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MEMORANDUM

TO: Honorable Chair and Members of the Commission

cc: Lora Fleming, Chief of Staff
Kathy J. Steinman, Deputy City Attorney

FROM: Craig A. Steele

DATE: December 14, 2021

SUBJECT: City of San Diego - Final Map and Plan

I have reviewed the proposed 2021 Final Redistricting Map and Plan for the City of San Diego (“Final Map and Plan”) to be considered by your Commission for adoption at the December 15, 2021 meeting, as provided to me by staff. My review is informed by the information in the demographic and statistical report from your consultant, HaystaqDNA, also provided to me by staff on December 13, 2021 (“HaystaqDNA Report”). The Final Map and Plan is, as you know, the result of an intensive and inclusive public meeting and public hearing process in compliance with Section 5.1 of the San Diego City Charter (“Charter”) and builds on the Commission’s work in adopting a Preliminary Map and Plan on November 13, 2021¹.

As you have been informed by the City Attorney’s office and our firm, the map the Commission adopts must comply with the United States Constitution, the City Charter, and the federal Voting Rights Act² (“VRA”), as well as provisions of state law. In my view, the Commission, staff, consultants, and the public have done a good job in meeting the mandatory legal requirements and balancing numerous substantive redistricting considerations. The fundamental constitutional requirement for any local map is that all districts must be substantially equal in population. Section 5.1 of the City Charter localizes that requirement, providing that each district must, as nearly as practicable, contain one-ninth of the population of the City as reflected in the latest U.S. census. According to the HaystaqDNA Report, the Final

¹ This memorandum supplements my memorandum to the Commission dated November 12, 2021.

² *as amended* 52 U.S.C. §§ 10301, *et. seq.*

Map and Plan meet the “substantially equal” requirement, with legally acceptable population and deviation.

The Final Map and Plan explain in detail how the Commission applied the redistricting factors and limitations established by the Charter to the realities of the City’s population and geography to create nine City Council Districts that are substantially equal in population and meet the requirements of the VRA. I am aware of no credible evidence that any intentional discrimination has occurred in your process to date. The Final Map and Plan lay out strong race-neutral policy and practical reasons for the proposed district boundaries. According to the Final Map and Plan, there has been no improper dispersal of minority voters into multiple districts to render them an ineffective minority, or over-concentration of minority voters in one or more districts in ways that would dilute minority voting power in individual districts. In fact, some elements of the Final Map and Plan reflect the Commission’s additional considerations for minority groups and communities of interest at the request of those groups, including the Asian population in District 6 and the LGBTQ population in District 3.

The Final Map and Plan and the HaystaqDNA report indicate that the reduction of certain minority populations in one or more districts is the result of population loss over time, and not any intentional action by the Commission. To appropriately balance the total 2020 census population of District 9 the Commission had to include more populated neighborhoods not currently in that District, which changed the racial population percentages. The Commission made significant efforts to keep the Latino CVAP percentage in District 9 above 30%, which is more comparable to populations under the existing district map than under the Preliminary Map and Plan.

The Commission has followed the procedural and substantive requirements of the Charter in reaching the point where you will consider adoption of the Final Map and Plan. You have made impactful and data-supported improvements to the Preliminary Map and Plan based on the evidence presented at public hearings. Important and non-discriminatory policy and population reasons that are documented by substantial evidence in the record of your proceedings support the Commission’s decisions. In my view, the Final Map and Plan is legally defensible as compliant with the laws that govern the Commission’s work.