

INDEPENDENT REDISTRICTING COMMISSION

REGULAR MEETING

TRANSCRIPT OF PROCEEDINGS

SANTA BARBARA, CALIFORNIA

WEDNESDAY, MARCH 30, 2022

COMMISSIONERS:

Chair Hon. Melinda A. Johnson (Ret.)

Hon. Abraham Khan (Ret.)

Hon. Elizabeth Allen White (Ret.)

STAFF:

Brandon Beaudette, Acting Asst. to City Administrator

Marguerite Mary Leoni, Special Counsel

Ariel Calonne, City Attorney

Michelle Sosa-Acosta, Deputy City Attorney

Norma Cervantes, Administrative Analyst

Dr. Daniel Phillips, National Demographics Corp.

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SANTA BARBARA, CALIFORNIA

WEDNESDAY, MARCH 30, 2022

2:10 P.M.

CHAIR JOHNSON: Good afternoon, ladies and gentlemen, who are in attendance and to any who are participating by Zoom.

I welcome you to the last public meeting that we take comment before we begin our deliberations on the map that we are going to recommend.

Miss Sosa-Acosta, for the roll.

MS. SOSA-ACOSTA: Thank you. And for the roll call, Chair Johnson.

CHAIR JOHNSON: Yes.

MS. SOSA-ACOSTA: Honorable Commissioner White.

HON. WHITE: Yes.

MS. SOSA-ACOSTA: Honorable Commissioner Khan.

HON. KHAN: Here.

MS. SOSA-ACOSTA: And toward the next slide, we have today's agenda.

Chair Johnson, you may open public comment when ready.

CHAIR JOHNSON: One second.

All right. What we'd like to do is -- is have all the public comments that relate directly to the

1 choice of the map that we recommend be held until the  
2 second session of the public comments.

3 If there are any comments on other items  
4 related to the commission's work, we will take them at  
5 this time, but we think it would be preferable to have  
6 all of the comments you wish to make in one round before  
7 we begin deliberations.

8 Any comments at this point? Any zoom  
9 participants that we know of?

10 THE CLERK: Give we one sec. If anyone in the  
11 public who would like to comment on something not on the  
12 agenda, please click on the "hand raise" feature. If  
13 there is anyone in the public that would like to speak  
14 on items not on the agenda, please raise your hand.

15 There are no comments, Chair.

16 CHAIR JOHNSON: All right. Thank you. Let's  
17 move on to approval of the minutes and then we'll go on  
18 to the next step.

19 We have two sets of minutes. It is March 9 and  
20 March 14 minutes; right?

21 MS. SOSA-ACOSTA: Yes, that's correct.

22 CHAIR JOHNSON: Why that is not --

23 Let's start with the March 9 minutes. Any  
24 additions, corrections, comments?

25 Hearing none, and I have none, is there a

1 motion to approve?

2 HON. WHITE: So moved.

3 HON. KHAN: Seconded.

4 CHAIR JOHNSON: And I agree. Those are  
5 approved.

6 And the second is the March 14, 2022, minutes.  
7 Any comments, additions, corrections by the members of  
8 the commission? All right.

9 Hearing none, is there a motion to approve?

10 HON. WHITE: So moved.

11 CHAIR JOHNSON: And a second?

12 HON. KHAN: Seconded.

13 CHAIR JOHNSON: I agree, and those are also  
14 approved.

15 So we are going to move directly to the item  
16 for today. It's a big day for all of us. So because we  
17 are by nature public speakers, I would like, before I  
18 begin the public comments, which will be our final  
19 opportunity to hear from all of you before we select a  
20 map to recommend to the City Council, I wanted to say a  
21 few personal words.

22 And I'll invite Judges White and Khan to speak  
23 later, as well.

24 We have gotten to know several of you at least  
25 a little bit, and your fidelity and your commitment to

1 the electoral process has been very inspiring to us. We  
2 want you to know that each of us feels honored to have  
3 been asked to take on this responsibility.

4 We're provided our job description from the  
5 beginning, to assure the city's six electoral districts  
6 comply with State and Federal law. Having spent our  
7 lives in the law, we know that would not be nearly as  
8 simple as it sounds.

9 But one of the best parts about selecting a  
10 career in law is that you get to learn something new  
11 every day. We have definitely learned a lot from all of  
12 you.

13 Incidentally, we began our work in the face of  
14 a delayed census, the results of which raised misgivings  
15 for all of us on many levels, but which we are bound to  
16 recognize and with which we are working.

17 For obvious reasons, the Banales judgment  
18 required non Santa Barbara residents sit on this  
19 commission. We have no vested interest in your  
20 political life. The downside, of course, is that we  
21 don't know this beautiful city the way you do.

22 Growing up in a family of five children in  
23 Hollywood, for me, Santa Barbara was the place your  
24 parents went to for the weekend mostly to get away from  
25 us. And living in Ventura for the last 50 years, it is

1 the city drive through Ventura to get to, to go on those  
2 weekends they need to get away from kids like us. So  
3 we've gotten to know it in a very different way.

4 The staff of the city, particularly the City  
5 Attorney Mr. Calonne and Deputy City Attorney Miss  
6 Sosa-Acosta, have been exceptionally helpful in  
7 educating us, including arranging my spur-of-the-moment  
8 request for a road trip through the neighborhoods of the  
9 city.

10 Thank you, Brandon Beaudette. Independent  
11 counsel, Marguerite Leoni, has provided clear and  
12 complete legal advice throughout, including yesterday's  
13 legal memorandum to us discussing the most recent  
14 Supreme Court case on redistricting maps. Miss Leoni  
15 has been clear and complete. The law itself is far from  
16 clear and is constantly evolving, including as of  
17 yesterday.

18 The many speakers who have attended the public  
19 meetings have been extremely helpful. Right now I have  
20 54 pages of single-spaced typed notes on what I've heard  
21 so far, and I am sure that will expand today. All of us  
22 have taken notes. Judge Khan is the brave one, he  
23 writes it by hand. I think Judge White does, too. I  
24 can't read my handwriting at all, so I can't do that.

25 We've all reviewed our notes in anticipation of

1 today's final remarks. We now understand the importance  
2 of the West Side Community Center, and the difference  
3 between the 101 bordering a district and running through  
4 a district. We see very clearly the roles of  
5 elementary, junior high and high schools and  
6 neighborhood associations in redistricting.

7           We have come to understand the history of the  
8 redistricting following the Banales judgment. We have  
9 learned quite graphically, thanks to Dr. Phillips, that  
10 to have two actual majority minority majority Latino  
11 CVAP districts would have required classic  
12 gerrymandering. That is, we would have a map that did  
13 look like a salamander wiggling its way through it.

14           Instead, we have, through the public comment  
15 process and the expertise of our attorneys, our  
16 demographer, guiding ever more carefully constructed  
17 maps which take into account the constitutional  
18 imperative of not diluting minority voting rights, while  
19 honoring the requirements of continuity, maintaining  
20 neighborhoods and communities of interest.

21           And we have learned that the residents and  
22 representatives of each district have a genuine and  
23 sincere interest in the well-being of the residents,  
24 businesses and property of the residents of every other  
25 district, as well as their own.



1           Several citizens spoke to us about the  
2 prodigious work done to re-create the districts after  
3 the Banales judgment and wondered aloud why we were  
4 tampering with that effort. If it is not broken, don't  
5 fix it.

6           Well, were it not for the shifts of population  
7 which created disparities between and among the  
8 populations in each district, retaining the current  
9 districts would have almost certainly failed judicial  
10 review had the old maps been challenged. We are a  
11 nation and a city constantly on the move for good  
12 reasons and bad. The Constitution requires us to  
13 reexamine our distribution every 10 years, and so here  
14 we are.

15           As in all of life, choices must be made. There  
16 are multiple values to be balanced in this process.  
17 Having part of the downtown or the ocean area in a  
18 district, keeping schools and neighborhoods intact,  
19 maintaining the majority minority goals of Banales to  
20 the greatest extent possible among them. And overlying  
21 all this, we must be mindful of the Federal Voting  
22 Rights Act, which disallows racial gerrymandering as the  
23 sole or primary consideration in districting; while at  
24 the same time reminding us of the need for majority  
25 minority districts to ensure true political opportunity

1 for all groups.

2           The one man-one vote premise -- we need to  
3 rewrite that. The one person-one vote premise, which  
4 means every citizen's vote counts as much as every other  
5 citizen's, makes us wary of large deviations in the  
6 large populations of various districts, which is why we  
7 have to go through this process at all today.

8           We are particularly mindful of the California's  
9 Voting Rights Act which prioritizes continuity,  
10 integrity, compactness and community interests.

11           It is a lot to keep in your head all at once.  
12 As we look in the mass of contentions at the last public  
13 hearing, I think our compliance with the State criteria  
14 are obvious. We have geographic continuity and made  
15 strong efforts to keep neighborhoods and communities of  
16 interest intact. We have compactness.

