

2022 REDISTRICTING WRITTEN PUBLIC INPUT

COMMENTS FROM TIM DOWLING

Dear Mayor Guajardo and Councilmen:

I began practicing law in Corpus Christi in 1981. I have made Corpus Christi my home since then. I have appeared at all court levels in Corpus Christi and in other parts of Texas. I participated extensively in 2021 in redistricting hearings before the Texas Legislature and the Nueces County Commissioners' Court. I believe I know more about legal redistricting law than any other lawyer in Corpus Christi except State Representative Todd Hunter.

I make these comments on behalf of myself, and not on behalf of any other person or any group.

There is a four part legal analysis when drawing a new map

Step 1: The US Constitution requires that there be approximately equivalent total population in each district. This is the "one person one vote" principle. Strict equality in district population is not required, but the difference between the least populated district and the most populated district cannot exceed 10.0%.

Step 2: The map must comply with the federal Voting Rights Act ("VRA"). Here the metric is not total population, but citizen voting age population. Districts 2 and 3 are Hispanic "minority opportunity districts," meaning Hispanic citizens of voting age in these districts must be able to elect candidates of their choice. According to the information provided by the City's redistricting legal counsel ("Bickerstaff Firm") on January 25, 2022, the Hispanic voting age population in these districts is 74.01% and 75.87% respectively. These two districts must gain population to comply with the one person one vote principle. How much could the Hispanic percentage voting age population be reduced to avoid the "retrogression" (the proposed map has no discriminatory purpose or effect, and minorities are not worse off under the proposed new map) referred to in the Bickerstaff Firm's 1/25/22 presentation to the Council? LULAC President Diego Garcia testified before the Texas Senate Redistricting Committee in September 2021 that his experience tells him that in order for a district to be considered a "safe" Hispanic district, its voting age population must be at least 60%. The Council should get advice from the Bickerstaff Law Firm about whether Districts 1 or 5 are also minority opportunity districts (their Hispanic voting age populations are 62.75% and 50.52% respectively). If its advice is that either is such a district, that should be publicly stated at the upcoming public meetings about redistricting and posted on the City's redistricting website (cctexas.com/redistricting; the "Website") now.

Step 3: If a proposed map satisfies the VRA and the one person one vote principle, the

Council can next decide how the proposed map could be improved by such things as: (1) not splitting precincts and following major streets; (2) ensuring that all districts are contiguous and compact to the extent possible; (3) making changes to ensure that the map does not split communities of interest or neighborhoods.

Step 4: After making the prudential changes to the proposed map in Step 3, evaluate the revised map to ensure it complies with Step 1 and Step 2. This is the process that Nueces County used in November 2021: draw a map that complied with the constitutional and statutory requirements, and then improve it. After these improvements were made, evaluate the resulting revised map to determine if it still complied with the statutory and constitutional requirements. The revised map did so, and it was adopted. The City should follow the same four step process in coming up with its map.

None of the proper steps in drawing the new map includes where any current single member Councilman lives (the redistricting resolution the Council unwisely adopted 2/8/22 says incumbency may be considered, but it not required to be considered). The new map will last five election cycles. Some of you will be term limited starting in 2024. It is a certainty that there will be much turnover on the Council before the last election with this map is held. The tail (where a single member district Councilman now lives) should not wag the dog (the map's boundaries for the next nine years).

If any Council member has any of the following thoughts when looking at a proposed map, he has a conflict of interest. "Where is my house, or the house of my major campaign donors, on this proposed map?" "Where is the house of the single member Councilmen who I like (or dislike) or who vote like me? I want to keep them on the Council (or not)."

Section 2-310 of the City's Ethics Code states "If a council member believes that he/she should abstain from voting on an item to avoid the appearance of impropriety, as encouraged by this code of ethics Ordinance, or who in discussing or voting on an issue is unable to take an unbiased position, that council member shall be disqualified from discussions about any subsequent voting for that item under this city ordinance." Parsing this last sentence tell us that "a council member...who in discussing or voting on an issue is unable to take an unbiased position, that council member shall be disqualified from discussions about and subsequent voting for that item under this city ordinance" (emphasis added).

