

Date: 8-29-2016

From: Al Matta, C/O Chino Hills Citizen Action Committee (CHCAC)

To: The Chino Hills City Council

RE: Position Regarding Council Redistricting in Chino Hills

Distribution:

- Art Bennet – Mayor
- Ray Marquez – Vice Mayor
- Ed Graham – Council Member
- Cynthia Moran – Council Member
- Peter Rodgers – Council Member
- 2 copies for the public record
- [Certified delivery: Chino Hills City Clerk: 8-31-2016](#)

Did you know that people in the city of Chino Hills are racist, prejudice and have “radically” polarized elections? – Neither did we. But, that is the contention of a extremist “civil rights” group making salacious claims and wants to dictate local control in our city.

Chino Hills is a culture club of ethnic identities. It is highly diverse city and prides itself on its cultural heritage. Any 4th grade student knows that the Spanish settled California and that the roots of Chino Hills sprouted from that rich heritage. And now we have outsiders rewriting our historical past and dictating our future?

Meddling by outsiders in our voting process and offering solutions to a problem that does not exist, usurps our elected form of government and will constrain *real* voter choice in the city.

We have received concerns from residents and conservative groups about a civil rights entity trying to extort the Chino Hills council into action based on false claims through a demand for compliance with the California Voting Rights Act.

In a “shake down” letter to the city, the Mexican American Legal Defense and Educational Fund (MALDEF) stated that the city of Chino Hills did not have enough Latino representation on its city council. The letter stated, “... only *one* Latino, current city council member Ray Marquez has served on the city council since the City’s incorporation.” This is a pat lie. Their circular logic is based on surnames and does not consider the maiden names of former council members or candidates that have run for office.

Their contention that “...the lack of success of Latino candidates results from the inability of Latino voters to elect candidates of choice due to racially polarized voting among the electorate.”

This statement is a false claim. Their statement negates former Latino citizens that have run for city council, and did not win.

The “solution” of dividing the city into districts, thereby somehow providing Latino’s a leg up in getting on to city council, won’t work. Suburban and rural communities are highly diversified unlike large urban cities. Comparing the two is like comparing apples and oranges. Dividing the city into districts based on ethnicity is like trying to sort salt and pepper in to piles after they have been mixed together in a casserole. Does the city of Chino Hills desire suburban ghettos? Redistricting sure seems to promote the idea. Furthermore, redistricting violates our right to a republican form of government provided by the U.S. Constitution.

MALDEF offered no proof to substantiate their false claims and they hide behind the California Voting Right Act of 2001 (CVRA) as justification. Therefore, their claims that at-large elections are “polarizing” is ludicrous. Their demand letter dated August 9, 2016 to divide the city into voting districts, limiting voter choice, is without merit.

Position

Therefore, we request that the Chino Hills City Council:

1. **Defend Claims:** The city of Chino Hills needs to defend false accusations and claims made by MALDEF.
2. **No Redistricting in Advance of Litigation:** The city does not need to spend taxpayer money on a consultant to develop redistricting maps.
3. **Chino Hills is Exceptional:** Every city is unique; therefore, assessing redistricting based on previous case litigation is moot. For example, the city of Palmdale redistricting case has been cited by cities considering redistricting and is not applicable to the City of Chino Hills.



MALDEF

The Latino Legal Voice for Civil Rights in America.

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August 9, 2016

**VIA FACSIMILE: (909) 364-2695
& U.S. MAIL**

Art Bennett, Mayor
City of Chino Hills
City Hall
14000 City Center Drive
Chino Hills, CA 91709

Re: Demand for Compliance with California Voting Rights Act

Dear Mr. Bennett:

We have received complaints from Latino voters in the City of Chino Hills that the use of an at-large election system for the election of city council members results in Latino vote dilution and prevents Latino voters from electing candidates of their choice. We reviewed demographic and electoral information pertaining to your jurisdiction with particular attention to the prohibitions of the California Voting Right Act of 2001 ("CVRA"). Based on our investigation, we believe that the City of Chino Hills is in violation of the CVRA and must convert to a by-district election system.

The CVRA, California Elections Code § 14027, states in relevant part:

An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class...

Latino residents of the City of Chino Hills are a "protected class" within the meaning of the CVRA. U.S. Census population data shows that Latinos constitute 27.3% of the citizen voting age population of Chino Hills. However, it appears that only one Latino, current council member Ray Marquez, has served on the City Council since the City's incorporation. Based on our review of election returns and demographic information, we believe that the lack of success of Latino candidates results from the inability of Latino voters to elect candidates of choice due to racially polarized voting among the electorate, and that continued use of at-large elections therefore violates the CVRA. We demand that the City convert its at-large election

Art Bennett, Mayor

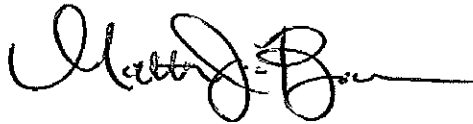
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system to a district-based electoral system. Under the authority of Government Code § 34886, the City Council can effectuate that conversion by passage of a resolution, and we demand that it do so without delay.

We request your response to this demand by August 24, 2016. In the absence of a satisfactory response, our clients will be forced to seek judicial relief in the form of an action to obtain an order converting the election system from at-large to by-district, together with other relief provided for in the CVRA, including an award of litigation and expert witness costs, and attorneys' fees. The City can avoid the imposition of a judicially-mandated plan, including district maps designed or approved by the Court, by taking appropriate action without the filing of litigation.

We look forward to your response.

Sincerely,



Matthew J. Barragan
Staff Attorney
MALDEF

MJB/mg

cc: Ray Marquez, Vice Mayor (via U.S. mail)
Ed Graham, Council Member (via U.S. mail)
Cynthia Moran, Council Member (via U.S. mail)
Peter Rogers, Council Member (via U.S. mail)
Mark D. Hensley, City Attorney (via U.S. mail)