



Joshua Sweeney
Mayor

Don Caskey
Mayor Pro Tempore

Jared Mathis
Council Member

Erica Pezold
Council Member

Dave Wheeler
Council Member

City of Laguna Hills City Council

Special Meeting Agenda
Tuesday, September 9, 2025 - 4:00 PM

City Council Chamber
24035 El Toro Road
Laguna Hills, CA 92653

Teleconference Location:

*Pursuant to Government Code Section 54953(b), Council Member Erica Pezold will participate remotely via teleconference at the following publicly accessible location:

Business Center at the Silverado Resort
1600 Atlas Peak Rd.
Napa, CA 94558

In Person Public Comments: Any person wishing to address the City Council only on items listed on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber and submit the form to the City Clerk. The Request to Speak form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized and ensures accurate identification of meeting participants in the City Council Minutes. Completion of the form is voluntary. It is City policy to limit public testimony to up to three minutes per person, as determined by the Mayor, and a total time limit of thirty minutes for Public Comments.

Submission of Electronic Public Comments: Those wishing to make electronic public comments may submit their comments by [email to the City Clerk](#) no later than 2 hours prior to the meeting on Tuesday, September 9, 2025. In the subject line of the email, please state your name and the item number you are commenting on. All comments received by the deadline on the date of the meeting will be provided to the City Council and will be provided for public inspection at the meeting. During the applicable agenda item, the City Clerk will announce the name of the sender and subject matter of all electronic comments received by the deadline on Tuesday, September 9, 2025. Email comments will NOT be read by the City Clerk during the meeting. Electronic public comments may only be submitted via email and comments via text and social media (Facebook, X (formerly Twitter), etc.) will not be accepted.

For questions or assistance, please contact the City Clerk's Office at (949) 707-2635 or via [email](#)

Call to Order

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

Roll Call of City Council Members

Announcement of Closed Session Item(s)

A. Conference with Legal Counsel - Anticipated Litigation

Pursuant to California Government Code Section 54956.9

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (2) of subdivision (e) of Government Code Section 54956.9: (1 potential case: receipt of written notices threatening litigation from the Law Offices of Michelle R. Jackson alleging violation of the California Voting Rights Act.)

[Threat of Litigation received June 20, 2023 Attached](#)

[Threat of Litigation received August 28, 2025 Attached](#)

Public Comments

Members of the public may address the City Council only on closed session items listed on this Agenda. Public Comments are limited to three minutes per person, as determined by the Mayor, and a total time limit of thirty minutes.

Convene into Closed Session

Reconvene

Closed Session Report

Adjournment

The next Regular Meeting of the City Council/Planning Agency will be September 9, 2025, at 6:00p.m., in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

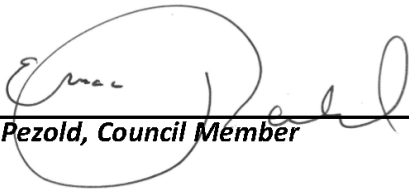
CERTIFICATION

I, JENNIFER LEE, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and the Courtyard at La Paz Center by September 8, 2025, at 4:00p.m.



Jennifer Lee, CMC, City Clerk

I, ERICA PEZOLD, Council Member of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at the Silverado Resort Business Center by September 8, 2025, at 5:00p.m.



Erica Pezold, Council Member

It is the intention of the City of Laguna Hills to comply with the Americans with Disabilities Act in all respects. If as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City of Laguna Hills will attempt to accommodate you in every reasonable manner. Please contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours. In addition, such writings or documents will be made available for public review on the City's website at: <https://www.lagunahillscagov/supplementalagenda> and at the respective public meeting.

