

## Olivia Uribe-Mutal

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**From:** Natalia Alarcon  
**Sent:** Monday, March 14, 2022 2:05 PM  
**To:** Jena Acos; Olivia Uribe-Mutal  
**Subject:** Fwd: District Elections

Whoops, it looks like at some point in this email trail Dave was dropped of the CC.

Jena, there is reference in the email trail in regards to the “committee”.

Thank you,

Natalia Alarcon  
City Council Member  
City of Carpinteria

Begin forwarded message:

**From:** RUSSELL RUIZ <ruizsblaw@cox.net>  
**Date:** March 4, 2022 at 6:52:54 PM PST  
**To:** Gail Marshall <camp.marshall@gmail.com>  
**Cc:** Natalia Alarcon <NataliaAlarcon@ci.carpinteria.ca.us>, Al Clark <AlClark@ci.carpinteria.ca.us>  
**Subject: Re: District Elections**  
**Reply-To:** RUSSELL RUIZ <ruizsblaw@cox.net>

**\*\*EXTERNAL EMAIL\*\***

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Could not agree with you more Gail.

Thank You

Russell

On March 4, 2022 at 6:37 PM Gail Marshall <camp.marshall@gmail.com> wrote:

I don't see that Map A2 interferes with the election of Latino candidates. What it does is gerrymander in order to provide seats for existing Council Members. This goes against the directives on the City's web page which states

expect writing a policy piece talking about the purpose of District Elections to promote diversity and our Plan A2 will not do that. For Inda I will focus on her Latina perspective and why A2 will deprive Latinos in District D of an opportunity to elect a Latino candidate.

I invite any and all suggestions for those Letters. I am thinking I will send them to Lanny Tuesday night or Wednesday.

I will submit my Memo once it is final. I am thinking of submitting it early to stir the pot., Maybe the 18th. Unlike my usual approach I may attend the hearing in person and read my Memo, but I will still submit the written email early.

That's it for now.

Let me know any ideas.

Thank,

Russell

## Olivia Uribe-Mutal

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**From:** Frank Ochoa <judgefrankochoa@gmail.com>  
**Sent:** Monday, March 14, 2022 12:53 PM  
**To:** Wade Nomura; Natalia Alarcon; Roy Lee; Gregg Carty; Al Clark; Dave Durflinger; Brian Barrett; carpinteriadistrictelections  
**Subject:** Carpinteria City Council-District Elections  
**Attachments:** City of Carpinteria Signed DEC Letter 3.14.22.pdf

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Dear Mayor and City Council Members: Please see an attached letter regarding your consideration of District Elections this evening.

Thank You,

*on. Frank J. Ochoa (Ret.)*

*Attorney/Arbitrator/Mediator*

**Of Counsel**

**Sanger Swysen & Dunkle**

***Santa Barbara Destination Dispute Resolution LLC***

222 East Carrillo St., Suite 300

Santa Barbara, CA 93101

Cell: (805) 451-1240

Office Telephone: (805) 962-4887

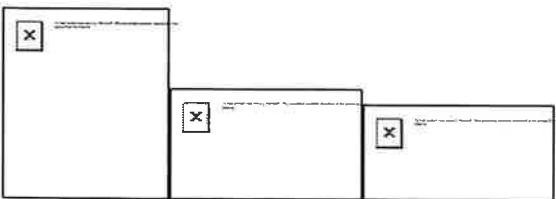
[www.frankochoa.com](http://www.frankochoa.com)

[www.destinationadr.com](http://www.destinationadr.com)

**Judge Ochoa's calendar-click here:** <http://www.nadn.org/frank-ochoa>

*"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser-in fees, expenses, and waste of time."*

*--Abraham Lincoln's advice to Lawyers.*



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# SANGER SWYSEN & DUNKLE

Attorneys at Law

March 14, 2022

Robert M. Sanger  
rsanger@sangerswysen.com  
Certified Criminal Law Specialist\*

Catherine J. Swysen  
cswysen@sangerswysen.com

Stephen K. Dunkle  
sdunkle@sangerswysen.com  
Certified Appellate Law Specialist\*

Miguel A. Avila  
mavila@sangerswysen.com

Sarah S. Sanger  
ssanger@sangerswysen.com

Hon. Frank J. Ochoa (Ret.)  
fochoa@sangerswysen.com  
Of Counsel

Rebekah K. Dillon  
rdillon@sangerswysen.com  
Licensed Private Investigator  
PI #29006

*\*Certified by the State Bar  
of California Board of  
Legal Specialization*

TO:

[WadeNomura@ci.carpinteria.ca.us](mailto:WadeNomura@ci.carpinteria.ca.us)  
[NataliaAlacrong@ci.carpinteria.ca.us](mailto:NataliaAlacrong@ci.carpinteria.ca.us)  
[RoyLee@ci.carpinteria.ca.us](mailto:RoyLee@ci.carpinteria.ca.us)  
[AlClark@ci.carpinteria.ca.us](mailto:AlClark@ci.carpinteria.ca.us)  
[GreggCarty@ci.carpinteria.ca.us](mailto:GreggCarty@ci.carpinteria.ca.us)

CC:

[daved@ci.carpinteria.ca.us](mailto:daved@ci.carpinteria.ca.us)  
[brianb@ci.carpinteria.ca.us](mailto:brianb@ci.carpinteria.ca.us)  
[CarpinteriaDistrictElections@ci.carpinteria.ca.us](mailto:CarpinteriaDistrictElections@ci.carpinteria.ca.us)

Re: District Elections, City of Carpinteria

Dear Mayor and Council:

It is our understanding that the City Council will vote on a motion of reconsideration at your meeting this evening to give your consultant direction to prepare a map of city council districts that will more fully incorporate community input and discussion. We would strongly encourage you to approve this motion.

The California Voting Rights Act (CVRA) is landmark legislation that has resulted in the transition of hundreds of city councils, school boards, and school districts throughout the state to district elections. We believe that a map that would allow further consideration of how best to meet the purposes of the CVRA will be to the benefit of Carpinteria.

Thank you for your consideration.

Very truly yours,

Hon. Frank J. Ochoa (Ret.)  
On behalf of the District Elections Committee

Santa Barbara Office | 222 East Carrillo Street, Suite 300 | Santa Barbara, California 93101  
Ph (805) 962-4887 | Fx (805) 963-7311 | [www.sangerswysen.com](http://www.sangerswysen.com)

Santa Maria Office | 301 East Cook Street, Suite A | Santa Maria, California 93454

## Olivia Uribe-Mutal

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**From:** Gregg Carty  
**Sent:** Saturday, March 12, 2022 11:10 PM  
**To:** Olivia Uribe-Mutal  
**Subject:** Fwd: Please vote to reconsider/amend redistricting motion and vote

Sent from my iPhone

Begin forwarded message:

**From:** Jane Taber <ja4tab@aol.com>  
**Date:** March 12, 2022 at 7:32:24 AM PST  
**To:** Gregg Carty <GreggCarty@ci.carpinteria.ca.us>  
**Subject:** Please vote to reconsider/amend redistricting motion and vote  
**Reply-To:** Jane Taber <ja4tab@aol.com>

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Hi Gregg,

I see that there's a March 14 city council agenda item to reconsider and/or amend the Feb. 28 redistricting motion and vote and I am writing to urge you to support reopening this discussion and including more maps in the decision process.

I live in the Arbol Verde neighborhood and don't have a "dog in this fight" over where the lines are drawn on the other side of the freeway. I do, however, have deep concerns about transparency and public trust. When Councilman Lee publicly stated at the Jan. 28 meeting that he felt it was important to draw the redistricting lines so that the current council remained in place (1:45:00 on the video transcript)— a practice that the city attorney explained was illegal — alarm bells began to ring.

Then, at the Feb. 28 meeting, Councilman Lee proposed a motion that only one map (which separated what would be his district from that of Mayor Nomura) be included for public consideration — despite suggestions of gerrymandering by Councilman Clark and a plea for "tweaks" by Councilwoman Alarcon — you seconded the motion, which led to a quick 3-2 vote that apparently shut down all other options and left your fellow council members' concerns unaddressed.

Now members of the public have written letters to CVN suggesting that self-interest may be trumping public interest. It is vital that this process -- the results of which we will all have to live with for 10 years — be thoroughly vetted. Let's see the "cleaned up" map that other council members have requested and be given the chance to decide what's best for Carpinteria, letting the political chips fall where they may.

It is clear that you deeply care about this city and you have always indicated that you appreciate hearing from the public. I wouldn't have written if I didn't think you would listen.

Thanks for your many years of service.

Jane Taber

## **Agenda Item 12 Public Comment**

Amrita Salm [amritaincarp@gmail.com]

**Sent:** Monday, March 14, 2022 11:53 AM

**To:** Public Comment

**Cc:** Wade Nomura [wade@wadenomura.com]; Al Clark [al.clark2@verizon.net]; Gregg Carty [greggnt9@netscape.net]; Roy Lee (Roirock81@yahoo.com); nataliamalarcon@gmail.com

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Mayor & City Council Members,

I am writing again since I have only heard from one City Council member from my earlier email about the District Maps.

Please consider supporting a motion to discuss more than Map A2 which is not the best map to improve representation.

Thank you,  
Amrita M. Salm, Ph.D.

## Brian Barrett

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**From:** Dave Durlinger  
**Sent:** Wednesday, March 2, 2022 11:01 AM  
**To:** Brian Barrett; Olivia Uribe-Mutal  
**Subject:** FW: Map A2

Please post with other District Elections materials for the record.

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**From:** al clark <al.clark2@verizon.net>  
**Sent:** Wednesday, March 2, 2022 8:07 AM  
**To:** Dave Durlinger <daved@ci.carpinteria.ca.us>  
**Subject:** Fwd: Map A2

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Hi Dave - I would like to have the district map selection process brought back to the March 14 meeting so as to entertain a wider selection maps so as to avoid the appearance of gerrymandering Many thanks and Best regards, Al

Begin forwarded message:

**From:** Gail Marshall <[camp.marshall@gmail.com](mailto:camp.marshall@gmail.com)>  
**Subject:** Map A2  
**Date:** March 2, 2022 at 8:01:54 AM PST  
**To:** Wade Normura <[wade@wadenomura.com](mailto:wade@wadenomura.com)>, [greggnt9@netscape.net](mailto:greggnt9@netscape.net), Roy Lee <[roirock81@gmail.com](mailto:roirock81@gmail.com)>  
**Cc:** Natalia Alarcon <[nataliaalarcon@ci.carpinteria.ca.us](mailto:nataliaalarcon@ci.carpinteria.ca.us)>, [al.clark2@verizon.net](mailto:al.clark2@verizon.net)

**The purpose of this email correspondence is to request either the Mayor or two other Council Members bring back the redistricting maps at the next Carpinteria Council meeting for reconsideration.**

The definition of gerrymandering is "to achieve a result by manipulating the boundaries of an electoral constituency".

To speak to Roy saying the map "did not look gerrymandered to him", I will just say that you would have to be blind not to notice the lines are drawn to assure both you and Wade do not lose your seat on the Council.

To Wade, I guess I should not be surprised but I am. I gave you more credit than to be this blatant. We do not always agree on issues but I thought you were a fair minded person. This is not a fair-minded outcome.

To Gregg, is this what you want to be your legacy? I see Carpinteria as different.

I don't see the City of Carpinteria pulling a move like this. Ensuring that two of your friends on the Council have an electoral district moving forward even though the lines are ridiculously obvious. Yes, it will withstand a lawsuit - sure. But your reputation will not withstand the scrutiny that comes out of this. Your support of Map A-2 says that Carpinteria is in fact not different than any other blatantly political entity. Too bad!

Interesting that no one tried to make sure both Gregg and Al remained in viable districts. No, I don't want to see that map.

If the Council majority is truly looking at the best interests of Carpinteria you will bring this back to Council for another look at all 4 remaining maps. This districting process is no one's preference for such a small city. But what is done now will stand for another 10 years until the next decennial count. And at that time, what kind of precedent will have been set?

Gail Marshall



**Brian Barrett**

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**From:** noreply@granicusideas.com  
**Sent:** Wednesday, March 9, 2022 8:16 PM  
**To:** Olivia Uribe-Mutal; Brian Barrett  
**Subject:** Possible SPAM: New eComment for City Council Regular Meeting

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## New eComment for City Council Regular Meeting

Russell Ruiz submitted a new eComment.

Meeting: City Council Regular Meeting

Item: 2. Adoption of Resolution No. 6108, congratulating Peter Brown on his retirement and commending and thanking him for 36 years of loyal and dedicated service to the City of Carpinteria. (Following the presentation the Council will recess to the patio for cake.)

eComment: Maybe we should ask Peter what he thinks about our Gerrymandered District Election Map since he will be here. Peter was the best City Attorney in Santa Barbara County throughout his tenure here and we were lucky to have him. That is saying something as I was good friends and professional colleague to many of the best over the past 3 decades, including Fred Clough, Steve Amerikaner and others who were Peter's contemporaries.

[View and Analyze eComments](#)

This email was sent from <https://granicusideas.com>.

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## Brian Barrett

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**From:** Dave Durflinger  
**Sent:** Wednesday, March 2, 2022 11:00 AM  
**To:** Olivia Uribe-Mutal; Brian Barrett  
**Subject:** FW: District mapping

Please post with other District Elections materials for the record.

