

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS
CITY OF PALM SPRINGS, CALIFORNIA
Council Chamber, City Hall
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
www.palmspringsca.gov

SPECIAL MEETING AGENDA

October 4, 2018



6:00 PM SPECIAL MEETING

Robert Moon, Mayor
J. R. Roberts, Mayor Pro Tem
Christy Gilbert Holstege, Councilmember
Geoff Kors, Councilmember
Lisa Middleton, Councilmember

City of Palm Springs Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

David H. Ready, Esq., Ph.D., City Manager
Anthony J. Mejia, MMC, City Clerk
Marcus Fuller, MPA, P.E., P.L.S., Assistant City Manager
Edward Z. Kotkin, City Attorney
Marla L. Pendleton, CPA, Interim Director of Finance and Treasurer

The City Council encourages written public comment prior to the meeting, which provides the City Council ample time and attention for consideration. All written comments will be provided to the City Council prior to the discussion. Written comments may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

6:00 P.M. SPECIAL MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PUBLIC COMMENT FOR UNFINISHED BUSINESS ITEM ONLY: This time has been set aside for members of the public to address the City Council only on the agenda item. Two (2) minutes will be assigned to each speaker.

UNFINISHED BUSINESS:

- A. **PROVIDE DIRECTION REGARDING THE RECOMMENDATIONS OF THE CALIFORNIA VOTING RIGHTS ACT (CVRA) COMMUNITY WORKING GROUP RELATED TO THE CITY'S GOVERNANCE STRUCTURE, ELECTION METHOD, AND OTHER RELATED MATTERS:**

CVRA COMMUNITY WORKING GROUP RECOMMENDATION:

Adopt a five by-district, with a mayor selected from the City Council, electoral system.

CITY COUNCIL CVRA SUBCOMMITTEE RECOMMENDATION:

Adopt a five by-district, with a mayor selected from the City Council, electoral system.

ADJOURNMENT: The City Council will adjourn to a Special Meeting on Tuesday, October 16, 2018, at 6:00 p.m. Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

AFFIDAVIT OF POSTING

State of California)
 County of Riverside) ss.
 City of Palm Springs)

I, CYNTHIA A. BERARDI, Chief Deputy City Clerk of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the City Council, provided to all parties who have requested such notice, posted at City Hall before 8:00 p.m., on October 1, 2018, and posted on the City's website as required by established policies and procedures.

 CYNTHIA A. BERARDI, CMC
 Chief Deputy City Clerk

PUBLIC NOTICES

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way. Complete Agenda Packets are available for public inspection at: City Hall Office of the City Clerk. Agenda and staff reports are available on the City's website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (760) 323-8204.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

City Council Special Meeting Agenda

A.

Meeting Date: 10/04/2018

Subject

PROVIDE DIRECTION REGARDING THE RECOMMENDATIONS OF THE CALIFORNIA VOTING RIGHTS ACT (CVRA) COMMUNITY WORKING GROUP RELATED TO THE CITY'S GOVERNANCE STRUCTURE, ELECTION METHOD, AND OTHER RELATED MATTERS:

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Attachments

Item A Re: CVRA



CITY COUNCIL STAFF REPORT

DATE: October 4, 2018

UNFINISHED BUSINESS

SUBJECT: PROVIDE DIRECTION REGARDING THE RECOMMENDATIONS OF THE CALIFORNIA VOTING RIGHTS ACT (CVRA) COMMUNITY WORKING GROUP RELATED TO THE CITY'S GOVERNANCE STRUCTURE, ELECTION METHOD, AND OTHER RELATED MATTERS

FROM: David H. Ready, City Manager
Edward Z. Kotkin, City Attorney
Anthony J. Mejia, City Clerk

SUMMARY

The City Council established the California Voting Rights Act (CVRA) Community Working Group (CVRA Working Group) to independently develop and present recommendations related to the City's governance structure and other election related matters. The CVRA Working Group submitted its written report, and presented its unanimous recommendations at the City Council Study Session on September 27, 2018.

On October 4, 2018, the City Council has scheduled a Special Meeting to deliberate and make decisions related to the CVRA Working Group's recommendations relating to the City's governance structure and election method.

BACKGROUND:

On April 19, 2018, the City Council adopted Resolution No. 24406 declaring its intention to transition from at-large to district-based elections. The City Council *Ad Hoc* Subcommittee on the California Voting Rights Act (Kors/Middleton) established a Community Working Group to independently develop and present recommendations related to the City's governance structure, number of districts, draft district maps, and related issues.

The current CVRA Working Group members are:

- Aftab Dada
- Ed Dube
- Grace Garner
- Dixie Miller
- Stephen Moses
- Alexis Ortega
- Kathy Weremiuk
- Tobias Wolff

On May 10, 2018, the CVRA Working Group developed the below listed Statement of Principles to provide guidance related to the transitioning to district elections, which the City Council subsequently unanimously adopted on May 16, 2018.

Goals:

- Maximize the goals of the CVRA, including civil rights, equality, and inclusion.
- Prioritize the creation of majority/minority districts.
- To the extent practical, keep organized neighborhoods intact.
- Maintain the principle that the best interest of the City as a whole remains the first responsibility of all elected officials.

Process:

- Evaluate our current structure of government and demographics, compare with and learn from other comparable cities and recommend the structure of government that best achieves the goals of the CVRA and the long-term needs of our city.
- Encourage and work through communication platforms to obtain participation from as many residents and stakeholders as possible in the process.

In addition to meeting on a weekly basis, the CVRA Working Group and Council Subcommittee have attended, participated in, and/or coordinated the following Community Engagement Events which over 400 residents participated in:

Date/2018	Location	Meeting Type
June 20	City Council Chamber	Public Hearing
July 9	Convention Center	Community Engagement Forum
July 10	James O. Jessie Unity Center	Community Engagement Forum
July 11	City Council Chamber	Public Hearing
July 12	City Yard	One-PS Community Engagement Event
July 12	Demuth Community Center	Community Engagement Forum
Aug. 28	James O. Jessie Unity Center	Map Drawing Workshop
Aug. 29	Convention Center	Map Drawing Workshop
Sept. 4	Main Street Meeting	Business Community Engagement Event
Sept. 4	Katherine Finchy Elementary	Spanish Language Community Engagement Event
Sept. 5	Chamber of Commerce Mixer	Business Community Engagement Event
Sept. 8	Four Seasons	Community Engagement Event
Sept. 8	Demuth Community Center	Filipino-American Community Engagement Event
Sept. 11	James O. Jessie Unity Center	Map Drawing Workshop
Sept. 26	Hilton Hotel	Desert Roundtable
Sept. 27	Council Chamber	Study Session/Community Engagement Forum

Proposed Maps

The City's demographer, National Demographics Corporation, has developed a total of eight (8) maps and the community has developed an additional thirty-three (33) maps. These maps, together with related demographic reports and written comments, are provided posted on www.psdistricts.com. The City Council is not being asked to narrow down or select a preferred map at this time. Rather, the City Council will discuss whether it prefers an electoral system that includes four (4) districts with an at-large Mayor, or five (5) districts with a Mayor selected from the City Council. Maps inconsistent with the City Council's direction will be eliminated from future consideration.

Next Steps

Subsequent to the Study Session on September 27, 2018, the City Council will conduct a Special Meeting on October 4, 2018, to discuss the recommendations and provide direction as appropriate. Additional information about the upcoming schedule of event and public hearings can be found at www.psdistricts.com

CVRA COMMUNITY WORKING GROUP RECOMMENDATION:

Adopt a five by-district, with a mayor selected from the City Council, electoral system. The working group's report is provided with this report as **Attachment 1**.

CITY COUNCIL CVRA SUBCOMMITTEE RECOMMENDATION:

Adopt a five by-district, with a mayor selected from the City Council, electoral system. See below.

CITY COUNCIL CVRA SUBCOMMITTEE COMMENTS:

Consistency with the CVRA

The CVRA prohibits the use of at-large elections if such elections result in racially polarized voting or impact the ability of minorities to elect candidates of their choice as a result of dilution of minority voters. Maps provided by the City's demographer indicate that the creation of four districts will dilute the percentage of minority citizens of voting age residing in the same district more than the creation of five districts.

Transitioning to five districts, with the Mayor's position elected from and by the City Council, is more consistent with the law than a four district approach with a directly elected Mayor. In the opinion of both the City Attorney and the City's outside election expert, this is the only option that protects the City from being in violation of the CVRA's prohibition of any at-large elections. It is also the only option that insulates the City from potential litigation under the CVRA because it leaves no at large elements. The City Attorney's September 25, 2018 memo addressing these points is attached to this report as **Attachment 2**.

Consistency with Palm Springs City Charter

The Palm Springs City Charter (Charter) provides for the election of five co-equal members of the City Council, all elected at-large, one of whom is elected and serves as Mayor. The Mayor's legal power is exactly the same as the other members of the City Council. The distinction among council members set forth in the Charter is that the Mayor is the primary spokesperson and serves as the head of the City for ceremonial purposes. Moving from an electoral system whereby all five co-equal members are elected at-large to a system whereby four members would be elected by district, and one, who shall serve as Mayor, will continue to be elected at-large is less consistent with the Charter than having all five members continue to be elected in the same manner as each other. In addition, electing only the Mayor at large may result in a mistaken impression that the Mayor's office has more power or greater significance than the offices of the other

members of the City Council. Mayoral power in excess of that held by the other Council members would be a significant divergence from the Charter. In addition, creating a distinction in the method by which Councilmembers are elected is inconsistent with the Charter. Five co-equal members of the City Council, elected at-large, and by the same method, leaves no doubt as to equality among the members. For that reason, it is more consistent with the City's Charter than a four district system with a direct-elect at-large Mayor.

Changes to the Charter typically require voter approval. However, in moving to districts under the CVRA, voter approval is not required. California courts have determined that the California Voting Rights Act presents state Constitutional issues that are statewide by nature, and that the CVRA applies to charter cities. In order to make the transition to by-district elections, state law allows the City to do so by ordinance, without an election, provided that the transition furthers the purposes of the CVRA. In doing so, cities can avoid potentially divisive ballot measures related to the existence or potential existence of racially polarized voting. Further, given the deadline to make a final decision on this transition under our agreement with the plaintiffs' attorney, the City Attorney has advised us that there is insufficient time for the City to hold an election.

If a City Council or the voters allow an at-large element that arguably violates the CVRA, the City remains subject to a potential CVRA lawsuit. In such litigation, the petitioner (plaintiff) would claim that the City has violated the CVRA, and should be ordered to pay both sides' attorneys' fees. Attorneys' fees for cities fighting the move to districts have in some cases totaled more than \$5 million.

Consistency with Council Adopted Goals

On May 16, 2016, the City Council unanimously adopted four goals in moving from at-large to district elections.

1. Maximize the goals of the CVRA, including civil rights, equality, and inclusion.

Five districts with the mayor's position elected from the council is the only option that completely insulates the City from potential CVRA litigation. The CVRA prohibits any at-large element in elections where there is minority voter dilution. A review of the maps drawn by the demographer demonstrates that five districts results in less minority dilution than four districts. In addition, retaining an at-large mayor could result in making it less likely that minorities will be able to elect the candidate of their choice for the position of mayor than if the five members of council elect the mayor.

2. Prioritize the creation of majority/minority districts.

The demographer's maps demonstrate that the only way to create majority/minority districts is by going to five districts. The majority/minority districts are the most effective means to preserve communities of interest and prevent the dilution of minority voting. The districts created through this approach are based not only upon protected minority status, but also

upon equality important interests such income, parks, schools, roads and other important factors that must be considered.

3. To the extent practical, keep organized neighborhoods intact.

While the goal of keeping organized neighborhoods intact was secondary to the goals 1 and 2, keeping the vast majority of organized neighborhoods intact should be possible in either scenario.

4. Maintain the principle that the best interest of the City as a whole remains the first responsibility of all elected officials.

This goal was adopted to help avoid potential fractionalized that some believe could occur as a result of moving to districts. The CVRA Working Group concluded that this wasn't a significant concern. Having two members, an at-large mayor and a district elected council member, from the same district (and potentially the same neighborhood) is more likely to lead to fractionalization of interests, unequal representation, and council conflict than five members each representing one district where everyone will need to work together in order to achieve what is best for both the City and their district.

