

RESOLUTION NO. 24406

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED ELECTIONS PURSUANT TO ELECTIONS CODE SECTION 10010

WHEREAS, the City Council of the City of Palm Springs (City) are currently elected in at-large elections, in which each member is elected by the registered voters of the entire City; and

WHEREAS, Government Code Section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "by-district" system; and

WHEREAS, the City received a certified letter on March 5, 2018, from Kevin I. Shenkman, Esq., on behalf of his client Southwest Voter Registration Education Project, containing allegations that the City's at-large electoral system violates the California Voting Rights Act (CVRA) and threatening litigation if the City declined to adopt a district-based electoral system; and

WHEREAS, the City denies that its election system violates the CVRA or any other provision of law and asserts that Palm Springs's electoral system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, the City commitment to diversity and inclusiveness reflect established qualities of the Palm Springs community, demonstrated and documented by the work of the City's Ethics, Transparency and Government Reform Task Force, the City's Human Rights Commission, and the City Council; and

WHEREAS, the City interest in preserving the integrity of its established neighborhoods as communities of interest dictates that the City take aggressive action to prevent any outside party drawing the lines that create districts under the CVRA, and a City decision not to adopt this Resolution has the potential result of allowing that to happen; and

WHEREAS, although the letter from Kevin I. Shenkman, Esq. was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has concluded that the public interest would be better served by an orderly transition to a district-based electoral system, because: 1) the extraordinary cost to defend against a CVRA lawsuit, 2) the risk of losing such a lawsuit would require the City to pay prevailing plaintiff's attorney's fees, 3) reimbursable costs and attorney's fees are capped at a maximum of \$30,000 by following the procedures set forth in Elections Code Section 10010 as amended by Assembly Bill 350, and 4) the City will be able to

retain and preserve the maximum level of autonomy and capacity to engage with, and respond to the community during the process of CVRA district implementation, and hopefully secure additional time for the process of that implementation, beyond the statutory timeline in Assembly Bill 350; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish boundaries for a district-based electoral system, Elections Code Section 10010 requires all of the following at a minimum:

- 1) Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold a least two (2) Public Hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts.
- 2) After all draft maps are drawn, the City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published.
- 3) The City Council shall also hold at least two (2) additional Public Hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
- 4) The first version of a draft map shall be published at least seven (7) days before consideration at a Public Hearing. If a draft map is revised at or following a Public Hearing, it shall be published and made available to the public for at least seven (7) days before being adopted.

WHEREAS, the City will continue utilizing the services of a professional demographer to assist the City in developing a proposal for a district-based electoral system consistent with advancing the goals of the CVRA and the City as reflected in this Resolution, *e.g.*, diversity, inclusiveness, integrity of neighborhoods as communities of interest, *etc.*; and

WHEREAS, the adoption of a district-based electoral system will not affect the terms of any sitting Councilmember, each of whom will serve out his or her current term.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Based upon the true and correct recitals above which are incorporated herein by this reference, the City Council hereby resolves and states its intention to adopt an ordinance, pursuant to California Government Code section 34886, to transition election of its City Council members from an at-large electoral system to a district-based electoral system, for use in the City's next General Municipal Election, scheduled for November 2019.

SECTION 2. In the event that a district-based electoral system is adopted, it is the City Council's desire and intention that City resources will continue to be prioritized based on the greatest citywide need and benefit, and that the City Council will work cooperatively with one another for the benefit of the entire City.

SECTION 3. The City Council directs the City Clerk and City Attorney to continue working with a professional demographer, and other appropriate consultants as needed, to provide a detailed analysis of Palm Springs's current demographics and any other information or data necessary to prepare a draft map that divides Palm Springs into voting districts in a manner consistent with the intent and purpose of the CVRA and the Federal Voting Rights Act.

SECTION 4. In adopting this Resolution, the City Council has determined that it will gather and study demographic data, secure the broadest and deepest community involvement in this process that can be achieved, and create CVRA-compliant districts that best serve the City as a whole. The number and form of the districts will be determined after extensive consultation with Palm Springs residents, business leaders and other interested persons.

SECTION 5. The City has reached an agreement with attorney Kevin I. Shenkman, Esq. Attorney Shenkman to extend the CVRA deadline before which the City must adopt an ordinance mandating the particulars of the City's transition to a district-based electoral system, until December 31, 2018. This extension eliminates the requirement that the City complete the CVRA process ninety (90) days from the adoption of this Resolution, *i.e.*, by July 18, 2018; the extension allows the City to adopt an ordinance transitioning to district-based elections beyond that date, until December 31, 2018. However, the extension does not impact or modify CVRA requirements that pertain to the content of, and/or the timing and relationship among and between CVRA public hearings, the relationship of those four (4) mandatory public hearings to the district maps to be created (including publication requirements), or the general rule that requires the passage of not less than five (5) days between the introduction and the adoption of an ordinance.

SECTION 6. The City Council directs the City Clerk to post all information regarding the proposed transition to a district-based electoral system on the City's website, including maps, notices, agendas and other information as soon as practicable after the information becomes available.

SECTION 7. If any provision or clause of this Resolution is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution hereto are declared to be severable.

SECTION 8. This Resolution shall take effect immediately upon adoption.

SECTION 9. Based upon the whole of the administrative record before it, the City Council hereby finds that a transition from at-large to district-based elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Resolution is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event adoption of this Resolution does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Riverside County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Resolution.

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SECTION 10. The City Clerk of the City of Palm Springs shall certify to the passage and adoption of this Resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.



David H. Ready, Esq., Ph.D.
City Manager

ATTEST:



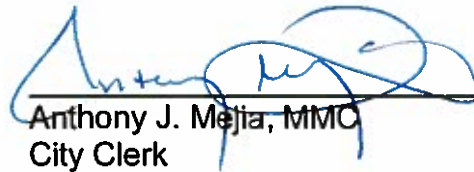
Anthony J. Mejia, MMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24406 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the 19st day of April, 2018, by the following vote:

AYES: Councilmembers Holstege, Kors, Middleton, Mayor Pro Tem Roberts, and Mayor Moon
NOES: None
ABSENT: None
ABSTAIN: None



Anthony J. Mejia, MMC
City Clerk

