Assemblyman Roger Hernandez plans to introduce bill requiring district-based elections

By Peter Fullam, Whittier Daily News

WEST COVINA >> Calling it an effort to strengthen the California Voting Rights Act and address the problem that “it’s difficult for people of color to get elected,” Assemblyman Roger Hernandez says he plans to introduce legislation that would require cities with populations of 100,000 or more to hold district-based municipal elections.

The bill, the Municipal Fair Representation Act, as currently written would apply only to general law cities, such as West Covina, El Monte, Fontana, Ontario, and Rancho Cucamonga. It would not apply to cities that are established under charters.

“It’s important that we do our best as governmental leaders to have voting systems in place to give our diverse populations the best chance of having reflective representation,” Hernandez, D-West Covina, said in a telephone interview Friday.

An aide said Hernandez plans to introduce the legislation in January.

The announcement comes as several Los Angeles-area cities, including Whittier, Compton, Anaheim and Palmdale are facing lawsuits, or have been involved in suits, seeking to have their at-large voting systems tossed and replaced with district-based voting systems. Under the California Voting Rights Act, if an at-large system is found to be racially polarizing, they must be replaced with district-based systems.

Hernandez’s legislation would expand the law by not requiring a showing of racial polarization to impose a district-based voting system, according to Paul Mitchell, of Redistricting Partners, a Sacramento consulting firm on redistricting and California Voting Rights Act issues.

Twenty-three cities in California would be affected by the legislation, according to Redistricting Partners.
In many California communities, the makeup of the city council does not reflect a city’s demographics, said Hernandez.

“If you go on and visit the West Covina website and see the latest City Council,” said Hernandez, “you won’t see one Latino” despite Latinos being the majority, he said.

According to the U.S. Census, West Covina had an estimated population of 107,440 in 2012, and was 53 percent Hispanic or Latino in 2010.

“You ask yourself, ‘well, do Latinos run?’” said Hernandez, “and the answer is ‘yes, they do run.’

“This issue of cities not being able to elect people of color that represent the majority of the population is not exclusive to West Covina or to Whittier,” he said. “It happens to most large cities that have at-large election systems throughout the state of California.”

But West Covina Mayor Steve Herfert said the bill is another attempt by the state to take power from the cities.

“It’s time for the state to stop dictating to the cities how they operate,” Herfert said Friday in a telephone interview. “They take all our money, they kill redevelopment, which is the only economic engine we have, they try to control our elections like this.

“They’re destroying cities.”

Herfert said West Covina voters rejected a similar initiative three years ago.

“West Covina since 1923 has had open elections, and for somebody to come in and try and force something different down our throats after the voters just rejected it three years ago, it’s wrong,” said Herfert. “So I don’t think the people of West Covina would support the district concept.

“I hope the legislation doesn’t pass,” Herfert said.

Hernandez said he limited the bill to general law cities because there was some question whether including charter cities would pass constitutional muster.

However, that decision isn’t final, he said.

“I would argue that when it comes to civil rights ... and access to civil liberties, that it applies to anybody whether they live in a charter city or not,” he said. “Today, the proposal is excluding charter cities, but I’m leaving the door open to removing that exclusion.”
LATINOS still face electoral hurdles in California

By ELLIOT SPAGAT Associated Press
CREATED: 12/28/2013 10:54:01 PM PST

Editor's Note: This is the last in a series of five stories on California's Hispanic population, which will surpass whites next year as the largest racial or ethnic group in the state. Today's installment focuses on elections.

ESCONDIDO - Aging apartment buildings and small, closely spaced houses crowd the downtown streets where Escondido's Hispanic population is concentrated. Whites have long since moved to the outskirts, where upscale subdivisions and wide, well-paved streets have replaced avocado and orange groves.

The downtown area might be the city's showpiece in other places, but not here. It's called the "doughnut hole," defined by the absence of something. For the Hispanics who live there and comprise nearly half of the city's 148,000 residents, what's missing is political clout.

As Latinos surpass whites as California's largest racial or ethnic group early next year, more are getting elected to public office, including the mayors of Los Angeles and Sacramento, members of Congress, lieutenant governors and leaders of the state Legislature.

