



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 28, 2014

TO: Mayor and Councilmembers

FROM: Ariel Calonne, City Attorney

SUBJECT: District Elections Ballot Measure

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Clerk and City Attorney to Prepare All Necessary Actions and Documents to Enable the City Council to Place Before the Voters at the Next Regular Council Election in November 2015 the Question of Whether to Establish District Elections.

DISCUSSION:

Background

Since April 29, 2014, the City Council has been actively considering the merits of proposing by-district elections to Santa Barbara's electorate. Council will recall that on April 29th, Mayor Schneider and Councilmember White proposed a ballot measure to create hybrid at-large/district elections, a system under which four council members would be elected by-district and three members, including the Mayor, would be elected at large. At that meeting, the Council voted unanimously to direct Staff to schedule a public workshop for May 2014 to discuss various options related to a district election system.

On May 29, 2014, the City Council conducted a public work session at the Faulkner Gallery in order to receive a report from the City Attorney on the California Voting Rights Act and different election system options, including by-district elections, and to receive public comment on the question of whether to switch to by-district elections or some other form of election option. The Council made three motions as follows:

Motion: Councilmembers Hotchkiss/Rowse to direct Staff to engage a demographic expert to present to Council information regarding the determination as to whether racially polarized voting exists in Santa Barbara.

Vote: Unanimous voice vote (Absent: Councilmember Francisco).

Motion: Councilmembers Murillo/Hart to place an item on a future Council agenda for the formation of an ad hoc Council subcommittee which will discuss the issue of district elections with the committee from the community supporting this change to the City's election system.

Vote: Majority voice vote (Noes: Councilmember Hotchkiss; Absent: Councilmember Francisco).

Motion: Councilmember Murillo/Mayor Schneider to place a measure on the November 2014 election ballot to ask the voters whether the City should change its election system to a configuration in which 6 Councilmembers are elected by district and the Mayor is elected at large.

Vote: Failed to carry by voice vote (Ayes: Councilmembers Murillo, White, Mayor Schneider; Noes: Councilmembers Hart, Hotchkiss, Rowse; Absent: Councilmember Francisco)

Thereafter, on June 24, 2014, the City Council appointed three Council Members to an ad hoc committee to discuss the issue of district elections with community groups supporting such a change to the City's election system. Discussions were conducted.

The City Attorney retained a demographic consultant in anticipation of possible litigation, and on July 22, 2014, the City Council considered a presentation from Douglas Johnson of the National Demographics Corporation concerning District Elections and the California Voting Rights Act. The City Council decided to request the City Attorney to consider developing additional data regarding the existence of racially polarized voting patterns in Santa Barbara.

On July 29, 2014, the City was sued pursuant to the California Voting Rights Act in *Banales, et al. v. City of Santa Barbara*, SBSC Case No.1468167, including allegations that racially polarized voting patterns exist in the City and seeking the establishment of by-district elections. On October 1, 2014, the City answered the *Banales* lawsuit.

Analysis

The City Council has few options with respect to district elections and the *Banales* litigation. The lawsuit cannot be settled without agreement of the plaintiffs. The Council can defend the litigation, but if the plaintiffs prevail the City will be exposed to attorney and expert witness fees, which are allowed to successful plaintiffs under the California Voting Rights Act. Awards in similar cases have ranged from about \$400,000 to over \$4,000,000. Council can expect that any settlement will also involve paying attorneys' fees.

Another option is to place the matter on the ballot for the Santa Barbara voters to decide. Under Elections Code section 1415, the earliest that can happen is November 2015. The lawsuit will proceed and litigation expenses will be incurred unless the plaintiffs agree to respect the election process, but the Council will have done all that it can do to resolve the matter in an inclusive, fair and efficient manner.

The attached resolution contains the following directions for Council's consideration:

“SECTION 1. Pursuant to Elections Code section 1415, at the next regularly scheduled general municipal election the City Council intends to place before the voters the question of whether to establish by-district elections in Santa Barbara.

