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CITY OF SANTA FE
INDEPENDENT CITIZENS' REDISTRICTING COMMISSION

Thursday, March 12, 2015

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MINUTES OF THE
INDEPENDENT CITIZENS' REDISTRICTING COMMISSION

SANTA FE, NEW MEXICO

Thursday, March 12, 2015

A scheduled meeting of the Independent Citizens' Redistricting Commission was called to order by Karen Heldmeyer, chair, on this date at approximately 3:00 p.m. in City Council Chambers, 1st floor, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. PROCEDURES:

a) Roll call indicated a quorum as follows:

Members Present:
Karen Heldmeyer, chair
Lillian J. Montoya, vice chair
Steven M. Bassett
William E. Beardsley
Erin McSherry (arrived later)
Roderick E. Thompson
Elizabeth West

Members Absent:

Staff Present:
Zachary Shandler, Assistant City Attorney
Irene Romero, City Attorney's Office

Others Present:
Alternates: Neva G. Van Peski and Suzanne Ronneau, Jody Larson, Peggy Vasquez
Brian Sanderoff, Research & Polling, Inc.
Michael Sharp, Research & Polling, Inc.
Charmaine Clair, Stenographer

b) Approval of Agenda

Ms. Montoya moved to approve the agenda as published. Ms. West seconded the motion and the motion passed unanimously by voice vote.

c) Approval of Minutes of February 19, 2015

Page 4, second paragraph after the bullet points: "*One place states to avoid splitting precincts and other places say to take into account minimizing the precinct" should read:* "One place says to avoid splitting precincts and the other places say to take into account minimizing the number of precinct splits.

Ms. Montoya moved to approve the minutes of February 19, 2015 as amended. Mr. Beardsley seconded the motion, which passed by unanimous voice vote.

2. PUBLIC COMMENT

Ms. Anna Hansen, 2008 Kiva Road said she lives in the Casa Alegre neighborhood on the west side of Osage. She is two houses away from District One that was done in the last redistricting. She said being split down Osage is disruptive to the neighborhood. She said the neighborhood functions as a unit and wants to be able to talk with their representatives without having four different city councilors. The neighborhood network includes Pueblo Alegre (next door to Casa Alegre off Agua Fria) and Cielo Vista and they all work together and want to keep that continuity. She asked that the Commission to take that into consideration when redistricting.

Ms. Hansen said she also wants to comment on the Santa Fe River corridor that was newly annexed. She represents a group of ad hoc citizens who are concerned about not being represented. The area is in District Three, but the councilors live partly in District One and partly District Three and none live close. The neighborhood has had piecemeal development along the Santa Fe River corridor without a plan or representation. She said residents are frustrated.

She said she is referring to the Santa Fe River corridor as the west middle reach of the Santa Fe River from Camino Alire to the Village of Agua Fria and then to Cerrillos and West Alameda up to the Hills. They would like to develop a long-term plan and study for the area and residents feel without City Council representation the area will not get the needed input for development planning.

Ms. Hansen said residents are asking the Commission to consider keeping the River corridor a solid boundary so the area can be represented in a positive light. She said with the river used as a boundary, no one councilor seems to take total responsibility, because only a portion of each councilor's district is in the corridor.

She said the area is historic and is next to the historic Village of Agua Fria and the community wants to preserve the historic nature. The city made an agreement to provide a buffer zone for the Village when land was annexed, because the Village is not annexed. She said another concern of the residents is that the agreement be respected.

Chair Heldmeyer asked Ms. Hansen to mark the map to show the area of concern and give to staff.

Ms. McSherry asked the location of Cielo Vista. Ms. Hansen explained the neighborhood is off of Agua Fria slightly north of the Camino Carlos Rey and the only entry into Cielo Vista is through Agua Fria.

Ms. Hansen said she knew there were other neighborhood associations not on the map and will also will mark those. She thanked the Commission for their work.

Chair Heldmeyer said she would pass the information on to the city planner who will add the neighborhoods not shown to the map.