SUBMITTED BY:

Geoff Kors, City Council CVRA Subcommittee Member
Lisa Middleton, City Council CVRA Subcommittee Member

Attachment:

1. California Voting Rights Act Community Working Group Report to City Council
2. 09/25/2018 Memo from the City Attorney
3. Updated Community Comments and Letters

**California Voting Rights Act Community Working Group
Report to City Council**

Submitted September 20, 2018

**Aftab Dada, Ed Dube, Grace Garner, Dixie Miller,
Stephen Moses, Alexis Ortega, Kathy Weremiuk, Tobias Wolff**

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INTRODUCTION

On March 5, 2018 the City of Palm Springs received a demand letter from Shenkman & Hughes on behalf of the Southwest Voter Registration Education Project.¹ The letter alleges that the City is in violation of the California Voting Rights Act (CVRA) by its use of at-large elections and requested the City voluntarily move to a district-based election system or face litigation. The City does not admit that the current voting system is in violation of the CVRA but nonetheless agreed to move forward to a district-based election system in the spirit of the CVRA. An agreement was reached with Shenkman & Hughes to allow for an extension from July 19, 2018, an original time frame of 3 months, to December 31, 2018, an increase to over 5 months, to complete the transition to district elections. On April 19, 2018 the City Council passed a resolution indicating its plan to adopt a district-based election system.²

In the resolution the City resolved to “gather and study demographic data, secure the broadest and deepest community involvement ... and create CVRA-compliant districts that better serve the City as a whole.”³

On May 16, 2018, the City Council adopted a Statement of Principles to guide the process of transitioning to district elections:

Goals

- Maximize the goals of the CVRA, including civil rights, equality, and inclusion.
- Prioritize the creation of majority/minority districts.
- To the extent practical, keep organized neighborhoods intact.
- Maintain the principle that the best interest of the City as a whole remains the first responsibility of all elected officials.

Process

- Evaluate our current structure of government and demographics, compare with and learn from other comparable cities and recommend the structure of government that best achieves the goals of the CVRA and the long-term needs of our city.
- Encourage and work through communication platforms to obtain participation from as many residents and stakeholders as possible in the process.

¹ 2018-03-05 Letter - Southwest Voter Registration Education Project

² Resolution No. 24406

³ Resolution No. 24406, Section 4, p. 3

The CVRA Community Working Group

The CVRA Community Working Group was created at the request of Council to advise the City on the steps the City must take to implement the requirements of the CVRA to eliminate and prevent minority vote dilution, and as a means to gather information from the community and conduct research on district elections. In addition, the working group was broadly tasked by the City Council with conducting research and providing recommendations on the following:

- Evaluate what steps the City must take to implement the requirements of the CVRA to eliminate and prevent minority vote dilution;
- The form of government the City should adopt as it transitions to district elections;
- How to combine the transition to even year elections with the transition to district elections;
- What voting methods would work best with a transition to district elections including; plurality voting, primaries, runoffs, and ranked choice voting as potential options;
- The steps Council should consider implementing to reduce barriers to running for city council and working on city council;
- The steps Council should consider implementing to reduce barriers and increase diversity in our boards and commissions.

As part of the process the Working Group was tasked with providing this report to Council. The Working Group began regular weekly meetings on May 1, 2018. The Working Group held a total of 12 community outreach events, including a meeting in Spanish. All input provided to the Working Group from residents and community stakeholders was taken into consideration in the writing of this report. We conducted extensive research as to best practices adopted by similarly sized cities as they transitioned to district elections and contacted individuals with experience in government to solicit input about barriers to running and serving in elected positions. Specific documents used in preparing the report are listed in the footnotes and reference section at the end of this document. All other documents provided to the Working Group can be found at www.psdistricts.com.

During this process the Working Group found that many residents, ourselves included, were unaware of the vast history of communities of color in Palm Springs. This information is important not only in the context of the CVRA's purpose of addressing ongoing vote dilution and discrimination⁴ but also in support of community building.

⁴ California Voting Rights Act (CVRA) §14025 et. seq.

History

Communities of color – largely Latino, African American, and Filipino, – have lived and worked in Palm Springs since as early as 1910.⁵ The growth of these communities coincided with the growth of the City as a Hollywood destination. By the 1930s the population had increased dramatically. Communities of color worked mainly in the agricultural, service, and labor industries of the City. Many of the hotels and residents of the time provided housing for their employees. For those that did not, the communities began settling in a tract of land known as Section 14.

Section 14 is a square mile tract of land in the center of the city with borders of Alejo Road, Indian Canyon Drive, Ramon Road, and Sunrise Way. The land, owned by the Agua Caliente tribe, allowed for only short lease terms making it undesirable for wealthier residents. Communities of color continuously populated the tract; building homes with whatever materials they could, until the 1960s. After World War II, amid rising land value and the proximity to downtown, the City began to “clean-up” Section 14. This process led to mass evictions and the forced removal of the residents. Throughout the 1950s and 60s homes in Section 14 were burned to the ground to further remove residents from the land.⁶ This systematic removal of communities of color from Section 14 is what led to the creation and settlement in what is now Desert Highlands, Gateway, the Veterans Tract, Demuth Park, Lawrence Crossley, and Golden Sands neighborhoods. The effects of these actions are still felt within the City.

This Report

This report is the product of several months of meetings, conversations with the community, and research conducted by a diverse cross-section of Palm Springs residents. The recommendations comply with the requirements and goals of the CVRA and Council. In this report district maps are discussed only in terms of whether four or five districts meet the goals of the CVRA and Council. The Working Group conducted its work and makes these recommendations independent of the City Council and city staff.

Further Work on Maps

The CVRA Working Group intends to review district maps submitted by the public and the demographer for compliance with the goals of the CVRA and the City Council, including

⁵ This date is based on available historical records and focuses on non-Native communities. Native Americans were in Palm Springs prior to 1910 and it is likely other groups, specifically Mexicans, were in Palm Springs prior to that date as well.

⁶ The Desert Sun, October 19, 2017, ‘It was beautiful for the white people:’
<https://www.desertsun.com/story/money/real-estate/2016/09/22/palm-springs-segregation-section-14/88835270/>

providing an in depth discussion of communities of interest and strengths and weaknesses of specific maps after Council's decision on whether four or five districts will be created and at the pleasure of the City Council. We are also available to assist the city with setting up meetings to obtain public input on the maps the city council selects for further consideration again at the pleasure of the City Council.

FIVE DISTRICTS VS FOUR DISTRICTS

The Working Group unanimously concludes that the Palm Springs City Council should establish five electoral districts for councilmembers with the position of Mayor selected by the City Council from among its members, rather than four electoral districts for councilmembers and an at-large Mayor. While there are arguments in favor of both approaches, we conclude that five electoral districts will produce better government, be more consistent with the Palm Springs City Charter, and better advance the goals of the CVRA.

Background Principles

The Mayor of Palm Springs is elected as a member of the City Council and has no power or authority different from that of any other councilmember. As the City Charter explains, “The elective officers of the City shall consist of a city council of five members, one of whom shall be the Mayor” and the Mayor “may make and second motions and shall have a voice and vote in all city council proceedings.” In other words, the Mayor is one of five co-equal city council members. The Mayor also has ceremonial duties, though even those are not exclusive. The charter explains: “The mayor shall be the head of the City for all ceremonial purposes” and “shall serve as the primary, but not exclusive, spokesperson of the City.”⁷ Managerial authority in Palm Springs is held by the City Manager, who is accountable to the City Council as a whole.⁸

In meetings and discussions with members of the community, we learned that many residents of Palm Springs do not realize this fact about how the city government operates and assume that the position of Mayor involves superior authority. That is understandable — many of us grew up thinking about mayors as executives who have managerial authority. That is how the position works in most large cities. But in Palm Springs, as with the majority of cities⁹ of our size around California, the Mayor is simply one member of City Council and stands on an equal footing with other councilmembers except for ceremonial duties.

This fact about the Mayor of Palm Springs will not change with the establishment of districts. There is no proposal under consideration to alter or eliminate the position of City Manager or to create a new executive position of mayor with direct managerial authority in the city. No matter which option the City Council chooses when it establishes districts, the Mayor of Palm Springs will still be one of five members of the council with no greater power than other councilmembers.

The Working Group considered two options: a five-district council with a mayor selected from the council, and a four-district council with an at-large elected mayor. We did not consider expanding the size of the Palm Springs City Council beyond five members. A council of more

⁷ Palm Springs City Charter Article III, §§ 301–302.

⁸ Palm Springs City Charter Article IV § 400 (“There shall be a city manager who shall be the chief administrative officer of the city. . . . The city manager shall serve at the pleasure of the city council.”).

⁹ Cities CVRA Summary sheet

than five members would put Palm Springs out of step with almost every other city of our size in California, and the City Attorney advised the Working Group that such a change would require a separate amendment to the City Charter.¹⁰ We therefore limited our work to an evaluation of the five-district and four-district options.

Good Government and the City Charter

The Working Group concludes that it is more consistent with the Palm Springs City Charter, and also more conducive to good government and principles of political accountability, to establish five districts and have the council select the mayor from among its members. Our conclusion is based on the following considerations.

Advantages to a Five-District Council with a Mayor Selected by the Council

- A five-district council with a mayor selected from the council will preserve the principle that the Mayor of Palm Springs is a co-equal member of the Palm Springs City Council with no greater powers or authority than any other councilmember. A four-district council with an at-large elected mayor, in contrast, would create disparities. Mayors would be likely to claim greater authority in the Council by claiming a superior electoral mandate, since they would be elected by the city at large. The ability to say they are “speaking for the city” to a greater extent than any other member of the Council could invest Mayors with superior influence. As both a formal and a practical matter, this would be a significant departure from the foundational principle in the Charter that the Mayor of Palm Springs is a co-equal member of the council.
- A five-district council with a mayor selected from the council would also help to inform and educate the people of Palm Springs about their government. As noted above, under the current system in which all five members of the Palm Springs City Council are elected at large, there is a lack of awareness among many members of our community concerning the ceremonial nature of the position of Mayor. That situation undermines political accountability. If members of the public believe that the Mayor of Palm Springs is an executive with managerial authority, they are likely to give unearned credit to Mayors for good city management and impose unearned blame on them for managerial problems. Establishing a five-district council with a mayor selected from the council would educate the public about the ceremonial nature of the Mayor of Palm Springs. In contrast, establishing a four-district council with an at-large mayor threatens to exacerbate public confusion, reinforcing the incorrect belief that the Mayor of Palm Springs has powers different from other

¹⁰ See Memorandum dated July 17, 2018 from City Attorney Edward Kotkin to California Voting Rights Act Working Group, at 3 (“The City should not move to more districts than five (5), or to a system that included more or less Council members than five (5). Council action including a change in the number of City Council Members would necessitate a Charter amendment.”).

councilmembers. Indeed, people in Palm Springs would be right to be confused. Why would the Mayor be elected at large, and why would they be called on to vote separately for a district councilmember and for an at-large mayor, if those two positions have the same authority?

- The principle of co-equal members of city council is also important for the accountability of the Palm Springs City Manager. The City Manager exercises all administrative authority for the city. If problems arise, it is the full Palm Springs City Council that must ensure accountability. In a five-district council with a mayor selected from the council, it will be clear that the City Manager will have to answer equally to all members of the Council. In a four-district council with an at-large elected mayor, in contrast, a City Manager might find safety in a strong relationship with a Mayor who could deflect or shield problems of maladministration by claiming superior authority and a superior mandate. Conversely, a City Manager who fell out of favor with an at-large Mayor might be more vulnerable to retribution. Confusion over the powers of the Mayor could thus impact the management of the city despite the Mayor's lack of actual managerial authority.
- The danger of confusion about the authority of the Mayor also extends to the city's business and commercial dealings. Establishing a five-district council with a mayor selected from the council would help to clarify for anyone having business with the city that the Palm Springs City Council is the authoritative body that makes decisions for Palm Springs, not the Mayor as an individual. Establishing a four-district council with an at-large elected Mayor, in contrast, would create the outward appearance of authority without any of the mechanisms of accountability that go along with executive power. There would be a danger that Mayors could put themselves forward as having the power to speak for the city in business and commercial dealings but then retreat to the claim that they are just one of five votes on council if questions arose about the propriety of those dealings.

Arguments in Favor of a Four-District Council with an At-Large Mayor

The Working Group also heard and considered arguments in favor of a four-district system with an at-large elected mayor.

- We heard arguments that it is more democratic to give people the chance to vote for two officials (a councilmember in their district and an at-large mayor) rather than just one — in other words, that having more positions to vote for is by definition more democratic. We find this argument unconvincing. It is a mistake to measure how democratic a system of city government is by counting the number of city council members each citizen votes for. By that reasoning, the move to district elections will make Palm Springs either 60% or 80% less democratic by reducing the number of officials each citizen can elect from five to either two or one. We believe that democratic values depend on the ability of all members of the community to

participate equally and fairly in a well-designed system of elected government, not maximizing the number of elected positions that each person can vote for. We have district-based elections in most other legislative components of our government, including both houses of the California legislature and the U.S. House of Representatives. Furthermore, this argument does not consider the impact of at-large elections on different communities in Palm Springs. One of the concerns with the current system of at-large elections is that they enable candidates to win office by focusing most of their efforts on the subset of people in Palm Springs who are able to contribute more money, have time to be more politically engaged, and have historically had higher voter turnout. A major goal of moving to district elections is to democratize the election process by making it necessary for candidates to engage a more diverse population within their respective districts. While people will be voting for just one councilmember, candidates will have to reach out to the people more broadly than they have before.

