



# City of Carpinteria

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## COUNCIL AGENDA STAFF REPORT April 11, 2022

### **ITEM FOR COUNCIL CONSIDERATION**

Second Reading of Ordinance No.753 an Ordinance of the City Council, of the City of Carpinteria, California, Amending Title 2.06 of the Carpinteria Municipal Code to Add section 2.06.040 to Add Regulations Establishing the Sequence of Elections for Councilmember Districts.

### **STAFF RECOMMENDATION**

Adopt Ordinance No. 753 (second reading).

Sample Motion: I move to adopt Ordinance No. 753, as read by title only. *(Requires a roll call vote.)*

### **BACKGROUND**

Adoption by a second reading of Ordinance No. 753 is required tonight in order for the City Council to remain in compliance with Resolution No. 5743, declaring its intention to transition from at-large to district-based elections by November of 2022, and to fulfill the Conditional Settlement Agreement and Release of August 14<sup>th</sup> of 2017, which the City entered in to in response to the July 3, 2017 Notice of Violation of California Voting Rights Act.

### **DISCUSSION**

First reading of Ordinance No. 753 was held on March 28, 2022. If approved on second reading, Ordinance No. 753 will go into effect in 30 days.

### **POLICY CONSISTENCY**

Adoption of Ordinance No. 753 follows hearings held by the City as a part of its District Mapping process consistent with Federal and State Voting Rights Act.

### **FINANCIAL CONSIDERATIONS**

Once approved, Ordinance No. 753 will be timely published.

**LEGAL AND RISK MANAGEMENT CONSIDERATIONS**

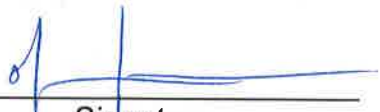
The City Attorney's Office is supporting the District Mapping process and will be available to answer questions concerning this matter.

**ATTACHMENTS**

Attachment A: Ordinance 753

Attachment B: City Council Staff Report, dated March 28, 2022.


Staff contact: Olivia Uribe Mutal, Program Manager  
(805) 755-4450, [OliviaU@ci.carpinteria.ca.us](mailto:OliviaU@ci.carpinteria.ca.us)



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Signature

Reviewed by: Dave Durlinger, City Manager  
(805) 755-4400, [daved@ci.carpinteria.ca.us](mailto:daved@ci.carpinteria.ca.us)



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Signature

# ATTACHMENT A

## **ORDINANCE NO. 753**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA AMENDING TITLE 2, CHAPTER 2.06 (“CITY COUNCIL DISTRICT ELECTIONS”), BY ADDING REGULATIONS ESTABLISHING THE SEQUENCE OF ELECTIONS FOR COUNCILMEMBER DISTRICTS**

**WHEREAS**, the City of Carpinteria (“City”) is a general law city and municipal corporation that uses an at-large method of election for its five council members to a four-year term, including its mayor, who is selected by his or her fellow council members; and,

**WHEREAS**, in response to a Notice of Violation alleging the City’s method of election violates the California Voting Rights Act (“CVRA”), the City adopted a resolution of intention to transition to district elections in time for the November 2022 election, thereby avoiding the high cost of litigation and furthering the City’s commitment to diversity and inclusion; and,

**WHEREAS**, in conformity with Elections Code section 10010, the City Council has held public meetings on this matter on July 31, 2017; August 14, 2017; April 8, 2019; June 28, 2021; July 26, 2021; November 8, 2021; December 13, 2021; January 24, 2022; February 28, 2022, March 14, 2022, and March 28, 2022, in addition to public workshops that were held on September 20, 22, and 26, 2021, in both remote and in-person formats due to the coronavirus (COVID-19) pandemic; and,

**WHEREAS**, at its regular meeting on March 28, 2022, the City Council held a public hearing at which the public was invited to provide input regarding the content of the draft Council District Maps and the potential sequence of elections; and,

**WHEREAS**, the Council District Map adopted as part of this Ordinance complies with the legal criteria and order of priority established by Elections Code Section 21601; and,

**WHEREAS**, the City Council transitioned to district-based election of the five Councilmembers of the City and added Chapter 2.06 (“City Council District Elections”) to the Carpinteria Municipal Code; and,

**WHEREAS**, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council and published on the City’s District Elections webpage, including any supporting reports by City staff.