A council member is "unable to take an to take an unbiased position" on his district boundaries (unless he vows in a binding way now not to run in 2022; I understand that no current Council member is term limited out for 2022), since how the lines are drawn determines if he lives in the district whose lines are being drawn, and how those lines are drawn affects her or his chance of getting re-elected. Clearly a very strong argument can be made that all single member district Council members are barred from discussing, or voting on, a new map. This is a compelling reason to use an independent redistricting commission ("IRC") to draw the new map.

Section 2-310 of the Ethics Code also states that it is designed to promote public trust and to avoid even the "appearance of impropriety." The citizens of Corpus Christi

will have much more confidence in a map drawn by people without conflicts of interest compared to a map drawn by persons with such conflicts.

If the Council believes that a charter amendment would be necessary to have the IRC's map be legally binding, the Council should appoint an advisory commission as soon as possible, and each Council member should publicly commit to not voting to change the map approved by the commission despite having the legal authority to do so.

The redistricting schedule lacks critical details

Assuming a commission is not created despite the City's Ethics Code, and despite the strong recommendation of Steve Bickerstaff (now deceased) of the Bickerstaff Firm based on 40+ years of representing Texas municipalities to use a commission to redistrict (see Mr. Bickerstaff's article I emailed to Council members earlier this month) (using a commission to redistrict has also been endorsed by Todd Hunter), the current schedule is much too imprecise. I request the following additions to the schedule:

1. 2/24/22: Post on the City's redistricting website ("Website") at least four meaningfully different maps from the Bickerstaff Firm that comply with the Constitution and the VRA. Have one map do the following:
 - a. Move North Beach, downtown and the seawall area near downtown into District 2. These tourist areas should be one common district. North Beach, for example, has little in common with Calallen and the refinery area. But it has much in common with nearby tourist areas (the SEA district and downtown for example).
 - b. Move into District 1 from District 4 the industrial areas NE of Portland. This will put the major industrial areas into one district (#1).
 - c. To make up for population lost by District 1 by the above changes, add some precincts to District 1 from the north ends of Districts 2 and/or 3.
 - d. To equalize population to comply with the one person one vote principle, move Districts 2 and 3 southeast into Districts 4 and 5.
 - e. After this is done, be sure that there is Constitutional and VRA compliance with the resulting "first pass" draft map.
 - f. If there is compliance, make prudential adjustments to this map to make it better (compactness, boundaries delineated by major streets, not splitting communities of interest or neighborhoods, etc.).
 - g. After making these prudential changes, re-evaluate to confirm the map is still legally compliant. If the map is now non-compliant, change it as necessary to put it in compliance with as little disruption to the prudential changes as possible.
2. 3/1/22 by 5:00: Any new map proposal that is wise posted on the Website based on comments at the five public meetings between 2/21-28/22. This will make public comment on March 2 and 3 much more meaningful.
3. 3/4/22: Any new map posted on the Website based on comments at the 3/2/22 and 3/3/22 public meetings. This will make public comment on March 8 much more meaningful.

4. 3/10/22 at noon: Any map revisions posted to the Website based on the last public comment meeting on March 8.
5. 3/16/22 (Wednesday) at 9:00: Councilman Barrera is very correct that a Council workshop session is necessary before a vote (the first vote is currently scheduled for 3/22/22). All maps that will be considered for a vote will be determined at this meeting.

Major improvements to the Website are needed

There are many helpful things about the Website, but it was put up in a hurry, and major improvements are needed to truly make it serve its purpose.