17           Our demographic expert, Dr. Phillips, has  
18 responded to every one of our requests, based on your  
19 concerns, promptly and expertly. And he has worked  
20 closely and cooperatively with the district elections  
21 committee and all interested public persons, all of  
22 which have led us to the format before us, which we  
23 selected at the last meeting and the final map presented  
24 today, the Community of Interest map.

25           In the end, we can't have everything. But the

1 comments we have heard so far and the expert work of  
2 Dr. Phillips has left us, I believe, with some very good  
3 choices.

4 After the public comment period and before we  
5 begin our panel discussion on which map to recommend, I  
6 will ask Judge White And Judge Khan to say a few words,  
7 as well, so you will understand our thinking.

8 For now, let us begin our last lesson.

9 And we are going to begin with public comment  
10 from those persons who are present today.

11 Sebastian Aldana, Jr. This is the one and only  
12 public comment period. Say anything you think we need  
13 to know.

14 MR. ALDANA: Good afternoon, my name is  
15 Sebastian Aldana, Jr.

16 For one, thank you for all your time. I know  
17 this was very time-consuming, and you heard a lot of  
18 comments.

19 Of the four maps that were selected on the  
20 14th, I would myself recommend 101RE. That pretty much  
21 keeps everything intact. And that's myself and a lot of  
22 people in the community, that's what they were shooting  
23 for.

24 The other 104E, DEC EUB, and DEC U -- excuse  
25 me -- DEC EU, in my opinion, were a little disturbing.

1 But of the four, I would go with 101RE, along with the  
2 new DEC Community of Interest Plan. I would hope that  
3 only those two would -- would be considered.

4 I know I'm District 1, and there's no changes.  
5 But it does enhance District 3, which I like. Years ago  
6 that was my old stomping grounds, so I can tell that it  
7 includes Harding School, the Westside Center, which the  
8 district representative, that's what he wanted. It also  
9 includes Brinkerhof to be part of District 6, which was,  
10 basically, a verbal agreement with Tony Basalo back in  
11 2015. He wanted Brinkerhof to be on the District 6.

12 So from 101RE to the new DEC Community of  
13 Interest plan, I like the new one, the new DEC.

14 The only thing on District 1, on the top  
15 northeast corner, there's a little chunk that's going to  
16 be removed. I sent an email requesting if the lower  
17 portion can stay in District 1 and then the upper rim  
18 portion to be part of District 4, because the upper  
19 part, De La Guerra Road, APS and Chiquita, that tends  
20 to -- those concerns are the same as District 4. Over  
21 here on the flat land we have different concerns.

22 And I believe you did receive the email. I'm  
23 not positive. Yes? That was to include the 700 and 600  
24 block of North Voluntario, the 11-, 12- and 1300 block  
25 of East Cota up to Chiquita, the 1100 block of East De

1 La Guerra, the 1100 block of East Ortega, along with a  
2 small little street -- El Aquila [sic], I believe it's  
3 called, and that's right off of East Ortega.

4 So you received the email. Everything was  
5 specified. But once again, myself and I know many  
6 people in District 1 would prefer the DEC Community of  
7 Interest. And I think I got it all.

8 Thank you very much.

9 CHAIR JOHNSON: Thank you. Thank you,  
10 Mr. Aldana.

11 The suggestion about having certain blocks  
12 removed, about seven and a half blocks, was received by  
13 email, and asked Mr. Calonne to have Dr. Phillips take a  
14 look and tell us what the effect of that would be.

15 Dr. Phillips, you had time to do that; is that  
16 correct?

17 DR. PHILLIPS: Yes.

18 CHAIR JOHNSON: Can you comment on how that  
19 would look and the effect that would have on the  
20 numbers, et cetera?

21 DR. PHILLIPS: So the issue is that would  
22 require splitting a census block, so we can't really  
23 know for sure what the numbers would be exactly. We'd  
24 have to estimate that by looking at how many households  
25 are in one part and how many households are in another.

1 And the -- that would also risk putting the Latino  
2 citizen population of District 1 below 50 percent  
3 because that -- that part of the Eastside neighborhood  
4 is less Hispanic or Latino than the rest of that  
5 neighborhood. So it -- we could take a little bit out  
6 of it and still be above 50 percent. But to take the  
7 entirety of what was requested in the email, that  
8 would -- that would probably take us below 50 percent.

9 CHAIR JOHNSON: Thank you. I appreciate that.  
10 Mr. Aldana got that to us a couple of days ago, so we  
11 had an opportunity to present this to Dr. Phillips. We  
12 will discuss this as we go along.

13 The next speaker is Tino A. DeGuevara of the  
14 Santa Barbara Eastside Society.

15 MR. DeGUEVARA: Good afternoon, Honorable  
16 Commissioners. My name is Tino DeGuevara, and I  
17 represent the Santa Barbara Eastside Society.

18 We are the hosts and sponsors of the Milpas  
19 Parade as Eastside Milpas Parade, as well as the Trick  
20 or Treat on Milpas Street and the Santa Barbara National  
21 Pickup Day. We are very involved with the community. I  
22 walk the businesses and the districts all the time.

23 We have weekly or monthly meetings where we  
24 invite the public for any comments or input about their  
25 neighborhoods and their concerns.

1 I am also a resident of the Eastside in  
2 District 1. And as Mr. Aldana spoke, we do support the  
3 NDC Plan 101RE or the DEC Community of Interest Plan,  
4 with some exceptions, which I included in my letter of  
5 March 21, 2022.

6 In talking to some of the residents on  
7 Voluntario, the 700 block of Voluntario Street, there  
8 are at least four to five families that are Hispanic  
9 descent on that block. And so we are requesting the  
10 following be added to District 1 on the plan, on either  
11 of those plans.

12 Those would include the 600 and 700 blocks of  
13 Voluntario, the 1100 block of East Ortega, the 600 block  
14 of La -- and it should be La Aguila, not La Aquila.  
15 Somehow that got mixed up in the planning, but "aguila"  
16 means the eagle. Including the 1100 block of East De La  
17 Guerra Street, the 1100 and 1200 block of East Cota, and  
18 the 1300 block up to Chiquita. Those are in order of  
19 priority that we requested in our letter.

20 The aforementioned blocks are composed of  
21 primarily Hispanic or minority residents. And if you  
22 walk those blocks and knock on doors, you will see for  
23 yourself that people there are of either minority or  
24 Hispanic descent. These people support our efforts on  
25 the Eastside for cultural events and activities. So we

1 really request that those be added and included into  
2 either one of those maps.

3 Thank you very much for your time.

4 CHAIR JOHNSON: Thank you, Mr. DeGuevara.

5 I am assuming Judge White and Judge Khan don't  
6 have any questions.

7 Next speaker will be Kristen Sneddon,  
8 Councilmember Sneddon.

9 COUNCILMEMBER SNEDDON: Thank you, Honorable  
10 Commissioners. I really want to express my appreciation  
11 and, as you said, it's not possible to make everyone  
12 happy and to listen to everything. I think you have  
13 pulled off the impossible.

14 It is -- you've listened to the community.  
15 You've made adjustments at every meeting. You've kept  
16 neighborhoods together and really in a city where you  
17 might not have been that familiar, you have become so  
18 familiar and really listened to our concerns.

19 I also support the DEC Community of Interest  
20 Plan or 101RE. They're quite similar. If it is  
21 possible for that northeast corner to be retained within  
22 District 1, it makes sense because that road, Milpas,  
23 comes up and curves around, and it really sort of  
24 creates a physical barrier that keeps the neighborhood  
25 together. And if it needs to be the census block or



1 taking the chance on those estimates, I think it would  
2 be worthwhile to have that northeast corner retained  
3 within District 1.

4 And then that little jutting-out portion that  
5 contains the Montecito Country Club, I realize there  
6 aren't residents there. Maybe there are zero residents,  
7 I'm not sure. But that could stay in District 4. And  
8 then the rest of that northeast corner of District 1 be  
9 retained within District 1.

10 I think that would be physically appropriate,  
11 neighborhood appropriate and would make more sense,  
12 actually. If nothing else can change, I am fully  
13 supportive of the DEC Community of Interest Plan, and  
14 really thank you for your considerations.

15 CHAIR JOHNSON: Could I just ask,  
16 Councilmember. Are you referring to the tiny bit of  
17 pink that kind of extends here?

18 COUNCILMEMBER SNEDDON: Yes. That's the  
19 Montecito Country Club, and I don't think there are any  
20 residents. I am not sure there are any residents in  
21 there, if it helps at all to bring the northeast corner  
22 back into District 1. Thank you.

23 CHAIR JOHNSON: Our next speaker will be  
24 Councilmember Oscar Gutierrez.

25 COUNCILMEMBER GUTIERREZ: Hello. And I just

1 want to thank you all for the hard work that you have  
2 put into this. I have been able to review the new map.  
3 And I think it really encompasses the Westside community  
4 well.

