

Exhibit A

AMENDMENT NO. 70

"That Article II, Section 1, of the Yakima City Charter be amended to read as follows:

ARTICLE II

OFFICERS -- COUNCIL-MANAGER FORM OF GOVERNMENT

Section 1.

A. The elective officers of the City of Yakima shall consist of seven Council members, who shall be residents of the City, who shall constitute the Council, and one of whom shall be the Mayor chosen as provided by Section 3 of this Article II. One Council member shall be elected from each of four separate districts of the City, and three Council members shall be elected from the City at large without regard to residence in any particular area of the City, by the qualified electors of the City, all at the times and in the manner hereinafter provided. The Council members so elected shall constitute the governing body of the City.

B.

(1) The City shall be divided by ordinance of the City Council into four districts as nearly equal in population as practicable based on 1970 federal census data and on actual population counts of areas annexed to the City subsequent to the 1970 federal census, which division shall be accomplished so as to be effective not less than ninety days prior to the municipal primary election to be held during the year 1979.

On the publication of the results of each decennial federal census, the City shall be redivided by ordinance of the City Council into four districts as nearly equal in population as practicable, which redivision shall be accomplished so as to be effective not less than ninety days prior to the municipal primary election to be held next following the publication of census results for nomination of candidates for "district positions" on the Council, as defined in Subsection C (2) of this section.

On the division or redivision of the City into districts as provided by this subsection, any territory thereafter annexed to the City and contiguous to only one then existing district shall be added to and constitute a part of that district; and if annexed territory is contiguous to more than one then existing district, the annexed territory shall be divided into segments, as nearly equal in population as practicable, according to the number of then existing districts contiguous to the annexed territory and each segment shall be added to and constitute a part of its then existing contiguous district.

(2) Whenever the population of any district exceeds the population of any other district by more than ten percent, the City Council shall by ordinance redive the City into four districts as nearly equal in population as practicable; provided, that any such redivision shall be accomplished so as to be effective not less than ninety days prior to any municipal primary election for Council members to "district positions" as defined in Subsection C (2) of this section.

C.

(1) At the municipal election to be held in the year 1977, three Council members shall be elected from the City at large without regard to residence in any particular area of the City.

(2) Not less than ten days before the time for filing declarations of candidacy for the City Council for the election to be held in the year 1979, the City Clerk shall designate by consecutive numbers, commencing with the number one and ending with the

number four, the positions on the Council to be filled by candidates nominated from districts, and such designations shall be thereafter permanently considered as separate offices for election purposes as "district positions" according to their permanently designated number.

At the municipal election to be held in the year 1979, eight candidates shall be nominated from the four districts, as follows: Candidates for "district positions" shall file their candidacy for nomination by the electors of the district wherein each candidate, respectively, resides. At the primary election, each qualified voter of each district may cast only one vote for a candidate. The names of the two candidates from each district for whom the largest number of votes are cast at the primary election shall appear on the citywide general election ballot, and the one candidate from each district who receives the highest number of votes, as cast by the citywide electorate at the general election, shall thereby be declared as duly elected to each respective "district position" as a member of the City Council.

(3) Not less than ten days before the time for filing declarations of candidacy for the City Council for the election to be held in 1981, the City Clerk shall designate, by consecutive numbers commencing with the number five and ending with the number seven, the positions on the Council to be filled by candidates to be elected from the City at large without regard to residence in any particular area of the City, and such designations shall be thereafter permanently considered as separate offices for election purposes as "at large positions" according to their permanently designated number.

D.

(1) Council members shall be elected for four year terms. On the expiration of those terms, succeeding elections shall be conducted so that three Council members are elected at large without regard to residence in any particular area of the City and four Council members elected to "district positions" in the manner provided by Subsection C of this section.

(2) In the event any Council member elected or appointed to an "at large position" moves that member's place of residence outside the city boundary, or in the event any Council member elected or appointed to a "district position" moves that member's place of residence outside the district from which that member was nominated or appointed, then that Council member shall thereby forfeit the office of Council member and the position held by that member shall be deemed to be vacant. In the event a vacancy occurs for any reason in the Council, the vacancy shall be filled by the appointment of some qualified person by a majority vote of the remaining members of the Council, but such appointee shall hold office only until the next regular municipal election, at which time a qualified person shall be elected to serve for the remainder of the unexpired term for that position. If the vacancy occurs in a position held by a Council member originally nominated or appointed from a district, then the appointee shall be a resident of that district and the Council member who is elected to serve for the remainder of that term shall be a resident of that district and shall be nominated and elected in the manner provided by Subsection C (2) of this section.

E. Provision for the time and manner of election of Council members, and the conduct of such biennial elections, shall be governed by general laws, by this charter, and by applicable ordinances of the City as they may be enacted from time to time."

AUTHENTICATION OF CHARTER AMENDMENT

I, Betty L. Edmondson, Mayor of the City of Yakima, State of Washington, do hereby certify that in accordance with the Constitution and statutes of the State of Washington, the City Council of the City of Yakima duly adopted Resolution No. D-3585 at a regular meeting of the Yakima City Council held on September 13, 1976, by which resolution the Yakima City Council proposed to the electors of the City of Yakima, Washington, that Article II, Section 1, of the Yakima City Charter be amended and by which resolution the Yakima City Council called for a special election to be held in conjunction with the State General Election to be held on November 2, 1976, for the submittal to the electors of the City of Yakima, Washington, for their approval or rejection, of the said proposed amendment to the Yakima City Charter.

That such a special election was duly called by resolution of the Yakima County Auditor, and thereafter the said proposed amendment to the Yakima City Charter was published in the Yakima Herald-Republic, the daily newspaper of largest general circulation published in the City of Yakima, Washington, in the form of a notice in accordance with requirements of applicable laws, which notice was published at least once each week for four weeks next preceding the day of submitting said proposed charter amendment to the electors for their approval; and that all further notices of said special election were duly and timely published in accordance with requirements of applicable laws.

That thereafter on November 2, 1976, at such election duly called and held, the said proposed amendment was submitted to the qualified electors of the City of Yakima and the returns canvassed resulted as follows:

For the proposed amendment to the charter, 7,370 votes;
Against the proposed amendment to the charter, 6,639 votes;
Majority for the proposed amendment to the charter, 731 votes;

whereupon the said proposed amendment to Article II, Section 1, of the Yakima City Charter was declared approved and adopted by a majority of the qualified electors voting thereon at the said election.

I further certify that the foregoing is a full, true and complete copy of the said proposed charter amendment so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of said city at my office this 6th day of December, 1976.

Betty L. Edmondson
MAYOR of the City of Yakima, Washington

ATTEST:

Iris Litzenger
CITY CLERK of the City of Yakima, Washington

Exhibit B

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO ARTEAGA, PLAINTIFFS

v. CIVIL ACTION NO. 12-cv-3108-TOR

CITY OF YAKIMA, WASHINGTON, *et al.* DEFENDANTS

DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. §1746, the Federal Rules of Civil Procedure 26(a)(2)(B), and Rules 702 and 703 of the Federal Rules of Evidence, does hereby declare and say:

1. My name is Williams S. Cooper. I have a B.A. degree in Economics from Davidson College. As a private consultant, I currently serve as a demographic and redistricting expert for the Plaintiffs.

2. I have testified at trial as an expert witness on redistricting and demographics in federal courts in 34 voting rights cases. Three of these lawsuits resulted in changes to statewide legislative boundaries: *Rural West Tennessee African American Affairs v. McWherter*, *Old Person v. Cooney*, and *Bone Shirt v. Hazeltine*. Approximately 25 of the cases led to changes in local election district plans.

3. Since the release of the 2010 Census in February 2011, I have developed several statewide legislative plans (Alabama, Georgia, Florida, South Carolina, and Virginia) and about 100 local redistricting plans – primarily, for groups working to protect minority voting rights. Three plans that I developed for local government clients during 2011 – Bolivar County, Mississippi, the City of Grenada, Mississippi, and Sussex County, Virginia – were precleared by the U.S. Department of Justice.

4. For more information on my testimony as an expert witness and experience preparing and assessing proposed redistricting maps for Section 2 litigation, Section 5 comment letters, and other efforts to promote compliance with the Voting Rights Act of 1965, see a summary of my redistricting work attached as **Exhibit A**. I am compensated at the rate of \$100 per hour for my work on this report.

5. The attorneys for the Plaintiffs in this case asked me to prepare a report that assesses whether it is possible to create one or more majority-Latino districts in a seven single-member district plan for the Yakima City Council.

6. As explained in this report, I conclude that it is possible to create two out of seven City Council districts where Latinos of voting age would be a majority and where Latino registered voters would comprise a majority of registered voters. I also have determined that it is possible to create at least one Latino citizen voting age-majority district out of seven.

