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**FILED**  
Superior Court of California  
County of Los Angeles

**FEB 13 2019**

Sherri R. Carter, Executive Officer/Clerk  
By N. Raya Deputy  
Neil M. Raya

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION, ) Case No.: BC616804  
et al. )  
 )  
Plaintiffs, ) JUDGMENT; ATTACHMENT  
 )  
vs. )  
 )  
CITY OF SANTA MONICA, )  
 )  
Defendant. )  
 )  
 )  
 )

The Court finds as follows:

Plaintiff Maria Loya is registered to vote, and resides in the City of Santa Monica, California. She is a member of a "protected class" as that term is defined in California Elections Code Section 14026. Plaintiff Pico Neighborhood Association is an organization with members who, like Maria Loya, reside in Santa Monica, are registered to vote, and are

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1 members of a protected class. Plaintiff Pico Neighborhood  
2 Association's organizational mission is germane to the subject  
3 of this case - namely, advocating for the interests of Pico  
4 Neighborhood residents, including to the city government, where  
5 Latinos are concentrated in Santa Monica.

6 Defendant is a political subdivision as that term is  
7 defined in California Elections Code Section 14026. The  
8 governing body of Defendant is the City Council of Santa Monica,  
9 California. The City Council of Santa Monica, California is  
10 elected by an "at large method of election" as that term is  
11 defined in California Elections Code Section 14026.  
12

13 Plaintiffs have demonstrated that elections in Santa  
14 Monica, namely elections for Defendant's city council involving  
15 at least one Latino candidate, are consistently and  
16 significantly characterized by "racially-polarized voting" as  
17 that term is defined in California Elections Code Section 14026.

18 • Analyzing elections over the past twenty-four years, a  
19 consistent pattern of racially-polarized voting emerges. In  
20 most elections where the choice is available, Latino voters  
21 strongly prefer a Latino candidate running for Defendant's city  
22 council, but, despite that support, the preferred Latino  
23 candidate loses. As a result, though Latino candidates are  
24 generally preferred by the Latino electorate in Santa Monica,  
25 only one Latino has been elected to the Santa Monica City

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1 Council in the 72 years of the current election system - 1 out  
2 of 71 to serve on the city council.

3 • Though not necessary to show a CVRA violation,  
4 Plaintiffs have also demonstrated other factors supporting the  
5 finding of a violation of the CVRA, pursuant to Elections Code  
6 section 14028(e), including a history of discrimination in Santa  
7 Monica; the use of electoral devices or other voting practices  
8 or procedures that may enhance the dilutive effects of at-large  
9 elections; that Latinos in Santa Monica bear the effects of past  
10 discrimination in areas such as education, employment, and  
11 health, which hinder their ability to participate effectively in  
12 the political process; the use of overt or subtle racial appeals  
13 in political campaigns; and a lack of responsiveness by the  
14 Santa Monica city government to the Latino community  
15 concentrated in the Pico Neighborhood.  
16

17 In the face of racially polarized voting patterns of the  
18 Santa Monica electorate, Defendant has imposed an at-large  
19 method of election in a manner that impairs the ability of  
20 Latinos to elect candidates of their choice or influence the  
21 outcome of elections, as a result of the dilution or the  
22 abridgment of the rights of Latino voters.  
23

24 The City of Santa Monica amended its charter in 1946,  
25 adopting its current council-manager form of government and  
current at-large election system. The precise terms of that

1 charter amendment, and specifically the form of elections to be  
2 employed, were decided upon by a Board of Freeholders. In 1992,  
3 Defendant's city council rejected the recommendation of the  
4 Charter Review Committee to scrap the at-large election system.  
5 In each instance, the adoption and/or maintenance of at-large  
6 elections was done with a discriminatory purpose, and has had a  
7 discriminatory impact.

8  
9 The CVRA does not require the imposition of district-based  
10 elections. The Court considered cumulative voting, limited  
11 voting and ranked choice voting as potential remedies to  
12 Defendant's violation of the CVRA. Plaintiffs presented these  
13 at-large alternatives for the Court's consideration, but both  
14 Plaintiffs and Defendant agreed that the most appropriate remedy  
15 would be a district-based remedy. While the Court finds that  
16 each of these alternatives would improve Latino voting power in  
17 Santa Monica, the Court finds that the imposition of district-  
18 based elections is an appropriate remedy to address the effects  
19 of the established history of racially-polarized voting.

