City of Carpinteria

COUNCIL AGENDA STAFF REPORT
April 8, 2019

ITEM FOR COUNCIL CONSIDERATION

Formation of Library and District Elections ad hoc committees.

STAFF RECOMMENDATION

Action Item _X_ ; Non-Action Item ___

1. Receive nominations and appoint two Council members each to the Library and District Elections ad hoc Committees.
2. Adopt Resolution Nos. 5879 and 5880, establishing a Library Services and District Elections ad hoc committees of the City Council.

Sample Motion: I move to approve and adopt Resolution Nos. 5879 and 5880, with the names of Council members nominated to serve on the respective ad hoc committees included therein.

BACKGROUND

At its Annual Work Plan meeting on January 26, 2019, the City Council requested an opportunity to consider the formation of two City Council ad hoc committees that would serve to support anticipated work concerning library services and transitioning from at-large to district-based elections.

The purpose of this agenda matter is to allow the City Council to determine which of its members are to serve on each of these ad hoc committees, and to adopt Resolutions (Attachment A) that would establish the committees including their purpose.

DISCUSSION

ad hoc Library Services Committee. The County of Santa Barbara provides branch library services in certain areas of Santa Barbara County, including the City of Carpinteria. The County contracts with the City of Santa Barbara to operate and manage the Carpinteria and Montecito branches. The Carpinteria branch library is

located at 5141 Carpinteria Avenue. Until recently, the City of Santa Barbara also operated the Goleta, Buellton and Solvang branch libraries.

In recent years the cost to deliver branch library services, including at the Carpinteria Library, have risen significantly. There have also been concerns raised by Friends of the Library groups in Carpinteria and Montecito, and from cities served by branch libraries, concerning the delivery of library services and financial accountability/transparency.

After completion of a study, in August 2017, the City of Goleta determined to take over library operations within its jurisdiction. On July 1, 2018, that transition was completed and the City of Goleta now operates the Goleta Library. The County of Santa Barbara completed its own study of branch library services, "Organizational Analysis of Library Service Delivery", in early 2018, which recommended changes in how the branch library system is funded and operated. The report's recommendations included Goleta operating its own library and taking over branch library operations in Buellton and Solvang, which has now occurred. This leaves only Montecito and Carpinteria branch libraries being operated by the City of Santa Barbara.

Last year the City of Santa Barbara notified the County and cities (where it provides branch library services) of its determination that it would be seeking to phase in rate increases adequate to cover its estimated costs. These rate increases are expected to continue in the coming years as the City of Santa Barbara seeks to improve cost recovery and respond to inflationary cost increases.

Current fiscal year expenses for the Carpinteria branch library are estimated at just under $400K while costs for the 2019-20 fiscal year are estimated at just over $480K, an increase of approximately 22%. Revenue from the County per capita funding formula covers just 34% of current year operating costs.

In order to address the annual funding gap and prevent service reductions at the Carpinteria Library, the City of Santa Barbara has delayed implementation of cost recovery allocations to the branch and the Carpinteria Friends of the Library, the County of Santa Barbara and the City of Carpinteria have cooperated in order to increase funding.

In November 2018, Carpinteria voters passed a local sales tax increase, Measure X, in part to ensure adequate funding for services such as the Carpinteria Library. At the annual City Council Work Planning meeting held on Saturday, January 26, 2019, the future of library services in Carpinteria was discussed and the Council acknowledged the need and importance of working cooperatively with the Friends of the Library, the County, the City of Santa Barbara and interested community members in order to determine the best path for moving forward. As proposed, (Attachment A, draft Resolution No. 5879) the ad hoc Library Services Committee would make recommendations to the City Council on a strategy, tasks, and schedule for the work involved in that effort.

ad hoc District Elections Committee. In August 2017, the City of Carpinteria entered into a Settlement Agreement with Prospective Plaintiffs that resulted in the initiation of the City's transition from at-large to district-based elections. The City had previously received a Notice of Violation of the California Voting Rights Act from the Prospective Plaintiffs, alleging that the City's at-large system of electing City Council members is characterized by racially polarized voting and violates the Act. Many jurisdictions across the State have faced similar allegations in recent years. The Prospective Plaintiffs threatened suit unless the City transitioned to a district-based election system. A district-based electoral system is a system in which the candidate must reside within an election district that is a divisible part of the City and is elected only by voters residing within that election district.

The City rejected the allegations of racially polarized voting and violation of the Voting Rights Act, but after holding a hearing and receiving favorable public comment on the potential to transition to district-based elections, the Council initiated the process via adoption of Resolution No. 5743 (Attachment B).

In order to institute district-based elections, the City Council must establish district boundaries pursuant the requirements of Elections Code section 10010, including solicitation of public input on the drawing of the district map. The district map will be based on the data obtained through the 2020 census conducted by the United States Census Bureau. The Census information is expected to be available in 2021 and districts established in time for the November 2022 municipal election.

Formation of a City Council ad hoc District Elections Committee will allow for the Council to receive recommendations from the Committee concerning the conduct of this process. At the City Council Work Planning Meeting in January, members of the public expressed interest in participating in the process. The Committee's recommendations to the Council could include a plan for selecting a consultant to assist with the transition to district-based elections and for engaging members of the public in the process of drawing district boundaries.

