

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

PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Tenn. R. Civ. P. 56.03, Plaintiff Chattanooga Publishing Co. hereby submits its statement of undisputed facts.

1. Chattanooga Publishing is a Tennessee corporation with its principal place of business in Chattanooga, Tennessee that publishes, among other things, the *Chattanooga Times Free Press* daily newspaper in Hamilton County, Tennessee.

Compl. ¶ 4; Answer ¶ 4.

2. Defendant the City of Chattanooga is Tennessee's fourth largest city.

Compl. ¶ 5; Answer ¶ 5.

3. Defendant the Chattanooga City Council is the City's legislative body and is charged with redistricting the City Council voting zones every ten years based on the federal census. Compl. ¶ 6; Answer ¶ 6.

4. Defendants Chip Henderson, Jenny Hill, Ken Smith, Darrin Ledford, Isiah Hester, Carol B. Berz, Raquetta Dotley, Marvene Noel, and Demetrus Coonrod were members of the Chattanooga City Council at all times relevant to the Complaint and are being sued in their official capacities as members of the City Council. Compl. ¶ 7; Answer ¶ 7.

5. The City Council is a "governing body" within the meaning of the OMA, Tenn. Code Ann. § 8-44-102(b)(1)(A), and is vested with the City's legislative authority. Compl. ¶ 19; Answer ¶ 19.

6. The City Council generally has nine members, each of whom represents a voting district within the City of Chattanooga. Compl. ¶ 20; Answer ¶ 20.

7. Chip Henderson represented District 1 in the City Council from September 2021 to May 2022. Stips. ¶ 1.¹

8. Jenny Hill represented District 2 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

9. Ken Smith represented District 3 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

¹ Citations to "Stips. ¶ ___" refer to the parties' Stipulation as to Facts on Which Further Proof Is Unnecessary, filed by Defendants on October 30, 2024.

10. Darrin Ledford represented District 4 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

11. Isiah Hester represented District 5 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

12. Carol B. Berz represented District 6 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

13. Raquetta Dotley represented District 7 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

14. Marvene Noel represented District 8 in the City Council from March 8, 2022 to May 2022. Stips. ¶ 1.

15. Demetrus Coonrod represented District 9 in the City Council from September 2021 to May 2022. Stips. ¶ 1.

16. Councilmember Henderson was Council Chair from 2020 until April 2022. Stips. ¶ 1; Compl. ¶ 21; Answer ¶ 21.

17. Councilmember Ledford was Council Chair from April 2022 until at least December 2022. Stips. ¶ 1; Compl. ¶ 21; Answer ¶ 21.

18. Additionally, Marvene Noel was appointed to the City Council on an interim basis on March 8, 2022, to represent Chattanooga District 8; she was elected to the Council by the voters of District 8 in a runoff election on September 15, 2022. Compl. ¶ 22; Answer ¶ 22.

19. Members of the City Council generally stand for election or re-election every four years. Compl. ¶ 23; Answer ¶ 23.

20. The most recent City Council election to when the Complaint was filed was in March 2021. Compl. ¶ 24; Answer ¶ 24.

21. Pursuant to the Chattanooga City Charter Section 8.9, every ten years, following the publication of the federal decennial census, the City Council must “reorganize and adjust by ordinance the boundaries of the [voting] districts currently established” in a process referred to as “redistricting.” Compl. ¶ 25; Answer ¶ 25; McAdoo Decl. Ex. 1.

22. Pursuant to the Chattanooga City Charter Section 8.9, the redistricting process must be complete at least one year before the next scheduled City Council election. Compl. ¶ 26; Answer ¶ 26; McAdoo Decl. Ex. 1.

23. Pursuant to the Chattanooga City Charter, the City Council must give itself at least six months to work on the redistricting process. Compl. ¶ 27; Answer ¶ 27; McAdoo Decl. Ex. 1.

24. The most recent federal decennial census was published in 2021, triggering the City Council’s redistricting obligations. Compl. ¶ 28; Answer ¶ 28; McAdoo Decl. Ex. 1; McAdoo Decl. Ex. 2.

25. Given the 2021 publication of the U.S. Census, the City Council was required to complete the redistricting process by March 2024—one year before the March 2025 City Council election. Compl. ¶ 29; Answer ¶ 29; McAdoo Decl. Ex. 1.

