

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MIGUEL COCA and
ALEJANDRO RANGEL-LOPEZ,

Plaintiffs,

vs.

CITY OF DODGE CITY, *et al.*

Defendants.

Case No. 6:22-cv-01274-EFM-RES

DECLARATION OF NICKOLAUS J. HERNANDEZ

Pursuant to 28 U.S.C. § 1746, I, Nickolaus J. Hernandez, declare, verify, certify, and state under penalty of perjury that the following is true and correct:

1. I am the City Manager of the City of Dodge City, Kansas ("Dodge City").
2. I have personal knowledge of the matters stated herein.
3. Dodge City adopted the at-large system of election for City Commissioner in 1971. A true and correct copy of the Charter Ordinance that enacted this form of election, Ordinance No. 7, is attached to this declaration and incorporated herein as Ex. A-1. A true and correct copy of the minutes surrounding the enactment of Charter Ordinance is attached to this declaration and incorporated herein as Ex. A-2.
4. Dodge City does not campaign on behalf of or endorse any candidate for any elected office, including City Commission.
5. Dodge City encourages all eligible citizens to vote and does not discourage any eligible citizen from voting.



6. I am not aware of any attempts to keep any eligible Dodge City voter from voting in Commission elections or prevent any Dodge City citizens from running for City Commission.
7. The City publishes election flyers before elections to encourage all eligible Dodge City voters to participate in and vote in elections. All election flyers attached to this declaration are true and correct copies and are incorporated herein as Ex. A-3.
8. Dodge City has engaged in many initiatives to welcome immigrants to the City, including the development of the Cultural Relations Advisory Board, the Welcoming Dodge City Strategic Plan (created by the Cultural Relations Advisory Board), hosting the annual International Festival, hosting New Americans Dinners and the Engage Dodge Program. Dodge City has also worked with the United States Citizen and Immigration Services Mobile Services, and both the Mexican and Guatemalan Consulate services to help community members with the immigration process and has participated in US Naturalization ceremonies. A true and correct description of these activities is set forth in a document attached to this declaration and incorporated herein as Ex. A-4.
9. The City provides free public transportation for citizens to vote during early voting and on election day.
10. The City offers its bilingual staff the opportunity to assist Ford County at the polls on election day without taking a vacation day and while being paid by the City. A true and correct copy of an email addressing this matter from 2020 is attached to this declaration and incorporated herein as Ex. A-5.

11. The Cultural Relations Advisory Board developed a Strategic Plan for Welcoming and Integration in 2021. A true and correct copy of that Plan is attached to this declaration and incorporated herein as Ex. A-6.
12. As far as I am aware, since the at-large system of elections was adopted, the City of Dodge City has not received petitions requesting a change in City Commissioner elections from at-large to district elections.
13. As far as I am aware, since the at-large system of elections was adopted, the form of election, whether district or at-large, has not been an issue in any City Commissioner race.
14. In February 2019, then-Commissioner Jan Scoggins asked then-City Manager Cherise Tieben to add to the Commission agenda a request to consider a combination of districts and at-large seats for City Commission elections. A true and correct copy of that request is attached to this declaration and incorporated herein as Ex. A-7. True and correct copies of the meeting minutes from March and April 2019 in which then-Commissioner Scoggins' requests were addressed are attached to this declaration and incorporated herein as Exs. A-8 and A-9, respectively.
15. Outside of the discussion that transpired in March and April 2019, I am unaware of any other time that the issue of at-large versus district elections has been raised with the Commission or by any commissioner since the at-large system of elections was adopted in the 1970s.
16. Outside of this lawsuit, I am unaware of any citizens in Dodge City desiring or attempting to change the at-large election system currently being utilized.
17. On June 20, 2011, the U.S. Department of Justice ("DOJ"), Civil Rights Division sought information on elections from Ford County. A true and correct copy of the letter that the

DOJ sent to Ford County is attached to this declaration and incorporated herein as Ex. A-10.

18. On October 20, 2011, the DOJ advised then-Ford County Clerk Sharon Siebel of the newly promulgated bilingual election requirements under Section 203 of the Voting Rights Act. A true and correct copy of the letter that the DOJ sent to Ms. Siebel is attached to this declaration and incorporated herein as Ex. A-11.

19. As far as I am aware, the DOJ has never subpoenaed or otherwise requested documents from the City of Dodge City.

20. As far as I am aware, the DOJ has never made any findings of wrongdoing against Dodge City.

21. A true and correct copy of the results for the 2021 Dodge City Commission General Election is attached to this declaration and incorporated herein as Ex. A-12.

22. A true and correct copy of the results for the 2017 Dodge City Commission General Election is attached to this declaration and incorporated herein as Ex. A-13.

23. A true and correct copy of the results for the 2014 Dodge City Commission General Election is attached to this declaration and incorporated herein as Ex. A-14.

24. A true and correct copy of the results for the 2006 Dodge City Commission Primary Election is attached to this declaration and incorporated herein as Ex. A-15.

25. A true and correct copy of the results for the 2000 Dodge City Commission General Election is attached to this declaration and incorporated herein as Ex. A-16.

26. Following the filing of this lawsuit, I have consulted with trusted leaders in the Dodge City Latino community regarding the at-large city council election system. The feedback that I

received was that the Latino leaders believed that the at-large system united Dodge City, and they did not see a need to change to district-based elections.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on this 22nd day of September, 2023.


Nickolaus J. Hernandez

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF DODGE CITY FROM THE PROVISIONS OF KSA 12-1005a, 12-1005b, 12-1006 AND KSA SUPP. 1970, 14-1204 AND 14-1208, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT RELATING TO THE NUMBER OF COMMISSIONERS OF THE CITY OF DODGE CITY, THEIR TENURE, APPOINTMENT AND ELECTION AND REPEALING CHARTER ORDINANCE NO. 5

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, IN REGULAR SESSSION ASSEMBLED:

SECTION 1. In accordance with the authority granted by Article 12, Section 5, of the Constitution of the State of Kansas, the City of Dodge City, hereby elects to exempt itself from and to make inapplicable to the City of Dodge City, KSA 12-1005a, 12-1005b, 12-1006 and KSA Supp. 1970, 14-1204 and 14-1208, and provide substitute and additional provisions as are contained in this ordinance. The provisions of the above mentioned statutes apply to the City of Dodge City, but do not uniformly apply to all cities in Kansas.

SECTION 2. The Governing Body of the City of Dodge City shall consist of five (5) Commissioners.

SECTION 3. At the regular City election to be held in 1972, there shall be elected two (2) Commissioners for a four year term and two (2) Commissioners for a two year term. The candidates receiving the largest and second largest number of votes, respectively, shall be elected for the four year terms and the candidates receiving the third and fourth largest number of votes, respectively, shall be elected for the two year terms. The Commissioner then in office, whose term has two years to run, shall hold office for the remainder of his term. At succeeding regular City elections, there shall be elected two (2) Commissioners for four year terms and one (1) Commissioner for a number of votes, respectively, shall be elected for four year terms and the candidate receiving the third largest number of votes shall be elected fro the two year term. (KSA 12-1005k)

SECTION 4: Charter Ordinance No. 5 of the City of Dodge City is hereby repealed.

SECTION 5: This ordinance shall be published once each week for two consecutive weeks in the official City paper, as provided by law.

SECTION 6: This is a Charter Ordinance and shall take effect March 1, 1972, and more than sixty-one (61) days after its final publication, unless a sufficient petition for a referendum is filed and a referendum is held on this ordinance in accordance with the provisions of Article 12, Section 5, Sub-section (c) (3), of the Constitution of the State of Kansas, in which case this ordinance shall become effective if approved by a majority of the electors voting thereon.

Passed by the Governing Body of the City of Dodge City, not less than two thirds of the members elect voting in favor thereof, the 29 day of March, 1971.

ATTEST: N.A. Cromwell
City Clerk

Lowell G. Clark
Mayor

REPEALED - C.D. #16
1-3-77

MARCH 29, 1971

THE GOVERNING BODY OF THE CITY OF DODGE CITY MET in regular session Monday, March 29, 1971.

THE MEETING WAS CALLED TO ORDER by Mayor Lowell G. Clark.

RESPONDING TO ROLL CALL were Mayor Lowell G. Clark, and Commissioners Dale R. Northern and Robert J. Coffin, Jr.

COMMISSIONER COFFIN, JR. MOVED the minutes of the meeting of March 22, 1971, be approved as distributed, seconded by Commissioner Northern, motion carried unanimously.

MR. HAROLD FAULKNER and other persons appeared requesting Mobil Home Ordinance revision.

MR FRANK DAVIS, JR. requested traffic count on Highway 56 one mile west of 14th Avenue.

APPROPRIATION ORDINANCE NO. 71-13-A and Payroll No. 6: An ordinance providing for approval and payment of claims no. 2991 to 3028 inclusive and Payroll No. 6 was passed on a motion by Commissioner Northern, seconded by Commissioner Coffin, Jr. by the following vote:

MAYOR	CLARK	VOTING	YEA
COMMISSIONER	NORTHERN	VOTING	YEA
COMMISSIONER	COFFIN, JR.	VOTING	YEA

RESOLUTION NO. 1099: A Resolution ordering street improvements for SPRUCE STREET from Twelfth Avenue to Fourteenth Avenue was adopted on a motion by Commissioner Coffin, Jr., seconded by Commissioner Northern by a unanimous vote.

RESOLUTION NO. 1100: A resolution ordering street improvements for MAGNOLIA STREET from Avenue "C" to Avenue "D" was adopted on a motion by Commissioner Coffin, Jr., seconded by Commissioner Northern by a unanimous vote.

RESOLUTION NO. 1101: A resolution ordering street improvements for MULBERRY STREET from Avenue "E" to Avenue "F" was adopted on a motion by Commissioner Northern, seconded by Commissioner Coffin, Jr. by a unanimous vote.

RESOLUTION NO. 1102: A resolution ordering street improvements for ASH STREET from Seventh Avenue to Ninth Avenue was adopted on a motion by Commissioner Northern, Seconded by Commissioner Coffin, Jr. by a unanimous vote.

RESOLUTION NO. 1103: A resolution ordering street improvements for ROANOKE ROAD from University Drive to Plaza Avenue was adopted on a motion by Commissioner Coffin, Jr., seconded by Commissioner Northern by a unanimous vote.

RESOLUTION NO. 1104: A resolution ordering that the electorate should have a choice in selecting the form of government and that this choice should be exercised at the earliest date permitted by law (as provided by Charter Ordinance No. 7). was adopted on a motion by Commissioner Coffin, Jr., seconded by Commissioner Northern by a unanimous vote.

CHARTER ORDINANCE NO. 7: A charter ordinance exempting the City of Dodge City from provisions of KSA 12-1005b, 12-1005a, 12-1006 and KSA Supp. 1970, 14-1204 and 14-1208, and providing substitute and additional provisions of the same subject relating to the number of Commissioners of the City of Dodge City, their tenure, appointment and election and repealing Charter Ordinance No. 5 was passed on a motion by Commissioner Coffin, Jr., seconded by Commissioner Northern by a unanimous vote.

EXHIBIT

A-2



**Need a free ride to
cast your vote?**

**¿Necesita transporte
gratis para emitir su
voto?**

**Call at/Llamar al:
(620) 371-3879**

Door to door service and to and from the voting office/poll.
Service is available for early voting and on Election Day.

Servicio de puerta a puerta y viaje redondo hasta la casilla
de votación. El servicio está disponible para votar temprano
y durante el Día de Elección.



City of Dodge City

EXHIBIT
A-3

Dodge City Public Transportation will be offering FREE rides on Election Day, November 8th to the voting poll at the Civic Center and all other locations in Dodge City.



El Transporte Público de Dodge City estará ofreciendo viajes GRATIS el Día de *Elecciones*, el 8 de Noviembre en Dodge City, incluyendo la casilla de votación ubicada en el Civic Center.



November 6, 2018

Exercise your right to Vote!

Need a ride to cast your vote?

Passengers exercising their right to vote will ride free of charge.

To schedule a ride please call Dodge City Public Transportation at

620-371-3879





6 de Noviembre, 2018

¡Ejerza su derecho a votar!

¿Necesita transportacion para emitir su voto?

Los pasajeros que necesitan transportacion para vota viajarán gratis

Solo llame al Transporte Público de Dodge City para agendar su viaje

620-371-3879



ADVANCED VOTING IN FORD COUNTY/DODGE CITY

LAS VOTACIONES AVANZADAS EN EL CONDADO DE FORD/DODGE CITY

WHEN | CUANDO

9 am - 4:30 pm

— Monday, October 26 & Friday, October 30 | Lunes Octubre 26 & Viernes Octubre 30

9 am - 7 pm

— Tuesday, October 27 | Martes Octubre 27

— Wednesday, October 28 | Miercoles Octubre 28

— Thursday, October 29 | Jueves Octubre 29

10 am - 2 pm

— Saturday, October 31 | Sabado Octubre 31

9 am - 12 pm

— Monday, November 2 | Lunes Noviembre 2

WHERE | DONDE

Ford County Elections Office

100 Gunsmoke St., Rose Room, Dodge City, KS 67801

MORE INFORMATION | MÁS INFORMACIÓN

www.fordcounty.net/227/Election-Office

620-227-4551



VOTE

ADVANCED VOTING IN FORD COUNTY/DODGE CITY

LAS VOTACIONES AVANZADAS EN EL CONDADO DE FORD/DODGE CITY

WHEN | CUANDO

9 am - 4:30 pm

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Ford County Elections Office

100 Gunsmoke St., Rose Room, Dodge City, KS 67801

MORE INFORMATION | MÁS INFORMACIÓN

www.fordcounty.net/227/Election-Office

620-227-4551



VOTE

There is still time!

REGISTER TO VOTE

Don't forget to Register to Vote or update your registration for the General Election.

No olvide registrarse para votar o actualizar su registro para las elecciones generales.

Ford County Government Center
100 Gunsmoke Street
Dodge City, KS 67801

Last Day, Tuesday October 15, 2019

Fechas importantes para las elecciones generales de noviembre de 2019

**martes 15 de octubre de 2019 último día para registrarse
para votar en las elecciones de noviembre**

**jueves 17 de octubre de 2019, comienza la votación en el
cargo. Vaya a fordcounty.net para horarios y detalles**

**Viernes 8 de Noviembre del 2019 es la fecha límite para
recibir las boletas de voto por correo, deben ser entregadas
a la oficina del correo postal el día 5 de Noviembre del 2019
día de elecciones o antes.**

VOTE

2020 ELECTION



Need a free ride to vote early or on November 3rd?
Give us a call!
Schedule your door-to-door ride 24 hours in advance at
1-877-323-3626

¿Necesita que lo lleven a votar temprano o el 3 de noviembre?
¡Llámenos!
Programe su viaje gratis de puerta a puerta 24 horas por adelantado
al 1-877-323-3626



PUBLIC TRANSPORTATION

VOTE

2021 ELECTION



Need a free ride to vote early or on November 2nd?

Give us a call!

Schedule your door-to-door ride 24 hours in advance at
1-877-323-3626

¿Necesita que lo lleven a votar temprano o el 2 de noviembre?

¡Llámenos!

Programe su viaje gratis de puerta a puerta 24 horas por adelantado
al 1-877-323-3626



PUBLIC TRANSPORTATION

DODGE_CITY_0012582

VOTE

2022 ELECTION



Need a free ride to vote early or on November 8th?

Give us a call!

**Schedule your door-to-door ride 24 hours in advance at
1-877-323-3626**

¿Necesita que lo lleven a votar temprano o el 8 de noviembre?

¡Llámenos!

**Programe su viaje gratis de puerta a puerta 24 horas por adelantado
al 1-877-323-3626**



PUBLIC TRANSPORTATION

FECHAS IMPORTANTES

OCTOBER 20

**COMIENZA LA VOTACIÓN
ANTICIPADA**

Oficina Electoral del Condado de Ford
100 Gunsmoke
Cuarto Piso
Dodge City, KS 67801

NOVIEMBRE 7

**TERMINA LA VOTACIÓN
ANTICIPADA**

Oficina Electoral del Condado de Ford
100 Gunsmoke
Cuarto Piso
Dodge City, KS 67801

OCTOBER 26

ESTADO DE LA CIUDAD

11:30-1:00pm
Centro de Conferencias del
Boot Hill Casino y Resort
4100 W. Comanche
Dodge City, KS 67801

NOVIEMBRE 8

**LA ELECCIÓN
GENERAL**

7 am - 7 pm
Su Lugar de Votación

VOTE

2022 ELECTION



**Don't forget to Register to Vote or
update your registration for the
General Election!**

**No olvide registrarse para votar o
actualizar su registro para las
elecciones generales.**



Registration Deadline: Tuesday, October 18, 2022



City of Dodge City Civic Engagement Efforts:

- **Cultural Relations Advisory Board**
 - The purpose of the Cultural Relations Advisory Board is to advise the City Commission related to or affecting communities of color within Dodge City, to monitor the policies and practices of the City of Dodge City to issue fair and equitable application, and to act as a resource for intercultural awareness, education, and celebration among all people. Through the Cultural Relations Advisory Board the Strategic Plan for Welcoming and Integration was created.
- **Welcoming Dodge City Strategic Plan**
 - In partnership with Catholic Charities of Southwest Kansas, the City of Dodge City completed the Strategic Plan for Welcoming and Integration in Dodge City, a plan designed to help position the City of Dodge City to become more welcoming by integrating newcomers in our growing and diverse community.
- **International Festival**
 - Dodge City International Festival is held yearly during National Welcoming Week to celebrate Dodge City's diversity, ethnicities, and cultures.
- **New Americans Dinner**



- In 2021 and 2022, the Cultural Relations Advisory Board and the City of Dodge City held a celebration and dinner to recognize Dodge City residents who had recently naturalized to become United States Citizens.
- **Engage Dodge Program**
 - Engage Dodge is an interactive educational opportunity designed to introduce residents to city services, programs, and the employees who serve the Dodge City community.
- **United State Citizenship and Immigration Services (USCIS) Mobile Services**
 - USCIS comes to Dodge City and Southwest Kansas throughout the year to provide mobile services (e.g. biometrics) for community members. While here they have provided How to become a citizen of the US Informative Sessions and distributed citizenship preparation materials
- **US Naturalization Ceremony**
 - In 2021 and 2022, the City of Dodge City hosted a Citizenship Naturalization Ceremony and welcomed new U.S. citizens at the Boot Hill Casino and Resort Conference Center. I
- **Mexican Consulate Mobile Services**
 - The Mexican Consulate in Kansas City, KS comes to Dodge City and Southwest Kansas throughout the year to provide documentation services (e.g. passports, photo IDs, marriage certificates, citizenship for children) to over 300 attendees in one weekend.

- **Guatemalan Consulate Services**
 - In November 2022, the Consulate of Guatemala in Oklahoma City provided documentation services (e.g. passports, photo IDs, marriage certificates, citizenship for children) to over 300 attendees.

- **Free Public Transportation to Vote**
 - The City of Dodge City offers free rides to Dodge City voters to ensure they can vote. The rides are offered during early voting and on election day.

- **United State Citizenship and Immigration Services (USCIS) Naturalization Presentation**
 - USCIS has presented to the Dodge City community numerous times on "How to Become a U.S. Citizen." After the conversation, presenters answered questions from attendees and, in one instance, demonstrated what the citizenship interview looks like.

- **City of Dodge City Naturalization Scholarship**
 - The City will be offering twelve, \$400 scholarships to help community members in Ford County pay for United States Citizenship and Immigration Services for fees related to naturalization. The funds were

provided through a Gateways for Growth grant that was awarded to the City and Catholic Charities. Local UFCW 2 is also a sponsor that aids through a naturalization clinic.

- **Naturalization Clinic**
 - In conjunction with UFCW2, the City and Catholic Charities have assisted with annual naturalization clinics to assist individuals with their paperwork for their citizenship process. The City provided staff support for managing the internet connections needed for this as well the laptops for the organizers to use.
- **DACA Clinic**
 - Since 2020, the City of Dodge City and partners have hosted a free DACA renewal clinic to members of the community.
- **Southwest Kansas Coalition (SKC)- Legislative Policy**
 - The Southwest Kansas Coalition is made up of the Cities of Dodge City, Garden City, and Liberal (with the City of Hays as an associate member). SKC strongly supports sensible immigration reform including, but not limited to, a permanent solution and pathway to citizenship for DACA recipients.
- **Bilingual Pay Increase for City Employees**
 - To ensure City services are available in both English and Spanish, the City of Dodge City offers employees with a bilingual pay incentive.

- **Bilingual Media Posts and Media Releases**
 - Since 2022, the City of Dodge City has shared all social media posts and media releases in both English and Spanish to ensure Spanish-speaking members of the community can stay up to date with local information.

From: Nick Hernandez
Sent: Friday, June 19, 2020 11:31 AM CDT
To: Ernestor DeLaRosa
CC: Melissa McCoy
Subject: Re: August Primary Election Help

I think it would be wonderful to allow our employees to help out.

Sent from my iPhone

On Jun 19, 2020, at 11:22 AM, Ernestor DeLaRosa <Ernestord@dodgecity.org> wrote:

Nick,

Last year we allowed a handful of bilingual employees help with elections. They were paid regular time by the City and could not receive additional compensation by the County. Are you wanting to do it again this year? They struggle with bilingual poll workers and our employees have experience and have been trained. Please advise.

ED

From: Debbie Cox [mailto:dcox@fordcounty.net]
Sent: Thursday, June 18, 2020 2:17 PM
To: Ernestor DeLaRosa <Ernestord@dodgecity.org>
Subject: August Primary Election Help

Ernestor

We are getting ready to notify poll workers for the August Primary Election. We were wanting to know if the City would again provide a few workers? If so could you let me know by the first of next week who may help so we may send out notices for training.

Thank you

Debbie Cox
Ford County
Certified County Clerk
Election Officer
100 Gunsmoke
Dodge City, KS 67801
P (620) 227-4553
F (620) 227-4699



EXHIBIT

A-6

The background of the page is a collage of various images related to Dodge City. It includes a large bronze statue of a cowboy on a horse, several international flags (including the United States, Mexico, and others), a sign for "DODGE CITY EST 1872", and a sign listing local attractions like "VISITOR'S CENTER", "BOOT HILL MUSEUM", "HISTORIC DOWNTOWN", "WATER PARK", and "SANTA FE DEER".

STRATEGIC PLAN

FOR WELCOMING AND INTEGRATION





In partnership with Catholic Charities of Southwest Kansas, the City of Dodge City completed this strategic plan for welcoming and integration in Dodge City. The strategic plan provides vision, values and recommendations decided through community participation that offer recommendations for welcoming and integration efforts in Dodge City. It is designed to help position City of Dodge City become more welcoming by integrating newcomers in our growing and diverse community.

PROCESS

The planning team made up of staff from the City of Dodge City, Catholic Charities of Southwest Kansas, and Lead for America worked with a 10-member steering committee to prepare this strategic plan for our community. The planning process began in February 2021 and continued through February 2022.

The Planning Team included:

- ★ Coral Lopez, Director, Dodge City Main Street
- ★ Debbie Snapp, Executive Director, Catholic Charities of Southwest Kansas
- ★ Ernestor De La Rosa, Assistant City Manager/Legislative Affairs, City of Dodge City
- ★ Kate Schieferecke, Dodge City Community Engagement Coordinator, Lead for America

A diverse steering committee was selected by the planning team. The committee was charged to provide guidance and input with organizing the public input and focusing it into a working document. The steering committee included:

- ★ Anna Bjerken, President, Dodge City Area Chamber of Commerce
- ★ Lori Juhlin, Executive Director, Dodge City Public Library
- ★ Monica Vargas, Political and Community Outreach Director, UFCW2
- ★ Alejandro Rangel-López, Lead Coordinator, New Frontiers Project



- ★ Elva Dominguez, Patient Navigator, Genesis Family Health
- ★ Gloria Calderon, Community Health Worker Supervisor, Genesis Family Health
- ★ Blanca Soto, Engagement Coordinator of EOSL and Diversity, Dodge City Public Schools-USD 443
- ★ Bianca Alvarez, Bright Beginnings Parent and Community Specialist, Dodge City Public Schools – USD 443
- ★ Father Wesley Schawe, Pastor, Cathedral of Our Lady of Guadalupe Parish
- ★ Corky Spitler, Pastor, Christ the King Lutheran Church

Community Engagement: Over 200 Dodge City residents completed online surveys. Most of the participants completed the survey at the USD 443 in-person registration days and students from the Dodge City Community College Adult Learning Center also participated by completing the same questionnaire.

In addition to the survey, to identify the appropriate strategic planning issues, the planning team facilitated focus groups with the following Dodge City organization/groups:

- ★ Dodge City Community College Adult Learning Center (50 attendees)
- ★ Dodge City High School Students (25)
- ★ Catholic Church (4)
- ★ USD 443 Bright Beginnings Family Advocates (20)
- ★ Catholic Charities Refugee & Immigration Services Staff (8)
- ★ Genesis Family Health Staff & Board Members (4)
- ★ UFCW2 Citizenship Classes (8)



THE PILLARS OF A WELCOMING DODGE CITY

Adapted from Welcoming America's framework, these five pillars organize and focus our work.

- ★ **Equitable Access-** Local governments lead the effort, whether through partnership programs, to promote a welcoming and inclusive environment, provide information on community services and identify and reduce barriers to access the many facets of community life so that all members of Dodge City feel welcome, connected and able to thrive.
- ★ **Civic Engagement-** Newcomers and underserved populations learn about and participate in governmental, nonprofit, and volunteer opportunities. All Dodge City



residents are encouraged to participate in civic life opportunities, including increasing access to leadership, and community participation.

- ★ **Refugee and Immigrant Integration-** Natural opportunities for newcomers and long-time residents to engage with and learn about each other exists regularly and in various forms throughout the community. Legal assistance and integration program partnerships are accessible and available with the goal to fully integrate newcomers in Dodge City.
- ★ **Safe and Healthy Community-** All residents feel a sense of responsibility to their neighbors and their community and interact with genuine care for one another. Public safety officers are engrained in the culture of neighborhoods, providing valuable and reliable support to all residents.
- ★ **Economic Opportunity and Education-** Dodge City residents can access educational opportunities that support their growth and encourage them to aspire to reach their full potential. Dodge City's workforce possesses the skills and education needed to meet the needs of our area employers. In addition, businesses harness the full potential of our global talent base and join the entire community in cultivating diverse leaders and entrepreneurs that become a key part of our growing economy.

I. EQUITABLE ACCESS AND COMMUNICATION

Vision

All residents are aware and can access governmental and community services and programs. Communication systems are diverse, accessible, and centralized for all residents.

Values

- ★ Comprehensive language services ensure all are heard and can access needed services
- ★ Comprehensive access to technology for all basic services and community information
- ★ Resources are physically accessible because transportation services are improved
- ★ Opportunities to understand, engage with and participate in local government and civic life are well-known and accessible.
- ★ All communication modes are accessible, effective, and culturally relevant.
- ★ Communication between governmental entities, non-profit organizations and community organizations is collaborative, consistent, and centralized for all Dodge City residents.
- ★ Governmental entities, non-profit organizations and community organizations are cognizant of all languages spoken in Dodge City and are encouraged to adopt and implement a Language Access Plan to further inclusivity and welcoming.
- ★ Residents are connected to each other and know where to turn for support and information.



Recommendations

1. Language Access- Encourage local public entities to adopt and implement a Language Access Plan with a comprehensive and current bank of qualified interpreters.
 - ★ USD 443, City of Dodge City, Victory Electric, Black Hills Energy, Ford County, Dodge City Community College
2. Diverse Community Ambassadors: Assemble, inform, and engage key influencers, leaders, and potential leaders from the entire community to better understand how information is received by community members, ensure accurate information is disseminated and engagement is inclusive.
 - ★ Catholic Charities of Southwest Kansas, City of Dodge City, UFCW2, Ministerial Fellowship
3. Connect Communities: Community-building events bring newcomers, long-time residents, law enforcement officers, nonprofits, and others together to learn from and about each other, share food and music and build trust.
 - ★ Dodge City Ford County Development Corporation (Main Street), City of Dodge City (International Festival), Dodge City Area Chamber of Commerce, Boot Hill Museum, Dodge City Public Library
4. Internet access and technology is equitable, affordable, and available to all residents. Basic computer skills classes and technical assistance are available and affordable. Community partners provide culturally relevant services.
 - ★ Dodge City Public Library, Dodge City Ford County Development Corporation (REWA), Catholic Charities of Southwest Kansas, USD 443 (ESOL and Diversity Program), Dodge City Community College Adult Learning Center, Workforce Center
5. Public transportation is available at the times residents need it (including evenings and weekends), alternative transportation (walkability and biking) safety is improved.
 - ★ City of Dodge City, Ford County
6. Initiatives such as the Engage Dodge Program that help residents understand, engage with, and participate in local government and civic life are well-known and accessible to newcomers.
 - ★ City of Dodge City, Adult Learning Center, Catholic Charities of Southwest Kansas and USD 443 (ESOL and Diversity Program).

II. CIVIC ENGAGEMENT

Vision

All Dodge City residents feel empowered to engage in civic life

Values

- ★ Elected and appointed leadership in all sectors (government, nonprofits, and other community



organizations) reflects Dodge City's diversity to ensure policies enacted are equitable and well-informed.

- ★ Dodge City residents are well informed and educated of the Census counts and are inclusive.
- ★ Eligible and registered voters know and understand local issues and candidates and vote.
- ★ All Dodge City residents are aware and engage in local forums and public meetings.
- ★ Leadership and civic engagement opportunities are accessible, promoted and engaged in.

Recommendations

1. Voter registration and Get Out The Vote Efforts: Eligible voters are registered and informed on the issues and candidates, voting polls are accessible and voters know where to exercise their right to vote.
 - ★ UFCW2, City of Dodge City, Ford County (Elections Office)
2. Continuous education about the decennial Census, the American Community Survey, and the redistricting process occurs in the community
 - ★ City of Dodge City, Dodge City Ford County Development Corporation, USD 443
3. Civic mentorship programs are established: Current civic leaders are paired with community members to mentor them about civic leadership and encourage them to pursue leadership positions in the community.
 - ★ City of Dodge City (Engage Dodge), Dodge City Area Chamber of Commerce (Leadership Dodge program), Lead for America, Catholic Charities of Southwest Kansas.
4. Local leadership positions are publicly advertised, and all members of the community are encouraged to apply. Workshops and information sessions on how to run for local office and join local boards are held in multiple locations, times, and languages.
 - ★ City of Dodge City, Dodge City Ford County Development Corporation, Ford County (Elections Office), Dodge City Area Chamber of Commerce.



III. REFUGEE AND IMMIGRANT INTEGRATION

Vision

All community members are welcomed, included, and valued in Dodge City.

Values

- ★ All community members are aware of and have access to all basic community services.
- ★ Immigration and consular services are available, promoted, and accessible.



- ★ Long term community members and newcomers are connected and have a sense of community and belonging.
- ★ Governmental entities and community organizations advocate for inclusive legislation, policies, and initiatives.



Recommendations

1. Community Welcome Center: Centralized location (both physical and virtual) for accessing information about community services relevant to newcomers. The Welcome Center also facilitates communication between service provider agencies in the community and there is follow-up on referrals made.
 - ★ Catholic Charities of Southwest Kansas, City of Dodge City (Convention and Visitors Bureau), USD 443, Cargill, National Beef, and other major employers
2. Immigration legal assistance including free clinics (DACA renewal and Naturalization consultations), United States Citizenship and Immigration services and consular mobile services are held regularly, accessible and advertised widely. A permanent USCIS office be established in Southwest Kansas, with preference of a Dodge City location. Immigration legal services assistance capacity is expanded with additional funding support and community volunteers.
 - ★ Catholic Charities of Southwest Kansas, City of Dodge City, UFCW2, USD 443, private attorneys, Cargill, National Beef, and other major employers.
3. Provide education and training about acceptable identification documents commonly used by immigrants and refugees in the community, including documents produced by USCIS consular offices of foreign countries in the United States.



- ★ Catholic Charities of Southwest Kansas, City of Dodge City, Mexican Consulate in Kansas City, Guatemalan Consulate in Oklahoma City
4. Positive stories and spotlights about newcomers are regularly published in local news outlets and across the state.
 - ★ Catholic Charities of Southwest Kansas, Dodge City Globe, City of Dodge City, local radio stations and other media sources
 5. Regular opportunities for newcomers to interact with long-term residents and build neighborly friendships are coordinated intentionally; New arrivals are paired with long-term residents for mentorship and social connection. In addition, initiatives, and programs to build trust among New Americans and Law Enforcement are available and promoted.



Volunteer opportunities are widely available.

- ★ Catholic Charities of Southwest Kansas, Lead For America Friendship House, Dodge City Community College Adult Learning Center, Dodge City Ford County Development Corporation (Main Street), City of Dodge City (DCPD), Local Church Congregations
6. Governmental entities and community organizations advocate for inclusive legislation, policies, and initiatives at the local, state, and federal level.
- ★ City of Dodge City, Dodge City Area Chamber of Commerce, Catholic Charities of Southwest Kansas, USD 443

IV. SAFE AND HEALTHY COMMUNITY

Vision

All residents are connected to the resources they need to stay healthy and feel safe.

Values

- ★ Healthcare is accessible, barriers such as location, affordability, language, and childcare are eased or removed.
- ★ Mental healthcare is accessible.
- ★ All residents are comfortable interacting with law enforcement and know its leaders.

Recommendations

1. Healthcare access: All Dodge City residents know when and where to access healthcare services, including dental and vision services, and are able to get the support they need regardless of insurance status, socioeconomic status, cultural concerns, language challenges or other barriers. Health education community outreach and clinics for basic healthcare needs occur frequently.
 - ★ Genesis Family Health, Ford County Health Department, Western Plains Medical Complex, Ford County Health Coalition
2. Mental healthcare is available and accessible Bilingual providers are available. All providers are trained in trauma informed



care. Mental health services are culturally competent. Community outreach assists with overcoming stigma of mental health diagnoses and treatment.

★ Genesis Family Health, Compass Behavioral Health, Catholic Charities of Southwest Kansas, Rural Frontier Subcommittee for the Governor’s Behavioral Health Committee

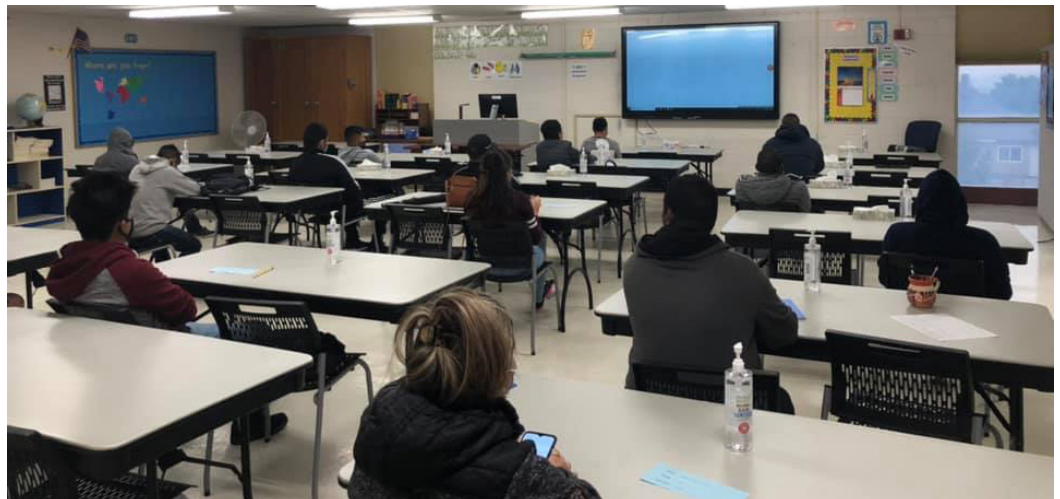
3. Disaster Preparedness: Enhance outreach and support for disaster preparedness and emergency responses that are culturally and linguistically responsive through coordination with local disaster response agencies and Ford County Emergency Management. Interpretation services are immediately available for 911 calls.

★ Catholic Charities of Southwest Kansas, USD 443, City of Dodge City (First Responders), United Way of Southwest Kansas VOAD, Ford County Emergency Management, Local Emergency Planning Committee

V. EDUCATION AND ECONOMIC OPPORTUNITY

Vision

Dodge City’s workforce and entrepreneurs will possess the skills and education to grow our economy.



Values

- ★ Quality, affordable, and accessible childcare and early learning opportunities exist for all families.
- ★ All youth have support at school and at home to pursue post-secondary opportunities that prepare them for tomorrow’s workforce needs
- ★ Newcomers can apply their foreign education and experience to be fully employed.
- ★ Adult education is available and accessible for all newcomers and meets their needs
- ★ Housing is available, accessible, and safe for low- and moderate-income families of all sizes
- ★ Banking services in Dodge City are accessible, equitable and fully utilized by newcomers

Recommendations

1. Quality childcare is affordable and available at the times parents need to work (including 2nd and 3rd shifts), go to school, or engage in the community. Newcomers are empowered, educated and are aware of resources available to become certified childcare providers.
 - ★ USD 443 (Bright Beginnings), Dodge City Ford County Development Corporation, Dodge City Community College
2. Banking and Financial Services: Lending institutions offer products and services that are appropriate and accessible across cultural, religious, and national origin status.



Banks and financial institutions recognize and accept identification documents and immigration status (other than exclusively citizenship and/or green card status) while catering these services.

★ City of Dodge City, Dodge City Chamber of Commerce, local banks

3. Housing Challenges and Opportunities: Affordable, appropriate housing is available, families are educated about tenant rights and responsibilities, local governments and nonprofit organizations are partners in improving housing opportunities and families can become homeowners.

★ Dodge City Ford County Development Corporation, Community Housing Association of Dodge City (CHAD), local landlords, Dodge City Housing Authority, City of Dodge City

4. Youth mentorship programs are established: Current community leaders and professionals are paired with youth (with intentional outreach to immigrant and refugee youth) to mentor them about post-secondary opportunities, specific career paths and encourage them to pursue staying or coming back to Dodge City after college graduation.

★ Lead for America, USD 443, Dodge City Ford County Development Corporation, Dodge City Community College

5. Clear paths to professional recertification exist for foreign-educated professionals through local and state education institutions

★ Dodge City Community College, Dodge City Ford County Development Corporation, UFCW2

6. Adult education is available and accessible for all newcomers and meets their needs, including English as a Second Language and trade certification programs.

★ Dodge City Community College Adult Learning Center, Dodge City Ford County Development Corporation (REWA)

IMPLEMENTATION

The City's Cultural Relations Advisory Board is ready for the work that lies ahead, and ready to be a welcoming, growing community. The enthusiasm to successfully implement the recommendations and achieve the values and vision statements outlined previously is so high that many of the recommendations were



underway before this strategic plan was complete. Catholic Charities and the City of Dodge City are proud to support this work as convener, connector, promoter, or whatever role best ensures the successful implementation and sustainability of each vehicle. As we move forward, we will continue to engage stakeholders and refine recommendations, and we want you to join us! Contact Ernestor De La Rosa at ernestord@dodgecity.org to learn more.



From: Cherise Tieben
Sent: Tuesday, February 26, 2019 9:34 AM CST
To: Jan Scoggins
CC: Brian Delzeit (bdelzeit@coldwellbankerhancocks.com)
BCC: Ernestor DeLaRosa; Brad Ralph; Nannette Pogue
Subject: RE: Could you please put this on the agenda

I'm going to make an assumption and you can correct me if I am wrong. It sounds like you want to request that the Commission direct staff to begin exploring the pros and cons of districts and term limits for the City Commission. If that is the case, you could simply make that request of the Commission at the end of the meeting during Commission reports. If the community group is wishing to attend, they can bring this issue forward in the Visitors Section and you can follow at the end of the meeting with the same request of the Commission to direct staff. I hope that makes sense. Thoughts?

-----Original Message-----

From: Jan Scoggins [<mailto:jan.scoggins@yahoo.com>]
 Sent: Monday, February 25, 2019 8:31 PM
 To: Cherise Tieben <cheriset@dodgecity.org>
 Cc: Brian Delzeit (bdelzeit@coldwellbankerhancocks.com) <bdelzeit@coldwellbankerhancocks.com>
 Subject: Could you please put this on the agenda

Cherise,

This request is coming from a community group and I volunteered to bring it to the commission. Please add an agenda item to consider districts for the city commission. Thoughts are to have three districts and two "at large" positions. I know it cannot happen in the 2019 election but we need to consider it for the 2021 election cycle. Also we need to consider term limits.

Thanks for any consideration you can give to this request. It would be good to be proactive and begin this discussion before another bi-partisan group brings us a petition.

Jan

Jan Scoggins
 PO Box 57
 Dodge City, KS 67801
 Cell 620-225-5444
Jan.scoggins@yahoo.com



CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, March 4, 2019

7:00 p.m.

MEETING #5120

CALL TO ORDER

ROLL CALL: Mayor Brian Delzeit, Commissioners Jan Scoggins, Kent Smoll and Rick Sowers. Commissioners Joyce Warshaw was reported absent.

INVOCATION by Pastor Steve Ormond, First Baptist Church

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Mayor Brian Delzeit opened the public hearing to consider a Tax Exemption for National Beef Packing Company LLC. Joann Knight, Economic Development Director, presented the project and stated that a Cost Benefit Analysis had been completed. Representatives of National Beef Packing Company were present to answer questions. No other members of the public were present to comment.

Mayor Delzeit closed the Public Hearing.

Mayor Brian Delzeit opened the public hearing to consider the establishment of a Rural Housing Incentive District and adoption of a Development Plan for Candletree 8, Phase II. Mollea Wainscott, Housing Director, presented the plan. No other members of the public were present to comment.

Mayor Delzeit closed the Public Hearing.

PETITIONS & PROCLAMATIONS

Amy Falcon representing the Southwest Kansas Gambling Task Force read the Problem Gambling Awareness Proclamation. Debbie Snapp, Chairman of the Task Force presented additional information to the City Commission. Mayor Brian Delzeit proclaimed the month of March as Problem Gambling Awareness Month.

VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).



Page 2

City Commission Meeting

March 4, 2019

CONSENT CALENDAR

Commissioner Kent Smoll moved to add the CMB License for Tacos Jalisco to the Consent Calendar. Commissioner Jan Scoggins seconded the motion. The motion carried 4-0.

1. Approval of City Commission Meeting Minutes, February 18, 2019;
2. Appropriation Ordinance No.5 March 4, 2019;
3. Cereal Malt Beverage License:
 - a. Tacos Jalisco

Commissioner Kent Smoll moved to approve the Consent Calendar as presented. Commissioner Jan Scoggins seconded the motion. The motion carried 4-0.

Brian Delzeit moved and Rick Sowers seconded the motion to add an Executive Session to the end of the meeting. The motion carried 4-0.

ORDINANCES & RESOLUTIONS

Ordinance No. 3707: An Ordinance of the Governing Body of the City of Dodge City, Kansas, Establishing a Rural Housing Incentive District within the City, Adopting a Plan for the Development of Housing and Public Facilities in Such District, and Making Certain Findings in Conjunction Therewith (Candletree 8, Phase II) was approved on a motion by Commissioner Rick Sowers. Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

Resolution No. 2019-04: A Resolution Establishing Fees and Rates for Water Utility Service for the City of Dodge City was approved on a motion by Commissioner Kent Smoll. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

Resolution No. 2019-05: A Resolution Establishing Fees and Rates for Sanitary Sewer Service for the City of Dodge City was approved on a motion by Commissioner Kent Smoll. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

Resolution No. 2019-06: A Resolution Establishing Fees and Rates for Solid Waste Collection Service in the City of Dodge City was approved on a motion by Commissioner Kent Smoll. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

Resolution No. 2019-07: A Resolution Establishing Fees and Rates for Storm Water Utility Service for the City of Dodge City was approved on a motion by Commissioner Kent Smoll. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

Resolution No. 2019-08: A Resolution Providing for Advalorem Property Tax Exemption Under Section 13, Article II of the Constitution of the State of Kansas for National Beef Packing Company, LLC of Dodge City, Kansas for a 10 year declining schedule was approved on a motion by Commissioner Jan Scoggins. Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

Page 2

City Commission Meeting

March 4, 2019

NEW BUSINESS

1. Commissioner Rick Sowers moved to approve the Consulting Agreement with Kirkham, Michael and Associates, Inc. for US 50 and Gary Avenue Intersection Design in an amount not to exceed \$74,925.00. Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

OTHER BUSINESS

Commissioner Jan Scoggins asked the City Commission to direct staff to look at changing the elections in Dodge City to having 3 City Commissioners elected by District and 2 elected at-large, and to also consider term limits. The City Commission discussed this and staff was directed to get some information for further discussion.

At 7:57 p.m. Commissioner Jan Scoggins moved to recess into Executive Session pursuant to the preliminary discussion related to the acquisition of real property found in K.S.A. 75-4319(b)(6). The justification for closing the meeting is to protect the City's position in the negotiations. The open meeting will resume in 10 minutes at 8:07 p.m. The Commission will not take action upon returning to the open session and prior to adjournment. The executive session will include Cherise Tieben, Brad Ralph and Nannette Pogue. Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

The regular meeting was reconvened at 8:07 p.m.

ADJOURNMENT

Commissioner Jan Scoggins moved to adjourn the meeting. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.


Mayor


City Clerk

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, April 15, 2019

7:00 p.m.

MEETING #5123

CALL TO ORDER

ROLL CALL: Mayor Brian Delzeit, Commissioners Rick Sowers, Joyce Warshaw, Jan Scoggins and Kent Smoll.

PLEDGE OF ALLEGIANCE – Boy Scout Troup #162 presented the colors

APPROVAL OF AGENDA: Commissioner Jan Scoggins moved and Joyce Warshaw seconded the motion to approve the Agenda as presented. The motion carried unanimously.

PETITIONS & PROCLAMATIONS

Mayor Brian Delzeit read an Autism Proclamation and proclaimed April, 2019, as Autism Awareness Month. Jennie Zortman made comments and thanked the Commission for the proclamation.

Mayor Brian Delzeit read an Arbor Day Proclamation and proclaimed Friday, April 26, 2019, as Arbor Day in the City of Dodge City. On that day, the City plans to plant a tree as a memorial for the Ken Strobel Family.

Mayor Brian Delzeit read a DCHS Wrestling Team Day Proclamation and proclaimed Thursday, April 18, 2019, as Dodge City High School Red Demon Wrestling Team Day. Coach Lars Lueders introduced 3 wrestlers that placed first at State; Damian Mendez, Couy Weil, and Garrett Edwards. He also introduced other wrestlers that were part of the team that placed at the State tournament.

VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

Corey Keller, Public Works Supervisor gave the Crew Recycling Update.

CONSENT CALENDAR

1. Approval of City Commission Work Session, April 1, 2019;
2. Approval of City Commission Meeting Minutes, April 1, 2019;
3. Appropriation Ordinance No.8 April 15, 2019;
4. Approval of the Purchase of Park Street Property from Harold and Carol Jackson;



Page 2

City Commission Meeting Minutes

April 15, 2019

5. Approval Contract with Wald's All American Display Fireworks;
6. Approval of Change Order No. 1 for Youth Complex Drainage Improvements.

Commissioner Jan Scoggins moved to approve the Consent Calendar as presented. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

NEW BUSINESS

Commissioner Rick Sowers moved to approve the bid from Municipal Supply in the amount of \$92,285.85 for 295 water meters and some additional parts for meters for the Utilities Department. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

Commissioner Kent Smoll moved to authorize staff to enter into a contract with Imagemakers from Wamego Kansas for the purpose of analyzing the current Dodge City Convention and Visitors Bureau marketing program, subject to legal counsel review, for a total not to exceed \$25,000. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

City Attorney Brad Ralph discussed with the City Commission a question that had come up at a previous Commission meeting regarding moving the City Elections from At-Large positions to a combination of Wards and At-Large positions. Brian Delzeit and Joyce Warshaw voiced that they were opposed to staff continuing to look into this process further. Jan Scoggins was in favor. There was not a majority of the City Commission requesting further information.

ADJOURNMENT

Commissioner Kent Smoll moved to adjourn the meeting. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.


Mayor

Attest:


City Clerk



U.S. Department of Justice
Civil Rights Division

*Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530*

June 29, 2011

VIA FACSIMILE AND FIRST-CLASS MAIL

Sharon Seibel
County Clerk & Election Officer
Ford County Government Center
100 Gunsmoke, 4th Floor
Dodge City, Kansas 67801

RE: Request for Election Information

Dear Ms. Seibel:

I write to request certain election information regarding the City of Dodge City, Kansas. Please provide the following information, in electronic format, within 30 days:

- (1) Maps. A SHAPE or other digital file of all precinct and district boundaries used in Dodge City since January 2000. Please also include a list of all precinct and boundary changes or consolidations during that time.
- (2) Voter Lists. An electronic list of registered voters by precinct at the time of each election in which one or more precincts in Dodge City participated since January 2000. Please produce the list in a .dbf, .xls, or delimited-text file format. Please specify what delimiter is used for the electronic lists, if applicable, or provide a file layout.
- (3) Turnout Data. An electronic list of actual voters in each precinct who turned out to vote at each election in which one or more precincts in Dodge City participated since January 2000. Again, please produce the list in a .dbf, .xls, or delimited-text file format, and specify the delimiter, if applicable, or provide a file layout. If electronic lists of actual voters are not available, please provide copies of any poll books/sign-in lists retained from those elections. Please indicate whether voters are designated as voting absentee/early/or in-precinct.
- (4) Election Data. Precinct level election results showing the votes cast for each candidate, in electronic format, for each election in which one or more precincts in Dodge City participated since January 2000. Please indicate whether early voting/absentee votes are allocated back to the precinct-level results.





U.S. Department of Justice
Civil Rights Division

*Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530*

October 20, 2011

Sharon Seibel
Ford County Clerk
100 Gunsmoke, 4th Floor
Dodge City, KS 67801

Dear Ms. Seibel:

This letter is to advise you that the Director of the Census has determined that Ford County is subject to the bilingual election requirements of Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, with respect to persons of Hispanic heritage. This determination was made pursuant to the criteria set forth in Section 203 and is based on Census data showing that there are a significant number of voting age citizens with limited-English proficiency within your jurisdiction who require materials, information and assistance in their primary language to participate effectively in the political process. The determination became effective upon publication of the Federal Register on October 13, 2011. *See* 76 Fed. Reg. 63,602. We are enclosing a copy of the Federal Register publication, as well as a copy of relevant provisions of the Voting Rights Act and the Attorney General's minority language guidelines.

As you know, under Section 203, all information that is provided by your jurisdiction in English about the electoral process, including registration or voting notices, forms, instructions, or assistance, as well as information provided at the polling places and the voting booths, must be provided in the language of members of the covered language group to the extent needed to allow them to participate effectively in the electoral process and all voting-connected activities. The requirement applies to information that is communicated orally as well as in writing, but does not require that information in the minority language be provided to people who have no need for it. The obligations apply to all elections conducted by your jurisdiction. The same duty applies to any other governmental units within your jurisdiction, such as school districts or municipalities, to the extent they conduct voter registration or elections.

The enclosed guidelines provide more specific guidance on the requirements of Section 203. For example, Sections 55.19 and 55.20 provide information concerning written material, and oral assistance and publicity, respectively. Section 55.17 discusses the process of "targeting" information in the minority language to people who need it, and Section 55.16 emphasizes the importance of ongoing communication with the jurisdiction's minority language community. Section 55.12 of the guidelines explains that, with respect to languages that are historically unwritten, only oral assistance and publicity is required.



2021

Abstract of Votes Cast at the

NAME OF OFFICE	POLITICAL PARTY	BUCKLIN CITY	DODGE CITY PCT 1	DODGE CITY PCT 2	DODGE CITY PCT 3	DODGE CITY PCT 4	DODGE CITY PCT 5	DODGE CITY PCT 6	DODGE CITY PCT 7	DODGE CITY PCT 8	DODGE CITY PCT 9	DODGE CITY PCT 12	FORD CITY	SPEARVILLE CITY	BLOOM TWP	BLOOM TWP 219/MHD	BUCKLIN TWP 219/MHD	BUCKLIN TWP 459/BHD	BUCKLIN TWP 381	CONCORD TWP 102	CONCORD TWP 443	DODGE TWP-H115/443	DODGE TWP-H119/443
NAME OF CANDIDATE																							
Dodge City Improvement District Board																							
Write Ins																							
Karen Baker																							
Troy Robertson																							
Tony Zortman																							
Write Ins																							
Matt Cole																							
Dodge City Improvement District Board																							
Write Ins																							
Jim J Burke																							
Tim Hattery																							
Betty Burkhardt																							
Write Ins																							
City of Dodge City Commissioners																							
Write Ins																							
Michelle L. Salinas			47	19	23	70	154	207	18	0	0	0											
Joseph Nuci			66	30	40	99	227	370	38	0	0	0											
Chuck Taylor			83	39	39	108	242	346	21	0	2	0											
Blanca Ilean Soto			50	31	38	87	154	234	25	0	1	0											
Dayton Rhoten			16	9	6	40	74	106	6	0	1	0											
Jan Scoggins			50	28	37	70	154	251	17	0	1	0											
Michael Burns			59	43	28	96	238	463	37	0	2	0											
Jeffery J. Reinert			45	22	33	84	210	349	34	0	1	0											
Write Ins																							
Terry Malone																							
Jeff Hiers							1																
Michelle Salinas					1																		
The Horse					1																		
Rob Christensen								1															
David Rebein								1															
Crystal Webb							1																
Terry Malone							1																
A.Literal Chimpanzee			1																				
David Miller			1																				
Kyle Schulte							1																
Jeff Banning								1															

EXHIBIT

A-12

[illegible]

State of Kansas, on the 28th day of February, 2006

LOCKWOOD CO., INC., ATCHISON, KANSAS 66820-599																						
DODGE CITY													Provisional	Advance	Circle Majority Vote Below							
Soldiers H	Spear City	Spearville	Wheatland	Wilburn	Wilroads	First	Second	Third	Fourth	Fifth	Sixth	Seventh			Eighth	Ninth	Tenth	Eleventh	Twelfth	Thirteenth	Total Votes	
						103	46	45	171	207	267									104	943	*
						100	48	44	159	197	248									109	905	*
						41	24	27	124	207	301									68	792	*
						43	22	24	83	146	220									57	595	*
						99	29	41	123	120	167									78	657	*
						41	23	21	56	70	63									38	312	*
						53	36	42	139	240	387									81	978	*
						80	35	49	162	247	396									82	1051	*
						39	32	29	84	104	134									54	476	*

IBIT

15

EXHIBIT

A-15

STATE OF KANSAS, FORD COUNTY, ss.

We, the undersigned, members of the County Board of Canvassers for said County, do hereby certify that the foregoing abstract of votes cast at the City Primary election held in the several precincts in said County on the 28th day of February A. D. 2006, is true and correct, as shown by the returns of said election on file in the County Election Officer's office, and canvassed by us this 5th day of March A. D. 2006.

WITNESS OUR HANDS, this 3rd day of March A. D. 2006

Attest:

Victoria Wells

County Election Officer

T. Kim Mordant

County

DODGE_CITY_0000015

Abstract of Votes Cast at a City Primary Election in Ford County,

NAME OF OFFICE	NAME OF PERSON VOTED FOR	Political Party	Bloom	Bucklin City	Bucklin	Concord	Dodge	Dodge - 3	Enterprise	Fairview	Ford City	Ford	Grandview	Richland	Royal	Sodaville
Dodge City Commissioner	Mike Beutcher Ed Kimminau Jim Lymbright Mike Nelson Connie Snick Mark Dingsterhaus E. Kent Small Rick Sowers Jose Vargas															

State of Kansas, on the 4th day of April, 2000

LOGWOOD CO., INC., ATCHISON, KANSAS 66336-359						DODGE CITY													Provisional	Advance	Circle Majority Vote Below	
Soldiers H	Spear City	Spearsville	Wheatland	Wilburn	Wilroads	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh	Twelfth	Thirteenth			Total Votes	
						64				86			164			201				9	52	596
						85				106			245			274				9	96	815
						59				87			193			223				8	83	653
						85				108			142			164				10	66	575

STATE OF KANSAS, FORD COUNTY, ss.

We, the undersigned members of the County Board of Canvassers for said County, do hereby certify that the foregoing abstract of votes cast at the General election held in the several precincts in said County on the 4th day of April, A.D. 2000, is true and correct, as shown by the returns of said election on file in the County Election Officer's office, and canvassed by us this 7th day of April A.D. 2000.

WITNESS OUR HANDS, this 7th day of April A.D. 2000.

ATTEST: Rita A. Slattery
County Election Officer

G. S. Molitor
Don R. Miles
B. A. Johnson
County Board of Canvassers.

1-2-3-4	5-6-7	8-9-10	11-12-13	Provisional	Advance	Total
62	84	163	202	9	52	596
83	108	142	165	10	66	574

STATE OF KANSAS, FORD COUNTY, ss.

We, the undersigned, members of the County Board of Canvassers for said County, do hereby certify that the foregoing abstract of votes cast at the Rescount election held in the several precincts in said County on the 12th day of April, A. D. 2000, is true and correct, as shown by the returns of said election on file in the County Election Officer's office, and canvassed by us this 14th day of April, A. D. 2000.

WITNESS OUR HANDS, this 14th day of April, A. D. 2000.

Attest:

Rita A. Slattery
County Election Officer.

G. S. Molitor
Don R. Miles
B. A. Johnson

County Board of

EXHIBIT

A-16

DODGE_CITY_0000026

Abstract of Votes Cast at a General Election in Ford County,

NAME OF OFFICE	NAME OF PERSON VOTED FOR	Political Party	Bloom	Bucklin City	Bucklin	Concord	Dodge	Dodge - 3	Enterprise	Fairview	Ford City	Ford	Grandview	Richland	Royal	Sodville
DC Commissioner	Fernando Jurado Jim Lambright Tom Martin Billy Weber															
<u>Recount</u> requested by Billy Weber Fernando Jurado Billy Weber																

MIGUEL COCA, ET AL. vs CITY OF DODGE CITY, ET AL.
Nickolaus Hernandez on 07/25/2023

30(b)(6)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF KANSAS

3

4 MIGUEL COCA, et al.,
5 Plaintiffs,

6 vs.

Case No.

7 CITY OF DODGE CITY, a municipal 6:22-01274-EFM-
8 corporation, et al., RES
9 Defendants.

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14 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
15 NICKOLAUS HERNANDEZ, a Witness, taken on behalf of
16 the Plaintiffs before Terri L. Huseeth, CSR No. 1355,
17 CCR No. 660, RPR, pursuant to Rule 30(b)(6) Notice of
18 Deposition of Nickolaus Hernandez and Rule 30(b)(6)
19 Notice of Deposition of Defendant City of Dodge City,
20 Kansas, on the 25th of July, 2023, taken remotely.

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1 ALL APPEARANCES VIA ZOOM 2 3 APPEARING FOR THE PLAINTIFFS: 4 Mr. JD Colavecchio 5 Ms. Mijin Jacqueline Kang 6 Ms. Isabella Masiello 7 Cleary Gottlieb Steen & Hamilton 8 1 Liberty Plaza 9 New York, New York 10006 10 212.225.2000 11 jdcolavecchio@cgsh.com 12 mkang@cgsh.com 13 imasiello@cgsh.com 14 15 APPEARING FOR THE UCLA VOTING RIGHTS PROJECT: 16 Ms. Sonni Waknin 17 Los Angeles Voter Rights Project 18 3250 Public Affairs Building 19 Los Angeles, California 90095 20 310.208.8431 21 sonni@uclavrp.org 22 23 APPEARING FOR THE CITY OF DODGE CITY: 24 Ms. Tara Eberline 25 Foulston Siefkin LLP 7500 College Boulevard, Suite 1400 Overland Park, Kansas 66210 913.498.2100 teberline@foulston.com VIDEOGRAPHER: Mr. Javonte Parson (via Zoom) ALSO PRESENT: Mr. Brad Ralph (via Zoom)	1 November 4, 2022 2 Dodge City 0005690 commission meeting agenda for 3 November 7, 2022 4 Dodge City 0002902 series of emails 5 Dodge City 0012168 document from Cherise Tieben 6 Dodge City 0003662 email chain from January 2023 7 Dodge City 0012372 initial draft of community 8 engagement plan 9 Dodge City 002137 Facebook post November 8, 2021 10 Dodge City 010025 text conversation between 11 Nickolaus Hernandez and Joe Nuci 12 Dodge City 0000602 email conversation between 13 Nickolaus Hernandez and Ernestor 14 de la Rosa in June 2020 about 15 Bilingual poll workers 16 Dodge City 12131 work session agenda from 17 February 1st, 2021 18 Dodge City 0004099 email dated January 31st, 2023 19 Dodge City 0002016 April 15th, 2019, city commission 20 meeting minutes 21 22 23 24 25
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1 INDEX 2 3 4 WITNESS ON BEHALF OF THE PLAINTIFFS: PAGE 5 NICKOLAUS HERNANDEZ 6 Direct-Examination by Mr. Colavecchio 6 7 Cross-Examination by Ms. Eberline 233 8 9 REFERENCED DOCUMENTS 10 Bates Number: 11 Dodge City 0003426 Weekly Update 1-13-2023 12 Dodge City 0003493 Community Demographic Profile for 13 Dodge City, Kansas 14 Dodge City 0003057 Email exchange from January 2023 15 on the subject of voter turnout 16 Dodge City 0003059 spreadsheet 17 Dodge City 0003060 Ms. Arjon's Memo "Best Strategy to 18 Increase Voter Turnout & Education" 19 Dodge City 0003073 revised version of Ms. Arjon's 20 memo 21 Dodge City 0002013 commission meeting minutes dated 22 March 4, 2019 23 Dodge City 0002006 Resolution Number 2015-2, dated 24 February 16, 2015 25 Dodge City 0005652 email from Connie Marquez dated	1 (The deposition commenced at 10:08 a.m.) 2 THE VIDEOGRAPHER: This is the 3 beginning of Media 1 in the deposition of Nick 4 Hernandez representing Dodge City in the matter of 5 Miguel Coca, et al. v. City of Dodge City. Today's 6 date is July 25th and the time on the monitor is 7 10:08 a.m. 8 My name is Javonte Parson and I'm the 9 videographer. The court reporter is Terri Huseby. 10 We are here with Huseby Global Litigation. If 11 counsel would please introduce yourselves, after 12 which the court reporter will swear in the witness. 13 MR. COLAVECCHIO: This is JD 14 Colavecchio with the law firm Cleary Gottlieb Steen & 15 Hamilton LLP in New York City. I'm pro bono counsel 16 for plaintiffs in this case. 17 MS. EBERLINE: Tara Eberline appearing 18 on behalf of City of Dodge City. Also present is 19 city attorney Brad Ralph. 20 ***** 21 NICKOLAUS HERNANDEZ, 22 being first duly sworn, testified under oath as 23 follows: 24 EXAMINATION 25 BY MR. COLAVECCHIO:

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1 Q. Could you please state your full name 2 for the record? 3 A. Nickolaus James Hernandez. 4 Q. And what is your address? 5 A. 2100 Memory Lane, Dodge City, Kansas 6 67801. 7 Q. When were you born? 8 A. August 13th, 1978. 9 Q. And what is your race or ethnicity? 10 A. Hispanic. 11 Q. Okay. Do you use terms "Hispanic" and 12 "Latino" interchangeably? 13 A. No, I do not. 14 Q. Okay. Is it okay if I use those terms 15 interchangeably for this deposition just to keep it 16 simple? 17 A. I am okay with that, yes. 18 Q. Okay. Have you ever been deposed 19 before? 20 A. No, I have not. 21 Q. Have you ever given any other kind of 22 sworn testimony? 23 A. No. 24 Q. Do you know why you're here today? 25 A. Yes.	1 instead of nodding your head, or no, instead of 2 shaking your head. And try to say "yes" or "no" 3 instead of "uh-huh" or "nah," so just a clear, verbal 4 "yes" or "no" to questions like that so it's clear on 5 the transcript what your answer was. Does that make 6 sense? 7 A. I understand, yes. 8 Q. We also need to be careful not to talk 9 over each other, again, to make it clear on the 10 transcript who said what and what was fully asked and 11 what the full answers were. Does that make sense? 12 A. Yes, it does. 13 Q. Your attorney, Ms. Eberline, might 14 object to some of my questions and her objections 15 will be noted for the record, but unless she 16 expressly instructs you at that moment not to answer 17 my question, you should still answer the question. 18 Do you understand? 19 A. Yes, I do understand. 20 Q. Okay. And sometimes I might speak a 21 little inartfully and ask a question that is jumbled 22 or just doesn't make sense to you or uses a word or 23 acronym that you're not familiar with. If that 24 happens and you just don't understand my question or 25 any part of my question, please tell me and I can
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1 Q. And do you know what this lawsuit is 2 about? 3 A. Yes. 4 Q. Can you tell me what this lawsuit is 5 about in your own words? 6 A. There was a claim made by two 7 defendants of Voting Rights Act and they would 8 like -- the plaintiffs would like to have the City go 9 to districts versus our at-large system. 10 Q. And you understand you have given an 11 oath to tell the truth just as you would in court? 12 A. Yes. 13 Q. And is there any reason you can think 14 of why you wouldn't be able to answer any of my 15 questions fully or truthfully today? 16 A. No. 17 Q. Are you taking any medications or 18 drugs of any kind that would affect your memory or 19 your ability to understand or answer my questions? 20 A. No, I am not. 21 Q. Okay. I would like to go over a few 22 ground rules for the deposition. I'm going to be 23 asking questions. The court reporter will be making 24 a record of your testimony, so all of your responses 25 need to be verbal, meaning you should say yes,	1 rephrase it; otherwise, I'm going to assume that you 2 did understand my question. Okay? 3 A. Okay. Thank you. 4 Q. And we're going to take breaks 5 periodically, like we'll take a break for lunch and 6 we can take other shorter breaks throughout, but if 7 at any moment you want to take a break, just let me 8 know and we can do that. If we're in the middle of a 9 question, I'll ask you to finish your answer before 10 we take our break; but otherwise, just let me know 11 when you would like to take a break and we can do 12 that. Is that under -- 13 A. Okay. Thank you. No, sounds great. 14 Thank you. 15 Q. Okay. And you likely know this 16 already, but this deposition is going to be a little 17 different than a typical one because it's going to be 18 split into two parts. There's going to be a 19 Rule 30(b)(6) portion and then after that a fact 20 witness portion. 21 For the first part, the Rule 30(b)(6) 22 portion. Rule 30(b)(6) is a provision of the Federal 23 Rules of Civil Procedure that lets me take your 24 deposition as a corporate representative of the City 25 of Dodge City. So, in other words, I'm deposing the

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1 City itself through you on the topics that you've 2 been prepared on. So do you understand that your 3 answers today on the Rule 30(b)(6) topics are on 4 behalf of Dodge City? 5 A. Yes, I do. 6 Q. Okay. And in the first part of this 7 deposition, the Rule 30(b)(6) portion, I am going to 8 assume that your answers are made in your capacity as 9 corporate representative of the City unless you tell 10 me otherwise. Okay? 11 A. Okay. Thank you. 12 Q. And if I ask a question during this 13 first part of the deposition on the 30(b)(6) topics, 14 and you don't think you can answer the question on 15 behalf of the City but you can answer the question 16 speaking from your own personal experience or 17 knowledge, please just tell me that, and we'll make 18 the record clear that you're answering in your 19 personal capacity, not as a representative of the 20 City, and then you can answer that question. Sound 21 good? 22 A. Sounds great. Thank you. 23 Q. Okay. And if you, at any point, are 24 not sure if a question has been asked of you in your 25 capacity as a corporate representative of the City,	1 Q. Okay. Anyone else? 2 A. Brad Ralph was present as well. 3 Q. Is that everyone who was present? 4 A. Yes, that is. 5 Q. Were you provided any documents to 6 prepare to talk about this topic? 7 A. No, I was not. 8 Q. Did you take any notes during that 9 meeting? 10 A. No, I did not. 11 Q. Okay. Now let me know when you've 12 read the second topic. 13 A. Yes. I've read it. 14 Q. Okay. Who did you talk to to prepare 15 for this topic? 16 A. My attorney, Tara Eberline, and Brad 17 Ralph, city attorney. 18 Q. Were you provided any documents to 19 prepare on this topic? 20 A. No, I was not. 21 Q. And did you take any notes during that 22 meeting? 23 A. No, I did not. It was the same 24 meeting as one. 25 Q. Okay. Was this the same meeting to
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1 or in your personal capacity, I can clarify that so 2 it's clear to you. Okay? 3 A. Okay. Thanks. 4 Q. So now I want to show you the 5 deposition notice that was served on you through 6 counsel. This is the document that I put in the Chat 7 earlier, and so you can pull it up on your own if you 8 want, but I'm also going to screen-share it right 9 now. Give me one moment. 10 Can you see this all right? 11 A. Yes, I can. 12 Q. Have you reviewed this document? 13 A. Yes, I have. 14 Q. And are you prepared to testify about 15 the topics on behalf of the City of Dodge City? 16 A. Yes, sir. 17 Q. I want to go through these topics, one 18 by one, and just ask you some questions about your 19 preparation on each of them. As for this first 20 topic, let me know when you've read it. 21 A. I have read it. 22 Q. Who did you talk to to prepare to 23 testify on this topic? 24 A. I talked with my attorney, Tara 25 Eberline.	1 prepare for each of these topics? 2 A. Yes, it was. 3 Q. Okay. So for each of these topics is 4 it the case that you only talked to Tara Eberline and 5 Brad Ralph to prepare -- 6 A. That's correct. 7 Q. -- in terms of these topics? 8 A. I'm sorry. That is correct. 9 Q. Okay. Were you provided any documents 10 to prepare on any of these topics? 11 A. On these topics, no. 12 Q. Okay. And to be clear, so you didn't 13 review -- you were not provided any documents to 14 prepare to testify on topics 1 through 24? 15 A. No, I was not. 16 Q. And you did not take any notes during 17 that meeting with your attorney and the city 18 attorney? 19 A. Sorry. No, I did not. 20 Q. And you only had the one meeting with 21 them? 22 A. That is correct. 23 Q. Okay. How long did that meeting last 24 generally, just about, approximately? 25 A. It approximately lasted two hours.

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Page 14 1 Q. Okay. And did you bring any documents 2 yourself to those meetings? 3 A. The only document that I brought 4 myself was the Welcoming Plan Implementation Report 5 that was updated on May 18, 2023. 6 MS. EBERLINE: And that's a document, 7 JD, that we anticipate producing today and I can send 8 you -- 9 MR. COLAVECCHIO: Okay. 10 MS. EBERLINE: -- that if you would 11 like to see it. 12 MR. COLAVECCHIO: Great. Yeah. Okay, 13 yes, that would be great. Thank you. 14 BY MR. COLAVECCHIO: 15 Q. So that was the only document that you 16 brought to that meeting? 17 A. That's correct. 18 Q. Okay. And in your own preparation for 19 this deposition did you review any documents on your 20 own? 21 A. On my own? You mean any documents of 22 my own? Or -- 23 Q. Right, documents that you had. Did 24 you review any documents that you already had in your 25 possession to prepare to testify on these topics or	Page 16 1 A. No, I do not. 2 Q. And you don't have any other 3 documents? 4 A. No, I do not. 5 Q. Is there anyone else who you spoke to 6 about this deposition besides your attorneys? 7 A. I informed my staff that I would be 8 taking the deposition today. 9 Q. Okay. Did you talk about what you 10 would be testifying to with your staff? 11 A. I told them I would be testifying on 12 behalf of the City in regards to the ACLU lawsuit. 13 Q. Did they provide you any information 14 to help prepare you for this deposition? 15 A. No. 16 Q. Did you do anything else to prepare 17 for this deposition other than what we've already 18 discussed? 19 A. Just reviewed the documents that have 20 already been presented. Looked at policy manuals 21 that were -- already been provided, and outside of 22 that just been thinking about potential topics that 23 may be covered. 24 Q. Okay. Can you tell me what the policy 25 manuals are that you just referenced?
Page 15 1 to refresh your recollection? 2 A. I only reviewed the documents that 3 were produced by my attorney for this potential 4 deposition today. 5 Q. Okay. Which documents are those? 6 A. There are several emails in regards to 7 communication between -- I wouldn't say several, but 8 Cherise Tieben, there were a couple emails there, 9 there was an email from League of Kansas 10 Municipalities and there was a couple other emails, I 11 believe, between Nannette Pogue and Cherise Tieben as 12 well. 13 Q. Okay. So those are -- you're saying 14 that those are documents that have already been 15 produced to plaintiffs by your attorneys? 16 A. Yes, that is correct. 17 Q. Okay. Are there any other documents 18 that you recall reviewing other than those that you 19 just mentioned? 20 A. No, those are all; those are it. 21 Q. Okay. Did you bring anything with you 22 today for this deposition? 23 A. Just that Welcoming Plan 24 Implementation Report is all I have before me. 25 Q. Okay. You don't have any notes?	Page 17 1 A. Ms. Eberline showed me one yesterday, 2 which was a personnel policy handbook, I believe, of 3 the City, and that is the one that I reviewed. 4 Q. What year was that from? 5 A. I cannot tell you. 6 Q. Okay. Has that been produced to 7 plaintiffs in this litigation? 8 A. Yes, it has. It had a number on it, 9 so I'm sure it was produced. 10 Q. Okay. 11 MR. COLAVECCHIO: Tara, could you let 12 us know what document that is that he's referencing? 13 MS. EBERLINE: Sure, I can. 14 MR. COLAVECCHIO: Not right now but at 15 some point. 16 MS. EBERLINE: Yeah. The only 17 document that he reviewed that has not been produced 18 in this case is the Welcoming Plan Implementation 19 that I just sent you. 20 BY MR. COLAVECCHIO: 21 Q. Okay. So you said that your attorney 22 sent you that policy document yesterday. Did she 23 send you anything else ahead of this deposition? 24 A. She did not send it to me. We 25 actually had it on view just like a shared screen

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Page 18 1 during that two-hour prep. 2 Q. Okay. Was anything else shown to you 3 via shared screen? 4 A. Yes. There were several emails in 5 regards -- which have all been shared, that could 6 potentially be brought up for topics today. 7 Q. Okay. And what were those emails 8 about? 9 A. They were exchanges between, as I 10 stated previously, Cherise Tieben, Nannette Pogue, 11 there was one email from League of Kansas 12 Municipalities. There was one email I believe from 13 Melissa McCoy, or a conversation between Melissa 14 McCoy and Debbie Cox, I believe. 15 Q. So I just want to clarify. When you 16 said earlier that you had looked at those documents 17 that you listed just now, you mean that they were 18 shown to you over a screen-share by your attorneys? 19 A. Yes, that is correct, screen-share 20 during that two-hour deposition yester- -- or 21 deposition prep session yesterday. 22 Q. Okay. So now I want to start getting 23 into some of the substance here, start by talking 24 about some demographic information for the City. 25 Has the Hispanic population of Dodge	Page 20 1 BY MR. COLAVECCHIO: 2 Q. Can you answer the question based on 3 that, Mr. Hernandez? 4 A. How has the Latino population changed 5 over the last 20 years? 6 Q. Correct. 7 A. It has increased, yes. 8 Q. And does the City track how it's 9 changed? 10 A. We track just through census numbers. 11 Yes. 12 Q. Does the City rely on any reports 13 other than census data? 14 A. No, I do not. 15 MS. EBERLINE: It's outside of the 16 scope of the deposition categories. Go ahead and 17 answer. 18 A. No, we do not. 19 BY MR. COLAVECCHIO: 20 Q. About what proportion of Dodge City's 21 residents' primary language is Spanish? 22 MS. EBERLINE: Same objection. 23 A. I cannot tell you. 24 BY MR. COLAVECCHIO: 25 Q. Do you know if the City tracks what
Page 19 1 City grown over the past two decades? 2 A. Yes, it has. 3 Q. And how has it changed? 4 MS. EBERLINE: May I object for just a 5 moment. Which topic are you under here? 6 MR. COLAVECCHIO: Tell you in a sec. 7 And I am going to jump around a bit. I'm not going 8 to necessarily go in order here. 9 MS. EBERLINE: That's no problem. I 10 just want to ensure that we're staying within the 11 topics that have been identified when we're in the 12 30(b)(6) category of the deposition. 13 MR. COLAVECCHIO: Okay. This is 14 mainly related to Topic 17. 15 MS. EBERLINE: Okay. I'm going to 16 object that the questions are outside the scope of 17 the deposition. But you can go ahead and answer, 18 Mr. Hernandez. 19 A. Can you repeat the question for me, 20 please? 21 MR. COLAVECCHIO: Could you read that 22 back for Mr. Hernandez. 23 THE REPORTER: Sure. 24 (WHEREIN, the requested portion of the 25 record was read by the Court Reporter.)	Page 21 1 proportion of Dodge City's residents' primary 2 language is Spanish? 3 MS. EBERLINE: Same objection. 4 A. I cannot tell you, no. We do not 5 track. 6 BY MR. COLAVECCHIO: 7 Q. Do you know how many people own their 8 own home in Dodge City? 9 MS. EBERLINE: Same objection. 10 A. I do not know. 11 BY MR. COLAVECCHIO: 12 Q. Do you know if the City tracks how 13 many people own their own home? 14 MS. EBERLINE: Same objection. 15 A. We do not track, no. 16 BY MR. COLAVECCHIO: 17 Q. Has the City ever hired anyone to 18 study its demographics? 19 MS. EBERLINE: Same objection. 20 A. No, we have not. 21 BY MR. COLAVECCHIO: 22 Q. I'm going to show you a document. 23 Just give me a moment to put in the Chat and I'll 24 share my screen. 25 It's in the Chat now.

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Page 22 1 And this one is not very long, so if 2 you don't want to go through the trouble of pulling 3 it up, you don't have to, because I'm going to share 4 the screen right now. 5 A. Yeah, I'm having a hard time pulling 6 it up. 7 Q. Can you see that? 8 A. Yes, I can. 9 Q. So what I'm showing you right now is a 10 document that's been marked in the litigation as 11 Dodge City 0003426, and it's an email with the 12 subject line "Weekly Update January 13, 2023." 13 You authored this email, correct? 14 A. Yes, I did. 15 Q. Do you recall this email? 16 A. Yes, I do. 17 Q. Do you know who it was sent to? 18 A. It was sent to the city commissioners. 19 Q. Was it sent to anyone else? 20 A. May have been sent to city attorney 21 Brad Ralph. 22 Q. Okay. Anyone else? 23 A. No. 24 Q. And do you send out these weekly 25 updates every week?	Page 24 1 A. The leaders we referred to, at that 2 point in time, I believe they were several of the 3 past commission candidates, there were several 4 individuals in regards to community leaders such as 5 Kansas Appleseed, visited with a few of those folks, 6 visited with some of the individuals, and then this 7 is as a city, so this was as staff, myself, Melissa 8 McCoy, Ernestor de la Rosa, and then reporting back 9 to me. 10 Also visited with past commission 11 candidates such as Fernando Jurardo. I visited with 12 several of my friends and family members that are 13 long-term Dodge City residents. They also visited 14 with Coral Lopez with Main Street Kansas. Visited 15 with several of the business leaders in the 16 community. I don't have their specific names in 17 front of me. But I entrusted Melissa McCoy and 18 Ernestor de la Rosa, Coral Lopez, and also our city 19 clerk, Connie Marquez, to reach out to see if they 20 had heard of anything prior to the lawsuit in regards 21 to any dissension or any issues, and all the feedback 22 that we received at that point stated that they did 23 not see any need to go to districts. 24 Q. So everyone who was talked to said 25 that they did not see a need to change that at-large
Page 23 1 A. No, I do not. 2 Q. Why do you send -- 3 A. I try to send -- 4 Q. I'm sorry, go ahead. 5 A. I try to send them out weekly, if not 6 biweekly. 7 Q. Okay. What are these weekly updates 8 for? 9 A. They are to inform the commission of 10 different topics and items that have taken place in 11 the past week. 12 Q. I want you to look on this first page 13 at the section at the top here under "ACLU Lawsuit." 14 Can you read that section and let me know when you're 15 finished reviewing that section? 16 A. I've read that section. 17 Q. Okay. So you say here that we have 18 turned to trusted leaders within our Latino community 19 for input on Dodge City commissioner/manager from of 20 government; and then you say that based on the 21 council and support of those community leaders we 22 more strongly believe our at-large council seats 23 unite our beautiful diverse city. 24 Who are the leaders within the Latino 25 community that you were referring to there?	Page 25 1 method to a district-based method? 2 A. That is correct. 3 Q. No one said that they weren't sure? 4 A. I would say the majority of 5 individuals didn't even know about the ACLU lawsuit 6 even though it had been published in the newspaper 7 and it had been sent out through the media. A lot of 8 them were, to be honest, at that point in time and 9 even prior to that, were caught off guard. They 10 didn't realize it was even a topic of conversation or 11 a concern. 12 Q. Okay. So just going back to my 13 original question, no one said that they weren't sure 14 about whether or not they wanted to change the 15 at-large method to a district-based method? 16 A. From the individuals and the reports I 17 received, that is correct. 18 Q. And no one said that they would be in 19 favor of a district-based election method? 20 A. Not the individuals that I received 21 reports from, no. 22 Q. About how many people in total were 23 talked to about this? 24 A. I cannot give you exact numbers. I do 25 not know the exact number.

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1 Q. That's fair. Can you give me an 2 approximation, like ballpark? Are we talking like 15 3 people? 50 people? 100 people? 4 A. I would say those individuals, I would 5 say probably more than 40, less than 100 individuals. 6 Q. Okay. And you mentioned that some of 7 the people who you talked to were former candidates 8 for the commission. Can you tell me who -- who those 9 individuals were? 10 A. Let me see. I think that -- I believe 11 there may have been conversation by Ernestor with 12 Blanca Soto. There may have been one I think with 13 Liliana Zuniga, Fernando Jurardo. I believe those 14 were the individuals. 15 Q. Okay. So what were these 16 conversations about? 17 A. The conversation was to inform them 18 that they had been identified and that they would 19 potentially be contacted by our attorney in regards 20 to the case. 21 Q. And did you explain or others who were 22 contacting people explain what this lawsuit was 23 about? 24 A. Yes. We stated at the time that it 25 was in regards to forcing the city commission to go	1 people whether or not they support continuing to use 2 the at-large method of election? 3 A. I believe at the time all that was 4 stated was do you have concerns in regards to the 5 at-large election or going to districts and what's 6 your opinion. 7 Q. Did anyone else ask why they should be 8 concerned about at-large elections? 9 A. I think we more had concerns of why we 10 would be going to district elections and changing our 11 form. 12 Q. So no one asked why the City was in 13 favor of keeping at-large elections? 14 A. No, they did not. 15 Q. And no one asked what potential issues 16 there are with at-large elections? 17 A. No. I never had that question posed 18 to me. 19 Q. And the City didn't explain what 20 potential issues there could be as plaintiffs have 21 alleged with at-large elections? 22 A. We did not study the issue prior to 23 this lawsuit. 24 Q. Up until now? 25 A. Just shortly thereafter we started
Page 27	Page 29
1 to district elections. 2 Q. To the extent that people said they 3 would be willing to stand in support of the City's 4 position in this case, have those people been 5 disclosed to plaintiffs? 6 MS. EBERLINE: Objection to the form 7 of the question. You can go ahead and answer if you 8 know. 9 A. I do not know. 10 BY MR. COLAVECCHIO: 11 Q. Were city employees, including 12 yourself, explaining the City's position in this 13 lawsuit? 14 A. Melissa McCoy and Ernestor de la Rosa, 15 yes. 16 Q. Did the City explain why it's in favor 17 of keeping at-large elections? 18 A. Yes. 19 Q. Did the City explain why plaintiffs 20 are asking the court to instate single member 21 district-based elections? 22 A. We did not go into details in regards 23 to why they were asking, we just mentioned that they 24 were asking. 25 Q. So how was the question posed to	1 having conversations, probably within a couple weeks 2 of receiving that notice. 3 Q. So is that a no, then, that the City 4 did not explain to people what potential issues there 5 could be with the at-large method of election? 6 A. No, we did not, nor did we talk about 7 the districts at large either. 8 Q. What do you mean by that? 9 A. We didn't talk about concerns or 10 issues with districts at large or at-large elections. 11 We didn't discuss either way, the pros or cons of 12 either side. 13 Q. Then what did you discuss? 14 A. We just discussed that the ACLU and 15 these two plaintiffs had filed a lawsuit against the 16 City and that they were alleging that we should go to 17 district elections versus at-large elections, so 18 that's what was discussed. 19 Q. Then what were people asked to 20 support? 21 A. No one was asked to support anything. 22 They were just -- so in regards to this, what we were 23 receiving was their statements as why would we change 24 the form of government, we don't have any issues with 25 it. So that was their support statement, statement

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Page 30 1 of support. 2 Q. Okay. So I want to have you look at 3 another part of this email. I'll lower it down 4 toward the bottom, the section called Retail Coach 5 Data. Can you read that section and let me know when 6 you're done reviewing it. 7 A. Yes, I'm done. 8 Q. Are you familiar with The Retail 9 Coach? 10 A. Yes, I am. 11 Are we still on Item 17 or are we on a 12 new topic? Because I'm not following you on how this 13 relates to 17. 14 Q. It ties into city services for 15 Hispanic residents in particular and how -- in order 16 to understand what kind of services the City should 17 be providing, I need to understand whether the City 18 is tracking what kind of services Hispanic residents 19 need. 20 MS. EBERLINE: I share Mr. Hernandez' 21 concern about that and would object to this line of 22 questioning being outside of the scope of the topics 23 identified in Attachment A. If he has personal 24 knowledge, he can answer, but I don't believe these 25 questions are within the scope of the categories that	Page 32 1 screen, so I don't think you need to download this 2 one. Just a moment. 3 MS. EBERLINE: While that's 4 downloading, I'm going to state again my objection to 5 this line of questioning. Just so I'm not 6 interrupting you every question, would you prefer 7 that I just have a running objection with respect to 8 this line of questioning, or would you rather the 9 objection be with respect to each question? 10 MR. COLAVECCHIO: If you want to make 11 a blanket objection to questions I'm going to ask him 12 about this document, I'll -- I can -- I'll 13 acknowledge that. 14 MS. EBERLINE: Okay. Let's do it that 15 way. 16 MR. COLAVECCHIO: Okay. 17 BY MR. COLAVECCHIO: 18 Q. So this document is -- it's been 19 marked in the litigation as Dodge City 0003493, and 20 it's a report titled Community Demographic Profile 21 for Dodge City, Kansas, and it was prepared by The 22 Retail Coach for City of Dodge City, and it's dated 23 for January 2023. Are you familiar with this 24 document? 25 A. Yes, I am.
Page 31 1 have been identified. 2 I guess the other question I have, and 3 forgive me if you said this earlier, is there an 4 exhibit number for this document? 5 MR. COLAVECCHIO: No, we don't have 6 exhibit numbers. I'm just using the Bates numbers. 7 MS. EBERLINE: Okay. 8 MR. COLAVECCHIO: We provided the 9 documents to the reporter beforehand so they have 10 them all. 11 MS. EBERLINE: Okay. 12 So, Mr. Hernandez, if you have 13 personal knowledge about the topics that JD is asking 14 you about, you're welcome to answer, but I would 15 object that they're outside the scope of the 30(b)(6) 16 notice. 17 THE WITNESS: Can you repeat your last 18 question, sir? 19 BY MR. COLAVECCHIO: 20 Q. Well, let me actually show you another 21 document. I'm going to show you an attachment from 22 this that's referenced in this Retail Coach section 23 of the email. 24 And I sent in the Chat and I think you 25 should be able to follow along fine with shared	Page 33 1 Q. Who commissioned this report? 2 A. Economic -- Ford County Dodge City 3 Economic Development Corporation and the City of 4 Dodge City. 5 Q. And why is your name on this report? 6 A. Because I'm the city manager of Dodge 7 City, Kansas. 8 Q. Did the City provide The Retail Coach 9 any data for this report? 10 A. No, we did not. 11 Q. On page 2, here, there's a statement 12 that 63.81 percent of Dodge City's population is 13 Hispanic. Is that figure accurate? 14 A. If this was in their document, I would 15 have to check what their source was, but I'm sure 16 it's accurate. 17 Q. So you have no reason to doubt its 18 accuracy? 19 A. I do not. I have no reason to doubt 20 its accuracy. 21 Q. Okay. I'll scroll to page 3. And 22 here you'll see that there is a statement that 23 54.07 percent of Dodge City's population speaks 24 Spanish at home. Is that figure accurate? 25 A. As an estimate, I have no reason to

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1 believe it's not accurate, inaccurate. 2 Q. Okay. Then also on this page there is 3 a statement that 42.49 percent of Dodge City's 4 population speaks only English at home. Is that 5 accurate? 6 MS. EBERLINE: Objection, calls for 7 speculation. You can go ahead and answer if you 8 know. 9 A. I have no clue. I would assume that 10 if it's in this report, it says "estimated," so I 11 can't tell you. 12 BY MR. COLAVECCHIO: 13 Q. Do you have any reason to doubt it? 14 A. No. I don't know where the 15 information came from. 16 Q. The report also includes statistics on 17 educational attainment, right? 18 A. I believe so. 19 Q. Here's that section. On page 5 here 20 there are statistics on educational attainment for 21 Hispanics or Latinos. Why was this included? 22 A. I have no clue. I would have to ask. 23 That would be a question for Retail Coach. 24 Q. Well, did the City, or did you, 25 request particular analysis on educational attainment	1 outside of that, no. 2 Q. Was it presented at the commission 3 meeting? 4 A. I do not recall. 5 Q. Were there any discussions with the 6 chamber of commerce about this report? 7 A. This was discussed with Ford County 8 Economic Development Corporation, which is our 9 economic development wing basically. They provide 10 the economic development services for the county as a 11 whole. The chamber of commerce does not, is not 12 really involved in economic development. 13 Q. Okay. I want to turn now to a 14 different topic. 15 MR. COLAVECCHIO: And I just want to 16 clarify, Tara, that -- that your pointed objection to 17 the relevance is officially ended for that document. 18 MS. EBERLINE: Fair enough. 19 BY MR. COLAVECCHIO: 20 Q. I want to talk to you about the roles 21 and responsibilities of various people who work for 22 the City. First, I want to ask you about your role. 23 So what is the city manager's role? 24 A. Role of the city manager is really to 25 help develop a long-term vision for the community and
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1 for Hispanics and Latinos specifically? 2 A. No. We did not request any of this 3 information. We just requested them to look at our 4 market and give us a report back and this is what 5 they provided. 6 Q. Okay. So you did not ask Retail Coach 7 to run any particular analysis on demographics? 8 A. That is correct. 9 Q. And they just sent you this report, 10 and this was your first time seeing these 11 demographics? 12 A. That is -- 13 MS. EBERLINE: Objection, form. Go 14 ahead. 15 A. That is correct. 16 BY MR. COLAVECCHIO: 17 Q. Did the City have any discussions 18 about this report? 19 A. The report was -- I believe the city 20 commissioners received this report, but we had no 21 discussion in regards to any specific items included 22 in this report. 23 Q. Were there any discussions with the 24 commissioners about this report? 25 A. It was given to the commissioners but	1 present that to the governing body which is the city 2 commission. We also -- it's our responsibility to 3 kind of bring a community-wide perspective that 4 considers both a past and even future challenges that 5 present themselves to the city in order for the 6 commission to have some really in-depth policy 7 discussions. 8 We also -- you know, one of the 9 biggest items for city managers is really to 10 encourage inclusion and building consensus amongst a 11 varying group of individuals. You know, our goal is 12 to bring the community together as a whole, not to 13 try to separate the community out into individual 14 parts. We've really got to take into account the 15 business leaders, the education leaders in schools, 16 the individuals in regards to just citizens, 17 regardless of what their political affiliation or 18 what their individual values are, and we have to try 19 to bring that group together to try to develop a 20 consensus to present to the city commission for them 21 to try to make a decision based upon the City as a 22 whole versus individual groups. 23 Also, another thing that the City 24 managers are really responsible for is we have to 25 really promote equity and fairness in ensuring that

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Page 38 1 all our services are fairly distributed throughout 2 the community. And we have to do that while ensuring 3 that the laws and policies of the City are enforced 4 fairly as well. You know, we're not out to target; 5 we're not out to go after one group or another. 6 It's our job to bring the community 7 together and to truly ensure that the services that 8 we provide, the policies that we implement really 9 reflect the majority of the population of Dodge City. 10 And that's what the city manager does. We listen to 11 those individuals and we try to bring that together 12 and give that information to the city commissioners. 13 Q. Okay. I want to unpack that a bit. 14 One thing you mentioned a lot was bringing the 15 community together. How do you go about achieving 16 that goal? 17 A. There's a lot of different ways that 18 you can do that. I have communications with hundreds 19 if not thousands of individuals on a monthly basis. 20 I make sure that I talk and communicate to people at 21 soccer games, at baseball games. I try to be, you 22 know, in the restaurants, at the store. I try to 23 ensure that people have access to me, so I can listen 24 to what their concerns are and to try to see how the 25 City can be better and become more efficient.	Page 40 1 it, we had discussions with our staff that oversees 2 the animal controls, we had communications with the 3 public, with the staff and with the commission. We 4 developed kind of a consensus on how to move forward 5 and really resolve the issues that they had at hand. 6 Q. So those, the people that you talked 7 to about their concerns about the pit bull ordinance, 8 those people then showed up to the commission 9 meeting? 10 A. Yes. I strongly encourage anytime 11 that I ever have an issue that really deals with 12 commission action or -- or has to have a lot further 13 study or discussion with the city commission, if I 14 feel -- whether I feel it has merit or not, I 15 encourage them always to go in front of the city 16 commission and present their ideas for discussion. 17 Q. So do you just tell them the time and 18 place of the commission meeting? 19 A. I also tell them what to expect, you 20 know, from the commission during that time and place, 21 what to expect during visitor section. I tell them 22 how to be prepared sometimes depending on the 23 questions they're bringing before them. I don't want 24 them to go in there blind and not knowing the process 25 for how to communicate in that environment.
Page 39 1 I talk to developers, I talk to 2 builders, contractors, business leaders, owners, 3 individuals in the workplace. I mean, I talk to a 4 plethora of individuals to try to ensure that we have 5 a very broad-based perspective on issues. 6 Q. What do you do with that information 7 that you get from those conversations? 8 A. It depends on if they are wanting to 9 accomplish something or if they just want to have 10 clarification on a certain topic. So if they're 11 wanting clarification I give them an answer why we do 12 something. If it's a concern, I do encourage them to 13 come to the city commission. We have a visitor 14 section of the city, city commission meetings, and I 15 tell them, hey, if this is a topic that you would 16 like to be addressed by the city commission, please 17 come in front of them, let them know what your 18 concerns are and what your questions are and that way 19 it gives the city commission an opportunity to have 20 discussions on these broader topics. 21 One example that we had recently was 22 our pit bull ordinance and I encouraged a citizen and 23 a couple individuals to come before the city 24 commission to present their concerns with the law. 25 And the city commission listened to them, we studied	Page 41 1 Q. Is there a flyer or pamphlet or link 2 that you provide people with for information on the 3 commission meetings? 4 A. On the commission meetings as far as 5 the time, the agendas, all that is done in multiple 6 different methods, whether it be through Facebook, 7 social media, it can be done through -- it's online 8 on our website. It's typically done radio, so the 9 advertising and the knowledge of when our meetings 10 take place are communicated to the public in several 11 different forms. 12 Q. How long has the City been 13 communicating information for commission meetings 14 online or through social media? 15 A. I could not tell you. I'm sure it's 16 probably been at minimum 20 years if not more. 17 Q. You said earlier that part of what you 18 do is talk with the commission about what you're 19 hearing from people in the community. Do you mean 20 that you are formally making some kind of 21 presentation to commissioners or is that just more of 22 an informal conversation that you have with them? 23 MS. EBERLINE: Object to the form. Go 24 ahead. 25 A. It depends on what the topic is. If

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1 it's a pretty minor topic that can be handled and 2 addressed by staff and administration, it typically 3 doesn't go very far; but if it's something in regards 4 to statutes, ordinances or where it takes actually 5 commission actions to resolve, then I do. 6 BY MR. COLAVECCHIO: 7 Q. Do you ever put individual residents 8 you talk to into contact directly with any of the 9 commissioners? 10 A. If they have concerns, I do try to 11 encourage them to contact their commissioners as 12 well, yes. 13 Q. How do you decide which commissioner 14 to put a resident in contact with? 15 A. I don't. I tell them blanketly which 16 commissioners or who our commissioners are in the 17 contact information. 18 Q. Do any of the commissioners take 19 responsibility for like a particular part of the 20 City? 21 A. No. Our commissioners always view the 22 City as being one and the same. 23 Q. Are there any town halls in particular 24 parts of the City, like spread around, or is it all 25 just a central town hall at the same location?	1 MS. EBERLINE: I object to the 2 question as outside the scope of the topics. You can 3 go ahead and answer. 4 A. Not fluently, no. 5 BY MR. COLAVECCHIO: 6 Q. Do you speak Spanish conversationally? 7 MS. EBERLINE: Are these questions to 8 Mr. Hernandez in his individual capacity or are you 9 asking the City? 10 MR. COLAVECCHIO: I want to ask this 11 one in the capacity of the City, and it's related to 12 how he in his role in interacting with people in the 13 community. 14 MS. EBERLINE: So are you asking if 15 the City -- I guess I'm not sure how he's supposed to 16 answer that. You're asking the City for the City's 17 answer on whether Mr. Hernandez speaks Spanish 18 fluently? Is that what you're asking? 19 MR. COLAVECCHIO: Yes. 20 MS. EBERLINE: Okay. 21 A. Speaking Spanish is not a requirement 22 of the job. 23 BY MR. COLAVECCHIO: 24 Q. Okay. But do you speak Spanish 25 conversationally?
Page 43 1 A. We only have one City Hall, and that 2 is located downtown on North 2nd. 3 Q. And that's where -- 4 A. We don't have -- 5 Q. Go ahead. 6 A. You know, we're only a community of 7 27,000. We're like five miles across and six miles 8 long, so we're not a huge city by any means. 9 Q. Okay. So if there is a town hall, 10 it's usually held at City Hall? 11 A. If there is a topic that needs more 12 addressing or that we feel that's going to have a 13 bigger crowd, we have at times went to different 14 venues to provide access to individuals, better 15 access for a large group of individuals. Our city 16 commission chambers are pretty small. 17 Q. What are those venues? 18 A. That would be either Boot Hill 19 Conference Center or the school district has a -- has 20 a -- at the civic center has a boardroom that's much 21 larger or we can also have it at the public library. 22 Q. Is there -- are all those places 23 within city limits? 24 A. Yes, they are. 25 Q. Do you speak Spanish fluently?	Page 45 1 A. It was never asked of me by the City 2 to be able to speak conversationally, and I've never 3 been tested either, no. 4 Q. Okay. Do any of the commissioners 5 speak Spanish fluently? 6 A. I do not know. 7 Q. Do you know if any of the 8 commissioners speak Spanish conversationally? 9 MS. EBERLINE: I'm going to object to 10 these questions as outside the categories and topics 11 within your 30(b)(6) notice as well. 12 A. I do not know. 13 BY MR. COLAVECCHIO: 14 Q. When you're talking to people in the 15 community, have you had any of those conversations in 16 Spanish? 17 A. Yes, I have. 18 Q. And you're able to understand what 19 people were saying? 20 MS. EBERLINE: I'm going to object 21 again, outside the scope of the topics for 22 examination. You can go ahead. 23 A. Depends on the venue where I'm at and 24 who I'm with. 25 BY MR. COLAVECCHIO:

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1 Q. So sometimes you understand but 2 sometimes you don't? 3 MS. EBERLINE: Same objection. 4 A. I do not -- my family members do speak 5 Spanish, and when I'm with my family, yes, I'm able 6 to have those conversations; whereas, if I'm with 7 other staff members who speak it much better than I 8 do, then I do have conversations with them. 9 BY MR. COLAVECCHIO: 10 Q. So you have conversations with 11 residents who are speaking in Spanish if you have 12 someone with you who can interpret for you? 13 MS. EBERLINE: Same objection. 14 A. Yes. And if they -- if I can speak 15 enough Spanish with them to encourage them to contact 16 me, too, when I'm with someone if they have a 17 concern. 18 BY MR. COLAVECCHIO: 19 Q. Do you know how often you have someone 20 with you who is conversant in Spanish and can 21 interpret for you? 22 MS. EBERLINE: Same objection. 23 A. I would say at least 90 percent of the 24 time. 25 BY MR. COLAVECCHIO:	1 think of all of them right at this split second. I 2 wasn't prepared to answer this question. 3 Q. Okay. Does -- are residents able to 4 receive the agendas for commission meetings in 5 advance of the meeting? 6 MS. EBERLINE: Objection. 7 A. Yes, they are. 8 MS. EBERLINE: Outside the scope of 9 the topics. Go ahead and answer, Mr. Hernandez. 10 A. Yes, they are. 11 BY MR. COLAVECCHIO: 12 Q. How do they obtain the agenda in 13 advance? 14 A. They're done -- 15 MS. EBERLINE: Beyond the scope, go 16 ahead. 17 A. They're done several different 18 methods: online; they can also sign up for direct 19 mailing for us if they have interest in receiving all 20 communications, all communications and notices. They 21 sign up and we send them out as we do with any press 22 media. Anyone who requests it, we do send it to them 23 directly. 24 BY MR. COLAVECCHIO: 25 Q. Okay. Are the agendas translated into
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1 Q. And do those people work for the City? 2 MS. EBERLINE: Same objection. 3 A. Not all of them do, no. 4 BY MR. COLAVECCHIO: 5 Q. Do some of them work for the City? 6 A. Yes, they do. 7 Q. Can you tell me who they are? 8 MS. EBERLINE: Same objection. 9 A. I have probably eight individuals -- 10 I'm trying to think, probably not -- do I need to 11 list them out as well? 12 BY MR. COLAVECCHIO: 13 Q. If you can tell me who they are, I 14 would like you to. 15 MS. EBERLINE: Same objection. 16 A. Melissa McCoy. At the time Ernestor 17 de la Rosa. I had Cassandra Ortiz which was my 18 administrative assistant. I have Esparanza; that is 19 also another administrative assistant. I have Roxana 20 Arjon, who was with me for several years, or for 21 several months, who was an intern. Alejandro Rangel 22 who was an intern. I have Connie Marquez, who is 23 city clerk. I have Cindy Gonzales, who is -- I 24 believe she's HR director. I have -- I'm trying to 25 think who else. I'm sure there's more. I just can't	1 Spanish? 2 A. I could not tell you at this moment. 3 MS. EBERLINE: Same objection on scope 4 of the topics as to that question. 5 BY MR. COLAVECCHIO: 6 Q. So you're not sure whether the agendas 7 are translated into Spanish? 8 MS. EBERLINE: Same objection. 9 A. If requested we would provide them, 10 but I don't -- I'm not -- I do not know for sure. 11 BY MR. COLAVECCHIO: 12 Q. So the only time an agenda would be 13 translated into Spanish is if someone put in a 14 request to have it translated into Spanish? 15 MS. EBERLINE: Objection on scope and 16 form of the question. Go ahead and answer. 17 A. I'm not positive whether they are 18 released in Spanish or not, but if it was requested 19 we would provide it in Spanish. 20 BY MR. COLAVECCHIO: 21 Q. Who would be responsible for 22 translating the document? 23 A. That would be staff. 24 Q. Anyone in particular? 25 A. No.

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Page 50 1 Q. Just someone who speaks Spanish? 2 A. And can write Spanish as well. 3 Q. You also talked earlier about one of 4 your goals in your job as city manager being 5 providing equity in service; is that right? 6 A. Yes. 7 Q. How do you measure whether you're 8 accomplishing that goal? 9 A. Community feedback. 10 Q. Okay. By that do you mean just 11 talking with people and seeing what they have to say 12 about the City? 13 A. Yes. 14 Q. Is there any other way that the City 15 measures whether services are being provided 16 equitably? 17 A. No, not that I am aware of. 18 Q. Do you report directly to the 19 commissioners? 20 A. Yes, I do. 21 Q. And do -- does anyone report to you 22 directly? 23 A. All other city employees report to me 24 directly. 25 Q. Okay. So all other city employees are	Page 52 1 A. That is correct. 2 Q. So is there a segment after the public 3 portion that's a closed session for commissioners and 4 other city employees only? 5 A. There's very, very strict rules and 6 regulations in regards to closed meetings and every 7 time that we do go into what they call executive 8 session, the Kansas Open Meetings Act is very clear 9 on what you can utilize those for and we are in 10 constant consultation with our city attorney prior to 11 even allowing those. But it's very, very rare that 12 we would ever go into an executive session without a 13 specific exemption. 14 Q. Okay. So for the most part the 15 commission meetings are open to the public? 16 A. Yes. 17 Q. How are topics selected for the 18 commission meetings? 19 A. Topics -- 20 MS. EBERLINE: Objection, beyond the 21 scope of the topics. Go ahead. 22 A. Topics are generally selected by the 23 businesses at hand. We have a lot of contracts that 24 come before us that need to be approved by the 25 commission. We also have a lot of planning-zoning
Page 51 1 effectively your employees? 2 A. That is correct. 3 MS. EBERLINE: Object to form. Go 4 ahead. 5 A. That is correct. 6 BY MR. COLAVECCHIO: 7 Q. How often do you meet with the 8 commissioners? 9 A. It varies. I meet with some 10 commissioners weekly. I have conversations with some 11 commissioners multiple times a week. But on a formal 12 basis we meet two times a month as a full commission. 13 Q. And that's the commission meetings or 14 is that another meeting? 15 A. That is the commission meetings. 16 Periodically we would have study sessions which are 17 posted meetings to the public, such as a commission 18 meeting, and we do have occasionally special 19 meetings, which are called meetings, which are 20 publicly noticed as well. But anytime that the 21 commission is together as a group, we notice all 22 those meetings. 23 Q. Okay. And I think you said earlier 24 that there's a public portion of the commission 25 meetings; is that right?	Page 53 1 type issues that come before, economic development 2 issues that come before the commission, but it's 3 really only items of business that are required by 4 the commissioners to take place before the 5 commission. 6 BY MR. COLAVECCHIO: 7 Q. Is there a standing item on the agenda 8 for public feedback or concerns? 9 A. Yes, there is. 10 Q. Does it have a particular name? 11 A. Visitor section is what it's called. 12 Q. Okay. How does that work? 13 A. If the commission opens up the 14 visitors section portion of the meeting, at that 15 point, anyone in the audience -- they don't have to 16 sign up on a list, they don't have to ask what the 17 topic is about -- they can come up to the podium and 18 present their concerns or whatever they would like to 19 say to the commissioners. 20 Q. So after the visitors portion are 21 residents who are attending the meeting able to speak 22 during the meeting? 23 A. If it's -- if there's a specific item 24 on the agenda, say it's a rezoning item, during that 25 portion of a business meeting visitors and audience

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Page 54 1 members are allowed to make comment in regards to 2 that item that has business before the city 3 commission. So the visitor section is a very open 4 discussion. Any topic, any situation, they can say 5 whatever they want during that portion of the 6 meeting, but the public can only speak on items that 7 are actually being -- during that portion of the 8 meeting that are actually being acted upon by the 9 city commission from after the visitors section. 10 Q. How long does the visitors section 11 last? 12 A. The visitors section can last as long 13 as the commission allows it to last. 14 Q. In practice how long does it typically 15 last? 16 A. If we have visitors, maybe 15 minutes, 17 10 minutes. It depends on the topic too. We've had 18 some that went as long as an hour. It just depends 19 on the number of individuals in the audience that 20 want to speak, the topics that are being discussed. 21 So there is no -- there is kind of a standing rule, 22 but it can be waived by the mayor at any point of the 23 meeting, that says five minutes per individual, 24 15 minutes per topic, but that can be waived by the 25 mayor at any point in time, and it has been waived	Page 56 1 Q. Okay. Can you recall particular 2 examples of commission meetings where there was a 3 really large turnout for the visitor section? 4 A. Yes, I do recall one in particular. 5 We had a rezoning of an area for a new housing 6 subdivision and we had probably 50 people in 7 attendance for that meeting and it was a very large 8 group that spoke both for and against that rezoning. 9 Q. Okay. Were any of the people who 10 spoke speaking Spanish? 11 MS. EBERLINE: I object to the 12 question as outside of the scope of the topics for 13 examination. 14 A. If they were to speak Spanish, we have 15 several individuals that could have interpreted at 16 that time. But no, no one at that moment did. 17 BY MR. COLAVECCHIO: 18 Q. Does the City employ a Spanish 19 language interpreter for the commission meetings? 20 A. We have in our policies that we 21 actually provide a stipend to our employees based 22 upon their Spanish fluency. 23 Q. So are you saying that people who 24 happen to work for the City and are at the meeting 25 will interpret and be compensated for interpreting?
Page 55 1 depending upon the item at hand. 2 Q. On an average day for a commission 3 meeting how many people talk during the visitors 4 section? 5 A. Zero. 6 Q. That's the average? 7 On a really exciting day how many 8 visitors are talking during the visitors section? 9 A. If you were to do my top ten in Dodge 10 City, I would say maybe 50 people would be in the 11 audience and you would have -- 12 Q. Did you say 50 like 5-0? 13 A. 5-0, yes. And you may have a 14 representative that is speaking on behalf of maybe 10 15 or 15 of those individuals. It just kind of really 16 depends on the topic, but during those meetings, the 17 commission has allowed all the issues at hand to be 18 addressed. They actually even ask -- the commission 19 asks, Is there any other items that we need to 20 consider from the visitors that has not already been 21 discussed by other members of the audience, during 22 that visitors section, just to ensure that the 23 commission has all their concerns listened to and 24 they have the opportunity to speak on that item 25 before moving on.	Page 57 1 A. They're compensated during their 2 regular salaries and if they -- if they are -- if 3 they receive that stipend from the City to speak 4 Spanish, then during official actions they do provide 5 those services. 6 Q. Okay. How often would you say is a 7 Spanish interpreter required for the commission 8 meetings? 9 A. Required? I would say not very often. 10 Available? All the time. 11 Q. Okay. So not many people attending 12 the meetings primarily really speak Spanish? 13 MS. EBERLINE: Object to the form of 14 the question. 15 A. If they do, typically what happens is 16 they bring an individual or family member or friend 17 with them, and they interpret for them as well. So 18 they typically bring someone with them, but we also 19 do have individuals present, staff members at the 20 meeting, that can provide those services as well. 21 BY MR. COLAVECCHIO: 22 Q. Does the City provide people who 23 primarily speak Spanish a Spanish-language version of 24 the agenda? 25 MS. EBERLINE: Objection, asked and

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1 answered. 2 A. Okay, can you repeat? I think I've 3 answered this question previously. Do we provide the 4 agendas in Spanish, is that what you're asking? 5 MR. COLAVECCHIO: Yeah, I agree. That 6 I think captures a more general question earlier, so 7 you don't need to answer that. 8 THE WITNESS: Okay. 9 MS. EBERLINE: JD, when you get to a 10 breaking point, do you mind if we take a quick break, 11 five, ten minutes? 12 MR. COLAVECCHIO: Yeah, we can take a 13 break right now. 14 MS. EBERLINE: I don't mean to 15 interrupt your flow if you have other questions. 16 MR. COLAVECCHIO: No, I was looking 17 back over to see if I want to move on from this 18 section, so perfect time to take a break. 19 MS. EBERLINE: Okay, perfect. 20 MR. COLAVECCHIO: Do you want -- how 21 many minutes? 22 THE VIDEOGRAPHER: I was going to go 23 off the video record. 24 MS. EBERLINE: No problem. Let's go 25 five minutes.	1 people in the community? 2 MS. EBERLINE: Object to the form. 3 A. If they require commission action or 4 further discussion, it would depend. 5 BY MR. COLAVECCHIO: 6 Q. Okay. So I want to move on to talk 7 about the city clerk. What are the city clerk's 8 roles and responsibilities? 9 A. The city clerk is responsible for the 10 records of the City. 11 Q. Okay. And what do they do with the 12 records for the City? 13 A. As far as likes ordinances, 14 resolutions, she tracks those and maintains those. 15 Q. So she's maintaining official city 16 records? 17 A. Yes. 18 Q. Does she maintain anything related to 19 voting or elections? 20 A. As in general, I would say no. 21 Q. Okay. Does anyone report to the city 22 clerk? 23 A. City clerk reports to the finance 24 director and myself. 25 Q. The city clerk reports to the finance
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1 MR. COLAVECCHIO: Okay. So 11:25. 2 THE VIDEOGRAPHER: Time on the monitor 3 is it's 11:20 a.m. We're now off the record. 4 (Recess.) 5 THE VIDEOGRAPHER: Time on the monitor 6 is 11:27 a.m. We are now back on the record. 7 BY MR. COLAVECCHIO: 8 Q. Okay. Mr. Hernandez, I do want to ask 9 you a couple more questions related to your role as 10 city manager. Do you -- are you responsible for 11 drafting the agenda for the commission meetings? 12 A. I work with staff to draft it. I do 13 review it and finalize it before it's presented. 14 Q. Okay. Who helps you draft it? 15 A. Connie Marquez and Melissa McCoy. 16 Q. Does anyone else help you draft it? 17 A. No. 18 Q. Are they doing the initial drafting? 19 A. Yes. 20 Q. And how do they decide what goes into 21 the agenda? 22 A. The items that are presented by staff 23 members for commission action are placed on there. 24 Q. Is there any dedicated section for the 25 agenda based on the conversations that you have with	1 director and you? 2 A. Yes. 3 Q. Does anyone report to the city clerk? 4 A. No. 5 Q. So the city clerk does not manage 6 anyone? 7 A. In the current format, no. In the 8 past they have, yes. 9 Q. What does the city clerk work with you 10 on? 11 A. Directly just the agenda. 12 Q. Anything else? 13 A. No. 14 Q. Does the city clerk work with the 15 commissioners? 16 A. Not directly, no. 17 Q. Does the city clerk work with them 18 indirectly? 19 A. No, only for signatures when 20 signatures are needed by the mayor. She will arrange 21 that, official documents being signed by the mayor. 22 Q. So if a document needs the 23 commissioners' signatures, the city clerk arranges 24 getting their signatures? 25 A. That is correct.

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Page 62	Page 64
1 Q. What kind of documents would those be? 2 A. Ordinances that need signatures, 3 contracts that need signatures by the commission, 4 those type of agreements. 5 Q. Does the city clerk work with Ford 6 County? 7 A. Not directly, no. 8 Q. Do they work with Ford County 9 indirectly? 10 MS. EBERLINE: Object to the form of 11 the question. 12 A. I would say we work with all 13 government agencies occasionally. It depends on what 14 the topic is at hand and what -- what needs to be 15 communicated with one another. She may communicate 16 with some members. 17 BY MR. COLAVECCHIO: 18 Q. Is there anything that the city clerk 19 does that you have not already stated? 20 MS. EBERLINE: Object to the form. 21 A. She may issue some permits like 22 there's special event permits. We have a worksite 23 utility vehicle permit that she handles. And our 24 food truck transit vendors' permits, she handles 25 those as well.	1 take the initial complaint depending upon the scope 2 of it. If the investigation can be done internally, 3 or if it needs to be done by a third party, they 4 would be the ones handling that investigation. 5 Q. Okay. Is there a particular person 6 responsible for that work? 7 MS. EBERLINE: Object to the form. 8 A. Yes, the HR director. 9 BY MR. COLAVECCHIO: 10 Q. Okay. And is human resources 11 responsible for adjudicating complaints? 12 A. For adjudicating them? 13 Q. Uh-huh. 14 A. That -- that final authority would 15 rest with the city manager and city attorney. 16 Q. So that authority rests with you? 17 A. Yes. 18 Q. And the city attorney? 19 A. Yes. 20 Q. Has that happened since you've been 21 city manager? 22 MS. EBERLINE: I'm going to object as 23 outside of the scope of the topics identified in the 24 30(b)(6) notice. Go ahead and answer if you know. 25 A. No.
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1 BY MR. COLAVECCHIO: 2 Q. Is she responsible for updating those 3 forms and permits? 4 A. Yes. 5 Q. Are those forms and permits available 6 in Spanish? 7 A. Yes. 8 Q. And how do you obtain the Spanish 9 versions of those forms and permits? 10 A. You visit with the city clerk. 11 They're available just as the English versions are. 12 Q. So you get them the same way? 13 A. Yes. 14 Q. Are they physically located somewhere? 15 A. They're physically located downtown at 16 City Hall. 17 Q. Are they available online? 18 A. I do not know. They may be. I do not 19 know. 20 Q. Okay. I want to ask you about human 21 resources. What are the human resources division's 22 responsibilities with respect in particular to 23 handling complaints about racial or ethnic 24 discrimination against city employees? 25 A. They would be the group that would	1 BY MR. COLAVECCHIO: 2 Q. Do you have any record of HR 3 complaints related to racial or ethnic discrimination 4 being filed with any of your predecessors? 5 MS. EBERLINE: Same objection. 6 A. I have no knowledge. 7 BY MR. COLAVECCHIO: 8 Q. Does the City keep records of these 9 complaints? 10 MS. EBERLINE: Same objection. 11 A. I do not know. 12 BY MR. COLAVECCHIO: 13 Q. Who would be responsible for keeping 14 any records? 15 MS. EBERLINE: Object to the form of 16 the question. 17 A. That would be the HR director. 18 BY MR. COLAVECCHIO: 19 Q. Does the city clerk maintain any 20 records related to these sorts of complaints? 21 A. To personnel file and 22 personnel-related records, no. 23 Q. Is there a form to fill out for 24 complaints? 25 MS. EBERLINE: Objection, outside the

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1 scope of the topics identified. 2 A. I do not believe there is a form. 3 BY MR. COLAVECCHIO: 4 Q. So what is the process for raising a 5 complaint? 6 MS. EBERLINE: Same objection. You 7 can go ahead and answer. 8 A. They would either bring that up to 9 their supervisor, they would utilize their chain of 10 command, either supervisor, department head, or 11 directly to HR. 12 BY MR. COLAVECCHIO: 13 Q. So they bring it up through like an 14 email or telephone call or an in-person meeting? 15 A. Yes. 16 Q. Does HR report to anyone about 17 complaints that it's received? 18 A. Yes, to the city attorney and myself. 19 Q. Have you received any sort of report 20 from HR about complaints of racial or ethnic 21 discrimination? 22 MS. EBERLINE: Objection, outside of 23 the scope of the topics identified and not relevant 24 to the matters at issue in the lawsuit. You can go 25 ahead and answer if you know.	1 of those documents, but I could not tell you any 2 specifically, no. 3 Q. Okay. Does the public information 4 division distribute Spanish-language guidelines or 5 resources for business owners? 6 A. Yes. If there are resources that need 7 to be distributed, yes. 8 Q. What kinds of resources would be 9 distributed? 10 MS. EBERLINE: Object to the form. 11 A. I do not know. 12 BY MR. COLAVECCHIO: 13 Q. Do you interact with the public 14 information very much? 15 A. Yes. 16 MS. EBERLINE: Form. 17 BY MR. COLAVECCHIO: 18 Q. What are your interactions with them 19 about? 20 MS. EBERLINE: Object to the form. 21 A. Information that's being distributed; 22 items that they're working on. 23 BY MR. COLAVECCHIO: 24 Q. Have you talked to them about 25 providing Spanish-language versions of materials?
Page 67	Page 69
1 A. No. 2 BY MR. COLAVECCHIO: 3 Q. I want to talk about the public 4 information division now. What are the public 5 information division's responsibilities with respect 6 to distributing Spanish-language guidelines or 7 resources regarding voting? 8 A. Regarding voting that's county, county 9 election officer's responsibility for all election 10 materials. 11 Q. So the public information division 12 doesn't distribute anything regarding voting? 13 A. They do distribute occasionally items 14 on voting, but that's not their responsibility to do 15 so. 16 Q. Do they draft the documents that they 17 do distribute? 18 A. Draft? 19 MS. EBERLINE: Object to the form. 20 BY MR. COLAVECCHIO: 21 Q. Like for example, are the documents 22 from Ford County or are they created internally by 23 Dodge City? 24 A. There occasionally may be where we 25 work with Ford County on the interpretation of some	1 A. Yes. 2 Q. What -- what are those conversations? 3 MS. EBERLINE: Object to the form. 4 A. Just ensuring that we're sending them 5 both out, that we're sending any information in both 6 formats. 7 BY MR. COLAVECCHIO: 8 Q. And how long has the public 9 information division been including a 10 Spanish-language version of its materials? 11 A. I do not know when that began. 12 Q. Is there an administrative subdivision 13 of Dodge City's government? 14 A. Like an administration department, 15 yes. 16 Q. What does it do? 17 A. The administration department houses 18 HR. It also houses assistant city manager and 19 administrative assistants as well. 20 Q. And is the director still Ryan Reid? 21 A. Okay. So you're talking about 22 director of administration. That's a little bit 23 different than administration department. 24 Q. Okay. How is it different? 25 A. Director of administration is a title.

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1 He's over IT and court services. 2 Q. So what he's doing does not relate to 3 the administrative department that you were just 4 talking about, that encompasses HR and administrative 5 assistants? 6 A. That's correct. 7 Q. Okay. But do you know if that 8 director I mentioned, Ryan Reid, if he's still the 9 person in that role? 10 A. Yes, he is. 11 Q. Do you work with him at all? 12 A. Yes. 13 Q. What are your interactions about? 14 MS. EBERLINE: Object to form. 15 A. We have items in regards to bid items 16 that may be coming up, IT issues, personnel issues in 17 the court services department. 18 BY MR. COLAVECCHIO: 19 Q. What does the court services 20 department do? 21 A. Court services department provides 22 municipal court functions for the City. 23 Q. Do they report any statistical data to 24 you? 25 MS. EBERLINE: Objection as outside of	1 so I ensure that their day-to-day services are being 2 completed properly. 3 Q. Do they provide any reports about 4 their work to you? 5 MS. EBERLINE: Objection to form. 6 A. Yes, they do. They provide building 7 permits, number of building permits issued 8 evaluation. Occasionally they'll report to me number 9 of code violations that have been completed over the 10 past year or month. 11 BY MR. COLAVECCHIO: 12 Q. Do they track any demographic data on 13 code violations? 14 A. No, they do not. 15 Q. I want to turn to talk more about the 16 commission and the commissioners. 17 Generally speaking, what are the 18 commissioners' responsibilities? 19 A. The commissioners adopt the budget, 20 they oversee policy decisions, they take long-term 21 planning of the City and develop a vision for the 22 City. Also they have what's called home rule 23 authority, which they can actually have basically 24 authority and control to develop any sort of rules, 25 regulations that are not specifically stated by state
Page 71	Page 73
1 the scope of the topics for examination. 2 A. No, not directly to me, no. They may 3 have some reports to the State that are required but 4 not to me. 5 BY MR. COLAVECCHIO: 6 Q. Did you say reports submitted to the 7 State? 8 A. I said there may be reports that are 9 required to be submitted to the State but not to me. 10 Q. What is the Dodge City developmental 11 services department? 12 MS. EBERLINE: Objection, outside the 13 scope of the topics identified. 14 A. That would be the planning and the 15 building codes division of the City. 16 BY MR. COLAVECCHIO: 17 Q. Did -- does the commission work with 18 that department? 19 A. Not directly, no. 20 Q. Do you work with that department? 21 A. Yes. They're underneath my 22 management. 23 Q. Okay. And what is your work that you 24 do with them? 25 A. I am a manager over their department,	1 statute. Their responsibilities are to oversee the 2 entire city as a whole to ensure that all citizens 3 are treated fairly within the community. 4 Q. How do their responsibilities differ 5 from yours? 6 A. They are the -- they have the final 7 say in regards to ordinances, contracts. They are 8 direct representatives of the community. 9 Q. Are you the one typically negotiating 10 contracts or are the commissioners also involved in 11 negotiating contracts? 12 MS. EBERLINE: Object to the form of 13 the question. 14 A. I typically negotiate the contracts. 15 BY MR. COLAVECCHIO: 16 Q. And then you present a contract that 17 you think should be approved to the commissioners so 18 that they can discuss and decide whether to approve 19 it? 20 A. Yes, that's correct. 21 Q. And is that the same process for other 22 items like city initiatives or city policies? 23 MS. EBERLINE: Object to the form of 24 the question. 25 A. Yes, typically that's how it's done,

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1 but it can also be commission driven; or even during 2 that visitors section with commissioners' authority, 3 we have initiated new rules and regulations based 4 upon their decisions. 5 BY MR. COLAVECCHIO: 6 Q. There is a mayor for the commission, 7 right? 8 A. Yes, there is. 9 Q. How are they elected? 10 A. In the commission manager form of 11 government they're selected by them, the other 12 commissioners. They are a figurehead for the 13 commission and they run the meetings. 14 Q. Do they become mayor by majority vote 15 of the commission? 16 A. Yes, they do. 17 Q. What are all of their 18 responsibilities? 19 MS. EBERLINE: Object to form. 20 A. The mayor signs all official 21 documentation and they are a figurehead for 22 groundbreaking ceremonies, ribbon cuttings. They're 23 the official figurehead of the City when it comes to 24 those public demonstrations or events. 25 BY MR. COLAVECCHIO:	1 A. That would be in odd-numbered years is 2 when the elections take place. 3 Q. And how many seats are up for election 4 each year? 5 A. Three. 6 Q. How often does the commission meet? 7 A. Two times a month. 8 Q. And all of those meetings are open to 9 the public? 10 A. Yes, sir. 11 Q. What kind of efforts does the City 12 take to make residents aware of topics for discussion 13 at commission meetings? 14 A. We post the items on our website, we 15 send them directly to individuals who want the 16 information of what's going to be presented, and we 17 do actually have it shown live during a commission 18 meeting as well. 19 Q. Are any of the outreach methods before 20 the meeting provided in Spanish? 21 A. Yes, I believe they are. 22 Q. Which outreach methods are provided in 23 Spanish? 24 A. I believe on Facebook. 25 Q. So there's Spanish-language Facebook
Page 75	Page 77
1 Q. Okay. Is there a vice-mayor? 2 A. Yes, there is. 3 Q. And how are they selected? 4 A. They're selected by the commission. 5 Q. And is that done by a majority vote of 6 the commissioners? 7 A. Yes, it is. 8 Q. And what are the vice-mayor's 9 responsibilities? 10 A. To step in for the mayor when the 11 mayor is unavailable. 12 Q. Is that their only unique role? 13 MS. EBERLINE: Objection to the form. 14 A. Yes. Yes. 15 THE WITNESS: Sorry, Tara. 16 BY MR. COLAVECCHIO: 17 Q. How long are the commissioners' terms? 18 A. It varies. The two highest 19 vote-getters get a four-year term and the third-place 20 vote-getter gets a two-year term. 21 Q. And when are elections held? 22 A. Every two years. It's in the fall 23 now. 24 Q. And is that odd-numbered years or 25 even-numbered years?	1 posts explaining the topics for discussion at 2 commission meetings? 3 A. I would have to go back and look. I 4 don't recall right offhand. 5 Q. You can't think of one instance of a 6 Spanish-language Facebook post about topics for 7 discussion at an upcoming commission meeting? 8 MS. EBERLINE: Object to the form. 9 A. Yes, I can. We have on topics. I 10 believe the pit bull was one of them. 11 BY MR. COLAVECCHIO: 12 Q. Can you think of any others? 13 A. Not off the top of my head. 14 Q. Are they always posted? Are the 15 topics always posted in Spanish in advance alongside 16 English versions? 17 A. I could not tell you. I don't review 18 those. 19 Q. Is information about the commission 20 meetings provided in Spanish on any platform other 21 than Facebook? 22 A. About like when they are, yes. 23 Q. Is information about items 24 specifically to be discussed at that meeting posted 25 in Spanish?

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1 A. I do not know. 2 Q. Does the commissioner review anything 3 in advance of their meetings? 4 A. Yes. 5 Q. What do they review? 6 A. They review the agenda and the agenda 7 items for discussion. 8 Q. Are the agendas always sent to them in 9 advance? 10 A. Yes. 11 Q. Do the commissioners ever edit the 12 agendas? 13 A. No. 14 Q. Is it the case that sometimes an item 15 on the agenda might not be discussed during that 16 meeting? 17 A. If an item is on the agenda, it's 18 discussed, unless it's pulled specifically by the 19 commission as a whole to be removed from the agenda. 20 Q. Would there be a record of that? 21 A. It should be in the minutes. If they 22 removed an item for discussion, it should be in the 23 minutes. 24 Q. We talked a little bit earlier about 25 the visitor section of the meeting. Is there a time	1 Q. So there's subcomponents of one city 2 budget? 3 A. Yes. 4 Q. What is the process for considering in 5 setting the budget? 6 A. There are statutory requirements that 7 are set by the State of Kansas for setting them that 8 we must follow which includes publication and public 9 hearings. 10 Q. What is the publication requirement? 11 A. I would have to look at state statute. 12 Q. And so are there public hearings held 13 in the City on budget items? 14 A. Yes, that is a statutory -- statutory 15 requirement. 16 Q. Do those public hearings take place 17 during commission meetings? 18 A. Yes, they do; official meetings, yes. 19 Q. So that would be an item on the agenda 20 for a commission meeting? 21 A. That typically would be a specially -- 22 special-called meeting or would be considered a study 23 session which is a type of special-called meeting. 24 Study sessions do not take formal action in a study 25 session, but they're all treated the same as far as
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1 limit for how long one person can speak during that 2 section? 3 A. There's a general limit of five 4 minutes, but that can be waived and has been waived 5 by the commission. 6 Q. Do you know how often that's waived? 7 A. I cannot tell you specifically. I 8 would say it's waived more often than not depending 9 upon the number of individuals that want to speak. 10 It's a general guideline. 11 Q. Is the City strict about enforcing the 12 five-minute time limit? 13 A. No. 14 Q. Does the commission make all of its 15 decisions publicly in the commission meetings? 16 A. Absolutely. 17 Q. Does the commission set the City's 18 budget? 19 A. Yes, they do. 20 Q. Are there different kinds of budgets? 21 MS. EBERLINE: Object to the form. 22 A. We have only one budget that's 23 approved, but there's multiple budgets within the 24 overall budget. 25 BY MR. COLAVECCHIO:	1 notification and publication. 2 Q. Okay. How does the City inform people 3 that there's going to be a session about the budget? 4 A. We send out public notices and it has 5 to be in an official publication, which I believe is 6 in the newspaper, but we do put it online, we put it 7 through other forms as well, our website. 8 Q. Are those notices provided in Spanish? 9 A. I do not know. 10 Q. Does the commission regularly vote on 11 whether to maintain the current form of government? 12 MS. EBERLINE: Object to the form of 13 the question. 14 A. It's only been discussed at one point, 15 but there's never been any items. 16 BY MR. COLAVECCHIO: 17 Q. When was it discussed? 18 A. I think it was 2018/2019 when Jan 19 Scoggins brought it up in a commission meeting. 20 Q. Can you tell me about that? 21 MS. EBERLINE: Object to the form of 22 the question. 23 A. I believe Jan Scoggins at one point 24 asked if the commission had had any discussion or 25 wanted to talk about it, but I do not know specifics.

