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21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
22 **FOR THE COUNTY OF LOS ANGELES**

23 PICO NEIGHBORHOOD  
24 ASSOCIATION and MARIA LOYA, )

25 Plaintiffs, )

26 v. )

27 CITY OF SANTA MONICA, and  
28 DOES 1 through 100, inclusive, )

Defendants. )

Case No.: BC616804

**DECLARATION OF SERGIO FARIAS IN  
SUPPORT OF PLAINTIFFS' OPPOSITION  
TO DEFENDANT CITY OF SANTA  
MONICA'S MOTION FOR SUMMARY  
JUDGMENT**

Date: June 14, 2018  
Time: 8:45  
Dept.: 28

*Assigned for all purposes to the Honorable  
Judge Yvette M. Palazuelos*

CONFIRMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

MAY 31 2018

Sherri R. Carter, Executive Officer/Clerk of Court  
By: Judi Lara, Deputy

1 I, Sergio Farias, declare as follows:

2 1. The facts set forth in this declaration are within my personal knowledge  
3 and, if called as a witness, I could and would competently testify as follows.

4 2. I am Latino. I am certain that the San Juan Capistrano voters recognize that  
5 I am Latino.

6 3. In 2008, I ran for a seat on the San Juan Capistrano City Council. At that  
7 time, San Juan Capistrano City Council elections were at-large; all seats were elected  
8 city-wide. Two of the five city council seats were up for election in 2008, and six  
9 candidates competed for those two seats. I finished last, with 1,133 votes. The two  
10 winning candidates received 6,764 votes and 5,685 votes, respectively.

11 4. In 2016, the City of San Juan Capistrano was sued by two residents of San  
12 Juan Capistrano and an organization – Southwest Voter Registration Education Project –  
13 for violation of the California Voting Rights Act. The City of San Juan Capistrano  
14 quickly settled the case, agreeing to adopt district-based elections in time for the  
15 November 2016 elections.

16 5. Council districts were developed and subjected to a series of public  
17 meetings, and ultimately a district map was adopted. None of the five districts had a  
18 Latino majority of eligible voters. District #1 had the greatest Latino proportion –  
19 approximately 44%.

20 6. Principally because of the change in the election system, I felt that although  
21 I had lost in the 2008 at-large election by a wide margin, I could win a district-based  
22 election in District #1, partly because of the greater proportion of Latinos in District #1  
23 compared to the city as a whole (the city's eligible voters were approximately 18%  
24 Latino).

25 7. Perhaps just as important as the greater proportion of Latino eligible voters  
26 in District #1, the smaller electorate in District #1 compared to the city as a whole also  
27  
28

1 afforded me the opportunity to campaign differently. Specifically, the smaller electorate  
2 and smaller geographic area made more personal campaign tactics, such as personal  
3 interactions by knocking on doors, more effective. I spent a great deal of my time on the  
4 campaign in 2016 talking with residents of District #1, most of whom told me that they  
5 had never had a discussion with a city council candidate before in the previous at-large  
6 elections.

7  
8 8. I prevailed in the 2016 election for the District #1 seat on the San Juan  
9 Capistrano City Council, receiving approximately 59% of the vote, to my non-Latino  
10 opponent's 41%. Certainly, I could not have won 59% of the vote in District #1 by  
11 courting only Latino voters; rather, I engaged voters of all ethnicities in District # 1.  
12 However, I don't believe I could have prevailed in a citywide election.

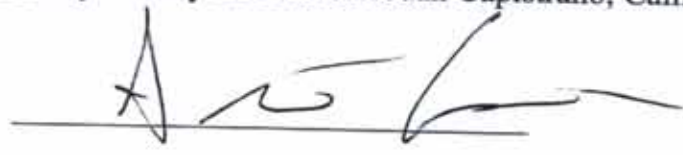
13 9. The position of Mayor in San Juan Capistrano is elected by and from the  
14 five members of the City Council. In December 2017, I became the first district-elected  
15 council member to serve as Mayor. Though at that time some council members  
16 expressed a concern whether I could represent the entire city as Mayor, having been  
17 elected by District #1 rather than the whole city, I believe those concerns have been  
18 allayed, and all council members now recognize that I can represent the interests of  
19 District #1 residents and also serve the city as a whole in my role as Mayor. I am  
20 currently the Mayor of San Juan Capistrano.

21 10. I believe my experience demonstrates a few things: a) district elections  
22 make a significant difference and enable minority candidates to prevail in municipal  
23 elections; b) minority voters have greater power in a district-based election system than  
24 in an at-large election system, even where minorities are not the majority in any district,  
25 if the minority's proportion in any district is significantly greater than in the city as a  
26 whole; and c) district-elected minorities can make a significant difference on a city  
27 council, even though the majority of the council seats are not controlled by the minority.  
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 17<sup>th</sup> day of May 2018 at San Juan Capistrano, California.

A handwritten signature in black ink, appearing to read 'Sergio Farias', is written over a horizontal line.

Sergio Farias