Scenic Pacifica
Incorporated Nov. 22, 1957

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PRESS RELEASE
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CITY OF PACIFICA ADOPTS RESOLUTION OF INTENT TO TRANSITION TO DISTRICT-BASED ELECTIONS

FOR IMMEDIATE RELEASE (Pacifica, CA) 27 September 2018 -

In the last several years, hundreds of local governments across California, including cities and towns, special districts, and school districts, have been forced to transition from at-large elections to district-based elections based on allegations that their at-large systems violate the California Voting Rights Act (CVRA). On August 20, 2018, the City of Pacifica received a letter from Kevin Shenkman of Shenkman & Hughes, a Southern California law firm that specializes in CVRA violation challenges, challenging Pacifica's at-large City Council election system. Specifically, the letter alleges that "voting within Pacifica is racially polarized, resulting in minority vote dilution," and that Pacifica's "at-large system dilutes the ability of Latinos and Asians to elect candidates of their choice or otherwise influence the outcome of Pacifica's council elections."

Challenges by Mr. Shenkman against hundreds of local governments across the state have left elected officials with virtually no choice but to transition to district-based elections. Although a handful of governments have challenged the allegations in court, none have won to date, and all have had to pay onerous legal fees, in some cases in the multi-millions of dollars. The CVRA does not require proof of intent on the part of the voters or elected officials to discriminate against a protected class and the standard for proving violations is fairly low. If a plaintiff prevails in the case, the City would be subjected to paying not only their own attorney's fees but also the reasonable litigation costs and attorneys' fees of the prevailing plaintiff which could range in the millions of dollars. To minimize attorneys' fees, the CVRA allows a "safe harbor" 45 day period for a local government to adopt a resolution of intent to transition to district-based elections, followed by a 90 day period to hold public hearings and adopt an ordinance establishing a district-based elections system. Even if a local government meets these timelines, they are still subject to paying Mr. Shenkman up to $30,000 in reasonable attorneys' fees and costs relating to the preparation of his CVRA challenge letter.

On September 24, 2018, the Pacifica City Council considered and discussed Mr. Shenkman's letter and the statutory safe harbor provisions. During those discussions, Councilmembers expressed their concerns regarding Mr. Shenkman's CVRA challenge. "It is frustrating to the entire City Council to have to consider this election systems change based on the threat of significant litigation and not based on the intent of the CVRA and its applicability to Pacifica," said Mayor John Keener, continuing, "but one of our City Council priorities is the fiscal sustainability of the City, and tossing millions of dollars to Mr. Shenkman for attorneys' fees in a case we are unlikely to win is not in the City's best financial interest." At the conclusion of the deliberations, Council adopted a resolution declaring its intent to transition from at-large elections to by-district elections. Within the next 90 days, there will be five public hearings scheduled to carry out the districting process. If, after the five public

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hearings and drawing of district maps, the City Council passes an ordinance to make this transition, the general municipal election in 2020 would be the first year that the City of Pacifica could implement district voting.

For more information, contact: Sarah Coffey, City Clerk @ (650) 738-7409 or coffeys@ci.pacifica.ca.us

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