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1 BY MR. COLAVECCHIO: 2 Q. Has the commission ever voted on its 3 form of government? 4 A. Since 2014, no. 5 Q. What was the vote in 2014? 6 MS. EBERLINE: Object to the form of 7 the question. The scope of the notice was for 2014, 8 so I think that's what Mr. Hernandez is referring to 9 when he says since 2014. 10 MR. COLAVECCHIO: Okay, understood. 11 BY MR. COLAVECCHIO: 12 Q. Is that -- is that right, 13 Mr. Hernandez? 14 A. That is correct. 15 Q. What would the process be to change 16 the City's form of government? 17 MS. EBERLINE: Object to the scope of 18 the question and the topic for examination as not 19 being relevant or appropriate. Go ahead if you know. 20 MR. COLAVECCHIO: This is relevant to 21 the topic -- let me find the exact number. No. 8, 22 decisions to maintain the current -- oh, wait I gave 23 you the wrong one. Sorry. No. 5, Topic No. 5: 24 Decisions to maintain the Dodge City commission's 25 at-large method of election.	1 of what the City would be required to do if ordered 2 to change their election method in the sense that 3 that would be, you know, an undertaking that would 4 have to occur based on what the court would order, 5 would be dependent on what the court told us to do or 6 told the City to do. 7 MR. COLAVECCHIO: Okay. Well, we 8 never received objections from you on the topics 9 themselves. But I will note your objection to our 10 interpretation of it for purposes of this deposition, 11 but we'll proceed with asking these questions. 12 MS. EBERLINE: Understood. 13 A. So am I answering to No. 5 which is 14 decision to maintain the Dodge City's commission 15 at-large method of election? Is that what I'm 16 answering? 17 MR. COLAVECCHIO: Ms. Huseby, could 18 you read back my last question, please. 19 (WHEREIN, the requested portion of the 20 record was read by the Court Reporter as follows: 21 "QUESTION: What would the process be 22 to change the City's form of government?") 23 A. It would have to be studied. I do not 24 know. 25 BY MR. COLAVECCHIO:
Page 83	Page 85
1 MS. EBERLINE: And your question is 2 related to what the process would be for changing it? 3 MR. COLAVECCHIO: Yes. I also have 4 the Topic No. 15: All steps or activities required 5 of the City to implement a new redistricting plan. 6 MS. EBERLINE: And we had objected to 7 Topic 15 as not being relevant or appropriate and 8 essentially you're asking what steps would be 9 required of the City if the court were to order them 10 to change? Is that the category of questions that 11 you're asking? 12 MR. COLAVECCHIO: That's one component 13 of it that we're interested in, but also the topic is 14 noticing the issue of just how a change to the form 15 of government in the City would be adopted and 16 implemented and what that timeline process looks 17 like. Are you saying that you object to the topic 18 itself? 19 MS. EBERLINE: Yes, both -- I would 20 both object to the topic itself and I think the 21 specific question that you're asking, at least with 22 respect to Topic 5 would be beyond the scope of what 23 the topic is identified. And again he can answer the 24 question to the extent that he knows, but I don't 25 think that there would be any relevance to the topic	1 Q. Have you ever looked into that 2 question? And that question I'm asking you in your 3 personal capacity. 4 A. In my personal capacity, yes, in 5 previous communities. 6 Q. Are you saying you have not been asked 7 about changing the City's form of government in your 8 role as city manager for Dodge City? 9 A. That's correct. 10 Q. So no one has come to you to talk 11 about making a potential change to the City's form of 12 government -- 13 MS. EBERLINE: Object to the form of 14 the question. 15 BY MR. COLAVECCHIO: 16 Q. -- for Dodge City? 17 A. I have never put a study into it so I 18 would not know the process. 19 Q. Does the commission have the power to 20 adopt district-based elections? 21 A. The commission, I believe in my 22 personal capacity, they could, but it would be 23 subject to a protest petition and ultimately an 24 election by the people. 25 Q. Okay. I want to ask again in your

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Page 86 1 capacity as corporate representative for the City: 2 Does the commission have the power to adopt 3 district-based elections? 4 MS. EBERLINE: And we're objecting 5 with respect to this category of questions, but you 6 can go ahead and answer, Mr. Hernandez. 7 A. Yes, they could with some caveats. 8 MR. COLAVECCHIO: Tara, could you 9 actually give specific objections to each question 10 for the next series of questions? Because I'm not 11 going over a document so I want the record to be 12 clear here exactly what you're objecting to. 13 MS. EBERLINE: You bet. Happy to. 14 BY MR. COLAVECCHIO: 15 Q. Has the commission considered changing 16 from the at-large method to district-based elections? 17 A. No, not that I am aware of. 18 Q. Do you know how that process would be 19 initiated? 20 A. If the commission voted as a whole to 21 look into it, then we would direct staff and the 22 attorneys to complete a rigorous study on different 23 alternatives and methods to complete that task. 24 Q. Would it need to be drafted as a 25 proposed ordinance?	Page 88 1 petition the commissioners can make the change to the 2 charter; but if there is a protest petition, then the 3 change to the charter has to be decided by a vote by 4 residents? 5 A. That's correct. 6 Q. Okay. What is the protest process? 7 A. I do not know the specific process, 8 protest process. From my knowledge is that they 9 would have to have a document that's drafted by legal 10 counsel. At that point it would have to be reviewed, 11 I believe, by the county clerk to its form, and then 12 they would -- they would have to go out and get 13 signatures of qualified electors within the City. 14 And I do not know what that threshold is off the top 15 of my head, but it's a pretty low threshold in 16 regards to that protest petition going to an 17 election. 18 Q. What are the electors? 19 A. The electors are actually citizens 20 that are qualified to vote, registered voters. 21 Q. Okay. So an elector is just a 22 registered voter -- 23 A. That's correct. 24 Q. -- or is that a specific role? 25 A. Yeah.
Page 87 1 A. It would have to be probably a charter 2 ordinance because it would be a change to our 3 charter, city charter. 4 Q. How does the commission enact a change 5 to the charter? 6 A. For a city charter ordinance there is 7 a -- a -- they adopt the ordinance, initial 8 ordinance, from my recollection, then there is a 9 90-day protest period at which point electors could 10 file a protest petition, and then, at that point it 11 would go to an election. 12 Q. So is the ultimate authority on 13 whether it gets passed a vote directly by Dodge City 14 residents? 15 A. In that circumstance, yes. Ultimate 16 authority lies within the people of Dodge City and 17 the voting citizens. 18 Q. So there's no way for the commission 19 to change the charter on its own? 20 MS. EBERLINE: Object to the form of 21 the question. 22 A. They can if there's no protest 23 petition. 24 BY MR. COLAVECCHIO: 25 Q. I see. So if there's no protest	Page 89 1 Q. So it's not a specific role, it's just 2 someone who is a registered voter? 3 A. That's correct. Yeah, that's correct. 4 Q. Do you know whether there are forums 5 to discuss the protests? 6 MS. EBERLINE: Object to form. 7 A. I couldn't -- could not tell you. 8 BY MR. COLAVECCHIO: 9 Q. Does the commission work with the 10 chamber of commerce? 11 A. Directly, no. I do represent the City 12 on the commission board. I have a nonvoting member, 13 standing nonvoting member on the chamber board. 14 Q. Okay. What are the commission's 15 interactions with the chamber? 16 MS. EBERLINE: Object to form. 17 A. There are -- there are none. They may 18 see them, the chamber director, chamber members at 19 events, but nothing outside of that. 20 BY MR. COLAVECCHIO: 21 Q. Are you the only person representing 22 the City and interfacing with the chamber? 23 MS. EBERLINE: Object to form. 24 A. Interfacing, no. I'm sure that 25 there's conversations between individual commission

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1 members and chamber board members and director, but 2 I'm the only one in an official capacity, as is the 3 school district and the community college for 4 ex-officio members of that board. 5 BY MR. COLAVECCHIO: 6 Q. Does the chamber ever present to the 7 commission? 8 MS. EBERLINE: Object to form. 9 A. Not that I recall, no. 10 BY MR. COLAVECCHIO: 11 Q. How does the commission work with the 12 Dodge City Police Department? 13 A. They are a department within the City. 14 Q. Are they in regular communication? 15 MS. EBERLINE: Object to form. 16 A. No. That communication would take 17 place through me or the chief of police with my 18 understanding, so it would be the two of us or 19 myself. 20 BY MR. COLAVECCHIO: 21 Q. Okay. What do you communicate with 22 the chief of police about? 23 MS. EBERLINE: Object to form. 24 A. Personnel issues, staffing levels, 25 budget; that's typically our primary conversations.	1 Q. Do the commissioners receive that 2 information? 3 A. I do not know. I've not provided that 4 to them. 5 Q. Is that information publicly 6 available? 7 MS. EBERLINE: I object to this line 8 of questioning as outside the topics for examination 9 on Attachment A. Go ahead and answer, Mr. Hernandez. 10 A. I do not know. 11 BY MR. COLAVECCHIO: 12 Q. Topic 20 of the deposition notice is 13 the Dodge City commission's relationship to the 14 chamber, the police department, and the developmental 15 services department. 16 Does the police department ever 17 present at commission meetings? 18 A. Yes. 19 Q. What do they present about? 20 A. They present new officers, they swore 21 in -- swear in new officers in front of the 22 commission. Their budget requests typically are in 23 front of the commission and any other policy-related 24 items that they need to be addressed that affect that 25 department.
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1 BY MR. COLAVECCHIO: 2 Q. Does the chief of police report to 3 you? 4 A. Yes. 5 Q. Do they provide you any data on 6 citations, fines, arrests? 7 A. I have seen citation reports. Yes, I 8 have. 9 Q. What about arrests? 10 A. They may have been included on there. 11 I could not -- I do not recollect in my personal 12 capacity. 13 Q. Okay. Has the chief of police 14 provided you any demographic data generally on Dodge 15 City's policing efforts? 16 A. Generally, no, not outside of those 17 reports. I believe they are broken down, but that's 18 it. 19 Q. Do you ask the police department to 20 track demographics on policing? 21 A. I believe they've been doing that for 22 several years, much sooner than when I arrived here. 23 Q. Who receives that information? 24 A. I could not tell you. I do not 25 request it on a regular basis.	1 Q. What kinds of policy items are you 2 thinking of? 3 A. Like the pit bull ordinances was one. 4 Downtown parking regulations, truck traffic 5 enforcement, those type of issues. 6 Q. Is there an opportunity for residents 7 to raise concerns about policing with the police 8 department? 9 A. Yes, there is. 10 Q. What is the forum for that? 11 A. They can contact any city employee, 12 they can contact the police department directly. 13 There's multiple. They can get ahold of any city 14 employee and make a report. 15 Q. Is there a form that someone can fill 16 out to report an issue with the police? 17 MS. EBERLINE: I object to the scope 18 of the questions as being outside of the category of 19 the commission's relationship with the police 20 department. But you can go ahead and continue to 21 answer that. 22 A. I do not know. 23 MR. COLAVECCHIO: I think now would be 24 a good time to break for lunch. Do we want to come 25 back at 2:00, is that too long?

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1 MS. EBERLINE: Let's go off the record 2 and talk. Is that okay? 3 MR. COLAVECCHIO: Sure. 4 THE VIDEOGRAPHER: Time on the monitor 5 is 12:16 p.m. We're now off the record. 6 (Recess.) 7 THE VIDEOGRAPHER: Time on the monitor 8 is 1:00 p.m. We're now back on the record. 9 BY MR. COLAVECCHIO: 10 Q. So I want to talk now about voting and 11 candidate issues. Can you walk me through the 12 candidate registration requirements and the timeline 13 for those requirements for candidates for the 14 commission? 15 A. The timeline and the requirements are 16 established by state law and the county election 17 office handles those issues. 18 Q. Are you saying the City is not 19 involved with candidate registration? 20 A. That's correct. 21 Q. Does the city distribute any of the 22 paperwork for candidate registration? 23 A. No. 24 Q. Does the City do anything to make that 25 information available to potential candidates?	1 available in Spanish? 2 A. I do not know. 3 Q. Are there any formal qualification 4 requirements for candidates? 5 A. State statute governs those, but I 6 believe you have to be a registered voter living 7 within the city limits of Dodge City. 8 Q. Have you discussed those requirements 9 with commissioners? 10 A. With sitting commissioners, no, they 11 realize them already. 12 Q. Have you discussed those requirements 13 with candidates for the commission? 14 A. No, not any specific candidates, no. 15 Q. And do you know whether those 16 qualification requirements are available in Spanish? 17 A. I do not know. That's a county 18 election officer issue. 19 Q. Do existing commissioners play a role 20 in encouraging people to run for the commission? 21 A. No, not that I am aware of. 22 Q. What happens if there's a vacancy for 23 a seat on the commission? 24 A. The commission will determine what 25 method they want to utilize to fill that position.
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1 A. We may share county election 2 officials' posts on Facebook or news releases, 3 statements. 4 Q. What do those posts or statements say? 5 A. I do not know. Don't recall. 6 Q. Okay. Do you not work on those kinds 7 of posts in your capacity as city manager? 8 A. I do not. 9 Q. Who from the City would work with the 10 county, or just independently, to distribute that 11 kind of information? 12 A. It would be public information officer 13 or Melissa McCoy, assistant city manager. 14 Q. Does Melissa McCoy work directly under 15 you? 16 A. Yes. 17 Q. But she does all this independently 18 without consulting you? 19 A. She is the assistant city manager. 20 Her and I visit. There's a lot of duties and 21 responsibilities that we do, but we don't discuss 22 every item that she works on, no. 23 Q. Okay. Do you know whether the posts 24 or materials that the City is putting out about 25 candidates' registration requirements is made	1 Q. What are the different methods? 2 A. It would vary depending upon the 3 circumstances or the commission that's seated at the 4 time. I'm only aware of the one method that we used 5 in this most previous time with Blanca Soto. 6 Q. And that was in 2021, right? 7 A. I believe so, yes. 8 Q. What do you recall about that process 9 with Blanca Soto? 10 A. The commission asked for statements of 11 interest as we do with all vacancies and board 12 positions that are coming up in front of them. Those 13 statements of interest are then presented to the 14 commissioners where they narrow down the candidates. 15 And in a typical situation the mayor would actually 16 review those and make a recommendation to the 17 commission. But I believe in this circumstance the 18 commissioners read them themselves and then narrowed 19 down the field for interviews and then ultimately 20 made a decision. 21 Q. Do you know how many people initially 22 applied for that position? 23 A. I do not recall the exact number, but 24 I believe it was around 13. 25 Q. Okay. Why was Ms. Soto ultimately

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1 selected? 2 A. I do not know. 3 Q. How does -- 4 A. That was a commission decision. 5 Q. Okay. How did the commission -- what 6 was their process for actually appointing her? 7 A. The process was they took statements 8 of interest from the public. They left that open for 9 a set period of time. I do not recall what that 10 period of time was. They narrowed down the 11 candidates to bring in for interviews. They did that 12 individually, I believe, narrowed down their list. 13 And then they listened to the interviews and then 14 they discussed. And one individual commissioner 15 approved it after that. 16 Q. Only one commissioner had to approve 17 the appointment? 18 A. No, no. What I meant is the 19 commission had to approve it. They made a -- one 20 commissioner makes a motion, the second one seconds 21 the motion, and then it's ultimately approved by the 22 commission. 23 Q. By a vote? 24 A. Yes. Majority vote, yes. 25 Q. And you can't recall any other	1 Spanish? 2 A. Yes. 3 Q. So there are posts online about that 4 information in Spanish? 5 A. I believe so, yes. 6 Q. Does the City distribute information 7 on voter registration? 8 A. Yes. 9 Q. And how does it distribute that 10 information? 11 A. I believe we do that through social 12 media, sometimes through press releases. 13 Q. Is that information provided in 14 Spanish? 15 A. Yes. 16 Q. How long has the City been providing 17 voter registration information in Spanish? 18 A. I do not know when they started that. 19 They have been since I've been here in my personal 20 position. 21 Q. Does the City distribute polling 22 location information? 23 A. Yes. 24 Q. How does it distribute that? 25 A. Electronically, website, social media.
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1 appointments to fill vacancies in the commission? 2 A. No, I do not recall, not since the 3 time frame of 2014 and beyond. No. 4 Q. I want to talk through the kind of 5 information that might be provided to residents about 6 election information. Does the City distribute 7 candidate information, like information on who is 8 running for the commission? 9 A. We would distribute potentially who is 10 running for commission only, no other facts, just the 11 candidates themselves, their names. 12 Q. Okay. And how is that information 13 distributed? 14 A. Potentially through social media or 15 shared from the county election office. 16 Q. Is it distributed in Spanish? 17 A. I do not know. 18 Q. Does the City distribute information 19 on the date and time of elections? 20 A. Yes. 21 Q. And how is that distributed? 22 A. Electronically, website, social media, 23 and even sometimes it's discussed in commission 24 meetings. 25 Q. Is that information distributed in	1 Q. And is that information distributed in 2 Spanish? 3 A. Yes. 4 Q. Do you know how long the City has been 5 distributing it in Spanish? 6 A. I do not know when it started. 7 Q. Has the City been providing that 8 information in Spanish as long as you've been in 9 office as city manager? 10 A. Yes, they have been. 11 Q. Does the City provide information 12 about early or absentee voting? 13 A. Yes. 14 Q. And how is that distributed? 15 A. Website, social media. 16 Q. And is that information provided in 17 Spanish? 18 A. Yes. 19 Q. And do you know how long the City has 20 been providing that information in Spanish? 21 A. They have been since I've been city 22 manager. 23 Q. Okay. 24 A. I'm sure it started well before I got 25 here. I do not know the exact date.

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1 Q. I'm sure to your great relief the last 2 one: Does the City provide information on ID 3 requirements for elections? 4 A. I do not know. 5 Q. Do you know who would be responsible 6 for providing information on ID requirements for 7 elections? 8 A. All election-related items actually 9 fall underneath the county election officer. They're 10 ultimately responsible for all elections within the 11 City of Dodge City. 12 Q. Is anyone in the City of Dodge City 13 responsible for, as a matter of city policy, making 14 sure residents know about voter registration 15 requirements and information on elections? 16 A. No. 17 Q. Does the City do anything to track 18 whether residents are actually receiving this 19 information that the distribution methods are 20 effective? 21 A. No, we do not. 22 Q. Has the City made a determination on 23 how effective these measures are? 24 A. No, we have not. 25 Q. Does the City encourage people in	1 registered voters turnout. 2 Q. In the past has the City done targeted 3 efforts to try to increase turnout of Hispanic voters 4 specifically? 5 A. I do not know. 6 Q. Can you recall an instance of the City 7 doing that since your tenure as city manager began? 8 A. I cannot give you any specific from my 9 personal recollection, but we do have other entities 10 that may have provided those services. 11 Q. What entities would those be? 12 A. Community relations advisory board. 13 Q. Okay. I'm going to show you a 14 document now. I'll send it in the Chat here, first. 15 This one is a short one, so I'll try to pull it up if 16 you don't want to. 17 A. I can pull it up. 18 Q. I'm going to share my screen anyway. 19 So this document has been marked in the litigation as 20 Dodge City 0003057. It's an email exchange from 21 January 2023 on the subject of voter turnout between 22 you, Roxana Arjon, and Melissa McCoy, correct? 23 A. That is correct. 24 Q. And am I saying that name right, 25 Roxana Arjon?
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1 Dodge City to register to vote? 2 A. Yes. 3 Q. How does the City do that? 4 A. We do that at all occasions. We do it 5 around times of elections; we do that in commission 6 meetings. We do share those posts online through 7 social media. We also have on our website how to 8 register to vote too. 9 Q. Why does the City do that if it's not 10 responsible for arranging elections or distributing 11 election information? 12 A. We do that because we want all of our 13 citizens to vote. 14 Q. Does the City do anything else to try 15 to improve the numbers of people voting in the 16 elections? 17 A. We -- through our welcoming plan, we 18 are working on different methods and videos with the 19 county election officer to showcase how to actually 20 vote in elections, the process. We're undertaking 21 that currently. 22 Q. Are any of the efforts that you're 23 currently undertaking directed at trying to increase 24 Hispanic voters' participation specifically? 25 A. All voter turnout is our goal, all	1 A. It's Arjon. 2 Q. Arjon, okay. Can you tell me who 3 Ms. Arjon is? 4 A. She was the intern for the City of 5 Dodge City, and her specific role was helping with 6 the cultural relations advisory board. I believe her 7 specific title -- I'm trying to remember -- immigrant 8 refugee affairs intern I believe was her specific 9 title. 10 Q. Okay. And what did she do in that 11 role? 12 A. She was really our -- one of our 13 community representatives. She took over the 14 position that Ernestor de la Rosa had on the 15 community relations advisory board. So she was an 16 intern working with Melissa McCoy with the community 17 relations advisory board to help with implementation 18 efforts of our welcoming plan. 19 Q. How long was she in that role? 20 A. She was in that role the entire time 21 she was here. I do not have her specific employment 22 dates in front of me. 23 Q. Was it like a number of years? Just 24 one year? 25 A. I believe it was one year, around one

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1 year. 2 Q. Okay. Have there been interns in that 3 role since her? 4 A. We actually replaced that with an 5 administrative assistant once she went to school. 6 Q. Okay. Were there interns in that role 7 prior to her starting in that role? 8 A. Ernestor de la Rosa served in that 9 capacity. 10 Q. Do you how long that position has 11 existed? 12 A. That position existed while she was -- 13 while she was here, and I believe Alejandro Rangel 14 was our intern in that position prior to that. 15 Q. Okay. We talked a little bit about 16 what Melissa McCoy's work is for the City, but could 17 you just explain to me what her role was on the topic 18 of voter engagement? 19 A. She was the staff liaison for the 20 community relations advisory board. 21 Q. What do you mean by "staff liaison"? 22 A. She was our direct representative on 23 that board. 24 Q. Okay. 25 A. She had kind of overseen and helped	1 attachment, so I'm going to send you an attachment to 2 this email. I'm going to send you another document 3 and then I'll also share my screen. And this one 4 might be more annoying to look at because it's an 5 Excel spreadsheet, so take the time that you need to 6 look at it. And it's probably going to be hard for 7 me to actually effectively show it through shared 8 screen, so you probably want to have this one up on 9 your own. 10 A. Okay. I have it open now. 11 Q. Okay. I'm having some issues loading 12 it on my end, but I think I'm familiar enough with 13 it. Oh, I just got it. 14 So I'll share the screen but I'm 15 probably not going to be -- you definitely don't need 16 to follow along with me on the shared screen, because 17 I'm not really going to be looking at it line by line 18 much anyway. 19 Okay. I actually cannot share my 20 screen because it's doing weird things, my computer, 21 so we'll just continue. Sorry about that. 22 Okay. So as I said, this is one of 23 the -- this is the attachment to Ms. Arjon's email 24 and it's been marked in litigation as Dodge City 25 0003059. And this is a spreadsheet that contains a
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1 guide that committee. 2 Q. Do you coordinate with her on voter 3 engagement topics? 4 A. No. 5 Q. Do you coordinate with her on the 6 cultural relations advisory board? 7 A. I wouldn't say I coordinate. She does 8 report kind of the topics that they're working on, 9 but I do not direct their specific items that the 10 community relations advisory board are addressing. 11 Q. Why did you send this email reaching 12 out to Ms. Arjon and Ms. McCoy about voter 13 engagement? 14 A. Because voter engagement was one of 15 the goals in the welcoming plan that the City had and 16 so I was just sharing tips and a little bit of 17 research I did find in regards to the community 18 engagement. 19 Q. Did you reach out to them in part 20 because this lawsuit was filed? 21 A. I would say yes in part, but it was 22 also due to the fact that that was a goal of the 23 board even prior to that, so it would have happened 24 naturally. 25 Q. Okay. I want to pull up an	1 lot of information on different methods to increase 2 voter turnout, right? 3 A. That's correct. 4 Q. Did you or anyone else in the City 5 follow-up on implementing any of these strategies? 6 A. Yes. They're actually underneath 7 development with the community relations advisory 8 board right now. 9 Q. Okay. Which strategies are being 10 pursued? 11 A. I could not tell you specifically 12 without looking at that document. 13 Q. Okay. Understanding that it wouldn't 14 be all of them, can you recall a couple of examples? 15 A. Social media, print media, mass media, 16 and voter registration potentially. 17 Q. Do you know whether 18 door-to-door canvassing is being considered? 19 A. I do not believe it's being 20 considered, but I do not know specifically if the 21 community relations advisory board is looking at that 22 or not. 23 Q. Okay. And can you tell me with some 24 more particularity what the strategy is for social 25 media?

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1 A. No, I cannot. 2 Q. Can you tell me what the strategy is 3 for voter registration? 4 A. No, I cannot. 5 Q. Is the reason you can't tell me 6 because you don't know? 7 A. I do not know. That would be a 8 community relations advisory board question. 9 Q. Of the different methods that are 10 listed on this spreadsheet, are any of these measures 11 that the City has not previously taken to increase 12 voter engagement? 13 A. Not taken? 14 MS. EBERLINE: Object to form of the 15 question. 16 THE WITNESS: Go ahead and answer? 17 MS. EBERLINE: Go ahead and answer. 18 A. I do not believe we've done 19 door-to-door canvassing, we've not done direct 20 mailers, phone banking, Party At the Poll events. 21 That's the ones I can know off the top of my head. 22 BY MR. COLAVECCHIO: 23 Q. Okay. Has the City done community 24 meetings? 25 A. I do not know. I don't believe we	1 MR. COLAVECCHIO: I'm still trying to 2 pull it up on the screen-share, but obviously feel 3 free to -- feel free to review it in the meantime. 4 BY MR. COLAVECCHIO: 5 Q. So this document has been marked in 6 litigation as Dodge City 0003060. And it's a memo 7 from Ms. Arjon titled "Best Strategy to Increase 8 Voter Turnout and Education." 9 Who was the intended audience for this 10 memo? 11 A. That would be myself. 12 Q. And I don't know if I stated this 13 before, but this is an attachment to Ms. Arjon's 14 email that we had been discussing. 15 So this memo was only intended for 16 you? 17 A. For initial, yes, me. 18 Q. Okay. Was it intended to eventually 19 go to the commissioners? 20 A. No. It was intended eventually to go 21 to community relations advisory board. 22 Q. Okay. Anyone else? 23 A. No. 24 Q. I'm going to scroll down a bit here. 25 On page 2 it says that the citizen voting age
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1 have, but I do not know. 2 Q. Okay. Is increasing voter 3 registration for Hispanic voters a priority for the 4 City? 5 A. It's a priority for all voters. 6 Q. So there's no specific priority of 7 increasing registration for Hispanic voters? 8 MS. EBERLINE: Objection. 9 A. All registered voters are -- it's 10 increasing voters across all spectrums. 11 BY MR. COLAVECCHIO: 12 Q. Does the City take into consideration 13 that there are lower rates of turnout among Hispanic 14 voters in Dodge City? 15 A. I'm unaware that there's lower voter 16 turnout because I don't know what the voter turnout 17 rate is for any ethnicity. 18 Q. Do you know what the rate is 19 regardless of ethnicity? 20 A. I do not have that in front of me, no. 21 Q. Okay. I'm going to pull up another 22 document now, which I'll also send in the Chat. 23 MS. EBERLINE: Are you ready, Nick? 24 THE WITNESS: I'm ready. I was just 25 waiting.	1 population for Hispanic residents is 53 percent, 2 right? 3 A. Yes. 4 Q. Is that figure accurate? 5 A. I have no reason to assume it isn't. 6 Q. Okay. Am I right in interpreting this 7 paragraph above it to mean that this 53 percent 8 figure is based on the 2016 to 2020 Five-Year 9 American Community Survey? 10 A. Yes, that would be my assumption. 11 Q. Okay. And then a little lower down 12 there is a bullet that says that 63.8 percent of the 13 total population in Dodge City is Hispanic. Is that 14 figure accurate? 15 MS. EBERLINE: Objection to the form 16 of the question and to the scope of the examination. 17 A. I believe it would be accurate based 18 on Ms. Arjon's study or review of that information. 19 BY MR. COLAVECCHIO: 20 Q. So you think it's accurate based on 21 the City's own study of the demographics? 22 MS. EBERLINE: Objection, that's not 23 what he said. 24 MR. COLAVECCHIO: Actually, I had a 25 hard time hearing you. Could you just restate for me

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1 what you said? 2 A. Sorry. The City has not done any of 3 its own study. The information presented here from 4 my assumption would be from the U.S. Census Bureau. 5 BY MR. COLAVECCHIO: 6 Q. Okay. Does this figure also come from 7 the 2020 ACS Five-Year Estimates Data Profiles? 8 MS. EBERLINE: Object to form of the 9 question, outside of the scope of the testimony. 10 A. I would not know. I would have to ask 11 Roxana. 12 BY MR. COLAVECCHIO: 13 Q. I ask because there's this line in the 14 paragraph above, and it's fine if you want to answer 15 this particular question in your personal capacity, 16 not as representative of the City. I'm just trying 17 to understand this document. 18 At the beginning of this paragraph 19 it's talking about census bureau data. But then it 20 says that it's providing demographics information 21 from, first, the 2016 to 2020 Five-Year American 22 Community Survey and then the 2020 ACS Five-Year 23 Estimates Data Profiles respectfully. So what I'm 24 wondering is, do you interpret that to mean that this 25 53 percent number on citizens voting age population	1 Q. Oh, well, what do you take canvassing 2 to mean? 3 A. Well, canvassing, in the form of your 4 question, I would take it as being do we provide 5 names of candidates or are looking for specific 6 candidates for those roles. That's like canvassing 7 for a candidate. 8 Q. Okay. I mean it more broadly in the 9 sense of providing information about candidates and 10 elections and other materials that would make it 11 easier or more likely for voters to participate in 12 elections. 13 A. That's a very broad question. I'm 14 sure we've done very small portions of that, but not 15 every last one of them that I can think of. 16 Q. Okay. But there hasn't been a 17 coordinated effort to do that sort of thing at 18 community centers? 19 A. I do not believe so. 20 Q. Okay. So I want to look at one other 21 attachment. I'm going to send it through the Chat. 22 Okay. This document has been marked 23 in the litigation as Dodge City 0003073. This is a 24 revised version of Ms. Arjon's memo we were just 25 looking at with your edits in the document; is that
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1 comes from the Five-Year American Community Survey 2 and the 63.8 percent number comes from the 2020 ACS 3 Five-Year Estimates Data Profiles? 4 MS. EBERLINE: Objection, calls for 5 speculation. 6 A. Yeah, I would not know. I would 7 assume, yes, it comes from the U.S. Census Bureau 8 data. 9 BY MR. COLAVECCHIO: 10 Q. Okay. And resuming now questions of 11 you as a corporate representative for Dodge City. 12 Prior to January 2023, had the City 13 conducted candidate forums? 14 A. Prior to, I don't believe -- well, the 15 City has never conducted candidate forums. 16 Q. Okay. Has the City ever conducted 17 community Town Halls and meetings to reach voters? 18 A. Since 2014, I do not believe the City 19 has done any community forums that I am aware of. 20 Q. Has the City canvassed at community 21 centers to reach voters? 22 A. No. 23 Q. I want to pull up another attachment. 24 A. Can I go back? What do you mean by 25 canvass?	1 right? 2 A. With my edits? They may be mine or 3 Melissa McCoy's or even Roxana's edits. 4 Q. Okay. Well, let's look at page 2 in 5 particular. There are some draft changes in here. 6 Do you know whether these are your edits? 7 A. I do not know. 8 Q. So it's possible -- is it possible 9 that they're your edits? 10 MS. EBERLINE: Object to form. Asked 11 and answered. 12 BY MR. COLAVECCHIO: 13 Q. You can answer. 14 A. Yes, the comments, some of the 15 comments, yes, may be mine, yes. 16 Q. Which ones? 17 A. How many registered voters are in 18 Dodge City, that portion. All of them that are 19 underlined are probably my changes. 20 Q. Okay. So everything underlined 21 including these parts that were underlined and bold? 22 A. Yes. 23 Q. Okay. So I want to ask you some 24 questions about these edits it's in your personal 25 capacity, so this is not a line of 30(b)(6)

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1 questions. 2 A. Okay. 3 Q. On this page, page 2, in the "Citizen 4 Voting Age Population" section, you state, "That 5 means there are a potential 1,508 additional voters. 6 What is an acceptable level percentage of 7 unregistered voters?" Do you see that? 8 A. Yes, I do. 9 Q. What did you mean by that? 10 A. What is the national standard for 11 eligible voters as far as the number of unregistered 12 voters, what's a typical percentage that you would 13 see across the nation of the citizen voting age 14 population, what would be an acceptable percentage 15 level of unregistered voters. Exactly what it says. 16 Q. Okay. So is this a question directed 17 at Ms. Arjon? 18 A. Yes, it is. 19 Q. And did you ever receive an answer to 20 that question? 21 A. I do not believe I ever did. 22 Q. Did you try to follow-up to receive an 23 answer to that question? 24 A. No, I did not. 25 Q. And in this section on voter	1 A. I do not have that statute in front of 2 me. 3 Q. Do you recall anything that you're 4 aware of that would have violated the statute? 5 A. I believe if you had voter forums, 6 this is speculation, but voter forums that you would 7 actually put on yourself as a city organization. If 8 you actually present information that may have been 9 seen as skewed in the eyes of another candidate or 10 entity, that would potentially run afoul of the state 11 statute. 12 Q. Okay. Now, on this next section, 13 Section 5, Get Out the Vote Techniques, it says the 14 most successful techniques are face-to-face or 15 personal interactions. And then you leave the 16 comment that suggests that the City use direct 17 mailers. Why did you suggest direct mailers? 18 A. We send out a utility bill every 19 month. It's a great way to get the information in to 20 every single property owner, renter, anyone who has a 21 utility bill gets that directly in front of them. 22 Q. Let me actually scroll down a bit. 23 Were you suggesting mail orders to the 24 exclusion of face-to-face interactions? 25 A. Face-to-face interactions are very
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1 registration, Point 4, you say that, quote, I agree 2 the League of Women Voters used to be one group that 3 was very instrumental in voter registration efforts 4 and there is a crackdown on cities and nonprofits 5 from performing similar efforts, unquote; do you see 6 that? 7 A. Yes, I do. 8 Q. What do you mean by there was a 9 crackdown on cities and nonprofits from performing 10 voter registration efforts? 11 A. The State of Kansas put in very 12 specific guidelines on who could and could not 13 provide information to individuals. I do not have 14 that in front of me, but this was from my 15 recollection of a state statute that was passed. 16 Q. Do you know when it was passed? 17 A. I do not recall. It's been in place 18 for at least five, if not longer, years. 19 Q. Okay. Has the City had to monitor 20 what it does as a result of that act? 21 A. No. We never participate in anything 22 that would have potentially run at risk of that 23 statute from my understanding. 24 Q. Okay. From your understanding what 25 would run at risk of violating that statute?	1 difficult in my personal opinion to accomplish. And 2 it takes so much staff and manpower to do, it 3 wouldn't have probably been the best use of our city 4 resources. 5 Q. Okay. You also note here that the 6 City currently does radio and social media 7 advertising which we had discussed earlier. Has the 8 City tried to measure how effective either of those 9 methods have been at getting out the vote? 10 A. No. 11 Q. You have a line here, and this is on 12 page 3 now, part of that same paragraph, that 13 "Unfortunately, if someone doesn't like the City, 14 they'll claim we're trying to coerce them into a 15 position." What did you mean by that? 16 A. That would go back to that 17 face-to-face interaction. It's very difficult for 18 individuals if we were to do face-to-face and we told 19 them about the dates of vote were to go out in that 20 item, if there was someone that was not friendly to 21 the City they could make false accusations about what 22 was being said during those face-to-face 23 interactions. 24 Q. Have you tried to do face-to-face 25 interactions before?

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1 MS. EBERLINE: Object to the form. 2 A. No, no. 3 BY MR. COLAVECCHIO: 4 Q. Do you know if anyone working for the 5 City has tried to do face-to-face interactions for 6 getting out the vote? 7 A. I do not know. 8 Q. Have you heard of any residents 9 claiming that someone from the City was trying to 10 coerce them into a particular position? 11 A. In regards to a voting position? 12 Q. Right. 13 A. No. 14 Q. Okay. Now I want to move down -- I'm 15 on page 3 still -- to the recommendations section. 16 In this section you have a comment discussing how 17 there was a Street Sales Tax Town Hall event with 18 seven attendees for the English-speaking session and 19 none in the Spanish-speaking session. How did the 20 City advertise the Street Sales Tax Town Hall? 21 A. I believe it was on the radio, online 22 on our website. We also had a discussion during 23 commission meetings as well in regards to that. And 24 it may -- I said "it may" -- I think it was on the 25 radio and online, Facebook, social media.	1 City ever held elections based on single member 2 districts? 3 MS. EBERLINE: You're asking within 4 the time frame identified within the topics, correct, 5 since 2014? 6 MR. COLAVECCHIO: I would like to ask 7 that question beyond that general time frame. 8 BY MR. COLAVECCHIO: 9 Q. So just let me know if your answer is 10 going to be made going all the way back or subject to 11 your attorney's objection to the time frame. 12 MS. EBERLINE: So just to clarify on 13 the record, I would object to the separate question 14 being beyond the January 1, 2014, date identified in 15 the topic. Mr. Hernandez, you can answer with 16 respect to both that time frame as well as anything 17 before if you know of anything before. 18 A. Since 2014, no. Prior to it, yes, in 19 1970s. Early 1970s, I believe. 20 BY MR. COLAVECCHIO: 21 Q. Okay. Do you know when the City moved 22 to the at-large method of election? 23 A. I believe it was in the early '70s. 24 Q. Why did the City move to the at-large 25 method of election?
1 Q. Okay. 2 A. And our local news station which is 3 Channel 7. 4 Q. In this penultimate paragraph here, 5 you have a short comment that says agrees to the 6 statement that low cost Get Out the Vote methods 7 should be used including graphics and videos that 8 explain voting and checking voter registration status 9 and the purpose of the commission. Has the City done 10 those things in the past? 11 MS. EBERLINE: Object to the form of 12 the question. You can go ahead and answer. 13 A. Yes, I believe we have. 14 BY MR. COLAVECCHIO: 15 Q. Okay. When did the City release 16 graphics or videos? 17 A. It says -- I don't -- you're saying 18 additional graphics and videos can. It doesn't say 19 we have. So I know that we've done social media 20 posts and flyers, but I don't believe -- I don't know 21 if we've done any additional graphics or video 22 content that I am aware of. 23 Q. Okay. I'll take this item down. 24 So now I want to talk some more about 25 at-large and district-based elections. Has Dodge	1 MS. EBERLINE: Objection as outside 2 the scope of the topics for examination. You can go 3 ahead, Mr. Hernandez. 4 A. I have an opinion, but I don't know 5 specifically, no. 6 BY MR. COLAVECCHIO: 7 Q. Did you say you have an opinion? 8 A. I have a personal opinion, but I do 9 not know the facts at that time. 10 Q. Okay. Well, I'll ask you to answer in 11 your personal capacity what your opinion is. 12 A. In my personal capacity would be they 13 want to have a professional city manager in place to 14 run the day-to-day operations of the City and they 15 want to get away from the commissioners being 16 involved in the day-to-day activities of the 17 community and hire a professional city manager. 18 Q. Switching hats again, I'm going to 19 resume asking you questions in your capacity as 20 corporate representative. 21 When did the city instate the city 22 manager role? 23 MS. EBERLINE: Objection to the extent 24 it's outside the scope of the 2014 time frame. Go 25 ahead and answer if you know.

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1 A. 1970, same time that they went from 2 districts at large. 3 BY MR. COLAVECCHIO: 4 Q. Okay. So it was all at once -- 5 A. Yes. 6 Q. -- the move to at-large and creating 7 the role of city manager? 8 A. Yes. 9 Q. Has the City made any decisions to 10 maintain the at-large method of elections since -- 11 since it was first adopted? 12 A. The City had discussions in regards to 13 Jan Scoggins brought that up as a topic in 2018 and 14 it was discussed briefly, but outside of that, no. 15 Q. Okay. So it was determined at that 16 time that the City would continue to maintain the 17 at-large method of election? 18 A. I believe the commission took no 19 action either way, they -- to move forward or looking 20 at changing anything. 21 Q. The City decided not to adopt 22 Ms. Scoggins' proposal? 23 MS. EBERLINE: Object to the form of 24 the question. 25 A. I don't believe they were presented	1 A. Yes, because it's an open meeting. 2 Q. Would there have been an opportunity 3 for members of the public to comment? 4 A. Yes. 5 Q. Is -- was this topic put on the agenda 6 for this meeting? 7 A. I would have to look at the agenda 8 previous to this that was published. These are just 9 the minutes from that meeting. 10 Q. Is there any record of how many 11 members of the public were in attendance at this 12 meeting? 13 A. Can you scroll up? Scroll down a 14 little bit to visitors. Scroll up more, sorry. 15 I was just seeing if there are any 16 visitors listed in that section. I do not see any, 17 but that wouldn't be a full record. That would only 18 be if they spoke. I wouldn't know who was present at 19 that meeting. 20 Q. So what you can tell from this 21 document is that no members of the public spoke? 22 A. That is correct. 23 Q. What came of this discussion raised by 24 Ms. Scoggins? 25 A. I believe, as it states in the
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1 with any motion to change the form of government. I 2 think there was discussion, but there was no action. 3 BY MR. COLAVECCHIO: 4 Q. Let's pull up the document; I'll send 5 it in the Chat. Okay. So this document has been 6 marked in the litigation as Dodge City 0002013 and 7 this is a set of commission meeting minutes dated 8 March 4, 2019, and I believe that this is the meeting 9 that you were just referencing; is that correct? 10 A. Yes, I believe so. 11 Q. Okay. On the third page, which I 12 think is mislabeled as page 2 in the document itself, 13 in the "Other Business" section, it states that 14 "Commissioner Jan Scoggins asked the city commission 15 to direct staff to look at changing the election in 16 Dodge City having three city commissioners elected by 17 district and two elected at large and to also 18 consider term limits. The city commission discussed 19 this and staff was directed to get some information 20 for further discussion." 21 Do you need time to read that 22 yourself? 23 A. No, I do not. 24 Q. Would members of the public have been 25 present for this discussion?	1 document, the city commission discussed this and then 2 staff was directed to get some information for 3 further discussion. And I believe that the city 4 clerk, Nannette Pogue at the time, did conduct some 5 research into that item. 6 Q. Were the results of that research 7 shared with the commissioners? 8 A. I would have to look at the minutes 9 and -- and I cannot tell you. I do not know. 10 Q. Do you recall what the findings of 11 that research by Ms. Pogue were? 12 A. I would have to look at the documents. 13 Q. Is this the last time that this topic 14 came up at a commission meeting? 15 A. This topic was discussed during that 16 time frame. I do not know if it was the only one. I 17 would have to look at the other commission meeting 18 minutes, and I would have to look at emails or 19 updates to understand if that had been completed. 20 Q. If this idea of moving away from at 21 large was going to be actually considered by the 22 commission, what would the next step have been? 23 A. The commission would have -- 24 MS. EBERLINE: Object to the form of 25 the question. Go ahead.

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1 A. The commission would have instructed 2 staff to look into it even further, come up with some 3 proposals on how to accomplish that. They would 4 actually probably ask for public forums and get 5 public input as well. 6 BY MR. COLAVECCHIO: 7 Q. Were any of those things done after 8 Ms. Scoggins raised this issue? 9 A. I believe staff looked at it further, 10 Nannette Pogue. 11 Q. Were there any public forums? 12 A. No. There was no action by the 13 commission to necessitate a public forum. 14 Q. What action by the commission would 15 have necessitated a public forum? 16 A. The commission wanting to move 17 forward, as a body as a whole, to make this topic a 18 public -- or more of an item for action. 19 Q. Would the commission have had to make 20 a decision on whether to move forward in considering 21 this proposal during a commission meeting? 22 MS. EBERLINE: Object to the form. 23 A. If they wanted to go -- if the 24 commission wanted to go to districts, yes, they would 25 have to take formal action, yes.	1 a discussion, and that discussion, would it happen 2 just among themselves internally, or would that 3 discussion happen during a commission meeting? 4 A. Discussion as a commission as a whole 5 would have to happen during a meeting. 6 Q. Would there have been any imperative 7 to discuss the proposal after they received the 8 research? 9 A. Would they be forced to discuss it 10 after they were -- is that what you're saying? 11 Q. Right. 12 A. No. 13 Q. So they could choose to just ignore 14 the research and not look into the proposal any 15 further? 16 A. I think they would have to have a 17 discussion on the item at some point. 18 Q. But you don't know -- 19 A. But it's not -- it's not legally 20 required, no. 21 Q. But you don't know whether the 22 commissioners did, in fact, discuss this item again 23 during a commission meeting? 24 A. I would have to look at the forums and 25 look at all the emails and minutes. I don't have
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1 BY MR. COLAVECCHIO: 2 Q. Okay. I want to take a step back 3 here. Thanks for being patient with me. I'm truly 4 just trying to get a sense of what exactly this 5 process would have looked like. 6 Could you just spell out for me, from 7 the time that Ms. Scoggins makes this proposal, I 8 understand that staff is directed to gather more 9 information on it for further discussion, Ms. Pogue 10 does some research. From there -- well, first of 11 all, is that right so far? 12 A. Yes, I believe so. 13 Q. Okay. From there what would the very 14 next step have been? 15 MS. EBERLINE: Object to the form of 16 the question. Go ahead. 17 A. Those results would have been shared 18 with the commissioners and the commissioners would 19 have made a decision or had discussion in regards of 20 whether to move forward with it or not. 21 BY MR. COLAVECCHIO: 22 Q. Okay. So Ms. Pogue's research would 23 have been sent to the commissioners, right? 24 A. Yes. I believe so. 25 Q. And then the commissioners would have	1 that in front of me. 2 Q. Have there been other instances where 3 something gets proposed in a commission meeting and 4 some information-gathering or research is done on it 5 and circulated to the commissioners and it's just 6 never brought up again at a subsequent meeting? 7 MS. EBERLINE: Object to the form. 8 A. I do not know. 9 BY MR. COLAVECCHIO: 10 Q. Ms. Pogue was at this meeting, 11 correct? 12 A. Can you scroll up? 13 Q. Oh, you should see it actually right 14 here. 15 A. Yes; then yes, she was. 16 Q. Would she have attended the meeting 17 after this one based on her role? 18 A. The city -- the city clerk role does 19 attend the majority of meetings unless they are sick 20 or have family-related issues. 21 Q. Would it have been appropriate for 22 Ms. Pogue to present on her research at the next 23 meeting? 24 MS. EBERLINE: Object to the form of 25 the question.

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1 A. I do not know how the operations were 2 done at that point. 3 BY MR. COLAVECCHIO: 4 Q. Okay. I'm going to take down this 5 item now. Now I want to talk about what the process 6 would look like if districts were to be implemented. 7 If the City did adopt single-member 8 districts, would the City itself be involved in 9 drawing the voting precincts? 10 MS. EBERLINE: I object to this line 11 of questioning as outside of the topics identified 12 and not relevant to the issues at issue in the case. 13 But you can go ahead and answer. 14 A. It would have to be studied. 15 BY MR. COLAVECCHIO: 16 Q. Has the City looked into what the 17 process would be for drawing up districts? 18 A. No. 19 Q. So the City doesn't know how long that 20 would take? 21 A. No. 22 Q. Would ballots need to be revised? 23 A. I do not know. I haven't looked into 24 it. 25 Q. Is there anything that comes to mind	1 Q. I'm not asking you to disclose any 2 legal advice, whether from the city's attorney or 3 outside counsel, so please only answer to the extent 4 it would not be privileged information. 5 A. I would say no. 6 Q. Has the City ever investigated whether 7 Dodge City's at-large method of election violates 8 Section 2 of the Voting Rights Act? 9 MS. EBERLINE: The same objection 10 would apply. 11 A. No. 12 BY MR. COLAVECCHIO: 13 Q. Has the City ever conducted any 14 research or analysis regarding whether the at-large 15 method of election violates Section 2 of the Voting 16 Rights Act? 17 MS. EBERLINE: Objection with respect 18 to attorney-client privileged information. You can 19 answer with respect to anything other than that 20 covered by privilege. 21 A. No. 22 BY MR. COLAVECCHIO: 23 Q. Are you aware of any requests for 24 information from the Department of Justice from 2011 25 to the present regarding the at-large method of
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1 as something that the City would have to do to change 2 its process or materials if there was a switch to 3 single-member district instead of at large? 4 A. The City -- all these city officials, 5 all the commissioners would have to be up for 6 election and the process would have to be determined 7 on those seats. 8 Q. Is that the only thing you can think 9 of? 10 A. At this moment. I haven't studied -- 11 we haven't studied the issue. 12 Q. Has the City conducted any research or 13 investigation into whether it is in compliance with 14 the Voting Rights Act? 15 A. No. 16 Q. Has the City ever hired anyone to 17 assess its compliance with the Voting Rights Act? 18 MS. EBERLINE: Let me object to these 19 lines of questions and direct the witness not to 20 answer with respect to any analysis or consultation 21 that they had with counsel. I assume you're asking 22 about anything that would be outside attorney-client 23 privilege. Is that fair? 24 MR. COLAVECCHIO: Yes, thank you. 25 BY MR. COLAVECCHIO:	1 election? 2 A. We have none. Have had none. 3 Q. Are you saying that you've received no 4 information from the Department of Justice regarding 5 the 2011 investigation into the at-large method of 6 election? 7 A. Since 2014 we have not, no. 8 Q. I'm asking from 2011 to present. 9 A. I haven't looked at that. That wasn't 10 covered. I focused on 2014 until now. 11 MS. EBERLINE: And your question was 12 about inquiries directly to the City of Dodge City, 13 correct, counsel? 14 MR. COLAVECCHIO: Correct. 15 MS. EBERLINE: Okay. So even since 16 2011 to the present, are you aware of any, 17 Mr. Hernandez, that would be directed to the City of 18 Dodge City? 19 THE WITNESS: No, not to the City. 20 BY MR. COLAVECCHIO: 21 Q. And I just want to clarify for you, 22 Mr. Hernandez, that the topics for examination state 23 that generally the time period for the topics will be 24 January 1st, 2014, until the present, but it says 25 that that is the case except where otherwise

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1 specified. And there is a topic that was included in 2 here, it's Topic 13, that asks about any request for 3 information or communications from the United States 4 Department of Justice, from 2011 to present, 5 regarding Dodge City's at-large method of election. 6 A. My answer is no. 7 Q. Did the City receive any request for 8 information from Ford County related to the 9 Department of Justice's 2011 investigation into Dodge 10 City's at-large method of election? 11 A. No, not that I am aware of. 12 Q. Well, is it that you're not aware of 13 any or is it that there were not any? 14 MS. EBERLINE: Object to the question. 15 I mean, he's testified as to what he's aware of. I'm 16 not sure how else he can answer. 17 MR. COLAVECCHIO: I just want to be 18 clear because he said both. 19 MS. EBERLINE: Okay. 20 A. I don't think there was any open 21 records request made, so no. 22 BY MR. COLAVECCHIO: 23 Q. What do you mean by that? 24 A. State law dictates open records 25 requests. You asked if there was any records	1 outside of the scope of those questions. 2 To the extent that you know, 3 Mr. Hernandez, you can go ahead and answer. 4 MR. COLAVECCHIO: Just briefly, Topic 5 14 covers any research, analysis, or investigations 6 conducted by Ford County or Dodge City initiated in 7 2011, or thereafter, regarding whether Dodge City's 8 at-large method of election violates Section 2 of the 9 Voting Rights Act. 10 MS. EBERLINE: Yeah, I see that, and 11 so is your question about whether Dodge City 12 conducted any research, analysis, or investigation 13 about that topic? 14 MR. COLAVECCHIO: That's been one of 15 my questions. But what I'm asking about right now is 16 whether Ford County and Dodge City were communicating 17 from 2011 onward about whether the at-large method of 18 election violates the Voting Rights Act. 19 MS. EBERLINE: Okay. 20 A. I believe there was communication 21 between Nannette Pogue and the county clerk at the 22 time. 23 BY MR. COLAVECCHIO: 24 Q. Do you know who was the county clerk 25 at the time?
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1 request. They would have to go through the open 2 records request process. So my answer would be no, 3 they didn't go through the open records request. 4 Q. Are you saying that Ford County would 5 have had to go through the open records request laws 6 in order to get -- in order to communicate -- I'm 7 sorry. I don't understand what you're saying would 8 require an open records request. 9 A. You asked if the County had requested 10 any records from the City; is that correct? 11 Q. I don't think that's what I asked, but 12 in any event, I will just state a new question. 13 A. Okay. 14 Q. Did the City communicate with Ford 15 County about the Department of Justice's 2011 16 investigation into Dodge City's at-large method of 17 election? 18 MS. EBERLINE: I'm going to object as 19 outside of the scope of the questions. The category 20 is described as any request for information or 21 communications from the U.S. Department of Justice 22 from 2011 to the present regarding Dodge City's 23 at-large method of election, and it sounds like this 24 line of questioning is related to communications 25 between Ford County and the City, which would be	1 A. Michael, I believe. 2 Q. And do you know what those 3 communications were about? 4 A. No, I do not. 5 Q. Do you know how many conversations 6 there were between Dodge City and Ford County? 7 MS. EBERLINE: I'll continue to object 8 to this line of questioning as outside the scope of 9 topics 13 or 14. 10 A. No, I do not. 11 BY MR. COLAVECCHIO: 12 Q. I think that I had asked you before 13 whether Dodge City conducted any research or 14 investigation into whether it was in violation of the 15 Voting Rights Act from 2011 onward. And since then 16 it seems that you've been limiting your answers based 17 on a time period beginning in 2014. So I just want 18 to clarify with you right now. 19 From 2011 onward, did Dodge City 20 itself research or investigate whether its at-large 21 method of election violates the Voting Rights Act? 22 MS. EBERLINE: And I again object 23 that's outside the scope of the questions that have 24 been described. But go ahead and answer to the 25 extent that you know.

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1 A. No. 2 BY MR. COLAVECCHIO: 3 Q. Have there been any other 4 communications from the Department of Justice after 5 that 2011 investigation regarding Dodge City's 6 at-large method of election? 7 MS. EBERLINE: Object to the form of 8 the question. 9 A. No. 10 BY MR. COLAVECCHIO: 11 Q. I'll show you a document. My weather 12 is looking a little thunderstorm-scary, so if I 13 suddenly drop off, I'll try to get back on. 14 A. I hope not. 15 Q. Nothing yet. Recently my Internet has 16 been fine, but my basement has not. 17 A. I have it in front of me now. 18 Q. Okay. I'm going to put it up on the 19 screen-share too. 20 So this document has been marked in 21 litigation as Dodge City 0002006 and it's titled 22 Resolution Number 2015-2, dated February 16, 2015. 23 And its full name is "A Resolution of the City of 24 Dodge City, Kansas, Opposing the Kansas State 25 Legislature's Consideration of Making Municipal	1 that it opposed moving its elections to the fall 2 even-numbered years, but with respect to partisan 3 elections, it stated only that it had, quote, 4 concerns. Was the City not opposed to partisan 5 elections? 6 MS. EBERLINE: Object to the form of 7 the question. You can answer. 8 A. I'm just reading it; one second. 9 BY MR. COLAVECCHIO: 10 Q. Sure. 11 A. The City had concerns because federal 12 employees, which make up a bulk of our local 13 government individuals, and active duty military 14 members they cannot hold office if they're in 15 partisan elections. So that was our concern. We 16 didn't want to take away the ability of any 17 registered voter or citizen to be able to serve in 18 local government. 19 Q. Okay. So was the City, in fact, 20 opposed to adopting partisan elections? 21 A. Yes; based upon this "whereas" yes. 22 Q. Even though this document does not 23 expressly say that the City was opposed to partisan 24 elections? 25 A. Yes.
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1 Elections Partisan and Moving to the Fall of 2 Even-Numbered Years." 3 The City opposed the Kansas State 4 Legislature's consideration of moving elections to 5 the fall of even-numbered years, correct? 6 A. Yes. 7 Q. Did the City oppose that change for 8 any reasons not listed in this resolution? You can 9 take your time reading it if you need to. 10 A. Not for any other reasons. 11 Q. Is it still the City's position, as is 12 stated in this resolution, that moving elections to 13 even-numbered years would unnecessarily interfere 14 with local elections and create the likelihood that 15 local issues would be lost or ignored by voters 16 during the course of large-scale federal and state 17 partisan elections? 18 A. Yes, it is. 19 Q. Is it still the City's position, as is 20 stated in the resolution, that it has concerns its 21 issues would be relegated to the bottom of the 22 ballot, if placed with state and national elections, 23 leading to voter apathy with regard to local issues? 24 A. Yes, it is. 25 Q. And the City noted in this resolution	1 Q. And is the City opposed to partisan 2 elections today? 3 A. Yes. 4 Q. Did the City do any research before 5 opposing moving elections to even-numbered years? 6 A. We did no study, no. 7 Q. Was any community outreach done? 8 A. No. 9 Q. I'll take this item down. 10 Does the City track voter turnout? 11 A. No -- I'm sorry, no. 12 Q. Does the City have a general sense of 13 whether it's high, low, average? 14 MS. EBERLINE: Object to the form of 15 the question. 16 A. We don't track it. 17 BY MR. COLAVECCHIO: 18 Q. I'll ask you in your personal 19 capacity. Do you have a sense personally of the 20 numbers for voter turnout? 21 MS. EBERLINE: Objection, calls for 22 speculation. Go ahead. 23 A. Voter turnout I believe is no 24 different than at any other community in Kansas. I 25 believe we're on par with voter turnout numbers.

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1 BY MR. COLAVECCHIO: 2 Q. On par with which cities? 3 A. All cities in general. So if you're 4 looking at all, I think, if you're looking -- and 5 this is my personal, you know, is that if you were to 6 look at Dodge City's voter turnout percentage, it's 7 on par with what the voting percentage is pretty 8 typical for other cities in Kansas. 9 Q. Okay. Have you looked at the numbers 10 for all other cities in Kansas? 11 A. No, but we've had conversations 12 between managers and at different state events and 13 it's pretty much the same response, that it's not 14 high by any means. It's not high in any election, 15 even or odd years. 16 Q. Switching back to asking you in your 17 capacity as corporate representative, does the City 18 have conversations with other cities in the state 19 about ways to increase voter turnout? 20 A. Not as a city, no. 21 Q. What do you mean by that? 22 A. Staff members would but not the city 23 commission. 24 Q. Would people working for you, for the 25 City, have those conversations with city officials	1 MS. EBERLINE: Object to the form of 2 the question. Oh, I'm sorry. Go ahead. 3 BY MR. COLAVECCHIO: 4 Q. I was just going to say like in tandem 5 with Ford County? 6 A. No. 7 Q. Has the City considered how the 8 location of polling locations affects voter turnout? 9 A. No. 10 Q. Previously the City had only one 11 polling location, right? 12 A. Yes. 13 Q. Presently does it have two? 14 A. Yes. 15 Q. Why was that change made? 16 A. I believe that was a result of 17 conversations between county election officer and 18 city administration to look at adding additional 19 space, but I believe that was actually started by the 20 county election officer to find a second polling 21 location. 22 Q. Did the City work with the County to 23 create an additional polling location? 24 A. Yes. 25 Q. And did the City have input on where
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1 from other cities in Kansas? 2 MS. EBERLINE: Object to the form of 3 the question as outside the scope of this examination 4 as well. 5 A. Yes, I assume they would. 6 BY MR. COLAVECCHIO: 7 Q. But you're not sharing data between -- 8 A. No. No, we would not be sharing data. 9 Q. Has the City considered increasing the 10 number of polling locations? 11 A. The polling locations is a 12 determination made by the county election officer. 13 Q. Could the City work with Ford County 14 to arrange increasing polling locations? 15 A. Yes, we could. 16 Q. Could additional polling locations be 17 opened at schools in Dodge City? 18 MS. EBERLINE: Objection, calls for 19 speculation. 20 A. I -- I believe they could be, but that 21 would have to be involved with the school district as 22 well. 23 BY MR. COLAVECCHIO: 24 Q. Has the City considered opening 25 polling locations at schools in the City before?	1 that location should be? 2 A. Yes, I believe so. 3 Q. Did the City consult with the 4 community on where that location should be? 5 A. I do not know. 6 Q. Okay. I'm going to switch gears now, 7 get away from voting in elections and talk about city 8 services. 9 MS. EBERLINE: Would this be an okay 10 time to take a break? 11 MR. COLAVECCHIO: Sure, absolutely. 12 How long a break do you need? 13 MS. EBERLINE: Ten minutes maybe. 14 MR. COLAVECCHIO: Sure. Back at 2:40. 15 THE VIDEOGRAPHER: Time on the monitor 16 is 2:29 p.m. We are now off the record. 17 (Recess.) 18 THE VIDEOGRAPHER: Time on the monitor 19 is 2:41 p.m. We are now back on the record. 20 BY MR. COLAVECCHIO: 21 Q. So as I previewed before we took our 22 break, I want to start talking about city services. 23 And to start off, can you tell me what the community 24 facilities advisory board is? 25 A. Community facilities advisory board in

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1 support of Why Not Dodge projects, we passed the Why 2 Not Dodge sales tax in the late '90s to look at 3 community facilities across Dodge City. It's a 4 partnership between the City, the County. And its 5 membership looks at the racetrack facility, the 6 Lagoon, which is our water park, our Legends Baseball 7 Field Complex and then United Wireless Arena and 8 Conference Center. 9 Q. Okay. So are the facilities 10 outdoor-active kind of facilities only? 11 A. They are only ones that are designated 12 through the Why Not Dodge sales tax. 13 Q. Okay. So it could be broader than 14 that, but is that generally the kinds of facilities 15 that -- 16 A. No, it can't be broader than that. 17 It's very specific. It only addresses those 18 facilities only. 19 Q. Oh, okay. Who are the members of that 20 board? 21 A. The members are made up of citizens of 22 Dodge City. I believe currently the chair is Angela 23 Unruh, who is the CFO for Victory Electric, which is 24 our local electric company. There's also business 25 owners. I believe there is an attorney that serves	1 Q. When did the City start providing the 2 information in Spanish? 3 A. Prior to my term. 4 Q. Where are any tangible copies of 5 information kept? 6 A. Intangible? 7 Q. No, tangible. 8 MS. EBERLINE: Object to the form of 9 the question. 10 BY MR. COLAVECCHIO: 11 Q. Like paper, if there are paper flyers, 12 where are those distributed? 13 A. Typically at City Hall. They may be 14 at the visitors center. It just depends on what 15 service you're referring to. 16 Q. Does the City track how effective the 17 distribution of this information is? 18 A. No. 19 Q. Are certain municipal services being 20 moved to a building outside of downtown Dodge City? 21 A. We have consolidated some services 22 outside of the City, but they are still in the city 23 limits of Dodge City. 24 Q. Which services? 25 A. We have -- we have our parks, we have
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1 on there as well. 2 Q. How often does it meet? 3 A. As needed, but typically quarterly, 4 but if needed, monthly. 5 Q. Do you serve on that board? 6 A. Ex-officio member. 7 Q. Okay. So what exactly does the board 8 do? 9 A. They control the budget and the 10 oversight of the Lagoon, the racetrack, the United 11 Wireless Arena and Legends ball complex. 12 Q. So it does not have authority over 13 budget or financing for any other kind of facility in 14 the City? 15 A. That is correct. 16 Q. Does the City distribute information 17 on municipal services to residents? 18 A. Yes, we do. 19 Q. Through what means? 20 A. We provide it on our website. We have 21 pamphlets in our offices, social media, radio 22 occasionally, just all methods. 23 Q. Are those materials or broadcasts 24 provided in Spanish? 25 A. Yes.	1 our building services, we have streets, water, sewer. 2 Some administration offices are out here, and also HR 3 offices are out here as well. 4 Q. What is the address for that building? 5 A. 100 Chaffin Road, I believe, Dodge 6 City, Kansas. 7 Q. Were there any studies conducted on 8 how the move could impact Hispanic residents? 9 A. No. 10 Q. Were there any discussions about how 11 the move could impact Hispanic residents? 12 A. No. 13 Q. Has that move -- has that move been 14 completed now? 15 A. It's not 100 percent complete, no. 16 Q. Okay. When did it start? 17 A. We started the process of renovation 18 of this building August of 2022. 19 Q. Okay. And you've been piecemeal 20 moving services over there since? 21 A. Yes. We are not fully open as of yet. 22 Q. Where are -- where is the information 23 on services being provided in the meantime? 24 MS. EBERLINE: Object to the form of 25 the question.

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1 A. Services -- well, information is being 2 provided at City Hall downtown, North 2nd. 3 BY MR. COLAVECCHIO: 4 Q. Okay. And where are the services 5 themselves being provided in the meantime? 6 MS. EBERLINE: Object to the form of 7 the question. What services are you referring to? 8 Q. The municipal services so all -- all 9 the services that are being moved to the building 10 outside downtown. 11 A. We provide all of our services in 12 person, on-site, it just varies from what service 13 you're actually asking for. You know, if it's 14 police, fire, street service, sewer service, water 15 service, we typically are on-site to provide those 16 services. 17 BY MR. COLAVECCHIO: 18 Q. Has the City communicated any 19 information about the move to the public? 20 A. Yes, we communicated in commission 21 meetings. 22 Q. Has it been communicated in any way 23 other than commission meetings? 24 A. For the public they can access exactly 25 the same way they did previously to our move. There	1 A. Yes, they are. 2 Q. And where are those materials made 3 available? 4 A. In the city clerk -- outside the city 5 clerk's office at City Hall. 6 Q. Is public transportation a priority 7 for the City? 8 A. It is one of many priorities, yes. 9 Q. Does the City track how many of its 10 residents are using public transportation? 11 A. Yes, we do. 12 Q. Is the City tracking how many of its 13 Hispanic residents are using public transportation? 14 A. I do not know specifically. I've 15 never asked that question. In my personal capacity 16 I do not know. 17 Q. So you are saying both on the part of 18 the City and in your personal capacity, you're just 19 not sure? 20 A. I'm not sure. I would have to ask. 21 Q. And in your personal capacity, you 22 haven't asked that? 23 A. That's correct. 24 Q. So continuing on asking in your 25 official capacity: How does the City decide on its
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1 has been no change in the way that the community 2 contacts us for services. 3 Q. How does the City distribute 4 information for existing or prospective local 5 business owners? 6 A. If a local business owner wanted to 7 start a business, we typically refer them to the Ford 8 County Economic Development Corporation to begin that 9 process. 10 Q. Does the City handle any of the 11 business ownership or licensure paperwork? 12 A. We do not have business licenses in 13 general. We do have some, like a transient vendor 14 permit that we do authorize, but we do not have 15 business licensing per se in Dodge City. 16 Q. What do you mean by "per se"? 17 A. Like a typical city will require you 18 to get a license to conduct business. We don't have 19 any of those licensing requirements in Dodge City. 20 Q. Okay. What was the form that you said 21 that you do have? 22 A. Like the transient merchant, like food 23 truck or door-to-door salesman. 24 Q. For the transient merchant papers are 25 those provided in Spanish?	1 budget for public transportation? 2 A. The budget is established by how many 3 buses we need replaced, the staffing levels to 4 provide those, and we utilize that through 5 cooperation with the Kansas Department of 6 Transportation. 7 Q. Are there any public forums for 8 discussing the budget for public transportation for 9 residents? 10 A. No. It would be similar to all 11 departments' budgets. So it would be during the 12 budget process, there would be the ability to talk 13 about it. 14 Q. Okay. I'm going to pull up a 15 document. And this one is really short. 16 This document has been marked in 17 litigation as Dodge City 0005652. And it's an email 18 from Connie Marquez dated November 4, 2022, which 19 attaches an agenda, check report and commissioner 20 calendar for the upcoming November 7, 2022, 21 commission meeting. 22 Can you just confirm that that's the 23 correct understanding of this document? 24 A. Yes. 25 Q. I'm going to show you an attachment to

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1 that email. This document has been marked in 2 litigation as Dodge City 0005690. And this is the 3 commission meeting agenda for November 2nd -- or, 4 sorry, November 7, 2022, referenced in Ms. Marquez' 5 email; is that correct? 6 A. I believe so. 7 Q. This document attaches an agenda -- or 8 I apologize. This document attaches a memo on 9 page 5705 of the produced copy of the doc, and the 10 memorandum is on adopting the Title 6 policy for the 11 City in order to be in compliance with the Kansas 12 Department of Transportation as well as state and 13 federal law. What prompted the adoption of this 14 policy? 15 A. It's required to receive funding from 16 the Kansas Department of Transportation for public 17 transportation. 18 Q. Has the City used this policy in some 19 way to improve public transit in the City? 20 MS. EBERLINE: I'm going to object to 21 the line of questioning as outside of the scope of 22 the topics within Attachment A. You can go ahead and 23 answer. 24 A. I would have to -- I would have to 25 visit with our individual that actually handles the	1 advisory board? 2 A. Cultural relations advisory board is 3 actually our arm of the City. It's a board 4 established I believe in 2013. What they do, their 5 role and responsibility is to try to help with access 6 issues, the government, in trying to ensure equitable 7 access to opportunities, looking at immigration 8 issues, looking at how we can engage all of our 9 community members and get them more involved in local 10 government. 11 Q. What does it do on immigration issues? 12 A. I would have to look at the 13 documentation to specifically state. We do provide 14 consulate services several times a year for Mexican 15 and Guatemalan residents to bring those to Dodge 16 City. Ernestor de la Rosa was the primary 17 individual. Ms. McCoy has taken over a lot of that 18 as assistant city manager. So as city manager I do 19 not have direct day-to-day interaction in regards to 20 the community relations advisory board. 21 Q. Okay. Who is on the board? 22 MS. EBERLINE: I'm going to object to 23 this line of questioning as outside the scope of the 24 topics as well. You can go ahead and answer. 25 A. I cannot tell you who is on the board
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1 public transportation on a day-to-day basis. 2 BY MR. COLAVECCHIO: 3 Q. Was it required for Dodge City to 4 adopt this policy? 5 A. Yes, it is. 6 Q. Was there some sort of enforcement 7 action brought against Dodge City that triggered the 8 adoption of this policy? 9 MS. EBERLINE: Objection as outside 10 the scope of the topics. 11 A. No. 12 BY MR. COLAVECCHIO: 13 Q. I'll take that down. Has there been 14 any assessments regarding the impact of city budget 15 decisions on infrastructure, roads, water, sewage and 16 power on Hispanic residents in particular? 17 A. No. 18 Q. Have there been any assessments on 19 city budget decisions related to assistance or 20 benefits programs for housing, food, childcare, 21 health care, disability, accessibility or senior 22 care, how those budget decisions impact Hispanic 23 residents in particular? 24 A. No. 25 Q. What is the cultural relations	1 specifically. I would have to look. 2 BY MR. COLAVECCHIO: 3 Q. So you -- you don't really interact 4 with this board very much? 5 A. No, I do not. 6 Q. Who is the primary person from the 7 City who would be interacting with this board? 8 A. It is currently Melissa McCoy. 9 Q. How does the City determine how it's 10 going to spend its budget? 11 MS. EBERLINE: Object to the form of 12 the question. Go ahead. 13 A. We look at what existing revenues 14 there are, what our potential increases in salary and 15 benefits are going to be, what our available revenue 16 sources and streams are going to be, and then we make 17 a determination based upon the available resources of 18 what projects or what positions are being filled and 19 budgeted for the year. 20 BY MR. COLAVECCHIO: 21 Q. How does the City determine its 22 priorities for the budget for any given year? 23 A. So we have a couple different things. 24 We have a Conference of Plan, which is a guidebook. 25 It kind of sets out the priorities for the next ten

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1 years on a broad-based perspective, but we also have 2 the capital improvement plan which sets out the 3 priorities for the next five years from an 4 infrastructure perspective, and then we have our 5 equipment replacement plan which looks at the five 6 plus years as well for equipment-related items. 7 Q. Can you tell me about the ballot 8 measure in 2022 regarding the sales tax? 9 A. Yes, I can. 10 Q. What was the proposal? 11 MS. EBERLINE: I object to this line 12 of questioning as outside the scope of the topics as 13 well. Go ahead. 14 A. The proposal was for a half-cent sales 15 tax to be allocated for street improvements and also 16 for mill levy reduction. 17 BY MR. COLAVECCHIO: 18 Q. And where would the revenue from that 19 tax go to? 20 A. Street Sales Tax Fund. 21 Q. Does that mean all of the revenue from 22 the tax would go towards street repairs? 23 A. Potentially up to four mills of that 24 revenue could be utilized for general funds, mill 25 levy reduction, but the goal is to have 100 percent	1 questioning as outside the scope of the 30(b)(6) 2 topics. Go ahead. 3 A. State of the City, we do that every 4 year. 5 BY MR. COLAVECCHIO: 6 Q. Okay. Is it kind of like State of the 7 Union but for the City? 8 A. That is correct. 9 Q. Who is the audience for that 10 presentation? 11 A. The audience is whoever purchases a 12 ticket. I believe the chamber of commerce is the one 13 that puts it together and they sell tickets for the 14 event. 15 Q. About how many people typically 16 attend? 17 MS. EBERLINE: Same objection. 18 Outside the scope of the topics. 19 A. I would have to guess but maybe 200, 20 250. 21 BY MR. COLAVECCHIO: 22 Q. Is there a Spanish interpreter for the 23 event? 24 MS. EBERLINE: Same objection. 25 A. We do have staff that can interpret
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1 of that fund to be allocated towards streets. 2 Q. And did that sales tax pass? 3 A. Yes, it did. 4 Q. When did it pass? 5 A. I believe it was on the November 6 ballot of '22. 7 Q. And since then has it been generating 8 funds for street repairs? 9 A. We received our first funds in June of 10 this year. So yes, it has. 11 Q. Has there been any study on 12 predominantly who is paying this tax? 13 A. No. 14 Q. Has there been any study done on who 15 is predominantly benefiting from the revenue of this 16 tax? 17 A. No study, no. 18 Q. I'm going to show you a document. 19 This document has been marked in litigation as Dodge 20 City 0002902. It's a series of emails between you, 21 Michael Burns, and Melissa McCoy about a presentation 22 on sales tax for the State of the City Address. What 23 was the purpose of the State of the City 24 presentation? 25 MS. EBERLINE: Object to the line of	1 on-site, yes. 2 BY MR. COLAVECCHIO: 3 Q. Is someone interpreting the entire 4 address as it's being given? 5 A. No. 6 Q. In Michael Burns' email, on this page 7 here, it's 2903, he has a comment on the side deck 8 where he says, "Swap the two bullets, we need to 9 spend around 2.5 million per year should be the top 10 bullet. And then can you add a slide, 'Currently 11 investing \$600,000 per year to maintain roads.'" Do 12 you see that? 13 A. Yes. 14 Q. Does this mean that without the street 15 sales tax the City needed to be spending \$2.5 million 16 per year to maintain roads, but was only spending 17 \$600,000 per year to maintain roads? 18 MS. EBERLINE: Objection as outside 19 the scope of the topics identified. 20 A. Yes. 21 BY MR. COLAVECCHIO: 22 Q. How did the -- how did the City decide 23 how to allocate that \$600,000? 24 MS. EBERLINE: Same objection. 25 A. The city engineer utilized pavement

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Page 166 1 analysis software to look at the existing conditions 2 of pavement throughout the City, as well as looking 3 at main breaks, sewer potential issues, stormwater 4 issues, and that's how they make the determination 5 how to maintain those roadways. 6 BY MR. COLAVECCHIO: 7 Q. Is there any consultation with 8 residents? 9 MS. EBERLINE: Same objection. 10 A. There is input from residents during 11 the budget process, yes. They have the opportunity. 12 BY MR. COLAVECCHIO: 13 Q. But it's not taken into account in 14 deciding how that money is actually going to be spent 15 on repairing roads? 16 A. It is a consideration, yes. 17 Q. How does that consideration factor in 18 in addition to the engineer's analysis? 19 A. I would have to ask the engineer. 20 MS. EBERLINE: I continue my 21 objections to this line of questioning as outside the 22 scope of the topics for examination. 23 BY MR. COLAVECCHIO: 24 Q. Does the City monitor whether some 25 parts of the City have had more street repairs than	Page 168 1 Q. Is there consideration of, Well, we 2 have five roads that need some work, so we can spend 3 money on that to increase -- to improve more roads 4 across the City than if we just spend all this money 5 from this year's budget on one particular road? Are 6 there ever decisions like that? 7 MS. EBERLINE: Object to the form of 8 the question as outside the scope of the topics 9 identified. 10 A. We actually have the City divided into 11 six maintenance zones and our goal is to target those 12 zones with the available funds every year. And so we 13 look at it from that perspective of making sure, from 14 a maintenance perspective, we're touching those roads 15 in those zones at least once every six years -- once 16 every seven years. 17 BY MR. COLAVECCHIO: 18 Q. What are the six maintenance zones? 19 A. I don't have them in front of me. 20 Q. But can you tell me generally like 21 where they would be listed? 22 A. No. 23 MS. EBERLINE: I'm going to continue 24 to object to this line of questioning. Do you want 25 me to object each time, JD?
Page 167 1 other parts of the City? 2 A. We maintain a list of all our repairs 3 and maintenance items. 4 Q. But you're not specifically paying 5 close attention to whether there is a disparity in 6 whether there's been more repairs on the north side 7 of town than on the south side of town, for instance? 8 MS. EBERLINE: Object to the form of 9 the question. Go ahead. 10 A. We look at the pavement condition 11 analysis and we look at the waterline condition. We 12 look at all conditions prior to making a 13 determination of what roadways to be fixed and we do 14 take some community input as well. But we take a 15 very engineered focus in trying to address those 16 roadways that are in the worst condition, first, 17 before we start moving on to areas which are not as 18 worse. 19 BY MR. COLAVECCHIO: 20 Q. So is the main factor how bad the 21 condition of the road is? 22 A. Yes. 23 Q. And that's based on engineering 24 software? 25 A. That's based -- yes.	Page 169 1 MR. COLAVECCHIO: Yeah, please do. 2 MS. EBERLINE: Okay. You can go 3 ahead, Nick. 4 A. No. 5 BY MR. COLAVECCHIO: 6 Q. So does the City consider whether 7 there's been more maintenance in one zone than in 8 another zone when it decides on which streets to 9 repair? 10 MS. EBERLINE: Objection as outside 11 the scope of the topics identified. 12 A. No. 13 BY MR. COLAVECCHIO: 14 Q. How are the salaries of commissioners 15 determined? 16 MS. EBERLINE: Objection as outside 17 the scope of the topics identified. 18 A. Salaries are determined by 19 commissioners ultimately. 20 BY MR. COLAVECCHIO: 21 Q. So they vote on their own salaries? 22 MS. EBERLINE: Same objection. 23 A. Yes. 24 BY MR. COLAVECCHIO: 25 Q. Is there public input in that process?

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Page 170 1 MS. EBERLINE: Same objection. 2 A. It is presented during the commission 3 meeting, so the opportunity exists. 4 BY MR. COLAVECCHIO: 5 Q. Has the City taken any actions to 6 mitigate disparate policing? 7 MS. EBERLINE: Object to the form of 8 the question. Assumes a fact not in evidence. Go 9 ahead and answer. 10 A. I do not know of any disparity. 11 BY MR. COLAVECCHIO: 12 Q. Have you asked the chief of police 13 whether there are disparities in policing? 14 A. Yes, I have. 15 Q. And what did he tell you? 16 A. No. 17 Q. When did you have that conversation? 18 A. I've had that conversation probably 19 two years ago when I first arrived and I've had that 20 conversation since looking at some of that data. I 21 wanted clarification from him to explain the data to 22 me. 23 Q. What did he explain to you about the 24 data? 25 A. The data that I've seen that a policy	Page 172 1 Q. So you were looking at data that 2 showed multiple citations? 3 MS. EBERLINE: Object to the form of 4 the question. 5 BY MR. COLAVECCHIO: 6 Q. Rather than like a citation and 7 arrest? 8 A. I was looking at forms that were 9 requested by the plaintiffs in regards to police 10 records. And so that was -- as I came across that 11 form, I reviewed it, and then I asked a question 12 about it to the chief of police. 13 Q. Requested by plaintiffs in this case? 14 A. Yeah, I believe so, and in regards to 15 the document production process. 16 Q. So what exactly did you see on that 17 document that you then asked about? 18 A. I had seen the number of citations and 19 I had seen how it broke down between Hispanics and I 20 believe Whites on that form, but I do not have it in 21 front of me. It's been months since I've seen that 22 form. 23 Q. So it looked to you like Hispanics 24 were being cited more than Whites? 25 MS. EBERLINE: Object to form.
Page 171 1 change was made so potentially it looks like 2 Hispanics could be ticketed more often than other 3 individuals. He explained to me why that would look 4 that way. There was a change made I believe in 2012, 5 2013, in regards to whether having a driver's license 6 or having insurance was an arrestable offense or not. 7 I think there was some discussion at that time to 8 change it, to not make it an arrestable offense, but 9 rather be a ticket or a citation. And so the 10 determination was made at that time that if you 11 stopped an individual for a citation, say, running a 12 stop sign or no turn signal and it was found that 13 that individual also did not have a driver's license 14 or insurance, that they be ticketed for both instead 15 of being arrested. 16 Q. Okay. So the policy now is that you 17 would be ticketed for both and not be arrested; 18 whereas, previously you could be ticketed on the 19 citation and then arrested for -- you would be 20 arrested for lack of a driver's license? 21 A. That is correct. 22 Q. Why were you discussing that policy 23 with the chief of police? 24 A. I wanted to understand the data that 25 was in front of me so I could better explain it.	Page 173 1 A. No, no. I just wanted an explanation 2 so I could determine exactly what I was looking at. 3 BY MR. COLAVECCHIO: 4 Q. Were you confused about what the data 5 meant? 6 A. Was I confused? No. I just wanted to 7 have further explanation, because I -- if someone 8 hands me a document and I don't know what the 9 background information is -- and this is my personal 10 capacity -- if I don't know what the information is, 11 I'm going to ask questions. 12 Q. But what was the information on that 13 document that you didn't understand? 14 MS. EBERLINE: Object to the form of 15 the question. 16 A. I would have to look back at that 17 document. I don't have it in front of me. I think 18 it was looking at arrests and the ethnicity at the 19 time. I would just have to look at it. 20 BY MR. COLAVECCHIO: 21 Q. What -- how would you define disparate 22 policing? 23 MS. EBERLINE: Object to the form of 24 the question. 25 A. I don't know how to define it.

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1 BY MR. COLAVECCHIO: 2 Q. You don't know how to define it? 3 A. No. 4 Q. Why don't you think there's disparate 5 policing in Dodge City? 6 A. There's no evidence to show me that it 7 exists. 8 Q. But how would -- what would you be 9 looking for as evidence for whether it exists? 10 A. In my personal capacity, I would be 11 looking for patterns and trends that would be way 12 outside of the makeup of the community, and that's 13 how I would determine it, and then have conversations 14 with the police chief as well and his staff, as well 15 as the county attorney -- or not county attorney, 16 city attorney, city prosecutor, municipal court 17 judge, I would have those discussions as a group. 18 Q. Okay. And when you say "way outside," 19 for there to be an issue from your perspective, like 20 how big would the difference need to be? 21 MS. EBERLINE: Object to the question 22 as outside of the topics identified for examination. 23 Go ahead. 24 A. Based on population, if 65 percent of 25 the population was Hispanic and 35 percent wasn't, if	1 BY MR. COLAVECCHIO: 2 Q. Okay. I'm going to move on to ask a 3 bit about document preservation. Does the City have 4 document retention policies? 5 A. No. 6 Q. So there's no policy on how long 7 emails, other electronic documents, or paper 8 documents need to be maintained? 9 A. No, there is not. 10 Q. Was there a migration to Microsoft 365 11 at some point for the City? 12 MS. EBERLINE: I object as outside the 13 scope of the documents -- or the topics identified. 14 A. I believe the transition was made 15 during COVID. 16 BY MR. COLAVECCHIO: 17 Q. Okay. Do you know whether prior -- 18 whether documents existing before that migration were 19 carried over onto the new system or preserved in some 20 other way? 21 MS. EBERLINE: Same objection. 22 A. I would not know. 23 BY MR. COLAVECCHIO: 24 Q. Does the City have a policy on 25 commissioners' use of personal emails and devices?
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1 we had seen like 80 percent or 85 percent of the 2 stops were with Hispanics and 15 percent were not, I 3 think that would be something I would have to ask 4 further questions on and get some further 5 clarification on why that exists. 6 BY MR. COLAVECCHIO: 7 Q. So when you talked to the chief of 8 police about this data that was being produced to 9 plaintiffs in this lawsuit, was the question that you 10 had in your mind: Are these results showing that 11 there is policing of Hispanics at a higher rate than 12 Whites? 13 MS. EBERLINE: Object to the form of 14 the question. Go ahead. 15 A. No. What I was trying to determine is 16 what that data meant. How was that data broken down. 17 What am I looking at. 18 BY MR. COLAVECCHIO: 19 Q. So you didn't understand what the data 20 was trying to convey, like what -- did you not 21 understand like what a citation was? 22 MS. EBERLINE: Object to the form of 23 the question, asked and answered. Go ahead. 24 A. It would be the factors involved with 25 that citation and that data, what factors exist.	1 A. No, we do not. 2 Q. Are commissioners free to use personal 3 emails and devices? 4 A. Yes, they are. 5 Q. Is there a preference for them to use 6 official city emails and devices if they have them? 7 A. There is no preference. 8 Q. Do city employees use personal emails? 9 A. No, not for city business. 10 Q. I want to go back to what we were 11 talking about policing. I was able to find a 12 document that I think might be what you're talking 13 about so I want to pull it up here. 14 Okay. Is this the document that you 15 reviewed? 16 A. No, it is not. Scroll down. I do not 17 remember this. This is from Cherise Tieben, yes. 18 This is not the document I reviewed. 19 Q. Okay. Do you recall ever seeing the 20 statistics on this document? 21 A. On this document, no. 22 Q. And, for the record, the document that 23 I'm showing has been marked in litigation as Dodge 24 City 0012168. 25 A. No, I've never seen this document.

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1 Q. Do you have any reason to believe that 2 the City did not comply with its preservation 3 obligations for this action? 4 A. No, I have no reason to believe we 5 would not. 6 Q. Does the City have any funding 7 agreements related to this action? 8 A. No, we do not. 9 Q. And what in your mind is a funding 10 agreement? 11 MS. EBERLINE: Object to the form of 12 the question. 13 A. A promise to pay someone if we were to 14 win or lose. 15 BY MR. COLAVECCHIO: 16 Q. Has anyone offered to pay the legal 17 fees for this case regardless of whether you win or 18 lose? 19 A. No. 20 Q. Are there any insurance policies that 21 would cover litigation liability for the City? 22 A. No, this -- no, this is completely 23 coming out of city funds. It's 100 percent taxpayer 24 funded. 25 Q. I'm going to show you a document.	1 MS. EBERLINE: Again, same objection. 2 Outside the scope of the topics identified. 3 A. I believe the day we were informed of 4 this litigation, this lawsuit. 5 BY MR. COLAVECCHIO: 6 Q. And what work have they done for the 7 City? 8 MS. EBERLINE: Same objection, outside 9 the scope of the topics identified. 10 A. They helped us prepare two public 11 statements. 12 BY MR. COLAVECCHIO: 13 Q. Is that the extent of the work that 14 they've done for you? 15 MS. EBERLINE: Same objection. 16 A. I believe so. I don't think they've 17 done any other work for us outside of that. 18 BY MR. COLAVECCHIO: 19 Q. Did they draft this community 20 engagement plan? 21 MS. EBERLINE: Same objection and also 22 as to the form of the question. Go ahead. 23 A. I would have to look at the community 24 engagement plan to tell you. 25 BY MR. COLAVECCHIO:
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1 Okay. This document has been marked in litigation as 2 Dodge City 0003662. It's an email chain from 3 January 2023, between you, Melissa McCoy, Brad Ralph 4 and Joshua Brewster discussing the community 5 engagement plan. 6 Can you describe to me what the 7 community engagement plan is? 8 A. This email and Mr. Brewster served as 9 basically a consultant to help us with public 10 communication in regards to this matter. 11 Q. And by that do you mean in regards to 12 this litigation? 13 A. That is correct. 14 Q. Who is Mr. Brewster? 15 MS. EBERLINE: I object to this line 16 of questioning as outside the scope of the topics 17 identified in Attachment A to the deposition notice 18 as well. Go ahead and answer. 19 A. He works as a public information 20 individual for Trozzolo. 21 BY MR. COLAVECCHIO: 22 Q. And what is Trozzolo? 23 A. A PR firm I believe out of Kansas City 24 area. 25 Q. When were they hired?	1 Q. Okay. Well, let's pull that up. This 2 document has been marked in litigation as Dodge City 3 0012372. This is an initial draft of the community 4 engagement plan referenced in the email that we were 5 just looking at, right? 6 A. Yes. 7 Q. Okay. Who drafted this document? 8 MS. EBERLINE: I object to this line 9 of questioning as outside the scope of the topics 10 identified. 11 A. Trozzolo. Mr. Brewster. 12 BY MR. COLAVECCHIO: 13 Q. Okay. Did anyone with the City edit 14 this document? 15 MS. EBERLINE: Same objection. 16 A. I do not know. 17 BY MR. COLAVECCHIO: 18 Q. So you did not edit this document? 19 MS. EBERLINE: Same objection. 20 A. I do not recall. I do not believe so. 21 BY MR. COLAVECCHIO: 22 Q. There is a challenge section here and 23 one of the things listed is to strengthen the 24 position that the current at-large system is the 25 strongest method now and in the future. What does

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1 that mean? 2 MS. EBERLINE: Same objection. 3 A. I do not know. 4 BY MR. COLAVECCHIO: 5 Q. You don't know what that means at all? 6 A. My opinion would be that the at-large 7 system has been -- is the strongest method, and it's 8 the best way to potentially move the City forward in 9 the future such as that. It would best represent the 10 community as a whole, ensuring that everyone has an 11 equal voice. 12 Q. So that's your personal opinion, not 13 you speaking for the City? 14 A. That's correct. 15 MS. EBERLINE: And my objection 16 remains with respect to the line of questioning being 17 outside the scope of the topics identified. 18 BY MR. COLAVECCHIO: 19 Q. And from your own personal knowledge, 20 not as -- not as a corporate representative for the 21 City, do you know who edited this document from the 22 City, if anyone? 23 A. I do not know. 24 Q. Why is holding onto the at-large 25 system a priority for the City? And I'm asking that	1 the question. Go ahead. 2 A. Personally in certain-size 3 communities, say, 250,000-and-above-type communities, 4 where you are more neighborhood based and focused, 5 potentially you could see that, because you're trying 6 to represent -- say it's a community of 250,000, you 7 have one commissioner trying to represent 50,000 8 people rather than trying to represent 250,000 people 9 in that area. It may be geographical boundaries in 10 some communities that may divide in large, large 11 communities. But in a community of our size being 12 27,000, it's not difficult for a commissioner to be 13 able to communicate with all members of the public if 14 they chose to do so. 15 Q. Are there neighborhoods in Dodge City? 16 MS. EBERLINE: Object to the form of 17 the question and outside of the topics identified for 18 examination. 19 A. I would say there's no specific known, 20 named neighborhoods. 21 BY MR. COLAVECCHIO: 22 Q. In your personal capacity do you have 23 any sense that there are any differences, that 24 there's a north part of town and a south part of 25 town; do you see that?
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1 question in your capacity as a corporate 2 representative. 3 A. It's the current form that's in place 4 and there hasn't been any public input in regards to 5 changing the system, and there's never been any 6 concerns addressed to the commission in a public 7 forum by any members of the public prior to this 8 legal challenge. 9 Q. Are there any particular strengths of 10 the at-large system over a district-based system? 11 A. I would have to leave that up to 12 professionals. 13 Q. Do you have a personal opinion on 14 that? 15 A. My personal opinion with the at-large 16 system, the commissioners are viewing the community 17 as a whole, not as certain specific areas of town, 18 ensuring that all citizens, regardless of where they 19 live, their ethnicity, their income levels are being 20 considered as equals; and that by the commission 21 being at large they represent the community as a 22 whole, not just their neighborhood. 23 Q. Okay. So personally can you think of 24 any downsides to that at-large method of election? 25 MS. EBERLINE: Object to the form of	1 MS. EBERLINE: Object to the form of 2 the question. 3 A. I do not see the City of Dodge City as 4 north and south. I see Dodge City as united and 5 I've seen it that way for the last 40 years. 6 BY MR. COLAVECCHIO: 7 Q. So going back to asking in your 8 corporate representative capacity. Another challenge 9 listed here is to show that current initiatives are 10 in place to engage the Latino community in Dodge 11 City. What are those initiatives? 12 MS. EBERLINE: Object to the form or 13 to the scope of the question as outside of the scope 14 of the topics identified for examination. Go ahead. 15 A. I would have to look at the list, but 16 we do so much community engagement. Like I said, we 17 do provide those immigration services to the 18 community. We provide -- we provide -- actually, I 19 do have that form in front of me. 20 THE WITNESS: Can I refer to that, 21 Tara, for this questioning -- 22 MS. EBERLINE: Sure. 23 THE WITNESS: -- the Welcoming Plan 24 Implementation Report? 25 MS. EBERLINE: Go ahead.

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1 A. What we do as far as what's mentioned 2 on here, we do have a welcoming week that we've been 3 doing since 2013. The City and CRAB, we host an 4 event to celebrate our community and reiterate our 5 commitment to welcoming individuals to our community. 6 We also provide Dodge International Festival which is 7 held annually during that welcoming week. We held 8 the festival for the first time in 2019 and have done 9 that several years with the exception of 2020 when we 10 had COVID. We did begin the Crossroad Kitchens 11 event, which is part of the international festival 12 that actually celebrates and brings together culture, 13 food, stories from ten countries, from Latin America, 14 and also East Asia, Africa, and Eastern Europe. 15 You know, we -- we provide Engage 16 Dodge, both in English and Spanish, which we actually 17 bring individuals, and we bring the ESOL program, 18 which is English For Speakers of Other Languages and 19 diversity program from the Dodge City Community 20 College Adult Learning Center, we bring those folks 21 in, invite their children and other family members. 22 And we provide sessions to those individuals talking 23 about various department services and where to find 24 those services. And as I stated we do that in 25 English and in Spanish sessions. This year we're	1 supported Ford County in providing free or reduced 2 costs at the local health fair as well as providing 3 hygiene products to youth who benefit from free 4 access to these products. There's so much that we do 5 for the community. 6 We are looked upon by other members of 7 the state and other cities in other states as being 8 the forefront of this engagement with other 9 communities. When anyone asks us what we're doing, 10 we're the model. We're the model of the State of 11 Kansas. People try to model their programs and what 12 they're doing after what we've done for the last 13 several years. We've actually had individuals 14 communicate at different conferences, such as the 15 International City Managers Conference, and trying to 16 mirror how we engage individuals in our community and 17 we've presented on that at several different 18 statewide and national events. 19 BY MR. COLAVECCHIO: 20 Q. Okay. Besides the initiatives that 21 you just talked about, is there anything else that 22 comes to mind? 23 A. I'm sure there's probably 100 more. I 24 just don't have them in front of me. There's just so 25 much. I think what is meant by this is we need to do
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1 looking at providing two sessions to the Engage Dodge 2 City in Spanish as well as our English version of 3 that. 4 We also do -- the community relations 5 advisory board is also working on a civic engagement 6 plan that they have been -- which will address 7 getting out the vote, looking at census and trying to 8 increase the numbers of individuals that participate 9 in the census, our legislative policy that we 10 approved from the City, both as the Southwest Kansas 11 Coalition and as the City of Dodge City, we address 12 immigration issues and support pathways of 13 citizenship for doc recipients. We also try and 14 promote health care access. We work very closely 15 with Genesis Family Health and their group to help 16 bring, like I stated previously, the Guatemala 17 Consulate. We also try to connect the individuals to 18 those health resources and provide -- help provide 19 language access when they're seeking medical care, 20 which they can do that through Genesis Health and 21 through the City. 22 They've also -- community relations 23 advisory board has also worked with Genesis Health to 24 provide many healthcare clinics to individuals 25 throughout the community. We've also helped and	1 a better job of selling the services that we provide 2 and beating our own chest and being our own 3 cheerleaders. Because we don't go out there and 4 brag, we don't go out there and try to, you know, 5 just be in your face all the time. We understand 6 people have lives to live and we're here to support 7 their ability to be successful. 8 Q. Have the initiatives that you are 9 talking about, have -- from the City government's 10 perspective, has that built trust between the city 11 government and Hispanic residents? 12 A. Yes, it has, and not just Hispanic 13 residents. Individuals and residents from all 14 ethnicities that are new to our community, whether it 15 be individuals from East Africa, from Southeast Asia, 16 from all parts of the world. 17 Q. Okay. Can you talk to me about why 18 one of the challenges listed here is to rebuild 19 community trust? 20 A. Whenever you have a lawsuit brought to 21 you by an outside entity and from two individuals, 22 you just have to be able to show that we're in this 23 together, and that we are working as one. And so I 24 think a continuation of trying to help extend that 25 trust and unity and show that we're here to support

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1 the community as a whole. 2 Q. Has there been any kind of rupture in 3 trust since this lawsuit was filed between the City 4 and Hispanic residents? 5 A. No. 6 MS. EBERLINE: I'm going to state my 7 objections to this line of questioning about this 8 document and the related topics as outside the topics 9 identified for examination. Go ahead, Nick. 10 A. No. 11 BY MR. COLAVECCHIO: 12 Q. Has there been any conversations with 13 Hispanic residents about their reactions to the 14 lawsuit? 15 MS. EBERLINE: Same objection, and 16 asked and answered. 17 A. Yes. 18 BY MR. COLAVECCHIO: 19 Q. And what were those conversations? 20 MS. EBERLINE: Same objection, asked 21 and answered. 22 A. I do not recall. 23 BY MR. COLAVECCHIO: 24 Q. Have you taken any notes on what 25 Hispanic residents have said about the City or the	1 MS. EBERLINE: My objection on this 2 line of questioning continues. 3 BY MR. COLAVECCHIO: 4 Q. So this has gone nowhere? 5 MS. EBERLINE: Same objection. 6 A. I can't say it's gone nowhere. We may 7 have used some of these items, but they were items 8 that probably would have been accomplished 9 regardless. 10 BY MR. COLAVECCHIO: 11 Q. But this plan was drafted after the 12 lawsuit was filed, right? 13 MS. EBERLINE: Same objection, outside 14 the scope of the topics identified. 15 A. Yes. 16 BY MR. COLAVECCHIO: 17 Q. What was your role supposed to be for 18 implementing this plan? 19 MS. EBERLINE: Object to the form of 20 the question and outside the topics for examination. 21 A. If it was adopted, I'm sure I would 22 have -- by the commission, I would have been the one 23 spearheading it, but this is a draft. 24 BY MR. COLAVECCHIO: 25 Q. So this would have had to have been
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1 at-large system since this lawsuit was filed? 2 MS. EBERLINE: Same objection. 3 A. No, no. 4 BY MR. COLAVECCHIO: 5 Q. Has the City been cataloguing any 6 responses or reactions to the lawsuit by Hispanic 7 residents? 8 A. No. 9 Q. How does the City measure whether it's 10 being effective in creating community and trust? 11 MS. EBERLINE: Objection as outside of 12 the scope of the topics for examination. 13 A. I would say that comes from 14 communication between staff members, commissioners, 15 the public, and different individuals and complaints 16 to the City. We've never received any complaints 17 that I am aware of in regards to the -- to our 18 at-large system that I'm aware outside of that one 19 with Jan Scoggins and of course this lawsuit. 20 BY MR. COLAVECCHIO: 21 Q. What role have you played in 22 implementing this plan? 23 A. I do not believe we've implemented it. 24 We may have taken it as a guideline, but I don't 25 think we've lived or breathed by it.	1 adopted by the commission to be effected? 2 MS. EBERLINE: Same objection. 3 A. If the commission so choose to even 4 look at it and adopt it formally, they could, but 5 this was just a draft from the individual at Trozzolo 6 and I don't think anything was done with this 7 document after that as far as adopting the draft or 8 moving forward on this plan as being the plan. 9 MR. COLAVECCHIO: All right. Can we 10 take a short break? And come back at 5:00 -- well, 11 for you, 4:00? 12 MS. EBERLINE: Sure, that sounds good. 13 THE VIDEOGRAPHER: The time on the 14 monitor is 3:51 p.m. We're now off the record. 15 (Recess.) 16 THE VIDEOGRAPHER: The time on the 17 monitor is 4:00 p.m. We are now back on the record. 18 BY MR. COLAVECCHIO: 19 Q. So I just want to ask a few more 20 questions for the 30(b)(6) portion of this deposition 21 and then I'll let you know when we're moving onto the 22 fact witness portion. 23 Toward the beginning of this 24 deposition, I asked about meetings that city 25 officials were having with people to discuss whether

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1 they support the at-large method of election. Do you 2 recall what I'm talking about? 3 A. You're stating city commission? As 4 the city commission? 5 Q. You said that you and other city 6 officials had discussions with citizens of Dodge 7 City? 8 A. Yes, individual discussions. 9 Q. Right. And I just wanted to clarify. 10 Did any of those residents say that they would be 11 willing to testify on the City's behalf? 12 MS. EBERLINE: Let me object as to any 13 communications between counsel or with counsel. If 14 the question is whether communications between 15 individual residents and individual city staff? 16 MR. COLAVECCHIO: Yeah. 17 MS. EBERLINE: You can answer that 18 question. 19 A. Between residents and city staff, yes. 20 BY MR. COLAVECCHIO: 21 Q. There were people who said that they 22 would be willing to testify on the City's behalf? 23 A. Yes. 24 Q. Okay. Have those people been 25 disclosed to plaintiffs?	1 of questioning as outside the scope of the topics 2 identified as well. 3 A. That means in suburban, it's a very 4 large lot size with a single home on it. May have 5 some outbuildings. R1 structure would be your 6 traditional single-family-type homes. Has a little 7 bit larger yard. There are some certain requirements 8 that have to be met for lot sizes. And then R3 is 9 just a higher density type of housing that would be 10 allowed. 11 BY MR. COLAVECCHIO: 12 Q. Would it be low-income housing? 13 MS. EBERLINE: Object to the form of 14 the question as well as outside the scope of the 15 topics for examination. 16 A. Low-income housing can be in any one 17 of the R zones. We don't dictate where low-income 18 housing can and cannot be. 19 BY MR. COLAVECCHIO: 20 Q. What were residents concerned about? 21 MS. EBERLINE: Object to the question 22 as outside the scope of the topics identified. 23 A. They've been used to having basically 24 no neighbors for 40-plus years that the homes have 25 been sitting there, and there was a proposal to put
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1 MS. EBERLINE: Is that a question for 2 me or for Mr. Hernandez? 3 MR. COLAVECCHIO: I'll ask of 4 Mr. Hernandez and then we'll follow up, separately, 5 to confirm. 6 A. I do not -- 7 MS. EBERLINE: Hold on just a second. 8 I would object that's outside the scope of the topics 9 identified as well. You can go ahead and answer. 10 A. I do not know who has been disclosed. 11 BY MR. COLAVECCHIO: 12 Q. Okay. And previously you had also, 13 when we were talking about meetings where a lot of 14 residents showed up to a commission meeting, you 15 mentioned one where there was a discussion of a 16 zoning regulation. Do you recall what I'm talking 17 about? 18 A. Yes, I do. 19 Q. What was the regulation at issue? 20 A. It was a rezoning from suburban to R1, 21 which is the lowest density residential, and to also 22 R3 which is a higher density residential. 23 Q. Okay. What does that mean practically 24 speaking? 25 MS. EBERLINE: I object to this line	1 homes next to them with a little smaller lot sizes. 2 It would have taken away that country feel from them. 3 BY MR. COLAVECCHIO: 4 Q. Do you know like generally what date 5 that meeting would have been held on? 6 MS. EBERLINE: Same objection. 7 A. I do not know generally. 8 BY MR. COLAVECCHIO: 9 Q. Can you tell me who Kansas Appleseed 10 is? 11 MS. EBERLINE: Same objection. 12 A. I cannot tell you specifically what 13 they do, no. 14 BY MR. COLAVECCHIO: 15 Q. But you consider them leaders in the 16 Hispanic community? 17 MS. EBERLINE: Object to the form of 18 the question as well as outside the scope of the 19 topics identified. 20 A. I only know of one Kansas Appleseed 21 member in Dodge City and that is Mr. Dave Rebein. 22 Outside of that I've never heard of them until this 23 lawsuit. 24 BY MR. COLAVECCHIO: 25 Q. I'm ready to turn now to the fact

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1 witness portion of the deposition. So to be clear, 2 from this point forward the presumption will be that 3 I'm asking for you to respond to questions based on 4 your own personal knowledge. The nice part about 5 this being at the end is it's way less mental work 6 for you. So it's also a little more personable which 7 is nice. 8 A. I appreciate that. There's been a lot 9 of information I've had to try to soak in in my short 10 tenure here, so yes. 11 Q. Yeah, I imagine. I always say that my 12 worst fear in life is to be deposed, but I think my 13 worst fear here is to be a 30(b)(6) witness. 14 Okay. So we're in the homestretch. 15 Are you registered with a political party? 16 A. Yes, I am. 17 Q. And which party? 18 MS. EBERLINE: Objection as to 19 relevance of the question and to form. But go ahead. 20 A. Up until recently I was Independent. 21 Now I'm republican. 22 BY MR. COLAVECCHIO: 23 Q. Where did you grow up? 24 A. I grew up in Ford County, Spearville, 25 Kansas, just outside of Dodge City.	1 civil rights organizations? 2 A. No, I do not. I don't believe in 3 belonging to any group, political group. 4 Q. Did you belong to any in the past? 5 A. No. 6 Q. Do you belong to League of Kansas 7 Municipalities? 8 A. Yes, I do. 9 Q. And what is that organization? 10 A. This is an organization of cities 11 within the state of Kansas that is kind of a 12 lobbying -- they have a lobbying wing but they also 13 have an education wing that helps smaller communities 14 and large communities basically navigate and help be 15 the voice for small communities in front of state 16 legislature and with federal issues as well. 17 Q. What does the lobbying wing do? 18 A. The lobbying wing looks at issues that 19 are specific to communities that may affect 20 communities. Primarily, they look at attacks to home 21 rule authority with cities and try to ensure that the 22 abilities of cities to make their own decisions is 23 intact and not infringed upon. 24 Q. How long have you belonged to that 25 organization?
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1 Q. How long did you live there? 2 A. I lived there until I was 16 and then 3 my family moved to Ashland, Kansas, where my mom got 4 a job teaching in Ashland, which is south of here. 5 And then I graduated high school and then I went onto 6 the Marine Corps. 7 Q. So you did graduate high school? 8 A. Yes, I did. Yes. 9 Q. And did you obtain a college degree? 10 A. Yes, I did. I have a Bachelor of 11 Science in Justice Studies from Fort Hays State 12 University and Master of Public Administration from 13 Wichita State University. 14 Q. Do you have any other graduate 15 degrees? 16 A. No, I do not. 17 Q. Do you have any professional licenses? 18 A. City managers are not professionally 19 licensed so no. 20 Q. And you said you served in the U.S. 21 military as a Marine? 22 A. That is correct. 23 Q. How long did you serve? 24 A. Four years. 25 Q. Do you belong to any political or	1 A. You don't belong individually; you 2 belong as an entity. So if the City belongs, you are 3 an automatic member. 4 Q. Okay. So Dodge City belongs to the 5 League of Kansas Municipalities? 6 A. That is correct. 7 Q. Do you know how long -- and I'll ask 8 you in your corporate representative capacity for 9 this question. Do you know how long Dodge City has 10 been a member of the League of Kansas Municipalities? 11 MS. EBERLINE: I'll object as outside 12 the topics for examination. Go ahead, Nick. 13 A. I do not know. 14 BY MR. COLAVECCHIO: 15 Q. Resuming asking as a factual witness: 16 Do you belong to the Dodge City Area Chamber of 17 Commerce? 18 A. The City of Dodge City does belong to 19 the area -- to the chamber. 20 Q. Do you personally? 21 A. No. 22 Q. Are you personally a member? 23 A. No, I'm not. 24 Q. Or are you an ex-officio member? 25 A. Yes, I am. I represent the City as an

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1 ex-officio member. 2 Q. What do you do as the City's 3 representative as an ex-officio member? 4 MS. EBERLINE: Object to the form of 5 the question. 6 A. Ex-officios traditionally are longer 7 serving members on those committees and on the 8 chamber board. We help provide guidance. If they 9 have issues/concerns related to the City or the 10 school district or the college, that potentially may 11 affect the business community, we are there to listen 12 to them and bring those to the commission if there 13 are any issues. 14 BY MR. COLAVECCHIO: 15 Q. How long have you been involved with 16 the organization? 17 A. Since my appointment as city manager, 18 so a little over three years. 19 Q. Do you belong to Humanities Kansas? 20 A. I do not anymore. I finished up my 21 term just this past June, so last month. 22 Q. Okay. What -- when had you become a 23 member? 24 A. I became a member of Humanities 25 Kansas, I believe it was six years ago so 2016/2017	1 Q. And when you were city manager for 2 those cities, were you involved in any litigation 3 against the City? 4 A. Personally involved, no. Was there 5 litigation against the City? Yes. But I would not 6 be with those items. 7 Q. But you weren't deposed in any of 8 those cases? 9 A. No. 10 Q. Did you have to talk to the press or 11 the public about those cases? 12 MS. EBERLINE: Object to the form of 13 the question. 14 A. As city representative I was required 15 to speak on behalf of the City. 16 BY MR. COLAVECCHIO: 17 Q. Did you have to help gather documents 18 for productions in those cases? 19 MS. EBERLINE: Object to the form of 20 the question. Or are you talking about a specific 21 case, JD, or a specific city? I'm not sure I'm 22 following what we're talking about. 23 MR. COLAVECCHIO: Just whether he's 24 had experience in helping cities involved with 25 litigation.
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1 time frame, as well I was appointed to that board. 2 Q. What is that organization? What does 3 it do? 4 A. Humanities Kansas was the community's 5 Kansas Humanities Council previously. We look at 6 different types of humanities issues, whether it be 7 civil engagement, trying to look at methods to bring 8 citizens and entities together in different formats. 9 And it's a nonprofit of like-minded individuals that 10 want to do better for their communities and for 11 Kansas as a whole. 12 Q. Did you work as a city manager 13 somewhere else before becoming city manager at Dodge 14 City? 15 A. Yes, I did. I worked as city manager 16 for the City of Arkansas City, Kansas, and also for 17 the City of Osage City, Kansas. 18 Q. When were you city manager for 19 Arkansas City? 20 A. For Arkansas City, I was city manager 21 from 2011 to 2020. 22 Q. Okay. And how long were you city 23 manager for Osage City? 24 A. Just shy of three years: 2008 to 25 2011.	1 A. The answer would be yes. 2 BY MR. COLAVECCHIO: 3 Q. So when did you move back to Dodge 4 City? 5 A. Would have been in May of 2020. 6 Q. What brought you back? 7 A. Being appointed as city manager of 8 Dodge City. 9 Q. Okay. So had you applied for the job, 10 got it, and moved back to start the job? 11 A. That's correct. 12 Q. Do you have any kids? 13 A. I have three. 14 Q. And are any of them in school? 15 A. Yes, they are. 16 Q. Do they go to the Dodge City Public 17 Schools? 18 A. All three of my children attend Dodge 19 City Public Schools. My daughter just graduated in 20 May from Dodge City High School. 21 Q. Congrats. 22 A. Thanks. 23 Q. So do you know the exact date when you 24 became city manager of Dodge City? 25 A. June 1, I believe, was my start date

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1 of 2020. 2 Q. Okay. And do you consider yourself in 3 that role to be the spokesperson for the City? 4 MS. EBERLINE: Object to the form of 5 the question. Go ahead. 6 A. Yes, I do. 7 BY MR. COLAVECCHIO: 8 Q. And what are your personal priorities 9 that you bring to that role? 10 MS. EBERLINE: Object to the form of 11 the question. 12 A. Personal priorities? You know, my 13 family has been in Dodge City, both sides, over five 14 generations. My great-grandfather came over and was 15 part of the first Mexican village in Dodge City. 16 Worked for the railroad. My great-grandfather worked 17 for the railroad until he lost his life working for 18 the railroad. My family, friends are all still here; 19 cousins, aunts, relatives. I take it very personal 20 in the success of the community as a whole, making 21 sure that everyone is really -- all their needs are 22 attended to and their lives can be better. 23 You know, I grew up very poor. Mom 24 didn't graduate from high school. First child was at 25 16. She got her GED later on and got her education	1 I want to make sure that anyone who 2 wants to better themselves has that opportunity. 3 Q. Do you see the at-large method of 4 election as important to accomplishing any of those 5 goals? 6 A. Personally, I believe we have to view 7 citizens and Dodge City as a whole. You know, I 8 don't think there should be any division whatsoever 9 within our community, and whether it be by districts 10 or by wards or whatever you want, or neighborhoods, 11 and trying to avoid that. I think we need to be a 12 community of one. We're most successful when we work 13 together and try to achieve the same goals and I 14 think Dodge City has proven for itself over the last 15 150 years, and in particular the last 20 or 30 years, 16 that if we have the same goals in mind, there's 17 nothing that can stop us. 18 Q. Is the way that you're trying to 19 assess whether you're accomplishing these goals 20 mainly through your conversations with people? 21 MS. EBERLINE: Object to the form. 22 A. You know, over the last 15 years of my 23 experience, when people are not happy, they let you 24 know. If there are services that need to be 25 addressed, if there's items that need to be done,
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1 when I was in junior high. I want to make people 2 better in Dodge City and Ford County. That's -- 3 that's -- that's -- that's the reason why I'm here. 4 BY MR. COLAVECCHIO: 5 Q. Are there specific plans that you've 6 made in your tenure, in this role, for how to 7 accomplish that goal? 8 MS. EBERLINE: Object to the form of 9 the question. 10 A. Yeah, yeah. I think looking at 11 streets, I want to ensure our streets are maintained. 12 I want to look at our public utilities such as water, 13 wastewater, trying to find funding sources to get 14 those items addressed. A lot of communities are not 15 able to properly fund infrastructure improvements and 16 that's been one of my biggest priorities. You know, 17 I want people to be able to get to work. I want them 18 to have great jobs. 19 We attracted a new employer since I've 20 been here, ran through the entire process, which is a 21 cheese-processing facility, which will have 260 22 employees, which is -- which is great for the 23 community. I want opportunities for people to better 24 themselves both through our education system and 25 personally and professionally.	1 they let them know. You know, whether it be at 2 church, at the restaurant, grocery shopping, wherever 3 you're having interactions with people, if there's 4 things that affect them or bother them personally, 5 they're going to let you know about it. 6 You know, we're a small town. You 7 know, a lot of us are on a first-name basis with one 8 another. We see each other often. And we know when 9 there's issues going on that need to be addressed and 10 we tend to work together to get those accomplished. 11 BY MR. COLAVECCHIO: 12 Q. So you're mainly talking to people 13 when you just happen to bump into someone and they 14 recognize you and they strike up a conversation with 15 you? 16 MS. EBERLINE: Object to the form of 17 the question. 18 A. Here's the thing: Everyone recognizes 19 me. This is a small town. You know, being city 20 manager, everyone knows who you are, what you do, you 21 know, in general. They know I'm very approachable, 22 very friendly. I go out of my way to ensure that 23 people have access to me. If anyone walks into my 24 door at any point, I'm unscheduled, even if I have a 25 meeting, internal meeting with another department or

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1 an individual that's within the organization, I bump 2 that to meet with them. I listen to them. 3 You know, one of the things I learned 4 early on is, and from one of my mentors, is Joe 5 Palacioz, who was city manager for the City of 6 Hutchinson, Joe told me, Hey, treat everyone that 7 comes in your door like they're your daughter on her 8 wedding day. You know, their needs are important. 9 Make sure you take care of them. You know, because 10 their issue is the most important issue to them. 11 Make them feel like they're important and special and 12 make sure that their needs are attended to and that's 13 how I treat everyone. Every conversation, every 14 interaction I treat the same. 15 BY MR. COLAVECCHIO: 16 Q. Do you frequently have people coming 17 into your office, residents who are stopping in to 18 raise issues or thoughts about the City with you? 19 A. I do. And I also reach out on 20 Facebook when people have issues, you know, that may 21 be city related. You know, if they have an issue or 22 a concern in regards to the City and it's 23 communicated and their position may not -- not 24 necessarily their position; if their facts are 25 incorrect, I want to make sure they have the right	1 the question. 2 A. I'm out and about so much, so I would 3 say the majority of those folks are ones I just 4 interact with in public. But there are individuals 5 that will just pop into my office from time to time. 6 And they may not be there to see me specifically. 7 They may just have an issue in general and then they 8 bring them over to me to address and take care of it. 9 BY MR. COLAVECCHIO: 10 Q. What kind of sports teams are you 11 going to? 12 A. I go to everything. I go to high 13 school sports, I go to semi pro, indoor football, 14 soccer. I go to youth soccer games. I go to youth 15 baseball games. And just -- I haven't shared this, 16 but my kids don't play sports. My wife and I just 17 love being out in the community. We love 18 participating in the different events. You know, we 19 go downtown to different parades, different 20 festivals. We want to make sure that we're seen and 21 that people know we're approachable and they can come 22 and visit with us. We're part of this community and 23 we want people to recognize that we're part of it. 24 Q. So in terms of personal relationships 25 with commissioners, are there some commissioners who
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1 facts. I'm not trying to tell them how to take those 2 facts and come to a conclusion; that's them. 3 My job is to make sure they have the 4 accurate facts. If they're going to be out there on 5 social media stating that the City has done this, or 6 the City has done this, I make sure they know what 7 we've done and why the commission has made that 8 decision, but they could still have their own 9 personal opinion. I don't -- it's not my job to 10 change their opinion. 11 Q. Okay. So are you saying you'll post 12 something on Facebook and like asking for feedback 13 from people what they think about something? 14 A. I don't, no. I -- I -- if there's 15 Facebook posts that involve the City, occasionally 16 the public information officer would reach out to 17 that individual and invite them to have a 18 conversation with me. And if they would accept it, 19 then they would come in and visit with me. I want to 20 make sure I'm accessible. 21 Q. So how much of your conversations with 22 people arise where you're just at the grocery store 23 or at a sports game and someone recognizes you, 24 compared to people coming into your office? 25 MS. EBERLINE: Object to the form of	1 you talk with more than others? 2 MS. EBERLINE: Object to the form of 3 the question. 4 A. From a personal perspective, no. Some 5 commissioners require more professional one-on-one 6 time. If they're newer commissioners, it takes a lot 7 more time to get them up to speed on different items. 8 Some commissioners like to have a little bit more 9 explanation on certain topics one-on-one. Some of 10 them have more questions. It just really depends 11 upon the individual commissioner. You know, when 12 you've -- some commissioners have served on the 13 commission for 20 years. You know, they have a lot 14 more knowledge than someone who is fresh and new to 15 the position. 16 BY MR. COLAVECCHIO: 17 Q. I'll show you a document. This 18 document has been marked in the litigation as Dodge 19 City 0002137. 20 I just want you to confirm for me: Is 21 this a message that you posted on Facebook on 22 November 8, 2021, regarding the failure of the street 23 sales tax? 24 A. Yes, I believe so. 25 Q. Okay. Is -- was this the same or

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Page 214 1 similar proposal as the one that ultimately passed in 2 2022? 3 A. It is similar, but there were some 4 distinct differences which allowed the second one to 5 pass. 6 Q. Okay. What were those differences? 7 A. The second one actually allowed for a 8 mill levy reduction and so a property tax reduction. 9 The first one did not. 10 Q. Okay. I'll take that down. I'll show 11 you a different document. This document has been 12 marked in litigation as Dodge City 0010025. Is this 13 a text conversation between you and Joe Nuci? 14 A. Yes, but I don't know why it says 15 Mellecker on there. 16 Q. Right. So that's what I was going to 17 ask. It says Mellecker but our understanding is that 18 Mellecker is actually -- I'm sorry, is it Nuci? 19 A. Yes, Nuci. 20 Q. Nuci. Okay. So this is -- Mellecker 21 is Mr. Nuci. Do you know why it says Mellecker? 22 A. No idea. 23 Q. On this first page, page 10025, there 24 is a discussion here about finding replacement for 25 Joyce Warshaw. Mr. Nuci says, "I see people are	Page 216 1 Why hadn't you added discussing her 2 replacement as a topic for the agenda? 3 MS. EBERLINE: Object to the form of 4 the question. 5 A. I think I say on there "I think it's 6 on there." So he may have not reviewed it or the 7 work session may have been just a general meeting. I 8 don't know. I would have to go back and look at 9 that. 10 BY MR. COLAVECCHIO: 11 Q. Okay. So you don't recall whether it 12 was on the agenda or not? 13 A. Either it was on agenda or work 14 session. There are two separate time frames. 15 Q. Got it. Okay. 16 A. But from this, I have stated that I 17 think it's on there, but I didn't have it in front of 18 me at the time. 19 Q. And then right after that Mr. Nuci 20 says, "I think it would be better because people are 21 already talking about how it is going to be 22 manipulated." 23 What did you take that to mean? 24 MS. EBERLINE: Object to the form of 25 the question. Go ahead.
Page 215 1 already asking to fill Joyce's position. What does a 2 person need to do that would like to be considered?" 3 And then you respond, "We'll discuss 4 on Monday, but I recommend that the commission take 5 applications and make a selection from the 6 candidates." 7 Why did you make that suggestion? 8 A. Commissioner Nuci was new. And in my 9 previous city manager in Arkansas City, that's what 10 we did. That was the format we used to fill 11 positions. 12 Q. Okay. Was there any particular past 13 practice you're aware of for Dodge City? 14 A. No. 15 Q. Then a few days later, all on the same 16 page here, Mr. Nuci says, "I didn't see on the work 17 session agenda discussing the process for the 18 replacement commissioner. Maybe I misunderstood, but 19 I thought last we talked we would be doing it then. 20 I have quite a few people interested and told them 21 that we would be discussing during the work session 22 so everyone would know the same info at the same 23 time. Can this be added." 24 You respond, "I think it's on there. 25 We added it I thought. Let me check."	Page 217 1 A. I don't know what he meant by that. 2 Maybe that we would just appoint someone blindly to 3 it, maybe, that we would have no process in place. 4 At this moment, in 2020, Commissioner Nuci was very, 5 very new to the commission. It was his first term 6 and he had not served on the commission for very 7 long. 8 BY MR. COLAVECCHIO: 9 Q. Okay. On this next page, 10026, you 10 ask Mr. Nuci if he's okay with commissioner salaries 11 increasing from 200 to \$400 per meeting and the mayor 12 salary going from 200 to \$600 per meeting. Why were 13 you confirming that change with Mr. Nuci? 14 A. I spoke to all the commissioners 15 individually in regards to this item. I reviewed 16 what several other cities were doing and I think this 17 was prior to placement on the agenda, just to see if 18 he had any discussion or any input in regards to that 19 item. 20 Q. Okay. On page 10027, Mr. Nuci asks, 21 "Does any change in the format of the commission have 22 to go to public vote like making the mayor an elected 23 official for a two-year term and the four 24 commissioners to four-year terms. Also term limits 25 for each such as two terms, then sit one before

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Page 218 1 trying to serve again." 2 And you say that you will have to look 3 into it, but that you're sure that it would, then the 4 conversation continues from there. 5 Why was Mr. Nuci asking you that 6 question? 7 MS. EBERLINE: Objection, calls for 8 speculation. 9 A. I do not know. That would be a 10 question for Mr. Nuci. 11 BY MR. COLAVECCHIO: 12 Q. Did you have other conversations with 13 him about changing the terms of commission elections? 14 A. Not that I recall. 15 Q. Did you have conversations with any 16 other commissioners about changing the terms of 17 commission elections? 18 A. No. 19 Q. Then on page 10028, he continues to 20 explain his proposal. And you say that you recommend 21 talking with the other commissioners and it would 22 make it more mayor-council-manager form depending on 23 the language. What do you mean by a 24 mayor-council-manager form? 25 A. It's potentially where the mayor is	Page 220 1 council members. So that's why he -- he didn't want 2 to divide the council. But this is speculation. But 3 I believe that's what the conversation revolved 4 around. 5 Q. Okay. Has a resident ever come into 6 your office or come up to you to tell you that they 7 encountered issues figuring out how to vote in an 8 election? 9 A. Not to me, no. 10 Q. I'll show you another document. Okay. 11 This document has been marked in the litigation as 12 Dodge City 0000602. 13 A. I'm familiar with this document. 14 Q. Okay. So this is an email 15 conversation between you and Ernestor de la Rosa in 16 June 2020 about bilingual poll workers. 17 A. Yes. 18 Q. Do you recall which employees assisted 19 as bilingual poll workers? 20 A. I do not remember all of the employees 21 that assisted. I do remember Coral Lopez 22 specifically and Connie Marquez, but I believe there 23 was more. I just do not remember who all was able to 24 assist in that. We opened it up to all of our 25 employees. We allowed them to receive their city pay
Page 219 1 elected at large, individual from the other council 2 members. It would be a completely different form of 3 government where you have mayor, individual council 4 and then a manager over the day-to-day -- it's a 5 completely different form. I was underneath the 6 mayor-council-manager form of government when I was 7 in Osage City. 8 Q. Would the council be elected based on 9 wards for districts? 10 A. No, not necessarily. 11 Q. So everyone would still be elected at 12 large potentially? 13 MS. EBERLINE: Objection, calls for 14 speculation. Go ahead. 15 A. Yeah, that would have been what the 16 commission's desire was to do. 17 BY MR. COLAVECCHIO: 18 Q. Was there any follow-up on this 19 proposal? 20 A. I think we may have had a verbal 21 conversation in regards to it. And then once I 22 explained that the difference between the 23 mayor-council and the manager form of government, I 24 don't think he was necessarily in favor of having a 25 mayor who has more power than any of the other	Page 221 1 to do so without having to take vacation time. But 2 they also were able if they wanted to be paid as a 3 polling worker or as an employee for the election 4 office, they could do that, but they would be paid at 5 that rate rather than at their city rate. 6 Q. Okay. And do you know whether there 7 had been bilingual poll workers prior to 2019? 8 A. Yes, there has been. 9 Q. I'll show you another document. This 10 document has been marked in litigation as Dodge City 11 0012131. It's a work session agenda from 12 February 1st, 2021, and there is just one agenda item 13 here it seems that says "Interviews and discussions 14 with the commission candidates." Do you remember 15 this work session? 16 A. I do remember the work session 17 vaguely, yes. 18 Q. Can you tell me what the discussion 19 was? 20 A. I believe that they interviewed a 21 couple of candidates and talked about some of the 22 individuals that applied to be on the commission, but 23 no decision was made during that work session. I 24 believe they just asked questions of some candidates. 25 Q. Okay. And were these discussions with

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Page 222 1 commission -- with candidates running for commission? 2 A. I don't recall, but I -- I'm sure it 3 was. 4 Q. Was -- was there any Spanish 5 interpretation available for this? 6 A. At all meetings Spanish interpretation 7 is available, all public meetings. 8 Q. But no one was doing it 9 simultaneously? 10 A. No. 11 Q. And as a general matter, there's not 12 simultaneous interpretation into Spanish of candidate 13 forums, right? 14 A. Candidate forums? Of city commission 15 meetings, no. We don't handle candidate forums. 16 Q. Okay. Have you been -- how have you 17 been assisting the City with this litigation? 18 MS. EBERLINE: Object to the form of 19 the question. 20 A. I'm the primary contact between the 21 attorneys and the commission and since it involves 22 the City I am involved in almost every aspect of it. 23 BY MR. COLAVECCHIO: 24 Q. Why have you been sitting in on 25 depositions of other witnesses?	Page 224 1 you also forwarded a number of documents related to 2 that investigation; is that right? 3 MS. EBERLINE: Counsel, I'm going to 4 want to take a look at this document to ensure 5 whether this may have been an inadvertent production. 6 I'm okay with you asking him what it is, but I may 7 need to take a second look at it as something he had 8 sent to me. 9 MR. COLAVECCHIO: Okay. 10 MS. EBERLINE: Let's start and I'll 11 object and direct him not to answer if there are 12 questions, if things get too far, if that seems 13 reasonable and we'll see how far we can get. 14 MR. COLAVECCHIO: Sure. 15 BY MR. COLAVECCHIO: 16 Q. Why did you send these documents? 17 MS. EBERLINE: And so, Mr. Hernandez, 18 if the answer to that question would require you to 19 disclose attorney-client privileged communications or 20 attorney-client advice, then I direct you not to 21 answer the question. 22 A. It would be attorney-client. 23 BY MR. COLAVECCHIO: 24 Q. Who have you spoken to about the 2011 25 investigation?
Page 223 1 A. As representative for the City. 2 Q. Did you talk to any witnesses for the 3 City about their testimony beforehand? 4 A. No. 5 Q. Did you talk to any witnesses about 6 their testimony during their depositions? 7 A. No. During the depositions, no. 8 Q. Have you taken any notes on the 9 depositions that you've sat in on? 10 A. No, I did not. 11 Q. I believe this is my last document. 12 We might not finish right at 6:00 my time, but I 13 think we'll be close. I'll need like a small break 14 just to do any cleanup. I just wanted to give you an 15 update on timing. 16 MS. EBERLINE: I appreciate that. 17 Thank you. 18 THE WITNESS: Yeah, thank you. 19 BY MR. COLAVECCHIO: 20 Q. This document has been marked in 21 litigation as Dodge City 0004099. And it's an email 22 dated January 31st, 2023, where you forward to 23 Ms. Eberline an email from Debbie Cox about the 2011 24 investigation of the City's compliance with the 25 Voting Rights Act conducted by Bruce Adelson. And	Page 225 1 MS. EBERLINE: Again, absent any 2 communications with counsel, I assume is what you're 3 asking for. 4 MR. COLAVECCHIO: Right. Well, I want 5 to know if he has spoken to counsel about it, but I 6 would not be asking about the substance of those 7 discussions. 8 MS. EBERLINE: Fair enough. 9 A. Counsel, employees, public members, 10 commissioners. Anyone who asked about it. 11 MS. EBERLINE: About the 2011? 12 THE WITNESS: Oh, 2011. 13 MS. EBERLINE: About the 2011 14 investigation? 15 THE WITNESS: Sorry. I thought you 16 were talking about the ACLU, I apologize, about this 17 current lawsuit. 18 A. The 2011 would be counsel only, maybe 19 Melissa McCoy, assistant city manager. 20 BY MR. COLAVECCHIO: 21 Q. Why would you have talked to 22 Ms. McCoy? 23 MS. EBERLINE: Again, if that answer 24 requires you to disclose attorney-client privileged 25 information, I direct you not to answer.

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1 A. Attorney-client. 2 BY MR. COLAVECCHIO: 3 Q. My next question will be free of any 4 privilege concern I think. 5 What is your understanding of what 6 happened during the 2011 investigation? 7 A. I don't have any understanding. I was 8 not involved. 9 Q. You didn't learn anything about it 10 after the fact, outside the context of this lawsuit? 11 A. I learned that it took place in 2011, 12 that there was some communication. That would be 13 honestly -- it would be attorney-client. It's what I 14 learned from counsel. 15 Q. Okay. So you weren't aware of it 16 before this lawsuit? 17 A. Absolutely not. 18 Q. Okay. 19 MR. COLAVECCHIO: Okay. Can we take a 20 five-minute break so I can look over my material, see 21 if there's anything else I need to ask and then we 22 can close it out? 23 MS. EBERLINE: Sounds good. 24 MR. COLAVECCHIO: So back at like 4:58 25 -- or 6:00, either is fine.	1 with Ms. Cox about this investigation? 2 A. No. 3 Q. Did you have a conversation with her 4 about collecting documents related to it? 5 A. Only those that were requested to be 6 produced. 7 Q. Did you have any phone calls with her 8 prior to receiving this email? 9 A. On this subject, no, not that I 10 recall. 11 Q. Did you have any calls with her about 12 this litigation in general? 13 A. She is aware that the litigation was 14 taking place. 15 Q. And kind of taking more of a step 16 back, I want to ask some follow-up questions on what 17 precisely you did to prepare to speak on the topic 18 that's at issue with this document, so I'm going to 19 pull up the list of topics again. 20 So Topic 13 is any request for 21 information or communication from the United States 22 Department of Justice from 2011 to present regarding 23 Dodge City's at-large method of election. And Topic 24 14 just kind of related, asks about any research 25 analysis or investigations conducted by Ford County
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1 MS. EBERLINE: That's fine. 2 THE VIDEOGRAPHER: Time on the monitor 3 is 4:54 p.m. We're now off the record. 4 (Recess.) 5 THE VIDEOGRAPHER: Time on the monitor 6 is 4:59 p.m. We're now back on the record. 7 BY MR. COLAVECCHIO: 8 Q. So a few more questions and they're 9 about this 2011 investigation. The first email in 10 the chain -- actually let me pull it back up for you. 11 The document is still in the Chat so I'll just share 12 my screen. Okay. 13 So the first email in this document 14 actually before you forward the information to 15 counsel is from Debbie Cox, dated January 31st, 2023, 16 and I'm wondering why Ms. Cox forwarded that 17 information to you. 18 MS. EBERLINE: Objection, calls for 19 speculation. Go ahead. 20 A. I believe this document was requested 21 by the plaintiffs to be produced and myself and Brad 22 Ralph, city attorney, received that information and 23 forwarded it onto Ms. Eberline as requested. 24 BY MR. COLAVECCHIO: 25 Q. Okay. Did you have a conversation	1 and/or Dodge City initiated in 2011 or thereafter 2 regarding whether Dodge City's at-large method of 3 election violates Section 2 of the Voting Rights Act. 4 Can you walk me through what exactly 5 you did to prepare for these topics? 6 A. For these two topics? 7 Q. Right. 8 A. Topic 13, I knew there was never any 9 request from the Department of Justice to the City, 10 so that was the end of that on No. 13. 11 On No. 14, any research analysis or 12 investigations by Ford County, Dodge City, initiated 13 in 2011, there were no -- no research analysis or 14 investigations in regards to Dodge City that we were 15 noticed upon by -- by anyone. If there was any 16 conversations, that would have taken place between 17 the Ford County clerk and Nannette Pogue. That's all 18 I remember of the situation personally. That was my 19 preparation, the extent of it. 20 Q. Okay. So you did not review any 21 documents or talk to any people about requests from 22 the Department of Justice regarding Dodge City's 23 at-large method of election? You only looked at 24 documents that would have been communications from 25 the Department of Justice to Dodge City?

