RESOLUTION NO. 20-8862

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING FOUR COUNCILMEMBERS ONE FOR EACH COUNCIL DISTRICT 1, 4, 5, AND 6, ONE CHIEF OF POLICE AND ONE CITY CLERK; REQUESTING THE CONSOLIDATION OF THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN SANTA CLARA COUNTY ON NOVEMBER 3, 2020; AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS OF QUALIFICATIONS SUBMITTED TO THE VOTERS FOR AN ELECTION AND LEVYING A SHARE OF THE COST OF THE CANDIDATES' STATEMENTS ON THE CANDIDATES

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on July 24, 2018, Judge Thomas E. Kuhnle of Santa Clara County Superior Court issued an "Amendment Statement of Decision: Remedies of Trial; Judgment" in a lawsuit filed against the City under the California Voting Rights Act (CVRA);

WHEREAS, in its Amended Statement of Decision dated July 24, 2018 in *Yumori-Kaku et al. v. City of Santa Clara*, Santa Clara County Superior Courts Cases No. 17CV319862, a copy of which is attached hereto as Attachment 1, the Superior Court of the State of California for the County of Santa Clara ordered the City to adopt district-based elections based on the lines shown on Draft Plan 3, a copy of which is attached hereto as Attachment 2, that was submitted by the City, and ordered the Santa Clara County Registrar of Voters to immediately begin implementing district-based election for the November 2018 election;

WHEREAS, the Court ordered, further, that elections be held for each district in the following sequence: Mayor and Districts Two and Three up in November 2018 and Districts One, Four, Five and Six in November 2020. The Mayor shall continue to be elected at-large pursuant to the Court's Order and City Charter section 600;

WHEREAS, the City and the Registrar of Voters are obligated to conduct the elections consistent with the Court orders and, therefore, the City hereby calls a general municipal election for Districts One, Four, Five and Six;

WHEREAS, the terms of the following elected officials will be expiring November 2020: Council District 1 – Councilmember Kathy Watanabe, Council District 4 – Councilmember Teresa O'Neill, Council District 5 – Vacant and Council District 6 – Councilmember Debi Davis, Chief of Police Pat Nikolai, City Clerk Hosam Haggag;

WHEREAS, the City Council intends to consolidate the City of Santa Clara General Municipal Election with the Statewide General Election to be held on the same date, and that the County Elections Department of the County of Santa Clara canvass the returns of the General Municipal Election, and that the election be held in all respects as if it were only one election;

WHEREAS, California Elections Code Section 13307 contains certain requirements regarding a candidate's ballot statement of qualifications, including that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election; and,

WHEREAS, California Elections Code Section 13307 further provides that a local agency may require candidates to bear all or part of the costs attributable to the candidate's statement.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1.   Pursuant to the requirements of the laws of the State of California relating to elections and the Amended Statement of Decision, there is an election to be called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing the following officers of the City of Santa Clara: Four Councilmembers one for each Council District 1, 4, 5, and 6, one Chief of Police and one City Clerk for a four-year term each commencing December 2020 and expiring November 2024.

2   Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of electing six City officers as stated above meeting the requirements set forth in the California Constitution and applicable state law.

3.   The Board of Supervisors is requested to issue instructions to the Santa Clara County Registrar of Voters to take any and all steps necessary to hold the consolidated election which shall be held in all respects as if there were only one election.

4.   The Santa Clara County Registrar of Voters is authorized to canvass the returns of the General Municipal Election.

5.   That the Board of Supervisors is requested to direct the County Registrar of Voters to provide all necessary election services in order to properly and lawfully conduct said election including precinct workers and the procurement and furnishing of all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

6.   The City of Santa Clara recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for those costs.

7.   That the City Clerk is authorized, instructed and directed to coordinate with the Santa Clara County Registrar of Voters Office as necessary in order to properly and lawfully conduct the election.

8.   The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 10242, except as provided in Section 14401, of the Elections Code of the State of California.

9.   Notice of the time and place of holding the election is given and the City Clerk and Santa Clara County Registrar of Voters are authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

10.   In all particulars not recited in this resolution, the elections shall be held and conducted as provided by law for holding municipal elections.