1. The Census map posted on the Website from the Bickerstaff Firm is almost useless. Section 2(B) of the resolution the Council adopted on 2/8/22 based on the Bickerstaff Firm's recommendation says that any proposed map "must show total population and voting age population for each proposed council district based on the 2020 Census data." Yet the Census map from the Bickerstaff Firm posted on the Website does not provide this data. At best, it just tells you (apparently) the total population in different Census blocks. The Census map on the Website should be revised immediately to provide the total population and voting age population information by precinct (plus ethnic data by precinct; Hispanic, African American, Anglo, Asian, and other) in an easily understandable form for: (1) each current District; (2) each proposed map; and (3) for each Precinct (redistricting ideally will be done by Precincts, which are much larger than Census blocks). If you look at the Census map on the Website you cannot tell what the total population, or voting age population, is of any precinct, or what the ethnic make up is of any precinct.
2. List the current precinct numbers for each District (for example, "District 5 is composed of precincts _____" (list them by number). Make it easy for people to provide meaningful comment.
3. It is great that there are many public comment sessions in the evening. Thank you for that. Allow people to sign up for any of them now. Don't limit them to signing up only right before the date of the meeting. Those looking at the Website should see the "menu" with the meeting dates and be able to select the one or more of them they want to speak at between 2/22/22 and 3/8/22.
4. As I write this to you in the afternoon of February 20, here is what the Website says about speaking at the redistricting meeting on February 22: "Registration for public comment (coming soon)." There is no good reason why sign up for an event happening two days from now is not now open.
5. Put the link to sign up to speak on the front page of the Website. Don't have it only under the "Upcoming Meetings and Events" link. Have the sign up link where it is now, but also place it on the front page of the Website. Make it easier to sign up.

6. It is not clear if signing up ahead of time is mandatory. It should not be. Especially given how the Council is greatly rushing this process, "walk-ins" should be able to sign up in person right before each meeting starts with no advance online sign up required. Don't erect needless barriers to participation. Revise the Website to say something like: "Signing up online to speak is much appreciated, but you are not required to do so. You may speak at the meeting by signing a sign up sheet near the door where you enter the room where the meeting is held."
7. Add this link: "Click here to submit a map." Once a person clicks on the link, tell him his proposed map must comply with the criteria stated in the 2/8/22 resolution (which is on the Website). Provide clear step-by-step instructions about how to submit a proposed map.
8. Regarding public comments on the Website:
 - a. Update the Website with emails received daily.
 - b. The Website says emails "are moderated." State what the "moderation" rules are. There should be none other than threatening, hateful, or obscene portions of an email will be removed before being posted on the Website.
 - c. Provide the ability to post attachments with the email. Sometimes pictures speak louder than words.

Other points

1. Communicate your wishes regarding map boundaries only in one of two ways: (1) in public on the record at redistricting workshops or redistricting public comment meetings, or (2) in writing by email to the City Secretary, who forwards the email to the Bickerstaff Firm, provided each email is posted on the Website within one business day after it is sent to the City Secretary.
2. At the February 21, 2022 redistricting workshop in public session have the City's redistricting lawyer, Mr. Caputo with the Bickerstaff Firm, fully explain why he apparently did not tell the Council that redistricting with an IRC (binding or advisory) was an option, particularly in light of the fact that Steve Bickerstaff, a renowned election law lawyer with his firm, based on his decades of experience, recommended that Texas cities redistrict with an IRC.
3. Don't do the redistricting work. Use the option you were not told about by the City's redistricting lawyer and that does not pose the risk of violating the City's Ethics Code: redistrict with an independent commission. You have time to do so. The "first day" to file to run for City Council is not until July 25. The deadline to file is about a month later. Don't let City staff dictate an artificial non-statutory deadline to you. You have the time to do redistricting right by using an IRC (like Austin, Dallas, and El Paso County, among others, do).

As stated above, these remarks are my own, and not that of any other person or of any group. Thank you for considering them.

Tim Dowling

The City staff present at the 2/23/22 redistricting meeting was given a proposed map from a citizen at that meeting. Please post that map on the redistricting website by noon on 2/25/22.

