

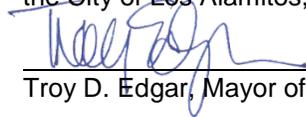
# CITY OF LOS ALAMITOS

3191 Katella Ave.  
Los Alamitos, CA 90720

## AGENDA CITY COUNCIL SPECIAL MEETING

**Monday, June 18, 2018 – 5:00 p.m.**

I, Troy D. Edgar, as Mayor of the City of Los Alamitos, do hereby call a special meeting of the City Council of the City of Los Alamitos, to be held at the time and place listed above to discuss the matters listed below.



Troy D. Edgar, Mayor of the City of Los Alamitos

### NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the City Council on any item on the City Council Agenda will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.

### 1. CALL TO ORDER

### 2. ROLL CALL

Mayor Edgar  
Mayor Pro Tem Kusumoto  
Council Member Chirco  
Council Member Hasselbrink  
Council Member Murphy

### 3. PUBLIC HEARING

#### A. Third Public Hearing of Five – Transition to District Based City Council Elections (City Clerk)

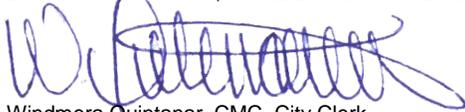
The purpose of this public hearing is to receive input from the City Council and public regarding draft maps and election sequencing for a district-based election system.

Recommendations:

1. Receive this report from staff on the draft maps of district boundaries and election sequencing; and,
2. Conduct a public hearing to receive public input on district boundaries and election sequencing; and,
3. Provide direction on maps to eliminate from consideration and/or new or revised maps to consider at the July 9, 2018 Public Hearing regarding this topic.

### 5. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 24 hours prior to the meeting.



Windmera Quintanar, CMC, City Clerk  
Date: June 13, 2018

# City of Los Alamitos

## Agenda Report Public Hearing

June 18, 2018  
Item No.: 3A

**To:** Mayor Troy D. Edgar & Members of the City Council

**Via:** Bret M. Plumlee, City Manager

**From:** Windmera Quintanar, CMC, City Clerk

**Subject:** Third Public Hearing of Five – Transition to District Based City Council Elections

**Summary:** The purpose of this public hearing is to receive input from the City Council and public regarding draft maps and election sequencing for a district-based election system.

### Recommendations:

1. Receive this report from staff on the draft maps of district boundaries and election sequencing; and,
2. Conduct a public hearing to receive public input on district boundaries and election sequencing; and,
3. Provide direction on maps to eliminate from consideration and/or new or revised maps to consider at the July 9, 2018 Public Hearing regarding this topic.

### Background

The City currently utilizes an at-large election system where voters citywide select each of the five City Council Members. By contrast, a district-based election system is one in which a city is physically divided into separate districts, each with one council member who resides in the district and is chosen solely by the voters residing in that district.

The City received a certified letter on March 29, 2018, from Kevin Shenkman, an attorney with the law firm of Shenkman & Hughes in Malibu, California. The letter asserts that the City's at-large election system violates the California Voting Rights Act by diluting the ability of Latinos to elect candidates of their choice or otherwise influence the outcome of Los Alamitos' City Council elections. Mr. Shenkman claims "polarized voting" may be occurring and threatens litigation if the City declines to voluntarily convert to district-based elections.

The California Voting Rights Act ("CVRA"), codified as Elections Code sections 14025 et seq. became law on January 1, 2003. The purpose of the CVRA is to prevent the disenfranchisement of protected classes; which are broadly defined to include members of a race, color, or language minority group. Any voter who resides in a city and is a member of a protected class may file a lawsuit against the city for a violation of the CVRA. To succeed, the plaintiff must only show that, as a result of an at-large election, "racially polarized voting" has occurred. "Racially

polarized voting” means there is a difference between the choice of candidates preferred by voters in a protected class and candidates preferred by voters in the remainder of the voting population. If the plaintiff prevails in litigation, the CVRA allows for the recovery of significant attorneys’ fees and expert witness fees. On the other hand, even if the city prevails, it cannot recover either attorneys’ fees or costs.

Consequently, cities throughout the State have increasingly faced legal challenges to their at-large election systems. Nearly all have settled claims out of court by voluntarily transitioning to district-based elections. Those cities that have attempted to defend their existing at-large election systems have incurred significant legal costs. A few examples:

Palmdale: \$4.5 million  
Whittier: \$1 million  
Anaheim: \$1.1 million

Modesto: \$3 million  
Santa Barbara: \$600,000

Staff is unaware of any city that has prevailed in defending its at-large election system under a claim filed pursuant to the CVRA.

On September 28, 2016, the Governor signed AB 350 into law, codified as Elections Code section 10010. The legislation provides a “safe harbor” from CVRA litigation for cities. Once a city receives a demand letter, it has 45 days of protection from litigation to assess its situation. If within that 45-day period, a city adopts a resolution of intention declaring its intent to transition from at-large to district-based elections, outlining specific steps to be undertaken to facilitate the transition, and estimating a timeframe for action, then a potential plaintiff is prohibited from filing a CVRA action for an additional 90-day period. Under AB 350, a city’s liability is capped at \$30,000 if it utilizes the safe harbor provisions after receiving a demand letter.

The first step in transitioning to district-based elections is adoption of a resolution of intention. Pursuant to Government Code Section 34886 and Elections Code Section 10010. On May 11, 2018, the City Council adopted Resolution No. 2018-08 (“Resolution of Intention”) declaring its intention to transition from at-large to district-based elections for the City Council commencing with the General Municipal Election in November 2020. Through its approval of the Resolution of Intention, the City Council determined that it was in the public interest to begin the process of transition from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit and the potentially extraordinary cost of such a lawsuit, notwithstanding the City Council’s assertion that the City’s election system is legal in all respects.

Elections Code Section 10010 provides that before any map or maps of the boundaries for the proposed districts are drawn, the City must conduct two (2) public hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of said districts.

#### Public Hearings

Public Hearing #1 was held on Tuesday, May 29, 2018. Three members of the public spoke during the public hearing. They expressed concern that more outreach to the public needed to occur, opposition to the mandated expedited timeline, and questioned the benefit of district elections. Council discussed the California Voting Rights Act, which mandates the transition to district-based elections, and stated concern district elections would not properly represent the will of all Los Alamitos residents. Council pointed out this was not a Council driven action and the Council was required by law to move forward with district-based elections in an expedited manner to remain within the safe harbor provisions of the CVRA and avoid costly legal fees. Council acknowledged there was not a large turnout for the public hearing and directed Staff to

advertise future meeting dates in more locations.

Public Hearing #2 was held on Monday, June 4, 2018. Six residents of Apartment Row and one Rossmoor resident spoke in favor of district-based elections and stated support for having at least two representatives from their area. One resident spoke in opposition to district-based elections. Council reiterated concern district elections would not properly represent the will of all Los Alamitos residents. Council encouraged residents to contact them directly with any concerns.

### Community Outreach

Since adoption of the Resolution of Intention, the City has engaged in outreach efforts to inform the public about district elections and the process associated with developing the City Council election districts. The Public Hearing Notice for the hearings was published in English, Spanish, Korean, and Vietnamese in the May 16, 2018 edition of the News Enterprise. A color ad noticing the dates ran in the May 2nd edition of the News Enterprise. A color ad was posted on the Orange County Breeze website on May 30 and will run until July 16, 2018. The notices were posted on the City's website, in the three posting locations throughout the City, published on local Channel-3 and the City's social media outlets including Facebook, Twitter, and Nextdoor.com. The recordings of the Public Hearings are running at least once a day on Channel 3 and are available on the City's website. Staff created a new flyer to inform the public and get them engaged. The Chamber of Commerce sent the Public Hearing dates out to their mailing list on March 30, 2018. On March 31, 2018 Staff sent out an email blast to the City's distribution list of approximately 560 Los Alamitos residents. The Los Alamitos Unified School District has also sent the information to its distribution list.

## **Discussion**

This hearing transitions from the earlier hearings' purpose of informing the public about the districting process and hearing from the community on what factors should be taken into consideration while creating district boundaries, to a new focus on the specific boundary lines and election sequencing of the draft maps.

The City must ensure compliance with the following state and federally-mandated criteria:

- Each district shall contain a nearly equal population.
- Each district shall be drawn in a manner that complies with the Federal Voting Rights Act.
- Each district shall not be drawn with race as the predominate factor in violation of the principles established by the U.S. Supreme Court in Shaw v. Reno, 509 U.S. 630 (1993), and its progeny.

After meeting those requirements, the idea of districts is to achieve goals including respect for communities of interest. A community of interest is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Possible community features include, but are not limited to:

- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:

- a. Similar levels of income, education, or linguistic insolation
- b. Languages spoken at home
- c. Single-family and multi-family housing unit areas

### District Sequencing

Discussion of the sequencing process, where the Council determines which geographic districts will be elected in 2020 and which districts will be elected in 2022, can occur during any stage of the Public Hearing process. Ultimately, the final sequence of district elections is reflected in the adopted Ordinance. The district-based election system would be phased in over two election cycles starting in November 2020, with full implementation in 2022. Each district would elect one Council Member to a four-year term. Per Elections Code 10229, if there are no candidates for Council in a specific district, the Council may appoint an eligible elector to the office or hold the election.

### Draft Maps

Maps must be population-balanced to be considered for potential adoption. Resident submitted maps and draft maps were posted on the City's website on June 11, 2018. Notice advising draft maps were available was posted on the City's Facebook and Nextdoor.com page and sent to the local papers.

The public submitted a total of four maps, which were not population-balanced maps. The maps have been included as they still provide important feedback on communities of interest and can help guide discussion toward the development of a final district map for Los Alamitos.

