

# HARTNELL COMMUNITY COLLEGE DISTRICT

## Board of Trustees – Workshop

No Closed Session – No Action will be taken

**October 19, 2011, 5:30 p.m.**

### **TIME/PLACE**

411 Central Avenue, Salinas

**CALL-208**

### **Members of the Board**

*Erica Padilla-Chavez, President*

*Kevin Healy, Vice President*

*Candi DePauw, Patricia Donohue, Bill Freeman,*

*Elia Gonzalez-Castro, Ray Montemayor*

*Juan M. Gutierrez, Student Trustee*

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC COMMENTS**

Fifteen minutes (three minute maximum per person) set aside to receive public comments on items on the published agenda.

**V. PRESENTATION OF MAPS – TRUSTEE AREAS**

*Shelley Lapkoff, Demographer*

*Judy Sulsona, Redistricting Coordinator*

**VI. ADJOURNMENT**

**MISSION STATEMENT:** Hartnell College provides the leadership and resources to ensure that all students shall have equal access to a quality education and the opportunity to pursue and achieve their goals. We are responsive to the learning needs of our community and dedicated to a diverse educational and cultural campus environment that prepares our students for productive participation in a changing world.

**ACCOMMODATIONS:** All meeting locations are wheelchair accessible. The following services are available when requests are made by 4:00 p.m. of the Thursday before the Board meeting: American Sign Language interpreters or use of a reader during a meeting; large print agenda or minutes; assistive listening devices. Please contact, the Office of the President at (831) 755-6900, if you need assistance in order to participate in a public meeting or if you need the agenda and public documents modified as required by Section 202 of the Americans with Disabilities Act.

**Hartnell Community College District**  
**Summary of the Redistricting Process, 2011**

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**Background**

Members of the Hartnell College Board of Trustees participated in training on Redistricting provided by the Monterey County Office of Education, received a briefing and materials from the Superintendent/President and, at the April 5, 2011 meeting, received a presentation by Demographer Dr. Shelley Lapkoff on the preliminary Census 2010 data. They also discussed processes and structures needed to meet the Redistricting requirements and timelines.

**Principles of Redistricting**

At its regular meeting on May 3, 2011, the Hartnell Board of Trustees approved the *Principles of Redistricting* to guide the committee in making recommendations to the Board of Trustees. The Board also authorized the administration to take the action needed to move the process forward as required to meet the March 2012 deadline.

The *Principles of Redistricting* were established to divide the population evenly into seven districts, based on the 2010 Census data, to give the most consistent representation to each individual. Each principle is provided for in law and regulations governing redistricting. They are:

1. Geographic compactness
2. Contiguity
3. Respect for political subdivisions
4. Respect for communities of interest\*
5. Respect for incumbents
6. Other race-neutral redistricting principles (Subordination of traditional district principles to racial classification for "safe racial districts" is unconstitutional).

**Definition:**

\*Community of Interest: A contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process."

**Additionally, the Board provided the following instructions:**

1. That the Redistricting Committee consists of two *representatives* per trustee area.
2. That the Trustee of each area select two representatives from his/her area that agree to broadly represent the geographic area in a nonpartisan manner.
3. That the administration ensures that:
  - a) The public was informed; nominations and letters of interest with supporting qualifications were solicited through press releases, web site notifications and other public announcements.
  - b) Meeting dates were established and committee meetings facilitated, recorded and reported as appropriate.
  - c) A process was implemented to receive and respond to public inquiries in an efficient manner.
  - d) The Board of Trustees and the public were informed of the progress of the committee.
  - e) The recommendation(s) of the committee were presented to the Board of Trustees in a timely manner to meet the March 2012 deadline.

To guide the process, College Administration engaged the services of Lapkoff and Gobalet Demographic Research Inc. They also engaged the services of Judith Sulsona as process coordinator.

**Formation of the Redistricting Advisory Committee**

Residents of the district were invited to apply to serve on the Committee through a variety of methods:

- 1) Announcements were placed in all district newspapers, in English and Spanish.
- 2) Announcements were also broadcasted broadly through campus mailing lists.
- 3) Flyers in English and Spanish describing the role of the Committee and the application process were posted on campus and mailed or delivered to elected officials and public and nonprofit organizations in the community, including Family Resource Centers and Libraries. They were also distributed through the mailing lists of local advocacy groups and agency collaboratives.
- 4) A website was created to provide information about the process, to link to the applications, and as the platform for posting documents, agendas and minutes, as the process move forward. Posted on the website and Redistricting letterhead were a mailing address on campus, an e-mail address and a phone number specifically designated for the Redistricting process, all of which were monitored daily by the Coordinator.

A one-page application was developed in English and Spanish, which could be completed online or on paper.

### **The Redistricting Committee**

Twenty-one applications were received from throughout the district. The Coordinator presented to each Trustee the applications received for his/her area. Each Trustee selected two representatives.

