1. June 10, 2015 Agenda

   Documents:
   
   JUNE 10, 2015 AGENDA.PDF

2. Previous Meeting Minutes

   Documents:
   
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3. Item 2

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4. Item 3

   Documents:
   
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5. Item 4

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6. Item 5

   Documents:
   
   JUNE 10, 2015 ITEM 5.PDF
City of San Buenaventura

CHARTER REVIEW COMMITTEE

John Baker, Member
Cheryl Collart, Member
Barbara Evans, Member
Peter A. Goldenring, Member
Lynn Jacobs, Vice-Chair
Suz Montgomery, Member
Jerry Morris, Alternate
Ross R. Olney, Member
Dennis Orrock, Chair
Andrew Prokopow, Member
Patrick Squires, Member
Chris Stephens, Member

AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 10, 2015, 4:00 P.M.
CITY HALL, 501 POLI STREET, VENTURA
SANTA CRUZ CONFERENCE ROOM

ROLL CALL

INFORMATION ITEMS

None.

FORMAL ITEMS

1. Consideration of the Minutes of the May 13, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of May 13, 2015 as submitted by the City Clerk.

2. Consideration of City Council Geographic Districts or Retaining Current At-Large Election for Members of the City Council

RECOMMENDATION

That the Charter Review Committee take action as it deems appropriate.
3. **Consideration of Items Previously Discussed and Further Discussion and Consideration**

   A. City Council Compensation
   B. City Council Term and Term-Limits
   C. Retention of the School District Within the Charter
   D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
   E. Gender Neutral Language in the Charter
   F. Durational Residency Requirement as a Condition of Holding Elective Office

**RECOMMENDATION**

That the Charter Review Committee discuss and take action it deems appropriate on the following items:

   A. City Council Compensation
   B. City Council Term and Term-Limits
   C. Retention of the School District Within the Charter
   D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
   E. Gender Neutral Language in the Charter
   F. Durational Residency Requirement as a Condition of Holding Elective Office

4. **Discussion of Committee Informational Requests for the Next Meeting – City Manager Residency Requirements and Filling Mayor or Deputy Mayor Vacancy, and Title for Deputy Mayor’s Position**

**RECOMMENDATION**

That the Charter Review Committee indicate any information that the Committee would like to see included in the Administrative Reports on these items. Now is the opportunity to request specific information to ensure that it is included in the report.

5. **Consideration of Committee Calendar and Work-Plan**

**RECOMMENDATION**

That the Charter Review Committee consider the status of its work and determine if the remaining meeting schedule and discussion items are appropriate for the work plan to complete the tasks. It is requested that the Committee provide direction to staff.
COMMITTEE MEMBER COMMUNICATIONS

ADJOURNMENT

Administrative Reports relating to this agenda are available in the City Clerk’s Office, 501 Poli Street – Room 204, Ventura, during normal business hours. Materials related to an agenda item submitted after distribution of the agenda packet are available for public review in the City Clerk’s Office.

This agenda was posted on Thursday, June 4, 2015, at 4:00 p.m. in the City Clerk’s Office and on the City Hall Public Notices Board.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at 658-4787 or the California Relay Service. Notification by Monday, June 8, 2015, by 12:00 p.m. will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Copies of this and all Agendas of the Charter Commission are available on the City’s website at:

http://www.cityofventura.net/page/public-meetings

To be added to the interested persons list for future announcements and information regarding the Charter Review Committee. Please email charterreviewcommittee@ci.ventura.ca.us with your contact information and you will be added to the list.
City of San Buenaventura

CHARTER REVIEW COMMITTEE

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Ross R. Olney, Member
Dennis Orrock, Chair
Andrew Prokopow, Member
Patrick Squires, Member
Chris Stephens, Member

MINUTES

MAY 13, 2015

The Charter Review Committee met in regular session in the City Hall Santa Cruz Conference Room, 501 Poli Street, Ventura at 4:03 p.m.

ROLL CALL

Present: Members Collart, Evans, Alternate Morris, Olney, Prokopow, Vice Chair Jacobs, and Chair Orrock.


Chair Orrock presided.

FORMAL ITEMS

1. Consideration of the Minutes of the April 8, 2015 Meeting of the Charter Review Committee

RECOMMENDATION

Approve the Minutes of April 8, 2015 as submitted by the City Clerk.

Member Stephens arrived at 4:04 p.m.

Member Prokopow moved to approve the minutes of April 8, 2015. Vice Chair Jacobs seconded. The vote was as follows:

AYES: Members Collart, Evans, Olney, Prokopow, Stephens, Vice Chair Jacobs, and Chair Orrock.
NOES: None.

ABSENT: Members Baker, Goldenring, Montgomery, and Squires.

Chair Orrock declared the motion carried.

Member Baker arrived at 4:05 p.m.

2. Consideration of City Council Actions on Charter Review Committee Requests

RECOMMENDATION

That the Charter Review Committee take action as it deems appropriate.

SPEAKERS

Staff: City Attorney Gregory G. Diaz.

Member Squires and Goldenring arrived at 4:08 p.m. and 4:11 p.m., respectively.

Member Olney moved to adopt the revised schedule as presented with the provision that all meetings will be held on an as-needed basis and all of the Committee’s charge items be listed on the agenda. Vice Chair Jacobs seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: Member Montgomery.

Chair Orrock declared the motion carried.

3. Committee Discussion of Potential Form and Format of Final Report and Recommendations; Authors

RECOMMENDATION

That the Charter Review Committee take action as it deems appropriate.

SPEAKERS

Staff: City Attorney Gregory G. Diaz.
Chair Orrock moved to approve the format of the report as presented. Vice Chair Jacobs seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: Member Montgomery.

Chair Orrock declared the motion carried.

4. Consideration of Modifying Gender-Specific to Gender Neutral Language in the Charter

RECOMMENDATION

That the Charter Review Committee review the gender specific references in the Charter and direct staff to bring back at a future meeting suggestions for replacement language that is gender neutral.

SPEAKERS

Staff: City Attorney Gregory G. Diaz.

Member Goldenring moved to direct staff to return to the Committee with a red-line draft of the Charter. Vice Chair Jacobs seconded. The vote was as follows:

AYES: Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

NOES: None.

ABSENT: Member Montgomery.

Chair Orrock declared the motion carried.

5. Consideration of Durational Residency for Candidates for City Council, Section 503 of the City Charter

RECOMMENDATION

That the Charter Review Committee recommend revising Section 503, “Eligibility for Office,” of the San Buenaventura City Charter to require that candidates for
elective office with the City be residents for a period not to exceed 30 days consistent with decisions of the California Supreme Court.

Vice Chair Jacobs moved to approve the recommendation. Member Stephens seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

**NOES:** None.

**ABSENT:** Member Montgomery.

Chair Orrock declared the motion carried.

**PUBLIC COMMUNICATIONS**

**SPEAKERS**

Member of the public: Mark Abbe.

**ADJOURNMENT**

Vice Chair Jacobs moved to adjourn the meeting at 4:47 p.m. Member Baker seconded. The vote was as follows:

**AYES:** Members Baker, Collart, Evans, Goldenring, Olney, Prokopow, Squires, Stephens, Vice Chair Jacobs, and Chair Orrock.

**NOES:** None.

**ABSENT:** Member Montgomery.

Chair Orrock declared the motion carried.
DATE: June 10, 2015

TO: Charter Review Committee

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Consideration of City Council Geographic Districts or Retaining Current At-Large Election for Members of the City Council

RECOMMENDATION:

That the Charter Review Committee take action as it deems appropriate.

DISCUSSION:

Currently, the San Buenaventura City Council is elected at-large in accordance with Charter Section 506. Section 506 provides as follows:

"The election of members of the Council shall be from the City at large. Candidates receiving the highest number of votes shall be declared elected until the number declared elected equals the number of Council offices to be filled at the election. All ties shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities."

Charge to the Charter Review Committee and City Council Clarification

The original charge to the Charter Review Committee by the City Council in its Resolution establishing the Committee included the issue of City Council districts. Through discussions with various Committee Members and at the Committee's meetings themselves, the scope of what the expectations of the City Council in the charge was interpreted differently by various Committee Members. This ranged from providing simple guidance on whether the City should amend the Charter to have City Council Members elected by geographic districts, to actually drawing district lines, as well as a host of options in between. It was also felt by many on the Committee that
issues under the California Voting Rights Act were determinative or at least very important for this issue.

In order to obtain some clarification as to the scope of the City Council’s expectations of the Committee on the districting issue, a request was made to the City Council for clarification and direction on this issue along with some other requests made by the Committee. This request was made at the City Council’s April 20, 2015 meeting. As a part of the Committee’s request, it was requested that funds be appropriated to retain an expert/consultant to help the Committee explore issues under the California Voting Rights Act, city council districts, and options other than districts and the legal consequences to each. The City Council’s motion did not include funding the supplemental appropriations and provided in relevant part:

“... direct the Charter Review Committee to recommend to the Council whether the existing at-large system should be retained or whether some form of geographic districts should be considered by the Council ...”\(^1\)

Consequently, it appears that the City Council desires the Charter Review Committee’s recommendation on the districting issue be based primarily on the policy issue, i.e., is structuring the City’s government by geographic districts better for the City than the current at-large system of electing Members of the City Council? What would be particularly helpful to the City Council here is the reasons the Charter Review Committee feel one structure is better for the City than another.

**Districts: What Are They?**

City council districts in California generally come in two forms. While the literature generally refers to them as being elected “By” districts or “From” districts, this can get confusing quickly. Being elected “by” districts means that the candidate must be a resident of the geographic district and only voters in that district can vote for candidates from that district. This will be referred to as “districts.” The second method of electing City Council Members using districts is “from” districts where candidates must be a resident of the geographic district but all voters city-wide can vote for the candidates from that district. This will be referred to as “wards.”

In the first districting example, only voters from that district can vote for candidates in that district. Because district only elections will have a smaller number of voters and the possibility of multiple candidates, some cities using this method also use a primary and run-off election. Both Pasadena and Long Beach utilize this approach. It is also the method used by most counties in electing supervisors—including Ventura County. If a primary election is held, unless a candidate from that district receives

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\(^1\) Minutes of San Buenaventura City Council meeting of April 20, 2015, pg. 6.
50%+1 vote, then a run-off election is held between the top two vote getters. The purpose of this system is to ensure that a plurality candidate, receiving less than a majority of the votes, is not elected.

While the ward system has many advantages, i.e., to the extent that geography is an important factor to be represented on the City Council, it ensures that all areas of the City are represented. It also has the advantage of ensuring that both candidates and City Councilmembers will look to the best interests of the City as a whole as they will face the voters as a whole rather than just the district where they reside. Unfortunately, the ward system is not one of the methods specifically authorized by the California Voting Rights Act. Only geographic districts where candidates and the City Councilmember must both reside in and be voted on by only the voters in that district is recognized by the California Voting Rights Act. As such, caution is advised if the ward system is preferred over the district system.

A listing of a number of the pros and cons of city council districts is provided later in this Administrative Report.

At-Large Elections

The at-large system of electing members of local governing boards was the most common method of electing local officials until the California Voting Rights Act was adopted. Under the at-large system, all candidates for the City Council run against each other citywide for the number of seats on the City Council at any given election. The top vote getters are elected for the number of seats open. For example, if three seats are open and there are five candidates, the three highest vote getters are elected—even if they happen to all live next to each other. So long as they are the top vote getters, they are elected to the City Council.

A listing of a number of the pros and cons of at-large elections is provided later in this Administrative Report.

Where Have San Buenaventura’s City Council Candidates and Members Resided Since 1991?

To the extent that where candidates and City Councilmembers reside is an important issue, staff has prepared a map indicating where candidates since 1991 have resided (red dots) and where City Council Members have resided (green dots). City staff in our Geographic Information Systems Office (GIS) then put together a map reflecting where both the candidates and the City Councilmembers have resided, a copy of this map is attached at Exhibit “1” to this Administrative Report. ² There was nothing
particularly special about the timeframe chosen other than this reflects the records that were retrievable by the City Clerk's Office.³

There are some interesting observations from the map, most staff will leave for the Charter Review Committee to discuss. The one important point is that while the Montalvo area has not had a City Councilmember as a resident, this area was only recently annexed to the City.

Survey Charter Cities

At the beginning of the Charter Review Committee process, staff has been preparing a survey where potentially relevant data from similar charter cities on issues that the Committee is discussing. We have done so in this case as well to indicate which of the survey charter cities currently have their City Councils elected at-large or by district. In addition, we have added some further information on the districting issue as it pertains to when districts were established and for those currently electing at-large, we have added information to indicate if those cities are transitioning to districts (likely as a result of a California Voting Rights Act challenge) or considering districts like this Committee is doing. A copy of the results of that survey is attached as Exhibit “2” to this Administrative Report.

Today, the survey charter cities reflect that sixty-six percent of the survey charter cities are using the at-large election method. However, three of the cities that currently have at-large elected city councils are transitioning to district based elections—almost exclusively as a result of either litigation or a serious threat of litigation under the California Voting Rights Act. With the addition of these three cities, the balance shifts to district based elections with fifty-eight percent utilizing or having district based elections authorized. Of the seven survey cities that are utilizing or have district based elections authorized, only three of them pre-date the California Voting Rights Act. As such, it is fair to say that the California Voting Rights Act has had a significant influence on the survey cities and their decision to change their electoral method to district based systems.

³ A special thank you to Roxanne Fiorillo, Deputy City Clerk for her diligent efforts in retrieving the addresses for all of the candidates and City Councilmembers.
Arguments Pro and Con on Districts and At-Large

In this Section of the Administrative Report, staff is providing a somewhat long list of arguments in support of and in opposition to both the district based election system as well as the at-large based election system. Ironically, the transition to district based elections system in California predicated in large part upon the California Voting Rights Act has limited the discussion of the merits or lack of merit with these two systems by cities and other public agencies in their reports to citizen committees and elected bodies. Consequently, a number of the sources cited in this section of the Administrative Report are from out-of-state public entities or university presentations. In fact, one study is from the City of Vancouver in British Columbia, Canada. Having reviewed a large number of reports and studies, the ones cited appear to have the most complete listing of arguments in support and opposition to the two electoral systems at issue here.

In listing the various arguments, staff is not taking a position in support or opposition to either method. We are providing the information as discussion starters and ideas for the Charter Review Committee to consider. There may be arguments and reasons that individual Members of the Committee have that are not listed. If so, please bring this up at the meeting so that they may be considered by your colleagues in making a recommendation. The following sources are cited and attached to this Administrative Report:

- City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9, Exhibit “3.”
- “A Closer Look at the Arguments for and Against District Plans,” Austin Statesman, 9/23/2012, Exhibit “5.”
- “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014, Exhibit “6.”
- Yes@Large Committee of the City of Naperville, IL, 2010, Exhibit “7.”
- Multi-California City Informal Survey on Directly Elected Mayors and City Council Districts, Exhibit “8.”

Districts: Arguments Pro

- Different geographic areas have different interests.4
- Minorities not adequately represented in at-large elections.5

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• Better representation for some groups than in at-large system because potential pool of constituents is small. 6
• May result in less costly campaigns for candidates because of smaller geographic area to be covered. 7
• May allow officials to be more responsive to constituents. 8
• May result in greater representation of racial and ethnic minorities. 9
• Substitutes “particularistic” for “universalistic” interests of the city. 10
• District representatives would have to understand and address the needs of outlying areas and overlooked constituencies and help ensure the City’s resources are distributed fairly. 11
• Candidates can run less expensive campaigns focused on grassroots efforts such as neighborhood meetings. 12
• Each geographic area of the city is represented. 13
• Viewpoints that might not be able to win citywide may have a better chance of being represented. 14
• Each voter has a specific councilmember to go to for assistance. 15
• May allow a piece of citywide infrastructure to be completed despite opposition from a politically powerful neighborhood.

Districts
Arguments Con

• “Balkanization” of city. 16
• Vote trading and deal making between district representatives. 17, 18

18 Staff has included an article from Western City, the publication of the League of California Cities on the issue of vote trading as it is one that is frequently raised in relation to geographic districts and thought should be given to how to avoid this problem if districts are recommended by the Committee, “Let’s Not Make a Deal: Vote-Trading and Similar Practices Raise Legal and Ethical Issues,” Western City, February 2007, Pgs. 24, Exhibit “9”.

