



# CITY OF SANTA BARBARA

## INDEPENDENT REDISTRICTING COMMISSION MINUTES

REGULAR MEETING  
MARCH 14, 2022  
CITY COUNCIL CHAMBERS  
735 ANACAPA ST, SANTA BARBARA, CA

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### CALL TO ORDER

Chair Johnson called the meeting to order at approximately 6:00 p.m.

### 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; Ariel Calonne, City Attorney; Michelle Sosa-Acosta, Deputy City Attorney; Marguerite Leoni, Special Counsel [appearing via Zoom videoconference]; Norma Cervantes, Administrative Analyst; Dr. Daniel Phillips, National Demographics Corporation.

All present.

## GENERAL BUSINESS

A. Changes to the Agenda.

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

The following individuals spoke:

1. Lindsey Baker, League of Women Voters Santa Barbara

Ms. Baker stated that she had trouble accessing information because the City website has no mention of the IRC or the March 14 public hearing.

2. Dr. Lanny Ebenstein, District Elections Committee

Dr. Ebenstein provided hard copies of DEC Plan EUB to the Commissioners. He said that District 1 must be a Latino majority minority district and that District 3 must be a Latino plurality district. He said it is essential for the IRC to meet the Banales requirements and said that all maps submitted by DEC accomplish that goal. He then described the community concerns DEC has taken into account. More specifically, he noted that DEC Plan EUB has the waterfront within District 1, Eucalyptus Hill within District 4, and the Upper East Side remaining intact within District 4.

3. Lee Heller

Ms. Heller said that it is critical that the new electoral district map have at least one majority minority district and that this requirement should supersede State Street connecting to all districts. She described how the point of the Banales lawsuit and the by-district elections was to ensure fair representation. She also said that councilmembers do not have to have a section of State Street in order to be a part of the State Street Advisory Committee. She mentioned she was having issues with viewing the maps online because they are not available in the online mapping tools similarly as in the Santa Barbara County redistricting process.

4. Sebastian Aldana

Chair Johnson disclosed that she spoke with Mr. Aldana over the weekend regarding the redistricting process.

Mr. Aldana said he likes map 101RE as it leaves District 1 intact and is as close to the current electoral district map as possible. He said that in 2015, there was an agreement to have all districts contain a section of State Street. He said that DEC Plan EUB takes away parts of State Street from other districts. He further noted that the Census bureau estimated there is an undercount and an overcount.

5. Councilmember Kristen Sneddon

Councilmember Sneddon said she was pleased with the changes within District 4 as made by Dr. Ebenstein's plan. She reiterated that East Beach should remain within District 1.

6. Howard Green

Mr. Green provided hard copies of documents related to the 2020 Census to the Commissioners. Mr. Green described the sources reporting an undercount in the 2020 Census. He then offered the following solution: for the IRC to add the current plan as a new consideration.

7. Fred Sweeney, Upper East Neighborhood Association

Mr. Sweeney provided hard copies of comments from the Upper East Neighborhood Association to the Commissioners. Mr. Sweeney read the comments and said that the Upper East should only have one councilmember representative. Mr. Sweeney said he supports the following maps: 101RE (erroneously called 101EW), 102RE, 104RE, and 105BE. Mr. Sweeney said he opposed the following maps: 103RE, 105AE, and the DEC Plan E. He then mentioned that it would be appropriate to keep East Beach within District 1. He also said the Milpas neighborhood follows State Street. He expressed concern about the Census undercount and overcount.

8. Hillary Blackerby

Ms. Blackerby said she thought Plan 104E was the best. She commented that it would be nice to have two majority minority districts, but it would also make sense to have a Latino plurality in District 3. She then said that the Westside and Eastside neighborhoods are priorities.

9. Mayor Pro Tem Meagan Harmon

Mayor Pro Tem Harmon said she agrees with Mr. Sweeney that there should be one councilmember representative for the Upper East. She also said it is important to keep socioeconomic areas together and that downtown should be separate from the Upper East.

C. Approval of the minutes of the Independent Redistricting Commission meeting of March 3, 2022. The Commissioners moved to approve the March 3 minutes with the following amendments: add the public comment matrix to the end of the March 3 meeting minutes.