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NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1.   **General Provisions.** Each candidate for elective office to be voted for in the General Municipal Election held in the City of Santa Clara on November 3, 2020 may prepare a candidate's ballot statement of qualifications on the form provided by the City Clerk. The statement may include the name, age and occupation of the candidate, and a brief description of no more than 200 words regarding the candidate's education and qualifications. The statement shall not include any reference to party affiliation of the candidate, including membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the same time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, until 5:00 p.m. of the next working day after the close of the nomination period.

2.   **Foreign Language Policy.** Pursuant to the Federal Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq., as amended from time to time), the County of Santa Clara Registrar of Voters is required to translate and print the candidate's statement into five languages: Chinese, English, Spanish, Tagalog and Vietnamese.

3.   **Payment.** The candidate shall be required to pay for the cost of printing the candidate's statement in English in the voter's pamphlet and translating and printing the candidate's statement into any of the languages referred to in Paragraph 2. If a candidate agrees to adhere to the City of Santa Clara Voluntary Campaign Expenditure Limit, as stated in Section 2.130.160 of the City Code of the City of Santa Clara, the candidate will be responsible for one-half of the estimated cost of the voter's pamphlet, calculated on a pro-rata shared basis per candidate. It is estimated that each candidate is responsible for the following toward the cost of the voter's pamphlet, which shall be paid at the time of filing of nomination papers to the City of Santa Clara:

- **$1,220 for Council District 1**

- **$1,230 for Council District 4**

- **$1,235 for Council District 5**

- **$1,245 for Council District 6**

- **$1,525 for Citywide (Chief of Police and City Clerk).**

If the ultimate cost to the City of the voter's pamphlet exceeds the estimated amounts, the City will pay the additional costs. If the actual cost is less than the estimation, there will be no refund to the candidate. Based on the foregoing, the City Council of the City of Santa Clara hereby determines to levy the pro-rata charges as follows:

- $2,440 for Council District 1, to be reduced to $1,220

- $2,460 for Council District 4, to be reduced to $1,230

- $2,470 for Council District 5, to be reduced to $1,235

- $2,490 for Council District 6, to be reduced to $1,245

- $3,050 for Citywide (Chief of Police and City Clerk), to be reduced to $1,525 if

the expenditure limit is accepted for each candidate's statement of 200 words or less.

4.   No candidate will be permitted to include additional materials in the sample ballot package (voter's pamphlet).

5.   The City Clerk shall provide a copy of this Resolution to each candidate or the candidate's representative at the time nominating petitions are issued.

6.   This resolution shall take precedence over all previous and/or conflicting resolutions establishing Council policy on payment for candidate's statements.

7.   The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters Office of the County of Santa Clara.

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8.   The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

9.   Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 23RD DAY OF JUNE, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, O'Neill, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Hardy
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
        HOSAM HAGGAG
        CITY CLERK
        CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Superior Court of the State of California for the County of Santa Clara Case No. 17CV319862
2. Draft Plan 3 - City Council Districts - City of Santa Clara - 6-27-18

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8   SUPERIOR COURT OF CALIFORNIA

9   COUNTY OF SANTA CLARA

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12   LADONNA YUMORI KAKU et al., | Case No. 17CV319862

13   Plaintiffs, | **AMENDED STATEMENT OF
                                                | DECISION RE: REMEDIES PHASE OF
14   vs. | TRIAL; JUDGMENT**

15   CITY OF SANTA CLARA, and DOES 1 to 50,

16   Defendants.

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18   Plaintiffs allege the at-large method of election used by defendant City of Santa Clara

19   ("City") violates the California Voting Rights Act ("CVRA"). In the liability phase of trial the

20   Court found that Plaintiffs proved by a preponderance of the evidence that the at-large method of

21   election used by the City impairs the ability of Asians to elect candidates as a result of the

22   dilution and abridgment of their rights as voters. Having found the City liable under the CVRA,

23   "the court shall implement appropriate remedies, including the imposition of district-based

24   elections that are tailored to remedy the violation." (Elec. Code § 14029.) On July 18-20, 2018,

25   the remedies phase was tried before the Honorable Thomas E. Kuhnle without a jury.

26   I.   PROCEDURAL ISSUES

27   As directed by the CVRA, this action was tried in two phases – liability and remedies. In

28   their pretrial submissions, both sides stated that additional proceedings may be necessary to

address implementation issues. Consequently, both sides stipulated that the Court would have continuing jurisdiction in case later disputes arise.[1] In addition, for the remedies phase both sides stipulated that the reference to "eight hours" in Rule 3.1590(n) of the California Rules of Court would be changed to "twelve hours"; that a request for a statement of decision would be deemed made; and that the statement of decision could be issued in writing immediately following the completion of trial. Total trial time turned out to be about ten hours.

