 2021?
 17 **A. No.**
 18 Q. Were members of the public permitted to attend the
 19 meeting on December 9th, 2021?
 20 **A. No member of the public tried to attend the**
 21 **meeting.**
 22 Q. Okay. So none were in attendance, correct?
 23 **A. Correct.**
 24 Q. Thank you.
 25 Were minutes kept of this meeting?

1 **A. No.**
 2 Q. And you had said already, just -- and I
 3 apologize -- but no notes were kept from this meeting?
 4 **A. I believe I stated I did not take any notes. I**
 5 **don't know if anyone else did.**
 6 Q. Did you instruct anyone else to take any notes?
 7 **A. I did not.**
 8 Q. How did your staff remember what to do from the
 9 meeting if there were no notes taken?
 10 **A. This presentation evolved over time. As we moved**
 11 **through the process, we would take the old presentation**
 12 **and make changes to update where we were. This was the**
 13 **document, the living document, that progressed over time.**
 14 Q. Do you know if that document has been produced in
 15 PowerPoint form versus PDF?
 16 **A. It's neither. It was produced in Google Sheets.**
 17 Q. It was produced to plaintiff in Google Sheets
 18 form?
 19 **A. We do not use PowerPoint at the City of**
 20 **Chattanooga. That's a proprietary software on Microsoft.**
 21 **We use Google Suite and Google Sheets would be the form of**
 22 **that.**
 23 Q. Okay. Thank you.
 24 MR. ELLIOTT: It's good to know.
 25 MR. MCADOO: Now we all know.

1 **THE WITNESS: I use Google every day, all**
 2 **day. No Microsoft.**
 3 BY MR. MCADOO:
 4 Q. So you showed the members of the Redistricting
 5 Committee that were in attendance, which, as you recall,
 6 were Dr. Berz, Dotley, and Hester, this presentation on
 7 December 9th, 2021?
 8 **A. Sorry?**
 9 Q. You or your staff?
 10 **A. I'm sorry, what was --**
 11 Q. This is what you showed to them -- showed during
 12 the meeting on December 9th, 2021?
 13 **A. Yes.**
 14 Q. Let's flip to page 8. Can you just tell me what
 15 is there?
 16 **A. It's a map.**
 17 Q. Okay.
 18 **A. City of Chattanooga.**
 19 Q. What is the map of? City of Chattanooga. Is this
 20 a copy of the proposed draft that appeared on the prior
 21 page?
 22 **A. I believe it is, yes.**
 23 Q. Why the two maps?
 24 **A. The first map indicates the existing maps at the**
 25 **time of this meeting, and the second indicates the first**

1 **draft based on initial data that we received from the U.S.**
 2 **Census Bureau.**
 3 Q. But what I'm trying to get at, Mr. Anderson, is
 4 you got a proposed draft on page 7, why was there also a
 5 proposed map on page 8?
 6 **A. I believe page 8 would have been an interactive**
 7 **map where we could have zoomed in if anybody -- to see the**
 8 **lines closer. It's kind of a small map, so this provided**
 9 **the ability to zoom and show a larger picture.**
 10 Q. Okay. And did you do that -- did you or members
 11 of your staff --
 12 **A. I'm pretty sure we did.**
 13 Q. Do you recall any questions that members of the
 14 Redistricting Committee had about the map when you zoomed
 15 in?
 16 **A. I do not.**
 17 Q. Okay. Was this in Districtr, this map? I do see
 18 it says ChattaData at the bottom.
 19 **A. Yes. ChattaData is our online data form. Every**
 20 **map we produced was put online for anyone to see, every**
 21 **draft, including the initial map that showed the old**
 22 **districts. I believe this was done in Districtr. I**
 23 **believe every map we provided to the public was done in**
 24 **Districtr.**
 25 **I remember -- I remember the name of the other**

1 **open source tool and it was called Dave's Redistricting,**
 2 **but I don't think we actually produced any maps in it. I**
 3 **just remember reviewing it and using it to what it was**
 4 **like.**
 5 Q. So who -- so never mind, you answered that.
 6 Did you receive any instruction from members of
 7 the Redistricting Committee at the December 9th, 2021,
 8 meeting related to the map, the proposed map?
 9 **A. No, I don't think so.**
 10 Q. And did you say this map appears on the ChattaData
 11 Redistricting Committee website currently?
 12 **A. I don't have knowledge if it currently exists in**
 13 **ChattaData. I know it did at the time.**
 14 Q. This was posted on ChattaData on December 9th,
 15 2021?
 16 **A. I believe so. Well, I can't swear that it was**
 17 **posted on December 9th, 2021, but about then, I believe it**
 18 **was, yes. That's not indicated here, but that would be my**
 19 **recollection.**
 20 Q. Okay. So -- okay. At what point were you and
 21 your staff instructed by the Redistricting Committee to
 22 meet individually with council members regarding the
 23 proposed map?
 24 **A. I don't believe anyone instructed us to do that.**
 25 Q. Do you recall -- let's -- sorry, the downside of

1 the paper, so I appreciate your patience.
 2 Let me go back and ask you a question. There was
 3 a public meeting on November 9th, 2021, and it is
 4 referenced in Exhibit A.
 5 **A. What page?**
 6 Q. I will tell you as soon as I get there.
 7 **A. Okay.**
 8 MR. ELLIOTT: You said November 29th?
 9 MR. MCADOO: November 9th, if my memory
 10 serves me correctly. It is not on there. Okay.
 11 MR. ELLIOTT: It's not on this one.
 12 BY MR. MCADOO:
 13 Q. Okay. Do you recall the November 9th, 2021, City
 14 Council meeting at all?
 15 **A. No. I go to City Council meetings every week.**
 16 Q. Do you recall Dr. Berz ever saying of the
 17 Redistricting Committee that, quote, we're not adding any
 18 districts?
 19 **A. I don't recall when she would have said that, but**
 20 **that would be a statement of fact.**
 21 Q. When was that decided that there would be no
 22 districts added?
 23 **A. That wasn't a decision that needed to be reached.**
 24 **A decision would have been needed to be reached to**
 25 **increase the number of districts or decrease them. But I**

1 **believe the only reason she would have said that is**
 2 **because the Hamilton County Commission had just added two**
 3 **districts, so it's possible that a reporter could have**
 4 **asked if we would have followed suit if there -- they did**
 5 **that for a specific purpose. That's not normal to add or**
 6 **subtract districts.**
 7 **I don't -- the City Council has never added or**
 8 **subtracted districts, other than through a federal court**
 9 **Order which created our form of government in 1989.**
 10 Q. Judge Edgar's Order?
 11 **A. Yes.**
 12 Q. Would you please take a look at this document that
 13 appears to be an e-mail invitation?
 14 **A. Yes.**
 15 Q. Tell me what this document is?
 16 **A. It's an invitation to a redistricting**
 17 **administrative briefing for Councilman Ken Smith on**
 18 **Tuesday, December 25th, 2021.**
 19 Q. Did you author this invite?
 20 **A. Yes.**
 21 MR. MCADOO: Can we please mark this as
 22 Exhibit G?
 23 (WHEREUPON, a document was marked as Exhibit
 24 Number G.)
 25 BY MR. MCADOO:

1 Q. Do you recall, did this meeting occur?
 2 **A. I believe so, yes.**
 3 Q. Who all was in attendance?
 4 **A. Myself -- myself, Councilman Smith, and Andrew**
 5 **Sevigny.**
 6 Q. What was discussed at this meeting?
 7 **A. Councilman Smith's district, which is District 3,**
 8 **and the proposed changes to it.**
 9 Q. Okay. Did Councilperson Smith give you any
 10 instructions in this meeting?
 11 **A. I don't believe so, no.**
 12 Q. Were there any changes made to district -- you
 13 said District 3; is that right?
 14 **A. Yes.**
 15 Q. Were any changes made to District 3 as a result of
 16 this meeting?
 17 **A. No.**
 18 Q. Was this meeting open to the public?
 19 **A. No.**
 20 Q. Was this meeting publicly noticed?
 21 **A. No.**
 22 Q. Were minutes kept of this meeting?
 23 **A. No.**
 24 Q. Were there notes kept of this meeting?
 25 **A. No.**

1 Q. Why was it important to brief Councilman Smith on
 2 redistricting during this meeting?
 3 **A. To show him the changes that would be required in**
 4 **his district based on the population growth over the last**
 5 **ten years. His district needed to shrink because it was**
 6 **one of those that grew the fastest.**
 7 Q. Did he approve of these changes?
 8 **A. There was no formal approval process nor did I ask**
 9 **him if he approved. He, I remember, was dismayed to lose**
 10 **part of his direct, but understood that he had to lose**
 11 **part of his district because it was larger than the rest**
 12 **of the others.**
 13 Q. Okay. Why didn't you discuss this with
 14 Councilperson Smith at this properly noticed public
 15 meeting?
 16 **A. I don't think it was required.**
 17 Q. Did you convey to Councilperson Smith any of the
 18 information from the prior meetings you had on
 19 redistricting with council members?
 20 **A. I'm certain I did in terms of reiterating to him**
 21 **the federal and state requirements that I reiterated to**
 22 **everyone both in the brief setting that you already**
 23 **discussed and the individual meetings.**
 24 Q. Just to confirm -- I apologize if I asked this
 25 already -- did you show Councilperson Smith the maps that

1 were shown to the Redistricting Committee on December 9th,
 2 2021, at this meeting on December 14th, 2021?
 3 **A. Yes, I did.**
 4 Q. Had any changes to those maps been made between
 5 the December 9th meeting and the December 14th meeting
 6 that you recall?
 7 **A. I don't recall any, but let me review this.**
 8 Q. Yes.
 9 **A. (Witness reviews document.)**
 10 **No, I don't believe so.**
 11 Q. Okay. Did you show Councilperson Smith the
 12 presentation that you gave on December 9th, 2021, to the
 13 Redistricting Committee to him at this meeting?
 14 **A. It's quite possible that I did, but I don't recall**
 15 **for sure.**
 16 Q. What did you want Councilperson Smith to do with
 17 the information you provided in the meeting on December
 18 14th, 2021?
 19 **A. Nothing.**
 20 Q. Then why was it important to meet with him about
 21 it, or meet with him?
 22 MR. ELLIOTT: Asked and answered. You
 23 already asked that.
 24 MR. MCADOO: Unless he's instructing you not
 25 to answer --

1 MR. ELLIOTT: No. No.
 2 MR. MCADOO: We didn't talk about that
 3 earlier.
 4 MR. ELLIOTT: I'm noting my objection.
 5 **THE WITNESS: He didn't instruct me to do**
 6 **anything. I was providing information to a City Council**
 7 **person, which is common practice.**
 8 BY MR. MCADOO:
 9 Q. And so what I'm trying to get at is: Why was it
 10 important to share this information with him?
 11 **A. Because he represents District 3 and it was**
 12 **important to give him the information about what District**
 13 **3 was going to look like going forward.**
 14 Q. Okay. Was it your hope that he would use this
 15 information in a future vote?
 16 **A. No.**
 17 Q. But wasn't he going to be called upon to vote on
 18 whether or not district -- what District 3 would look
 19 like?
 20 **A. Yes.**
 21 Q. But you didn't want him to use the information to
 22 vote?
 23 **A. No. I wasn't responsible for the final decision**
 24 **on the maps. Per our charter and our ordinances, the City**
 25 **Council has final decision over what the maps look like,**

1 and they were perfectly free to make any amendments they
2 wanted on the floor, and I had no control over that or
3 involvement.

4 Q. I understand that. Thank you.

5 MR. MCADOO: Yeah, let's take a five-minute
6 break.

7 THE WITNESS: Can we make it ten so I can go
8 get more coffee from your office?

9 (WHEREUPON, a recess was taken. Thereafter,
10 the proceedings resumed as follows:)

11 BY MR. MCADOO:

12 Q. Okay. All right. We're back with Mr. Anderson.

13 One thing that I didn't talk about earlier, kind
14 of ground rules that it's probably good to revisit, is
15 your attorney may make objections; unless your attorney
16 objects based upon privilege or instructs you not to
17 answer, you're still expected to answer the question, even
18 if he says something like asked and answered, which has
19 happened a time or two, so I just wanted to make sure we
20 covered that real quick. And it's a lot easier to be
21 heard in this room.

22 A. Yes.

23 Q. I'm going to hand you another calendar invite.
24 Can you take a look at that and tell me what it is?

25 A. This is an invitation to redistricting update for

1 Q. Okay. Did you do anything besides get the maps
2 in -- the map in compliance with the state and federal
3 regulation and laws?

4 A. We also followed -- well, the comptroller
5 guidelines included like keeping neighborhoods together
6 and using geographic boundaries, so yeah.

7 Q. The issues we discussed regarding the earlier
8 presentations about arterial roadways and --

9 A. Yes, that's correct. We followed those good
10 practices.

11 Q. Did anyone else attend this meeting?

12 A. I don't think so.

13 Q. Was the meeting publicly noticed?

14 A. No.

15 Q. Was it open to the public?

16 A. No.

17 Q. Were any members of the public in attendance?

18 A. No.

19 Q. Were there minutes kept?

20 A. No.

21 Q. Were there notes kept?

22 A. No.

23 Q. And why were there -- and this has probably been
24 asked and answered, but why didn't you keep notes in these
25 meetings?

1 Councilman Henderson on Tuesday, January 11, 2022.

2 Q. Did you send this invite?

3 A. I did.

4 MR. MCADOO: Could we mark it as Exhibit H,
5 please?

6 (WHEREUPON, a document was marked as Exhibit
7 Number H.)

8 BY MR. MCADOO:

9 Q. Do you recall if this meeting occurred?

10 A. One moment.

11 Q. Of course.

12 A. I believe it did. Let me confirm.

13 Yes, it did.

14 Q. Okay. Why was this meeting held, the
15 January 11th, 2022, meeting with Councilperson Henderson?

16 A. I believe this meeting would have been held so I
17 could show him the first draft of the map to give him an
18 idea of what his new district would look like as proposed
19 by the administration.

20 Q. You said by -- as proposed by the administration.
21 Is that as proposed by the administration based upon
22 instructions from the Redistricting Committee?

23 A. Only to the extent that the instructions from the
24 Redistricting Committee were to follow state and federal
25 regulations.

1 A. There was nothing to note.

2 Q. There's nothing that a council person said back to
3 you that you needed to record?

4 A. Not that I recall, no. The purpose of the meeting
5 wasn't to take instruction from the councilman. The
6 purpose of the meeting was to show him the map. I
7 wouldn't need to take notes of a map that I was already
8 familiar with.

9 Q. And then why was this important information to
10 give to Councilman Henderson?

11 A. Generally, people who run for office like to know
12 what the district boundaries are going to be before they
13 start knocking on doors.

14 Q. When was the next election?

15 A. 2025.

16 Q. Would Councilman Henderson be knocking on doors in
17 2022 for an election in 2025?

18 A. No, but he probably would as the representative of
19 multiple neighborhoods in the district, and he attended
20 neighborhood meetings monthly, so it would have been
21 important knowledge to him what neighborhoods he was going
22 to have.

23 Q. Do you recall what neighborhoods might have
24 changed as far as District 1 at this point in the process?

25 A. I believe the only thing that had changed at this

1 point, based on the initial data, was Hill City that I
 2 referenced earlier, which is a neighborhood in North
 3 Chattanooga.
 4 Q. Did you convey the content of any of your prior
 5 meetings on redistricting with council members to
 6 Councilman Henderson?
 7 **A. Only the same information here are the guidelines**
 8 **that we have to follow from the state and the federal**
 9 **governments.**
 10 Q. Did you use any of the presentations that you had
 11 used with the Redistricting Committee?
 12 **A. I don't think I did in this meeting. This one I**
 13 **recall being very brief.**
 14 Q. So how did you show him the map? Or did you show
 15 him a map?
 16 **A. I'm certain I showed him a map. It would have**
 17 **been on a computer screen so I could zoom in and show him**
 18 **any individual -- like a better -- show him a better**
 19 **picture than just the entire city on one page.**
 20 Q. Something you could zoom in on, I think, is what
 21 you're starting to say?
 22 **A. Yeah.**
 23 Q. So it would have probably been on District?
 24 **A. Yes.**
 25 Q. And was the map you were showing him in the

1 January 11th, 2022, meeting the same as the proposed map
 2 that is on Exhibit F, which is the PowerPoint presentation
 3 from your December 9th, 2021, meeting with the
 4 Redistricting Committee? I know that's a long question.
 5 **A. Yes, it was the same.**
 6 MR. ELLIOTT: Except it's not a PowerPoint.
 7 It's a slide presentation.
 8 MR. MCADOO: Yeah, the map itself. The
 9 underlying map itself.
 10 BY MR. MCADOO:
 11 Q. Were there any changes made to the map that you
 12 showed on December 9th to the Redistricting Committee and
 13 the one that you showed Councilperson Henderson?
 14 **A. I don't think there were any changes between the**
 15 **two.**
 16 Q. Did Councilperson Henderson give you any
 17 instructions?
 18 **A. No.**
 19 Q. Did he ask any questions?
 20 **A. I'm sure he asked me, hey, can you zoom in on**
 21 **that, things like that, but no, beyond that.**
 22 Q. Any feedback on the changes to District 1?
 23 **A. Not that I recall, no.**
 24 Q. Show you another calendar invite. Take a look and
 25 tell me what it is, please.

1 **A. It was an invitation to a redistricting update for**
 2 **Councilman Ledford on Tuesday, January, 11, 2022.**
 3 Q. Did you author this e-mail?
 4 **A. I did.**
 5 Q. Did this meeting take place?
 6 **A. It did.**
 7 Q. Can you tell me who attended?
 8 **A. Myself and Councilman Ledford. I see Andrew**
 9 **Sevigny is optional on here. I don't believe he was in**
 10 **the meeting.**
 11 Q. Why was this meeting held?
 12 **A. So I could show Councilman Ledford the new**
 13 **proposed district lines based on the first draft of data**
 14 **for his district.**
 15 Q. Did you show him a map?
 16 **A. I did.**
 17 Q. Was it in District?
 18 **A. Yes, it was in the same manner I had shown it to**
 19 **Councilman Henderson earlier in the day.**
 20 Q. Was the same map that you showed Councilman
 21 Ledford on January 11th, 2022, the same map that you
 22 showed the Redistricting Committee on December 9th, 2021?
 23 **A. Yes, I believe so.**
 24 Q. Did you take notes of this meeting?
 25 **A. No.**

1 Q. Do you know if Councilman Ledford took notes?
 2 **A. I doubt he did. I don't recall him taking notes.**
 3 Q. Did you discuss with Councilman Ledford what you
 4 had discussed with the Redistricting Committee on November
 5 -- or, sorry, December 9th, 2021?
 6 **A. I'm sure I explained the same rules to him that**
 7 **I've explained to the Redistricting Committee regarding**
 8 **good practices and federal and state regulations.**
 9 Q. Did you show him the presentation from December
 10 9th, 2021?
 11 **A. I don't recall showing him the full presentation.**
 12 **I do know that I showed him the map from the presentation.**
 13 Q. Right. And that's the map that's on the final
 14 page of Exhibit F?
 15 **A. Correct, yes.**
 16 Q. Which is the one in District that was imported
 17 into Google Sheets, I think we covered, right?
 18 Why was this important information to share with
 19 Councilman Ledford?
 20 **A. So he would see the new proposed lines for the**
 21 **district he represents.**
 22 Q. What did you hope that Councilperson Ledford would
 23 do with the information that you provided in this meeting?
 24 **A. I didn't have any expectations of Councilman**
 25 **Ledford. I just needed to inform him.**

1 Q. Why did you need to inform him?

2 **A. Because, as I've stated, elected officials like to**

3 **know what their districts are that they represent.**

4 Q. Was the purpose of this meeting also to inform any

5 later public discussions that could come up on

6 redistricting?

7 **A. No.**

8 Q. Why not?

9 **A. That wasn't my purpose. My purpose was to show**

10 **him this is the proposed map for your new district. What**

11 **he did with that was up to him at that point. I didn't**

12 **have any desire for a certain outcome of a vote. We were**

13 **simply preparing maps based on the regulations.**

14 Q. And the instructions from the Redistricting

15 Committee; is that right?

16 **A. The instructions from the Redistricting Committee**

17 **were only to follow the regulations, so we were preparing**

18 **maps regarding regulations and best practices.**

19 Q. And the instructions of the Redistricting

20 Committee, which were that?

21 **A. Yes.**

22 Q. Okay. All right. Over to Number 20. Handing you

23 another calendar invite. Please take a look at this and

24 tell me what it is.

25 **A. It's a redistrict -- it's an invitation to a**

1 **redistricting update for Councilman Henderson dated**

2 **Friday, January 14, 2022.**

3 Q. Did you author this invitation?

4 **A. I did.**

5 Q. Do you know if this meeting took place?

6 **A. One moment.**

7 (Witness reviews document.)

8 I can't swear that this meeting actually took

9 place.

10 MR. MCADOO: Let me -- let's go ahead and

11 mark this as Exhibit J.

12 **THE WITNESS: It may have, but I'm honestly**

13 **not certain.**

14 MR. ELLIOTT: We prepared the interrogatory

15 answers --

16 MR. MCADOO: Right.

17 MR. ELLIOTT: -- and I think we confirmed

18 through Henderson that just the one meeting happened, even

19 though there were two.

20 MR. MCADOO: Okay. And I'm going to still

21 ask the question, but I appreciate it.

22 **THE WITNESS: It's not uncommon to schedule a**

23 **meeting with a council person or another senior**

24 **administration official and then have to reschedule it due**

25 **to a scheduling conflict. I only recall meeting with him**

1 **once.**

2 MR. MCADOO: Could we go ahead and mark this

3 as Exhibit J?

4 THE COURT REPORTER: You mean I.

5 (WHEREUPON, a document was marked as Exhibit

6 Number I and J.)

7 BY MR. MCADOO:

8 Q. Do you know why this meeting didn't take place,

9 the meeting referenced in Exhibit J for a January 14th

10 meeting with Councilman Henderson?

11 **A. I don't recall, but it's not uncommon we have to**

12 **schedule a meeting twice because the first one didn't take**

13 **place due to a scheduling conflict or because we didn't**

14 **have time to have it.**

15 Q. Is there any reason why you would have two

16 meetings with Councilperson Henderson in such short order

17 on the same topic?

18 **A. Yes. That makes me think that the first one**

19 **probably didn't happen. And my recollection is of the**

20 **second meeting, because I only met with him once, so I**

21 **probably tried to schedule one and he couldn't make it, so**

22 **we rescheduled it.**

23 Q. So you're not sure whether the January 11th

24 meeting happened or the January 14th meeting?

25 **A. I'm not.**

1 Q. But one of them did?

2 **A. That week, one of them did. Since the January**

3 **11th meeting was on a Tuesday, that's probably the one**

4 **that got pushed out because Tuesday is our City Council**

5 **meeting days and there's really no way to know exactly how**

6 **long those meetings are going to last and sometimes stuff**

7 **gets bumped from Tuesday. It's the busiest day.**

8 Q. Okay. That's makes sense. Just to circle back

9 because we had a little -- you showed -- we already

10 talked -- so your testimony previously about the

11 January 11th meeting with Councilperson Henderson might

12 have taken place on January 14th?

13 **A. Yes.**

14 Q. Okay. All right. Handing you another invitation,

15 if you could please take a look and let me know what that

16 is.

17 **A. This is an invitation to a redistricting**

18 **discussion for Councilwoman Hill that occurred on Tuesday,**

19 **January 18th, 2022.**

20 Q. Did you author this invitation?

21 **A. Yes.**

22 MR. MCADOO: Can we please mark this as

23 Exhibit K?

24 (WHEREUPON, a document was marked as Exhibit

25 Number K.)

- 1 BY MR. MCADOO:
 2 Q. Did the meeting described in Exhibit K take place
 3 between you and Councilwoman Hill?
 4 **A. I believe it did, yes. Yes, it did.**
 5 Q. And did anyone else attend the meeting between you
 6 and Councilwoman Hill on January 18th, 2022?
 7 **A. No.**
 8 Q. Why just the two of you?
 9 **A. No one else was needed. I was merely showing her**
 10 **her new proposed district boundaries for District 2.**
 11 Q. And is that the map that was shown to the
 12 Redistricting Committee on December 9th, 2021?
 13 **A. Yes, it would have been the same one.**
 14 Q. Did you discuss anything about the changes? Did
 15 you describe the changes to her to her -- to her new
 16 District 2?
 17 **A. I'm certain I did.**
 18 Q. Did she have any responses?
 19 **A. I'm sure she did. She always has responses. She**
 20 **would have asked questions to learn more about the**
 21 **details. She's very detail oriented, so she likes to**
 22 **understand every facet of everything, so she probably**
 23 **would have had more questions than the others.**
 24 Q. Did you take notes of this meeting?
 25 **A. I didn't.**

- 1 Q. Did you see Councilwoman Hill take notes of this
 2 meeting?
 3 **A. I did not.**
 4 Q. Did you discuss anything else regarding
 5 redistricting at the meeting with Councilwoman Hill on
 6 January 18th, other than the map?
 7 **A. No.**
 8 Q. Did you --
 9 **A. I'm sorry, other than the state and federal**
 10 **guidelines and the best practices that we followed, there**
 11 **was nothing else to discuss.**
 12 Q. So you went over those with her just as you had
 13 done with the Redistricting Committee?
 14 **A. Of course I did because I did with everyone.**
 15 Q. And one thing that -- I apologize for the
 16 repetitiveness. I may ask a lot of the same questions, so
 17 I'm not trying to -- I just wanted to make sure.
 18 Why was it important to you to provide
 19 Councilwoman Hill with the information you provided in the
 20 January 18th, 2022, meeting?
 21 **A. So the Councilwoman would know her district lines**
 22 **that she would be responsible for representing.**
 23 Q. Why wasn't this discussion held in a properly
 24 noticed public meeting?
 25 **A. I didn't feel a need. It was a one-way**

- 1 **informational meeting.**
 2 Q. Did Councilwoman Hill give you any feedback on the
 3 map related to District 2?
 4 **A. I remember she asked questions. I don't remember**
 5 **any directions or prescriptions from her.**
 6 Q. Any feedback?
 7 **A. Not that I recall.**
 8 Q. Were any changes made to the map as a result of
 9 the meeting on January 18th, 2022?
 10 **A. Not that I recall.**
 11 Q. I'm going to show you another invitation. Take a
 12 look at that and then tell me what it is when you're done.
 13 **A. This is an invitation to a redistricting**
 14 **discussion for Councilwoman Coonrod that occurred on**
 15 **Thursday, February 3rd, 2022.**
 16 Q. Did you author this e-mail?
 17 **A. I did.**
 18 MR. MCADOO: Can we please mark this Exhibit
 19 L?
 20 (WHEREUPON, a document was marked as Exhibit
 21 Number L.)
 22 BY MR. MCADOO:
 23 Q. Do you recall if this meeting took place?
 24 **A. It did.**
 25 Q. Okay. What was the purpose of this meeting?

- 1 **A. This was my first meeting with**
 2 **Councilwoman Coonrod about redistricting and I provided**
 3 **her the new proposed map for her new district lines.**
 4 Q. And by the new proposed map, you are referring to
 5 the map that was shown to the Redistricting Committee on
 6 December 9th, 2021?
 7 **A. Yes.**
 8 Q. Had any changes been made to that map in between
 9 the December meeting and this meeting?
 10 **A. No, I don't think so.**
 11 Q. Was this meeting publicly noticed?
 12 **A. No.**
 13 Q. Were any members of the public in attendance?
 14 **A. No.**
 15 Q. Were minutes kept?
 16 **A. No.**
 17 Q. Did you take any notes?
 18 **A. No.**
 19 Q. Did you observe Councilwoman Coonrod taking any
 20 notes?
 21 **A. No.**
 22 Q. Why was it important information to provide to
 23 Councilwoman Coonrod?
 24 **A. So that she would have the knowledge of what her**
 25 **new district lines would be that she would responsible for**

1 **running in and representing.**

2 Q. What did you hope that Councilwoman Coonrod would
3 do with the information you provided in this meeting?

4 **A. I didn't have any hopes or expectations for any
5 action on her part, merely just wanted to inform her.**

6 Q. Did you convey the content of the December 9th,
7 2021, meeting to her during this meeting?

8 **A. To the extent that I told her the guidelines we
9 were working within the state and federal regulations,
10 yes, I did.**

11 Q. Did you tell Councilwoman Coonrod any of the
12 questions or feedback that you received in prior
13 individual meetings with council members?

14 **A. No.**

15 Q. Did Councilwoman Coonrod have questions for you?

16 **A. I'm certain she did. I don't remember any
17 specific ones, but I'm certain she had questions. She
18 always does.**

19 Q. Did you describe -- scratch that.

20 Did Councilwoman Coonrod give you any feedback or
21 instructions in the meeting on February 3rd, 2022?

22 **A. I don't think she asked me to do anything in this
23 meeting.**

24 Q. Did she ask you to do something in any future
25 individual meetings?

1 **A. Yes.**

2 Q. What did she ask you to do?

3 **A. She indicated her desire to me to have both the
4 entirety of the Mill Town development as well as the
5 entirety of the Highland Park neighborhood in her
6 district.**

7 Q. And when did she tell you that?

8 **A. Sometime in February, 2022. There were three
9 meetings in three weeks. I can't say with any certainty
10 which one of those three meetings it was.**

11 Q. Could you repeat the instructions or the feedback
12 she gave you?

13 **A. She indicated her desire to have both the entirety
14 of the Mill Town neighborhood as well as the Highland Park
15 neighborhood in her district.**

16 Q. And District 9?

17 **A. Yes.**

18 Q. If I remember that correctly.

19 And that occurred at some -- at one of your
20 meetings with Councilwoman Coonrod in February of 2022?

21 **A. Yes.**

22 Q. What did you do with that feedback?

23 **A. I looked at the map to see if that was possible.
24 Much of it had already been done, and I believe I made
25 sure that both of her wishes were met in the new map.**

1 Q. So you made changes to the map based upon feedback
2 that Councilwoman Coonrod provided to you in February,
3 2022, in an individual meeting?

4 **A. Yes, I believe so.**

5 Q. So Mill Town and Highland Park, what districts
6 were they coming from?

7 **A. They were already split between 8 and 9, so some
8 of what was in District 8 at the time moved to District 9.**

9 Q. And who's the council person at the time for
10 District 8?

11 **A. At the time, District 8 did not have a council
12 person. It was vacant.**

13 Q. When was that vacancy filled?

14 **A. I believe in March, the next month. Late March,
15 maybe.**

16 Q. Yeah. And who filled that role?

17 **A. Councilwoman Marvene Noel. She was appointed by
18 the City Council in March.**

19 Q. Okay. Thank you. Let's go ahead and let's do 23.

20 Another invitation for you to look at. Let me
21 know what that is when you get a chance.

22 **A. This is an invitation to a redistricting
23 discussion with Councilwoman Coonrod on Thursday,
24 February 10, 2022.**

25 Q. And did you author this invitation?

1 **A. I did.**

2 MR. MCADOO: Could we please mark this as
3 Exhibit M?

4 (WHEREUPON, a document was marked as Exhibit
5 Number M.)

6 BY MR. MCADOO:

7 Q. Do you recall if this meeting took place?

8 **A. I do and it did.**

9 Q. Is it possible that this is the meeting that
10 Councilwoman Coonrod gave you feedback regarding Mill Town
11 and Highland Park and her desire to have those in her
12 district?

13 **A. If I had to say which one of the three meetings, I
14 believe this would have been the most likely. That could
15 have occurred in the first meeting, but I think it was the
16 second one where she requested that.**

17 Q. Did she provide you any other feedback regarding
18 the maps you showed her in February of 2022? And by
19 February, right now, I want to specify early February,
20 2022.

21 MR. ELLIOTT: Are you talking about these two
22 meetings?

23 MR. MCADOO: Yes, these two meetings.
24 Another good clarification, thank you.

25 **THE WITNESS: Can you repeat the question?**

1 BY MR. MCADOO:
 2 Q. Yeah. So you indicated earlier that in February,
 3 2022, Councilwoman Coonrod gave you feedback on District 9
 4 and requested -- asked you to change the map so that Mill
 5 Town and Highland Park were in District 9 --
 6 **A. Yes.**
 7 Q. -- is that correct?
 8 Did she provide you any other feedback regarding
 9 the Redistricting Committee map at the time?
 10 **A. Yes.**
 11 Q. What did she ask?
 12 **A. She also expressed the desire to have a grocery**
 13 **store that she was instrumental in opening in her**
 14 **district, it was on Glass Street, and this necessitated a**
 15 **one block change in the line that didn't move any**
 16 **residents. It was merely a commercial block, so it made**
 17 **no difference in the residential numbers of any district,**
 18 **so I complied with that.**
 19 Q. Okay. So you did implement her feedback?
 20 **A. Yeah.**
 21 Q. Any other feedback that you received?
 22 **A. Not that I recall.**
 23 Q. Do you recall if this -- and this is just kind of
 24 confirming these changes that were requested by
 25 Councilwoman Coonrod in early February, 2022, the meetings

1 we've been discussing. Were those implemented prior to
 2 the February 15th, 2022, Redistricting Committee meeting?
 3 If you don't recall right now, let me --
 4 **A. I don't. The timeline's really tight then. I'm**
 5 **not sure.**
 6 Q. Do you recall a meeting taking place on February
 7 15th, 2022, of the Redistricting Committee? This is the
 8 invite. We'll just do the invite.
 9 **A. I don't recall that off the top of my head.**
 10 Q. So that's 24.
 11 MR. ELLIOTT: Be on page 8 of the
 12 interrogatories.
 13 MR. MCADOO: Clearly, you're a more
 14 proficient page flipper than I am.
 15 MR. ELLIOTT: Yeah.
 16 BY MR. MCADOO:
 17 Q. Take a look at the e-mail invitation.
 18 **A. Okay.**
 19 Q. Would you take a look at it and tell me what it
 20 is?
 21 **A. It's labeled, "Redistricting Information Session**
 22 **Final for Tuesday, February 15th, 2022."**
 23 Q. Did you author this invitation?
 24 **A. I did.**
 25 Q. Did this meeting take place?

1 **A. Yes.**
 2 MR. MCADOO: Okay. Can we please mark this
 3 as Exhibit N?
 4 (WHEREUPON, a document was marked as Exhibit
 5 Number N.)
 6 BY MR. MCADOO:
 7 Q. All right. Could you tell me, do you recall who
 8 attended the meeting on February 15th, 2022, that was
 9 labeled, "Redistricting Information Session (Final)?"
 10 **A. Yes. Myself, Councilwoman Berz, Councilwoman**
 11 **Dotley, Councilman Hester, Andrew Sevigny, and Tim**
 12 **Moreland. I do not recall if Ken Smith actually was in**
 13 **attendance. I believe Joda Thongnopua, chief of staff,**
 14 **was there to say hello to the council people. I don't**
 15 **think he participated in any discussion or presentation.**
 16 **It's not uncommon for the chief of staff to greet a**
 17 **council member when they're in the building.**
 18 Q. Okay. Why did you label this an information
 19 session?
 20 **A. Because we were briefing them on where we were**
 21 **with the maps and there was to be no deliberation. I**
 22 **wanted to make that clear.**
 23 Q. And these were maps that you developed based on
 24 feedback you received from council members either in
 25 individual meetings or at prior Redistricting Committee

1 meetings?
 2 **A. In part, it was based on feedback from council**
 3 **members, but it was mostly based on the demographic data**
 4 **and population shifts.**
 5 Q. Why did you label this final?
 6 **A. Because at this point we had done all the work at**
 7 **the time that we thought needed to be done and we were**
 8 **ready to hand the map over to City Council to debate in a**
 9 **public meeting and make changes however they saw fit.**
 10 Q. Let's --
 11 **A. But we had met the guidelines from the federal**
 12 **court Order and the state and everything was compliant on**
 13 **our end, so we were showing it to them. This is it.**
 14 Q. Fair to say you thought it was ready --
 15 **A. We thought it was ready.**
 16 Q. -- for the Redistricting Committee?
 17 So you had a series of meetings between December
 18 9th, 2021, and February 15th, 2022, with individual
 19 members of the City Council, correct?
 20 **A. Yes.**
 21 Q. Why did you not meet individually with either
 22 Councilpeople Dotley, Dr. Berz, or Hester?
 23 **A. I believe I had phone conversations with each of**
 24 **them. They had the fewest changes to their districts. In**
 25 **fact, Councilwoman Dotley had nearly none because of the**

1 way her district sits on the border of Georgia mostly. I
 2 believe the only change to hers was one street moved over
 3 a block downtown just to fit the racial demographics that
 4 we needed.
 5 Q. So do you recall when these phone calls with
 6 Councilpeople Hester, Berz, and Dotley occurred?
 7 **A. In early '22. It would have been around the same**
 8 **time these meetings occurred.**
 9 Q. So January or February, 2022?
 10 **A. Yes, I believe that's right.**
 11 Q. Were the phone calls that you had with these three
 12 members with them individually or collectively?
 13 **A. Individual.**
 14 Q. And you recall having at least one phone call with
 15 each of them?
 16 **A. Yes. And for -- also, for the three of them, they**
 17 **would have -- they were all in the Redistricting**
 18 **Committee, so they would have received the presentation**
 19 **that we gave to them in the committee meetings. They were**
 20 **all three present at the committee meetings.**
 21 Q. Did you make any changes to the maps, the map that
 22 you were about to present on February 15th from December
 23 9th? So let me start over.
 24 You got a map on December 9th, sounds like changes
 25 were made on that map. Were any changes made on that map

1 based upon your individual phone calls with Councilpeople
 2 Hester, Berz, or Dotley?
 3 **A. No, I don't believe so.**
 4 Q. Did you have phone calls with any other council
 5 members during this period related to redistricting?
 6 **A. It's certainly possible. I'm certain I had them**
 7 **to set up these meetings. I wouldn't have just sent**
 8 **calendar invitations and hoped they would have been**
 9 **available on those times. I don't think I discussed much**
 10 **substantial about what was changing in the districts with**
 11 **the other council members. They had more changes to their**
 12 **districts, so it was probably better to show them on a**
 13 **map.**
 14 Q. But you did not show them individually? By them,
 15 I mean Councilpeople Hester, Berz, and Dotley, did not
 16 show them maps between December 9th, 2021, and February
 17 15th, 2022? Not including those.
 18 **A. Not including the meeting on February 9th --**
 19 **Q. Yes.**
 20 **A. -- that they attended.**
 21 Q. Sorry, February 9th?
 22 **A. December 9th.**
 23 Q. Okay.
 24 **A. They all three attended the meeting on December**
 25 **9th. I don't believe I showed them a map between**

1 **December 9th and February 15th.**
 2 Q. Okay. Did you keep notes of these phone calls?
 3 **A. No.**
 4 Q. And you said -- any other phone calls with council
 5 members between December 9th and February 15th? December
 6 9th, 2021, and February 15th, 2022, would have been
 7 scheduling only; is that right?
 8 **A. I believe so, yes.**
 9 Q. You don't recall any substantive discussion --
 10 **A. I don't recall any substantive district**
 11 **discussions with Council --**
 12 MR. ELLIOTT: As to redistricting?
 13 Because --
 14 MR. MCADOO: As to redistricting, yes.
 15 **THE WITNESS: I talk to them every week**
 16 **about, here, we have this agenda, whatever, but no.**
 17 BY MR. MCADOO:
 18 Q. But not on redistricting?
 19 **A. No.**
 20 Q. Take a look at this document and tell me what it
 21 is, if you know.
 22 **A. This is a presentation titled, "Redistricting**
 23 **2/15/22."**
 24 Q. Do you recognize this document?
 25 **A. I do.**

1 Q. Is this a presentation that you -- or what is it?
 2 I know what it's titled, but what is it?
 3 **A. It's a presentation prepared for the third**
 4 **redistricting education session for the Redistricting**
 5 **Committee --**
 6 Q. Okay.
 7 **A. -- to present them with information.**
 8 Q. Who prepared this?
 9 **A. Andrew Sevigny.**
 10 Q. Okay. And did you approve it prior to the
 11 meeting?
 12 **A. I did.**
 13 MR. MCADOO: Could we please mark this as
 14 Exhibit O?
 15 (WHEREUPON, a document was marked as Exhibit
 16 Number O.)
 17 BY MR. MCADOO:
 18 Q. Let me know when you're done. Ready?
 19 **A. I'm ready. Sorry, I thought you were talking to**
 20 **her.**
 21 Q. No, no.
 22 All right. We talked about who was there already.
 23 Why was this meeting held?
 24 **A. To present the information in this slide deck**
 25 **which included demographic numbers for the proposed**

1 way her district sits on the border of Georgia mostly. I
 2 believe the only change to hers was one street moved over
 3 a block downtown just to fit the racial demographics that
 4 we needed.
 5 Q. So do you recall when these phone calls with
 6 Councilpeople Hester, Berz, and Dotley occurred?
 7 **A. In early '22. It would have been around the same**
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 13 MR. MCADOO: Could we please mark this as
 14 Exhibit O?
 15 (WHEREUPON, a document was marked as Exhibit
 16 Number O.)
 17 BY MR. MCADOO:
 18 Q. Let me know when you're done. Ready?
 19 **A. I'm ready. Sorry, I thought you were talking to**
 20 **her.**
 21 Q. No, no.
 22 All right. We talked about who was there already.
 23 Why was this meeting held?
 24 **A. To present the information in this slide deck**
 25 **which included demographic numbers for the proposed**

1 **districts.**

2 Q. This presentation was given at this February 15th,
3 2022, meeting?

4 **A. Yes, it was.**

5 Q. Was this February 15th, 2022, meeting publicly
6 noticed?

7 **A. No.**

8 Q. Was it open to the public?

9 **A. No.**

10 Q. Were minutes kept?

11 **A. No.**

12 Q. Did you take notes?

13 **A. No.**

14 Q. Did you instruct anyone to take notes?

15 **A. No.**

16 Q. Did you observe anyone taking notes?

17 **A. No.**

18 Q. Let's go to page 6 of the document that's
19 entitled, "Current Changes."

20 **A. Already here.**

21 Q. I want to talk about each of these.

22 **A. Okay.**

23 Q. So the first bullet point on page 6 of Exhibit O
24 says: Districts 1, 2, and 3 shifted together in a
25 clockwise direction, and then specifies that Pine Hill and

1 numbers?

2 **A. No. It was based on complying with geographic
3 boundaries and Highway 27.**

4 Q. Okay. Thank you for clarifying that.

5 Let's look at the second main bullet point. Says:

6 District 5 continues all the way to the river and now
7 contains all of Highway 58, and the sub bullet says that
8 District 5 also shifts into the Austin Farm neighborhood.

9 Why was this change made?

10 **A. District 3 had grown at a faster rate than most of
11 the districts and had to lose a significant chunk of
12 the -- the chunk that made sense was the only part of
13 District 3 that was on the south side of the Tennessee
14 River, everything else was north of the river, and it also
15 made sense because District 5 needed to grow more than
16 most of the districts.**

17 Q. Remind me who the council person is for
18 District 3.

19 **A. Ken Smith.**

20 Q. Did Councilperson Smith approve of this change?

21 **A. Well, he voted for the map.**

22 Q. At this point had he told you in an individual
23 meeting that he was okay with this change?

24 **A. He did not and I didn't ask him if he was okay
25 with it.**

1 Northmont Estates moved to District 1?

2 **A. Uh-huh.**

3 Q. Neighborhoods north of -- is that Ely?

4 **A. Ely.**

5 Q. -- Ely Road moving to District 3, and Hill City
6 and Pinnacle building moving to District 2; is that
7 correct?

8 **A. That's my recollection, yes, those are changes
9 that occurred.**

10 Q. Why were these changes made to the map?

11 **A. The way they're listed is actually, I believe, in
12 the reverse order of the necessity of the changes.
13 They're listed numerically starting with 1, but I believe
14 that the Hill City change necessitated these others. And
15 the Hill City change was to use the geographic and major
16 arterial roadway boundaries of the ridge and Highway 27 to
17 draw the line between 1 and 2, and that would have
18 necessitated some changes mostly to make the districts
19 compact and more contiguous in 2 -- in 1 and 3.**

20 Q. Were any of these changes made based upon feedback
21 you received from council members at individual meetings
22 between December 9th, 2021, and the meeting on February
23 15th, 2022?