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**From:** Fred Shaw <fredshaw4carp@gmail.com>  
**Sent:** Wednesday, March 2, 2022 10:52 AM  
**To:** Wade Nomura <WadeNomura@ci.carpinteria.ca.us>; Roy Lee <roylee@ci.carpinteria.ca.us>; Natalia Alarcon <nataliamalarcon@gmail.com>; Al Clark <AlClark@ci.carpinteria.ca.us>; Gregg Carty <GreggCarty@ci.carpinteria.ca.us>  
**Cc:** Dave Durflinger <daved@ci.carpinteria.ca.us>  
**Subject:** District mapping

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Mayor and Councilmembers,

While overall I am in support of Map A2 I have a couple of concerns. First I would like to know what "tweaks" would be made to this map. I know both Vice Mayor Clark and Councilmember Alarcon brought this up. Also it appears that at the eastern edge of Section B there is a split between the two sides of a street in the Pacific Village area. The northern side is in Section B and the southern side is in Section D. I have seen this done between City/County borders and it is generally not a good idea. Across the street neighbors definitely have a commonality of interest. I don't think this occurs anywhere else in Map A2. Perhaps Julia could speak to that. In any event I thank you all for your hard work on this. I know you will do your best as you arrive at a final District Map.

Fred

## Brian Barrett

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**From:** RUSSELL RUIZ <ruizsblaw@cox.net>  
**Sent:** Monday, February 28, 2022 8:30 PM  
**To:** Wade Nomura; Natalia Alarcon; Roy Lee; Al Clark; Gregg Carty  
**Cc:** Dave Durlinger; Brian Barrett; coastal view; carpinteriadistrictelections; Gail Marshall; Jim Reginato; Lanny Ebenstein; CVA; Nick Welsh; Joshua Molina  
**Subject:** Re: District Elections/ Council Agenda February 28, 2022/ Agenda Item #15

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I give up. I tried to help but I am getting used to being ignored in my hometown. I seem to be perceived by some as a newcomer here but I want to remind you that I am an 8th generation South Coast local. My Dad Ernie Ruiz was good friends with "Mayor" Ernie Wullbrandt before the City was established and I am good friends with his son and fellow 8th generation South Coast local Chip Wullbrandt. I first lived in Carpinteria in 1974 when I was attending UCSB. I believe that was longer ago than any Council Member except Gregg Carty whose family moved here to take a new job. when Gregg was a child.

That was a very disappointing hearing. I have told you repeatedly that I am not a District Election advocate so who knows what the advocates will do now that you have ignored them as well. I know because I have dealt with attorneys much more experienced in this area of Law than our current City Attorney and our young Consultant, I was not impressed with the legal guidance you received tonight. I did that job in an equally challenging field of local Water for 30 years. I have to believe Peter Brown would have taken a different approach. I advised certain Council Members previously that you received incorrect "legal" advice from our Consultant who is not supposed to offer legal advice, on the question of considering ethnic demography in this process. Our Consultant stated that you never gave them that direction so they did not consider it. When did you receive the Staff Report that covered that issue and were asked to vote on it? It did not happen and it is a concept I have never heard before in the 8 years that I have been following this area of the Law.

As you know on something this important it is terrible for our City that the vote was 3-2. The two most knowledgeable Council Members after two years of education and effort, were ignored. At least I have company in that regard. Whether you like it or not we will in fact have a new Council in the coming years. Two Council Members currently live in District E and two of you live in District D. Only two of you can get re-elected. Hopefully I will have a better reception from that new Council.

I hope you don't face litigation over this but I would not guarantee it.

Good luck.

Russell Ruiz

On February 26, 2022 at 12:06 PM RUSSELL RUIZ <ruizsblaw@cox.net> wrote:

I said most of what I had to say in my previous Comment. I was considering reading the following as Public Comment live at the meeting Monday night. As that is not my favorite forum and in my professional experience, not the most effective, I decided instead to say this here. My prior Comments are what you would read in a litigation proceeding arguing the Law and the facts for why I believe that Census block West of Casitas Pass that in Plan A2 is in District D, should instead be in District B. I stand by those points.

Here I want to address the practical reality of this decision before you. I expect no one participating in this forum would argue with me that the Mayor will be re-elected no matter where we place his neighborhood. I know the consultant has advised you that you are not supposed to consider the residences of current Council Members when drawing District Maps. I can tell you from personal practical experience, everyone does it and whether you want to admit it or not, I know you all have. That is normal human nature.

My point here is that if the Mayor's neighborhood is placed in District B where it belongs he will continue to represent our City for as long as he is willing to serve and I will be able to vote for him again, and we will have a new Council Member out of District D. If the Mayor's neighborhood is placed in District D where Plan A2 currently has it, he will be re-elected and we will not have a new Council Member representing District D, our highest percentage Latino population District.

That is the decision before you as a realistic, practical, political matter, for the foreseeable future of our City.

Thank you,

Russell Ruiz

On February 24, 2022 at 5:22 PM RUSSELL RUIZ <ruizsblaw@cox.net> wrote:

Honorable Members of the Council:

I support the Clark Map #79756. It cleans up the messy parts of Plan A2 which I will assume as we start here, is the Council majority preferred Map.

I find the Staff Report selection of Maps for consideration surprising and troubling. The Clark Map didn't even make the cut for consideration? Who made that decision? As your Council rejected Plan A at the last hearing and you now have before you A2 in its place, it appears to me that A2 and D are the same Map? If that is correct and A has been effectively replaced by A2, what you are asked to consider is only A2, B and C? Plan B is my Map that saw no support at your last hearing besides Council

Member Alarcon and so I will not waste our time trying to garner majority support for it. I learned early in my career how to count to 3. I hope as I discuss the problems with A2 here, which I expected to be the Staff preferred Map as I prepared this Memo, you will see the significant problems with Plan C that is even worse than A2 in proposing to mix the low income, highly Latino neighborhood above the freeway and East of Casitas Pass, with the Lily White Beach neighborhood of Concha Loma. I can assure you that Plan C is a guarantee to invite litigation, as I discuss here related to Plan A2 and for the same reasons.

I will focus my discussion here on a choice between A2 and the Clark Map #79756.

There is no appropriate justification for the jig saw internal boundaries on the West sides of Plan A2 Districts B and D, other than they are census blocks. We know that census blocks are not determinative for the purpose of drawing District Election Maps that comply with the California Voting Rights Act ("CVRA") and at a City the size of ours, they cannot be. I hope you will give some deference to the Committee Members who put in a substantial amount of work on this matter, over a significant period of time, more than 2 years. This census block issue was discussed at length at Committee meetings and we know it is not determinative for the purpose of drawing appropriate District Election Maps. I either watched or attended each of our Committee meetings. It makes the Consultant's job easier if you use census blocks on District R, but making the Consultant's job easier is not our goal here. I want to thank the Committee Members for all their work on this.

I think it would be helpful for you to take a look at the City of Goleta Council favored Map. As you know I have at this point substantial experience with the District Election process locally. In addition to participating in and observing several local governments go through the process over the past 8 years, over this past year I have been closely following the City of Goleta process, which is also preparing for the November 2022 election. When I was working I always followed what other jurisdictions were doing on the same process that my clients were going through. Goleta's Council proposed Map has no internal jigsaw boundaries between Districts like Plan A2. They have census blocks in Goleta just like we do but no jig saw internal boundaries on their proposed Map. I am not accusing anyone of anything because we have not received any explanation for that odd shaped boundary, nor why that census block was placed in the East District D instead of where it belongs and would make sense in District B. That census block West of Casitas Pass appears to encompass the residences of two of our Council Members? If that is a coincidence it is quite a coincidence?

It is difficult to see the exact detail where some of these proposed boundaries are supposed to be. I know I am getting old but I do not need reading glasses and I cannot see, for example, where the West boundary of Plan C District E is.

As to Plan A2 I will ask the question: What do the high end neighborhoods at Hales Lane and Cameo Rd. and the rest of that jig saw shaped area west of Casitas Pass over to Linden, have in common (Community of Interest) with the affordable condos and mobilehomes, with a high Latino population, that otherwise comprise District D, East of Casitas Pass? All of those properties West of Casitas Pass are single family homes worth well over \$1,000,000.00, many of them with swimming pools. Except for the community pool at the mobilehome parks we do not see many swimming pools in the residential neighborhood East of Casitas Pass, nor many single family homes. Residential property values are an appropriate consideration in determining Communities of Interest for this

purpose of drawing appropriate District Election Maps. I expect the homes in that proposed District D area West of Casitas Pass, are double or even triple the value of the condos and mobilehomes in District D East of Casitas Pass. On the other hand that census block West of Casitas Pass has everything in common with the Clark Map Central District, and/or District B in Plan A2 and that is where those neighborhoods belong.

In addition to the other points I make here, playing around with DistrictR again I see that census block West of Casitas Pass is only 27% Latino while the rest of that East District D is 55% Latino. That should be determinative here and I expect the Proponents who are responsible for initiating this process, and are parties to the Settlement Agreement with the City, and their attorney would concur. I expect we will learn that shortly if you select Plan A2. Their original allegation was racially polarized voting and this kind of issue was their target. They want the two majority Latino Districts, the West end District A and the East end District D to be able to elect candidates of their choice without having their vote "diluted" by majority "White" neighborhood voters. That is the whole concept behind Communities of Interest and the intended Legislative purpose of the CVRA by those responsible for its enactment. Whether you like the Law or not, it is the Law and that is why we are here. After all this time and effort, I hope you will not do something that would cause the Proponents to file a lawsuit that I know our City Attorney would advise you we cannot win, just as they did when this all started 4 1/2 years ago.

If the Council is going to pick Plan A2, please explain why it is superior in your view, to the Clark Map #79756. At the last hearing 3 of you stated you "like" Plan A but there was no explanation why. Why do you "like" Plan A2 over Plan B or the Clark Map? Without that context the Public has no idea what you are thinking or why, and if we might want to Comment. The whole purpose of this drawn out process over many months, mandatory Noticing and at least four hearings is so the Public can be informed what you are thinking and why, and we can Comment accordingly. Up to this point we have received nothing concrete from your Council or Staff. Council Member Clark took the time at the last hearing to explain some of his thinking that went into his Map. Is the Consultant and our City Attorney going to take the time to explain in detail at this hearing why they are proposing Plan A2? It is going to be difficult for them to run away from that recommendation considering the prominence it received in the full page adds in Coastal View the last two weeks, and the limited alternatives provided in this Staff Report. The Public needs that explanation. We will live with this Map for at least the next 10 years and at our City, I expect it may never significantly change so let's make sure we get this right.

I will again encourage you to start the discussion about the Order of Elections (some jurisdictions use the term "Sequence of Elections"). It is one of the most important steps in the process. You have not discussed it at all nor received a Staff Report on the issue at a Council meeting. It should not be put off for last minute consideration at the last hearing in March. Scheduling it that way was a mistake in my view and I have been through this exercise before. The Carpinteria School District and the City of Goleta have already indicated their Order of Elections preference so the Public has an opportunity to Comment. Again the Public needs to hear from you now so we know if we want to Comment for the final hearing when you will make this important decision. As I stated last month, assuming for this discussion you approve the Clark Map, which I hope is where we land, I strongly encourage you to place on the ballot Districts C, D and E. If you do so, next year all 5 Districts will be represented by a resident Council Member and

that should be an important consideration for you. It would also avoid a potentially messy situation in 2024.

To conclude I support the Clark Map as a reasonable compromise of the competing proposals. I can almost assure you that selecting Plan A2 or C will result in litigation from the Proponents, litigation that our City Attorney will advise you we cannot win. No Public Agency in the State of California has ever prevailed in a District Election lawsuit and I can assure you we will not be the first and it could cost us a million dollars to find out. If the majority is going to go with Plan A2 I would be very interested to hear what the issue is that provokes you to make that decision and risk the consequences, when the Clark Map is very similar except for the fatal flaw in A2 District D that I have identified here.

Thank you,

Respectfully submitted,

Russell Ruiz

On January 28, 2022 at 11:17 AM RUSSELL RUIZ <ruizsblaw@cox.net>  
wrote:

On January 25, 2022 at 2:40 PM RUSSELL RUIZ  
<ruizsblaw@cox.net> wrote:

On January 20, 2022 at 8:43 PM  
RUSSELL RUIZ <ruizsblaw@cox.net>  
wrote:

## Brian Barrett

---

**From:** RUSSELL RUIZ <ruizsblaw@cox.net>  
**Sent:** Monday, February 28, 2022 8:30 PM  
**To:** Wade Nomura; Natalia Alarcon; Roy Lee; Al Clark; Gregg Carty  
**Cc:** Dave Durlinger; Brian Barrett; coastal view; carpinteriadistrictelections; Gail Marshall; Jim Reginato; Lanny Ebenstein; CVA; Nick Welsh; Joshua Molina  
**Subject:** Re: District Elections/ Council Agenda February 28, 2022/ Agenda Item #15

**\*\*EXTERNAL EMAIL\*\***

CAUTION: This email originated from outside the City of Carpinteria. DO NOT OPEN attachments or CLICK on links unless you are sure they are safe. Remember, reputable vendors, banks, etc. will not ask you to disclose passwords or other sensitive information.

I give up. I tried to help but I am getting used to being ignored in my hometown. I seem to be perceived by some as a newcomer here but I want to remind you that I am an 8th generation South Coast local. My Dad Ernie Ruiz was good friends with "Mayor" Ernie Wullbrandt before the City was established and I am good friends with his son and fellow 8th generation South Coast local Chip Wullbrandt. I first lived in Carpinteria in 1974 when I was attending UCSB. I believe that was longer ago than any Council Member except Gregg Carty whose family moved here to take a new job. when Gregg was a child.

