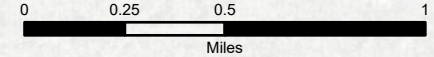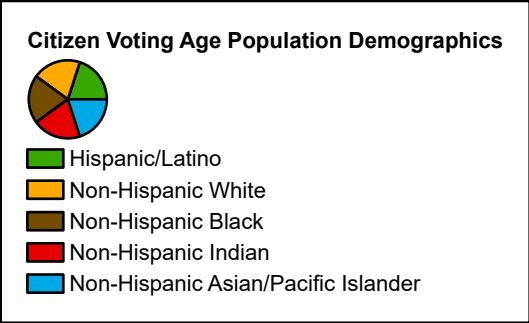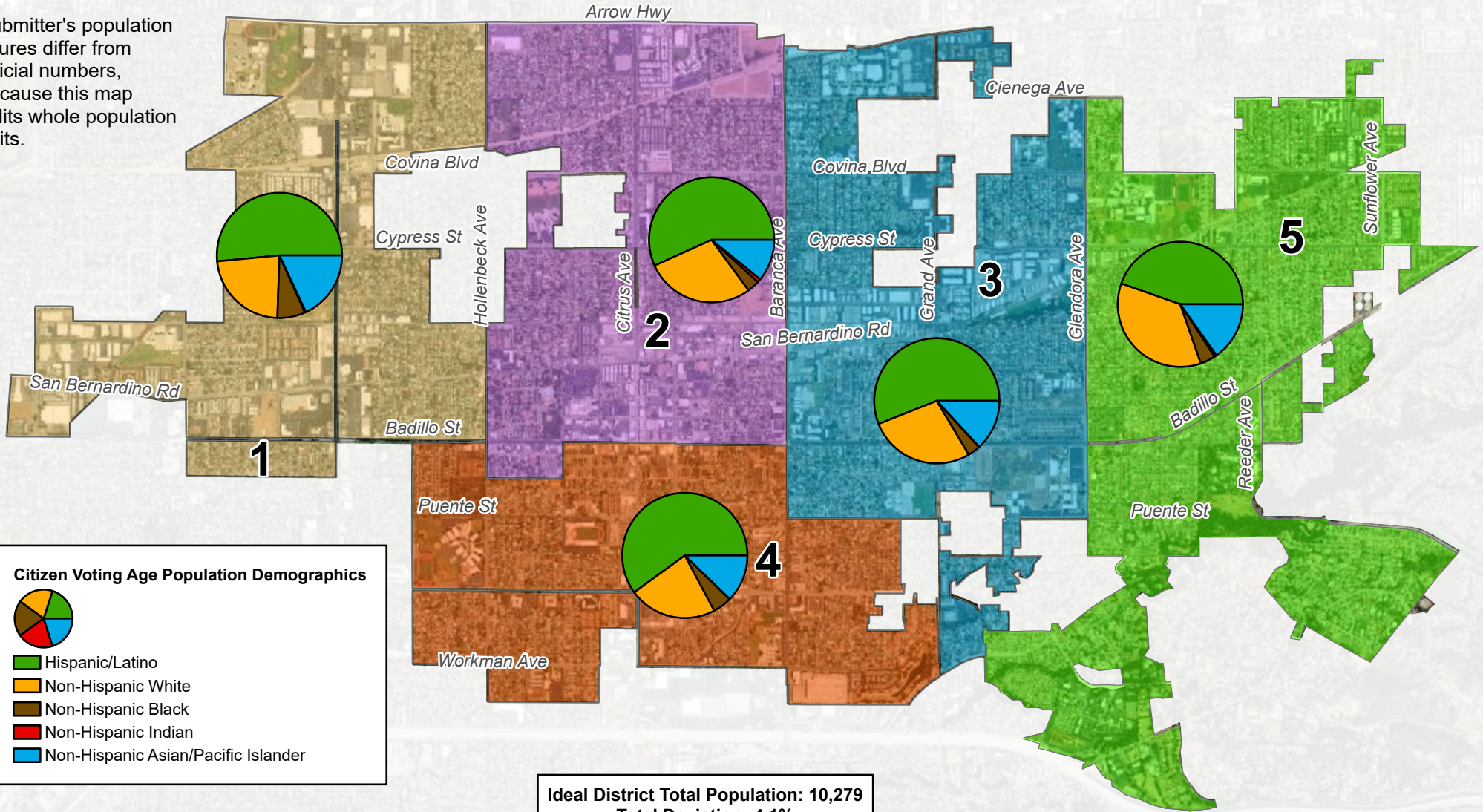# COVINA REDISTRICTING 2021
PUBLIC PARTICIPATION MAP DEMOGRAPHICS
PUBLIC MAP NUMBER 129

Districts Proposed Up For Election In 2022: (submitter did not propose)
Districts Proposed Up For Election In 2024: (submitter did not propose)

Submitter's population figures differ from official numbers, because this map splits whole population units.

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Miles

Citizen Voting Age Population Demographics

- 🟩 Hispanic/Latino
- 🟧 Non-Hispanic White
- 🟫 Non-Hispanic Black
- 🟥 Non-Hispanic Indian
- 🟦 Non-Hispanic Asian/Pacific Islander

Ideal District Total Population: 10,279
Total Deviation: 4.1%

District	CVAP	Hispanic/Latino	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic Indian	Non-Hispanic Asian/Pacific Islander	Total Population	Deviation From Ideal	Percent Deviation
1	6,673	50.4%	22.5%	7%	0.3%	17.6%	10,152	-137	-1.3%
2	6,485	56.5%	28.2%	3.1%	0.9%	10.8%	10,293	4	0%
3	5,816	55%	27%	3.1%	0.1%	12.9%	10,126	-163	-1.6%
4	6,891	59%	22.4%	4.8%	0.1%	12%	10,545	256	2.5%
5	7,690	44.4%	35.5%	3.9%	0.6%	15.1%	10,328	39	0.4%

PLAN A

census block group   precinct (2020 general)
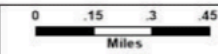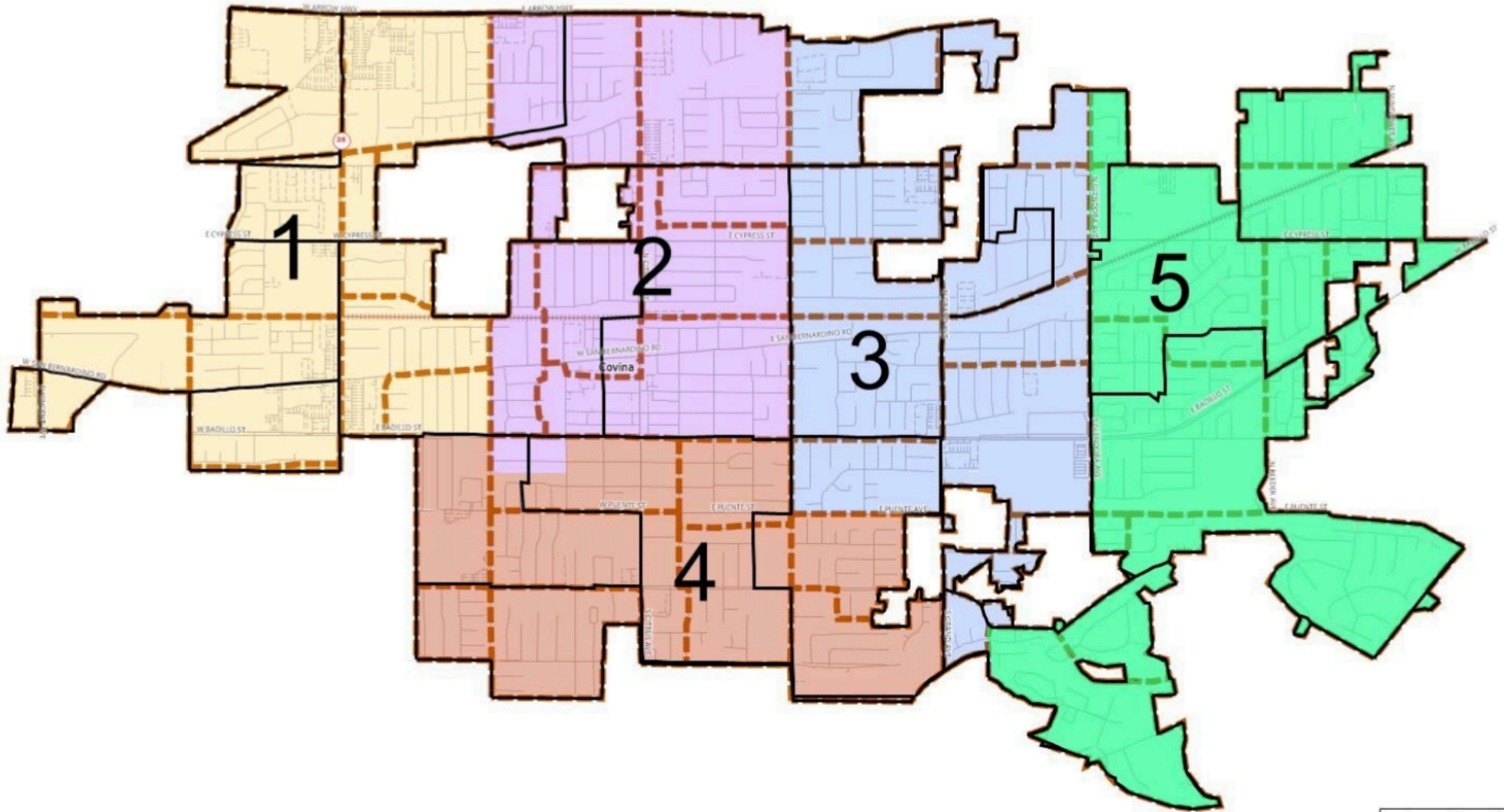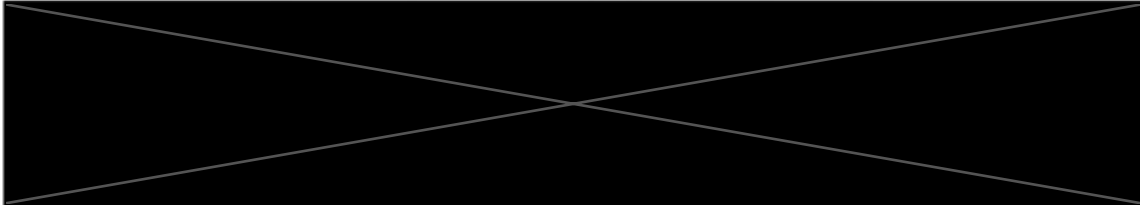
December 6, 2021

Mr. Chris Marcarello
City Manager
Covina City Hall
125 E. College Street
Covina CA
via electronic mail

Dear Mr. Marcarello:

Based on your report to the last meeting, I had anticipated working with my clients to present maps for the December 14, 2021 deadline.[1] However, I noticed that at mapcovina.org that you may not be accepting maps after 6 PM this evening. I also see that tomorrow's regular meeting has been cancelled, so there may not be opportunities for further public comment before the meeting scheduled for November 21, 2021.

I recognize that the City posted our original petition as part of its October 2, 2021 agenda. It provided information that the public can use to help the council identify which "communities of interest" are the most important building blocks for council districts, and this letter provides additional maps and data for that purpose. I hope that you will consider posting them as "resources" on the new mapcovina.org website.

OUR PROPOSED MAPS

I also attach two maps that I developed with my clients, who found the paper mapping tool difficult to use.[2] We developed these maps with software that enabled very detailed demographic analysis, but I have uploaded them to

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[1] "Tuesday, December 14, 2021, is the final deadline to submit maps for consideration at the next public hearing scheduled for Tuesday, December 21, 2021."
https://covinaca.civicweb.net/document/16581/City%20Council%20Election%20District%20Public%20Hearing%20_.pdf?handle=5DE3711DBA244F9BB739011080240342
But see "Deadline Flyer" "The Covina City Council is hosting its third district formation Public Hearing on December 21, 2021 at 7:30 p.m. The deadline to submit district maps for consideration at this Public Hearing is December 6, 2021, by 6 p.m."
https://mapcovina.org/wp-content/uploads/2021/12/12_21_City-of-Covina_Districting_Flyer-8.5x11_ENG_WEB_v2.pdf
[2] The population units reflect major streets that are clearly identifiable boundaries, but many group census blocks that are not homogenous. They also frequently divide precincts and block groups, which are designed to group similar demography.

DavesRedistricting.Org, which is a free online tool. In addition to our two proposed maps – Plan A and Plan B – we provide editable versions: Editable Plan A and Editable Plan B. We hope that this will make it easier for other members of the public to build their own maps. DavesRedistricting provides powerful tools for drawing and analyzing maps, but it is important that each user save, download or screenshot their version before submitting it so that others do not alter their work.

Each of our maps has highly compact districts. To the extent possible, each district includes communities that have common characteristics that distinguish them from other parts of the city, while maintaining population equality. Plan A includes three districts in which a majority of adult citizens (eligible voters) are Latino, while Plan B includes four Latino majority districts.

The maps follow, where possible, census block groups and precincts, which are intended to group homogenous census blocks. Covina has been more effective than most jurisdictions in obtaining census blocks and precincts that are regular in shape and usually successful in grouping residents with similar socioeconomic characteristics. The northeast area of the city is an exception. Metrolink splits several block groups and precincts east of Glendora Avenue, where the area to the north is very different from the rest of eastern Covina. This disparity, which is clearly reflected in the city's zoning map, has distorted electoral and demographic data.[3] The statistical uncertainty that would be created by splitting these block groups is compounded by the irregularity of the city boundary, which make it impossible to place this area in a compact district that separates it from the city's most affluent neighborhoods.

Although the city is in the same district for Congress and state and county offices, our maps follow where appropriate the boundaries of the school and water districts, which were shown in our original petition. We also considered proximity to libraries, schools, shopping areas, and transit sites, both because persons gathering in these places often have common interest and because they may provide fora for political discussions.

Because it is a general law city, Covina has limited ability to redistrict to reflect any annexations that occur before 2032. The large unincorporated island in Hollenback Park has a population of 3057. If annexed before 2027, absent a court order, the island must be "added to the nearest existing council district" without adjusting other

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[3] For example, member Allen's home, which is south of Metrolink, has twice the value of the median home in his census block.

boundaries.[4] Since 72% of the eligible voters in this island are Latino, such a substantial overpopulating of a Latino majority district dilutes Latino voting power for city council. Each of our maps mitigates this consequence by placing this island between two high-Latino districts.

Congressman Don Edwards, a key author of the federal Voting Rights Act, warned that many California Latinos would not participate in our political system until neighbors campaigning for office knocked on their door and told them – in Spanish – why it is so important to vote. The law considers a majority of eligible voters to avoid "baking in" the effects of a system that has political parties and interest groups to neglect low-turnout immigrant and minority neighborhoods. But that does not provide a cure that will instantly engage minority voters in the city's political life. None of the districts currently has a Latino majority of registered voters. Our maps look at Latino turnout in the most recent presidential election and in 2018 statewide gubernatorial primary to predict and ensure the effectiveness of these districts. By grouping areas with low turnout (and large numbers of constituents who are not yet 18 or not yet citizens), the maps provide a strong opportunity for the Latino community to organize and exercise strong influence in at least three districts. Either map provides a high degree of assurance that Covina is satisfying Section 2 of the federal Voting Rights Act, which allows zero tolerance for gerrymandering that protects incumbents at the expense of the minority's political influence.

All voters have a right to enjoy competitive elections and to have districts that allow them to aggregate their votes effectively in order to ensure that the council fairly represents of viewpoints and values of every community. To comply with Section 21601 of California's new FAIR MAPS Act, the council can only use criteria that focus on the interests of voters, not candidates. Support within an area for a particular incumbent or challenger does not constitute a community of interest.

The remainder of this letter

(1) provides maps and information that may assist the public in deciding how they want to draw the districts.
(2) addresses concerns about the districting that were raised by some members of the public.

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[4] Section 21603(b). For the last four years before the next redistricting, boundaries can change only if an annexation adds 12,681 residents to the city.

(3) discusses the possibility of negotiating additional time, if that can be linked to additional public input without jeopardizing the completion of the reform.

I.   INFORMATION ON COMMUNITIES OF INTEREST

Pages 15 to 26 of our original petition, which we attach, provide a number of maps to help define communities of interest that are linked by common ethnicity, socio-economic conditions, environmental risks, zoning, and access to schools, utilities, and other governmental services. One common theme is the social and economic disparities between most neighborhoods east of Glendora Avenue and the rest of the City.

The city does not enlist neighborhood advisory communities, nor does the police department delimit beats or neighborhoods as part of its community policing policies. Nextdoor defines neighborhoods, but they do not coincide with city boundaries and are irregular in shape. The most useful websites providing information to prospective residents rely on tract-level census data, which validates the demographic approach we took in designing our maps. Neighborhoodscout.com is typical of these sources, and provides aggregated census data for sectors of the city. https://www.neighborhoodscout.com/ca/covina
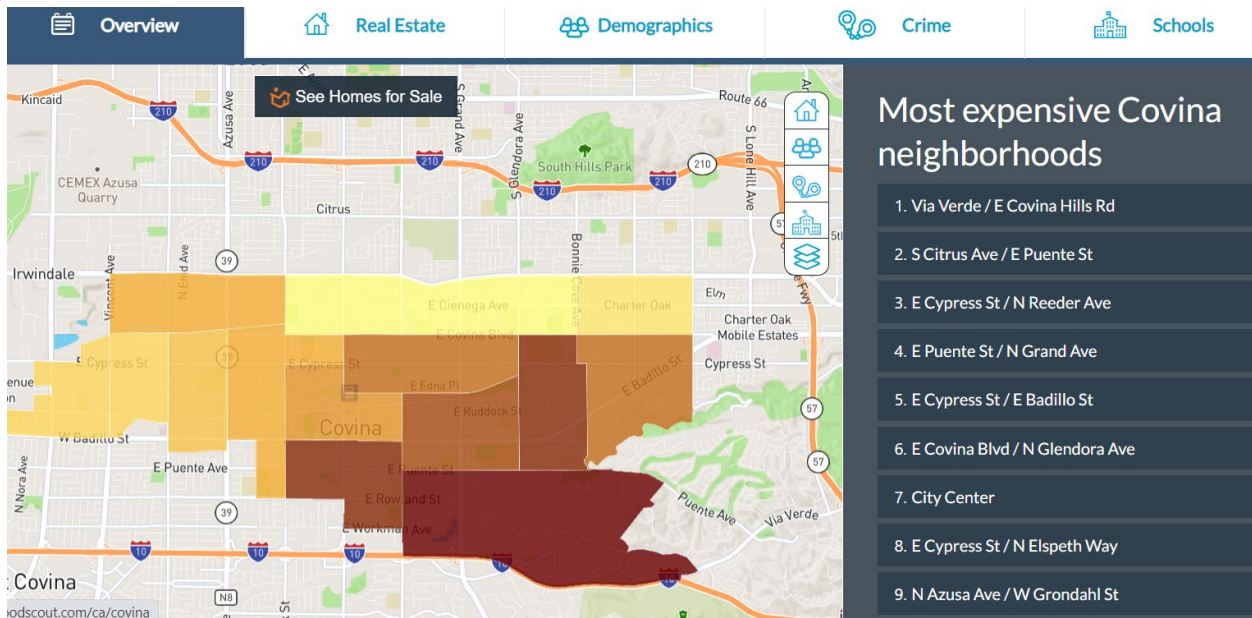
In addition to the previous maps, this letter provides some additional graphic perspectives to consider in defining communities of interest; most rely on block group data from the American Community Survey (conducted by the Census Bureau).