POLICY CONSISTENCY

The formation of ad hoc Committees on discrete matters determined by the City Council to require additional study and recommendations, is consistent with its authority and interest in efficient, transparent and accountable local government decision-making.

FINANCIAL CONSIDERATIONS

If approved, it is anticipated that the City Council ad hoc Committees would be supported primarily by City staff with no additional cost. It is also expected that consultant services may be desirable for both study of library services and preparation

of information related to drawing district boundaries. A recommendation for consultant services, included related costs, would be considered separately by the City Council.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

The City Council from time-to-time finds it beneficial to form committees from its membership in order to address a particular subject or work matter and to make recommendations to the City Council. When consisting of less than a quorum of the Council, i.e., two members, such committees are considered "ad hoc" and are not subject to certain Brown Act requirements, including opening meetings to members of the public. Once the Committee's proscribed work is complete, it dissolves automatically without the need for further action by the Council.

ATTACHMENTS

   A. Draft Resolution Nos. 5879 and 5880
   B. Resolution No. 5743, concerning transitioning from at-large to district elections

Reviewed by: Mack Carlson, Legal Counsel
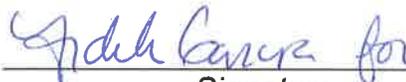
_____
Signature

Prepared by: Dave Durflinger, City Manager
(805) 755-4400, daved@ci.carpinteria.ca.us
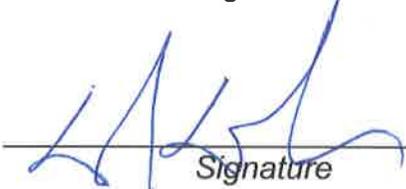
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Signature

Attachment A

RESOLUTION NO. 5879

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA APPROVING THE CREATION OF AN AD HOC LIBRARY SERVICES COMMITTEE

WHEREAS, the City Council from time to time finds it beneficial to form a committee of its membership in order to address a particular subject or work matter and to make related recommendations to the City Council; and

WHEREAS, the County of Santa Barbara currently provides branch library services in the City of Carpinteria via a contract with the City of Santa Barbara to operate the Carpinteria library at 5141 Carpinteria Avenue; and

WHEREAS, in recent years costs to operate the Carpinteria library have risen significantly while per capita revenue has remained stagnant; and

WHEREAS, the Carpinteria Friends of the Library, County of Santa Barbara and City of Carpinteria, have cooperated to address annual funding gaps and avoid service cuts; and

WHEREAS, in April of 2018 the County of Santa Barbara completed an Organizational Analysis of Library Service Delivery that makes recommendations for funding and delivery of library services, including the formation of a Joint Powers Authority to deliver library services; and

WHEREAS, the City of Goleta, in response to rising costs and management concerns, has recently taken over library services from the County; and

WHEREAS, the City Council has determined that an ad hoc committee consisting of not more than two of its members is desirable to work with staff to create a strategic plan and schedule for exploring alternative funding and delivery options for library services.

NOW, THEREFORE, BE IT RESOVED that there is hereby created an ad hoc Library Services Committee (Committee) consisting of Council members _____ and _____.

NOW, THEREFORE, BE IT FURTHER RESOVED the Committee, in coordination with the City Manager, shall determine the frequency, place and times of its meetings and at the conclusion of its work shall provide a report to the City Council.

PASSED, APPROVED AND ADOPTED on April 8, 2019, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
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 April 8, 2019.

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

_____
Peter Brown, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria

RESOLUTION NO. 5880

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA APPROVING THE CREATION OF AN AD HOC DISTRICT ELECTIONS COMMITTEE

WHEREAS, the City Council from time to time finds it beneficial to form a committee of its membership in order to address a particular subject or work matter and to make related recommendations to the City Council; and

WHEREAS, at its regular meeting of August 14, 2017, the City Council adopted Resolution No. 5743, declaring its intention to transition from at-large to district-based elections by November 2022; and

WHEREAS, before the November 2022 regular municipal election, the City Council will consider adoption of an ordinance to institute a district-based election system based on the results of the 2020 Census conducted by the United States Census Bureau, as authorized by Government Code section 34866;

WHEREAS, prior to considering an ordinance to establish boundaries for a district-based electoral system, the City must follow requirements pursuant to Elections Code section 10010 to solicit public input in the district map drawing process; and

WHEREAS, the City Council has determined that an ad hoc committee consisting of not more than two of its members is desirable to work with staff to create a plan for complying with Elections Code section 10010 concerning involving the public in the district map drawing process.

NOW, THEREFORE, BE IT RESOVED that there is hereby created an ad hoc District Elections Committee (Committee) consisting of Council members
_____ and _____.

NOW, THEREFORE, BE IT FURTHER RESOVED the Committee, in coordination with the City Manager, shall determine the frequency, place and times of its meetings and at the conclusion of its work shall provide a report to the City Council.

PASSED, APPROVED AND ADOPTED on April 8, 2019, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
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 April 8, 2019.

                                    _____
                                    City Clerk, City of Carpinteria

APPROVED AS TO FORM:

_____
Peter Brown, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria

Resolution No. 5880

Attachment B

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:

Ardela Garcia

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.

Ardele Garcia

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Dylan Johnson

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