



**AGENDA REPORT
SAN CLEMENTE CITY COUNCIL
MEETING**
Meeting Date: August 30, 2016

Agenda Item 8

Approvals:

City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

Department: City Clerk
Prepared By: Joanne Baade, City Clerk [Signature]

Subject: **INITIATIVE PETITION FOR ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT**

FISCAL IMPACT: The City Clerk’s Office incurred a cost of \$17,387.60 to retain the Orange County Registrar of Voters office to validate the signatures on the initiative petition for election of City Council members by district. Funding was not included in the FY 2017 City Clerk Election budget for this expenditure. A reconciliation of actual election costs with amount budgeted will take place following the November 2016 election. Any additional funds needed will be requested as a mid-year budget adjustment.

The base cost for the General Municipal Election of November 6, 2018, which is necessary to elect three Members of the City Council, is estimated to be \$44,693 to \$56,881. The City will incur an additional cost of approximately \$8,500 if the initiative for election of City Council members by district is added to that ballot.

Background: At its meeting of August 2, 2016, Staff reported to the City Council that the Orange County Registrar of Voters verified that 3,867 signatures on the initiative petition for election of City Council members by district were found to be valid, which exceeds the 3,730 signature threshold needed to qualify the petition. Additionally, Council was informed that State Law provides that if a petition contains signatures representing 10% but less than 15% of the registered voters of the City (which is the case with the subject initiative), the legislative body is required to take one of the three actions set forth below:

1. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
2. Submit the ordinance, without alteration, to the voters at the next regular election occurring not less than 88 days after the date of the order of election.
3. Order a report at the regular meeting at which the certification of the petition is presented, pursuant to Elections Code Section 9212.

Council selected Option 3 and provided direction to Staff relative to the specific issues that were to be addressed in the report. Council directed that the report be presented to Council at its Adjourned Regular Meeting of August 30, 2016. The subject report was prepared and is agendized as the immediately-preceding item on this meeting’s

agenda. State law provides that when the report is presented to Council, Council shall either adopt the ordinance within 10 days or order an election at the City's next regular election occurring not less than 88 days after the date of the order of election. The next regular municipal election occurring not less than 88 days from this meeting is the General Municipal Election of November 6, 2018.

If Council desires to submit the initiative to the electorate on November 6, 2018, Staff recommends that Council adopt a resolution (Attachment 1) calling the election for the ballot measure as well as to fill three vacancies on the City Council for full four-year terms to expire in 2022. Companion resolutions that need to be adopted at the same meeting as the resolution calling the election are as follows:

- A resolution (Attachment 2) requesting that the Orange County Board of Supervisors allow consolidation of San Clemente's election with the election being conducted on that date by the County.
- A resolution establishing priorities for filing written arguments concerning the ballot measure, either with or without an impartial analysis to be prepared by the City Attorney (Attachments 3 and 4, respectively).
- An optional resolution (Attachment 5) which, if adopted, would allow rebuttals to the direct arguments that are filed with respect to the ballot measure.

It should be noted that Council will be able to adopt amended Resolutions in the future in the event it wishes to add more measure(s) to the ballot, or if future changes in State law require modified Resolution language.

The standard resolution relating to candidate statement regulations, as well as the decision as to the manner in which a tie vote between candidates will be resolved, can be deferred until the summer of 2018 to enable the sitting Council at that time to make those decisions.

If Council determines to schedule the initiative for election, the City Attorney proposes that the question appear on the ballot as follows:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

For reference purposes, a copy of the Administrative Report that was presented to Council on this issue at its meeting of August 2, 2016 is attached as Attachment 6.

Recommended**Action:**

STAFF RECOMMENDS THAT the City Council take action, pursuant to EC 9215, to either adopt the initiative ordinance within 10 days or schedule the initiative for voter determination at the General Municipal Election of November 6, 2018. The actions necessary to enact the two cited options are identified below:

Option 1

1. Adopt the following Ordinance (which is attached as Attachment 7) within 10 days, without alteration:

Ordinance No. 1629 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO CHANGE CITY COUNCIL ELECTIONS FROM "AT LARGE" TO "BY DISTRICT," TO ESTABLISH A TASK FORCE TO RECOMMEND DISTRICT BOUNDARIES, AND TO REQUIRE A SPECIAL ELECTION IF THE CITY COUNCIL DOES NOT ADOPT THE TASK FORCE'S RECOMMENDATION.

