

March 6, 2012

Submitted by fax and email

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

**Re: Submission under Section 5 of the Voting Rights Act
Monterey Peninsula Community College District, Monterey, California
(Redistricting Plan: Board of Trustees Election Districts)**

Dear Voting Section Chief:

Pursuant to section 5 of the Voting Rights Act of 1965, as amended, 42 USC § 1973c, and Part 51 of Title 28 of the Code of Federal Regulations, Monterey Peninsula Community College District (Monterey Peninsula College, MPCCD, MPC, the District, the jurisdiction) of Monterey County, California, hereby submits the following plan for the redistricting the election districts of its board of trustees to the United States Attorney General for pre-clearance. This plan was approved by the Monterey Peninsula College Board of Trustees on September 27, 2011. As explained below, this plan includes changes to the boundaries of Trustee Areas 1, 2, 3, and 5.

The contents of this letter to the Department of Justice are divided into the following subsections and attachments:

- I. Background
- II. Subpart C of 28 CFR Part 51: **Required Contents**
- III. Subpart C of 28 CFR Part 51: **Supplemental Contents**
- IV. Subpart F of 28 CFR Part 51: **Determinations by the Attorney General**
- V. Conclusion
- Exhibits 1 – 30

I. BACKGROUND

A. Monterey Peninsula College. Monterey Peninsula Community College District is a public community college district located in Monterey County, California, on California's central coast. A map showing the location and boundaries of the community college district is attached as Exhibit 1.

MPCCD is an ethnically diverse district, comprised of over 128,000 residents, according to the 2010 Census, and covering approximately 664 square miles. MPCCD serves the following secondary public school feeder districts: Carmel Unified School District, Pacific Grove Unified School District, and Monterey Peninsula Unified School District (see map attached as Exhibit 1). The District stretches south to north along the California Coast, from the San Luis Obispo County line to northern Monterey County. It includes the following cities, towns, and unincorporated areas: Big Sur, Carmel Valley Village, Carmel-by-the-Sea, Del Monte Forest, Del Rey Oaks, Marina, Monterey, Pacific Grove, Pebble Beach, Sand City, and Seaside. Most of the District’s students live in the communities, in the northern portion of the District. The coastal area south of Carmel-by-the-Sea contains a very small population.

Census 2010 counted 128,205 people living within the MPCCD jurisdiction. Between 2000 and 2010 the total MPCCD population fell from approximately 131,314 to 128,205. Subareas experienced different rates of population change during the decade. This resulted from lingering effects of the closure of the Fort Ord military base (in 1994), and of differing amounts of housing and population growth/loss in various parts of the jurisdiction. Understanding these population shifts is complicated by the fact that the official Census 2000 count for a single Census block in Trustee Area 2, in the City of Marina (on the former Fort Ord base), was incorrect. More than 4,000 people, probably part of the inmate populations at two state prison facilities located in Soledad, California (outside MPCCD boundaries), were assigned in error to this Census block. In the Census 2000 data for Trustee Area 2 reported in the table below, we have removed that population to provide an accurate representation of population changes.

2000 and 2010 Census Populations of Current Trustee Areas (adopted 2008)

| <i>Population of Current Trustee Areas (adopted 2008)</i> | 2000 Population | 2010 Population | Change 2000-2010 |
|---|-----------------|-----------------|------------------|
| Total Population: | 131,314 | 128,205 | -3,109 |
| Trustee Area 1 | 26,107 | 25,828 | -279 |
| Trustee Area 2 | 26,472 | 27,461 | 989 |
| Trustee Area 3 | 25,310 | 23,406 | -1,904 |
| Trustee Area 4 | 25,438 | 24,773 | -665 |
| Trustee Area 5 | 27,987 | 26,737 | -1,250 |
| | | | |
| Voting Age Population: | 103,307 | 102,814 | -943 |
| Trustee Area 1 | 18,522 | 19,055 | 533 |
| Trustee Area 2 | 19,788 | 20,947 | 1,159 |
| Trustee Area 3 | 20,778 | 19,742 | -1,036 |
| Trustee Area 4 | 24,275 | 20,861 | -3,414 |
| Trustee Area 5 | 22,944 | 22,209 | -735 |

Non-Hispanic Whites are the largest ethnic group, at 59 percent of the population, followed by Hispanics at 22 percent of the population. According to Census 2010, the ethnic/racial proportions of jurisdiction's population were:

- 59 percent non-Hispanic White;
- 22 percent Hispanic;
- 11 percent non-Hispanic Asian;
- 5 percent non-Hispanic African-American;
- 1 percent non-Hispanic Native American;
- 1 percent non-Hispanic Pacific Islander or Hawaiian;
- 0 percent non-Hispanic Other;
- 1 percent Multiple Race.

Asians comprise eleven percent of the population in 2010, and there were very small populations of Pacific Islanders/Hawaiians (one percent) and Native Americans (one percent). Because of their small numbers, the new Plan will have little or no effect on the political influence of these racial or language minority groups.

Although African Americans constitute a small portion of the District's total population (five percent), the group has had an important historical presence in the Seaside and Marina communities (Trustee Areas 1 and 2). Members of the group have been quite politically active, and the change from at-large to by-district election of the MPCCD Board of Trustees occurred partly because of requests made by the local NAACP chapter. The African American population in the Seaside and Marina communities was considerably larger before the Fort Ord Army Base was closed in 1994, a reflection of the diversity of military communities. However, retired service people still reside in the area. Therefore, although the African American population has been shrinking, its political influence is still very important, and its population shares in Trustee Areas 1 and 2 needed to be maintained in the draft plans considered for adoption during the redistricting process.