Teleconference Location Map
Pursuant to Government Code Section
54953(b):

Erica Pezold, Council Member
Business Center at Silverado Resort
1600 Atlas Peak Rd.
Napa, CA 94558



CITY OF LAGUNA HILLS RC
JUN 20 2023 PM2:55

Law Offices of Michelle R. Jackson

34189 PCH, Suite 204
Dana Point, CA 92629
(949)606-2674

VIA HAND DELIVERY

June 20, 2023

CITY OF LAGUNA HILLS RC
JUN 20 2023 PM2:54

Attn: Jennifer Lee
City Clerk
City of Laguna Hills
Laguna Hills City Hall
24035 El Toro Road
Laguna Hills, CA 92653

Re: Violations of the California Voting Rights

Dear Ms. Lee,

I write on behalf of my client, a registered voter and resident in the City of Laguna Hills ("Laguna Hills"), who is concerned about minority residents voting in Laguna Hills.

Laguna Hills relies upon an at-large election system for electing candidates to its City Council. Moreover, a review of Laguna Hills' voting results appears to illustrate that they are racially polarized, resulting in minority vote dilution. Therefore, Laguna Hills' at-large elections violate the California Voting Rights Act of 2001 ("CVRA").

The CVRA disfavors the use of "at-large" voting since this method effectively prevents a protected class from having a sufficient opportunity to elect a candidate of choice. *See generally Sanchez v Modesto* (2006) 145 Cal App4th 660, 667. Further, these at-large election systems often result in the dilution or impairment of minority voters and their ability to elect candidates more representative of their neighborhoods by allowing a bare majority of voters to control *every* seat, not just a proportional majority of seats. *See Thornburg v Gingles* (1986) 478 U.S. 30, 46.

To find a violation, the CVRA only requires that there be a showing of racially polarized voting. *See* Cal. Elec. Code § 14028 ("A violation of Section 14027 is established if it is shown that racially polarized voting occurs . . ."). It is my client's position that Laguna Hills' system of at-large elections dilutes the ability of Latinos, a protected class, to elect candidates of their choice or otherwise influence the outcome of Laguna Hills' elections for its City Council Members.

During the last twenty (20) years, not a single Latino has been elected to the Laguna Hills City Council. This is concerning given that Latinos currently comprise the second largest race and ethnicity population in Laguna Hills with more than 20% of the City's population identifying as

Latino. This lack of Latino participation in seeking election to the city council is prima facia evidence of voter dilution on the part of the City. *See generally Westwego Citizens for Better Government v City of Westwego* 872 F2d 1201 (5th Cir. 1989). There is a clear disconnect between the significant Latino population in Laguna Hills and the complete absence of Latinos on the City Council further evidencing the inherent discrimination of the elections process in Laguna Hills.

In accordance with the above, it is respectfully requested that Laguna Hills change the manner in which it elects councilmembers to its city council and adopt a district system. Please be advised that if we do not have some movement with regard to this issue by August 4, 2023, we will be forced to seek judicial relief on behalf of residents within the jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R. Jackson", with a long horizontal flourish extending to the right.

Michelle R. Jackson, Esq.

CC: City Council
City Manager

VIA CERTIFIED MAIL

LH CITY CLERK RECEIVED
AUG 28 2025 AM 10:27

August 25, 2025

Attn: Jennifer Lee
City Clerk
City of Laguna Hills
Laguna Hills City Hall
24035 El Toro Road
Laguna Hills, CA 92653

Re: Violations of the California Voting Rights

Dear Ms. Lee,

I write on behalf of my clients, Voter Equality Association and several minority voters residing in the City of Laguna Hills, including Arthur Sanchez, to follow up on my previous letter of June 20, 2023. The City of Laguna Hills (“Laguna Hills” or “City”) continues to rely upon an at-large election system for electing candidates to its governing body. Moreover, voting within the City is racially polarized, resulting in minority vote dilution, and therefore Laguna Hills’ at-large elections violate the California Voting Rights Act of 2001 (“CVRA”).

The CVRA disfavors the use of “at-large” voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660,667 (“*Sanchez*”). For example, if the California State Assembly were elected through a state-wide at-large election, rather than through typical single member districts, each voter could cast up to 80 votes and vote for any state assembly candidate in the state, not just the candidates in that voter’s district, and the 80 candidates receiving the most statewide votes would be elected. The problem with this system is that it enables a simple majority group (e.g., 51% of voters) to potentially control 100% of the seats, even if the other 49% are geographically or demographically concentrated and would otherwise win some representation. At-large elections thus allow a bare majority of voters to control every seat, not just the seats in a particular district.

