

City of Capitola

Special City Council Meeting Agenda

Thursday, April 30, 2026 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Morgan
Vice Mayor: Gerry Jensen
Council Members: Joe Clarke, Melinda Orbach, Susan Westman

Closed Session – 5:30 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

- i. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Gov't. Code §54956.9(d)(2), (e)(1).
One Case
- ii. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Gov't. Code §54956.9(d)(2), (e)(3)
One Case

Special Meeting of the Capitola City Council – 6 PM

1. Roll Call and Pledge of Allegiance

Council Members Joe Clarke, Melinda Orbach, Susan Westman, Vice Mayor Gerry Jensen, and Mayor Margaux Morgan

2. Additional Materials

Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

A. Item 4A - Correspondence Received

3. Report on Closed Session

4. General Government / Public Hearings

All items listed in "General Government / Public Hearings" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A.** Resolution Declaring the City of Capitola’s Intent to Initiate Procedures to Transition From At-Large Elections to District-Based Elections Pursuant to Elections Code Section 10010; Approving the Tentative Timeline and Other Related Actions.
Recommended Action: Adopt a resolution declaring the City’s intent to initiate procedures to transition from at-large elections to district-based elections pursuant to California Elections Code Section 10010, and approving the tentative timeline and other related actions.

- B.** Agreement for Demographer Consultant
Recommended Action: 1) Authorize the City Manager to execute an agreement with a consultant to be recommended by the Council ad-hoc subcommittee for demographer and mapping consultant services to transition the City to by-district elections, in an amount to be recommended by the Council ad-hoc subcommittee; and 2) adopt a resolution amending the FY 2025-26 budget for expenditures related to the transition to by-district elections.

5. Adjournment

The next regularly scheduled City Council meeting is on May 14, 2026, at 6:00 PM.

How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010.

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

How to Provide Comments to the City Council

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to citycouncil@ci.capitola.ca.us and they will be included as a part of the record for the meeting.

Notice regarding City Council: The City Council regularly meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website and at Capitola City Hall prior to the meeting. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a jgautho@ci.capitola.ca.us.

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website by clicking on the Home Page link “Meeting Agendas/Videos.” Archived meetings can be viewed from the website at any time.

SHENKMAN & HUGHES

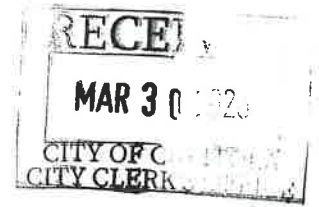
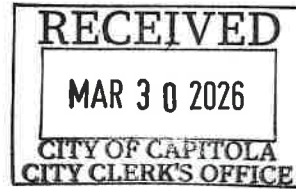
ATTORNEYS

MALIBU, CALIFORNIA

28905 Wight Road
Malibu, California 90265
(310) 457-0970kshenkman@shenkmanhughes.com

VIA CERTIFIED MAIL

March 13, 2026

Julia Gautho - City Clerk
City of Capitola
420 Capitola Ave
Capitola, CA 95010*Re: Violation of California Voting Rights Act*

I write on behalf of Southwest Voter Registration Education Project and its members residing in the City of Capitola. The City of Capitola (“Capitola” or “City”) relies upon an at-large election system for electing candidates to its governing board. Moreover, voting within the City is racially polarized, resulting in minority vote dilution, and therefore Capitola’s at-large elections violate the California Voting Rights Act of 2001 (“CVRA”).

The CVRA disfavors the use of so-called “at-large” voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 667 (“*Sanchez*”). For example, if the U.S. Congress were elected through a nationwide at-large election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter's district, and the 435 candidates receiving the most nationwide votes would be elected. At-large elections thus allow a bare majority of voters to control *every* seat, not just the seats in a particular district or a proportional majority of seats.

Voting rights advocates have targeted “at-large” election schemes for decades, because they often result in “vote dilution,” or the impairment of minority groups’ ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) (“*Gingles*”). The U.S. Supreme Court “has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength” of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to “ignore [minority] interests without fear of political consequences”), citing *Rogers v. Lodge*, 458 U.S.

613, 623 (1982); *White v. Register*, 412 U.S. 755, 769 (1973). “[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Gingles*, at 47. When racially polarized voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group's ability to elect its preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large election schemes. *Gingles* at 37; see also Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash. & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, “[t]he Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965.” *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4th 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “majority-minority district.” *Sanchez*, at 669. In *Pico Neighborhood Association v. City of Santa Monica* (August 24, 2023) 15 Cal.5th 292, the California Supreme Court recently confirmed this commonsense reading of the CVRA. Also see Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001–2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”)

To establish a violation of the CVRA, a plaintiff must generally show 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.” Elec. Code § 14028(a). The CVRA specifies the elections that are most probative: “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to the filing of an action ... are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.” *Id.*

Factors other than “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of the circumstances” test – “are probative, but not necessary factors to establish a violation of” the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, 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, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

Capitola’s at-large system dilutes the ability of Latinos (a “protected class”) – to elect candidates of their choice or otherwise influence the outcome of the City’s council elections.

According to the U.S. Census, Latinos comprise approximately 22.4% of the City’s population. Yet, Latino representation on Capitola’s governing board has been sparse to non-existent. The contrast between the significant Latino proportion of the electorate and the absence of Latinos elected to the Capitola City Council is outwardly disturbing and fundamentally hostile towards participation from members of this protected class.

