

City of
Santa Clara

Ad-hoc Advisory Districting Committee

First Public Hearing
July 3, 2018



**City of
Santa Clara**
The Center of What's Possible



Background

- On June 26, the City received a Court Order regarding its current election system that requires the City to take the following actions:
 - a) Hold two public hearings before July 9th
 - b) July 10th the parties shall serve and file proposed district maps
 - c) Between July 11th and July 22nd, hold two additional public hearings
 - d) Court will hold an evidentiary hearing on remedies commencing July 23rd
 - e) Court expects to make a final decision on remedies on or before August 3rd



Council Action & Committee

- On June 26, Council gave City Manager authority to convene a committee to hold the four public hearings, and authority to take actions as required by the court order to meet deadlines
- Members of the former Ad-hoc Advisory Districting Committee were available to reconvene and will hold these hearings



Role of the Committee

- The role of the Committee is to:
 - Hold the required 4 public hearings
 - Listen to and consider all the input received from the public
 - Review the demographer's recommendations, and
 - Provide a recommendation on a draft map and on the sequence of the elections.



Public Meetings

- **Tuesday, July 3, 2018** – 6:00 p.m. Council Chambers, 1500 Warburton Avenue, Santa Clara
- **Thursday, July 5, 2018** – 4:30 p.m. Central Park Library, Redwood Room, 2635 Homestead Road, Santa Clara
- **Wednesday, July 11, 2018** – 6:00 p.m. Council Chambers, 1500 Warburton Avenue, Santa Clara
- **Saturday, July 21, 2018** – 11:00 a.m. Northside Library Community Room, 695 Moreland Way, Santa Clara



Districts

- Although the court order did not specify the number of districts, the City requests public input on the boundaries of six districts in the City, with the Mayor, Police Chief, and City Clerk continuing to be elected at-large



Districting: Statutory Criteria

- Districts shall contain a nearly equal population;
- Complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- In establishing boundaries of the districts, the council may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts.



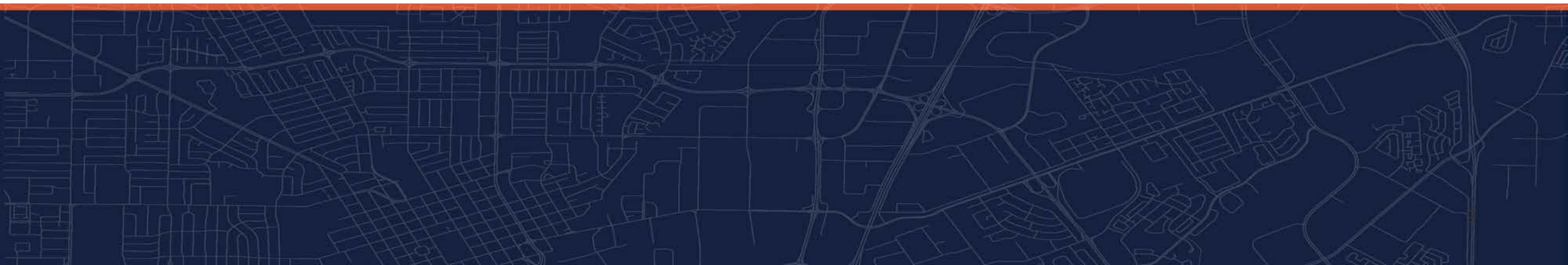
Districting: Statutory Criteria

- **Must hold 4 public hearings (Election Code Section 10010):**
 - 2 prior to map boundary being drawn (within 30 days)
 - 2 after the map boundary is drawn (within 45 days)



City of Santa Clara

The Center of What's Possible

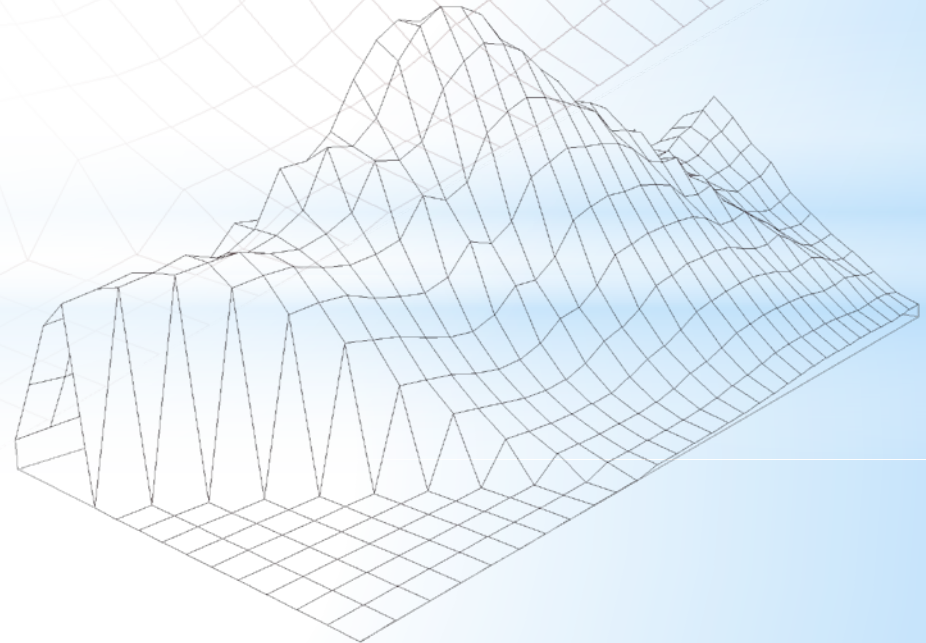


City Council Election District Boundaries Three Draft Plans – Six Council Districts

