



CITY OF SANTA BARBARA

INDEPENDENT REDISTRICTING COMMISSION MINUTES

REGULAR MEETING JANUARY 20, 2022 COUNCIL CHAMBERS, 735 ANACAPA STREET CONDUCTED VIA ZOOM

CALL TO ORDER

Chair Johnson called the meeting to order at approximately 6:01 p.m. and announced that the meeting is being held via teleconference and all members of the Independent Redistricting Commission are participating electronically from various locations.

ROLL CALL

Commissioners present: Chair Hon. Melinda A. Johnson (Ret.), Hon. Abraham Khan (Ret.), Hon. Elizabeth Allen White (Ret.).

Commissioners absent: None.

Staff present: Brandon Beaudette, Acting Assistant to the City Administrator; Marguerite Mary Leoni, Special Counsel; Ariel Calonne, City Attorney; Michelle Sosa-Acosta, Deputy City Attorney; Norma Cervantes, Administrative Analyst; Dr. Doug Johnson, National Demographics Corporation; Dr. Daniel Phillips, National Demographics Corporation.

Public Present: Hon. Frank J. Ochoa (Ret.), Jacqueline Inda, and Helene Schneider.

All present.

GENERAL BUSINESS

A. Changes to the Agenda

B. Public Comment. Any member of the public may address the Commission for up to two minutes on any subject within its jurisdiction that is not scheduled on this agenda for a public discussion.

Hon. Frank J. Ochoa (Ret.) spoke regarding his January 18, 2022 letter to the Mayor, City Council, and Commissioners.

Jacqueline Inda spoke in representation of the District Elections Committee. Inda reiterated that the stipulated judgment in the Banales case stated that the electoral district maps for the City should not change unless necessary to increase the population to 50% if majority minority communities were decreased as presented in the census. Inda said that the current proposed maps do not achieve this.

Helene Schneider, former Mayor of the City of Santa Barbara, spoke regarding her January 18, 2022 letter to the Commissioners. Schneider discussed the letter as well as further background on the City's 2015 districting process.

C. Approval of the minutes of the Independent Redistricting Commission meeting of January 20, 2022. The Commissioners moved to approve the January 20 minutes without amendment.

NOTICES

INDEPENDENT REDISTRICTING COMMISSION REPORTS

1. Discussion of Future Public Hearings

Deputy City Attorney Michelle Sosa-Acosta spoke regarding the recent change to virtual public hearings given the rise of the COVID-19 Omicron variant. Hon. White spoke on whether to postpone public hearings until the IRC is able to conduct in-person hearings. Hon. Khan noted the recommendations issues by the public health officer of Santa Barbara County. Hon. Khan also noted that the City Charter had to be amended in order to establish a new deadline for the current redistricting process. Chair Johnson asked whether there could be alternative in-person sites to hold upcoming public hearings and leave other future public hearings in place. Ms. Sosa-Acosta said that City staff could look into alternative in-person sites and noted that rescheduling would be up to the Commission. The Commissioners decided to keep the current public hearing dates and have City staff find alternative in-person sites to hold upcoming public hearings.

2. City staff will provide an update on the public input and map-drawing period from November 8, 2021 to December 31, 2021.

Ms. Sosa-Acosta provided an update on City staff's public outreach efforts. Ms. Sosa-Acosta then stated that the City has not received any draft maps submitted by the public, and that the current draft maps were created by the City's demographer, National Demographics Corporation ("NDC").

Chair Johnson mentioned several reasons that could have led to less public participation. Chair Johnson then asked whether any of the public outreach materials mentioned the requirement of creating two majority minority districts. City Attorney Ariel Calonne stated that it was not mentioned and commented that the intention was to create two majority minority districts but that there must also be lawful districts that abide by federal and state regulations.

Hon. Khan asked whether the current three draft maps are the only maps to be considered, or if further maps could be drawn. Mr. Calonne confirmed that the public may submit additional maps and the Commission may direct NDC to try different approaches.

Hon. White noted that the Citizens Planning Association would like to keep the current districts but other public comment showed there are a multitude of views to be considered.

Chair Johnson commented that the Commission's role is to select a map, not draft one. Chair Johnson also stated that the Commission can still direct NDC, which Mr. Calonne confirmed. Mr. Calonne reiterated that the Commission is not supposed to draft a map themselves, but the Commission may specify content.

Public Comment:

Megan Turley, Vice Chair of the Santa Barbara Independent Redistricting Commission for the County of Santa Barbara, recommended that the Commission avoid the assumption that folks do not want to be a part of the redistricting process simply because of the lack of draft maps submitted by the public. Turley recommended keeping up on outreach efforts as continued outreach is crucial. Turley also recommended the Commission consider the two majority minority districts.

3. Presentation by the City's demographer, National Demographics Corporation ("NDC") on the release of preliminary draft maps. Commission members will discuss the viability of the draft maps.

Dr. Daniel Phillips from NDC presented on the release of preliminary draft maps, including three draft maps created by NDC.