**NOW THEREFORE**, the City Council of the City of Carpinteria does hereby ordain as follows:

#### **SECTION 1. INCORPORATION OF RECITALS**

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

**SECTION 2. AMENDING TITLE 2, CHAPTER 2.06 ("CITY COUNCIL DISTRICT ELECTIONS"), OF THE CARPINTERIA MUNICIPAL CODE TO ADD SECTION 2.06.040**

New section 2.06.040 shall be added to Chapter 2.06 ("City Council District Elections") as follows:

**"2.06.040 – Commencement and Sequence of District Elections.**

(a) The district-based election system established by this chapter shall be first implemented for the general municipal election in November 2022 and every two years thereafter.

(b) Beginning November 2022, and every four years thereafter, the voters in districts 1, 3, and 5 shall elect members of the City Council by district for four (4) year terms. At the general municipal election in 2024 and every four years thereafter, the voters in districts 2 and 4 shall elect members of the City Council by district to four (4) year terms.

(c) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected."

**SECTION 3. COUNCIL DISTRICT MAP AMMENDMENT**

Exhibit 1 of Ordinance 752, District Map, consistent with the sequencing schedule, appended is hereby amended by replacing the alphabetic district labels with numeric district labels as included in Exhibit 1 attached hereto.

**SECTION 4. IMPLEMENTATION**

If necessary to facilitate the implementation of this Ordinance, the City Council hereby authorizes the City Manager, or his or her designee, to make technical adjustments to the district boundaries adopted in this Ordinance that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

**SECTION 5. CEQA**

The City Council finds that the actions authorized by this Ordinance are not subject to the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) since the actions will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**SECTION 6. SEVERABILITY**

If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision

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of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 7. CERTIFIED COPY TO COUNTY BOARD OF SUPERVISORS AND DEPARTMENT OF ELECTIONS**

The City Clerk is hereby directed to forward without delay to the Board of Supervisors and to the County Department of Elections each a certified copy of this Ordinance.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days following adoption.

**PASSED, APPROVED AND ADOPTED** on April 11, 2022, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

\_\_\_\_\_  
Mayor, City of Carpinteria

ATTEST:

\_\_\_\_\_  
Brian C. Barrett, City Clerk  
City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on April 11, 2022.

\_\_\_\_\_  
Brian C. Barrett, City Clerk  
City of Carpinteria

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APPROVED AS TO FORM:

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Jena Shoaf Acos, on behalf of Brownstein  
Hyatt Farber Schreck, LLP acting as  
City Attorney of the City of Carpinteria

## ATTACHMENT B





# City of Carpinteria

**COUNCIL AGENDA STAFF REPORT  
March 28, 2022**

## ITEM FOR COUNCIL CONSIDERATION

Adoption of Ordinance No. 753, (first reading) approving the sequencing schedule for district elections concerning the five Council districts in the City of Carpinteria, and amending the approved District Map by applying numeric District designations consistent with the sequencing schedule.

## STAFF RECOMMENDATION

Adopt Ordinance No. 753, (first reading) approving the sequencing schedule for district elections concerning five Council districts in the City of Carpinteria, and amending the approved District Map by applying numeric District designations consistent with the sequencing schedule.

Sample Motion: I move to adopt Ordinance No. 753, on first reading (as read by title only), thereby establishing the sequencing schedule for district elections concerning five Council districts, amending the approved District Map by applying numeric District designations consistent with the sequencing schedule, and setting the second reading for the Council meeting of April 11, 2022.

