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CITY OF SANTA FE
INDEPENDENT CITIZENS' REDISTRICTING COMMISSION**

Thursday, February 19, 2015

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**MINUTES OF THE
INDEPENDENT CITIZENS' REDISTRICTING COMMISSION**

SANTA FE, NEW MEXICO

Thursday, February 19, 2015

A scheduled meeting of the Independent Citizens' Redistricting Commission was called to order by Karen Heldmeyer, chair, on this date at approximately 3:10 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
Roderick E. Thompson (arrived later)
Elizabeth West

Members Absent:

Staff Present:

Zachary Shandler, Assistant City Attorney
Yolanda Vigil, City Clerk

Others Present:

Alternates: Neva G. Van Peski and Suzanne Ronneau
Brian Sanderoff, Research & Polling, Inc.
Michael Sharp, Research & Polling, Inc.
Ms. Mary Schruben, Rancho Siringo Neighborhood Association
Charmaine Clair, Stenographer

b) Approval of Agenda

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

c) Approval of Minutes of February 03, 2015

Page 5, the third paragraph from bottom: Chair Heldmeyer said "these are constitutionally mandated" was referring to the principles Mr. Shandler had talked about in the previous paragraph.

Ms. West moved to approve the minutes of February 03, 2015 as amended. Ms. Montoya seconded the motion, which passed by unanimous voice vote.

2. PUBLIC COMMENT

There was no public comment at this time and the Public Comment portion was closed.

Chair Heldmeyer said she wanted to clarify that the Commission would deal with a lot of maps. She said maps are included in the member's packet, and some are the courtesy of the city GIS Division. She said the GIS Division is represented by Leonard Padilla and he can answer any questions on the maps.

She said some members got maps on their own. She asked that maps be requested from the city GIS Division or Research and Polling (R&P) requested through staff or the chair to ensure everyone is working from the same maps.

Chair Heldmeyer explained that the maps were chosen because staff believed they would be relevant. The maps are things that have already been mapped by the city that might indicate sets of interest; neighborhood associations; overlay districts, etc.

Mr. Bassett said the maps are great, but he would like to get the data set used to create the precinct maps.

Mr. Padilla replied that data is available to everyone and can be requested through staff or the chair.

Ms. West asked if alternates also received maps and was told they do; they receive the same packet as the Commissioners.

Ms. Van Peski said in the material from the 2011 hearings there was a list of population by the city, by precinct. She asked if the 2010 census would be the latest data.

Mr. Sanderoff explained it is and by ordinance the most recent decennial census must be used. He said the Census Bureau has not come up with estimates at the block group level for ethnicity, etc. He said Research and Polling will use the 2010 census on the precinct level for ethnicity.

Chair Heldmeyer asked Mr. Beardsley to speak to the maps that he produced.

Mr. Beardsley said the City of Santa Fe has numerous homeowners' associations and there is a map of them. He thought it helpful to produce the homeowner associations overlaying the four districts (Exhibit 1). He said the program has been saved in the city GIS Division.

Ms. Vigil offered to email the map to everyone tomorrow or make color copies available for pickup in her office or have copies made now.

Chair Heldmeyer asked that the available copies be given to the Commissioners and stenographer and Ms. Vigil could email the rest.

Chair Heldmeyer asked if further maps from the GIS Division were needed. She said a request can be made at any point in the process.

Ms. Van Peski said since ethnicity is likely to be very important, she thought it would be good to have a map of precincts with the percent of Hispanic, etc.

Chair Heldmeyer said ethnicity [data] will come from Research and Polling.

Mr. Beardsley asked about District Eleven voting district; the highway appears to be inside the city. Mr. Padilla explained that the precinct has no voters within the area; it is just right of way.

Mr. Thompson entered the meeting at 3:21 p.m.

