



# City of Carpinteria

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## COUNCIL AGENDA STAFF REPORT July 26, 2021

### **ITEM FOR COUNCIL CONSIDERATION**

Receiving and acting on recommendations of the City Council District Elections Ad hoc Committee concerning:

1. Whether the number of Districts to be formed will be four or five; and
2. What the process will be for determining the first three Districts coming up for the first election in November 2022; and
3. What District Mapping tools will be made available to the public.

### **STAFF RECOMMENDATION**

Action Item \_\_\_ ; Non-Action Item \_\_\_

Accept and approve the recommendations of the City Council District Elections Ad hoc Committee as follows:

1. Direct that maps be prepared for its consideration with five City Council districts; and
2. Determine the order in which districts will come up for election by relying on the related provisions of Elections Code Section 10010 (b) and
3. Direct that drafting of maps by the public be facilitated through multiple means including the DistrictR software platform and paper maps, through online and manual resources, web based and in-person instruction.

Sample Motion: I move to accept and approve the recommendations of the City Council District Elections Ad hoc Committee.

### **BACKGROUND**

#### **Election Systems**

Most public agencies in California conduct elections for their governing board in one of two formats: at-large or district-based. In the at-large election system, the governing board members are elected by vote of the entire populace of the jurisdiction and each

voter may cast one vote for each open seat. In the district-based system, the jurisdiction is divided into separate districts and each voter may cast a vote only for a candidate seeking election to the seat that represents the district he or she resides within. Since its incorporation in 1965, the City of Carpinteria ("City") has utilized an at-large elections system for City Council elections. The five members of the City Council are elected to four-year, overlapping terms; elections are held every even-numbered year. The mayor and vice mayor are selected by their fellow Council members and customarily serve four-year terms.

### **The Notice of Violation**

On July 3, 2017, the City received a Notice of Violation of California Voting Rights Act (the "Notice") from attorney Robert Goodman on behalf of residents Jatzibe Sandoval and Frank Gonzalez ("Prospective Plaintiffs").

At the Council's July 31, 2017 meeting, the Council received a report on the California Voting Rights Act ("CVRA") and the Notice and heard public comment on potentially transitioning to district-based elections. A majority of those commenting spoke in favor of instituting a district-based election system. At its 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 of 2022.

On August 14<sup>th</sup> of 2017 the City Council executed a Conditional Settlement Agreement and Release providing that per the adoption of Resolution No. 5743 the Prospective Plaintiffs should not bring suit against the City prior to Nov 9, 2022 for any cause of action related to the City's electoral system.

### **Mapping Process**

In April 2019, the City Council approved by resolution the formation of a District Elections Ad hoc Committee (Committee), on which Councilmembers Alarcon and Lee are currently serving. The City subsequently entered into a consultant services agreement in October of 2019 with Redistricting Partners to assist the City with the process of drawing district boundaries. Importantly, the Committee work includes developing a plan to gain public input consistent with the CVRA on communities of interest and drawing a map.

The Committee met on July, 13, 2021 to receive a presentation from Chris Chaffee, the consultant representative from Redistricting Partners in order to form recommendations on these three matters determined to be pre-requisites to engaging with the public on the District Mapping process.

1. Whether there will be four districts with an at-large elected Mayor or five districts; and
2. What the process will be for determining the first three Districts coming up for the first election in November 2022; and
3. What District Mapping tools will be made available to the public.

The purpose of this agenda matter is for the City Council to receive and act on the recommendations of the Committee on the three specific matters described above.

## **DISCUSSION**

The City Council District Elections Ad hoc Committee received the attached memorandum reports and related presentation from the City's District Elections consultant, Redistricting Partners, and is recommending that the City Council:

1. Direct that maps be prepared for its consideration with five City Council districts; and
2. Determine the order in which districts will come up for election by relying on the related provisions of Elections Code Section 10010 (b); and
3. Direct that drafting of maps by the public be facilitated through multiple means including the DistrictR software platform and paper maps, through online and manual resources, web based and in-person instruction.

On the first matter about the number of seats, the Redistricting memo states that five districts would be divided into roughly 2700 people, compared to four districts of 3400 people. Each district will elect Council Members to four-year terms, therefore district voters would only vote in every other election. Most importantly, as stated in the memo, "Five-districts would allow the Latino community to have a greater chance to elect their "candidate of choice" in seats that are 41% and 48% Latino, and that would be harmed in a four district scenario in which their share of the electorate is reduced. It is also likely that a 48% Latino district today in a five-district scenario would likely be a majority-minority district in future years and may be required in 2031."