That was a very disappointing hearing. I have told you repeatedly that I am not a District Election advocate so who knows what the advocates will do now that you have ignored them as well. I know because I have dealt with attorneys much more experienced in this area of Law than our current City Attorney and our young Consultant, I was not impressed with the legal guidance you received tonight. I did that job in an equally challenging field of local Water for 30 years. I have to believe Peter Brown would have taken a different approach. I advised certain Council Members previously that you received incorrect "legal" advice from our Consultant who is not supposed to offer legal advice, on the question of considering ethnic demography in this process. Our Consultant stated that you never gave them that direction so they did not consider it. When did you receive the Staff Report that covered that issue and were asked to vote on it? It did not happen and it is a concept I have never heard before in the 8 years that I have been following this area of the Law.

As you know on something this important it is terrible for our City that the vote was 3-2. The two most knowledgeable Council Members after two years of education and effort, were ignored. At least I have company in that regard. Whether you like it or not we will in fact have a new Council in the coming years. Two Council Members currently live in District E and two of you live in District D. Only two of you can get re-elected. Hopefully I will have a better reception from that new Council.

I hope you don't face litigation over this but I would not guarantee it.

Good luck.

Russell Ruiz

On February 26, 2022 at 12:06 PM RUSSELL RUIZ <ruizsblaw@cox.net> wrote:



I said most of what I had to say in my previous Comment. I was considering reading the following as Public Comment live at the meeting Monday night. As that is not my favorite forum and in my professional experience, not the most effective, I decided instead to say this here. My prior Comments are what you would read in a litigation proceeding arguing the Law and the facts for why I believe that Census block West of Casitas Pass that in Plan A2 is in District D, should instead be in District B. I stand by those points.

Here I want to address the practical reality of this decision before you. I expect no one participating in this forum would argue with me that the Mayor will be re-elected no matter where we place his neighborhood. I know the consultant has advised you that you are not supposed to consider the residences of current Council Members when drawing District Maps. I can tell you from personal practical experience, everyone does it and whether you want to admit it or not, I know you all have. That is normal human nature.

My point here is that if the Mayor's neighborhood is placed in District B where it belongs he will continue to represent our City for as long as he is willing to serve and I will be able to vote for him again, and we will have a new Council Member out of District D. If the Mayor's neighborhood is placed in District D where Plan A2 currently has it, he will be re-elected and we will not have a new Council Member representing District D, our highest percentage Latino population District.

That is the decision before you as a realistic, practical, political matter, for the foreseeable future of our City.

Thank you,

Russell Ruiz

On February 24, 2022 at 5:22 PM RUSSELL RUIZ <ruizsblaw@cox.net> wrote:

Honorable Members of the Council:

I support the Clark Map #79756. It cleans up the messy parts of Plan A2 which I will assume as we start here, is the Council majority preferred Map.

I find the Staff Report selection of Maps for consideration surprising and troubling. The Clark Map didn't even make the cut for consideration? Who made that decision? As your Council rejected Plan A at the last hearing and you now have before you A2 in its place, it appears to me that A2 and D are the same Map? If that is correct and A has been effectively replaced by A2, what you are asked to consider is only A2, B and C? Plan B is my Map that saw no support at your last hearing besides Council Member Alarcon and so I will not waste our time trying to garner majority support for it. I learned early in my career how to count to 3. I hope as I discuss the problems with A2 here, which I expected to be the Staff preferred Map as I prepared this Memo, you will see the significant problems with Plan C that is even worse than A2 in proposing to mix the low income, highly Latino neighborhood above the freeway and East of Casitas Pass, with the lily White Beach neighborhood of Concha Loma. I can assure you

that Plan C is a guarantee to invite litigation, as I discuss here related to Plan A2 and for the same reasons.

I will focus my discussion here on a choice between A2 and the Clark Map #79756.

There is no appropriate justification for the jig saw internal boundaries on the West sides of Plan A2 Districts B and D, other than they are census blocks. We know that census blocks are not determinative for the purpose of drawing District Election Maps that comply with the California Voting Rights Act ("CVRA") and at a City the size of ours, they cannot be. I hope you will give some deference to the Committee Members who put in a substantial amount of work on this matter, over a significant period of time, more than 2 years. This census block issue was discussed at length at Committee meetings and we know it is not determinative for the purpose of drawing appropriate District Election Maps. I either watched or attended each of our Committee meetings. It makes the Consultant's job easier if you use census blocks on DistrictR, but making the Consultant's job easier is not our goal here. I want to thank the Committee Members for all their work on this.

I think it would be helpful for you to take a look at the City of Goleta Council favored Map. As you know I have at this point substantial experience with the District Election process locally. In addition to participating in and observing several local governments go through the process over the past 8 years, over this past year I have been closely following the City of Goleta process, which is also preparing for the November 2022 election. When I was working I always followed what other jurisdictions were doing on the same process that my clients were going through. Goleta's Council proposed Map has no internal jigsaw boundaries between Districts like Plan A2. They have census blocks in Goleta just like we do but no jig saw internal boundaries on their proposed Map. I am not accusing anyone of anything because we have not received any explanation for that odd shaped boundary, nor why that census block was placed in the East District D instead of where it belongs and would make sense in District B. That census block West of Casitas Pass appears to encompass the residences of two of our Council Members? If that is a coincidence it is quite a coincidence?

It is difficult to see the exact detail where some of these proposed boundaries are supposed to be. I know I am getting old but I do not need reading glasses and I cannot see, for example, where the West boundary of Plan C District E is.

As to Plan A2 I will ask the question: What does the high end neighborhoods at Hales Lane and Cameo Rd. and the rest of that jig saw shaped area west of Casitas Pass over to Linden, have in common (Community of Interest) with the affordable condos and mobilehomes, with a high Latino population, that otherwise comprise District D, East of Casitas Pass? All of those properties West of Casitas Pass are single family homes worth well over \$1,000,000.00, many of them with swimming pools. Except for the community pool at the mobilehome parks we do not see many swimming pools in the residential neighborhood East of Casitas Pass, nor many single family homes. Residential property values are an appropriate consideration in determining Communities of Interest for this purpose of drawing appropriate District Election Maps. I expect the homes in that proposed District D area West of Casitas Pass, are double or even triple the value of the condos and mobilehomes in District D East of Casitas Pass. On the other hand that census block West of Casitas Pass has everything in common with the Clark Map Central District, and/or District B in Plan A2 and that is where those neighborhoods belong.

In addition to the other points I make here, playing around with DistrictR again I see that census block West of Casitas Pass is only 27% Latino while the rest of that East District D is 55% Latino. That should be determinative here and I expect the Proponents who are responsible for initiating this process, and are parties to the Settlement Agreement with the City, and their attorney would concur. I expect we will learn that shortly if you select Plan A2. Their original allegation was racially polarized voting and this kind of issue was their target. They want the two majority Latino Districts, the West end District A and the East end District D to be able to elect candidates of their choice without having their vote "diluted" by majority "White" neighborhood voters. That is the whole concept behind Communities of Interest and the intended Legislative purpose of the CVRA by those responsible for its enactment. Whether you like the Law or not, it is the Law and that is why we are here. After all this time and effort, I hope you will not do something that would cause the Proponents to file a lawsuit that I know our City Attorney would advise you we cannot win, just as they did when this all started 4 1/2 years ago.

If the Council is going to pick Plan A2, please explain why it is superior in your view, to the Clark Map #79756. At the last hearing 3 of you stated you "like" Plan A but there was no explanation why. Why do you "like" Plan A2 over Plan B or the Clark Map? Without that context the Public has no idea what you are thinking or why, and if we might want to Comment. The whole purpose of this drawn out process over many months, mandatory Noticing and at least four hearings is so the Public can be informed what you are thinking and why, and we can Comment accordingly. Up to this point we have received nothing concrete from your Council or Staff. Council Member Clark took the time at the last hearing to explain some of his thinking that went into his Map. Is the Consultant and our City Attorney going to take the time to explain in detail at this hearing why they are proposing Plan A2? It is going to be difficult for them to run away from that recommendation considering the prominence it received in the full page adds in Coastal View the last two weeks, and the limited alternatives provided in this Staff Report. The Public needs that explanation. We will live with this Map for at least the next 10 years and at our City, I expect it may never significantly change so let's make sure we get this right.

I will again encourage you to start the discussion about the Order of Elections (some jurisdictions use the term "Sequence of Elections"). It is one of the most important steps in the process. You have not discussed it at all nor received a Staff Report on the issue at a Council meeting. It should not be put off for last minute consideration at the last hearing in March. Scheduling it that way was a mistake in my view and I have been through this exercise before. The Carpinteria School District and the City of Goleta have already indicated their Order of Elections preference so the Public has an opportunity to Comment. Again the Public needs to hear from you now so we know if we want to Comment for the final hearing when you will make this important decision. As I stated last month, assuming for this discussion you approve the Clark Map, which I hope is where we land, I strongly encourage you to place on the ballot Districts C, D and E. If you do so, next year all 5 Districts will be represented by a resident Council Member and that should be an important consideration for you. It would also avoid a potentially messy situation in 2024.

To conclude I support the Clark Map as a reasonable compromise of the competing proposals. I can almost assure you that selecting Plan A2 or C will result in litigation from the Proponents, litigation that our City Attorney will advise you we cannot win. No Public Agency in the State of California has ever prevailed in a District Election lawsuit

and I can assure you we will not be the first and it could cost us a million dollars to find out. If the majority is going to go with Plan A2 I would be very interested to hear what the issue is that provokes you to make that decision and risk the consequences, when the Clark Map is very similar except for the fatal flaw in A2 District D that I have identified here.

Thank you,

Respectfully submitted,

Russell Ruiz

On January 28, 2022 at 11:17 AM RUSSELL RUIZ <ruizsblaw@cox.net>  
wrote:

On January 25, 2022 at 2:40 PM RUSSELL RUIZ  
<ruizsblaw@cox.net> wrote:

On January 20, 2022 at 8:43 PM  
RUSSELL RUIZ <ruizsblaw@cox.net>  
wrote:

## Brian Barrett

---

**From:** lannyebenstein@aol.com  
**Sent:** Monday, February 28, 2022 3:45 PM  
**To:** Wade Nomura; Natalia Alarcon; Roy Lee; Al Clark; Gregg Carty  
**Cc:** Dave Durflinger; Brian Barrett; Public Comment; news@coastalview.com; carpinteriadistrictelections; camp.marshall@gmail.com; j.reggie@yahoo.com; info@carpinteriavalleyassociation.org; ruizsblaw@cox.net  
**Subject:** Re: District Elections/ Council Agenda February 28, 2022/ Agenda Item #15  
**Attachments:** Carpinteria CVRA Report.pdf

**\*\*EXTERNAL EMAIL\*\***

CAUTION: This email originated from outside the City of Carpinteria. DO NOT OPEN attachments or CLICK on links unless you are sure they are safe. Remember, reputable vendors, banks, etc. will not ask you to disclose passwords or other sensitive information.

Dear Mayor and Members of the Council,

This letter is in support of Russell Ruiz's recent emails to you on districting in the City of Carpinteria.

The City had a process of a Council subcommittee of two members who met for a number of months on these issues. Why has the map developed by the Council subcommittee essentially been discarded in the selection process?

It would be very unfortunate if the City of Carpinteria were to select a districting map on the basis of a 3-2 vote, with the members of the Council who are most knowledgeable of districting opposed to the final map.

I attach the report that the City of Carpinteria received with the notice of violation of California Voting Rights Act in 2017, as there has been turnover on the Council since that time and all members of the Council may not be familiar with this material.

Please reconsider your process and select a map that will meet the requirements of the California Voting Rights Act. This need not occur at your meeting this evening.

Thank you for your consideration.

Sincerely,  
Lanny Ebenstein, Ph.D.

-----Original Message-----

From: RUSSELL RUIZ <ruizsblaw@cox.net>  
To: Wade nomura <WadeNomura@ci.carpinteria.ca.us>; Natalia Alarcon <NataliaAlarcon@ci.carpinteria.ca.us>; Roy lee <RoyLee@ci.carpinteria.ca.us>; Al Clark <AlClark@ci.carpinteria.ca.us>; Gregg Carty <GreggCarty@ci.carpinteria.ca.us>  
Cc: Dave Durflinger <daved@ci.carpinteria.ca.us>; brian clerk <brianb@ci.carpinteria.ca.us>; Public Comment/Carp <PublicComment@ci.carpinteria.ca.us>; coastal view <news@coastalview.com>; District Elections <CarpinteriaDistrictElections@ci.carpinteria.ca.us>; Gail Marshall <camp.marshall@gmail.com>; Jim Reginato <j.reggie@yahoo.com>; Lanny Ebenstein <lannyebenstein@aol.com>; CVA <info@carpinteriavalleyassociation.org>; Nick Welsh <nick@independent.com>; Joshua Molina <jmolina@noozhawk.com>  
Sent: Sat, Feb 26, 2022 9:06 am  
Subject: Re: District Elections/ Council Agenda February 28, 2022/ Agenda Item #15

I said most of what I had to say in my previous Comment. I was considering reading the following as Public Comment live at the meeting Monday night. As that is not my favorite forum and in my professional experience, not the most effective, I decided instead to say this here. My prior Comments are what you would read in a litigation proceeding arguing the Law and the facts for why I believe that Census block West of Casitas Pass that in Plan A2 is in District D, should instead be in District B. I stand by those points.

Here I want to address the practical reality of this decision before you. I expect no one participating in this forum would argue with me that the Mayor will be re-elected no matter where we place his neighborhood. I know the consultant has advised you that you are not supposed to consider the residences of current Council Members when drawing District Maps. I can tell you from personal practical experience, everyone does it and whether you want to admit it or not, I know you all have. That is normal human nature.

My point here is that if the Mayor's neighborhood is placed in District B where it belongs he will continue to represent our City for as long as he is willing to serve and I will be able to vote for him again, and we will have a new Council Member out of District D. If the Mayor's neighborhood is placed in District D where Plan A2 currently has it, he will be re-elected and we will not have a new Council Member representing District D, our highest percentage Latino population District.