NDC has created four district sequencing scenarios for review by the City Council and the public. A representative from NDC will lead a review of the draft maps and answer questions. Part of this process will include looking at different scenarios and various ways to divide the districts. Based on comments received at or in advance of the third Public Hearing, NDC will refine the proposed maps into two to four potential districting maps for final consideration during the fourth Public Hearing on July 9, 2018.

Following City Council selection of the desired district boundary map, Staff will present an Ordinance for introduction at the fifth Public Hearing, establishing the district boundaries and determining the sequence of district elections. Upon second reading, the Ordinance will be effective in time for the November 2020 General Municipal Election.

### Neighborhoods

At the June 4, 2018 Public Hearing, concerns were risen that Apartment Row needed at least two representatives. Apartment Row is a densely populated area and will require at least two districts as drawn in the draft maps provided by NDC.

The City is comprised of 16 residential neighborhoods. The neighborhood borders do not match census block borders and therefore we cannot calculate neighborhood by neighborhood population counts. NDC has compiled calculations based on nearby groupings of neighborhoods (i.e. Country Square, College Park North, Greenbrook and Woodcrest combined; El Dorado Park Estates East and Bungalows combined; etc). The grouping of various neighborhoods is dependent on the context of each overall map. Specific demographic information is available via an interactive map on the City's web at: <http://cityoflosalamitos.org/district-elections/>. To view total population by block, users would click on the "census block" layer. As they zoom in, population counts are calculated. Voter registration information for the 2014 and 2016 General Election turnout data is provided in the demographic spreadsheet for each district in each map

## Next Steps

Tonight the City Council will conduct Public Hearing #3 to seek public input and provide direction on the borders and election sequencing of the initial district maps. Following tonight's Public Hearing, the initial draft district maps and any possible new or revised maps will be discussed at Council hearings on July 9 and July 16. It is anticipated introduction of an ordinance adopting district-based maps will occur on July 16, 2018 with second reading and adoption on August 20, 2018.

At the July 9, 2018, the City Council will conduct Public Hearing #4 and will be requested to select a preferred map and direct amendments as necessary.

On July 16, 2018, Public Hearing #5 will be held to adopt a preferred district map and to introduce an ordinance to transition to a district-based electoral system.

Second reading and adoption of the ordinance is scheduled to occur on August 20, 2018, and the City Clerk and demographer will then work with the County Elections Division to have the district maps integrated into the countywide voting system. The first district election for two Council seats in Los Alamitos will be held in November 2020.

## **Fiscal Impact**

Transitioning to district elections required the City to retain the services of a demographer, National Demographic Consultants (NDC). The cost of these service is roughly \$17,000. Significant Staff time will be required to transition to district-based elections and to administer the process including the need for five (5) public hearings. Council appropriated \$20,000 from the General Fund to the Election Expense account for this purpose on May 11, 2018.

Should the City Council ultimately adopt an ordinance to transition to a district-based electoral system, the law firm of Shenkman and Hughes, which threatened litigation if the City declined to voluntarily transfer to district-based elections, may seek reimbursement for its documented costs up to \$30,000; the City, however, will not be exposed to the potential much higher legal fees involved in defense of a lawsuit brought under the California Voting Rights Act. Additional legal fees will be incurred by our City Attorney as well for this unbudgeted item. Once these additional charges have been realized, an appropriation request will come back to the Council.

Submitted By: Windmera Quintanar, CMC, City Clerk

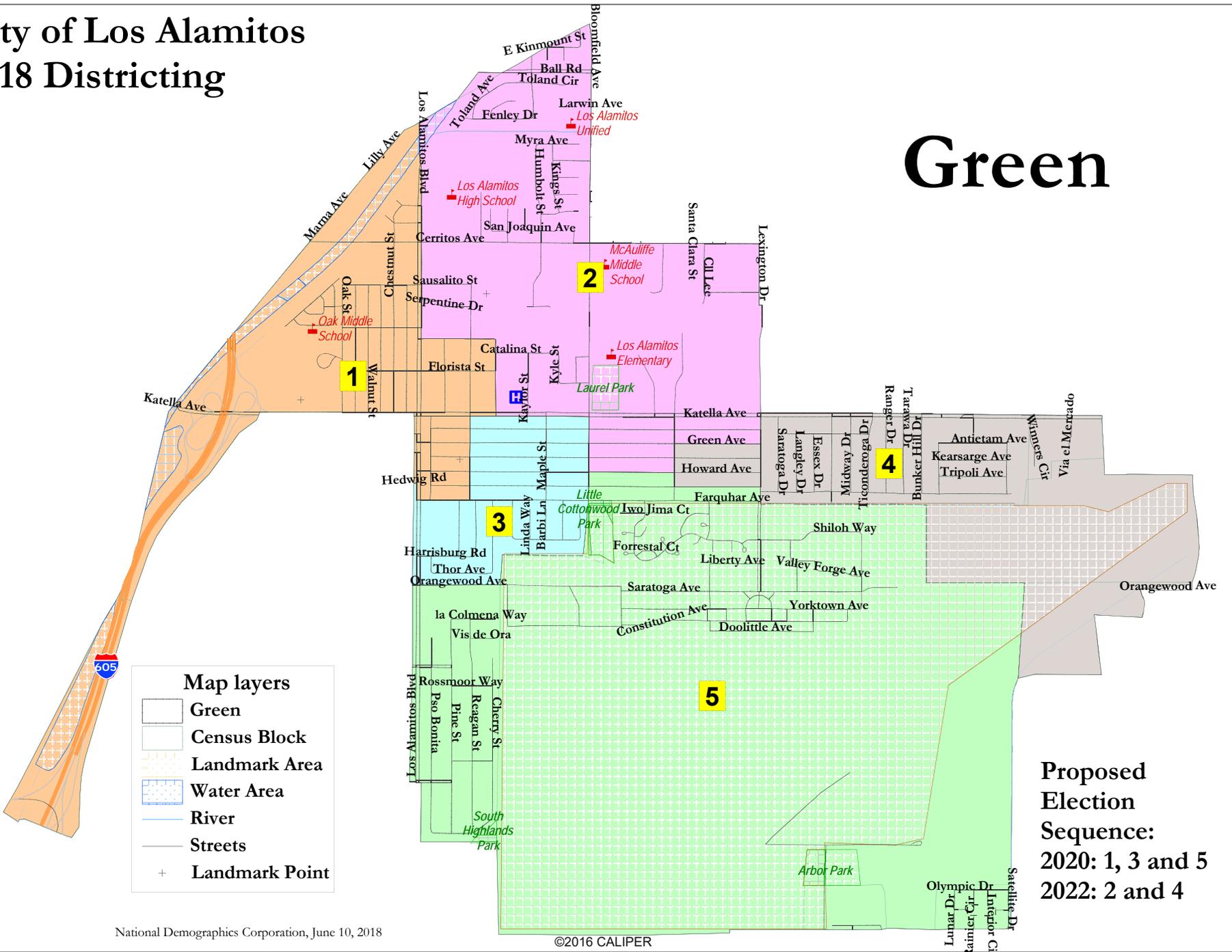
Approved By: Bret M. Plumlee, City Manager

*Attachments:*

- 1. Proposed Draft Maps (with proposed election sequencing and demographics)*
- 2. Resident Submitted Maps*
- 3. Neighborhood Map with Population Data*
- 4. Adopted Timeline for District-based Elections*
- 5. Flyer Advertising Public Hearing Dates*
- 6. Flyer Requesting Public Input*
- 7. Demand Letter*

# City of Los Alamitos 2018 Districting

# Green



## Los Alamitos - Green

District		1	2	3	4	5	Total
Ideal	Total Pop	2,298	2,295	2,379	2,205	2,232	11,409
2,282	Deviation from ideal	16	13	97	-77	-50	174
	% Deviation	0.70%	0.57%	4.25%	-3.37%	-2.19%	7.62%
Total Pop	% Hisp	31%	14%	24%	19%	17%	21%
	% NH White	47%	62%	55%	63%	66%	59%
	% NH Black	4%	3%	4%	2%	2%	3%
	% Asian-American	14%	19%	15%	13%	11%	14%
Citizen Voting Age Pop	Total	1,620	2,044	1,500	1,565	1,635	8,364
	% Hisp	28%	9%	19%	27%	15%	19%
	% NH White	41%	62%	60%	58%	73%	59%
	% NH Black	12%	6%	6%	1%	4%	6%
	% Asian/Pac.Isl.	13%	19%	14%	9%	8%	13%
Voter Registration (Nov 2016)	Total	1,087	1,281	1,279	1,269	1,403	6,319
	% Latino est.	25%	14%	21%	16%	12%	17%
	% Spanish-Surnamed	22%	13%	19%	14%	11%	15%
	% Asian-Surnamed	6%	9%	6%	5%	5%	6%
	% Filipino-Surnamed	2%	1%	2%	2%	1%	2%
	% NH White est.	53%	67%	65%	70%	78%	67%
% NH Black	12%	6%	6%	1%	4%	6%	
Voter Turnout (Nov 2016)	Total	824	1,046	1,015	1,037	1,192	5,114
	% Latino est.	25%	13%	22%	15%	11%	17%
	% Spanish-Surnamed	23%	12%	19%	14%	10%	15%
	% Asian-Surnamed	5%	9%	4%	6%	5%	6%
	% Filipino-Surnamed	2%	1%	2%	2%	1%	2%
	% NH White est.	53%	68%	65%	71%	79%	68%
% NH Black	12%	6%	6%	1%	4%	5%	
Voter Turnout (Nov 2014)	Total	374	544	523	553	660	2,655
	% Latino est.	21%	8%	12%	12%	9%	12%
	% Spanish-Surnamed	19%	7%	11%	11%	8%	10%
	% Asian-Surnamed	4%	10%	5%	5%	4%	5%
	% Filipino-Surnamed	2%	0%	1%	2%	1%	1%
	% NH White est.	71%	81%	79%	76%	86%	79%
	% NH Black est.	3%	1%	2%	0%	0%	1%
ACS Pop. Est.	Total	2,429	2,412	2,444	2,200	2,222	11,706
Age	age0-19	24%	27%	31%	29%	29%	28%
	age20-60	53%	54%	52%	49%	48%	51%
	age60plus	23%	20%	17%	22%	22%	21%
Immigration	immigrants	16%	18%	15%	12%	11%	15%
	naturalized	74%	64%	56%	61%	61%	64%
Language spoken at home	english	77%	74%	76%	82%	83%	78%
	spanish	9%	11%	12%	8%	8%	10%
	asian-lang	11%	12%	9%	7%	7%	9%
	other lang	3%	3%	3%	2%	2%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	9%	10%	8%	6%	5%	8%
Education (among those age 25+)	hs-grad	45%	50%	53%	51%	51%	50%
	bachelor	27%	26%	24%	24%	24%	25%
	graduatedegree	16%	14%	14%	18%	19%	16%
Child in Household	child-under18	28%	33%	40%	35%	34%	34%
Pct of Pop. Age 16+	employed	57%	61%	63%	56%	56%	59%
Household Income	income 0-25k	13%	13%	14%	12%	12%	13%
	income 25-50k	18%	17%	16%	13%	12%	15%
	income 50-75k	15%	18%	22%	19%	19%	19%
	income 75-200k	43%	44%	42%	46%	47%	44%
	income 200k-plus	12%	7%	5%	10%	11%	9%
Housing Stats	single family	67%	53%	35%	65%	70%	58%
	multi-family	33%	47%	65%	35%	30%	42%
	rented	50%	60%	73%	47%	42%	55%
	owned	50%	40%	27%	53%	58%	45%