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1 MS. EBERLINE: Object to the form of 2 the question. Go ahead, Nick. 3 A. The only thing I did in regards to 4 this question, there was no communication from the 5 Department of Justice to the City of Dodge City or 6 any request for information from the Department of 7 Justice to the City of Dodge City. 8 BY MR. COLAVECCHIO: 9 Q. So you did not review any documents 10 where there were discussions by people working for 11 Dodge City, like people in your position as city 12 manager or other city officials or the commissioners, 13 discussing the investigation by the Department of 14 Justice? 15 A. I stated previously I had seen an 16 email from Nannette Pogue in regards to this -- this 17 investigation in 2011. 18 Q. Is that the only document that you 19 reviewed on that topic? 20 A. That I can recall. That's the only 21 one I know of. 22 Q. And what was your process for deciding 23 how you were going to be knowledgeable upon this 24 topic? Was it just whatever you personally knew 25 about?	1 Q. Okay. 2 MR. COLAVECCHIO: I will just want to 3 note for the record that the deponent was unprepared 4 on several topics listed on the Rule 30(b)(6) notice. 5 Despite the fact that he was identified as the most 6 knowledgeable person with regard to these topics, for 7 many questions the deponent answered that he did not 8 know or had no knowledge of the subject of inquiry. 9 To the extent the City has no knowledge of certain 10 topics, that issue was not raised in advance, so we 11 reserve all rights and intend to request a 12 meet-and-confer with defendants to discuss next 13 steps. 14 MS. EBERLINE: And I would 15 respectfully disagree and we've stated our objections 16 on the record with respect to those topics and don't 17 need to go on from there on the record. I will say 18 with respect to topics 13 and 14 defendants have 19 answered written discovery on those topics and 20 identified there was no Department of Justice request 21 for information so I'm not sure -- he can't testify 22 to documents that don't exist. But we'll leave it at 23 that and we'll be happy to engage in a 24 meet-and-confer on topic. 25 I do have -- are you finished with
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1 MS. EBERLINE: Object to the form of 2 the question, also direct you not to answer with 3 respect to communications you had with counsel in 4 preparation. 5 A. The only communication I had with 6 regard to this issue was with counsel. 7 BY MR. COLAVECCHIO: 8 Q. Were you shown any information that 9 you would not, yourself, have had in your possession 10 from your time as city manager besides the documents 11 that you've already mentioned? 12 MS. EBERLINE: With respect to these 13 two topics in particular? 14 MR. COLAVECCHIO: Yes. 15 A. That's correct. I would not have been 16 shown this prior to the request to produce these 17 documents. 18 BY MR. COLAVECCHIO: 19 Q. And you didn't talk to anyone who was 20 around at the time of this 2011 investigation? 21 A. I had conversations with Cherise 22 Tieben if she had remembered it. That was about it. 23 And that was just in passing, very quick. Hey, do 24 you remember this, as we were producing the document 25 and that was it, outside of counsel.	1 your questions? I have just a few follow-ups if 2 you're finished. I don't want to interrupt yours. 3 MR. COLAVECCHIO: Yes. I'm finished. 4 CROSS-EXAMINATION 5 BY MS. EBERLINE: 6 Q. Mr. Hernandez, just a few follow-ups. 7 At the beginning of the deposition, Mr. Colavecchio 8 asked you some questions about what you did to 9 prepare for this deposition. You mentioned our 10 meeting related to the deposition. Have you also 11 participated in a number of depositions, or 12 witnessed, at least, a number of depositions from 13 this case throughout the case? 14 A. I have witnessed several depositions, 15 yes. 16 Q. And have you been involved in the 17 written discovery responses throughout this case? 18 A. Yes, I have. 19 Q. And have you been involved with the 20 document review and production in this case as 21 requested by counsel? 22 A. Yes, I have. 23 Q. And have you had numerous 24 conversations with counsel about each of the topics 25 requested throughout the written discovery process in

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1 this case? 2 A. Yes, I have. 3 Q. And have many of those topics been the 4 same topics that were identified for your preparation 5 in the 30(b)(6) notice? 6 A. Yes, it has. That's correct. 7 Q. So throughout the past many months of 8 this case, have you been involved in educating 9 yourself on the City's information related to each of 10 the topics identified? 11 A. Yes, I have. 12 Q. Okay. And is that true with respect 13 to topics 13 and 14 as well, related to the 14 Department of Justice's investigation of Ford County? 15 A. That is correct. 16 Q. I want to show you one document. I'll 17 see if I can get it to drag in. Let me see if I can 18 share my screen as well. Okay. 19 Are you seeing the April 15th, 2019, 20 city commission meeting minutes? 21 A. Yes, I am. 22 Q. And this is Bates labeled Dodge City 23 0002016. Do you see that? 24 A. Yes. 25 Q. You answered some questions earlier	1 with respect to the commission's decision not to move 2 forward with continuing to look into a change to 3 wards at that time in 2019? 4 A. Yes. At that point the city manager 5 and city staff would not be researching or looking 6 into that issue whatsoever. 7 Q. Okay. You were also shown a document 8 that was Bates labeled 12131, and I'm not asking you 9 to remember which one that was, but it was an agenda 10 I believe from a February 1, 2021, commission work 11 session. And the document stated under the work 12 session topics, interview and discussions with the 13 commission candidates; do you recall that? 14 A. Yes, I do. 15 Q. Was that an interview and discussion 16 with commission candidates who were running for 17 election or were those commission candidates who were 18 interested in being appointed to a term that was open 19 from a commissioner who had stepped down? 20 A. That was to fill the appointment for 21 the open position. 22 Q. Okay. 23 MS. EBERLINE: That is all I had. 24 Thank you very much, Mr. Hernandez. 25 MR. COLAVECCHIO: Nothing further for
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1 today related to an inquiry that Ms. Scoggins had 2 made related to whether the commission may be 3 interested in considering moving from at-large 4 elections to district elections; do you recall that? 5 A. Yes, I do. 6 Q. And if I scroll to the second page of 7 this document, which is Bates labeled 0002017, there 8 is a portion that's sort of highlighted in yellow 9 there at the end under new business; do you see that? 10 A. Yes, I do. 11 Q. And it states there that the city 12 attorney discussed with the commission a question 13 that had come up at a previous commission meeting 14 regarding moving the city elections from at large to 15 a combination of wards and at-large positions. And 16 then it states that Brian Delzeit and Joyce Warshaw 17 voiced that they were opposed to staff continuing to 18 look into this process further; do you see that? 19 A. Yes, I do. 20 Q. And then it states that Ms. Scoggins 21 was in favor and there was not a majority of the city 22 commission requesting further information; do you see 23 that? 24 A. Yes, I do. 25 Q. Does that refresh your recollection	1 me. 2 MS. EBERLINE: He will read and sign. 3 MR. COLAVECCHIO: I want to thank you 4 for your time. 5 MS. EBERLINE: Are we off the record? 6 THE VIDEOGRAPHER: I wanted to be sure 7 no one had anything else to say first. The time on 8 the monitor is 5:16 p.m. We are now off the record. 9 THE REPORTER: Could I have your 10 transcript orders, please. 11 MR. COLAVECCHIO: Sure. For my side 12 just a standard transcript. 13 MS. EBERLINE: E-Tran for us, please. 14 MS. WAKNIN: I'd like a PTX file along 15 with the transcript. My name is Sonni Waknin. 16 (Deposition concluded at 5:16 p.m.) 17 18 19 20 21 22 23 24 25

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Page 238		Page 240	
1		1	C E R T I F I C A T E
2		2	I, TERRI L. HUSETH, a Certified Court
3		3	Reporter, do hereby certify:
4	NICKOLAUS HERNANDEZ	4	That prior to being examined the witness was
5		5	by me duly sworn;
6	Subscribed and Sworn to before me this	6	That said deposition was taken down by me in
7	____ day of _____, 2023.	7	shorthand at the time and place hereinbefore stated
8		8	and was thereafter reduced to writing under my
9		9	direction;
10		10	That I am not a relative or employee or
11	Notary Public	11	attorney or counsel of any of the parties, or a
12		12	relative or employee of such attorney or counsel, or
13	County of _____	13	financially interested in the action.
14		14	WITNESS my hand and seal this 10th day of
15	State of _____	15	August, 2023.
16		16	
17		17	<i>Terri L. Huseth</i>
18	Miguel Coca, et al. v. City of Dodge City, et al.	18	TERRI L. HUSETH
19		19	CSR 1355
20		20	
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1	ERRATA SHEET
2	RE: Miguel Coca, et al. v. City of Dodge City, et al.
3	DEPOSITION OF: NICKOLAUS HERNANDEZ
4	PG/LN NO. CORRECTION REASON FOR CHANGE
5	: _____ : _____ :
6	: _____ : _____ :
7	: _____ : _____ :
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9	: _____ : _____ :
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17	: _____ : _____ :
18	: _____ : _____ :
19	
20	_____ I certify that I have read my deposition in
21	the above case and I request that no changes be made.
22	_____ I certify that I have read my deposition in
23	the above case and I request that the above changes
24	be made.
25	

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1 APPEARANCES: 2 . 3 . 4 ON BEHALF OF THE PLAINTIFFS: 5 . 6 Ms. Sonni Waknin 7 UCLA Voting Rights Project 8 3250 Public Affairs Building 9 Los Angeles, California 90065 10 (310) 400-6019 11 sonni@uclavrp.org 12 . 13 Mr. JD Colavecchio 14 Cleary Gottlieb Steen & Hamilton LLP 15 One Liberty Plaza 16 New York, NY 10006 17 212-225-2000 18 jdcolavecchio@cgsh.com 19 . 20 . 21 . 22 . 23 . 24 . 25 .	1 INDEX 2 . 3 . 4 Certificate ----- 133 5 . 6 . 7 WITNESS 8 ON BEHALF OF DEFENDANTS: PAGE 9 ALEJANDRO RANGEL-LOPEZ 10 Direct-Examination by Mr. Rupp 7 11 Cross-Examination by Ms. Waknin 127 12 . 13 . 14 EXHIBITS 15 RANGEL-LOPEZ DEPO EXHIBIT NO.: MARKED 16 No 1 Amended Complaint for Declaratory 17 and Injunctive Relief 67 18 No 2 La Voz Del Pueblo Report 76 19 No 3 Social Media Post 93 20 No 4 Social Media Post 96 21 No 5 6/23/20 Statement from 22 City of Dodge City 97 23 No 6 Chat History 99 24 No 7 Dodge City Welcoming Plan - 25 Spring, 2022 103



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Page 5 1 No 8 City of Dodge City Engagement 2 Efforts 104 3 No 9 Strategic Plan for Welcoming 4 and Integration 111 5 No 10 Plaintiffs' Supplemental Initial 6 Disclosures Pursuant to FRCP 26(a)(1) 118 7 . 8 . 9 . 10 . 11 . 12 . 13 . 14 . 15 . 16 . 17 . 18 . 19 . 20 . 21 . 22 . 23 . 24 . 25 .	Page 7 1 from the district court of -- district court will 2 not be enforced. We will not -- we will not 3 complain about your consult- -- consultations and 4 you will not complain about ours. Is that 5 correct? 6 MS. WAKNIN: That is correct. 7 MR. RUPP: All right. Thank you very 8 much. 9 ALEJANDRO RANGEL-LOPEZ, 10 having been first duly sworn or affirmed to 11 testify to the truth, the whole truth, and nothing 12 but the truth, took the stand and testified as 13 follows: 14 DIRECT-EXAMINATION 15 BY MR. RUPP: 16 Q. Would you please state your name. 17 A. My name is Alejandro Rangel-Lopez. 18 Q. And, Mr. Lopez, by whom are you employed? 19 A. I'm employed by Loud Light. 20 Q. And where is Loud Light -- what's its 21 full name, to the best of your knowledge? 22 A. Loud Light. It's Loud -- it's a -- it 23 depends on which one you're asking for, but Loud 24 Light, Inc. is its -- it's the name of the (c)(3), 25 which is what I work mainly under.
Page 6 1 THE VIDEOGRAPHER: Today is the 24th day 2 of April, 2023, and the time is approximately 9:28 3 a.m. We are at Dodge City City Hall to take the 4 deposition of Alejandro Rangel-Lopez in the matter 5 of Miguel Coca and Alejandro Rangel-Lopez versus 6 the City of Dodge City, et al., Case Number 6:22- 7 CV-01274-EFM-RES. 8 Would counsel please state your appearances 9 for the record. 10 MS. WAKNIN: Sonni Waknin on behalf of 11 the UCLA Voting Rights Project and on behalf of 12 plaintiffs. 13 MR. RUPP: Tony Rupp and Tara Eberline on 14 behalf of the defendants, City of Dodge City, or 15 all of the defendants. Also present, we've got 16 Nick Hernandez, City Manager, and Brad Ralph, City 17 Attorney. 18 Before we get started and the witness is 19 sworn in, opposing counsel and I have reached a -- 20 a stipulation. The local rules in the District of 21 Kansas prohibit consultations between the witness 22 and the witness's attorney during -- during breaks 23 in depositions and we have agreed mutually, with 24 regard to the depositions of both plaintiffs and 25 defendants, that -- that -- that that direction	Page 8 1 Q. And where is it located? 2 A. It's based out of Topeka. 3 Q. And what is your position with Loud 4 Light? 5 A. I am project coordinator for New 6 Frontiers. 7 Q. And what is New Frontiers? 8 A. New Frontiers is a civic engagement 9 nonprofit based in southwest Kansas here in Dodge 10 City. 11 Q. And where do you live? 12 A. Here in Dodge City. 13 Q. And what is your address? 14 A. 825 LaSalle Street. 15 Q. And how long have you lived there? 16 A. My family moved there in 2004, I believe, 17 so since 2004. 18 Q. And are there any other persons living at 19 that address? 20 A. Yes. 21 Q. And who else lives at that address? 22 A. My parents, so Lucia Rangel and Martin 23 Rangel, as well as my two younger siblings, Martin 24 Rangel-Lopez and Angelica Rangel-Lopez. 25 Q. During the course of this deposition, I'm

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1 going to ask you a number of questions. If you
 2 do not understand a question or you need to have
 3 it repeated, will you agree to ask me to do that?
 4 A. Yes.
 5 Q. Likewise, if I ask you any questions that
 6 involve the attorney-client privilege, you're free
 7 to speak with your counsel, you know, to determine
 8 whether to assert a privilege. Otherwise, unless
 9 your counsel directs you not to answer a question,
 10 would you agree to answer any questions?
 11 A. Yes.
 12 Q. You are the named plaintiff in this
 13 lawsuit; correct?
 14 A. Yes.
 15 Q. One of two named plaintiffs?
 16 A. Yes.
 17 Q. In that regard, I understand you are
 18 alleging that the minority group of Latinos in
 19 Dodge City is sufficiently large and
 20 geographically compact to constitute a majority in
 21 a single member district.
 22 A. Correct.
 23 Q. And are -- are you alleging that the
 24 minority group Latinos in Dodge City is
 25 politically cohesive?

1 A. Yes.
 2 Q. And you are not aware of any exit polling
 3 associated with any Dodge City City Commission
 4 elections; is that correct?
 5 A. Yes.
 6 Q. You are not aware of any statistical
 7 surveys of how voters voted in any city commission
 8 elections in Dodge City; is that correct?
 9 A. Yes.
 10 Q. And you would agree that elections for
 11 city commission in Dodge City are nonpartisan?
 12 A. Yes.
 13 Q. You would agree that you may not assume,
 14 from a voter's ethnicity, that all Latino voters
 15 think alike?
 16 A. Yes.
 17 Q. And you would agree that not all Latino
 18 voters share the same political interests?
 19 A. Yes.
 20 Q. And you would agree that not all Latino
 21 voters prefer the same candidates at the polls?
 22 A. Yes.
 23 Q. There have been several Latino candidates
 24 who have run for city commission in Dodge City
 25 since the year 2000; correct?

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1 A. Yes.
 2 Q. And are you alleging that the minority
 3 group of Latinos can demonstrate that white --
 4 that the white majority votes sufficiently as a
 5 bloc to defeat the minority's preferred
 6 candidates?
 7 A. Can you restate that question, please?
 8 Q. Sure. Is it part of your allegation that
 9 the minority group of Latinos can demonstrate that
 10 the white majority votes sufficiently as a bloc to
 11 defeat the minority's preferred candidates?
 12 A. Yes.
 13 Q. Let's talk a little bit about Dodge City
 14 and its elections. You would agree that Ford
 15 County administers the elections for Dodge City
 16 City Commission?
 17 A. Yes.
 18 Q. Okay. And you would agree that voters in
 19 the Dodge -- for Dodge City City Commission cast
 20 their ballots in secret?
 21 A. Yes.
 22 Q. Okay. In that regard, you don't know
 23 from any personal knowledge how any voter other
 24 than yourself, in any city commission election,
 25 voted; is that correct?

1 A. Yes.
 2 Q. And you would agree that there have been
 3 several Latinos who have served on the city
 4 commission in Dodge City since 2000; correct?
 5 A. Yes.
 6 Q. And you would agree that there is a
 7 Latino currently serving on the city commission in
 8 Dodge City; correct?
 9 A. Yes.
 10 Q. And that's Joseph Nuci; is that correct?
 11 A. Yes.
 12 Q. Your contention, as I understand it from
 13 this lawsuit, is that Commissioner Joseph Nuci is
 14 not Latino preferred. Is that your allegation?
 15 A. Yes.
 16 Q. Have you seen any statistical analysis
 17 demonstrating that a majority of Latinos did not
 18 vote for Mr. Nuci?
 19 A. No.
 20 Q. Do you have any statistical basis to
 21 contend that Mr. Nuci is not Latino preferred?
 22 MS. WAKNIN: Objection; form.
 23 MR. RUPP: Go ahead.
 24 THE WITNESS: Can you repeat the
 25 question, please?

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1 MR. RUPP: Sure.
 2 BY MR. RUPP:
 3 **Q. Do you have any statistical basis to --**
 4 **for your contention that Mr. Nuci is not Latino**
 5 **preferred?**
 6 A. No.
 7 **Q. Do you have a contention that Mr. Nuci is**
 8 **not Latino preferred because of any political**
 9 **party affiliation?**
 10 A. Affiliation, no.
 11 **Q. In terms of your contention that Mr. Nuci**
 12 **is not Latino preferred, is that contention based**
 13 **on his vote on any particular local issue?**
 14 A. Sorry. Please restate the question.
 15 **Q. Sure. In terms of your contention that**
 16 **Mr. Nuci is not Latino preferred, is that**
 17 **contention based on Mr. Nuci's vote on any**
 18 **particular political issue? Or we'll strike that.**
 19 **Let me rephrase that. I said "political issue."**
 20 **I didn't mean to.**
 21 **In terms of your contention that Mr. Nuci is**
 22 **not Latino preferred, is that because of his vote**
 23 **on any particular local issue?**
 24 MS. WAKNIN: Objection; form.
 25 THE WITNESS: To my knowledge, no. I

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1 mean, not any particular issue that I can think of
 2 at this moment.
 3 BY MR. RUPP:
 4 **Q. And I guess my question was focused on**
 5 **any one issue. Is there some series of issues**
 6 **that you believe -- that lead to your conclusion**
 7 **that Mr. Nuci is not Latino preferred?**
 8 MS. WAKNIN: Objection; form.
 9 THE WITNESS: Yes.
 10 BY MR. RUPP:
 11 **Q. And what are those issues?**
 12 A. Commissioner Nuci has social media and
 13 just about public -- just public statements
 14 basically that, especially from Facebook and
 15 things like that, that are anti-immigrant in -- in
 16 rhetoric and in -- in -- yeah, anti-immigrant in
 17 -- in rhetoric and sentiment that -- and that's
 18 the one that I can think of at this moment.
 19 Immigration issues.
 20 **Q. Have there been particular immigration**
 21 **issues that have come before the city commission**
 22 **in which you contend he has cast a vote that is**
 23 **contrary to the wishes of Latino voters?**
 24 A. No, because immigration isn't a local
 25 issue.

1 **Q. In terms of your view of Mr. Nuci's**
 2 **Facebook posts, do you have copies of any of those**
 3 **Facebook posts?**
 4 A. No.
 5 **Q. Do you recall with particularity what Mr.**
 6 **Nuci said in any of those Facebook posts?**
 7 A. Not in particular, no.
 8 **Q. Other than those Facebook posts, are**
 9 **there any or is there anything else that causes**
 10 **you to believe that Mr. Nuci is not Latino**
 11 **preferred?**
 12 A. Well, there's -- there's several things,
 13 but the main issue -- the main points I make is
 14 that he's not a -- a visible member of the Latino
 15 community. He's not -- doesn't really -- he's not
 16 in -- in any like immigrant, any spaces where the
 17 Latine community kind of has events and community
 18 spaces and -- and things along those lines, and
 19 there's -- there's just in general has never, to
 20 my knowledge, done any intentional outreach,
 21 especially during elections or, I mean at any
 22 time, really, but to the Latine community here in
 23 Dodge City. Again, that's to my knowledge.
 24 **Q. And -- and -- and those would be opinions**
 25 **held by you; correct?**

1 A. Yes.
 2 **Q. You can't speak from personal knowledge**
 3 **as to whether your opinions are held by any other**
 4 **members of the Latino community; is that correct?**
 5 A. I can only speak for my own opinions or
 6 -- yeah.
 7 **Q. You would certainly agree that not all**
 8 **members of the Latino community in Dodge City**
 9 **share the identical views on immigration issues;**
 10 **is that correct?**
 11 A. Correct.
 12 **Q. And you would agree that only a small**
 13 **percentage of the Latino community in Dodge City**
 14 **is, using your words, "visible" in terms of**
 15 **community or Latino community organizations; is**
 16 **that correct?**
 17 MS. WAKNIN: Objection; form.
 18 THE WITNESS: Can you please restate
 19 that?
 20 MR. RUPP: Sure.
 21 BY MR. RUPP:
 22 **Q. What -- and -- and you've described that**
 23 **you don't consider Mr. Nuci to be visible in the**
 24 **Latino community; correct?**
 25 MS. WAKNIN: Objection; form.

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1 THE WITNESS: Yes.
 2 BY MR. RUPP:
 3 **Q. What percentage of the Latino community**
 4 **in Dodge City do you consider to be, quotes,**
 5 **visible, end quotes, in the community?**
 6 A. I don't understand that question.
 7 **Q. All right. I -- I -- what -- what -- I'm**
 8 **trying to figure out what exactly you mean when**
 9 **you say that somebody is not visible in -- in --**
 10 **in the Latino community, and you've described that**
 11 **to involve active in community outreach**
 12 **organizations, if I'm paraphrasing it correctly.**
 13 A. Not necessarily just community outreach
 14 organizations. The -- I mean, spaces and
 15 organizations that specifically help Latine folks
 16 or that cater to Latine -- the Latine community
 17 here, so that would be, I don't know, like -- what
 18 would that be? There -- sorry.
 19 There's a lot of in- -- I mean, it's
 20 difficult to pin down, because it's in- -- a lot
 21 of it is informal. There's not formal spaces or
 22 formal organizations or anything like that. If
 23 you -- to be a member of the -- like the -- the
 24 Hispanic community here, the Latine community
 25 here, you -- I mean, it -- you have -- you --

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1 it's not necessarily to speak Spanish or anything
 2 like that, but being at events and being at -- I
 3 mean, in -- in these neighborhoods and in these
 4 businesses that -- that our community frequents.
 5 I -- I believe that that's what I was getting at
 6 more.
 7 **Q. Okay. Can you identify an event that**
 8 **you're talking about?**
 9 A. An event? So let's say they have
 10 corraleros, which is a -- out at Rancho El
 11 Nopalito, so that's a Mexican rodeo or Mexican
 12 little -- like stuff like that where it's -- it's
 13 at more out of the way and it's -- it's -- I
 14 mean, it -- it's -- it's a if you know, you know,
 15 sort of thing. I don't know, but like, yeah, I
 16 don't -- like thing -- things like that and, I
 17 mean, these community spaces would be places like
 18 tianguis, like the tortilleria, the panaderia, one
 19 of -- one of several of them, these, I mean, in
 20 areas where our community normally lives which is,
 21 I mean, we tend to be clustered, which is eastern
 22 -- eastern south Dodge and stuff like that.
 23 **Q. In terms of visibility, Mr. Nuci has, in**
 24 **fact, been visible enough to be elected to the**
 25 **city commission; correct?**

1 MS. WAKNIN: Objection; form.
 2 THE WITNESS: Yes.
 3 BY MR. RUPP:
 4 **Q. Now, with regard to the local elections,**
 5 **you would certainly agree that there may be times**
 6 **when Latino voters in Dodge City support**
 7 **candidates for city commission who are not Latino?**
 8 A. Sorry. Please restate that question.
 9 **Q. Sure. You would agree that Latino --**
 10 **Latino voters in Dodge City may support candidates**
 11 **for city commission who are not Latino?**
 12 A. Yes.
 13 **Q. And you would certainly agree that there**
 14 **may be times when white voters support candidates**
 15 **who are Latino?**
 16 A. Yes.
 17 **Q. You would agree that the ethnicity of a**
 18 **candidate tells us nothing about whether a**
 19 **majority of voters in any particular -- of any**
 20 **particular ethnicity support that candidate;**
 21 **correct?**
 22 A. Yes.
 23 **Q. The allegations in this lawsuit suggest**
 24 **that there have been five Latino preferred**
 25 **candidates who have run for city commission since**

1 **2000. Could you identify who those five persons**
 2 **are?**
 3 A. Yeah, they're -- I mean, I don't have
 4 them all memorized from the top of my head, but --
 5 **Q. Tell me what you remember; who you**
 6 **remember.**
 7 A. There's Jurado. There's --
 8 THE REPORTER: Can you say those names a
 9 little slower, please?
 10 THE WITNESS: Yeah.
 11 A. There is Jurado. There is Becky --
 12 Becky, I believe her name is Sanchez, that not for
 13 city commission, though. Sorry. Blanca Soto and,
 14 yeah, I don't -- I don't have them memorized.
 15 Those are the two that I -- I -- I can think of
 16 at this moment.
 17 BY MR. RUPP:
 18 **Q. Okay. And so Jurado and -- Fernando**
 19 **Jurado, is that who you're talking about?**
 20 A. Mm-hmm.
 21 **Q. And so tell me what you know about**
 22 **Fernando Jurado, and I apologize, I'm not from**
 23 **Dodge City, so these are not people I'm familiar**
 24 **with, so just tell me what you can tell me about**
 25 **Fernando Jurado.**

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1 A. I don't know the man. He ran in -- in
2 2000. I mean, yeah, when he ran, I believe it
3 was early 2000. I was four years old.

4 **Q. All right.**

5 A. I don't know much about him.

6 **Q. All right. In terms of Fernando Jurado
7 and you were four years old, what do you know that
8 makes him Latino preferred in the time that he ran
9 for city commission?**

10 A. From -- a Latino preferred candidate is,
11 I mean, what makes those people Latino preferred
12 is that they're from the community. They worked
13 with -- closely with the community, either with an
14 organization or through a business, through a
15 business connection or whatnot within the
16 community and like either, you know, has a
17 background in helping like, I mean, yeah, has a
18 background in helping the immigrant community and
19 being involved in it, in events, like I mentioned.
20 Reaching out, direct outreach and, I mean,
21 act -- yeah, direct outreach and actually talking
22 to the Latine community here. I feel that that's
23 -- that's what -- that's some -- those are some of
24 the things.

25 **Q. So in terms of Fernando Jurado, do you**

1 them, and now she's, I believe, back at the school
2 district doing work with the Exito program, which
3 is for like, I believe, migrant or ESL students,
4 one of the two, at the school district, so she --
5 she has a lot of background, like I said, in --
6 in these organizations that cater to the needs of
7 the Latine community or in very close proximity.

8 **Q. And do you know what part of town she
9 lives in?**

10 A. I believe she lives up north somewhere.

11 **Q. Okay. So she's not from the south or the
12 east portions of Dodge City that you've spoken
13 about?**

14 A. No, not to my knowledge.

15 **Q. Okay. In terms of the elections that
16 Blanca Soto has been a candidate in, do you know
17 how many times she has been a candidate for city
18 commission election?**

19 A. No. I believe -- no. No, I don't.

20 **Q. Do you know who the other candidates were
21 in any of those elections?**

22 A. In the most recent one that I remember,
23 it was -- I mean, I believe it was her, as well
24 as like at least maybe two -- two or three of the
25 -- oh, wait. It's Chuck Taylor, Joe Nuci, and --

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1 **know who he ran against with the other -- who the
2 other candidates for city commission were?**

3 A. No, I do not.

4 **Q. Do you know what the issues were in that
5 city commission election?**

6 A. No, I do not.

7 **Q. Do you know how Latino voters voted among
8 the various candidates for that -- in that city
9 commission election?**

10 A. No.

11 **Q. The -- the second person that you've
12 identified is Blanca Soto?**

13 A. Yes.

14 **Q. You do know her, I take it?**

15 A. Yes.

16 **Q. What can you tell us about Blanca Soto?**

17 A. Blanca Soto, she's -- she's not -- she --
18 she came to Dodge City. She's not originally from
19 here, but she's been -- when I first met her, I
20 know her from when I was a student in high school
21 and she was a communities and schools person at
22 Dodge City High School and -- and, yes, she -- so
23 she -- she worked in the school district and then,
24 after that, she got a position with Kansas
25 Appleseed doing like outreach, doing work for

1 THE REPORTER: What was after Chuck?

2 A. Chuck Taylor, Joe Nuci, and the -- I
3 guess Michael -- Michael Burns, I believe, is the
4 current mayor. They were on the ballot that year
5 as well, if I'm not mistaken.

6 BY MR. RUPP:

7 **Q. Do you know any percentage of votes cast
8 by or who -- who -- strike that.**

9 **Do you know how Latino voters cast their
10 votes in that election that involved both Blanca
11 Soto and Joe Nuci, among others?**

12 A. No, no.

13 **Q. You do know that Joe Nuci prevailed and
14 Blanca Soto did not?**

15 A. Yeah.

16 **Q. Do you know -- well, strike that. Are
17 there precincts within Dodge City that you
18 consider to be a majority or high density Latino
19 precincts?**

20 MS. WAKNIN: Objection; form.

21 BY MR. RUPP:

22 **Q. To the best of your knowledge -- let me
23 rephrase it. To the best of your knowledge, are
24 there high density Latino precincts in Dodge City?**

25 A. Yes.

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1 Q. Can you identify any of those, either by
2 number or by area?

3 MS. WAKNIN: Objection; form.

4 THE WITNESS: I'm -- these -- I don't
5 know the precinct numbers, but it's -- there's --
6 there's a precinct. I know what they look like is
7 the thing. I just don't know their numbers.

8 MR. RUPP: Sure.

9 THE WITNESS: There's a district that
10 looks, it's long and it goes from downtown to all
11 basically east -- of east Dodge and, I mean, those
12 areas that I mentioned before, of east and south
13 Dodge. There are several precincts that are
14 Latine, that are what you described.

15 BY MR. RUPP:

16 Q. Okay. Do you know -- and -- and -- and
17 when you say those are high density, would you de-
18 -- strike that.

19 The precincts that you've just described by
20 area, do you consider those to be high density
21 Latino?

22 MS. WAKNIN: Objection; form.

23 THE WITNESS: To the best of my
24 knowledge, yes.

25 BY MR. RUPP:

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1 Q. Okay. And do you know whether Blanca
2 Soto received the majority vote in any of those
3 Latino -- high density Latino precincts?

4 A. No.

5 Q. Do you know whether -- strike that. Are
6 you aware of any city commission elections in
7 Dodge City where the issues were such that the
8 Latino community lined up on one side of a major
9 city issue and the white community lined up on the
10 other side?

11 MS. WAKNIN: Objection; form.

12 MR. RUPP: Go ahead.

13 THE WITNESS: One issue, like keep --
14 yeah, please restate that.

15 MR. RUPP: Sure.

16 BY MR. RUPP:

17 Q. Are you aware -- and if you're not,
18 that's fine. I'm just trying to -- just trying to
19 get your knowledge.

20 Have there been any city commission
21 elections, to your knowledge, in which there was a
22 local issue that divided the white and the Latino
23 communities, to your knowledge?

24 A. No, I don't know.

25 Q. In terms of your particular experience,

1 am I correct that you did an internship with the
2 city manager's office in Dodge City?

3 A. Yes.

4 Q. Tell me how that came about.

5 A. How -- how that came about?

6 Q. Yeah. How'd you get -- how'd you get
7 that internship?

8 A. I reached out to assistant city manager
9 at the time, Ernestor De La Rosa.

10 THE REPORTER: Would you say the last
11 name again?

12 THE WITNESS: De La Rosa.

13 BY MR. RUPP:

14 Q. De La Rosa?

15 A. Yes.

16 Q. And were you a student somewhere at the
17 time?

18 A. Yes.

19 Q. And where were you a student?

20 A. University of Kansas.

21 Q. All right. What was -- what was your
22 major at the University of Kansas?

23 A. I majored in public administration and
24 political science.

25 Q. And did you obtain a degree there?

1 A. Yes.

2 Q. And when did you obtain a degree?

3 A. I got my Bachelor of Arts in public
4 administration and political science.

5 Q. And when?

6 A. August of 2022.

7 Q. Congratulations. And what year was the
8 internship?

9 A. 20 -- 2022.

10 Q. Okay. So that was the same summer that
11 you ultimately graduated in?

12 A. Yes.

13 Q. And did you interview for the internship
14 position?

15 A. Yes.

16 Q. And with whom did you interview?

17 A. I interviewed with -- it was, I believe,
18 with Ernestor and Nick, and I don't remember if
19 Melissa McCoy was there, but I know that Nick and
20 Ernestor were -- were -- were there.

21 THE REPORTER: And what was the other
22 name?

23 MR. RUPP: Ernesto.

24 THE WITNESS: Ernestor.

25 BY MR. RUPP:

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1 Q. All right. And so the -- so -- so to
2 help understand the folks you're talking about,
3 Ernestor De La Rosa was the assistant city manager
4 at the time; is that correct?

5 A. Yes.

6 Q. And the city manager was Nick Hernandez;
7 is that correct?

8 A. Yes.

9 Q. And both Nick Hernandez and Ernestor De
10 La Rosa were members or were -- were Hispanic;
11 correct?

12 A. Yes.

13 Q. Did they approve of you for -- for the
14 internship?

15 A. Yes.

16 Q. And then you did -- did you work in the
17 city manager's office during that internship?

18 A. Yes.

19 Q. So what were your job responsibilities
20 during that internship?

21 A. I was an administrative intern. My
22 duties were to assist the assistant city manager
23 and the assistant city managers with projects, but
24 mainly, I helped Ernestor De La Rosa. I worked
25 with Ernestor De La Rosa on projects related to

1 -- other community organizations also that are
2 involved in sponsoring.

3 Q. And what is Welcoming Week?

4 A. Welcoming Week is a broader -- it's a --
5 it's a bigger thing. It's a -- it's part of a --
6 it's a program by Welcoming America, which is I
7 believe how they -- how it first came about was,
8 yeah, welcoming. It's just a week of welcoming
9 people from -- immigrants and people from all
10 different backgrounds, and it's celebrated. I
11 mean, it's a -- it's a national thing, because
12 it's a national organization.

13 Q. And the City of Dodge City participates
14 in that?

15 A. Yes.

16 Q. And, in fact, that was part of -- part of
17 what you participated in, in your role as an
18 intern; correct?

19 A. Yes.

20 Q. Okay. And were you pleased with the
21 opportunity to be involved in that -- that
22 festival?

23 A. Yeah.

24 Q. And pleased with the opportunity to work
25 with Mr. De La Rosa in that regard?

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1 the International Festival and the Cultural
2 Relations Advisory Board, as well as -- yeah, just
3 -- yeah, so that -- I mean, a lot of things, but
4 those are -- those were my main responsibilities.
5 Yeah.

6 Q. And let's just -- let's talk a little bit
7 about each of those. What was the International
8 Festival?

9 A. The International Festival is a yearly
10 festival held here in downtown Dodge where
11 celebrating Welcoming Day and Welcoming Week. It
12 was started in, I believe, like '20. Yeah, 2019,
13 and then skipped 2020. It doesn't matter, but --
14 but yeah, it's just a festival, a downtown
15 festival, where they have food trucks and
16 community organizations come down for a -- for an
17 afternoon.

18 Q. And in terms of you did mention that it
19 skipped 2020, was that because of Covid?

20 A. Yes.

21 Q. Okay. In terms of Welcoming Day, who
22 support -- I mean, what organizations support
23 Welcoming Day?

24 A. Main Street Dodge City, City of Dodge
25 City, Chamber of Commerce, and there are community

1 A. Yeah.

2 Q. I assume you found Mr. De La Rosa to be
3 welcoming to the Hispanic community?

4 A. Yes.

5 Q. And active in -- in -- in trying to be
6 helpful to the Hispanic community?

7 A. Yes.

8 Q. And I assume that you found the same for
9 Mr. Hernandez?

10 A. Yes.

11 Q. Tell us about the cultural relations
12 board.

13 A. The Cultural Relations Advisory Board is
14 a -- is a, yeah, a committee, a standing committee
15 of -- of the City of Dodge City to advise it on
16 cultural issues and host cultural events and
17 things along -- things related to our -- our,
18 yeah, our multicultural community, basically. So
19 they -- they host, like I mentioned, an
20 International Festival and, among other things,
21 but they -- yeah, they also worked on a -- a
22 welcoming report that was -- that I was also
23 involved in prior to being -- prior to joining the
24 City as an intern.

25 Q. And so the welcoming report, describe

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9 (33 - 36)

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1 what that is.

2 A. The -- yeah. So the welcoming report was
3 -- it's a -- a series of recommendations made and
4 through -- made through a process of -- I mean,
5 there was a standing committee of -- for the
6 welcoming plan in the Cultural Relations Advisory
7 Board that made up of people from members of the
8 community, from the -- that worked closely with
9 the -- the immigrant community or are a part of it
10 themselves.

11 So, yeah, so they met over the course of
12 about a year and then brought these
13 recommendations forward to the city commission,
14 and it's a plan that is supposed to provide an
15 outline for how to better welcome people and --
16 and to help them stay in Dodge City.

17 Q. Were you pleased with the opportunity to
18 work with that Cultural Relations Advisory Board?

19 A. Oh, yes.

20 Q. And what made you pleased for that
21 opportunity?

22 A. Because it's -- I mean, it's -- for me, I
23 felt it was a chance to be -- I mean, it was --
24 it was -- 'cause I -- I'm more familiar with
25 nonprofit work, so it was a nice -- it was nice

1 scrivener of the report, if there was a primary
2 person who wrote it?

3 A. Well, that's the thing. It was, towards
4 the end, it got kind of hot potatoed, but it was
5 Kate Schieferecke at first and then I believe -- I
6 don't know if she finished out the report or it
7 was someone else who did it. I don't know who
8 wrote the -- who wrote the final report.

9 Q. Did you support the final report as
10 written?

11 A. As written, no.

12 Q. Okay. Did you report -- support the
13 final report or the -- did you support the report
14 as drafted?

15 A. That's -- no.

16 Q. Okay. What was it about the report that
17 you did not like or did not -- strike that. You
18 said -- let me rephrase the question. What was it
19 about the report that you did not support?

20 A. It wasn't necessarily that I didn't
21 support the -- I -- I -- I -- I think the report
22 is well intentioned. However, there were a --
23 there were things that were omitted that were
24 discussed in -- in these meetings among the group
25 related to, I mean, just structural -- structural

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1 to, I guess, be a part of something other than --
2 other than -- sorry. Let me rephrase that, I
3 guess.

4 It was nice to like be in a -- in a space
5 that is meant where -- I mean, the -- I really --
6 I really love -- I was -- yeah, I really love
7 like working on diversity, equity, inclusion
8 issues and, on the Cultural Relations Advisory
9 Board, it's one of the few ways to kind of do
10 that here and I -- and help directly influence
11 policy related to the community that I'm a part
12 of.

13 Q. What was your -- so -- so take this back.
14 Were you involved in the Cultural Relations
15 Advisory Board before becoming an intern?

16 A. Yes.

17 Q. So tell us about your involvement before
18 becoming an intern.

19 A. Well, it was -- I was a member of the
20 steering committee for the welcoming plan for the
21 Cultural Relations Advisory Board.

22 Q. And did you have a part in writing the
23 report?

24 A. Writing the report itself, no.

25 Q. Okay. Did you -- who was the primary

1 issues that could -- that we could address and --
2 and help to make things more equitable for our
3 immigrant community here, and I just felt like a
4 lot of it was watered down to not piss off the --
5 I mean, the city commission. We were very aware
6 that a welcoming plan is -- was -- was a -- is a
7 lot, and like a -- something -- yeah, it's a --
8 it's a larger endeavor that is directly tied to a
9 very salient issue, and I don't know. It was --
10 it was watered down a lot, so that we -- it would
11 pass the city commission.

12 Q. Now, in terms of the committee, who was
13 the chair of the committee?

14 A. The chair? I'm not -- I don't know.

15 Q. All right. Let me -- let me ask it a
16 different. Typically, with a committee, somebody
17 runs the meeting. Was there somebody who ran the
18 meetings?

19 A. Yes. It was typically Ernestor or Kate
20 Schieferecke.

21 Q. And were there any other persons who
22 conducted the meetings?

23 A. Probably. I don't remember, though.

24 Q. Okay. And in terms of that committee,
25 were any city commissioners on that committee?

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1 A. No, not to my knowledge. It's a -- it's
2 a committee for residents. It's so that the
3 commission can hear from residents. I don't
4 believe a commissioner was a member of that body,
5 aside from Blanca, maybe, when she was appointed.
6 I'm not sure, though.

7 **Q. And in terms of reaching the final**
8 **recommendations, was there a process by which that**
9 **committee reached its recommendations?**

10 A. Yes. We -- yes, there was.

11 **Q. And what was that process?**

12 A. Well, really, it was -- there were
13 various stages. However, there -- there was -- so
14 at the beginning, it was -- it's a -- I mean,
15 they brought together other members of the -- the
16 standing committee were folks who work in -- in
17 this field or work directly with -- with the
18 Hispanic and Latine community. Sorry. Can you
19 restate the question?

20 **Q. Yeah. I think the question was -- and I**
21 **may not rephrase it exactly as I phrased it the**
22 **first time, but the gist of it was how did it**
23 **reach its conclusions? What was the process?**

24 A. Yeah. So they brought two other
25 stakeholders who work in this -- in -- who work

1 **Q. Okay. In terms of the earlier sessions**
2 **that you indicated over the course of a year or so**
3 **to brainstorm ideas, for lack of a better word,**
4 **was there somebody who was facilitating those**
5 **discussions?**

6 A. Yes.

7 **Q. And who was that?**

8 A. The -- I mean, the -- I mean, it's Kate
9 Schieferecke or Ernestor De La Rosa.

10 **Q. Okay. And then in terms of shepherding**
11 **the final report, who -- who -- who did that?**

12 A. I'm not sure.

13 **Q. The -- you indicated that you were**
14 **involved before your time as an intern with the**
15 **City. Once you became an intern of the City, what**
16 **was your role with regard to the Cultural**
17 **Relations Advisory Board?**

18 A. My role prior to being an intern?

19 **Q. No. After you became an intern, what did**
20 **you do?**

21 A. Oh, I sat in on -- on meetings and took
22 -- took minutes, took notes. I -- I mean, what
23 was at the time that summer, there was a -- so I
24 also helped with the citizenship ceremony. I
25 helped Ernestor with that, and that was also part

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1 with the Latine community, so these were people
2 from -- I mean, I'm not going to list them off,
3 because there are a lot of people there, but they
4 spoke with -- I spoke with them and we tackled
5 issues by topic, really, related to, I mean, okay.
6 Government, school, health care, like -- like,
7 yeah, health and environment. Just stuff like
8 that. Those might not have been the exact like
9 phrasing that they used, but yeah, we -- we went
10 topic -- I mean, sub -- topic by topic and really
11 kind of, okay. So here's -- so okay. Health
12 care. What are some health care challenges? We
13 looked at both strengths and weaknesses.

14 **Q. So -- so I'm going to interrupt you just**
15 **for a second. I'm assuming that what you're**
16 **talking about is some form of a brainstorming**
17 **session; is that correct?**

18 A. Well, this was over the course of a year.
19 I mean, we had -- we met about once a month or so
20 over the course of a -- or of the -- of 2020,
21 into 2021, I believe, but yeah, it was -- and then
22 there was -- there's also a survey session and --
23 and then -- and then another session after that to
24 look over the results and then finalize like
25 recommendations and the report itself.

1 of the Cultural Relations Advisory Board, but a
2 lot of it was International Festival related, so I
3 helped come up with the -- the materials for -- so
4 the stuff that we would give out to sponsors or
5 potential sponsors, all those forms. All those --
6 you know, all the forms for the vendors and the
7 nonprofits and stuff like that to come and sign up
8 to be at the International Festival.

9 I worked on like visual stuff for it. I --
10 and I also did some work on the -- there was the
11 Welcoming Dodge City Facebook page. I helped take
12 care of that for -- for -- and get it ready for
13 International Festival. So, yeah, it was -- those
14 were my main duties there, basically.

15 **Q. In terms of the -- the minutes you kept**
16 **for the Cultural Relations Advisory Board, that's**
17 **who it was for; is that correct?**

18 A. Yeah.

19 **Q. Yes? And what kind of a meeting? Was it**
20 **that board meeting that you kept the minutes of?**

21 MS. WAKNIN: Objection; form.

22 BY MR. RUPP:

23 **Q. Just help me out. What -- what -- what**
24 **meetings did you keep minutes of?**

25 A. Yeah, it was the Cultural Relations

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11 (41 - 44)

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1 Advisory Board meetings.

2 **Q. Okay. And how often did those occur?**

3 A. Oh, pretty -- well, I -- every -- I think
4 they're monthly meetings, every other week, every
5 two weeks. It felt like every two weeks, we had
6 a meeting, but that -- that might have not -- I
7 don't know, yeah. I think -- I think it was
8 every two weeks. I'm not sure, though.

9 **Q. Okay. So in terms of you also described**
10 **the citizenship ceremony, is this a -- when**
11 **citizens or folks who are not born in the United**
12 **States are sworn in to be citizens of the United**
13 **States?**

14 A. Correct. There was a ceremony held at
15 the local conference center here.

16 **Q. And was that conducted by one of the**
17 **Kansas federal judges?**

18 A. Yes.

19 **Q. And do you recall which judge that was?**

20 A. No, I don't.

21 **Q. And that was held in Dodge City in the**
22 **year -- the summer that you were an intern; is**
23 **that correct?**

24 A. Mm-hmm.

25 **Q. You have to answer audibly.**

1 **Would you consider the members of that advisory**
2 **board to be leaders in the community?**

3 A. Yes.

4 **Q. In terms of your internship, did you have**
5 **any interactions with the city commissioners?**

6 A. Every once in a while, I met them at a
7 city commission meeting and they would come in to
8 grab their -- their -- I mean, any -- any stuff
9 for the city commission meeting, because the files
10 for the commissioners were right by my desk at the
11 time, but yeah. Not too often, though.

12 **Q. Okay. At any time while you were an**
13 **intern, were there any issues before the city**
14 **commission in which there was a divisive issue**
15 **between the Latino community and the white**
16 **community?**

17 A. No.

18 **Q. At any time while you were a -- an**
19 **intern, did you have any interactions with -- or**
20 **strike that.**

21 **At any time while you were an intern, did you**
22 **prepare any reports for the City on the form of**
23 **government?**

24 A. On -- reports? No.

25 **Q. Did you have any interactions with the**

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1 A. Yes.

2 **Q. And what was the role of the City with**
3 **regard to that citizenship ceremony?**

4 A. Well, Ernestor -- I mean, Ernestor, the
5 city -- I mean, the city -- assistant city
6 manager, he -- I mean, it was -- it's his -- it's
7 a public venue and also, it was largely organized
8 by Ernestor and the -- and his efforts there, his
9 -- his contacts with the USCIS and -- and whatnot.

10 **Q. I take it from the descriptions that you**
11 **have given that there are multiple -- or strike**
12 **that.**

13 **In terms of leadership in the community,**
14 **you've described that Nick Hernandez is Hispanic**
15 **and is the city manager; correct?**

16 MS. WAKNIN: Objection; form.

17 MR. RUPP: Go ahead.

18 THE WITNESS: Yes.

19 BY MR. RUPP:

20 **Q. And you've described that Ernestor De La**
21 **Rosa was the assistant city manager and he is**
22 **Hispanic; correct?**

23 A. Yes.

24 **Q. What about -- and -- and you've described**
25 **in terms of the Cultural Relations Advisory Board.**

1 **city manager regarding the form of government?**

2 A. Not with the city manager, no.

3 **Q. Did you have any interactions with the**
4 **city commission regarding the form of government?**

5 A. Not, no.

6 **Q. While you were there, did any citizens,**
7 **to your knowledge, complain to the City about the**
8 **form of government?**

9 A. During my internship?

10 **Q. During your internship.**

11 A. No.

12 **Q. Did you have any -- while you were there,**
13 **did any public interest groups come to the City**
14 **about the form of government?**

15 A. No.

16 **Q. In terms of your involvement with the**
17 **Cultural Relations Advisory Board, did they make**
18 **any recommendations about the form of government?**

19 A. No, those recommendations were left off.

20 **Q. Okay. What recommendations did the**
21 **cultural advisory committee consider pertaining to**
22 **the form of government?**

23 A. Well, I -- are -- okay. So is this still
24 during my internship or is this the steering
25 committee?

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12 (45 - 48)

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1 Q. All right. Let's -- let's take it for
2 the -- that's a good question and I -- my question
3 wasn't clear, so let's -- let's -- let's walk
4 through -- through the entirety of the time,
5 first, and then we'll narrow it down, but during
6 the entirety of the time that you were on the
7 Cultural Relations Advisory Board, were there
8 discussions before that board about the form of
9 government?

10 A. I'm sorry. Is -- so I'm still not
11 understanding what -- whether this is the steering
12 committee or the Cultural Relations Advisory Board
13 while I was an intern.

14 Q. It's the whole time, so --

15 A. Whole time?

16 Q. -- so from beginning to -- steering
17 committee to end.

18 A. Yeah.

19 Q. So at any point in that continuum.

20 A. Yes, where they -- yes, it was -- it was
21 brought up.

22 Q. Okay. So when was it brought up, to the
23 best of your recollection? I'm not looking for
24 the specific date. I'm just looking for general.

25 A. It --

1 A. It was -- no, I don't have an exact
2 number. I don't know, but most -- most members, I
3 believe, were in attendance.

4 Q. Okay. And if most members were in
5 attendance, do you have any idea how many that
6 would be?

7 A. No, I don't remember the number of people
8 who were on that committee.

9 Q. Okay. Now, in terms of the time you
10 brought it up, was this in a time -- at a time
11 where the report was being written or was this in
12 a time before the report was being written?

13 MS. WAKNIN: Objection; form.

14 THE WITNESS: This was before.

15 BY MR. RUPP:

16 Q. Okay. And having not been at those
17 meetings, but having been in a number of -- of
18 similar meetings in various groups over the course
19 of time, the -- there are times where people are
20 asked to brainstorm and throw out ideas that they
21 think might be beneficial to the City, then
22 somebody might take a note on a board or a -- a
23 flow or some sort of a document or in a computer
24 or -- or whatever. Was there somebody doing that
25 on the night or the day that you made that

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1 MS. WAKNIN: Objection; form.

2 THE WITNESS: I brought it up while I was
3 a member of the steering committee, and it was
4 earlier in the process, I believe. I -- it was
5 in 20 -- the year 2021, I know that. I don't
6 know when, specifically.

7 BY MR. RUPP:

8 Q. Okay. Was this at a -- did you bring
9 this up at a meeting or in a brainstorming
10 session? What was the context in which you
11 brought it up?

12 MS. WAKNIN: Objection; form.

13 THE WITNESS: We were bringing -- we were
14 discussing strengths and weaknesses in the -- in
15 -- in these fields or in these -- in these areas
16 that we were looking at, and while we were looking
17 at -- discussing weaknesses, I brought up our --
18 the way that the City runs its elections.

19 BY MR. RUPP:

20 Q. And to whom did you bring this up?

21 A. I brought this up during the meeting to
22 the entire group.

23 Q. And do you recall approximately how many
24 people were in attendance? Did it constitute the
25 entire group at that meeting?

1 recommendation?

2 MS. WAKNIN: Objection; form.

3 THE WITNESS: Yes, there was someone
4 taking notes of what we were discussing.

5 BY MR. RUPP:

6 Q. Okay. And who was that person?

7 A. I believe that was Kate Schieferecke.

8 Q. Okay. And was this in a setting where
9 folks were brainstorming or were they making
10 recommendations that the following provision ought
11 to be included in a report?

12 What -- I'm just trying to get -- trying to
13 get as much context for what was going on at the
14 time that you made -- you made your comment.

15 MS. WAKNIN: Objection; form. Objection;
16 compound.

17 THE WITNESS: Can you restate that
18 question?

19 MR. RUPP: Sure.

20 BY MR. RUPP:

21 Q. What can you tell me about the context of
22 your comments?

23 MS. WAKNIN: Objection; form.

24 THE WITNESS: Yes, we were discussing --
25 it was -- all I -- what I remember is that it was

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13 (49 - 52)

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1 a -- a discussion on these strengths and
 2 weaknesses and as other members -- as members of
 3 the committee were stakeholders, so there were
 4 people from the school district. There were
 5 people from various community organizations and
 6 from the City and -- and health care organizations
 7 and whatnot, so we were all talking about what
 8 kind of things should be included or talked about
 9 in the report and, in this discussion, I brought
 10 up the way that Dodge City runs its elections, and
 11 we had a -- I believe a -- it was at least a
 12 five-minute discussion, but I don't remember how
 13 long exactly, but yeah, that was the context.

14 BY MR. RUPP:

15 **Q. All right. And you've mentioned Kate**
 16 **several times. Who is -- who is Kate? What does**
 17 **she do?**

18 A. She was a -- I forgot her official title,
 19 but was a -- like a community liaison, sort of,
 20 for Lead for America, which was -- which is a --
 21 another nonprofit that the -- that the City
 22 partnered with to -- or it wasn't -- it was the
 23 City and Catholic Charities, also. I'm not sure
 24 who was the partner there is kind of mixed up but,
 25 yeah, the -- it was -- wait. Sorry. Where was

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1 I? Yeah.

2 **Q. My question had to do with who Kate is.**

3 A. Yeah, no, yeah. So Kate was the
 4 community liaison person for Lead for America.

5 **Q. All right. And so Kate was not a City**
 6 **employee; correct?**

7 A. No.

8 **Q. That is correct?**

9 A. Yes; that is correct.

10 **Q. Okay. And Kate was not part of the city**
 11 **commission; correct?**

12 A. No.

13 **Q. That is correct?**

14 A. That is correct.

15 **Q. All right. And in terms of this -- your**
 16 **comments to -- to the -- to this group, you**
 17 **indicated it was a five-minute discussion;**
 18 **correct?**

19 MS. WAKNIN: Objection; form.

20 THE WITNESS: It was at least five
 21 minutes. I don't -- I don't know the exact amount
 22 of time we spent on the topic.

23 BY MR. RUPP:

24 **Q. Okay. At -- at one of the meetings of**
 25 **the cultural advisory committee; correct?**

1 A. A cultural related -- Cultural Relations
 2 Advisory Board steering committee meeting, yes.

3 **Q. Okay. And the cultural relations**
 4 **steering committee met regularly; correct?**

5 A. Yes.

6 **Q. Okay. Do you recall anyone else at that**
 7 **Cultural Relations Advisory Committee, other than**
 8 **yourself, proposing a change to the form of**
 9 **government?**

10 A. Anyone else on the committee, no, not
 11 proposing.

12 **Q. What specific discussions and by whom do**
 13 **you recall when you raised the issue?**

14 MS. WAKNIN: Objection; form. Objection;
 15 compound.

16 THE WITNESS: Who -- who?

17 BY MR. RUPP:

18 **Q. Let's start with do you recall anyone**
 19 **else discussing the issue after you brought it up?**

20 A. Yeah, there was a discussion that I
 21 remember Gloria. Like I don't know why I can't
 22 remember her last name right now, but she works
 23 with Genesis Family Health here, and there were
 24 other people who also chimed in, because they were
 25 curious about what -- what I was -- what we were

1 discussing, 'cause it's not -- you know, 'cause
 2 it's a -- it's not really a widely known thing,
 3 not widely known topic or any -- any -- I mean,
 4 election law, election procedure.

5 **Q. Okay. So were they asking questions?**
 6 **Were other folks asking questions? Is that what**
 7 **you recall?**

8 A. Asking questions and also discussing how
 9 these -- how there are systemic challenges in
 10 achieving Latine representation.

11 **Q. And what were the systemic challenges**
 12 **that you recall them discussing?**

13 A. I mean, we discussed the at-large
 14 election system and how the -- how that affects
 15 minority and Latine turnout in -- in local
 16 elections and, overall, just like why. It was in
 17 a bigger discussion to why don't people vote? Why
 18 don't -- why doesn't the Hispanic community vote
 19 and is high numbers, and that was also part of the
 20 -- the conversation, because it's a -- there are
 21 systemic challenges.

22 **Q. And I assume that there were other topics**
 23 **other than at-large elections that were discussed;**
 24 **is that correct?**

25 A. Yes.

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14 (53 - 56)

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1 Q. Other challenges for -- for Latine
 2 turnout; is that correct?
 3 A. Yes; not necessarily just turnout. I
 4 mean, this is a welcoming plan, so it was systemic
 5 issues related to how they are -- how they are
 6 able to, you know, get -- I mean, get -- I don't
 7 like this word, get assimilated into the
 8 community, but get more -- I mean, more well --
 9 more integrated and, yeah, so it was just systemic
 10 challenges all around and health care and -- and
 11 -- and systems of governance and -- and whatnot.
 12 Q. I would assume that over the course of
 13 the many months of the steering committee, that
 14 multiple topics were -- were brainstormed; is that
 15 correct?
 16 A. Yes.
 17 Q. And not all of those topics made it into
 18 the report recommended to the city commission;
 19 correct?
 20 A. Yes.
 21 Q. The committee determined what ones the
 22 majority of the committee wanted to present to the
 23 city commission; is that correct?
 24 A. The majority of the committee wanted to
 25 -- sorry.

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1 Q. Strike that. They -- they ultimately the
 2 -- the community relations advisory board agreed
 3 on a -- a report to be submitted to the city
 4 commission; correct?
 5 A. Yeah.
 6 Q. Now, in your discussions within the
 7 community advisory -- relations advisory board,
 8 you indicated that most people really weren't
 9 familiar with the question of at-large elections
 10 within the City of Dodge City; is that correct?
 11 MS. WAKNIN: Objection; form.
 12 THE WITNESS: Yes.
 13 BY MR. RUPP:
 14 Q. At any time that you are aware of, has
 15 there been a widespread community movement in
 16 Dodge City to change the form of government within
 17 Dodge City?
 18 MS. WAKNIN: Objection; form.
 19 THE WITNESS: Not -- no, not to my
 20 knowledge.
 21 BY MR. RUPP:
 22 Q. In the time that you were an intern with
 23 the City of Dodge City, did you ever make a
 24 proposal to the city commission or to the city
 25 manager to change the form of government within

1 the City of Dodge City?
 2 A. As an intern, no.
 3 Q. Okay. At any point other than -- I mean,
 4 strike that. Let me broaden the time frame.
 5 Other than through this lawsuit, have you
 6 ever proposed to the City of Dodge City changing
 7 the form of government?
 8 A. Other than through this lawsuit? Yeah.
 9 Yeah, I mean, I worked with -- with the Cultural
 10 Relations Advisory Board, and that -- that --
 11 that's also when it came up and when -- yeah, and
 12 Ernestor was also -- has been aware of this as an
 13 issue or as an issue of concern since, I mean, for
 14 -- for a bit, I mean, since the -- the -- the
 15 report was released that we put out.
 16 Q. Okay. So I'm going to take you back and
 17 after we get through this topic, we'll take a
 18 little break. In terms of the -- the times you've
 19 brought this up, you've described a conversation
 20 that you had at a Cultural Relations Advisory
 21 Board meeting that lasted at least five minutes;
 22 correct?
 23 MS. WAKNIN: Objection; form.
 24 THE WITNESS: Yes.
 25 BY MR. RUPP:

1 Q. Okay. Is there any other time in a
 2 public setting where you've raised the issue of
 3 at-large elections in the City of Dodge City?
 4 A. No, that I can remember.
 5 Q. Is there any other time where you heard
 6 any groups or organizations within the City of
 7 Dodge City calling for a change in the form of
 8 government?
 9 A. Any other group? Any groups, no.
 10 Q. Okay. And you indicated that Ernestor De
 11 La Rosa was aware of this issue. Tell me what
 12 you mean.
 13 A. He was present at the -- at a town hall
 14 presentation we had for the report, the release of
 15 the -- the report on at-large districts, and that
 16 was -- so, yeah, that was when it was released in
 17 2021, and he -- yeah, he attended the zoom -- zoom
 18 webinar.
 19 Q. And that was a different report than the
 20 cultural relations advisory report; is that
 21 correct?
 22 A. Yes, that is a different report.
 23 Q. That is the New Frontiers report that
 24 we're going to go over here in a little bit; is
 25 that correct?

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15 (57 - 60)

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1 A. Yes.
 2 MR. RUPP: All right. Why don't we take
 3 a -- how long do you want?
 4 MS. WAKNIN: Probably 10 minutes.
 5 MR. RUPP: 10-minute break will be fine.
 6 THE VIDEOGRAPHER: It is 10:42 a.m.
 7 We're going off the record.
 8 (THEREUPON, a break was then taken.)
 9 THE VIDEOGRAPHER: It is 10:59 a.m.
 10 We're back on the record.
 11 BY MR. RUPP:
 12 **Q. Earlier, we asked you at various time**
 13 **frames about conversations you had had with the**
 14 **city manager or the city commission about the form**
 15 **of government, and I just want to make sure,**
 16 **because I sometimes limited those questions to the**
 17 **time that you were an intern, so I'm going to ask**
 18 **you some of those same questions on a broader time**
 19 **frame.**
 20 **At any point in time, have you had a**
 21 **conversation with any of the city commissioners**
 22 **about the form of government?**
 23 MS. WAKNIN: Objection; form.
 24 THE WITNESS: Not the current
 25 commissioners, no.

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1 BY MR. RUPP:
 2 **Q. And at any point in time, have you had**
 3 **any conversations with any former commissioners**
 4 **about the form of government?**
 5 A. Yes.
 6 **Q. And who would that be?**
 7 A. Former commissioner Jan Scoggins.
 8 **Q. Anyone else?**
 9 A. And I -- we -- Blanca Soto and I had a, I
 10 believe, a brief conversation about it. I'm not
 11 sure if it was while she was a city commissioner,
 12 though.
 13 **Q. And I'm going to go through the list here**
 14 **and then I'm going to come back to these**
 15 **conversations. At any point in time, have you had**
 16 **any conversations with the current or any prior**
 17 **city managers of the City of Dodge City pertaining**
 18 **to the form of government?**
 19 A. City managers, no.
 20 **Q. Okay. Other than the one conversation**
 21 **where you indicated Mr. De La Rosa was present,**
 22 **have you had any conversations with any assistant**
 23 **city managers, present or past, about the form of**
 24 **government in Dodge City?**
 25 A. Yes.

1 **Q. With whom?**
 2 A. Oh, wait. Present or past? Yeah, just
 3 Ernestor would be the only one.
 4 **Q. In terms of your conversation -- so**
 5 **strike that.**
 6 **How many conversations have you had with Jan**
 7 **Scoggins about -- strike that. I'm going to**
 8 **rephrase the question.**
 9 **And with regard to form of government, you**
 10 **understand I'm also talking about at-large**
 11 **elections; correct?**
 12 A. Yes.
 13 **Q. Okay. And in terms of Jan Scoggins, how**
 14 **many conversations can you recall having with Ms.**
 15 **Scoggins about the form of government?**
 16 A. At -- I'm -- I don't know. I don't have
 17 an exact number, but at -- at least three times.
 18 It's -- it's something that comes up regularly
 19 with -- I mean, with -- I mean, it came up
 20 regularly at the time with -- with the folks like
 21 Jan Scoggins and stuff like that who made me aware
 22 of the issue to begin with.
 23 **Q. Were -- was this as part of a group of**
 24 **some sort?**
 25 A. The conversations with Jan Scoggins?

1 **Q. Yes.**
 2 A. Some of them. Again, I can't recall
 3 which of them were with a group and which were
 4 individual, but this is something that has come up
 5 several times with the conversations with Jan
 6 Scoggins.
 7 **Q. What in particular -- you said that she**
 8 **made you aware of this issue; is that correct?**
 9 A. Well, she -- not her directly.
 10 **Q. Okay.**
 11 A. But --
 12 **Q. Tell me how you became aware of this**
 13 **issue. Let's start with that.**
 14 A. I first became aware of the at-large
 15 election system when, back when I was 17, at a --
 16 yeah, when I was 17, from -- at a meeting.
 17 **Q. And what kind of a meeting was that?**
 18 A. I went with my friends to a Ford County
 19 Democrats meeting, and that was one of the things
 20 that we talked about in an aside with Johnny
 21 Dunlap, who was the Ford County Chair at the time.
 22 **Q. And when you say "in an aside," I assume**
 23 **that means not in a regular meeting, but in a side**
 24 **conversation. Is that what you mean?**
 25 A. Yes.

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16 (61 - 64)

ALEJANDRO RANGEL-LOPEZ

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1 **Q. Okay. And I take it that the Ford County**
 2 **democratic party did not take a public issue on**
 3 **the form of government; is that correct?**

4 A. Well, no, not -- not at the time, no.
 5 It's -- I mean, yeah, Ford County democratic party
 6 doesn't really have a -- a -- well, I mean, at
 7 the time, did not have issues that they worked on,
 8 but yes, that was -- I mean, it is more of like
 9 Johnny -- Johnny Dunlap would -- Johnny Dunlap
 10 would talk to anyone who would hear him out on it,
 11 basically, and that's -- that's how it -- that's
 12 how I was made aware of it, and then I did my own
 13 -- I started looking into it more on my own.

14 **Q. In looking into it more on your own, how**
 15 **did you become involved in conversations with Jan**
 16 **Scoggins about this topic?**

17 A. I mean, Jan Scoggins was a regular --
 18 was, yeah, was a regular attendee of those
 19 meetings, of the -- those Ford County Democrats
 20 meetings and, I mean, she was aware of the issue
 21 along with side me because of conversations with
 22 Johnny, I believe. So, yeah, it was at those
 23 meetings and also during other conversations when
 24 I helped out her -- helped out on her campaign for
 25 state representative one year.

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1 **Q. And what do you recall Ms. Scoggins**
 2 **saying about at-large elections in Dodge City?**

3 A. What -- I mean, she -- she brought up the
 4 issue at a -- I mean, before she left the city
 5 commission, and discussed it, she -- I can't speak
 6 for -- I don't know what -- I can't speak for
 7 her, but she's generally in favor of having, yeah,
 8 neighborhood districts.

9 **Q. And I guess I'm not asking you to speak**
 10 **for her. I just am curious what -- what it is**
 11 **that you recall that she specifically told you on**
 12 **this issue.**

13 A. Specifically, nothing. I mean, just
 14 she's in -- that she's -- she's a supporter of
 15 changing the way we elect our city commissioners.

16 **Q. Okay. At some point, you decided to get**
 17 **involved in litigation over this issue; is that**
 18 **correct?**

19 A. Yes.

20 **Q. Did you seek out counsel or did someone**
 21 **seek you out?**

22 MS. WAKNIN: I'm going to object to the
 23 extent this question may call for any attorney-
 24 client privileged information. Mr. Rangel-Lopez,
 25 you can answer if you do not disclose any

1 attorney-client communications.

2 THE WITNESS: Can you restate the
 3 question?

4 MR. RUPP: Sure.

5 BY MR. RUPP:

6 **Q. And I'm -- to be clear, I'm not asking**
 7 **you to disclose any communications you had with**
 8 **any attorney. I'm simply asking you, did you --**
 9 **did you seek out counsel or did someone seek you**
 10 **out to be a plaintiff in this lawsuit?**

11 A. I -- I -- I didn't -- I don't -- I don't

12 -- I don't know how to answer that question. I

13 mean, I -- I didn't -- it was -- you know, I

14 don't -- I -- to the best of my knowledge, I was

15 -- I was in contact with like it was just while

16 writing the report, there was just like contacts

17 with working on -- on people -- I mean, groups

18 working on this issue, but even before then, I was

19 aware of this, so it was -- I don't know. It's

20 like asking if the chicken or the egg came first.

21 I don't -- like I'm very -- I don't know. I

22 didn't seek out counsel, really.

23 **Q. Did you -- I guess how did you first come**
 24 **into contact with a lawyer about potentially**
 25 **bringing the lawsuit that we have today? Once**

1 **again, I'm not asking you what you said to the**
 2 **lawyer.**

3 A. Mm-hmm.

4 **Q. I'm just asking you how you came in**
 5 **contact with the lawyer.**

6 A. How I came in contact with the lawyer?

7 It was through a -- it was in 20 -- 2020, and I

8 -- I mean, I'm in contact with lawyers a lot just

9 because of the nature of my work and the field

10 that I'm in, but I -- I -- it was a meeting. It

11 was -- so it was someone -- so I was just some --

12 I was talking -- I was connected with lawyers just

13 with -- it was in -- I can't remember the exact

14 time line. I don't. It was in 2020 and I met

15 with -- met with a lawyer who -- and talked about

16 the situation in Dodge and -- and what it's like

17 here, and they just wanted to get more background.

18 **Q. Okay.**

19 A. And I -- I talked -- talked to him about

20 that.

21 **Q. And who is the lawyer?**

22 A. Who -- who was the lawyer?

23 **Q. Mm-hmm.**

24 A. It was Sonni and -- Sonni and someone
 25 from the ACLU of Kansas.

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17 (65 - 68)

ALEJANDRO RANGEL-LOPEZ

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1 **Q. Did you first contact the ACLU or did**
 2 **someone put you in contact with the ACLU?**

3 A. I was already in contact with the ACLU
 4 from previous -- previous litigation.

5 **Q. When did you make a decision to bring a**
 6 **lawsuit against the City of Dodge City on this**
 7 **issue?**

8 MS. WAKNIN: I'm going to object to the
 9 extent that this question may call for attorney-
 10 client privileged information. Mr. Rangel-Lopez,
 11 if you can answer the question without disclosing
 12 any attorney-client privileged information, you
 13 may do so.

14 THE WITNESS: When did I decide? I mean,
 15 probably it was sometime last year. I don't
 16 remember, again, the exact date, because it's --
 17 it's something that's constantly floating in there
 18 (indicating) as like a something I'm always
 19 thinking about, but I'd say definitively October
 20 of last year.

21 BY MR. RUPP:

22 **Q. October of 2022?**

23 A. Probably, I'd say so. I can't say for
 24 certain.

25 **Q. And without disclosing the content of any**

1 A. At the time, well, yes, it's always --
 2 it's always something that is an option in -- in
 3 this -- I mean, in this field of work.

4 **Q. Okay. In the time that you were an**
 5 **intern with the City of Dodge City, in the city**
 6 **manager's office, did you raise with the city**
 7 **manager any questions about putting on the ballot**
 8 **and whether to change the form of government in**
 9 **Dodge City?**

10 A. No.

11 **Q. At any time where you -- when you were**
 12 **working for the City of Dodge City, did you raise**
 13 **to the city commission the prospect of putting on**
 14 **the ballot a change to the at-large election**
 15 **system in Dodge City?**

16 A. No.

17 MS. WAKNIN: Can you move your microphone
 18 up?

19 THE REPORTER: Do you want letters or
 20 numbers?

21 MR. RUPP: Numbers. 1.

22 (THEREUPON, Deposition Exhibit No 1
 23 marked for identification.)

24 BY MR. RUPP:

25 **Q. I'm going to hand for you or hand to you**

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1 **communication with counsel, do you recall when you**
 2 **-- when that first conversation was with ACLU and**
 3 **the UCLA Voting Rights Project?**

4 A. I'm sorry. Please repeat that question.

5 **Q. Sure. Do you recall the date of your**
 6 **first meeting with counsel about this topic?**

7 A. No, I do not.

8 **Q. Do you remember the month and year?**

9 A. My first meeting with counsel? No. It
 10 was -- my first meeting with actual counsel was
 11 sometime late last year.

12 **Q. So sometime late in 2022?**

13 A. Well, meeting with them?

14 **Q. Yes.**

15 A. Like as my counsel?

16 **Q. No. Meeting with them as potentially**
 17 **your counsel.**

18 MS. WAKNIN: Objection; form.

19 THE WITNESS: Yeah, late last year.

20 That's all I -- I remember.

21 BY MR. RUPP:

22 **Q. At the time that you were an intern for**
 23 **the City of Dodge City, were you contemplating**
 24 **suing the City of Dodge City based on its form of**
 25 **government?**

1 **Exhibit Number 1, which is the Amended Complaint**
 2 **for Declaratory and Injunctive Relief in this --**
 3 **that has been filed by your counsel in this**
 4 **lawsuit. Have you seen this document before?**

5 A. Yes.

6 **Q. Okay. It indicates, in paragraph 2, that**
 7 **"The commission plays a central role in the city's**
 8 **government. The commission sets the tax rates."**

9 MS. WAKNIN: The zoom had dropped.

10 MR. RUPP: Okay.

11 THE VIDEOGRAPHER: Should be back on.

12 MR. RUPP: All right. I'm going to start

13 the question again.

14 BY MR. RUPP:

15 **Q. In paragraph 2 of the amended complaint,**
 16 **it says "The commission plays a central role in**
 17 **the City's government. The commission sets the**
 18 **tax rates," and I'm going to stop right there with**
 19 **the second.**

20 **As I understand it, you're not aware of any**
 21 **issues that have divided the Latino and white**
 22 **community about tax rates; is that correct?**

23 A. On tax rates? No.

24 **Q. Okay. "It approves the City's budget."**
 25 **As we sit here today, you're not aware of any**

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18 (69 - 72)

ALEJANDRO RANGEL-LOPEZ

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1 divisive issues between the Latino and white
2 communities on the City's budget; is that correct?

3 A. No, not --

4 Q. That is correct?

5 A. Yes; that is correct.

6 Q. It indicates that "The commission
7 appoints members to various boards and
8 commissions." Are you aware of any divisive
9 issues between the Latino and white communities on
10 the appointment of to various boards and
11 commissions?

12 A. Di- -- division? Like a --

13 Q. Yeah.

14 A. Well, there's -- no.

15 Q. Okay. It -- it indicates that "The city
16 commission plays a central role in enacting
17 municipal ordinances." Are you aware of any
18 divisive issues between the Latino and the white
19 community in Dodge City over the enactment of any
20 municipal ordinances?

21 A. Yes, there -- yes.

22 Q. Which -- which -- which municipal
23 ordinances?

24 A. Actually, I think it -- this ties back
25 more to boards and commissions, I believe.

1 are filled. If you look -- if you take a look at
2 these boards, advisory boards, a lot of -- I'm not
3 -- I can't speak for certain, but they are
4 majority white and not -- I mean, and the people
5 who are appointed to these commissions and who
6 doesn't get appointed to these commissions and
7 who's involved and who's not is reflected in what
8 kind of ordinances and what kind of
9 recommendations are passed in the city commission,
10 so that -- that is -- so, yes, there is like a --
11 a disparity there, but it manifests itself in
12 different -- in different -- in a lack of
13 something, like then like there's -- there's
14 conflict. There's not really conflict because, I
15 don't know. It's just that, yeah, 'cause, I mean,
16 people just in general don't know that things are
17 happening.

18 Q. What board -- can you identify a single
19 board that -- that you believe the city commission
20 appointed in which this disparity that you've
21 described exists?

22 A. Yes. So the -- the commission, or really
23 the City, the most -- the -- the -- the clearest
24 example I can think of at this moment is the Land
25 Bank board, the new one that was -- that was

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1 Q. All right. So let me finish that. In
2 terms of the commission playing in a -- a central
3 role in the City's enactment of municipal
4 ordinances, you're not aware of any divisive
5 issues between the Latino and white communities
6 over the enactment of any municipal ordinances in
7 Dodge City; is that correct?

8 A. No, not any specific ones.

9 Q. Okay. And I'm going to go back to the
10 issue of appointments to boards, but I'm going to
11 finish the line of thought here first.

12 Are you aware of any divisive issues between
13 the Latino and white community in the City of
14 Dodge City over the appointment of a city manager?

15 A. No.

16 Q. Let's go back, then. You've raised the
17 question of appointments to various boards and
18 commissions. What -- what divisive issues are you
19 aware of between the Latino and white communities
20 over appointments to various boards and
21 commissions?

22 A. Well, it's -- I -- less of a divisive
23 thing, I think, but more of a -- there's a dis-
24 -- there's disparities in who's appointed to these
25 boards and, yeah, and how these -- how vacancies

1 created shortly after I was -- shortly -- I think
2 it was September, October of this past year, but
3 the -- the folks who are appointed or asked to
4 serve on these boards are business leaders or
5 people who are realtors, people like a -- like
6 architects, things like that.
7 When you look at other land bank boards in
8 other communities, you see that there are a wide
9 array of people from different backgrounds, from
10 tenants to -- to other community members and
11 people from nonprofits, housing-based nonprofits,
12 but that's -- that's the -- and that -- and that
13 is -- and then I don't know if they're all white.
14 I believe they are, but that's one of the things
15 that I -- that I can think of, which leads to
16 just disparities and it just, how land is used,
17 how -- and how the housing situation is handled
18 here in the city.

19 So that's one of them, but that extends to --
20 I wouldn't say all of them, because I don't know
21 and I'm not aware of all of them, but this extends
22 to other commissions, so like the Community
23 Facilities Advisory Board, things like -- things
24 like that, that set the -- like that manage how
25 sales tax from -- from -- from funding sources,

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19 (73 - 76)

ALEJANDRO RANGEL-LOPEZ

Page 73 1 such as the Why Not Dodge and stuff like that, 2 what kind of community facilities are built and 3 maintained and all sort of -- sorts of things like 4 that, and when you have people on these boards who 5 are -- who don't come from these backgrounds, who 6 don't come from the -- the immigrant community or 7 from the Latine community, who know what is needed 8 and necessary for the -- for the community on 9 regards to, you know, community facilities or 10 whatnot or cultural relations, it -- it influences 11 what that looks like and, yeah, so that's -- 12 that's what more -- more I'd get at, I think, with 13 -- with that statement, that I know it's very -- 14 it's a -- it's tricky to suss out because it's -- 15 yeah, that's all I have for -- for right now. 16 Q. What is the Land Bank? 17 A. A Land Bank? The Land Bank board, from 18 my understanding of it, the -- from what I've read 19 in other communities and from what I saw in -- in 20 the proposal for when it was being approved, it 21 takes -- it looks at abandoned or un--- like 22 unclaimed property or just vacant lots in 23 neighborhoods or areas of the city, and the Land 24 Bank decides, okay. I mean, the Land Bank is in 25 charge of those city or public -- those city-owned	Page 75 1 aspects, from the way that we work, the way that 2 we live, celebrate, things like that, so I don't 3 really -- what specifically would you -- I don't 4 know, like extensive participation in the 5 community. 6 So there's a vibrant -- I mean, soccer 7 culture here is huge. It's influenced the way 8 that the community looks. I mean, you can't drive 9 a block or two in -- in these neighborhoods where 10 a community's clustered without seeing like a 11 house covered in like a -- like, I mean, covered 12 in stucco in the style of like a, you know, like 13 a home in Mexico. 14 There's, I mean, the -- the -- the Diocese. 15 The schools are over 70 and 80% Hispanic and 16 though they have their own -- the 70%. I can't 17 say 80%, but 70%, and they have their own, like 18 there's other organizations as part of that 19 school, like school district. 20 There's teachers now, more and more teachers 21 that are Hispanic. When I grew up, none of my 22 teachers were Hispanic, and now like most of my -- 23 my little sister's teachers are -- she can point 24 to more than one Hispanic teacher, so stuff like 25 along those lines where they -- we work in. I
Page 74 1 lots or those vacant lots, figuring out what to 2 put in them, how to infill and assess -- yeah, 3 infill and -- and other neighborhood things and 4 land uses for them. 5 Q. Who appoints to the land use board? 6 A. The appointments for these -- 7 Q. I'm sorry. I called it the land use 8 board. I meant the -- so I'm going to rephrase 9 the question. Who appoints to the Land Bank? 10 A. I'm -- the city commission and -- but 11 recommendations of who joins the -- the board were 12 -- are the responsibility of the city manager's 13 office. 14 Q. In paragraph 4, you describe the Latine 15 population as having extensive participation in 16 the community. Is that a correct statement? 17 A. Yes. 18 Q. And how would you describe the extensive 19 population or participation in the City of Dodge 20 City by the Latine community? 21 A. I mean, I -- how do I describe my lived 22 experience? I don't know. I mean, it's like over 23 60% of the population is Hispanic. It's day-in, 24 day-out, the community is influenced by the 25 Hispanic community, just very -- in several	Page 76 1 don't know. 2 There's -- everywhere. I don't know. I 3 could sit here all day describing like Dodge City 4 and like how Latines and our population has -- has 5 impacted the community. 6 (THEREUPON, Deposition Exhibit No 2 7 marked for identification.) 8 BY MR. RUPP: 9 Q. I've handed you what's been marked as 10 Exhibit Number 2. Can you describe what this 11 document is? 12 A. This is La Voz Del Pueblo report on at- 13 large districts in southwest Kansas. 14 Q. This is -- you've referenced several 15 times in this -- in today's deposition a report 16 from -- called the New Frontiers report. 17 A. Mm-hmm. 18 Q. Is this the New Frontiers report? 19 A. Yes. 20 Q. If we look at page 2, it said it was 21 written by Roxana Arjon and edited by you; is that 22 correct? 23 A. Yes. 24 Q. And how did you come to be the editor? 25 A. I'm project coordinator for New Frontiers

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20 (77 - 80)

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1 and I -- it was part of my -- my job to edit it
2 and make it look nice and presentable.

3 **Q. And when did this project start?**

4 A. The -- that it started June of 2021.

5 **Q. And when did the report get written?**

6 A. That summer of 2021.

7 **Q. And to whom was -- so what -- what --**

8 **what occurred -- what was the purpose of the**
9 **report?**

10 A. The purpose of the report was to provide
11 an insight into at-large elections in the region,
12 as well as how that impacts, yeah, and its
13 impacts.

14 **Q. I'm going to go back to the -- the report**
15 **itself. It indicates that it was written by**

16 **Roxana Arjon. Who's Roxana Arjon?**

17 A. Roxana Arjon, at the time, they were the
18 -- they were our Dodge City organizer with New
19 Frontiers.

20 **Q. "They." Are you referring to Roxana?**

21 A. Yes.

22 **Q. Okay. And in terms of being the**
23 **organizer, what does that mean?**

24 A. They -- well, really, that summer, I
25 mean, an organizer, they -- they -- since I was

1 organization.

2 **Q. Okay. And Melissa Stiehler?**

3 A. Melissa Stiehler is my current
4 supervisor.

5 **Q. Okay. And Mark McCormick?**

6 A. Mark McCormick, I believe, still works
7 with the ACLU of Kansas and does communications
8 work with them and also is a professor at the KU
9 School of Journalism, I believe.

10 **Q. The report itself, Exhibit Number 2, when**
11 **-- I don't see a date on it. Maybe I'm just**
12 **missing it. Is it dated?**

13 A. I don't believe we dated it, but it was
14 -- yeah, it was released in -- in fall of 2021.

15 **Q. Okay. And when it was released, to whom**
16 **was it released?**

17 A. To the general public. Put it on our
18 website, where it still lives. We put out a press
19 release, also, and we held a town hall info
20 session that folks -- that we had about 50, 60 in
21 attendance. That's also publicly available.

22 **Q. So let's talk about each of those things.**

23 **When you say you have released it to the public,**
24 **was there a mass mailing to all the citizens of**
25 **Dodge City or to some group or who did it go to?**

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1 coordinator, they helped me with knocking on
2 doors. That summer, we were also working on a
3 pantry, so -- but helping to build that and
4 researching for this report.

5 **Q. Okay.**

6 A. Or doing research for this report.

7 **Q. And is Roxana Arjon currently an intern**
8 **with the City of Dodge City?**

9 A. Correct.

10 **Q. The New Frontiers project is a mutually**
11 **-- or describes -- let me start that again.**

12 **At the top of the page, it describes that**
13 **"New Frontiers project is a mutual aid community**
14 **project that lives under the civic engagement**
15 **nonprofit organization Loud Light"; is that**
16 **correct?**

17 A. Correct.

18 **Q. Below that, it says "Special thanks to**
19 **Lauren Bonds, Melissa Stiehler and Mark**
20 **McCormick." Who's Lauren Bonds?**

21 A. Lauren Bonds was -- is an attorney. At
22 the time, she -- they were with -- oh, they were
23 with the ACLU of Kansas but, at the time of this
24 report, I believe they were transitioning to a
25 different role but I don't remember the different

1 MS. WAKNIN: Objection; form. Objection;
2 compound.

3 THE WITNESS: It was -- we -- yeah, we
4 did an email blast to all the folks on our list
5 at Loud Light, yeah. Basically, we did it with a
6 press release and with the full report and, yes,
7 that's -- yeah, that's -- that's what we -- yeah.

8 BY MR. RUPP:

9 **Q. Okay. I want to make sure I understand**
10 **that answer. In terms of the email, this would be**
11 **to Loud Light's email list?**

12 A. Yes. Yeah. Yeah.

13 **Q. And --**

14 A. And social media, obviously, but that's
15 just a followers -- that's just to the people who
16 were, I mean, following us at the time and
17 following our page.

18 **Q. Okay. So, to be clear, the email blast**
19 **would have gone out to folks on email or on Loud**
20 **Light's email mass mailing or mass email list,**
21 **whatever that -- however that would be organized,**
22 **correct, number one?**

23 A. Yes.

24 **Q. And it would have been posted on social**
25 **media to those folks who followed Loud Light on --**

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21 (81 - 84)

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1 on social media; correct?

2 A. Yes.

3 Q. And --

4 A. Well, it was released -- well, Loud Light
5 social media, but New Frontiers social media,
6 also. They're two separate things.

7 Q. And then there was a press release. Do
8 you know to whom that was sent?

9 A. It was sent to the -- I don't remember
10 exactly. However, it was sent to the -- the
11 Globe, the Garden -- I mean, Dodge City daily --
12 Dodge City Globe, Garden City Telegram. Maybe --
13 I'm not sure if we sent it to the Liberal Times &
14 Leader.

15 THE VIDEOGRAPHER: I think I might need
16 to switch to the WiFi here instead of my hot spot,
17 if that keeps going out. I'm sorry.

18 MR. RUPP: All right. Can we finish his
19 -- I think we're in mid-answer, and let me --
20 let's let him finish his answer before we switch.

21 THE WITNESS: What was I saying?

22 MR. RUPP: And maybe you should read back
23 his answer to this point, just so that we have it.

24 THE REPORTER: Answer: It was sent to
25 the -- I don't remember exactly. However, it was

1 comunidades deserve representation in elected
2 office. Let's talk about how to make that happen.

3 Q. What do you mean when you say that these
4 communities "continue to be led by people whose
5 interests end at their home doorstep"?

6 A. What I was getting at with that is that
7 we're being represented by folks in elected office
8 who -- whose values don't -- whose, yeah, whose
9 values and experience don't really extend past

10 their -- their own needs and the needs of their
11 own community and their own -- their -- I mean,
12 yeah, and the groups that they're involved with
13 and maintaining the status quo for themselves and

14 -- and -- and their friends, so that's what I mean
15 by "home's doorstep" where, yeah, these folks,

16 their interests end at their doorstep, and then
17 once you're out into the actual city with the rest
18 of the folks, these values are -- yeah, there's no
19 really interest in getting in -- in -- in hearing
20 their perspectives or working them into positions
21 of actual like -- like -- like of power and things
22 like that.

23 Q. And are you talking here about members of
24 the Dodge City City Commission?

25 A. Yes, that's -- that's what I refer to.

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1 sent to the -- the Globe, the Garden -- I mean,
2 the Dodge City Daily -- Dodge City Globe, Garden
3 City Telegram. I'm not sure if we sent it to the
4 Liberal Times & Leader.

5 THE WITNESS: So Liberal Times & Leader,
6 High Plains Public Radio, HPPPR, HPPR, and media
7 contacts at the Kansas Reflector. Yeah, just
8 anyone who's on the media list for -- for Loud
9 Light and New Frontiers.

10 MR. RUPP: If you want to change, now's a
11 good time.

12 THE VIDEOGRAPHER: It's 11:41 a.m. We're
13 going off the record.

14 (THEREUPON, a break was then taken.)

15 THE VIDEOGRAPHER: It is 11:42 a.m.
16 We're back on the record.

17 BY MR. RUPP:

18 Q. On the second page of this report, which
19 has a Bates number ending in 4 at the bottom,
20 there's a quote by you. Can you read that quote
21 to us?

22 A. Yeah, absolutely. (Reading) In
23 communities where Latinas and non-whites are the
24 majority, we continue to be led by people whose
25 interests end at their home's doorstep. Nuestras

1 Q. And on what basis would you allege that
2 members of the Dodge City City Commission's
3 interests end at their home's doorstep?

4 A. Sorry. Please re- -- restate that
5 question.

6 Q. On what basis would you allege that
7 members of the Dodge City City Commission's
8 interests end at their home doorstep?

9 A. Well, just based on -- on -- on the -- on
10 the experiences of -- of myself, which are the
11 only ones that I can speak on, but also, you know,
12 those that I've -- those of my friends and family
13 and loved ones who -- who have also shared their
14 -- these interests, I mean, these beliefs with me,
15 so what it -- so I'm sorry. I'm -- can you
16 please -- one more time.

17 Q. I believe the question was: On what
18 basis do you allege that the interests of the
19 members of the Dodge City City Commission end at
20 their own -- at their home doorstep?

21 A. Okay, yeah. I mean, yes. So what I was
22 getting at, like I said, the -- the lived
23 experience, my own lived experiences and those of
24 -- those from growing up and being born and raised
25 here in Dodge City, as well as from friends and

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22 (85 - 88)

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1 family who have expressed, you know, I -- and I've
2 seen that, you know, these city commissioners, the
3 only time they're really out and visible in the
4 community is when they're running for office and,
5 even then, they will only put a sign in -- I
6 mean, they'll only put out a yard sign.

7 There have been no real efforts by these
8 candidates or commissioners, really, even as
9 commissioners, to -- that aren't led by city
10 employees themselves, really, but city
11 commissioners. There's no outreach to the -- to
12 the -- to the Hispanic community and Hispanic like
13 organizations, really.

14 There's -- I mean, in Dodge City, there's
15 just two towns. There's two towns. There's two
16 populations, you know. You -- if you don't have
17 to interact with the Hispanic community, you
18 won't. I mean, yeah, if you don't have to
19 interact with the other side, you don't -- you
20 don't do it, really, and that's the attitude.
21 There's -- yeah.

22 There's -- there's two cities in Dodge City;
23 two populations that have their own informal
24 structures and support networks and even formal
25 structures. However, what -- what I see is that

1 through representative -- and I'm not sure if it
2 has occurred, but Lawrence's process is -- is a
3 public process involving debate and discussion and
4 -- and public input; correct?

5 MS. WAKNIN: Objection; form. Objection;
6 foundation.

7 BY MR. RUPP:

8 Q. Correct?

9 A. Yes; correct.

10 Q. It's not through kind of springing it on
11 the City through a lawsuit; correct?

12 MS. WAKNIN: Objection; form.

13 THE WITNESS: No, but Lawrence is also a
14 very, very different city, as are most smaller
15 cities in Kansas who don't have to deal with our
16 demo -- who don't have demo -- these demographic
17 -- the demographics that we do.

18 BY MR. RUPP:

19 Q. Okay. And one of the differences between
20 Lawrence and Dodge City is that Lawrence is
21 100,000 people and Dodge City is not; correct?

22 A. Correct. And it's much more -- there's
23 less diversity than here. Well, not less
24 diversity. Smaller -- it's more homogenous, I
25 would say, than -- than Dodge City, and there are

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1 the -- the -- that the white community has more
2 hold on the -- white and upper class, I guess I
3 would say, have more of a hold on the formal
4 systems here.

5 Q. Let's turn to the next page that ends in
6 Bates number 5 on the bottom. Turn your attention
7 to the first paragraph, the last sentence. It
8 reads "In most smaller cities, representatives are
9 elected through at-large elections, meaning
10 representatives are chosen by and represent the
11 entire town, as opposed to the neighborhood."

12 Would you agree that that's a true statement
13 as to the -- most of the smaller cities in the
14 state of Kansas?

15 A. Yes, that's true.

16 Q. The at-large election system that is used
17 by Dodge City is consistent with the at-large
18 elections system in Lawrence and Manhattan and
19 Hays, for example; correct?

20 MS. WAKNIN: Objection; form.

21 THE WITNESS: From my knowledge, yes,
22 although I believe Lawrence recently moved over to
23 a -- a -- to districts.

24 BY MR. RUPP:

25 Q. And Lawrence is a -- a -- did that

1 less distinct community groups and neighborhoods,
2 really, or -- yeah, that -- that could also
3 influence how districts are drawn.

4 Q. And -- and turn -- let's go to the bottom
5 of page -- of the -- that has the Bates number 5
6 at the end. The last sentence says "We also hope
7 that this study will encourage local, elected
8 leaders to consider looking into the switch from
9 at-large elections to single-member district
10 elections."

11 Did you ever ask to be heard before the city
12 commission in Dodge City with the hope of
13 encouraging local elected leaders to consider
14 looking into a switch from at-large elections to
15 single-member district elections?

16 A. No.

17 Q. On page 7, Bates number 7, the second
18 sentence or third sentence of the paragraph that
19 begins "While the use." So Bates number 7, middle
20 paragraph, that starts "While the use." You see
21 that on -- you're on --

22 A. (Witness nods head affirmatively.)

23 Q. -- same page with me? Third sentence
24 reads "With a small population, it made sense to
25 follow this election system, as it was likely for

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23 (89 - 92)

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1 residents of a town to know one another." Is that
2 a correct statement?

3 A. Yes.

4 Q. "It was also easier and cost-effective to
5 hold the elections, as there would be no need to
6 print different ballots for each district." You
7 see that?

8 A. Yes, I do.

9 Q. Okay. Let's go to the bottom of page 8,
10 Bates number 8.

11 MS. WAKNIN: I don't think he knows what
12 a Bates number is.

13 MR. RUPP: Okay. These little numbers at
14 the bottom.

15 THE WITNESS: (Nods head affirmatively.)

16 MS. WAKNIN: Okay.

17 BY MR. RUPP:

18 Q. The last full sentence is a -- is -- or,
19 I guess, second to the last full sentence, it's a
20 quotation from the Hays Free Press. Do you see
21 that?

22 A. Mm-hmm.

23 Q. Is that yes?

24 A. Yes, I do.

25 Q. All right. And Hays is one of the cities

1 A. Yes, I edited it and formatted it.

2 Q. And in the sentence that would be, I
3 guess, the second sentence, it says "Many
4 opponents of district elections cite reasons such
5 as the cost of creating single-member districts
6 and redistricting every few years, in addition to
7 the increased costs of holding the elections." Do
8 you see that?

9 A. Yes, I do.

10 Q. And those are truthful reasons; correct?
11 There are -- it is costly to have single-member
12 districts; correct?

13 MS. WAKNIN: Objection; form.

14 THE WITNESS: Yes, although I don't know
15 the specifics now, since things -- things like the
16 paper ballot and things like that aren't used in
17 Ford County anymore.

18 BY MR. RUPP:

19 Q. The next sentence says "Other opponents
20 doubt the usefulness of district elections in
21 increasing representation on the boards," and I
22 assume by here, "the boards" are referring to city
23 commission and other governing boards; is that
24 correct?

25 A. Yes.

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1 that has at-large elections in the state; correct?

2 A. I believe so. To the best of my
3 knowledge, yes.

4 Q. All right. And Hays is kind of in the
5 north central part of the state; correct?

6 A. Yes.

7 Q. Roughly same size as Dodge?

8 A. Hmm. Roughly.

9 Q. It says, "As the Hays Free Press put it,
10 the commission form of government makes 'every man
11 directly accountable to every voter in the city.
12 It elects city officials as citizens rather than
13 as ward partisans.'" Do you see that?

14 A. Yes.

15 Q. And is that a description you've heard
16 before is the advantages of at-large elections?

17 A. Yes, and I believe the context -- yeah.

18 Yeah, I have heard those as reasons.

19 Q. Okay. Let's go to the page with Bates
20 number 11 at the bottom, and it has a section
21 called "Concerns Surrounding the Switch to
22 District Elections." Do you see that?

23 A. Mm-hmm. Yes, I do.

24 Q. And, once again, you edited this
25 document; correct?

1 Q. And if a -- and that's a -- that's a
2 statement that you included in the New Frontiers
3 report; correct?

4 A. Yes.

5 Q. Okay. "They believe that switching to
6 district elections will not magically fix the
7 issue and prefer other methods of increasing
8 representation, such as registering minority
9 voters or encouraging them to vote"; correct?

10 A. Yes.

11 MS. WAKNIN: Objection; form.

12 THE WITNESS: Yes.

13 BY MR. RUPP:

14 Q. Now, it says "Additionally, opponents
15 cite that creating districts would lead to
16 litigation and believe it is best to stick to the
17 status quo, which has worked before." Do you see
18 that?

19 A. Yes, I do.

20 Q. Now, you are aware that -- that
21 constitutionally, if you have districts, you need
22 to make sure that they're all of equal population;
23 correct?

24 A. Yes.

25 Q. And infrequently, there is litigation in

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24 (93 - 96)

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1 states and communities that have districts over
 2 the manner in which districts are drawn; correct?
 3 MS. WAKNIN: Objection; form.
 4 THE WITNESS: Yes.
 5 BY MR. RUPP:
 6 Q. Because one group or another does not
 7 believe that the districting plan meets to their
 8 satisfaction with keeping, quotes, community --
 9 communities of interest together in some fashion;
 10 correct?
 11 A. Correct.
 12 Q. And an at-large system doesn't have to go
 13 through the redistricting process with each new
 14 census; correct?
 15 A. Correct.
 16 MR. RUPP: It is now right around noon.
 17 Why don't we take our noon recess.
 18 THE VIDEOGRAPHER: It is 11:59 a.m.
 19 We're going off the record.
 20 (THEREUPON, a break was then taken.)
 21 THE VIDEOGRAPHER: It is 1:15 p.m. We're
 22 back on the record.
 23 MR. RUPP: We'll mark that one.
 24 (THEREUPON, Deposition Exhibit No 3
 25 marked for identification.)

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1 BY MR. RUPP:
 2 Q. All right. I've handed you what's been
 3 marked as Exhibit Number 3. This is a -- appears
 4 to be a social media post; is that correct?
 5 A. Yes; that is correct.
 6 Q. The -- and I take it it is one of yours;
 7 is that correct?
 8 A. Yes; that is correct.
 9 Q. And all I see in terms of what we have
 10 here is a -- I see only one page. Is there a
 11 longer -- for example, this sentence ends "Dodge
 12 City has a history of" and I don't see the rest
 13 of that. Would you be able to provide, on this
 14 and the other social media posts that you've had,
 15 kind of the remainder of the threads?
 16 A. What the rest of that post is?
 17 Q. Yes.
 18 A. Yeah, so I was just -- so what this is is
 19 I shared and comment -- shared with my own comment
 20 a post from the City of Dodge City about a -- a
 21 letter of consent that was put out by the city
 22 commission and the City of Dodge, their Cultural
 23 Relations Advisory Board, on immigrant
 24 resettlement -- immigrant and refugee resettlement
 25 here in Dodge City when Donald Trump passed those,

1 or when he put out his executive order. That post
 2 is publicly available on Dodge City's social --
 3 social media, yeah.
 4 Q. And -- and so, as I understand it, the
 5 City of Dodge City Mayor signed a letter of
 6 consent to the United States Department of State
 7 stating that "The City of Dodge City wishes to
 8 continue to be a home for refugees. A letter was
 9 requested by Catholic Charities of Southwest
 10 Kansas in response to President Trump's Executive
 11 Order 13888 On Enhancing State and Local
 12 Involvement in Refugee Resettlement," and then it
 13 goes on from there; is that correct?
 14 A. Yes; that's correct.
 15 Q. And you -- you posted "I've always been
 16 proud to call Dodge City my home"; is that
 17 correct?
 18 A. Yes.
 19 Q. And that was a truthful statement?
 20 A. Yes.
 21 Q. And then the next sentence says "This
 22 only adds to the pride I feel when I say from my
 23 -- when I say I'm from this little town out in
 24 western Kansas"; correct?
 25 A. Yes; correct.

1 Q. And then you said "Love Trumps Hate" with
 2 a capital T for Trump; correct?
 3 A. Yeah.
 4 (THEREUPON, Deposition Exhibit No 4
 5 marked for identification.)
 6 BY MR. RUPP:
 7 Q. Exhibit 4 appears to be a social media
 8 post from you; is that correct?
 9 A. Yes.
 10 Q. And you -- that's your picture?
 11 A. Yes.
 12 Q. And you indicate that this was the last
 13 day of your internship with the City of Dodge City
 14 government, "as well as my last time going to
 15 class and undergrad at the University of Kansas";
 16 correct?
 17 A. Yes.
 18 Q. And I take it that that was a proud
 19 moment for you?
 20 A. Yes.
 21 Q. And you posted it because you were proud
 22 of doing it; correct?
 23 A. Yes.
 24 (THEREUPON, Deposition Exhibit No 5
 25 marked for identification.)

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25 (97 - 100)

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1 BY MR. RUPP:

2 **Q. What is Exhibit Number 5?**

3 A. What is it?

4 **Q. Yes.**

5 A. Yes. This is a statement -- this is a --

6 an email from Ernestor De La Rosa, the assistant

7 city manager at the time, and yeah, this is

8 basically, this is referring to, yeah, an incident

9 that happened that year when a group brought in a

10 speaker that had historically or has a -- had,

11 slash, has a history of Islamophobic and like

12 anti-immigrant hate speech.

13 **Q. And who was the group?**

14 A. This was, I believe, the Wild West

15 Republican Women's Club, an event held at the

16 conference center at Boot Hill Casino and Resort.

17 **Q. The -- Mr. De La Rosa's email, do you**
18 **recognize the group that it's emailed there or to?**

19 A. You mean the folks that it was sent to?

20 **Q. Yes.**

21 A. Some of them.

22 **Q. Okay. I mean, was that a specific group,**
23 **to the best of your knowledge, or --**

24 A. I believe this was to anyone -- yeah,

25 these all -- I don't think this was a specific

1 organization, and with the development

2 organization.

3 **Q. Economic development?**

4 A. Economic development.

5 **Q. And this statement says "The City of**

6 **Dodge City is and has been for many years**

7 **committed to recognizing, honoring, and embracing**

8 **the diversity of our community." Did you support**

9 **this statement?**

10 A. Yeah, absolutely. Support, yes.

11 (THEREUPON, Deposition Exhibit No 6

12 marked for identification.)

13 BY MR. RUPP:

14 **Q. I've handed you what's been marked as**

15 **Exhibit Number 6 and it bears a Bates number --**

16 **Bates numbers from page 190 to 194, indicating**

17 **that it came from a production of things that the**

18 **plaintiffs have produced. It doesn't necessarily**

19 **mean it came from you. It may have. I'm just**

20 **asking you if you can identify what this is.**

21 A. Yes, I believe this is the -- the chat

22 history from when we did the town hall for the --

23 the report on at-large districts.

24 **Q. Okay. So this would be for the New**

25 **Frontiers report that's been marked as Exhibit**

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1 group, I don't believe, to the best of my

2 knowledge. They're just folks who are in, like,

3 in work with the Hispanic, slash, Latine community

4 or like business folks, also, who work there.

5 **Q. I see that you are copied on it. Do you**
6 **-- had you taken an interest on this issue with --**
7 **with Mr. De La Rosa?**

8 A. Well, I mean, I've always been very

9 interested in and close to diversity issues and

10 topics related to that here -- here locally.

11 **Q. I see that one of the names that's also**
12 **copied is Kate Schieferecke, and it identifies her**
13 **with an email address of Catholic Charities. Is**
14 **that consistent with your understanding of where**
15 **she works?**

16 A. Yes, I believe, to the best of my

17 knowledge.

18 **Q. All right. And then there's somebody**
19 **named Coral Lopez copied at dodgedev.org. Do you**
20 **know who Coral Lopez is?**

21 A. Yes.

22 **Q. And who's Coral Lopez?**

23 A. Coral is, I believe she still is, the

24 Coral -- Coral -- the downtown like -- yeah,

25 Downtown Dodge City, like Main Street

1 Number 2?

2 A. Yes; correct.

3 **Q. Okay. And -- and this chat report, do**
4 **you know who prepared it, or was it done by using**
5 **the Zoom transcription function?**

6 A. Yes, it's a -- it was just a download

7 strip from the Zoom transcription.

8 **Q. Okay. And is there anything in**
9 **particular in this report that you found**

10 **significant?**

11 A. In -- in this?

12 **Q. Yes, in Exhibit Number 6.**

13 A. That I found significant?

14 **Q. Yes.**

15 A. In what way?

16 **Q. All right. In terms of is there anything**
17 **about this report that you think is -- supports**
18 **your arguments in this lawsuit?**

19 A. I believe, yeah, to the -- let me see.

20 I'm reading through it currently. One that's --

21 one message that stands out in particular is from

22 minute -- I mean, F -- it's hour 19, minute 22.

23 19:22:18 on 191. It's from Jan Scoggins. She

24 talks about when she was a commissioner and the --

25 when she asked for districting or that -- well, I

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26 (101 - 104)

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1 guess I'll just read it.
 2 (Reading) When I was a commissioner in Dodge
 3 City, I asked for districting, and it was not a
 4 welcome topic by any of the other commissioners.
 5 I still feel districting is essential to
 6 representation.

7 That's just one of them that off of -- from
 8 the -- from the beginning here.

9 **Q. All right. Is that the only -- only --**
 10 **only chat on districting that -- that you see in**
 11 **this chat?**

12 A. Yeah, that's the only specific thing.

13 **Q. And I see in this -- in this chat**
 14 **comments, for example, on page 193, 20:3:36,**
 15 **comments about pantry hours, food pantry. A**
 16 **couple lines later, at 20:5:54, discussions about**
 17 **food stamps and food banks. 20:12:57, comments**
 18 **about bilingual cooking classes and healthy food**
 19 **locally.**

20 **So it looks like in this conversation, there**
 21 **-- there's a wide range of topics, and districting**
 22 **took up a comment; correct?**

23 A. Yes. Oh, I stand corrected. This is the
 24 -- the chat from the launch of New Frontiers that
 25 summer, that same summer. As far as I'm

1 BY MR. RUPP:

2 **Q. I've handed you what's been marked as**
 3 **Exhibit Number 7. Is this the -- it's marked**
 4 **"Draft" but is this a draft of the Dodge City**
 5 **Welcoming Plan that you described earlier?**

6 A. Yes.

7 **Q. And it appears to be pages 202 through**
 8 **206 of documents you've produced; correct?**

9 A. Yes.

10 **Q. And it -- this draft, it appears to**
 11 **include three priority areas: Equitable Access**
 12 **and Communications; Civic Engagement; and Refugee**
 13 **and Immigrant Integration; correct?**

14 A. Yes.

15 **Q. And then safe and -- two -- two**
 16 **categories were not included in the draft at the**
 17 **time that you -- or of this document; is that**
 18 **correct?**

19 A. Yes.

20 **Q. Okay. And these -- these were the**
 21 **recommendations coming out of the welcoming plan;**
 22 **correct?**

23 A. For the welcoming plan from the steering
 24 committee, yes.

25 **Q. Okay. And would it be fair to say that**

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1 concerned, we talked about at-large districting, I
 2 think, but the talking about the pantry, yes, it's
 3 a -- it's an organization that we work on a lot
 4 of variety of issues and, at the time, we had a
 5 food pantry, so that was maintained by me through
 6 mutual aid, so that's no longer part of our -- our
 7 programming.

8 **Q. All right. Is there anything on Exhibit**
 9 **Number 6 that gives the date of this meeting?**

10 A. Gives a date?

11 **Q. Yes.**

12 A. For this meeting?

13 **Q. Yeah.**

14 A. What date it was in? Yeah. It was --
 15 yeah, it was 2021, and this was, I believe, in
 16 June, early June. I don't remember an exact date.

17 **Q. Okay. And you can't tell from this**
 18 **document what --**

19 A. Not from this document, no, but the link
 20 on here, there's a link to a Facebook Live, and
 21 that would probably -- that would probably lead to
 22 the -- the full conversation, the recorded
 23 conversation.

24 (THEREUPON, Deposition Exhibit No 7
 25 marked for identification.)

1 **there is nothing coming out of this steering**
 2 **committee suggesting that the City of Dodge City**
 3 **should change its form of government?**

4 A. Correct, to the best of my knowledge.

5 (THEREUPON, Deposition Exhibit No 8
 6 marked for identification.)

7 BY MR. RUPP:

8 **Q. You've been handed Exhibit Number 8 and**
 9 **it's captioned "City of Dodge City Civic**
 10 **Engagement Efforts." Have you seen this document**
 11 **before?**

12 A. Not to my knowledge, no.

13 **Q. All right. Within Exhibit 8, there are**
 14 **several -- several categories of civic engagement**
 15 **efforts by the City, and we've talked about a**
 16 **couple of those. The first one is Cultural**
 17 **Relations Advisory Board. That's the board that**
 18 **we've talked about earlier in the deposition; is**
 19 **that correct?**

20 A. Yes; that's correct.

21 **Q. Then the second one is Welcoming Dodge**
 22 **City Strategic Plan. That's the welcoming plan**
 23 **that we've talked about; is that correct?**

24 A. Yes.

25 **Q. The third one is the International**

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27 (105 - 108)

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Page 105 1 Festival, and that's the festival that you 2 described that you worked on as an intern; 3 correct? 4 A. Yes. 5 Q. The next one is the New Americans Dinner. 6 Are you familiar with that one? 7 A. Yes, I helped with the one in 2022. 8 Q. And what is the New Americans Dinner? 9 A. It's a dinner put on by the Cultural 10 Relations Advisory Board for local residents who 11 have just been -- to celebrate getting 12 naturalized. 13 Q. The Engage Dodge program, are you 14 familiar with that? 15 A. Yes. 16 Q. What is that? 17 A. It's a -- it's a community -- it's a 18 program where you spend a -- a -- I don't know 19 how, what the time line is, but a few weeks or 20 months just learning about what the -- what 21 services are available, what programs the city 22 offers, and get to meet the, you know, the 23 employees of the City, so it's for facilities and 24 all that. 25 Q. The next one is the United States	Page 107 1 Q. What -- what's your familiarity with 2 that? 3 A. Mexican Consulate comes to Dodge City, 4 sets -- and set up appointments with Mexican 5 nationals to get their -- their -- their -- any -- 6 any -- any services that they might need, but 7 mainly it's birth certificate, passports and 8 citizenship stuff, so that they don't -- so folks 9 don't have to drive all the way up to Kansas City 10 for that. 11 Q. Next one that's listed is Guatemalan 12 Consulate Services. Are you familiar with that? 13 A. Yes. 14 Q. And how is it that you're familiar with 15 that? 16 A. I volunteered to help at the consulate. 17 Was it either -- it was last year. No. So, 18 yeah, I've helped out with it. 19 Q. And the next listed one is Free Public 20 Transportation to Vote. Do you see that? 21 A. Yes. 22 Q. Are you familiar with that? 23 A. Yes. 24 Q. And what is that? 25 A. City offers free rides to polling places
Page 106 1 Citizenship and Immigration Services Mobile 2 Services. Are you familiar with that? 3 A. Yes. 4 Q. What -- how -- what do you know about 5 that? 6 A. I also helped out with -- with this last 7 year. It's when the US Customs and Immigration 8 Enforcement folks from Wichita, from the office in 9 Wichita, come out and provide biometric and other 10 services to folks looking to, I mean, yeah, trying 11 to get their legal situation sorted out, so they 12 don't have to drive all the way out to Wichita or 13 elsewhere. 14 Q. Then it describes US Naturalization 15 Ceremony. I believe you described at least one of 16 these before. It says that in two years, '21 and 17 '22, City of Dodge City hosted a citizen 18 naturalization ceremony; correct? 19 A. Yes. 20 Q. Okay. Then there's a -- the next one 21 that's listed there is Mexican Consulate Mobile 22 Services. Do you see that? 23 A. Yes. 24 Q. Are you familiar with that? 25 A. Yes.	Page 108 1 by using the public transportation system. 2 Q. Do you consider that a good thing? 3 A. Yeah. 4 Q. And the next item on there is United 5 States Citizenship and Immigration Services 6 Naturalization Presentation. I guess they present 7 to the community on how to become a US citizen; is 8 that correct? 9 A. Yes. 10 Q. Are you familiar with that? 11 A. Yes, I'm aware of them and that they've 12 happened. 13 Q. Okay. The next item on the third page 14 there is the City of Dodge City Naturalization 15 Scholarship. Do you see that? 16 A. Yes. 17 Q. Are you familiar with that? 18 A. Yes. 19 Q. Okay. What's your familiarity? 20 A. That the City provides scholarships for 21 folks wanting to take a -- like, yeah. I mean, 22 it helps with fees related to naturalization and, 23 yeah, that's -- that's what I know, for the most 24 part. That's that they pay for, yeah, pay for 25 these fees and pay for -- it helps to pay for

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28 (109 - 112)

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1 classes.

2 **Q. Next one that's listed is a**
 3 **Naturalization Clinic in conjunction with UFCW2,**
 4 **the City and Catholic Charities. Are you familiar**
 5 **with that?**

6 A. Yes.

7 **Q. What's -- what is that?**

8 A. It's a -- it's a clinic where folks can
 9 come in from a certain -- I mean, yeah, it's a --
 10 it's periodically held and a -- there's -- it's a
 11 day where you come in a certain time or set an
 12 appointment and they help you get -- gets their
 13 paperwork turned in and all sorted out.

14 **Q. The next thing that's listed is DACA**
 15 **Clinic. What is that?**

16 A. It's a -- the city's -- the city and
 17 partners have hosted a free DACA renewal clinic to
 18 members of the community, so it's for folks to
 19 renew their DACA status.

20 **Q. And what is DACA status?**

21 A. Deferred Action on Childhood Arrivals.

22 **Q. And the next one that's listed is**
 23 **Southwest Kansas Coalition Legislative Policy. Do**
 24 **you see that?**

25 A. Yes.

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Page 112

1 **Q. And it describes that the Southwest**
 2 **Kansas Coalition is made up of the cities of Dodge**
 3 **City, Garden City, and Liberal, with the City of**
 4 **Hays as an associate member, and that SKC strongly**
 5 **supports sensible immigration reform, including**
 6 **but not limited to a permanent solution and**
 7 **pathway to citizenship for DACA recipients. Do**
 8 **you see that?**

9 A. Yes.

10 **Q. And would you view that as a good thing?**
 11 A. Generally, yes.

12 **Q. The next item that's listed there is**
 13 **Bilingual Pay Increase for City Employees. Do you**
 14 **see that?**

15 A. Yes.

16 **Q. And then the next one is Bilingual Media**
 17 **Posts and Media Releases. Do you see that?**

18 A. Yes.

19 **Q. And is there anything on here that --**
 20 **that you see that -- that you disagree with as --**
 21 **as civic engagement effort by the City of Dodge**
 22 **City on Exhibit 8?**

23 A. I mean, that's not related to -- to civic
 24 engagement?

25 **Q. I guess my question was perhaps poorly**

1 **phrased and I'll try it again. Are all of these**
 2 **efforts made by the City of Dodge City to engage**
 3 **with a -- with its diverse community?**

4 MS. WAKNIN: Objection; form.

5 THE WITNESS: Yeah, I mean.

6 BY MR. RUPP:

7 **Q. And are you aware of any -- I mean, you**
 8 **may or may not be, but are you aware of any other**
 9 **cities in the state of Kansas that have as many**
 10 **civic engagement efforts with regard to their**
 11 **diverse communities?**

12 A. Are there any other?

13 **Q. To your knowledge, one way or the other.**

14 A. I mean, I focus a lot on Dodge City and
 15 this region of the state, southwest region, and it
 16 seems consistent with what I've seen in other
 17 communities and -- and similar -- similar
 18 demographics, similar -- yeah, similar situations,
 19 similar populations, and all that.

20 (THEREUPON, Deposition Exhibit No 9
 21 marked for identification.)

22 BY MR. RUPP:

23 **Q. I've handed you what's been marked as**
 24 **Exhibit Number 9, and it appears to be a Strategic**
 25 **Plan for Welcoming and Integration from the City**

1 **of Dodge City; is that correct?**

2 A. Yes.

3 **Q. And at the bottom, it lists three**
 4 **organizations, one of which is the City of Dodge;**
 5 **is that correct?**

6 A. Yes.

7 **Q. Then there's Catholic Charities of**
 8 **Southwest Kansas. You see that?**

9 A. Yes.

10 **Q. And then the third is Gateways for**
 11 **Growth. Are you familiar with Gateways for**
 12 **Growth?**

13 A. Yes.

14 **Q. And what is Gateways for Growth?**

15 A. Gateways for Growth, this -- Gateways for
 16 Growth is, I believe, the -- the program or
 17 organize -- organization, I'm not -- or nonprofit,
 18 I'm not sure which one, but that provided the
 19 funding and also did a study on -- or, yeah, it
 20 looked at the -- the immigrant population here
 21 that funded this -- this report, I believe.

22 **Q. And does this stem from the welcoming**
 23 **planning committee that you were a part of?**

24 A. Yes.

25 **Q. And, in fact, I believe you are**

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29 (113 - 116)

ALEJANDRO RANGEL-LOPEZ

Page 113 1 identified on page 2 as being a part of the 2 steering committee and lead coordinator of the New 3 Frontiers project; correct? 4 A. Yes. 5 Q. And it describes a ten-member steering 6 committee, correct, on page 2? 7 A. Yes. Yes, I believe so. 8 Q. And some of the names we've talked about 9 today are included in either the planning team or 10 the steering committee; correct? 11 A. Yes. 12 Q. I want to talk about a few of the names 13 that I don't think we've identified yet today, one 14 of which is Monica Vargas, Political and Community 15 Outreach Director of UFCW2. Do you see that? 16 A. Yes. 17 Q. What is UFCW2? 18 A. The United Food and Commercial Workers 19 Local 2. They represent -- they're a labor union 20 representing the workers at Cargill and the Dodge 21 City National Beef plant, as well as the Liberal 22 National Beef plant. 23 Q. All right. I don't believe we've talked 24 about the name Elva Dominguez, who's identified as 25 the Patient Navigator at Genesis Family Health.	Page 115 1 the Dodge City City Commission before; is that 2 correct? 3 A. Yes. 4 Q. And she has been a candidate for the 5 Dodge City City Commission for an elected 6 position; correct? 7 A. Yes. 8 Q. And she serves in a -- as Engagement 9 Coordinator of EOSL and Diversity, Dodge City 10 Public Schools. You see that? 11 A. Mm-hmm. Yes. 12 Q. The next person who's listed is Bianca 13 Alvarez, and she's listed as Bright Beginnings 14 Parent and Community Specialist for Dodge City 15 Public Schools. Do you see that? 16 A. Yes. 17 Q. And it describes that in addition to this 18 planning committee and this steering committee, 19 that there was community engagement with over 200 20 Dodge City residents completing online surveys. 21 Do you see that; correct? 22 A. Yes. 23 Q. And this appears to be a more complete 24 version of the draft that you had previously 25 identified and what has been marked as Exhibit
Page 114 1 Are you familiar with her? 2 A. Yes. 3 Q. And what -- what are -- what can you tell 4 me about her role as patient navigator at Genesis 5 Family Health? 6 A. Well, I've had a couple conversations 7 with her, though I don't know what she does, 8 exactly. All I know is that she works at Genesis 9 and at -- when I was doing work on food and 10 security, I know that she did -- she also helped 11 or ran the food pantry at Genesis Family Health. 12 I'm not sure. 13 Q. Okay. Another person who's identified 14 here as being on the steering committee is Gloria 15 Calderon, Community Health Worker Supervisor, also 16 at Genesis, and what was her role? 17 A. She also works at Genesis Family Health 18 and -- yeah, she's -- she does a lot of work in 19 -- in the health care and immigrant, slash, like 20 refugee, like, yeah, health care. 21 Q. Next person listed is Blanca Soto, and 22 you've identified her several times today; is that 23 correct? Is that correct? 24 A. Yes. 25 Q. And she has been an appointed member of	Page 116 1 Number 7; is that correct? 2 A. Yes. 3 Q. And by "more complete," the earlier 4 version didn't yet have a couple of the sections 5 drafted; correct? 6 A. Correct. 7 Q. And -- and Exhibit 9 has some additional 8 sections that were not included in Exhibit 7; 9 correct? 10 A. Yes. 11 Q. Okay. In terms of some of the witnesses 12 that have been identified as witnesses in -- in 13 this case, you have -- you've -- you have listed 14 Mr. Hernandez. What is it that you would 15 anticipate that Mr. Hernandez would know 16 pertaining to the matters at issue in this case? 17 MS. WAKNIN: Objection; form. 18 MR. RUPP: Go ahead. 19 THE WITNESS: He's the city manager. 20 BY MR. RUPP: 21 Q. And you have also identified the city 22 clerk. What is it that you would anticipate that 23 the city clerk would know that would be familiar 24 or that would be pertinent to the facts in this 25 case?

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30 (117 - 120)

ALEJANDRO RANGEL-LOPEZ

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1 A. City clerk. I -- I worked with her.
 2 Well, yeah, my desk was right next to hers when I
 3 worked, when I was interning here over the summer
 4 and, yeah, I mean, as an office mate, we -- I --
 5 she saw, knows, or she knew most of what I was
 6 working on, and we worked or I helped update some
 7 of our forms that she regularly uses when
 8 interacting with the public, especially those that
 9 are looking to start up food trucks.
 10 Prior to me updating those forms, most of the
 11 -- yeah, the food truck information for people
 12 looking to start a food truck, regulations,
 13 procedures, all that stuff wasn't available in
 14 English, so I worked on translating all that, and
 15 she works with -- I mean, she -- she talks a lot,
 16 interacts a lot with the general -- with the
 17 public, and she has a -- a pretty -- I feel, a --
 18 a great understanding of -- of the community and
 19 what's needed and just a -- just how -- providing
 20 background on, yeah, what I did in the summer,
 21 during the internship.
 22 **Q. And do you anticipate -- or strike that.**
 23 **Were there any conversations that you had with the**
 24 **city clerk about at-large elections?**
 25 A. No.

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1 **Q. The next, or another person you've**
 2 **identified, is Joe Nuci, who's obviously a city**
 3 **commissioner. Other than the fact that he's a**
 4 **city commissioner and was elected to that**
 5 **position, is there anything else that you would**
 6 **anticipate that he would know that would be**
 7 **pertinent to the issues in this lawsuit?**
 8 A. Aside from those already mentioned, no.
 9 (THEREUPON, Deposition Exhibit No 10 was
 10 marked for identification.)
 11 BY MR. RUPP:
 12 **Q. I'm going to hand you Exhibit Number 10,**
 13 **which is your supplemental initial disclosures**
 14 **under the Federal Rules. These are disclosures of**
 15 **known witnesses who might be anticipated to**
 16 **support your claim at -- at this stage, and there**
 17 **are several folks identified here. You have**
 18 **identified, on page 3, past Latine candidates of**
 19 **choice, and there are five names there. Ms. Soto,**
 20 **who we've discussed earlier today; correct?**
 21 A. Yes.
 22 **Q. Liliana Zuniga. Who is that? It's page**
 23 **3.**
 24 A. Liliana?
 25 **Q. Mm-hmm.**

1 A. She ran -- she ran for office.
 2 **Q. Do you know when?**
 3 A. Not specifically, no.
 4 **Q. Do you know who she ran against?**
 5 A. No, I do not. Yeah, not -- no, not -- I
 6 don't.
 7 **Q. All right. Jose Vargas. Do you know who**
 8 **that is?**
 9 A. Yes.
 10 **Q. And how do you know Mr. Vargas?**
 11 A. We met when I -- well, it was 2017 or
 12 2018 and, yeah, he's at a -- at a -- I'm sure a
 13 -- some sort of Ford County Democrats meeting, but
 14 yeah, he and his wife at the time were running, I
 15 think, La Raza, I think, Community Services, or
 16 it's an office here downtown that they -- I think
 17 they, again, catered towards the needs of the
 18 Latine community.
 19 **Q. Then Fernando Jurado, and we have**
 20 **discussed him earlier today, I believe; is that**
 21 **correct?**
 22 A. Yes.
 23 **Q. And then Angie Gonzalez. Who is that?**
 24 A. Angie Gonzalez is a -- she ran for Ford
 25 County Clerk back in 20 -- 20 -- 2020, possibly.

1 I don't -- I don't remember what year exactly but,
 2 yeah, and she's currently, I believe, employed at
 3 the community housing, at CHAD, which is under the
 4 -- the Economic Development Corporation.
 5 **Q. Of these five people who are identified**
 6 **-- well, strike that.**
 7 **Has Ms. Gonzalez ever run for city**
 8 **commission, to your knowledge?**
 9 A. Not to my knowledge, no.
 10 **Q. Okay. Of the five people we just talked**
 11 **about, Ms. Soto, Ms. Zuniga, Mr. Vargas, Mr.**
 12 **Jurado, and Ms. Gonzalez, have you spoken with any**
 13 **of those about this lawsuit?**
 14 A. No.
 15 **Q. Then you identify several additional fact**
 16 **and lay witnesses there, and the first one you**
 17 **identify is the Dodge City Latino organizations**
 18 **and officers of such organizations, including**
 19 **Dodge City League of United Latin American Cities,**
 20 **or Citizens, LULAC. Are there any particular**
 21 **individuals at LULAC who you would anticipate**
 22 **would support your claims in this lawsuit?**
 23 A. I can't remember her name at the moment,
 24 so no.
 25 **Q. The next one you list there is Janeth**

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31 (121 - 124)

ALEJANDRO RANGEL-LOPEZ

Page 121 1 Vasquez, City Commissioner of the City of Liberal, 2 Kansas. What might she know about the at-large 3 election system in Dodge City? 4 A. She -- Janeth Vasquez is a city 5 commissioner in Liberal, which has a -- I mean, 6 it's the same system used here in Dodge City. 7 Q. Okay. And is she Hispanic? 8 A. Yes. 9 Q. And has she been elected in an at-large 10 election to the City Commission of Liberal? 11 A. Yes. 12 Q. The next is Joyce Warshaw, former mayor 13 of Dodge City, Kansas. What do you anticipate 14 that she might know that would be pertinent to the 15 question of at-large elections in Dodge City? 16 A. I believe she was a member of the city 17 commission while -- when -- when Jan Scoggins 18 brought it up. 19 Q. Have you spoken with -- with Mayor 20 Warshaw about this issue? 21 A. No. 22 Q. The next you have listed is Melissa 23 Stiehler, who is your boss at Loud Light; correct? 24 A. Correct. 25 Q. What do you anticipate Ms. Stiehler may	Page 123 1 Q. And what is it that you might anticipate 2 Mr. Amaro to know about the issue of at-large 3 elections? 4 A. He's a long-time resident of Dodge City. 5 Q. The next is Greta Clark. Who is that? 6 A. Greta Clark is, I believe, to the best of 7 my knowledge, the current chair of the Ford County 8 Democrats, but also provides -- teaches those 9 citizenship classes at the UFCW. 10 Q. And have you had discussions with Ms. 11 Clark about at-large elections? 12 A. No. 13 Q. And what is it that you think that she 14 might know that would be pertinent to the issue of 15 at-large elections? 16 A. Well, I haven't talked to her about at- 17 large elections, although she's been in 18 discussions where it -- it comes up in with other 19 people. As mentioned, Johnny Dunlap, this is 20 something that he talks about with a lot of folks 21 that he meets. 22 Q. Okay. Martin Rosas. Who is that? 23 A. I believe he is the president of the UFCW 24 Local 2. 25 Q. And what is it that you anticipate that
Page 122 1 know about the at-large issues here? 2 A. Prior to working with Loud Light, she was 3 at the ACLU of Kansas doing voting rights 4 organizing, and I met her back in, I believe it 5 was either 2017 or 2018, and since then, you know, 6 she's -- she's -- she's aware of -- so I've known 7 her since -- for that long and I've talked to her 8 about at-large districts and as have several other 9 people when she meets in Dodge City, but, yeah. 10 Q. The next is an organization, Kansas 11 Appleseed. Is there any particular officer or 12 affiliated staff member you would anticipate 13 testifying on your behalf in this matter? 14 A. Not anyone in particular related to this, 15 no. 16 Q. The next is AJ Amaro. Who is AJ Amaro? 17 A. AJ Amaro is -- he lives here in Dodge 18 City. I do volunteer work with him. 19 Q. And what kind of volunteer work is that? 20 A. He is -- he runs a -- I believe it's 21 called the Education Growers. It's a long -- it's 22 a -- there's an acronym, but it's a -- they grow 23 hemp and I -- I -- I help with the -- their farm 24 and help plant -- and help to plant stuff and 25 volunteer in that capacity.	Page 124 1 he might know that would be pertinent to at-large 2 elections? 3 A. He works with a labor union, representing 4 a large chunk of -- I mean, representing the 5 worker -- people who work at these -- at these 6 places where Hispanics tend to work, I guess. 7 Q. And have you had any discussions with him 8 about at-large elections? 9 A. Not to my knowledge, no. 10 Q. Who is Maribel Sanchez? 11 A. Maribel Sanchez is a -- a, I guess, a 12 former -- I've never -- she's two years older than 13 me and like a mentor/friend who does work with a 14 Latine nonprofit in Washington, D.C. working on 15 legislation or, no, high school civic engagement, 16 I believe, but she's born and raised -- well, not 17 -- maybe not born here, but raised here for sure, 18 yeah. 19 Q. And have you spoken with her about at- 20 large elections in Dodge City? 21 A. No. 22 Q. The next is Jan Scoggins, and we've 23 spoken with her or about her a little bit today. 24 Is there anything that you would anticipate that 25 she would know about at-large elections in Dodge

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32 (125 - 128)

ALEJANDRO RANGEL-LOPEZ

Page 125 1 City that we have not yet discussed today? 2 A. Jan Scoggins? 3 Q. Yes. 4 A. Not to my knowledge, that I can think of 5 at this -- at the moment, no. 6 Q. Okay. Who is Amy Soberanes? 7 A. Amy Soberanes is -- she lives here, went 8 to high school with her and, yeah, she -- she 9 volunteers with me occasionally, yeah. 10 Q. And have you had any discussions with her 11 about at-large elections? 12 A. Not to my recollection, no. 13 Q. And I believe we have already discussed 14 Monica Vargas; is that correct? 15 A. I believe so. 16 Q. Remind me who she is. 17 A. Monica Vargas is the -- is a community 18 and -- community outreach director and legal 19 affairs person at the UFCW Local 2. 20 And I guess just to clarify, Maribel, I 21 haven't spoken to her directly about it. However, 22 she was present at the -- at the -- at both the 23 launch of New Frontiers and the release of the 24 report, so it's not a direct conversation, though 25 I guess I have technically spoken to her about it.	Page 127 1 BY MS. WAKNIN: 2 Q. Alejandro, do you mind going to Exhibit 3 3? Or Exhibit 2, apologies, and just let me know 4 once you have it. 5 A. Yes, I've got it. 6 Q. Mr. Rangel-Lopez, can you please go to 7 page 1. 8 A. Yes. 9 Q. Are you at page 1? 10 A. Yes, I am. 11 Q. Mr. Rangel-Lopez, what does it mean that 12 this report was edited by you? 13 A. It means I made it look -- look nice. I 14 worked on the formatting, basically putting it all 15 -- all together into what you see in front of you. 16 I didn't write anything, but so the only thing I 17 did was make it into a -- something that is 18 presentable. 19 Q. So I just want to clarify. Did you write 20 this quote that is on page 2? It says "By 21 Alejandro Rangel-Lopez." 22 A. Yes, that's -- yes, that's the only thing 23 I wrote in this. 24 Q. Other than that quote, is there anything 25 in this report that you wrote yourself, that is
Page 126 1 MR. RUPP: Why don't we take a few 2 minutes and I'll discuss with my colleagues and 3 determine whether I'm done. 4 THE VIDEOGRAPHER: It's 2:17 p.m. We're 5 going off the record. 6 (THEREUPON, a break was then taken.) 7 THE VIDEOGRAPHER: It is 2:24 p.m. We're 8 back on the record. 9 MR. RUPP: Thank you very much. We have 10 no additional questions at this time. 11 MS. WAKNIN: I'm going to ask a few 12 questions. 13 THE VIDEOGRAPHER: Can I have you slip on 14 your microphone? 15 MS. WAKNIN: This one? 16 THE VIDEOGRAPHER: Yeah. 17 MS. WAKNIN: Okay. 18 THE VIDEOGRAPHER: I think it's upside 19 down. You can twist it. 20 MS. WAKNIN: There we go. 21 THE VIDEOGRAPHER: Thank you. 22 MS. WAKNIN: Wonderful. Are we on the 23 record? 24 THE VIDEOGRAPHER: Yes. 25 CROSS-EXAMINATION	Page 128 1 your words? You can take a second and page 2 through the report. 3 A. No. 4 MS. WAKNIN: Okay. No further questions. 5 MR. RUPP: Nothing additional. 6 THE VIDEOGRAPHER: It is 2:27 p.m. We're 7 going off the record. This concludes the 8 deposition. 9 THE REPORTER: Can I get signature and 10 copy orders on the transcript record, please? 11 MS. WAKNIN: We're going to reserve 12 signature and then we'll -- I think I told you 13 we're also ordering a rough copy and a rush copy 14 as well. 15 MR. RUPP: And we will take ours 16 electronically. 17 THE REPORTER: Any rush delivery or rough 18 draft? 19 MR. RUPP: No. 20 (THEREUPON, the deposition concluded at 21 2:28 p.m.) 22 . 23 . 24 . 25 .

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33 (129 - 132)

ALEJANDRO RANGEL-LOPEZ

Page 129		Page 131	
1	SIGNATURE	1	DEPOSITION ERRATA SHEET
2	.	2	.
3	The deposition of ALEJANDRO RANGEL-LOPEZ	3	RE: APPINO & BIGGS REPORTING SERVICE, INC.
4	was taken in the matter, on the date, and at the	4	.
5	time and place set out on the title page hereof.	5	FILE NO.: 68818
6	.	6	.
7	It was requested that the deposition be	7	CASE: MIGUEL COCA AND ALEJANDRO RANGEL-LOPEZ vs.
8	taken by the reporter and that same be reduced to	8	CITY OF DODGE CITY, ET AL.
9	typewritten form.	9	.
10	.	10	DEPONENT: ALEJANDRO RANGEL-LOPEZ
11	It was agreed by and between counsel and	11	.
12	the parties that the deponent will read and sign	12	DEPOSITION DATE: 04/24/2023
13	the transcript of said deposition.	13	.
14	.	14	To the Reporter:
15	.	15	I have read the entire transcript of my Deposition
16	.	16	taken in the captioned matter or the same has been
17	.	17	read to me. I request that the following changes
18	.	18	be entered upon the record for the reasons
19	.	19	indicated. I have signed my name to the Errata
20	.	20	Sheet and the appropriate Certificate and
21	.	21	authorize you to attache both to the original
22	.	22	transcript.
23	.	23	.
24	.	24	.
25	.	25	.

Page 130		Page 132	
1	AFFIDAVIT	1	PAGE:LINE FROM TO REASON
2	.	2	.
3	STATE OF _____:	3	.
4	COUNTY/CITY OF _____:	4	.
5	.	5	.
6	Before me, this day, personally appeared,	6	.
7	ALEJANDRO RANGEL-LOPEZ, who, being duly sworn,	7	.
8	states that the foregoing transcript of his/her	8	.
9	Deposition, taken in the matter, on the date, and	9	.
10	at the time and place set out on the title page	10	.
11	hereof, constitutes a true and accurate transcript	11	.
12	of said deposition, along with the attached Errata	12	.
13	Sheet, if changes or corrections were made.	13	.
14	.	14	.
15	_____	15	.
16	ALEJANDRO RANGEL-LOPEZ	16	.
17	.	17	.
18	SUBSCRIBED and SWORN to before me this	18	.
19	_____ day of _____, 2023 in the	19	.
20	jurisdiction aforesaid.	20	.
21	.	21	.
22	_____	22	.
23	My Commission Expires Notary Public	23	.
24	.	24	SIGNATURE:_____ DATE:_____
25	.	25	ALEJANDRO RANGEL-LOPEZ

4/24/2023

34 (133 - 133)

ALEJANDRO RANGEL-LOPEZ

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1 CERTIFICATE

2 STATE OF KANSAS

3 COUNTY OF SHAWNEE

4 I, Lee Ann Bates, a Certified Court

5 Reporter, Commissioned as such by the

6 Supreme Court of the State of Kansas,

7 and authorized to take depositions and

8 administer oaths within said State

9 pursuant to K.S.A 60-228, certify that

10 the foregoing was reported by

11 stenographic means, which matter was

12 held on the date, and the time and place

13 set out on the title page hereof and

14 that the foregoing constitutes a true

15 and accurate transcript of the same.

16 I further certify that I am not

17 related to any of the parties, nor am I

18 an employee of or related to any of the

19 attorneys representing the parties, and

20 I have no financial interest in the

21 outcome of this matter.

22 Given under my hand and seal this

23 27th day of April, 2023.

24 _____

25 Lee Ann Bates, C.S.R. No. 1067

MIGUEL COCA, ET AL. vs CITY OF DODGE CITY, ET AL.
Joe Nucci on 07/19/2023

1 MIGUEL COCA, ALEJANDRO
2 RANGEL-LOPEZ,

Plaintiff

IN THE
UNITED STATES
DISTRICT COURT
FOR THE DISTRICT OF
KANSAS

3
4 VS.

5 CITY OF DODGE CITY, a municipal
6 corporation, the DODGE CITY
7 COMMISSION, E. KENT SMOLL,
8 in his official capacity as
9 Mayor of Dodge City,
10 MICHAEL BURNS, in his official
11 capacity as Vice-Mayor of
12 Dodge City, RICK SOWERS, in his
official capacity as a member of
the Dodge City Commission,
CHUCK TAYLOR, in his official
capacity as a member of the
Dodge City Commission, and
JOSEPH NUCI, in his official
capacity as a member of the
Dodge City Commission,

CASE NO.
6:22-cv-01274-EFM-RES

13 Defendants

14
15 _____/

16
17 The deposition of JOE NUCCI was held on
18 Wednesday, July 19, 2023 commencing at 11:01 a.m. Via
19 Zoom before Eric Leichter, Notary Public.