## BACKGROUND

The City of Carpinteria City Council is a general law City with five elected City Council seats. Council members are elected to four-year staggered terms. Elections are held biennially with three Council seats decided on off-year elections and two seats decided on Presidential election years.

During the public hearing process for developing and adopting a City Council Districts map, the City Council must also establish which three Districts will be a part of the November 2022 election and which two will be a part of the 2024 elections (the "sequencing schedule").

The Council has discretion to establish the sequence of elections based on state law. The Council's decision concerning sequencing is guided by section 10010(b) of the California Elections Code Section, which states that the City Council shall "give special consideration to the purposes of the California Voting Rights Act," and "take into account the preferences expressed by members of the districts."

Additionally, Elections Code Section 21606 provides that the term of office of any council member whose term of office has not expired shall not be affected by districting. As such, no matter how sitting Councilmembers places of residence relate to the new Districts, all Councilmembers will finish their respective at-large terms.

## DISCUSSION

During the mapping process, both draft maps and the districts within them were identified alphabetically, e.g., Map A, district A, etc. The Final City Council Districts are to be identified numerically 1 through 5. Odd and even numbered districts are up for election in separate years. Districts 1, 3, and 5 are to be considered at the City's first district election, in November 2022, and Districts 2 and 4 in the November 2024 election.

Staff recommends, regardless of whether Map A2 or A3 is chosen, that the City Council consider Districts be numbered according to the below table. Attachment A to this Report illustrates this sequencing schedule numbering for Maps A2 and A3.

<b>Former District Label</b>	<b>New District Label</b>	<b>1<sup>st</sup> Election Cycle Year</b>
District C	District 1	2022
District A	District 2	2024
District B	District 3	2022
District D	District 4	2024
District E	District 5	2022

If Map A2 is adopted by the Council, the above recommended district sequencing allows the two incumbent Councilmembers whose terms expire in 2024 (Alarcon and Nomura) to finish their terms to completion prior to an election occurring for the District in which they reside. If Map A3 is adopted, one councilmember whose term expires in 2024 (Nomura) would reside in a District that would come up for election in November 2022.

The above sequencing schedule also ensures, no matter if the Council approves map A2 or A3, that the incumbent Councilmembers up for reelection in 2022 will be in a District that is a part of the 2022 election.

Notwithstanding the above sequencing schedule described, the Council has the discretion to adopt a sequencing schedule as it sees fit. However, once again, the Council should be cognizant that the districts numbered as 1, 3, and 5 will be put to election in 2022 and districts 2 and 4 will be put to election in 2024.

In addition to the sequencing considerations set forth in Elections Code section 10010(b) and 21606, summarized above, the City Council may take other considerations into account when making decisions about how to sequence districts, including:

**(1) Prioritizing districts with high Latino CVAP percentages for an earlier election or for a Presidential election year.**

For example, the Council may wish to consider a sequencing schedule that prioritizes having one or more of the higher percentage Latino Citizen Voting Age Population ("CVAP") districts be a part of the earliest election, i.e., 2022. Alternatively, the Council could choose a district sequencing schedule that prioritizes putting higher CVAP percentage districts up for election during Presidential election years since studies have shown that voter participation is higher in those years. These are both common considerations city councils have used in determining a sequencing schedule.

The table below illustrates Latino CVAP percentages for Maps A2 and A3.<sup>1</sup> In both Map A2 and A3, there are three districts with a CVAP greater than 30% (shaded in the table).

	Former District Label				
	A	B	C	D	E
Map A2	37.4%	20.3%	33.6%	32.4%	22.6%
Map A3	37.5%	18.9%	33.6%	35.3%	22.6%

**(2) Prioritize districts that do not have a current resident council member.**

Another factor for the council's consideration in modifying the staff sequencing recommendation is prioritizing District C (proposed District 1 under the City's recommendation) for the 2022 election since it does not currently have a resident council member. For example, the Cities of Woodland and Davis prioritized districts that had never had an elected representative to be a part of the first election after establishing Districts.