In light of the City’s underrepresentation of Latinos, it is no wonder why Latino residents do not frequently emerge as candidates. Opponents of fair, district-based elections may attempt to attribute the lack of candidates within the protected class to a lack of interest from their respective communities within the City. On the contrary, the near-absence of Latino candidates reveals vote dilution. *See Westwego Citizens for Better Government v. City of Westwego*, 872 F. 2d 1201, 1208-1209, n. 9 (5th Cir. 1989).

Still, elections for Capitola’s city council likewise exhibit racially polarized voting. For example, in the most recent election (2024), Enrique Dolmo Jr. received significant support from Latino voters, but lost due to a lack of support from non-Hispanic white voters. The same was true for Mr. Dolmo in the 2022 election. While one might point to Yvette Lopez Brooks’ success in the 2018 and 2022 elections, she acknowledged the near-complete absence of Latino representation on the Capitola City Council in the election guide – “I really believe that it’s important to have a minority voice, a woman’s voice, a woman of color ... ,” and then she resigned in January 2025, leaving the Capitola City Council once again with no Latino representation.

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale City Council, with districts that combine all incumbents into one of the four districts. Since then, we have similarly prevailed in a series of CVRA trials – against the cities of Highland and Santa Monica, and the Ramona Unified School District.

Given the racially polarized voting in elections in Capitola and resulting vote dilution, we urge the City to voluntarily change its at-large system of electing governing board members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than May 5, 2026 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,



Kevin I. Shenkman

Gautho, Julia

From: michael routh <qwakwak@gmail.com>
Sent: Sunday, April 26, 2026 7:36 PM
To: City Council
Subject: Question about districts and the voting rights act

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Council Members,

In order to satisfy the Voting Act requirements and respond positively to a potential law suit, must the city create 5 districts? Would 2 or 3 suffice with the remaining seats be filled at large? There are many questions to be answered before the city moves in this direction under threat of a law suit.

Electing the Mayor separately gives one individual too much power. Capitola is and has always had a city manager form of local government. Changing to a strong mayor form is a major change that could result in long term damage and division in Capitola. Just looking at the power Mayor Keely has consolidated in Santa Cruz is not the form of representative government Capitola needs.

Our community is so small, one county wide organization could put forth a mayoral candidate and use their resources to elect someone who would attempt to ignore the wishes of the community and push a personal agenda. We have seen that happen with the mid-county DCC and FORT pushing the election of Melinda Orbach. Just imagine the consequences if she or someone like her were elected as a Strong Mayor for a term of 4 years. It would be interesting to see the source that precipitated this threat of a law suit.

Please give this threat to Capitola's participatory form of democratic government serious consideration and weigh the long term consequences of any decision you make.

Mick Routh
Former Mayor

Sent from my iPad

Gautho, Julia

From: Rebecca Garcia <rebecca95076@gmail.com>
Sent: Monday, April 27, 2026 1:59 PM
To: City Council
Subject: COUNCIL MEMBERS
Attachments: Capitoal Districts 2.docx

Please forward the attached letter to all the council members. It's about District Elections. Thank you.

Rebecca J. García

April 27, 2026

Dear Council Members,

Capitola City has received a letter alleging that the city's At-large voting system for the City Council is in violation of the California Voting Rights Act and has asked you to voluntarily transform to District elections . I would suspect that each of you are advocates of equity, diversity, and inclusion. As a community member and later as a City Council member and Mayor I experienced that District elections in Watsonville do create the equity, diversity, and inclusion we all want for our community members.

To give you some history the community of Watsonville filed a lawsuit against the City in 1986 to change from at-large elections to single-member district elections. As a Latina I was convinced that District elections would create more inclusion, diversity and equal representation on the City Council. In the previous 14 years eight Latinos had run for city council and none had been elected. I helped organize community members to speak at Council meetings advocating for this lawsuit. It was always standing room only. We lost our case at the lower court, but we won at the U.S. 9th Circuit court of Appeals. However, the city insisted and paid over \$1 million dollars and appealed to the Supreme Court. The Supreme Court refused to hear the City's appeal so the Appellate Courts decision stood.

I was elected to the Watsonville City Council in November 2014. As a city council member of District 5 I had to listen to my constituents who would call, email, or text me. My responsibly was to individually responds to each of them but my advocacy always remained to not only support the issues of my District, but also support the City as a whole. An example is that a member who was a Senior from my District called me to say that her landlord had increased her rent 30% and she would become homeless. As a City Council member I was familiar with the resources available in the City that could help her resolve that rent increase. At a Council meeting I reported the incident and because the meeting is televised all members watching learned of those resources. Another example is at the beginning of COVID many in my District contacted me about loosing their jobs and or their hours being reduced and they were fearful of being evicted from their homes. I happened to be Mayor that year and I recommended to the

Council and they unanimously approved a Resolution to avoid eviction by paying only half of the rent which would still be owed to pay back. This Resolution applied to the entire City and not just my District. A few month later the State passed that same Resolution.

