



AGENDA

SPECIAL MEETING CYPRESS CITY COUNCIL

July 29, 2022

3:00 P.M.

www.cypressca.org

Executive Board Room
5275 Orange Avenue
Cypress, California

PUBLIC PARTICIPATION

Consistent with current COVID-19 safety guidelines, members of the public can participate in this meeting as follows:

1. Attend In-Person. First-come, first-served seating is available in the Executive Board Room. Face coverings are strongly recommended and all in-person attendees must be free of any symptoms associated with COVID-19.
2. Attend Virtually via Webinar. This option provides the ability to provide live public comments during Oral Communications and view slideshow presentations. Please register at <https://attendee.gotowebinar.com/register/9198823665411700748> to receive an email containing a link to join the webinar. Advance registration is recommended.
3. Listen to the Meeting. The public may participate via the listen-only teleconference mode by calling (562) 247-8422 and entering Access Code 947-960-206 when prompted. No registration or audio pin is necessary.
4. Submit Public Comments Prior to the Meeting. The public may submit comments via email to cityclerk@cypressca.org. Comments submitted by 12:00 p.m. on July 29, 2022 will be added to the City Council agenda.

CALL TO ORDER

3:00 P.M.

Executive Board Room

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Anne Hertz-Mallari
Council Member Frances Marquez
Council Member Scott Minikus
Council Member Jon Peat

ORAL COMMUNICATIONS (Three minutes per speaker, unless extended by the City Council)

The public may address the City Council on any matters prior to any action taken on the agenda. Although Council Members may provide brief responses, the City Council may not discuss or take action on items that are not on its agenda.

If you would like to address the City Council in person, please complete a Speaker's Card. If you would like to address the City Council via the meeting webinar, please click the 'hand raise' button, unmute your microphone and wait for the Mayor or City Clerk to call on you.



= Hand Raise



= Unmute

Speakers providing comments in person will be called first. Speakers are requested to limit their comments to no more than three minutes.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Californians Aware v. City of Cypress

Case No. 30-2022-01260088-CU-WM-CJC

Orange County Superior Court

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Southwest Voter Registration Education Project v. City of Cypress

Case No. 30-2022-01270865-CU-CR-CJC

Orange County Superior Court

REPORT OF CLOSED SESSION

City Attorney

NEW BUSINESS

1. **Receive and File Public Comments Submitted for the July 29, 2022 Special City Council Meeting**

Prepared by: Alisha Farnell, City Clerk

Recommendation: Receive and file submitted public comments.

2. **Approve a Resolution Creating an Ad Hoc Subcommittee to Advise the City Attorney and City Manager Regarding Litigation from the Southwest Voter Registration Education Project, Et Al. and Authorize the City Manager to Retain Special Legal Counsel to Respond to the Complaint**

Prepared by: Fred Galante, City Attorney

Recommendation:

1. Approve a Resolution creating an Ad Hoc Subcommittee to advise the City Manager and City Attorney regarding litigation from the Southwest Voter Registration Education Project, et al.; and
2. Authorize the City Manager to retain special legal counsel to respond to the complaint.

ADJOURNMENT

The next meeting will be an adjourned Regular Meeting, to be held on Monday, August 22, 2022, beginning at 5:30 p.m. in the Executive Board Room.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting. Dated this 27th day of July, 2022.

Alisha Farnell, City Clerk

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

1.

FROM: Alisha Farnell, City Clerk

DATE: 07/29/2022

SUBJECT: Receive and File Public Comments Submitted for the July 29, 2022 Special City Council Meeting

RECOMMENDATION

Receive and file submitted public comments.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

2.