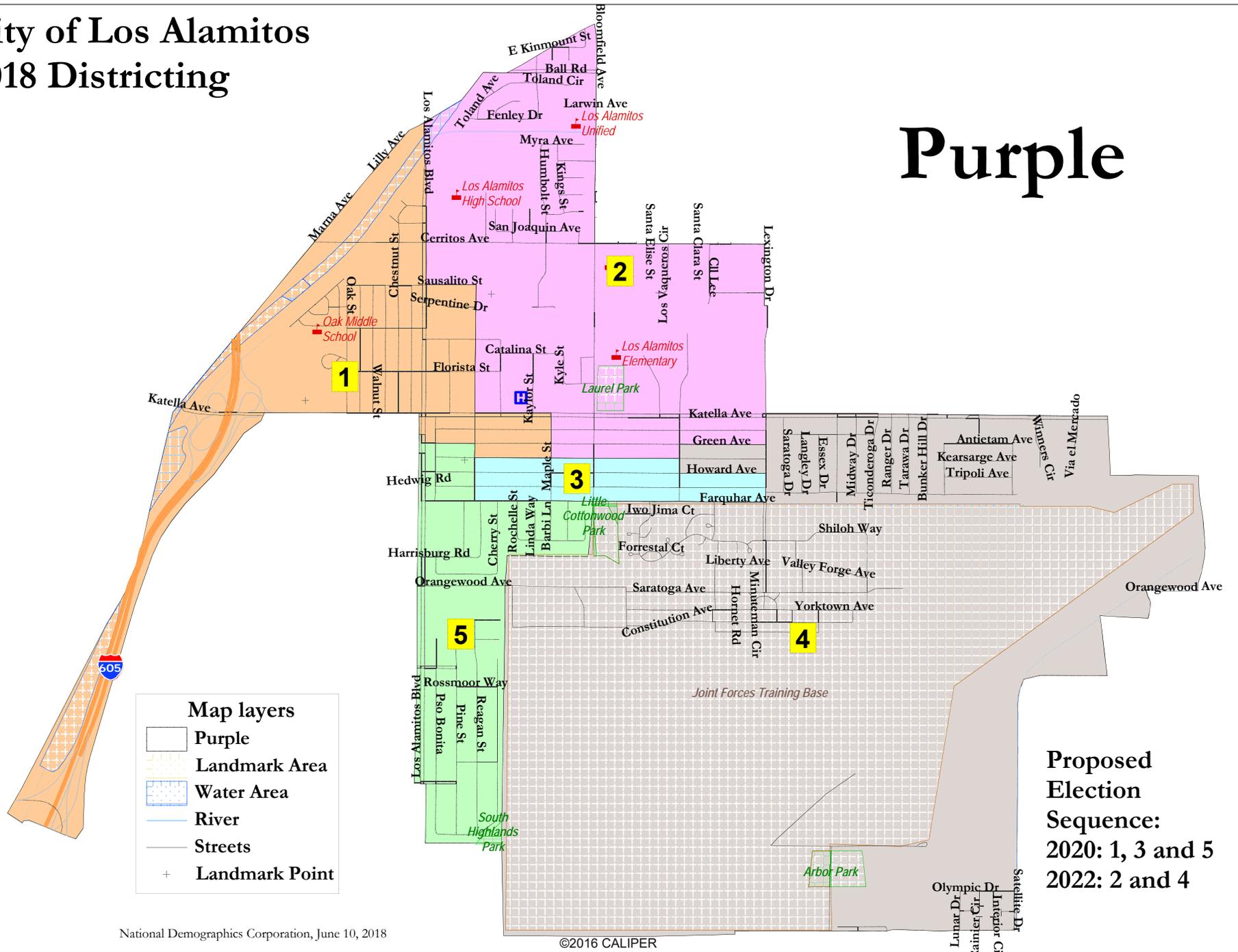
Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

# City of Los Alamitos 2018 Districting

# Purple



**Map layers**

- Purple
- Landmark Area
- Water Area
- River
- Streets
- Landmark Point

**Proposed Election Sequence:**  
2020: 1, 3 and 5  
2022: 2 and 4

## Los Alamitos - Purple

District		1	2	3	4	5	Total
Ideal	Total Pop	2,258	2,410	2,239	2,211	2,291	11,409
2,282	Deviation from ideal	-24	128	-43	-71	9	199
	% Deviation	-1.05%	5.61%	-1.88%	-3.11%	0.39%	8.72%
Total Pop	% Hisp	30%	16%	26%	18%	17%	21%
	% NH White	49%	60%	51%	65%	69%	59%
	% NH Black	4%	2%	5%	2%	2%	3%
	% Asian-American	13%	20%	15%	14%	9%	14%
Citizen Voting Age Pop	Total	1,542	2,061	1,527	1,575	1,657	8,364
	% Hisp	27%	9%	24%	24%	15%	19%
	% NH White	42%	61%	54%	63%	74%	59%
	% NH Black	13%	5%	9%	1%	4%	6%
	% Asian/Pac.Isl.	14%	21%	11%	10%	7%	13%
Voter Registration (Nov 2016)	Total	1,059	1,331	1,056	1,357	1,516	6,319
	% Latino est.	25%	14%	22%	15%	13%	17%
	% Spanish-Surnamed	22%	13%	19%	13%	12%	15%
	% Asian-Surnamed	6%	9%	6%	5%	5%	6%
	% Filipino-Surnamed	2%	2%	2%	2%	1%	2%
	% NH White est.	53%	68%	61%	72%	77%	67%
% NH Black	12%	5%	9%	1%	4%	6%	
Voter Turnout (Nov 2016)	Total	804	1,088	823	1,125	1,275	5,114
	% Latino est.	25%	14%	22%	14%	13%	17%
	% Spanish-Surnamed	22%	12%	20%	13%	12%	15%
	% Asian-Surnamed	5%	9%	6%	5%	5%	6%
	% Filipino-Surnamed	2%	1%	2%	2%	1%	2%
	% NH White est.	53%	69%	61%	72%	77%	68%
% NH Black	12%	5%	9%	1%	3%	5%	
Voter Turnout (Nov 2014)	Total	393	564	287	608	804	2,655
	% Latino est.	20%	8%	18%	11%	8%	12%
	% Spanish-Surnamed	18%	7%	16%	10%	7%	10%
	% Asian-Surnamed	4%	9%	5%	5%	5%	5%
	% Filipino-Surnamed	2%	0%	2%	2%	1%	1%
	% NH White est.	73%	81%	70%	78%	86%	79%
% NH Black est.	2%	1%	5%	0%	1%	1%	
ACS Pop. Est.	Total	2,386	2,533	2,344	2,188	2,255	11,706
Age	age0-19	24%	27%	32%	29%	28%	28%
	age20-60	53%	54%	54%	48%	47%	51%
	age60plus	23%	20%	14%	24%	24%	21%
Immigration	immigrants	16%	18%	17%	11%	10%	15%
	naturalized	73%	64%	54%	63%	64%	64%
Language spoken at home	english	76%	74%	71%	84%	85%	78%
	spanish	10%	11%	15%	7%	6%	10%
	asian-lang	11%	12%	10%	7%	6%	9%
	other lang	3%	3%	4%	2%	2%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	9%	10%	10%	5%	4%	8%
Education (among those age 25+)	hs-grad	46%	49%	55%	51%	50%	50%
	bachelor	27%	26%	24%	24%	24%	25%
	graduatedegree	16%	14%	11%	20%	21%	16%
Child in Household	child-under18	29%	32%	43%	33%	32%	34%
Pct of Pop. Age 16+	employed	58%	61%	68%	54%	53%	59%
Household Income	income 0-25k	13%	13%	15%	12%	11%	13%
	income 25-50k	18%	17%	19%	11%	10%	15%
	income 50-75k	15%	18%	24%	18%	18%	19%
	income 75-200k	43%	44%	40%	47%	48%	44%
	income 200k-plus	11%	8%	2%	12%	13%	9%
Housing Stats	single family	66%	54%	16%	76%	82%	58%
	multi-family	34%	46%	84%	24%	18%	42%
	rented	51%	59%	90%	37%	31%	55%
	owned	49%	41%	10%	63%	69%	45%