The map originally created by the demographer will need to be revised every 10 years based on the Census data. In Watsonville a council member of the seven districts selects a representative to form an ad hoc committee to recommend to the demographer how the districts should remain or change to better provide equity and inclusion. The committee is making community based recommendations. However, it is the Council as a whole who makes the final decision on a district map.

I encourage you to consider creating single member district elections vs having at-large elections. In a District residents are more comfortable contacting someone whom they elected and is a fellow neighbor. Representing a District and not city wide I was able to knock on doors to hear what my constituents were thinking on issues affecting their neighborhood. I also had District meetings that invited all to address city wide issues like safety and traffic. . Under the Brown Act I could talk to two other council members to address issues that were similar in their Districts and together we could advocate on those issues. Currently on the Watsonville City Council there are three Latino members. This could not have happened without District Elections. District elections do lead to equity, diversity, and inclusion. As an elected official this is what we want for those who elected us and we represent. You can contact me at rebecca95076@gmail.com should you have any questions.

Sincerely,
Rebecca J. García

Capitola City Council

Agenda Report

Meeting: April 30, 2026

From: City Manager Department

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



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

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

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

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

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

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

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

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

¹ Cal. Elec. Code §§ 14025-14032.

² Cal. Elec. Code §§ 14026 and 14027.

³ Cal. Elec. Code §14028(a); see also § 14027.

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

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

⁶ Cal. Elec. Code § 14028(c) and (d).

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

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

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

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

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

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

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

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

⁸ Cal. Elec. Code § 10010(f)(1)-(3).

⁹ Cal. Elec. Code § 10010(e)(2).

¹⁰ Cal. Elec. Code § 10010(e)(1)-(3).

¹¹ Cal. Elec. Code § 10010(a)(1).

¹² Cal. Elec. Code § 10010(a)(2).

¹³ Cal. Elec. Code § 21100 *et seq.*

¹⁴ Cal. Elec. Code § 21130.

¹⁵ Cal. Elec. Code § 21130(d).

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

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

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

Attachments:

1. Resolution of Intent to Transition to District Elections

Alignment with 2025-2029 Strategic Plan Priority: Accountable Government

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Marc Tran, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
DECLARING THE CITY OF CAPITOLA'S INTENT TO INITIATE PROCEDURES TO
TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED ELECTIONS
PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010, APPROVING THE
TENTATIVE TIMELINE AND OTHER RELATED ACTIONS**

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

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

WHEREAS, on March 19, 2026, the City of Capitola (“City”) received a demand letter from a potential plaintiffs’ attorney, alleging a violation of the California Voting Rights Act (“CVRA”) and threatening litigation if the City declines to voluntarily transition to a district-based system for electing Councilmembers; and

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

WHEREAS, the City is committed to diversity and inclusion with respect to its elections and the Council has determined that the public interest is better served by initiating a process for transition to a district-based election system and thereby avoiding the high costs associated with defending a lawsuit under the CVRA; and

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

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

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

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

Section 2. The City Council hereby expresses its intent to transition from an at-large election system to a district-based election system as authorized by Government Code

section 34886 and Elections Code section 10010 for use in the City's General Municipal Election for City Councilmembers commencing in November 2028.

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

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

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

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

Section 7. Nothing contained herein shall preclude the City Council from selecting an alternative election system or making any alternative decision, should public input and other evidence indicate that an alternative system or decision is appropriate for the City.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 30th day of April, 2026, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Margaux Morgan, Mayor

ATTEST:

Julia Gautho, City Clerk

EXHIBIT A

DATE	EVENT	ELECTIONS CODE	COMMENT
3/19/2026	City received certified demand letter from Shenkman & Hughes	EC§10010(e)(1) EC§10010(e)(2)	<p>Before commencing an action to enforce Sections 14027 and 14028, a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision ("City") against which the action would be brought asserting that the City's method of conducting elections may violate the California Voting Rights Act.</p> <p>A prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 45 days of the City's receipt of the written notice described above (CVRA lawsuit cannot be commenced until May 3, 2026.)</p>
4/30/2026	Resolution is considered at Special City Council Meeting	EC§ 10010(e)(2) EC§ 10010(e)(3)(A) EC§ 10010(e)(3)(B)	<p>Within 45 days of receipt of a notice, the City may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so ("Resolution"). If the City begins the process of switching to districts within 45 days and adopts a resolution to that effect a potential plaintiff cannot commence an action within 90 days of the resolution's passage. The 90 day deadline is July 29, 2026.</p>
Before First Public Hearing and throughout process	Conduct public outreach, encourage public participation, and receive public input	EC§ 10010(a)(1)	<p>The City may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.(i.e. farmers market, public library, public schools, places of worship, homeowners associations, and community organizations)</p>
5/14/2026	1st Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	<p>Before drawing a draft map or maps of the proposed districts, City must hold at least 2 public hearings over a period of no more than 30 days. No maps to review, but take</p>