20  
21 During the trial, Plaintiffs' expert presented a district  
22 plan. That district plan included a district principally  
23 composed of the Pico Neighborhood, where Santa Monica's Latino  
24 community is concentrated. Districts drawn to remedy a  
25 violation of the CVRA should be nearly equal in population, and  
should not be drawn in a manner that may violate the federal

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1 Voting Rights Act. Other factors may also be considered -- the  
2 topography, geography and communities of interest of the city  
3 should be respected, and the districts should be cohesive,  
4 contiguous and compact. Elections Code Section 21620.

5 Districts drawn to remedy a violation of the CVRA should not be  
6 drawn to protect current incumbents. Incumbency protection is  
7 generally disfavored in California. California Constitution  
8 Art. XXI Section 2(e). The place of residence of incumbents or  
9 political candidates is not one of the considerations listed in  
10 Section 21620 of the Elections Code. Race should not be a  
11 predominant consideration in drawing districts unless necessary  
12 to remedy past violation of voting rights. The district plan  
13 presented by Plaintiffs' expert properly takes into  
14 consideration the factors of topography, geography,  
15 cohesiveness, contiguity and compactness of territory, and  
16 community of interest of the districts, and race was not a  
17 predominant consideration.  
18

19 The current members of the Santa Monica City Council were  
20 elected through unlawful elections. The residents of the City  
21 of Santa Monica deserve to have a lawfully elected city council  
22 as soon as is practical. The residents of the City of Santa  
23 Monica are entitled to have a council that truly represents all  
24 members of the community. Latino residents of Santa Monica,  
25 like all other residents of Santa Monica, deserve to have their

1 voices heard in the operation of their city. This can only be  
2 accomplished if all members of the city council are lawfully  
3 elected. To permit some members of the council to remain who  
4 obtained their office through an unlawful election may be a  
5 necessary and appropriate interim remedy but will not cure the  
6 clear violation of the CVRA and Equal Protection Clause.

7  
8 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

9 1. Defendant violated the California Voting Rights Act,  
10 California Elections Code Sections 14025 - 14032;

11 2. Defendant's plurality at-large elections for its City  
12 Council violate Elections Code Sections 14027 and 14028;

13 3. Defendant violated the Equal Protection Clause of the  
14 California Constitution, California Constitution, Article I  
15 Section 7;

16 4. Defendant's plurality at-large elections for its City  
17 Council violate the Equal Protection Clause of the California  
18 Constitution;

19 5. Defendant is permanently enjoined from imposing,  
20 applying, holding, tabulating, and/or certifying any further at-  
21 large elections, and/or the results thereof, for any positions  
22 on its City Council;

23 6. Defendant is permanently enjoined from imposing,  
24 applying, holding, tabulating, and/or certifying any elections,  
25

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1 and/or the results thereof, for any positions on its City  
2 Council, except an election in conformity with this Judgment;

3 7. All further elections, from the date of entry of this  
4 Judgment for any seats on the Santa Monica City Council, shall  
5 be district-based elections, as defined by the California Voting  
6 Rights Act, in accordance with the map attached hereto. The  
7 metes and bounds of each district, as depicted in the map are  
8 described using TIGER line segments (used to define census block  
9 geography) as follows:

10 District #1

11 The region bounded and described as follows:

12 Beginning at the point of intersection of Alley between  
13 Princeton and Harvard and Broadway, and proceeding southerly  
14 along Alley between Princeton and Harvard to Colorado Ave, and  
15 proceeding northerly along Colorado Ave to Stewart St, and  
16 proceeding southerly along Stewart St to Olympic Blvd, and  
17 proceeding easterly along Olympic Blvd to City Boundary, and  
18 proceeding easterly along City Boundary to Pico Blvd, and  
19 proceeding westerly along Pico Blvd to 22nd St, and proceeding  
20 southerly along 22nd St to Alley south of Pico Blvd, and  
21 proceeding westerly along Alley south of Pico Blvd to 20th St,  
22 and proceeding northerly along 20th St to Pico Blvd, and  
23 proceeding westerly along Pico Blvd to Lincoln Blvd, and  
24 proceeding northerly along Lincoln Blvd to Broadway, and  
25