26. The U.S. Census Bureau published a “redistricting data toolkit” on September 16, 2021. McAdoo Decl. Ex. 2.

27. At a public City Council meeting on September 21, 2021, Councilmember Henderson—who was then Chair—announced that he had “tasked” a “small, ad hoc committee” with “gather[ing] some data” and “look[ing] at some options for what a redistricting map could look like,” so that the Council could “begin to start the conversation of redistricting.” Compl. ¶ 30; Answer ¶ 30; Stips. ¶ 5, Stips. Ex. A, Tr. Sept. 21, 2021 Regular Council Meeting 3:8–18.²

28. This “small, ad hoc” committee, *id.*, (the “Redistricting Committee” or the “Committee”) was chaired by Councilmember Berz; its other members were Councilmembers Smith, Dotley, and Hester. Compl. ¶ 31; Answer ¶ 31; Stips. ¶ 5, Stips. Ex. A, Tr. Sept. 21, 2021 Regular Council Meeting at 3:8–18.

29. The City Council typically creates committees that consist of all nine of its members. McAdoo Decl. Ex. 3, Berz Dep. 15:17–16:6. Councilmember Berz testified that in her 14 years on the City Council, she was not aware of, nor had she participated in any *ad hoc* committee consisting of fewer than all nine members of the City Council. McAdoo Decl. Ex. 3, Berz Dep. 93:5–17.

30. Redistricting Committee members convened with members of the City Administration Staff (the “City Staff”), including Chris Anderson, Andrew Sevigny, and/or Tim Moreland, among others, on September 30, 2021, December 9, 2021, and

² The Declaration of Paul McAdoo, filed concurrently herewith, describes each of its exhibit. Exhibits to the McAdoo declaration produced by the City of Chattanooga in the course of this litigation are authentic and non-hearsay. Stips. ¶ 2. Minutes of the Chattanooga City Council (whether Strategic Planning, Agenda, or regular meeting) from September 2021 to May 2022 are authentic and non-hearsay. Stips. ¶ 3.

February 15, 2022 regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 6-8.³

31. None of the Redistricting Committee's convenings with City Staff were publicly noticed and no minutes were kept of these convenings. Compl. ¶¶ 35-36; Answer ¶¶ 35-36.

32. No members of the public attended the Redistricting Committee's convenings with City Staff. Compl. ¶ 35; Answer ¶ 35.

33. During the redistricting process, Chris Anderson was on the City of Chattanooga Mayor's staff. Stips ¶ 1.

34. During the redistricting process, Andrew Sevigny was the Director of the City's Office of Performance Management and Open Data, which was a part of the City's Department of Innovation Delivery and Performance, and he reported to Tim Moreland and Chris Anderson. Stips ¶ 1; McAdoo Decl. Ex. 4, Sevigny Dep. 9:5-10:5.

35. During the redistricting process, City Staff provided data to and rendered maps for the Redistricting Committee, including changes requested by council members. McAdoo Decl. Ex. 4, Sevigny Dep. 25:22-26:19; McAdoo Decl. Ex. 6.

36. The September 30, 2021 Redistricting Committee convening was attended by Councilmembers Dotley and Berz as well as Chris Anderson, Andrew

³ Cited pagination for the exhibits to the McAdoo declaration are to the underlying document and do not include the cover page.

Sevigny, and Dylan Rivera and City Attorney O'Donnell. McAdoo Decl. Ex. 7, City Interrog. Resps. at 7.

37. At the September 30, 2021 Redistricting Committee convening with City Staff, City Staff reviewed minutes from the City's redistricting in 2011 and gave a presentation to the Redistricting Committee that included discussion of various legal and practical requirements described in the Comptroller's "A Guide to Local Government Redistricting in Tennessee." McAdoo Decl. Ex. 7, City Interrog. Resps. at 7.

38. The City Staff's presentation to the Redistricting Committee on September 30, 2021 also included a table with the current districts with the 2020 census numbers. McAdoo Decl. Ex. 8, Anderson Dep. 18:7-16; McAdoo Decl. Ex. 4, Sevigny Dep. 33:20-34:8; McAdoo Decl. Ex. 9 at 6.

39. At the September 30, 2021 Redistricting Committee convening with City Staff, City Staff discussed the "10% rule" for the distribution of population in each district. McAdoo Decl. Ex. 9 at 3. Some districts had populations that fell outside the 10% deviation mark, meaning that district boundaries would need to be changed. McAdoo Decl. Ex. 9 at 6.