- The Working Group heard arguments that district elections carry a risk of factionalism — that councilmembers elected on a district basis will care primarily about projects and issues that affect their district and will engage in horse trading of favors and votes with other councilmembers. Having an at-large mayor, the argument goes, would ensure one “adult in the room” who would promote the interests of the entire city and help to manage and prevent factionalism. We disagree. The high level of political and civic engagement in Palm Springs gives us confidence that intense factionalism is unlikely. If intense factionalism does occur, we think it just as likely that an at-large mayor would use the appearance of greater authority and a superior mandate to exploit such factionalism to his or her political advantage. Good government requires a sense of public obligation and civic duty. That will be equally true with either a five-district or a four-district approach.
- The Working Group received feedback that there is civic value in giving voting residents of Palm Springs the chance to participate in at least one citywide election. Some residents said that they thought that kind of electoral exercise would be a unifying experience for the city, giving residents a sense of continued investment in what happens outside their districts and helping to prevent the kind of political silo effect that might result from the switch to district elections. The Working Group takes these ideas seriously and thinks they have merit. But we believe that they are significantly outweighed by the concern for promoting public understanding of how the City Council works, ensuring good government, and maintaining clear lines of political accountability.

Every system of government has tradeoffs. The Working Group views the loss of an opportunity to participate in a citywide election as a real tradeoff. If the City Council accepts our recommendation and moves to a five-district system, we recommend that the Council make it a priority to foster a shared investment in the politics and management of the entire city, both within government and in the public at large. Given the high level of civic and political

engagement among some residents of Palm Springs, including the extraordinary level of engagement from members of the community that we have seen in this process, we are confident that it will be possible to avoid political factionalism and preserve a citywide sense of purpose and cooperation in a five-district system.

The California Voting Rights Act

The Working Group concludes that a five-district system with a mayor selected from the council will better advance one of the key goals of the CVRA: to prevent dilution of minority voting blocs and increase opportunities for minorities to elect a representative of their choice.

- Based on the first set of proposed maps provided by the Demographer and other maps submitted by members of the community, it is evident that the creation of five districts offers the opportunity to promote the political power of historically disadvantaged minority communities to a substantially greater extent than does the creation of four districts.¹¹ The difference is particularly stark when looking at citizens of voting age. There are five-district options that create at least one and perhaps two districts in which historically disadvantaged minority communities have the potential to exercise significant political power. A five-district approach makes possible the creation of two districts in which historically disadvantaged minority communities are at least half the overall population and one district in which they are at least half the citizens of voting age. A five-district map with that composition would reflect the presence of those communities in the overall population. In a four-district system, in contrast, the proposed maps show historically disadvantaged minority communities forming a majority of the overall population in only one district, at most, and their ability to exercise political influence is even more tenuous when considering citizens of voting age. That result would fail to reflect the presence of those communities in Palm Springs fairly.
- The election of the Mayor on an at-large basis would work at cross-purposes with this important goal of the CVRA. In a community that has exhibited racially polarized voting, designating the Mayor to be elected on an at-large basis would perpetuate racially polarized voting for that one position. The Working Group takes no position on whether Palm Springs has in fact exhibited racially polarized voting, but it is clear that making the Mayor an at-large elected position would undermine the CVRA's goal of preventing dilution of minority voting blocs. Indeed, an at-large elected Mayor would risk imposing disproportionate harm on historically disadvantaged minority communities. If, as we think likely, moving to district elections for all other members of the City Council but electing an at-large Mayor would result in the Mayor being able to exercise outsized political influence, then minority communities

¹¹ 2018-09-11 Comparison of Four Districts and Five District Maps

would suffer a structural disadvantage in electing the official with the greatest political power. This would not merely be a missed opportunity to promote equality but a step backwards for historically disadvantaged minority communities.

- The options for giving fair opportunities to historically disadvantaged minority communities in a five-district approach can be accomplished at the same time that other important communities of interest are given full and equal consideration. The maps proposed by the Demographer and submitted by members of the community include options for keeping neighborhoods together, using natural features like major thoroughfares and waterways as boundaries, and having community resources like parks, schools, landmarks, the downtown commercial area, and areas of planned or projected development spread among districts and shared among multiple districts. While there is more work to do in receiving proposed maps and reviewing community input, the Working Group has a high level of confidence that there will be many options available in a five-district approach that promote the CVRA's goal of preventing dilution of minority voting blocs without any significant disadvantage to other important interests or to other residents or groups in Palm Springs.
- A four-district system, however, does create a particular risk under the CVRA. The CVRA defines a four-district system with an at-large elected mayor as an “at-large method of election.”¹² Under the CVRA, an at-large method of election “may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgement of the rights of voters who are members of a protected class.”¹³ A four-district council with an at-large elected mayor would therefore have to satisfy this non-dilution requirement of the CVRA. A five-district council with a mayor selected from the council would qualify as a “district-based election” system under the CVRA and would not present that potential problem.¹⁴ It is not the job of the Working Group to draw legal conclusions or to give legal advice to the City of Palm Springs, but we believe it is clear from the language of the CVRA that a four-district option carries legal risk. We are aware of one other city — Rancho Cucamonga — that responded to a CVRA challenge by adopting a system of district elections for city council with an at-large mayor. That approach apparently satisfied the plaintiffs in the CVRA challenge, who agreed to accept it as a settlement of the lawsuit. But that settlement does not serve as binding precedent and presumably does not even insulate Rancho Cucamonga from possible future challenges under the CVRA if a different person decides to raise a challenge. After seeking guidance from the Palm Springs City Attorney, we are aware of no legal

¹² See CVRA § 14026(a)–(b) (defining that term to include an election method that combines district-based elections with at-large elections).

¹³ CVRA § 14027.

¹⁴ CVRA § 14026(b).

authority holding that a district system with an at-large mayor is permissible under the CVRA in a city that has allegedly exhibited racially polarized voting. At the very least, a four-district system with an at-large mayor would present legal risks for Palm Springs, whereas a five-district system with a mayor selected by the city council appears to avoid those risks.

For all these reasons, the Working Group recommends that the Palm Springs City Council adopt a five-district council with a mayor selected from the council.

THE TRANSITION TO EVEN YEAR ELECTIONS

The Working Group has been advised by the City Attorney’s Office, that the State of California requires Palm Springs to adopt a plan to consolidate future local elections with even-year statewide elections and implement that plan no later than the November 8, 2022 statewide general election.¹⁵ State law also requires while moving to even year elections, no term of office shall be increased or decreased by more than 12 months.¹⁶

This means that Palm Springs must plan to move from odd year local elections to even year local elections at the same time it is planning to move from at-large elections to district elections. The City has several options that are compatible with both the California Voting Rights Act and State Law (see enclosed chart).

After reviewing the various options, the Working Group recommends the following option. Reduce terms by one year, delayed for two election cycles:

Elected Official	Term Commencement	Term End	New Term (-1 Year)
Geoff Kors	November 2015	November 2019	
J.R. Roberts	November 2015	November 2019	
Robert Moon	November 2015	November 2019	
Christy Holstege	November 2017	November 2021	
Lisa Middleton	November 2017	November 2021	
New Member 1	November 2019		November 2022
New Member 2	November 2019		November 2022
New Member 3	November 2019		November 2022
New Member 4	November 2021		November 2024
New Member 5	November 2021		November 2024

¹⁵ Elections Code Section 14052(b)

¹⁶ State Elections Code Section 10403.5(2)(b)

In the opinion of the Working Group, this is the best solution. It has the following advantages:

- It starts the transition to even year elections in 2019 at the same time the City begins the transition to districts.
- It does not require the council to extend their own terms beyond the 4 years they were elected to.
- It gives advance warning to all potential candidates that during the next two election cycles, terms will only be three years instead of four years.
- It accomplishes a complete transition to even year elections in 2024. In 2024 new city council terms will revert to the 4-year terms required by the City Charter.

METHODS OF SELECTING A MAYOR AND MAYOR PRO TEM

Provided that the City Council determines to support a five-district electoral system, it is our recommendation that the Mayor be appointed from amongst the City Council. The Working Group has reviewed rules, procedures, and practices of sampled comparable cities and based on best practices, we offer the following recommendations related to the selection of the Mayor and Mayor Pro Tem.

Recommendation

- **Rules and Procedures** Adopt a policy and procedure related to the appointment of the Mayor and Mayor Pro Tem as a part of the City Council Rules and Procedures. This will allow the City Council maximum flexibility to modify or waive the rules of the selection process when necessary. The Working Group warns that codification of such rules may hinder the City Council in the event that such rules need immediate modification.
- **Method Appointment** The Mayor and Mayor Pro Tem should be nominated and appointed by a majority vote of the City Council. The Committee additionally warns against establishing a formal rotation procedure based on specific criteria. This will ensure that the members whom earned the confidence of the majority of City Council will serve as Mayor and Mayor Pro Tem. Additionally, this will allow members to opt out of serving, and will avoid disputes if an individual is chosen out of rotation.
- **Length of Term** The Mayor and Mayor Pro Tem should serve one-year terms, with the ability to serve up to one additional consecutive term if appointed by the council. At the end of their term(s), both positions should rotate to other members chosen by the council. This will allow most Councilmembers an opportunity to serve in these roles.
- **Appointment Date** The Mayor and Mayor Pro Tem should be appointed at the first meeting in December each year.
- **Qualifications for Mayor** The Mayor and Mayor Pro Tem should serve at least one-year on Council before assuming the role of Mayor or Mayor Pro Tem. This will allow new city council members to have a full understanding of city council functions before assuming the role of mayor.

Alternatives

- **Rotational Policy** The City Council could choose to adopt a formal rotation policy aimed at giving each Councilmember an opportunity to serve as Mayor and Mayor Pro Tem, with rotations based on tenure, highest vote getter, or other measures. However, in most instances these policies should allow flexibility for the council to override the rotation when deemed necessary.
- **At-Large Mayoral Term** If the City Council determines to support a four-district and at-large Mayor electoral system, the Working Group recommends that the Council consider a Charter amendment to provide for a two-year term for the Mayor. A two-year term will allow voters an opportunity to elect the Mayor at the same time they elect district representatives, further ensuring that all voters have influence in the Mayoral election. The Working Group notes that at least 18 California cities have opted for two-year Mayoral terms. However, there are also difficulties with a two-year term.

The foremost problem with a two-year mayoral election cycle is that it would require candidates to mount both citywide campaigns and substantial fundraising efforts biennially. This would create a substantial barrier to entry for candidates of more limited means.

RESIDENCY REQUIREMENTS

The California Government Code requires that any person who runs from a district reside in that district both at the time they pull papers, and during their entire term. Moving out of the district at any time during an office holders term make them ineligible to hold office. The City Charter is silent on this issue, and thus the Government Code prevails.

The Working Group recommends no changes to the Charter on this issue as this is settled policy in all California elections.

ASSIGNMENT TO DISTRICTS

In the next election, the three open seats will be district seats. The two remaining council seats will remain at-large until the following election, when they will convert to district seats. Districts will be assigned to the three open seats in the 2019 election and to the remaining two seats in the 2021 election.

Districts may be assigned between the two elections in such a manner that they mirror where incumbents who are up for election in that year reside, if possible and if equitable.

Elected Official	Term	At large/District
Christy Holstege	November 2017 -2021	At Large Representative
Lisa Middleton	November 2017 -2021	At Large Representative
New Member 1	November 2019 -2022	District Representative or At Large Mayor
New Member 2	November 2019 -2022	District Representative
New Member 3	November 2019 -2022	District Representative
New Member 4	November 2021 -2024	District Representative
New Member 5	November 2021 -2024	District Representative

DISTRICT ELECTION PROCESS

The Working Group reviewed four possible options for future council elections and the process each method follows in an election; primary, runoff, ranked choice, and plurality. This was further narrowed to ranked choice and plurality vote (which is the current system in place). The Working Group recommends that Council continue with the current plurality vote system as it transitions to districts and also recommends that Council take steps to begin the process of implementing ranked-choice voting. Each option will be set forth below beginning with the Working Group's recommendation.

Both plurality and ranked-choice voting support the goals of the CVRA by addressing minority vote dilution.

