

2/25/20

Item 5

Julie Minot

---

From: Pat Walsh <kahunawalsh@gmail.com>  
Sent: Tuesday, February 25, 2020 1:20 PM  
To: Mayor and Council  
Subject: A Concerned Citizen (Measure C)

Dear Council Members and Mayor,

I first became concerned when the city sent out a flier about Measure C. However, there was no indication as to what would happen if the measure did not pass. I tried for over a week to get through to the city clerk to voice my concerns. We eventually talked, but I am concerned that some of the information he gave me is misinformation. I know there was a committee formed by the city, and I feel badly now that I did not get involved at that time.

- Why was the committee men formed?
- What was the problem with staying with six districts in the city?
- It seems to me upon gathering more information that what the committee recommended goes against the standing judgement that prohibits the city from holding at-large elections for city council members, which is what I believe we would revert back to if Measure C fails to pass.
- It is also my understanding that the same judgement clearly changed our city charter section 600 from at-large elections to district elections and section 700.1 referencing designation of seats.
- In case Measure C passes, I believe the City of Santa Clara will be sued again, and we risk millions of taxpayers' dollars, the same money that can and should be used for police, fire, parks and city services. We already are liable for almost 4 million for the first CVRA lawsuit. It is my understanding that no California city has ever won a CVRA case.
- I like the six districts. I have lived in Santa Clara since 1977, and I saw more people involved in the last election than I have ever seen before. It is the first time I walked for a candidate in my neighborhood. This seems like a good thing to me, but perhaps some view it as threatening the status quo.
- I was told by the city clerk that it would take an election to change the city charter. However, after CVRA lawsuit threats, 29 charter cities in California have changed to district election by ordinance, either after court orders or on their own. We should have done the same. It would have saved a lot of taxpayers dollars.
- I believe the city is behaving recklessly by putting forth this measure. I also believe the flier sent out had a clear agenda, and I have a problem with tax dollars being spent to send out a flier that does not spell out the consequences of both a yes and no vote.
- I cannot attend the meeting tonight because of a prior engagement, but I will watch the video very carefully.

Sincerely,

Pat Walsh

1688 Roll St.  
Santa Clara, CA 95050  
[kahunawalsh@gmail.com](mailto:kahunawalsh@gmail.com)

**POST MEETING MATERIAL**

2/25/20

Item 5

**Julie Minot**

---

**From:** Julie Frazier <julikat4@hotmail.com>  
**Sent:** Tuesday, February 25, 2020 11:26 AM  
**To:** Lisa Gilmore  
**Subject:** Measure C

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mayor and Council,

I'm a City of Santa Clara resident and voter who wants to know why we are being deceived about Measure C by our City Attorney and council? I received your "Facts About Measure C" flyer and no one at our city has their facts right, least of all our Attorney and Council who approved this mailer,

Judge Thomas Kuhnle clearly stated that:

- 1) The City of Santa Clara is in violation of the CVRA
- 2) Judgement orders city to go with 6 districts (not 3)
- 3) Prohibits the city and Register of Voters from holding At-Large Elections for City Council members
- 4) Changed our City Charter Section 600 from At-Large Elections to 6 District Elections

What's so hard for our City Attorney and Council to understand?

Your Mailer is dishonest when it says it will elect City Council members by the 6 District system, (but only for the 2020 election). Then, establish 3 districts for 2022 and beyond, which flies in the face of the Judges order of 6. What part of 6 districts isn't understood? Seriously, you think you can get away with this?

Sincerely,  
Julie Frazier

**POST MEETING MATERIAL**

Item #5

**From:** [Raj Chahal](#)  
**To:** [Julie Minot](#)  
**Subject:** Fwd: Agenda item 5. 20-279  
**Date:** Tuesday, February 25, 2020 3:13:46 PM

---

Hi Julie,

Please pass on to staff, if I need these for the above mentioned agenda item

Thanks,

Raj





# City of Palm Springs

## Office of the City Attorney

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: 760.323.8205 • Fax: 760.322.8332 • TDD 760.864.9527 • [www.palmspringsca.gov](http://www.palmspringsca.gov)

### Open Advisory Letter

**To:** Residents of the City of Palm Springs  
**From:** Palm Springs City Attorney's Office  
**Date:** September 25, 2018  
**Re:** California Voting Rights Act Issues

**CITY COUNCIL MEETING: 09/27/2018  
STUDY SESSION ITEM A**

The City of Palm Springs is transitioning from "at large" City Council elections to a "by district" system. This move is intended to help remove barriers to minority voter representation, as well as to address certain claims recently made by an attorney against the City under the California Voting Rights Act ("CVRA"). While charter cities are exempt from some State laws, the courts have made it clear that the CVRA applies to charter cities. (*Jauregui v. City of Palmdale* - 2014)

The City Council has received input from the community, having established a subcommittee and formed a citizen working group to look into this matter in detail. Ultimately, the plan is for the Council to adopt an ordinance by the end of this year, making the transition to "by district" elections official.

#### *Is a Charter Amendment Required?*

"At large" elections are expressly required in the City Charter (Sections 301 and 302). The general rule in California is that a city charter may only be amended by the voters; meaning an election. Those realities prompt the question: will an election will be required to make this CVRA transition? The answer is no, because there is an exception in the law.

#### *Government Code Section 34886 provides:*

*"Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 . . ."*

Therefore, the City Attorney's Office believes that the Council may, by ordinance and without a charter amendment election, make this transition because the City is acting in furtherance of the CVRA. Nonetheless, after the Council adopts an ordinance, it may also direct the City Attorney's Office to seek court review to legally confirm the ordinance (termed a "validation action").

*Five Districts or Four? – Consistency with the Charter.*

1 IV. THE REMEDIES PHASE DISPOSITION

2 Having concluded the remedies phase of trial, the Court ORDERS the City to adopt  
3 district-based elections based on the lines shown on Draft Plan 3 (Ex. 60 at page 6) that was  
4 submitted by the City. Further, the Court ORDERS the Registrar of Voters to immediately begin  
5 implementing district-based elections for the November 2018 election. The Court further  
6 ORDERS that elections be held for each district in the sequence shown below:

District Number	Election Month and Year
District One	November 2020
District Two	November 2018
District Three	November 2018
District Four	November 2020
District Five	November 2020
District Six	November 2020
Mayor	November 2018

7  
8  
9  
10  
11  
12  
13 Consistent with this requirement, the City and the Registrar of Voters are enjoined from holding  
14 at-large elections for any City Council members, other than the position of Mayor.

15 The Court does not intend to abrogate City Charter provisions except the reference to "at  
16 large" in Section 600 as it applies to City Council members (excluding the mayor) and the first  
17 sentence of Section 700.1, which is titled "Designation of Seats." The Court does not believe  
18 other City Charter provisions are affected by the Court's ruling, including provisions governing  
19 term length, term limits, compensation, vacancies, and the powers and duties of the mayor.  
20 Further, the Court does not intend to change other election procedures for this year, including the  
21 last day of the nominations period, which is set on August 10, 2018.

22 V. JUDGMENT

23 This action was tried in two phases. At the liability phase, Plaintiffs proved Defendant  
24 the City of Santa Clara ("City") violated the California Voting Rights Act by showing by a  
25 preponderance of the evidence that the at-large method of election used by the City impaired the  
26 ability of Asians to elect candidates as a result of the dilution and abridgment of their rights as  
27 voters. At the conclusion of the remedies phase, the Court ordered that six City Council  
28 members be elected in district-based elections, and the City mayor be elected in an at-large