



LULAC District 12
Andrew Sandoval, District Director
joseandrewsandoval@gmail.com
831-809-1150

Monterey City Council
City Clerk
580 Pacific Street
Monterey, CA 93940

Dear City Council and City Clerk

I am writing on behalf of the League of United Latin American Citizens, LULAC, District 12. We are interested in improving the accountability and responsiveness of future elected officials as well as the election system of the City of Monterey, as a whole. As Monterey and its government continues to grow, it must adopt positive stateside trends in voting and elections in order to prevent voters from losing the ability to meaningfully engage in elections and community policy making. At a LULAC District 12 meeting, our District Board voted unanimously to request the City of Monterey to move towards District elections.

One of the growing trends in California is district elections. District elections have been shown to improve voter turnout and help governments respond to community concerns. Districts are the cornerstone of our state and federal systems. Accordingly, they have been adopted by numerous cities, community college districts and school districts. Almost all of the cities, Monterey's size have adopted district elections and we look forward to you coming into compliance.

With regard to City of Monterey's elections, after studying demographics and election results, we have determined that a violation of the California Elections Code sections 14025 et. seq., known as the California Voting Rights Act of 2001 (CVRA) may be occurring by polarized voting. A Change mandated in the election system to prevent occurrences of voting patterns that impair the ability of voters to elect candidates of their choice or impair their rights to influence the outcome of an election, particularly as a result of the dilution or abridgment of its rights and privileges under state and federal law.

We therefore respectfully demand that the City of Monterey change its at-large voting system to a district-based voting system that affords all voters and protected groups the equal opportunity to choose elected officials to the City of Monterey and, thereby, bring the system into compliance with the CVRA.

The reality is that the majority of public agencies that have litigated this issue have lost. The costs to litigate a CVRA challenge can be tremendously high since a city must pay the plaintiff's legal fees if the city is unsuccessful. In other cases, plaintiff's legal fees have ranged from \$385,000 to \$4.5 million.

These amounts exclude the city's own legal fees which can be comparable and which doubles the costs of litigating. All of these factors have driven some cities to agree to switch to district elections rather than defending a lawsuit. These are not the kinds of odds that Monterey wants to bet on when they have many other priorities and expenses.

Additionally, if the court finds a CVRA violation, the court has the authority to impose district-based elections and to determine district boundaries with input solely from the plaintiff's attorney and consultants, effectively removing this authority from the City Council and the community.

Finally, even if the public agency successfully defends a CVRA lawsuit, that success does not bar a subsequent challenge under the CVRA by a different plaintiff.

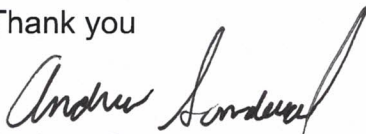
A few cities have decided to defend against these actions, but none have prevailed on the merits. In addition to the low threshold for establishing a valid claim under the CVRA, the law also requires the city to pay a plaintiff's attorney's fees and costs if the plaintiff prevails. Plaintiffs' attorneys' fees and costs in CVRA cases often amount to millions of dollars.

Please respond to this correspondence and include the City of Monterey's plans to calendar a resolution and outline the steps it will take to facilitate the transition along with an estimated timeline. If the City fails to take action within the statutory timeline to effect change in its election process, we will seek judicial assistance to enforce our remedies at law. Per the CVRA, we will seek equitable relief and other forms of relief, including attorneys fees.

We understand there is a pandemic and are aware of the need to maintain safe distances and exercise precautions. We have seen an increase in participation in public meetings with the many options currently available. Zoom, Google Meets, YouTube along with in person are excellent ways to engage the community. Having interpretation available at all engagement meetings will allow all stakeholders to play a meaningful role in the process of moving towards district elections and drawing maps. We hope to see the city be inclusive of all stakeholders and include all communities of interest including LULAC and NAACP.

We are hopeful that you will be able to work with us to achieve a timely transition in order to bring the City of Monterey into compliance with the CVRA. If you have any question or would like to discuss this matter further , please do not hesitate to contact me

Thank you



Andrew Sandoval
LULAC District 12 Director