20
21 REPORTED BY: Eric Leichter



MIGUEL COCA, ET AL. vs CITY OF DODGE CITY, ET AL.
Joe Nucci on 07/19/2023

Pages 2..5

Page 2 1 APPEARANCES: 2 3 ON BEHALF OF THE PLAINTIFF: 4 CHAD W. DUNN, ESQUIRE 5 UCLA Voting Rights Project 6 3250 Public Affairs Building 7 Los Angeles, CA 90065 8 310-206-8431 9 chad@uclavrp.com 10 11 ON BEHALF OF THE DEFENDANT: 12 SARAH E. STULA, ESQUIRE 13 FOULSTON SIEFKIN LLP 14 7500 College Boulevard, Suite 1400 15 Overland Park, KS 66210-4041 16 913-253-2149 17 sstula@foulston.com 18 19 ALSO PRESENT: Nick Hernandez, Brad Ralph, Sonni Waknin, 20 JD Colavecchio, Sharon Brett 21	Page 4 1 PROCEEDINGS, 2 THE REPORTER: The attorneys participating 3 in this deposition acknowledge I'm not physically 4 present in the deposition room and that I'll be 5 reporting this deposition remotely. They further 6 acknowledge that in lieu of an oath administered in 7 person, I'll administer the oath remotely. Parties 8 further agree that the witness is testifying from a 9 state where I'm not a notary, that the witness may be 10 sworn in by an out-of-state notary. 11 If any party has an objection to this 12 manner of reporting, please state now. 13 Hearing none, we can proceed. 14 Whereupon, 15 JOE NUCCI, 16 called as a witness, having been first duly sworn to 17 tell the truth, the whole truth, and nothing but the 18 truth, was examined and testified as follows: 19 EXAMINATION BY MR. DUNN: 20 Q Please tell us your name. 21 A Sorry. Joseph Anthony Nuci Jr.
Page 3 1 INDEX 2 Deposition of JOE NUCCI 3 July 19, 2023 4 5 Examination by: 6 Mr. Dunn 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Page 4	Page 5 1 Q Commissioner Nuci, my name's Chad Dunn. I 2 represent the Plaintiffs in this case. And, of course, 3 we're here today to talk to you about this Voting Rights 4 Act lawsuit that's been filed. 5 Do you understand that generally? 6 A Yes, sir. 7 Q Is Commissioner an appropriate title for 8 you, or, you know, what would you prefer? 9 A Joe is fine. 10 Q Yeah. Okay. All right. Thanks. Well, 11 you know, I assume you've never given a deposition for. 12 Maybe you have. 13 A I have never done a deposition before. 14 Q Okay. 15 A No. 16 Q Well, it's not going to be much different 17 as had been the last few minutes. We're going to have a 18 conversation today. I fully expect it'll be friendly. 19 Don't expect to get excited here at all. We just want 20 to understand what your testimony, you know, will be at 21 trial in this case and your position on various facts

MIGUEL COCA, ET AL. vs CITY OF DODGE CITY, ET AL.
Joe Nucci on 07/19/2023

Pages 6..9

Page 6	Page 8
1 and other matters. But, having said that, you are under 2 oath and what you tell us today are going to be relied 3 upon by the lawyers and the court later. And so you 4 understand it's important you tell us the truth? 5 A Yes, sir. 6 Q It's also important that I ask you a 7 question that you understand, and you're the only person 8 that knows whether you understood my question, so we 9 need you to let me know when you don't, and I'll try to 10 rephrase or reword it in such a way until you understand 11 it. 12 That fair enough? 13 A Yes. 14 Q Also, you're not trapped here by any means. 15 I don't expect this is going to take a long time today, 16 two, three hours maybe. But, you know, if you need a 17 break, let me know and I'm happy to accommodate that. 18 We may finish a line of questioning or something first, 19 but we'll get to a break just as soon as we can, so just 20 let us know. All right? 21 A Okay.	1 A For today? No. 2 Q Have you looked at any of the legal papers 3 in this lawsuit? 4 A No. Not really. No. 5 Q Now, I'm not permitted to ask you about 6 your communications with your lawyers, and so, I don't 7 intend to do that now or later. If I ask you a question 8 that you think involves revealing your attorney-client 9 communications, you let me know and we'll work through 10 that issue. All right? But with that in mind, what 11 have you done to prepare for your deposition today, if 12 anything? 13 A I'm here. Just going to take the best what 14 I know, and that's all I can go off of. 15 Q Well, a good part of what we want to talk 16 to you about today is understanding your background and 17 history, you know, electoral history and your public 18 service history. So, I'll just start there. Can you 19 tell us where you're from, where you grew up, that sort 20 of thing? 21 A I'm born Pueblo, Colorado, October 8, 1975.
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1 Q Do you have any materials available to you 2 there in the room? 3 A No, I don't. 4 Q Is there anyone in the room with you? 5 A Nick Hernandez. 6 Q Who is that person? 7 A City manager. 8 Q Is Mr. Hernandez a lawyer? 9 A No. 10 Q Do you have an understanding why he's 11 participating in the deposition in the room with you? 12 A Just sitting in with me. 13 Q Have you reviewed any documents in 14 preparation for your testimony today? 15 A No. 16 Q Have you reviewed any other sort of 17 commission videos or materials or past items of city 18 business? 19 A Can you rephrase that? I'm sorry. 20 Q Sure. Have you watched any city meetings 21 in the past in preparation for today?	1 I moved to Dodge City, Kansas when I was eight years 2 old. Moved around a little bit back and forth but been 3 in Dodge most of my life. 4 Q What caused your move at eight years old to 5 Dodge City, if you know? 6 A Family issues. 7 Q Did you have other family already in Dodge 8 when you came here? 9 A Yes. Some grandparents. 10 Q Was that part of the motivation of going 11 there? 12 A Yeah. I think so. I mean, I was at 13 kindergarten. I don't know. 14 Q Sure. Did you attend public schools in 15 Dodge? 16 A Yes, I did. 17 Q And were you able to graduate from high 18 school? 19 A I got a GED. 20 Q What kind of education did you pursue after 21 your GED, if any?

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Page 10	Page 12
1 A An associate's and then a bachelor's of 2 business from Central Christian College of Kansas. 3 Q About what year did you graduate from 4 there? 5 A That's 2018. 6 Q When did you -- any other education or 7 degrees you pursued that we haven't discussed? 8 A I did -- pursued welding and mechanics, you 9 know, some of that when I was fresh out of high school. 10 Also, I was a firefighter for the city. I had to go 11 through Hutchinson Community College to get that done. 12 EMT for the city as well. Had to get that. I -- real 13 estate and mortgage amount originator. So, couple 14 different certificates. 15 Q Well, when is it when you started working? 16 A '14 with Dodge City Community College. 17 Q What kind of work did you start there? 18 A Dishwasher. 19 Q Sort of walk us through your, you know, 20 kind of work history from then, if you could. 21 A That -- well, I went from there. Worked	1 Q How would you identify your race or 2 ethnicity? 3 A I'm Hispanic. 4 Q Over the course of this deposition today, 5 we may use the terms Hispanic or Latino. Do you view 6 those as different or -- 7 A Personally, I -- 8 Q -- would you use a -- sir? 9 A No, I do not. 10 Q Right. At some point in time, you got 11 involved in politics. Is that true? 12 A Yes. 13 Q When was that? 14 A 2019 was when I ran for city commission. 15 2020 was my first year. 16 Q Had you run for public office prior to 17 that? 18 A No. I ran for -- I didn't really run. 19 There's this open seat on the school board that I 20 applied for. I did not get it. Then in 2020, I got on 21 with the Dodge City Commission. And at '21, I believe
Page 11	Page 13
1 there for just a couple months at John Dunn. From 2 there, went to -- it was Fun Center 24 bowling alley 3 when I was probably 16, 17. Was the pin chaser. Worked 4 in the back. Helped the front. When I turned 18, I 5 worked for a company called Harsh in Dodge City. I was 6 a welder and mechanic. Ended up moving to Phoenix and 7 was there a couple -- two or three years as a -- worked 8 as a mechanic at a company called Beecroft, 9 trenching/construction mechanic. 10 Moved back to Dodge in -- I wanna say, '94 11 but I'm not positive. Just moved back and forth a 12 couple times. I was a mechanic at a company called 13 Maupin Truck Parts [sic], and then in 2001 was hired on 14 with the City of Dodge City as a firefighter. And also 15 part-time job with the Dodge City Harley-Davidson as a 16 technician. Worked at Dodge City Harley-Davidson until 17 about 2013. Went to MCT Trucking [sic] as a truck 18 mechanic. So, firefighter with the city. 2015, became 19 a realtor. And then 2017, left the fire department. 20 Left everything to become a owner-broker for a real 21 estate company, and been doing that ever since.	1 there was an open seat for the Senate for a senator that 2 passed away. I ran that -- ran for that. Ended up 3 losing. And then last year, ran for state 4 representative for District 115, and I ended up losing 5 that one. And this year, I am running for city 6 commission again. 7 Q The first race that you ran was for school 8 board? Did I hear that right? 9 A Didn't run. It was an open seat. So they 10 were appointing -- trying to fill that seat from 11 somebody that left early. 12 Q I see. So, you had sort of put your name 13 in the hat for the appointing authority to select and 14 appoint you? 15 A Yes. 16 Q You were -- your name wasn't actually on a 17 ballot? 18 A No. 19 Q So the times your name had been on the 20 ballot is when you ran for Dodge City the first time; 21 then when you ran for the Senate; then when you ran for

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1 the House. And that's all. Is that true?	1 A No.
2 A Senate was an appointed seat as well. It	2 Q Oh. When is it you took an interest in the
3 wasn't a -- it was just Republican Party appointing	3 city government and issues before the city government?
4 somebody. It wasn't on a ballot, so to say.	4 A Probably -- I worked for them for a long
5 Q So --	5 time, so I always kinda had an interest in it but can
6 A And --	6 never be on a board or anything. Once I left, about two
7 Q I'm sorry. Go ahead.	7 years after, 2019, I started getting some interest.
8 A City Commission and state rep.	8 Wanted to do something better for my city.
9 Q And then it sounds like, based on your	9 Q When you said, once I left, did you mean
10 prior answer, that you're about to run again for City	10 once you left being a firefighter?
11 Commission, in which case, your name will appear on a	11 A Yes.
12 ballot. Is that fair to say?	12 Q Were you prohibited from running for office
13 A Yes, sir.	13 while you served as a firefighter?
14 Q What is the name you have used on the	14 A For the city government. Yes.
15 ballot?	15 Q Did your interest in pursuing election in
16 A Joseph A. Nuci, I believe.	16 city government form your opinion on when to retire from
17 Q Have you used any sort of nickname or have	17 the firefighter service?
18 changed that wording, as far as you know?	18 A No.
19 A No. Not that I know of. Could be wrong,	19 Q Are you married, sir?
20 but not that I know of.	20 A Yes, I am.
21 Q Have you at any time been involved with any	21 Q And do you have any children?
Page 15	Page 17
1 civil rights organizations?	1 A We've adopted three.
2 A No.	2 Q And I don't want to get into your
3 Q How about organizations that are focused on	3 children's personal business. I promise you I won't do
4 the rights of racial or ethnic minorities?	4 that. But just generally, like what are their ages?
5 A Not that I am aware of. No.	5 A Eight, eleven, seventeen. And then my
6 Q I know you gave us your work history	6 stepson is 30.
7 earlier, but I just want it clear. Prior to being	7 Q Do the younger ones attend school?
8 elected to the Dodge City Commission, had you had any	8 A Yes, they do.
9 government service experience or, you know, as a staffer	9 Q Is it a public school?
10 or volunteer or intern?	10 A Yes.
11 A I was with the city as a firefighter.	11 Q They're in Dodge City?
12 That's -- other than that, no.	12 A Yes, sir.
13 Q Any experience with the legislature or with	13 Q Now, prior to you seeking election to the
14 the federal government?	14 Dodge Commission, did you attend any of their meetings?
15 A No.	15 A Can you rephrase that? I didn't quite
16 Q When is it that you started voting?	16 understand.
17 A When I turned 18.	17 Q Sure. And, you know, nowadays, we attend
18 Q Have you voted fairly regular since then?	18 some things, you know, from the comfort of home through
19 A For the most part, yes.	19 video conference or the like. Did you, you know, watch
20 Q When is it you took an -- I'm sorry. Did I	20 city commission meetings prior to seeking election to
21 interrupt you?	21 that office?

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Pages 18..21

Page 18 1 A Occasionally. 2 Q Did you ever go to a city commission 3 meeting or, you know, electronically speak to the 4 commission on a particular issue? 5 A Before being elected to the commission, 6 maybe once when I was sworn in as a firefighter. Other 7 than that, not that I am aware of. 8 Q When the firefighters are sworn in, that's 9 done at a city council meeting? 10 A Yes, it is. 11 Q The city commission. Had you been involved 12 in like a petition process or petition drive on a sort 13 of a issue, public policy or politics? 14 MS. STULA: Object to form. 15 MR. DUNN: So, occasionally, the other 16 lawyer will object, and the judge, if it's necessary, 17 will decide the objection later. But you go ahead and 18 answer for now. 19 A Okay. I'm sure I signed some petitions. 20 I'm not sure what board. 21 Q Have you been a part of organizing any kind	Page 20 1 Q So in terms of, you know, campaigns and 2 elections for the city commission, it sounds like it's 3 fair to say the first one you were involved in is the 4 one you sought election in. 5 A Yes, sir. 6 Q So what was your reason for seeking 7 election to the office? 8 A I just wanted to be a part of the process 9 and see if we couldn't, honestly, find a way to bring 10 more things to Dodge, be more active in our community. 11 Q And what do you define as our community? 12 A Dodge City and the surrounding area. 13 Q Was there any person or groups that 14 encouraged you to run or gave you the idea or something 15 of that sort? 16 A From my first election? 17 Q Yes, sir. 18 A No. No. That was all me. 19 Q This was your idea, and you went for it. 20 Is that right? 21 A Yes, sir.
Page 19 1 of petition drive? 2 A Not that I'm aware of. 3 Q Are there any petition drives that you can 4 recall with a petition that you were involved with in 5 any way that you recall what the issue was? 6 A Not off the top of my head. 7 Q Prior to your election to the commission, 8 had you had contact with any members of the city 9 commission? 10 A I knew one, which was Brian Delzeit. He 11 was a commissioner, but he's also a realtor that I had 12 to deal with on a daily basis. 13 Q Had you had any contact with the members of 14 the commission about a matter of public policy prior to 15 your seeking election? 16 A Not that I'm -- not that I can remember. 17 No. 18 Q Had you worked on any campaign for any 19 other person seeking election to the office of the city 20 commission? 21 A No.	Page 21 1 Q What is it that, you know, you did to sort 2 of get started? I mean, did you hire election staff or 3 election counsel or -- 4 A Nothing like that. I went down, filled up 5 the application, and got on the ballot and then ordered 6 some signs one day. And other than that, there wasn't 7 much to it. I think we had two or three forms put on by 8 the library and a couple other groups. Might only been 9 one. But that was it. 10 Q Were you running for an open seat? 11 A Yes. Yes, sir. An open seat and then two 12 were up. 13 Q I see. Now, the open seat, do you recall 14 who had vacated that seat? 15 A Joyce -- or no. I'm sorry. Jan Scoggins. 16 Q Did you have any relationship with that 17 person? 18 A I did. We went and talked to schools 19 together, talked to a couple other -- I can't remember 20 the group names. But basically just talked to some 21 groups about growing up in adversity and that type of

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Page 22 1 stuff. 2 Q What was the last word you said you had a 3 connection to? 4 A I talked to different school kids about, 5 you know, my past growing up through some adversity and 6 how to overcome that, even, you know, just -- yeah -- 7 life in general. 8 Q And, you know, what is the adversity that 9 you, you know, found as inspiration in that discussion 10 with students? 11 A Hopefully, to change their lives to realize 12 that, you know, one or two bad decisions doesn't mean 13 you're doomed for life. 14 Q Well, did you have any policy areas, you 15 know, in particular that you sort of ran on? Like if I 16 get elected, I'm going to try to do this, or, I'll 17 oppose that, or that sort of thing? 18 A I just -- 19 MS. STULA: Object to form. 20 A Sorry. 21 MS. STULA: Oh, go ahead. Go ahead.	Page 24 1 your answers, you know, just let me know that you 2 weren't finished with your answer and we'll make sure, 3 you know, we get it all in the record if you'd like. 4 All right? 5 A Yes, sir. 6 Q Now, was there any sort of personality 7 issues that you campaigned on like, you know, I'm 8 aligned with such and such, or, I'm opposed to so and 9 so, or that sort of thing? 10 A Not that I can recall. No. 11 Q And when was the election when you first 12 obtained your position on the city commission? 13 A November of 2019. 14 Q And do you remember roughly what the 15 elections results were in that election? 16 A I was third place. I can remember that 17 because the first two places got four years. I got two 18 years. 19 Q How does that work? 20 A The top two vote getters are elected to 21 four-year terms. The third is a two-year term.
Page 23 1 A Oh, okay. Never done this before, so -- 2 just that I would try to bring retail and conventional 3 spending or -- you know, get rid of wasteful spending. 4 Q And since we have an objection, I'm going 5 to ask you the question in a different way, so sort of 6 sound repetitive but this will have to do here under our 7 rules. So, what issues, if any, did you campaign on 8 when you first sought an election in the city 9 commission? 10 A I believe it was really just to bring 11 retail and to -- wasteful spending, get rid of wasteful 12 spending -- 13 Q I beg your pardon. I'm the one doing this, 14 so -- 15 A Yes. 16 Q Well, we have to be careful not to talk 17 over one another, so, I need to get better at not 18 interrupting you. But I just want to let you know that 19 our court reporter can take down one of us at a time. 20 And so, I may ask you to repeat something, or if I've 21 somehow, through the connection here, spoke over one of	Page 25 1 Q Do you have any opinions about that system 2 of election? 3 A No. 4 MS. STULA: Object to form. You go ahead. 5 A No, I don't. 6 Q Had you, at the time of seeking your 7 election in the commission, taken a position on the 8 electoral form for the city commission? 9 A Not that I can recall. 10 Q And you may have said this but I missed it. 11 How many candidates sought election that time? 12 A I'm not positive. I think it was five, but 13 I'm not positive. 14 Q About a candidate or two did worse than you 15 and, therefore, were not elected. Does that sound fair? 16 A Yes. 17 Q What were the race and ethnicities of the 18 other candidates that you ran against, if you know? 19 A No. I don't remember. 20 Q Was race or ethnicity an issue at all in 21 that campaign?

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1 A Not that I can recall.	1 Q For how many seats?
2 Q Had you observed in campaigns for city	2 A It'll be three seats, one open.
3 commission elections before then where race or ethnicity	3 Q And any -- I'm sorry, sir.
4 was an issue in the campaign?	4 A I said I'm sorry. One open.
5 A Not that I can recall.	5 Q In the three elections you've been involved
6 Q Have you -- since your election, have you	6 in -- I understand this was not finished yet, but in
7 observed that race or ethnicity was an issue in an	7 these three city elections you've been involved in, have
8 election campaign for city commission?	8 you had different opponents or you have recurring
9 A Not that I can recall. No.	9 opponents in those elections?
10 Q Do you recall whether race or ethnicity has	10 A Only one has been recurring. Rick Sowers
11 been used in a political advertisement by anyone seeking	11 was up in 2019 and -- for 2020 in 2019 election. Is
12 election in the city commission?	12 rerunning this year as well.
13 A Not that I can recall. No.	13 Q And so, he has -- in the elections he stood
14 Q And your having been elected, you know, as	14 for, he has successfully prevailed?
15 the third best vote getter, did that mean that you were	15 A Yes, he has.
16 ousting an incumbent?	16 Q It sounds like, based on your testimony,
17 A No. It was an open seat.	17 that each time that you've run for the city commission,
18 Q Okay.	18 you have come in third. Do I have that right?
19 A The two incumbents that were running were	19 A Yes.
20 reelected.	20 Q And do you have an opinion as to why you
21 Q And so, since you were elected to a	21 come in third?
Page 27	Page 29
1 two-year term, I assume you ran again in 2022.	1 A No.
2 A Yes, I did.	2 Q Are the elections close, in your view?
3 Q And I assume you prevailed.	3 A I hope so.
4 A I did. I ended up third again.	4 Q Well, I'm talking about the ones in the
5 Q Right. And how many open seats were -- or	5 past that have happened, the two that have happened.
6 how many seats were up for election in 2022?	6 A Fairly close. Yes. I don't know the exact
7 A In 2022, there would have been three, one	7 results.
8 open.	8 Q Sure. And those records are available to
9 Q And so, is it fair to say, in 2022, you	9 us, and I'm going to try and quiz you on those. But do
10 were elected to a seat that ousted an incumbent?	10 you know how many people run -- or excuse me -- about
11 A I was -- got my seat back. Was reelected.	11 how many people vote in city commission elections?
12 Q And in 2022, you were then elected to a	12 A I believe about 2,000 and 2,500 --
13 four-year term?	13 Q Okay.
14 A No. I was elected two-year term.	14 A -- depending on the election.
15 Q And so you're up for election in 2024?	15 Q Now I'd like to talk about how it is that
16 A No. I'm up for election right now.	16 you have campaigned. And have you had a fairly
17 Q When is that election?	17 consistent campaign strategy, or have you changed
18 A In November.	18 strategies from one election to another?
19 Q How many opponents do you face in this	19 A And for city commission?
20 election?	20 Q Yes.
21 A Four, I believe.	21 A For city commission, it's been pretty much

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1 the same.	1 don't believe we need a lot of money, a lot of funding.
2 Q Tell us sort of what you do to campaign for	2 Q Do you -- are you aware of whether other
3 city commission.	3 members of the city commission, you know, raise more
4 A Basically, yard signs and then talk to	4 money than you, considerably more money than you?
5 anybody that ask me questions.	5 MS. STULA: Object to form.
6 Q Anything else you can think of offhand	6 A Not that I am aware of.
7 that's part of your strategy?	7 Q About, you know -- and, again, these
8 A Maybe a Facebook post.	8 records we can obtain, but, you know, how much do you
9 Q When you say answer constituents'	9 think, roughly, you raised for your 2020 election to
10 questions, do you like hold forums or town halls? Or	10 city commission?
11 how is it you engage with constituents?	11 A Don't -- I don't think I raised any.
12 A People come up to me and just talk to me	12 Q And how about for the 2022 election?
13 out in public.	13 A Maybe \$1,000, but I'm not positive.
14 Q Are there typically like public forums or	14 Q So going back to the yard signs you said
15 debates that you participate in?	15 you put out, how would you pay to have those, you know,
16 A Maybe one or two. Not very many forums.	16 printed? Or would you just paying back them if you
17 No.	17 didn't have campaign money?
18 Q You think one or two per election or one or	18 A I paid for them myself out of -- I just
19 two total in your campaigning?	19 didn't ask other people for money. I used my own.
20 A Yes, sir. One or two per election.	20 Q I see. Okay. And were you the person who
21 Q I'm talking about -- I mean, you listed	21 would go out and install the yard signs?
Page 31	Page 33
1 yard signs, interacting, answering questions with	1 A Yeah. Or my family.
2 constituents, Facebook. Anything else you can think of	2 Q How would you decide where to place them?
3 as part of your campaign strategy?	3 A If somebody asked me for one.
4 A No, sir.	4 Q So is it fair to say that if there's a yard
5 Q Did you have campaign staff at any point?	5 sign, it was because somebody asked you to put it there?
6 A No.	6 Did you -- were there any you put out, you know, sort of
7 Q Do you raise funds for your campaign?	7 on your own volition?
8 A Tried to. If people want to give money to	8 A There were a couple I put out like on a --
9 it, yes. If not, no. I don't have to --	9 on -- within the right of way or something like that
10 Q You --	10 within -- the city policy allowed it. Other than that,
11 A -- go out and search. No, sir.	11 if it was in a yard, it was asked for.
12 Q You don't like sort of, you know, call and	12 Q The couple you put out in the city right of
13 fund raise or some people -- members of Congress have	13 way, how did you select those locations?
14 what they call Dialing for Dollars. You don't try to	14 A High traffic.
15 raise funds actively in that way?	15 Q Is it fair to describe those locations as
16 A No, sir. I don't like asking for help.	16 all in sort of the central business district?
17 Q Do you find it a challenge to raise money	17 A No. Not really. No.
18 for a city commission race?	18 Q What are the locations you can recall on
19 A For a city commission race, yes. But I	19 your first election where you placed signs?
20 actively don't attempt to try to get a lot of funds. I	20 A Close to the north side of town around --
21 don't -- for a city commission race, I don't try to -- I	21 at what was then called Like 6th and the Bypass, or 6th

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1 and Highway 50 now was one and then one over by my 2 business, which is Central and San Jose. 3 Q Any others you recall in the right of way? 4 A Not that I can recall. No. 5 Q Is there a particular area of the city 6 where, you know, you feel like you have higher support 7 or lower support? 8 A Not that I know of. 9 Q Have you ever sat down and analyzed sort of 10 the votes for you and what part of the city they came 11 from? 12 A No. 13 Q Have you looked at the election data for 14 either of your elections and analyzed them to determine, 15 you know, sort of any patterns or details about them? 16 MS. STULA: Object to form. 17 A I have seen them. After they race, they 18 usually send you out your numbers. But I haven't 19 analyzed or given much thought to it. No. 20 Q Again, we've had an -- 21 A I'm sorry. I'm just happy to win.	1 group affiliated with the Republican Party? 2 A I think it's another group affiliated with 3 and independent of the Republican Party the GOP. 4 Q Any other endorsements that you recall? 5 A For city commission? Not that I can 6 recall. No. 7 Q Have you sat and interviewed for any 8 endorsement? 9 A Not that I can recall. 10 Q Have you -- well, is it the case that any 11 organizations that are race or ethnic in nature endorse 12 in city commission elections? 13 A Not that I can recall. No. 14 Q Do you campaign in all parts of the city? 15 A I'm sorry. Can you say that again? 16 Q Well, is it fair -- now, that's a broad, 17 vague, hard-to-understand question. So let me see if I 18 can get something different. Is it fair to say that 19 you, you know, do any block walking, where you walk up 20 and down streets and knock on doors, or is that not part 21 of your campaign strategy?
Page 35	Page 37
1 Q We've had an objection, so we're going to 2 have to do this again. All right? What analysis, if 3 any, have you had of your election results? 4 A I believe the county clerk had e-mailed 5 results, but beyond looking at them, I've never really 6 used them to analyze where to get the votes. 7 Q Beyond looking at the gross totals and 8 outcome, you haven't looked into them further. Is that 9 fair to say? 10 A Yes, sir. 11 Q In your seeking of election for city 12 commission, have you sought the endorsement of any 13 groups? 14 A I've had different groups approach me. And 15 maybe they might've endorsed me. But have I sought out 16 them to endorse me personally? No. 17 Q Can you recall any groups that have 18 endorsed you? 19 A Some political groups have endorsed me, I 20 believe. Conservative Republicans. 21 Q Is that the Republican Party or some other	1 A I have done that a little bit. Yes. Are 2 you asking areas that I've block walked? 3 Q I am now. Yes, sir. Which areas did you 4 block walk? 5 A I did some up north in the -- some of the 6 newer construction areas, some along Fairway. And then 7 I did some in South Dodge along Dissan and Ricardo. 8 Q Why did you select those areas? 9 A People -- my signs were in the yards down 10 there, and they said, come walk this area. 11 Q Do you have an opinion of whether you 12 receive support based on voters of a certain race of 13 ethnicity? 14 A No, I don't. 15 Q I mean, do you know whether it's the case 16 that much of your vote comes from white citizens or 17 Hispanic or Latino citizens? 18 A I've never even taken that into account. 19 Q Do you have any -- I know we're talking 20 about campaign staff, but just to be a little more -- do 21 you have campaign volunteers or people that would help

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Page 38	Page 40
1 you campaign?	1 A Yes.
2 A No. Not really. No.	2 Q The group in 2022 that put you out, what
3 Q What about your family? Would they	3 group was that?
4 sometimes help you in campaign?	4 A I don't recall the exact name.
5 A Yes. My daughters would walk with us	5 Q Can you recall sort of what issue or
6 occasionally.	6 politics that group was centered on?
7 Q These are the younger daughters you	7 A I could tell you what my issues were on the
8 mentioned earlier?	8 2022 and some of the things I opposed or didn't kind of
9 A Yes.	9 ran on. I don't know what other issues were -- sorry.
10 Q And when you would go in canvass or what I	10 Q Would you call it a conservative group or a
11 call canvass or, you know, walk down the street and door	11 liberal group or Democratic or Republican?
12 knock, did you take any literature or materials with	12 A I'd say more conservative Republican.
13 you?	13 Q Was conservative and Republican in the name
14 A No, I didn't. I would just knock,	14 of the organization or in the title of it?
15 introduce myself, and talk to them, talk to people.	15 A I don't recall. I'm sorry.
16 Q How would you decided which, you know,	16 Q Did you have any sort of role with that
17 street to go to?	17 organization other than to have been listed on their
18 A Kind of random, I believe.	18 list of candidates?
19 Q How would you decide which doors to knock	19 A No.
20 on -- on that street?	20 Q Did you participate at all in creating
21 A I would try and knock every door along that	21 their list of candidates?
Page 39	Page 41
1 block.	1 A No.
2 Q I see. And do you keep any records of	2 Q Have you been involved in recruiting
3 where it was you did your block walking?	3 candidates for city commission, either for the election
4 A No, I don't.	4 or for endorsement by some organization or anything of
5 Q Have you at any time sort of followed up	5 that sort?
6 after the election results to see if you gained support	6 A I've tried to get people to run for city
7 from the areas that you did block walk?	7 commission and for school board. Seems to be a lack of
8 A No, I did not.	8 candidates.
9 Q Would you describe that -- are you -- well,	9 Q Any people in particular for city
10 let me ask you this. Are you familiar with the term	10 commission that you tried to encourage to run?
11 "slate" or, you know, a slate of candidates?	11 A Anybody that would listen.
12 A I mean, somewhat.	12 Q So, generally, your view is you believe
13 Q Did you view yourself as a member of a	13 just more people need to be running for city commission?
14 slate of candidates at either of your city commission	14 A I do. I believe we have to be active in
15 elections?	15 our community. And it sounds bad, but I would rather
16 A I believe during the last one, some group	16 run against more candidates than none because at least
17 had put us at as -- at -- me with a different group of	17 that shows me that people are taking an interest in
18 people, if that's what you're asking.	18 making our community better.
19 Q Yes, sir. So, it was just this -- you	19 Q So is it your view too few people run for
20 weren't a part of any slate in 2020. Just this one	20 city commission election?
21 example from 2022. Is that fair to say?	21 A Yes.

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1 Q Is it -- are there any particular, you 2 know, types of people -- age, racial makeup, vocation, 3 area of the city -- that you think are not pursuing 4 election? 5 A I really don't have any thoughts on areas 6 that -- I just want people to run. 7 Q You mentioned that you recruit candidates 8 to run for city -- I mean, excuse me -- for the school 9 board. Did I hear that right? 10 A I've asked people to run for the school 11 board. Yes. 12 Q Is there any person that has run for school 13 board at your suggestion that you know of? 14 A Not that I'm aware of. 15 Q Is there any person that has run for the 16 city commission at your suggestion? 17 A At my suggestion? No. 18 Q Now going back to the slate of candidates 19 you were included in in 2022, do you know how those 20 people were selected? 21 A No.	1 A I believe so. 2 Q Does NRA stand for the National Rifle 3 Association? 4 A Yes, sir. 5 Q Did you receive the NRA's endorsement? 6 A They endorsed everybody. 7 Q But that includes you? 8 A Yes. 9 Q And which election was it that the NRA 10 endorsed every one of the candidates in? 11 A And I'm not positive if there was an 12 official endorsement or not, but I believe -- and it may 13 not have been an endorsement. It may have just been a 14 rating. Would've been state rep. 15 Q In which year? 16 A That was last year I ran, in 2022. Is that 17 right? I believe so. 18 Q Do you have an opinion -- well, let me just 19 say this. Do you understand that this lawsuit argues 20 that the city commission method of election dilutes the 21 votes of minority citizens and, particularly,
Page 43	Page 45
1 Q Do you know whether there was a 2 questionnaire that was sent out on various issues that 3 the candidates would fill out? 4 A Not that I'm aware of. 5 Q Can you recall at any time in seeking 6 election to the city commission that you had filled out 7 a questionnaire on your views on various issues? 8 A With city commission? 9 Q Yes, sir. 10 A Not that I'm aware of. I'm not positive. 11 Q In the other election races that you 12 pursued, have you -- can you recall filling out a 13 questionnaire for an organization or group? 14 A I have. Yes. 15 Q Which questionnaires you recall and for 16 which elections? 17 A Like for state rep, I believe NRA was one. 18 And then I can't recall the other groups. There was 19 maybe one or two other groups, but I don't recall their 20 names. 21 Q Did you fill out the NRA questionnaire?	1 Latino/Hispanic citizens in Dodge City. Do you 2 understand that's generally the allegation? 3 A Generally. Yes. 4 Q Do you agree or disagree that the electoral 5 system in Dodge City dilutes the votes of Latino and 6 Hispanic citizens? 7 A And say it again. I just wanna make sure I 8 heard it right. 9 Q Do you agree or disagree that the method of 10 electing members of the city commission in Dodge City 11 has that effect of diluting the votes of Latino or 12 Hispanic citizens? 13 A I don't believe the method we use now 14 dilutes the votes of Latinos or Hispanics at all. 15 Q And why do you hold that opinion? 16 A My opinion is just based on Hispanics are a 17 majority in our community. I live and work in it every 18 day. I see them. They're a very proud group. And they 19 just, you know, need to get out and vote. 20 Q Do you think -- and I'm just going to use 21 the term Hispanic from here on out. And let me know if

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Page 46 1 there's a reason that you think we ought to be talking 2 about Latinos differently. But do you think Hispanic 3 citizens in Dodge City are electing candidates of their 4 choice to the city commission? 5 A I believe that anybody votes is electing 6 their candidate. 7 Q Well, I appreciate that. That's a -- but 8 answers a different question. Do you think that the 9 Hispanic citizens in Dodge City are electing candidates 10 of their choice to the city commission? 11 MS. STULA: Object to form. 12 A I hope so. 13 Q Is it fair then to say you don't know one 14 way or the other? 15 A I don't count the -- whether it's minority 16 or not that voted for me or not. 17 Q Do you have an opinion as to whether or not 18 you're a candidate of choice of the majority of Hispanic 19 citizens in Dodge City? 20 MS. STULA: Object to form. 21 A I hope I am.	Page 48 1 Q At any point in time -- well, you mentioned 2 something about the majority. Is it your understanding 3 or is it your opinion that the majority, city-wide, 4 ought to elect every one of the members to the city 5 commission? 6 A I believe everybody should do their due 7 diligence and get out and vote. 8 Q What harm, if any, do you think there would 9 be if the city were drawn into districts like Congress 10 or the state legislatures? 11 A What harm could be done if it was -- I'm 12 just asking to correct -- make sure I understand the 13 question. Are you saying, do I believe there will be 14 harm if we're put into districts? 15 Q Yes, sir. 16 A I'm not positive. 17 Q Anything you can think of, you know, here 18 today? 19 A Basically, the only thing I can think of 20 with the district is that with at-large, everybody gets 21 a choice in their candidates, where in a district, it
Page 47 1 Q So does that mean you don't know? 2 A I've never taken race into account on an 3 election. 4 Q At any given point in time, have you 5 opposed or had an opinion that the election system for 6 Dodge City commissions have changed? 7 A Not that I can recall. 8 Q Have you ever taken the position that the 9 city commission should be drawn into wards or districts? 10 A Not that I can recall. 11 Q Do you -- are you opposed to the city 12 commission being drawn into single-member districts? 13 A Yes. 14 Q Why? 15 A I believe that in our community, majority, 16 the general, is better. That's -- it's not gonna give 17 one area less of a value if it's at large. 18 Q And has that been your consistent opinion 19 as long as you've paid attention to city commission 20 politics? 21 A As far as I can recall.	Page 49 1 might be only a small number of people that do vote and 2 get a candidate. And whether there's harm in it, I 3 don't know. I'm just not positive but I like our 4 election process. 5 Q You're not positive that you like it as it 6 is now? 7 A No. I do like it as it is now. 8 Q Any disagreement with how the state 9 legislature is districted? 10 A That's a tough question. The -- I got 11 redistrict last year for my election, and I believe I 12 wasn't happy about it. But it's beyond me. I didn't 13 have a choice in it. 14 Q Well, and that's fair enough, you know, but 15 I guess I'm focused less on the individual lines. And I 16 understand, you know, you may not like where the 17 legislative districts were drawn and that sort of thing. 18 Seems like that's as American as apple pie, disagreeing 19 with how the district lines are drawn. But I'm talking 20 about more as just having a legislature be elected in 21 districts, however they're shaped. Do you have an

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1 opinion about that? 2 A I like -- I don't mind the districts. My 3 personal opinion is the way they draw the districts is 4 kind of a broad system, going off a census. But that's 5 my opinion. 6 Q Do you think it would be preferable to have 7 all the members of the legislature elected statewide? 8 A No. 9 Q And why not? 10 A Don't have a real good opinion on it. I 11 just -- I like the system we have now. 12 Q Now, I asked a similar question earlier. 13 This one's a little different. But you might recall I 14 asked you about whether or not there were any racial or 15 ethnic issues in campaigns for city commission, and we 16 talked about that earlier. You recall that, generally? 17 A Yes. 18 Q Do you recall, in politics of sort of any 19 sort in Dodge City, whether they're focused on the 20 legislature, Congress, or the president or some other 21 electoral office, whether race or ethnic issues have	1 A Not that I'm positive of. 2 Q But are there some that, you know, come to 3 mind you're just not certain about? 4 MS. STULA: Object to form. 5 A I'm just not positive. I don't really look 6 after how my opponents approach me. I stick to my game 7 plan and hope it works. 8 MR. DUNN: Actually, if it's acceptable, 9 I'd like to take a quick bathroom break. About to 10 transition to a new subject, anyway. Is that fine with 11 everyone? 12 MS. STULA: That'll be fine. How long 13 would you like to take a break? 14 MR. DUNN: Maybe five after the hour. Does 15 that make sense? 16 MS. STULA: That sounds good. 17 MR. DUNN: All right. We'll see you all in 18 a minute. 19 MS. STULA: Thank you. 20 MR. DUNN: Mm-hmm. 21 (Whereupon a short recess was taken.)
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1 come up in the city? 2 A Not that I'm aware of. No. 3 Q Is it fair to say that you don't engage in 4 issues of where citizens believe their race or ethnicity 5 is affecting governmental policy? 6 MS. STULA: Object to form. 7 A I'm sorry. Can you repeat that? 8 Q Fair enough. Yeah. Is it -- are you aware 9 of people alleging that, you know, government policy is 10 good or bad for a certain race or ethnic groups? 11 A Not that I'm aware of. I seriously just 12 don't go with the racial part of it. 13 Q Is there a reason why that's so? 14 A No. 15 Q Now prior to your election to the city 16 commission, do you recall candidates who were Latino or 17 Hispanic seeking election? 18 A Not that I can recall. 19 Q Do you recall whether candidates who were 20 derived much of their support from Hispanic or Latino 21 citizens had sought an election?	1 MR. DUNN: All right. Thank you for the 2 break. During the break, did you have any discussion 3 with Mr. Hernandez about your testimony? 4 THE WITNESS: Just to ask how everything 5 was going, and that was about it. Other than that, I 6 just went to the restroom. 7 MR. DUNN: No discussion about any specific 8 area of your testimony? 9 THE WITNESS: No. 10 Q Now, we talked about your elections in city 11 commission. I want to ask you just a little bit more 12 about your elections to the legislature. Did those -- 13 were those elections partisan elections? 14 A For legislature? Yes. 15 Q Did you seek the nomination of a political 16 party? 17 A They were -- the only one that was an 18 actual election was state rep. 19 Q Did you run in a primary election for state 20 representative? 21 A Yes. And I lost.

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1	Q So which political party did you run in	1	Q Do you believe that the majority of Latino
2	your primary?	2	or Hispanic citizens in Dodge City are Conservative?
3	A Republican.	3	A I would hope so.
4	Q How many other candidates were also seeking	4	Q Does that mean you don't way one way or the
5	a Republican nomination?	5	other?
6	A One.	6	A Don't know.
7	Q Is that the only race that you sought a	7	Q Did you have any sponsors or endorsers for
8	party's nomination?	8	your election to the legislature?
9	A Yes.	9	A The -- I got some support from the Kansas
10	Q Who was the candidate that was opposing	10	Real Estate Realtors' Association.
11	you?	11	Q Any others?
12	A It's the state rep, Gary White.	12	A Not that I'm aware of.
13	Q What is Mr. White's race or ethnicity, if	13	Q Did you seek out the endorsement of the
14	you know?	14	realtors' association?
15	A Caucasian.	15	A No.
16	Q And do you have an opinion as to whether or	16	Q Was there any, you know, particular issue
17	not the race of the candidates had any effect on how you	17	or issues that you recall were front and center in that
18	performed in that primary?	18	campaign for the legislature?
19	A No.	19	A Not positive. No.
20	Q Having not prevailed in the primary, is it	20	Q Anything you think of here?
21	fair to say that that ended your efforts to gain	21	A I ran off of, basically, I think we need
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1	election? Like you didn't try to run as an independent	1	more government accountability.
2	or ride in in the general?	2	Q Did you raise funds for that campaign?
3	A That ended. No. I didn't try to go	3	A People donated money. I didn't go out and
4	independent or anything.	4	search and try to get funds -- funding.
5	Q Do you hold yourself out as a Republican?	5	Q Can you recall roughly how much you raised?
6	A I am a Republican.	6	A Like 2,000. I'm not positive.
7	Q Is your position in support of the	7	Q Did you have any additional campaign
8	Republican Party part of what you advertise when you run	8	strategies for the state representative race than those
9	for the city commission?	9	that you've described for -- that you used for the city
10	A City elections are not partisan. I guess I	10	commission races?
11	don't understand the question.	11	A I'm not positive. I'm sorry. I just don't
12	Q Yeah. Fair enough. So, when you're block	12	remember completely what the plan was. I believe we
13	walking or you're engaging with constituents and asking	13	block walked, got some door hangers to block walk. I
14	them to support your election to the city commission, is	14	would've liked to have done more, but I did not do more.
15	one of the things you mention is that you're Republican?	15	Q Did you have campaign staff?
16	A No.	16	A My wife.
17	Q Is one of the things that you mention is	17	Q Any others?
18	that you're conservative?	18	A No.
19	A Yes.	19	Q Are there Hispanic or Latino organizations
20	Q Do you view yourself as conservative?	20	that operate in Dodge City?
21	A I hope so. Yes.	21	A I am not positive.

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Page 58 1 Q Are there any that you can think of, 2 sitting here today? 3 A Can you rephrase that? Organizations of 4 what are like -- I mean, we got the Catholic charities. 5 There's -- I'm sure there's some Hispanic organizations. 6 I'm not just positive. You mean like political or just 7 like in general? 8 Q In general. Political or public policy or 9 -- you mentioned that religious organization. Anything 10 of the like. 11 A I'm just not positive if they're Hispanic 12 only or -- or not or any other race only that they're 13 pushing towards. 14 Q But can you think of the names of any? 15 A No. No, I can't. 16 Q Do you know whether there are LULAC chapter 17 or chapters in Dodge City? 18 A I don't know what that is. 19 Q The League of United Latin American 20 Citizens. You aren't familiar with that group? 21 A I'm not.	Page 60 1 Q Have you attended any organizational 2 meeting in Dodge City that is run by an organization 3 that focuses on Hispanic or Latino issues? 4 A No. 5 Q Can you recall -- well, what part of the 6 community, you know, geographically, do you live in? 7 A At east side. 8 Q Beg your pardon? My connection cut out. 9 What was that? 10 A The east side. 11 Q East side? Is that, you know, the 12 northeast side or sort of central business district east 13 side or southeast side? 14 A It's the very east side. I'm on the very 15 east side of the community, a block away from being 16 outside city limits. 17 Q I haven't put your address here in this 18 transcript just, you know, for real privacy reasons. 19 But can you give us the closest major thoroughfare or 20 intersection to where you live? 21 A Comanche and Avenue P.
Page 59 1 Q What about MALDEF, the Mexican American 2 Legal Defense and Education [sic] Fund? 3 A I've never heard of that. No. 4 Q Voto Latino, La Raza. Any of these groups 5 ring a bell to you? 6 A No. 7 Q How about the Latino Chamber of Commerce? 8 A I believe there's -- I'm not positive but I 9 believe there is a cultural group of the Chamber of 10 Commerce. It's not -- I don't believe it's Latino 11 though. 12 Q It's a broader organization than Hispanic 13 or Latino? 14 A It is multicultural. 15 Q How about Mexican American Bar Association 16 or Hispanic Bar Association in the community. Are you 17 familiar with that? 18 A No. 19 Q A real estate group principally formed by 20 Hispanics or Latinos? 21 A No.	Page 61 1 Q Do you know the race or ethnicity of the 2 citizens around where you live? Is it predominantly 3 white? Predominantly Hispanic? Equally mixed? 4 A Within a block, it's more Hispanic. 5 Q And how is it as you get further to three 6 blocks away? 7 A Further south, it's all -- majority 8 Hispanic. If you went three blocks north, it might be 9 more Caucasian. 10 Q Do you -- so then, would you describe the 11 location of your home roughly kind of on the edge 12 between the Hispanic neighborhoods and white 13 neighborhoods? 14 A Yes. 15 Q Is housing in Dodge City generally racially 16 segregated, as in there's white areas of town and 17 Hispanic areas of town? 18 A No. It's pretty much Hispanic, majority, 19 in our community. I believe that we're 80 percent 20 Hispanic. There's not a area of this community that 21 there's not some Hispanics that live in every area, it

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1 seemed like. 2 Q Are there areas of the community though 3 that are more Hispanic and areas that seem to be more 4 white? 5 A Not that I'm aware of. No. 6 Q Now, you mentioned earlier that you work in 7 the real estate field. Is it commercial, residential, 8 or both? 9 A Both. 10 Q So is it the case you've listed houses and 11 help the buyers close on houses? 12 A Yes. 13 Q Is that something that you do regularly in 14 your business or that's fairly rare? 15 A I hope -- every day would be great. That's 16 how I feed my family. 17 Q So it sounds like, you know, if 18 everything's going all right, you're being a part of 19 multiple residential sales a year. 20 A Yes. 21 Q In your work there, you know, have you come	1 in the south side who are predominantly white. 2 Q You have members of your family who are 3 white? 4 A Yes. 5 Q Is that by marriage or it's part of your 6 family tree? 7 A Both. 8 Q So a portion of your family identify -- a 9 portion of, you know, your side of the family tree and 10 your marriage identify as white or Caucasian? 11 A My wife's -- or I'm sorry. Not my wife. 12 My wife is Hispanic as well. My mother is Caucasian. 13 Q Any others? Do you have close family 14 members that identify as white? 15 A Uncles, cousins. 16 Q Do you -- we talked about campaigning 17 earlier, so now I kind of want to focus on your service 18 as an elected official. And I assume you, as part of 19 that work, interact with constituents. 20 A Almost every day. 21 Q Is that -- you know, how does that come
Page 63	Page 65
1 to learn kind of which parts of town have more expensive 2 housing? 3 A What areas -- 4 Q Yes, sir. 5 A Yes. 6 Q What are the areas that have higher 7 expensive housing? 8 A The extreme north side and then areas of 9 the northeast side and then areas of the northwest side. 10 Q It sounds like, in general, the northern 11 part of the city has the more expensive housing. Is 12 that fair to say? 13 A Yes. Predominantly. Yes. 14 Q Is it fair to say that it's the southern 15 part of the city that has the lesser expensive housing? 16 A Predominantly but not completely. 17 Q Would you agree it's the southern part of 18 the city that is more Hispanic than the northern part? 19 A No. I have -- 20 Q Do you -- I'm sorry. 21 A I'm sorry. I have lots of family that live	1 about? I mean, I assume you get phone calls at the 2 office. Right? 3 A Yes. 4 Q And people, I assume, stop by from time to 5 time, want to meet with you. 6 A Yes. Or walking in public, grocery store 7 or whatever. Not many times do I go out without having 8 a conversation or two. 9 Q So, you know, when you're just, you know, 10 doing your business or, you know, going to grocery store 11 for personal life, even then, you get approached about 12 issues in the community? 13 A I'm proud that they approach me with any 14 issues in our community. That's one of the things that 15 I push for more is I get my phone number out to anybody 16 that has an issue who wants to communicate. 17 Q Is there a particular characteristic or 18 type of person who approaches you about an issue in the 19 community? 20 A All ranges. 21 Q What kind of issues do they raise? I

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1 mean, is there like one or two topics that just keep 2 coming up? 3 A Number one is roadwork. My roads are bad, 4 you know. And then, occasionally, it's -- I got a 5 letter for my long -- being too long or, you know -- 6 there's always different issues but, usually, it's minor 7 issues. 8 Q So, what is it you do or you can do with a 9 constituent report? So I've got a pothole or this issue 10 with, you know, the road in front of my house. 11 A A lot of times, I'll go take a look at it, 12 and I will, you know, approach the city manager, 13 whoever, and say, hey, you know, we're getting issues. 14 We're getting complaints about this, and look into it. 15 Q Do you find that when you do that, whoever 16 in the city's supposed to fix the street is responsive 17 and gets it done or, more often than not, it's not 18 followed up on? 19 MS. STULA: Object to form. 20 A If it's a minor issue, they usually do 21 like, you know, if it's possible. If it's a major	1 A I would say yes, hopefully. 2 Q Is there an area of the city that you think 3 has, you know, more roadway problems or lower-quality 4 roadways? 5 A I -- honestly, I just believe that our 6 whole town, roads need much more attention than what 7 they are. Is there one area better than another? No. 8 They're equally bad. 9 Q Do you drive -- I assume you drive all 10 around the city, or do you just focus on parts of it? 11 A I'll take business any part of the town I 12 can get. 13 Q Well, in your work as a commissioner, do 14 you feel like you spend an equal amount of time in kind 15 of every corner of the city? 16 A I make an attempt to. I can't always but I 17 try to drive the community at least once a week if not 18 more. If somebody gives me a call or complain about an 19 area, I sure attempt to. 20 Q Do you keep any records of like constituent 21 issues that are raised with you that you follow up on?
Page 67	Page 69
1 issue, there's just nothing that can be done about it. 2 But I would -- then, unfortunately, it's -- at least, 3 usually, the people are happy that somebody listened to 4 them. 5 Q You were -- so it sounds like if it's 6 something like a pothole, when you report it to the city 7 manager, it gets attended to, you know, fairly urgently. 8 Is that fair to say? 9 A I would hope so. I can't tell every time. 10 If it's a road that's getting ready to be reconstructed, 11 then, you know, it's already on the time frame to be 12 adjusted or not. And if it's not, then I would hope 13 that they look into it. But I can't -- I'm -- I can't 14 make them. No. 15 Q Are there times when you report things like 16 a pothole and you follow up a week or two later and 17 they've been fixed? 18 A Small projects. Yes. 19 Q Is it fair to say that, you know, on most 20 of the small projects you report, they're fixed within a 21 week or two?	1 A No. 2 Q Do you keep any records on where, you know, 3 you go out in the community and seek -- 4 A No. 5 Q -- you know, interaction with constituents? 6 A No. 7 Q Do you hold forums or town halls? 8 A Me, personally, I do not. I hope that they 9 have forums because people need to hear where we stand 10 on things, but I do not host any myself. No. 11 Q Do you participate in any forums or town 12 halls hosted by others? 13 A Yes. 14 Q What are the forums or town halls that you 15 recall that you've attended? 16 A The Dodge City Library has been put on, I 17 believe. There was a -- I can't be positive on the 18 name, but there was a leadership group that had put one 19 on last year at our event center. Good group. And I 20 believe there was a church that had put on a forum. 21 Q Are there any forums or town halls that you

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1 refuse to participate in?	1 A Yes.
2 A I go to all of them.	2 Q And so, was it your testimony that when you
3 Q Have you endorsed other candidates for	3 looked at that, that was the first time you realized
4 election?	4 that there were people in the community who thought
5 A No.	5 districts ought to be in place rather than at-large
6 Q You mentioned -- I beg your pardon?	6 elections in the city?
7 A No.	7 A Pretty much so. Yes.
8 Q You mentioned other -- the NRA endorsement	8 Q And so, is it fair to say you were
9 for your legislative race. Can you recall any other	9 surprised that somebody was making this allegation at
10 organization that has endorsed your election?	10 the courthouse?
11 A Not that I'm positive of.	11 A Yes.
12 Q And, you know, you mentioned earlier that	12 Q And so, it sounds to me like this is an
13 you moved to Dodge City I think you said roughly when	13 issue you just had never given thought to before because
14 you were eight. You moved a little bit after that. But	14 it had never been raised before.
15 how long has it been since you have consistently lived	15 A Yes.
16 in Dodge City?	16 Q Now, if you can -- if you can't answer this
17 A I've been back 25 years.	17 without telling me -- it involves attorney
18 Q So roughly 1998 or so?	18 communications, then just let me know. But did you give
19 A Yes.	19 any analysis to the merits of the allegation and whether
20 Q And do you live any place else or like have	20 or not the Plaintiffs, you know, had evidence to support
21 a vacation home any place else or --	21 their position?
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1 A No.	1 A I guess I don't quite get the question. If
2 Q When is it that you recall, if you recall,	2 you're asking for my opinion in it or did I give any
3 somebody raising the issue of whether or not Dodge City	3 testimony to -- or I guess I just need to clarify what
4 elections ought to be by district instead of at large?	4 you're asking.
5 A Other than this lawsuit? I have never --	5 Q Sure. And let me put it this way. Did you
6 not that I can recall -- heard that being an issue.	6 weigh any of the allegations or the tables or facts that
7 Q How did you learn about this lawsuit?	7 are in the complaint or the petition in this case, the
8 A I believe I was served or something like	8 lawsuit that you were served with?
9 that. I don't remember exactly. I just remember that	9 MS. STULA: Object to form.
10 we got this copy.	10 A I looked at the complaint. Honestly, I was
11 Q And, again, I want to talk to you a little	11 really thrown by it. I don't think it's even close to
12 more about this but just want to remind you, I don't	12 correct, in my personal opinion. I believe that -- you
13 need to hear about any communications you had with	13 know, 100 percent honest, that it's a waste of time and
14 lawyers. Okay? But it sounds like you were personally	14 money because we are a community of 80 to 85 percent
15 served with a copy of the lawsuit. Is that fair to say?	15 Hispanic. And to say to me that they're not voting or
16 A I believe so. I'm not positive.	16 they're -- they don't stand a chance to win an election,
17 Q Did you read the lawsuit?	17 it's not -- I don't believe.
18 A It's a lot of legal jargon that I don't	18 Q When you say the community is 80, 85
19 understand.	19 percent Hispanic, are you talking about the voting
20 Q Did you skim it though and try to get some	20 population is 80, 85 percent Hispanic or the total
21 sense to what was being alleged?	21 population or -- what does that percentage apply to?

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Page 74 1 A Total population. 2 Q Do you know what the percentage of the city 3 that is Hispanic and eligible to vote, in other words, 4 over the age of 18 and a US citizen? 5 A No, I don't. 6 Q Do you know whether that's a majority? 7 A I -- my opinion, yes, it is. 8 Q If it's not a majority, does that make any 9 difference to you and your position in this lawsuit? 10 A No. 11 Q So, your view, as I understand it, is that 12 there are a sufficient number of Hispanic citizens in 13 Dodge City of legal voting age that they can elect their 14 candidate of choice at large. 15 A Yes. 16 Q And that's been your consistent position 17 since you've been involved in city politics? 18 A That's been my position for many years. 19 Yes. 20 Q That they have large elections are a 21 perfectly acceptable, a good way to elect citizens to	Page 76 1 Q Do you believe there's a history of 2 discrimination in Dodge City? 3 A Not that I -- no. 4 Q And so, it's your view that there is no, 5 you know, government-based -- there hasn't been 6 government-based discrimination against Latino or 7 Hispanic citizens in Dodge City? 8 A There's been -- not that I'm aware of. No. 9 Q Are you aware of any state or federal 10 government discrimination against Latino or Hispanic 11 citizens in Dodge City? 12 A No. 13 Q Have you ever held yourself out as the 14 spokesperson for Latino or Hispanic citizens in Dodge 15 City? 16 A No. 17 Q Have you taken the position that because of 18 your race or ethnicity, that you speak on behalf of the 19 majority of Hispanic or Latino citizens in Dodge City? 20 A Not on my race -- not on my elections did I 21 bring up race.
Page 75 1 the city council -- city commission? 2 A I believe at-large is the best way and that 3 the Hispanic population can elect and control the 4 commission if they want to. 5 Q Have you had any discussions with other 6 members of the city commission about transitioning to 7 city district elections? 8 A Not that I can recall. 9 Q Are you aware at any time that you paid 10 attention to city politics that there have a member or 11 members of the commission who supported going to 12 single-member districts? 13 A Not that I'm aware of. No. 14 Q Have you -- do you recall citizens coming 15 to the commission, whether in writing or in person, 16 advocating for district-based elections? 17 A Not that I'm aware of. No. 18 Q Are you aware of anybody who changed their 19 opinions at some point, was for city elections and 20 became in support of at-large elections or the reverse? 21 A Not that I'm aware of. No.	Page 77 1 Q But outside of your election context, when 2 you talked to constituents, other members of the 3 commission, you're otherwise engaged in conversations 4 about city government, have you held yourself out as the 5 representative of the Hispanic or Latino community 6 because of your race or ethnicity? 7 A No. Never taken that into account. 8 Q And so, it sounds like this is slightly 9 different. You've never held yourself out then as the 10 spokesperson for the Latino or Hispanic community in 11 Dodge City? 12 A I've never tried to. I didn't think it was 13 an issue. 14 Q And it remains your opinion that it's not 15 an issue. Is that true? 16 A Yes. 17 MS. STULA: Object to form. 18 A Yes. 19 Q Do you know a Johnny Dunlap? 20 A Name sounds familiar, but I don't know him 21 personally. Possibly then. I know the name.

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Page 78 1 Q Do you know a person named Bill Hammond? 2 A I know the name. I don't know him 3 personally. No. 4 Q It sounds like you don't know what those 5 folks do, if anything, in relation to Dodge City. 6 A Not positive. No. 7 Q Do you feel as though that in your capacity 8 as city council member, you are included in all the 9 emoluments of your office, you know, all the discussions 10 in the city? Anything you're shut out of, basically, 11 that you could describe for us? 12 MS. STULA: Object to form. 13 A I need that question -- again, I -- 14 Q Sure. 15 A Sorry. I didn't understand it completely. 16 Q Has there been any issue or meeting or 17 activity of the city commission that you feel you were 18 not given equal access to or the other city commission 19 members? 20 A No. 21 Q Do you -- is it fair to say that the	Page 80 1 other than that, not that I'm aware of. 2 Q Have you dealt with the employees of beef 3 plants about a matter of, you know, public policy or, 4 you know, employee treatment, that sort of thing? 5 A No. 6 Q Are there organizations you're aware of 7 that represent the workers at the beef plant and 8 advocate on their behalf. 9 A I believe the union. 10 Q Do you recall the union's name? 11 A No. 12 Q Have you had any involvement with the 13 union? 14 A I have had conversations with one of the 15 presidents of the union, not regarding the plants so 16 much as a property that he had -- that somebody wanted 17 to purchase. I did have a conversation with him that I 18 would like them to get more information out about a new 19 law that just came out in Kansas to make sure the 20 population in the plants knew more about it. 21 Q Have you ever advocated to the management
Page 79 1 beef-packing industry is a fairly large employer in 2 Dodge City? 3 A Yes. 4 Q Is it fair to say that the majority of the 5 employed population in the Dodge City in meatpacking are 6 Hispanic or Latino? 7 A I'm sorry. I -- can you rephrase that? 8 Are you -- 9 Q Sure. 10 A -- talking about the -- just the beef 11 plants or just the employment in total? 12 Q The beef plants. 13 A I would say the beef plants are 14 predominantly Hispanic. 15 Q Have you interacted with, you know, 16 management or executives in charge of the beef plants? 17 A In charge of Dodge City beef plants? I've 18 helped one of the managers find a home, possibly sell 19 their home. As I firefighter, I used to go out and do 20 training out there. My grandfather retired from -- my 21 Caucasian grandfather retired from XL. But, I mean,	Page 81 1 of the beef plants on behalf of an issue for the 2 lower-level workers there? 3 A No. 4 Q Have you ever been a union member yourself? 5 A For the short period of time I had worked 6 out there, I applied for the union, but I don't believe 7 I completed it. No. 8 Q Do you support union membership, or do you 9 think a union should be more heavily regulated by the 10 government or even banned? 11 A I don't believe they should be banned. I 12 believe that unions are for a good cause, a good reason, 13 but I do believe that they're also overreaching at 14 times. 15 Q Do you know whether the unions in Dodge 16 City endorse candidates? 17 A Not that I'm aware of. No. 18 Q You talked earlier about how in your 19 primary election for state representative, that you have 20 held yourself out as a conservative Republican. Do you 21 recall that, generally?

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Pages 82..85

Page 82	Page 84
1 A Yes.	1 Q Just going to get it larger for you.
2 Q Do you know whether or not the majority of	2 A Okay. Little bit better. Yes, sir.
3 white citizens in Dodge City prefer Republicans or	3 Q How about that?
4 Democrats?	4 A Okay.
5 A I believe it's -- am I positive? No.	5 Q I'm going to let you read the entire e-mail
6 Q What is your belief?	6 here. And then I'll ask you about it.
7 A My belief is majority are Republican	7 A Okay. I have a quick question I hope you
8 conservatives.	8 can help me with. Does the city or county commissioner
9 Q Do you have an opinion as to whether a	9 have to live in the area they represent? I believe it
10 majority of Hispanic or Latino citizens support	10 is required but wanna double-check. Yes.
11 Republican candidates in Dodge City?	11 Q Do you recall why you were asking that
12 A It is my hope they do. But I have never	12 question?
13 questioned numbers.	13 A Yes, I do.
14 Q Well, so, does that mean you don't know?	14 Q Well, why was that?
15 A I don't know.	15 A Sorry. There was a question whether a
16 Q Is there a reason you know the preference	16 commissioner still actually owned or lived in Dodge
17 of the white citizens in the community and not the	17 City.
18 Hispanic?	18 Q Who was that?
19 A It's just my belief. I'm not positive on	19 A I believe that was Joyce Warshaw.
20 either.	20 Q So, was this e-mail at the time you were
21 Q I have a few documents that I just want to	21 considering running for election?
Page 83	Page 85
1 ask you about.	1 A No. I was elected.
2 MR. DUNN: I'll share them on the screen.	2 Q And why did this issue of another
3 And what I can do is place these in the chat too so that	3 commissioner's residence concern you?
4 folks can just look at them if they want to. Give me	4 A 'Cause that citizen asked me, and so I said
5 one second here.	5 I would ask -- see if I could find out.
6 (Whereupon a discussion was held off the	6 Q You know who the citizen was that asked
7 record.)	7 you?
8 MR. DUNN: We can take a break while you	8 A No. There were several of them.
9 get some water or --	9 Q And here, you say, does the city -- in the
10 THE WITNESS: I just asked him to give me a	10 bottom e-mail on October 21, 2020, 9:26 a.m., you say,
11 bottle of water --	11 does the city or county commissioner have to live in the
12 MR. DUNN: Okay.	12 area? You don't say, have to live in the city.
13 THE WITNESS: I'm sorry.	13 Do you see that?
14 Q I'm going to show you what's been	14 A Yes.
15 previously marked in this litigation as Dodge City	15 Q Any reason for the wording you chose?
16 0004430. Okay. With any luck, you should have this	16 A No. I just have no idea why I said that.
17 document in front of you. It's an e-mail dated	17 Q So your view here is you were just asking
18 Wednesday, October 21, 2020 at 9:26 a.m. Can you see	18 whether somebody had to live in the city in order to
19 that, sir?	19 serve on the city commission?
20 A Sorry. I'm trying to. I don't know how to	20 A Yes. And, basically, yes. Within the city
21 work this computer.	21 -- within the boundaries of the city. Yes.

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Pages 86..89

Page 86 1 Q Now I'm going to show what's been 2 previously marked in this litigation as Dodge City 3 0004603, which I'll put here in the chat. All right. 4 See if I can make this a little larger for you. 5 Hopefully, you have an e-mail dated May 26, 2021, at 6 1:41 p.m. 7 Is that what you have on the screen, sir? 8 A Yes. 9 Q Again, I'll let you read this in full 10 before I ask you about it. Let me know when you're 11 finished. 12 A Is the three times opening plus one more to 13 trigger a primary? So, there are three openings. Three 14 plus one would be -- to sign up for city commission to 15 have a primary for Dodge City. That's what Debbie wrote 16 me. What I asked was, what would cause a primary for 17 this election? Know six people, including myself, 18 looking at going for city commission. Yes. 19 Q And I appreciate that. I should've told 20 you. I meant you could just read it to yourself. I 21 don't want to ask you about an e-mail without giving you	Page 88 1 that under some circumstances, there would be a primary 2 election. 3 Do you see that? 4 A Yes. 5 Q But it sounds like you've never experienced 6 it. 7 A No. I have never. I've never seen that 8 many candidates go out for a city commission. I would 9 love it but I have never seen it. No. 10 Q I'm going to show you what's been 11 previously marked in this litigation as Dodge City 12 0004640. And I'll set it in the chat here. 13 MR. DUNN: This one might take a minute to 14 download, Counsel, so just let me know if you need a 15 minute. It's a map. 16 MS. STULA: Looks like it's downloading 17 quickly. 18 MR. DUNN: Okay. 19 MS. STULA: Okay. It should be okay. Go 20 ahead. 21 Q All right. Hopefully, you have on your
Page 87 1 a chance to review it. So, but we just -- you know, few 2 more of these. I'm going to give you your opportunity 3 to read the thing, and then I'll ask you about it. But 4 you don't have to read it out loud. So, again, in May 5 26, 1:28 p.m., you were asking about what would cause a 6 primary for this election. 7 Do you see that? 8 A Yes. 9 Q And there, you're talking about city 10 commission elections. Is that true? 11 A Mm-hmm. Yes. 12 Q Was that a yes? Okay. Do you have an 13 understanding of whether or not there are occasionally 14 primaries for city elections? 15 A I just didn't know, so I asked if a certain 16 number would cause a primary election or not. 17 Q Had you ever experienced, like, you know, 18 voted in or recall, a primary election for city 19 commissioner's seat? 20 A No. Not at all. 21 Q But the county clerk seems to tell you here	Page 89 1 screen a map that says, Dodge City voting precincts. Is 2 that what you can see, sir? 3 A Yes. 4 Q As I understand it -- and you let me know 5 if you have a different understanding, but this, 6 basically, draws out the city and shows the areas of 7 voting precincts, you know, for how they're divided up 8 for voting purposes. Is that fair to say? 9 A I believe so. 10 Q Does the city have any involvement with, 11 you know -- well, let me say this. It's my 12 understanding the county runs the election for the city. 13 Is that true? 14 A I believe so. Yes. 15 Q And so, is it also the case that the county 16 makes the selection of voting precinct boundaries, or do 17 you know? 18 A I -- I'm not positive. No. 19 Q Do you know who it is that makes the 20 determination of where the voting locations will be or 21 are?

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Pages 90..93

Page 90	Page 92
1 A Believe -- I believe but I'm not positive	1 there were insufficient places to cast a ballot in the
2 -- I believe it's the clerk.	2 southern party of this -- southern part of the city?
3 Q Have you at any time given any or heard any	3 A No. Not that I'm aware of because the
4 complaint about the voting precinct boundaries and/or	4 location was in the southern part of the city.
5 the location of vote centers or places where you've cast	5 Q Now, you're talking about the county
6 your ballot?	6 administration of the city's elections. Have you had
7 A I heard a lawsuit a while back about the	7 any communication or involvement with city -- excuse me
8 location, but that was the only complaint I've ever	8 -- with county staff about the administration of
9 heard.	9 elections?
10 Q What was the allegation of that lawsuit, if	10 A Not that I can recall.
11 you know?	11 Q Is there a -- well, let me just ask this
12 A I'm not completely positive. I believe	12 more generally. Does the city commission, you know,
13 they just didn't like the location of the election.	13 kind of have subcommittees where some of the members
14 Q Do you recall who any of the parties were?	14 specialize in certain public policy matters, or is sort
15 A No.	15 of everything handled by everybody on the city
16 Q Do you recall who the defendant was? Was	16 commission?
17 it the city, the county, or both?	17 A I've never heard of a subcommittee. I'm
18 A I'm not positive. I believe it was the	18 sorry.
19 county.	19 Q And is there any member of the city
20 Q Do you know how it was resolved, that	20 commission that you think is kind of the point person or
21 lawsuit?	21 more focused on election administration issues?
Page 91	Page 93
1 A No.	1 A No.
2 Q After the lawsuit, did you notice any	2 Q Can you recall an occasion where you or
3 change in the locations where to vote?	3 another member of the city government had a complaint
4 A I don't know if that was directly due to	4 about how the county was running the city's elections?
5 the lawsuit or not, but the locations the next year had	5 A Not that I can recall. No.
6 changed. Yes.	6 Q Do you know or have you ever heard of
7 Q How so? How did they change?	7 whether the city has done an analysis as to whether or
8 A Believe there was a location up north and	8 not the Voting Rights Act requires single-member
9 then at the park, but I'm not completely positive. That	9 districts --
10 was many years ago.	10 A Not --
11 Q How do you spell the name of this park?	11 Q -- for the city commission?
12 A I call it Wright Park. I don't know if	12 A Not that I'm aware of. No.
13 that's correct or not. It's at the Hoover building.	13 Q Do you recall whether the county has ever
14 Q And where is that located, the cross	14 done such an analysis?
15 streets?	15 A Not that I'm aware of. No.
16 A That would be 2nd Street and would be South	16 Q Show you now what's been previously marked
17 of Trail Street. It's south at Dodge.	17 as Dodge City 0009850. So placed in the chat. All
18 Q It's in the southern part of the city. Is	18 right. Hopefully, you have on your screen an e-mail
19 that true?	19 dated Sunday, June 21, 2020, at 7:48 a.m. Is that true?
20 A Yes.	20 A I see it. Yes.
21 Q Was the allegation of that lawsuit that	21 Q This one's a little bit longer. I'm going

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Page 94 1 to give you a chance to read it. You don't need to read 2 it aloud. I'll start with the first e-mail. Let me 3 know when you need me to scroll down. 4 A Okay. And scroll down, please. Okay. 5 Q Then here's the e-mail response. 6 A Okay. 7 Q In this first e-mail, it looks like City 8 Council Commissioner Mr. Delzeit -- am I pronouncing 9 that right? 10 A Uh-huh. 11 Q -- yeah -- had sent a communication to a 12 Johnny Dunlap II, and he was forwarding that 13 communication to you on June 21, 2020. Is that true? 14 A I don't recall, but it's in front of me, so 15 I'm guessing -- 16 Q Do you know what -- and one of the things 17 that Commissioner Delzeit was concerned about was some 18 hate speaker, as he referred to that person. Do you 19 know who he was talking about here? 20 A I remember the event. I have no idea who 21 the person was though.	Page 96 1 the speaker was addressing? 2 A I believe they were just against that 3 individual. 4 Q Right now, I'm going to show you what's 5 been previously marked as Dodge City 0009857, which I've 6 placed in the chat. You should have on the screen an 7 e-mail dated October 21, 2020, at 1:39 p.m. Is that 8 right? 9 A Yes. 10 Q I'll scroll to the bottom again and give 11 you an opportunity to read this. 12 A Okay. 13 Q And below here is just a posting on the 14 city's website. 15 A Okay. Okay. Yes. 16 Q And, oh, here's the last one. 17 A Okay. 18 Q So, it looks like, generally, this e-mail 19 communication is about whether or not a member of the 20 city commission resides in the city council boundaries. 21 Is that a fair description?
Page 95 1 Q Do you have any idea what the issue was 2 that they were expected to talk about? 3 A No. Not at all. 4 Q He also mentions your BLM. Do you have an 5 understanding what that is? 6 A Yes. 7 Q What is that? 8 A Black Lives Matter. 9 Q Have there been some controversy with BLM 10 gatherings, as he called it, in Dodge City? 11 A Not that I know of. 12 Q So it sounds like you don't have any 13 recollection in any way of the background of this 14 conversation and why you were forwarded this e-mail by 15 another commissioner. 16 A I don't -- I think Brian had -- and I'm not 17 positive, but I think Brian had said that somebody was 18 upset that a speaker was at the event center, and they 19 didn't agree with them being allowed to be at the event 20 center. But that's as much as I know for sure. 21 Q But you don't recall what issue or issues	Page 97 1 A Yes. 2 Q And who was the city council member 3 involved? 4 A That was Joyce Warshaw. 5 Q And was it ultimately determined that she 6 wasn't a resident of the city boundaries? 7 A It wasn't determined at all. She removed 8 herself from the commission. 9 Q So she ultimately resigned as a result of 10 her residency issue? 11 A Not her residency issue. No. I don't 12 believe so. She resigned after the -- that was 2020, 13 and we were all getting threats, and she didn't like 14 them. 15 Q What kind of threats were these? 16 A COVID threats. The ones that she may have 17 received I received as well, basically. We were a bunch 18 of idiots for not forcing mask mandates. 19 Q So you have a mask mandate? 20 A Eventually, the city did have a mask 21 mandate.

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Page 98 1 Q Do you remember roughly when that went into 2 effect? 3 A I'm not positive. I didn't agree with it. 4 But it was -- the complaint that she alleged was 5 actually for us not putting a mask mandate in sooner. 6 Q The city council member was in -- the city 7 council member at issue here for her residency was in 8 favor of a mask mandate? 9 Do I understand that right? 10 A Yes. 11 Q And you opposed her position on that? 12 A I did not believe it was the city's 13 responsibility to do a mask mandate. The county is 14 responsible for having a health director. 15 Q You think that commissioner was a part of 16 triggering these threats that you mentioned? 17 A No. I think it was crazy people making 18 threats, not an individual causing the threats. No. 19 Q Did you raise this residency issue of the 20 commissioner because of your opposition of her position 21 on masks?	Page 100 1 A I don't recall. I'm sorry. 2 Q Now I'll show what's been previously marked 3 as Dodge City 0010007. So, placed in the chat. All 4 right. I've started -- oh, let's see. This is a 5 reversal order, so let me start you here at the earlier 6 -- you should have a series of text messages, the first 7 of which is on January 28, 2023, at 3:34 p.m. Can you 8 see that, sir? 9 A Yes. 10 Q Take an opportunity to read through this on 11 your own, and let me know when you need me to scroll. 12 A Scroll down, please. Scroll down, please. 13 Scroll down, please. Okay. Is that all? 14 Q Is it fair to say that you're identified in 15 this text message chain as M-E as in Edward-L-L-E as in 16 Edward-C as in cat-K as in Kennedy-E as in Edward-R as 17 in rapid? 18 A I have no idea as to what that means and 19 came from. 20 Q Okay. 21 A Don't know what that is.
Page 99 1 A Not at all. 2 Q And did you ever speak with the city 3 attorney or raise this with the city attorney, this 4 issue as you mentioned here on the 1:25 p.m. October 21 5 e-mail? 6 MS. STULA: And, Joe, I'll just let you 7 know not to reveal anything that you and Brad discussed. 8 A I believe that I talked to him. I don't 9 remember exactly what we discussed. 10 Q But it was generally about this residency 11 issue? 12 A I believe that he said, you haven't talked 13 to the clerk. 14 MS. STULA: Hold on, Joe. I'm just going 15 to let you know, anything that Brad told you would be 16 attorney-client privilege would be our position. 17 THE WITNESS: Yeah. 18 Q I'm just -- yeah. And I'm not trying to 19 get you to talk about what your lawyer told you. I just 20 want to know -- did you have a discussion with the city 21 lawyer about this residency issue?	Page 101 1 Q Do you not know who any of these speakers 2 are? Is this the first you're seeing these text 3 messages? 4 A I don't know who that Mellecker is. I know 5 who the person is -- 6 Q Okay. 7 A -- or Jodith Cortson is a school board 8 member. 9 Q And do you recall this ESL issue coming up? 10 A I do. Yes. 11 Q Now, ESL is English -- what does that 12 acronym stand for? 13 A Basically, English as a second language. 14 Q And what was the issue that you recall? 15 A My issue is simply that we need to -- the 16 school district needs to do a better job at making sure 17 that they have the personnel necessary to teach 18 non-English-speaking people, that I don't believe that 19 using a kid as a translator is the correct way to do 20 this. 21 Q So, is it you who typed these text

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1 messages, or you don't know? 2 A I'm not positive. But I remember the issue 3 coming up. 4 Q It says here at 3:46 -- I beg your pardon. 5 Go ahead, sir. 6 A Yes. I just don't understand why it says 7 Mellecker on it. I'm sorry. 8 Q I didn't either, and so I'm not trying to 9 trick you. I was confused by that as well, so I just 10 thought I'd ask you about it. But on the 3:46 p.m. 11 text, it says, the school district doesn't have any 12 dedicated ESL classes because they were called racist. 13 Do you recall that to be true? 14 A I believe so. I do believe they don't have 15 -- and to put this in context, it's kind of when I was a 16 kid, you had dedicated ESL classes so that it was a -- 17 it was more of a -- a push to keep them up with us, to 18 keep them up in classrooms. And I asked if there was 19 any ESL classes, and if so, why not? 20 Q Were you in ESL classes when you were 21 young?	1 has ever been able to give me a good answer. 2 Q What are the answers that you can recall 3 you have received? 4 A That they're just not provided. They 5 provide paras in classrooms to help translate. 6 Q They require who in classrooms? I'm sorry. 7 A They provide paras and teachers in 8 classrooms to translate. 9 Q What are paras? 10 A It's, I guess, assistants to the teachers. 11 Q Does your wife occasionally serve as the 12 substitute teacher? 13 A Yes. 14 Q Does she speak Spanish? 15 A More than I do. Just a little bit. 16 Q Let me -- and do you see her regularly 17 speak Spanish, or is it fairly rare? 18 A Fairly rare. 19 Q In her business as a -- when she goes and 20 works as a substitute teacher, do you know if her work 21 is in ESL-like classes, or does she help instruct in
Page 103	Page 105
1 A No. 2 Q Was English a second language for you? 3 A No. 4 Q Did you speak Spanish at home? 5 A Very little. 6 Q Do you speak Spanish today? 7 A No. 8 Q This may sound like the same but it's a 9 little different. Are you able to speak Spanish? 10 A Very little. 11 Q Now going back to ESL, I mean, do you 12 recall people calling ESL classes racist? 13 A No. 14 Q Do you recall why it is that ESL classes 15 aren't offered in the local school district? 16 A I would like to know why they're not 17 offered in the school district. 18 Q Have you inquired, asked that question? 19 A I have. Yes. 20 Q What is the answer you've been given? 21 A That, basically -- no good answer. Nobody	1 Spanish language? 2 A She substitutes for all different classes. 3 Q Do you recall though whether they used her 4 Spanish language abilities in any way in her substitute 5 teaching? 6 A No. I don't know. I don't think so. 7 Q So, going back to the district doesn't have 8 any dedicated ESL classes because they were called 9 racist, do you recall that ESL classes in Dodge City 10 public schools are called racist? 11 A I don't recall them ever being called 12 racist. I would fully support having ESL dedicated 13 classes. I believe that if students were working with 14 English more than 30 minutes a day, then it would just 15 be quicker and they wouldn't fall behind. 16 Q Are you aware of anyone else alleging that 17 having ESL classes is racist? 18 A No. 19 Q I'm going to show you what's been 20 previously marked -- the first page of which is Dodge 21 City 0010009. I'll place this in the chat. All right.

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Page 106	Page 108
1 You should have on your screen -- well, you will in just 2 one second. You should have on your screen again a 3 series of text messages. It's a somewhat longer 4 document. I'm only focused on the text messages on 5 0010012. I'm happy to let you read the whole thing, but 6 it's a variety of conversations. I'm only going to ask 7 you about the one on the page. So, is it all right with 8 you if you just look at the one on this page? 9 A I am -- yeah. If I can figure out context 10 to it, I'd be glad to. 11 Q Sure. So, it, I think, you know, kind of 12 sort of starts on November 12th at 9:20 a.m. And I 13 should say November 12, 2019. Let me know when you'd 14 like me to scroll down. 15 A Scroll down, please. 16 Q Looks like there was two photographs, texts 17 that we don't have in here. Then here are the messages 18 before that. 19 A I -- go ahead. Scroll down it. I do know 20 what this is about. Yes. 21 Q And I think about 10:04 a.m., the text	1 dummy was trying to represent it as having a certain 2 race or ethnicity? 3 A No. No. Couldn't tell at all. 4 Q Could you tell at all what the purpose of 5 the speaker was behind this strung-up dummy? 6 A I have no idea. Just crazy people. 7 Q But that was ultimately taken down? 8 A I don't know. I hope so. It's not there 9 today. 10 Q Is it fair to say you don't have any other 11 knowledge about this other than having seen it and 12 what's in this text message? 13 A Yes. 14 Q How long do you think it was out there? 15 Weeks? Day or two? 16 A Have no idea. 17 Q Does it look to you like these 8:46 a.m. 18 messages were photographs you had taken of it? 19 A Possibly. I just don't remember. 20 Q Your cell phone, do you pay for it 21 individually, or is it provided by the city or your
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1 messages move on to another subject, so, I think we can 2 stop there. 3 A Okay. Yeah. 4 Q So this is a series of text messages 5 talking about a Coronado monument, I guess, that had 6 been placed in the ride-away ditch. What is the 7 Coronado monument? 8 A No. The Coronado monument is a big 9 monument east of Dodge City. It's not in a ditch. 10 Q Okay. 11 A What this is discussing is that somebody 12 hung up a dummy in the ditch. And I asked why we could 13 not have it removed. It looked bad coming into Dodge 14 that you have a dummy strung up in a tree. 15 Q Hung up with a rope? 16 A Yup. 17 Q Like a lynching? 18 A Not like a lynching. Just hanging there. 19 Q Where was the rope affixed to the dummy? 20 A I couldn't tell. I was driving by. 21 Q Could you tell whether the maker of the	1 employer? 2 A On -- today or -- I have -- the city 3 provided cell phone now, and I have a company-provided 4 cell phone now. 5 Q When were you provided this 6 city-provided-for telephone? 7 A Couple months ago, I believe. 8 Q So prior to that, you used your business 9 phone for all of your communications? 10 A Yes. 11 Q Is that the other phone you still hold 12 today that was provided by your business? 13 A Yes. 14 Q What is the -- here at 8:46 a.m., and he 15 talks about a Coronado monument. Who or what is 16 Coronado? 17 A Coronado, it's an old monument. Coronado 18 came through this, mapping our country back before it 19 was all set up the way it is now. It's a history 20 monument. 21 Q One of the Spanish explorers or

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1 conquistadors? 2 A Yes. Mm-hmm. And this is a -- this event 3 was not at the monument. It was a mile away from the 4 monument. 5 Q The event? The strung-up dummy? 6 A Yeah. 7 Q Where was it located? 8 A About a mile away. 9 Q Give us the name of the street or cross 10 section, if you can. 11 A It was Highway 400 or something like that. 12 It's up the -- 13 Q Which part of the community? North, south, 14 east, west city? 15 A It's east of the city, five miles. 16 Q Out by the meatpacking plants? 17 A Beyond those. 18 Q Out by the airport? 19 A Yeah. Past that. No. It's on the way to 20 Wichita. It's not a well-traveled road. 21 Q Is it on the outbound side, or was it on	1 Q Did it appear as something homemade or 2 something that had been purchased and repurposed for 3 this? 4 A Homemade. Mm-hmm. Kinda like a scarecrow, 5 I guess. And the reason I was upset about it was I 6 didn't wanna see it coming in my town at all, something 7 -- should've been used for Halloween definitely, but it 8 just didn't look good to me. I didn't agree with it. 9 Q Did you view it as hate speech? 10 A No. Just -- I just hated it -- to see it. 11 Q About what time of year was this up? 12 A October sometime. 13 MR. DUNN: I think I'm fairly close to 14 wrapping up. I just need to take a break, go to the 15 restroom real quick, and come back. So it's 17 after 16 the hour. If folks are agreeable, can we come back at 17 25 after the hour, so like eight minutes from now? 18 THE WITNESS: Yes. 19 MS. STULA: That sounds good. 20 MR. DUNN: Okay. See you then. 21 (Whereupon a short recess was taken.)
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1 the outbound side; in other words, towards Wichita side 2 of the roadway or away from Wichita towards Dodge City 3 side of the roadway? 4 A It was -- well, it was probably five miles 5 east of Dodge City, away from our city towards Ford. 6 Q Well, let me ask it this way. Would 7 traffic going further away from Dodge City would be on 8 the side of it. Or traffic going towards Dodge City 9 would be on the side of the road where this was? 10 A It was on the north side of the road, the 11 traffic coming towards Dodge City. 12 Q Was there any text you recall it, like any 13 sign or words, any symbols? 14 A No. 15 Q Anything you make about the clothing that 16 would help you identify what the dummy was supposed to 17 represent? 18 A Not at all. No. 19 Q What was the color of it? 20 A I believe it was blue jeans, and that was 21 it. But I'm not positive. I'm sorry.	1 Q Excuse me. All right. Before we took the 2 break, we were talking about the side of the highway, 3 the strung-up dummy. Have you -- are you aware of 4 whether or not there's a history of lynching in Dodge 5 City? 6 A I hope not. 7 Q Have you ever attended or looked through 8 the Boot Hill Museum? 9 A Gone to the Boot -- sorry. I've gone 10 through the Boot Hill Museum. Yes. 11 Q Have you seen the -- it has been recently 12 removed, but did you see the hanging tree that was 13 there? 14 A I believe I -- if it was the one up on the 15 hill, yes. 16 Q Do you recall that there's a history of 17 violence against Latino and Hispanic citizens in the 18 Dodge City area? 19 A No. No. 20 MS. STULA: Object to form. 21 A No. Not that I know of. No.

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1 Q Is it fair to say there's quite a few 2 people in the Dodge City area that are anti-Mexican or 3 immigration from Hispanic individuals? 4 A I hope not. No. 5 Q Have you ever posted or taken a public 6 position against immigration, Mexican or South American 7 or Central American immigration? 8 A Believe the immigration is necessary and it 9 just needs to be done quickly and correctly. 10 Q And so, are you -- have you publicly taken 11 a position on immigration, or that's not an issue you 12 focus on? 13 A Really not an issue I focus on. I guess I 14 may have, but I don't recall. 15 Q Do you recall whether that issue is a 16 central issue among the political discussion in Dodge 17 City? 18 A Not so much in Dodge City that I know of. 19 Q Is it more widespread out in the county? 20 A Not that I'm aware of. We have a very 21 large Hispanic population that we know immigration, that	1 appreciate your time today. Have I been courteous to 2 you? 3 THE WITNESS: Absolutely you have. Thank 4 you. 5 MR. DUNN: I also want to apologize to you. 6 I know we had your deposition set a few weeks ago, and 7 we canceled at the last minute. The night before the 8 deposition, my father-in-law, we found out, had passed 9 away. And so, I want to apologize to you for any 10 inconvenience, you know, messing up your schedule. And 11 I appreciate you being flexible with us about that. 12 THE WITNESS: Oh, absolutely. I 13 understand. Very much so. No. And I appreciate your 14 time. Thank you. 15 MR. DUNN: All right. I'll pass the 16 witness. 17 MS. STULA: Okay. I don't have any 18 questions for you, Joe. So I think we're done. 19 THE WITNESS: Excellent. Thank you, guys. 20 MR. DUNN: Oh, have a good day. 21 THE REPORTER: Who is going to want a copy?
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1 it says it's great for our community. 2 Q Now going back to your preparation for your 3 testimony today, did you have any conversation with Mr. 4 Hernandez about your testimony in advance of this 5 deposition? 6 A Any -- just to be honest, that -- that's -- 7 I think that's all we needed to say, being honest and 8 just up-front, forthcoming. 9 Q And when you're under oath, it's important 10 to be honest. Right? 11 A Absolutely. 12 Q And you've done that today? 13 A Yes, sir. 14 Q But you don't recall any discussion at all 15 about why it is Mr. Hernandez needed to sit right there 16 with you during your testimony? 17 A No. No. Not at all. It's -- I don't mind 18 it at all. It's fine with me. In case I got issues 19 with the computer or anything else, I -- this isn't my 20 office or my setup. No. 21 MR. DUNN: All right, Commissioner. I	1 MR. DUNN: We are the ordering. 2 MS. STULA: Yes. 3 (Deposition concluded at 1:25 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

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1 State of Maryland

2 City of Baltimore, to wit:

3 I, Eric Leichter, a Notary Public of the State of
4 Maryland, Baltimore City, do hereby certify that the
5 within-named witness personally appeared before me at
6 the time and place herein set out, and after having been
7 duly sworn by me, according to law, was examined by
8 counsel.

9 I further certify that the examination was recorded
10 stenographically by me and this transcript is a true
11 record of the proceedings.

12 I further certify that I am not of counsel to any
13 of the parties, nor in any way interested in the outcome
14 of this action.

15 As witness my hand this 19th day of July, 2023.

16

17

18 _____
Eric Leichter

19 Notary Public

20 My Commission Expires:

21 January 13, 2024

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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF KANSAS

MIGUEL COCA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No.:
	)	6:22-01274-EFM-RES
CITY OF DODGE CITY, a	)	
municipal corporation,	)	
et al.,	)	
	)	
Defendants.	)	

VIDEOCONFERENCE VIDEO DEPOSITION OF
 ERNESTOR de la ROSA,

produced, sworn, and examined on Tuesday,
 the 20th day of June, 2023, between the hours of
 8:00 o'clock in the forenoon and 6:00 o'clock in
 the afternoon of that day at the law offices of
 Foulston Siefkin LLP, 822 S. Kansas Avenue, in the
 City of Topeka, County of Shawnee, State of Kansas,
 before:

JANIECE Y. YOUNG, RPR, CSR-No. 1217, CCR-No. 798
 Registered Professional Reporter
 Certified Livenote Reporter

a Certified Court Reporter within and for the State
 of Missouri and a Certified Shorthand Reporter
 within and for the State of Kansas.

Taken on behalf of Plaintiffs pursuant to Notice to
 Take Depositions.



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1	APPEARANCES (Continued)	1	EXHIBITS (Continued)
2		2	
3	For the CITY OF DODGE CITY:	3	EXHIBIT PAGE
4		4	NO. DESCRIPTION REFERENCED
5	FOULSTON SIEFKIN LLP	5	Exhibit 22 Memorandum and Attached
6	7500 College Boulevard	6	Resolution No. 2015-2..... 109
7	Suite 1400	7	Exhibit 23 Document titled:
8	Overland Park, KS 66210	8	The Republican Slate..... 118
9	(913) 498-2100	9	Exhibit 24 Email..... 137
10	teberline@foulston.com	10	Exhibit 25 Emails..... 141
11	BY: MS. TARA EBERLINE	11	Exhibit 26 Email..... 142
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13		13	Exhibit 28 Document titled: Information
14	VIDEOGRAPHER: Mr. Brandon Roberts,	14	regarding Cities in Kansas
15	attending via Zoom.	15	and Form of Government..... 145
16	Also attending: MR. BRAD RALPH (in person);	16	Exhibit 29 Printout of the Cultural
17	MR. NICKOLOUS HERNANDEZ, via Zoom;	17	Relations Advisory Board page
18	MR. CHRIS BIRZER, via Zoom; MS. GRACE VEDOCK, via	18	from the Dodge City Website.... 161
19	Zoom; MS. MANEOLA SALAANHA, via Zoom;	19	Exhibit 30 Printout of the Cultural
20	MR. RICO ROMAN; MR. LUIS MANUEL via Zoom.	20	Relations Advisory Board page
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1 (The deposition commenced at 10:24 a.m.) 2 THE VIDEOGRAPHER: This is the 3 beginning of Media No. 1 in the 4 deposition of Ernestor de la Rosa in the 5 matter of Miguel Coca, et al., versus 6 City of Dodge City. Today's date is 7 June 20, 2023, and the time on the 8 monitor is 10:24 a.m. 9 My name is Brandon Roberts, and 10 I am the videographer. The court 11 reporter is Janiece Young. We are here 12 with Huseby Global Litigation. 13 Counsel, please introduce 14 yourself, after which the court reporter 15 will swear in the witness. 16 MS. CHING: Good morning. This 17 is Kunyu Ching for plaintiffs. And with 18 me is Sonni Waknin. 19 MS. EBERLINE: Good morning. 20 Tara Eberline appearing on behalf of the 21 City of Dodge City. And also present is 22 city attorney, Brad Ralph. And present 23 on Zoom is city manager, Nick Hernandez. 24 (Off-the-record discussion.) 25 ///	1 fast and that we don't try to talk at the same time 2 so she has an easier time making a record. Okay? 3 A. Yeah. Thank you. 4 Q. Defense counsel here may object to some 5 of my questions. And the objection will be noted 6 for the record, but you will still need to answer 7 the question unless counsel instructs you not to 8 answer on the grounds of attorney-client privilege. 9 Do you understand that? 10 A. Yes. 11 Q. And if you don't understand something 12 that I'm asking you, please let me know, and I'll 13 try to clarify. Otherwise, I'm just going to 14 assume that you understand what I'm asking. Okay? 15 A. Okay. 16 Q. And if at some point you think that you 17 didn't give a complete answer, you know, we can go 18 back and -- and put that in. 19 And we will take occasional breaks during 20 today's deposition. But if you need to take a 21 break at a specific point, let me know. I just ask 22 that you answer whatever question is pending before 23 we take that break. Okay? 24 A. (Witness nods head.) 25 Q. Yes?
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1 ERNESTOR de la ROSA, 2 of lawful age, having been first duly sworn to tell 3 the truth, the whole truth, and nothing but the 4 truth, testified as follows: 5 EXAMINATION 6 BY MS. CHING: 7 Q. Good morning, Mr. de la Rosa. Could you 8 please state and spell your full name for the 9 record. 10 A. Yeah. Ernestor de la Rosa, 11 E-R-N-E-S-T-O-R, last name D-E space L-A space 12 R-O-S-A. 13 Q. Have you ever been deposed before? 14 A. No, first time. 15 Q. Oh, okay. Have you ever given any other 16 sworn testimony? 17 A. Not to my knowledge. 18 Q. Okay. So I'd like to go over a few 19 ground rules for today. I'm going to be asking 20 questions. The court reporter will be taking down 21 the record of our testimony, so all of your answers 22 should be audible. So a "yes" or a "no"; no, you 23 know, shaking your head or just saying "uh-huh" or 24 "huh-uh," so for her sake. 25 And it's also important not to talk too	1 A. Yes, sorry. Yes. 2 Q. Do you understand that you're under an 3 oath to tell the truth today just like you would be 4 if we were in court in front of a judge? 5 A. Yes. 6 Q. And have you consumed anything today that 7 might affect your ability to answer my questions 8 completely? 9 A. No, no. 10 Q. Is there any reason you can think of that 11 you wouldn't -- well, why you wouldn't be able to 12 answer my questions completely and truthfully? 13 A. I don't think so, no. I just -- just 14 didn't sleep well last night, like I'm here. 15 Q. Well, thank you for showing up. 16 (de la Rosa Deposition Exhibit No. 17 17 was marked for identification.) 18 Q. (By Ms. Ching) So let's just start by 19 showing you what's been marked as Exhibit 17. This 20 is for you. 21 Do you recognize this document? 22 A. First time I see it, really. Well, give 23 me just a second. 24 Q. Sure, take your time. 25 A. Yes. I'm sorry, yes.

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1 Q. And when I -- when I hand you documents 2 today, feel free to take whatever time you need to 3 look at them. Just let me know when you're done. 4 A. Yes, I recognize this document. 5 Q. Okay. What is it? 6 A. It's the subpoena to testify. 7 Q. And is this subpoena why you're here 8 today? 9 A. Correct, yes. 10 Q. What did you do to prepare for this 11 deposition today? 12 A. Other than mentally prepare, met with 13 Tara Friday, just basically going over the rules 14 and showed me potential documents that may come up 15 for questions. 16 Q. Okay. Did you meet with anybody else? 17 A. I did -- I did not. 18 Q. What were those documents that you looked 19 at? 20 A. It included email correspondence while -- 21 my time in Dodge City. Also, there was a 22 Strategic Planning for Welcoming and Integration I 23 was part of in Dodge City. 24 (Stenographer asks for clarification.) 25 A. -- strategic planning documents for	1 I also assisted her after the fact 2 following that controversy on setting up the 3 Hoover Pavilion as a polling location; emails 4 regarding, again, the Strategic Planning for 5 Welcoming and Integration in Dodge City; and just 6 emails that I was CC'd on on similar topics. 7 Q. Do you remember what those similar topics 8 were? 9 A. No. I think it was -- there was a 10 question back then from Commissioner, then, 11 Jan Scoggins related to districting. At the time, 12 the city manager had asked the question. I was 13 CC'd on it. And I believe that's it. 14 Q. Okay. Any other election-related emails 15 that you looked at besides the ones you've already 16 mentioned? 17 A. The one -- basically, the latest one, 18 which was in December 2022, when this lawsuit came 19 up. I think we requested information to the League 20 of Kansas Municipalities. I remember -- I remember 21 that vaguely just because I was in transition 22 moving to Topeka. 23 Q. And you mentioned the strategic plan. 24 Did you look at any emails that were about topics 25 similar to the strategic plan?
Page 11	Page 13
1 welcoming and integration that I was a part of 2 while in Dodge City. 3 Q. (By Ms. Ching) Any other documents? 4 A. Not that I can think of, no. 5 Q. How many documents do you recall looking 6 at? 7 A. Oh, boy. It was a binder; so -- 8 Did you -- do you want me to say pages 9 or -- 10 Q. Separate documents regardless of how 11 long. 12 A. No. It was just a binder, a three-ring 13 binder. 14 Q. Okay. More than ten documents? 15 A. Yes. It was just email correspondence, 16 thread of -- threads of emails of periods of time. 17 Q. What were those emails about? 18 A. It was related to either providing 19 transportation during the voter controversy in -- 20 which I don't remember the year -- in Ford County, 21 attention to poll location. 22 Since I oversaw the public transportation 23 program in Dodge City, I was assisting the county 24 clerk on providing transportation for, you know, 25 early voting during election for all elections.	1 A. I mean, it could have been. So part of 2 my role with the City of Dodge City as assistant 3 city manager was I handled or wore different hats. 4 I staffed the Cultural Relations Advisory Board, 5 which was the -- the body within the city to talk 6 and discuss topics related to welcoming and 7 integration since we have a huge influx -- or a 8 large Latino immigrant community. And so it could 9 be from immigration services to English as the 10 second language, interpreters, you name it. 11 Q. So you looked at emails related to that 12 advisory board or English as a second language? 13 A. I'm sorry. I misunderstood your -- your 14 question. I thought you -- I didn't think that you 15 were talking about read emails, but rather 16 included -- 17 Q. Yeah -- 18 A. -- content as such. 19 Q. -- yeah. I'm just asking about the 20 emails that you looked at on Friday. 21 A. Right, no. The emails was basically, 22 again, on transportation related to the voting 23 polls; the poll relocation after that controversy; 24 districting planning initiative with welcoming and 25 integration; and then the request to the League of

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1 Kansas Municipalities on districting. 2 Q. Okay. And nothing else? 3 A. Not that I can remember. 4 Q. Okay, thank you. 5 How long did you meet with Ms. Eberline 6 for? 7 A. It was from -- 8 THE WITNESS: Was it 9 10 o'clock? Sorry. I'm looking at you. 10 A. 10:00 to noon, I believe? I'll have to 11 look at my calendar. 12 Q. (By Ms. Ching) So a couple of hours? 13 A. Yes. 14 Q. Was anybody else present? 15 A. No. 16 Q. Did you bring any documents with you to 17 that meeting? 18 A. I did not. 19 Q. And did you discuss that meeting with 20 Ms. Eberline with anybody else? 21 A. No, I did not. 22 Q. Did you retain your own lawyer for the 23 purposes of preparing for this deposition? 24 A. No, I did not. No reason to. 25 Q. Just thought I'd ask.	1 employer. 2 Q. But not related to -- 3 A. No -- 4 Q. -- this deposition -- 5 A. -- no -- 6 Q. -- or this case? 7 A. -- no. 8 Q. How long did you speak with Ms. Tieben 9 for about your deposition? 10 A. It was literally a minute. 11 Q. Okay. 12 A. It was just, again, talking about my 13 deposition coming up and, you know, basically it. 14 Q. And how long did you speak with Ms. McCoy 15 for about your deposition? 16 A. That one it was mainly briefly, again. 17 Again, we are good friends, and we mainly talked 18 about her parents -- her dad's health and her trips 19 coming up and work-related items. 20 Q. I just mean how long was the portion of 21 your conversation with her about your deposition. 22 A. Again, it was probably a minute. 23 Q. Okay. So in today's deposition I'm going 24 to be using the terms "Hispanic" and "Latino" 25 interchangeably as those terms are used in the
Page 15	Page 17
1 Was there anything else that you did to 2 prepare for this deposition besides meeting with 3 Ms. Eberline? 4 A. No. I mean, over the weekend, I 5 thought -- I just thought of what the range of 6 questions could be related to my work in 7 Dodge City, but that's basically it. 8 Q. Did you talk to anyone else about this 9 deposition? 10 A. No. I mean, I'm good friends with my 11 colleague, Melissa McCoy, assistant city manager. 12 We talked about, "Hey, when is your deposition?" 13 But nothing in -- related or getting into the 14 weeds. 15 Q. Okay. Was she the only other person that 16 you talked to about this deposition? 17 A. Cherise Tieben, she's my -- one of my 18 mentors. And, again, we talked about just, you 19 know, my deposition coming up. And I think she 20 mentioned she could be deposing as well. 21 Q. What else did you talk with Ms. Tieben 22 about in regards to your deposition? 23 A. Other than that, it was largely, mainly 24 seeking advice related to a personnel matter 25 currently going in my current -- with my current	1 US Census. 2 A. Okay. 3 Q. Okay? 4 A. Yes. 5 Q. Can you tell me a little about yourself, 6 what your background is. 7 A. Yeah. I am an immigrant myself, first 8 generation; came here at the age of 12; lived two 9 years in Austin, Texas. Then in 2004, we moved to 10 Dodge City where I attended high school and then 11 community college. 12 After that, I moved to Hays, Kansas, for 13 my undergrad. And then following Hays, I attended 14 Wichita State University for my graduate degree. 15 And then after graduating in 2014 in Wichita State, 16 I went back to work for the City of Dodge City. 17 Q. Okay. That's a lot there. 18 Do you identify as Hispanic or Latino? 19 A. Yes. 20 Q. Either one specifically or -- 21 A. More Latino than Hispanic. 22 Q. Okay. So you mentioned that your family 23 moved to Dodge City in 2012. How old were you in 24 2012? 25 A. I'm sorry, that's incorrect. 2004.

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1 Q. 2004. Apology for that. 2 So your family moved to Dodge City in 3 2004. How old were you at that time? 4 A. I might have been 14 or 15. 5 Q. And which high school did you go to? 6 A. Dodge City High School. 7 Q. And the community college? 8 A. Dodge City Community College. 9 Q. Did you obtain a degree from Dodge City 10 Community College? 11 A. Yes, ma'am. 12 Q. What degree was that? 13 A. Associate's of arts. 14 Q. What was your major? 15 A. Political science. 16 Q. And then you went to Fort Hays State 17 University? 18 A. Correct. 19 Q. And did you get a degree there? 20 A. Yeah, undergrad in -- bachelor's of arts, 21 political science major. 22 Q. And then immediately following that, you 23 went to Wichita State? 24 A. Yeah. 25 Q. For an advanced degree?	1 A. Right. So if we're talking about my last 2 position which, again, was assistant city 3 manager/legislative affairs -- 4 (Stenographer asks for clarification.) 5 A. -- manager/legislative affairs. 6 So, again, as the assistant city manager, 7 I oversaw human resources, public transportation -- 8 Q. (By Ms. Ching) Sorry to interrupt. Do 9 you mind if we go in chronological order? 10 A. Okay. Which -- can you say that -- I 11 mean, since the date I started with the city or -- 12 Q. Yeah, the -- so you did your internships? 13 A. Right. 14 Q. And then after graduating in 2014, you 15 started again with the city? 16 A. Right. 17 Q. What was that first position with the 18 city? 19 A. Assistant to the city manager. 20 Q. Okay. And how long did you have that job 21 title? 22 A. Oh, boy. So I want to say 2019. It was 23 interchangeably in the sense that it was assistant 24 to the. And then I was assistant to the city 25 manager, Martha Littagannier (ph). And then it
Page 19	Page 21
1 A. Correct. Public administration. 2 Q. Was that a -- a master's? 3 A. Correct. 4 Q. I'd like you to walk me through your 5 employment history with Dodge City. 6 A. Yeah. 7 Q. When did you start working there? 8 A. So it all started back in 2012. I was 9 needing to do an intern for one of my last courses 10 with Fort Hays State University. I started doing 11 the internship with development services at the 12 time and then came back in 2013 for another 13 internship during the summer when I was home and 14 taking a break from school, of course. 15 And then I interned with the 16 human resource office, city manager office. And 17 then upon graduation, I started full employment 18 on -- in May 2014. 19 Q. You mentioned earlier that you wore a lot 20 of hats while you were -- 21 A. Right. 22 Q. -- at the city. 23 A. Yeah. 24 Q. Let's start with the first hat that you 25 wore. What was that job title?	1 changed to assistant finance director, along with 2 the assistant to the, and then HR director, along 3 with the assistant to the. And then after that, it 4 became assistant city manager/legislative affairs. 5 Q. Okay. Let's unpack that one by one. 6 A. Okay. 7 Q. As the assistant to the city manager, 8 what were your job duties? 9 A. So it was an entry-level position, 10 really, for a graduate -- a recent graduate from 11 graduate school. I dealt with a lot of 12 multicultural affairs, issues; special projects; 13 and mainly those two, I believe. 14 Q. What kinds of multicultural affairs or 15 special projects did you work on? 16 A. You know, since I was at the time perhaps 17 the second or the only fluent Spanish-speaking 18 appointed official within the city manager's 19 office, I dealt with affairs related to the 20 community, whether they -- where there was a 21 language barrier. 22 Soccer comes to mind because I know 23 soccer was huge in the community. And there was 24 rental of fields and such. Translated a lot or 25 interpreter a lot for the human resource office

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Page 22 1 when it came to personnel issues. I think that's 2 kind of in a nutshell. 3 Q. Any other job duties as the assistant to 4 the city manager? 5 A. Research of -- it could be incentives. 6 It could be best practice, whether it was for a 7 particular issue to economic development or human 8 resources. 9 Q. When you say "incentives," what do you 10 mean by "incentives?" 11 A. Economic. Economic development 12 incentives. 13 Q. Okay. 14 A. You're really testing my memory, though. 15 Q. Economic development for local businesses 16 or -- 17 A. For the community. 18 Q. Okay. So you remained assistant to the 19 city manager from 2014 to roughly 2019, you said? 20 A. Roughly 2019. And I say that because I 21 don't remember the exact dates, but yeah. 22 Q. That's okay. 23 A. I could have brought you my résumé. 24 Q. We'll just test your memory today. 25 You mentioned, at some point, you also	Page 24 1 Q. What was that service? 2 A. Basically, origin to destination. 3 Individuals with either a disability, permanent or 4 temporary, would qualify with -- for that service 5 given the -- sort of the geographical limits of -- 6 of -- within the city. 7 Q. By "geographic limits," you mean 8 within -- 9 A. City limits. That service was provided, 10 I think, a quarter of a mile beyond the fixed route 11 geographical area. 12 Q. And then you said, in 2015, the city 13 began a fixed route service? 14 A. Correct. 15 Q. Is that like a bus service? 16 A. Correct. These are minibuses, included 17 staff of maybe 12, 14 part-time bus drivers and, 18 again, to provide public transportation services. 19 Q. Were there any other job duties or 20 responsibilities that you had as the mobility 21 manager? 22 A. Well, with the city, we had, as a piece 23 to meet the needs of our community. When I came on 24 with the city, they had already instituted a 25 bilingual or multilingual skills pay policy, which
Page 23 1 had some other roles during that time. What was 2 the next role or job title that you had? 3 A. So the -- then I acquired the second hat, 4 which was assistant to the city manager, mobility 5 manager. And, again, we moved from having a 6 contracted person running our transportation 7 program to having a actual manager to oversee that 8 program, so it was both parallel at the same time. 9 Q. And what dates were you the assistant to 10 the city manager/mobility manager? 11 A. That, I don't remember. 12 Q. Do you remember how long you served in 13 that capacity? 14 A. It might have been a year or two. 15 Q. And you mentioned transportation 16 generally. Can you give me a little more specific 17 information about what transportation? 18 A. Yeah. No, our public transportation 19 program included door-to-door service for the 20 community. And then in 2015, we launch our fixed 21 route service providing in the upwards of 40,000 22 rides per year and really just overseeing the 23 operation and personnel of that program. 24 Q. You mentioned a door-to-door service. 25 A. Yeah.	Page 25 1 was available to most employees that felt like they 2 spoke the language. 3 The language would be then tested or 4 certified. And I would get an additional pay on 5 top of -- of my regular duties. The idea was to 6 serve as the interpreter or translator when the 7 community needed the service. 8 Q. And that was one of your official duties? 9 A. Yeah. I mean, I was getting paid for it, 10 so whenever I -- whenever I got a callout to either 11 serve as an interpreter or translator, I needed to 12 answer that call if I was available. 13 Q. So when you were doing that translating, 14 anybody in the city could, say, for example, send 15 you a document and say, "Hey, can you please 16 translate this into Spanish for me"? 17 A. Yeah. No, it was our concerted effort to 18 be, again, meeting the -- the language need. 19 Again, under federal guidelines, there's a 20 threshold for limited English proficiency under 21 Title VI. And -- and so you needed to not only 22 follow that to be in compliance with the 23 transportation -- KDOT or FAA -- FAA -- Federal 24 Transportation Administration, sorry -- or 25 Title VI.

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Page 26 1 And so -- but beyond that, the city 2 manager, or the administration at the time, wanted 3 to ensure that we provided that service beyond an 4 online or telephone service to meet the needs of 5 our community. 6 Q. And in terms of interpreting -- so let's 7 say somebody showed up at the city front desk and 8 needed help, but they didn't speak English, 9 somebody could call you up and say, "Could you 10 please come down here and interpret" -- 11 A. Oh, yeah -- 12 Q. -- "for us"? 13 A. -- yeah. That was, you know, one of the 14 best practices. And, mainly, whether it was 15 municipal court or development services, you know, 16 more frequent front desks or utility office. 17 And please note that I wasn't the only 18 interpreter. There's a plethora or a number of 19 employees that are under that policy, receive pay, 20 and act as an interpreter. 21 Q. How many? How many employees? 22 A. Oh, boy. I couldn't tell you, but I want 23 to say it could be -- it could range from 15 to 30 24 employees throughout the different city 25 departments.	Page 28 1 We recently -- under my guidance we 2 changed the evaluation through LanguageLine 3 Solutions, which is now done online and, again, is 4 comprehensive. And it's basically giving you a 5 test score, whether it's novice, intermediate, 6 advanced, or college professional. 7 Q. How much was the pay incentive? 8 A. It was better than most cities. In fact, 9 when you talk to the Welcoming America network, 10 which is one of the entities that we worked on a 11 lot related to welcoming and integration of 12 immigrant communities or refugee residents, I mean, 13 it could range up to 7 percent on top of your base 14 pay. 15 Again, and it was based on your role with 16 the city. If you were a frontline employee -- for 17 example, a police officer -- and based on your 18 proficiency, you can get up to 7 percent. 19 Q. So after an employee passes the test and 20 gets certified, and depending on their role, they 21 just get this blanket incentive attached to each 22 paycheck? 23 A. Yes. 24 Q. It doesn't matter how many times they are 25 asked to interpret?
Page 27 1 Q. You mentioned that that pay incentive 2 began before you started -- 3 A. Yeah. 4 Q. -- working at the city? 5 A. Correct. 6 Q. Do you know how -- when it started? 7 A. No, I couldn't -- I don't want to 8 speculate. But it was before my arrival as a 9 full-time employee with the City of Dodge City. 10 Q. And when you arrived, you were the second 11 or the perhaps the only fluent Spanish speaker, you 12 said? 13 A. I want to say second and -- because my 14 colleague, Melissa McCoy, is fluent in Engli- -- or 15 in Spanish, I'm sorry. She spent about -- I don't 16 want to speak for her, but spent over ten years in 17 City of Mexico. 18 Q. What kind of testing or certification did 19 you -- were you required to complete in order to 20 get this pay incentive? 21 A. Yeah. It was a comprehensive testing: 22 oral, written, comprehension. I think there's a 23 fourth column there. It was -- we first started 24 conducting this evaluations through a Spanish 25 teacher from the high school.	Page 29 1 A. Right. Again, one of the disclaimers 2 there was, if they're free and available to 3 interpret or translate, they will do it. 4 Q. How often were you translating or 5 interpreting? 6 A. Quite often. Again, you're looking at a 7 community that it's 60 percent Latino or Hispanic. 8 And so I did a lot of work with our PIO, public 9 information officer. And -- because we made a very 10 concerted effort to provide information in Spanish, 11 mainly on social media platforms, for the city. 12 Again, we wanted to serve the community 13 we served, very diverse. And so I did a lot of 14 translation -- again, it's different from 15 interpretation -- looking at documents that needed 16 immigrant -- important for the public. 17 (Stenographer asks for clarification.) 18 THE WITNESS: Interpreting 19 documents that were important for the 20 public. 21 Q. (By Ms. Ching) So in an average -- let's 22 say an average workweek, how many times would you 23 be called upon to translate or interpret something 24 from English to Spanish? 25 A. Again, not being the only one, since

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Page 30 1 there's -- there are multiple employees it could 2 range between five to ten. For -- for me -- not to 3 toot my own horn, because my proficiency level was 4 greater on the translation piece of documents -- 5 that required a lot more from the PIO or, you know, 6 my colleagues ensuring that their -- the 7 information was accurate and correct in Spanish. 8 Q. So how many times on an average week? 9 A. Again, five to ten. 10 Q. Five to ten. 11 Were bilingual or multilingual city 12 employees asked to take on those roles, or were 13 they -- 14 A. So during -- and any time we had a new 15 employee through the onboarding process, we would 16 make them aware of -- of the policy. If they -- 17 obviously, they would be aware of -- of that policy 18 or incentive. Whenever they felt like they wanted 19 to take the test, they would call the HR office to 20 schedule their test. 21 If the -- per the policy, if the employee 22 tested within the 90-day timeframe from the start 23 of their employer -- employ -- employment, I'm 24 sorry -- pay would be retro to their first day. 25 Q. Were city employees encouraged to take on	Page 32 1 our police force because they were out in the 2 community interacting with our residents. And, 3 obviously, we would encourage and -- and ensure 4 that we had that skill within our police 5 department. 6 Q. So the city, then, only relies on 7 existing employees to do the translation? There 8 is -- 9 A. Not only. Again, you have the Title VI 10 Limited English Proficiency Plan that includes 11 training and -- and different avenues that you can 12 provide translation. Certified employees was just 13 one. 14 We also have the service through 15 LanguageLine Solutions that provided this service, 16 not only in Spanish, but multiple different 17 languages. And, also, municipal court contracted 18 time to time on the Kiché dialect for the 19 Guatemalan community. 20 And then, also, you have -- in recent 21 years we sought -- or saw refugees from African 22 countries. And so that interpretation skill or 23 bilingual skill was a little bit harder to find. 24 But we -- through relationships or other networks, 25 we found that interpretation service. It was a
Page 31 1 those translation duties? 2 A. Oh, yeah. I mean, you -- we're serving, 3 again, an immigrant refugee community. And so not 4 only benefitted the employee, you know, getting 5 additional pay for their skill because they were 6 going to utilize it anyway, but also, it was a form 7 of satisfaction serving our community and ensuring 8 that we met the needs of our residents. 9 Q. Was there ever a time where a city 10 employee was asked to translate but they declined 11 to do that? 12 A. Yeah. I mean, you can see that, but it 13 was times when they were tied up in either -- in a 14 meeting or in a particular project that they 15 couldn't get away with. And that happened to me 16 multiple times. 17 Q. Did the city ever employ somebody whose 18 main job duty was to translate or interpret? 19 A. Not necessarily. I mean, you have 20 positions or roles within the city that would 21 require or preferred a bilingual skill. For 22 example, you had one of the clerks with the 23 municipal court that required that bilingual piece 24 because of the nature of -- of the role. 25 Also, we made an intentional effort with	Page 33 1 little bit harder to find because you don't have a 2 lot of those, but we also made a concerted effort 3 to ensure that that was available to us. 4 Q. So the city doesn't have official 5 translators whose job is just to do the 6 translating? If -- if a city employee is 7 translating, it's in connection with other job 8 duties? 9 A. Right. So it's -- it's an added duty, if 10 you will, per the policy. 11 Q. Uh-huh. 12 A. But there was enough translators in each 13 of the departments that we weren't spread too thin, 14 for lack of better terms. And so, again, I'm 15 speculating it's 15 to 30 employees under this 16 skill or -- or pay, but there was enough to go 17 around because we ensure that, again, we have 18 interpreter or translators in almost, if not all, 19 departments or divisions. 20 Q. Okay. Let's go back to your role as 21 mobility manager. 22 A. Yeah. 23 Q. And you said you only held that position 24 for a year or two. 25 What was the next hat that you wore for

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1 the city? 2 A. The next hat was -- or hats was assistant 3 to the city manager, assistant finance director. 4 Q. And how long did you hold that title? 5 A. About a year, I think. 6 Q. Do you remember which year that was? 7 A. I don't. Sorry. 8 Q. And what were your primary duties as 9 assistant finance director? 10 A. So aside from being the assistant to the 11 city manager, I helped the finance director then 12 through the budgeting process, I think, with the 13 two budgets within that year. So I assisted in 14 that process meeting with department heads, 15 preparing the budget document, also preparing 16 documents that needed to be submitted to the State 17 by a certain deadline. 18 Also, we looked at providing either 19 statements or documents ready for an economic 20 development project going on at the same -- at that 21 time. The one that comes to mind was the STAR 22 Bonds Project -- 23 (Stenographer asks for clarification.) 24 A. The STAR Bond Project or the RHID related 25 to housing development.	1 personnel, discipline, the benefit package related 2 to health, constant communication with finance and 3 payroll. Yeah, I mean, it was the whole 4 nine yards. 5 Q. As HR director, who did you report to? 6 A. The city manager. 7 Q. Did you also report to the city manager 8 as the mobility manager? 9 A. No. So as the assistant to the city 10 manager -- and, again, mobility manager; assistant 11 city -- assistant to the city manager, dual role; 12 the city manager; parks and rec director -- or 13 parks director. 14 Q. Sorry to jump around a bit. As assistant 15 finance director, who did you report to? 16 A. The finance director. 17 Q. Okay. 18 A. And then I also had the -- the -- the 19 dual cap of -- 20 Q. Yes. 21 A. -- which was the city manager. 22 Q. Was there an additional hat that you 23 wore, any other hats? 24 A. I mean, you had the occasional -- besides 25 the -- the bilingual piece, you had the occasional
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1 Q. (By Ms. Ching) Anything else that you 2 did as the assistant finance director? 3 A. Only the bilingual piece. 4 Q. Okay. How about the next hat that you 5 wore? 6 A. The next hat was assistant to the HR 7 director. It was interim HR director and then 8 HR director, so it was both again at the same time, 9 assistant to the city manager, HR director. 10 Q. So you were the HR director? 11 A. Yes. 12 Q. And interim HR director for a time? 13 A. Well, it was first interim HR director, 14 and then it became a permanent role or title. 15 Q. And how long did you serve in that role? 16 A. A year, year and a half, maybe two. 17 Q. Do you remember which years? 18 A. I don't. I'm sorry. I know it was maybe 19 at the beginning of 2019 when I -- I accepted the 20 role of assistant city manager/legislative affairs. 21 Q. Okay. We will get there. 22 And what were your job duties as 23 HR director? 24 A. Well, oversaw the entire operation of the 25 HR office from recruitment to retention, training	1 resident issue where a higher skill of -- of either 2 cultural comprehension or bilingual proficiency was 3 needed and I assisted with. 4 Q. You mentioned that you also served as 5 assistant to the city manager/legislative affairs? 6 A. Uh-huh. 7 Q. Was that the title? 8 A. That was my -- that was my last role, 9 yeah. 10 Q. Okay. And that you started that 11 beginning 2019? 12 A. Yes. Without looking at my résumé, yes. 13 Q. And you served in that role until you 14 left? 15 A. Yes. 16 Q. And what were your job duties for that 17 role? 18 A. Yeah. So as the assistant city 19 manager/legislative affairs I oversaw HR, the 20 HR office, public transportation program. I took 21 care of the legislative affairs for the city, 22 coordinated and staffed the -- the Southwest Kansas 23 Coalition. 24 What else? Staffed -- or was the -- the 25 staff for the Cultural Relations Advisory Board,

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Page 38 1 served as the ex official for the Dodge City YMCA. 2 I don't know. I mean, there's a lot of hats, I 3 feel like. 4 Q. It sure sounds like it. 5 So I just want to make sure that I have 6 that job title clear. 7 A. Yes. 8 Q. Is that assistant to the city manager? 9 A. No. That changed slightly, so -- 10 Q. Okay. 11 A. -- prior -- so the other positions were 12 assistant to the city manager. This one is 13 assistant city manager/legislative affairs. 14 There's a difference. 15 Q. Yes. And I was wondering what that 16 difference is at the risk of making an office joke. 17 A. Yeah. No, I mean, it's -- it's -- it's 18 perhaps a -- a higher pay grade, if you will. 19 Again, there was two of us. And so when the city 20 manager was gone, we would, then, step in to, you 21 know, either answer questions or address issues 22 that came up that -- that we needed to address in 23 the absence of the city manager. 24 Q. So as assistant city manager/legislative 25 affairs, you mentioned that you -- you oversaw HR?	Page 40 1 at the state level. Also worked with the federal 2 delegation on federal issues related to the ones 3 mentioned previously. 4 And then we would also work with our 5 lobbyist for the Southwest Kansas Coalition. We 6 called it the SKC. If I mention that moving 7 forward, that's what I'm referring to on -- on -- 8 on those issues. 9 We would often write testimony on a law 10 being proposed and basically state our position 11 related to that issue. 12 Q. You mentioned a legislative agenda for 13 the city and also a separate agenda for the 14 Southwest Kansas Coalition. 15 A. Right. 16 Q. What would you do with those agendas? 17 A. Well, we would review the agenda before 18 approval from the governing body. And we would 19 add or remove issues that either were addressed or 20 were -- or were of interest. 21 And so, for example, I mean, the 22 likelihood of removing an issue and being addressed 23 was slim to none, but we would add -- I think when 24 I started as the assistant to -- or when I started 25 with the City of Dodge City, we kept adding issues
Page 39 1 A. Uh-huh. 2 Q. And the public transportation? 3 A. Right. 4 Q. Was that a continuation of what you had 5 been previously doing? 6 A. Just overseeing it. I mean, I had, 7 obviously, staff that would run the operations, 8 would be in the -- in the weeds, for lack of better 9 terms. 10 Q. You mentioned legislative affairs for the 11 city. What do you mean by that? 12 A. So I -- we -- we would prepare a 13 legislative agenda annually for the city, federal, 14 and state on issues related to the city, whether it 15 was housing, immigration, home role, 16 transportation, you name it. And then, also, we 17 would work collaboratively with the cities of 18 Garden City and Liberal. 19 In 2012 they formed the Southwest Kansas 20 Coalition to -- to serve as a unified voice on all 21 those issues. And we would have a separate 22 legislative agenda for that. 23 During the legislative session, I would 24 communicate or remain in constant communication 25 with our representatives -- local representatives	Page 41 1 related to immigration because we wanted to be 2 proactive about those issues. 3 I think we talked about in that not only 4 the sensitive were asking or advocating for a 5 immigration reform because, obviously, that was a 6 larger issue for Dodge City and Southwest Kansas. 7 When I got on with the city, then we 8 added a different action for childhood arrivals as 9 one of the issues that we wanted to talk about and 10 include. We would add -- we also added -- I think 11 it was a -- we added issues related to asking for 12 drivers' licenses for documented immigrants in the 13 state of Kansas, particularly in Southwest Kansas. 14 And so, again, because there was a -- there was a 15 need for the community. 16 And then we also added advocating for 17 United States Citizenship and Immigration Services 18 for Southwest Kansas since we had gotten started 19 those in 2015 -- '15, making one trip or appearance 20 in -- once year in each of the three communities in 21 Southwest Kansas. And we wanted more frequent 22 services. 23 Q. What was the purpose of creating the 24 legislative agendas? 25 A. It was basically a communication tool for

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1 our representatives on the different issues that 2 we -- that -- that we wanted to talk about and, 3 more or less, communicate where we stood on -- on 4 the different issues. 5 And so it was effective. And, you know, 6 when that certain issue or particular issue would 7 come up, they would contact us and -- and say, 8 "Hey, what do you think about this proposal? Do 9 you have any concerns?" 10 Or, more or less, we would contact our 11 representatives and say, "Hey, this doesn't work 12 for us. It really affect our community," and so 13 forth. 14 Q. And when you say, "we," you mean the City 15 of Dodge City? 16 A. Correct, yeah. 17 Q. So I think we've mentioned four or five 18 different titles that you've held: assistant to 19 the city manager, mobility manager, assistant 20 finance director, HR director, and assistant city 21 manager of legislative affairs. 22 A. Uh-huh. 23 Q. Is there any other job title that you 24 held while you were in Dodge City? 25 A. Other than my internships, no.	1 my HR officer resigned to move on to a new 2 opportunity. And then I was more in the weeds in 3 the HR role. So I -- I believe I only had, more or 4 less, an administrative assistant to help me, but, 5 obviously, it was a heavier load, if you will. 6 Q. And assistant city manager/legislative 7 affairs, you said that you served in that role 8 beginning in early 2019 until you left? 9 A. January -- I know it was at the beginning 10 of the year of -- of 2019. I think that's correct, 11 but yeah. 12 Q. Until you left? 13 A. Yes. 14 Q. When did you leave? 15 A. To be exact, actually, I do remember this 16 date, January 3rd, 2023. 17 Q. And why did you leave? 18 A. I sought a new opportunity with the city 19 of Topeka, something that I enjoy doing related to 20 equity. 21 Q. Okay. Was there anything about your work 22 in Dodge City that made you want to leave Dodge? 23 A. Not at all. I enjoyed it. 24 Q. Just thought I would ask. 25 Who was the city manager while you worked
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1 Q. Okay. And I know you were kind of fuzzy 2 on the dates on which you held those specific 3 roles. And the assistant to the city manager role 4 overlapped with a lot of these other ones. 5 A. Correct. 6 Q. Was there any overlap between your time 7 as mobility manager, assistant finance director, or 8 HR director? 9 A. No, there wasn't. 10 Q. So those were sort of consecutive or 11 separate periods? 12 A. Separate. So, I mean, you had -- I think 13 I always held the assistant to the city manager -- 14 Q. Uh-huh. 15 A. -- in addition to mobility manager and 16 then -- 17 (Stenographer asks for clarification.) 18 A. Mobility manager, and then assistant 19 finance director and then HR director. 20 Q. (By Ms. Ching) And then you mentioned 21 that your final role was assistant city 22 manager/legislative affairs. 23 Was there any overlap between that 24 position and the other positions we talked about? 25 A. The only overlap was this last fall when	1 in the city government? 2 A. Well, it was two. My city manager, 3 Cherise Tieben; then she retired. And then 4 Nick Hernandez. 5 THE STENOGRAPHER: What is the 6 first name? 7 THE WITNESS: Cherise Tieben. 8 THE STENOGRAPHER: And then 9 what was the second person? 10 THE WITNESS: Nick Hernandez. 11 THE STENOGRAPHER: Thank you. 12 MS. CHING: Cherise is 13 C-H-E-R-I-S-E. Tieben, T-I-E-B-E-N. 14 THE STENOGRAPHER: Thank you. 15 MS. CHING: You're welcome. 16 Q. (By Ms. Ching) When did Ms. Tieben 17 retire? 18 A. You're really testing my memory there. I 19 want to say 2020. 20 Q. And did Mr. Hernandez start right away? 21 A. Yes. 22 Q. Was there a gap in time between when 23 Ms. Tieben left and Mr. Hernandez started? 24 A. No. Actually, there was a little bit of 25 overlap, maybe a week or so.

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Page 46 1 Q. In your many roles with the city, did you 2 ever work directly with the commissioners? 3 A. Yeah. I mean, there was a lot of 4 instances when you interacted with commissioners, 5 you know. So we would -- so there was two trips 6 related to my legislative affairs duty or hat to 7 Washington, D.C. to meet with our delegation. 8 One of them was with the Western Kansas 9 delegation, which is a group of -- a large group of 10 individuals that would go up there and have a 11 legislative update from staff. And then they would 12 then meet individually with each of the 13 representatives or senators. And then that was one 14 trip each year. 15 And then we would have -- up until the 16 pandemic, we would have the Southwest Kansas 17 Coalition trip, which was -- was a little bit 18 smaller group of people, a little bit more intimate 19 but very effective. 20 Q. You went on these trips with 21 commissioners? 22 A. Yeah. It was typically one or two 23 commissioners, mainly the mayor. On the SKC trip, 24 it would be the mayor. 25 Q. Who was the mayor while you went on those	Page 48 1 staff. 2 Again, we were very respectful of that 3 point of communication because, again, the city 4 manager was the only employee that the city 5 commission oversaw. And -- and so it was a best 6 practice to -- to follow. Oftentimes, the city 7 manager would allow us to get back directly to the 8 commissioner on a particular item. 9 Q. And then you mentioned that you presented 10 official topics during town meetings? 11 A. Yeah. If I needed approval, for example, 12 we would do an annual review of the legislative 13 agenda, either for the city or the SKC. They were 14 separate and distinct. And we needed approval from 15 city commission, so we -- I would present it and 16 basically ask for approval. 17 Q. Were there any other times when you 18 worked directly with the commissioners besides what 19 we've already talked about? 20 A. Just phone calls, complaints, official 21 business through the official meetings, those 22 trips. There was conferences that we attended, the 23 League of Kansas Municipalities being one. We also 24 had our annual meeting with the Southwest Kansas 25 Coalition. They'd be present, you know.
Page 47 1 trips? 2 A. It changed every year; so -- 3 I mean, you would have Joyce Warshaw, 4 Kent Smoll, Brian Delzeit, Rick Sowers. 5 Q. Besides these annual trips -- 6 A. Uh-huh. 7 Q. -- were there any other ways in which you 8 worked directly with the commissioners? 9 A. Yeah. I mean, you would have an issue 10 that would come from the community that didn't know 11 the answer to. And we would assisted them, either 12 getting back to the resident or providing 13 additional info to get back to the resident. 14 I presented agenda items during their 15 official meetings. What else? I mean, it was a 16 small town, so we interacted a lot in our 17 professional roles. 18 Q. You mentioned a resident bringing up some 19 issue that they didn't know how to present to the 20 commission. Is that what you meant? 21 A. No. So, typically, what you have is a 22 complaint. Let's say a resident reaches out to the 23 commission. Then the commission's best practice 24 was to get it back to the city manager. The city 25 manager, then, would kick it on to one of the	Page 49 1 MS. CHING: Okay. We've been 2 going for about an hour. Would you like 3 to take a break? 4 THE WITNESS: We can continue. 5 MS. CHING: Okay. 6 MS. EBERLINE: I'd like to take 7 a break. 8 MS. CHING: Okay. Why don't we 9 take a five-minute break. 10 THE WITNESS: All right. 11 MS. CHING: We can go off the 12 record, please. 13 THE VIDEOGRAPHER: All right. 14 The time is 11:22. We are now off the 15 record. 16 (Brief recess taken.) 17 THE VIDEOGRAPHER: All right. 18 The time is now 11:30 a.m., and we are 19 back on the record. 20 Q. (By Ms. Ching) Mr. de la Rosa, I'd like 21 to just ask you a few more questions about city 22 government generally. 23 Who makes the final decisions on city 24 policy related to city elections? 25 A. It's probably going to be the city

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Page 50 1 commission. And I think about it just because this 2 issue hasn't come up. And when you talk about 3 elections in general, I always -- it always makes 4 me think of the county clerk on -- with the 5 elections office. 6 Q. Why do you say that? 7 A. Because the -- the county, under their 8 umbrella, they -- they run and operate the 9 elections with -- for county or the city. I mean, 10 if you were talking about, you know, what's being 11 discussed here about districts who are -- how 12 large, I would assume -- and you know what assuming 13 does -- it'd be with the city commission. 14 Q. But Ford County is not the one who makes 15 decisions about city elections? 16 A. Oh, city elections? 17 Q. Yeah, city elections. 18 A. Can you say -- I mean, what -- what do 19 you mean by "decisions"? 20 Q. So let me see if I can narrow that down. 21 For example, at-large versus 22 district-based elections, the Ford -- Ford County 23 doesn't have a say in that decision. 24 A. Correct. And my assumption in that -- 25 with that question would be city commissioner	Page 52 1 commission. Rather, there may be follow-up from 2 staff related to that complaint or suggestion. 3 And so, you know, during my -- my years 4 with the City of Dodge City, I didn't -- we didn't 5 see a whole lot because the community was just sort 6 of not engaged. I mean, the moment we saw more 7 people coming to city commissions -- city 8 commissions was during the pandemic over the mask 9 ordinance, or policy. And so other than that, 10 you -- you'd have almost no one show up. 11 Q. (By Ms. Ching) Well, I want to 12 distinguish between someone coming to the city 13 commission with a complaint about a current policy 14 versus saying, "Hey, I have a completely new idea 15 for something that we should do." 16 Would the process of going to the city 17 commission be different between those two 18 situations? 19 A. I'm going to assume it wouldn't because, 20 I mean, what I foresee happening is the city 21 commission directing staff to follow up and, 22 hopefully, either addressing that question or 23 complaint on some -- I mean, on a form of fashion, 24 again is -- yeah, I mean, it -- that would be 25 the -- the practice that we would follow.
Page 51 1 voters. 2 Q. Okay. What kind of input would 3 Ford County have on elections, on city elections? 4 A. With that question in mind, I -- probably 5 none. 6 Q. Who makes the final decisions on city 7 policy related to the city budget? 8 A. The city commission. 9 Q. We kind of touched on this earlier, but 10 let's say a member of the public has an idea for a 11 new ordinance or policy, and they bring it up at a 12 public commission meeting. 13 Can you walk me through the process of 14 creating or dealing with that new ordinance from 15 start to finish. 16 A. Yeah. 17 MS. EBERLINE: Object to form. 18 You can go ahead and answer if 19 you understand. 20 A. So, typically, in my experience through 21 city commission meetings, when a concern on a 22 certain policy's raised is -- raised or it's through 23 the public comments section, typically, the -- sort 24 of the rule with -- with those -- under those 25 meetings is it's usually no comment from city	Page 53 1 Q. Okay. Let's just talk about the 2 complaint context. 3 A. Okay. 4 Q. Someone comes and complains. They say: 5 I don't like this thing that's happening. 6 And you said: The commission would not 7 respond directly at that time? 8 A. For the sake of the meeting. 9 Q. During the meeting, yeah. 10 A. Correct. 11 Q. And then they would direct staff to 12 follow up on that complaint? 13 MS. EBERLINE: Just a second. 14 Let me object to the line of questioning 15 just as vague. I mean, you're -- you're 16 not identifying any particular type of 17 complaint, so you're talking any form of 18 complaint whatsoever? 19 MS. CHING: I mean, the witness 20 raised the complaint. 21 Q. (By Ms. Ching) So do you have a 22 particular complaint in mind that you're thinking 23 about -- 24 A. No. I mean -- 25 Q. -- would have happened?

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Page 54 1 A. -- what I was referring to is just a 2 complaint. I mean, somebody could be talking about 3 pit bulls running without a muzzle, or they could 4 be talking about bees in the city or chickens, you 5 know -- you know, allowed in the city. It could be 6 a plethora of different issues. 7 Q. Okay. Did those actually happen? 8 A. I mean, yeah, you can see. I mean, 9 sometimes people would ask, "Hey, can chickens be 10 allowed in -- in the city?" Or, I guess, what's a 11 common one? 12 I mean, we saw -- during my time there, I 13 mean, there was a lot of complaints about the 14 streets and the street condition. And so -- 15 whether it was a pothole on the street in front of 16 their house or items as such. And so you would see 17 those often. 18 What we would typically do is -- as a 19 follow-up from staff, is follow up with the 20 individual and hopefully try to address their 21 complaint. 22 Q. When you say, "follow up with that 23 individual," what do you mean by that? 24 A. Just follow up: "Hey, you know, what are 25 we talking about here?" What -- what's really the	Page 56 1 Q. So the staff doing the follow-up would 2 then tell public works to go fill the pothole? 3 A. I mean, if it -- this was handled by the 4 city manager, yeah. I mean, you -- you're talking 5 to the director of public works. And the director 6 then kicks it down to the front lines. 7 Q. And I believe you mentioned earlier, as 8 part of the city's process of getting a complaint, 9 that, you know, the commission would direct staff 10 to go do the follow-up, and then staff would report 11 back to the commission or to provide an official 12 response to the complaint? 13 A. Yeah, we would follow up on the 14 complaint. And so, typically, you know, as a 15 common sense, is if we can address that issue, we 16 would address it and then report back to the city 17 commission, "Hey, we've addressed the pothole 18 issue," for example, just to close the circle. 19 Q. So that's -- that's in the context of 20 somebody coming to the commission with a complaint? 21 A. Right. 22 Q. I want to ask you about a context where 23 there is no complaint about an existing situation, 24 but let's use your chicken example. Somebody comes 25 to the city commission and says, "Hey, I'd like
Page 55 1 meat and potatoes of the complaint? And if we 2 needed to fill a pothole in this case, then public 3 works would do that, if possible. 4 Q. So the staff would have a further 5 conversation with that individual about that 6 pothole? 7 A. Yeah. 8 Q. And then -- and then do what with that 9 information? 10 A. Seeing if -- if, one, either we can fill 11 the pothole, or if there was going to be a 12 reconstruction project already kind of slated for 13 that street or, you know, kind of assess the 14 situation and -- and see what possible solutions 15 are to address it. 16 Q. So the staff does that further 17 investigation. Let's say they decided that we 18 could fill the pothole. What do they do? What 19 does staff do, then, with that information? 20 A. You -- I mean, I wouldn't call it 21 investigation; I -- I would say follow up on that 22 particular complaint. And, you know, if there was 23 a pothole that we -- certainly public works could 24 address or fill -- fill it, then public works would 25 get the directive to fill it.	Page 57 1 to -- I think the city should have an ordinance 2 about having chickens in your backyard." 3 Is that process by which the commission 4 directs city staff to do some -- you don't like the 5 word "investigation," but research -- 6 A. Right. 7 Q. -- follow-up? Is that the same general 8 process? 9 A. I -- yeah. I mean, in -- since it could 10 then -- for example, in the example of chickens, 11 if -- really, "ordinance" relates to more of a sort 12 of a legal question. And, you know, then they 13 would direct staff to conduct the research and, you 14 know, provide a -- this is pros and cons, and this 15 is staff recommendation, if you will. 16 Q. So the staff researches the issue and 17 then provides the commission with its -- with 18 the -- their recommendation? 19 A. A possible recommendation or kind of 20 like, you know, sort of an assessment and, 21 obviously, when deemed possible, a recommendation. 22 But probably -- it doesn't always happen. 23 Q. "It doesn't always happen," meaning a 24 recommendation doesn't always get sent to the 25 commission?