Not so in Escondido - Spanish for "Hidden." It is among a smattering of cities with large Latino populations that have eluded their grasp.

The north San Diego suburb elected its first Hispanic to its City Council in its 125-year history in 2008, not counting a one-term member in the 1990s, Elmer Cameron, who played down his Mexican ancestry. Councilwoman Olga Diaz, the daughter of Mexican immigrants who learned English as a second language, is running for mayor next year in the first elections with district, instead of at-large, voting to the council.

Escondido adopted district voting after getting sued under the California Voting Rights Act for its poor record of electing Latinos. Other cities - Modesto, Anaheim, Compton, Palmdale, Whittier - have faced similar challenges. Escondido's doughnut hole, also
called "the urban core," makes up District 1, whose citizen voting-age population is slightly more than 50 percent Latino and is seen as more likely to elect one of its own.

Arturo Vargas, executive director of the National Association of Elected Latino Officials, rattled off the names of California cities that have elected Latinos to local office and noted that Hispanics occupy 27 of 120 seats in the state Legislature, up from seven in 1984.

Yet Latinos are disproportionately ineligible to vote because they are either too young or are not U.S. citizens, Vargas said. Cities with large and growing Latino populations often have another majority group that is uncomfortable with changing demographics, he said.

Latinos make up 33 percent of the state's adult population but only 17 percent of likely voters, according to the Public Policy Institute of California. They tend to be young, less educated, less affluent and lean Democratic. Whites comprise 44 percent of the adult population but 62 percent of likely voters.

Jose Fragozo, who moved to the San Diego area from the Mexican border city of Mexicali when he was 12, credited the Escondido Union School District's change to district voting for winning a seat on the school board in 2012 after two losses. He raised only $3,000 and knocked on every door in his downtown district, where signs at strip malls and churches mix English and Spanish and some quiet residential streets lack sidewalks and street lights.

"I could finally afford to send a mailer and go door-to-door," said Fragozo, 48, echoing a common argument for supporters of district elections.

Councilwoman Diaz, 37, first ran for her seat in 2006, outraged by an ordinance that required landlords to check the immigration status of their tenants. She stepped to the microphone during a heated council meeting to tell leaders they were "nuts" and "either incompetent or malicious." A federal judge later blocked the ordinance before it took effect.

Diaz, a Democrat in a solidly Republican city, lost but won two years later, aided by higher name recognition, enthusiasm for Barack Obama's presidential run and a visible presence as owner of two coffee shops.

"They knew me well enough to know that I'm not a scary person," said Diaz, who is married to a white Escondido police lieutenant but kept her maiden name.

Diaz, who was easily re-elected last year, is often on the losing end of 4-1 votes and has failed to get any support for proposals such as sprucing up a barren flood control basin that crosses Latino neighborhoods and waiving home-remodeling permit fees for veterans.
Latinos made up 48.9 percent of Escondido's population in 2012 but relations remain strained with city leaders. The city has impounded thousands of vehicles at checkpoints, many of them from people who don't qualify for a driver license because they are in the country illegally.

In 2010, the city forged an unusually close alliance with U.S. Immigration and Customs Enforcement, which has agents at police headquarters to check the immigration status of people questioned at checkpoints or elsewhere. In 2011, it began requiring city contractors to use an online federal database to verify that employees are eligible to work in the U.S.

Mayor Sam Abed, a Lebanese immigrant who is seeking a second term against Diaz, embraces the city's efforts to crack down on illegal immigration. A 2010 campaign mailer showed a photo of people running across a freeway - apparently after entering the country illegally - and proclaimed he was the only candidate who could uphold the rule of law.

"It's about quality of life. It's about prosperity. It's about public safety for everybody," said Abed, 62, a retired manager at IBM.

Abed said Escondido hasn't elected more Latinos because those that have run are too liberal for the city, where Republicans hold a 14-point edge over Democrats in voter registration.

Julio Diaz, who works at an Escondido nursery and is not related to the councilwoman, can't vote because he is in the country illegally. He settled in Escondido 10 years ago to join his parents, who were deported after being stopped at a city checkpoint in 2010.

Diaz, 33, has tried to convince three friends who can vote to elect a City Council that would end checkpoints and other policies he considers harmful to immigrants. Their response disappoints him.

