

MEASURE E

CITY ATTORNEY'S IMPARTIAL ANALYSIS

Introduction:

In response to threatened litigation under the California Voting Rights Act (CVRA), the Santa Cruz City Council (currently seven members elected “at-large”) is transitioning to a district elections system. If approved by City voters, this proposed City Charter amendment would provide for an at-large mayor directly elected by the voters, with six council districts, and a two-stage (primary and run-off) election process. If not approved, the City will transition to seven council districts, without a directly elected mayor.

Background:

In recent years, under threat of litigation under the CVRA, cities throughout California have switched from city councils elected communitywide (“at-large”) to elections by district, where cities are divided into districts and voters in each district elect a candidate who is a district resident. Almost all cities that have fought these cases in court have lost, and then paid millions in legal fees to successful plaintiffs.

In 2020, as part of a settlement agreement to avoid a costly CVRA lawsuit, the City Council agreed to implement district elections (with or without a directly-elected mayor) by the November 2022 regular election.

Under the CVRA, courts have held that a charter amendment is not required to implement a district elections system. However, because the Santa Cruz City Charter specifies a seven member council and requires the mayor to be chosen by Council, a Charter amendment *is* required to change to a six member council with a directly elected mayor.

At its February 22, 2022 meeting, the City Council decided to ask voters to weigh in on a proposed charter amendment to establish six districts, with an at-large directly elected mayor, while moving forward with the district elections process, holding hearings on draft maps and council election sequencing, and adopting an ordinance that selects one six district map and one seven district map, as alternatives.

The six district map would prevail if the charter amendment passes, and the seven district map would apply if it does not pass. The Council is scheduled to hold a number of public meetings and workshops prior to the June 7 election to review and take action on an ordinance adopting the district maps.

Proposed Charter Amendment:

If the Measure is approved, the mayor would be directly elected at-large by the voters for a four-year term, and the City would transition to six council districts commencing in November of 2022 provided, however, that if the results are not certified by the July 6 deadline, it would take effect beginning in 2024. The measure also: establishes a two-round election system, to be implemented in 2024, with the first round coinciding with statewide primary elections (March or

June, depending on election cycle) and a runoff in November if no candidate receives a simple majority; updates the rules on term limits; and makes other, mostly minor, changes to the Charter.

If rejected, the City would transition to seven districts beginning in November of 2022, with the mayor continuing to be appointed by Council annually.

Dated: March 18, 2022

/s/ Tony Condotti, City Attorney