ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY OF CAPITOLA, CALIFORNIA, AMENDING CHAPTER 2.04 OF TITLE 2 OF THE CAPITOLA MUNICIPAL CODE TO PROVIDE FOR THE ELECTION OF CITY COUNCIL MEMBERS BY FOUR DISTRICTS WITH AN ELECTED MAYOR; ESTABLISH DISTRICT BOUNDARIES AND ELECTION ORDER FOR EACH DISTRICT; AND MAKE OTHER AMENDMENTS CONSISTENT WITH THE FOREGOING

WHEREAS, the City of Capitola ("City") currently elects members of the City Council using an "at-large" election system and the City Council then appoints one of its members to serve as Mayor;

WHEREAS, the City received a certified letter from a potential plaintiffs' attorney, alleging a violation of the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a by-district based election system for electing members of the City Council;

WHEREAS, while the City Council denies that its at-large election system violates the CVRA or any other provision of law, the City Council determined that the public interest is better served by initiating a process for transition to a district-based election system and thereby avoiding the high costs associated with defending a lawsuit under the CVRA;

WHEREAS, Government Code Section 34886, in certain circumstances, permits the City Council to adopt an ordinance changing the system of elections for members of the City Council from an "at-large" election system to a "by district" election system with the Mayor directly elected at-large;

WHEREAS, Elections Code Section 10010 provides a method whereby a jurisdiction can expeditiously transition to a district-based election system and thereby avoid the high cost of litigation under the CVRA if the jurisdiction complied with the "safe harbor" provisions of Elections Code Section 10010;

WHEREAS, on April 30, 2026, pursuant to Elections Code Section 10010, the City Council adopted a Resolution of Intention to transition to district-based elections;

WHEREAS, pursuant to Elections Code Section 10010(a)(1), the City Council held duly noticed public hearings for the purposes of receiving public testimony regarding the transition to district-based elections, including, without limitation, the composition of communities of interest on May 28, 2026, and June 11, 2026;

WHEREAS, pursuant to Elections Code Section 10010(a)(2), the City Council held duly noticed public hearings concerning the transition to by district elections, including, without limitation, the content of draft district maps and the proposed sequencing of elections on June 25, 2026, and July 23, 2026, and further, the draft maps considered at each public hearing were posted at least seven days before each respective public hearing;

WHEREAS, at the July 23, 2026, regular meeting, at the conclusion of the duly noticed public hearing, the City Council selected and attached district map number 412 to this Ordinance as Exhibit A ("Selected District Map"); selected the election sequence to be included in this Ordinance; and, further, introduced this Ordinance for a first reading at that time with a public

hearing, second reading, and adoption scheduled to take place on August 27, 2026;

WHEREAS, throughout the foregoing process, the City engaged in public outreach and engagement required by California Elections Code Section 10010 and those applicable portions of the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions ("Fair Maps") Act;

WHEREAS, such outreach included, but is not limited to, maintaining a City website dedicated to the process of transitioning from at-large elections to by-district elections, regularly notifying residents of meetings and posting notices about the public hearings to discuss the districting process;

WHEREAS, in selecting the map, the City Council considered the criteria set forth in Elections Code Section 21130 of the Fair Maps Act and is adopting district boundaries in accordance with the provisions stated therein, as well as the federal Voting Rights Act, the California Voting Rights Act, the U.S. Constitution, and the California Constitution;

WHEREAS, the Selected District Map meets all the requirements of state and federal law and was posted on the City's website for public consideration at least seven (7) days before the introduction of this Ordinance;

WHEREAS, on August 27, 2026, the City Council held a duly noticed public hearing concerning this Ordinance, the Selected District Map, and the transition to by-district elections;

WHEREAS, pursuant to Government Code Section 34886, the change in method for electing members of the City Council is made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025 *et seq*.);

WHEREAS, based upon the foregoing, the City Council now desires to adopt an ordinance changing the system of elections for members of the City Council from an at-large election system to a by-district election system; and changing from an appointed Mayor to a Mayor directly elected at-large;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council of the City of Capitola finds and declares that the Recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to Public Resource Code Section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of this Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 3. Amendment to Section 2.04.010(A). Subsection A of Section 2.04.010 of Subchapter I of Chapter 2.04 of Title 2 of the Capitola Municipal Code is hereby amended in its entirety as follows:

Elective. The elective offices of the City of Capitola are the City Council Members.