City of Santa Clara

Jeanne Gobalet, Ph.D.
Lapkoff & Gobalet
Demographic Research, Inc.
www.Demographers.com

July 3, 2018, Public Hearing



Agenda

- * **Districting criteria used by demographers**
- * **Relevant demographic data for the City as a whole**
- * **Computer mapping data (“layers”) used when drawing election districts**
- * **Background maps**
- * **Three draft plans for 6 Council districts**
- * **Questions?**

Districting Criteria used by Demographers

- **Population Equality – Census 2010 data**
- **Federal Voting Rights Act**
- **State Elections Code**
- **Other criteria**

Required Districting Criteria: Population Equality

- **Census 2010 population data must be used in districting (until 2020 Census data are available)**
- **New election districts must be nearly equal in total population:**
 - **No more than 10% total deviation (based on ideal population size)**
 - **Santa Clara's Census 2010 population was 116,468. Each of six City Council districts must contain approximately one-sixth of this total (about 19,411 residents).**
 - **Difference between most- and least-populous districts should not exceed 1,941. This is called "total deviation".**
 - **The City's post-2010 housing and population growth has been geographically uneven. We can take the added population into account to a very limited extent by giving the Council districts with the most growth smaller total populations (deviation must not exceed 10%, however).**

Required Districting Criteria: Federal Voting Rights Act

- Election districts should provide members of protected groups the opportunity to elect representatives of their choice (or possibly to influence the election of representatives of their choice)
- Supreme Court decisions (*Shaw v. Reno* and others) say race cannot be the “predominant” factor in redistricting, unless there is a “compelling state interest.”
- Supreme Court decision (*Evenwel et al. v. Abbott, Governor of Texas, et al.*, 2016) affirmed that *total* population is to be used to balance election districts.

Traditional Districting Criteria

California Elections Code

District lines may be drawn that consider:

- **Topography (e.g., rivers, natural barriers)**
- **Geography (e.g., municipal boundaries)**
- **Cohesiveness, contiguity, integrity, & compactness of territory**
- **“Communities of interest,” which may be:**
 - **Geographic communities (e.g., neighborhoods)**
 - **Socioeconomic groups (e.g., Federal Voting Rights Act protected groups, etc.)**

In addition, when drawing election districts, we try to use major roads and other identifiable features as boundaries.

Further Criteria Emphasized by Courts

- **Respect boundaries of existing political subdivisions, when possible (e.g. voting precincts, etc.)**
- **Respect existing census geography (e.g., city blocks)**
- **Avoid head-to-head contests between incumbents**
- **Other criteria which may address unique local concerns**

Computer Mapping (GIS) Data (“layers”) used by Demographers

- **U.S. Census 2010 blocks** (building blocks for election districts—Census Bureau population data are for these geographical units)
- **Santa Clara County precincts** (used by Registrar of Voters to implement districting plan)
- **GIS layers from the City’s GIS**
 - Streets, parcels...
- **GIS layers from the U.S. Census Bureau**
 - railroads, water features, landmarks...
- **Santa Clara Unified School District attendance area boundaries**
- **Nextdoor neighborhood map**

Demographic measures used in districting (City of Santa Clara totals)

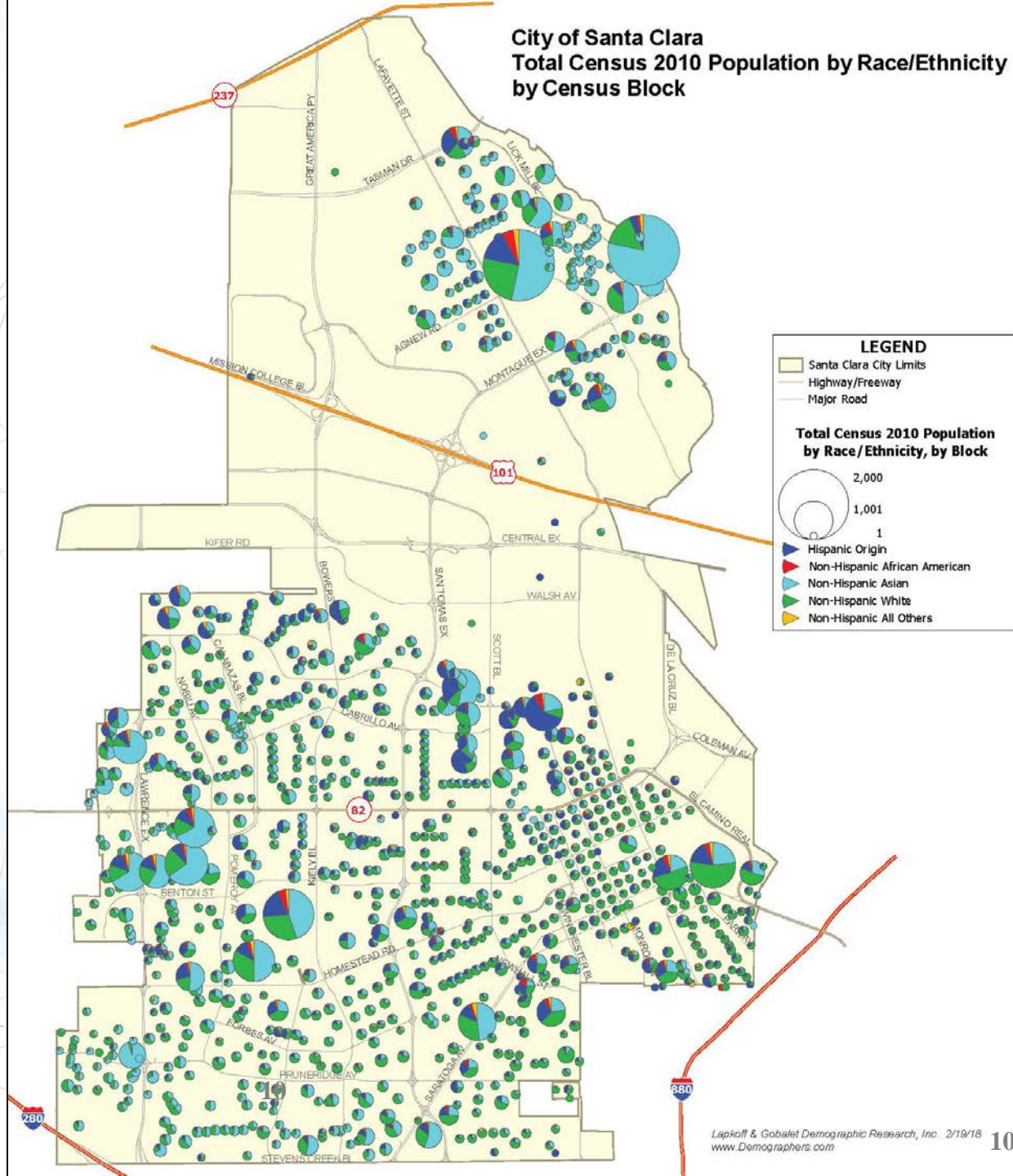
	Census 2010 total population	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
2010 Census population	116,468	45,681	42,026	22,589	3,334	492	745	420	1,181
Percent		39%	36%	19%	3%	0%	1%	0%	1%
	est total CVAP 2012-16	NH Asian CVAP	NH White CVAP	Hispanic origin CVAP	all Other CVAP				
American Community Survey 2012-16 estimated Citizen Voting Age Population (CVAP)	66,036	19,252	33,644	11,086	2,054				
Percent		29%	51%	17%	3%				