Option 2

Schedule the initiative for voter determination at the General Municipal Election of November 6, 2018 by taking the below actions:

1. Adopt Resolution No. 16-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT.
2. Adopt Resolution No. 16-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.
3. State Law (Elections Code 9282) provides that the persons filing an initiative petition may file a written argument in favor of the measure, and the legislative body may submit an argument against the measure. If Council wishes to submit an argument against the measure, Staff recommends that Council appoint a subcommittee, consisting of no more than two Councilmembers, to compose the argument to be signed by specific Councilmember(s) as authorized by Council this evening. After this decision

is made, Staff recommends that Council adopt Resolution 3(a) below if Council wishes to direct the City Attorney to prepare an Impartial Analysis to be printed in the Sample Ballot, or Resolution 3(b) if an Impartial Analysis is not desired:

3(a) Resolution No. 16-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

OR

3(b) Resolution No. 16-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018.

4. If Council desires to allow rebuttals to arguments filed with regard to the measure concerning election of City Council members by district, Staff recommends that Council take action as follows:

1. Adopt Resolution No. 16-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018.

2. If Council adopts Resolution No. 16-56 to allow rebuttals, State law (Elections Code 9285) allows the author or a majority of the authors of a direct argument relating to a city measure to prepare and submit a rebuttal argument or to authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. If Council authorizes members of its body to submit a direct argument against the subject measure, Staff recommends that Council appoint a subcommittee, consisting of no more than two Councilmembers, to compose the rebuttal to be signed by a majority of the Councilmembers who signed the direct argument, or alternatively, to notify the City Clerk in writing (to be signed by a majority of the

Councilmembers who signed the direct argument), of the names of a maximum of five other persons who are authorized to prepare, submit, or sign the rebuttal argument.

If Council does not wish to delegate the decision to a subcommittee as to the persons that can prepare, submit, or sign the rebuttal argument, Council can take action at this time to either require that the rebuttal be signed by the same Councilmembers that signed the direct argument, or to name a maximum of five other persons who are authorized to prepare, submit or sign the rebuttal argument.

Attachments:

1. Draft resolution calling the November 6, 2018 General Municipal Election.
2. Draft resolution requesting that the Orange County Board of Supervisors allow consolidation of San Clemente's General Municipal Election of November 6, 2018 with the election being conducted on that date by the County of Orange.
3. Draft resolution setting priorities for filing written arguments and directing the City Attorney to prepare an Impartial Analysis.
4. Draft resolution setting priorities for filing written arguments (no Impartial Analysis).
5. Draft resolution providing for the filing of rebuttal arguments.
6. Administrative Report concerning the initiative petition from the August 2, 2016 City Council meeting.
7. Draft Ordinance to enact Council elections by district.

Notification: 1) Brad Malamud, Initiative Proponent

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2018, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to election of City Council members by district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of San Clemente, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing three Members of the City Council, all for the full term of four years.

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

Resolution No.

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Section 3. That the proposed complete text of the measure to be submitted to the voters is attached as Exhibit A.

Section 4. That the vote requirement for the measure specified above to pass is a majority (50%+1) of the votes cast.

Section 5. That the ballots to be used at the election shall be in the form and content as required by law.

Section 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 7. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code §10242, except as provided in §14401 of the Elections Code of the State of California.

Section 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

Section 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

Resolution No.

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at an adjourned regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, this _____ day of _____, 2016.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

Exhibit A

Full Text of Measure _____

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9255 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face type** and deleted language in strike out type):

SECTION 1 – TITLE

This measure shall be known and may be cited as "Voters Election Reform Initiative for a True Accountability System"("VERITAS")

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente's neighborhood areas, balanced according to census data as required by law.

