

THE HONORABLE THOMAS O. RICE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO
ARTEAGA,

Plaintiffs,

vs.

CITY OF YAKIMA; MICAH
CAWLEY, in his official capacity as
Mayor of Yakima; and MAUREEN
ADKISON, SARA BRISTOL, KATHY
COFFEY, RICK ENSEY, DAVE ETTL,
and BILL LOVER, in their official
capacity as members of the Yakima City
Council,

Defendants.

NO. 12-cv-3108-TOR

DECLARATION OF FRANCIS S.
FLOYD IN SUPPORT OF
DEFENDANTS' REPLY

1 I, Francis S. Floyd, hereby state and declare as follows:

2 1. I represent Defendants in this matter and have personal knowledge of
3 the matters stated herein.

4 2. Attached to my declaration as **Exhibit A** is a true and correct copy of
5 Resolution No. R-2014-132, which was approved by the City Council at a special
6 public meeting on October 28, 2014.

7 3. Attached to my declaration as **Exhibit B** is a true and correct copy of
8 a map prepared by Defendants' expert witness, Dr. John Alford, using the
9 geocoding method that Plaintiffs' expert William Cooper employed in this
10 litigation. Also included in Exhibit B are data for the map, including for registered
11 voters and eligible voters.

12 I declare under penalty and perjury under the laws of the United States of
13 America that the foregoing is true and correct.

14 Executed this 30th day of October, 2014, at Seattle, Washington.

15
16 s/ Francis S. Floyd
17 Francis S. Floyd, WSBA No. 10642
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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

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Interested Party

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8 DATED this 30th day of October, 2014

10 s/ Yalda Biniazan

11 Yalda Biniazan, Legal Assistant

EXHIBIT A

RESOLUTION NO. R-2014-132

A RESOLUTION amending Resolution No. R-2014-118 to withdraw the specific provision of the City's proposed remedial redistricting plan that would have designated the two at-large elected positions as Mayor and Assistant Mayor; all other provisions of the City's proposed remedial redistricting plan remain the same as contained in the proposed plan and map filed October 3, 2014.

WHEREAS, in accordance with Resolution No. R-2014-118, the City of Yakima's outside legal counsel submitted a proposed remedial redistricting plan and map and a proposed injunction with the Court in *Montes, et al. v. City of Yakima, et al.* on October 3, 2014, in accordance with the Court's Order; and

WHEREAS, the City's proposed remedial redistricting plan contains five single-member districts and two at-large positions; and

WHEREAS, one of the five single-member districts in the City's proposed remedial redistricting plan will have an eligible voter population that is more than fifty percent Latino, and another single-member district will have an eligible voter population that is more than one-third Latino; and

WHEREAS, under the City's proposed remedial redistricting plan, only voters residing within the geographical boundaries of one of the five single-member districts will be permitted to vote in the general and primary elections for that particular district, while every eligible voter in the City will be permitted to vote for the at-large candidates; and

WHEREAS, all candidates seeking one of the two at-large positions under the City's proposed remedial redistricting plan will appear on a single list on the general election ballot; no primary election will be held for the at-large positions; each voter will have only one vote and may cast that vote for any candidate on the list; and the candidate who receives the highest number of votes and the candidate who receives the second-highest number of votes will be elected to the two at-large positions; and

WHEREAS, the City's proposed remedial redistricting plan filed October 3, 2014 also contained a provision that would have designated the two at-large elected positions as Mayor and Assistant Mayor; and

WHEREAS, the City Council, after considering objections to the provision designating the two at-large elected positions as Mayor and Assistant Mayor, has decided to amend Resolution No. R-2014-118 to withdraw this specific provision, which was not an essential component of the City's proposed remedial redistricting plan; and

WHEREAS, all other provisions of the City's proposed remedial plan remain the same as set forth in Resolution No. R-2014-118 and as contained in the proposed plan and map filed October 3, 2014; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The City Council amends Resolution No. R-2014-118 to withdraw the provision of the City's proposed remedial redistricting plan that would have designated the two at-large elected positions as Mayor and Assistant Mayor. All other provisions of the City's proposed remedial

redistricting plan and map remain the same as set forth in Resolution No. R-2014-118 and as contained in the City's proposed redistricting plan filed with the Court on October 3, 2014.

ADOPTED BY THE CITY COUNCIL this 28th day of October, 2014.