### **Committee Members**

#### **AREA 1**

David J. Dobrowski  
Jennifer Skidgel-Clarke

#### **AREA 2**

Elsa Quezada  
Aurelio Salazar

#### **AREA 3**

Daniel Landesman  
Steven P. McDougall

#### **AREA 4**

Jose Juan Mancera  
Rex K. McIntosh

#### **AREA 5**

Lucina Alcala  
Juan C. Gonzalez

#### **AREA 6**

Veronica Fernandez  
Fred J. Ledesma

#### **AREA 7**

Leigh Butler  
Ken Kline

### **Demographic Composition of the Committee**

Ethnicity: 7 Latinos and 7 White

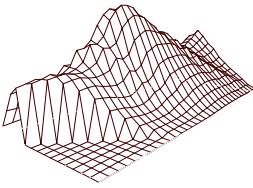
Gender: 5 Female and 9 Male

Age Range:

18 to 25	2
26 to 45	8
46 to 64	2
65 or older	2

## Deliberation Process

The Redistricting Advisory Committee met on September 20, from 5:30 to 7:30 PM, and on October 3, from 5:30 to 8:30 PM. Meetings were held in the Salinas campus, Room HCC138. Meetings were facilitated jointly by the Demographer and the Coordinator. Agendas were posted in advance on the website and at various campus locations. Committee members received agendas and documentation provided by the Demographers with sufficient time to prepare to participate in the meetings. Documentation provided to the Committee was also posted on the website, as were meeting minutes. Detailed information about the deliberation process is provided in the Demographer's report attached.



***Redistricting Report to the Board of Trustees  
Hartnell Community College District***

October 13, 2011

This report has two parts: Part 1 provides a review of redistricting principles along with a discussion of why the current trustee boundaries need to be adjusted. Part 2 describes the Redistricting Committee's recommended plan.

***Part 1: Redistricting Principles and the Current Trustee Areas***

***What is Redistricting?***

In jurisdictions that elect board members by district, redistricting involves the review of the trustee area boundaries after each Census and any necessary adjustments to those boundaries that will balance the trustee area populations. This review applies to the election districts for the U.S. House of Representatives, state legislatures, and local political entities (including community college districts, public school districts, county offices of education, city councils, county boards of supervisors, water boards, and other special districts). Jurisdictions in Monterey County, including Hartnell College, must preclear any boundary changes with the U.S. Department of Justice before the changes can take effect.

***Legal Requirements***

After each decennial census, jurisdictions that elect representatives by trustee area must evaluate the population /demographic characteristics of the districts and adjust their boundaries as necessary. Four different legal requirements apply:

1. Population Equality: Trustee areas must be fairly equal in population size. The difference between the largest and smallest district should not exceed 10 percent of the ideal population size of a district.
2. Federal Voting Rights Act: If trustee area populations are unequal, boundaries must be adjusted in ways that do not violate the Voting Rights Act. Protected minority group populations (including Hispanics) should not be split if doing so would reduce their ability to elect representatives of their choice. Also, protected groups should not be overly concentrated if doing so would reduce their political power in other trustee areas. Finally, boundary changes must not be "retrogressive," meaning that protected groups should not be worse off after the change.<sup>1</sup>

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<sup>1</sup> See the February 9, 2011, "Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act" Notice by the U.S. Justice Department, <http://federalregister.gov/a/2011-2797>.

3. **Communities of Interest:** The Fourteenth Amendment to the U.S. Constitution has been interpreted to prohibit using race as the “predominant” criterion (subordinating other considerations) in drawing or adjusting trustee area boundaries (*Shaw v. Reno*, 1993, and subsequent cases). It does not, however, prohibit all consideration of race in redistricting (*Easley v. Cromartie*, 2001). Bizarrely shaped trustee areas can be evidence that racial considerations predominate. There needs to be a broad focus on communities of interest (including, but not limited to, race).<sup>2</sup>
4. **California Education Code:** Section 5019.5<sup>3</sup> states that community college districts (and K-12 public school districts) must redistrict after the decennial Census and complete the process by March 1, 2012. Redistricting may give consideration to: topography; geography; cohesiveness, contiguity, integrity, and compactness of territory; and communities of interest.

### **Current Trustee areas**

Hartnell has seven trustee areas. We translated the trustee areas into Census 2010 geography (Census blocks), and computed each trustee area’s population characteristics.

### **Population Equality**

Census 2010 counted 262,459 people living in HCCD.<sup>4</sup> This total includes the King City Joint Union High School District portion of San Benito County. Each of the seven trustee areas would have an ideal population of 37,494, which is one-seventh of the District’s total population. Census 2010 counts show that trustee area populations range from a low of 35,291 (Trustee Area 5) to a high of 42,871 (Trustee Area 6).

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<sup>2</sup> Although not specifically applicable to community college districts, the legislation that created the California Citizens Redistricting Commission (-Section 2(d)(4) of Article XXI of the California Constitution) defines a community of interest as “a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.”

<sup>3</sup> California Education Code, Section 5019.5:

(a) Following each decennial federal census, and using population figures as validated by the Population Research Unit of the Department of Finance as a basis, the governing board of each school district or community college district in which trustee areas have been established, and in which each trustee is elected by the residents of the area he or she represents, shall adjust the boundaries of any or all of the trustee areas of the district so that one or both of the following conditions is satisfied:

(1) The population of each area is, as nearly as may be, the same proportion of the total population of the district as the ratio that the number of governing board members elected from the area bears to the total number of members of the governing board.

(2) The population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas.

(b) The boundaries of the trustee areas shall be adjusted by the governing board of each school district or community college district, in accordance with subdivision (a), before the first day of March of the year following the year in which the results of each decennial census are released. If the governing board fails to adjust the boundaries before the first day of March of the year following the year in which the results of each decennial census are released, the county committee on school district organization shall do so before the 30th day of April of the same year.