24 **A. No, I don't believe so. No, not these.**

25 Q. Okay. So this is purely based upon the census

1 Q. And who is District 5?

2 **A. Isiah Hester.**

3 Q. Councilperson Hester, did you receive any feedback
4 from him regarding these changes?

5 **A. Just that he understood them. He didn't make any
6 requests that I remember. And this Austin Farm
7 neighborhood is very small. I don't think it was a
8 material change. I believe it was just to even up the
9 numbers between him and the other districts. District 5
10 really just became more contiguous and got up to the
11 population number it needed to be.**

12 Q. Did you have any individual -- remind me, did you
13 have any individual meetings with Councilperson Hester?

14 MR. ELLIOTT: Form; asked and answered.

15 **THE WITNESS: I don't believe I had any
16 individual meetings with Councilman Hester.**

17 BY MR. MCADOO:

18 Q. Did you have an individual phone call with
19 Councilman Hester?

20 MR. ELLIOTT: Asked and answered.

21 **THE WITNESS: I'm certain I did for the
22 purpose of letting him know about the Redistricting
23 Committee meetings that he was a part of.**

24 BY MR. MCADOO:

25 Q. But nothing substantive?

1 **A. Gaylan Heights --**
 2 Q. Gaylan Heights.
 3 **A. -- and North Tower Forest.**
 4 Q. And then the sub point says: Now includes all of
 5 Highland Park.
 6 Why was this change made?
 7 **A. Councilwoman Coonrod requested to have all of**
 8 **Highland Park. I don't remember her making a request**
 9 **about Gaylan Heights and North Tower Forest, so my**
 10 **presumption is that that was based on needed population**
 11 **shifts based on the numbers.**
 12 Q. Could you remind me whose districts these were
 13 coming from?
 14 **A. No one's district because they came from District**
 15 **8, which did not have a council person at that time.**
 16 Q. And, yeah, that was where I was going to direct
 17 myself, so thank you.
 18 In your discussion -- in your meetings with
 19 Councilwoman Coonrod in early February of 2022, did you
 20 discuss the racial requirement in Judge Edgar's Order
 21 related to District 9?
 22 **A. Yes.**
 23 Q. Did you have that -- did you discuss the
 24 Judge Edgar Order with Councilperson Henderson in your
 25 individual meeting with him?

1 **A. Yes.**
 2 Q. And did you discuss those with Councilman Berz at
 3 some point?
 4 **A. Yes.**
 5 Q. And when?
 6 **A. I don't recall, but I recall that was a standard**
 7 **part of the requirements that I informed every council**
 8 **member of.**
 9 Q. All right. Thank you. What was Coonrod's
 10 reaction to the discussion regarding the racial
 11 requirements for District 9?
 12 **A. I don't recall any specific reaction to that.**
 13 **It's -- I mean, that court Order created our current form**
 14 **of government. Everyone was aware of it. I just was**
 15 **reminding them of the requirements from it.**
 16 Q. Personally, because I can't see the clock that is
 17 working, if at some point you would have a preference to
 18 stopping to have lunch, please let me know. I'll probably
 19 keep going either until I'm hungry or someone else speaks
 20 up, so.
 21 **A. I would like to go as long as possible because I**
 22 **have more things to do.**
 23 Q. Yeah. For better or for worse, we're probably
 24 going to go past and resume after lunch.
 25 **A. I don't normally take lunch, so I'll stay as long**

1 **as you want me to stay.**
 2 Q. I do. Okay. Let's go to page 8 of Exhibit O. Is
 3 this -- this is -- is this the copy of the map that was
 4 current as of February 15th, 2022, the currently proposed
 5 map on redistricting?
 6 **A. Yes, this was the proposed map as of February 15,**
 7 **2022.**
 8 Q. Okay. Is this a map that you could zoom in on?
 9 **A. Yes.**
 10 Q. Did you do that in the February 15th, 2022,
 11 meeting?
 12 **A. Yes.**
 13 Q. Why was it important to share the information on
 14 this presentation, including the changes to the map, with
 15 the members of the Redistricting Committee?
 16 **A. Because we believe this was our final proposed map**
 17 **that met all the requirements from the state and federal**
 18 **regulations, as well as the best practices from the**
 19 **Tennessee comptroller.**
 20 Q. What was your expectation regarding what the
 21 members of the Redistricting Committee would do with the
 22 information provided at the February 15th, 2022, meeting?
 23 **A. I had no expectation of a specific outcome. I**
 24 **mean, we expected they would discuss it in an open meeting**
 25 **and make any changes based off it.**

1 Q. Was it your expectation that they would take this
 2 map and present it in a public meeting?
 3 **A. Yeah.**
 4 Q. I'm handing you another invitation. Could you
 5 tell me what this is.
 6 **A. This is an invitation to a redistricting**
 7 **discussion with Councilwoman Coonrod on Thursday,**
 8 **February 17, 2022.**
 9 Q. Did you author this invitation?
 10 **A. Yes, I did.**
 11 MR. MCADOO: Could we please mark that as
 12 Exhibit P?
 13 (WHEREUPON, a document was marked as Exhibit
 14 Number P.)
 15 BY MR. MCADOO:
 16 Q. Could you tell me if this meeting took place?
 17 **A. It did.**
 18 Q. What did you and Councilwoman Coonrod discuss at
 19 this meeting?
 20 **A. I believe this was my third and final individual**
 21 **meeting with Councilwoman Coonrod, and I presented to her**
 22 **the final proposed draft of her district that encompassed**
 23 **some of her earlier requests.**
 24 Q. Were there any changes to the proposed map between
 25 your prior meeting with Councilwoman Coonrod and this

1 meeting?

2 **A. Yes.**

3 Q. What were those changes?

4 **A. Putting the entirety of Highland Park in her**

5 **district.**

6 Q. The changes that she requested?

7 **A. Yes.**

8 Q. Any other changes that occurred, prior to the

9 February 17th meeting, to her district that she was

10 unaware of before?

11 **A. I think we also complied with her request to move**

12 **that grocery store, which didn't result in any population**

13 **shift, but merely a business moving into her district.**

14 Q. Did you provide -- did Councilwoman Coonrod

15 provide you any feedback on these changes at the February

16 17th, 2022, meeting?

17 **A. Not that I recall.**

18 Q. Were there any instructions from this meeting?

19 **A. No.**

20 Q. In a future meeting?

21 **A. Not in a future meeting, only what I've already**

22 **said about her request about Highland Park, Mill Town, and**

23 **the grocery store.**

24 Q. Let me go back just to -- just to revisit one

25 thing I forgot to ask you about for February 15th, 2022.

1 Did you receive any instructions from the Redistricting

2 Committee at the February 15th, 2022, meeting?

3 **A. No.**

4 Q. Any feedback?

5 **A. No.**

6 Q. Did they request any changes to the map in that

7 meeting?

8 **A. No.**

9 Q. Did they ask questions?

10 **A. Yes.**

11 Q. Do you recall any of the questions that were

12 asked?

13 **A. Can you zoom in so I can see my district.**

14 Q. Anything else?

15 **A. No.**

16 Q. For the February 17th meeting with Councilwoman

17 Coonrod, was there a public notice of this meeting?

18 **A. No.**

19 Q. Were any members of the public in attendance?

20 **A. No.**

21 Q. Were any minutes kept?

22 **A. No.**

23 Q. Were notes taken?

24 **A. I didn't take any notes.**

25 Q. Did you observe her taking any notes?

1 **A. I did not, and it was a virtual meeting.**

2 Q. It was a virtual meeting. Got it.

3 **A. I believe both the second and third Coonrod**

4 **meetings were virtual. I can't say for certain about the**

5 **second, but I believe both of those were virtual, while**

6 **the first was in person.**

7 Q. Sam's going to -- Mr. Elliott will correct me if

8 I've already done this and he'll say asked and answered.

9 Let me go to the February 15th, 2022, meeting. Was it

10 publicly noticed? And this is the Redistricting Committee

11 meeting.

12 MR. ELLIOTT: You mean February 15th?

13 MR. MCADOO: Yes.

14 MR. ELLIOTT: I'm sorry, I thought you said

15 February 22.

16 MR. MCADOO: February 15th, 2022.

17 **THE WITNESS: No, it wasn't.**

18 BY MR. MCADOO:

19 Q. Were minutes kept of that meeting?

20 **A. No.**

21 Q. Were any members of the public in attendance?

22 **A. No.**

23 Q. Why wasn't it publicly noticed?

24 **A. It didn't need to be.**

25 Q. Are meetings of other committees of the City

1 Council usually open to public?

2 **A. Yes.**

3 Q. Why was this one different?

4 **A. There was no deliberations, no actions taken, no**

5 **action was needed. It wasn't a full meeting of the**

6 **committee. If you'll look at the titles of the meetings,**

7 **they were briefings and updates and information flowed one**

8 **way from the executive branch to the legislative branch.**

9 Q. Based upon feedback that -- instructions that were

10 given by the legislative branch, correct?

11 MR. ELLIOTT: Object to the form.

12 **THE WITNESS: Which meeting are you asking**

13 **about?**

14 BY MR. MCADOO:

15 Q. December 9th, 2021, meeting. I believe you told

16 us that you received instructions to make the districts

17 comply with state law and federal law.

18 **A. Yes, the December 9th meeting is where we**

19 **presented the original of the first draft of the proposed**

20 **map based on state and federal regulations.**

21 Q. And then you developed a new map based on the

22 instructions from the Redistricting Committee, correct?

23 MR. ELLIOTT: Object to form.

24 **THE WITNESS: There were no instructions from**

25 **the Redistricting Committee.**

1 BY MR. MCADOO:
 2 Q. Then what were the changes based upon?
 3 **A. Fine tuning geographic boundaries, fine tuning**
 4 **numbers, giving the numbers to the districts closer to the**
 5 **same so there wouldn't be a differential from the biggest**
 6 **to the smallest; in addition, Councilwoman Coonrod's**
 7 **requests about Highland Park, the grocery store, and Mill**
 8 **Town.**
 9 Q. Isn't the changes -- are the changes based upon
 10 population ones that were to comply with state law, which
 11 is what the Redistricting Committee asked the staff to do?
 12 **A. They asked us to comply with state and federal**
 13 **law. They didn't specifically ask us to comply with that**
 14 **specific rule, but their instruction was all encompassing,**
 15 **including this rule.**
 16 Q. Okay. Thank you.
 17 **A. And I should restate, Councilwoman Berz, that was**
 18 **her instruction. The committee collectively did not make**
 19 **an instruction to us.**
 20 Q. In what role did she give you that instruction?
 21 **A. As chair of the Redistricting Committee as**
 22 **appointed by council members.**
 23 Q. I'm going to hand you what looks like another
 24 Google Sheets presentation labeled, "City of Chattanooga
 25 Redistricting." Please take a look at that.

1 **A. (Witness reviews document.) Okay.**
 2 Q. How are you familiar -- are you familiar with this
 3 document?
 4 **A. Yes.**
 5 Q. How are you familiar with it?
 6 **A. This was a presentation created by Andrew Sevigny,**
 7 **who reported to me.**
 8 Q. Did you approve of this presentation?
 9 **A. Yes.**
 10 Q. Was this presentation given at the -- at a public
 11 meeting of the City Council on February 1st, 2022?
 12 MR. ELLIOTT: March 1st.
 13 MR. MCADOO: Thank you.
 14 BY MR. MCADOO:
 15 Q. March 1st, 2022.
 16 **A. Yes, I believe so.**
 17 Q. Okay. Would you look at page 6 of Exhibit --
 18 MR. MCADOO: Sorry, could we please mark this
 19 as Exhibit Q?
 20 (WHEREUPON, a document was marked as Exhibit
 21 Number Q.)
 22 **THE WITNESS: Did you say page 6?**
 23 BY MR. MCADOO:
 24 Q. Yes, sir.
 25 **A. Okay.**

1 Q. Is page 6 of this exhibit the same as page 6 of
 2 the -- of Exhibit O?
 3 **A. No, it's not the same.**
 4 Q. What are the differences between the two?
 5 **A. There's a little more description under Districts**
 6 **1, 2, and 3 shifted together, and there's a little less**
 7 **description on the District 9 notes. But the meaning is**
 8 **virtually the same on these, I guess just worded a little**
 9 **differently.**
 10 Q. Were there any changes made to the proposed map
 11 that was shown to the Redistricting Committee on February
 12 15th, 2022, and the one shown in the properly noticed --
 13 or in a public meeting of the City Council on March 1st,
 14 2022?
 15 MR. ELLIOTT: Object to form. There were
 16 three public meetings on the 1st of March notice. But
 17 you're talking -- you're referring to the one where that
 18 was shown?
 19 MR. MCADOO: Yes.
 20 MR. ELLIOTT: And you probably was right.
 21 **THE WITNESS: I don't believe any changes**
 22 **were made between those two dates.**
 23 BY MR. MCADOO:
 24 Q. Why was the March 1st, 2022, meeting of the City
 25 Council the first time the whole Council was shown this

1 map?
 2 MR. ELLIOTT: Object to the form. March 1st.
 3 MR. MCADOO: What did I say?
 4 MR. ELLIOTT: May 1st.
 5 MR. MCADOO: I said May 1st?
 6 MR. ELLIOTT: March 21st, I thought.
 7 MR. MCADOO: March 1st, 2022.
 8 **THE WITNESS: Can you restate the question?**
 9 BY MR. MCADOO:
 10 Q. Why was the map on page 8 of Exhibit Q first shown
 11 to the City Council on March 1st, 2022?
 12 **A. I believe this was the first meeting of the -- the**
 13 **first official meeting of the Council Redistricting**
 14 **Committee.**
 15 Q. Can you remind me which type of City Council
 16 meeting this was presented at?
 17 **A. I think it was presented at agenda session. We**
 18 **had a strategic planning meeting that day. It could have**
 19 **been either one of those. I know it wasn't at the 6:00**
 20 **because we don't do presentations like that at the 6:00**
 21 **meeting.**
 22 Q. What is an agenda session?
 23 **A. The agenda session takes place in the Council**
 24 **assembly room just like the full Council meeting, it's**
 25 **typically held every Tuesday, and it is an opportunity for**

1 the Council to discuss, in a public forum, all of the
2 agenda items for that night and the following week. The
3 agenda session immediately spills into whatever committee
4 meetings are scheduled for that day.

5 Q. So the City Council goes from being together for
6 an agenda session to being in committees?

7 A. Yes.

8 Q. And what's the strategic session?

9 A. **The strategic planning session, it's not held
10 every week, but when it is, it's held at 1:30 or 2,
11 earlier in the day before any of these meetings. It's
12 also a public meeting. It's held in the conference room,
13 typically in the conference room of the City Council, and
14 that is more for planning. For example, the chair of the
15 Council runs that meeting and will announce things like,
16 okay, so we're going to hear about the Police Advisory
17 Review Committee's annual report on this day.
18 It's largely to schedule future presentations
19 and agenda items, and it's also an opportunity for council
20 members to announce, I am working on legislation X and
21 request that it be added to a committee meeting for public
22 safety or public works or whatever.**

23 Q. So it sounds like it would probably be the agenda
24 session, based on your description of the different
25 meetings, that your presentation on March 1st, 2022, took

1 place?

2 A. **I believe it was the agenda session because I
3 recollect we were in the larger room with the larger
4 screen, so I believe it was the 3:30 agenda session.**

5 Q. Okay. Thank you.

6 Do you recall saying at the March 1st, 2022,
7 agenda session, and I'm going to quote: As you know,
8 we've been working on this now for about six months --
9 referring to redistricting -- back to quoting -- and I
10 really appreciate all of the one-on-one quality time I've
11 gotten to spend with all of you. I think that you are
12 going to see today we are offering no surprises. It will
13 be what everyone is expecting.

14 Do you recall making that statement?

15 A. **That sounds like me.**

16 Q. That sounds like you?

17 A. **I was being facetious in the beginning about
18 enjoying the time.**

19 Q. I won't tell the City Council members that.

20 A. **I think they knew.**

21 Q. Was the statement accurate?

22 A. **What do you mean?**

23 Q. Did you expect that no one would be surprised?

24 A. **Yes, because I don't think we made any changes
25 beyond what I'd already briefed everyone on. It's just**

1 here's the map.

2 Q. So, at this point, everyone had seen the map
3 either in a Redistricting Committee meeting or in an
4 individual meeting?

5 A. **Yes.**

6 Q. And is that -- the individual meeting, is that the
7 one-on-one quality time you were referring to?

8 A. **Yes.**

9 Q. So also on March 1st, you said: Councilwoman, the
10 lines reflect hours and hours, really hundreds and
11 hundreds of hours of staff time spent with the nine and
12 now eight of you. We can change lines however you want.
13 I want to stress this is a proposal based on your input.

14 Do you recall making that statement?

15 A. **Yes.**

16 Q. And that last sentence: I want to stress that
17 this is a proposal based on your input.

18 When did that input take place?

19 A. **The meeting with Councilwoman Coonrod.**

20 Q. Just with Councilwoman Coonrod?

21 A. **I don't recall any other requests of any other
22 council person, so, yes, it would have been about
23 Councilwoman Coonrod. I remember her making more
24 requests, or at least the only real requests.**

25 Q. Which is the Highland Park request and the grocery

1 store, primarily?

2 A. **And Mill Town, yes.**

3 Q. And Mill Town. Thank you.

4 All right. So here's another -- so here's another
5 statement I'm going to quote from the March 1st agenda
6 session: I think I spent a lot of time with each of you
7 making the changes that you wanted to your districts.

8 Do you recall making that statement?

9 A. **I probably said that, yeah. If it's in there, I
10 said it.**

11 Q. So you've said that you made changes based upon
12 input from Councilwoman Coonrod. This statement seems to
13 suggest that you made other changes based upon feedback
14 from other members of the City Council?

15 A. **I don't think there were any other changes
16 directly taken from City Council members. I think I was
17 speaking, generally, about the opportunity I had to meet
18 with all of them.**

19 Q. And then your next sentence in that meeting:
20 We're happy to make more if you want them, but the last
21 word I have from every member of Council is that you're
22 fine with this.

23 Do recall making that statement?

24 A. **I do. I believe I based that on no one had raised
25 objections about their maps. I did not ask for their**

1 approval of the maps, but no one had raised an objection
2 to me at that point and requested any changes other than
3 the changes that Coonrod requested.

4 Q. Bear with me for a second. Apparently, I don't
 5 paginate my notes, just like the Google Sheets are not
 6 paginated.

7 Do you recall Mr. Sevigny saying at the March 1st
 8 meeting: We also used, as Chris said, individual Council
 9 input, so we come to you individually and say, quote, what
 10 are you interested in having in your district and what
 11 works for you? Do you recall Mr. Sevigny making that
 12 statement?

13 A. I don't recall him making that statement.

14 Q. Is that statement accurate?

15 A. No.

16 Q. How is it not accurate?

17 A. Well, I can't say for him, but I never asked any
18 council person what do you want in your district. That
19 was probably an attempt from him to sell the map, as we've
20 taken a lot of time with this map.

21 Q. There's a reference in your prior statements to
 22 spending hundreds of hours of staff time spent with the
 23 nine and now eight of you; is that accurate?

24 A. No.

25 Q. How long would you estimate you spent with council

1 members on redistricting prior to the March 1st agenda
 2 session?

3 A. Less than 100 hours with council member, including
4 the briefings to the committee members and individuals.
5 It was less than 100 hours.

6 Q. Can you put a tighter range on that? Obviously,
 7 less than 100, 0 to 100?

8 A. Thirty to 50.

9 Q. Thirty to 50. Okay. Thank you.

10 So I'm handing you an e-mail that's entitled, "Re:
 11 City of Chattanooga Redistricting Questions."

12 Can you please take a look at that?

13 A. Uh-huh. Okay.

14 Q. Are you familiar with this document?

15 A. Yes.

16 Q. How are you familiar with it?

17 A. I was included on this e-mail thread.

18 Q. Did you respond -- were you active in this e-mail
 19 thread?

20 A. Yes. I sent one of the e-mails.

21 Q. Okay. Which?

22 A. The one at the top of the page to Dr. Everlena
23 Holmes.

24 MR. MCADOO: Okay. Can we please mark this
 25 as Exhibit R?

1 (WHEREUPON, a document was marked as Exhibit
 2 Number R.)

3 BY MR. MCADOO:

4 Q. Could you please take a look at the e-mail sent by
 5 Mr. Thongnopua on March 6th at 6:46 p.m.?

6 A. I'm looking at it.

7 Q. Okay. Could you read that e-mail to me?

8 A. (Witness reading.) Hi, Dr. Holmes, Thanks for
9 reaching out. I just wanted to underscore for you and the
10 Hamilton County Voter's Coalition that this is a process
11 that is primarily guided and driven by Chattanooga City
12 Council. This year, as in prior administrations, we
13 believe it is appropriate that Chattanooga City Council
14 direct the development and process for determining their
15 new boundaries. The Kelly Administration simply helped
16 provide data and render maps with changes requested by
17 council members as guided by the process outlined by
18 Chattanooga City Council. Every member of the City
19 Council has been engaged throughout the process.

20 I know Chris Anderson is happy to meet with you to
21 discuss any specific questions you may have and I've let
22 him know to give you a call. But I did want to clarify
23 our Administration's role and underscore that this is a
24 process led by Chattanooga City Council rather than the
25 Administration.

1 Q. So the first paragraph, is the first paragraph
 2 accurate? Does he accurately describe the Kelly
 3 Administration's role in the redistricting process?

4 A. I think he overstates changes requested by council
5 members, as the only ones I remember and stated and
6 testified to today. But I think this was a way for him to
7 say that the final decision was on the legislative branch
8 and not the executive branch.

9 Q. Let's go back to the March 1st meeting real quick.
 10 In that meeting, do you recall Councilwoman Coonrod
 11 discussing her request to move Highland Park into her --
 12 into District 9 and Mill Town into District 9, as well as
 13 the grocery store?

14 MR. ELLIOTT: Is the question whether he
 15 heard that or --

16 MR. MCADOO: Yeah, does he recall if there
 17 was any discussion?

18 THE WITNESS: I don't recall her mentioning
19 any of those requests in the March 1st meeting.

20 BY MR. MCADOO:

21 Q. Do you remember her making -- discussing those
 22 requests at any public noticed meeting that was open to
 23 the public of the City Council?

24 A. No, I don't.

25 MR. MCADOO: Okay. Can we take a ten-minute

1 break? And I apologize, I do know you have other stuff
 2 and we appreciate your time today. I know this is not the
 3 most fun process.
 4 (WHEREUPON, a recess was taken. Thereafter,
 5 the proceeding resumed as follows:)
 6 BY MR. MCADOO:
 7 Q. All right. I'm going to hand you, Mr. Anderson,
 8 what appears to be an e-mail string that, at the top,
 9 says: Forward, minutes of the meeting held by the
 10 Redistricting Committee.
 11 Take a look at it and let me know if you are --
 12 describe what this is.
 13 **A. All right.**
 14 Q. Look at the e-mail, kind of toward the bottom of
 15 the page, from Dr. Berz.
 16 **A. Okay.**
 17 Q. About two-thirds of the way down, her e-mail, it
 18 says: I asked that Mr. Anderson do two things. One, get
 19 the boundary -- get the districts in compliance with the
 20 law with as little disruption as possible of existing
 21 boundaries, and; two, meet individually with each council
 22 person to go over the outcomes.
 23 Do you see that?
 24 **A. I do.**
 25 Q. Did she, in fact, give you those instructions?

1 **A. Yeah, I believe so. I'm not sure those were the**
 2 **exact words that she used, but that's the gist of what she**
 3 **said.**
 4 Q. Do you recall when she gave you those
 5 instructions?
 6 **A. At the very beginning of the process when we were**
 7 **asked to create the maps.**
 8 Q. Do you recall a statement by Dr. Berz at the
 9 March 15th, 2022, agenda session where she says about the
 10 redistricting process, quote: Take the maps to each of
 11 the council members, get their input, get their
 12 suggestions and approval, and then we'll bring it forth to
 13 the public. Do you recall that?
 14 **A. I don't recall her saying that independently, but**
 15 **if you have video record, I'm sure there's video of her**
 16 **saying that.**
 17 Q. Yeah, there is video. I don't have the video with
 18 me. Is that an accurate description of what she and the
 19 Redistricting Committee asked you and your colleagues to
 20 do?
 21 **A. Can you restate her statement?**
 22 Q. Yes. Take the maps to each of the council
 23 members, get their input, get their suggestions and
 24 approval, and then we'll bring it forth to the public.
 25 **A. That's not accurate for what I did. I didn't ask**

1 **them for an approval.**
 2 Q. Did you get their suggestions?
 3 **A. I did not ask for suggestions. I remember the**
 4 **suggestions from Councilwoman Coonrod. I don't think the**
 5 **District 7 change was a suggestion from Raquetta's part.**
 6 **I believe I just told her this is what we need to do.**
 7 **District 8, East Lake, East Lake is in three different**
 8 **districts and it's a massive area. There's no way to keep**
 9 **it in one district because of where it is.**
 10 **So East Lake was always going to be the area that**
 11 **little tweaks were made if at the end to where 7, 8, or 9**
 12 **needed population shifts of 100 people or something, we**
 13 **could use East Lake to do. So I don't remember anybody**
 14 **requesting East Lake changing.**
 15 MR. MCADOO: And I don't believe I did this,
 16 but can we please mark this as Exhibit, where we at, S?
 17 Mark the e-mail, and by this, I mean e-mail that we just
 18 discussed from Dr. Berz that it looks like you had
 19 forwarded to Mr. Henderson, Councilperson Henderson.
 20 Yeah, that one, can we please mark that one as Exhibit S?
 21 (WHEREUPON, a document was marked as Exhibit
 22 Number S.)
 23 BY MR. MCADOO:
 24 Q. Going back to Exhibit S for just a second, why did
 25 you forward this e-mail string to Councilperson Henderson?

1 **A. I don't recall specifically, but I imagine it was**
 2 **to keep -- he was the chair of the Council at the time and**
 3 **I imagine it was to keep him informed the communication**
 4 **with Dr. Holmes, as she was reaching out to more than one**
 5 **member of the Council, asking this same question.**
 6 Q. Okay.
 7 **A. Just making him aware that she had asked and it**
 8 **had been answered.**
 9 Q. Okay. I'm going to show you another e-mail
 10 meeting invitation. Take a look and then tell me what
 11 this is.
 12 **A. This is a redistricting briefing invitation for a**
 13 **meeting with Councilwoman Noel, who had recently been**
 14 **appointed for Monday, March 28, 2022.**
 15 Q. Did that meeting take place?
 16 **A. It did.**
 17 Q. Did you author this invitation?
 18 **A. I did.**
 19 MR. MCADOO: Could we please mark this as
 20 Exhibit T?
 21 (WHEREUPON, a document was marked as Exhibit
 22 Number T.)
 23 BY MR. MCADOO:
 24 Q. What was the purpose of this e-mail -- or this
 25 meeting?

1 Q. If you'll look at page 6 of this.

2 **A. Okay.**

3 Q. It lists changes that are made. It says:

4 Proposed major changes; is that correct?

5 **A. Yes.**

6 Q. Is that a reference to changes made since the

7 March 1st, 2022, meeting?

8 **A. No. This a reference to changes made from the**

9 **previously approved maps from ten years ago.**

10 Q. Okay. Were there any changes to the map, this

11 map, or this map on page 9? If you look at page 9, so we

12 have the description on page 6 of changes and we have a

13 map on page 9; is that right?

14 **A. That's correct.**

15 Q. What changes were made to the map between March

16 1st, 2022's, presentation and the April 5th, 2022's,

17 presentation?

18 **A. One moment, please.**

19 Q. Sure.

20 **A. (Witness reviews document.)**

21 **I don't believe any changes were made between**

22 **those two maps.**

23 Q. Could you please look at page 5 of Exhibit A?

24 **A. Yes.**

25 Q. Could you read the paragraph that begins: A

1 second map was published?

2 **A. Okay. (Witness reading.) A second map was**

3 **published on April 5, 2022. As best as can be determined,**

4 **the changes were to note City Green was moved to District**

5 **2 and the description as to District 9 did not specify**

6 **Gaylan Heights, North Tower Forest. The maps were,**

7 **therefore, made available to the public online. I'm not**

8 **sure if these notes were changes to the map. They may**

9 **have just been changes to the description of the changes.**

10 **These were very minor changes that just, maybe,**

11 **weren't the same in the descriptions of the two months.**

12 **There also could have been some minor shifts, but these**

13 **were very, very small than previous.**

14 Q. Do you know if these Google Sheets presentations

15 still exist in their native format?

16 **A. I believe so. I believe they're in ChattaData**

17 **online.**

18 Q. Are the maps themselves and they're available also

19 on ChattaData?

20 **A. I believe so, yes.**

21 Q. So to the best of your knowledge, there were no

22 changes to the map on the April 5th, 2022, version that is

23 marked as Exhibit U?

24 **A. I don't think there were any changes. There might**

25 **have been some minor shifts of a block here or there based**

1 **on cleaning of lines. There were no wholesale changes**

2 **about neighborhoods that I recall. I believe there were**

3 **additional changes a week after that.**

4 Q. Between the March 1st, 2022, meeting and the April

5 5th, 2022, meeting, had you received any feedback from the

6 members of City Council regarding the map, the

7 redistricting map?

8 **A. I'm sure they commented on it. I don't believe**

9 **any requests were made to me between those two times to**

10 **move anything from one district to another.**

11 Q. Do you recall who provided comments on the map

12 between March 1st, 2022, and April 5th, 2022?

13 **A. As I previously testified, I had a meeting with**

14 **Councilwoman Noel between those two dates, so I'm sure she**

15 **would have had comments about it. I don't recall her**

16 **asking me to do anything about it.**

17 Q. Anyone else? Phone calls or meetings?

18 **A. I don't have a calendar invitation for any**

19 **individual meeting other than Councilwoman Noel during**

20 **that period. Plus, we had already released it to the**

21 **Council in a full meeting on March 1st. I have no**

22 **specific knowledge or recollection of conversations with**

23 **other council members during that time.**

24 **But it would be reasonable to believe that during**

25 **that time, which encompassed five different Tuesdays, that**

1 **one of them might have made an offhand comment to me about**

2 **their district, you know, I saw where I had to lose this**

3 **or I saw where I gained that, but I don't recall any**

4 **specific instance of that.**

5 Q. Okay. Thank you.

6 Just hand you another Google Sheets presentation.

7 If you could take a look at that and tell me what it is.

8 **A. I familiar with it.**

9 Q. Yeah. Are you familiar with it?

10 **A. Earlier in my testimony, I said the March 1st map**

11 **was what I thought was the final map.**

12 Q. Yeah.

13 **A. We all thought that. So this was presented to the**

14 **City Council on April 12th. This is a redistricting**

15 **presentation about data mistakes that were made by the**

16 **State of Tennessee.**

17 Q. Is that memorialized there on page 2 of this

18 exhibit, data inconsistencies and why?

19 **A. That's on page 3, and yes.**

20 Q. Is it three?

21 **A. Uh-huh.**

22 Q. Oh, I'm sorry, I'm looking at two different

23 things. I was referencing the agenda portion.

24 MR. MCADDO: Before I forget, could we mark

25 this as Exhibit V? We may avoid going into AA.

1 MR. ELLIOTT: I'm kind of waiting to see.
 2 MR. MCADOO: We're cutting it close.
 3 (WHEREUPON, a document was marked as Exhibit
 4 Number V.)
 5 BY MR. MCADOO:
 6 Q. So on page 3 there of Exhibit V, is that an
 7 explanation of why changes were made to the map that was
 8 discussed at the March 1st, 2022, meeting?
 9 **A. Yes.**
 10 Q. Could you talk me through that?
 11 **A. The State sent us incorrect data and roughly five**
 12 **months after they sent us incorrect data, they contacted**
 13 **us -- they contacted Andrew Sevigny, specifically -- to**
 14 **tell us, oops, we sent you the wrong racial data, which is**
 15 **the primary thing we needed to work with was the racial**
 16 **data. So we internally were very unhappy about that; a**
 17 **job that we thought had been completed that now we had to**
 18 **go back and fix their mistake.**
 19 Q. I can imagine the frustration.
 20 **A. Yes.**
 21 Q. Page 4 of that, I believe the next page is
 22 entitled, "Proposed Changes."
 23 **A. Yeah.**
 24 Q. Can you walk me through the changes that were
 25 proposed in this presentation to the City Council?

1 **A. Yeah. So the State overrepresented the number of**
 2 **African-American residents in the city overall by nearly**
 3 **2,000 people, and there were a couple of districts that**
 4 **just barely met the threshold with the overstated**
 5 **African-American population, and the State's mistake meant**
 6 **that two of the districts came out of compliance, so.**
 7 Q. And that's out of compliance with the --
 8 **A. Judge's Order.**
 9 Q. And the City's interpretation of that order?
 10 **A. Yes. So we had to make some shifts here and there**
 11 **to make 8 and 9 have a higher percentage of**
 12 **African-American residents, and I believe they were taken**
 13 **from 7 for that purpose. Seven being a swing district did**
 14 **not have any perceived requirement of the racial**
 15 **demographic.**
 16 Q. Did you or your colleagues in the administration
 17 talk to any council members about this change prior to the
 18 March 12th meeting?
 19 **A. I don't specifically recall, but I wouldn't have**
 20 **been shy about telling them the State sent us the wrong**
 21 **data, so I have to get you a new map. Any details beyond**
 22 **that, I wouldn't have had to share.**
 23 Q. So there were no changes to the map in the
 24 presentation on March 12th, 2022, that were based on
 25 recent feedback from council members?

1 MR. ELLIOTT: I think you mean April 12th.
 2 MR. MCADOO: What did I say?
 3 MR. ELLIOTT: March.
 4 MR. MCADOO: Yes, April 12th. Thank you.
 5 **THE WITNESS: There were no changes in the**
 6 **April map related to any Council request. They were**
 7 **strictly based on the State's mistake and them sending us**
 8 **correct information which changed our maps.**
 9 MR. MCADOO: We might go to AA, but not BB.
 10 BY MR. MCADOO:
 11 Q. All right. I hand you another e-mail string.
 12 This one is entitled, "Forward: Two Options For
 13 Redistricting Changes."
 14 **A. Yeah.**
 15 Q. Are you familiar with this e-mail?
 16 **A. I am.**
 17 Q. How are you familiar with it?
 18 **A. I was copied on it, the e-mail from Andrew Sevigny**
 19 **to Councilwoman Noel.**
 20 MR. MCADOO: Can we please mark this as
 21 Exhibit W?
 22 (WHEREUPON, a document was marked as Exhibit
 23 Number W.)
 24 BY MR. MCADOO:
 25 Q. Have you had an opportunity to review it?

1 **A. I have.**
 2 Q. Did you speak to Mr. Sevigny about the contents of
 3 his e-mail prior to him sending it, the original e-mail of
 4 this string?
 5 **A. I didn't review this e-mail before it was sent,**
 6 **but I spoke to him about the general content.**
 7 Q. Did you speak to him about there being two options
 8 for changes to City Council districts?
 9 **A. Yeah, there were two cures for the racial issue in**
 10 **this specific instance.**
 11 Q. What was new since the April -- not March -- 12th,
 12 2022, meeting that precipitated this e-mail?
 13 **A. We hadn't solved all the problems from the State's**
 14 **discrepancy in their data and we still needed to find more**
 15 **African-American voters for District 8.**
 16 Q. So it's, essentially, a continuation of the
 17 problem that was presented to the Council on April 12th,
 18 2022?
 19 **A. Yes.**
 20 Q. Why was this presented to Councilwoman -- or why
 21 was she consulted by e-mail on the issue?
 22 **A. Because either option would have cured the issue**
 23 **and she had not really been involved, even in the public**
 24 **meetings at that point, because she wasn't on the Council.**
 25 **So I just wanted to get her feedback since she hadn't had**

1 the opportunity to provide any in that March 1 meeting
 2 because she wasn't a member of the Council.
 3 Q. Did you consult anyone else privately, either by
 4 e-mail or in a meeting, regarding these two options?
 5 **A. I don't believe so. I think I just put this to**
 6 **her.**
 7 Q. What other districts were affected, depending upon
 8 which option was chosen?
 9 **A. It could have affected 7, 5, or 9.**
 10 Q. Did you send it to Councilman Ledford?
 11 **A. He was the chairman at this time and I wanted to**
 12 **make him aware of potential changes to the map before we**
 13 **were going to change it again. It was not to solicit any**
 14 **information from him, it was only to make him aware.**
 15 Q. So are they -- sorry, I was mumbling to myself.
 16 Could you please look at the other pages in
 17 Exhibit W?
 18 **A. Okay.**
 19 Q. Are those the attachments to the e-mail at the
 20 beginning?
 21 **A. It appears so, yes. This looks like the two**
 22 **different options to cure the mistake from the State.**
 23 Q. And I ask just because they're different Bates
 24 numbers; they're not consecutive.
 25 Did you consult with Councilwoman -- you or

1 Mr. Seigny or anyone else within your staff, with
 2 Councilwoman Coonrod regarding these options?
 3 **A. No.**
 4 Q. What about Councilperson Hester?
 5 **A. No.**
 6 Q. What about Councilwoman Dotley?
 7 **A. No.**
 8 Q. Why didn't you consult them if it might impact
 9 them?
 10 **A. Because I could do that in a public meeting and**
 11 **say this is the cure. Rather than act as a go-to between**
 12 **the council people, I merely wanted to get Councilwoman**
 13 **Noel to get her opinion and then do my best to fix it as**
 14 **she wanted, and then present it in a public meeting with**
 15 **council so they could debate and make a final decision.**
 16 MR. ELLIOTT: You made it to X.
 17 MR. MCADOO: Yeah, we'll see if I change my
 18 mind on some of these.
 19 BY MR. MCADOO:
 20 Q. Okay. I'm handing you another Google Sheets
 21 presentation. If you can take a look and tell me if
 22 you're familiar with this.
 23 **A. Okay.**
 24 Q. Are you familiar with this document?
 25 **A. Somewhat, yes. It's a little -- it's been awhile,**

1 **but, yes, I'm familiar enough, I suppose.**
 2 Q. Could you describe what it is?
 3 **A. This represents the changes that we had to make,**
 4 **the changes that we chose to make based on the State's**
 5 **incorrect data and the cure we had to have to meet the**
 6 **district requirements.**
 7 Q. Was this a presentation made to the City Council
 8 on April 19th, 2022?
 9 **A. Yes.**
 10 MR. MCADOO: All right. Can we mark this one
 11 Exhibit X?
 12 (WHEREUPON, a document was marked as Exhibit
 13 Number X.)
 14 BY MR. MCADOO:
 15 Q. Did you review or approve this presentation prior
 16 to the April 19th, 2022, meeting?
 17 **A. Yes, I did.**
 18 Q. So we had just talked about two options for
 19 remedying one of the State's errors. If you look to
 20 page 3.
 21 **A. Okay.**
 22 Q. Does that reflect one of those options?
 23 MR. ELLIOTT: Are you talking about the
 24 options presented to Councilperson Noel?
 25 MR. MCADOO: Yes.

1 MR. ELLIOTT: Okay.
 2 **THE WITNESS: Yes, I believe this was one of**
 3 **the two options.**
 4 BY MR. MCADOO:
 5 Q. Which option presented to Councilwoman Noel that
 6 is described in Exhibit W was chosen?
 7 **A. Option 2.**
 8 Q. Option 2. Why was option 2 chosen?
 9 MR. ELLIOTT: I mean, are you asking her
 10 why -- I mean, asking him why he chose it?
 11 MR. MCADOO: I'm asking why it was the one
 12 that was in the presentation?
 13 **THE WITNESS: I believe that it made more**
 14 **sense. Honestly, I don't recall Councilwoman Noel**
 15 **actually responding with I want Option 1 or 2. It is**
 16 **possible she gave an opinion. It's also possible she said**
 17 **whatever you think is fine, or something along those**
 18 **lines.**
 19 **I'm certain that I would have preferred this**
 20 **so as not to split Alton Park, which is one of the oldest,**
 21 **traditionally African-American neighborhoods in the State**
 22 **of Tennessee and has a history of not being represented**
 23 **well, or by African-Americans at multiple levels of**
 24 **government, so I wouldn't have wanted to split Alton Park,**
 25 **if I could have helped it.**

1 Q. Yeah. Okay. Anything that's left out of this
 2 description of the various iterations of the map that
 3 should be added?
 4 **A. Not that come to mind, no.**
 5 Q. Quick clarification, because I think it was a
 6 typographical error: How do you spell Sevigny?
 7 **A. S-E-V-I-G-N-Y.**
 8 Q. So any references in here that are to
 9 S-I-V-I-G-N-Y is mostly to Andrew Sevigny?
 10 **A. Yes. There is only one Andrew Sevigny and it is**
 11 **S-E, not S-I.**
 12 MR. ELLIOTT: That's the City special counsel
 13 is who that is.
 14 BY MR. MCADOO:
 15 Q. Are you friends with Mr. Sevigny?
 16 **A. I haven't spoken to him since he left, other than**
 17 **I think bumping into him in public once. That might have**
 18 **been at the market or something like that. We're**
 19 **friendly, we're not adversarial, but we don't hang out or**
 20 **anything.**
 21 Q. How long ago did he leave?
 22 **A. It's not been a year. It was late last year.**
 23 Q. Okay.
 24 **A. Late 2022. He got a job offer from UNUM that**
 25 **offered him more money than he was making here, and, you**

1 **know, city governments aren't always competitive with**
 2 **private sectoral money, so he took a better opportunity.**
 3 Q. Yeah. Are there any answers to my questions that
 4 you'd like to change before we wrap up?
 5 **A. Not that I recall, no.**
 6 Q. Is there any information I asked you about that
 7 you remember now that you didn't recall when I asked you
 8 the question?
 9 **A. No.**
 10 Q. Is there anything you would like to add or clarify
 11 in any responses that you gave me?
 12 **A. No.**
 13 Q. Yeah. Okay. From your perspective, what was the
 14 function of the Redistricting Committee?
 15 **A. From my perspective?**
 16 Q. Yeah.
 17 **A. For our purposes, we never sought collective**
 18 **agreement or collective feedback or a collective**
 19 **instruction from the Redistricting Committee. They were**
 20 **treated as a small group to which we reported updates in a**
 21 **few meetings that have been documented here today and in**
 22 **the interrogatories, so they were merely receiving**
 23 **information from us on behalf of the Council.**
 24 Q. Then why not just do that in a full Council
 25 meeting in public?