We use these demographic measures for Census blocks to build election districts. Blocks are the smallest Census geography with population counts.

Census 2010 distribution of the City's population by race/ethnicity (by Census block)

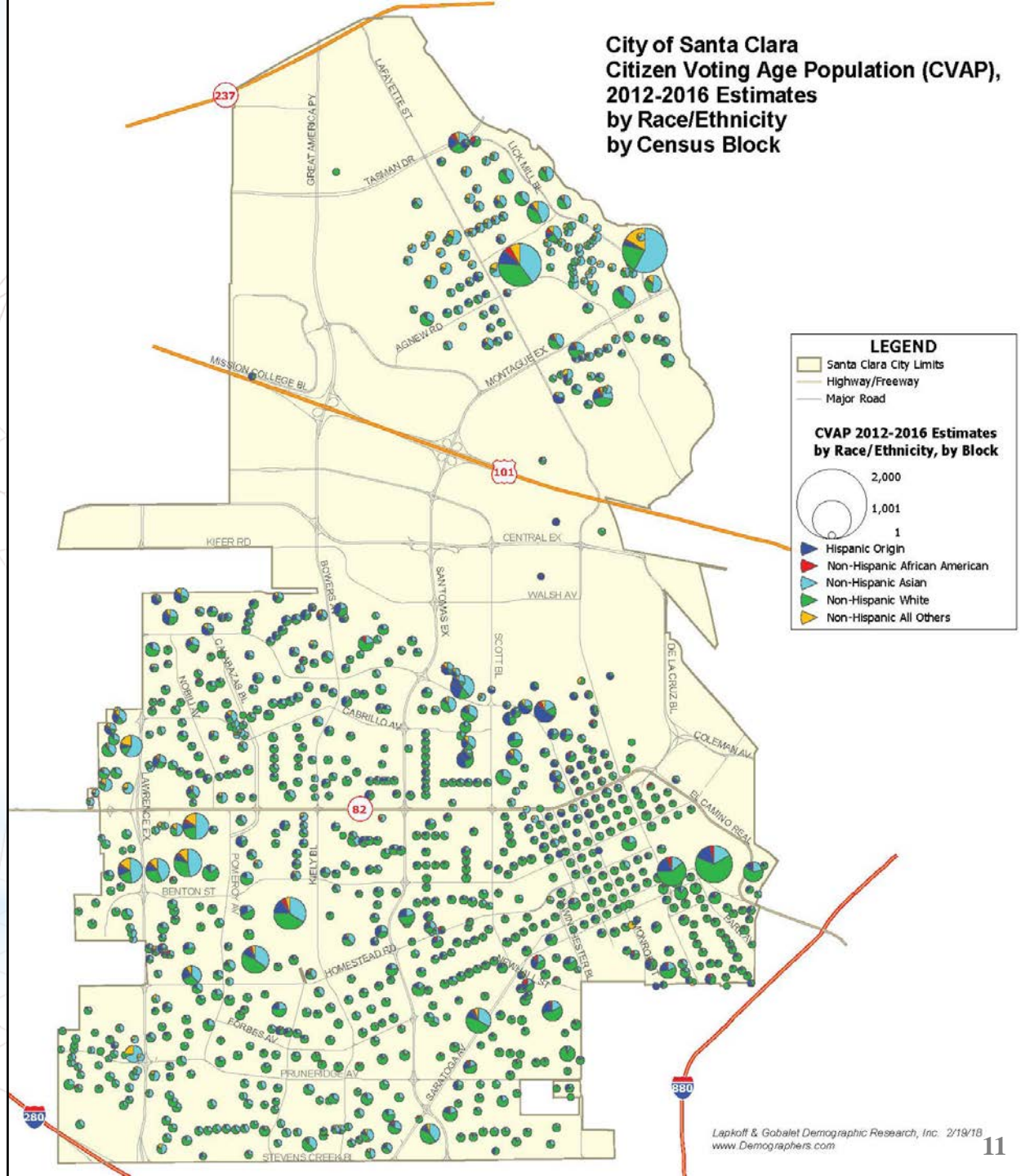
Data from the U.S. Census
2010 Redistricting Data
Release (PL94-171)

