

RESOLUTION NO. 18-046

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND CALLING FOR THE SUBMISSION TO THE VOTERS OF TWO CITY COUNCIL CHARTER AMENDMENT PROPOSALS PERTAINING TO DISTRICT ELECTIONS AND EVEN-NUMBERED YEAR ELECTIONS AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 6, 2018

WHEREAS, the City Council desires to submit two proposed City Charter amendments to the voters at the Statewide General Election on November 6, 2018; and

WHEREAS, the City Council desires to call a Special Municipal Election to be consolidated with the Statewide General Election on November 6, 2018.

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

SECTION 1. That pursuant to requirements of the Charter of the City of Santa Barbara, there is called and ordered to be held in the City of Santa Barbara on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting two City Council Charter Amendment Proposals to the voters for approval.

SECTION 2. That the City Council, pursuant to its right and authority under State Government Code section 34458, and Elections Code section 9255, does order submitted to the voters at the General Municipal Election the following proposed charter amendments:

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<b>CITY OF SANTA BARBARA CHARTER AMENDMENT MEASURE ____ -2018</b>	
Shall the City Charter be amended to require City general elections to be held in even-numbered years instead of odd-numbered years?	YES
	NO

<b>CITY OF SANTA BARBARA CHARTER AMENDMENT MEASURE ____ -2018</b>	
Shall the City Charter be amended to reflect the City's court-ordered switch to district elections, with six Council districts and the Mayor elected citywide, and including new special election requirements for Council and Mayoral vacancies?	YES
	NO

**SECTION 2.** The City Council approves and adopts the complete text of the Even-Numbered Year Election and District Elections Charter Amendment Proposals which are to be submitted to the voters and which are attached as Exhibits A and B, respectively.

**SECTION 3.** The City Council hereby directs the City Clerk to transmit a copy of the Charter Amendment Proposals to the City Attorney. The City Attorney shall prepare an impartial analysis of each proposal, not to exceed 500 words in length, showing the effect of the proposal on existing law and the operation of the proposal, and transmit the impartial analysis to the City Clerk within ten days of adoption of this Resolution.

**SECTION 4.** Pursuant to Elections Code section 9282, the City Council authorizes the Mayor to file a written argument on its behalf regarding the measure, accompanied by up to four additional printed names and signatures of the persons joining the Mayor in submitting it.

**SECTION 5.** Pursuant to Elections Code section 9285, the City Council authorizes the City Clerk to select the arguments for and against the measure which will be printed and distributed to the voters in accordance with this Resolution and state

law. The City Clerk shall send a copy of the argument in favor of the measure to the authors of any argument against the measure and copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments. The author or a majority of the authors of an argument relating to the measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal argument shall not exceed 250 words. A rebuttal argument may not be signed by more than five persons. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 6. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 7. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 8. Pursuant to Elections Code sections 10401 and 10403, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of the Special Municipal Election with the Statewide General Election to be held on Tuesday, November 8, 2016, for the submission of the measure.

SECTION 9. The County Elections Division is hereby authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 10. The Board of Supervisors of the County of Santa Barbara is hereby requested to issue instructions to the County Elections Division to take any and all steps necessary for the holding of the consolidated election.

SECTION 11. The City Council of the City of Santa Barbara recognizes that additional costs will be incurred by the County of Santa Barbara by reason of this consolidation and hereby agrees to reimburse the County for these costs.

**SECTION 12.** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Division of the County of Santa Barbara.

**Exhibits A & B**

# **EXHIBIT "A"**

## **CITY COUNCIL CHARTER AMENDMENT PROPOSAL**

### **EVEN-NUMBERED YEAR ELECTIONS CALIFORNIA VOTER PARTICIPATION RIGHTS ACT**

#### **Article V**

##### **MAYOR AND CITY COUNCIL**

###### **Section 500. City Council. Terms.**

The elective officers of the City shall consist of a City Council of seven (7) members, including the Mayor, all to be elected from the City at the times and in the manner provided in this Charter and who shall serve for terms of four (4) years and until their respective successors qualify.

The term of the Mayor and each member of the City Council shall commence on the day of the first Council meeting in the month of January following the receipt of certification of election results. Ties in voting among candidates for office shall be settled by the casting of lots.

###### **Section 500.1 City Council - Limitation on Terms.**

No person shall be eligible to serve as a member of the City Council for more than two (2) consecutive four (4) year terms. No person shall be eligible to serve as Mayor for more than two (2) consecutive four (4) year terms. No person shall be eligible to serve consecutively as a member of the City Council and Mayor, or as Mayor and as a member of the City Council, for more than a total of four (4) consecutive four (4) year terms, with no more than two (2) consecutive terms in either office. Any term of elected or appointed service of two (2) years or more shall constitute a four (4) year term for the purposes of this section. Election to a term of office beginning prior to the effective date of this amendment shall not disqualify any incumbent from completing said term.