7. In addition, the Plaintiffs' attorneys asked me to review current and historical demographic data for the City of Yakima available from the decennial U.S. Census.

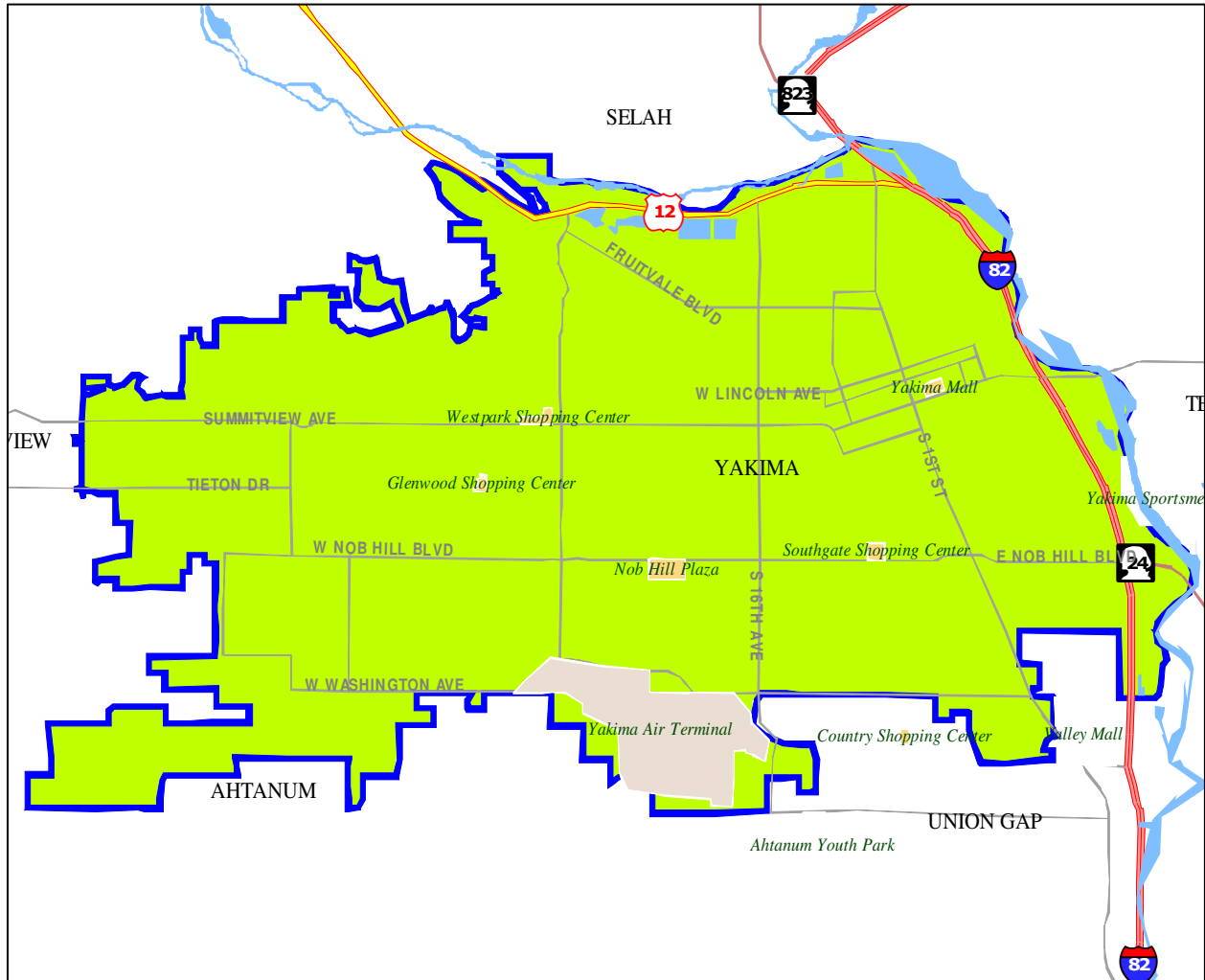
8. I show in this report that Yakima's Latino population has grown dramatically since 1980 in both absolute and percentage terms. I conclude that annexations since 1990 – and, in particular, since 2000 – have diminished the Latino percentage of Yakima's overall population.

I. DEMOGRAPHIC PROFILE OF YAKIMA

Location

9. The City of Yakima is located east of the Cascades in the Yakima Valley of Central Washington. Yakima is approximately 140 miles southeast of Seattle and 200 miles southwest of Spokane. The City encompasses about 28 square miles and is bounded to the east by the Yakima River and to the north (in part) by the Naches River. Yakima shares borders with Union Gap and Ahtanum to the south and Selah to the north (see **Figure 1** below).

Figure 1 Yakima, Washington and Vicinity (2012 Boundary)



2010 Census – Population in Yakima by Race and Ethnicity

10. According to the 2010 Census, Yakima had a population of 91,067 with a Hispanic population of 37,587 (41.27%) and a non-Hispanic white

population of 47,523 (52.18%).¹ The overall minority population in Yakima was 43,544 (47.82%) in 2010. This minority figure includes all persons who are not single-race non-Hispanic white. American Indians represented the largest non-Hispanic minority population subgroup in 2010, with a population of 2,054 (2.25%).²

11. Consistent with a younger, growing population base, Latinos constituted a smaller percentage of Yakima's voting age population than the total population in 2010.³ According to the 2010 Census, Yakima had a total voting age population of 65,287, of whom 21,837 (33.45%) were Hispanic – nearly eight percentage points lower than the 41.27% Latino share for the population as a whole. In 2010, there were 39,290 (60.18%) non-Hispanic whites of voting age in

¹ In 2010, Yakima annexed several parcels of land. This newly annexed area splits 2010 Census blocks. The City reports a 2011 population of 91,208, so the post-2010 Census annexation added 141 persons.

² This American Indian population count is based on the non-Hispanic Department of Justice (NH DOJ) category, which counts all persons who are either single-race Indian or of two races – Indian and white – as American Indian. See: *Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act*; Notice 76 Fed. Reg. 7,470–73 (Feb. 9, 2011). The NH DOJ category cannot be used for historical comparisons because multi-race categories were not an option on the census form prior to the 2000 Census.

³ The demographic category of “Hispanic” is used interchangeably with the term “Latino” in this report.

Yakima – significantly higher than the corresponding 52.18% Anglo share of the overall population.⁴

12. The U.S. Census Bureau estimates that Yakima had a 2011 population of 92,512. There are no 2011 estimates by race or ethnicity for Yakima available from the Census Bureau.⁵

Population Change in Yakima – 1980 to 2010

13. The table in **Figure 2** below shows demographic change in Yakima by race and ethnicity since 1980. Between 1980 and 2010, Yakima’s overall population grew by 83% – from 49,826 to 91,067. Over the three-decade period, the Latino population grew by a factor of ten – from 3,470 in 1980 to 37,587 in 2010. During the same time period, the Anglo population grew at a slow pace – from 43,890 persons in 1980 to 47,523 in 2010 – an increase of just 8.3%. In 1980, Yakima was 7% Latino. By 2010, the City was 41.27% Latino.

⁴ The demographic category of “non-Hispanic white” is used interchangeably with the term “Anglo” in this report.

⁵ City population estimates are available on the Census Bureau website at: <http://www.census.gov/popest/data/cities/totals/2011/SUB-EST2011-states.html>

Figure 2 **Yakima – 1980 Census to 2010 Census**
Population and Ethnicity/Race Distribution