Race/ethnic identity is
chosen by Census survey
respondents



Estimated CVAP (Citizen Voting Age Population) by Census Block

City of Santa Clara
Citizen Voting Age Population (CVAP),
2012-2016 Estimates
by Race/Ethnicity
by Census Block



LEGEND

- Santa Clara City Limits
- Highway/Freeway
- Major Road

CVAP 2012-2016 Estimates by Race/Ethnicity, by Block

2,000
1,001
1

- Hispanic Origin
- Non-Hispanic African American
- Non-Hispanic Asian
- Non-Hispanic White
- Non-Hispanic All Others

CVAP estimates for Census blocks are from a special tabulation of American Community Survey 2012-16 data by the U.S. Census Bureau. These estimates are from small samples and are inexact.

<http://statedatabase.org/>

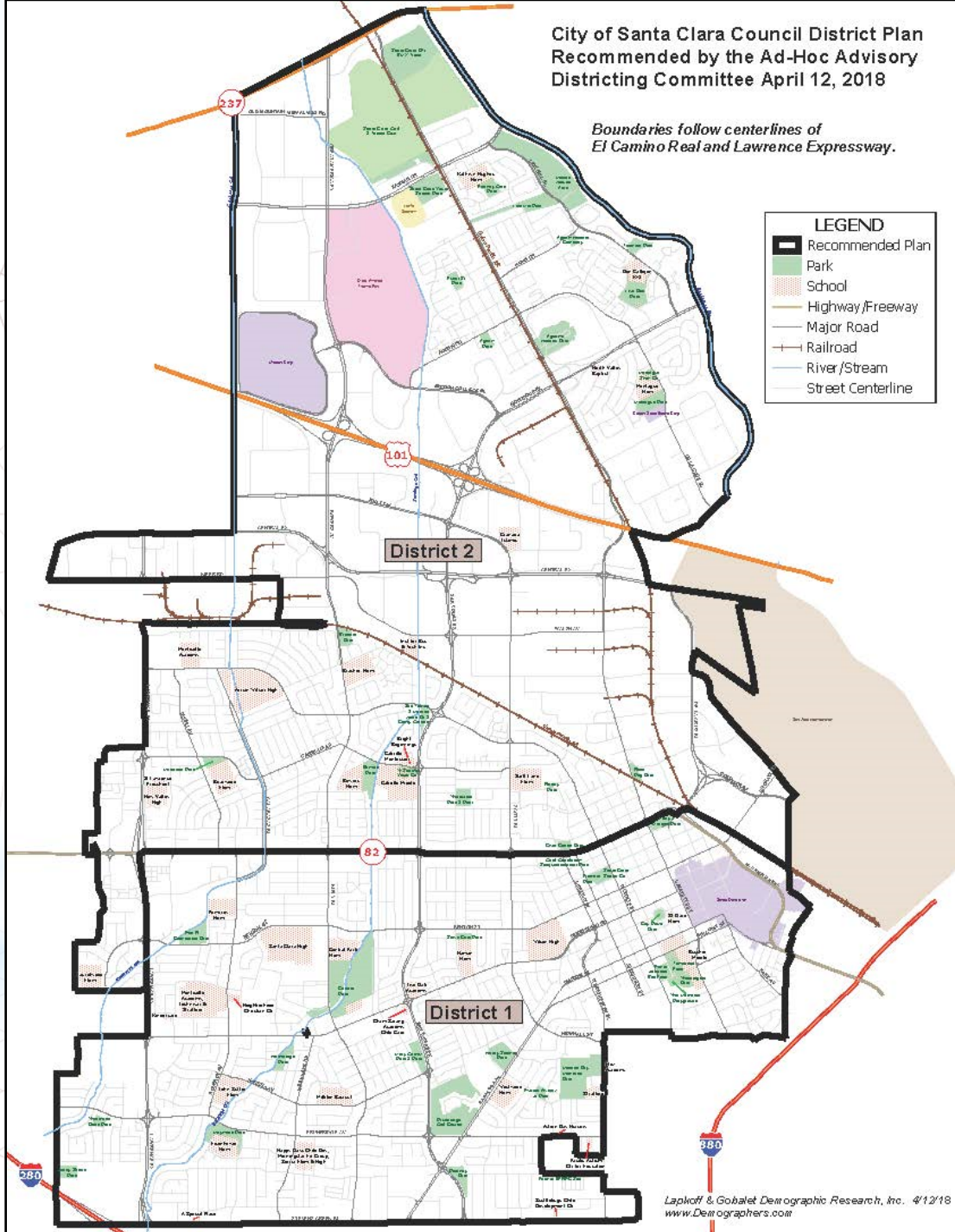
Background: 2-District Plan Accepted by City Council 5/8/18

City of Santa Clara Council District Plan Recommended by the Ad-Hoc Advisory Districting Committee April 12, 2018

Boundaries follow centerlines of El Camino Real and Lawrence Expressway.