1 **A. That wasn't my decision to make. That was up to**
 2 **the Chattanooga City Council. I just did what I was told.**
 3 Q. All right. Thank you for your time?
 4 **A. Thank you.**
 5 MR. MCADOO: Do you, gentlemen, have any
 6 questions?
 7 MR. ELLIOTT: No.
 8 MR. NOBLETT: I don't believe so.
 9 THE COURT REPORTER: Okay. Do you want this
 10 prepared, the transcript?
 11 MS. MCADOO: (Nods head affirmatively.)
 12 THE COURT REPORTER: And do you guys want
 13 copies?
 14 MR. NOBLETT: Yes, please.
 15 MR. ELLIOTT: Just one.
 16 THE COURT REPORTER: Send it to him. All
 17 right.
 18 FURTHER THE DEPONENT SAITH NOT.
 19 (The deposition concluded at 1:14 p.m.)
 20
 21
 22
 23
 24
 25

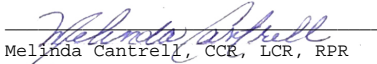
1
 2 C E R T I F I C A T E
 3 STATE OF TENNESSEE:
 4 COUNTY OF HAMILTON:
 5
 6 I, MELINDA CANTRELL, Court Reporter, with
 7 offices in Chattanooga, Tennessee, hereby certify that I
 8 reported the foregoing deposition of Chris Anderson, by
 9 machine shorthand to the best of my skills and abilities,
 10 and thereafter the same was reduced to typewritten form by
 11 me.
 12 I further certify that in order for this
 13 document to be considered a true and correct copy, it must
 14 bear my original signature, and that any unauthorized
 15 reproduction in whole or in part and/or transfer of this
 16 document is not authorized, will not be considered
 17 authentic, and will be in violation of Tennessee Code
 18 Annotated 39-14-149 Services.
 19
 20 
 21 Melinda Cantrell, CCR, LCR, RPR
 22 Lexitas, LCR #872.
 23 Expiration: June 30, 2024
 24
 25

Exhibit 9

Redistricting Data



Agenda

- Requirements
- Data Used and Description
- Current Council Districts with 2020 Census
- Community Transparency and Input Tools

Requirements (From State Guide)

- Equal distribution of voters (must meet 10% rule)
- Per City Charter, must be completed 1 year before next election and redistricting cannot take less than 6 months
- 3 of 9 Council Districts must be a certain percent minority
- Can't write out incumbent

Required Steps (From State Guide) for Counties

1. Appoint redistricting committee
2. Acquire redistricting data
3. Apply 2020 data to current districts and evaluate
4. Draw one or more new district plans
5. Complete final plan
6. Adopt final plan by resolution
7. Complete final precinct map (not sure if applies)
8. Certify final plans

Data Used

- City Council Boundaries
- 2020 US Census Block Populations
 - Block is the smallest unit of measurement by Census
 - Contains basic information on population by race and ethnicity

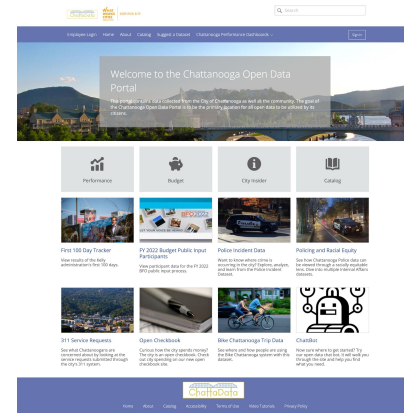
Current Council Districts with 2020 Population

District	Representative	District Pop	Average Pop	Deviation	Black Alone Pop	Black Alone %	Two or More Races Populations	Two or More Races %	Black Alone + Two or More Races %
1	Chip Henderson	21156	20195	104.76%	1289	6.1%	1208	5.7%	11.8%
2	Jenny Hill	20145	20195	99.75%	1356	6.7%	1336	6.6%	13.4%
3	Ken Smith	21606	20195	106.98%	3119	14.4%	1370	6.3%	20.8%
4	Darrin Ledford	23538	20195	116.55%	3790	16.1%	1485	6.3%	22.4%
5	Isaiah Hester	17921	20195	88.74%	10847	60.5%	1084	6.0%	66.6%
6	Carol Berz	19848	20195	98.28%	5416	27.3%	1485	7.5%	34.8%
7	Raquetta Dotley	22435	20195	111.09%	8670	38.6%	2079	9.3%	47.9%
8	Anthony Byrd	17569	20195	86.99%	8545	48.6%	1455	8.3%	56.9%
9	Demetrus Coonrod	17541	20195	86.86%	9701	55.3%	1013	5.8%	61.1%

Community Input Tools



You draw the lines.



ChattaData Open Data Portal

Exhibit 10

City's Responses to RFP 07/17/2023 000195

Re: Timelines and related info regarding redistricting**cberz@chattanooga.gov Carol Berz**

Monday, October 4, 2021 at 3:04:06 PM Eastern Daylight Time

To: kensmith@chattanooga.gov Ken Smith

Cc: dledford@chattanooga.gov Darrin Ledford, ihester@chattanooga.gov Isiah Hester

Sure. Councilman Ledford. As you know we are not on the same timeline as the County. In fact, we have a much longer period, as our next City election is several years away. That being said, our Redistricting Committee has met once, has requested data and will be carefully considering a variety of models that (1) will interrupt the present model as little as possible; and (2) will legally meet the numbers requirements. Ultimately, we will present our suggestions to the City Council for discussion and decision. Presently, there is no timeline. Let me know should you have any other questions. Best - CBB

On Mon, Oct 4, 2021 at 2:05 PM Ken Smith <kensmith@chattanooga.gov> wrote:

Certainly Councilman, but Councilwoman Berz is Chairing this committee and I do not want to speak for her regarding plans for the committee.

Councilwoman, would you please respond to Councilman Ledford based on our recent meeting with the Admin?

Ken Smith, Vice Chairman
Chattanooga City Council

On Oct 4, 2021, at 12:54 PM, Darrin Ledford <dledford@chattanooga.gov> wrote:

Vice-Chairman,

I am co-sponsoring with County Commission Chair, Sabrena Smedley, this Thursday a redistricting community meeting. Although the focus is certainly on the county at the moment, can you share with me thoughts on timelines and process for the city. With misinformation aloft, I'd like to be ready with facts regarding councils committee and responsibilities.

Thank you in advance,

DTL

--

Regards,
Darrin T. Ledford
Chattanooga City Council, 4th District
CHCRPA Commissioner

Exhibit 11

City's Responses to RFP 07/17/2023 000209**Re: Minutes of the meetings held by the Redistricting Committee****cberz@chattanooga.gov Carol Berz**

Thursday, March 17, 2022 at 10:33:40 AM Eastern Daylight Time

To: emholmes@epbf.com, councilandstaff@chattanooga.gov CouncilAndStaff, canderson@chattanooga.gov chris anderson, joda@chattanooga.gov Joda Thongnopnua, pnoblett@chattanooga.gov Phil Noblett, aseigny@chattanooga.gov Andrew Sevigny, tmoreland@chattanooga.gov Tim Moreland

Dr Holmes - Thank you for your note. I apologize if somehow my last two explanations at Council meetings were unclear. There were no secret meetings of the Redistricting Committee. On several occasions, Councilpersons Dotley, Smith, Hester and I occupied the same space in the Mayor's large conference room, where Mr. Anderson and his folks educated us regarding the law relative to redistricting and City demographics resultant of the 2020 census. He also showed us what new districts might look like. I have asked that Mr. Anderson send you his agendas for those meetings, even though it is the same information that I have given twice at our Council meetings and is on the website. Subsequently, I asked that Mr. Anderson do two things: (1) Get the districts in compliance with the law, with as little disruption as possible of existing boundaries and (2) Meet individually with each Councilperson to go over the outcomes. That was done, with the results both on record and on the City website. As you know, Councilpersons will be meeting as they see fit with their district constituents and, on March 29th., there will be a public input session at 6:00, at the regularly scheduled Council meeting. Please feel free to check the veracity of all this information with whomever you wish. Their names are all listed above. Have a great day - CBB

On Wed, Mar 16, 2022 at 3:34 PM <emholmes@epbf.com> wrote:

Councilwoman Berz,

At the Strategic Planning Committee yesterday, you and the other members of the Redistricting Committee said you did not hold private meetings. Would it be possible for you to send me a copy of the minutes for the October, January and March Meetings held by your committee or tell me where I can obtain copies of these meetings?

Thank You.

Dr. Everlena Holmes
423-622-0974

Exhibit 12



Chattanooga City Council
Chattanooga, Tennessee
John P. Franklin, Sr. City Council Building
COUNCIL MEETING MINUTES
November 9, 2021
6:00 PM

CALL TO ORDER

Council Chairman Chip Henderson called the meeting to order. A quorum was present that included Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Raquetta Dotley, Isiah Hester, Jenny Hill, and Darrin Ledford. Others present were Emily O'Donnell, City Attorney, and Nicole Gwyn, Council Clerk. Video of the meeting is available on YouTube [here](#).

PLEDGE OF ALLEGIANCE

Councilman Ledford led the Assembly in the Pledge of Allegiance.

SPECIAL PRESENTATION

"Chattanooga Fire Department Celebrates 150 Years of Service"
Presented by Fire Chief Phil Hyman

Chief Hyman gave a presentation [see attached] to celebrate the 150 years of service for the Chattanooga Fire Department.

APPROVAL OF LAST MINUTES

On motion of Vice-Chairman Smith and seconded by Councilman Hester, the minutes of the last meeting (November 2, 2021) were approved as published. The motion carried unanimously (9-0) upon roll call vote.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

On motion of Councilwoman Berz and seconded by Councilman Byrd,

ORDINANCE #13733

AN ORDINANCE TO AMEND THE OPERATIONS BUDGET ORDINANCE NO. 13710, KNOWN AS "THE FISCAL YEAR 2021-2022 OPERATIONS BUDGET ORDINANCE," TO AMEND SECTION 6(B) SO AS TO APPROPRIATE \$38,640,506.00 FROM THE AMERICAN RESCUE PLAN ACT OF 2021.

The motion carried unanimously (9-0) upon roll call vote as follows:

Hill	YES	Byrd	YES
Ledford	YES	Coonrod	YES
Hester	YES	Smith	YES
Berz	YES	Henderson	YES
Dotley	YES		

YES – Nine (9); NO – Zero (0)

ACTION: PASSED ON FIRST READING

2021-0163
Julian Bennett
Planning Version
District No. 1

Agenda Item VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 706 MERRIAM STREET, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

A hearing ensued, with Karen Rennich, Interim Director of Regional Planning, briefed the Council on this rezoning request in the Hill City neighborhood. She discussed the site plan and Plannign Commission recommendations. There was no opposition present in the Assembly today. Chairman Henderson recognized and opened the floor to both the Applicant, **Julian Bennett**, to address the Council. Councilman Ledford informed the Council that there was one letter of opposition from the Hill City Neighborhood Association, showing that the neighborhood had unanimously voted to oppose this rezoning. He then confirmed the condition with Ms. Rennich.

With no objection from Chairman Henderson, **Councilman Ledford moved** to deny. Councilman Hester seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DENIED

2021-0164
CTF Alpaca Racing Group, LLC
Planning Version
District No. 2

On motion of Councilwoman Hill and seconded by Councilman Byrd,

ORDINANCE #13734

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1310 HANOVER STREET LOCATED IN THE 200 TO 300 BLOCK OF TREMONT STREET, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0177
Bill Dickson
Planning Version
District No. 3

On motion of Vice-Chairman Smith and seconded by Councilman Ledford,

ORDINANCE #13735

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5468 HIXSON PIKE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE FOR THE FRONT PORTION OF THE SITE FRONTING HIXSON PIKE (SEE ATTACHED MAP) AND O-1 OFFICE ZONE FOR THE REAR PORTION OF THE SITE ALONG OLD HIXSON PIKE (SEE ATTACHED MAP), SUBJECT TO CERTAIN CONDITIONS.

Vice-Chairman Smith moved to approve with the intent to amend. Councilman Ledford seconded. Vice-Chairman Smith moved to amend by adding the condition: "*Adult-oriented establishments, self-service storage facilities, gas stations, open-air markets, vehicular repair or service facilities, and wholesaling with accessory warehousing uses shall be prohibited.*" Councilman Ledford seconded. The motion to amend carried unanimously (9-0) upon roll call vote. Vice-Chairman Smith moved to approve as amended. Councilman Ledford seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING AS AMENDED

2021-0166
PBD Development, GP & Napier Associates
District No. 4

On motion of Councilman Ledford and seconded by Vice-Chairman Smith,

ORDINANCE #13736

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITION NO. 9 OF ORDINANCE NO. 13110 OF PREVIOUS CASE NO. 2016-0060 FOR PROPERTIES LOCATED AT 2415, 2423, AND 2441 ELAM LANE AND PARTS OF 2440 ELAM LANE AND PARTS OF 2515, 2519, AND 2527 GUNBARREL ROAD.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0169
ASA Engineering
Planning Version
District No. 5

Agenda Item VI(f):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5116, 5120, AND 5134 HIGHWAY 58 AND SEVERAL UNADDRESSED TRACTS (120N-D-012, 014, 015, 016, AND 018) OF LAND IN THE 5100 BLOCK OF HIGHWAY 58, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Ms. Rennich gave a presentation showing the site plan (Highway 58 portion) and recommendations regarding this rezoning. She discussed the conditions and the recommendation for C-2 along Highway 58. Chairman Henderson recognized and opened the floor for the Applicant and the Opposition.

Applicant:

- **Alan Jones** (ASA Engineering) – He spoke about the recommended conditions and the more intensive uses in the current C-5.

Opposition:

- **Edward Freeman** – He spoke against this rezoning behind their neighborhood.
- **Alonzo Noble** – He spoke against the proposed storage unit on the properties.
- **John Courtney** – He spoke on attempts to rezone these properties over the years.

Rebuttal: Mr. Jones spoke on the buffering, willingness to meet with the neighborhood, and the option for an excluded use applied to the self-storage.

Councilman Ledford questioned Ms. Rennich on what is allowed in the current C-5 zoning. Councilpersons Byrd and Coonrod made comments about the C-5.

Councilman Hester moved to defer to November 30, 2021, so that the developer and neighborhood could have more time to discuss. Councilman Ledford seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO NOVEMBER 30, 2021

2021-0186
David Gardner
Planning Version
District No. 6

Agenda Item VI(g):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2997 EDGMON FOREST LANE, 6420 SHALLOWFORD ROAD, AND A PORTION OF 6418 SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Berz moved to defer to November 16, 2021. Councilman Ledford seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO NOVEMBER 16, 2021

2021-0161
Glen Craig
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13737

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1213, 1215, AND AN UNADDRESSED PARCEL ON EAST 13TH STREET (TAX MAP NO. 146P-C-008), FROM R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0174
1101 Main, LLC
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilman Ledford,

ORDINANCE #13738

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1101 EAST MAIN STREET AND 1490 TOP STREET, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0178

Henry and Kathleen DeHart

Planning Version

District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13739

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1502 EAST 14TH STREET, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0162

Lentorry Coleman

Planning Version

District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

Agenda Item VI(k):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2101 AND 2103 SOUTH WATKINS STREET, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Coonrod informed the Council that the Applicant was present via Zoom and was requesting four stories instead of the recommended three stories. Ms. Rennich gave a briefing on the recommendations. Chairman Henderson recognized and opened the floor to the Applicant, **Lentorry Coleman**, who addressed the Council on the options he will have with four stories. There was no Opposition present about this rezoning.

Upon no questions, **Councilwoman Coonrod moved** to defer to November 16, 2021. Councilman Byrd seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO NOVEMBER 16, 2021

2021-0175
Ethan Collier
Planning Version
District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Ledford,

ORDINANCE #13740

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2517 EAST 16TH STREET, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Coonrod asked Ms. Rennich to read the conditions: "*Auto-oriented, alternative financial institutions, liquor stores and adult-oriented establishments shall be prohibited.*" Upon no questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0176
Ethan Collier
Planning Version
District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

ORDINANCE #13741

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1805, 1807, 1809, AND 1811 SOUTH LYERLY STREET, FROM R-2 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Coonrod asked Ms. Rennich to read the conditions: "...*subject to the condition of residential uses only.*" Upon no questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

[Councilman Byrd exited the meeting at this time, leaving a quorum of eight.]

2021-0181
Nathan Brown
Planning Version
District No. 9

ORDINANCE #13742

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2500 EAST 19TH STREET, FROM R-2 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

A hearing ensued, with Ms. Rennich giving a presentation on this rezoning case. She discussed the Staff recommending to deny R-3 and the Planning Commission's recommendation from R-2 to UGC. Chairman Henderson recognized and opened the floor to the Applicant and the Opposition.

Applicant:

- **Nathan Brown** – He spoke on continuing the use of the building as a triplex and offering something more affordable in this community.

Opposition:

- **Ethan Collier** – He spoke on the stringent conditions that have been placed on his properties when trying to rezone in this area. He also spoke on the community's efforts to remove R-3 properties such as this.

Rebuttal: Mr. Brown spoke on his effort to rehab this building rather than let it remain unused.

Discussion ensued with Ms. Rennich on the Planning Commission's recommendation to approve UGC and deny the Applicant's request for R-3. **Councilwoman Coonrod moved** to approve the Planning Version of UGC with conditions. Councilman Ledford seconded. Chairman Henderson asked for clarification on her motion. He also confirmed with the Attorney that a "yes" vote would mean approving the Planning Version of UGC with conditions. After no further discussion, the motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: PASSED ON FIRST READING

On motion of Councilman Ledford and seconded by Councilwoman Berz,

ORDINANCE #13742

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO ADDRESS EXTERIOR BUILDING MATERIAL REQUIREMENTS.

The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next two resolutions for one Council vote.

RESOLUTION #30927

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE WITH MELVIN R. STANDEFER AND WIFE, KIMBERLY D. STANDEFER, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE ACQUISITION OF 932.34 SQUARE FEET AND FOR A TEMPORARY CONSTRUCTION EASEMENT OF 774.47 SQUARE FEET, ON A PORTION OF THE PROPERTY LOCATED AT 5014 CREEKSIDE PRESERVE DRIVE, FURTHER IDENTIFIED AS TAX PARCEL NO. 110F-C-035, AND TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE CLOSING TRANSACTION FOR A TOTAL CONSIDERATION OF \$37,500.00, WITH CLOSING FEES NOT TO EXCEED \$5,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$42,500.00.

RESOLUTION #30928

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF ECONOMIC DEVELOPMENT TO AWARD UP TO \$40,000.00 IN HOME PROGRAM FUNDS TO HABITAT FOR HUMANITY OF GREATER AREA CHATTANOOGA TO ASSIST IN THE CONSTRUCTION OF A SINGLE-FAMILY HOUSE LOCATED AT 235 CANARY CIRCLE FOR AFFORDABLE HOMEOWNERSHIP.

Vice-Chairman Smith moved to approve both resolutions. Councilwoman Coonrod seconded. The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: RESOLUTIONS 30927& 30928 ADOPTED

On motion of Councilwoman Dotley and seconded by Councilwoman Hill,

Agenda Item VII(c):

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO COLLECTIVELY WITH HAMILTON COUNTY, ENTER INTO A LEASE AGREEMENT WITH THE CHATTANOOGA AREA CONVENTION & VISITORS BUREAU, INC., IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE LEASE OF THE BUILDING AT 2 AQUARIUM WAY, SUITE 138, FURTHER IDENTIFIED AS A PORTION OF TAX PARCEL NO. 135K-A-001, WITH THE BUILDING TO BE USED EXCLUSIVELY FOR THE OPERATION OF A VISITOR INFORMATION CENTER, FOR A TERM OF THREE (3) YEARS, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL TERMS OF ONE (1) YEAR EACH, AT THE CONSIDERATION OF ONE DOLLAR (\$1.00) PER YEAR.

The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: DEFERRED TO NOVEMBER 30, 2021

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the following four resolutions for one Council vote.

RESOLUTION #30929

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO ACCEPT, IF AWARDED, A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) GRANT FOR RAPID REHOUSING AND SUPPORTIVE SERVICES FOR HOMELESS FAMILIES, IN THE AMOUNT OF \$333,000.00.

RESOLUTION #30930

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$16,500,000.00 PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION BONDS, SERIES 2021A.

RESOLUTION #30931

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$26 MILLION PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021B.

RESOLUTION #30932

A RESOLUTION AUTHORIZING THE INTERIM CHIEF HUMAN RESOURCES OFFICER TO RENEW THE EXISTING AGREEMENT WITH ONSITE RX, INC. TO PROVIDE ONSITE PHARMACY SERVICES, TO INCLUDE MAIL ORDER AND ON THE JOB INJURY MEDICATIONS FOR CITY EMPLOYEES, RETIREES AND DEPENDENTS COVERED UNDER THE CITY'S HEALTH PLAN, FOR THE SECOND OF THREE (3) ONE (1) YEAR RENEWAL OPTIONS, FOR AN ANNUAL SERVICE FEE OF \$20.32 PER EMPLOYEE PER MONTH (PEPM), IN ADDITION TO PURCHASING PRESCRIPTION AND OVER THE COUNTER PRODUCTS THROUGH ONSITE RX, INC. AT THE COST OF APPROXIMATELY \$8.2 MILLION PER YEAR AND PAYING APPLICABLE SALES TAXES AT THE APPROXIMATE RATE OF \$15,000.00 PER YEAR.

Councilwoman Berz moved to approve all four resolutions. Councilwoman Coonrod seconded. The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: RESOLUTIONS 30929 - 30932 ADOPTED

2021-0170
Jeff Fava
District No. 5

On motion of Councilman Hester and seconded by Councilman Ledford,

RESOLUTION #30933

A RESOLUTION AUTHORIZING AN ABANDONMENT OF A PLANNED UNIT DEVELOPMENT FOR THE PROPERTY LOCATED AT 1601 EUCALYPTUS DRIVE, AS DETAILED ON THE ATTACHED MAPS.

The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: ADOPTED

2021-0171
Jeff Fava
District No. 5

On motion of Councilman Hester and seconded by Councilman Ledford,

RESOLUTION #30934

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR THE PROPERTY LOCATED AT 1601 EUCALYPTUS DRIVE.

The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases

Julia Bursch, Deputy Chief of Staff, briefed the Council on one proposed purchase:

200068 - Waste Resources Division, Public Works	\$55,000.00
Grounds maintenance at Moccasin Bend Wastewater Treatment Plant	
Lowest/Best Bidder: Thrive Outdoor, Inc. 2004 Airport Rd. Pine Ridge, AL 35968	

Vice-Chairman Smith moved to approve. Councilwoman Berz seconded. The motion carried unanimously (8-0) upon roll call vote. Councilman Byrd was not present during this vote.

ACTION: PURCHASE 200068 APPROVED

OTHER BUSINESS:

Informational Item (Finance)

Joda Thongnopnua, Interim Chief of Staff, introduced Daisy Madison, Chief Finance Officer, to report on a plan of refunding for the city's proposed issuance of an estimated \$21,995,000.00 general obligation refunding bonds series 2021b. No action was required from the Council for this information item.

IOD Settlement

Attorney O'Donnell informed the Council that the Brian Mosley settlement listed on the agenda tonight had one incorrect digit. Therefore, she asked to present the settlement at next week's meeting. There was no objection from the Council.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz

(No report)

Economic Development Committee

Councilwoman Coonrod reported:

- The committee met today in open meeting for a presentation on the PILOT for Steam Logistics that would create 400 jobs.

Education and Innovation Committee

Councilwoman Hill

(No report)

Equity and Community Development Committee

Councilwoman Dotley

(No report)

Legislative Committee

Vice-Chairman Smith

(No report)

Planning and Zoning Committee

Councilman Ledford

(No report)

Parks and Public Works
 Councilman Hester
 (No report)

Public Safety Committee
 Councilman Byrd
 (No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL
 (Listen and view on YouTube [here](#))

Attorney O'Donnell read the rules of procedure for persons wishing to address the Council. After which, Chairman Henderson recognized the following persons:

Speaker Name	District	Primary Topics:
• Antonio Boston	8	Reopening of Avondale Center for the annual Thanksgiving community dinner that he sponsors <ul style="list-style-type: none"> ○ Mr. Thongnopnua informed the Council of a phased reopening plan for the center.
• Monty Bell	8	11 th Street Council representation/making an agreement with the homeless community on 11 th street
• Doug Carlson	1	Sustainability and resiliency/transition to a carbon-free economy/adoption of ICSP
• Kelvin Scott	9	Redistricting time frame for the Council <ul style="list-style-type: none"> ○ Councilwoman Berz, who chairs the ad hoc committee for redistricting recommendations, informed Mr. Scott that she was working with the committee and Administrator Chris Anderson on the time frame. She also informed him that the committee will seek public input during the redistricting process.

ADJOURNMENT

On motion of Councilwoman Coonrod, Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, November 16, 2021.



CHAIRMAN



CLERK OF COUNCIL

City's Responses to RFP 07/17/2023 000064

[Editor's Notes: There will be a special session of the Chattanooga City Council next Tuesday, November 16th, at 2:00 p.m. to deliberate two Finance resolutions. The regular Council meeting will also take place, as scheduled, on November 16th at 6:00 p.m. Any person may join the 2:00 and/or 6:00 sessions next week in-person at 1000 Lindsay Street, 37402, or online via Zoom at council.chattanooga.gov.]]

Attachment:
CFD Presentation

Exhibit 13

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

RAQUETTA DOTLEY

September 07, 2023



Lexitas Legal TENNESSEE | 1015 Avery Park Dr | Smyrna, TN 37167 | (615) 595-0073 |
tn.scheduling@lexitaslegal.com

1 IN THE CHANCERY COURT OF TENNESSEE
 2 FOR THE ELEVENTH JUDICIAL DISTRICT
 3 AT CHATTANOOGA

4 CHATTANOOGA PUBLISHING COMPANY,
 5 Plaintiff,
 6 vs. Case No. 22-0902
 7 CITY OF CHATTANOOGA, CHATTANOOGA
 8 CITY COUNCIL
 9 AND
 10 CHIP HENDERSON, JENNY HILL, KEN SMITH,
 11 DARRIN LEDFORD, ISIAH HESTER, CAROL B.
 12 BERZ, RAQUETTA DOTLEY, MARVENE NOEL,
 13 and DEMETRUS COONROD, in their official
 14 capacity as members of the Chattanooga
 15 City Council,
 16 Defendants.

17 Deposition of:
 18 RAQUETTA DOTLEY
 19 Taken on behalf of the Plaintiff
 20 September 7, 2023
 21
 22 Commencing at 1:30 p.m.

23 LEXITAS
 24 www.LexitasLegal.com
 25 MELISSA M. SMITH, RPR, LCR, CCR
 Chattanooga, Tennessee
 (423)266-2332

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 2 A P P E A R A N C E S
 3
 4 For the Plaintiff:
 5 MR. PAUL R. McADOO
 6 Attorney at Law
 7 Reporters Committee for Freedom of the Press
 8 6688 Nolensville Road
 9 Suite 108-20
 10 Brentwood, TN 37027
 11 (615) 823-3633
 12 pmcadoo@rcfp.org

13 For the Defendants:
 14 MR. SAM D. ELLIOTT
 15 Attorney at Law
 16 Gearhiser, Peters, Elliott & Cannon, PLLC
 17 320 McCallie Avenue
 18 Chattanooga, TN 37402
 19 (423) 576-5171
 20 selliott@gearhiserpeters.com

21 MR. PHIL NOBLETT
 22 MS. KATHRYN C. McDONALD
 23 Attorneys at Law
 24 Office of the City Attorney
 25 City of Chattanooga
 100 East 11th Street
 Suite 200
 Chattanooga, TN 37402
 (423) 643-8250
 pnoblett@chattanooga.gov
 kmcdonald@chattanooga.gov

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 2 I N D E X
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 4 Examination Page
 5 By Mr. McAdoo 6
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 7 E X H I B I T S
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 9 Exhibit No. 1 Page
 10 Defendants The City of Chattanooga and 12
 11 the Chattanooga City Council Responses
 12 to Plaintiff's First Set of
 13 Interrogatories
 14 Exhibit No. 2 13
 15 Defendant Raquetta Dotley's Responses
 16 to Plaintiff's First Set of
 17 Interrogatories
 18 Exhibit No. 3 18
 19 PowerPoint: Redistricting Data
 20 Exhibit No. 4 22
 21 PowerPoint: Redistricting 12/9/21
 22 Exhibit No. 5 27
 23 E-mail string, Subject: Redistricting
 24 Bates No. City's Responses to RFP
 25 07/17/2023 000260
 Exhibit No. 6 33
 PowerPoint: Redistricting 2/15/22
 Exhibit No. 7 40
 PowerPoint: City of Council of
 Chattanooga Redistricting presented on
 3/1/22

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 2 E X H I B I T S
 3 (continued)
 4
 5 Exhibit No. 8 Page
 6 E-mail string, Subject: City of 42
 7 Chattanooga Redistricting Questions
 8 Bates Nos. City's Responses to RFP
 9 07/17/2023 000315 - 316
 10 Exhibit No. 9 46
 11 E-mail, Subject: Two Options for
 12 Redistricting Changes
 13 Bates Nos. City's Responses to RFP
 14 07/17/2023 000391 - 393
 15 Exhibit No. 10 49
 16 E-mail, Subject: Document shared with
 17 you: "2011 Redistricting Process"
 18 Bates No. City's Responses to RFP
 19 07/17/2023 000261
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 2 S T I P U L A T I O N S
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 5 The deposition of RAQUETTA DOTLEY was
 6 taken by counsel for the Plaintiff, by Notice, at
 7 the offices of Chattanooga City Attorney, 100 East
 8 Eleventh Street, Suite 200, Chattanooga, Tennessee,
 9 on September 7, 2023, for all purposes under the
 10 Tennessee Rules of Civil Procedure.
 11 All formalities as to caption, notice,
 12 statement of appearance, et cetera, are waived.
 13 All objections, except as to the form of the
 14 question, are reserved to the hearing, and that
 15 said deposition may be read and used in evidence in
 16 said cause of action in any trial thereon or any
 17 proceeding herein.
 18 It is agreed that MELISSA M. SMITH, RPR,
 19 Licensed Court Reporter for the State of Tennessee,
 20 may swear the witness, and that the reading and
 21 signing of the completed deposition by the witness
 22 was not discussed.
 23
 24
 25

1 * * *
 2 RAQUETTA DOTLEY,
 3 was called as a witness, and after having been duly
 4 sworn, testified as follows:
 5
 6 EXAMINATION
 7 BY MR. McADOO:
 8 Q. Good afternoon. Would you please state
 9 your full name?
 10 A. **Raquetta Dotley.**
 11 Q. Have you ever deposed before?
 12 A. **No.**
 13 Q. So I'm going to go through some basics of
 14 how this will go. Even though we are in an
 15 informal setting, this is a formal legal
 16 proceeding.
 17 Do you understand that you're obligated to
 18 answer my questions fully and truthfully just as
 19 though you were testifying before a judge in a
 20 courtroom?
 21 A. **Yes.**
 22 Q. Wonderful.
 23 Some other ground rules. Please wait
 24 until I finish asking a question to answer, and
 25 I will try and do the same. I will try not to

1 ask my next question until you've completed your
 2 response.
 3 Please answer clearly and audibly so that
 4 the court reporter can take down your response.
 5 Please refrain from nodding your head, shaking
 6 your head, things like that.
 7 If you do not understand a question please
 8 let me know, and I'll rephrase it.
 9 If you need to take a break at any point
 10 please let me know. If you can finish answering
 11 the question, I've asked, then just let me know
 12 and we can take a break.
 13 I will tell you this. I don't anticipate
 14 this being that long. If we are at around two
 15 hours, I think that's probably the longest it was
 16 likely to be. We'll see, though.
 17 Do you understand all these instructions?
 18 A. **Yes.**
 19 Q. Great. One other thing that will come up
 20 is -- I believe Mr. Elliott's is going to be the
 21 one objecting, but there may be objections lodged
 22 by your counsel. They could come in two forms.
 23 One is an objection to form. In that instance
 24 you're still expected to answer the question.
 25 I may ask a question of Mr. Elliott if I

1 don't understand what the objection to form is.
 2 It could be something like "compound question"
 3 and I've asked kind of two questions together.
 4 But you still need to respond to those.
 5 Other objections could be based on
 6 privilege. That is one where Mr. Elliott will
 7 instruct you not to respond, and then we'll
 8 figure things out.
 9 We haven't had that happen so far, but,
 10 you know, first time for everything.
 11 Do you understand those instructions as
 12 well?
 13 A. **Yes.**
 14 Q. Wonderful.
 15 Did you take any medication that affects
 16 your memory?
 17 A. **No.**
 18 Q. Is there any reason you can think of why
 19 you might not be able to give your best testimony
 20 today?
 21 A. **No.**
 22 Q. What is your current job?
 23 A. **I work at -- I'm City Council**
 24 **representative for the Chattanooga District 7.**
 25 Q. Do you have another job as well?

1 after the meeting?
 2 **A. Not that I recall.**
 3 Q. Did you take notes of this -- during this
 4 meeting?
 5 **A. No.**
 6 Q. Did you notice if anyone else did?
 7 **A. No.**
 8 Q. Was this meeting open to the public?
 9 **A. No.**
 10 Q. Was it publicly noticed?
 11 **A. No.**
 12 Q. Do you know why it was not publicly
 13 noticed or open to the public?
 14 **A. Yes. It was an information session. It**
 15 **wasn't a public meeting.**
 16 Q. Was it decided at this meeting that staff
 17 would meet with individual council members to go
 18 over potential districts?
 19 **A. I don't recall. I don't know.**
 20 Q. Do you recall if there was a presentation
 21 made at the September 30th, 2021, meeting of the
 22 Redistricting Committee?
 23 **A. Yes.**
 24 Q. Can you take a look at that? Please take
 25 your time.

1 **A. (Reviews document.)**
 2 Q. Is this the presentation that was given by
 3 staff at the September 30th, 2021, meeting?
 4 **A. Yes.**
 5 Q. Could you turn to page 4?
 6 MR. McADOO: And can we please mark
 7 this as Exhibit 3.
 8 (WHEREUPON, a document was marked
 9 Exhibit Number 3.)
 10 BY MR. McADOO:
 11 Q. It's the one that says "Required Steps
 12 from State Guide for Counties."
 13 During the September meeting, which steps
 14 had been either completed or were underway from
 15 this list?
 16 **A. One and two.**
 17 Q. And then who was going to do -- was there
 18 any decision or discussion regarding what was
 19 going to happen next after that meeting, after
 20 that meeting, after the September 30 meeting?
 21 **A. Yes.**
 22 Q. What was that discussion?
 23 **A. We were going to wait until the County**
 24 **finished their -- finished their redistricting.**
 25 Q. What would happen after the County

1 finished their redistricting?
 2 **A. We would come back and review this**
 3 **information.**
 4 Q. How was it decided that the ad hoc
 5 redistricting committee would wait for the County
 6 before it proceeded?
 7 **A. Based on this, we also had to wait six**
 8 **months to -- it was something with the rules with**
 9 **this. According to the State, you have to have a**
 10 **certain amount of time. You have to have --**
 11 **I think it's like six months to review the**
 12 **information as well. So between that and the**
 13 **County, we thought we'd just wait.**
 14 Q. How was that decision made, though, that
 15 the City Redistricting Committee would wait for
 16 the County to finish its process first before it
 17 proceeded?
 18 **A. It's the state law as far as we know. You**
 19 **have to wait an amount of time. You can't just**
 20 **do it.**
 21 Q. Right. So I understand that.
 22 But they are two different things.
 23 I wasn't there, though. One, you're saying there
 24 is a state requirement that redistricting process
 25 take six months; is that right?

1 **A. I believe it's a minimum of six months.**
 2 Q. And then you have a decision made by the
 3 Redistricting Committee that you --
 4 MR. ELLIOTT: I object to the form.
 5 BY MR. McADOO:
 6 Q. I believe your testimony was that the
 7 Redistricting Committee decided to wait for the
 8 County to -- before it proceeded?
 9 MR. ELLIOTT: Object to the form
 10 there too. Lack of foundation.
 11 MR. McADOO: Didn't she testify they
 12 had decided that?
 13 MR. ELLIOTT: She said it was
 14 decided, but whether it was...
 15 BY MR. McADOO:
 16 Q. Who decided to wait for the County -- I'm
 17 sorry, Sam. I didn't let you finish. I'm sorry.
 18 MR. ELLIOTT: That's okay.
 19 **THE WITNESS: It's a State**
 20 **requirement. So they were going through their**
 21 **process. It's aligned together. We have to**
 22 **wait. There's no -- you have to wait at least**
 23 **six months.**
 24 **And the County was also doing theirs**
 25 **so that's -- it was just aligned together, six**

1 after the meeting?
 2 **A. Not that I recall.**
 3 Q. Did you take notes of this -- during this
 4 meeting?
 5 **A. No.**
 6 Q. Did you notice if anyone else did?
 7 **A. No.**
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 9 **A. No.**
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 13 noticed or open to the public?
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 19 going to happen next after that meeting, after
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 24 **finished their -- finished their redistricting.**
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 5 redistricting committee would wait for the County
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 8 **months to -- it was something with the rules with**
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 10 **certain amount of time. You have to have --**
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 12 **information as well. So between that and the**
 13 **County, we thought we'd just wait.**
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 20 **requirement. So they were going through their**
 21 **process. It's aligned together. We have to**
 22 **wait. There's no -- you have to wait at least**
 23 **six months.**
 24 **And the County was also doing theirs**
 25 **so that's -- it was just aligned together, six**

1 months and the County was doing theirs. We
 2 really didn't have any work to do.
 3 BY MR. McADOO:
 4 Q. Okay. So nothing to do -- the
 5 Redistricting Committee had nothing to do until
 6 the County was done is your testimony?
 7 **A. We didn't have anything to do based on**
 8 **state law, minimum six months, which aligned with**
 9 **what the County was doing. It is not separate.**
 10 **It's the same thing.**
 11 Q. I think I may be confused then because
 12 isn't the Hamilton County redistricting process
 13 and the City of Chattanooga redistricting
 14 processes independent?
 15 **A. Yes, they are independent.**
 16 **Because we serve roughly the same**
 17 **constituents you don't want to put people through**
 18 **that with two different governmental groups.**
 19 **So we have to wait six months so there was**
 20 **no point in us doing anything.**
 21 Q. Okay. Then let's move on to the next one.
 22 When did the Redistricting Committee next meet?
 23 MR. ELLIOTT: Back to page 7.
 24 BY MR. McADOO:
 25 Q. Yes. The dates, if you need to use the

1 City's interrogatory responses to refresh your
 2 recollection, please do so.
 3 **A. December 9th, 2021.**
 4 Q. And did you attend that meeting?
 5 **A. Yes.**
 6 Q. Was there a presentation by staff at that
 7 meeting?
 8 **A. Yes.**
 9 Q. I'm going to hand you another document.
 10 Please take your time in reviewing. And this is
 11 Number 4, or will be in a minute.
 12 Go ahead and look at it first if you don't
 13 mind, please.
 14 **A. (Reviews document.)**
 15 Q. Is the document I just handed you the
 16 presentation that was given to you by the staff
 17 at the December 9th, 2021, Redistricting
 18 Committee meeting?
 19 **A. Yes.**
 20 MR. McADOO: Please mark this as
 21 Exhibit 4.
 22 (WHEREUPON, a document was marked
 23 Exhibit Number 4.)
 24 BY MR. McADOO:
 25 Q. Before we get into the presentation

1 itself, what do you recall from the December 2021
 2 Redistricting Committee meeting?
 3 **A. Came in, and we did this presentation.**
 4 Q. Was there a discussion about the
 5 presentation?
 6 **A. Within the meeting?**
 7 Q. Yeah.
 8 **A. Yes.**
 9 Q. What was discussed?
 10 **A. Reviewing of the rules, viewing of the**
 11 **requirements, the process used. And that was**
 12 **pretty much it. It was similar to the previous**
 13 **meeting.**
 14 Q. Okay. I believe it's the seventh page.
 15 If you could, take a look at that, which is the
 16 second-to-last page. It's the one that has two
 17 maps on it.
 18 On the left it's described as "current."
 19 Did you understand that to be the maps as they
 20 were for council districts in December of 2021?
 21 **A. Yes.**
 22 Q. And what's on the right?
 23 **A. That's -- it says "proposed draft."**
 24 Q. And who proposed that draft?
 25 **A. It was presented by staff.**

1 Q. Was it presented by staff at the behest of
 2 the Redistricting Committee?
 3 **A. I don't recall.**
 4 Q. Had the Redistricting Committee instructed
 5 the staff to prepare a draft?
 6 **A. I don't recall.**
 7 Q. Could you tell me who all was at the
 8 meeting in December of 2021?
 9 **A. I will refer to this interrogatory.**
 10 Q. Do you need to refresh your recollection
 11 with the interrogatory responses?
 12 **A. I do.**
 13 **According to this interrogatory, we had --**
 14 **our city attorney at the time, O'Donnell; Chris**
 15 **Anderson; Andrew Sivigny; Dela Rivera,**
 16 **Councilperson Berz; myself, Councilwoman Dotley;**
 17 **Councilman Ken Smith; Councilman Tim Hester; and**
 18 **Tim Moreland.**
 19 Q. At this meeting did the staff in
 20 attendance -- like Mr. Anderson, Mr. Sivigny --
 21 tell the Redistricting Committee what they had
 22 been doing on redistricting since your last
 23 meeting?
 24 **A. I don't -- I don't recall.**
 25 Q. Do you recall the staff or Dr. Berz

1 telling the rest of the Redistricting Committee
 2 that they had met in November of redistricting?
 3 **A. No.**
 4 Q. So at this meeting was there discussion
 5 about what comes next in the redistricting
 6 process?
 7 **A. Yes.**
 8 Q. What was discussed?
 9 **A. Next, based on this proposed draft, staff**
 10 **was going to meet with council members to do the**
 11 **same presentation so that everyone was informed.**
 12 Q. How was it decided that staff would do
 13 that?
 14 **A. I -- I don't recall.**
 15 Q. Was there a vote by the members of the
 16 Redistricting Committee?
 17 **A. No. We never voted in the meetings.**
 18 Q. Did Dr. Berz just decide it?
 19 **A. I don't recall.**
 20 Q. Was -- is there anything else about that
 21 meeting you recall?
 22 **A. No.**
 23 Q. Were there any other or were there -- so
 24 you said staff -- you said there was a -- staff
 25 would meet -- an expectation that staff would

1 meet with individual council members.
 2 Were there any other instructions or
 3 feedback provided to staff on what they should be
 4 doing next?
 5 **A. No, not that I recall.**
 6 Q. Was there any discussion about what the
 7 Redistricting Committee would be doing next?
 8 **A. Yes.**
 9 Q. And what was that?
 10 **A. The next thing the Committee would do was**
 11 **bring it to -- bring it to City Council, to the**
 12 **public -- either strategic planning or one of our**
 13 **agenda sessions for the same presentation.**
 14 Q. Okay. So another presentation by staff?
 15 **A. With the same -- from this December 21st.**
 16 **It would be this presentation.**
 17 Q. How was that decided?
 18 **A. It was just decided that we -- that this**
 19 **would be presented because it's information that**
 20 **needed to be presented.**
 21 Q. What was the purpose of the staff meetings
 22 with individual council members?
 23 **A. This presentation, to inform them.**
 24 Q. Do you know why these presentations
 25 weren't initially done in a public meeting?