That is the decision before you as a realistic, practical, political matter, for the foreseeable future of our City.

Thank you,

Russell Ruiz

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I find the Staff Report selection of Maps for consideration surprising and troubling. The Clark Map didn't even make the cut for consideration? Who made that decision? As your Council rejected Plan A at the last hearing and you now have before you A2 in its place, it appears to me that A2 and D are the same Map? If that is correct and A has been effectively replaced by A2, what you are asked to consider is only A2, B and C? Plan B is my Map that saw no support at your last hearing besides Council Member Alarcon and so I will not waste our time trying to garner majority support for it. I learned early in my career how to count to 3. I hope as I discuss the problems with A2 here, which I expected to be the Staff preferred Map as I prepared this Memo, you will see the significant problems with Plan C that is even worse than A2 in proposing to mix the low income, highly Latino neighborhood above the freeway and East of Casitas Pass, with the lily White Beach neighborhood of Concha Loma. I can assure you that Plan C is a guarantee to invite litigation, as I discuss here related to Plan A2 and for the same reasons.

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Consultant's job easier if you use census blocks on DistrictR, but making the Consultant's job easier is not our goal here. I want to thank the Committee Members for all their work on this.

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As to Plan A2 I will ask the question: What does the high end neighborhoods at Hales Lane and Cameo Rd. and the rest of that jig saw shaped area west of Casitas Pass over to Linden, have in common (Community of Interest) with the affordable condos and mobilehomes, with a high Latino population, that otherwise comprise District D, East of Casitas Pass? All of those properties West of Casitas Pass are single family homes worth well over \$1,000,000.00, many of them with swimming pools. Except for the community pool at the mobilehome parks we do not see many swimming pools in the residential neighborhood East of Casitas Pass, nor many single family homes. Residential property values are an appropriate consideration in determining Communities of Interest for this purpose of drawing appropriate District Election Maps. I expect the homes in that proposed District D area West of Casitas Pass, are double or even triple the value of the condos and mobilehomes in District D East of Casitas Pass. On the other hand that census block West of Casitas Pass has everything in common with the Clark Map Central District, and/or District B in Plan A2 and that is where those neighborhoods belong.

In addition to the other points I make here, playing around with DistrictR again I see that census block West of Casitas Pass is only 27% Latino while the rest of that East District D is 55% Latino. That should be determinative here and I expect the Proponents who are responsible for initiating this process, and are parties to the Settlement Agreement with the City, and their attorney would concur. I expect we will learn that shortly if you select Plan A2. Their original allegation was racially polarized voting and this kind of issue was their target. They want the two majority Latino Districts, the West end District A and the East end District D to be able to elect candidates of their choice without having their vote "diluted" by majority "White" neighborhood voters. That is the whole concept behind Communities of Interest and the intended Legislative purpose of the CVRA by those responsible for its enactment. Whether you like the Law or not, it is the Law and that is why we are here. After all this time and effort, I hope you will not do something that would cause the Proponents to file a lawsuit that I know our City Attorney would advise you we cannot win, just as they did when this all started 4 1/2 years ago.

If the Council is going to pick Plan A2, please explain why it is superior in your view, to the Clark Map #79756. At the last hearing 3 of you stated you "like" Plan A but there was no explanation why. Why do you "like" Plan A2 over Plan B or the Clark Map? Without that context the Public has no idea what you are thinking or why, and if we might want to Comment. The whole purpose of this drawn out process over many months, mandatory Noticing and at least four hearings is so the Public can be informed what you are thinking and why, and we can Comment accordingly. Up to this point we have received nothing concrete from your Council or Staff. Council Member Clark took the time at the last hearing to explain some of his thinking that went into his Map. Is the Consultant and our City Attorney going to take the time to explain in detail at this hearing why they are proposing Plan A2? It is going to be difficult for them to run away from that recommendation considering the prominence it received in the full page adds in Coastal View the last two weeks, and the limited alternatives provided in this Staff Report. The Public needs that explanation. We will live with this Map for at least the next 10 years and at our City, I expect it may never significantly change so let's make sure we get this right.

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To conclude I support the Clark Map as a reasonable compromise of the competing proposals. I can almost assure you that selecting Plan A2 or C will result in litigation from the Proponents, litigation that our City Attorney will advise you we cannot win. No Public Agency in the State of California has ever prevailed in a District Election lawsuit and I can assure you we will not be the first and it could cost us a million dollars to find out. If the majority is going to go with Plan A2 I would be very interested to hear what the issue is that provokes you to make that decision and risk the consequences, when the Clark Map is very similar except for the fatal flaw in A2 District D that I have identified here.

Thank you,

Respectfully submitted,

Russell Ruiz



**Abridgment of**  
**Latino Voting Rights**

**and**

**Racially Polarized**  
**Voting**

**in the**

**City of Carpinteria**

**California Center for Public Policy**  
**June 2017**

# **Abridgment of Latino Voting Rights and Racially Polarized Voting in the City of Carpinteria**

## **Introduction**

According to the 2015 United States Census Bureau survey estimate of the City of Carpinteria's population, the city is currently 43.8 percent Hispanic or Latino. No Hispanic or Latino serves on the Carpinteria City Council at this time or has been elected since 2008, and few have served on the City Council since Carpinteria incorporated as a city in 1965. Also, in 2016, the Carpinteria Unified School District had a student enrollment that was approximately 72 percent Latino.

Abridgment of Latino voting rights and racially polarized voting characterize candidate elections and other electoral choices in the City of Carpinteria. This is reflected both in the paucity of Latino candidates who have sought election or been elected to the Carpinteria City Council and in other electoral choices in Carpinteria, both within the city and of government jurisdictions including the City of Carpinteria.

The United States Voting Rights Act and, especially, the California Voting Rights Act provide strong protections for members of protected classes to challenge at-large forms of election to government bodies in court and to replace them with district elections. Pursuant to the California Voting Rights Act: "An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class" (Sec. 14027).

To date, no political subdivision in California has prevailed in a challenge to its electoral system on the basis of the California Voting Rights Act. The current, at-large method of city council elections in the City of Carpinteria impairs the ability of a protected class to elect candidates of its choice and its ability to influence the outcome of elections. Therefore, district elections must be instituted in the City of Carpinteria.

14027. An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgment of the rights of voters who are members of a protected class.

The CVRA could not be more clear: An at-large method of election is **illegal** in California when it impairs the ability of a protected class to elect candidates of its choice or to influence the outcome of elections as a result of dilution of the vote or abridgment of the rights of voters who are members of the protected class. Upon showing dilution or abridgment of a protected class' voting rights, **at-large methods of election must be discontinued.**

According to Section 14028 of the CVRA: "A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision." In addition: "Other factors such as the history of discrimination" and "the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, ... are probative ... factors to establish a violation" of the CVRA (Sec. 14028(e)).

The CVRA is clear with respect to what the remedy for illegal at-large elections is: "Upon a finding of a violation ..., the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation" (Sec. 14029). Though the CVRA may here contemplate remedies for a violation of voting rights other than district elections, in fact, no remedy has been ordered by a California court for violation of the CVRA other than district elections.

**When, as in the City of Carpinteria, a political subdivision utilizes an illegal, at-large method of election, district elections must be instituted.**

To date, dozens of legal actions have been brought against cities and other political subdivisions in California for violation of the California Voting Rights Act, and all have been successful. The imposition of district elections in place of at-large elections is sweeping California as a result of the CVRA. According to the Rose Institute, 21 cities in California held their first district elections just in 2016. These cities, together with their Latino citizen voting age populations, are:<sup>2</sup>

are diluted;” and: “To prove a violation, plaintiffs ... do not need to show that members of a protected class live in a geographically compact area.”<sup>5</sup> The court also stated: “Curing vote dilution is a legitimate government interest.”<sup>6</sup>

The CVRA also states: “Proof of an intent on the part of the voters or elected officials to discriminate against a protected class is not required” (Section 14028(d)) to sustain a legal action brought pursuant to the California Voting Rights Act.

### **3. Abridgment of Latino Voting Rights and Racially Polarized Voting in the City of Carpinteria**

Since incorporation of Carpinteria as a city, abridgment of Latino voting rights and racially polarized voting have characterized elections. Only a handful of individuals of Latino descent have been elected to the Carpinteria City Council in the more than 50 years that Carpinteria has been a city. No Latino or Hispanic has been elected to the Carpinteria City Council since 2008.

The following chart shows the number of total candidates in each Carpinteria City Council election since 1994, the number of candidates elected, the number of Latino candidates, and the number of successful Latino candidates:

#### **Carpinteria City Council Elections Since 1994**

<u>Year</u>	<u>Total Cand.s</u>	<u>Success Cand.s</u>	<u>Lat. Cand.s</u>	<u>Success Lat. Cand.s</u>
1994	8	3	0	0
1996	6	2	2	0
1998	6	3	2	0
2000	4	2	1	0
2002	5	3	0	0
2004	4	2	1	1
2006	5	3	0	0
2008	4	2	1	1
2010	5	3	0	0
2012	5	2	0	0
2014	3	3	0	0
2016	<u>3</u>	<u>2</u>	<u>0</u>	<u>0</u>
<b>Total:</b>	<b>58</b>	<b>30</b>	<b>7</b>	<b>2</b>

the City of Carpinteria. At the local level, Measure S in 2014 in the Santa Barbara Community College District, a bond measure for educational facilities in the community college district and a ballot measure affecting the rights and privileges of members of a protected class, exhibited racially polarized voting in the City of Carpinteria. There is also evidence of racially polarized voting in other government jurisdictions encompassing the City of Carpinteria, including the Carpinteria Valley Water District, Carpinteria Unified School District, and Carpinteria Sanitary District.

Pursuant to the CVRA: “‘Racially polarized voting’ means voting in which there is a difference ... in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate” (Sec. 14026(e)). Also: “One circumstance that may be considered in determining a violation ... is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision” (Sec. 14028(a)).

Moreover: “Other factors such as ... denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, ... are probative, but not necessary factors to establish a violation” (Sec. 14028(e)). As well as the examples of abridgment of Latino voting rights and racially polarized voting previously outlined, there is ample evidence of the extent to which Latinos in Carpinteria bear the effects of past discrimination in areas such as education, employment, and health. These include poverty status, percentage of the population who speak English at home, home ownership, percentage of the population who have graduated from high school or college, health insurance coverage, and average income, among others. For example, in the 2015 United States Census Bureau survey estimate of the proportion of residents of the City of Carpinteria 25 years of age and older who have college degrees, this figure is estimated to be 51.6% for the white population, but merely 7.6% for the Latino population.

In the event this matter became the subject of litigation through a lawsuit being filed, it would be possible to establish many examples of abridgment of Latino voting rights and racially polarized voting in the City of Carpinteria. There

The Mexican presence in Carpinteria began to be felt by the 1920s. Labor was needed to repair the railroads, build roads, remove brush and rubble, and most significantly help farmers with the tending of their crops. The lemon industry in particular was a year-round business and benefited from a non-migratory labor pool.

Mexican families settling in Carpinteria were sometimes excluded from equal participation in the community. For example, 'Whites Only' policies were enforced in the seating arrangement at the local movie theater. Mexicans were prevented from buying real estate in certain areas of the community.<sup>12</sup>

Carpinteria's discriminatory past is, unfortunately, not merely of historical interest or relegated to the history books. As a result of its history of discrimination and segregation, school attendance, housing patterns, and community involvement have been affected to the present. Latinos did not become as involved in Carpinteria from the start of its municipal incorporation in 1965 as they otherwise would have. They were not part of the civic power structure, and therefore did not participate as much in city council elections or other municipal affairs. Latinos did not run for city council because they did not think they could win.

In the event this matter were to become the subject of litigation, longstanding members of the Carpinteria Latino community are prepared to provide testimony as to Carpinteria's history of discrimination and its lasting effects on Latino residents and their involvement in Carpinteria municipal affairs.

## **5. Attorney's Fees**

Pursuant to the CVRA: "In any action to enforce [the California Voting Rights Act] the court shall allow the prevailing plaintiff party ... a reasonable attorney's fee ... and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs" (Sec. 14030). In addition: "Prevailing defendant parties shall not recover any costs" (id.).

In recent years, many jurisdictions have had to pay hundreds of thousands and even millions of dollars in attorney's fees to prevailing plaintiff parties. For example, in the City of Santa Barbara, the city was required to pay \$599,500 in

against the City of Carpinteria for violation of the California Voting Rights Act. A draft complaint against the City of Carpinteria is included here as Attachment A and incorporated herein by this reference.

If the City of Carpinteria chooses a pre-litigation settlement, then, pursuant to Section 10010 of the California Elections Code, the process the City of Carpinteria must follow, as modified by the settlement, is:

1) Within 45 days of receipt of the certified letter notifying the City of Carpinteria that its method of conducting elections may violate the CVRA, the Carpinteria City Council must adopt a resolution outlining its intention to transition from at-large to district elections, specifying specific steps it will take to facilitate this transition, and estimating the time-frame for this transition.

2) If the Carpinteria City Council passes a resolution to this effect, a legal action may not be brought for another 90 days after the resolution's passage.

3) The Carpinteria City Council must then, within the 90 days, over a period of no more than 30 days hold two public hearings (before maps of districts are drawn) at which the public is invited to provide input concerning the composition of districts. Before these hearings, the City of Carpinteria should conduct outreach to the public, including to non-English-speaking communities, explaining the districting process and encouraging participation.

4) Following these two public hearings, the City of Carpinteria must publish and make available for release at least one draft map and the proposed sequence of elections to the new districts. The Carpinteria City Council must then, also within the 90 days, over a period of no more than 45 days hold two more public hearings at which the public is invited to provide input on the draft map or maps and proposed sequence of elections. The first version of a draft map must be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it must be published and made available to the public at least seven days before being adopted.