3. NEW BUSINESS

a) Discussion with Independent Consultant & Staff on Redistricting Principles

Mr. Sanderoff presented a PowerPoint presentation on an introduction to redistricting and the process. The presentation was included in the Commissioner's packets. A summary of the presentation follows:

- Information was provided on Research and Polling, Inc.'s background.
- There was a review of what is redistricting and why redistricting is done. Redistricting re-draws the boundary lines for voters with the intent to create districts that have something in common. Redistricting is done by federal and state law to adjust boundaries every ten years and after a new decade, when the new census comes out.
- Voters have taken the redistricting out of the hands of City Councilors and asked the Commission to independently do the redistricting.
- The redistricting process requires the first public meeting to be organizational; the second meeting is educational and provides direction for the consultant. A minimum of four public meetings will be held and the consultant will develop at least three initial plans based on instructions from the Commission. Public input will be sought. Future meetings would be to adopt a plan(s) and do revisions to the plan(s). A deadline has been set for the Commission to adopt the plan followed by city staff work in preparation for the city elections.
- The Principles of Redistricting generally speaking is: equal population; minority voting rights; compactness; contiguity; and communities of interest (what is important to the people).
 - Equal population is based on the most recent census and includes everyone: adults, children, college students in dorms, prisoners, non-citizens. When talking about minority voting strength the courts are more concerned about adult percentages and total population for one person, one vote issues.
 - The Santa Fe City Charter states equal population references "as nearly as possible" and the governing body of the House and Senate state that state districts shall be "substantially equal" population. The state legislature and the City of Santa Fe and most of the counties have defined "substantially equal" population as having the ideal population of the district and taking a 5% deviation. Anything within that range is acceptable; beyond that, plus or minus 5% is risk of a lawsuit; less of a plus or minus from ideal is their right to choose.
- The ideal population numbers were shown.
 - Minority Voting Rights- the ability to elect a candidate of their choice. Voting strength is not diluted by dividing the minority communities.
 - Compactness: there are various measurements. *Compactness* refers to shape, not geographic size.

- Contiguity: no islands of territory.
 - Communities of Interest: maintaining the core of existing districts- areas that can be taken into account: minimizing voter confusion; subdivisions, neighborhood associations; cultural/ historic traditions; geographical boundaries, etc.
 - Precincts are the place from which they vote and a building block. Santa Fe has 54 precincts and the average population of a district is about 20k (thousand). The largest precinct has 4700 people and the smallest 8 people. The average population of the precincts in Santa Fe is 1500 people. Some states moved away from precincts to give them flexibility.
- Tensions between guidelines and districts: any single district cannot be looked at in a vacuum and many factors are considered and nothing is set in stone; changes can be made.

Ms. Van Peski said Mr. Sanderoff referred to the City Charter when talking about allowing for incumbents. She said the ordinance states: *in establishing the district boundaries the Commission will ensure that their decisions are based exclusively on the principles*. She noted that incumbent is not one of those principles.

Mr. Sanderoff said there is also the word "practicable". He said those things can be debated, but the highest priorities are clearly listed in the Charter. The ordinance lists the principles, but the same ordinance lists other things as well. One place states to avoid splitting precincts and other places say to take into account minimizing the precinct.

Mr. Sanderoff continued the presentation and showed maps and district data for that time period. He said similar maps will be made for the Commission and his firm will provide all of the deliverables.

Mr. Sanderoff stood for questions at this time.

Mr. Beardsley said referring to District Three the extreme western portion is the airport and obviously a light population. He asked if possible to get the population of different portions of that district, such as the Northeast section of District Three versus the main portion.

Ms. Heldmeyer said the Commission would get precinct by precinct numbers at some point.

Mr. Sanderoff agreed. He said they will get precinct level data with the annexations incorporated and the racial data that accompanies that. He explained that current precincts the county adopted will be split on the municipal boundary.

Ms. McSherry asked if the data Mr. Beardsley requested could be depicted in color code with population, density, race, etc. Mr. Sanderoff replied the map could be color coded with the percentage of Hispanic, etc. and could show the amount of people within the building block and coded based on race.