Plaintiffs filed a motion seeking that the Santa Clara County Registrar of Voters be joined as a necessary party pursuant to Code of Civil Procedure section 389(a)(1). That statute provides that "[a] person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if in his absence complete relief cannot be accorded among those already parties." The Registrar of Voters, Shannon Bushey, was present in the courtroom and was represented by counsel. Counsel agreed on behalf of her client that the Registrar of Voters could be joined as a necessary party, subject to certain conditions. A stipulation and order joining the Registrar of Voters as a necessary party was signed by the Court on July 20, 2018.

II. EVIDENCE PRESENTED AT TRIAL

Plaintiffs presented four witnesses: Wesley Kazuo Mukoyama, Dr. Jose Moreno, Shannon Bushey, and David Ely. Defendants presented one witness: Dr. Jeanne Gobalet. Mr. Ely and Dr. Gobalet were tendered as experts without objection. While the Court's analysis of the controverted issues is based on all of the evidence presented at trial, key evidence is highlighted below.

A. Fact Witness Testimony

1. Wesley Kazuo Mukoyama

Mr. Mukoyama is one of the plaintiffs in this action. He has lived in the City for more than four decades. He is Asian. Mr. Mukoyama testified that at no time while he has resided in the City has an Asian be elected or appointed to the City Council. In addition, he testified that

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[1] Initially the parties agreed to trifurcate the proceedings. Later in trial the agreement was modified to allow for continuing jurisdiction.

AMENDED STATEMENT OF DECISION RE: REMEDIES PHASE OF TRIAL; JUDGMENT

candidates for City Council rarely, if ever, knock on his door or call him or otherwise seek his input on matters concerning the City. Mr. Mukoyama is in favor of Plaintiffs' proposal to adopt seven districts within which City Council members would be elected.

2. Dr. Jose Moreno

Dr. Moreno, a Latino, is currently serving on the Anaheim City Council, where he is the mayor pro tem. Dr. Moreno participated in a lawsuit, which was filed in 2012, that alleged Anaheim's at-large election system violated the CVRA. He ran for an at-large seat on the City Council in 2014 and lost. Anaheim settled the CVRA lawsuit and adopted a system with an at-large mayor and individual council member districts. Dr. Moreno was elected to represent District 3 in central-north Anaheim in 2016.

Dr. Moreno testified about the benefits of district-based elections. He testified that prior to 2016 many city council members lived in the Anaheim hills, while few lived in the western parts of Anaheim. He testified that only three Latino candidates had ever been elected to the Anaheim city council. He also testified that at-large campaigns were costly, and that most candidates had to focus on "high propensity" voters – voters who are most likely to turn out on election day – and pay much less attention to other voters. In his district campaign in 2016 Dr. Moreno testified that he knocked on the doors of nearly all district residents; that he was able engage all voters and not just high-propensity voters; that voters in his district appeared to be more energized; and that he believed that district-based elections will allow council members to address the needs of all residents.

3. Shannon Bushey

Ms. Bushey is the Santa Clara County Registrar of Voters. She testified in great detail about the steps the Registrar of Voters must take to provide timely and accurate voting materials to the cities it serves. Based on her long-time employment in the Registrar of Voters's office, including serving as the Registrar of Voters since 2013, she discussed an almost day-to-day timetable for the tasks that lead up to the November 2018 election. Ms. Bushey testified that her office could provide timely and accurate election materials to voters in the City – even with newly formed districts – as long as district-based information was provided by July 23, 2018. In

1 | particular, she testified that she needed district-specific geographic information system ("GIS")

2 | data, accessor parcel numbers and addresses.

3 | Ms. Bushey also testified that ranked-choice-voting that has been previously proposed by

4 | the City cannot be implemented without the Secretary of State approving the voting technology,

5 | which may take six to eighteen months.[2]

6 | Ms. Bushey discussed the importance, in all elections, of cooperation between the City

7 | and the Registrar of Voters. In this regard she described a significant number of tasks on which

8 | the City and the Registrar of Voters must work together.