1 **A. Because there was a committee assigned to**
 2 **get general information first.**
 3 Q. I'm going to give you another document.
 4 Please take your time and review it. Then we'll
 5 take it from there.
 6 **A. (Reviews document.) Okay.**
 7 Q. Could you tell me what this document is?
 8 **A. Yes. It is a redistricting e-mail sent to**
 9 **a constituent.**
 10 Q. By whom?
 11 **A. By me, by Raquetta Dotley.**
 12 MR. McADOO: Could we mark this as
 13 Exhibit 5.
 14 (WHEREUPON, a document was marked
 15 Exhibit Number 5.)
 16 BY MR. McADOO:
 17 Q. I want to fully understand what happened
 18 in December.
 19 In this e-mail which was sent in April of
 20 2022, does it -- it says in the first paragraph,
 21 somewhat what you've testified: "In regard to
 22 the redistricting process, the census data was
 23 released in August. And at that point a
 24 committee was established to be educated on that
 25 information. But the County was in their process

1 so we waited until they were done to reconvene."
 2 And that was the December meeting, right,
 3 that you reconvened after the County had finished
 4 their process?
 5 **A. Yes. The December 9th meeting, yes.**
 6 Q. "After the County passed their
 7 redistricting maps, we met again in December to
 8 review the previous information."
 9 And then it says "At that meeting the
 10 Redistricting Committee asked the mayor's data
 11 team to create a proposed map that caused the
 12 least amount of disruption, followed the law, and
 13 aligned with the census. This information along
 14 with the proposed map was presented at the
 15 March 1st strategic planning meeting," which
 16 we'll get to in a minute.
 17 Does -- that second-to-last sentence in
 18 the paragraph that talks about what the
 19 Redistricting Committee asked the mayor's data
 20 team to do, was that accurate?
 21 **A. Yes.**
 22 Q. How was it decided at the Redistricting
 23 Committee meeting in December that the mayor's
 24 data team would undertake these tasks, creating a
 25 proposed map that caused the least amount of

1 disruption, follow the law, and aligned with the
2 census?
3 **A. Repeat your question.**
4 Q. Sure. How was it decided that the tasks
5 described in the second-to-last sentence of that
6 paragraph would be undertaken by staff?
7 **A. It was more in line with state -- state
8 law: to follow the law, align with the census,
9 and cause the least amount of disruption.
10 That was recommended. The State had a
11 page you could go to and see what -- you know,
12 some best practices. And so that was recommended
13 by the State as a best practice.**
14 Q. Okay. And then within that process it
15 sounds like -- and correct me if I'm wrong --
16 that the Redistricting Committee didn't decide
17 itself that it was going to draw maps, but
18 instead delegated that task to the mayor's data
19 team to create the proposed map?
20 **A. That is correct.**
21 Q. Did you ever give staff feedback on your
22 district, whether it's on the map that's in the
23 presentation from December or later map? Did you
24 ever give staff feedback on changes to your
25 district?

1 MR. ELLIOTT: By "you," you mean her
2 personally?
3 MR. McADOO: Yes, sir.
4 **THE WITNESS: Me personally give
5 feedback about my district?**
6 BY MR. McADOO:
7 Q. Yeah.
8 **A. Yes.**
9 Q. And when did you do that?
10 **A. I'm not sure. I don't know when I did
11 that, but I know, yes, I did give some feedback.**
12 Q. When did you do that -- not when did you
13 do that. Who did you give the feedback to?
14 **A. It may have been in a public meeting.
15 I'll be honest. I don't recall.**
16 Q. Did you ever have a phone call with Chris
17 Anderson about your district?
18 **A. I don't recall.**
19 Q. What was the feedback -- whatever the
20 feedback was that you provided, what was it?
21 MR. ELLIOTT: Let me -- wait.
22 MR. McADOO: What was the feedback
23 she gave to whoever she spoke to, whether in a
24 public meeting or otherwise, about District 7
25 changes.

1 MR. ELLIOTT: Okay. Because she just
2 said she didn't recall giving Chris feedback.
3 MR. McADOO: Right. Whoever it was.
4 She says she recalls giving some feedback to
5 someone.
6 BY MR. McADOO:
7 Q. What was the feedback that you provided?
8 **A. I was glad about the proposed map and that
9 it made some of the neighborhoods whole instead
10 of splitting them down the middle.**
11 Q. Let me just see if by asking some
12 questions we might be able to kind of clarify
13 some things.
14 Do you remember if the feedback you gave
15 was to a member of staff?
16 **A. I don't.**
17 Q. Was it to -- sorry. Go ahead.
18 **A. I believe it was in a public meeting in
19 maybe our strategic planning or maybe the
20 public -- we had a public forum. So it may have
21 been one of those two.**
22 Q. Okay. But you don't remember any other
23 details about the context or who was involved,
24 what medium it was in, other than it was possibly
25 a public meeting?

1 **A. No, I don't remember.**
2 Q. All right. Do you know when the next
3 meeting of the Redistricting Committee was?
4 **A. I will refer to this.**
5 Q. If it will refresh your recollection,
6 please do so, referring to the City's
7 interrogatory responses.
8 **A. February 15th, 2022.**
9 Q. And was this meeting open to the public?
10 **A. No.**
11 Q. Was it publicly noticed?
12 **A. No, not as far as I know.**
13 Q. Did you receive a presentation by staff at
14 the February 15th, 2022, Redistricting Committee
15 meeting?
16 **A. Yes.**
17 Q. Could you please take a look at this
18 document?
19 **A. (Reviews document.)**
20 Q. Is the document I just handed you the
21 presentation that was given to the Redistricting
22 Committee on February 15th, 2022?
23 **A. Yes.**
24 MR. McADOO: Could we please mark
25 this as Exhibit 6.

1 (WHEREUPON, a document was marked
 2 Exhibit Number 6.)
 3 BY MR. McADOO:
 4 Q. So you've had a chance to look through
 5 Exhibit 6?
 6 **A. Uh-huh.**
 7 Q. Great. What was discussed at the
 8 February 15th, 2022, Redistricting Committee
 9 meeting?
 10 **A. It was this presentation.**
 11 Q. Was there anything else discussed?
 12 **A. No.**
 13 Q. Let's look at -- and my apologies.
 14 There's no numbers on these pages. I think it's
 15 page 6, the one that says "current changes."
 16 **A. Okay.**
 17 Q. So it looks like we've got a lot of
 18 changes that staff is presenting to the
 19 Redistricting Committee for the possible map,
 20 redistricting map; is that right?
 21 **A. Yes, based on this.**
 22 Q. Did they explain why the changes were made
 23 that are outlined here?
 24 **A. This was the presentation so this was --**
 25 **explanation is on the presentation.**

1 Q. So there's no explanation as to the why of
 2 the changes?
 3 **A. No. The explanation is on the**
 4 **presentation.**
 5 MR. ELLIOTT: Process used.
 6 BY MR. McADOO:
 7 Q. Sorry. We're on current changes.
 8 MR. ELLIOTT: Yeah. But she said
 9 it's on the previous page, the explanation.
 10 Didn't you just say that?
 11 **THE WITNESS: No.**
 12 MR. ELLIOTT: I'm sorry.
 13 **THE WITNESS: That's okay. I should**
 14 **have put my hearing aids in.**
 15 MR. McADOO: If I'm not speaking
 16 clearly enough, please let me know.
 17 MR. ELLIOTT: Yeah.
 18 BY MR. McADOO:
 19 Q. So they just kind of presented the changes
 20 without explanation other than the prior page,
 21 which is Districts 3 and 4 have room to decrease,
 22 Districts 5 and 8 and 9 need to increase in
 23 populations as two of the aspects of the process
 24 used?
 25 **A. Yes, that's correct.**

1 Q. Okay. So at the December meeting there
 2 was a -- staff was tasked with meeting with
 3 individual council members to go over their
 4 districts, right?
 5 **A. Yes. For information.**
 6 Q. Was there any discussion at the
 7 February 15th, 2022, meeting about the content of
 8 those meetings?
 9 **A. No.**
 10 Q. Let's look at the maps. So the map on
 11 this presentation is on the last page. I want to
 12 focus on one that's relatively obvious. If we
 13 could look at -- we're going to kind of juxtapose
 14 Exhibit 4, which is the December meeting map, and
 15 the map in February.
 16 So the easiest one for me to read is
 17 usually the one that is tasked "current
 18 proposed," but we can look at the following page
 19 if you prefer.
 20 So the one that is easy as a
 21 nonChattanooga -- is that how folks in
 22 Chattanooga refer to themselves?
 23 **A. Yes.**
 24 Q. I'm not a Chattanooga, but one of the
 25 easiest things for me to see is that in the

1 proposed draft from December there's a -- the
 2 very northernmost part appears to be in the
 3 district to the right so -- that's in green?
 4 **A. Uh-huh.**
 5 Q. But in the map on -- from February, that
 6 area appears to be in what I understand to be
 7 District 1; is that right?
 8 **A. The numbers aren't on here.**
 9 Q. They're not. Are you familiar with the
 10 general layout of the district?
 11 **A. No. I know my district, District 7.**
 12 Q. But there's a change in color there,
 13 right?
 14 **A. Yes.**
 15 Q. Do you know, was it explained to you in
 16 the map from December that northernmost part of
 17 the city was in one district, but in the February
 18 presentation it was in a different district?
 19 **A. No.**
 20 Q. And there is no explanation one way or the
 21 other about that?
 22 **A. Yes. The explanation is we followed the**
 23 **process according to state law.**
 24 Q. Then, if we're just following the process
 25 according to state law, what was the point of

1 having individual meetings with council members?
 2 **A. To inform them about state law.**
 3 Q. That's it, just to inform them?
 4 **A. Yes. It's education and information.**
 5 Q. There was no desire to get their feedback
 6 on their district?
 7 **A. No. It's information and education.**
 8 Q. Okay. At the February 15th, 2022,
 9 redistricting meeting what was decided as the
 10 next step for the Redistricting Committee?
 11 MR. ELLIOTT: Lack of foundation.
 12 BY MR. McADOO:
 13 Q. You were at the meeting on February 15th.
 14 MR. ELLIOTT: But you're using a
 15 magic word.
 16 MR. McADOO: Think?
 17 BY MR. McADOO:
 18 Q. I'll try again and see if I -- I think
 19 I may not be understanding what the magic word
 20 is.
 21 MR. ELLIOTT: "Decided."
 22 MR. McADOO: Oh, yeah, that magic
 23 word.
 24 BY MR. McADOO:
 25 Q. What was the next step for the

1 Redistricting Committee?
 2 **A. The next step.**
 3 Q. What was discussed as the next step,
 4 either one.
 5 MR. ELLIOTT: Well, "discussed" is a
 6 magic word too.
 7 MR. McADOO: "Discussed" also has the
 8 commonsense definition of talking between people.
 9 That's fine. I'll start again.
 10 BY MR. McADOO:
 11 Q. What was next for the Redistricting
 12 Committee?
 13 **A. From my understanding, that was the end of**
 14 **the committee. It was going to strategic**
 15 **planning.**
 16 Q. Who -- how was it decided it was going to
 17 strategic planning?
 18 **A. It wasn't anything else left but**
 19 **education.**
 20 Q. Did the Redistricting Committee ever meet
 21 in a public meeting?
 22 **A. Yes. We discussed it in, I believe,**
 23 **strategic planning. I mean, we discussed it as a**
 24 **committee in strategic planning.**
 25 Q. As a committee report?

1 **A. I believe so.**
 2 Q. But there was no meeting of just the
 3 Redistricting Committee that was ever public; is
 4 that right?
 5 **A. Not that I recall.**
 6 Q. Have you ever served on a committee or
 7 chaired a committee that never met in public
 8 other than the Redistricting Committee?
 9 **A. Not that I recall.**
 10 Q. Were there any instructions given to staff
 11 at the February 17th, 2022, meeting?
 12 **A. Not that I recall.**
 13 Q. So the next step was just to have this
 14 presented to the council as a whole?
 15 **A. Yes.**
 16 Q. All right. Forgive me if I've asked this
 17 already. Did you attend the March 1st, 2022,
 18 strategic planning session?
 19 **A. Yes.**
 20 Q. Was there a presentation by staff on
 21 redistricting at that meeting?
 22 **A. Check.**
 23 Q. If you need to refresh your recollection
 24 with the interrogatory response, please do.
 25 **A. (Reviews document.) Could you repeat your**

1 **question?**
 2 Q. Was there a presentation by staff at the
 3 March 1st, 2022, strategic planning meeting of
 4 the City Council of Chattanooga?
 5 **A. Yes.**
 6 Q. Please take a look at the document I've
 7 handed you, and take your time.
 8 **A. (Reviews document.)**
 9 Q. Was this -- is this the presentation that
 10 was given by staff at that meeting?
 11 **A. Yes.**
 12 MR. McADOO: Could we please mark
 13 this as Exhibit 7.
 14 (WHEREUPON, a document was marked
 15 Exhibit Number 7.)
 16 BY MR. McADOO:
 17 Q. Was this presentation given as part of the
 18 Redistricting Committee report at the strategic
 19 planning meeting?
 20 **A. Yes.**
 21 Q. Was there -- let's go ahead and look at --
 22 does it appear to you that the presentation given
 23 on March 1st is the same presentation that was
 24 given on February 15th to the Redistricting
 25 Committee?

1 **A. No, not really, no.**
 2 Q. What does it appear to be?
 3 **A. What does it appear to be?**
 4 Q. Yeah.
 5 **A. It appears to be an e-mail.**
 6 Q. An e-mail from whom?
 7 **A. It says Untiedlaces@gmail.com, Helen Burns**
 8 **Sharp.**
 9 Q. So that's the "who it's to." Who is it
 10 from?
 11 **A. Oh, who is it from?**
 12 Q. The e-mail at the top.
 13 **A. Oh, from me, Raquetta Dotley.**
 14 Q. Does that refresh your recollection at all
 15 that you received an e-mail from Ms. Sharp that
 16 you responded to in April 2022?
 17 **A. No.**
 18 Q. Do you have any recollection of
 19 downloading the documents that were provided by
 20 Ms. Sharp in this e-mail string?
 21 **A. No.**
 22 MR. McADOO: Can we go ahead and mark
 23 this as 10 just because we've talked about it,
 24 please.
 25 (WHEREUPON, a document was marked

1 Exhibit Number 10.)
 2 MR. ELLIOTT: Really ought to be 10
 3 for ID, but that's okay.
 4 MR. McADOO: Can we do what we did
 5 last time, have the room for 2 or 10 minutes?
 6 And then we're probably going to be mostly done,
 7 just a few kind of wrap-up questions.
 8 (Short break.)
 9 BY MR. McADOO:
 10 Q. Is there any answer to my questions that
 11 you'd like to change before we close the
 12 deposition?
 13 **A. No.**
 14 Q. Is there any information I asked you about
 15 that you remember now that you didn't recall when
 16 I asked you the question before?
 17 **A. No.**
 18 Q. Is there anything you would like to
 19 clarify of an answer you gave me?
 20 **A. No.**
 21 MR. McADOO: Okay. That's it. Thank
 22 you. I appreciate your time.
 23 FURTHER DEPONENT SAITH NOT
 24 (WHEREUPON, the deposition was
 25 concluded at 2:45 p.m.)

REPORTER'S CERTIFICATE

1
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF HAMILTON
 5
 6 I, MELISSA M. SMITH, Licensed Court
 7 Reporter, with offices in Chattanooga, Tennessee,
 8 hereby certify that I reported the foregoing
 9 deposition of RAQUETTA DOTLEY by machine shorthand
 10 to the best of my skills and abilities, and
 11 thereafter the same was reduced to typewritten
 12 form by me. I am not related to any of the
 13 parties named herein, nor their counsel, and have
 14 no interest, financial or otherwise, in the
 15 outcome of the proceedings.
 16 I further certify that in order for this
 17 document to be considered a true and correct copy,
 18 it must bear my original signature, and that any
 19 unauthorized reproduction in whole or in part
 20 and/or transfer of this document is not
 21 authorized, will not be considered authentic, and
 22 will be in violation of Tennessee Code Annotated
 23 39-14-149, Theft of Services.
 24
 25

Melissa M. Smith
 MELISSA M. SMITH, RPR, CCR, LCR
 LCR # 122 - Expires: 6/30/2024



Exhibit 14

Redistricting

12/9/21



Agenda

- Requirements/Attorney Input
- Process Used
- Current Version

Requirements

- Equal distribution of voters (must meet 10% rule), meaning absolute difference between max and min can't be more than 10%
- Per City Charter, must be completed 1 year before next election and redistricting cannot take less than 6 months
- 3 of 9 Council Districts must be a certain percent minority
 - From City Attorney's Office, 50%+1 rule
 - Minority may or may not mean non-white
- Can't write out incumbent

Current Council Districts with 2020 Population

District	Representative	District Pop	Average Pop	Deviation	Black Alone Pop	Black Alone %	Two or More Races Populations	Two or More Races %	Black Alone + Two or More Races %
1	Chip Henderson	21156	20195	104.76%	1289	6.1%	1208	5.7%	11.8%
2	Jenny Hill	20145	20195	99.75%	1356	6.7%	1336	6.6%	13.4%
3	Ken Smith	21606	20195	106.98%	3119	14.4%	1370	6.3%	20.8%
4	Darrin Ledford	23538	20195	116.55%	3790	16.1%	1485	6.3%	22.4%
5	Isaiah Hester	17921	20195	88.74%	10847	60.5%	1084	6.0%	66.6%
6	Carol Berz	19848	20195	98.28%	5416	27.3%	1485	7.5%	34.8%
7	Raquetta Dotley	22435	20195	111.09%	8670	38.6%	2079	9.3%	47.9%
8	Anthony Byrd	17569	20195	86.99%	8545	48.6%	1455	8.3%	56.9%
9	Demetrus Coonrod	17541	20195	86.86%	9701	55.3%	1013	5.8%	61.1%

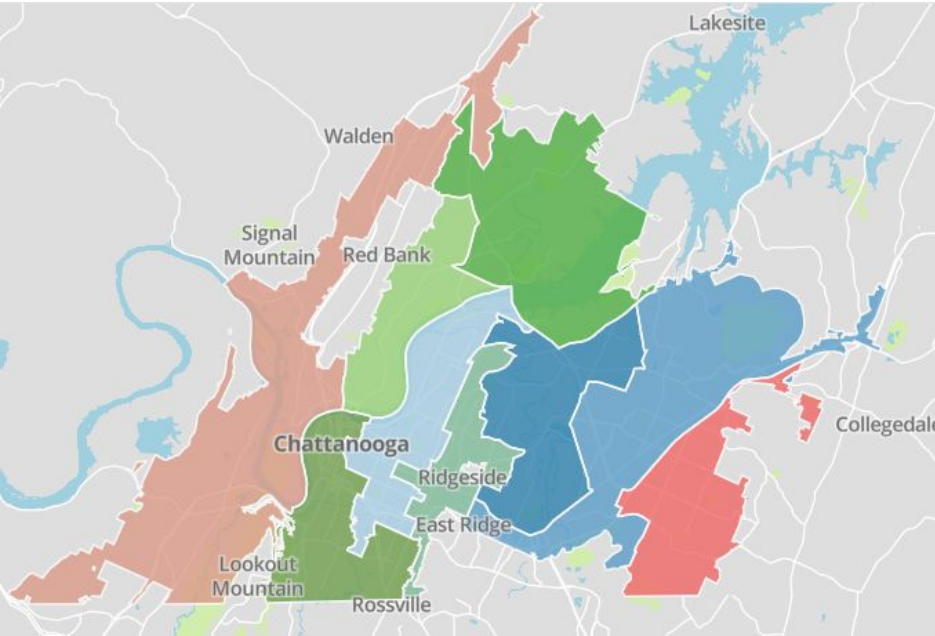
Process Used

1. Apply existing Council Boundaries to new Census Data
2. Considerations for changing boundaries
 - a. Districts 5, 8, and 9 need to increase in population
 - b. Districts 3, 4, and 7 have room to decrease
 - c. Use neighborhood boundary file as guidelines
 - d. Use arterial roadways and natural land features as guidelines

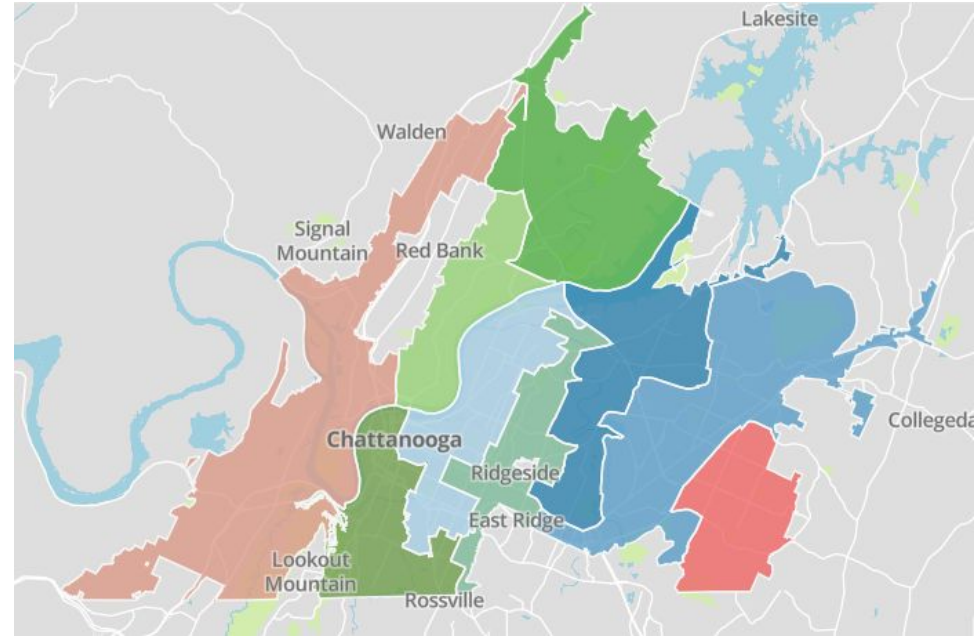
Proposed Council Districts with 2020 Population

District	Representative	District Pop	Deviation	Deviation Percent	Black Alone Pop	Black Alone %	Non White	Non White %
1	Chip Henderson	19,476	-646	96.68%	1,320	6.78%	3,528	18.11%
2	Jenny Hill	20,062	-60	99.70%	1,516	7.56%	3,971	19.79%
3	Ken Smith	19,505	-617	96.84%	1,788	9.17%	4,363	22.37%
4	Darrin Ledford	20,807	685	103.29%	3,359	16.14%	7,366	35.40%
5	Isaiah Hester	19,950	-172	99.14%	11,711	58.70%	13,642	68.38%
6	Carol Berz	20,417	295	101.44%	5,538	27.12%	9,320	45.65%
7	Raquetta Dotley	20,224	102	100.50%	8,303	41.06%	12,562	62.11%
8	Anthony Byrd	20,304	182	100.90%	10,355	51.00%	14,114	69.51%
9	Demetrus Coonrod	20,354	232	101.14%	10,546	51.81%	13,256	65.13%

Current



Proposed Draft



Let's look at the map!

Chattanooga Redistricting Map

Export

More Info ▾

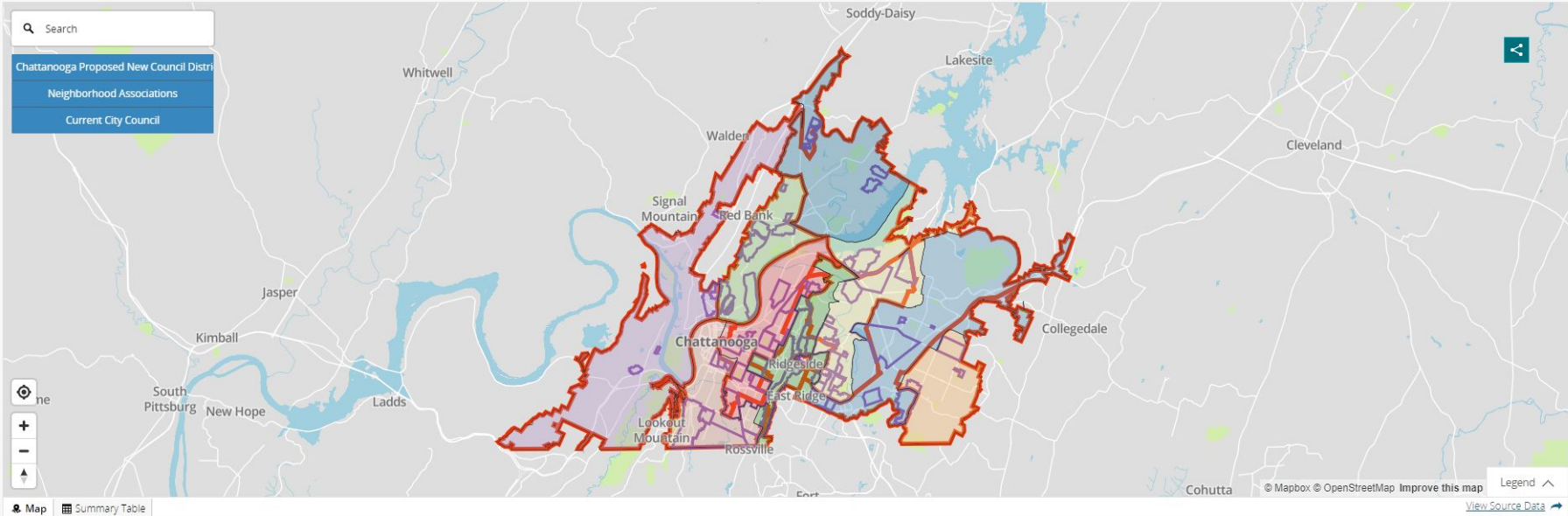


Exhibit 15

City Council of Chattanooga Redistricting

Presented on 4/12/22

Agenda

- Data Inconsistencies and why
- Updates to proposed map table of values
- Updates to proposed map

Data Inconsistencies

- State initially provided a tool incompatible with City software, had to use State's second tool they offered
- Second tool provided by the State Comptroller and created by Esri, major mapping software provider
- Total population was correct and matched 2020 Census results
- Upon further investigation, found Total Black Population to be inconsistent and overstated Black Population by 1,747
- State has taken the tool down and currently in talks with Esri to get the tool back up to examine inconsistencies
- OPMOD used different tool to slightly shift proposed districts to meet redistricting standards

Proposed Changes

- Districts 1,2,3,4,5,6 saw no changes to proposed districts
- District 7,8,9 changes are as follows:
 - Northeast corner of E 38th and Central moves from 7 to 8
 - Fort Cheatham area between Dodds and Westside Drive moves from 9 to 8
 - 3 blocks near Dodson and Wilder moves from 9 to 8

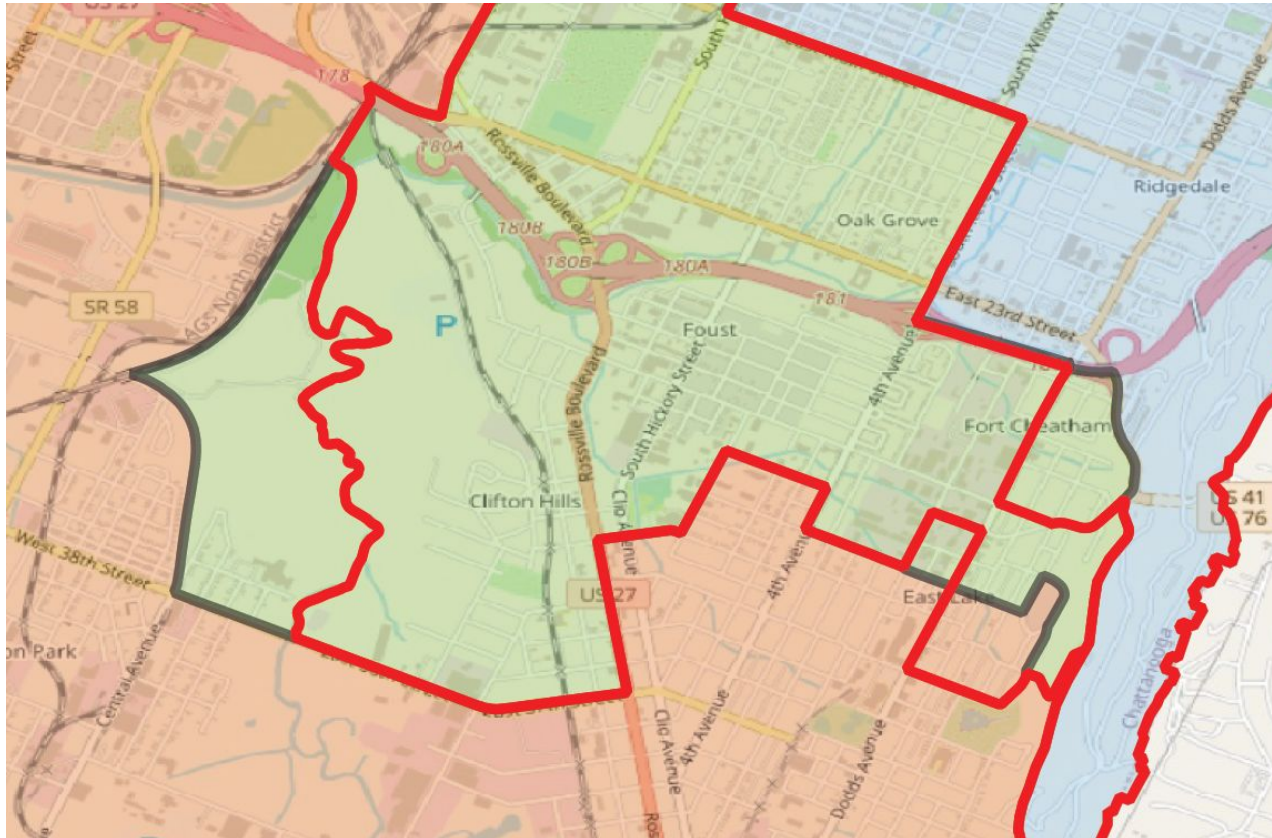
Proposed Districts with 2020 Population

District	Representative	District Pop	Deviation	Deviation Percent	Black Alone Pop	Black Alone %	White Population	White %
1	Chip Henderson	19,493	-629	96.77%	1,066	5.47%	16,284	83.54%
2	Jenny Hill	19,193	-929	95.16%	1,493	7.78%	15,732	81.97%
3	Ken Smith	20,395	273	101.34%	1,598	7.84%	15,952	78.22%
4	Darrin Ledford	20,807	685	103.29%	3,146	15.12%	13,731	65.99%
5	Isaiah Hester	19,881	-241	98.79%	11,552	58.11%	6,432	32.35%
6	Carol Berz	20,417	295	101.44%	5,376	26.33%	11,444	56.05%
7	Raquetta Dotley	20,817	695	103.34%	8,116	38.99%	8,289	39.82%
8	Marvene Noel	20,353	231	101.13%	10,200	50.12%	6,660	32.72%
9	Demetrus Coonrod	19,743	-379	98.08%	10,143	51.38%	7,061	35.76%
Total Per Redistricting Data		181,099			52,690	29.09%	101,585	56.09%
Chattanooga Total Per Census		181,099			52,690	29.09%	101,585	56.09%

Proposed Districts Changes Compared to Current

District	Representative	Black Alone Pop Change	White Pop Change	Black Alone Pop Change Percent	White Pop Change Percent
1	Chip Henderson	-223	-1,384	-17.3%	-7.8%
2	Jenny Hill	139	-628	10.3%	-3.8%
3	Ken Smith	-1,515	37	-48.7%	0.2%
4	Darrin Ledford	-593	-1,182	-15.9%	-7.9%
5	Isaiah Hester	697	1,336	6.4%	26.2%
6	Carol Berz	-40	288	-0.7%	2.6%
7	Raquetta Dotley	-554	-640	-6.4%	-7.2%
8	Marvene Noel	1,655	793	19.4%	13.5%
9	Demetrus Coonrod	434	1,380	4.5%	24.3%

Changes on Map



Changes on Map

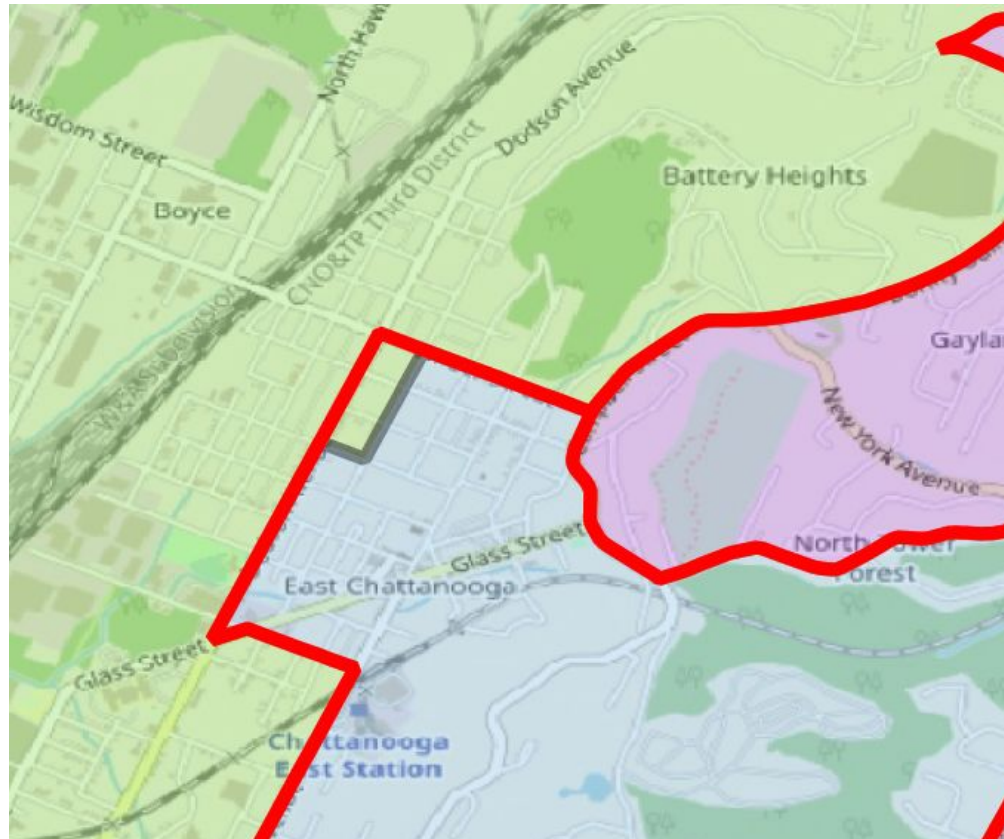


Exhibit 16

No subject

cberz@chattanooga.gov Carol Berz

Thursday, December 9, 2021 at 12:50:36 PM Eastern Standard Time

To: cchenderson@chattanooga.gov Chip Henderson

Chair - Redistricting Committee met this morning. As part of the process each of our Council members will have an individual session with the data people to be educated about the latest iteration of the district map. Tried to call you - if you have any questions, please let me know. - CBB

Exhibit 17

IN THE CHANCERY COURT OF HAMILTON COUNTY, TENNESSEE

Chattanooga Publishing Company,

Plaintiff,

v.

City of Chattanooga, Chattanooga City
Council,

and

Chip Henderson, Jenny Hill, Ken Smith, Darrin
Ledford, Isiah Hester, Carol B. Berz, Raquetta
Dotley, Marvene Noel, *and* Demetrus Coonrod,
*in their official capacity as members of the
Chattanooga City Council,*

Defendants.

No. 22-0902

**DEFENDANT KEN SMITH'S RESPONSES TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

Pursuant to Tenn. R. Civ. P. 26 and 33, Defendant Ken Smith hereby responds to the First Set of Interrogatories directed to him.

1. Identify all persons who assisted or participated in the preparation of answers to these interrogatories. If more than one person participated, identify which answers were prepared by which persons.

ANSWER: Mr. Smith responded to each of the interrogatories. He was assisted by counsel, Philip A. Noblett, City Attorney, Kathryn McDonald, Assistant City Attorney, Sam D. Elliott, Special Counsel.

2. Identify every change to the Proposed Map from September 22, 2021 to May 3, 2022 and for each such change, describe when the change was made, who was involved in deciding to make the change, and why the change was made.

ANSWER: I would not personally have that detailed information and would in any event obtain it from Chris Anderson and other City staff. Accordingly, please see the information provided in response to this same Interrogatory No. 2 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

3. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, of the Redistricting Committee and for each such meeting, gathering or oral communication, identify who was in attendance, describe what was discussed and by whom, describe where or how the meeting, gathering or oral communication took place, and describe the duration of the meeting, gathering, or oral communication.

ANSWER: The information that I would have would be subsumed in the response to this same Interrogatory No. 3 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I attended only the September 30, 2021 meeting and the February 15, 2022 meeting. At the September meeting, we received information as to the effect of the new census and its relationship to redistricting and the applicable law. The meeting was less than an hour. At the February 15 meeting, we were shown an example map and were told how the districts resulted from the census data. It was specifically discussed that there would be individual meetings.

4. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and the Executive Staff related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting or gathering.

ANSWER: I had an individual meeting with Chris Anderson and possibly Andrew Seigny on December 14, 2021. As I recall, the meeting lasted approximately 30 minutes and related to how the proposed map affected my district.

5. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and other members of the City Council related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who

was in involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I attended two meetings of the Redistricting Committee as detailed in response to Interrogatory No. 3. I also attended the meetings of the City Council as detailed in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I do not have independent recollection separate from the minutes and the videos of the attendance, discussion, participants, and duration of these meetings, which I believe to be accurate representations of the same. I did not have undisclosed meetings with other members of the City Council.

6. Identify every meeting, gathering, or oral communication, including virtual meetings or gathering, between you and one or more members of the public related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I recall being present for the public comments offered during the meetings detailed in in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I had no other contacts with the public.

7. Describe all facts that you claim support your laches defense.

ANSWER: See the answer to Interrogatory No. 7 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

8. Identify all persons having knowledge of discoverable facts pertinent to the allegations in the Complaint in this case and for each person identified describe what knowledge they hold.

ANSWER: See the answer to Interrogatory No. 8 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

Oath

State of Tennessee :
County of Hamilton:

I, Ken Smith, after first being duly sworn according to law, make oath that the above responses to the Interrogatories propounded by Plaintiff are true to the best of my knowledge, information and belief.

Ken Smith
KEN SMITH

Sworn to and subscribed before me
this the 11th day of July, 2023.

Nicole S. Gwyn
Notary Public at Large
My commission expires: 09/09/25



Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: 

PHILLIP A. NOBLETT – BPR #10074

City Attorney

KATHRYN C. McDONALD – BPR #30950

Assistant City Attorney

100 E. 11th Street, Suite 200

Chattanooga, TN 37402

(423) 643-8250 – Telephone

(423) 643-8255 – Facsimile

GEARHISER, PETERS, ELLIOTT
& CANNON, PLLC

By: 

SAM D. ELLIOTT – BPR #9431

320 McCallie Avenue

Chattanooga, TN 37402

(423) 756-5171 – Telephone

(423) 266-1605 – Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading by depositing same in the United States mail, postage prepaid, and addressed to the following:

Mr. Paul R. McAdoo
The Reporters Committee for Freedom of the Press
6688 Nolensville Road, Suite 108-20
Brentwood, TN 37027

This 17th day of July, 2023.



Exhibit 18

IN THE CHANCERY COURT OF HAMILTON COUNTY, TENNESSEE

Chattanooga Publishing Company,

Plaintiff,

v.

City of Chattanooga, Chattanooga City Council,

and

Chip Henderson, Jenny Hill, Ken Smith, Darrin Ledford, Isiah Hester, Carol B. Berz, Raquetta Dotley, Marvene Noel, *and* Demetrus Coonrod, *in their official capacity as members of the Chattanooga City Council,*

Defendants.

No. 22-0902

DEFENDANT CHIP HENDERSON'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Pursuant to Tenn. R. Civ. P. 26 and 33, Defendant Chip Henderson hereby responds to the First Set of Interrogatories directed to him.

1. Identify all persons who assisted or participated in the preparation of answers to these interrogatories. If more than one person participated, identify which answers were prepared by which persons.

ANSWER: Mr. Henderson responded to each of the interrogatories. He was assisted by counsel, Philip A. Noblett, City Attorney, Kathryn McDonald, Assistant City Attorney, Sam D. Elliott, Special Counsel.

2. Identify every change to the Proposed Map from September 22, 2021 to May 3, 2022 and for each such change, describe when the change was made, who was involved in deciding to make the change, and why the change was made.

ANSWER: I would not personally have that detailed information and would in any event obtain it from Chris Anderson and other City staff. Accordingly, please see the information provided in response to this same Interrogatory No. 2 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

3. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and the Executive Staff related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting or gathering.

ANSWER: I believe I met with Chris Anderson, a member of the Executive Staff, on January 11, 2022. The meeting lasted for less than an hour. We discussed the boundary of my district, and I objected to the proposal as presented. The next map I saw addressed my concerns.

4. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and other members of the City Council related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was in involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I attended the meetings of the City Council as detailed in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I do not have independent recollection separate from the minutes and the videos of the attendance, discussion, participants, and duration of these meetings, which I believe to be accurate representations of the same. I did not have undisclosed meetings with other members of the City Council.

5. Identify every meeting, gathering, or oral communication, including virtual meetings or gathering, between you and one or more members of the public related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who

was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I recall being present for some or all of the public comments offered during the meetings detailed in in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. Sometime in the winter of 2022, I went to neighborhood association meetings in Lookout Valley and Hill City. At Lookout Valley, there was a small amount of redistricting discussion, but since the neighborhood was not affected, there was little interest. I do not recall with whom I might have had that discussion. At Hill City, the discussion related to the anticipated move of the area to District 2 and the logic of the move. I recall the association's president, Grant Zeimet requesting that the map be forwarded to him for the purpose of dissemination among his members. He later copied me on his e-mail to them with the map. I do not recall the particulars of other discussions or who would have spoken.

6. Describe all facts that you claim support your laches defense.

ANSWER: See the answer to Interrogatory No. 7 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

7. Identify all persons having knowledge of discoverable facts pertinent to the allegations in the Complaint in this case and for each person identified describe what knowledge they hold.

ANSWER: See the answer to Interrogatory No. 8 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

Oath

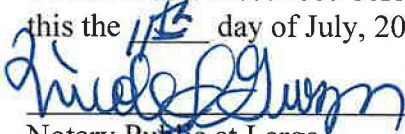
State of Tennessee :

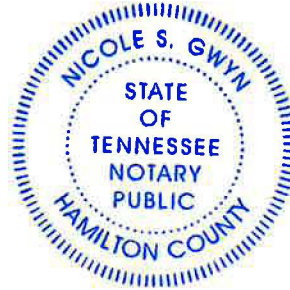
County of Hamilton:

I, CHIP HENDERSON after first being duly sworn according to law, make oath that the above responses to the Interrogatories propounded by Plaintiff are true to the best of my knowledge, information and belief.


CHIP HENDERSON

Sworn to and subscribed before me
this the 15 day of July, 2023.


Notary Public at Large
My commission expires: 09/09/25



Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: 

PHILLIP A. NOBLETT – BPR #10074

City Attorney

KATHRYN C. McDONALD – BPR #30950

Assistant City Attorney

100 E. 11th Street, Suite 200

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GEARHISER, PETERS, ELLIOTT
& CANNON, PLLC

By: 

SAM D. ELLIOTT – BPR #9431

320 McCallie Avenue

Chattanooga, TN 37402

(423) 756-5171 – Telephone

(423) 266-1605 – Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading by depositing same in the United States mail, postage prepaid, and addressed to the following:

Mr. Paul R. McAdoo
The Reporters Committee for Freedom of the Press
6688 Nolensville Road, Suite 108-20
Brentwood, TN 37027

This 17th day of July, 2023.



Exhibit 19

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

CHIP HENDERSON

September 07, 2023



Lexitas Legal TENNESSEE | 1015 Avery Park Dr | Smyrna, TN 37167 | (615) 595-0073 |
tn.scheduling@lexitaslegal.com

IN THE CHANCERY COURT OF TENNESSEE
FOR THE ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

CHATTANOOGA PUBLISHING COMPANY,
Plaintiff,

vs. Case No. 22-0902
Part 1
CITY OF CHATTANOOGA, CHATTANOOGA
CITY COUNCIL

AND

CHIP HENDERSON, JENNY HILL, KEN SMITH,
DARRIN LEDFORD, ISIAH HESTER, CAROL B.
BERZ, RAQUETTA DOTLEY, MARVENE NOEL,
and DEMETRUS COONROD, in their official
capacity as members of the Chattanooga
City Council,
Defendants.

Deposition of:
CHIP HENDERSON
Taken on behalf of the Plaintiff
September 7, 2023

Commencing at 9:00 a.m.