Plurality Election

The current election process designates the candidate with the most votes the winner. The candidate with the most votes only requires a plurality of votes to win. In an election with multiple candidates this means that a candidate can win an election with far less than a majority of votes. This is the most popular form of election and the most straightforward ballot. Maintaining this form will not require any voter education or updating of election systems. However, any district with more than two candidates may result in a candidate with a small percentage of votes to win.

Ranked Choice Voting

Ranked choice voting allows each voter to cast up to three votes for the candidates in their district. Each vote is categorized as first choice, second choice, or third choice on the ballot. After the election results are in, if a candidate has a majority of the votes they win. If not, then the candidate with the fewest votes is dismissed and the second choice vote for the voters who cast a vote for the dismissed candidate are counted. This process continues until one candidate has the majority of the votes.¹⁷

This method eliminates the need for a primary or run-off election since that process is a built-in part of ranked choice voting and thus eliminates the additional cost of a run-off or primary election. Ranked-choice voting eliminates the worry that only a small number of voters in each district will determine the election. In ranked-choice, each voter has the option to cast up to three votes, resulting in a winner that has a majority of the vote. Further, it provides voters with an opportunity to choose their preferred candidate without fear that their vote will be wasted. This increases diversity of candidates and voter participation, as voters tend to feel they have a greater voice in the process. The ability to vote for multiple candidates also reduces negative campaigning. Candidates are incentivized to appeal to a broader group of voters, while

¹⁷ For a visual example of ranked-choice voting, watch the short video here: <https://abc7news.com/politics/video-heres-how-ranked-choice-voting-works/3457115/>

they ultimately want to be a voter's first choice candidate; they also want to be a voter's second choice. Thus, candidates are less likely to participate in mudslinging tactics less they offend voters and lose a possible second or third choice vote.

In California, San Francisco, Oakland, Berkeley, and San Leandro currently use ranked-choice voting with great success. As was seen in the San Francisco mayoral race, a diverse group of candidates ran for the open seat and 52%¹⁸ of registered voters participated in the election.

The Working Group recommends the City implement a ranked-choice voting system. The City may implement this system on its own or it can share the cost among several participating Riverside County Charter cities. The other Charter Cities in Riverside County are Cathedral City, Desert Hot Springs, Indio, La Quinta, Indian Wells, Palm Desert, Riverside, and Norco. There may be practical questions of implementation that the City would have to consider, including costs, political consensus for the change, and any coordination with other cities or the county that would be productive. We leave it to the City Council to address those matters.

Ultimately, a ranked-choice voting system provides more opportunities to candidates and voters alike and encourages active participation in elections. The Working Group recommends the City Council follow the steps detailed below to investigate and implement a ranked-choice system.

Primary Election

Primary elections are elections that occur prior to the general election in which the top two candidates of the primary election advance to the general election. This process requires the City to hold an additional election in the spring of the election year. Not only is this an increased cost for the City, it also increases the cost to candidates as it lengthens the electoral time frame. Nominations for City Council would begin in February for a June primary and by 2020 that will shift to a nomination period beginning in December for a March primary. Further, turnout is historically low for primary elections which would result in only a small number of voters determining the top two candidates.

Runoff Election

Runoff elections are elections that occur after a general election between the top two candidates to determine the majority winner. Run-off elections require the election to be held within a certain time-frame (typically 80 to 110 days) after the general election and increase the cost to the candidates and the City in hosting an additional election.

¹⁸ San Francisco Department of Elections <https://sfelections.sfgov.org/june-5-2018-election-results-summary>

Recommendation

The Working Group recommends that the City maintain the plurality election process while they simultaneously begin the process of investigating and transitioning to a ranked-choice election system. The ranked-choice system supports the goals of the CVRA by allowing for a greater diversity of candidates and empowering voters to participate in the electoral process and thus limiting minority vote dilution. While there is an additional cost to implementing ranked-choice voting, it is largely due to one-time costs of set-up and voter education and substantially less over time than primary or runoff elections. The process for implementing ranked-choice voting could take several years, thus the Working Group recommends that the City begin the process now instead of deferring to a future council.

The Working Group recommends that the City take the following actions:

- Contact other charter cities in Riverside County to determine if there is broader interest in moving to ranked-choice voting together. This would involve working with at least two or more interested charter cities to reduce costs and present a stronger argument to the County Board of Supervisors.
- Determine the process for submitting a request for ranked-choice voting to the County Board of Supervisors.
- Request the County determine the cost of updating the voting system including; software, new machines, voter education, and administrative costs.
- Determine the cost of the City obtaining their own voting system that supports ranked-choice voting.
- Determine the cost of a ranked-choice election after the accounting of one-time costs.
- Determine timeline of moving to a ranked-choice system.
- Submit a request for approval of ranked-choice voting to the County Board of Supervisors or alternatively, purchase a voting system that supports ranked-choice voting for the City.

REMOVING BARRIERS

In recent years Palm Springs has made national headlines for its impressive new social scene, excellent restaurants, charming city life, and most recently, the first all LGBTQ city government in the country. Building off this achievement and the goals of the CVRA, the Working Group recommends the following steps are taken to remove barriers from both running and serving on city council. Removing these barriers will allow for greater participation from diverse communities such as people of color, low-middle income residents, parents with young children, people with disabilities, young people, and others.

Removing Barriers to Running for Office

- **Salary Increase** Palm Springs is no longer the sleepy Hollywood hideaway of the 1940s. City Council members now serve full-time roles devoting time during standard work hours *and* evenings to fulfill their duties to the community. This makes holding an additional full-time or part-time job while on Council difficult. However, the annual salary of Council is a mere \$29,196.¹⁹ Once rent/mortgage, utilities, food, gas, and other basic expenses are calculated there is virtually nothing left for one person not to mention a family. This largely limits the pool of candidates to those that are independently wealthy or retired.

In order to encourage more resident participation in elections and a broader array of candidates, the Working Group recommends increasing the salary of the City Council from a stipend to a subsistence level salary. Some options for consideration for council members include, half the salary of a member of the California State Legislature (\$52,500)²⁰, the median household Income for Palm Springs (\$46,052), or the current minimum salary for exempt workers in California (\$45,760).²¹ All salaries should be indexed for inflation, with an additional salary amount for the mayor at least commensurate with the additional \$12,304 the Mayor currently receives.

Using the standard lowest tier for exempt managerial employees (which currently requires an exempt employee to be paid at minimum, \$45,760 annually) would be appropriate as City Council members already receive a top managerial benefits package.²²

¹⁹ The Mayor is paid \$42,000 due to the additional responsibilities of attending events on behalf of the City.

²⁰ <http://www.calhr.ca.gov/cccc/Pages/cccc-salaries.aspx>

²¹ "Exempt" as defined under the California Labor Code.

²² For 2018, exempt employees must earn a fixed monthly salary that is double the minimum wage. The current minimum wage is \$11 per hour x 2 = \$880 weekly and \$3,813.22 monthly for a total of \$45,760 annually.

<https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/california-new-minimum-wage-2018.aspx>

- **New Candidate Forum** The process of running for office can be confusing and time consuming. Information on which paperwork is needed, where to file, and in what time frame is needlessly complex. The Working Group recommends that the City hold a forum in each of the districts on how to run for office at least one month prior to when the nomination period begins. The forum should include a clear list of all required paperwork, a timeline for submission, requirements for financial reporting, and allow for a question and answer session. The City should consider the needs of each district in the creation of the forums and work with members of the community to guide the process. Consideration should be given to such things as time, location, type and manner of advertising, and childcare. The New Candidate Forums are a means of providing the necessary information to each community, instead of large-scale events that can be exclusionary and intimidating.
- **Nomination Signatures** The Working Group recommends that the required signatures needed to complete the nomination packet be reduced from 120 to 20 signatures. The large number of signatures currently needed to file for office is burdensome and six times the amount required by the majority of California cities. This limits the number of candidates before they even begin. There are many other barriers to running for office that may still prevent a candidate from continuing in the process. We recommend that they are at least allowed a foot in the door.

Removing Barriers to Serving

As discussed, Councilmembers are serving in full-time positions and require appropriate staffing, childcare, and car stipends.

- **Staffing** The Working Group recommends the City maintain the current executive assistant who is shared among the members and in addition add a personal assistant for each member and a shared legislative analyst to assist with the drafting of ordinances.

The personal assistant for each member will be hired on a contract basis and chosen by the member upon entering office. This person will act as a body double for meetings or events, assist with coordinating events and programming, and further tasks as determined by the member. The cities of Riverside and San Bernardino currently allow city council members to hire personal assistants.

The legislative analyst will conduct policy and legal research as well as draft ordinances as determined by the Council. The analyst will be under the purview of the City Manager and City Attorney but their work will be dictated by the needs of Council.

- **Car Stipend/Allowance** Councilmembers are expected to attend a great deal of events and meetings. Currently, members are reimbursed for mileage. However, due to the time-consuming nature of compiling mileage forms, many members forgo the reimbursement. The Working Group recommends the City adopt a set stipend or allowance for the wear and tear, gas, mileage, and general costs of maintaining a vehicle. The Working Group suggests an allowance of \$500 per month or a per-diem of \$25 per day.
- **Child Care at City Hall** Childcare costs have skyrocketed in the United States in recent years. In Riverside County the average cost for childcare is \$8,018 to \$12,410 annually, roughly 20 percent of an average family income. Further, in 2016 the Center for American Progress determined the Coachella Valley to be a 'child care desert' due to the need for childcare far exceeding the availability.²³ The Working Group recommends the City open an on-site childcare facility for staff and Council use with subsidized rates. In the alternative, the Working Group recommends that a provision be made to reimburse the day care expenses of members of the city council.

These recommendations make it possible for a broader swath of residents to consider and eventually run for office and ultimately, serve as a Councilmember. The recommendations ensure that the needs and voices of all residents are considered in the City's decisions and empowers residents to build a community that truly is like no place else.

²³ The Desert Sun, Looking for a daycare?, September 19, 2018
<https://www.desertsun.com/story/life/family/2018/09/19/coachella-valley-child-care-desert-lacking-providers/1075135002/>

RECOMMENDATIONS FOR INCREASING DIVERSITY ON PALM SPRINGS BOARDS AND COMMISSIONS

In order to truly represent the many interests of the City's residents, membership on the City's Boards and Commissions should reflect the diversity of the population. This will help build an applicant pool that will bring a range of perspectives and experiences needed to govern well. For this purpose, we should strive to increase diversity on Boards and Commissions to mirror the composition of Palm Springs residents. Therefore, the Working Group recommends the following:

Annual Survey of Demographic Markers

- Identify diversity measures including race/ethnicity, gender identity, age, sexual orientation, disability, full-time participation in the work force, and parents with children.
- Monitor the City's progress on diversifying the Boards and Commissions on an annual Basis. Assign responsibility for monitoring and reporting to the City Clerk and assign the Human Rights Commission the responsibility of oversight.
- Direct the City Clerk to file an annual report to the City Council to receive and file.

Additional Recommendations

- **Community Outreach** Develop and implement a recruitment program which increases outreach to the identified diversity measure groups.
- **Citizen's Leadership Academy** Establish an annual program to provide residents with a general overview of City operations, programs, and Boards and Commissions.
- **Interviews** Establish uniform interview questionnaires and allow candidates to prepare prior to interviews.
- **Orientation and Training** Develop an orientation and ongoing training program for Boards and Commissions, possible courses to include:
 - Diversity and Inclusion
 - Subject-Matter Specific Trainings
 - Conflict Management
 - Communication and Interpersonal skills
- **Evening Meetings** Modify Board and Commission meeting times to the evenings to attract working-age candidates.
- **Recognition Program** Develop and implement an annual recognition program for Board and Commission members, such as outgoing commissioner plaques given at a City Council meeting or a recognition event.
- **Consolidation** Evaluate existing Boards and Commissions to consolidate overlapping jurisdictions or eliminate boards and commissions which no longer convene.
- **Council Referrals** Refer matters to Boards and Commissions rather than establish additional City Council Ad Hoc Subcommittees.
- **Youth Liaison** Establish a youth liaison on each Board and Commission.

- **Work-Force Representative** Reserve one seat on each Board and Commission for someone who is an active participant in the workforce.
- **Appointment Policy** Create an appointment policy which does not rely solely on traditional measures of success or insider networks, but that recognizes unique perspectives, skills, and diverse backgrounds. In evaluating and appointing members to Boards and Commissions Council should actively work towards reflecting the full breadth and scope of the residents of Palm Springs. Council should endeavor with each new appointment to achieve a cross section of diverse communities in Palm Springs, as well as representation from within the new districts.
- **Members with Children** Create a welcoming environment for Board and Commission Members with children which includes allowing children at meetings when practicable. The need for daycare services is not only for members of Council and City staff as previously mentioned but also for members of the public serving the City.