###### **Section 501. Eligibility.**

No person shall be eligible to hold office as Mayor or as a member of the City Council unless he or she is and shall have been a resident and qualified elector of the City and the applicable electoral district for at least thirty (30) days next preceding the date of his or her election or appointment. The

# **EXHIBIT "A"**

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City Council shall judge the qualifications of its members as set forth by this Charter.

#### **Article XIII**

#### **ELECTIONS**

##### **Section 1300. General Municipal Elections.**

General Municipal Elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year. The first such General Municipal Election shall be held on the first Tuesday after the first Monday in November 2024. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as Special Municipal Elections.

##### **Section 1301.5. Consolidation Plan for Even Numbered Year Elections.**

The Mayor and members of the City Council in office at the time this Charter amendment takes effect shall continue in office until their respective successors are elected and qualified. The three (3) members of the City Council representing Election Districts 1, 2 and 3 shall be elected at the General Municipal Election to be held in November 2019 (to succeed the members who were elected in 2015 and whose terms expire in 2019), and shall continue in office for five (5) years and until their respective successors are elected and qualified following the November 2024 election, and each fourth year thereafter. The three (3) members of the City Council representing Election Districts 4, 5 and 6 shall be elected at the General Municipal Election to be held in November 2021 (to succeed the members who were elected in 2017 and whose terms expire in 2021), and shall continue in office for five (5) years and until their respective successors are elected and qualified following the November 2026 election, and each fourth year thereafter. The Mayor shall be elected as Mayor, separate and apart from the other members of the City Council, at the General Municipal Election held in November 2021, and shall continue in office for five (5) years and until his or her

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successor is elected and qualified following the November 2026 election, and each fourth year thereafter. The initial five (5) year terms authorized by this section 1301.5 shall for the purposes of Charter section 500.1 be considered four (4) year terms.

#### **UNCODIFIED SECTION:**

In the event more than one City Council-sponsored ballot measure affecting any of the same charter sections as are amended pursuant to this Proposal is approved by the voters, section 1300 as provided in this Proposal shall be deemed to have received the most votes and shall be enacted.



# **EXHIBIT "B"**

## **CITY COUNCIL CHARTER AMENDMENT PROPOSAL**

### **DISTRICT ELECTIONS CALIFORNIA VOTING RIGHTS ACT**

#### **Article V**

#### **MAYOR AND CITY COUNCIL**

##### **Section 500. City Council. By-District Elections. Terms.**

The elective officers of the City shall consist of a City Council of seven (7) members, including the Mayor. The Mayor shall be elected from the City at large at the times and in the manner provided in this Charter. The members of the City Council shall be elected or appointed, as applicable, by and from single member electoral districts in which they reside, as such districts may be established as provided in this Charter. The Mayor and members of the City Council shall serve for terms of four (4) years and until their respective successors qualify.

The term of the Mayor and each member of the City Council shall commence on the day of the first Council meeting in the month of January following the receipt of certification of election results. Ties in voting among candidates for office shall be settled by the casting of lots.

##### **Section 500.1 City Council - Limitation on Terms.**

No person shall be eligible to serve as a member of the City Council for more than two (2) consecutive four (4) year terms. No person shall be eligible to serve as Mayor for more than two (2) consecutive four (4) year terms. No person shall be eligible to serve consecutively as a member of the City Council and Mayor, or as Mayor and as a member of the City Council, for more than a total four (4) consecutive four (4) year terms, with no more than two (2) consecutive terms in either office. Any term of elected or appointed service of two (2) years or more shall constitute a four (4) year term for the purposes of this section. Election to a term of office beginning prior to the effective

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date of this amendment shall not disqualify any incumbent from completing said term.

##### **Section 501. Eligibility.**

No person shall be eligible to hold office as Mayor or as a member of the City Council unless he or she is and shall have been a resident and qualified elector of the City and the applicable electoral district for at least thirty (30) days next preceding the date of his or her election or appointment. The City Council shall judge the qualifications of its members as set forth by this Charter.

##### **Section 503. Vacancies.**

Any vacancy on the City Council in the office of Mayor or Councilmember shall be filled by special election. The special election shall be called by the Council within thirty (30) days of the occurrence of such vacancy and shall be held on the next regularly established general municipal, district, county, or state election date not less than 114 days from the call of the special election, unless Council chooses to call a special election at an earlier point in time. If a vacancy on the City Council in the office of Mayor or Councilmember occurs within one year of the end of the term of office for the vacancy, the Council may make an interim appointment with no special election required.

After the special election has been called, the Council may make an interim appointment to the vacant Council district. The person appointed to fill the vacancy on an interim basis shall meet all of the qualifications for such office and shall serve until the candidate elected at the special election has taken office. In addition, no interim appointee shall use any ballot designation indicating membership, former membership, or incumbency, or former incumbency on the Council or the office of Mayor, unless said person has previously been elected to the office for which membership or

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incumbency is claimed and the ballot designation is otherwise lawful.