• Narrowing of political interests.\(^{19}\)
• Creates conflict on city council.\(^{20}\)
• May make the city council more political and less responsive.\(^{21}\)
• May set up political fiefdoms.\(^{22}\)
• May give voters/taxpayers less say.\(^{23}\)
• Increase overall spending (to equalize spending among districts or to set up district special accounts).\(^{24}\)
• Increase special interest projects (pork spending).\(^{25}\)
• May lead to focus on smaller parochial issues, at the expense of broad, regional interests.\(^{26}\)
• May increase influence of moneyed special interests.\(^{27}\)
• Requires costs of districting and re-districting.\(^{28}\)
• Raises concern over gerrymandering.\(^{29}\)
• Constituencies that are not defined geographically may not be served.\(^{30}\)
• Voters can influence only one council member.\(^{31}\)
• May eliminate highly qualified candidates when more than one lives in the same district.\(^{32}\)
• Tendency towards cronyism.\(^{33}\)
• Residents at odds with district council member cannot effectively lobby balance of city council.\(^{34}\)

\(^{19}\) City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.
\(^{20}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{21}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{22}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{23}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{24}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{25}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{26}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{27}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{28}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{29}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{30}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{31}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{32}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{33}\) Yes@Large Committee of the City of Naperville, IL, 2010.
\(^{34}\) “A Closer Look at the Arguments for and Against District Plans,” Austin Statesman, 9/23/2012.
• Costs to apportion initially and then re-apportion after census, major annexation, etc.\textsuperscript{35}
• May have city council majority not really caring about what happens outside their district.\textsuperscript{36}
• Special interests can more easily capture city council seats because fewer voters they have to influence.\textsuperscript{37}
• A candidate may be elected with very few votes.\textsuperscript{38}
• Voters may be confused about which district they reside in—lines not always logical or easily understood.\textsuperscript{39}
• Neighborhoods may be split—one man, one vote dictates equality among district population.\textsuperscript{40}
• City councilmembers more likely to try to intervene/interfere in administrative matters impacting their district.\textsuperscript{41}
• A city councilmember, who moves within the city, but outside of the district, loses office.\textsuperscript{42}

\textbf{At-Large}

\textbf{Arguments Pro}

• Mayor and city council are all accessible to public.\textsuperscript{43}
• Councilmembers consider interests of whole city, not just their district in making decisions.\textsuperscript{44}
• Each voter can approach every city councilmember for support.\textsuperscript{45}
• Provides city council with broad perspective allowing citywide and regional prospective.\textsuperscript{46}
• May mute effects of parochial interests influencing elected officials.\textsuperscript{47}
• Provides largest pool to select candidates.\textsuperscript{48}
  
• Candidates may be more moderate to appeal to a wider range of voters.\textsuperscript{49}
  
• Each voter gets to vote for all council members.\textsuperscript{50}
  
• With the opportunity to vote for all seats, each voter is likely to have backed at least one winning candidate and thus feel represented by that council member.\textsuperscript{51}
  
• Candidates need substantial citywide support to win.\textsuperscript{52}
  
• Councilmembers can move within the city without losing their seats.\textsuperscript{53}

**At-Large**

**Arguments Con**

• May result in elected officials who pay less attention to and have less familiarity with some neighborhood interests.\textsuperscript{54}
  
• May unduly enhance the influence of downtown business interests and other special interests.\textsuperscript{55}
  
• Higher cost to run for office.\textsuperscript{56}
  
• May reduce accountability of elected officials by broadening the constituency served.\textsuperscript{57}
  
• May result in less representation of minority groups and/or views (for example, racial and ethnic groups, women, sexual minorities, and economic/political groups).\textsuperscript{58}
  
• More costly campaigns, higher cost to candidates to get elected.\textsuperscript{59}
  
• Advantages “name familiar” candidates.\textsuperscript{60}
  
• Campaigns are more expensive – limiting who may run.\textsuperscript{61}
  
• Media advertising more important in campaigns – less person-to-person contact.\textsuperscript{62}
  
• Several councilmembers could live close together, leaving other areas “unrepresented.”\textsuperscript{63}


\textsuperscript{49} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\textsuperscript{50} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\textsuperscript{51} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\textsuperscript{52} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

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\textsuperscript{54} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

\textsuperscript{55} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

\textsuperscript{56} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

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\textsuperscript{58} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

\textsuperscript{59} City of Scottsdale, AZ, Charter Committee Minutes of 12/17/1986, pgs. 9-14 and 1/14/1987, pgs. 1-9.

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\textsuperscript{61} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.

\textsuperscript{62} “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
• Councilmembers may be more likely to view election as stepping stone to another office. 64
• A politically influential neighborhood can prevent an important piece of citywide infrastructure from being completed.

California Voting Rights Act

While the City Council in answering the Committee’s request for clarification on the scope of the charge to the Committee relative to the districting issue was clear that they were not looking for a legal analysis or a decision based on what a court could require but was interested in the Committee’s recommendation of what you believe to be the best form of government for the City, this decision cannot be made in a vacuum. Consequently, staff has attached as Exhibit “10” a presentation from the 2014 Annual Conference of the League of California Cities entitled “The California Voting Rights Act – an Update.” 65 The authors and presenters of this paper have been involved in a number of cases under the California Voting Rights Act representing cities and other public agencies and are among the recognized experts in this area. The material is factual, brief, and provides a basic understanding of the issues to assist the Committee in understanding how the policy issue the City Council has requested that you provide a recommendation on relates to the legal issues that are forefront in current litigation in this area.

ATTACHMENTS:
Exhibit “1” – Maps Reflecting General Location of Residence of City Council Members and Candidates from 1991 to 2015.
Exhibit “2” – Survey Charter Cities on At-Large or District Elections.
Exhibit “3” – City of Scottsdale Charter Review Committee Minutes, 12/17/86 & 1/14/87.
Exhibit “4” – City of Vancouver Report to Charter Review Committee.
Exhibit “5” – Austin Statesman Article.
Exhibit “6” – “Some Pros & Cons of Different Election Methods”
Exhibit “7” – “Yes@Large Committee of Naperville, Illinois.
Exhibit “8” – Multi-California City Informal Survey.
Exhibit “9” – Western City Article on Vote Trading.

63 “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
64 “Some Pros and Cons of Different Election Methods,” Michael Crowell, UNC School of Government, 8/12/2014.
Addresses for Candidates from 12 City Council Elections 1991 through 2013

Source: Lists of candidates and their addresses provided by the City Clerk's office, based on their election records.

This map is a product of the City of San Buenaventura, California. Although reasonable efforts have been made to ensure the accuracy of this map, the City of San Buenaventura cannot guarantee its accuracy.
## SURVEY CHARTER CITIES – AT-LARGE OR DISTRICTS?

<table>
<thead>
<tr>
<th>SURVEY CHARTER CITY</th>
<th>CITY COUNCIL ELECTED AT LARGE</th>
<th>CITY COUNCIL ELECTED TO GEOGRAPHIC</th>
<th>WHEN CHANGED TO DISTRICTS FROM CITY WIDE</th>
<th>TRANSITIONING</th>
<th>CONSIDERING AMENDMENT</th>
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<tr>
<td>City of Berkeley</td>
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<td>2014 Charter Amendment</td>
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<td>City of Merced</td>
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<td></td>
<td>Districts established by Commission from Federal Census within 9 months of election (2008)</td>
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<td>City of Modesto</td>
<td>X</td>
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<td>1964 Charter Amendment</td>
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<td>City of Newport Beach</td>
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EXECUTIVE SUMMARY

The Scottsdale Charter Review Advisory Commission is pleased to present its Final Report to the Scottsdale City Council.

THE REPORT ... The Report is divided into three sections:

1. Section 1 contains recommended revisions to the current City Charter. Each revision is presented on a single page—the Motion; the Action; the Rationale; and a Minority Opinion. The page following each recommended revision shows Draft Ballot language for that revision, prepared by the City Attorney's office and reviewed by the Commission.

2. Section 2 contains recommendations to the City Council, for which no Charter revision is needed or recommended. From time to time throughout the Commission's deliberations, issues surfaced on which the Commission desired to express its opinion to the City Council, but which the Commission felt were not appropriate for a Charter revision. Therefore, the Commission took the liberty of adding this Section in order to share its thoughts and opinions with the Council.

3. Section 3 contains a listing of significant issues which were discussed, but for which no Charter revision is recommended. It is the intent of the Commission, in presenting this Section, to provide the City Council with a summary of its deliberations on significant issues relating to the Charter, but issues for which the Commission decided that it would recommend no Charter changes.

THE PROCESS ... The Commission held 24 public meetings over an eight month span, beginning September 17, 1986 through June 3, 1987. Of those 24 meetings, one meeting was devoted to a discussion with the City Manager regarding the Scottsdale organization and its processes; a second early meeting was devoted to a discussion with the Mayor and members of the Council, in order to better understand the political perspective of the Scottsdale organization and Scottsdale Charter.

Although all 24 meetings were public meetings, and included opportunities for public comment, two meetings were specifically devoted to accepting public testimony on the first draft of the Commission's report—a meeting held April 15 in the City Hall Kiva, and a meeting held April 29 at the Troon Village Country Club. A summary of the comments received are included with the Minutes of April 15 and 29.

EXHIBIT "3"
The Commission then held two subsequent meetings--on May 13 and May 20, to re-examine its draft report in light of the public comments received and the knowledge gained over the course of this eight-month process. The result is this Final Report presented to you, which was approved by the Commission at its final meeting on June 3, 1987.

THE RESULTS ... The Commission recommends 13 revisions to the current City Charter (see Section 1). The Commission presents an additional seven recommendations for Council consideration, not involving a Charter Revision (see Section 2).

The Commission requests that the City Council pay particular attention to the discussion concerning the "Council Election Method" presented in Section 2. The Commission spent considerable time discussing alternatives to the current method of electing the Mayor and City Council "At Large". The Commission discussed the pros and cons of the At Large District System, a Full District System, and a "Modified District System"; that discussion is presented in the body of this report.

The City Council may note that the Commission, at its January 14, 1987 meeting, constructed a "preference chart" reflecting individual Commission members' preferences for various election alternatives--the current method of "At Large elections" received the proponderance of votes, and a "Modified District System" was the second choice.

The Commission, at its meeting on May 20, 1987, reconsidered this question and, by a vote of 6 to 6, elected to make no recommendation for a change to the current method of Council elections--six members voted to support the "At Large System" and six members voted to support some form of a "Modified District System".

This issue is one that clearly holds important ramifications for Scottsdale's future, and the Commission urges the City Council to read the summary of its discussion--and to refer to the Commission Minutes if desired--so that the Council may carefully consider all alternatives.

IN CONCLUSION ... The Commission was, at all times, sensitive in its deliberations to distinguish between issues which are properly addressed by Charter, and those issues which are properly a function of Council policy (given that authority exists in the Charter for the Council to exercise such policy).
The Commission also understands quite clearly that it is the responsibility of the City Council to decide what questions—if any—should be placed on the ballot concerning revisions to the current City Charter. With this in mind, the Commission has attempted—in this Final Report—to clearly and concisely articulate the discussion and opinions of Commission members and both majority and minority opinions on each issue. This is done in order to provide the City Council with as thorough a report as possible, in order to allow the Council to consider all alternatives before making a final decision.

The Commission wishes to express its appreciation to the City Council for the opportunity to serve the City of Scottsdale in this manner. The process has been both comprehensive and exhaustive, as well as enjoyable and fulfilling.

"We are proud of this opportunity to serve the City of Scottsdale, and request that you accept this final report in fulfillment of our obligations."

On behalf of the Scottsdale Charter Review Advisory Commission:

Charlie Smith, Chairman

Jim Bray, Vice Chairman
COUNCIL ELECTION METHOD

ARTICLE II, SECTION 2

(Minutes of December 17, 1986, pp. 9-14; January 14, pp. 1-8)

MOTION ... That the Commission adopt the chart (attached) as the recommendation of the Commission to the City Council. (NOTE: The chart reflects Commission member preferences for four alternative procedures for holding Council elections. The chart reflects that nine members recommend no change in Article II, Section 2--in other words, that the Council continue to be elected at large. Two Commission members supported this alternative with "second place" votes. The chart further reflects that two Commission members cast first place votes for the modified district system—that Councilmen be nominated by district and run at large. Nine Commission members supported the modified system with second choice votes.)

ACTION ... The motion carried by a vote of 14-0.

RATIONALE ... The at large system of electing Councilmen works well in Scottsdale. The Mayor and Councilmen are accessible to the public, and consider the interests of the City as a whole when making decisions. The Commission spent considerable time discussing both the merits and weaknesses of a "district system". Commission members expressed concern that the district system would represent the "balkanization of Scottsdale"; vote trading between district representatives to ensure the approval of projects/programs that may be important to one or more districts; to a narrowing of political interests, at the expense of the overall community; to a loss of community spirit and participation which marks Scottsdale's unique history.

MINORITY OPINION ... The Commission's second choice was for a modified district system, with Councilmen nominated by district and elected at large. The Commission preferred this alternative to a full district system, because at large elections would minimize some of the perceived weaknesses of the full district system, outlined above. Nomination by district would ensure some kind of equal geographical dispersion of Council members. The Commission deliberately did not decide whether this alternative meant that all six Councilmen would be nominated by district and elected at large, or whether this alternative meant that three Councilmen would be nominated by district and elected at large, with an additional three Councilmen elected at large.

The minority opinion, in support of some kind of a district system, is that Scottsdale has grown too large—both in terms of geographical area and population—to continue at large representation. Different areas have different interests. Minorities are not adequately represented in an at large system. All areas in the City deserve representation, and some kind of a district system is a common solution within the democratic process to achieve that representation.
**COUNCIL ELECTION ALTERNATIVES**

**COMMISSION PREFERENCE CHART**

**DATE:** January 14, 1987

Four options were considered by the Charter Review Commission for ways to select City Council members. Each member was asked to indicate a first and second choice. The four options are:

A) Recommend no change in Article 2, Section 2.
B) Recommend a full district system.
C) Recommend Three members be elected by district, and three at large.
D) Recommend that councilmen be nominated by district and run at large.

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<tr>
<th>NAMES OF ELIGIBLE VOTERS</th>
<th>A</th>
<th>B</th>
<th>C</th>
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*Gen. Sackton was absent at this meeting. His vote was carried forward from last week's poll.

**NOTE:** First choice is indicated by 1, second choice by 2.
COUNCIL ELECTION METHOD: RECONSIDERED

ARTICLE II, SECTION 2

(Minutes of May 20, pp. 5-9)

MOTION ... That the Commission chart adopted at the meeting of January 14 continues to express the opinion of the Commission regarding Council election alternatives.

ACTION ... The motion failed by a vote of 6 to 6.

RATIONALE ... The Commission discussed the input received at the public hearing held April 29 at Troon Village Country Club. One member expressed the opinion that the residents who testified at the public hearing were sincere in their beliefs and there did seem to be a significant lifestyle difference for the residents of northern Scottsdale. The Commission discussed the demographics of Scottsdale, and--based upon a series of maps depicting "sample districts" prepared by the City's long range planning staff for the year 1985, the year 2000, and "full build-out"--the majority concluded that the far north district would continue to include portions of McCormick Ranch, until at least full build-out. Half of the Commission held firm to the belief that the advantages of the At Large system of election where significant, and any change to a Modified District system would impair the efficiency and representative nature of Scottsdale's government.

MINOR OPINION ... The other half of the Commission supported some type of a Modified District system. The opinion was expressed that district systems appear increasingly popular in Arizona, and it was in Scottsdale's interest to take action proactively to propose some type of a "Modified District System" that would best fit Scottsdale, rather than face the possibility of a "Full District System" imposed by initiative. The final vote on this issue was split--6 to 6. Therefore, the Commission agreed that it was proper to fully inform the Council of their deliberations and discussions, while presenting no recommendation from the Commission to amend the existing Charter language. (See attached chart).
COUNCIL ELECTION ALTERNATIVES

COMMISSION PREFERENCE CHART: RECONSIDERED

DATE: May 20, 1987

Two options were considered by the Charter Review Commission for ways to select City Council members. The two options are:

(A) Recommend no change in Article 2, Section 2 (At Large system)

(B) Recommend some form of modified system

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<th>NAMES OF ELIGIBLE VOTERS</th>
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TO: 2009 Charter Review Committee
FROM: Judith Zeider, Chief Assistant City Attorney
SUBJECT: Ward or District System for Electing Councilmembers

This is to supplement the materials provided to the Committee for its May 12, 2009, meeting.