**(3) Avoid Sequencing Schedule that would preclude incumbents from candidacy at the end of their current at-large terms.**

It is common practice as part of the approval of a sequencing schedule for city councils to take into consideration the potential candidacy of incumbents in the next election. In Carpinteria's case, there are three Councilmembers (Clark, Lee and Carty), who's seats are up for election in 2022. The sequencing schedule described above would allow for all three to run for office in 2022, should they choose. The sequencing schedule would also allow for Councilmembers whose terms expire in 2024 to run for office; either as an incumbent candidate in 2024, or as a candidate in a District up for election in 2022.

<sup>1</sup> This and other data on District Maps A2 and A3 are a part of the District Plans that are a part of each map and can be found with the maps on the City's District Election website: <https://carpinteriaprojects.com/district-elections/>

**Information Concerning Any Sequencing Schedule Scenario.**

Councilmembers whose terms expire in 2022 may continue to serve the City at-large for the remainder of their elected terms and will have the opportunity to run for district-based seats in November 2022, provided they reside in one of the three districts scheduled for that election.

Councilmembers whose terms do not expire until 2024 may continue to serve the City at-large for the remainder of their elected terms, and will have the opportunity to run for district-based seats in November 2024, provided they reside in one of the two districts scheduled for that election.

If multiple incumbents live in the same councilmember district, and an election is held in that district in 2022, the incumbents are eligible to run for election in that district along with any other candidates. The person who receives the most votes will win the seat for that district (and the four-year term that goes with it). Any losing incumbent will drop off the City Council, either immediately (if their elected term expires in 2022) or in 2024 (if their elected term expires in 2024). In other words, even if a current councilmember whose elected term ends in 2024 runs for and is defeated in a bid to win a district-based seat in 2022, that councilmember will continue to serve on the City Council as an at large councilmember until their elected term expires.

If a current councilmember whose elected term ends in 2024 wins a district-based seat in 2022, then they would resign the at-large seat. The council can fill the vacancy pursuant Section 36512 of the California Government Code, by appointment or by a special election.<sup>2</sup>

After the sequencing schedule is adopted, if no councilmember resides in a district scheduled for the November 2022 election, then only non-incumbents will be qualified to run for election in that district. If no councilmember resides in a district scheduled for the November 2024 election, that district will continue to be represented by the remaining at-large councilmembers until 2024 when its first district-based election will be held.

**POLICY CONSISTENCY**

This hearing is a part of transition to district-based council elections and as such follows compliance with Federal and State Voting Rights Act.

**FINANCIAL CONSIDERATIONS**

Cost associated with this work includes a consultant service agreement, which is a part of projected expenses included in the adopted Fiscal Year 2021-22 budget.

**LEGAL AND RISK MANAGEMENT CONSIDERATIONS**

<sup>2</sup> Section 36512 of the California Government Code provides that if a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy."

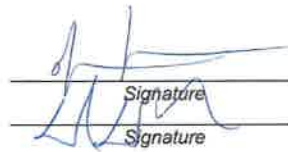
The City Attorney's Office is supporting the District Mapping process and will be available to answer questions concerning this matter.

**ATTACHMENTS**

Attachment A: Maps A2 and A3 with sequencing numbering applied.  
Attachment B: Ordinance 753