			<p>public comments on composition of districts and preferences for district lines.</p> <p>Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).</p>
5/28/2026	2nd Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	<p>Before drawing a draft map or maps of the proposed districts, City must hold at least 2 public hearings over a period of no more than 30 days. No maps to review, but take public comments on composition of districts and preferences for district lines.</p> <p>Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).</p>
6/4/2026	Publish for review first drafts of district election maps and potential sequence of elections	EC§ 10010(a)(2) EC§ 10010(a)(3)	<p>Publish for review first drafts of district election maps and potential sequence of elections. After all maps are drawn, at least 7 days before the 3rd public hearing, the City shall publish and make available for release at least one draft map and, if city councilmembers will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections.</p> <p>Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).</p>
6/11/2026	3rd Public Hearing (Regular Meeting)	EC§ 10010(a)(2) EC§ 10010(a)(3)	<p>The City shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.</p>
6/18/2026	Post any new or amended maps	EC§ 10010(a)(2) EC§ 10010(a)(3)	<p>Post any new or amended maps. Maps available for review at least 7 days before consideration at the 4th public hearing.</p> <p>Notice of this public hearing must be provided pursuant to Elections Code Section 10010(c).</p>
6/25/2026	4th Public Hearing	EC§ 10010(a)(2)	<p>Take public comments on</p>

	(Regular Meeting)		proposed maps. Council may introduce ordinance adopting the map at this meeting if map is not changed and selected at this public hearing. If map is changed at this meeting, the map will need to be published again for 7 days and ordinance cannot be introduced until 7 days after amended map is published.
7/23/2026	5th Public Hearing (Regular Meeting)		<p>If Council makes revisions to map introduced on 6/18/2026, Council can re-introduce ordinance establishing district elections, including district boundaries and election sequence and adopt ordinance at next regular meeting on 8/27/2026 (note the 90 day deadline, however, is July 29, 2026); or adjourn this regular meeting to another date to adopt ordinance; Or</p> <ul style="list-style-type: none"> • If no revisions to map prior to second reading of the ordinance adopting the map, Council can adopt ordinance at this meeting; Or • Make further changes to map without introduction of the ordinance adopting the map
7/29/2026	DEADLINE	EC§ 10010(e)(3)(B)	

Capitola City Council

Agenda Report

Meeting: April 30, 2026

From: City Manager Department

Subject: Agreement for Demographer Consultant



Recommended Action: 1) Authorize the City Manager to execute an agreement with a consultant to be recommended by the Council ad-hoc subcommittee for demographer and mapping consultant services to transition the City to by-district elections, in an amount to be recommended by the Council ad-hoc subcommittee; and 2) adopt a resolution amending the FY 2025-26 budget for expenditures related to the transition to by-district elections.

Background: The City of Capitola currently elects its five Council Members at-large. On March 19, 2026, the City received a letter from Shenkman & Hughes PC, alleging a violation of the California Voting Rights Act (CVRA) and threatening litigation unless the City transitions to a district-based election system. The letter alleges the current system dilutes the power of Latino voters.

On April 23, 2026, the City Council provided direction to staff to prepare a resolution of intent to transition to district elections. This decision was based on the low threshold for establishing a CVRA violation, to avoid uncertainty and cost associated with litigation, and take advantage of certain safe harbor provisions contained in the Elections Code. Also as part of the April 23rd direction, Council formed an ad-hoc subcommittee composed of Mayor Morgan and Vice Mayor Jensen to work with staff on reviewing responses and interviewing selected consultants

On April 30, 2026, the Council will consider adopting a resolution of intent to transition to by-district elections. If such a resolution is adopted, staff recommends contracting with a consultant to assist the City in its transition to districts.

Discussion: On April 10, 2026, City staff published a Request for Proposals (RFP) for demographic and mapping consultant services. To ensure a competitive process, staff proactively notified twelve specialized demographers of the opportunity. The RFP closed on April 20, 2026, and the City received eight proposals. The submitting firms are listed below:

- Collingwood
- Haystaq DNA
- ARC Bridge
- Citygate
- Natl. Demographics Corp.
- Blockwell Consulting
- GEOinovo Solutions Inc.
- Redistricting Partners

The scope of services required by the RFP includes:

- Serving as the lead demographer to draw district maps in accordance with the CVRA and the FAIR MAPS Act.
- Conducting demographic analysis of the City's population using the latest census data.
- Facilitating a robust public outreach process, including public hearings to gather community input on "communities of interest."
- Partnering with City legal counsel and staff to ensure the transition meets all legal deadlines for the 2026 or 2028 election cycles.

Staff and the City Council ad-hoc subcommittee reviewed the proposals based on the scope of work, including the quality of proposed mapping methodologies and the consultant's experience with CVRA transitions. Staff and the ad-hoc subcommittee met with top ranked proposers on April 24th and April 27th.

Prior to April 30th, the ad-hoc subcommittee will provide a recommendation to the Council on the recommended demographer and costs related to their services.

Fiscal Impact: The consultant agreement's fee, in an amount to be determined by Council, was not included in the FY 2025-26 budget. Staff recommends adopting a resolution approving a budget amendment to allocate funding for the consultant agreement and increased public engagement related to the change to districts. The funding amount will be determined based on the ad hoc committee recommended consultant.

