



## **CITY COUNCIL AGENDA ITEMS FOR DISTRICT ELECTION AND IMPLEMENTATION**

*Click below to access the Council Item:*

[February 14, 2017](#)

[January 24, 2017](#)

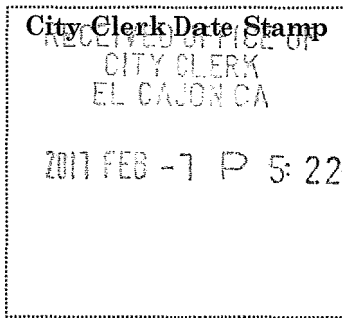
[December 13, 2016](#)

[October 25, 2016](#)

[August 9, 2016](#)

[July 26, 2016](#)

[July 14, 2015](#)



# City of El Cajon Agenda Report

MEETING: Feb. 14, 2017

ITEM NO: 100



**TO:** Mayor Wells, Mayor Pro Tem McClellan,  
Councilmembers Goble, Kalasho and Kendrick

**FROM:** Brett Channing, Deputy Director of Administrative Services

**SUBJECT:** Proposed Schedule and Criteria for Creating Council District  
Boundaries

**RECOMMENDATION:** That the City Council

- Opens the Public Hearing and receives testimony;
- Closes the Public Hearing;
- Adopts the next RESOLUTION in order containing the criteria for creating council district boundaries; and
- Approves the recommended schedule for the implementation phase of Measure S.

On January 24, 2017, the City Council held its first of two public hearings to receive community input on the proposed criteria, timeline, and composition of City Council districts. The issues that were raised during public testimony and responses to those issues are as follows:

- **Issue #1:** The City should consider setting up its future elections of City Councilmembers so that during each election cycle there are two district City Council seats up for election. The current order is set up so that either 1 or 3 districts will be up for election.

Response: The order of the City Council elections is established in the City Charter. So, as with any change to the City Charter, making this change would require a city-wide vote. Staff does not recommend this action.

- **Issue #2:** The Mayor and City Councilmembers should be transparent throughout this process and keep a “log” of all meetings and conversations referencing the district elections implementation process.

Response: The Mayor and City Council typically disclose in their Council Activity Agenda Reports any meetings in which they attend and discuss City issues and they agreed that this would include district elections.

- **Issue #3:** The CVRA requires that race be taken into consideration for creating district boundaries.

Response: The City of El Cajon will ensure the districts created will be compliant with the Federal Voting Rights Act and California Voting Rights Act, which state that race shall be taken into consideration for the drawing of district boundaries. Those laws also state that race cannot be the *primary* factor in the composition of districts.

- **Issue #4:** The City should provide the community the opportunity to discuss and debate which district should be up for election first and take into consideration the racial makeup of the districts when deciding the sequence.

Response: Community members will have the opportunity to provide their input on the sequencing of districts, racial make-up of the districts, and any other aspect of the district mapping process during the planned community workshops and the City Council public hearings following. As mentioned under Issue #1, the number of City Council seats up for election in 2018 and 2020 cannot change without a public vote to change the City Charter. Given that all four elections will occur within this 24 month period and that the City is creating the district election process based on its own initiative, not as a result of public controversy, there does not appear to be significant cause in El Cajon to take those open seats out of order.

- **Issue #5:** The City Council should have a detailed report of each community workshop provided to them to summarize what issues were brought up. This should also be available to the public. Additionally, at the conclusion of the districting process, the City's demographer (NDC) should provide a final report to the City for historical reference.

Response: The City Council and the community will be provided a detailed report on what input was received during the community workshops prior to the City Council public hearings wherein the City Council will be making a decision to adopt the final district map.

### Historical Information

At its meeting of July 14, 2015, the City Council, based on a recommendation by Mayor Wells, directed staff to investigate the options involved with creating a City-sponsored ballot measure for the November 2016 general municipal election that would amend the City Charter in order to establish district elections within the City of El Cajon. On November 10, 2015, the City Council approved a Request For Proposal (RFP) for mapping and public outreach consultants to assist the City with the process. Additionally, the City Council appointed Mayor Wells and Councilmember Kendrick to participate on the interview board for respondents to the RFP. This interview board also included City Manager Douglas Williford, City Attorney Morgan Foley, and Deputy Director of Administrative Services, Brett Channing.

On March 8, 2016, the City Council selected National Demographics Corporation (NDC) to provide mapping and demographic services and then on July 12, 2016, the Council selected the Institute for Local Government (ILG) to provide public relations and outreach services.

The language for the City-sponsored ballot measure was adopted by the City Council at its August 9, 2016, meeting and it was submitted to the Registrar of Voters, officially becoming Measure S.

Starting in July of 2016, the City began extensive community outreach to inform the public about district elections and how they would affect the selection of City Councilmembers. This included holding small group meetings with community leaders, allowing for public comment on district elections at City Council Meetings, mailing out informational flyers to every home, having a headline article in the City's Fall Newsletter ("The Gateway"), posting information on the City's website, and holding four community workshops in each quadrant of the City. The community workshops were run by NDC and ILG Staff with the purpose of educating attendees on the California Voting Rights Act (CVRA), district-based elections, and the ballot measure.

On November 7, 2016, the residents of El Cajon voted to approve Measure S with 69% of the vote. This vote officially amended the El Cajon City Charter, changing the City's election method from at-large to by-district for City Councilmembers, starting with the 2018 municipal general election. The Mayor will continue to be elected at-large.