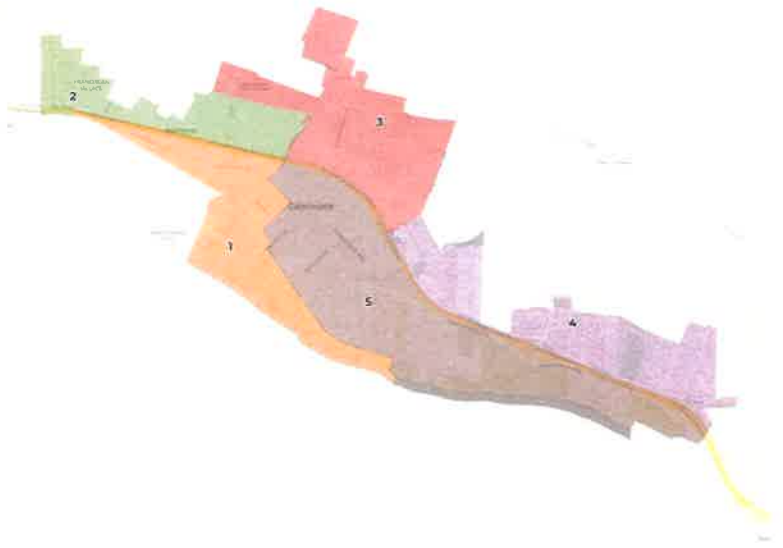
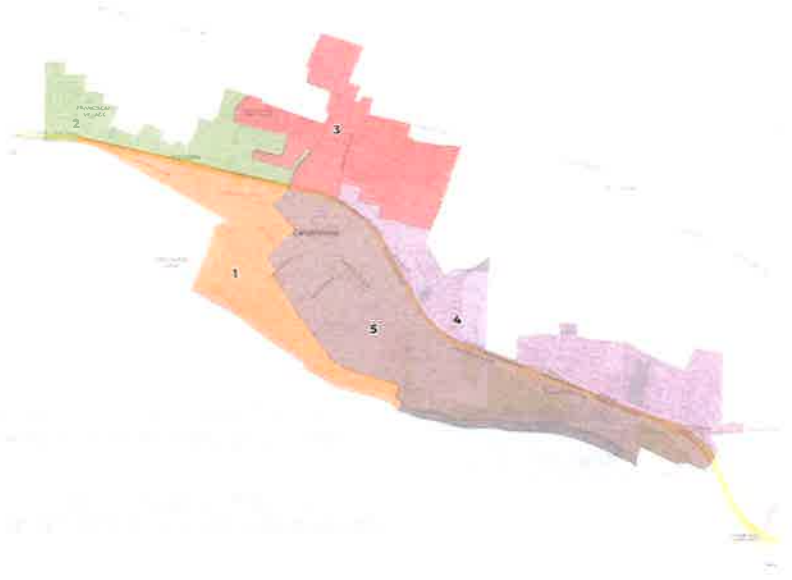
Staff contact: Olivia Uribe Mutal, Program Manager  
(805) 755-4450, [OliviaU@ci.carpinteria.ca.us](mailto:OliviaU@ci.carpinteria.ca.us)

Reviewed by: Dave Durlinger, City Manager  
(805) 755-4400, [daved@ci.carpinteria.ca.us](mailto:daved@ci.carpinteria.ca.us)



Signature  
Signature

ATTACHMENT A



ATTACHMENT B

**ORDINANCE NO. 753**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA AMENDING TITLE 2, CHAPTER 2.06 ("CITY COUNCIL DISTRICT ELECTIONS"), BY ADDING REGULATIONS ESTABLISHING THE SEQUENCE OF ELECTIONS FOR COUNCILMEMBER DISTRICTS**

**WHEREAS**, the City of Carpinteria ("City") is a general law city and municipal corporation that uses an at-large method of election for its five council members to a four-year term, including its mayor, who is selected by his or her fellow council members; and,

**WHEREAS**, in response to a Notice of Violation alleging the City's method of election violates the California Voting Rights Act ("CVRA"), the City adopted a resolution of intention to transition to district elections in time for the November 2022 election, thereby avoiding the high cost of litigation and furthering the City's commitment to diversity and inclusion; and,

