

ORDINANCE NO. 1407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, REPEALING SECTION 2.38.050 OF CHAPTER 2.38 (“GENERAL MUNICIPAL ELECTIONS”) OF TITLE 2 (“ADMINISTRATION AND PERSONNEL”) OF THE PALM DESERT MUNICIPAL CODE TO IN ORDER TO ELIMINATE RANKED CHOICE VOTING FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL

WHEREAS, on June 5, 2019, two plaintiffs, represented by attorney Kevin Shenkman and other legal counsel, filed a lawsuit against the City alleging a violation of the California Voting Rights Act (CVRA) based on the City’s use of an at-large election system for City Council members; and

WHEREAS, while the City did not believe that its at-large election system violated the CVRA, due to the low threshold of proof required by the CVRA, the unanimously unsuccessful efforts by California cities to defend against such lawsuits to date, and the considerable cost of defending such lawsuits, the City decided to settle the case with Mr. Shenkman and his clients; and

WHEREAS, on December 12, 2019, the City and the plaintiffs announced a settlement of the lawsuit, the principal elements of the settlement being as follows:

- A two-district election system was approved as outlined in the Court-approved electoral district map. District 1 would represent the “Civic Center District” (approximately 20% of the City’s total population) and elect one member to the City Council. District 2 (the “Outer District”) would represent the remainder of the City (approximately 80% of the City’s total population) and elect the other four members to the City Council.
- The City would implement ranked choice voting (RCV) for City Council elections at the November 2020 General Municipal Election or the earliest practicable election date.
- The City is prohibited for 10 years from conducting any further at-large elections except as set forth above. *However, this shall not preclude the Council from adopting a five single-member district electoral system in accordance with applicable law.*

WHEREAS, in early 2020, the City followed the public hearing, outreach and input procedure set forth in AB 350 and, pursuant to the legal authority in Government Code sections 34871 and 34886, adopted Ordinance No. 1356 on May 14, 2020, approving a two-district electoral map that transitioned the City from an entirely at-large system and which established RCV.

WHEREAS, at the November 2020 General Municipal Election, the City elected one Council member from District 1 and two Council members from District 2. The City was unable to conduct RCV at that time due to timing and logistics issues caused by the COVID-19 pandemic; and

WHEREAS, at that November 2022 General Municipal Election, the City elected two Council members from District 2 and held its first election by RCV; and

WHEREAS, the City Council finds that conducting RCV in the November 2022 General Municipal Election resulted in substantial voter confusion and misunderstanding, and did not serve the City's residents well during the time of the Election; and

WHEREAS, based upon this, the City Council desires to repeal RCV in the City for future Council elections; and

WHEREAS, as part of discussions with Mr. Shenkman and his clients, they and the City have agreed that, under the CVRA settlement agreement, the City is permitted to transition to a five-district electoral system and, after doing so, is no longer obligated to maintain RCV for the City's election system; and

WHEREAS, after following the public hearing, outreach and input procedure set forth in State Elections Code for redistricting, and pursuant to the legal authority in Government Code sections 34871 and 34886, the City Council adopted Ordinance No. 1406 on January 25, 2024, approving a transition from a two-district electoral system to a five-district electoral system for City Council members, starting with the November 5, 2024, General Municipal Election; and

WHEREAS, the City Council has satisfied all other prerequisites to adoption of this Ordinance repealing RCV in future City of Palm Desert City Council elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. REPEAL OF MUNICIPAL CODE SECTION. Section 2.38.050 of Chapter 2.38 of Title 2 of the Palm Desert Municipal Code pertaining to ranked choice voting (RCV) is hereby repealed in its entirety.

SECTION 2. SEVERABILITY. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 4. PUBLICATION. The City Clerk shall certify the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Palm Desert, pursuant to all legal requirements.

ADOPTED ON _____ 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1407 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on January 25, 2024, and adopted at a regular meeting of the City Council held on _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK