
Subject:

FW: January 9th - City Council Agenda item - XIX Departmental A. California Voting Rights Act - for the Red Folder

From: jeffmcvicker@yahoo.com [<mailto:jeffmcvicker@yahoo.com>]

Sent: Wednesday, January 09, 2019 9:29 AM

To: City Council Internet EMAIL Group <council@cityofcamarillo.org>

Cc: Anthony Trembley <tonytrembley56@gmail.com>; Charlotte Craven Hotmail <cravenchar@hotmail.com>; Shawn Mulchay Internet EMAIL <shawnc@shawnmulchay.com>

Subject: January 9th - City Council Agenda item - XIX Departmental A. California Voting Rights Act - for the Red Folder

Dear City Council Members:

Your gambit to hide Mr. Shenkman's letter for over two months last year, in September and October, for the Council's self-interest of re-election has failed. By hiding the letter from the public, you were unable to follow the safe harbor rules that the CA Voting Rights Act gives cities to protect them from being sued. We would still be in those safe harbors TODAY if the City Attorney and the City Council had followed the law.

Because of the Council's failure, the City (taxpayers) of Camarillo have been sued. Early estimates claim this lawsuit will cost the City AT LEAST \$100,000 if not over \$1,000,000. That would pay for a few Concerts in the Park or some additional Fiesta embezzlements.

The City Attorney at the Council's 11/14/2018 meeting claimed Shenkman's letter had nothing to do with last November's election. I agree. So why the subterfuge of hiding Shenkman's letter from the public? The safe harbor rules, if they were invoked, would have also allowed the public to participate in a citizen's committee and public forums to assess and hear what the community was thinking and wanted regarding district elections.

The City Attorney also claimed Camarillo was unique. Really? I guess it is, since the City Attorney and Council's inaction to FOLLOW THE LAW by invoking the safe harbors has made it the only City in Ventura County to get sued by Mr. Shenkman. My question from my 11/14/2018 email below still stands. Is the City Attorney and the five Council members at the time, going to pay the legal fees and settlement? Their lack of action caused this lawsuit to be filed.

I believe that the City Attorney should resign immediately due to his failure to invoke the safe harbors. And/or not being able to convince the Council to use the safe harbors.

I have to give Mr. Shenkman kudos for his superb timing of his letter, forcing the Council to choose between its vanity and the rights of voters before the election. The voters lost that round. Moorpark protected its citizen's rights along with their taxpayer dollars. The Camarillo City Council failed its residents on both counts.

Regarding the issue of districts, I like the idea of them. It lets challengers run straight-up against a particular incumbent. It also lets all areas of the city be represented. Some areas of the city have unique issues, like Old town and the Airport. Do I like the way it's being forced on us? No. I also don't think it will have the desired effect that the plaintiff thinks it will have in creating a seat for a

particular group. But both the County Board of Supervisors and Camrosa Water have district elections and I've never heard anyone claim that their rights were being violated.

It's time for action, not the City Attorney complaining that Mr. Shenkman didn't return his call.

Take Care.

Jeff McVicker

On Wednesday, November 14, 2018, 9:12:48 AM PST, <jeffmcvicker@yahoo.com> wrote:

Dear City Council Members:

This is concerning the below agenda item:

XIX. DEPARTMENTAL

A. California Voting Rights Act

Discuss the California Voting Rights Act and consider how to proceed following receipt of a letter from attorney Kevin Shenkman urging the City to change from an at-large election to districts for the election of City Councilmembers.

Suggested Action: Direct the City Attorney to prepare an agenda report for the January 9, 2019, City Council meeting reviewing the results of his research on the facts and applicable law on the California Voting Rights Act as applied to the City of Camarillo and the options of the City.

I have a series of questions and comments related to this agenda item.

Question #1 – Why does the agenda item say “...following a receipt of a letter from attorney Kevin Shenkman urging the City to change from an at-large election to districts...”, when his letter actually threatens a lawsuit with the words , “Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief.”