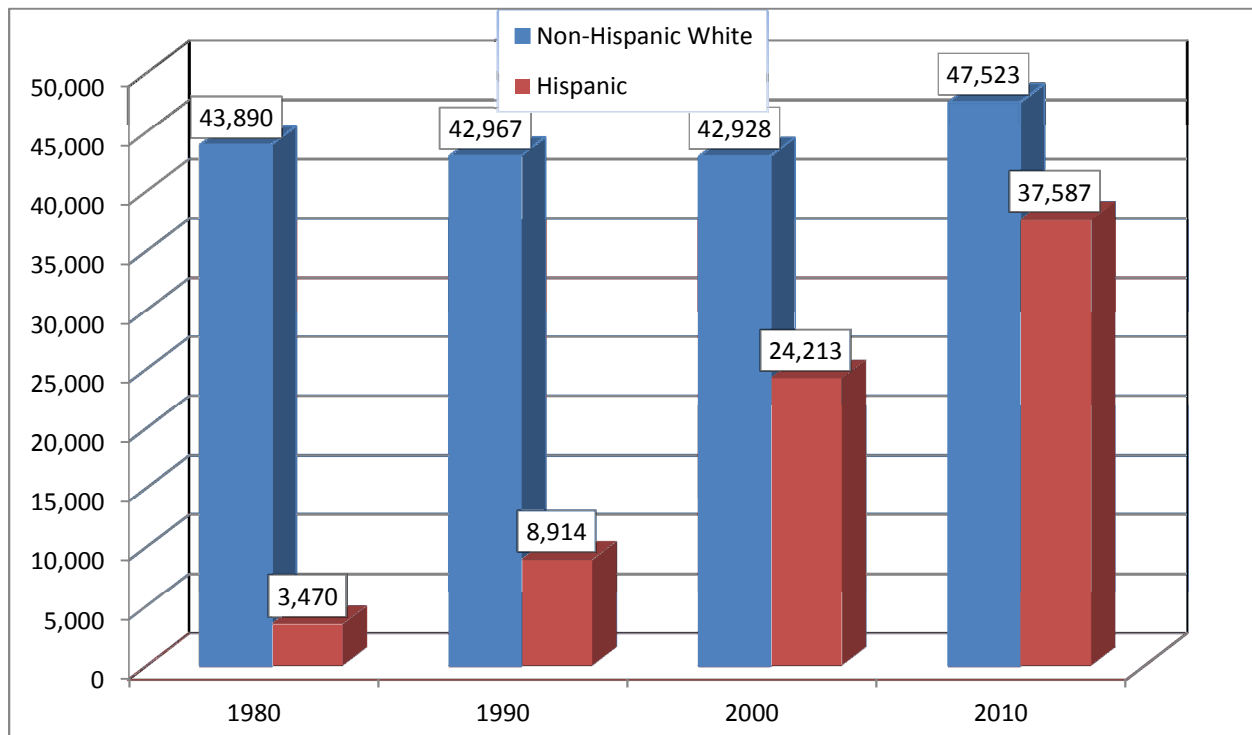
Race	1980 Number	Percent	1990 Number	Percent	2000 Number	Percent	2010 Number	Percent
Total	49,826	100.0%	54,827	100.00%	71,845	100.00%	91,067	100.00%
Total Hispanics	3,470	7.0%	8,914	16.26%	24,213	33.70%	37,587	41.27%
White Alone*	43,890	88.1%	42,967	78.37%	42,928	59.75%	47,523	52.18%
Black Alone*	1,158	2.3%	1,226	2.24%	1,308	1.82%	1,311	1.44%
American Indian and	804	1.6%	935	1.71%	1,116	1.55%	1,311	1.44%
Asian Alone*	414	0.8%	643	1.17%	792	1.10%	1,286	1.41%
Hawaiian or Pacific Islander Alone*			-		48	0.07%	46	0.05%
Other Alone*	90	0.2%	142	0.26%	60	0.08%	125	0.14%
Two or More Races*			-		1,380	1.92%	1,878	2.06%

* Non-Hispanic only; in 1980 and 1990 “Asians” includes Hawaiians and Pacific Islanders.

14. As illustrated in the 1980 to 2010 chart in **Figure 3** below, the decade of the 1990s saw the most pronounced population change in absolute terms for Latinos in Yakima. The Latino population jumped nearly three-fold from 8,914 at the start of the decade to 24,213 by the time of the 2000 Census. By contrast, the non-Hispanic white population did not grow at all in the 1990s – starting the decade at 42,967 and ending the decade with a 39-person decline to 42,928, according to the 2000 Census.⁶

⁶ The 1980s saw an even larger decline in the non-Hispanic white population – from 43,890 in 1980 to 42,967 in 1990 for a net loss of 923 persons. Meanwhile, the Latino population grew two and a half times – from a 1980 base of 3,478 to 8,914 by 1990.

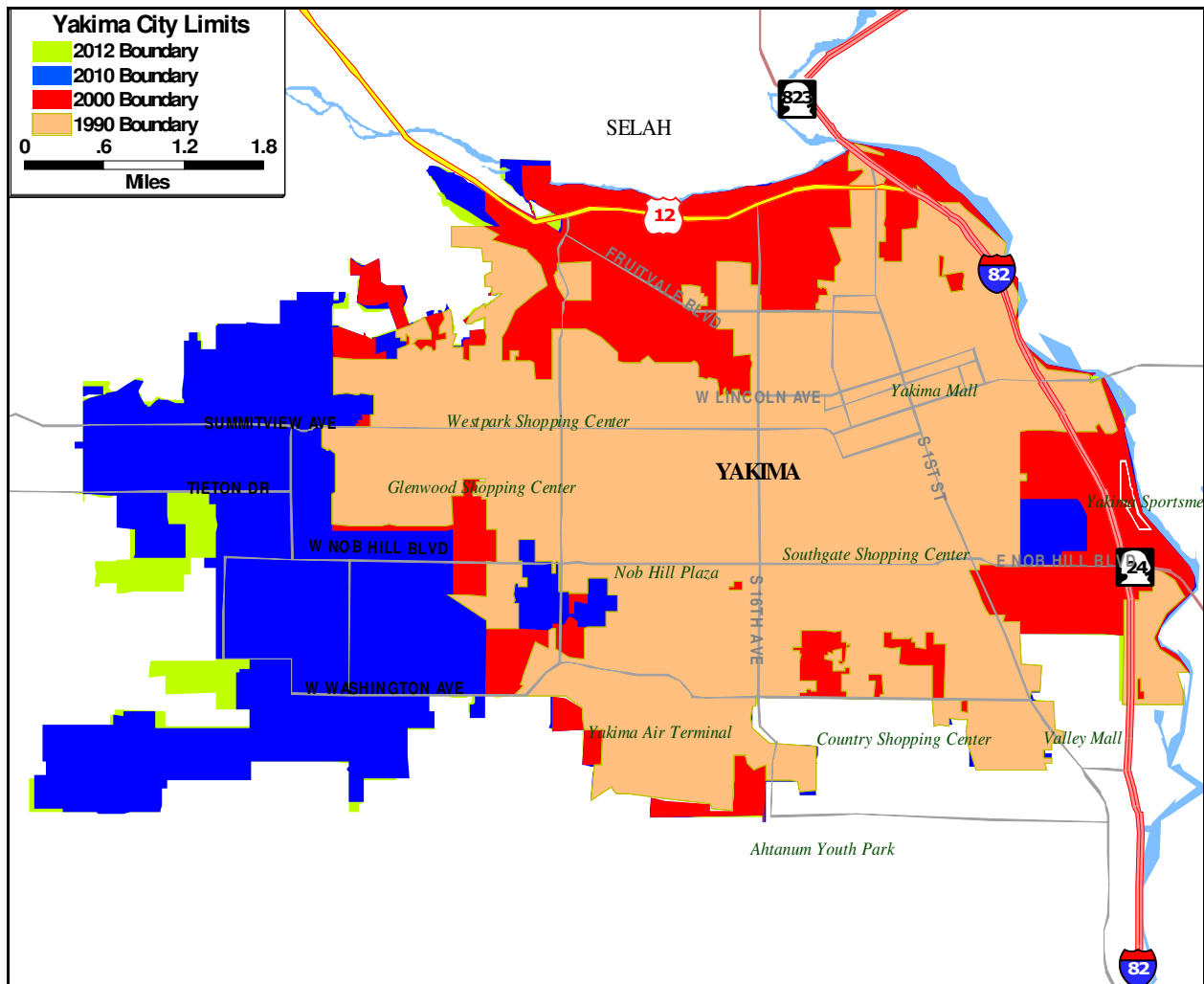
Figure 3 **Yakima – 1980 Census to 2010 Census**
Hispanic and Non-Hispanic White Population Comparison



Demographic Impact of Annexations in Yakima – 1990 to 2010

15. Annexations have played a significant role in Yakima’s rapid growth since 1990. The map in **Figure 4** on the following page shows how the city limits have changed since 1990. The beige area in the **Figure 4** map shows the city boundary at the time of the 1990 Census, red shows the extent of the 2000 Census boundary, blue shows the extended city limits under the 2010 Census, and the green areas indicate annexations since 2010.

Figure 4 **Yakima – Boundary Changes 1990 to 2012**



16. If Yakima had maintained the 1990 Census boundary, Latinos would comprise a larger share of the City's population than under today's boundary. The 1990 core of the City had a 2010 population of 62,996, of whom 28,567 were Hispanic (45.35%) – four percentage points higher than the 2010 Census percentage of 41.27% Hispanic under the 2010 boundaries. The 2010 Census non-Hispanic white population in the 1990 core was 30,369 (48.21%), so Anglos would

have been a minority of the overall population had there been no annexations since 1990.

17. The annexations have had a similar dilutive effect on the Latino voting age population as a proportion of the citywide total. The 1990 core of the City had a 2010 voting age population of 44,921, of whom 16,640 were Hispanic (37.04%), compared to 21,837 Hispanics of voting age (33.45%) based on the 2010 Census municipal boundary.