Median year residential structures were built   Unemployment
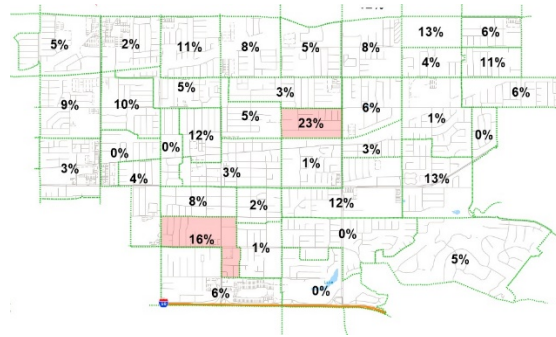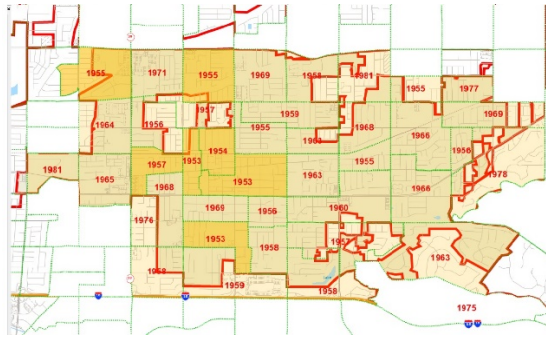
Latino Share of Total Population

II.   CONCERNS ABOUT DISTRICTING

Several members of the public suggested that single-member districts are an unusual means of electing local government that has recently been imposed by the California Legislature. On the contrary, district elections were the norm from colonial times until the early 20th century. At-large systems had long been associated with corruption and lack 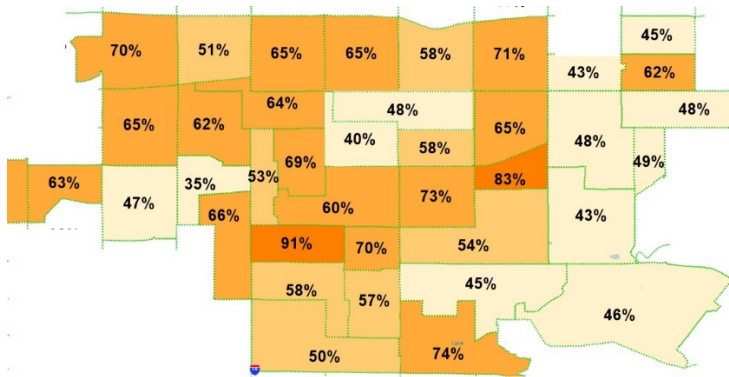of accountability.[5] During the nativist period, California's Governor fueled a successful nationwide movement to impose at-large elections.[6] The motive was clear. His party's 1914 platform warned of a "flood of [European] immigrants" whose children were "criminal and degenerate second-generation aliens." (Another concern was the imminence of women's suffrage.) Winner-take-all elected slates of council members from the most affluent neighborhoods. These establishment candidates only needed to satisfy enough high-turnout precincts to get to 51% of the

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[5] Southern Pacific was able to corrupt the San Francisco's government due to the high cost of running for election citywide, while Los Angeles ward system made its councilmembers more accountable to their constituents.

[6] When German immigrants first settled Governor's Island in 1682, they automatically had a New York City councilmember.

vote. Instead of retiring, incumbents would resign shortly before or after an election, allowing their colleagues to appoint a successor. The high cost of contesting the incumbents' slate entrenched these councils through decades of demographic and political change.

After the 1965 Voting Rights Act, most cities outside California and the deep South restored district elections, almost always without litigation. By 1979, the last year the Municipal Handbook itemized election systems, the majority of cities over 50,000 had eliminated at-large elections. But from 1980 to 2000, California was again focused on anti-immigrant legislation, restricting access to public schools and social services, attempting to declare English the official language, and banning affirmative action. The Legislature supported numerous bills sought to ban at-large in all but the smallest towns and school districts, without reference to race, but all faced certain veto. Ultimately, the 2001 Act exempted jurisdictions that could show that every language and racial minority voted the same as the rest of the electorate. Since immigrants and racial minorities have different needs, values, and life experiences, this is seldom the case.

Even in California, most cities as large as Covina already have districts. Of the 105 cities with populations between 50,000 and 100,000, no more than 43 remain at large. Of those, few have Latino populations large enough to support their own district, which is an element of liability under the federal Voting Rights Act. Except for Covina, the ten majority Latino cities that elect at-large all have declining populations. Seven have councils on which every member is Latino.[7]

III.   POSSIBILITY OF ADDITIONAL TIME.

Petitioners are mindful of the holidays and heard several members of the public suggest that time for additional hearings and input would be helpful. We understand that the city attorney has advised that the council cannot consolidate its next election with the statewide general election to be conducted on November 8, 2022. Provided that it does not jeopardize the completion of this reform, we are willing to discuss having the second reading after the current deadline of January 19, 2022. The statutory deadline for the June 7, 2022 election is February 22, 2022.

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[7] *e.g.,* Huntington Park, South Gate, Pico Rivera, Lynwood, Baldwink, National City

CONCLUSION

We appreciate the challenges of this process. We have sought to collaborate to achieve a value reform that will benefit voters of all races and make the council more informed, more capable, and more representative of the City. My clients believe these maps satisfy the statutory criteria and give all citizens an equal opportunity to aggregate their political influence with like-minded voters. We hope that the provision of an online tool will allow the public to enhance the maps so that they fully reflect the needs and values of your constituents.

Sincerely,
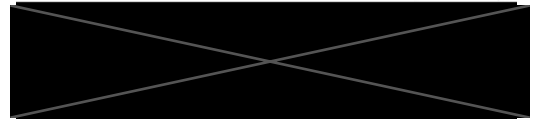
PLAN A

census block group   precinct (2020 general)

PLAN B

©2017 CALIPER; ©2017 HERE
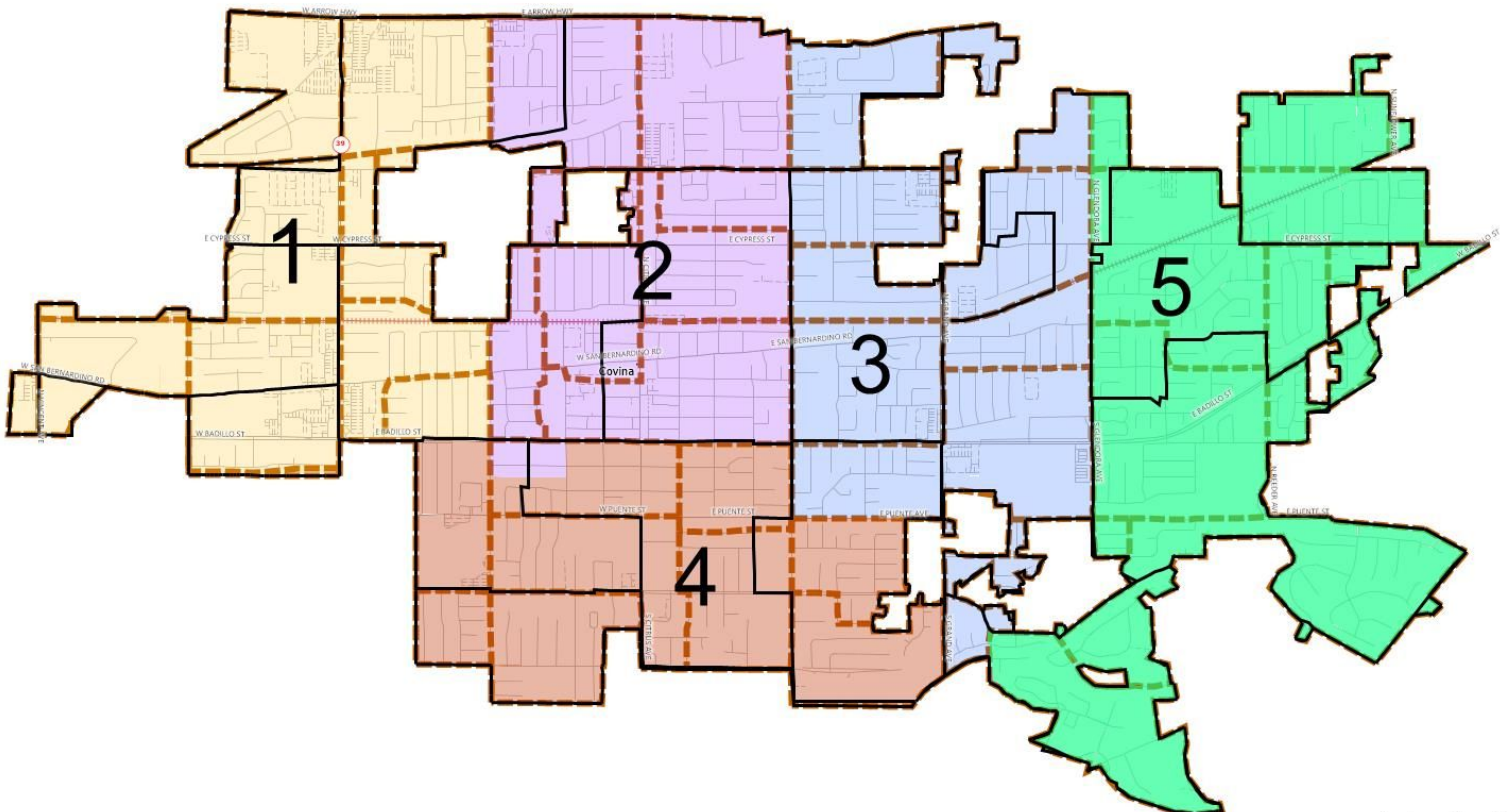
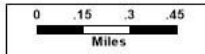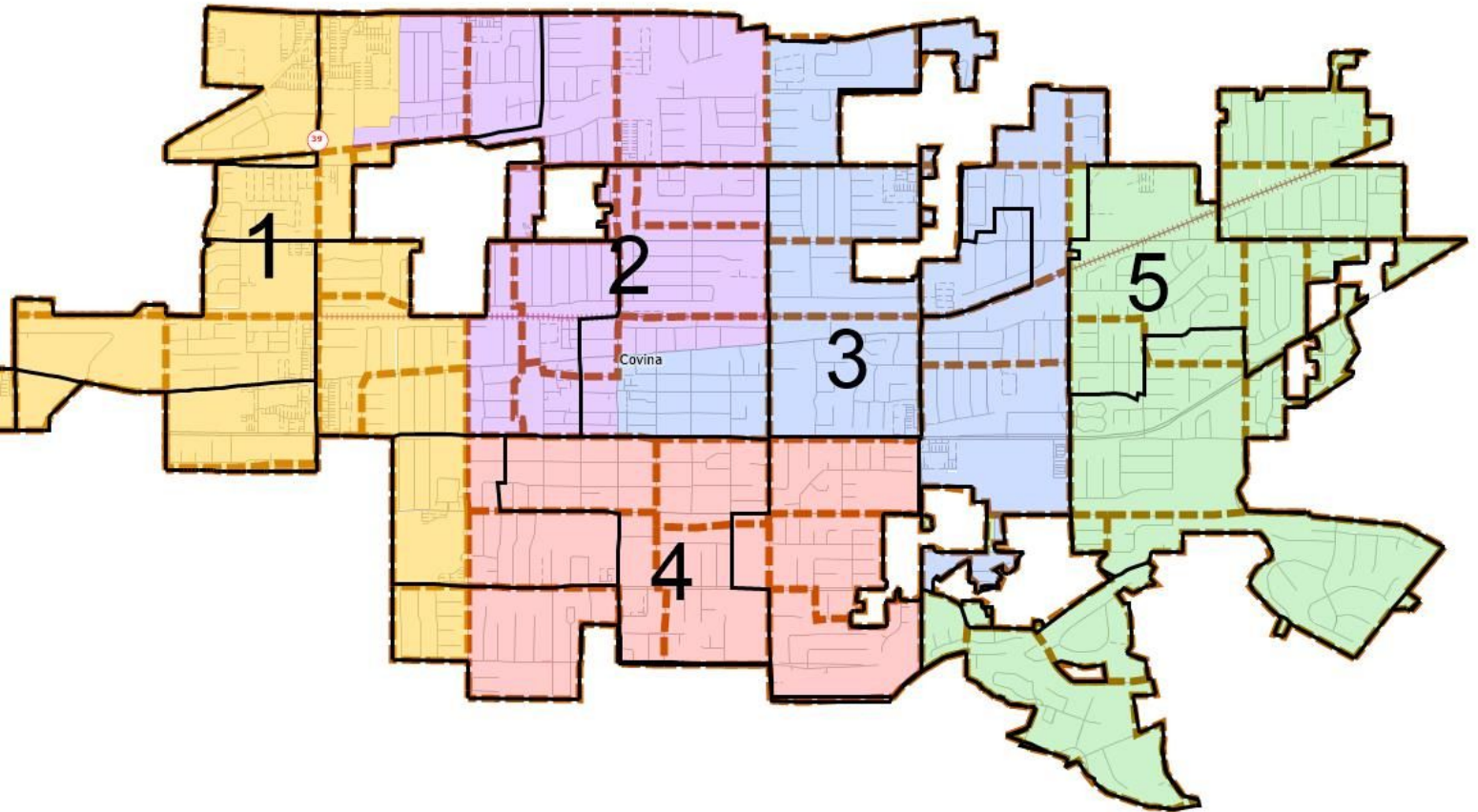|	A1	A2	A3	A4	A5	CITYWID
TOTAL POPULATION	10152	10293	10126	10545	10328	51444
-LATINO	6387	5999	6352	6434	5029	30201
--percent of % POP - LATINO	63%	58%	63%	61%	48%	59%
-NATIVE AMERICAN	47	68	85	67	91	358
--percent of % POP - NATIVE AMER	0%	1%	1%	1%	1%	1%
-BLACK	396	365	483	381	352	1977
--percent of total	4%	4%	5%	4%	3%	4%
-ASIAN	1667	1683	1375	1424	1848	7997
--percent of total	16%	16%	14%	14%	18%	16%
CITIZENS OF VOTING AGE	6673	6485	5816	6891	7690	33555
-LATINO	3364	3664	3199	4063	3414	17704
--percent of total	50.4%	56.5%	55.0%	59.0%	44.4%	52.8%
-NATIVE AMERICAN	20	55	7	10	45	137
--percent of total	0.3%	0.8%	0.1%	0.1%	0.6%	0.4%
-BLACK	459	220	201	318	290	1488
--percent of total	6.9%	3.4%	3.5%	4.6%	3.8%	4.4%
-ASIAN	1187	724	807	706	1193	4617
--percent of total	17.8%	11.2%	13.9%	10.2%	15.5%	13.8%
PR_51_N_G16	1158	1514	1317	1447	2262	7698
PR_51_Y_G16	1713	1938	1723	1843	2101	9318
-percent YES on PR 51	60%	56%	57%	56%	48%	55%
PR_58_N_G16	803	1011	920	963	1516	5213
PR_58_Y_G16	2079	2444	2124	2308	2808	11763
-percent YES on PR 58	72%	71%	70%	71%	65%	69%
LATINO REGISTRATION (2018 primary	2192	2403	2404	2337	2447	11783
TOTAL REGISTRATION (2018 primary)	4302	5112	4940	4946	6521	25821
--percent of total	51%	47%	49%	47%	38%	46%
LATINO VOTE (2018 primary)	527	533	507	545	611	2723
TOTAL VOTE (2018 primary)	1220	1430	1270	1370	2045	7335
--percent of total	43%	37%	40%	40%	30%	37%
LATINO REGISTRATION (2020 general)	1150	1437	1367	1630	2279	7863
TOTAL REGISTRATION (2020 general)	5252	6031	5910	5978	7334	30505
--percent of total	22%	24%	23%	27%	31%	26%
LATINO VOTE (2020 general)	874	1166	1082	1311	1886	6319
TOTAL VOTE (2020 general)	3903	4666	4352	4549	5816	23286
--percent of total	22%	25%	25%	29%	32%	27%
TOTAL TURNOUT (2018 primary)	28%	28%	26%	28%	31%	28%
LATINO TURNOUT (2018 primary)	24%	22%	21%	23%	25%	23%
TOTAL TURNOUT (2020 general)	74%	77%	74%	76%	79%	76%

	A1	A2	A3	A4	A5	CITYWID
LATINO TURNOUT (2020 general)	76%	81%	79%	80%	83%	80%

DAVE'S REDISTRICTING CALCULATIONS

	A1	A2	A3	A4	A5	
Total_2016-2020_Comp	3065	3646	3099	3578	4478	
Dem_2016-2020_Comp	1994	2288	1885	2212	2423	
Rep_2016-2020_Comp	1000	1270	1148	1286	1955	
Total_2020_Pres	4048	4773	4170	4750	5798	
Dem_2020_Pres	2604	2981	2604	2905	3239	
Rep_2020_Pres	1358	1689	1483	1739	2433	
Total_2018_AG	2523	3038	2572	2977	3762	
Dem_2018_AG	1700	1986	1576	1898	2061	
Rep_2018_AG	823	1052	996	1079	1701	
Total_2018_Gov	2588	3090	2626	3060	3856	
Dem_2018_Gov	1688	1936	1552	1877	2015	
Rep_2018_Gov	900	1154	1074	1183	1841	
Total_2016_Pres	3099	3696	3014	3545	4507	
Dem_2016_Pres	1984	2251	1802	2172	2396	
Rep_2016_Pres	919	1202	1040	1158	1845	
Total_2019_CVAP	6639	6301	5791	6968	7676	
White_2019_CVAP	1466	1793	1592	1540	2851	
Hispanic_2019_CVAP	3375	3586	3244	4179	3361	
Black_2019_CVAP	467	179	190	376	276	
Asian_2019_CVAP	1155	649	691	799	1129	
Native_2019_CVAP	27	86	20	18	28	
Pacific_2019_CVAP	6	0	0	0	4	
BlackAlone_2019_CVAP	383	161	168	369	266	
AsianAlone_2019_CVAP	1101	635	678	771	1010	
NativeAlone_2019_CVAP	3	83	10	11	16	
PacificAlone_2019_CVAP	6	0	0	0	4	
OtherAlone_2019_CVAP	138	17	61	58	26	
TwoOrMore_2019_CVAP	0	0	0	0	0	
Total_2019_Total	9413	8987	9529	9998	9804	
White_2019_Total	1774	1985	2006	1767	3091	
Hispanic_2019_Total	5197	5467	5997	6497	4750	
Black_2019_Total	770	270	322	644	496	
Asian_2019_Total	1822	1299	1259	1416	1717	
Native_2019_Total	189	262	226	504	203	
Pacific_2019_Total	164	92	97	107	36	
BlackAlone_2019_Total	0	0	0	0	0	
NativeAlone_2019_Total	0	0	0	0	0	