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city manager form of government by creating a more accurate and effective method for the People to communicate their will to the city government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

(e) Any Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under districts. Section _____, of Article _____, of the City _____, shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section _____ of article _____ of the City _____ shall be amended to read:

SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section _____ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the **District Election Task Force** shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clemente resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho San Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members.

The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION _____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively.

I certify that Ordinance No. ____ was adopted by the electorate of the City of San Clemente at a General Municipal Election held on ---. This Ordinance was adopted as a result of the passage of Measure _____. Please refer to Resolution No. --- for the recitation of the election results.

Joanne M. Baade
City Clerk

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

WHEREAS, the City Council of the City of San Clemente called a General Municipal Election to be held on November 6, 2018, for the purpose of electing three Members of the City Council, all for full terms of four years; and

WHEREAS, the City Council is submitting to the voters a question relating to election of City Council members by district; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Orange canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the General Election on Tuesday, November 6, 2018, for the purpose of the election of three Members of the City Council, all for full terms of four years.

SECTION 2. That the form of the offices to be voted upon at the election are to appear on the ballot as follows:

CITY OF SAN CLEMENTE	
Member, City Council	
Vote for no more than Three	
<input type="checkbox"/>	<i>(Candidate Names to be Inserted)</i>
<input type="checkbox"/>	

RESOLUTION NO.

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SECTION 3. That a measure is to appear on the ballot as follows:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

SECTION 4. That the proposed complete text of the measure to be submitted to the voters is attached hereto as Exhibit A.

SECTION 5. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 6. That the County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 7. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 8. That the City of San Clemente recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 9. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Orange.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

RESOLUTION NO.

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MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at an adjourned regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, 2016.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

Exhibit A**Full Text of Measure _____**

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9255 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face type** and deleted language in strike out type):

SECTION 1 – TITLE

This measure shall be known and may be cited as "Voters Election Reform Initiative for a True Accountability System"("VERITAS")

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente's neighborhood areas, balanced according to census data as required by law.

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city manager form of government by creating a more accurate and effective method for the People to communicate their will to the city government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

(e) Any Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under districts. Section _____, of Article _____, of the City _____, shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section _____ of article _____ of the City _____ shall be amended to read:

SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section _____ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the **District Election Task Force** shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clemente resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho San Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members.

The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION _____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively.

I certify that Ordinance No. ____ was adopted by the electorate of the City of San Clemente at a General Municipal Election held on ---. This Ordinance was adopted as a result of the passage of Measure _____. Please refer to Resolution No. --- for the recitation of the election results.

Joanne M. Baade
City Clerk

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of San Clemente, California on November 6, 2018; and

WHEREAS, the following measure will be submitted to the voters at the General Municipal Election:

<p><i>[Insert Measure Letter]</i> San Clemente, Initiative for Election of City Council Members by District</p> <p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	YES
	NO

WHEREAS, Elections Code Section 9282(a) provides that for measures placed on the ballot by petition, the persons filing an initiative petition may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes the following member(s) of its body to file a written argument not exceeding 300 words in opposition to the measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

RESOLUTION NO.

Page 2

_____ (Council Member Against)
 _____ (Council Member Against)
 _____ (Council Member Against)
 _____ (Council Member Against)
 _____ (Council Member Against)

SECTION 2. The person filing the initiative petition may file a written argument not exceeding 300 words in favor of the measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 3. All arguments shall be filed with the City Clerk and shall be accompanied by a Form of Statement To Be Filed by Author(s) of Argument.

SECTION 4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an Impartial Analysis of the measure (not exceeding 500 words) showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating that the measure was placed on the ballot by a petition signed by the requisite number of voters. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the City Clerk's office at 949-361-8345 and a copy will be mailed at no cost to you." The Impartial Analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on the _____ day of _____, 2016.

 MAYOR of the City of
 San Clemente, California

RESOLUTION NO.