"What good will it to do?" they tell him. "Nothing."
A judge submitted a final decision in the California Voting Rights Act lawsuit against Palmdale, reaffirming an earlier mandate for the city to create districts in its City Council election and to host a special election June 3.

It is up to the Palmdale City Council now to decide whether they want to continue in their losing fight, and waste even more taxpayer funds,” said attorney Kevin Shenkman of Shenkman & Hughes, who’s representing the plaintiff in the lawsuit. “We still hope that at some point the Palmdale council members will put the citizens of Palmdale ahead of their own political ambitions.”
Palmdale city officials have vowed to fight the move until all appeals are exhausted, a city spokesman said Monday.

“We received it Friday, and it’s nothing different really than the preliminary decision,” said Palmdale Spokesman John Mlynar, “and we will appeal the entire case per our council’s instruction.”

The lawsuit contended minority representation in the city’s council elections are being minimized by Palmdale’s at-large election, and Judge Mark V. Mooney concurred in July.

The case is being closely watched in Santa Clarita because the firm of Shenkman & Hughes is also representing Jim Soliz and Rosemarie Sanchez-Fraser in three lawsuits against the city of Santa Clarita, the Sulphur Springs School District and the Santa Clarita Community College District.

The lawsuits are essentially alleging the same violations as the Palmdale suit.

Mooney’s decision calls on the city create four districts and an at-large, citywide mayoral election. The judgment also calls for a special election to be held in conjunction with the statewide primary election June 3 in order to remedy the decision.

“The current members of Palmdale City Council were elected through an unlawful election,” read the final decision from Mooney. “The citizens of Palmdale are entitled to have a council that truly represents all members of the community. ... This can only be accomplished if all members of the City Council are lawfully elected.”
There was no timeline yet for a special election, Mlynar said, adding that more information on the next step in the appeals process, and whether that included any election plans, would be clarified at the City Council’s next meeting Jan. 8.

State law mandates that election notices be posted 120 days before the last day of balloting, which would put the deadline in the first week of February, if Palmdale holds an election in June.

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Anaheim voters to decide if council elections should be by district

To settle a suit filed by the ACLU, the city will ask voters in November to consider dumping its at-large election system.

By Paloma Esquivel

January 8, 2014, 8:49 p.m.

For nearly two years, fierce debate over whether Anaheim should change its election system from at-large to districts has roiled the resort city, leading to raucous meetings and angry protests outside City Hall.

On Tuesday, the city announced that it would put the issue to a vote in November.

"This is about something very simple, letting the people vote," said Mayor Tom Tait, who supports creating council districts.

Anaheim is the largest city in California that still retains at-large voting to select local representatives, a system that some contend has left Latinos politically powerless in a city where they now make up a majority. The city is divided along ethnic and economic lines, and the political power base in town has often been firmly planted in the upscale hills on the city's east side.

A majority of the council had previously opposed putting the issue on the ballot but relented to settle a lawsuit filed by the American Civil Liberties Union in 2012 on behalf of three residents who accused the city of violating the California Voting Rights Act.

Though Latinos make up about 53% of the city's population, they account for less than half of eligible voters. Few Latinos have ever been elected to the City Council.

Anaheim is just one of several cities across California that in recent years have faced voting rights lawsuits urging district elections. In 2012, Compton settled a similar suit by putting the issue on the ballot. The measure was approved by voters. More recently, a judge found Palmdale in violation of the state's Voting Rights Act and ordered the city to hold a new by-district City Council election.

In Anaheim, each side is now gearing up to take its case to the voters.

On Wednesday morning, a coalition of local organizers, union members, Latino groups and others who have advocated for districts stood in front of City Hall. They held placards that read "Yes on districts in Anaheim" and shouted "It's time, Anaheim."
"I'm confident that the people, when they're given a choice between districts and at-large, will choose districts," Tait told the crowd.

According to the settlement, City Council members will be allowed to write a ballot argument in support of the districting measure but cannot write the argument opposing it. Tait said he was prepared to write the supporting statement.

