

SANTA CLARA CALIFORNIA

7 Santa Clara

August 9, 2011

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Per _____



City Attorney's Office

Via Facsimile and U.S. Mail
(916) 651-5711

Citizens Redistricting Commission
901 P Street, Ste. 154-A
Sacramento, CA 95814

Re: **Opposition to the Latest Draft Assembly District Map related to the City of Santa Clara**

Dear Commissioners:

This letter follows the July 22, 2011, letter from the City of Santa Clara's Mayor and City Manager voicing strong opposition to the major revisions to the July 10, 2011, Assembly District Map. This latest version of the map has placed the City of Santa Clara in the Alameda County Assembly District, instead of its home within the Silicon Valley Assembly District. The City of Santa Clara believes that this decision to shift the City of Santa Clara from its contiguous neighbors to a distant district is contrary to the California Constitution and the federal and state Voting Rights Acts.

California Constitution, Article XXI, Section 2 provides that the Citizens Redistricting Commission shall draw district lines according to the following redistricting criteria, and in the following priority:

- “(1) Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
- (2) Districts shall comply with the federal Voting Rights Act.
- (3) *Districts shall be geographically contiguous.*
- (4) *The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions.* A community of interest is 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, a rural 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. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (5) To the extent practicable, and where this does not conflict with the criteria above, *districts shall be drawn to encourage geographical compactness* such that nearby areas of population are not bypassed for more distant population.

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(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts." [Emphasis added.]

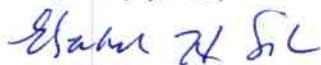
California courts have long established redistricting criteria that mirror these constitutional requirements, namely that the following principles must guide redistricting efforts: (1) equality of population; (2) contiguity and compactness of districts; (3) respect for city and county boundaries; (4) preservation of the integrity of the state's geographical regions; (5) consideration of the "community of interests" of each area; (6) formation of state senatorial districts from adjacent assembly districts and use of assembly district boundaries in drawing congressional district boundaries; and (7) reliance on the current census and on undivided census tracts. (*Wilson v. Eu* (1992) 1 Cal.4th 707, 714; *Legislature of the State of California v. Reinecke* (1973) 10 Cal.3d 396, 402.)

These criteria are imposed on redistricting efforts to prohibit the arbitrary division of cities and counties for political purposes and to help cities and counties maintain local control by giving them effective representation in the Legislature. Redistricting should not violate the City's territorial integrity, divide the "community of interests" shared by its residents, or deny or dilute any particular community's voting strength in violation of the Voting Rights Act.

To excise the City of Santa Clara from its neighboring cities within Santa Clara County violates both the City of Santa Clara's and the County of Santa Clara's territorial integrity and contravenes the Constitutional mandates that districts shall be geographically contiguous, that local community of interest shall be respected in a manner that minimizes division, and that districts shall be drawn to encourage geographical compactness. Further, it will prevent the City of Santa Clara from effectively working with its other city neighbors and the County of Santa Clara in regional programs mandated by federal and state law, including but not limited to National Pollutant Discharge Elimination System ("NPDES") permits, reduction of solid waste and improved recycling programs (Cal. Public Resources Code §§ 40000 et seq.), and Local Area Formation Commission ("LAFCO") planning efforts related to annexations, detachments, and spheres of influence within the County of Santa Clara.

I join with the City of Santa Clara's Mayor and City Manager in my strong opposition to the current draft Assembly District Map and urge your Commission to return the City of Santa Clara to its rightful home within the Silicon Valley Assembly District.

Very truly yours,



Elizabeth H. Silver
Interim City Attorney

LS:cee

cc: City Council
City Manager