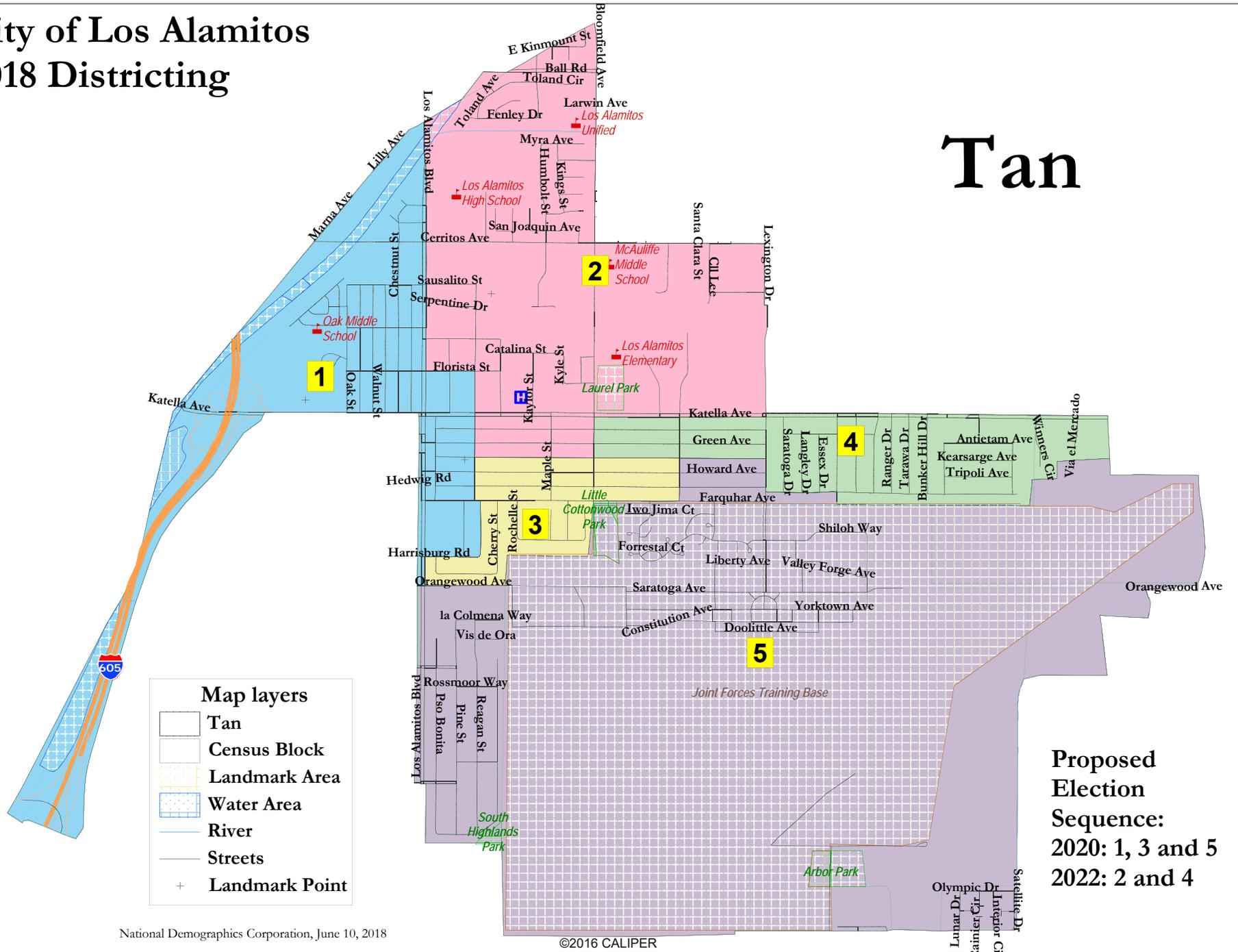
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# City of Los Alamitos 2018 Districting

# Tan



Los Alamitos - Tan							
District		1	2	3	4	5	Total
Ideal	Total Pop	2,215	2,287	2,265	2,376	2,266	11,409
2,282	Deviation from ideal	-67	5	-17	94	-16	161
	% Deviation	-2.94%	0.22%	-0.75%	4.12%	-0.70%	7.06%
Total Pop	% Hisp	30%	17%	25%	19%	15%	21%
	% NH White	50%	59%	54%	63%	68%	59%
	% NH Black	4%	2%	5%	2%	3%	3%
	% Asian-American	13%	19%	13%	15%	12%	14%
Citizen Voting Age Pop	Total	1,510	1,930	1,569	1,637	1,718	8,364
	% Hisp	28%	9%	21%	24%	16%	19%
	% NH White	44%	59%	60%	62%	69%	59%
	% NH Black	12%	5%	9%	2%	2%	6%
	% Asian/Pac.Isl.	11%	23%	10%	12%	8%	13%
Voter Registration (Nov 2016)	Total	1,077	1,281	1,217	1,304	1,440	6,319
	% Latino est.	24%	14%	21%	16%	12%	17%
	% Spanish-Surnamed	22%	13%	19%	15%	11%	15%
	% Asian-Surnamed	6%	9%	6%	6%	6%	6%
	% Filipino-Surnamed	2%	2%	2%	1%	1%	2%
	% NH White est.	54%	68%	63%	69%	78%	67%
% NH Black	11%	5%	8%	2%	3%	6%	
Voter Turnout (Nov 2016)	Total	821	1,059	966	1,060	1,208	5,114
	% Latino est.	25%	13%	21%	16%	12%	17%
	% Spanish-Surnamed	22%	12%	19%	14%	10%	15%
	% Asian-Surnamed	5%	8%	5%	6%	6%	6%
	% Filipino-Surnamed	2%	2%	2%	2%	1%	2%
	% NH White est.	55%	70%	64%	70%	79%	68%
% NH Black	11%	5%	8%	2%	2%	5%	
Voter Turnout (Nov 2014)	Total	388	584	453	548	682	2,655
	% Latino est.	19%	8%	14%	12%	9%	12%
	% Spanish-Surnamed	17%	7%	12%	11%	8%	10%
	% Asian-Surnamed	4%	9%	5%	5%	4%	5%
	% Filipino-Surnamed	1%	1%	1%	2%	1%	1%
	% NH White est.	73%	82%	77%	75%	86%	79%
	% NH Black est.	3%	1%	3%	0%	0%	1%
ACS Pop. Est.	Total	2,331	2,406	2,333	2,382	2,255	11,706
Age	age0-19	24%	26%	31%	30%	29%	28%
	age20-60	53%	54%	52%	49%	48%	51%
	age60plus	23%	21%	16%	21%	23%	21%
Immigration	immigrants	16%	18%	15%	12%	11%	15%
	naturalized	73%	66%	56%	60%	61%	64%
Language spoken at home	english	77%	74%	75%	81%	83%	78%
	spanish	9%	10%	12%	9%	8%	10%
	asian-lang	11%	12%	9%	7%	7%	9%
	other lang	3%	3%	3%	3%	2%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	8%	10%	9%	6%	5%	8%
Education (among those age 25+)	hs-grad	46%	48%	54%	52%	51%	50%
	bachelor	27%	26%	24%	24%	24%	25%
	graduatedegree	16%	15%	14%	18%	19%	16%
Child in Household	child-under18	29%	31%	40%	35%	34%	34%
Pct of Pop. Age 16+	employed	57%	60%	64%	57%	56%	59%
Household Income	income 0-25k	13%	13%	14%	13%	12%	13%
	income 25-50k	18%	17%	17%	13%	12%	15%
	income 50-75k	15%	17%	22%	20%	19%	19%
	income 75-200k	43%	45%	42%	45%	46%	44%
	income 200k-plus	11%	9%	5%	9%	11%	9%
Housing Stats	single family	67%	60%	33%	61%	70%	58%
	multi-family	33%	40%	67%	39%	30%	42%
	rented	50%	55%	76%	50%	43%	55%
	owned	50%	45%	24%	50%	57%	45%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.							