**NEXT STEPS:** The next step in the process is to adopt criteria that provides the requirements and guidelines for drawing the new City Council districts and to also approve the recommended implementation schedule. In order to stay on schedule with the proposed timeline, the City would need to adopt the criteria during this February 14 public hearing. The City's mapping consultants and experts in this field, NDC, will be present to answer any questions the City Council may have.

### Criteria

Federal law requires that city council election districts must contain essentially equal total populations, comply with the Federal Voting Rights Act, and avoid using race as a predominate factor in defining district borders. However in drawing districts, it is appropriate not to arbitrarily divide up neighborhoods that contain significant numbers of racial or ethnic groups. Therefore, it is important to focus on districts that maintain known communities of interest. The Courts have also allowed small population deviations if such deviations are necessary to achieve what the U.S. Supreme Court has labeled "traditional redistricting principles." But, federal courts have sometimes rejected justifications that appear to be developed to justify districts after they are already drawn. To improve the legal standing of adopted election district maps, staff recommends the adoption of official criteria prior to the drawing of initial draft maps.

NDC has provided staff the below criteria for drawing council districts. The criteria combines the legal requirements for election districts and the "traditional redistricting principles" that state and federal courts have approved as valid justifications for potential small population differences among the council districts. Over ninety percent of NDC client cities and school districts adopt this list of criteria.

The criteria is proposed as follows:

1. Each council district shall contain a nearly equal number of inhabitants;

2. Council district borders shall be drawn in a manner that complies with the Federal Voting Rights Act;
3. Council districts shall consist of contiguous territory in as compact form as possible;
4. Council districts shall respect communities of interest as much as possible;
5. Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible;
6. In adjusting boundaries following their initial establishment, each new council district shall preserve the corresponding existing council district's population and territory as much as possible;
7. Council districts known to be areas of higher-than-average population growth in the two to five years following this boundary line adjustment may be under populated within the population deviation amounts allowed by law; and
8. To the extent it does not conflict with federal or state law an effort should be made to establish boundaries so that at least two council districts include voters in similar numbers residing in the City's central business district (also known as downtown El Cajon, as described by the boundaries of Specific Plan 182) and these council districts should also include comparable geographic area and land uses.

Note that the Mayor and City Council may discuss the specific communities of interest (schools, parks, etc.) and/or types of communities (senior-living communities, master-planned communities, etc.), that they would like NDC to be aware of when drawing the initial draft maps. Additionally, if Council so desires, it may also direct NDC to avoid head-to-head contests between incumbent Councilmembers while maps are being drawn, as long as it does not conflict with the other criteria listed above or federal or state law.

### Implementation Schedule

Once the Council adopts the attached resolution with the proposed criteria, the process to create the district boundaries will commence. As seen in the proposed schedule below, this will include significant outreach to the community, including five community workshops and five publicly noticed City Council Public Hearings. The process will culminate with the presentation of draft maps to the City Council and community for review and ultimately a selection of one map by the City Council.

In last year's session, the California State Legislature adopted Assembly Bill (AB) 350, which was authored by Assemblyman Alejo. The bill set forth requirements that government agencies must follow while moving from at-large to district-based elections, including the number of public hearings required before and after draft maps with district boundaries are created. As a result, the below implementation schedule has been created to ensure compliance with AB 350. NDC and the City Attorney has also reviewed this schedule for compliance with all other state and federal laws.

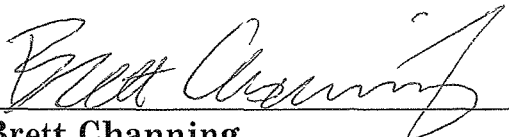
1. January 24 City Council Public Hearing #1: Council reviews criteria, schedule, and receives community input on composition of districts
2. February 14 City Council Public Hearing #2: Council adopts criteria, schedule, and receives community input on composition of districts
3. February 15 Online portal opens for district map submittals
4. February 22 Community Workshop #1: Flying Hills Elementary School
5. February 23 Community Workshop #2: Greenfield Middle School
6. February 28 Community Workshop #3: Chase Avenue Elementary School
7. March 1 Community Workshop #4: Lexington Elementary School
8. March 27 Last day to submit draft maps for initial review
9. April 3 Legally viable draft maps posted to City website for review
10. April 18 Community Workshop #5: Ronald Reagan Community Center
11. April 25 City Council Public Hearing #3: Council reviews draft maps, receives community input on them, and directs NDC on any desired alternatives
12. May 9 City Council Public Hearing #4: Council receives community input on draft maps, selects map and introduces Ordinance
13. May 23 City Council Public Hearing #5: Council adopts Ordinance

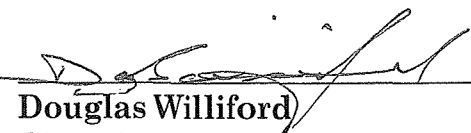
**FISCAL IMPACT:** There is no cost associated with the adoption of the criteria or implementation schedule. However, there is a cost for implementing Measure S.

The City's contract with National Demographics Corporation for mapping consultant services is not to exceed amount of \$50,000. To date, no payment has been made. The City's contract with the Institute for Local Government is for public outreach services is \$100,226.40. Thus far, the City has paid \$46,306.65 for their work prior to the adoption of Measure S. These expenditures are budgeted in Activity #110000 for Fiscal Year 2016-2017.

