

Exhibit 10

Declaration of John A. Safarli in Support of City's Motion for Entry of Proposed
Remedial Plan and Final Injunction

Glatt v. City of Pasco, et al.

No. 4:16-CV-05108-LRS

ORDINANCE NO. 4315

AN ORDINANCE of the City of Pasco, Washington amending Chapter 1.10 of the Pasco Municipal Code regarding "Voting Districts."

WHEREAS, the Pasco City Council is currently made up of five district seats and two "at-large" seats, all seats which, pursuant to Washington State law, are voted on city-wide in general elections; and

WHEREAS, state law also requires that each voting district shall be as nearly equal in population as possible to each and every other voting district within the city; and further by ordinance, the City Council is required to re-establish district boundaries whenever the population of any district exceeds by ten percent or more the population of any other district; provided that no change to the boundaries of any district shall be made within ninety days prior to the date of a general municipal election, nor within twelve months after districts have been established or altered; and

WHEREAS, the City has experienced an increase in and redistribution of population since the voting districts were last established, having occurred more than twelve months prior; and along with the overall growth, community demographics have continued to change such that, according to U.S. Census data, 20 percent of the population in 1980 was of Latino heritage, and today, that number is 56 percent. Demographic changes in the city's voting age population have followed, with approximately one-third of the voting age population identifying as Latino; and

WHEREAS, noting the above trend, the City Council took particular care during the 2014-2015 redistricting process to assure that districts in areas more densely populated with Latino voting age citizens were structured in such a way as to maximize the impact of the Latino vote; and

WHEREAS, through this process, the City Council recognized the impact of state law which prevents Pasco and cities like it from providing for a district-only based election system for voting in both primary and general elections, thus limiting the impact of the Latino vote; and

WHEREAS, in May 2015, the City Council enacted Resolution No. 3635 declaring its intent to pursue a change in state law to allow District based-voting, declaring its continuing intent to provide equal voting opportunities for all of its citizens, and to provide equitable and proportional representation; and

WHEREAS, the City actively pursued a change in state law through the legislative process during the 2015 and 2016 legislative sessions; however, the State Legislature has yet to pass a bill that would offer relief; and

WHEREAS, Washington State Senator Pam Roach, at the behest of the City, requested an Opinion from the Washington State Attorney General regarding the City's authority, in light of RCW 35A.12.180 to change its election system to District-based voting for City Council, resulting in an Opinion on January 28, 2016 which noted that:

“Thus, RCW 35A.12.180 specifically denies to code cities the authority to restrict voting by ward (districts) at the general election. Therefore, a local ordinance that provided for general elections by ward would conflict with RCW 35A.12.180 and be preempted by state law. . . In sum, Code cities in Washington that believe they may be in violation of the VRA face difficult decisions and potential legal risk regardless of what course they choose”; and

WHEREAS, The American Civil Liberties Union (ACLU) of Washington, in March 2016, notified the City that it believes the City’s current election system, as it fails to provide for district-based elections, violates the federal Voting Rights Act (VRA) and that the ACLU would seek remedies, including court action, to make the City compliant with the VRA; and further, the City has been in active negotiations with the ACLU to evaluate the concerns raised, to ensure that whatever course the City Council elects to pursue will withstand any challenges for violating state or federal law, and to avoid litigation, if possible; and

WHEREAS, Pasco City officials have been consulting with the ACLU to determine the data and the law that must be considered in addressing the alleged violations of the VRA and given the fact that state law precludes district-based voting in cities like Pasco, and Pasco’s efforts to change state law to allow for greater flexibility have been fruitless, both the City and ACLU agreed that it was necessary to embrace limited litigation in Federal Court as the only available means to bring the force of federal law to remedy the problem that exists as a result of state law; and

WHEREAS, the City and ACLU jointly entered a proposed a “Partial Consent Decree” which identified the likely violation of the VRA and sought to establish jurisdiction of the Federal Court to order an appropriate remedy to address the violation; and the City Council approved this action on August 15, 2016; and