## Los Alamitos - Yellow

District		1	2	3	4	5	Total
<u>Ideal</u>	Total Pop	2,282	2,288	2,306	2,226	2,307	11,409
2,282	Deviation from ideal	0	6	24	-56	25	81
	% Deviation	0.00%	0.26%	1.05%	-2.45%	1.10%	3.55%
Total Pop	% Hisp	24%	20%	28%	20%	13%	21%
	% NH White	55%	59%	49%	57%	73%	59%
	% NH Black	4%	2%	5%	4%	1%	3%
	% Asian-American	13%	15%	15%	17%	11%	14%
Citizen Voting Age Pop	Total	1,601	1,951	1,517	1,636	1,660	8,364
	% Hisp	20%	15%	22%	26%	13%	19%
	% NH White	55%	56%	55%	54%	76%	59%
	% NH Black	9%	7%	9%	4%	1%	6%
	% Asian/Pac.Isl.	12%	18%	13%	12%	10%	13%
Voter Registration (Nov 2016)	Total	1,163	1,359	1,087	1,161	1,549	6,319
	% Latino est.	23%	16%	22%	19%	10%	17%
	% Spanish-Surnamed	20%	14%	19%	17%	9%	15%
	% Asian-Surnamed	5%	8%	6%	7%	5%	6%
	% Filipino-Surnamed	2%	2%	2%	1%	1%	2%
	% NH White est.	59%	66%	61%	62%	82%	67%
	% NH Black	9%	7%	9%	4%	1%	6%
Voter Turnout (Nov 2016)	Total	911	1,109	852	907	1,336	5,114
	% Latino est.	23%	15%	22%	19%	10%	17%
	% Spanish-Surnamed	20%	13%	20%	17%	9%	15%
	% Asian-Surnamed	5%	8%	5%	7%	5%	6%
	% Filipino-Surnamed	2%	1%	2%	1%	1%	2%
	% NH White est.	60%	68%	62%	62%	83%	68%
% NH Black	9%	7%	9%	4%	1%	5%	
Voter Turnout (Nov 2014)	Total	476	640	302	365	872	2,655
	% Latino est.	13%	11%	17%	15%	8%	12%
	% Spanish-Surnamed	12%	10%	15%	13%	7%	10%
	% Asian-Surnamed	5%	6%	5%	9%	4%	5%
	% Filipino-Surnamed	1%	0%	3%	1%	1%	1%
	% NH White est.	78%	82%	71%	74%	83%	79%
% NH Black est.	2%	1%	5%	1%	0%	1%	
ACS Pop. Est.	Total	2,349	2,424	2,415	2,279	2,239	11,706
Age	age0-19	28%	21%	32%	31%	27%	28%
	age20-60	52%	53%	54%	52%	45%	51%
	age60plus	20%	26%	14%	18%	27%	21%
Immigration	immigrants	15%	17%	17%	15%	8%	15%
	naturalized	64%	77%	54%	57%	69%	64%
Language spoken at home	english	78%	77%	71%	76%	89%	78%
	spanish	10%	8%	15%	12%	4%	10%
	asian-lang	9%	12%	10%	9%	5%	9%
	other lang	3%	2%	4%	3%	2%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	8%	9%	10%	8%	3%	8%
Education (among those age 25+)	hs-grad	50%	44%	55%	54%	49%	50%
	bachelor	25%	28%	24%	24%	23%	25%
	graduatedegree	16%	18%	11%	14%	23%	16%
Child in Household	child-under18	34%	25%	43%	38%	29%	34%
Pct of Pop. Age 16+	employed	59%	55%	68%	62%	50%	59%
Household Income	income 0-25k	13%	12%	15%	14%	10%	13%
	income 25-50k	16%	17%	19%	15%	8%	15%
	income 50-75k	18%	13%	24%	21%	16%	19%
	income 75-200k	44%	44%	40%	44%	50%	44%
	income 200k-plus	9%	14%	2%	5%	16%	9%
Housing Stats	single family	58%	82%	16%	41%	99%	58%
	multi-family	42%	18%	84%	59%	1%	42%
	rented	55%	39%	90%	68%	16%	55%
	owned	45%	61%	10%	32%	84%	45%
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.							

**Windy Quintanar**

---

**From:** Christine El Ouardani <christine.elouardani@gmail.com>  
**Sent:** Sunday, June 10, 2018 6:16 PM  
**To:** Windy Quintanar  
**Cc:** Chelsi Wilson  
**Subject:** Los Alamitos District Map Proposals  
**Attachments:** Los Alamitos Council Districts Map 1.pdf; Los Alamitos Council Districts Map 2.pdf

DATE: June 7, 2018

TO:  
 Windmera Quintanar, CMC  
 City Clerk  
 City of Los Alamitos

CC:  
 Bret M. Plumlee  
 City Manager  
 City of Los Alamitos

FROM:  
 Dr. Christine El Ouardani - Apartment Row Resident

On behalf of myself and the following Los Alamitos Residents:  
 Barbara Farrell - Apartment Row  
 Dania & Habib Barye - Carrier Row  
 Philippe & Cathy Save - College Park North  
 Monica Taormina - Apartment Row  
 Stanley & Marlys Davidson - New Dutch Haven

RE:  
 Submission of Proposed Council District Maps 1 & 2

Attached please find Proposed Council District Maps 1 & 2, in both PDF and JPEG formats.

These proposed maps are being submitted in accordance with Los Alamitos Resolution No. 2018-08, "Resolution of Intention," adopted May 11, 2018, and Election Code Section 10010. Our intent is to provide direction to the city's demographer and thus the city council regarding the drawing of districts.

The maps were drafted to accomplish the goal of identifying districts which had a common housing type (single family vs. multiple family), which reflects other common aspects of their Community of Interest including economic, ethnic, and cultural characteristics.

Map 1 is the initial draft map. Because the U.S Census public website does not provide Census Block data and only Census Group data, we have no way of calculating precise populations to insure equally populated Districts. We would like the demographer, who will have access to the block data, to help us to even out these districts.

Map 2 is a modified draft map affording needed flexibility to assure districts equal in population size. Map 2 provides for two specific contiguous single family housing districts [North/East and South], plus an outline for the demographer to precisely craft three equal multiple-family housing districts at the center of the City. Map 2 was drawn to carefully follow and accommodate the existing neighborhood patterns as determined by the city's current zoning. It achieves the goals of utilizing natural neighborhood dividing lines, major roads, shared demographic characteristics.

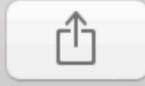
Map 2 affords the demographer an outline to draw two optional configurations for the three central districts. Both options should achieve equality in district population, should keep the Old Town area intact within a district, and should result in two additional districts for Apartment Row residents.

Please feel free to contact me for any questions concerning this submission. I look forward to speaking with the demographer about any revisions that may need to occur to create districts with equal populations, as we talked about after the last city council meeting.

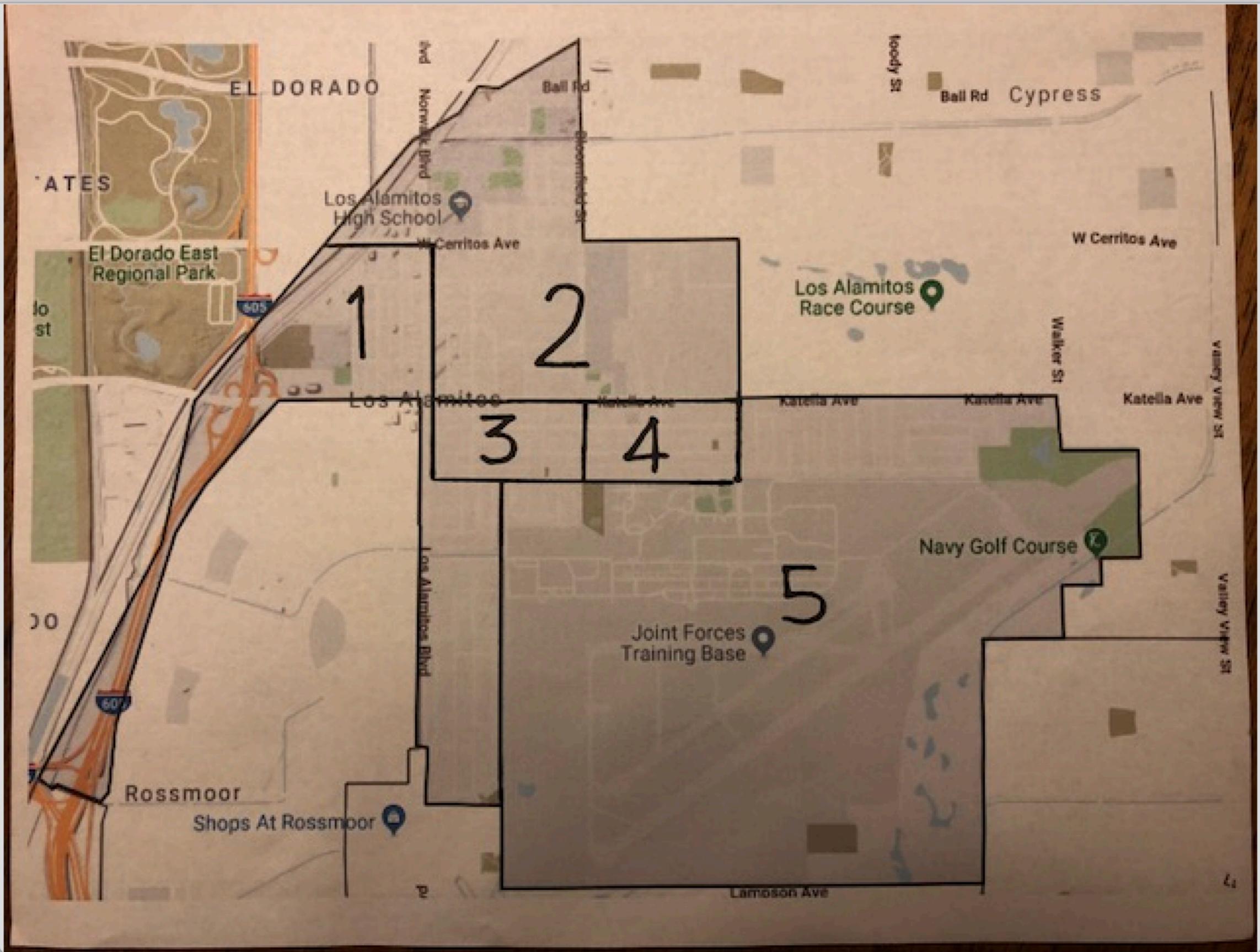
Also, please confirm receipt of this submission.

