

WEDNESDAY, NOVEMBER 2, 2011, 5:30 P.M.
CITY COUNCIL CHAMBERS, 2ND FLOOR
CITY HALL BUILDING, 2 CIVIC CENTER PLAZA

Members Present: 8

Gene Finke (Chair), John Karlsruher, Gilbert A. Mendez, Jr., David Thackston, Oscar Silva, Rodolfo Troncoso, James L. Graham, Alisa Jorgensen

Members Absent: 1

Francisco X. Dominguez (Vice-Chair)

Vacancies: 0

Planning and Economic Development Staff:

David Coronado, Executive Secretary, Lead Planner; Todd Taylor, Planner; Mariano Soto, Planner, GIS; Marissa Monroy, Economic Development Coordinator

Other Staff Present:

Marie Taylor, Assistant City Attorney, City Attorney's Office; Sylvia Borunda-Firth, Assistant City Attorney, City Attorney's Office

1. Meeting Called to Order

Chair Finke called the meeting to order at 5:32 p.m.

2. Establish Quorum

Quorum established.

3. Discussion and action on:

a. Approval of Minutes: October 19, 2011 Meeting

Commissioner Jorgensen noted the designation of Vice-Chair belonged to Commissioner Dominguez. She requested Staff correct the minutes from *David Thackston* (~~Vice-Chair~~) to *Francisco X. Dominguez* (Vice-Chair).

Throughout the minutes, Chair Finke requested Staff correct the spelling of his name from "~~Fink~~" to "~~Finke~~".

MOTION:

Motion made by Commissioner Jorgensen, seconded by Commissioner Thackston and UNANIMOUSLY CARRIED TO APPROVE THE OCTOBER 19, 2011 MEETING MINUTES, AS CORRECTED.

NOT PRESENT FOR THE VOTE:

Commissioners Mendez, Troncoso and Graham

b. Drafting and selection of Districting Plans

Late arrivals:

Commissioner Troncoso, 5:41 p.m.

Commissioner Graham, 5:43 p.m.

Commissioner Mendez, 5:44 p.m.

Early departure:

Commissioner Karlsruher, 5:53 p.m.

Based on Commissioner's comments from the previous Districting Commission meeting, Chair Finke noted, Staff had prepared a new map, SD-4.

Mr. Coronado explained Staff and Commissioners discussed and commented on the SD-1 (Staff Draft), SD-2 and SD-3 At the previous meeting. From those comments, Staff prepared the SD-4 map. Mr. Coronado noted the deviation for SD-4 map is 15.5%, which is over the maximum allowed 10%.

COMMISSION COMMENTS

Chair Finke stated that District 8 had received the entire Five Points neighborhood. Commissioner Jorgensen stated that she agreed with the change in order to give the neighborhood one strong advocate.

Commissioner Mendez stated that he didn't initially see any problems with the eastern boundary of District 3. He then stated that he was concerned that the shift of District 3 to the east does have a significant effect and may not work. Commissioner Jorgensen pointed out that shift of boundaries unites the San Juan neighborhood, which had been split, into District 8, so it is a good shift.

Commissioner Thackston stated that the overall layout of the three eastern Districts looked better compared to the old plans that had a more north-south configuration and would be a better geographically for the Tigua. He also stated that the State Representative boundaries did cause a change in the Precinct that was discussed at the last meeting.

Chair Finke reminded the Commission that the deviation of SD-4 exceeded the maximum allowable.

Commissioner Thackston asked if the ethnic makeup of District 7 becoming 95% Hispanic is a problem. Commission Jorgensen also asked if that would be a problem. Ms. Taylor responded that it may be a concentration issue but that she did not think it was an

issue. Chair Finke stated that District 4 had the lowest Hispanic population. Commissioner Thackston stated that it still had a Hispanic majority to which Commissioner Graham asked Ms. Taylor if maintaining a Hispanic majority was okay. Ms. Taylor responded that any change will need to be analyzed and that an analysis will not be done until the next round if the plan does not exceed the maximum allowable deviation.

Ms. Taylor stated that overall District 1 needs to lose population and District 8 needs to take Precincts from District 1.

Chair Finke asked why SD-3 could not be adopted if it was under the maximum allowable deviation. Commissioner Graham responded that SD-3 cut up District 5, 6 and 7 in a way that was unacceptable and did not allow for eastward expansion. He then voiced his pleasure regarding the eastern configuration of SD-4.

Commissioner Graham stated that District 3, as a center District, will be forced to give and take based upon the City's growth and that the real problem was with District 1 and District 8. He then asked to hear from Commissioners Troncoso and Silva about the configuration of their Districts in SD-4 because the population was close to optimal.