Page 3

ATTEST:

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at an adjourned regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018

WHEREAS, a General Municipal Election is to be held in the City of San Clemente, California on November 6, 2018; and

WHEREAS, the following measure will be submitted to the voters at the General Municipal Election:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

WHEREAS, Elections Code Section 9282(a) provides that for measures placed on the ballot by petition, the persons filing an initiative petition may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes the following member(s) of its body to file a written argument not exceeding 300 words in opposition to the measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

RESOLUTION NO.

Page 2

_____ (Council Member Against)
 _____ (Council Member Against)
 _____ (Council Member Against)
 _____ (Council Member Against)
 _____ (Council Member Against)

SECTION 2. The person filing the initiative petition may file a written argument not exceeding 300 words in favor of the measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 3. All arguments shall be filed with the City Clerk and shall be accompanied by a Form of Statement To Be Filed by Author(s) of Argument.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on the _____ day of _____, 2016.

 MAYOR of the City of
 San Clemente, California

ATTEST:

 CITY CLERK of the City of
 San Clemente, California

RESOLUTION NO.

Page 3

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at an adjourned regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018

WHEREAS, §9282 of the Elections Code of the State of California provides for written arguments to be filed in favor of or against city measures not to exceed 300 words in length; and

WHEREAS, §9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections; and

WHEREAS, a General Municipal Election is to be held in the City of San Clemente, California, on November 6, 2018, at which there will be submitted to the voters the following measure:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure (not exceeding 300 words each) which will be printed and distributed to the voters, the elections official shall immediately provide a copy of an argument in favor of the measure to the author(s) of any argument against the measure and a copy of an argument against the measure to the author(s) of any argument in favor of the measure.

RESOLUTION NO.

Page 2

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by a "Form of Statement to be Filed by Authors of Argument".

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 8, 2016 and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

RESOLUTION NO.

Page 3

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at an adjourned regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL
MEETING
 Meeting Date: August 2, 2016

Agenda Item 9C
 Approvals: _____
 City Manager [Signature]
 Dept. Head _____
 Attorney [Signature]
 Finance [Signature]

Department: City Clerk
Prepared By: Joanne Baade, City Clerk [Signature]

Subject: **SUFFICIENCY OF INITIATIVE PETITION FOR ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT**

FISCAL IMPACT: If Council adds the subject initiative to the ballot for the November 8, 2016 General Municipal Election, the cost of the election will increase by approximately \$8,500. Adequate funding is included in the FY 2017 City Clerk Election budget to cover this cost.

The City Clerk's Office incurred a cost of \$17,387.60 to retain the Orange County Registrar of Voters office to validate the signatures on the initiative petition for election of City Council members by district. Funding was not included in the FY 2017 City Clerk Election budget for this expenditure. A reconciliation of actual election costs with amount budgeted will take place following the November 2016 election. Any additional funds needed will be requested as a mid-year budget adjustment.

Background: On March 28, 2016, Brad Malamud served the City Clerk with a Notice of Intent to Circulate a Petition for election of City Council members by district, pursuant to Elections Code Section 9202. Mr. Malamud also submitted a request that the City Attorney prepare a ballot title and summary, pursuant to Elections Code Section 9203. A copy of Mr. Malamud's filing is attached as Attachment 1. The ballot title and summary were prepared by the City Attorney and were returned to Mr. Malamud on April 1, 2016, which started the 180-day clock in which the initiative petition could be filed with the City Clerk. A copy of the ballot title and summary, as prepared by the City Attorney, is included as Attachment 2. As required by State law, Mr. Malamud published the Notice of Intent, together with the ballot title and summary, in the Orange County Register on April 3, 2016 (see affidavit from the Orange County Register that is attached as Attachment 3). This publication enabled the signature-gathering process to commence.

On June 1, 2016, the City Clerk was served with the initiative petitions. The City Clerk accepted the petitions for filing following a prima facie review that revealed that the petitions contained 5,059 potentially-valid signatures, which exceeded 10% of San Clemente's 37,300 registered voters as required by State law to qualify the petition for filing.