18. Put another way, annexations between 1990 and 2010 had the effect of adding 28,071 persons to Yakima's 2010 population, of whom 9,020 were Hispanic (32.13%) and 17,154 (61.11%) were non-Hispanic white.

19. Had annexations not occurred in the 1990s, the 2000 population of Yakima would have been 60,377, of whom 19,870 (32.91%) would have been Hispanic and 36,467 (60.40%) would have been non-Hispanic white. This compares to the actual 2000 population of 71,845, with 24,213 Hispanics (33.7%). Thus, the 1990s annexations resulted in nearly a one percentage point differential gain for the Hispanic population percentage at the time of the 2000 Census – 32.91% without annexations versus the actual 33.7%.

20. Therefore, the dilutive effect of annexations in Yakima is entirely a phenomenon of the 2000s. Had annexations between 2000 and 2010 not occurred, Yakima would have had a 2010 population of 75,729, of whom 34,863 (46.04%)

would have been Hispanic and 36,077 (47.64%) would have been non-Hispanic white.

21. Annexations in the 2000s added 15,338 persons to the City's 2010 population – 2,724 were Hispanic (17.76%) and 11,446 (74.63%) were non-Hispanic white. Without the annexations in the 2000s, the non-Hispanic white population would have declined sharply – from 42,928 under the 2000 Census to 36,077 in 2010 –a potential net loss of 6,851 non-Hispanic whites.

Latino Citizenship in Yakima

22. A significant segment of the Latino population in Yakima is non-citizen. According to the *2009-2011 American Community Survey 3-Year Estimates*, 29.39% of the overall Latino population is non-citizen and 45.95% of the voting age population is non-citizen. The *2007-2011 American Community Survey 5-Year Estimates* shows similar non-citizen rates for Yakima's Latinos – 30.08% of all Hispanics and 46.78% of Hispanics over 18.⁷

23. The Latino non-citizen rate in Yakima has fallen over the past decade. According to *Summary File 3* of the 2000 Census, 36.48% of Latinos (all ages)

⁷ The Census Bureau released the *2009-2011 American Community Survey 3-Year Estimates* dataset in October 2012 and the *2007-2011 American Community Survey 5-Year Estimates* dataset in December 2012.

were not citizens – seven percentage points higher than the most recent reported rate of 29.39% from the *American Community Survey 3-Year Estimates*.

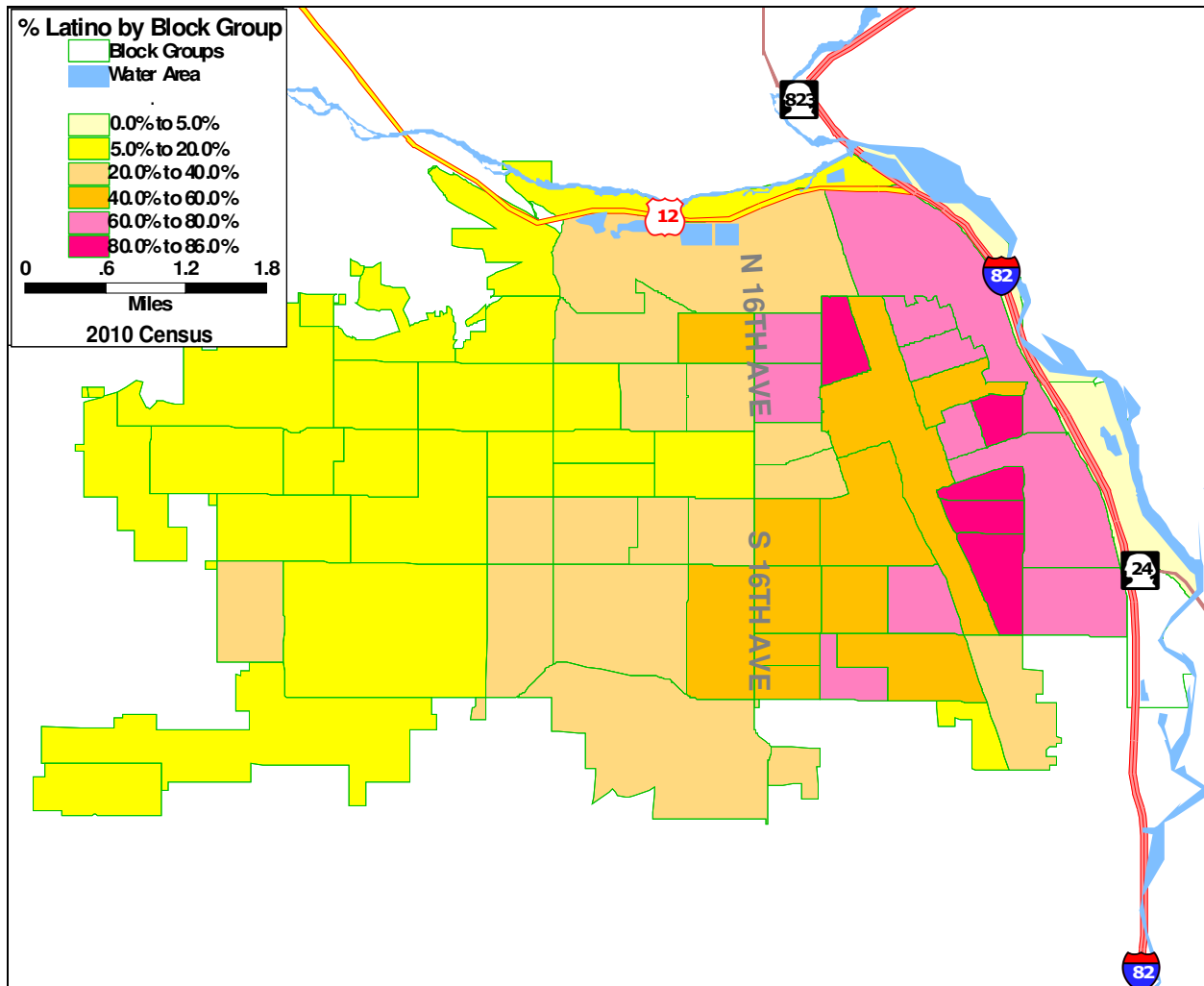
24. The Latino non-citizenship rate is poised to drop further in the coming years. Of the 15,748 Latinos in Yakima under 18 in the *2009-2011 American Community Survey 3-Year Estimates*, just 5.52% are non-citizens. Of the 15,011 Latinos in Yakima under 18 in the *2007-2011 American Community Survey 5-Year Estimates*, just 5.78% are non-citizens.

25. According to the *2009-2011 American Community Survey 3-Year Estimates*, Latinos represent 34.13% of the citizen population in Yakima and 22.21% of the citizen voting age population. According to the *2007-2011 American Community Survey 5-Year Estimates*, Latinos comprise 32.96% of the citizen population in Yakima and 21.34% of the citizen voting age population.

Geographic Compactness of the Latino Population

26. The Latino population of Yakima primarily resides in the east end of the City and is a demonstrably compact community – living for the most part east of 16th Avenue. **Figure 5** below is a map of 2010 Census block groups (green lines) color-coded by percent Latino – from under 20% (yellow) to 80% to 86% (dark red). Block groups contain multiple census blocks and often follow neighborhood lines. They are components of census tracts.