1 proceeding easterly along Broadway to Alley between 9th and 10th  
2 St, and proceeding northerly along Alley between 9th and 10th St  
3 to Santa Monica Blvd, and proceeding easterly along Santa Monica  
4 Blvd to 16th St, and proceeding southerly along 16th St to  
5 Broadway, and proceeding easterly along Broadway to Alley  
6 between 17th and 18th St, and proceeding southerly along Alley  
7 between 17th and 18th St to Colorado Ave, and proceeding  
8 northerly along Colorado Ave to Alley between 19th and 20th St,  
9 and proceeding northerly along Alley between 19th and 20th St to  
10 Broadway, and proceeding northerly along Broadway to the point  
11 of beginning.  
12

13 District #2

14 The region bounded and described as follows:

15 Beginning at the point of intersection of City Boundary and  
16 Pico Blvd, and proceeding southerly along City Boundary to NE  
17 boundary of Census Block 060377022021010, and proceeding  
18 westerly along NE boundary of Census Block 060377022021010 to  
19 11th St, and proceeding northerly along 11th St to Marine Pl N,  
20 and proceeding westerly along Marine Pl N to Alley east of  
21 Lincoln Blvd, and proceeding westerly along Alley east of  
22 Lincoln Blvd to Pier Ave, and proceeding westerly along Pier Ave  
23 to Lincoln Blvd, and proceeding westerly along Lincoln Blvd to  
24 Hill Pl N, and proceeding easterly along Hill Pl N to 11th St,  
25 and proceeding northerly along 11th St to Pico Blvd, and

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1 proceeding easterly along Pico Blvd to 20th St, and proceeding  
2 southerly along 20th St to Alley south of Pico Blvd, and  
3 proceeding easterly along Alley south of Pico Blvd to 22nd St,  
4 and proceeding northerly along 22nd St to Pico Blvd, and  
5 proceeding easterly along Pico Blvd to the point of beginning.

6 District #3

7 The region bounded and described as follows:

8 Beginning at the northmost point of City Boundary, and  
9 proceeding southeasterly along City Boundary to Montana Ave, and  
10 proceeding westerly along Montana Ave to 20th St, and proceeding  
11 southerly along 20th St to Idaho Ave, and proceeding westerly  
12 along Idaho Ave to 9th St, and proceeding northerly along 9th St  
13 to Montana Ave, and proceeding westerly along Montana Ave to  
14 Montana Ave Extension, and proceeding southerly along Montana  
15 Ave Extension to City Boundary, and proceeding northerly along  
16 City Boundary to the point of beginning.

17 District #4

18 The region bounded and described as follows:

19 Beginning at the City Boundary at the intersection of  
20 Montana Ave and 26th St, and proceeding easterly along City  
21 Boundary to Olympic Blvd, and proceeding westerly along Olympic  
22 Blvd to Stewart St, and proceeding westerly along Stewart St to  
23 Colorado Ave, and proceeding westerly along Colorado Ave to  
24 Alley between Princeton and Harvard, and proceeding northerly  
25

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1 along Alley between Princeton and Harvard to Broadway, and  
2 proceeding westerly along Broadway to Princeton St, and  
3 proceeding northerly along Princeton St to Santa Monica Blvd,  
4 and proceeding westerly along Santa Monica Blvd to Chelsea Ave,  
5 and proceeding northerly along Chelsea Ave to Wilshire Blvd, and  
6 proceeding westerly along Wilshire Blvd to 17th St, and  
7 proceeding northerly along 17th St to Idaho Ave, and proceeding  
8 easterly along Idaho Ave to 20th St, and proceeding northerly  
9 along 20th St to Montana Ave, and proceeding easterly along  
10 Montana Ave to Unlabeled, and proceeding northerly along  
11 Unlabeled to Montana Ave, and proceeding easterly along Montana  
12 Ave to the point of beginning.  
13

14 District #5

15 The region bounded and described as follows:

16 Beginning at the point of intersection of Chelsea Ave and  
17 Wilshire Blvd, and proceeding easterly along Chelsea Ave to  
18 Santa Monica Blvd, and proceeding easterly along Santa Monica  
19 Blvd to Princeton St, and proceeding southerly along Princeton  
20 St to Broadway, and proceeding westerly along Broadway to Alley  
21 between 19th and 20th St, and proceeding southerly along Alley  
22 between 19th and 20th St to Colorado Ave, and proceeding  
23 westerly along Colorado Ave to Alley between 17th and 18th St,  
24 and proceeding northerly along Alley between 17th and 18th St to  
25 Broadway, and proceeding westerly along Broadway to 16th St, and