3. OLD BUSINESS

a) Standing Item-Legal Issues Surrounding Redistricting

Chair Heldmeyer said this is a new and recurring item on the agenda. Today's item is in regard to the Arizona Supreme Court case heard on Monday.

Mr. Shandler said he has provided photocopies of an Internet article regarding the Arizona case. (Exhibit 1) He said Arizona has an independent redistricting commission. The federal legislators in the Arizona case felt that they are exclusively granted the power by the federal Constitution for federal election redistricting; not an independent group. The case has been challenged all the way to the US Supreme Court.

Mr. Shandler thought a decision would be issued in the spring. He said at that time the city will look at how expansive the ruling and whether it is down to the municipal or is limited to just the federal congressional redistricting issues.

Chair Heldmeyer asked confirmation that the constitutional argument is based on the states, not the municipalities and other governmental groups. Mr. Shandler said he thought that is so, but they would be wise to watch the decision.

4. NEW BUSINESS

a) Discussion with Independent Consultant (Exhibit 2)

Mr. Sanderoff said in regards to Ms. Hansen's comments; the plan adopted by the City Council three years ago did have Osage as a boundary and that did split Casa Alegre. He said that is not the case in the plan today and the neighborhoods have been kept together in some concepts. There are also concepts that keep the Santa Fe River corridor together, as well.

He reviewed the direction given by the Commission: to develop plans that are least changed taking into account priority of keeping the population as close as possible; a plan that allows for no more than plus or minus 5% deviation or no more than a total deviation of 10% from smallest to lowest; and plans as compact as possible that might take into account neighborhoods.

Mr. Sanderoff said in the last meeting they discussed the different principles in state and federal policy regarding redistricting; the City Charter and the prioritization of state/federal principles within the Charter for equal population; minority voting rights; compactness and contiguity. They discussed compensating for an undercount of minorities: the Charter and the ordinance state equal population *as nearly as possible* and *substantially the same* population. The ordinance states in terms of minority voting rights to *avoid diluting minority voting strength* in communities of interest and to include ethnic and economic issues. There is no solid data from the Census Bureau compensating for undercounted minorities or that demonstrates there is an undercount of Hispanics.

Mr. Sanderoff said one map is of the precincts in the City of Santa Fe and the darker the precinct, the more population and dense. He reminded the Commission that the precincts are the building blocks of redistricting and precincts that have two to three thousand people will reduce the options of what the district boundaries might look like.

Mr. Sanderoff pointed out the previous discussions and directions. Key points were noted as follows:

- The precincts are the building blocks. The most populous precincts are in the Tierra Contenta area and immediately north and east of that area.
- On the map with the precinct boundaries and the percentage of Hispanics; the darker the color the higher the percentage of adult Hispanic. He noted Precinct 80 is 92% Hispanic there is not a single

majority Hispanic precinct east of St. Francis or north of Alameda. There is the challenge of having the high concentration of Hispanic adult population in certain areas.

- The ideal population is the population of the city divided by four districts. One mandate of the Commission was to minimize the number of precincts that are split. The pros are to avoid voter confusion and the ease in administering elections and assigning voters to the correct districts. Cons are the difficulty of creating districts of equal population; less flexibility to meet the Commission's criteria and difficulty to work with contiguity issues.
- There was discussion that the principles prioritized within the Charter have tension among them and that no matter what, there will be tension among the principles.

Mr. Sanderoff reviewed the maps starting with the current existing map.

The current plan 2014 map:

- Shows population deviations and how much larger or smaller each district is from the ideal population of a district after the annexation.
- District Three: the airport area and Tierra Contenta areas north of Airport Road and up as far north as Osage. The district is 47% too big after annexation.
- District One: a compact district that is basically the north and west side of Santa Fe up to Osage.
- District two: a compact district south of Alameda and Cerrillos and east of St. Francis.
- District Four: compact and includes the neighborhoods between I 25 and Cerrillos south of St. Michaels and west of St. Francis.

Looking at the request for a least change plan; with a district that is 50% too big, in the current plan District Three would have to shrink. There are two primary options to start with a status quo plan: the Cerrillos Road corridor has to go into District Four or into District One and all other districts would have to move in that direction.