**PREPARED BY:**

**APPROVED BY:**

  
 Brett Channing  
 Deputy Director of Administrative Services

  
 Douglas Williford  
 City Manager

City Clerk Date Stamp  
RECEIVED OFFICE OF  
CITY CLERK  
EL CAJON CA  
2017 JAN 19 P 1:23

# City of El Cajon Agenda Report

MEETING: Jan. 24, 2017

ITEM NO: 100



**TO:** Mayor Wells, Mayor Pro Tem McClellan,  
Councilmembers Goble, Kalasho and Kendrick

**FROM:** Brett Channing, Deputy Director of Administrative Services

**SUBJECT:** Proposed Schedule and Criteria for Creating Council District Boundaries

**RECOMMENDATION:** That the City Council

- Opens the Public Hearing and receives testimony;
- Closes the Public Hearing;
- Adopts the next RESOLUTION in order containing the criteria for creating council district boundaries;
- Approves the recommended schedule for the implementation phase of Measure S.

**BACKGROUND:** At its meeting of July 14, 2015, the City Council, based on a recommendation by Mayor Wells, directed staff to investigate the options involved with creating a City-sponsored ballot measure for the November 2016 general municipal election that would amend the City Charter in order to establish district elections within the City of El Cajon. On November 10, 2015, the City Council approved a Request For Proposal (RFP) for mapping and public outreach consultants to assist the City with the process. Additionally, the City Council appointed Mayor Wells and Councilmember Kendrick to participate on the interview board for respondents to the RFP. This interview board also included City Manager Douglas Williford, City Attorney Morgan Foley, and Deputy Director of Administrative Services, Brett Channing.

On March 8, 2016, the City Council selected National Demographics Corporation (NDC) to provide mapping and demographic services and then on July 12, 2016, the Council selected the Institute for Local Government (ILG) to provide public relations and outreach services. The language for the City-sponsored ballot measure was adopted by the City Council at its August 9, 2016, meeting and it was submitted to the Registrar of Voters, officially becoming Measure S.

Starting in July of 2016, the City began extensive community outreach to inform the public about district elections and how they would affect the selection of City Councilmembers. This included holding small group meetings with community leaders, allowing for public comment on district elections at City Council Meetings, mailing out informational flyers to every home, having a headline article in the City's Fall Newsletter ("The Gateway"), posting information on the City's website, and holding four community workshops in each quadrant of the City.

The community workshops were run by NDC and ILG Staff with the purpose of educating attendees on the California Voting Rights Act (CVRA), district-based elections, and the ballot measure.

On November 7, 2016, the residents of El Cajon voted to approve Measure S with 69% of the vote. This vote officially amended the El Cajon City Charter, changing the City's election method from at-large to by-district for City Councilmembers, starting with the 2018 municipal general election. The Mayor will continue to be elected at-large.

**NEXT STEPS:** The next step in the process is to adopt criteria for drawing the districts and approve the recommended schedule for establishing the new City Council districts. As the City's mapping consultants and experts in this field, NDC will present on this topic and will be able to answer any questions the City Council may have.

### Criteria

Federal law requires that city council election districts must contain essentially equal total populations, comply with the Federal Voting Rights Act, and avoid using race as a predominate factor in defining district borders. However in drawing districts, it is appropriate not to arbitrarily divide up neighborhoods that contain significant numbers of racial or ethnic groups. Therefore, it is important to focus on districts that maintain known communities of interest. The Courts have also allowed small population deviations if such deviations are necessary to achieve what the U.S. Supreme Court has labeled "traditional redistricting principles." But, federal courts have sometimes rejected justifications that appear to be developed to justify districts after they are already drawn. To improve the legal standing of adopted election district maps, staff recommends the adoption of official criteria prior to the drawing of initial draft maps.

NDC has provided staff the below criteria for drawing council districts. The criteria combines the legal requirements for election districts and the "traditional redistricting principles" that state and federal courts have approved as valid justifications for potential small population differences among the council districts. Over ninety percent of NDC client cities and school districts adopt this list of criteria.

The criteria is proposed as follows:

1. Each council district shall contain a nearly equal number of inhabitants;
2. Council district borders shall be drawn in a manner that complies with the Federal Voting Rights Act;
3. Council districts shall consist of contiguous territory in as compact form as possible;
4. Council districts shall respect communities of interest as much as possible;
5. Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible;



6. In adjusting boundaries following their initial establishment, each new council district shall preserve the corresponding existing council district's population and territory as much as possible;
7. Council districts known to be areas of higher-than-average population growth in the two to five years following this boundary line adjustment may be under populated within the population deviation amounts allowed by law; and
8. To the extent it does not conflict with federal or state law an effort should be made to establish boundaries so that at least two council districts include voters in similar numbers residing in the City's central business district (also known as downtown El Cajon, as described by the boundaries of Specific Plan 182) and these council districts should also include comparable geographic area and land uses.

Note that the Mayor and City Council may discuss the specific communities of interest (schools, parks, etc.) and/or types of communities (senior-living communities, master-planned communities, etc.), that they would like NDC to be aware of when drawing the initial draft maps. Additionally, if Council so desires, it may also direct NDC to avoid head-to-head contests between incumbent Councilmembers while maps are being drawn, as long as it does not conflict with the other criteria listed above or federal or state law.

