CHRISTOPHER A. CALLIHAN (Bar No. 203010)
City Attorney
MICHAEL MUTALIPASSI (Bar No. 274858)
Asst. City Attorney
OFFICE OF THE SALINAS CITY ATTORNEY
200 Lincoln Avenue
Salinas, CA 93901
Telephone: 831.758.7256
Facsimile: 831.758.7257
Email: michaelmu@ci.salinas.ca.us

Attorneys for Plaintiff City of Salinas

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE; LEAGUE OF WOMEN VOTERS; BLACK ALLIANCE FOR JUST IMMIGRATION; HARRIS COUNTY, TEXAS; KING COUNTY, WASHINGTON; CITY OF LOS ANGELES, CALIFORNIA; CITY OF SALINAS, CALIFORNIA; CITY OF SAN JOSE, CALIFORNIA; RODNEY ELLIS; and ADRIAN GARCIA, Plaintiffs, v. WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce; U.S. DEPARTMENT OF COMMERCE; STEVEN DILLINGHAM, in his official capacity as Director of the U.S. Census Bureau; and U.S. CENSUS BUREAU, Defendants.	CASE NO. 20-cv-5799-LHK **DECLARATION OF ELIZABETH SOTO, ACTING CITY CLERK FOR THE CITY OF SALINAS, IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY AND PRELIMINARY INJUNCTION**

I, Elizabeth Soto, do hereby declare as follows:

1. The facts set forth in this declaration are true and correct based upon my own personal knowledge. If called as a witness, I could and would testify competently to each of the facts set forth herein.

2. I am employed as Deputy City Clerk for the City of Salinas. I have been Deputy City Clerk for the City of Salinas since 2012.

3. Among other duties, in my position as the Deputy City Clerk, I am the Acting City Clerk when the City Clerk is absent or unable to perform her duties. As Acting City Clerk, I am a custodian of records for all public documents created and maintained by the City of Salinas, including reports made to the City Council. I have reviewed the relevant records related to the information set forth below in my capacity as custodian of records and am prepared to testify concerning the facts set forth therein.

4. The City of Salinas is a Charter City, organized under Article XI, Section 3 of the California Constitution. Section 21620 of the California Elections Code allows the City Council to give consideration in redistricting to topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and communities of interest within the district. Pursuant to Section 5, the Charter of the City of Salinas prescribes the manner in which redistricting will occur after each Decennial Census, and relies upon the use of Census Data. To that end, the Census is vital to ensuring proper political representation for the City's population.

5. Charter Section 2.4 calls for the redrawing of Salinas's six City Council districts so that they are "as nearly equal in population as may be according to the latest federal decennial census." During each of the past two redistricting processes the Council appointed a seven (7) member committee (one appointee by the Mayor and each City Councilmember) to work with staff and a demographer (that was selected) to review and recommend a redistricting proposal for consideration by the Mayor and City Council. The City Attorney's Office and Administration provided staff support, and the demographer provided technical and expert support to the Committee.

6. In 2010, the City's Redistricting Committee held eleven public meetings

between June 2011 and December 2011, including three neighborhood meetings at the Firehouse Recreation Center on Williams Road, the Teamsters Hall on Sanborn Road, and Laurelwood School on Larkin Street. The Committee considered five map alternatives, and two maps were presented at the neighborhood meetings.

7. In keeping with the one person, one vote principle, the City may have no more than a ten percent deviation from the ideal district population size (after the 2010 Census, that was 25,083 or one-sixth of the City's total 2010 population). In practice, the goal is to have a deviation percentage that is much lower. For example, as a result of the 2012 redistricting process, each Council District represents a population of approximately 25,000 residents, with a population deviation of less than +/- 1.6%.

8. Equal distribution of residents in each Council District ensures that every resident has equal access to their City government representative. If the 2020 Census results in inaccurate population data on the granular level, the redistricting process in Salinas could inadvertently result in the concentration of racial groups into one voting district, which results in the dilution of their voting power. This is something the Salinas City Council explicitly worked to avoid when redistricting district maps after the 2010 Census. The City's Redistricting Committee and ultimately the City Council relied upon census data to draw a map that would not have the effect of diminishing the ability of any citizens on account of race, color, or membership in a language minority group to elect their preferred candidates of choice.

9. According to data from the Census Bureau, the City of Salinas has approximately 150,000 residents. Most of these residents are renters and nearly 6 in 10 of all occupied housing units are renter-occupied. The City's population is more than 75 percent Latino, and more than 1 in 5 households have limited English-language proficiency. Nearly 1 in 3 households have an income below 150 percent of the poverty level, 40 percent of those age 25 or older have not completed high school, and fewer than 1 in 4 occupied households do not have broadband internet. These are all characteristics that make a population "hard-to-count" according to the Census Bureau.

10. Hard-to-count residents in the City of Salinas are not distributed equally among neighborhoods or the 6 City Council Districts. For example, according to the Census Bureau's own data, Council District 2 is much "harder-to-count" than Council District 3, even though they are directly adjacent to one another. In an average census tract in Council District 2 (Census Tract 9 for example), 88.7% of the housing units are renter-occupied, 53.8% of the households speak limited English, and 61.5% of the population lives at 150% of the poverty level or below, compared with just 36.5% of housing units being renter-occupied, 2.1% of the housings have limited English speaking, and 20.5% of the population living at 150% of the poverty level or below, in an average census tract in Council District 3 (Census Tract 12 in this instance).

11. Accordingly, residents in Council Districts with large concentrations of undercounted residents would be denied equal representation. Residents in Districts with larger undercounted populations would proportionally have less access to their elected representative, denying them an equal ability to petition their government for redress of grievances as guaranteed by the First Amendment. The residents of those Districts with more undercounted neighbors would be denied equal access merely because of where they happen to reside and who their neighbors happen to be.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on: August 24, 2020 in Salinas, California.

Elizabeth Soto,
Deputy City Clerk, Acting City Clerk,
City of Salinas