/s/ Micah Cawley

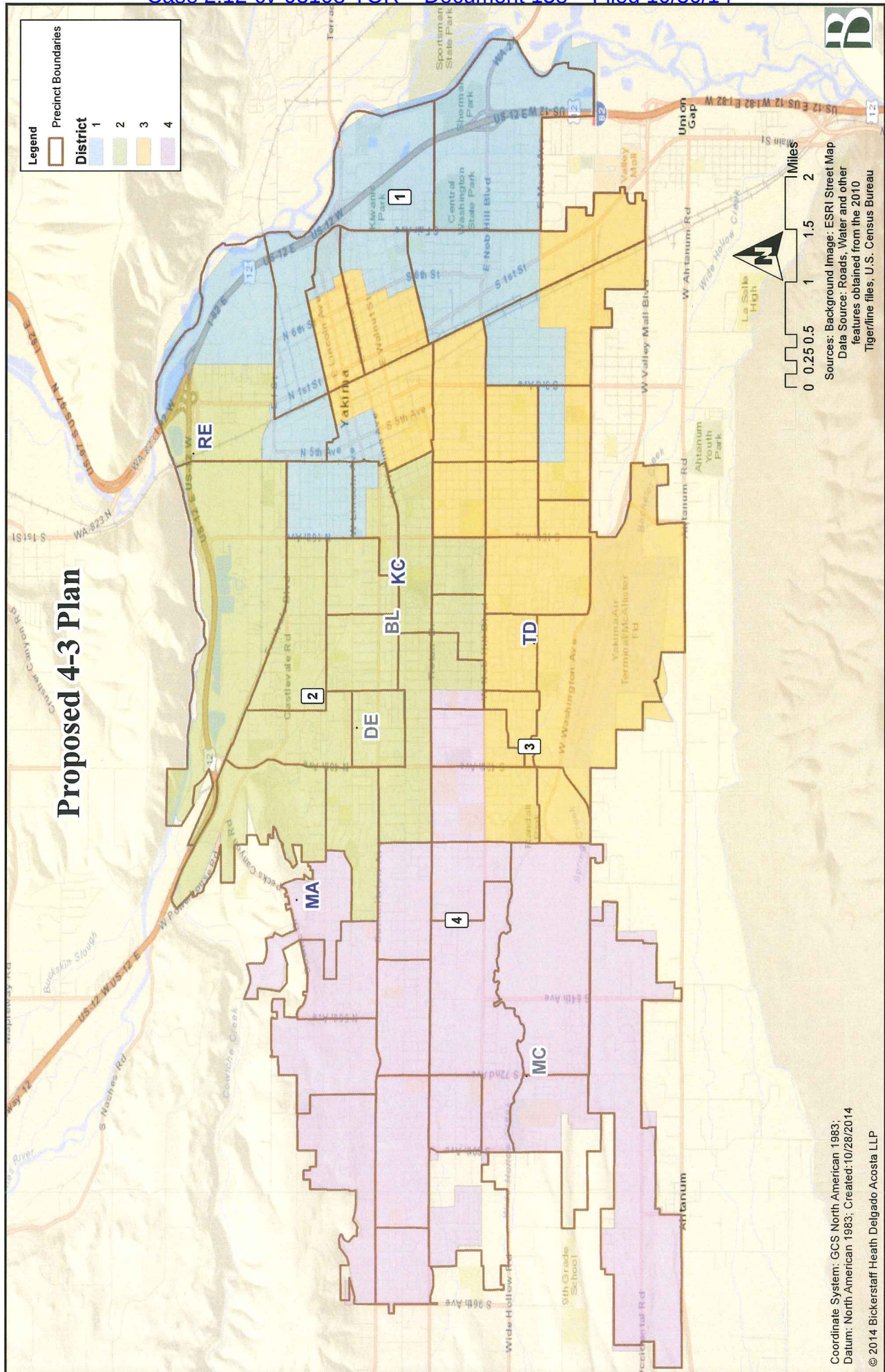
Micah Cawley, Mayor

ATTEST:

/s/ Sonya Claar Tee

City Clerk

EXHIBIT B



City of Yakima
 Total Registered Voters, Spanish Surname Registered Voters,
 Total Citizen Voting Age Population, and Hispanic Citizen Voting Age Population
 For Example 4-3 Plan

District	Total Registered Voters	Spanish Surname Registered Voters (SSRV)	Percent SSRV
1	5,173	2,637	50.98%
2	12,126	1,733	14.29%
3	8,188	2,091	25.54%
4	13,520	1,176	8.70%
Totals:	39,007	7,637	19.58%

Note: 39,260 registered voters geocoded; 253 registered voters fall within split election precincts and outside city boundary. Of those 253, 30 are coded SSRV.

District	Total Citizen Voting Age Population (CVAP)	Hispanic CVAP	Percent Hispanic CVAP
1	9,068	4,467	49.26%
2	16,881	2,583	15.30%
3	13,260	3,927	29.62%
4	15,794	1,658	10.50%
Totals:	55,003	12,635	22.97%