Voting rights advocates have targeted “at-large” election schemes for decades because they often result in “vote dilution,” or the impairment of minority groups’ ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) (“*Gingles*”). The U.S. Supreme Court “has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength” of minorities. *Id.* at 47. “[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Id.* When racially polarized voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group’s ability to elect its preferred representatives. *See Rogers v. Lodge*, 458 U.S. 616.

Section 2 of the Federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which was enacted in 1965 and amended in 1982, targets among other things, at-large election schemes. *Gingles* at 37. Although the FVRA was successful in many states, California was an exception. Hoping to expand the protections against vote dilution over those provided in the FVRA in California, the legislature enacted the CVRA.

Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. On Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

In the CVRA, the California Legislature intentionally dispensed with the requirement in *Gingles*. See *Sanchez*, at 660, 669 wherein the court held that the CVRA removes the geographic compactness requirement of *Gingles*, thereby lowering the burden on plaintiffs alleging racially polarized voting. Recently, in *Pico Neighborhood Association v. City of Santa Monica* (August 24, 2023) 15 Cal. 5th 292, the California Supreme Court reaffirmed this reading of the CVRA, holding that: “The CVRA does not require plaintiffs to show that a protected class can constitute a majority in a hypothetical single-member district.”

Hence to establish a violation of the CVRA, a plaintiff must generally show that “racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.” Elec. Code § 14028(a). The CVRA specifies that the elections that are most probative are, “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to the filing of an action ... are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.” *Id.*

Factors other than, “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of the circumstances” test – “are probative, but not necessary factors to establish a violation” of the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

According to the U.S. Census, Laguna Hills has a population of 30,378, with Latinos comprising approximately 22% of the City’s population. Despite having a 22% Latino population, there has never been a Latino councilmember, nor has there been a Latino serving on Laguna Hills’ most powerful commission, the planning commission. In fact, in the past 20 years there has been only *one (1)* Latino appointed to any commission within the City of Laguna Hills, this appointment was made in 2020. This information highlights a significant disparity between the demographic makeup of Laguna Hills and the representation of Latinos in its local government and commissions. Additionally, this underrepresentation could raise concerns about equitable access to civic engagement and representation in decision-making.

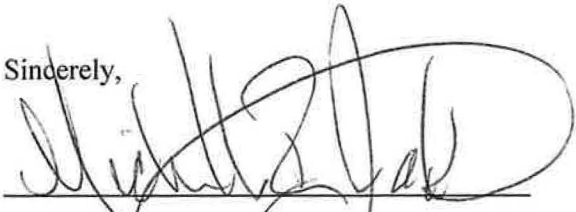
Laguna Hills at-large system dilutes the ability of Latinos (a “protected class”) – even with that significant proportion of the City’s electorate – to elect candidates of their choice or otherwise influence the outcome of elections. In the area north of Alicia Parkway in Laguna Hills, there is an area, which could be a district in a by-district voting system, that consists of approximately 63% minority voting population (49% Latino and 14% Asian). This potential district could result in a sufficient vote to elect a Latino or other minority councilmember. White voters represent approximately 34% in this same proposed district.

Using this proposed district, north of Alicia Parkway, as an example, in the 2022 State Senate race between Alex Padilla (a Latino) and Mark Mueser, Padilla received a majority of votes in this proposed district, whereas Mueser prevailed in the city-wide count. The 2022 race between Padilla and Mueser shows that a by-district system could allow a Latino to be elected.

Given the historical lack of representation of Latinos on the Laguna Hills City Council or in positions of leadership within the City, we urge the City to voluntarily change its at-large system of electing governing board members. Otherwise, on behalf of residents within the Laguna Hills jurisdiction, we will be forced to seek judicial relief. Please advise us no later than October 15, 2025 as to whether you would like to discuss a voluntary change to your current at-large system.

I look forward to hearing from you soon.

Sincerely,



Michelle R. Jackson, Esq.