Changes reflected in the proposed plan are the result of the need to balance the population in the five trustee areas.

A five-member non-partisan, elected board governs the MPCCD. Before the five distinct trustee areas were created on February 27, 2008, by the Monterey County Board of Education and by the Department of Justice on August 7, 2008, the Governing Board consisted of five members elected at-large for four-year terms. Election by trustee area was implemented in November 2009 for Trustee Areas 1 and 2, and became effective in November 2011 for Trustee Areas 3, 4, and 5. Students are represented by the student trustee who is selected annually as part of the ASMPC (ASMPC (Associated Students of Monterey Peninsula College) elections.

As of November 1, 2011, the five members of the MPCCD Board of Trustees were as follows (see Exhibit 2 attached):

- Trustee at Large: Lynn Davis
- Trustee at Large: Charlie Page

Trustee at Large: Loren Steck
Trustee Area 1: Charles Brown
Trustee Area 2: Margaret-Anne Coppernoll

There was also a student Trustee, Antron Williams.

Pursuant to state law, Board of Trustee members serve for staggered four-year terms of office and are elected by voters within their respective Trustee Areas. Staggered elections for Board members are conducted on the first Tuesday after the first Monday in November of odd-numbered years. On November 8, 2011, Rick Johnson was elected Trustee in Area 3. In Areas 4 and 5, the two candidates ran unopposed, Marilyn Gustafson and Loren Steck, respectively. In November 2013, Trustees will be elected once again in Areas 1 and 2. A Trustee's term of office commences on the first Friday in December following his or her election (e.g., December 2, 2011).

As of December 2, 2011, the five members of the MPCCD Board of Trustees are (see [Exhibit 3](#) attached):

Trustee Area 1: Charles Brown (term expires 2013)
Trustee Area 2: Margaret-Anne Coppernoll (term expires 2013)
Trustee Area 3: Rick Johnson (term expires 2015)
Trustee Area 4: Marilyn Gustafson (term expires 2015)
Trustee Area 5: Loren Steck (term expires 2015)

The Student Trustee is now Daniel Cervantes.

B. Chronology. The Board is obligated by Section 1002 of the California Education Code to adjust the boundaries of any or all of the trustee areas following each decennial federal census. At its meeting on March 22, 2011, the MPCCD Board authorized President Dr. Douglas Garrison to enter in an agreement with Lapkoff & Gobalet Demographic Research, Inc. (the LGDR Statement of Qualifications is attached as [Exhibit 4](#)), for demographic redistricting services; agendas of all Board meetings pertaining to the redistricting issue are attached as [Exhibit 5](#); minutes of all Board meeting pertaining to the redistricting issue are attached as [Exhibit 6](#).

At the Board's May 24, 2011, meeting, the Board approved a proposed framework, a timeline, and a calendar for the redistricting process (see timeline attached as [Exhibit 7](#)); resolved that a ten-member citizens' redistricting advisory committee be appointed by June 28, with two representatives from each of the trustee areas to be recommended by the respective governing board members, thus allowing the Board to ensure equal representation from each district, as well as appropriate representation from the perspectives of gender and ethnicity; and authorized the president to advertise for interested parties to serve on the citizens' redistricting advisory committee (see press release and advertisements attached part of as [Exhibit 8](#)). Advertisements and announcements were posted May 20, May 27, June 2, June 5, June 9, June 12, and June 13, in the *Monterey County Herald*, the *Monterey Coast Weekly*, and the *Carmel Pine Cone*. In addition, this opportunity was posted on the MPC website (select examples of the newspaper

announcements, as well as the website announcement are attached as part of Exhibit 8). Email notices soliciting RAC membership were also sent to college committees with community membership and to Marina community contacts (attached as Exhibit 9).

At the same meeting the Board received a report on the preliminary findings regarding trustee areas and the 2010 Census from Dr. Jeanne Gobalet, demographic consultant to MPCCD. Dr. Gobalet reported that uneven population shifts have caused the need for minor adjustments to ensure that MPCCD's five trustee areas have nearly equal populations. The current MPCCD trustee area populations have a total deviation of 17.9 percent, and redistricting to balance populations is necessary. Census blocks were shown to illustrate populations by ethnicity. Dr. Gobalet also illustrated socioeconomic information used to identify communities of interest, as well as the estimated median age of the population by census tract and the estimated percent of adults aged 25 or greater with a Bachelor's Degree or more by census tract.

The president's office received applications from potential members of the Citizens Redistricting Advisory Committee. The Governing Board members reviewed the applications from their respective trustee districts and each recommended two names to serve on the committee.

At the Board's meeting on June 28, 2011, it approved the appointment of Dan Albert, Kathryn Badon, Jean Grace, Marilynn Gustafson, Jay Hudson, Donna Jett, Karen Kadushin, Mel Mason, Thomas Moore, and Paula Pelot, as members of the Citizens Redistricting Advisory Committee, be approved. (Roster of Committee Members by Trustee Area is attached as Exhibit 10).