Specifically, I am providing background information regarding some of the questions which Charter Review members have posed to Tim Likness, Clark County Auditor's Elections Office.

In addition, attached are materials related to wards and districts from the Municipal Research Services Center (MRSC), the 1994 Charter Review Committee and the 1996 Citizens Advisory Committee on Representation (CACOR).

Questions to Tim Likness:

Information regarding the subject matter of a few of the questions forwarded to Tim Likness is provided immediately after the questions.

1. What's broken with our current form of government? Since election by wards/districts has popped up for 25 years of charter review but never been adopted, it appears the present form of government meets our constituents needs.

2. What benefit would our city gain by changing to a ward system similar to Spokane?

   As indicated in materials previously provided to the Committee for its meeting of May 12, 2009, Spokane both nominates (in the primary) and elects (at the general election) by district.

   Whether Vancouver would gain by changing to this system or some other ward and district system for electing councilmembers is a political and policy question for the Committee to evaluate.
3. **What's the downside/challenge of the ward system?**

There are a number of commonly cited pros and cons for ward and district systems. Attachments B and C are materials from MRSC and National League of Cities (NLC) which set forth some of these. These are provided as information, without comment on the validity of these viewpoints.

By way of legal background, there are some basic legal requirements for ward and district systems. RCW 29A.76.010 sets forth the time frames and other details on redistricting by local governments. In brief, cities with ward and district systems must prepare a redistricting plan at least every ten years after the federal decennial census is completed. The governing body of the city (i.e. council) must prepare a plan for redistricting its internal districts or wards. The plan must be consistent with the following criteria:

(a) Each district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

The process for adoption of the plan must provide for “full and reasonable public notice” of actions on the plan, and there must be at least one public hearing on the redistricting plan, which must be held at least one week before adoption of the plan.

The statute also provides for a process by which any registered voter residing in an area affected by the redistricting plan may seek review in superior court to challenge the plan’s compliance with the criteria of the statute.

4. **If we were to switch, what would you recommend as a structure and why?**

5. **Are all residents of the city eligible to run for Council in any district under the ward system or is this limited to the area in which they reside?**

This will depend upon the structure selected for a ward or district system.
Yakima, for example, has four council districts, with one council member elected from each, and three councilmembers who run at large without regard to where they reside in the city. See Attachment A, MRSC’s brief description of the ward and district systems in Washington cities.

In regard to legal limitations on how a ward or district system is designed, at the time of the 1999 Charter Review, we dealt with a question concerning a state statute which provides that cities with a council manager form of government must allow voters throughout the city to vote on all the council candidates at the general election. Only such cities, which limited voters to voting within their wards at the general election prior to 1994, were allowed to continue this system. RCW 35.18.020(2).

I concluded then and continue to advise now that RCW 35.18.020(2) does not apply to Vancouver as a charter city. For charter cities, RCW 35.22.200 provides that “the mayor and council and such other elective officers as may be provided for in such charter shall be elected at such times and in such manner as provided in Title 29 RCW.” (Emphasis added) (Title 29 was repealed and/or recodified 2003 and elections are now governed by Title 29A RCW). RCW 35.22.200 gives charter cities such as Spokane and Vancouver authority to establish ward systems that differ from those of non-charter cities as long as they conform to the general election laws of the state in Title 29A. Thus, Vancouver could, like Spokane, establish a ward system in which voters may only vote for candidates who reside in their wards at both the primary and general elections.

6. How difficult is it to redraw the ward lines every four years if that is necessary?

7. What would redrawing the lines cost? If we change to wards, can we limit the redistricting to every 10 years based on the census as a way to limit the costs?

As noted the May 12, 2009, staff memorandum on wards/districts, the population of wards and districts must be equally apportioned, so if the population of districts changes more frequently than every ten years, the districts must be rebalanced. Mayor Dennis of Camas alluded to this in his presentation on May 12th – i.e. that Camas had to redraw district lines more frequently as annexations brought in more residents. I will forward another copy of that memorandum for ease of reference.

Additional materials:

In addition to the Attachments mentioned before, I have attached materials from two earlier studies of wards or districts in Vancouver in 1994 and 1996.

There is a wealth of information compiled by other cities which have studied ward or district systems, including Seattle and Vancouver B.C. For now, I hope what is attached will be of assistance for your present needs.
ATTACHMENTS:


B. Email of May 15, 2009, from Joe Levan, MRSC Legal Consultant (which had the above list as one attachment). This sets forth pros and cons commonly given for ward or district systems.

C. At-Large, District and Mixed-System Elections, National League of Cities, About Cities: Cities 101: Local elections. (Also one of the references from Mr. Levan) taken from the NLC website. This is a two page summary of types of city election systems by city size; brief summary of common arguments given by proponents of each system.

D. From 1996 Citizens Advisory Committee on Representation (CACOR), Staff Report 231-96 to City Council. CACOR was appointed in 1996, prior to the Cascade Park Annexation, to evaluate whether the existing system of electing city councilmembers should be modified. Their proposal to appoint two non-voting ad hoc members to City Council was adopted by Council and implemented. Their proposal to amend the Charter to adopt, among other things, a combined district and at-large system for election of councilmember was not.

E. From 1994 Charter Review Committee – 8/1/09 – Three Options for District Nomination and/or Election of City Council Members. This has draft resolutions for each of the three options that the 1994 Charter Review Committee was considering at the time. Ultimately, the 1994 Committee voted not to forward a proposal to council.

1. Members may access other materials referenced in Mr. Levan’s email via the Internet, or contact staff to provide copies if they do not have Internet access.
Current Cities with Ward/District Systems

First Class Cities:

- Aberdeen - 12 councilmembers, 6 wards - two councilmembers elected from each ward.
- Bellingham - 7 councilmembers, 6 wards - one councilmember elected from each ward and one councilmember elected at-large.
- Bremerton - 9 councilmembers, 9 districts - one councilmember elected from each district.
- Spokane - 7 councilmembers, 3 districts - two councilmembers elected from each of three districts - the council president is elected at-large.
- Tacoma - 8 councilmembers, 5 districts - five councilmembers elected to district positions and three at-large.
- Yakima - 7 councilmembers, 4 districts - 1 councilmember elected to each of 4 district positions, three councilmembers elected at-large.

Second Class Cities:

- Colville - 7 councilmembers, 3 wards - presumably 2 councilmembers elected from each of 3 wards and one elected at-large.
- Ritzville - 7 councilmembers, 5 wards - presumably 1 councilmember elected from each of 5 wards and 2 elected at-large.

Optional Municipal Code Cities:

- Anacortes - 7 councilmembers, 3 wards - 1 councilmember elected from each of 3 wards, 4 councilmembers elected at-large.
- Bainbridge Island - 7 councilmembers, 3 wards - 2 councilmembers elected from each ward, one councilmember elected at-large.
- Blaine (Council-Manager) - 7 councilmembers, 3 wards - 2 councilmembers elected from each ward, 1 councilmember elected at-large.
- Bonney Lake - 7 councilmembers, 5 wards - 1 councilmember elected from each of 5 wards, 2 councilmembers elected at-large.

- Burlington - 7 councilmembers, 6 wards - 1 councilmember elected from each ward, 1 councilmember elected at-large.

- Camas - 7 councilmembers, 3 wards - 2 councilmembers elected from each ward, 1 councilmember elected at-large.

- Centralia (Council-Manager) - 7 councilmembers, 4 wards - 1 councilmember elected from each of 4 wards, 3 council positions elected at-large.

- Chelan - 7 councilmembers, 2 wards - presumably 3 elected from each ward, with one elected at-large.

- Hoquiam - 12 councilmembers, 6 wards - 2 council seats represent each ward.

- Kennewick - 7 councilmembers, 3 wards - 2 councilmembers elected from each ward, one councilmember elected at-large.

- Mount Vernon - 7 councilmembers, 2 wards - 3 councilmembers elected from each ward, 1 councilmember elected at-large.

- Pasco (Council-Manager) - 7 councilmembers, 5 wards - 1 councilmember elected from each ward, 2 councilmembers elected at-large.

- Pullman - 7 councilmembers, 3 wards - 2 councilmembers elected from each ward, 1 elected at-large.

- Puyallup (Council-Manager) - 7 councilmembers, 3 districts - 2 councilmembers elected from each district, 1 councilmember elected at-large.

- Sedro Woolley - 7 councilmembers, 6 wards - 1 councilmember elected from each of 6 wards, 1 councilmember elected at-large.

Ld - 5/14/09
You requested an updated list of Washington cities with ward or district systems. I asked Lynne De Merritt, our Senior Research Consultant, to research this and attached is a list based on information she provided. Lynne also indicated that the only "recent" city that appears to have changed from ward to all at-large election for councilmembers was Snohomish which looks like it might have done so in 2002. Lynne also came across a 1999 Vancouver resolution (M-3241) proposing a nonbinding advisory ballot on a ward system election. Note also the following:

Additional information:


* Campaign begun to get Seattle council members elected by districts, By SCOTT SUNDE, SEATTLEPI.COM STAFF (May 13, 2009) - http://www.seattlepi.com/local/406159_council13.html


With respect to your request for information evaluating the pros and cons of election by district or ward vs. at-large, the following information was compiled by Byron Katsuyama, our Public Policy Consultant:

* Seattle - Citizen Advisory Panel on Council Elections - Final Report <http://www.mrsc.org/govdocs/421elections.pdf>, (388 KB) Seattle, WA, August 11, 2003. This report and its appendices document the panel's outreach and efforts to identify and explain a range of electoral options for electing members of the City Council. Included in their study are pros and cons of at-large vs. district elections. A majority of the citizen advisory panel recommended keeping Seattle's current at-large system of electing members of the Seattle City Council.


05/26/09 - ATTACHMENT B
WARDS/DISTRICTS CHARTER REVIEW 2009

"Should City Councilors be elected by wards? Should Councilors be elected at-large, or by specific position? Pros and Cons<http://www.ashland.or.us/Page.asp?NavID=2818>," Ashland, OR, Charter Review Committee

"Recommendation from the District Representation Committee<http://209.85.165.104/search?q=cache:kZxl1XhHFNSj:www.ci.atlantic-beach.fl.us/archives/60/DRSC%2520Report%2520to%2520Commission%2520on%2520July%25202007%2520Final%2520Add%2520Appendices%2520and%2520Table%2520of%2520Contents.doc+hybrid+elections+civic>," City of Atlantic Beach, FL

The following pro and con arguments have been drawn from a variety of sources and do not necessarily represent the views of MRSC:

At-Large - Pros

* Provides city councilmembers with a broad perspective, allowing citywide interests and regional goals to be considered.
* Under this system, residents from all parts of the city who want access to a councilmember can choose from among all of the members whose election they can influence directly.
* Provides elected officials with a geographically broad perspective, allowing citywide interests and regional goals to be considered.
* May mute the affects of parochial interests influencing elected officials.
* Citywide campaigns offer an excellent education for service as a councilmember.
* May provide the largest pool from which to select candidates.
* Helps maintain an appropriate balance of power and separation of powers between the mayor and the city council (mayor-council cities).
* Most voters have historic experience with this system, and they understand how it works.
* Having all members of the council elected by the whole constituency better ensures attaining the "public interest"
* Employs "universalistic" criteria for candidate recruitment, conduct of the campaign, and public policy.

At-Large - Cons

* May result in elected officials who pay less attention to, and have less familiarity with, some neighborhood concerns.
* May unduly enhance the influence of downtown business interests and other special interests.
* May contribute to the higher cost of elections.
* May reduce the accountability of elected officials by broadening the constituency served.
* May result in less representation of minority groups and/or views (for example, racial and ethnic groups, women, sexual minorities, and economic/political groups).
* Creates large role for special interests organized city-wide.
Advantages "name familiar" candidates.
Reduces access. Less direct link to citizens.

District - Pros

* Better representation for some groups than in at-large systems because the potential pool of constituents is smaller.
* May result in less costly campaigns for some candidates due to the small geographic area to be covered.
* May allow elected officials to be more responsive to their constituents.
* Simple for voters to understand and administer.
* Depending on housing patterns, may result in greater representation of ethnic and racial minorities.
* Substitutes "particularistic" for "universalistic" interests of the city.
* Argues that the interests of the "city as a whole" usually redound to the benefit of the central business district at the expense of diverse communities of interest composing the city.

District - Cons

* May lead to a focus on smaller parochial issues, at the expense of broad, regional issues.
* May increase the influence of moneyed special interests.
* Requires that districts be drawn.
* Raises issues of gerrymandering.
* The city may not divide into seven "natural neighborhoods" of equal population.
* Constituencies that are not defined geographically may not be served.
* Electing Councilmembers by district could result in councilmembers becoming mini-mayors for their district.
* Voters can influence the election of only one Councilmember.
* May eliminate highly qualified candidates when more than one lives in the same district.
* Tendencies toward cronyism.
* Replaces the "public interest" with "partial, parochial interests."

Mixed District/At-Large (Primary Nomination by District/General Election Citywide) - Pros

* Universal and parochial interests are represented, allowing citywide interests and regional goals to be advanced as well as neighborhood interests.
* Some campaigns may be less costly.
* May affect a balance between the influence of moneyed special interests and neighborhood interests.
* May provide for greater representation of minority groups and/or views (for example, racial and ethnic groups, women, sexual minorities, and economic/political groups)

* Better representation for some groups than in at-large systems because the potential pool of candidates is more representative of neighborhoods.
* May allow elected officials to be more responsive to their constituents.
* Provides elected officials with a geographically broad perspective, allowing citywide interests and regional goals to be considered as well as neighborhood interests.
* Residents from all parts of the city who want access to a councilmember can choose from seven councilmembers whose election they can directly influence.
* Citywide campaigns offer an excellent education for service as a councilmember.
* Helps maintain an appropriate balance of power and separation of powers between the mayor and the city council.

Mixed District/At-Large (Primary Nomination by District/General Election Citywide) - Cons

* May create two classes of elected officials - at-large and district-based councilmembers; the at-large councilmembers may be perceived as more important than the district councilmembers.
* District elected officials may focus on parochial issues.
* Political and monetary costs are associated with defining districts.
* Because an at-large councilmember will also live in a district represented by another district Councilmember, some neighborhoods would have "double" representation and may enjoy a disproportionate amount of power relative to other parts of the city.
* May allow well-funded groups to more easily target candidates they wish to defeat.
* May eliminate highly qualified candidates when more than one lives in the same district.
* May unduly enhance the influence of downtown business interests and other special interests.

Best Regards,

Joe Levan
Legal Consultant
Municipal Research & Services Center
2601 4th Ave., Ste. 800
Seattle, WA 98121
Phone: (206) 625-1300
E-mail: jlevan@mrsc.org
Web: www.mrsc.org
The form of local elections varies from city to city, with several common variations. Some cities elect their local representatives by district, some have at-large elections, and some have both.

**AT-LARGE, DISTRICT AND MIXED-SYSTEM ELECTIONS**

Election systems in American cities are determined by the nature of the council members' constituency and by the presence or absence of party labels on the ballot (see Partisan vs. Non-partisan Elections). With regard to the first feature, there are two types of constituencies for city council members -- at-large and district.

**Breakdown of types of city council elections by city size (2001)**

<table>
<thead>
<tr>
<th>Type</th>
<th>Small (≤25,000)</th>
<th>Medium (25,001-199,999)</th>
<th>Large (≥200,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At-Large</td>
<td>48.9%</td>
<td>43.7%</td>
<td>16.4%</td>
</tr>
<tr>
<td>Mixed-System</td>
<td>25.0%</td>
<td>25.4%</td>
<td>38.2%</td>
</tr>
<tr>
<td>District</td>
<td>26.1%</td>
<td>31.0%</td>
<td>45.5%</td>
</tr>
<tr>
<td>(n=649)</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

*Study based on a mail questionnaire completed by a random sample of 664 council members in cities with population of 25,000 and higher (Stora, 2001).

**At-Large**

All at large members are elected to serve the same constituency -- the population of the city as a whole. At-large election proponents favor having council members elected by the entire city because:

- Council members in an at-large system can be more impartial, rise above the limited perspective of the ward and concern themselves with the problems of the whole community;
- Vote trading and logrolling are minimized; and
- Better-qualified individuals are elected to the council (broader base of candidates).

However, at-large elections can weaken the representation of particular groups, especially if the group does not have a citywide base of operation or is an ethnic/racial group concentrated in a specific ward.

Nearly two-thirds (64%) of all municipalities use at-large elections in some way. At-large elections tend to be more popular in small cities and more affluent areas.