40. City Staff, rather than the Redistricting Committee, held the technological expertise required to work with the computer programs used to plot the new district boundaries. McAdoo Decl. Ex. 8, Anderson Dep. 37:18-23; McAdoo Decl. Ex. 4, Sevigny Dep. 36:2-18; Stips. ¶ 5, Stips Ex. A Tr. Mar. 29, 2022 Agenda Session at 2:17-19.

41. At the September 30, 2021 Redistricting Committee convening, the Redistricting Committee asked City Staff to create a proposed map that caused the least amount of disruption to existing district boundaries, avoided breaking up neighborhood associations between districts to the extent possible, followed the law, and aligned with the new census data. McAdoo Decl. Ex. 3, Berz Dep. 38:22–40:19, 40:25–41:3, 71:21–24, 74:17–75:2, 100:15–101:7; McAdoo Decl. Ex. 9; McAdoo Decl. Ex. 10; McAdoo Decl. Ex. 11; McAdoo Decl. Ex. 8, Anderson Dep. 27:2–28:10; McAdoo Decl. Ex. 4, Sevigny Dep. 42:18–43:6.

42. At the September 30, 2021 Redistricting Committee convening, City Staff recommended that the Redistricting Committee follow neighborhood boundaries, arterial roadways, and natural land features to the extent possible. McAdoo Decl. Ex. 8, Anderson Dep. 28:1–10; McAdoo Decl. Ex. 4, Sevigny Dep. 37:25–38:18.

43. Following the September 30, 2021, convening, City Staff followed Councilmember Berz’s instruction to undertake the process of generating a map with proposed district lines that caused the least amount of disruption to existing district boundaries, avoided breaking up neighborhood associations between districts to the extent possible, followed the law, and aligned with the census. McAdoo Decl. Ex. 8, Anderson Dep. 27:14–28:7; McAdoo Decl. Ex. 4, Sevigny Dep. 38:13–40:11.

44. On October 4, 2021, Councilmember Berz told Council members Smith, Ledford, and Hester that “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.” McAdoo Decl. Ex. 10.

45. At a public City Council meeting on November 9, 2021, Councilmember Berz updated the City Council in response to a question from the attendees that the Redistricting Committee “ha[d] start[ed] looking at data” but “we have a long way to go.” Compl. ¶ 39; Answer ¶ 39; Stips ¶ 5, Stips. Ex. A, Tr. Nov. 9, 2021 Chattanooga City Council Meeting at 3:14–4:22.

46. The minutes for the November 9, 2021 City Council meeting indicate that Councilmember Berz “chairs the ad hoc committee for redistricting recommendations.” McAdoo Decl. Ex. 12 at 13.

47. At that same public City Council meeting on November 9, 2021, Councilmember Berz announced that “we’re not adding any districts.” Stips ¶ 5, Stips. Ex. A, Tr. Nov. 9, 2021 Chattanooga City Council Meeting at 4:15–16.

48. The Redistricting Committee convened on December 9, 2021. In attendance were City Attorney O’Donnell, Chris Anderson, Andrew Sevigny, Dylan Rivera, Tim Moreland, Councilmember Berz, Councilmember Dotley, Councilmember Hester, and Councilmember Smith. McAdoo Decl. Ex. 7, City Interrog. Resps. at 7-8; McAdoo Decl. Ex. 8, Anderson Dep. 36:14–21; .

49. At the December 9, 2021 Redistricting Committee convening, the City Staff gave a presentation on redistricting labeled “Redistricting 12/9/21.” McAdoo

Decl. Ex. 7, City Interrog. Resps. at 7–8; McAdoo Decl. Ex. 8, Anderson Dep. 36:22–24; McAdoo Decl. Ex. 13, Dotley Dep. 22:9–23; McAdoo Decl. Ex. 14.

50. The City Staff's presentation to the Redistricting Committee on December 9, 2021 included discussion of the legal requirements for redistricting, a chart with the 2020 Census data applied to the current districts, an explanation of the process used in creating a new map, a chart for "Proposed Council Districts with 2020 Population, and two slides containing maps: one with the current City Council districts next to a "Proposed Draft" map, and one that consisted of a more detailed view of the "Proposed Draft" map on the previous slide (the "Dec. 9, 2021 Proposed Map"). McAdoo Decl. Ex. 14.

51. The Dec. 9, 2021 Proposed Map—identified as a "Proposed Draft" on page 7 of the presentation to the Redistricting Committee on December 9, 2021—was the City Staff's proposal to the Redistricting Committee. McAdoo Decl. Ex. 4, Sevigny Dep. 46:3–16; McAdoo Decl. Ex. 14 at 7.