Attachments:

1. RFP with Template Agreement
2. Resolution

Alignment with 2025-2029 Strategic Plan Priority: Accountable Government

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Marc Tran, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE
2025-26 FISCAL YEAR CITY BUDGET**

WHEREAS, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025, through June 30, 2026; and

WHEREAS, on April 30, 2026, the City Council adopted Resolution No. **XXXX**, declaring the City's intent to initiate procedures to transition from at-large elections to district-based elections pursuant to California Elections Code Section 10010; and

WHEREAS, the City published a Request for Proposals for demographic and mapping consultant services on April 10, 2026, and received eight proposals in response; and

WHEREAS, following review of the proposals and references, staff recommended awarding an agreement to [CONSULTANT NAME] to serve as the City's demographer during the transition to by-district elections; and

WHEREAS, funding for the transition to district elections, including public engagement and demographic and mapping consultant services (Project), was not included in the FY 2025-26 Budget; and

WHEREAS, the City Council finds it necessary to amend the 2025-26 Fiscal Year Budget to allocate funding towards the Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended as follows: allocate [TOTAL FUNDING AMOUNT] from Contingency Reserves to the General Fund for the costs of [CONSULTANT FEE AMOUNT] towards the demographic and mapping consultant and [COSTS FOR PUBLIC ENGAGEMENT] for public engagement; and

BE IT FURTHER RESOLVED that the Finance Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 30th day of April, 2026, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Margaux Morgan, Mayor

ATTEST:

Julia Gautho, City Clerk

City of Capitola



Request for Proposal for Demographic and Mapping Consulting Services

Issue Date: April 10, 2026
Proposal Deadline: April 20, 2026

City of Capitola
City Manager Department
420 Capitola Ave.
Capitola, CA 95010

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REQUEST FOR PROPOSAL

DEMOGRAPHIC AND MAPPING CONSULTING SERVICES

INTRODUCTION

The City is seeking to retain Demographic and Mapping Consulting Services – from either an individual consultant or consulting firm (Proposer) – to assist the City in its potential transition from at large elections to by-district elections.

The City seeks a demographer or experienced municipal districting/redistricting consultant that has successfully assisted cities, counties, districts, and/or other California public agencies transition from at large elections to by-district elections in furtherance of the purposes of the CVRA. The Proposer will serve as the lead demographer to draw district maps for the City in accordance with applicable law. The Proposer, in partnership with the City’s legal counsel, City staff, and City Council, will play a crucial role in the City’s work to potentially establish voting districts for Capitola pursuant to a process that incorporates public input.

This Request for Proposal is expected to result in a firm fixed price contract. All proposals must be submitted to the City Clerk’s office electronically at cityclerk@ci.capitola.ca.us by 5:00 P.M. on Monday, April 20, 2026. City staff will confirm receipt of proposals via email. All proposals must be in the format specified and clearly identified with proposal title, name of proposer, and date of proposal closure. Responding firms shall be solely responsible for any expenses incurred in preparing proposals in response to this request.

The City may select a demographer/mapping consultant firm based on proposal alone or may narrow the field to the top firms (not to exceed three) based on strength of proposal and then conduct interviews to finalize a selection. The City will then initiate contract negotiations with the selected Proposer. Pending successful negotiations, the City will have the Proposer execute the City’s Standard Professional Services Agreement (Attachment A).

BACKGROUND

The City of Capitola is a small coastal community located in Santa Cruz County that occupies approximately two square miles and serves a population of about 10,000. Located on the northern edge of Monterey Bay, approximately 35 miles north of Monterey and 75 miles south of San Francisco, Capitola enjoys a rich history and offers residents diverse recreational opportunities. Capitola Village is located along a sandy beach with expansive views of Monterey Bay and is home to numerous craft galleries, boutiques, and restaurants.

Capitola is a General Law City, which was incorporated on January 11, 1949. The City is subject to the framework and procedures established by State Law and operates under the Council – City Manager form of government. The Council is comprised of five Council Members, all of whom are elected at large. The Council Members serve four-year staggered terms; and the Mayor and Vice-Mayor are selected annually by the Council. The City provides police protection, recreation, building, planning, zoning, administrative services, financial services, street, park and facilities maintenance for Capitola. Independent special districts provide fire protection, water, sewer, and limited drainage services.

The City will administer the proposal process in accordance with the terms and dates outlined in this RFP; however, the City reserves the right to modify the activities, timeline, or any other aspect of the process at any time, as deemed necessary. By requesting proposals, the City is in no way obligated to award a contract or pay the expenses of proposing firms in association with the preparation or submission of a proposal. The award of any contract shall be contingent on the requisite staff and City Council approvals.

SCOPE OF WORK

In order to manage the transition from an at-large election system to a by-district election system, in which the City will be divided into geographical districts of substantially equal populations with each district electing a single council candidate who resides within its boundary, the Contractor must use the most recent federal census data and conform to all applicable laws, transition processes and requirements, including, but not limited to, the California Voting Rights Act; California Elections Code Sections 10010, 14025, 14026-14032, 21100 et seq., 21600 et seq.; and California Government Code Sections 34870-34886. The anticipated start date for Demographic and Mapping Consulting Services will be on or after May 1, 2026.