<sup>4</sup> For purposes of redistricting, the prison population is excluded from our counts. Census 2010 counted 9,970 prisoners in the Soledad prisons. Note that non-inmates living near the prisons are included in the counts reported here.

Table 1 shows the Census 2010 population count of each Trustee area, its deviation from the ideal district size, and percentage of its deviation from the ideal size. For example, District 1 has a Census 2010 population of 35,690, which is 1,804 persons smaller than the ideal. That represents a deviation of (minus) 4.8 percent from the ideal size. Area 6, with the largest population, has a positive deviation of 14.3 percent. The current boundaries were balanced when they were adopted a decade ago. The current plan's imbalance resulted from uneven housing growth and geographical shifts of the population since 2000.

Trustee area populations do not need to be exactly equal; the guideline is that a districting plan should not exceed a "10 percent deviation," which we define below.

There are several ways one can calculate a districting plan's deviation. One is to measure the difference between the least and most populous trustee areas and divide that number by the ideal district size. For HCCD, the difference between Trustee Areas 5 and 6 (the least and most populous districts) is 7,580. The current plan has a deviation of 20.2 percent (7,580 divided by the ideal district size of 37,494).

Another way to calculate a plan's deviation is to sum the absolute values of the percentage deviations of the least and most populous trustee areas. For HCCD, the least populous trustee area has a deviation of 5.9 percent while the most populous district has a deviation of 14.3 percent. These deviations combine to the total of 20.2 percent.

The current plan's deviation is high enough (20.2 percent) to require some boundary adjustments. Trustee Area 6 (extending from Soledad to Prunedale) needs to lose population, while trustee areas in Salinas, the northern part of the District, and Area 3 (west of Highway 101, including southwestern Salinas and Spreckels) need additional population.

**Table 1: Trustee area Census 2010 Populations**

Trustee Area	Population	Deviation	Percent Deviation
1	35,690	-1,804	-4.8%
2	38,367	873	2.3%
3	35,411	-2,083	-5.6%
4	36,348	-1,146	-3.1%
5	35,291	-2,203	-5.9%
6	42,871	5,377	14.3%
7	38,481	987	2.6%
Total	262,459		20.2%
Most populous trustee area	42,871		
Least populous trustee area	35,291		
Difference	7,580		
Ideal Trustee Area Size	37,494 (1/7 of the total population)		
Plan's Percent Deviation	20.2%		

## Voting Rights Act

Section 2 of the Federal Voting Rights Act has been interpreted to mean that if there are sufficiently numerous, geographically compact, politically cohesive, protected groups (including Hispanics, Asian Americans, and African Americans) in a jurisdiction, political subdivisions should be drawn (and adjusted) so as to assure that members of these groups can elect representatives of their choice.

Section 2 prohibits both “packing” and “cracking” of protected group populations. That is, minority populations should not be over concentrated (“packed”), reducing their influence in elections in adjacent trustee areas. Also, minority communities must not be split (“cracked”) if doing so would dilute their political influence (reduce their ability to elect representatives of their choice).

Voting power can be measured in several ways. The group’s share of total population is a poor measure, because only those who are 18 and over and are citizens can vote. Much better measures to assess political power and influence of those protected by the Voting Rights Act include the Voting Age Population (VAP) and the Citizen Voting Age Population (CVAP). In addition, we consider actual voter data; analyzing surnames for Spanish origin can provide an estimate of the share of voters who are Hispanic. Table 2 summarizes these measures for HCCD by current trustee area, as well as district-wide. Hispanics are 71 percent of HCCD’s total population, 66 percent of the VAP, an estimated 50 percent of the CVAP, 48 percent of registered voters in November 2010, 40 percent of actual voters in the 2010 General Election, and 42 percent of actual voters in the 2008 General Election.

Trustee Areas 4, 5, and 6 are clearly Hispanic-majority districts, no matter which measure is used. In addition, about half of actual voters in Trustee Areas 2 and 7 have Spanish surnames. Trustee Areas 1 (north county) and 3 (southwestern Salinas, Spreckels, and the Toro area) are the only areas that do not have a Hispanic majority.

**Table 2: Percent of Trustee Area’s Population that was Hispanic/Latino/Spanish Surname**

Trustee Area	Total Population	Voting Age Population	Estimated Citizen			
			Voting Age Population	Registered voters 2010	Voters Nov 2010	Voters Nov 2008
1	56%	50%	37%	36%	29%	31%
2	67%	62%	54%	53%	47%	50%
3	33%	29%	24%	20%	15%	17%
4	85%	82%	63%	67%	61%	62%
5	87%	84%	67%	69%	64%	66%
6	87%	85%	70%	73%	68%	69%
7	80%	76%	57%	57%	50%	51%
Total	71%	66%	50%	48%	40%	42%

Table 3 presents complete demographic data for the current trustee areas. Several statistics are provided.