9 | During the City's cross-examination, Ms. Bushey testified that sometimes mistakes

10 | happen. She was asked questions about events related to recent elections, including materials

11 | printed by a vendor that omitted portions of a candidate statement. Ms. Bushey was asked if

12 | district-based elections are more complicated, and thus might lead to more errors. She agreed

13 | that district-based elections are more complicated and require more work, but in her experience

14 | they do not necessarily lead to more errors.

15 | **B.** **Expert Testimony**

16 | **1.** **David Ely**

17 | Mr. Ely testified for the Plaintiffs. He is an expert demographer with decades of

18 | experience working for cities and various districts, and attorneys in litigation, to draw district

19 | boundaries. He is familiar with the requirements of the CVRA and the federal Voting Rights Act

20 | ("FVRA").

21 | In preparing his proposed district maps for the City, Mr. Ely testified that he began by

22 | collecting, organizing and reviewing data from the 2010 census. He also reviewed data

23 | generated through the Census Bureau's American Community Survey ("ACS"), State of

24 | California ethnicity reports, voter turnout reports, actual voting data, Google maps, Google

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[2] The Court permitted FairVote to file a pretrial *amicus* brief on the disputed issues. FairVote argued that the Court
28 | should adopt multi-member districts and order a single non-transferable voting process be used. Neither party
advocated in favor of a map with multi-member districts. Exhibit 68, which showed prior voting patterns in one
election, also suggested a north/south division of the City for multi-member districts could be divisive.

AMENDED STATEMENT OF DECISION RE: REMEDIES PHASE OF TRIAL; JUDGMENT

1   Earth, and detailed City maps. In addition, Mr. Ely drove around the City and met with

2   residents.

3   Mr. Ely testified that in drawing the districts he sought to bring together residents with

4   similar community interests. He examined major thoroughfares to determine if they divide or

5   pull together local residents; he examined housing stock to assess socio-economic conditions; he

6   identified City infrastructure such as parks, libraries and schools; and he reviewed materials

7   prepared by the City's expert, Dr. Gobalet, and compilations of City resident comments about

8   voting methods and processes, including their views on at-large voting and district voting.

9   To address the remedial requirements of the CVRA and the FVRA, Mr. Ely took into

10   account the distribution and concentrations of Asian, Latino, black and white residents.[3] These

11   data includes the percent of citizens who can vote, which is referred to as the Citizen Voting Age

12   Population ("CVAP").

13   Based on all of this information, Mr. Ely presented four maps – two showing seven

14   districts (Exhibits 54 & 55), and two showing six districts (Exhibits 69 & 70). For each map

15   Mr. Ely calculated numerous statistics, including CVAP percentages, by district, for each Census

16   classification.

17   Mr. Ely assured the Court he could provide GIS data, assessor parcel numbers, and

18   addresses for each district by the July 23, 2018 deadline prescribed by Ms. Bushey.

19   **2.   Jeanne Gobalet, Ph.D.**

20   Dr. Gobalet testified for the City. She is an expert demographer with decades of

21   experience. She has worked as a consultant for the City since 2011.

22   The focus of Dr. Gobalet's testimony was on the City's "Draft Plan 3" which was shown

23   on page 6 of Exhibit 60. This map reflected Dr. Gobalet's knowledge of, and experience in, the

24   City. Her high-level approach was create districts that reflected City neighborhoods and other

25   communities with common interests. Like Mr. Ely, she started by identifying obvious dividing

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[3] The CVRA and FVRA rely on United States Census data. Those data recognizes six racial categories: White American, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander. It also classifies Americans as "Hispanic or Latino" and "Not Hispanic or Latino," which identifies Hispanic and Latino Americans as an ethnicity (not a race) distinct from others.

AMENDED STATEMENT OF DECISION RE: REMEDIES PHASE OF TRIAL; JUDGMENT

1   lines such as thoroughfares, railroad tracks, and creeks. She then identified neighborhoods in

2   numerous ways, including taking into account information from "Nextdoor" – a social network

3   for neighborhood communities. Dr. Gobalet also took into account information from community

4   members who have spoken at public meetings that she has attended for many years.

5   Dr. Gobalet testified that Draft Plan 3 was presented at recent public meetings that were

6   held in conformity with the requirements of Elections Code section 10010. Consistent with the

7   purpose of that statute, Draft Plan 3 was slightly modified as a result of public comments.