Mayor Pro Tem Kris Murray, who voted last year against putting a council district measure on the ballot, said she decided to support the settlement so that the city would stop incurring legal costs and because it allowed the issue to go to a vote, as opposed to having court-imposed districts. The suit has cost the city about $1.2 million so far. As part of the settlement, the city will have to pay the plaintiffs' court costs.

Murray said she "will be vocally opposed to a ballot measure that seeks to implement single-member districts."

"I just believe that the single-member districts divide the city and divide how we're governed," she said.

If the measure is approved, the settlement calls for an advisory committee of three retired judges to help draw district lines. It also says that the city would begin using districts in the 2016 municipal election.

In addition, the November ballot will also include a proposal to increase the size of the City Council from four to six members. That measure was approved for the ballot by the council last year and had been scheduled for a vote in June. The mayor will continue to be elected at-large.

The settlement also requires that a measure to add another election model known as residency-based districts to the city charter be deleted from the ballot. In a residency-based model, council members must live within designated districts but are elected at-large. Nearby Santa Ana has a similar system. In a district-based system, voters in each district elect their own representative.

The residency-based model was approved by the council last year and was expected to be placed on the ballot so that it could become part of the city charter. If the district measure fails, residency-based districts can be put in place.

Proponents of districts said they're planning to go door to door, handing out fliers and trying to persuade residents one by one to support the measure. Based on prior election turnout, they will need to win over about 40,000 voters for the measure to pass, said Leigh Shelton, a spokeswoman for the Unite Here Local 11 union, which backs districts.

Ada Tamayo, a local activist, said she knows getting those votes won't be easy.

"There are a lot of people in Anaheim who still don't know about districts," she said in Spanish. "Hopefully we'll be able to encourage them."

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Palmdale appeals court decision, says it won't hold new election

By Jean Merl

7:13 PM PST, January 9, 2014

Palmdale officials this week appealed a trial judge's ruling that their at-large elections violate the California Voting Rights Act and said they will not hold new balloting in June.

Last month, Los Angeles Superior Court Judge Mark V. Mooney ordered a new, district-based elections system for Palmdale and required that it hold a special election in June to replace the city's November at-large election. He also ruled that the current council members could not stay in office beyond July 9.

The appeal automatically stays the order for a new election but not the prohibition against current council members remaining in office, thus adding to the confusion that has beset the city since the court fight began over the elections system last spring.

Several minority residents filed suit claiming that at-large elections undercut their opportunity to elect representatives of their choice. About two-thirds of city residents are minorities, but only two minorities have been elected to the council since the city's 1962 incorporation. In July, Mooney ruled in favor of the plaintiffs, but the city said it would appeal and went ahead with its November elections.

An appeals court has yet to rule on the validity of the November elections, in which voters elected the city's first African American councilman.

"It's ironic, and frankly sad, that the plaintiffs' attempts to stop the city's at-large election has resulted in preventing an African American from holding office," Deputy City Atty. Noel Doran said in a statement Thursday.

Kevin I. Shenkman, an attorney for the plaintiffs, said he was "stunned by the Palmdale City Council's refusal to abide by the court's order" of a new election.

"Their actions are misguided and reflect a disturbing contempt for the judicial branch of government," Shenkman said.

Several other California jurisdictions with at-large voting systems and significant minority populations but few or no minority elected officials have switched to by-district
elections to avoid or settle lawsuits. The most recent is Anaheim, which this week agreed to settle a lawsuit by asking voters to allow it to implement district elections.

Whittier also has been sued over its at-large elections. It plans to ask voters about a change in June but has been criticized by plaintiffs for its plans to proceed with its at-large regular municipal balloting in April.

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Santa Monica-Malibu Unified School District (SMMUSD) Board Member Ben Allen was elected Tuesday as the chair of the Los Angeles Committee on School District Organization (LACSDO).

Allen was recommended for the role by a selection subcommittee and unanimously voted in by members of the LACSDO. His term is for one year.

LACSDO oversees jurisdictional boundaries of school districts and trustee voting districts. Also, the committee could unify or de-unify school districts as well as create new ones. For example, if the suggestion of splitting SMMUSD into separate school districts for Santa Monica and Malibu residents ever comes to pass, the issue would be presented in front of LACSDO during the public process.