Implementation Schedule

Once the Council adopts the attached resolution with the proposed criteria, the process to create the district boundaries will commence. As seen in the proposed schedule below, this will include significant outreach to the community, including five community workshops and five publicly noticed City Council Public Hearings. The process will culminate with the presentation of draft maps to the City Council and community for review and ultimately a selection of one map by the City Council.

In last year's session, the California State Legislature adopted Assembly Bill (AB) 350, which was authored by Assemblyman Alejo. The bill set forth requirements that government agencies must follow while moving from at-large to district-based elections, including the number of public hearings required before and after draft maps with district boundaries are created. As a result, the below implementation schedule has been created to ensure compliance with AB 350. NDC and the City Attorney has also reviewed this schedule for compliance with all other state and federal laws.

- |    |             |  |
|----|-------------|--|
| 1. | January 24  | City Council Public Hearing #1: Council adopts criteria and receives community input on composition of districts (criteria adoption can be continued to February 14, if desired) |
| 2. | February 14 | City Council Public Hearing #2: Council receives community input on composition of districts   |
| 3. | February 15 | Online portal opens for district map submittals  |
| 4. | February 22 | Community Workshop #1: Flying Hills Elementary School  |
| 5. | February 23 | Community Workshop #2: Greenfield Middle School  |
| 6. | February 28 | Community Workshop #3: Chase Avenue Elementary School  |

7. March 1 Community Workshop #4: Lexington Elementary School
8. March 27 Last day to submit draft maps for initial review
9. April 3 Legally viable draft maps posted to City website for review
10. April 18 Community Workshop #5: Ronald Reagan Community Center
11. April 25 City Council Public Hearing #3: Council reviews draft maps, receives community input on them, and directs NDC on any desired alternatives
12. May 9 City Council Public Hearing #4: Council receives community input on draft maps, selects map and introduces Ordinance
13. May 23 City Council Public Hearing #5: Council adopts Ordinance

**FISCAL IMPACT:** There is no cost associated with the adoption of the criteria or implementation schedule. However, there is a cost for this implementation phase of Measure S.

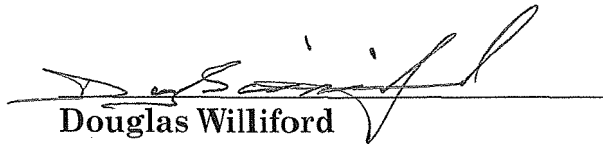
The City's contract with National Demographics Corporation for mapping consultant services is not to exceed amount of \$50,000. To date, no payment has been made. The City's contract with the Institute for Local Government is for public outreach services is \$100,226.40. Thus far, the City has paid \$45,941.65 for their work prior to the adoption of Measure S. These expenditures are budgeted in Activity #110000 for Fiscal Year 2016-2017.

**PREPARED BY:**

**APPROVED BY:**



**Brett Channing**  
Deputy Director of Administrative Services



**Douglas Williford**  
City Manager

RECEIVED OFFICE OF  
CITY CLERK  
EL CAJON CA  
2016 DEC -8 A 9:17

# City of El Cajon Agenda Report

MEETING: Dec. 13, 2016

ITEM NO: A



**TO:** Mayor Wells and Councilmembers

**FROM:** Belinda Hawley, City Clerk

**SUBJECT:** DECLARATION OF ELECTION RESULTS OF MEASURE S,  
AMENDMENT OF SECTION 201 OF EL CAJON CHARTER

**RECOMMENDATION:** That the City Council adopts the next RESOLUTION in order declaring the results of the November 8, 2016, General Municipal Election approving an amendment to Section 201 of the El Cajon Charter.

**BACKGROUND:** On August 9, 2016, a public hearing was held to consider placing on the November 8, 2016 ballot, a measure amending Section 201 of the El Cajon Charter to establish districts for future elections of Councilmembers in the City of El Cajon. The City Council approved the proposal, and Resolutions were adopted ordering submission of the measure on the November 8, 2016 ballot.

The Registrar of Voters has declared the results of that election and the Amendment to El Cajon Charter Section 201, Measure S, passed by a majority vote as follows:


18,671 – Yes	8,327 - No
--------------	------------

Complete Election results are attached to this report. Measure S results can be found on Page 20. Upon adoption of the Resolution declaring the results, and pursuant to Government Code Section 34460, certified copies of the charter amendment text, and required documentation, will be recorded with the San Diego County Recorder, sent to the Secretary of State, and filed with the archives for the City of El Cajon. The amended Charter will be in effect after it has been accepted and chaptered by the Secretary of State and an acknowledgement received.

**FISCAL IMPACT:** A total budget of \$110,000.00 was allocated for the November 2016 Election for the costs to elect three Council members and for the ballot measure (Measure S). Final costs are not expected to be determined by Registrar of Voters office until early in 2017.

