

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ESTABLISHING SIX SINGLE
MEMBER DISTRICTS FOR THE ELECTION OF
CITY COUNCIL MEMBERS AND CERTAIN
RELATED MATTERS

WHEREAS, on July 29, 2014, an action entitled *Banales, et al., v. City of Santa Barbara, et al.*, SBSC No. 1468167 ("*Banales*"), alleging a violation of the California Voting Rights Act, was filed in Santa Barbara County Superior Court; and

WHEREAS, on October 1, 2014, the City answered the complaint and denied the allegations; and

WHEREAS, on March 10, 2015, the parties entered into a settlement agreement and general release in the *Banales* case, including a supplemental agreement ("*Settlement*"); and

WHEREAS, the Settlement requires, among other things, that on or before March 31, 2015, the City Council will place on its agenda for consideration and action, a resolution establishing single member districts for the election of City Council Members, but not the Mayor, in which City Council Members are required to be residents of their respective electoral districts and to be nominated and elected by the residents of their respective electoral districts ("*Resolution*"); and

WHEREAS, the Settlement further requires that the Resolution shall include an electoral district map containing six electoral districts proposed by the City in satisfaction of the Settlement; and

WHEREAS, the Settlement further prescribes that:

"The electoral district map required in Paragraph 1 shall be designed in accordance with applicable federal and State law, including, without limitation, the CVRA, the Constitutions of the United States and of the State of California, the federal Voting Rights Act of 1965, as amended, 52 U.S.C. §§ 10301, *et seq.*, the criteria set forth in California Elections Code section 21620, and such other criteria as have been held by the courts to be legitimate redistricting criteria. The intent of the Parties is the electoral district map shall include two electoral districts in which Latino eligible voters constitute a majority of the eligible voters according to the most recently available relevant estimates from the Census

Bureau's American Community Survey, tailored to the greatest extent possible in a manner consistent with the applicable law described in the immediately preceding sentence, so as to address any issue of vote dilution."

WHEREAS, the Council has considered the foregoing and following criteria to guide the establishment of council districts consistent with the Settlement and other legal requirements, including reasonably equal population, Elections Code section 21620 and Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the City:

- The boundaries of the Council districts are established so that the Council districts are equal in population as defined by law;
- The boundaries of the Council districts are not gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its case law progeny;
- The boundaries of the Council districts are established so that the Council districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act;
- The boundaries of the Council districts observe communities of interest including among others, established neighborhoods, neighborhood associations, school district attendance boundaries, the location of public amenities and services, single-family versus multi-family residences, commercial interests, similarities among neighborhoods, hillside communities versus neighborhoods in flatter areas of the City, and the like, insofar as practicable;
- The boundaries of the Council districts are relatively compact, insofar as practicable;
- The boundaries of the Council districts are created to contain cohesive, contiguous territory, insofar as practicable;
- The boundaries of the Council districts substantially observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc. as natural divisions between districts, insofar as practicable;
- The Council districts are created using whole census blocks, except as necessary to serve the interest of cohesive territory that is not respected by the Census geography;

- The boundaries of the Council districts comply with such other factors which became known during the redistricting process; and

WHEREAS, on February 28, 2015, an initial set of three draft council district plans, prepared by the City's demographic consultant according to the criteria set forth above, were made publicly available in an online districting system linked to the City's website; and

WHEREAS, pursuant to Elections Code section 10010, public hearings on the proposed district plans were conducted on February 28 and March 18, 2015, and two additional public hearings were conducted by the City Council on March 24 and 30, 2015; and

WHEREAS, more than 140 people, including the plaintiffs and legal counsel for the plaintiffs in the *Banales* case attended the February 28 and March 18 public hearings, with dozens of people, including plaintiffs' legal counsel, submitting comments; and

WHEREAS, 135 members of the public set up accounts in the online districting system; and

WHEREAS, an additional seventeen original plans were drawn and submitted by the general public using both manual tools and the online districting system provided by the City (Public Proposals); and

WHEREAS, at the regular City Council meeting on March 24, 2015, the City's demographic consultant presented the three initial draft council district plans to the Council and the members of the public, along with the seventeen Public Proposals, after which the Council solicited public comments on the draft plans and Public Proposals; and

WHEREAS, the *Banales* plaintiffs expressed preference for Draft Plan 3, following in order by the Elings Plan and Draft Plan 1; and

WHEREAS, at a special meeting on March 30, 2015, the Council conducted a second duly-noticed public hearing regarding the draft district plans and proposals previously presented; and

WHEREAS, the Council has considered all public comments on the proposed council district plans and Public Proposals; and

WHEREAS, the populations in the proposed districts of the plan proposed to be adopted by this Resolution ("Proposed Plan") are reasonably equal; and

WHEREAS, Section 2 of the federal Voting Rights Act prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and;

WHEREAS, the Proposed Plan anticipates the use of a single-member, by-district electoral system, and thereby complies with the California Voting Rights Act; and

WHEREAS, the Proposed Plan is drawn to be relatively compact and to contain cohesive, contiguous territory to the extent possible; and

WHEREAS, the Proposed Plan is drawn to take into account geography, topography, and communities of interest to the extent possible; and

WHEREAS, the Council believes that the districts contained in the Proposed Plan best reflect the criteria in the Settlement and this Resolution, and best serve the interests of the City and the public at large because:

- In the view of the City Council and consistent with public testimony, the Proposed Plan best recognizes and respects communities of interest by promoting and maintaining neighborhood cohesiveness while observing other districting criteria to the greatest extent possible.
- Consistent with the foregoing, the Proposed Plan includes two majority-minority districts in which Latino eligible voters constitute a majority of the eligible voters according to the most recently available relevant estimates from the Census Bureau's American Community Survey, tailored to the greatest extent possible in a manner consistent with the applicable law, so as to address any issue of vote dilution; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

SECTION 1. The Map and Plan attached as Exhibit "A" to this Resolution is adopted for the purposes of the Settlement.

SECTION 2. The City Clerk is directed to transmit the Map and Plan to the County of Santa Barbara.

SECTION 3. The City Administrator and the City Attorney are directed to take such actions as they deem necessary or appropriate to implement this Resolution, including approving technical adjustments to the adopted Map and Plan to endure its proper implementation, provided that such technical amendments are minor, consistent with the intent of the Map and Plan as expressed in this Resolution, and consistent with the Settlement.

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Adopted by the City Council on March 30, 2105 by a vote of ____ Ayes
(_____) and ____ Noes (_____)

Helene Schneider, Mayor

Gwen Peirce, CMC, City Clerk Services Manager

Approved as to Form:

Ariel Pierre Calonne, City Attorney

EXHIBIT "A"