1 proceeding northerly along 16th St to Santa Monica Blvd, and  
2 proceeding southerly along Santa Monica Blvd to Alley between  
3 9th and 10th St, and proceeding southerly along Alley between  
4 9th and 10th St to Broadway, and proceeding westerly along  
5 Broadway to 7th St, and proceeding northerly along 7th St to  
6 Wilshire Blvd, and proceeding easterly along Wilshire Blvd to  
7 Lincoln Blvd, and proceeding westerly along Lincoln Blvd to  
8 Montana Ave, and proceeding easterly along Montana Ave to 9th  
9 St, and proceeding southerly along 9th St to Idaho Ave, and  
10 proceeding easterly along Idaho Ave to 17th St, and proceeding  
11 easterly along 17th St to Wilshire Blvd, and proceeding easterly  
12 along Wilshire Blvd to the point of beginning.

14 District #6

15 The region bounded and described as follows:

16 Beginning at the point of intersection of Lincoln Blvd and  
17 Montana Ave, and proceeding southerly along Lincoln Blvd to  
18 Wilshire Blvd, and proceeding westerly along Wilshire Blvd to  
19 7th St, and proceeding southerly along 7th St to Broadway, and  
20 proceeding easterly along Broadway to Lincoln Blvd, and  
21 proceeding southerly along Lincoln Blvd to Bay St, and  
22 proceeding westerly along Bay St to Ocean Front Walk, and  
23 proceeding northerly along Ocean Front Walk to Pico Blvd  
24 Extension, and proceeding westerly along Pico Blvd Extension to  
25 City Boundary, and proceeding westerly along City Boundary to

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1 Montana Ave Extension, and proceeding easterly along Montana Ave  
2 Extension to Montana Ave, and proceeding northerly along Montana  
3 Ave to Unlabeled, and proceeding easterly along Unlabeled to  
4 Montana Ave, and proceeding easterly along Montana Ave to the  
5 point of beginning.

6 District #7

7 The region bounded and described as follows:

8 Beginning at the point of intersection of 11th St and Pico  
9 Blvd, and proceeding southerly along 11th St to Hill Pl N, and  
10 proceeding westerly along Hill Pl N to Lincoln Blvd, and  
11 proceeding easterly along Lincoln Blvd to Pier Ave, and  
12 proceeding easterly along Pier Ave to Alley east of Lincoln  
13 Blvd, and proceeding easterly along Alley east of Lincoln Blvd  
14 to Marine Pl N, and proceeding easterly along Marine Pl N to  
15 11th St, and proceeding southerly along 11th St to NE boundary  
16 of Census Block 060377022021010, and proceeding easterly along  
17 NE boundary of Census Block 060377022021010 to City Boundary,  
18 and proceeding westerly along City Boundary to Unlabeled, and  
19 proceeding westerly along Unlabeled to City Boundary, and  
20 proceeding westerly along City Boundary to Pico Blvd Extension,  
21 and proceeding easterly along Pico Blvd Extension to Ocean Front  
22 Walk, and proceeding southerly along Ocean Front Walk to Bay St,  
23 and proceeding easterly along Bay St to Lincoln Blvd, and  
24  
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1 proceeding northerly along Lincoln Blvd to Pico Blvd, and  
2 proceeding easterly along Pico Blvd to the point of beginning;

3 8. Defendant shall hold a district-based special  
4 election, consistent with the district map attached hereto on  
5 July 2, 2019 for each of the seven seats on the Santa Monica  
6 City Council, and the results of said special election shall be  
7 tabulated and certified in compliance with applicable sections  
8 of the Elections Code;

9  
10 9. Any person, other than a person who has been duly  
11 elected to the Santa Monica City Council through a district-  
12 based election in conformity with this Judgment, is prohibited  
13 from serving on the Santa Monica City Council after August 15,  
14 2019;


15 10. The Court retains jurisdiction to interpret and  
16 enforce this Judgment and to adjudicate any disputes regarding  
17 implementation or interpretation of this Judgment;

18 11. Pursuant to Elections Code Section 14030 and Code of  
19 Civil Procedure Section 1021.5, Plaintiffs are the prevailing  
20 and successful parties and are entitled to recover reasonable  
21 attorneys' fees and costs, including expert witness fees and  
22 expenses, in an amount to be determined by noticed motion for an  
23 award of attorneys' fees and a memorandum of costs for an award  
24 of costs, including expert witness fees and expenses.  
25

