



City of Palm Springs

Office of the City Attorney

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August 22, 2024

Via Electronic Mail and U.S. Mail

MHestrin@RivCoDA.org

Hon. Michael Hestrin
Riverside County District Attorney
3960 Orange St.
Riverside, CA 92501-3643

Re: Residency of Palm Springs City Councilmember Christy Holstege

Dear District Attorney Hestrin:

The City of Palm Springs is in receipt of your August 20, 2024 letter, in which you conclude that Palm Springs City Councilmember Holstege's "occupancy of her primary residence in District 3 constitutes a clear violation of the City of Palm Springs Code of Ordinances." Your letter thereafter calls on the Palm Springs City Council to "cure or correct Ms. Holstege's vacancy of her District 4 council seat... as well as to cure or correct any illegal action taken during her vacancy...."

The City of Palm Springs, and this Office, take very seriously allegations that an officeholder may be improperly holding public office. As such, as City Attorney, I would respectfully request that your Office share with me the evidence upon which your Office relied in reaching the legal conclusion above. As an attorney yourself, you realize that an attorney's legal conclusions are only as good as the factual evidence upon which they are based. Without factual evidence, I cannot provide specific legal advice or recommendations to my client, the City of Palm Springs, nor to its officials. Please let me know how my Office can make arrangements with your Office to transmit the evidence in your Office's possession regarding this matter.

Your letter also calls on the Palm Springs City Council to cure or correct the alleged vacancy of Councilmember Holstege's District 4 council seat. However, as your letter acknowledges, California law provides that it is the role of the California Attorney General to investigate allegations of unlawful holding of public office. (Cal. Code Civ. Proc., §§ 803.) And, it is up to a court, not the City Council, to ultimately decide whether someone is unlawfully holding public office. (Cal. Code Civ. Proc., §§ 805-810.)

Finally, your letter calls on the Palm Springs City Council to "cure or correct any illegal action taken during her vacancy".¹ However, and with due respect, given that the State Attorney General has not

¹ Based on a review of the City's records, which I assume your Office has likewise conducted, there are five (5) matters

investigated Ms. Holstege's status, nor has a court ruled on that matter, it seems a bit premature to assume that her votes were illegally cast.

I look forward to receiving the requested information, so that the City can determine the appropriate course of action. In the meantime, should you have any questions or wish to discuss, please do not hesitate to reach out to me at the above address.

Sincerely,



Jeffrey S. Ballinger
City Attorney

cc: Hon. Mayor and Councilmembers
Scott Stiles, City Manager
Brenda Pree, City Clerk/ Elections Official

wherein Councilmember Holstege voted in a 3-2 majority, and where her vote would have affected the outcome of the decision.