**Table 3**

<b>Hartnell Community College District Current Trustee Areas (2001 boundaries, 2010 data)</b>				<b>Percent of Population in Group</b>									
Trustee Area	Population	Deviation from Ideal		Hispanic	NH White	NH Black	NH Indian	NH Asian	NH Hawaiian	NH Other	NH Multiple Race	Total	
		Number	Percent										
<b>Total Population (all ages)</b>													
1	35,690	-1,804	-4.8%	56%	34%	1%	1%	6%	0%	0%	1%	100%	
2	38,367	873	2.3%	67%	17%	2%	1%	12%	0%	0%	1%	100%	
3	35,411	-2,083	-5.6%	33%	56%	2%	1%	7%	0%	0%	1%	100%	
4	36,348	-1,146	-3.1%	85%	9%	1%	0%	3%	0%	0%	0%	100%	
5	35,291	-2,203	-5.9%	87%	8%	1%	0%	3%	0%	0%	0%	100%	
6	42,871	5,377	14.3%	87%	8%	1%	0%	3%	0%	0%	0%	100%	
7	38,481	987	2.6%	80%	16%	1%	1%	2%	0%	0%	0%	100%	
<b>Total</b>	<b>262,459</b>	<b>7,580</b>	<b>20%</b>	<b>71%</b>	<b>21%</b>	<b>1%</b>	<b>1%</b>	<b>5%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	
Ideal district size	37,494												
Most populous trustee area	42,871												
Least populous trustee area	35,291												
% Deviation	20.2%												
<b>Voting Age Population (VAP, aged 18+)</b>													
1	25,921			50%	40%	2%	1%	7%	0%	0%	1%	100%	
2	26,832			62%	20%	3%	1%	13%	0%	0%	1%	100%	
3	27,091			29%	60%	2%	1%	8%	0%	0%	0%	100%	
4	23,903			82%	11%	1%	0%	4%	0%	0%	0%	100%	
5	23,383			84%	10%	2%	0%	3%	0%	0%	0%	100%	
6	28,024			85%	10%	1%	0%	3%	0%	0%	0%	100%	
7	25,782			76%	20%	1%	1%	2%	0%	0%	0%	100%	
<b>Total</b>	<b>180,936</b>			<b>66%</b>	<b>25%</b>	<b>2%</b>	<b>1%</b>	<b>6%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	
<b>Citizen Voting Age Population (CVAP) - estimated from ACS 2005-09 special tabulation and regular data for tracts (note that error margins may be large)</b>													
1	19,539			Estimated Percent of CVAP Population in Group							All others		
2	19,950			37%								63%	100%
3	24,556			54%								46%	100%
4	11,342			24%								76%	100%
5	11,594			63%								37%	100%
6	11,594			67%								33%	100%
7	15,375			70%								30%	100%
7	14,550			57%								43%	100%
<b>Total</b>	<b>116,906</b>			<b>50%</b>								<b>50%</b>	<b>100%</b>
<b>Registered Voters 2010 - from Statewide Databases block-level estimates</b>													
1	15,897			Estimated Percent of Registered Voters with Spanish Surnames							All others		
2	15,658			36%								64%	
3	21,195			53%								47%	
4	9,484			20%								80%	
5	7,060			67%								33%	
6	12,334			69%								31%	
7	10,091			73%								27%	
7	10,091			57%								43%	
<b>Total</b>	<b>91,719</b>			<b>48%</b>								<b>52%</b>	
<b>Actual Voters 2010 - from Statewide Databases block-level estimates</b>													
1	9,782			Estimated Percent of Actual Voters with Spanish Surnames							All others		
2	8,866			29%								71%	
3	14,853			47%								53%	
4	4,912			15%								85%	
5	3,480			61%								39%	
6	6,536			64%								36%	
7	6,148			68%								32%	
7	6,148			50%								50%	
<b>Total</b>	<b>54,577</b>			<b>40%</b>								<b>60%</b>	
<b>Actual Voters 2008 - from Statewide Databases block-level estimates</b>													
1	11,843			Estimated Percent of Actual Voters with Spanish Surnames							All others		
2	10,679			31%								69%	
3	17,149			50%								50%	
4	5,984			17%								83%	
5	4,207			62%								38%	
6	7,701			66%								34%	
7	6,688			69%								31%	
7	6,688			51%								49%	
<b>Total</b>	<b>64,251</b>			<b>42%</b>								<b>58%</b>	

**Comparison of 2000 and 2010 Populations**

As shown in Table 4, the population in HCCD grew by a modest three percent over the decade. Population growth was uneven. Some trustee areas lost population (Areas 3, 4, and 5), while others (Areas 1, 2, 6, and 7) gained. Trustee Area 6 grew the most, by 5,377 persons.

**Table 4**  
**Comparison of 2000 and 2010 Populations**

Trustee Area	2000 Population	2010 Population	Change	% Change
1	34,249	35,690	1,441	4%
2	33,857	38,367	873	3%
3	35,013	35,411	-2,083	-6%
4	34,419	36,348	-1,146	-3%
5	35,306	35,291	-2,203	-6%
6	36,390	42,871	5,377	15%
7	33,473	38,481	987	3%
Total	242,707	262,459	7,580	3%

Between 2000 and 2010, the Hispanic share of the District’s population grew: from 62 percent to 71 percent. Hispanic shares increased in every trustee area (Table 5).

**Table 5**  
**Comparison of 2000 and 2010 Hispanic Shares**

Trustee Area	2000 Population	2010 Population	Percentage Point Change
1	42.1%	56.1%	14.0%
2	51.9%	66.8%	14.9%
3	24.5%	32.9%	8.4%
4	77.1%	85.3%	8.2%
5	83.0%	87.4%	4.4%
6	83.6%	87.4%	3.9%
7	73.4%	80.1%	6.7%
Total	62.4%	71.4%	9.0%

## ***Part 2: Committee Recommended Plan***

### ***Process***

The Redistricting Committee received materials in advance of the first committee meeting, including four possible redistricting plans. As a result, Committee members were well informed at the beginning of that first meeting. After reviewing the redistricting principles and the four plans that were constructed for them, one Committee member, Juan Carlos, a Latino representing Trustee Area 5, suggested a different configuration for one of the Salinas trustee areas. He was uncomfortable with how the new Monte Bella neighborhood was treated. This discussion eventually evolved into a group effort to reconfigure Area 5. The Committee thought this reconfiguration was superior to the ones in the four initial plans. It was essentially an East Salinas, or Alisal, trustee area, which combined Monte Bella with the adjacent areas. All members of the Committee liked this trustee area, and the Hispanic members of the Committee thought it was especially important to have such a trustee area. The demographer was tasked with creating a full plan that featured the Alisal trustee area.