LEGEND

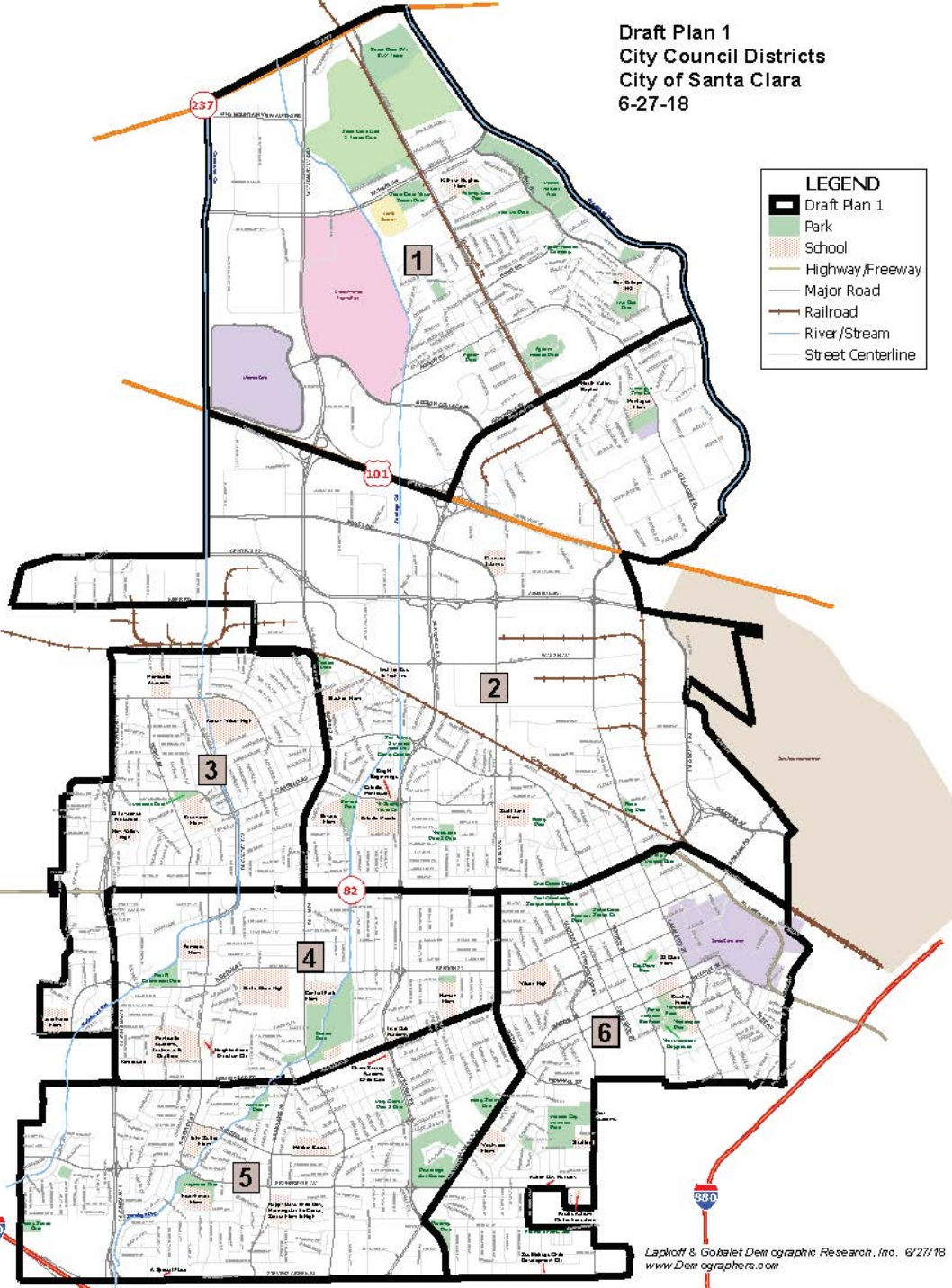
-  Recommended Plan
-  Park
-  School
-  Highway/Freeway
-  Major Road
-  Railroad
-  River/Stream
-  Street Centerline



Draft Plans

Draft Plans 1, 2, 3:

- Each has 6 Council districts with (relatively) equal 2010 total populations
- All three plans use the May 8, 2018, 2-district plan boundary (mostly following El Camino Real)
- Plans built from Census blocks
- Boundaries are major thoroughfares, when possible



Draft Plan 1

6 Council Districts

Note boundary between D1 and D2 (in the north) – Draft Plan 2 shows a different possibility