Ms. Heldmeyer asked Mr. Shandler what is permissible for the Commission to look at under the ordinance in the Charter; is the Commission committed to using precincts as the building block.

Mr. Shandler said the City Charter speaks to five things to look at and he thought that is permissible within that language. He said the ordinance tried to be more specific about the five things and is why assigning appropriate weight was talked about. The terms are given in Mr. Sanderoff's presentation.

Mr. Shandler said the only term that could be discussed further is switching elected officials into different districts. The ordinance cut and pasted the exclusive principles and the City Councilors wanted "to be more specific to the reader". They stated that the Commission may assign appropriate weight to geographic boundaries; minimizing the splitting of precincts and of political boundaries and establishing districts in fairly regular shapes and all are within the five major principles.

He said from a legal perspective the language was written: "*May assign appropriate weight*". There may be a person who says switching elected officials is not one of the five principles and would assign a zero weight. Others might want to add something after satisfying all of the five principles to supplement them. He said the language "may" and "assign appropriate weight" is how they legally tried to deal with the situation.

Mr. Bassett said compensating for "undercounted minorities" was referenced, but not mentioned.

Mr. Sanderoff said that was a huge issue in the 1990 and 2000 census. He said the census did a better job in 2010 and the Census Bureau did not come out with adjusted data to account for an undercount as they did previously. He said they have found nothing in Santa Fe that there is an undercount and that was not discussed because there is nothing that could be done about that.

Ms. Heldmeyer said the Commission is at the point where they should give direction to Research and Polling. She asked the kinds of issues the consultant should consider as they draw up the first set of the preliminary maps.

Mr. Bassett said the principles are outlined in order of consideration. He could think of nothing additional.

Ms. West said she wants to think about the order. She added that what is wonderful about the Commission is they are not politicians. She said she would like guidelines from Mr. Sanderoff to make sure she does not forget about the politicians, because she is inclined to put them at the bottom of the list. She said she thought a large street like Cerrillos Road would be a division line and will look at how the Commissioners do not have to be "rigid about the big lines".

Mr. Thompson said regarding the communities of interest he thinks about the smaller businesses along Cerrillos and St. Francis and Airport Roads. He said in terms of communities of interests, he would like more about how a small business would fit in.

Chair Heldmeyer said everyone knows that sometimes people register to vote where they are not supposed to, but the Commission is dealing with residential addresses. She asked Mr. Thompson if he had a feel for what the correspondence is between small businesses and where their owners live.

Mr. Thompson said he assumed it is random, but many of the businesses are ethnically based and that might be taken into account. He said he understands *communities of interest* is the last item on the list and is not considered more important.

Ms. Heldmeyer said she was thinking about the small businesses along Cerrillos Road across from the Indian School or Casa Solana, where the businesses were built to serve particular neighborhoods.

Ms. McSherry said on that point, the residents around the neighborhood could be impacted and be a community of interest; meaning the neighborhoods around those businesses are there because there are a lot of residential and geographical issues.

Mr. Thompson said he could not envision a plan where his neighborhood is separated from the Solana Center. He said something like that, if in a different district, would displease the residents of his neighborhood and he thought other neighborhoods would feel similarly.

Ms. Heldmeyer said that is where the Commission can use their local knowledge.

Ms. Montoya said to Mr. Thompson's point, seeing a map of the businesses commercial interests in each district would be fascinating. She said in terms of districts themselves, there will clearly be a demographic shift that is not just Hispanic/non Hispanic, but also age. She is interested in scenarios when they start to discuss community conversations that show a district's minority voting rights shift and addresses the 13.7% deviation.

Ms. Heldmeyer noted that as someone who followed the redistricting process the first time; there were proposed maps with fairly large changes to District One and District Two, in different ways. She said City Council chose not to go with that.