5 I know it wasn't an easy job, so I really  
6 appreciate all your efforts, and look forward to your  
7 decision.

8 CHAIR JOHNSON: Thank you. I don't have any  
9 other public comment requests by those in attendance.

10 Any Zoom requests? Reporter.

11 THE CLERK: Let's check. If there is anyone in  
12 the public who would like to speak on the item before  
13 us, please click on the hand raise feature? There is  
14 one hand raised. I will unmute you, Frankie from CAUSE.  
15 You may go ahead. Unmute yourself and you may speak.

16 MR. RODRIGUEZ: Hello, can you hear me?

17 CHAIR JOHNSON: We can.

18 MR. RODRIGUEZ: Hello, everybody. I know I had  
19 Frankie. It is Frank Rodriguez, but I am here with  
20 CAUSE here in Santa Barbara. And, like everybody, I  
21 wanted definitely like to thank the Commission for  
22 taking in all the public comment, for listening, and I  
23 really appreciate the summary that was given at the  
24 beginning of the conversations that have been going on  
25 in deciding the City Council districts as moving

1 forward.

2 As CAUSE, we definitely appreciate uplifting  
3 the Latino citizen voting age and also the people of  
4 color voting age population in Districts 1 and 3 in  
5 order to really fulfill the judgment for the Banales  
6 case.

7 As CAUSE, we have been really supporting a map  
8 DEC Plan EUB because it does have that high CVAP  
9 representation for communities of color. And compared  
10 to the new COI map for plan EUB, it would be a people of  
11 color district that we believe 59 percent in District  
12 1 and 54 percent in District 3. And really appreciate,  
13 especially for the Westside, that has had the biggest  
14 disruption from, I think, just gentrification and also  
15 folks being pushed out and a huge drop in especially the  
16 people of color population in the Westside, making sure  
17 those same people are able to voice -- those concerns  
18 are being voiced from the community and really  
19 prioritized representing people. So that is why we  
20 appreciate the 101 Freeway not being the dividing line  
21 but going over to the Castillo boundary to properly  
22 represent the Westside.

23 And we appreciate the comments that folks have  
24 been saying in making sure that East Beach stays a part  
25 of the Eastside, just because of the history of that

1 area and the connection, especially amongst people of  
2 color in that region.

3 So I think the one we favor the most is from  
4 the district selections committee was Plan EUB, but also  
5 we like plan EU. And the other one, 104E, but I  
6 understand the need for East Beach to stay with District  
7 1.

8 And that is all my comments. Thank you,  
9 Commissioners.

10 CHAIR JOHNSON: Could I ask a question? I  
11 think you said -- and I was trying to type so I could  
12 read it -- that you believe that EUB has 59 percent  
13 total minority CVAP in District 1 and 54 percent in  
14 District 3. Is that what you said?

15 MR. RODRIGUEZ: That was my assumption, looking  
16 at the demographic. But I see that it's been  
17 100 percent, but now to get clarity on what those  
18 numbers would be. It definitely seemed like Plan EUB  
19 would have around 54 percent for minority or people of  
20 color, citizen voting age population.

21 While the Community of Interest Plan barely  
22 reached the threshold of just getting to 50 percent,  
23 people of color citizen and voting age population. To  
24 get clarity on that, yes, that's what we saw, looking at  
25 the demographic pages.

1 CHAIR JOHNSON: I am going to ask Dr. Phillips  
2 if you have any comment on that.

3 He asked a few questions about having a total  
4 minority rather than just the Latino minority numbers,  
5 but I don't remember the numbers being that high  
6 mentioned before.

7 DR. PHILLIPS: The final slide in my  
8 presentation actually has a table with the CVAP numbers,  
9 for the total minority CVAP numbers in District 3.  
10 Would you like me to go to that now or wait until I get  
11 to that point in my presentation?

12 CHAIR JOHNSON: It will probably be easier for  
13 you to do it in order. I know you will answer my  
14 question.

15 DR. PHILLIPS: Okay.

16 CHAIR JOHNSON: So I may have inadvertently  
17 done something -- okay -- by not letting Dr. Philip  
18 speak first. There are no other public comments, as far  
19 as I can tell.

20 THE CLERK: There are two more -- two more  
21 virtually.

22 Next is M. Aguilar. You may go ahead and  
23 speak.

24 MR. AGUILAR: Great, thank you. This is Mark  
25 Aguilar.

1           Thank you, Commissioners, for your community  
2 effort. I will make this brief.

3           As a resident of the current District 6, I live  
4 on the Eastside of Highway 101, so I'm at the western  
5 border of the current district. I am supportive of NDC  
6 Plan 104E or NDC Plan 101.

7           I feel that the freeway is a significant  
8 boundary between the west downtown neighborhood and the  
9 Westside. I have plenty of friends on the Westside, and  
10 I would love to live on the Westside, but bringing  
11 District 3 over to Castillo does not seem to be proper  
12 representation for the western edge of the north  
13 downtown. Most of my activities would take me inward to  
14 the district -- excuse me -- not outward or westward.  
15 Thank you.

16           CHAIR JOHNSON: Thank you, Mr. Aguilar.

17           HON. KHAN: What were those districts again  
18 that you mentioned that you were favoring?

19           CHAIR JOHNSON: The maps you mean?

20           HON. KHAN: Yes, sorry, the maps.

21           MR. AGUILAR: Supportive of 101RE or 104E as  
22 the western boundary of District 6 would be the Highway  
23 101 Freeway.

24           HON. KHAN: Thank you.

25           MR. AGUILAR: Thank you.

1 CHAIR JOHNSON: Thank you, Mr. Aguilar.

2 And there is one more comment.

3 THE CLERK: Yes, there's one more comment.

4 Jacqueline Inda. Jacqueline Inda, you may go  
5 ahead.

6 MS. INDA: Redistricting Commission and  
7 Community, my name is Jacqueline Inda. I am one of the  
8 folks from the District Elections Committee, here just  
9 thanking you for this process. We understand this is an  
10 arduous process.

11 And my comment is really to stick to the sole  
12 purpose of district elections, in our judgment, which is  
13 really to retain as much as possible the voting  
14 populations in the district, so we definitely support  
15 our district elections committee working through this  
16 process with the city and presenting the maps that we  
17 have.

18 We are here just to appreciate the process and  
19 be thankful there are people who are really paying  
20 attention to the majority minority communities and  
21 getting them as close to 50 percent as possible and  
22 keeping at least one majority minority community  
23 district, although really the hope would be to have two.  
24 We thank you for this process, and we thank the  
25 community for the participation. And we look forward to

1 the final decision.

2 CHAIR JOHNSON: Thank you.

3 THE CLERK: Let me check if there are any other  
4 comments. Anyone who would like to speak on the item  
5 before the commission, please click on the hand raise  
6 features. There are no other hands raised.

7 CHAIR JOHNSON: I think I may have  
8 inadvertently switched the order of things. That is  
9 fine. We seem to have plenty of time today.

10 I will invite Dr. Phillips, who has been  
11 tutoring us, considering he is about the age to be my  
12 grandchild, I feel very tutored by him and very well  
13 tutored by him over the last few months.

14 Please, Dr. Phillips, go ahead.

15 DR. PHILLIPS: Thank you, Honorable Madam  
16 Chair. And this afternoon we'll be giving the final  
17 presentation for this redistricting process and, again,  
18 you will see on this first slide the map of the  
19 districts in their current form.

20 Now the criteria for drawing these districts or  
21 redrawing them in this case come from Federal and State  
22 law. Under Federal law we have the requirements that  
23 they be equal in population. That means all people  
24 counted by the census in 2020, including children and  
25 noncitizens. They don't have to be exactly equal.



1 There is some wiggle room, but that is -- we have about  
2 a 10 percent threshold that we want to stay under.

3           There's also the Federal Voting Rights Act to  
4 be mindful of to not dilute the voting influence of a  
5 protected class of people. But on the flip side, to not  
6 practice racial gerrymandering where you make race or  
7 ethnicity the only or main consideration.

8           Under State law we have the rank order of  
9 criteria. So if it's not possible to adhere to all of  
10 them, even want to prioritize the ones that are higher  
11 up in the list, the very highest of which is to draw  
12 districts that are contiguous, just one piece each.

13           Number two is to avoid dividing neighborhoods  
14 and communities of interest, which are socioeconomic,  
15 geographic areas that should be kept together.

16           Number three is tap districts with easily  
17 identifiable boundaries.

18           And number four is to have districts that are  
19 tapped in that they have do not bypass one group of  
20 people to get to a more distant group of people.

21           Lastly, we have a prohibition against favoring  
22 or discriminating against a political party.

23           On the far right side of the slide you will see  
24 other traditional redistricting principles that you may  
25 or may not want to consider, so long as it is not at the

1 expense of Federal and State criteria, including  
2 minimizing voters shifted to different election years;  
3 respecting voters' choices, i.e., continuity in office;  
4 accounting for future population growth, and preserving  
5 the core of existing districts.