1. Contractor shall develop a work plan that will at least include the following elements and, further, Contractor shall carry out such work plan as part of the Demographic and Mapping Consulting Services:
 - a. Provide a detailed timeline for all requirements of this scope of work that is consistent with the requirements of applicable law, including, but not limited to Elections Code Section 10010;
 - b. Facilitate meetings and provide short formal presentations on the scope, purpose, process, timelines, and legal issues where Contractor will request input from the public and document input;
 - c. Obtain input from the City Council, the public, City staff, and other community stakeholders to identify “communities of interest” as defined in the State of California Elections Code and other criteria relevant to drawing of district maps consistent with applicable law, including, but not limited to, Elections Code Section 21100 et seq.;
 - d. Present findings on identifying “Communities of Interest” and other criteria as described above, and present criterion used in map evaluation, including submittal requirements from members of the public, for City Council comment and approval; and
 - e. Propose a schedule or meetings with City staff needed to accomplish this scope of work.
2. Contractor shall create at least three (3) districting maps as directed by the City as follows:
 - a. Each draft district map shall have districts that comply with all applicable laws and regulatory requirements, including, but not limited to, those referenced in this RFP;
 - b. Each draft district map shall have a unique objective based on preserving a community of interest and meeting the requirements of applicable law as described in this RFP;
 - c. In the creation of draft district maps, Contractor shall use GIS software developed specifically for districting to create the draft district maps;
 - d. The contractor shall obtain and utilize the most recent Santa Cruz County Official Precinct Maps from the Santa Cruz County Registrar of Voters; and

- e. A demographic profile of each district shall be included.
 - f. Contractor shall also present such draft district maps at all meetings/public hearings held pursuant to Elections Code Section 10010.
3. Contractor shall consider alignment of County voting precincts with districts to minimize voter confusion and to maximize the ease of conducting elections.
 4. Contractor shall prepare and provide the necessary physical and electronic documents and files in the format required by the City and/or County of Santa Cruz to facilitate the implementation of district elections in the City.
 5. Contractor shall timely produce such summaries/reports for City's review, approval, and posting as may be required by applicable law, including, but not limited to Elections Code Sections 21130(b)(1), 21130(b)(2), and 21130(f).
 6. Contractor shall provide expert technical assistance to the City in the event any legal action arises relating to the districting process of plans developed with Contractor's assistance. Contractor shall provide expert testimony and "special services," if necessary, in state and federal court in the area of districting.

Optional Services:

1. Provide a detailed community outreach plan;
2. Create multilingual community outreach to ensure fair representation of all minority groups within the City;
3. Prepare illustrative materials, and advertising for public meetings, workshops, and outreach;
4. Prepare online interactive materials for use by the public;
5. Provide non-English speaking support for non-English speaker inquiries.

PROPOSAL REQUIREMENTS

The Submission should be in a single document (PDF or Microsoft Word) and include the following five sections:

- 1) Cover letter (2 pages maximum): The cover letter should include the name, email, and telephone number of the primary contact person for the proposer, the mailing address for the individual or firm submitting the proposal, and the address of the office from which the Project will be managed. The cover letter should clearly describe the proposer's understanding of the services being requested by the City. It shall include a statement indicating that the proposal terms shall remain in effect for no less than ninety (90) days following the submittal date. The letter shall also include a statement by the person submitting the proposal that they authorized to bind the proposer to the terms of the proposal.
- 2) Statement of Qualifications and Experience (10 pages maximum): The City will consider submittals from consultants that demonstrate they have successfully completed comparable districting projects. The submission shall include a statement of qualifications that includes a discussion of past projects that illustrate the quality, type, and performance of the Project team. Submittals shall include a detailed description of a minimum of three (3) projects within the past five (5) years which include the following information: contracting agency name, contractor's

- project manager and contact information, date of contract, date of completion, and project description.
- 3) Proposal Statement (15 pages maximum): The Proposal Statement should outline the proposed Project schedule, the methods for accomplishing the scope of work, and the team dedicated to the Project. The Project schedule should include a rough timeline outlining key events, tasks, and deliverables that will occur in order to ensure the City will transition to by-district elections to meet safe-harbor provisions in Elections Code Section 10010. The Proposal Statement should describe the roles and organization of your proposed team for this Project, and clearly identify and describe the experience of any proposed subcontractors. Please describe your project management approach and provide a detailed description of how the team and scope of work will be managed. Provide short resumes for all key team members. Key members, especially the project manager, must have significant demonstrated experience with this type of project, and should be committed to stay with the Project for the duration of the Project. Please provide a full scope of work to be performed, and particularly highlight any proposed work that was not included in the Scope of Work included in this RFP, but which you believe is necessary to successfully accomplish this Project.
 - 4) Cost Proposal (1 page maximum): Please clearly identify all proposed costs and fees associated with the Scope of Work and any additional identified work you believe is necessary to complete the Project. This may take the form of a flat fee or hourly rates, but if the proposal to charge at hourly rates, please also include a not-to-exceed amount for which you can successfully accomplish all work necessary to complete the Project with the identified scope of work.
 - 5) Acknowledgement of the City’s Agreement for Professional Services (no page maximum): Submissions must include a statement that the proposer has reviewed the attached template Professional Services Agreement and agrees to execute and comply with an agreement in the form of that template if the proposal is selected. This statement should also indicate that the proposer will be able to fulfill the insurance requirements included in the template agreement. If the proposer intends to request changes to the template agreement, those requested changes must be included in a redlined “track changes” draft of the template agreement included with the Submission. If no changes are requested, the selected proposer shall be expected to execute the agreement without alteration.

Provide one electronic copy of the proposal via email to Julia Gautho, City Clerk at cityclerk@ci.capitola.ca.us.