8   Dr. Gobalet testified that the City's Ad-Hoc Districting Advisory Committee, which has a

9   mandate of determining which voting maps to recommend to the City Council, concluded that

10 Draft Plan 3 was the best alternative. Dr. Gobalet calculated numerous statistics for Draft Plan 3,

11 including CVAP percentages.

12 **III.   DISCUSSION**

13   **A.   Legal Requirements for Selecting a Remedy**

14   CVRA remedies must address the dilution and abridgment of voting rights. It directs

15 courts "to implement appropriate remedies, including the imposition of district-based elections,

16 that are tailored to remedy the violation." (Elec. Code § 14029.) "District-based elections," in

17 turn, "mean a method of electing members to the governing body of a political subdivision in

18 which the candidate must reside within an election district that is a divisible part of the political

19 subdivision and is elected only by voters residing within that election district." (*Id.* § 14026(b).)

20   Remedies must address election practices that impair the ability of members of a

21 protected class to elect candidates of their choice and their ability to influence the outcome of an

22 election. (Elec. Code § 14027.) Remedies may take into account "that members of a protected

23 class are not geographically compact or concentrated." (*Id.* § 14028(c).) Lines drawn to form

24 voting districts may also take into account "(a) topography, (b) geography, (c) cohesiveness,

25 contiguity, integrity, and compactness of territory, and (d) community of interests of the council

26 districts." (Gov't Code § 34884; Elec. Code § 21601.) Federal law states that districts cannot be

27 drawn with race as a predominate factor. (See, e.g., *Miller v. Johnson* (U.S. Supreme Ct. 1995)

28 515 U.S. 900, 917-19.)

B.   The District Lines Shown in Draft Plan 3 Properly Remedy the CVRA Violations

Based on the evidence presented at trial, the Court finds the adoption of district-based elections based on the district lines shown in Draft Plan 3 will adequately remediate the City's violations of the CVRA and best serve its residents. This conclusion is based on numerous considerations, though four stand out.

First, the districts drawn in Draft Plan 3 reflect communities of interest, topography, geography and integrity. Dr. Gobalet described at trial her process of identifying neighborhoods, and then drawing district lines around them using significant geographic features.

Second, the statistics generated for Draft Plan 3 indicate it will remedy the dilution and abridgment of voting rights of Asians who reside in the City. The Asian CVAP percentage for District One is 51%. This is a proper remedy under both the CVRA and the FVRA. The lines drawn for District Two also enhance the voting power of Latino voters. The Latino CVAP percentage in that district is 27%, which allows for greater voting influence, including the possibility of forming voting coalitions to elect preferred candidates.[4]

Third, the City is a charter city that currently elects an at-large mayor. Draft Plan 3 results in having six district-based elections for city council members, plus an at-large election for the mayor who has now, and will continue to have, the same powers as city council members.[5] The Court was initially concerned that having an at-large mayor would not provide remediation to the extent required under the CVRA, which can trump charter city rights. (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 802.) But the Court is also sensitive to the rights of people in California to form charter cities, and the greater degree of autonomy charter cities provide. At trial, counsel for the City made an important point. He acknowledged the Court's view that eliminating the at-large mayor would provide additional CVRA

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[4] It should be noted that after the 2020 federal census the City will need to consider modifications to the district boundaries. (Elec. Code § 21601.)

[5] At present the mayor has several non-substantive powers that are different than City Council members. Section 704 of the City Charter provides that "[t]he Mayor shall be the presiding officer. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes." Section 704.3 sets forth other powers of the mayor, such as presiding over the council meetings and making "recommendations to the City Council on matters of policy and programs."

remediation. But he noted that Draft Plan 3 provides sufficient remediation to comply with law even with a mayor elected by the entire City electorate. That fact, combined with the comments made at public meetings that expressed a preference for an at-large mayor, caused the Court to conclude that all City voters should continue to elect the City's mayor.