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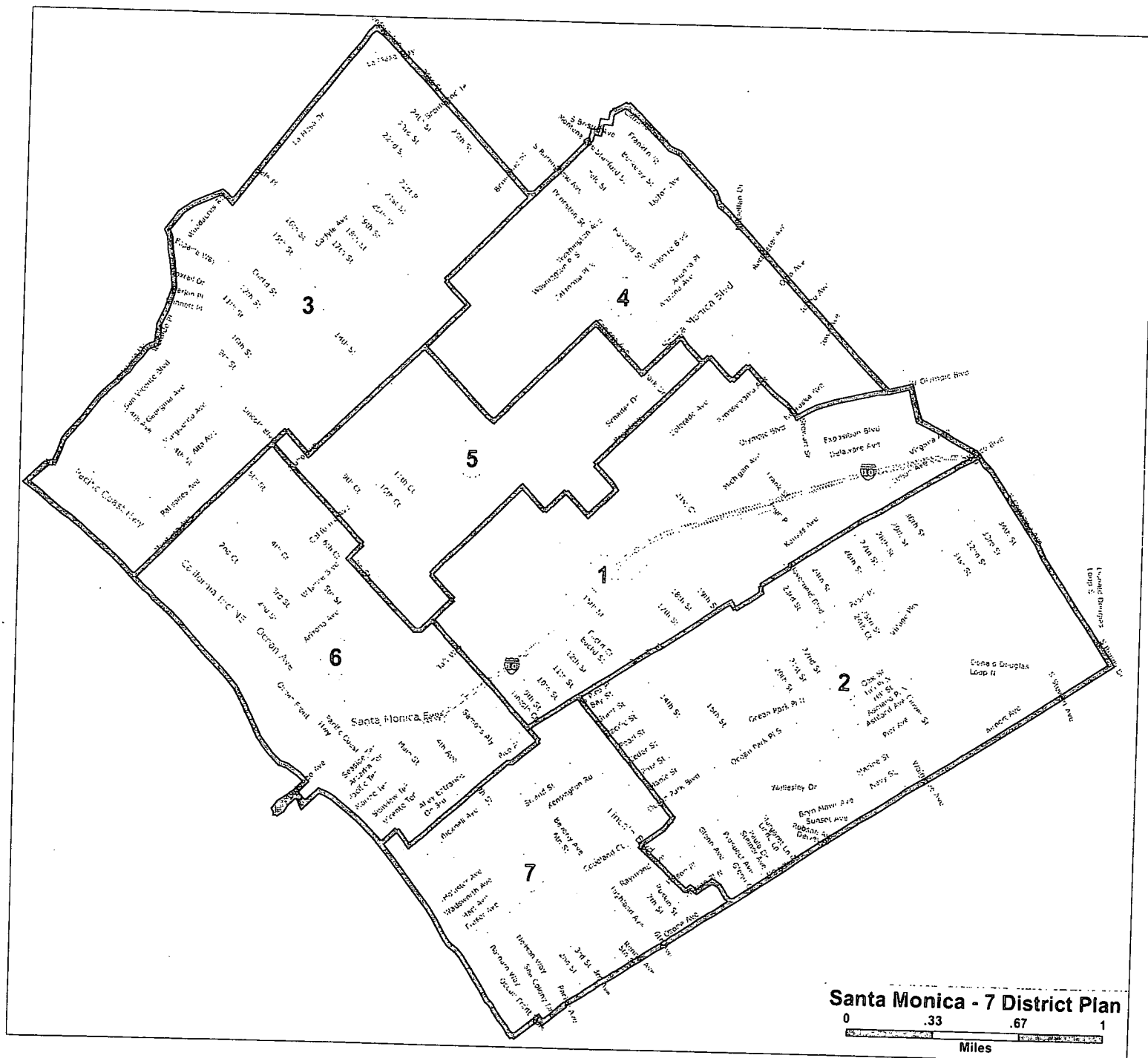
1 DATED: February 13, 2019

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YVETTE M. PALAZUELOS  
JUDGE OF THE SUPERIOR COURT

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ATTACHMENT



**Santa Monica - 7 District Plan**  
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 Miles