Summary of Plan A: There are two minority Hispanic districts with total deviation between the smallest and largest of 7% and average deviation of 2.1% and most of the annexed areas go into District Three. Most neighborhoods were not split and most of the boundaries stayed on major thoroughfares. There is a pressure point at Precinct 67.

Summary of Plan A-1- This plan is the same as Plan A: population deviations on A-1 Districts One and Two are at 0.0 deviation; District 3 is one tenth above the ideal; and District Four is minus one tenth of ideal. The cons: four precincts were split. Precinct 27 in District One north of Alameda has a small precinct split to get the populations perfect and the same with Precinct 50 by District Four; a split was made by District Two to make the population identical and the same with Districts Three and Four.

This is a least change plan that minimizes confusion and does a better job of keeping neighborhoods intact than the current plan.

Chair Heldmeyer asked what was used as the dividing lines when splitting precincts.

Mr. Sanderoff said they have to work from census block boundaries and can only choose spots where there are census blocks to re-aggregate the data.

Summary of Plan B-this plan split fewer neighborhoods and has very compact districts especially in three districts. District Four is compact and bounded by St. Francis and Cerrillos to the north and I 25 to the south. District Three is very compact and includes most of the annexed areas and does not split precincts; Precincts 2, 4 and 5 are very compact. Precinct 83 in District One has only 335 people and Precinct 21 has 1600 people; 90% of the population lives between Casa Solana area and Jemez Road and becomes a Cerrillos Road corridor district. Santa Fe River and west of St. Francis and west side of Santa Fe and south and is vast. There is concern about some of the communities of interest on the north end of District One compared to the south end.

There are three majority Hispanic districts; Districts One, Three and Four. The population deviation is higher and two are almost right on; one is -3.3 and District Four is on the edge of 5.0 with a total deviation of 8.3 percent. Plan B puts the neck of Cerrillos Road corridor in District One rather than District Four crossing over Cerrillos. The most unusual is the stretch in District One. The population deviations are on the edge.

Mr. Beardsley brought up the 1600 new units south of District Four. Chair Heldmeyer confirmed annexation would be five or ten years out and it was not a concern.

Summary of Plan B-1: This plan is the same as Plan B with the exception that Precinct 83 is in District Two. The plan takes the most northern precinct in the city and puts it in District Two. That makes District One more compact and higher in Hispanic another half of a percentage point.

The airport area east across Cerrillos Road and picking up neighborhoods south of Airport and Rodeo Roads as boundaries, has traffic issues; congestion and growth in common. Districts Three and Four cross Cerrillos; District Four on the west side includes north of Airport Road and neighborhoods on both sides of Agua Fria and west of Camino Carlos Rey. District One is a tight district and keeps the Alegre district; District Two is tight as well.

The configuration of three and four makes this plan different; the population deviation is very good and is done without splitting precincts. This also creates two Hispanic districts.

Mr. Sanderoff concluded his presentation and said the Commission has three plans and two flavors of those plans for five plans in all. One plan is status quo without splitting precincts; one takes a least change plan and splits precincts to get identical population; one has St. Francis as the primary boundary and keeps as many neighborhoods as possible intact; another plan changes the configuration of Districts Three and Four using Airport and Rodeo Roads as the primary split between them rather than Cerrillos Road.

He said the approach is to provide major concepts and get what the Commission likes or does not like and suggestions for refining the plans; or they could go back to the drawing board. He added that other totally different approaches were tried but these three plans were the most worthy.

Chair Heldmeyer thanked the consultants for their work.

The Commission took a break to look at the larger maps at 3:59 p.m. and reconvened at 4:10 p.m.

Ms. McSherry said on Plan A she would like to see Districts One and Two flipped. She said none of the maps had a split east to west breakdown. She said a theoretical issue with all of the maps is that three councilors could live relatively close to one another.

Chair Heldmeyer pointed out that the city councilors come and go and the four councilors up for reelection may or may not run for reelection.