## NOTICES

### INDEPENDENT REDISTRICTING COMMISSION REPORTS

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

#### **Public Comment:**

The following individuals spoke:

1. Howard Green

Mr. Green asked why the airport appears to be in one district in some NDC draft maps while appearing in a different district in other NDC draft maps. Dr. Phillips explained that the airport's district boundary follows whichever district the Campanil neighborhood lands.

Mr. Green then noted that there are several Supreme Court cases regarding gerrymandering and apportionment. He asked whether racial or ethnic gerrymandering discussions took place in the 2015 districting process within the City of Santa Barbara. Chair Johnson explained that the draft maps being presented do not appear to be gerrymandered. City Attorney Ariel Calonne explained that it is unlawful to use race or ethnicity as a sole or predominant factor. Mr. Calonne then explained that the draft maps do not do that as Dr. Phillips demonstrated when explaining heat maps in a previous hearing.

Mr. Green asked how the IRC will narrow the maps to be considered. He then noted that under the current plan, District 1 and District 3 have high Latino CVAP numbers and said that the City does not have to change its electoral district map.

2. Megan Turley

Ms. Turley discussed the voter turnout numbers from 2018 and 2020, noting the unusually high turnout. She then said the DEC Map EUB makes slight changes to the current map, and that she likes District 1's beach access and the CVAP numbers. Ms. Turley said map 104E is also a good option, but that District 2 is less compact and that District 1 is deprived of beach access.

Chair Johnson asked NDC to discuss the voter turnout eligibility issue. Dr. Phillips explained the demographic tables of each map and how CVAP is focused on during redistricting. Special Counsel Marguerite Leoni described how voter registration and voter turnout numbers are included in voting rights analysis to determine the effectiveness

of districts. Ms. Leoni said that Districts 1 and 3 have been successful in electing minority candidates. Ms. Leoni then described how one assesses compliance with Section 2 of the Federal Voting Rights Act based on CVAP.

### 3. Lee Heller

Ms. Heller said that Ms. Turley was a commissioner for the Santa Barbara County redistricting process. Ms. Heller said does not think maps 102RE and 103RE make sense because District 3 extends to Valerio Street. She then said that map EUB appears to be promising as it solves a lot of problems but would prefer to raise the District 1 LCVAP percentage if possible.

### 4. Dr. Lanny Ebenstein, District Elections Committee

Dr. Ebenstein said that the IRC is entitled to consider DEC Plan EUB even though the IRC is receiving the plan at the hearing. Dr. Ebenstein then explained the differences between DEC Plan EU and DEC Plan EUB. He said that the DEC plans are the only maps that meet the criteria described previously in Judge Ochoa's letter. He then said that the IRC does not need to consider DEC Plan E any longer.

Chair Johnson noted that there are other maps under consideration that show a LCVAP in District 1 at 50% and 46% in District 3, yet Dr. Ebenstein indicated only DEC Plan EUB creates a Latino plurality in District 3. Dr. Ebenstein then explained how DEC Plan EUB is preferable. He also noted that DEC Plan EUB only shifts an estimated 5% of the City's population while also offering compact districts with neighborhoods of interest intact.

Judge Khan asked Dr. Ebenstein if he had any concerns regarding the Census undercount and overcount. Dr. Ebenstein said that there was an undercount in lower socioeconomic areas and that the total population deviation is probably closer than figures have indicated. He also estimated that LCVAP is probably a percentage or two higher than indicated. He reiterated that the IRC must look at the Census data.

Hon. White agreed that the IRC must look at the Census data and noted that the DEC succeeded in keeping the Upper East Neighborhood together.

### 5. Sebastian Aldana

Mr. Aldana said that he is glad DEC Plan EUB succeeded in keeping the Upper East intact. He also reiterated that the Milpas neighborhood follows State Street and that the Funk Zone follows downtown. He said that District 1 is losing the Funk Zone and the East downtown area. He said that in the 2015 districting process, there was an agreement that each district would have a portion of State Street. He then described how he lives on Cota Street and knows that the following streets have a Latino population, yet may be removed from District 1: the North side of East Cota Street, Ortega Street, De La Guerra Street, and Soledad Street. He expressed concern with the use of the American Community Survey data from five years ago and said that District 1 could be destroyed

due to the use of old information. He supports map 101RE except for the top northeast corner. He disagrees with DEC Plan EUB because Districts 2 and 4 are not adjacent to East Beach. He said the IRC should leave the current plan as-is.