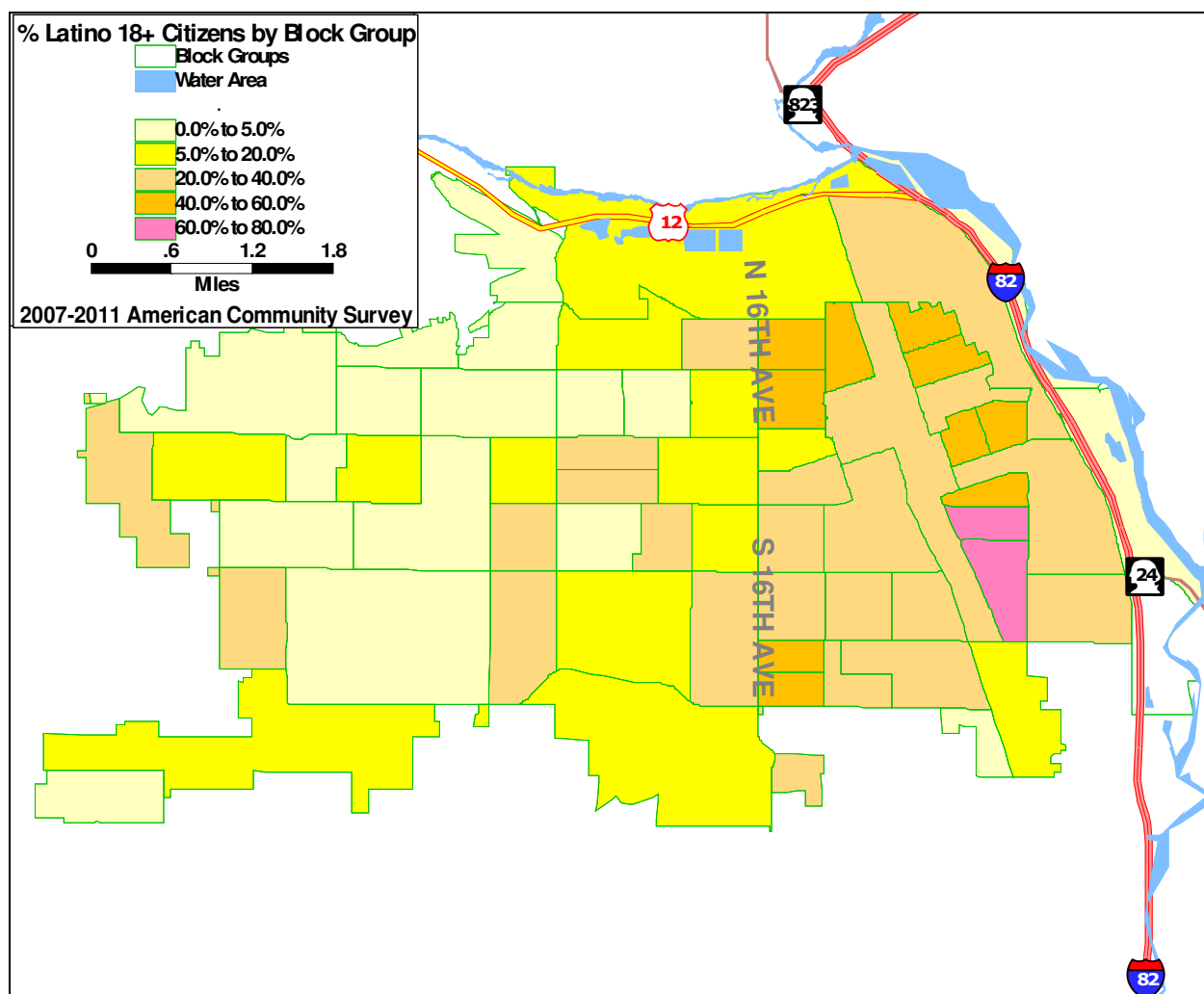
Figure 5 **Yakima – Percent Latino by Block Group (2010 Census)**



27. The area east of 16th Avenue (identified with a street name label in the block group map) encompasses a little more than one-third (9.78 square miles) of the 28-square mile area of Yakima. A Latino population of 26,267 resides in this area, representing nearly three-fourths (72.54%) of the City's 2010 Latino population.

28. As shown in the map in **Figure 6**, the Latino citizen voting age population (expressed as a percentage of all voting age citizens) shows a similar geographic distribution. The bulk of the Latino voting age citizen population resides east of 16th Avenue.

**Figure 6 Yakima – Percent 18+ Latino Citizens by Block Group
(2007-2011 American Community Survey 5-Year Estimates)**



II. YAKIMA REDISTRICTING

Methodology and Sources

29. For this analysis, I used a geographic information system software package called *Maptitude for Redistricting*, developed by the Caliper Corporation. This software is deployed by many local and state governing bodies across the country for redistricting and other types of demographic analysis.

30. The Census 2010 geographic boundary files that I used with *Maptitude* are created from the U.S. Census 2010 TIGER (Topologically Integrated Geographic Encoding and Referencing) files. The population data is from the 2010 PL 94-171 data file. This dataset is published in electronic format and is the complete count population file designed by the U.S. Census Bureau for use in legislative redistricting. The file contains basic race and ethnicity data on the population and voting age population found in units of census geography such as states, counties, municipalities, townships, reservations, school districts, census tracts, census block groups, and census blocks.

31. *The Maptitude for Redistricting* software processes the TIGER files to produce a map for display on a computer screen. The software also merges demographic data from the PL94-171 file to match the 2010 Census geography.

32. I created the election plans discussed below at the census block level for the 2010 Census using *Maptitude for Redistricting*. A census block is the

smallest geographic tabulation area from the decennial census. A block may be as small as a regular city block bounded by four streets, or as large as several square miles in a rural area. Generally, a census block is bounded on all sides by visible features such as streets, rivers, and railroad tracks.

33. The Plaintiffs' attorneys provided me with an electronic GIS shapefile depicting the 2012 precinct boundaries for Yakima. I understand that this file was prepared by the Yakima County Public Records office.

34. The Plaintiffs' attorneys also gave me a Microsoft *Excel* file that lists all registered voters in Yakima as of mid-January 2013. I understand that this file was prepared by the Yakima County Department of Elections.

35. In addition, the Plaintiffs' attorneys gave me a Microsoft *Excel* file that lists over 12,000 Spanish surnames. I understand that this file was given to the Yakima County Department of Elections by the U.S. Department of Justice (DOJ) in order to identify Latino voters. I used the Spanish surname file to identify Latino voters in the January 2013 registered voter list.

36. I matched the January 2013 registered voter list to the Spanish surname list using a Microsoft *Access* routine. In short, I parsed the surname for all registered voters and then marked all persons with a matching Spanish surname. This match includes a few persons with surnames that in part match Spanish surnames on the DOJ list (for example, the surname "Vega de la Fuente" is marked

as a Spanish surname because both “Vega” and “Fuente” are Spanish surnames on the DOJ list).

37. I used *Maptitude* to geocode the January 2013 Yakima City registered voter list. Geocoding is a technical process available in GIS software that locates voters by street number and address and converts those locations to points on a computer map. The points can then be tallied to calculate the number of registered voters and Latino registered voters by district.

38. I developed block-level estimates of the citizen voting age population (Hispanic and non-Hispanic) from the block group estimates in the *2007-2011 American Community Survey 5-year Estimates* dataset prepared by the U.S. Census Bureau.⁸ I allocated the estimated Hispanic and non-Hispanic block group citizen voting age population to census blocks based on the complete count block-level voting age Hispanic and non-Hispanic population, according to the 2010 Census. (Census block estimates of the citizen voting age population are not available from the *American Community Survey* or any other Census Bureau publication.)

39. I relied on a PDF map posted on the City’s website to recreate and analyze the 2011 City Council plan with *Maptitude for Redistricting* software.

⁸ This special file is released on an annual basis at the block group-level. I relied on the most recent dataset, which was released on January 28, 2013 and is available for download at:
http://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html

40. Also, independent of the analysis conducted for this report, I produced a set of tables which tallied total turnout by precinct and total Latino turnout by precinct for various elections in Yakima County. I delivered these tables in Microsoft *Excel* format to the attorneys for use in Dr. Richard Engstrom's racially polarized voting analysis. The process I followed to create the turnout by precinct tables is explained in ¶41 and ¶42 below.

41. The Plaintiffs' attorneys gave me Adobe PDF files with lists of persons who voted in the relevant elections. I understand that these lists were provided by the Yakima County Elections Department. I converted these files to Microsoft *Excel* format and imported the files into Microsoft *Access*. I matched voters by surname to the DOJ Spanish surname list using the method described in ¶36.

42. In addition, the attorneys gave me a file prepared by the Yakima County Department of Elections that identifies Latino voters who cast a ballot in the November 2011 General Election. This voter turnout list includes a few persons with non-Spanish surnames (for example, "Colby"). I understand that the Yakima County Board of Elections records these voters as Latino because they previously had Spanish surnames (for example, a female voter whose married surname is not Spanish but whose maiden name is Spanish). I used this file to identify additional Latino voters not matched with the surname method described

in ¶36. I matched the voter ID or affidavit number (from the November 2011 Latino voter list) for the relevant elections to voters not identified as Latino with the surname method.