Ms. McSherry said Plan B has two areas where that is an issue, but Plan A eliminates all but one of the situations and would be easier to do that type of plan. She said she likes Plan A because of the compactness of District Four.

Mr. Beardsley thanked the consultants for their work. He had no questions at this time.

Ms. Montoya liked the work and what was presented. She said the plan she least prefers is the plan that changes the precincts. She had no questions.

Ms. West said she does not care that much about the precincts. She said she thought the funny shape of Santa Fe charming to see reflected in the plan that stretches Precinct One. She said that is appealing because it reflects a heart of a strange shape and a strange city in that precinct. She thanked the consultants and said the large maps were helpful.

Mr. Shandler asked Mr. Sanderoff about his observations of the cities that are going to voter convenience centers and if that will remove the community precinct concept.

Mr. Sanderoff said yes, many communities have moved to the voter convenience centers where on Election Day a person can vote at any polling location in the city; and similarly in early voting. He said as a result the cities/counties/states are moving away from "my precinct and school that the precinct votes in".

He said with that system splitting precincts can still be confusing, but even under traditional voting systems there are ways to mitigate the problem. He gave Precinct 75 as an example if split between two City Council districts. The city clerk could set up different machines and people at the polling location would see the signature roster and which machine to go to. The confusion could be mitigated by having two different machines for those voting at the same school location.

He said that does add more machines for the city clerk and is possibly a pain in the neck to split precincts; there would have to be different signature rosters under a traditional voting system.

Mr. Shandler said he was in Gallup on Tuesday to observe their process and thought it worth a discussion at a future meeting. He said in Gallup a person gives their name and the computer finds the appropriate ballot, then the person gives the last two years of their birth date so the computer can find them. People do not need to give where they live or their precinct.

Chair Heldmeyer said City Council has talked about maintaining political boundaries; meaning precincts. She said that is lower on the priority list.

Ms. West said she thought the city would move to voting wherever you feel like it, because more people are voting absentee or early. She said voting is already confusing, however the city is not there yet [voter convenience centers] and the Commission should still look at precincts.

Chair Heldmeyer said she thought although voting can be confusing now, the centers would add to the confusion. She said whether that will outweigh other things is something the Commission can decide.

Mr. Bassett said as the Commission's instructions are to minimize splitting political boundaries, but does not specify which boundaries and could be school districts or school attendance boundaries, etc. He said he was expecting at least one map that would have problems, but the consultant did an excellent job coming up with scenarios.

Mr. Thompson said as with Commissioners Beardsley and McSherry, he was fond of fond of Plan A. He said on Plan B, speaking as a representative from District One; the natural boundary should remain Siler Road. He thought Precincts 66 and 67 should be part of District Four and is not thrilled with the B plans. He said he has no issues with Plan C. He could not see a difference between Plan C and Plan A, but could see how Districts Three and Four might have a problem and thought their comment would be more appropriate.

Mr. Thompson said he likes Oregon's voting system where the forms are mailed to voters and voters put their ballots in a special mailbox. He thought Oregon has one of the higher voting rates in the country, as a result. He said Santa Fe would be the perfect place to try that.

Chair Heldmeyer said that is allowed under New Mexico law and a whole section of the law talks about mail-in ballots. She said the League of Women Voters supports mail in ballots because it does increase the number of people who vote. Some disadvantages are concerns about the identity of voters; there is the possibility of fraud with mail-in ballots, particularly in areas with a large number of transients such as rental housing.

She said on Plan A versus Plan C; one and two is almost identical, but her concern is District Four in Plan A. She said the area will grow and the district is close to the maximum population and the area includes Las Solaris and prime for major growth. She said Plan C is similar to something presented in 2012. She asked Mr. Sanderoff the reason he flipped the numbers.

Mr. Sanderoff said that could go either way, because the systems are staggered in Santa Fe.

Mr. Sharp said a lot is the population, but also in looking at political continuity, District Four north of Airport and Rodeo Roads has one council representative; the only councilor that lives in that district. District Three in this plan has two councilors and one of them is from District Four.

Mr. Beardsley said regarding Plan C that stretches from 599 to St. Francis; it is mixing neighborhoods that are not compatible. He said once reaching Cerrillos there is a large commercial area with the Santa Fe Mall and commercial growth north of the mall, like Sam's Club. He said then there are different neighborhoods and hospitals; the neighborhood is not inclusive.

Chair Heldmeyer said the primary area toward 599 does not have a lot of people and probably never will. She said Precinct 12 is negligible in any plan.

Ms. McSherry said her concern with Plan C is the center portion. There are a number of precincts next to each other and the neighborhoods are all in different districts. She thought if anything, you would want to keep the neighborhoods so they could work together. She said you would not want all four councilors to be from the center of the city. She said it does not guarantee representation and potentially has people who might want to work together that do not have the same representatives.

Chair Heldmeyer said a political argument could be the other way; if there is some joined interest, the neighborhoods might be better off having four councilors instead of two.

Mr. Beardsley said regarding Ms. Hansen's comment; when there are three or four representatives from the same area it's "I will leave that for Charlie and Charlie says he will leave it for Harry"; nothing gets done .

Chair Heldmeyer asked for a blow up of the map with the precincts of the four areas of precincts being split.

Ms. Ronneau said one concern about splitting precincts is that during campaigns you have no idea who you will see on the ballot. She said for someone going to vote that does not see the person on the ballot they were going to vote for could cause "citizen disenchantment" with the whole system.

Ms. West asked how dramatic the split was when the precincts were split.

Mr. Sharp said that varies; Precinct 27 does not have a lot of people; Precinct 50 the majority of people stay in District Four with a smaller piece in District Two, which was about the same for Precinct 75. In Precinct 67 the majority is in District Three. He said it is more a matter of looking at why the precinct was split and whether that fits the criteria the Commission wants.

Chair Heldmeyer ask the size of the geographic area they were talking about.

Mr. Sharp replied that varies and could be a traditional block typically found in the center of town. The more rural areas, the census areas could get bigger. He said it is not all based on population, but on geography.

The Commission discussed the maps.

Ms. Montoya preferred Plans A and C.

Mr. Thompson moved that the Committee limit the considerations to the three plans [Plans A, B, and C] and he further would ask that the plans be narrowed to Plans A and C and variations thereof. Ms. Montoya seconded the motion.

Ms. McSherry asked if "limit the plans" meant that the Commission would not look at Plan B.

Mr. Thompson said instead of asking the consultants to draw something completely new; he would like the Commission to limit their choices to the three plans. He said he then went further to say if no one stands up for Plan B, that the Commission could limit further and consider only Plans A and C with minor variations.

Ms. McSherry said earlier she suggested seeing Plan A with the change of one and two's orientation to be more north and south; one more east, one more west. She asked if the motion would consider the change within the scope of Plan A within that limitation; or would Mr. Thompson's motion eliminate that possibility.

Mr. Thompson said he would consider that within the minor variations being discussed. He said nothing is off the table, but given the compact deadline and not hearing anything radically different from the other Commissioners; he thought the Commission should limit themselves to Plans A and C.

Ms. McSherry and Mr. Thompson discussed the Plans. Ms. McSherry said she did not think the changes she requested would be minor.

Mr. Thompson said possibly his motion is premature.

Mr. Beardsley said he would speak out against Plan C. He thought the plan ludicrous because it encompasses areas that are totally unrelated and he can see no benefit to the plan. He said his point is he is not totally adverse to Plan B and prefers that stay in the mix.

Mr. Thompson withdrew his motion.

Mr. Shandler said part of the resolution is to eventually do a road show and the Commission might be close to doing that. He said they now have displays for the road show and possibly add a Plan A-2.

He said the Charter Commission road show went to four different districts; District One was held in Council Chambers. He suggested the next Commission meeting be held in Chambers and considered as the first step in their road show. He provided potential dates for the Commission members to discuss.

Chair Heldmeyer said she wanted to have one more Commission meeting to narrow the maps further before going on the road. She asked the Commission what they would like.