Mr. Aldana also asked if he could take a tour of the City with City staff.

#### 6. Councilmember Kristen Sneddon

Councilmember Sneddon said that she would support maps 101RE and DEC Plan EUB if changes are made as Mr. Aldana suggested. She also noted that two maps write her out of her district: 103RE and the blended map of 103RE and 105BE.

#### 7. Councilmember Oscar Gutierrez

Councilmember Oscar Gutierrez asked whether the City would be liable for not complying with Banales if the IRC chose DEC Plan EUB. Mr. Calonne said that Judge Ochoa indicated that DEC is satisfied with DEC Plan EU and EUB, thus there was an inference that no lawsuit would be brought against the City. Councilmember Oscar Gutierrez then asked if there would be litigation should the IRC select map 101RE. Mr. Calonne declined to give an opinion and that Ms. Leoni would brief the IRC on a memorandum of law.

Councilmember Oscar Gutierrez said that DEC Plan EUB fulfills getting the highest LCVAP percentage in District 3 while plan 101RE addresses District 3's community concerns. He also said Harding School and the Westside Community Center should be kept within District 3. Hon. White asked NDC what would be the impact of doing so. Dr. Phillips explained that the move would be simple with plan 101RE. But, with DEC Plan EU or EUB, there is a risk that it would no longer have a Latino plurality within District 3. Chair Johnson asked NDC to move Harding School back to District 3 within map 101RE.

#### 8. Councilmember Alejandra Gutierrez

Councilmember Alejandra Gutierrez supports plan 101RE. She said every district should have a say in the downtown area. She also mentioned that East Beach should remain within District 1. She believes that many people in District 1 did not participate in the Census due to COVID-19. She expressed concern that Districts 1 and 3 are often left at the end and those districts are once again trying to have a voice. She also described how difficult it is to get minority people involved, especially given the numerous issues impacting District 1.

#### 9. Hillary Blackerby

Ms. Blackerby said that she finds map 101RE to be the most compact but would like the LCVAP numbers to be higher. She supports keeping the Upper East together and keeping East Beach within District 1. She also believes that all councilmembers should have a say on State Street. She then mentioned that West Beach should be within District 3. She also said that there should be more outreach in the redistricting process.

## 10. Fred Sweeney

Mr. Sweeney said that there was a typo in the letter from the Upper East Neighborhood Association Board of Directors. The typo states that map 101EW is supported when it should say map 101RE is supported by the Board.

## 2. Discussion of Future Agendas.

Chair Johnson began discussing whether the IRC should narrow the maps under consideration. After deliberating in public, the IRC determined that the following maps would continue to be considered: 101RE, 104E, DEC Plan EU, and DEC Plan EUB. The IRC also left open the possibility that a new map could be considered.

### **Public Comment:**

The following individuals spoke:

#### 1. Howard Green

Mr. Green said that the posting of materials on the redistricting website has been late and asked that staff post items twice a week. Chair Johnson clarified that there has been a recent short turnaround of about five days. Mr. Calonne also mentioned that the Brown Act limits postings and communications over the weekend. Deputy City Attorney Michelle Sosa-Acosta said that whenever items have been posted less than 72 hours before a public hearing, those items have been available in hard copy at the City Clerk's Office for public review.

#### 2. Sebastian Aldana

Mr. Aldana said that he recommends plan 101RE. He mentioned that his signature was on the Banales case though there has been a lack of communication.

### **IRC Discussion:**

Chair Johnson asked the City Attorney's Office and Special Counsel to prepare a memorandum of law on the FAIR MAPS Act and the redistricting process obligations. Chair Johnson invited the public to provide briefs and written comments one week before the March 30 hearing. Chair Johnson said that unless someone submits another map, the IRC will hear public comment on the four identified maps.

## COMMISSION AND STAFF COMMUNICATIONS

### ADJOURNMENT

Chair Johnson adjourned the meeting at 8:17 p.m.

Approved and adopted by the Independent Redistricting Commission of the City of Santa Barbara on March 30, 2022.

SANTA BARBARA INDEPENDENT REDISTRICTING COMMISSION

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