



City of Palm Springs

Office of the City Attorney

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September 13, 2024

Via Electronic 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:

Thank you for making your team of three Deputy District Attorneys and three Investigators available to meet with me and the City's Election Official on August 29. The meeting provided some clarity in terms of what your Office is seeking from the City to "cure or correct" the alleged vacancy in Councilmember Holstege's office.

Namely, I heard that your Office seeks first to have the City investigate Councilmember Holstege's residency for purposes of determining the validity of her votes on Council since 2022. In addition, I heard that your Office wishes to provide the City with the opportunity to investigate the matter for purposes of possibly seeking the California Attorney General's permission to sue, in quo warranto, to obtain a judicial determination of Ms. Holstege's status as a District 4 Councilmember.

It is disappointing that your Office refused the City's request to obtain, or even review, the evidence that your Office has relied on in reaching your legal conclusions, especially in light of the fact that your August 23 letter explicitly offered to allow me to "review relevant evidence" pertaining to your investigation.

We asked your team whether your Office would be willing to seek authorization from the State Attorney General to pursue a judicial declaration confirming your Office's conclusions. Your team first indicated that such a judicial determination is not the role of your Office. When I pointed out the fact that other District Attorneys have sought such judicial declarations¹, your team indicated that your Office does not, as a matter of resource allocation, wish to pursue such a judicial declaration.

¹ See e.g., 2023 WL 1786031 (2023) (authorizing the Los Angeles County District Attorney to sue for judicial declaration regarding the holding of office by La Puente City Councilmember); 98 Ops.Cal.Atty.Gen. 94 (2015) (authorizing the Los Angeles County District Attorney to sue for judicial declaration regarding the holding of office by City of Carson Councilmember); 91 Ops.Cal.Atty.Gen. 25 (2008) (authorizing the Los Angeles County District Attorney to sue for judicial declaration regarding the holding of office by City of Maywood Councilmember.)

Given that your Office has apparently already expended significant public resources in pursuit of your investigation, your Office's refusal to share the resulting evidence with a fellow public agency from which you are demanding action seems like an extraordinarily inefficient use of public resources.

I once again ask that your office allow us to review the evidence or advise us as to when that may be possible, so that I may properly provide specific legal guidance to the City. Should your Office continue to refuse to share the requested evidence, the City intends to seek formal guidance, though not an investigation or quo warranto authorization, from the California Attorney General's Office.

Should you have any questions or wish to discuss, please do not hesitate to contact me.

Sincerely,



Jeffrey S. Ballinger
City Attorney

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