CONCLUSION

With our charge from the Palm Springs City Council, the CVRA Working Group embarked on a process to hear from as many residents as possible, particularly residents from communities that have been historically marginalized and excluded from electoral politics in Palm Springs and institutional methods of outreach and engagement. Through this process, we formed the beginnings of a broad and diverse coalition with specific communities that have contributed deeply to the history and economic success of the City, namely Latino, Filipino, and African-American communities. It is the opinion of the Working Group that this process and engagement must continue.

While the City has supported efforts to hear directly from residents through vehicles like the Neighborhood organizations, this process made it immediately clear that these efforts are not enough to uncover the voices of cultural and ethnic minorities, and others like those from renters, people with disabilities, and people with young children. Furthermore, there are neighborhoods and housing tracts that are not “organized” within the ONE-PS model, and the city must take particular effort to build trust, engage, and hear from residents in those areas.

If the City is to continue its commitment to represent all residents, it will seriously consider installing the recommendations of all sections of this report, including the last two recommendations on removing barriers. However, these recommendations are just the beginning. Indeed, there are many ways to engage and hear from diverse communities and residents outside of removing barriers to run and diversifying Boards and Commissions. We recommend that the City Council take a close look at innovative ways to encourage more political participation and engagement (e.g. campaign finance reform, “democracy vouchers”).²⁴

The City has an opportunity to deliver on its tagline, “Like no place else,” by placing itself at the forefront of achieving racial equity and committing resources for a senior staff or department to explore and institute best practices in engaging communities of color, starting with the understanding that outreach is not a one-size-fits-all solution; there must be targeted ways to engage diverse communities, and trust is the foundation on which authentic engagement is built. That will take time, energy, resources, and commitment. We encourage the City to live up to this opportunity, and not make the mistakes of the past in failing to recognize the strength and value of a diverse Palm Springs.

²⁴ The Seattle Times, Do Seattle’s democracy vouchers work?, October 15, 2017

REFERENCES

- A. 2017-10-2017 The Seattle Times, Do Seattle's Democracy Vouchers Work, New Analysis says yes
- B. 2017-10-19 The Desert Sun, 'It was beautiful for the white people:' 1960s still cast a shadow of distrust over Palm Springs
- C. 2018-03-05 Letter - Southwest Voter Registration Education Project
- D. 2018-04-10 Historic Site Preservation Board Staff Report on Communities of Color
- E. 2018-04-19 Resolution No. 24406
- F. 2018-07-09 Cities CVRA Summary Sheet and Excel Document
- G. 2018-07-17 City Attorney Memo to Working Group
- H. 2018-09-11 Comparison of Four Districts and Five District Maps
- I. 2018-09-19 The Desert Sun, Looking for Daycare?
- J. Secretary of State Ranked Choice Voting Guidelines
- K. Compiled Public Comments on Districting (the most recent comments to be provided by the City Clerk)
- L. SB 415 – the California Voter Participation Act



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Open Advisory Letter

ATTACHMENT 2

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

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 . . .”

¹ It is noted that these CVRA legal claims are being made against many cities and public agencies throughout California and nearly all have responded by transitioning from “at large” to “by district” elections to address these claims.

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.

Another significant issue that has arisen during these discussions. Should the City transition to five Councilmembers elected by district (with the Mayor being chosen from amongst the five Councilmembers annually), or to four Councilmembers elected by district with an at large elected Mayor. The question has been asked whether one form is more consistent with the current City Charter than the other.

Under the Charter, the Mayor is a co-equal member of the City Council. The Mayor has one vote on the Council and possesses no greater powers than any other Councilmember. After the CVRA transition, the Mayor's powers would remain unchanged whether elected at large or by district. While reasonable minds may believe that a retained at large Mayor will have more *influence* than a Mayor chosen from amongst the Council, the Mayor's *legal* power (one vote) will remain the same.

That being said, transitioning to five districts would be more consistent with the CVRA. Under the CVRA, a city must normally make a change that results in no "at large" elements remaining in the election process. A five-district scenario is more consistent because it leaves no "at large" elements. Regardless, several California cities have retained at large elected Mayors after going through the CVRA process. Further, the CVRA attorney who most frequently litigates these cases, and who also filed the claim against Palm Springs, appears to be cooperating with this approach. Nevertheless, this is no guarantee that another plaintiff's attorney would not legally challenge a "4 + 1" structure. Therefore, while this remains a viable approach for the Council to consider, it does not address the CVRA issue as completely as a five-district scenario.

City of Palm Springs
Transition to District-Based Elections
Community Comments

ATTACHMENT 3

Matt Robinson, 04/19/2018, via Email

Greetings

I hope you do not choose or be forced into Council Districts. I do not believe our minorities will be better represented. One example would be Highland-Gateway, a neighborhood primarily of black residents, it's likely it's district would include Mountain Gate, Miralon and Palermo gated communities. Suddenly the minority neighborhood is a small dot in a much wealthier district. Same holds true for the Crosley Tract.

The city has better addressed representation thru creating and funding the Office of Neighborhood Involvement. This has allowed smaller "districts" to be heard. I have long thought the 2nd and 4th Wednesday study sessions should return. Perhaps every other month one study session should be a report from each neighborhood group to the council. This would allow a small district to talk directly to the full council.

As to empowering minorities, the Council should address the criteria they use to appoint commissioners to major commissions. Commissions are a stepping stone to name recognition and winning a council seat. Does every member of the Planning Commission need a professional background into design, city planning etc? Could a long time resident with a understanding of ordinances and has a vision for their city also be considered qualified as well? This commission alone brought us both JR Roberts and Lisa Middleton. Few everyday residents have access to that recognition.

Currently you have a Council Member who has put in writing to a resident to never email them at their official city council email address. The City Council, City Manager and City Attorney all know this fact and chose to let his refusal to represent all residents stand. I ask you how could this Council Member be trusted to be the representative of a district if he will not represent all the people of his district? Does that mean some residents have no voice at City Hall?

Money in Council/Mayoral campaign spending and the money in their campaigns is a huge issue. Look at the money that was in the last Mayoral race. It is crazy to think a quarter million dollars should be spent on a seat in Palm Springs. In the social media age, creativity can prevail. A minority resident likely does not have access to a single person that will donate one hundred thousand dollars to their campaign. The money restricts some from City Hall.

I fully support a rotating mayor annually. I have been a resident and property owner in Palm Springs for 29 years, I have witnessed many a BIG EGO and POWER effect our city. Rotating the mayoral seat reminds them they are not a strong mayor and the day to day operation of our city is done by a City Manager.

Sincerely

Matt Robinson

Don Barrett, 07/10/2018, via Email

City Clerk's office:

I was at the presentation on district elections at the Convention Center on Monday and wanted to add something about the importance of housing composition as one of the criteria I would see as a measure of 'communities of interest', but couldn't come up with a way to formulate what I was thinking.

I live at Ramon Mobile Home Park in Warm Sands neighborhood and I see there being value in a district which includes areas of similar low or lower-cost housing. For example, Warm Sands has quite a bit of low to moderate budget housing: apartments, small homes (west of Camino Real), homes that have been converted into duplexes or had small second homes added in the back yard, a condo complex of small units (Ramona Villa), and our mobile home park -- with a comparatively small proportion of larger and more expensive homes. I would thus see our neighborhood as having a fair amount in common with neighborhoods like Baristo or Demuth park where there are also significant proportions of similar housing. The problem is how to define a measure that captures the commonality. One common characteristic is having a high proportion who are comparatively low on income (versus, e.g., The Movie Colony), but I'd prefer there to be some sort of measure that is more specifically related to housing composition. Using percent renters within a census block might capture that somewhat, but that doesn't capture those of us in this park who own our homes but rent our spaces, and doesn't capture the owners of the older, smaller, condos such as Ramona Villa.

After leaving the meeting tonight I realized there might be one measure (if available) that might capture economic differences in housing composition that would not be contaminated by such ownership issues as I mentioned above -- density per block. Since we're not a city with high rises, a density measure wouldn't be contaminated by condo towers. If such a measure exists in the available data, it would be interesting to see it overlaid on a city map.

By the way, I'm a retired sociologist/statistician. I'm fairly heavily involved with ONE-PS, but could work with the committee that you mentioned.

Don Barrett

Anonymous, 08/29/2018, via Online Form

Low Income housing and the poor are spread across the Palm Springs. Couldn't you do "virtual" districts where the districts are broken down by income level instead? Thanks.

Thom Bettinger, 09/08/2018, via Email

Greetings—I'm sure others have mentioned this as well, but given the cultural and historical significance of Section 14, I feel strongly that area should not be split up in any redistricting.

Specifically, Section 14 encompasses the area bounded by Indian Canyon Dr on the west, Sunrise on the east, Alejo Rd on the north, and Tahquitz Canyon on the south (this is essentially the Midtown and Baristo neighborhoods).

Thank you.

Respectfully, Thom Bettinger

Paula Auburn, 09/13/2018, via Letter

I have attended the public meetings and the computer workshop plus made several attempts at map drawing both on the web site and with paper pencil. It is a daunting task.

My number one goal is keeping the Neighborhood Organizations (NOrgs) intact.

These have come to fruition via a spontaneous and voluntary endeavor on the part of the neighborhood residents. They by their very nature define a "community of interest." My involvement predates the ONI ordinance as does our Sunrise-Vista Chino Neighborhood Coalition. I am a founding member of our Neighborhood Coalition (2001 - 2002) and one of the past Chairs.

Ours is a broad constituency of three HOAs of modest means, the Desert AIDS Project and Vista Sunrise, the low income apartments behind DAP. The new proposed DAP low income housing will also be members of our Neighborhood Coalition.

Should our Sunrise-Vista Chino Neighborhood Coalition be separated into two separate districts it would be a hardship. The Coalition currently has a subcommittee jointly made up of Coalition residents and DAP staff which is working in partnership with DAP on their expansion plans. Our Coalition reviews proposed neighborhood developments, and appears at Planning Commission hearings. We are active in other ways as citizens and volunteers of Palm Springs.

I focus on our own NOrg as a specific example of the negative effects of separation not out of egotism. We are not the only NOrg to be actively involved and to feel a sense of cohesion. Should this sense be diluted the entire city suffers; a city is only as strong as its neighborhoods.

The choice between the 4-district and the 5-district model has found me wavering on both sides of the question. After due consideration I am opting for the 5-district model, as the 4-district model gives one district, in effect, two representatives with a council seat and the mayoral seat.

David Freedman has submitted two district maps for consideration. I strongly urge the Council adopt his 5-district map. If you have any knowledge of David or have worked with him you realize his attention to details and his sincere desire to finding a "truth" In everything he does. He is the epitome of a selfless person pursuing an end he feels is right for all. I write this even though he and I have had disagreements!

Thank you for your consideration of my thoughts and for the time and effort you have put into ensuring there is public input into this process.

Sincerely, Paula Auburn

Mark Marshall, 09/17/2018 via Online Comment Form

In reviewing the map options, I was disappointed there was no overlay for PS-One neighborhoods. That said, without proper information, I believe the best options are: #1 - Smoke Tree; #2 - Ironwood

Michelle Castillo, Judecie Juan, Edwin Ramoran, and Jennyliza Ramoran, 09/18/2018, via Online Comment Form

Outreach for Districting Process:

- Inaccessible and not enough lead time to create lasting relationships for communities of color that are being affected in the process. Bottom line, accessible outreach to communities of color was done really late.
- More awareness is needed to address historic white supremacy, discrimination and racism used by City Hall and the white majority to control, erase and exclude communities of color, in addition to voter suppression, in Palm Springs: neighborhood displacement, family separation, and lack of robust and sensitive civic engagement between the City agencies and communities of color.
- Outreach efforts by the city were minimal. Some residents did not receive the flyer that was sent out. There should have been follow up such as canvassing and cultural sensitivity training in order to understand how to better outreach people of varying cultures.
- Would be great to see more council members beyond Christy Holstege and Lisa Middleton attending this event.

Multiple Ways to look at communities of interest vs. traditional mapping:

- Mapping through plants and gardens of the neighborhoods that are up for districting.
- Co-organizers did canvassing based on the visible Moringa Trees growing out of the yards of residents in the Veterans tract area. Suggestions to recognize other plants such as Alukon, Amaranth, Bitter Melon, Egg Plants, Jute, and Damortis (Guamachile) to identify Filipino households.
- At our Fil-Am Community outreach 'Bayanihan' our community garden swap consisted of Kalamansi, Guava, Moringa, and Sugar Cane that all grew in the backyards of the Veteran's Tract neighborhood that is up for districting. The fruits and vegetables alone told the many stories of who has lived and still lives in the neighborhood- as in there is a large Filipino population in the neighborhood.
- Long-standing organizations were represented and should be on City Hall's priority list for outreach efforts: Fil-Am Association of the Coachella Valley, National Association of Filipino Americans, religious organizations including Santo Niño associations and other Catholic organizations, Palm Springs Fil-Am Seventh Day Adventist Church, Iglesia Ni Cristo, sports teams including basketball teams/clubs.