**PREPARED BY:**

**APPROVED BY:**

  
Belinda Hawley, CMC  
CITY CLERK

  
Douglas Williford  
CITY MANAGER

RESOLUTION NO. \_\_\_\_-16

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF EL CAJON, CALIFORNIA, RECITING THE FACT OF  
THE GENERAL MUNICIPAL ELECTION HELD IN SAID CITY ON  
NOVEMBER 8, 2016 TO CONSIDER AN AMENDMENT OF SECTION  
201 OF THE EI CAJON CITY CHARTER; DECLARING THE RESULT  
THEREOF, AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a regular general municipal election was held and conducted in the City of El Cajon, California, on Tuesday, November 8, 2016, as required by law; and

WHEREAS, notice of said election was duly and regularly given in the time, form and manner provided by law; that voting precincts were properly established; that election officers were appointed, and that in all respects said election was held and conducted, and the votes were cast, received and canvassed, and the returns made and declared in the time, form and manner as required by the provisions of the Elections Code of the State of California relating to general law cities; and

WHEREAS, pursuant to Resolution No. 074-16, adopted on the 9<sup>th</sup> day of August, 2016, the County Registrar of Voters canvassed the returns of said election, and has certified the results to the City Clerk of the City of El Cajon, said results are received, attached hereto and made a part hereof as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL HEREBY DECLARES THE RESULTS OF SAID ELECTION AS FOLLOWS:

SECTION 1: That there were 62 voting precincts established for the purpose of holding said election consisting of consolidations of the election precincts in said City as established for the holding of state and county elections.

SECTION 2: The total number of votes cast in the precincts, except absentee voter ballots, and provisional ballots, was 9,802. The total number of absentee voter ballots cast in the City was 17,196. The total number of votes cast in the City in the Municipal Election, including votes cast in the precincts and absentee voter ballots was 26,998.

SECTION 3: That the Municipal Election was held for the purpose of electing three (3) members of the City Council for terms expiring in December 2020 and submitting to the voters of said City the following measure (Measure S):

**MEASURE S:** Do you approve amending Section 201 of the City of El Cajon Charter to require election of City Council members by geographic districts in which they reside beginning with the general municipal election to be held in 2018?

That the total number of votes received for Measure S are as follows:

Measure S – City of El Cajon Charter City Measure	Yes	18,671
	No	8,327

SECTION 4: That the number of votes given at each precinct and the number of votes given in the City for and against said measure, are attached as Exhibit "A."

SECTION 5: That the complete text of the amended Section 201 of the El Cajon City Charter is hereby set forth in Exhibit "B."

SECTION 6: The City Council does declare and determine that:

That as a result of said election, a more than one-half majority of the voters voting on the measure relating to MEASURE S did vote in favor of it, and that the measure was carried, and shall be deemed adopted and is hereby ratified by the City Council.

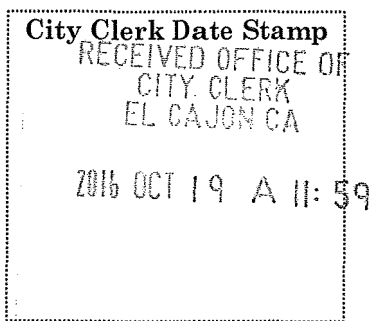
SECTION 7: The City Clerk shall enter on the records of the City Council of said City a statement to the result of said election showing:

- (a) The whole number of votes cast in the City;
- (b) The measure voted upon;
- (c) The number of votes given at each precinct for and against the measure; and
- (d) The total number of votes for and against the measure.

SECTION 8: The City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of the City of El Cajon.

12/13/16

Election - Certifying Results Measure S (Amend Charter for Districting) 120816



# City of El Cajon Agenda Report

MEETING: 10/25/16

ITEM NO: 4.1



**TO:** Mayor Wells, Mayor Pro Tem Ambrose  
Councilmembers Bales, Kendrick, McClellan

**FROM:** Brett Channing, Deputy Director of Administrative Services

**SUBJECT:** Summary of District Elections (“Measure S”) Educational  
Community Workshops

**RECOMMENDATION:** That the City Council receive and file the report.

**BACKGROUND:** In August 2016, the City Council approved language to go on the Ballot that will amend the El Cajon City Charter to allow for district-based elections in place of at-large elections. In order to communicate with the community about this Ballot Measure (“Measure S”), the City took several actions.

The most significant effort the City underwent to educate the public on the California Voting Rights Act (CVRA) and district elections was holding community workshops. The City has held four educational workshops over the past three months, each in a different quadrant of the City.

The community workshops were run by the City’s two consultant groups, the Institute for Local Government (ILG) and National Demographics Corporation (NDC). Every workshop had the exact same content to ensure attendees were hearing the same message each time. ILG spoke on ways to be engaged in the district elections process (pre- and post-elections) and NDC spoke on the CVRA and district elections.

The first educational workshop was held at Lexington Elementary School on August 4, 2016 at 7:00 pm. There were approximately 50 attendees and Arabic translation services were needed. The second educational workshop was held at Greenfield Middle School on September 14, 2016 at 7:00 pm. At this workshop, there were 27 people and no translation services were needed. The third educational workshop was held at Flying Hills Elementary School on September 15, 2016 at 7:00 pm. There were 12 people in attendance at this community workshop and no translation services were needed. The fourth and final educational workshop was held at Emerald Middles School on October 3, 2016 at 7:00 pm. Both Arabic and Spanish translation services were needed and 28 people attended.

