

Heather Glaser

Subject: RE: DISTRICTS AND RACE CARD



From: [REDACTED]

Sent: Monday, January 13, 2020 2:35 PM

To: Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>

Cc: Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>; [REDACTED]

Subject: Re: DISTRICTS AND RACE CARD

Dear All,

I just became aware of the Memo from Christi Hogin to Council members regarding potential transition to district based elections. Unfortunately, I cannot make it tonight and in a few minutes I have to go to T.O. for a dentist apt. and I have not read through the whole memo. Sorry for the excuses, but in addition to what I wrote in blue below I offer the this on the memo:

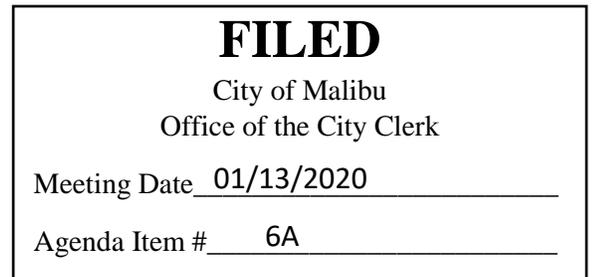
* I believe our City should first find out why it is not exempt from CVRA. Providing why the City Council believes it is exempt. Like going to district based election has no environmental impact and of course no minority impact (race card), and other reasons in the memo.

* Even though I think this whole initiative is ridiculous, putting it on the ballot for Malibu to vote on may be the best way. I do realize that various neighborhoods have its own issues, but for the reasons in blue below I think the council make up is fair. I also believe the public should be more aware of this issue via the newspapers or emergency system. I just saw it through "Next Door".

Thank You for taking this under consideration and I am sorry I do not have more time before the meeting tonight.

Thank You for your service.

David M. Kramer
[REDACTED]



To: kfarrer <kfarrer@malibucity.org>; jwagner <jwagner@malibucity.org>; rmullen <rmullen@malibucity.org>; speak <speak@malibucity.org>; mpierson <mpierson@malibucity.org>

Cc: rfeldman <rfeldman@malibucity.org>; Christi.Hogin <Christi.Hogin@BBKLAW.com>; dmkrmer2
[REDACTED]

Sent: Mon, Jan 6, 2020 9:19 am

Subject: DISTRICTS AND RACE CARD

Dear Malibu City Council, Representatives:

I have been a Malibu Resident for 32 years and it has come to my attention that a Mr. Milton Grimes and his client Southwest Voter Registration Education Project believes Malibu has an unfair city council voting system I believe their thinking and rationale is ridiculous. I carry no weight only that I know a lot of people in Malibu and have contributed my time and money to many causes. I offer some of my opinions below on this matter.

Who are the individuals who make up Southwest Voter Registration Educational Project? Let the City Know. Big expense for the City for a few?

I do not believe in any way that Malibu is racially polarized and therefore it does not result in minority vote dilution and therefore the city elections do not violate California voting rights. What is the proof that this is not true? What is wrong with an at large election and what is the proof that this effects others in a negative way and who are the others?

It is also pointed out in their believes that Malibu is "racially polarized", that no Latino resident has ever won a seat on the Malibu City Council and in fact none have run for a city council election". Well, why hasn't a Latino given it a try? He points out this is because all council members are drawn from the general electorate and all voters select among the general pool of candidates. What is wrong with this and it does not create a roadblock for Latino residents to gain representation.

Why is Mr Grimes picking on Latino's? Why doesn't he represent Blacks, Chinese, Japanese's, Whites, Catholics, Jews, etc, etc. Where does it stop? The real answer is because all these groups are represented by the Malibu current system. Personally I vote for any particular person in any of these categories if I believed they have experience, know how about the City, some legal understanding and comprehension, commitment, personality, and time to give to the position over others running for the council. I feel most people feel this way. People in our City on the most part do not discriminate, but I not sure about Mr. Grimes and those he represents.

Mr Grimes goes on to request the city switch to a district-based elections, where each Malibu Neighborhood would vote in one council member representing their neighborhood. This would result in representing that neighborhood views and lacking the views of other neighborhoods or districts . This would only cause chaos and divide the City. How would you decide a Neighborhood? Would it come down to representing a street? How about views of those on Dume Drive vs. those on Wandermare on Point Dume or those on Morning View or Cuthbert Road or those on PCH on the eastern part of town? Well, I guess you could have a council with dozens on it and have a hard time agreeing on many issues. I also believe a district based system could cost more as a whole for individuals running.