6           The Banales stipulated judgment, which I will  
7 read in full here, "The intent of the parties is the  
8 electoral district map shall include two electoral  
9 districts in which Latino eligible voters constitute a  
10 majority of eligible voters according to the most  
11 recently available relevant estimates from the Census  
12 Bureau's American Community Survey. Tailored to the  
13 greatest extent possible in a manner consistent with the  
14 Federal and State law so as to address any issues of  
15 vote dilution."

16           So at the last meeting you narrowed down the  
17 plans that were before you to four. And the first of  
18 those is NDC Draft Plan 101RE. Again, the letters refer  
19 to revisions that remain. First one revision R and then  
20 another revision E to count for the Eucalyptus Hill  
21 neighborhood by way of a census block split.

22           So with this plan the -- what you'll see on the  
23 left-hand side of the slide as I go is I will be  
24 identifying areas that are moved from the current  
25 district boundaries, which are shown in black, and the

1 current or proposed districts, which are in color.

2 So as I do this, you will see on the map they  
3 are identified with red arrows. So the first area that  
4 would move is the area west of Modoc Road would be  
5 moving from District 2 to District 3.

6 Then the Brinkerhof Avenue neighborhood would  
7 move from District 6 to District 3. The reason why  
8 we're doing this is because District 3 is  
9 underpopulated, so it has to expand in some capacity.

10 Then we have the West Beach neighborhood also  
11 moving into District 3 from District 2.

12 The area east of Modoc would move from District  
13 5 to District 2, so that District 2 has sufficient  
14 population.

15 Also the Los Positas/Veronica Place  
16 neighborhood would move into District 2 for the same  
17 reason.

18 Then there is the Harbor View/Scenic Drive  
19 neighborhood, which would move from District 4 to  
20 District 1. This actually is not part of the Montecito  
21 Country Club. It's -- it's part of the Eastside  
22 neighborhood, which is why we are moving it from  
23 District 4 to District 1. And I can go into the  
24 interactive review map to show that marked more clearly.

25 Then there is the APS/Cota/Voluntario

1 neighborhood that will be moving from District 1 to  
2 District 4. And that is for the intent of making sure  
3 that District 1 has a Latino -- majority Latino citizen  
4 voting age population.

5           And finally, the Milpas/Canon  
6 Perdido/Nopal/Anapamu area is moved from 4 to 6, and  
7 that is for population purposes.

8           So with this plan, District 1 is focused on the  
9 Eastside but keeps a presence on State Street, including  
10 the Funk Zone -- as well as East Beach and the Funk  
11 Zone. If you are not familiar with the Funk Zone, it is  
12 a kind of restaurant and entertainment district that is  
13 located in this area that is, roughly, the red circle  
14 you see there. Those would all be included in District  
15 1 under that plan.

16           District 2 is focused on the Mesa but keeps  
17 City College, Harbor and Stearns Wharf in District 2.

18           District 3 is focused on the Westside but now  
19 includes La Cumbre Junior High School and the West Beach  
20 neighborhood. So it gets a piece of the coast in that  
21 sense.

22           District 4 is focused on the Riviera but keeps  
23 a small coastal presence, just like under the current  
24 configuration.

25           District 5 is focused on Upper State but keeps

1 a small coastal presence down by Hendry's Beach.

2           And District 6 is focused on downtown, and it  
3 does not cross the freeway. The boundary between 6 and  
4 3 is -- stays along the freeway until you get down to  
5 Ortega.

6           So with this plan, the total population  
7 deviation is just over 6 percent. Like I said, you have  
8 a majority of the citizen voting age population being  
9 Latino in District 1. In District 3 it would be  
10 42 percent.

11           So now we turn to NDC plan 104E.

12           So, again, this map shows the current districts  
13 with the black lines, and then the proposed districts  
14 are in color.

15           So here the area west of Modoc would move from  
16 2 to 3. The Brinkerhof Avenue would move from 6 to 3.  
17 Again, remember, we have to expand 3 because it is  
18 underpopulated.

19           And the area between Garden and State would  
20 move from 1 to 3. So that would make Garden Street the  
21 boundary of District 3.

22           The area around Harding Elementary School would  
23 move from 3 to 2 because that area is less Hispanic.  
24 And the East Beach neighborhood would move from 1 to 2,  
25 so that District 2 has sufficient population.

1 Harbor View/Scenic Drive from 4 to 1, just like  
2 in the last plan.

3 And the area around Santa Barbara High School  
4 would move from Districts 4 and 6 to District 1.

5 The area north of the high school would move  
6 from 6 to 4.

7 And finally, to make sure 6 has enough people,  
8 the area east of Modoc would move from Districts 3 and 5  
9 to District 6.

10 So the consequence of this plan, 104E, would be  
11 that District 1 is still focused on the Eastside but is  
12 now bounded by Garden Street and the freeway.

13 District 2 is still focused on the Mesa but now  
14 covers the whole waterfront area out to East Beach.

15 District 3 is focused on the Westside but now  
16 includes La Cumbre Junior High School and reaches out to  
17 Garden Street.

18 District 4 is focused on the Riviera but keeps  
19 a small coastal presence.

20 5 focused on Upper State but still has a small  
21 coastal presence.

22 6 focused on downtown but it crosses the  
23 freeway to gain the area east of Modoc, so it is not  
24 completely on the Eastside of the freeway like you had  
25 at the last plan.

1           The total population deviation of this plan is  
2 higher. It's greater than 8 percent. You have the 51  
3 percent Latino CVAP in District 1, and 45 percent in  
4 District 3.

5           That leads us to Plan DEC Plan EU. And this is  
6 the plan that is not to be confused with EUB. This is  
7 what was originally presented.

8           The area around Harding Elementary School moves  
9 from 3 to 2.

10           The area between Castillo Street and the  
11 freeway, south of Mission Street, moves from District 6  
12 to District 3. So this would allow District 3 to  
13 include the Westside Neighborhood Center.

14           The Brinkerhof Avenue neighborhood moves from 6  
15 to 3 so that 3 has enough people in it.

16           And the area between Garden and State moves  
17 from District 1 to Districts 3 and 6.

18           The Funk Zone would move from 1 to 2.

19           The East Beach neighborhood moves from 1 to 4.

20           And the Harbor View/Scenic Drive neighborhood  
21 moves from 4 to 1.

22           Santa Barbara High School area into 1.

23           The area around Modoc Road on both sides of the  
24 road has to move into District 6 because District 6  
25 doesn't have enough people as it is. District 6 loses

1 quite a lot of people if 3 goes out to Castillo. To  
2 compensate for that population loss, it has to go pretty  
3 far into the Westside on that side of the freeway.

4 And finally, Las Positas/Veronica Place goes  
5 into District 2 for population purposes.

6 So District 1 would be focused on the Eastside  
7 and bounded by Garden and the freeway.

8 District 2 is focused on the Mesa but now  
9 covers the Funk Zone.

10 District 3 is focused on the Westside but now  
11 includes more area east of the freeway.

12 District 4 is focused on the Riviera but  
13 expands its coastal presence by including East Beach.

14 And District 5 is focused on Upper State but  
15 keeps a small coastal presence.

16 And District 6 is focused on downtown but  
17 crosses the freeway to gain the area around Modoc.

18 This has fairly high population deviation of  
19 9.3 percent. And you have 51 percent Latino CVAP in  
20 District 1, and 46 percent in District 3, which is just  
21 barely a plurality. However, we had to be mindful there  
22 is margins of errors that are involved in these  
23 estimates.

24 So that takes us to DEC plan EUB. The B  
25 referring to the beach, because East Beach is now



1 included in District 1 under this plan.

2 So I am going to go through these quickly  
3 because it's very similar to what you have with the  
4 original EU, as far as the shifts. The one thing that  
5 changes is that since District 1 retains the East Beach,  
6 it has to lose that northeastern corner that people have  
7 been talking about in order to ensure it's still a  
8 majority Latino CVAP district. It really is a pretty --  
9 pretty clear trade-off.

10 If District 1 is to maintain the beach, it has  
11 to lose this corner in order to be a majority Latino  
12 district. If it keeps the corner, then it probably has  
13 to lose the beach, again, in order to be a majority  
14 Latino district as our -- as the AC estimates have it.

15 So 1 is focused on Eastside and is still  
16 bounded by Garden Street but it keeps East Beach.

17 District 2 is a Mesa district but it goes out  
18 to the Funk Zone.

19 3 is the same as you have with the original EU.

20 4 is now only a small coastal presence.

21 5 is the same. 5 is the same for all of these  
22 plans.

23 And 6 is the same as the last plan, EU.

24 You still have a 9.3 total population  
25 deviation. That hasn't changed with the adjustments

1 that have been made. And you have no changes in the  
2 1 and 3 CVAP numbers, as well.

3 That leads us to the final plan, which is  
4 actually submitted after your most recent meeting, and  
5 it was developed by me in collaboration with the  
6 District Elections Committee, so it's being titled DEC  
7 Community of Interest Plan.

8 This really is even more of a minimal changed  
9 plan than the 101RE.

10 So the only areas that move are the areas west  
11 of Modoc from 2 to 3 because, again, 3 needs more  
12 people. The area east of Modoc goes from 5 to 2. 5 is  
13 too overpopulated, so it has to lose that area. And it  
14 makes the most sense going into 2.

15 The area between Castillo Street and the  
16 freeway, south of Victoria Street, which would include  
17 the Westside Neighborhood Center, moves from District 6  
18 to District 3. So it doesn't -- you don't have that  
19 strip that goes all the way up to Mission like you do in  
20 the other DEC plans. So you have a -- you have about  
21 six blocks that would be between Victoria and Ortega  
22 Street on that side of the freeway.

23 The Milpas/Canon Perdido/Nopal/Anapamu area  
24 moves from 4 to 6. If 6 is going to lose this area, it  
25 has to pick up a population, and so we take it out to

1 Milpas Street.

2 APS/Cota/Voluntario moves from 1 to 4 for  
3 reasons stated earlier.

4 And the Harbor View/Scenic Drive neighborhood  
5 moves from 4 to 1, as is the case with all the other  
6 plans.

7 District 1 is focused on the Eastside but keeps  
8 its presence on State Street and East Beach, including  
9 the Funk Zone.

10 District 2 is focused on the Mesa but keeps all  
11 of West Beach and now goes east of Modoc Road.

12 District 3 is focused on the Westside but now  
13 includes La Cumbre Junior High School and the Westside  
14 Neighborhood Center on Castillo Street.

15 District 4 is focused on the Riviera but keeps  
16 a small coastal presence.

17 5, the same as before.

18 And, 6 focused on downtown and it does not  
19 cross the freeway.

20 The total population deviation is 7 and a half  
21 percent, roughly.

22 And at the request of the District Elections  
23 Committee we report the CVAP numbers out to the 10th  
24 decimal place.

25 So for District 1 it would be 50.4 percent

1 Latino. District 3, 43.4 percent Latino. And then also  
2 at the request we give the total minority CVAP for  
3 District 3, which is just barely a majority, which is  
4 50.0 percent, a little bit more than that.

5 So that takes me to the final slide which  
6 compares the five plans.

7 And so I'll go through these pretty  
8 methodically, but if you want me to pause or have a  
9 question, feel free to let me know.

10 The first column is the plan name, and the  
11 second is total population deviation. And you will see  
12 that the lowest is the NDC 101RE, and the highest are  
13 these original DEC plans, and then the others are in the  
14 middle.

15 We have District 1's Latino citizens voting age  
16 population, and they are all greater than 50 percent.

17 District 3's Latino citizen voting age  
18 population, they are all greater than 40 percent, but  
19 there is more of a disparity.

20 These original DEC plans are up to 46.3, and  
21 then 101RE has the lowest at 41.7.

22 MCVAP is the total minority, so basically the  
23 nonwhite citizen voting in each population. You have --  
24 you would not have a majority minority in District 3  
25 under NDC 101RE, but you will have it with the other

1 four plans.

2 In these cases it's a bare majority, and in  
3 these cases it's higher.

4 The number of districts on the coast, with the  
5 101RE plan it's five districts, all but District 6. All  
6 but District 3 is barely the case.

7 And then with 104E and DEC EU it is three, and  
8 then four with the other DEC plans.

9 The number of districts on State Street, there  
10 are -- all 6 are on State Street under 101RE, although  
11 District 2 is just barely. And then you have -- that's  
12 also the case with DEC EUB and DEC COI. And then the  
13 others are 5, all the District 1.

14 So when it comes to which areas are landmarks  
15 are in which districts, that is what you will see on the  
16 remainder of the table. So with West Beach, it's in  
17 District 2, under all the plans, except for 101RE where  
18 it ends up in District 3 to give it some coastal access.

19 With the Funk Zone, it's in District 1 under  
20 101RE and DEC COI but in District 2 in the other plans.

21 The East Beach is in District 1 except for  
22 104E, which is in 2, and DEC EU, which is in four.

23 Santa Barbara High School is in District 1 for  
24 three of the plans but District 6 for the other two.

25 La Cumbre Junior High School is in District 3

1 for three of the plans but District 6 for the original  
2 DEC plans.

3 Harding Elementary School is actually split  
4 under 101RE. It's kept whole in District 2 and these  
5 three plans, and it's kept whole in District 3 in DEC  
6 COI.

7 And finally, the Westside Neighborhood Center  
8 is in District 6 in the NDC plans, and it's in District  
9 3 in the DEC plans.

10 And that's the end of my presentation.

11 CHAIR JOHNSON: Let me first ask if any of the  
12 panelists have any questions or comments for  
13 Dr. Phillips.

14 HON. KHAN: I have a question. I don't know  
15 what technically you call it, but did you do a cluster,  
16 census cluster analysis, however you do it, so that you  
17 are satisfied that each of these plans does not run  
18 afoul of any racial gerrymandering?

19 DR. PHILLIPS: Your Honor, I -- do you happen  
20 to mean a compactness test? Is that what you're  
21 referring to?

22 HON. KHAN: I knew of one other prior meeting  
23 Mr. Calonne referred to some kind of color analysis.

24 MR. CALONNE: Excuse me, your Honor. I believe  
25 Dr. Phillips referred to that as the heat map.

1 DR. PHILLIPS: Yes. So what we did at a prior  
2 meeting was use a -- the heat map, which shows block by  
3 block the percentage of Latino citizen voting in each  
4 population.

5 And then as an exercise or test plan, we tried  
6 to -- we just tried to see if it was possible to have a  
7 majority Latino CVAP District 3. It is possible, but  
8 you have to do very wild contortions, which would  
9 probably be considered racial gerrymandering.

10 CHAIR JOHNSON: The salamander.

11 DR. PHILLIPS: Right.

12 HON. KHAN: What is that test called again?  
13 Heat?

14 DR. PHILLIPS: We used a heat map, and then  
15 drew a test plan using that heat map.

16 HON. WHITE: I have a quick question which is a  
17 follow-up to Mr. Aldana's comments and his email of  
18 today to us. He wants to have us consider whether we  
19 should essentially include several other blocks which he  
20 articulated here today. And I was madly writing my  
21 notes but, unfortunately, couldn't get down every single  
22 block he was referencing. I assume you have that  
23 information.

24 What impact would that have, and would there be  
25 a concern that if we shifted things, perhaps, we might

1 create problems in terms of other districts?

2 DR. PHILLIPS: Yes, your Honor. And I can show  
3 you that on the interacting review map.

4 So let's just take -- I'm going to uncheck the  
5 current plan but leave the outlines. And then I'm going  
6 to --

7 HON. KHAN: Can I add to that? That appears to  
8 be -- those identical blocks appear to be the exact same  
9 blocks that were referred to by Mr. DeGuevara. So with  
10 regard to whatever you are going to say it applies to  
11 their request to include those blocks, as well; right?

12 DR. PHILLIPS: I believe so, yes, your Honor.

13 So I am going to check NDC Plan 101RE, because  
14 it is one of the plans that takes that corner out of  
15 District 1 and places it with District 4. So if I zoom  
16 in here, you can see what the exact boundaries of that  
17 area are. And that would be Voluntario, Cota, APS or  
18 Alameda Padre Serra, De La Guerra Road, and then there  
19 would be -- I don't think there is a street here, but it  
20 would follow the neighborhood boundary.

21 This white line is considered, at least by the  
22 City of Santa Barbara Planning Department, the boundary  
23 of the Eastside neighborhood. So under the current  
24 plan, the current district boundary follows that  
25 neighborhood line, so that the whole neighborhood is in



1 District 1.

2           So the reason that we have to -- that we're  
3 proposing removing this from District 1 is because the  
4 Latino CVAP numbers, if the goal of the commission is to  
5 have District 1 be a majority Latino citizen voting  
6 population.

7           Like I said, you have a trade-off. You either  
8 keep East Beach and remove that corner or remove East  
9 Beach and keep that corner. What it comes down to is  
10 the percent citizen voting age population Latino  
11 numbers.

12           And so the East Beach area is very low Hispanic  
13 population. And that corner is also quite low, relative  
14 to the rest of the district. So if you follow my  
15 cursor, it's along Voluntario and Cota. These are  
16 estimates, of course. They may not be totally accurate,  
17 but these are -- this is the best available data we  
18 have. So using that, we came to the conclusion that  
19 it's either this area or this area if you want a  
20 majority Latino CVAP District 1.

21           So given how many comments we received that the  
22 East Beach belongs with District 1, then that means this  
23 area has to be removed from District 1 and placed with  
24 District 4.

25           There is the poss- -- there is -- these colors

1 are census block by census block. So the limitation is  
2 the census block boundaries, which do not exactly follow  
3 the house or parcel lines. And the proposal by one of  
4 the public commenters was to have some of the houses in  
5 this block end up in District 1 and some end up in  
6 District 4. So the houses that are up closer to Alameda  
7 Padre Serra would end up in District 4, and these ones  
8 on Cota would end up in District 1.

9           So we would have to split the census block in  
10 order to accomplish that. You would have to estimate  
11 how many people live in this side versus this side.  
12 Crucially, in order to estimate the CVAP numbers, all we  
13 could do is assume that the CVAP percentage in this part  
14 is the same as the percentage of this part.