The committee also grapples with possible California Voting Rights Act challenges any school district might face.
“I’m learning a tremendous amount about the processes that would govern any potential split between Santa Monica and Malibu in our district, and as you might expect, it’s complicated,” Allen told The Mirror.

Speaking of a possible split of SMMUSD, education research firm WestEd issued a report late last year stating "a viable pathway exists for pursuing (a separate Malibu school district) while protecting the financial interests of the existing and proposed districts and employee groups."

One of those groups who seek to split the SMMUSD and create an independent school district in the coastal suburb northwest of Santa Monica is Advocates for Malibu Public Schools, or AMPS.

It was AMPS who funded the WestEd study.

Specifically, the creation of the Golden Valley School District in Central California™s Madera County in 1997 serves as a precedent for those campaigning for a Malibu School District.

Madera County also has a committee on school district organization and oversaw the creation of the Golden Valley School District.

As LACSDO chair, Allen said he is responsible for putting together meeting agendas. He must also chair each of the committee’s meetings during his tenure.

LACSDO is an independent committee made up of 11 members from across the county. The committee is broken up into five districts correlating with a County Supervisor. For example, District 3 includes Santa Monica and its borders overlap with County Supervisor Zev Yaroslavsky’s territory.

Each district has two representatives; the eleventh member is at-large. Allen, the sole member from SMMUSD, sits on the committee as one of two representatives for District 3.

The other third district representative, A.J. Willmer, hails from Beverly Hills.

Also on the committee are: John Nunez and Frank Ogaz for District 1; Maria Calix and Joan Jakubowki for District 2; Frank Bostrom and Owen H. Griffith for District 4; and Joel Peterson and Suzan T. Solomon for District 5. Ted Edminston is the at-large member.
The committee meets once a month at the Los Angeles County Office of Education in Downey. Meetings are at 9:30 am on the first Wednesday of each month.

A lecturer in law at UCLA School of Law, Allen was the top vote getter in the SMMUSD race in 2008 and served as the school board’s president. A graduate of Harvard University in 2000 with a Masters degree from Cambridge University in 2001 and a law degree from Berkeley’s Boalt Hall in 2004, Allen also serves as Of Counsel for the law firm Richardson & Patel.

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In November 2013, the Trustees of Anaheim Union High School District AUHSD asked for public input on a proposal to divide the District for election of Trustees:

In the past, Trustees were elected through an at-large voting method where candidates resided anywhere within the District boundaries and were elected by all voters within the District, with the highest vote-getters winning the election. Under the by-trustee-area method, the District would be divided into five trustee areas. Each Trustee would be required to live within a separate trustee area and would be elected by voters who live only within the trustee area.

In October, the Board approved a policy modifying the election system to the by-trustee-area voting method. The Board’s decision was the culmination of a lengthy process during which a demographer reviewed voting patterns over the past 10 years to determine whether the at-large voting method complied with the California Voting Rights Act. Under the act, an at-large voting method is not permissible if it impairs the ability of a protected class to elect candidates of its choice as a result of dilution or abridgment. The analysis showed that the at-large voting method did appear to impair the ability of a protected group from electing candidates of its choice. To correct this, the Board modified the election method to a by-trustee-area method to provide greater opportunities for representation of all constituencies within the District.

…To change school board elections in California, districts can either place a measure before voters or apply for a waiver from the State Board of Education. As AUHSD community members provide feedback on boundary scenarios, they also will be asked to give input on seeking a waiver.

Last week, the Board approved an election district map and moved to ask for a waiver.
If the waiver is granted, the new election district will be used in the next election.

As approved (see AUHSD election district map[^1] (pdf)), two current Board members — Anna L. Piercy and Annemarie Randle-Trejo — reside in the district that includes Cypress High School, Oxford Academy, and Lexington Junior High School.

No current Board member resides in the easternmost election district that includes Katella High School and South Junior High School.

This plan for election districts puts the AUHSD Board ahead of recent legal suits that have forced similar moves on the ABC School District, the City of Palmdale and the City of Anaheim, based on alleged violations of the Voting Rights Act.
City Officials Meet with Opposing Attorney Over Voting Rights

By Perry Smith, Hometownstation.com | Tuesday, Jan 14, 2014 11:35 pm

Malibu attorney Kevin Shenkman

[KHTS] – City officials met Tuesday with Malibu attorney Kevin Shenkman about California Voting Rights Act lawsuit he filed against the city of Santa Clarita.