EVALUATION OF PROPOSALS AND NEGOTIATIONS

The Capitola City Council reserves the right to select a responsive, responsible consultant based on the Council’s judgment of “best value.” The award may not be made solely on the RFP – Districting Services for Capitola basis of proposed cost. City staff will evaluate submissions for substance and completeness. Staff may contact references and/or proposers in its discretion during the evaluation process. Ultimately, staff will make a recommendation to the City Council on which proposer should be awarded a contract. During its review, staff may consider any aspect of the proposal or the qualifications of the proposer that may affect the “best value” determination. These items may include, but are not necessarily limited to:

- Experience with projects of a similar scope and vision;
- Demonstrated understanding of the Project;
- Proposed Project management approach, including expertise and experience of the team assigned to the Project;

- Cost; and
- Number and nature of proposed changes to the Professional Services Agreement terms, if any.

All firms that submit proposals will be notified of staff's recommended selection, which will be recommended to the City Council for award of the Professional Services Agreement. Final approval of any selected firm is subject to the action of the Council.

This RFP does not commit the City to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. The City reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified Consultant, or to modify or cancel in part or in its entirety the RFP if it is in the best interests of the City to do so.

CONDITIONS AND STIPULATIONS

The City reserves the right to reject any and all proposals, cancel all or part of this RFP, and waive any non-material irregularities or informalities and to request additional information and clarification regarding any particular service from the proposing Audit firms.

The City reserves the right to reject any proposal for any reason. The proposal should be the best effort possible by the proposer, since the City reserves the right to award the contract with no further negotiations. Conversely, the City reserves the right to negotiate with the successful proposer any additional terms and conditions not contained in their proposal, which are in the best interest of the City or to otherwise revise the scope of this RFP. All proposals, whether accepted or rejected, shall become the property of the City of Capitola. All proposals received become public records. The City's decision to award a contract will be based on many factors including, but not limited, to service, cost, experience, and ability to deliver, or for any other reason deemed by the selection committee to be in the best interest of the City. No single factor, such as cost, will determine the final decision to award a contract. This RFP and the responses, including all promises, warranties, commitments, and representations made in the successful proposal, shall become binding contractual obligations, and will be incorporated by reference in the final agreement between the City of Capitola and the selected firm. All terms and conditions not specifically identified as exceptions will be considered acceptable to proposer.

ESTIMATED TIMELINE (Dates are subject to change)

- | | |
|--|---------------------------|
| • Distribution of RFP | April 10, 2026 |
| • Deadline for Questions | April 15, 2026 |
| • Closing Date | April 20, 2026 at 5:00 PM |
| • Begin Selected Vendor Presentations/Interviews | Week of April 20, 2026 |
| • Present Recommendations to City Council | April 30, 2026 |

CONTACTS

For questions regarding the scope of proposal or the proposal process, please submit questions through email to cityclerk@ci.capitola.ca.us.

SUBMISSION INFORMATION

Proposals must be submitted electronically to cityclerk@ci.capitola.ca.us. City staff will confirm receipt of proposals via email.

A hard copy of the proposal may be mailed to the address below, but electronic submission is sufficient.

**City of Capitola
City Manager Department
Attention: Julia Gautho, City Clerk
420 Capitola Ave
Capitola, CA 95010**

All proposals must be delivered no later than **5:00 p.m. on April 20, 2026.**

ATTACHMENTS

Attachment A: Standard City Professional Services Agreement – Insurance and Indemnifications

Thank you for your interest in working with the City of Capitola for this service. We look forward to receiving your proposal.

CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
Demographic and Mapping Consulting Services
[*Consultant Name*]

THIS AGREEMENT is entered into on April 30, 2026, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and [*Consultant Name*], hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

SECTION 1
Scope of Services

The services to be performed under this Agreement are for demographic and mapping consulting services and further detailed in Appendix One.

SECTION 2
Duties of Consultant

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with City staff (including Jamie Goldstein, City Manager, Julia Gautho, City Clerk, Marc Tran, City Attorney) or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

City staff may authorize a staff person to serve as their representative for conferring with Consultant relative to Consultant's services. City shall not control or direct the manner in which the services are to be performed. However, the work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

**SECTION 4
Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition, each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

**SECTION 5
Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

**SECTION 6
Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about May 1, 2026.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

**SECTION 7
Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8
Insurance

Consultant shall procure and maintain for the duration of the contract and for ___ years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations,
products and completed
operations) | \$1,000,000 per occurrence and \$2,000,000 in
aggregate (including operations, for bodily injury,
personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and
property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and
property damage. |
| 4. Errors and Omissions
Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the
aggregate. |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees

from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10
Civil Rights Compliance/Equal Opportunity Assurance

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11
Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12
Assignment

This Agreement shall not be assigned without first obtaining the express written consent of the City Manager after approval of the City Council.

