

September 21, 1990

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
REDISTRICTING SETTLEMENT AGREEMENT

You approved a modified settlement agreement in the "redistricting" case, *Perez v. City of San Diego*, on September 13, 1990. At that time, the parties intended to expedite the process of redistricting by your formal consideration of a revised redistricting ordinance on September 24. Accordingly, the City Clerk was instructed to docket introduction of the ordinance for that date.

U.S. District Judge John S. Rhoades is presiding over the case. He issued an order on Wednesday (September 19) raising several issues and establishing a procedure to follow for the court's approval of the settlement. A copy of his order is attached. Judicial approval of the modified settlement agreement is required by the Federal Rules of Civil Procedure (Rule 23(e)) before we can bring the matter to Council for action.

We have been ordered to appear next Monday before U.S. Magistrate Harry McCue on several matters the judge wants considered before he gives his approval to the settlement agreement. All parties to the lawsuit also are ordered to submit additional briefs in support of or opposition to the settlement agreement.

As a consequence of Judge Rhoades' order, we cannot prepare a final redistricting ordinance at this time. Therefore, it will be necessary to continue the September 24 docketed item for a minimum of one week to assess the situation. By then, we hope to be able to advise you of the court's views on this continuing process.

We will pursue the matter in federal court vigorously to gain judicial approval of the modified settlement agreement at the earliest possible date.

Respectfully submitted,
JOHN W. WITT
City Attorney

JWW:CMF:JK:smm:Lit:(x043.1)

Attachment

RC-90-45