Best,

Dr. Christine El Ouardani



Search



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Alamitos  
California

3 Districts

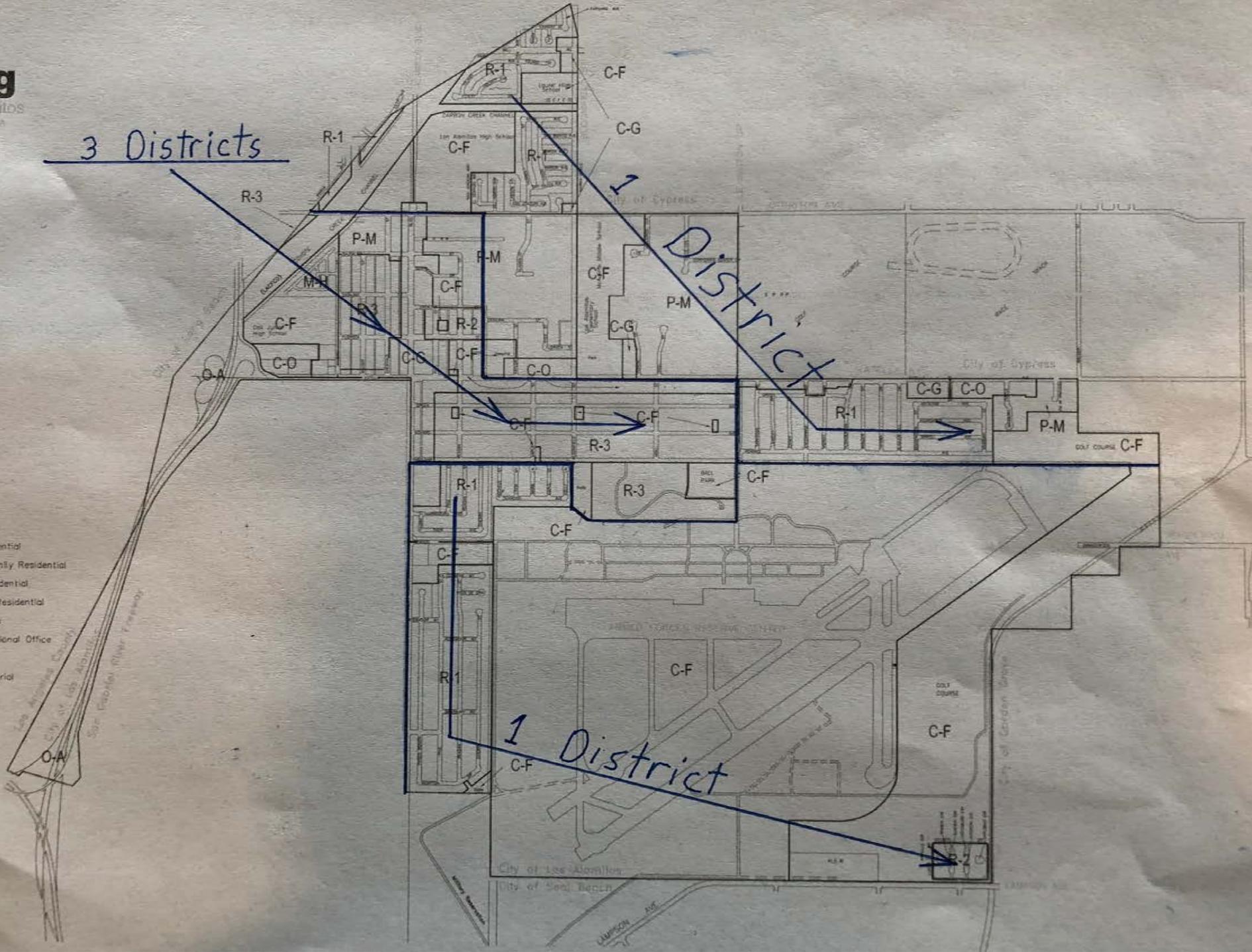
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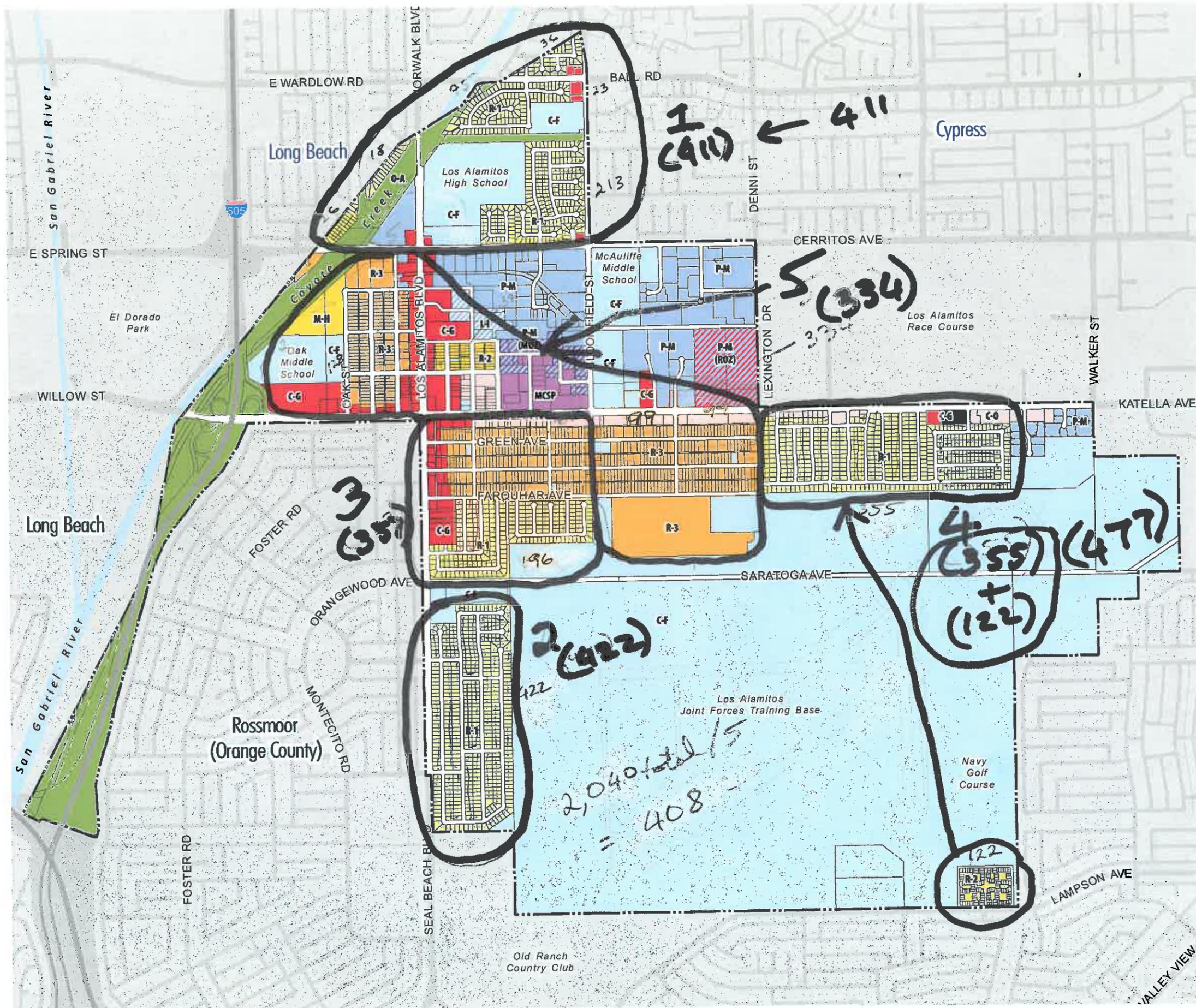
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- Single Residential
- Multiple Family Residential
- Community Residential
- Neighborhood Park Residential
- Public Facilities
- Professional Office
- Commercial
- Light Industrial