LEXITAS
www.LexitasLegal.com
MELISSA M. SMITH, RPR, LCR, CCR
Chattanooga, Tennessee
(423)266-2332

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A P P E A R A N C E S

For the Plaintiff :
MR. PAUL R. McADDOO
Attorney at Law
Reporters Committee for Freedom of the Press
6688 Nolensville Road
Suite 108-20
Brentwood, TN 37027
(615) 823-3633
pmcadoo@rcfp.org

For the Defendants:

MR. SAM D. ELLIOTT
Attorney at Law
Gearhiser, Peters, Elliott & Cannon, PLLC
320 McCallie Avenue
Chattanooga, TN 37402
(423) 576-5171
selliot@gearhiserpeters.com

MR. PHIL NOBLETT
MS. KATHRYN C. McDONALD
Attorneys at Law
Office of the City Attorney
City of Chattanooga
100 East 11th Street
Suite 200
Chattanooga, TN 37402
(423) 643-8250
pnoblett@chattanooga.gov
kmcdonald@chattanooga.gov

S T I P U L A T I O N S

The deposition of CHIP HENDERSON was
taken by counsel for the Plaintiff, by Notice, at
the offices of Chattanooga City Attorney, 100 East
Eleventh Street, Suite 200, Chattanooga, Tennessee,
on September 7, 2023, for all purposes under the
Tennessee Rules of Civil Procedure.

All formalities as to caption, notice,
statement of appearance, et cetera, are waived.
All objections, except as to the form of the
question, are reserved to the hearing, and that
said deposition may be read and used in evidence in
said cause of action in any trial thereon or any
proceeding herein.

It is agreed that MELISSA M. SMITH, RPR,
Licensed Court Reporter for the State of Tennessee,
may swear the witness, and that the reading and
signing of the completed deposition by the witness
was not discussed.

1 * * *

2 CHIP HENDERSON,

3 was called as a witness, and after having been duly

4 sworn, testified as follows:

5

6 EXAMINATION

7 BY MR. McADOO:

8 Q. Good morning.

9 A. **Good morning.**

10 Q. Could you please state your full name for

11 the record?

12 A. **Jason Chipaire Henderson.**

13 Q. What do you go by?

14 A. **Chip.**

15 Q. Have you ever been deposed before?

16 A. **I have.**

17 Q. How many times?

18 A. **Twice that I can remember.**

19 Q. What kind of cases were they?

20 A. **We had the council clerk sue us one time**

21 **for -- well, I don't know for what, but, anyway,**

22 **I had to give a deposition in that.**

23 **And then we had a land -- well, zoning**

24 **dispute case with James Pratt.**

25 Q. So none of them were Open Meetings cases?

1 A. **No.**

2 Q. I'll go through the ground rules to start

3 with. Even though we are in an informal setting,

4 this is a formal legal proceeding.

5 A. **Sure.**

6 Q. You understand that you're obligated to

7 answer my questions fully and truthfully, just as

8 though you were testifying before a judge in a

9 courtroom?

10 A. **Yes.**

11 Q. Other ground rules. Please wait until I

12 finish asking a question to answer, and I will

13 certainly try and do the same for you when you're

14 answering.

15 Please answer clearly and audibly so the

16 court reporter can take down your response.

17 Don't nod your head or shake your head in

18 response, for example.

19 If you don't understand a question, let me

20 know, and I'll either repeat it or rephrase it,

21 try to make sure we are on the same page.

22 If you need a break at any point in the

23 deposition, just let me know. I do ask that you

24 do finish answering the question that's on the

25 table if we're in the middle of a question, but

1 other than that we'll take a break for whatever

2 we need to.

3 And your attorneys may object. Unless

4 they object on privilege, the expectation is that

5 you will still answer the question. So you may

6 hear something like "object to the form." That's

7 mostly for me. And you're expected to still

8 answer the question. I may rephrase the question

9 or ask the question again. But if it's an

10 objection to form or any objection that's not

11 privilege, then the expectation is that you will

12 answer it. And I don't think either of your

13 Council will disagree with that instruction.

14 Any questions about that?

15 A. **I do not have any.**

16 Q. Thank you. Did you take any medication

17 that affects your memory?

18 A. **No, not to my knowledge. And I do take**

19 **medication.**

20 Q. As long as it's not something that affects

21 your memory.

22 Is there any reason you can think of of

23 why you may not be able to give your best

24 testimony today?

25 A. **No, no reason.**

1 Q. What do you do for work?

2 A. **General contractor.**

3 Q. How long have you been doing that?

4 A. **Since 1990.**

5 Q. What company?

6 A. **Henderson Construction Company.**

7 Q. Do you own that?

8 A. **Yes.**

9 Q. How long have you been in your position as

10 a member of the Chattanooga City Council?

11 A. **2013.**

12 Q. Have you been reelected?

13 A. **I have.**

14 Q. Would that have been --

15 A. **2017 and 20 -- four years from 2017.**

16 **2021.**

17 Q. Great. Have you ever been chair of the

18 city council?

19 A. **I have.**

20 Q. When was that?

21 A. **2014. I've been chair three times. 2014.**

22 **Then elected in -- I know 2021 so maybe 2020.**

23 **Whatever the year the pandemic was. When**

24 **was the pandemic?**

25 Q. 2020.

1 Handing you another document. This one,
 2 do you recognize this document?
 3 **A. I do, and I do remember helping, I guess,**
 4 **answer some of these questions and reviewing this**
 5 **particular document.**
 6 Q. Okay. So you did assist in the
 7 preparation of the answers found in Exhibit 2?
 8 **A. Yes.**
 9 MR. McADOO: Can we mark this as
 10 Exhibit 2, please.
 11 (WHEREUPON, a document was marked as
 12 Exhibit Number 2.)
 13 BY MR. McADOO:
 14 Q. As you're hopefully aware, this case is
 15 about the City's redistricting process that was
 16 completed, I believe, in May of 2022.
 17 How did the -- that redistricting process
 18 for City Council begin?
 19 **A. I really cannot -- I mean, I don't have**
 20 **any recollection of how it began, what started**
 21 **the conversation. I guess I had a general**
 22 **knowledge that we would have to redistrict by the**
 23 **next election.**
 24 Q. And you were chair in September of 2021;
 25 is that correct?

1 **A. I believe, yes.**
 2 Q. Did you appoint an ad hoc Redistricting
 3 Committee to begin the redistricting process?
 4 **A. Yes, I did.**
 5 Q. What did you hope the Redistricting
 6 Committee would do regarding redistricting?
 7 **A. So, to be fair, I don't even remember what**
 8 **I charged the ad hoc committee to do. I'm**
 9 **confident that we discussed this in our strategic**
 10 **plannings, and there should be some minutes about**
 11 **what I charged them to do.**
 12 Q. My apologies for the delay.
 13 We're going to come back to that line of
 14 questions in part because it's either going to
 15 require me to get another document, because I did
 16 not anticipate you would not remember that,
 17 and/or access to the internet, which I can either
 18 use on my phone or with a laptop too, show you
 19 video. So we're going to come back to that.
 20 That may result in us taking a break and me going
 21 to my client's offices to do so.
 22 Did you -- so let's move forward from the
 23 creation of the Redistricting Committee and talk
 24 about did you ever meet individually with the
 25 staff about redistricting?

1 **A. I met with Chris Anderson, that I can**
 2 **remember, one time in my office.**
 3 Q. Do you remember when that was?
 4 **A. I think there was a date identified**
 5 **somewhere in these answers.**
 6 Q. If it will refresh your recollection, feel
 7 free to look at the interrogatories.
 8 I believe -- look at either of the
 9 interrogatories that are exhibits.
 10 **A. It looks like that identified that I met**
 11 **with Chris Anderson on January 11th, 2022.**
 12 Q. Besides that -- and that was an in-person
 13 meeting?
 14 **A. That was in person.**
 15 Q. Did you ever have any phone calls, Zooms,
 16 or any other types of interactions with staff
 17 regarding redistricting outside of otherwise
 18 properly noticed public meetings, other than that
 19 meeting on January 11th?
 20 **A. I remember seeing an e-mail that Kerry**
 21 **Hays, which was, I believe, the chief of staff at**
 22 **that time, who -- I think the e-mail basically**
 23 **stated they could provide some information.**
 24 **I don't even know what the date was on that, but**
 25 **that's the only other recollection that I have**

1 **with the staff, any kind of meeting.**
 2 Q. Do you know if that e-mail has been
 3 produced in discovery?
 4 MR. ELLIOTT: I assume. We produced
 5 all the e-mails that we could find relative to
 6 the redistricting process.
 7 MR. McADOO: I don't recall anything
 8 from someone called Kerry Hays, but I'll take a
 9 look.
 10 MR. NOBLETT: His name is K-E-R-R-Y,
 11 so Kerry Hayes.
 12 MR. McADOO: H-A-Y-E-S, or just "S"?
 13 MR. NOBLETT: Just "S," I believe.
 14 MR. McADOO: Thank you.
 15 BY MR. McADOO:
 16 Q. Was your meeting on January 11th, 2022 --
 17 who was in that meeting?
 18 **A. Just Chris and myself.**
 19 Q. "Chris" being Chris Anderson?
 20 **A. Chris Anderson.**
 21 Q. Thank you. Was your meeting with
 22 Mr. Anderson on January 11th at the behest of the
 23 Redistricting Committee?
 24 **A. I don't recall it being at their request.**
 25 Q. Did you keep notes regarding the meeting?

1 **A. No.**
 2 Q. Did Mr. Anderson?
 3 **A. I don't remember him keeping notes, no.**
 4 Q. How did the meeting go with Mr. Anderson
 5 on January 11th, 2022? What did you discuss?
 6 **A. He did produce a map at that point.**
 7 **I looked at the map. I told him I had some**
 8 **problems with the map.**
 9 Q. What problems did you have with the map?
 10 **A. Part of my Hixson district that had**
 11 **just -- I don't know how to describe it, but just**
 12 **came in to District 1 in 2013 was removed, and**
 13 **I felt like that was sort of battening them**
 14 **around. I didn't -- I didn't feel comfortable**
 15 **with taking them back out of District 1 after**
 16 **they were just brought into District 1 in 2013.**
 17 **And I told him I had concerns about that.**
 18 Q. Whose district was it going into in the
 19 map you saw?
 20 **A. I don't remember.**
 21 Q. I'm going to show you a document. It's
 22 entitled "Redistricting 12/9/21."
 23 And really my focus is -- well, have you
 24 seen this document before?
 25 **A. I don't remember it.**

1 **Okay. I do remember seeing a document**
 2 **that looked similar to "Current Council Districts**
 3 **with 2020 Population."**
 4 Q. And then could you take a look at -- do
 5 you recognize the map on the last page of this
 6 document?
 7 **A. (Reviews document.)**
 8 Q. Do you recognize it?
 9 **A. Do I recognize it?**
 10 **I do not specifically remember -- I mean,**
 11 **I recognize that it's a map of the district.**
 12 MR. McADOO: Let's go ahead and mark
 13 this as Exhibit 3, and then let's talk about the
 14 map a little bit more.
 15 (WHEREUPON, a document was marked
 16 Exhibit Number 3.)
 17 MR. NOBLETT: Off the record.
 18 (Off-the-record discussion.)
 19 BY MR. McADOO:
 20 Q. So we've marked this as Exhibit 3 now.
 21 My question is: Does this map look
 22 similar to or is it the map you saw in your
 23 January 11th meeting with Chris Anderson?
 24 **A. I could not be sure.**
 25 Q. Can you look at the most northern part of

1 the colored graphics?
 2 **A. Okay.**
 3 Q. And your -- District 1 is the kind of
 4 light blue, almost lavender color on the left; is
 5 that correct?
 6 **A. The peach color. Oh, which map are you**
 7 **on?**
 8 Q. May I see the exhibit?
 9 **A. (Passes document.)**
 10 Q. (Reviews document.)
 11 **A. I think there is one more past the page.**
 12 **Is that the one you want me to look at?**
 13 Q. Actually, we can look at either one.
 14 Let's look at the one on the prior page first.
 15 Let's go back to that.
 16 So that very northern part -- you're
 17 right. On this map District 1 is peach on the
 18 far left, correct?
 19 **A. That's right.**
 20 Q. Is the area you objected to losing from
 21 District 1, which you described as the Hixson
 22 district, is that the area at the far northern
 23 part that's now in green?
 24 **A. From looking at this map, that's what**
 25 **I believe, that that would be correct. So the**

1 **peach in the far northern corner turns to green,**
 2 **and that's what I objected to.**
 3 Q. Okay. And that's what I wanted to ask
 4 about.
 5 Whose district is that green district, or
 6 what district is that?
 7 **A. That would be Ken Smith's district.**
 8 Q. Is that District 2?
 9 **A. 3.**
 10 Q. Did Mr. Anderson communicate to you any
 11 information from Mr. Smith regarding the Hixson
 12 district that you objected to being removed from
 13 District 1?
 14 **A. Repeat that.**
 15 Q. Absolutely. Did Mr. Anderson tell you if
 16 he had spoken to Mr. Smith about the changes to
 17 District 1 and District 3?
 18 **A. No.**
 19 Q. What -- do you remember close to exactly
 20 what you told Mr. Anderson in particular?
 21 **A. All I remember is objecting to losing that**
 22 **portion because they had just come online in**
 23 **2013.**
 24 Q. Did you instruct Mr. Anderson to make that
 25 change, to change the --

1 **A. I didn't instruct him to do anything.**
 2 **I told him I could not support -- well, let me**
 3 **put it this way.**
 4 **I'm sure I told him I couldn't support the**
 5 **map or at least I had objections to the map as it**
 6 **was proposed.**
 7 Q. Was it your expectation that Mr. Anderson
 8 would take that information back to the
 9 Redistricting Committee?
 10 **A. I don't know that I had an expectation,**
 11 **other than letting him know that I objected to**
 12 **the -- to that particular map.**
 13 Q. What was your understanding of
 14 Mr. Anderson's role in the redistricting process?
 15 **A. It was my understanding that he was**
 16 **helping facilitate the ad hoc committee with**
 17 **data.**
 18 Q. Was this the type of data that you thought
 19 Mr. Anderson was helping the ad hoc Redistricting
 20 Committee facilitate, the objections from council
 21 members?
 22 **A. Repeat that question.**
 23 Q. Did you -- you said that your
 24 understanding of Mr. Anderson's role was that he
 25 was helping facilitate data for the ad hoc

1 Redistricting Committee, correct?
 2 **A. Correct.**
 3 Q. Was the type of data that you expected
 4 Mr. Anderson or thought Mr. Anderson would help
 5 facilitate for the ad hoc Redistricting Committee
 6 information from council members about changes to
 7 their district and their thoughts on those
 8 changes?
 9 MR. NOBLETT: Objection to form.
 10 MR. McADOO: Compound?
 11 MR. NOBLETT: Yes.
 12 **THE WITNESS: Yeah. So there's two**
 13 **questions wrapped up in there, right?**
 14 BY MR. McADOO:
 15 Q. Yes.
 16 **A. One, I don't really know that I had any**
 17 **expectations of what Mr. Anderson was -- was**
 18 **actually going to produce or help with other than**
 19 **collect -- you know, like I said, collect data.**
 20 **We had to -- it's my understanding that we**
 21 **had to make sure that each district had to have**
 22 **relatively the same number of constituents in**
 23 **each district and that Mr. Anderson would help**
 24 **with that, compiling those numbers.**
 25 **So, number one, we had to have a total of**

1 **number of residents in the city and then what**
 2 **each district would be composed of.**
 3 Q. If Mr. Anderson's role was simply data and
 4 making sure the districts were relatively equal
 5 in size, why did he meet with you about
 6 redistricting individually?
 7 **A. To show me the map.**
 8 Q. Just on his own, just like, "Hey, we have
 9 a map, thought we'd show it to you"?
 10 **A. I can't -- I can't speak for why**
 11 **Mr. Anderson did what he did. All I know is I**
 12 **met with Mr. Anderson about this map.**
 13 Q. And -- okay.
 14 So just to confirm, the map on the
 15 second-to-last page of Exhibit 3 that is on the
 16 right, is that the map that Mr. Anderson showed
 17 you?
 18 **A. I can't be certain that this is the very**
 19 **map that he showed me, but what I objected to was**
 20 **losing that portion in green.**
 21 Q. The most northern portion in green?
 22 **A. The most northern portion.**
 23 Q. Okay. And that map reflects --
 24 **A. That map does reflect a change in that**
 25 **northernmost portion.**

1 Q. Can you turn to the next page? Does that
 2 map also reflect the change you objected to
 3 regarding the northernmost portion of District 1?
 4 **A. It does look like this map has that**
 5 **northernmost portion in District 3 instead of**
 6 **District 1.**
 7 Q. Thank you.
 8 Did you have -- you didn't tell
 9 Mr. Anderson to do anything about your objection?
 10 **A. I did not.**
 11 Q. Did you ever discuss your objection that
 12 you raised in your meeting with Chris Anderson on
 13 January 11th in a properly noticed public
 14 meeting?
 15 **A. It's my understanding that I never had to**
 16 **have a public notice to meet with staff.**
 17 Q. I'm sorry. I'm not -- that's -- that
 18 wasn't what I was asking so I'll try and
 19 rephrase.
 20 You raised an objection in an individual
 21 meeting with Mr. Anderson, correct?
 22 **A. I did.**
 23 Q. Did you ever raise that objection in a
 24 public meeting of the City Council, a properly
 25 noticed public meeting of the City Council?

1 **A. I didn't instruct him to do anything.**
 2 **I told him I could not support -- well, let me**
 3 **put it this way.**
 4 **I'm sure I told him I couldn't support the**
 5 **map or at least I had objections to the map as it**
 6 **was proposed.**
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 8 would take that information back to the
 9 Redistricting Committee?
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 14 Mr. Anderson's role in the redistricting process?
 15 **A. It was my understanding that he was**
 16 **helping facilitate the ad hoc committee with**
 17 **data.**
 18 Q. Was this the type of data that you thought
 19 Mr. Anderson was helping the ad hoc Redistricting
 20 Committee facilitate, the objections from council
 21 members?
 22 **A. Repeat that question.**
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 24 understanding of Mr. Anderson's role was that he
 25 was helping facilitate data for the ad hoc

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 2 **A. Correct.**
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 5 facilitate for the ad hoc Redistricting Committee
 6 information from council members about changes to
 7 their district and their thoughts on those
 8 changes?
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 11 MR. NOBLETT: Yes.
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 17 **expectations of what Mr. Anderson was -- was**
 18 **actually going to produce or help with other than**
 19 **collect -- you know, like I said, collect data.**
 20 **We had to -- it's my understanding that we**
 21 **had to make sure that each district had to have**
 22 **relatively the same number of constituents in**
 23 **each district and that Mr. Anderson would help**
 24 **with that, compiling those numbers.**
 25 **So, number one, we had to have a total of**

1 **number of residents in the city and then what**
 2 **each district would be composed of.**
 3 Q. If Mr. Anderson's role was simply data and
 4 making sure the districts were relatively equal
 5 in size, why did he meet with you about
 6 redistricting individually?
 7 **A. To show me the map.**
 8 Q. Just on his own, just like, "Hey, we have
 9 a map, thought we'd show it to you"?
 10 **A. I can't -- I can't speak for why**
 11 **Mr. Anderson did what he did. All I know is I**
 12 **met with Mr. Anderson about this map.**
 13 Q. And -- okay.
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 15 second-to-last page of Exhibit 3 that is on the
 16 right, is that the map that Mr. Anderson showed
 17 you?
 18 **A. I can't be certain that this is the very**
 19 **map that he showed me, but what I objected to was**
 20 **losing that portion in green.**
 21 Q. The most northern portion in green?
 22 **A. The most northern portion.**
 23 Q. Okay. And that map reflects --
 24 **A. That map does reflect a change in that**
 25 **northernmost portion.**

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 2 map also reflect the change you objected to
 3 regarding the northernmost portion of District 1?
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 5 **northernmost portion in District 3 instead of**
 6 **District 1.**
 7 Q. Thank you.
 8 Did you have -- you didn't tell
 9 Mr. Anderson to do anything about your objection?
 10 **A. I did not.**
 11 Q. Did you ever discuss your objection that
 12 you raised in your meeting with Chris Anderson on
 13 January 11th in a properly noticed public
 14 meeting?
 15 **A. It's my understanding that I never had to**
 16 **have a public notice to meet with staff.**
 17 Q. I'm sorry. I'm not -- that's -- that
 18 wasn't what I was asking so I'll try and
 19 rephrase.
 20 You raised an objection in an individual
 21 meeting with Mr. Anderson, correct?
 22 **A. I did.**
 23 Q. Did you ever raise that objection in a
 24 public meeting of the City Council, a properly
 25 noticed public meeting of the City Council?

1 **A. Oh, I can't be sure if I did.**
 2 Q. Let's go back to Exhibit 2, which is your
 3 interrogatory responses, and look at your
 4 interrogatory response to Question Number 3.
 5 The last sentence, could you read the last
 6 sentence of your response to that or read the
 7 whole answer to me, please?
 8 **A. "I believe I met with Chris Anderson, a**
 9 **member of the executive staff on January 11,**
 10 **2022. The meeting lasted for less than an hour.**
 11 **We discussed the boundary of my district, and**
 12 **I objected to the proposal as presented. The**
 13 **next map I saw addressed my concerns."**
 14 Q. Is that answer still accurate?
 15 **A. That's correct.**
 16 Q. Do you know when the next map you saw was?
 17 **A. I do not.**
 18 Q. Hand you another document. Do you
 19 recognize this document?
 20 **A. What do you mean by "recognize it"?**
 21 Q. Have you seen it before?
 22 **A. Could have.**
 23 Q. It's -- on the cover it says "City Council
 24 of Chattanooga Redistricting presented on
 25 March 1st, 2022"?

1 **A. Okay.**
 2 Q. Were you present at the public meetings of
 3 the City Council on March 1st, 2022?
 4 **A. I would have to go back into the records**
 5 **to see.**
 6 MR. McADOO: Let's go ahead and mark
 7 this as Exhibit 4.
 8 (WHEREUPON, a document was marked
 9 Exhibit Number 4.)
 10 BY MR. McADOO:
 11 Q. All right. Could you look at the last
 12 page, please.
 13 **A. Okay.**
 14 Q. The map, what do you see on the last page?
 15 **A. It's a map of the districts.**
 16 Q. Does this map reflect kind of -- look like
 17 it might have been the next map you saw that
 18 addressed your concerns in response to
 19 Interrogatory Number 3?
 20 **A. The northernmost portion is back in**
 21 **District 1.**
 22 Q. Okay. So do you think -- is it possible
 23 this is the next map you saw?
 24 **A. Possible.**
 25 Q. But you said this does -- this map does


1 address the concern you had that you told
 2 Mr. Anderson on January 11th, 2022?
 3 **A. It does.**
 4 Q. Okay. Can we just go back a couple pages?
 5 I just want to understand a little more about the
 6 pages.
 7 They're not numbered. My apologies. This
 8 is the one starts with "proposed major changes."
 9 **A. Okay.**
 10 Q. So it says here "Districts 1, 2, 3 shifted
 11 together in a clockwise for direction."
 12 **A. Okay.**
 13 Q. If I was to look on the map that's on the
 14 final page, where would the Pine Hill and
 15 Northmont Estates areas be that were moving into
 16 District 1?
 17 **A. I think it's the little portion that dips**
 18 **down into what would be -- would have been, I**
 19 **guess, District 3.**
 20 **Well, I'm thinking not. Oh, I guess it --**
 21 **wait a minute.**
 22 **See how that little area of green juts up?**
 23 **It nearly severs District 1, this portion, from**
 24 **that portion. Okay?**
 25 Q. Yeah.

1 **A. On this map it's a wider -- that little**
 2 **section --**
 3 Q. Little isthmus of pink or peach?
 4 **A. No. The green. See that little --**
 5 Q. Yeah, I do. I do.
 6 **A. This little point, a finger of green --**
 7 Q. Yes.
 8 **A. -- that is now --**
 9 Q. In District 1?
 10 **A. -- in District 1.**
 11 Q. Okay.
 12 **A. In fact, that's what the red line**
 13 **represents. That little red line is that portion**
 14 **of -- that's what it is.**
 15 Q. The next two lines talk about other areas.
 16 It doesn't say where they're coming from so I'm
 17 going to ask about those. This is back on page 6
 18 of Exhibit 4, the one that has proposed major
 19 changes.
 20 Neighborhoods north of Ely Road, are those
 21 things moving out of your district?
 22 **A. I don't think north of Ely Road would have**
 23 **moved out, but it says moving to District 3.**
 24 **They would have -- if they're moving out -- well,**
 25 **let me put the back -- if they're moving into**

1 MR. McADOO: Can we take a 5-
 2 10-minute break?
 3 (Short break.)
 4 BY MR. McADOO:
 5 Q. Thank you again for your time today,
 6 Mr. Henderson.
 7 Is there any answer to my questions you'd
 8 like to change before we close the deposition?
 9 **A. Not to my knowledge.**
 10 Q. Is there any information that I asked you
 11 about that you remember now that you didn't
 12 recall when I asked the question about it?
 13 **A. No.**
 14 Q. Is there anything you would like to add to
 15 clarify an answer you gave me?
 16 **A. No.**
 17 MR. McADOO: Thank you for your time.
 18 FURTHER DEPONENT SAITH NOT
 19 (WHEREUPON, the deposition was
 20 concluded at 10:15 a.m.)
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF HAMILTON
 5
 6 I, MELISSA M. SMITH, Licensed Court
 7 Reporter, with offices in Chattanooga, Tennessee,
 8 hereby certify that I reported the foregoing
 9 deposition of CHIP HENDERSON by machine shorthand
 10 to the best of my skills and abilities, and
 11 thereafter the same was reduced to typewritten
 12 form by me. I am not related to any of the
 13 parties named herein, nor their counsel, and have
 14 no interest, financial or otherwise, in the
 15 outcome of the proceedings.
 16 I further certify that in order for this
 17 document to be considered a true and correct copy,
 18 it must bear my original signature, and that any
 19 unauthorized reproduction in whole or in part
 20 and/or transfer of this document is not
 21 authorized, will not be considered authentic, and
 22 will be in violation of Tennessee Code Annotated
 23 39-14-149, Theft of Services.
 24
 25





 MELISSA M. SMITH, RPR, CCR, LCR
 LCR # 122 - Expires: 6/30/2024

Exhibit 20

City Council of Chattanooga Redistricting

Presented on 3/1/22

Agenda

- Requirements (Federal, State, and Charter)
- Process Used
- Proposed Districts

Requirements and Considerations

- Equal distribution of voters (must meet 10% rule), meaning absolute difference between max and min can't be more than 10%
- Per City Charter, must be completed at least 1 year before next City election and redistricting cannot take less than 6 months, must be approved by majority of City Council
- Can't write out incumbent
- Public input is not required by state law or the charter

Process Used

1. Apply existing Council Boundaries to new Census Data
2. Considerations for changing boundaries
 - a. Districts 5, 8, and 9 need to increase in population
 - b. Districts 3, 4, and 7 have room to decrease
 - c. Use neighborhood boundary file as guidelines to keep them together
 - d. Use major roadways and natural land features as guidelines
 - e. Use individual council input

Current Council Districts with 2020 Population

District	Representative	District Pop	Average Pop	Deviation	Black Alone Pop	Black Alone %	Two or More Races Populations	Two or More Races %	Black Alone + Two or More Races %
1	Chip Henderson	21156	20195	104.76%	1289	6.1%	1208	5.7%	11.8%
2	Jenny Hill	20145	20195	99.75%	1356	6.7%	1336	6.6%	13.4%
3	Ken Smith	21606	20195	106.98%	3119	14.4%	1370	6.3%	20.8%
4	Darrin Ledford	23538	20195	116.55%	3790	16.1%	1485	6.3%	22.4%
5	Isiah Hester	17921	20195	88.74%	10847	60.5%	1084	6.0%	66.6%
6	Carol Berz	19848	20195	98.28%	5416	27.3%	1485	7.5%	34.8%
7	Raquetta Dotley	22435	20195	111.09%	8670	38.6%	2079	9.3%	47.9%
8	Vacant	17569	20195	86.99%	8545	48.6%	1455	8.3%	56.9%
9	Demetrus Coonrod	17541	20195	86.86%	9701	55.3%	1013	5.8%	61.1%

Proposed Major Changes

- Districts 1, 2, & 3 shifted together in a clockwise direction with:
 - Pine Hill and Northmont Estates moving to District 1
 - Neighborhoods North of Ely Road moving to District 3
 - Hill City, City Greene and Pinnacle building moving to District 2
- District 5 continues all the way to the river and now contains all of Hwy 58
 - District 5 also shifts into Austin Farm neighborhood
- District 6 shifted more into District 4
 - Summit moves into District 6 as well as everything north of Standifer Gap Rd
 - Small neighborhood near airport road also moves into District 6
- Part of East Lake moves to District 8
 - East of Georgia Ave and Battery Heights are now in District 8 as well
- District 7 now encompasses north part of E Main St, making neighborhood whole
- District 9 makes some shifts East
 - Now includes all of Highland Park

Proposed Council Districts with 2020 Population

District	Representative	District Pop	Deviation	Deviation Percent	Black Alone Pop	Black Alone %	Non White Pop	Non White %
1	Chip Henderson	19,493	-629	96.77%	1,197	6.14%	3,467	17.79%
2	Jenny Hill	19,193	-929	95.16%	1,651	8.60%	3,690	19.23%
3	Ken Smith	20,395	273	101.34%	1,776	8.71%	4,714	23.11%
4	Darrin Ledford	20,807	685	103.29%	3,359	16.14%	7,366	35.40%
5	Isaiah Hester	19,881	-241	98.79%	11,785	59.28%	13,632	68.57%
6	Carol Berz	20,417	295	101.44%	5,538	27.12%	9,320	45.65%
7	Raquetta Dotley	20,575	453	102.20%	8,391	40.78%	12,808	62.25%
8	Vacant	20,100	-22	99.89%	10,074	50.12%	13,789	68.60%
9	Demetrus Coonrod	20,238	116	100.57%	10,665	52.70%	13,336	65.90%

Let's look at the map!

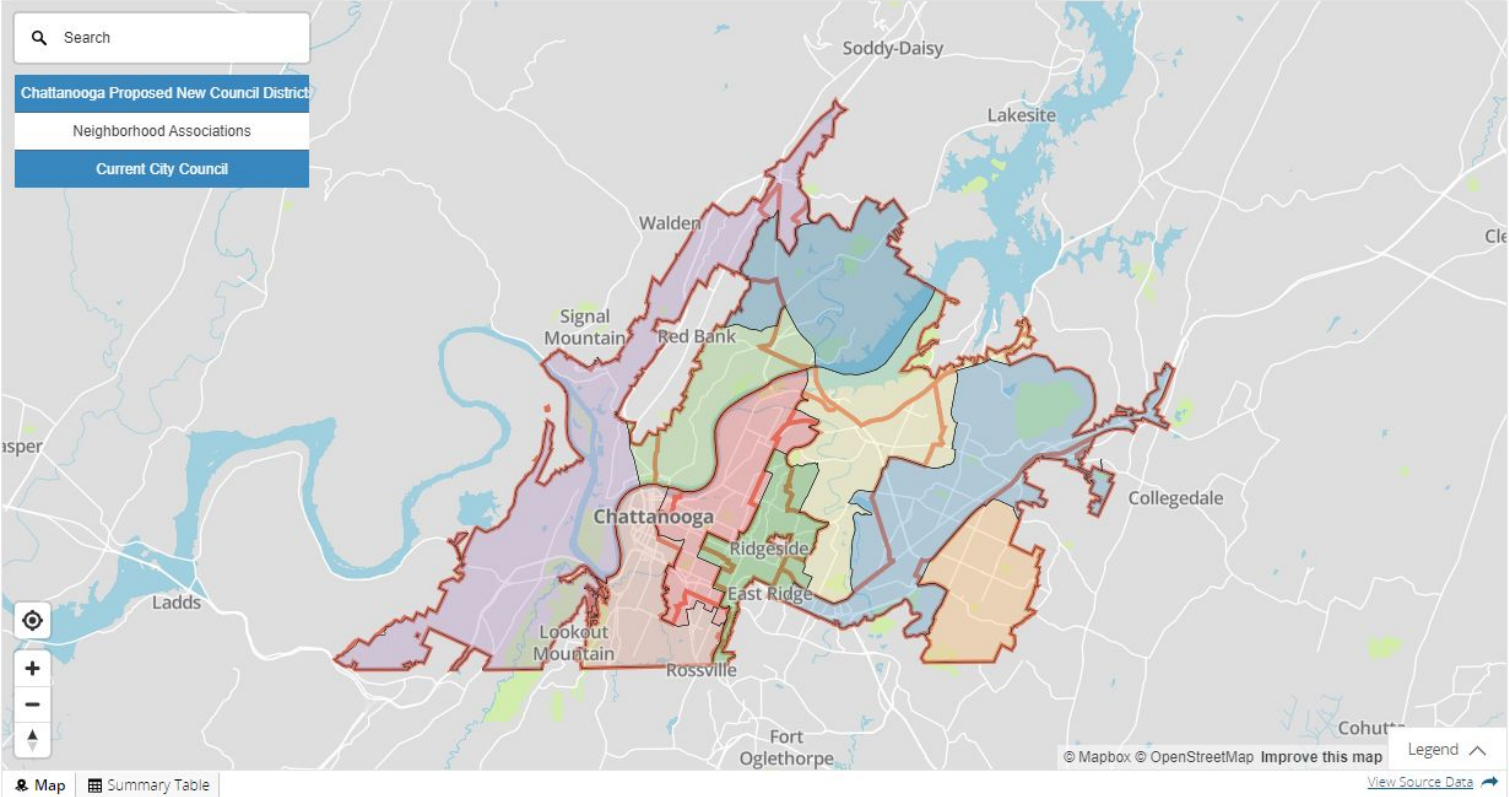


Exhibit 21

IN THE CHANCERY COURT OF HAMILTON COUNTY, TENNESSEE

Chattanooga Publishing Company,

Plaintiff,

v.

City of Chattanooga, Chattanooga City
Council,

and

Chip Henderson, Jenny Hill, Ken Smith, Darrin
Ledford, Isiah Hester, Carol B. Berz, Raquetta
Dotley, Marvene Noel, *and* Demetrus Coonrod,
*in their official capacity as members of the
Chattanooga City Council,*

Defendants.

No. 22-0902

DEFENDANT DARRIN LEDFORD'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Pursuant to Tenn. R. Civ. P. 26 and 33, Defendant Darrin Ledford hereby responds to the First Set of Interrogatories directed to him.

1. Identify all persons who assisted or participated in the preparation of answers to these interrogatories. If more than one person participated, identify which answers were prepared by which persons.

ANSWER: Mr. Ledford responded to each of the interrogatories. He was assisted by counsel, Philip A. Noblett, City Attorney, Kathryn McDonald, Assistant City Attorney, Sam D. Elliott, Special Counsel.

2. Identify every change to the Proposed Map from September 22, 2021 to May 3, 2022 and for each such change, describe when the change was made, who was involved in deciding to make the change, and why the change was made.

ANSWER: I would not personally have that detailed information and would in any event obtain it from Chris Anderson and other City staff. Accordingly, please see the information provided in response to this same Interrogatory No. 2 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

3. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and the Executive Staff related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting or gathering.

ANSWER: I met with Chris Anderson, a member of the Executive Staff, on January 11, 2022. The meeting lasted no more than 45 minutes. Mr. Anderson and I mostly discussed an entirely separate zoning study. Our discussion as to redistricting was very limited.

4. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and other members of the City Council related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was in involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I attended the publicly noticed meetings of the City Council as detailed in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I do not have independent recollection separate from the minutes and the videos of the attendance, discussion, participants, and duration of these meetings, which I believe to be accurate representations of the same. I did not have undisclosed meetings with other members of the City Council.

5. Identify every meeting, gathering, or oral communication, including virtual meetings or gathering, between you and one or more members of the public related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who

was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I recall being present for some or all of the public comments offered during the publicly noticed meetings detailed in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I briefly spoke to some of my constituents in various venues: stores, on the street, etc., but I do not recall who. I also participated in a redistricting community meeting with then-county commissioner Sabrena Smedley on October 7, 2021 which was primarily focused on the county. The meeting lasted less than an hour. I do not recall any particular discussion relative to the City's redistricting.

6. Describe all facts that you claim support your laches defense.

ANSWER: See the answer to Interrogatory No. 7 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

7. Identify all persons having knowledge of discoverable facts pertinent to the allegations in the Complaint in this case and for each person identified describe what knowledge they hold.

ANSWER: See the answer to Interrogatory No. 8 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

Oath

State of Tennessee :
County of Hamilton:

I, Darrin Ledford, after first being duly sworn according to law, make oath that the above responses to the Interrogatories propounded by Plaintiff are true to the best of my knowledge, information and belief.



DARRIN LEDFORD

Sworn to and subscribed before me
this the 7th day of July, 2023.



Notary Public at Large

My commission expires: 09/09/25



Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: 

PHILLIP A. NOBLETT – BPR #10074

City Attorney

KATHRYN C. McDONALD – BPR #30950

Assistant City Attorney

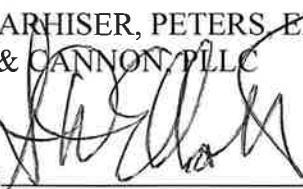
100 E. 11th Street, Suite 200

Chattanooga, TN 37402

(423) 643-8250 – Telephone

(423) 643-8255 – Facsimile

GEARHISER, PETERS, ELLIOTT
& CANNON PLLC

By: 

SAM D. ELLIOTT – BPR #9431

320 McCallie Avenue

Chattanooga, TN 37402

(423) 756-5171 – Telephone

(423) 266-1605 – Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading by depositing same in the United States mail, postage prepaid, and addressed to the following:

Mr. Paul R. McAdoo
The Reporters Committee for Freedom of the Press
6688 Nolensville Road, Suite 108-20
Brentwood, TN 37027

This 17th day of July, 2023.

Kathryn C. McAdoo

Exhibit 22

IN THE CHANCERY COURT FOR HAMILTON COUNTY, TENNESSEE

Chattanooga Publishing Company,
Plaintiff,

v.

City of Chattanooga, Chattanooga City
Council,

and

Chip Henderson, Jenny Hill, Ken Smith, Darrin
Ledford, Isiah Hester, Carol B. Berz, Raquetta
Dotley, Marvene Noel, *and* Demetrus Coonrod,
*in their official capacity as members of the
Chattanooga City Council,*

Defendants.

No. 22-0902

**DEFENDANT JENNY HILL'S RESPONSES TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

Pursuant to Tenn. R. Civ. P. 26 and 33, Defendant Jenny Hill hereby responds to the First Set of Interrogatories directed to her.

1. Identify all persons who assisted or participated in the preparation of answers to these interrogatories. If more than one person participated, identify which answers were prepared by which persons.

ANSWER: Ms. Hill responded to each of the interrogatories. She was assisted by counsel, Philip A. Noblett, City Attorney, Sam D. Elliott, Special Counsel.

2. Identify every change to the Proposed Map from September 22, 2021 to May 3, 2022 and for each such change, describe when the change was made, who was involved in deciding to make the change, and why the change was made.

ANSWER: I would not personally have that detailed information and would in any event obtain it from Chris Anderson and other City staff. Accordingly, please see the information provided in response to this same Interrogatory No. 2 in Defendants the City of

Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

3. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and the Executive Staff related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting or gathering.

ANSWER: I met with Chris Anderson and possibly Andrew Sevigny or Tim Moreland, on January 18, 2022. As best I can recall, the meeting was a half hour or less. As I recall, we went over the legal requirements for the redistricting process and likely adjustments to District 2 because of City population changes, particularly relating to the line of Eli Road and Hill City. I was not told that any of the changes were inspired by changes to other districts.

4. Identify every meeting, gathering, or oral communication, including virtual meetings or gatherings, between you and other members of the City Council related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was in involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I attended the meetings of the City Council as detailed in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. I do not have independent recollection separate from the minutes and the videos of the attendance, discussion, participants, and duration of these meetings, which I believe to be accurate representations of the same. I did not have undisclosed meetings with other members of the City Council.

5. Identify every meeting, gathering, or oral communication, including virtual meetings or gathering, between you and one or more members of the public related to the Redistricting Process and for each such meeting, gathering, or oral communication, identify who was involved or in attendance, describe what was discussed and by whom, and describe the duration of the meeting, gathering or oral communication.

ANSWER: I recall being present for some or all of the public comments offered during the meetings detailed in in the answer to Interrogatory No. 5 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories. Additionally, I attended a meeting on October 25, 2021 in the Fairhills neighborhood with a county commissioner relating to the ongoing county redistricting process attended by 37 people. I do not remember being asked any questions about the city's process. I do not recall any other meetings or conversations with members of the public. As a whole, the citizens of my district did not express any concerns relative to redistricting.

6. Describe all facts that you claim support your laches defense.

ANSWER: See the answer to Interrogatory No. 7 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

7. Identify all persons having knowledge of discoverable facts pertinent to the allegations in the Complaint in this case and for each person identified describe what knowledge they hold.

ANSWER: See the answer to Interrogatory No. 8 in Defendants the City of Chattanooga and the Chattanooga City Council's Responses to Plaintiff's First Set of Interrogatories.

Oath

State of Tennessee :

County of Hamilton:

I, Jenny Hill, after first being duly sworn according to law, make oath that the above responses to the Interrogatories propounded by Plaintiff are true to the best of my knowledge, information and belief.

Jenny Hill
JENNY HILL

Sworn to and subscribed before me
this the 11 day of July, 2023.

Nicole S. Gwyn
Notary Public at Large

My commission expires: 09/09/25



Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: 

PHILLIP A. NOBLETT – BPR #10074

City Attorney

KATHRYN C. McDONALD – BPR #30950

Assistant City Attorney

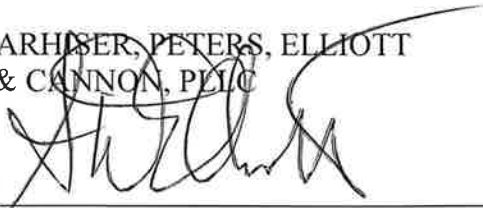
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SAM D. ELLIOTT – BPR #9431

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(423) 756-5171 – Telephone

(423) 266-1605 – Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading by depositing same in the United States mail, postage prepaid, and addressed to the following:

Mr. Paul R. McAdoo
The Reporters Committee for Freedom of the Press
6688 Nolensville Road, Suite 108-20
Brentwood, TN 37027

This 17th day of July, 2023.

A handwritten signature in blue ink, appearing to read "Paul R. McAdoo", is written over a horizontal line.