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Page 58 1 A. I mean, in most of times, yes, you can 2 provide a recommendation. But I'm -- I guess I 3 made that statement saying, you know, if you have 4 the position to make a recommendation, you would do 5 it, but it's not always possible to do that. 6 Q. Okay. So the staff provides that 7 recommendation or assessment to the commission? 8 A. Right. 9 Q. And then the commission decides whether 10 or not to pass an -- 11 A. Take it up or, you know, pass an 12 ordinance or fund it or whatever you -- 13 Q. So in your many roles working for the 14 city, did you become familiar with how the 15 commission functions? 16 A. Yeah. I mean, yeah. 17 Q. Would you say that you became familiar 18 with how the commission makes decisions? 19 A. Yeah. 20 Q. Are you aware of any rules about 21 commissioners meeting with each other for city 22 business? 23 A. Yeah. I mean, under the Kansas Open 24 Meetings Act, you can't have the majority meet 25 together. We had a best practice to -- to follow	Page 60 1 A. We were -- we followed best practice. 2 And I say "best practice" for lack of better terms, 3 but rather a recurring time and location. 4 So, for example, during my time in 5 Dodge City, we never changed the location or the 6 time. You would have special meetings, but we 7 obviously made a concerted effort to notify the 8 public about it through the system, the current 9 system they have, and then obviously post it 10 through social media. 11 Q. I want to shift gears a little bit and 12 talk about city elections now. 13 Who is eligible to vote in city 14 elections? 15 A. American citizens within that city limit. 16 Q. City residents? 17 A. Yeah. 18 Q. Does the city conduct any outreach to the 19 Latino community regarding voting? 20 A. So related to voter engagement, we -- 21 during my time there we respected the role and the 22 duties of the Ford County clerk's office for 23 elections. But we did do concerted efforts on 24 providing transportation for early voting and 25 during elections. You know, we would provide
Page 59 1 that law or statue [sic], we would notice. And 2 then also, too, the city manager would meet with 3 new commissioners ensuring that, you know, they 4 would abide by the statue but also ensure that, you 5 know, we didn't have a majority of commissioners 6 meeting together. 7 Q. So let's say, like, three commissioners 8 and their spouses went out to dinner. Under those 9 rules, they could not talk about city business at 10 that time? 11 A. Correct. But we never, to my knowledge, 12 had that issue of, you know, knowingly having three 13 commissioners and their spouses meeting together. 14 Q. That's just a random example? 15 A. Right. 16 Q. I'm not saying that that ever happened. 17 A. Okay. Just clarifying. 18 Q. Are there any rules on who the 19 commissioners can meet with outside of, you know, 20 each other on talking about commission city 21 business? 22 A. Not to my knowledge. Other than 23 following that particular statue, no. 24 Q. Are you aware of any rules about holding 25 commission meetings? Time? Place?	Page 61 1 door-to-door service for -- for those events and at 2 no cost to the -- to the residents that needed it. 3 We also translated documents, whether it 4 was polling location, dates, and some of those 5 logistical info. Oftentimes, you would have the 6 county clerk's office reach out to me directly and 7 reviewing the Spanish version of like whatever she 8 was about to post on -- related to voter or -- or 9 elections office. And I would do that. 10 And then -- what else? Also, I think, at 11 every election, internally, I and other 12 colleagues -- in this case, maybe Melissa McCoy -- 13 we would send out an email to city employees 14 citywide through our city email encouraging them to 15 vote. And they could vote during office hours or 16 work time. 17 Q. So you said the city wanted to respect 18 the county's role -- 19 A. Right. 20 Q. -- in elections. What do you mean by 21 that? Can you elaborate? 22 A. Yeah. I mean, you know, to my knowledge, 23 the county -- Ford County's clerks runs the 24 elections in Ford County. And so that's their 25 role.

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1 As a public entity, we always tried to be 2 respectful and sort of, again, for lack of a better 3 term, stay in our lane and not intervene with their 4 operations, and so this was one of them. As sort 5 of assisting them and to try to do an effort of 6 informing our residents, we would then share either 7 their post on office hours for early voting, 8 elections, poll locations, and so forth. 9 Q. So the information that the city would 10 pass on to residents would be information that the 11 city obtained from the county? 12 A. Correct. 13 Q. The city did not provide its own 14 information? 15 A. No. I mean, oftentimes -- I mean, I saw 16 one incident where, you know, the intern at the 17 time saw the flyer of office hours and dates. And 18 it was a little bit confusing. It was English and 19 Spanish. And then we created our own graphic with 20 that same info but a little bit more simplified 21 and -- and accessible to share with our employees. 22 Q. Okay. But the city doesn't independently 23 provide information about elections or voter 24 election materials beyond what the county provides? 25 A. I mean, other than that piece, I know we	1 we -- I'm not remembering all of it, but we 2 would -- we included to ramp up the -- the 3 information and education of voter engagement. 4 Q. (By Ms. Ching) But that outreach from 5 the city consisted primarily of passing on 6 information from the county? 7 A. Yeah. Again, given that it wasn't our 8 role in terms of elections and operating elections, 9 we made a concerted effort to -- to pass it on to 10 the community and, you know, educate them on -- on 11 local elections. 12 Q. How often would that happen that you 13 would get information from the county and that you 14 would pass it on? 15 A. I mean, it was usually around when we 16 were about to have elections. And so -- 17 Q. Sure. 18 A. -- it was typically, obviously, leading 19 up to the elections date. And -- but having the 20 right voter registration ballots or forms in our 21 lobby was regularly -- during the naturalization 22 ceremonies, we would have a booth regularly and 23 ensure that there was somebody there to hopefully 24 get new citizens registered to vote. 25 And, obviously, transportation was
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1 were -- we would provide -- so there's two things, 2 actually, that come to mind. So we -- through our 3 USCIS mobile services or -- 4 (Stenographer asks for clarification.) 5 A. -- USCIS mobile services, or that 6 partnership field office in Wichita. 7 So we would have -- I think we hosted 8 three or four citizenship naturalization ceremonies 9 in Dodge City. Our largest one was 250, maybe. In 10 that instance we would contact the Ford County 11 clerk's office or elections office to set up a 12 booth and hopefully register those that were just 13 freshly naturalized to -- to vote, so there were 14 multiple instances there. 15 Also, we would post and would have voter 16 registration forms in our utilities lobby, English 17 and Spanish, for people that wanted to register to 18 vote. 19 What else? I mean, it -- it was just 20 items like that or initiatives like that that we 21 would "help," for lack of better terms, "spread the 22 word" with the community. 23 I know, through these Strategic Planning 24 for Welcoming and -- and Integration, civic 25 engagement was a section of that. And I believe	1 regularly coordinated leading up to elections. 2 Q. I'm just asking about information about 3 the elections, not -- 4 A. Just leading up -- just leading up to 5 elections, yes. 6 Q. And the people running those booths were 7 providing the booths that you mentioned with the 8 voter registration packets and stuff, the people at 9 those booths, were those county employees? 10 A. Yeah, yeah. I think, under the new law 11 of voter -- registering voters, we couldn't do it 12 for anybody else. 13 And then during those booths, I know 14 Debbie was -- made a concerted effort to have 15 somebody in Spanish as well. 16 Q. You mean Debbie Cox? 17 A. Yes. 18 Q. So beyond sending emails to city 19 employees reminding them that they can go vote on 20 company time, as it were, did you ever encourage 21 other people in Dodge City to vote? 22 A. I mean, we would make our social media 23 post sharing the county's information about 24 elections through our social media platforms. Our 25 best practice there, per following the PIO's

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Page 66 1 recommendation or advice was, we generally -- in 2 any topic, we would share that post made by the 3 county through our social media platforms. 4 If needed to and there was a lack of, we 5 would certainly put it out there. But as a city 6 organization trying to share and disseminate 7 information from somebody else, another public 8 entity in this case, we would share their post on 9 that particular topic. 10 Q. And so as part of this, I mean, not -- 11 you were a little unsure about the term "best 12 practices" earlier and whether you felt that was 13 appropriate. But -- 14 A. I say that, "best practice." I mean, we 15 normally did it, and that was the best we could do. 16 Q. Okay. It's not best practices, as in, 17 there's some sort of guide out there that you're 18 following? 19 A. Right. I mean, collectively, we thought 20 that that would be our best practice. 21 Q. Okay. And the thought was that it was 22 better for the city just to share information that 23 it got from the county instead of -- 24 A. Right. I mean, we -- 25 Q. -- providing additional information?	Page 68 1 neutral. And, you know, even personally, I 2 wouldn't do that. 3 Q. Uh-huh. How about on your own time, 4 off -- 5 A. No -- 6 Q. -- the clock? 7 A. -- no. You know, I certainly believe 8 in -- in the city management profession, public 9 service profession, not even putting a sign in our 10 own properties. You know, we -- we respect it. 11 And it's a small community. You don't want to 12 polarize it. 13 Q. Sure. What do you know about voter 14 turnout in Dodge City for city elections? 15 A. It's low. That's where, you know, our 16 welcoming and integration strategic plan focused a 17 lot on. We knew that voter turnout was probably 18 greater in presidential elections, government -- or 19 governor elections, but local elections was very 20 low. And we were concerned about that. 21 We even talked to groups such as the 22 adult learning center with the community college 23 classes about local elections. In fact, during 24 our -- Engage Dodge is a program for the general 25 public. And then we would host Spanish-speaking
Page 67 1 THE STENOGRAPHER: Wait a 2 minute. Okay. And I didn't get the 3 last -- 4 THE WITNESS: I'm sorry. 5 THE STENOGRAPHER: -- part of 6 your question. 7 It's okay. 8 -- "that it got from the county 9 instead of"? 10 MS. CHING: -- "providing its 11 own information." 12 A. Yeah, with -- with that question. I 13 mean, again, we didn't want to intrude with their 14 operation. But, also, there was this liability 15 concern that we didn't want to spread incorrect 16 information from somebody else's operation. 17 Q. (By Ms. Ching) And in those posts that 18 you reshared from the county or in the emails that 19 were sent out to city employees saying, "Hey, you 20 should go vote," did you ever suggest that they 21 vote for any particular candidates? 22 A. Oh, no, no. 23 Q. I didn't think so. 24 A. Yeah. No. I mean, ethically, you can't 25 do that. You're a city employee; you must remain	Page 69 1 groups through this program. We would have -- one 2 of the first sessions was city commission and the 3 city manager's office. 4 Basically, the entire goal is to provide 5 some sort of civic engagement education for our 6 newcomers or the general public. And during that 7 session the commission would provide sort of an 8 overview of their role as a city commission or 9 mayor. And then the city manager would provide 10 sort of an overview of their role as city manager 11 or city manager's office. 12 We also would talk about local elections 13 in -- and as a general information as to, you know, 14 closest to the people, we probably make decisions 15 that impact our residents the most. Because you 16 live here, you are closest to us. You know, we 17 decide and pass a budget annually. And, you know, 18 the city commission determines or approves whether 19 your street is going to be reconstructed or not. 20 And so it was a very concerted effort to -- to do 21 that. 22 And the -- when there was a language -- 23 during the newcomers Engage Dodge program, we also 24 made a concerted effort to have translation for the 25 language barrier issue there.

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1 Q. Are you aware of any racial disparities 2 in voter turnout in Dodge City? 3 A. What do you mean by "racial disparities"? 4 Q. By that, I mean, do certain racial groups 5 vote at different rates? 6 MS. EBERLINE: Object to form. 7 Calls for speculation. 8 You can answer if you know. 9 A. So just understanding what you just 10 asked, I think you -- you have disparities 11 because -- here's my experience living nine years 12 or more in Dodge City. You have a large percentage 13 of the community that is either a refugee or 14 first-generation immigrants. 15 Either in Dodge City or in Topeka, the 16 same scenario. I always say, in my own 17 experience -- and being an immigrant myself, 18 immigrants -- first-generation immigrants, they are 19 dealing with a lot of challenges and issues. And I 20 always say, you know, we're dealing with -- you 21 know, my people is dealing with sort of the 22 Maslow's pyramid of needs of -- 23 (Stenographer asks for clarification.) 24 A. Maslow's pyramid of -- of needs. 25 On the first level, kind of providing	1 turnout? 2 MS. EBERLINE: Objection. 3 Calls for speculation. 4 You can answer if you know. 5 Q. (By Ms. Ching) I'm just asking if you're 6 aware. 7 A. I'm not. 8 Q. So you mentioned -- well, strike that. 9 Are you aware of any steps the city has 10 taken to try to improve voter turnout in the Latino 11 community? 12 A. Other than the initiatives that we took, 13 again, respecting the county's role as they operate 14 elections, we -- we tried our best, you know. That 15 was part of our plan during the -- the strategic 16 planning is to continue the efforts in education 17 and disseminating information related to -- to 18 voter engagement. That's the biggest issue. 19 You know, even when you talk to Blanca, 20 who was appointed as a city commission early on to 21 fulfill one term, and to seeking re-election, for 22 her, the support of engaging voters and her 23 campaign was nonexistent. 24 And her being a single mother with a 25 full-time job and engaging in a campaign effort and
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1 food on their table; you know, getting their kids 2 to -- to work. 3 And so we saw the persistent issue with 4 civic engagement, not just on elections, with 5 first-generation immigrants or refugees because, 6 you know, the -- the culture and -- and sort of the 7 environment in -- in Dodge City or Western Kansas, 8 Liberal, Garden City, you're dealing with an 9 eight-hour shift. 10 And so ask my parents, for example, that 11 work at the meat-packing plant to engage in a city 12 commission meeting after eight or nine hours of 13 work in a meat-packing plant and still having to 14 take their kids to work; going to the grocery 15 store; doing laundry; cleaning the house, it's 16 overwhelming for them. And, yes, you're going to 17 have disparities there. 18 And also, too, I will add, you have a 19 lack of knowledge on local elections for the 20 immigrant community, you know. Local elections in 21 my State in Mexico are completely different than 22 the US. And so you have a cultural challenge there 23 too. 24 Q. (By Ms. Ching) Are you aware of how the 25 Latino voter turnout compares to non-Latino voter	1 with a community that is largely immigrant and -- 2 I'm going to speculate -- little to no knowledge on 3 local elections was a challenge and an uphill 4 battle for her. 5 And, quite frankly, I -- I've said this 6 before because I know that the ACLU had a 7 representative there to -- there go and have 8 meetings every so often. We don't have the 9 nonprofit infrastructure that you would typically 10 have in LA or Topeka, for lack of better terms, or, 11 you know, for example, that could help these people 12 running for office, especially people of color. We 13 just don't have that. 14 You have Catholic Charities, which is 15 providing legal assistance to the immigrant refugee 16 community. But other than that, you don't have 17 other agencies that could do that advocacy for -- 18 for the community or the candidates. 19 Q. So you see the -- that the entities who 20 should be providing that sort of education as 21 that's the job -- sorry. I'm not asking this very 22 well. 23 Is it your view that it is up to the 24 county and these non-profits to provide that sort 25 of voter education?

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Page 74 1 A. I think the city could take a role, 2 right, of providing that general education. But I 3 think there's a balancing act of city employees 4 remaining neutral and -- and engaging in voter 5 engagement. Yes, we can provide that, but we also 6 need to be respectful of what we can and can't do. 7 Given the limits of state statutes. I know we can't 8 do voter registration events because of the current 9 laws or -- or state statute. And, also, respecting 10 the role of the clerk's office on elections, you 11 know, it's -- it's a balancing act. 12 Could we do more in terms of, perhaps, 13 year-round? Yes. But in my mind, in my humble 14 opinion, it's a balancing act, given that the city 15 does not run elections; that it's not necessarily 16 our forte; and, you know, the liability of, you 17 know, messing up and -- and providing incorrect 18 information to the residents. 19 Q. And earlier you mentioned Blanca. Is 20 that Blanca Soto? 21 A. Correct. 22 Q. So you mentioned, for example, asking the 23 county to have people run a booth at the new 24 citizens' ceremony with voter registration 25 paperwork.	Page 76 1 today. Here are the office hours, dates. Yeah. 2 Q. Any other steps that you can remember? 3 A. Not to this -- not at the moment. 4 Q. Okay. Do you recall when Ford County 5 changed the polling location for Dodge City in 6 2018? 7 A. Yes. It was a mess. 8 Q. What do you remember about that? 9 A. Well, I remember -- so I just remember 10 seeing this guy. And I can't remember. He was out 11 of town. And he did a video of walking to the 12 polling location. And there was a big hubbub of, 13 "Oh, you know, it's out of the -- out of the city 14 limits and" -- and so forth. 15 And so, yes, as a staff member there was 16 a lot of backlash. The vast majority from out of 17 state or town on this particular issue. It was 18 nasty because we received letters. We would get 19 voice mails. We would get calls on something that 20 the city didn't run and wasn't responsible for. 21 And so we tried to remediate it through, 22 you know, providing transportation and having staff 23 at the old polling location to ensure our voters 24 went to the right location. We would have English 25 and Spanish, again, where that was consistent.
Page 75 1 A. Right. 2 Q. You mentioned the Engage Dodge program 3 and something about newcomers? 4 A. I mean, I meant newcomers because we -- 5 Engage Dodge, late as of last year, we sort of 6 separated them because of the language barrier 7 issue. So we would have had the general public 8 English-speaking folks in one class. And we would 9 have those that needed translation separately 10 because it was sort of a wonky situation if we 11 needed to go back and translate during the same 12 session. So we -- we sort of separated them and -- 13 and had one group. 14 Q. So those -- having the county come run 15 those booths and then the Engage Dodge program, are 16 there any other steps that the city has taken to 17 try to improve voter turnout in the Latino 18 community? 19 A. I mean, it was part of our strategic plan 20 for welcoming and integration. We provided the 21 translation on our -- or the information through 22 our social media platforms, Engage Dodge, 23 citizenship ceremonies. 24 What else? I mean, it was just mainly 25 general posts on: Hey, elections are happening	Page 77 1 Even folks from California and other 2 states brought their own transportation vehicles 3 because the -- the national media made this 4 headline that, you know, transportation is a big 5 issue because of the polling location. And, in 6 fact, that was not what was the reality. 7 You know, they brought their buses and 8 vans. And I provided public transportation through 9 our public transportation program. And at the end, 10 we -- we provided transportation for 16 people. 11 And three of those were our own bus drivers. 12 So the reality between local -- what's 13 happening on the ground versus the -- the -- the 14 media story at the national level was completely 15 disconnected and really uncalled for, because it 16 was just a horrible time for -- for staff and 17 ourselves, because we were the ones getting the 18 calls. 19 Q. Uh-huh. 20 A. We were the ones getting the -- the -- 21 the letters. 22 And you never knew if there was something 23 in those letters. It was a frustrating time. And, 24 you know, we had to dedicate all of our attention 25 to this particular issue and attending all of those

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1 calls. And it was just frustrating. 2 Q. Do you recall what the community's 3 reaction was, the local community? 4 A. Well, that was kind of the frustrating 5 part. We never heard from the community. And if 6 we did, it was probably a few. It was -- the vast 7 majority was from out of town. And that's what's 8 frustrating to date, is that there is this 9 perception that this horrible thing happened. 10 And, believe me, I don't agree with 11 changing the poll location, you know. On its face, 12 it looks bad. But the reality, living in 13 Dodge City was the fact that everybody has their 14 own vehicle. And, yes, we provided transportation, 15 and transportation is available for those that need 16 it. And -- and it wasn't seen as a big challenge 17 from the -- from our -- from our community 18 standpoint. 19 Q. Why didn't you agree with it personally, 20 changing the polling site? 21 A. Well, I mean, you know, it sort of felt 22 like kind of an afterthought to me is let's make it 23 accessible for -- for the people. And so after 24 that event I worked with Debbie Cox to -- to have 25 the Hoover Pavilion be a polling location. It's	1 the polling location? 2 A. I'm not aware. 3 Q. Okay. Who would have -- who would the 4 county have talked to about that? 5 A. If they had sent any sort of notice -- 6 and, again, I'm speculating here -- it would have 7 been to the city manager or city commissioner. 8 Q. But you never saw any notice yourself? 9 A. No. 10 I don't want to say, because you said 11 "never," not -- not that I remember. 12 Q. Not that you were ever aware of? 13 A. Right. 14 Q. Okay. Thank you for clarifying that. 15 A. Uh-huh. 16 Q. Do you recall whether the city had any 17 discussion among city employees about moving the 18 polling location? 19 A. Oh, no. It wasn't our operation. 20 Q. Okay. So the city -- the city felt that 21 its hands were tied in terms of where the polling 22 location was? 23 A. Again, it wasn't our operation. It 24 wasn't our responsibility. I don't remember ever 25 having a conversation about the polling location,
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1 almost central to the community, accessible to the 2 community. And if somebody didn't have 3 transportation, then they could either walk or seek 4 transportation services through our transportation 5 program. 6 Q. Did -- or how did the city learn that 7 Ford County was changing the polling location? 8 A. So my own experience was -- and what I 9 can remember, I told you about the guy making the 10 video, and I saw it on social media, Facebook in 11 this case. I vaguely remember that we were just 12 dealing with the calls and kind of this -- it just 13 blew up in our face. And because they were seeing 14 Dodge City as opposed to Ford County, we were 15 getting hit with all of those calls. And I just 16 vaguely remember that -- that reaction. And just 17 sort of like, the next day, boom, there -- there it 18 is. 19 Q. So the city was not aware of that polling 20 change until all the media attention? 21 A. I'm not saying that the city wasn't 22 aware. I'm saying, personally, I don't remember 23 seeing it. 24 Q. Are you aware of whether Ford County gave 25 the city advance notice that it was going to change	1 only after it had already happened, only after the 2 many calls and nasty voice mails. 3 Q. Sure. Did the city ever go to Debbie Cox 4 and ask her for an explanation of why the polling 5 site had been moved? 6 A. I don't remember. I'm not aware of it. 7 Q. Are you aware of the city asking Ms. Cox 8 to keep the polling site where it was? 9 A. I don't remember, but I can speculate 10 and -- and see that maybe the city manager, after 11 having all these calls, went back and say, "Hey, is 12 there any way, shape, or form that you can keep the 13 current location?" 14 Q. But you don't believe that happened? 15 A. I don't remember. 16 MS. EBERLINE: Object to form. 17 A. I don't -- I honestly don't remember. 18 Q. (By Ms. Ching) Okay. 19 A. Because, if I understand, the existing 20 polling location was under construction or going to 21 be under construction, and so -- but I vaguely 22 remember just sort of that high-level conversation 23 that they were, after the fact of having so many 24 calls and nasty emails and whatnot. 25 Q. Uh-huh.

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1 (de la Rosa Deposition Exhibit No. 18 2 was marked for identification.) 3 Q. (By Ms. Ching) So I'm going to show you 4 a document that has been marked as Exhibit 18. 5 Flip through that and let me know when you're done 6 looking at it. 7 MS. CHING: And, for the 8 record, Exhibit 18 is a document Bates 9 stamped Dodge City 0003686 through 87. 10 A. Do you have the press release? 11 Q. (By Ms. Ching) That's a separate 12 document -- 13 A. Okay. 14 Q. -- but we can talk about that in a 15 minute. 16 A. Okay. Yeah. 17 Q. Do you remember this email chain? 18 A. Yeah. I was included in it. 19 Q. Okay. According to these emails you 20 drafted a press release about the change in polling 21 location from English to Spanish, correct? 22 A. I wouldn't call it "drafted." I 23 translated it. 24 Q. Okay. Sorry, my mistake. You translated 25 it, correct?	1 A. Uh-huh. 2 Q. And the second page is a Spanish version. 3 A. (Witness nods head.) 4 Q. And is that Spanish version the one that 5 you translated? 6 A. I believe so, yes. 7 Q. Does this appear to be the final version 8 of the press release that was actually sent out? 9 A. It appears to be, yes. 10 Q. Who was that press release sent to? 11 A. To the general public. 12 Q. How was it published? 13 A. It was -- I'm going to make the 14 assumption that it was either released through our 15 social media platforms and maybe -- I want to say 16 there was an email list serve that we used to have. 17 Also, they -- the PIO used to have this sort of 18 list of residents that would sign up through the 19 community newsletter. 20 Q. Is that how press releases would normally 21 be published? 22 A. I think, in -- in -- given the event, we 23 utilized every channel that the city had to 24 disseminate the information. 25 Q. Who was this release from?
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1 A. Yes. 2 Q. Who asked you to do that? 3 A. It appears that we -- I was working with 4 the PIO; city manager; and my colleague, assistant 5 city manager, Melissa McCoy. 6 Q. So you think maybe Melissa asked you to 7 do that, to translate the document, the press 8 release? 9 A. Just a second. Yes. 10 Q. You can put that aside. 11 (de la Rosa Deposition Exhibit No. 19 12 was marked for identification.) 13 Q. (By Ms. Ching) I'll show you what's now 14 been marked as Exhibit 19. That is Bates stamped 15 Dodge City 0003688 through 89. 16 A. Okay. 17 Q. Do you recognize this document? 18 A. Now I do. 19 Q. Is this the press release that you were 20 asking me about? 21 A. Yes, ma'am. 22 Q. That was mentioned in the email that we 23 just looked at? 24 A. Correct. 25 Q. And the first page is an English version.	1 A. Mayor Kent Smoll. 2 Q. I would like to direct your attention to 3 the second paragraph, starting with "I submitted a 4 letter." 5 A. Uh-huh. 6 Q. Can you read that paragraph out loud, 7 please. 8 A. (As read): I submitted a letter to the 9 press on October 23rd -- 23rd, 2018, addressing 10 this matter. In case you missed it -- this 11 opportunity to receive accurate information, I will 12 reiterate what was stated in the letter and expand 13 the information as it has evolved. 14 Q. Were you involved in that previous press 15 release mentioned? 16 A. I don't recall. 17 Q. Do you know how that other press release 18 was published? 19 A. I don't recall. 20 Q. Who decided that this press release was 21 necessary? 22 A. I'm going to make the assumption that it 23 was city manager in consultation with mayor and 24 other governing body or commissioners after getting 25 calls, concerns on this issue.

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1 Q. In the process of working on this press 2 release, are you aware of what the city was trying 3 to accomplish by sending it out? 4 A. Probably disseminating information about 5 the issue and disseminating accurate information. 6 Q. There is a numbered list of facts in this 7 press release. Can you please read No. 4 out loud. 8 A. (As read): On October 4, 2018, prior to 9 this issue rising to the level of state and 10 national media attention, city officials announced 11 the city would provide free public transportation 12 rides from the border -- from the voter's door to 13 the polling -- polling site door, with another free 14 return ride. 15 Q. And those are the bus rides, the minibus 16 rides that we talked about earlier? 17 A. Uh-huh. Yeah. 18 Q. Okay. Can you please read No. 5 out 19 loud. 20 A. (As read): City officials decided last 21 Friday that free rides will be available until 22 Election Day from door to door for voters to the 23 Government Center for any citizens who desire to 24 participate in advance voting opportunities for 25 the -- at the Ford County Government Center.	1 A. Correct. 2 Q. But you don't recall having a 3 conversation about expanding this to advance 4 voting? 5 A. I mean, it was just sort of an initiative 6 that we've done over years through elections. I 7 mean, we've always done early voting and during the 8 elections. 9 Q. Meaning you provided free transportation? 10 A. Yeah. 11 Q. So if we go back to No. 4 -- 12 A. Uh-huh. 13 Q. -- it says, "On October 4th, 2018...city 14 officials announced the city would provide free 15 public transportation rides" -- 16 A. Uh-huh. 17 Q. -- "from the voter's door to the polling 18 site door." 19 A. Uh-huh. 20 Q. Is October 4th, 2018, when that free 21 transportation program began? 22 A. According to this document, yes. 23 Q. Were you involved in the creation of that 24 transportation program? 25 A. In the early stages, yes. I mean, I -- I
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1 Q. Do you know who the city officials are 2 referenced there who decided to expand the free 3 transportation to advance voting? 4 A. It could be a mixture of corporate -- 5 commissioners and administrative staff, appointed 6 staff. 7 Q. What do you mean by "administrative 8 staff"? 9 A. Appointed staff. 10 Q. Appointed staff? Who would that include? 11 A. It probably includes the city manager's 12 office. In this case, city manager and the two 13 assistants and maybe the PIO. 14 Q. Do you know how that decision was made to 15 expand the transportation to advance voting? 16 A. You know, it was one of those -- I assume 17 it was going to -- it was one of those programs 18 that we operated and managed, and so -- and we've 19 done it in the past, and so why not? 20 Q. Do you recall being a part of that 21 decision-making process? 22 A. I vaguely recall just high-level 23 conversations. 24 Q. Okay. Was this the time when you were 25 directly overseeing that transportation program?	1 helped with some of the planning leading up to the 2 expansion of the public transportation program with 3 the fixed routes. 4 Now, one of -- so the program was 5 grant -- is grant-funded -- funded by state 6 funneled through -- through the state by the 7 federal government. And in order to provide free 8 rides in the community, you can't provide it to a 9 particular group or section of the city. You have 10 to provide it to all, to the general public. 11 And so I'm going to make the assumption 12 that the expansion happened beyond fixed-route 13 services, door-to-door services, and not just 14 during Election Day but also early voting. 15 Q. Can you please read No. 6 out loud. 16 A. (As read): City officials discussed with 17 county clerk the possibility of adding...second 18 polling location for this election. There are 19 several barriers to this option, including timing 20 requirements, ballots, and the fact that the -- 21 that voting is already underway. 22 Q. How many polling sites were there in 23 Dodge City in 2018? 24 A. I think there's always been two. 25 Q. And have there been more polling

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Page 90 1 locations opened since then? 2 A. Not to my knowledge. 3 Q. Why not? 4 A. I don't know. 5 Q. That's fine. 6 Are you aware of anything the city has 7 done to encourage or work with the county to open 8 more polling sites? 9 A. I mean, other than providing the 10 Hoover Pavilion as a polling location that was 11 somewhat centralized and accessible to the public, 12 I don't remember engaging in -- in conversations 13 with the county about adding additional polling 14 locations. 15 Q. Can you tell me about that process of 16 having Hoover Pavilion serve as a polling site? 17 A. Yeah. I mean, we -- I think, in the heat 18 of -- of the moment and in the middle of the 19 situation we -- hey, city facility. We have it 20 available. We manage it, we operate it. This is a 21 suggestion from us to you for our residents. And 22 we can make it happen, you know -- you know, at the 23 moment or within a day. 24 And so, you know, part of the environment 25 in Dodge City, Ford County, is the partnership and	Page 92 1 communicating back to the county clerk, 2 coordinating with Parks Department because they 3 oversee and manage the -- the facility internally, 4 and so just coordinating that piece between all 5 parties. 6 Q. Who asked you to do that coordination? 7 A. I'm going to make assumption, the city 8 manager. 9 Q. Is that your recollection? 10 A. Yeah, I vaguely remember. Again, you 11 know, when an issue arose -- and still the 12 environment is we're partners and so we just wanted 13 to help. 14 Q. Did Hoover Pavilion remain a polling site 15 after -- 16 A. To my knowledge, yeah. To date, yes. 17 MS. EBERLINE: You've got to 18 wait until she finishes her whole 19 question -- 20 THE WITNESS: Oh, sorry. 21 MS. EBERLINE: -- before you 22 answer. Okay. 23 MS. CHING: That's fine. 24 THE WITNESS: Getting ahead of 25 myself there.
Page 91 1 collaboration in the sense that if you need 2 something, ask and -- and -- and we'll make it 3 work. And, again, this was no -- no different in 4 the sense that we have the space. We have the 5 building; go for it. 6 Q. So who -- did the city reach out 7 to the county about the possibility of using 8 Hoover Pavilion? 9 A. That, I don't remember. 10 Q. Okay. 11 A. As to who, I don't remember. But I know 12 we offered it, the city. 13 Q. And you don't remember whether 14 Ford County reached out to the city and said: Hey, 15 can we use Hoover Pavilion or if the city -- 16 A. No -- 17 Q. -- reached out to the county? 18 A. -- no, I don't remember. Obsolescence. 19 I'm sorry. 20 Q. That's okay. 21 (Stenographer asks for clarification.) 22 A. Obsolescence. 23 Q. (By Ms. Ching) What was your involvement 24 in the Hoover Pavilion decision? 25 A. Yeah. I vaguely remember just, again,	Page 93 1 MS. EBERLINE: That's okay. 2 Q. (By Ms. Ching) Were you aware of any 3 discussions about opening additional polling sites 4 at schools in Dodge City? 5 A. I don't remember. I think there might 6 have been an email from us, the city, reaching out 7 to the school saying, "Hey, are you -- like, how 8 long is the construction happening at the 9 facility's civic center," just as a way of 10 exploring and ensuring that, you know, we could -- 11 we couldn't utilize the -- the facility as a 12 polling location. And, again, just double-checking 13 and check marking that, you know, we have a 14 facility within city limits that's accessible and 15 centralized to the public. 16 Q. Can you please read No. 7 out loud. 17 A. "City officials committed city staff 18 assistance to the county clerk with additional 19 bilingual poll workers. We will ask our qualified 20 staff to be trained this week and work under the 21 county clerk on Election Day. We made this 22 commitment to county clerk not just for this 23 election, but for as long as there is a need not 24 filled by qualified volunteers." 25 Q. Who were the city officials referred to

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1 here? 2 A. Probably city manager's office and city 3 commissioners. 4 Q. Did you have an understanding of what 5 "city staff assistance" means? 6 A. Yeah. So this was a common practice from 7 the city to ask city staff, especially bilingual 8 staff to -- they had a choice to help or assist the 9 county clerk with the elections. 10 Typically, they would take a training, I 11 believe, every year. Staff had the option to 12 either remain on the clock or take it as a vacation 13 and take their pay. And so we typically extended 14 the invitation to, if not all, most 15 bilingual-certified employees within the city. 16 Q. Do you remember how many 17 bilingual-certified employees worked as poll 18 workers? 19 A. It could be as many as five, I remember. 20 Not all of them met the qualifications. I think 21 they needed to be American citizens. And, you 22 know, we had green card holders and DACA recipients 23 working for us. 24 Q. So providing city employees as additional 25 poll workers for the county clerk, did you say	1 Q. Oh, that's right. Okay. 2 Do you know who the poll worker, the -- 3 do you know who the city employees were who worked 4 as the poll workers? 5 A. Yeah. I mean, to my recollection, 6 former employee Giselle Casas, current employee 7 Connie Marquez. I know Monica Aguirre worked 8 there before. Cora Lopez. Who else? Maybe 9 Melissa McCoy, but I'm not sure if she actually did 10 it or has done it over the years. 11 I don't remember anybody else. I'm 12 sorry. 13 Q. Were all the people that you just 14 mentioned Latino or Hispanic? 15 A. Yeah, with the exception of 16 Melissa McCoy. She's a naturalized Latina. 17 Q. All right. That last sentence: "We made 18 this commitment to county clerk not just for this 19 election, but for as long as there is a need not 20 filled by qualified volunteers." 21 Do you understand that to mean that city 22 employees are expected to serve as bilingual poll 23 workers? 24 A. Again, it's -- it's an option. It's 25 optional for them. Typically, what I would do, the
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1 earlier that that was something that had already 2 been going on? 3 A. I don't remember exactly, but I think 4 we've done it in the past and not just this 5 particular time. 6 Q. Before this 2018 election? 7 A. I want to say so, but I don't remember 8 exactly. 9 Q. Okay. And it says, "We will ask our 10 qualified staff to be trained this week and work 11 under the county clerk on Election Day." 12 Who is the qualified staff? What does 13 "qualified staff" mean? 14 A. So I am going to make the assumption that 15 when we're talking about staff that had worked the 16 polling locations or the Elections Day before, that 17 met all the requirements. Again, I think, having 18 some -- the requirement was that to have somebody 19 that was American citizen work the election and, 20 obviously, had the bilingual skill and needed to 21 take the training and, obviously, available for 22 that day. 23 Q. Did you volunteer as one of these poll 24 workers? 25 A. I don't qualify, sorry.	1 county clerk would coordinate with me: Hey, I have 2 election and training coming up. Would you extend 3 the invitation to city employees? 4 I would, then, extend that invitation. 5 Q. And then earlier you said that those who 6 chose to volunteer as poll workers could remain on 7 the clock or use vacation time? 8 A. And get -- collect the check by the 9 county. 10 Q. So the county would pay them? 11 A. Yeah. That was an option for them. You 12 can double-dip, essentially. 13 Q. Was working as a bilingual poll worker 14 part of a city employee's official responsibility? 15 A. No. Again, it was just an option. 16 Q. Do you know if this practice continued 17 during the elections after 2018? 18 A. Yeah. As of the last election we -- we 19 always -- we continued that partnership or 20 collaboration. 21 Q. And there's that one phrase at the very 22 end, "not filled by qualified volunteers." 23 Do you know if there were ever any 24 qualified volunteers at those polling sites besides 25 the city staff that we've talked about?

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1 MS. EBERLINE: Objection. 2 Calls for speculation. 3 You can go ahead. 4 A. Yeah. I mean, so for example, 5 Melissa McCoy's spouse, I know he's done it in the 6 past. I think I remember family and friends, but I 7 don't have names for you. 8 (Stenographer asks for clarification.) 9 A. I think family and friends, but I don't 10 recall names. 11 MS. CHING: It is 12:38. Are 12 you ready for a lunch break? 13 THE WITNESS: I'm ready for a 14 break. 15 MS. CHING: Why don't we take a 16 lunch break for 30, 45 minutes. 35? 17 MS. EBERLINE: Go off the 18 record? 19 MS. CHING: Yeah, let's go off 20 the record. 21 THE STENOGRAPHER: Okay. 22 THE VIDEOGRAPHER: All right. 23 The time is 12:38 p.m., and we are now 24 off the record. 25 (Noon recess taken.)	1 wasn't engaged in those conversations. I'm going 2 to assume that our city managers have done that in 3 the past. 4 Q. But you don't know? 5 A. I'm not aware of it. 6 Q. Okay. What other efforts has the city 7 undertaken to address concerns with voting access, 8 generally, since 2018? 9 A. Besides what we talked about, you know, 10 our sharing of information, having the -- the 11 language access available for our resident has been 12 consistent. And so -- but, again, it's a reminder 13 that, as a city organization, we always have been 14 respectful of -- of their operations, our 15 operations. And if there's a way or opportunity to 16 work together to provide access, the city has 17 always been willing to. 18 Q. So in that sense, would you say that it's 19 the county's responsibility to reach out to the 20 city if they need assistance with anything 21 election-related? 22 A. I mean, I think, to my knowledge, I mean, 23 we've even asked for -- you know, when we receive 24 questions from the residents, I remember sometimes, 25 you know, asking for "Hey, do you have a flyer on
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1 THE VIDEOGRAPHER: The time is 2 1:20 p.m., and we are now on the record. 3 Q. (By Ms. Ching) Mr. de la Rosa, would it 4 be accurate to say that the city has made no 5 efforts to lobby the county to open more polling 6 locations? 7 A. It wouldn't be accurate. I mean -- 8 (Stenographer asks for clarification.) 9 A. Would not be accurate. 10 And I say that because we have worked 11 with the county with what we have to able to either 12 provide another poll location, transportation, and 13 so forth. 14 I'm unaware of any discussions during the 15 2018 issue or beyond or before, for that matter, of 16 a -- trying to make voter accessibility more 17 accessible in Ford County or Dodge City. I can 18 only tell you about my firsthand experience related 19 to, you know, providing another polling location; 20 transportation; translation; education, for that 21 matter for our residents. 22 Q. (By Ms. Ching) But specifically what 23 efforts has the city done to ask the county to open 24 more polling locations? 25 A. I can't speak to that, again, because I	1 your hours of operation or early voting?" 2 So there's been some initiation from our 3 end. And so -- but at the end of the day, they can 4 choose not to answer us or respond to our request 5 because it's their operation. 6 Q. But that request would just be: Can the 7 county give us the county information to pass on to 8 the resident inquiring? 9 A. I mean, general information, they have 10 done that, yeah. 11 Q. Okay. I'm going to show you now what I'm 12 marking as Exhibit 20. 13 A. Yeah. 14 (Off-the-record discussion.) 15 (de la Rosa Deposition Exhibit No. 20 16 was marked for identification.) 17 Q. (By Ms. Ching) This document is Bates 18 stamped Dodge City 000171 -- or, I'm sorry, 1781. 19 A. Uh-huh. 20 Q. Can you take a look at this and let me 21 know when you're done. 22 A. Yeah. 23 Q. Are you ready? 24 A. Yes. 25 Q. So this document is an email from you to

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1 Cherise Tieben and CC'ing Melissa McCoy; dated 2 March 19th, 2019; "Subject" Line: "ACLU March 3 Meeting." 4 Do you recall this email? 5 A. Now that I see it, I mean, it -- it's 6 kind of bringing some memories, yes. 7 Q. Do you recall why you wrote this email? 8 A. This came out of -- I think I remember 9 Melissa -- and I forget her last name -- with the 10 ACLU of Kansas. I think I mentioned earlier that 11 she used to host meetings in Dodge City on a 12 periodic basis coming from Topeka or -- or around 13 this area. 14 And so I think we were made aware of -- 15 of -- of this meeting taking place, if I'm talking 16 about the right meeting. And then I think, between 17 Melissa and I, we decided that one of us needed to 18 be present to help either aid or, you know, 19 increase accessibility related to voting. 20 Q. Do you recall what this meeting was 21 about? 22 A. I don't. I just remember this is not 23 just a one-off; it was multiple meetings. I'm sure 24 voting -- voting accessibility was one of them. 25 And so I'm sure they talked about perhaps coaching,	1 and ensuring that, you know, if the county wasn't 2 present or the city wanted to be present and help 3 the situation, we could. 4 Q. (By Ms. Ching) Was this meeting open to 5 the public? 6 A. I think there were certain individuals 7 that were invited. I think they were targeting 8 just community leaders, and so -- and, also, to be 9 quite frank, I mean, I had a connection -- I have a 10 connection with the Latino community in Dodge City, 11 so I think it certainly was important for me to be 12 present. 13 Q. So you were specifically invited to 14 attend? 15 A. I don't remember that. 16 Q. Do you remember if this was an in-person 17 meeting? 18 A. It looks like it. 19 Q. In this email, there's a bullet point 20 list of "Goals on elections efforts." And that 21 includes, for example, increasing the number of 22 polling locations in Dodge City and outreach of 23 underrepresented voters, online and in person. 24 Do you see that? 25 A. Yes.
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1 training possible candidates for election, which, 2 you know, as a city employee, that made us uneasy 3 because of our neutral stance. 4 And so what I can see in this email is 5 probably just a recap of -- of what the meeting was 6 about and what was discussed to the city manager. 7 Q. Okay. Why did you and Melissa McCoy 8 think it was a good idea for you to attend this 9 meeting -- 10 A. Well -- 11 Q. -- or these meetings? 12 A. Right. 13 MS. EBERLINE: Objection. 14 Calls for speculation. 15 Go ahead. You can speak for 16 yourself. 17 A. So I think, from what I vaguely remember 18 the conversation was, again, the city has always 19 been a good partner in the community, and we tried 20 to be helpful. And so our take was we needed to be 21 present if we needed to -- to, you know, help 22 collaborate or whatever was needed. 23 And, again, this is probably coming off 24 of -- on the heels of -- of having that whole media 25 attention related to the voter issue in 2019 [sic]	1 Q. Did you or anyone else at the city, to 2 your knowledge, take any further action on any of 3 the information that you learned at this March 4 meeting? 5 A. So it looks like, you know, elections had 6 taken place in the fall. And then our effort then 7 followed with -- and I believe I had shared in this 8 meeting that we were offering the Hoover Pavilion 9 as one of the polling locations. Again, it was 10 within the city, centralized, and accessible. 11 I'm sure I shared that we provided 12 bilingual staff during Election Day. And we were 13 willing to extend those for early voting season and 14 then, obviously, aiding the county clerk with 15 translation services for some of the educational 16 materials. 17 Q. So other than Hoover Pavilion and more 18 bilingual services, did the city take any further 19 action on any of these other bullet points? 20 A. Other than adding our commitment to 21 continue to provide free transportation through our 22 public transportation system. 23 And, again -- again, we always -- no 24 matter the -- the issue, we always walk that fine 25 line that this is not our operation. We -- we want

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Page 106 1 to be respectful, but still, we want to help and do 2 what we can within our own -- our own means. 3 Q. Okay. You can put that document aside. 4 What years are city elections held? 5 A. Oh, you're going to get me on this one. 6 I know -- I can't remember if it's even 7 or odd, but we certainly don't have them during 8 presidential elections. Even or odd years, I'm 9 sorry. 10 Q. I'm sorry. Can you say that again. 11 A. Even or odd years. 12 Q. You don't remember? 13 A. I don't remember, but it's one or the 14 other. It's certainly not the same as presidential 15 elections. 16 (de la Rosa Deposition Exhibit No. 21 17 was marked for identification.) 18 Q. Okay. I'm going to show you what's been 19 marked as Exhibit 21. This document is Bates 20 stamped Dodge City 0000003. 21 Can you let me know when you're done 22 reviewing that. 23 A. Yep. I'm ready. 24 Q. Okay. So I'm going to represent to you 25 that this is a document that the defendants in this	Page 108 1 So it looks like the last three city 2 commission elections were held in odd-number 3 years -- 4 A. Right. 5 Q. -- correct? 6 And the last even-number year election 7 was 2014? 8 A. Uh-huh. 9 Q. Are you aware of why the city holds its 10 elections in odd-number years in the recent years? 11 A. I assume this was driven by statue 12 change. 13 Q. Do you have an understanding of why the 14 city switched from even-numbered year elections to 15 odd-number years? 16 A. I don't think it was the city's decision; 17 I think it was the state. 18 Q. But the city -- I mean, regardless of who 19 made the decision, the city elections were switched 20 from even-numbered years to odd-number years? 21 A. My understanding and knowledge was that 22 this was driven by state statue. I don't have 23 recollection or knowledge that it was the city's 24 decision to -- to make such decision. 25 Q. Okay. Do you recall that, in 2015, the
Page 107 1 case, which is Dodge City and the city 2 commissioners, produced to us. 3 A. Uh-huh. 4 Q. Are you familiar with the results of city 5 commission elections for the time that you were in 6 Dodge City? 7 A. Vaguely, yes. 8 Q. For the years that you were in 9 Dodge City, do these results match your 10 recollection of the election outcomes? 11 A. Yes. I mean, I say that very cautiously 12 because I don't remember figures, exact figures; 13 so -- 14 Q. Sure. And that's not what I'm asking. 15 But what I mean is, the names that received the 16 most votes per election were the ones that became 17 commissioner? 18 A. Oh, yeah, certainly. 19 Q. Okay. So there's a bunch of different 20 elections listed -- 21 A. Uh-huh. 22 Q. -- or years, for the Dodge City city 23 commission elections. And the years listed are 24 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 25 2017, 2019, and 2021.	Page 109 1 Kansas State Legislature considered moving 2 elections to the fall of even-numbered years? 3 A. Yeah. I remember that issue come up. 4 Q. Okay. 5 (de la Rosa Deposition Exhibit No. 22 6 was marked for identification.) 7 Q. (By Ms. Ching) I'm going to show you 8 what's been marked as Exhibit 22. Take a look at 9 that and let me know when you're done. 10 A. That sounds like me. 11 Q. Do you recognize this document? 12 A. Now I do, yes. 13 MS. CHING: And for the record, 14 it is Bates No. Dodge 19-0000185. 15 MS. EBERLINE: Counsel, 16 there's -- there's -- I'm sorry to 17 interrupt you. There's no Bates numbers 18 on this document. 19 MS. CHING: I know. It was 20 produced to us as one single document 21 with that Bates number. And this is 22 Page 63 through 66 of that document. 23 MS. EBERLINE: Okay. I -- will 24 you say the Bates number again? Forgive 25 me, I got distracted.

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1 MS. CHING: Yeah. It's just 2 Dodge 19-0000185. And it's not the usual 3 Bates prefix. 4 MS. EBERLINE: Okay. Thank 5 you. 6 Q. (By Ms. Ching) What is this document? 7 A. It looks like I am requesting an approval 8 of a resolution which basically opposes a proposed 9 statue being considered by the legislature at the 10 time. 11 Q. And I think there are two parts to this 12 document, the first part being a memorandum -- 13 A. Uh-huh. 14 Q. -- correct, from -- 15 A. Yeah. 16 Q. -- you to the city commission? 17 A. Uh-huh. 18 Q. And background -- there's a section 19 entitled "Background" -- 20 A. Uh-huh. 21 Q. -- that says, "The Senate Ethics and 22 Elections committee of the Kansas Legislature has 23 considered Senate Bill No. 171, which would make 24 nonpartisan city and school elections partisan and 25 move to the fall of even-numbered years to be held	1 Cherise Tieben. 2 Q. Did you consult with anyone while writing 3 this memo? 4 A. Maybe counsel at the time and city 5 manager. 6 Q. Did you discuss the memo with anybody? 7 A. I don't remember. It was eight years 8 ago. 9 (Stenographer asks for clarification.) 10 A. It was eight years ago. 11 Q. (By Ms. Ching) Do you remember 12 discussing that senate bill with anyone? 13 A. Just with -- at the time, it might have 14 been finance director Nannette Pogue and -- and 15 city manager Cherise Tieben, honestly. 16 Q. Did you discuss generally the idea of 17 holding city elections in even-numbered years with 18 anyone? 19 A. No. I -- I don't remember unless -- no. 20 I mean, it could have been through the other party 21 that could have been involved in this conversation, 22 would have been our lobbyists for the 23 Southwest Kansas Coalition, but I don't remember 24 specifically. 25 Q. Do you know of anyone who supported
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1 in conjunction with state and federal elections." 2 Did I read that correctly? 3 A. Correct. 4 Q. Did you write this memo? 5 A. I did. 6 Q. Why did you write it? 7 A. One, I think early on, I was tasked to 8 help with the legislative session, kind of keeping 9 and monitoring legislation being proposed by the 10 state legislature. And, then, they made me as -- 11 you know, carry -- carrying that responsibility in 12 2019. 13 And so this was one of those that I did 14 early on as the assistant to the city manager role. 15 And I remember this conversation because the 16 conversation was driven in the sense that the 17 concern from our administration was that we didn't 18 want to be partisan elections in terms of when it 19 came to city elections because it was solely for 20 the community. And we were concerned. 21 Also, we were concerned on the individual 22 that proposed this statue. And I think it was 23 Secretary of State Kris Kobach. 24 Q. Who asked you to write this memo? 25 A. I assume the city manager at the time,	1 moving elections to -- or to even-numbered years? 2 A. No. 3 Q. Does this memo contain your own 4 conclusions? 5 A. It was a collective conclusion from the 6 administration, I think. 7 Q. And who would that include? 8 A. Again, city manager, myself, and possibly 9 the finance director at the time. 10 Q. And how did you come to these 11 conclusions? 12 A. Again, it -- it was -- you know, as 13 public servant professionals, we understand that 14 local elections should be for the community and 15 community only. 16 With that in mind, we had concerns that 17 elections -- local elections, could be politicized 18 and -- and really just make it extremely political 19 for what's supposed to be for community and for all 20 community residents. 21 And so for more than anything, that was 22 the underlying concern. And, also, quite frankly, 23 we had concerns that this legislation was driven by 24 secretary of state conservative Kris Kobach. 25 Q. Did you do any research to help you come

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Page 114 1 to these conclusions in the memo? 2 A. The only additional information that we 3 would have possibly gotten was through the 4 League of Kansas Municipalities, who we are part 5 of -- cities are a part of the association. And, 6 typically, they're very active in their legislative 7 affairs. 8 Q. Under the heading "Justification," it 9 says, "City staff believes that proposed 10 legislation would be unnecessary for the following 11 reasons." 12 A. Uh-huh. 13 Q. Who's the city staff that you're 14 referring to? 15 A. Again, finance director Nannette Pogue, 16 city manager Cherise Tieben, and myself. 17 Q. Is the finance director usually involved 18 in city policy regarding elections? 19 A. No, but she -- she also served as the 20 finance director, but also as the city clerk. She 21 had a dual role. 22 Also, please note that it was 23 institutional knowledge from her because she had 24 been with the city. She retired after 40 years of 25 service or something to that effect.	Page 116 1 Q. So you think that having partisan 2 elections is incompatible with -- with doing what's 3 best for the community? 4 A. I think, in my own personal opinion, that 5 having nonpartisan elections at the local level for 6 a city election, for instance, it's best for the 7 community's interest, because we're not only 8 serving Republicans or Democrats; we're serving 9 everyone. And that includes the immigrant and 10 refugee community. 11 Q. Uh-huh. Are all city elections 12 nonpartisan? 13 A. Yes. 14 Q. Do the commissioners belong to any 15 political parties? 16 A. On their personal life I assume they do. 17 But as a commissioner, their campaigns, to my 18 knowledge, are ran neutral with no partisan or no 19 party attached to it. 20 Q. Are you aware of any of the 21 commissioners' political affiliations? 22 A. No. 23 Q. Are you aware that some candidates for 24 commission have run on a partisan slate? 25 A. Can you repeat that question again?
Page 115 1 Q. Okay. Turning to the first reason listed 2 in the memo for why city staff felt the proposed 3 legislation was unnecessary, it says, "Combining 4 the elections and forcing them to become partisan 5 would relegate the local election to an 6 afterthought to the party politics that attract the 7 vast majority of media attention and campaign 8 donations." 9 Do you see that? 10 A. Yeah. 11 Q. Why did you think that combining the 12 city's elections with state and federal elections 13 would force them to become partisan? 14 A. Again, it was -- I think the -- the idea 15 that when this was proposed, the conversation at 16 the state level -- meaning the League of Kansas 17 Municipalities at the time -- was we felt like 18 residents would be blindsided in the sense that 19 just because they see an R next to a name, they 20 would just check all Rs. 21 And so it was -- that was the main 22 concern, as opposed to being objective and really 23 voting for a candidate that was really concerned 24 and for the best interest of the city or the 25 community.	Page 117 1 Q. Are you aware that some commission 2 candidates have run on a partisan slate? 3 A. On the last election we saw some of that, 4 but that was driven by Americas -- American for -- 5 Americans for Prosperity. They conducted a 6 campaign. And I believe they sent out mailers that 7 somewhat said the Republican slate, something to 8 that extent. 9 But this was an outside group, really, 10 playing a role in a community that, in my opinion, 11 was inappropriate or perhaps not right. And so, 12 again, from the individual candidate itself, I have 13 not seen that. 14 Q. What is Americans for Prosperity? 15 A. I assume it's a political nonprofit 16 organization. 17 Q. Okay. What is your understanding of 18 their activities in terms of, like, the ads that 19 you mentioned? 20 A. I think they were -- you know, at the 21 time, my own opinion was that they were trying to 22 play into local politics to perhaps elect more 23 conservative candidates. 24 Q. So there were mailed ads, you said? 25 A. Yeah. I think there was mention of

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Page 118 1 mail -- mailing ads. 2 Q. Anything else? 3 A. Not to my knowledge. 4 (de la Rosa Deposition Exhibit No. 23 5 was marked for identification.) 6 Q. (By Ms. Ching) I'm going to show you 7 what's been marked as Exhibit 23. 8 Have you ever seen this document before? 9 A. I think I have. I think this is probably 10 one of the mailers that I had seen in the last 11 election. 12 Q. Okay. And in the middle there's a very 13 tiny box. 14 A. Uh-huh. 15 Q. I don't know if you can read it. I think 16 it says, "Paid for" -- sorry. "Paid for by Kansans 17 for Liberty PAC Suzi Goetz." S-U-Z-I -- 18 A. Uh-huh. 19 Q. -- G-O-E-T-Z -- 20 A. Uh-huh. 21 Q. -- "Treasurer." 22 A. Uh-huh. 23 Q. And it lists -- it says, "The Republican 24 Slate." And then there's a group of people that 25 says, "For Dodge City Commission." And it names	Page 120 1 yes. 2 Q. What kind of political messaging did the 3 candidates who did actively campaign use? 4 MS. EBERLINE: Are you 5 referring to a specific election time 6 frame? 7 Q. (By Ms. Ching) How about the last five 8 years? 9 A. Are you referring to city elections? 10 Q. Yes, city commission elections. 11 A. Yeah. So my only experience, again, was, 12 typically, you would see street signage of their 13 name running for city commission. There wasn't 14 ever a political affiliation attached to it. 15 Q. How about political positions on topics? 16 A. No. I mean, it was purely community 17 driven. You know, for example, this last election, 18 you had Mayor Mike Burns talk about fiscal 19 responsibility. Street conditions was a huge topic 20 as well. There is always this conversation that 21 property taxes are too high or, you know, with the 22 school district, top-heavy administration. 23 So there was never a topic that was 24 attached to a political party. I think you 25 probably saw a lot of it through the mask policy in
Page 119 1 Joe Nuci, Michelle Salinas, and Chuck Taylor. 2 Are you aware of any similar slates in 3 the past before 2021? 4 A. No. This was my first one that I've seen 5 over the years that I've been in public service. 6 Q. Do you have any idea how these three 7 individuals were chosen for a slate? 8 A. No. And, you know, again, as a 9 noncitizen myself, I didn't get one of these. And 10 so it was only like, you know: Hey, they're 11 sending these out there; they're out there. And, 12 really, that was my extent of the knowledge. 13 Q. In the past, have candidates for 14 commission run together on a slate? 15 A. No. No, I mean, you have -- for example, 16 there's stories that, you know, you have Kent Smoll 17 or Brian Delzeit or Rick Sowers, who don't even put 18 up a sign. And just because they're well known in 19 the community, they get elected. 20 And so -- now, again, this -- this was my 21 first time. 22 Q. So some commissioner candidates do 23 campaigning or advertising, and others don't, 24 correct? 25 A. Yeah. I mean, I've seen some signage,	Page 121 1 the pandemic, but no. My experience has always 2 been neutral. 3 Q. Do you recall any campaign messaging 4 about immigration? 5 A. No. 6 Q. Let's go back to Exhibit 22. 7 A. Uh-huh. 8 Q. Back to "Justification," No. 1: 9 "Combining the elections and forcing them to become 10 partisan would relegate the local election to an 11 afterthought." 12 Why did you think that combining local 13 elections with state and federal would relegate 14 local elections to an afterthought? 15 A. Again, the thought or the context there 16 was that we had seen the conversation from one 17 particular party that they wanted the party 18 attached to the name because it would seem like a 19 menu of just Rs, and you would just go down the 20 list. 21 Also, again, you -- generally, people are 22 more familiar with presidential elections and the 23 election of our governor. And so we didn't want, 24 in my recollection, to include local elections 25 because -- and partisan because, again, you would

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1 have local elections ran in a politicized manner 2 rather than objectively run for local election or 3 city commission in the interest of, you know, the 4 community, whether it was how do we do or what do 5 we do about our housing issues or the water issue, 6 which, to my knowledge, I mean, those are 7 nonpartisan. And that's what the community really 8 needs and wanted to focus on. 9 Q. Were you concerned that combining 10 elections would result in less media attention or 11 campaign donations to local candidates? 12 A. Less? 13 Q. Less. 14 A. I think they would actually get more, I 15 mean, media attention and campaign donations. But, 16 again, if you're having partisan elections, of 17 course, you would get political parties to possibly 18 contribute money to that. 19 Q. Are you saying that combining the local 20 election with the state and federal elections would 21 result in more campaign donations and more media 22 attention to local election issues? 23 A. Because you're having partisan. 24 Q. Okay. The second justification in your 25 memo: "We have a firm belief that local elections	1 interests. And, honestly, I -- I continue to 2 believe that on my personal opinion. 3 Q. You think there are some -- some issues 4 that receive attention on a national basis that are 5 not relevant to Dodge City locally? 6 A. No. What I'm saying is that there are 7 some issues that are not dealt within the local 8 city commission. For example, immigration. That's 9 a federal issue. They have no control over that 10 immigration issue. I mean, they can pass 11 resolution after resolution. At the end of the 12 day, Congress is the only one that can reform that 13 system. 14 And, again, we're -- we're talking apples 15 to oranges. When residents are complaining about 16 street maintenance, and you're running on 17 immigration issues, it just doesn't belong. 18 Q. Okay. The third justification: 19 "Communities can implement a variety of alternative 20 methods, primarily grassroots initiatives that 21 already exist, which are proven to increase turnout 22 in city elections should there be a local election 23 concern." 24 What are the communities that you're 25 referring to here?
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1 should be focused on what is best for the community 2 and the methods to achieve that success. The focus 3 on partisan politics that we have seen in recent 4 state and national elections will detrimentally 5 erode that focus." 6 Who's the "we" that you're referring to 7 in that sentence? 8 A. Since staff is recommending the approval 9 resolution, it was staff, for staff's 10 recommendation or beliefs. 11 Q. And by "staff," you mean you, 12 Cherise Tieben, and Nannette Pogue? 13 A. Yeah. 14 Q. In what way did you think partisan 15 politics would erode the focus of local elections 16 beyond what we've already talked about? 17 A. Again, when you have city commission 18 meetings, you're not talking about abortion, or 19 you're talking -- you're not talking about 20 immigration. Those are state and federal issues. 21 You know, city commissions, if you jump 22 on them, they're talking about budgets. They're 23 talking about housing, transportation, streets. 24 And so it would deflect on having that pure 25 community interest rather than political motives or	1 A. Cities and counties. 2 Q. And by "cities and counties," do you 3 mean, like, the city government? Or do you mean, 4 like, the city generally as in its residents? 5 A. I think it can be both, honestly. I 6 mean, it could be grassroots groups that, you know, 7 want to improve this -- the conditions of their 8 streets and, therefore, they can mobilize and 9 educate and increase voter turnout. It can 10 certainly be the city or the county. 11 And so, you know, it's not just one way 12 or form. It can be multiple. 13 Q. And what are the grassroots initiatives 14 that already exist in Dodge City? 15 A. Again, I think there was -- or there has 16 been groups that want to see, for example, Latinos 17 run for office or, you know, for example, the ACLU 18 coming to Dodge City in 2019. They were having 19 conversations to increase voter turnout. We set 20 that list in the previous exhibit. 21 And then, you know, certainly the -- 22 the -- the county and the elections office could do 23 a lot more to educate and increase the voter 24 education in -- in the community. The city can 25 certainly enhance those -- those efforts by using

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Page 126 1 their communication channels to increase the voter 2 education or -- and hopefully voter turnout. 3 Q. Are there any other specific grass -- 4 grassroots initiatives that you can think of? 5 A. No. And, again, it's part of the issue 6 with rural communities in general. What I was 7 saying earlier, you know, you have grassroots 8 groups or nonprofit organizations in Kansas City 9 area that we don't have in Dodge City, Garden City, 10 or Liberal. We don't have that infrastructure. 11 And, you know, I have said this before, 12 efforts such as -- and, you know, they're great 13 efforts, by no means. But the ACLU coming to 14 Dodge City on a one-off or two days does not work 15 because there is a huge factor that plays into the 16 immigrant or refugee community. And that's trust. 17 And it takes time to build those relationships. 18 Q. So the only grassroots initiative or 19 group that you can think of is the ACLU in the 20 context of -- 21 A. That one comes to mind. I know, you 22 know, you hear citizens that are concerned. You 23 know, for example, on the streets condition, I 24 think there were citizens that were certainly 25 receptive to the idea. And they were talking about	Page 128 1 A. I'm sorry. Can you repeat that again, 2 your question. 3 Q. If there were a local community effort or 4 desire to switch from holding city elections in 5 odd-numbered years to even-numbered years, would 6 that change your conclusions in this memo? 7 A. If it was purely local and driven by 8 locals, certainly. Again, I think the biggest 9 issue at that time with SB171 was that it was 10 driven from the top to the bottom. 11 Again, you had the secretary of state 12 behind this bill wanting to make our elections 13 political. And you have -- I'm sorry. The state 14 or somebody out of Lawrence with authority has no 15 business in Dodge City to conduct Dodge City 16 business. 17 Q. What kind of a local community effort, in 18 your opinion, would be sufficient to make the city 19 move the elections to even-numbered years? 20 A. Property taxpayers, people that live 21 there. 22 Q. If you can turn to the second page of the 23 memo, it says the "Purpose/Mission" is: "To 24 maintain and improve voter turnout in Dodge City." 25 And earlier, we had discussed the fact
Page 127 1 it. I'm not sure if they were disseminating 2 information to the people out there. 3 And so you can have very organic groups 4 like that that can certainly increase voter turnout 5 for whatever community issue they wanted to get 6 through. 7 Q. And I know I'm asking a tough question 8 because this was eight years ago, but were there 9 any other grassroots initiatives that you had in 10 mind when you were writing this memo? 11 A. No. 12 Q. All right. And at the bottom of that 13 first page of the memo, it says, "Overall, we 14 believe that the current structure provides cities 15 with the flexibility to address the preferences of 16 their citizens and should be left alone unless 17 driven by a local community effort." 18 A. I agree. 19 Q. You agree with your own words? 20 A. Yeah. I wrote it. I stand by it. 21 Q. So if there were a local community effort 22 or desire to switch from holding city elections in 23 odd-numbered years to even-numbered years, would 24 that change your conclusion about switching to 25 even-numbered years?	Page 129 1 that voter turnout is lower in odd-numbered years, 2 or nonpresidential elections -- 3 A. Correct. 4 Q. -- correct? 5 Are you aware that elections held during 6 odd-numbered years are correlated with lower voter 7 turnout? 8 A. No, I'm not aware. 9 Q. Did you or anyone else working for the 10 city do any research into moving elections to 11 even-numbered years? 12 A. No. I mean, again, we didn't conduct any 13 research and -- and -- from that front. I think 14 what -- the elephant in the room, again, was solely 15 and extremely political. The intentions, what we 16 saw at that moment, was that we had a certain 17 political party wanting to shift the balance at the 18 local level with partisan elections. 19 Q. So setting aside the political or 20 partisan aspect, what other issues do you see with 21 moving elections to even-numbered years? 22 A. It certainly would get lost. Again, I 23 think people or citizens, you know, in my opinion, 24 are -- we are already overwhelmed with the rhetoric 25 that goes into presidential campaigns.

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1 And, again, quite frankly, you -- you 2 can't commingle local elections with, for example, 3 immigration. It might make sense for a community 4 along the border that are on the brunt of it. But 5 in Dodge City, we need more labor. I mean, you 6 know, you -- our streets are not partisan. They're 7 for all people. And -- and, you know, that -- I 8 still believe that to this day. 9 Q. Slight detour into street conditions. 10 A. Okay. 11 Q. Are there certain areas of the city where 12 the streets are in worse conditions than other 13 parts of the city? 14 A. Downtown. Probably, you know, bricks, 15 which is probably under construction right now 16 since we passed the sales tax for streets. You 17 know, it's an area that's historic, preserved, and 18 must be maintained by brick. And every time you 19 have a main break, I think, you know, those -- 20 those conditions on -- on brick streets are left 21 worse than found. And so -- and, plus, they're 22 really old. 23 Q. Besides downtown and brick streets, what 24 other areas of the city have poor street 25 conditions?	1 utilizes that report to, again, direct the 2 resources and funding to either reconstruct the 3 street or get it redone. 4 Q. Okay. Detour over. 5 A. Okay. 6 Q. Let's go back to Exhibit 22. 7 Based on your experience and your time 8 working at the city, is the city or are the 9 commissioners aware that Latino voter turnout is 10 lower in odd-year elections? 11 A. No, I'm not aware. So here's -- here is 12 kind of -- I've only seen at least one report of 13 just the voter turnout in general, but we -- I'm 14 not sure that I ever asked based on ethnicity 15 and/or if their answer was from the elections 16 office that they didn't necessarily have that data 17 to provide to us. 18 And so I can only speculate that it -- it 19 is lower for many different factors. Again, you 20 have an immigrant population that not everybody is 21 eligible, like myself, a green card holder. You 22 have, you know, residents like my parents that if 23 they were citizens, they don't -- they're not aware 24 of the local elections. 25 And, you know, again, I think -- I can't
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1 A. I mean, it's all over town. Those 2 arterial streets, meaning not main thoroughfares, 3 that are in worse condition. The city has done a 4 proactive job of conducting a pavement condition 5 index, I think, that basically determines the 6 condition of the street. And based on our report, 7 then they direct their resources and funding to 8 address those on dire need. 9 Q. Is there a particular area of town that 10 has a more dire need? 11 A. I would have to look at the map, but I 12 think it's all over the place. 13 Q. Okay. How are the street conditions in 14 South Dodge? 15 A. There's areas that are bad, and there's 16 areas that are in good condition. I mean, I can 17 think of Second Street, other than the railroad 18 crossings -- because that's a mess, and they get 19 disrupted every so often -- I think, for the most 20 part, are in good conditions. 21 But in each area, you'll have arterial 22 streets that are in worse conditions. But, you 23 know, that report on the streets condition index 24 provides a third-party unbiased report on the 25 conditions of the street, and staff utilizes --	1 emphasize enough the lack of education within the 2 immigrant and refugee community, because there's a 3 cultural issue; whereas, you know, elections in my 4 own little town in Mexico are completely different 5 than here. 6 Q. Turning to the next page of Exhibit 22, 7 it is the attached Resolution No. 2015-2. 8 What is this document? 9 A. A resolution. 10 Q. Did you write this resolution? 11 A. I don't know. That's -- I had that 12 question actually when you were asking me the 13 questions. And I'm not sure if this was a 14 passed-down-type language from the League of Kansas 15 Municipalities at the time, or it was actually put 16 together in my -- with my consultation by counsel. 17 Q. You mean city counsel? 18 A. Yes. 19 MS. EBERLINE: Do you mean the 20 city attorney? 21 THE WITNESS: City attorney, 22 yes. 23 MS. CHING: Yeah, sorry. 24 Thanks. 25 MS. EBERLINE: With an S.

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Page 134 1 MS. CHING: Yeah. 2 Q. (By Ms. Ching) Was this resolution 3 passed? Do you recall? 4 A. I assume, yeah. 5 Q. Do you recall any sort of public 6 communication or debate about moving to 7 odd-numbered years -- I'm sorry, to even-numbered 8 year elections? 9 A. The only possible communication that 10 we've done -- and, again, it was a practice of 11 ours -- was to include legislative updates to the 12 public through the city's weekly newsletter. You 13 know, in my community, legislative issues were 14 boring and dry; so -- 15 Q. What would have been in that update about 16 moving to even-numbered year elections? Do you 17 recall the content of that update? 18 A. If there was one made, I don't recall. 19 It's basically very generic to keep it concise in 20 that weekly that city had provided testimony on a 21 certain policy or proposed legislation. 22 Q. And in preparing this memo and thinking 23 about those recommendations, did you talk to anyone 24 in the community about it, about the possibility of 25 moving from odd-numbered years to even-numbered	Page 136 1 A. No. No, there was not an issue. 2 Q. Okay. 3 A. The issue was that, again, I think you 4 had first-generation immigrants like my parents 5 that didn't understand what that meant. 6 Q. And there was no information put out by 7 the county or the city about provisional ballots? 8 A. That, I'm not aware. 9 Q. Okay. Not that you're aware of? 10 A. Yeah. 11 Q. All right. I'm -- 12 MS. EBERLINE: Well, is your 13 testimony that you don't know one way or 14 the other or that they did not put out 15 any? 16 THE WITNESS: Yes. Thank you. 17 A. I'm not aware one way or the other. 18 Again, it was one of those things: Their function, 19 their operation, not mine. 20 Q. (By Ms. Ching) And based on the city's 21 practice when it comes to sending out election 22 information, if the city had sent out any 23 information or publicized any information about 24 provisional ballots, that information would have 25 come from the county?
Page 135 1 years? 2 A. Not to my knowledge. 3 Q. And is it your understanding that city 4 elections could be held in even-numbered years? 5 A. I wasn't aware of that. 6 Q. You don't think that the city has the 7 power to -- 8 A. I thought it was purely driven by statute. 9 Q. So you think the Kansas State Legislature 10 has complete control over that? 11 A. Again, they pass -- my assumption is they 12 pass state statute; local elections are driven by 13 it. 14 Q. Do you know anyone who has encountered 15 issues or problems when trying to vote in 16 Dodge City? 17 A. No. I mean, just I think the -- through 18 the 2018 issue, again, I wasn't qualified to work 19 the election as a bilingual poll worker. The only 20 issue through the 2018 -- I think, again, people 21 didn't understand the provisionate ballot 22 definition as to what that meant, if their vote was 23 going to count or not. 24 Q. So was there some sort of issue with 25 provisional ballots in 2018?	Page 137 1 A. Yes. 2 (de la Rosa Deposition Exhibit No. 24 3 was marked for identification.) 4 Q. (By Ms. Ching) I'm going to show you 5 what's been marked as Exhibit 24. 6 Are you done looking at it? 7 A. Yeah. 8 Q. Okay. So this document, which is 9 Bates stamped Dodge City 0002744 through 45, 10 includes an email that you sent to someone named 11 Kate Schieferecke? 12 A. Schieferecke. 13 Q. S-H-I -- I'm sorry. 14 S-C-H-I-E-F-E-R-E-C-K-E. 15 Who is Kate Schieferecke? 16 A. Kate Schieferecke was -- used to work for 17 Catholic Charities in yet -- I want to say case 18 manager. Catholic Charities provided legal 19 assistance to refugees and immigrants and also was 20 the refugee resettlement office. 21 Kate then, at that -- at this point of 22 these -- this email was part of the Lead For 23 American organization. 24 Q. What's Lead For America? 25 A. It's a nonprofit organization that, I

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Page 138 1 think, provides leadership training for young 2 leaders. It's a brand-new -- it was a brand-new 3 organization moving into Dodge City. 4 Q. What is your email to her about? 5 A. So Kate and Lead For America was putting 6 together a candidate forum. Typically, the 7 candidate forums were put together by the chamber 8 of Dodge City. I don't know what happened that 9 year or why they weren't doing a forum, but 10 something happened, which I don't remember. 11 Then Lead For America took on the -- sort 12 of the -- the -- the project or idea to put a 13 candidate forum since they were new to the 14 community and they wanted to -- to do something for 15 the community. 16 It looks like this email, we provided 17 some potential questions that could be asked during 18 that forum. Also, since they were new to the 19 community, we provided some ideas that the event 20 could be advertised on and -- yeah. 21 Q. And when you say "candidate forum," do 22 you mean candidates for city commission? 23 A. Both. Well, actually, maybe all three. 24 I think it was school district, city commission, 25 and maybe Dodge City Community College.	Page 140 1 And so, obviously, diversity, equity, and 2 inclusion, it's a passion of mine and I wanted to 3 ask that question. 4 Q. Do you recall whether any of these 5 questions on here ended up being asked at the 6 forum? 7 A. I think so. 8 Q. Do you recall if that last one about the 9 Latino or Hispanic community being asked? 10 A. Yes. 11 Q. Do you recall any candidates' answers to 12 that question? 13 A. I don't. I really don't know. I'm sure 14 there's a recording somewhere. 15 Q. When was the first time you heard about 16 district-based elections for commission elections? 17 A. The first time was brought up by 18 Commissioner Jan Scoggins. I don't remember the 19 year. She was serving on the commission. 20 Q. Did you ever discuss the possibility of 21 having district-based commission elections with any 22 other city employees? 23 A. No. I think it was generally -- again, 24 she brought it up during a commission meeting. 25 Then I think, at the time, the city manager and
Page 139 1 Q. Did Ms. Schieferecke ask you to put this 2 list together for her? 3 A. Yeah. This must have been either a phone 4 call or an in-person request. And it looks like, 5 based on the questions, that we were providing 6 potential questions to ask for the city commission 7 forum. 8 Q. So there's a list -- there's -- there's 9 multiple bullet point lists. 10 A. Uh-huh. 11 Q. But the first one, the last bullet point 12 of the first list says, "According to the 2020 13 census count, 57.4 percent of Dodge City's 14 population is Latino or Hispanic. How will you 15 engage the public in your decision-making process? 16 What steps will you take to become inclusive in 17 this process?" 18 Who decided to ask -- add this question 19 to this list? 20 A. That one's mine. 21 Q. Why did you want to add that one? 22 A. Well, I'm the immigrant and the staff -- 23 Q. Uh-huh. 24 A. -- I mean, not the only one. But I was 25 doing a lot of work for welcoming and integration.	Page 141 1 maybe city attorney were tasked to research the -- 2 the idea. I must just remember vague conversations 3 about it. 4 Q. Were you involved in that research at 5 all? 6 A. I honestly don't remember. I might have 7 been CC'd or something. 8 Q. I am going to show you what's being 9 marked as Exhibit 25. 10 (de la Rosa Deposition Exhibit No. 25 11 was marked for identification.) 12 Q. (By Ms. Ching) This is Bates stamped 13 Dodge City 0003693 through 94. 14 Let me know when you're done looking at 15 that. 16 A. Okay. 17 Q. So Exhibit 25 is an email from 18 Cherise Tieben to you and some others. 19 Do you recall receiving this email? 20 A. Now that you show me, yes. 21 Q. And the third paragraph says, "Nannette 22 reminded me the other day that there was a threat 23 of a lawsuit several years ago when Kim Goodnight 24 was the county chairman. If we recalled correctly, 25 it was to force us into wards."

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1 Do you know what lawsuit Ms. Tieben is 2 referring to here? 3 A. Again, Nannette worked there for several 4 years and had institutional knowledge. So, again, 5 part of the -- the -- why she's involved is she's 6 been through the city for a lot of years. 7 Q. What did you understand Ms. Tieben to 8 mean by wards? 9 A. I honestly don't know. I don't want to 10 speculate. Again, that word is used, to me -- as a 11 English second-language person, sounds funny. 12 (de la Rosa Deposition Exhibit No. 26 13 was marked for identification.) 14 Q. (By Ms. Ching) Okay. I'm going to show 15 you what's been marked as Exhibit 26. This is 16 Bates stamped Dodge City 00017 and then 77. 17 A. Okay. 18 Q. So this document is a couple of emails in 19 February 2019 between Jan Scoggins, S-C-O-G-G-I-N-S, 20 to Cherise -- Cherise Tieben and Ms. Tieben's reply 21 to her that BCC'd you. 22 Do you recall receiving this email? 23 A. Probably, yes. 24 Q. Do you know why Ms. Tieben BCC'd you? 25 A. Probably just to keep us in the loop of	1 The time is 2:28. We are now off the 2 record. 3 (Brief recess taken.) 4 THE VIDEOGRAPHER: We are now 5 on the record. 6 (de la Rosa Deposition Exhibit No. 27 7 was marked for identification.) 8 Q. (By Ms. Ching) Mr. de la Rosa, I'm going 9 to show you what's been marked as Exhibit 27. That 10 is Bates stamped Dodge City 0004356. And this is 11 an email from you to Nick Hernandez and some others 12 on December 16th, 2022. 13 Do you recall this email? 14 A. Yeah. I think that's when City Manager 15 Nick Hernandez received notice of the lawsuit. And 16 then I had mentioned -- or mentioned to him that -- 17 the question posed by Jan Scoggins then. 18 Q. And you wrote: "Here's what we found on 19 the election wards from the last question in 2018 20 by Commissioner Scoggins. The research was done by 21 Nannette Pogue, former finance director." 22 A. Right. 23 Q. Why did you write this email? 24 A. Again, it was just the response of, you 25 know -- I can't remember if it was asked, "Hey, has
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1 what was to come before the city commission. 2 Q. You mentioned earlier that Jan Scoggins 3 was a commissioner. Was she a commissioner at the 4 time of this email in -- 5 A. It looks like it, yes. 6 Q. -- February 2019? 7 A. Yes. 8 Q. Okay. Her email mentions a community 9 group that proposed changing city commission 10 elections to have three districts and two at-large 11 positions. 12 Do you see that? 13 A. Uh-huh. 14 Q. Do you know who that community group was? 15 A. I don't, no. 16 MS. CHING: All right. Do you 17 want to take a break? 18 THE WITNESS: Yes. 19 MS. CHING: Okay. 20 THE WITNESS: Thank you. 21 MS. CHING: Let's go off the 22 record. Come back in five minutes? 23 THE WITNESS: That'd be great. 24 Sorry. 25 THE VIDEOGRAPHER: All right.	1 this issue come up before" or anything like that. 2 And then I remember that question come up with 3 Commissioner Scoggins then. 4 Q. Okay. And the header of the email shows 5 that there's an attachment, 6 electioninformation.docx. 7 Do you see that? 8 A. Yes. Do you have that? 9 Q. I do. I'm going to show you it to you as 10 Exhibit 28. 11 (de la Rosa Deposition Exhibit No. 28 12 was marked for identification.) 13 Q. (By Ms. Ching) And this is Bates stamped 14 Dodge City 0004357 through 59. 15 Do you recognize this document? 16 A. I've seen it once or twice, probably in 17 communication that I was CC'd on when the question 18 by Jan Scoggins came up. 19 Q. Is this the research done by 20 Nannette Pogue that you referenced in the email 21 that we had just talked about? 22 A. It's something that she probably provided 23 with the assistance of the League of Kansas 24 Municipalities. 25 Q. Do you have an understanding of why

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Page 146 1 Ms. Pogue did this research and wrote this memo? 2 MS. EBERLINE: Object to form. 3 That wasn't his testimony about who 4 prepared the memo. 5 Q. (By Ms. Ching) You can answer. 6 A. I don't know. Again, I'm unaware if she 7 actually prepared the -- the report or if the 8 League themselves provided the report. 9 Q. Can you flip to the third-to-the-last 10 page? 11 A. Uh-huh. 12 Q. And the last sentence says, "I wasn't 13 able to find and other information regarding the 14 school districts and what kind of problems they may 15 have run into when they had voting districts." 16 Do you see that? 17 A. Uh-huh. 18 Q. And then the paragraph before that, it 19 says, "Based on my experience with Kansas 20 politics..." 21 This is written in the first person, 22 correct? 23 A. I'm sorry. I don't see the "Based on my 24 experience." 25 Q. There's no indentation, but it's --	Page 148 1 state and local levels to reflect population 2 shifts. 3 Do you see that? 4 A. Uh-huh. 5 Q. And then on the next page there is a 6 discussion of statistics from the 2010 census. 7 "As of the 2010 United States Census, the 8 racial makeup of Dodge City was 72.5 percent white, 9 2.5 percent African American, 1.1 percent American 10 Indian, 1.6 percent Asian, 0.2 percent Pacific 11 Islander, 19.3 percent from other races, and 12 2.9 percent from two or more races. Hispanics and 13 Latinos of any race were 57.5 percent of the 14 population." 15 Did I read that correctly? 16 A. Uh-huh. 17 Q. Do you know the results of the 2020 18 census? 19 A. As in? 20 Q. For Dodge City, the racial demographics. 21 A. Yeah. I mean, we had it in the other 22 one -- in the other exhibit, I'm sorry. Give me 23 just a second. I mean, I -- I remember the -- 24 Ford County being one of the only four counties in 25 the State of Kansas being majority Latino or
Page 147 1 A. Oh, yes. 2 Q. Do you see it now? 3 A. Yeah. 4 Q. This is written in the first person, 5 correct? 6 A. Yes. 7 Q. Okay. Can you flip to the previous page 8 that ends in Bates No. 4358? 9 A. Uh-huh. 10 Q. I'd like to direct your attention to the 11 section titled, "Information on Statutes and 12 redistricting from the League of Municipalities." 13 A. Uh-huh. 14 Q. Do you see that? 15 A. Uh-huh. 16 Q. And then the last paragraph at the bottom 17 says (as read): Dodge City would need to pass an 18 ordinance establishing that they will be electing 19 their commissions by single-member districts rather 20 than their current at-large process. The newly 21 enacted districts would need to satisfy several 22 judicially created criteria to withstand any 23 possible judicial scrutiny. Case law has created 24 the guideline that election district, as a minimum, 25 would need to be redrawn every ten years on the	Page 149 1 Hispanic with 57.4 percent. 2 Q. All right. Next paragraph (as read): 3 Dodge City would need to be careful to not dilute 4 the voting power of Hispanic and Latino voters in 5 any map that is adopted. Section 2 of the Voting 6 Rights Act deals with this issue, and the 7 Supreme Court established a list of conditions 8 under Thornburg versus Gingles. The test looks at, 9 one, whether it is possible to draw a district so 10 that a majority of voters belong to a 11 geographically compact racial, ethnic, or language 12 minority community; two, whether the minority 13 population usually votes as a bloc for the same 14 type of candidate; and, three, whether the rest of 15 the population in the area usually votes as a bloc 16 for different communities -- or sorry -- for 17 different candidates than those preferred by the 18 minority community. 19 Did I read that correctly? 20 A. Uh-huh. 21 Q. Ms. Pogue then says, "Based on my 22 experience with Kansas politics, Prong 2 and 3 will 23 likely be met." 24 Did I read that correctly? 25 A. Just correction. I don't think

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Page 150 1 Mrs. Pogue wrote this. I think it was written by 2 the -- by somebody within the League of Kansas 3 Municipalities. That's just my impression. 4 Q. Why do you -- 5 (Stenographer asks for clarification.) 6 A. Somebody within the League of Kansas 7 Municipalities. 8 Q. (By Ms. Ching) Why do you think that? 9 A. I think the -- the question was posed to 10 the League of Kansas Municipalities of: "Hey, what 11 information do you have on districts? And what is 12 the guidance if a district chose to form 13 districts -- if a city chose to form districts?" 14 Q. So even though this was written in the 15 first person, you don't think that this is 16 Ms. Pogue's own words? 17 A. My -- from my recollection, I don't think 18 it is. 19 Q. From your recollection? 20 A. Yes. 21 Q. What do you recollect that makes you 22 think that? 23 A. Because I remember when this question 24 came up, I know the League of Kansas Municipalities 25 served as a resource for this research.	Page 152 1 MS. EBERLINE: Objection. 2 Mischaracterizes his testimony. 3 A. Just for correction, typically, when 4 staff is directed to do -- take on a project, 5 they -- they're the point of contact for the city. 6 That could include contacting the League 7 of Kansas Municipalities; ICMA; the League of 8 Cities, a national association. Again, it can 9 include an array of tools to be able to do or 10 answer questions or provide information to the city 11 manager or city commission. 12 Q. (By Ms. Ching) Your email wrote -- in 13 your email, you wrote, "The research was done by 14 Nanette Pogue," correct? 15 A. Yes. I mean, again, she involved and 16 solicited the information on behalf of the city, in 17 my recollection, to the League of Kansas 18 Municipalities. 19 Q. I understand. But that's what you wrote, 20 correct? 21 A. Right, yeah. 22 Q. What did you do -- or do you know what 23 the city did after Ms. Pogue did this research? 24 Did the city do anything with her findings? 25 A. Yes. I mean, I think what was done
Page 151 1 Q. But you think that because the League was 2 her resource that those are the League's words and 3 not her own? 4 A. Typically, when they provide guidance on 5 a certain issue, they typically put together 6 something rough draft like this or an email. 7 Q. And you think that Ms. Pogue would have 8 passed that on without any sort of editing? 9 MS. EBERLINE: Objection. 10 Calls for speculation. 11 A. That's my assumption. 12 Q. (By Ms. Ching) Did you ever speak with 13 Ms. Pogue about this research? 14 A. No. It's years ago. And, again, I was 15 included in the sense that I was CC'd in the 16 information. I wasn't dissecting it. 17 Q. Okay. Can you go back to Exhibit 27, 18 which is your email attaching this document? 19 A. Uh-huh. 20 Q. And you wrote, "The research was done by 21 Nannette Pogue, former finance director." 22 A. She was -- well, I'll wait for the 23 question. Sorry. 24 Q. So you understood that this was her 25 research, correct?	Page 153 1 and -- and what I recollect was, the question was 2 posed by Jan Scoggins through a city commission 3 meeting. I know there was probably a second and -- 4 a second conversation at the end of the meeting. 5 Staff then had to circle back to Jan Scoggins. I 6 don't recall if it was done through a regular city 7 commission meeting or it was individually. 8 Q. Do you know if anyone else besides 9 Ms. Pogue looked into this topic? 10 A. I don't know. This could have been, 11 again, when she was done collecting the 12 information. Working with the League of Kansas 13 Municipalities, she could have forwarded it to the 14 city manager. 15 City Manager Tieben had a practice of 16 meeting one-on-one with city commissioners to 17 update on current projects, ongoing projects. And 18 that was an opportunity to -- for them to ask 19 questions or follow up on a certain complaint. 20 Q. Are you aware of anything the city has 21 done to keep track of issues related to voting in 22 city elections that it became aware of? 23 A. Not to my knowledge. Again, it wasn't 24 our operation. 25 Q. When was the first time you've heard of

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1 the Voting Rights Act? 2 A. Huh, good question. I don't know. 3 Q. But you have heard of it? 4 A. Yeah. I mean, somebody has thrown it out 5 there. Whether it was legislative session, 6 committee meetings, or -- I don't know. I'm not an 7 expert by any means on that. 8 Q. Sure. Have you ever discussed the Voting 9 Rights Act with anyone else from the city? 10 A. No. I'm not intelligent enough to have 11 that conversation. Sorry. 12 Q. Are you aware of any past federal 13 investigations into Dodge City or Ford County for 14 violation -- 15 A. No. 16 Q. -- of the Voting Rights Act? 17 Just thought I'd ask. 18 I'd like to ask you some questions about 19 specific Dodge City programs or initiatives. 20 A. Sure. 21 Q. One of the things we talked about earlier 22 was the Cultural Relations Advisory Board. Can you 23 give me a brief summary of what that is? 24 A. Yeah. So I believe they were instituted 25 in 2010 through a resolution. When I arrived to	1 becoming diverse. And this was a way to have a 2 body of people advising them on issues, concerns 3 related to the community. 4 Q. Are you aware of any specific incident 5 that may have affected the creation of the 6 Cultural Relations Advisory Board? 7 A. No. 8 Q. Are you aware of a shooting that occurred 9 in 2010 involving two white men and a Latino man 10 along the Arkansas River in Dodge City? 11 A. I remember being at that event, but I 12 didn't know that that stem- -- this group stemmed 13 from that, from that issue, if that's the 14 assumption being made. 15 Q. I'm sorry. "Being at that event"? 16 A. I was at that event as a kid. 17 MS. EBERLINE: The shooting? 18 A. Well, it wasn't a shooting. Hold up, 19 hold up. I wasn't -- it wasn't a shooting. It was 20 the Cinco de Mayo event at Wright Park. It was a 21 large -- at the time, it was a large celebration. 22 They had the Queen, and then they had music and 23 games and -- so it was a huge, large event. 24 Wright Park is the largest park within 25 the city. And people really gather there to, you
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1 the city Jane Longmeyer, PIO for the city at the 2 time, was the staff person. And, then, as an 3 intern later on, as the assistant to the city 4 manager, I assisted or helped with that body. 5 Then when Jane Longmeyer retired, went on 6 to being staffed by Melissa McCoy, my colleague 7 there. And then after that, then it came to me 8 as -- you know, as a primary kind of focus of -- of 9 my role. 10 Q. And what specifically was your role in 11 relation -- 12 A. To staff the -- the board. So just as 13 any other advisory board or board of directors, 14 obviously, they advise the city commission on 15 issues related to the community: immigrant, 16 refugee, Hispanic, Latino minority groups. 17 And I know it was kind of sort of -- they 18 were doing initiatives, but it really took off when 19 we started doing the welcoming and integration work 20 with Welcoming America. 21 Q. Do you have an understanding of why the 22 Cultural Relations Advisory Board was created? 23 A. Well, there's a resolution, but I think 24 there was a recommendation by the city commission, 25 city manager at the time that the community was	1 know, do any Cinco de Mayo celebration and others. 2 And so it wasn't your -- what you would imagine a 3 shooting. I know there was guns involved and shots 4 fired, but it was young kids on the river bank, I 5 think, from what I remember. 6 Q. Okay. You mentioned that your role is to 7 staff the board. 8 A. Yes. 9 Q. Do you have any other responsibilities or 10 roles as relates to the board? 11 A. Yeah. I mean, I -- you know, as a staff 12 member, I provided information, conducted research. 13 Really, they get to basically decide what we want 14 to do. And then staff gets to do it. 15 Q. So the board would make some decisions 16 and then have you go do some work for the board? 17 A. Yeah. They're a volunteer board, so 18 they're not going to do it; so -- 19 Q. Anything else that you did for the board? 20 A. No. It was just coordinating events, 21 doing research to provide information. 22 Q. Who is on the board? 23 A. Right now? 24 Q. At any -- well, sure, right now. When 25 you left the city, who was on the board?

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1 A. So the resolution was passed with a 2 structure that, basically, they wanted to be 3 inclusive in the -- in the matter, which I disagree 4 how the structure was put together for issues that 5 I can tell you a little bit later. 6 So -- so it was structured in the sense 7 that they wanted a representative from the plant -- 8 from the two plants, and I think community college 9 at the time, school district. Who else? I think 10 two at-large people and maybe other organizations 11 that I'm forgetting. So -- and then each of those 12 organizations would then identify the individual to 13 serve throughout the terms. 14 And then, at large, we would request 15 applications through city channels. The 16 applications are open if you wanted to serve X, Y, 17 and Z. And -- and so the issue that I didn't like 18 and -- and was a recurring issue is that when, for 19 example, the plants were identified as -- 20 identified an individual to represent them in this 21 committee, they would end up not showing up. 22 And so, for me, my personal opinion, it 23 didn't work just because, one, they weren't 24 necessarily invested; two, they weren't showing up, 25 and they were just taking up a seat that somebody	1 usually is, what are the sets of skills needed for 2 that board or advisory committee; who are we 3 missing; just to be, again, representative and 4 inclusive of the community. 5 Q. Which staff were involved in reviewing 6 these applications and making those recommendations? 7 A. You know, it could be the staff that 8 staff the -- the -- that particular committee with 9 the advice and guidance of the city manager. It 10 could be -- it could take a number of ways, I mean, 11 consulting with the advisory board itself and, you 12 know. 13 Just like the last time that we appointed 14 somebody at large, I consulted -- I actually 15 received two applications, I believe, then sent it 16 to the committee and said: Hey, which one would 17 you vote for? And then tied it up or counted the 18 votes, and that's what we recommended. 19 Q. Were you always personally involved in 20 that recommendation process? 21 A. Yeah. I mean, I had to provide the 22 applications received and kind of facilitate the 23 process. 24 Q. Do board members have term limits? 25 A. Yes.
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1 else could fill in that really wanted to be there. 2 Q. How were the board members selected? 3 A. Again, the normal appointment process 4 was -- in this instance, was guided through the 5 resolution -- 6 Q. Uh-huh. 7 A. -- identifying the different entities. 8 The two at large would have been selected through 9 an open application where the general public could 10 apply if they were interested in serving. And then 11 staff would then go through applications -- screen 12 the applications, and make a recommendation to city 13 council. 14 Q. So the staff makes a recommendation about 15 which at-large applicants -- 16 A. Yeah, uh-huh. 17 Q. -- they think would be a good fit? 18 A. Yeah. 19 Q. And then the commission selects those 20 members? 21 A. The commission basically would approve 22 the recommendation based on staff. Commission was 23 really good about asking us about the process and, 24 you know, whether it was objective or not. 25 I think the staff's recommendation	1 Q. How long? 2 A. I don't know. 3 Q. Okay. And how often did board members 4 meet? 5 A. On a monthly basis. There was special 6 meetings and so forth. 7 (de la Rosa Deposition Exhibit No. 29 8 was marked for identification.) 9 Q. (By Ms. Ching) Okay. I'm going to hand 10 you what's been marked as Exhibit 29. So I will 11 represent to you that is a printout of the 12 Cultural Relations Advisory Board page from the 13 Dodge City website. 14 A. Uh-huh. 15 Q. It did not print out very prettily, I 16 think, because of the website layout, but do you 17 recognize it? 18 A. Yeah. 19 Q. So the website says, "The purpose of the 20 Cultural Relations Advisory Board is to advise the 21 city commission related to or affecting communities 22 of color within Dodge City; to monitor the policies 23 and practices of the City of Dodge City to issue 24 fair and equitable application; and to act as a 25 resource for intercultural awareness, education,

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Page 162 1 and celebration among all people." 2 Is that an accurate description of the 3 purpose of the advisory board, as you understand 4 it? 5 A. Yeah. 6 Q. Okay. So that first part, "advise the 7 city commission related to or affecting communities 8 of color within Dodge City," what are some examples 9 of the board doing that in the past? 10 A. Yeah. So I think, mainly, so we host 11 a -- there are informative sessions, workshops, 12 other initiatives that we advise to city 13 administration on -- on what to conduct or, you 14 know, actually put together. 15 And so, largely, I think that the bulk 16 of -- of the project in the last few years has been 17 through that Strategic Planning for Welcoming and 18 Integration. 19 Q. Any other example of the board advising 20 the city commission on things affecting communities 21 of color within Dodge City? 22 A. I was mainly, you know, advising staff 23 member -- in this case, me -- then would share that 24 with city manager. And so, yeah, I mean, it was 25 just that process that we -- how we conducted	Page 164 1 customer services, you know, issuing their 2 passports from their home country to the Matricula 3 Consular X, Y, and Z. 4 The other -- they also provide their 5 other services and would partner with Genesis 6 Family Health to bring basic health services for 7 the community, for that target group. 8 Also, we would certainly have 9 conversations about the USCIS mobile services 10 coming to Dodge City and how we wanted -- we wanted 11 to see them frequently. 12 They would certainly be engaged on 13 volunteering and -- and manning sort of the 14 operation of what -- what took us to -- to host 15 citizenship ceremonies in Dodge City. They were 16 certainly intricate in -- in the development and 17 completing the Strategic Planning for Welcoming and 18 Integration. 19 We've done the international festival. 20 We've hosted legal assistance clinic -- clinics for 21 free for DACA recipients. We've partnered with the 22 local union for the meat packing plants, 23 UFCW Local 2 for legal citizenships, you know, 24 helping them with that process. 25 We certainly would host informative
Page 163 1 business. 2 Q. But is there a specific thing that you 3 can think of that the advisory board had a 4 recommendation -- or not a recommendation, I'm 5 sorry -- a specific piece of advice that the board 6 gave to the commission about the communities of 7 color in Dodge City? 8 A. No. 9 Q. You can't think of anything specific? 10 A. I mean, other than the work done 11 related -- everything was done. I'm not sure that 12 I'm understanding your question. 13 Q. Well, I'm not understanding your answer, 14 so that makes two of us. 15 So you said, information sessions or 16 workshops. 17 A. Yeah. So, for example, let me elaborate 18 for that. So with Longmeyer, what they've done in 19 the past, because we were seeing a large percentage 20 of refugees from African countries into 21 Dodge City, they -- they hosted informative 22 sessions or presentations. 23 I remember when -- the Lost -- the Lost 24 Boys of Sudan at the public library, we've 25 partnered with the Mexican Consulate to provide	Page 165 1 sessions related to either a proposed reform or 2 when DACA was first implemented or expanded 3 throughout the years. I mean, it was a lot. 4 Q. So each of those things that you just 5 mentioned, the Cultural Relations Advisory Board 6 recommended to the commission -- 7 A. We -- 8 Q. -- to do? 9 A. So the way it would -- so, certainly, a 10 lot of those things we -- we acted upon and 11 coordinated and -- and hosted the events. A lot of 12 it, if there was any recommendation made to the 13 city commission, it would have been in the form of: 14 Hey, can you include this change or this topic in 15 the legislative agenda for the city? 16 Q. From the advisory board? 17 A. Yeah. 18 Q. So the -- the advice that the board gave 19 to the city commission related to or affecting 20 communities of color within Dodge City would be to 21 add these agenda items? 22 A. Right, right. 23 Q. Any -- 24 A. That was just one example. 25 Q. Anything else?

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1 A. I mean, the other piece, again, when we 2 completed the welcoming for -- and welcoming and 3 integration strategic plan, that was something that 4 was shared with the commission. We hosted a launch 5 event. They were invited. 6 Again, they received a copy of that 7 strategic plan ensuring that they had no concerns 8 or questions. Or if they had certainly more -- 9 wanted more information about it in any particular 10 item, that was the opportunity to do so before 11 going public with that particular project. 12 And -- and so we never received any 13 pushback or -- you know, really, they were pretty 14 supportive throughout the entire activities that we 15 conducted. 16 Q. Other than asking the commission to add 17 certain things to agendas, what else did the board 18 do to advise the city commission? 19 A. Well, we had the whole strategic 20 planning. 21 Q. And -- okay. So that and adding things 22 to the agenda. Anything else? 23 A. No, not that I can think of. It was 24 mainly providing events or initiatives that the 25 public was asking for. And we acted as a body	1 as active as we would like to see. 2 Q. What are some examples of how the 3 advisory board has monitored the policies and 4 practices of the city to issue fair and equitable 5 application? 6 A. So this was a little bit out of bound, 7 but, you know, certainly, there was a -- about a 8 year ago there was a transition with our hospital. 9 And there was a lot of concerns about health 10 services for our community. And people had a lot 11 of questions. 12 So something that perhaps is not 13 necessarily as applicable, but now that I mention 14 it -- but, you know, there was a lot of buzz in the 15 community. And the advisory board wanted to see 16 how the city could help. You know, a new city 17 manager was engaging in conversations with 18 leadership at the hospital then, and other 19 Cultural Relations Advisory Board members were, 20 in -- in some groups, engaged in that conversation. 21 You know, for the most part, staff 22 recommended items that -- that we should take on or 23 do with that premise to being just and equitable. 24 Q. Well, I'm asking specifically about the 25 policies and practices of the city --
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1 to -- to suffice that need and, you know, putting 2 together that event for -- for the community. 3 Q. So community members would go to the 4 advisory board and ask for certain things? 5 A. These would be -- again, these requests 6 could take different approaches. I mean, it'd be 7 community members, you know, specifically hearing 8 from the community questions, concerns about a 9 certain item. And then we would certainly discuss 10 it. And if we needed to put together an event -- 11 and, for example, an informative session -- then we 12 would do that. 13 Q. So community members would reach out 14 directly to board members? 15 A. Yeah. I mean, they had -- the commun- -- 16 board members -- again, the resolution was based on 17 entities, public entities, the plants. And so 18 these are people or perhaps leaders in the 19 community that were well-connected, had the trust 20 of the community, and that's how they would learn 21 that -- the -- the issues going in. 22 You're -- you're also talking about a 23 community that is not perhaps the most engaged 24 civically. Because, again, you are a shift and 25 work-type community. And they're not necessarily	1 A. Right. 2 Q. -- not outside healthcare, unless that 3 healthcare is provided by the city? 4 A. Well, a lot of the practices and policies 5 were included in the welcoming and integration 6 strategic plan. I mean, we had sections of 7 different initiatives that we wanted to improve, 8 enhance, or add on. 9 Q. I guess I'm -- I just want to be clear on 10 the whole -- that issue with the hospital. 11 Was that a city-run hospital? 12 A. Yeah, that's what I said. You know, it 13 wasn't perhaps the best example. But, you know, 14 the city had no control over that change or the 15 hospital itself. But still, the -- the advisory 16 board wanted to see if the city could do anything 17 about it. 18 Q. Sure. 19 A. Me, as a staff person provided 20 information that, hey, our city manager is asking 21 those questions, is engaged in some level of 22 conversation. And -- and so -- but also advising 23 them, hey, private entity; nothing we can do about 24 it, or not much. 25 Q. Okay. Let's set that aside.

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1 How about let's talk about things that 2 the city did have control over. 3 A. Right. 4 Q. Can you give me an example of how the 5 board monitored that -- monitored that policy or 6 practice that the city had control over to make 7 sure that it was fair and equitably applied? 8 A. Yeah. Like I mentioned, there were items 9 in the city's legislative agenda that we put 10 together annually. They often looked at that and, 11 you know, would review the language that was -- or 12 the topics that were included in that. 13 Now, one of the particular items that I 14 remember vividly is requesting the city or city 15 leadership, including myself, to increase the 16 frequency of the USCIS mobile services. 17 This would, then, take the city to 18 advocate for these type of issues or services with 19 our delegation, including USCIS representatives. 20 Q. Was there a concern that somehow these 21 USCIS mobile services were not being applied fairly 22 or equitably across the city? 23 A. Yeah. I mean, you have the nearest field 24 office out of Wichita. You're talking 150 miles 25 away from Dodge City. For somebody to take up a	1 officers, and are we adding police officers that 2 had the bilingual skill? 3 Obviously, that -- that was a duty and 4 responsibility under my purview and certainly would 5 ask questions serving a sense of an accountability 6 perspective of ensuring that we were providing 7 information not only in Spanish -- or not only in 8 English, but also Spanish to the community so that 9 we would be recruiting and hiring police officers 10 like -- that looked like the community, but most 11 importantly, to ensure that also our police force 12 was bilingual or had the bilingual skill to be able 13 to interact with the community. 14 Q. So what specifically did the advisory 15 board do to promote those -- the selection of those 16 police officers? 17 A. They weren't engaged in the selection of 18 those officers, but they certainly asked the 19 questions and would hold us accountable as to what 20 are you doing to recruit more Hispanic police 21 officers. 22 Q. When you say "hold accountable, what do 23 you mean by that? 24 A. I mean, ask the question, you know. 25 Like, what are you doing to -- to recruit more
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1 whole day for a 15-minute appointment in Wichita 2 out of that whole work schedule, losing income to 3 attend that, that particular appointment, that was 4 a huge issue for us and the community. 5 So what better way to bring those 6 services to the community close to the people where 7 you can literally take off an hour off work and go 8 back to work and not miss any income or workdays. 9 Q. Okay. But everybody in Dodge City would 10 have had the same amount of access to USCIS 11 services? 12 A. Yeah. I mean, just like anybody. But 13 one of the things that we wanted to do as a city 14 and the advisory committee was, hey, why don't we 15 bring those services here as opposed to going to 16 the nearest office 150 miles away and losing work. 17 Q. Sure. What about things that the city 18 had control over besides USCIS mobile services? 19 A. Uh-huh. 20 Q. Can you give me an example of how the 21 advisory board monitored a city policy or practice 22 to ensure fair and equitable application across 23 Dodge City residents? 24 A. Right. So we often were -- one of the 25 questions was, how are we recruiting police	1 police officers? What are you doing to advertise 2 these employment opportunities to the Hispanic, 3 Latino community so that the workforce mirrors the 4 community we serve? 5 Q. Has the advisory board ever advised the 6 city commission on education within the Latino 7 community? 8 A. Education as in? 9 Q. Public schools. 10 A. Yeah, that would be the school district. 11 Q. So is that a no? 12 A. I think there's a education piece or 13 section in the Strategic Planning for Welcoming and 14 Integration. 15 Q. Okay. Is that the extent of the advisory 16 board's advice to the commission about public 17 education for the Latino community? 18 A. Yeah, and other education related to 19 either a new law or related to a new immigration 20 rule. 21 Q. Okay. Has the advisory board ever 22 advised the city commission on transportation 23 issues affecting the Latino community? 24 A. That was also included in the strategic 25 planning. As a person who -- who oversaw those --

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1 those services, I remember there being questions 2 related to service on the weekends. And that was 3 obviously an issue in the community. 4 Q. So besides mentioning transportation in 5 the strategic plan, was there any other piece of 6 advice that the advisory board gave to the 7 commission? 8 A. I believe there's advice or 9 recommendations included in the strategic plan. 10 Q. Besides the strategic plan, anything 11 else? 12 A. Not to my recollection. 13 Q. Okay. Has the advisory board ever 14 advised the commission on healthcare for the Latino 15 community? 16 A. Also in the strategic planning. 17 Q. Anything else besides the strategic plan? 18 A. No, not to my recollection. I mean, no. 19 Q. Has the advisory board ever advised the 20 commission on labor conditions affecting the Latino 21 community? 22 A. Not to my recollection. 23 Q. Same question but immigration 24 enforcement. 25 A. Oh, yeah. I mean, there was a lot of	1 the commission about voting, education, and access 2 for the -- 3 A. I don't recall. 4 Q. -- Latino community? 5 A. Sorry. I don't recall. 6 Q. And the advisory board is advisory in 7 nature only, correct? 8 A. Right. 9 Q. It doesn't, by itself, have any power to 10 actually enact any city policy or create a new 11 program? 12 A. Correct. 13 Q. And it has no power to require anybody to 14 do anything, correct? 15 A. Correct. 16 Q. Does the advisory board actively bring up 17 issues to the commission without some sort of 18 request from the commission? 19 A. Yeah. I mean, again, one of the most 20 proactive projects was the strategic plan. 21 Q. How often does the advisory board present 22 issues to the commission? 23 A. I think it's just the annual report, if 24 any. It was mainly through staff, through the 25 staff person -- in this case, being me at the
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1 immigration concerns because, again, you're dealing 2 with an immigrant refugee community that had a lot 3 immigrant questions. Not so much on enforcement 4 because they -- they did happen occasionally, but 5 more so related to immigration policy itself or 6 programs. 7 Q. And by "programs," you mean the sorts of 8 things we've already talked about, like the 9 consulate services, like the naturalization -- 10 A. DACA -- 11 Q. -- things? 12 A. -- naturalization, mobile services, 13 refugee programs, and so forth. 14 Q. Has the advisory board ever advised the 15 commission on over-policing of the Latino 16 community? 17 A. No. I didn't think it was an issue. 18 Q. Has the advisory board ever advised the 19 city commission on voting education and access for 20 the Latino community? 21 A. Not to my knowledge, but it is also part 22 of the strategic plan that was probably one of the 23 initiatives that mentions it or talks about it. 24 Q. Besides the strategic plan, was there any 25 other piece of advice that the advisory board gave	1 time -- and whomever is the staff person currently. 2 Q. Have you ever seen any policing data for 3 Dodge City broken down by race or ethnicity? 4 A. What do you mean by "policing data"? 5 Q. So, for example -- whoop -- in this past 6 month we issued this many speeding tickets, and 7 X number of tickets were issued to people who 8 identified as Latino and X number to non-Latino. 9 A. Not to my knowledge, no. 10 Q. I'm going to show you what's being marked 11 as Exhibit 30. 12 (de la Rosa Deposition Exhibit No. 30 13 was marked for identification.) 14 Q. (By Ms. Ching) I'm sure you've been 15 waiting for it. 16 A. Yeah. That's sort of my baby. 17 Q. Exhibit 30 is Bates stamped Dodge City 18 0002267 through 76. This is the Strategic Plan for 19 Welcoming and Integration. Is this the document 20 that we've been talking about -- 21 A. Yes. 22 Q. -- throughout the day? 23 And you said it was your baby. What do 24 you mean by that? 25 A. Yeah. I mean, we -- so if you look

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1 through it, there is planning staff or planning 2 team, which included myself, Cora Lopez, 3 Debbie Snapp, and Kate Schieferecke. We sort of 4 facilitated the process to put this document 5 together. 6 Q. Who came up with the idea for creating a 7 strategic plan? 8 A. Yeah. So this was -- this came together 9 or came out of a -- we joined Welcoming America. 10 Then we were presented with the opportunity to 11 ask -- to apply for sort of the, quote/unquote, 12 scholarship to -- for the Gateways for Growth 13 initiative within the Welcoming America, or 14 partnership with Welcoming America, which 15 encompassed putting together a strategic plan such 16 as this one. And then the immigration counsel 17 would put together a data report for 18 Southwest Kansas. 19 Q. Okay. You just named a whole bunch of -- 20 A. Yeah. 21 Q. -- groups? 22 What is Welcoming America? 23 A. Welcoming America is the -- a national 24 organization that focuses on municipalities to 25 create welcoming environments for immigrants or	1 Board said: Hey, we should put together a 2 strategic plan, and went to the commission and 3 suggested -- 4 A. We didn't go to the commission. I think 5 how it took place is they, in consensus, said, yes, 6 take on the opportunity. 7 Obviously, I visited with the city 8 manager and got the nod to obviously proceed. Then 9 we got the scholarship. And then that's when we 10 began to put together this process. 11 Q. Okay. So the strategic plan was not 12 something like -- like, engaging in the -- in the 13 process of creating the strategic plan was not an 14 official, like, commission-approved process? Did 15 you need commission approval to create the 16 strategic plan? 17 A. No. There was just administrative 18 approval. 19 Q. Okay. 20 A. The end result was delivered or shared 21 with the city commission. 22 Q. Is the city commission bound by the 23 strategic plan? 24 A. What do you mean by "bound"? 25 Q. Meaning that the strategic plan, for
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1 refugees. And, you know, they -- through this 2 process, they provided technical assistance with 3 their staff to guide us through the process of 4 putting this document together. 5 Q. When was the strategic plan finalized and 6 published? 7 A. I remember the spring 2022, maybe? I 8 can't believe we don't have a date on here. 9 Q. That's one reason I asked. Spring 2022? 10 A. I think so, yeah. 11 Q. Okay. And whose idea was it to have a 12 strategic plan? I mean, you mentioned that this 13 was because the city had joined the Welcoming 14 America and they provided assistance to 15 you in putting it together. Was it -- did 16 Welcoming America suggest to you to have a 17 strategic plan? 18 A. Welcoming America presented the 19 scholarship, remember? And then I believe the 20 scholarship or the -- the opportunity was presented 21 to the Cultural Relations Advisory Board. The 22 Cultural Relations Advisory Board, I believe, then 23 advised or made consensus to basically follow up on 24 this opportunity. 25 Q. Okay. So the Cultural Relations Advisory	1 example, says, we want to do these specific things, 2 X, Y, Z. If the city commission wants to do X, Y, 3 Z, it can, but the strategic plan does not require 4 it to? 5 A. I would have categorized it that way, 6 yes. 7 Q. Okay. 8 A. But I will say again, they never had any 9 pushback. 10 Q. Sure. Okay. Who did the writing in this 11 plan? 12 A. Why? Is it that bad? 13 Q. No. 14 A. It was the planning staff. 15 Q. So -- and the planning staff is you, 16 Cora Lopez, Debbie Snapp, and Kate Schieferecke? 17 A. Yes. 18 Q. And did all four of you share equal 19 amounts of writing responsibility? 20 A. It was mainly me and Kate Schieferecke. 21 Q. Okay. If you could turn to the bottom of 22 Page 5 that's Bates stamped 2271. 23 A. Uh-huh. 24 Q. There's a section, Roman Numeral II, 25 "Civic Engagement." And under that heading it

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Page 182 1 says, "Values," and there's a star bullet point. 2 A. Uh-huh. 3 Q. It says (as read): Elected and appointed 4 leadership in all sectors (government, non-profits, 5 and other community organizations) -- we're on the 6 next page now -- reflects Dodge City's diversity to 7 ensure policies enacted are equitable and 8 well-informed. 9 What does that mean? 10 A. You know, to ensure that the citizenry 11 was well-informed, but the city policies were 12 equitable and -- 13 (Stenographer asks for clarification.) 14 A. -- equitable and fair for the residents. 15 Q. (By Ms. Ching) "Elected and appointed 16 leadership in all sectors reflects Dodge City's 17 diversity" -- 18 A. Right. Sorry, go ahead. 19 Q. What does that mean? 20 A. I think what we meant by that is to 21 ensure that we had representatives in the elected 22 office or commissions that reflected or mirror the 23 community. 24 Q. Mirror the community how? 25 A. On its diversity, thinking about gender,	Page 184 1 that item. And then it says: "UFCW2, City of 2 Dodge..., Ford County." 3 What does that bullet point mean? 4 A. So the bullet point throughout the 5 document you'll see is we wanted to sort of 6 identify the entities that would help in -- in this 7 recommendation to either enhance or initiate 8 whatever recommendation was put forth. And so sort 9 of like the way we pitched it was we are 10 identifying the ingredients to make that happen. 11 Q. So that means -- right here in this 12 Item No. 1, that bullet point reflects your -- your 13 hope or expectation that UFCW2, the City of 14 Dodge City, and Ford County would help implement 15 the voter registration -- 16 A. Yeah -- 17 Q. -- and Get Out The Vote efforts? 18 A. -- yeah. 19 Q. What specifically has the city done to 20 ensure that eligible voters are registered and 21 informed on the issues and candidates? 22 A. Other than the initiatives I mentioned to 23 you earlier? 24 Q. Uh-huh. 25 A. Translation table, voter tables at that
Page 183 1 ethnicity, race. 2 Q. Do you mean leadership reflects diversity 3 proportionally to the population? 4 A. Yeah, that was the intention. 5 Q. Okay. Do you believe that the city 6 commission has reflected Dodge City's diversity 7 within that meaning that we just discussed -- 8 A. No. 9 Q. -- proportional representation? 10 A. No. I mean, when you look at the 11 community, it's 60 percent Latino and Hispanic, so 12 the majority of the commission is not Latino or 13 Hispanic. 14 Q. Okay. Further down the page on Page 6 15 there's a list of recommendations. 16 A. Uh-huh. 17 Q. And the first one is: "Voter 18 registration and Get Out The Vote Efforts. 19 Eligible voters are registered and informed on the 20 issues and candidates, voting polls are accessible, 21 and voters know where to exercise their right to 22 vote." 23 Did I read that correctly? 24 A. Uh-huh. 25 Q. Then there's a star bullet point below	Page 185 1 naturalization ceremony, and so forth. 2 And keep in mind, this document was just 3 completed in 2020. I left in 2022 as well. 4 2020 -- was completed in 2022. I left in 2022. 5 They're literally in the face of implementation. 6 Q. Do you know what -- how the city plans to 7 implement that? 8 A. Yeah. So part of the implementation 9 piece, Gateways for Growth and Welcoming America 10 also provided implementation grant to hire a staff 11 person with the implementation piece of this plan. 12 I believe that intern was or is still there to this 13 date, I think was. But that -- that's the 14 intention behind this plan. 15 Q. Is that a full-time staff position? 16 A. By the time I left, it was full-time. 17 And then it was ebb and flows because not all of 18 her time at the time was utilized towards this. 19 And then she was helping and assisting other -- 20 with other operations of the city. 21 Q. That was an intern? 22 A. Yeah. 23 Q. Not a permanent employee? 24 A. Correct. 25 Q. What does "accessible" mean here in

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1 Item No. 1? 2 A. Accessible, that regardless of your 3 circumstances, you have access to said service. 4 Q. What specifically has the city done to 5 ensure that voting polls are accessible? 6 A. Well, we offer the prominent location at 7 Hoover Pavilion. It was central and accessible to 8 the public, not only to the entire community, but 9 also ADA compliant. 10 Q. Anything else besides offering 11 Hoover Pavilion? 12 A. Translation, again, on the information 13 that the county was disseminating, free 14 transportation again. What else? 15 Q. Anything else? 16 A. I -- I can't think of anything else. 17 Q. Okay. 18 A. I'm running out of gas here. 19 (de la Rosa Deposition Exhibit No. 31 20 was marked for identification.) 21 Q. (By Ms. Ching) I want to show you what's 22 been marked as Exhibit 31. This is Bates stamped 23 Dodge City 0002735 through 36. 24 A. Okay. 25 Q. This is an email exchange between you,	1 Q. Do you feel that Ford County has not 2 provided election information in the past? 3 A. Can you -- can you rephrase that. 4 Q. Well, you said that there was a 5 perception that the county wasn't maybe providing 6 all the information that it could have. Is that 7 based on past experience with the county? 8 A. I think to -- our level of expectation or 9 perhaps to our level of taste, they weren't being 10 proactive. It was almost minimal, the -- the 11 information. And so we almost acted as picking up 12 the slack and -- and doing it for the sake of -- of 13 the community. 14 Q. But the information that the city would 15 pass on would only be information that the county 16 provided? 17 A. Yeah. I mean, it sounds like, you know, 18 if the -- if the -- the -- the work-around was -- 19 again, the practice that we used to use is provide 20 or share what the county has already shared on 21 their platform. And then we would, then, just kick 22 that off or share it as well. 23 What also happened was, if the county 24 wasn't sharing something -- you know, important, 25 election dates, then we would often utilize the
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1 Abbey Martin, and Melissa McCoy in August 2021. 2 Do you recall this email chain? 3 A. Now I do. 4 Q. Okay. So the exchange begins with 5 Abbey Martin's email where she proposes a graphic 6 with language referring people who are looking for 7 information on elections in Dodge City and 8 Ford County to the county's election office 9 website. 10 Do you see that? 11 A. Uh-huh. 12 Q. And then you responded to her email. You 13 said, "I like to follow your recommendation to 14 share from the actual entity or office's page, but 15 we all know that this won't happen from the 16 elections office." 17 What did you mean by that? 18 A. Yeah. I mean, there was a perception 19 that the elections office wasn't proactively 20 disseminating education or information related to 21 elections in general. And so I think what we were 22 talking about here is to proactive lead the city 23 through our platforms, share information related to 24 elections. And it sounds like we were talking 25 about primary elections here.	1 state's secretary of state post or information to 2 be shared on our portals. 3 Q. Let's go back to the strategic plan, 4 Exhibit 30 -- 5 A. Uh-huh. 6 Q. -- and then back to Page 6 -- 7 A. Uh-huh. 8 Q. -- the Recommendation No. 2: "Continuous 9 education about the decennial census, the American 10 Community Survey, and the redistricting process 11 occurs in the community." 12 Did I read that correctly? 13 A. Uh-huh. 14 Q. And then in the star bullet point below, 15 the city shows up again. 16 Does that mean the city was hopefully 17 going to help implement that recommendation? 18 A. Yeah. 19 Q. What does "the restricting process" mean 20 as it's written here in Recommendation No. 2? 21 A. So, yeah, that's a -- well, we were in 22 reference -- so we took a very active role with the 23 2020 census count to the point that we were 24 literally knocking on doors with volunteers from 25 the census Complete Count Committee.

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1 The redistricting comes into play. It's 2 done annually through the census. When a new 3 resident or the city annexes new territory to the 4 city, there's a survey that is done by the -- the 5 census, which is now done, I believe, at the city 6 through the DIS tech person, Darryl (ph). And it, 7 for us, is to actively answer accurately so that 8 the census tracks and the redistricting is 9 accurately done. 10 Q. What specifically has the city done to 11 ensure that there is continuous education about 12 this redistricting process? 13 A. Informing mainly -- I'm not sure that 14 we've done anything -- anything other than 15 completing that annual survey from the census 16 certainly. 17 Q. Okay. Let's talk a little bit about the 18 2020 census -- 19 A. Yeah. 20 Q. -- efforts since you brought that up. 21 Did you do any work, yourself, in 22 connection with the census? 23 A. Oh, yeah. 24 Q. What did you do? 25 A. Well, as the person staffing the	1 Advisory Board? 2 A. No. It -- we formed a Complete Count 3 Committee. 4 Q. Who is "we"? 5 A. Staff. I -- I believe the Cultural 6 Relations Advisory Board was informed and updated 7 throughout the entire initiative from the complete 8 count so that they were aware of what was 9 occurring. In fact, part -- some of the members 10 from the Cultural Relations Advisory Board were 11 part of the Complete Count Committee. 12 Q. Was that an official city committee? 13 A. Yes. I mean, we didn't institute it 14 through resolution or any other form. We literally 15 just got people together, and I staffed it. 16 Q. So it was sort of a any city employee who 17 wants to participate can join the committee and 18 do -- and do this work? 19 A. There was no city employee. I staffed 20 the complete count, but we formed -- we kind of 21 casted the net to see who wanted to be part of it. 22 Q. Oh, I see. So the committee was mainly 23 based of community members? 24 A. Yes. We were intentional in that work in 25 the sense that we were identifying, quote/unquote,
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1 Cultural Relations Advisory Board, we formed a 2 Complete Count Committee, which there are pictures 3 on there. We also had a 2020 census count, 4 Ford County, Dodge City page. We disseminated and 5 shared information about the 2020 census count. We 6 spent days knocking on doors to ensure that people 7 were counted, specifically people that -- in areas 8 that normally are hard to count. 9 Also, we held a successful event at the 10 in-person school registration days where we counted 11 close to 2,500 people with the -- in cooperation 12 with the census -- 2020 census staff and the 13 Complete Count Committee. 14 Q. You mentioned people in places that "are 15 hard to count." 16 A. Right. 17 Q. What do you mean by that? 18 A. Well, the census provides census tracks. 19 And they categorize them -- I can see in the map -- 20 in colors of the places that were based on the data 21 on the last decennial that had miscounts or had 22 minimal participation. 23 Q. So all of this work in trying to 24 encourage people to respond and participate in the 25 census, that came out of the Cultural Relations	1 community leaders, people that had the trust in the 2 community, because we were dealing with sort of the 3 chilling effect of the Trump administration related 4 to the citizenship question. 5 Q. Who did you work with on the 6 Complete Count Committee? 7 A. Oh, boy. I mean, members? 8 Q. Members of the committee, yeah. 9 A. Blanca Soto, BK Cortez (ph). 10 Steve Hail (ph) was part of the staff of the census 11 bureau. Who else? I want to say 12 Whitney Hodgin, a reporter with -- 13 (Stenographer asks for clarification.) 14 A. Whitney Hodgin with -- sorry, it's 15 scary -- with the Daily Globe. Gosh, let me look 16 at the picture. Jorge Estrella with the community 17 college, Blanca -- Bianca Alvarez with adult -- 18 early childhood education. Actually, the mayor was 19 there, Joyce Warshaw. Kate Schieferecke again. 20 Eldridge -- I can't remember what her first name -- 21 his first name, I'm sorry. 22 And then we had -- actually, the city 23 gave me funds to hire a temporary person throughout 24 that season to help me with coordination of that 25 initiative.

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Page 194 1 Q. (By Ms. Ching) Was it important to you 2 to have high participation in the census? 3 A. It was important to all of us. 4 Q. Why was it important? 5 A. Because we wanted our population to be 6 counted. We wanted to ensure that our city was 7 reflective of its diversity, its population. And 8 then, also, that helped the city obtain funding 9 over the next ten years related to public services. 10 Q. What effect do you think having high 11 census response rate would have for the Latino 12 community in Dodge City? 13 A. Well, one, it let us know that they 14 exist. Two, obviously, it shows that 15 Southwest Kansas is really run and they're vital to 16 the local economy and the fabric of the community 17 when it comes to the immigrant and refugee 18 community. 19 Q. Do you feel like maybe that was not 20 accurately perceived in the community, like, the 21 value of the Latino community that you just 22 mentioned? 23 A. Oh, no. I think our local officials, the 24 city administration always believed how vital they 25 were: The reason why we included a lot of those	Page 196 1 A. In general, I have heard events, not just 2 in the -- sorry, Dodge City, but just across the 3 nation when we haven't seen -- and when I say "we," 4 the immigrant community -- we haven't seen raids 5 that have happened, like mass raids such as in 6 Cactus, Texas, and other places -- or Alabama. 7 But I knew that ICE was active in the 8 sense of arresting people that had felony charges 9 or outstanding warrants related to -- you know, 10 they were on deportation proceedings. 11 Q. So you were aware of ICE activity in 12 Dodge City? 13 A. In general. No, I -- not in Dodge City; 14 in general. 15 Q. Okay. Were you aware that in 2017, 16 Dodge City was among the cities across the nation 17 that ICE targeted for raids? 18 A. I knew it had happened, but I didn't know 19 when. 20 Q. So you knew that a raid -- at least one 21 raid, had happened in Dodge City? 22 A. I wouldn't call it a raid; I would call 23 it an arrest. 24 Q. Okay. An enforcement action? 25 A. There you go.
Page 195 1 issues in our legislative agenda when it came to 2 immigration reform, multiple services, DACA 3 solution, drivers' licenses for undocumented people 4 and so forth. 5 Q. Are you aware of any cooperation between 6 Dodge City and US Immigrations and Customs 7 Enforcement, ICE? 8 A. No. 9 Q. Are you aware of any incidents where 10 undocumented people were arrested by local police 11 and transferred to ICE custody? 12 A. No. 13 Q. I'm going to show you what's being marked 14 as Exhibit 32. 15 (de la Rosa Deposition Exhibit No. 32 16 was marked for identification.) 17 Q. (By Ms. Ching) This is a news article 18 from KSN.com. The article is really only the first 19 two pages. The rest are ads and things that got 20 printed because of the website layout. 21 A. Uh-huh. 22 Q. Have you seen this article before? 23 A. No, I have not. 24 Q. Have you ever heard about the events 25 described in this article?	Page 197 1 Q. How did you become aware of that? 2 A. I think, you know, generally, how you 3 sort of hear the news related to ICE enforcement as 4 to the community of people showing concern. You 5 know, it'd be my mom heard it through work or 6 particular incidents like that. 7 Q. So was there sort of a general concern in 8 the community about the possibility of ICE 9 enforcement actions in Dodge City? 10 A. Yeah. When it happened, I mean, you 11 would have arrests. And then your neighbor or my 12 mom's coworker would talk about it and -- 13 Q. You mentioned earlier that some 14 difficulties resulting from the Trump 15 administration's position on immigration -- 16 A. Uh-huh. 17 Q. -- and citizenship. 18 With -- with that as background, do you 19 think that Dodge City police assistance to ICE 20 might negatively affect the Latino community's 21 relationship with the police? 22 A. Yeah. I mean, any police department, 23 when you are working in a diverse community, even 24 here, the -- the trust of the community, perhaps, 25 you know, goes away. And, you know, any level of

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Page 198 1 trust could certainly disappear and farther really 2 challenges your relationship with any community. 3 And so, you know, can certainly hurt the community 4 overall. 5 MS. CHING: Do you want to take 6 a short break? 7 THE WITNESS: I'm good. 8 MS. CHING: Do you want to keep 9 going? 10 THE WITNESS: Yeah. 11 THE STENOGRAPHER: I would like 12 a short break. 13 MS. CHING: Oh, okay. 14 Could we take a five-minute 15 break, please, and go off the record? 16 THE VIDEOGRAPHER: All right. 17 The time is 3:50 p.m., and we are now off 18 the record. 19 (Brief recess taken.) 20 THE VIDEOGRAPHER: All right. 21 The time is 3:58 p.m. We are now back on 22 the record. 23 Q. (By Ms. Ching) Mr. de la Rosa, we've 24 talked a lot today about that free public 25 transportation for elections, for voting.	Page 200 1 A. Yeah. I mean, you can say that it was 2 the city's administration that wanted to do free 3 transportation for voter engagement, yeah. 4 Q. Do you recall who came up with that idea? 5 A. Honestly, I don't. I could have seen a 6 scenario where I've suggested, per my 7 transportation manager's idea to -- and would pitch 8 the idea to city manager. 9 Q. And that program was available to every 10 resident all over town? 11 A. Uh-huh. That's following a KDOT 12 guideline that you can't provide a -- or provide 13 chartered service to a certain section of the 14 population of town, or it needed to be the general 15 public. 16 Q. Do you know who made use of that free 17 transportation program? 18 A. The general public. I mean, could be 19 anybody. 20 Q. Do you know whether Latino voters made 21 use of it? 22 A. We certainly track statistics on -- on 23 race and ethnicity as part of our annual report to 24 KDOT. And so I know there's a good percentage of 25 the Latino Hispanic community that utilizes it on
Page 199 1 A. Yes. 2 Q. I just want to ask you a few more 3 questions about that. 4 A. Sure. 5 Q. Do you recall whose idea it was to start 6 that program? 7 A. Which program? 8 Q. The -- the free public transportation 9 from a voter's door to a polling site and then back 10 home again. 11 A. I mean, it could have been staffed from 12 all levels. I mean, just so you know, this is not 13 just the only program we've -- we've done that it's 14 free to the public. We've done, you know, free 15 Wednesdays I believe, in the past to, you know, 16 provide or improve the numbers of passengers on our 17 public transportation. 18 But, you know, even in the summer, we've 19 done -- because we know the youth is out -- out of 20 school. They need possibly transportation, sorry, 21 to get to the water park. We've done free rides 22 for the youth on an age range during a certain time 23 period in the summer. 24 Q. I appreciate that. I'm just talking 25 about the free transportation for voting.	Page 201 1 an annual basis. 2 Q. Would that be information on public 3 transportation generally, or would it be specific 4 to free public transportation for voting purposes? 5 A. Generally. 6 Q. Okay. Are you aware of whether the city 7 has data or keeps track of data about vehicle 8 access by residents? 9 A. No, we don't. The only -- I know I 10 remember seeing data related to residents without 11 transportation means through the American Community 12 Survey or the census. 13 Q. Who are those residents who don't have 14 transportation access? 15 A. It wasn't broken down by race or 16 ethnicity. It just captured the amount or the 17 number of residents. 18 Q. Okay. Do you have any sense of how many 19 people took advantage of that free transportation 20 to the polls? 21 A. Which year? 22 MS. EBERLINE: In -- yeah. 23 Q. (By Ms. Ching) In -- let's go year by 24 year. 2018? 25 A. It's very minimal, very, very minimal. I

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1 mean, I think the most we've had was 16 during that 2 2018 voter issue. Other than that, it's probably a 3 handful. 4 And, again, you're talking about a 5 population that -- in the Latino community, they 6 pride themselves on having a good vehicle, 7 including my family. And so, you know, generally, 8 my perception is that sometimes people don't want 9 you to find out that they're riding public 10 transportation because of -- I don't know -- 11 embarrassed. 12 Q. So the most -- the most number of people 13 who took advantage of that free transportation 14 program in any -- any year -- any election year, 15 since it started was 16 people in 2018? 16 A. Yeah. 17 Q. And that was an even-numbered year, 18 correct? 19 A. Correct. 20 Q. So federal and state election only? 21 A. I believe so, yes. 22 And, again, that's not surprising just 23 because the environment in the community we serve, 24 you know, it's -- if you looked at it, fixed 25 transportation oftentimes and in a lot of cases,	1 household there is five of us that have a vehicle. 2 Q. Each of you has a vehicle? 3 A. Yeah. 4 Q. Okay. 5 A. When you're 16 and you're driving, you -- 6 my niece was 16, and she wanted a -- a Charger; 7 so -- 8 Q. Do you think Latino voters would be more 9 likely than non-Latino voters to use that free bus 10 to the polling sites? 11 MS. EBERLINE: Objection. 12 Calls for speculation. 13 A. That are likely, you said? 14 Q. (By Ms. Ching) Are more likely, or less. 15 A. I -- I -- I would suggest and I -- I 16 would assume that they are less likely. 17 Q. Because you think most people in the 18 Latino community have their own vehicles? 19 A. Yeah. And they pride themselves on 20 owning a nice vehicle. I mean, given the -- the 21 kind of the family culture or the culture in 22 general, you know, owning a vehicle, it's pride to 23 them. 24 Q. Let's talk about Spanish language 25 materials. We talked about that a lot already, and
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1 given the system that is currently in place, could 2 take you an hour to get to your destination. And; 3 so -- 4 But it's not to say that, you know -- 5 there are different taxi services provided to the 6 community -- or available to the community to take 7 advantage of. 8 And so -- but, generally, again, I'm not 9 surprised that the number is so low because most of 10 the immigrant population have a transportation 11 means and/or have a family that has a vehicle. 12 Q. What do you base that conclusion on? 13 A. On my nine years of experience working 14 and living in Dodge City. 15 Q. Okay. Well, do you have any, like, 16 official data from the city on that? 17 A. No, I don't. 18 Q. Okay. It's just your perception as -- 19 A. Yeah. That's -- 20 Q. -- a member of the community? 21 A. -- that's my perception. And -- and, 22 quite frankly, I mean, my mom is a nondriver. She 23 works at the meat-packing plant. She has a 24 relied -- reliable, you know, ride -- ride -- 25 ridership plan with a coworker. But also in my	1 I don't want you to necessarily rehash -- 2 A. Yeah. 3 Q. -- all of that. But how does the city 4 ensure that general information about city or 5 public services -- not just elections, but citywide 6 services -- are available to those who do not speak 7 English? 8 A. So, one, we are bound by the English 9 Limited Language Proficiency Plan under Title VI 10 related to federal programs. There is a plan. And 11 there's multiple ways that we address the language 12 barrier issue. 13 The city has -- obviously, through the 14 multilingual skills pay policy has employees that 15 speak the language on a -- on a proficient level. 16 But, also, if there is a language that we do not 17 have in-house to provide that accessibility, we 18 have the language access -- or the LanguageLine 19 Solutions contract or agreement that we have access 20 to -- to other languages. 21 Now, you do have some dialects such as 22 Kiché that is a little bit hard to find because 23 it's not an official language. But we -- luckily, 24 we have found, through our relationships, people 25 that speak it and are able to translate or

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Page 206 1 interpret for the city. 2 Q. And we've talked already about how -- 3 some ways that the -- sorry, that the city 4 communicates election information to the public. 5 One is, you know, social media posts. 6 Is there any other way that the city 7 communicates election information to the public? 8 A. Community newsletter, I think, is one 9 avenue that we utilized; social media posts; 10 website, the city's website. Beyond that, you 11 know, when we were talking about radio or paid 12 advertisement, it really wasn't the city's 13 operation. 14 Q. Are those community newsletters and the 15 city website translated into Spanish? 16 A. I know the city website has the settings 17 to translate information provided or uploaded on 18 the website. The community newsletter was not 19 translated in its full or complete form. But I 20 know when it came to elections, the flyer or 21 informational material was translated or available 22 in Spanish. 23 Q. Who makes the decision about which -- 24 which communications are translated? 25 A. Well, one, I -- in that instance related	Page 208 1 an expert in the multicultural affairs area -- you 2 know, certainly, having a multilingual skills pay 3 policy and working in the field and hearing from 4 the Cultural Relations Advisory Board and, 5 obviously, working and living in the community that 6 I lived in, I knew that it was necessary, so -- and 7 important to -- to provide information in -- in -- 8 in Spanish. 9 And so it's -- it just follows the 10 practice of: Here's my recommendation, and, again, 11 it was welcome and supportive -- and supported 12 every time. 13 Q. Sure. But the initial idea of: Hey, 14 this particular document should have a Spanish 15 version usually came from you or Melissa McCoy? 16 A. Yeah. I mean, again, you're talking 17 about a -- from the city manager's perspective, 18 you're talking about a position that has many irons 19 on the fire. And, certainly, every piece that -- 20 or question that, Hey, should this be translated, 21 you know, we -- we knew and sort of had the best 22 practice or practice to -- to say it needs to be 23 translated. But almost any piece now, if it's not 24 extensive, gets translated. 25 Q. About what percentage of city
Page 207 1 to voter, we -- obviously, the county clerk 2 almost -- almost any time would reach out to me for 3 the translation piece. 4 In terms of other information, I think 5 the practice we utilized was when it came to 6 emergency services type. But if you look at the 7 city's Facebook page, for example, almost, and all 8 posts are translated. 9 Q. Well, who made the decision on what -- 10 like city communications, not county 11 communications. But for city communications, who 12 makes the decision on whether it should be 13 translated? 14 A. I think, a lot of the times it came from, 15 you know -- obviously, the city manager welcomed 16 the idea and supported it. A lot of the times, 17 Melissa McCoy and myself were kind of the -- sort 18 of the enforcers to ensure that it was available in 19 Spanish. And our PIO was well-trained to do that. 20 Q. You say the city manager welcomed it, but 21 it wasn't necessarily the city manager's 22 initiative? 23 A. Well, I said, "welcomes it and supports 24 it." A lot of the times when we work in our 25 expertise area -- I'm not sure that I'd call myself	Page 209 1 materials -- not just election-related, but all 2 city materials -- would you say are provided in 3 Spanish? 4 A. Now, I say this because when you talk 5 about city code or ordinances, all of those, you're 6 talking about legal jargon, and it's not 7 translated. 8 So with that in mind, that monster in the 9 room, all the other information is basically 10 translated. 11 Q. So everything except ordinances and 12 codes -- 13 A. Yeah -- 14 Q. -- are translated? 15 A. -- I mean, those are a little bit more 16 complex to translate and really a monster of years 17 and years of ordinances in the books. 18 THE STENOGRAPHER: Okay. Your 19 whole question was not on the record 20 because you talked at the same time. If 21 you want to redo it, I'm just letting you 22 know. 23 MS. CHING: Yeah, I'll re-ask. 24 THE STENOGRAPHER: Sorry. 25 MS. CHING: That's all right.

