



OFFICE OF THE CITY ATTORNEY

EXTENSION OF NOVEMBER 1, 2021 REDISTRICTING DEADLINE

May 26, 2021

April 28, 2021 IRC Action

1. Find and determine that it is presently impossible to comply with the November 1, 2021 redistricting deadline contained in City Charter Section 1301, and in the Settlement Agreement and Stipulated Judgment in *Banales v. City of Santa Barbara*, SBSC Case No. 1468167 (“*Banales*”); and
2. Direct the City Attorney to return to the Independent Redistricting Commission within 30 days to report on recommendations for appropriate legal actions to extend the November 2021 deadline, and the duration of the proposed extension.

Recommendation

- That the Independent Redistricting Commission recommend that the City Council authorize and direct the City Attorney's Office to file a Petition for Writ of Mandate to extend the November 1, 2021 Redistricting Deadline to a date seven months from receipt of the official redistricting database from the State of California, or by April 17, 2022, whichever is later.

Legislature v. Padilla (2020) 9 Cal.5th 867

“We consider it clear from the constitutional framework that, confronted with extraordinary pandemic-related federal delay, the enactors of article XXI, section 2, would have preferred shifting the date for approval of the Commission's final maps to the available alternatives.” (*Id.* at p. 880.)

There are No Real Alternatives

- Rush and eliminate meaningful public participation
- Default and face possible enforcement litigation
- Costly effort to enact one-time Charter amendment
- All undermine the voters' intent in enacting Charter Section 1301

***Banales* Plaintiffs Support Reformation**

- Hon. Frank Ochoa (Ret.) has indicated willingness to support for the process on behalf of original *Banales* plaintiffs

Form of Litigation

- City Council v. City Clerk
 - City Council bears ultimate responsibility to adopt electoral district maps.
 - *Charter Section 1301: “The City Council shall, by ordinance, establish six electoral districts which shall be used for all elections of members of the City Council.”*
 - City Clerk has the “power and shall be required to . . . [h]ave charge of all City elections.” (Charter, § 704(h).)

Venue

- Superior Court, County of Santa Barbara
 - Section 18 of *Banales* settlement
- Original jurisdiction in Court of Appeal or California Supreme Court is possible but unwarranted

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Questions?