At City Hall on Tuesday, the two sides discussed potential legal remedies for the lawsuit, which claims that the access of minority voters, specifically Hispanic ones, is being limited by Santa Clarita’s at-large elections.

“Settlement discussions are continuing and we are very hopeful that they will result in a resolution that is good for everyone concerned,” Shenkman said.

Shenkman declined to discuss any specifics as far as potential remedies for the alleged California Voting Rights Act violation.

City of Santa Clarita officials also have remained tight-lipped about the lawsuit, citing the fact that it’s a pending legal action.
“We are in ongoing discussions with the plaintiffs concerning the case,” said Santa Clarita City Attorney Joe Montes of Burke, Williams and Sorensen, declining to discuss any case specifics.

Attorneys for the Santa Clarita Community College District sought a continuance Monday in the case, which was denied.

The California Voting Rights Act lawsuit against the Santa Clarita Community College District is set for court June 2.

There is no court records of any discussion of mediation in that case, or the case against the Sulphur Springs School District.

The Santa Clarita meeting comes on the heels of Shenkman & Hughes’ thus-far successful litigation of Juaregui v. Palmdale.

The Palmdale case involved a similar claim, in which Judge Mark V. Mooney found Palmdale in violation of the CVRA with a final statement in December.

Palmdale refused all potential talks to settle the case out of court, Shenkman said.

Palmdale officials have vowed to challenge that decision, which included a judge’s order that the city draw up districts and hold a new election by July 9, until all appeals have been exhausted.

The plaintiffs in the Santa Clarita CVRA suit are Jim Soliz and Rosemarie Sanchez-Fraser, who spoke with KHTS AM-1220 in September.

Santa Clarita Valley school officials commissioned a report anticipating the potential for such lawsuits, and the result was a report that cited vulnerability to California Voting Rights Act lawsuits.

Critics of the Santa Clarita Valley lawsuits have characterized the California Voting Rights Act lawsuits as “frivolous” and a “money grab.”

Soliz described these criticisms as “disingenuous,” and said he is seeking equality, not any sort of financial gain.

The report cited the fact that it’s “incredibly easy” to file such a suit, which can generally be proved on two conditions — the existence of racially polarized voting, and the fact that the minority group frequently loses.

“The law does not create an oversight agency or deadline,” according to a report by Paul Mitchell of Redistricting Partners. “But makes it incredibly easy for plaintiffs to sue a district and have the court intervene and draw district lines that would empower the ethnic community.”
However, these conditions were also cited in defense of the lawsuit by California Voting Rights Act expert J. Morgan Kousser, who argued the law was written in broader terms than the Federal Voting Rights to make it less expensive to either bring forth or defend a claim against a violation.

“It's in order to cut costs more than anything else — in order to bring suits and reduce the bureaucracy,” Kousser said.

In California, a plaintiff doesn't have to prove an intent to discriminate on the basis of race or religion, or that a district could be comprised of a majority of the protected class bringing suit, Kousser said.

Kousser has testified for plaintiffs in numerous lawsuits.

One of the remedies, to move elections to even-numbered years to line up with the general elections — the idea being to increase turnout and therefore voter access, was attempted by local school districts last year.

The move was nixed by the Los Angeles County Board of Supervisors in a 2-2-1 vote, who said the county’s current balloting system was not equipped to handle all of the county’s ballots at once.

Tuesday’s meeting was reportedly mediated by Antonio Piazza, a renowned expert in the field of negotiating such situations, who agreed to look at both sides’ cases gratis.

If Palmdale loses the case, the city would be on the hook for what would likely amount to several million dollars in legal fees, something Santa Clarita city officials could be trying to avoid through the mediation process.

Santa Clarita city officials referred all inquiries to the city attorney’s office.
Four file as candidates in Whittier City Council election

By Peter Fullam, Whittier Daily News

Posted: 01/14/14, 6:44 PM PST

WHITTIER >> Four men have filed as candidates in the April 8 Whittier City Council election for two council seats — an election that hangs in limbo until March 18 when a court hearing is set on a legal challenge seeking to halt the election.