Having Separate districts represent Malibu would put that districts emphasis on their area rather than the City has a whole. The current system has always represented the whole city and takes into regard the issues of each neighborhood. The current Malibu Council make up and those in the past have always represented the cross sections of Malibu and elected council members do not all live in one area of the City, but many. I know they talk to many people in all the districts and take their input seriously.

In addition, the council has a system of rotating Mayors every 9 months which allows for different approaches and ideas for our small city of 13,000.

I just do not see the current system not representing the city as a whole. Why create a divided community? I do not believe any race, religion, neighborhood have been taken for granted.

Although I have not agreed on some ideas and decisions of Malibu City Councils, I believe they take their job very seriously, represent us as a whole and can only THANK them for the commitment they make.

I probably could organize above better but did not have the time because I am just becoming aware of your closed door meeting tomorrow 1/7/20 about the subject.

I might add, if Mr Grimes is so worried about voting rights and representations I would advise him to look at and spend his time on separation of Malibu from SM school district, this is really under representation for Malibu. Maybe even looking at separating California into its own country!!!!!!!!!!!!!!

I hope you will take my views under consideration,

Best Wishes for a New Year and Thank you for the job you do.

David M. Kramer



Heather Glaser

Subject: district voting



From: Gary Hoffman [REDACTED]

Sent: Monday, January 13, 2020 3:35 PM

To: Karen Farrer <kfarrer@malibucity.org>; Skylar Peak <speak@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>

Subject: district voting

I'm sure you all have investigated the possibility of winning the lawsuit that will follow if district voting not implemented in Malibu. Although not an expert, it seems to me that if Santa Monica couldn't win Malibu probably wouldn't either. So as much as I would like to keep at large elections in our town, it seems that the practical, expedient and financially smart thing to do is to move ahead with district voting and pay Grimes his \$30,000 for writing the letter to the city.

Too bad. Unforeseen consequences to a law meant to enhance minority representation.

Best, Gary

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>01/13/2020</u> Agenda Item # <u>6A</u></p>
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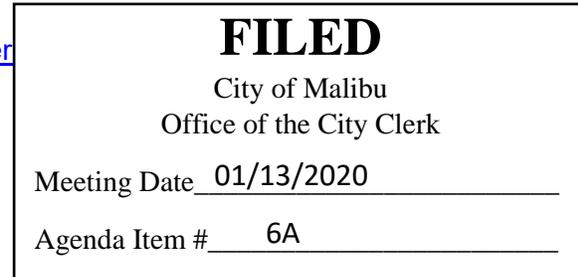
Heather Glaser



Subject: Special Meeting about Voting Rights Act of 2001

Importance: High

From: "Lynn Norton" [REDACTED]
Subject: Re: Special Meeting about Voting Rights Act of 2001
Date: January 13, 2020 at 1:12:43 PM PST
To: <KFarrer@malibucity.org>, <MPierson@malibucity.org>, <JWagner@malibucity.org>, <RMullen@malibucity.org>, <SPEak@malibucity.org>
Cc: "Christi Hogin" <CHogin@localgovlaw.com>



Dear Council Members,

Regarding this issue on the agenda today ...

I think that it cannot be your PRIMARY decision making factor to just think about whether we want to be sued or avoid being sued.

The FIRST thing we need to Evaluate is what would it honestly do to the quality of Malibu elections and future city councils to change to district based voting.

To some degree, putting a restriction on who can be elected to city council based on geography can by definition **restrict** us from electing **the most qualified candidates**.

It could also have a more psychologically **divisive** effect on our city instead of the city council and citizens working together as a whole, and one day we could have **pork barrel type legislation in Malibu**.

Please do some evaluation of **how beneficial or detrimental this will be to the future of Malibu** before leaping to respond and change our whole city government for someone wanting to sue us.

Second ... it is hard to believe this is even an honest claim. I recommend doing nothing until they at least flesh out their claim with some data as to what districts they are proposing and what data they have to show this will help Latinos to elect someone. (With at most about 8% Latinos in Malibu, and surely not all in the same area, even if we created 5 districts in Malibu, Latinos could still not be assured of getting a candidate elected.) They can't just randomly say that because there are ANY Hispanics in Malibu that therefore district voting would give them better representation. Then with data we would have something concrete to respond to. If that requires some time in court, so be it. (I honestly suspect there is some other motive behind this, and it is NOT about Latino representation.)