**District**

District elections select a single council member from a geographical section of the city, or ward. District election proponents favor having council members elected to represent individual wards because:

- District elections give all legitimate groups, especially those with a geographic base, a better chance of being represented on the city council (namely minority groups);
- Ward council members are more sensitive to the small but frequently important problems that people have (i.e.: needed stop signs, trash pick up); and
- District elections reduce voter alienation by bringing city government closer to the people.
However, councils elected by district elections may experience more conflict and be less efficient because of ward specific vs. broader constituency perspective.

Only 14% of all municipalities use strictly district elections. Cities with populations of 200,000 or more are more likely to use district elections.

In addition, quite a few courts have forced jurisdictions to switch from at-large elections to district elections and in most cases the reason was to allow more representation by specific ethnic/racial groups (see Springfield, IL 1987 and Dallas, TX 1990; see also amendments by the U.S. Congress to the Voting Rights Act, 1982).

**Mixed-System**

Some cities combine these two methods and elect some council members at large and some from districts (21% of municipalities use this approach). An individual council member will either occupy a district or at-large seat on the council. Mixed systems are most likely to be found in parts of the south and central city jurisdictions.

**Sources:**


TO: Mayor and City Council
FROM: Vernon E. Soper, City Manager
DATE: 11/18/96

Subject: Public Meeting on City Council Representation.

Summary:

Appointed by the City Council, the Citizens Advisory Committee on Representation was charged with evaluating whether, given the pending city annexation(s), the existing system of electing City councilmembers should remain unchanged or be modified. Recognizing the potential implications of a proposed annexation which could virtually double the size of the City, City Council appointed a thirteen-member committee to evaluate the current process for electing City Council members. The committee was comprised of a broad-based group of citizens from throughout the greater Vancouver Urban Area. City Council appointed eight members to the committee; the remaining five members were selected by various interest groups. The members were:

- Arch Miller, Chair
- Tom Burkholder, Vice Chair
- Steve Dearborn
- Ceci Ryan-Smith
- John Gear
- Barb Davis
- Charles Hoover
- Sandy Leach
- Jack Burkman
- Brian Carlson
- Lee Kurokawa
- Steve Sanders
- Roger Bieber

1994 Charter Review Commission
1994 Charter Review Commission
1994 Charter Review Commission
1994 Charter Review Commission
At-Large City Representative
Cascade Park Business Association
East County Neighborhood Advisory Comm.
Evergreen School District
At-Large Representative
At-Large Representative
Governance Choices Committee
New City Committee
At-Large Representative

Prior to the first meeting, Mr. Bieber indicated that he could not attend the scheduled meetings. Given the timelines, no replacement was proposed. The committee continued as a twelve-member committee.

The Process:

Assumptions:

Several overriding assumptions were part of committee discussions:

- Annexation would result in an estimated population of 128,000;
- Elections would continue to be non-partisan;
- No changes in the Council/Manager form of government would be proposed;
- No changes in the election of the Mayor; and
- Any proposed changes should work both in the short- and long-term and be consistent with future annexations.
Public Involvement:

Four public meetings were held with convenient access to citizens throughout the urban area. Meeting locations included:

- City Hall Council Chambers
- Riverview Elementary
- Ben Franklin Elementary
- City Hall Council Chambers

All meetings were taped by CVTV and shown on Channel 47. The first and last were broadcast live with a live call-in held as part of the final meeting. Advertising was inserted into The Columbian prior to each meeting. Attendance at all four meetings was sparse; there were no attendees at the first meeting. The second meeting had nine attendees, which was the largest turnout of the four. Total attendance for all four meetings was 18. Public comment on the existing structure and the need to change was fairly evenly split.

A newsletter was prepared following each meeting and distributed to a mailing list of approximately 175 contacts. Two members of the committee, Ms. Smith and Mr. Dearborn, appeared on KVAN radio. Committee members also participated in the INTERACT FORUM on Governance Issues. Both The Columbian and The Oregonian did feature articles on the committee's work. In addition, a presentation was given to the East County Neighborhood Advisory Group, coordinated by Mr. George Burkhart.

Options:

The committee evaluated the current election system and received background from former City Attorney Jerry King as part of the first two meetings. At the third meeting, the committee reviewed a series of alternatives (SEE ATTACHMENT) and voted to eliminate several options. A subcommittee comprised of Tom Burkholder, Jack Burkman and Charles Hoover was selected to refine the options and present them to the entire committee. At the final meeting the options were presented to and voted on by the committee. The committee eliminated alternatives by voting one option against another and eliminated all but:

- District/At-Large Option
- Increasing the size of the council from six to eight
- Temporary expansion of the Council

Recommendation:

Based on results of the voting and associated public input, the Citizen's Advisory Committee developed an integrated set of advisory recommendations for consideration by City Council. The recommendations are described as follows.
1. That City Council appoint two ad hoc members to City Council from the newly-annexed areas as soon as possible, with appointments effective through December 1997. The positions would be non-voting but would allow for otherwise full Council participation. This action does not require amending the existing City Charter.

2. Propose the following Charter Amendment(s) for citywide election in early (February) 1997, scheduled to allow for such changes to be made for the November 1997 election. The proposed amendments and their votes include:

   • Permanent expansion of City Council from the existing six-member council to an eight-member council. Passed 8-3
   • A combined district and at-large system for the election of council members with four at-large and four district positions. Passed 6-5
   • Amend charter to create a special districting committee to implement and maintain district boundaries. Passed Unanimously

**Transition:**

The committee discussed how to actually implement the proposed changes and developed the following transition scenario:

1997 Election: Five (S) Council positions and Mayor elections — four, four year Districted Council positions and one, two year at-large Council position.

Mayoral election — no change.

1999 Election of four, four-year at large Council positions.


**Action Requested:**

Accept public comment on recommendations for City Council representation.

**Attachments:**

- Alternatives for Representation
Citizens Advisory Committee on Representation
Alternatives for Representation

Purpose: This committee has been chartered to develop a recommendation for representation as part of the Annexation process. The recommendation will go to the City Council, but is not binding. If accepted by the Council, a majority vote by current City residents would be required to modify the City Charter. Such an election would be held in 1997, following annexation.

The alternatives listed below were presented to the committee at their first meeting on May 22, 1996. All are based on the Council-Manager form of city government.

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Description</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present, At Large system, (Vancouver City Charter, Sections 2.01 and 2.02)</td>
<td>The council consists of seven members including a mayor. All are nominated and elected at large. The mayor is elected for a two year term and council members for four year terms. Three council members are elected at each biennial municipal election.</td>
<td>The next biennial election is in 1997 when the terms of three council members and the mayor will expire. Terms of the remaining three council members do not expire until 1999 and cannot be terminated prior to that time.</td>
</tr>
<tr>
<td>Temporary/Permanent Expansion of Council</td>
<td>Increase the number of council members from the current level of 6 members. The increase could be temporary during the transition period and revert to the original size upon completion or there could be a permanent increase.</td>
<td>• Could provide improved access to newly annexed areas without permanently changing the current system. • Potential to address community oriented focus and address transitional needs. • Could be combined with any of the systems below.</td>
</tr>
<tr>
<td>Full Ward system, election by ward</td>
<td>The City would be divided into a number of districts with substantially equal population. Candidates would be required to be a residents of their district. Nomination and election would be by district. The mayor would be nominated and elected at large. Council members moving out of their district would forfeit office.</td>
<td>• Believed to favor those candidates with a narrower, less community oriented focus • The number of districts and terms of office would be a part of the recommendation. By State law, districts must be: • Geographically contiguous • Not to favor or disfavor any racial group or political party • And, to the extent possible ✓ Have boundaries which follow existing, recognized, natural boundaries ✓ Preserve existing communities of related and mutual interest</td>
</tr>
<tr>
<td>ALTERNATIVE</td>
<td>DESCRIPTION</td>
<td>COMMENTARY</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Full Ward system,</td>
<td>Similar to Full Ward, election by ward. In this system, nomination is by district and election is at large for each councilmember.</td>
<td>Believed to favor those nominees with a more community oriented focus</td>
</tr>
<tr>
<td>election at large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partial Ward system</td>
<td>Districts would be established for a portion of the council positions (say 3 or 4 with the present 6 positions). Nomination would be by district or at large based on the position. Election would normally be at large for all nominees.</td>
<td>Some believe that this offers a degree of direct representation while still favoring candidates and nominees with a strong community orientation</td>
</tr>
<tr>
<td>Temporary Ward system</td>
<td>Establish either a full or partial ward system, but provide in the Charter amendment for the system to be temporary and revert to a full at large system after a certain number of years.</td>
<td>Could assure representation for newly annexed areas until they become fully integrated into the City</td>
</tr>
<tr>
<td>&quot;Proportional Representation&quot; or &quot;Preference Voting&quot; system</td>
<td>System where nominees receiving the most votes are elected to the positions being filled.</td>
<td>Avoids the usual winner-take-all approach to elections. However, State law currently requires that Council members have to (run for and) be elected to a specific position. To proceed with proportional representation, the City would have to request that the legislature amend the current law.</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: 1994 City Charter Review Committee
FROM: Judith Zeider, Chief Assistant City Attorney
RE: Three Options for District Nomination and/or Election of City Council Members
DATE: August 1, 1994

The committee continued discussion of three options for a ward/districting system for electing City Councilmembers to its August 2, 1994, meeting.

All of the options would continue to have the Mayor nominated and elected at-large.

Attached are numbered, draft resolutions for each of the proposed three options. They are as follows:

Option 1: All Councilmembers would be nominated from three districts, but continue to be elected at large. This was the "B-1" option passed out by John Caton at the July 26th meeting.

Option 2: Three Council positions would be nominated by district, three would continue to be nominated at-large, and all would continue to be elected at-large. This was formerly the "B-2" option passed out by John Caton July 26th.

Option 3: Four Council positions would be nominated and elected by district and two would continue to be nominated and elected at-large. This option was proposed by Arch Miller but not voted on by the Committee.

One issue to be dealt with any of the three options is how to schedule establishment of the districts so as to coincide with the municipal general elections held, by state law, in odd-numbered years. RCW 29.13.020(1). The next two such elections will be in 1995 and 1997, respectively.

If the district system is to be implemented for the 1995 November election, the council district committee will be on a tight timeline, and districts will need to be in place by June 29, 1995. (The filing period for city elective offices is from the fourth Monday in July to the following Friday, i.e. July 25-29, 1995. RCW 29.15.020.)

However, Tim Likeness of the Elections Office advises that in order
for his office to make the necessary adjustments to precinct boundaries for the 1995 election, they would need to have the City's district designations by late April or early May of 1995. Likeness indicates that if the district designations are not adopted until later (say, by the first of June, 1995), the elections office can still prepare ballots, etc., for the primary and general elections, and leave adjusting precinct boundaries until later, but that the process will be more time-consuming for his staff. The City would bear the cost of this. RCW 29.13.045.

I have therefore drafted the resolutions with alternate timelines for a 1995 and 1997 implementation schedule.

If the districting plan is to be in place for the 1995 election, the commission members should be appointed as early as possible and have their district map prepared and submitted to City Council by March 31, 1995. Council would need to adopt the map by ordinance by April 30, 1995. This timeline is reflected in the first, bracketed date shown at each place in the drafts where a deadline is relevant.

If the districting plan is to be in place for the 1997 election, a less tight timeline is possible. A proposed timeline for this is shown in the second bracket at each deadline point in the resolutions.

I hope that these materials are of assistance to the Committee in its continued discussions August 2nd.

Attachments:
cc John F. Fischbach, City Manager
     Ted Gathe, City Attorney
H:\jz\mem\district.802
RESOLUTION NO. M-_____

A RESOLUTION and proposal to add a new Section 2.17 to the City Charter to provide for a citizen's Districting Committee to form the City into three "Council Districts", and to provide that beginning in [1995][1997] candidates for City Council shall be nominated by the voters of the "Council District" in which the candidate is a resident, but for all general elections for Councilmember to continue to be city-wide, at-large, elections.

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. That, as recommended by the Charter Review Committee in its report of _______, it is hereby proposed that a new Section 2.17 be added to the City Charter to read as follows:

"The City Council shall have seven members including the Mayor, as provided in Section 2.01. The term for Councilmember shall be four years. Beginning with the [1995][1997] municipal election, all city councilmembers other than Mayor shall be nominated to such office by the voters of the "Council District" in which the candidate is a resident."
"Such Council Districts shall be established as follows: No later than [December 15, 1994][March 1, 1995] the Mayor and City Council shall appoint a panel of five persons to constitute a citizen "Districting Committee". By no later than [March 31, 1995][October 31, 1995], the Committee shall prepare a map showing the city divided or formed into three "Council Districts". Such Districts shall be substantially equal population, and the map shall take account, insofar as reasonably possible, of factors such as topography and neighborhoods. No later than [April 30, 1995][December 31, 1995], the City Council shall adopt such map by an appropriate ordinance which establishes such three Council Districts and which provides for nominations and elections consistent with this section.

"Thereafter beginning with the municipal election of [1995][1997], any candidate for City Council shall at the time of filing for office be a resident of the district from which he or she seeks to be nominated. At the municipal primary election each voter in such district shall vote for one candidate and the two persons receiving the most votes shall be thereby nominated.

"The names of the two persons thus nominated by the voters of each district at the primary election shall be placed upon the general municipal election ballot to be voted upon by the voters of the entire City, and the one of the two who receives the greater vote shall be elected to City Council.
Council.

"The member so elected shall remain a resident of the district from which nominated during his or her term of office in order to remain eligible to hold such office.

"The Districting Committee herein provided for shall be composed of City residents and each member shall serve a five year term; provided, the first appointments shall be for one, two, three, four and five year terms respectively. No member shall be appointed to a succeeding term. The committee shall meet upon call of its chairperson or of the Mayor, but shall meet no less often than every two years to determine whether changes in City population should cause there to be any changes in Council District boundaries. If it does so determine, the Committee shall prepare a new map, as above provided, to be submitted to City council no later than March 31 of any year in which there will be a municipal election, and such new map shall be adopted by City ordinance no later than the following April 30, to be effective for the next municipal election.

"This section shall supersede Section 2.01 of the City Charter but only insofar as Section 2.01 provides for at large nomination and election of City Councilmembers."

ADOPTED at regular session of the Council of the City of Vancouver, at ___ day of ________, 1994.

__________________________
Bruce E. Hagensen, Mayor

RESOLUTION - 3
Attest:

H. K. Shorthill, City Clerk

Approved as to form:

Theodore H. Gathe, City Attorney

H:\council\res\option1.802

RESOLUTION - 4
(Three council positions to be nominated by district, three continue to be nominated at-large, but all general elections for councilmember to continue be at large. Mayor continue to be nominated and elected at large.)

RESOLUTION NO. M-  

A RESOLUTION and proposal to add a new Section 2.17 to the City Charter to provide for a citizen's District Committee to form the City into three "Council Districts", and to provide that beginning [1995][1997], three positions for City Council shall be nominated by the voters of the "Council District" in which the candidates for such positions are residents, three positions for City Council and the Mayor shall continue to be nominated at large, but for all general elections for Councilmember to continue to be city-wide, at-large, elections, and the Mayor to continue to be nominated and elected at-large.

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. That as recommended by the Charter Review Committee in its report of _______, it is hereby proposed that a new Section 2.17a be added to the City charter to read as follows:

"The City Council shall have seven members including the Mayor, as provided in Section 2.01. The term for Councilmember shall be four years. Beginning with the [1995][1997] general municipal election, three city councilmembers other than the Mayor shall be nominated to such
office by the voters of the "Council District" in which the candidate is a resident.

"Such Council Districts shall be established as follows: No later than [December 15, 1994][March 31, 1995] the Mayor and City Council shall appoint a panel of five persons to constitute a citizen "Districting Committee". By no later than [March 31, 1995][October 31, 1995], the Committee shall prepare a map showing the City divided or formed into three "Council Districts". Such Districts shall be of substantially equal population, and the map shall take account, insofar as reasonably possible, of factors such as topography and neighborhoods. No later than [April 30, 1995][December 31, 1995], the City Council shall adopt such map by an appropriate ordinance which establishes such three Council Districts and which provides for nominations and elections consistent with this section.

"Thereafter there shall be three members of Council and the Mayor nominated and elected at-large and three members of Council nominated by district but elected also at-large. Three members shall be nominated by district beginning with the municipal election of [1995][1997] and candidates for such district positions shall at the time of filing for office be a resident of the district from which he or she seeks to be nominated.