5) In determining the sequence of elections, the Carpinteria City Council must give special consideration to the purposes of the California Voting Rights Act. For this reason, it is very likely that among the first districts in which district elections will be held will be districts including high proportions of individuals from a protected class.

at-large elections nullified and new, special elections called to elect councilmembers from districts.

4) Ability of the Carpinteria City Council to draw the lines of districts both now and in the future rather than by the court or through a court-directed process.

5) Saving of plaintiffs' attorney fees and its own legal expenses by the City of Carpinteria, potentially saving hundreds of thousands or more than a million dollars to the City of Carpinteria.

These are only some of the advantages of a pre-litigation settlement. It should be noted that pursuant to Assembly Bill 2220 passed in 2016, no vote of the people is required to institute district elections in the City of Carpinteria, with or without an elective mayor. A copy of Assembly Bill 2220 is included here as Attachment D and incorporated herein by this reference.

### **8. Other Benefits of District Elections**

Even if the City of Carpinteria were not required to institute district elections pursuant to the California Voting Rights Act, there are many benefits of district elections which have been experienced in other communities. These include greater voter turn-out and participation. In some cities, including the City of Santa Barbara, turn-out in some precincts increased by one-quarter to one-third after district elections were instituted.

District elections bring government closer to the people. They result in representatives who are more knowledgeable of local problems and issues. Local voters have a member of the city council to whom they can turn on neighborhood issues, and councilmembers are able to focus on neighborhood issues more. There is a wider spectrum of views on the council and more representation from all geographic areas of the city. District elections lead to greater neighborhood identity.

District elections also result in less expensive political campaigns. It is easier for younger and lower socioeconomic candidates to run for office if they do not have to raise as much money. This results in less influence by special interests. By walking door to door and other inexpensive means, candidates can be elected who would not be elected in at-large elections.



## Endnotes

- <sup>1</sup> Justin Levitt et al., “Quiet Revolution in California Local Government Gains Momentum” (Claremont McKenna College: Rose Institute of State and Local Government, November 3, 2016), p. 1.
- <sup>2</sup> Id., p. 3. The Rose Institute remarks on the switch from at-large to district elections in California: “This quiet tectonic shift in local government is accelerating” (p. 1).
- <sup>3</sup> Id., p. 1.
- <sup>4</sup> Id., p. 2.
- <sup>5</sup> *Sanchez v. City of Modesto*, Court of Appeal, Fifth District, California, No. F048277 (December 6, 2006).
- <sup>6</sup> Id.
- <sup>7</sup> Marguerite Mary Leoni and Christopher E. Skinnell, “The California Voting Rights Act,” *Public Law Journal* (Vol. 32, No. 2, Spring 2009; Official Publication of the State Bar of California Public Law Section) (included here as Attachment E), p. A-26 in this report.
- <sup>8</sup> John D. McCafferty, *Aliso School: ‘For the Mexican Children’* (Santa Barbara, CA: McSeas Books, 2003), p. 6.
- <sup>9</sup> Id., p. 45.
- <sup>10</sup> Id., pp. 9-11.
- <sup>11</sup> Id., p. 119.
- <sup>12</sup> Jim Campos, Dave Moore, Tom Moore, Lou Panizzon, and the Carpinteria Valley Museum of History, *Carpinteria: Images of America* (Charleston, SC: Arcadia Publishing, 2007), p. 37.

**Brian Barrett**

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**From:** noreply@granicusideas.com  
**Sent:** Sunday, March 13, 2022 11:08 PM  
**To:** Olivia Uribe-Mutal; Brian Barrett  
**Subject:** Possible SPAM: New eComment for City Council Regular Meeting

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## New eComment for City Council Regular Meeting

Kevin Twohy submitted a new eComment.

Meeting: City Council Regular Meeting

Item: 12. At the Request of Councilmembers Alarcon and Clark, City Council to Determine Whether to Reconsider and/or Amend the Motion and Vote Made at the February 28, 2022 City Council Meeting Regarding the Selection of Map A2 as the Proposed Final Map for Consideration of Adoption at the City Council Meeting of March 28, 2022.

eComment: I am in favor of District map A-2 as proposed. I oppose any changes to A2 and oppose any other maps. I live in District B and believe the map is a fair representation for Carpinteria.

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**Brian Barrett**

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## New eComment for City Council Regular Meeting

Lorraine McIntire submitted a new eComment.

Meeting: City Council Regular Meeting

Item: 12. At the Request of Councilmembers Alarcon and Clark, City Council to Determine Whether to Reconsider and/or Amend the Motion and Vote Made at the February 28, 2022 City Council Meeting Regarding the Selection of Map A2 as the Proposed Final Map for Consideration of Adoption at the City Council Meeting of March 28, 2022.

eComment: I support moving forward with Map A-2 as is. I live in District D and I specifically drew District D the way it is presented on Map A-2.

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**Brian Barrett**

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## New eComment for City Council Regular Meeting

Robert Sedivy submitted a new eComment.

Meeting: City Council Regular Meeting

Item: 12. At the Request of Councilmembers Alarcon and Clark, City Council to Determine Whether to Reconsider and/or Amend the Motion and Vote Made at the February 28, 2022 City Council Meeting Regarding the Selection of Map A2 as the Proposed Final Map for Consideration of Adoption at the City Council Meeting of March 28, 2022.

eComment: We live on Star Pine Road and feel that dividing our dead end street into two different districts is not in conformity with the criteria for drawing district lines.

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**Brian Barrett**

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**From:** noreply@granicusideas.com  
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## New eComment for City Council Regular Meeting

Jayne Diaz submitted a new eComment.

Meeting: City Council Regular Meeting

Item: 12. At the Request of Councilmembers Alarcon and Clark, City Council to Determine Whether to Reconsider and/or Amend the Motion and Vote Made at the February 28, 2022 City Council Meeting Regarding the Selection of Map A2 as the Proposed Final Map for Consideration of Adoption at the City Council Meeting of March 28, 2022.

eComment: I favor City Council Districts Map A2 to eliminate district lines that split communities of interest, specifically Sterling Ave., Eleanor, Star Pine and Pacific Village. Should be no gerrymandering in our city.

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## Re: District Elections/ Council Agenda February 28, 2022/ Agenda Item #15

[lannyebenstein@aol.com](mailto:lannyebenstein@aol.com)

**Sent:** Monday, February 28, 2022 3:44 PM

**To:** Wade Nomura; Natalia Alarcon; Roy Lee; Al Clark; Gregg Carty

**Cc:** Dave Durlinger; Brian Barrett; Public Comment; [news@coastalview.com](mailto:news@coastalview.com); [carpinteriadistrictelections@camp.marshall@gmail.com](mailto:carpinteriadistrictelections@camp.marshall@gmail.com); [j.reggie@yahoo.com](mailto:j.reggie@yahoo.com); [info@carpinteriavalleyassociation.org](mailto:info@carpinteriavalleyassociation.org); [ruizsblaw@cox.net](mailto:ruizsblaw@cox.net)

**Attachments:** Carpinteria CVRA Report.pdf (150 KB)

**\*\*EXTERNAL EMAIL\*\***

CAUTION: This email originated from outside the City of Carpinteria. DO NOT OPEN attachments or CLICK on links unless you are sure they are safe. Remember, reputable vendors, banks, etc. will not ask you to disclose passwords or other sensitive information.

Dear Mayor and Members of the Council,

This letter is in support of Russell Ruiz's recent emails to you on districting in the City of Carpinteria.

The City had a process of a Council subcommittee of two members who met for a number of months on these issues. Why has the map developed by the Council subcommittee essentially been discarded in the selection process?

It would be very unfortunate if the City of Carpinteria were to select a districting map on the basis of a 3-2 vote, with the members of the Council who are most knowledgeable of districting opposed to the final map.

I attach the report that the City of Carpinteria received with the notice of violation of California Voting Rights Act in 2017, as there has been turnover on the Council since that time and all members of the Council may not be familiar with this material.

Please reconsider your process and select a map that will meet the requirements of the California Voting Rights Act. This need not occur at your meeting this evening.

Thank you for your consideration.

Sincerely,

Lanny Ebenstein, Ph.D.

-----Original Message-----

From: RUSSELL RUIZ <[ruizsblaw@cox.net](mailto:ruizsblaw@cox.net)>

To: Wade nomura <[WadeNomura@ci.carpinteria.ca.us](mailto:WadeNomura@ci.carpinteria.ca.us)>; Natalia Alarcon <[NataliaAlarcon@ci.carpinteria.ca.us](mailto:NataliaAlarcon@ci.carpinteria.ca.us)>; Roy lee <[RoyLee@ci.carpinteria.ca.us](mailto:RoyLee@ci.carpinteria.ca.us)>; Al Clark <[AlClark@ci.carpinteria.ca.us](mailto:AlClark@ci.carpinteria.ca.us)>; Gregg Carty <[GreggCarty@ci.carpinteria.ca.us](mailto:GreggCarty@ci.carpinteria.ca.us)>

Cc: Dave Durlinger <[daved@ci.carpinteria.ca.us](mailto:daved@ci.carpinteria.ca.us)>; brian clerk <[brianb@ci.carpinteria.ca.us](mailto:brianb@ci.carpinteria.ca.us)>; Public Comment/Carp <[PublicComment@ci.carpinteria.ca.us](mailto:PublicComment@ci.carpinteria.ca.us)>; coastal view <[news@coastalview.com](mailto:news@coastalview.com)>; District Elections <[CarpinteriaDistrictElections@ci.carpinteria.ca.us](mailto:CarpinteriaDistrictElections@ci.carpinteria.ca.us)>; Gail Marshall <[camp.marshall@gmail.com](mailto:camp.marshall@gmail.com)>; Jim Reginato <[j.reggie@yahoo.com](mailto:j.reggie@yahoo.com)>; Lanny Ebenstein <[lannyebenstein@aol.com](mailto:lannyebenstein@aol.com)>; CVA <[info@carpinteriavalleyassociation.org](mailto:info@carpinteriavalleyassociation.org)>; Nick Welsh <[nick@independent.com](mailto:nick@independent.com)>; Joshua Molina <[jmolina@noozhawk.com](mailto:jmolina@noozhawk.com)>

Sent: Sat, Feb 26, 2022 9:06 am

Subject: Re: District Elections/ Council Agenda February 28, 2022/ Agenda Item #15

I said most of what I had to say in my previous Comment. I was considering reading the following as Public Comment live at the meeting Monday night. As that is not my favorite forum and in my professional experience, not the most effective, I decided instead to say this here. My prior Comments are what you would read in a litigation proceeding arguing the Law and the facts for why I believe that Census block West of Casitas Pass that in Plan A2 is in District D, should instead be in District B. I stand by those points.

Here I want to address the practical reality of this decision before you. I expect no one participating in this forum would argue with me that the Mayor will be re-elected no matter where we place his neighborhood. I know the consultant has advised you that you are not supposed to consider the residences of current Council Members when drawing District Maps. I can tell you from personal practical experience, everyone does it and whether you want to admit it or not, I know you all have. That is normal human nature.

My point here is that if the Mayor's neighborhood is placed in District B where it belongs he will continue to represent our City for as long as he is willing to serve and I will be able to vote for him again, and we will have a new Council Member out of District D. If the Mayor's neighborhood is placed in District D where Plan A2 currently has it, he will be re-elected and we will not have a new Council Member representing District D, our highest percentage Latino population District.

That is the decision before you as a realistic, practical, political matter, for the foreseeable future of our City. Thank you,  
Russell Ruiz

On February 24, 2022 at 5:22 PM RUSSELL RUIZ <ruizsblaw@cox.net> wrote:

Honorable Members of the Council:

I support the Clark Map #79756. It cleans up the messy parts of Plan A2 which I will assume as we start here, is the Council majority preferred Map.

I find the Staff Report selection of Maps for consideration surprising and troubling. The Clark Map didn't even make the cut for consideration? Who made that decision? As your Council rejected Plan A at the last hearing and you now have before you A2 in its place, it appears to me that A2 and D are the same Map? If that is correct and A has been effectively replaced by A2, what you are asked to consider is only A2, B and C? Plan B is my Map that saw no support at your last hearing besides Council Member Alarcon and so I will not waste our time trying to garner majority support for it. I learned early in my career how to count to 3. I hope as I discuss the problems with A2 here, which I expected to be the Staff preferred Map as I prepared this Memo, you will see the significant problems with Plan C that is even worse than A2 in proposing to mix the low income, highly Latino neighborhood above the freeway and East of Casitas Pass, with the lily White Beach neighborhood of Concha Loma. I can assure you that Plan C is a guarantee to invite litigation, as I discuss here related to Plan A2 and for the same reasons.

I will focus my discussion here on a choice between A2 and the Clark Map #79756.

There is no appropriate justification for the jig saw internal boundaries on the West sides of Plan A2 Districts B and D, other than they are census blocks. We know that census blocks are not determinative for the purpose of drawing District Election Maps that comply with the California Voting Rights Act ("CVRA") and at a City the size of ours, they cannot be. I hope you will give some deference to the Committee Members who put in a substantial amount of work on this matter, over a significant period of time, more than 2 years. This census block issue was discussed at length at Committee meetings and we know it is not determinative for the purpose of drawing appropriate District Election Maps. I either watched or attended each of our Committee meetings. It makes the Consultant's job easier if you use census blocks on DistrictR, but making the Consultant's job easier is not our goal here. I want to thank the Committee Members for all their work on this.

I think it would be helpful for you to take a look at the City of Goleta Council favored Map. As you know I have at this point substantial experience with the District Election process locally. In addition to participating in and observing several local governments go through the process over the past 8 years, over this past year I have been closely following the City of Goleta process, which is also preparing for the November 2022 election.

When I was working I always followed what other jurisdictions were doing on the same process that my clients were going through. Goleta's Council proposed Map has no internal jigsaw boundaries between Districts like

Plan A2. They have census blocks in Goleta just like we do but no jig saw internal boundaries on their proposed Map. I am not accusing anyone of anything because we have not received any explanation for that odd shaped boundary, nor why that census block was placed in the East District D instead of where it belongs and would make sense in District B. That census block West of Casitas Pass appears to encompass the residences of two of our Council Members? If that is a coincidence it is quite a coincidence?

It is difficult to see the exact detail where some of these proposed boundaries are supposed to be. I know I am getting old but I do not need reading glasses and I cannot see, for example, where the West boundary of Plan C District E is.

As to Plan A2 I will ask the question: What does the high end neighborhoods at Hales Lane and Cameo Rd. and the rest of that jig saw shaped area west of Casitas Pass over to Linden, have in common (Community of Interest) with the affordable condos and mobilehomes, with a high Latino population, that otherwise comprise District D, East of Casitas Pass? All of those properties West of Casitas Pass are single family homes worth well over \$1,000,000.00, many of them with swimming pools. Except for the community pool at the mobilehome parks we do not see many swimming pools in the residential neighborhood East of Casitas Pass, nor many single family homes. Residential property values are an appropriate consideration in determining Communities of Interest for this purpose of drawing appropriate District Election Maps. I expect the homes in that proposed District D area West of Casitas Pass, are double or even triple the value of the condos and mobilehomes in District D East of Casitas Pass. On the other hand that census block West of Casitas Pass has everything in common with the Clark Map Central District, and/or District B in Plan A2 and that is where those neighborhoods belong.

In addition to the other points I make here, playing around with District R again I see that census block West of Casitas Pass is only 27% Latino while the rest of that East District D is 55% Latino. That should be determinative here and I expect the Proponents who are responsible for initiating this process, and are parties to the Settlement Agreement with the City, and their attorney would concur. I expect we will learn that shortly if you select Plan A2. Their original allegation was racially polarized voting and this kind of issue was their target. They want the two majority Latino Districts, the West end District A and the East end District D to be able to elect candidates of their choice without having their vote "diluted" by majority "White" neighborhood voters. That is the whole concept behind Communities of Interest and the intended Legislative purpose of the CVRA by those responsible for its enactment. Whether you like the Law or not, it is the Law and that is why we are here. After all this time and effort, I hope you will not do something that would cause the Proponents to file a lawsuit that I know our City Attorney would advise you we cannot win, just as they did when this all started 4 1/2 years ago.

If the Council is going to pick Plan A2, please explain why it is superior in your view, to the Clark Map #79756. At the last hearing 3 of you stated you "like" Plan A but there was no explanation why. Why do you "like" Plan A2 over Plan B or the Clark Map? Without that context the Public has no idea what you are thinking or why, and if we might want to Comment. The whole purpose of this drawn out process over many months, mandatory Noticing and at least four hearings is so the Public can be informed what you are thinking and why, and we can Comment accordingly. Up to this point we have received nothing concrete from your Council or Staff. Council Member Clark took the time at the last hearing to explain some of his thinking that went into his Map. Is the Consultant and our City Attorney going to take the time to explain in detail at this hearing why they are proposing Plan A2? It is going to be difficult for them to run away from that recommendation considering the prominence it received in the full page adds in Coastal View the last two weeks, and the limited alternatives provided in this Staff Report. The Public needs that explanation. We will live with this Map for at least the next 10 years and at our City, I expect it may never significantly change so let's make sure we get this right.

I will again encourage you to start the discussion about the Order of Elections (some jurisdictions use the term "Sequence of Elections"). It is one of the most important steps in the process. You have not discussed it at all nor received a Staff Report on the issue at a Council meeting. It should not be put off for last minute consideration at the last hearing in March. Scheduling it that way was a mistake in my view and I have been through this exercise before. The Carpinteria School District and the City of Goleta have already indicated their Order of Elections preference so the Public has an opportunity to Comment. Again the Public needs to hear from you now so we know if we want to Comment for the final hearing when you will make this important decision. As I stated last month, assuming for this discussion you approve the Clark Map, which I hope is where we land, I strongly encourage you to place on the ballot Districts C, D and E. If you do so, next year all 5 Districts will be represented by a resident Council Member and that should be an important consideration for you. It would also avoid a potentially messy situation in 2024.



To conclude I support the Clark Map as a reasonable compromise of the competing proposals. I can almost assure you that selecting Plan A2 or C will result in litigation from the Proponents, litigation that our City Attorney will advise you we cannot win. No Public Agency in the State of California has ever prevailed in a District Election lawsuit and I can assure you we will not be the first and it could cost us a million dollars to find out. If the majority is going to go with Plan A2 I would be very interested to hear what the issue is that provokes you to make that decision and risk the consequences, when the Clark Map is very similar except for the fatal flaw in A2 District D that I have identified here.

Thank you,  
Respectfully submitted,  
Russell Ruiz

**Abridgment of**  
**Latino Voting Rights**  
  
**and**  
  
**Racially Polarized**  
**Voting**  
  
**in the**  
  
**City of Carpinteria**

**California Center for Public Policy**  
**June 2017**

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# **Abridgment of Latino Voting Rights and Racially Polarized Voting in the City of Carpinteria**

## **Introduction**

According to the 2015 United States Census Bureau survey estimate of the City of Carpinteria's population, the city is currently 43.8 percent Hispanic or Latino. No Hispanic or Latino serves on the Carpinteria City Council at this time or has been elected since 2008, and few have served on the City Council since Carpinteria incorporated as a city in 1965. Also, in 2016, the Carpinteria Unified School District had a student enrollment that was approximately 72 percent Latino.

Abridgment of Latino voting rights and racially polarized voting characterize candidate elections and other electoral choices in the City of Carpinteria. This is reflected both in the paucity of Latino candidates who have sought election or been elected to the Carpinteria City Council and in other electoral choices in Carpinteria, both within the city and of government jurisdictions including the City of Carpinteria.

The United States Voting Rights Act and, especially, the California Voting Rights Act provide strong protections for members of protected classes to challenge at-large forms of election to government bodies in court and to replace them with district elections. Pursuant to the California Voting Rights Act: "An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class" (Sec. 14027).

To date, no political subdivision in California has prevailed in a challenge to its electoral system on the basis of the California Voting Rights Act. The current, at-large method of city council elections in the City of Carpinteria impairs the ability of a protected class to elect candidates of its choice and its ability to influence the outcome of elections. Therefore, district elections must be instituted in the City of Carpinteria.

## **1. United States Voting Rights Act**

Passed in 1965, the United States Voting Rights Act was landmark legislation prohibiting racial discrimination in voting. According to the U.S. Voting Rights Act: “No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color ... A violation ... is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens ... in that its members have less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice. The extent to which members of a protected class have been elected to office in the ... political subdivision is one circumstance which may be considered” (52 U.S. Code Sec. 10301).

Although legal actions against political subdivisions in California to require district elections have, since 2002, been brought pursuant to the California Voting Rights Act, rather than the federal Voting Rights Act, the United States Voting Rights Act also provides strong protection for the voting rights of members of protected classes.

## **2. California Voting Rights Act**

Expanding upon the United States Voting Rights Act, the California Voting Rights Act was passed by the California legislature in 2001 and signed into law in 2002 to allow legal challenges to government jurisdictions in California with at-large methods of election to require them to implement district elections. According to the Rose Institute of State and Local Government at Claremont McKenna College, the statewide educational leader in gathering information on the transition from at-large to district elections in the state: “The California Voting Rights Act was written to promote the use of by-district elections to encourage the election of candidates preferred by previously ‘underrepresented’ voters such as Latinos.”<sup>1</sup> A copy of the California Voting Rights Act is included here as Attachment B and incorporated herein by this reference.

As previously cited, the core provision of the California Voting Rights Act (CVRA) is:

14027. An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgment of the rights of voters who are members of a protected class.

The CVRA could not be more clear: An at-large method of election is **illegal** in California when it impairs the ability of a protected class to elect candidates of its choice or to influence the outcome of elections as a result of dilution of the vote or abridgment of the rights of voters who are members of the protected class. Upon showing dilution or abridgment of a protected class' voting rights, **at-large methods of election must be discontinued.**

According to Section 14028 of the CVRA: "A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision." In addition: "Other factors such as the history of discrimination" and "the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, ... are probative ... factors to establish a violation" of the CVRA (Sec. 14028(e)).

The CVRA is clear with respect to what the remedy for illegal at-large elections is: "Upon a finding of a violation ..., the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation" (Sec. 14029). Though the CVRA may here contemplate remedies for a violation of voting rights other than district elections, in fact, no remedy has been ordered by a California court for violation of the CVRA other than district elections.

**When, as in the City of Carpinteria, a political subdivision utilizes an illegal, at-large method of election, district elections must be instituted.**

To date, dozens of legal actions have been brought against cities and other political subdivisions in California for violation of the California Voting Rights Act, and all have been successful. The imposition of district elections in place of at-large elections is sweeping California as a result of the CVRA. According to the Rose Institute, 21 cities in California held their first district elections just in 2016. These cities, together with their Latino citizen voting age populations, are:<sup>2</sup>

## California Cities Holding First District Elections in 2016

<u>City</u>	<u>Latino CVAP</u>
King City	79%
Los Banos	55%
Chino	48%
Palmdale	46%
Patterson	45%
Riverbank	44%
Visalia	37%
Merced	37%
Highland	36%
Eastvale	36%
Anaheim	35%
Woodland	35%
Buena Park	29%
Wildomar	29%
Turlock	27%
Hemet	27%
Dixon	27%
Banning	26%
Garden Grove	24%
Yucaipa	23%
San Juan Capistrano	19%

Many cities with Latino populations smaller as a proportion of the city population than in Carpinteria have implemented district elections in recent years. In addition, according to the Rose Institute, more than 135 California public school districts have changed to district elections in recent years.<sup>3</sup> The Rose Institute also states: “Another significant effect of the California Voting Rights Act is the financial cost it has imposed on cities--many challenges so far have resulted in settlements or legal awards over one million dollars.”<sup>4</sup> In 2017, more California cities have decided to implement district elections, including Carlsbad, Goleta, Oceanside, Santa Maria, Vista, and West Covina.

The California Voting Rights Act was ruled constitutional by a California Court of Appeal in *Sanchez v. City of Modesto* in 2007. The decision held: “The CVRA is race neutral. It does not favor any race over others or allocate burdens or benefits to any groups on the basis of race. It simply gives a cause of action to members of any racial or ethnic group that can establish that its members' votes

are diluted;” and: “To prove a violation, plaintiffs ... do not need to show that members of a protected class live in a geographically compact area.”<sup>5</sup> The court also stated: “Curing vote dilution is a legitimate government interest.”<sup>6</sup>

The CVRA also states: “Proof of an intent on the part of the voters or elected officials to discriminate against a protected class is not required” (Section 14028(d)) to sustain a legal action brought pursuant to the California Voting Rights Act.

### **3. Abridgment of Latino Voting Rights and Racially Polarized Voting in the City of Carpinteria**

Since incorporation of Carpinteria as a city, abridgment of Latino voting rights and racially polarized voting have characterized elections. Only a handful of individuals of Latino descent have been elected to the Carpinteria City Council in the more than 50 years that Carpinteria has been a city. No Latino or Hispanic has been elected to the Carpinteria City Council since 2008.

The following chart shows the number of total candidates in each Carpinteria City Council election since 1994, the number of candidates elected, the number of Latino candidates, and the number of successful Latino candidates:

#### **Carpinteria City Council Elections Since 1994**

<u>Year</u>	<u>Total Cand.s</u>	<u>Success Cand.s</u>	<u>Lat. Cand.s</u>	<u>Success Lat. Cand.s</u>
1994	8	3	0	0
1996	6	2	2	0
1998	6	3	2	0
2000	4	2	1	0
2002	5	3	0	0
2004	4	2	1	1
2006	5	3	0	0
2008	4	2	1	1
2010	5	3	0	0
2012	5	2	0	0
2014	3	3	0	0
2016	<u>3</u>	<u>2</u>	<u>0</u>	<u>0</u>
<b>Total:</b>	<b>58</b>	<b>30</b>	<b>7</b>	<b>2</b>



The current form of at-large elections in the City of Carpinteria abridges Latino voting rights. Merely 12.1% of all candidates for the Carpinteria City Council since 1994 have been Latinos, and merely 6.7% of successful candidates since 1994 have been Latinos. With respect to votes, a total of 106,867 votes have been cast for candidates for the Carpinteria City Council since 1994. Of this amount, only 11,341--or 10.6%--have been cast for Latino candidates for the Carpinteria City Council.

Racially polarized voting characterizes elections in the City of Carpinteria. Of the 4 Latino candidates who ran for City Council in 1996 and 1998, there is evidence of racially polarized voting in the case of two--that is, they would have been elected from precincts with high percentages of Latinos, but were defeated in the city-at-large. Furthermore, according to legal specialists in districting, electoral issues, and voting rights Marguerite Mary Leoni and Christopher E. Skinnell, in "The California Voting Rights Act," published by the *Public Law Journal* (vol. 32, no. 2, Spring 2009), an official publication of the State Bar of California Public Law Section and distributed by the League of California Cities:

The fact that no members of the minority group have ever run for membership on the legislative body will not insulate a jurisdiction from CVRA challenge. The CVRA expressly provides that a violation can be shown if racially-polarized voting occurs in elections incorporating *other* electoral choices that affect the rights and privileges of members of a protected class, such as ballot measures. (Elec. Code Sec.s 14028(a) & (b).) Some particularly obvious examples ... might include Proposition 187 (denying services to undocumented immigrants), [and] Proposition 209 (preventing state agencies from adopting affirmative action programs) ... But other local measures may also serve the same purpose.<sup>7</sup>

A copy of this article is included here as Attachment E and incorporated herein by this reference. Also see the February 21, 2017, Council Agenda Report on district elections in the City of Santa Maria, which is included here as Attachment F and incorporated herein by this reference.

In addition to racially polarized voting with respect to races for the Carpinteria City Council, there is evidence of racially polarized voting in elections incorporating other electoral choices that affect the rights and privileges of members of a protected class, including ballot measures. Among state ballot measures, both Propositions 187 and 209 exhibited racially polarized voting in

the City of Carpinteria. At the local level, Measure S in 2014 in the Santa Barbara Community College District, a bond measure for educational facilities in the community college district and a ballot measure affecting the rights and privileges of members of a protected class, exhibited racially polarized voting in the City of Carpinteria. There is also evidence of racially polarized voting in other government jurisdictions encompassing the City of Carpinteria, including the Carpinteria Valley Water District, Carpinteria Unified School District, and Carpinteria Sanitary District.

Pursuant to the CVRA: “Racially polarized voting’ means voting in which there is a difference ... in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate” (Sec. 14026(e)). Also: “One circumstance that may be considered in determining a violation ... is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision” (Sec. 14028(a)).

Moreover: “Other factors such as ... denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, ... are probative, but not necessary factors to establish a violation” (Sec. 14028(e)). As well as the examples of abridgment of Latino voting rights and racially polarized voting previously outlined, there is ample evidence of the extent to which Latinos in Carpinteria bear the effects of past discrimination in areas such as education, employment, and health. These include poverty status, percentage of the population who speak English at home, home ownership, percentage of the population who have graduated from high school or college, health insurance coverage, and average income, among others. For example, in the 2015 United States Census Bureau survey estimate of the proportion of residents of the City of Carpinteria 25 years of age and older who have college degrees, this figure is estimated to be 51.6% for the white population, but merely 7.6% for the Latino population.

In the event this matter became the subject of litigation through a lawsuit being filed, it would be possible to establish many examples of abridgment of Latino voting rights and racially polarized voting in the City of Carpinteria. There

is clear and compelling evidence that the City of Carpinteria's current, at-large method of election to its city council is illegal. If this matter goes to court, it is inescapable that the City of Carpinteria would be ordered to institute district elections.

#### **4. History of Discrimination in Carpinteria**

Regrettably, segregation of Latino residents was historically practiced in Carpinteria. This makes the case for establishing district elections in the City of Carpinteria even stronger than it would otherwise be, and--pursuant to the California Voting Rights Act--more probable of being established. According to the CVRA, a "history of discrimination" is "probative" in establishing a violation (Sec. 14028 (e)).

As amply documented in John D. McCafferty, *Aliso School: 'For the Mexican Children'* (2003), explicit, *de jure* segregation was formally practiced in Carpinteria public schools through 8th grade from about 1920 to 1947: "Mexican-American elementary school pupils were required to attend a school 'for the Mexican children,' as school board minutes called them."<sup>8</sup> McCafferty provides this description of a petition from non-Latino residents to the Carpinteria school board: "With the clearest possible bias and intention of segregation, it simply cited 'the necessity of removing the Mexican children from the Junior High School and to provide instruction for them in Aliso school.'"<sup>9</sup> Consistent with the practice in racially segregated communities in the southern United States, the area in which most Latinos lived was called derogatory names, including "Mexican Town" and "the Mexican Colony," and segregation extended to various civic and community organizations: "St. Joseph's Catholic Church on Seventh Street was often referred to as 'the Mexican church.'"<sup>10</sup>

McCafferty writes as well: "Historically, Aliso school was seen mostly as a feeder school for the lemon industry. Those Aliso students who continued into high school were not encouraged equally with the whites ... With occasional exceptions, the Mexican children were viewed as people destined to be uneducated workers. Margaret Sanchez Burkey recalled that as late as the 1950s, she was actively discouraged from taking college-preparatory classes, solely because of her Mexican heritage."<sup>11</sup>

Jim Campos, Dave Moore, Tom Moore, Lou Panizzon, and the Carpinteria Valley Museum of History write in *Carpinteria: Images of America* (2007):

The Mexican presence in Carpinteria began to be felt by the 1920s. Labor was needed to repair the railroads, build roads, remove brush and rubble, and most significantly help farmers with the tending of their crops. The lemon industry in particular was a year-round business and benefited from a non-migratory labor pool.

Mexican families settling in Carpinteria were sometimes excluded from equal participation in the community. For example, 'Whites Only' policies were enforced in the seating arrangement at the local movie theater. Mexicans were prevented from buying real estate in certain areas of the community.<sup>12</sup>

Carpinteria's discriminatory past is, unfortunately, not merely of historical interest or relegated to the history books. As a result of its history of discrimination and segregation, school attendance, housing patterns, and community involvement have been affected to the present. Latinos did not become as involved in Carpinteria from the start of its municipal incorporation in 1965 as they otherwise would have. They were not part of the civic power structure, and therefore did not participate as much in city council elections or other municipal affairs. Latinos did not run for city council because they did not think they could win.

In the event this matter were to become the subject of litigation, longstanding members of the Carpinteria Latino community are prepared to provide testimony as to Carpinteria's history of discrimination and its lasting effects on Latino residents and their involvement in Carpinteria municipal affairs.

## **5. Attorney's Fees**

Pursuant to the CVRA: "In any action to enforce [the California Voting Rights Act] the court shall allow the prevailing plaintiff party ... a reasonable attorney's fee ... and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs" (Sec. 14030). In addition: "Prevailing defendant parties shall not recover any costs" (id.).

In recent years, many jurisdictions have had to pay hundreds of thousands and even millions of dollars in attorney's fees to prevailing plaintiff parties. For example, in the City of Santa Barbara, the city was required to pay \$599,500 in

attorney's fees and costs to plaintiffs for a settlement reached in the pretrial phase of litigation. Other examples of attorney's fees settlements under the CVRA include the City of Modesto, which was required to pay \$3 million; and the City of Palmdale, which was required to pay \$4.5 million. It is estimated by the League of California Cities that attorney's fees settlements in recent years to enforce the CVRA exceed \$20 million.

For this reason, the **California Voting Rights Project strongly recommends that settlement be reached in the pre-litigation stage.** In this case, pursuant to Assembly Bill 350 passed into legislation and signed by Governor Brown in 2016, costs to cities are capped at \$30,000. It should be emphasized that Assembly Bill 350 applies only to the pre-litigation phase of cases brought under the CVRA. If a CVRA complaint becomes the subject of litigation through a suit being filed, then there is no cap on attorney's fees and costs other than as stated in the CVRA and can be hundreds of thousands or more dollars.

In addition, because Assembly Bill 350 "would impose additional duties on local agencies, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.... This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for these costs shall be made pursuant to ... statutory provisions" (Legislative Counsel's Digest of Assembly Bill 350). A copy of Assembly Bill 350 is included here as Attachment C and incorporated herein by this reference.

## **6. Methods of Instituting District Elections In the City of Carpinteria**

There are two methods by which district elections may be instituted in the City of Carpinteria: a) litigation, or b) a pre-litigation settlement by the Carpinteria City Council outlining its intention to transition from at-large to district elections, specifying specific steps it will take to facilitate this transition, and estimating the time-frame for this transition.

If litigation is the path followed, potential plaintiffs may at any time after 45 days from the City's receipt of the certified letter notifying the City of Carpinteria of a violation of the CVRA bring an action in Santa Barbara Superior Court

against the City of Carpinteria for violation of the California Voting Rights Act. A draft complaint against the City of Carpinteria is included here as Attachment A and incorporated herein by this reference.

If the City of Carpinteria chooses a pre-litigation settlement, then, pursuant to Section 10010 of the California Elections Code, the process the City of Carpinteria must follow, as modified by the settlement, is:

1) Within 45 days of receipt of the certified letter notifying the City of Carpinteria that its method of conducting elections may violate the CVRA, the Carpinteria City Council must adopt a resolution outlining its intention to transition from at-large to district elections, specifying specific steps it will take to facilitate this transition, and estimating the time-frame for this transition.

2) If the Carpinteria City Council passes a resolution to this effect, a legal action may not be brought for another 90 days after the resolution's passage.

3) The Carpinteria City Council must then, within the 90 days, over a period of no more than 30 days hold two public hearings (before maps of districts are drawn) at which the public is invited to provide input concerning the composition of districts. Before these hearings, the City of Carpinteria should conduct outreach to the public, including to non-English-speaking communities, explaining the districting process and encouraging participation.

4) Following these two public hearings, the City of Carpinteria must publish and make available for release at least one draft map and the proposed sequence of elections to the new districts. The Carpinteria City Council must then, also within the 90 days, over a period of no more than 45 days hold two more public hearings at which the public is invited to provide input on the draft map or maps and proposed sequence of elections. The first version of a draft map must be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it must be published and made available to the public at least seven days before being adopted.

5) In determining the sequence of elections, the Carpinteria City Council must give special consideration to the purposes of the California Voting Rights Act. For this reason, it is very likely that among the first districts in which district elections will be held will be districts including high proportions of individuals from a protected class.

6) After adopting the resolution of intention to transition from at-large to district elections and then holding the four public hearings, the Carpinteria City Council adopts a map of districts and a sequence of elections.

If the City of Carpinteria establishes district elections pursuant to this process and schedule, no litigation is required.

## **7. Advantages of a Pre-Litigation Settlement**

There are many advantages of a pre-litigation settlement rather than a court action to enforce the California Voting Rights Act to institute district elections. Most importantly, the City of Carpinteria and the Carpinteria City Council retain greater control over and a greater role in the transition to district elections.

This greater control and role could manifest itself in a number of ways, including:

1) Pursuant to Assembly Bill 2220, passed into legislation and signed by Governor Brown in 2016, cities of any size may adopt a resolution to implement district elections, with or without an elective mayor. As a result of a court action, the City of Carpinteria would lose the authority to determine the number of districts in the city (four or five) and whether or not there would be an elective mayor.

2) Participation in timing of the first district elections, whether in 2018, 2020, or 2022. If this matter goes to court, a court likely would require that the first district elections be held in 2018; as a result of a pre-litigation settlement, the first district elections could be held in 2020 or 2022. Recently, in the City of Goleta, as a result of a pre-litigation settlement between prospective plaintiffs and the city, the agreement was reached to hold its first district elections in 2022, following the 2020 census. Also in Goleta, as a result of the pre-litigation settlement, a Public Engagement Commission was established to determine whether Goleta should become a charter city, whether city councilmembers should receive greater compensation, how to increase resident participation in city government, and to advise on drawing district lines.

3) Retention of existing city council, no chance of a special election. Occasionally in actions brought pursuant to the CVRA, courts have ordered past

at-large elections nullified and new, special elections called to elect councilmembers from districts.

4) Ability of the Carpinteria City Council to draw the lines of districts both now and in the future rather than by the court or through a court-directed process.

5) Saving of plaintiffs' attorney fees and its own legal expenses by the City of Carpinteria, potentially saving hundreds of thousands or more than a million dollars to the City of Carpinteria.

These are only some of the advantages of a pre-litigation settlement. It should be noted that pursuant to Assembly Bill 2220 passed in 2016, no vote of the people is required to institute district elections in the City of Carpinteria, with or without an elective mayor. A copy of Assembly Bill 2220 is included here as Attachment D and incorporated herein by this reference.

## **8. Other Benefits of District Elections**

Even if the City of Carpinteria were not required to institute district elections pursuant to the California Voting Rights Act, there are many benefits of district elections which have been experienced in other communities. These include greater voter turn-out and participation. In some cities, including the City of Santa Barbara, turn-out in some precincts increased by one-quarter to one-third after district elections were instituted.

District elections bring government closer to the people. They result in representatives who are more knowledgeable of local problems and issues. Local voters have a member of the city council to whom they can turn on neighborhood issues, and councilmembers are able to focus on neighborhood issues more. There is a wider spectrum of views on the council and more representation from all geographic areas of the city. District elections lead to greater neighborhood identity.

District elections also result in less expensive political campaigns. It is easier for younger and lower socioeconomic candidates to run for office if they do not have to raise as much money. This results in less influence by special interests. By walking door to door and other inexpensive means, candidates can be elected who would not be elected in at-large elections.



Carpinteria will be a better city with district elections--more representative of the people and in compliance with the law. District elections will make elections to the city council more fair and increase participation and representation from the entire community.

### **Conclusion**

Abridgment of Latino voting rights and racially polarized voting have no place in the City of Carpinteria or anywhere else. The history of discrimination, evidence in support of racially polarized voting, and abridgment of Latino voting rights in Carpinteria would sustain a legal action brought against the City of Carpinteria to institute district elections. A pre-litigation resolution by the Carpinteria City Council provides the best opportunity to institute district elections in a manner that retains participation by the City Council in the transition process to district elections and is cost-effective.