Daniel P. Barber, 09/19/2018, via Online Comment Form

Please try and keep neighborhoods whole in the re-districting efforts. It is crucial that the existing 45 recognized neighborhoods of Palm Springs stay intact moving forward for neighborhood and district issues.

David Feltman, 09/26/2018, via Email

Dear Members of the Palm Springs City Council:

I am writing to express my support for the 5 district election plan with a rotating mayor selected among the council members. This approach seems like the most prudent method for moving forward with providing representation for our citizens and complying with the legal requirements that have brought us to the redistricting discussion.

Thank you for your consideration.

Greg Rodriguez, 09/26/2018, via Email

Good Afternoon Anthony,

I am not able to attend the meeting on Thursday evening. As a 15 year permanent resident of Palm Springs, I am writing to express not only my support for the creation of districts for the City Council, but more importantly my belief we should have a rotating Mayor. The role of mayor is really more ceremonial and I believe each council member should take that role on a rotating basis. I think 5 elected council members would better represent the diversity of our city and create a more equitable distribution of leadership on the council.

I appreciate you putting my comments into the record.

David Freedman, 09/27/2018, via Email

Hi Anthony,

I am in meetings in the Chicago area today and tomorrow so will not be able to attend this evening's CVRA study session. I have read the report of the CVRA Community Working Group and agree with its recommendation of five Council districts with the Mayor selected among the Council members, for the reasons set out in the report. As I stated in the overview of the maps I submitted, a five-district Council would more fully satisfy the purposes of the CVRA as required by Government Code Section 34886.

I would appreciate it if you could forward this message to the Council members before this evening's study session. I will be attending the CVRA special Council meeting on October 4 and will provide public comment then in support of five districts and the five-district map I submitted.

Best,

David Freedman

Mike Guerra, 09/27/2018, via Email

Dear Councilmember Middleton, Councilmember Kors and City Clerk Mejia,

I am a resident living in the Tennis Club Neighborhood for 9 years. Having lived in Santa Barbara for 18 years, and as a retired research attorney, I followed with interest Santa Barbara's district lawsuit and resolution and the City of Palmdale's Voting Rights Act litigation.

I submitted proposed four (4) and five (5) district maps ("Guerra" maps) to the City of Palm Springs.

I support five districts. I think five districts complies with the intent of the CVRA more than four districts with an at large mayor ("4 + 1' structure").

I agree with City Attorney Kotkin's opinion that "transitioning to five districts would be more consistent with the CVRA." And, that having an "at large" mayor, leaves open the potential for future litigation.

An at large mayor seat suffers from the same problems under the California Voting Rights Act as, at large voting for council seats. With a five-district system with a rotating mayor each district will have a councilmember from their district be mayor at some point in time. This seems more democratic, fair and in compliance with the intent of the Voting Rights Act.

Further, although perfectly proper and protected, it was uncomfortable for me to see such large campaign contributions of the scale of the last election for mayor in Palm Springs. A five-district system may help limit the scale of campaign contributions with no at large mayor.

Thank you for all your work and consideration on this matter.

Regards,

Mike Guerra

Edwin Ramoran, 09/27/2018, via Email

Good evening, Mayor Moon, our distinguished city council members and representatives and staff and the California Voting Rights Act Community Working Group,

My name is Edwin Ramoran, a Filipino American resident and registered voter living in Palm Springs. I fully support the more inclusive 5-districts recommendation of the California Voting Rights Act Community Working Group. And I urge the City to Palm Springs to seriously spend time and resources to live up to its tagline of:

"Palm Springs is an inclusive world-class city. dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations." Support more efforts to reach marginalized communities in a city founded on de facto and de jure segregation.

I was born in 1971 at Desert Hospital, attended Cielo Vista Elementary, was bussed to Nellie N. Coffman Middle School in Cathedral City, and graduated from Palm Springs High School in 1989. That was the educational journey so many of my dear friends from the Veterans Tract or Desert Tract neighborhood. Demuth Park and the Palm Springs Youth Center kept us busy and fit. We all experienced the daily and historic separations especially along race and class and neighborhoods.

After attending college at the University of California, Riverside, I pursued a curatorial career for 20 years in New York City.

Fast forward, I returned to Palm Springs four years ago, and now am now my mother and father's caregiver at home. And it is the love and support of family and also church family that have been so supportive as my parents age. Bayanihan is found in this tight spirit, that amazing feeling of knowing your mother was in good hands during her temporary nursing home stay months ago because her best friend Nana Josephine Madrid's daughter Esther Juan (yes, Judecie Juan's mother who co-organized our Bayanihan event) was there as a lead nurse. I grew up with the Madrid family. Bayanihan is returning the sustainable support and love, for instance, in buying groceries at AJ Market which has been owned and run by Manang Esther's husband Manong Aurelio and yes staffed by their daughters. Bayanihan is in the countless times our households exchange home-grown fruits and vegetables.

Working with Judecie Juan, Jennylyza Ramoran, and Michelle Castillo on the community outreach event at the Demuth Park Community Center has been inspiring on so many levels and was designed to bridge the Filipino communities to City Hall. We were overwhelmed by the attendance and response. At least 60 people attended. It was attended mainly by Filipinos but included a diverse audience from throughout the city. It was firstly encouraging when Alexis Ortega asked to meet with us and has invited us to attend meetings of the working group tackling districting Palm Springs. City Clerk Anthony Mejia has been an important contact to help demystify the process and expectations of what this is all about. I am glad members of the volunteer, working group Grace Garner, Kathy Weremiuk, Ed Dube, Stephen Moses, plus council members Christy Holstege and Lisa Middleton We made the effort to canvas our neighborhood with direct marketing, old school flyering, along with social media. We identified our elders and those who came before us who have been doing invaluable work with Filipino residents of Coachella Valley. We will continue as a Bayanihan collective to make inroads on the needed personal approach to reaching Filipinos and other Asian and Pacific Islanders and building friendships and coalitions with other communities of color in Palm Springs. There is a great deal of work ahead. We have meetings in the works with the Filipino-American Association of the Coachella Valley, the National Alliance of Filipino Americans, and the Asian Pacific American Labor Alliance. We are also getting ready for dinner projects on art and democracy and hoping for a Barrio Fiesta next year. In honor of Filipino-American History Month, we look forward to hosting the next Bayanihan outreach program for Saturday, October 27 at Demuth Park Community Center. Please join us in learning about the proposed maps and providing feedback with City Clerk Anthony Mejia and Alexis Ortega.

Bayanihan embodies the spirit of community building, and, for me, explains the genuine altruism intrinsic to shared cultural experiences and common goals in familial networks. The Veterans Tract neighborhood has been central to my upbringing. Veterans Tract is where my grandfather the late Aquilino Ramoran, who was a U.S. Army veteran of World War II, built his home. My grandfather worked hard to reunite his family after the War. My parents and siblings, and much of my family and extended family, arrived to the U.S. in the 1960s, many becoming migrant farm workers like my grandfather and uncles before them in the early bachelor society and migration wave of the "Manong Generation" comprised predominantly of men recruited from rural, northern Luzon including Ilocanos such as my family. To this day, our families speak Ilocano and English and some speak Tagalog.

Michelle Castillo, 09/27/2018, via Email

Good Evening everyone!

My name is Michelle Castillo- I stand here tonight as a local community leader, activist, and one of the co-organizers for Bayanihan Community Outreach.

The word Bayanihan means Community. The word community should bring memories of acceptance, warmth, and empowerment. It should encompass inclusivity and a growing awareness to uplift marginalized voices and communities. To me, the word and spirit of Bayanihan is a place I can call home. I grew up in Palm Springs and to my blessing and fortune in the dynamic neighborhood of Veterans Tract comprised of Filipino and Latino Families. It was there where I learned the first definition of community through the women in my family that raised me and the food and love found in my Lola's Kusina- grandmother's kitchen.

As Bayanihan collective, one of our goals is to bridge the historically deep gaps of communication, transparency, and cultivate healthier and sustainable relationships between communities of color and the City of Palm Springs and surrounding areas.

Often times outreach events happen only as a one time off event- but we are here for the long-lasting changes that need to happen in our desert.

I am calling for folks to take action- to our local government and residents of Palm Springs to be accountable and to take a hard look at where we can fill those gaps and start to really build a place- that is 'like no place else'. We hope those who came out to Bayanihan can continue to stand next to us and help us build together a more inclusive future!

Jenny-Liza Ramoran, 09/30/2018, via Email

Bayanihan, to me, means "a community coming together". It was no accident that we are here today for this event. Recently, there was a meeting that was supposed to outreach to the Veterans Tract neighborhood in order to educate the residents about districting in Palm Springs. I learned of it last minute and I did not receive anything in the mail about it and so I was unable to attend. Luckily I was able to watch a video of it. During that meeting, our neighborhood representative, whom I refuse to acknowledge as a representative of Veterans Tract, had the audacity to say that "Filipinos and Mexican people are a lost cause!" I am still upset and offended. I am here to tell you that "We are not a lost cause!" I'm not a lost cause! You're not a lost cause! Your friends and families are not a lost cause! We, as residents of Veterans Tract, are not a lost cause! We have value. We contribute to this city. We take on jobs that nobody wants. For instance, the food that was on the tables. Who do you think picked them? I can tell you that most likely, it was a person of color. Who cleans the dirty laundry? Most likely a person of color. We contribute to this city in all industries! So back to Bayanihan, a community coming together in order to create and re-establish relationships amongst ourselves and the city. It also means to be educated and to be involved in our neighborhood and our city.

**Community Engagement Forum
Palm Springs Convention Center
Monday, July 9, 2018**

Thomas Allen Worthy, resident, requested clarification regarding district representation and voiced concerns regarding the possibility that district interests will outweighing focus on crime rates citywide.

A resident from Sunrise Park requested more information regarding demographics and samples of other cities' maps. He requested that a heat map be developed reflecting renter demographics. City Clerk Mejia responded.

A resident requested more information regarding the configuration of demographics and whether they incorporate the City's homeless population. City Clerk Mejia and Councilmembers Middleton and Kors responded.

Michelle Moran inquired about the City's efforts to mitigate personal interests of incumbent Councilmembers during the districting process. Councilmember Middleton responded.

Jan Seamen, Cathedral Canyon Country Club, expressed concern about areas of vacant homes caused by seasonal residents and questioned whether the districting process would account for the areas.

Frank Tyson commented on the minimal coverage by the local newspapers and suggested the City purchase large ads in the future. He spoke in favor of creating seven districts, in opposition of a rotating mayor because of the time commitment associated with the position; and suggested creating multiple districts that touch the downtown core. Councilmember Kors and Councilmember Middleton responded.

Jocelyn Cain inquired about how the tribal and industrial areas will factor into the formation of districts. City Clerk Mejia and Councilmember Middleton responded.

Jerry Cruz, Sunrise Vista Chino Neighborhood Coalition, requested more information about how the population of the Desert Aids Project is accounted for and whether the shopping center across from it would be considered a community of interest. He would like information regarding the impact of planned future development would have on the districting process.

David Austin appreciates the idea of keeping existing neighborhoods intact. He would prefer to have an at-large Mayor and five districts with multiple districts touching the downtown area.

David Brodette explained that a Councilmember representing a district would be challenged to serve the interest of the City as a whole and recommended that an at-large Mayor continue to represent the City and to establish a five member City Council elected by-district.

Paul Hurtser suggested City representatives create a dialogue with OnePS to discuss new and expanding communities.

Les Young commented that it would be difficult to create multiple districts that would touch the downtown area. He suggested that each district should contain significant landmarks to ensure that the districts are equally balanced.

Robert Heimblaugh requested more information about how the districting process will correlate with the potential transition from odd year to even year elections.

Bruce Hoban, Sunrise Park, inquired about Federal laws and traditional districting requirements. He would like to see demographics and fair representation of same sex households across all districts. Councilmember Kors responded.

Joy Meredith Brown, resident and business owner, expressed interest in age and gender demographics. She also expressed optimism that district-based elections will improve the affordability of running for office.

Joseph Schroeder noted that he is a resident of the City of Palm Springs and expressed concern that district-based elections will diminish his ability to affect change in areas outside of this new district.

Kathy Weremuik suggested residents consider environmental factors such as wind and flooding when mapping out districts.

Tim O'Bailey stated Indian Canyon and Chino Cone are part of his community of interest. He voiced concerns regarding the exclusion of landmarks or areas directly outside of City limits, which are important to communities but not included in the formation of districts.

Jeffrey Bernstein inquired about the process involved with making Councilmembers full-time positions and questioned whether Councilmembers would be responsible for issues even if outside their own district, such as cannabis issues, airport issues, etc.

Community Engagement Forum
James O. Jessie Desert Highland Unity Center
Tuesday, July 10, 2018

Darryl Baum spoke in favor of keeping existing neighborhoods together and suggested dividing the business districts strategically.

Joy Meredith Brown, resident and business owner, encouraged members of the public to provide as much detail as possible when discussing communities of interest.

William Smith suggested including representation for the LGBTQ Community and stated interest in seeing demographics on same sex households.

A resident requested clarification on the position of a rotating mayor. City Clerk Mejia responded.

Tobias Wolff, CVRA Working Group Member, provided an explanation of mayoral power as a member of the City Council and as a managerial role in the governmental process.

Shawna expressed concerns over the use of certain language in the City's presentation. She stated the word "only" implies segregation versus inclusiveness and suggested editing the document.

A resident inquired about the phasing of the districting process and requested information regarding outreach to seniors and residents without computer access. Councilmember Middleton and City Clerk Mejia responded.

A resident encouraged the City to ensure that persons without computer access can remain engaged and informed about the districting process. She spoke on the importance of recognizing that minorities live throughout the community.

A resident voiced concern that he does not have enough information to identify his community of interest, noting that he is unsure whether it is more appropriate to be linked with similar communities or communities reflecting different demographics.

Monique Smith, Desert Highland Community Center, stated she would like to see the existing community kept together and expressed that she feels the community is being forced to self-segregate. She is concerned that neighborhoods with more influence will outweigh the opinions of minority neighborhoods.

Olah Roberts urged the City to facilitate another Community Engagement Forum in the Desert Highland Community to allow residents ample time to process the amount of information they have received, and form educated feedback.

Alexis Soto, CVRA Working Group Member, responded to comments and offered to meet with residents who could benefit from a more personal and in-depth explanation.

Steve Moses, CVRA Working Group Member, acknowledged concerns and reiterated the strength and value of individual voices in district elections. He offered to participate in another Community Engagement Forum.

Tobias Wolff, CVRA Working Group Member, encouraged members of the community to engage and offered to participate in further communication.

Wayne Gilchrist inquired about the phasing of the districting process and requested an explanation as to why communities were not given more time to process the information. Councilmember Kors responded.

Pastor Croon inquired about district influence on the Desert Highland Community's stigma and the potential of businesses expanding to the North end of town.

Kim Humphries inquired about the local tribe's influence on the formation of districts.

Joy Meredith Brown spoke in favor of districts reducing the financial barriers of campaigning.

Ernie Strobin inquired about mitigation of and protection against gerrymandering. City Clerk Mejia responded.

Sid Craig encouraged residents to be more involved with the City's Boards and Commissions.

Deiter Crawford voiced concerns regarding the scheduled meeting times excluding working class residents. He also requested information regarding outreach efforts geared toward the Latino community, stating African Americans may have several interests in common with Latinos. He spoke in favor of a district that includes African Americans and Latinos.

Tizoc DeAztlan, Diversity Consultant, provided information regarding the City's outreach to the Latino Community.

**Community Engagement Forum
Demuth Park Community Center
Thursday, July 12, 2018**

Kyle H. is concerned that districts will be imbalanced due to seasonal population variances, varied economic statuses, lack of participation by minorities, and overwhelming influence of wealthy groups in the community.

An unidentified member of the public spoke in favor of four districts and an at-large mayor rather than five districts and a rotating mayor. He stated the probability and necessity of placing individual district interests over the interest of a City as a whole, noting the Mayor's ability to serve as a moderator.

Kathy Weremuik stated the City has a weak mayoral system wherein the City Manager runs the City and the Mayor operates as a spokesperson.

A resident spoke in favor of five districts with a rotating mayor and that districts should be based on major streets and landmarks.

Kevin Johnson questioned the necessity of a mayor and requested information regarding the legal requirements of the position. He proposed a five member City Council with no mayor and encouraged the public to consider a variety of governmental structures.

Rich F. voiced concerns regarding lack of involvement from minorities in the community and encouraged the City Council to be aware of the implications of a "token" Councilmember.

Phyllis requested clarification of racially polarized voting. She stated she is concerned that the City is capitulating due to a threat of litigation from an outside attorney.

Ron Hanson inquired about the California Voters Rights Act and whether the City of Palm Springs is an official Sanctuary City.

Grace Gardener shared her experience with segregation in local schools. She expressed concern regarding the lack of adequate representation of minorities, and urged residents to make a greater effort to welcome and involve minority groups in their communities. She spoke in favor of five districts, suggesting areas near Victoria Park, South Palm Springs near the wash, Las Compadres near the golf courses, neighborhoods along the mountain, and neighborhoods close to the airport as communities of interest.

Tizoc DeAztlan shared information regarding the City's outreach efforts in the Latino community.

A resident spoke in favor of five districts and suggested the City take precautions against creating orphan streets.

A resident acknowledged the fear and negativity communicated by members of the public and stated that he is excited about participating in the districting process. He suggested implementing satellite offices within districts to help residents feel more comfortable participating and interacting with their representatives.

Ray shared information regarding sociological issues and random survey sampling procedures.

Katherine Finchy Elementary School
Spanish-Speaking Community Engagement Meeting
Tuesday, September 4, 2018

John Paul Torres

“North Palm Springs/Demuth Park Area – Could use support in teaching the young children English. Maybe an English class for parents and children can help the transition to an English dominate society.”

Nelva Segura

“The communities higher in North Palm Springs have higher Latino populations. The area around Demuth Park is also full of families and representation is needed there.

Leticia Rodriguez

“Parents in the Golden Sands Drive area, Upper West Side, and Gene Autry area all have children in the same schools and we meet regularly to discuss our shared concerns.”

Gabriela B.

“We need lighting in the parks.
Solve the problems regarding homeless in the community.
Clean the streets in Downtown Palm Springs to get rid of urine smell.”

Veronica Sandoval

“Safer schools during arrival and dismissal.
Monitor crosswalks with policemen or authorized persons due to rapidly moving traffic.”

Laura Luna

“I would like a legislation enforcing hygiene standards for non-compliant neighbors.”

Martha Martinez

“I would like a park and transportation for Windy Point.”

Delia Yolanda Virgen Vazquez

“I would like police to patrol my neighborhood more often at night time.
I would like a legislation requiring workshops on tenant rights in every apartment building.
In the area around Sunrise Way and Coyote Run, there are some bushes that obstruct visibility (dangerous while driving or turning).
I would like for school buses to arrive/reach (incomplete)”

Juana Cuamani

“Would it be possible to have a representative where we live? It would be very important for our community and safer for our school district. Thank you for helping us. Let’s hope we can have a representative in this area, it would be great for the future of our new generation, for our boys and girls. Thank you.”

Nestor Cuamani

“There are many children around the area of North Sunrise Way. We would like to know if we can have a person representing this area. On the North side the population is expanding. We had never heard of this benefit for our new generation and the person representing this area should commit to and support the children and inform them.”

Neli Mendoza

“I would like a representative appointed to improve my area.”

**CVRA Filipino-American Community Engagement Meeting – “Bayanihan”
Saturday, September 8, 2018**

Cynthia Butac-Arnold

“We just want to have more representatives for the community and to have a voice for the immigrants of Palm Springs. We love the desert and want to see it improve with diversity in redistricting. The map is too vague, I would have to go do more research online.”

Esther Juan & AJ

“More lights between Parocela & Ramon.”

P. Evelyn Ramoran

“I would like to have a new name of the main street towards “Demuth Park” like Paseo Dorotea to Manila Way Rd.”

Oscar & Nene Rodas

It is a good idea to divide the community into districts, as it is easy to focus on the issues of the districts. I like the NDC Ocotillo map.”

Norm King, 09/19/2018, via Letter

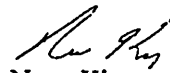
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OFFICE OF THE CITY CLERK

Members of the City Council, Mr. Edward Kotkin, Mr. Anthony Meigs and David Ready:

Thanks you for taking the time to read my attached statement. I will unfortunately be out of town for first two public hearing you will be having in October in regard to creating districts.

I would ask that the attached remarks be entered into the record.

I appreciate the effort all of you are making to provide open discussions during this difficult process.


Norm King
2482 Toledo Ave
Palm Springs
909 520 1083

**Don't Let the City Council Use District Elections as an Illegal Excuse to Overturn
the Voter-Approved Directly-Elected Mayor
Norm King**

The Palm Springs City Council should not overturn the voter-approved directly-elected mayor as we move from an at-large to a district city under the pretense that state law requires doing so.

I have argued previously in the *Desert Sun* (April 2018) that it is more important to retain a directly-elected mayor in a district city than in an at-large city because a directly-elected mayor moderates the downsides of ward politics: voter disenfranchisement is reduced as voters can vote for two candidates rather than one each four years; there will still be one elected official responsible to the entire electorate; the mayor will be a counterweight to the inevitable tendency for district council members to create fiefdoms and vote-trading, "You support what I want in my district and I will support what you want in your district."

These are important and real issues. But the primary reason to retain the voter approved directly-elected mayor (with four districts) is that this is the only alternative which complies with both the California Voting Reform Act and upholds the city charter. The City Council cannot legally use the transition districts as a reason to overturn what the voters approved in the early 1980's. If the Council does not want a directly-elected mayor submit the issue to the voters.

The city attorney has written that a four district/directly-elected mayor option has "a reasonable likelihood of being confirmed via validation ..." There is also precedent. Rancho Cucamonga, like Palm Springs, had a voter-approved directly-elected mayor and received a non-compliance letter from the same law firm as did Palm Springs. With the law firm's concurrence Rancho Cucamonga became a four district city and retained their directly-elected mayor.

As documented in the various district scenarios provided by the city's consultant it is beyond credulity to argue that there are significant differences in regard to maximizing Hispanic population and voters among these scenarios. This means the Council does not have the authority to eliminate the directly-elected mayor by establishing five districts instead of four.

Of all of the consultant's maps District 1 has the largest Hispanic population. Hispanic population in District 1 ranges from 43% to 49% in seven of the eight the maps. These percentages and their insignificant differences are further diluted by

analyzing the consultant's data which describe District 1's Hispanic and non-Hispanic white voting age population, voting registration and voter turnout.

The Agave map has the highest percentage of Hispanic population (49%) of any District 1 scenarios. However, District 1 would produce only 350 Hispanics voters compared to over 1300 non-Hispanic white voters based on present rates of voter registration and turnout. All District 1 scenarios show that the number of non-Hispanic white voters will outnumber Hispanics by at least a four to one ratio.

I have been told by several city officials, elected and not, that they could not support five districts unless there were significant differences in maximizing Hispanic influence. The differences between the "best" of the four and five district scenarios are not significant. Without a finding of significant differences it would be illegal for the Council to eliminate the directly-elected mayor by establishing five districts.

The transition to a district city should not be used as an illegal way for the council to impose their preference for a non-directly-elected mayor (should that be their preference) by creating five districts.

Norm King is a former city manager of Palm Springs when the voters approved a directly-elected mayor and a former city manager of the City of Moreno Valley when that city had five districts and no directly-elected mayor.

September 27, 2018

Robert Moon, Mayor
J. R. Roberts, Mayor Pro Tem
Christy Gilbert Holstege, Councilmember
Geoff Kors, Councilmember
Lisa Middleton, Councilmember

Dear Councilmembers:

I am writing today as an active Palm Spring resident and advocate with 30-plus years' experience and service as a non-elected (appointed) public official at the federal, state, and local level as well as an employee in the non-profit, philanthropic, and private sectors. Most recently, I previously served as a Board Member of the Sunrise Park Neighborhood Organization and as the CEO of both the Desert Healthcare District and the affiliated Desert Healthcare Foundation. The views expressed in this letter are solely my own and not those of any employers in which I was previously employed.

First and foremost, I thank the City Council and Staff for developing and implementing a transparent and participatory process that is continuing to seek the input of all residents on a fair and equitable basis. No neighborhood or individual advocate should receive any special attention. All of our neighborhoods should have equal opportunities to participate and I believe that you are achieving this overarching objective. Further, the appointment and dedication of the CVRA Community Working Group is central to ensuring truly participatory decision-making.

Summary:

First and foremost, with respect to today's special meeting, I wholeheartedly support the recommendations of the CVRA Community Working Group as it pertains to whether there should be 5 electoral districts (with selection of the Mayor from among Councilmembers) or 4 districts and a Mayor elected on an at-large basis. I agree with the Working Group that the 5-district approach is entirely consistent with our city's charter and meets the major goals of the CVRA.

While some may believe that all residents of the city have an equal opportunity to participate in important civic and community activities, I do not believe this to be the case. In fact, the current system of electing councilmembers at-large is a real and significant barrier to the participation of our communities of color. I believe there is nothing more important than every one of our residents having the opportunity to have a seat at the table. The election of all five councilmembers from individual districts will increase, not dilute, the ability of all residents to participate in critical decision-making processes to the maximum extent possible.

Compliance with City Charter

I believe that both the City Attorney and CVRA Community Working Group have provided the City Council unquestionable and accurate guidance on the question relating to the powers of our elected city officials. Each Councilmember, including the position of the Mayor, are equal. No one exercises any additional authority by electing a Mayor at-large. Our city is rightly run by a City Manager who receives his/her policy direction, and is accountable to, the City Council. A Mayor elected at-large, in my opinion, is inconsistent with the City Charter and has the potential to concentrate electoral power in one neighborhood.

Compliance with the CVRA

The CVRA Community Working Group developed, and the City Council adopted, a robust Statement of Principles. The very first principle, central to ensuring an undisputed and successful result at the end of this process, is to “Maximize the goals of the CVRA, including civil rights, equality, and inclusion.” This statement needs no amplification as it is a true and entirely accurate description of the meaning of our state’s Voting Rights Act.

Decision-Making

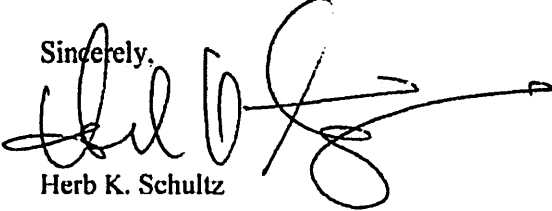
Democracy means all residents must have equal opportunities to participate in city life. A significant part of this is to ensure that all perspectives are heard and that residents provide guidance and recommendations to our elected bodies on the myriad of issues that come before it. In most cases, we should entrust our elected bodies with ultimate decision-making. While there are times when ballot measures should be placed on the ballot (particularly those relating to the potential initiation of taxes), I believe that the City Council should make the ultimate decision on the question of 5 districts with selection of the Mayor by vote among Councilmembers or 4 districts and an at-large Mayor.

Conclusion

Once again, I strongly recommend that 5 City Council districts be adopted at the end of this process to give equal opportunity for all residents to participate in city activities. This will ensure fairness by maximizing the ability of residents from our valued communities of color to be elected to seats at our city’s ultimate decision-making table.

Thank you for your consideration.

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Letter to City Council
September 27, 2018

Sincerely,

Herb K. Schultz

cc: David H. Ready, Esq., Ph.D., City Manager
Anthony J. Mejia, MMC, City Clerk
Marcus Fuller, MPA, P.E., P.I..S., Assistant City Manager
Edward Z. Kotkin, City Attorney
CVRA Community Working Group



Thursday, September 27, 2018
Minutes of the Special Meetings of the City Council

CALL TO ORDER

A Special Meeting of the Palm Springs City Council was called to order by Mayor Moon on Thursday, September 27, 2018, at 6:05 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE

Mayor Moon led the Pledge of Allegiance.

ROLL CALL

Present: Councilmembers Christy Holstege, Geoff Kors, Lisa Middleton; Mayor Pro Tem J.R. Roberts; and Mayor Robert Moon.

Absent: None.

Working Group

Present: Aftab Dada, Ed Dube, Dixie Miller, Stephen Moses; Co-Chairs Alexis Ortega, Kathy Weremuik, Tobias Wolff.

Absent: Grace Garner.

City Staff

Present: David Ready, City Manager; Edward Z. Kotkin, City Attorney; William Priest, Legal Counsel; and Anthony J. Mejia, City Clerk, were present at Roll Call.

STUDY SESSION

A. RECEIVE AND FILE THE RECOMMENDATIONS OF THE CALIFORNIA VOTING RIGHTS ACT (CVRA) COMMUNITY WORKING GROUP RELATED TO THE CITY'S GOVERNANCE STRUCTURE, ELECTION METHOD, ELECTION YEAR, SEQUENCE OF ELECTIONS, DIVERSIFICATION OF BOARDS AND COMMISSIONS, AND OTHER RELATED MATTERS

Alexis Ortega, Kathy Weremuik, and Tobias Wolff narrated a PowerPoint presentation entitled "CVRA Working Group Report." Aftab Dada, Ed Dube, Dixie Miller, and Stephen Moses offered individual comments related to participating on the Working Group.

Public Testimony

Alan Carvalho, expressed support for a five district electoral system; spoke on his experience with Cathedral City transitioning from an at-large to by-district elections, noting that the Cathedral City Council voted to support a Mayor selected from the City Council; advised that the first election under a district-based system has resulted in six of eight candidates being Latino.

Peter Moruzzi, noted that City Councilmembers are expected to prepare for and attend numerous local and regional meetings; spoke in support of the recommendations related to removing barriers for running and serving on City Council; opined that increasing City Council salaries will enable working individuals and families the opportunity to serve on the City Council.

Kevin Francis, commended the Working Group for its work in developing its recommendations; noted that north palm Springs needs representation on the City Council.

Alan Worthy, spoke in support of by-district elections, noting that neighborhood organizations will be able to hold Councilmembers more accountable; spoke on crime in Palm Springs.

Carl Baker, expressed support for a five district electoral system, opining that it will result in an increase in minority groups' representation on City Council and a decrease in election campaigning costs.

Miguel Navarro, voiced support for a five district electoral system, opining that it is more compliant with the CVRA and likely to result in an increase in minority groups' representation on the City Council; noted that the rotation of the mayoral position works well in other cities; expressed support for increasing the City Council's compensation so that everyone can afford to serve on City Council.

Les Young, thanked the Working Group for making a presentation at Four Seasons; recommended that the City Council submit a ballot measure to increase the City to seven district in an effort to further increase minority representation on the City Council.

Bill Clements, opined that the question of whether to move to districts be submitted as a ballot measure; recommended that the City Council establish a policy which provides for the Mayoral position to be rotated amongst all City Councilmembers; voiced opposition to a district-based electoral system in which only constituents of the district may elect the representative; expressed support for increasing the City Council's salary and providing additional administrative support.

Jim Stuart, pointed out that the City previously held by-district elections and rotated the mayoral position; voiced support for a seven district electoral system and submitting the question of whether to eliminate the at-large mayoral position to the voters.

Michelle Castillo, read a letter indicating that the City needs to include all residents in the districting process; spoke on the importance of inclusivity and acceptance; noted that the Veterans' Tract of the Demuth Neighborhood has a significant Filipino and Latino community; urged the City to build sustainable relationships and to continue with meeting and communicating with all residents in an open and accessible manner. A hard copy of Ms. Castillo's letter is on file with the City Clerk.

Edwin Ramoran, read a letter expressing support for a five district electoral system; urged the City to continue its efforts to reach historically marginalized and disenfranchised residents and groups; spoke on his experience as a young Filipino boy growing up in the Veterans' Tract. A hard copy of Mr. Ramoran's letter is on file with the City Clerk.

Naomi Soto, commended the Working Group for its efforts; expressed support for a five district electoral system and urged the City Council to prioritize implementation of ranked choice voting.

Juanita Garner, spoke on her experience attending various Community Engagement Forums, noting that many residents expressed support for a five district electoral system; opined that people of color will be more likely to take on leadership positions when they see other people like them in leadership roles.

Dieter Crawford, noted that his family has lived in the Desert Highland-Gateway neighborhood for over 60 years; opined that a five district electoral system will provide the greatest opportunity for minority groups to elect a City Councilmember of their choice; noted that the Desert Highland, Golden Sands, Veterans' Tract, and Lawrence Crossley neighborhoods are all on the outer edges of the City and share communities of interests.

Jeff Jones, expressed support for a five district electoral system, opining that people of color will be more likely to run for City Council once they see similar looking faces in City leadership positions.

Mayor Pro Tem Roberts commended the Working Group for working to enhance inclusivity in the districting process and for its comprehensive report.

Councilmember Kors questioned whether the Working Group is concerned that the lack of a strict policy related to the rotation of the mayoral position, under a five district model, could result in a minority Councilmember being disenfranchised by the City Council. In response, Ms. Weremuik stated that the City Council may want to consider adopting a system for selecting the mayor on a rotational basis, recommending that such a system be adopted by policy to allow for flexibility. Mr. Wolff added that any such policy should allow for a City Councilmember to opt out of serving as mayor and that the provision should be addressed during future candidate orientation trainings.

In response to City Council inquiries, Legal Counsel Priest advised that Senate Bill 1250 related to residency requirements only applies to the State Legislature; advised that a trial court recently ruled that Redondo Beach, a charter city, need not comply with Senate Bill 415 related to changing elections from odd-numbered years to even-numbered years, noting that it is likely that the decision will be appealed.

Mr. Priest further advised that transitioning to a four district electoral system, with the Mayor elected at-large, is better than retaining an at-large electoral system; opined that a five district electoral system would isolate the City from future allegation of CVRA violations.

Mayor Pro Tem Roberts questioned whether moving towards a seven district electoral system would result in even greater representation for minority groups. Ms. Weremuik noted that the question would require submission to the voters as a ballot measure and such a question could not be answered by the December 31, 2018, deadline agreed upon by the City and plaintiff's attorney.

In response to inquiry from Mayor Pro Tem Roberts, Mr. Wolff advised that the Working Group did not undergo any type of scientific sampling or survey, but noted that the majority of comments from attendees at the Community Engagement Forums supported a five district electoral system; noted that the Working Group also interviewed individuals in support of a four-district electoral system.

Mayor Moon encouraged residents to attend the City Council meeting on October 4, 2018, noting that the City Council will make a decision related to the electoral system; encouraged the City Council to give additional thought related to increases in staffing, the number of signatures for nomination, and the history of the mayoral position in Palm Springs.

In response to Mayor Moon's inquiry, City Attorney Kotkin advised that submission of whether to move forward with a four or five district electoral system on a ballot measure would exceed the deadline reached between the City and plaintiff's attorney, noting that a lawsuit could be filed if the City does not comply; noted that the City could still be subject to CVRA violation claim even if the electorate were to select a four-district, with an at-large mayor, electoral system. Mr. Priest noted that the statutory default related to nominations is 20-30 signatures.

In response to Councilmember Holstege, Mr. Priest advised that Government Code Section 34886 should be narrowly interpreted to allow the City Council to enact district-based elections without requiring a ballot measure provided that it is in furtherance of the CVRA; advised that expanding the membership of City Council to seven would exceed the statutory authority.

Councilmember Middleton commended the Working Group and noted that the audience at tonight's meeting is diverse and represents the hard work of the Working Group; spoke on California's history of submitting civil rights related issues to the electorate.

In response to Councilmember Middleton's inquiry, City Attorney Kotkin noted that while Mr. King's letter indicates that a difference of 4-6% in minority population in relation to four versus five districts is insignificant, that it is the City Council's adopted goal to create a minority/majority district and only the City Council can determine whether the percentage difference is significant or not.

Councilmember Holstege voiced opposition to submitting questions related to residents civil rights to the voters; noted that the City Council made a leadership decision to transition to district-based elections rather than litigate or ignore the allegation.

In response to Councilmember Holstege's inquiries, Ms. Weremuik and Mr. Wolff advised that the Working Group did not address campaign financing reforms, opining that the transition to district-based elections would likely result in a decrease in campaign spending; noted that an at-large Mayoral race would likely result in significant barriers and access issues for minority candidates. Ms. Ortega advised that the conclusion of the Working Group's report calls for the City to continue its work reaching out to communities of color and building lines of communication, noting that a diversity officer or assigning such responsibilities to an exist staff member would be beneficial.

In response to Councilmember Holstege's inquiry, Legal Counsel Priest advised that state law requires that a candidate be a resident of the district at the time of nomination, noting that courts have upheld up to a 30-day residency requirement prior to pulling papers; advised that state law requires residency within the district for the duration of the term.

Councilmember Holstege requested that City staff contact the Riverside County Registrar of Voters to receive their initial responses related to the feasibility of implementing Ranked Choice Voting.

ADJOURNMENT

At 9:15 p.m., the City Council adjourned to a Regular Meeting of the City Council to be held on October 3, 2018 at 6:00 p.m. in the Council Chamber, City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California.

Respectfully submitted,

Anthony J. Mejia, MMC
City Clerk

DRAFT