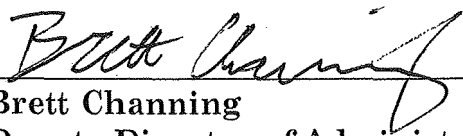
Each of the workshops had a very engaged group of attendees. They asked very insightful and well thought out questions. Some of the most common questions asked at each workshop were:

1. Who are filing the lawsuits on CVRA violations?
  - a. In California, any resident of a protected class can sue. It tends to be lawyers who represent these individuals.
2. Has El Cajon been sued?
  - a. No, not at this point.
3. Will moving to district elections change the City's borders?
  - a. No, it will not.
4. Who will draw the proposed lines for the district maps?
  - a. NDC will propose maps that comply with the CVRA. Additionally, any resident of the City can submit a map with district lines and NDC will review them to ensure compliance.
5. Who will decide on the final district maps?
  - a. The City Council will decide.
6. Are districts based on the number of voters or residents?
  - a. Districts are based on the number of residents.
7. What if more than one current City Councilmember resides within the same district?
  - a. All current City Councilmembers can carry out their existing 4-year term, even if two or more live within the same district. In subsequent elections, only one City Councilmember can reside within each district.
8. How can I be involved with forming the districts?
  - a. Attend future workshops and City Council Meetings to help communicate where the different communities of interest reside and submit maps with proposed districts.
9. What is the City's cost for going through this process?
  - a. The City is anticipating a cost of approximately \$215,000.
10. How many votes does Measure S need to pass?
  - a. It requires a majority of voters (50% +1 vote).

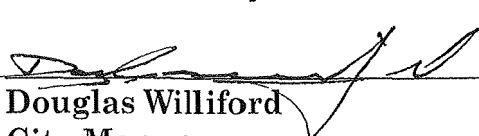
Overall, attendees left feeling more informed on the California Voting Rights Act and district elections. Several mentioned their desire to share the information learned with friends, neighbors, colleagues, and organizations. Informational flyers were handed out to attendees to assist them in educating their personal networks.

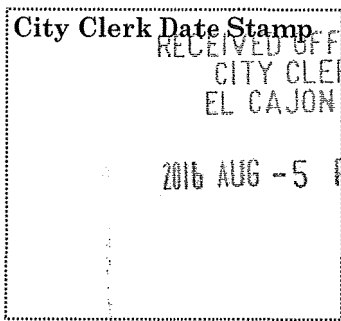
**FISCAL IMPACT:** None.

**PREPARED BY:**

  
Brett Channing  
Deputy Director of Administrative  
Services

**APPROVED BY:**

  
Douglas Williford  
City Manager



# City of El Cajon Agenda Report

MEETING: Aug. 9, 2016

ITEM NO: 101



**TO:** Mayor Wells, Mayor Pro Tem Ambrose  
Council Members Bales, Kendrick, McClellan

**FROM:** Morgan Foley, City Attorney

**SUBJECT:** Consider Proposed Ballot Measure to Amend the City Charter  
to Provide for District Elections

**RECOMMENDATION:** That the City Council

- **Opens the Public Hearing and receives testimony;**
- **Closes the Public Hearing;**
- **Adopts the next RESOLUTIONS, in order, as follows:**

1. A Resolution of the City Council of the City of El Cajon, California ordering placement of a measure on the ballot for the November 8, 2016 General Municipal Election to submit an amendment to the Charter of the City of El Cajon to the qualified electorate relating to conducting elections of Council Members by districts;
2. A Resolution of the City Council of the City of El Cajon, California to establish priorities for filing a written argument(s) regarding a measure and authorizing any member or members of the City Council to file a written argument for or against the measure and directing the City Attorney to prepare an impartial analysis to a City measure; and
3. A Resolution of the City Council of the City of El Cajon, California allowing the submittal of rebuttal arguments to a measure.

## **BACKGROUND:**

At its meeting of July 14, 2015, the City Council, based on a recommendation by Mayor Wells (see attached July 14, 2015 staff report), directed staff to investigate options for creating a Council sponsored ballot measure to be placed on the November 2016 ballot amending the Charter of the City of El Cajon ("Charter") in order to establish district elections in the City of El Cajon.

On March 8, 2016, the City Council selected National Demographics Corporation to provide mapping and demographic services and on July 12, 2016, the Council selected the Institute for Local Government to provide public relations and outreach services.



At its July 26, 2016 meeting (see attached July 26, 2016 staff report), the City Council further directed that the City Attorney, in consultation with the City Manager and the City's consultant team to prepare a recommended title and language for the proposed measure for the City Council's consideration.

Prior to the City Council meeting of this date, City staff and the consultant team invited key community leaders and representatives of organizations who operate within the City of El Cajon to a series of information meetings on August 3<sup>rd</sup> and 4<sup>th</sup>. Further a general public information meeting was held on the evening of Thursday, August 4<sup>th</sup>. Input from these meetings is being provided at this meeting form the City Council's consideration.

**DISCUSSION:**

The City of El Cajon is a charter city. The Charter of the City of El Cajon, Article 8, Section 800 provides that the Charter may be amended by a majority vote of the electorate voting on a question. An amendment to the Charter may be proposed by the governing body of the City.

Accordingly, the City Council is sponsoring a measure, (see attached proposed resolutions) developed in consultation with the City Attorney, the City Manager and the City's consultant team and taking community feedback into account, to amend Section 201 of the Charter to provide for election of Council Members by the voters in each of four (4) districts to be established, and (if necessary) modified from time to time according to the federal decennial census, beginning with the census of 2010. (Other circumstances may warrant redistricting efforts in between each federal decennial census; for example, a significant annexation, changed circumstances, court order, etc.) The district elections would apply beginning the general municipal election in 2018.