15           That's probably not the case in reality, but we  
16 have no better methodology.

17           So that would -- we are -- if -- we are just  
18 barely at the majority of 50.4 percent with Latino CVAP  
19 in District 1.

20           If we were to cut out part of this block and  
21 give it to District 1, we would -- you would risk taking  
22 that number below 50 percent.

23           HON. WHITE: Thank you.

24           CHAIR JOHNSON: Because of my (inaudible) a  
25 little bit, there may be some additional comments from

1 the public based on Dr. Phillip's presentation as  
2 compared to my summary of what was said. I can't tell  
3 you how much I hate seeing myself on the camera. I will  
4 look directly at you from now on.

5           So if there are, if you'd fill out a request,  
6 we would be happy to hear from you, as well. You don't  
7 need to duplicate what you said before because, as you  
8 can see, I have been typing frantically and they have  
9 been writing frantically but if there is something  
10 additional.

11           And I see there is at least one member of the  
12 public who is very interested, who wasn't here during  
13 the earlier session. We will take an in-place break for  
14 a second and finish up with public comment and take a  
15 break before we deliberate. If you have a slip, we will  
16 have it, just so we have a good record.

17           CHAIR JOHNSON: All right. Good afternoon, and  
18 we'll start this semi-second round with Dr. Ebenstein.

19           DR. EBENSTEIN: Honorable Members of the  
20 Commission, thank you for your service and for your time  
21 in reviewing these issues.

22           We've really appreciated Dr. Phillips' work on  
23 all of these areas. And I believe you have a great deal  
24 of information before you.

25           And I will try to summarize my own views. I

1 know you also previously heard from some of the members  
2 of the District Elections Committee via Zoom.

3 I think that the issue is to what extent do you  
4 want to incorporate the input you heard from the  
5 community, particularly with respect to East Beach in  
6 terms of -- that's an important issue that many people  
7 have spoken to. I think that Dr. Phillips' comments  
8 that it's either the Voluntario square or East Beach,  
9 they can't both be in District 1. And for that reason,  
10 and as a result of the previous testimony you've heard,  
11 that the virtue of, in particular, the Community of  
12 Interest Plan submitted by the District Elections  
13 Committee, which really did attempt to incorporate all  
14 of the input that's been presented at these hearings on  
15 all of these issues when it started with Cleveland  
16 Elementary School and the high fire area and State  
17 Street and the Upper Eastside and others and East Beach.

18 How can you retain as close an adherence to the  
19 requirements of the Banales judgment and orders and yet,  
20 at the same time, accommodate current population  
21 circumstances in the City of Santa Barbara?

22 And our view is that's accomplished through a  
23 plan in which District 3 is a majority minority district  
24 on citizen voting age population because, as we  
25 discussed, it really can't be a majority Latino CVAP

1 district.

2           So within these contexts and within those  
3 parameters, although there are several maps before you  
4 that would meet the requirement of majority minority  
5 CVAP district of District 3, as well as majority Latino  
6 CVAP in District 1, that can be accomplished. So we  
7 also believe that is essential.

8           We think that the final Community of Interest  
9 Plan is the one that will meet the requirements of  
10 Banales and yet at the same time incorporate almost all  
11 of the input that you've heard and result in a  
12 relatively small number of individuals being shifted  
13 from one district to another. So it adheres closely to  
14 the neighborhood community of interest that have been  
15 developed over time with the existing council districts.

16           We think that's important, too. Because  
17 looking forward, what that means is that after the 2030  
18 census there would be lines in place that would have  
19 basically been in place since 2015. They will be very  
20 solid lines, and Banales is no longer a requirement at  
21 that point in time, but then you will have districts  
22 that have been largely in place for 15 years, and we  
23 think will carry the spirit of the Banales decision  
24 forward into the future.

25           And presuming there won't be any sort of

1 undercounts or issues with respect to the census at that  
2 point in time, we think, too, that that's an argument in  
3 favor of the final proposal of the Community of Interest  
4 Plan.

5 Thank you for your time again and for your  
6 consideration. These are very important issues for the  
7 City of Santa Barbara, and I think the virtue of the  
8 public input process is when plans are influenced by  
9 what public input is, and that's certainly what we  
10 attempted to do and we encourage you to consider that.  
11 Thank you so much.

12 CHAIR JOHNSON: Thank you, Doctor. Any  
13 questions of Dr. Ebenstein?

14 Sebastian Aldana, Jr.

15 MR. ALDANA: Sebastian Aldana, Jr., here.

16 Once again, I do support, of all the plans, I  
17 do support the DEC Community of Interest Plan. That's  
18 step one. I support it 100 percent.

19 But if there could be some changes, and the key  
20 word being "if," it's the upper northeast corner. At  
21 the last meeting I asked what was the population in that  
22 area, and I believe it was 26 percent Latino. That's  
23 what I was told, and I believe that's what you  
24 mentioned, Doctor. That's what I remember. I didn't  
25 take notes, just going off memory.

1           In my opinion, the 26 percent is in the lower  
2 flat land area. The other 74 percent is in the upper  
3 area. So I know -- I just heard that it's either/or.  
4 But on the upper northeast corner I don't think the  
5 proper homework has been done yet. So if that could be  
6 looked at, you know, and seeing if southbound -- excuse  
7 me. Northbound Voluntario could be included and if -- I  
8 think before a final decision is made you have to do  
9 your homework. There's 26 percent Latino there. So  
10 that way you got to find them.

11           Again, I'm positive, I'm 99 percent positive  
12 they are in the lower area, the lower portion. The  
13 upper area which is APS, De La Guerra Road, you are  
14 going to find very few. All I ask is that you look in  
15 that area and see if it's possible. And if not, I  
16 support the DEC Community of Interest. Regardless, I  
17 support it, but I would just like to see if it can be  
18 changed just a little bit. Thank you.

19           CHAIR JOHNSON: Thank you, sir.

20           Councilmember Sneddon.

21           COUNCILMEMBER SNEDDON: Thank you.

22           I also want to see if there is any possible way  
23 for that northeast corner to stay in District 1. And a  
24 further consideration, I didn't realize it until we  
25 reviewed the parameters for choosing districts, but that

1 minimizing voter shifts in years. So District 4 just  
2 had an election 2021, November, for a five-year term.  
3 So those individuals, District 1, is on a different  
4 timeline, four years. So those voters in that corner  
5 would have -- if I'm calculating it right -- maybe an  
6 eight-year gap before they can vote in a district  
7 election again. It's not the case if it's shifting the  
8 other direction. But a shift from District 1 to  
9 District 4 takes them out of the cycle for five years.  
10 And their last election cycle was two years prior, two  
11 to three years prior. So that's something to consider.

12           And then in the same way of maintaining  
13 neighborhood integrity, that is called the Eastside  
14 neighborhood in there. And those are pretty spaced  
15 apart, and I do think probably -- I know you can't make  
16 a decision on this, but that the numbers are higher of  
17 Latino voters or population in that area.

18           And then earlier I misspoke. That little  
19 finger earlier used to be Montecito Country Club, but I  
20 believe now -- is that Scenic Drive? Okay. So that  
21 could go either way. Half of that block has apartments,  
22 very dense apartments. And I do think they belong on  
23 the Eastside and would help the numbers.

24           But that northeast corner, that voter shift in  
25 years is significant, if it shifts to District 4.



1 CHAIR JOHNSON: The last election that District  
2 1 had was in --

3 COUNCILMEMBER SNEDDON: 2019.

4 CHAIR JOHNSON: 2019? 2018. And the next  
5 election would be, if this is moved to District 4, 2026,  
6 and that's how you got the eight years.

7 COUNCILMEMBER SNEDDON: Because that is also a  
8 five-year term. Since we shifted to the five years, so  
9 the term for District 4 just started, and it's the start  
10 of five-year before there would be an opportunity to  
11 vote again. Thank you.

12 CHAIR JOHNSON: I have in the back of my mind  
13 heard the number 26 percent, as well. I think you said  
14 to us the colors represent gradations of Latino  
15 population. And if it's one color, it is under  
16 20 percent. And if it is another color, it is 20 to 50.  
17 Is that accurate, that little northwest corner --  
18 northeast corner is 26 percent Latino overall?

19 DR. PHILLIPS: Yes, your Honor. So if you --  
20 if we look at the legend for this Latino CVAP layer, you  
21 will see that almost all of this corner that we propose  
22 giving to District 4 is less than 25 percent citizens of  
23 Latino population. There is one block that would be  
24 higher, which is a 35 to 50 percent block. And I might  
25 even be able to tell you what. It's 49 percent. So

1 it's -- it's almost -- it's just shy of a majority in  
2 that block.

3           So it's -- I think it may be fair to say that,  
4 again, probabilistically, given what we see in this  
5 little block, if we look at this big block, this part of  
6 that block is likely to match the color that we see  
7 here. It's just we have no -- the way our methodology  
8 works is we don't make that assumption. I know we have  
9 Dr. Johnson on the call. Perhaps he might want to speak  
10 to this maybe a little better than I can. Is he  
11 available to chime in?