If the Mayor or any other member of the City Council absents himself or herself from all regular meetings of the City Council for a period of sixty (60) days consecutively from and after the last regular Council meeting attended by him or her, unless by permission of the City Council expressed in its official minutes, or if convicted of a crime involving moral turpitude, or ceases to be an elector of the City and applicable election district, his or her office shall become vacant. The City Council shall declare the existence of any such vacancy.

#### **Article XIII**

#### **ELECTIONS**

Section 1300. General and Special Municipal Elections.

General Municipal Elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each odd numbered year. The first such General Municipal Election shall be held on the first Tuesday after the first Monday in November 1981. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as Special Municipal Elections.

Section 1301. Election Districts.

The City Council shall, by ordinance, establish six electoral districts which shall be used for all elections of members of the City Council. The electoral districts shall be as nearly equal in population as practicable and such redistricting shall be established as provided in this Charter and

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in compliance with all applicable laws. The judicially-approved electoral district map adopted by the City Council in Resolution No. 15-019 on March 30, 2015, shall remain in effect through the 2021 City Council elections. The electoral district map shall be redrawn, if necessary, after receipt of the results of the 2020 Census as set forth in this section. The initial 2021 redistricting process shall be conducted and a final map adopted by an Independent Redistricting Commission. The City Council shall approve the final map by ordinance and without amendment. The Independent Redistricting Commission and the City shall establish a process for developing the electoral district map that will comply at a minimum with California Elections Code section 10010 and shall include at least two public hearings on a proposal to establish the electoral district boundaries prior to a public hearing at which the City Council may vote to approve the electoral district map. The City will maintain information on its website for the districting process where notices, agendas, proposed maps, among other items, will be posted. The districting process website shall include interactive tools for public participation. Official required notices and agendas (but not agenda material) will be translated into all languages required under the federal Voting Rights Act. In order to avoid the appearance of a conflict of interest, persons who accept appointment to the Independent Redistricting Commission shall, at the time of their appointment, file a written declaration with the City Clerk stating that they will not seek election to a seat on the City Council of the City of Santa Barbara until the after the redistricting following the 2030 Census. The previous sentence does not apply to seeking election to the office of Mayor of the City of Santa Barbara. The City Clerk shall not accept candidacy papers from any person filing such a declaration who is appointed to be a member of the Independent Redistricting Commission. The members of the Independent Redistricting Commission shall be appointed by the City Council after receipt of the results of the 2020 Census and on or before April 1, 2021. The Independent Redistricting Commission shall be composed of three retired state or federal judges who apply, are willing to serve, are not residents of Santa Barbara County, and who are qualified voters of the State of California. The Independent Redistricting Commission shall

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adopt and refer to the City Council, a redistricting map on or before November 1, 2021. The redistricting map of the Independent Redistricting Commission as approved by the City Council shall be subject to referendum. The redistricting map of the Independent Redistricting Commission shall remain in full force and effect through the 2031 City Council elections. The City shall appropriate an amount for work of the Independent Redistricting Commission equal to the amount expended by the City for its redistricting consultant during development of the judicially-approved electoral district map adopted by the City Council in Resolution No. 15-019 on March 30, 2015, adjusted for inflation according to the Los Angeles Metropolitan Area CPI. All City redistricting actions taken after 2031 shall be conducted by a person or entity selected by the City Council in accordance with a process to be established by ordinance or resolution of the City Council.

#### **Section 1304. Nominations of Candidates.**

Each candidate for elective City office shall be proposed by the filing of a nomination paper signed by either i) not less than fifty (50) qualified electors from within the election district that the candidate seeks to represent, or ii) not less than one hundred (100) from within any and all districts in entire city. Only one (1) candidate may be named in any one (1) nomination paper. No qualified elector may sign more than one (1) nomination paper for the same office, and in the event he or she does so his or her signature shall count only on the first nomination paper filed which contains the signature. Nomination papers subsequently filed and containing his or her signature shall be considered as though the signature does not appear thereon. Any qualified elector may circulate a nomination paper.

#### **UNCODIFIED SECTION:**

In the event more than one City Council-sponsored ballot measure affecting any of the same charter

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sections as are amended pursuant to this Proposal is approved by the voters, section 500 as provided in this Proposal measure shall be deemed to have received the most votes and shall be enacted.

**RESOLUTION NO. 18-046**

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 June 19, 2018, by the following roll call vote:

- AYES:                    Councilmembers Eric Friedman, Gregg Hart, Randy Rowse; Mayor Cathy Murillo
- NOES:                   Councilmember Kristen W. Sneddon
- ABSENT:                 None
- ABSTENTIONS:        Councilmember Jason Dominguez

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on June 20, 2018.

  
\_\_\_\_\_  
Sarah P. Gorman, CMC  
City Clerk Services Manager



I HEREBY APPROVE the foregoing resolution on June 20, 2018.

  
\_\_\_\_\_  
Cathy Murillo  
Mayor