There is at the redistricting website total population information for precincts. This is only partly useful. The following additional information should be posted at the website for each precinct right away in light of the upcoming redistricting meetings beginning in four days: (1) voting age population (often referred to as "VAP"); (2) citizen voting age population (often referred to as "CVAP")(this information is required by the Fifth Circuit Court of Appeals for Voting Rights Act analysis), and (3) ethnic breakdown information of the total population, VAP, and CVAP for each precinct. This is necessary so citizens can analyze how altering Plan B on the website would change things.

The City should have at least four maps under consideration rather than just one. There are many options to consider when coming up with a final map. There is no reason to restrict the options to just one. The City's law firm's mapping technology can easily and quickly produce three more maps.

Councilman Pusley's concern about "too many maps" is misplaced. And four maps is clearly "not too many." Please put on the website by the end of the day 2/25/22 at least three meaningfully different maps. One option should have District 2 extend from its current northern proposed boundary to include the downtown and tourist areas to the north, and North Beach across the Harbor Bridge. These key areas of our City's economy will be best represented by one Council member. Also District 1 is currently too large. North Beach has nothing in common with Calallen and the refinery area.

Thank you.
Tim Dowling

Please post on the redistricting website the proposed map that is here:
<https://davesredistricting.org/join/9d741866-b885-472a-abf9-a390d47db651>

In light of the meeting at 6:00pm today at Veterans Memorial HS, I would appreciate it very much if this was done as soon as possible.

Thank you,
Tim Dowling

COMMENTS FROM PEGGY DURAN

Dear Mayor Guajardo and City Council Members:

Thank you for creating the Redistricting website, virtual public comment and public meetings in each current district to involve our residents.

I have watched and commented at the State, County and City level on this issue. I believe that there is a problem when politicians draw their own maps. Having an Independent Redistricting Commission (IRC), as recommended by good government groups across the country and indeed, by Mr. Bickerstaff himself before his death, would help lower the distrust level. Seeing changes made on the current map will also help.

Please give us more than one day to study the new maps before starting public comment.

You would do well to recommend an IRC for future maps. For now, I look forward to seeing how you continue to handle changing the boundaries of voting districts to reflect population changes in accordance with express requirements that define the public interest. Certainly the downtown, North Beach and Ocean Drive area form a community of interest relating to the bay.

I live in District 3, an area of families and small businesses that can easily pick up needed population right around us geographically to increase our numbers while maintaining our similar make-up.

Again, thank you for working with us democratically to create the fairest map possible.

Best wishes,
Margaret "Peggy" Duran

COMMENTS FROM JULIE ROGERS

I live in Uptown in District 1. Last week I finished the survey for an Uptown Corridors Revitalization Strategy to revitalize Staples Street from Six Points to Interstate 37 and Leopard Street from Upper Broadway to the Crosstown Expressway. However, the current District maps split the Staples Street corridor into two districts. This should all be in the same district so that one council member is able to communicate with this community of interest. We actually belong to larger communities of interest, and they are downtown, cultural heritage and sites, and the bayfront.

In my opinion, the current District 1 map does not give us proper representation because we are in a district that is 18-20 miles long with very different communities of interest. It would serve us better to be in a district that includes more bayfront and has a need for similar city services. My neighborhood is one of the oldest in the City. There are well-maintained historic homes on the street but there are also crumbling and abandoned buildings surrounding us. Some of the historic homes have been turned into duplexes or apartments. Some homes were razed over the last decade and large modern apartment

complexes were built there. We also have unhoused people in our neighborhood who deserve more services, including a low barrier shelter.

North Beach and Downtown were once a part of District 2 and need to be part of District 2 again. Stretch it north to south again (12 miles) from North Beach to TAMUCC and add some westside to it for a compact contiguous district instead of the long stretch up to Calallen. A district like this would also keep its status as a minority majority district with Hispanic Voting Age Population at 61.1%, Black at 4.9% and White at 31.4%.