52. Pursuant to the City Staff's December 9, 2021 presentation to the Redistricting Committee, the December 9, 2021 Proposed Map was developed in accordance with the following requirements: (i) accommodate increases in population in Districts 5, 8, and 9; (ii) accommodate decreases in population in Districts 3, 4, and 7; (iii) neighborhood boundary files should be used as guidelines; and (iv) arterial roadways and natural land features should be also be used as guidelines. McAdoo Decl. Ex. 14 at 5.

53. The December 9, 2021 Proposed Map was the first map with newly drawn district boundaries shown to the Redistricting Committee. McAdoo Decl. Ex. 7, City Interrog. Resps. at 4.

54. The December 9, 2021 Proposed Map was not the same map that was adopted by the City Council by ordinance. McAdoo Decl. Ex. 4, Seigny Dep. 46:3–19.

55. At the December 9, 2021 Redistricting Committee meeting, Councilmember Berz instructed City Staff to hold individual meetings with members of the City Council to discuss the boundaries drawn in the December 9, 2021 Proposed Map and to get their input on those boundaries as they related to their districts. McAdoo Decl. Ex. 3, Berz Dep. 52:15–54:6, 71:16–20, 74:22–75:2.

56. On December 9, 2021, Councilmember Berz updated Councilmember Henderson and said that the “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.” McAdoo Decl. Ex. 16; McAdoo Decl. Ex. 3, Berz Dep. 50:18–51:1.

57. None of the individual meetings between members of City Council and City Staff related to redistricting were open to the public or preceded by OMA-compliant public notice. Compl. ¶ 75; Answer ¶ 75.

58. On December 14, 2021, Councilmember Smith met individually with Chris Anderson regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at

9; McAdoo Decl. Ex. 17, Smith Interrog. Resps. at 2; McAdoo Decl. Ex. 8, Anderson Dep. 44:15-45:8.

59. At their December 14, 2021 meeting, Chris Anderson showed Councilmember Smith a map with district boundaries based on those in the December 9, 2021 Proposed Map. McAdoo Decl. Ex. 8, Anderson Dep. 46:24-47:3.

60. On January 11 or January 14, 2022, Mr. Anderson met individually with Councilmember Henderson regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 9; McAdoo Decl. 18, Henderson Interrog. Resps. at 2; McAdoo Decl. Ex. 19, Henderson Dep. 14:22-15:14; McAdoo Decl. Ex. 8, Anderson Dep. 59:23-60:13.

61. At their January 11 or January 14, 2022 meeting, Chris Anderson showed Councilmember Henderson a map with district boundaries based on those in the December 9, 2021 Proposed Map. McAdoo Decl. Ex. 8, Anderson Dep. 50:14-25; McAdoo Decl. Ex. 19, Henderson Dep. 17:4-8; 19:13-20:2.

62. Councilmember Henderson objected to the map he was shown in his January 11 or January 14, 2022 individual meeting with Mr. Anderson. McAdoo Decl. 18, Henderson Interrog. Resps. at 2; McAdoo Decl. Ex. 19, Henderson Dep. 17:4-17.

63. Specifically, Councilmember Henderson objected to the removal of the Hixson area in the northernmost part of his district from District 1 in the proposed map he was shown. McAdoo Decl. Ex. 19, Henderson Dep. 17:9-17, 19:20-20:2, 20:19-21:6; McAdoo Decl. Ex. 18, Henderson Interrog. Resps. at 2.

64. The map shown to the City Council at a public meeting on March 1, 2022 addressed Councilmember Henderson's concern and included in District 1 the area Councilmember Henderson objected to removing from District 1. McAdoo Decl. Ex. 19, Henderson Dep. 25:2–27:3; McAdoo Decl. Ex. 4, Sevigny Dep. 55:15–56:6; McAdoo Decl. Ex. 18, Henderson Interrog. Resps. at 2; *compare* McAdoo Decl. Ex. 14 at 7-8 (Dec. 9, 2021 Proposed Map) *with* McAdoo Decl. Ex. 20 at 8 (Mar. 1, 2022 Proposed Map).

65. Councilmember Henderson never discussed his objection to moving the northern most part of District 1 to another district in a properly noticed public meeting. McAdoo Decl. Ex. 19, Henderson Dep. 24:23–25:1.

66. Also on January 11, 2022, Chris Anderson met individually with Councilmember Ledford regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 9; McAdoo Decl. Ex. 21, Ledford Interrog. Resps. at 2.