At its second meeting, the Committee received a full plan using the trustee area suggested at the prior meeting. However, there were two problems: two trustees lived in one district and none lived in the Alisal trustee area and the Alisal trustee area was highly Hispanic and might be considered “packed.” Other trustee areas lost some Latino strength, although all remained well above 50 percent CVAP.

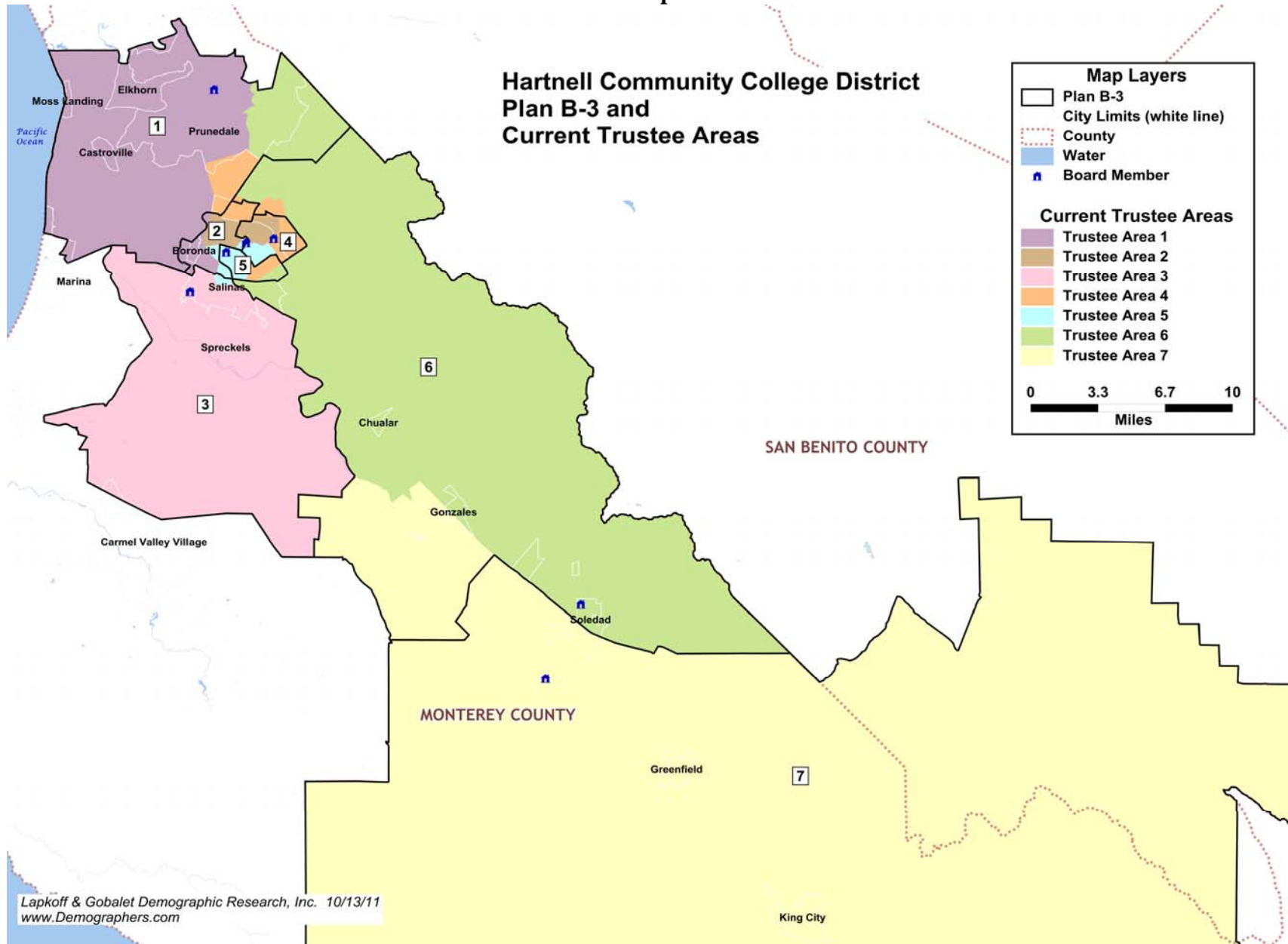
During the second meeting, Plan B-3 was adjusted so that there was an incumbent in each trustee area.

The Committee then debated whether there was sufficient justification for Trustee Area 5 to be so highly Hispanic. They reviewed the principles of packing and retrogression, and believed or at least hoped that the Department of Justice would preclear Plan B-3 if the numbers were analyzed in depth. This will be discussed after our description of Plan B-3.