"At the municipal primary election each voter in such district shall vote for one candidate and the two persons
receiving the most votes shall be thereby nominated.

"The names of the two persons thus nominated by the voters of each district at the primary election shall be placed upon the general municipal election ballot to be voted upon by the voters of the entire City, and the one of the two who receives the greater vote shall be elected City Council.

"The member so elected shall remain a resident of the district from which nominated during his or her term of office in order to remain eligible to hold such office.

"Beginning in [1995][1997], the remaining three positions for Council shall be nominated and elected at-large, as shall the Mayor.

"The Districting Committee herein provided for shall be composed of City residents and each member shall serve a five year term; provided, the first appointments shall be for one, two, three, four and five year terms respectively. No member shall be appointed to a succeeding term. The committee shall meet upon call of its chairperson or of the Mayor, but shall meet no less often than every two years to determine whether changes in City population should cause there to be any changes in Council District boundaries. If it does so determine, the Committee shall prepare a new map, as above provided, to be submitted to City council no later than March 31 of any year in which there will be a municipal election, and such new map shall be adopted by City ordinance no later than the following April 30, to be effective for the next
municipal election.

"This section shall supersede Section 2.01 of the City Charter but only insofar as Section 2.01 provides for at-large nomination and election of all City Councilmembers."

ADOPTED at regular session of the Council of the City of Vancouver, at ___ day of ______, 1994.

Bruce E. Hagensen, Mayor

Attest:

H. K. Shorthill, City Clerk

Approved as to form:

Theodore H. Gathe, City Attorney

H:\council\res\option2.802

RESOLUTION - 4
(Four Council positions to be nominated and elected by district, two Council positions to be nominated and elected at large. Mayor to continue to be nominated and elected at large.

RESOLUTION NO. M-_______

A RESOLUTION and proposal to add a new Section 2.17 to the City Charter to provide for a citizen's District Committee to form the City into four "Council Districts", and to provide that beginning [1995][1997], four positions for City Council shall be nominated and elected by the voters of the "Council District" in which the candidates for such positions are residents, but for the elections for the two remaining Council positions and the Mayor to continue to be city-wide, at-large, elections.

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. That as recommended by the Charter Review Committee in its report of _______, it is hereby proposed that a new Section 2.17 be added to the City charter to read as follows:

"The City Council shall have seven members including the Mayor, as provided in Section 2.01. The term for Councilmember shall be four years. Beginning with the [1995][1997] general municipal election, four city councilmembers other than the Mayor shall be nominated and elected to such office by the voters of the "Council District" in which the candidate is a resident.

"Such Council Districts shall be established as
follows: No later than [December 15, 1994][March 31, 1995] the Mayor and City Council shall appoint a panel of five persons to constitute a citizen "Districting Committee". By no later than [March 31, 1995][October 31, 1995], the Committee shall prepare a map showing the City divided or formed into four "Council Districts". Such Districts shall be of substantially equal population, and the map shall take account, insofar as reasonably possible, of factors such as topography and neighborhoods. No later than [April 30, 1995][December 31, 1995], the City Council shall adopt such map by an appropriate ordinance which establishes such four Council Districts and which provides for nominations and elections consistent with this section.

"Thereafter there shall be four members of Council nominated and elected by District and two members nominated and elected in city-wide, at-large elections. Four members shall be nominated by district beginning with the municipal election of [1995][1997] and candidates for such district positions shall at the time of filing for office be a resident of the district from which he or she seeks to be nominated. At the municipal primary election each voter in such district shall vote for one candidate and the two persons receiving the most votes shall be thereby nominated.

"The names of the two persons thus nominated by the voters of each district at the primary election shall be placed upon the general municipal election ballot to be voted upon by the voters of the district from which the two persons
were nominated, and the one of the two who receives the greater vote shall be elected City Council.

"The member so elected shall remain a resident of the district from which nominated and elected during his or her term of office in order to remain eligible to hold such office.

"Beginning in [1995][1997], the two remaining positions for Council shall be nominated and elected at-large, as shall the Mayor.

"The Districting Committee herein provided for shall be composed of City residents and each member shall serve a five year term; provided, the first appointments shall be for one, two, three, four and five year terms respectively. No member shall be appointed to a succeeding term. The committee shall meet upon call of its chairperson or of the Mayor, but shall meet no less often than every two years to determine whether changes in City population should cause there to be any changes in Council District boundaries. If it does so determine, the Committee shall prepare a new map, as above provided, to be submitted to City council no later than March 31 of any year in which there will be a municipal election, and such new map shall be adopted by City ordinance no later than the following April 30, to be effective for the next municipal election.

"This section shall supersede Section 2.01 of the City Charter but only insofar as Section 2.01 provides for at-large nomination and election of all City Councilmembers."
ADOPTED at regular session of the Council of the City of Vancouver, at ____ day of ______, 1994.

Bruce E. Hagensen, Mayor

Attest:

H. K. Shorthill, City Clerk

Approved as to form:

Theodore H. Gathe, City Attorney

H:\council\res\option3.802
Ed English has lived in Northwest Austin for 30 years and says he can't remember the last time an Austin City Council member took an active interest in his neighborhood.

Residents in his low- to middle-income subdivision struggle to pay ever-higher utility bills and property taxes, he said.

And city projects such as a hike-and-bike trail planned for the area languish longer than they should.

"We feel like we're the tail on the dog, and we're just along for the ride — that downtown and West Austin call the shots, and we have to live with it," said English, 58, a member of the Milwood Neighborhood Association.

That's why English is backing one of the two plans up for a vote Nov. 6 to change the City Council's setup to members who live in and represent specific areas, or districts. Currently, all seven council members represent the whole city of more than 800,000 people.

The two plans will appear separately on the ballot, and at least one must get more than 50 percent to pass. If both plans meet that threshold, the one with the most votes would be enacted.

District boundaries would not be drawn until after the election.

Below, we look at some of the pros and cons of each plan and of keeping the current system intact.

The 10-1 plan
A citizens group called Austinites for Geographic Representation gathered more than 20,000 petition signatures to get this plan for 10 district representatives and a citywide mayor on the ballot.

Groups that have endorsed it include the city's firefighter and police unions, the Travis County Republican Party, Hispanic groups, the Austin branch of the National Association for the Advancement of Colored People and the Austin Neighborhoods Council, an umbrella group for neighborhood associations citywide.

Five of the council's seven members live downtown or in West or Central Austin. Residents of those areas are generally more affluent and politically active and have the most sway at City Hall, district supporters say.

Because council members aren't accountable to specific parts of town under the current system, neighborhoods often have to seek out multiple council members to solve problems, something lower-income, working-class residents don't have the time to do, said Pat Smith, who leads a group of residents and business owners in Southeast Austin.

District representatives would have to understand and address the needs of outlying areas and overlooked constituencies, and help ensure the city's resources are distributed fairly, said Austin NAACP President Nelson Linder.

"Issues like police brutality, affordability, employment opportunities and infrastructure needs don't have a voice now because (council members) don't come from ZIP codes that deal with those things," he said.

Candidates running in districts could also wage less expensive campaigns focused on grass-roots efforts such as neighborhood meetings, said Eliza May, a former Greater Austin Hispanic Chamber of Commerce president who ran unsuccessfully for a council seat in 2006.

The current system favors candidates who are wealthy or tied to donors who can raise large sums to air TV ads and send mailers to voters citywide, she said.

The 10-district plan calls for a 14-member, independent commission of residents, not the City Council, to draw the district boundaries. Those with paid ties to city politics, such as paid political workers, lobbyists and large campaign donors, could not serve on the board. That would prevent the lines from being gerrymandered for political reasons, said Austin attorney Fred Lewis, who helped write the details of the commission. (This independent commission is the main reason English, the Northwest Austin homeowner, is backing the 10-district plan.)

Any district map would have to pass muster with the U.S. Justice Department, which would review the district boundaries to ensure that they don't dilute minorities' voting strength.

An unspoken understanding has reserved one Austin council seat each for Hispanics and blacks since the 1970s.
Austin’s African American population is small and dispersed, potentially making it tough to draw a district that can encompass them. Ten districts — not any fewer — is the right number to ensure that at least one district has a plurality of black voters, giving them a fair shot at electing candidates they prefer, said Peck Young, who runs a public policy program at Austin Community College and has helped draw district maps for other groups.

The 8-2-1 plan

This plan would put in place eight district representatives and three citywide council members, including the mayor.

Mayor Lee Leffingwell and other council members added this mixed plan to the November ballot because they think the council should retain more citywide members than just the mayor.

The plan has been endorsed by Central Austin Democrats, Austin Environmental Democrats and an umbrella group that represents 15 Asian American organizations.

A group called Austin Community for Change is campaigning for this mixed system, partly because members see it as a less dramatic change that will be more palatable to voters, said Fred McGhee, who served on a city committee that studied the issue of district representation.

Austin attorney Richard Jung worries that the big picture would get lost in a system made up only of council members who focus myopically on geographic areas.

A mixed system "is more balanced," he said. "Two at-large members and the mayor can look out for overall city interests like transportation. NIMBY ('not in my backyard') problems will be exacerbated if every council member is geographic, because none will want to be a part of anything seen as negative in their areas," he said.

Citywide seats also would give minority groups that are not concentrated in geographic areas, such as Asian Americans and gays and lesbians, a better chance of winning council seats than the districts-only plan, said Ann Kitchen, a former state representative. (Asian Americans are dispersed across Austin and made up 6.3 percent of the population in the 2010 census.)

Residents also would be able to vote for four council members under the mixed system (a district representative and three citywide seats) versus just two (a district representative and the mayor) under the other plan, Kitchen said.

Residents who are at odds with their district representative and want to advocate for a project or issue could talk to the other three, citywide members, Jung said.

This ballot item does not say who would draw the district boundaries; that would be determined after the election. Critics say that leaves the map-drawing open to political calculations.
Critics also say a mixed system would result in a power imbalance between citywide and district-based council members. And they worry this system would preserve the status quo of city elections, in which they say wealthy candidates or those tied to rich donors have the best opportunity to win citywide seats.

No change

Austin voters have rejected plans for district representation six times since 1973, and some still don’t see a need for the shift.

A survey done by a national firm last year found that most Austinites are pleased with city services, a sign that there isn’t a strong appetite for change, said Terrell Blodgett, a retired University of Texas urban management professor.

There are no squabbles over district lines under the current system, and each council member is forced to keep in mind the best interests of the whole city, said West Austin homeowner August Harris.

Austinites also have the right to vote for every council member, not just two or four, said Circle C resident Ken Rigsbee, who served on the city committee that studied this issue.

City officials have estimated it would cost about $888,000 to build extra council offices and $1.4 million a year in future years to pay salaries and other costs for four additional council members and council staffers.

Rigsbee worries about that added cost and other unintended consequences, such as whether district-based council members will fight over projects and funding for their areas, slowing down decision-making.

The biggest problem with city politics is that many residents don’t vote in city elections, he said.

"It's my opinion that merely adding numbers (of elected officials) does not improve governance," Rigsbee said. "If people don't vote now, it's my observation that they don't care. So why would we add four members and spend more money on a less-efficient government if people don't vote?"

Contact Sarah Coppola at 912-2939

EXPERT COVERAGE

Sarah Coppola has been covering Austin City Hall for eight years. This story is one in a periodic series of reports on city propositions on the November ballot. Go to statesman.com to see previous stories.
On the Nov. 6 ballot are two plans to change the Austin City Council’s setup from seven members who represent the entire city to a different system. The options are:

- Proposition 3: 10 district representatives and a citywide mayor
- Proposition 4: Eight district representatives, two citywide council members and a citywide mayor

Early voting begins Oct. 22.
SOME PROS AND CONS
OF DIFFERENT ELECTION METHODS

Michael Crowell
UNC School of Government
August 12, 2014

District elections (only the voters in the district vote on the seat from that district)

Pro
• Each geographic area of the city is represented
• Candidates and council members are "closer" to voters
• Viewpoints that might not be able to win citywide can be represented
• Better opportunities for minority candidates (racial or political) to be elected
• More neighborhood grassroots campaigning required, less reliance on media advertising
• Campaigning should be less expensive than a citywide campaign
• Each voter has a specific council member to go to for assistance
• In a low profile election that will not get much attention, the voter’s choice is simplified, there are fewer candidates to learn about

Con
• Council members may represent only the interests of their districts, not the whole city
• A candidate may be elected with few votes
• Council members may have more divergent views, may have more conflict with each other
• Districts lines have to be reviewed and possibly redrawn after each census and each significant annexation
• Voters may not know district lines, be confused about candidates
• Because of one-person/one-vote requirement, districts may split neighborhoods
• Council members may be more likely to intervene in day-to-day administrative matters affecting their district
• Best qualified candidates may be concentrated in one district
• An elected member who moves out of the district is disqualified from office
• Depending on staggered terms, not all voters may be voting each election, reducing overall turnout

At-large elections (all voters vote on all candidates, regardless of where they live)

Pro
• Candidates, council members are more likely to consider interests of entire city
• Candidates may be more moderate to appeal to a wider range of voters
• There may be less conflict among council members as a result of moving toward consensus points of view for citywide support
• Elections are easy to administer, every voter gets the same ballot
• Elections are easy for voters to understand
• Each voter gets to vote for all council members
• With an opportunity to vote for all seats, each voter is likely to have backed at least one winning candidate and feel represented by that council member
• Someone who would be in a minority within a district may still be elected
• No redistricting is ever needed
• No candidate can be elected without substantial citywide support
• Council members may move within the city without losing their seats

Con
• Campaigns are more expensive, limiting who may run
• Media advertising is more important in campaigns; less person-to-person contact
• Several council members could live close together, leaving other areas “unrepresented”
• Racial and political minorities may have a more difficult time electing candidates
• Council members may be more likely to view election as a stepping stone to another office
• There is less direct link between voters and council members
• More divergent viewpoints are less likely to be represented
• In low profile elections that get little attention, voters may have too many candidates to choose from

Residency districts (candidates must live in particular districts but are voted upon citywide)

Pro
• Each distinct community within the city is represented but council members must consider the interests of the entire city
• Although elected citywide, council members will feel obligated to pay attention to the needs of their district
• Elections are easy to administer, all voters get the same ballot
• All voters get to vote in all elections
• Districts do not have to be redrawn after the census
• To be elected a candidate needs citywide support
• Each citizen has a particular council member to look to for assistance with district issues

Con
• Generally it is more difficult for racial minorities to elect candidates than with true election districts (in which at least one district may have a higher percentage of minority voters than in the city as a whole) or with at-large elections (in which single-shot voting can be used)
• Council members may tend to focus more on the needs of their districts than the city as a whole
• Campaigns for citywide elections are more expensive, rely more on media, than district-only elections
• Because voting is citywide, a candidate may be chosen to represent a district even though the candidate does not have the support of voters in the district
• Although elected citywide, a council member who moves from the district may be disqualified from office [although there is a legal argument that moving out of the district does not disqualify a member]
• Because residency districts are unusual, the election method may confuse some voters, particularly those new to the area
Visit the City of Naperville's website for a list of Frequently Asked Questions regarding the proposed ward district referendum. The following is a list of Frequently Asked Questions to Yes At Large.

Who are the citizens that comprise Yes At Large?
Yes At Large consists of citizens from varying ages and backgrounds, and come from all over the city. United by a passion for Naperville, they have come together to encourage community awareness and involvement in reconsidering and reversing the 2010 decision to divide Naperville into wards/districts.

Yes At Large believes that at the heart of Naperville's quality of life and award-winning reputation has been a system of governance that has strategically insisted on making decisions that are good for the whole town. A ward/district system of governance will erode that perspective, and lead to decisions that are less strategic, more divisive, and more costly.

Why does Yes At Large want residents to vote on something that has already been voted on? Hasn't the community spoken?
The Community has spoken three times on proposals to have Naperville change to a ward system of government. It has rejected this idea twice (once via a study by a Blue Ribbon panel in the 1980's, and once through a ballot question in the 1990's). In the past, before the question was considered, commissions were set up to fully study the pros and cons of using a ward system. While there were some formal discussions held on the issue in 2010, Yes At Large is concerned that the scope and implications of changing our governance required more focus, thoughtful discussion and community engagement.

Two important community organizations, the Naperville Area Chamber of Commerce and the League of Women Voters, studied the issue independently (with the League offering some presentations on both sides of the issue). These two organizations recommended against the proposed part-ward/district and part-at large system.