2011 City Council Plan

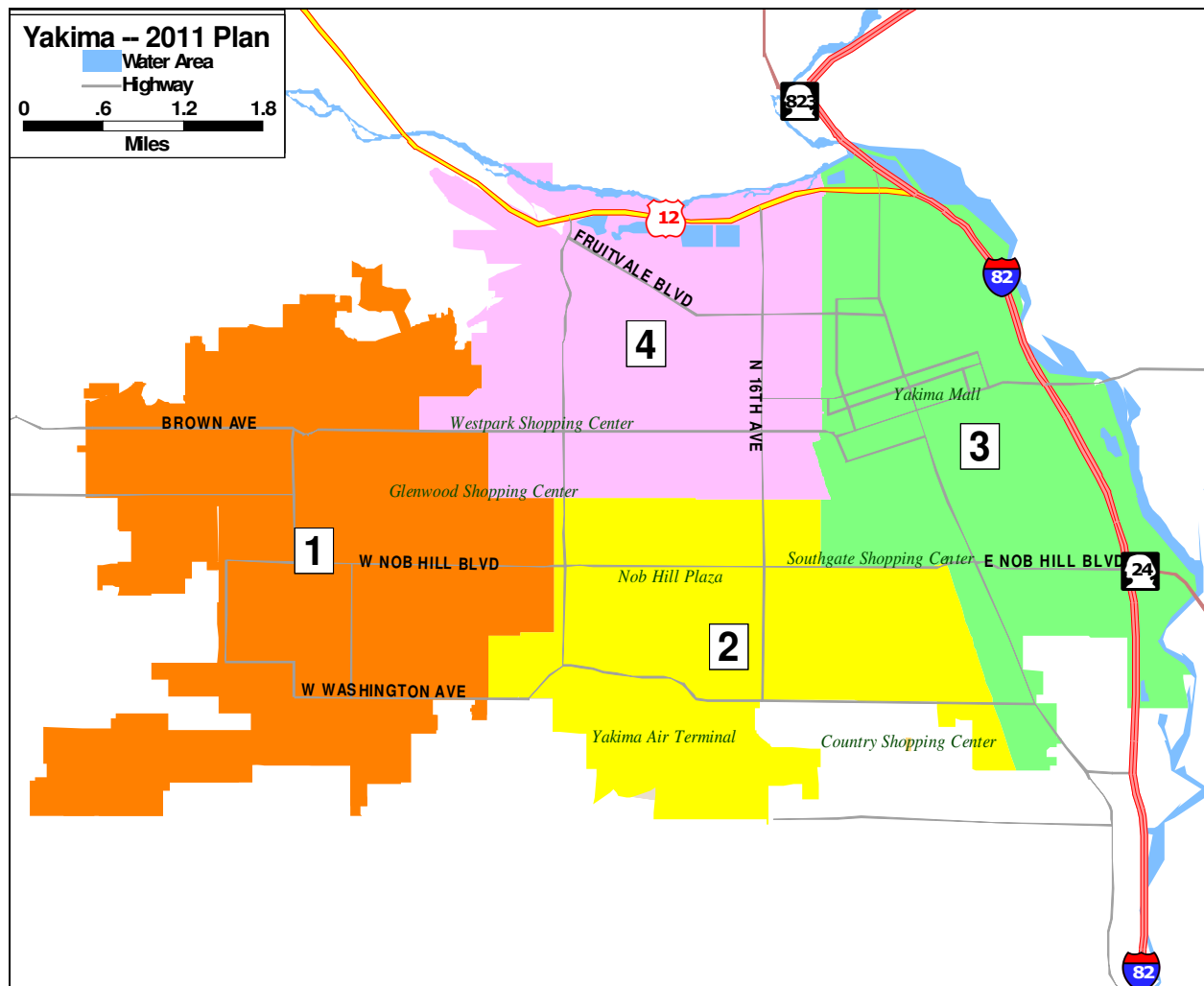
43. The Yakima City Council has seven members. Three council members are elected at-large. The remaining four members live in the districts they represent, but are chosen by the citywide electorate in the general election cycle.

44. According to the 2010 Census, there is no majority-Latino registered voter or majority-Latino citizen voting age district under the current Yakima City Council plan (the “*2011 Plan*”). The table in **Figure 7** on the next page provides Census 2010 summary population statistics by residency district for the *2011 Plan*. **Figure 8** is a general map of the *2011 Plan*. A more detailed demographic summary and map are attached as **Exhibit B**.

Figure 7 **Yakima City Council 2011 Plan – 2010 Census**

District	Population	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	21951	-851	-3.73%	16549	2168	13.10%	10.71%	7.77%
2	21380	-1422	-6.24%	15151	5240	34.59%	25.45%	21.10%
3	23831	1029	4.51%	15803	9443	59.75%	40.17%	42.78%
4	23905	1103	4.84%	17784	4986	28.04%	17.79%	15.12%

Figure 8 **Yakima City Council 2011 Plan**



45. The ideal district size under a 4-district plan is 22,804 ($91,208 / 4$), based on the 2011 citywide population of 91,208 – published by the City in a table accompanying the *2011 Plan* map.⁹ As noted *supra*, the City adds 141 persons to the Census 2010 population to account for annexations that occurred after the 2010

⁹ See map and table available for download at:
<http://www.yakimawa.gov/council/city-council-districts/>

Census. The *2011 Plan* has an overall deviation of 11.08%. Residency District 2 is under-populated by 6.24%.

46. Except for purposes of calculating the ideal district size, I have used the 2010 Census population count in district population statistics in this report because post-annexation block-level estimates by race/ethnicity and voting age have not been published by the City of Yakima or the Census Bureau.

47. Over 40% of the citywide Latino population (42.86%) resides in Residency District 3 under the *2011 Plan*. Residency District 3 under the *2011 Plan* is majority-Latino voting age at 59.75%, but Latino registered voters comprise just 42.78% of all registered voters in the district. The estimated Latino citizen voting age population (LCVAP) in District 3 is 40.17%.

Illustrative Plans

48. I have prepared two illustrative 7-district plans in order to demonstrate that Latinos are sufficiently numerous and geographically compact to constitute a voting age majority and registered voter majority in two of seven single-member City Council districts, as well as a citizen voting age majority in at least one of the seven districts.

49. The table in **Figure 9** below provides Census 2010 summary population statistics by district for *Illustrative Plan 1*, with an accompanying map

on the following page in Figure 10. A more detailed demographic summary and maps for *Illustrative Plan 1* are attached as **Exhibit C**.

Figure 9 **Yakima City Council Illustrative Plan 1– 2010 Census**

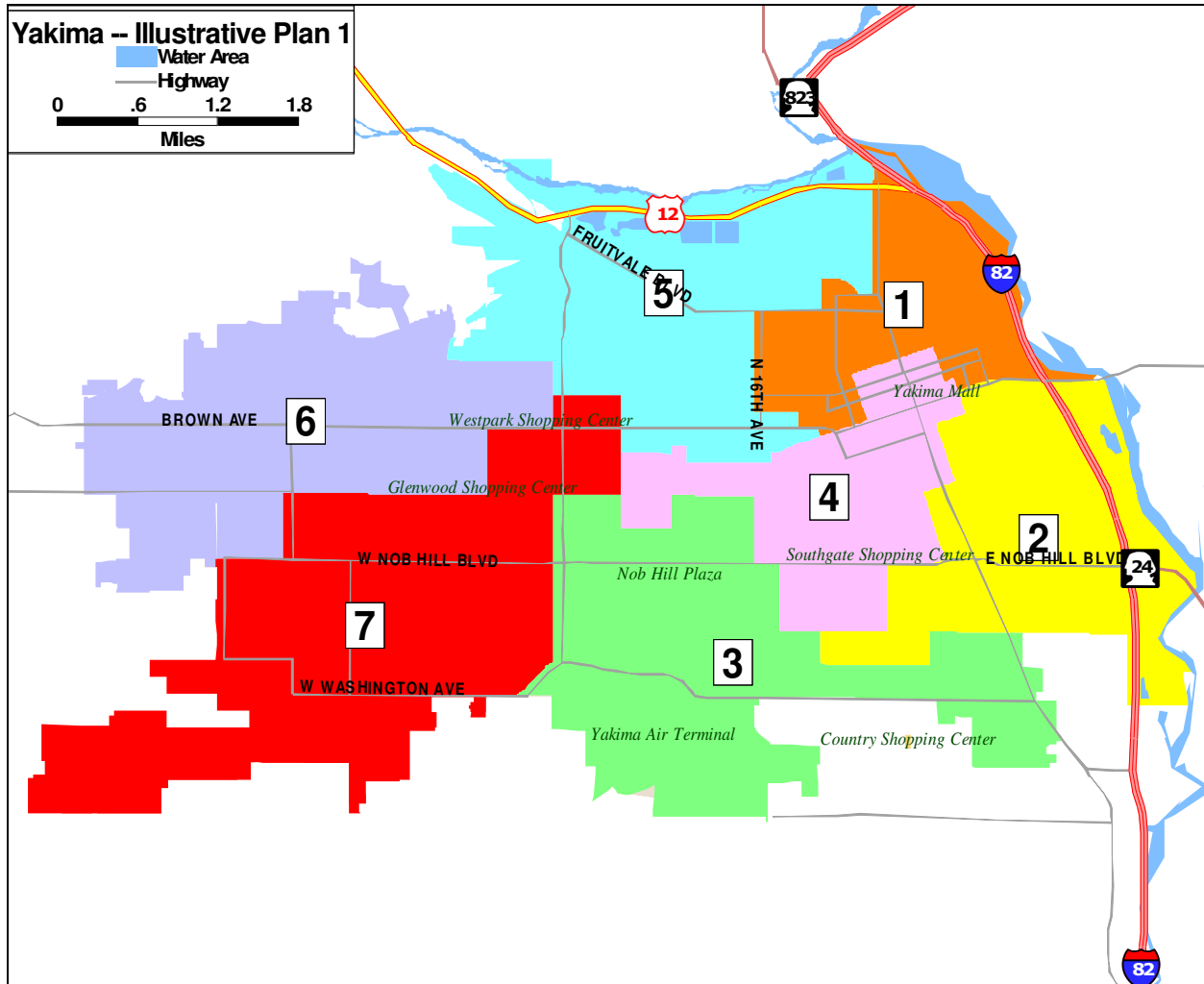
District	Population	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	12533	-497	-3.81%	7604	5335	70.16%	50.25%	51.66%
2	13358	328	2.52%	8545	5639	65.99%	43.15%	51.03%
3	12859	-171	-1.31%	9377	2564	27.34%	23.68%	16.99%
4	13175	145	1.11%	9716	3523	36.26%	26.56%	22.89%
5	12683	-347	-2.66%	9801	2152	21.96%	12.27%	13.42%
6	13176	146	1.12%	10175	1083	10.64%	7.13%	6.62%
7	13283	253	1.94%	10069	1541	15.30%	14.14%	10.37%