	A1	A2	A3	A4	A5	CITYWID

	A1	A2	A3	A4	A5	CITYWID
Total_2018_CVAP	6432	6240	5916	7014	7282	
White_2018_CVAP	1397	1699	1454	1860	2875	
Hispanic_2018_CVAP	3287	3466	3545	3864	3009	
Black_2018_CVAP	474	323	240	421	226	
Asian_2018_CVAP	1149	638	633	801	1120	
Native_2018_CVAP	22	90	24	23	21	
Pacific_2018_CVAP	0	0	0	0	4	
BlackAlone_2018_CVAP	410	294	217	355	223	
AsianAlone_2018_CVAP	1112	628	621	788	1041	
NativeAlone_2018_CVAP	0	88	10	7	15	
PacificAlone_2018_CVAP	0	0	0	0	4	
OtherAlone_2018_CVAP	97	28	27	45	17	
TwoOrMore_2018_CVAP	0	0	0	0	0	
Total_2018_Total	9501	9249	9757	10184	9419	
White_2018_Total	1704	1928	1908	2162	3133	
Hispanic_2018_Total	5325	5616	6315	6211	4439	
Black_2018_Total	755	539	331	695	420	
Asian_2018_Total	1909	1266	1305	1514	1710	
Native_2018_Total	178	280	200	456	215	
Pacific_2018_Total	110	36	63	51	17	
BlackAlone_2018_Total	488	343	281	397	238	
AsianAlone_2018_Total	1629	983	1155	1174	1397	
NativeAlone_2018_Total	0	96	10	9	14	
PacificAlone_2018_Total	0	0	0	0	5	
OtherAlone_2018_Total	56	94	0	3	1	
TwoOrMore_2018_Total	299	184	92	230	190	
Total_2010_Total	9461	9160	9642	9869	9712	
White_2010_Total	2100	2906	2403	2949	4035	
Hispanic_2010_Total	5568	4933	5598	5241	3950	
Black_2010_Total	543	450	502	525	398	
Asian_2010_Total	1351	985	1235	1224	1380	
Native_2010_Total	200	195	222	212	156	
Pacific_2010_Total	35	38	61	58	46	
BlackAlone_2010_Total	0	0	0	0	0	
NativeAlone_2010_Total	0	0	0	0	0	
Total_2010_VAP	7072	6932	6946	7434	7571	
White_2010_VAP	1827	2480	2033	2547	3474	
Hispanic_2010_VAP	3834	3409	3678	3565	2734	
Black_2010_VAP	389	290	331	370	293	
Asian_2010_VAP	1044	749	924	961	1051	

	A1	A2	A3	A4	A5	CITYWID
Native_2010_VAP	148	149	143	145	114	
Pacific_2010_VAP	23	32	30	42	33	
BlackAlone_2010_VAP	0	0	0	0	0	
NativeAlone_2010_VAP	0	0	0	0	0	
Total_2020_NHVAP	7922	8186	7726	8386	8285	
White_2020_NHVAP	1343	1861	1458	1828	2514	
Hispanic_2020_NHVAP	4715	4484	4567	4808	3722	
BlackAlone_2020_NHVAP	313	259	335	310	265	
AsianAlone_2020_NHVAP	1369	1300	1075	1207	1431	
NativeAlone_2020_NHVAP	24	31	31	24	26	
PacificAlone_2020_NHVAP	10	14	14	13	22	
OtherAlone_2020_NHVAP	20	52	58	43	46	
TwoOrMore_2020_NHVAP	128	185	188	153	259	
Total_2020_Total	10118	10249	10072	10532	10297	
White_2020_Total	1491	2045	1703	2017	2795	
Hispanic_2020_Total	6373	5975	6321	6426	5013	
Black_2020_Total	533	507	615	537	477	
Asian_2020_Total	1868	1808	1461	1656	2050	
Native_2020_Total	430	415	408	373	417	
Pacific_2020_Total	60	42	52	49	68	
Total_2020_VAP	7922	8186	7726	8386	8285	
White_2020_VAP	1343	1861	1458	1828	2514	
Hispanic_2020_VAP	4715	4484	4567	4808	3722	
Black_2020_VAP	413	395	437	410	372	
Asian_2020_VAP	1506	1425	1183	1352	1654	
Native_2020_VAP	325	334	313	284	327	
Pacific_2020_VAP	42	30	36	38	59	
Total_2020_Total	10152	10293	10112	10559	10328	
White_2020_Total	1496	2049	1708	2023	2799	
Hispanic_2020_Total	6387	5999	6347	6439	5029	
Black_2020_Total	556	508	627	533	492	
Asian_2020_Total	1861	1804	1466	1635	2025	
Native_2020_Total	432	426	443	386	432	
Pacific_2020_Total	61	49	50	51	67	

	A1	A2	A3	A4	A5	CITYWID

	B1	B2	B3	B4	B5	CITYWIDE
TOTAL PO[	10026	10226	10180	10651	10361	51444
-LATINO	6264	5923	6302	6651	5061	30201
--percent of	62%	58%	62%	62%	49%	59%
-NATIVE A	43	52	93	76	94	358
--percent of	0%	1%	1%	1%	1%	1%
-BLACK	368	394	464	387	364	1977
--percent of	4%	4%	5%	4%	4%	4%
-ASIAN	1669	1708	1299	1465	1856	7997
--percent of	17%	17%	13%	14%	18%	16%
CITIZENS (	6609	6458	5864	6892	7732	33555
-LATINO	3364	3454	3305	4136	3445	17704
--percent of	50.9%	53.5%	56.4%	60.0%	44.6%	52.8%
-NATIVE A	20	50	7	15	45	137
--percent of	0.3%	0.8%	0.1%	0.2%	0.6%	0.4%
-BLACK	401	294	167	323	303	1488
--percent of	6.1%	4.6%	2.8%	4.7%	3.9%	4.4%
-ASIAN	1197	726	697	832	1165	4617
--percent of	18.1%	11.2%	11.9%	12.1%	15.1%	13.8%
PR_51_N_C	1284	1440	1276	1409	2289	7698
PR_51_Y_G	1733	1919	1634	1916	2116	9318
-percent YE	57%	57%	56%	58%	48%	55%
PR_58_N_C	893	951	885	951	1533	5213
PR_58_Y_G	2139	2407	2034	2353	2830	11763
-percent YE	71%	72%	70%	71%	65%	69%
LATINO RI	2248	2434	2237	2437	2427	11783
TOTAL REC	4437	5054	4638	5148	6544	25821
--percent of	51%	48%	48%	47%	37%	46%
LATINO VC	575	540	481	524	603	2723
TOTAL VO'	1330	1392	1220	1348	2045	7335
--percent of	43%	39%	39%	39%	29%	37%
LATINO RI	1237	1399	1282	1655	2290	7863
TOTAL REC	5328	6002	5516	6286	7373	30505
--percent of	23%	23%	23%	26%	31%	26%
LATINO VC	972	1135	1001	1310	1901	6319
TOTAL VO'	4035	4641	4033	4711	5866	23286
--percent of	24%	24%	25%	28%	32%	27%
TOTAL TUI	30%	28%	26%	26%	31%	28%
LATINO TL	26%	22%	22%	22%	25%	23%
TOTAL TUI	76%	77%	73%	75%	80%	76%

	B1	B2	B3	B4	B5	CITYWIDE
LATINO TU	79%	81%	78%	79%	83%	80%
DAVE'S RE						
Total_2016-	3162	3531	3124	3561	4489	
Dem_2016-	2012	2245	1891	2231	2424	
Rep_2016-2	1079	1204	1163	1247	1966	
Total_2020_	4008	4764	4149	4815	5807	
Dem_2020_	2513	3015	2594	2973	3241	
Rep_2020_F	1412	1637	1476	1737	2441	
Total_2018_	2651	2923	2589	2937	3772	
Dem_2018_	1747	1929	1580	1906	2059	
Rep_2018_A	904	994	1009	1031	1713	
Total_2018_	2725	2970	2646	3014	3865	
Dem_2018_	1734	1885	1553	1884	2012	
Rep_2018_C	991	1085	1093	1130	1853	
Total_2016_	3267	3473	3101	3497	4523	
Dem_2016_	2057	2140	1836	2170	2402	
Rep_2016_F	1008	1112	1079	1110	1855	
Total_2019_	6539	6332	5902	6917	7685	
White_2019	1467	1785	1623	1524	2843	
Hispanic_2(	3371	3424	3381	4194	3375	
Black_2019_	431	259	170	348	280	
Asian_2019	1184	680	668	763	1128	
Native_201!	27	79	20	25	28	
Pacific_201!	6	0	0	0	4	
BlackAlone	396	195	150	336	270	
AsianAlone	1130	666	655	735	1009	
NativeAlon	3	79	10	15	16	
PacificAlon	6	0	0	0	4	
OtherAlone	48	107	46	73	26	
TwoOrMor	0	0	0	0	0	
Total_2019_	9331	8870	9641	10083	9806	
White_2019	1718	2037	2027	1760	3081	
Hispanic_2(	5278	5134	6110	6629	4757	
Black_2019_	662	440	292	603	505	
Asian_2019	1758	1337	1293	1414	1711	
Native_201!	103	332	183	533	233	
Pacific_201!	71	139	109	141	36	
BlackAlone	0	0	0	0	0	
NativeAlon	0	0	0	0	0	

	B1	B2	B3	B4	B5	CITYWIDE
Total_2018_	6533	6209	5858	6972	7312	
White_2018	1491	1657	1468	1779	2890	
Hispanic_2(	3388	3224	3525	4008	3026	
Black_2018_	484	377	208	381	234	
Asian_2018	1105	776	614	736	1110	
Native_2018	22	85	23	28	22	
Pacific_2018	0	0	0	0	4	
BlackAlone	454	318	189	311	227	
AsianAlone	1068	766	602	723	1031	
NativeAlon	0	85	10	10	15	
PacificAlon	0	0	0	0	4	
OtherAlone	37	88	27	45	17	
TwoOrMore	0	0	0	0	0	
Total_2018_	9559	9253	9595	10251	9452	
White_2018	1743	1950	1907	2083	3152	
Hispanic_2(	5511	5254	6194	6487	4460	
Black_2018_	703	670	298	639	430	
Asian_2018	1721	1564	1292	1435	1692	
Native_2018	102	331	166	484	246	
Pacific_2018	48	102	56	54	17	
BlackAlone	541	368	248	348	242	
AsianAlone	1518	1252	1099	1090	1379	
NativeAlon	0	93	10	12	14	
PacificAlon	0	0	0	0	5	
OtherAlone	59	37	57	0	1	
TwoOrMore	188	297	84	228	198	
Total_2010_	9210	9414	9481	10057	9682	
White_2010	2133	2814	2510	2914	4022	
Hispanic_2(	5388	5129	5397	5449	3927	
Black_2010_	497	503	497	523	398	
Asian_2010	1280	1090	1173	1248	1384	
Native_2010	187	191	235	217	155	
Pacific_2010	36	34	61	61	46	
BlackAlone	0	0	0	0	0	
NativeAlon	0	0	0	0	0	
Total_2010_	6916	7071	6934	7484	7550	
White_2010	1865	2392	2136	2505	3463	
Hispanic_2(	3713	3525	3606	3659	2717	
Black_2010_	353	336	328	363	293	
Asian_2010	994	831	877	971	1056	

	B1	B2	B3	B4	B5	CITYWIDE
Native_2010	139	142	155	150	113	
Pacific_2010	23	29	31	44	33	
BlackAlone	0	0	0	0	0	
NativeAlon	0	0	0	0	0	
Total_2020_	7795	8181	7763	8471	8295	
White_2020	1385	1817	1557	1736	2509	
Hispanic_2(	4601	4462	4515	4982	3736	
BlackAlone	280	292	331	311	268	
AsianAlone	1332	1361	1056	1201	1432	
NativeAlon	25	21	31	29	30	
PacificAlone	13	13	17	11	19	
OtherAlone	23	50	55	45	46	
TwoOrMore	136	165	201	156	255	
Total_2020_	9990	10185	10161	10634	10298	
White_2020	1535	1973	1832	1927	2784	
Hispanic_2(	6249	5903	6291	6639	5026	
Black_2020_	482	556	628	524	479	
Asian_2020	1836	1882	1444	1629	2052	
Native_2020	412	372	430	407	422	
Pacific_2020	63	43	52	48	65	
Total_2020_	7795	8181	7763	8471	8295	
White_2020	1385	1817	1557	1736	2509	
Hispanic_2(	4601	4462	4515	4982	3736	
Black_2020_	365	433	450	405	374	
Asian_2020	1467	1492	1166	1340	1655	
Native_2020	310	302	329	314	328	
Pacific_2020	52	25	35	37	56	
Total_2020_	10026	10226	10199	10665	10328	
White_2020	1539	1978	1836	1934	2788	
Hispanic_2(	6264	5923	6316	6656	5042	
Black_2020_	504	552	637	529	494	
Asian_2020	1835	1867	1445	1616	2028	
Native_2020	417	385	459	423	435	
Pacific_2020	63	49	50	52	64	
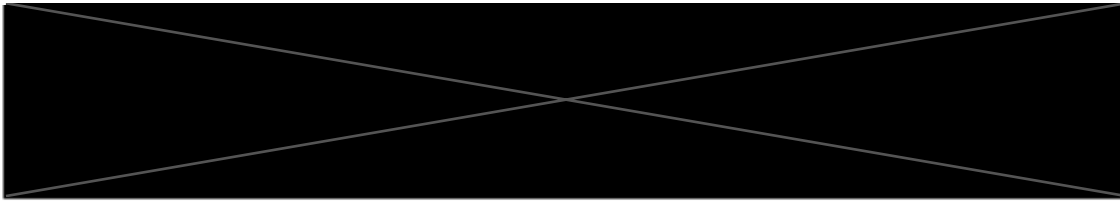
September 1, 2021

Ms. Mary Lou Walczak
Clerk, City of Covina
125 E. College Street
Covina, CA 91723-2129

VIA CERTIFIED MAIL 7015 1730 0001 2344 2772

Re: Neighborhood Elections for Covina City Council

Dear Ms. Walczak:

At the request of individual Latino electors residing in Covina, Neighborhood Elections Now (NEN) gives notice that the City of Covina is in possible violation of the California Voting Rights Act (CVRA) because the method of electing its council at-large dilutes the influence of the Latino community, including members of other classes protected by the Voting Rights Act of 1965, 52 U.S.C. §10301(b) who seek to vote in coalition with them. We ask that the Council transition to district elections because it is the most democratic system, which will promote competitive elections and ensure representation of the diversity of viewpoints, to the benefit of voters of all races. In order to comply with federal law (and to provide an effective remedy for the 20-year violation of the CVRA), NEN proposes that the Covina City Council schedule district elections to be implemented in November 2022.[1] If it consolidates with the statewide general election, Covina will still be able to implement by-district elections in 2022 and 2024. The transition will also provide an opportunity to reconsider the exclusion of voters from the Latino-majority *colonias* (unincorporated neighborhoods) that were illegally surrounded by city annexations in the late 1950s.

NEN notifies you of this violation with the expectation that the Council will work collaboratively to come into compliance with the CVRA and Section 2 of the federal Voting Rights Act of 1965, 52 U.S.C. §10301(b). While our Latino members do not waive any rights to take future action, they do not initially threaten litigation. We

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[1] This schedule is consistent with the requirements of Elections Code, Section 10010(b), which requires that remedial elections be sequenced with "special consideration for the purposes of the CVRA," which include increasing minority turnout. Pursuant to Sections 1301(b)(1) and 10405.3, the ordinance changing the date of elections will be approved by the County Board of Supervisors

prefer and expect that the City engage in the process set forth in Elections Code, Section 10010 to come into compliance voluntarily. Therefore, any consideration of the City's exposure to liability under the CVRA in closed session should be agendized, so that NEN's members and the public generally may provide input to your process.[2]

Seventy-three percent of Covina's population under the age of 18 are Latino. Almost all are American citizens. These young people represent the future of Covina's economy, society, and electorate. The neighborhoods in which they are growing up have some distinct and significant challenges, but the adult citizens in those neighborhoods who speak and vote for their needs and values are submerged by the at-large system. The time has come for Covina to embrace neighborhood elections. This will ensure that the Council has the knowledge and accountability to represent all its constituents.

OUTLINE AND ATTACHMENTS

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[2] *See* Fowler v. City of Lafayette (2020) 46 Cal. App. 5th 360. Gov. Code, Section 54956.9(e).

EXHIBITS

I.   HISTORICAL BACKGROUND OF THE CALIFORNIA VOTING RIGHTS
        ACT (CVRA).

The late Congressman Don Edwards was a key author of the Voting Rights Act of 1965. Ten years later, as Chairman of the House Subcommittee on Constitutional Rights, he supported extending the protections of the Act to language minorities, *i.e.*, Asian-Americans, Native Americans, and Latinos. As a result, Congress applied provisions of the Voting Rights Act to four counties in California on the same basis as the seven Southern states that it covered in 1965. But Congressman Edwards surprised civil rights activists when he privately told them that removing barriers to registration

was not enough in the case of his home state. While reforms would make it easier for Anglos to vote, he predicted that Latino communities would not be incorporated into local political life until they had candidates from their own neighborhoods to support. He described a vicious cycle in which Latino neighborhoods were neglected by political parties, suppressing the Latino vote up and down the ballot. No one they know runs for office. No one asks for their vote. To increase Latino turnout, Congressman Edwards argued that it was essential to implement single-member constituencies.[3]

After 1965, the rest of the country voluntarily abolished most at-large elections[4], but they persisted in California. In the 1980s and 1990s, numerous bills sought to abolish at-large in all but the smallest jurisdictions, but they faced certain veto by Republican governors. On local government issues, legislators often look to the League of Cities and California School Board Association. These organizations saw no reason for reform, perhaps reflecting memberships that were not very diverse. Only ½ of one percent of school board trustees in the State were Latino when the Legislature finally enacted the California Voting Rights Act (CVRA) in 2001.

II. SINGLE-MEMBER DISTRICTS GIVE NEGLECTED MINORITY COMMUNITIES DEDICATED VOICES ON GOVERNING BODIES.

Districting equalizes the voting power of minority neighborhoods. Since racial and ethnic minorities, as a group, have different life experiences, values, needs, and priorities, "racially polarized voting" (RPV) is a nearly universal phenomenon. Racially polarized voting (RPV) is demonstrated by the statistical correlation between election results by precincts and the minority's share of voters in that precinct. The life experience and values of Latinos as a group (and of other minorities) is often distinct from the rest of the electorate; when it influences voting behavior, the results are described as "racially polarized." RPV is not a bad thing, since it reflects the values of the minority being studied. When it exists, it should not be diluted, which generally occurs when any group with distinct voting preferences is subject to an electoral system that allows a larger geographical area to elect multiple representatives.

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[3] Notes of this meeting are in my personal papers at the John F. Kennedy Library, but are not currently accessible due to the pandemic. https://www.jfklibrary.org/asset-viewer/archives/SRPP

[4] In 1965, two-thirds of America's largest cities elected at-large. Today, only one retains a pure at-large system. Forty-one state legislatures had multi-member districts. In 1982, the Supreme Court made it difficult to challenge legislatures that selectively used double and triple districts, often to dilute minority influence, by requiring a showing that it was possible to create a "minority-majority district." Today, these hybrid plans persist only in New Hampshire and Vermont, and only because their assemblies are so large single member districts would have less than 3500 constituents.

In a racially homogenous jurisdiction, where the minority vote share in every precinct is exactly the same, RPV cannot be demonstrated even if individual Latinos do vote differently than non-Latinos, nor would districting be an effective remedy. Covina is not such a case. If Latinos do share voting behaviors that are distinct from the at-large majority, each high-Latino district improves representation for Latinos throughout the city. Eliminating winner-take-all slates makes the council more representative of all constituencies. Philosophical minorities and common interests (such as renters) are likely to have more concentrated influence in one of the districts. Without a dedicated voice, the interests of these communities may be unable to influence public policy.