12           CHAIR JOHNSON: If he does, what you're saying,  
13 though, is there has to be some balance if we take some  
14 of that little corner we call District 1 and some beach  
15 area is going to have to go.

16           DR. PHILLIPS: No. When it comes to population  
17 purposes, it's fine to add that. We're just talking  
18 about the Latino CVAP numbers would be affected.

19           CHAIR JOHNSON: Okay.

20           HON. WHITE: I have a question, which you  
21 mentioned splitting census blocks. And we did that with  
22 Eucalyptus Hill. I am curious if we split a census  
23 block, are we going to have a rather unusual boundary if  
24 we just took -- if we went block by block, we are going  
25 to end up with something that looks a little odd.

1 DR. PHILLIPS: It depends on where -- if we  
2 were to split it where you would like us to split it,  
3 there was maybe a proposal to split it a certain way  
4 based on street blocks. I'm pulling up a base map that  
5 I'm hoping will show the individual houses.

6 So if you see here, I believe the proposal was  
7 to have the boundary go on East Cota, then go up  
8 Chiquita, then go through here in between houses, and  
9 then probably come up to Soledad, and then go on De La  
10 Guerra and then up here.

11 So it would be kind of a -- what's the word?

12 DR. DOUGLAS JOHNSON: Can I chime in on that?

13 While I fully understand the goals of the  
14 community group, the description of how to split the  
15 block is based on where the community group members  
16 live, which I understand. But it would be splitting it  
17 in order to separate Latino families from the rest of  
18 the block, which comes very close to racial  
19 gerrymandering. So I don't -- while we might look at  
20 moving the block, I would strongly suggest not splitting  
21 that block along those lines, just because it would be  
22 purely -- it's not a malicious intent, obviously; it  
23 would be splitting the block based on the ethnicity of  
24 the families on different parts of the blocks, which is  
25 probably closer to racial gerrymandering.

1 I would ask the commission to consider.

2 CHAIR JOHNSON: As I understand our last legal  
3 memo, malicious intent is irrelevant; it's the effect  
4 that matters; correct?

5 MR. CALONNE: Yes and no. I agree with  
6 Dr. Johnson, but I would like to give the legal advice  
7 on it.

8 The only testimony that I heard that addresses  
9 a nonethnic or racial grounds for making that block  
10 split was the testimony from Councilmember Sneddon about  
11 avoiding shifting election years. That, of course, you  
12 remember from the first table Dr. Phillips showed is the  
13 tertiary concern over on the far right.

14 So I think this does raise an issue that the  
15 commission needs to grapple with as to whether this kind  
16 of move would be predominantly based on race or  
17 ethnicity.

18 DR. DOUGLAS JOHNSON: I just agree with what  
19 the City Attorney just told you. Avoiding the election  
20 shift would involve the decision whether or not to move  
21 the whole block, if I'm understanding correctly. That  
22 would be something to consider, but, as Dr. Phillips  
23 noted, dropping below 50 percent Latino CVAP in that  
24 district.

25 CHAIR JOHNSON: All right. Those are all of

1 the public comments from those in attendance. Any Zoom  
2 comments? There are none? Okay.

3 THE CLERK: If there is anyone in the public  
4 that would like to speak on the item of the NDC  
5 presentation, please raise your hand. If there is  
6 anyone in the public who would like to speak on the NDC  
7 presentation, please raise your hand?

8 There are no raised hands here.

9 CHAIR JOHNSON: Ladies and gentlemen, as  
10 preplanned, we are not allowed to talk in advance very  
11 much but we can talk about a restroom break. We have  
12 preplanned that we will take a brief break now, and we  
13 will commence our public deliberations. About 10  
14 minutes.

15 (Recess taken at 3:30 p.m. - 3:42 p.m.)

16 CHAIR JOHNSON: Probably like most people in  
17 the world, you have your view of how judges operate from  
18 what you've seen on television and in the movies. We  
19 can assure you it's nothing like that. We never pound a  
20 gavel, ever. Almost no one ever yells or screams at us  
21 or tries to shoot us or anything. And we seldom make  
22 intentionally wrong rulings to keep the plot line moving  
23 along.

24 But what we do do is collaborate on decision  
25 making. Very frequently, even if you are a single judge

1 hearing a case, you will go back over the lunch hour or  
2 the break and run your ideas past your fellow judges.  
3 If you are sitting on a three-judge panel in a court or  
4 an arbitration, for example, you hear all the evidence,  
5 and then you retire to a room and you discuss. So this  
6 is a novel experience for us to discuss in public.

7           But we're mentally prepared to do it, and we've  
8 complied assiduously with the rules not to discuss any  
9 of this in advance, so a little bit of what anybody says  
10 may be something of a surprise. Although, honestly, as  
11 you see, we have made so much progress based on your  
12 comments and Dr. Phillips' work with the NDC to create  
13 something that's going to be pretty -- pretty close to  
14 what we'd all like to have, and we have good materials  
15 to work with.

16           I am going to start by asking each of my fellow  
17 panelists to make a few remarks of their own about the  
18 process that we've been through and what we're about to  
19 begin.

20           Judge Khan.

21           HON. KHAN: I wasn't sure if I would be asked  
22 to make some comments or not, so I wrote some thoughts.  
23 And it probably would have been better if I had typed it  
24 and double spaced it and that way I'd be sure to  
25 articulate each and every word. So if I skip a beat,

1 it's because I probably can't read my own writing.

2           We've heard from many members of the various  
3 districts within the City of Santa Barbara, inclusive of  
4 councilmembers. We've attempted, to the extent  
5 possible, to maintain the existing character of these  
6 communities, while at the same time addressing mandated  
7 requirements that consisted of the 2015 stipulated order  
8 and judgment in Banales, which stipulated judgment also  
9 embraced and required adherence with applicable Federal  
10 and State law, including the California Voting Rights  
11 Act, the Constitution of the United States and of the  
12 State of California, the Federal Voting Rights Act of  
13 1965 as amended, the criteria set forth in California  
14 Election Code 21620 requiring districts to be nearly  
15 equal in population based on the latest Federal  
16 decennial census, comply with the Federal Voting Rights  
17 Act and consider topography, geography, cohesiveness,  
18 contiguity, integrity, compactness of territory and  
19 community of interest in each of the districts. And  
20 consistent therewith to include two electoral districts  
21 in which Latino eligible voters constitute a majority of  
22 the eligible voters, tailored to the greatest extent  
23 possible in a manner consistent with the applicable law,  
24 recognizing the prohibition against racial  
25 gerrymandering and the standard of Federal strict

1 scrutiny limitations on the intentional use of race as a  
2 predominant redistricting criteria in the creation of  
3 electoral districts as opposed to the use of other  
4 factors, such as socioeconomic factors and communities  
5 of interest.

6           So we have attempted to abide by these  
7 requirements. While we've had a lot of discussions  
8 about we'd like this part to remain in the district and  
9 this part to be considered, there's really been very  
10 little discussion about the law that applies. And yet  
11 we as judges are obligated to adhere to the spirit and  
12 intent of the law in trying to address the various needs  
13 of the community. So with all those things in mind and  
14 considering the very important task that you placed  
15 before us, we will try to do our best.

16           But as I have said before, we're just probably  
17 not going to be able to pick a map that makes everyone  
18 100 percent happy.

19           So I'll relinquish the floor now to my  
20 colleague.

21           HON. WHITE: Judge Johnson and Judge Khan, it  
22 has been a pleasure working with both of you, and I can  
23 assure you we have not talked about anything relating to  
24 our maps. We did have the pleasure of commuting  
25 together from Ventura where Judge Johnson lives, so that



1 Judge Khan and I did not have to drive the whole way  
2 alone. So we had the pleasure of getting to know each  
3 other a bit. And I can the tell you it's been a  
4 pleasure working with them.

5 But the real pleasure has been being here with  
6 you and learning more about your community.

7 We owe a debt of gratitude to the City  
8 Attorney's office, Mr. Ariel Calonne and Miss  
9 Sosa-Acosta. We owe a debt of gratitude to  
10 Dr. Phillips, Dr. Johnson. But the gratitude really is  
11 to this community. When Judge Johnson suggested that we  
12 do a road trip, I was elated because, like Judge  
13 Johnson, I came here as a child. I think we went to the  
14 zoo. I think we went to the beach. And when I got  
15 older, it was a real pressure to be taken to the former  
16 Biltmore Hotel.

17 So my exposure has been as a tourist. I also  
18 had the pleasure of taking our son, who was, at the  
19 time, at UC Santa Barbara, to dinner here. So we were  
20 on State Street for his graduation party.

21 So, again, we have a very, very limited view of  
22 your city, coming into your city from Ventura, Los  
23 Angeles, anywhere else in the country or in the world,  
24 for that matter.