Commissioner Silva stated that he would like District 3 to ensure it would place an importance on maintaining Eastwood Park if removed from District 5. He stated that he sees George Dieter as division and requested that Precincts 118 and 117 be added to District 5 and that Precincts 105 and 106 be moved to District 7 or 3. Commissioner Jorgensen stated that they should be given to District 3 in order to increase its population. Commissioner Mendez agreed with adding the Precincts to District 3.

Commissioner Jorgensen stated that District 8 may have to give Precincts back to District 3 and that District 1 needed to give to Districts 2 and 8. Commissioner Silva suggested that the Kern neighborhood be given to District 8. Commissioner Thackston asked if a Representative who no longer lived in their District would be able to serve out the remainder of their term to which Ms. Taylor responded in the affirmative.

Commissioner Graham asked to hear from Commissioner Troncoso about the eastern configuration. Commissioner Troncoso responded that District 6 was generally pleased with the configuration of SD-4 because it addressed the issues in regards to the Tigua. Commissioner Mendez requested that the Commission be open to changing some of the borders between District 3 and Districts 5, 6 and 7.

Commissioner Graham stated that the Commission needed to focus on the west. Chair Finke responded that District 1 and 8 are the most difficult. Commissioner Graham distributed copies of "*Suggested Study (SD-5)*" and elaborated on his ideas (copy attached to the minutes).

Chair Finke directed Staff to prepare a new map based on Commissioner Graham's handout and suggested Staff post the new map to the Districting Commission website. Staff will notify Commissioners when the map has been posted to the website.

4. Call for Public Comment

Ms. Taylor explained the City Attorney's Office had received a letter from a Mr. Artalejo and that Staff distributed copies of the letter in the Commissioner's packets. Chair Finke requested Staff attach Mr. Artalejo's letter to the minutes (copy of letter attached). Commissioner Thackston requested Staff contact Mr. Artalejo and invite him to come speak to the Commission at the next meeting.

The following members of the public commented:

1. Mr. Ray Rojas, citizen, gave a PowerPoint presentation and responded to comments and/or questions from Commissioners (copy of PowerPoint presentation attached); and
2. Mr. Ray Mancera, representing LULAC (League of United Latin American Citizens)

- - - - -

CANCELATION OF THE NOVEMBER 16TH DISTRICTING COMMISSION MEETING

Commissioner Graham noted he would not be available to attend the November 16th meeting. Commissioner Jorgensen reminded Commissioners that Commissioner Karlsruher had stated he also would not be able to attend that meeting.

Chair Finke suggested Commissioners cancel the November 16th Districting Commission meeting. Commissioner Thackston suggested convening the November 30th meeting at an earlier time. Staff will research whether or not the Council Chambers are available for the November 30th meeting, at an earlier time.

MOTION:

Motion made by Commissioner Graham, seconded by Commissioner Thackston and **UNANIMOUSLY CARRIED THAT COMMISSIONERS NOT MEET ON THE 16TH AND CONSIDER A MORE IN-DEPTH MEETING ON NOVEMBER 30TH. THE NOVEMBER 30TH MEETING TENTATIVELY SCHEDULED TO BEGIN AT 4:00 P.M.**

NOT PRESENT FOR THE VOTE:

Commissioner Karlsruher

5. Adjournment

MOTION:

Motion made by Commissioner Thackston, seconded by Commissioner Graham and UNANIMOUSLY CARRIED TO ADJOURN.

NOT PRESENT FOR THE VOTE:

Commissioner

Karlsruher

Commissioner Graham – Suggested Changes

Suggested Study (SD-5)

- (1) DISTRICT #1 gives up precincts 32, 33 and 35 to District #8. This transfers a population of 8,474 to District #8 leaving Dist. #1 with a population of 82,258 (+1,118 of optimum). This brings Dist. 8 up to 77,881 (still -3259 of optimum).

- (2) DISTRICT #8 gets precincts 79 & 81 from District #3. This gives Dist.# 8 an additional population gain of 1,841 (Pct. 79) + 902 (Pct. 81) added to 77,881 (result of change 1 above) = 80,624 (now -516 of optimum).

- (3) DISTRICT #3 as a result of change 2 (above) now is at 63,667 (-17,473 of optimum). District # 3 now picks up precinct 87 from Dist. #2 (3,398) and is blended into Districts 5,6 & 7 to the east to conform as closely as possible with SD-3.

- (4) DISTRICT # 2 as a result of change 3 above losses 3,398 to Dist. # 3 but now picks up Precinct # 60 from District # 4 (as per SD-3) for a gain of 5,126 population (and retains Pct. 73 contrary to SD-4) This results in District #2 population of 79,630 (-1510 of optimum)

- (5) DISTRICTS # 5, 6 and 7 are maintained as closely as possible to SD-4 with blending into District 3, to the west, and with open east facing boundaries.