FROM: Fred Galante, City Attorney

DATE: 07/29/2022

SUBJECT: Approve a Resolution Creating an Ad Hoc Subcommittee to Advise the City Attorney and City Manager Regarding Litigation from the Southwest Voter Registration Education Project, Et Al. and Authorize the City Manager to Retain Special Legal Counsel to Respond to the Complaint

RECOMMENDATION

1. Approve a Resolution creating an Ad Hoc Subcommittee to advise the City Attorney and City Manager regarding litigation from the Southwest Voter Registration Education Project, et al.; and
2. Authorize the City Manager to retain special legal counsel to respond to the complaint.

DISCUSSION

On July 20, the City became aware attorney Kevin Shenkman of Shenkman & Hughes, PC, on behalf of the Southwest Voter Registration Education Project, Kathryn Shapiro and Malini Nagpal, filed a complaint in Superior Court alleging voting within Cypress is racially polarized, resulting in minority vote dilution, and therefore, that the City's at-large system for electing Council Members violates the California Voting Rights Act (CVRA) of 2001. While the City has not yet been served with the complaint, responding to it will necessitate providing the City Attorney and City Manager frequent and timely direction regarding the City's legal strategies and communications. City Council ad hoc subcommittees have proven effective in managing similarly dynamic issues including public engagement, Charter review, pandemic response, and CVRA community forums. It is recommended the City Council establish an ad hoc subcommittee for the purpose of providing direction to the City Attorney and City Manager regarding the complaint. Working cooperatively with the City Attorney and City Manager, it is recommended that the ad hoc subcommittee advise the City's response to the complaint; advise the selection of outside legal counsel and experts; and provide updates to the City Council. The City Council's longstanding practice is that the Mayor appoints Council Members to an ad hoc subcommittee and that the appointment is confirmed by the City Council. It is also recommended the City Council authorize the City Manager to retain special legal counsel to respond to the complaint.

BUDGET IMPACT

Sufficient funds are available in the FY 2022-23 City Attorney program budget to respond to the complaint. If additional appropriations are necessary later in the fiscal year, they will be presented to the City Council for consideration.

LEGAL REVIEW

The City Attorney has reviewed the Resolution.

APPROVED BY:

Attachments

AHSC Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
ESTABLISHING AN AD HOC SUBCOMMITTEE TO ADVISE THE CITY
ATTORNEY AND CITY MANAGER REGARDING LITIGATION FROM
THE SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT,
ET AL

WHEREAS, on July 20, 2022, the City became aware attorney Kevin Shenkman of Shenkman & Hughes, PC, on behalf of the Southwest Voter Registration Education Project, Kathryn Shaprio and Malini Nagpal, filed a complaint in Superior Court alleging voting within Cypress is racially polarized, resulting in minority vote dilution, and therefore, that the City's at-large system for electing Council Members violates the California Voting Rights Act (CVRA) in 2001; and

WHEREAS, responding to the complaint will necessitate providing the City Attorney and City Manager frequent and timely direction regarding the City's legal strategies and communications; and

NOW, THEREFORE, the City Council of the City of Cypress resolves as follows:

Section 1. Establishment

An Ad Hoc Subcommittee is hereby established for the purpose of providing direction to the City Attorney and City Manager regarding the complaint. Council Members shall be appointed by the Mayor and confirmed by the City Council.

Section 2. Duties of the Subcommittee

Working cooperatively with the City Attorney and City Manager, the Ad Hoc Subcommittee shall have the following duties:

- Advise the City's response to the complaint
- Advise the selection of outside legal counsel and experts
- Provide updates to the City Council

Section 3. Composition

The Ad Hoc Subcommittee shall consist of two Council Members. Staff support shall be designated by the City Manager.

Section 3. Brown Act

As an Ad Hoc Subcommittee that is constituted solely to address issues related to the complaint and is to be disbanded after the complaint is resolved, the Ad Hoc Subcommittee shall not be subject to the requirements of the Brown Act (Government Code sections 54950 - 54963).

PASSED AND ADOPTED by the City Council of the City of Cypress at a special meeting held on the 29th day of July, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a special meeting of the said City Council held on the 29th day of July, 2022, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS