



City of Santa Barbara

City Clerk's Office

www.SantaBarbaraCA.gov

February 13, 2018

VIA HAND DELIVERY AND EMAIL to sbcob@co.santa-barbara.ca.us and allen@co.santa-barbara.ca.us

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City Hall

735 Anacapa Street

Santa Barbara, CA

93101

Michael Allen, Chief Deputy
Clerk of the Board of Supervisors
105 E Anapamu Street, Room 407
Santa Barbara, CA 93101

Subject: Special Municipal Election Consolidation with the Statewide General Election

PO Box 1990

Santa Barbara, CA

93102-1990

Dear Mr. Allen:

I respectfully request that the following item be placed on the February 27, 2018, Board of Supervisors' Agenda:

Request from the City of Santa Barbara to consolidate a Special Municipal Election to be held on Tuesday, June 5, 2018, for the election of the District 3 Councilmember, with the Statewide General Election to be held on that date.

Enclosed is an original and 12 copies of the following Resolution adopted by the City Council on February 6, 2018, regarding the election:

Resolution No. 18-010, A Resolution of the Council of the City of Santa Barbara Calling and Giving Notice of a Consolidated Special Municipal Election to be Held in the City of Santa Barbara on Tuesday, June 5, 2018, for the Election of a City Councilmember from District 3 as the Result of the Election of a Member of the City Council to the Office of Mayor.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah P. Gorman".

Sarah P. Gorman, CMC
City Clerk Services Manager

Enclosure (Original, 12 copies)

cc: Renee Bischof, Chief Deputy Registrar of Voters (via mail to PO Box 61510, Santa Barbara, CA 93160-1510 and email to: rbischo@co.santa-barbara.ca.us)

RESOLUTION 18-010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CALLING AND GIVING NOTICE OF A CONSOLIDATED SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA BARBARA ON TUESDAY, JUNE 5, 2018, FOR THE ELECTION OF A CITY COUNCILMEMBER FROM DISTRICT 3 AS THE RESULT OF THE ELECTION OF A MEMBER OF THE CITY COUNCIL TO THE OFFICE OF MAYOR

WHEREAS, on November 7, 2017, City Councilmember Cathy Murillo was elected at-large to the office of Mayor. Councilmember Murillo was serving as the City Councilmember elected from District 3 in November 2015 pursuant to the stipulated judgment and settlement agreement dated March 10, 2015, in *Banales, et al. v. City of Santa Barbara* whereby the City settled litigation arising under the California Voting Rights Act by switching from at-large to district elections; and

WHEREAS, the City Charter has not been amended by the voters to reflect either the *Banales* stipulated judgment district election requirements or the process for council succession when a sitting councilmember is elected to the office of Mayor; and

WHEREAS, the existing City Charter, which was enacted decades before the City switched to district elections, appears to call for the City Council to appoint a qualified elector to the vacant District 3 within 30 days of the vacancy in this situation, which occurred on January 9, 2018 when Councilmember Murillo assumed the office of Mayor; and

WHEREAS, the City Council has considered the matter carefully in its capacity as the judge of the qualifications of its members pursuant to City Charter section 501 and has determined that the existing City Charter vacancy provisions in City Charter section 503 are not in conflict with the general law which in Government Code section 36512 authorizes the City Council to choose whether to fill a council vacancy by appointment or by special election; and

WHEREAS the City Council has determined that it is in the best interests of the community and the residents of District 3 to conduct a special election to determine the successor to the Council seat for District 3 who shall be elected to complete the duration of former Councilmember Murillo's term, which ends on January 14, 2020, and until her respective successors qualify; and

WHEREAS, the City Council is authorized by Elections Code section 10400 and 10401 to consolidate this special municipal election with the Statewide Direct Primary Election to be conducted on June 5, 2018, by the County of Santa Barbara and the City Council will request consolidation with the adoption of this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That there is called and ordered to be held in the City of Santa Barbara on Tuesday, June 5, 2018 ("Election Day"), a Consolidated Special Municipal Election for the purpose of electing one Councilmember from District 3 for a term expiring on January 14, 2020, and until their respective successors qualify in accordance with Section 500 of the City Charter.

SECTION 2. That District 3, as depicted on the attached electoral district map and legal description, shall be up for election.

SECTION 3. 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 4. That pursuant to section 1306 of the Santa Barbara City Charter and Elections Code section 4108, voters may cast ballots either by mail or in person; and the election shall be conducted pursuant to the applicable requirements of Chapter 2 of Division 4 (commencing with section 4100) of the California Elections Code only insofar as required by law. Ballots cast in this election shall be returned to the office of the City Clerk in the timeframe specified in Elections Code section 4103 (as amended by Stats. 2014, c. 618 [S.B. 29]).

SECTION 5. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections and the City Clerk is authorized and directed to take all necessary and appropriate actions related to the election.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

SECTION 7. 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 Direct Primary Election to be held on Tuesday, June 5, 2018, for the Council District election.

SECTION 8. 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 8. 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 9. 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 10. 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.

RESOLUTION NO. 18-010

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 February 6, 2018, by the following roll call vote:

AYES: Councilmembers Jason Dominguez, Eric Friedman, Kristen W. Sneddon; Mayor Cathy Murillo

NOES: Councilmembers Gregg Hart, Randy Rowse,

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 7, 2018.



Sarah P. Gorman, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on February 7, 2018.



Cathy Murillo
Mayor

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I, Allison Fore, Records Technician in and for the City of Santa Barbara, California, DO HEREBY CERTIFY that attached is a full, true and correct copy of City Council Resolution No. 18-010, adopted by the City Council of the City of Santa Barbara at their regular meeting held on February 6, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of said City to be affixed this 8th day of February, 2018.



(SEAL)

A handwritten signature in blue ink, appearing to read "Allison Fore", is written over a horizontal line.

Allison Fore
Records Technician