**WHEREAS**, in conformity with Elections Code section 10010, the City Council has held public meetings on this matter on July 31, 2017; August 14, 2017; April 8, 2019; June 28, 2021; July 26, 2021; November 8, 2021; December 13, 2021; January 24, 2022; February 28, 2022, March 14, 2022, and March 28, 2022, in addition to public workshops that were held on September 20, 22, and 26, 2021, in both remote and in-person formats due to the coronavirus (COVID-19) pandemic; and,

**WHEREAS**, at its regular meeting on March 28, 2022, the City Council held a public hearing at which the public was invited to provide input regarding the content of the draft Council District Maps and the potential sequence of elections; and,

**WHEREAS**, the Council District Map adopted as part of this Ordinance complies with the legal criteria and order of priority established by Elections Code Section 21601; and,

**WHEREAS**, the City Council transitioned to district-based election of the five Councilmembers of the City and added Chapter 2.06 ("City Council District Elections") to the Carpinteria Municipal Code; and,

**WHEREAS**, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council and published on the City's District Elections webpage, including any supporting reports by City staff.

**NOW THEREFORE**, the City Council of the City of Carpinteria does hereby ordain as follows:

**SECTION 1. INCORPORATION OF RECITALS**

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

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**SECTION 2. AMENDING TITLE 2, CHAPTER 2.06 ("CITY COUNCIL DISTRICT ELECTIONS"), OF THE CARPINTERIA MUNICIPAL CODE TO ADD SECTION 2.06.040**

New section 2.06.040 shall be added to Chapter 2.06 ("City Council District Elections") as follows:

**"2.06.040 – Commencement and Sequence of District Elections.**

- (a) The district-based election system established by this chapter shall be first implemented for the general municipal election in November 2022 and every two years thereafter.
- (b) Beginning November 2022, and every four years thereafter, the voters in districts 1, 3, and 5 shall elect members of the City Council by district for four (4) year terms. At the general municipal election in 2024 and every four years thereafter, the voters in districts 2 and 4 shall elect members of the City Council by district to four (4) year terms.
- (c) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected."

**SECTION 3. COUNCIL DISTRICT MAP AMMENDMENT**

Exhibit 1 of Ordinance 752, District Map, consistent with the sequencing schedule, appended is hereby amended by replacing the alphabetic district labels with numeric district labels as included in Exhibit 1 attached hereto.

**SECTION 4. IMPLEMENTATION**

If necessary to facilitate the implementation of this Ordinance, the City Council hereby authorizes the City Manager, or his or her designee, to make technical adjustments to the district boundaries adopted in this Ordinance that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

**SECTION 5. CEQA**

The City Council finds that the actions authorized by this Ordinance are not subject to the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) since the actions will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**SECTION 6. SEVERABILITY**

If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision

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of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 7. CERTIFIED COPY TO COUNTY BOARD OF SUPERVISORS AND DEPARTMENT OF ELECTIONS**

The City Clerk is hereby directed to forward without delay to the Board of Supervisors and to the County Department of Elections each a certified copy of this Ordinance.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days following adoption.

**PASSED, APPROVED AND ADOPTED** on March 28, 2022, by the following vote:

- AYES: COUNCILMEMBER(S):
- NOES: COUNCILMEMBER(S):
- ABSENT: COUNCILMEMBER(S):
- ABSTAIN: COUNCILMEMBER(S):

ATTEST: Mayor, City of Carpinteria

Brian C. Barrett, City Clerk  
City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on March 28, 2022.

Brian C. Barrett, City Clerk  
City of Carpinteria

Ordinance No. 753

APPROVED AS TO FORM:

Jena Shoaf Acos, on behalf of Brownstein  
Hyatt Farber Schreck, LLP acting as  
City Attorney of the City of Carpinteria

EXHIBIT 1

INTENTIONALLY LEFT BLANK.

TO BE INSERTED IN ACCORDANCE WITH FINAL CITY OF CARPINTERIA DISTRICT MAP WITH NUMERIC  
DISTRICT DESIGNATIONS