

1 John A. Ramirez (State Bar No. 184151)  
jramirez@rutan.com  
2 Alan B. Fenstermacher (State Bar No. 278171)  
afenstermacher@rutan.com  
3 RUTAN & TUCKER, LLP  
611 Anton Boulevard, Suite 1400  
4 Costa Mesa, California 92626-1931  
Telephone: 714-641-5100  
5 Facsimile: 714-546-9035

6 Attorneys for Defendant  
CITY OF POWAY

7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 DON HIGGINSON,

12 Plaintiff,

13 v.

14 XAVIER BECERRA, in his official  
capacity as ATTORNEY GENERAL OF  
15 CALIFORNIA; and CITY OF POWAY,  
CALIFORNIA,

16 Defendants.  
17

Case No. 3:17-cv-02032-WQH-JLB

**DECLARATION OF NANCY  
NEUFELD IN SUPPORT OF  
DEFENDANT CITY OF POWAY'S  
RESPONSE TO PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Honorable William Q. Hayes  
Courtroom 14B

Date Action Filed: October 4, 2017  
Trial Date: None Set

19

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF NANCY NEUFELD**

I, Nancy Neufeld, declare as follows:

1. I am the City Clerk for defendant City of Poway (“City”). I am aware of the facts set forth below from personal knowledge, and if called upon to do so, could and would competently testify to the same under oath.

2. Unless ordered otherwise by this Court, the City will proceed with implementing by-district elections for City Councilmembers starting with the November 2018 election, in the manner set forth in the City’s Ordinance No. 809 (adding sections 2.04.060 through 2.04.090 to the City’s Municipal Code).

3. The City’s November 2018 City Council elections will be consolidated with the San Diego County general election.

4. The San Diego County Registrar of Voters (“Registrar”) has informed the City that the Registrar must have notice of whether or not the City is moving to a district form of government, including the requisite information (*e.g.*, the voting district map graphic information system (“GIS”) files), no later than June 4, 2018. According to the Registrar, this deadline is the latest possible date that will allow the Registrar to timely and accurately incorporate the City’s voting district boundary lines into the Registrar’s voting registration system before the period for City Council candidates to file nomination papers begins.

5. The nomination filing period for the City’s November 2018 City Council elections will begin on July 16, 2018. This date is based both on the California Government Code and the election dates set by the Registrar, which are mandatory.


6. In the City’s November 2016 City Council election, ten total candidates filed nomination papers and ran for the two available at-large seats. I expect a similar level of interest in the City’s November 2018 City Council election.

7. Based on all the foregoing factors, in my professional opinion, I believe that a decision regarding whether or not this Court will enjoin the City from holding by-district elections for its City Councilmembers must come on or before

1 May 1, 2018. A decision on or before this date is necessary to allow potential City  
2 Council candidates sufficient time to make decisions in advance of the nomination  
3 filing period, and allow both the City and the Registrar sufficient time to perform their  
4 mandatory duties under applicable law.

5 I declare under penalty of perjury under the laws of the State of California  
6 that the foregoing is true and correct.

7 Executed this 6th day of November, 2017, at Poway, California.

8   
9 \_\_\_\_\_  
10 Nancy Neufeld  
11 City Clerk, City of Poway

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

Executed November 6, 2017.

s/ Alan B. Fenstermacher  
ALAN B. FENSTERMACHER

RUTAN & TUCKER, LLP  
611 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-1931  
Telephone: 714-641-5100  
afenstermacher@rutan.com