

RESOLUTION NO. 5743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS BY NOVEMBER OF 2022

WHEREAS, members of the City Council of the City Carpinteria are currently elected in "at-large" elections, in which each councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code section 34886 permits the legislative body of a city to change its method of election by ordinance from an "at-large" system to a "district-based" system in which each member of the legislative body is elected by the voters in the district in which the candidate resides; and

WHEREAS, on July 3, 2017, the City received a letter entitled Notice of Violation of California Voting Rights Act ("Notice") from Jatzibe Sandoval and Frank Gonzalez ("Prospective Plaintiffs") asserting that the City's elections are characterized by racially polarized voting and demanding that the City commence the process to transition to district based elections pursuant to the California Voting Rights Act ("CVRA"); and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code section 14028(a)). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code section 14026(e)); and

WHEREAS, the CVRA allows for Prospective Plaintiffs to file a lawsuit against the City if the City does not adopt a resolution of intent to institute district based elections within 45 days of the Notice ("45-day period") (Elections Code section 10010); and

WHEREAS, the Notice states that if the City declines to do adopt a resolution of intention to transition to district elections within the 45-day period, Prospective Plaintiffs will commence a lawsuit to compel district based elections; and

WHEREAS, August 17, 2017 is the 45th day from the date the City received the Notice; and

WHEREAS, at its July 31 special meeting the City Council received public comment on the potential to transition to district elections and a majority of those commenting spoke in favor of instituting a district-based election system; and

WHEREAS, the Prospective Plaintiffs offered to consider a settlement agreement whereby the City would not be required to institute district elections until the November 2022 regular election in order to allow 2020 census data to be taken into account in drawing district boundaries; and

WHEREAS, the City denies that its at-large election system violates the CVRA or any other provision of law and asserts that the City's election system is legal in all respects; and

WHEREAS, the City Council has concluded that the public interest would be served by transitioning to a district-based electoral system due to public support for district elections, the extraordinary cost to defend against a CVRA lawsuit and the uncertainties inherent in litigating a CVRA claim.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARPINTERIA AS FOLLOWS:

SECTION 1.

The above recitals are true and correct.

SECTION 2.

Before the November 2022 regular election, the City Council will consider adoption of an ordinance to institute a district-based election system, as authorized by Government Code section 34886.

SECTION 3.

Prior to considering an ordinance to establish district boundaries for a district-based electoral system, the City will follow the requirements pursuant to Elections Code section 10010 to solicit public input in the district map drawing process.

PASSED, APPROVED, AND ADOPTED this 14th day August, 2017 by the following vote:

AYES: COUNCILMEMBER(S): CARTY, CLARK, NOMURA, SHAW

NOES: COUNCILMEMBER(S): NONE

ABSENT: COUNCILMEMBERS(S): STEIN

ABSTAIN: COUNCILMEMBER(S): NONE



Mayor, City of Carpinteria

ATTEST:




City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council of the City of Carpinteria held on August 14, 2017.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Dylan Johnson, on behalf of
Brownstein Hyatt Farber
Schreck, LLP, acting as City Attorney
of the City of Carpinteria