Fourth, the Court recognizes the risk of implementing a new voting method relatively close to the November 2018 elections. Throughout this case the Court has carefully balanced the need to address the dilution and abridgement of voting rights on the one hand, and the need to ensure the election process is not compromised. Both sides have worked diligently to resolve the contested issues, including working with the Registrar of Voters to ensure a remedy can be timely implemented. At the remedies trial three promises were made. The Registrar of Voters said the election will run smoothly as long as the GIS, assessor parcel number, and address information is provided by July 23, 2018. Both sides said their teams could provide the data for their maps by that deadline. And the City promised to cooperate with the Registrar of Voters to make sure all subsequent voting deadlines are met. Based on those promises, the Court has every reason to believe this decision can be successfully implemented for the November 2018 elections.

It should be noted that the Court has considered Elections Code section 12262, which states that precinct boundaries cannot be changed less than 125 days before an election.[6] The Court believes Draft Plan 3 does not violate that statute. But even if it did, in balancing the hardships the Court would find the actions necessary to remedy the CVRA violations are so fundamental that a procedural statute should not stand in the way of implementing Draft Plan 3. In part this is because if an appropriate remedy is not implemented for the November 2018 elections, those elections would be jeopardized. (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 791 [the certification of city council election results was enjoined based on CVRA violations].)

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[6] The Article that includes Election Code sections 12260-62 is titled "Precinct Boundary Changes." Section 12262 uses the undefined phrase "jurisdictional boundaries." The Court finds that the phrase "jurisdictional boundaries" refers to precinct boundary changes as indicated in the title of the Article within which section 12262 appears.

AMENDED STATEMENT OF DECISION RE: REMEDIES PHASE OF TRIAL; JUDGMENT

IV.   THE REMEDIES PHASE DISPOSITION

Having concluded the remedies phase of trial, the Court ORDERS the City to adopt district-based elections based on the lines shown on Draft Plan 3 (Ex. 60 at page 6) that was submitted by the City. Further, the Court ORDERS the Registrar of Voters to immediately begin implementing district-based elections for the November 2018 election. The Court further ORDERS that elections be held for each district in the sequence shown below:

District Number	Election Month and Year
District One	November 2020
District Two	November 2018
District Three	November 2018
District Four	November 2020
District Five	November 2020
District Six	November 2020
Mayor	November 2018

Consistent with this requirement, the City and the Registrar of Voters are enjoined from holding at-large elections for any City Council members, other than the position of Mayor.

The Court does not intend to abrogate City Charter provisions except the reference to "at large" in Section 600 as it applies to City Council members (excluding the mayor) and the first sentence of Section 700.1, which is titled "Designation of Seats." The Court does not believe other City Charter provisions are affected by the Court's ruling, including provisions governing term length, term limits, compensation, vacancies, and the powers and duties of the mayor. Further, the Court does not intend to change other election procedures for this year, including the last day of the nominations period, which is set on August 10, 2018.
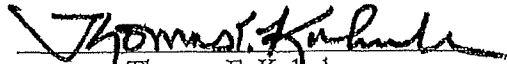
V.   JUDGMENT

This action was tried in two phases. At the liability phase, Plaintiffs proved Defendant the City of Santa Clara ("City") violated the California Voting Rights Act by showing by a preponderance of the evidence that the at-large method of election used by the City impaired the ability of Asians to elect candidates as a result of the dilution and abridgment of their rights as voters. At the conclusion of the remedies phase, the Court ordered that six City Council members be elected in district-based elections, and the City mayor be elected in an at-large

election. The Court's findings and conclusions were set forth in two Statements of Decision. Based on the outcome of the two-phase trial:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Judgment shall be entered for Plaintiffs Ladonna Yumori Kaku, Wesley Kazuo Mukoyama, Umar Kamal, Michael Kaku, and Herminio Hernando and against Defendant the City of Santa Clara in accordance with the Statements of Decision issued after the liability and remedies phases of trial. Plaintiffs shall be entitled to recover attorneys' fees and costs as permitted under law. FURTHER, pursuant to the parties' agreement, the Court shall retain jurisdiction over the parties and this action pursuant to California Code of Civil Procedure section 664.6.

Dated: July 24, 2018

Thomas E. Kuhnle
Judge of the Superior Court

AMENDED STATEMENT OF DECISION RE: REMEDIES PHASE OF TRIAL; JUDGMENT

Draft Plan 3
City Council Districts
City of Santa Clara
6-27-18

LEGEND
Draft Plan 3
Park
School
Highway/Freeway
Major Road
Railroad
River/Stream
Street Centerline

Lapkoff & Gobalet Demographic Research, Inc. 6/27/18
www.Demographers.com