Christus Spohn Shoreline, Christus Clinic and old Memorial, Doctors Regional and Driscoll Hospitals would all be in the same district. We would be a real hospital district. The tourist attractions and parks, cultural heritage and sites, festivals, opportunity zones and small local businesses would all be in the same district. The City's oldest housing stock and infrastructure would all be in the same district.

Julie Rogers

Where are the draft maps with demographics from today's redistricting workshop (2/21/22)?

Julie Rogers

We are expecting good redistricting with the illustrative maps from the City Council's Workshop on Monday, February 21st. Bad redistricting can take away minority voting rights. The Voting Rights Act is critical to ensuring that racial and ethnic minority communities have an opportunity to elect candidates of their choice, especially in Districts 1, 2 and 3, which are majority minority districts. For good redistricting, please make sure the illustrative district maps and the next set of district maps comply with the requirements of the Voting Rights Act. Good redistricting will empower and uplift our communities. The illustrative maps need to be published at least 24 hours before the Community Input Sessions begin the next day so we can determine if they are good or bad.

Julie Rogers

COMMENTS FROM ELISA GONZALEZ

Dear Mayor Guajardo and City Council Members,

A short time ago, I and others gave public input about what steps could be taken to make the Corpus Christi City Council a truly democratic, transparent, representative council.

It has been really impressive to see how quickly the Council moved forward on implementing some of those suggestions. Thank you for your hard work in accomplishing those and moving forward with others.

More than anything, the effort to make meetings on redistricting and in general available to public input is really encouraging. The creation of the website is as well. I say that knowing that there is still ongoing work to make the website truly interactive, and that this work has been done with such a short timeline as every aspect of redistricting at every level of government has been rushed from the time the Census data was released.

It is for this fact and the fact that the Census data was considered inaccurate due to the appearance of Covid19 and the shortened intake time, that I want to emphasize and request that the Council not treat this redistricting as a once and for all. There is no doubt in my mind that 10 years is too long to be stuck with faulty maps that don't reflect the enormous, rapid changes that our society is undergoing.

It is important that the Council begins to work on the process for future redistricting right now. Whatever lines will be drawn can almost be guaranteed to be lacking way before 10 years has passed.

There are changes that can be started right now to ensure fair maps in the future. One of those is to begin the work on creating an Independent Redistricting Commission. It should be created with a more flexible way of working with changing demographics.

Some of the larger political processes can open to more creative approaches to shape our city's political landscape. Instead of merging districts to achieve the "correct population" for districts when the merged districts don't share issues, perhaps creating new, smaller districts should be considered. The smaller districts that share issues will be better able to get direct representation from their District Council Members instead of at-large Council Members who are all from the same district.

I know this might sound like pie in the sky, but I think it is rather appalling that the district maps of today have actually been around for 30 years. Even just considering this and starting to move in the direction of addressing charters would be an improvement.

In the meantime, I hope the Council continues to welcome public input, to honor transparency, and continues to be a responsive Council.

Thank you,

Elisa Gonzalez

COMMENTS FROM ADAM COSTANZO

Hello CC Redistricting,

I'd like to advocate for a district design which unites the bayfront from TAMUCC to North Beach into a single district. This would allow:

- * Older, established neighborhoods in the Bay Area to be together;
 - * The Island and Flour Bluff to be connected to more similar, newer subdivisions on the eastern side of Southside;
 - * Soon to be fast-growing and more suburban, Calallen to be separated from Downtown and North Beach;
 - * North Beach, Downtown, and the Bayfront to all be thought of as a single bayside unit for tourism, urban infill development, and beautification.
- I'm attaching a map I worked up using districtbuilder.org

Thanks very much,

Adam Costanzo

COMMENTS FROM LISA HERNANDEZ

It is now 10:05 February, 21. Please post the proposed map ASAP. You want an informed public, post the information! You want meaningful community input, post the information. You want to represent us, post the information.