WHEREAS, on September 2, 2016 Judge Lonny Suko of the United States District Court for the Eastern District of Washington granted the Partial Consent Decree thereby ordering that the City must, in order to remedy a violation of Section 2 of the Feral Voting Rights Act, implement a new election system. That RCW 35A.12.180 is abrogated under the Federal supremacy clause and enjoining the City, “from administrating, implementing, or conducting future elections for the Pasco City Council under the current at-large election method or any other election method that violates Section 2 of the Voting Rights Act”; and

WHEREAS, the City Council held, after due notice, a public hearing on September 6 to take comments and evaluate the options for district-based voting, which included the current five- district/two at-large, six-district/one at large, and seven-district/no at-large alternatives; and

WHEREAS, the Council determined that the six-district/one at-large alternative was preferred due to its providing three Latino citizen voter-age majority districts, the same number as possible under the ACLU’s preferred seven district plan; and further, due to the plan providing greater opportunities for voters to influence the number of elections for members of the City Council and for voters to have the opportunity to run for seats on the City Council; and

WHEREAS, further, the Council determined that the six-district/one at-large alternative provides for the possibility of greater continuity of government and ease in implementation and therefore, the plan was adopted by the City Council on September 19, 2016; and

WHEREAS, on October 3, 2016, the City Council held, after due notice, a public hearing on the six-district plan boundary alternatives, to receive and consider public comment on the alternative boundary plans; and

WHEREAS, the Council, after due and deliberate consideration, has determined the preferred boundary plan, pursuant to RCW 29A 76.010, for amending said voting districts, **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. That Chapter 1.10 entitled "Voting Districts" of the Pasco Municipal Code, shall be and hereby is amended to read as follows:

CHAPTER 1.10 VOTING DISTRICTS

Sections:

1.10.010 NUMBER OF DIVISIONS - EQUAL POPULATION IN EACH
1.10.020 DISTRICT ONE
1.10.030 DISTRICT TWO
1.10.040 DISTRICT THREE
1.10.050 DISTRICT FOUR
1.10.060 DISTRICT FIVE
1.10.070 DISTRICT SIX
1.10.080 ELECTION OF COUNCILMEMBERS AND COUNCILMEMBERS-AT-LARGE
1.10.090 COUNCILMEMBERS - RESIDENTIAL REQUIREMENT AND/OR REMOVAL
1.10.100 RE-ESTABLISHMENT OF DISTRICT BOUNDARIES
1.10.110 ANNEXATION
1.10.120 RECALL PETITIONS
1.10.130 FILLING VACANCIES

1.10.010 NUMBER OF DIVISIONS - EQUAL POPULATION IN EACH. The City is divided into six voting districts. Each district shall be as nearly equal in population as possible; compact as possible; consist of geographically contiguous area; be configured as to not favor or disfavor any racial group or political party; and to the extent feasible, coincide with the existing recognized natural boundaries so as to preserve existing communities of related and mutual interest.

1.10.020 DISTRICT ONE. Voting district one shall encompass the area within the City of Pasco comprised of precinct numbers five, nine, ten, fourteen and fifteen (5, 9, 10, 14, 15); plus those portions of precinct number one (1) within US Census block group 020100 known as blocks 1033, 1034, 1035, 1040, 1041, 1044, 1045, 1047, 1048, 2019, 2020, 2021, 2022, 2035, 2036, 2037, 2038, 2047; plus that portion of precinct number three (3) which lies north of Shoshone Street; plus that portion of precinct number nineteen (19), within US Census block group 020502 known as blocks 1024, 1025, 1026, 1047, 1050; as those precincts are described on the maps and property descriptions on file with the Auditor of Franklin County.

