- Under what authority does Attorney Shenkman have the power to grant, or not grant, an extension of time for us to finish the by-district process?

Answer: Under the statutory scheme, this entire process only begins with a letter from a lawyer like Mr. Shenkman. Without his letter, there is no timeline or compliance date. The Legislature has determined that a public entity may avoid litigation if it adheres to a very specific statutory timeline once it receives such a letter. If it does not adhere to that statutory timeline, it may be sued. Thus, it is not that Mr. Shenkman has agreed to an extension of time, but rather that he has agreed not be bring suit until a later date.

- Is there another body with authority to grant an even greater extension of time?

Answer: No. Again, the timeline for the transition to district elections was set by the Legislature in the California Voting Rights Act. Hypothetically, it might be possible to go to Court to obtain a different timeline, but this is very unlikely given the detailed instructions provided by the Legislature in the Act, and the very many public entities that have made the transition within the statutory time period.

- How do you reconcile the statement, “Communities of Interest within the City … should define the boundaries … ” with "The districts must not be drawn with race as the predominant factor”, these statements seem contradictory.

Answer: Those statements are not contradictory at all. “Communities of interest” include geography, socio-economic position, gender, language groups, race, religious affiliations, school district, commercial district orientation, occupations, whether households have children, etc., the list is very long depending on the jurisdiction. While districts may not be drawn with race as the predominant factor, they must be drawn considering best practice demographic principles in light of the very many communities of interest that will be identified during the City’s hearings on the transition to districts.

- Shouldn’t Attorney Shenkman be required to prove that his assertion that the City is violating the CVRA is factual, and that he has standing in our jurisdiction by revealing the names of those claiming harm?

Answer: To commence the process, the California Voting Rights Act requires only a letter to the City. Mr. Shenkman’s letter contains factual data, as well as an allegation that the City is violating the Act. If the City had decided to fight the move to districts, Mr. Shenkman would have been required to prove his allegations at trial. The Act, however, provides a safe harbor that allows public entities to avoid the costs of litigation if they comply with a statutory schedule in the transition to district elections. In addition, there is little chance of success in CVRA litigation. Thus, the City has decided to avoid these significant costs and make the transition to district elections for 2026 and 2028. As to the second issue, Mr. Shenkman represents an organization that has one or more members that reside in the City. He is not required to provide their names under the law.