### ***Description of Plan B-3***

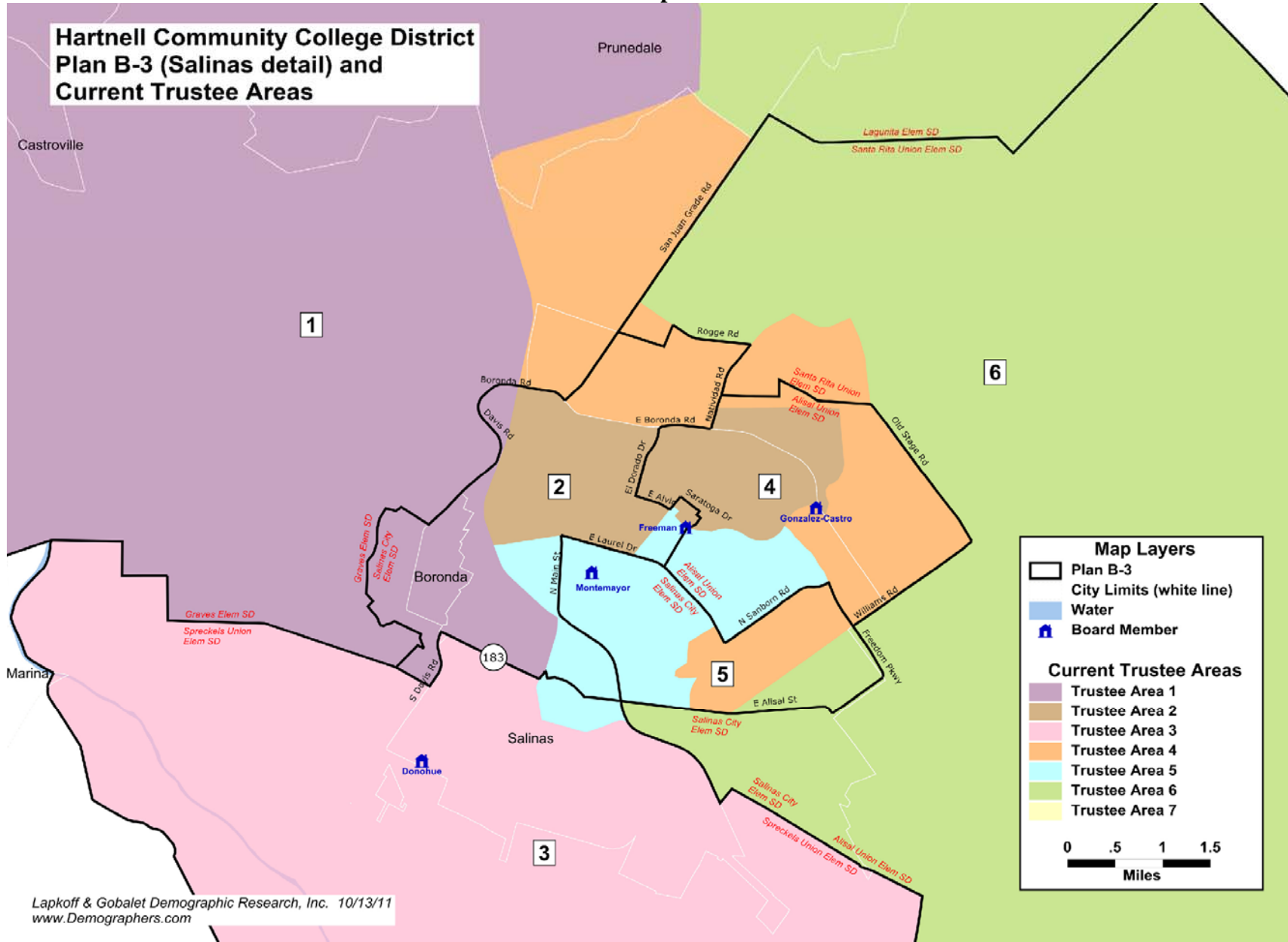
We first describe adjustments to the non-Salinas centered trustee areas (Trustee Areas 1, 3, 6, and 7). After that, we describe the Salinas trustee areas (2, 4, and 5). Please consult the overview and detailed maps for Plan B-3. In the maps, the current trustee areas are color-shaded as background. Plan B-3 trustee areas are indicated by the black lines.

Map 1



Map 2

**Hartnell Community College District  
Plan B-3 (Salinas detail) and  
Current Trustee Areas**



Lapkoff & Gobalet Demographic Research, Inc. 10/13/11  
www.Demographers.com

**Trustee Area 7:** Area 7 is the southernmost trustee area, currently containing King City Joint Union High School District (KCJUHSD), Soledad Unified School District west of Highway 101, Mission Elementary School District, and Gonzales Unified School District west of Highway 101. Currently, both Soledad Unified and Gonzales Unified are split between Areas 6 and 7.

Census 2010 counted 38,481 persons in the current Area 7, which is 987 persons larger than ideal (a 2.6 percent deviation). This trustee area does not *require* adjustment, but it seemed desirable to move the Area 7 portion of the Gonzales Unified School District into Area 6. This region contains 488 persons. Moving it would reduce the trustee area's deviation (to 499, or 1.3 percent) and would assign all of Gonzales Unified to one trustee area. This would provide more flexibility in adjusting boundaries of other trustee areas. Note that Mission Elementary School District, which feeds into Gonzales Unified for the high school grades, remains in Trustee Area 7.