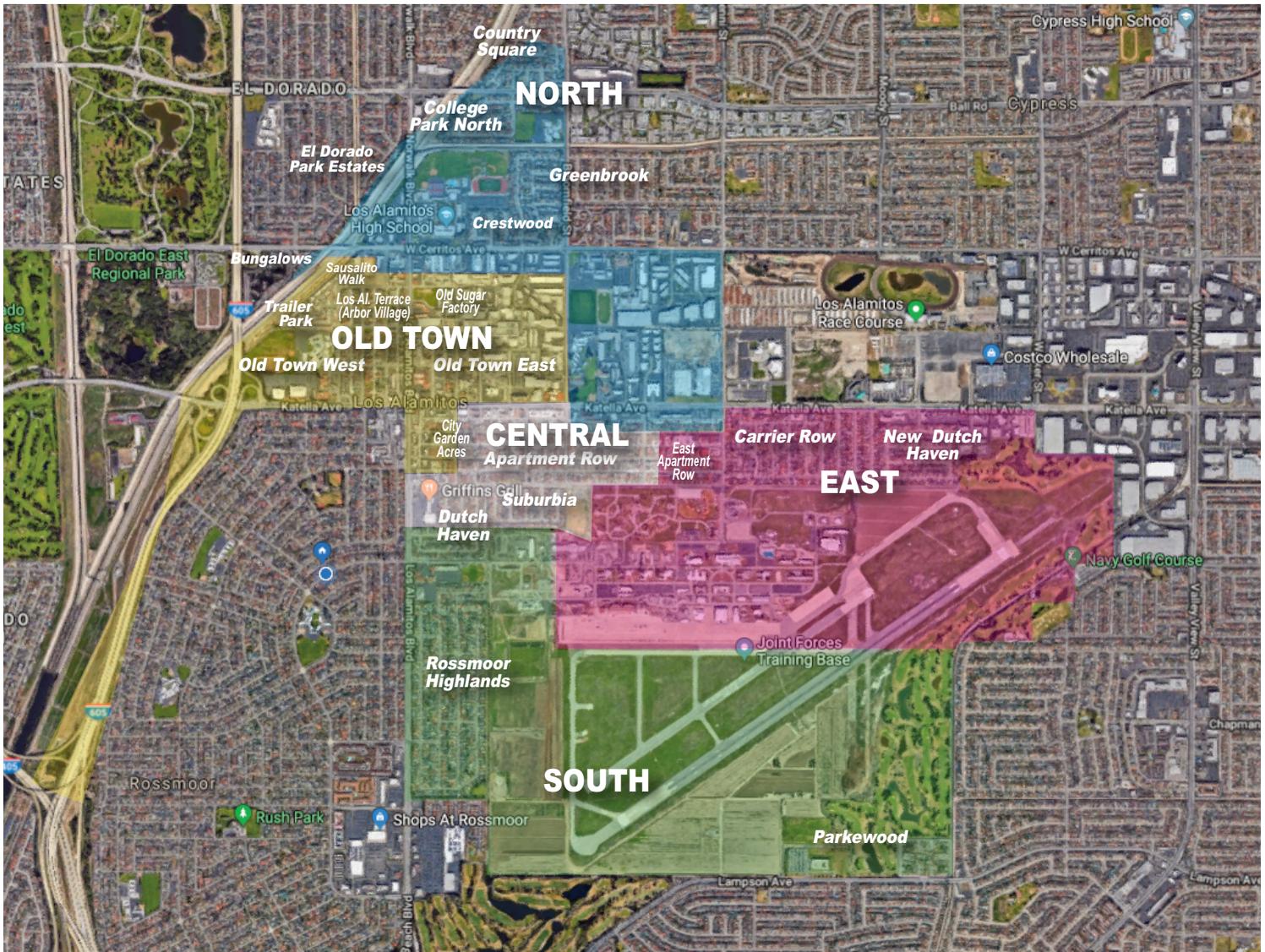
# City of Los Alamitos Zoning Map



- Zoning Districts**
- R-1: Single-Family Residential
  - R-2: Limited Multiple-Family Residential
  - R-3: Multiple-Family Residential
  - M-H: Mobilehome Park
  - C-G: General Commercial
  - C-O: Commercial-Professional Office
  - MCSP: Medical Center Specific Plan
  - P-M: Planned Light-Industrial
  - L-I: Limited Industrial
  - C-F: Community Facilities
  - O-A: Open Area
- Zoning Overlays**
- MOZ: Medical Overlay Zone
  - ROZ: Retail Overlay Zone
- Base Map Features**
- Los Alamitos City Boundary
  - San Gabriel River and Coyote Creek

Source: City of Los Alamitos, 2015.





The submitted maps seem to overlook historical showings over common neighborhood issues. (The Base, traffic on Katella, traffic on the Boulevard, traffic on Farquhar, impact of the high school, etc. As a Rossmoor resident I have no dog in this hunt, but because it was a challenge, I tried to make a map which addressed all natural and historical issues, kept an approx. district population of around 2200-2300 residents and still kept the traditional neighborhood identity (as much as possible).

**NORTH (1)** - includes basically all residences and business that are entered via Cerritos and then everything North. The 3 blocks or so of Apartment Row are also included to equalize the population, but this can also be justified because it also includes the area of McAuliffe and Los Al Elementary because those areas have a very close connection to this schools. Neighborhoods (College Park North, Greenbrook, Country Square, Crestwood, El Dorado Park Estates, Bungalows. MAJOR ISSUES: Impact of LAHS and McAuliffe, traffic on Cerritos Avenue, but also traffic from Cypress (via Cerritos and Katella). The Bungalows face Cerritos so the biggest issue for them is traffic on Cerritos, which they share with the rest of the North district.

**OLD TOWN (2)** - The core of the original town:and the main business area. Neighborhoods: Old Town West and Old Town East, Royal Oaks Trailer Park, Sausalito Walk . MAJOR ISSUE: traffic on Los Al Blvd, intersection of Los Al & Katella, street parking

**CENTRAL (3)** - Neighborhoods: Central Apartment Row, Northern Dutch Haven, Suburbia. MAJOR ISSUE: Apartment density. Traffic on Farquhar. Traffic on Katella. BOTH sides of Noel are in this district because they share traffic on Noel as an issue.

**EAST (4)** - Neighborhoods: Carrier Row, New Dutch Haven, East Apartment Row. MAJOR ISSUES: Traffic on Katella (especially from Cypress), The Base, The LAYB ballfields, traffic on Farquhar

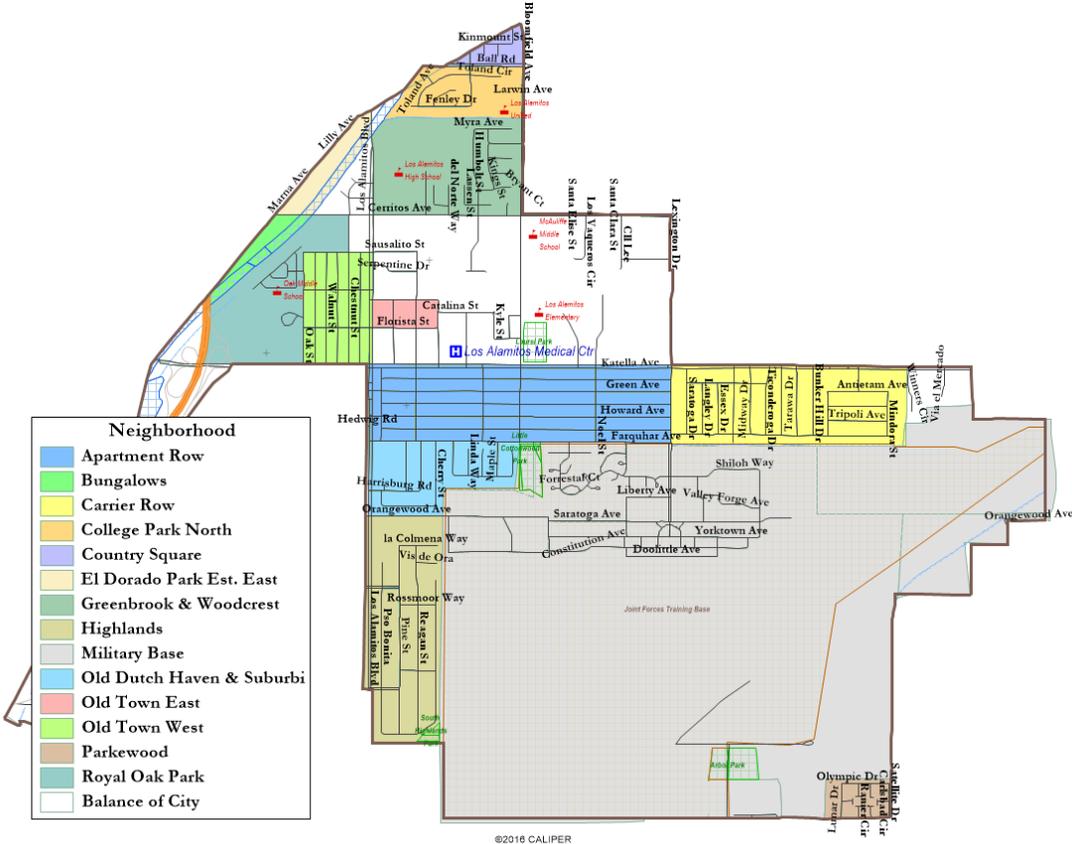
**SOUTH (5)** - includes that part of Dutch Haven which is primarily accessed from Los Al Blvd (Harrisburg, Thor & Snark), Rossmoor Highlands, Parkewood. MAJOR ISSUES: The Base, Traffic on "The Boulevard", impact of the Rossmoor and Old Ranch Shopping centers.

Submitted by: Larry Strawther (562) 522-6670

Los Alamitos Population by Neighborhood

Neighborhood(s)	Number(s) on Map	Population	Housing Units
Apartment Row	11	4,905	1,912
Bungalows	16	93	50
Carrier Row & New Dutch Haven	12 & 13	1,427	469
College Park North	2	326	113
Country Square	1	121	38
El Dorado Park Estates East	15	114	33
Greenbrook & Woodcrest	3 & 4	639	217
Highlands	9	1,259	415
Old Dutch Haven & Suburbia	7 & 8	620	215
Old Town East	6	197	80
Old Town West	5	1,158	445
Parkwood	10	198	100
Royal Oak Park	14	157	110
Military Base		44	13
Balance of City		151	84
<b>Total</b>		<b>11,409</b>	<b>4,293</b>

Map of blocks included in each neighborhood



## TIMELINE: CONSIDERATION AND IMPLEMENTATION OF DISTRICT-BASED ELECTIONS SYSTEM

DATE	EVENT	COMMENT
March 29, 2018	City received Notice of Violation of CVRA	City has 45 days (May 12, 2018) to adopt a Resolution of Intention to transition to district elections
May 11, 2018	Informational Report	Staff presented a report to the City Council on the Notice of Violation
May 11, 2018	Resolution of Intention	90-Day Safe Harbor begins (Ends August 9, 2018)
May 29, 2018 6:00 p.m.	First Public Hearing	Council hearing regarding composition of districts. No maps to be drawn yet.
June 4, 2018 6:00 p.m.	Second Public Hearing	Council hearing regarding composition of districts. No maps to be drawn yet.  <i>First and second public hearings must occur within a period of 30 days.</i>
June 7, 2018	Post Draft Maps and Potential Sequence of Elections	Draft maps and proposed sequence must be posted publicly at least 7 days before next hearing.
June 18, 2018 5:00 p.m.	Third Public Hearing	Council hearing regarding published drafts maps.  <i>Third and fourth public hearings must occur within a period of 45 days.</i>
June 19, 2018	Post Draft Maps and Potential Sequence of Elections	Draft maps and proposed sequence must be posted publicly at least 7 days before next hearing.
July 9, 2018 6:00 p.m.	Fourth Public Hearing	Council hearing regarding published drafts maps.  <i>If selected map is amended, ordinance cannot be introduced until 7 days after the amended map is published.</i>
July 9, 2018	Post Amended Draft Maps	Draft maps and proposed sequence must be posted publicly at least 7 days before being adopted..
July 16, 2018 6:00 p.m.	Fifth Public Hearing	Council introduces ordinance establishing district elections, selects map, includes district boundaries and elections sequence
August 20, 2018	Ordinance Adoption	Second reading and adoption of Ordinance.
September 2018	County Elections Division	Staff and the demographer will work with the Orange County Elections Division to implement districts into the County's elections database.
November 2020	General Municipal Election	First election utilizing adopted district boundaries.