Essentially, Yes At Large believes that in the 2010 election cycle, the community was not fully engaged in and aware of the pros and cons of keeping an at large system. In addition, given the unique and polarizing circumstances of a national election and three consecutive ballot questions being considered, there likely was genuine confusion over this issue.

It is the position of Yes At Large that when an issue is as fundamental and important as deciding how we choose to govern ourselves is being considered, the community really needs to be sure that this is a wise course of action, and that such a change will not cause harm.

Were the people who successfully pushed for the passage of changing Naperville to a ward/district system wrong, or not well intended in some way?
Not at all. We fully assume that their motives were genuine, and we salute them for their involvement and responsible citizenship, and for using the tools provided in our democratic system to advance their position and interests.

What disadvantages do you foresee if Naperville changes to a system that divides us into wards/districts?
Dividing City Council representation into wards/districts will divide the community and create conflict on City Council, create a more "political" and "less responsive" Council, set up political feuds, give voters/taxpayers less say overall, and increase overall spending, and increase special interest projects (pork spending).

Wouldn't districts actually create better representation because your district representative will be responsive to your interests?
Taxpayers will have less representation, less voice. Right now, every voter can vote for every councilman, and that official represents the interests of the whole, and must be responsive to all. With the 2010 proposed change, taxpayers will not be able to vote for Councilmen that they prefer (or against those they don't) if these candidates represent another district. Key decisions will be made with less than half of the council having to consider your interests, because you cannot vote for or against them. Equally problematic, the "horse-trading"

http://www.yesatl.com

EXHIBIT "7"
and "deal-making" that has become the hallmark of city decision-making elsewhere will now come to Naperville.

Why do you think spending will go up?

Lawrence Southwick, reported in Economics and Politics, that "... it is found that spending, debt, and taxes are both significantly and substantially higher in cities where ward representatives have greater power than in cities where at-large representatives have greater power." We don't believe that Naperville would want any of these things to happen. Our good neighbors to the west in Aurora have a ward system. Aurora is a fine city, but each Alderman is given an extra allotment from the City Budget of $250,000 to spend on projects in their ward. Allocating City resources (and manpower) based on district projects will be less efficient than using a comprehensive master planning process that balances the infrastructure and service needs of a community over time, in a steady and fiscally responsible way.

The 2010 question left 3 councilmen and the Mayor to be elected at large. So, we will not be completely electing Councilmen from Districts. What is wrong with that?

The same dynamics of horse-trading will occur. NIU Professor of Public Administration Dr. Kimberly Nelson noted, "At-Large systems were created to eradicate machine politics." She adds, "At-Large councils are more likely to advocate for the policies that will benefit the community as a whole rather than one subsection of the community." Additionally, under the provisions of the 2010 decision, each one of us loses the ability to vote for 4 councilmen, which disenfranchises voters.

Are you undercutting the public by putting the Elect At Large question on the April 2013 ballot, where there is likely to be less voter turnout than in November?

April elections are "local" elections, where voters get to focus on local issues and candidates solely. The November elections will be dominated by issues, commercials, robocalls, and a lot of noise and distraction due to state and national level races, particularly for president. The consideration of how Naperville governs itself should not be given short shrift. Yes At Large encourages education and involvement, and strong voter turnout, regardless of where people stand.

Perhaps this boils down to south Naperville residents feeling as though they are viewed as an appendage to the City, instead of an equal and important part of Naperville. How can they be made to feel more connected and listened to?

Yes At Large feels strongly about uniting Naperville. That is why we are seeking a reversal on this decision. Districts will create an environment of division. Many Yes At Large members live in south Naperville (as do many current City Council members). Yes At Large is unaware of any capital projects or city services that are getting short-changed in any area of the City. So, we are not sure how changing our governance can address this perception.

What is the main reason as to why Yes At Large thinks the 2010 decision to divide into ward/districts needs to be overturned?

Now, each Council Member is expected to look out for what is best for Naperville as a whole. This type of decision making has served Naperville well throughout the decades, and has made us one of the top communities to live in nationwide. With ward/district representation Naperville loses that. Currently, each resident can vote for or against all Council Members. Under the ward/district system, we will lose that. If implemented, the division into wards/districts will result in Naperville voters with less say, and less representation in our City government. Yes At Large wants to keep our community united, and strong in order to continue attracting businesses and families. At large representation will preserve the best of what has made Naperville great.

How can I get involved and support your efforts?

E-mail us at yesatlarge@gmail.com. We are looking for volunteers to put yard signs out, donate, or host neighborhood coffees to help educate voters.
RESPONSES FROM OTHER CITIES: DIRECTLY-ELECTED MAYOR POSITION AND COUNCILMEMBERS ELECTED BY DISTRICT

**Question:** If you are a city with a directly-elected mayor and council members elected by district, what are the pros and cons of this model?

Please note, the responses do not reflect any city’s position, rather they are categorized by where the response came from.

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<tr>
<th>Jurisdiction</th>
<th>Comment</th>
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<tr>
<td>Arroyo Grande</td>
<td>• Have an elected Mayor position for a two year term. We do not have council districts. We have many controversial platform issues related to growth, housing, preservation of agriculture, traffic, and economic development. These issues tend to be &quot;non-partisan,&quot; and that is how we conduct our campaigns. Candidates for Mayor and Council run on their viewpoints relative to the foregoing issues, rather than political affiliation. Further, these issues affect our entire urban area as well as our rural fringe. As such, we have not and probably won't establish council districts. Feel we have a good system in place. By allowing open participation on important issues, we don't promote “turf battles” nor do we experience unfair influence from individual districts that might have a stronger economic or population base. We also don't have to contend with choosing council candidates from a designated district, which in our city, is a limitation we can live without.</td>
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<tr>
<td>Beverly Hills</td>
<td>• Directly-elected Mayors may behave as though they have two votes and a level of entitlement to staff.</td>
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<tr>
<td>Colton</td>
<td>• We were at large and went to districts. I loved before I became a councilman and will fight to keep this way if any one tries to change it back. I can give you overwhelming reasons to do this and only a few not.</td>
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| Corning        | • Limit the City’s ability to recruit the best elected officials.  
• In another City with serious racial issues, they had always elected district candidates at large (all city voters choose each district's council member). A civil rights suit was filed and the federal government settled with the city after the requirement was imposed limiting the district candidate choice to district voters only. Someone else will have to draw the correlation between this change and that community's economic deterioration.  
• Imagine having to redistrict after each census.  
• Districts cause the Balkanization of the Community.  
• In County Government there is a long tradition of district representation and it creates what one County Supervisor and former City Mayor called "little fiefdoms" each presided over jealously by its prince. Budgets must be properly distributed to insure each fiefdom benefits equally rather than by City priority. Each prince must have their own cash discretionary fund to be able to respond to special interests quickly without regard to real Community priorities. |
| Daley City     | • Sometimes directly-elected mayor and “ward” council members can become about deal making for their own ward with no attention to the larger issues and rife with petty politics and public acrimony. |
Downey
- Regarding a separately elected Mayor: my perception is that this works for larger cities, but not for smaller ones. I don’t know where the demarcation is, but I’ll throw out a population base of 200,000. I suspect that not having a directly-elected Mayor allows for the possibility of the City Manager assuming greater power.
- Regarding Councilmanic districts: again, in large cities, they appear to be a necessity. In smaller cities, they can (a) provide a lower threshold of campaign expense for candidates (fewer mailings, yard signs, and doors to knock), and (b) possibly allow “minority” candidates an advantage. Once in office, the Councilmember likely directs his/her attention largely to that district.

Escondido
- We do not have districts and I would not support district elections as I feel our city is small enough that at-large councilmembers serve all the people properly and effectively.

Fremont
- Directly-elected Mayor’s term should be 4 years. Two year terms are too short to get the benefit of a good Mayor on the regional, State and national level.
- Electing council members "by districts" gives you the "benefit" of many mayors instead of just one. "Elected from Districts" maintains a stronger sense of the common good while frustrating some locals with local issues.

Fullerton
- There are no pros to this model, only cons.....

Glenora
- Suggest you contact the City of Redlands in San Bernardino County. They went to this model about 20 years ago so they should have some good history. The impetus for the change was allegations that minority groups were not being properly represented, that some areas of the city got all the good stuff while the poorer areas got nothing. Recall that there was quite a controversy over the entire issue with outside advocates for the change etc.

ICMA
- Worked in a city with blended plan where the mayor and two council members were elected at-large and the other four by districts. The blended plan was the best demonstration of the strengths of the at-large system and the weaknesses in the district system. The two at-large members and the Mayor were the “statesmen”. They thought big and thought about the best interests of the whole community. The other four thought often thought first about their own districts and quickly learned that “deal-making” was the way to get things done.

La Mesa
- Has a directly elected Mayor, but the other four Council Members are elected "at large”. For a City that is geographically as small as La Mesa (approximately 9.3 square miles) it would be difficult to create districts that require individual Council representation. The ability of all Council Members, as well as the Mayor to represent all of the La Mesa residents and property owners equally provides for a very effective and responsive form of local government.

Lancaster
- The pros of a directly-elected Mayor are that it is clear to the community who will serve in that capacity for the two or four year term, whichever your community might select. The media clearly identifies that person as the contact on most City related issues. City Council Members no longer need to jockey for position to become Mayor other than through the ballot process.
- The cons of a directly-elected Mayor are for one, there is a perceived greater power attributed to the Mayor than the other Council Members when, in fact, their vote carries the same weight.
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<th>Location</th>
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<tbody>
<tr>
<td>Los Gatos</td>
<td>• Has a five-member Town Council, all elected at-large. Terms are four years, no term limits. Elections are even years, and terms are staggered, so that each election either two or three seats are up. The Town Council chooses the Mayor and Vice Mayor from the Town Council members at the second meeting in November. If there was an election, this is after the election, but before the newly elected members are seated in December. The Mayor and Vice Mayor serve one-year terms. It is customary that the Vice Mayor become Mayor, and that the new Vice mayor be the most senior council member who has not yet served in the role. If seniority is a tie, custom is that the highest vote-getter goes first. The &quot;old&quot; Mayor &quot;goes to the back end of the line.&quot; The goal is continuity and collegiality, and this method has served us well for many decades.</td>
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<td>Marysville</td>
<td>• The only problem we ran up against was when our Mayor resigned and I was appointed the &quot;acting&quot; Mayor. 2 of the 4 councilmembers left didn't think my seat, (council) was vacant, but that the Mayors was and I was only there as a Temp. We never addressed this in our charter; this is being changed this November by the voters.</td>
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<tr>
<td>Monterey</td>
<td>• Monterey has a directly elected mayor and has used this system since statehood. The mayoral term is 2 years, while the council terms are 4. This used to create a problem with councilmembers in a safe seat running for mayor, knowing that if they lost, they still had a seat on the council. If they won, they had to be replaced. We amended the charter some years back, and now if a safe seat member runs for mayor, they forfeit their council seat and it is filled at the same election.</td>
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<td>Monterey Park</td>
<td>• Have found the majority of the council not caring what happens outside their area and then you have a real nightmare of issues cropping up.</td>
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<tr>
<td>Napa</td>
<td>• Napa has a directly-elected Mayor with Councilmembers at-large, and there are not district elections. The system has worked fine for many years.</td>
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| Pacifica      | • Directly-elected Mayor could think they are in control of both the City Manager and the City Council.  
• Councils elected by district might lose sight of the whole city and focus on getting reelected by their district. This could lead to “deal making”. |
| Pasadena      | • Forwarded material.                                                                                                                                                                                   |
| Redding       | • Council could come to meetings with their own agenda for individual districts.  
• Could bring politics into hiring.                                                                                                                                                                     |
| Redlands      | • A very small number of people can elect someone from their district yet that person represents the whole city on budget and other decisions.  
• Because of the small number needed for election, it is easier for a special interest group to capture one or two seats compared to having to face citywide voter turnout.  
• The district delineation process, even at the city level, proved very political. Initial boundaries were drawn based on no particular agenda, but we did have a redistricting. |
| Rancho Mirage | • Unless you have an identifiable under represented minority group/community in your city, there is really no legal reason to have district elections.  
• It is very expensive to adjust the boundaries every couple years to accommodate shifts in population of voters amongst the districts.  
• Once a community moves to a directly elected Mayor – there is no turning back. I believe there is a provision in the Government Code that provides directly elected mayor with some additional authority than an appointed mayor -- albeit not much more. |
| Rancho Palos Verdes | • Mistake to change to a directly-elected mayor, unless your city is a plus 100,000 or more pop. City.                                                                                                     |
| San Diego     | • With district elections the pros are: greater access by constituents to their elected representatives and more accountability by them to constituents.  
• The cons: balkanization, competition over resources between districts and the structure puts far greater strain on City management under a council-manager form of government, especially if you have a Charter with a “non-interference” clause. The strain, of course, is caused by the elected officials trying very hard to satisfy the demands of constituents. I think under a district election system for council members, a mayor who is elected citywide (with strongish power to at least control the docket) is almost a necessity to help counterbalance the districts. |
| Torrance     | • Support directly-elected Mayor because the competition for this high office, which fundamentally sets a method of operation, is best left to the public sector.  
• Oppose councilmembers elected by district because they have their own interests.                                                                                                                                 |
| Tracy         | • Tracy has a directly-elected Mayor with a two year term. No districts. Council has staggered four year terms. Upside for voters - they get to directly elect the mayor AND a majority of seats (two council plus mayor) is up for election every two years. Downside -- Mayor has to run every two years -- can be lots of effort for a two year term when for same
amount of effort you can have a four year term as council member.

| **Ukiah** | - Has a directly-elected mayor with a two year term. The major con is that seated councilmembers have repeatedly sought that position, leaving an unexpired term to fill by appointment. If the goal is to give voters the right to select the mayor, the unintended consequence has been to deprive voters of the right to select a councilmember. The mayor's role is largely ceremonial outside presiding at council meetings.  
- At a minimum, I recommend making the term for elected mayor four years, not two. |
| **General comments.** | - The mayor would be appointed by a council majority to serve a one year. This appointment can, of course, be viewed as a popularity contest depending on the personalities and personal agendas of the council and cause some "back scratching" and political maneuvering by the various council members seeking the appointment. On the other hand, there could be rotation system developed based on seniority. Again, who gets appointed would depend on the personalities involved. If the council is united as a team and acts only in the best interests of the city, then it matters now who the mayor is. |
Let's Not Make a Deal: Vote-Trading and Similar Practices Raise Legal and Ethical Issues

This column is a service of the Institute for Local Government (ILG) Ethics Project, which offers resources for local officials on public service ethics. For more information, visit www.ca-ilg.org/trust.

League of California Cities

www.caicities.org

EXHIBIT "9"
QUESTION

I am a newly elected official. When I ran for office, I pledged to support a certain policy I’ll call “X.” After working with staff at our agency, a resolution to do X is now pending before our governing body.

One of my colleagues called me yesterday and said that he would vote for resolution “X” if I would vote for “Y,” a cause he’s championing. I confess I was taken aback and very uncomfortable. Am I right to be concerned?

ANSWER

Yes, you are right to be concerned. There are a number of issues to be aware of in such a situation.

First, when your constituents elected you, they elected you to use your best judgment on all issues that come before you. That means that you have a responsibility to vote only for proposals that you genuinely believe are in the public’s interests.

Any time a public official considers something other than the public’s best interests in making a decision, that official falls short of both legal and ethical obligations to his or her constituents. An easy example is when an official votes for something in exchange for money — everyone understands that such a practice is a bribe, which of course is a crime.

Vote-Trading is a Felony

Perhaps less well-known is the fact that vote-trading is also a crime for both state and local officials. Vote-trading for state officials has been a crime for some time, as have other improper influences on the legislative process. Recent amendments to the Penal Code extended the prohibition to local officials:

[A]ny member of the legislative body of a city, county, city and county, school district, or other special district, who

... gives, or offers or promises to give, any official vote in consideration that

... another member of the legislative body ... shall give this vote either upon the same or another question, is punishable by imprisonment in the state prison for two, three, or four years and

... by a restitution fine of not less than $2,000 or not more than $10,000.

To underscore the seriousness of the offense, vote-trading (like other forms of bribery and crimes against the legislative power) also subjects an official to forfeiture of office and forever being disqualified from holding office.

Like bribery, vote-trading is a form of quid pro quo (you do this for me, I’ll do that for you). Quid pro quos are always legally risky and fall short of ethical standards for public officials.

