

# Capitola City Council

## Agenda Report



**Meeting:** April 30, 2026

**From:** City Manager Department

**Subject:** Resolution Declaring the City of Capitola's Intent to Initiate Procedures to Transition From At-Large Elections to District-Based Elections Pursuant to Elections Code Section 10010; Approving the Tentative Timeline and Other Related Actions.

---

**Recommended Action:** Adopt a resolution declaring the City's intent to initiate procedures to transition from at-large elections to district-based elections pursuant to California Elections Code Section 10010, and approving the tentative timeline and other related actions.

**Background:** At the April 23, 2026, City Council meeting, the City Council discussed a recent California Voting Rights Act ("CVRA")<sup>1</sup> allegation that the City at-large election system violates the CVRA because the system allegedly dilutes the power of Latino voters and threatening litigation if the City declines to voluntarily change to a district-based election system for electing Councilmembers.

While the City disputes the allegations in the letter, the City Council unanimously gave direction to staff to proceed with agendizing the resolution of intent to transition from at-large elections to district-based elections.

In response to City Council direction, staff prepared the attached resolution of intent for City Council consideration and action (Attachment 1).

**Legal Background:** The City currently utilizes an at-large voting system for the election of its City Council Members, under which voters Citywide may vote for all open Council seats. Council Members are elected to represent the City as a whole, rather than specific geographic districts.

The CVRA was enacted in 2001, in part, to provide minority groups in California with tools to prevent dilution of votes in "at-large" election systems – meaning each Councilmember is elected by the registered voters of the entire City. The CVRA prohibits any at-large voting system that hinders the ability of a protected class to elect candidates of its choice or influence the outcome of an election.<sup>2</sup> A violation of the CVRA is established if racially polarized voting occurs in elections for Council Members or other matters submitted to the voters.<sup>3</sup>

The CVRA defines "protected class" as a class of voters who are members of a race, color, or language minority group, as referenced and defined in the Federal Voting Rights Act of 1965 ("FVRA")<sup>4</sup>. "Racially polarized voting" is voting in which there is a difference in the choice of candidates or other electoral choices preferred by voters in a protected class, as compared to the rest of the electorate (i.e., the protected class members vote as a bloc, but the majority bloc usually defeats the protected class's preferred candidate)<sup>5</sup>.

The CVRA does not require a plaintiff to show that the City, the voters, or the elected officials intended to discriminate against a protected class. Similarly, the fact that members of a protected class are not geographically concentrated does not preclude a finding of racially polarized voting.<sup>6</sup> Instead, a violation of the CVRA may be established by showing that both racially polarized voting and dilution occur in

---

<sup>1</sup> Cal. Elec. Code §§ 14025-14032.

<sup>2</sup> Cal. Elec. Code §§ 14026 and 14027.

<sup>3</sup> Cal. Elec. Code §14028(a); see also § 14027.

<sup>4</sup> Cal. Elec. Code § 14027(d) citing 52 U.S.C. Sec. 10301 et seq.

<sup>5</sup> Cal. Elec. Code § 14027(e) citing 52 U.S.C. Sec. 10301 et seq; *Thornburg v. Gingles* (1986) 478 U.S. 30, 56.

<sup>6</sup> Cal. Elec. Code § 14028(c) and (d).

elections for members of the governing body. Dilution can be shown where the protected class can show that the at-large election prevents them from electing, either on their own or with the support of crossover voters, their preferred candidate.<sup>7</sup>

Discussion: Elections Code section 10010 outlines the “safe harbor” for a city to transition to district-based elections – meaning, if the City transitions within the timeframe prescribed by statute, the City is able to limit its exposure to litigation to a maximum of \$30,000 (note that this statutory maximum is adjusted by CPI every year).<sup>8</sup> The timeline is quick, though: the City must adopt a resolution outlining its intent to transition from at-large to district-based elections within forty-five (45) days of receiving a demand letter.<sup>9</sup> Capitola received a demand letter on March 19, 2026, so the last day for the City to adopt a resolution of intent is May 3, 2026. After adopting the resolution of intent, the statute permits the City ninety (90) days to complete the transition (July 29, 2026).<sup>10</sup>

Timeline for District Development: If the Council decides to proceed with transitioning to district-based elections, the City will be required to hold at least two public hearings over the next thirty (30) days, at which the public is invited to provide input regarding the composition of the districts.<sup>11</sup> No official maps can be drawn before the completion of these two (2) public meetings. Once the initial two meetings are complete, a demographer and the public can begin to draw maps that will be considered in the districting process.