The Citizens Redistricting Advisory Committee first met on July 13, 2011. Fran Gaver, Esq., Attorney at Law, acted as facilitator (agendas of the committee meetings are attached as Exhibit 11; minutes of the committee meetings are attached as Exhibit 12). President Dr. Doug Garrison described the public outreach efforts regarding the trustee area redistricting process, including the use of local media to share information. It was also noted that a webpage has been added to the Governing Board website specifically dedicated to the redistricting process, with committee meeting information and documents, including agendas, presentations, and maps, posted for public review.

At this July 13 meeting, Dr. Jeanne Gobalet made a presentation on the "Demographics of Redistricting" (attached as Exhibit 13) and provided a report, "Demographic Evaluation of the Current MPCCD Trustee Areas Using 2010 Census Data," with maps of possible redistricting scenarios (attached as Exhibit 14). The committee discussed the maps for the two possible scenarios she had suggested for new boundaries. It made many additional suggestions and recommendations until a third scenario was outlined, and Dr. Gobalet was asked to prepare a new map of this scenario, known as Plan A, for the next meeting.

The second meeting of the Citizens Redistricting Advisory Committee took place on August 3, 2011. Dr. Gobalet presented the committee with map scenarios for three plans: Plan A, Plan B (a variation of Plan A), and Plan C (all attached as Exhibit 15). The two additional plans were developed to address the retrogressive effects of Plan A. The Committee desired, generally, that trustee areas reflect communities of interest, but it then wrestled with what could logically be considered communities of interest and about the equitable population numbers in redrawn

trustee areas. After comparison and discussion, the Committee agreed to a variation of Plan B to be called Plan B-1, and Dr. Gobalet was asked to provide the final scenario and maps for that plan to the Board. At the end of this meeting, the Committee by consensus recommended that Plan B-1 be submitted to the MPCCD Board of Trustees for adoption. The President's office subsequently issued a new business agenda item for the Governing Board Agenda (attached as Exhibit 16); this item was a proposal that the Board receive a report on trustee area redistricting alternatives to address changes in population identified in the 2010 Census, including a final plan recommendation from the MPCCD Citizens Redistricting Advisory Committee.

At the Board of Trustees meeting on August 23, 2011, Dr. Gobalet provided a presentation on Plan B1 (attached as Exhibit 17), and the Board was shown the various plans considered by the Committee, along with a chart comparing the demographic characteristics of the Current Plan with those of the four plans considered by the Committee (attached as Exhibit 18). Representative members of the Committee then recommended that the Board adopt Plan B-1. The Board then held a public hearing on the proposed plan.

At its meeting on September 27, 2011, the Board held a second public hearing on the proposed redistricting plan, Plan B-1, submitted by the Committee. After the public hearing, the Board resolved to adopt Redistricting Plan B-1.

C. The Redistricting Plan. The new plan, Plan B-1 (Exhibit 19), was adopted by the Board on September 27, 2011. (Resolution Number 2011-2012/31 of the Board of Trustees, adopting the new redistricting plan, is attached as Exhibit 20.) This plan balances the population so that the plan deviation is 9.4 percent, below the 10 percent presumptive maximum.

Plan B-1 adjusts the boundaries of the current plan as follows:

- Most of the Seaside Highlands neighborhood is moved from Trustee Area 2 to Trustee Area 1;
- All of California State University, Monterey Bay (CSUMB) is in Trustee Area 1; and
- A large portion of the Jack's Peak area in the City of Monterey is moved from Trustee Area 5 to Trustee Area 3.

Plan B-1 has minor retrogressive effects for Trustee Area 5 only; in all of the other plans retrogression occurred in four of the trustee areas. Because minority groups have a very small population share in Trustee Area 5, this change will not materially affect their ability to elect representatives of their choice.

The Proposed Plan accomplishes the goals of balancing the Trustee Area populations while avoiding reductions of protected groups' political influence, as well as honoring other traditional redistricting criteria. The Plan complies with the "one person-one vote" standard by creating Trustee Areas that are nearly equal in population. It also maintains vital communities of interest and incorporates other traditional redistricting criteria, such as creating Trustee Areas that are politically cohesive and geographically compact. The Proposed Plan was supported by all the Redistricting Advisory Committee members who belonged to groups protected by the Federal Voting Rights Act of 1965 (as amended). In fact, it was supported by all members of the Committee.

II. SUBPART C: REQUIRED CONTENTS [28 CFR 51.27]

(a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting. [28 CFR 51.27(a)]

The new districting plan ("Redistricting Plan B-1) was adopted by resolution of the Board of Trustees of the Monterey Peninsula Community College District (MPCCD) on September 27, 2011, under **New Business 6. C**, to wit: "BE IT RESOLVED, that the Governing Board adopt the Redistricting Plan B-1." The Resolution was previously attached as Exhibit 20.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed. [28 CFR 51.27(b)]

Not applicable.

(c) If the change affecting voting either is not readily apparent on the face of the documents, provided under paragraphs (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting. [28 CFR 51.27(c)]

The changes affecting voting from the current plan to the newly adopted plan are shifts of the boundaries of Trustee Areas 1, 2, 3, and 5 so that (1) most of the Seaside Highlands neighborhood is moved from Trustee Area 2 to Trustee Area 1; (2) all of the California State University, Monterey Bay, campus is moved into Trustee Area 1; and (3) a large portion of the Jack's Peak area is moved from Trustee Area 5 to Trustee Area 3.