III.   COVINA's AT-LARGE SYSTEM LIKELY VIOLATES FEDERAL LAW.

After the repeated failure to enact bills to abolish at-large elections categorically and without regard to race, the Legislature took the approach of modifying the "effects test" in the 1965 federal law[5] to the special circumstances of California.[6] The CVRA dispensed with the most exacting requirement. To prove Section 2 liability, a single minority must ordinarily demonstrate that it has a majority of voters in a possible single-member district. But the Latino community in Covina can satisfy the federal test. The CVRA also dispenses with the requirement that "white bloc voting" achieves the "usual defeat" of the minority-preferred candidate. In Covina, there a few contested elections, which is sufficient to demonstrate the incapacity of the Latino electorate to elect a candidate of choice.

In order to determine whether possible districts have a majority of eligible voters who belong to a class protected by the Voting Rights Act, the Department of Justice commissions a special tabulation from the American Community Survey conducted by the Census Bureau. This tabulation of "citizens of voting age" (CVAP) is based on a five year survey, the most recent of which was conducted from 2015-2019. This map reflects that data, as apportioned to blocks by "statwidedatabase.com," under contract to the California Legislature. It shows that Covina can create more than one Latino-majority councilmanic districts.

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[5] Section 2, 52 U.S.C. §10301(b), as amended by P.L. 97-205 in 1982.

[6] At least until the beginning of this century, few white voters in the South supported Black candidates. Even fewer Black voters supported a white candidate when a Black was running. California politics were not so Black and white. There are many minorities in California, and they were used to forming coalitions. Anglos had a long tradition of supporting Latino candidates who were not the preference of the Latino community. In the 1990s, a young Abel Maldonado campaigned on the basis that voting for him would show that Santa Maria was "not racist" and help get a federal Voting Rights Act dismissed.

LATINO CITIZENS OF VOTING AGE

incumbents
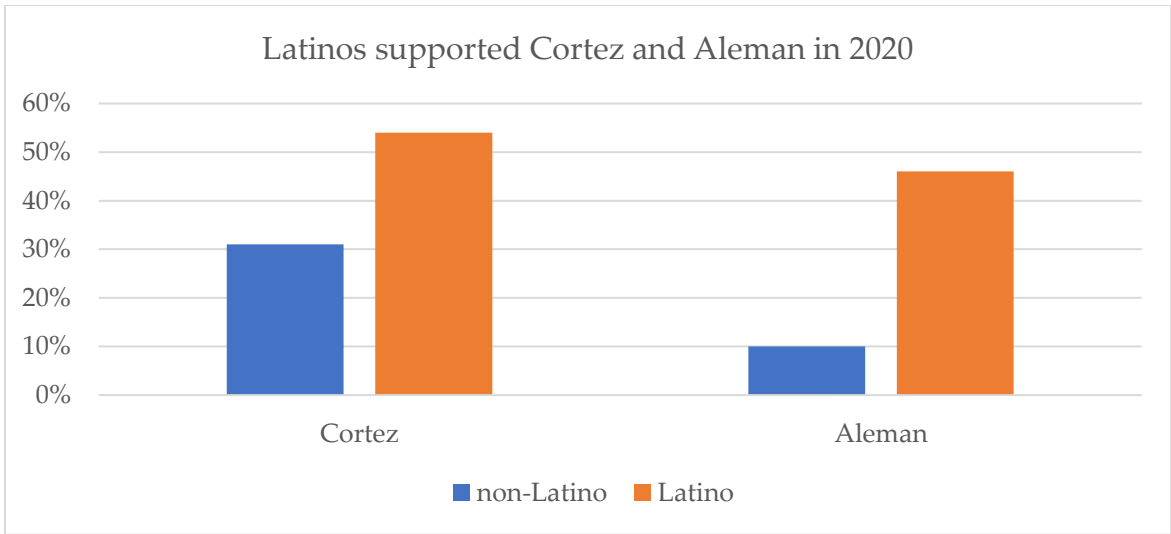>65% Latino CVAP
>50% Latino CVAP

each dot 200 pop.
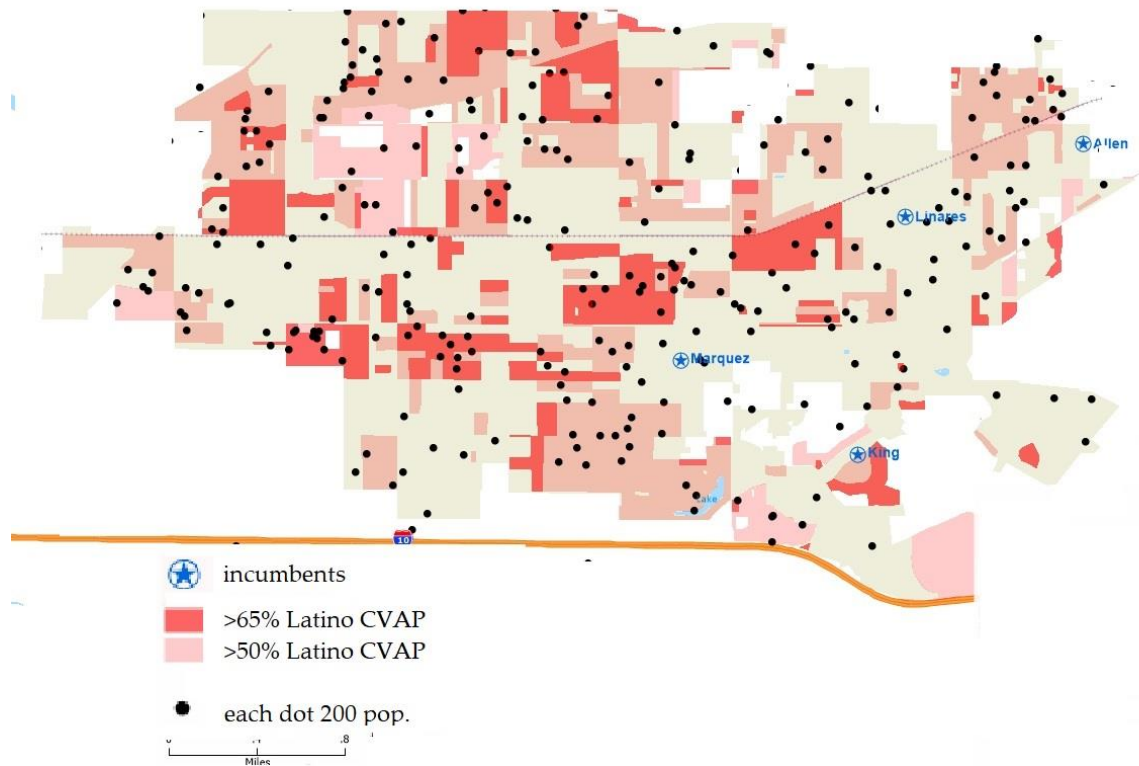
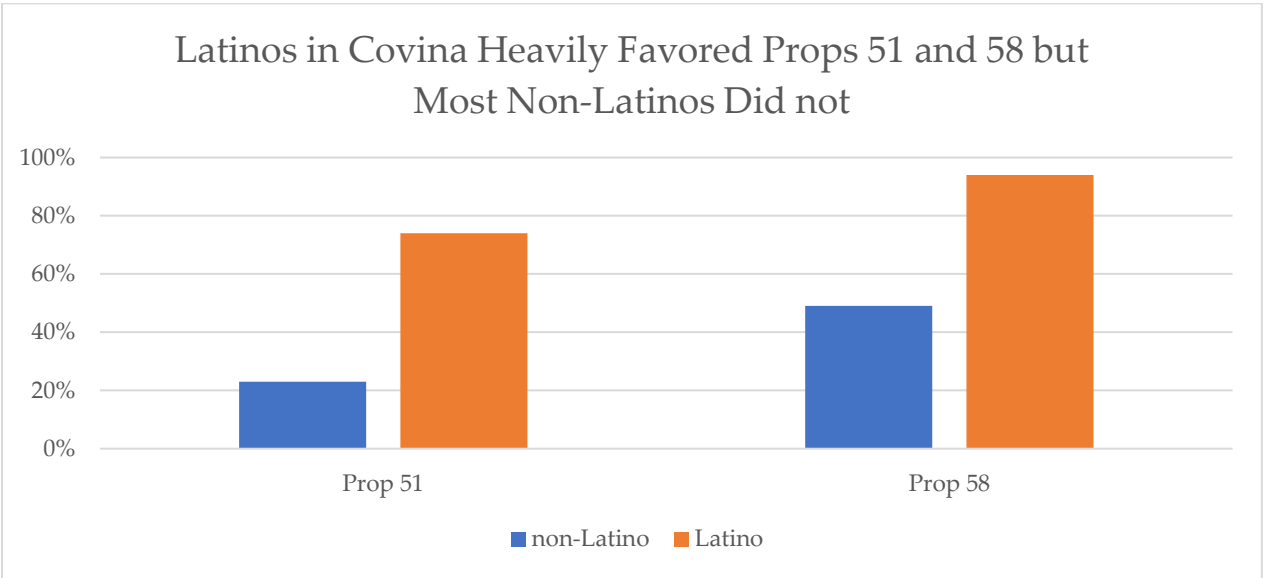Note: member residences are approximate. Member Cortez's voting address is protected.

Both state and federal laws protect voters, not incumbents. The presence of Latino members on the Council is neither automatically exculpatory (or even relevant) unless they establish that they are authentically chosen candidates of the Latino electorate.

In the 2020 election, the Latino community supported Drew Aleman and Patricia Cortez. Aleman was defeated by bloc voting by the non-Latino electorate, receiving only 10% of the non-Latino vote. Because Patricia Cortez was an appointed incumbent enjoying bipartisan support, federal law considers her victory a "special circumstance" that does not weigh against a finding that non-Latinos usually vote as a bloc. Under the CVRA,. the preference of the Latino community for her is positive evidence, since RPV only requires a showing that the minority group votes differently than the rest of the electorate. Elections Code, Section 14026(e). This inference of racially polarized voting is strong, greatly exceeding the standards of statistical significance set forth by the trial court in Kaku v. City of Santa Clara.

Latinos supported Cortez and Aleman in 2020

(Bar chart showing percentages for Cortez and Aleman, comparing non-Latino and Latino support)

Cortez: non-Latino ≈ 31%, Latino ≈ 54%
Aleman: non-Latino ≈ 10%, Latino ≈ 46%

■ non-Latino ■ Latino

Further evidence of racially polarized voting is available from the 2016 election, which included several statewide ballot questions affecting Latino interests. Proposition 51 authorized $9 billion in state bonds for school and community college facilities. Proposition 58 repealed Proposition 227, thereby allowing multilingual education in public schools. Both were heavily favored by Latinos, but not supported by most non-Latinos.

Latinos in Covina Heavily Favored Props 51 and 58 but Most Non-Latinos Did not

(Bar chart showing percentages for Prop 51 and Prop 58, comparing non-Latino and Latino support)

Prop 51: non-Latino ≈ 23%, Latino ≈ 74%
Prop 58: non-Latino ≈ 49%, Latino ≈ 94%

■ non-Latino ■ Latino

IV.   AT-LARGE ELECTIONS THAT ARE NOT HELD WITH THE STATEWIDE GENERAL ELECTION DATE INSULATE THE CITY COUNCIL FROM THE CITY'S LATINO MAJORITY.

Unfortunately, Congressman Edwards' prophecy has proven accurate in many California cities, especially those in the San Gabriel Valley where the Latino population

has grown substantially in recent decades. The 2020 presidential election was critical to Latino rights and interests. Overall turnout was the highest since 1960. But unlike most municipalities, Covina city council was not on the ballot. Latinos, who form 59 percent of the population, constituted only 48 percent of Covina's voters in the November 2020 election. This reduction in Latino turnout diminishes the influence of Covina as a whole in state and federal legislative elections.

Since Covina's election method enabled each voter to cast two or three votes (depending on the year), it would be reasonable to expect that a substantial majority of eligible voters would be necessary to elect each council member. In reality, none of the current counsel received the support of more than a fifth of the electorate. Turnout was low on the municipal election day in 2017 and changing the date to the statewide primary election was a very incomplete cure. Even voters who cast ballots drop off (abstain) from the city council race or undervote the number of positions. The result is a council without a genuine democratic mandate.

	votes	as percentage of eligible voters	year
Jorge Marquez	2600	7.9%	2017
John King	2450	7.4%	2017
Walter Allen III	4533	13.6%	2020
Victor Linares	2232	6.8%	2017
Patricia Cortez	5952	17.9%	2020

The council has been particularly unresponsive to the Latino community, in part because its members live in wealthy neighborhoods, detached from crime and other social and economic challenges that face minority communities. In May 2021, less than six months after District Attorney George Gascón was elected with 1,655,481 votes -- including 62% of Latino voters in Covina -- the city council passed a resolution of no confidence, in what the Mayor described as an attempt to "undermine democracy."[7] This act highlighted the incongruity of a council elected by tiny minorities of its electorate challenging the policy decisions endorsed by a substantial plurality of voters in a truly competitive election. While Latino opinion is not monolithic, constituents from Latino neighborhoods plagued by violent crime did not perceive that the Council has consulted with them and responded to their needs. Of particular concern were comments by a council member that Gascón needed to focus limited resources on

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[7] https://www.lamag.com/citythinkblog/no-confidence-vote-george-gascon/

public defecation, graffiti, and "lightweight misdemeanors" that adversely affected the "quality of life" in his neighborhood.[8] "[L]ack of responsiveness on the part of elected officials to the particularized needs of minority group members" is an aggravating factor in determining whether minority voting strength is diluted by at-large elections.[9]

CRIME RATES IN COVINA NEIGHBORHOODS[10]
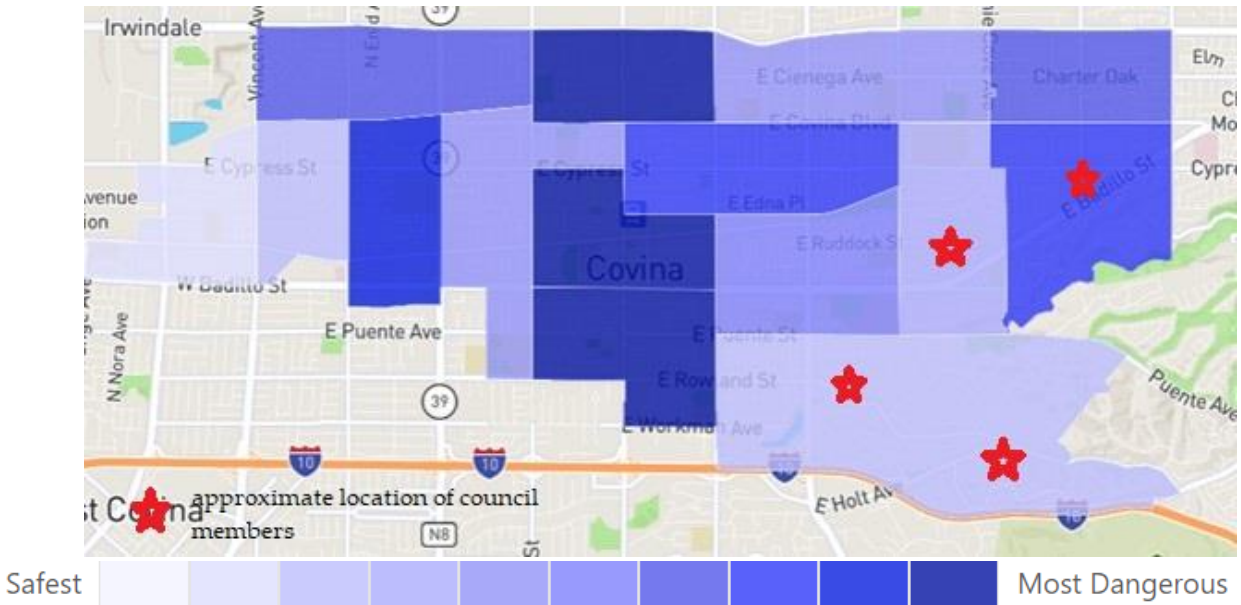
In the 1920s, Covina was the third largest orange producer in the world. The Covina Orange Growers' Associated established segregated *colonias* for Latino farm workers, but the Latino population was not separately tabulated until the 1970s.[11] Until 1950, the city had a small footprint between Hollenback and Barranco Avenues, with the Southern Pacific (now Metrolink) as its northern boundary. Covina promoted itself with the slogan, "One mile square and all there," serving as a market center for the

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[8] Speigelman, "Covina City Council Issues Vote of 'No Confidence' in DA Gascón." LA Magazine, May 5, 2021, https://www.lamag.com/citythinkblog/no-confidence-vote-george-gascon/

[9] S.Rep. No. 97-417, 97th Cong., 2d Sess. (1982), pages 28-29.

[10] Member Cortez does not disclose her voting address; detailed crime data available at https://www.neighborhoodscout.com/ca/covina/crime

[11] González, Gilbert G. "Labor and Community: The Camps of Mexican Citrus Pickers in Southern California." The Western Historical Quarterly, vol. 22, no. 3, 1991, pp. 289–312, at 295 & n.16. www.jstor.org/stable/969750. *See also* Rubin, et al., "Unincorporated Communities in the San Joaquin Valley: New Responses to Poverty, Inequality, and a System of Unresponsive Governance (2007) https://www.prrac.org/projects/fair_housing_commission/los_angeles/Colonias_CRLA_%20PolicyLink%20Framing%20Paper.pdf

surrounding orchards. The 1950 census map (Attachment 1) shows that the surrounding area was largely undeveloped, except for the *colonias*. Residential construction reflected a regional shortage in housing. This was accelerated in areas surrounding Covina where citrus farms had been hard hit by the tristeza virus in the late 1940s.[12] The city population increased abruptly due to annexations in the 1950s expanded the original boundaries of the city in all directions.

	non-Latino	Latino
1910	1652	
1920	1999	
1930	2774	
1940	3049	
1950	3968	
1960	20124	
1970	30395	
1980	32746	4257
1990	32218	10990
2000	28102	18735
2010	22937	24849
2020	21160	30108
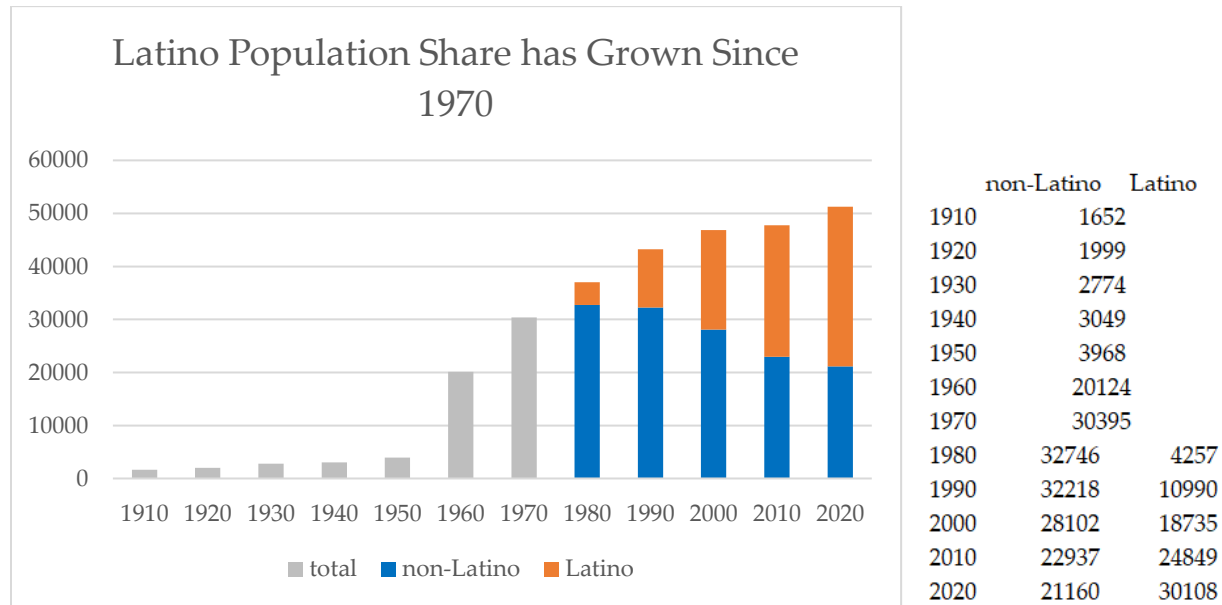
The practice of holding municipal elections on dates other than the statewide general elections leads to low-turnout elections with limited visibility. The at-large system allows special interests to endorse candidates and provide the funding needed to campaign citywide. This compounds the marginalization of Latino neighborhoods by excluding grass-roots candidates who are natural leaders capable of mobilizing their citizens to register and vote.[13] As a result, Latinos are a minority of registered voters in a city in which they constitute 59 percent of the population – and 53 percent of those eligible to vote.