The districts will be as nearly equal in population as may be according to the census, taking into consideration such matters including topography, geography, cohesiveness, contiguity, integrity and compactness of territories, as well as communities of interest. The stated purpose of this type of voting method is to offer improved opportunities for representation of minority voters in electing Council Members.

A General Municipal Election has been called and ordered to be held on November 8, 2016 by Resolution No. 046-16. If the language of the proposed amendment to the Charter is approved by the City Council, the measure will be placed on the ballot and submitted to the voters to approve or disapprove by majority vote at the November 8, 2016 General Municipal Election. Further, if the proposal to amend the Charter is approved by the City Council, it is required that the City Council take certain actions with respect to placing the amendment before the voters,

setting the priorities for filing written arguments, directing the City Attorney to prepare an impartial analysis, and providing for the filing of rebuttal arguments for the ballot measure.

Under consideration would be the following questions:

*Does the City Council wish to allow its members to submit an argument in favor or against the measure?*

The law allows the City Council to authorize Council Members to author arguments in favor of, or against, the measure. It is not necessary to identify which Council Members will make such arguments, and it is not necessary that Council Members should be limited to one side or the other of the measure.

Whether Council Members are authorized to file written arguments, the City Council must also consider if rebuttal arguments are to be allowed. If so, staff recommends the Council authorize the same individual or group writing the argument in favor of or against the measure, also be authorized to write the rebuttal.

Arguments in favor or against are not to exceed 300 words in length. (Elections Code section 9282.)

*Does the City Council wish to allow rebuttals to the arguments in favor of or against the measure?*

Rebuttal arguments are only allowed if the City Council approves having them in the election materials. If rebuttal arguments are allowed they may not exceed 250 words in length (Elections Code section 9285). Arguments and rebuttals may not be signed by more than five persons.

Since the City will be consolidating the election with San Diego County Registrar of Voters for the statewide General Election, the deadlines for the submittal of arguments and rebuttals will be the same deadlines as set by the Registrar of Voters as follows:

August 24 Arguments in favor of OR against a ballot measure are due at the City Clerk's office. (Elections Code section 9286(b).)

August 25 City Clerk to "trade" direct arguments with author from each side for preparation of rebuttals.


September 1 Rebuttal arguments due at the City Clerk's office.

**FINDINGS:**

No special findings are required for the adoption of these resolutions.

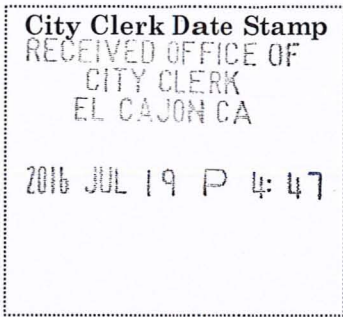
**FISCAL IMPACT:** According to the San Diego County Registrar of Voters office, the estimated cost of placing a ballot measure on the November 8, 2016 General Municipal Election would be between \$20,000 and \$30,000. The appropriation of \$110,000 for this expenditure (as well as council member elections) is already included in the FY 2016-17 Budget (Account No. 107000-8535).

**PREPARED BY:**

  
\_\_\_\_\_  
Morgan L. Foley  
CITY ATTORNEY

**Attachments:**

1. July 14, 2015 staff report.
2. July 26, 2016 staff report.
3. Resolution ordering submission of measure to voters.
4. Resolution setting priorities for arguments; requesting impartial analysis.
5. Resolution providing for the filing of rebuttal arguments.



# City of El Cajon Agenda Report

MEETING: 7/26/16

ITEM NO: 4.1



**TO:** Mayor Wells, Mayor Pro Tem Ambrose  
Councilmembers Bales, Kendrick, McClellan  
**FROM:** Douglas Williford, City Manager *DW*

**SUBJECT:** Status Report on District Election Process

**RECOMMENDATION:** No Action required.

**BACKGROUND:**

At its meeting of July 14, 2015, the City Council, based on a recommendation by Mayor Wells (see attached staff report), directed staff to investigate the options involved with creating a City-sponsored ballot measure for the November 2016 general municipal election amending the charter in order to establish district elections within the City of El Cajon. On November 10, 2015, the City Council appointed Mayor Wells and Councilmember Kendrick to participate on an interview board for potential consultants to assist the City of El Cajon with the district election process. This interview board also included City Manager Douglas Williford, City Attorney Morgan Foley, and Assistant to the City Manager, Brett Channing.

On March 8, 2016, the City Council selected National Demographics Corporation (NDC) to provide mapping and demographic services and then on July 12, 2016, the Council selected the Institute for Local Government (ILG) to provide public relations and outreach services.

**NEXT STEPS**

If the proposed measure is to appear on this November’s ballot, the City Council will need to approve specific language for the ballot at its next regularly scheduled meeting of August 9, 2016. The City Attorney, in consultation with the City Manager and the City’s consultant team, will prepare a recommended title and language for the proposed measure for the City Council’s consideration.

At this point, the direction that is being considered for the proposed language is that the measure should be as brief and clear as possible, so as to avoid voter confusion and to ensure that a clear choice is presented to voters. City staff has learned from other’s experiences that overly complex or detailed ballot measures tend to create opposition over details and can unnecessarily confuse the public.