Two of the candidates are challengers: Brian W. Ahern, who listed his occupation an unemployed actor, and Nick Donovan, an insurance broker and a frequent speaker at City Council meetings and a member of Whittier Hills Oil Watch, a group that opposed the city’s plan to drill for oil in the Whittier hills.

Two incumbents, Mayor Bob Henderson and Councilman Fernando Dutra, also qualified to be candidates in the election, according to the City Clerk’s Office. Dutra was appointed to the council Aug. 21, 2012, to fill the remaining two years on Councilman Greg Nordbak’s term after Nordbak resigned from the council July 10, 2012.

The period for filing to be a candidate ended at 5 p.m. Jan. 10.

“I’ve got huge concerns about the financial safety of the city,” said Donovan, who ran unsuccessfully for City Council in April 2012 and applied to replace Nordbak in August 2012. Donovan said that run for council in 2012 and his involvement in opposing the oil project began a journey in local politics that he wants to continue.

“I was front and center most of the way with the Whittier hills oil project and the fight against that,” he said. “And the people won,” he added in reference to a court ruling that halted the project. “I want to make sure we see that through.

“We’ve got a business community that feels ostracized and not supported,” he said. “We’ve got a fantastic Uptown area that could be the jewel of this part of Southern California, and that potential has never been realized.”
In 2012, he said the City Council tried to defend its position with the Uptown Specific Plan.

“But unfortunately, two years later, nothing has been done,” he said. “Everything they said back then was just words, and they haven’t fulfilled many of their promises. So there’s a lot of work to be done.”

Ahern said he protested the city’s plan to replace its water and sewer lines, which he said placed too great a burden on ratepayers.

“That’s what got me started,” he said. “Then I just noticed that I don’t agree with some decisions the city makes.”

He said the way to address that problem was to “become part of the City Council. That’s about it,” he said.

Henderson said he wants to help stabilize the City Council as the city goes through turbulent times with the voting rights lawsuit and also to continue work on the oil project, which he said will return in 2015 after the city’s agreement with the country expires.

“I think the last two elections have shown that the voters in Whittier are solidly behind the council in favor of oil development with proper controls and safeguards,” said Henderson. “The financial benefit to the city and the wilderness preserve are huge and can guarantee that both entities will be able to serve our people for the foreseeable future.

“The people of Whittier own a great asset, and they deserve to benefit from its development,” he added.

Dutra, president of an engineering and construction company, Allwest Development Co., could not be reached immediately for comment.

The number of candidates filing was a steep drop from the 25 people who applied to fill Nordbak’s unexpired term. One reason may be uncertainty about the election due to a lawsuit filed Aug. 5, 2013, against the city by three Latino Whittier residents who claim the city’s at-large system of elections prevents Latinos from being elected to the City Council. Only one Latino has been elected to the council in the history of the city.

Angie Medina, chairwoman of the Whittier Latino Coalition, a group backing the lawsuit, said Latinos may be discouraged from running due to the lack of success Latinos have had in Whittier. She said they also may be looking at an Aug. 27, 2013, California Voting Rights Act ruling in Palmdale, where a judge rejected an at-large election and ordered a new election using a district-based system.

“Latino people are more aware of the difficulty of getting elected,” she said. “And maybe what has happened in Palmdale has made people think twice.”
The plaintiffs in the lawsuit filed a motion Dec. 5, 2013, are asking the Los Angeles Superior Court to halt the April 8 election claiming it would do irreparable harm to Whittier Latinos to allow “an unlawful election to proceed.” They claim the election would be unlawful because Whittier’s at-large voting system produces “racially polarized” results against Latinos.

A hearing on the motion is set for March 18. At a hearing Dec. 17, Judge Michael M. Johnson refused a request by the plaintiffs set an earlier hearing date, according to the plaintiffs’ attorney, Rod Pacheco, a former Riverside County district attorney and former assemblyman. The plaintiffs wanted the hearing in January.

The judge said he want more time to study the question.

In response to the lawsuit, the Whittier City Council voted Aug. 27, 2013, to hold an election June 3 asking city residents if they favored changing the city charter, which requires at-large elections, to instead use district-based elections.