Mr. Sanderoff said Research and Polling sees their role as giving the Commission a variety and as close to possible status quo with different concepts for them to bounce off of.

Mr. Beardsley said his biggest interest is to see the four districts with their population. He said they know that three [District Three] will decrease in size, but that will not change the percentage of Hispanics.

Mr. Sanderoff said whether the percentage of Hispanics will change depends on the distribution of the Hispanics in the district. He said he will get them the precinct level population data.

Ms. McSherry asked if District One is disconnected from District Two would that be a problem. She was told that is not because there is always one member up each election cycle. She said the City Charter versus the ordinance and the determination of the appropriate weight factors seems that multiple plans could satisfy the required factors equally. Then they could start looking at which of those multiple plans meets the four criteria equally and might also meet additional factors.

Mr. Sanderoff said conceivably that could be a direction Research and Polling is given.

Ms. McSherry asked if Mr. Sanderoff projects growth in different districts; she knew of neighborhoods that are being proposed. She said minimizing core changes would be an interest to her.

Mr. Sanderoff said according to case law that cannot be built into the numbers in anticipated projection. He said, however, if assured that a certain area of town would definitely continue to grow, when doing the plus or minus 5%, etc. the city would sometimes want to keep a district at the low end of the percentage, so in five years the district is not too much out of whack.

Ms. Heldmeyer pointed out that the City Charter states the city can redistrict at times they think important. She said a large section of the annexation was not done, some of which is the Village of Agua Fria. She said that can never be annexed, but if annexed the city could redistrict at that time.

She asked Mr. Shandler to speak to how City Councilors could be affected by redistricting.

Mr. Shandler said he had a preliminary discussion with the consultant and would ask Mr. Sanderoff to talk about that.

Mr. Sanderoff said typically there is an awkward period of two years if a councilor ends up in a different district. He said a statute states that you retain your office for four years from the district from which you were elected. He said typically, he is not aware of a situation where someone was elected for a four-year term and half way through the term found they were in another district and were rendered out of office. He said typically that person finishes serving their term.

He said a person who moves into a new district with two years left on his term could then decide to run for his new district and that would create a vacancy in his old district. A person who is districted out and their term just ends could run in their new district.

Ms. West said the presentation has been very helpful and what they are doing is very important. She said she hopes that people will know throughout New Mexico and other places that Santa Fe is an interesting town and people do not just stay in their neighborhood.

Mr. Shandler said the ordinance is written "*shall conduct a minimum of one meeting to provide instruction*". He said the Commission has had a thoughtful discussion. They might need another meeting and have data provided by precinct and at that point, could make a motion for possibly three different maps.

Ms. Heldmeyer agreed the data by precinct is needed. She said she was hearing that people are interested first in equal population; secondly in dealing with the Anglo Hispanic issue in terms of adults and that there is less interest in the politics of a situation and more the literal geography. She asked if that is enough direction for Mr. Sanderoff to provide two to four maps that give an idea of the parameters as well as providing precinct by precinct numbers.

Ms. McSherry moved to request a map with a core base with as close to possible population; and a similar map with up to 5% population range with a 10% deviation maximum; and a map that entirely disregards core and shows the most contiguous with 0-5% for both. Mr. Thompson seconded the motion.

Mr. Sanderoff clarified the request: a core base map with equal population possible, using the plus or minus 5% and the second map disregarding the core, but as compact as possible.

Ms. McSherry made a friendly amendment to her motion: first a map of the core with as close as possible to zero deviation; a second map favoring the core with up to 5% deviation, plus or minus; a third map is compact and looks at keeping neighborhoods together as much as possible; and a fourth map is compact without regard to neighborhoods.

Mr. Thompson accepted the friendly amendment.

Mr. Sanderoff said he would do the core within plus or minus 5% and then with almost no deviation as a second approach. He said sometimes when looking at core districts they may only be able to maintain three of the cores and he might approach that from different perspectives.