His threat in the letter comes right after he describes winning a multi-million dollar settlement with the City of Palmdale. I wouldn't describe that as “urging”.

Even the item's title – California Voting Rights Act – isn't descriptive of what is at hand, namely a potential lawsuit if the City doesn't adopt voting districts. Why the subterfuge?

Question #2 – The aforementioned California Voting Rights Act has a ‘safe harbor’ provision lasting 45 days after receipt of the receipt of the letter when the city can research and respond to the potential action without exposing itself to additional damages. It is now 77 days after the City received the letter on August 29. Yet the City Council is just now asking for a report from the City Attorney? Why the delay? The city has had a number of closed Council sessions in September and October regarding potential litigation. Why wasn't the City Attorney ordered to research the Voting Rights Act during those meetings in order to meet the 45 day safe harbor deadline? Will the current Council members along with the City Manager and City Attorney hold the taxpayers harmless for any errors and delays related to exceeding the 45 day safe harbor? Has the City negotiated an extension of this safe harbor with Kevin Shenkman?

Question #3 – Why is there another delay of 56 days until City Attorney Pierik delivers his report to the Council on January 9? That is a total of 133 days (check my math) after receiving the letter and which consumes almost the entire second 90-day safe harbor too, albeit without accomplishing any of the steps required if the city takes that particular route. This too, could expose the city to additional costs.

Question #4 – These delays smack of City and Council incompetence, especially when the City of Moorpark received a letter from the same law firm on the SAME DAY about the same issue, and had a presentation on October 6th by their City

Attorney. They then scheduled an October 11th special meeting thereby preserving their rights under the California Voting Rights Act. Why couldn't the City of Camarillo hold to the same timeline as Moorpark?

Question #5 – Since numerous cities including Simi and Moorpark, along with a host of others have been set letters regarding this district issue, isn't it correct that the City of Camarillo need not invest in legal research? Or at least save time. Mr. Pierik's firm has surely briefed other City Councils on the California Voting Rights Act.

Question #6 – Absent Mr. Pierik's research, I'm providing you the links to Moorpark's City Attorney presentation on October 6th, along with FAQs about districts from the City of Ventura, which settled and the City of Santa Monica which wasn't. My understanding is that Mr. Norman reached out to other City Managers that had received letters when Camarillo received its letter. Is that correct? You may want to reach out to Rick Cole, the former City Manager of Ventura and who is now the CM of Santa Monica. Why were other cities told of Camarillo's letter, while Camarillo residents weren't told of its existence until now?

Question #7 – Was the letter kept a secret by the City of Camarillo because of political races being run at the time? All five incumbents were involved in particular city elections between the receipt of the letter and now. The issue of districts came up in the political candidate forums. The incumbents running were silent about the letter. Why? Were the incumbents aware of the letter at that time? And if so, why didn't they disclose it to the candidates (or did they?) and the Measure M proponents, so it could be debated in the just concluded election? All the other Cities disclosed it in the election cycle. Why didn't the City of Camarillo?

Time is of the essence here, yet the City leadership and the Council seem to have slipped back to the same old lack of urgency. Whether it's the threat of this lawsuit, or the firehouse, or the courthouse, or the desalter, the Council's response seems to be always the same: We are in charge and we'll do it when we get around to it.

Take Care,

Jeff McVicker

Here's the Moorpark CA's presentation on the Voting Rights Act:

http://moorpark.granicus.com/MediaPlayer.php?view_id=102&clip_id=2013&meta_id=170980

Here's some good background from Ventura's (they settled) point of view:

<https://www.cityofventura.ca.gov/1227/Frequently-Asked-Questions---Moving-to-D>

Here's the arguments of suing and fighting from the city of Santa Monica. But they also have had minority representation on their Council in the last four decades. Something that Camarillo can't claim:

<https://www.santamonica.gov/Election-Litigation-PNA-V-Santa-Monica-FAQ>