Lisa Hernandez

COMMENTS FROM JASON PAGE

My biggest complaint is that I, a resident located on Floyd Street near Doddridge & Ocean Drive, share very little in common with the majority of residents located in Flour Bluff, Padre Island, and Mustang Island. I feel like the residents located along the Ocean Drive / Alameda / Santa Fe Corridor that are part of District 4 are NOT well served by a council member that focuses attention on the vote-getting center (also known as Padre Island.)

Our location would be better served by being part of District 2 (as it currently exists).

Thank you,
Jason Page

COMMENTS FROM ELI MCKAY

You must prioritize the Voting Rights Act requirements during the redistricting process. Too many of our residents do not have adequate representation by their elected leaders, and you have the power to be the Council that makes real structural change for this city and helps bring it into the future. Consider a map that will eliminate the At Large positions and approve a map that breaks the districts into eight districts. This will create a more equitable local government and ensure there is no district priority for votes and projects.

Eli McKay

COMMENTS FROM TOM TAGLIABUE

Please do not consider any election data during the Redistricting process. Consider communities of interest specific to City service delivery.

For example, location of parks, libraries, fire stations, senior centers, trash routes, and other essential City services. Redistricting should be completely non-partisan.

Do your best to protect representation by historically discriminated demographics. Hispanics and women are the majority population in Corpus Christi. Old white males make up the majority voting age population and desperately try to retain power to the detriment of Hispanics, Blacks, Asians, women, and the LGBTQ community.

Neighborhoods should not be split for political purposes. Make sure City services are fairly and equitably distributed throughout the City and not packed to serve a political party or demographic group.

Sincerely ,
Tom Tagliabue

COMMENTS FROM SALLY CLARK FARRIS

I am Sally Clark Farris. My family came to Corpus Christi in the 1930's.

After my endorsing Mr. Tim Dowling's comment above, I want to tell you about living in District #1 and what that experience suggests for the district's adjusted boundaries. Born and raised on North Beach (Corpus Christi Beach), I had a magical childhood fishing, catching crabs, and swimming in the tidal wash from cargo ships as they pushed tiny tsunamis along the ship channel. My family was in the motel and excursion boat business. My father had a bird dog named Sissy who would take off on her own to get a free Ferris wheel ride when Daddy wasn't able to walk us both to the carnival. During my daughter's middle and high school years, we lived in Calallen where she was the first female President of the Calallen Future Farmers of America and a Texas Youth Rodeo roping champion. Those days, most family and friends were refinery employees or refinery affiliated. We identified with Robstown, not downtown Corpus Christi. So, this wharf rat with a cowgirl offspring knows well the rich and culturally diverse interests in District #1. Clearly, the district is not properly configured at this time. 18.8 miles stands between Calallen High School and the Aquarium. Among all the districts, council District #1 best illustrates polar opposites. The upshot is "The Beach" (Corpus Christi Beach) rightly belongs with interests in the SEA (Sports, Entertainment, and Arts) District, not bundled with activity along refinery row and far western Nueces County. If tourist, water-orientated, and Texas State Aquarium concerns are to be represented so that residents and businesses have a fair voice in local government, "The Beach" must be paired with District # 2. Concurrently, District # 2 or a successor district should be adjusted to capture all

waterfront and hospitality enterprises near downtown, including The Beach. Industrial and refinery activities, important as they are, do not belong with hotels, the marina, and waterfront strolls. By the same token, to honor rural and ag interests for which Calallen and Tuloso-Midway are noted, residents there should not be cobbled to SEA investments and plans. Thank you for reading my story.

COMMENTS FROM PAULA BREIGHTON

At its most basic, a map is a symbolic representation of selected characteristics of a place. With that in mind, we must look at the proposed maps and ask the following: Were those characteristics selected with the influence of money? Were they selected with the intent of gaining or retaining power? Were they selected to give certain stakeholders more access to office holders? Are those characteristics legally defensible? And, perhaps more importantly, were those characteristics chosen for the right reasons.

Questions to be considered as the City Council chooses the map which will be used for the next decade.

Thank you for the opportunities you provided for citizen input.

Regards,

Paula Brighton