67. At their January 11, 2022 meeting, Chris Anderson showed Councilmember Ledford a map with district boundaries based on those in the December 9, 2021 Proposed Map. McAdoo Decl. Ex. 8, Anderson Dep. 55:11–23, 56:9–15.

68. On January 18, 2022, Mr. Anderson met individually with Councilmember Hill regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 9; McAdoo Decl. Ex. 8, Anderson Dep. 61:2–7; McAdoo Decl. Ex. 22, Hill Interrog. Resps. at 2.

69. At their January 18, 2022 meeting, Chris Anderson showed Councilmember Hill a map with district boundaries based on those in the December 9, 2021 Proposed Map. McAdoo Decl. Ex. 8, Anderson Dep. 61: 8–13.

70. Mr. Sevigny testified that, according to Mr. Anderson, Councilmember Hill expressed a desire in her individual meeting with Mr. Anderson to have Hill City remain in her district. McAdoo Decl. Ex. 4, Sevigny Dep. 57:13–62:25; *see* McAdoo Decl. Ex. 23; *see also* McAdoo Decl. Ex. 22, Hill Interrog. Resps. at 2.

71. The map shown to the City Council at a public meeting on March 1, 2022 addressed Councilmember Hill’s concern and included Hill City in District 2. McAdoo Decl. Ex. 4, Sevigny Dep. 57:13–62:25; McAdoo Decl. Ex. 23; McAdoo Decl. Ex. 24 at 6 (“Hill City and Pinnacle building moving to District 2”); McAdoo Decl. Ex. 20 at 6 (“Hill City, City Greene and Pinnacle building moving to District 2”); *compare* McAdoo Ex. 14 at 7-8 (Dec. 9, 2021 Proposed Map) *with* McAdoo Decl. Ex. 20 at 8 (Mar. 1, 2022 Proposed Map).

72. On February 3, 2022, Mr. Anderson met individually with Councilmember Coonrod regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 9; McAdoo Decl. Ex. 8, Anderson Dep. 63:13–64:24; McAdoo Decl. Ex. 25, Coonrod Dep. 26:23–27:9.

73. At their February 3, 2021 meeting, Mr. Anderson showed Councilmember Coonrod a map with district boundaries based on those in the December 9, 2021 Proposed Map. McAdoo Decl. Ex. 8, Anderson Dep. 64:1–10.

74. During her February 3, 2021 meeting with Mr. Anderson, Councilmember Coonrod “indicated her desire . . . to have both the entirety of the Mill Town development as well as the entirety of the Highland Park neighborhood in her district.” McAdoo Decl. Ex. 8, Anderson Dep. 65:24–66:15; McAdoo Decl. Ex. 25, Coonrod Dep. 28:16–30:6.

75. City Staff made changes to the proposed map based upon that feedback that Councilmember Coonrod provided. McAdoo Decl. Ex. 8, Anderson Dep. 67:1–4; McAdoo Decl. Ex. 4, Sevigny Dep 67:15–70:5; *compare* McAdoo Decl. Ex. 14 at 7-8 (Dec. 9, 2021 Proposed Map) *with* McAdoo Decl. Ex. 20 at 8 (Mar. 1, 2022 Proposed Map).

76. On February 10, 2022, Mr. Anderson virtually met individually with Councilmember Coonrod regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 9; McAdoo Decl. Ex. 25, Coonrod Dep. 36:8–24.

77. The purpose of the February 10, 2022 meeting between Mr. Anderson and Councilmember Coonrod was “[t]o go over the map again.” McAdoo Decl. Ex. 25, Coonrod Dep. 36:23–24.

78. The map Mr. Anderson and Councilmember Coonrod discussed on February 10, 2022 had “the changes [Councilmember Coonrod] had talked about from the February 3rd meeting.” McAdoo Decl. Ex. 25, Coonrod Dep. 36:25–37:3.

79. Councilmember Coonrod also requested in her February 2022 meetings with Mr. Anderson on redistricting that she wanted to keep the Save A Lot in District 9. McAdoo Decl. Ex. 25, Coonrod Dep. 46:23–47:8.

80. City Staff, including Mr. Anderson, complied with Councilmember Coonrod's request to keep the Save A Lot in District 9. McAdoo Decl. Ex. 8, Anderson Dep. 69:11–22; McAdoo Decl. Ex. 25, Coonrod Dep. 45:23–47:8.

81. In January or February 2022, Mr. Anderson spoke on the phone with Councilmember Dotley about redistricting. McAdoo Decl. Ex. 8, Anderson Dep. 72:21–73:16.