Draft Plan 1 data

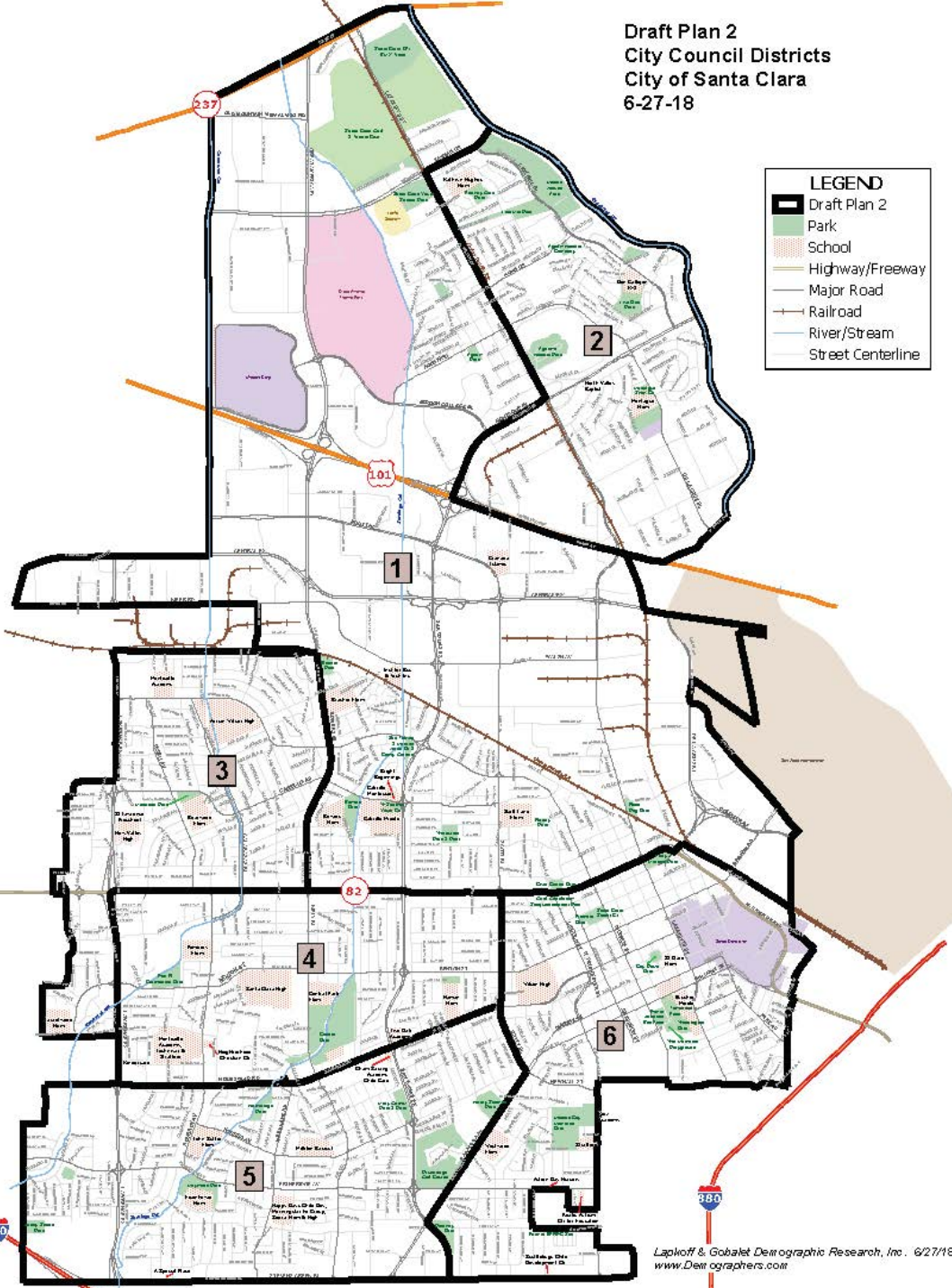
Plan deviation = 7.5%

Draft Plan 1											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,678	-733	-3.8%	7,542	6,577	3,610	536	85	84	66	178
5	19,874	463	2.4%	7,861	8,897	2,386	393	63	74	48	152
6	19,961	550	2.8%	3,779	10,737	4,250	720	115	132	60	168
Total	116,468	1,456	7.5%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016											
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total			
1	9,707			51%	35%	11%	4%	100%			
2	10,823			27%	42%	27%	4%	100%			
3	10,018			33%	46%	19%	2%	100%			
4	10,567			31%	50%	17%	3%	100%			
5	11,495			27%	60%	10%	2%	100%			
6	13,427			13%	67%	17%	4%	100%			
Total	66,036			29%	51%	17%	3%	100%			