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[12] Roistacher, et al., "Cross Protection Against Citrus Tristeza" (U.C. Riverside) https://www.researchgate.net/publication/263807793; Hall, *Covina Valley Citrus Industry* at 119 (2011).
[13] *See* Pico Neighborhood Assoc. v. Santa Monica, S263972, Supreme Court of California, amicus letter of Dolores Heurta Foundation, August 31, 2020.

Untimely At-large Elections Convert the Latino Majority into a Minority

	Latino	non-Latino	
POPULATION	30108	21160	59%
VOTING-AGE	22296	18209	55%
ELIGIBLE VOTERS	17400	15525	53%
REGISTERED VOTERS	13185	14980	47%
NOV. 2020 VOTERS	11190	12088	48%
ACTUAL VOTERS	4491	6014	43%
FUTURE VOTERS (<18)	7812	2950	73%
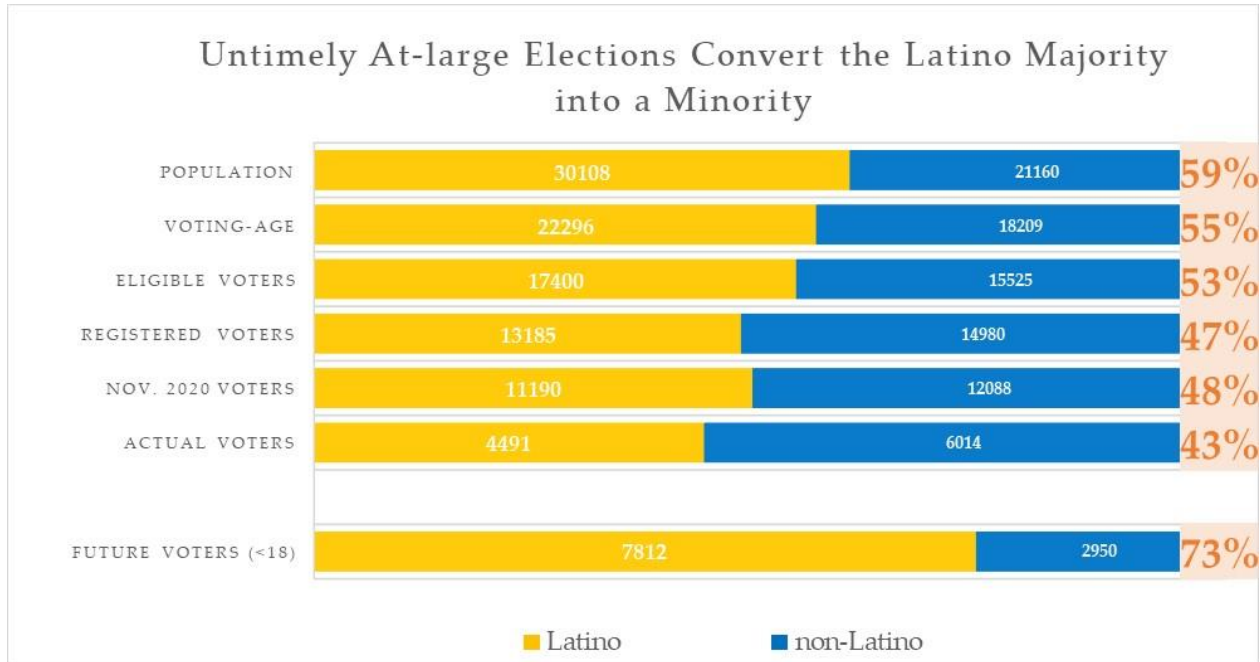
V. THE TRANSITION TO DISTRICT ELECTIONS PROVIDES A TIMELY OPPORTUNITY TO ADDRESS THE EXCLUSION OF MAJORITY LATINO COLONIAS FROM THE INCORPORATED CITY LIMITS.

In 1951, the California Legislature added Section 35326 (now Section 56774) to the Government Code, providing that "Territory shall not be annexed to a city ... if, as a result of such annexation, unincorporated territory is completely surrounded by such city." Cal. Stat. 1951, Ch. 1702, p.3915. The Court of Appeal reminded the City of this prohibition in Rafferty v. City of Covina (1955) 133 Cal. App. 2d 747, 753. However, because local area formation commissions (LAFCOs) were not created until 1963, there was limited enforcement, so Covina and other growing cities continued to annex territories that surrounded islands that they preferred not to incorporate. Irregular annexation boundaries typically reflect the desires of developers to the jurisdiction of the county or city, depending on which is more favorable to their project.[14] In many parts of California, redlined Latino neighborhoods were left with inferior infrastructure and increased utility costs.[15] Recent legislation facilitates annexation of these "disadvantaged unincorporated communities," even if they are not completely

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[14] See Robert Aldrich and Orange County LAFCO, "Annexations, Incorporations, and Reorganizations: Here's how we do it in California," https://www.planning.org/planning/2012/jan/redandblackside.htm (Jan. 2012)

[15] See Rubin, et al, note 11, supra; Napa LAFCO policy https://www.napa.lafco.ca.gov/r_island_annexation.aspx

surrounded.[16] Irregular annexations raises constitutional concerns, because they can disenfranchise redlined neighborhoods and dilute the aggregated influence of minority voters throughout the jurisdiction. The Fourteenth and Fifteenth Amendments preclude a municipality from excluding an area from its boundaries when the "inevitable effect [and] result" is to deprive racial minorities "of the benefits of residency, including the right to vote in municipal elections." Gomillion v. Lightfoot (1960) 364 U.S. 339, 341.

Unincorporated areas with Covina postal addresses are indicated by address numbers that either have five digits or are within the range 3000 to 6000. There are six jurisdictional islands that Covina completely surrounds, numbered seven through eleven on the Los Angeles County LAFCO map (Attachment 3). The two *colonias* west of Citrus Avenue and north of Metrolink have Latino majorities and substantial Asian populations. Four smaller islands are in more affluent areas along South Grand Avenue; they involve later developments and do not have Latino majorities.

The county LAFCO has not addressed Covina's internal islands since 2012, despite a legislative mandate to evaluate disadvantaged communities every five years. The city initiated an evaluation of annexing islands in September 2019 and promised to compile information and seek public comment that fall.[17]

The Latino *colonias* constitute only 11 percent of the population of unincorporated territories within Covina's sphere of influence. A master's thesis, prepared with the assistance of the City Manager's office, evaluated annexing all of the areas along the fringe of the city that are within its sphere of influence, as set by LAFCO. There are no cost estimates, but qualitative concerns about costs and other factors appear to assume that all fringe areas are annexed, including Vincent, Charter Oak, and the Covina Hills. The study concluded "Overall, the annexation proposed would be beneficial for the City of Covina on paper." [18] However, citing political factors

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[16] AB 600 (2019) prohibits annexation that exclude adjoining "disadvantaged communities" precisely so that poorer residential areas can enjoy the benefits of consolidated municipal water service. It also amends Section 56375(a)(4)(A) to provide an additional basis for summary LAFCO approval when the City resolves to annex a disadvantaged community that is designated for urban growth.

[17] https://covinaca.gov/sites/default/files/fileattachments/administration/page/7361/general_faqs_9-3-19.pdf

[18] Velez, "Annexation of the City of Covina's Unincorporated Islands," Master's Thesis, California State Poly. U. Pomona (2020). https://scholarworks.calstate.edu/downloads/x059cc880#page=13.

it limited its recommendation to annexation of the Latino *colonias* and the four internal islands around South Grand Avenue.

The impact on total population of these two scenarios is very different, but both increase the Latino share of eligible voters and total population.

		current city	Hollenback colonias	subtotal	fringe + S Grand	entire SOI
2020 population		51,268	2,451	53,719	19,553	73,459
Latino share	population	61.0%	70.9%	61.5%	61.9%	61.4%
	eligible voters	52.7%	61.7%	53.2%	54.9%	53.6%
increase in population				4.8%		43.3%

The future of the Latino *colonias* within Covina should be determined by their residents, who face several dilemmas. The residents are disproportionately renters. In many cases, renters in unincorporated areas would benefit from protections in the municipal code. However, during the COVID pandemic, Los Angeles County protected renters to an extent that the City of Covina did not.[19] Most of the *colonias*' residents obtain water from the City of Azusa, whose franchise would not automatically change if Covina annexed the territories. Islands typically have neglected infrastructure. Much of the unincorporated area lacks sidewalks and undergrounded electric poles, but this is true of other areas of Covina. The islands are in the same sanitary district, but there may be economies in sewer maintenance, which is a city function. The city's capital improvement program has not evaluated economies that could result from integration of the islands.

Neither the county LAFCO nor the city has examined the economic impact of annexation on the residents of the *colonias*. Usually, unincorporated islands feel neglected by the county government, but it is possible that these residents would prefer receiving services from the county and do not perceive the application of the municipal code as a net benefit.[20] As to the surrounded Latino neighborhoods, it could be unjust to assess residents for any costs of the transition, including consolidating infrastructure and upgrading it to standards enjoyed by other city residents. These particular neighborhoods have already suffered from neglect and diminished property values during the decades since the City illegally surrounded them. Given the extent of non-

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[19] https://dcba.lacounty.gov/noevictions/

[20] The transfer of tax base may involves a complicated negotiation with the county.

owner occupancy, an analysis would have to consider whether an assessment would impact residents or landowners. The latter may have purchased at values reflecting disincorporation and may enjoy appreciation and additional rental income if visible infrastructure improvements increase the value of the properties. These equities may not apply to fringe areas that lie between Covina and other cities.

The study suggests political motives have prevented the integration of unincorporated areas, citing a "serious threat" to incumbents (at least if all islands are annexed).

> One incumbent [name omitted] was only less than 900 votes ahead of the non-incumbent challenger [identified in this petition as the Latino candidate of choice]…. Since the election is done at large, any eligible voter in the island would be able to vote for any City Council candidate. This opens the possibility of new candidates being able to replace the current City Council in the election following the annexation.

The study refers to "angry voters" who "hold grudges" and "retaliate," but it is unclear whether this refers to voters who are being annexed or those from other parts of the City who are upset by added costs or political change. Furthermore, the concern appears to derive from a survey of city employees, not the residents themselves.

Either annexation will likely shift the Latino share of Covina voters who are registered (not just eligible) from a slight minority to a slight majority.   The citywide balance of power will remain relevant in ballot questions and other citywide elections even after the city council transitions to district elections. Although the 2018 sales tax (Measure CC) enjoyed a majority vote in every precinct but one (in the wealthy Covina Hills neighborhood), voting was polarized. Latino neighborhoods showed very high levels of support.

Annexation should be considered in tandem with districting, because of the recent decision of the Legislature to restrict the ability of general law cities to redistrict between censuses. Unless the annexation increases the 2020 census population of the city by more than 20 percent, the added territory must be added to the nearest council district. Elections Code, Section 21603. It would no longer be possible to consider restricting annexation to the surrounded Latino *colonias* without severely overpopulating the district in which they are located, which would have the perverse effect of diluting their representation on the city council. If the registered voters within these areas wish to be included in Covina, now is the time to grant their request.
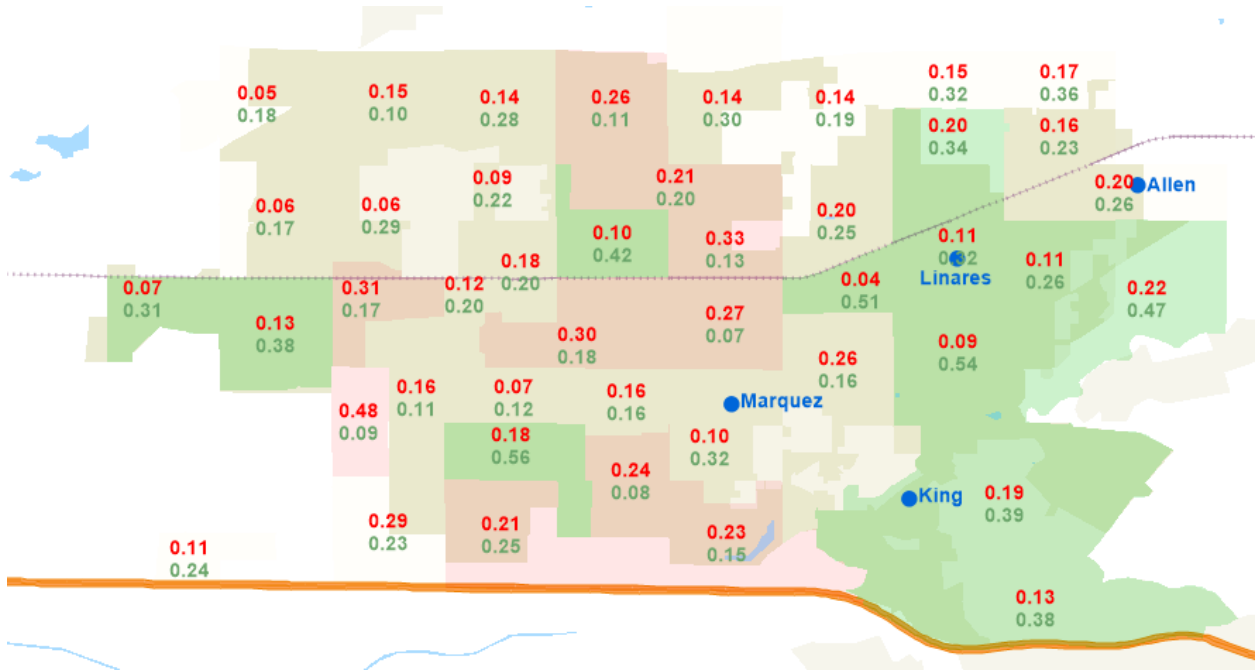
VI.   "COMMUNITIES OF INTEREST" FACING COMMON SOCIAL AND ECONOMIC CHALLENGES SHOULD HAVE DEDICATED VOICES ON THE CITY COUNCIL.

As is typical of at-large systems, most council members live in nearby affluent neighborhoods, leaving most of the city unrepresented.   Many residents are unlikely to have a chance encounter with a council member while shopping, travelling or socializing within their own neighborhood.   Residents unrepresented areas of the city face a number of challenges that distinguish them from the neighbors of the incumbents.   These maps visualize some of the common social and economic characteristics that distinguish neighborhoods within Covina. Taken together, they present a compelling picture of a city most of whose residents live in neighborhoods that differ from the affluent southwestern quadrant where many council members reside.

MEDIAN INCOME
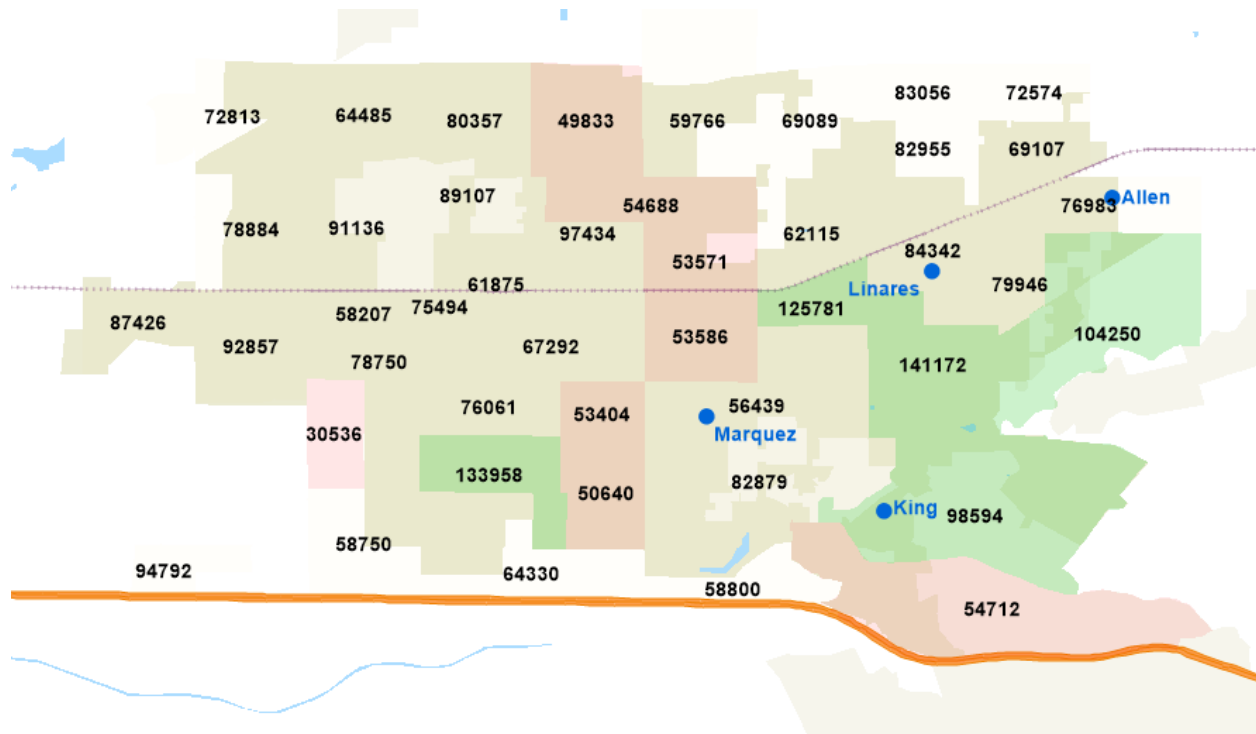
INCOME LOWER THAN $30k or HIGHER THAN $150k

0.05 / 0.18	0.15 / 0.10	0.14 / 0.28	0.26 / 0.11

0.14 / 0.30   0.14 / 0.19

0.15 / 0.32   0.17 / 0.36

0.20 / 0.34   0.16 / 0.23

0.06 / 0.17   0.06 / 0.29

0.09 / 0.22   0.21 / 0.20

0.20 / 0.25

0.20 / 0.26 ● Allen

0.10 / 0.42   0.33 / 0.13

0.11 / 0.•2   ● Linares   0.11 / 0.26

0.07 / 0.31   0.31 / 0.17   0.12 / 0.20

0.04 / 0.51

0.22 / 0.47

0.13 / 0.38

0.30 / 0.18   0.27 / 0.07

0.26 / 0.16   0.09 / 0.54

0.48 0.11 / 0.09   0.07 / 0.12   0.16 / 0.16   ● Marquez

0.18 / 0.56   0.10 / 0.32

0.24 / 0.08

● King   0.19 / 0.39

0.29 / 0.23   0.21 / 0.25   0.23 / 0.15

0.11 / 0.24

0.13 / 0.38

MEDIAN HOME VALUES

444•••

425500   459100   460000   355000   475900   354600

461300   474400

472700   382000

Allen

416300   525200

417700   447300   481700   374500

595500   602400

435400

348600

434200

500000 510100   471000   410000   585600

683800

495700   494700

561100 586500

492700   576900   599500   600200 Marquez   610900

553200

559900   566800   608200

560800

503100

561100 586500   495700   455500   ● King 796500

707900

Note: Member Allen's Zillow Zestimate exceeds twice the median home value the census reports for his block group.