Exhibit 23

No subject

asevigny@chattanooga.gov Andrew Sevigny
To: canderson@chattanooga.gov Chris Anderson

Wednesday, January 19, 2022 at 7:32:08 AM Eastern Standard Time

Well it really messes some things up

asevigny@chattanooga.gov Andrew Sevigny
To: canderson@chattanooga.gov Chris Anderson

Wednesday, January 19, 2022 at 7:33:25 AM Eastern Standard Time

Even if I pick up the pinnacle apartment to get the rest of everything east of 27 in 2

asevigny@chattanooga.gov Andrew Sevigny
To: canderson@chattanooga.gov Chris Anderson

Wednesday, January 19, 2022 at 7:33:37 AM Eastern Standard Time

It's not enough to offset how many people live in the portion above ely

asevigny@chattanooga.gov Andrew Sevigny
To: canderson@chattanooga.gov Chris Anderson

Wednesday, January 19, 2022 at 7:52:17 AM Eastern Standard Time

We can go over this at our regular redistricting meeting

Exhibit 24

Redistricting

2/15/22

Agenda

- Requirements/Attorney Input
- Process Used
- Current Version

Requirements

- Equal distribution of voters (must meet 10% rule), meaning absolute difference between max and min can't be more than 10%
- Per City Charter, must be completed 1 year before next election and redistricting cannot take less than 6 months
- 3 of 9 Council Districts must be a certain percent minority
 - From City Attorney's Office, 50%+1 rule
 - Minority may or may not mean non-white
- Can't write out incumbent

Current Council Districts with 2020 Population

District	Representative	District Pop	Average Pop	Deviation	Black Alone Pop	Black Alone %	Two or More Races Populations	Two or More Races %	Black Alone + Two or More Races %
1	Chip Henderson	21156	20195	104.76%	1289	6.1%	1208	5.7%	11.8%
2	Jenny Hill	20145	20195	99.75%	1356	6.7%	1336	6.6%	13.4%
3	Ken Smith	21606	20195	106.98%	3119	14.4%	1370	6.3%	20.8%
4	Darrin Ledford	23538	20195	116.55%	3790	16.1%	1485	6.3%	22.4%
5	Isaiah Hester	17921	20195	88.74%	10847	60.5%	1084	6.0%	66.6%
6	Carol Berz	19848	20195	98.28%	5416	27.3%	1485	7.5%	34.8%
7	Raquetta Dotley	22435	20195	111.09%	8670	38.6%	2079	9.3%	47.9%
8	Anthony Byrd	17569	20195	86.99%	8545	48.6%	1455	8.3%	56.9%
9	Demetrus Coonrod	17541	20195	86.86%	9701	55.3%	1013	5.8%	61.1%

Process Used

1. Apply existing Council Boundaries to new Census Data
2. Considerations for changing boundaries
 - a. Districts 5, 8, and 9 need to increase in population
 - b. Districts 3, 4, and 7 have room to decrease
 - c. Use neighborhood boundary file as guidelines
 - d. Use arterial roadways and natural land features as guidelines

Current Changes

- Districts 1, 2, & 3 shifted together in a clockwise direction with:
 - Pine Hill and Northmont Estates moving to District 1
 - Neighborhoods North of Ely Road moving to District 3
 - Hill City and Pinnacle building moving to District 2
- District 5 continues all the way to the river and now contains all of Hwy 58
 - District 5 also shifts into Austin Farm neighborhood
- District 6 shifted more into District 4
 - Summit moves into District 6 as well as everything north of Standifer Gap Rd
 - Small neighborhood near airport road also moves into District 6
- Part of East Lake moves to District 8
 - East of Georgia Ave and Battery Heights are now in District 8 as well
- District 7 now encompasses north part of E Main St, making neighborhood whole
- District 9 makes some shifts East to include Gaylan Heights / North Tower Forest
 - Now includes all of Highland Park

Proposed Council Districts with 2020 Population

District	Representative	District Pop	Deviation	Deviation Percent	Black Alone Pop	Black Alone %	Non White Pop	Non White %
1	Chip Henderson	19,493	-629	96.77%	1,197	6.14%	3,467	17.79%
2	Jenny Hill	19,193	-929	95.16%	1,651	8.60%	3,690	19.23%
3	Ken Smith	20,395	273	101.34%	1,776	8.71%	4,714	23.11%
4	Darrin Ledford	20,807	685	103.29%	3,359	16.14%	7,366	35.40%
5	Isaiah Hester	19,950	-172	99.14%	11,711	58.70%	13,642	68.38%
6	Carol Berz	20,417	295	101.44%	5,538	27.12%	9,320	45.65%
7	Raquetta Dotley	20,575	453	102.20%	8,391	40.78%	12,808	62.25%
8	Vacant	20,380	258	101.27%	10,197	50.03%	14,005	68.72%
9	Demetrus Coonrod	19,889	-233	98.83%	10,616	53.38%	13,110	65.92%

Let's look at the map!

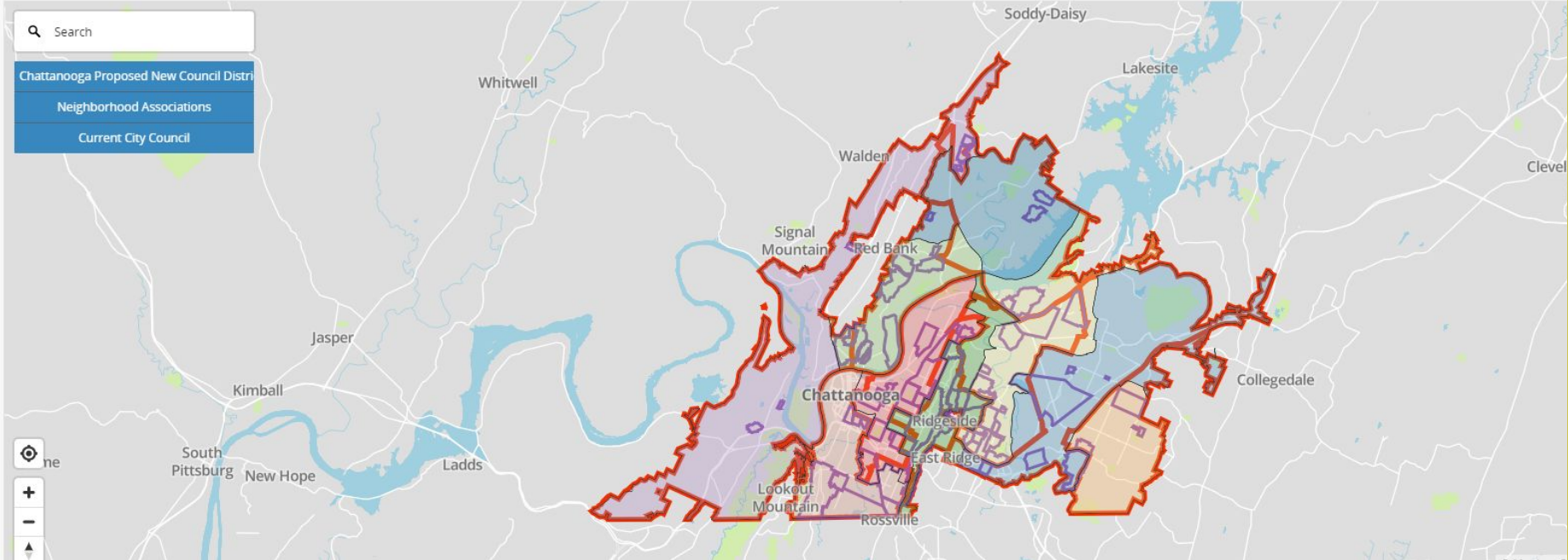


Exhibit 25

CHATTANOOGA PUBLISHING

vs.

CITY OF CHATTANOOGA, , et al.

DEMETRUS COONROD

July 28, 2023



1 IN THE CHANCERY COURT OF TENNESSEE
2 FOR THE ELEVENTH JUDICIAL DISTRICT
3 OF CHATTANOOGA

4 CHATTANOOGA PUBLISHING)
5 COMPANY,)
6 Plaintiff,)
7 vs.) NO: 22-0902
8 CITY OF CHATTANOOGA,) Part I
9 CHATTANOOGA CITY COUNCIL,)
10 and)
11 CHIP HENDERSON, JENNY)
12 HILL, KEN SMITH, DARRIN)
13 LEDFORD, ISIAH HESTER,)
14 CAROL B. BERZ, RAQUETTA)
15 DOTLEY, MARVENE NOEL, AND)
16 DEMETRUS COONROD, IN THEIR)
17 OFFICIAL CAPACITY AS)
18 MEMBERS OF THE CHATTANOOGA)
19 CITY COUNCIL,)
20 Defendants.)

21 STENOGRAPHIC DEPOSITION OF DEMETRUS COONROD
22 CHATTANOOGA, TENNESSEE
23 FRIDAY, JULY 28, 2023

24 REPORTED BY: TANYA L. VERHOVEN-PAGE,
25 CCR-B-1790

FILE NO. 699881

1 July 28, 2023
2 8:34 a.m.
3
4 Stenographic deposition of
5 DEMETRUS COONROD, held at the offices
6 of City Attorney, City of Chattanooga,
7 100 E. 11th Street, Chattanooga, Tennessee
8 before Tanya L. Verhoven-Page, Certified
9 Court Reporter (GA), Licensed Court
10 Reporter (TN) and Certified Shorthand
11 Reporter (TX).

1 APPEARANCES OF COUNSEL

2 On behalf of the Plaintiff:

3
4 REPORTERS COMMITTEE FOR
5 FREEDOM OF THE PRESS
6 1156 15th Street, N.W.
7 Suite 1010
8 Washington, D.C. 20005
9 (202) 800-3533
10 BY: LIN WEEKS, ESQ.
11 e-mail: lweeks@rcfp.org
12 REPORTERS COMMITTEE FOR
13 FREEDOM OF THE PRESS
14 6688 Nolensville Road
15 Suite 108-20
16 Brentwood, Tennessee 37027
17 (615) 823-3633
18 BY: PAUL R. MCADOO, ESQ.
19 e-mail: pmcadoo@rcfp.org

20 On behalf of the Defendants:

21 GEARHISER, PETERS, ELLIOTT & CANNON, PLLC
22 320 McCallie Avenue
23 Chattanooga, Tennessee 37402
24 (423) 756-5171
25 BY: SAM D. ELLIOTT, ESQ.
e-mail: selliott@gearhiserpeters.com
26 CITY ATTORNEY, CITY OF CHATTANOOGA
27 100 E. 11th Street
28 Suite 200
29 Chattanooga, Tennessee 37402
30 (423) 643-8250
31 BY: PHILLIP A. NOBLETT, ESQ.
32 e-mail: pnoblett@chattanooga.gov
33 BY: KATHRYN C. MCDONALD, ESQ.
34 e-mail: kmcdonald@chattanooga.gov

35 ALSO PRESENT: Carson Klepzig, Summer Associate

1 I N D E X

2 WITNESS: DEMETRUS COONROD

3
4
5 Examination Page
6 BY MR. WEEKS 6
7 BY MR. ELLIOTT 97
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9 EXHIBITS:

10 Coonrod
11 Deposition
12 Exhibit Description Page
13 Exhibit A Article by Logan Hullinger
14 of the Chattanooga Times
15 Free Press, dated 24
16 February 1, 2022
17 Exhibit B Document bearing Bates
18 number Bates 000952 26
19 Exhibit C Document bearing Bates
20 numbers 000801
21 through 000802 34
22 Exhibit D Document bearing Bates
23 number 000940 36
24 Exhibit E Document bearing Bates
25 numbers 000971 44
26 Exhibit F Document bearing Bates
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29 Exhibit G PowerPoint: City
30 Council of Chattanooga
31 Redistricting, dated
32 3/1/22 52

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1 EXHIBITS:

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5 Exhibit H Document bearing Bates number Bates 000317 60

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14 Exhibit Q PowerPoint: City Council of Chattanooga Redistricting, dated 4/19/22 87

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1 **A Yes.**

2 Q Okay. So as we go through, I'll ask you

3 to just please wait until I finish asking a question

4 before you answer it so that we can create a clear

5 transcript. With that, please answer clearly and

6 audibly, no nods or head shakes because those won't

7 show up on the transcript. If you don't understand a

8 question, just let me know and I can rephrase it.

9 And if you need a break at any point, you

10 can just finish answering the question that I've

11 asked and then let me know that you need a break and

12 we can see what we can do.

13 **A Okay.**

14 Q Does that all make sense?

15 **A Yeah.**

16 Q Great. Do you take any medication that

17 affects your memory?

18 **A No.**

19 Q And is there any other reason that you

20 can think of that you might not be able to give your

21 best testimony today?

22 **A No.**

23 Q What is your current position with the

24 City Council?

25 **A I serve as the elected official for**

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1 CHATTANOOGA, TENNESSEE; FRIDAY, JULY 28, 2023

2 8:34 A.M.

3

4 Thereupon --

5 DEMETRUS COONROD,

6 called as a witness, having been first duly sworn,

7 was examined and testified as follows:

8

9 EXAMINATION

10 BY MR. WEEKS:

11 Q Good morning.

12 **A Good morning.**

13 Q Could you please state your full name for

14 the record.

15 **A Demetrus Coonrod.**

16 Q And have you ever had your deposition

17 taken before?

18 **A No.**

19 Q All right. So I'll give you a few ground

20 rules, just to sort of tell you how this works.

21 Even though we're in an informal setting

22 today, this is a formal legal proceeding. Do you

23 understand that you're obligated to answer my

24 questions fully and truthfully as though you were

25 testifying before a judge in the courtroom?

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1 **District 9, Council person.**

2 Q And when were you elected to that

3 position?

4 **A 2017. And reelected in -- is that what**

5 **you want me to say?**

6 Q Please.

7 **A In '20 -- when was it, '21.**

8 Q Yeah, anything you -- yeah.

9 Before 2017, had you held elected office

10 anywhere else?

11 **A No.**

12 Q And do you hold other employment along

13 with your current role as --

14 **A Yes.**

15 Q Where is that?

16 **A Project Return.**

17 Q And what is Project Return.

18 **A They work with people who are justice**

19 **impacted.**

20 Q And what's your position with them?

21 **A Project manager.**

22 Q Before serving as a City Council person

23 in District 9, where were you employed prior to that?

24 **A Shaw Industries.**

25 Q Say that one more time?

1 says: Chattanooga City Council Member Anthony Byrd
2 has been appointed as the City Court Clerk and will
3 vacate his District 8 seat.

4 Do you recall Mr. Byrd vacating his
5 District 8 seat?

6 **A Yes.**

7 Q Do you recall speaking to Mr. Byrd about
8 redistricting before he vacated his seat?

9 **A No.**

10 Q Was Mr. Byrd's vacancy filled right away
11 after he vacated it?

12 **A Probably some weeks later.**

13 Q Not the next day, but several weeks
14 later?

15 **A Yes.**

16 Q It was -- the City Council appointed
17 someone to fill Mr. Byrd's seat on an interim basis;
18 is that correct?

19 **A Yes.**

20 Q And they did that in approximately
21 March 2022; is that right?

22 **A Yes.**

23 Q Who did the City Council appoint?

24 **A Councilwoman Marvene Noel.**

25 Q And so from this date, February 1, until

1 office. This is Bates stamped 952, and it's been
2 marked Exhibit B.

3 Are you familiar with this document?

4 **A Yes.**

5 Q And how are you familiar with it?

6 **A It popped up on my Calendar email.**

7 Q Did this meeting -- this Calendar invite,
8 did this meeting occur as scheduled?

9 **A Yes.**

10 Q So did you --

11 **A Well, we didn't meet in his office.**

12 Q You did not meet in his office. Where
13 did you meet?

14 **A Zoom.**

15 Q So this was a virtual meeting and it
16 occurred on February 3rd?

17 **A Yes.**

18 Q Did you request this meeting or did
19 Mr. Anderson request it?

20 **A Mr. Anderson.**

21 Q And why did he request it?

22 **A To go over the redistricting.**

23 Q Do you know if he was asked by the

24 Redistricting Committee to request that meeting with
25 you?

1 Ms. Noel was appointed by the City Council on an
2 interim basis, Mr. Byrd's seat was vacant; is that
3 right?

4 **A Yes.**

5 Q So in February of '22, District 9 was
6 surrounded on one side by a vacant district, and then
7 two of the other districts at that time were members
8 of the Redistricting Committee; is that correct?

9 **A Yes.**

10 MR. ELLIOTT: Well, I mean, the
11 district wasn't vacant; the office was,
12 the seat was vacant.

13 BY MR. WEEKS:

14 Q The seat was vacant; is that --

15 **A District 7 my district didn't border --**

16 **District 6 -- I'm sorry -- at that time.**

17 Q At that time, right.

18 MR. WEEKS: If I can mark this
19 Exhibit B.

20 (Coonrod Deposition Exhibit B was
21 marked for the record.)

22 BY MR. WEEKS:

23 Q I'm showing you a document that appears
24 to be a meeting invitation from Chris Anderson to you
25 dated February 3rd, to be held in Mr. Anderson's

1 **A No.**

2 Q What was your understanding of the
3 purpose of this meeting?

4 **A That we were going to talk about the
5 redistricting of my district.**

6 Q And did he bring a redistricting map with
7 him to this meeting?

8 **A He brought it up on screen.**

9 Q And did he send you any materials via
10 email for this virtual meeting?

11 **A No.**

12 Q Did he send you any -- any context, any
13 email with a description of what he wanted to talk
14 about?

15 **A No, not that I recall.**

16 Q How did this meeting go? Did he ask you
17 questions?

18 **A He just talked about the map. I saw the
19 visual of the map and, you know, the areas that they
20 moved out and what areas they put in.**

21 Q Okay. So, at this meeting, there are
22 already changes to the old district map that
23 Mr. Anderson was showing you?

24 **A Yes.**

25 Q Okay. And do you remember those changes?

1 **A Yes.**
 2 Q What were the changes?
 3 **A Mill Town was now moved in District 8.**
 4 Q Okay. Any others?
 5 **A I think Battery Heights -- well, a**
 6 **section across from Battery Heights, so they were**
 7 **moved out of 9 into 5. And -- well, the one across**
 8 **the street was moved from 5 to 9, and part of East**
 9 **Chattanooga was moved out of my district.**
 10 Q Okay.
 11 **A And it kind of extended down Brandon Road**
 12 **a little bit.**
 13 Q And what was your reaction to this -- to
 14 these changes?
 15 **A I worked hard on trying to get Mill Town**
 16 **developed, I would like to keep it in my district,**
 17 **and can we keep our communities whole. And Chris**
 18 **said that, well, we gave you all of Eastdale, you got**
 19 **all of Highland Park. And, you know, he kind of came**
 20 **from that way. And I was like, none of that matters,**
 21 **I still need this, I would like this section to be**
 22 **included.**
 23 Q Okay. And why was that so important to
 24 you?
 25 **A Because I had done worked hard by asking**

1 **developers to come in and fix in distressed**
 2 **neighborhoods in my district. So I still wanted that**
 3 **to remain in my district.**
 4 Q And presumably your constituents probably
 5 wanted it to remain?
 6 **A Yes.**
 7 Q Was this the first redistricting map that
 8 you saw?
 9 **A Yes.**
 10 Q So --
 11 **A Well, no.**
 12 Q No.
 13 **A They passed out like a map at City**
 14 **Council. I don't know if it was before this meeting**
 15 **or not. I can't remember. Okay. I know they passed**
 16 **us out a map.**
 17 Q Okay. Maybe we'll --
 18 **A It might have been before Byrd left. I'm**
 19 **not sure.**
 20 Q Maybe -- maybe we'll get to that, but if
 21 we get to that -- we're going to try to go relatively
 22 chronologically. But if we get to that point and
 23 it's a different map, maybe we can return to that
 24 question.
 25 **A Yes.**

1 Q Okay. Did you keep notes during this
 2 meeting of the changes that were proposed by
 3 Mr. Anderson?
 4 **A Not written down, I didn't.**
 5 Q Okay. Did you keep any other form of
 6 notes?
 7 **A Just mentally.**
 8 Q Mental notes. And so you made your
 9 position clear to Mr. Anderson that you thought that
 10 the Mill Town development should remain in your
 11 district. What other request did you make of
 12 Mr. Anderson?
 13 **A That I wanted to keep that East**
 14 **Chattanooga portion, and that was -- I wanted to make**
 15 **sure I still had Glad Street.**
 16 Q And why was that important?
 17 **A Because I've been asking people to come**
 18 **to develop, invest in it, part of my neighborhood, so**
 19 **I wanted to make sure it stayed in my neighborhood,**
 20 **in my district.**
 21 Q Is it the case that some districts in
 22 Chattanooga have to be made up of over 50 percent
 23 nonwhite residents?
 24 **A Well, that's what they say history said,**
 25 **yeah.**

1 Q And what's your understanding of the
 2 reason for that?
 3 **A I think, then, it was needed because of**
 4 **the makeup of City Council and the representation.**
 5 **It was effective then.**
 6 Q And now?
 7 **A Now I think that's not a true**
 8 **representation of our city, and I was very boisterous**
 9 **about it, that we surpassed three seats. And, you**
 10 **know, I think that our maps now should -- our**
 11 **district should reflect that. We shouldn't just be**
 12 **held captive to only three. We should be able to**
 13 **say, we're here now, black people have moved in our**
 14 **encounter areas, so let's -- four seats, five seats.**
 15 Q You think that three is too few?
 16 **A Exactly.**
 17 Q And you think -- and tell me if this
 18 isn't fair, but I'm going to try to rephrase what
 19 you're saying.
 20 You think that potentially by confining
 21 it to three seats you're taking away the other -- the
 22 ability of other districts, potentially, to be over
 23 50 percent?
 24 MR. ELLIOTT: I'm going to object
 25 to the form.

1 You can go ahead and answer.

2 **THE WITNESS: I can still answer?**

3 MR. ELLIOTT: Yeah.

4 **THE WITNESS: I think that by**
5 **keeping three black districts 50 percent,**
6 **it still keeps us in concentrated**
7 **poverty, because you're trying to loop us**
8 **all in that, and then we don't truly get**
9 **to represent our constituents.**

10 BY MR. WEEKS:

11 Q Are there specific districts that are
12 required to be 50 percent or more?

13 **A I don't think it's a specific district.**
14 **I just think they kind of draw it to look like it's**
15 **only our districts that we serve.**

16 Q Okay. So you could -- you could change
17 that. It wouldn't have to be District 9, for
18 instance; it could be another district?

19 **A Yes.**

20 Q Did you and Mr. Anderson discuss the
21 racial composition of District 9 during the
22 February 3rd meeting that we've just been discussing?

23 **A No.**

24 MR. WEEKS: If I can mark this
25 Exhibit C.

1 (Coonrod Deposition Exhibit C was
2 marked for the record.)

3 BY MR. WEEKS:

4 Q All right. I've handed you a document
5 that appears to be a set of emails between you and a
6 number of people, including Mr. Noblett, Emily
7 O'Donnell, Ronald Elliott and Chip Henderson?

8 **A Yes.**

9 Q Are you familiar with this document?

10 **A Yes.**

11 Q On the second page, on February 7th, you
12 write to Phil and you say -- and Emily O'Donnell, and
13 you say: Emily or Phil, I need your assistance with
14 locating the information that says the number of
15 districts for the Council that are supposed to be
16 majority minority districts.

17 What prompted you to ask this question?

18 **A Because they -- Chris said the law that**
19 **we have to have three majority minority districts,**
20 **and so I wanted to know because I felt like that**
21 **don't apply to us now, in today.**

22 Q Yeah.

23 **A So I reached out to the people on the**
24 **email, like, hey, can you pass -- send me that**
25 **information so I can see what it says, is it still**

1 **relevant for us today, is it -- you know, I just had**
2 **a lot of questions.**

3 Q Chris Anderson is -- you're -- when you
4 say Chris, you mean Chris Anderson?

5 **A For the -- no, I didn't put Chris on this**
6 **email. When Chris Anderson mentioned about the law**
7 **that you've got to keep 50 percent for three**
8 **districts, that's what prompted my email.**

9 Q And he mentioned that during that
10 February 3rd meeting?

11 **A Yes.**

12 Q And so now -- did you feel like your
13 question was answered through this email?

14 **A Kind of.**

15 Q Okay. And what was the answer?

16 **A Well, he -- they presented the**
17 **information about -- I forgot which judge it was, but**
18 **the Federal judge who made the ruling on it, that**
19 **kind of thing, and I still didn't agree with it.**

20 Q This is Judge Edgar that you're referring
21 to?

22 **A Judge Edgar.**

23 Q And did you bring this question back up
24 with Mr. Anderson at later meetings?

25 **A Not specifically to him, but to everybody**

1 **that was in the room when we discussed it, and I**
2 **brought it up and mentioned it.**

3 MR. WEEKS: If I could mark this
4 Exhibit D.

5 (Coonrod Deposition Exhibit D
6 marked for the record.)

7 BY MR. WEEKS:

8 Q Okay. I'm showing you a document that
9 appears to be a meeting invitation from Mr. Anderson
10 to you dated February 10th. This is Bates stamped
11 940.

12 This looks like it was meant to be held
13 on Google Meet, a virtual meeting. Are you familiar
14 with this document?

15 **A Yes.**

16 Q And how are you familiar with it?

17 **A It popped up on my Calendar invite.**

18 Q And did this meeting occur as scheduled?

19 **A Yes.**

20 Q Did anyone other than you and
21 Mr. Anderson attend this meeting on February 10th?

22 **A No.**

23 Q What was the purpose of this meeting?

24 **A To go over the map again.**

25 Q And was it a different map that you were

1 going over?

2 **A The same map, but with the changes that I**

3 **had talked about from the February 3rd meeting.**

4 Q Okay. Mr. Anderson had gone and made the

5 changes that you requested?

6 **A Yes.**

7 Q So this -- this meeting was scheduled

8 after your -- your emails with Phil and others about

9 the majority minority issue; is that right?

10 **A Yes.**

11 Q And did you discuss that issue in this

12 meeting?

13 **A I don't think we discussed it.**

14 Q Okay. What did you -- what did you and

15 Mr. Anderson talk about?

16 **A We talked about the map. We went over,**

17 **you know, I was able to keep Mill Town. Hester**

18 **wanted to keep the other portion, because he had**

19 **originally got put in my district. I think that's**

20 **probably about it.**

21 Q So during this meeting --

22 **A That I could remember.**

23 Q Excuse me.

24 **A I said that I could remember.**

25 Q Okay. So during this meeting

1 Mr. Anderson, I guess, relayed to you that Mr. Hester

2 had made a request of him to keep a certain portion

3 of -- a certain area in his district rather than have

4 that area be in your district?

5 MR. ELLIOTT: Object to the form.

6 **THE WITNESS: Yes.**

7 BY MR. WEEKS:

8 Q Is that correct?

9 **A Yes.**

10 Q And Mr. Anderson then showed you a map

11 that reflected a change based on Mr. Hester's

12 request?

13 **A And my request.**

14 Q Both requests?

15 **A Yes.**

16 Q What was the -- do you remember, was

17 there a descriptor for the portion of land that

18 Mr. Hester wanted to keep in his district rather than

19 be in District 9?

20 **A It's the portion -- I done forgot what**

21 **that neighborhood is called, but it's across from**

22 **Battery Heights. I think it's Gaylin Heights, maybe,**

23 **so that portion.**

24 Q Okay. And apologies if you said this.

25 But this map reflected the change to Mill

1 Town, that Mill Town would be in District 9?

2 **A Yes.**

3 Q Did Mr. Anderson send you any materials

4 for this meeting?

5 **A No.**

6 Q And did he show you a map -- sorry.

7 Did he send you a map?

8 **A No. For this meeting? No.**

9 Q Okay. And what did you do with the

10 information that Mr. Anderson provided to you during

11 this meeting?

12 **A I just retained it.**

13 Q Just retained it?

14 **A Yeah.**

15 Q And did you use it in public meetings or

16 how did you -- you know --

17 MR. ELLIOTT: Object to the form.

18 Go ahead.

19 **THE WITNESS: Once they had the**

20 **meeting about it, like we talked about it**

21 **in the meetings. I told Ms. Marvene, I**

22 **said -- I spoke to her at City Council**

23 **meeting and said you can have a copy of**

24 **my email. If they haven't given you a**

25 **map, you need to go over your district**

1 **boundaries.**

2 BY MR. WEEKS:

3 Q You knew that you would eventually have

4 to vote on districting; is that correct?

5 **A Once she got appointed, then I told her**

6 **that she needed to look at the map.**

7 Q Okay. And did -- did she follow through

8 with that?

9 **A I have no idea.**

10 Q You -- just to return, you knew that you

11 would eventually have to vote on redistricting; is

12 that right?

13 **A Yes.**

14 Q Was this information in the meetings with

15 Mr. Anderson, is that something that eventually

16 informed your vote on redistricting?

17 **A From the -- well, my mind was really made**

18 **up from the beginning. Yeah.**

19 Q How so?

20 **A Because I was dissatisfied with the**

21 **process.**

22 Q With the process, sure.

23 And what part of the process were you

24 dissatisfied with?

25 **A The entire thing.**

1 Q Were you dissatisfied with the fact that
2 the meetings weren't occurring publicly?

3 A Correct.

4 Q During this -- if we return to the
5 February 10th meeting, did you express any concerns
6 to Mr. Anderson about the redistricting process
7 during this meeting, the process that you've been
8 describing?

9 A No. Not at this meeting.

10 Q Did you have additional questions for him
11 during this meeting?

12 A No.

13 Q Did you have additional requests for your
14 boundaries during this meeting?

15 A No.

16 Q And did you keep notes during this
17 meeting?

18 A No.

19 Q Did Mr. Anderson keep notes that you
20 could tell?

21 A Not that I'm aware of.

22 Q If you were designing this process from
23 the ground up, how would you -- how would you have
24 done the redistricting process?

25 MR. ELLIOTT: I'm going to object

1 to the form, but you can answer as best
2 you can.

3 THE WITNESS: I would be inclusive
4 publicly, like Council members and the
5 public dialoguing about it. And how they
6 did it with county commissioners, that's
7 how I would do that same process.

8 BY MR. WEEKS:

9 Q Why is that important?

10 A Because people -- we're being
11 transparent. We're not, you know, saying, okay, we
12 want to keep all the black people in just one poor
13 district or, you know, all white people or whoever.
14 We just -- or we wouldn't be drawing maps based on
15 political affiliations.

16 (Siren.)

17 MR. ELLIOTT: One minute.

18 (Brief pause.)

19 BY MR. WEEKS:

20 Q What do you mean, based on political
21 affiliations?

22 A That it just wouldn't matter what the
23 person identified as, we would just be drawing and
24 making a fair drawing to serve people. It wouldn't
25 matter the way they vote or how many people,

1 50 percent black or 50 percent white or whatever it
2 is. We would just be drawing the numbers based on we
3 need this amount of people in the district.

4 Q When you talk about changes to the
5 district boundaries, those changes affect, at minimum
6 two districts, correct? If a -- let me put it a
7 different way.

8 If a boundary to District 9 changes, that
9 also changes a boundary to another district; is that
10 right?

11 A Yes.

12 Q So why do you think Mr. Anderson chose to
13 have individual meetings when these changes would
14 affect more than one?

15 MR. ELLIOTT: Object to the form.

16 THE WITNESS: I have no idea. I

17 think he met with everybody, is what I

18 would assume he done, but I'm not sure.

19 BY MR. WEEKS:

20 Q If it had been you, would you have had
21 individual meetings?

22 A No, I would have had public meetings so
23 our constituents can see and hear.

24 Q These -- okay.

25 MR. WEEKS: If we can look at Tab

1 7. If I could mark this Exhibit E.

2 (Coonrod Deposition Exhibit E
3 marked for the record.)

4 BY MR. WEEKS:

5 Q I'm handing you another meeting
6 invitation. This is February 17th, another Google
7 Meet meeting between you and Mr. Anderson. Are you
8 familiar with this document?

9 A Yes.

10 Q And did this meeting occur as scheduled?

11 A I think this one may have got rescheduled
12 or something.

13 Q Did you meet with Mr. Anderson for a
14 third time during February of 2022?

15 A I don't remember a third time. I do
16 remember we met twice. Well, we met once in the
17 office, so that could be included with three, but
18 there was two other people in the meeting.

19 Q Was that meeting in February of 2022?

20 A I don't know if it was in February or
21 not.

22 Q Okay.

23 A I feel like it wasn't.

24 Q It wasn't. Was it in April of 2022?

25 A It was right the date that we voted on

1 **the map, I think. Whatever date that was.**

2 Q So potentially April 26, 2022?

3 **A Uh-huh.**

4 Q Were there other -- who were the other
5 people in that meeting? You mentioned other people.

6 **A Joda and -- I can't think of the other
7 guy's name.**

8 Q Was it Andrew Sevigny?

9 **A Andrew, yes.**

10 Q Around this time in -- excuse me, yes.
11 By Joda, who do you mean by Joda?

12 **A He's a nobody. I mean --**

13 Q By Joda, do you mean the mayor's former
14 chief of staff?

15 **A Yes.**

16 Q And is his last name Thongnopnua? Is
17 that pronunciation correct?

18 **A I mean, I think so. I don't know how to
19 pronounce it.**

20 MR. ELLIOTT: I'd have a hard time
21 with that one too, Demetrus.

22 BY MR. WEEKS:

23 Q If we can -- in February of '22 at this
24 time, how many grocery stores were in your district?

25 **A None.**

1 Q None?

2 **A Well, the Hispanic grocery stores, like I
3 have several of those.**

4 Q And did you and Mr. Anderson discuss
5 whether there should be a grocery store within the
6 boundaries of your district?

7 **A We did.**

8 Q What was that discussion?

9 **A I'd like to keep this grocery store in my
10 boundaries.**

11 Q Okay. Was that --

12 **A They wanted to move the old Save A Lot to
13 District 8.**

14 Q And what were your -- what was your
15 opinion on moving the Save A Lot to District 8?

16 **A I said no.**

17 Q Why did you say no?

18 **A Because we didn't have a grocery store
19 and we had done told -- it was closed at that time,
20 but it was like, no, we need -- but he was in the
21 process of trying to get another store at the
22 location and we needed to keep it in our district.**

23 Q And in the map -- the first map that
24 Mr. Anderson showed you, was the Save A Lot in your
25 district?

1 **A It was in the district.**

2 Q And did -- were there changes to the map
3 to keep it in your district or did you -- were you
4 just expressing the opinion that it should remain in
5 your district, that the boundary of your district
6 should remain -- that the Save A Lot should remain
7 within the boundaries of the district?

8 **A Yeah, that the Save A Lot need to.**

9 Q We haven't talked much about Highland
10 Park yet. In the meetings we discussed in February
11 of 2022, did you discuss with Mr. Anderson whether
12 Highland Park should remain in your district?

13 **A No. I was told Highland Park, that you
14 now would have the entire Highland Park.**

15 Q That District 9 would not --

16 **A I said great.**

17 Q That was something you were happy about?

18 **A Yes.**

19 Q And do you know how that decision was
20 reached for all of Highland Park to be in your
21 district?

22 **A No -- well, Chris Anderson said they were
23 trying to keep communities whole.**

24 Q And prior to redistricting, part of
25 Highland Park was in which district?

1 **A District 8.**

2 Q And at this point there was no District 8
3 Council person; is that correct?

4 **A Not that I'm aware of. I don't think so.**

5 Q Do you know, did other Council members
6 give Mr. Anderson instructions? We talked about
7 potentially Mr. Hester relaying some -- you know, his
8 opinion on the boundaries to Mr. Anderson.

9 Are you aware of other Council members
10 doing the same?

11 **A No.**

12 Q Do you think that you and Mr. Hester were
13 the only Council members to give Mr. Anderson
14 instructions?

15 **A Probably not.**

16 Q Why not?

17 **A Because I'm sure he probably asked every
18 Council person. I mean, I would hope that he did.
19 I'm not sure if he did or not.**

20 Q Would you agree that it's important to
21 Council members to have some control over the
22 boundaries of their districts?

23 MR. ELLIOTT: Object to the form of
24 that, too.

25 Go ahead.

1 **THE WITNESS: I'm not sure if it**
 2 **was important to them because, if so,**
 3 **they would have been more boisterous**
 4 **about it.**

5 BY MR. WEEKS:

6 Q We were told yesterday by Mr. Anderson
 7 that he thinks you were the only Council member to
 8 express this type of instruction. Does that seem
 9 true to you?

10 **A Yes.**

11 Q It does seem true?

12 **A For -- the instruction for the**
 13 **boundaries?**

14 Q About the boundaries.

15 **A No, that's not true.**

16 Q That's not true. Why isn't it true?

17 **A Because he specifically said Hester**
 18 **wanted to keep Gaylin Heights in his district.**

19 Q So you know, from Mr. Anderson, that at
 20 least one other Council member expressed an opinion
 21 on the boundaries?

22 **A Yes.**

23 MR. WEEKS: All right. Let's do
 24 Tab 10. If I can mark this Exhibit F,
 25 please.

1 MR. ELLIOTT: Yes. And just for
 2 the record, the yellow highlights are
 3 from y'all, right?

4 MR. WEEKS: The yellow highlight is
 5 how it was produced to us.

6 MR. ELLIOTT: Okay.

7 BY MR. WEEKS:

8 Q On the third page here, we're in now in
 9 the agenda session minutes. We have -- under Other,
 10 it says: Councilwoman Byrd asked the Chairman for
 11 the redistricting recommendations to be placed on the
 12 April 5th agenda. The Chairman confirmed that
 13 addition to the agenda with Council staff.
 14 Councilwoman Coonrod inquired about informing
 15 constituents regarding their districting map, to
 16 which Chairman Anderson addressed. Upon no further
 17 questions or comments, the issue was closed.

18 So do you recall this discussion?

19 **A Yes.**

20 Q And what did you -- what -- what concern
 21 did you raise?

22 **A That we hadn't got input from our**
 23 **constituents. And they said, you know, well, each**
 24 **councilperson go and have me -- and show them the map**
 25 **and, you know, get their input, da, da, da. And, you**

1 (Coonrod Deposition Exhibit F
 2 marked for the record.)

3 BY MR. WEEKS:

4 Q I'm showing you a document titled
 5 Chattanooga City Council Strategic Planning Meeting.
 6 This is dated March 1st, 2022. We've marked it
 7 Exhibit F.

8 Are you familiar with this document?

9 **A Yes.**

10 Q Do you recall this meeting?

11 **A I'm not sure if I was at this meeting or**
 12 **not, but I remember it was on the email they sent**
 13 **out. I'm not sure.**

14 Q At Roman Numeral 2, Redistricting Report,
 15 if we look here on Page -- I guess it's on Page 2.

16 **A Sorry. I was there.**

17 Q Okay. So you were in attendance at this
 18 meeting?

19 **A Yeah, I was around in attendance, but**
 20 **around this time it was my dad started getting ill so**
 21 **I was absent around this time.**

22 Q Okay. Okay. That's good to know going
 23 forward so we can make sure that you were in
 24 attendance at the meetings that we're going to
 25 discuss.

1 **know, I was very adamant about that we all need to do**
 2 **it. Like we need the whole community sessions. The**
 3 **administration needs to go out to the communities,**
 4 **too, since they're the ones who drew the map.**

5 **So I was at the whole one meeting and got**
 6 **the input, but I'm not sure if anybody else done**
 7 **that.**

8 Q Do you recall around this same time a
 9 presentation given by Mr. Anderson to the City
 10 Council?

11 **A Yes.**

12 MR. WEEKS: Okay. If we could do
 13 Tab 9. I'll mark this Exhibit G.

14 (Coonrod Deposition Exhibit G
 15 marked for the record.)

16 BY MR. WEEKS:

17 Q Okay. I'm showing you a document dated
 18 March 1st, 2022. Is this the presentation that you
 19 recall Mr. Anderson giving on March 1st, 2022?

20 **A Yes.**

21 Q What was your reaction to this
 22 presentation given by Mr. Anderson?

23 **A I felt like that -- like I stated before,**
 24 **like we didn't really have no input in it. Like, it**
 25 **was just a map that the administration drew and gave**

1 **and voice their concerns during our public comments**
 2 **session, and email all the Council members with your**
 3 **concerns.**
 4 Q Was Ms. Dotley at this meeting?
 5 **A No.**
 6 Q Who is Ann Pierre?
 7 **A The president of the NAACP.**
 8 Q Was Ms. Pierre at this meeting?
 9 **A No.**
 10 Q Who was Mr. Atkins?
 11 **A He's part of the Unity Group.**
 12 Q Was he at this meeting?
 13 **A No.**
 14 Q Were Ms. Pierre and Mr. Atkins at the
 15 earlier meeting that we discussed?
 16 **A At Eastside, yes.**
 17 Q At Eastside. Did Ms. Pierre and
 18 Mr. Atkins contribute at the Eastside meeting?
 19 **A Yes.**
 20 Q What did they say?
 21 **A They were concerned about the process.**
 22 **They were concerned about the percentages. They**
 23 **wanted to know how did we get the numbers, the amount**
 24 **of people per district. They was real boisterous,**
 25 **and Dr. Holmes was boisterous about it, too.**

1 Q And one more, who is Dennis Clark?
 2 **A Dennis Clark, he lives in District 5, but**
 3 **he's a part -- he's a member of the NAACP and the**
 4 **Unity Group, he attended.**
 5 Q And did he attend that Eastside meeting,
 6 as well?
 7 **A He was at the Eastside meeting.**
 8 Q And did he raise concerns?
 9 **A No, he didn't raise any concerns when he**
 10 **was there.**
 11 Q After you heard these concerns both at
 12 the Eastside meeting and this meeting, what did you
 13 do with that information?
 14 **A I, you know, took notes and then was**
 15 **prepared to talk about it at Council on Tuesday.**
 16 **Raquetta Dotley had entered the room after the**
 17 **meeting had started. She sat to the side, kind of**
 18 **took notes. So by the time we had our tools to**
 19 **meet -- and she talked about what we talked about at**
 20 **the meeting.**
 21 Q Just to return. Ms. Dotley was at the
 22 Eastside meeting?
 23 **A Yes.**
 24 Q And when you say the Tuesday meeting, you
 25 were talking about the next City Council session?

1 **A Yes.**
 2 Q Did you raise the concerns that your
 3 constituents brought forward in these two meetings
 4 with Mr. Anderson?
 5 **A No. He was at the City Council meeting.**
 6 MR. WEEKS: If we could do Tab 21.
 7 Mark this Exhibit N, please.
 8 (Coonrod Deposition Exhibit N
 9 marked for the record.)
 10 BY MR. WEEKS:
 11 Q So I'm showing you an exhibit that
 12 appears to be a string of emails, starting with one
 13 from Mr. Sevigny to Councilwoman Noel on April 14th,
 14 2022. Are you familiar with this document?
 15 **A Yes.**
 16 Q How are you familiar with it?
 17 **A Because they had already presented**
 18 **that -- well, I'm not familiar with this document,**
 19 **but they talked about it in the meeting, how they**
 20 **needed to make some changes.**
 21 Q Okay.
 22 **A And then they were supposed to get with**
 23 **us because it was going to affect our district. They**
 24 **met with Ms. Marvene, but they met with me the day of**
 25 **that we was going to vote for the -- these changes.**

1 Q So they -- tell me if this is a fair
 2 restatement.
 3 They met with Ms. Noel first to talk
 4 about this, and then after that they met with you?
 5 MR. ELLIOTT: Can you clarify who
 6 they was?
 7 MR. WEEKS: Yeah.
 8 BY MR. WEEKS:
 9 Q Who do you mean by they?
 10 **A Chris Anderson knew, and Andrew knew, met**
 11 **with Noel first. Then they met with me the day of.**
 12 **The vote date is the day that I found out that**
 13 **Glenwood would be split. So I'm not sure why she**
 14 **forwarded it to Raquetta, because, again, at this**
 15 **time I'm not -- I don't think she was the chair.**
 16 Q Okay. And Mr. Sevigny here, he says:
 17 Good morning, Councilwoman Noel. Attached are two
 18 potential tweaks.
 19 And then skipping ahead, he says: Option
 20 1, this map would split Alton Park by putting the
 21 area of southeast 38th Street and east of Central
 22 Ave. into District 8. Option 2, this map would not
 23 split Alton Park, but would instead split Glenwood
 24 between Districts 8 and 9.
 25 Did you receive a similar request from

1 Mr. -- did you receive a similar email from
2 Mr. Sevigny?

3 **A No.**

4 Q Do you think you should have been aware
5 of this conversation?

6 **A Yes. But they forwarded it to -- it was
7 forwarded to Councilwoman Dotley, which would have --
8 one of the options would have affected her district,
9 but they didn't forward anything to me.**

10 Q They didn't forward --

11 **A Yeah.**

12 Q Why not?

13 MR. ELLIOTT: Object to the form.

14 MR. WEEKS: What's the objection?

15 MR. ELLIOTT: Because you asked why
16 not. Unless it was expressed to her why
17 somebody said not, you're lacking
18 foundation.