Maps comparing the Trustee Area boundary lines precleared in 2008 (current plan) with the boundary lines adopted by the MPCCD Board of Trustees on September 27, 2011, are attached as Exhibit 21. The territory that will change from one trustee area to another as a result of adoption of the amended redistricting plan is highlighted in the following way. The *current* trustee areas are color coded, and the adopted plan is indicated by black lines. Where the color shading is crossed by a line, it indicates a change in the boundary.

(d) The name, title, address, and telephone number of the person making the submission. [28 CFR 51.27(d)]

Jeanne Gobalet, Ph.D., Vice President
Lapkoff & Gobalet Demographic Research, Inc.
22361 Rolling Hills Road
Saratoga, CA 95070
Telephone: 408-725-8164
Fax: 408-725-1479
Email: Gobalet@Demographers.com

(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different. [28 CFR 51.27(e)]

Board of Trustees, Monterey Peninsula Community College District

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located. [28 CFR 51.27(f)]

County of Monterey, State of California.

(g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar). [28 CFR 51.27(g)]

The Monterey Peninsula Community College District's Board of Trustees is responsible for the change and adopted the Plan on September 27, 2011, by unanimous vote.

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change. [28 CFR 51.27(h)]

The Monterey Peninsula Community College District undertook its redistricting plan pursuant to the provisions of California Education Code Section 5019, et seq., a copy of which is attached as Exhibit 22. (All of the statutory references in this subpart shall be to the California Education Code.)

Section 5019.5(a) requires that, by resolution, after each federal decennial 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 the population of each area is, as nearly as may be, the same proportion of the total population of the district as the ratio which the number of governing board members elected from the area bears to the total number of members of the governing board.

Section 5019.5(b) requires that the boundaries of the trustee areas shall be adjusted by the governing board of each school district or community college district so that 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 before the first day of March of the year following the year in which the results of each decennial census are released.

(i) The date of adoption of the change affecting voting. [28 CFR 51.27(i)]

The MPCCD Board of Trustees voted to adopt the Plan on September 27, 2011.

(j) The date on which the change is to take effect. [28 CFR 51.27(j)]

The new plan will become operative upon preclearance pursuant to Section 5 of the Voting Rights Act of 1965, and would first be used for the trustee elections in November 2013.

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made. [28 CFR 51.27(k)]

The new plan has not yet been enforced or administered, in whole or in part.

(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change. [28 CFR 51.27(l)]

The changes from the current plan to the newly adopted plan are shifts of the boundaries of Trustee Areas 1, 2, 3, and 5. In particular, these changes are as follows:

- (1) Most of the Seaside Highlands neighborhood moves from Trustee Area 2 to Trustee Area 1;
- (2) All of the California State University, Monterey Bay, campus is in Trustee Area 1; and
- (3) A large portion of the Jack's Peak portion of the City of Monterey is moved from Trustee Area 5 to Trustee Area 3.

(m) A statement of the reasons for the change. [28 CFR 51.27(m)]

Analysis of Census 2010 data showed that current MPCCD Trustee Areas are unequal in population and must be adjusted. Population and housing in the jurisdiction experienced different rates of growth, resulting in a total deviation between the most and least populous trustee areas of 17.9 percent, where the accepted maximum deviation is 10 percent. In order to balance the populations and meet the "one person, one vote" requirement, it was necessary for the MPCCD Board of Trustees to adjust trustee area boundaries.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups. [28 CFR 51.27(n)]

The Plan has the following anticipated effects on members of racial or language minority groups: The Plan has a permissible deviation of 9.4 percent, thereby providing all persons within the jurisdiction approximately the same individual voting influence.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices. [28 CFR 51.27(o)]

Not applicable.

(p) A statement that the prior practice has been pre-cleared (with the date) or is not

subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made. [28 CFR 51.27(p)]

Following the adoption of the plan on February 27, 2008, and the submission of a preclearance letter to the Chief of the Voting Section of the Department of Justice, dated June 11, 2008, the Attorney General pre-cleared the current plan (“prior practice”) on August 7, 2008. To the best of our knowledge, the procedure for adoption of this change has been precleared, as well.

(q) For redistrictings and annexations: the items listed under S 51.28 (a)(1) and (b)(1); for annexations only: the items listed under S 51.28(c)(3). [28 CFR 51.27(q)]

See response below in III. SUBPART C: SUPPLEMENTAL CONTENTS.

(r) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in S 51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in S 51.37. [28 CFR 51.27(r)]

See response below in III. SUBPART C: SUPPLEMENTAL CONTENTS.

III. SUBPART C: SUPPLEMENTAL CONTENTS [28 CFR 51.28]

(a) Demographic information.

(1) Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient. [28 CFR 51.28 (a)(1)]

See Exhibit 23 (second table) and maps in Exhibit 24, attached.

(2) The number of registered voters for the affected area by voting precinct before and after the change, by race and language group. [28 CFR 51.28 (a)(2)]

Data by voting precinct was not used; instead data by Census block was used. We aggregated the Census blocks to trustee areas. No data are collected on the race/ethnicity of voters. However, we estimated Hispanic and non-Hispanic voters via an analysis of Spanish surnames (see Exhibit 23).

(3) Any estimates of population, by race and language group, made in connection with the adoption of the change. [28 CFR 51.28 (a)(3)]

Not applicable.