Beyond the basic question of whether the City Charter should be amended to provide for district elections or not, the proposed language is likely to include a limited number of provisions regarding the process and manner of how the public is to be engaged in the process and how the districts will be created for final City Council decision, in preparation for the first anticipated district election in November 2018.

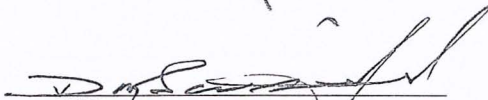


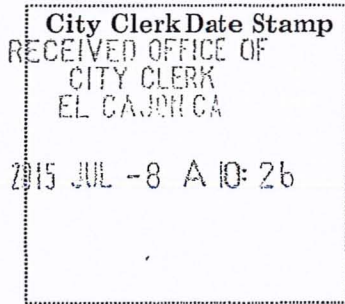
Prior to August 9<sup>th</sup>, City staff and the consultant team will be inviting known key community leaders and representatives of organizations who operate within the City of El Cajon to a series of informational meetings on August 3<sup>rd</sup> and 4<sup>th</sup>. Further, a general public information meeting is planned for the evening of Thursday, August 4<sup>th</sup> and flyers and other forms of publicizing of this meeting are now being prepared. The input from these initial public meetings will be presented to the City Council at its meeting of August 9<sup>th</sup>.

Assuming the City Council votes to approve language for the ballot measure at that meeting, then additional public meetings and informational strategies, including use of the City website and the September issue of the City Newsletter, will be utilized to inform the public of the ballot measure.

It is important to note that, based on State law; the City can use public funds to factually inform the public of the upcoming measure, but cannot use such funds to advocate for the measure.

**PREPARED BY:**

  
\_\_\_\_\_  
**Douglas Williford**  
**CITY MANAGER**



# City of El Cajon Agenda Report

MEETING: 7/14/15

ITEM NO: 6.3



**TO:** Mayor Pro Tem McClellan  
Councilmembers Ambrose, Bales, Kendrick  
**FROM:** Mayor Wells

**SUBJECT:** Proposal for a Ballot Initiative to Amend the El Cajon City Charter to Establish District Elections

**RECOMMENDATION:** That the City Council direct the City Manager and City Attorney to investigate the options involved in creating a City-sponsored measure for the November 2016 general municipal election amending the charter in order to establish district elections within the City of El Cajon and report back to the City Council in a timely manner.

**BACKGROUND:**

Since the California Voting Rights Act of 2001 was adopted, there has been a growing movement among cities and other governmental jurisdictions toward district elections throughout the State, particularly in communities with large diverse populations such as El Cajon. At present, El Cajon has "at large" elections, wherein the voters of the entire City elect the Mayor and all Councilmembers. With district elections, while the Mayor continues to be elected by all the City's voters, the four Councilmembers are each elected from four separate districts in the City. Typically only the voters in each particular district may vote for candidates who live in and seek to represent that district. The stated purpose of this type of voting method is to offer improved opportunities for representation of minority voters in electing Councilmembers.

For many communities, this has become a controversial and expensive issue, with much litigation and legal fees. Understandably, given that district elections represent a significant change in the traditional method of voting for Councilmembers, there has been opposition from many cities in moving to this form of voting. However, it must be recognized that virtually all cases that have been litigated have resulted in the city or special district in question being required by a court to move to district elections. Along with such an order comes an award of attorneys' fees, which must be paid by the governmental agency, and are normally in the \$500,000 to \$1,500,000 range. There are some cases that have resulted in much higher fees. There are no known exceptions to this result anywhere in the State.

This legislative year, the City has been closely monitoring multiple proposed bills (AB 277, AB 278 and SB 493) that all deal with various proposals to more specifically require more and more cities to establish district elections. While El Cajon's status as a charter



city may technically exempt our City from the provisions of some of these bills, it is nevertheless clear that despite our charter city status, El Cajon will soon need to move to district elections in order to be in the best position to defend against any claims that the City's method of selecting members of the City Council violates the Voting Rights Act. Evidence of this is the litigation involving the City of Palmdale, also a charter city, which was recently required by a court to establish district elections.

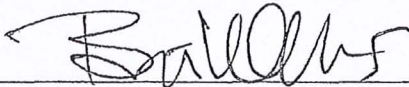
In examining the experience of other cities from around the State, we have two choices. Either wait until the City is legally challenged on this issue or proactively pursue district elections ourselves. To wait until we are legally challenged will likely result in significant legal fees, an uncertain process and community confusion. Rather than accept this path, I am recommending that the City Council take control of our City's future and consider placing the matter of district elections before the voters in 2016, with a goal of establishing such elections beginning in 2018. The City Council does not have the authority to establish district elections itself. It must be accomplished through a vote of the people.

I am, therefore, recommending that the City Council direct the City Manager and City Attorney to investigate the options involved with creating a City-sponsored measure for the November 2016 general municipal election amending the charter in order to establish district elections within the City of El Cajon and report back to the City Council in a timely manner.

**FISCAL IMPACT:**

There will be costs to the City in placing a voter initiative on the ballot. In addition, the creation of district elections will incur costs to the City due to the process to create the districts and the full implementation of district elections themselves. Staff will present these cost estimates as part of their report back to the City Council.

**PREPARED BY:**



---

Bill Wells  
Mayor