



# CITY OF CARSON

## Legislation Text

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File #: 2020-735, Version: 1

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### Report to Mayor and City Council

Tuesday, October 20, 2020

Consent

#### SUBJECT:

**CONSIDER APPROVAL OF A SETTLEMENT AGREEMENT IN THE MATTER OF SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT, ET AL. V. CITY OF CARSON, LOS ANGELES SUPERIOR COURT CASE NO. 19STCV32291 (CITY COUNCIL)**

#### I. SUMMARY

This report concerns settlement of the litigation in the matter of *Southwest Voter Registration Education Project v. City of Carson*, (LASC Case Number 19STCV32291). The lawsuit alleged the City's at-large voting for City Council elections violated the California Voting Rights Act, Elections Code §§ 14025 *et seq.* (CVRA), because City Council elections exhibited polarized voting.

The Settlement Agreement and General Release of Claims attached hereto includes the following settlement terms:

- All future elections for the Carson City Council, with the exception of the position of Mayor, shall be single-member district elections.
- The City does not admit a violation of the CVRA.
- The City shall adopt a new district map following the release of 2020 Census data, in accordance with Elections Code §§ 21620 *et seq.*
- Along with the district map adopted following the 2020 Census, the City shall adopt an election sequencing consistent with the purposes of the CVRA.
- The City shall pay plaintiffs' attorneys' fees and costs, including expert witness fees -- totaling \$488,693 in fees and \$71,985 in costs (cost subject to proof) - within 30 days after the Settlement Agreement is signed. It should be noted that the demand for attorneys' fees in order to settle this matter was substantially higher than the settled amount. It should also be noted that the settlement agreement prohibits

any sum of the attorneys' fees' to be passed on to the plaintiffs.

- The lawsuit will be dismissed with prejudice within five (5) business days after the City makes payment.

## **II. RECOMMENDATION**

TAKE the following actions:

1. Approve the Settlement Agreement and General Release of Claims (Exhibit 1).
2. Authorize the City Manager to execute the settlement agreement, and any related documents, to resolve the litigation.

## **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate.

## **IV. BACKGROUND**

In their lawsuit, plaintiffs alleged the City's at-large voting for City Council elections violated the California Voting Rights Act, Elections Code §§ 14025 *et seq.* (CVRA), because City Council elections exhibited polarized voting.

The City was advised by a demographer retained by the City that City Council elections did in fact exhibit polarized voting. Following the receipt of that advice, the City Council had two demographers prepare proposed district maps, invited district map submissions from the public and conducted a series of public hearings to consider district maps for a change to voting for City Council members by district. On August 4, 2020, the City Council approved Ordinance No. 20-2008, which adopted district maps and by-district voting for City Council members, with the Mayor's position remaining an at-large position.

The adoption of Ordinance No. 20-2008 rendered the lawsuit moot except for the plaintiffs' request for attorneys' fees. Plaintiffs have made clear that despite the mootness of the case at this time, they will not settle the matter and will continue an aggressive litigation minus a settlement. Continued litigation would only increase the amount of attorneys' fees claimed by the plaintiffs and the legal fees of the City.

## **V. FISCAL IMPACT**

The fiscal impact to the City is \$560,678 to be paid to law office of Kevin Shenkman for the Plaintiffs' attorneys' fees and costs.

## **VI. EXHIBITS**

1. Settlement Agreement and General Release of Claims

Prepared by: City Attorney's Office