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1 THE WITNESS: My bad. 2 THE STENOGRAPHER: I wasn't 3 being critical; I'm just helping her 4 record. That's all. 5 MS. CHING: Yeah, I appreciate 6 it. 7 Q. (By Ms. Ching) About what percentage of 8 city materials -- not just elections, but citywide 9 materials -- would you say are provided in Spanish? 10 A. Again, considering the city ordinances 11 and what historically has been in existence, I'm 12 going to say 50 percent. And, again, understanding 13 the monster of city code that was there prior to me 14 or any other interpreter being in place. 15 Q. So setting aside ordinances and codes, 16 50 percent of city materials? 17 A. Setting aside that piece, you're talking 18 about 70 to 85 percent. 19 Q. And what do you base that estimate on? 20 A. On the communications on -- on really the 21 record, and really my experience being there. 22 Q. How does the city ensure that the Latino 23 community is receiving these Spanish language 24 materials? 25 A. I think our approach was to try different	1 Q. In your time as a city employee, what was 2 the racial makeup of city employees? 3 A. Boy, I don't remember. It was good 4 compared to my current employer, but we're talking 5 about very distinct communities on -- it was 6 increasingly getting more representative than in 7 years prior. 8 You saw a lot more representation in the 9 police department. We had started to see a lot 10 more in the fire department; certainly, in the 11 public works department. Our water park -- I mean, 12 those kids. I mean, we're expected to see one out 13 of every two new employees in 2025 being Latino or 14 Hispanic; so -- 15 Q. How about city hall employees? 16 A. There was a good number, especially in 17 utilities. Me being in administration, municipal 18 court for sure. And then, certainly, we needed 19 translation skills in the developmental services 20 division. 21 Q. About what percentage of city employees 22 are Latino or Hispanic? 23 A. I'm speculating, but between 25 and 24 40 percent. 25 Q. Does the city keep data on the
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1 modes of communication, whether it was social media 2 platforms; community newsletter; you know, the 3 website, of course. And even when we did job 4 recruitment or job advertisement or transportation 5 advertisement on the radio, we ensure that that was 6 available in Spanish and English. 7 Q. Do you know how folks in the Latino 8 community get their news? 9 A. Yeah. I mean, you're talking about a 10 very traditional set of community folks that are 11 traditional in the sense that they continue to 12 receive their news via TV or radio. Social 13 media -- Facebook, in particular -- is huge, 14 including my parents, who act like squirrels on 15 their phones and -- yeah. And they're pretty 16 active. 17 Q. And earlier you mentioned that the city 18 provides Spanish language versions of social media 19 posts. When did they start doing that? 20 A. I -- I want to say, you know, it really 21 took -- again, I'm not trying to toot my own horn, 22 but maybe from 2015 and on. We started doing more 23 and more. And we just literally got in the habit 24 of doing it. And our PIO was great about nagging 25 us to get it translated.	1 demographics of its employees? 2 A. Yeah. I mean, we tried our best to not 3 only comply and -- and being able to report on the 4 EEO, equal opportunity employment report. And 5 every new employee completes a demographic 6 voluntary form on those details. 7 Q. That's strictly voluntary, though, right? 8 A. Yes. But most of everybody completes 9 that. 10 Q. Are you aware of any complaints from 11 anyone about any of the current commissioners? 12 A. Not to my knowledge. 13 Q. How does the city determine how to 14 allocate its budget spending? 15 A. Well, there's not to go -- there's not 16 much to go around. I think the bulk of it really 17 comes down -- obviously, you have operations. But 18 right now, the conversation really focused a lot on 19 the streets since -- and infrastructure since 20 that's the most expensive, and -- and areas that -- 21 that requires management and -- and operation. 22 And so, again, when it came to the 23 streets' condition, they utilize that third-party 24 report on street condition index. 25 Q. Do the commissioners ever solicit

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Page 214 1 feedback from the public about budget allocations? 2 A. Oh, yeah. You're -- under law, you're 3 supposed to host public hearings. 4 Q. Do people actually come and provide 5 input? 6 A. We welcome it, but no one shows up there. 7 I mean, it's -- they show up for a mask policy; 8 they don't show up for a budget. 9 (Stenographer asks for clarification.) 10 A. Mask policy. 11 THE STENOGRAPHER: Oh, mask 12 policy. 13 Q. (By Ms. Ching) Is there anything in the 14 city budget for Spanish language materials? 15 A. Other than the multilingual skills pay 16 and knowing that you have contractual expenses 17 through the LanguageLine Solutions, I mean, you're 18 talking about minimal expenses; so -- 19 But, again, it's necessary and important, 20 and we normally don't have any pushback. 21 Q. When was the first time you heard about 22 this lawsuit? 23 A. Before I was leaving. I don't know. I 24 think it was December, November? I don't remember. 25 Somewhere around that time.	Page 216 1 videographer, yeah. 2 Brad, when did you lose sound? 3 Hello? 4 (Off-the-record discussion.) 5 (Brief recess taken.) 6 THE VIDEOGRAPHER: The time is 7 now 4:24 p.m. We are now back on the 8 record. 9 Q. (By Ms. Ching) Now that we've resolved 10 our technical issue, before we lost sound, we were 11 talking about Edgar Pando. And you mentioned that 12 he had expressed some gripes about this case. 13 A. He asked me about it and, you know, asked 14 me if I knew anything. 15 And I said, "I can't really talk about 16 it." 17 And then he just said, "Well, I just 18 don't agree with it." 19 And then, really, I felt uncomfortable 20 about the conversation and went on about my 21 business. 22 Q. Who is Edward Pando? 23 A. He was an attorney in Dodge City. He 24 moved to Topeka. I don't know where he's 25 at now. He was doing an interim role with the
Page 215 1 Q. Have you had any meetings about this 2 lawsuit that we haven't already discussed? 3 A. No. 4 Q. Have you spoken to anyone about the 5 issues raised in this case about at-large voting 6 besides what we've already talked about? 7 A. No, besides the -- the people that I had 8 mentioned, Melissa McCoy. You know, when, 9 initially, we were notified, the city manager 10 called us into the office and -- and briefed us on 11 it. 12 I know somebody asked me about it. And 13 that was Edgar Pando, talking about it or griping 14 about it. Other than that, no. 15 Q. So Ed or Pando? 16 A. Edgar Pando. 17 Q. Who is that? 18 A. He was an attorney. 19 THE WITNESS: Nick Hernandez 20 said, "Lost sound." 21 (Stenographer asks for clarification.) 22 THE STENOGRAPHER: Say that 23 again -- or lost sound? 24 MS. WAKNIN: Oh, we lost the 25 dial-in. I think we lost the	Page 217 1 Kansas Democratic Party. 2 Q. So he's just a community member? 3 A. Yeah, essentially. 4 And then somebody from your office called 5 me to talk about it. 6 Q. Do you recall who? 7 A. No. It was a 913 number. 8 Q. It was probably me trying to arrange this 9 deposition. Does that sound about right? 10 A. I just remember saying -- "Hey, can -- 11 I'd like to talk to you for a second." 12 And I said, "I'm sorry, I can't talk to 13 you about it because it's a conflict of interest." 14 And then that was it. 15 Q. Okay. That was not me, just for the 16 record. 17 And I'm going to show you one last 18 exhibit. It's Exhibit 33. 19 (de la Rosa Deposition Exhibit No. 33 20 was marked for identification.) 21 Q. (By Ms. Ching) This is Bates stamped 22 Dodge City 0001284. 23 A. Okay. 24 Q. And this is an email from Melissa McCoy 25 to you and others on December 16, 2022.

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1 Do you recall this email? 2 A. Yeah. 3 Q. What was the purpose of this email? 4 A. It was a -- you know, kind of a standard 5 practice of notifying our leaders within the 6 department that if any media inquiries would occur, 7 they would know the proper channel to -- to 8 redirect them. 9 Q. What were you supposed to do if someone 10 contacted you about the case? 11 A. Either direct them to, in this case, 12 city manager, city attorney, or myself included. 13 It was basically just administration. 14 Q. What would you -- well, strike that. 15 Ms. McCoy writes at the bottom of an 16 email, "Please do not respond or it" -- I think 17 maybe she meant "hit" -- "reply all on this email." 18 Was this standard practice for these 19 sorts of -- 20 A. Yeah. I mean, it's just to contain and 21 control the conversation and to really avoid any -- 22 any unnecessary conversation or questions. 23 Q. What do you mean by "unnecessary 24 conversation or questions"? 25 A. I mean, you know, you don't want to get	1 Exhibit -- let me find the number here -- 26. Do 2 you have Exhibit 26 in front of you? 3 A. Uh-huh, yeah. 4 Q. And so, at the bottom -- well, the bottom 5 message from Jan Scoggins, her email address is 6 listed as jan.scoggins@yahoo.com, correct? 7 A. Right, uh-huh. 8 Q. And Brian Delzeit's is 9 bdelzeit@coldwellbankerhancocks.com. 10 A. Right. 11 Q. So in 2019, both of them were 12 commissioners, correct? 13 A. I would assume so yes. 14 Q. But they were not using official City of 15 Dodge City email accounts for these communications? 16 A. Based on this email, no. 17 Q. Do you recall if that was a common 18 practice? 19 A. I mean, we would see emails from their 20 personal accounts. From our perspective, we would 21 tell them: Hey, use your city email. 22 But at the end of the day, they're 23 elected officials, so they're going to do -- 24 they're going to do what they want. 25 Q. Have you reviewed any legal documents
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1 into the habit of "what is this about" or asking 2 unnecessary questions where perhaps city 3 employees -- it wasn't necessarily pertaining to 4 them or anything like that. 5 Q. Have you been asked to save any documents 6 in your personal possession that may be related to 7 this case? 8 A. No. I don't have any documents from work 9 in my house. I don't need them. 10 Q. We've looked at a bunch of city emails 11 today. 12 A. Yeah. 13 Q. Do city employees have official city 14 email accounts? 15 A. Yeah. 16 Q. Do the commissioners have official city 17 email accounts? 18 A. I believe they do, yes. 19 Q. Was there a point in time where city 20 commissioners did not have official city emails? 21 A. I mean, I think city commissioners, 22 especially when new, they start emailing from their 23 personal. But, eventually, they -- that transition 24 occurs to: Hey, use your city email account. 25 Q. I'm going to ask you to go back to	1 filed in this case? 2 A. I have not. 3 MS. CHING: Can we take a 4 five-minute break? 5 MS. EBERLINE: Yeah. 6 MS. CHING: If we can go off 7 the record, please. 8 THE VIDEOGRAPHER: All right. 9 The time is 4:31 p.m. We are now off the 10 record. 11 (Brief recess taken.) 12 MS. CHING: Let's go back on 13 the record, please. 14 THE VIDEOGRAPHER: All right. 15 The time is 4:37 p.m., and we are now on 16 the record. 17 Q. (By Ms. Ching) Besides 2018, when 18 Jan Scoggins raised the issue of district-based 19 elections and in 2019 with Nannette Pogue doing 20 research with the League of Municipalities -- and 21 we've discussed those -- those things today -- what 22 else did the city do with respect to district-based 23 elections? 24 A. Can you repeat the first part of your 25 question, because you mentioned two different dates

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Page 222 1 there? I'm not sure that I would agree with the 2 dates. 3 Q. Well, we can look at the documents. 4 A. No. I mean, can you rephra- -- I mean, 5 can you repeat the question? 6 Q. Uh-huh. So besides 2018, when 7 Jan Scoggins raised district-based elections -- 8 A. I thought it was 2019, because she only 9 raised it one time, and then she had to follow up 10 within the same year, to my recollection. 11 Q. Well, maybe I had those years reversed, 12 then. I'm sorry. If we look at Exhibit 26 -- 13 A. Yeah, 2019. 14 Q. Yes. So Commissioner Scoggins raised it 15 in 2019? 16 A. Right. 17 Q. And then if you look at Exhibit 27 -- 18 A. That's 2022. 19 Q. Right. But the body of the email says, 20 "Here's what we found on the election wards from 21 the last question in 2018 by Commissioner Scoggins." 22 A. Hmm. 23 Q. And then it attached that research from 24 Nannette Pogue. 25 A. But I wonder if there was an error -- I	Page 224 1 other request. 2 Q. So no, the city hasn't done anything else 3 with respect to district-based elections? 4 A. Correct. 5 Q. Okay. 6 MS. CHING: I don't have any 7 further questions at this time. 8 THE WITNESS: Okay. 9 MS. EBERLINE: I have just a 10 few follow-ups. It won't take long, I 11 promise. 12 EXAMINATION 13 BY MS. EBERLINE: 14 Q. Mr. de la Rosa, did you personally find 15 Dodge City to be a welcoming community, as a Latino 16 resident? 17 A. Yes, I do. That's a lot of the work that 18 I did. I think, based on -- on the feedback and 19 comments by the community and really community 20 leaders, they find absolutely are welcoming. 21 And, in fact, other communities reach out 22 to us as to how we're doing the work and -- and 23 becoming more welcoming. 24 Q. And as an employee of the city, did you 25 find that your ideas involving welcoming the Latino
Page 223 1 mean, to -- to answer your question, my 2 recollection of Jan Scoggins was raising this 3 question, I assume, following her email to 4 Cherise Tieben and her giving her guidance on how 5 to raise the question at the end of the meeting, 6 which that actually -- from my recollection, that 7 actually what had occurred and then -- and then 8 kicked off by directing staff to do research or to 9 try to provide more information. 10 Q. Okay. Well, the dates are not extremely 11 important. 12 A. Right, okay. 13 Q. Just that these two -- 14 A. Just one of the -- 15 Q. -- things happened. 16 A. Yeah, okay. 17 Q. Jan Scoggins raised district-based 18 elections, and Nannette Pogue did some research 19 into district-based elections. 20 A. Right. 21 Q. Besides those two events, did the city do 22 anything else with respect to district-based 23 elections? 24 A. I mean, besides that initial inquiry or 25 question by Jan Scoggins, we haven't gotten any	Page 225 1 community to be encouraged by the city and 2 welcomed? 3 A. Yeah. I mean, when I took the 4 legislative trips to Washington, I usually led the 5 conversation related to immigration reform, DACA, 6 USCIS mobile services, and other topics and were 7 supportive -- supported and encouraged by, at the 8 time, whomever was the mayor or commissioner. 9 Q. And I'm going to hand you what's been 10 marked Exhibit No. 8. 11 MS. CHING: Thank you. 12 Q. (By Ms. Eberline) Is this a document 13 that you're familiar with? 14 A. Yes. 15 Q. Did you prepare this document? 16 A. Yes, probably in cooperation with my 17 colleague, Melissa McCoy. 18 Q. And we've spoken about a lot of the 19 bullet points on this deposition, and I don't 20 intend to -- to go back over any of those. But I 21 wanted to ask you some questions about some of the 22 things that we may not have spoken about. 23 What's the International Festival? 24 A. That was an initiative that really was 25 born in 2019. That's -- we became a welcoming city

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Page 226 1 under the Welcoming America organization or 2 network. And then we wanted to celebrate 3 Welcoming Week during the month of September. 4 Q. And what's the New Americans Dinner? 5 A. That is an initiative that, in 6 collaboration with the Cultural Relations Advisory 7 Board, city staff, we hosted this dinner, I think, 8 twice now to celebrate the accomplishment of 9 becoming naturalized citizens in the US for 10 residents of Dodge City and Ford County. 11 And then we would treat them with a nice 12 dinner. We would hear their stories, certainly 13 would get a handshake from the city manager and 14 mayor or commissioners. And I believe we provided 15 a small gift. 16 Q. And turning to the second page, there's 17 listed there "Mexican Consulate Mobile Services." 18 What is that? 19 A. That's, again, collaborating with the 20 Mexican Embassy or Consulate out of the Kansas City 21 area to bring Consular services for, you know, our 22 immigrant population to seek their passport or home 23 country documents; a similar initiative with the 24 Guatemalan Consulate. 25 Q. And turning to the next page, what is the	Page 228 1 ways that they've been welcoming to the immigrant 2 community? 3 A. Yeah. We've -- so we participated on 4 panels and presentations by Welcoming America and 5 ICMA. Also, for example, the city of -- not city; 6 Visit Emporia, Emporia community has reached out, 7 Garden City. Certainly, folks from this area now, 8 Topeka, and others have acknowledged the fact that 9 the City of -- of -- of Dodge City or Dodge City 10 welcomes and -- and goes above and beyond to -- to 11 integrate citizens in our community. 12 Q. Are you aware of any issues that have 13 come before the commission in the time that -- that 14 you worked for the city that divided the Latino and 15 the non-Latino white communities? 16 A. No. I mean, my experience hasn't been 17 that. I think, really -- I don't -- I haven't seen 18 any issues that divided the community. And so, no, 19 I wouldn't say that. 20 Q. Do you believe that moving from at-large 21 elections to district-based elections is in the 22 best interest of the residents of Dodge City? 23 A. You know, my personal opinion is that, 24 currently, the city commission is at large. And we 25 have majority Latino, Hispanic -- or Latino,
Page 227 1 City of Dodge City Naturalization Scholarship? 2 A. That's a recent initiative that was in 3 the mist when I left. That was a -- we received a 4 grant by Welcoming America to implement the 5 Strategic Planning for Welcoming and Integration. 6 We provided -- or the city is providing \$400 to aid 7 that legal fee to become US citizens. 8 I think the city also has matched, 9 because they had kind of an overflow of applicants 10 for the scholarship, to be able to fund all of 11 them. And also remember that we've done the 12 partnership with the local union on helping with 13 the application process to naturalize citizens 14 in -- in Dodge City, Ford County. 15 Q. And is that what's referred in the 16 "Naturalization Clinic" in that next bullet point? 17 A. Correct. 18 Q. And what's the DACA Clinic? 19 A. That is a legal -- free legal assistance 20 in partnership with the Catholic Charities and 21 other partners in helping them with their 22 application process so that we can save them some 23 costs associated with this process. 24 Q. Has the City of Dodge City been contacted 25 or asked for feedback from other cities about the	Page 229 1 Hispanic in terms of population. And so I think 2 Latino communities -- or Latino candidates have an 3 advantage by gathering or garnering votes from 4 across the community. 5 Really, what -- what we need to be doing 6 is engaging and educating voters across the 7 community so that they actually turn out to vote on 8 local elections. 9 I saw the struggles with Blanca Soto -- 10 again, a single mother, full-time job -- and her 11 lack of support in her campaign to be able to be 12 re-elected. She was disappointed. 13 Obviously, I couldn't help because I was 14 a city employee. But, certainly, it's something 15 that -- that -- that we need to continue working on 16 on getting people to the polls, educating them, and 17 ensuring that they have access to -- to fair 18 elections. 19 Q. Who do you believe is best situated to 20 make decisions about the election process in 21 Dodge City? 22 A. Certainly, the residents. 23 MS. EBERLINE: That's all I 24 have. 25 MS. CHING: No further

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1 questions. 2 MS. EBERLINE: Let's go off the 3 record. 4 THE VIDEOGRAPHER: All right. 5 With no further questions, the time is 6 4:47 p.m. This concludes the deposition. 7 We are off the record. 8 (Off-the-record discussion.) 9 MS. EBERLINE: So, 10 Mr. de la Rosa, you'll have an 11 opportunity to receive a copy of the 12 transcript from today's deposition. And 13 if you'd like to reserve the right to 14 take a look at that and make any 15 corrections, you have the chance to do 16 that. Would you like to do so? 17 THE WITNESS: Sure. 18 MS. EBERLINE: Now we can go 19 off the record. 20 THE STENOGRAPHER: So what do 21 you want transcript-wise? 22 MS. CHING: What do you think? 23 (Off-the-record discussion.) 24 MS. WAKNIN: I think ten days 25 for right now. Maybe we'll just -- I'll	1 rough draft? 2 MS. EBERLINE: Yes, please. 3 MS. WAKNIN: Do you have a 4 business card? 5 THE STENOGRAPHER: I do. If 6 you give me one minute, I'll get it for 7 you. 8 THE STENOGRAPHER: And then on 9 your order, you want Etran and -- 10 MS. EBERLINE: Etran, plus 11 exhibits. 12 THE STENOGRAPHER: Plus 13 exhibits. 14 MS. EBERLINE: Please. 15 (The deposition concluded at 4:52 p.m.) 16 (Witness excused.) 17 18 19 20 21 22 23 24 25
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1 just email you tonight if that changes, 2 if that's okay. 3 THE STENOGRAPHER: Yeah. Let 4 me know as soon as possible. 5 MS. WAKNIN: As soon as 6 possible, yeah. 7 THE STENOGRAPHER: Are you guys 8 each getting a copy? 9 MS. WAKNIN: No, we're just 10 getting one copy. 11 THE STENOGRAPHER: So who 12 should it be sent to? 13 MS. CHING: You want to just 14 send it to you because you're the one 15 that -- 16 MS. WAKNIN: Yeah. Can you 17 send it me? 18 THE STENOGRAPHER: Do you want 19 exhibits? Do you know that? 20 MS. WAKNIN: Yes. 21 MS. CHING: Yes, please. Thank 22 you. 23 (Discussion off the record.) 24 THE STENOGRAPHER: So I'm just 25 going to confirm with you that you want a	1 C E R T I F I C A T E 2 I, JANIECE Y. YOUNG, Certified Shorthand 3 Reporter within and for the State of Kansas, hereby 4 certify that the within-named witness was first 5 duly sworn to testify the truth, and that the 6 deposition by said witness was given in response to 7 the questions propounded, as herein set forth, was 8 first taken in machine shorthand by me and 9 afterwards reduced to writing under my direction 10 and supervision, and is a true and correct record 11 of the testimony given by the witness. 12 I further certify that I am not a relative 13 or employee or attorney or counsel of any of the 14 parties, or relative or employee of such attorneys 15 or counsel, or financially interested in the 16 action. 17 WITNESS my hand and official seal at 18 Overland Park, Johnson County, Kansas, this 3rd day 19 of July, 2023. 20 21 22 23 24 25



JANIECE Y. YOUNG, CSR, RPR, CCR
 Certified Shorthand Reporter

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3	a municipal corporation, et al.
4	PG/LN Correction and Reason for Change
5	_____
6	_____
7	_____
8	_____
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23	_____
24	ERNESTOR de la ROSA
25	JYY
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1	SIGNATURE PAGE
2	RE: MIGUEL COCA, et al., vs. City of Dodge City,
3	a municipal corporation, et al.
4	
5	_____ I certify that I have read my testimony and
6	request that NO changes be made.
7	
8	_____ I certify that I have read my testimony and
9	request that the above changes be made.
10	
11	
12	_____
13	ERNESTOR de la ROSA
14	
15	
16	Subscribed and sworn to before me this _____ day of
17	_____, 20____
18	
19	
20	_____
21	Notary Public
22	State of _____
23	County of _____
24	My commission expires _____
25	JYY

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1 APPEARANCES: 2 3 Representing the Plaintiffs: 4 AMERICAN CIVIL LIBERTIES 5 UNION OF KANSAS 6 10561 Barkley Street, Suite 500 7 Overland Park, KS 66212 8 BY: SONNI WAKNIN, ESQ. 9 (913) 490-4100 10 swaknin@aclukansas.org 11 12 Representing the Defendants: 13 14 FOULSTON SIEFKIN 15 7500 College Boulevard, Suite 1400 16 Overland Park, KS 66210 17 BY: CLAYTON J. KAISER, ESQ. 18 (913) 498-2100 19 ckaiser@foulston.com 20 21 IN ATTENDANCE: 22 Brandon Roberts, Videographer 23 Bradley Ralph, Esq. 24 Chris Birzer, Esq. 25 Emily Shaul, Esq. Caleb Hersh, Esq. Elizabeth Baggott, Esq.	1 STIPULATIONS 2 3 It is hereby stipulated and agreed by and among 4 counsel for the respective parties that all formalities 5 in connection with the taking of this deposition, 6 including time, place, sufficiency of notice, and the 7 authority of the officer before whom it is being taken, 8 may be and are hereby waived. 9 It is further stipulated and agreed that objections 10 other than as to form are reserved to the time of trial. 11 It is further stipulated and agreed that the reading 12 and signing of said deposition by the deponent is hereby 13 not waived. 14 It is further stipulated that the proof of the 15 qualifications of the Notary Public before whom the 16 deposition is being taken is hereby waived. 17 18 19 20 21 22 23 24 25
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1 I N D E X 2 3 WITNESS DIRECT CROSS REDIRECT RECROSS 4 Sharon Seibel-Robb 6 102 5 EXHIBITS: PAGE: 6 Plaintiff's 7 Exhibit 70, bates Dodge_City_004145 54 8 Exhibit 71, bates Dodge_City_004129 67 9 Exhibit 72, bates Dodge_City_004127 70 10 * Exhibits marked and retained by Ms. Waknin 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 REPORTER: Will the attorneys agree to 2 the usual stipulations, the virtual 3 testimony, and the remote oath, given by me, 4 even though the Witness and I are not in the 5 same state? 6 ALL: Agreed. 7 REPORTER: Ms. Seibel, would you like 8 the opportunity to read and sign your 9 deposition transcript? 10 THE WITNESS: Yes. 11 VIDEOGRAPHER: This is the beginning of 12 Media No. 1 in the deposition of Sharon Robb 13 in the matter of Miguel Coca, et al. versus 14 Dodge City. Today's date is June 22, 2023, 15 and the time on the monitor is 10:00 a.m. 16 My name is Brandon Roberts, and I'm the 17 videographer. The court reporter is Keli 18 McGilton. We are here with Huseby Global 19 Litigation. 20 Counsel, please introduce yourselves, 21 after which the court reporter will swear in 22 the witness. 23 MS. WAKNIN: This is Sonni Waknin on 24 behalf of Plaintiffs. 25 MR. KAISER: This is Clayton Kaiser on

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1 behalf of the Defendants. 2 3 SHARON SEIBEL, Deponent, having been first duly 4 sworn, was examined and deposed as follows: 5 6 DIRECT EXAMINATION BY MS. WAKNIN: 7 8 Q. (By Ms. Waknin) So Ms. Robb, I know that 9 you had just stated your name for the record, but do 10 you mind repeating it and spelling it for me? 11 A. Sharon, S-H-A-R-O-N, Seibel, S-E-I-B-E-L, 12 Robb, R-O-B-B. 13 Q. And would you like me to call you Ms. Robb 14 or Ms. Seibel? 15 A. It doesn't matter. 16 Q. Okay. 17 A. Either one. 18 Q. All right. I'll call you Ms. Seibel if 19 that's agreeable to you. 20 A. That's kind of what's on the papers and 21 so. . . 22 Q. Well, Ms. Seibel, did you receive a subpoena 23 for your deposition today? 24 A. Yes, I did. 25 Q. And is that why you're appearing here today	1 over each other or talk too fast. I know I have a 2 problem with talking too fast, so if I'm speaking too 3 fast or my questions are too fast, please just let me 4 know. But I do ask that you and I don't speak over 5 each other. You just wait until I finish the question. 6 Does that sound agreeable to you? 7 A. Yes. 8 Q. You might hear Mr. Kaiser, who is counsel 9 for the Defendants, lodge an objection. If you hear 10 that objection, that objection is for the record. You 11 still have to answer the question unless you believe 12 the question would disclose any attorney/client 13 privileged information. Do you understand that? 14 A. Yes. 15 Q. Ms. Seibel, are you represented by counsel 16 today? 17 A. No. 18 Q. If you don't understand a question, please 19 let me know. If you answer a question, I'm going to 20 assume that you understood the contents of my question 21 and you answered based off of that understanding. So 22 will you do me a favor and let me know if you don't 23 understand a question I'm asking you? 24 A. Yes, I will. 25 Q. Wonderful. Did you bring any documents with
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1 pursuant to the season? 2 A. Yes. 3 Q. No worries. Do you mind just stating your 4 address for me? 5 A. 11576 US Highway 283, Dodge City, Kansas. 6 Q. And how long have you lived in Dodge City? 7 A. Since 2000, so about 23 years. 8 (Reporter instruction) 9 Q. Do you mind restating your answer? 10 A. 23 years. 11 Q. Wonderful. Ms. Seibel, have you ever been 12 deposed before? 13 A. No. 14 Q. So I'm going to just go over some rules 15 regarding this deposition. Is that okay with you? 16 A. Yes. 17 Q. Wonderful. So I'm going to be asking you 18 questions. The court reporter will be making a record 19 of your testimony and we also, as you may have heard, 20 have a videographer today, so all of your responses 21 during your deposition have to be verbal. So "yes" or 22 "no," no head shaking, no saying "uh-huh" or "nuh-uh." 23 Is that okay? 24 A. Yes. 25 Q. So it's also important that we don't talk	1 you today? 2 A. No. 3 Q. And is your desk cleared of everything 4 except the Zoom on your computer? 5 A. Yes. 6 Q. Wonderful. During this deposition you're 7 allowed to take breaks. I just ask that if you want to 8 take a break you wait until I finish asking a question, 9 you finish giving an answer, and then you can tell me, 10 Ms. Waknin, I need to take a 5-, 10-minute break. 11 We'll also have a lunch break around 12:00 or 12 1:00 p.m., whenever you prefer, and you can just let me 13 know how long you'd like to take for that lunch break, 14 but I just want you to understand that you are allowed 15 to take breaks during this deposition if you have to go 16 tend to something. 17 A. Okay. 18 Q. Okay. And at any point if you believe maybe 19 you didn't give a complete answer to a question, maybe 20 you remember something that you had given an answer to 21 previously, you're allowed to say -- revise your answer 22 or provide additional information. Do you understand 23 that? 24 A. Yes. 25 Q. Okay. And during the deposition, it's sworn

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Page 10 1 testimony. You were just sworn under oath, so you do 2 understand that you're giving an oath to tell the truth 3 today just like you would do before a judge in a court? 4 A. Yes. 5 Q. Is there any reason you think that you 6 wouldn't be able to answer my questions today 7 truthfully? 8 A. No. 9 Q. Okay. So, Ms. Seibel, do you know anything 10 about the case at issue, Coca versus Dodge City? 11 A. What I've reviewed in the documents, yes. 12 Q. And what documents are you referring to? 13 A. The papers that came with the subpoena. 14 Q. Okay. And is that the subpoena attachment 15 that you're referring to? 16 A. Yeah. Where it was talking about what 17 documents and information that I might have. 18 Q. Okay. Wonderful. Have you read or heard 19 anything else about the case? Do you know what the 20 case is about? 21 A. Yes, I do. 22 Q. And what is your understanding of what this 23 case is about? 24 A. My understanding is that the two men are -- 25 the suit has to do with the method that the city uses	Page 12 1 Q. And do they also go to school in Dodge? 2 A. No, no. My children went to school in 3 Sharon Springs. I didn't move until after they 4 graduated high school. 5 Q. And do you currently work? 6 A. No. I'm retired. 7 Q. What was the job you had prior to your 8 retirement? 9 A. Ford County Clerk and Election Officer. 10 Q. And how long were you the Ford County Clerk 11 and Election Officer for? 12 A. For 14 years. 13 Q. Did you have to get elected to become the 14 Ford County Clerk? 15 A. Yes, I did. 16 Q. Why did you decide to run for Ford County 17 Clerk? 18 A. I had previously been the county clerk in 19 Wallace County, and I enjoyed the work. I liked the 20 work, and I was working in the county clerk's office. 21 I started working there in 2001. So I was working as 22 the election clerk, and the current county clerk at the 23 time I was working was retiring. And I felt like I had 24 plenty of experience in having been a county clerk and 25 election officer in another county, plus my years
Page 11 1 for electing council people. They use a method, the 2 at-large method, and they're questioning that. 3 Q. And how did you form this basis of 4 understanding? 5 A. From the information that was attached with 6 the -- that were requesting documents. That was 7 mentioned. 8 Q. Okay. So, Ms. Seibel, I just wanted to ask 9 you a little bit about yourself. Do you mind telling 10 me where you're from, where you went to school, that 11 sort of thing? 12 A. I'm from northwest Kansas, which is Sharon 13 Springs, Kansas. That's where I went to school. I had 14 a brief college at Fort Hays State. And I now live in 15 Dodge City. 16 Q. And how did you make your way over to Dodge 17 City? 18 A. My first husband and I were grocery store 19 owners and we purchased a grocery store in Kinsley and 20 then we were able to sell that and we moved to Dodge. 21 Q. And you had told me earlier you lived in 22 Dodge for at least two decades; is that right? 23 A. Correct. 24 Q. Do you have any children, Ms. Seibel? 25 A. Yes, I do. Yes, I do.	Page 13 1 there, so I ran for office. 2 Q. So when you're talking about working in the 3 elections office in 2001, are you talking about working 4 in the Ford County elections office in 2001 or in 5 Wallace County? 6 A. No. Ford County. 7 Q. Okay. So maybe let me back up. When did 8 you first become employed with Ford County to do 9 election-related work? 10 A. 2001. 11 Q. And then, if I'm understanding you 12 correctly, you after -- in 2001 when you were notified 13 that the former Ford County Clerk was retiring and you 14 decided to run for county clerk. 15 A. That was 2008. 16 Q. Okay. 2008. 17 A. Yes. I ran for office and was elected in 18 2008, took office in 2009. 19 Q. What were you doing in the Ford County 20 Clerk's Office from 2001 to 2008? 21 A. Elections. 22 Q. And can you tell me a little bit about what 23 your duties or responsibilities were in elections? 24 A. My responsibility was to collect the voter 25 registration cards that were mailed in, or we had sites

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Page 14 1 where we picked up election cards that had been filled 2 out, such as the library or the community college, and 3 to enter that information into the election system that 4 we had, and then to use that information, and then we 5 worked closely with the secretary of state's office on 6 the election part of it, making sure the candidates 7 were all listed. We made ballots, we tabulated votes, 8 and then I made sure everybody was given voter credit, 9 and it's a whole sequence of getting ready for, going 10 through, and completing an election. 11 Q. During that time, how many elections did you 12 oversee from 2001 to 2008? 13 A. Oh, gosh. It depends on the year. Some 14 years you have primaries and generals. I really can't 15 give you a number. 16 Q. You know, if I'm using maybe a proper term, 17 is it a ton of elections? 18 A. Well, it's at least a two a year, but 19 occasionally there are special elections called by 20 school districts or fire districts, or, you know, any 21 governing body can call and so without looking at 22 records, I can't tell you. 23 Q. Did you like your work in the elections 24 office? 25 A. Yes, I did.	Page 16 1 done election-related work, would you say? 2 A. Oh, gosh, probably, let's see 28. 3 Q. Wow. And has the work changed throughout 4 the 28 years? 5 A. Oh, yes. 6 Q. Do you mind telling me a little bit how it's 7 changed? 8 A. Well, for one thing, we've gone from having 9 our own in-house system for elections to being on the 10 state system where the state maintains the voter files, 11 and we have access through a secure link to that. We 12 had paper ballots. We had counting boards. We had 13 nothing electronic until later in my term in Ford 14 County. So I would guess, you know, going from paper 15 ballots to electronic voting machines are our big 16 changes. Also, at one point in Ford County, we were 17 required to publish all of our ballots in Spanish and 18 English on the same ballot. That was a big change. 19 Q. Do you know about what year that was where 20 you had to -- I imagine -- let me strike that. 21 When you were required, when Ford County was 22 required, to provide Spanish and English language 23 ballots, was that under Section 203 of the Federal 24 Voting Rights Act? 25 A. Yes, it was.
Page 15 1 Q. Why did you like your work in the elections 2 office? 3 A. I just like that kind of work. We interact 4 with a lot of people. We help a lot of people. It's 5 just exciting work. 6 Q. When you were in the elections office, were 7 Dodge City elections held at a different time than, 8 let's say, federal or state elections? 9 A. Yes, yes, they are. 10 Q. When were they held? 11 A. They would have been held in the 12 odd-numbered years, I believe, is how that works. 13 Q. And was that in 2001 to 2008, was that set 14 by state law, county -- 15 A. Yes, yes. 16 Q. Okay. 17 A. State law. 18 Q. So I want to also talk to you about Wallace 19 County. So how long did you serve as a county clerk in 20 Wallace County? 21 A. I was elected to three terms, but I left in 22 the first year of the third term, so that was about 23 probably ten years, but I had also worked in the 24 election office previous to being elected there also. 25 Q. Roughly how many years have you collectively	Page 17 1 Q. And do you know what year Ford County was 2 designated? 3 A. Pardon me. I'm sorry. I talked over you. 4 Q. That's okay. 5 A. 2004 we began the process of making that 6 happen. 7 Q. When did Ford County get notified that they 8 were covered, I guess, under Section 203 of the Federal 9 Voting Right Act? 10 A. I wasn't the county clerk then. I was the 11 election clerk, but I'm going to say around that same 12 time that we started having meetings with secretary of 13 state and making that happen, 2003, '04, '05, somewhere 14 in there. 15 Q. Do you mind defining for me the role of the 16 Ford County Clerk? 17 A. As we are the election officer of the 18 county, we also do a lot of over things. Are you 19 interested in that part, or are you just wanting to 20 know elections? 21 Q. Why don't we just specifically talk about 22 elections, if that's okay with you. 23 A. Okay. As we do elections, of course, all 24 the filings are done in our office. Anyone who wants 25 to run for office comes to our office to file. You can

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Page 18 1 either file by fee or by petition. We have to verify 2 those petitions, make sure that those names are all 3 good, registered in good standing voters. We collect 4 all the voter registrations. We make sure those are 5 entered into the system, and people are placed in the 6 proper voting precinct for what their address is. And 7 then we -- of course, all of the candidate's names are 8 then -- we design the ballot. We have a form -- the 9 secretary of state -- we follow, and we submit all that 10 to -- we have a company that we worked with that would 11 print our ballots. 12 And then we, of course, have to set up the 13 voting place. We have to secure board workers, and we 14 are present at the elections and try to -- and keep in 15 touch with all the voting precincts during the day. At 16 the end of the day, we tabulate the votes. At this 17 point in the process, we have electronic equipment to 18 help us do that. We use to have counting boards that 19 made for very late nights. 20 And then at the end of the election day, all 21 the information is brought back to the office and 22 tabulated, and we have -- then we start the whole 23 reporting part of elections where we are making reports 24 to media, to precincts, to secretary of state. It goes 25 on and on. The reports go on and on.	Page 20 1 fee. 2 Q. And when you say that there is a formula to 3 calculate how many signatures one might need by 4 petition, what was that formula? 5 A. It's a percent of the registered Republican 6 or Democrats, and I can't tell you the percent anymore. 7 I don't remember. 8 Q. No worries. Would it be larger for Ford 9 County than Dodge City, would you say? 10 A. No. 11 Q. Why is that? 12 A. Well, we don't have -- are you talking about 13 the rural Ford County? 14 Q. So I guess what I'm asking is like, for 15 example, there's the Dodge City Commission, right? And 16 so there's elections for those seats. And then there's 17 the Ford County Commissions, right? And there's 18 elections for those seats. 19 A. Correct. 20 Q. So when there's a petition and someone 21 wanted to file by petition, would they need more 22 signatures for the Ford County Commission election 23 seat, or would they need more signatures for the Dodge 24 City election seat? 25 A. It depends on the county commissioner
Page 19 1 Q. So I want to ask you a question about the 2 petition process for when a candidate files. You said 3 that there are two ways, either by fee or by petition; 4 is that correct? 5 A. That is correct. 6 Q. And by petition, do you mean that -- well, 7 what do you mean "by petition"? How does a candidate 8 file by petition? 9 A. When a candidate decides that they want to 10 run for office, they come to our office and pick up the 11 papers and what they need to go out into the community 12 and collect signatures. And we have a formula to 13 calculate how many signatures they need to get 14 qualified, and we give them those numbers, and then 15 they go and collect the signatures. And it's usually 16 by party. You know, it's usually a Republican or a 17 Democrat list of names that they can get from us to go 18 out and get signatures, and then they return the 19 petition to our office, and we verify those signatures, 20 making sure that those people are -- that their 21 signature matches what we have on file. 22 Q. Okay. And do candidates for local elections 23 generally file by fee or by petition, you know, in your 24 experience? 25 A. My experience in local elections it was by	Page 21 1 district or the precinct or the -- for the city 2 commission, and it depends on the number of registered 3 voters. And I would say it would be more for Dodge 4 City, but I -- yeah, I'm not exactly sure, but just 5 given the amount of population. 6 Q. Okay. Did the Ford County Clerk oversee 7 Dodge City Commission election? 8 A. Yes. 9 Q. And so you were -- and I apologize. Maybe 10 I'm jumping around a little bit, and I hope that -- 11 just let me know if you can't follow me sometimes. But 12 I want to just ask you, when did you stop being the 13 Ford County Clerk? 14 A. 2015. 15 Q. Okay. Is there a reason why you decided not 16 to run again? 17 A. I was retirement age, and I was ready to 18 retire, and I had someone interested in taking the 19 reins and becoming the next county clerk. It seemed a 20 good time to do that. 21 Q. And when you say, Someone waiting to -- you 22 know, willing to take the reins, what do you mean by 23 that? 24 A. It was the person who was working in my 25 office as the election clerk.

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1 Q. And who was that person? 2 A. Debbie Cox. 3 Q. And in your experience, what's your 4 experience with running for office in Ford County? 5 A. Well, my experience was when I decided to 6 run, I filed by petition. I got the required number of 7 signatures. I posted all the election signs, did all 8 the parades, did all the things you need to do to let 9 people know who you are and what you're running for. 10 And we don't really have a campaign type, you know, 11 we're-going-to-lower-taxes type of thing. We don't do 12 that because we're not in control of that. Just 13 letting people know who you are and why you want the 14 job and also my experience that I had. My past 15 experience needed to be shared with people, so that's 16 my experience. 17 Q. In that first election in 2008, were you 18 running in a contested election? 19 A. Yes, I was. 20 Q. And who were you running against, if you 21 remember? 22 A. Karen Blankman. 23 Q. Do folks in Dodge City vote in Ford County 24 Clerk race? In the Ford County Clerk race? 25 A. Okay. Say that again.	1 Q. And when you knocked on doors, primarily 2 where did you knock on doors for canvassing? 3 A. Most all over the town. You know, I can't 4 say that I covered every precinct in town, but I did a 5 great deal of them. 6 Q. I think, in your experience living in Dodge 7 City and being a Ford County Clerk, are there areas in 8 Dodge City that are -- well, strike that. 9 Do you know the demographics of Dodge City? 10 A. I do somewhat, yes. 11 Q. And what are those demographics? 12 A. Dodge City is majority minority community. 13 Q. And what do you mean when you say that? 14 A. We are -- there are more non-English 15 speaking Hispanics and other groups in Dodge City than 16 there are Caucasian. 17 Q. And, pardon me, this might be a rude 18 question, but how do you -- what do you mark on the 19 census form like for race or ethnicity? 20 A. What do I mark? 21 Q. Yes. 22 A. I don't even know what the options are 23 except Caucasian. I think there's probably something 24 else. Does it say non-something or -- I don't know. 25 Q. Yeah. No worries. I was just wondering, do
Page 23	Page 25
1 Q. No worries. So do folks who live in Dodge 2 City, can they vote for Ford County Clerk? 3 A. Oh, yes. 4 Q. And when you were running in that first -- 5 in that 2008 election, did you campaign in Dodge City? 6 A. Yes, I did. 7 Q. And do you mind explaining to me how you 8 campaigned in Dodge City? 9 A. I put out signs. I knocked on doors. I 10 asked -- I had campaign literature. I had posters that 11 told about me. I had door hangers. I had -- I went to 12 different forums that were hosted by Republican Women 13 and other groups, and I had TV ads. I had radio ads. 14 Q. Wow. 15 A. Yeah. 16 Q. That's a lot. That's a lot of work. That's 17 wonderful. When you were putting up signage, where did 18 you primarily put up signage in Dodge City? 19 A. I had contacted people -- I had -- I had 20 contacted people in each of the precincts in the city 21 that I knew because I -- part of more election board 22 workers that had worked for me, and I contacted them. 23 So I had signage in every precinct. 24 Q. And did that include like south Dodge, too? 25 A. Yes.	1 you identify as Hispanic or the term Latino? 2 A. Do I identify as that? 3 Q. Yes. 4 A. No. 5 Q. Okay. And when you were campaigning in 2008 6 for Ford County Clerk, did you do any outreach to the 7 Hispanic community in Dodge City? 8 A. Yes, I did. I had people who were helping 9 and working on the election boards that I knew -- who 10 were Hispanic that I knew, and I asked them if I could 11 put signage in their yard, handed them information that 12 they could disseminate to their groups that they were 13 involved in. 14 Q. And after you ran in 2008, when was the next 15 election you ran in for Ford County Clerk? 16 A. Let's see, 2008. 2012. 17 Q. And was that a contested election for Ford 18 County Clerk? 19 A. No. 20 Q. Did you run unopposed then? 21 A. Yes, I believe I did. 22 Q. And in 2016 when Debbie Cox decided she was 23 going to run for Ford County Clerk, did she run 24 uncontested, to your knowledge? 25 A. Let's see, she -- I think she has had

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Page 26 1 opposition. You know, I can't say for sure, but I 2 believe she did have opposition. 3 Q. And is that in both elections she's run in? 4 Because I know she's run in, you know, elections since 5 2016. 6 A. Yes. I believe she -- I can't tell you who 7 they were. I don't remember, but I believe she did 8 have opposition in both. 9 Q. No. That's no problem. You had mentioned 10 that Debbie Cox, that you had some -- that she was kind 11 of like a successor almost to you. Is that a fair 12 characterization? 13 A. Yes. She was interested in being the county 14 clerk, yes. 15 Q. And in elections in Ford County or Dodge 16 City, do you feel like it's generally the case that 17 there are kind of long-standing incumbents in office? 18 A. There have been in the past. I wouldn't say 19 it's the case now. 20 Q. And why wouldn't you say it's the case now? 21 A. Well, there's been -- well, of course -- 22 some of the offices in the county have had a couple of 23 changes. And some are elected, some are not. They're 24 hired. But I would say in the county commissioners, 25 the county appraiser, you know, some of the main	Page 28 1 live in the county. 2 Q. Okay. And when did you vote in those city 3 elections? 4 A. From the time I registered when I moved over 5 here until I moved to the county in 2015 or 2016. 6 Q. And so with your experience as someone who 7 has run elections in Ford County and overseen those 8 Dodge City Commission elections and then you, yourself, 9 a voter in those elections, would you say that, you 10 know, over, I would say, maybe like the past seems like 11 16 years that you were voting or 17 years you were 12 voting in those elections that there was a lot of 13 contested elections? 14 A. Yeah. I would say a majority of the races 15 would have -- the candidate would have opposition. 16 Q. Okay. And to your knowledge, did any 17 Hispanics or folks who identify as Hispanic or Latino 18 run for Dodge City Commission? 19 A. I do not believe that -- I do not believe -- 20 I cannot remember one during my tenure as election 21 officer. 22 Q. Did you find that strange in a majority 23 minority city that there were no Hispanics or Latinos 24 that ran for Dodge City Commission? 25 A. I did not at the time, no.
Page 27 1 offices of the county, yeah, there has been 2 long-standing, uh-huh. 3 Q. And I'm going to just talk to you 4 specifically maybe about the Dodge City Commission, so 5 are you familiar with any -- with like the elections 6 for Dodge City Commission? 7 A. Yes, I am. 8 Q. Do you mind explaining to me your 9 familiarity with that? 10 A. Well, we oversee those elections. Those are 11 part of what we do. Every candidate who files for an 12 office, we oversee every election held in the county 13 and so they are -- they're on the candidate list. 14 Q. Are you a voter for Dodge City Commission 15 elections? 16 A. Yes, I am. We have three commission 17 districts. 18 Q. For Dodge City? 19 A. No, not for Dodge City. I'm sorry. I 20 thought you said Ford County. 21 Q. No, no worries. I was asking, you stated 22 that you lived in Dodge City, so I was wondering, have 23 you voted in Dodge City Commission elections, so for 24 the city counsel? 25 A. I have. I do not live in the city now. I	Page 29 1 Q. Okay. Why not? 2 A. I don't really know. I don't -- it just, 3 you know -- I don't know. 4 Q. It just seemed like a -- 5 A. I guess it was just the way it was. We 6 announced all the positions that were open. Anyone 7 could file that wanted to file, and, you know, we took 8 the applications that were given us, you know, so. . . 9 Q. So maybe it just seems like a -- it just 10 seemed like a fact of life in Dodge City that there 11 weren't a lot of Latino or Hispanic folks who ran for 12 commission? Am I understanding you correctly? 13 A. Okay. Say it again. 14 Q. No worries. So it seems like it just kind 15 of was the case for a while that there weren't really 16 Latino or Hispanic folks who were going to run for 17 Dodge City Commission? Is that the case? 18 A. Yeah. I mean they did not file for office 19 and did not run. 20 Q. Do you think that, in your experience, that 21 there was, you know, an infrastructure for Hispanic or 22 Latino candidates to run for Dodge City Commission? 23 A. I don't know what you mean by 24 "infrastructure." 25 Q. Yeah. No worries. So I know that you had

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Page 30 1 talked a lot -- we talked a lot about when you ran for 2 office. You had signage, you had TV ads, radio ads, 3 you knocked on doors. Is that a fair characterization? 4 A. Yes. That's what I did. 5 Q. How did you know how to do that? How did 6 you know how to run for office? 7 A. Well, because I've been in the business for 8 many years, I knew how it worked, you know. But the 9 information was always put out. You know, we had 10 notifications we were required to publish in the paper 11 that this election was coming up, these positions were 12 open and, you know, all the information would be 13 available at our office. People could come and get all 14 the information, and that's how we got the information 15 out. 16 Q. Did you publish those ads about running for 17 office in Spanish? 18 A. My ads for my -- 19 Q. Apologies. I'm talking over you. I'm so 20 sorry. No. You had mentioned that Ford County like 21 put out ads in the newspaper, announcements about 22 running for different commission elections or like at 23 least the ability to sign up for elections; is that 24 right? 25 A. Correct, but they weren't ads.	Page 32 1 probably about it. 2 Q. What about the chamber of commerce? 3 A. During my tenure they did not necessarily 4 promote or support a candidate or candidates. 5 Q. Did that change after you tenure? 6 A. I don't know. 7 Q. So you had mentioned the Republican Women's 8 organization twice now. Do you mind telling me what 9 that organization is? 10 A. It's a group of Republican women. They have 11 a -- they're an organized group. They have a 12 president. They have regular meetings. I can't say if 13 they're active now because I'm not part of the group, 14 but that's how it was when I was county clerk. They 15 were active, and they would set up an information booth 16 at different events. They had a permanent setup for 17 several weeks at the mall here in Dodge City where they 18 disseminated information. They had all the voter 19 information that we had for them. They would take it 20 to their location, as well as the Democrats, and they 21 had registration cards in Spanish and English. They 22 had all the -- all the materials we had in our office 23 were in Spanish and English and available to any group 24 who wanted to promote, but you know, and they would -- 25 of course, the Republicans had their list of candidates
Page 31 1 Q. Okay. Sorry. 2 A. They were legal publications that were 3 required to be published, and they were published like 4 three times. This is all part of the statutes in 5 Kansas for elections that these publications are made. 6 These positions are open as certified to me by the city 7 or the township or whatever entity. Those are all 8 certified to me. I then make the legal publications as 9 county clerk. And then the information is to contact 10 our office if you're interested in any of this. 11 Q. Were those legal publications published in 12 Spanish? 13 A. Yes, they were. 14 Q. When did Ford County start publishing them 15 in Spanish? 16 A. Probably that same time in the 2004, '05, 17 '06 era, somewhere in there. 18 Q. Are there informal -- to your knowledge, are 19 there informal organizations or formal organizations in 20 Ford County that support candidates running for 21 election? 22 A. Well, that would be like the Republican 23 Women. They do a lot to support candidates. 24 Democratic Women. There used to be a League of Women 25 Voters, but they're not active anymore. So that's	Page 33 1 who were Republican, and Democrats had their lists for 2 the Democrats. That's just normal procedure. 3 Q. Did the Republican Women's organization, 4 during the time that you were part of it, were they 5 involved in Dodge City Commission elections? So what I 6 mean by that is did they endorse candidates for those 7 elections? 8 A. They didn't endorse them, and they may have 9 set up a booth, you know, with information. 10 Q. So what do you mean that they didn't endorse 11 them? 12 A. As far as I know, they weren't saying, Vote 13 for, but they had candidate information that if you 14 wanted to put up someone's sign in your yard, they 15 would have that available. But it was open to anyone, 16 you know, that wanted to -- that was just -- it was an 17 information-providing service. 18 Q. And when you say that the Republican Women 19 had like their list of candidates, what candidates were 20 those? 21 A. Well, it would have been a list of 22 Republican candidates that were going to be on the 23 ballot. We're talking about like at a primary 24 election. They would have had the list of the 25 Republican candidates. The Democrats would have had

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Page 34 1 the list of the Democratic candidates and all 2 information available. If you wanted to know more 3 about the Democrat candidate, you could go to that 4 booth and get whatever information that candidate had 5 provided. 6 Q. And during your time, I think, when you were 7 involved with the Republican Women's organization, did 8 they endorse, or did they support any Hispanic 9 candidates for local office? 10 A. I don't believe we had any, no. 11 Q. Okay. I'm going to ask you some questions 12 about redistricting. Are you familiar with the concept 13 of redistricting? 14 A. Yes, I am. 15 Q. And what is redistricting, in your own 16 words? 17 A. Redistricting happens when the legislature 18 is ordered to -- they redraw the congressional lines. 19 And then we go and reset those lines. We have to 20 follow that, whatever the legislature, or at one point 21 it was the supreme court had to do it, and then we have 22 to redraw those lines and get people in the right 23 congregational district. Now, that's that 24 redistricting. As far as precinct lines, that's 25 another type of redistricting.	Page 36 1 A. The main goal is to get them, the 2 population, distributed equally as much as it can. 3 Q. And when you say, "precinct lines," are you 4 talking about a voting precinct? 5 A. Yes. 6 Q. Are those also called voting -- like VTDs or 7 voting district tab -- 8 A. Yes. 9 Q. Okay. So what is -- can you walk me through 10 that process of when Ford County has to redraw the 11 voting precinct lines in Dodge City. What does that 12 look like? 13 A. We use the census map. I've only been 14 through the precinct redrawing one time, and I was 15 election clerk. I wasn't the county clerk and election 16 officer at that time. I was working in the office. 17 And we used the census maps. And you can go on a 18 website or you can log in and you can get population, 19 and you move those around until you get them as equal 20 and then -- it's a system where it kind of redrew the 21 line for us, and then we could look at it and see, you 22 know, how that was going to look, and if that was 23 doable, you know, if it wasn't through somebody's 24 house, you know, that kind of thing. 25 Q. How long did that process take y'all?
Page 35 1 Q. Does Ford County for Ford County Commission 2 redistrict? 3 A. For -- okay. Say again. 4 Q. How does the -- you know, let me back up 5 actually. Does the Ford County Commission use a 6 district-based election system or an at-large based 7 election system for Ford County? 8 A. Ford County Commissioners file by district. 9 Q. And do those districts for Ford County 10 Commissioner get redistricted every ten years, to your 11 knowledge? 12 A. No, not -- that's not considered part of the 13 state redistricting. 14 Q. Is there local redistricting? 15 A. Yes, yes. 16 Q. Okay. Are those involved -- does the Ford 17 County Commission redistrict as part of local 18 redistricting? 19 A. That's a local thing, yes. The county 20 determines that, and we try to keep them as equal in 21 population as possible. There's three districts. And 22 then we do the precincts for the City of Dodge City 23 same way. 24 Q. And what is the process for drawing precinct 25 lines for the City of Dodge City?	Page 37 1 A. It took -- probably three or four months. 2 Q. Did anyone from the secretary of state's 3 office help y'all do that? 4 A. They were -- at that point our voting system 5 wasn't on the state site. We were still in-house. As 6 far as they helped us with statutory regulations as to 7 what you can and can't do. 8 Q. And so all in all to change the voting 9 precincts for Dodge City, in your mind, it takes about 10 maybe three to four months; is that correct? 11 A. It may be a little quicker now because of 12 the systems that we have in place. We have different 13 ways of looking at things instead of -- you know, we 14 were still doing pen and paper then. So I'm sure it 15 could be a little bit quicker situation now, but, 16 again, I don't know for sure what she has available to 17 her. 18 Q. Understood. I wanted to ask you about -- in 19 your experience of, you know, an election clerk and 20 election officer and Ford County Clerk, if Dodge City 21 moved from at-large to district-based elections, what 22 steps would Ford County need to take to help implement 23 that change, from your experience? 24 A. They are an at-large. 25 Q. So if Ford County -- so sorry. Apologies.

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Page 38 1 If the city decided to go to district-based elections, 2 right? They had to draw districts. What steps would 3 need to be taken to implement that change based off of 4 like for the election side of things for Ford County? 5 A. At this point I've been out of the office 6 for several years, and I don't know what the statutory 7 requirements are. I don't know what the secretary of 8 state election procedures are anymore. I can't really 9 say what it would take at this point to do that. 10 Q. Okay. Did you administer district-based 11 elections for Ford County Commission? 12 A. Yes. 13 Q. Is that different from administering an 14 at-large election in Dodge City? 15 A. Well, not the administration of it. It's 16 the filing that's different. 17 Q. So the administration is just, from your 18 experience, pretty similar? 19 A. The rules for conducting an election are 20 given to us through the secretary of state's office, 21 and that's pretty standard through every election, 22 unless there's legislation that has changed things. 23 Q. And so I'm just trying to understand -- it 24 wouldn't be the case that it's harder to administer an 25 at-large election than it is a district-based election,	Page 40 1 things, and we have a lot of projects that the city and 2 county work on together. So we do maintain a very good 3 working relationship with them. 4 Q. And when it comes to election materials, how 5 does Ford County work with Dodge City on -- if they do, 6 on providing election-related information? 7 A. Every piece of information in our office is 8 made available to the city. When we -- before we had 9 online -- you can register to vote online with the 10 motor vehicle department now. We provide the city 11 office with our registration cards, with brochures, and 12 pamphlets. Everything concerning elections was 13 available in the city office as well as in our office. 14 Q. And could the city make its own -- provide 15 its own election information to its residents, or can 16 only Ford County do that? 17 A. I would assume -- I don't know for sure what 18 you're saying, but the information always comes from 19 our office first, and then it goes to the library, to 20 the city, to different places where people would be in 21 and out of, you know, that they could pick up 22 information. But as far as the city making their own, 23 I don't know if they would even do that. I'm not sure. 24 Q. In your experience, did the city ever reach 25 out to your office about providing, you know,
Page 39 1 from your experience? 2 A. No, it would not be. 3 Q. Okay. We have been going for about 50 4 minutes. Do you want to -- do you feel like you can 5 continue? Do you want a break, Ms. Seibel? 6 A. Let's continue. 7 Q. Okay. Wonderful. When you were Ford County 8 Clerk and Elections Officer, so during that, I would 9 say, 16-year time period, what was the relationship 10 between Ford County and the City of Dodge City like in 11 your experience? 12 A. We have a good working relationship. 13 Q. And do you mind explaining to me a little 14 bit what informed your assertion? 15 A. Say again. 16 Q. Why do you say that there's a good working 17 relationship. Sorry. I might ask some weird 18 questions, and I apologize, so I appreciate you having 19 me rephrase them. 20 A. The working relationship between the two 21 government entities is very important because we are -- 22 Dodge City is part of Ford County as well, you know, 23 and so we do a lot of things. For one thing, we do 24 special assessments for the city. You know, we do tax 25 statements. We do all this -- we have lot of working	Page 41 1 additional or about providing election materials to 2 residents voting for Dodge City Commission elections? 3 A. I can't say that for sure. I don't really 4 remember how that would have happened. I don't know 5 for sure. 6 Q. Did the city ever engage with your office 7 about ensuring that Hispanic residents understood, or 8 Hispanic voters understood the election cycle in Dodge 9 City? 10 A. Well, they would send over their list of 11 candidates. They would collect their filings. When 12 people would want to file, they could file at their 13 office as well and so they would get that information 14 to us. The elections are conducted through the county 15 clerk's office and so information starts there. 16 Q. And so what I'm trying to understand is 17 whether or not Dodge City had ever engaged with Ford 18 County to do additional like voter education outreach, 19 you know, specifically maybe to Hispanic citizens. 20 A. You know, I don't remember that specific 21 situation. They may have, but I can't say that for 22 sure. 23 Q. And did Ford County -- what steps did Ford 24 County take to make sure that Hispanic citizens were or 25 Hispanic voters were educated about the Dodge City

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1 Commission election? 2 A. We did not specifically -- well, we made 3 legal publications that were specific to the city 4 because it didn't involve rural Ford County, so the 5 legal publications that we're required to make were 6 specific to the city, so it showed the positions that 7 were open, the filing deadline, the way to file, the 8 two ways that you can file. All that information is 9 part of the legal publications that we're required to 10 make. 11 Q. Anything else? 12 A. I don't recall anything specific. 13 Q. What did Ford County, during your tenure, do 14 with respect to voter education to ensure that Hispanic 15 voters in Ford County understood or were educated about 16 elections? 17 A. End of the -- the person who was clerk when 18 I was election clerk, the clerk before me, we attended 19 a lot of meetings. We contacted some of our Hispanic 20 board workers and said, Hey, you know, do you belong to 21 a group that we could come and speak to? And we would 22 take materials, and we took a voting machine. We 23 showed them how it worked, where the Spanish -- you 24 know, how it came up in Spanish and English, and handed 25 out voter registration cards, filing information,	1 held meetings, and we contacted a person and 2 disseminated information to them. 3 Q. So besides the church group, do you remember 4 any other Hispanic organizations that you partnered 5 with? 6 A. We did, but I can't remember the name of 7 them. 8 Q. Do you know anything about the recount 9 election in 2000 from the Dodge City Commission? 10 A. In 2000? 11 Q. Uh-huh. 12 A. No. That was before I went to work in the 13 office. 14 Q. Yeah. I wasn't sure maybe when you got to 15 work in the office in 2001 if someone had told you 16 about it, so I figured I would ask. 17 A. They did tell me about it. I'm sure it was 18 discussed, but I don't -- I wasn't in on the actual 19 part of it. 20 Q. No worries. I'm going to talk to you about 21 polling places now. When was the first time the issue 22 of the number of polling places came up for Ford County 23 elections? 24 A. It did not come up during my time. 25 Q. So when did Dodge City go from -- institute
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1 filing fees, all that, all the information that was 2 needed for a candidate to file and for a person to be 3 able to go and vote. 4 Q. Did Ford County do anything else, or was 5 everything you listed everything that was done? 6 REPORTER: I'm sorry. Can you start 7 your answer again, ma'am. 8 THE WITNESS: We did things -- we set up 9 an information booth at the mall. We took 10 our voting machine up there. People passing 11 by, you know, that wasn't part of an 12 organization that we had spoken at. We 13 talked to a lot of people there. We helped 14 them get familiar with the voting machine, 15 helped them register to vote if they wanted 16 to, gave them all the information that we 17 had available on elections. 18 Q. (By Ms. Waknin) Did you -- I'm trying to 19 find the right word. Did you ever partner with any 20 Hispanic organizations in Ford County for voter 21 education? 22 A. There were a couple of groups that I can't 23 remember the name of them, but they were part of a 24 church group. I can't remember the name of it, but 25 yeah, there were a couple of groups that we knew that	1 only having one polling location within the city during 2 your time in Ford County? 3 A. Okay. Say that again. 4 Q. Okay. So let me phrase it this way: How 5 many polling locations did Dodge City have while you 6 were Ford County -- during your tenure in the Ford 7 County elections office/as Ford County Clerk? 8 A. There was one in the City of Dodge City. 9 Q. And when did the City of Dodge City have 10 only -- start like having only one polling location? 11 A. I don't know when that happened. 12 Q. Did it happen during your tenure in the 13 elections office? 14 A. No. It was already that way when I came to 15 work there. 16 Q. Was there conversations during your tenure 17 in the elections office about opening more polling 18 locations in the City of Dodge City? 19 A. Not with me. 20 Q. When you say not with you, does that mean 21 that there were? 22 A. No, no, there weren't, as far as I know. 23 Q. Did you ever inquire as to why there was 24 only one polling location in the City of Dodge City? 25 A. We probably talked about it. I can't

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Page 46 1 remember. As election clerk, I wasn't the county 2 clerk. I may not have been in on that conversation. 3 Q. During your tenure in the Ford County 4 Clerk's Office -- so when I say that, I mean during 5 that 16-year period. Do you understand that? 6 A. Uh-huh. Yes. 7 Q. Was there conversations about opening more 8 than one polling location in the City of Dodge City? 9 A. No. 10 Q. Why weren't those conversations being had? 11 A. I don't think there was any concern. 12 Nothing was ever brought to me or was voiced to me as a 13 concern about there only being one place. 14 Q. So would it have been the case that someone 15 had to complain to the Ford County Clerk's Office about 16 there being only one polling location for the office to 17 investigate whether or not to open more polling 18 location? 19 A. I don't know that it would have had to have 20 been a complaint, but I think it would have been 21 through observation as to how things were going and how 22 they were being handled at the one location, and they 23 all seemed -- it seemed to be working very well. Had 24 there been a complaint, we would have addressed it. 25 Q. Did you receive complaints from voters in	Page 48 1 six counties that were set out. But, yeah, they came 2 to Dodge City then. 3 Q. When were you first notified that Department 4 of Justice poll monitors would be coming to monitor 5 Ford County elections/go to Dodge City? 6 A. I wasn't the county clerk when that 7 happened. I can't tell you the exact date, but it 8 would have been around the 2004 election time. 9 Q. Did you interact with any members of the -- 10 any poll monitors of the Department of Justice during 11 your time when you were the elections officer? 12 A. Yes, I did. 13 Q. And what were those interactions? 14 A. Normally they would call ahead of time and 15 say, you know, that we're going to be there, and let us 16 know that they would come. And then they had to come 17 to our office. And I wasn't the clerk then, but they 18 had to get poll observer badges. 19 Q. Did you speak with any of these poll 20 monitors when they were conducting their observations? 21 A. Briefly during the day when they were at the 22 voting center. 23 Q. What did you speak with them about? 24 A. Most of the conversation was just easy 25 conversation as to how the day was going and how the
Page 47 1 the City of Dodge City during your time in the Ford 2 County Clerk's Office? 3 A. No, I did not. 4 Q. Was there a process where citizens could 5 voice complaints to the Ford County Clerk's Office? 6 A. The process would have been to just call and 7 talk to me. 8 Q. During your tenure in the elections office, 9 did the Department of Justice ever have poll monitors 10 in Ford County? 11 A. Yes, they did. 12 Q. When did they have poll monitors in Ford 13 County? 14 A. That started probably in 2006 or '04, 15 probably 2004 because that would have been a general 16 election. 17 Q. And what were the circumstances that brought 18 Department of Justice poll monitors to Ford County? 19 A. There were, I think, five or six counties in 20 Kansas that came under Section 203, and Dodge City 21 being the largest of those groups of counties and the 22 largest Hispanic or non-English-speaking population, 23 they came to Dodge City. But at points they visited 24 Garden City and Liberal. Those are the three large 25 cities of the six counties -- I think it was five or	Page 49 1 turnout was. No procedural conversation. 2 Q. Did you know why the Department of Justice 3 sent poll monitors to Ford County to monitor the 4 elections? 5 A. They were there to make sure that we were 6 handling the non-English-speaking voters, as well as 7 voters who had disabilities. 8 Q. During your time in the Ford County 9 Elections Office or as Ford County Clerk, how many 10 times did the Department of Justice send poll monitors? 11 A. I can't say the exact number, but it was 12 probably five times. I may not be exact on that, but, 13 yeah. 14 Q. How many monitors were sent each time that 15 they had come -- that the Department of Justice sent 16 poll monitors? 17 A. I believe the first time that they sent 18 people, it was probably about -- I think it was maybe 19 four to six, and then as time went on and years went 20 on, it went down to two. 21 Q. Why did the Department of Justice send poll 22 monitors for maybe about five elections or five times? 23 A. I don't know why they chose to do five 24 times. 25 Q. So the Department of Justice sent poll

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Page 50 1 monitors in 2004, to your best recollection; is that 2 correct? 3 A. Yes. 4 Q. And when was the next time that the 5 Department of Justice sent poll monitors to Ford County 6 to observe Ford County elections? 7 A. The next general election would have been in 8 2008. 9 Q. And why was the Department of Justice 10 sending poll monitors to monitor Ford County elections 11 in 2008? 12 A. It would have been for the same reasons. 13 They were observing the way handling the 14 non-English-speaking voters and the voters with 15 disabilities. 16 Q. And when was -- after 2008 when was the next 17 time that the Department of Justice sent poll monitors 18 to monitor Ford County elections? 19 A. To the best of my recollection, I think it 20 was probably '12. I don't know -- I can't remember for 21 sure. 22 Q. It seems like -- would it be the case that 23 you believe that the Department of Justice sent poll 24 monitors to observe Ford County elections in general 25 elections? November general elections?	Page 52 1 to receive some fines and some oversight. 2 Q. What was your reaction when the Department 3 of Justice notified Ford County that they would be 4 coming to monitor Ford County elections? 5 A. Well, it makes you very nervous. They're 6 not very forthcoming with information as to what are 7 you observing, you know, that kind of information, and 8 I guess that's so they can see exactly what, you 9 know -- how we would handle it. They did talk to our 10 voters a lot as they either entered the voting arena or 11 they left. They spoke with them and asked a lot of 12 questions, but they never asked us any questions as 13 election officials. 14 Q. And was that every single time? So in your 15 recollection, the five times that the DOJ had done 16 election observation, was that kind of your feeling 17 each time? 18 A. That they conducted the same sort of -- they 19 all had notebooks and pens and were writing and stuff 20 and talking to people. That was their -- that was how 21 they conducted themselves every time. 22 Q. Ms. Seibel, we've been going for an hour and 23 ten minutes. Would you like to take a five-minute 24 break, or would you like to continue? 25 A. Continue.
Page 51 1 A. Yes. 2 Q. To the best of your recollection, when was 3 the last time that the Department of Justice sent poll 4 monitors to monitor Ford County elections? 5 A. I do not -- I do not remember for sure when. 6 Q. When was the last time during your tenure? 7 A. The last time I had any interaction with 8 them would have been in '12. 9 Q. And was this all to observe the way that the 10 county implemented non-English election materials and 11 voter with disability access? 12 A. Yes. 13 Q. Did the Department of Justice ever, I guess, 14 reach out to Ford County about the way it implemented 15 non-English election materials? 16 A. No. There were never any reports or 17 information provided to us after they observed our 18 elections. 19 Q. Did you ever speak with other county clerks 20 in other parts of the country that also had large 21 Hispanic populations during your tenure as Ford County 22 Clerk? 23 A. I did speak with a clerk in Nebraska who had 24 had DOJ visit her and was actually fined, and they did 25 find some offenses that they felt were enough for her	Page 53 1 Q. Okay. I am going to show you -- actually, 2 was the Department of -- US Department of Justice 3 sending poll monitors the only time that the Department 4 of Justice had contacted Ford County about elections? 5 A. Okay. Could you say that again, please. 6 Q. Sure. So was the Department of Justice, the 7 US Department of Justice, sending poll monitors to Ford 8 County the only time that the Department of Justice had 9 contacted you or Ford County regarding elections? 10 A. Well, there was the initial notice of the 11 Section 203 compliance that we needed to provide 12 non-English-speaking materials and plus a 13 disabilities -- we had to upgrade our poll places and 14 make sure they were accessible. There was contact 15 regarding that. Later in my term there was some 16 contact from them concerning the majority minority 17 population. 18 Q. Can you tell me about the contact from the 19 Department of Justice regarding the majority minority 20 population. What was that? 21 A. I can't remember the exact wording and all, 22 but it had to do with the way the city conducted their 23 elections. 24 Q. Are you speaking about Dodge City, the way 25 that Dodge City conducted their elections?

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Page 54 1 A. Dodge City. Yes, Dodge City. 2 Q. And was that an inquiry by the Department of 3 Justice under Section 2 of the Voting Rights Act, to 4 your best recollection? 5 A. I'm not sure. I can't remember. 6 Q. All right. That's fine. I'm going to show 7 you a document. 8 9 (Screen-sharing Exhibit 70) 10 11 Q. (By Ms. Waknin) This was produced to us by 12 Dodge City. You can see it has this thing called a 13 Bates label. It says Dodge_City_004145. Do you see 14 that? 15 A. Okay. No. 16 MS. WAKNIN: Can anyone else see my 17 screen? 18 THE WITNESS: I see it now. 19 Q. (By Ms. Waknin) Okay. Wonderful. Do you 20 see this Bates label? 21 A. Yes. 22 Q. Okay. Wonderful. And Ms. Seibel, I'm going 23 to let you review this document. I'm going to go 24 through it slowly so you can read it, and you just let 25 me know when you're done reading it. I am going to	Page 56 1 Q. I think -- I'm going to read a sentence. It 2 says -- I think over here it says, To ask them for sure 3 if they wanted all elections or just federal elections. 4 A. Okay. 5 Q. So would it be that the US Department of 6 Justice sent you a letter requesting information from 7 elections in Ford County going back to 2000? 8 A. Yes. 9 Q. Do you remember that letter? 10 A. Barely. 11 Q. When you received that letter from the 12 Department of Justice, what was your reaction? And 13 when I say "that letter," I'm referring to this 14 June 29, 2011, letter or fax that you received. 15 A. Apparently, it was a fax from the Department 16 of Justice. My reaction was, as I said in here, you 17 know, Exactly what is it you want? And then I also 18 state in there that I just attended a conference about 19 this very subject, and I was asking their permission to 20 meet with this man and see where we could -- what we 21 could do. 22 Q. And is that the IACREOT conference? 23 A. Yes. 24 Q. What is that? 25 A. It's IACREOT.
Page 55 1 mark this document as Exhibit 1 -- actually -- sorry. 2 MR. KAISER: Sonni? 3 MS. WAKNIN: Yes. 4 MR. KAISER: I think we're at -- if we 5 start at 70, I think we should be good. 6 MS. WAKNIN: Okay. I was going to say 7 we probably need to mark it because there's 8 multiple depositions going on today. Yeah, 9 we'll mark this as Exhibit 70. 10 THE WITNESS: Okay, yes. 11 Q. (By Ms. Waknin) Have you gotten a chance to 12 read this document, Ms. Seibel? 13 A. I did. 14 Q. In your own words, can you explain to me 15 what this document is. 16 A. This is a letter that I sent to or made 17 available for the county commissioners that shared the 18 information that I had received. 19 Q. And what information did you receive? 20 A. It was a request from the Department of 21 Justice for information. 22 Q. What information was that? 23 A. They were wanting -- what do I say? They 24 want information for all -- I don't think I say in here 25 specifically what they were asking for.	Page 57 1 Q. What is that type of conference? 2 A. It's an election conference. I'm trying to 3 remember what the letters all stand for. It's 4 elections officer -- E0 is election officer, and I 5 don't remember what those other letters stand for. 6 Q. No. It's okay. I think just understanding 7 that it's an elections conference is very helpful, so 8 no worries. 9 A. Okay. Yeah. 10 Q. And I think you just said that at that 11 elections conference there was a topic actually about 12 if you get a letter from the Department of Justice; is 13 that correct? What do you mean? 14 A. I don't know for sure that the speaker spoke 15 exactly about getting something from the Department of 16 Justice, but he spoke about how things are beginning to 17 happen with majority minority groups and that we need 18 to be aware of them if we have that situation in our 19 state, county, or, you know, in our area. 20 Q. So what do you mean by aware of majority and 21 minority groups and kind of like that situation? Do 22 you mind being a little bit more specific? 23 A. So to make us aware that our communities 24 could be majority minority, and maybe we aren't really 25 aware of that particular situation. And then he went

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Page 58 1 on to talk about, you know, how that looks and so it 2 made my eyes open, you know, as to, okay, I think he's 3 talking about communities like ours, so that's why I 4 requested permission to meet with him and see if we fit 5 that description. 6 Q. And so did the -- the person that you're 7 talking about, is that Mr. Bruce Adelson? 8 A. Yes. 9 Q. And did Mr. Adelson talk to you about 10 minority vote dilution? 11 A. Yes. 12 Q. And what did you understand minority vote 13 dilution to mean? 14 A. Oh, gosh. It's been awhile. I'm not sure 15 exactly how to explain that. 16 Q. Would it be fair to say that Mr. Adelson 17 talked to you about whether or not minority populations 18 would be able to elect candidates of their choice or 19 have an equal opportunity due to the election system? 20 A. He did talk about that, yes. 21 Q. And is that what you meant by your eyes were 22 opened, that you learned about minority vote dilution 23 and thought that might be occurring or just that might 24 be something you have to pay attention to in Ford 25 County?	Page 60 1 fax? 2 A. My reaction was that I had just been to a 3 meeting and learned a little bit about this, and I 4 think it's something we need to check into. 5 Q. And did you contact any officials in the 6 City of Dodge City regarding this inquiry? 7 A. I did. 8 Q. With the Department of Justice? 9 A. I did. I spoke with the city clerk at that 10 time, and we talked about it a little bit. 11 Q. Who was that? 12 A. Nannette -- no. Cherise Tieben and Nannette 13 Pogue. 14 Q. When did you have those conversations 15 regarding the DOJ inquiry with Ms. Tieben and 16 Ms. Pogue? 17 A. Sometime in this timeframe. I can't tell 18 you that exactly. 19 Q. So I guess based off of this letter between 20 like June and July of 2011? 21 A. Possibly. It could have been later. I 22 don't know. I don't remember. 23 Q. It's just that you had made Ms. Tieben and 24 Ms. Pogue aware of the Department of Justice inquiry 25 regarding Section 2 of the Voting Rights Act; is that
Page 59 1 A. It would be something I would have to pay 2 attention to. I was curious to know about it. 3 Q. And when you -- and I'm going to look at the 4 second or third paragraph. It says, I did call 5 Ms. Meza and ask which elections they wanted 6 information for. 7 And she said, All. 8 I asked her why they would need so much back 9 information, and she stated that they were conducting 10 research under Section 2 of the Voting Rights Act, 11 which has to do with the dilution of minority 12 populations in voting precincts. 13 Is that a correct or accurate statement of 14 what occurred? 15 A. Yes. 16 Q. And why did you call -- so you -- strike 17 that. 18 What was your conversation with Ms. Meza 19 like? 20 A. I don't remember. It's been too long ago. 21 She was the person that would contact us and say, you 22 know, they were coming, and she was the only contact 23 person that we really had with any of the DOJ, and she 24 was the one that sent the fax. 25 Q. And what was your reaction when you got that	Page 61 1 correct? 2 A. That is correct. 3 Q. What did Ms. Tieben and Ms. Pogue say to you 4 regarding the Department of Justice Section 2 inquiry? 5 A. I don't remember exactly the conversation. 6 Q. I'm going to unscreenshare. Actually, I'm 7 going to bring that exhibit back up. 8 9 (Screen-sharing Exhibit 70) 10 11 Q. (By Ms. Waknin) On the first line -- do you 12 mind reading the first line, the first sentence of the 13 third paragraph, for me? 14 A. Which one? 15 Q. It starts with, As you know, the clerk's 16 office. 17 A. Okay. 18 Q. Do you mind reading that for me? 19 A. As you know, the clerk's office has been 20 under the watchful eye of the Department of Justice 21 since 2002 with them visiting the civic center at 22 almost every election held since that time. 23 Q. What is the civic center? 24 A. The civic center is the voting location in 25 Dodge City.

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Page 62 1 Q. And so would it be the case, then, that the 2 Department of Justice had come to Dodge City to monitor 3 elections possibly more than five times if they had 4 been coming since 2002? 5 A. I can't remember how many times. It's 6 possible. Without looking at records, I can't tell you 7 that exactly. 8 Q. Okay. So I mean just based off of your 9 letter that you wrote here, it was likely that they had 10 been coming since 2002, if what you wrote was correct; 11 is that -- 12 A. Well, that would be correct, yes. My 13 recollection is I didn't give you that far date back, 14 but apparently that's what it was. 15 Q. That's fine. That's why I asked about it. 16 A. Okay. 17 Q. So, Ms. Seibel, you had written this letter 18 to the Ford County Commissioners. What happened after 19 you provided the Ford County Commissioners with this 20 information regarding Mr. Adelson and the Department of 21 Justice Section 2 inquiry? 22 A. They allowed me to contact him and set up 23 this consultation and meeting, and they were interested 24 in knowing the outcome and were concerned and wanted to 25 make sure we were complying with and doing what was	Page 64 1 conferred about whatever her reports were -- which I 2 never saw. I don't anything that was on there -- and 3 then he came back and met with all of us, with the 4 county commissioners. 5 Q. So what I'm understanding is after that 6 initial consultation with Mr. Adelson, did Ford County 7 hire Mr. Adelson to do an analysis? 8 A. Yes, we did. 9 Q. And what exactly did you hire Mr. Adelson to 10 do? 11 A. It was a study or -- like an observation. 12 They visited. They talked with people. They gathered 13 some information from us. Gosh, it's hard to remember 14 what all they did. 15 Q. Did Mr. Adelson tell you any preliminary 16 thoughts about whether or not there was a Section 2 17 violation with respect to the City of Dodge City 18 elections? 19 A. Okay. Say that again. 20 Q. Well, did Mr. -- when you were speaking with 21 Mr. Adelson about the DOJ's inquiry under Section 2 of 22 the Voting Rights Act, which was about Dodge City's use 23 of the at-large method of election, did Mr. Adelson 24 tell you any thoughts he had, like preliminary thoughts 25 he had about whether or not there was a violation?
Page 63 1 required. 2 Q. When did you reach out to Mr. Adelson for a 3 consultation with respect to the Section 2 inquiry by 4 the Department of Justice? 5 A. In that -- I think in that letter, did I say 6 that -- well, he was coming on July 15th. I don't know 7 exactly when I talked to him. 8 Q. What did you speak with Mr. Adelson about 9 during your consultation with him? 10 A. To the best of my recollection, I told him 11 that I had attended his seminar at the meeting and that 12 I had gotten this fax from the Department of Justice 13 and there seemed to be some interest in Dodge City's 14 population and that I would be interested in knowing if 15 he could help us out in any way. 16 Q. And what did Mr. Adelson tell you in 17 response to what you said to him? 18 A. That he would be glad to do a study and do 19 some observations and see what he determined or what he 20 could see. 21 Q. Did anything -- where did this consultation 22 with Mr. Adelson occur? 23 A. He had a counterpart or I don't know if it's 24 an employee. There was a person that came out and did 25 a lot of the footwork for him, and then when they	Page 65 1 A. No. I don't think that he ever mentioned 2 that there was a violation, but that there was a 3 definite majority minority population, and they had 4 visited with people, and I don't -- there wasn't really 5 any actual thought or decision that he came to at that 6 point. It was fact-gathering information. 7 Q. Understood. Did Mr. Adelson meet with Dodge 8 City election officials while he was conducting his 9 analysis? 10 A. There aren't Dodge City election. It's 11 Dodge City Commission. 12 Q. So apologies. Did Mr. Adelson meet with 13 officials in Dodge City with respect to his Section 2 14 analysis? 15 A. Yes, we did. 16 Q. And who were those officials that 17 Mr. Adelson met with? 18 A. I don't remember exactly who all was there. 19 I think the mayor at the time, which Dodge City's mayor 20 changes every year, I think. I don't remember who that 21 person was. And then there was Nannette Pogue and 22 Cherise Tieben. 23 Q. So it's your recollection that both 24 Ms. Pogue and Ms. Tieben met with Mr. Adelson? 25 A. Yes.

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Page 66 1 Q. And that meeting was with respect to a 2 potential Section 2 violation and his inquiry into 3 whether or not that existed; is that correct? 4 A. Correct. 5 Q. And what did Mr. Adelson, to your best 6 recollection, speak with Ms. Tieben and Ms. Pogue 7 about? 8 A. As I remember, he just discussed what it 9 was, you know, what it was we were talking about and 10 what it was he was checking into for us and letting 11 them know that there could be a potential problem. 12 Q. And what exactly did he say he was looking 13 into during this conversation with Ms. Tieben and 14 Ms. Pogue? 15 A. The method of election. 16 Q. And did he share with Ms. Pogue and 17 Ms. Tieben how he would be conducting an analysis into 18 whether or not the at-large method of election diluted 19 minority voting? 20 A. I don't remember that specifically, but I'm 21 sure he did tell them exactly what he was going to do. 22 Q. And when was this -- when was this meeting 23 with these Dodge City officials? 24 A. I don't remember the date. 25 Q. And you stated that Mr. Adelson also spoke	Page 68 1 A. This is a letter that he addressed to me 2 after he had visited Dodge City and did his assessment. 3 Q. Okay. And who is "he" that you're referring 4 to? 5 A. Mr. Adelson. 6 Q. And this letter is from August 2011; is that 7 correct? 8 A. Yes, that's correct. 9 Q. Okay. And so Mr. Adelson stated that he in 10 this letter had not conducted his own investigation; is 11 that correct? 12 A. That is what it says, yes. 13 Q. So would it maybe have been after this 14 letter that Mr. Adelson conducted his investigation 15 into Dodge City? 16 A. I would -- yes, I would say so. 17 Q. Okay. In this letter did Mr. Adelson 18 provide you with his preliminary thoughts about whether 19 or not there was a Section 2 liability? 20 A. Well, okay. 21 Q. Sorry. 22 A. Okay. Ask your question again, please. 23 Q. Sure. So is it the case, you know, that 24 Mr. Adelson provided you in this letter his thoughts 25 about whether or not there could be a Section 2
Page 67 1 in addition to Ms. Tieben and Ms. Pogue with the Dodge 2 City Commission; is that correct? 3 A. I believe only the mayor was there for that 4 meeting. It wasn't a formal meeting. 5 Q. And did Mr. Adelson provide you with any 6 information addressing the potential liabilities for 7 Dodge City under Section 2 of the Voting Rights Act? 8 A. He did not. 9 Q. I'm going to show you -- I'm going to show 10 you a document. 11 12 (Screen-sharing Exhibit 71) 13 14 Q. (By Ms. Wakinin) And I'm going to -- this is 15 Dodge City, Dodge_City_004129. This is a document that 16 Dodge City produced in response to a discovery request 17 by Plaintiffs. I'm going to mark this as Exhibit 71. 18 And Ms. Seibel, I'll let you take a -- 19 A. Okay. 20 Q. -- look at this. It's four pages, so just 21 let me know when to scroll. 22 A. Okay. Okay. Go ahead and scroll. Okay. 23 Okay. 24 Q. Ms. Seibel, in your own words, what is this 25 document I've just shown you?	Page 69 1 liability for the City of Dodge City using the at-large 2 method of election? 3 A. Okay. He does say that. 4 Q. Did you share this letter with city 5 officials in the City of Dodge City? 6 A. I'm sure I would have. I can't say that 7 specifically, but I'm sure I would have. 8 Q. And so it seems here on page 2 it says, 9 unfortunately, Dodge seems to possess the initial 10 criteria that may indicate a VRA Section 2 violation. 11 Is that right? 12 A. That's what it says. 13 Q. After you received this letter from 14 Mr. Adelson that said -- with his preliminary thoughts 15 that there was likely Section 2 liability, what did you 16 think? 17 A. I can't say for sure. Probably I contacted 18 the City and we discussed it. 19 Q. When you were speaking with me earlier about 20 the conversation with Mr. Adelson, Ms. Tieben, and 21 Ms. Pogue, were you also involved in those 22 conversations? 23 A. Yes. 24 Q. And I think you said earlier Ford County 25 actually ended up hiring Mr. Adelson; is that right?

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1 A. Yes, that's right. 2 Q. Did Mr. Adelson produce a report for Ford 3 County regarding the Section 2 Liability? 4 A. No. 5 Q. What did Mr. Adelson end up producing with 6 respect to his contract with you all? 7 A. Gosh, I don't remember that for sure. 8 Q. Did Mr. Adelson conduct a Hispanic citizen 9 voting age election analysis? 10 A. I don't know. 11 Q. Did Mr. Adelson conduct any -- provide you 12 with any research that he produced in response to his 13 consulting agreement with Dodge City -- I mean with 14 Ford County? 15 A. I don't know. I don't remember for sure 16 what all he provided. 17 Q. I am going to show you another document. 18 I'm going to mark this Exhibit 72. 19 20 (Screen-sharing Exhibit 72) 21 22 Q. (By Ms. Waknin) It's Bates labeled 23 Dodge_City_0004127. Ms. Seibel, are you familiar with 24 this document I'm showing you? It's an invoice from 25 Mr. Adelson to yourself when you were Ford County	1 conversations? 2 A. I do not. I do not. 3 Q. Did you have conversations with Dodge City 4 officials about Mr. Adelson's research? 5 A. I do not remember that. 6 Q. How long was Mr. Adelson hired by -- for how 7 long was Mr. Adelson hired by Ford County to do a 8 Section 2 analysis? 9 A. I don't remember. 10 Q. Would you say maybe about a few months? 11 Would that sound right? 12 A. I don't remember. 13 Q. When did the relationship with Mr. Adelson 14 or the consulting relationship with Mr. Adelson for 15 investigation into a Section 2 -- potential Section 2 16 violation in Dodge City end? 17 A. I don't remember the date. 18 Q. What was the end result of Mr. Adelson's -- 19 strike that. 20 Did Mr. Adelson have any conclusion about 21 whether or not there was a Section 2 violation for the 22 City of Dodge City's use of the at-large method of 23 election at the end of his consulting work with you 24 all, with Ford County? 25 A. I don't remember if there were any more
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1 Clerk. 2 A. Yes. 3 Q. And it says that this invoice is for 4 consultation and specialty services concerning the US 5 Department of Justice Voting Rights Act Section 2 6 investigation in Dodge City; is that correct? 7 A. That's what it says, yes. 8 Q. And under the Services it says that the 9 billing invoice period was from November 1st to 10 November 30th, 2011; is that correct? 11 A. Yes. 12 Q. And for Services it says that Mr. Adelson 13 conducted a Dodge City Section 2 investigation and 14 research. Is that your understanding of what 15 Mr. Adelson did? 16 A. Yes. 17 Q. It also says that Mr. Adelson conducted a 18 Hispanic citizen voting age census data retrieval and 19 analysis; is that right? 20 A. That's correct. 21 Q. Did Mr. Adelson, during the time that you 22 had hired him in Ford County, have conversations with 23 you about his research findings? 24 A. I'm sure we did have conversations. 25 Q. Do you remember the content of those	1 letters or conversation or not. 2 Q. Did you think Mr. Adelson was qualified to 3 investigate whether or not Dodge City had a potential 4 Section 2 liability for the use of the at-large method 5 of election? 6 A. Yes. 7 Q. Why did you think Mr. Adelson was qualified? 8 A. Having attended his seminar and speaking 9 with him about it. 10 Q. So what was it about speaking with 11 Mr. Adelson and attending his seminar that you felt 12 that Mr. Adelson was qualified to do this type of work? 13 A. His familiarity with the situations. 14 Q. And by situations, do you mean DOJ Section 2 15 liability investigations? 16 A. Yes. 17 Q. And why was Mr. Adelson familiar with 18 Section 2 liability investigations? 19 A. Well, he had done several of these before in 20 other states. 21 Q. Do you know what Mr. Adelson's professional 22 background is or was? 23 A. He had previously worked for DOJ. 24 Q. And do you know if that was in the voting 25 rights division of the Department of Justice?

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1 A. I believe it was. 2 Q. And so because Mr. Adelson had previously 3 worked for the voting rights division in the Department 4 of Justice, you had attended his seminar, and that he 5 had done previous federal compliance investigations, 6 you found that Mr. Adelson was a qualified person to 7 conduct this analysis for Ford County and for the City 8 of Dodge City; is that right? 9 A. Correct. 10 Q. Did you have any problem with Mr. Adelson 11 when he was conducting his analysis or research? 12 A. Not that I recall. 13 Q. And if Mr. Adelson told you a conclusion, 14 would you have -- you know, one way or the other would 15 you have believed that conclusion to be correct? 16 A. I think so. 17 Q. Was it ever the case where Mr. Adelson, to 18 your knowledge, suggested that Dodge City should move 19 from the at-large method of election to district-based 20 elections? 21 A. Okay. Say it again. 22 Q. Sure. Was it during the time that you were 23 working with Mr. Adelson, did he suggest that Dodge 24 City should move from the at-large method of election 25 to district-based elections for City Commission?	1 you remember that person? 2 A. I do not. 3 Q. Does the name Gilda Daniels sound familiar 4 to you? 5 A. Say the name again, please. 6 Q. Gilda Daniels. 7 A. I don't remember that name. 8 Q. Did you meet with the person that was 9 assisting Mr. Adelson? 10 A. I don't remember meeting with her. 11 Q. I'm going to -- could it be the case that 12 you had met with her and just don't remember? 13 A. I just don't remember. 14 Q. In response to -- in that meeting with the 15 mayor, Ms. Pogue, and Ms. Tieben with Mr. Adelson, what 16 was the response by Dodge City election officials to 17 Mr. Adelson's suggestion that the city should move from 18 the at-large method of election to single-member 19 district-based election? 20 A. I don't remember. I don't recall that they 21 were aware that there was a problem or could be a 22 potential problem. I don't think they were aware of it 23 and so it was kind of like kind of shocking to them. 24 That was kind of their reaction. They weren't aware 25 that -- and because another comment was made that they
Page 75	Page 77
1 A. I think it was that he was suggesting that 2 there should be a change made to avoid problems down 3 the road. 4 Q. And would that change have been moving from 5 the at-large method of election to single-member 6 district elections? 7 A. Yes. 8 Q. Okay. And did Mr. Adelson share these 9 thoughts with the City of Dodge City? 10 A. Yes. We talked about it in the meeting that 11 we had with the mayor and the city clerk and city 12 administrator. 13 Q. So from your recollection, Mr. Adelson 14 recommended in the meeting with Ms. Tieben, Ms. Pogue, 15 and the mayor at the time of Dodge City that Dodge City 16 should move from the at-large method of election to 17 single-member district elections due to a potential 18 liability under Section 2 in the future; is that 19 correct? 20 A. I think he did recommend it, yes. It wasn't 21 in a -- it wasn't a formal meeting or anything like 22 that, but he was wanting to help them avoid possible 23 litigation. 24 Q. You had mentioned that Mr. Adelson had 25 another expert or person that was assisting him. Do	1 had not received any complaints, they weren't aware 2 that that was an issue. 3 Q. Did Mr. Adelson make them aware that that 4 could be -- that potential minority vote dilution could 5 be an issue in Dodge City? 6 A. Yes. That was part of his presentation. 7 Q. And when you say "presentation," what form 8 did this presentation take by Mr. Adelson? 9 A. He just explained to them what it was we 10 were talking about, what the situation was, and that 11 there was a potential for Dodge City to fall under that 12 and could be -- there could be a problem. 13 Q. When you say "under that," what are you 14 specifically referencing? 15 A. Under the majority minority and the dilution 16 of voting and the method of election. 17 Q. And once Dodge City election officials 18 became aware that potential minority vote dilution 19 could be a problem in Dodge City -- 20 (Reporter instruction) 21 Q. (By Ms. Waknin) So after the mayor and 22 Dodge City officials were made aware that minority vote 23 dilution could be an issue due to the at-large method 24 of election for the Dodge City Commission, what 25 happened next after -- with respect to what city

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Page 78 1 officials did? 2 A. Nothing ever happened after that meeting, to 3 my recollection. 4 Q. Did anyone from the City of Dodge City reach 5 out to you about whether or not -- about changing their 6 election system after you had that meeting with those 7 officials and Mr. Adelson? 8 A. I don't recall any formal letter or any 9 communication in that sense that we may have discussed 10 it and they had not had complaints, and so they 11 weren't -- again, like I said earlier, they just 12 weren't aware that there was a problem. 13 Q. So after Mr. Adelson, though, told them, 14 told Dodge City officials that minority vote dilution 15 could be a problem, to your knowledge, were any steps 16 taken by those Dodge City officials with respect to the 17 at-large method of election? 18 A. Not that I'm aware of. 19 Q. Did you think it was strange that -- strike 20 that. 21 What was your -- what is your reaction to -- 22 did you have any reaction to Dodge City not changing 23 its at-large method of election after Mr. Adelson told 24 them there would be a potential violation under 25 Section 2 of the Voting Rights Act?	Page 80 1 Q. Ms. Seibel, it's about -- we've been going 2 about two hours now. Would you like to take a lunch 3 break, or would you like to continue? 4 A. I would continue. 5 (Reporter request) 6 MS. WAKNIN: Okay. We'll take a -- 7 Ms. Seibel, in order to -- we're going to 8 take a ten-minute break for the court 9 reporter so they can take a break. Does 10 that work for you? 11 THE WITNESS: Yes. 12 MS. WAKNIN: Okay. Wonderful. Can we 13 please go off the record. 14 VIDEOGRAPHER: The time is 11:55 a.m., 15 and we are now off the record. 16 17 * * * * * 18 19 VIDEOGRAPHER: All right. The time is 20 12:07, and we are now on the record. 21 Q. (By Ms. Waknin) So, Ms. Seibel, I 22 apologize. I know I asked you a lot of questions about 23 this, and I'm just going to go back and understand 24 maybe the timeline about Mr. Adelson's work with Ford 25 County. So if I understand correctly, in about June of
Page 79 1 A. I don't remember what my reaction was at 2 that time. 3 Q. If someone had told you that Ford County 4 potentially had an issue with minority vote dilution 5 and that person had the credentials that Mr. Adelson 6 had, would you have investigated changing the election 7 system for Ford County? 8 A. Yes, I would have. 9 Q. And why would you have? 10 A. Having been under the watchful eye of DOJ, I 11 believed in their -- that they would -- something would 12 happen. 13 Q. Did you do anything else with respect to the 14 Dodge City at-large method of election after that 15 meeting with Mr. Adelson and the Dodge City officials? 16 A. No. 17 Q. Did the issue -- after the investigation by 18 Mr. Adelson, the recommendation by Mr. Adelson, did the 19 issue of at at-large elections in Dodge City come up 20 again in front of you? 21 A. Not that I remember. 22 Q. Why did the county pay for Mr. Adelson's 23 consulting services if Mr. Adelson was investigating 24 Dodge City? 25 A. Because we conduct all the elections.	Page 81 1 2011 the Department of Justice sent Ford County a 2 letter requesting all election information; is that 3 correct? 4 A. Yes. 5 Q. Did they request any other information 6 besides election information? And by "they" I mean the 7 Department of Justice. 8 A. I don't believe so. 9 Q. And after you received that letter in June 10 of 2011, you contacted Ms. Meza who is an employee in 11 the voting rights division at the Department of Justice 12 regarding the letter; is that correct? 13 A. The fax, yes. 14 Q. The fax -- sorry. And so let's go back. 15 What form did the fax take to provide information? 16 A. I don't remember. 17 Q. So what was your call with -- and you had a 18 call then after between June 2011 and July 2011 with 19 Ms. Meza at the Department of Justice regarding the 20 Department of Justice request to Ford County; is that 21 correct? 22 A. Did I have a call with her, yes. 23 Q. And what were the contents of that call with 24 Ms. Meza around June or July of 2011? 25 A. I don't remember that specifically, but

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Page 82 1 according to that letter that you showed me, I asked 2 her what particular pieces of information she wanted, 3 or did she want all of it. 4 Q. And it appears that, based off of your 5 recollection, Ms. Meza wanted all of the election 6 materials or election information. 7 A. According to the letter, yes. 8 Q. And that -- with your understanding, it 9 was -- Ms. Meza was requesting this information in June 10 or July of 2011 because the Department of Justice was 11 conducting an investigation into Dodge City; is that 12 correct? 13 A. I don't remember that. Whatever's in the 14 letter is what I have to go by because I don't remember 15 specifically. 16 Q. Okay. After this conversation with Ms. Meza 17 you sent a letter in July of 2011 to the Ford County 18 Commissioners about the conversation you had with 19 Ms. Meza, the Department of Justice inquiry into the 20 City of Dodge City with respect to Section 2, and 21 requested that the county hire Mr. Bruce Adelson to 22 conduct a Section 2 liability investigation; is that 23 correct? 24 A. According to the letter, yes. 25 Q. And then Mr. Adelson in August of 2011 sent	Page 84 1 Q. Do you remember around what timeframe this 2 meeting was? 3 A. I do not. 4 Q. Would this meeting have been after 5 Mr. Adelson conducted his investigation? 6 A. I'm thinking it said in the letter it was 7 before. I think it was before he actually did the 8 complete investigation. 9 Q. Did Mr. Adelson meet with Dodge City 10 election officials after he completed his investigation 11 or Dodge City officials after he completed his 12 investigation? 13 A. I don't remember if he did or not. 14 Q. During this meeting with Mr. Adelson, 15 yourself, and the Dodge City officials, Ms. Tieben, 16 Ms. Pogue, and the mayor, it's your understanding that 17 Mr. Adelson expressed that there might be a potential 18 Section 2 liability or Section 2 violation with respect 19 to the at-large method of election and minority vote 20 dilution; is that correct? 21 A. Correct. 22 Q. And Mr. Adelson, in your recollection, 23 suggested during this meeting with Dodge City officials 24 that the city move from single -- from the at-large 25 method of election to district-based elections; is that
Page 83 1 you a letter with his preliminary thoughts with respect 2 to whether or not Dodge City had a potential Section 2 3 violation or liability; is that correct? 4 A. That is correct. He sent me a letter. 5 Q. And in that letter Mr. Adelson said that he 6 believed that there was potential Section 2 liability 7 for the City of Dodge City due to the at-large method 8 of election; is that correct? 9 A. Correct. 10 Q. Between August of 2011 and, I would say, 11 November of 2011, Mr. Adelson conducted an 12 investigation into the City of Dodge City's method of 13 election; is that correct? 14 A. I'm not for sure on the dates, but he did do 15 an investigation, yes. 16 Q. Do those dates roughly sound right, to your 17 recollection? 18 A. I would say so, yes. 19 Q. And some time between August of 2011 and 20 when Ford County or when Mr. Adelson ended his 21 consulting contract with Ford County, you, Mr. Adelson, 22 Ms. Tieben, Ms. Pogue, and the mayor of Dodge City had 23 a meeting regarding Dodge City's potential Section 2 24 liability; is that correct? 25 A. Correct.	Page 85 1 correct? 2 A. Yes. 3 Q. After this meeting with Mr. Adelson, 4 Ms. Pogue, Ms. Tieben, and the mayor at the time of 5 Dodge City, what happened after that meeting? 6 A. Nothing, as I remember. 7 Q. Did you reach out to Ms. Pogue, Ms. Tieben, 8 or the mayor of Dodge City with respect to the 9 potential Section 2 liability? 10 A. I don't recall that I did. 11 Q. Would you have emailed -- apologies. 12 A. Not in a formal capacity. We may have had 13 discussion personally, maybe phone. There may have 14 been an email back and forth. I don't recall. 15 Q. So after this presentation by Mr. Adelson 16 where he expressed that the city should go to 17 single-member district-based elections to avoid a 18 potential Section 2 lawsuit, there was no -- from your 19 recollection, you did not have any formal 20 communications with Dodge City officials regarding the 21 Section 2 liability issue? 22 A. That's my recollection, yes. 23 Q. And you may have had informal communications 24 with Dodge City officials about the potential Section 2 25 liability ; is that correct?

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Page 86 1 A. There may have been. I can't verify that. 2 Q. And after that meeting with Mr. Adelson, the 3 city did not move to single-member district-based 4 elections; is that right? 5 A. That's correct. 6 Q. And did the city talk about moving to 7 single-member district-based elections, to your 8 recollection, in a city commission meeting? 9 A. I don't know. I don't attend their 10 meetings. 11 Q. Did the city officials reach out to you 12 after this meeting with Mr. Adelson about whether or 13 not Ford County could implement single-member 14 district-based elections in Dodge City? 15 A. Ford County would not implement 16 single-member district -- the city implements their own 17 method of election. 18 Q. Did Dodge City ever reach out to see if -- 19 to your office, the Ford County Clerk's Office, about 20 how Ford County would run single-member district-based 21 elections after this meeting with Mr. Adelson? 22 A. Not that I remember. 23 Q. Okay. And so based off of -- strike that. 24 What, if anything, to your recollection, did 25 Dodge City election officials do after receiving	Page 88 1 Q. Okay. And after Mr. Adelson, was there a 2 time when you were Ford County Clerk that the issue of 3 Dodge City's at-large method of election was raised? 4 A. No. 5 Q. Now, Ms. Seibel, I'm going to ask you some 6 questions about voter turnout. Are you familiar with 7 voter turnout during your time as the Ford County Clerk 8 or as the elections officer in Ford County? 9 A. Yes. 10 Q. And how was voter turnout in Ford County 11 elections? 12 A. It depended on what type of election we were 13 conducting. Federal elections, presidential, that sort 14 of thing, turnout was much larger than it would be in a 15 state election or a local election. 16 Q. With respect to Dodge City Commission 17 elections, do you remember what the turnout looked 18 like -- voter turnout looked like for those elections? 19 A. It would depend on how many candidates were 20 running and who the candidates were. 21 Q. In your experience, what was the Latino 22 voter turnout for Ford County elections generally? 23 A. I can't tell vote by Latino or Caucasian. 24 Okay. Go ahead. 25 Q. I'm sorry. Apologies. I'll let you -- I
Page 87 1 information from Mr. Adelson that there was potential 2 Section 2 liability due to minority vote dilution 3 because of the at-large method of election? 4 A. Okay. Could you say the question again. 5 Q. To your knowledge, what did Dodge City 6 election officials do after receiving -- sorry -- not 7 election -- strike that. 8 To your recollection, what did Dodge City 9 officials do after receiving the information from 10 Mr. Adelson that there was a potential Section 2 11 minority vote dilution liability or violation? 12 A. I don't know what they did on their own. 13 Q. But in connection with the Ford County 14 Clerk's Office, did Dodge City officials do anything? 15 A. I don't remember that they did. 16 Q. Did you, as Ford County Clerk, follow up 17 with Dodge City officials regarding whether or not they 18 were going to change from the at-large method of 19 election to district-based elections after 20 Mr. Adelson's recommendation? 21 A. I don't believe I did. 22 Q. Why did you not? 23 A. It's up to the city to determine their own 24 method of election. The Ford County Clerk's Office 25 doesn't do that.	Page 89 1 should let you finish your thought. I'm sorry. 2 A. We don't record votes by Latino or Caucasian 3 or any other -- there's no way of knowing exactly that 4 number. 5 Q. When you were running for office for Ford 6 County Clerk, were you familiar with voter turnout on a 7 personal level or as a candidate? 8 A. Both. 9 Q. And did you experience -- what was your 10 experience with Latino voter turnout when you were 11 running as a candidate? 12 A. I can't break it out that way. 13 Q. Is there a difference between voter turnout 14 in even-year elections compared to odd-year 15 elections -- 16 A. Yes. 17 Q. -- in your experience? 18 A. Yes. 19 Q. What is that difference? 20 A. It's because it's a presidential. It's a 21 federal election in the even-numbered years. 22 Q. Is it the case that a presidential election 23 would increase or decrease voter turnout then? 24 A. Increase. 25 Q. So is it your belief that -- or is it in

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Page 90 1 your experience as Ford County Clerk that there was an 2 increase in voter turnout during even-year elections? 3 A. Say that again, please. 4 Q. Sure. Is it your experience as Ford County 5 Clerk and as an elections officer that there is an 6 increase in voter turnout in even-year elections? 7 A. Yes, presidential elections. 8 Q. And you say "presidential elections." 9 Specifically is there lower turnout in even-year 10 midterm elections? 11 A. Somewhat lower. 12 Q. And what about odd-year elections? Is 13 there -- what is the turnout in odd-year elections 14 compared to even-year election? 15 A. It's much lower. 16 Q. And is turnout generally higher or lower in 17 local election? 18 A. Local elections are lower, yes. 19 Q. In your experience as a county clerk, would 20 you be able to administer a local election in an even 21 year during November general election that might happen 22 in 2018 or 2020? 23 A. We could conduct a special election in an 24 even-numbered year for a school district or anybody 25 that's wanting to hold a special election.	Page 92 1 those are the election -- there's fire districts -- not 2 fire districts -- water districts. There's townships. 3 I mean we're going clear down to precinct people. 4 There's a lot of elections. And so what I mean by that 5 is it depends what elections are being held. 6 Q. Could it be the case that Ford County could, 7 though, administer like the City of Dodge City 8 elections, if state law permitted, during a general -- 9 like during an even-year general election? 10 A. Well, because we are the election officer, 11 yes. We would do it. But -- go ahead. You go. 12 Q. I just was wondering, would it make it more 13 difficult. And I'm sorry for interrupting you. I 14 don't mean to. I think Zoom is a little bit hard. 15 A. Would it be more difficult? That's your 16 question? 17 Q. Uh-huh. Yes. 18 A. Only in the fact that it adds more races and 19 longer ballots. 20 Q. In your experience, does having elections 21 during both even years and odd years make it more 22 expensive to administer elections for Ford County? 23 A. I don't think so. 24 Q. Would it be cheaper for Ford County to 25 administer all local elections at the same time as your
Page 91 1 Q. So I'm just trying to -- I'm trying to 2 understand. If like, for example, if local elections 3 are happening during odd-numbered general -- like 4 odd-number years in November, would you actually -- 5 would it be the case that Ford County could administer 6 that election instead in an even-number year, or would 7 it be harder for the county clerk to administer a local 8 election in conjunction with a federal election? 9 A. Well, that is up to the state legislature 10 when those are conducted. It's not a Ford County 11 decision. 12 Q. Understood. And so I'm not asking about if 13 you can as a matter of law. I'm just asking like as a 14 matter of being able to actually implement or like 15 administer. You know, I know that you have experience 16 administering elections. Like does it matter during an 17 election how many -- does it make it harder for Ford 18 County or like, in your experience as a county clerk 19 administering elections or implementing elections, how 20 many races are on a ballot in a particular year? 21 A. I don't know that it has to do with how 22 many. It's what the races are more than the number. 23 Q. And can you explain what you mean by that, 24 "what the races are"? 25 A. Typically the school board and city and all	Page 93 1 state and federal elections during even years? 2 A. There would be some expense saving, but I 3 don't know that it would be a great factor in that. 4 Q. How does Ford County implement Section 203 5 on the Federal Voting Rights Act, from your experience? 6 A. We provide language assistance by the ballot 7 being printed in Spanish and English. We have 8 accommodations for disabled voters. We have headsets 9 that they can listen to the ballot and mark -- use of 10 electronic voting machines. They can mark their own 11 ballot. We provide assistance for people who can't 12 read the ballot or can't use the ballot or can't use 13 the voting machine or choose not to use it. They can 14 also choose not to use it. We provide assistance for 15 that. 16 All of our signage is in English and 17 Spanish. Directions into and out of the voting center 18 are all provided in English and Spanish, and there are 19 handicap-accessible parking spaces. At some of our 20 rural locations, there are the handicap -- you can ring 21 the bell. Law provides that a person can -- two board 22 members can bring a ballot out to a person that can't 23 get into or chooses not to come into the facility. We 24 provide all that. 25 Q. To your knowledge, does Ford County, or

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Page 94 1 during your time as Ford County Clerk, did Ford County 2 have a bilingual election coordinator? 3 A. No, not a coordinator. 4 Q. Did Ford County have bilingual staff who 5 translated elections material? 6 A. Yes, yes, we did. 7 Q. And apologies if I use that term. I've seen 8 it in other states that have Section 203 obligations. 9 They normally call that person a bilingual coordinator. 10 But did you have a staffer who was the person -- in 11 your office who was the person responsible for ensuring 12 Section 203 compliance? 13 A. I did not have a staff person in my office, 14 but in my building I had access to court people who 15 were bilingual and another office building -- another 16 office right next to mine that had bilingual clerks. 17 They weren't my staff, but they were available to me. 18 Q. Did Ford County have the ability to hire a 19 bilingual election staffer? 20 A. Yes. 21 Q. And did Ford County hire a bilingual -- 22 specific bilingual election staffer? 23 A. Not during -- not my office. There were 24 bilingual workers in other offices. 25 Q. Why did Ford County not hire a specific	Page 96 1 had come to your office during your tenure as the Ford 2 County Clerk who primarily spoke Spanish and needed to 3 receive information in Spanish for voting? 4 A. Rarely. 5 Q. Rarely. That situation did occur, though, 6 at least a few times? 7 A. It may have. 8 Q. Besides ballots and signage, what else did 9 the Ford County Clerk's Office translate into Spanish 10 with respect to elections? 11 A. All the voting instructions, all the filing 12 instructions, everything to do with election that 13 needed to be disseminated to the public was translated 14 to Spanish, and a lot of it was provided from the 15 secretary of state's office for us. 16 Q. Did the Ford County Clerk's Office ever make 17 recommendations to folks who were running for office or 18 candidates for office that they translate their signage 19 and materials into Spanish? 20 A. I don't know that we recommended it, no. 21 Q. What did you think -- strike that. 22 Do you think it's important that election 23 materials be translated into Spanish in Ford County? 24 A. Yes. 25 Q. Why do you think that?
Page 95 1 bilingual elections staff member? 2 A. Because I had these other available to me 3 and for the time that I needed them, it was sufficient. 4 Q. And when you were saying the time you needed 5 them, what time were you referring to? 6 A. The time that they would translate the 7 ballot and come up with the Hispanic wording, and the 8 secretary of state's office also provided that help for 9 us. 10 Q. Did you have a staff member year-round in 11 the elections office who spoke Spanish? 12 A. No. 13 Q. And why not? 14 A. Because I had other people in the building 15 available to me that I was able to use for that 16 purpose. 17 Q. Was there a case, then, if a voter came in 18 or a person came into the elections office who 19 primarily spoke Spanish, how would your -- how would 20 the Ford County Clerk's Office work with that voter or 21 person? 22 A. I had a staff in an office just down the 23 floor below me that had a clerk that we would call, and 24 she would come up and assist. 25 Q. Was it the case that there were folks who	Page 97 1 A. To reach the population that we need to. 2 Q. Was there discussion, to your understanding, 3 prior to when Ford County was covered under Section 203 4 providing Spanish language materials to voters? 5 A. No. 6 Q. And why not? 7 A. I wasn't the clerk then. I don't know what 8 her decision was about that. 9 Q. Does the Ford County Clerk's Office or 10 elections office encourage folks to register and vote? 11 A. Yes. 12 Q. How do y'all do that? 13 A. Through the legal publications that are 14 made, and they're made in a time -- we have a timetable 15 of how these things are done and that elections are 16 coming up and what the positions are open for election 17 are going to be, mostly through our legal publications. 18 Q. Anything else besides legal publications? 19 A. We have materials in the -- well, during my 20 time it was in a display rack outside the door of my 21 office that as soon as the election cycle rolled 22 around, the secretary of state sent out all that 23 information as, you know, what election is coming up 24 this year, what offices are going to be open statewide, 25 and then we would match that with local information.

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Page 98 1 Q. Is there -- did your office ever go into 2 popular places in Ford County to do voter education and 3 registration? 4 A. Yes, we did. 5 Q. What places did y'all go to? 6 A. We visit the library, community college. 7 One of the places where we did really well with getting 8 people registered was at the mall with lots of traffic. 9 Q. Anywhere else? 10 A. I'm sure there were others. I don't 11 remember all of them. 12 Q. What specific outreach did the Ford County 13 Clerk's Office do to the Hispanic population in Ford 14 County to encourage voter registration and voter 15 education? 16 A. We attended meetings of some of their groups 17 that were organized, and I can't remember the names of 18 the groups or how many there were, but whenever we had 19 the opportunity, we took all of our voting information 20 from our office that we had that we could hand out. We 21 also took our voting machine so they could get the idea 22 of how that worked and what it looked like when a 23 ballot came up with both languages and how you select 24 that. And, yeah, I mean I don't remember all the 25 places we went, but we did a lot.	Page 100 1 Q. And did that person usually go with y'all? 2 A. It wasn't always the same person, but, yes, 3 we would usually take someone. Whoever our contact 4 person was for that group was usually there to help us. 5 Q. Did Dodge City election -- Dodge City 6 officials. I keep on saying "election officials." I 7 apologize. I'm talking to you, who was an election 8 official. 9 Did Dodge City officials work with your 10 office, the Ford County Clerk, on information 11 dissemination to Hispanic voters about elections? 12 A. Yes. They had the same information. We 13 supplied them with the brochures and everything that we 14 had and they displayed them in their office. 15 Q. Do you know if they did any other voter 16 outreach to the Hispanic population in Dodge City? 17 A. I don't know if they -- I'm sorry. I don't 18 know if they did or not. 19 Q. Do you -- in your experience as Ford County 20 Clerk, have you ever encountered anyone who had issues 21 trying to vote in Dodge City or the Dodge City 22 Commission elections? 23 A. Yes. There were people who needed 24 assistance at the ballot booth or at the voting 25 machine. Maybe the translation we had wasn't as clear
Page 99 1 Q. Did y'all ever partner with local Hispanic 2 businesses for voter education and outreach? 3 A. Yes. We used the local Spanish newspaper 4 for our legal publications. 5 Q. Any other Hispanic businesses that Ford 6 County partnered with for voter outreach? 7 A. Not that I -- I don't remember that we did. 8 Q. Besides the location you told me, so 9 library, mall, did Ford County ever go to, let's say, 10 the soccer -- did Ford County Clerk's Office ever go 11 to, let's say, like the soccer fields in Dodge City to 12 do voter outreach and education? 13 A. No. 14 Q. Did y'all ever go to any like Hispanic 15 cultural events, so like a Cinco De Mayo parade or 16 festival, to do voter education and outreach? 17 A. We did a couple of those. I can't remember 18 what they were called. We did. We set up a table. 19 Q. And when y'all set up a table and did that 20 voter outreach to the Hispanic population, did you have 21 a person with the Ford County Clerk's Office that spoke 22 Spanish at those outreach events? 23 A. I believe we asked one of our board workers 24 that usually worked for us to go with us. It wasn't my 25 staff, but she was -- she worked for the elections.	Page 101 1 to them as what they were used to speaking. There 2 sometimes was a little bit of issue in the dialect, I 3 guess, would be the term, and we had board workers 4 there who could assist them. 5 Q. Good. Based on your experience at the Ford 6 County Clerk's Office, if Dodge City had made the 7 decision to move from at-large elections for the 8 commission to single-member district-based elections, 9 what information would the county clerk's office need 10 to be able to administer that change? 11 A. I don't know what the law is on that now. I 12 don't know exactly how they would do that now at this 13 point. 14 Q. Generally, do you think that you'd have to 15 redraw voting precincts for new district lines? 16 A. I'm sure there would have to be something 17 like that done, but I don't know -- I don't know the 18 statutory requirement for doing that anymore. 19 Q. Okay. And, you know, I think I only have 20 one or two more questions for you, Ms. Seibel. So if 21 the Ford County Clerk's Office had administered -- like 22 has the Ford County Clerk's Office administered 23 elections based on districts before? 24 A. We have county commissioner districts, yes. 25 And we have a school --

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Page 102 1 Q. So it's -- 2 A. -- we have a school district, too, filed by 3 district. 4 Q. And so it's the case that it's possible in 5 local elections for the Ford County Clerk's Office to 6 administer single-member district-based elections? 7 A. Yes, it is possible. It's up to the city to 8 decide their method, and then we go with what the 9 statutes require. 10 MS. WAKNIN: Okay. Well, I have no 11 further questions for you, Ms. Seibel. That 12 might change. Mr. Kaiser has an opportunity 13 to ask you questions now, so I'm not sure if 14 you want to take a break or the court 15 reporter needs a break. But I'm going to 16 pass the witness. 17 MR. KAISER: Thank you, Sonni. 18 Keli, do you need a break? 19 REPORTER: I'm ready to go. Thank you. 20 MR. KAISER: Okay. 21 Ms. Seibel, are you good to go? 22 THE WITNESS: I'm good to go. 23 MR. KAISER: Okay. 24 25 CROSS-EXAMINATION BY MR. KAISER:	Page 104 1 A. That's correct. 2 Q. And as Ms. Waknin has talked with you, you 3 had conversations with the DOJ poll monitors 4 intermittently while they were at poll sites, correct? 5 A. That's correct. 6 Q. And at any point did the poll monitors ever 7 indicate to you that the way in which Ford County was 8 running its election was impermissible in any way? 9 A. No. They never shared any information with 10 us, either at the election or after. 11 Q. And pulling back a little bit. I think you 12 may have already answered this: Outside of the poll 13 monitors and just the DOJ in general, did the DOJ ever 14 indicate to you, based on what they saw or what they 15 had heard from their poll monitors, that any voting 16 right that Hispanics or Latinos may have had been 17 violated? 18 A. No. 19 Q. I'd like to talk a little bit about the 20 engagement with Mr. Adelson. I, too, want to sort of 21 set up a timeline here. What precipitated your 22 engagement of Mr. Adelson? 23 A. That I had attended the IACREOT meeting, 24 listened to his seminar on what a majority minority 25 looks like, and realized that we could have that
Page 103 1 2 Q. (By Mr. Kaiser) At the beginning of this 3 deposition, Ms. Seibel, you were asked about the 4 different duties that the election officers had. One 5 of them was voter registration. During your time as 6 the election officer working in the elections office at 7 Ford County, are you aware of any instance in which 8 Hispanics or Latinos were prevented from running for 9 Dodge City Commission? 10 A. No. 11 Q. Additionally, you had said that one of your 12 duties was to set up the voting place. Are you aware 13 of any instance in which Hispanics or Latinos were 14 prevented from voting at one of the voting sites? 15 A. No. 16 Q. Additionally, it says that you or someone 17 with the elections office would have been present at 18 elections. Are you aware of any instance in which 19 Hispanics or Latinos were intimidated while at the 20 voting place? 21 A. No. 22 Q. Related to the polling places, it's my 23 understanding that the DOJ had sent poll monitors 24 beginning, I guess, based on the letter that you 25 reviewed, in 2002; is that correct?	Page 105 1 situation. Then when I got home from that meeting, 2 there was a letter from DOJ talking about that same 3 situation and so I contacted him. 4 MR. KAISER: And, Ms. Waknin, will you 5 please pull up Deposition Exhibit 71 and 6 share that? 7 MS. WAKNIN: Sure. Do you remember the 8 Bates number? 9 MR. KAISER: Yes. I believe it's 4129. 10 MS. WAKNIN: I'm going to put it in the 11 chat for everyone. So that way you can have 12 it yourself, if that works. 13 MR. KAISER: Thank you, Ms. Waknin. All 14 right. I think I finally figured this out. 15 16 (Screen-sharing Exhibit 71) 17 18 Q. (By Mr. Kaiser) Ms. Seibel, do you see an 19 August 26th letter? 20 A. Yes, I do. 21 Q. Okay. And I believe this is the letter that 22 Mr. Adelson had sent to you prior to performing any 23 investigation; is that correct? 24 A. Yes. 25 Q. And in this letter there's multiple parts.

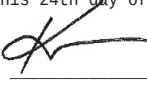
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1 On page 2 there are three preconditions that were set 2 forth in Gingles. Do you see those three 3 preconditions? 4 A. Yes, I do. 5 Q. And then scrolling down to page 3 and 6 continuing on to page 4, do you see that there are 7 eight factors that, I guess, are part of the Gingles 8 analysis? 9 A. Yes, I see those. 10 Q. And then going down to page 4 here, and 11 beginning at the highlight here on the second sentence 12 of the second-to-last substantive paragraph, 13 Mr. Adelson opines or discusses his preliminary 14 findings with regard to the first Gingles precondition. 15 Do you see that sentence? 16 A. Yes, I do. 17 Q. Do you recall at any point Mr. Adelson 18 discussing the two other preconditions that are set 19 forth in the Gingles case? 20 A. I don't remember specifically that being 21 discussed. As I recollect, it had to do more with the 22 fact that the method of election needed to be 23 addressed. 24 Q. Do you recall Mr. Adelson ever speaking with 25 you about political cohesiveness?	1 A. No. 2 Q. Do you remember discussing with Mr. Adelson 3 whether Latinos or Hispanics bear the effects of past 4 discriminations in areas such as education, employment, 5 and health? 6 A. No. 7 Q. Do you recall discussing with Mr. Adelson 8 residents or citizens of Dodge City using overt or 9 subtle racial appeals in political campaigns? 10 A. No. 11 Q. Do you recall discussing with Mr. Adelson 12 whether or not members of the minority group had been 13 elected to public office in Ford County? 14 A. No. I don't remember that. 15 Q. Do you recall discussing whether or not 16 members of the minority group had been elected to the 17 Dodge City Commission? 18 A. Yeah. I think we talked about people filing 19 and being elected. I can't remember for sure exactly. 20 Q. Are you aware of any barriers that any city 21 officials put on Hispanic or Latino candidates from 22 joining or entering into the commission race? 23 A. No. 24 Q. Are you aware of any political group in Ford 25 County or around Ford County that prevented Hispanics
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1 A. I don't remember that. 2 Q. Do you ever remember him discussing with you 3 whether or not white voters are able -- or sufficiently 4 vote as a block to prevent Hispanic candidates of 5 choice from being elected? 6 A. I don't remember -- I don't remember 7 discussing that with him, no. 8 Q. And then turning to the eight Senate 9 factors, do you ever recall discussing with Mr. Adelson 10 whether or not Dodge City has a history of 11 voter-related discrimination? 12 A. No. 13 Q. Do you ever remember discussing with him to 14 the extent to which voting in the elections in Dodge 15 City is racially polarized? 16 A. No, I don't. 17 Q. Do you ever recall whether or not Dodge City 18 has utilized voting practices or procedures that tend 19 to enhance the opportunity for discrimination against 20 Hispanics or Latinos? 21 A. No. 22 Q. Do you ever remember discussing with 23 Mr. Adelson whether or not members of -- Hispanic or 24 Latino members were prevented from the slating process 25 for candidates for Dodge City Commission?	1 or Latinos from entering as candidates for the Dodge 2 City Commission? 3 A. No. 4 Q. And are you -- did you have any 5 conversations with Mr. Adelson whether or not there had 6 been a lack of responsiveness on the part of elected 7 officials to the particular needs of Hispanics or 8 Latinos in Dodge City? 9 A. No. 10 Q. Is it fair to say that your conversations 11 with Mr. Adelson, and whether or not there was a 12 potential Section 2 violation, hinged on his analysis 13 of the first precondition of the Gingles test? 14 A. Yes. 15 Q. Now, we had spent a fair amount of time on 16 what you recall to be Mr. Adelson's recommendation, and 17 I want to break that down into two different parts. Is 18 it your recollection that Mr. Adelson said that there 19 was a potential violation or an actual violation of 20 Section 2 in Dodge City? 21 A. He said "potential," as I remember it. 22 Q. And do you recall whether or not he said 23 that Dodge City needed to abandon the at-large election 24 process or that it should consider doing so? 25 A. It was presented as a consideration to avoid

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Page 110 1 future litigation. 2 Q. And I want to focus a little bit on that 3 risk of potential litigation. What was the risk that 4 he identified to you, Ms. Seibel? 5 A. Involvement with the DOJ. The specific 6 risk, I think it -- I don't know exactly what the 7 penalty or how that would play out, but that there 8 would be a lawsuit. I think DOJ, from the original 9 letter that I received. 10 Q. And isn't it true in his initial -- in 11 Mr. Adelson's letter to you on August 26th that he sort 12 of laid out the steps that the DOJ would likely take in 13 its investigation of Ford County or Dodge City? 14 A. Yes. 15 Q. And focusing now on -- starting on 16 paragraph 2, isn't it true that his first or the first 17 stop that he identified would be that the DOJ requested 18 election returns and geographic data to conduct a 19 Section 2 compliance analysis? 20 A. Yes. 21 Q. And then moving down to paragraph 3, if 22 after performing that analysis they thought that Dodge 23 City voters primarily voted based on race, that the 24 next inquiry would be whether or not those voting 25 patterns effectively prohibit minority voters from	Page 112 1 Q. Now, this may have been just my poor 2 note-taking, but it seemed to me -- or I'm going 3 clarify, do you recall, I guess, going back to 4 Ms. Waknin's timeline, when the meeting -- or let me 5 take a step back. Do you know for sure that the Mayor 6 of Dodge City was involved in a meeting with 7 Mr. Adelson? 8 A. I do not know for sure. I don't remember 9 exactly -- it seems like he was there, but I don't -- I 10 can't say that for sure. I know we met with the other 11 two people. 12 Q. Ms. Tieben and Ms. Pogue? 13 A. Tieben and Pogue, yes. 14 Q. So do you recall, Ms. Seibel, when that 15 meeting with Mr. Adelson and the two other ladies that 16 you had identified, when that occurred in relation to 17 when Mr. Adelson performed his investigation? 18 A. I do not. The timeline is too long ago. 19 Q. Is it possible that the meeting occurred 20 prior to Mr. Adelson performing his investigation? 21 A. I think it was, yes. 22 Q. There was some conversation, Ms. Seibel, 23 with respect to voter turnout and specifically when 24 local elections are held in Kansas. Do you know the 25 advantage -- from your perspective as a county
Page 111 1 participating equally in the electoral process? 2 A. Okay. The question -- 3 Q. Is that the step two is that the next step 4 for the DOJ would be determining whether or not voting 5 patterns effectively prohibit minority voters from 6 participating in the electoral process? 7 A. Yes. I agree. 8 Q. At any point did the Department of Justice 9 notify you or, to your knowledge, the City of Dodge 10 City that it had made a finding that there were voting 11 patterns that effectively prohibited Hispanics or 12 Latinos from participating equally in the electoral 13 process? 14 A. No. 15 Q. Then the third step that Mr. Adelson sets 16 forth in his letter to you, Ms. Seibel, was that the 17 DOJ, quote, will seek a remedy, end quote. Are you 18 aware at any point of the DOJ seeking a remedy 19 regarding Dodge City's at-large election process? 20 A. No. 21 Q. Is it fair to say that the concern that 22 Mr. Adelson raised in his letter to you all with 23 respect to the DOJ seeking a remedy never came to 24 fruition? 25 A. Never. Never did.	Page 113 1 official, are there any advantages to holding city and 2 local elections in odd years? 3 A. I don't know what -- as the administrator of 4 an election, it's kind of a break for us from, you 5 know, the big, long ballot of a general election, and 6 so it moves it away from all of that, and there's a 7 potential of double candidates. I mean you could 8 have -- there are offices that you could file for and 9 also be on the ballot somewhere else. 10 Q. Are you aware of why the State of Kansas 11 mandates that local elections like the Dodge City 12 Commission be held in odd years? 13 A. I'm not. 14 MR. KAISER: Those are all the questions 15 that I have, Ms. Waknin. 16 MS. WAKNIN: We have no questions on 17 Redirect. 18 REPORTER: If that's all the questions, 19 I'm going to let the videographer go off the 20 record and then I'm going to get transcript 21 orders. All set, Brandon. 22 MS. WAKNIN: I just want to make sure, 23 actually, that Ms. Seibel understands the 24 read and sign and that we had gotten that on 25 the record that she reserved the right for

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1 read and sign. 2 REPORTER: Ms. Seibel, you elected to 3 read and sign the deposition; is that 4 correct? 5 THE WITNESS: Yes. 6 MS. WAKNIN: We can go off the record. 7 VIDEOGRAPHER: With no further 8 questions. The time is 1:00. This 9 concludes the deposition. We are off the 10 record. 11 REPORTER: I'd like to get transcript 12 orders, please. 13 Mr. Kaiser, you're representing all the 14 defendants, correct? 15 MR. KAISER: That is correct. 16 REPORTER: And would you like to order a 17 transcript on their behalf? 18 (Off-record conversation) 19 MS. WAKNIN: We'll do an expedite. 20 REPORTER: For Monday okay? 21 MS. WAKNIN: Yeah, Monday is fine. PTX 22 and PDF. 23 MR. KAISER: Same, expedited, PTX and 24 PDF. 25 (Deposition concluded at 2:02 p.m.)	1 2 IN THE UNITED STATES DISTRICT COURT 3 FOR THE DISTRICT OF KANSAS 4 MIGUEL COCA and : ALEJANDRO RANGEL-LOPEZ, : 5 : Case No. 6:22-cv-01274-EFM-RES 6 Plaintiffs, : 7 vs. : CITY OF DODGE CITY, : ET AL, : 8 9 Defendants. : JUNE 22, 2023 10 11 12 13 14 I, SHARON SEIBEL, do hereby certify, under the pains 15 and penalties of perjury, that the foregoing testimony 16 is true and accurate, to the best of my knowledge and 17 belief. 18 19 WITNESS MY HAND, this day of , 2023. 20 21 _____ 22 Sharon Seibel 23 24 cc: Sonni Waknin, Esq. 25 Clayton J. Kaiser, Esq.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
Page 115 1 STATE OF CONNECTICUT 2 3 I, Keli McGilton, a Notary Public in and for the 4 State of Connecticut, do hereby certify that there came 5 before me on the 22nd day of June, 2023, via Zoom 6 videoconference the following named person, to wit: 7 SHARON SEIBEL, who was by me duly sworn to testify to 8 the truth and nothing but the truth as to her knowledge 9 touching and concerning the matters in controversy in 10 this cause; that she was thereupon examined upon her 11 oath and said examination reduced to writing by me; and 12 that the statement is a true record of the testimony 13 given by the witness, to the best of my knowledge and 14 ability. 15 16 I further certify that I am not a relative or 17 employee of counsel/attorney for any of the parties, nor 18 a relative or employee of such parties; nor am I 19 financially interested in the outcome of the action. 20 21 WITNESS MY HAND this 24th day of June, 2023. 22 23  24 _____ 25 Keli McGilton Notary Public My Commission expires: July 31, 2027	Page 117 1 CHANGES AND SIGNATURE 2 WITNESS NAME: Sharon Seibel-Robb, 06/22/2023 <table border="1"> <thead> <tr> <th>3 PAGE</th> <th>4 LINE</th> <th>5 CHANGE</th> <th>6 REASON</th> </tr> </thead> <tbody> <tr><td>7</td><td>8</td><td>9</td><td>10</td></tr> <tr><td>11</td><td>12</td><td>13</td><td>14</td></tr> <tr><td>15</td><td>16</td><td>17</td><td>18</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td></tr> <tr><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td>31</td><td>32</td><td>33</td><td>34</td></tr> <tr><td>35</td><td>36</td><td>37</td><td>38</td></tr> <tr><td>39</td><td>40</td><td>41</td><td>42</td></tr> <tr><td>43</td><td>44</td><td>45</td><td>46</td></tr> <tr><td>47</td><td>48</td><td>49</td><td>50</td></tr> <tr><td>51</td><td>52</td><td>53</td><td>54</td></tr> <tr><td>55</td><td>56</td><td>57</td><td>58</td></tr> <tr><td>59</td><td>60</td><td>61</td><td>62</td></tr> 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MIGUEL COCA, ET AL. vs CITY OF DODGE CITY, ET AL.
Nannette Pogue on 07/27/2023

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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF KANSAS

MIGUEL COCA, ALEJANDRO)
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 his official capacity as Mayor)
 of Dodge City; MICHAEL BURNS,)
 in his official capacity as)
 Vice-Mayor of Dodge City; RICK)
 SOWERS, in his official)
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 Dodge City Commission; CHUCK)
 TAYLOR, in his official)
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 JOSEPH NUCI, in his official)
 capacity as a member of the)
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Case No. 6:22-01274-EFM-RES

ZOOM/VIDEO
 DEPOSITION OF:

NANNETTE POGUE

July 27, 2023,
 Commencing at 10:00 a.m.
 Concluding at 12:34 p.m.