(4) Demographic data provided on magnetic media shall be based upon the Bureau of the Census Public Law 94-171 file unique block identity code of state, county, tract, and block. [28 CFR 51.28 (a)(4)]

See the Monterey Peninsula Community College District 2010 block equivalency file, attached separately after the PDF Exhibits as Exhibit 25A (Excel Format), and Exhibit 25B, a documentation file (PDF Format), attached as a PDF exhibit.

(b) Maps. Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information:

(1) The prior and new boundaries of the voting unit or units. [28 CFR 51.28 (b)(1)]

Maps showing the boundaries of the Trustee Areas approved by the Board of Trustees on September 27, 2011, are attached as part of Exhibit 21. The 2008 plan is shown in the background colors of the map.

(2) The prior and new boundaries of voting precincts. [28 CFR 51.28 (b)(2)]

Not applicable.

(3) The location of racial and language minority groups. [28 CFR 51.28 (b)(3)]

Maps of the jurisdiction that show the location of Hispanics are attached as Exhibit 24.

(4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units. [28 CFR 51.28 (b)(4)]

The boundaries were formed from political divisions (city limits) and local understandings of communities of interest (neighborhoods), when possible.

(5) The location of prior and new polling places. [28 CFR 51.28 (b)(5)]

Not applicable.

(6) The location of prior and new voter registration sites. [28 CFR 51.28 (b)(6)]

Not applicable.

(c) Annexations. For annexations, in addition to that information specified elsewhere, the following information [28 CFR 51.28 (c)]:

Not applicable.

(d) Election returns. Where a change may affect the electoral influence of a racial or language minority group, returns of primary and general elections conducted by or in the jurisdiction, containing the following information [28 CFR 51.28 (d)]:

Not applicable.

(e) Language usage. Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General's interpretation of the minority language requirements of the Act is contained in Interpretative Guidelines: Implementation of the provisions of the Voting Rights Act Regarding Language Minority Groups, 28 CFR Part 55. [28 CFR 51.28 (e)]

Not applicable.

(f) Publicity and participation. For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place [28 CFR 51.28 (f)].

The Board reached out to the public within the MPCCD jurisdiction to find voluntary members for the Citizens Redistricting Advisory Committee. The President's office solicited interest in serving on this committee through public announcements in the *Monterey County Herald*, the *Monterey Coast Weekly*, and the *Carmel Pine Cone*. In addition, this opportunity was posted on the MPC website. Advertisements and announcements were posted May 20, May 27, June 2, June 5, June 9, June 12, and June 13, in the *Monterey County Herald*, the *Monterey Coast Weekly*, and the *Carmel Pine Cone*. In addition, this opportunity was posted on the MPC website (select examples of the newspaper announcements, as well as the website announcement are attached as part of Exhibit 8. Email notices soliciting RAC membership were also sent to college committees with community membership and to Marina community contacts (attached as Exhibit 9).

Once the Committee was appointed, the district provided a separate page on its website devoted to redistricting and the Citizens Redistricting Advisory Committee, including a schedule of all public meetings located at URL <http://www.mpc.edu/GoverningBoard/Pages/2010-Trustee-Areas-Redistricting.aspx>.

The Citizens Redistricting Advisory Committee held two meetings, both open to the public. In addition, before voting on the plan, the Board of Trustees conducted two public hearings on the redistricting plan.

Examples of materials demonstrating public notice or participation include:

(1) Copies of newspaper articles discussing the proposed change. [28 CFR 51.28 (f)(1)]

Copies of newspaper articles discussing the proposed change are attached as part of Exhibit 8.

(2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups). [28 CFR 51.28 (f)(2)]

Public notices, reports, plans, and information describing the work of the Citizens Redistricting Advisory Committee, the redistricting timeline, the proposed rearranging process, the proposed changes, and the advance schedule of public meetings were posted on the MPCCD web site at <http://www.mpc.edu/GoverningBoard/Pages/2010-Trustee-Areas-Redistricting.aspx>. A newspaper article announcing the Committee's meeting on August 3 is attached as part of Exhibit 8. Email notices soliciting RAC membership were also sent to college committees with community membership and to Marina community contacts (attached as Exhibit 9).

Agendas for the public meetings and hearings of the Board of Trustees (showing time of consideration, agenda item number, and subject of discussion), posted in advance on the MPCCD website, are attached as Exhibit 5.

Agendas for the public meetings of the Citizens Redistricting Advisory Committee, posted in advance on the MPCCD website, are attached as Exhibit 10.

The distribution list for the hard copy of all Board agenda packets is attached as part of Exhibit 26. The list of community members and other interested parties who receive email notifications regarding Board meetings (and provided a link on the District's webpage to the Board agenda packet), along with a sample email notification for one such meeting, are attached as parts of Exhibit 26. The list of the local media that receive email notification of upcoming Board meetings (and provided a link on the District's webpage to the Board agenda), along with a sample email notification for one such meeting, are attached as parts of Exhibit 26. In addition, an "All Users" list of everyone on the campus email network who receives notice of every public Board meeting, and sample emails notifying recipients of the August 23 and September 27, 2011, Board meetings, are attached as parts of Exhibit 26.

(3) Minutes or accounts of public hearings concerning the proposed change. [28 CFR 51.28 (f)(3)]

Minutes for public meetings and hearings of the Citizens Redistricting Advisory Committee concerning the rearranging process and the proposed change are attached as Exhibit 11.