SECTION 13
Amendments

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14
Miscellaneous Provisions

1. *Project Manager.* City reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. *Licensure.* Consultant warrants thereby represents that he or she has an established trade, occupation, or business in the same nature of services Consultant is performing under this Agreement. Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose. Consultant expressly warrants not to represent, at any time or in any manner, that Consultant is an employee of the City.
8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT
Name
Address
Phone

By: _____
Benjamin Goldstein, City Manager

By: _____

Dated: _____

Dated: _____

Approved as to Form:

Marc Tran, City Attorney

APPENDIX ONE
Scope of Services

[To be completed for each consultant]

**APPENDIX TWO
Fees and Payments**

For the services performed, City will pay consultant on a not-to-exceed, lump sum basis upon satisfactory completion of the services and delivery of work products. Payments will be issued monthly as charges accrue.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Expenses may include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$_____ (_____ Thousand Dollars and Zero Cents), without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list a brief description of the services performed, the date the services were performed, the hours spent and by whom, and a brief description of the actual costs and expenses incurred. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of _____, that the charge of \$_____ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated _____, __, and has not been previously paid."

City of Capitola



Request for Proposal for Demographic and Mapping Consulting Services Addendum 1

Issue Date: April 10, 2026
Proposal Deadline: **April 21, 2026, at 12:00 PM**

City of Capitola
City Manager Department
420 Capitola Ave.
Capitola, CA 95010

ADDENDUM 1

The City of Capitola wishes to extend the closing date of this RFP from April 20, 2026, at 5 PM to April 21, 2026, at 12:00 PM. In addition, if vendor interviews become necessary, the City will hold such interviews on April 24, 2026, from 9 AM to 12 PM. If selected to participate, City staff will contact the proposer to notify them of an interview time.

ESTIMATED TIMELINE (Dates are subject to change)

- | | |
|---|---|
| • Distribution of RFP | April 10, 2026 |
| • Deadline for Questions | April 15, 2026 |
| • Closing Date | April 21, 2026, at 12:00 PM |
| • Vendor Interviews (if necessary) | April 24, 2026, from 9 AM to 12 PM |
| • Present Recommendations to City Council | April 30, 2026 |

CONTACTS

For questions regarding the scope of proposal or the proposal process, please submit questions through email to cityclerk@ci.capitola.ca.us.

SUBMISSION INFORMATION

Proposals must be submitted electronically to cityclerk@ci.capitola.ca.us. City staff will confirm receipt of proposals via email.

A hard copy of the proposal may be mailed to the address below, but electronic submission is sufficient.

**City of Capitola
City Manager Department
Attention: Julia Gautho, City Clerk
420 Capitola Ave
Capitola, CA 95010**

All proposals must be delivered no later than **12:00 p.m. on April 21, 2026.**

Thank you for your interest in working with the City of Capitola for this service. We look forward to receiving your proposal.

RFP Questions and Responses

1. Does the City have a preference for conducting public meetings in person, remotely, or in a hybrid format?
 - a. In person preferred, but please include a cost difference, if any, for each potential hybrid meeting.
2. Can the City clarify the anticipated number and type of public meetings, workshops, and presentations expected as part of this project, including any requirements for City Council or stakeholder engagement?
 - a. Approximately 5 Council Meetings, outlined below:
 - i. 1st public hearing
 - ii. 2nd public hearing
 - iii. 3rd public hearing
 - iv. 4th public hearing + First Reading of Districting Ordinance
 - v. 5th public meeting with Second Reading/Adoption of Districting Ordinance (must be a regular meeting of the Council)
3. Does the City have a preferred GIS or districting platform (e.g., ArcGIS, DistrictR, etc.), or is the consultant expected to propose a solution?
 - a. City would expect the selected consultant to provide guidance – no preferred platform.
4. To what extent does the City expect the consultant to lead multilingual outreach and engagement versus supporting City-led efforts?
 - a. Multilingual outreach is optional but preferred. The City does not currently have bilingual staff assigned to this project. While we are prepared to manage outreach using basic automated translation, we would value any proposal that includes professional translation services or consultant-led multilingual engagement as a supplemental benefit.
5. How will coordination occur between the selected consultant and the City's legal counsel during map development and review?
 - a. Via written communication/coordination and virtual meetings.
6. Can the City provide additional detail on how evaluation criteria (experience, approach, cost) will be weighted?
 - a. The City will evaluate proposals based on the scope of work outlined in this RFP, including the required tasks and any proposed additional or enhanced services. Consideration may be given to the completeness, quality, and overall value of each proposal, as well as the proposer's approach to meeting the City's needs. The City reserves the right to apply its judgment and to exercise maximum discretion and flexibility in the review and selection process.

7. Is there an estimated budget or range the City has allocated for this project?
 - a. No, there is not.
8. Are there any statutory deadlines or legal milestones that must be met as part of the transition to district-based elections?
 - a. The anticipated deadline is 90 days from April 30, 2026, pursuant to Elections Code Section 10010. The City Council's adopted meeting calendar can be found on the City website: <https://www.cityofcapitola.org/calendar>
9. Can the City clarify expectations regarding multilingual outreach and language access support, including whether translation and interpretation services will be required for public meetings and materials?
 - a. The City is committed to an inclusive districting process and aims to maximize engagement with our Spanish-speaking residents. While professional translation and interpretation services are not a formal requirement, they are highly encouraged. We welcome proposals that include these services as a supplemental value-add, as they would significantly enhance our efforts to provide a truly accessible process for all voters.
10. In what language support is needed?
 - a. Spanish
11. How long will insurance be required to be maintained?
 - a. One year following the duration of the contract.