

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA RESCINDING RESOLUTION NO. 4482, DECLARING THE CITY OF CAPITOLA'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 UPDATE TENTATIVE TIMELINE AND OTHER RELATED ACTIONS

WHEREAS, members of the Capitola City Council are currently elected in “at-large” elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an “at-large” system to a “district-based” system in which each councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, on March 19, 2026, the City of Capitola (“City”) received a demand 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 transition to a district-based system for electing Councilmembers; and

WHEREAS, the letter was not accompanied by any evidence to support the claim of a CVRA violation, and the Council denies that its election system violates the CVRA or any other provision of law, asserts that the City’s election system is legal in all respects, and further denies any wrongdoing whatsoever in connection with the manner in which City Council elections have been conducted; and

WHEREAS, the City is committed to diversity and inclusion with respect to its elections and the Council has 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; and

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 complies with the “safe harbor” provisions of Elections Code Section 10010; and

WHEREAS, California Elections Code Section 10010 will delay CVRA litigation and cap attorneys’ fees associated with a CVRA claim at \$30,000 (as adjusted pursuant to Elections Code Section 10010), if, within forty-five (45) days of receipt of a claim under the CVRA, the City adopts a resolution stating its intent to transition to district based elections, and within ninety (90) days thereafter, the City adopts an ordinance transitioning to a district-based election system consistent with the intent and purpose of the CVRA; and

WHEREAS, during a special meeting held on April 30, 2026, the City Council adopted Resolution No. 4482 declaring the City of Capitola’s intent to initiate procedures to transition

from at-large elections to district-based elections pursuant to California Elections Code section 10010, approving the tentative timeline and other related actions; and

WHEREAS, on May 20, 2026, the City of Capitola received notice that a 30-day extension had been granted to extend the timeline for the transition to district-elections; and

WHEREAS, at a regularly scheduled meeting held on May 28, 2026, the City Council rescinded Resolution No. 4482 and adopted the following resolution to update the timeline.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Capitola does hereby make the following findings and determinations:

Section 1. The above recitals are true and correct and incorporated by reference herein.

Section 2. The City Council hereby expresses its intent to transition from an at-large election system to a district-based election system as authorized by Government Code section 34886 and Elections Code section 10010 for use in the City's General Municipal Election for City Councilmembers commencing in November 2028.

Section 3. The City Manager and City Clerk are directed to publicize and post information regarding the proposed transition to a district-based election system, including relevant maps, notices, agendas and other information and to establish a means of communication to receive comments and answer questions from the public.

Section 4. The City Council hereby approves the tentative timeline as set forth in Exhibit A, attached to and made a part of this resolution, for conducting public hearings to solicit and receive public input regarding proposed district-based electoral maps and district-based election systems, and for the City Council's evaluation, possible refinement and ultimate adoption of a district-based election system for election of City Council members. The City Council recognizes that this is a tentative timeline and that it may be changed due to circumstances that may arise, including, but not limited to, circumstances relating to the map drawing and public hearing process.

Section 5. Accordingly, the tentative timeline contained in Exhibit A may be adjusted by the City Manager as he deems necessary or appropriate, and that the adjustments conform to Elections Code section 10010.

Section 6. The City Council directs the City Manager to continue to work with the City Attorney and the retained demographer, to resolve all legal issues necessary to give effect to this Resolution and to meet the tentative timelines set forth in Exhibit A.

Section 7. Nothing contained herein shall preclude the City Council from selecting an alternative election system or making any alternative decision, should public

input and other evidence indicate that an alternative system or decision is appropriate for the City.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 28th day of May, 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Margaux Morgan, Mayor

ATTEST: _____
Julia Gautho, City Clerk

EXHIBIT A

DATE	EVENT	ELECTIONS CODE	COMMENT
3/19/2026	City received certified demand letter from Shenkman & Hughes	EC§10010(e)(1) EC§10010(e)(2)	<p>Before commencing an action to enforce Sections 14027 and 14028, a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision ("City") against which the action would be brought asserting that the City's method of conducting elections may violate the California Voting Rights Act.</p> <p>A prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 45 days of the City's receipt of the written notice described above (CVRA lawsuit cannot be commenced until May 3, 2026.)</p>
4/30/2026	Resolution is considered at Special City Council Meeting	EC§ 10010(e)(2) EC§ 10010(e)(3)(A) EC§ 10010(e)(3)(B)	<p>Within 45 days of receipt of a notice, the City may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so ("Resolution"). If the City begins the process of switching to districts within 45 days and adopts a resolution to that effect a potential plaintiff cannot commence an action within 90 days of the resolution's passage. The 90 day deadline is July 29, 2026.</p>
Before First Public Hearing and throughout process	Conduct public outreach, encourage public participation, and receive public input	EC§ 10010(a)(1)	<p>The City may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.(i.e. farmers market, public library, public schools, places of worship, homeowners associations, and community</p>

			organizations)
5/14/2026	General Informational Item (Regular Meeting)		The City will provide an overview of the process of transitioning to districts and how members of the public may expect to participate in the process.
5/28/2026	1st Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	Before drawing a draft map or maps of the proposed districts, City must hold at least 2 public hearings over a period of no more than 30 days. No maps to review, but take public comments on composition of districts and preferences for district lines. Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).
6/11/2026	2nd Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	Before drawing a draft map or maps of the proposed districts, City must hold at least 2 public hearings over a period of no more than 30 days. No maps to review, but take public comments on composition of districts and preferences for district lines. Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).
6/17/2026	Publish for review first drafts of district election maps and potential sequence of elections	EC§ 10010(a)(2) EC§ 10010(a)(3)	Publish for review first drafts of district election maps and potential sequence of elections. After all maps are drawn, at least 7 days before the 3 rd public hearing, the City shall publish and make available for release at least one draft map and, if city councilmembers will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections. Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).

6/20 11 AM	City to host 2 nd Information Meeting (Webinar Format)		The City will provide an overview of the process of transitioning to districts and how members of the public may expect to participate in the process; answer questions submitted by the public; and go over the first draft maps.
6/25/2026	3rd Public Hearing (Regular Meeting)	EC§ 10010(a)(2) EC§ 10010(a)(3)	The City shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
7/1/2026	Post any new or amended maps	EC§ 10010(a)(2) EC§ 10010(a)(3)	Post any new or amended maps. Maps available for review at least 7 days before consideration at the 4th public hearing. Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).
7/23/2026	4th Public Hearing (Special Meeting)	EC§ 10010(a)(2)	Take public comments on proposed maps. Council may introduce ordinance adopting the map at this meeting if map is not changed and selected at this public hearing. If map is changed at this meeting, the map will need to be published again for 7 days and ordinance cannot be introduced until 7 days after amended map is published.
8/27/2026	5th Public Hearing (Regular Meeting)		If Council makes revisions to map introduced on 6/18/2026, Council can re-introduce ordinance establishing district elections, including district boundaries and election sequence and adopt ordinance at next regular meeting on 8/27/2026(note the 90 day deadline, however, is July 29, 2026); or adjourn this regular meeting to another date to adopt ordinance; Or <ul style="list-style-type: none"> • If no revisions to map prior to second reading of

			<p>the ordinance adopting the map, Council can adopt ordinance at this meeting; Or</p> <ul style="list-style-type: none"> • Make further changes to map without introduction of the ordinance adopting the map
8/28/2026	DEADLINE w/ EXTENSION	EC§ 10010(e)(3)(B)	