82. Councilmember Dotley recalled giving “some feedback” about her proposed district, specifically that she “was glad about the proposed map and that it made some of the neighborhoods whole instead of splitting them down the middle,” but did not recall when or to whom she gave that feedback. McAdoo Decl. Ex. 13, Dotley Dep. 29:21–32:1.

83. In January or February 2022, Mr. Anderson spoke on the phone with Councilmember Berz about redistricting. McAdoo Decl. Ex. 8, Anderson Dep. 72:21–73:20.

84. Councilmember Berz approved of the changes to District 6 that Mr. Anderson described during their phone call. McAdoo Decl. Ex. 3, Berz Dep. 55:2–11.

85. In January or February 2022, Mr. Anderson spoke on the phone with Councilmember Hester about redistricting. McAdoo Decl. Ex. 8, Anderson Dep. 72:21–73:16.

86. The final Redistricting Committee convening was held on February 15, 2022, and was attended by Chris Anderson, Andrew Sevigny, Tim Moreland, and

Councilmembers Berz, Dotley, Hester, and Smith. McAdoo Decl. Ex. 7, City Interrog. Resps. at 8.

87. The Redistricting Committee convening on February 15 was not open to the public and public notice pursuant to the OMA was not provided. McAdoo Decl. Ex. 8, Anderson Dep. 77:5–77:11, 95:7–22.

88. Minutes were not kept for any of the Redistricting Committee convenings. Compl. ¶ 36; Answer ¶ 36.

89. According to Defendants, City Staff met with individual council members “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.” McAdoo Decl. Ex. 7, City Interrog. Resps. at 6; *see also* McAdoo Decl. Ex. 3, Berz Dep. 62:12–63:14.

90. At the February 15, 2022, Redistricting Committee convening, City Staff presented a new proposed redistricting map (the “February 15, 2022 Proposed Map”) that City Staff had developed, in part, based on feedback from council members during the City Staff’s individual discussions. McAdoo Decl. Ex. 24; McAdoo Decl. Ex. 8, Anderson Dep. 70:21–72:4; McAdoo Decl. Ex. 4, Sevigny Dep. 31:10–19; McAdoo Decl. Ex. 13, Dotley Dep. 32:13–33:10; McAdoo Decl. Ex. 3, Berz Dep. 59:1–60:1; Compl. ¶ 46; Answer ¶ 46 (explaining that changes to the redistricting map from December 9, 2021 to February 15, 2022 were, in part, based on “individual council input”).

91. The City Staff's presentation to the Redistricting Committee on February 15, 2022 stated that neighborhood boundary files, arterial roadways, and natural land features were used as guidelines. McAdoo Decl. Ex. 24 at 5.

92. The City Staff's presentation to the Redistricting Committee on February 15, 2022 also included discussion of the legal requirements for redistricting, a slide describing the changes to proposed redistricting map, and a new population chart for the new proposed districts. McAdoo Decl. Ex. 24 at 3-7.

93. At the February 15, 2022 Redistricting Committee meeting, Councilmember Berz decided to place the Proposed Map on the City Council's agenda for consideration. McAdoo Decl. Ex. 4, Sevigny Dep. 31:10-23.

94. At the City Council's February 15, 2022 Agenda Session, "Councilwoman Berz requested during the public Agenda session meeting that the report from the Redistricting Committee be brought before the City Council at the next Strategic Planning Meeting" and then-Chair Henderson "instructed Council Staff to add this item to the March 1st Strategic Planning agenda." Answer ¶ 48; Stips. Suppl. Ex. A, Tr. Feb. 15, 2022 City Agenda Session 2:12-16;⁴ *see also* McAdoo Decl. Ex. 26 at 2.

⁴ The parties' Supplement to Exhibit A to Stipulations as to Facts on Which Further Proof is Unnecessary, consisting of a transcript of applicable portions of the City Council's February 15, 2022 Agenda Session, was filed by Plaintiff on November 6, 2022.

95. On February 17, 2022, Mr. Anderson virtually met individually with Councilmember Coonrod regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 10.

96. During Mr. Anderson and Councilmember Coonrod's February 17 meeting, Mr. Anderson "presented to her the final proposed draft of her district that encompassed some of her earlier requests," including putting the entirety of Highland Park in District 9 and the Save A Lot in District 9. McAdoo Decl. Ex. 8, Anderson Dep. 92:6-93:13.

