



CITY COUNCIL STAFF REPORT

DATE: JULY 14, 2022

NEW BUSINESS

SUBJECT: CVRA WORKING GROUP RECOMMENDATION – REDUCING BARRIERS TO RUNNING FOR CITY COUNCIL AND WORKING ON CITY COUNCIL

FROM: Justin Clifton, City Manager

SUMMARY:

City Council recently requested Staff agendize a conversation about City Council compensation, consistent with recommendations made to Council by a California Voting Rights Act (CVRA) Community Working Group (Working Group). This staff report reviews recommendations from the Working Group aimed at reducing barriers to running for City Council and working on City Council. This item is also a follow up on tasks outlined in City Council's 2022/23 Strategic Priorities to address some of the remaining Working Group recommendations.

RECOMMENDATION:

Provide direction to Staff as appropriate.

BACKGROUND:

In 2018, the City Council created a CVRA Working Group. The Working Group was tasked with advising City Council on transitioning to district-based City Council elections and other changes to policies and practices meant to better align with the CVRA. One of the areas the Working Group was tasked was to identify ways to reduce barriers to running for City Council and working on City Council.

The Working Group made several recommendations to reduce barriers including:

- Increase the salary of City Council Members to better reflect workload and enable residents to reduce their reliance on other full-time or part-time work while serving on City Council.
- Provide adequate staffing to alleviate some of the burden on Council Member's time. Personal Assistants or shared Legislative Analysts are examples of positions that could reduce the workload of Council Members.

- Provide a vehicle stipend/ allowance to help compensate Council Members for wear/ tear and other costs associated with using their own vehicles to travel to places to conduct City business.
- Provide childcare through existing service providers or at City Hall with subsidized rates. This could also provide service to City Staff.

STAFF ANALYSIS:

Some of the Working Group recommendations, such as implementing a vehicle allowance, or increasing staffing, are relatively simple. Others, including changes to City Council compensation and providing childcare, are more complex.

Some important considerations for adjusting City Council compensation include:

- How would such a decision be made – through action of the Council or by ballot measure?
- Would compensation be set to reflect full-time or part-time work? Full-time salaries may be more effective at eliminating compensation as a barrier to participation. But full-time compensation suggests full-time work, which could present a different barrier for those who may be unwilling to leave careers in order to serve.
- How would compensation be set? Compensation could be tied to a fixed formula, such as 50% of the salary for California State Legislators or a tie to area median income. Or compensation could be based on other market comparisons.
- Who would set compensation? Relatively simple formulas could likely be administered by Staff. More complex market comparisons could require support through a third party. Participation by a third party could also lend objective credibility to the process of adjusting compensation over time.
- What impact will a change in compensation have on how Council Members approach their position? The Palm Springs Charter prescribes a Council/ Manager form of government whereby Council Members are responsible for policy and staff are responsible for implementation. The Working Group Report identifies that this distinction is counterintuitive to many residents. And in fact, the distinction is more blurred in local government than at the state or federal level where there are clearer distinctions between legislative and executive functions. Providing full-time salaries may risk further confusion about roles and responsibilities.
- Will the community support added compensation? While many communities have realized low compensation is a barrier to running for City Council, some residents where communities have proposed increasing compensation have responded negatively.
- How is compensation balanced with other tactics to reduce barriers including staffing and childcare?

While Council's request to agendize this item focused on the matter of City Council compensation, it's worth noting that the Working Group also recommended consideration

of providing childcare as a way to further reduce barriers for residents with childcare responsibilities.

Some important considerations for providing childcare include:

- How would services be provided – through existing service providers or through a newly established City program?
- For any City-provided childcare, what space would be provided? City facilities are not only limited but not all are well suited for childcare – especially when it comes to outdoor space.
- What would be the cost to the City and/or participating Council Members or Staff? It is not clear what childcare services would cost and what kind of subsidy would need to be provided to be effective at reducing barriers.
- How would programs be scaled? This could be particularly challenging for City-run childcare if City Council Members were the primary target of childcare services as it is unknown how many residents with childcare responsibilities would run and be elected to office.

Included with this staff report is:

1. **Attachment A** – the CVRA Community Working Group Summary of Recommendations.
2. **Attachment B** – The CVRA Community Working Group Report.