Minutes for public meetings and hearings of the Board of Trustees concerning the rearranging process and the proposed change are attached as Exhibit 6.

(4) Statements, speeches, and other public communications concerning the proposed change. [28 CFR 51.28 (f)(4)]

None available.

(5) Copies of comments from the general public. [28 CFR 51.28 (f)(5)]

None available.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose. [28 CFR 51.28 (f)(6)]

Not applicable; the jurisdiction does not maintain legislative journals reflecting items discussed or actions taken by the Board of Trustees.

(g) Availability of the submission.

(1) Copies of public notices that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection (e.g., at the county courthouse) and invite comments for the consideration of the Attorney general and statements regarding where such public notices appeared. [28 CFR 51.28 (g)(1)]

A complete copy of the submission is being made available for public inspection at the following locations within the jurisdiction:

Superintendent/President's Office, Administration Bldg.
Monterey Peninsula Community College District
980 Fremont Street
Monterey, CA 93940

Administrative Office, Room MA101
MPC Education Center at Marina
289 12th Street
Marina, CA 93933

Notice of this submission to the Attorney General will be included in the packet for the March 28, 2012, MPCCD Board meeting that is distributed to the people on the agenda packet distribution lists (see Exhibit 26). A copy of this notice is attached as Exhibit 27.

(2) Information demonstrating that the submitting authority, where a submission contains magnetic media, made the magnetic media available to be copied or, if so requested, made a hard copy of the data contained on the magnetic media available to be copied. [28 CFR 51.28 (g)(2)]

The block equivalency file (attached as Exhibit 25A) will be made available to interested members of the public upon request at the Office of the President, Monterey Peninsula College.

(h) Minority group contacts. For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process. [56 FR 51836, Oct. 16, 1991] [28 CFR 51.28 (h)]

One member of the Citizens Redistricting Advisory Committee was mixed African-American/Hispanic; one was African-American. These members are:

Name: Kathryn Badon (B/H) Deceased 10/9/2011
Address: formerly of Seaside, CA
Organizational Affiliations: Worked to establish trustee districts at MPC for 3 years. Former member of community boards: Seaside Economic Development Commission, Commission on the Status of Women, Obama Way Committee

Name: Melvin Mason (B), President, Monterey County NAACP
Address: 1897 Napa St.
Address: Seaside, CA 93955
Email: mel@villageprojectinc.org
Home Phone: (831) 394-2869
Work Phone: (831) 392-1500
Organizational Affiliations: Primary founder and chair of Citizens Committee for MPC Redistricting that moved the college trustee election method from an at-large system to one with 5 trustee areas. Member of California NAACP State Redistricting Advisory Group. President of Monterey County branch of the NAACP.

A complete roster of the Citizens Redistricting Advisory Committee is presented as Exhibit 9.

IV. SUBPART F: DETERMINATIONS BY THE ATTORNEY GENERAL [28 CFR 51.52. ET SEQ.]

51.52 Basic standard.

(a) Surrogate for the court. Section 5 provides for submission of a voting change to the Attorney General as an alternative to the seeking of a declaratory judgment from the U.S. District Court for the District of Columbia. Therefore, the Attorney General shall make the same determination that would be made by the court in an action for a declaratory judgment under Section 5: Whether the submitted change has the purpose or will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. The burden of proof is on a submitting authority when it submits a change to the Attorney General for preclearance, as it would be if the proposed change were the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. See South Carolina v. Katzenbach, 383 U.S. 301, 328, 335 (1966).] [28 CFR 51.52 (a)]

The Plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. The Plan was adopted to comply with the “one person, one vote” principle.

Specifically, the Plan has the following anticipated effects on members of racial or language minority groups:

1. The redistricting plan has a permissible deviation of 9.4 percent, thereby providing all persons within the jurisdiction approximately equal individual voting influence.
2. The Plan creates Trustee Area boundaries that do not materially fragment the District’s small African-American, Native American, Hispanic, Pacific Island, and Asian populations.
3. The Plan respects concentrations of Hispanics.

51.53 Information considered.

The Attorney General shall base a determination on a review of material presented by the submitting authority, relevant information provided by individuals or groups, and the results of any investigation conducted by the Department of Justice.

51.54 Discriminatory effect.

(a) Retrogression. A change affecting voting is considered to have a discriminatory effect under Section 5 if it will lead to a retrogression in the position of members of a racial or language minority group (i.e., will make members of such a group worse off than they had been before the change) with respect to their opportunity to exercise the electoral franchise effectively. See Beer v. United States, 425 U.S. 130, 140-42 (1976). [28 CFR 51.54 (a)]

The Plan will not lead to a retrogression in the position of members of any racial or language minority group in the jurisdiction with respect to their opportunity to exercise the electoral franchise effectively (all demographic statistics cited herein were compiled by LGDR and are attached as part of Exhibit 23. As the table in that exhibit shows (bottom panel), shares of members of protected groups do not change in ways that would affect their political influence. Special attention was paid to Citizen Voting Age Population and registered voter shares during the redistricting process to assure that the new plan would not be retrogressive.

(b) Benchmark. [28 CFR 51.52 (b)]

There has never been a suggestion that the current trustee area plan (the benchmark) was discriminatory. That plan was adopted in 2008 with universal support from members of protected groups. It was precleared by the Department of Justice in 2008. Exhibit 23 provides data for the current (benchmark) plan as well as the proposed plan.