1.10.030 DISTRICT TWO. Voting district two shall encompass the area within the City of Pasco comprised of precinct numbers thirteen and eighteen (13, 18); plus those portions of precinct number one (1) within US Census block group 020100 known as blocks 1028, 1042, 1043, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 4000, 4001, 4002, 4003, 4004; plus precinct number two (2) except that portion which lies west of Cedar Ave and north of "A" Street; plus precinct number four (4) except that portion which lies within US Census block group 020100 known as blocks 3010, 3011, 3012, 3015, 3016, 3017, 3018, 3019, 3020, 3025; also except that portion which lies within US Census block group 020200 known as blocks, 3019, 3020, 3021, 3035, 3036; plus precinct number sixteen (16) except that portion which lies east of 26th Ave.; plus precinct number seventeen (17) except that portion which lies north of Sylvester Street and east of 26th Ave; plus precinct number one hundred two (102) except that portion which lies north of Kahlotus Highway, however, including US Census block group 020100 block 1027; as those precincts are described on the maps and property descriptions on file with the Auditor of Franklin County.

1.10.040 DISTRICT THREE. Voting district three shall encompass the area within the City of Pasco comprised of precinct numbers eight, twenty-two, twenty-three, twenty-four, thirty-two, thirty-three, thirty-four, thirty-five thirty-eight, forty-two, forty-three, and forty-four (8, 22, 23, 24, 32, 33, 34, 35, 38, 42, 43, 44); plus precinct number twenty-five (25) except that portion which lies south of I-182; plus precinct number thirty-seven (37) except for US Census block group 020605 block 2000; plus precinct number thirty-nine (39) except for US Census block group 020605 blocks 2001 and 2022; plus precinct number forty (40) except for US Census block group 020502 blocks 3006, 3012, 3013, 3014, 3015, 3016, 3017; and except US Census block group 020501 blocks 1000, 1001, 1006 as those precincts are described on the maps and property descriptions on file with the Auditor of Franklin County.

1.10.050 DISTRICT FOUR. Voting district four shall encompass the area within the City of Pasco comprised of precinct numbers forty-five, forty-six, forty-seven, fifty, fifty-one fifty-three, fifty-four and fifty-five (45, 46, 47, 50, 51, 53, 54, 55); plus that portion of precinct number forty (40) which includes US Census block group 020502 blocks 3006, 3012, 3013, 3014, 3015, 3016, 3017 and including US Census block group 020501 blocks 1000, 1001, 1006; plus that portion of precinct number thirty-nine (39) which includes US Census block group 020605 blocks 2001 and 2022; plus that portion of precinct number thirty-seven (37) which includes US Census block group 020605 block 2000; plus that portion of Precinct number fifty-two (52) which lies east of Broadmoor Blvd; plus US Census block group 020601 block 3047 and that portion of block 3046 which is within the city limits; as those precincts are described on the maps and property descriptions on file with the Auditor of Franklin County.

1.10.060 DISTRICT FIVE. Voting district five shall encompass the area within the City of Pasco comprised of precinct numbers twenty, twenty-one, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-six, forty-one, forty-eight, forty-nine, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-two, sixty-three, sixty-five, sixty-six, and sixty-seven (, 20, 21, , 26, 27, 28, 29, 30, 31, 36, 41, 48, 49, 56, 57, 58, 59, 60, 62, 63, 65, 66, 67); plus that portion of precinct number nineteen (19) which lies west of Road 32 and south of Pearl Street; plus that portion of precinct number twenty-five (25) which lies south of I-182; plus that portion of precinct number fifty-two (52) which lies west of Broadmoor Blvd. as those precincts are described on the maps and property descriptions on file with the Auditor of Franklin County.