**Trustee Area 6:** The current Trustee Area 6 contains most of the populated area of Soledad Unified School District and includes territory northward to the boundary between Salinas Union High School District and North Monterey County Unified. Area 6 also includes part of the city of Salinas. It includes the new Monte Bella community (which did not exist and was not within the city limits of Salinas in 2000), and it also includes a large area of southeast Salinas west of the airport, which has a population of 10,025.

In Plan B-3, Area 6 also includes the portion of Gonzales Unified west of Highway 101, formerly in Trustee Area 7. All of Gonzales Unified is now in Area 6.

In Plan B-3, territory is transferred from Trustee 6 to Area 5 and includes the Monte Bella area and the area forming a triangle defined by East Alisal Street – Barden Road – Williams Road.

Also, Lagunita Elementary School District is moved from Area 6 to Area 1. This was done to make Area 6 more compact. Committee members were concerned that Area 6 has extended from Soledad to the northern boundary of HCCD.

**Trustee Area 1:** The current Area 1 covers land in the northern portion of the college district, plus a small but sizeable population in west Salinas (the Boronda area), west of Highway 101 and north of Highway 183. Area 1 is 1,804 persons smaller than the ideal (a 4.8 percent deviation).

In Plan B-3, Area 1 picks up Lagunita Elementary School District. Area 1 loses its west Salinas (Boronda area) territory and has as its southeastern boundary the Graves Elementary School District – Salinas City Elementary boundary. In exchange, Area 1 picks up the area just north of Boronda Road and west of San Juan Grade Road, which is currently in Area 4.

**Trustee Area 3:** The current Area 3 contains Spreckels and Washington Union Elementary Districts, located southwest of Salinas. Area 3 also includes a substantial portion of south Salinas south of Highway 68 and west of Highway 101. Area 3 is 2,203 persons smaller than the ideal (a 5.6 percent deviation) and needs additional population.

In Plan B-3, Area 3 is augmented by the part of south Salinas bounded by Market Street, East Alisal Street, and Highway 101 formerly in Area 5. Its northern boundary goes along Market Street, East Alisal Street, and Highway 101.

### **Salinas-based Trustee Areas**

As discussed above, the Committee formed Trustee Area 5 first, and then wanted a sensible division of Areas 2 and 4 (using major roads whenever possible) that would avoid head-to-head contests between or among incumbents.

**Trustee Area 5:** Trustee Area 5 is centered in East Salinas, or the Alisal area. Its northern boundary is Freedom Parkway; it then runs south along North Sanborn, west on East Laurel then south on Main Street to Highway 101, across East Alisal Street to the edge of Monte Bella, to Freedom Parkway. The Area's boundaries follow major roads and include the Area 5 incumbent. This area was formerly part of Areas 4, 5, and 6. If it were not for the Area 5 incumbent's residence, this trustee area could be called either Area 4 or Area 5, because it contains large pieces of both current trustee areas.

**Trustee Area 4:** Trustee Area 4 becomes Salinas' northeastern trustee area in Plan B-3. The boundary between Areas 4 and 6 is the Salinas city boundary, which is Area 4's northern boundary and part of its eastern boundary. The boundary between Areas 4 and 5 follows Freedom Parkway, North Sanborn Road, and East Laurel Drive. Part of the boundary between Areas 2 and 4 is the Alisal-Salinas City Elementary School District boundary. The boundary line then runs westerly on Saratoga Drive, south on Natividad, west on East Alvin Drive and north on El Dorado. The boundary between Areas 2 and 4 is somewhat awkward and is a result of avoiding head-to-head contests between incumbents and balancing populations.

The new Trustee Area 2 includes portions of the current Areas 2, 4, and 5. If it not for the Area 4 incumbent's residence, this trustee area could be labeled Area 4, 5, or possibly even 2.

**Trustee Area 2:** Trustee Area 2 becomes Salinas' western trustee area. Its northern boundary with Trustee Area 6 follows the Salinas city limit to San Juan Grade Road then south to Boronda Road. It includes west Salinas, including the Boronda neighborhood, with its western boundary the Graves School District - Salinas City School District boundary. Its southern boundary follows Market Street to East Alisal Street, and proceeds north along Highway 101 and Main Street. Its boundary with Trustee Area 4 is described above.

### **Demographic Statistics**

Table 6 shows the demographic statistics for Plan B-3. The plan's deviation is 7.3 percent. It (continues to) contain three very strong Hispanic districts, two Hispanic influence districts, and two non-Hispanic districts.

**Table 6**

<b>Population Balance</b>				<b>Percent of Trustee Area's Population that was Hispanic/Latino/Spanish Surname</b>					
Trustee Area	Population	Deviation	Percent Deviation	Total	Voting Age	Estimated Citizen	Registered voters 2010	Voters Nov 2010	Voters Nov 2008
				Population	Population (VAP)	Voting Age Population (CVAP)			
1	38,474	980	2.6%	59%	52%	38%	35%	28%	31%
2	38,032	538	1.4%	68%	63%	53%	51%	46%	48%
3	37,934	440	1.2%	36%	31%	26%	21%	16%	18%
4	35,915	-1,579	-4.2%	79%	75%	62%	62%	57%	59%
5	38,360	866	2.3%	93%	91%	76%	79%	74%	76%
6	35,751	-1,743	-4.6%	86%	83%	70%	70%	66%	67%
7	37,993	499	1.3%	80%	76%	57%	58%	57%	51%
Total	262,459		7.3%	71%	66%	50%	48%	41%	42%