50. Under *Illustrative Plan 1*, Districts 1 and 2 are Latino majority voting age – 70.16% and 65.99%, respectively. District 1 is majority Latino citizen voting age (50.25% LCVAP), based on block-level estimates derived from the *2007-2011 American Community Survey 5-Year Estimates* block group dataset. District 1 has a Latino registered voter majority, based on the geocoded January 2013 Yakima City registered voter list (51.66%). District 2 is also majority-Latino registered voter (51.03%).

51. Under *Illustrative Plan 1*, District 1 encompasses a land area of 2.39 square miles and District 2 covers 3.58 square miles. District 4 has a land area of

2.45 square miles. The remaining districts range in geographic size from 4.19 square miles (District 6) to 5.71 square miles (District 7).

Figure 10 **Yakima City Council Illustrative Plan 1**



52. The table in **Figure 11** below provides Census 2010 summary population statistics by district for *Illustrative Plan 2*, with an accompanying map

on the following page in **Figure 12**. A more detailed demographic summary and maps for *Illustrative Plan 2* are attached as **Exhibit D**.

Figure 11 **Yakima City Council Illustrative Plan 2– 2010 Census**

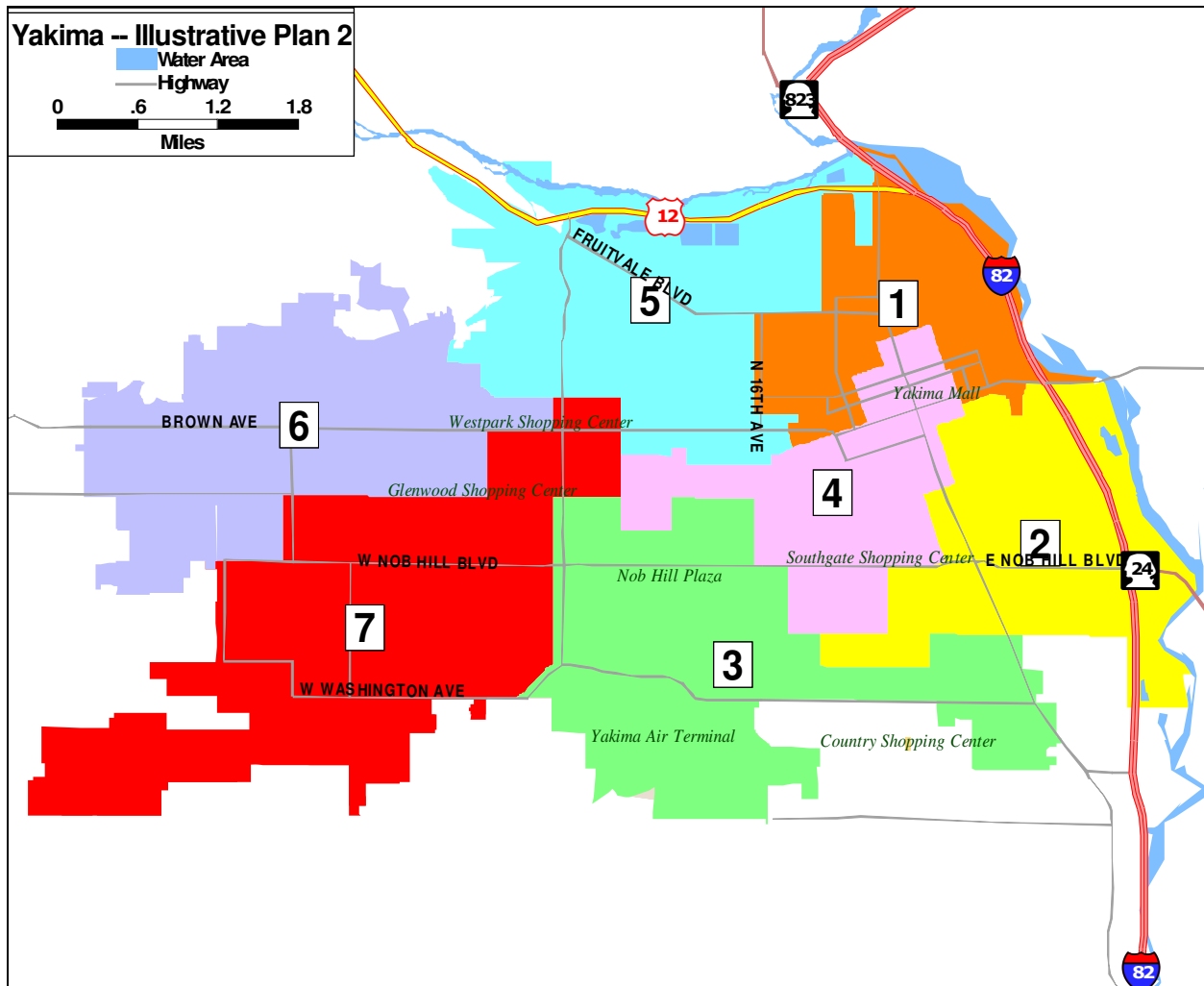
District	Population	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	12969	-61	-0.47%	7860	5534	70.41%	50.13%	51.86%
2	12822	-208	-1.60%	8242	5388	65.37%	42.61%	50.56%
3	13079	49	0.38%	9532	2629	27.58%	23.65%	17.13%
4	13431	401	3.08%	9900	3619	36.56%	26.77%	23.03%
5	12761	-269	-2.06%	9876	2084	21.10%	11.69%	13.05%
6	12722	-308	-2.36%	9808	1042	10.62%	7.32%	6.54%
7	13283	253	1.94%	10069	1541	15.30%	14.14%	10.37%

53. Under *Illustrative Plan 2*, Districts 1 and 2 are also Latino majority voting age – 70.41% and 65.37%, respectively. District 1 is majority Latino citizen voting age (50.13% LCVAP), with a Latino registered voter majority (51.86%). District 2 is also majority-Latino registered voter (50.56%).

54. Under *Illustrative Plan 2*, District 1 encompasses a land area of 2.60 square miles and District 2 covers 3.52 square miles. District 4 has a land area of 2.15 square miles. The remaining districts range in geographic size from 4.06 square miles (District 6) to 5.71 square miles (District 7).

Figure 12

Yakima City Council Illustrative Plan 2



55. The illustrative plans meet one-person, one-vote requirements. The ideal district size for a 7-district plan is 13,030 ($91,208 / 7$). Illustrative Plan 1 has an overall deviation from the ideal district size of 6.33%. Illustrative Plan 2 has an overall deviation from the ideal district size of 5.44%.

56. In sum, the illustrative plans comply with key traditional redistricting criteria, including one-person one-vote, compactness, contiguity, respect for communities of interest, and the non-dilution of minority voting strength.

III. CONCLUSION

57. Given the spatial distribution of Latinos in Yakima, it is very easy to create two majority-Latino voting age districts under a seven single-member district plan. Furthermore, as demonstrated in both illustrative plans, two districts can be drawn so that Latinos represent a majority of registered voters in each. In addition, under both illustrative plans, at least one of the two Latino-majority districts (District 1) has a Latino citizen voting age majority. It is therefore my opinion that Latinos in Yakima are sufficiently numerous and geographically compact to constitute a majority in two single member districts under a seven-member City Council plan.