Ms. West asked if Mr. Sanderoff had a fifth suggestion to the four maps that would balance the data.

Mr. Sanderoff said if the consultants are given leeway he would also say *given all of these principles required under the charter*, to take a shot at the consultant's vision based on the Commission's principles.

Ms. McSherry moved as a friendly amendment to add Mr. Sanderoff's recommendation to give leeway to the consultant to look at the consultant's vision based on the Commission's principles. Mr. Thompson accepted the friendly amendment as well. The motion to include the four maps as described above and the consultant's recommendation was passed by unanimous voice vote.

Chair Heldmeyer asked about the timeline and the schedule. She said the Commission might need to meet every week or every other week to get to every district. Ms. Vigil presented available meeting options.

Mr. Sharp suggested due to the amount of requests for data and number of maps that they stay with the initial meeting date of March 12th for the next meeting. The Commissioners agreed.

b) Discussion and Possible Action—Instruction to Independent Consultant – Previously discussed

4. PUBLIC COMMENT

Ms. Mary Schruben from the Rancho Siringo Neighborhood Association pointed out that Mr. Beardsley's map does not list all of the homeowner associations. She said some have lapsed with their state dues, etc., but are still homeowner associations. She wondered if those could be included on the map, perhaps in a different color. She said her neighborhood association has been founded for two years and still does not show up on the city map.

Ms. Schruben said the second item; the concept of neighborhoods associated with business areas was at one time a community concept. She said with the larger developed business and industrial areas it does not have contiguity to a neighborhood. She thought when looking at density they look at where people live, go to school, churches, etc. without the concept of where people go to work or shop, etc. She said the city is small enough that people shop all over the city, unlike some metropolitan areas.

She asked if the mapping could have a box around the Agua Fria Neighborhood and Village so people are not confused and the area is distinguished from 2 (a) annexation. She thought there are people who do not know the area does not vote in the city and council elections.

Ms. Schruben said page five from Mr. Sanderoff's presentation states a minimum of four public meetings and she assumes there will be a meeting in each district. She was not sure if that includes only for initial plans and if there will be only one final meeting and no additional final meetings for each of the four districts.

Ms. Heldmeyer said that has not been decided yet, but what has been decided is that the meetings would not be held in the districts until the Commission has something substantial.

Ms. Schruben asked if there is a date for the 2(a) annexation. She was told there is no date.

Ms. Schruben asked if each district has to conform to the same rules, or preferences; can one be made more contiguous and another looked at for density and another more attention to the age split; do all rules have to apply equally to all districts.

Mr. Sanderoff replied yes, they do have flexibility and if a certain area has unique needs the Commission can take that into account. Chair Heldmeyer added that Commissioners were given a map of the school areas as well.

5. BOARD MATTERS:

- a) Requested 2011 Redistricting Minutes –Previously discussed
- b) Setting Next Meeting Date(s) and Locations- Previously discussed
- c) Requested Maps- Previously discussed

Ms. McSherry said she noticed on the tentative agenda of meetings that a meeting is planned after June first and the ordinance states the Commission must have a plan by June first.

Chair Heldmeyer said the schedule will be probably be more aggressive and will have to have more meetings than the tentative schedule. She confirmed with Mr. Shandler that the Commission must have a decision by June first. She explained the reason is in case of legal issues there would be time to cover problems between June first and the time Ms. Vigil needs to send out the election resolutions.

Chair Heldmeyer thanked everyone for their work.

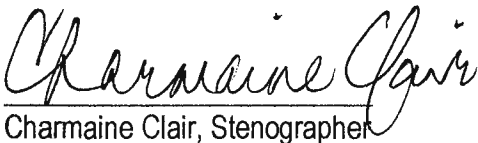
6. ADJOURNMENT:

Having completed the agenda and with no further business, the chair adjourned the meeting at 5:06 p.m.

Approved by:

Karen Heldmeyer, Chair

Submitted by:


Charmaine Clair, Stenographer