ALIGNMENT WITH STRATEGIC PLANNING:

This item is consistent with Council's Strategic Priority under the Good Governance Section. Specifically, this staff report addressed item 4.C – Reduce Barriers to Participation.

FISCAL IMPACT:

The fiscal impact depends on the specific policies and/or programs implemented.

REVIEWED BY:

City Manager:	Justin Clifton
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ATTACHMENTS:

- A. CVRA Community Working Group Summary of Recommendations
- B. CVRA Community Working Group Report

ATTACHMENT A

CVRA COMMUNITY WORKING GROUP SUMMARY OF RECOMMENDATIONS

(In the same order as presented in the CVRA Community Working Group Report, with amendments to the recommendations proposed by the Working Group on 02/06/2019)

R 1: Five Districts vs Four District (Completed)

R 2: Even Year Elections (Completed)

R 3: Method of Selecting a Mayor and Mayor Pro Tem (Completed)

R 4: District Election Process

1. Evaluate the feasibility of implementing Ranked-Choice Voting.

Update: In February 2019, the Secretary of State announced his plan to decertify legacy voting systems by March 2020. As a result, the Riverside County Registrar of Voters has worked to upgrade its voting system and the new equipment has the capability of tabulating ranked choice ballots. The City of Palm Desert expressed interest in moving forward with ranked choice voting and has allocated an initial \$350,000, although the exact cost of implementation is unknown. As a comparison, the City of Palm Springs spends approximately \$100,000 per election. The additional cost is associated with software customizations and special ballot printing, as the City of Palm Desert's contests cannot appear on the regular ballot.

R 5: Removing Barriers to Running for Office

1. Salary Increase for City Council:
 - a. Half the salary of a member of the California State Legislature (\$52,500).
 - b. The median household income for Palm Springs (\$46,052).
 - c. The current minimum salary for exempt workers in California (\$49,920).
 - d. 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.
2. New Candidate Forum (Completed)
 - a. Host a forum in each of the districts on how to run for office at least one month prior to when the nomination period begins.
3. Reduce Nomination Signatures from 120 to 20 signatures.

R 6: Removing Barriers to Serving

1. Increase staffing serving the City Council:
 - a. Maintain the current shared Executive Assistant.
 - b. Add a shared legislative analyst.
 - c. Review the feasibility of adding a contract personal assistant for each Councilmember, if needed, and if this remains a barrier after salaries have been raised.
2. Provide a Car Stipend/Allowance of \$500 per month or a per-diem of \$25 per day.
3. Reimburse the child care expenses of members of the city council while on city business.
4. Review the feasibility of opening a City an on-site childcare facility for staff and Council use with subsidized rates.

R 7: Increasing Diversity on Boards and Commissions

1. Survey of Demographic Markers
 - a. Identify diversity measures including race/ethnicity, gender identity, age, sexual orientation, disability, full-time participation in the work force, and parents with children.
 - b. 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.
 - c. Direct the City Clerk to file an annual report to the City Council to receive and file.
 - d. Create a focus group composed of prominent Latino / African American / Asian leaders to aid with diversity outreach under one of the Department Heads and consider hiring a Diversity Coordinator.
2. Additional Recommendations:
 - a. Develop and implement a recruitment program which increases outreach to the identified diversity measure groups.
 - b. Develop a Citizen's Leadership Academy – Overview of City operations, programs, and Boards and Commissions.
 - c. Standardize the interview process.
 - d. Develop a new commissioner orientation and training program.
Update: The City Clerk's Office now meets with all incoming Board and Commission Members to review the Brown Act and Conflicts of Interest and host semi-annual trainings in March/April and October of each year.
 - e. Modify Board and Commission meeting times to the evenings. **(Completed)**
 - f. Develop an annual recognition program.
 - g. Consolidate existing Boards and Commissions and increase the responsibilities to remaining Boards and Commissions.
 - h. Reduce the number of City Council Subcommittees by increasing Council referrals to Boards and Commissions.
 - i. Establish a Youth Commission.
 - j. Reserve one seat on each Commission for someone active in the workforce.
 - k. Create an appointment policy recognizing unique perspectives, skills, and diverse backgrounds.
Update: On January 30, 2020, the City Council adopted an ordinance to allow anyone who resides, works, or goes to school in Palm Springs to be eligible to serve on a Board or Commission, regardless of citizenship status or age.
 - l. Create a welcoming environment for members with children.

ATTACHMENT B

**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

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- 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