The Ethics of Vote-Trading and Similar Legislative Strategies

Why are quid pro quos a bad thing? Isn’t cooperation and compromise with colleagues a good thing?

Let’s look at the much maligned practice of “earmarking” in Congress. Earmarking is the process of designating funds for certain local projects in appropriations legislation. The system survives on a similar sort of “you-scratch-my-back, I’ll-scratch-yours” mentality that results in the expenditure of billions of dollars of taxpayer resources. According to the non-partisan Congressional Research Service, the number of earmarks has grown from 4,155 valued at $29 billion in 1994 to 14,211 worth $53 billion a decade later.

Looking for Footnotes?

A fully footnoted version of this article is available online at www.westerncity.com/articles.
Some of the projects that get funded through this process are undoubtedly worthwhile. However, it is the decision-making process itself that is flawed, because legislators are not necessarily evaluating each project on its merits or whether each project funded is the most worthwhile use of taxpayer dollars. Nor is there necessarily an evaluation of whether the overall spending level through earmarking is the right amount of spending. And finally, the process by which such

continued on page 40
projects get added to the appropriations bills is less than transparent.

This is the bottom line: Any time a public official stops making decisions based on what's best for the public, the policy-making process is compromised.

The same dynamic can occur at any governmental level when officials who represent geographical districts take a hands-off attitude toward their colleagues' districts — on the theory that the deference will be reciprocal when it comes to issues arising in one's own district. Such "district deference" is another form of quid pro quo. Like earmarking, district deference involves one person voting for someone else's proposal so that the other person will return the favor.

Deputy City Manager
City of Porterville, California

Porterville is offering an excellent opportunity to be trained and mentored with the potential of being appointed as the next City Manager. An ethnically diverse and rapidly growing community in the San Joaquin Valley, the City of Porterville is seeking a vibrant leader to assist the City Manager in overseeing day-to-day operations and budget preparation with an emphasis on public works, community development, and risk management. A full-service agency providing a diverse array of services to over 52,000 residents, the Deputy City Manager may also serve as Airport Manager. Bachelor's degree in public or business administration, finance, or related field is required; a Master's degree is preferred. Annual salary range is $98,028 to $119,592.

Please send your cover letter and resume electronically to:
Peckham & McKenney
apply@peckhamandmckenney.com

Call Bobbi Peckham at (866) 912-1919 for more information or to request a detailed brochure. The brochure is also available on our web site at www.peckhamandmckenney.com.

Filing deadline is March 9, 2007.
was truly bad or absolutely against my sense of the public's interest." Of course, it's good to have that minimum standard. But is that the standard that your colleague's constituents expect of him? Did he promise the voters, "I pledge not to vote for anything that's truly bad"?

One suspects that your colleague instead ran on a platform that he would make the best decisions on every issue that comes before him, and those that voted for him did so on that basis.

The Slippery Slope of the Ends Justifying the Means

Your colleague might say, "My constituents elected me to be an effective advocate for their interests. By engaging in vote-trading, district deference and similar practices, I am getting valuable benefits for my constituents. Isn't that what my constituents elected me to do?"

This is a dangerous line of thinking for public officials. It's a variation of the

continued

Any time a public official stops making decisions based on what's best for the public, the policy-making process is compromised.
Let's look at it this way: Legislative and other forms of decision-making in your agency are entrusted to a group of policymakers. This collective decision-making process is designed to produce the wisest decision. If the process were set up such that each elected official from each district gets to have their way with respect to issues that arise in their district, then the system should be explicitly designed that way and explained to the voters as such.

What’s the fundamental problem with a decision-making process that is predicated on vote-trading or even deference to a colleague’s priorities for his or her district? The problem is that such practices are, in essence, dishonest because they deceive the public about how decisions are made. The public thinks it is getting a system of bona fide collective decision-making when in reality that’s not how the system is working. Furthermore, the public believes that its representatives are each voting for a proposal because each representative thinks the proposal is best for the public. With vote-trading (or district deference), the public’s representatives are instead

City of San José, CA (pop. 945,000)
Deputy Director, Administration and Fleet Management

The City of San José “Capital of Silicon Valley”, is the third largest city in California, tenth largest in the nation and the Safest Big City in America with a cultural and ethnic diversity of its populations and workforce. The Department of General Services is responsible for managing the performance of the City’s fleet and building facility assets and has a staff of approximately 200 employees that occupy over 60 different classifications. General Services’ 2006-2007 Total Adopted Budget is just over $88.4 million. Position reports directly to the General Services Department Director, and provides leadership and direction to three managers within the Strategic Support and Fleet Management Divisions. Requires a bachelor’s degree in business or public administration, finance or a related field (a master’s degree is desirable); and six years of increasingly responsible senior level experience in a similar professional environment. Experience managing a work unit equivalent to a major division within a City operating department is desirable. Salary $101,296 - $157,788.

For more information, contact Sherrill Uyeda or Gisela McLean at (562) 901-0769, or e-mail info@alliancerc.com. EEO/ADA.

Sherrill Uyeda, Senior Partner
One World Trade Center • Suite 1155
Long Beach, California 90831
Phone: (562) 901-0769 • Fax: (562) 901-3082
www.alliancercsourceconsulting.com

Town Manager
Town of Windsor, Colorado

Windsor is located between Ft. Collins, Greeley, and Loveland and has maintained its small town atmosphere while offering big city conveniences and attractions. Windsor is a growing community, population approaching 20,000 residents, with easy access to I-25, Denver and the Rocky Mountains. The town operates under a Council-Manager form of government with a Town Board consisting of a Mayor and six Board members.

Must have a Bachelor’s in public administration, business administration or a related field; Master’s preferred with progressively responsible management experience in a local government setting serving a growing community. Salary range is $105,881 to 124,410 DOQ along with an excellent benefits package.

Your colleague may advise you to “go along to get along.” Don’t buy into this advice.
Other Rationalizations: “This Is How Politics Works” or “Everyone Does It” and “Who’s Going To Know?”

Because you are newly elected, your colleague may try to tell you that vote-trading, district deference and other forms of quid pro quo are just the way business is done in politics. He may advise you to “go along to get along.” Don’t buy into this advice.

If this is commonly accepted practice in politics, is your colleague willing to publicly acknowledge the practice? In other words, if the newspaper asked why your colleague voted for your X policy, would your colleague feel comfortable saying that he did so because he exchanged his vote for yours on one of his proposals? If he’s not willing to do so, this is a tacit admission that this approach is not consistent with the voters’ standards and expectations (not to mention the law).

This gets back to the fact that the public is being misled.

This is a variation of the so-called “newspaper test” for ethical decision-making. One way to know a given course of action is questionable is if one wouldn’t want to be reported as engaging in that conduct in the newspaper. With recent reports that the public is very concerned about corruption and ethics in government, one can be fairly certain that your colleague’s efforts to be “effective” would not be well-received by the public.

This is also the antidote to the “who’s going to know?” question. You can never count on something being kept a secret — particularly in politics. Someone can accidentally let a comment slip in a moment of bravado or at a bar. Political alliances can change. Prosecutors also have powerful incentives for getting people to tell the truth. It’s simply unwise to count on a code of silence.

continued

J O B  O P P O R T U N I T I E S

CITY OF SAN JOSE

The City of San José is pleased to announce the recruitment for a new Director of Retirement Services. The Department of Retirement Services manages the two Pension Trust Funds of the City of San José: the Federated City Employees’ Retirement System and the Police and Fire Department Retirement Plan.

DIRECTOR OF RETIREMENT SERVICES

The Director will work closely with the respective Boards of the two pension plans and manage over $3.5 billion in assets. The new Director will oversee daily operations with the assistance of two deputy directors and a staff of 26. The Director will be a proven leader and administrator with the ability to work cooperatively and collaboratively with Board members, elected officials, the City Manager, city staff and the many constituents of the retirement plan.

Position priorities and the ideal candidate profile are currently under development and the salary range is currently under review. A more detailed ad will be in the March edition of Western City and a formal job announcement is anticipated to be ready by mid-February and will be available on our website at http://www.averyassoc.net/Jobs.

GILBERT, ARIZONA (pop. 190,000)

DEVELOPMENT SERVICES DIRECTOR

Gilbert is seeking a collaborative, customer service oriented professional to serve as its new Development Services Director. This is a newly-created position responsible for the administration, leadership, management, and operation of the Development Services Department, which guides the physical development of the Town. Gilbert is a full-service municipality in the Southeast Phoenix metropolitan area. This rapidly growing community, that had a population of just 5,700 in 1980, has an excellent school system, reasonably priced homes, health care facilities and wonderfully accessible cultural and outdoor recreational amenities.

Reporting directly to Gilbert’s Manager, the Director leads a staff of 110 and manages a FY07 $153 million budget.

This visionary leader must possess excellent communication skills with a strong customer service approach and commitment to building and developing staff. City manager and assistant city manager types are encouraged to apply, along with well-versed senior department leaders who practice accountability, continuous quality improvement (CQI) and effective staff mentoring. Master’s degree and significant relevant experience required.

Salary range to $136,416 plus excellent benefit package. The final filing date is February 16, 2007. To apply, send resume, cover letter, list of three work-related references and indication of current salary.

For more information, contact Stuart Satow
241 Lathrop Way
Sacramento, CA 95815
Tel: 916 / 263-1401
Fax: 916 / 561-7205
E-mail: resumes@cps.ca.gov
www.cps.ca.gov/search
Visit the Town’s Website: www.ci.gilbert.az.us

Executive Search
Formerly Shannon Executive Search
Let's Not Make a Deal: Vote-Trading and Similar Practices Raise Legal and Ethical Issues, continued

There's another test for ethical decision-making:

Is this a practice that would make the world better off if everyone engaged in it?

This is the "universal practice" test. If the answer is "no, the world would not be better off if this were a universal practice," then chances are very strong that the practice is not an ethical one.

Wholly apart from the legality of such practices, it is not at all clear that considerations of quid pro quo in the policymaking processes would produce better policy. The current firestorm related to earmarking illustrates this point.

Instead, it's more likely that the policymaking process would produce better policy if policy-makers each acted on their best judgments about what best serves the public's interest. Everyone may not agree on the latter, but having policy-makers focus on this as the ultimate question (as opposed to "how do I get my way on a given proposal?") seems more likely to achieve policy that serves the public's interests.

JOB OPPORTUNITIES

City of Long Beach, CA

California's fifth largest municipality, the City of Long Beach (pop. 491,564), invites your interest in . . .

Director of Human Resources

(Salary under review and negotiable)
Recruitment closes: Friday, March 2, 2007

Download the recruitment brochure from the TBC website –
www.tbcrecruiting.com

For additional information, contact Teri Black-Brann at 310.377.2612
apply@tbcrecruiting.com

The City of Concord is currently recruiting for the position of

TRANSPORTATION MANAGER

Seeking an energetic, imaginative, resourceful Manager with strong civil/traffic/transportation engineering skills to manage its transportation programs with an annual salary up to $121,068 plus the opportunity to earn up to 12% in performance based annual incentives. The City participates in the California Public Employees Retirement Program (PERS) in a 2.5% of 55 plan. The City pays a deferred compensation contribution of 3% of annual salary and the employee's 8% contribution to PERS retirement plan. An eligible candidate could receive a signing bonus and relocation assistance.

The City seeks a Transportation Manager who will develop innovative solutions to unique transportation engineering problems. The position will focus on transportation planning issues; performing traffic engineering studies; project coordination; implementing the neighborhood traffic calming program; planning and site development support; cost-effective installation, maintenance and repair of traffic signals, signal systems and street lights; traffic safety; traffic signs; stripes and pavement markings; as well as other facets of traffic/transportation involving the Concord business and residential community. Applicants must be highly motivated, resourceful and possess excellent communication skills. The ideal candidate will have a degree in civil/traffic/transportation engineering, or a related field and eight to ten years progressively responsible professional related experience with impeccable customer service skills. Registration as a Traffic/Civil Engineer/Traffic Operations Engineer is required.

The City of Concord is a performance driven, customer service oriented organization. If you want to work in a highly visible, challenging position within an atmosphere where there is a mission to join with the community to keep the City operating at the highest quality possible, as well as to be recognized for significant contributions, write or call the City of Concord for more details.

Human Resources Department, 1900 Parkside Drive, M/S 30, Concord, CA 94518,
(925) 671-3308 or visit our website, EOE

www.ci.concord.ca.us

Vote-trading is a crime for both state and local officials.

Conclusion

In short, your constituents elected you to make your best judgment on every issue that comes before you as a decision-maker — not just some issues. Tell your colleague that the kind of deal he proposes is not only illegal (indeed a felony that could cost him his freedom, his office and more), but unethical.
Kimberly Hall Barlow
3777 N. Harbor Boulevard
Fullerton, California 92835
714-446-1400
khb@jones-mayer.com

Marguerite Mary Leoni
2350 Kerner Boulevard,
Suite 250
San Rafael,
California 94901
415-389-6800
mleoni@nmgovlaw.com

The California Voting Rights Act - an Update
League of California Cities Annual Conference
Thursday, September 4, 2014, 1:00 - 2:15 p.m.
The California Voting Rights Act - an Update
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“The CVRA makes all cities that conduct elections for council members "at-large" vulnerable to legal action if plaintiffs who are members of a protected class can prove racially polarized voting and impairment of their ability to elect their chosen candidates. Hear about cities that have been subject to legal action under the CVRA and learn how the Act can affect your city. Receive an update on current legal issues and what the future outlook may be.”

Presenters: Marguerite Mary Leoni, Partner, Nielsen Merksamer Parrinello Gross & Leoni, LLP
Kimberly Hall Barlow, Partner, Jones & Mayer

1. Key Provisions of the California Voting Rights Act
2. California Appellate Decisions Interpreting the California Voting Rights Act
3. Status of Litigation against California Cities Under the California Voting Rights Act
4. Proposed new Legislation Affecting Voting Rights & Status
   a. SB 1365 (Padilla)
   b. AB 280 (Alejo)
   c. AB 2715 (Hernandez)
5. Attachments
   California Elections Code §§ 14026 – 14032
   SB 1365
   AB 280
   AB 2715
   Trial Court Statements of Decision in Jauregui v. City of Palmdale
   Chart of Cities subject to CVRA Demands/ Litigation
   Sample Demand Letters
### California Voting Rights Act Challenges to California Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Population 2010</th>
<th>Charter</th>
<th>Electoral System</th>
<th>GME¹ Date</th>
<th>Minority %²</th>
<th>Minorities Elected³</th>
<th>Demand Letter</th>
<th>Lawsuit Filed</th>
<th>Procedural Status</th>
<th>Settlement Terms ⁴; Other Actions</th>
<th>Attorneys Fees to Plaintiffs</th>
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<tbody>
<tr>
<td>Anaheim</td>
<td>336,265</td>
<td>Yes</td>
<td>At-large w/ separately elected mayor</td>
<td>Nov. Even</td>
<td>53% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>OC⁵ settlement; Complaint dismissed</td>
<td>Ballot meas. for SMD &amp; to increase size of council; keep separate mayor</td>
<td>$1.2 Mil.</td>
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<tr>
<td>Bellflower</td>
<td>76,616</td>
<td>No</td>
<td>At-large</td>
<td>Mar. Odd</td>
<td>54% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Demurrer pending</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Compton</td>
<td>96,455</td>
<td>Yes</td>
<td>From-districts with separately elected mayor</td>
<td>Apr. Even, with runoff in June 66% Latino 30.6% Af.Am.</td>
<td>Yes, but ethnicity subject to debate as to meaning of “Latino”</td>
<td>Yes</td>
<td>Yes</td>
<td>OC settlement; Complaint dismissed</td>
<td>Ballot Meas. for SMD successful; keep at-large mayor</td>
<td>Confidential, but subject to PRA request</td>
<td></td>
</tr>
</tbody>
</table>