SNAP RECIPIENTS
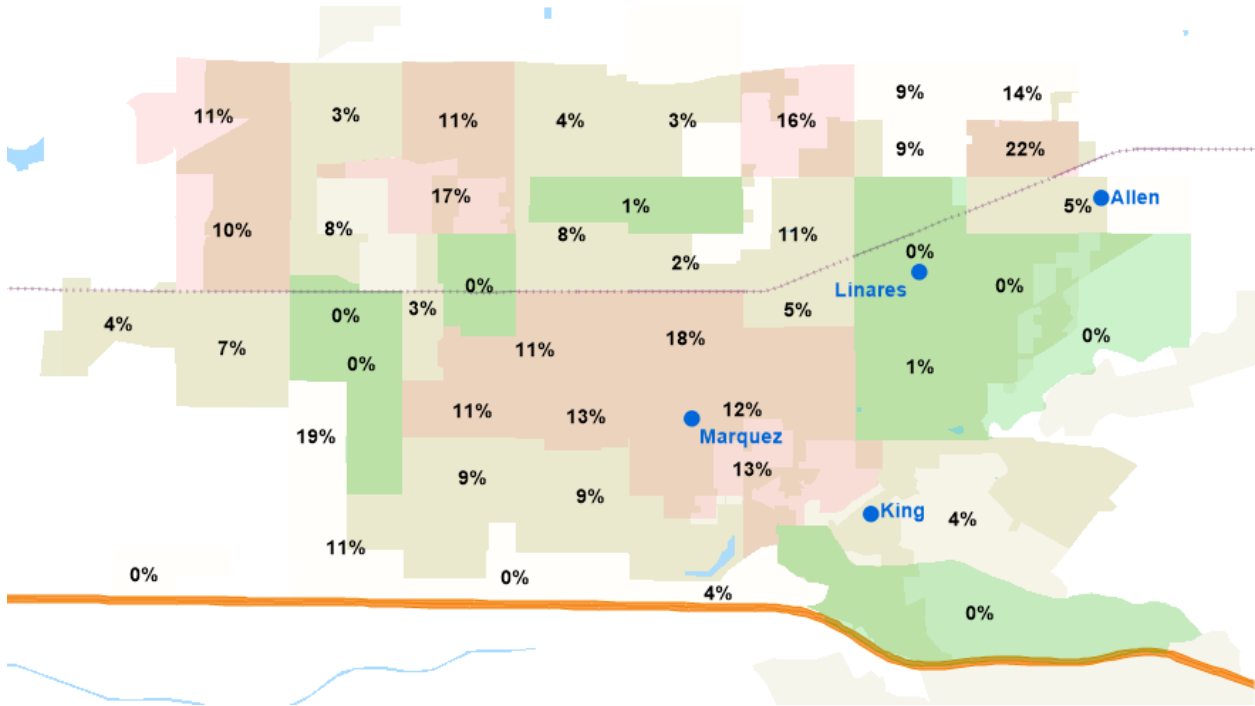
PERCENT BELOW 150% POVERTY LINE

RENTING HOUSEHOLDS

15%   61%   20%   42%   15%   45%

44%   56%   60%

21%   28%   12%   23%   18% Allen

50%   77%   12%

61%   46%   64%   Linares   42%

31%   20%   65%   78%   22%

80%   87%   54%   14%

35%   Marquez   26%

87%   King   0%

30%   52%   4%

VACANT RENTAL PROPERTIES

0%   0%   8%   4%   2%   0%   12%

5%   4%   4%

4%   2%   0%   5%   0% Allen

0%   0%   0%

0%   26%   12%   0%   Linares   0%

4%   7%   0%   0%   2%   17%

0%   4%   1%

14%   Marquez   10%

8%   King   0%

0%   6%   15%

LIVING ALONE

LESS THAN SIXTH GRADE EDUCATION
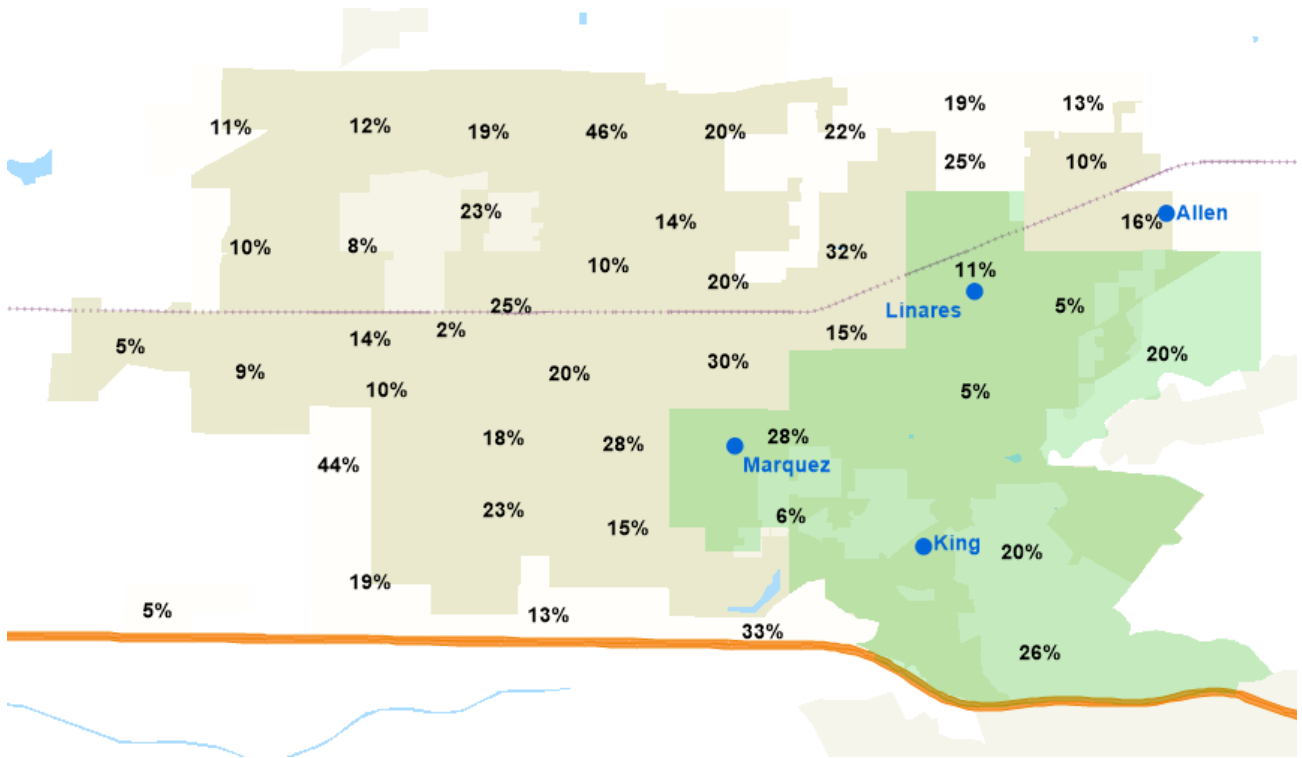
NO HIGH SCHOOL DEGREE
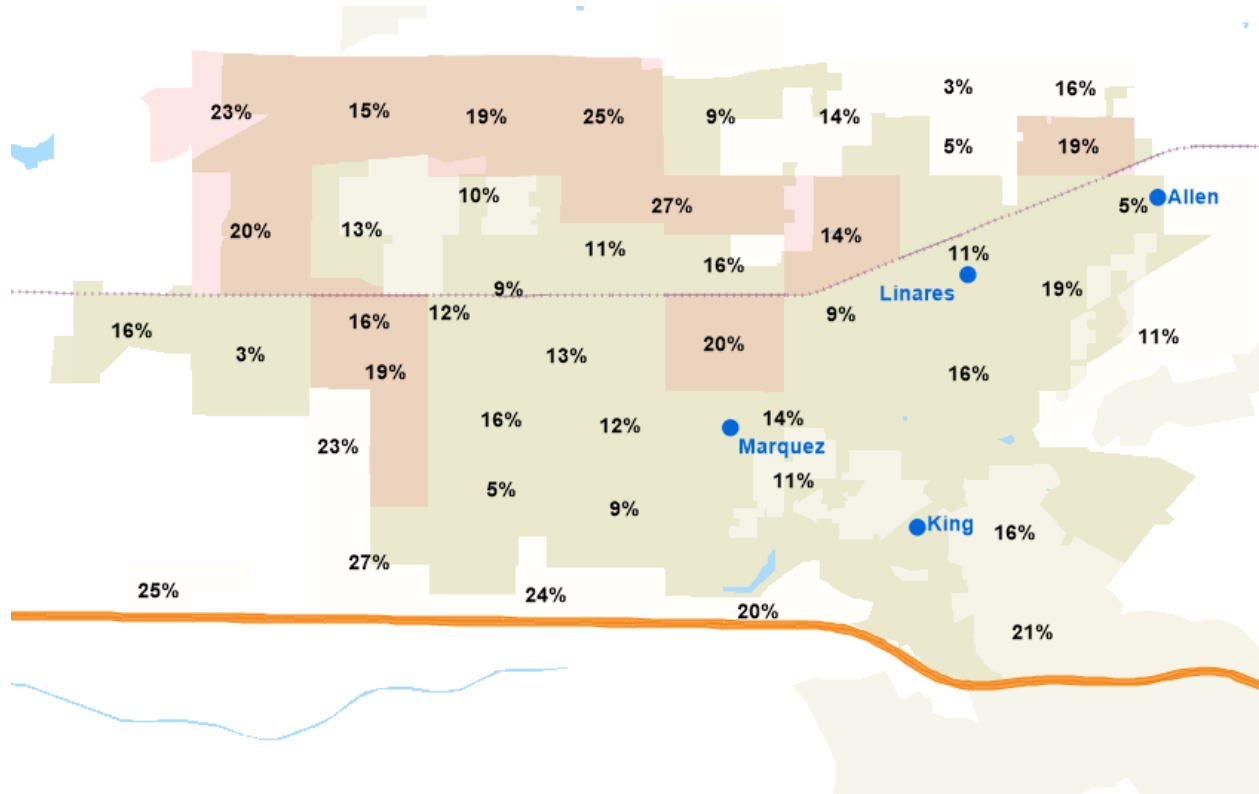
ADVANCED DEGREES
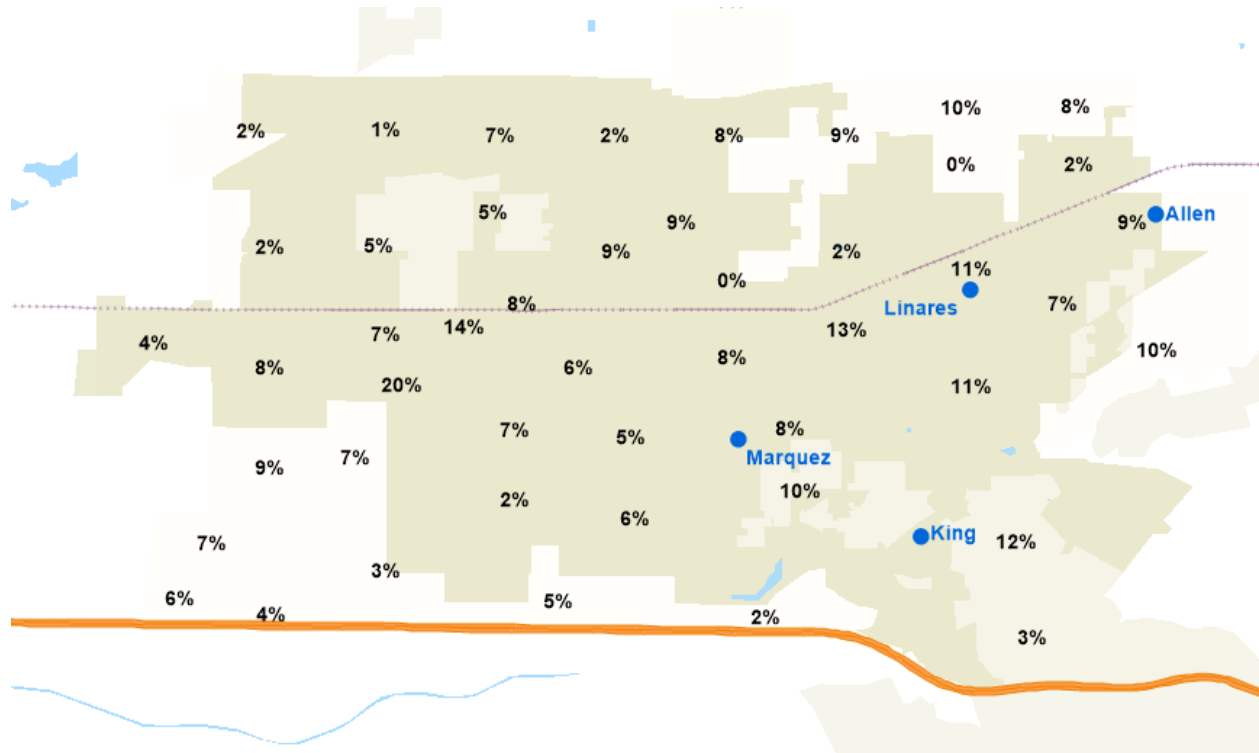
FOREIGN BORN
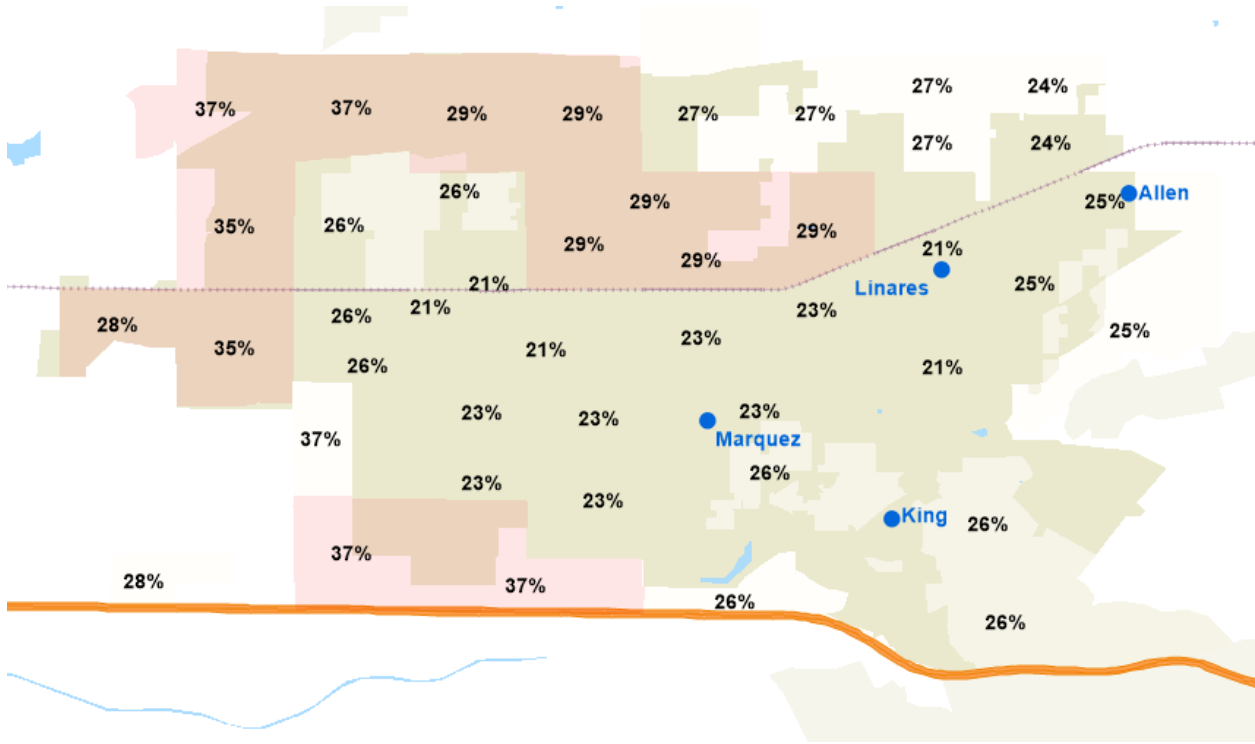
LIMITED ENGLISH (SPANISH)
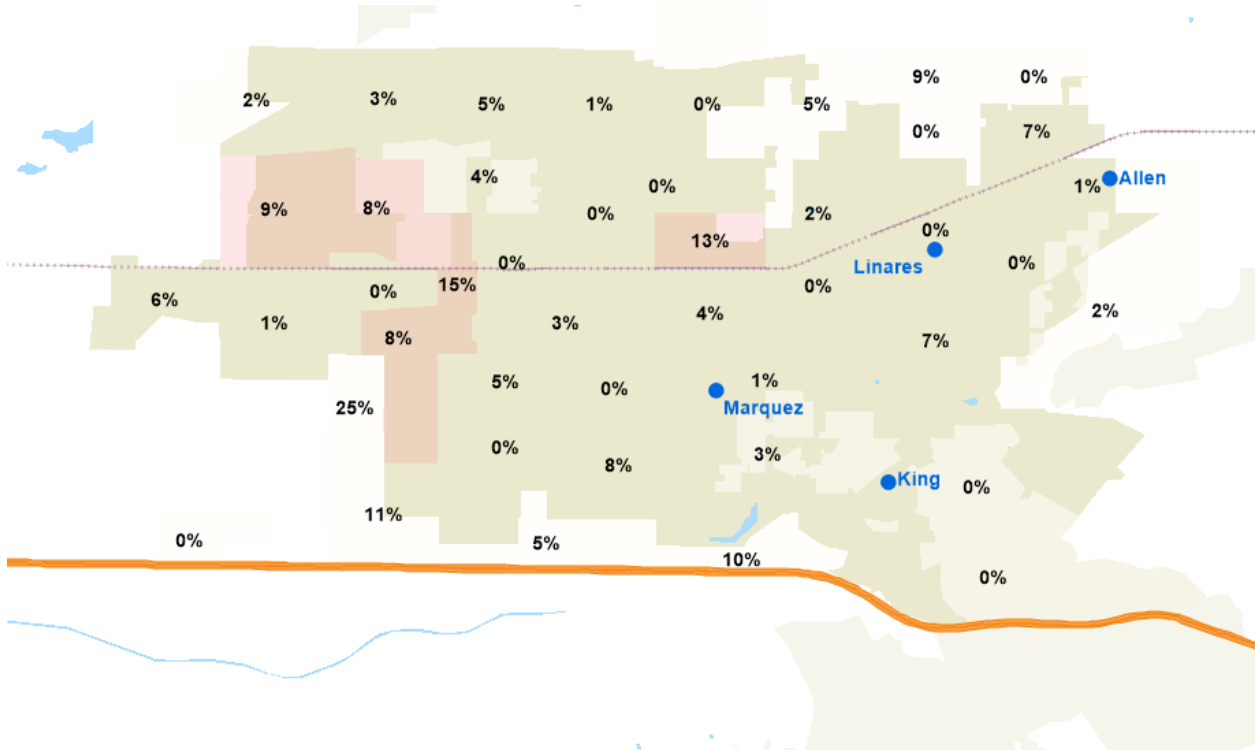
LIMITED ENGLISH (ASIAN)
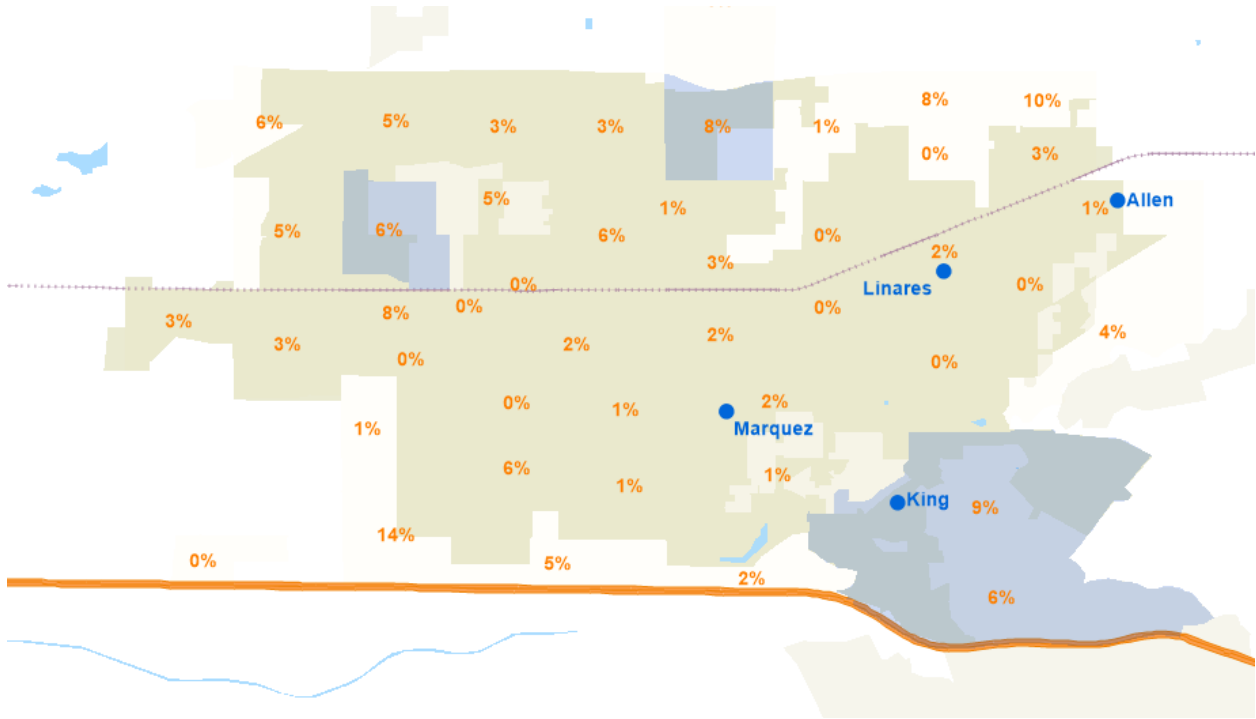
HIGHEST AREAS OF LATINO AND ASIAN TOTAL POPULATION
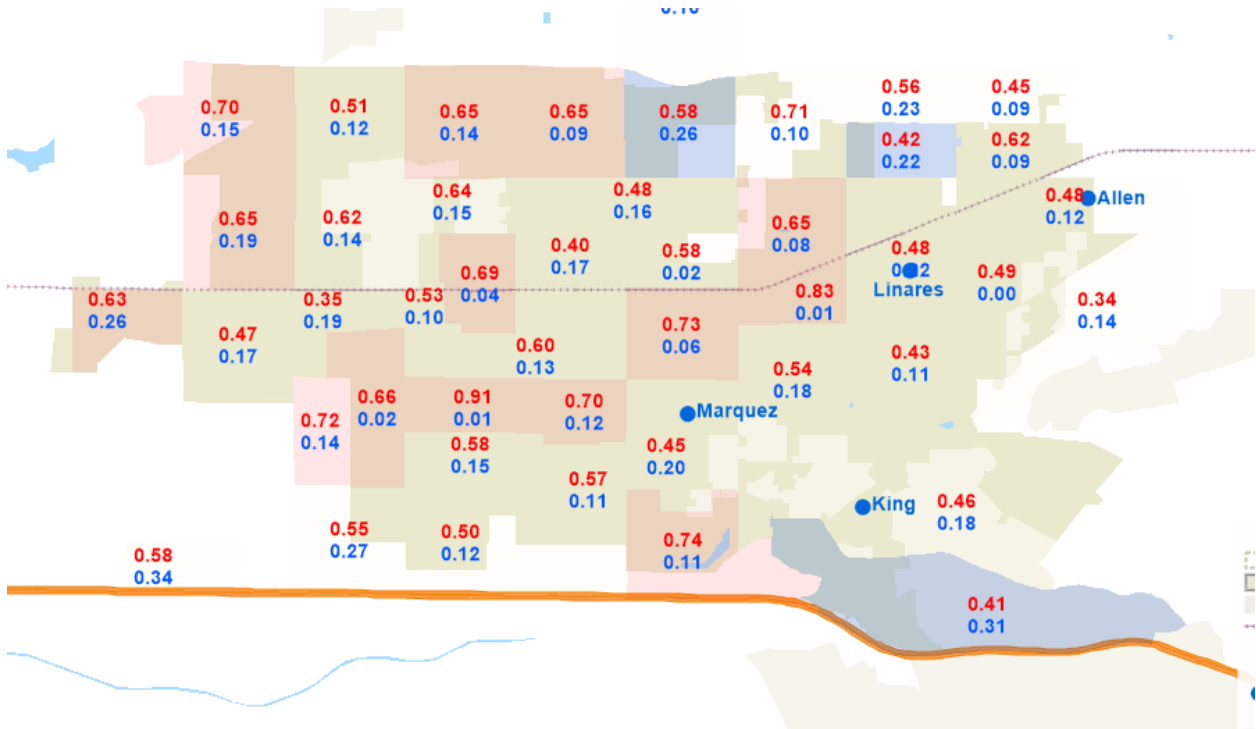
VII.   THE COUNCIL SHOULD ALLOW THE PUBLIC TO DEFINE
        COMMUNITIES OF INTEREST.