Draft Plan 2

6 Council Districts



**Different D1-D2
boundary,
otherwise the
same as Draft
Plan 1**

Draft Plan 2 data

Plan deviation = 8.8%

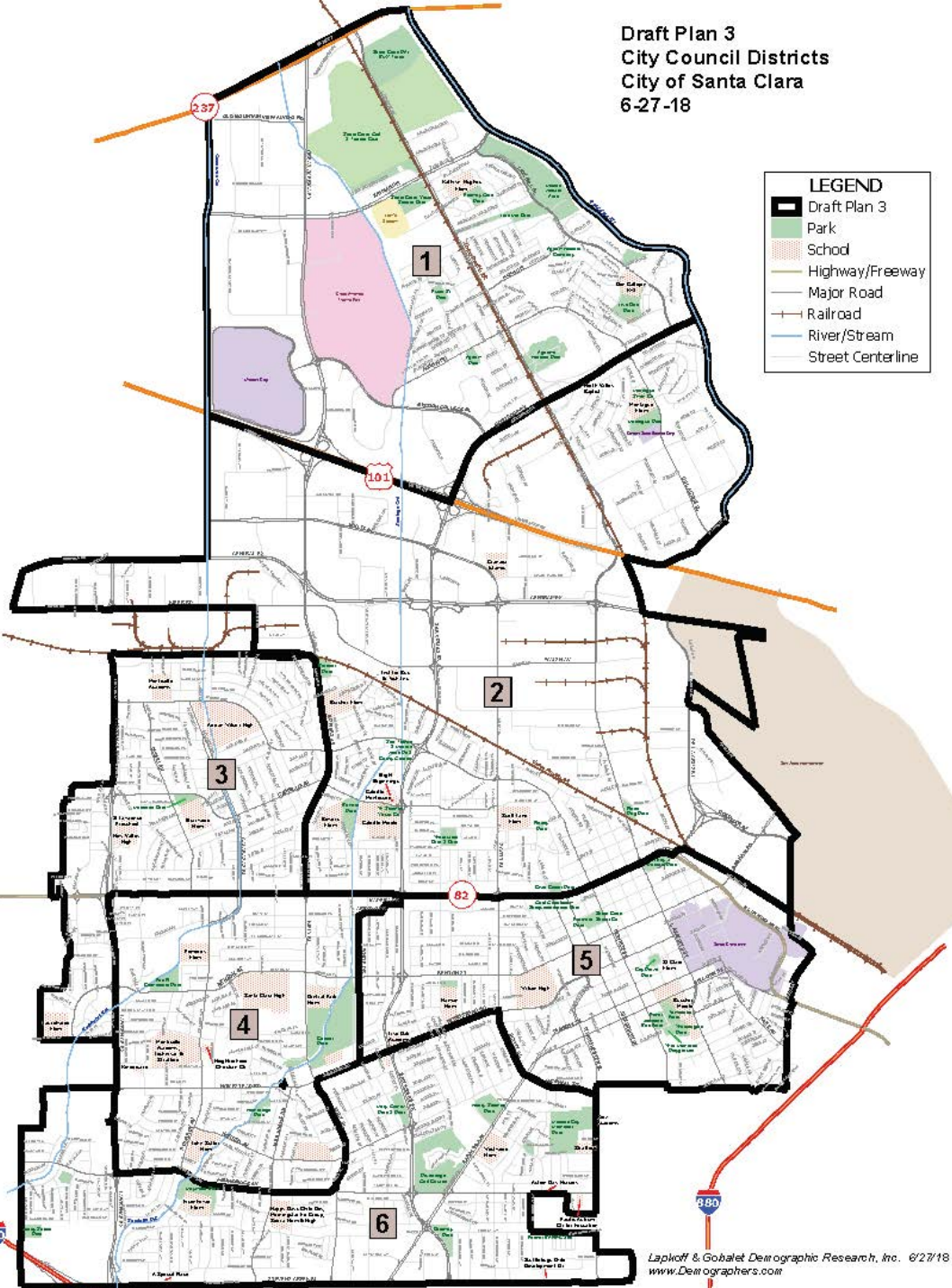
Draft Plan 2											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	20,314	903	4.7%	7,660	5,650	5,828	660	75	174	55	212
2	19,027	-384	-2.0%	11,028	4,350	2,510	621	55	121	81	261
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,678	-733	-3.8%	7,542	6,577	3,610	536	85	84	66	178
5	19,874	463	2.4%	7,861	8,897	2,386	393	63	74	48	152
6	19,961	550	2.8%	3,779	10,737	4,250	720	115	132	60	168
Total	116,468	1,700	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016

District	est total CVAP 2012-16	est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	10,768	30%	41%	26%	4%	100%
2	9,762	48%	36%	12%	4%	100%
3	10,018	33%	46%	19%	2%	100%
4	10,567	31%	50%	17%	3%	100%
5	11,495	27%	60%	10%	2%	100%
6	13,427	13%	67%	17%	4%	100%
Total	66,036	29%	51%	17%	3%	100%

Draft Plan 3

6 Council Districts



Nextdoor neighborhood boundaries used to the extent possible

Same D1 and D2 as Draft Plan 1

D4, D5, and D6 from the differ from the other plans

Draft Plan 3 data

Plan deviation = 8.8%

Draft Plan 3											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,649	-762	-3.9%	7,719	6,819	3,205	503	87	81	66	169
5	19,535	124	0.6%	3,917	10,137	4,343	652	119	130	64	173
6	20,329	918	4.7%	7,546	9,255	2,698	494	57	79	44	156
Total	116,468	1,715	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016

District	est total CVAP 2012-16	est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	9,707	51%	35%	11%	4%	100%
2	10,823	27%	42%	27%	4%	100%
3	10,018	33%	46%	19%	2%	100%
4	10,527	31%	51%	15%	3%	100%
5	12,980	14%	65%	18%	3%	100%
6	11,982	25%	61%	11%	3%	100%
Total	66,036	29%	51%	17%	3%	100%

Comments /Questions?

Jeanne Gobalet, Ph.D.

**Lapkoff & Gobalet
Demographic Research, Inc.**

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County of Santa Clara,
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Reviewed By: R. Walker
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

LADONNA YUMORI KAKU et al.,

Plaintiffs,

vs.

CITY OF SANTA CLARA, and DOES 1 to 50,

Defendants.

Case No. 17CV319862

**ORDER RE: SCHEDULE FOR THE
REMEDIES PHASE OF TRIAL**

On June 6, 2018, the Court issued a Statement of Decision that found the City of Santa Clara's (the "City") at-large method of election for City Council members impairs the ability of Asian Americans to elect candidates as a result of the dilution and abridgment of their voting rights. Having found the City liable under the California Voting Rights Act ("CVRA"), the Court is required under law to "implement appropriate remedies including the imposition of district-based elections that are tailored to remedy the violation." (Elec. Code § 14029.)

The parties have discussed the concern that if an appropriate remedy is not selected for the November 2018 elections, those elections may be jeopardized. Just a few years ago this happened in Palmdale, California, when CVRA violations were not corrected before its 2013 elections. (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 791.) There, the court

1 enjoined Palmdale from certifying the results of its City Council elections. The Court and the
2 parties are committed to avoiding that result here.

3 Drawing City Council districts that comply with the CVRA is not going to be an easy
4 task. The Court must adopt a remedy that ensures all City voters are able to exercise their voting
5 rights to the fullest extent, including but not limited to Asian Americans. During the liability
6 phase of trial, both sides retained well-respected statistics experts who carefully collected and
7 analyzed precinct-level data. The parties and the Court discussed several months ago the need to
8 use that same data for a possible remedies phase. Plaintiffs have also retained an expert
9 demographer. The tools the parties have invested in are commonly used in both federal and state
10 actions. Consequently, having invested substantial time and money in retaining experts to
11 analyze all relevant data, the Court believes both parties will be prepared to present proposals
12 that comply with both the CVRA and Section 2 of the federal Voting Rights Act.