Ms. Montoya said they appear to be adding map A-2. She asked if Plans A-1 and B-1 could be eliminated. She said having too many maps when they go on the road might lead to confusion.

Ms. West agreed with Mr. Beardsley that Plan C has wonderful things, but she thought the long stretch unwieldy. She would like to have more time, but if they need to move on she would be happy with deleting Plan C, knowing that some of those ideas could be added to something else.

Chair Heldmeyer said she has heard at least one Commissioner that said positive things about Plan C. She said they could start on the 24th for the road show.

Ms. McSherry agreed that probably A-1 and B-1 could be taken off the table.

Mr. Beardsley added that with another meeting there will be more time to decide which maps to eliminate.

Chair Heldmeyer asked to see the district map overlaid with the neighborhood map, in addition to the specifics and that could make the decisions easier.

Ms. McSherry moved that the Commission meet on March 19, 2014 and review Plans A, B, and C with the neighborhood overlay and a map Plan D changing the orientation of Districts One and Two that includes the neighborhood overlay; and that the meeting be the final discussion meeting. Ms. Montoya seconded the motion.

The members discussed availability: Mr. Thompson would not be available on the 19th and Ms. Montoya would not be available on the 24th of March.

Chair Heldmeyer said the purpose of the road show meetings is to get feedback. She said they will be sure everyone gets the minutes. She expressed concern that Mr. Thompson could not attend on the 19th and Mr. Thompson said he would try to make the meeting, even if he arrives late.

Ms. McSherry confirmed her motion is to include Plans A, B, C and a new Plan D minus Plans A-1 and B-1.

The motion to meet on the 19th to review plans A, B and C with neighborhood overlays and a new plan D passed by unanimous voice vote.

Chair Heldmeyer said that the Commission has an idea of the maps and numbers and the earlier they can get minor variations to the consultants, the more those changes could be incorporated. The variations should go through Mr. Shandler and/or Ms. Romero.

Chair Heldmeyer confirmed that Commissioners were comfortable doing the road show on 24th of March and confirmed the meeting with be again at 3 o'clock. She confirmed that Commissioners would like to do some of the district meetings in the evening. She noted that anyone unable to attend a meeting at three could come to one or more of the district meetings. She and staff will work to schedule all four districts [meetings] in advance.

Mr. Shandler explained that notice would be provided through the Internet and the newspaper and press releases are also done for this body. He explained that the Commission work is to be done by June 1st and there is already scheduled a May 14 meeting, which should be their target date for their final vote. He said that will give the Commission most of April to do three road shows. He suggested one be held every other week.

Mr. Shandler noted that the locations for the Charter Commission road shows were GCC (Genoveva Chavez Community Center), the Southside Library, the school administration building and Salvador Perez.

Mr. Beardsley voiced concern about having time to make adjustments for the suggestions from the public, if meetings are held every two weeks. Chair Heldmeyer replied that limiting the number of maps will result in discussion on minor variations and that would be okay.

Ms. Van Peski suggested if the Commission is committed to meeting at the Chavez Center, the smaller meeting rooms should be used. She said the larger room acoustics are worse. She noted that the Charter meeting had a three people from the public attend and said there probably will not be a crowd.

Mr. Beardsley moved that the Commission start the road show on March 24, 2014 in the Councilor's Chambers at 3 p.m. followed by visiting the other three districts, one every two weeks with at least two of those meetings scheduled in the evening. Ms. West seconded the motion and the motion passed by unanimous voice vote.

b) Discussion on Possible Action-Instruction to Independent Consultant- Previously Discussed

5. PUBLIC COMMENT -None

6. BOARD MATTERS:

a) Setting Next Meeting Date(s) and Locations-Previously Discussed

Mr. Thompson said he thought the alternates should be proxies. Chair Heldmeyer agreed, but as a matter of ordinance that would have to be taken up with City Council.

7. ADJOURNMENT:

Having completed the agenda and with no further business, the chair adjourned the meeting at 5:01 p.m.

Approved by:

Karen Heldmeyer, Chair

Submitted by:

Charmaine Clair

Charmaine Clair, Stenographer