Hon. Khan noted that Judge Ochoa believed only one draft map, possibly NDC Map 102, presented appeared to be consistent with the Banales Stipulated Judgment and Order.

Hon. Khan said that while he does not know what the judgment says, he assumes that it requires that District 3, along with District 1, needs to have 50% Hispanic citizen voting age population. Hon. Khan also asked whether contiguous districts to District 3 could be drawn to take some of their populace to reach the 50% in District 3 while adding some population to prevent a violation of the 10% deviation cap.

Hon. White agreed with Hon. Khan. Hon. White said that the intent of the parties as specified in the Stipulated Judgment appeared to be to create the two majority minority Latino/a districts. Hon. White wanted to see how borders can be adjusted to achieve those two districts and see the impact on the deviation requirement.

Chair Johnson asked whether there were in fact two majority minority districts in 2015 and that the shifting in population from the last seven years accounts for that no longer being the case. Dr. Phillips stated that the 2020 Census data indicated a 49% Latino/a citizen voting age population in District 1 and 45% Latino/a citizen voting age population in District 3. Dr. Doug Johnson from NDC confirmed that at the time the 2015 district map was adopted, there were two Latino/a majority minority districts in Districts 1 and 3. Dr. Johnson said there may be things NDC can do to work around the edges of the districts and see if an increase in the percentage of Latino/a citizen voting age population in the districts is possible.

Chair Johnson asked whether there was a requirement to create two Latino/a majority minority districts. Mr. Calonne prefaced that there is currently a demand from Judge Ochoa. Mr. Calonne said that the Banales settlement agreement expressed the mutual intent to create two Latino/a majority minority districts while also being in compliance with state and federal voting rights laws. Mr. Calonne also noted that using race as a predominant factor in redistricting is unlawful. Mr. Calonne then said that the Commission has the ultimate duty to determine what the settlement compels and how the various districting criteria ought to fit together.

Dr. Johnson commented that playing around the margins of districts will not result in a district map with two Latino/a majority minority districts, but NDC could see what improvement can be done on the numbers. Chair Johnson asked whether there would have to be several significant changes to current districts to accomplish the two majority minority districts. Dr. Phillips confirmed and offered to draw a test map to illustrate the scenario. The Commissioners agreed to have this done.

Special Counsel Marguerite Leoni stated that the Commissioners have a factual issue to consider: whether there are community characteristics that would allow for Latino/a two majority minority districts to be drawn. Ms. Leoni said that there would need to be areas where Latino/a eligible voters exceed 50%. Next, the next question would be legal. Ms. Leoni said that if such a block of Latino/a eligible voters exists, is the predominant consideration race when seeking to include that block in a certain district. Dr. Johnson added that the current map does not have any Latino/a majority minority districts.

Public Comment:

Hon. Ochoa (Ret.) spoke regarding the redistricting rules and goals presented by NDC. He said that there is no mention of the Banales case and the Settlement Agreement's terms and asked for it to be included in the redistricting rules and goals. Hon. Ochoa said that the Settlement Agreement should be a guiding principle. He mentioned that University California, Santa Barbara professor Dr. Lanny Ebenstein quickly reviewed the maps and NDC's presentation and Dr. Ebenstein thinks it would be possible to get to the judgement and order in the Banales case.

Lindsay Baker spoke regarding having multiple representation on State Street and the harbor.

Megan Turley asked the Commission to look into whether there is a legal necessity to draw two Latino/a majority minority districts. Ms. Turley mentioned that the County processed looked at whether there was racially polarized voting and recommended the Commission look at that data. Ms. Turley also mentioned that communities of interest are an important consideration and the Commission cannot use race as a predominant factor by assuming all members of the same ethnicity should be placed together.

Commission Discussion

Dr. Phillips asked the Commission whether it would want to consider a majority minority district made up of different racial and ethnic minorities rather than a Latino/a majority minority district since the former may be achievable. Mr. Calonne and Ms. Leoni confirmed that the majority minority districts referred to in the Settlement Agreement pertain to the Latino/a population.

4. Discussion of Future Agendas

Chair Johnson asked that the agenda include an item in which the City would report back on working on the issues identified by Hon. Ochoa and the other letter writers. Chair Johnson also asked for a test map be drawn regarding the two Latino/a majority minority districts as discussed earlier in the meeting. Hon. Khan also asked that the Banales Settlement Agreement language regarding the two Latino/a majority minority districts be included as a guiding principle.

Hon. White also asked to address the forum of future public hearings at the next meeting.

COMMISSION AND STAFF COMMUNICATIONS

ADJOURNMENT

Chair Johnson adjourned the meeting at 7:32 p.m.

Approved and adopted by the Independent Redistricting Commission of the City of Santa Barbara on February 12, 2022.

SANTA BARBARA INDEPENDENT REDISTRICTING COMMISSION

HON. MELINDA A. JOHNSON, (RET.) CHAIR

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