19 MR. WEEKS: I'm not.

20 Go ahead. Why not?

21 **THE WITNESS: I have no idea.**

22 BY MR. WEEKS:

23 Q Do you think your constituents should
24 have been made aware of this decision?

25 **A Yes.**

1 Q Which -- looking at the -- let's see.
2 Are you aware that this set of emails was
3 also forwarded to Councilman Ledford?

4 **A No.**

5 Q Do these changes affect District 4?

6 **A No.**

7 Q If Councilman Ledford received this
8 email, shouldn't you also have received this email?

9 **A Yes. Who sent it to Ledford?**

10 MR. WEEKS: If we could do Tab 20.

11 If we could mark this as Exhibit O,
12 please.

13 (Coonrod Deposition Exhibit O
14 marked for the record.)

15 BY MR. WEEKS:

16 Q So I'm handing you a set of -- another
17 set of emails. This contains the same email from
18 Mr. Sevigny to Ms. Noel, copying Mr. Anderson and
19 Ms. Gwyn, and here on April 18th we have forwarding
20 from Mr. Anderson to Mr. Ledford.

21 **A So I assume they may have sent it to them
22 because it may have -- I guess the chairs had changed
23 and Ledford became the chair and she was the vice
24 chair. I guess that's the only reason I could see
25 they forwarded it to him.**

1 Q Are you aware of whether this was
2 forwarded to anyone else?

3 **A No, but it would seem to me that the
4 clerk would have just sent it to them instead of
5 Chris.**

6 Q Had these two options been discussed at a
7 public meeting prior to this email?

8 **A No.**

9 Q And apologies if you've already answered
10 this, but when did you first hear about these two
11 options?

12 **A When I met with Chris, Joda and Andrew.**

13 MR. WEEKS: Okay. If we could look
14 at Tab 22. We're marking this Exhibit P.
15 (Coonrod Deposition Exhibit P
16 marked for the record.)

17 BY MR. WEEKS:

18 Q I'm showing you what appears to be a
19 meeting invite from -- it's from Mr. Andrew -- or
20 let's see -- to you, Mr. Anderson, Mr. Sevigny to
21 Joda Thongnopua and to Tim Moreland. Is this the
22 meeting that you're referring to?

23 **A Yes.**

24 Q This meeting took place on April 19th.
25 This was the first time that you heard about this set

1 of options?

2 **A Yes.**

3 Q Who attended this meeting?

4 **A Chris, Joda and Andrew.**

5 Q Not Mr. Moreland?

6 **A No.**

7 Q What was discussed in this meeting?

8 **A The change with Glenwood, and they talked
9 about how it could have been -- you know, Island Park
10 was an option. They talked about that. They talked
11 about Glenwood. I asked why I wasn't informed prior
12 to this, and so it got heated. I told Chris that he
13 didn't have no business having his input in our
14 district redistricting, and -- yeah, it just -- that
15 was it.**

16 Q What did Mr. Anderson say to that?

17 **A Nothing important.**

18 Q Did he say anything at all?

19 **A Yeah, he said a lot.**

20 Q What did he say?

21 **A He was just frustrated because I didn't
22 agree with the process.**

23 Q You mentioned that the meeting was
24 heated. Is -- are you describing your own reaction
25 to the information that you were receiving in this

1 meeting?

2 **A To mine's and Chris and Joda's.**

3 Q All three of you were heated?

4 **A Yeah.**

5 Q And were you given a choice between the
6 two options that were -- we just looked at in that
7 email?

8 **A No.**

9 Q Did you express an opinion on the
10 decision to go with the second option?

11 **A No.**

12 Q Were you informed that -- well, were you
13 informed that one of the two options would be chosen?

14 **A Yeah, these -- well, these were the**
15 **option, basically. This is it. We're moving**
16 **Glenwood in 8. And why, because I wanted to know,**
17 **you're splitting my neighborhood up after we said we**
18 **were keeping them together. And it kind of went from**
19 **there. Like, we should have had some input about it**
20 **instead of a decision just being made. And he said,**
21 **well, Marvene, this is the first time I met -- we met**
22 **with Marvene over her map. And I said, well, she**
23 **already had a map because I gave her my map. And**
24 **during this whole time we've done been discussing,**
25 **she's been present and had an opportunity to look at**

1 a map.

2 **So -- and I said that was just a poor**
3 **excuse because she had just as much time as we had**
4 **with the map.**

5 Q How did you use the information that you
6 learned during this meeting?

7 **A I just -- you know, I didn't. I just**
8 **said fuck it, they're going to do what they want to**
9 **do anyway.**

10 Q Did it inform your eventual vote?

11 **A No. My mind was already made up at the**
12 **beginning.**

13 Q During this meeting, did Mr. Anderson or
14 any of the other people in this meeting tell you that
15 Ms. Noel had approved of Option 2?

16 **A Yeah, that's the one that she would**
17 **rather have because she didn't think it made sense to**
18 **have that Alton Park section.**

19 Q They gave her a choice and she chose
20 Number 2?

21 **A Right.**

22 Q Did you take notes during this meeting?

23 **A No.**

24 Q Did Mr. Anderson?

25 **A No.**

1 Q You mentioned that your mind was made up.
2 At what point was your mind made up regarding the
3 vote?

4 **A My mind was made up when the process**
5 **didn't go how I expected it to go. I knew I wasn't**
6 **going to vote for it.**

7 (Coonrod Deposition Exhibit Q
8 marked for the record.)

9 BY MR. WEEKS:

10 Q I've handed you a document that's a --
11 that's titled City Council of Chattanooga
12 Redistricting, Presented on April 19th, 2022. This
13 is defendant's production Bates stamp 790.

14 Are you familiar with this document?

15 **A Yes.**

16 Q Do you recall this presentation?

17 **A Yes.**

18 Q What changed between the map that was --
19 so was a map presented at this presentation?

20 **A Yeah, they showed the map.**

21 Q And were there changes between this map
22 and the map that you were previously presented on
23 March 1st?

24 **A Yes.**

25 Q What changed?

1 **A My numbers changed. It was like I**
2 **became, I think, 51 percent, 51 percent.**

3 Q And did your boundaries change?

4 **A My boundaries changed.**

5 Q How did your boundaries change?

6 **A Glenwood was removed out of my district.**

7 Q Any other changes that you can recall?

8 **A That was it, that I recall.**

9 Q All right. If we can compare the email
10 to Ms. Noel to the maps here, which of the two
11 options presented to Ms. Noel do these maps reflect?

12 **A It's the Alton Park, the one with the**
13 **Alton Park portion.**

14 Q The one that kept off --

15 **A I'm not familiar with that district, with**
16 **District 8, like that, but this one (indicating) I**
17 **know is part Glenwood.**

18 Q This map split --

19 **A It's that East Chattanooga portion.**

20 Q This map -- this map splits Glenwood; is
21 that right?

22 **A Uh-huh.**

23 Q This is the option that Ms. Noel chose?

24 **A Yes. It looks like they moved the line**
25 **over.**

1 questions. Just a few.
 2 EXAMINATION
 3 BY MR. ELLIOTT:
 4 Q Just to clarify, you did not participate
 5 in any of the Redistricting Committee meetings?
 6 A No.
 7 Q Okay. So you don't know what happened or
 8 what was said in those meetings?
 9 A No.
 10 Q Okay. And you didn't -- you didn't
 11 participate in any of Mr. Anderson's meeting with any
 12 of the other Council members, did you?
 13 A No.
 14 Q Relative to redistricting?
 15 A Correct.
 16 Q And so you don't know what happened or
 17 what was said in those meetings?
 18 A No.
 19 Q And you didn't discuss Gaylin Heights
 20 with Mr. Hester at all, did you?
 21 A No.
 22 Q And you had your opportunity to raise
 23 your concerns about the process and about the maps in
 24 a public meeting?
 25 MR. WEEKS: Objection.

1 **THE WITNESS: Every time, I did.**
 2 BY MR. ELLIOTT:
 3 Q Okay. And, in fact, you did, did you
 4 not?
 5 MR. WEEKS: Objection.
 6 **THE WITNESS: I did.**
 7 MR. ELLIOTT: That's all I have.
 8 MR. WEEKS: One question on
 9 redirect.
 10 EXAMINATION
 11 BY MR. WEEKS:
 12 Q You know what Mr. Anderson told you about
 13 his meetings with other individual Council members;
 14 is that right?
 15 MR. ELLIOTT: Object to the form.
 16 **THE WITNESS: He didn't say that**
 17 **they met. He just said, Hester would**
 18 **like to have -- keep Gaylin Heights. I**
 19 **think that's the area.**
 20 MR. WEEKS: Okay. Thank you.
 21
 22 (Thereupon, the deposition was
 23 concluded at approximately 10:40 a.m.)
 24
 25

1
 2 _____
 3 DEMETRUS COONROD
 4
 5 Subscribed and sworn to before me
 6 this ____ day of _____, 2023.
 7 _____
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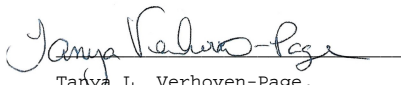
1 C E R T I F I C A T E
 2
 3 STATE OF GEORGIA:
 4 FULTON COUNTY:
 5
 6 I hereby certify that the foregoing
 7 deposition was reported, as stated in the
 8 caption, and the questions and answers
 9 thereto were reduced to written page
 10 under my direction, that the preceding
 11 pages represent a true and correct
 12 transcript of the evidence given by said
 13 witness.
 14 I further certify that I am not of
 15 kin or counsel to the parties in the
 16 case, am not in the regular employ of
 17 counsel for any of said parties, nor am I
 18 in any way financially interested in the
 19 result of said case.
 20 Dated this 10th day of August,
 21 2023.
 22
 23 
 24 Tanya L. Verhoven-Page,
 25 Certified Court Reporter,
 B-1790.

Exhibit 26

AGENDA SESSION MINUTES

Chattanooga City Council

February 15, 2022

Call to Order

Council Chairman Chip Henderson called the meeting to order at 3:30 p.m. in the Assembly Room of the John P. Franklin, Sr. City Council Building. A quorum was present, including Vice Chairman Ken Smith and Councilpersons Jenny Hill, Darrin Ledford, Isiah Hester, Carol Berz, Raquetta Dotley, and Demetrus Coonrod. Others present were Emily O'Donnell, City Attorney, and Keren Campbell, Council Support Specialist.

Others in Attendance

Mayor's Office: Tim Kelly, Mayor; Joda Thongnopnua, Chief of Staff; and Mary Lambert, Community Health Director // Finance: Brent Goldberg, Chief Finance Officer

Approval of Minutes

On motion of Vice Chairman Smith and seconded by Councilwoman Dotley, the minutes of the last meeting (February 8, 2022) were approved as published.

Ordinances (Final Reading) – Agenda Items 5A, 5B, 5C, 5D, 5E, 5F & 5G

These items had been discussed at previous open meetings. Upon no questions or comments, the issues were closed.

Ordinances (First Reading) – Agenda Items 6A

This item had been discussed at previous open meetings. Upon no questions or comments, the issue was closed.

Ordinances (First Reading) – Agenda Items 6B

Councilwoman Coonrod requested further information on this item at the Council Meeting. Upon no further comments or questions, the issue was closed.

Ordinances (First Reading) – Agenda Items 6C

This item had been discussed at previous open meetings. Upon no questions or comments, the issue was closed.

Resolutions – Agenda Items 7A

Councilman Ledford asked Mr. Thongnopnua and Dr. Lambert for further information on this item. He also inquired about individuals helping to create policy and the interacting with the Hamilton County Health Department. Upon no further questions or comments, the issue was closed.

Resolutions – Agenda Items 7B, 7C, 7D, 7E, 7F & 7G

These items had been discussed at previous open meetings. Upon no questions or comments, the issues were closed.

Purchasing Questions

Councilwoman Coonrod asked Mr. Thongnopnua for an update on the RFP. Chairman Henderson inquired about the services being provided. Upon no further questions or comments, the issue was closed.

February 22nd Agenda

Councilman Ledford stated the he would possibly be seeking to move item 6a.

Councilwoman Coonrod inquired from Mr. Thongnopnua about the steps taken regarding the appointment in item 7f. She also expressed concerns about items such as these coming before the Council.

Upon no further questions or comments, the issue was closed.

Other

Councilwoman Berz asked that the report from the Redistricting Committee be brought before Council at the next Strategic Planning Meeting. Chairman Henderson instructed Council Staff to add this item to the March 1st Strategic Planning agenda.

Councilwoman Berz requested that the Agency Allocations presentation be done at the March 1st Strategic Planning Meeting. The Chairman asked Council Staff to schedule the presentation and inquired from Mr. Goldberg about ensuring that use of funds proposal as well as agency appropriations were added to the presentation.

Mr. Thongnopnua introduced Karitsa Mosley Jones, Mayoral Appointee as Administrator for the Department of Early Learning.

Upon no further questions or comments, the issue was closed.

Department Report ~ Administrative Changes

Mayor Kelly informed the Council of the following administrative changes and mayoral appointments: Chris Anderson, Senior Advisor for Legislative Initiatives, and Tim Moreland, Administrator for the Department of Innovation Delivery and Performance. Upon no further questions or comments, the issue was closed.

Adjournment

There being no further business, Chairman Henderson adjourned the meeting at 4:01 p.m.

Exhibit 27

CHATTANOOGA CITY COUNCIL
ASSEMBLY ROOM OF THE COUNCIL BUILDING
STRATEGIC PLANNING MEETING
RECAP – MARCH 1, 2022

- I. **2:00 p.m. Call to Order**: Chairman Henderson called the meeting to order at 2:03 p.m. in the Assembly Room of the John P. Franklin Sr. City Council Building. A quorum of eight was present that also included Councilpersons Ledford, Hester, Berz, and Dotley. Councilwoman Coonrod arrived after the call to order. Deputy City Attorney Noblett and Council Clerk Gwyn were also present. Councilpersons Smith and Hill were not present at this meeting.

- II. **Redistricting Committee Report**: Councilwoman Berz made introductory remarks about the process for the ad hoc committee working on a redistricting recommendation. She then introduced Mr. Anderson, who gave a presentation titled “City Council of Chattanooga Redistricting” that included information on the requirements, process used, and proposed districts. Afterwards, Mr. Anderson, with assistance from Mr. Sevigny, responded to questions from the Council. After some discussion, Mr. Anderson agreed to change the language on the requirements slides regarding the “rule of 10-percent.” Mr. Anderson also distributed proposed district maps to those councilpersons present. He noted that the proposed map was available now on the Open Data portal. The redistricting legislation will be readdressed at the first Strategic Planning meeting in April.

- III. **Agency Appropriations**: Mr. Goldberg gave a presentation on “Agency Appropriations.” Among other things, he discussed the three types of agency appropriations, the FY23 non-profit agency requests, and the use of contracts versus agency appropriations.

- IV. Other Business Status
 - A. Pending Legislative Matters (None)
 - B. Pending Presentations/Education Sessions
 - 1. **District 8 Appointee Interviews/Vote/Oath**: Discussion ensued about where to place the District 8 interviews on the 3/8 Council agenda. By consensus, the Council decided to hold interviews at 3:00 p.m. on 3/8 and proceed later that day with the nomination(s) and vote during the “Other Business” section at the 6:00 p.m. meeting. The Oath of Office will be administered after the vote.
 - 2. **Orientation for District 8 Councilperson** 3/15 at 12:00 p.m.
 - C. Future Legislation/Education Sessions

- V. Administrative Items for Future Consideration: 3/15 agenda and beyond

- VI. Council Agendas
 - A. Agenda for 3/1
 - 1. 3:30 p.m. Agenda Session
 - a) Department Report: Open Data Presentation
 - 2. Committee: Planning and Zoning
 - 3. 6:00 p.m. Council Meeting
 - B. Agenda for 3/8
 - 1. Agenda Session
 - 2. Attorney-Client Meeting (Closed Session)
 - 3. Committees: Parks and Public Works
 - 4. 6:00 p.m. Council Meeting

City's Responses to RFP 07/17/2023 000446

- VII. Board Appointments
 - A. Current Vacancies
 - 1. Health, Educational & Housing Facility Board (1 seat)
 - 2. Industrial Development Board (2 seats: Districts 5 and 8 appointees needed)
 - 3. Sports Authority Board (District 8)
 - B. Upcoming Vacancies

- VIII. Adjournment

- IX. Attorney-Client Meeting (Closed Session after the Agenda Session today)

Exhibit 28

AGENDA SESSION MINUTES

Chattanooga City Council

March 1, 2022

Call to Order

Council Chairman Chip Henderson called the meeting to order at 4:00 p.m. in the Assembly Room of the John P. Franklin, Sr. City Council Building. A quorum of five was present, including Councilpersons Darrin Ledford, Isiah Hester, Carol Berz, and Demetrus Coonrod. Others present were Phil Noblett, Deputy City Attorney, and Keren Campbell, Council Support Specialist. Vice Chairman Ken Smith and Councilpersons Jenny Hill and Raquetta Dotley were not present.

Others in Attendance

Mayor's Office: Joda Thongnopnua, Chief of Staff; Department of Innovation Delivery and Performance: Tim Mooreland, Administrator, and Andrew Sevigny, Director of Office of Performance Management & Open Data; Economic Development: Jermaine Freeman, Senior Advisor for Economic Opportunity & Interim Administrator; Department of Equity & Community Engagement: Tamara Steward, Chief Equity Officer

Approval of Minutes

On motion of Councilman Ledford and seconded by Councilwoman Coonrod, the minutes of the last meeting (February 22, 2022) were approved as published.

Resolutions – Agenda Items 7A

Councilwoman Berz asked Mr. Freeman to correct the wording on this item to reflect improvements on “facilities,” not “providers.” Mr. Freeman agreed. Councilman Hester inquired about past funds for Early Learning. Upon no questions or comments, the issues were closed.

Resolutions – Agenda Items 7B

This item had been discussed at previous open meetings. Upon no questions or comments, the issue was closed.

March 8th Agenda

Chairman Henderson announced that next week, March 8th at 3:00 p.m., the Council will interview applicants for the District 8 Interim Appointment. Applicants will be given 3 minutes each to address the Council on why they would be best for the appointment. On the same day, during the “Other Business” portion of the 6:00 p.m. Council Meeting, the Council will make nominations and vote on the appointee. A city judge will be present to swear in the applicant with the majority vote, who will take the seat therein.

Mr. Thongnopnua spoke to items 7a & 7b and introduced Ms. Steward to the Council who answered questions from Councilman Ledford regarding future goals.

Upon no further questions or comments, the issue was closed.

Future Considerations (3 Week Agenda)

Councilwoman Coonrod had questions for Mr. Thongnopnua regarding the Stadium Corporation Board and asked for an updated list of vacancies for each board. Upon no further questions or comments, the issue was closed.

Other

Councilwoman Berz asked the Chairman for the redistricting recommendations to be placed on the April 5th agenda. The Chairman confirmed that addition to the agenda with Council staff. Councilwoman Coonrod inquired about informing constituents regarding the redistricting map, to which Chairman Henderson addressed. Upon no further questions or comments, the issue was closed.

Department Report ~ Open Data Presentation

Mr. Thongnopnua introduced Mr. Mooreland and Mr. Sevigny, who gave a presentation on Open Data that covered the following:

- Open Data Week
- Calendar of Events
- What is Open Data
- Open Data: The numbers
- Unique Rows of Data
- What's next for the open data program

Upon no further questions or comments, the issue was closed.

Adjournment

There being no further business, Chairman Henderson adjourned the meeting at 4:21 p.m.

Exhibit 29



Chattanooga City Council
Chattanooga, Tennessee
John P. Franklin, Sr. City Council Building

COUNCIL MEETING MINUTES

March 29, 2022

6:00 PM

CALL TO ORDER

Council Chairman Chip Henderson called the meeting to order. A quorum of eight was present that also included Vice-Chairman Ken Smith and Councilpersons Carol Berz, Demetrus Coonrod, Raquetta Dotley, Isiah Hester, Jenny Hill, Darrin Ledford, and Marvene Noel. Others present were Phil Noblett, Deputy City Attorney, and Nicole Gwyn, Council Clerk. Video of the meeting is available on YouTube by clicking [here](#).

PLEDGE OF ALLEGIANCE

Councilman Ledford led the Assembly in the Pledge of Allegiance.

SPECIAL PRESENTATION

Public Info Session on Redistricting

Chairman Henderson yielded the chair of the meeting to Councilwoman Berz, who explained the process for the public input session. Councilwoman Berz went through slides that covered the following information:

- Requirements and considerations
- Current Council Districts with 2020 Population
- Proposed Major Changes
- Proposed Council District with 2020 Population

She opened the floor to anyone wishing to address the Council on the redistricting. She allotted each person two minutes and announced that the hearing would last up to one hour. She recognized the following speakers on redistricting:

[Dr. Everlena Holmes](#)
[Theresa Turner](#)
[Helen Burns Sharpe](#)
[Eric Atkins](#)

[Audrey Ramsey](#)
[Marie Mott](#)
[Donald Sanderfur](#)

Upon no further speakers, Councilwoman Berz ended the public input session at 6:29 p.m. She then yielded the chair of the meeting back to Chairman Henderson.

APPROVAL OF LAST MINUTES

On motion of Vice Chairman Smith and seconded by Councilwoman Dotley, the minutes of the last meeting (March 22, 2022) were approved as published.

ORDINANCES – FINAL READING:

2022-0014
Tyrone Byrd
Planning Commission Version
District No. 2

On motion of Councilwoman Hill and seconded by Councilman Ledford,

ORDINANCE #13794

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 3838 AND 3840 HIXSON PIKE, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Berz moved to approve. Councilwoman Dotley seconded. The motion carried.

ACTION: APPROVED

ORDINANCES – FIRST READING:

ORDINANCE #13795

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ARTICLE XX, ADDING A NEW SECTION 11-519, ENTITLED, "MORATORIUM ON THE ACCEPTANCE OF SHORT TERM VACATION RENTAL APPLICATIONS FOR NON-OWNER, OCCUPIED RENTAL PROPERTIES," WHICH ARE NOT THE PRIMARY RESIDENCE OF THE APPLICANT, FOR A PERIOD BEGINNING MARCH 22, 2022, UP TO AND INCLUDING, JANUARY 9, 2023.

Vice Chairman Smith moved to approve with the intent to amend. Councilman Ledford seconded. Based upon language submitted by Chairman Henderson, Vice Chairman Smith moved to amend by *deleting "...for a period beginning March 22, 2022..."* and adding *"...a period beginning on the effective date of this ordinance up to and including January 9, 2023."* Councilman Ledford seconded.

Councilwoman Hill moved to table and offered to amend by deleting *"...a period beginning March 22..."* and adding *"...beginning one month from the passage of this*

ordinance.” Councilman Ledford seconded. The motion failed (2-7) upon roll call vote as follows:

Hill	YES	Noel	NO
Ledford	YES	Coonrod	NO
Hester	NO	Smith	NO
Berz	NO	Henderson	NO
Dotley	NO		

Vice Chairman Smith moved to approve as amended. Councilman Ledford seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED AS AMENDED ON FIRST READING

RESOLUTIONS:

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the following four resolutions for one Council vote.

RESOLUTION #31063

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A CONTRACT WITH THOMSON REUTERS-WEST FOR CLEAR LAW ENFORCEMENT PLUS AND ENCLR PROFLEX LPR SOFTWARE APPLICATION SUBSCRIPTION FOR A THREE (3) YEAR TERM, FOR YEAR ONE (1), IN THE AMOUNT OF \$54,000.00; YEAR TWO (2), NOT TO EXCEED \$55,000.00; AND YEAR THREE (3), NOT TO EXCEED \$57,000.00, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$165,000.00, FOR THE THREE (3) YEAR TERM.

RESOLUTION #31064

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. Y-21-021-201, JOHN A. PATTEN COMMUNITY BUILDING – HVAC INSTALLATION, TO CAGLE DEVELOPMENT LLC, OF CHATTANOOGA, TN, IN THE AMOUNT OF \$1,474,000.00, WITH A CONTINGENCY IN THE AMOUNT OF \$100,000.00, FOR A TOTAL AMOUNT OF \$1,574,000.00.

RESOLUTION #31065

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. R-21-006-201, MULTIPLE TENNIS COURTS IMPROVEMENTS AT THE BATTERS PLACE RECREATIONAL FACILITY, TO COMPETITION ATHLETICS SURFACES, INC., OF CHATTANOOGA, TN, IN THE AMOUNT OF \$133,701.20, WITH A CONTINGENCY AMOUNT OF \$13,500.00, FOR A TOTAL AMOUNT OF \$147,201.20.

RESOLUTION #31066

A RESOLUTION RESCINDING RESOLUTION NO. 30995 TO CLARIFY PROJECT FUNDING SOURCES, PROJECT OWNERSHIP, AND REGULATORY COMPLIANCE REQUIREMENTS; AND AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO EXECUTE A REVISED MEMORANDUM OF UNDERSTANDING WITH THE INDUSTRIAL DEVELOPMENT BOARD FOR THE CITY OF CHATTANOOGA FOR DESIGN AND CONSTRUCTION OF MULTIPLE WET-WEATHER STORAGE FACILITIES TO REDUCE WET-WEATHER WASTEWATER OVERFLOWS WITHIN THE REGIONAL WASTEWATER COLLECTION SYSTEMS RELATIVE TO THE ENVIRONMENTAL AND ECONOMIC INFRASTRUCTURE IMPROVEMENT PROJECT (E2I2) WITH THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY.

Councilman Hester moved to approve. Councilwoman Dotley seconded. The motion carried.

ACTION: RESOLUTIONS 31063 - 31066 ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases

Julia Bursch, Deputy Chief Operating Officer, briefed the Council on the following proposed purchases:

REQ113932City Wide Services Division, Public Works **\$51,050.00**
Rock Salt
Lowest/Best Bidder: Compass Minerals America Inc
P.O. Box 277043
Atlanta, GA 30384

200159City Wide Services Division, Public Works **\$50,000.00**
Bags of Ice
Lowest/Best Bidder: Tennessee Valley Ice Company
4116 S Creek Road
Chattanooga, TN 37406

200162City Wide Services Division, Public Works **\$125,000.00**
Grounds Maintenance for City Right-of-Ways (Short Properties)
Lowest/Best Bidder: Excellent Lawncare LLC
6050 Shallowford Road
P.O. Box 23203
Chattanooga, TN 37422

200163City Wide Services Division, Public Works **\$95,000.00**
Grounds Maintenance for City Right-of-Ways (Long Properties)
Lowest/Best Bidder: Excellent Lawncare LLC
6050 Shallowford Road
P.O. Box 23203
Chattanooga, TN 37422

REQ113695Athletic Facilities, Parks & Outdoors \$56,169.56
Bobcat S-770 Skid Steer for Warner Park
Lowest/Best Bidder: Bobcat of Chattanooga
4288 Bonny Oaks Drive
Chattanooga, TN 37406

200175Parks Maintenance Division, Parks & Outdoors \$225,000.00
Turf Treatment & Athletic Field Maintenance at Select City Parks
Lowest/Best Bidders:
1. River City Athletic Fields - 9013 W. Old Lovelady Road, Hixson, TN 37343
2. Weed Man Lawn Care - 6921 Middle Valley Road Suite 112, Hixson, TN 37343

REQ113697Chattanooga Police Department \$51,747.17
Ammunition
Lowest/Best Bidder: Percision Delta Corporation
205 W Floyce Street
Ruleville, MS 38771

Councilwoman Hill moved to approve. Councilwoman Dotley seconded. The motion carried.

ACTION: ALL PURCHASES APPROVED

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz reported:

- The redistricting public input session was held earlier in the meeting.

Economic Development Committee

Councilwoman Coonrod

(No report)

Education and Innovation Committee

Councilwoman Hill

(No report)

Equity and Community Development Committee

Councilwoman Dotley

(No report)

Legislative Committee

Vice-Chairman Smith

(No report)

Planning and Zoning Committee

Councilman Ledford reported:

- The committee will meet next week, April 5, after the 3:30 p.m. Agenda Session.

Parks and Public Works

Councilman Hester

(No report)

Public Safety Committee
 Councilwoman Noel
 (No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL
 (Listen and view on YouTube [here](#))

Attorney Noblett read the rules of procedure for persons wishing to address the Council. After which, Chairman Henderson recognized the following persons:

Speaker Name	District	Primary Topics:
• Betty Maddox Battle	(N/A)	Homicide support group
• Lisa Brown	(N/A)	STVR Moratorium
• Brad Wardlaw	(N/A)	STVR Moratorium
• Joe Riley	2	STVR Moratorium
• Kelsey Sailor	2	STVR Moratorium
• Donna Morgan	1	STVR Moratorium
• Kirk Marvick	9	STVR Moratorium

ADJOURNMENT

On motion of Councilwoman Dotley, Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, April 5, 2022, at 6:00 p.m.



 CHAIRMAN



 CLERK OF COUNCIL

Exhibit 30

City's Responses to RFP 07/17/2023 000391

Fwd: Two Options for Redistricting Changes

mnoel@chattanooga.gov Marvene Noel
To: rdotley@chattanooga.gov Raquetta Dotley

Tuesday, April 19, 2022 at 10:39:10 AM Eastern Daylight Time

----- Forwarded message -----

From: **Andrew Sevigny** <asevigny@chattanooga.gov>
Date: Thu, Apr 14, 2022 at 10:24 AM
Subject: Two Options for Redistricting Changes
To: Marvene Noel <mnoel@chattanooga.gov>
Cc: Chris Anderson <canderson@chattanooga.gov>, Nicole Gwyn <nsgwyn@chattanooga.gov>

Good morning Councilwoman Noel!

Attached are two potential tweaks to the proposed maps. The Blue Lines indicate where the Current City Council Districts boundaries are, the Red Lines indicate where the initial proposed district lines were before the data issue was discovered, and the Filled in Colors indicate where the proposed tweaks to the map are.

OPTION 1: This map would split Alton Park by putting the area South of E 38th St and East of Central Ave into District 8.

OPTION 2: This map would not split Alton Park, but would instead split Glenwood between Districts 8 and 9. The area North of E 3rd St and West of Glenwood Dr would be in District 8 and everything else in District 9. We cannot put the entirety of Glenwood within District 8 without making some radical changes to District 9 and 5.

If you have any questions, please let us know.

Thank you!

--

Andrew Sevigny

Director of Office of Performance Management and Open Data

Department of Innovation Delivery and Performance

City of Chattanooga

100 East 11th St.

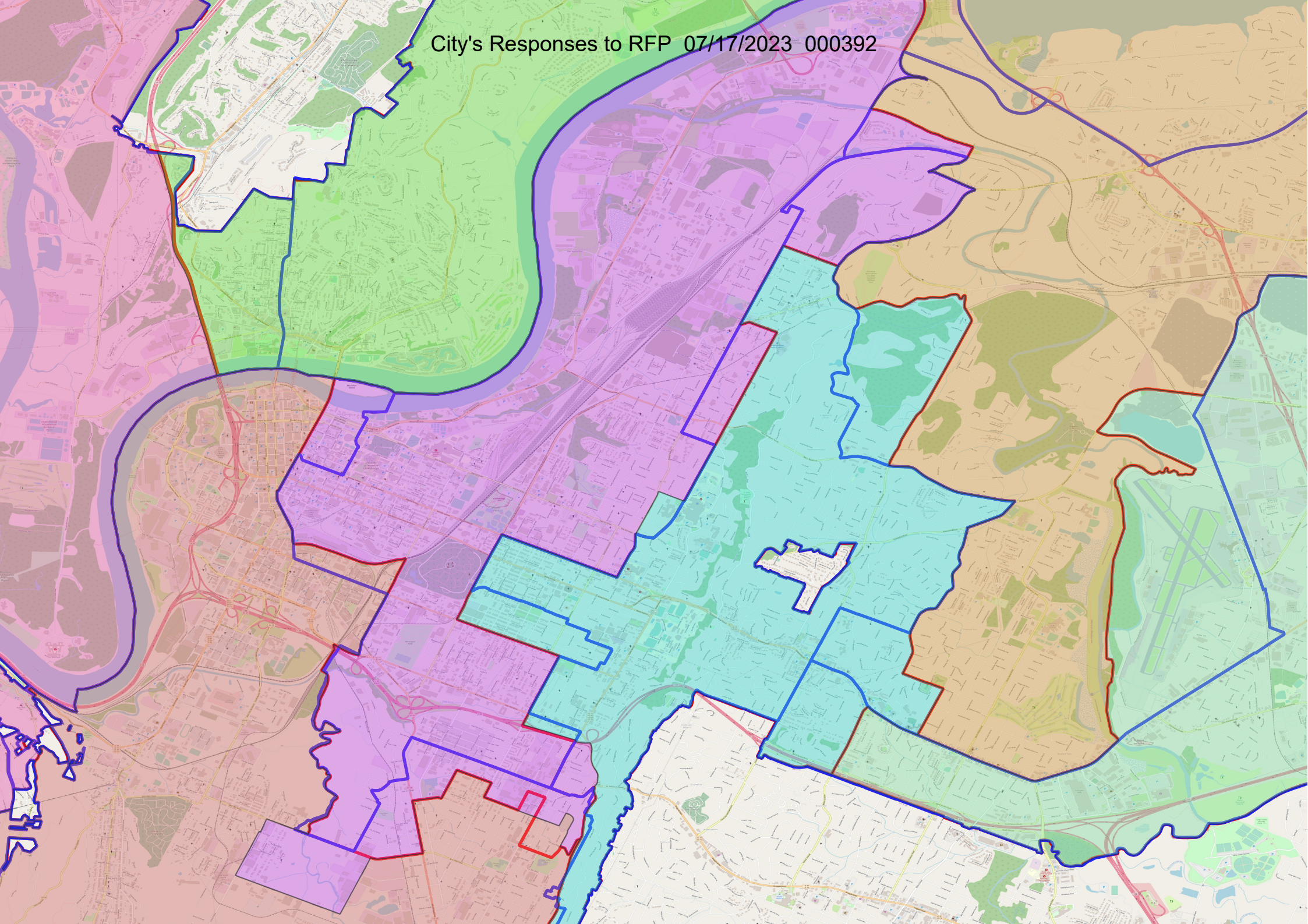
Chattanooga, TN 37402

E-mail: asevigny@chattanooga.gov

Attachments:

Proposed Change Option 2.pdf 10.0M

Proposed Change Option 1.pdf 10.0M



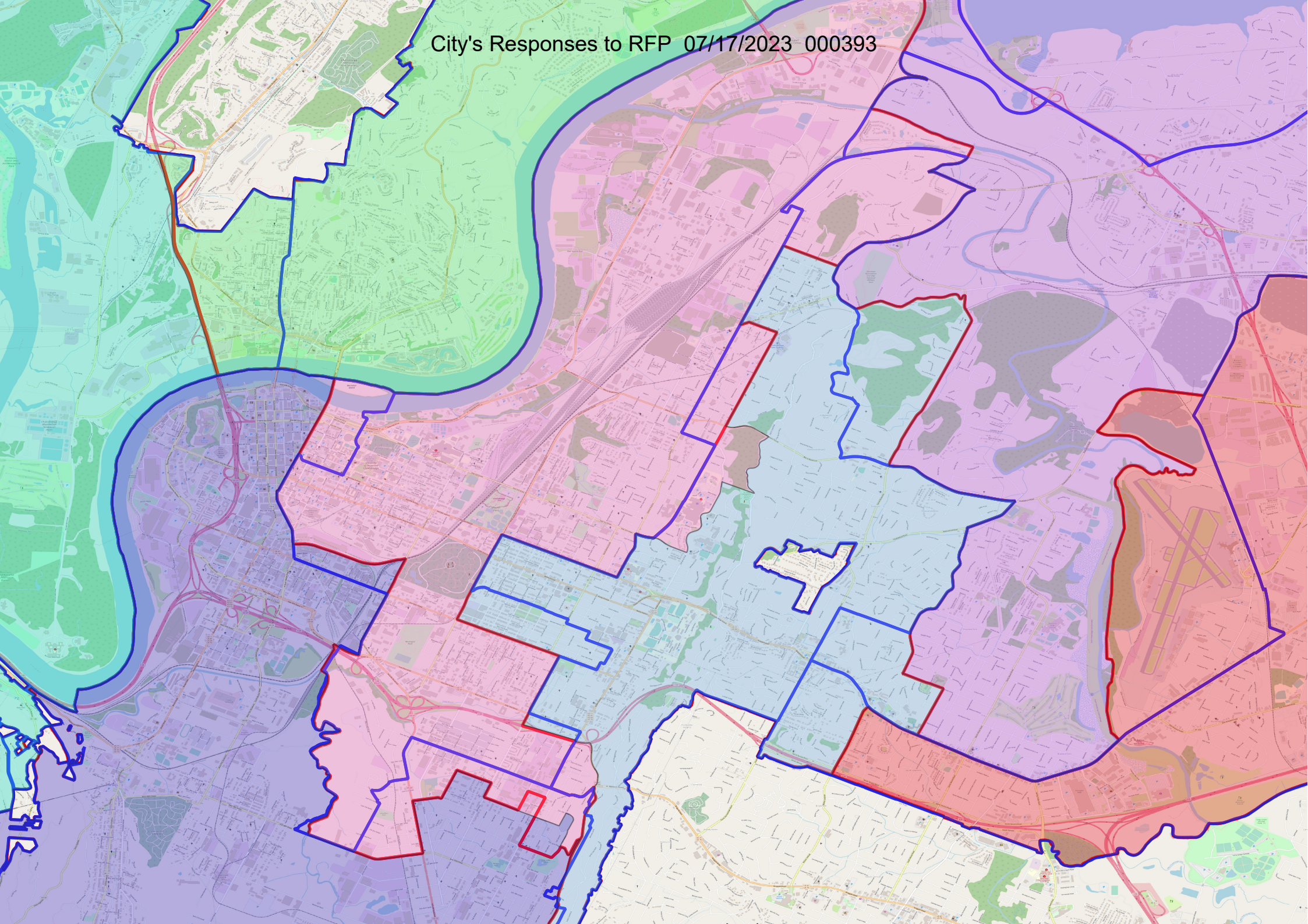


Exhibit 31

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

MARVENE NOEL

September 08, 2023



Lexitas Legal TENNESSEE | 1015 Avery Park Dr | Smyrna, TN 37167 | (615) 595-0073 |
tn.scheduling@lexitaslegal.com

IN THE CHANCERY COURT OF TENNESSEE
FOR THE ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

CHATTANOOGA PUBLISHING COMPANY,
Plaintiff,

vs. Case No. 22-0902
Part 1

CITY OF CHATTANOOGA, CHATTANOOGA
CITY COUNCIL

AND

CHIP HENDERSON, JENNY HILL, KEN SMITH,
DARRIN LEDFORD, ISIAH HESTER, CAROL B.
BERZ, RAQUETTA DOTLEY, MARVENE NOEL,
and DEMETRUS COONROD, in their official
capacity as members of the Chattanooga
City Council,

Defendants.

Deposition of:
MARVENE NOEL
Taken on behalf of the Plaintiff
September 8, 2023

Commencing at 11:00 a.m.

LEXITAS
www.LexitasLegal.com
MELISSA M. SMITH, RPR, LCR, CCR
Chattanooga, Tennessee
(423)266-2332

I N D E X

Examination
By Mr. McAdoo Page 5

E X H I B I T S

Exhibit No. 1 Page 11
Defendant Marvene Noel's Responses to
Plaintiff's First Set of
Interrogatories

Exhibit No. 2 Page 13
Defendants The City of Chattanooga and
the Chattanooga City Council Responses
to Plaintiff's First Set of
Interrogatories

Exhibit No. 3 Page 24
E-mail, Subject: Two Options for
Redistricting Changes
Bates Nos. City's Responses to RFP
07/17/2023 000391 - 393

A P P E A R A N C E S

For the Plaintiff :

MR. PAUL R. McADOO
Attorney at Law
Reporters Committee for Freedom of the Press
6688 Nolensville Road
Suite 108-20
Brentwood, TN 37027
(615) 823-3633
pmcadoo@rcfp.org

For the Defendants:

MR. SAM D. ELLIOTT
Attorney at Law
Gearhiser, Peters, Elliott & Cannon, PLLC
320 McCallie Avenue
Chattanooga, TN 37402
(423) 576-5171
sellriott@gearhiserpeters.com

MR. PHIL NOBLETT
Attorney at Law
Office of the City Attorney
City of Chattanooga
100 East 11th Street
Suite 200
Chattanooga, TN 37402
(423) 643-8250
pnoblett@chattanooga.gov

S T I P U L A T I O N S

The deposition of MARVENE NOEL was taken
by counsel for the Plaintiff, by Notice, at the
offices of Chattanooga City Attorney, 100 East
Eleventh Street, Suite 200, Chattanooga, Tennessee,
on September 8, 2023, for all purposes under the
Tennessee Rules of Civil Procedure.

All formalities as to caption, notice,
statement of appearance, et cetera, are waived.
All objections, except as to the form of the
question, are reserved to the hearing, and that
said deposition may be read and used in evidence in
said cause of action in any trial thereon or any
proceeding herein.

It is agreed that MELISSA M. SMITH, RPR,
Licensed Court Reporter for the State of Tennessee,
may swear the witness, and that the reading and
signing of the completed deposition by the witness
was not discussed.

1 * * *
2 MARVENE NOEL,
3 was called as a witness, and after having been duly
4 sworn, testified as follows:

5
6 EXAMINATION

7 BY MR. McADOO:

8 Q. Good morning.

9 A. **Good morning.**

10 Q. Would you please state your name?

11 A. **Marvene Noel.**

12 Q. Have you ever been deposed before?

13 A. **I have.**

14 Q. And could you tell me about the prior
15 times you've been deposed?

16 A. **It was for a, let me see, car accident.
17 And the other one was for a witness of an
18 accident.**

19 Q. Okay. So just to go -- I'm going to go
20 over several ground rules so we're on the same
21 page.

22 Even though this is an informal setting,
23 this is a formal legal proceeding. Do you
24 understand that you're obligated to answer my
25 questions fully and truthfully, just as if you

1 I've structured it usually.

2 The other is a privilege objection. If
3 they object based on privilege, they're going to
4 tell you "don't answer the question," and then
5 the lawyers will figure out what to do from
6 there.

7 We haven't had one of those yet, but, you
8 know, first time for everything.

9 Do you understand these instructions?

10 A. **I do.**

11 Q. Great. Did you -- do you take any
12 medication that affects your memory?

13 A. **No.**

14 Q. Is there any reason that you can think of
15 why you may not be able to give your best
16 testimony today?

17 A. **No.**

18 Q. Tell me what your current job is.

19 A. **I'm city council representative for
20 District 8.**

21 Q. Do you have any other employment?

22 A. **I do. I have a part-time job -- well,
23 occasionally work as a pharmacy tech.**

24 Q. Let's go back to your city council
25 position.

1 were in front of a judge testifying?

2 A. **I do.**

3 Q. Great. When we're doing this process,
4 please wait until I finish asking a question to
5 answer it, and I'll also do my best to wait until
6 you're done with an answer before I move on to my
7 next question.

8 Please answer clearly and audibly so that
9 the court reporter can take down your responses.
10 Please don't shake your head and nod, things like
11 that.

12 If you do not understand the question, let
13 me know. I'll do my best to rephrase it or find
14 a better way to explain what I'm trying to ask.

15 If you need a break at any point, let me
16 know. If we are in the middle of the question, I
17 will ask you to answer the question and then we
18 will talk about having a break after that.