I think that saying if the city doesn't comply "the financial impact could be in the millions of dollars to defend and/or settle" is overly persuasive toward complying. It isn't everything or nothing, and by taking some time to push back and require Mr. Grimes to make a case which we can then either learn from or refute, that will not instantly put us millions of dollars in debt. We can adjust to reality as it unfolds.

Thank you for considering this ...

Lynn Norton

From: [Lynn Norton](#)
Sent: Tuesday, January 07, 2020 8:57 AM
To: KFarrer@malibucity.org ; MPierson@malibucity.org ; JWagner@malibucity.org ; RMullen@malibucity.org ; SPEak@malibucity.org
Cc: [Christi Hogin](#)
Subject: Re: Special Meeting about Voting Rights Act of 2001

Hi Again,

Christi shared the letter with me that you received.

I hope you will not roll over on this. What is the district in Malibu that has a higher Latino citizenry? Please get the data to verify that this is not an entirely specious claim.

Do we have the legal right to see a list of Milton Grimes other clients? Are we entitled to see the members of this group and verify that there are Malibu voters in it? : Southwest Voter Registration Education Project.

Finally ... if Malibu does want to do something to help ANY minority get better representation ... please look into the possibility of having cumulative voting instead of district voting.

Lynn

From: [Lynn Norton](#)

Sent: Monday, January 06, 2020 7:58 PM

To: KFarrer@malibucity.org ; MPierson@malibucity.org ; JWagner@malibucity.org ; RMullen@malibucity.org ; SPeak@malibucity.org

Cc: [Christi Hogin](#)

Subject: Special Meeting about Voting Rights Act of 2001

Dear City Council Members,

Without purporting to be an expert on the details of this issue, it seems likely to me that this is not a sincere case that is being made ... there is an ulterior motive ... those initiating this are not motivated by the real concern of a protected class of citizens being held back from its ability to influence an election due to Malibu having at large elections.

I don't think it would be good in general for Malibu to have district elections, since it could potentially just reduce the pool of qualified people who are credible enough to gain a large support of citizens.

Can you share information about this:

(1) Is there an actual individual claiming to be harmed by our at large elections?

(2) What protected class of citizen is the individual, or if there is no individual then the theoretical person who MIGHT file a lawsuit?

(3) In what geographic region of Malibu would that protected class presumably be able to elect a candidate?

Do you have good census data? I pulled some data from the US census website, but it is not entirely unambiguous. For example, it shows that there are more black citizens in the far west of Malibu than anywhere else in Malibu except for a block group that appears to be mostly Pepperdine – that isn't clear. Also, the census block groups don't seem to be contained within city limits – each block group seems to include a portion of the city and also a portion of area that is not in city limits – I don't see any data that clearly gives citizen racial data within regions of the city itself – do you have data like that? If you do, I would really like to see it. It seems impossible to make a case either way about what how minorities would be affected by district voting without having that data.

Thanks for any info you can give!

Lynn Norton

To: Members of the City Council
From: Patt Healy
Re: Agenda Item 6A
Date: 1-13-20



Honorable Members of the City Council,

I am confused. How is election by districts going to allow minority representation in Malibu? There isn't a particular section of town in Malibu where the 6.1 % of the Latino population are concentrated or where any other minority is concentrated in order to carve out a district to give the minority a governmental voice.

No minority resident has been prevented from running for City Council. None have chosen to run. They would be elected based on their vision of Malibu not because of their minority status or party affiliation.

The legal successes quoted by Mr Grimes were in large cities. In 2017 Santa Monica population was 92,306 and Palmdale's was 157,519. Did the city attorney evaluate why such of these cities lost ?

How would the propositions that Mr. Grimies cites change the outcome of the percentage of votes cast by the residents if the city voted by district. It would not, the outcome would be the same since propositions are by popular vote.

Mr. Grimes assertion is totally false when he states that voting within the City of Malibu is racially polarized , resulting in minority vote dilution, and, therefore, the City's at-large elections violate the California Voting Rights Act of 2001. Far from it. In Malibu the opposite is true. Malibu respects its Latino population as well as all minority populations. It is a sanctuary city that protects its Latino population

What am I missing? This appears to be a frivolous lawsuit.

<p>FILED City of Malibu Office of the City Clerk Meeting Date <u>01/13/2020</u> Agenda Item # <u>6A</u></p>
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