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# 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
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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.

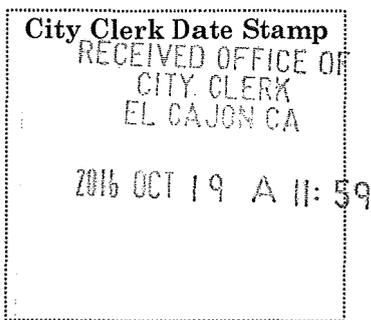
SECTION 7: The City Clerk shall enter on the records of the City Council of said City a statement to the result of said election showing:

- (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.

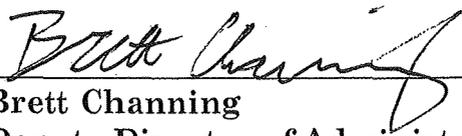
Each of the workshops had a very engaged group of attendees. They asked very insightful and well thought out questions. Some of the most common questions asked at each workshop were:

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).

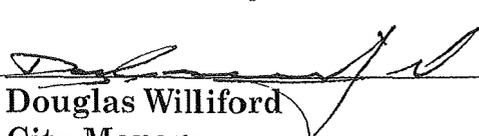
Overall, attendees left feeling more informed on the California Voting Rights Act and district elections. Several mentioned their desire to share the information learned with friends, neighbors, colleagues, and organizations. Informational flyers were handed out to attendees to assist them in educating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

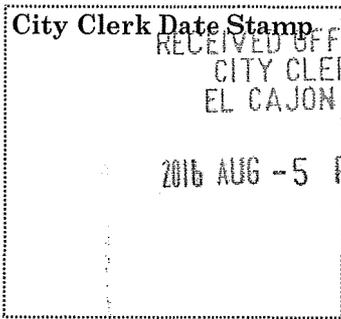
**FISCAL IMPACT:** None.

**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:**

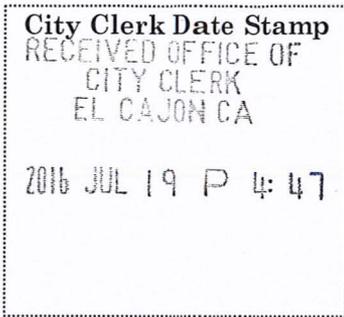


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Morgan L. Foley  
CITY ATTORNEY

**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.

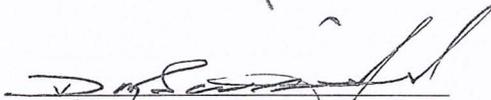
Beyond the basic question of whether the City Charter should be amended to provide for district elections or not, the proposed language is likely to include a limited number of provisions regarding the process and manner of how the public is to be engaged in the process and how the districts will be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

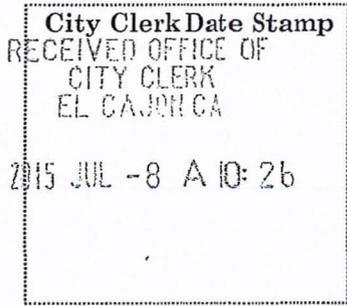
Prior to August 9<sup>th</sup>, City staff and the consultant team will be inviting known key community leaders and representatives of organizations who operate within the City of El Cajon to a series of informational meetings on August 3<sup>rd</sup> and 4<sup>th</sup>. Further, a general public information 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.

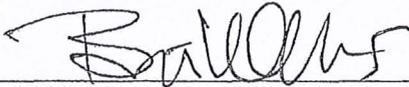
In examining the experience of other cities from around the State, we have two choices. Either wait until the City is legally challenged on this issue or proactively pursue district elections ourselves. To wait until we are legally challenged will likely result in significant legal fees, an uncertain 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:**



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Bill Wells  
Mayor