On the **second** matter about District Numbering / Election Ordering, Mr. Chaffee discussed the specifics of Elections Code Sections 10010 (a)(2) and (b) outlined in the second attachment. The recommendation from Mr. Chaffee was for the Committee to follow Elections Code Sections 10010 a & b. "This commonly means that districts with higher Latino population be ordered to come up during the higher-turnout Presidential election cycle, and districts with fewer minorities have their elections held during the lower-turnout Gubernatorial election cycle." The numbering of districts itself does not have to be done until the March 2022 hearings.

The preference stated by the District Elections Ad-Hoc committee was support for a recommendation to follow Elections Code Sections 10010 a & b.

On the **third** and final matter regarding Mapping Software to be used by the public during the public participation process, Mr. Chaffee discussed the pros and cons (See attachment 3) and offered a demonstration of Maptitude Online Redistricting (MORe) and DistrictR. His recommendation was for the adoption of DistrictR, the open source

mapping tool that would be easier for individuals to use. Redistricting Partners will also provide paper maps for those preferring non computer mapping tools during the mapping process.

### **POLICY CONSISTENCY**

It is the goal of the District Elections Ad-Hoc Committee as well as that of the City to adhere to the Federal and State Voting Rights Act during this transition to district-based council elections.

### **FINANCIAL CONSIDERATIONS**

The City Attorney's Office is supporting the work of the Ad hoc District Elections Committee and will be available to answer questions concerning this matter.

### **LEGAL AND RISK MANAGEMENT CONSIDERATIONS**

N/A

### **OPTIONS**

1. Accept and approve the recommendations of the City Council District Elections Ad hoc Committee.
2. Modify the recommendations of the Committee.
3. Send the matter back to the Committee for reconsideration with direction.

### **PRINCIPAL PARTIES EXPECTED AT MEETING**

Councilmember: Natalia Alarcon  
Vice Mayor: Al Clark

Staff members present: Dave Durlinger, City Manager  
Brian C. Barrett, Acting City Clerk  
Laura Hernandez, Human Resources and Risk Manager  
Olivia Uribe Mutal, Program Manager

### **ATTACHMENTS**

Redistricting Partners Attachment 1: Council Redistricting Decision: 4 or 5 Seats  
Redistricting Partners Attachment 2: District Numbering / Election Ordering  
Redistricting Partners Attachment 3: Mapping Software

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Signature

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Signature

**Redistricting Partners Attachment 1:  
Council Redistricting Decision: 4 or 5 seats**

To: Ad Hoc District Elections Committee Members

From: Paul Mitchell and Sophia Garcia  
Redistricting Partners

Re: Council Redistricting Decision: 4 or 5 Seats

Date: July 12, 2021

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The Ad Hoc District Elections Committee is facing a question of if it should recommend, as a part of its transition to district-based elections, that the city continue with an election structure with five elected councilmembers, each from a single district, or have a city-wide elected mayor, and the remaining four council members elected by single districts.

For background, this kind of change would generally require a vote of the public. However, the Safer Harbor Provisions of the California Voting Rights Act (CVRA) allows the agency to consider adding council members or changing their election structure as a part of this transition. Several councils have used the CVRA conversion process as a chance to address alternate election structures, and each is in compliance as long as any district-based councilmembers are elected within single-member districts.

We have seen this as an issue that a plaintiff under the CVRA could have an opinion on, and something like this can be included in settlement letters with the city. Much of this work happened prior to our involvement in the CVRA conversion and we are not privy to what discussions of this matter may have happened with legal counsel.

In our experience we have seen both models. In our most recent two city council CVRA conversions we assisted Napa as they utilized the four council seats, at-large mayor structure, and Davis, which kept five councilmembers and a rotating mayor.

Here are some of the arguments we have heard in prior conversions, with some Carpinteria specific data:

- a) The first issue that commonly comes up is candidate recruitment. In a four-district scenario, each district would be around 3,400 people, and in a five-district scenario it would be around 2,700.<sup>1</sup> There could be concerns that in a four-district scenario there are more potential candidates, and it could be easier to fill seats on the board.
- b) The transition to districts often creates concern that voters will only vote for one elected official, rather than all seats. And they will only vote every-other election. One remedy is to have the at-large mayor. This gives some residents that assurance that

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<sup>1</sup> We will not have actual total population data numbers until after the census data is released in September, 2021.

someone is representing the city as a whole, and allows residents an additional vote for the city offices.