A P P E A R A N C E S

For the UCLA VOTING RIGHTS PROJECT:

MS. SONNI WAKNIN
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 Los Angeles, California 90065
 sonni@uclavrp.org
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MIGUEL COCA, ET AL. vs CITY OF DODGE CITY, ET AL.
Nannette Pogue on 07/27/2023

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1 2 For the Defendants: 3 MS. SARAH E. STULA 4 Foulston, Siefkin 5 7500 College Boulevard, #1400 6 Overland Park, KS 66210-4041 7 sstula@foulston.com 8 913.253-2149 9 10 For AMERICAN CIVIL LIBERTIES UNION OF KANSAS: 11 Ms. Sharon Brett 12 P.O. Box 917 13 Mission, Kansas 66201 14 For Dodge City: 15 Mr. Nick Hernandez 16 17 Also present: 18 Cameron E. 19 Alexa Salas 20 Caleb Hersh 21 Brad Ralph 22 23 VIDEOGRAPHER: 24 Mr. Jack McKenzie 25 DORIS BURBY, RMR, HUSEBY GLOBAL LITIGATION HUSEBY.COM	1 VIDEOGRAPHER: This is the beginning of 2 media number one in the deposition of Nannette 3 Pogue in the matter of Miguel Coca, et al vs. City 4 of Dodge City. Today's date is July 27th, 2023, 5 and the time on the monitor is 10:00 a.m. My name 6 is Jack McKenzie, and I'm the videographer. The 7 court reporter is Doris Burby. We are here with 8 Huseby Global Litigation. 9 Counsel, please introduce yourselves, after 10 which the court reporter will swear in the 11 witness. 12 MS. WAKNIN: Hello, my name is Sonni 13 Waknin. I am a lawyer with the UCLA Voting Rights 14 Project, and I am on behalf of plaintiffs. 15 MS. STULA: My name is Sarah Stula. I'm 16 with Foulston, Siefkin, LLP, and I'm an attorney 17 on behalf of defendants. 18 NANNETTE POGUE, 19 having been first duly sworn to 20 tell the truth, the whole truth, 21 and nothing but the truth via Zoom, 22 testified as follows: 23 24 DIRECT EXAMINATION 25 BY MS. WAKNIN: Q Ms. Pogue, do you mind actually stating your full name for the record.
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1 I N D E X 2 3 Direct Examination by Ms. Waknin.....Page 4 4 Cross-Examination by Ms. Stula.....Page 75 5 Redirect Examination by Ms. Waknin.....Page 80 6 7 EXHIBITS: Marked 8 Exhibit 1. 0004127 - invoice from Bruce Adelson.... 9 Exhibit 2. 0001739 - e-mail from Cherise and Erik.. 10 Exhibit 3. 0003693 - conversation from Cherise.... 11 Exhibit 4. 0001780 - e-mail re: Jan Scoggins..... 12 Exhibit 5. 0003628 - research information for city. 13 Exhibit 6. 000583 - Ms. Cox letter re: city..... 14 **late-filed** 15 16 17 18 19 20 21 22 23 24 25	1 A Yes. My name's Nannette Pogue. 2 Q And do you mind spelling your name, please. 3 A N-A-N-N-E-T-T-E, last name P-O-G-U-E. 4 Q Wonderful. Well, I think you heard, but my name is 5 Sonni Waknin. I am an attorney who I -- hello. I represent the 6 plaintiffs in this case, and I'll be asking you questions today. 7 Have you ever been deposed before, ma'am? 8 A It's been a lot -- a lot of years ago, but, yes, 9 once. 10 Q And do you mind telling me what you were deposed in or 11 what matter? 12 A Yeah. It was a -- a Fair Labor Standards Act suit 13 against the city of Dodge City, when I was employed there. 14 Q Have you been deposed any other time besides that 15 lawsuit against the city? 16 A No. 17 Q Okay. And do you remember about what time that 18 deposition happened? And by "time," I mean year, not -- not 19 exact time. 20 A I would say it was probably early '90s. Early to 21 mid-'90s. 22 Q Well, I think it's been a little while since you've -- 23 A Yes. 24 Q -- been deposed before so -- 25 A Yes.

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1 Q -- I am going to lay out some ground rules just for the 2 deposition. Does that sounds good with you? 3 A Yes. 4 Q Okay. Wonderful. Well, one thing about a deposition 5 is that it's getting transcribed by a court reporter. So it's 6 very important that we speak slowly. And when I say "we," I mean 7 both of us speak slowly. That you allow me to finish my 8 question; your attorney time to object if they have an objection, 9 and then you can answer the question. Does that sound okay to 10 you? 11 A Yes. 12 Q Okay. Your attorney might object, Ms. Stula. If she 13 does object, you still may have to answer the question unless she 14 states that it's attorney-client privilege and instructs you not 15 to. Do you understand that? 16 A Yes. 17 Q Okay. Wonderful. What's really important during a 18 deposition -- I know that we have stated that this is being 19 videoed, but, for the record, you have to give clear answers. 20 So, no nu-uh, uh-huh, head shakes, just yes or no. And I -- I 21 think we all forget that, so I might just ask you to do that. 22 And I hope that doesn't come off as rude. Is that okay? 23 A That's okay. Yeah, you just might have to remind me... 24 Q No worries. 25 A ...once in a while, yes.	1 a lunch break. And you just let me know if you need to take a 2 break. I might also ask for a break for myself or for the court 3 reporter. But you do understand that you're allowed to go tend 4 to some things if you have to go tend to them? 5 A Yes. 6 Q Okay. I'm sure that Ms. Stula explained this to you, 7 but during a deposition, you're actually under oath as you would 8 be in front of a judge. So I want to make sure that you 9 understand that you're giving an oath to tell the truth today. 10 A Yes, I do. 11 Q Okay. Is there any reason you can think of of why you 12 might not be able to answer my questions truthfully today? 13 A No reasons. 14 Q Okay. And I know this is a rude set of questions, but 15 you know, not -- you're not on any medication or anything that 16 might -- you know, substances that might impair any brain 17 functions or memory? 18 A No, I am not. No. 19 Q Okay. And apologies. That is a rude question. 20 A That's okay. 21 Q All right. So, Ms. Pogue, how did you meet -- how did 22 you prepare for this deposition today? 23 A I met with Sarah by -- by a Teams Meeting on Tuesday, I 24 believe. 25 Q And when I ask you questions, if they are with respect
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1 Q So if you -- I'm going to be asking you a series of 2 questions today. And sometimes, as happens, my questions might 3 not be artfully worded. They might be very confusing. If that's 4 the case, please let me know, just to ask me to clarify the 5 question or say you don't understand it so that way I can clarify 6 it or maybe possibly rephrase it for you. If you answer a 7 question, I'm going to under -- I'm going to believe that you 8 understood the question. Is that fair enough? 9 A Yes. 10 Q Okay. At any point -- so we might be -- we're going to 11 have probably -- we're going to have a conversation today. I 12 don't know how long it will be. But, during the conversation, 13 you might think of an answer to a question that I asked you 14 before or you might think of something and you might want to 15 correct your answer. I want to let you know that you have the 16 opportunity to do that. Now, I might ask you like what jogged 17 your memory or why you're correcting your answer, but I want you 18 to be informed that you actually have that ability. Does that 19 sound fair? 20 A Yes. 21 Q Okay. We can take breaks during this deposition. So, 22 if you have to go use the restroom, if you want to go get water, 23 what I ask is that we don't take excessive breaks. And that if 24 there is a question pending, you -- you cannot take a break right 25 after I've asked you a question. You are -- you know, we'll have	1 to your attorney, I am not going to ask you about the contents of 2 your conversations with your attorney. So do you understand 3 that? 4 A Yes. 5 Q Okay. Wonderful. How long did you meet with Ms. Stula 6 for? 7 A It was probably about, I don't know, two and a half to 8 three hours. 9 Q Were you shown any documents during your deposition 10 preparation? 11 A Yes. 12 Q Which documents were you shown? 13 A I was shown e-mails which I was a part of within the 14 subject and then subject of another -- I don't know. It was an 15 action that we were involved in, which was the election back in 16 2018. And then I was also shown a document that I had prepared 17 about the districts in Dodge City and just kind of the history of 18 that. 19 Q So what I'm understanding you to say is that you were 20 shown documents related to -- when you say "the topic," are you 21 referring to the topic of Section 2 of the Voting Rights Act? 22 What are you referring -- 23 A I was shown about anything that had to do with 24 districts that -- a discussion amongst staff and districts and my 25 preparation of a document that I prepared for the city manager at

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1 that time which had to do with districts in Dodge City. 2 Q You were also shown, if I'm understanding you 3 correctly, documents related to the 2018 polling place closure 4 issue? 5 A Yes. Yes. 6 Q Were you shown any other documents besides the one that 7 you've listed for me today? 8 A There might have been one about the handbook that I 9 prepared. And that one I didn't really read through. We just -- 10 just saw that it was there. 11 Q And when you say "handbook you prepared," do you mind 12 telling me specifically what you're referring to? 13 A It -- it was a governing body handbook. 14 Q And the governing body that you're referring to is the 15 commission -- the Dodge City Commission? 16 A Yes. 17 Q Very good. Besides this -- was there anyone at the 18 meeting that you had with Ms. Stula? 19 A No. I was by myself. 20 Q So, during this meeting on last Tuesday, the only folks 21 present was yourself and your attorney; is that correct? 22 A That's correct. 23 Q Okay. Did you have any other meeting related to this 24 deposition? 25 A No.	1 produced to us. 2 A Okay. 3 Q Wonderful. Have you spoken with anyone about the -- 4 about this incident lawsuit? 5 A The only thing, I knew it was coming. I mean, I didn't 6 know I was going to be deposed, but I knew the lawsuit was out 7 there. Sharie Steven, who's the city manager, she had told me 8 that the lawsuit had been filed. And so just generally what it 9 was about. But I hadn't discussed in detail because I don't 10 know. I hadn't seen the lawsuit. I hadn't discussed anything 11 about it. You know, but just -- just a general, hey, this 12 lawsuit's been filed. 13 Q Earlier this week, Mr. Hernandez, who's the current 14 city manager -- let me actually go back. Do you know that 15 Mr. Nick -- Nick Hernandez is the current city manager of the 16 city of Dodge City? 17 A Yes, I do. 18 Q Okay. Earlier this week, Mr. Hernandez testified 19 during his deposition that he had a meeting with you regarding 20 the district election after this lawsuit was filed. Do you 21 remember that meeting? 22 A I do not recall that. 23 Q Okay. So, Ms. Pogue, the only meeting you've had or 24 conversation that you've had about this incident lawsuit is with 25 respect to the conversation you had with Ms. Tieben?
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1 Q Did you bring any documents with you to this deposition 2 today? 3 A No. 4 Q Do you have anything in front of you besides this Zoom 5 opened? 6 A I have my phone sitting here and then there's a notepad 7 sitting over here that I jotted down a couple of things the other 8 day, but there's nothing -- I -- the only thing on there is some 9 names of people that were on city commission. 10 Q On the notes that you've taken? 11 A Yeah, but it was just -- I mean, it's -- I can show 12 you. It's not very much right there. 13 Q All right. Why did you take those notes, Ms. Pogue? 14 A Well, when we first started, I thought maybe I would 15 take notes, just so that when we -- when we got to this point, 16 that I would know what I'm supposed to do. I mean, it's just -- 17 it was just more of -- kind of a -- a thing is like, you know, 18 when -- I hadn't done this before. So I thought maybe I might be 19 reminded. And I started taking the notes and then she kind of 20 said, well, don't -- don't do that. You know, so I quit. So I 21 don't really have anything written on there of any substance at 22 all. 23 Q Understood. I'm going to ask that at a break maybe 24 that -- if you could take a picture and send those notes to your 25 attorney. And, when there is a break, to have those notes	1 A Yes. 2 Q Have you had a conversation with anyone about the 3 district issue? 4 MS. STULA: Object to form. 5 Q (By Ms. Waknin) You can answer. 6 A Okay. Well, yes. When -- when I was still employed 7 with the city, Cherise had -- had asked me to research, you know, 8 why we were the form of government that -- that we were and to 9 research a little bit about the state -- in the state of Kansas, 10 you know, what -- what the -- some of the laws -- maybe not laws, 11 but just some of the things that other cities do and just why we 12 are where we're at. Just generally in Kansas how different 13 governments work and what different forms of governments are in 14 the sizes of cities that are similar to ours. And so I did do 15 that research for her. 16 Prior to that of districts, it was several years ago, a 17 previous county clerk, Sharon Siebel, she had gone through 18 election. Some things that she had to do with the elections as 19 far as getting bilingual people at the polls and, I don't know, 20 all kinds of things that she had to go through. And I don't know 21 the details of that. And I can't remember all the conversations, 22 but I do remember her saying, you all -- you guys will have to go 23 to districts. And, I mean, that was just kind of the context of 24 the conversation. I don't remember any details of it, but it was 25 just kind of like I think you're going to have to go that way.

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Page 14 1 Q Okay. Understood. I am going to actually go back 2 right now and talk -- talk to you a little bit about the terms I 3 might use in this deposition. Is that okay? 4 A Yes. 5 Q Okay. So, during today's deposition, I'll be using the 6 terms "Hispanic" and "Latino" interchangeably. Do you 7 understand -- what -- what do you understand those terms to 8 mean? 9 A Well, I would like a clarification, I mean, because I 10 don't know, you know, exactly what -- you know, who -- who 11 considers himself Hispanic or Latino. 12 Q Okay. Well -- 13 A I guess it's from a country -- you know, I think it's a 14 heritage thing, but, you know, I don't know exactly who would be 15 termed that way unless they just identify it like that. 16 Q Understood. And so I think I'm just asking if you -- 17 if you understand the term "Hispanic" to mean what the census 18 definition is, which is, you know, folks who identify as 19 ethnically Hispanic. 20 A Yes. 21 Q Okay. And so if I use the terms "Hispanic" and 22 "Latino" interchangeably, do you understand I'm using -- I'm 23 referring to it in the idea of the census -- the way that the 24 census designates both? 25 A Yes.	Page 16 1 house, you know. And we -- you know, we did -- we weren't -- you 2 know, really know each other because there was that age 3 difference. When you're young, eight years is a lot. But -- so, 4 yeah, we got to know each other more after we both were working 5 for the city. 6 Q Oh, wow. 7 A But I knew her. I knew her. 8 Q Well, that's really inter -- is -- is that how 9 Ms. Tieben -- and this is may be straying a little bit, but is 10 that how Ms. Tieben got involved with working with the city of 11 Dodge City? 12 A No. 13 Q No. 14 A No, we were -- I mean, yeah, it was a completely 15 different track. I mean, she also went to school, but I think 16 they recruited people out of Saint Mary's... 17 Q Yeah. 18 A ...at the time. 19 Q So you stated that you had worked for the city of Dodge 20 City for 40 years; is that correct? 21 A That's correct. 22 Q Do you mind -- and I -- it's probably a very long 23 and -- career. And so do you mind just telling me about some of 24 the jobs that you've held during that career? 25 A Sure. I started out, like I said, as just part time,
Page 15 1 Q Okay. Wonderful. Ms. Pogue, I'm just going to ask you 2 a little bit of questions about your background. Do you mind 3 telling me a little bit about yourself? 4 A Sure. I grew up in a small town north of Dodge City. 5 I came to Dodge City -- and my dad's family is from Dodge City, 6 and my mom's family is from Spearville, which is a little town 7 real close to here. And so when I graduated from high school, I 8 came to Saint Mary's of the Plains College here in Dodge City, 9 and I graduated with an accounting degree. And I didn't -- I 10 didn't graduate right away. I went back two years full time and 11 then I was on a -- kind of a long-term program after that. But I 12 did that and I started working for the city of Dodge City while I 13 was going to college part time and then continued to work for the 14 city of Dodge City for almost 40 years in different capacities. 15 And I'm -- I'm married, have two stepchildren, five 16 grandchildren. 17 Q I -- I do have a question. I know that Ms. Tieben also 18 went to Saint Mary of the Plains College. Did you -- 19 A Yes. 20 Q -- did you guys know each other when you all were 21 there? 22 A Well, she is probably about eight years younger than I 23 am, but -- so we went to school at kind of different times as far 24 as college, but I knew Cherise from my childhood. Her dad's 25 my -- my -- her dad's my cousin. And so they would come by our	Page 17 1 doing whatever they wanted me to do. You know, I worked in 2 the hou -- you know, housing at the time, community development. 3 I did some projects for the city manager's office at the time. 4 And so when they -- when they hired me full time, I went to work 5 as a secretary for the city manager. And then I served as the 6 secretary, then I was like an administrative assistant to the 7 city manager. And then I worked in -- they called it personnel 8 back then, but Human Resources. And did that for a while. And 9 then when the finance director opened up, I applied for that job 10 and got the finance director job. And then I served in that 11 until I retired. But I also was added the duties of city clerk. 12 And I don't know how long after I started finance director, but 13 it was probably, I don't know, five years or so after that that I 14 started doing both duties, finance director and city clerk. 15 Q And I'm going to come back to that. But are you 16 currently employed by the city of Dodge City? 17 A No, I am not. 18 Q And what do you understand your representation with 19 Foulston, the attorney -- the law firm for the city of Dodge City 20 to be? 21 A Well, I -- I understand they're representing the city 22 of Dodge City. And, as a former employee, then I am -- I don't 23 know if they're my attorney, but they are the city's attorney. 24 Q Understood. And what is -- can you explain to me the 25 role of finance director for the city of Dodge City?

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Page 18 1 A Yes. The finance direct -- as a finance director, I 2 did -- I oversaw like accounts payable, accounts receivable, 3 payroll, long-term debt. I did most -- you know, most of the 4 work for the long-term debt. The budget. Managed the budget, 5 managed the audit, financial reports. Just anything to do with 6 the financial operation. I -- I oversaw utility billing on and 7 off. You know, there's -- sometimes I've supervised utility 8 billing and sometimes it -- it went to somewhere else, but, you 9 know, it came back to there. I -- I, at some point -- and this 10 really wasn't finance director role, but I supervised municipal 11 court for a period of time. And so I just -- anything finance, 12 that was what I did. But I didn't do it all myself. I had a lot 13 of people working for me. 14 Q Really getting to use that accounting degree. 15 A Yes. 16 Q And what were your duties as city clerk? 17 A City clerk. Mostly the -- the meetings -- the city 18 commission meetings, took the minutes, did a lot of filing -- or 19 not -- I didn't actually file, but kept all the records. The 20 city records was kind of under the city clerk's purview. I 21 don't -- I -- it's kind of hard. You just did a -- just a lot of 22 different things as city clerk. You were community -- you know, 23 you were kind of the community person that they talked to. 24 Specifically, you were kind of -- you just kept the records for 25 the city commission.	Page 20 1 A Well, the policy's pretty lengthy. It -- it states, 2 you know, what kind of records are to be kept and for how long 3 and where they're kept at. And so -- and it was changing. You 4 know, it always changed because there was certain records that 5 the state required you to keep, you know, in their -- in their 6 archives, but then there's a lot of other things that you decided 7 whether you would keep or how long you would keep and just so 8 that you would know what -- if it was useful or not. You know, 9 once it became unuseful, then you -- unless you were required by 10 law to keep it, you didn't really need to keep it anymore. And 11 I -- and we probably kept things longer than we should have 12 but -- or -- or, you know, what we said in the policy, but that's 13 what the policy pretty much outlined, you know, and how you got 14 rid of those records and those kinds of things. 15 Q Are you familiar if there was ever a file or record 16 kept on voting issues for the city of Dodge City? 17 MS. STULA: Object to form. 18 A Well, I don't know about voting issues because we 19 didn't actually do the elections. The city -- the county did all 20 the elections. So the file that I would have had would have been 21 more like the applications where people filed for city 22 commission. They would come in and do an application, and I 23 would send it on to the county. So I did keep those applications 24 for a certain amount of time. But, as far as anything else, I -- 25 I don't recall. You know, there might have been. Because we
Page 19 1 Q And what do you mean by "kept the records for the city 2 commission?" 3 A Well, the minutes, the -- they do -- in Dodge City -- 4 and I don't know if it works like this everywhere, but they 5 prepare packets for -- you know, prior to the city commission so 6 that they're aware of everything that's on the background 7 information. And so you kind of organize all that information 8 and -- and -- and the city manager actually gives that 9 information to them, but you prepare a lot of that kind of 10 stuff -- or not really prepare it. You organize it to pass on to 11 the city manager to give to them. And a lot of the records kept 12 by the city in general, you know -- you know, that's -- whether 13 specifically for the city commission, it's just for the city in 14 general. 15 Q Understood. 16 A And making sure that they -- you know, that they follow 17 the rules of record retention. You know, there's some other 18 things, open meetings, those kinds of things. Just knowledgeable 19 about all that stuff. Like I don't tell them what to do, but 20 just making sure all that -- that kind of stuff is information 21 that they -- they know about. 22 Q During your tenure as city clerk, did Dodge City have a 23 document retention policy? 24 A Yes. 25 Q And what was that policy?	Page 21 1 did -- we were like a public agency where people could come and 2 to register to vote. So we kept the -- the cards for people to 3 fill out to register to vote and those kinds of things. So I 4 don't think anything beyond those -- those kind of things 5 were -- were kept in a file. But -- 6 Q (By Ms. Waknin) Understood. 7 A But I don't -- I -- I don't recall completely what all 8 the files were. 9 Q Okay. During her deposition, Ms. Tieben testified that 10 there was, at some point, a file that was kept on voting-related 11 issues or matters for the city of Dod -- you know, for the city 12 of Dodge City. This file was created in 2018, during -- are you 13 familiar with anything created in 2018 about just containing 14 information about voting or voting-related matters? 15 MS. STULA: Object to form. 16 Q (By Ms. Waknin) You can answer. 17 A Okay. I'm not specifically -- I don't recall 18 specifically the file -- a file, but I know we had a lot of 19 issues. So it wouldn't surprise me if there was something kept 20 on just -- just -- just -- I don't know, just maybe general 21 things. But I don't recall the file specifically, no. 22 Q Where would that type of file have been held in the 23 city of Dodge City? 24 A Well, if it was for Cherise's -- if it was for Cherise 25 or the city manager's -- it was for her use only, you know, it

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1 would have been kept in her office. If it -- if it got to the 2 point where it went to the general filing cabinets, then it would 3 have been in a -- in an office that was in City Hall. It was 4 kind of centrally located City Hall that had a lot of files in 5 it. And I -- you know -- and I don't -- I can't say that there 6 wasn't something in my office. I just don't recall anything 7 being in my office. 8 Q Would -- if -- when Ms. Tieben -- and this is to your 9 knowledge as the city clerk of the city of Dodge City as a record 10 keeper. When -- if -- when Ms. Tieben left as the city manager, 11 would her files have been destroyed per the Dodge City document 12 retention policy? 13 A I don't think so. I think she would have looked in 14 those files and -- to -- to just find out if there was anything 15 that would go into the regular files. And if it was something 16 that wouldn't have been to any use of -- to anybody else, then 17 she might have gotten rid of. But, you know, if it was part of 18 the -- if it would have been part of the policy, she would have 19 passed it on and put it in the regular files. But just notes and 20 things, there really -- there isn't part of -- isn't really part 21 of the -- the document retention. 22 Q Okay. Ms. Pogue, has anyone asked you during this 23 litigation to provide any documents to them? 24 A Cherise asked me early on whether I knew what I did 25 with that document when -- when she asked me to prepare like the	1 A Yes. 2 Q Are you also responsible for writing meeting agendas? 3 A Yes. And I had somebody help me do that. I mean, I 4 didn't do it all myself. I had somebody help do that. 5 Q Understood. You know, I would -- I would be so im -- 6 I'm very impressed, but I'd be so impressed if you're like I did 7 everything my own. 8 A No, I did not. 9 Q No help ever. 10 A It takes a team to do that kind of thing, yes. No. 11 Q No, I -- I understand. So -- and forgive me. I feel 12 like maybe this is a little bit of a rude question. But what did 13 you -- what year did you first start working for the city of 14 Dodge City? You said 40 years. But I'm -- I'm a lawyer, so I'm 15 terrible at math. 16 A Yeah. Well, 1980 was when I went full time, but I 17 worked part time, I think, in '77, '78, '79. 18 Q So, you were with the city from 1980 to 1990, to 2000, 19 2010, and then retired in what year? 20 A 2019. 21 Q 2019. Okay. 22 A Right. 23 Q And when did you retire in 2019? 24 A July. 25 Q Okay. I hope folks did something really nice for your
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1 history of the districts and stuff, she asked me if I knew where 2 that was. And I told her that it -- that it should be somewhere, 3 but I didn't know where. You know, I -- it -- it would -- would 4 be in a file at the city or it would be somewhere on -- online. 5 Because I would have done it in Word. And I don't believe that 6 they got rid of my Word documents after I left. 7 Q And so when you say "prepare the history of districts," 8 what are you referring to? 9 A There's a document in -- in -- Sarah showed it to me 10 yesterday. I remember doing it. I just didn't really remember 11 what was in it. She showed it to me yesterday. And I was asked 12 to prepare, you know, kind of like a history of where we were at, 13 why we had the form of government that we had and what other 14 cities in Kansas had. Because Kansas is a local control. You 15 know, home rule state. And so just do kind of a history. And if 16 they had any other cities ask about the way that they did 17 elections as specifically for districts, you know, and what kind 18 of form of government other cities had as well. 19 Q And so besides that document, I think, that you 20 referred to and that you were shown by Ms. Stula, was there any 21 other documents that you prepared on the district -- information 22 about district-based elections? 23 A No, not that I recall. 24 Q As city clerk, are you responsible for providing 25 meeting minutes?	1 retirement party. 2 A They did. They threw me quite a retirement party. It 3 was very, very nice. Very, very nice. 4 Q A Dodge City breacher? That's just a joke, for the 5 record. 6 A Yeah. Yeah. It was at the Depot, which is a very nice 7 facility. And, yeah, they invited a whole lot of people. I'm 8 not one to like a lot of recognition, but it -- it was very nice. 9 I really appreciated it. 10 Q Forty years is a really long time to be a public 11 servant. 12 A It doesn't seem like 40 years. You look back and you 13 go, oh, my gosh. 14 Q So I want to ask you about voting in Dodge City. When 15 you first got hired for the city of Dodge City, generally how 16 many polling locations were there? 17 A You know, I do not recall. I don't -- you know, at 18 that -- when I first started with the city, I don't think I paid 19 that much attention. I voted, but I don't -- didn't pay much 20 attention to how -- how many voting places. I know that there 21 was -- when I first started, I know -- I just remember going to a 22 church for soup suppers. And I don't remember where I voted at 23 the same time, but I know it was more than one location when I 24 first started. 25 Q And at some point there -- do you remember at which

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1 point there then became one polling location for the city? 2 A I don't remember that. I remember it was easier. 3 Q Oh, than today? 4 A Well, no. It was easier when there was one as opposed 5 to several because you didn't have to call and find out where you 6 were supposed to go. 7 Q And I apologize for jumping around a -- a bit. I just 8 had a question about voting precincts. Are you aware of what 9 voting precincts are? 10 A Yes. And I -- go -- well, I worked -- since I retired, 11 I have worked the election as a -- as an election worker since 12 then. I mean, I knew, you know -- at some point in time I became 13 more interested in that, but not when I first started, I didn't 14 pay that much attention to voting. But -- but, yes, I knew what 15 districts were or voting precincts were. And now I have worked 16 for the election, so I know even more about how that works. 17 Q What do you understand voting precincts to be? 18 A It's a geographical area. And I don't -- I don't 19 really know what it -- what it consists of or how they get that 20 geographical area, but that tells you where to go vote. 21 Q Okay. When you were the city clerk of the city of 22 Dodge City, were you ever contacted by anyone about voting 23 precincts in the city? 24 A I don't recall. I do -- you know, I do recall some 25 conversations just with Debbie Cox and Sharon Siebel in general.	1 Debbie Cox sent me the letter, I thought, yeah, I'll do that. 2 So... 3 Q And can you explain to me what you do as an election 4 worker? 5 A I've worked the early voting and I've worked the 6 general voting. And so you -- when people come up to -- to vote, 7 you have to give them the ballot, basically. And so you have to 8 make sure that they're eligible to vote, make sure that they're 9 in the right location to vote and that they haven't voted early 10 or, you know, anything like that yet. That's at the gen -- at 11 the general election. And then you stick a card in there and 12 give them the card and they go use the card to vote. Or 13 you -- you know, or you stand there, make sure that they're 14 putting their ballots in the box when they leave. Just help 15 wherever you need to help at. 16 Q And where have you been a work -- or a poller -- 17 election worker? 18 A At the Civic Center at the -- we call it the Knights of 19 Columbus, which is -- it's not the Knights of Columbus anymore, 20 but it's a big hall that was a form -- former Knights of 21 Columbus. And then I've -- I've worked in office at the county 22 courthouse. 23 Q When you were working in the county courthouse, was 24 that for early voting? 25 A Yes.
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1 And it might have been just more for my knowledge of what -- you 2 know, what -- what -- what they are. I was never contacted about 3 redoing them or anything like that. Of course I'm not the 4 decision-maker either so... 5 Q That makes sense. During your 40 years serving the 6 city of Dodge City, has the demographics of the city changed in 7 any way? 8 A Yes. 9 Q And how have those demographics changed? 10 A I -- it's more Hispanic than it used to be. The 11 percentage-wise. And I think the census will probably show the 12 same thing. 13 Q Is it just noticeably more Hispanic in -- in -- 14 A Yes. 15 Q Okay. And you said that you served as an election 16 worker; is that correct? 17 A Yes. 18 Q And you had gotten interested in serving as an election 19 worker recently? 20 A Yes. After I retired, yes. 21 Q And why did you get interested in serving as an 22 election worker after your retirement? 23 A Well, actually, I think they just needed election 24 workers, so they were contacting everybody they knew retired. 25 And -- but I was interested. I think I -- you know, that -- when	1 Q What elections have you worked as an election worker? 2 A I worked the '20, the '22 generals. And then I -- I 3 worked a primary, but I don't know which one. I don't remember 4 which one. I think it was the one prior to 2020. Or to -- I 5 mean to '22. 6 Q Did you ever work a election in an -- in an odd year? 7 So in 2021? 8 A In a what? 9 Q An odd year. So a year ending in one, three, five. 10 A I'm going to say no. 11 Q Okay. 12 A But I don't know that for sure. 13 Q Fair enough. When you were working early voting, what 14 would you say the -- the racial makeup was of voters who went to 15 do early voting? 16 A I'm not sure I can answer that question. I -- I just 17 don't know. I mean, I don't -- I don't pay attention to that 18 kind of thing. 19 Q Okay. And is that the same for when you were a poll 20 worker at the Civic Center, at the Knight -- or at the Knights of 21 Columbus for those general elections? 22 A Yes. 23 Q Okay. When you were an election worker during those 24 general elections at the polling location, can you explain to me 25 what the bilingual services looked like?

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1 A There was always at least one person, but I think there 2 was multiple people that could speak Spanish if they need to. 3 But I can tell you they didn't really need to. 4 Q And how? Could you tell me that? 5 A Just because I didn't -- I didn't see those services 6 used. I didn't see anybody that requested -- of course sometimes 7 it got really busy and so I didn't see everything. But I never 8 saw anybody come and request a Spanish speaking or anybody -- and 9 there was one girl that roams all the time, and she's very -- you 10 know, she's bilingual and she talks to everybody. And I really 11 didn't even hear her speaking Spanish much. 12 Q What was that woman's name? 13 A Coral. And I'm going to say her last name is Leach 14 maybe. I'm not sure. But it's -- Coral's her first name. 15 Q Do you think it's Coral Lopez? 16 A Yes. 17 Q Do you know Coral Lopez? 18 A I know her by -- by sight. You know, I haven't spent a 19 lot of time talking to her, but I -- but I know her a little. 20 But I don't know all that -- all that much about her. 21 Q How do you know Ms. Lopez? 22 A Just from working with her in -- she worked in 23 different capacities. I think she works for the city now. But 24 she worked in just different roles in the community. So I just 25 got to know her through those. She was very involved in like the	1 of them that were actually -- they contested the vote or they 2 might have -- I'm going to say I don't know. 3 Q Okay. And when there's a tie, to your knowledge, 4 what -- what does that actually mean for the city of -- for the 5 commission elections for the city of Dodge City? 6 A Could -- could you -- 7 Q Sure. I didn't ask that very artfully. Who -- how did 8 they decide who wins if there's a tie for the city commission 9 election? 10 A Well, I think they recount, for one thing. And I think 11 that once they recount, then they -- because there's not that 12 many ballots that you couldn't -- you can do that fairly quickly. 13 And then I have known it to happen where they flip a coin if 14 it's -- if it's true tie. 15 Q Do you know what election they flipped the coin in? 16 A No. I'm going to -- I'm going to say that was a while 17 ago. When I say "a while," I would say over, I don't know, 20 18 years. 19 Q Do you know someone by the name of Fernando Gerardo? 20 A Yes. 21 Q And who is that person? 22 A He was a city commissioner. And I don't know what year 23 it was. But years. I think he served four years on the city 24 commission. 25 Q Do you know if he lost --
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1 Chamber of Commerce and those kinds of things. 2 Q And are you referring to the Dodge City Chamber of 3 Commerce? 4 A Yes. 5 Q Okay. Is there a Hispanic Chamber of Commerce in the 6 city of Dodge City? 7 A I don't know very much about it, but, yes, I believe 8 there is. 9 Q Okay. 10 A Or it might be a part of this -- I -- I don't know what 11 the makeup of it is, but I think there is a specific group that 12 is Hispanic. 13 Q As a citizen or -- you know, a citizen in Dodge City 14 and I think someone who's been really involved in the city of 15 Dodge City, do you know what Latino organizations or Hispanic 16 organizations are in the city? 17 A I know the -- the Chamber. I know that group existed. 18 And -- and specifically, I don't. 19 Q Okay. To your -- to your knowledge or memory, has 20 there ever been contested elections for the city of Dodge City 21 Commission? 22 A No. I don't believe so. There was some elections that 23 were like -- I don't think they were contested, but like people 24 were tied or almost tied. And so there would be, I don't know, a 25 flip of the coin or whatever. But I don't -- I don't recall any	1 A Do what? 2 Q Do you know if he won or -- or if he had gotten -- like 3 if he lost the race for city commission at any point? 4 MS. STULA: Object to form. 5 Q (By Ms. Waknin) You can answer. 6 A Okay. I don't know if he -- I don't recall if he 7 re -- if he ran again. I know he won one term, but I don't 8 know -- I don't recall if he ran again after that. 9 Q Okay. Did Dodge City used to elect its city commission 10 during even-year elections? 11 A They did it different than they do now, and I can't 12 remember if it was even or odd. I don't recall. I'd have to 13 see -- I know we did it different than most people did. 14 Q And what was so different? 15 A Just the even or the odd. You know, I think -- like it 16 seemed to me -- and this is maybe more speculation than I need to 17 do, but it seemed to me that a lot of cities did it like the even 18 years and we did it the odd or vice versa. I'm not really -- I 19 can't really remember -- recall that. But we did it at a 20 different time too. So now they're at the same time as the -- 21 the general and everybody else's election. And, before, it was 22 like April. And now it's -- that's all -- that's pretty recent 23 that that has happened. 24 Q And when you were working for the city of Dodge City, 25 when elections were held in April, did folks really -- did folks

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1 know about those elections generally? 2 MS. STULA: Object to form. 3 A I think so, yes. 4 Q (By Ms. Wakinin) Okay. Why do you think so? 5 A I guess I assumed because I knew about them. And there 6 was people out. They had advertising. You know, most of the 7 time there was always people advertising and campaigning and 8 signs up everywhere. So it -- you knew something was going on. 9 And -- and so it was an election. 10 Q When -- so you mentioned "signs up." What type of 11 signs are you talking about? 12 A Yard signs. 13 Q And where primarily were those yard signs placed? 14 A Everywhere. They were -- because that was kind of a 15 contention because it -- it -- they put them in places a lot of 16 times where they weren't -- that our -- our local laws said that 17 they couldn't, but they were usually on main roads. They were 18 supposed to get permission from the property owner, but there was 19 a lot of them like along -- some of -- along of some of our main 20 roads. Like 14th Street is a main road. Up by the mall, on 21 Central Avenue. And you just saw those -- kind of those high -- 22 high traffic areas, you saw a lot of signs along there. 23 Q So Like Comanche, Wyatt Earp Boulevard, like that -- 24 those type of streets or -- 25 A Yeah. And I don't know about Wyatt Earp so much	1 know, kind of going to rallies and things like that. That's what 2 I would consider being involved in politics. 3 Q At any point during -- have -- have you been involved 4 in politics? 5 A Not any more than I am now, no. Like I say, I vote. 6 On a national level, I -- I may give money to a candidate or 7 something like that, but I have never gone to organized meetings 8 or things like that. Well, I have. I guess I -- I take that 9 back. I have, you know, when particular candidates are in town 10 and they have a -- an open meeting or whatever you call it at 11 Town Hall, I may attend, but I don't speak. 12 Q What candidates have you attended meetings for? 13 A I don't even remember their names. I -- I -- I -- 14 they're mostly like senators or they were running for senator. 15 I -- I know I went to a meeting where Bob Doyle -- and he 16 was -- he wasn't actually running for anybody, but he was there 17 on behalf of -- it might have been Jerry Moran. 18 Q To your knowledge, are there organizations in Dodge 19 City that candidates have to -- or -- strike that. To your 20 knowledge, are there organizations in Dodge City that support 21 candidates? 22 A Yes. 23 MS. STULA: Form. 24 Q (By Ms. Wakinin) And what organizations are those? 25 A I know currently that specifically the -- the Wild West
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1 because I think that was a little more regulated. But, yeah, 2 those -- those kind of streets, yes. 3 Q Yeah. Did you ever see signs in Spanish? 4 A I don't recall seeing any, but that's not saying there 5 wasn't. 6 Q Okay. 7 A But those were signs put out by the people actually 8 running. 9 Q And so... Understood. Did the city publicize 10 elections? 11 A We didn't do elections. The county did. So, no, we 12 did not publicize it because the county was the one that held the 13 elections. 14 Q Are you familiar or involved at all in Dodge City 15 politics? 16 A In politics? Is that what you said? 17 Q Uh-huh. 18 A Not currently. I mean, I -- I vote. I have opinions, 19 but I'm not involved in politics, no. 20 Q And so when I say involved in politics or when you say 21 it, what do you mean that to -- what does that mean to you? 22 A Being involved in politics? 23 Q Correct. 24 A I would say going to meetings that were organized by a 25 specific political party and being act -- an activist and, you	1 Republican ones. I know that there's two offices in the mall. 2 There's a Democrat office and the Republican office. Or there is 3 like right before elections. And they have -- each one of them 4 have signs for all their candidates. I -- and I would -- I think 5 that there is a -- I think that there's a Democrat group. I -- I 6 don't know anything about them, but I do know that each of those 7 offices have campaign posters for their candidates. And the 8 Republican Women's, I think more recently they have kind of 9 talked to like city commission candidates even though they're 10 nonpartisan. They're supposed to be anyway. And -- and I 11 don't -- beyond that, I'm not really sure. 12 Q Did you -- and you said Democrat. Do you mean the 13 Democratic party? 14 A I think it's the Democrat party, yes. 15 Q What is the Republican Women's Club? 16 A They're -- they're an organization. And I don't even 17 know what. I don't know what -- you know, what they're -- how 18 they're -- how they're organized, but they have a Facebook page. 19 I know that. And I know they have meetings. I've never attended 20 any of their meetings, so I don't know anything about that. But 21 I know there's a group. I don't know how they're organized, 22 though. 23 Q And you said that they had talked to city commission 24 candidates; is that correct? 25 A Yes.

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Page 38 1 Q Which city commission candidates, to your knowledge? 2 A Well, in the last election -- and I -- I don't know. 3 I -- I -- I'm -- this is hearsay, so I -- I don't want to answer 4 that question. I mean, I -- because I don't know per -- personal 5 knowledge of it. So I -- I don't know. I'm just guessing 6 because of some of the flyers that I saw come out in the mail. 7 Q Can you explain to me what flyer you're referring to? 8 A Well, there's -- around election time, you get a lot of 9 mailings. And they'll support certain candidates. And I 10 don't -- I don't recall the people particularly or who was even 11 the sponsoring. Because they'd always be sponsored by somebody, 12 you know, because I think they have to say that on there. But 13 those flyers come out in the mail before elections. And I'm 14 going to say I get three, four, five a day. 15 Q And there are ones that support city commission 16 candidates? 17 A All candidates. So it's city commission, county 18 commission, state -- anybody running for state, school board, 19 anybody running for even the -- the U.S. Senators and 20 Representatives. All -- all of them. 21 Q Well, was there something specific about the city 22 commission candidates? You said that they're -- you thought that 23 there were folks who talked to city commission candidates who 24 were supposed to be nonpartisan. So I'm just trying to 25 understand that statement.	Page 40 1 just a list. 2 Q And so there was a slate of candidates in the most 3 recent city commission election? 4 A Yes. 5 MS. WAKNIN: Ms. Pogue, would you like to 6 take a five-minute break? We've been on the 7 record for about an hour. Do you want to keep 8 going? 9 THE DEPONENT: Yeah, unless somebody else 10 needs to... 11 (Off-the-record discussion.) 12 Q (By Ms. Waknin) Well, I'm going to transition now and 13 talk to you a little bit about Ms. Siebel. Who is Sharon 14 Siebel? 15 A It was a previous county clerk. 16 Q Have you had discussions with Ms. Siebel before? 17 A Yes. We worked together. I mean, being a city clerk 18 and a county clerk, you just worked together on things. 19 Q And what -- and you had those conversations with 20 Ms. Siebel when she -- when you were the city clerk and she was 21 the county clerk; is that correct? 22 A Yes. 23 Q Okay. I just want to make that clear. I'm not sure if 24 maybe you're friends with Ms. Siebel. You're like, I talk to Ms. 25 Siebel all the time but -- so I --
Page 39 1 A Well, the city commissioner is supposed to be 2 nonpartisan, right? But I went to -- last year or -- or the last 3 election, I know there were forums held at the Library. And I 4 specifically asked one of the candidates because they were -- 5 they had a -- they had a piece of paper that said, you know -- 6 and they were -- they were certain comments about we support 7 this. And they were -- they were Republican. But -- and I -- 8 I -- I mentioned to him and he -- and he really didn't -- he 9 didn't really realize, I don't think, that it was nonpartisan. 10 And so, you know, it just kind of softened it up at that point 11 and we went on. But, like I said, it's hearsay. You know, 12 because I want to back up on that, say it's -- it's just from 13 what I've heard. 14 Q And so which candidate did you ask that to at the 15 forum? 16 A It was Chuck Taylor. 17 Q Did you see a document or is the document that you're 18 referring to a document that had Mr. Taylor, Mr. Nuci and another 19 person and it said the Republican slate? 20 A I think so, yes. 21 Q Okay. Do you know what "slating" is, Ms. Pogue? 22 A Yes. 23 Q And what is slating? 24 A Slating is just a list, pretty much, and says what 25 they -- a list that aligns with their -- I mean, I think slate is	Page 41 1 A When I see her, I run into her, you know, but -- you 2 know, and you become friends with people. But we're not like 3 close friends and have contact outside of -- of work really 4 except if you're just passing by. 5 Q Yeah. I just wanted to clarify that. So thank you for 6 allowing me to -- to reask that question maybe in a little bit 7 more specific way. So when was the first time you heard about 8 the Department of Justice with respect to Ford County 9 elections? 10 A It was from Sharon Siebel. 11 Q And about when was that? 12 A You're taxing my memory here. It was when she was 13 county clerk, but I don't -- I don't know what years those 14 were. 15 Q Have you heard about the Department of Justice 16 maybe mult -- had you heard about it multiple times from 17 Ms. Siebel? 18 A I would say not multiple. I mean, I'm -- I'm sure we 19 had more than one conversation, but it wasn't like 10, you know, 20 or 20 conversations or anything like that. 21 Q Ms. Siebel had her deposition taken in this case, and 22 she stated, among -- among other things, that there were federal 23 election monitors for the Ford County elections. Are you 24 familiar with that at all? 25 A Just barely. You know, I've never seen any, but I know

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1 there's people that come and observe at the polls that are just 2 sitting there, you know, watching, I guess. And then we're 3 always told -- as an election worker, we're always told that 4 there may be people there watching what we're doing. 5 Q Have you ever had any conversations with Ms. Siebel 6 about federal monitors or federal election observers? 7 A Beyond her just saying that they had them, I don't -- I 8 don't know. I don't recall any. 9 Q So I want to go back. You stated that you had a few 10 conversations with Ms. Siebel about the Department of Justice; is 11 that correct? 12 A Yes. 13 Q And what were those conversations? 14 A I don't recall the -- the details of them. It's been 15 too long ago. I remember having conversations, but I can't -- I 16 can't tell you what the details of them were. 17 Q Did you have a conversation about the Department of 18 Justice possibly investigating Dodge City elections with 19 Ms. Siebel? 20 A There again, I don't recall. It's been so long ago. 21 Because I don't want to answer this wrong because I don't -- but 22 I just don't recall specifically. Because there could have been 23 some talk on that. But I don't -- but I don't really remember. 24 Q Well, Mr. -- Ms. Tieben and Mr. Hernandez said that you 25 would be the person who was involved in those conversations.	1 Q To the city of Dodge City. 2 A I remember her bring -- generally. Because I do 3 remember her bringing up the topic. 4 Q And -- 5 A But I don't -- but I don't want quite remember the 6 specifics of it. 7 Q And so the conversation did happen, if I'm 8 understanding you correctly? 9 A Yes. We did talk about it. But I think it was in 10 general -- generally. I don't think it was in any kind of 11 detail. 12 Q And when I say the topic of -- of district-based 13 elections, I'm specifically referring to district-based elections 14 for the city of Dodge City. Did Ms. Siebel have conversations 15 with you about district-based election for the city of Dodge 16 City? 17 A Yes. 18 Q And do you -- and was the reason why Ms. Siebel was 19 having those conversations with you -- like do you understand 20 what the reason was she brought this topic up to you? 21 MS. STULA: Object to form. 22 Q (By Ms. Wakin) You can answer. 23 A Not specifically. 24 Q So you don't understand what the impetus was or why 25 Ms. Siebel brought the attention to you that Dodge City might
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1 Does that sound right to you? 2 A Yes. 3 Q Okay. Do you know a man named Bruce Adelson? 4 A No. 5 Q Did Ms. Siebel ever tell you that she was hiring 6 consultants to investigate the -- or to look into -- maybe 7 investigate's the wrong word, but look into Dodge City elections? 8 A There again, I don't want to answer this wrong because 9 it sounds familiar, but I don't remember specifically the 10 conversation. But it -- but I do remember, I think she had 11 consultants. But I -- but I don't -- I was thinking she hired 12 consultants, but I don't know. 13 Q Okay. Ms. Siebel testified that she did hire a 14 consultant. Does that sound familiar to you? 15 A Not -- I mean, the -- vaguely. Vaguely familiar. 16 Q And -- and so I note you keep on saying I don't want to 17 answer this wrong. You know, I think we're just trying to 18 understand here possibly your testimony at trial or just, you 19 know, instances that other folks have stated. And so 20 understanding them from, you know, what you remember, it -- was 21 it the case that you had conversations? You know, you said that 22 you've had multiple conversations about the Department of 23 Justice. Did you have conversations with Ms. Siebel generally 24 about district-based election? 25 A Generally.	1 have to go to district-based elections? 2 MS. STULA: Object to form. 3 Q (By Ms. Wakin) You can answer. 4 A I -- I don't -- I think it was just -- they were 5 generally telling her -- I mean, this is just my thoughts on it. 6 They were generally telling her what they -- she had to do. I 7 know that they had a lot of things that she had to do. And so I 8 think that was part of something that was brought up. But I 9 specifically -- I don't remember the details. 10 Q And when you say "they," who -- who's the "they" you're 11 referring to? 12 A On this, I think was the Department of Justice. 13 Q Okay. And did Ms. Siebel -- 14 A So I don't think she even told me any names, but she 15 may have. I just don't -- I don't recall. 16 Q Did Ms. Siebel ever tell you about any consultants that 17 she had hired? 18 A Well, we just talked about that. So I think I already 19 answered that question. 20 Q So is the answer, yes, she did tell you that she 21 had hired some consultant? 22 A Well, I remember -- now that you've brought it up, I do 23 remember her talking about consultants, but I don't remember -- I 24 hadn't remembered it before you -- you brought it up. 25 Q And what do you remember about those consultants that

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1 Ms. Siebel spoke to you about with respect to district-based 2 elections? 3 MS. STULA: Object to form. 4 A I do not remember very much. I mean, I -- I remember 5 district elections that were coming up. But, beyond that, I 6 don't -- don't really remember very much about it. 7 Q (By Ms. Waknin) Have you ever heard the name Federal 8 Compliance Consulting, LLC? 9 A Not off the top of my head, no. 10 Q I'm going to show you a document. It's marked 11 dodge_city_0004127. This was produced by the city of Dodge City 12 in response to this litigation and request by plaintiffs. Do you 13 see this document? 14 A Yes. 15 Q Okay. This is a document from someone named Bruce 16 Adelson, who runs Federal Compliance Consulting, LLC. Do you see 17 that? 18 A Uh-huh. 19 Q And it was to Ms. Sharon Siebel? 20 A Uh-huh. Yes. 21 Q This is a -- I'm going to represent to you that this is 22 an invoice. Do you have any reason to dispute that? 23 A No. 24 Q Okay. In this invoice, Mr. Siebel charged -- I mean, 25 Ms. Siebel was charged by Mr. Adelson for a teleconference with	1 remember it. 2 Q Understood. After that instance with Ms. Siebel, when 3 was the next time that district-based election methods had come 4 up when you were the city clerk of the city of Dodge City? 5 MS. STULA: Object to form. 6 Q (By Ms. Waknin) You can answer. 7 A As far as I know, it was when Cherise asked me to do 8 research on it. And I -- that was -- that was probably my last 9 few months that being -- being with the city of Dodge City. That 10 was the next time I remember -- I recall that that subject ever 11 coming up. 12 Q Okay. And so when you say "that subject," the last 13 time that you recall -- or the next time -- excuse me. Strike 14 that. The next time you recall district-based elections coming 15 up in the context of your work as the city of Dodge City Clerk 16 was when Ms. Tieben had asked you about it; is that correct? 17 A That's correct. 18 Q And do you know about what time period that was? 19 A Well, that would have been a few months before I 20 retired. So it would have been either '18 -- end of '18, 21 beginning of '19, somewhere around in there. 22 Q I am going to show you another document. And I 23 apologize with you -- to you, Ms. Pogue, because I am not very 24 fast at pulling up documents on Zoom. So I hope you can bear 25 with me and not...
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1 Dodge City officials. Do you remember that? 2 MS. STULA: Object -- 3 A The telecon -- the teleconference? 4 Q (By Ms. Waknin) Yes. 5 A Is that what you're asking me? No, I don't recall 6 that. 7 Q Okay. Do you think Ms. Siebel is a truthful person? 8 A Yes. 9 Q And if -- do you... Ms. Siebel testified during her 10 deposition that you -- another official from Dodge City, herself 11 and Mr. Bruce Adelson met on the issue of Dodge City elections. 12 Do you have any reason to believe that Ms. Siebel is lying? 13 A No, I don't. 14 MS. STULA: Object to form. 15 A I just -- I don't believe that she lies at all. I just 16 don't. Because that wasn't really my main duties. You know, you 17 had so much else going on that I just don't recall everything 18 that I was involved in. 19 Q (By Ms. Waknin) And I understand that. And, 20 Ms. Pogue, I know that you've had a 40 career -- 40-year career. 21 So I just -- I -- and, again, I hope you find my line of -- I 22 hope you find that I'm being respectful towards you. 23 A Yes, yes. Yeah, I don't have any reason to think that 24 she lied at all. I just don't remember if -- if it did occur. 25 And chances are I did if I was there, but I don't -- I don't	1 A I wouldn't be able to do it at all so... 2 Q All rightly. This document is marked 3 dodge_city_0001739. It was produced in this litigation by 4 defendants Dodge City in response to plaintiff for request for 5 production. 6 Ms. Pogue, just -- I'm going to take a second to -- to 7 read this e-mail. You should take a second to read this e-mail. 8 Or it's actually as long as you need to read the e-mail. And 9 just let me know when you want me to scroll up or down. 10 A Okay. 11 Q Do you want me to scroll down? 12 A Yes. 13 Q Okay. 14 A Okay. That's the same e-mail. You can scroll down. 15 Q So you said that that's the same e-mail. What do you 16 mean by that? 17 A Well, when I was reading -- so it looks to me like 18 that -- that that e-mail is twice. 19 Q Okay. 20 A Unless it's -- okay. It's from Cherise. And then go 21 on down. And scroll on down. Oh, okay. Never mind. I just 22 read it twice, I guess. 23 Q Okay. So I'm going to represent this is an e-mail 24 chain between Cherise Tieben and Erik Sitorious that you were 25 then forwarded; is that correct?

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1 A Yes. 2 Q Okay. And so would you have read the entirety of this 3 e-mail? 4 MS. STULA: Object to form. 5 Q (By Ms. Wakinin) You -- you can answer, Ms. Pogue. 6 A Would I have read it back in '18, when she -- 7 Q Yeah. 8 A -- sent it? 9 Q Uh-huh. Yes. 10 A Yes. 11 Q So it seems -- Ms. Tieben writes to Mr. Sitorious: Do 12 you have any information regarding pros and cons of districts? 13 He said, actually, one other issue that's likely to come up is 14 the de -- desire for e-voting districts. Does that -- is that 15 correct what I just read for you? 16 A Yes. 17 Q Okay. Do you know why, during this time period, the 18 desire for districts might have come up? 19 MS. STULA: Object to form. 20 A I don't know why. I had never heard any problems. 21 Q (By Ms. Wakinin) So when Ms. Tieben -- were you having 22 conversations with Ms. Tieben in November of 2018 about 23 district-based election? 24 A Probably. Because she wanted me to help her look into 25 it or do some research on it.	1 witness can know what you're asking. 2 MS. WAKNIN: I just cleared that question 3 with a clarification where she said she understood 4 but -- 5 Q (By Ms. Wakinin) So your lawyer just objected, so I'm 6 going to redo that -- that line of questioning. 7 So, Ms. Pogue, did Ms. Tieben ask you -- ask you to 8 research the issue of district-based elections for the city of 9 Dodge City? 10 A Yes. 11 Q Okay. And why did she ask you to look into the issue 12 of district-based elections for the city of Dodge City in 13 November of 2018? 14 MS. STULA: Object to form. 15 Q (By Ms. Wakinin) You can answer. 16 A Okay. I think that probably one of the reasons is she 17 didn't have the time to do it herself. And the other reason, I 18 think she probably got a request, which -- which I saw an e-mail 19 yesterday that I was on, so I know where the request came from 20 now. I do recall it now. But she -- she had a request 21 from -- and I don't if Jan Scoggins was the -- was a commissioner 22 at the time or if she was a citizen at that time. I'm not really 23 sure. But she had a request from Jan Scoggins to look into it. 24 Q So, if I'm understanding correctly your testimony -- 25 please correct me if I -- if anything I say is wrong.
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1 Q Oh. Why did she want you to do research on the issue 2 of district-based election? 3 MS. STULA: Object to form. 4 Q (By Ms. Wakinin) You can answer, Ms. Pogue. 5 A Okay. Because I was helping her on other -- at that 6 point in time, we had hired somebody else to be finance director, 7 to take my place when I retired. So I had some -- so she was 8 asking me to help her do some -- some things because she didn't 9 have time to do everything. And so I think this was one of those 10 projects she wanted me to look into for her or help her, assist 11 her. 12 Q Okay. And so what I'm trying to understand is 13 Ms. Tieben -- it's correct that Ms. Tieben asked you to look into 14 voting districts; is that correct? 15 A That's correct. 16 Q And when I say "voting districts," do you need me to -- 17 do you understand me to mean district-based elections, like 18 districting -- the method of election? 19 A Yes. 20 MS. STULA: Object to form. 21 MS. WAKNIN: Sarah, what's the form 22 objection? 23 MS. STULA: It's getting rather vague and 24 ambiguous what you're referring to. I think you 25 can be more precise with what you're asking so the	1 Ms. Scoggins, in 2018, had contacted Ms. Tieben about the issue 2 of district-based elections, to your knowledge? 3 A Yes. 4 Q And then Ms. Tieben contacted you in addition to a Mr. 5 Erik Sitorious about the issue of district-based elections for 6 the city of Dodge City; is that correct? 7 A Yes. 8 Q And then did you look into or find information about 9 district-based elections for the city of Dodge City for 10 Ms. Tieben? 11 A Yes. 12 Q And what information did you find? 13 A Well, there was -- I was shown a document that I 14 prepared yesterday. And most of the information was from the 15 League of Kansas Municipalities. 16 Q Is there any other reason that you know of why 17 Ms. Tieben said it was likely or that there was a desire for a 18 few voting districts? 19 MS. STULA: Object to form. 20 Q (By Ms. Wakinin) You can answer. 21 A Well -- okay. Show me that sentence again about "a 22 few." 23 Q Sure. 24 A So it's not a few voting districts. It's the desire of 25 a few. Is that correct?

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Page 54 1 Q Yes. Oh, sorry. So thank you for correcting me. So 2 the sentence is one other issue that is likely to come up is the 3 desire of a few for voting district. 4 A So you want me to say why it's the desire of a few? 5 Q Oh, I'm just -- I'm just asking you if like you 6 understood -- you know, what had come up if it was addressed -- I 7 think you said maybe Jan Scoggins had brought it up. So I'm 8 just under -- I'm just -- it's like an issue that is likely to 9 come up. I was just asking, do you know why that issue was 10 something -- likely to come up? Personally, did anyone tell you? 11 MS. STULA: Object to form. 12 A No, nobody told me. 13 Q (By Ms. Waknin) Okay. Once you got this -- I'm going 14 to put this document down. Once you got this request from 15 Ms. Tieben to do research into district-based method of election 16 for the city of Dodge City, what did you do next? 17 A I con -- well, I looked -- I looked -- I know I looked 18 in our -- our ordinances to find out -- I mean, I kind of 19 generally knew that there was an election back in the '70s on 20 how, you know, you -- because, again, like I said, it was home 21 ruled. So we decide how we govern -- your -- you know, your 22 citizens are supposed to decide how they govern. And so they 23 get -- you know, they do a petition or whatever -- however they 24 get it on the ballot, and they vote to how they want to do their 25 governing. You know, what kind of -- how many commissioners and	Page 56 1 Q (By Ms. Waknin) Why did you contact -- sorry. 2 A I -- no, she wasn't county clerk anymore. I don't -- I 3 didn't even probably -- didn't even enter my mind. 4 Q Did you ever have a conversation -- strike that. Did 5 you have a conversation with Ms. Tieben about a possible threat 6 of a lawsuit on district-based elections during the -- during 7 2018? 8 A No. 9 Q I'm going to show you -- I'm going to show you a 10 document that's -- it's marked as <u>dodge_city_0003693</u>. And this 11 was produced by the city of Dodge City in response to this 12 litigation. 13 A Okay. 14 Q Okay. So Ms. Tieben wrote to others in the city 15 that Nannette reminded me the other day that there was a threat 16 of a lawsuit several years ago, when Kim Goodnight was the county 17 chairman. Did you have this conversation that Ms. Tieben is 18 relaying to other folks with her? 19 A I must have. I don't recall it, but I must have 20 because she -- you know, she -- she said it. And so that might 21 have been the whole thing with Sharon Siebel, the conversation 22 there, but I -- like I said, I don't remember any details about 23 it. But I must have or else Cherise wouldn't have said it. 24 Q Okay. And Ms. -- Ms. Tieben thought that it -- it was 25 to force -- I'm assuming that's the city of Dodge City into --
Page 55 1 what form of government, things like that. And I know back in 2 this -- so I had that information. And I don't recall exactly 3 what it was, but I had that information with where -- where we 4 got to where we were. 5 And then from there, I contacted the League because 6 I -- I felt like they would have more knowledge than I would have 7 or even, you know, records about what other cities in Kansas do, 8 what -- you know, kind of what the trends are and why they do it 9 and cities our size because, you know, there's -- they have a -- 10 they -- they compile a lot of information from cities on 11 different subjects and -- and I think the form of government is 12 one of them because we are -- like I said, they're home rule. 13 And then -- and then the -- the way you go about 14 changing something that you don't like -- if you don't like the 15 way your form of government's working, then there's a way to go 16 about getting there. And so those are the kinds of things that I 17 was looking to the League for, for some information. And 18 that's -- and that's how I -- how -- how I compiled the report 19 that I gave to her. 20 Q Did you contact Ms. Siebel during 2018 about the 21 district issue since she had brought it up to you in 2011? 22 A No. 23 Q Why not? 24 MS. STULA: Object to form. 25 A I don't know --	Page 57 1 into wards or districts; is that correct? 2 MS. STULA: Object to form. 3 Q (By Ms. Waknin) You can answer. 4 A Can you repeat that? 5 Q Sure. So do you remember what the threat -- and so let 6 me go back. Do you remember what the threat of a lawsuit several 7 years ago was? 8 A I don't remember. I don't remember if it was 9 specifically the districts or if it was the whole election thing 10 because I know -- because I -- I don't -- I don't know if the 11 county actually was in a lawsuit several years ago that I was 12 talking about or if it was just a threat at that time. I really 13 don't know. I don't really remember if there was an actual 14 lawsuit filed back when. 15 Q Understood. 16 A Yeah. 17 Q You had thought Ken responded on the issue, I guess. 18 And who is -- who is Ken? 19 A Ken Strobel was the city manager previous to Cherise. 20 And he also then -- previously, to him being city manager, he was 21 our -- him and his firm was the legal counsel for the city for 22 many years. 23 MS. STULA: Hey, Sonni, I think now might 24 be a good time for maybe a ten-minute break. Does 25 that work for everybody?

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1 MS. WAKNIN: Sure. Does that work for 2 you, Ms. Pogue? 3 THE DEPONENT: Yes. 4 MS. WAKNIN: Okay. Wonderful. 5 VIDEOGRAPHER: The time is 11:27 a.m. 6 We're now off the record. 7 (Recess taken.) 8 VIDEOGRAPHER: This is the beginning of 9 media two. The time is 11:41 a.m. We're back on 10 the record. 11 Q (By Ms. Waknin) Ms. Pogue, where are you physically at 12 this moment when -- during this deposition? 13 A I am in City Hall. That's -- the one that's located on 14 Second Street. In... 15 Q In Downtown Dodge? 16 A Yes. And it's -- I think it's the city manager's 17 office that he has here at this location. 18 Q And I think you might have stated this, but is there 19 anyone with you in the office? 20 A No. 21 Q Ms. Pogue, did you speak with anyone during the 22 break? 23 A I spoke with Sarah briefly. 24 Q And how long was that conversation with Ms. Stula? 25 A Probably -- maybe a minute, maybe less.	1 A Yes. 2 Q Okay. I am going to show you another document. It's 3 marked dodge_city_0001780. Pull it up. Can you see my screen, 4 Ms. Pogue? 5 A Yes. 6 Q Okay. And so why don't you take a few minutes to read 7 this, and let me know when you're done reading this document. 8 And I can also scroll down whenever you tell me. 9 A Okay. 10 Q Do you mind describing to me in your own words what 11 this document is? 12 A Yeah, it's -- it was a forward from -- I think it was 13 from Cherise. She was just kind of keeping me in the loop about 14 the ask from Jan Scoggins and how she replied to her. 15 Q And so the date of the -- this e-mail thread is between 16 February 25th, 2019, and February 26th, 2019; is that correct? 17 A Yes. 18 Q And you, yourself, you were on the -- some of these 19 e-mails, and you received the entire forwarded e-mail chain; is 20 that correct? 21 A Yes. 22 Q Okay. And so after the issue of district-based 23 elections had come up before -- or you had a conversation with 24 Ms. Tieben about it in February of 2018, the issue then also came 25 up in February of 2019; is that right?
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1 Q Okay. And I'm -- I'm not going to ask you about that 2 conversation with Ms. Stula. 3 I think when we last left off, the discussion was that 4 in around November of 2018, the -- the topic of district-based 5 elections for the city of Dodge City had come up to you in your 6 role as the city clerk; is that correct? 7 A I don't know if it was -- that's correct. 8 Q Okay. And that when -- and the -- the person who had 9 brought up that issue to you would have been Ms. Tieben; is that 10 right? 11 A Yes. 12 Q Did anyone else during that time period in 2018 talk 13 with you about the issue of district-based elections for the city 14 of Dodge City? 15 A Not that I recall. 16 Q Did you continue to research the issue of 17 district-based election for the city of Dodge City after November 18 of 2018? 19 A Not after I completed that document. 20 Q Do you know when you completed the document you're 21 referring -- you're speaking about? 22 A Not -- not specifically, no. 23 Q And -- and apologies, but the -- the document that you 24 referred to, is it that history of -- or election information 25 document that we had spoken of earlier in the deposition?	1 A Well, I think it probably ran together, you know, 2 because it's November to February. So, it probably just took 3 that long to get some of the information together. 4 Q And so about then how many months was the issue of 5 district-based elections, to your knowledge, while you were city 6 clerk during this time period, talked about? 7 A Well, based upon the e-mails, I would say three months, 8 but that's just because I've been shown the e-mails. I wouldn't 9 have recalled the dates. 10 Q Do you have any reason to believe that the -- the 11 e-mails are incorrect, Ms. Pogue? 12 A No. 13 Q Okay. I'm just making sure. That's the only reason I 14 ask. 15 A Yeah, no. 16 Q Okay. So, I just want to ask, why did you say wow 17 or -- if you remember, it's wow, exclamation mark, on February 18 26th, 2019, in response to this e-mail thread? 19 A I don't recall why I would have said that. I was 20 just -- we just have a lot of stuff to do, I guess. And so it 21 was just like wow. I don't know. I -- I can't tell you what I 22 was thinking at the time. 23 Q Okay. And then Ms. Tieben told you -- she said that's 24 an understatement. And then I think she also mentioned someone 25 name Bill Hammond and Terry Malone; is that correct?

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1 A Yes. 2 Q Who's Bill Hammond? 3 A He was the CFO at -- for the school district in Dodge 4 City. 5 Q And who is Mr. Terry Malone? 6 A Terry Malone was -- he served in a different capacity. 7 Mostly as a prosecuting attorney for the city. And he was -- and 8 I don't know if he was doing this at this time, but he also -- 9 he's a local attorney. And he had been involved with the city 10 on -- in that capacity, you know, as prosecuting attorney and 11 things like that for -- for several years. 12 Q Okay. And Ms. Tieben writes: Of course this is 13 spurred by Bill Hammond and Terry Malone too. Do you know what 14 that means or why she was saying that to you? 15 MS. STULA: Object to form. 16 Q (By Ms. Wakin) Let me rephrase. Do you know why Ms. 17 Tieben stated to you "of course this is spurred by Bill Hammond 18 and Terry Malone too?" 19 A I don't know. 20 Q Was there -- at this time -- at this period of time, to 21 your knowledge, any issues with respect to Mr. Hammond and -- and 22 the city? 23 MS. STULA: Object to form. 24 A I don't think there was any specific issues. 25 Q (By Ms. Wakin) Well, do you -- do you mind -- you	1 A He was, I think, at the time. 2 Q And, to your knowledge, had Bill -- 3 A He moved. He's -- he's not here anymore. He retired 4 and moved. 5 Q To your knowledge, had you -- had -- had Bill Hammond 6 brought up the issue of district-based elections before the city 7 of Dodge City? 8 A Not -- not to my knowledge. 9 Q After receiving that e-mail from Ms. Tieben, did you 10 take any steps to -- well, what -- what did you do after getting 11 that -- after receiving that February e-mail from Ms. Tieben? 12 A If I had completed the document by then, I don't think 13 I took any steps. I'm not sure when I gave her the document. 14 I -- I mean, I just don't know at what point in time I gave that 15 to her, if it was after that or if it was before that. 16 Q And I'm going to show you a document that is -- says 17 <u>dodge.city_0003628</u>. And this was produced by the city of Dodge 18 City in response to this litigation. 19 Ms. Pogue, you keep referring to a document that you 20 created or you researched and put together and provided to folks 21 in the city of Dodge City? 22 A Yes. 23 Q Is this the doc -- is this the document that you're 24 referring to? 25 A Yes.
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1 know, and of -- I just -- I guess I'm just trying to wrap my head 2 around -- around this. You know, I'm not familiar with 3 Mr. Hammond or Mr. Malone. Ms. Tieben writes in this e-mail, 4 people that are led by ide -- ideology and not common sense 5 frustrate me. Of course this is spurred by Bill Hammond and 6 Terry Malone too. Was there, to your knowledge, any ill blood 7 between the two of them or like -- do you know why this -- why 8 she would say something like this to you in particular? 9 A Not specifically, just -- just sometimes people ask. 10 You know, you have so much to do, so much things on your plate, 11 and it just -- they have a lot of asks. And it feels like 12 sometimes you're just chasing -- chasing rabbits and -- but -- 13 but I don't know if that's why she said it. But sometimes it 14 just feels like you're just doing things to do things. But 15 I -- I don't know -- I mean, I can't say to -- to why she said 16 that. But I don't think there was any bad blood. You know, I 17 just know how people get frustrated sometimes with -- you know, 18 it's like this just doesn't end, you know. 19 Q I could imagine. And I'm sure also during this time 20 period you all might have been getting a lot of vitriol for the 21 2018 polling place location issue was maybe -- is that correct? 22 A Well, that was -- that was not fun, no. It wasn't fun 23 at all. 24 Q No. Yeah, I could imagine that was not fun. Is Bill 25 Hammond, to your knowledge, active in Dodge City politics?	1 MS. STULA: Object to form. 2 Q (By Ms. Wakin) I'm going to scroll through the 3 document to make sure that it's complete. Does this look like 4 the complete document? 5 A Yes. 6 Q Can you tell me how you went about researching the 7 information that you've included in this document? 8 A Well, the first part there, information regarding 9 cities in Kansas and form of government, I got that from the 10 League of Kansas Municipalities or probably a combination of 11 calling or looking on their Facebook pages as well or -- or their 12 web -- not Facebook, web -- websites. Because a lot of that 13 information is in their websites. But also I got some of it from 14 the League. 15 Q Do you know what you got from websites and what you got 16 from the League? 17 A On this part of it, no. I can't tell you specifically, 18 but I -- I think I did -- did -- was able to find some 19 information on their websites. 20 Q And then in addition to the section that says 21 information regarding cities in Kansas and form of government, 22 there is a section that says "elections since 2000"; is that 23 correct? 24 A Yes. 25 Q Why did you include information on elections in

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1 2000 -- since 2000? Apologies. 2 A I -- because the -- just to show the number of 3 candidates probably and who all -- who all had applied to be city 4 commissioners. Because I think that was pertinent information. 5 Q Why was that pertinent information? 6 A Let me read this. I mean, just showing the number of 7 people that are interested in the positions and who they were or 8 what their names were. 9 Q And the elections that you're referring to in this 10 section are -- are -- what elections are those? 11 A City commission elections. 12 Q Are there any candidates from this list of candidates 13 that are currently on the Dodge City Commission that you know 14 of? 15 A Kent Smoll, Rick Sowers. I think those are the only 16 ones. 17 Q When you were researching this list, were there many 18 candidates that you saw? Or did -- strike that. When -- when 19 you were researching this list, did you -- how many candidates 20 did you see ran for city commission that had Hispanic surnames? 21 MS. STULA: Object to form. 22 THE DEPONENT: Well, does that mean I can 23 go ahead and answer? 24 MS. STULA: You can answer. If you 25 know --	1 we would... 2 Q Yeah. And then it -- I knew the Kansas -- did the 3 Kansas League of Municipalities provide you information on 4 Section 2 of the Voting Rights Act? 5 A I don't recall them doing that, but I may have looked 6 it up myself. But I don't -- I don't recall. 7 Q So, in this section that says information on statutes 8 and redistricting from the League of Municipalities, there is a 9 line that says Section 2 of the Voting Rights Act deals with this 10 issue, referring to districts adopted. Do you see that? 11 A Yes. 12 Q Okay. So did you read the information that the -- that 13 was provided to you by the Kansas League of Municipalities? 14 A Yes. 15 Q What did you think of the information that was provided 16 to you by the Kansas League of Municipalities? 17 A What did I think of the information? I -- I thought it 18 was very valid based upon anything that they had -- had looked at 19 or researched in the past. 20 Q I think that the Kansas League of Municipalities, they 21 wrote, Dodge City would need to be careful to not dilute the 22 voting power of Hispanic and Latino voters in any map adopted. 23 Is that correct? 24 A Yes. 25 Q Okay. So what did you understand that to mean -- that
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1 A Liliana Zuniga, Jose Vargas. That's the only two that 2 I see. 3 Q (By Ms. Waknin) So, two out of how many candidates, do 4 you think? 5 A I don't know. I'd have to count them. 6 Q I'm not going to ask you to count them. Don't worry, 7 Ms. Pogue. But -- 8 A Okay. I -- 9 Q -- is it fair to say two candidates out of this 10 election -- two -- two candidates who have Hispanic surnames out 11 of this list of candidates who run out of maybe, let's say... 12 Well, it's hard. There's a lot. 13 A Yeah. Maybe 20 or 25. 14 Q Okay. And then do you mind -- there's a section that 15 says information on statutes and redistricting from the League of 16 Municipalities; is that correct? 17 A Yes. 18 Q What is this information that you received? 19 A This information is from the League of Kansas 20 Municipalities. That they provided to me outlining what -- what 21 the city would need to do if they were to go this way -- if they 22 were to go to districts and just some of the information about 23 racial makeup of Dodge City and -- and some of the -- maybe some 24 of the information about maybe how to go about it, I guess, or 25 some of the -- the concerns if we were to -- to go that way, how	1 sentence to mean? 2 A That if they'd redistrict, they'd have to be really 3 careful of how they did it. 4 Q Prior to this information by the Kansas League of 5 Municipalities in 2019, had you heard from anyone while you were 6 serving as the -- in your role as an employee of the Dodge -- of 7 Dodge City about minority vote dilution or the dilution of voting 8 power of Hispanics or Latinos? 9 A Just in the '18 election, when -- when they were being 10 accused of suppressing the vote. When the county was. 11 Q Did you share -- I'm going to stop sharing my screen 12 with you. Did you share the information that the Kansas League 13 of Municipalities provided to you, that you included in your 14 memorandum on Section 2 of the Voting Rights Act, to anyone in 15 the city? 16 A Cherise Tieben. 17 Q Anyone else? 18 A Not that I recall. 19 Q After -- was the issue of district-based elections for 20 the city of Dodge City discussed at any Dodge City Commission 21 meetings that you attended? 22 A Not that I recall. 23 Q Is it the case that you cannot recall that issue being 24 brought up or that you don't believe that issue had ever been 25 brought up in a Dodge City Commission meeting?

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Page 70 1 A I said I don't recall. 2 Q Okay. Besides Ms. Tieben, had you spoken during your 3 time as -- as an employee of the city of Dodge City spoken with 4 anyone about the transit -- a possible transition for Dodge City 5 to move from at-large to district-based election? 6 A Not any more than we talked about before with Sharon 7 Siebel. 8 Q Were you contacted by the city of Dodge City in 9 response to this lawsuit? 10 A The only contact I had that I recall was from Cherise, 11 asking me about the document and just letting me know that 12 they -- they had the suit filed against them. 13 Q Do you think that the issue -- like personally, do you 14 think that the -- well, strike that. What do you understand this 15 incident litigation to be about? 16 A I guess it's about that whoever filed this suit feels 17 like the Hispanic population would have more say in local 18 government if it was voted in by districts but... 19 Q Do you have any opinions on that issue? 20 MS. STULA: Object to form. 21 A Yes. 22 Q (By Ms. Wakinin) What are your opinions on the issue 23 of -- or what are your opinions on district-based elections? 24 A I don't think that they would get enough people to run. 25 I think there -- there'd be a lot of -- nobody'd run, you know,	Page 72 1 come down -- people will come down -- not everybody, but every 2 once in a while you'll get a lot of slack from the community. 3 And you listen to people, and they can be very hateful, you know, 4 if you don't go on their side. 5 MS. WAKNIN: Ms. Stula, do you mind if we 6 take a ten-minute break? 7 MS. STULA: That's just fine. 8 MS. WAKNIN: Okay. Can we please go off 9 the record? 10 (Off-the-record discussion.) 11 VIDEOGRAPHER: The time is 12:10 p.m. 12 We're now off the record. 13 (Recess taken.) 14 VIDEOGRAPHER: The is the beginning of 15 media three. The time is 12:20 p.m. We're back 16 on the record. 17 Q (By Ms. Wakinin) Ms. Pogue, I'm just going to ask you 18 about another document. It's labeled <u>dodge_city_000583</u>. Why 19 don't you take a second to read the document. 20 A Okay. 21 Q To your knowledge, do you know why Ms. Cox was asking 22 you about what year Luis Sanchez was on the city commission? 23 MS. STULA: Object to form. 24 A I don't know why she was, yeah. I don't know why she 25 was.
Page 71 1 because it's not exactly a -- you don't exactly make friends when 2 you get -- you know, people don't like you anymore when you're a 3 city commissioner. Not everybody, but, you know, you just get a 4 lot of -- a lot of, I don't know, discontent. You know, that's 5 the people you hear from is -- is discontent. And I -- I 6 personally feel like that -- that the city -- city commission, 7 over the years, has represented all areas. I don't -- I don't 8 see where there's been a problem where -- when -- where any -- 9 anybody's been really left out in -- in the decisions that 10 they've made. 11 Q When you said, I don't think they'll get anyone to 12 run or -- and I -- I might be paraphrasing you. So apologies. 13 Are you -- is the "they" you're referring to Hispanic voters? 14 A Anybody. I mean, I think they have -- you know, it's 15 picked up maybe in the last few years where people are more 16 willing to run, but I think for a lot of years just people aren't 17 willing to run. 18 Q Do you think that's why people aren't willing to run? 19 And what I'm asking is personal thoughts on why people aren't 20 willing to run for Dodge City Commission. 21 A What kind of people? Did you say all people? 22 Q Oh. Yeah, I'm just saying all people. Like do you 23 have any thoughts on why folks, you know, might not want to run 24 for Dodge City Commission? 25 A Well, I think if you vote wrong, they -- they -- they	Page 73 1 Q (By Ms. Wakinin) Okay. Do you know Mr. Sanchez? 2 A Yes. 3 Q How do you know Mr. Sanchez? 4 A Because he was the city commissioner. It was -- gosh, 5 I'm going to say it's back in the '80s. It was a long, long time 6 ago. 7 Q Do you personally know Mr. Sanchez? 8 A Well, he's -- he's gone now. 9 Q Oh. 10 A He -- 11 Q Apologies. 12 A Yeah. Him and his family -- I don't know him well. 13 Not -- just -- you know, besides working on the city commission. 14 Him and his family go to the same church I do but -- you know, so 15 I'd see him there. But I -- you know, beyond that, I don't know 16 him well. 17 Q Yeah, I just -- I just wanted to ask if you knew 18 why she was -- or why Ms. Cox was asking you about Mr. Sanchez. 19 MS. STULA: Object to form. 20 Q (By Ms. Wakinin) Ms. Pogue, do you know anyone by the 21 name of Alejandro Rangel-Lopez? 22 A Just by name. 23 Q What do you know about this individual? 24 A He was the one that -- that -- I don't know if it was 25 in a lawsuit or if it was just a civil action, but he was the one

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1 that filed against the county back in the 2018 election. And he 2 also graduated the same year my granddaughter did at the high 3 school when he gave a speech during graduation. 4 Q Was it a good speech? 5 A I guess it's what you call good. It was okay. 6 Q Do you have any opinions about Mr. Rangel-Lopez? 7 A No. 8 Q Do you know an individual named Miguel Coca? 9 A No. 10 Q Have you had any meetings regarding this litigation 11 that we have not discussed? 12 A No. 13 Q Have you been asked to testify at trial in this 14 litigation? 15 A No. 16 Q Are you available at the end of -- strike that. Do you 17 have any vacations planned currently between the end of February 18 and early March? 19 A Not currently. 20 Q Ms. Pogue, do you find the issues in this litigation to 21 be important? 22 MS. STULA: Object to form. 23 Q (By Ms. Wakinin) You can answer. 24 A I don't know. 25 MS. WAKNIN: Okay. I pass the witness.	1 election document here that opposing counsel was questioning you 2 about. Just a moment. Okay. And I'll scroll up to the top. 3 Can you see my screen? 4 A Yes. 5 Q Okay. Is this -- and I'll scroll through it so you can 6 see. But my question for you is, is this the same information 7 regarding elections document that you and opposing counsel 8 discussed? 9 A Yes. Yes. 10 Q Okay. Same answer? 11 A Yes. 12 Q Okay. And, for the record, the beginning Bates page 13 number is Dodge City 0003628. I want to ask you a few more 14 questions, Ms. Pogue, about this particular document. So you -- 15 A Okay. 16 Q -- stated that you compiled this document; is that 17 correct? 18 A Yes. 19 Q And turning to the section -- well, first, the section 20 you discussed with opposing counsel regarding elections since 21 2000. Do you recall the line of questioning where opposing 22 counsel asked you about Hispanic surnames? 23 A Yes. 24 Q Okay. And, based on your knowledge of living in 25 Dodge comm -- Dodge City for decades now, do you think it's
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1 MS. STULA: Okay. Ms. Sonni, I won't take 2 too long either. 3 CROSS-EXAMINATION 4 BY MS. STULA: 5 Q Ms. Pogue, isn't it true that the e-mails I showed you 6 in this case were all produced to the other side? 7 A Yes. 8 Q You mentioned that you worked at the election as an 9 election worker back in about 2020, 2022, correct? 10 A Yes. 11 Q When you were working as an election worker, did you 12 ever notice any kind of voter intimidation tactics? 13 A No. 14 Q Did you ever notice someone try -- or anyone trying to 15 keep Hispanic individuals out of the polling location? 16 A No. 17 Q Do you have any -- based on your time as an election 18 worker, do you have any views about Hispanic turnout for 19 elections? 20 A I would -- I would say it's probably not as high 21 as -- as the -- like the percentage-wise, you know, the -- I 22 don't know what the census says, but I know that there's probably 23 more Hispanics than there are Caucasians. And I don't think that 24 turnout is -- that's not the way it reflects in the turnout. 25 Q And then turning to the -- well, I'll pull up the	1 accurate to predict someone's ethnicity by their last name? 2 A No. I don't -- I do not. 3 Q Do you think it's accurate to predict someone's 4 ethnicity in Dodge City based on a Hispanic-sounding last name? 5 A No. 6 Q Do you think it's accurate to predict someone's ethnic 7 identity based on a Hispanic surname in Dodge City? 8 A No, I do not. 9 Q Why not? 10 A I personally know people that are Caucasians with 11 Hispanic names. And I know quite a few of them. And I think 12 there's a lot of, again, mixed race, if you will. And so people 13 marry into the Hispanic surname families and they're -- they're 14 Caucasian. I know -- and I know several people like that. 15 Q And moving on down to this section that says 16 information on statutes and redistricting from the League of 17 Kansas -- or League of Municipalities, do you see that -- that 18 title? 19 A Yes. 20 Q And I'd like to clarify. The entire section under 21 "information on statutes and redistricting from the League of 22 Municipalities," was this entire section provided by the League 23 of Municipalities? 24 A Yes. 25 Q Do you recall whether this section was provided by an

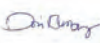
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1 extern from the League of Kansas Municipalities? 2 A I -- I recall that just because you showed me a -- an 3 e-mail yesterday that said that's where it came from was he 4 prepared it. And it came from -- I think Eric Smith is the one 5 that sent it to me. But he specifically said it was from an 6 extern. The information was from something that they had 7 compiled. 8 Q Okay. But you personally recall that -- the sentence 9 says underneath the subtitle "information on statutes and 10 redistricting from the League of Municipalities" did come from 11 the League of Kansas Municipalities; is that right? 12 A Yes. Everything except when you get down to the very 13 last sentence about school districts. That was probably my 14 wording. 15 Q Okay. So when you're -- oh, go ahead. 16 A Right there, yeah, where your cursor is. 17 Q Okay. 18 A That was probably mine. But everything above that -- 19 below the -- the title was from -- directly from the League of 20 Municipalities. 21 Q Okay. To confirm, the sentence that I believe you're 22 pointing to reads: I wasn't able to find any other information 23 regarding the school districts and what kind of problems they may 24 have run into when they had voting districts. Is that the 25 correct sentence you're looking at?	1 Q Have you had the -- have you had the opportunity to 2 legally analyze Thornburg vs. Gingles? 3 A No. 4 Q Have you legally analyzed the test for Thornburg vs. 5 Gingles? 6 A No. 7 Q So, to confirm the discussion in this section about 8 Thornburg vs. Gingles came directly from the Kansas League of 9 Municipalities; is that right? 10 A Yes. 11 MS. STULA: I have no further questions at 12 this time. 13 MS. WAKNIN: I actually just had a few 14 questions, and I just had forgotten to ask you. I 15 just want to make sure for the record. 16 REDIRECT EXAMINATION 17 BY MS. WAKNIN: 18 Q Ms. Pogue, was I respectful to you during this 19 deposition? 20 A Yes. 21 Q And I just want to make sure that you -- that I was 22 courteous to you as well? 23 A Yes. 24 Q And did you tell the truth during this deposition? 25 A Yes, I did.
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1 A Yes. 2 Q So that's the sentence that you believe you wrote 3 yourself? 4 A Yes. 5 Q But the other paragraphs underneath the subtitle 6 "information on statutes and redistricting from the League of 7 Municipalities" came directly from the League of Kansas 8 Municipalities? 9 A Yes. 10 Q Is that right? 11 A Yes, that's right. 12 Q Is it fair to say that the conclusions in this section 13 on information on statutes and redistricting from the League of 14 Municipalities are the conclusions of the League of Kansas 15 Municipalities? 16 A Yes. 17 Q And, Ms. Pogue, this might sound like a funny question, 18 but are you an attorney? 19 A No. 20 Q And so for -- for this analysis where -- where this 21 document talks about conditions under Thornburg vs. Gingles, do 22 you see that? 23 A Yes. 24 Q Does this present your legal analysis? 25 A No.	1 Q I just want to, on the record, say that I thank you for 2 being a public servant. I know that it can be a very difficult 3 job. So thank you. 4 A Thank you. 5 MS. WAKNIN: No further questions. 6 MS. STULA: No further questions from me 7 either. Ms. Pogue, I think you're done for the 8 day. 9 THE DEPONENT: Oh, great. Thank you. 10 VIDEOGRAPHER: The time is 12:33 p.m. 11 We're now off the record. This is the beginning 12 of media four. The time's 12:33 p.m. We're back 13 on the record. 14 MS. WAKNIN: Are you going to reserve her 15 read and sign, Sarah? 16 MS. STULA: Oh, I thought Ms. Burby was 17 going to ask. But, yes, so we -- we will -- we 18 will reserve and read and sign and -- and do that 19 at another time. 20 MS. WAKNIN: Ms. Burby, I will be ordering 21 a rough of the transcript and then I'll -- besides 22 the rough, I'll just have a regular version. I 23 would also like a PXT file. 24 MS. STULA: E-tran. 25 THE VIDEOGRAPHER: The time is 12:34 p.m.

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1	We're now off the record.	1	CHANGES AND SIGNATURE
2	(End of proceedings.)	2	WITNESS NAME: Nannette Pogue, 07/27/2023
3	* * * * *	3	PAGE LINE CHANGE REASON
4		4	_____
5		5	_____
6		6	_____
7		7	_____
8		8	_____
9		9	_____
10		10	_____
11		11	_____
12		12	_____
13		13	_____
14		14	_____
15		15	_____
16		16	I, Nannette Pogue, have read the foregoing
17		17	transcript and hereby affix my signature that same is
18		18	true and correct, except as noted above.
19		19	
20		20	_____
21		21	Nannette Pogue
22		22	Sworn to and Subscribed before me
23		23	_____, Notary Public.
24		24	This _____ day of _____, 20____.
25		25	My Commission Expires:
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1			
2	C E R T I F I C A T E		
3	STATE OF NEBRASKA)		
	) ss		
4	COUNTY OF BUFFALO)		
5	I, Doris Burby, General Notary Public in and for the State		
6	of Nebraska and Registered Merit Reporter, do hereby certify that		
7	the deponent was by me duly sworn or affirmed to testify the		
8	truth, the whole truth and nothing but the truth, and that the		
9	Zoom deposition as above set forth was reduced to writing by me.		
10	That the within and foregoing Zoom deposition was taken by		
11	me at the time and place herein specified and in accordance with		
12	the within stipulations: the reading and signing of the witness		
13	to her deposition having not been waived.		
14	That the foregoing Zoom deposition is a true and accurate		
15	reflection of the proceedings taken in the above case.		
16	That I am not counsel, attorney or relative of either party		
17	or otherwise interested in the event of this suit.		
18	IN WITNESS WHEREOF, I have affixed my signature and seal		
19	this 8th day of August, 2023.		
20	My commission expires June 7, 2026.		
21			
22	_____		
	Doris Burby		
23	Registered Merit Reporter		
	General Notary Public		
24			
25			

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Cherise L. Tieben on 07/20/2023

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF KANSAS

3 Miguel Coca, Alejandro
4 Rangel-Lopez,

5 Plaintiffs, No. 6:22-cv-01274-EFM-RES

6 vs.

7 City of Dodge City, a
8 Municipal Corporation,
9 the Dodge City Commission,
10 E. Kent Smoll, in his
11 Official Capacity as
12 Mayor of Dodge City,
13 Michael Burns, in his
14 Official Capacity as
15 Vice-Mayor of Dodge City,
16 Rick Sowers, in his
17 Official Capacity as a
18 Member of the Dodge City
19 Commission, Chuck Taylor,
20 in his Official Capacity
21 as a member of the Dodge City
22 Commission, and Joseph Nuci,
23 in his official Capacity
24 as a Member of the Dodge City
25 Commission,

Deposition of
CHERISE L. TIEBEN
taken July 20, 2023
via Zoom

Defendants.

* * * * *



Videotaped videoconference deposition of
CHERISE L. TIEBEN, taken on behalf of the Plaintiffs,
before Sarah J. Dittmer, Certified Court Reporter and
Registered Professional Reporter in the State of
Missouri, taken via Zoom, on the 20th day of July,
2023, commencing at 10:01 a.m., pursuant to the
Federal Rules of Civil Procedure.

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Cherise L. Tieben on 07/20/2023

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1 A P P E A R A N C E S 2 Sonni Waknin 3 Attorney at Law 4 3250 Public Affairs Building 5 Los Angeles, California 90065 6 7 JD Colavecchio 8 Attorney at Law 9 One Liberty Plaza 10 New York, New York 10006 11 Sharon Brett 12 Attorney at Law 13 10561 Barkley Street, Suite 500 14 Overland Park, Kansas 66212 for Plaintiffs. 15 16 Clayton J. Kaiser 17 Attorney at Law 18 7500 College Boulevard, Suite 1400 19 Overland Park, Kansas 66210 for Defendants. 20 Videographer: J. Timothy Ramos 21 Also Present: Nickolaus Hernandez 22 23 24 25	1 (Sharon Brett not present.) 2 VIDEOGRAPHER: This is the beginning of 3 Media Number 1 in the deposition of Cherise 4 Tieben in the matter of Miguel Coca, et al., 5 versus City of -- City of Dodge City. 6 Today's date is July 20th, 2023, and 7 the time on the monitor is 10:01 a.m. 8 My name is Joseph Timothy Ramos, and 9 I'm the videographer. The court reporter is 10 Sarah Dittmer. We are here with Huseby Global 11 Litigation. 12 Counsel, please introduce yourselves, 13 after which the court reporter will swear in the 14 witness. 15 MS. WAKNIN: My name is Sonni Waknin, 16 and I'm appearing on behalf of Plaintiffs. And 17 I will let my colleague, JD, introduce himself. 18 MR. COLAVECCHIO: This is JD 19 Colavecchio from Cleary Gottlieb for Plaintiffs. 20 MR. KAISER: Clayton Kaiser, Foulston 21 Siefkin, on behalf of the defense. 22 MR. HERNANDEZ: Nickolaus Hernandez. 23 I'm with the defense as a nonattorney. 24 Clayton, what would you say my title 25 is?
Page 4	Page 6
1 INDEX 2 Examination by: Page 3 Ms. Waknin..... 5 4 Mr. Kaiser..... 86 5 * * * * * 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 MR. KAISER: Client rep. 2 MR. HERNANDEZ: Observer. 3 MR. KAISER: I would say client rep. 4 Not an attorney, not as a -- obviously entered 5 an appearance in the case. 6 COURT REPORTER: Would you please raise 7 your right hand, Cherise. 8 THE WITNESS: Are you speaking to me? 9 COURT REPORTER: Yes, please. 10 THE WITNESS: Okay. 11 CHERISE L. TIEBEN, 12 being produced, sworn as hereinafter certified, 13 was examined and testified as follows: 14 EXAMINATION 15 BY MS. WAKNIN: 16 Q. Wonderful. Hello, Ms. Tieben. Am I 17 pronouncing your name correctly? 18 A. Yes. 19 Q. Okay. If there's any point when I'm 20 not, please just let me know. I'm notoriously 21 and unfortunately bad with names. 22 A. Okay. 23 Q. My name is -- Thank you. My name is 24 Sonni Waknin. I actually represent the 25 plaintiffs in this matter, and I'll be the one

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Page 7 1 asking you some questions today. 2 So I was wondering if you'd actually 3 mind stating your full name for the record, 4 please, and maybe spelling it for us as well. 5 A. Okay. It's a real easy name: Cherise, 6 C-H-E-R-I-S-E, Lynn Tieben, T-I-E-B, as in boy, 7 E-N. 8 Q. And what is your address? 9 A. 2414 Brock Road, Dodge City, Kansas, 10 67801. 11 Q. And where are you today right now? 12 A. In my office at home. 13 Q. Okay. And have you ever been deposed 14 before? 15 A. I think -- Yes. Yes, I have. 16 Q. Do you -- do you remember when about 17 that was? 18 A. Gosh, it would have had to have been 19 back in '94 -- 20 Q. Okay. 21 A. -- '5, something like that. 22 Q. So about -- 23 A. Too long ago to remember. 24 Q. I will -- I will say about 27 years 25 ago; isn't that --	Page 9 1 I just ask for you today that you wait 2 until I'm done speaking and then you allow a 3 second -- your attorney, Mr. Kaiser, might 4 object -- and then you can give your answer. 5 Does that sound fair? 6 A. Yes. 7 Q. Okay. If Mr. Kaiser gives you an 8 object- -- or states an objection on the record, 9 that's for the record. You still have to answer 10 the question unless Mr. Kaiser instructs you not 11 to answer the question due to attorney-client 12 privilege or another privilege that he believes 13 governs the answer to that question. Does that 14 sound okay? 15 A. Yes. 16 Q. All right. Yeah. If you don't 17 understand a question -- Sometimes I might ask 18 you a complicated question or I might not phrase 19 something correctly or it could be a little 20 confusing. That happens. If you answer a 21 question I've asked you, I'm going to assume 22 that you understand the question. Is that fair? 23 A. Yes. 24 Q. You are always able to ask for a 25 clarification of a question. We want to make
Page 8 1 A. Yeah. 2 Q. Yeah. Okay. So -- You know, I'll just 3 go over some -- a few rules with you. You know, 4 I want to make sure that you understand what's 5 going to happen today. 6 We're going to have a professional and 7 informal and respectful conversation today, but 8 as you have been sworn in, you are under oath. 9 I am going to be asking questions of 10 you to understand potentially your testimony at 11 trial and understand a little bit what you know 12 about this case and some of the events or issues 13 in this case. Does that sound fair to you? 14 A. Yes. 15 Q. Okay. The court reporter over here, 16 and the videographer, are going to be taking a 17 record of your testimony today, so it is 18 important that you speak slowly, clearly, and 19 concisely and you give verbal answers. Does 20 that make sense? 21 A. Yes. 22 Q. Since this is over a virtual format, 23 it's hard -- and I also think in natural 24 speaking sometimes we tend to speak over each 25 other. We can finish each other's sentences.	Page 10 1 sure that your testimony today is truthful and 2 that you understood what I was asking you. 3 So you understand that if I ask you a 4 question and you don't understand it, you can 5 ask for a clarification? 6 A. Yes. 7 Q. Okay. And if at any point you think 8 you didn't give a complete answer today or we're 9 on a different line of questioning but you might 10 remember something, you can actually go back and 11 say "I'd like to revise an answer" or "I've been 12 thinking about this." 13 Now, I might ask you what jogged that 14 memory, but I want to give you the opportunity 15 to clarify any answer you've given on the record 16 today. Do you understand that? 17 A. Yes. 18 Q. We'll be taking breaks during your 19 deposition. You know, I hope that this is not 20 very long. I think that kind of depends on the 21 nature of the questioning and the nature of the 22 answers given. 23 But if you need to take a break at any 24 point, just let me know. You can't take one 25 while a question is pending. So I can't ask you

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Page 11 1 a question and then you ask to take a break. 2 But, you know, if you need to take a 3 bathroom break, need to tend to some -- an 4 emergency, tend to a call, just let us know, and 5 we'll go off the record. But I'd just ask that 6 we don't take excessive breaks. Is that fair? 7 A. Yes. 8 Q. Okay. Is there any reason today that 9 you can think of why you might not be answer -- 10 able to answer my questions truthfully or 11 honestly today? 12 A. I can't think of anything, no. 13 Q. Okay. Sometimes there's a question -- 14 You know, it's a little rude, but, you know, are 15 you on any medication or substances that might 16 alter your brain patterns today? 17 A. No. 18 Q. Okay. You know, it's something that 19 sometimes we've got to ask. So I appreciate you 20 taking that in stride, ma'am. 21 Do you know anything about the issue in 22 which you're being deposed today? 23 A. Yes. 24 Q. Okay. And, Ms. Tieben, what do you 25 know about it?	Page 13 1 just taking your Apple watch off and putting it 2 in a separate room, if that's -- I just want to 3 make sure -- 4 You're not supposed to be communicating 5 with anyone during this -- during this 6 deposition. If you are, those communications -- 7 I can ask you about them or request them. 8 So I just want to make sure that you 9 understand, since this is a new thing, that you 10 can -- So let's take a -- 11 A. I just shut it off. 12 Q. -- three-minute -- Oh. You shut it 13 off. Okay. Wonderful. So -- 14 And when you said -- And I want to go 15 back and -- Again, you said that you might have 16 been given something. Do you know what you 17 might have been given related to this lawsuit? 18 A. It seems like the city manager sent me 19 something a long time ago saying this is a 20 lawsuit that's been filed against us. 21 Q. Did you have any reaction when you 22 received that e-mail? 23 A. I opened it. 24 Q. Did you have any personal, like, 25 thoughts or feelings about receiving that e-mail
Page 12 1 A. That a young man has filed suit against 2 the City because he believes we should district 3 for elections. 4 Q. And when you say "a young man," are you 5 referencing Mr. Coca? 6 A. Yes. I don't know him. 7 Q. Okay. Do you know if there's another 8 plaintiff in this lawsuit? 9 A. I do not. Just what you've had on the 10 screen there for the name. 11 Q. Have you read any documents related to 12 this lawsuit? 13 A. No, I have not. 14 Q. Have you been given any documents 15 related to this lawsuit? 16 A. I -- Now that I say that, I think I may 17 have been given it, but I'm not sure I read it. 18 I'm not sure I read it. 19 Q. Do you think -- And when you say -- Oh. 20 Apologies. Do you have anything in the room 21 with you right now? 22 A. Well, I have an Apple watch. I don't 23 know how to shut the volume off. 24 Q. Oh, I understand. Do you mind 25 actually, then -- we can take a short break --	Page 14 1 once you read the contents of it? 2 A. No. 3 Q. How did you prepare for this deposition 4 today? 5 A. I visited with Clayton Kaiser. 6 Q. And, ma'am, I'm not going to ask you at 7 all about what the -- the contents of that 8 conversation you had with Mr. Kaiser, but I'm 9 going to ask you how many times you met with 10 Mr. Kaiser. 11 A. I think twice. 12 Q. And about how long did you meet with 13 Mr. Kaiser? 14 A. 30 minutes, 45 minutes. 15 Q. Was there any other folks present 16 during your meeting with Mr. Kaiser? 17 A. Not that I'm aware of. 18 Q. Did you bring any documents with you to 19 those meetings with Mr. Kaiser? 20 A. No. 21 Q. And how did you meet with Mr. Kaiser? 22 In person? Over Zoom? 23 A. We did a conference call and a -- what 24 do you call it -- a Teams -- That thing. 25 Q. Were those like virtual platforms,

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1 then? 2 A. One of them was just a conference call. 3 And the other one was the Teams, so I guess 4 that's a virtual platform. 5 Q. Were you shown any documents during 6 your preparation for this deposition? 7 A. Yes. 8 Q. And what documents were those? 9 A. A report from the league. An e-mail 10 that I had sent to Lori Wade. I think that was 11 it. There may have been -- 12 Q. And -- 13 A. -- one other. 14 Q. What was the general subject of the 15 documents that you were shown during your 16 deposition preparation? 17 A. Repeat that, please. 18 Q. Sure. So you said that you received a 19 report from the league and an e-mail to a Ms. 20 Wade and maybe another document. Was there a 21 recurring theme within those documents that you 22 were shown? 23 A. The -- 24 MR. KAISER: Object to form. 25 A. The theme would have been voting	1 involvement with the City of Dodge City? 2 A. My involvement? 3 Q. Correct. 4 A. I was city manager when I retired. I 5 started when I was 16 and progressed -- When I 6 got out of college, I started full-time and 7 progressed through the ranks. 8 Q. And when you were conversing with Ms. 9 Wade, were you the city manager of the City of 10 Dodge City at that point? 11 A. You'd have to tell me the date on the 12 memo, but I would guess so. 13 Q. And when you -- when you were city 14 manager of the City of Dodge City, did you have 15 a document retention policy? 16 A. I'm sure we did. 17 Q. Do you know of that policy? 18 A. I know one exists, but you're past me 19 there. 20 Q. I understand. I'm just trying to 21 understand if -- you know, if that voting issues 22 file -- like where that would be. Like where -- 23 You said it would be in Ms. Wade's office. 24 Does Ms. Wade still work for the City 25 of Dodge City?
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1 issues. 2 BY MS. WAKNIN: 3 Q. And how do you define "voting issues"? 4 A. I think the league report was about 5 districting. And the e-mail I sent to Lori, I 6 think, was about starting a file. 7 Q. And when you say "starting a file," 8 what do you mean by that? 9 A. Starting a file on voting issues. 10 Q. Like a computer file or a physical 11 file? 12 A. Well, I still do everything in physical 13 file. 14 Q. And do you know if Ms. Wade started 15 that physical file on voting issues? 16 A. She always took direction and complied 17 before, so I imagine she did. 18 Q. And where would that file have been 19 located? 20 A. I would assume in her office. 21 Q. Do you know if the file exists today? 22 A. I have no idea. 23 Q. Was there a policy of, you know, 24 when -- Let me back up. 25 Do you mind telling me about your	1 A. No. She's retired also. I would 2 assume the clerk would have it. 3 Q. What type of issue -- What type of 4 documents were put in the voting issues file, to 5 your knowledge? 6 A. I don't remember. 7 Q. Why did you think to start a voting -- 8 or ask to start a voting issues file? 9 A. Apparently it was a topic of 10 discussion. 11 Q. I guess it was important enough of a 12 topic, the voting issues, to start a file. Is 13 that fair to say? 14 MR. KAISER: Objection. Form. 15 A. Yes. 16 BY MS. WAKNIN: 17 Q. Do you mind restating your answer, 18 ma'am? 19 A. Did somebody else say something? 20 MS. WAKNIN: Apologies. Mr. Kaiser, do 21 you mind speaking up a little more -- 22 MR. KAISER: Yeah. 23 MS. WAKNIN: -- when you have 24 objections? 25 MR. KAISER: Yep.

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1 And, Cherise, I would just ask that you 2 have a slight pause between question and answer 3 so I can get my objection in. 4 I objected based on form. 5 Cherise, you can answer. 6 THE WITNESS: Okay. 7 Could you repeat the question? 8 MS. WAKNIN: No worries. 9 BY MS. WAKNIN: 10 Q. So voting issues were probably then an 11 important topic. You decided to ask Ms. Wade to 12 start a specific file to keep those issues -- or 13 documents related to that issue; is that fair to 14 say? 15 MR. KAISER: Objection. Form. 16 A. I'm not sure how important. I started 17 a lot of files. It was something that was a 18 topic of discussion. And if I remember right -- 19 What was the date on that file -- on that? 20 BY MS. WAKNIN: 21 Q. I'm not entirely sure off the top of my 22 head, but I think it might be something that we 23 talk about. So if it is and we get to it during 24 this deposition, then I think we'll -- we can 25 have a better conversation.	1 subject"? 2 A. There's so many subjects that 3 municipalities cover that -- They're not going 4 to be experts on wastewater, so -- 5 Q. Understood. Did you -- Do you 6 generally find the information from the 7 league -- And when I say "the league," the 8 League of Kansas Municipalities. 9 Do you generally find the information 10 from the league to be correct? 11 A. I didn't go to them that much, so -- 12 Q. I'm guessing in your then interaction 13 with them, do you -- do you think that they 14 would give you incorrect information when you 15 were asking the league for assistance or advice? 16 A. I do not believe they would give us 17 incorrect information intentionally. 18 Q. And why do you say "intentionally"? 19 A. Because I think everybody can make 20 mistakes. 21 Q. Understood. That's -- That is a fair 22 point, Ms. Tieben. 23 Did you speak to anyone -- I'm going to 24 move on. 25 We might come to those documents at
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1 I think I was just curious to know why 2 you were shown that e-mail. But, again, I'm not 3 asking for the contents of your communications 4 with your attorney. Do you understand that? 5 A. Okay. 6 Q. Okay. 7 A. Yes. 8 Q. And then what was the report from the 9 league? Oh. Back -- Let me back up, actually, 10 Ms. Tieben. My apologies. 11 What is the league? 12 A. Oh, I'm sorry. It's the League of 13 Kansas Municipalities. 14 Q. And what is the League of Kansas 15 Municipalities? 16 A. It's an organization that's formed by 17 cities and counties. And they offer assistance 18 to cities and counties. Sometimes recruiting. 19 Sometimes on technical issues. They help us 20 legislate issues. They keep municipalities 21 informed primarily on legislative issues. 22 Q. And do you consider the league a good 23 resource for cities? 24 A. It depends on the subject. 25 Q. And why do you say "it depends on the	1 some point. And if you remember that third 2 document you were shown, do you mind at some 3 point telling me what that was? 4 A. Sure. 5 Q. Thank you. Did you speak to anyone 6 else about this deposition today? 7 A. I talked to the HR staff because we 8 were supposed to be having meetings on some 9 subjects. So I just told them I couldn't. I 10 think I told my husband so that he could keep 11 the dogs quiet. 12 Q. I also have dogs, so I understand the 13 importance of that. And you might hear mine, 14 unfortunately, in the background. If that's the 15 case, I apologize. 16 Did you do anything else to prepare for 17 this deposition today? 18 A. I looked up my dates of employment just 19 in case you asked. 20 Q. Thank you. And in today's deposition 21 I'll be using the terms "Hispanic" and "Latino" 22 interchangeably. Is that how you use those 23 terms, interchangeably? 24 A. Yes. 25 Q. Okay. Well, I'm just going to ask kind

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1 of a broader question here. Do you mind telling 2 me a little bit about yourself? I think you 3 said you started working with the City of Dodge 4 City when you were 16 years old? 5 A. Yes. 6 Q. Is that correct? Wow. 7 A. Yes. Shortly after I was born. 8 Q. Wow. So do you -- do you mind just 9 telling me a little bit about yourself, then, 10 ma'am? 11 A. As far as my career through the City? 12 Q. Just, you know, where you grew up. 13 Just where you're from, where you went to 14 school. That sort of thing. 15 A. I grew up here in Dodge City. I went 16 to school here in Dodge City. I went to college 17 here in Dodge City. And I worked my career here 18 in Dodge City. Pretty exciting person. 19 Q. Well, I think Dodge City is an exciting 20 town, so, you know, I understand that. 21 What school did you go to in Dodge 22 City? Or, you know, what elementary school? 23 A. I went to Sacred Heart Cathedral School 24 until eighth grade. And then at Dodge City -- 25 it was junior high back then --	1 administrative assistant to the city manager and 2 then administrative assistant to -- for economic 3 development. And then I went back to the city 4 manager's office. 5 And then I went to the HR office and 6 then to the director of HR and then to assistant 7 city manager and then the city manager. 8 Q. And about how long were you assistant 9 city manager to -- and the city manager for the 10 City of Dodge City? 11 A. Assistant city manager, I think about 12 seven years. And city manager, six years. 13 Q. And do you know about what time frame? 14 Like in the 2000s, you know, late 2010s? 15 A. 2007 for assistant city manager. And 16 then in '14 became city manager. And then I 17 retired in '20. 18 Q. It's my understanding that you're 19 employed with the City of Dodge City currently. 20 Is that the case? 21 A. Yes. I contract with them to help them 22 train their young HR staff. 23 Q. And when did you first start 24 contracting with the City of Dodge City? 25 A. Maybe January, end of December.
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1 Q. Uh-huh. 2 A. -- for a year in ninth grade. And then 3 Dodge City High School. And then Saint Mary of 4 the Plains College, which was here in Dodge 5 City. 6 Q. Is that the nursing school? That was 7 the nursing school; is that correct? 8 A. No. It was -- 9 Q. Oh, okay. 10 A. -- a liberal arts school. 11 Q. And you had a lot of history with the 12 City of Dodge City in employment; is that fair 13 to say? 14 A. Yeah. 15 Q. Do you mind telling me about that long 16 history of employment with the City? 17 A. Sorry. My allergies. My left eye 18 keeps watering. 19 Q. No worries. 20 A. I started with the City at -- I was 16, 21 so whatever year that was. And then I just 22 worked in a variety of departments. And then in 23 '89, when I graduated from college, I was 24 administrative assistant. 25 And for some reason I want to say I was	1 Something like that. 2 Q. In 2022 or 2023? 3 A. If it would have been December, it 4 would have been 2022. If it was January, it was 5 2023. 6 Q. So you've only had two years of 7 retirement thus far? 8 A. Yeah. 9 Q. Oh. Do you like working with the City? 10 A. Oh, yes. 11 Q. What do you like best about working 12 with the City? 13 A. Just the people. They're good people. 14 Q. Are you recently involved with any 15 organizations in Dodge City? 16 A. No. 17 Q. Are you involved in any organizations 18 in Ford County? 19 A. No. 20 Q. Are you registered to vote, ma'am? 21 A. Yes. 22 Q. Are you registered with any political 23 party? 24 A. Yes. 25 Q. Would you mind telling me what

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1 political party you're registered with? 2 A. I think Republican. 3 Q. Do you vote in the Republican primary? 4 A. Yes. 5 Q. Are you a part of the Ford County 6 Republican women's organization? 7 A. No. 8 Q. You said that very definitively. 9 A. Yes. 10 Q. Is there a reason you said it so 11 definitively? 12 A. I just don't join those groups. 13 Q. Okay. Is there a reason why you don't 14 join those groups? 15 A. Because I don't want to be a part of 16 those groups. 17 Q. Understood. That's a very good reason. 18 And do you have children, ma'am? 19 A. Yes. I have three. 20 Q. And I'm not going to ask for their 21 names or -- You know, I don't want their 22 information in this deposition transcript, but 23 I'm just wondering, did you send your children 24 to any of the schools in Dodge City? 25 A. Yes. They all went through Dodge City	1 country were using for establishing incentives 2 and such for housing. 3 And then I worked with the County and 4 the other taxing entities regarding those 5 incentives. And then we began establishing all 6 of the criteria needed to implement the 7 incentives. 8 So we set up a neighborhood 9 revitalization program for housing. We also -- 10 We were -- If I remember correctly, we were the 11 first ones in the state to accomplish a rural 12 housing incentive district. 13 And we were very successful with those. 14 And that took a lot of work and a lot of time. 15 Q. And when you say "new housing 16 programs," was it the case that your -- and when 17 I say "you," I think I mean more so like your 18 position or your role -- that you-all were 19 trying to encourage the building of housing in 20 the city of Dodge City? 21 A. Yes. 22 Q. And so -- 23 A. Sorry. 24 Q. You're good. 25 A. And we were also -- not just new
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1 until college. And then they all left for 2 college. 3 Q. So I think we talked a little bit about 4 this, but you've had a -- it's the case that 5 you've just had a variety of roles in the -- in 6 the Dodge City government; is that right? 7 A. Yes. 8 Q. And when you were assistant city 9 manager, what duties did you have? 10 A. I was also, at the same time, director 11 of HR, so I took care of supervising HR staff. 12 We were working quite a bit on union work with 13 the police department. 14 And then I took the lead on housing, 15 which was probably my biggest projects that I 16 had. I was kind of the one that took complaints 17 from the front desk and worked with the 18 departments. But housing was probably my 19 biggest one. 20 Q. And what were you doing with housing? 21 A. Pretty much the whole spectrum. We set 22 up a new housing program because we were in 23 desperate need of housing. And so we tried 24 to -- I did a ton of research on all the 25 different policies that cities across the	1 construction, but renovating older construction, 2 older homes. 3 Q. And is that the program in Dodge where 4 there's sometimes the houses -- they'll move the 5 houses and they'll redo them and they'll sell 6 them back to, like, seniors or folks who need 7 housing? Is that the program? 8 A. That's not either of the programs that 9 I talked about. 10 Q. Oh. 11 A. But that's CHAD, which is another -- 12 Q. Yes. 13 A. -- evolution of what we worked on 14 through the -- all the different incentives. 15 Which is -- CHAD is a nonprofit that's operated 16 through our economic development corporation. 17 And I served on their board. And they 18 were -- They actually bought houses and 19 relocated them and worked with the community 20 college to renovate them, yes. 21 Q. That's a really great program, so -- 22 A. It is. 23 Q. A lot -- I've seen a lot of housing and 24 building in Dodge City, so, you know, 25 congratulations for all the hard work that

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Page 31 1 you've put into it. Pretty -- It was a pretty 2 big undertaking, I can imagine. 3 A. Yes. 4 Q. Yeah. So I imagine, as someone who's, 5 like, lived in Dodge City their entire life, has 6 worked with the city government, you're pretty, 7 I guess, familiar with maybe the changes in 8 Dodge City over the past, like, 10 or 20 years; 9 is that fair to say? 10 A. I would hope so. 11 Q. And how has the city changed within the 12 past decade? 13 A. We have grown tremendously. And we've 14 had to have tons of new housing to support that. 15 Schools have grown tremendously. 16 Government hasn't, necessarily. We 17 probably have less employees now than we had 30 18 years ago. And just -- We've added lots of new 19 facilities for quality of life. 20 Q. What about the demographics? Are you 21 familiar with the demographics of Dodge City? 22 A. Only tacitly. I mean, I probably was 23 more familiar back when I was more active. But 24 I think we're about 50 percent Hispanic, 50 25 percent Caucasian, but I'm guessing.	Page 33 1 financial? Are you talking population? 2 Q. Well, why don't we talk about -- Were 3 you ever presented with data that showed any 4 racial disparities in, like, let's say, housing 5 or income or policing in the city of Dodge City? 6 A. Disparities? 7 Q. Or just differences in -- between 8 racial groups. 9 MR. KAISER: Objection. Form. 10 A. I -- I'm sure I was, but I don't 11 remember specifics. 12 BY MS. WAKNIN: 13 Q. Is it the case that there are racial 14 disparities in, let's say, policing in the city 15 of Dodge City between Hispanics and Whites -- 16 MR. KAISER: Object to form. 17 BY MS. WAKNIN: 18 Q. -- or Caucasians? 19 MR. KAISER: Oh. Sorry, Sonni. 20 Objection. Form. 21 A. I think the police department has 22 worked to monitor that to try to assure that 23 it's relatively comparable to the population. 24 BY MS. WAKNIN: 25 Q. So is that a "yes"?
Page 32 1 Q. When you say "about" -- When you say -- 2 Are you -- are you referring to total 3 population, citizen population, citizen 4 voting-age population when you say that number? 5 A. Total population. 6 Q. Oh. Has the Hispanic community, since 7 you've been living in Dodge City, grown in the 8 community? 9 A. Yes. 10 Q. And that -- Has that growth been a 11 large growth? 12 A. Probably our largest. 13 Q. Are there areas of Dodge City where the 14 Hispanic community is primarily located, in your 15 opinion? 16 A. You know, maybe when I was a kid, but 17 not anymore. 18 Q. Okay. When you were the city manager 19 and assistant city manager in Dodge City, were 20 you presented with data regarding the city? 21 A. Yes. All sorts of it. 22 Q. Yeah. I can -- Now, that was a broad 23 question. What type of data were you presented 24 with? 25 A. All sorts of data. Are you talking	Page 34 1 A. Could you repeat the question? 2 Q. Are there racial disparities in -- or 3 racial differences in, let's say, policing 4 between Hispanics and Caucasians in the city of 5 Dodge City? 6 MR. KAISER: Objection. Form. 7 A. To my knowledge, no. 8 BY MS. WAKNIN: 9 Q. Do you mind explaining to me how the 10 commission -- the Dodge City commission works? 11 A. How they're elected or how they do 12 their job? 13 Q. How they function, yes. Or how they do 14 their job. 15 A. It's a city manager commission form of 16 government, so the city manager reports to the 17 governing body. That's the only employee that 18 reports to them. 19 They're responsible for budget and 20 policy and the city manager. So they meet, they 21 approve expenditures, they approve ordinances, 22 resolutions, and policies. 23 Q. And what does that mean, that the city 24 manager's the only employee that reports to 25 them?

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Page 35 1 A. They do the city manager's evaluation. 2 The city manager does everyone -- does the 3 department heads' evaluation and so on and so 4 forth. 5 Q. And what is the relationship like 6 between the commission and the city manager? 7 A. I'm pretty sure good. 8 Q. Oh. And apologies. I don't mean 9 currently. I just -- or personally. I mean 10 more so what -- you know, what are the roles or 11 the ways that the city manager interacts with 12 the commission and vice versa in a more like 13 kind of abstract way, if I'm explaining myself 14 correctly. 15 A. No. 16 Q. Okay. That's fair. So I guess I'm 17 wondering, you know, if the -- does the city 18 manager make the agenda for the commission? 19 Does the city manager, like, keep all the 20 commissioners informed? Does the city manager 21 make sure that they're not violating public 22 record -- like public meeting acts? 23 So I'm just wondering, like, what does 24 the city manager do in relation to the 25 commission?	Page 37 1 than the rest of the commissioners? 2 A. Only that they run the meeting. And 3 sometimes they're the ones that get to do the 4 figurehead speeches, ribbon cuttings. 5 Q. Uh-huh. I'm not sure that's always -- 6 that's always an honor, to have to give the 7 figurehead speeches, though. 8 A. Yeah. 9 Q. Is the city manager ever involved with 10 the election of the commissioners? 11 MR. KAISER: Objection. Form. 12 A. Do you mean as far as voting on them? 13 BY MS. WAKNIN: 14 Q. Like keeping the commissioners updated 15 about what's happening with commission 16 elections. 17 A. The County does all the elections. I 18 think before I got into the city manager's 19 office, the clerk may have been -- They 20 submitted their application to the clerk. She 21 gave it to the County. But you really try to 22 stay out of the elections, because that's your 23 boss. 24 Q. So it's not the case that, you know, a 25 city manager should be updating the
Page 36 1 A. I understand that question. 2 Q. Yep. There you go. 3 A. Yes, yes, and yes. Yes, they work with 4 all commissioners to keep them informed. And, 5 yes, we try to prevent them from violating open 6 meetings acts or open records acts or any other 7 state or federal law. 8 They -- We set the -- We don't 9 necessarily -- It's hard to explain. They can 10 make changes to the agenda that -- We try to 11 present them with an agenda that we feel like is 12 acceptable, but they can change it in the 13 meeting by adding or subtracting off of the 14 agenda. 15 Q. And it's my understanding that the 16 commission picks a mayor; is that -- like that 17 mayoralship rotates; is that correct? 18 A. Yes. Among themselves they pick the 19 mayor annually. Sometimes it rotates; sometimes 20 it doesn't. 21 Q. Does the city manager have a different 22 relationship with the mayor than they do with 23 the other commissioners? 24 A. No. Well, let me clarify. I didn't. 25 Q. Does the mayor have different powers	Page 38 1 commissioners about vote counting or anything 2 about the elections that Ford County is running; 3 is that fair to say? 4 A. The only thing I would have done 5 would -- 6 MR. KAISER: Objection. Form. 7 Sorry. You can answer, Cherise. 8 THE WITNESS: Sorry, Clayton. 9 A. The only thing I would have done would 10 have been check election results and share it 11 with them, in case they didn't look, and tell 12 them who was running. 13 BY MS. WAKNIN: 14 Q. Why would you tell the commissioners 15 who was running for commission? 16 A. Because our newspaper wasn't 17 necessarily always telling people. 18 Q. Do you mind telling me a little bit 19 about the politics in Dodge City for city 20 elections? 21 A. I'm not sure what you mean. 22 Q. Well, you know, is there, oh, kind of a 23 funnel for how -- or ways that folks get elected 24 to the commission? You've got to be well-known 25 in town; you've got to be joining certain

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Page 39 1 organizations. You know, how is it that -- You 2 know, you've lived in Dodge City your whole 3 life. Like how is it that folks get involved in 4 running for the Dodge City commission? 5 MR. KAISER: Objection. Form. 6 A. I can't answer for them. There were 7 some that just came -- they saw the concerns. 8 Some that came because they were pushed by 9 organizations. I don't know. 10 It's a pretty broad spectrum. I don't 11 know that anybody -- that all of them came from 12 one area. It was usually based off of -- If the 13 chamber was upset about something, they would 14 try to get somebody to run. 15 If the women's group was upset about 16 something, they'd try to get somebody to run. 17 But I wouldn't say it was funneled from one 18 place. 19 BY MS. WAKNIN: 20 Q. Do folks who run for commissioner, do 21 they generally live in one part of town? 22 A. No. 23 Q. In your opinion, are Dodge City 24 commission elections competitive? 25 MR. KAISER: Objection. Form.	Page 41 1 Q. And so over 20 years times three, that 2 would be, you know, 60 opportunities to get -- 3 for a Latino to get elected to the Dodge City 4 commission; is that fair to say? 5 A. That's your math. 6 Q. Do you have any reason to dispute 20 7 times three is 60? 8 A. No. 9 Q. Okay. So it would be maybe three out 10 of 60 in the past two decades that Latinos 11 elected -- getting elected to the Dodge City 12 commission? 13 MR. KAISER: Objection. Form. 14 A. If I'm correct. 15 BY MS. WAKNIN: 16 Q. Okay. Are there like internal politics 17 on the commission? Or let me rephrase that. 18 What are, if any, the internal politics 19 like within the Dodge City commission? 20 MR. KAISER: Objection. Form. 21 A. I guess I'm not sure what you're 22 asking. 23 BY MS. WAKNIN: 24 Q. Let me clarify. So when their 25 organ- -- Like within organizations, there's
Page 40 1 A. You mean as in mean and nasty? 2 BY MS. WAKNIN: 3 Q. No. More so I meant are there a lot of 4 folks running or is it usually the incumbents 5 just get reelected? 6 A. It just depends on the year. 7 Q. In your experience, does it tend to be 8 one way or the other? 9 A. Just based off my bad memory, probably. 10 It was either we had a primary or you didn't 11 have very many running. 12 Q. How many folks who are Latino have been 13 elected to the Dodge City commission, to your 14 knowledge, in the past two -- past two decades? 15 A. Two decades. I'll try to work 16 backward. Joe Nuci. Blanca I think was her 17 name. I wasn't there when she was on the 18 commission. Fernando Jurado. 19 And we've had several others that ran. 20 I don't remember if they got in. Off the top of 21 my head, that's the best I can do. 22 Q. No worries. And then is it the case 23 that usually three positions are open for the 24 Dodge City commission for an election? 25 A. Yes.	Page 42 1 sometimes internal politics, right, where 2 folks -- you know, this is the way that 3 something is done. You usually need like four 4 folks who are on board for something or that 5 sort of matter. 6 Is there anything like that within the 7 Dodge City commission in your experience as city 8 manager? 9 MR. KAISER: Objection. Form. 10 A. No. They were pretty all 11 independent-minded. 12 BY MS. WAKNIN: 13 Q. So I see -- I see it's -- We've been 14 going for 50 minutes. Would you like to go -- 15 take a little short break to go to the restroom 16 or would you like to continue going? 17 A. I'm good if everybody else is. 18 Q. All right. When you first started 19 working for the City of Dodge City, how many 20 polling locations were in the city? 21 A. I don't recall. There was at least 22 two, if not more. 23 Q. When did Dodge City, to your knowledge, 24 go to -- or only have one polling location 25 within the city?

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1 A. I don't remember. 2 Q. But at some point there were at least 3 two, if not more, polling locations. And then 4 there was one polling location within the city 5 of Dodge City; is that right? 6 A. At some point, yes. 7 Q. Are you familiar with voter 8 registration for the -- Let me rephrase that, 9 actually. 10 Are you aware of the voter registration 11 numbers for the city of Dodge City? 12 A. No. 13 Q. To your knowledge, have there ever been 14 contested elections or recounts for the Dodge 15 City commission? 16 A. Not that I remember. I know there was 17 a couple that were -- there was at least one 18 that was a tie. 19 Q. Do you mind telling me about that tie? 20 A. They had the same number of votes. 21 Q. I mean, how -- Do you know how it was 22 decided who was going to be on the commission? 23 A. It was pretty scientific, if I recall 24 correctly. They put names in a hat and pulled 25 the name out.	1 Q. And I understand that you-all had 2 gotten, in Dodge City, and maybe even you as 3 City staff, had gotten a lot of vitriol from 4 outside folks about the move of the polling 5 location; is that correct? 6 A. You said we got a lot of internal from 7 outside votes? 8 Q. Oh. Sorry. Vitriol. Like this -- 9 A. Oh. 10 Q. -- where you guys were slammed with 11 some interesting comments. Is that -- 12 A. Yes, ma'am. 13 Q. Yeah. And I'm not going to ask you to 14 relive that. I'm sure it's not something 15 particularly pleasant for you. But do you 16 remember just what the outcome was of the 17 incident in the 2018 polling-place-location-move 18 incident? 19 A. What do you mean "what was the 20 outcome"? 21 Q. What happened. I think -- You know, 22 did Dodge -- did the City lobby for more polling 23 locations? Did Ms. Cox open more polling 24 locations? Were you aware of anything that 25 happened after that incident?
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1 Q. Yes. I'm very aware of that scientific 2 method of pulling a name out of a hat. 3 A. I was actually kind of surprised. 4 Q. Were there any, you know -- I guess 5 were there any other instances -- election kind 6 of instances in Dodge City, that you can think 7 of, where there might have been a recount or 8 issues related to the election? 9 A. As far as the counting? I don't 10 recall. 11 Q. What about just generally? Have there 12 been voting issues within Ford County? 13 A. There was the issue with -- when the 14 County made the determination to move down to 15 the Expo for voting. Because when she had to 16 make the decision on where the location -- the 17 voting location was going to be, the school said 18 they may be under construction at that site, so 19 she chose another site. And that drew quite a 20 bit of interest outside. 21 Q. When you say "she," who are you 22 referring to? 23 A. I'm sorry. The county clerk. 24 Q. Is that Ms. Debbie Cox? 25 A. Yeah.	1 A. I know we had some conversation with 2 her, but she was pretty tied up with all of her 3 comments that she was getting and working 4 through her attorney that she had that -- 5 I know we offered -- The transportation 6 was a big issue to that site. We offered free 7 transportation through our bus program, our 8 transit program, for individuals. 9 We had people manned up at the original 10 voting site, which was the civic center, in case 11 people showed up there. We could easily direct 12 them or transport them down to the Expo Center 13 if they weren't sure where it was at. That's -- 14 And it went off without too many hitches. 15 Q. Had your office ever received 16 complaints from Latino citizens or Latinos in 17 Dodge City about voting-related issues? 18 A. I don't recall ever getting one sent to 19 me. 20 Q. And that's -- And I just want to 21 clarify or just confirm. You just hadn't 22 received one; is that correct? 23 A. That's correct. 24 Q. Okay. So it could be the case that 25 someone might have had those criticisms or

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Page 47 1 provided them to the City; is that right? 2 A. I would speculate, but yes. Whether it 3 came from a citizen or not, I don't know. 4 Q. I want to ask the question -- and it 5 goes back a little bit -- about -- You mentioned 6 that the Dodge City commission had the ability 7 to set policy; is that correct? 8 A. Yes. Correct. 9 Q. Does the City have the power to pass an 10 ordinance to establish the election of 11 commissioner using districts rather than 12 at-large? 13 MR. KAISER: Objection. Form. Calls 14 for a legal conclusion. 15 You can answer, Cherise. 16 THE WITNESS: Okay. 17 MR. KAISER: Sorry. 18 A. I assume that they can, but it may have 19 to go to an election. I honestly don't know the 20 answer to that. I'd have to -- I would refer 21 all of that to the city attorney. 22 BY MS. WAKNIN: 23 Q. Okay. Have you ever asked -- Strike 24 that. 25 Are you familiar with, you know, the	Page 49 1 Q. So it's your position that, before 2 speaking with your attorney, your current 3 attorney, you had not heard about the -- 4 anything with the Department of Justice with 5 respect to Ford County elections? 6 A. Not that I recall. 7 Q. Have you ever heard of poll observers 8 from the Department of Justice? 9 A. Have I ever heard of them? 10 Q. Yes. Correct. 11 A. I've heard of the concept, yes. 12 Q. Do you know if those poll observers 13 were ever in -- ever in Ford County? 14 A. I did not know until I spoke to 15 Clayton. 16 Q. Were you shown a document regarding 17 poll monitors during your deposition prep? 18 A. About poll monitors? 19 Q. Poll observers. 20 A. Not that I remember, no. 21 Q. And when were you having this 22 conversation with your attorney, Ms. Kaiser -- 23 Mr. Kaiser, about Ford County elections? 24 A. Last week or Monday. One or the other. 25 Q. Is that when the three documents were
Page 48 1 Ford County clerks? 2 A. Am I familiar with the Ford County 3 clerk? 4 Q. Correct. 5 A. Yeah. I know Debbie. 6 Q. And you know Ms. Cox's predecessor? 7 A. Sharon. Correct. 8 Q. Ms. Seibel. 9 A. Okay. I just know the first name. 10 Q. And as city manager for the City of 11 Dodge City, what was your relationship like with 12 the Ford County clerk? 13 A. It was fine. I didn't work with her 14 primarily. I worked with the administrator. 15 Q. And what did you work on with the 16 administrator? 17 A. Housing, STAR bonds, the Why Not Dodge 18 project, any kind of multiple projects. 19 Q. When, if any, was the first time you 20 had heard about the Department of Justice in 21 relation to the Ford County elections? 22 A. When Clayton told me about it. 23 Q. Are you referring to your attorney, 24 ma'am? 25 A. Yes.	Page 50 1 shown to you? 2 A. Monday. 3 Q. When was the first time you heard about 4 the Voting Rights Act? 5 A. I don't remember. 6 Q. Have you heard about the Voting Rights 7 Act before? 8 A. Yes. 9 Q. And did you hear about the Voting 10 Rights Act when you were an employee of the City 11 of Dodge City? 12 A. I don't remember specifically when I 13 heard about it, if it was through education or 14 if it was through the television or if it was 15 through a discussion. I don't remember. 16 Q. When you were employed with the City of 17 Dodge City, did the issue of the federal Voting 18 Rights Act come up in conversation at any point? 19 A. With me? Probably not. That would 20 have been handled by the city attorney or the 21 city clerk or the County. 22 Q. Did anyone from the County, Ford 23 County, ever contact you about a possible 24 Department of Justice investigation into Dodge 25 City regarding its method of election?