Beginning with the general municipal election in November 2028, the elective offices of the City of Capitola shall include the Mayor.

Section 4. New Section 2.04.105. Section 2.04.105, entitled "Election of Mayor", is hereby added to Subchapter IV of Chapter 2.04 of Title 2 of the Capitola Municipal Code as follows:

Section 2.04.105 Election of Mayor

A. Commencing with the general municipal election in November 2028 and every 2 years thereafter, the Mayor shall be elected at-large by a majority of the electors of the City of Capitola.

B. The Mayor shall serve a term of two years.

Section 5. New Section 2.04.106. Section 2.04.106, entitled "City Council elected by district", is hereby added to Subchapter IV of Chapter 2.04 of Title 2 of the Capitola Municipal Code as follows:

Section 2.04.106 City Council elected by district.

A. Purpose.

The City Council of the City of Capitola hereby declares that the change of method of electing members of this City Council, hereby enacted, is being made in furtherance of the California Voting Rights Act.

B. Applicability.

This section shall only apply to the election of City Council Members, but shall not apply to the election of the Mayor. The Mayor shall instead be elected pursuant to Section 2.04.105.

C. Election of City Council Members by district.

(1) Four City Council districts are hereby established in the City of Capitola. The district boundaries and identifying number of each district shall be as provided in Section 2.04.106(D).

(2) Following the effective date of this section and upon the commencement of "by district" elections pursuant to Section 2.04.106(E), City Council Members, other than the Mayor, shall be elected "by district" as defined by California Government Code Section 34871, or any successor statute, meaning one City Council Member shall be elected from each district by the voters of that district alone, and shall serve a four-year term.

(3) A City Council Member elected or appointed to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council (other than Mayor) must reside in, and be a registered voter in, the district in which he or she seeks

election at the time nomination papers are issued.

(4) Registered voters signing nomination papers or voting for a City Council Member shall be residents of the geographical area making up the district from which such City Council Member is to be elected.

D. Adoption and amendment of City Council district boundaries.

(1) All City Council Members shall be elected on a by-district basis from the City Council districts shown and numbered on the City Council District Map in Exhibit "A" of Ordinance No. 1076 and on file in the City Clerk's Office, which is hereby adopted and incorporated herein by this reference.

(2) Pursuant to Elections Code Section 21600 et seq., the City Council district boundaries described in Section 2.04.106(D)(1) shall be adjusted after each federal decennial census to ensure the districts comply with all applicable law.

E. Commencement of by district elections.

(1) The by district system of elections provided in this section shall be implemented as follows:

(i) Commencing with the general municipal election in November 2028 and every four years thereafter, the voters in district 3 shall elect a City Council Member for a full four-year term.

(ii) Commencing with the general municipal election in November 2030 and every four years thereafter, the voters in districts 1, 2, and 4 shall elect City Council Members for full four-year terms.

(2) Notwithstanding any other provision of this section, all City Council Members in office at the time this section takes effect shall continue in office until the expiration of the at-large term to which they were elected.

Section 6. Amendment to Section 2.04.150. Section 2.04.150 of Subchapter I of Chapter 2.04 of Title 2 of the Capitola Municipal Code is hereby retitled and amended in its entirety as follows:

Section 2.04.150 Selection of the Vice Mayor.

A. Each year the City Council shall select a Vice Mayor. During years with a general election, such selection shall be made at the meeting at which the declaration of the election results for a general municipal election is made. During years without a general election, such selection shall be made approximately one year after the prior selection.

B. The Vice Mayor may be replaced if at least three Council Members vote for the removal of the Vice Mayor, at a noticed City Council meeting.

Section 7. Severability. The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 8. Effective Date. This ordinance shall take effect thirty (30) days after its passage by the City Council.

Section 9. Certification. The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 23rd day of July, 2026, and was adopted at a regular meeting of the City Council on the 27th day of August, 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Margaux Morgan, Mayor

ATTEST: _____
Julia Gautho, City Clerk

APPROVED AS TO FORM:

_____
Marc Tran, City Attorney

EXHIBIT A
COUNCIL DISTRICT MAP