**Why the Committee Wanted the Configuration for Trustee Area 5**

Committee members felt strongly that Plan B-3’s Trustee Area 5 was an obvious way to structure the Salinas-based trustee areas. Alisal is of great concern, especially educationally, and it was believed that a Hartnell trustee whose exclusive focus was East Salinas would best represent this area. In particular, the Committee noted:

- Alisal is a strong and important community of interest to Hartnell Community College.
- Alisal has special needs, especially educational ones.
- California Department of Education data show that Alisal High School has one of the lowest graduation rates in the state.
- Many potential Hartnell students from this area would be the first in their families to attend college.
- ESL classes are particularly important in this area.
- Hartnell has an Alisal campus.
- A trustee from the area could help ensure that there were programs that would help students enroll at Hartnell.
- A Hartnell trustee from the East Alisal area might help to increase college attendance and graduation rates in this community.

Committee members noted that in the current plan and in other plans shown to them, the Alisal community is divided among different trustee areas.

**Concerns about Trustee Area 5’s Hispanic Percentages**

Area 5 has a total population that is 93 percent Hispanic. If this concentration of Hispanics reduced Hispanic voting strength in other trustee areas, then the Area 5 configuration might violate the Federal Voting Rights Act. Perhaps complicating matters is the U.S. Supreme Court decision *Shaw v. Reno* that suggests that communities of interest matter, and that race should not be the dominant factor in drawing lines. Under this principle, one could argue that Area 5 is a strong and important community of interest, and should not be rejected solely on the basis of race.

Meanwhile, any changes in HCCD in trustee area boundaries are subject to preclearance by the Department of Justice (DOJ), which we believe is focused on enforcing the Federal Voting Rights Act rather than on enforcing *Shaw v. Reno*. The high percentage of Hispanics in Trustee Area 5 could cause the plan not to be precleared. It will appear that Hispanics are over concentrated in this trustee area, and the DOJ attorneys will look to see if there is retrogression; that is, are some trustee areas lower in Hispanic voting strength because the Area 5 Hispanic population share is so large?

The DOJ typically looks at Citizen Voting Age Population (CVAP) statistics to evaluate Hispanic voting strength. According to Matt Barreto (a University of Washington political science professor who works closely with Joaquin Avila),<sup>5</sup> the DOJ would not care if trustee areas lose Hispanic power as long as they have Hispanic CVAP shares that are at least 60 percent. In Plan B-3, the three highly Hispanic trustee areas – 4, 5, and 6 – continue to have at least 60 percent Hispanic CVAP (62 and 70 percent). By this measure, Plan B-3's Area 5 configuration does not appear to be associated with a meaningful decline in Hispanic voting strength in the other two Hispanic trustee areas.

However, according to Professor Barreto, the change in Area 2 could be problematic. Under Plan B-3, Area 2 has a 53 percent Hispanic CVAP. While this percentage did not change much from the current plan (54 percent), it is clear that a different plan would boost the Hispanic percentage a bit in Area 2. Under a different configuration (such as Plan A-2 that was shown to the Committee), the Hispanic CVAP is 55 percent. We believe the question will boil down to whether that amount of difference (53 versus a 55 percent CVAP) is more or less important than having a strong Hispanic community of interest as represented by B-3's Area 5 configuration.

Table 7 compares Hispanic voting power under the current plan and Plan B-3. We anticipate that the DOJ attorneys will make such comparisons in assessing whether retrogression has occurred. Negative numbers indicate that Hispanic voting power is reduced. Area 4 is reduced by 1.9 percent, but because CVAP is still highly Hispanic, this will probably not be of concern. Area 2 also has a reduced share of Hispanic CVAP and since it is an Hispanic influence district, the DOJ attorneys may frown on this development. However, it is unclear whether a one percentage point difference is important enough to reject the plan. The District's legal consultant, Matt Barreto, recommended that the plan be tinkered with to increase the share of Hispanics in CVAP in Trustee Area 2 to above 55 percent if possible.<sup>6</sup> We will try to do this before the October 19 board meeting.

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<sup>5</sup> Telephone conference on October 12, 2011.

<sup>6</sup> Email correspondence October 13, 2011.

**Table 7**

<b>Retrogression Test</b>			
Hispanic Share of Citizens 18+ (CVAP)			
Trustee Area	Current Plan	Plan B-3 (Committee Plan)	Difference between Current and Plan B-3
1	37%	38%	0.4%
2	54%	53%	-1.0%
3	24%	26%	1.4%
4	63%	62%	-1.9%
5	67%	76%	8.7%
6	70%	70%	-0.5%
7	57%	57%	0.1%

**Summary**

HCCD trustee areas need to be adjusted, as they are too unequal in population. HCCD’s Redistricting Committee met and unanimously supported Plan B-3. We suspect that adjustments made to Trustee Areas 1, 3, 6, and 7 are not controversial. Plan B-3’s Salinas-based trustee areas – 2, 4, and 5 – provide for an East Salinas or Alisal trustee area (Area 5). The Committee strongly endorsed the configuration of this trustee area as having special needs and being a strong and significant community of interest. However, the high percentage of Hispanics in the trustee area could cause the plan not to be precleared. Whether it will be precleared may depend on whether the DOJ attorneys see that Alisal is important enough as an Hispanic community of interest to offset a small decline in the percentage Hispanic in adjacent Area 2.

Plan B-3 was modified by the Committee to avoid head-to-head contests between incumbents.