* * *

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

February 1 , 2013

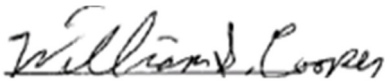

WILLIAM S. COOPER

Exhibit C

Special Election August 16, 2011

City of Yakima Yakima County, Washington

Proposition No. 1
Charter amendment – districting for election of council
members consisting of seven districts

Proposition – failed
simple majority



Certificate of Special Election and Canvass

City of Yakima
Yakima County, Washington

We, the County Canvassing Board of Yakima County, State of Washington, do hereby certify that a special election was held in the City of Yakima, Yakima County Washington, on the 16th day of August, 2011, for the purpose of deciding upon the proposition hereinafter stated, and the results of said election were as indicated below.

Proposition No. 1

Adoption of amendment to the Charter of the City of Yakima to abandon and abolish the current districting for election of council members and to create seven districts for election of council members within the City of Yakima, and to make further ancillary and corrective amendments thereto.

Proposition No. 1 concerns an amendment of the City of Yakima Charter. This measure would amend Charter Article II to abandon and abolish the current districting for election of council members, consisting of four districts and three at-large positions, and adopting districting for election of council members consisting of seven districts; providing that each council member shall be elected by the voters of his or her district; establishing a temporary districting commission; providing that each council member may serve a maximum of ten consecutive years, and that for the election in 2011 only, council members elected from even-numbered districts shall be elected for a two year term, with subsequent terms being four year terms. Adoption of the proposition will also make ancillary and corrective amendments throughout Article II of the Charter. Should this proposition be approved?

Yes
No

The ballots cast at the election relative to the proposition were as follows:

City of Yakima

Yes	4,138
No	5,832
total votes cast	9,970
ratio of affirmative votes	41.50%

simple majority

Dated this 31st day of August, 2011.

Auditor
Yakima County, Washington

Chairman
Board of County Commissioners

Prosecuting Attorney
Yakima County, Washington

Exhibit D

1211 Seventh Street
Suite 104
Yakima, WA 98901

Central
Washington
Progress

December 14, 2010

Yakima City Council
Clerk of the Council
129 N. Second Street
Yakima, WA 98901-2613

To the Yakima City Council:

We hereby request a referral of our proposed Charter Amendment language regarding district-based elections to the ballot on February 8th, 2011. This is our third such request. Our previous requests were on November 16 and December 7, 2010.

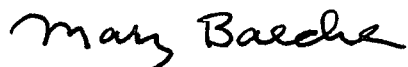
As of today, we have submitted more than the 500 signatures to the City Clerk as required by the Yakima City Charter. With this much public support, council members should do the right thing and refer the proposed language at today's city council meeting.

Let our voters decide on our form of government!

Please find attached two excerpts from relevant sections from the City Charter:

Article IV: Legislation by the People.
Article XIII: Amendments.

Sincerely Yours,



Mary Baechler
Central Washington Progress

Attachment

Exhibit E

Case 2:12-cv-003108-TOR Document 79-1 Filed 07/22/14
Cumulative Report — Official
Primary — Yakima County, Washington — August 16, 2011

Page 1 of 2

08/31/2011 08:35 AM

Total Number of Voters : 13,229 of 51,189 = 25.84%

Precincts Reporting 0 of 60 = 0.00%

Party	Candidate	Total Ballots Cast		NA		Total	
City of Union Gap; Mayor, Vote For 1							
	Jim Lemon	484	67.41%	0	0.00%	484	67.41%
	Dan C. Olson	175	24.37%	0	0.00%	175	24.37%
	Barry J. Schwindt	49	6.82%	0	0.00%	49	6.82%
	Write-In	10	1.39%	0	0.00%	10	1.39%
	Cast Votes:	718	99.72%	0	0.00%	718	99.72%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	2	0.28%	0	0.00%	2	0.28%
City of Union Gap; Council, Position 5, Vote For 1							
	Fred Thomson	224	32.65%	0	0.00%	224	32.65%
	Dave Matson	344	50.15%	0	0.00%	344	50.15%
	Dwight C. Waiters	106	15.45%	0	0.00%	106	15.45%
	Write-In	12	1.75%	0	0.00%	12	1.75%
	Cast Votes:	686	95.28%	0	0.00%	686	95.28%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	34	4.72%	0	0.00%	34	4.72%
City of Union Gap; Council, Position 6, Vote For 1							
	James E. Murr	370	53.86%	0	0.00%	370	53.86%
	Mitch Courtney	152	22.13%	0	0.00%	152	22.13%
	Mark Carney	157	22.85%	0	0.00%	157	22.85%
	Write-In	8	1.16%	0	0.00%	8	1.16%
	Cast Votes:	687	95.42%	0	0.00%	687	95.42%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	33	4.58%	0	0.00%	33	4.58%
City of Yakima; Council, District 2, Vote For 1							
	Rogelio Montes	283	16.81%	0	0.00%	283	16.81%
	Rich Marcley	433	25.71%	0	0.00%	433	25.71%
	Sara Bristol	937	55.64%	0	0.00%	937	55.64%
	Write-In	31	1.84%	0	0.00%	31	1.84%
	Cast Votes:	1,684	82.31%	0	0.00%	1,684	82.31%
	Over Votes:	2	0.10%	0	0.00%	2	0.10%
	Under Votes:	360	17.60%	0	0.00%	360	17.60%

COY00340172b

Exhibit F

**Quick Picks**

Search Website
Crime Mapping
Council Agendas
Council Videos
Permits On-Line

City Meeting Videos

Yakima Links
YCTV Schedule
YPAC Schedule

Employment
Opportunities
- Apply on Line

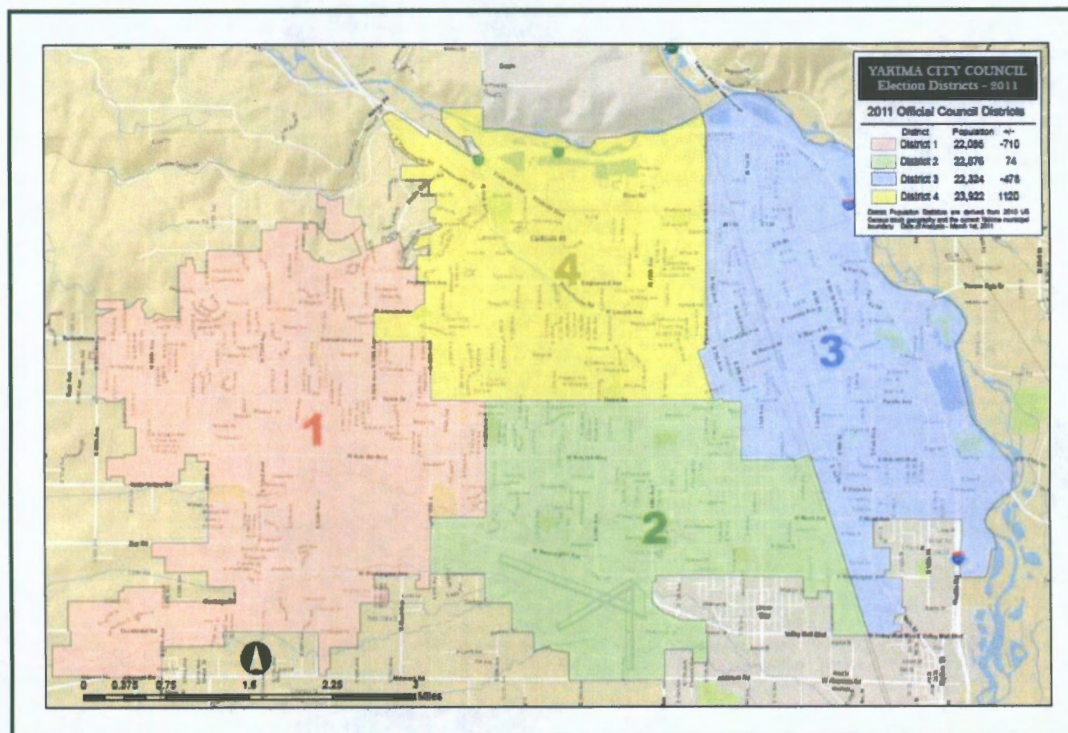
Equal Employment
Opportunity Policy

ADA Grievance Policy

Public Disclosure
Request

Traffic Delays

Yakima Transit

City Council Districts

[View larger map](#)

The above is the current map of the Council Districts. You may click on the map or the text for a larger view in .pdf format.

<http://www.ci.yakima.wa.us / council / distmap.asp>
© 2011 City of Yakima, Washington • www.ci.yakima.wa.us
129 North Second Street, Yakima, WA 98901
Phone(509)575-6000 • FAX(509)576-6614 • Contact Us