# CITY OF Los Alamitos

3191 Katella Avenue, Los Alamitos, CA 90720

California

## PUBLIC HEARING NOTICE City Council Voting Districts

NOTICE IS HEREBY GIVEN the City Council of the City of Los Alamitos will conduct Public Hearings on the below listed dates and times in the City Council Chamber located at 3191 Katella Ave., Los Alamitos, CA to discuss CREATION OF A CITY COUNCIL DISTRICT-BASED ELECTORAL SYSTEM PURSUANT TO CA ELECTIONS CODE 10010

**Tuesday, May 29, 2018 - 6:00 p.m.**

**Monday, June 4, 2018 - 6:00 p.m.**

**Monday, June 18, 2018 - 5:00 p.m.**

**Monday, July 9, 2018 - 6:00 p.m.**

**Monday, July 16, 2018 - 6:00 p.m.**

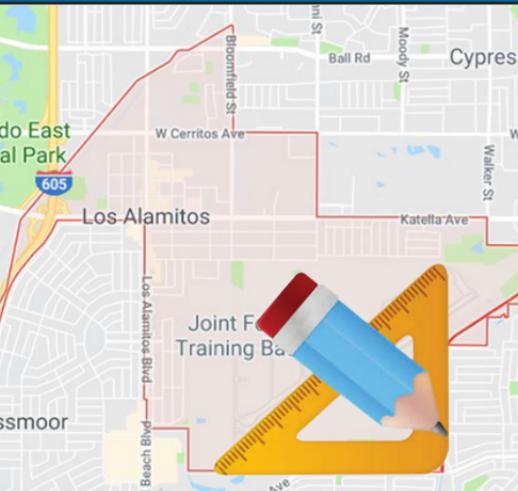
**For more information visit us online:  
[www.cityoflosalamitos.org](http://www.cityoflosalamitos.org)**

**Windmera Quintanar, CMC, City Clerk  
(562) 431-3538, ext. 220  
[wquintanar@cityoflosalamitos.org](mailto:wquintanar@cityoflosalamitos.org)**

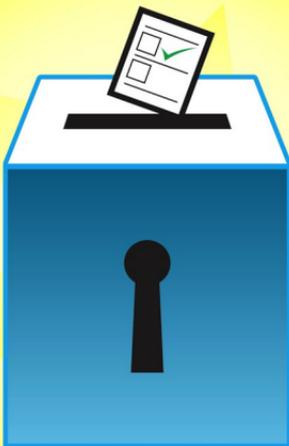


# CITY COUNCIL VOTING DISTRICTS

Attachment 6



**WE NEED YOUR INPUT**  
Join us as we discuss  
the future of Los Al's  
Voting Districts



## **DRAW LOS ALAMITOS' FUTURE**

For more information visit us online:

[www.cityoflosalamitos.org/district-elections](http://www.cityoflosalamitos.org/district-elections)

SHENKMAN &amp; HUGHES, PC

Attorneys

Malibu, California

RECEIVED  
CITY OF LOS ALAMITOS

2018 MAR 29 AM 11:17

28905 Wight Road  
Malibu, California 90265  
(310) 457-0970[kshenkman@shenkmanhughes.com](mailto:kshenkman@shenkmanhughes.com)

VIA CERTIFIED MAIL

March 27, 2018

Windmera Quintanar - City Clerk  
 City of Los Alamitos  
 3191 Katella Avenue  
 Los Alamitos, CA 90720

*Re: Violation of California Voting Rights Act*

I write on behalf of our client, Southwest Voter Registration Education Project and its members. The City of Los Alamitos (“City”) relies upon an at-large election system for electing candidates to its City Council. Moreover, voting within the City is racially polarized, resulting in minority vote dilution, and, therefore, the City’s at-large elections violate the California Voting Rights Act of 2001 (“CVRA”).

The CVRA disfavors the use of so-called “at-large” voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally Sanchez v. City of Modesto* (2006) 145 Cal.App.4<sup>th</sup> 660, 667 (“*Sanchez*”). For example, if the U.S. Congress were elected through a nationwide at-large election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter's district, and the 435 candidates receiving the most nationwide votes would be elected. At-large elections thus allow a bare majority of voters to control *every* seat, not just the seats in a particular district or a proportional majority of seats.

Voting rights advocates have targeted “at-large” election schemes for decades, because they often result in “vote dilution,” or the impairment of minority groups’ ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) (“*Gingles*”). The U.S. Supreme Court “has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength” of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to “ignore [minority] interests without fear of political consequences”), citing *Rogers v. Lodge*, 458 U.S. 613, 623 (1982); *White v. Register*, 412 U.S. 755, 769 (1973). “[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Gingles*, at 47. When racially polarized

voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group's ability to elect its preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large election schemes. *Gingles* at 37; *see also* Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash. & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, “[t]he Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965.” *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4<sup>th</sup> 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “majority-minority district.” *Sanchez*, at 669. Rather, the CVRA requires only that a plaintiff show the existence of racially polarized voting to establish that an at-large method of election violates the CVRA, not the desirability of any particular remedy. *See* Cal. Elec. Code § 14028 (“A violation of Section 14027 *is established* if it is shown that racially polarized voting occurs ...”) (emphasis added); *also see* Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001–2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”)

To establish a violation of the CVRA, a plaintiff must generally show that “racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.” Elec. Code § 14028(a). The CVRA specifies the elections that are most probative: “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to the filing of an action ... are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.” *Id.*

Factors other than “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of the circumstances” test – “are probative, but not

necessary factors to establish a violation of” the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

The City’s at-large system dilutes the ability of Latinos (a “protected class”) – to elect candidates of their choice or otherwise influence the outcome of the City’s Council elections.

The City’s election history is illustrative: during the past 15 years, there has not been a single Latino candidate for the Los Alamitos City Council. Opponents of fair, district-based elections may attribute the lack of Latinos vying for elected positions to a lack of interest in local government from the Latino community. On the contrary, the alarming absence of Latino candidates seeking election to the Los Alamitos City Council reveals vote dilution. *See Westwego Citizens for Better Government v. City of Westwego*, 872 F. 2d 1201, 1208-1209, n. 9 (5<sup>th</sup> Cir. 1989).

The elections on ballot measures addressing the rights of ethnic minorities are similarly illustrative of the racially polarized voting in City of Los Alamitos. For example, in the 1994 election for State Proposition 187, which involved the denial of governmental benefits to persons who could not demonstrate legal residence, Latino voters voted against State Proposition 187, while the rest of the electorate in City of Los Alamitos, particularly the Non-Hispanic White voters, supported the passage of State Proposition 187. Similarly, the 1996 election for State Proposition 209, which involved eliminating “affirmative action,” was racially polarized in City of Los Alamitos. Latino voters voted against State Proposition 209, while the Non-Hispanic White portion of the electorate in City of Los Alamitos supported the passage of State Proposition 209. Similarly, the 1998 election for State Proposition 227, which involved eliminating bilingual education was racially polarized in City of Los Alamitos. Latino voters voted against State Proposition 227, while the rest of the electorate in City of Los Alamitos, particularly the Non-Hispanic White voters in Mission Viejo, supported the passage of State Proposition 227.

As of the 2010 Census, the City of Los Alamitos has a population of 11,449. According to this data, Latinos comprise over 21% of the City’s population. However, for at least the past 15 years, there has not been one Latino to serve on the Los Alamitos City Council. Therefore, not only is the contrast between the significant Latino proportion of the electorate and the total absence of Latinos to run for or be elected to the City’s

Council outwardly disturbing, it is also fundamentally hostile towards Latino participation.

This hostility – the same sort of hostility demonstrated by Los Alamitos’ support of the unconstitutional Proposition 187 – was evidenced most recently when, on March 19, 2018, the Los Alamitos City Council adopted Chapter 9.30, deceptively entitled “Constitution of the United States Compliance” to its Municipal Code to expressly exempt the City of Los Alamitos from the “California Values Act.” This politically charged move by the City Council, to incite a fight over California’s status as a “sanctuary state,” reflects a disturbing insensitivity to the Latino community it purports to represent. Under the guise of compliance with the US Constitution, the action of the Los Alamitos City Council only serves to perpetuate a climate of fear amongst Latinos who feel unwanted, unsafe and unrepresented in Los Alamitos. These exact sentiments were voiced by Luz Beltran-Acevedo, a Los Alamitos resident, who during public comment at the March 19<sup>th</sup> City Council meeting said, “I don’t want to be scared walking on Katella...be scared that my neighbors are going to be looking at me because I’m Mexican-American. My husband is Mexican-American too and he served in the Afghanistan war. I’m here speaking out because I don’t want my two daughters to be afraid of walking on our streets in Los Alamitos.” Disregarding her plea and the comments of dozens of other speakers who urged a “no” vote, the City Council adopted this Ordinance leaving many Los Alamitos families living in fear, rejected by their neighbors because of their national origin.

Sadly, racially charged rhetoric is not unfamiliar to the Los Alamitos City Council. In 2009, shortly after the inauguration of our first African American President, Mayor Dean Grose circulated an email of a picture entitled “No Easter egg hunt this year” depicting the White House lawn as a watermelon patch. While Mr. Grose proclaimed that he had no idea that the picture was objectively racist, any American with even a modicum of sensitivity to racial stereotypes and discourse would have recognized that the suggestion that President Obama had turned the White House lawn into a watermelon farm is overtly racist. Then, in 2012 the majority non-Hispanic white voting bloc in Los Alamitos expressed its tolerance for such racist behavior when it elected Mr. Grose to the Los Alamitos City Council again. This overtly racial incident, and the lack of any consequence to Mr. Grose from the Los Alamitos electorate is yet another direct reflection of the lack of diversity on the Los Alamitos City Council.

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale city council, with districts that combine all incumbents into one of the four districts.

Given the historical lack of Latino representation on the Los Alamitos City Council in the context of racially polarized elections, we urge the City to voluntarily change its at-large system of electing City Council members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than May 15, 2018 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KS', written over a horizontal line.

Kevin I. Shenkman