- c) There are potential concerns with the fact that a four-district system could dilute the voting power of minorities, who could be better represented in a five-district system that has smaller seats. For example, the Latino population is most dense in two parts of the city – and they are too far apart to be in the same district. Drawing districts in a four-district scenario, you can draw one seat that is 45% Latino and one that is 36% Latino. However, in smaller seats, you can draw one at 48% and the other at 41%. Note: that 48% is the highest you can likely achieve, avoiding any requirement that you use the five-district structure because the four-district configuration would deny you the opportunity to draw a majority-minority seat.

However, it could be suggested that five-districts would allow the Latino community to have a greater chance to elect their “candidate of choice” in seats that are 41% and 48% Latino, and that would be harmed in a four district scenario in which their share of the electorate is reduced. It is also likely that a 48% Latino district today in a five-district scenario would likely be a majority-minority district in future years and may be required in 2031.

Within the law, the city, with your recommendations, can implement either of these election structures. We are here to help facilitate the line-drawing process under whatever structure is chosen, and are neutral as to which the city wants to implement. Our only advice, given potential Federal and State Voting Rights Act issues, is that you consult with legal counsel as you make this decision on what election structure you will recommend.

**Redistricting Partners Attachment 2:  
District Numbering / Election Ordering**

To: Ad Hoc District Elections Committee Members

From: Paul Mitchell and Sophia Garcia  
Redistricting Partners

Re: District Numbering / Election Ordering

Date: July 12, 2021

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The Ad Hoc District Elections Committee will be discussing the numbering of council districts under a single-member district plan, and the elections during which each seat will come up for election.

Under the “safe harbor” provisions of the California Voting Rights Act (CVRA), any map that is proposed as a draft map for the City Council will need to have a “proposed” district numbering and order of election.

Elections Code Section 10010 (a) (2) specifies:

*After all draft maps are drawn, the political subdivision shall publish and make available for release at least one draft map and, if members of the governing body of the political subdivision will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections.*

Further, what districts will be elected in what order is subject to public input, and the city will have to give special consideration to the underlying principles of CVRA, specifically the importance of ensuring that voting rights of minority communities are not diluted.

Elections Code Section 10010 (b) specifies:

*In determining the final sequence of the district elections conducted in a political subdivision in which members of the governing body will be elected at different times to provide for staggered terms of office, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001, and it shall take into account the preferences expressed by members of the districts.*

In practice, this section has regularly encouraged an ordering of district elections in a manner that would have the greatest likelihood of increasing the effectiveness that the new lines will have in allowing the minority population to “influence the outcome” of an election. This commonly means that districts with higher Latino population be ordered to come up during the higher-turnout Presidential election cycle, and districts with fewer minorities have their elections held during the lower-turnout Gubernatorial election cycle.

With this information in mind, the Ad Hoc Committee may have recommendations, but ultimately it will be up to the council to adopt a system of numbering districts and the order of the elections when they adopt their final plan.

**Redistricting Partners Attachment 3:  
Mapping Software**

To: Ad Hoc District Elections Committee Members

From: Paul Mitchell and Kimi Shigetani  
Redistricting Partners

Re: Mapping Software

Date: July 12, 2021

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The Ad Hoc District Elections Committee will be discussing publicly available mapping options for the upcoming conversion to districts under the California Voting Rights Act (CVRA).

Online mapping is one tool available for public input. With COVID restrictions on in-person meetings, and the continuing concerns many members of the public may have regarding large public gatherings, the interest in public mapping tools for redistricting has skyrocketed.

For local governments we recommend one of the following programs:

- **Maptitude Online Redistricting (MORe)** by Caliper Corporation  
Maptitude is a professional mapping software that we use for redistricting. MORe is the online version of this software, with some of the same features, and a robust set of tools and data.

We have been using Maptitude in Long Beach, and that can be accessed at this link: <https://longbeach.gov/redistricting/maps/> We are also using this software in the City of Los Angeles and Burlingame.

Challenges with MORe are that it needs to be hosted on specific servers, and it is more expensive.

- **DistrictR** by MGGG Lab at Tufts University  
DistrictR is easy to use, has tools specifically for identifying communities of interest, and is less expensive. We are using DistrictR in more than two dozen agencies, including San Luis Obispo, which is up and can be seen here: [https://districtr.org/tag/slo\\_county](https://districtr.org/tag/slo_county)

You can see examples of each program here with some informal videos we have prepared for clients:

DistrictR: <https://www.youtube.com/watch?v=bFw6RQD0oBE>

Maptitude: <https://www.youtube.com/watch?v=EZ5uoalhHcU&t>