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Page 51 1 A. Not that I recall. The county clerk 2 dealt with primarily the city clerk and the city 3 attorney. 4 Q. Have you ever met with anyone named 5 Bruce Adelson? 6 A. No. 7 Q. What about someone named Gilda Daniels? 8 A. No. 9 Q. Did you ever have a conversation with 10 Ms. Seibel, Sharon Seibel, who's the Ford County 11 clerk, about a investigation into the method of 12 election for Dodge City? 13 A. I would not have, no. 14 Q. So I just want to understand, Ms. 15 Tieben, that in -- you have not, to your 16 knowledge, ever met anyone named Bruce Adelson? 17 A. Who is that? I don't know who it is. 18 I'm sorry. 19 Q. Okay. And that you have not had a 20 conversation with -- You know, strike that. 21 When was the first time that 22 district-based elections had come up while you 23 were an employee with the City of Dodge City? 24 A. I know we talked about it over the 25 years, just that that was something that could	Page 53 1 A. Yes. 2 Q. -- through -- 3 A. Sorry. 4 Q. Okay. 5 A. Sorry. I didn't mean to interrupt you. 6 Q. No worries. And why would it be the 7 case that district-based elections were 8 something that the City should -- like the -- 9 you said that the City should consider when the 10 city was growing or something that the City may 11 consider, if I'm understanding you correctly? 12 MR. KAISER: Objection. Form. 13 A. Larger -- Sorry. Larger communities, I 14 believe, have districts. 15 BY MS. WAKNIN: 16 Q. Is there any other reason why 17 district-based elections were brought up? 18 A. I don't recall specific reasons. 19 Q. Have you ever heard about 20 district-based elections -- Or strike that. 21 Have you heard about minority vote 22 dilution before? 23 A. On television and on probably some 24 training through the league it probably came up, 25 but I don't know that it was a single topic. It
Page 52 1 be considered as we grow, and that the process 2 to do it was through a petition. And once a 3 petition's received, we take that to the 4 commission, and the commission can have -- I 5 think they can have an election. 6 I don't think they can change it 7 themselves, but I don't know. It would have 8 gone to the city attorney. 9 Q. And so when you said it has come up 10 over the years, has the issue of district-based 11 elections come up multiple times while you were 12 assistant city manager and city manager of the 13 City of Dodge City? 14 A. No. I wouldn't say multiple times, no. 15 Q. All right. And how would you define 16 "multiple"? 17 A. I wouldn't say it came up more than 18 twice while I was in that -- And that was from 19 the situation with the site. And then I kind of 20 remember the city -- previous city manager and 21 the city clerk talking about it before, but I 22 was not involved with that. 23 Q. Okay. And when you say it came up 24 during the site, are you talking about the 25 polling place --	Page 54 1 was probably in a whole package of voting issue 2 topics that I probably sat through in a 3 conference. 4 Q. All right. I'm going to show you -- 5 And I think I should have said this before, but 6 I might show you some documents, Ms. Tieben. 7 And so it will be over a shared screen over 8 Zoom. So if you can't -- You know, if you -- if 9 you can't see it or if you're having trouble, 10 just let me know. 11 But I'm going to share, right now, 12 Document Dodge, underscore, City, underscore, 13 0003669. 14 Can you see this, Ms. Tieben? 15 A. Uh-huh. 16 Q. I'm going to let you read it. And you 17 can just tell me when to scroll. 18 A. You can scroll. You can scroll. You 19 can scroll. 20 Q. And this is the end of the document. 21 Okay. 22 A. And was there a question about the 23 document? I'm sorry. 24 Q. There is. I just wanted to make sure 25 you read the document, in fairness, to make sure

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Page 55 1 that you're able to answer completely. 2 So this is an e-mail from you to Brad 3 Ralph CCing Nannette Pogue -- and I hope I'm 4 pronouncing her name correctly -- and Ken 5 Strobel. And you say, Talk about timing. 6 Do you remember what the -- why you 7 said "talk about timing" in reference to this 8 e-mail that was about election ordinances? 9 And I think someone also mentioned 10 that a concern they had with the form of 11 government they were operating under, the 12 commission and manager may be in jeopardy? 13 A. I can't guess why Jon -- Jonathan said 14 that. But the State was always, it seemed like, 15 trying to tell the cities how to do things with 16 elections. And we tried to stay nonpartisan. 17 We tried to stay out of the election -- regular 18 election cycle so that we could stay 19 nonpartisan. 20 And if I had to guess, that's what this 21 was about. It was something that the State was 22 looking at legislatively. 23 Q. Understood. And so it appears -- 24 Strike that. 25 Is it the case that over the time that	Page 57 1 that. 2 What was it about a municipal election 3 being possibly moved to November of even years 4 which would make them political? 5 A. I don't know if it was so much as 6 political, but people focused so much on the 7 politics of the Republicans versus Democrats. 8 And we want it to be about the city. 9 Q. Okay. 10 A. And so we also -- You always thought -- 11 Or I always thought that if you got drug into 12 the same time as the national, nobody's going to 13 notice if you were having a local election. 14 Q. And was that your -- Is that your 15 personal thought? 16 A. Yes. 17 Q. Is that based off of anything? 18 A. No. Probably just me. 19 Q. Have you done research on the issue of 20 even-year municipal election turnout? 21 A. I don't recall doing any research on 22 it, no. 23 Q. Do you know if turnout is higher in 24 even-year election -- November even-year 25 elections than November odd-year elections?
Page 56 1 you were assistant city manager and city manager 2 there were instances where the Kansas government 3 wanted to move municipal elections, the date of 4 municipal elections? 5 A. I'm sorry. Repeat that. 6 Q. Sure. When you were -- Is it the case 7 that when you were assistant city manager and 8 city manager of the City of Dodge City that 9 there were times when there were -- that the 10 Kansas legislature wanted to move the date of 11 when municipal elections were held? 12 A. Yes. That would be correct. 13 Q. And can you tell me a little bit about 14 that date-moving issue? 15 A. Well, there was lots of issues. How 16 would you handle timing. You know, they're 17 elected for two years. Now are you going 18 backwards or forwards to catch up to the date. 19 Issues like that. 20 Q. And one thing you had stated was also 21 the desire to keep elections nonpartisan; is 22 that correct? 23 A. Yes. 24 Q. And is it your understanding that if 25 elections were moved to -- I'm going to strike	Page 58 1 A. Off the top of my head, I would have to 2 go back and look. 3 Q. In your experience as a voter, is it 4 the case that people are more knowledgeable 5 about even-year elections? 6 A. I'm not sure people are real 7 knowledgeable about any election anymore. 8 Q. Understood. Maybe let me rephrase it, 9 then. 10 Is it the case that as -- In your 11 experience as a voter, have you seen more folks 12 going out to vote during even-year November 13 elections than maybe odd-year November 14 elections? 15 A. I never looked at the numbers, so -- I 16 only looked at who won because that would have 17 been our bosses. 18 Q. In your experience as the assistant 19 city manager and city manager of the City of 20 Dodge City, were you aware of whether or not 21 there was -- How would you categorize the 22 turnout for Dodge City commission elections? 23 A. I don't know how to categorize them 24 other than people showed up and voted. 25 Q. Would you say a lot of folks showed up

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1 and voted in those elections? 2 MR. KAISER: Objection. Form. 3 A. I don't know what you call "a lot." It 4 seemed always to be about the same amount. 5 BY MS. WAKNIN: 6 Q. So I want to go back to the district 7 issue. You had stated that the issue of 8 district-based elections had come up in 2018; is 9 that correct? 10 A. And they came up as part of the site -- 11 polling-site issue. 12 Q. Why would it have come up as part of 13 the polling-site issue? 14 A. Because people brought it up. 15 Q. Well, I'm trying to understand what -- 16 in what context was district elections brought 17 up in when the polling-place issue had come up 18 as well. 19 A. If I recall, the e-mails that were 20 coming in from outside citizen -- or outside 21 people, people outside the community, they 22 couldn't believe we weren't in districts. We 23 couldn't believe that they couldn't believe that 24 we weren't in districts, so -- 25 Q. Did anyone from within the community	1 Q. Was there ever a threat of a lawsuit to 2 force or to ask Dodge City to go to wards or 3 districts? 4 A. Aren't we in one right now? 5 Q. Prior to this one. 6 A. I don't -- I just don't recall. 7 (Sharon Brett entered.) 8 MS. WAKNIN: Ms. Tieben, let's take a 9 10-minute break. Is that agreeable to you? 10 THE WITNESS: Sure. 11 MS. WAKNIN: Okay. 12 VIDEOGRAPHER: All right. The time is 13 now 11:18 a.m., and we are off the record. 14 (Recessed 11:18 a.m.; resumed 15 11:32 a.m.) 16 VIDEOGRAPHER: The time is now 17 11:32 a.m., and we are back on the record. 18 BY MS. WAKNIN: 19 Q. Ms. Tieben, I'm going to -- We were 20 talking before the break about the voting 21 districts or wards. I might use those words 22 interchangeably. Do you understand what I mean 23 when I say a voting district or a ward? 24 A. Yes. 25 Q. And when I say the words "at-large
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1 bring up the issue of district-based elections 2 during 2018? 3 A. Not that I recall. Not to me. 4 Q. And when the issue of district-based 5 elections were brought up in 2018, what did you 6 do in response? 7 A. Directed them to the County. 8 Q. Did you do any research on 9 district-based elections? 10 A. I -- The City isn't in charge of the 11 elections, so no. I don't think I did. The 12 city clerk or the city attorney may have, but I 13 did not personally, if I recall correctly. 14 Q. Okay. And so -- And maybe I -- You've 15 mentioned the county clerk in terms of 16 district-based elections. I'm discussing like 17 the actual issue of districts versus at-large 18 when I'm speaking with you about 2018. 19 So what I wanted -- And I just want to 20 clarify that you did not take any steps in 2018 21 to research the implementation of using wards or 22 districts in Dodge City; is that correct? 23 A. I don't recall it. If I did, it would 24 have been saying to the city attorney or the 25 clerk to be prepared for it.	1 method of election," what do you understand that 2 to mean? 3 A. Everybody votes. 4 Q. Okay. And we had discussed that in 5 2018 there was a discussion about voting 6 districts for the city of Dodge City; is that 7 correct? 8 A. 2018 was more of the issue about the 9 site. 10 Q. Uh-huh. 11 A. The districts was more of a size 12 discussion, if I recall correctly. 13 Q. Okay. And what brought on that 14 district size discussion? 15 A. People sending us e-mails from outside 16 of the city. 17 Q. Why were these folks asking the City 18 about districts, to your knowledge? 19 MR. KAISER: (Lipping) Object to form. 20 A. It really seemed to me they thought 21 everybody should be in districts. 22 BY MS. WAKNIN: 23 Q. So I am going to show you a document. 24 And this is labeled Dodge City -- Dodge, 25 underscore, City, underscore, 001739.

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1 And, Ms. Tieben, I'm just going to let 2 you -- Just tell me when to scroll down. I want 3 to make sure you read the document before I ask 4 you any questions about it. Is that fair? 5 A. Sure. You can scroll down. You can 6 scroll down. Oh. 7 Q. So who is Erik Satorius? 8 A. LKM is the League of Kansas 9 Municipalities. And he was the league's 10 attorney. Or no. Erik, I think, was the head 11 of the league. 12 Q. And the subject line of this e-mail 13 from November 3rd, 2018 -- and it is -- the 14 subject is "voting districts"; is that correct? 15 A. Yes. 16 Q. And in this e-mail, you say, One other 17 issue that is likely to come up is the desire 18 for a few -- of a few for voting districts. 19 What did you mean by "that is likely to come 20 up"? 21 A. Somebody had probably brought it up why 22 we didn't. And I don't specifically remember. 23 I'm guessing. 24 Q. And you had -- Why did you ask the 25 league for information regarding voting	1 of thought because I was gathering information. 2 And more than likely, I was forwarding it on -- 3 forwarding it on to Brad or Nannette for further 4 research. 5 Q. Who is Brad that you're referencing? 6 A. I'm sorry. He was our city attorney. 7 Q. Is that Brad Ralph? 8 A. Yes. Sorry. 9 Q. Okay. And who is Nannette? 10 A. Nannette Pogue was our city clerk. 11 Q. Was Ms. Pogue's role to do research for 12 the City? 13 A. She was the city clerk. So she 14 researched a lot of that type of information for 15 us. 16 Q. And apologies. I'm not super familiar 17 with the -- with the role of a city clerk. Do 18 you mind telling me a little bit about what that 19 role is? 20 A. Well, I can only really specifically 21 speak to ours, but they were in charge of 22 records and they did the minutes of the 23 commission. And she would have been -- she 24 would have been the one that worked directly 25 with the county clerk on the voting -- any
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1 districts? 2 A. The league was usually our first 3 resource for information that applied to all 4 cities, so -- 5 Q. And what is the ICMA? 6 A. International City Managers 7 Association. 8 Q. Did you go to the ICMA to ask for 9 information about voting districts? 10 A. Well, it says I did. 11 Q. Do you remember what the ICMA told you 12 about voting districts? 13 A. I do not. 14 Q. And then Mr. Sartorius's response to 15 your e-mail on -- He responds to you on November 16 5th. And he says, I do recall some concerns 17 about how having all seats at-large can make it 18 difficult for populations to gain representation 19 in. 20 Is that a correct -- Is that what 21 Mr. Sartorius said to you? 22 A. Yes. That's what it says. 23 Q. What did you think about that statement 24 that Mr. Sartorius said to you at the time? 25 A. I probably didn't give it a whole lot	1 election, I guess I should say, really. Not 2 necessarily a voting issue, but on any election. 3 That's very simplified of what she does. 4 Q. Don't worry. I won't tell her that you 5 simplified her job description. 6 What is your personal opinion of Ms. 7 Pogue? 8 A. She has a great reputation. 9 Q. Would you say she's good at her job? 10 A. Yes. 11 Q. She's trustworthy? 12 A. Yes. 13 Q. She does thorough research? 14 A. I would believe so. 15 Q. Okay. And then you, at the top, say 16 this is what you got from Erik, which I assume 17 is Erik Sartorius. And you're forwarding this 18 e-mail to Ms. Pogue. And you said you already 19 had the NLC article. Is that what this e-mail 20 says? 21 A. It's what it says. 22 Q. Okay. Have you read this NLC article? 23 A. I would assume I did. I don't recall 24 it. 25 Q. And what is -- and if you know -- the

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1 NLC? 2 A. National League of Cities. 3 Q. Did you reach out to the NLC about 4 at-large and district elections? 5 A. No. We're members, so we had their 6 website that we could use as a resource. 7 Q. I am going to show you another e-mail. 8 This is Dodge, underscore, City, underscore, 9 0003693. Again, Ms. Tieben, take your time 10 reading the e-mail, and then just let me know 11 when you're -- when you -- when you're done. 12 A. Okay. Okay. 13 Q. So it seems like, on November 4th, you 14 had just e-mailed yourself articles, is that 15 correct, and a Google search? 16 A. My -- Yeah. I don't know why I would 17 have done that. Maybe it was to go back and 18 read it later and not lose it. I don't know. 19 Q. I think probably because it was a 20 Sunday that you were working, so I imagine that 21 you e-mailed it to yourself to have it in your 22 inbox. Is that fair to say? 23 A. That would probably be fair to say. 24 Q. Okay. And so I want to ask you about 25 this November 10th e-mail. So it seems like you	1 mean "Ken" Goodnight? 2 A. No. His name's Kim. 3 Q. Okay. Understood. Do you remember 4 that conversation you had with Ms. Pogue about 5 the threat of a lawsuit several years ago? 6 A. I do not. 7 Q. But since Ms. Pogue told you there was 8 a threat of a lawsuit several years ago on the 9 at-large versus ward issue, do you have any 10 reason to believe that she was lying? 11 A. No. 12 Q. And so -- And that lawsuit was to, you 13 say, force us into wards; is that correct? 14 A. That's what it says. 15 Q. Okay. Who is Ken? 16 A. He was the city manager prior to me. 17 And prior to him becoming city manager, he had 18 been city attorney for 350 years. 19 Q. Did you say "350 years"? 20 A. It was forever. 21 Q. Okay. You know, I've never met this -- 22 What's Ken's full name, if you don't mind? 23 A. Ken Strobel. He has since passed away. 24 Q. Okay. Well, that was a very good joke. 25 I was -- And who is Lori that you're referencing
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1 had discussed -- This e-mail is from you to Brad 2 Ralph, Ernestor De La Rosa, and Melissa McCoy; 3 is that correct? 4 A. Yes. 5 Q. And who is Melissa McCoy? 6 A. She's the assistant city manager. 7 Q. And Ernestor De La Rosa was also 8 someone who was a city employee; is that 9 correct? 10 A. Same title: assistant city manager. 11 Q. Okay. And why were you e-mailing these 12 three folks from the City about the wards, 13 slash, at-large issue? 14 A. More than likely if I was asking them 15 to do any research or be prepared for any 16 question about it. 17 Q. And you said that you had a meeting 18 request with Ms. Cox, who was the Ford County 19 clerk, the week of the 19th on this issue. Do 20 you remember that meeting? 21 A. I don't. 22 Q. And then the next paragraph says, 23 Nannette reminded me the other day that there 24 was a threat of a lawsuit several years ago when 25 Kim Goodnight was the county chairman. Did you	1 in this e-mail? 2 A. More than -- Excuse me. More than 3 likely, I'm talking about Lori Wade, who was 4 Ken's secretary and my secretary when I moved up 5 to city manager. And then Stana was Brad's 6 secretary at their law firm. Ken was a partner 7 with Brad in their law -- in a private law firm. 8 Q. Okay. And so here you're asking Brad 9 if he could visit with Lori and Stana to see if 10 they had had a response to the threat of the 11 ward lawsuit -- 12 A. Right. 13 Q. -- potential lawsuit? 14 A. Yeah. 15 Q. Okay. 16 A. Ken would have more than likely handled 17 anything like that. 18 Q. I understand. Did Ms. Pogue tell you 19 anything about the threat of a lawsuit when you 20 had visited with her? 21 A. I don't even remember this, so 22 probably. But I just don't remember it. 23 Q. Okay. That's fair enough. All right. 24 So after the 2018 -- when districts came up in 25 2018, when was the next time that potentially

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Page 71 1 having district-based elections came up? 2 A. I don't recall it coming back up while 3 I was there. 4 Q. And so it's your position that the 5 issue of district-based elections had not come 6 up after 2018 or prior to 2018 -- 7 MR. KAISER: Objection. 8 BY MS. WAKNIN: 9 Q. -- while you -- 10 MR. KAISER: I'm sorry. 11 BY MS. WAKNIN: 12 Q. -- or prior to 2018? 13 MR. KAISER: Objection. Form. 14 A. Well, apparently it came up before, by 15 that memo, but I just don't recall it. 16 BY MS. WAKNIN: 17 Q. Did any commissioner ever ask you to 18 investigate district-based elections during your 19 time as city manager? 20 A. Nick showed me a note I had made on 21 a -- maybe -- I think it was maybe an agenda 22 that said Jan Scoggins asked about it. I would 23 have forwarded that request on to Ken or 24 Nannette. 25 Q. And when you say "Nick," are you	Page 73 1 to Counsel in this case? 2 A. Oh. You mean to Clayton? 3 Q. Correct. Your counsel. 4 A. I was asked if I had anything, but I 5 don't -- I'm not Donald Trump. I didn't take it 6 home. So I left everything at the office. 7 Q. Understood. What else did you -- What 8 else did you speak with Nick Hernandez about 9 during that conversation about this lawsuit? 10 A. He probably asked me what I knew. And 11 I told him, Very little. I wasn't a lot of 12 help. 13 Q. And when did this -- Where did this 14 conversation occur? 15 A. I don't -- I think it was when I 16 started back helping him with HR stuff, so it 17 was just a passing conversation. 18 Q. Was this in person or Zoom? 19 A. Yeah, because he showed -- I remember 20 him showing me the page. It was a whole, like, 21 30-second conversation. 22 Q. Okay. Who's Bill Hammond? 23 A. He is the old -- I shouldn't say "old." 24 He is the previous finance -- I don't know what 25 they called him at the school district. He
Page 72 1 referring to Mr. Hernandez? 2 A. Yes. Sorry. 3 Q. And when did Mr. Hernandez show you 4 documents related to this case? 5 A. When he told me that I may get called 6 into a -- 7 Q. Okay. And when was that? 8 A. I don't -- Sometime after it came 9 about. I don't know. 10 Q. Okay. So at some point after this 11 lawsuit was filed, you met with Nick Hernandez; 12 is that correct? 13 A. We just talked. We were probably on 14 something else, but he brought that up. 15 Q. Okay. And Mr. Hernandez brought up 16 documents in which the district-based-elections 17 issue had come up; is that correct? 18 A. I wouldn't say documents. It was that 19 one that had a handwritten note on it. And he 20 asked me if I remembered it. I said no. 21 Q. Did you provide any of your handwritten 22 notes to Counsel in this case? 23 A. No. That was my note to myself more 24 than likely. 25 Q. Were you asked to provide any documents	Page 74 1 would have been the school district's equivalent 2 of finance director. So whatever that is. 3 Q. And what do you think about 4 Mr. Hammond? 5 A. Personally? 6 Q. Yes. 7 A. Do I have to answer? I was never a big 8 fan. 9 Q. Yeah. I was going to say, is it -- is 10 it fair to say that it's maybe not super 11 favorable? 12 A. Right. That would be correct. 13 Q. Is Mr. Hammond involved in politics in 14 Dodge City or was involved in politics in Dodge 15 City? 16 A. Yeah. He ran for community college, I 17 think, when they were having some drama. 18 Q. And who is Terry Malone? 19 A. He would have been Brad and Ken -- 20 their partner in their law firm. 21 Q. And what do you think about Mr. Malone? 22 A. He's all right. 23 Q. Okay. 24 A. He was our prosecuting attorney, city 25 court -- for city court. I wouldn't say our

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1 relationship was the best over that issue, but 2 I -- He's a nice guy. 3 Q. What do you think about -- Like did 4 you -- Strike that. 5 Do you have any opinions about 6 district-based elections? 7 A. No. 8 Q. Earlier during this deposition you had 9 told me that your counsel had shown you a 10 document or a report from the Kansas League of 11 Municipalities; is that correct? 12 A. Yeah. I think you showed it to me 13 already. I don't know, but I think. 14 Q. And what did that -- what did that 15 report say to you? 16 A. I think it was just the research they 17 had done. So, no, it wasn't one of those that 18 you showed me. It was something different 19 that -- I think it was a intern at the league 20 did some research. 21 Q. And what was this research about? 22 A. I don't know. You'd have to show it to 23 me again. 24 Q. So I think I might be showing you this 25 document now. It's Dodge, underscore, City,	1 Q. Yeah. It was just something that was 2 researched between the months of November and, 3 let's say -- 4 A. Right. 5 Q. -- February? 6 A. Okay. 7 Q. So three months? 8 A. Yes. 9 MR. KAISER: Objection. Form and 10 foundation. 11 BY MS. WAKNIN: 12 Q. Can you repeat your answer, ma'am? 13 A. Yes. I would assume that it was just 14 carried-on research. 15 Q. And so this research -- How would 16 you -- When did you first read this report? 17 A. You'll have to scroll back up to the 18 date. I don't remember even reading it. Well, 19 it was actually to Brad. 20 Q. So you don't remember reading this; is 21 that correct? 22 A. I don't until -- I don't remember 23 seeing it until Clayton showed it to me the 24 other day. 25 Q. Was when Mr. Kaiser showed you this
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1 underscore, 0003605. And I will screen-share 2 this with you. And just tell me when to scroll. 3 A. Okay. You can go ahead and scroll. 4 This is the one he showed me. 5 Q. Okay. 6 A. So it's from Nannette. 7 Q. And this is the new report? 8 A. Yeah. 9 Q. Okay. 10 A. And until he showed it to me, I don't 11 remember it, so -- 12 Q. And so this is actually from February 13 of 2019; is that correct? 14 A. Yes. 15 Q. So is it fair to say that the 16 district-based -- the district issue had come up 17 in 2019 as well? 18 A. If I had to guess, I would say it was a 19 continuation from '18. 20 Q. So the issue of district-based 21 elections was, I guess, discussed or thought of 22 for multiple months; is that correct? 23 A. I think they were -- there was people 24 doing research, but I don't know that it was the 25 major topic of discussion.	1 document the first time you had seen the 2 document? 3 A. I just don't remember it. I may have 4 seen it back then, but I don't remember it. 5 Q. Okay. Was there any other time, 6 then -- Did you further investigate the issue of 7 district-based elections after 2019? 8 A. Not that I recall. 9 Q. Did any- -- Did anyone on your staff 10 research the issue of district-based elections 11 after 2019? 12 A. If they would have, it would have been 13 Nannette or Brad or Ernestor. I was eyeball 14 deep in other projects. I trusted staff to do 15 the research. 16 Q. I want to move on and actually ask you 17 a little bit about the work that Dodge City does 18 with the Latino or Hispanic community. 19 When you were city manager or during 20 your time as a City employee for the City of 21 Dodge City, what Latino organizations had the 22 City partnered with? 23 A. Latino organizations? 24 Q. Correct. 25 A. I don't remember a specific Latino

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Page 79 1 organization. We had some programs that we 2 established to work with Hispanics for -- We 3 called it Engage Dodge, was the program that we 4 worked on. 5 We worked with the Mexican consulate on 6 trying to get more services to people in our 7 community. We worked with USCIS to get more 8 services for people in our community and to get 9 them to recognize that we had a high Hispanic 10 population in our community. 11 We worked legislatively on DACA with 12 our delegation to try to get them to preserve 13 the program and move it along to citizenship. I 14 just don't -- Ernestor would have probably led 15 all that for us. So he was our guru, and I 16 relied heavily on him. 17 Q. It seems like everyone has a very high 18 and favorable opinion of Ernestor -- 19 A. Yeah. 20 Q. -- is that fair to say? 21 A. That would be true. He was good. Very 22 good young man. 23 Q. During your tenure, when did the City 24 start providing Spanish-language election 25 material?	Page 81 1 Q. Does CRAB, or the Cultural Relations 2 Advisory Board, have any rulemaking power? 3 A. You say role-making? 4 Q. Rule. Rulemaking. 5 A. Oh, rule. Not -- No. I'm sure they 6 didn't. They weren't elected. 7 Q. And did any of the -- Or if they 8 weren't, the folks who sat on the CRAB, or the 9 CRAB as an advisory board, does that mean that 10 anything that they suggest to city council, it's 11 not -- those are just suggestions? 12 A. Just like all of our advisory boards 13 are just advice. 14 MS. WAKNIN: Okay. All right. Well, 15 I'm wondering if maybe we could take a 16 five-minute break because I think I don't really 17 have any questions for you -- or that many more 18 questions for you, Ms. Tieben. 19 THE WITNESS: Okay. 20 MS. WAKNIN: Could we please take a 21 five-minute break. 22 THE WITNESS: Sure. 23 VIDEOGRAPHER: The time is now 12:02 24 p.m., and we are off the record. 25 (Recessed 12:02 p.m.; resumed
Page 80 1 A. Election material? Probably never. 2 Q. To your knowledge, does the City of 3 Dodge City educate voters at all or do any voter 4 education? 5 A. I don't remember us doing it unless 6 Ernestor did with some of the stuff he was 7 working on. I know we did a lot of the -- if 8 you need assistance to get to the poll, then we 9 did that in English and Spanish. We tried to do 10 a lot of stuff in English and Spanish. 11 Q. Are you familiar with the Cultural 12 Relations Advisory Board? 13 A. I forgot about CRAB. Yes. 14 Q. And what is CRAB? 15 A. Cultural Relations Advisory Board, the 16 acronym. 17 Q. What does -- Yeah. What does it do? 18 A. You know, I can't remember what all the 19 bylaws were on it and what all they were doing. 20 Ernestor and Melissa would have headed that up. 21 And I don't remember them ever bringing me 22 anything specific out of it. 23 But they would have worked on different 24 things that may have been a concern or we felt 25 like was a concern for Hispanic citizens.	Page 82 1 12:08 p.m.) 2 (Sharon Brett exited.) 3 VIDEOGRAPHER: The time is now 4 12:08 p.m., and we are back on the record. 5 BY MS. WAKNIN: 6 Q. Ms. Tieben, have you spoken with anyone 7 during the breaks of this deposition? 8 A. My daughter came in earlier at the 9 first break, and I -- She goes, Do I still have 10 to keep the dogs outside? Yes. 11 Q. Fair enough. I just want to ask you 12 about a few folks maybe that you might know in 13 the community. Do you know someone named 14 Alejandro Rangel-Lopez? 15 A. I heard the name from Ernestor, but I 16 don't -- I don't know them, no. 17 Q. Do you have any opinion of 18 Mr. Rangel-Lopez? 19 A. Since I don't know him, no. 20 Q. Okay. And you stated that you don't 21 know Miguel Coca; is that correct? 22 A. That's correct. 23 Q. Do you know a Jan Scoggins? 24 A. Yes. 25 Q. And what is your opinion of Ms.

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1 Scoggins? 2 A. Sweet lady. 3 Q. Do you think Ms. Scoggins is a truthful 4 person? 5 A. Yes. 6 Q. And I think you said that you might 7 have known Ms. Sharon Seibel; is that correct? 8 A. Yeah. Or yes. 9 Q. Have you worked with Ms. Seibel before? 10 A. We worked together over the years on 11 the Why Not Dodge project, but she primarily 12 worked with Nannette. 13 Q. Do you have any opinions on Ms. Seibel? 14 A. Very nice lady. 15 Q. You would also say that she's a 16 truthful person? 17 A. Yes. 18 Q. Okay. Are you familiar with the Boot 19 Hill Museum? 20 A. Yes. 21 Q. Did the Boot Hill Museum ever have a 22 thing called a hangman tree? 23 A. It was a display back at the top of 24 Boot Hill when I was a little kid. 25 Q. And was it a display of a -- of a tree	1 Q. And did you have any meetings on 2 voting-related issues in Dodge City that we 3 haven't discussed today? 4 A. Not that I remember. 5 Q. So all the meetings that we've 6 discussed today are the ones -- are ones that 7 you remember happening -- Or strike that. 8 That's a very confusing question. 9 There are no other meetings that you 10 can remember off the top of your head about 11 voting-related issues in Dodge City; is that 12 correct? 13 A. That would be correct. 14 Q. That was the question I was trying to 15 get at. 16 Had you been asked to save any 17 documents in your personal possession related to 18 this case? 19 A. I don't have any documents related to 20 this case in my personal possession, so -- 21 Q. Are there any work documents that you 22 might have had in your office in the city of 23 Dodge City that are related to this case? 24 A. Apparently I had a file. 25 Q. Yeah. And did you search for that file
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1 with a noose around it? 2 A. Showing that the cowboys took care of 3 the cowboys with justice, I think, was the 4 thought. I don't think they still have it. 5 Q. Okay. Was that just depicting a 6 lynching? 7 A. Yeah. Cowboys taking care of cowboys. 8 Q. Okay. And are you familiar with Dodge 9 City history? 10 A. Slightly. 11 Q. Was there something called the Mexican 12 Village in Dodge City? 13 A. Boot Hill did a big display on them 14 last year. Or no. It's probably been three or 15 four years ago now. But, yes, I've heard of the 16 Mexican Village. 17 Q. And what is the Mexican Village, to 18 your understanding? 19 A. There was my knowledge. I've heard of 20 it. 21 Q. Okay. 22 A. But I didn't really study it. 23 Q. Have you had any meetings regarding 24 this case or that we haven't discussed today? 25 A. No.	1 at any point in the past few months? 2 A. No. I think Nick asked me maybe about 3 it. Or maybe it was Clayton. And I said, If 4 anybody has it, it's the clerk. 5 Q. Did you ask the clerk to search for 6 that file? 7 A. I don't think I asked her, no. 8 Q. Do you know if anyone asked the clerk 9 for that file? 10 A. I have no idea if anybody's asked. 11 Q. Ms. Tieben, did I treat you courteously 12 today? 13 A. Yeah. 14 Q. Okay. And I just want to make sure if 15 you -- if you thought I was -- you know, if you 16 think I treated you with respect. 17 A. Yeah. 18 MS. WAKNIN: Well, I have no further 19 questions for you. So unless your attorney has 20 any questions for you, I think you might be able 21 to get back to your dogs. 22 MR. KAISER: Thank you, Ms. Waknin. 23 I just have a couple questions, Ms. 24 Tieben. 25 EXAMINATION

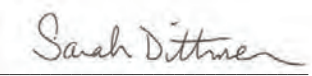
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1 BY MR. KAISER: 2 Q. Shortly before our last break, Ms. 3 Waknin had asked you whether or not the City 4 provided any election-related materials in both 5 English and Spanish, and you said "no." And I'm 6 wondering, why did you say "no" to that 7 question? 8 A. Because the County was the one in 9 charge of the elections. The only thing that I 10 could think that we may have done was on that 11 transit issue or maybe telling people where the 12 poll was if they asked. I just don't recall us 13 getting too involved with that. 14 Q. Do you know if -- whether or not 15 election-related materials were provided by the 16 County in both Spanish and English? 17 A. I would assume, but that's just 18 assuming. I don't know. 19 Q. Just a few moments ago Ms. Waknin had 20 asked about a display that you recall from your 21 childhood from the Boot Hill Museum about a 22 noose. Do you know, did that display relate in 23 any way to Hispanics or Latinos? 24 A. No. It was all about the cowboys. 25 Q. And I think you said cowboys take care	1 COURT REPORTER: Yeah. Before we go 2 off the record, Ms. Waknin, what would you like 3 to order? 4 MS. WAKNIN: We're the ordering party, 5 so -- we're the scheduling party, so we'll just 6 order a regular 10-day. 7 COURT REPORTER: Sure. And, Mr. 8 Kaiser. 9 MR. KAISER: Yes. Ms. Dittmer, is the 10 regular processing time 10 to 14 days? Is that 11 kind of the idea? 12 COURT REPORTER: That's correct. It 13 should be faster. 14 MR. KAISER: Okay. That works perfect 15 for us. And we would like a paper copy. And 16 Ms. Tieben would like to read and sign. 17 COURT REPORTER: Got it. Thank you. 18 VIDEOGRAPHER: All right. Let me go 19 ahead and read you guys off the record, then. 20 This is the end of Media Number 1 in 21 the deposition of Cherise Tieben in the matter 22 of Michael [sic] Coca, et al., versus City of 23 Dodge City. 24 The time is now 12:16 p.m., and we are 25 off the record.
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1 of cowboys. What does that mean? 2 A. Well, I think what the display was 3 saying, that it was cowboy justice. There 4 wasn't law at that time. So if they broke their 5 internal codes, or whatever they want to call 6 it, they took care of it themselves. 7 MR. KAISER: Those were all the 8 questions that I had. Thank you for your time, 9 Ms. Tieben. 10 THE WITNESS: Uh-huh. 11 MS. WAKNIN: I don't -- I don't have 12 any other questions on redirect. 13 I just want to thank you for being a 14 public servant, Ms. Tieben. I know that the 15 work you-all do is really difficult and, I'm 16 sure, not always fun from public comment. 17 So I really do appreciate you being 18 here and your many years of public service. 19 THE WITNESS: Thank you. 20 MS. WAKNIN: I think we can go off the 21 record. 22 COURT REPORTER: Before we -- 23 VIDEOGRAPHER: I think Ms. Dittmer 24 wants to get the orders on the record. 25 MS. WAKNIN: Oh, okay.	1 (Deposition concluded at 12:16 p.m.) 2 * * * * * 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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Page 91 1 I, CHERISE L. TIEBEN, hereby state that I 2 have read my foregoing deposition, and that with the 3 changes noted below, if any, the same is true and 4 correct. 5 Dated this day of , . 6 7 8 9 10 CHERISE L. TIEBEN 11 12 13 14 Page Line Change Reason 15 16 17 18 19 20 21 22 23 24 25	
Page 92 1 CERTIFICATE 2 I, Sarah J. Dittmer, a Certified Court 3 Reporter of the State of Missouri, do hereby certify: 4 That prior to being examined the witness 5 was by me duly sworn/affirmed; that said deposition 6 was taken down by me in machine shorthand at the time 7 and place hereinbefore stated and was thereafter 8 reduced to print under my direction; that the 9 foregoing transcript pages is a true record of the 10 testimony given by said witness. 11 That I am not a relative or employee or 12 attorney or counsel of any of the parties, or a 13 relative or employee of such attorney or counsel, or 14 financially interested in the action. 15 WITNESS my hand this 25th day of July, 16 2023. 17  18 Sarah J. Dittmer, CCR No. 1129 19 Certified Court Reporter 20 of the State of Missouri 21 22 23 24 25	

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1 .
 2 IN THE UNITED STATES DISTRICT COURT
 3 FOR THE DISTRICT OF KANSAS
 4 .
 5 .
 6 MIGUEL COCA and
 7 ALEJANDRO RANGEL-LOPEZ,
 8 Plaintiffs,
 9 vs. Case No. 6:22-cv-01274-EFM-RES
 10 CITY OF DODGE CITY, et al.,
 11 Defendants.
 12 .
 13 .
 14 .

15 VIDEOTAPED DEPOSITION OF
 16 MIGUEL COCA,
 17 taken on behalf of the Defendants, pursuant to
 18 Notice to Take Videotaped Deposition, beginning at
 19 9:29 a.m. on the 25th day of April, 2023, at the
 20 Dodge City City Hall, 806 North Second Avenue, in
 21 the City of Dodge City, County of Ford, and State
 22 of Kansas, before Lee Ann Bates, CSR, RPR, CRR.
 23 .
 24 .
 25 .

1 ON BEHALF OF THE DEFENDANTS:
 2 .
 3 Mr. Anthony F. Rupp
 4 Ms. Tara Eberline
 5 Foulston Siefkin LLP
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 9 trupp@foulston.com
 10 teberline@foulston.com
 11 .
 12 .

13 ALSO PRESENT:

14 .
 15 Mijin Kang (via Zoom)
 16 Hannah Colter (via Zoom)
 17 Nick Hernandez
 18 Brad Ralph
 19 Tim Faulhaber, Videographer
 20 .
 21 .
 22 .
 23 .
 24 .
 25 .

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Page 4

1 APPEARANCES:
 2 .
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 4 ON BEHALF OF THE PLAINTIFFS:

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 20 No 14 Facebook post 61
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 22 No 16 Facebook post 64
 23 .
 24 .
 25 .

EXHIBIT**I**

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1 THE VIDEOGRAPHER: Today is the 25th day
2 of April, 2023, and the time is approximately 9:28
3 a.m. We are at Dodge City City Hall to take the
4 deposition of Miguel Coca in the matter of Miguel
5 Coca and Alejandro Rangel-Lopez versus City of
6 Dodge City, et al., Case Number 6:22-cv-01274-EFM-
7 RES.

8 Would counsel please state your appearances
9 for the record.

10 MS. WAKNIN: Sonni Waknin from the UCLA
11 Voting Rights Project on behalf of plaintiffs.

12 MS. EBERLINE: Tara Eberline and Tony
13 Rupp appearing on behalf of defendants. Also
14 present are City Attorney, Brad Ralph, and City
15 Manager, Nick Hernandez.

16 MIGUEL COCA,
17 having been first duly sworn or affirmed to
18 testify to the truth, the whole truth, and nothing
19 but the truth, took the stand and testified as
20 follows:

21 DIRECT-EXAMINATION

22 BY MS. EBERLINE:

23 **Q. Good morning, Mr. Coca. My name is Tara**
24 **Eberline. I am one of the attorneys representing**
25 **the defendants in this case. Thank you for your**

1 **with your current address.**

2 A. My current address is 319 Kirk Street,
3 Dodge City, Kansas.

4 **Q. And how long have you lived there?**

5 A. I have lived there for over 13 years.

6 **Q. Did you grow up in Dodge City?**

7 A. I did.

8 **Q. And are your current plans to continue**
9 **living in Dodge City, moving forward?**

10 A. It is.

11 **Q. Okay. Do you -- have you ever worked for**
12 **the City of Dodge City?**

13 A. I have not.

14 **Q. Do you have any family members who worked**
15 **for the City?**

16 A. I do.

17 **Q. And who is that?**

18 A. I have two siblings, an older sister and
19 an older brother.

20 **Q. What's your older sister's name?**

21 A. Juana Coca.

22 **Q. And what does she do for the City?**

23 A. She works for the transportation
24 department as one of their customer service reps.

25 **Q. How long has she worked for the City?**

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Page 8

1 **time today. Have you ever had your deposition**
2 **taken before?**

3 A. I have not.

4 **Q. All right. Let me go through just a**
5 **couple of rules and expectations for the day, and**
6 **you've probably spoken with your counsel about**
7 **some of these, but we'll take a break about every**
8 **hour, hour and 15 minutes, but if you need a break**
9 **otherwise, just let us know that, and that's no**
10 **problem. I would just ask that you answer the**
11 **question that I've asked before you take a break.**

12 **Fair enough?**

13 A. Mm-hmm. Yes.

14 **Q. Okay. And one of the things that's**
15 **sometimes challenging in depositions is that we**
16 **will need "Yes" or "No" or verbal answers to**
17 **questions, rather than a "Uh-huh" or a "Huh-uh" or**
18 **a shake of the head or a nod of the head. Is**
19 **that fair enough?**

20 A. It is.

21 **Q. And I may correct you on that, just to**
22 **make sure that our record is clear. I'm not**
23 **trying to be rude. Understood?**

24 A. I understand.

25 **Q. Okay. Very good. Start, if you would,**

1 A. I believe around five years.

2 **Q. And what's your brother's name?**

3 A. Diego Coca.

4 **Q. And what does Diego do?**

5 A. He is a firefighter/EMT.

6 **Q. How long has he been a firefighter/EMT?**

7 A. I believe we're getting -- he's getting
8 close to about three years.

9 **Q. Do you have any other family members who**
10 **have worked for the City of Dodge City?**

11 A. I do not.

12 **Q. What -- tell us about your education and**
13 **background.**

14 A. I went to school in -- here in Dodge City
15 Public School. I briefly went to the community
16 college here, Dodge City Community College, and
17 I'm currently attending Southern New Hampshire
18 University online.

19 **Q. What are you studying?**

20 A. I am studying political science.

21 **Q. Are you currently employed?**

22 A. I am.

23 **Q. What's your job?**

24 A. I work at Boot Hill Museum.

25 **Q. What do you do for Boot Hill Museum?**

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3 (9 - 12)

MIGUEL COCA

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Page 11

1 A. I am the administrative assistant.

2 **Q. Is that a full-time job?**

3 A. It is.

4 **Q. And how long have you worked there?**

5 A. My -- when I first started, it was in

6 2012, but I was working under a different

7 position.

8 **Q. What were you doing then?**

9 A. I was one of the entertainers.

10 **Q. And what did that entail for your job**

11 **duties?**

12 A. I performed during the summertime shows.

13 **Q. Have you worked for Boot Hill**

14 **consecutively since 2012?**

15 A. I left the museum briefly in -- at the

16 end of 2019.

17 **Q. Did you have a different job in 2019?**

18 A. Yes.

19 **Q. What was that?**

20 A. I was a barista at Scooter's Coffee.

21 **Q. Have you ever run for office?**

22 A. I have only -- not any -- I've only been

23 as a precinct committee person.

24 **Q. You didn't run for state legislature in**

25 **2018?**

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Page 12

1 A. I made an attempt but I never officially

2 filed.

3 **Q. When you say you "made an attempt," help**

4 **me understand. What does that mean?**

5 A. I only filed for the financial, but I

6 never was on the ballot.

7 **Q. Did you decide to withdraw from that**

8 **race?**

9 A. I did.

10 **Q. Why did you decide not to run for state**

11 **legislature in 2018?**

12 A. I believe that I couldn't do it at the

13 time.

14 **Q. Are you a registered Democrat?**

15 A. I am.

16 **Q. And you mentioned you serve as the**

17 **precinct representative for your precinct correct?**

18 A. I do.

19 **Q. And that's the -- as the Democratic**

20 **Precinct Representative, I assume?**

21 A. Yes.

22 **Q. Which precinct do you represent?**

23 A. I believe it is Precinct 1.

24 **Q. Which area of the city does that**

25 **encompass?**

1 A. Encompasses parts of south Dodge City.

2 **Q. Do you know the racial and ethnic**

3 **breakdown of your precinct?**

4 A. I don't know the exact numbers, but it is

5 mostly majority Hispanic Latino.

6 **Q. And what's the basis for your conclusion**

7 **about that?**

8 A. That is who is in my neighborhood and the

9 surrounding areas as well.

10 **Q. Do you know the -- the breakdown of the**

11 **political affiliation of the individuals who live**

12 **in your precinct?**

13 A. I do not.

14 **Q. Would you agree that there are both**

15 **Republicans and Democrats that live within your**

16 **precinct?**

17 A. I believe there is.

18 **Q. And you would agree that there's both**

19 **Republicans and Democrats that live throughout the**

20 **city of Dodge City; correct?**

21 A. Yes.

22 **Q. Have you served as chair or vice-chair of**

23 **the Ford Democratic Party?**

24 A. I have.

25 **Q. In both of those roles?**

1 A. Yes.

2 **Q. And when were you chair of the Ford**

3 **County Democratic Party?**

4 A. I was chair of the democratic party from

5 March of 2022 to November of 2022.

6 **Q. Is that an elected position?**

7 A. It is elected by the precinct committee.

8 **Q. And what are your responsibilities as**

9 **chair of the Ford County Democratic Party?**

10 A. You oversee the executive board, and that

11 includes financials and making sure all the

12 financial filings are up to date, as well as

13 keeping informed all of those that attend the

14 meetings, as well as overseeing and presiding over

15 the meetings.

16 **Q. Is part of your responsibilities as chair**

17 **of the party to set policy positions?**

18 MS. WAKNIN: Objection; misstates

19 testimony.

20 THE WITNESS: No, not really.

21 BY MS. EBERLINE:

22 **Q. Okay. And when were you vice-chair of**

23 **the Ford County Democratic Party?**

24 A. I was vice-chair from December, 2020, to

25 March of 2022.

4/25/2023

4 (13 - 16)

MIGUEL COCA

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1 Q. What were your job duties or
2 responsibilities as vice-chair of the Democratic
3 party?

4 A. To be -- to -- any duties assigned by the
5 chair of the party as well as, in the absence of
6 the chair, preside over the meetings.

7 Q. Do you currently serve in any position
8 with the Ford County Democratic Party?

9 A. Just as a precinct committee person.

10 Q. Okay. In your work with the Democratic
11 party in this area of the state, have you worked
12 with both Latino and white Democrats?

13 A. Yes.

14 Q. And would you agree that there are both
15 Latino and white Republicans in this area of the
16 state as well?

17 A. I do believe there is.

18 Q. And that's true within the city of Dodge
19 City as well; correct?

20 A. I believe so.

21 Q. And would you agree with me that
22 political party is not synonymous with race or
23 ethnicity?

24 A. I'm not sure about that.

25 Q. Well, would you agree with me that we

1 A. Yes.

2 Q. And would you agree with me that over the
3 time that you've lived in Dodge City, that the
4 city has become more integrated?

5 MS. WAKNIN: Objection; form.

6 THE WITNESS: I'm not quite sure. Any
7 area that I've been, there is -- where I populate
8 and where I am, there is quite a few Latinos
9 there.

10 BY MS. EBERLINE:

11 Q. Do you have personal knowledge about
12 whether the trends in the city of Dodge City are
13 to become a more integrated community?

14 MS. WAKNIN: Objection; form.

15 THE WITNESS: I believe that the Latine
16 population is throughout every aspect of Dodge
17 City.

18 BY MS. EBERLINE:

19 Q. Are you alleging in this case that
20 Latinos are a politically cohesive minority group
21 within Dodge City?

22 A. I believe they are.

23 Q. And would you agree with me, though, that
24 the Latino citizen -- citizens in Dodge City are a
25 diverse group of people that do have different

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Page 16

1 can't assume that someone is one political party,
2 based on their ethnicity?

3 A. Yes.

4 Q. Okay. Are there districts or precincts
5 within Dodge City that are high density Latino, to
6 your knowledge?

7 MS. WAKNIN: Objection; form.

8 THE WITNESS: I believe there is.

9 BY MS. EBERLINE:

10 Q. And which ones are those?

11 A. The only one that I'm really familiar of
12 the residents are the ones in my precinct, because
13 I am in the immediate area often.

14 Q. Okay. You don't have personal knowledge
15 about the -- the ethnic breakdown of any specific
16 area within the city of Dodge City, other than
17 your neighborhood. Is that fair?

18 MS. WAKNIN: Objection; form.

19 THE WITNESS: I know my area, as well as
20 I see residents throughout the entire community,
21 as well, that are Latino.

22 BY MS. EBERLINE:

23 Q. Okay. You'd agree that there are
24 residents that are Latino throughout the entire
25 city of Dodge City area; correct?

1 ideas about things?

2 A. I believe they are, like most groups.

3 Q. And not all Latinos within Dodge City
4 think alike; correct?

5 A. That is true.

6 Q. And there are many factors that would
7 impact an individual's voting decisions?

8 A. Like most people, there is, yes.

9 Q. And those factors might include
10 relationship with or knowledge of the candidate
11 who's running; correct?

12 A. Yes.

13 Q. And the candidate's views on specific
14 issues might be relevant; correct?

15 A. Yes.

16 Q. And issues that are important to one
17 voter might be different than the issues that are
18 important to another voter. Agree?

19 A. Very possible.

20 Q. And an individual's personal experiences
21 would impact their decisions on voting; correct?

22 A. Yes.

23 Q. And there may be other factors as well
24 that would impact who a voter votes for in any
25 given commission election; correct?

4/25/2023

5 (17 - 20)

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1 A. It is possible.
 2 **Q. And so, in light of all of those**
 3 **different factors that might impact a voter's**
 4 **decision, would you agree with me that one's**
 5 **ethnicity is not an accurate predictor of who one**
 6 **would vote for in a city commission election?**

7 MS. WAKNIN: Objection; form.

8 THE WITNESS: It's a possibility, but I
 9 believe that most people in my community talk to
 10 each other, and that's the major factor, in my
 11 opinion.

12 BY MS. EBERLINE:

13 **Q. Well, help me understand what you just**
 14 **said. What do you mean by that?**

15 A. I believe that even most people in
 16 certain ethnic communities, in most, actually,
 17 communicate with each other. They talk to each
 18 other and that, I believe, has a factor into it.

19 **Q. Okay. So one additional factor in who a**
 20 **voter might vote for would be who their friends or**
 21 **neighbors would recommend; is that right?**

22 A. It's a possibility, yes.

23 **Q. Okay. So we've listed five or six or**
 24 **maybe more different factors that might impact who**
 25 **one votes for. Agreed?**

Page 18

Page 20

1 A. Mm-hmm.

2 MS. WAKNIN: Objection; misstates
 3 testimony.

4 BY MS. EBERLINE:

5 **Q. And so would you agree with me that**
 6 **ethnicity alone is not a fair indicator of who one**
 7 **is going to vote for in a city commission**
 8 **election?**

9 A. I do believe it is a major factor,
 10 though.

11 **Q. But not the only factor; correct?**

12 A. No.

13 **Q. Would you agree?**

14 A. Yes.

15 **Q. Okay. Would you agree that not all**
 16 **Latinos within the City of Dodge City prefer the**
 17 **same candidates for city commission?**

18 A. It is a possibility, but I do not know
 19 every Latino in Dodge City.

20 **Q. And Latino voters here may support**
 21 **candidates who are not Latino; correct?**

22 A. Yes, it is a possibility.

23 **Q. Just as white voters may support**
 24 **candidates who are Latino; correct?**

25 A. Yes, it is a possibility.

1 **Q. And commission votes are secret ballots.**
 2 **Yes?**

3 A. Yes.

4 **Q. And so the only person whose votes you**
 5 **have personal knowledge about are your own.**
 6 **Agreed?**

7 A. That is true.

8 **Q. And city commission elections here are**
 9 **nonpartisan elections; correct?**

10 A. Yes.

11 **Q. Are you aware of any exit polling that**
 12 **reflects how voters vote in Dodge City Commission**
 13 **elections?**

14 A. No, I'm not aware of any exit polling in
 15 general.

16 **Q. Are you aware of any data or research**
 17 **that would reflect the voting for Dodge City**
 18 **Commission elections?**

19 A. No, other than the data that is released
 20 of election results.

21 **Q. Okay. In your time living in Dodge City,**
 22 **have you had opportunities to interact with**
 23 **families in which one member of the family is**
 24 **Hispanic but not all members of the family are**
 25 **Hispanic?**

1 A. Yes.

2 **Q. And is that a relatively common**
 3 **occurrence in Dodge City?**

4 A. It happens frequently.

5 **Q. And so it may be that a -- a husband and**
 6 **a wife, for example, one may be Hispanic and one**
 7 **may be white; correct?**

8 A. Yes.

9 **Q. And so you'd agree with me that an**
 10 **individual's last name is not necessarily**
 11 **indicative of their ethnicity; correct?**

12 A. That is true.

13 **Q. Are you making an allegation in this case**
 14 **that white voters are voting as a bloc in city**
 15 **commission races?**

16 A. I am.

17 **Q. And what is your -- what is your evidence**
 18 **that supports that allegation?**

19 A. Just on how the elections have already
 20 turned out already, with the history of who has
 21 been on the commission previously.

22 **Q. Any other evidence?**

23 A. None -- none that come to mind at this
 24 moment.

25 **Q. Have you engaged in any communications**

4/25/2023

6 (21 - 24)

MIGUEL COCA

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1 with the City of Dodge City regarding the City's
2 at-large election process?

3 A. I have not.

4 Q. Have you engaged with other members of
5 the Dodge City community related to the city's at-
6 large commission election process?

7 A. I have talked to my friend Alejandro
8 about this.

9 Q. Have you spoken to anyone other -- and
10 are you referring to Alejandro Rangel-Lopez?

11 A. I am.

12 Q. Have you spoken to anyone other than Mr.
13 Rangel-Lopez about the City's at-large election
14 process?

15 A. Only when people bring it up to me in
16 passing.

17 Q. All right. Let's talk first about your
18 communications with Mr. Rangel-Lopez. When was
19 the first time that you and Mr. Lopez, Mr. Rangel-
20 Lopez, spoke about the at-large election process?

21 A. I believe it would have been around the
22 fall of 2021.

23 Q. And who initiated that conversation?

24 A. Mr. Lopez did.

25 Q. What did he tell you?

1 A. Yes.

2 Q. And tell me about that conversation.

3 A. We just discussed whether or not we
4 wanted to do something about it.

5 Q. And did you make a decision at that time?

6 A. Not at that time, no.

7 Q. When did you decide to take action to
8 change the at-large election process in the city?

9 A. For myself personally, it would have
10 still been in the fall of '21.

11 Q. At that time, or at any other time, did
12 you take any steps other than filing this lawsuit
13 to change the election process in Dodge City?

14 A. No.

15 Q. Why not?

16 A. Because I believe any other way wouldn't
17 have gotten to what we wanted, as well it was
18 difficult for us -- myself personally, at least,
19 to find ways to do it, other than this lawsuit.

20 Q. Did you explore any alternatives?

21 A. I considered going and talking to the
22 commission.

23 Q. And you ultimately decided not to do
24 that?

25 A. Yes.

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Page 24

1 A. He just wanted to talk to me about
2 something and then one thing just led to another
3 and we started talking about the at-large
4 districts, I guess.

5 Q. What did Mr. Rangel-Lopez tell you about
6 at-large elections?

7 A. Well, we mostly discussed on how they
8 work.

9 Q. And what's your understanding of how they
10 work?

11 A. That the entire community votes for the
12 commission together versus, you know, districts.

13 Q. Do you recall anything else about that
14 conversation with Mr. Rangel-Lopez?

15 A. I don't.

16 Q. Did you discuss at the time any efforts
17 that the two of you might undertake to change the
18 election process?

19 A. Not at that time, no.

20 Q. Okay. When is the first time that you
21 had a discussion with Mr. Rangel-Lopez about
22 changing the City of Dodge City's election
23 process?

24 A. It would have been several weeks after.

25 Q. Still in the fall or winter of 2021?

1 Q. Why is that?

2 A. Because I was worried for how the impact,
3 it would impact my family and their jobs, as well
4 as my own.

5 Q. What caused you to worry about your job
6 or your family's jobs if you spoke to the
7 commission?

8 A. Because I have family members that work
9 for the City, and my place of employment also
10 deals with the City as well, frequently.

11 Q. What led you to believe that speaking to
12 the commissioners about at-large elections would
13 have an impact on your or your family's jobs?

14 A. Mainly because I have trouble talking to
15 the commission. I don't feel comfortable around
16 them.

17 Q. Okay. So there was some personal
18 nervousness about that?

19 A. Yes.

20 Q. Okay. When was the first time that you
21 spoke to an attorney related to a decision to file
22 this lawsuit?

23 A. It would have been not that long after I
24 personally decided that I wanted to do it, so it
25 still would have been in the fall of '21.

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7 (25 - 28)

MIGUEL COCA

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1 **Q. And who did you speak to?**
 2 A. I spoke to my current attorney.
 3 **Q. Who is that?**
 4 A. Sonni Waknin.
 5 **Q. Okay. And I'm not going to ask you about**
 6 **the substance of any conversation that you've had**
 7 **with counsel, but my question is: Did you**
 8 **continue to have conversations with counsel from**
 9 **the fall of 2021 until the filing of this lawsuit**
 10 **in January of 2023?**

11 A. Yes.

12 **Q. And in those conversations, was there**
 13 **anyone else a member of those communications,**
 14 **other than yourself and your attorney?**

15 MS. WAKNIN: I'm going to object to the
 16 extent that you're -- just want to clarify that
 17 you're not asking for attorney-client privileged
 18 communications.

19 BY MS. EBERLINE:

20 **Q. Absolutely, so I don't want to know what**
 21 **you talked about. What I'm asking about is who**
 22 **was present in your conversations with counsel.**

23 MS. WAKNIN: Yeah, that makes sense.

24 THE WITNESS: I don't believe there was
 25 anyone else present.

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Page 28

1 BY MS. EBERLINE:

2 **Q. So in each of the conversations you had**
 3 **with counsel, it was just you and your attorney in**
 4 **the communication; is that correct?**

5 A. Mm-hmm. Yes.

6 **Q. Okay. Did you ever speak to Melissa**
 7 **McCoy or Ernestor De La Rosa about your concerns**
 8 **related to at-large elections?**

9 A. I did not.

10 **Q. Did you speak to any City of Dodge City**
 11 **employee before you filed this lawsuit about at-**
 12 **large elections?**

13 A. No, I did not.

14 **Q. Have you made any efforts to recruit city**
 15 **commission candidates?**

16 A. I thought about it, but most people that
 17 I would talk to in regards to previous elections,
 18 when I was the chair for the Democratic party,
 19 stated that they didn't feel comfortable running.

20 **Q. Who did you speak to?**

21 A. Various people. I don't remember most of
 22 them, off the top of my head.

23 **Q. Do you remember any?**

24 A. Umm. I'm trying to think. I do not.

25 **Q. Okay. You mentioned that you may have**

1 **had conversations about at-large elections with**
 2 **other people in passing. Do you remember any**
 3 **individuals that you've spoken to about at-large**
 4 **elections, other than Mr. Rangel-Lopez?**

5 A. I really don't. Most of it is when
 6 people talked about it with me at the store or
 7 when I went out in various businesses in town.

8 **Q. And is it a topic that you would bring**
 9 **up?**

10 A. No.

11 **Q. You don't recall the names of any**
 12 **individuals with whom you've spoken about at-large**
 13 **elections, other than Mr. Rangel-Lopez and your**
 14 **counsel; correct?**

15 A. I do not, no.

16 **Q. Is that correct?**

17 A. That is, yes.

18 **Q. Okay. What efforts have you undertaken**
 19 **to encourage the Latino community to participate**
 20 **in city commission elections?**

21 A. I have shared things on social media
 22 which is, I believe, at least within my group as
 23 well, that it's the easiest way to communicate
 24 with people and reach people.

25 **Q. Anything else?**

1 A. Other than talking to people when I come
 2 across them on the street, no.

3 **Q. Do you recall any Dodge City Commission**
 4 **election in which a candidate campaigned as a**
 5 **Latino preferred candidate?**

6 A. Yes.

7 **Q. And who are you referring to?**

8 A. Blanca Soto.

9 **Q. What did Ms. Soto do that reflected her**
 10 **-- her desire to campaign as a Latino preferred**
 11 **candidate?**

12 A. Umm. She would campaign in areas that
 13 were predominantly Hispanic and Latino.

14 **Q. Where was that?**

15 A. I recall that she actually knocked doors
 16 in my neighborhood and, eventually, I also went to
 17 go help her knock doors and campaign in parts of
 18 the center of Dodge City.

19 **Q. Do you know whether she was also**
 20 **campaigning in other neighborhoods within Dodge**
 21 **City?**

22 A. She -- she told me that she did, yes.

23 **Q. So she campaigned throughout the city;**
 24 **correct?**

25 A. Mm-hmm.

4/25/2023

8 (29 - 32)

MIGUEL COCA

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1 **Q. Yes?**
 2 A. Yes.
 3 **Q. Did Ms. Soto do anything else that**
 4 **indicated to you that she was campaigning as a**
 5 **Latino preferred candidate?**
 6 A. She also was very present in a lot of, I
 7 guess, cultural, Hispanic Latino cultural events
 8 as well, and that's where most people recognize
 9 her from is either from that or from her work, her
 10 professional work.
 11 **Q. And what's her professional work?**
 12 A. She's worked in various places. I know
 13 at one point in time, she's worked for the school
 14 district, I think. Possibly Kansas Appleseed.
 15 **Q. And you'd agree that the school district**
 16 **and Kansas Appleseed are not Latino specific**
 17 **organizations; correct?**
 18 A. That is correct.
 19 **Q. Okay. Do you recall any other Dodge City**
 20 **Commission election in which that you would allege**
 21 **a candidate campaigned as a Latino preferred**
 22 **candidate?**
 23 A. I really don't recall it.
 24 **Q. And so the only one that you can recall**
 25 **at this time is Ms. Soto; correct?**

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Page 32

1 A. Yes.
 2 **Q. Okay. What makes a candidate Latino**
 3 **preferred?**
 4 A. I believe it's someone that really has
 5 the interest of the Latino community at heart;
 6 someone that spends time with them; that someone
 7 that many people in the Latino community feel
 8 comfortable going to talk to them about various
 9 issues.
 10 **Q. Any other characteristics of a Latino**
 11 **preferred candidate?**
 12 A. Not -- none that come to mind at this
 13 moment.
 14 **Q. Okay. Who determines whether a candidate**
 15 **is Latino preferred?**
 16 A. Umm. I believe it's when the Latino
 17 community start talking amongst each other and
 18 they start showing their preferences towards a
 19 candidate.
 20 **Q. And that's reflected in just one-on-one**
 21 **conversations between members of the Latino**
 22 **community?**
 23 A. Yes.
 24 **Q. Okay. There would be no data that would**
 25 **reflect which candidates are Latino preferred;**

1 correct?
 2 MS. WAKNIN: Objection; form.
 3 BY MS. EBERLINE:
 4 **Q. To your knowledge?**
 5 A. To my knowledge, I am not aware.
 6 **Q. Are you aware of any documents or**
 7 **evidence that would support which candidates are**
 8 **Latino preferred?**
 9 MS. WAKNIN: Objection; form.
 10 THE WITNESS: I am not aware.
 11 BY MS. EBERLINE:
 12 **Q. And who, from your perspective, gets to**
 13 **determine whether someone is a Latino preferred**
 14 **candidate?**
 15 A. I believe it's not just one person. It's
 16 many people.
 17 **Q. Who are those people?**
 18 A. Friends, family, neighbors.
 19 **Q. The amended complaint that you filed in**
 20 **this case asserts that there are not any Latino**
 21 **preferred candidates on the commission at this**
 22 **time; is that right?**
 23 A. I do believe so.
 24 **Q. Would you agree that Joseph Nuci is a**
 25 **member of the commission presently?**

1 A. He is.
 2 **Q. And is it your allegation that Mr. Nuci**
 3 **is not a Latino preferred candidate?**
 4 A. I believe he isn't.
 5 **Q. And why is that?**
 6 A. Many members, including myself, were not
 7 aware he was Latino until very recently.
 8 **Q. And so who determines that he is not**
 9 **Latino preferred?**
 10 MS. WAKNIN: Objection; asked and
 11 answered.
 12 MS. EBERLINE: Go ahead and answer.
 13 THE WITNESS: Because pretty much he has
 14 not affiliated himself with Latino community, and
 15 that's mostly what most people are thinking.
 16 BY MS. EBERLINE:
 17 **Q. When you say "what most people are**
 18 **thinking," you're speaking for yourself; correct?**
 19 A. Myself. Some of my neighbors and family
 20 members have talked to amongst each other about
 21 it.
 22 **Q. Okay. You would agree that Mr. Nuci is**
 23 **Latino, however?**
 24 A. He claims he is.
 25 **Q. Do you have any reason to deny that**

4/25/2023

9 (33 - 36)

MIGUEL COCA

Page 33 1 that's true? 2 A. I don't. 3 Q. Do you have any statistical analysis 4 reflecting that Mr. Nuci is not a Latino preferred 5 candidate? 6 A. I don't. 7 Q. Do you have any other evidence that would 8 reflect your opinion that Mr. Nuci is not a Latino 9 preferred candidate? 10 A. I don't. 11 Q. Is your conclusion that he's not a Latino 12 preferred candidate based on his position on any 13 city commission issue? 14 A. None that I'm aware of. 15 Q. Are you aware of any positions that Mr. 16 Nuci has taken in a city commission matter that is 17 contrary to the interests of the Latino community? 18 A. None that I'm aware of. 19 Q. How long have you lived in the city of 20 Dodge City? 21 A. My whole life. 22 Q. And how old are you? 23 A. I am 27 years old. 24 Q. Over the course of your lifetime, would 25 you agree that the Latino population just in Dodge	Page 35 1 A. It's a possibility, but I don't believe 2 it's going to happen, likely. 3 Q. And do you have any evidence to support 4 that belief? 5 A. In past, there hasn't really been any 6 candidates the Latino -- Latino preferred 7 candidates. 8 (THEREUPON, Deposition Exhibit No 11 9 marked for identification.) 10 BY MS. EBERLINE: 11 Q. Mr. Coca, I've handed you a document 12 marked Exhibit Number 11. Do you see that? 13 A. Yes. 14 Q. Do you recognize this document? 15 A. Yes, vaguely. 16 Q. This was a map that was included in the 17 amended complaint that you filed in this case; 18 correct? 19 A. I believe so. 20 Q. Do you know who prepared this map? 21 A. It was assisted in preparation by my 22 attorneys. 23 Q. Okay. And do you have personal knowledge 24 about the source of the information that was used 25 to prepare the map?
Page 34 1 City has continued to grow? 2 A. It has. 3 Q. And would you agree that the percentage 4 of the population in Dodge City that is Latino has 5 continued to grow? 6 A. It has. 7 Q. In fact, you allege in the amended 8 complaint that the Latino population is 9 approximately 65% of the city's total population 10 at this time; correct? 11 A. Yes. 12 Q. So roughly two-thirds of the population 13 of Dodge City is Latino? 14 A. Yes. 15 Q. Would you agree that the trends reflect 16 that Latinos are on their way towards becoming a 17 voting majority in Dodge City? 18 A. I believe so. 19 Q. And, in fact, that may happen in the very 20 near future; correct? 21 A. It is a possibility, yes. 22 Q. And would you agree that if the majority 23 of the voting age population in Dodge City is 24 Latino, that Latino voters could control city-wide 25 elections?	Page 36 1 A. I believe it's possibly through the 2 census. 3 Q. Are you speculating on that? 4 A. I honestly do not recall at this exact 5 moment in time. 6 Q. Okay. Do you know whether the current 7 Dodge City voting precincts are reflected on this 8 map? 9 A. I honestly could not tell. 10 Q. Do you have personal knowledge about the 11 way the map was -- was created or what it 12 reflects? 13 A. I believe it reflects the -- where most 14 Latino residents and Hispanic residents live in 15 Dodge City. 16 Q. Okay. Do you have personal knowledge 17 about the underlying data that supports the -- the 18 map? 19 A. I do not recall at this moment. 20 Q. All right. Have you alleged in this case 21 that you live in an area that could be drawn as a 22 Latino majority district? 23 A. I do. 24 Q. And what area is that? 25 A. I live in south Dodge City.

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10 (37 - 40)

MIGUEL COCA

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1 Q. How did you reach the conclusion that you
2 live in an area that could be drawn as a Latino
3 majority district?

4 A. Because in the area, it is majority
5 Latino.

6 Q. Where would you propose that the lines be
7 drawn?

8 MS. WAKNIN: Objection; form.

9 THE WITNESS: In just areas in my -- near
10 where I live.

11 BY MS. EBERLINE:

12 Q. Okay. Do you know with any more
13 specificity than that?

14 A. I do not.

15 Q. All right.

16 MS. WAKNIN: Are we done with this
17 exhibit?

18 MS. EBERLINE: Yeah, I think so.

19 MS. WAKNIN: Okay.

20 BY MS. EBERLINE:

21 Q. Mr. --

22 MS. WAKNIN: I was going to tell him I
23 think he could hand it back.

24 MS. EBERLINE: That's fine.

25 BY MS. EBERLINE:

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1 Q. Mr. Coca, do you have any personal
2 knowledge of any history of discrimination by the
3 City of Dodge City against Latinos?

4 A. None that come to mind at this moment.

5 Q. Have you ever experienced any
6 discriminatory actions from the City personally?

7 A. I have not personally, no.

8 Q. Are you familiar with the programs and
9 efforts that the City of Dodge City have
10 undertaken to be welcoming to the Latino
11 community?

12 MS. WAKNIN: Objection; form. Objection;
13 compound.

14 MS. EBERLINE: You can go ahead and
15 answer.

16 THE WITNESS: I'm aware of some programs.

17 BY MS. EBERLINE:

18 Q. What are you aware of?

19 A. One that I'm aware of in particular is
20 Welcoming Dodge City that welcomes new citizens to
21 Dodge City, especially from foreign countries.

22 Q. Are you aware of the city's cultural
23 awareness advisory board -- I'm sorry -- Cultural
24 Relations Advisory Board?

25 A. I am somewhat familiar with it.

1 Q. Are you aware of the City of Dodge City's
2 International Festival?

3 A. I am.

4 Q. Have you participated in either the
5 Welcoming Dodge City events or the International
6 Festival?

7 A. I have worked a naturalizing citizenship
8 event through work as a bartender at the museum,
9 and then I am on the board of -- on Main Street
10 Dodge City, which is one of the organizations that
11 helps put on International Festival.

12 Q. Are you familiar with the city's New
13 Americans Dinner?

14 A. I am somewhat familiar with it, yes.

15 Q. Was that the event that -- that you had
16 participated in as a bartender or was that a
17 separate event?

18 A. It would have been that event.

19 Q. Okay. Are you familiar with the Engage
20 Dodge Program?

21 A. Somewhat familiar.

22 Q. Are you familiar with the City's
23 participation in US naturalization ceremonies?

24 A. Somewhat.

25 Q. Are you aware of the City's work with the

1 Mexican Consulate Mobile Services to come to Dodge
2 City and provide documentation services?

3 A. Not really.

4 Q. Are you aware of the Guatemalan Consulate
5 Services that have been provided through the City
6 of Dodge City?

7 A. Somewhat.

8 Q. Are you aware that the City provides
9 naturalization scholarships to individuals who are
10 interested in becoming naturalized citizens?

11 A. I was not aware of that.

12 Q. Are you aware of the City's
13 naturalization clinic?

14 A. No, I was not.

15 Q. Are you aware of the DACA clinics that
16 the City and partners have hosted?

17 A. No, I am not.

18 Q. You'd agree with me that the City of
19 Dodge City has engaged in significant efforts to
20 engage the Latino community?

21 A. Somewhat I believe so, yes.

22 Q. Okay. Are you aware of any issues that
23 have come before the Dodge City Commission in
24 which the Latino community has taken one position
25 and the white community has taken another position

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11 (41 - 44)

MIGUEL COCA

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1 on the issue?

2 A. I am not aware of any at this moment.

3 Q. You had mentioned that you believed Ms.

4 Soto's campaign -- let me start over and make sure

5 I get the language right.

6 I believe you testified that Ms. Soto

7 campaigned as a Latino preferred candidate; is

8 that accurate?

9 A. Yes.

10 Q. And that conclusion was not based on any

11 conversation with Ms. Soto. Would you agree?

12 A. That is true, yes.

13 Q. Are you aware of any campaign in which a

14 candidate has made an appeal to the white

15 community, more specifically?

16 MS. WAKNIN: Objection; form.

17 THE WITNESS: None that I'm really aware

18 of at this moment.

19 BY MS. EBERLINE:

20 Q. What barriers, if any, exist to members

21 of the Latino community in Dodge City electing the

22 candidates of their choice to the commission?

23 A. They don't -- I personally believe that

24 many of them don't have information on most of the

25 candidates that run.

1 on city commission issues?

2 A. I don't recall.

3 Q. Any other reasons that Ms. Zuniga is a

4 Latino candidate of choice?

5 A. Other than with her interaction with the

6 community, no.

7 Q. Do you know who within Dodge City voted

8 for Ms. Zuniga?

9 A. I'm not aware of most people's voting

10 records.

11 Q. Did you vote for her?

12 A. I don't recall which election that was.

13 Q. Do you recall any information about Ms.

14 Zuniga's campaign?

15 A. No, I do not.

16 Q. And you don't have any personal

17 familiarity with her efforts to persuade voters to

18 vote for her; correct?

19 A. I don't recall.

20 Q. And do you know how Ms. Zuniga fared in

21 any of the Dodge City precincts?

22 A. I do not.

23 Q. Do you know Ms. Soto's position on any

24 City of Dodge City issue?

25 MS. WAKNIN: Objection; form.

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1 Q. Are there any other barriers, to your
2 knowledge?

3 A. None that I can -- none that I can think

4 of at this moment.

5 Q. Other than Ms. Soto, are you aware of any

6 other Latino candidates of choice who have not

7 been elected to City of Dodge City commission

8 elections?

9 A. The only one that I'm really aware of,

10 other than Ms. Soto, is Liliana Zuniga.

11 THE REPORTER: Would you say her name

12 again, please?

13 THE WITNESS: Liliana Zuniga.

14 THE REPORTER: Thank you.

15 BY MS. EBERLINE:

16 Q. So let's talk about Ms. Zuniga for a

17 moment. What makes Ms. Zuniga a candidate of

18 choice for the Latino community?

19 A. Because she interacts with the community.

20 She is a business owner that many members in the

21 community talk to about her, and I believe many

22 people, including some of my friends, actually

23 have gone to her for various advice on various

24 things in their personal life.

25 Q. Do you know anything about her position

1 THE WITNESS: Not really off the top of

2 my head at the moment.

3 BY MS. EBERLINE:

4 Q. Are you familiar with Jose Vargas?

5 A. I am not.

6 Q. You had alleged in your amended complaint

7 that he was a Latino candidate of choice who was

8 not elected; is that right?

9 A. Yes.

10 Q. Yet you have no personal knowledge about

11 Mr. Vargas; correct?

12 A. Other than he ran for the commission, no.

13 Q. Okay. You don't know anything about his

14 position on any issue that may have come before

15 the City of Dodge City Commission; correct?

16 A. No.

17 Q. Would you agree?

18 A. I agree.

19 Q. Okay. And you don't have any knowledge

20 about Mr. Vargas's voting record or his -- his

21 campaign materials; correct?

22 MS. WAKNIN: Objection; form. Objection;

23 compound.

24 BY MS. EBERLINE:

25 Q. Is that correct?

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12 (45 - 48)

MIGUEL COCA

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1 A. I don't have any knowledge.
 2 **Q. Okay. Are you familiar with Mr. Fernando**
 3 **Jurado?**
 4 A. Other than he ran for the city
 5 commission, not really.
 6 **Q. Do you know Mr. Jurado's position on any**
 7 **city issue?**
 8 A. I don't recall.
 9 **Q. Do you know what efforts Mr. Jurado made**
 10 **to campaign for commission?**
 11 A. I do not recall.
 12 **Q. He ran in 2000. At the time, you would**
 13 **have been young; correct?**
 14 A. Yes.
 15 **Q. All right. Are you familiar with Angie**
 16 **Gonzalez?**
 17 A. I am, actually.
 18 **Q. Who is Angie Gonzalez?**
 19 A. Angie Gonzalez has previously ran for, to
 20 my knowledge, for county clerk.
 21 **Q. And that would be in Ford County;**
 22 **correct?**
 23 A. Yes, in Ford County.
 24 **Q. When did she run?**
 25 A. She ran in 2020.

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1 **Q. Did you participate in her campaign?**
 2 A. I did not, other than I voted for her.
 3 **Q. Do you have any recollection of Ms.**
 4 **Gonzalez's position on any Ford County issues?**
 5 A. I don't recall any at this moment in
 6 time.
 7 **Q. Other than what you've shared so far, do**
 8 **you recall anything about Ms. Gonzalez or her**
 9 **platform that she ran on?**
 10 MS. WAKNIN: Objection; form. Objection;
 11 compound.
 12 THE WITNESS: I do recall that she was
 13 really open towards having more civic engagement
 14 and encouraging people to go out and vote.
 15 BY MS. EBERLINE:
 16 **Q. You would agree that Ms. Gonzalez ran for**
 17 **a county position and not a city position;**
 18 **correct?**
 19 A. That is the one I recall, yes.
 20 **Q. And you're not making any allegation in**
 21 **this case that Ms. Gonzalez ran for any elected**
 22 **position within the City of Dodge City; correct?**
 23 A. I don't recall at this moment.
 24 **Q. What is the Education Growers Development**
 25 **Company?**

1 A. It is a nonprofit organization that
 2 encourages renewable resources, encourages growing
 3 your own food, as well as encourages sustainable
 4 building materials through the use of hemp.
 5 **Q. Are you an employee of the Education**
 6 **Growers Development Company?**
 7 A. No. I volunteered there briefly.
 8 **Q. Does the Education Growers Development**
 9 **Company participate in -- let me start over.**
 10 **Does the Education Growers Development**
 11 **Company take a position on the form of elections**
 12 **that occur in the City of Dodge City?**
 13 A. They do not.
 14 **Q. Did you have any sort of leadership role**
 15 **with the Education Growers Development Company?**
 16 A. I was one of the founding members of it
 17 and I served for, I want to say, about a month as
 18 their vice president on their board.
 19 **Q. When was that?**
 20 A. It would have been early of -- it would
 21 have been towards the beginning of the year of
 22 2022.
 23 **Q. Have you been involved with the Loud**
 24 **Light organization in any way?**
 25 A. I have not, other than occasionally

1 attending their forums online.
 2 **Q. Have you ever been employed by Loud**
 3 **Light?**
 4 A. No, I have not.
 5 **Q. And have you had any involvement with**
 6 **Loud Light's New Frontiers project?**
 7 A. Other than their forums and talking to
 8 one of their representatives, Mr. Alejandro
 9 Rangel-Lopez.
 10 **Q. And you've shared with me the substance**
 11 **of those conversations already; correct?**
 12 A. Mm-hmm. Yes.
 13 **Q. Okay. You mentioned that you serve on**
 14 **the Main Street Dodge City board; is that right?**
 15 A. Yes.
 16 **Q. How did you come to be a member of that**
 17 **board?**
 18 A. So I briefly worked with some of my
 19 friends in a marketing agency, and they joined the
 20 organization, and then when they put out
 21 applications for the board, I applied.
 22 **Q. And who appointed you to that board?**
 23 A. I believe it would have been the other
 24 members of the board.
 25 **Q. That appointment comes from the board**

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13 (49 - 52)

MIGUEL COCA

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1 **itself, rather than from the City of Dodge City?**

2 A. Yes.

3 **Q. What was the application process?**

4 A. You fill out a form with your basic
5 information, as well as stating why you want to be
6 a part of the board.

7 **Q. During what time period have you been a**
8 **member of the Main Street Dodge City board?**

9 A. I was appointed in December of '21 and I
10 am still serving on the board.

11 **Q. Have you been a part of selecting other**
12 **new members to the board of Main Street Dodge**
13 **City?**

14 A. Yes.

15 **Q. Has Main Street Dodge City taken a**
16 **position on at-large elections in Dodge City?**

17 A. They have not.

18 **Q. Has there been any discussion during the**
19 **Main Street Dodge City events or meetings related**
20 **to at-large elections in Dodge City?**

21 A. None that I'm aware of.

22 **Q. Are you also a member of any other boards**
23 **within the city of Dodge City?**

24 A. I am on the board of trustees for the
25 Dodge City Public Library.

1 **serving on a board or a commission could submit**
2 **their name for consideration; correct?**

3 MS. WAKNIN: Objection; form. Objection;
4 compound.

5 THE WITNESS: Yes.

6 MS. EBERLINE: Let's take a break.

7 THE VIDEOGRAPHER: It is 10:20 a.m.

8 We're going off the record.

9 (THEREUPON, a break was then taken.)

10 THE VIDEOGRAPHER: It is 10:36 a.m.

11 We're back on the record.

12 BY MS. EBERLINE:

13 **Q. All right. Mr. Coca, I've handed you**

14 **Exhibit 10. This is a document that your counsel**

15 **served in this case, and I'm going to ask you to**

16 **turn to page 3 for me, please. If you'll see**

17 **that Section E, that's entitled "Additional Fact**

18 **and Lay Witnesses." Do you see that?**

19 A. I do.

20 **Q. And then we're going to jump down to the**

21 **bullet points here and I'm going to ask you about**

22 **some of the folks that you've identified. The**

23 **first bullet point there refers to Dodge City**

24 **Latino organizations and officers of such**

25 **organizations, including Dodge City League of**

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1 **Q. And when did you become appointed to that**
2 **board?**

3 A. In July of 2022.

4 **Q. And are you currently a member?**

5 A. I am.

6 **Q. What was the application process for that**
7 **position?**

8 A. You put -- you put your basic information
9 and you select which of the various boards in the
10 community you want to be a part of, and then you
11 put reasons why you believe you'd be a best fit.

12 **Q. And you were selected for the library**
13 **board position?**

14 A. Yes, I was appointed.

15 **Q. And that application process for**
16 **positions on boards or commissions of the City of**
17 **Dodge City, that application process is open to**
18 **all residents; is that right?**

19 A. Yes.

20 MS. WAKNIN: Objection; form. Objection;
21 compound.

22 THE WITNESS: I'm aware it's open to all
23 residents.

24 BY MS. EBERLINE:

25 **Q. And so anyone who is interested in**

1 **United Latin American Citizens. Do you see that?**

2 A. I do.

3 **Q. Are you familiar with LULAC?**

4 A. I am familiar with it, but I'm not
5 familiar with anyone that serves on it currently.

6 **Q. And do you have any knowledge of what**
7 **information LULAC may have related to the claims**
8 **you've made in this lawsuit?**

9 A. None that come to mind at this moment.

10 **Q. Are you aware of any other Dodge City**
11 **Latino organizations that would have knowledge or**
12 **information related to the claims you've made in**
13 **this lawsuit?**

14 A. None that come to mind at this moment.

15 **Q. And have you spoken to anyone at LULAC**
16 **related to at-large elections?**

17 A. I believe I have not.

18 **Q. And have you spoken to any other Dodge**
19 **City Latino organization or officer of any such**
20 **organization about at-large elections?**

21 A. I don't believe I have.

22 **Q. Who is Janeth Vasquez?**

23 A. I am familiar that she's a city
24 commissioner of Liberal, Kansas.

25 **Q. Have you spoken to Ms. Vasquez about your**

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14 (53 - 56)

MIGUEL COCA

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1 claims in this case?

2 A. I have not.

3 Q. Do you know what information she may have
4 related to your case?

5 A. I do not.

6 Q. Who is Ms. Warshaw?

7 A. She's the former mayor of Dodge City.

8 Q. Do you know Ms. Warshaw?

9 A. Not personally.

10 Q. Have you ever spoken to her?

11 A. I have not.

12 Q. Do you know what information she may have
13 related to the claims you've made in this case?

14 A. I do not.

15 Q. Who is Melissa Stiehler?

16 A. She is an employee of the Loud Light
17 Kansas nonprofit.

18 Q. Do you know Ms. Stiehler personally?

19 A. I do not.

20 Q. Have you ever had any conversations with
21 Ms. Stiehler about your claims in this case?

22 A. I have not.

23 Q. Do you know what information she may have
24 related to your claims in this case?

25 A. I am not aware of any.

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1 Q. What is Kansas Appleseed?

2 A. It is a -- to my understanding, it's a
3 nonprofit organization that helps with civic
4 engagement.

5 Q. Have you had any conversations with any
6 officer or staff member or volunteer with Kansas
7 Appleseed about at-large elections or your claims
8 in this case?

9 A. I don't recall any current employees, no.

10 Q. Are there former Kansas Appleseed
11 employees who you've spoken to about at-large
12 elections?

13 A. Blanca Soto.

14 Q. What conversations have you had with
15 Blanca Soto about your claims in this case?

16 A. More or less how they work, how the at-
17 large districts work.

18 Q. When did that conversation -- was it one
19 conversation or multiple?

20 A. I believe it was one, but it was one, I
21 think, in like passing. Nothing that I can really
22 recall.

23 Q. Did that occur before or after you filed
24 your lawsuit?

25 A. I believe it would have been before.

1 Q. Have you had any conversations with Ms.
2 Soto about your claims in this case?

3 A. No.

4 Q. Have you spoken to any other Kansas
5 Appleseed officer or staff member about at-large
6 elections or your claims in this case?

7 A. I don't believe I have.

8 Q. And do you have any knowledge or
9 information about what Kansas Appleseed or its
10 officers or staff members may know about your
11 claims in this case?

12 A. I do not.

13 Q. Who is AJ Amaro?

14 A. AJ Amaro, he is a personal friend and
15 associate of myself, and he also is the -- if I
16 recall his titles correctly, he is the president
17 of Education Growers Development Company.

18 Q. Have you spoken to Mr. Amaro about at-
19 large elections?

20 A. A couple times, mainly to -- he was
21 asking how at-large elections work.

22 Q. Have you spoken to him about your claims
23 in this case?

24 A. I have not, no.

25 Q. Have you spoken to him about at-large

1 elections since you filed your lawsuit?

2 A. I have not, no.

3 Q. What information, if any, would AJ Amaro
4 have related to your claims in this lawsuit?

5 A. I'm not aware of any he has.

6 Q. Why did you list him as a witness?

7 A. Umm. Mainly because he is one of the
8 people that I personally dis- -- I guess would
9 discuss various Latino-based things, like -- many
10 things, like I say, I discuss with, I guess, that
11 most people discuss with, I guess their family
12 members and friends, I would discuss with him.

13 Q. Who is Greta Clark?

14 A. Greta Clark, she is currently the
15 chairperson of the Ford County Democratic Party.

16 Q. Have you had conversations with Ms. Clark
17 about at-large elections?

18 A. A few times, yes.

19 Q. Tell me about those conversations.

20 A. They mostly were centered around the
21 difference between at-large and district
22 elections.

23 Q. Have you spoken to Ms. Clark about the
24 claims in this lawsuit since you filed the
25 lawsuit?

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15 (57 - 60)

MIGUEL COCA

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1 A. No, I have not.
 2 **Q. Are you aware of any information that Ms.**
 3 **Clark would have that's relevant to your claims in**
 4 **this lawsuit?**
 5 A. None that I can think of at this exact
 6 moment.
 7 **Q. Who is Martin Rosas?**
 8 A. I believe he is affiliated with one of
 9 the local unions for packing plants.
 10 **Q. Do you know Mr. Rosas personally?**
 11 A. I do not, no.
 12 **Q. Have you ever had a conversation with**
 13 **him?**
 14 A. No.
 15 **Q. Do you know why he's listed as a witness**
 16 **in this case?**
 17 A. I believe because -- my personal belief
 18 is that he would have information regarding to a
 19 lot of the Latino community members, considering
 20 that is the vast majority of the employees of the
 21 beef packing plants.
 22 **Q. But you don't have personal knowledge**
 23 **about any information he would have that's**
 24 **relevant to this case; correct?**
 25 A. No, I do not, no.

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1 **Q. Would you agree with that statement?**
 2 A. I would.
 3 **Q. Okay. Who's Maribel Sanchez?**
 4 A. The name does not sound familiar at this
 5 moment.
 6 **Q. Who is Jan Scoggins?**
 7 A. She is a former city commissioner.
 8 **Q. Have you had any conversations with Ms.**
 9 **Scoggins about at-large elections?**
 10 A. I don't recall any.
 11 **Q. What information might Ms. Scoggins have**
 12 **related to the claims in this case?**
 13 A. I can't think of any at this exact moment
 14 in time.
 15 **Q. Who's Amy Soberanes?**
 16 A. The name does not sound familiar at this
 17 moment.
 18 **Q. Who's Monica Vargas?**
 19 A. The name sounds familiar, but I do not
 20 recall where I can place it from, at this moment.
 21 **Q. You don't recall ever having a**
 22 **conversation with Ms. Vargas about the claims in**
 23 **this case?**
 24 A. No, I believe not.
 25 **Q. And do you know what information she**

1 **might have related to the claims in this case?**
 2 A. I do not recall at this moment.
 3 **Q. Have you ever had any conversations with**
 4 **Johnny Dunlap about at-large elections?**
 5 A. I have not, no.
 6 **Q. Do you know Mr. Dunlap?**
 7 A. I do, yes.
 8 **Q. And who is he?**
 9 A. He is a teacher at Dodge City High School
 10 and he also is the former chairperson of the Ford
 11 County Democratic Party.
 12 **Q. Do you know whether Mr. Dunlap would have**
 13 **any information relevant to your claims in this**
 14 **case?**
 15 A. I am not aware at this moment.
 16 **Q. Okay. You had mentioned earlier that**
 17 **you're on the library board of trustees; correct?**
 18 A. Yes.
 19 **Q. Were you appointed by the city commission**
 20 **to that position?**
 21 A. I believe that's how the process works,
 22 yes.
 23 **Q. So the mayor recommended you and then the**
 24 **commission approved you; correct?**
 25 A. I believe that's how the process works.

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1 **Q. Okay.**
 2 (THEREUPON, Deposition Exhibit No 12
 3 marked for identification.)
 4 BY MS. EBERLINE:
 5 **Q. Mr. Coca, what is Exhibit 12?**
 6 A. It is a screenshot of one of my social
 7 medias.
 8 **Q. This is from your Facebook feed; is that**
 9 **correct?**
 10 A. Yes, it's from my personal Facebook feed.
 11 **Q. And does it reflect you having posted an**
 12 **article or some sort of story from the Lawrence**
 13 **Journal-World?**
 14 A. Yes.
 15 **Q. Do you recall who wrote the story that**
 16 **you had posted on November 27th, 2019?**
 17 A. I do not.
 18 **Q. Do you recall what the contents of the**
 19 **posting was?**
 20 A. I don't remember at this time.
 21 (THEREUPON, Deposition Exhibit No 13
 22 marked for identification.)
 23 BY MS. EBERLINE:
 24 **Q. What is Exhibit 13?**
 25 A. It is a screenshot from my personal

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16 (61 - 64)

MIGUEL COCA

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1 social media, Facebook social media.
 2 **Q. And this is an editorial that you had**
 3 **linked to in your Facebook page?**
 4 A. Yes.
 5 **Q. Do you recall who wrote that editorial?**
 6 A. I do not.
 7 **Q. Do you recall what it was about?**
 8 A. Not really.
 9 **Q. Do you recall whether it had anything to**
 10 **do with at-large elections?**
 11 A. I do not recall at this moment.
 12 (THEREUPON, Deposition Exhibit No 14
 13 marked for identification.)
 14 BY MS. EBERLINE:
 15 **Q. What is Exhibit 14?**
 16 A. It is another screenshot from my personal
 17 Facebook social media.
 18 **Q. In this one you included a comment that**
 19 **you drafted yourself; correct?**
 20 A. Yes.
 21 **Q. Do you recall what speaker you were**
 22 **referring to when you described the speaker as**
 23 **being a part of a Texas-based anti-Islamic hate**
 24 **group?**
 25 A. I do not recall the name of the speaker,

1 **came to speak about at-large elections?**
 2 A. I don't believe he did.
 3 (THEREUPON, Deposition Exhibit No 15
 4 marked for identification.)
 5 BY MS. EBERLINE:
 6 **Q. Okay. What is Exhibit 15?**
 7 A. It is a screenshot from my Facebook
 8 social media.
 9 **Q. And this is a link to an article in the**
 10 **Kansas Reflector, correct?**
 11 A. Yes.
 12 **Q. Do you recall who the author of this**
 13 **story was?**
 14 A. If I recall correctly, it would have been
 15 Alejandro Rangel-Lopez.
 16 **Q. And do you recall what the substance of**
 17 **the article was?**
 18 A. Umm. If I recall correctly, the
 19 substance of the article was pretty much trying to
 20 encourage people to engage with the community, if
 21 I'm correct.
 22 **Q. You don't recall this article referring**
 23 **to at-large elections, do you?**
 24 A. I don't remember at this time.
 25 (THEREUPON, Deposition Exhibit No 16

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1 but I do recall the event that it was at -- it
 2 was at.
 3 **Q. What was that event?**
 4 A. It was the Dodge City Republican Expo.
 5 **Q. And what is the Dodge City Republican**
 6 **Expo?**
 7 A. To my recollection, it is where many
 8 Republicans throughout, I believe, the state
 9 assemble together in a convention here in Dodge
 10 City.
 11 **Q. And you don't recall who the speaker was**
 12 **that you had described?**
 13 A. I do not recall their name.
 14 **Q. Why were you opposed to the speaker?**
 15 A. If I recall correctly, his beliefs were
 16 not anything that I would personally believe, and
 17 I was opposed to him coming to our community.
 18 **Q. Do you recall whether that speaker ended**
 19 **up coming to Dodge City?**
 20 A. I don't recall at this moment.
 21 **Q. Did this post or the -- the conversation**
 22 **or the anticipated speech in June of 2020 have**
 23 **anything to do with at-large elections?**
 24 A. I believe -- I don't recall.
 25 **Q. Do you have any reason to believe that he**

1 marked for identification.)
 2 BY MS. EBERLINE:
 3 **Q. What is Exhibit 16?**
 4 A. It is a screenshot of my Facebook social
 5 media and it is a post in regards to Blanca Soto.
 6 **Q. And so you reposted a posting from**
 7 **Working Kansas Alliance; correct?**
 8 A. Yes.
 9 **Q. You had mentioned in your testimony**
 10 **earlier that you supported Ms. Soto on social**
 11 **media. Is this an example of that?**
 12 A. It is.
 13 **Q. Were there other instances on your social**
 14 **media in which you supported Ms. Soto in her**
 15 **campaign?**
 16 A. I don't recall at this moment.
 17 **Q. And is this the only post that you can**
 18 **recall in which you supported any city commission**
 19 **candidate?**
 20 A. At this moment, I believe it is.
 21 **Q. Mr. Coca, what are you asking the court**
 22 **to do in this case?**
 23 A. Maybe more specific?
 24 **Q. What remedy are you requesting from the**
 25 **court?**

4/25/2023

17 (65 - 68)

MIGUEL COCA

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1 A. I am requesting that we switch over to
 2 district-based elections for the city commission.
 3 **Q. Why shouldn't that decision to switch to**
 4 **district elections be made by the voters of the**
 5 **City of Dodge City?**
 6 A. Because I believe my voting rights
 7 shouldn't be put on the ballot, to be honest. I
 8 believe that we should honestly have better fair
 9 representation and I believe that we don't have it
 10 in our current at-large district system.
 11 **Q. You would agree that the current system**
 12 **has elected commissioners to represent to you and**
 13 **the other members of the City of Dodge City;**
 14 **correct?**
 15 A. They have elected people to the
 16 commission, yes.
 17 **Q. And those commissioners represent all**
 18 **members of the city; correct?**
 19 A. They are supposed to.
 20 **Q. And you're asking the court to make the**
 21 **decision for the citizens of Dodge City to change**
 22 **the election system; correct?**
 23 A. Yes.
 24 MS. EBERLINE: Okay. That's all the
 25 questions we have.

1 SIGNATURE
 2 .
 3 The deposition of MIGUEL COCA was taken
 4 in the matter, on the date, and at the time and
 5 place set out on the title page hereof.
 6 .
 7 It was requested that the deposition be
 8 taken by the reporter and that same be reduced to
 9 typewritten form.
 10 .
 11 It was agreed by and between counsel and
 12 the parties that the deponent will read and sign
 13 the transcript of said deposition.
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1 MS. WAKNIN: I have no questions.
 2 THE VIDEOGRAPHER: It is 10:54 a.m.
 3 We're going off the record. This concludes the
 4 deposition.
 5 THE REPORTER: Could I get signature
 6 instructions on the transcript record?
 7 MS. WAKNIN: We will be reserving the
 8 right for signature.
 9 THE REPORTER: And send it to you?
 10 MS. WAKNIN: Yes, and then I don't think
 11 we're going to be ordering a rough of this one.
 12 Just a rush.
 13 MS. EBERLINE: E-tran from us, same as
 14 yesterday. No rush or rough.
 15 (THEREUPON, the deposition concluded at
 16 10:54 a.m.)
 17 .
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 25 .

1 AFFIDAVIT
 2 .
 3 STATE OF _____:
 4 COUNTY/CITY OF _____:
 5 .
 6 Before me, this day, personally appeared,
 7 MIGUEL COCA, who, being duly sworn, states that
 8 the foregoing transcript of his/her Deposition,
 9 taken in the matter, on the date, and at the time
 10 and place set out on the title page hereof,
 11 constitutes a true and accurate transcript of said
 12 deposition, along with the attached Errata Sheet,
 13 if changes or corrections were made.
 14 .
 15 _____
 16 MIGUEL COCA
 17 .
 18 SUBSCRIBED and SWORN to before me this
 19 _____ day of _____, 2023 in the
 20 jurisdiction aforesaid.
 21 .
 22 _____
 23 My Commission Expires _____ Notary Public
 24 .
 25 .

4/25/2023

18 (69 - 71)

MIGUEL COCA

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1 DEPOSITION ERRATA SHEET
 2 .
 3 RE: APPINO & BIGGS REPORTING SERVICE, INC.
 4 .
 5 FILE NO.: 68819
 6 .
 7 CASE: MIGUEL COCA AND ALEJANDRO RANGEL-LOPEZ
 8 vs. CITY OF DODGE CITY, ET AL.
 9 .
 10 DEPONENT: MIGUEL COCA
 11 .
 12 DEPOSITION DATE: 04/25/2023
 13 .
 14 To the Reporter:
 15 I have read the entire transcript of my Deposition
 16 taken in the captioned matter or the same has been
 17 read to me. I request that the following changes
 18 be entered upon the record for the reasons
 19 indicated. I have signed my name to the Errata
 20 Sheet and the appropriate Certificate and
 21 authorize you to attache both to the original
 22 transcript.
 23 .
 24 .
 25 .

1 CERTIFICATE
 2 STATE OF KANSAS
 3 COUNTY OF SHAWNEE
 4 I, Lee Ann Bates, a Certified Court
 5 Reporter, Commissioned as such by the
 6 Supreme Court of the State of Kansas,
 7 and authorized to take depositions and
 8 administer oaths within said State
 9 pursuant to K.S.A 60-228, certify that
 10 the foregoing was reported by
 11 stenographic means, which matter was
 12 held on the date, and the time and place
 13 set out on the title page hereof and
 14 that the foregoing constitutes a true
 15 and accurate transcript of the same.
 16 I further certify that I am not
 17 related to any of the parties, nor am I
 18 an employee of or related to any of the
 19 attorneys representing the parties, and
 20 I have no financial interest in the
 21 outcome of this matter.
 22 Given under my hand and seal this
 23 27th day of April, 2023.
 24 _____
 25 Lee Ann Bates, C.S.R. No. 1067

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1 PAGE:LINE FROM TO REASON
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 24 SIGNATURE:_____ DATE:_____
 25 MIGUEL COCA

EXPERT REPORT FOR Coca, et al. v. City of Dodge City, et al.

Jonathan N. Katz

June 29, 2023



I was asked by counsel for the defendant to examine elections for City Commission in Dodge City to determine if they are characterized by racially polarized voting. I was also asked to evaluate the analysis of Dr. Matt Barreto in his expert report. In making my findings, I have applied standard statistical methods, which I regularly employ in my research and which have been published in peer-reviewed journals.

A summary of my report and basic findings is as follows:

- The relatively small number of voting precincts in the city and the lack of any homogenous Latino precincts severely limits the statistically valid inferences that can be made about how individuals of different racial and ethnic groups voted in local elections.
- Given the caveat above, I found no evidence of statistically significant racially polarized voting in Dodge City Commission elections.
- Dr. Barreto's analysis is seriously flawed. Most importantly, he fails to provide complete results nor to present any measure of statistical uncertainty for his estimates. It is not possible to make scientifically valid inferences without accounting for statistical uncertainty.

In the next section of my report, I review my qualifications. The following section discusses the problem of identifying and making ecological inferences in Dodge City given the available data. The next section presents a re-analysis of the Dodge City Commission elections. The final section raises several other concerns with Dr. Barreto's analysis.

1. QUALIFICATIONS

I am currently the Kay Sugahara Professor of Social Sciences and Statistics at the California Institute of Technology. I previously served for seven years as the Chair of the Division of the Humanities and Social Sciences at Caltech (which is akin to being a dean at other universities). Furthermore, I was also formerly on the faculty at the University of Chicago and a visiting professor at the University of Konstanz (Germany). A complete copy of my curriculum vitae is in Appendix A.

I received my Bachelor of Science degree from the Massachusetts Institute of Technology and my Masters of Arts and Doctor of Philosophy degrees, both in political science, from the University of California, San Diego. I have also done post-doctoral work at Harvard University and the Harvard-MIT Data Center. In addition, I am an elected fellow of both the American Academy of Arts and Sciences and an inaugural fellow of the Society for Political Methodology. I am a former fellow of the Center for Advanced Study in the Behavioral Sciences.

I have written numerous articles published in the leading journals as outlined in my curriculum vitae. Currently, I am the Deputy Editor for Social Sciences of *Science Advances*, the open-access

journal of the American Association for the Advancement of Science, where I also serve on the journal's executive committee. I previously served as co-editor of *Political Analysis*, the journal of the Society for Political Methodology, and I was a co-founding editor of the Political Science Network (a collection of online journals). I have also previously served on the editorial boards of *Electoral Studies*, *Political Research Quarterly* and the *American Journal of Political Science*. I have frequently served as a referee of manuscripts for most of the major journals in my fields of research and the National Science Foundation.

I have done extensive research on American elections and on statistical methods for analyzing social science data. In addition, I am a member of the Caltech/MIT Voting Technology Project, serving as the co-director of the project from October 1, 2005 to September 30, 2010.

Over the past two decades, I have been involved in numerous elections cases for both Democratic and Republican clients involving the Federal Voting Rights Act, the evaluation of voting systems, or the statistical evaluation of electoral data. I have testified or consulted in court cases in both state and Federal courts in the states of Arizona, California, Florida, Georgia, Indiana, Illinois, Maryland, Michigan, Missouri, New Mexico, Nevada, Oklahoma, Texas, Virginia, and Washington.

In the past four years, I have testified either in deposition or at trial in the following cases:

1. *Casey v. Garner* (2020, U.S. District Court for the District of New Hampshire)
2. *Miller v. Huges* (2020, U.S. District Court for the Western District of Texas)
3. *Bruni v. Huges* (2020, U.S. District Court for the Southern District of Texas)
4. *Clarno et al. v. Fagan* (2021, Circuit Court for the State of Oregon, County of Marion)
5. *Harkenrider et al. v. Hochul et al* (2022, Supreme Court of the State of New York, County of Steuben)
6. *Public Interest Legal Foundation v. Benson* (2023, U.S. District Court for the Western District of Michigan)

My rate for expert witness work in this case is \$700.00 per hour.

2. IDENTIFYING ECOLOGICAL ESTIMATES

The fundamental problem with Dr. Barreto's analysis in his report in this case is a lack of statistical identification. In non-technical terms, statistical identification asks whether a given data set can lead to sensible estimates of some quantity of interest. In this case, the quantity of interest is an estimate of how individuals of different ethnic or racial groups voted given only aggregate data on election results in the county. As I will show, the estimates that Dr. Barreto, or any other

analysis, could produce are not well identified and, therefore, no valid statistical claims can be made regarding the presence of racially polarized voting with his analysis.

In order to see how Dr. Barreto's statistical estimates of voting behavior are not well identified, I will first review the various methods for ecological inference – the technical term for inferring individual voting behavior from aggregate election results. I will show that in this case, his identification comes from an implausible assumption that underlies ecological regression that has been soundly rejected in the statistical literature.

2.1. *Homogenous Precincts and the Method of Bounds*

A common starting point for ecological inference is to consider only homogeneous precincts. That is, we could examine the election results from precincts that are closest to racially homogeneous. For example, if a precinct were completely racially homogeneous, say with a population that was 100% Latino, then we know what fraction of Latinos voted for a given candidate in the precinct: it is just the share the given candidate got in the precinct. While this might be a useful starting point, as a statistical procedure it is problematic since it throws out most of the data unless most of the precincts are homogeneous.

However, we can use the intuition from the homogeneous precincts to place bounds on the level of support each group gives a candidate (see Duncan and Davis 1953). Consider the following equation, which is true by definition, that relates the vote share of the given candidate to the voting behavior of Latinos and Whites:

$$V_i = \lambda_i^L X_i + \lambda_i^W (1 - X_i), \quad (1)$$

where V_i is the share of the vote a given candidate received in precinct i , X_i is the fraction of Latinos in the precinct and therefore $(1 - X_i)$ is the fraction of White (or more correctly non-Latino) voters, assuming for the moment that there are only two groups in the electorate. λ_i^L is the fraction of Latinos voting for the given candidate and similarly λ_i^W is the fraction of Whites voting for the given candidate. In other words, the equation states the fact that the total vote share for a candidate must equal the proportion of Latino voters who support them multiplied by the proportion of the electorate that is Latino plus the proportion of the White voters who support the candidate multiplied by the proportion of the electorate which is White.

Now consider homogeneous Latino precincts again. In these precincts, $X_i = 1$, so that the equation simplifies to $V_i = \lambda_i^L$ as we stated above. However, from these precincts, we can not say anything about the voting behavior of Whites because any proportion of Whites voting for a given candidate is consistent with the observed vote shares in these precincts. We can generalize this idea using Equation 1. Consider, for example, a precinct where $X_i = 0.6$, that is sixty percent of

voters are Latino (and, therefore, 40% are White), and the candidate's vote share, V_i , is 0.5.

Since 60% of the voters are Latino and the given candidate got 50% of the vote, then at most $\frac{5}{6}$ ths of the Latino voters could have voted for the candidate. If it were higher than this bound then the vote share in the precinct would have to be higher. On the other hand, even if all the Whites voted for the candidate then at least $\frac{1}{6}$ th of the Latinos would have had to vote for the candidate as well, otherwise the vote share would have been less than 0.5. Thus, we know that the proportion of Latinos voting for the candidate, λ_i^L , must be greater than $1/6$ and less than $5/6$ and λ_i^W can take on any value between zero and one. We actually know more than this: we know that the feasible values for this district must lie on the line segment, called a constraint line, defined by the bounds $(\frac{1}{6}, 1)$ and $(\frac{5}{6}, 0)$. Using standard algebra by plugging in $X_i = 0.6$ and $V_i = 0.5$, we find that $\lambda_i^W = -\frac{3}{2}\lambda_i^L + \frac{5}{4}$.

Duncan and Davis (1953) fully developed the method of bounds outlined above to analyze ecological data. The advantage of their method of bounds is that it does not rely on any untestable assumptions. The problem, however, is that it can only be used in cases where there bounds are informative. This happens only when there are sufficient homogenous precincts. In many cases, including in Dodge City, this is not the case.

Table 1: Percentage of Latino Voters by Precinct in Dodge City Commission Elections 2014–2021

Precinct	Latino Voters (%)			
	2021	2019	2017	2014
1	39.1	38.9	30.1	20.4
2	54.5	49.0	44.5	39.7
3	59.9	49.4	45.4	53.7
4	31.4	29.8	27.8	31.8
5	18.7	17.0	15.6	12.2
6	12.6	12.2	11.3	4.1
7	8.8	9.4	9.5	1.9
8	—	—	—	6.5
9	20.8	8.4	—	—

Table 1 gives the percentage of voters who are Latino in each precinct for all the City Commission elections from 2014 to 2021. To see why this distribution of Latino voters is problematic for Dr. Barreto's homogenous precinct analysis, let us look at the City Commission race in 2021. He claims that Soto is the likely preferred candidate of Latino voters (see Table 5 of his report) Let us look a Precinct 3 in 2021, which has the most Latino electorate at 59.9% of all the precincts in any year analyzed.¹ However, if we calculate the deterministic bounds of Duncan and Davis (1953) for Latinos voting for Soto in this precinct, we find that the lower bound is 0.0% and the upper bound

¹This based on estimating race and ethnicity by name matching the voter file, which is what he used.

is 29.9%. This is hardly informative of Latino voting behavior in the precinct. If we look at the deterministic bounds for Latino support of Burns in this precinct, who Dr. Baretto claims is the White preferred candidate, they are 0.0% and 22.0% respectively. Since these two bounds overlap substantially, we can not tell from this bounds analysis if more Latinos voted for Burn or Soto in Precinct 3. What about White voters in Precincts 5 and 6, which contains the largest fraction of White voters? The bounds on the White support for Soto are 0.0% and 14.2% in Precinct 5 and 0.0% and 12.0% in Precinct 6. These bounds are tighter than for Latinos in Precinct 3 because Whites make up a far larger fraction of the electorate in these precincts, but they are still not that informative.

This is why as a general rule of thumb, analysts only consider precincts that are at least 90% of a given racial or ethnic group as homogenous, and it is much better if closer to 100%. The bounds will just be too large otherwise. As can be seen from Table [1](#), there are no elections for the Dodge City Commission that Dr. Barreto analyzed with anything close to homogenous Latino precincts. Given this, Dr. Barreto's homogenous precinct analysis provides no statistically valid information about racial voting patterns in Dodge City.

2.2. Ecological or Goodman's Regression

An alternative approach that examines all precincts simultaneously was developed by Goodman (1959) and is perhaps the most commonly used procedure. It is referred to in the literature as ecological regression or Goodman's regression.

Like the method of bounds, it is based on the identity in Equation [1](#). It identifies the estimate by making the strong assumption that voting behavior does not vary across individuals or precincts. That is, the fraction of support for a given candidate for both Whites and Latinos was the same across all precincts and individuals in the district. A bit more formally, suppose that $\lambda_i^L = \lambda^L$ and $\lambda_i^W = \lambda^W$ for every precinct i . Then we could estimate these fractions by choosing the best fitting line to the precinct-level data. This is just a standard linear regression.

However, there is no free lunch, ecological regression allows one to identify the estimate across all districts and in any data set by making the heroic assumption of no variability in voting behavior across precincts and individuals, which is usually referred to as the *constancy assumption*. In fact, Goodman himself was extremely cautious in recommending the use of ecological regression to infer individual relationships given this required assumption. He stressed that only "under very special circumstances" should ecological be relied upon to produce reasonable estimates (Goodman 1953: 664).

A more technical critique of ecological regression and its constancy assumption was made by Freedman et al. (1991). They develop an alternative model that they called the "neighborhood model". The full argument is highly technical, and it is beyond the scope of this report. In

brief, they show in aggregate election results this model is equivalent to Goodman’s ecological regression level but has dramatic differences at the individual (or group level). That is, the aggregate data can not identify individual behavior except under untestable assumptions and different such assumptions lead to dramatically different estimates of individual behavior. Finally, King (1997) showed ecological regression can produce widely inaccurate estimates of group voting behavior. Thus, the consensus of the statistical literature is to reject analysis based on ecological regression (see, for example, Schuessler 1991 or Flanigan and Zingale 1985).

2.3. *Ecological Inference/EI*

King (1997) has developed an alternative approach called Ecological Inference or EI. While the technical details are complex, its advantage is that it uses all available information to generate more accurate estimates of voting behavior from aggregate data. EI is a way to combine the regression approach of Goodman (1959) with the bounds from Duncan and Davis (1953). Further, it allows the estimates to vary (systematically) across precincts. The idea is we calculate the constraint lines for every precinct. We then choose as our estimate for a given precinct a point on its constraint line near the center of the intersection of all the other lines. The actual point chosen is based on a standard statistical model. We can then use these precinct estimates to calculate quantities of interest such as the average support level across the district.

It is important to note that since King’s method relies heavily on the bounds information, it works well only when these bounds are informative — i.e., narrower than the entire range from 0 to 1. This will happen when more precincts have large proportions of each of the groups whose voting behavior we want to estimate. In other words, we will need a substantial number of precincts that are relatively homogenous for each ethnic group we want to study. When this is not the case, EI can go wildly wrong as noted by King himself (1997, see chapter 9).

The EI estimates are not well identified when the bounds are not informative because EI is then just a slight generalization of ecological regression in this case. It, therefore, relies on the same constancy assumption for identification that has been rejected in the statistical literature when bound data is unavailable.

The other problem with using EI to analyze elections in Dodge City is the very small number of precincts. In the off-year Commission elections, there are only seven or eight precincts. Further, there are between four and seven candidates per election and three groups (Latinos, Whites, and Others). This means we need to estimate between 12 and 21 parameters — i.e., how each group voted for each candidate. Given that we have fewer data points than parameters to estimate, identification is coming solely from the strong parametric assumptions of the model. This will also be seen by the very large confidence intervals of our estimates, which Dr. Barreto does not report in his analysis.

3. ANALYSIS OF DODGE CITY ELECTIONS

As noted the central question in this case is whether there is racially polarized voting in the elections for the Dodge City Commission. This happens when statistical estimates show that there is a clear preferred candidate of the minority group and that the majority group is also cohesive in preferring another candidate. Of course, as already mentioned, we need to account for statistical uncertainty in making this determination of voting behavior

Clearly, the most relevant data are for the actual elections for Dodge City Commission. These are referred to as endogenous elections in redistricting litigation. We have data for 2014, 2017, 2019, and 2021 elections. Dr. Barreto also examines several other elections for statewide office, which are referred to as exogenous in redistricting litigation.² However, these are only relevant to the question at hand if voting behavior is similar between the endogenous and endogenous elections. These statewide races differ in several important ways that call into question their similarity. First, the statewide elections take place in even-numbered years with substantially higher voter turnout. Further, these are high-profile, partisan races with typically only two candidates. Given the increase in political polarization, voters are more likely to vote for the candidate of their preferred party's candidate. In Dodge City, there are racial differences in party registration. For example, among the 2021 voters, 76.2% of Whites versus 51.4% of Latins are registered as Republican. Similarly, 31.0% of Latinos are registered as Democrat, but only 15.6% of Whites. This means that the statewide elections are not comparable to the local elections for the Commission.

Dr. Barreto uses EI to analyze the results of these elections, but he does not present the full results. Given the caveats about the data discussed above, we can look at the estimated voting behavior using the generalization of EI by Rosen et al. (2001).

My re-analysis of the 2021 Dodge City Commission election is presented in Table [2](#). The rows of the table correspond to the eight vote options in the election, where a voter could choose up to three. The columns correspond to each of the three groups in the electorate: Latinos, Whites, and Others (which is any registered voter whose surname does not match either as Latino/Hispanic or White in origin). The single number in each row is the point estimate of the fraction of that group who voted for a given candidate. For example, it is estimated that 12.6% of Latinos voted for Burns. The two numbers below each point estimate represent the 95% confidence interval for this estimate. Since we are statistically estimating the fraction of each group voting for each choice, this interval reflects our estimation uncertainty. This means that all we can say is that the true fraction is likely in this interval. This interval is very large, almost 20 percentage points, because of the limited number of precincts and the lack of homogeneous Latino precincts.

These confidence intervals are an easy way to construct hypothesis tests, which is the only way to statistically ascertain whether there is evidence of racially polarized voting. Recall, that racially

²I note this is not how the words exogenous and endogenous are used in statistics.

Table 2: EI Results for November 2021 for Dodge City Commission

	Latinos	Whites	Other
Burns	12.6 (3.8, 24.7)	19.3 (15.7, 22.5)	12.3 (2.4, 27.5)
Nuci	13.6 (4.4, 25.6)	16.5 (12.8, 19.6)	13.8 (3.1, 30.5)
Reinert	10.7 (2.5, 21.2)	15.2 (11.7, 18.1)	13.3 (2.9, 30.2)
Rhoten	5.8 (1.3, 12.7)	3.9 (1.7, 5.7)	11.6 (1.9, 26.1)
Salinas	10.9 (2.9, 20.6)	9.3 (6.0, 12.0)	12.1 (2.3, 27.6)
Scoggins	14.1 (5.1, 24.4)	10.0 (6.9, 12.8)	12.0 (1.9, 28.0)
Soto	14.9 (5.9, 26.2)	10.1 (6.5, 13.2)	11.5 (1.6, 28.1)
Taylor	17.4 (6.9, 30.1)	15.6 (11.6, 19.1)	13.3 (2.8, 29.1)

polarized voting requires us to compare two or more estimates. The formal statistical test requires us to compare the difference between the point estimates, but we only know if this difference is statistically significant if it is larger than their joint statistical uncertainty. If the confidence intervals for any two estimates overlaps then their difference is not statistically different.

Table 3: EI Results for November 2019 for Dodge City Commission

	Latinos	Whites	Other
Nuci	19.4 (6.8, 36.3)	18.4 (13.2, 22.5)	20.5 (3.7, 45.8)
Sowers	22.4 (7.6, 39.3)	25.5 (20.9, 30.1)	19.7 (4.3, 43.5)
Hessman	23.4 (8.9, 40.2)	15.4 (10.4, 19.8)	21.4 (4.9, 46.6)
Smoll	19.3 (5.8, 35.7)	25.1 (20.4, 29.2)	19.0 (3.6, 43.7)
Reeves	15.5 (3.7, 32.1)	15.6 (10.6, 19.5)	19.3 (4.1, 41.5)

If we first look at Latinos, we cannot statistically rank the candidates. All the confidence

intervals for all the candidates overlap. This means that we cannot say that any candidate is preferred by Latinos. Looking at the White voters, most of the confidence intervals also overlap. The only definitive ranking is that Rhoten was the last choice of White voters. More importantly, we cannot say that any candidate is most preferred by White voters. This means that we cannot say that there is racially polarized voting in the 2021 Dodge City Commission election as the statistical estimates do not show cohesive voting behavior for either Whites or Latinos above our level of estimation uncertainty.

The EI results for the 2019 Dodge City Commission election are in Table 3. The results are similar to the 2021 election, except that the confidence intervals for Latinos are even larger. We can not say who their preferred candidate was in this election. For Whites all we can conclusively say is Reeves was likely ranked behind Sowers and Smoll. We do not see any evidence of cohesive voting on their part given the large amount of statistical uncertainty. Therefore, this election shows no signs of statistically significant racially polarized voting.

Table 4: EI Results for November 2017 for Dodge City Commission

	Latinos	Whites	Other
Delzeit	16.1 (4.8, 31.7)	26.0 (21.8, 29.7)	17.4 (3.5, 36.3)
Gwaltney	15.0 (3.6, 29.3)	18.5 (14.6, 21.8)	16.1 (3.1, 35.9)
Sellens	16.5 (5.0, 30.7)	9.4 (5.9, 12.5)	16.2 (3.0, 35.4)
Smoll	16.9 (4.5, 33.2)	18.2 (14.1, 21.8)	16.4 (3.6, 33.7)
Warshaw	21.4 (6.3, 38.5)	21.4 (17.0, 25.6)	17.4 (3.2, 36.3)
Zuniga	14.0 (3.9, 27.8)	6.4 (3.0, 9.2)	16.4 (3.4, 36.4)

The results of the 2017 Dodge City Commission election are in Table 4 and the story continues. Given the small number of precincts and lack of homogenous precincts, we cannot say anything about the voting behavior of Latinos. For Whites, we can say that Zuniga and Sellens were the least preferred candidates. We cannot say anything else about the voting behavior of Whites. Therefore, this election shows no signs of statistically significant racially polarized voting.

Finally, the results for the 2014 Dodge City Commission election are in Table 5. The results are similar to the other Commission elections. Once again statistical uncertainty prevents us from determining who, if any, of the candidates was preferred by Latinos. And for Whites, all we can say was that McBee was the least preferred.

Table 5: EI Results for November 2014 for Dodge City Commission

	Latinos	Whites	Other
McBee	10.5 (1.8, 22.4)	8.9 (6.3, 11.0)	14.3 (3.0, 31.8)
Peters	12.7 (3.3, 24.4)	16.1 (13.6, 18.7)	13.8 (2.9, 30.9)
Scoggins	21.1 (8.1, 34.9)	15.0 (12.0, 17.9)	14.6 (2.8, 33.1)
Smoll	12.5 (3.4, 24.8)	16.3 (13.5, 18.7)	13.5 (2.7, 29.1)
Sowers	12.6 (2.8, 25.6)	17.0 (14.2, 19.5)	14.4 (2.9, 29.8)
Turner	10.0 (1.9, 20.7)	13.7 (11.3, 16.0)	15.2 (3.0, 34.3)
Zuniga	20.6 (8.0, 35.4)	13.1 (10.1, 16.0)	14.2 (3.0, 31.4)

We see across all the last four Dodge City Commission elections that there is no evidence of racially polarized voting. There is just too little data to make any inferences about the voting behavior of Latinos. And for Whites, we can only say that in two of the four elections, there was a candidate that was least preferred.

4. OTHER PROBLEMS WITH DR. BARRETO'S REPORT

The most striking problem with Dr. Barreto's report is that he fails to present any measure of statistical uncertainty. To be honest, this is a striking omission and one I have never seen in a published article that does quantitative social science analysis. It is covered in every basic statistics and methodology textbook in the social sciences (in the see, for example, Imai 2017, chapter 7). Further, the software that he uses to produce his estimates by default produces measures of statistical uncertainty. These measures are critical for making scientifically valid inferences. Without them, we cannot say anything about the statistical significance of his estimates. To quote a recently published paper in the *American Political Science Review* co-authored by Gary King, who developed EI, "[v]alid inferences require methods with known statistical properties (such as identification, along with unbiasedness, and consistency) and honest assessments of uncertainty (e.g., standard errors)" (Evans et al. 2023:2).

The second most serious problem with Dr. Barreto's report is that he claims to conduct homogeneous precinct analysis, when in fact there are no such precincts. This lack of homogenous

precincts also means that EI will not be well identified as discussed above. This would have been apparent in Dr. Barreto's analysis if he had reported standard errors or other measures of statistical uncertainty as I have in this report.

Also, as discussed above, Dr. Barreto includes analysis of elections that do not seem similar to those for Dodge City Commission. He does not even provide any justification for their inclusion.

Finally, I note that Dr. Barreto did not provide complete replication materials for his analysis. The code he shared only included the analysis of the general election in 2022 for Governor and Lt.Governor, but not for any of the other races he analyzed nor the homogeneous precinct analysis. This is the accepted norm in quantitative social science research (see, for example, the American Political Science Association's "Guide to Professional Ethics in Political Science", Third Edition, Revised 2022). In fact, most leading journals in political science require making a complete replication package available as a condition of publication.

5. DECLARATION AND SIGNATURE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed on 29 June 2023 in Pasadena, California.



Jonathan N. Katz

6. REFERENCES

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A. CURRICULUM VITAE

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Education

Ph.D. University of California, San Diego. Political Science, June 1995.
M.A. University of California, San Diego. Political Science, June 1992.
S.B. Massachusetts Institute of Technology. Applied Mathematics
June 1990.

Academic Appointments

Kay Sugahara Professor of Social Sciences and Statistics, California Institute of
Technology,
January 2012 – Present.

Professor of Social Sciences and Statistics, California Institute of Technology,
June 2009 – December 2011.

Professor of Political Science, California Institute of Technology,
November 2003 – May 2009.

Gastprofessur in der Rechts-, Wirtschafts- und Verwaltungswissenschaftlichen Sektion,
Universität Konstanz,
April 2003 – July 2003.

Associate Professor of Political Science, California Institute of Technology,
April 1998 – August 1998 and July 2000 – October 2003.

Assistant Professor of Political Science, University of Chicago,
September 1998 – June 2000.

Assistant Professor of Political Science, California Institute of Technology,
July 1995 – March 1998.

Post-Doctoral Fellow in Positive Political Economy, Harvard University,
July 1994 – June 1995.

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Administrative Appointments

Chair, Division of the Humanities and Social Sciences,
California Institute of Technology
August 2007 – June 2014.

Director, Ronald and Maxine Linde Institute of Economic and Management Sciences,
California Institute of Technology
January 2013 – March 2014.

Executive Officer for the Social Sciences, California Institute of Technology,
January 2007 – July 2007.

Director of Graduate Studies, Division of the Humanities and Social Sciences, California
Institute of Technology,
July 2001 – December 2006.

Honors and Awards

Elected Fellow of the American Academy of Arts and Sciences, 2011.

Elected Inaugural Fellow of the Society for Political Methodology, 2008.

Center for the Advanced Study in the Behavioral Sciences Fellowship, 2005–2006.

John M. Olin Foundation Faculty Fellow, 1999–2000.

Pi Sigma Alpha award for Best Paper Presented at the 1998 Midwest Political Science
Association Meetings.

CQ Press Award for Best Paper in Legislative Politics Presented at the 1996 Annual
Meeting of the American Political Science Association.

National Science Foundation Graduate Research Fellow, 1991–1994.

Brooke/Cole Award for Best Graduate Student Paper Presented at the 1993 Midwest
Political Science Association Meetings.

University of California Regents Fellow, 1990–1991.

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Publications

Books

Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution. (with G. Cox). New York: Cambridge University Press. 2002.

Articles in Refereed Journals

Government Partisanship, Labor Organization and Macroeconomic Performance: A Corrigendum (with N. Beck, R.M. Alvarez, G. Garrett, and P. Lange). *American Political Science Review*. 87(4):945–949. 1993.

What To Do (and Not To Do) with Times-Series–Cross-Section Data in Comparative Politics (with N. Beck). *American Political Science Review*. 89(3):634–647. 1995.

Careerism, Committee Assignments and the Electoral Connection (with B. Sala). *American Political Science Review*. 90(1):21–33. 1996.

Why Did the Incumbency Advantage in U.S. House Elections Grow? (with G. Cox). *American Journal of Political Science*. 40(2):478–497. 1996.

Nuisance vs. Substance: Specifying and Estimating Time-Series–Cross-Section Models (with N. Beck). *Political Analysis*. 6:1–36. 1996.

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Post-stratification without population level information on the post-stratifying variable, with application to political polling (with C. Reilly and A. Gelman). *Journal of the American Statistical Association*. 96(453):1–11. 2001.

Throwing Out the Baby With the Bath Water: A Comment on Green, Yoon and Kim (with N. Beck). *International Organization*. 55(2):487–498. 2001.

A Fast, Easy, and Efficient Estimator for Multiparty Electoral Data (with J. Honaker and G. King). *Political Analysis*. 10(1):84–100. 2002.

- The Mathematics and Statistics of Voting Power (with A. Gelman and F. Tuerlinckx). *Statistical Science*. 17(4): 420–435. 2002.
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- Indecision Theory: Quality of Information and Voting Behavior (with P. Ghirardato). *Journal of Public Economic Theory*. 8(3): 379–399. 2006
- Comment on 'What To Do (and Not To Do) with Times-Series–Cross-Section Data in Comparative Politics' (with N. Beck). *American Political Science Review*. 100(1):676–677.
- Gerrymandering Roll-Calls in Congress, 1879-2000 (with G.W. Cox). *American Journal of Political Science*. 51(1):108-119. 2007.
- Random Coefficient Models for Time-Series-Cross-Section Data: Monte Carlo Experiments (with N. Beck). *Political Analysis*. 15(2):182–195. 2007.
- Comment on 'Estimating incumbency advantage and its variation, as an example of a before-after study'. *Journal of the American Statistical Association*. 103(482):446–448. 2008.
- Correcting for Survey Misreports using Auxiliary Information with an Application to Estimating Turnout (with G. Katz). *American Journal of Political Science*. 54(3):815–835. 2010.
- An Empirical Bayes Approach to Estimating Ordinal Treatment Effects (with R.M. Alvarez and D. Bailey). *Political Analysis*. 19(1):20–31. 2011.
- Implementing Panel Corrected Standard Errors in R: The pcse Package (with D. Bailey). *Journal of Statistical Software*. 42(1):1–11. 2011.
- Modeling Dynamics in Time-Series-Cross-Section Political Economy Data (with N. Beck). *Annual Review of Political Science*. 14:331–352. 2011.
- Estimating Partisan Bias of the Electoral College Under Proposed Changes in Elector Apportionment (with A.C. Thomas, A. Gelman, and G. King). *Statistics, Politics and Policy*. 0:1–13. 2012.
- Of Nickell Bias and Its Cures: Comment on Gaibulloev, Sandler and Su (with N. Beck and U. Mignozzetti). *Political Analysis*. 22:274–278. 2014.
- An Audit of Political Behavior Research (with J. Robison, R.T. Stevenson, J.N. Druckman, S. Jackman, L. Vavreck). *SAGE Open*. 2018:1–14. 2018.

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Constitutions of Exception: The Constitutional Foundations of the Interruption of Executive and Legislative Function (with M. McCubbins). *Journal of Institutional and Theoretical Economics*. 174(1):77–98. 2018.

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The Essential Role of Statistical Inference in Evaluating Electoral Systems (with G. King and E. Rosenblatt). *Political Analysis*. Forthcoming

Other Articles

Empirically Evaluating the Electoral College (with A. Gelman and G. King) in A. Crigler, et al (editors), *Rethinking the Vote: The Politics and Prospects of American Election Reform*. New York: Oxford University Press. 2004.

Detecting Electoral Fraud: The Case of 2002 General Election in Georgia (with R.M. Alvarez) in R.M. Alvarez, T.E. Hall, and S.D. Hyde (editors), *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington, DC: Brookings. 2008.

Fraud or Failure? What Incident Reports Reveal about Election Anomalies and Irregularities (with D.R. Kiewiet, T.E. Hall, R.M. Alvarez)in R.M. Alvarez, T.E. Hall, and S.D. Hyde (editors), *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington, DC: Brookings. 2008.

Machines Versus Humans: The Counting and Recounting of Pre-scored Punchcard Ballots (with R.M. Alvarez, E.K. Hartman, and S. Hill) in R.M. Alvarez, L. Atkeson, and T.E. Hall (editors), *Confirming Elections: Creating Confidence and Integrity through Election Auditing*. Palgrave Macmillan. 2012.

What's Age Got to Do with It? Supreme Court Appointees and the Long Run Location of the Supreme Court Median Justice (with M. Spitzer). *Arizona State Law Journal*. 46(1):41 – 88. 2014.

Work in Progress and Conference Papers

If a Regression Model Predicts Common Events will occur only once in 10,000 Elections, Maybe it's the Wrong Model (with D. Ebanks and G. King)

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The Post-Earnings Announcement Drift: An Anomalous Anomaly (with M. McCubbins and J. McMullin). Submitted.

Estimating Models of Elections for Small Legislatures An Analysis of Incumbency Advantage in the U.S. Senate (with S. Kim)

Measuring Democracy and the Rule of Law via Statistical Learning (with M. McCubbins and J. Lehner)

Estimating the Effect of Corporate Governance (with M. McCubbins and J. McMullin)

Auctioning off the Agenda: Bargaining in Legislatures with Endogenous Scheduling Control (with J. Copic). Caltech Social Science Working Paper No. 1266.

The Effect of Voter Identification Laws on Turnout (with R.M. Alvarez and D. Bailey). Caltech Social Science Working Paper No. 1267R.

Scheduling Auctions and Proto-Parties in Legislatures (with J. Copic). Caltech Social Science Working Paper No. 1387 Under review.

Grants

The Ronald and Maxine Linde Institute of Economic and Management Sciences at Caltech, Principal investigator, Project title: “Estimating The Effect of Corporate Governance on Firm Value”, 2016–2017

John Randolph Haynes and Dora Haynes Foundation Faculty Fellowship, 2005–2006.

National Science Foundation Grant (SES-0213549), Co-Principal investigator, Project title: “Modeling Issues with Time-Series–Cross-Section Data”, 2002–2004.

DAAD (German Academic Exchange Service) *Learn German in Germany* fellowship, Summer, 1998.

National Science Foundation Grant (SBR-9729899), Co-Principal investigator, Project title: “Strategic Redistricting and Its Political Consequences”, 1998–1999.

IBM University Equipment Grants Program, Co-principal investigator. Project title: “Individuals and Aggregates: New Computational Techniques for Testing Models of Politics”, 1996–1997.

John Randolph Haynes and Dora Haynes Foundation Faculty Fellowship, 1996–1997.

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7

Editorial Board Service

Deputy Editor for Social Sciences, *Science Advances*
March 2018 – Present.

Co-Editor, *Political Analysis*
January 2010 – December 2017.

Member, Editorial Board of *Electoral Studies*
January 2002 – December 2019.

Guest Manuscript Editor, *Proceedings of the National Academy of Sciences*,
January 2014.

Member, Editorial Board of *American Journal of Political Science*,
January 2006 – January 2010.

Member, Editorial Board of *Political Analysis*
July 2001 – December 2009.

Member, Editorial Board of *Political Research Quarterly*
June 2000 – July 2006.

Other Professional Activities

Member, Advisory Board of Daegu Gyeongbuk Institute of Science and Technology
(Republic of Korea),
August 2012 – Present.

Member, University Advisory Council of the Pohang University of Science and
Technology (Republic of Korea),
October 2008 – October 2012.

Founding Co-editor, Political Science Network (PSN),
January 2007 – June 2016.

Member, Caltech/MIT Voting Technology Project,
October 2003 – Present.

Member, Expert Panel on Measles Mortality Estimates, World Health Organization,
2004.

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Other Employment

Principal, Katz Statistical Consulting,
January 2000 – Present.

Co-Founder and Chief Data Scientist, Adaptivo Inc,
June 2017 – December 2018.

Scientific Advisor, Global Consequences Inc.,
October 2014 – January 2016.

Statistical Advisor, Dispute Resolution Data, LLC.,
August 2015 – September 2016.

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