A.B. 849 (2019), the FAIR MAPS Act, requires charter cities to use the following criteria in drawing districts:

- Compliance with the Constitution and federal law. This includes "substantial equality" of population, as measured by the census after an adjustment attributes incarcerated persons to their prior domicile.
- Geographic contiguity
- Respecting the integrity of communities of interest and minimizing their division. (Affiliation with parties, incumbents, or candidates may not be considered in defining these communities.)
- Identifiable boundaries, such as streets and natural and artificial barriers.
- Compactness, i.e., not bypassing nearby populations in favor of more distant ones
- Favoring or disfavoring any political party is prohibited.

The public will define the relevant communities of interest at the five required hearings. They may define these communities as they see fit provided that none favors political parties or is based on support for a specific candidate. The public may consider the following factors:

- Neighborhoods are one of the essential building blocks, although they can be defined many ways.
  - As named and defined by developers or the real estate industry.
    https://www.neighborhoodscout.com/ca/Covina
    https://nextdoor.com/city/covina--ca/
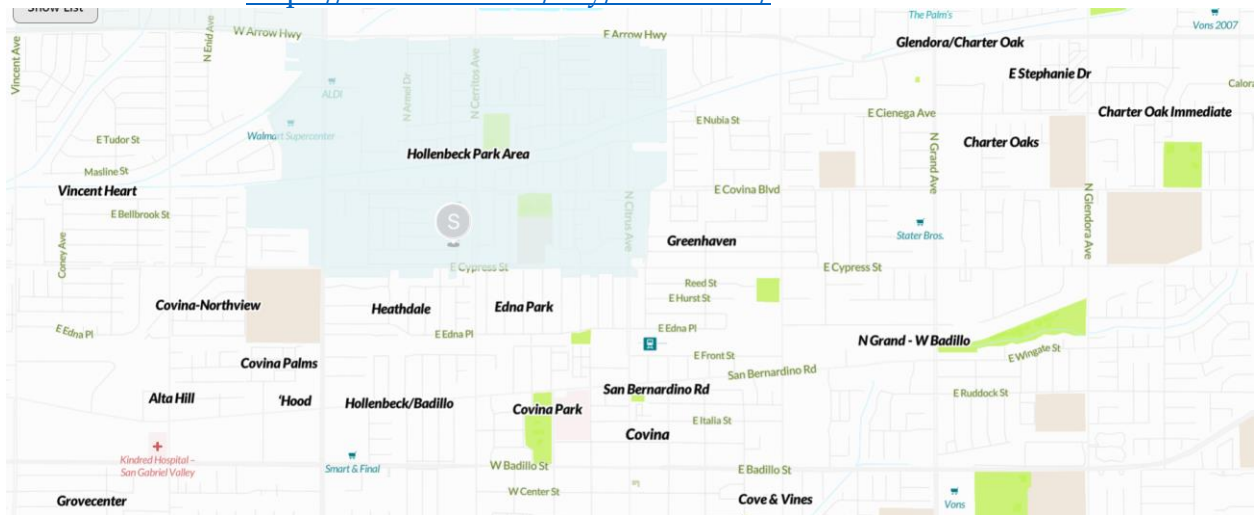
> https://www.areavibes.com/covina-ca/best-places-to-live/
> https://www.realtor.com/realestateandhomes-search/Covina_CA

- o Any neighborhood associations recognized by the city.
  https://hoa-community.com/location/ca/covina-ca/
- o Assessment districts
  https://covinaca.gov/sites/default/files/fileattachments/public_works/page/5223/covina_annexation_fy1819_ph.pdf
- o Municipal water service area
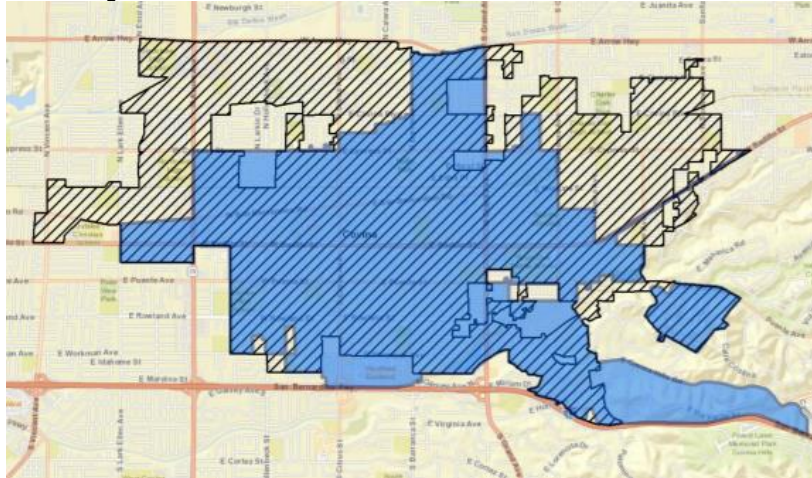
- o
- Common areas where neighbors congregate, including:
  - o School attendance areas.
    https://www.c-vusd.org/domain/442
    https://www.cousd.net/cms/lib/CA01902303/Centricity/Domain/4/District%20Boundaries%20Street_Directory_%2008-2017.pdf
  - o Schools may be aggregated to group high- and low- performing schools. *See* private school ratings https://www.neighborhoodscout.com/ca/
    https://www.greatschools.org/california/covina/schools/
    https://www.niche.com/k12/d/covina-valley-unified-school-district-ca/
  - o Common transit sites
    http://foothilltransit.org/ https://www.metro.net/ https://metrolinktrains.com/

  - o Proximity to libraries, community centers, pools
    https://covinaca.gov/library
  - o https://covinaca.gov/parksrec/page/parks-facilities
  - o Shopping areas
    https://www.yelp.com/search?find_desc=Shopping%20Centers%20and%20Malls&find_loc=Covina%2C%20CA
- Zoning and land use (Attachment 5)
  https://covinaca.gov/pc/page/zoning-map

o Similar housing values and characteristics

https://www.zillow.com/homes/Covina/

https://bestneighborhood.org/best-neighborhoods-Covina-ca/
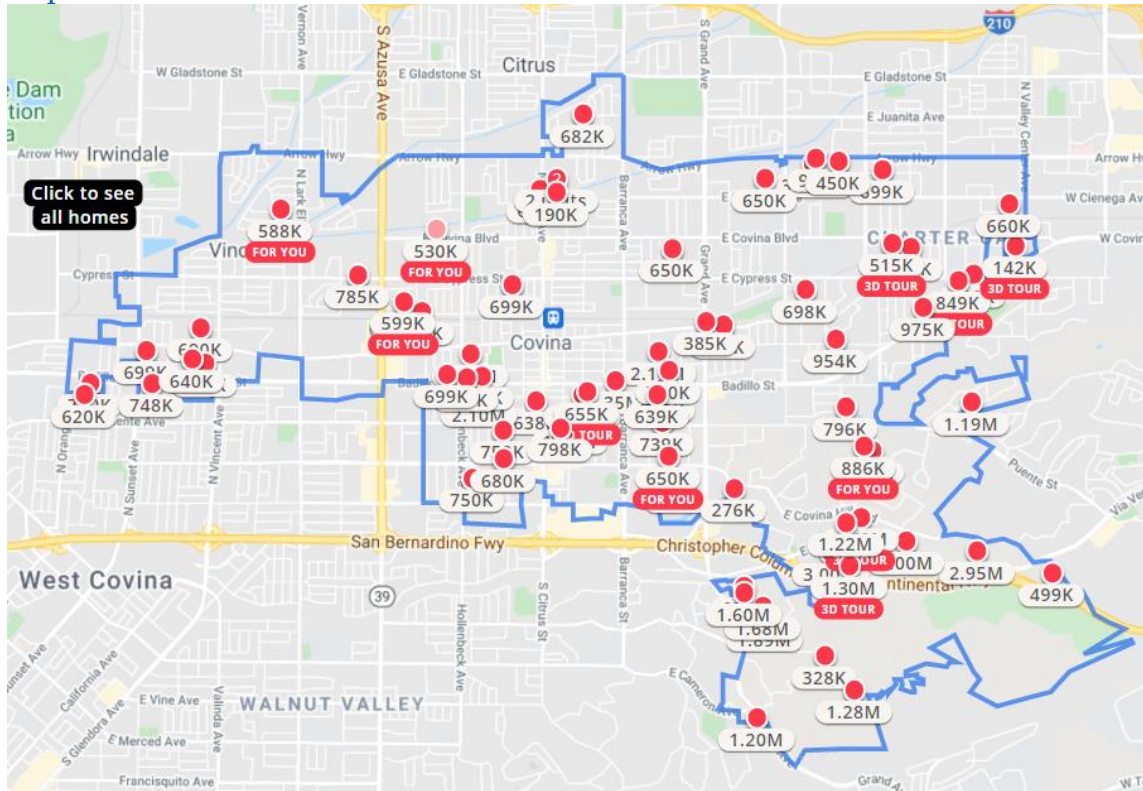
- Communities can be defined by the hazards they face, including:
    o Crime rates, as shown on maps
        https://www.neighborhoodscout.com/ca/Covina/crime
        https://www.city-data.com/crime/crime-Covina-California.html
    o Seismic hazards
        https://covinaca.gov/pc/page/zoning-map
    o Wildfire hazard – none of Covina is in a county fire zone.
    o Flood zones – most southern Covina is in the 50-year flood zone for the
        Lower San Gabriel River or San Jose Creek
        https://pw.lacounty.gov/wmd/nfip/FMP/documents/CFMPDraftAppendixF.p
        df
    o Other jurisdictions
        Covina Valley USD trustee areas Covina Valley USD has five trustee areas
    (See Attachment 4), and Charter Oak USD, which serves part of the city, is at-
    large.
        All of Covina is in the same assembly, state senate and congressional district.
Additional geographic data may be found at the following official sources:

> https://lacounty.maps.arcgis.com/apps/webappviewer/index.html?id=277a0c2007f24d2cbb565f2afea6861e (county)
> https://scag.ca.gov/data-tools-geographic-information-systems (council of governments)
> https://arcg.is/rva4m (state)
> https://www.census.gov/quickfacts/fact/map/covinacitycalifornia/PST045219 (federal)

The first priority of districting should be to ensure that those who have not been fully represented as a result of the at-large system have a permanent, dedicated voice on the council. The communities with the greatest need are often those least visible to government and least effective at advocating at council meetings. High concentrations of children and immigrants increase these needs, which is why districts are apportioned by total population. If a corner of the city has one-fifth of the population, but only 10% of the active voters, they still deserve one-fifth of the attention of the council and one-fifth of the influence over decision-making.

Because it is clearly possible to draw at least one council district in which Latinos are a majority of eligible voters, there may be additional liability under the "effects test" in Section 2 of the federal Voting Rights Act. Our initial analysis suggests that Covina satisfies the additional elements (sometimes called "Senate factors") that Section 2 requires to establish voter dilution. Minority electors can initiate a civil action to enforce Section 2 without the prior notice that California Elections Code, Section 10010 provides for alleged violations of the CVRA.

VIII.   THE COUNCIL SHOULD RESOLVE TO CREATE DISTRICTS AND COMPLETE THE HEARING PROCESS

The city has 45 days from its receipt of this letter to resolve its intent to comply before the next regular election in November 2022, and any special elections that may occur after the map is drawn. Normally there are two pre-map hearings followed by three hearings at which maps are presented. In order to sustain public attention, the hearing process must complete within 90 days, *i.e.*, the end of December 2021.
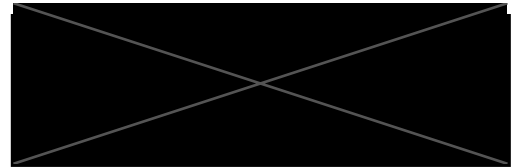
The Bureau of Census released the redistricting file on August 12, 2021, but an additional five weeks will be necessarily to adjust these files so that incarcerated persons will be counted at their previous homes. Since the census enumeration data does not include demographic data, it can only be used to determine the size of each district for the purposes of population equality. The FAIR MAPS Act normally requires

four hearings to adjust the boundaries in light of the new population data. Elections Code, Section 21627.1.[21]

CONCLUSION

Neighborhood districts will make elections in Covina more competitive, and the council more representative, to the benefit of all voters. I hope that the council will embrace this reform and look forward to working together to ensure that the public, including the Latino minority, contributes effectively to an open and successful transition process. We look forward to working with the City Council on a genuinely collaborative basis.

Sincerely,

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[21] Elections Code, Section 10010(e)(3)(C)(i) allows an extension of up to 90 days but requires a firm commitment to implement district elections in 2022. An extension does not appear to be necessary, but if the city is prepared to make that commitment, NEN may consider an extension. We will ask that the city commit to comply with the transparency requirements of the FAIR MAPS Act (Section 21628), notwithstanding subdivision (i). We would ask that the City provide real-time video access to the meetings, including the ability to make oral comments remotely or to have written comments posted.