97. The meeting between Councilmember Coonrod and Chris Anderson on February 17, 2022 was not open to the public and public notice pursuant to the OMA was not provided. McAdoo Decl. Ex. 8, Anderson Dep. 94:16-22.

98. At the City Council's public Strategic Planning Session on March 1, 2022, the Redistricting Committee delivered a report comprised of introductory remarks from Councilmember Berz regarding the committee's process for working on a redistricting recommendation, a presentation by Mr. Anderson, and questions from the City Council that were answered by Mr. Anderson with help from Mr. Sevigny. *See generally* Stips. Ex. A, Tr. City Strategic Planning Session March 1, 2022; McAdoo Decl. Ex. 27 at 1 .

99. The March 1, 2022 Redistricting Committee report at the Strategic Planning Session included discussion of the legal requirements for redistricting, the process used to come up with the map that was being proposed, including "individual council input," population charts for both the old districts and the new proposed

districts, a description of changes to the districts, and a proposed district map (the “March 1, 2022 Proposed Map”). *See generally* Stips. ¶ 5, Stips. Ex. A, Tr. City Strategic Planning Session March 1, 2022 at 10:23–11:14; McAdoo Ex. 20.

100. The map shown at the March 1, 2022 Strategic Planning Session was the first one shown at a properly noticed public meeting of the City Council during the 2021-2022 redistricting process. McAdoo Decl. Ex. 7, City Interrog. Resps. at 5–6.

101. During the March 1, 2022 Strategic Planning Session presentation, Mr. Anderson stated that “the lines” drawn on the March 1, 2022 Proposed Map “reflect hours and hours, really hundreds and hundreds of hours of staff time spent with” the City Council. “And I want to stress,” Mr. Anderson said, “that this is the proposal based on [the City Council’s] input.” Mr. Anderson also told the City Council, “I think I’ve spent a lot of time with each of you making changes that you wanted to your districts. We’re happy to make more if you want them, but the last word I have from every member of the Council is that you’re fine with this.” Mr. Anderson continued: “As you know, we’ve been working on this now for about six months, and I really appreciate all of the one-on-one quality time I’ve gotten to spend with all of you[.]” “I think that,” Mr. Anderson said, “what you’re going to see today will offer no surprises. It will be what I think everyone is expecting.” Stips. ¶ 5, Stips. Ex. A, Tr. City Strategic Planning Session March 1, 2022 at 5:13–23, 30:11–16, 35:17–21; Compl. ¶ 51; Answer ¶ 51; McAdoo Decl. Ex. 8, Anderson Dep. 102:5–15, 103:9–15.

102. During the March 1, 2022, presentation of the Proposed Map at the City Council's public Strategic Planning Session, Mr. Sevigny told the City Council, "We also used, as Chris [Anderson] stated, individual council input" in creating the Proposed Map, "so we'd come to you individually and say, 'What are you interested in having in your district, and what works for you?'" Stips. ¶ 5, Stips Ex. A, Tr. City Strategic Planning Session March 1, 2022 at 10:23–11:4.

103. During the March 1, 2022 presentation, Sevigny said "we're going to keep neighborhoods together. We used major roadways and natural land features, like, you know, the river running through Chattanooga as kind of guidelines." Stips. ¶ 5, Stips Ex. A, Tr. City Strategic Planning Session March 1, 2022 at 10:17–25.

104. During the March 1, 2022 presentation, Councilmember Henderson asked Mr. Anderson, "Every councilperson has seen this particular map, correct?" Mr. Anderson replied, "Yes, sir, that's correct." "Or at least," said Councilmember Henderson, "their portion of the district?" "Yes, sir," said Mr. Anderson, "there are no changes to that map, to anyone's district, that that person hasn't seen." Stips. Ex. A, Tr. City Strategic Planning Session March 1, 2022 at 14:22–15:9. Compl. ¶ 53; Answer ¶ 53.

105. At the conclusion of the presentation of the Proposed Map at the City Council's public March 1, 2022 Strategic Planning Session, Councilmember Berz stated that, "The next step would be to set it for vote." Stips. ¶ 5, Stips. Ex. A, Tr. City Strategic Planning Session March 1, 2022 at 36:25–37:6.

106. At the City Council Agenda Session on March 1, 2022, Councilmember Berz “asked the Chairman for the redistricting recommendations to be placed on the April 5th agenda.” McAdoo Decl. Ex. 28 at 2.

107. On March 28, 2022, Mr. Anderson, Mr. Sevigny, and Mr. Thongnopnua met with Councilmember Noel regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. No. 4 at 10.