13 In drawing districts, the law requires the Court to consider factors such as topography,
14 geography, cohesiveness, contiguity, integrity, compactness and community of interests.
15 (Elections Code § 21601.) One way of assessing these factors is to consider public input, and for
16 this reason, Section 10010 of the Elections Code requires political subdivisions (here, the City)
17 to hold public meetings before and after proposed districting plans are considered.

18 The City, of course, has been soliciting public input on its election methods since those
19 methods were challenged in 2011. Over these years the City has commissioned lengthy reports
20 that summarize comments and concerns on districting plans. These reports are posted on the
21 City's website. (See, e.g., Jeanne Gobalet, *Choosing a Council District Plan & Deciding*
22 *Election Sequencing* (April 12, 2018) [a 31 page presentation for the Ad Hoc Advisory
23 Committee on Council Districting that analyzed eight redistricting plans].) The Court is keenly
24 aware that the schedule set forth below for selecting a remedy to the CVRA violation has short
25 deadlines. The schedule, however, is driven by the need to conduct a fair election in November
26 2018. The Court hopes and expects that the combination of additional public meetings in June
27 and July, and summaries of input received from the public by the City over the past seven years,
28 will assist the Court and the parties in drawing district lines.

1 At the June 20, 2018 case management conference, the Court outlined a proposed
2 schedule for selecting a remedy, including the City's obligation to comply with Elections Code
3 section 10010. The Court asked Plaintiffs to propose a draft schedule, and for the City to
4 provide comments for the Court to consider.

5 It is in this context that the Court was surprised by the City's comments, which were filed
6 on June 25, 2018. The City did not provide constructive suggestions on how the proposed
7 schedule might be improved. Instead, the City's comments suggested it would be impossible to
8 hold public meetings on such short notice, and that any attempt to order the City to comply with
9 Elections Code section 10010 could be immediately appealed, and as a consequence, the City
10 could not be ordered to do anything.¹ Instead of making best efforts to ensure the November
11 2018 elections comply with the California Voting Rights Act, the City submitted comments that
12 described how the City might bring those efforts to a halt.

13 To ensure the City fulfills its obligation to comply with Elections Code section 10010,
14 and that a CVRA-compliant election takes place in November 2018, the Court sets the following
15 schedule:

16 1. The City shall use its best efforts to hold two public meetings at which the public
17 is invited to provide input regarding the composition of the districts. (Elections Code § 10010,
18 subd. (a)(1).) These meetings shall take place on or before July 9, 2018. The Court is aware that
19 the City utilizes many facilities for public meetings. It suggests as possibilities the Central Park
20 Library, the Northern Branch Library, the Staff Conference Room at City Hall and City Hall
21 Council Chambers. The City should also make best efforts to publicize these meetings including
22 making announcements at City Council meetings, using email lists of residents including those
23 who participated in earlier redistricting efforts, posting notices on the City's website, posting
24 notices at libraries, and perhaps using print publications for notice. The notices should, to the
25 best of the City's ability, be translated into the many languages spoken by City residents. Like
26 other City meetings, the City Clerk (or a delegate) should keep minutes.

27
28 ¹ The City argues the Plaintiff's proposed scheduling order would amount to a mandatory injunction that could be immediately appealed, which under California law would result in an automatic stay. As the party subject to the alleged mandatory injunction, the City would be the party that would need to file the appeal.

1 2. On July 10, 2018, the parties shall serve and file proposed district maps, make
2 them available to the public, and propose the sequence of the elections. (Elections Code
3 § 10010, subd. (a)(2).) To ensure input from residents throughout the City, the Court is hopeful
4 the City will post these maps on its website.

5 3. Between July 11, 2018 and July 22, 2018, the City shall make best efforts to hold
6 two additional meetings at which the public will have the opportunity to provide input on the
7 draft maps and the proposed sequence of elections (Elections Code § 10010, subd. (a)(2).) The
8 suggestions above about the location, public notice and recordkeeping for the meetings apply to
9 these meetings, too.

10 4. The Court will hold an evidentiary hearing on remedies that will commence on
11 July 23, 2018 at 9:00 a.m. in Department 5. Pre-trial briefs, including requests for interim relief,
12 shall be filed on or before July 19, 2018. If the parties so stipulate, direct testimony can be
13 presented in the form of a declaration. Such declarations will need to be filed and served on or
14 before July 19, 2018. The Court is hopeful that the City will inform the Court of any input it
15 receives at the public meetings.

16 5. If a draft map is revised at, or following, the evidentiary hearing, the City shall
17 make best efforts to post it on its website and make it available in its Clerk's Office. (Elections
18 Code § 10010, subd. (a)(2).)

19 6. The Court expects to make a final decision on remedies on or before August 3,
20 2018. The Court is hopeful that with this information the City will set an appropriate
21 nominations period and be prepared to have all election materials timely prepared and
22 distributed.


23 The Court understands that the City will need to take immediate action to reserve
24 meetings spaces, notify the public of the time and place of the meetings, and provide staff to
25 keep minutes. These tasks, however, are manageable. The Court also understands that a longer
26 timetable might result in more public input. The Court is optimistic, however, that the City can
27 take advantage of its exhaustive efforts spent in the last seven years soliciting public comments
28

STATE OF IOWA
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1 on districting, including comments received on the specific proposals developed by the City, to
2 be able to inform the Court of the needs and preferences of its residents.

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Dated: June 26, 2018


Thomas E. Kuhnle
Judge of the Superior Court