

HONORABLE THOMAS O. RICE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO
ARTEAGA,

Plaintiffs,

vs.

CITY OF YAKIMA; MICAH
CAWLEY, in his official capacity as
Mayor of Yakima; and MAUREEN
ADKISON, SARA BRISTOL, KATHY
COFFEY, RICK ENSEY, DAVE Ettl,
and BILL LOVER, in their official
capacity as members of the Yakima City
Council,

Defendants.

NO. 12-cv-3108-TOR

[PROPOSED] FINAL JUDGMENT

1 Having considered the parties' respective proposals submitted in response
2 to this Court's Order on Cross-Motions for Summary Judgment, ECF No. 108,
3 and all relevant evidence and authorities, it is hereby ORDERED and
4 ADJUDGED as follows:

5 1. The City of Yakima's current election system violates Section 2 of
6 the Voting Rights Act, 42 U.S.C. § 1973, as found by this Court's Order on
7 Cross-Motions for Summary Judgment.

8 2. The City of Yakima is permanently enjoined from holding any future
9 elections under its current election system.

10 3. This Court adopts Defendants' Proposed Remedial Map as a remedy
11 for the Section 2 violation found by this Court. Defendants' Proposed Remedial
12 Map and accompanying data are attached as Exhibits A and B, respectively.

13 4. The boundaries of the five single-member districts depicted in
14 Defendants' Proposed Remedial Map are reasonably compact, contiguous, and
15 avoid splitting precinct boundaries wherever possible. The total population
16 deviation among districts is 4.36%, well below the standard 10% threshold.

17 5. Only eligible voters residing within the geographical boundaries of
18 one of the five single-member districts depicted in Defendants' Proposed
19 Remedial Map will be permitted to vote in the general and primary elections for
20 that particular single-member district. Every eligible voter in the City will be
21 permitted to vote for the remaining two at-large positions.

22 6. All candidates seeking one of the two at-large positions will appear
23 on a single list on the general election ballot. No primary election will be held for
24 the at-large positions. Each eligible voter in the City will be given one vote and
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1 he or she may cast that vote for any candidate on the list. The candidate who
2 receives the highest number votes will be elected to the City Council as Mayor,
3 regardless of whether he or she receives a simple majority of the votes. The
4 candidate who receives the second-highest number of votes will be elected to the
5 City Council as Assistant Mayor, regardless of whether he or she receives a
6 simple majority of the votes. The roles of Mayor and Assistant Mayor, as set
7 forth in Article II, Section 3 of the Yakima City Charter and various sections of
8 the Yakima Municipal Code, shall remain unchanged.

9 7. The current system for choosing a Mayor and Assistant Mayor, as
10 codified in Article II, Section 3 of the Yakima City Charter and Section 1.24.010
11 of the Yakima Municipal Code, shall remain in effect until the first at-large
12 elections are held during the 2017 City Council elections.

13 8. All Councilmembers currently serving on the City Council will serve
14 out the remainder of their terms.

15 9. The positions for Districts 1, 2, 3 and 4 will stand for election during
16 the 2015 City Council elections. The position for District 5 and the two at-large
17 positions will stand for election during the 2017 City Council elections.

18 10. The City's process of redividing its districts following the
19 publication of the results of each decennial federal census will remain unchanged
20 as set forth in Article II, Section 1, Subsection B(1) of the Yakima City Charter,
21 except that the City shall be redivided by ordinance into five districts rather than
22 four and the concentration of eligible Latino voters in Districts 1 and 5 will not be
23 reduced any more than is necessary to apportion the five districts equally based
24 on total population.

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11. The existing Council-Manager Plan of City Government will not be eliminated or modified.

12. If any further revisions to the Yakima City Charter are required to effectuate the intent of this Final Judgment, those revisions may be implemented without requiring the submission to and approval of a simple majority of the City’s eligible voters.

Dated this _____ day of _____, 20__.

United States District Judge