51.55 Consistency with constitutional and statutory requirements.

(a) Consideration in general. In making a determination the Attorney General will consider whether the change is free of discriminatory purpose and retrogressive effect in light of, and with particular attention being given to, the requirements of the 14th, 15th, and 24th amendments to the Constitution, 42 U.S.C. 1971(a) and (b), Sections 2, 4(a), 4(f)(2), 4(f)(4), 201, 203(c), and 208 of the Act, and other constitutional and statutory provisions designed to safeguard the right to vote from denial or abridgment on account of race, color, or membership in a language minority group. [28 CFR 51.55 (a)]

To the best of our understanding, the proposed changes are consistent with all legal requirements.

(b) Section 2. Preclearance under Section 5 of a voting change will not preclude any legal action under Section 2 by the Attorney General if implementation of the change demonstrates that such action is appropriate. [28 CFR 51.55 (b)]

It is understood that preclearance does not preclude Section 2 legal action. However, all changes described here are, to the best of our understanding, fully compliant with Section 2 requirements.

51.56 Guidance from the courts.

In making determinations the Attorney General will be guided by the relevant decisions of the Supreme Court of the United States and of other Federal courts.

The Supreme Court's decision in *Shaw v. Reno* indicated that race should not be the dominant factor in redistricting and that communities of interest matter. In their deliberations, this decision was cited by members of the Citizens Redistricting Advisory Committee. The Committee wanted to maintain the Seaside, CSUMB, and Jacks Peak communities of interest. The proposed configuration respects the traditional redistricting principles of compactness and respect for these communities of interest.

51.57 Relevant factors.

Among the factors the Attorney General will consider in making determinations with respect to the submitted changes affecting voting are the following:

(a) The extent to which a reasonable and legitimate justification for the change exists. [28 CFR 51.57 (a)]

As indicated in response to Section II. (m) above, the jurisdiction's population changes during the 2000s were unevenly distributed. The rate of housing and population growth resulted in a 17.9 percent population deviation in the current plan, greater than the allowable 10 percent maximum. As a result of these factors and considerations, in order to balance the populations and adhere to the "one person, one vote" rule, it was necessary for the MPCCD Board of Trustees to adjust Trustee Area boundaries.

(b) The extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change. [28 CFR 51.57 (b)]

The Board of Trustees and the Citizens Redistricting Advisory Committee were guided primarily by three legal concerns: the “one person one vote” principle, compliance with the Voting Rights Act, and respect for communities of interest as ruled in the *Shaw v Reno* (1994) decision made by the U.S. Supreme Court.

To assist the Board of Trustees, the Board contracted with Lapkoff & Gobalet Demographic Research, Inc. (LGDR), for professional demographic services relating to the redistricting. LGDR has been providing objective and professional services to Monterey jurisdictions since the early 1990s. LGDR originally assisted the Monterey County Board of Education when it undertook to change the Monterey Peninsula Community College District from at-large to trustee-area elections in 2008. A copy of LGDR’s Statement of Qualifications to provide demographic services is attached as Exhibit 4.

(c) The extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change. [28 CFR 51.57 (c)]

Membership on the Citizens Redistricting Advisory Committee was open to all citizens. One of the 10 members of the Citizens Redistricting Advisory Committee was mixed African-American/Hispanic, and one member was African-American. Further, members of racial and language groups had the opportunity to make statements, speeches, and other public comments to the Board of Trustees and the Citizens Redistricting Advisory Committee concerning the redistricting process and the redistricting plans under consideration.

(d) The extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change. [28 CFR 51.57 (d)]

Membership on the Citizens Redistricting Advisory Committee was open to all adult citizens of the District. Members of protected groups served on the Committee and others attended the Committee meetings. Members of protected groups attended the Board of Trustees hearings on the proposed plan, and some spoke in support of it.

51.58 Representation.

(a) Introduction. This section and the sections that follow set forth factors--in addition to those set forth above--that the Attorney General considers in reviewing redistrictings (see § 51.59), changes in electoral systems (see § 51.60), and annexations (see § 51.61). [28 CFR 51.58(a)]

(b) Background factors. In making determinations with respect to these changes involving voting practices and procedures, the Attorney General will consider as important background information the following factors:

(1) The extent to which minorities have been denied an equal opportunity to participate meaningfully in the political process in the jurisdiction. [28 CFR 51.58(b)(1)]

The Board of Trustees appointed a Citizens Redistricting Advisory Committee and followed its recommendation. This assured that the redistricting process was open and available to all. Two minority group members served on the Citizens Redistricting Advisory Committee (see roster of Committee Members attached as Exhibit 9). This Committee was open to the public, and its public meetings were held on the MPCCD campus. In addition, community members had an opportunity to speak at two public hearings held by the MPCCD Board of Trustees.

(2) The extent to which minorities have been denied an equal opportunity to influence elections and the decisionmaking of elected officials in the jurisdiction. [28 CFR 51.58(b)(2)]

No evidence or proof was presented to the Board of Trustees or the Citizens Redistricting Advisory Committee that any racial or ethnic group has been denied an equal opportunity to influence elections and the decision-making of elected officials in the jurisdiction.

(3) The extent to which voting in the jurisdiction is racially polarized and political activities are racially segregated. [28 CFR 51.58(b)(3)]

No evidence or proof was presented to the Board of Trustees or the Citizens Redistricting Advisory Committee that voting in the jurisdiction is racially polarized or that political activities are racially segregated.

(4) The extent to which the voter registration and election participation of minority voters have been adversely affected by present or past discrimination. [28 CFR 51.58(b)(4)]

No evidence or proof was presented to the Board of Trustees or the Citizens Redistricting Advisory Committee that voter registration and election participation of minority voters have been adversely affected by present or past discrimination.

51.59 Redistrictings.

In determining whether a submitted redistricting plan has the prohibited purpose or effect the Attorney General, in addition to the factors described above, will consider the following factors (among others):

(a) The extent to which mal-apportioned districts deny or abridge the right to vote of minority citizens. [28 CFR 51.59(a)]

There is no evidence or indication that any Trustee Area is mal-apportioned in any way under the Proposed Plan, nor is there any evidence or indication that voting rights of members of racial or language minority groups will be denied or abridged. The Plan also has a permissible deviation of 9.4 percent, thereby providing all persons within the MPCCD approximately the same voting influence.

(b) The extent to which minority voting strength is reduced by the proposed redistricting. [28 CFR 51.59(b)]

Exhibit 23 shows the effects of the proposed redistricting on minority voting strength. All changes are necessitated by the legal requirement of population equality. None of the changes is large enough to reduce minority voting strength in a material way.

(c) The extent to which minority concentrations are fragmented among different districts. [28 CFR 51.589c]

There is no evidence or indication that minority concentrations are fragmented among different Trustee Areas. The Seaside and Marina concentrations are maintained in the proposed plan.

(d) The extent to which minorities are over-concentrated in one or more districts. [28 CFR 51.59(d)]

The jurisdiction does not have enough minority residents for it to be possible to over-concentrate them in individual trustee areas.

(e) The extent to which available alternative plans satisfying the jurisdiction's legitimate governmental interests were considered. [28 CFR 51.59(e)]

During the redistricting process, the Citizens Redistricting Advisory Committee considered several possible plans and variations of those plans. Attached are the Citizens Redistricting Advisory Committee and Board information packets that describe the plans considered by each body. The information packet made available to the members of the Citizens Redistricting Advisory Committee prior to its meeting on July 13, 2011, is attached as Exhibit 28; it contains a description of preliminary plans. The information packet made available to the members of the Citizens Redistricting Advisory Committee prior to its meeting on August 3, 2011, is attached as Exhibit 29; it contains plan maps for Plans A, B, and C. The information packet made available for the Board of Trustees meeting on August 23, 2011, is attached as Exhibit 30; it contains Plans A, B, C, and B-1 and a comparison of the adopted plan with the current plan. The demographer's PowerPoint presentation of the plan (Plan B-1) recommended by the Citizens Redistricting Advisory Committee and presented at the Board of Trustees meeting on August 23, and ultimately adopted on September 27, 2011, has been attached previously as Exhibit 16.

(f) The extent to which the plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries. [28 CFR 51.59(f)]

The Plan is consistent with the objective redistricting criteria described above at Section IV. 51.57(b) [28 CFR 51.57 (b)] and strikes a well-planned balance among many competing interests presented to the Citizens Redistricting Advisory Committee and Board of Trustees during the redistricting process. The District has a population disparity in its current trustee area division, and the proposed redistricting plan complies with the "one person, one vote" standard by

creating trustee areas that are nearly equal in population. It also maintains vital communities of interest and incorporates other traditional redistricting criteria, such as creating boundaries that are cohesive, geographically compact, and follow city limits and neighborhood boundaries.

(g) The extent to which the plan is inconsistent with the jurisdiction's stated redistricting standards. [28 CFR 51.59(g)]

The Plan is consistent with the objective redistricting criteria described above at Section IV. 51.57(b) [28 CFR 51.57 (b)] and strikes a well-planned balance between the many competing interests presented to the Citizens Redistricting Advisory Committee and Board of Trustees. For further discussion, please refer to the response to Section IV. 51.59(f) [28 CFR 51.59(f)], above.

V. CONCLUSION

MPCCD used a Citizens Redistricting Advisory Committee to provide recommendations to the Board of Trustees. The Citizens Redistricting Advisory Committee was not only unanimous, but also enthusiastic, in its recommendation to the Board. The Citizens Redistricting Advisory Committee had two meetings, both publicly noticed. In addition, the MPCCD Board conducted two public hearings. The MPCCD Board of Trustees adopted the plan that was unanimously recommended by the Committee.

The plan is consistent with the Voting Rights Act and the implementing regulations adopted pursuant to Section 5 of the Act. It is consistent with provisions of the United States Constitution relating to "one person, one vote" and is consistent with California state law. The plan is consistent with the Supreme Court decision in *Shaw v. Reno*. The Plan strikes a permissible balance among all of the competing interests considered by the MPCCD Board of Trustees.

For all the foregoing reasons, the Monterey Peninsula Community College District requests that the Attorney General preclear the Plan adopted by the District's Board of Trustees on September 27, 2011.

Respectfully submitted,

Dr. Douglas Garrison, President/Superintendent, Monterey Peninsula College

By: Jeanne Gobalet

Jeanne Gobalet, Ph.D.
Lapkoff & Gobalet Demographic Research, Inc.