SECTION 2. The City Clerk and City Attorney are hereby directed to prepare in a timely manner such actions, resolutions, charter amendments, and ordinances as are necessary to place the following matters on the above-described ballot:

A. Establishment of six council districts elected by-district, and a directly elected mayor elected by the voters at large.

B. Establishment of an appointed independent districting commission which shall be charged, if district elections are approved by the voters in November 2015, with establishing the geographical boundaries of the initial six council districts. The geographical boundaries of future districts shall be established by the Council following the receipt of subsequent decennial census results.

C. District elections will commence at the regularly scheduled general municipal election occurring in November 2017.

D. Such other related matters as the City Clerk and City Attorney may deem necessary and advisable.

SECTION 3. Before the November 2015 election, the Acting City Administrator is directed to develop a civic engagement process to involve Santa Barbara residents in the process of drafting the ballot measures for establishing by-district elections, and to return to Council with that proposal for review and approval.”

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO. 14-074

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DIRECTING THE CITY CLERK AND CITY ATTORNEY TO PREPARE ALL NECESSARY ACTIONS AND DOCUMENTS TO ENABLE THE CITY COUNCIL TO PLACE BEFORE THE VOTERS AT THE NEXT REGULAR COUNCIL ELECTION IN NOVEMBER 2015 THE QUESTION OF WHETHER TO ESTABLISH DISTRICT ELECTIONS

WHEREAS, since April 29, 2014, the City Council of the City of Santa Barbara has been actively considering the question of whether to propose to the voters a change from the current at-large voting system to by-district elections;

WHEREAS, on May 29, 2104, the City Council conducted a public work session at the Faulkner Gallery in order to receive a report from the City Attorney on the California Voting Rights Act and different election system options, including by-district elections, and to receive public comment on the question of whether to switch to by-district elections or some other form of election option;

WHEREAS, on June 24, 2014, the City Council appointed three Council Members to an ad hoc committee to discuss the issue of district elections with community groups supporting such a change to the City's election system;

WHEREAS, the Council ad hoc committee met with those community groups;

WHEREAS, on July 22, 2014, the City Council considered a presentation from the National Demographics Corporation concerning District Elections and the California Voting Rights Act, and received public comment. The City Council decided to request the City Attorney to consider developing additional data regarding the existence of racially polarized voting patterns in Santa Barbara;

WHEREAS, on July 29, 2014, the City was sued pursuant to the California Voting Rights Act in *Banales, et al. v. City of Santa Barbara*, SBSC Case No.1468167, including allegations that racially polarized voting patterns exist in the City and seeking the establishment of by-district elections; and

WHEREAS, the City Council wishes to place the question of whether to establish by-district elections before the City's voters at the earliest lawful time.

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

SECTION 1. Pursuant to Elections Code section 1415, at the next regularly scheduled general municipal election the City Council intends to place before the voters the question of whether to establish by-district elections in Santa Barbara.

SECTION 2. The City Clerk and City Attorney are hereby directed to prepare in a timely manner such actions, resolutions, charter amendments, and ordinances as are necessary to place the following matters on the above-described ballot:

- A. Establishment of six council districts elected by-district, and a directly elected mayor elected by the voters at large.
- B. Establishment of an appointed independent districting commission which shall be charged, if district elections are approved by the voters in November 2015, with establishing the geographical boundaries of the initial six council districts. The geographical boundaries of future districts shall be established by the Council following the receipt of subsequent decennial census results.
- C. District elections will commence at the regularly scheduled general municipal election occurring in November 2017.
- D. Such other related matters as the City Clerk and City Attorney may deem necessary and advisable.

SECTION 3. Before the November 2015 election, the Acting City Administrator is directed to develop a civic engagement process to involve Santa Barbara residents in the process of drafting the ballot measures for establishing by-district elections, and to return to Council with that proposal for review and approval.

RESOLUTION NO. 14-074

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on October 28, 2014, by the following roll call vote:

- AYES: Councilmembers Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider
- NOES: None
- ABSENT: None
- ABSTENTIONS: None


IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on October 29, 2014.





Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on October 29, 2014.



Helene Schneider
Mayor