108. On March 29, 2022, the City Council held a meeting at which members of the public were permitted to comment on the Proposed Map; each interested member of the public was given two minutes to speak. Stips. Ex. A, Tr. City Council Meeting March 29, 2022 2:3–7, 9:17–25; McAdoo Decl. Ex. 29 at 1.

109. On April 13, 2022, Mr. Anderson and Mr. Sevigny met with Councilmember Noel regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 10.

110. On April 14, 2022, Mr. Sevigny emailed Councilmember Noel with two options for changes to Districts 8 and 9 based on the changes in the data from the State; “Option 1,” that would split Alton Park and “Option 2,” that would split Glenwood. Mr. Sevigny attached maps reflecting each option to this email. McAdoo Decl. Ex. 30.

111. Councilmember Noel chose “Option 2” offered by Mr. Sevigny. McAdoo Decl. Ex. 31, Noel Dep. 24:3–30:3; McAdoo Decl. Ex. 30; McAdoo Decl. Ex. 8, Anderson Dep. 123:11-126:15; McAdoo Decl. Ex. 4, Sevigny Dep. 74:12-76:2.

112. There was no discussion of the two April 14, 2022 optional maps for Districts 8 and 9 at a properly noticed public meeting of the City Council prior to April 14, 2022. McAdoo Decl. Ex. 4, Sevigny Dep. 74:12-76:2.

113. On April 19, 2022, Mr. Anderson, Mr. Sevigny, and Mr. Thongnopnua met with Councilmember Coonrod regarding redistricting. McAdoo Decl. Ex. 7, City Interrog. Resps. at 10.

114. In the April 19, 2022 meeting between Councilmember Coonrod and City Staff, Councilmember “Coonrod was shown some changes that related to Glenwood and [Coonrod] posed questions relating to the same.” McAdoo Decl. Ex. 7, City Interrog. Resps. at 10.

115. In particular, Councilmember Coonrod was informed by City Staff at her April 19, 2022 meeting that there were two options for changing the redistricting maps available and that it had been decided that the option splitting Glenwood was chosen. McAdoo Decl. Ex. 25, Coonrod Dep. 79:6–80:13, 83:9–86:4, 86:13–21; McAdoo Decl. Ex. 30.

116. During the City Council’s public Agenda Session on April 19, 2022, Mr. Sevigny delivered a presentation in which he explained that the data underlying the March 1, 2022 Proposed Map contained errors, and that remedying these errors required changing the boundaries of voting districts 7, and 8. Stips. Ex. A, Tr. City Agenda Session April 19, 2022 3:1–4:14, 4:25–6:5.

117. The updated April 19, 2022 redistricting map (the “April 19, 2022 Final Map”) included the change chosen by Councilmember Noel, but there was no

discussion of the two options that had been presented to Councilmember Noel by email on April 14, 2022. Stips. Ex. A, Tr. City Agenda Session April 19, 2022 3:1–4:14, 4:25–6:5.

118. During his presentation on April 19, 2022, Mr. Sevigny stated, “[W]e did meet with council members here late last week to go over District 8, and we made some more modifications actually to the map[.]” Stips. Ex. A, Tr. City Agenda Session April 19, 2022 3:1–3.

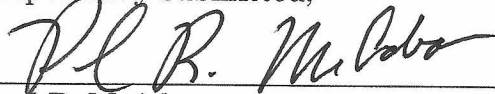
119. The April 19, 2022 Final Map was adopted as Ordinance #13815 by public vote at the City Council’s April 26, 2022 and May 3, 2022 meetings. Compl. ¶¶ 61-62; Answer ¶¶ 61-62.

120. By a public vote on April 26, 2022, the City Council passed the “first reading” of Ordinance #13815 to adopt the April 19, 2022 Final Map. Compl. ¶ 61; Answer ¶ 61.

121. By a public vote of May 3, 2022, the City Council approved Ordinance #13815, adopting the April 19, 2022 Final Map. Compl. ¶ 62; Answer ¶ 62.

Dated: November 6, 2024

Respectfully submitted,



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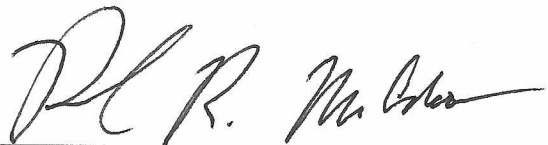
CERTIFICATE OF SERVICE

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:

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