Jorge Artalejo – Letter

October 5, 2011

Jorge Artalejo
513 W San Antonio, 6
El Paso, TX 79901

United States Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

I am writing this letter to you, so that your office will channel it to the division to which it ought to properly go. El Paso is currently undergoing the revision of its municipal divisions that create the voting districts in its municipal elections. It has eight districts previously divided by population, but divided by ethnic considerations. El Paso has had a history of the suppression of one of the major national minorities through voter disfranchisement through segregation of it in the division of it in its representation by allowing previously for the voting of its members of City Council at large, but currently providing for its representation through the eight districts. This letter is written to call your attention to one of those districts that the Department of Justice will be call to attest to its validity under rules established to provide for equal representation for the members of a community notwithstanding ethnic considerations.

The district of concern is its eighth. The city has cleverly found a means to circumvent the spirit of the rules through a practical application of them. Here the city has taken the upper portion of the Rio Grande valley and attached it to a lower portion of it, the upper portion being the richer of the two; thus, the unequal representation of the poorer results with its attachment to the richer because the richer doesn't have the same interests as the poorer. However, the city has sought to ignore this reality by indulging in the opposite truth, that the interests of the richer and poorer are in every circumstance the same. Thus, it has combined the two separate interests through a corridor that runs from the richer to the poorer, along a freeway, segregating the poorer from interests that are in fact similar. It has divided a neighborhood of similarity to qualify to its narrow interpretation of what is required by court interpretation to what has occurred elsewhere. It has ingeniously conveyed to the Department of Justice its compliance with the courts by demonstrating that these minorities interests are adequately ensure with this combination.

My appeal to the Department of Justice is for a thorough review of the city's proposal of its compliance of the rule of one man, one vote irrespective of the result to the two different economic sectors in the eighth.

Jorge

Raymundo Eli Rojas – PowerPoint Presentation

Community of Interest

District 8 & Community of Interest

The Isthmus

- Currently a Isthmus-like piece of land connects the poorer and more monolingual parts of El Paso with El Paso's Westside and Upper Valley
- Isthmus - a narrow strip of land connecting two larger land areas

Looking at District 8

- Currently the Westside of El Paso is connected Downtown El Paso, Segundo Barrio, Chamizal, the land just north of Interstate 10 by this Isthmus
- This Isthmus is largely uninhabited from Sunset Heights to Buena Vista

Lack of Contiguity

- Though lines can be drawn to connect these areas, some creativity was involved.
- This district use to end at Sunland Park Dr.
- A district is contiguous if all of the lines that create it are connected.
- The degree to which all districts in a particular map are contiguous can be limited by natural boundaries

Poorest Parts of El Paso with Richest

- Several communities lie in this area Isthmus area. They include:
- La Calavera, Buena Vista, Harts Mill
- These communities as well as those in South El Paso have substantially lower income per family than the Country Club area

Poorest Parts of El Paso

- Furthermore, South El Paso is also high in poverty

No Community of Interest

- We hold that no Community of Interest exists here
- A Community Interest is defined several ways;
 - 1. A neighborhood or community that would benefit from being maintained in a single district because of shared interests, views, or characteristics. *LULAC v. Perry*, 548 U.S. 399, 435 (2006).

No Community of Interest

- A Community of Interest is;
 - 2. Racial and multi-racial communities

No Community of Interest

- Relevant social and economic characteristics to think about in looking at this district include:
 - Income Levels
 - Educational Backgrounds
 - Housing patters and living conditions
 - Cultural and Language Characteristics
 - Employment and economic patters
 - Health and environmental conditions
 - Policy issues raised with local representatives
 -

Disparities

- Currently there are huge income disparities between District 8's precincts that are along Upper Mesa area and the Upper Valley in comparison with South El Paso
- Several Reports, including one by the Federal Reserve and the Brookings Institution rank the Chamizal Neighborhood as one of the poorest in the nation

Education, Housing, Lang. Disparities

- Lack of high school completion in South El Paso (see Segundo Barrio and Chamizal Revitalization Strategies, Parks & Recreation)
- Large tenant housing patters in South El Paso and the neighborhoods just north of I-10 (see Segundo Barrio and Chamizal Revitalization Strategies, Parks & Recreation)
- Large monolingual Spanish-speaking areas of South El Paso (see Modern Language Association)

Last District 8 Election

- Winner out-fundraised her next opponents by almost \$29,000

Ethnic and Language Repercussions

- Make it almost impossible residents of Downtown, Segundo Barrio, Union Plaza, Chamizal, and other parts of South El Paso to run their own candidates
- They can be outspent and out voted by just a couple of precincts on the Westside and Country Club ares
- Minority vote dilution

Language

- These South El Paso neighborhoods have been unable to elect a candidates who speak Spanish
- Most community forums have had to use a translator
- Cannot elect a candidate of their own ethnicity

Consideration

- If District 1 needs to shrink, why not expand District 8 northward
- If District 3 needs to grow, why not expand district 3 westward
- South El Paso is more of a community of interest with District 3 South-of-Interstate 10 neighborhoods than the Country Club and Westside