1.10.070 DISTRICT SIX. Voting district six shall encompass the area within the City of Pasco comprised of precinct numbers six, seven, eleven, and twelve (6, 7, 11, 12); plus precinct number sixteen (16) except that portion which lies west of 26th Ave.; plus precinct number seventeen (17) except that portion which lies south of Sylvester Street and west of 26th Ave; plus that portion of precinct number one (1) within US Census block group 020100 known as blocks 1046, 1049, 2030, 2031, 2032, 2033, 2034, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2050; plus that portion of precinct number two (2) which lies west of Cedar Ave and north of "A" Street; plus that portion of precinct number four (4) which lies within US Census block group 020100 known as blocks 3010, 3011, 3012, 3015, 3016, 3017, 3018, 3019, 3020, 3025; plus that portion of precinct number four (4) which lies within US Census block group 020200 blocks 3019, 3020, 3021, 3035, 3036; as those precincts are described on the maps and property descriptions on file with the Auditor of Franklin County.

1.10.080 ELECTION OF COUNCILMEMBERS AND COUNCILMEMBER-AT-LARGE. The qualified electors of each voting district, and they only, shall nominate from among their number candidates for the office of councilmember of such voting district to be voted for at the following general election. Such candidates shall be nominated in the same manner as other candidates at the primary election held on the date specified in RCW 29A.04.311. In addition, one councilmember, designated councilmember-at-large, shall be nominated from among all districts within the City. Each council position shall be numbered one through six, corresponding to the district number with the at-large candidate being designated as position seven. The two candidates having the highest vote totals for each council position shall be certified as having been nominated and shall run for that position in the general election. District councilmembers shall be elected by all of the qualified voters of the District and the councilmember at-large shall be elected by all of the qualified voters of the City and the person receiving the highest number of votes for the office of councilmember for the position for which he or she is a candidate shall be declared duly elected.

1.10.090 COUNCILMEMBERS - RESIDENTIAL REQUIREMENT AND/OR REMOVAL. Councilmembers elected from districts shall be residents of the district from which they are elected. Removal of a councilmember from the district from which he or she was elected shall create a vacancy in that office; provided, that no change in the boundaries of districts shall affect the term of any councilmember, but he or she shall serve out his or her term in the district of their residence at the time of their election.

1.10.100 RE-ESTABLISHMENT OF DISTRICT BOUNDARIES. In addition to decennial census adjustments required by RCW 29A.76.010, the Council shall reestablish district boundaries whenever the population in any district exceeds by ten percent or more the population in any other district; provided, that no change in the boundaries of any district shall be made within ninety days next before the date of a general municipal election, nor within twelve months after the districts have been established or altered.

1.10.110 ANNEXATION. When additional territory is added to the City, it may, by act of the City Council, be annexed to contiguous districts or attached to any other district as the Council may determine without affecting the right to re-district at the expiration of twelve months after the last previous division.

1.10.120 RECALL PETITIONS. Any registered voter shall be eligible to sign a petition for the recall of any councilman.

1.10.130 FILLING VACANCIES. If a vacancy in the Council occurs or if a district office is not filled by the election process, the remaining members of the City Council shall appoint a person to fill such office until the next regular general municipal election, at which time a person shall be elected to serve for the remainder of the unexpired term. Persons appointed to fill district offices shall be the residents of that district.

Section 2. This ordinance shall take full force and effect five days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Pasco, Washington, and approved as provided by law this 10th day of October, 2016.



Matt Watkins, Mayor

ATTEST:



Debra L. Clark, City Clerk

APPROVED AS TO FORM:



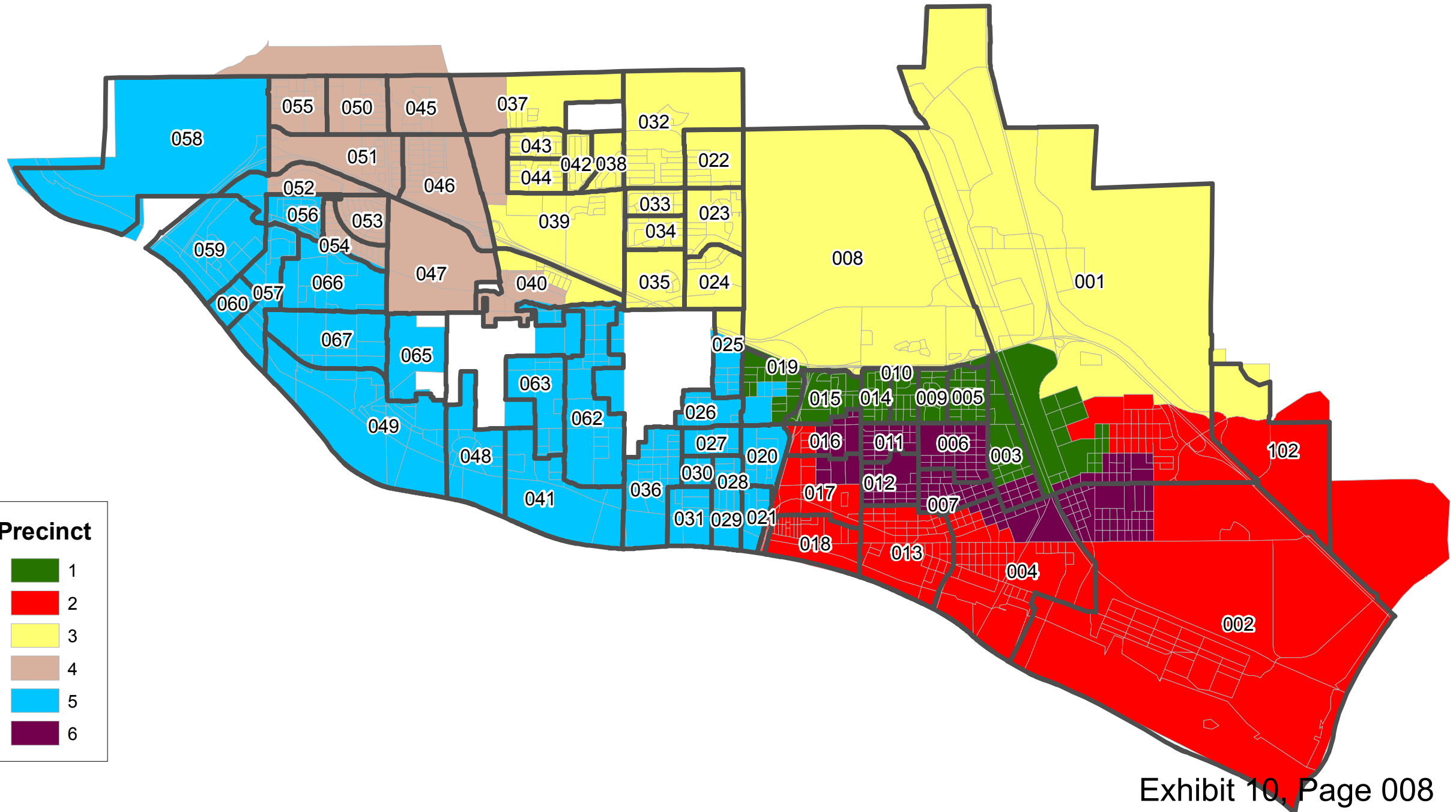
Leland B. Kerr, City Attorney

2016 Draft Analysis Mission 8

District	Total CVAP	HISP CVAP	PL 94171 POP	% Hispanic CVAP
1	3,148	1,701	10,048	54.0%
2	3,488	1,825	10,009	52.3%
3	7,828	2,136	10,532	27.3%
4	6,535	1,542	10,062	23.6%
5	7,744	1,007	11,003	13.0%
6	3,998	2,239	10,798	56.0%
Grand Total	32,742	10,450	62,452	

District	Total CVAP	HISP CVAP	PL 94171 POP	PLRange
1	10%	16%	16.1%	Min
2	11%	17%	16.0%	16.0%
3	24%	20%	16.9%	Max
4	20%	15%	16.1%	17.6%
5	24%	10%	17.6%	Diff
6	12%	21%	17.3%	1.6%
Grand Total	100%	100%	100.0%	

Pasco Mission 8 Precinct Map



Pasco 2016 Mission 8 Map