ATTACHMENT 1. HISTORICAL MAPS Rapid Blue Print Company, "Atlas of Los Angeles County : photographically reproduced from the official records," LOC Call No. G1528.L6 R3 (1950), p. 47.
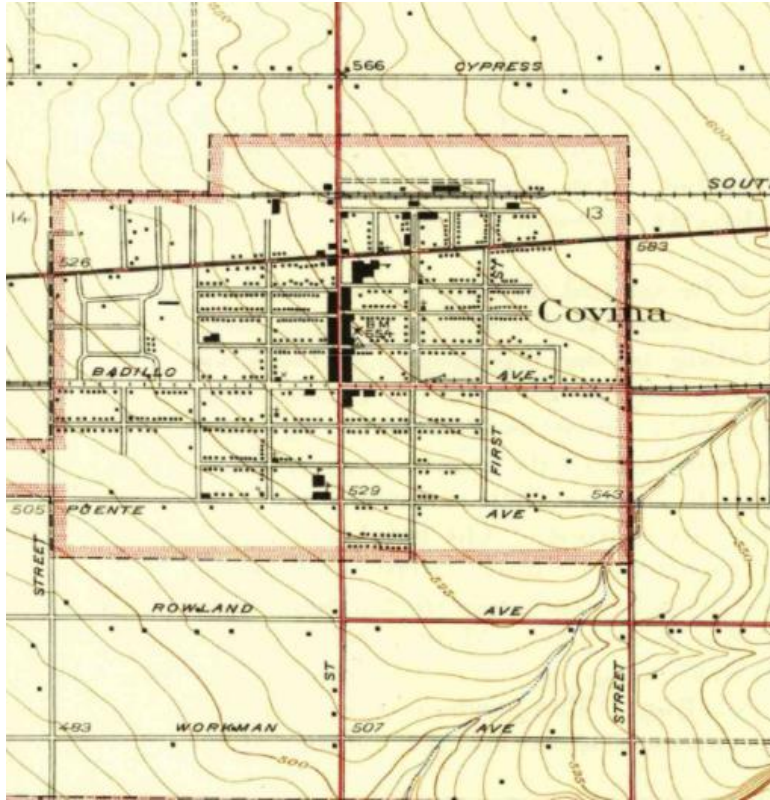http://hdl.loc.gov/loc.gmd/g4363lm.gla00101
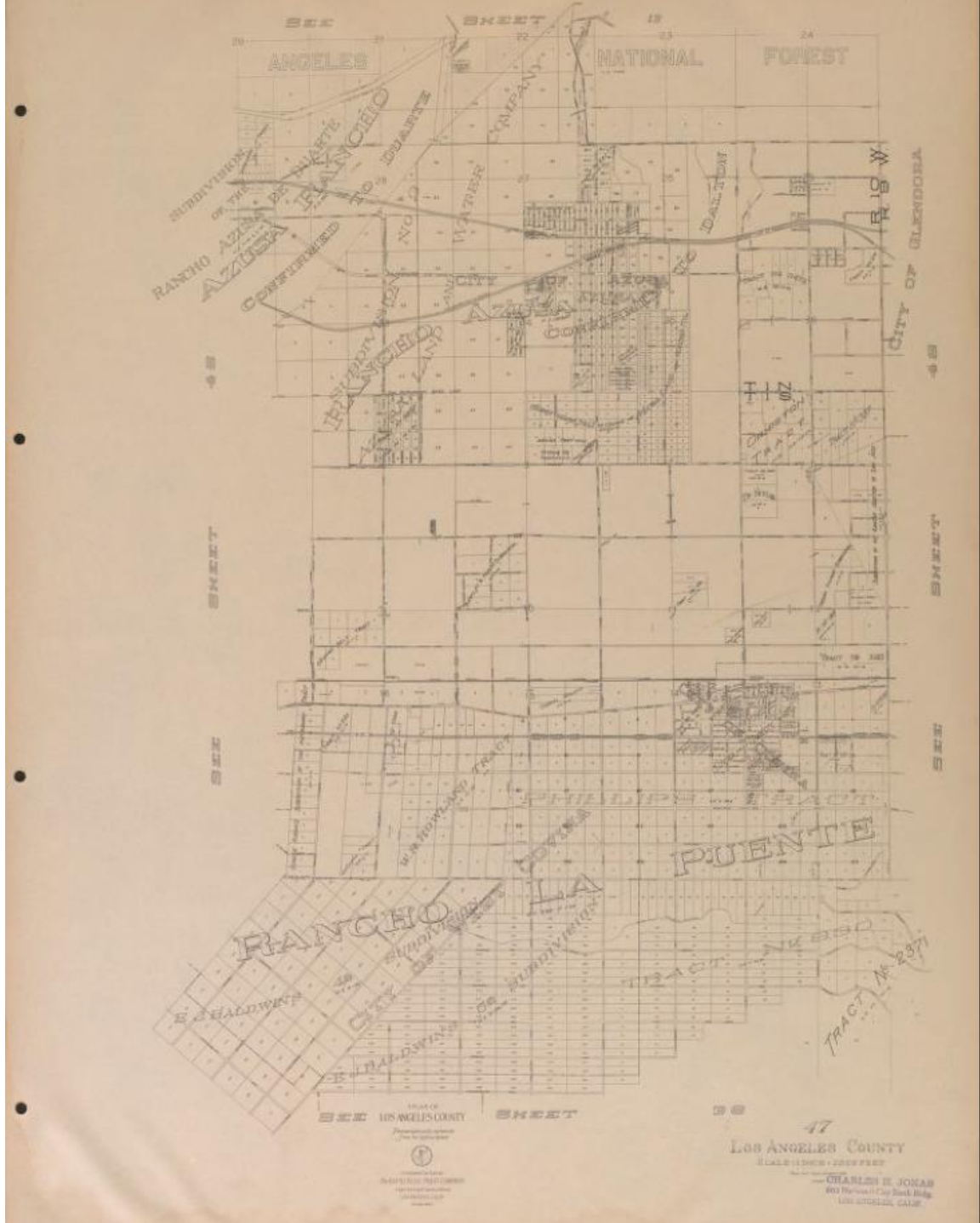
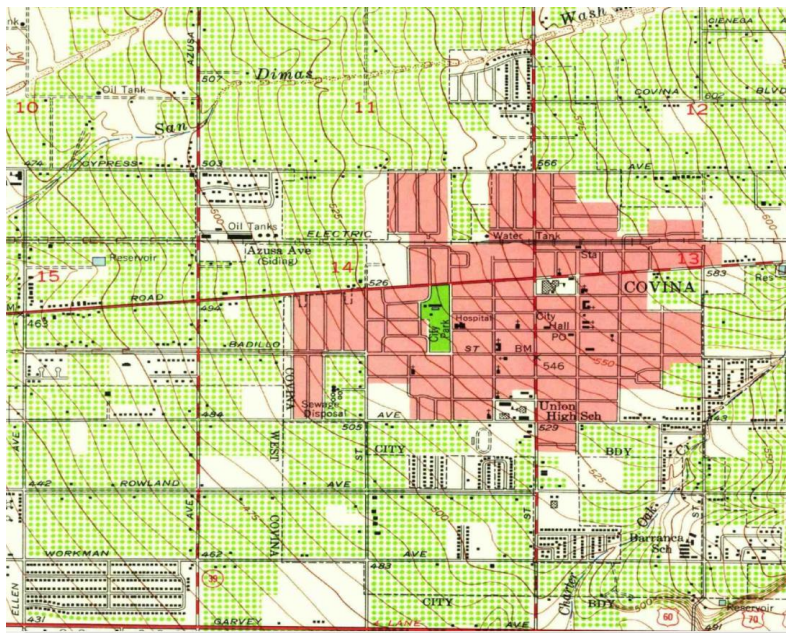Detail showing City of Corona boundaries (1950)
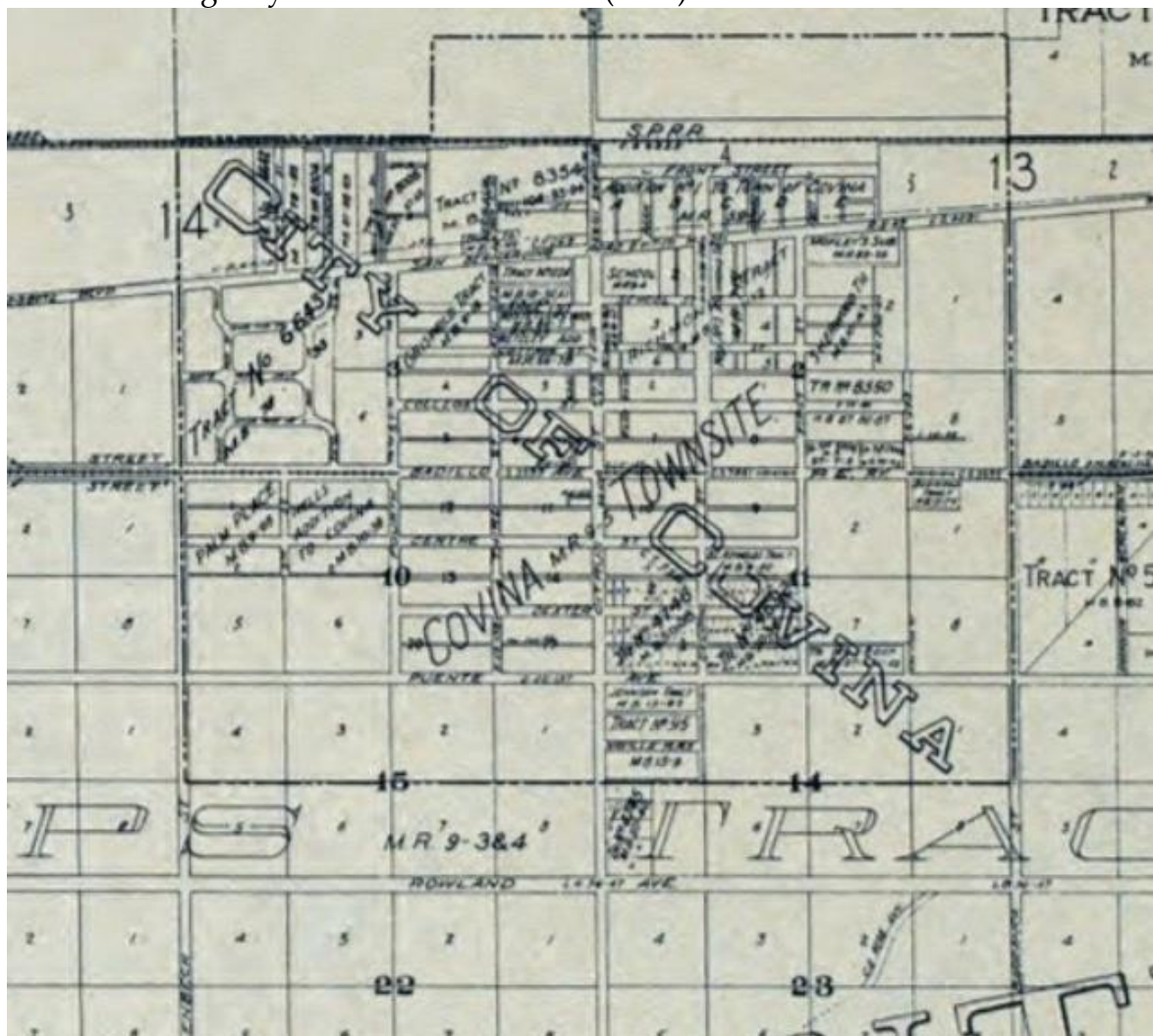
ATTACHMENT 2.   UNITED STATES GEOLOGIC SURVEY QUAD MAPS
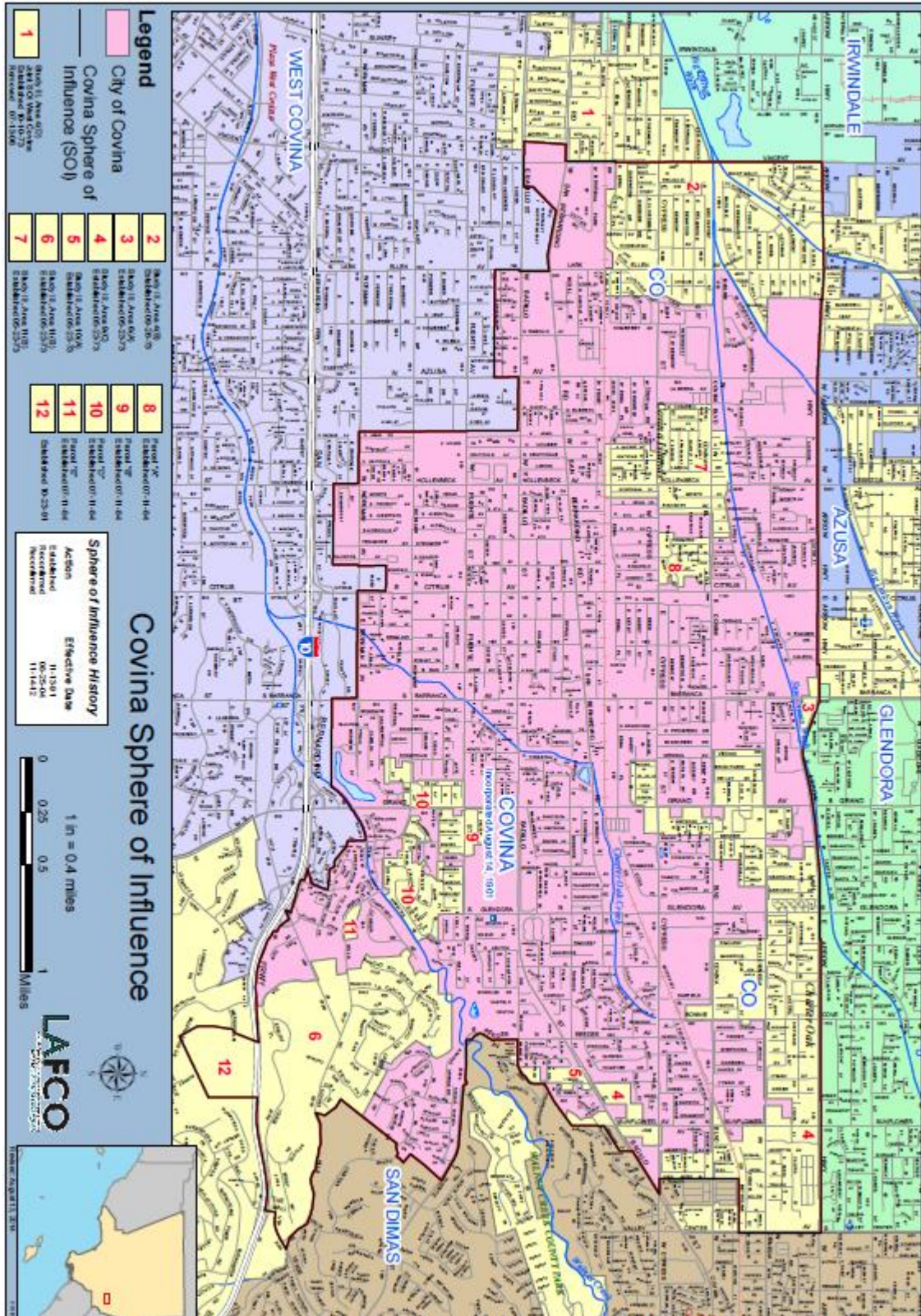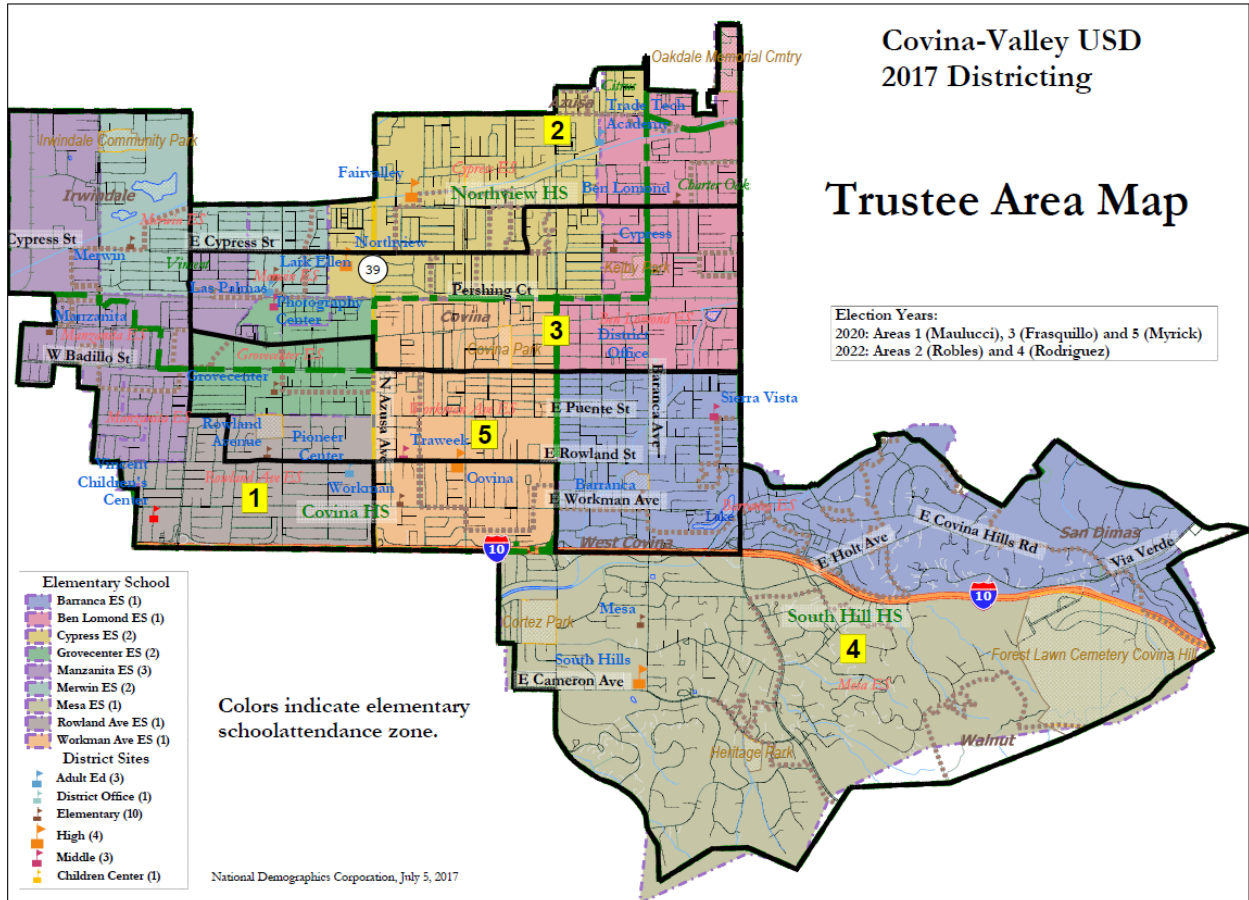From 1927 USGS Quad

1953 USGS Quad

ATTACHMENT 3. LAFCO Covina Sphere of Influence, revised August 2014

ATTACHMENT 4. COVINA VALLEY UNIFIED SCHOOL DISTRICT
School sites, attendance boundaries and trustee areas

ATTACHMENT 5.   ZONING MAP.