19 You may hear objections from your
20 attorneys. There are two types of objections
21 usually. There is one called objection to form.
22 You're still expected to answer that question.
23 That's mostly for me so I know, hey, maybe I want
24 to rephrase my question because there is
25 something they think is problematic about how

1 When did you first join the City Council?

2 A. **I was -- March of 2022.**

3 Q. And was that by appointment or election?

4 A. **That was by appointment.**

5 Q. And have you been since elected to that
6 position?

7 A. **I have.**

8 Q. When was that?

9 A. **September 15th, I believe.**

10 Q. Of 2022?

11 A. **2022.**

12 Q. Great. Do you currently chair any
13 committees --

14 A. **I do.**

15 Q. -- for the City Council?

16 Which ones?

17 A. **Education and innovation.**

18 Q. Did you go to college?

19 A. **I did.**

20 Q. Where did you go?

21 A. **Tennessee State University and Chatt
22 State.**

23 Q. What did you study?

24 A. **Business.**

25 Q. Did you graduate?

1 meeting?
 2 **A. It was to tell us about some numbers being**
 3 **not correct.**
 4 Q. Was it also to discuss the changes that
 5 were -- that are discussed on page 6 of the
 6 City's interrogatories?
 7 **A. This one here?**
 8 Q. Yeah. We talked about a minute ago about
 9 how on page 5 there was changes made on the 11th
 10 of April. Then, those were published on the 12
 11 of April. Then, you have a meeting on the 13th.
 12 **A. Yes.**
 13 Q. Was that -- did you discuss those changes?
 14 **A. Yes.**
 15 Q. Was -- what else was discussed at the
 16 meeting?
 17 **A. That was it, except that you -- we needed**
 18 **to get the numbers so they would balance.**
 19 Q. Did you ask any questions at the meeting?
 20 **A. I did not.**
 21 Q. Did they ask you any questions?
 22 **A. Other than did I understand, and that was**
 23 **it.**
 24 Q. Did they ask you for any feedback --
 25 **A. No.**

1 Q. -- on the changes?
 2 Did you give them any feedback on the
 3 changes?
 4 **A. No.**
 5 Q. Were you shown a map during that
 6 presentation or during that meeting?
 7 **A. I had maps, but I don't remember what**
 8 **meeting it was.**
 9 Q. Did you take any notes in that meeting?
 10 **A. No.**
 11 Q. Did you see anyone else taking any notes
 12 in that meeting?
 13 **A. No.**
 14 Q. Did you ask for any changes to the map?
 15 **A. No.**
 16 Q. Did you give the staff any instructions of
 17 any kind during that meeting?
 18 **A. No.**
 19 Q. Did you have any other communications with
 20 staff outside of properly noticed public meetings
 21 related to redistricting?
 22 **A. No.**
 23 **THE WITNESS: Question.**
 24 BY MR. McADOO:
 25 Q. He can't answer my questions right now.

1 MR. ELLIOTT: He's not taking my
 2 deposition. He's taking yours.
 3 MR. McADOO: That would be super fun,
 4 but it's not allowed.
 5 MR. ELLIOTT: You do the best you
 6 can, Marvene.
 7 BY MR. McADOO:
 8 Q. This is not memory game. I'm not trying
 9 to test your memory. You either remember or you
 10 don't.
 11 **A. No. No. I'm not -- I know you're not**
 12 **trying to test my memory, but I'm trying to make**
 13 **sure I'm telling when my maps were. That's what**
 14 **I'm saying. So, as the meetings were, when I saw**
 15 **my maps.**
 16 Q. So you saw the maps in public meetings and
 17 you saw the maps in the two meetings we just
 18 discussed with staff?
 19 **A. When the numbers had to be readjusted,**
 20 **yes.**
 21 Q. Did you have any communications with other
 22 members of City Council about redistricting
 23 outside of properly noticed public meetings?
 24 **A. No.**
 25 Q. Any phone calls, e-mails related to

1 redistricting back and forth between you and --
 2 **A. No.**
 3 Q. All right. I would like to -- I'm going
 4 to hand you another document. Please take your
 5 time and read it and, when you're done, let me
 6 know.
 7 **A. (Reviews document.)**
 8 Q. Could you tell me what this document is?
 9 **A. Yes. It is the redistricting changes for**
 10 **the maps.**
 11 Q. Could you tell me who -- is it -- is it an
 12 e-mail?
 13 **A. It is.**
 14 Q. And are you one of the recipients or
 15 senders?
 16 **A. I am.**
 17 Q. Do you recall receiving and sending this
 18 e-mail?
 19 **A. I do.**
 20 Q. And so let's talk first about
 21 Mr. Sivigny's e-mail to you.
 22 MR. McADOO: Could we please mark
 23 this as Exhibit 3?
 24 (WHEREUPON, a document was marked
 25 Exhibit Number 3.)

1 BY MR. McADOO:
 2 Q. Did Mr. Sevigny ever tell you or did
 3 anyone else ever tell you why they sent this
 4 e-mail to you, the first e-mail in this string?
 5 **A. Yes. It was the numbers needed to -- the**
 6 **numbers were off so they needed to make a**
 7 **correction on it.**
 8 Q. Any other reason?
 9 **A. No.**
 10 Q. Did any of them explain to you why you
 11 were the only council member they sent it to?
 12 **A. I don't understand that question.**
 13 Q. Sure. Did Mr. Sevigny, Mr. Anderson, or
 14 anyone else tell you why you were the only
 15 council member that received this e-mail which
 16 discusses two options?
 17 MR. ELLIOTT: Can I? It kind of
 18 lacks foundation. You're supposing she was the
 19 only one. Maybe does she know why she's the only
 20 one?
 21 BY MR. McADOO:
 22 Q. Do you know why you were the only one on
 23 this e-mail?
 24 **A. I guess I'm the only one on this e-mail**
 25 **because it affected my district.**

1 Q. Why did you forward -- did you forward
 2 this e-mail to Councilwoman Dotley?
 3 **A. No.**
 4 Q. Could you look at the top of the page? It
 5 says "FYD" then colon. Does that indicate
 6 this -- the original immediately was forwarded?
 7 **A. Well, I'm not computer savvy and e-mail**
 8 **savvy. So, I mean, FYD? Where are we talking**
 9 **about?**
 10 Q. The very top in bold, the boldest and
 11 biggest lettering there is.
 12 **A. FWD.**
 13 Q. What did I say?
 14 **A. You said "FYD."**
 15 Q. Sorry.
 16 MR. ELLIOTT: He is trying to trick
 17 you.
 18 **THE WITNESS: I didn't even pay that**
 19 **any attention so I didn't even know that it was**
 20 **forwarded to her.**
 21 BY MR. McADOO:
 22 Q. Okay. It looks like, according to the
 23 header of this, that you sent this e-mail -- you
 24 forwarded this e-mail to Councilwoman Dotley. Do
 25 you recall doing that?

1 **A. No.**
 2 Q. But do you remember receiving this e-mail
 3 from Mr. Sevigny?
 4 **A. I guess I did. I don't, per se, remember,**
 5 **remember, but...**
 6 Q. Is there any reason to doubt this is an
 7 e-mail sent to you by Mr. Sevigny?
 8 **A. No.**
 9 Q. Is there any reason to doubt that you
 10 forwarded this e-mail to Ms. Dotley?
 11 **A. No.**
 12 Q. Do you know why you forwarded this to
 13 Ms. Dotley?
 14 **A. I have no recollection of that.**
 15 Q. Did you ever express a preference to
 16 anyone regarding which option should be chosen of
 17 the two that are presented by Mr. Sevigny in his
 18 e-mail?
 19 **A. Okay. I don't understand that question.**
 20 Q. So there are two options presented in the
 21 e-mail. Feel free to take a look at it.
 22 MR. ELLIOTT: He sent you two maps.
 23 **THE WITNESS: He sent me two maps.**
 24 BY MR. McADOO:
 25 Q. For the record, these were produced by

1 defendants in response to a request for
 2 production. They're marked as Bates label
 3 Numbers 391, 392, and 393.
 4 The maps are -- it appears to be the
 5 attachments to Mr. Sevigny's original e-mail.
 6 The -- could you read Mr. Sivigny's e-mail
 7 to us?
 8 **A. "Good morning, Councilwoman Noel.**
 9 **Attached are two potential tweaks to the proposed**
 10 **maps. The blue lines indicate where the current**
 11 **city council district boundaries are. The red**
 12 **lines indicate where the initial proposed**
 13 **district lines were before the data issue was**
 14 **discovered. And the filled-in colors indicate**
 15 **where the proposed tweaks to the maps -- to the**
 16 **map are. This map will split Alton Park by**
 17 **putting the area south of East 38th Street and**
 18 **east of Central Avenue into District 8."**
 19 Q. Can you pause there for a second? At the
 20 beginning of that sentence, is there --
 21 **A. Option 1. Sorry.**
 22 **Want me to re-read?**
 23 Q. No. That's fine. We've clarified that.
 24 **A. "Option 2. This map would not split Alton**
 25 **Park, but instead split Glenwood between District**

1 **8 and 9. The area north of East 3rd Street and**
 2 **west of Glenwood Drive would be in District 8 and**
 3 **everything else in District 9. We cannot put the**
 4 **entirety of Glenwood within District 8 without**
 5 **making some radical changes to District 9 and 5.**
 6 **If you have any questions, please let us know.**
 7 **Thank you."**

8 Q. Thank you. I appreciate you reading that.

9 My question to you is did you ever express
 10 an opinion to anyone regarding which of these
 11 options should be chosen for the redistricting
 12 map?

13 **A. I chose an option.**

14 Q. Which one did you choose?

15 **A. I chose the option -- the one that would**
 16 **keep me in the Glenwood area, the bigger part of**
 17 **my area, this way, instead of taking it the**
 18 **longer way out, which would be -- would be**
 19 **Option 2.**

20 Q. If it's helpful to you, just to confirm --
 21 because you are going to know the maps better
 22 than I. The maps afterwards are -- actually, we
 23 can...

24 So you -- who did you tell that that was
 25 your choice, that Option 2 was your choice?

1 **A. To Chris.**

2 Q. To Chris Anderson?

3 **A. Yes.**

4 Q. When did you do that?

5 **A. I don't recall. When they were shown to**
 6 **me, yeah.**

7 Q. So this, according to your
 8 interrogatories, the City's interrogatories, and
 9 your testimony today, your last individual
 10 meeting with Chris Anderson was on April --
 11 I believe it was -- make sure I don't get it
 12 wrong.

13 April 13th, correct?

14 **A. Where is mine, answer to mine?**
 15 (Reviews document.)

16 Q. It's going to be probably answer to
 17 Question Number -- actually, it's different for
 18 you. It's 4 for the City and 3 for you.

19 **A. Yes.**

20 Q. So this e-mail is from April 14th. So my
 21 question to you is when did you tell Mr. Anderson
 22 that Option 2 was your choice?

23 **A. When it was presented to me.**

24 Q. Do you remember when that was? Was it a
 25 phone call?

1 **A. I don't recall.**

2 Q. But you do recall expressing your
 3 preference --

4 **A. My preference.**

5 Q. -- to Mr. Anderson?

6 **A. Yes.**

7 Q. At some point after this e-mail?

8 **A. Yes.**

9 Q. Because this e-mail was the first time you
 10 had heard of the two options?

11 **A. Yes.**

12 Q. Did you tell anyone else that Option 2 was
 13 your choice?

14 **A. No.**

15 Q. You didn't speak to Councilperson Coonrod?

16 **A. No.**

17 Q. Or Councilwoman Dotley?

18 **A. No.**

19 Q. Just so Mr. Anderson?

20 **A. Yes.**

21 Q. Do you recall if those options were
 22 discussed in any properly noticed public
 23 meetings?

24 MR. ELLIOTT: Object to the form.

25 //

1 BY MR. McADOO:

2 Q. You still have to answer.

3 **A. Repeat your question.**

4 Q. Sure.

5 MR. ELLIOTT: In general or
 6 particularly?

7 BY MR. McADOO:

8 Q. Were those two specific options discussed
 9 in the April 14th meeting ever discussed at a
 10 meeting of City Council?

11 **A. I don't recall.**

12 Q. That's fine.

13 Do you recall ever you expressing a
 14 preference between Option 1 and Option 2 in a
 15 meeting of City Council?

16 **A. I don't recall.**

17 Q. Have you ever served on a city council
 18 committee that never met in public?

19 **A. No.**

20 MR. McADOO: Can I take five minutes,
 21 do my little thing where I call my colleague in
 22 DC and make sure that I may be done?

23 (Short break.)

24 BY MR. McADOO:

25 Q. Just some final kind of wrap-up questions

1 with for you, Councilwoman Noel.
 2 Is there any answer to my questions that
 3 you would like to change before we close this
 4 deposition?
 5 **A. No.**
 6 Q. Is there any information I asked you about
 7 that you remember now that you didn't recall when
 8 I asked the question about it?
 9 **A. No.**
 10 Q. Is there anything you would like to add to
 11 clarify an answer you gave me?
 12 **A. No.**
 13 Q. Thanks. That's it.
 14 (WHEREUPON, the reporter requested
 15 orders on the record.)
 16 MR. McADOO: Regular time.
 17 MR. NOBLETT: Just send me a copy.
 18 FURTHER DEPONENT SAITH NOT
 19 (WHEREUPON, the deposition was
 20 concluded at 11:41 a.m.)
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF HAMILTON
 5
 6 I, MELISSA M. SMITH, Licensed Court
 7 Reporter, with offices in Chattanooga, Tennessee,
 8 hereby certify that I reported the foregoing
 9 deposition of MARVENE NOEL by machine shorthand to
 10 the best of my skills and abilities, and
 11 thereafter the same was reduced to typewritten
 12 form by me. I am not related to any of the
 13 parties named herein, nor their counsel, and have
 14 no interest, financial or otherwise, in the
 15 outcome of the proceedings.
 16 I further certify that in order for this
 17 document to be considered a true and correct copy,
 18 it must bear my original signature, and that any
 19 unauthorized reproduction in whole or in part
 20 and/or transfer of this document is not
 21 authorized, will not be considered authentic, and
 22 will be in violation of Tennessee Code Annotated
 23 39-14-149, Theft of Services.
 24
 25



 MELISSA M. SMITH, RPR, CCR, LCR
 LCR # 122 - Expires: 6/30/2024



Exhibit 32

CHATTANOOGA PUBLISHING COMPANY

VS

CITY OF CHATTANOOGA, et al.

ISIAH HESTER

October 04, 2023



Lexitas Legal TENNESSEE | 1015 Avery Park Dr | Smyrna, TN 37167 | (615) 595-0073 |
tn.scheduling@lexitaslegal.com

1 IN THE CHANCERY COURT OF TENNESSEE
2 FOR THE ELEVENTH JUDICIAL DISTRICT
3 AT CHATTANOOGA

4 CHATTANOOGA PUBLISHING COMPANY,
5
6 Plaintiff,

7 vs. Case No. 22-0902
8 Part 1

9 CITY OF CHATTANOOGA, CHATTANOOGA
10 CITY COUNCIL

11 AND

12 CHIP HENDERSON, JENNY HILL, KEN SMITH,
13 DARRIN LEDFORD, ISIAH HESTER, CAROL B.
14 BERZ, RAQUETTA DOTLEY, MARVENE NOEL,
15 and DEMETRUS COONROD, in their official
16 capacity as members of the Chattanooga
17 City Council,
18 Defendants.

19 Deposition of:
20 ISIAH HESTER
21 Taken on behalf of the Plaintiff
22 October 4, 2023

23 Commencing at 9:00 a.m.

24 LEXITAS
25 www.LexitasLegal.com
MELISSA M. SMITH, RPR, LCR, CCR
Chattanooga, Tennessee
(423)266-2332

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4	Examination	
5	By Mr. Weeks	6
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E X H I B I T S

10		
11	Exhibit No. 1	10
12	Council District 5 map	
13	Exhibit No. 2	18
14	December 9, 2021, Invitation:	
15	Redistricting committee information	
16	session	
17	Bates Nos. City's Responses to RFP	
18	07/17/2023 000935	
19		
20	Exhibit No. 3	20
21	PowerPoint presentation titled	
22	"Redistricting 12/9/21"	
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24	Exhibit No. 4	28
25	February 15, 2022, Invitation:	
26	Redistricting information session	
27	(final)	
28	Bates Nos. City's Responses to RFP	
29	07/17/2023 000931	
30		
31	Exhibit No. 5	28
32	Defendant Isiah Hester's Responses to	
33	Plaintiff's First Set of	
34	Interrogatories	
35		
36	Exhibit No. 6	30
37	PowerPoint presentation titled	
38	"Redistricting 2/15/22"	
39		
40		
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45		

A P P E A R A N C E S

For the Plaintiff :

MR. PAUL R. MCADOO
Attorney at Law
Reporters Committee for Freedom of the Press
6688 Nolensville Road
Suite 108-20
Brentwood, TN 37027
(615) 823-3633
pmcadoo@rcfp.org
MR. LIN WEEKS
Attorney at Law
Reporters Committee for Freedom of the Press
1156 15th Street NW
Suite 1250
Washington, DC 20005
(202) 800-3533
lweeks@rcfp.org

For the Defendants:

MR. SAM D. ELLIOTT
Attorney at Law
Gearhiser, Peters, Elliott & Cannon, PLLC
320 McCallie Avenue
Chattanooga, TN 37402
(423) 576-5171
sellriott@gearhiserpeters.com

MR. PHIL NOBLETT
MS. HAROLDA BRYSON
Attorneys at Law
Office of the City Attorney
City of Chattanooga
100 East 11th Street
Suite 200
Chattanooga, TN 37402
(423) 643-8250
pnoblett@chattanooga.gov
hbryson@chattanooga.gov

E X H I B I T S

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4	Exhibit No. 7	34
5	March 1, 2022, Strategic Planning	
6	Meeting Agenda	
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8	07/17/2023 001009 - 1011	
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11	PowerPoint presentation titled "City	
12	Council of Chattanooga Redistricting	
13	Presented on 3/1/22"	
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15	Exhibit No. 9	38
16	PowerPoint presentation titled "City	
17	Council of Chattanooga Redistricting	
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22	Exhibit No. 10	40
23	April 26, 2022, Council Meeting	
24	Minutes	
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27	May 3, 2022, Council Meeting Minutes	
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1
 2 S T I P U L A T I O N S
 3
 4
 5 The deposition of ISIAH HESTER was taken
 6 by counsel for the Plaintiff, by Notice, at the
 7 offices of the City of Chattanooga, 1000 Lindsay
 8 Street, JB Collins Meeting Room, Chattanooga,
 9 Tennessee, on October 4, 2023, for all purposes
 10 under the Tennessee Rules of Civil Procedure.
 11 All formalities as to caption, notice,
 12 statement of appearance, et cetera, are waived.
 13 All objections, except as to the form of the
 14 question, are reserved to the hearing, and that
 15 said deposition may be read and used in evidence in
 16 said cause of action in any trial thereon or any
 17 proceeding herein.
 18 It is agreed that MELISSA M. SMITH, RPR,
 19 Licensed Court Reporter for the State of Tennessee,
 20 may swear the witness, and that the reading and
 21 signing of the completed deposition by the witness
 22 was not discussed.
 23
 24
 25

1 * * *
 2 ISIAH HESTER,
 3 was called as a witness, and after having been duly
 4 sworn, testified as follows:
 5
 6 EXAMINATION
 7 BY MR. WEEKS:
 8 Q. Could you please state your full name for
 9 the record?
 10 **A. Isiah Van Hester.**
 11 Q. Mr. Hester, have you ever had your
 12 deposition taken before?
 13 **A. No. Never.**
 14 Q. So I'll give you some ground rules. Even
 15 though we're in an informal setting today, this
 16 is a formal legal proceeding.
 17 Do you understand that you are obligated
 18 to answer my questions fully and truthfully, just
 19 as if you were testifying before a judge in a
 20 courtroom?
 21 **A. Yes.**
 22 Q. As we go through today, I have a set of
 23 questions. So please just wait until I finish
 24 asking a question to answer it.
 25 **A. Okay.**

1 Q. You should answer clearly and audibly so
 2 that the court reporter can take down your
 3 response. So no head nods or headshakes because
 4 those won't show up on the transcript.
 5 If you don't understand a question, please
 6 just let me know and I can rephrase it.
 7 **A. Okay.**
 8 Q. If you need a break at any point in the
 9 deposition, you can finish answering the question
 10 that I've asked, and then just let me know you
 11 need a break and we can see what we can do.
 12 **A. Okay.**
 13 Q. Do you take any medication that affects
 14 your memory?
 15 **A. No, I do not.**
 16 Q. Is there any other reason that you can
 17 think of that you might not be able to give your
 18 best testimony today?
 19 **A. No.**
 20 Q. What is your current position with the
 21 City Council?
 22 **A. I'm District 5 representative for the City**
 23 **Council.**
 24 Q. When were you first elected?
 25 **A. March of -- it's been, what, three years**

1 **ago. Almost three years ago.**
 2 Q. And did you hold elected office prior to
 3 that position?
 4 **A. No, no, never.**
 5 Q. Do you hold other employment along with
 6 your role with the City Council?
 7 **A. Yes, I do. I'm a minister. I own a**
 8 **commercial cleaning company too, and I do a lot**
 9 **of odd jobs too.**
 10 Q. The reason I ask -- so other than the
 11 redistricting that took place in 2021 and 2022,
 12 have you worked on redistricting in any other
 13 context?
 14 **A. No, no, never.**
 15 Q. Where did you attend college?
 16 **A. University of Tennessee-Chattanooga.**
 17 Q. What year did you graduate?
 18 **A. '91.**
 19 Q. What degree did you earn?
 20 **A. Business management.**
 21 Q. Do you have an advanced degree?
 22 **A. I do, in ministry.**
 23 Q. Okay. Did you do any preparation for
 24 today's deposition?
 25 **A. I prayed, meditated, got prepared that**

1 **A. Only time we met was the organized time,**
 2 **the allotted time we were there. I only met**
 3 **twice with them. That was the only time I was**
 4 **there with them.**
 5 Q. Do you recall the first, approximately
 6 when the first time you met with them was?
 7 **A. I'm going to say sometime in September.**
 8 Q. September. Was this a meeting on
 9 September 30th, 2021?
 10 **A. I want to say it may have been that date,**
 11 **yeah.**
 12 Q. Following the first time you met with the
 13 Redistricting Committee, did you have work to do
 14 regarding redistricting coming out of that
 15 meeting?
 16 **A. No. We were waiting on the next meeting**
 17 **to see. We were just waiting for the next**
 18 **meeting. I didn't have any work to do on that.**
 19 Q. How were you kept aware of when the
 20 Redistricting Committee would meet?
 21 **A. They made it aware. It was publicly**
 22 **announced that we were going to meet.**
 23 Q. Where was it publicly announced?
 24 **A. I can't recall. I don't want to speculate**
 25 **on that, but I know any time we do anything with**

1 **the City it's always announced.**
 2 Q. Why is that?
 3 **A. Any government agency, I guess, based on**
 4 **the sunshine law, everything's got to be open.**
 5 Q. So regarding your recollection of the
 6 notice given for that meeting, is that based on a
 7 specific recollection of that notice, or is that
 8 based on your general recollection of the City's
 9 practice for all meetings?
 10 **A. Just the practice, practice.**
 11 MR. WEEKS: Mark that 2.
 12 (WHEREUPON, a document was marked as
 13 Exhibit Number 2.)
 14 BY MR. WEEKS:
 15 Q. I've handed you a document that appears to
 16 be an invitation to a Redistricting Committee
 17 information session. It's Bates stamp 935.
 18 So you can take a second to look at this.
 19 **A. (Reviews document.)**
 20 Q. Do you recall receiving this invitation to
 21 the meeting?
 22 **A. I see it now. I don't think I accepted**
 23 **it.**
 24 Q. Maybe a better question is: Did you
 25 attend this meeting?

1 **A. I know I attended two meetings. I'm not**
 2 **sure which one. Right.**
 3 Q. Okay. So then, thinking about the first
 4 of those two meetings that you attended, do you
 5 recall what was discussed at the first -- the two
 6 meetings you attended?
 7 **A. They was laying down the groundwork on, I**
 8 **guess, the numbers of folk in all the different**
 9 **districts. And I just know it's got to be --**
 10 **I think the number is 20,000 folk. You've got to**
 11 **be 10 percent, either way, close to that figure.**
 12 **And that's the most I recall from that.**
 13 Q. Do you recall how it was decided that
 14 would be the topic of the conversation during
 15 that meeting?
 16 **A. I do not.**
 17 Q. What did the Redistricting Committee
 18 accomplish during that first meeting you
 19 attended?
 20 **A. Making us aware there was a need to have a**
 21 **Redistricting Committee.**
 22 Q. Did a City staff member named Chris
 23 Anderson also attend that meeting?
 24 **A. He did.**
 25 Q. Did a City staff member named Andrew

1 Sevigny attend that meeting?
 2 **A. He did, yes.**
 3 Q. Did the Redistricting Committee ask
 4 Mr. Anderson or Mr. Sevigny to give a
 5 presentation at that first meeting that you
 6 attended?
 7 **A. I know we had a presentation maybe the**
 8 **second time. I'm not sure about the first time.**
 9 (WHEREUPON, a document was marked
 10 Exhibit Number 3.)
 11 BY MR. WEEKS:
 12 Q. I've handed you a document that appears to
 13 be a set of slides. This is dated December 9th,
 14 2021.
 15 Are you -- yeah. Take a moment.
 16 **A. (Reviews document.)**
 17 Q. Does this refresh your recollection as to
 18 whether you saw a presentation during the first
 19 meeting that you attended?
 20 **A. Right. It's showing that I was deficient,**
 21 **that I needed to gain more folks in District 5.**
 22 Q. Are you familiar with this presentation?
 23 **A. Yes.**
 24 Q. Okay. How are you familiar with it?
 25 **A. How am I familiar with it?**

- 1 Q. Yeah.
- 2 **A. It was presented.**
- 3 Q. Okay. If you could turn to the fifth page
- 4 here, it says "process used."
- 5 Actually -- so at Point 2A here it says
- 6 "Districts 5, 8, 9 need to increase in
- 7 population."
- 8 Is that correct? Did your district need
- 9 to increase in population to comply with the law?
- 10 **A. That's correct.**
- 11 Q. Prior to this meeting, were you aware that
- 12 would be required?
- 13 **A. As I -- I'm not sure. I know -- I see it**
- 14 **here. From this data, current data, right.**
- 15 Q. I guess prior to this meeting, this
- 16 December 9th meeting, had you seen any proposals
- 17 for new district boundaries?
- 18 **A. No, no, no.**
- 19 Q. If we could look at page 7 where there's
- 20 two maps -- so here we've got two maps.
- 21 District 5 is in kind of darker blue on this map,
- 22 correct?
- 23 **A. That's correct.**
- 24 Q. The map marked "proposed draft" contains
- 25 changes to the boundaries of District 5 from the

- 1 map marked "current," correct?
- 2 **A. Okay.**
- 3 Q. Is that correct?
- 4 **A. That's correct, that's correct, that's**
- 5 **correct.**
- 6 Q. And in the map marked "current"
- 7 District 5's eastern border is shared with
- 8 District 6, correct?
- 9 **A. Correct, correct.**
- 10 Q. And the boundary between District 5 and
- 11 District 6 has changed between the two maps,
- 12 correct?
- 13 **A. That's correct.**
- 14 Q. And Councilperson Berz represents
- 15 District 6, correct?
- 16 **A. That's correct.**
- 17 Q. And Councilperson Berz was in this
- 18 meeting, correct?
- 19 **A. (No response.)**
- 20 Q. Was in this meeting where this
- 21 presentation was given; is that correct?
- 22 **A. I'm not sure.**
- 23 Q. At this meeting or before this meeting,
- 24 did you and Councilperson Berz discuss this
- 25 boundary change?

- 1 **A. No, we did not.**
- 2 Q. Did you discuss it with her after this
- 3 meeting?
- 4 **A. No. No.**
- 5 Q. Are you aware of whether Councilperson
- 6 Berz had seen the proposed boundary change prior
- 7 to this presentation?
- 8 **A. No, I'm not aware of that.**
- 9 Q. Do you recall whether you had an opinion
- 10 on this boundary change between your district and
- 11 District 6?
- 12 **A. No, I did not. I did not.**
- 13 Q. You don't recall or you --
- 14 **A. No, I didn't have any discussion.**
- 15 **Correct.**
- 16 Q. So the question was did you have an
- 17 opinion on it.
- 18 **A. No, I didn't have an opinion on it.**
- 19 Q. Do you recall whether Councilperson Berz
- 20 expressed an opinion on that boundary change
- 21 during the December 9th meeting?
- 22 **A. No, she didn't have an opinion on it.**
- 23 Q. Your district's northwestern border is
- 24 shared with District 3, which is green on this
- 25 map; is that correct?

- 1 **A. That's correct.**
- 2 Q. Again, the boundary between your district
- 3 and District 3 has changed from the current to
- 4 the proposed draft; is that correct?
- 5 **A. That's correct.**
- 6 Q. And Councilperson Smith represents
- 7 District 3, correct?
- 8 **A. That is correct.**
- 9 Q. Prior to this meeting, did you and
- 10 Councilperson Smith discuss the boundary between
- 11 your districts changing?
- 12 **A. No. No, we didn't.**
- 13 Q. Did you discuss it at this meeting?
- 14 **A. No. No, we didn't discuss it.**
- 15 Q. Was Councilperson Smith at this meeting?
- 16 **A. I don't know. To be honest, I don't know.**
- 17 Q. Did you have an opinion on this boundary
- 18 change between this district and Councilperson
- 19 Smith's?
- 20 **A. No, I did not.**
- 21 Q. District 5 also shares part of its border,
- 22 as we discussed, with District 9, which is in
- 23 kind of a sea green, correct?
- 24 **A. That's correct.**
- 25 Q. And, let's see, District 8 is here in

1 (WHEREUPON, a document was marked as
 2 Exhibit Number 5.)
 3 BY MR. WEEKS:
 4 Q. I've handed you an exhibit marked
 5 Exhibit 5. This is entitled "Defendant Hester's
 6 First Set of Interrogatories."
 7 Do you recall answering these
 8 interrogatory questions?
 9 **A. I do, I do, I do.**
 10 Q. Now, if we look at Interrogatory Number 3,
 11 does this refresh your recollection as to which
 12 of the meetings you attended?
 13 **A. There's no dates there.**
 14 Q. So if we look at...
 15 MR. ELLIOTT: (Indicating.)
 16 **THE WITNESS: Oh, okay. Now**
 17 **I recall, right, the 9th and 15th.**
 18 BY MR. WEEKS:
 19 Q. Do you have any reason to believe that
 20 this answer is incorrect as to those dates?
 21 **A. No. I said 9th and 15th. That's -- yeah.**
 22 Q. So let's go back to Exhibit 5.
 23 **A. Okay. Sorry, Exhibit 4, the meeting**
 24 **invite for February 15th.**
 25 Q. So having refreshed your recollection, do

1 you recall attending this meeting?
 2 **A. Yes, I guess, I did attend. Right.**
 3 Q. Do you recall whether Chris Anderson also
 4 attended this February 15th meeting?
 5 **A. Right. He was at both the meetings**
 6 **I attended.**
 7 Q. And Mr. Sevigny also attended this
 8 February 15th meeting?
 9 **A. That's correct.**
 10 Q. Was there a presentation given at this
 11 February 15th meeting as well?
 12 **A. I'm not sure.**
 13 MR. WEEKS: This will be Exhibit 6.
 14 (WHEREUPON, a document was marked
 15 Exhibit Number 6.)
 16 BY MR. WEEKS:
 17 Q. So do you recall seeing this presentation
 18 during the February 15th meeting?
 19 **A. I do. I do, this one, correct.**
 20 Q. And this was the presentation given by
 21 Mr. Anderson and Mr. Sevigny on February 15th?
 22 **A. Right.**
 23 Q. Do you recall -- did the proposed
 24 boundaries presented in this meeting differ from
 25 those in the earlier December 9th meeting?

1 **A. Looks like the same boundaries to me. It**
 2 **was going to go to the river. That was the major**
 3 **thing I was concerned about it.**
 4 Q. So, yeah, let's look at the page that says
 5 "current changes." So it says here District 5,
 6 as you said, continues all the way to the river
 7 and now contains all of Highway 58.
 8 District 5 -- and then a sub-bullet here, and
 9 says District 5 also shifts into the Austin Farm
 10 neighborhood.
 11 So is the presentation when you first
 12 became aware of that change?
 13 **A. Yes, yes, yes.**
 14 Q. What was your understanding of the reason
 15 for that change?
 16 **A. We had to increase the numbers of people**
 17 **in the district.**
 18 Q. Did you request that District 5 shift into
 19 the Austin Farm neighborhood?
 20 **A. No. Never.**
 21 Q. Looking at the first bullet point here --
 22 sorry. Let's do the last bullet point here.
 23 District 9 makes some shifts east to
 24 include Gaylon Heights and North Tower Forest.
 25 Was this the first awareness you had of

1 this proposed change?
 2 **A. Yes.**
 3 Q. Okay. You didn't previously discuss that
 4 on a phone call with Mr. Anderson?
 5 **A. No, no, no.**
 6 Q. What was your opinion on this change to
 7 District 9 as of February 15th, 2022?
 8 **A. Like I said, it was an educational process**
 9 **for me. I didn't -- regardless of the changes, I**
 10 **knew I would have to go out there and just do**
 11 **what I had done in the past, got that -- meet**
 12 **whatever changes they presented.**
 13 Q. Following this meeting, did you express an
 14 opinion on District 9 shifting east to include
 15 some of Gaylon Heights?
 16 **A. No, I did not.**
 17 Q. Today, as the approved map -- the map that
 18 was eventually voted on and approved by the whole
 19 Council in the resolution, does that map include
 20 a shift in District 9 to include part of
 21 District -- to include Gaylon Heights?
 22 **A. You said the approved map?**
 23 Q. Yeah, the May 2022, in -- that map.
 24 MR. ELLIOTT: Are you asking him who
 25 in the current map --

1 MR. WEEKS: In the current map.
 2 MR. ELLIOTT: -- has Gaylon Heights?
 3 MR. WEEKS: Who has Gaylon Heights.
 4 **THE WITNESS: That was approved by**
 5 **Council. I think Council approved -- I think**
 6 **Gaylon Heights is currently within the boundaries**
 7 **of District 5 on the next election cycle.**
 8 BY MR. WEEKS:
 9 Q. Okay. Is that change -- so that
 10 represents a change from February 15th to the
 11 approved map, correct?
 12 **A. Yes. Yes, it does.**
 13 Q. What was the reason for that change?
 14 **A. I'm not sure.**
 15 Q. That wasn't a change that you asked for?
 16 **A. No. Never.**
 17 Q. All right. Let's look at the first bullet
 18 point. This says Districts 1, 2, and 3 shifted
 19 together in a clockwise direction with Pine Hill
 20 and Northmont Estates moving to District 1,
 21 neighborhoods north of -- is that Ely Road,
 22 moving to District 3, and Hill City and Pinnacle
 23 Building moving to District 2.
 24 Were you aware that Councilman Henderson
 25 had objected to an earlier version of this map?

1 **A. No, I was not aware of that.**
 2 Q. What was your understanding of the reason
 3 for these changes in this bullet point?
 4 **A. I guess it's the same thing as -- I guess,**
 5 **my recollection, you've just got to have those**
 6 **numbers at a certain percentage.**
 7 Q. Do you recall, during this meeting did
 8 Mr. Anderson and Mr. Sevigny discuss phone calls
 9 they had had with individual Council members?
 10 **A. No. No.**
 11 Q. So the Redistricting Committee following
 12 this meeting presented a proposal to the City
 13 Council at the beginning of March; is that
 14 correct?
 15 **A. A proposal to the City Council, meaning?**
 16 Q. The full council.
 17 **A. I don't recollect.**
 18 (WHEREUPON, a document was marked
 19 Exhibit Number 7.)
 20 BY MR. WEEKS:
 21 Q. I've handed you the documents from
 22 March 1st, 2022. We have an agenda for a
 23 strategic planning meeting, and on the second
 24 page it starts with agenda session minutes.
 25 **A. Okay. I misunderstood. I thought you**

1 **were saying '21. It's '22.**
 2 Q. '22.
 3 **A. Okay. All right.**
 4 Q. So if we could look at the agenda session
 5 minutes, so it will be the third page of this
 6 packet. So did you attend this agenda session?
 7 **A. I did.**
 8 Q. Now back to the second page here. It says
 9 Councilwoman Berz asked the chairman for the
 10 redistricting recommendations to be placed on the
 11 April 5th agenda.
 12 What was the redistricting recommendation
 13 referenced here?
 14 **A. To be placed on the agenda on that said**
 15 **day, right.**
 16 Q. Right. What was being recommended?
 17 **A. Recommended that we have that meeting,**
 18 **public meeting. That was it.**
 19 Q. What was the subject of the
 20 recommendation?
 21 **A. I guess to make the public aware that we**
 22 **were going to have that particular meeting.**
 23 Q. Was the Redistricting Committee
 24 recommending a proposed map on that date?
 25 MR. ELLIOTT: I object to the form.

1 Lack of foundation.
 2 BY MR. WEEKS:
 3 Q. You can go ahead and answer.
 4 **A. I don't recall that.**
 5 Q. Says here Councilwoman Coonrod inquired
 6 about informing constituents regarding the
 7 redistricting map, to which Chairman Henderson
 8 addressed.
 9 Was there a redistricting map addressed at
 10 this agenda session?
 11 **A. I'm not sure.**
 12 Q. If we look at page 1 here -- sorry, the
 13 first page of the whole packet, the strategic
 14 planning session minutes, it is Redistricting
 15 Committee report.
 16 What was the content of this report from
 17 your committee at this March 1, 2022, meeting?
 18 **A. I'm not sure. I can't recall.**
 19 MR. WEEKS: Mark this Exhibit 8.
 20 (WHEREUPON, a document was marked
 21 Exhibit Number 8.)
 22 BY MR. WEEKS:
 23 Q. I've handed you a document that appears to
 24 be a set of slides. It's entitled "City Council
 25 Chattanooga Redistricting Presented on March 1,

1 2022."
 2 **A. Okay.**
 3 Q. Is this the presentation referred to in
 4 the strategic planning session agenda?
 5 **A. Yes. This is the data from it, right.**
 6 Q. And does this presentation contain the
 7 recommendation that the -- that Councilperson
 8 Berz asked to be placed on the April agenda?
 9 **A. I can't recall. I'm not sure on that.**
 10 Q. Does this presentation contain a
 11 recommendation from the Redistricting Committee?
 12 MR. ELLIOTT: Again, object to the
 13 form. Foundation.
 14 **THE WITNESS: I guess it was merely,**
 15 **I guess, still an educational process even for**
 16 **the -- in the strategic planning.**
 17 BY MR. WEEKS:
 18 Q. Prior to March 1st, did the Redistricting
 19 Committee vote on whether to recommend -- whether
 20 to make certain recommendations to the City
 21 Council?
 22 **A. No.**
 23 Q. So there's a period between the
 24 February 15th meeting and this March 1st
 25 presentation. In that period did the

1 Redistricting Committee ask the City staff to
 2 make any additional changes to the proposed map
 3 from February 15th?
 4 **A. Not to my recollection.**
 5 Q. Did the Redistricting Committee -- was it
 6 your understanding following February 15th that
 7 no additional changes needed to be made?
 8 **A. I'm not sure.**
 9 MR. WEEKS: This will be Exhibit 9.
 10 (WHEREUPON, a document was marked
 11 Exhibit Number 9.)
 12 BY MR. WEEKS:
 13 Q. So I've handed you a document that is
 14 titled "City Council of Chattanooga Redistricting
 15 Presented on April 29th, 2022."
 16 What is this document?
 17 **A. It's just, I guess, information that was**
 18 **provided to the Council on April 19th, '22.**
 19 Q. How do you know?
 20 **A. It states that.**
 21 Q. Who made this presentation?
 22 **A. I'm not sure.**
 23 Q. Could you turn to the last two pages of
 24 this document.
 25 So these pages show the boundary of

1 Districts 8 and 9, correct?
 2 **A. Correct.**
 3 Q. Did you in your capacity as a member of
 4 the Redistricting Committee ask for these changes
 5 to be made?
 6 **A. I don't recollect. I'm not sure.**
 7 Q. Were you aware of whether a choice was
 8 presented to Councilwoman Noel regarding the
 9 change to the boundary between her district and
 10 Councilwoman Coonrod's?
 11 **A. No. No, I'm not.**
 12 Q. Did you speak with Councilwoman Coonrod
 13 about these changes?
 14 **A. No, I did not.**
 15 Q. And is it Noel or Noel?
 16 **A. Noel.**
 17 Q. Did you speak to Councilwoman Noel about
 18 it?
 19 **A. No, I did not.**
 20 **Was she on the council then? Okay.**
 21 Q. Just to clean that up, Councilman Byrd
 22 left the Council in February 2022, correct?
 23 **A. Right. Correct, correct.**
 24 Q. And Councilperson Noel was appointed
 25 shortly thereafter, correct?

1 **A. That's correct.**
 2 MR. WEEKS: Mark that Exhibit 10.
 3 (WHEREUPON, a document was marked
 4 Exhibit Number 10.)
 5 BY MR. WEEKS:
 6 Q. So I've handed you a document that appears
 7 to be Council meeting minutes from April 6th,
 8 2022. Are you familiar with this document?
 9 **A. Right.**
 10 Q. Say that again.
 11 **A. Correct, correct, correct.**
 12 Q. And did you attend this meeting?
 13 **A. I did, according to this information**
 14 **provided.**
 15 Q. If we could, look at the second page here,
 16 Ordinance 13815.
 17 So the City Council voted on a
 18 redistricting ordinance during this meeting,
 19 correct?
 20 **A. Correct.**
 21 Q. You voted "no" on this ordinance, correct?
 22 **A. I guess I did vote "no."**
 23 Q. What was the reason you voted "no"?
 24 **A. I don't recall now. I'm not sure.**
 25 (Reviews document.)

1 staff?
 2 Q. Yes, sir.
 3 A. **Only the materials provided here.**
 4 Q. Like the maps that we have gone over and
 5 that sort of thing?
 6 A. **Right. Later, right, right.**
 7 Q. While on the Redistricting Committee and
 8 as a member of the Redistricting Committee, you
 9 did not discuss redistricting on the map with
 10 other Council members, correct?
 11 A. **I did not.**
 12 Q. Or the map.
 13 You were shown maps, correct?
 14 A. **Correct. Here. Those maps?**
 15 Q. But, as a committee member, you did not
 16 vote to approve a map, did you, sir?
 17 A. **I did not. Did not.**
 18 Q. And you -- as a committee member, you did
 19 not vote on a recommendation to the full Council?
 20 A. **I didn't. I did not.**
 21 Q. And there was no discussion of that nature
 22 in those meetings; is that correct?
 23 MR. WEEKS: Object to the form.
 24 **THE WITNESS: That is correct.**
 25 MR. WEEKS: No redirect.

1 FURTHER DEPONENT SAITH NOT
 2 (WHEREUPON, the deposition was
 3 concluded at 10:12 a.m.)
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1
 2 REPORTER'S CERTIFICATE
 3
 4 STATE OF TENNESSEE
 5 COUNTY OF HAMILTON
 6
 7 I, MELISSA M. SMITH, Licensed Court
 8 Reporter, with offices in Chattanooga, Tennessee,
 9 hereby certify that I reported the foregoing
 10 deposition of ISIAH HESTER by machine shorthand to
 11 the best of my skills and abilities, and
 12 thereafter the same was reduced to typewritten
 13 form by me. I am not related to any of the
 14 parties named herein, nor their counsel, and have
 15 no interest, financial or otherwise, in the
 16 outcome of the proceedings.
 17 I further certify that in order for this
 18 document to be considered a true and correct copy,
 19 it must bear my original signature, and that any
 20 unauthorized reproduction in whole or in part
 21 and/or transfer of this document is not
 22 authorized, will not be considered authentic, and
 23 will be in violation of Tennessee Code Annotated
 24 39-14-149, Theft of Services.
 25

 MELISSA M. SMITH, RPR, CCR, LCR
 LCR # 122 - Expires: 6/30/2024