## Endnotes

- <sup>1</sup> Justin Levitt et al., “Quiet Revolution in California Local Government Gains Momentum” (Claremont McKenna College: Rose Institute of State and Local Government, November 3, 2016), p. 1.
- <sup>2</sup> Id., p. 3. The Rose Institute remarks on the switch from at-large to district elections in California: “This quiet tectonic shift in local government is accelerating” (p. 1).
- <sup>3</sup> Id., p. 1.
- <sup>4</sup> Id., p. 2.
- <sup>5</sup> *Sanchez v. City of Modesto*, Court of Appeal, Fifth District, California, No. F048277 (December 6, 2006).
- <sup>6</sup> Id.
- <sup>7</sup> Marguerite Mary Leoni and Christopher E. Skinnell, “The California Voting Rights Act,” *Public Law Journal* (Vol. 32, No. 2, Spring 2009; Official Publication of the State Bar of California Public Law Section) (included here as Attachment E), p. A-26 in this report.
- <sup>8</sup> John D. McCafferty, *Aliso School: ‘For the Mexican Children’* (Santa Barbara, CA: McSeas Books, 2003), p. 6.
- <sup>9</sup> Id., p. 45.
- <sup>10</sup> Id., pp. 9-11.
- <sup>11</sup> Id., p. 119.
- <sup>12</sup> Jim Campos, Dave Moore, Tom Moore, Lou Panizzon, and the Carpinteria Valley Museum of History, *Carpinteria: Images of America* (Charleston, SC: Arcadia Publishing, 2007), p. 37.

## Comment re Item 12 - District Mapping for 3-14-22

Kevin Twohy [ktwohy@gmail.com]

Sent: Monday, March 14, 2022 12:02 AM

To: Public Comment

### **\*\*EXTERNAL EMAIL\*\***

CAUTION: This email originated from outside the City of Carpinteria. DO NOT OPEN attachments or CLICK on links unless you are sure they are safe. Remember, reputable vendors, banks, etc. will not ask you to disclose passwords or other sensitive information.

Letter to City Council re District Map

From: Kevin Twohy; 5234 El Carro Lane; [ktwohy@gmail.com](mailto:ktwohy@gmail.com)

Topic: District Mapping > in favor of A-2

**The purpose of this letter is to point out errors in judgment or facts provided by previous letter contributors re the district mapping process; and to acknowledge the integrity of certain city council members.**

As a 20-year resident of Carpinteria and a local small business owner, I have followed many city and community debates and developments over the years (ie: the Bluffs acquisition; Venoco; Paredon; cannabis; and many others), but this is the first time I have submitted a letter to the city council re any matter. Dividing the city into relatively equal population districts was a difficult challenge, and I think the consultant did a really good job, given the unique boundaries and nuances of our city: the population of each district is very close to being equal to the others.

Responding to **GAIL MARSHALL's** comments of 3-2-22 where she accuses Mayor Nomura, Roy Lee and Gregg Carty of gerrymandering, her accusations fall flat. Dividing or splitting up neighborhoods occurs multiple times with A-2: residents on the west side of Elm Ave. are in District C, and residents on the east side of Elm Ave. are in District E; residents on the south side of Eleanor Drive are in District A, and residents on the north side of Eleanor Drive are in District B; residents on the west side of Azelea Drive are in District A, and residents on the east side of Azelea Drive are in District B; residents on the south and west side of Pacific Village Dr. are in District D, and residents on the north and east side of Pacific Village Dr. are in District B. There are numerous other examples of neighborhoods being split, but you get the point: there is no gerrymandering here by trying to split up neighborhoods. And keep in mind that none of the council members participated in the drawing up of A2 (or any of the other maps). Responding to **FRED SHAW's** comments of 3-2-22 where, in reference to Pacific Village Dr., he stated: "Across the street neighbors definitely have a commonality of interest. I don't think this occurs anywhere else in Map A2". As discussed in my comments above, there are multiple neighborhoods in A2 where across the street neighbors definitely have a commonality of interest, and yet their neighborhood is split by A2.

Regarding Vice Mayor **AL CLARK's** comments of 3-2-22 where he expresses the concern of A2 having the appearance of gerrymandering, his concern is unfounded. Two current council members now reside in the same district. If A2 were in fact gerrymandered, it would be reasonable to expect that all 5 sitting council members would have had their seat protected in separate districts. The process of mapping the 5 districts was reviewed by the city council, who also approved the hiring of a third-party consultant. Is Vice-Mayor Clark claiming or insinuating there was inappropriate or illegal activity by that consultant?...or any others in the process?

Regarding the many letters submitted by **RUSSELL RUIZ**, his comments on the uniqueness of Pacific Village Dr. being divided down the middle and not occurring elsewhere is obviously not correct, per my comments above.

Regarding LANNY EBENSTIEN's comments of 2-28-22 where he states it would be "unfortunate if the city of Carpinteria were to select a districting map on the basis of a 3-2 vote".....I point to the hundreds of times that the US Supreme Court has had 5-4 votes; and numerous times when our own city council has had split votes. This is the democratic process working.

Finally, there is the matter of integrity. Prior to this current situation, have any of the above letter writers, including Vice-Mayor Clark, or any other community member, expressed doubt or concern regarding the integrity of any of our current council members? I am not aware of any. Why is there now, "all of a sudden", the questioning of the integrity of Mayor Nomura or Roy Lee? I have known both of these men for many years, and have followed their actions and activities and have never had a circumstance where I felt they would compromise their integrity either personally or professionally. These are each honest men, and I am proud to have voted for them.

The city of Carpinteria is a physically small community, and it is reasonable to expect that current council members will live not too far from each other. But to assert that there is somehow gerrymandering going on is spurious and disingenuous to the integrity of this districting process, that utilized a 3<sup>rd</sup> party consultant, as well as to the integrity of Mayor Nomura and Roy Lee.

**March 14 public comment on agenda item 12, staff report on redistricting**

Randall Moon [rtm.beach@outlook.com]

**Sent:** Saturday, March 12, 2022 8:05 AM  
**To:** Public Comment  
**Cc:** Susan Mailheau [susanmailheau@gmail.com]  
**Attachments:**pdf agnda 12.pdf (61 KB)

**\*\*EXTERNAL EMAIL\*\***

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from: Randall Moon  
26.475.8213

Please read the attached letter into the minutes after agenda item 12, staff report on redistricting

thank you

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RE: City of Carpinteria Council Meeting of March 14.

Dear City Government,

I am writing to suggest that Councilman Lee and Mayor Nomura recuse themselves from participating in their mapping of districts. In brief, the two council members who know the subject the best both voted NO on the plan favored by Mr. Lee and Mayor Nomura. How can this be? The map is drawn in a manner that allows Mr. Lee and Mayor Nomura to seek re-election. Well, impressions do matter and both Mr. Lee and Mayor Nomura are tone deaf on redistricting.

Sincerely yours,



Randall T. Moon, Ph.D.

Professor Emeritus  
Department of Pharmacology  
University of Washington  
School of Medicine  
Seattle, WA

Yea round Resident of Carpinteria  
5512 Calle Arena

**City Council Meeting/March 14, 2020/Agenda Item #12/District Elections**

RUSSELL RUIZ [ruizsblaw@cox.net]

Sent: Thursday, March 10, 2022 5:42 PM

To: Wade Nomura; Al Clark; Natalia Alarcon; Gregg Carty; Roy Lee

Cc: Dave Durlinger; Brian Barrett; carpinteriadistrictelections; Public Comment; Nick Welsh [nick@independent.com]; Joshua Molina [jmolina@noozhawk.com]; coastal view [news@coastalview.com]; Lanny Ebenstein [lannyebenstein@aol.com]; Gail Marshall [camp.marshall@gmail.com]

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**Updated**

Honorable Members of the Council:

I would appreciate having Staff at the meeting respond to the following question regarding Map A2, keeping these points in mind:

- A) Pacific Village Drive is a planned development of about 20 homes, almost identical, built at the same time, on a small cul-de-sac street.
- B) Referring to the City's District Elections website, under the heading "About", under the heading "Districting Process", under the heading "What criteria will our City Council use when drawing district lines?":
- 3. Local neighborhoods will be respected in a manner that *minimizes its division* and empowers its residents.
- 4. The district lines will follow identifiable boundaries (streets, highways).
- 5. Boundaries *will not be drawn with the interests of Councilmembers residences.*

**The question:**

Please explain why, under the the *California Voting Rights Act* it is appropriate to draw the boundary between Districts B and D down the middle of the street on Pacific Village Drive that places a current Council Member's residence in District B, while his across the street neighbor, living in an almost identical home, is in District D where the Mayor resides?

With all due respect, I do not believe we would be here with so blatant and obvious a Gerrymandered Map if Peter Brown was still our City Attorney. I mean come on, the boundary is literally a few feet in front of Council Member Lee's home and places he and the Mayor in separate Districts. Sometimes Public Agency attorneys need to earn their keep and tell their clients what they do not want to hear. I did it for over 25 years. That part of the job was never easy. In a law school exam, that example could define a Gerrymander.

I understand there is an alternative Map proposed to help us reach consensus but remember my advocacy was the Clark Map, #79756 on the District Election website that draws the boundary between Districts B and D where it should be, at Casitas Pass Rd. That entire Census Block West of Casitas Pass should be in District B. If that is what you do I will most likely vote for the Mayor in 2024.

While I am at it I have no idea why we have that odd zig zag boundary on the West side of District B, at the boundary with A. It makes no sense legally nor practically for those of us who live in that neighborhood. Why is our neighborhood aligned like that? Take a walk around, there is no apparent reason to those of us who live there. Again I support the Clark Map that cleans that up.

I believe one significant factor in this confusion and the problems with Map A2 is the quality of the Maps we received from the Consultant. They are almost impossible to read if we want to understand the details of where the Boundaries are. I expect very few residents besides the 3 Council Members who

voted for A2 knew, before the last hearing, that the Boundary between Districts D and B is down the middle of the street on Pacific Village Drive. That is certainly not apparent from the Map that was published in the Coastal View, twice, for Pubic Comment. After months of trying to follow the process, watching every Committee and Council meeting on the subject, I did not know that and I was professionally trained to read and understand Land Use maps.

In the spirit of compromise and consensus I will support the Jordan/Clark maps that appear almost the same.

Thank you,  
Russell Ruiz



## City Council Meeting/March 14, 2020/District Elections

RUSSELL RUIZ [ruizsblaw@cox.net]

Sent: Tuesday, March 08, 2022 5:34 PM

To: Wade Nomura; Al Clark; Natalia Alarcon; Gregg Carty; Roy Lee

Cc: Dave Durlinger; Nick Welsh [nick@independent.com]; Jim Reginato [j.reggie@yahoo.com]; Joshua Molina [jmolina@noozhawk.com]; Public Comment; carpinteriadistrictelections; coastal view [news@coastalview.com]

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Honorable Members of the Council:

I would appreciate having Staff at the meeting respond to the following question, keeping these points in mind:

A) Pacific Village Drive is a planned development of about 20 homes, almost identical, built at the same time, on a closed cul-de-sac street.

B) Referring to the City's District Elections website, under the heading "About", under the heading "Districting Process", under the heading "What criteria will our City Council use when drawing district lines?":

3. Local neighborhoods will be respected in a manner that *minimizes its division* and empowers its residents.

4. The district lines will follow identifiable boundaries (streets, highways).

5. Boundaries *will not be drawn with the interests of Councilmembers residences.*

The question:

Please explain why, under the the *California Voting Rights Act* it is appropriate to draw the boundary between Districts B and D down the middle of the street on Pacific Village Drive, that places a current Council Member's residence in District B, while his across the street neighbor, living in an almost identical home, is in District D where the Mayor resides?

I encourage a Council Member to pose this question to Staff during the meeting.

With all due respect, I do not believe we would be here with so blatant a Gerrymander, if Peter Brown was still our City Attorney. He could not face that embarrassment. . There is only so much you can get away with no matter how much you believe you run our City.

Thank you,  
Russell Ruiz

## Public Comment for Districting agenda item for 3/14/2022 City Council

Mike Wondolowski [mwondo@cox.net]

**Sent:** Tuesday, March 08, 2022 4:52 PM

**To:** Public Comment

**Attachments:** CVA Letter to Council - Di~1.pdf (86 KB)

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Attached is a letter of public comment for the Districting agenda item that I understand will be on the 3/14/2022 City Council agenda. Since the agenda is not yet published, I do not have the agenda item number for this topic. However, I will be out of town and so need to submit this comment letter now. So I apologize for the hassle, but I thank you for connecting this comment to the appropriate agenda item.

Thank you,  
Mike Wondolowski



*Protecting the beauty & natural  
resources of our valley since 1964*

# Carpinteria Valley Association

PO Box 27, Carpinteria, CA 93014 [CarpinteriaValleyAssociation.org](http://CarpinteriaValleyAssociation.org)

City of Carpinteria  
5775 Carpinteria Ave.  
Carpinteria, CA 93013

March 6, 2022

## **Re: Request for Reconsideration of Council District Maps**

Members of the City Council:

Carpinteria Valley Association (CVA) strongly urges the City of Carpinteria to agendaize for the March 14 City Council meeting a reconsideration of the map of Council Districts.

The Council's action on February 28 to select map A2 was highly surprising. An objective observer looking at the facts could very reasonably conclude that this map was specifically created to place Councilmember Lee and Mayor Nomura in separate districts by drawing unnecessarily complex district boundaries, even to the extent of splitting communities of interest as both the Star Pine and Pacific Village neighborhoods are divided in apparently arbitrary ways.

It does not matter what the actual motivations were for these boundaries. The simple fact is that map A2 gives the appearance that attention to communities of interest was compromised for the disallowed purpose of preserving existing Council member seats. The Council must act decisively to avoid that appearance of impropriety.

This appearance is only accentuated by the 3-2 split vote on this map, with the two Council members who comprised the Council's District Elections Committee objecting to the selection of map A2.

We request that the Council reconsider the selection of the District map and focus on creating the the best district boundaries for the City of Carpinteria for the next ten years, not the boundaries that benefit current members of the City Council.

Thank you,

Mike Wondolowski  
President  
Carpinteria Valley Association  
[mwondo@cox.net](mailto:mwondo@cox.net)