The City would then hold at least two additional hearings over the next forty-five (45) days, at which the public is invited to provide input regarding the content of the draft maps and the proposed sequence of elections.<sup>12</sup> If a map is selected and is unchanged from what is presented at the 4th public hearing, then a first reading/introduction of an ordinance transitioning to districts and adopting that same map may be conducted at the 4th public hearing. Thereafter, if the selected map continues to be unchanged, then a second reading/adoption of the ordinance may be conducted at a 5th public hearing. Anytime a map is changed, a seven (7) day notice must be published and made available, as applicable, and a subsequent public hearing would have to be held before the map can be considered for adoption. As such, depending on the number and timing of the changes in relation to the ninety (90) day deadline, the tentative timeline (e.g., the number of public hearings) included in Attachment 1 may change.

The City will also need to comply with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act (“Fair Maps Act”),<sup>13</sup> which provides criteria the City must use when establishing election district boundaries or when undertaking the redistricting process (which must occur every ten years after each population census). These criteria includes compliance with the United States Constitution, the California Constitution, and the FVRA.<sup>14</sup> The Fair Maps Act also prohibits the adoption of district boundaries for the purpose of favoring or discriminating against an incumbent councilmember, political candidate, or political party.<sup>15</sup>

Staff has prepared a tentative timeline that identifies the preliminary schedule for the required public hearings and public outreach and complies with Elections Code 10010 (see Exhibit A to Attachment 1). This tentative timeline may change depending on the level of community involvement and the complexity of the map drawing process, provided that the ninety (90) day deadline is met.

Demographer: A demographer will assist by assisting elected officials, staff, and the public through the background of the CVRA districting process, facilitating community input on potential new district boundaries, and overseeing the technical aspects of implementing the new boundaries. Per the City’s

---

<sup>7</sup> Cal. Elec. Code §§ 14026(e), 14028(a); *Pico. supra*, 15 Cal.5th at p. 314.

<sup>8</sup> Cal. Elec. Code § 10010(f)(1)-(3).

<sup>9</sup> Cal. Elec. Code § 10010(e)(2).

<sup>10</sup> Cal. Elec. Code § 10010(e)(1)-(3).

<sup>11</sup> Cal. Elec. Code § 10010(a)(1).

<sup>12</sup> Cal. Elec. Code § 10010(a)(2).

<sup>13</sup> Cal. Elec. Code § 21100 *et seq.*

<sup>14</sup> Cal. Elec. Code § 21130.

<sup>15</sup> Cal. Elec. Code § 21130(d).

Procurement Policy, City staff solicited proposals from demographer firms by issuing a request for proposals (RFP) and will be recommending awarding an agreement to the selected firm as a separate item on the April 30<sup>th</sup> agenda. The demographer will attend future public hearings and provide the City Council with analysis and recommendations regarding the maps that will be prepared during the transition process.

Fiscal Impact: If the City Council decides to transition to district-based elections, there will be a fiscal impact due to the costs associated with that transition. Costs include the demographer, which are estimated to be less than \$50,000, legal costs, and payment of the plaintiff's attorneys' costs of at least \$30,000. A budget amendment covering some of these anticipated costs will be presented as a separate item for City Council consideration on April 30<sup>th</sup>.

Alternatively, if the City Council decides not to transition to district-based elections, the City could incur significant costs relating to litigation. There have been numerous cities that have received a similar letter from various plaintiff's attorneys threatening legal action under the CVRA. These types of lawsuits are expensive, with cities paying millions of dollars in attorneys' fees to defend their at-large election system. To date, however, no public agency has prevailed in such a lawsuit.

Attachments:

1. Resolution of Intent to Transition to District Elections

Alignment with 2025-2029 Strategic Plan Priority: Accountable Government

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Marc Tran, City Attorney

Approved By: Jamie Goldstein, City Manager