25 My sense of this community is heightened by the

1 people that I've heard from here in this room and  
2 previously. I went through a list of them, and I was  
3 going to name them. In the Academy Awards you never  
4 name people because you are bound to exclude somebody,  
5 and I would never want to do that. But I want to thank  
6 Dr. Ebenstein and his work. It's been very, very  
7 helpful.

8           And here is the issue which has been alluded to  
9 by both Judge Johnson and Judge Khan. What we've tried  
10 to do is to make everyone happy. And in life you can't  
11 always make everyone happy. I think we tell our  
12 children, you know, you have to accept the best that you  
13 can be, but you can't always be perfect.

14           And so in looking at these maps, and I'm kind  
15 of going back and thinking about all of the iterations  
16 of the maps we've gone through, and it's been sort of  
17 Whac-A-Mole. You look at this part, and it pops up with  
18 a problem in the other part. When we did that just now  
19 at Mr. Aldana's urging that's exactly the problem that  
20 we ran into.

21           So when I look at this, I think we have  
22 achieved the best possible result. And I would nominate  
23 and I'm going to be the first one to do that, I would  
24 support and would nominate DEC Plan COI. It was created  
25 as the last map, the last iteration of the various maps

1 that we've looked at. It seems to address all of the  
2 factors that we need to look at, starting with the  
3 Voting Rights Act at the Federal level, looking at the  
4 California law. It's geographically contiguous. There  
5 is an undivided Community of Interest. There are easily  
6 identifiable boundaries. It's compact. And it is in  
7 compliance with Banales.

8           The one thing I looked at when we got this DEC  
9 Community of Interest Plan, I was very, very concerned  
10 about the total population deviation because one of the  
11 things we learned early on in this process is you do not  
12 want to exceed 10 percent and, hopefully, not even get  
13 close to 10 percent. Many of the other maps had,  
14 perhaps, a higher population of Latino CVAP, but you  
15 would see the population deviation go up. So 7.4 is  
16 within the guidelines that we're looking to. We're  
17 minimizing the shifting of voters between districts. We  
18 are taking into account future population growth. We  
19 are preserving the core of the existing districts. And  
20 I think we're there.

21           I do want to point out that it was wonderful  
22 hearing from the City Councilpersons. You provided  
23 great, great impact. And I vividly recall the evening  
24 when we were sitting not in this room but one of the  
25 other venues, and I can't tell you exactly where it was,

1 when we heard from everybody from Eucalyptus Hill. And  
2 they were all incredibly concerned, and rightfully so  
3 because that's a fire zone. And it was one of these  
4 little blips that occurred because of a census block.  
5 We looked to Dr. Phillips and he solved it. He solved  
6 the census block problem, and we got those Eucalyptus  
7 Hill people back into District 4, back into the area  
8 where they can legitimately be represented and their  
9 concerns addressed about being in a fire zone.

10           Nothing was more vivid to me, and I'm sure to  
11 the other IRC members, than taking the van up through  
12 those narrow roads into the upper Riviera and looking at  
13 potentially how dry that brush is and how combustible  
14 that area is. So that drove home to me just how  
15 important it was to keep Eucalyptus Hill and make that  
16 area fine.

17           The other moment I remember vividly is  
18 Councilperson Sneddon saying, it's -- it's too rich. We  
19 don't need the beach. I thought, oh, my goodness, how  
20 generous.

21           So we looked at all of these things. We  
22 listened to you. We've taken copious notes. I think  
23 we're at the end of this process. I feel very, very  
24 comfortable with nominating DEC Community of Interest.  
25 It has been a pleasure working with all of you and

1 meeting all of you, and I so, so appreciate the work of  
2 the City Attorney's Office, Dr. Phillips, Dr. Johnson  
3 and all of you. You have been wonderful to work with.

4 CHAIR JOHNSON: Judge Khan, do you want to  
5 comment on DEC COI, or make any other nomination?

6 HON. KHAN: No. I -- I share the views of my  
7 colleague. And I have read the views of the others in  
8 connection with that proposed plan. Those views were  
9 that the districts appear to be contiguous and respect  
10 the integrity of local neighborhoods and communities of  
11 interest, are compact and easily identifiable, and  
12 substantially equal in population, but they were not the  
13 product of racial gerrymandering or partisan favoritism  
14 and complied with the Federal Voting Rights Act, the  
15 California Voting Rights Act, state election law and the  
16 State and Federal Constitutions.

17 So I would second her nomination of that  
18 proposed plan.

19 CHAIR JOHNSON: As I looked over all the plans  
20 we still had in the running last night and the new  
21 Community of Interest Plan, a couple of things came to  
22 me. I will tell you, and I am not trying to be  
23 dissential [sic] here, but I agree wholeheartedly with  
24 the other two commissioners.

25 I think this plan has addressed those issues

1 that have been raised.

2 One additional issue was raised today, and I  
3 appreciate very much Councilmember Sneddon's comments  
4 that the people in this one little block will go many  
5 years without voting in a City Council election; which  
6 is, if there's a two-edged sword, as Mr. Calonne says,  
7 the problem with looking at it from that perspective is  
8 we are being perilously close to slightly gerrymandering  
9 something because of ethnicity, for the sole reason of  
10 ethnicity. That concerns me very much. I would hate  
11 for us to do all this work and you to have done all this  
12 work for us to run afoul, because we all know in a  
13 litigious world, no matter how wonderful a map is, there  
14 will be somebody out there who will be happy to  
15 challenge it. And if that were the grounds, that would  
16 be the grounds. We don't want that to be a loose end.

17 I will also say with respect to any -- any plan  
18 that includes District 1, unfortunately, we didn't get  
19 District 3 there, but District 1 having beach area. One  
20 of the members of the public said something to me that  
21 really hit home.

22 When you first did the districting in 2015, it  
23 was decided that every -- every district should have a  
24 piece of both the downtown area and the beach area, if  
25 at all possible. And I thought well, sure, those are

1 the big revenue producers, the tourist attractions, a  
2 lot of employment, et cetera. So those districts  
3 deserve particularly strong representation. And this  
4 member said to me, you know, you are looking at it from  
5 the wrong direction actually, because if you are a  
6 district and you have something so important to the city  
7 in your district, that gives you as a district and as a  
8 representative of a district more influence, more  
9 ability to get what your district needs because you have  
10 things that are important to the city as a whole in a  
11 different way than just your own particular needs.

12           And so I very much liked having the West Beach  
13 being in District 1, and I will -- East Beach being in  
14 District 1. The first maps I got, I had them upside  
15 down. The East Beach being District 1. I am not trying  
16 to redistrict, as I sit here, on the fly.

17           I agree with the other members that the  
18 preferable plan is the DEC Community of Interest. And I  
19 thank very much the members of the DEC and Dr. Phillips  
20 working so hard on this and Dr. Johnson, as well, I'm  
21 sure to present this to us because it made the ultimate  
22 decision very important and straightforward.

23           I have a very good friend who told me, an older  
24 man who sadly died, but he said there are only three  
25 rules to leading a good life: Be of service, practice

1 gratitude and ask the right questions. And I think what  
2 we've done over the last several weeks is ask the right  
3 questions. We hope we've been of service and we are  
4 very, very grateful.

5 We will recommend to the City Council on  
6 April 12 that they adopt the DEC Community of Interest  
7 Plan for the next redistricting.

8 HON. KHAN: Should we put it to a formal vote?

9 CHAIR JOHNSON: Let's put it to a formal vote.  
10 We have the nomination by Judge White.

11 HON. WHITE: So moved.

12 THE COURT: Seconded by Judge Khan.

13 HON. KHAN: So seconded.

14 CHAIR JOHNSON: Let's take a roll. Let's take  
15 a roll call vote.

16 MS. SOSA-ACOSTA: Chair Johnson.

17 CHAIR JOHNSON: I approve. I recommend the DEC  
18 Community of Interest Plan.

19 MS. SOSA-ACOSTA: Honorable White.

20 HON. WHITE: I recommend the DEC Community of  
21 Interest Plan.

22 MS. SOSA-ACOSTA: Honorable Khan.

23 HON. KHAN: I concur with the DEC Community of  
24 Interest Plan.

25 CHAIR JOHNSON: Thank you. Is there any other



1 business we need to conduct, Mr. Calonne, before we  
2 adjourn?

3 MR. CALONNE: No, your Honor. Just to clarify,  
4 the order we received from Judge Geck extending our time  
5 from November 1 actually has you referring the map to  
6 the city clerk who will then present it to the City  
7 Council, and we'll treat the motion in that vein.

8 CHAIR JOHNSON: It will be subject to that  
9 friendly amendment.

10 We will be at the City Council meeting on  
11 April 12. It is our plan to attend in case there are  
12 any questions of us. And we will prepare something in  
13 writing. It's been called findings of fact and findings  
14 of law. Not quite the way we would put it, but we  
15 understand what is intended, and we will prepare that  
16 for the City Council.

17 Thank you very much to everyone. We're  
18 adjourned.

19 (Hearing adjourned.)  
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22  
23  
24  
25