1. GME = General Municipal Election
2. Percents are of Total Population based on 2006-2012 Am. Com. Survey
3. Since 2000
4. Primary terms concerning electoral system only
5. OC = Out of Court settlement
<table>
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<tr>
<td>Escondido</td>
<td>143,911</td>
<td>No</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>48% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Consent decree</td>
<td>SMD established by Comm'n; keep at-large mayor.</td>
<td>$385k</td>
</tr>
<tr>
<td>Fullerton</td>
<td>135,161</td>
<td>No</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>34% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Compl. Served Aug. 2014</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Highland</td>
<td>53,104</td>
<td>No</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>49% Latino</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Compl. served</td>
<td>Ballot Meas. for SMD</td>
<td>N/A</td>
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<tr>
<td>Los Banos</td>
<td>35,972</td>
<td>No</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>68% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Ballot Meas. for SMD</td>
<td>N/A</td>
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<tr>
<td>Merced</td>
<td>78,958</td>
<td>Yes</td>
<td>At-large w/ separately elected mayor</td>
<td>Nov. Odd</td>
<td>49% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Ballot Meas. for SMD &amp; to change GME to Nov. Even; keep separate mayor</td>
<td>N/A</td>
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<tr>
<td>Modesto</td>
<td>201,165</td>
<td>Yes</td>
<td>Numbered posts with at-large voting</td>
<td>Nov. Odd</td>
<td>36.5% Latino</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Settled for fees</td>
<td>Ballot Meas. for SMD w/ separate mayor successful</td>
<td>$3.0 Mil.</td>
</tr>
<tr>
<td>Palmdale</td>
<td>153,750</td>
<td>Yes</td>
<td>At-large w/ separately elected mayor</td>
<td>Nov. Odd</td>
<td>55% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>On Appeal</td>
<td>N/A</td>
<td>$3.5 Mil., on Appeal</td>
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<td>Palmdale</td>
<td>22,678</td>
<td>No</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>55% Latino</td>
<td>Yes, countywide</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Ballot Meas. for SMD</td>
<td>N/A</td>
</tr>
<tr>
<td>City</td>
<td>Population 2010</td>
<td>Charter</td>
<td>Electoral System</td>
<td>GME Date</td>
<td>Minority %</td>
<td>Minorities Elected</td>
<td>Demand Letter</td>
<td>Lawsuit Filed</td>
<td>Procedural Status</td>
<td>Settlement Terms; Other Actions</td>
<td>Attorneys Fees to Plaintiffs</td>
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<tr>
<td>Santa Barbara</td>
<td>88,410</td>
<td>Yes</td>
<td>At-large w/ separately elected mayor</td>
<td>Nov. Odd</td>
<td>40%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Compl. served late July 2014</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Santa Clarita</td>
<td>176,320</td>
<td>No</td>
<td>At-large</td>
<td>Apr. Even</td>
<td>30% Latino</td>
<td>Yes, in at-large system but after lawsuit filed</td>
<td>No</td>
<td>Yes</td>
<td>Settlement (Court Supervised)</td>
<td>Req. to BOS to change GME to Nov. Even; Cum. Voting if approved by court and w/in specified cost limitations</td>
<td>$600k less poss. contrib. to implement. of cum. voting</td>
</tr>
<tr>
<td>Tulare</td>
<td>59,278</td>
<td>Yes</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>56% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>OC Settlement; Complaint dismissed</td>
<td>Ballot measure for SMD successful</td>
<td>$225k</td>
</tr>
<tr>
<td>Turlock</td>
<td>68,549</td>
<td>No</td>
<td>At-large</td>
<td>Nov. Even</td>
<td>35% Latino</td>
<td>No</td>
<td>Yes, countywide</td>
<td>No</td>
<td>N/A</td>
<td>Ballot measure for SMD w/ separate mayor</td>
<td>N/A</td>
</tr>
<tr>
<td>Visalia</td>
<td>124,442</td>
<td>Yes</td>
<td>At-large</td>
<td>Nov. Odd</td>
<td>45% Latino</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes, after ballot measure for SMD failed</td>
<td>Settled; Stip Judgment</td>
<td>$125k</td>
<td></td>
</tr>
<tr>
<td>Whittier</td>
<td>85,331</td>
<td>Yes</td>
<td>At-large</td>
<td>Apr. Even</td>
<td>66% Latino</td>
<td>No, but yes in 1990s</td>
<td>Yes</td>
<td>Yes</td>
<td>Mot. to Dismiss by City &amp; Mot. to Amend by Pltfs</td>
<td>Ballot Meas. for SMD w/separate mayor successful</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The California Voting Rights Act - an Update
League of California Cities Annual Conference
Thursday, September 4, 2014, 1:00 - 2:15 p.m.
The California Voting Rights Act - an Update

• California Elections Code §§ 14026 – 14032
  The CVRA prohibits at large electoral systems that impair the right of a protected class to elect, or influence the election of, its chosen candidates. It applies to:
  ✓ At-large elections
  ✓ “From-district” Elections
  ✓ Districts & Separate Mayor?
  ✓ Alternative Systems, e.g., Ranked Choice?
The California Voting Rights Act - an Update

- CVRA based on Section 2 of FVRA.
- Section 2 applies nation-wide.
- Section 2 forbids any “qualification or prerequisite to voting or standard, practice, or procedure ... which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” or membership in a language minority group.
The California Voting Rights Act - an Update

• Under § 2, a plaintiff must first establish the three *Gingles* threshold preconditions:
  - “First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. . . .
  - Second, the minority group must be able to show that it is politically cohesive. . . .
  - Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . to defeat the minority’s preferred candidate.”

  *Id.* at 50-51 (internal citations and footnote omitted).

• Many cases have failed because plaintiffs failed to establish the first precondition.

• A violation must ultimately be proven based on the totality of the circumstances.
The California Voting Rights Act - an Update

• In the late 1990s and early 2000s, voting rights plaintiffs nationwide, but especially in California, were experiencing trouble bringing successful actions under Section 2 of the federal Voting Rights Act.

• Many of the most blatantly problematic voting structures had been remedied, and voting rights groups perceived the federal courts as less-than-entirely hospitable to their claims.
The California Voting Rights Act - an Update

- Solution: The CVRA
- Enacted in 2002 (S.B. 976).
- Elections Code 14025 to 14032
- As MALDEF (Mexican-American Legal Defense and Education Fund) put it, the “[b]ill makes it easier for California minorities to challenge ‘at-large’ elections.”
The California Voting Rights Act - an Update

• What is prohibited?
• The language is very unclear. The Court of Appeal in *Sanchez v. City of Modesto* remanded the case to the superior court to determine the elements of a claim. The case settled before that happened.
• The trial court in *Jauregui v. City of Palmdale* (currently on appeal) held that it was sufficient if plaintiffs proved that polarized voting occurred in the at-large electoral system.
The California Voting Rights Act - an Update

Plaintiffs at least need to show:
1. At-large election systems in which,
2. Voting patterns correlate with the race of the voter.

Trial Court in Jauregui v. City of Palmdale stopped here, and ruled in favor of Plaintiffs. Which other factors are required, and the exact elements, are part of the pending appeal from the trial court decision in Jauregui v. City of Palmdale.

3. Impairment of the ability of voters in the protected class to elect the candidate of their choice?
4. The minority-preferred candidate (who is also of the same protected class) loses?
5. Dilution demonstrated based on the totality of the circumstances?

Charter cities are subject to CVRA:
The California Voting Rights Act - an Update

What are “Appropriate” Remedies:

- Court- and Plaintiff-Approved Single-Member Trustee Areas?
- “Influence districts”?
- Continuing Jurisdiction?
- “Remedial” Racial Gerrymandering?
- Removal from Office of council members elected at-large?
- Enjoining elections?
- Change of election date?

(All of the above was ordered in *Jauregui v. City of Palmdale*, and are challenged in the pending appeal.)

- Establishment of alternative electoral systems?
The California Voting Rights Act - an Update

Salient litigation to date: all cases that have settled, paid fees to plaintiffs’ attorneys:

- Hanford Joint Union High School District - settled
- Tulare Local Healthcare District - settled 1st day of trial
- Ceres Unified School District - settled
- City of Compton - settled
- San Mateo County - settled
- Compton Community College District - settled
- City of Tulare - settled
- Cerritos Community College District - settled
- City of Palmdale - judgment against City, on appeal on merits
- City of Anaheim - settled  

(Cont’d)
The California Voting Rights Act - an Update

Salient litigation to date: all cases that have settled, paid fees to plaintiffs’ attorneys:

- City of Escondido – settled
- City of Santa Clarita – settled
- City of Whittier – litigation pending
- City of Highland – complaint recently filed
- City of Visalia – settled
- City of Bellflower – complaint recently filed
- City of Fullerton – complaint recently filed
- City of Santa Barbara – complaint recently filed
- ABC Unified School District – settled
- Glendale Community College District (case dismissed; no fees)
- Santa Clarita Community College District – settled

Many continuing threats of litigation.
The California Voting Rights Act - an Update

• Most cities are without the ability to address the potential of CVRA liability except through the ballot box, which poses additional risks (compare the outcome in City of Compton and County of San Mateo, to that in City of Escondido and City of Visalia). Careful analysis of exposure and, if indicated, preparations for a political solution are essential.

• And then there is the extraordinary case of the City of Whittier: voters approved change to SMD, but litigation continues (San Mateo County too).
The California Voting Rights Act - an Update

- Elusive Legislative “Fix”

AB 2330 (2009-2010 Reg. Sess.) (Arambula): if enacted, this bill would have imposed a claim-filing requirement and a 30-day response period before a lawsuit could be filed against a school district. It would have given districts a mechanism to avoid litigation and possible attorneys’ fees. The bill died in committee.

AB 684 (2011-2012 Reg. Sess.) (Block): enacted into law in late 2011, this bill streamlined the process by which community college districts are able to move from at-large elections to by-district elections. This bill permits CCDs to adopt district elections with only the concurrence of the California Community College Board of Governors.
Experience of California Cities:

- 1 litigated to judgment, lost, $3.5 mil. fee award to plaintiffs’ attorneys, case on appeal (Palmdale)
- 4 new lawsuits filed (Bellflower, Fullerton, Highland [measure on Nov. 2014 ballot], Santa Barbara [CVRA study ongoing])
- 4 placed measures on November 2014 ballot after CVRA demand letter. To date, no lawsuits filed (Los Banos, Merced, Riverbank, Turlock)
- 1 placed measure on ballot after demand; measure failed; litigation filed and settled, including fees to plaintiffs’ attorneys (Visalia [court supervised process for SMD])
The California Voting Rights Act - an Update

• 1 placed measure on ballot after demand; measure successful; ongoing litigation filed between demand and vote (Whittier)

• 2 placed measures on ballot soon after CVRA litigation filed, one measure successful, the other not, litigation settled, including fees to plaintiffs’ attorneys (Tulare, Escondido [consent decree for SMC by commission])

• 4 settled at various later stages of litigation, settlement included fees to plaintiffs’ attorneys (Modesto [settlement involved fees only], Anaheim [ballot measures for SMD & to increase council size], Compton, [ballot measure for SMD successful], Santa Clarita [reschedule muni .elec. & initiate cum. voting subj. respectively, to county approval and court approval])
The California Voting Rights Act - an Update

• New Voting Rights legislation

SB 1365 (Padilla)

This bill would provide parallel provisions to the existing CVRA that prohibit the use of a district-based election system in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The bill would require a court to implement specified remedies upon a finding that a district-based election was imposed or applied in a manner that impaired the ability of a protected class to elect candidates of its choice or otherwise influence the outcome of an election.
The California Voting Rights Act - an Update

AB 280 (Alejo)

This bill would establish a state preclearance system. Under this system, if a political subdivision enacts or seeks to administer a voting-related law, regulation, or policy, as specified, that is different from that in force or effect on the date this act is enacted, the governing body of the political subdivision would be required to submit the law, regulation, or policy to the Secretary of State for approval. The bill would require the Secretary of State to approve the law, regulation, or policy only if specified conditions are met. The bill would provide that the law, regulation, or policy shall not take effect or be administered in the political subdivision until the law, regulation, or policy is approved by the Secretary of State. The bill would allow the governing body of the political subdivision to seek review of the Secretary of State’s decision by means of an action filed in the Superior Court of Sacramento. By requiring local governments to seek approval of the Secretary of State for changes to voting procedures, this bill would impose a state-mandated local program.
The California Voting Rights Act - an Update

AB 2715 (Hernandez)

This bill would permit the legislative body of a city to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district if the voters of the city previously rejected such an ordinance, as specified. This provision would be repealed on December 31, 2016.

The bill would, commencing January 1, 2017, require the legislative body of a city with a population of 100,000 or more, as determined by the most recent federal decennial census, to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district. The bill would, commencing January 1, 2017, permit the legislative body of any other city to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district.
DATE: June 1, 2015

TO: Charter Review Committee

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Consideration of Items Previously Discussed and Further Discussion and Consideration

A. City Council Compensation
B. City Council Term and Term-Limits
C. Retention of the School District Within the Charter
D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
E. Gender Neutral Language in the Charter
F. Durational Residency Requirement as a Condition of Holding Elective Office

RECOMMENDATION:

That the Charter Review Committee discuss and take action it deems appropriate on the following items:

A. City Council Compensation
B. City Council Term and Term-Limits
C. Retention of the School District Within the Charter
D. Direct Election of the Mayor, Deputy Mayor, Term and Term-Limits
E. Gender Neutral Language in the Charter
F. Durational Residency Requirement as a Condition of Holding Elective Office

DISCUSSION:

At the last Charter Review Committee Meeting, the Committee decided that it would like added to all future agendas the opportunity to discuss and reconsider all items previously discussed. The purpose of this direction was to ensure that early tentative decisions made by the Committee could be reconsidered in light of subsequent decisions made by the Committee to ensure that they were consistent and reflect the informed decision-making of the Committee following its determination on the issue of City Council districts. Since City Council districting is on this agenda and there is the potential for the Committee to make a decision on this important issue at this meeting, it
is appropriate that the opportunity for the Committee to discuss and potentially re-
consider previous decisions be provided. This is the purpose of this agenda item.
DATE: June 1, 2015

TO: Charter Review Committee

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Discussion of Committee Informational Requests for the Next Meeting – City Manager Residency Requirements and Filling Mayor or Deputy Mayor Vacancy, and Title for Deputy Mayor’s Position

RECOMMENDATION

That the Charter Review Committee indicate any information that the Committee would like to see included in the Administrative Reports on these items. Now is the opportunity to request specific information to ensure that it is included in the report.

DISCUSSION:

At the first Charter Review Committee meeting, staff indicated that it would provide an opportunity on all agendas for the Committee to request specific information to be included with the Administrative Reports for the next Committee meeting. This is the opportunity for the Committee to request information that will be included in the Administrative Reports for your next meeting on July 8, 2015. The topics for that meeting include the following items:

- Residency requirements for the City Manager
- Filling of vacancies in the Office of the Mayor or Deputy Mayor
- Appropriate title for the Office of the Deputy Mayor

This is the opportunity for the Committee to request information from staff to be included in your next meeting’s Administrative Reports on these items.
DATE: June 1, 2015

TO: Charter Review Committee

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Consideration of Committee Calendar and Work-Plan

RECOMMENDATION:

That the Charter Review Committee consider the status of its work and determine if the remaining meeting schedule and discussion items are appropriate for the work-plan to complete the tasks. It is requested that the Committee provide direction to staff.

DISCUSSION:

Attached as Exhibit A to this Administrative Report is the calendar for the Committee. For your next meeting, the new items for discussion include the following:

- Residency requirement as applied to the City Manager
- Filling a vacancy in the Office of the Mayor and/or Deputy Mayor
- Appropriate title for the Deputy Mayor

In the event the Committee desires to continue its discussion on the districting issue, there should be adequate time at your July 8th meeting to do so.

The balance of the work plan calls for reviewing and commenting on the draft final report—including evaluating each separate decision made earlier in light of the entire package of decisions and recommendations from the Committee.

Staff is providing the same to you and listing it on the agenda so that you may have the opportunity to discuss and modify either the calendar or Work-Plan based on the Committee's progress to date and items remaining to be discussed or input the Committee needs to provide. No specific action is requested by staff, but is provided in order to allow you to discuss and modify it if you feel it is warranted.
ATTACHMENTS:
Exhibit A – Committee Calendar and Work-Plan
Charter Review Committee
Meeting Schedule
Second Wednesday of the Month*
Santa Cruz Conference Room

November 19, 2014, 6:00 p.m.*
No Meeting in December
January 14, 2015, 4:00 p.m.
February 11, 2015, 4:00 p.m.
March 11, 2015, 4:00 p.m.
April 8, 2015, 4:00 p.m.
May 13, 2015, 4:00 p.m.

June 10, 2015, 4:00 p.m.
July 8, 2015, 4:00 p.m.
August 12, 2015, 4:00 p.m.
September 9, 2015, 4:00 p.m.
October 14, 2015, 4:00 p.m.
November 4, 2015, 4:00 p.m.*
December 9, 2015, 4:00 p.m.

*Off-cycle meeting date due to room availability and/or Holiday.

EXHIBIT "A"