The Orange County Registrar of Voters was then retained to examine the signatures on the petition, and from the records of registration, ascertain the number of signatures

that were valid. The Registrar of Voters Office found 3,867 signatures to be valid which exceeds the 3,730 signature threshold needed to qualify the petition. (See Certificate as to Verification of Signatures on Petition, from the Registrar of Voters, which is attached as Attachment 4).

State Law provides that if a petition contains signatures representing 10% but less than 15% of the registered voters of the City (which is the case with the subject initiative), the legislative body shall take one of the three actions set forth below:

1. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.

The method of electing Councilmembers is established by voters upon incorporation. Because this initiative relates to the method of election, the City Attorney has opined that it is unclear whether Council has the ability under ordinary Elections Code procedures to adopt it without voter approval. Nevertheless, the City Attorney is confident that Council could adopt the initiative ordinance without voter approval under new authority provided under the California Voting Rights Act (CVRA). The CVRA allows the Council to adopt the Ordinance by including a declaration that the ordinance is intended to further the purposes of the CVRA. Although the function of the CVRA is to avoid the dilution of voting rights of a protected class (i.e., members of a race, color or language minority group), this authorization does not require any additional substantiation for a Council-enacted conversion to by-district elections, other than the declaration of intent mentioned above. If Council wishes to adopt the Ordinance rather than submit it to the voters for consideration, Staff recommends that Council adopt Ordinance No. 1629 (which is attached as Attachment #10) that includes the following recital:

"WHEREAS, the Council wishes to adopt the Initiative without alteration and in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code);".

2. Submit the ordinance, without alteration, to the voters at the next regular election occurring not less than 88 days after the date of the order of election.

If Council desires to submit the ordinance to the electorate at the next regular election, Staff recommends that Council adopt the attached resolution (Attachment 5) to add the measure to the ballot for the General Municipal Election of November 8, 2016. The deadline for the Orange County Registrar of Voters to receive the enactment resolution to add a measure to the November 2016 ballot is close of business on August 12, 2016.

If Council determines to schedule the initiative for election on November 8, 2016, the City Attorney proposes that the question appear on the ballot as follows:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p> <p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	YES
	NO

It should be noted that if a ballot measure authorizing district elections is approved at the November 2016 election, it would apply prospectively to future elections held after the districts are established and will not shorten the term of any Councilmember in office at the time that district elections take effect. Thus, all candidates for the office of Member of the City Council in the November 2016 election will be at-large candidates for full terms of four years.

If Council chooses to adopt a resolution to add the subject measure to the General Municipal Election ballot of November 8, 2016, Staff further recommends that Council adopt the attached resolution relative to priorities for filing written arguments for the ballot measure, either with or without an impartial analysis to be prepared by the City Attorney (Attachments 6 and 7, respectively), and to consider whether to adopt an optional resolution (Attachment 8) that would provide for the filing of rebuttals to the direct arguments that are filed with regard to the measure to elect Councilmembers by district.

3. Order a report concerning the effect of the proposed initiative at the regular meeting at which the certification of the petition is presented, pursuant to Elections Code (E.C.) Section 9212. A copy of E.C. 9212 is attached as Attachment 9.

If Council selects this option, the report must be presented to the legislative body within 30 days of this meeting. When the report is presented to Council, Council must either adopt the ordinance within 10 days or submit the initiative for election at the City's next regular election occurring not less than 88 days after the date of the order of election. If Council takes action to submit the initiative to the voters after August 12, 2016, the measure will be added to the General Municipal Election ballot of November 6, 2018 because San Clemente's regular elections are conducted in November of even-numbered years.

Recommended

Action: STAFF RECOMMENDS THAT the City Council take action pursuant to one of the three options listed below:

Option 1

1. Adopt the following Ordinance (that is attached as Attachment 10), without alteration, at this time, or within ten days:

Ordinance No. 1629 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO CHANGE CITY COUNCIL ELECTIONS FROM "AT LARGE" TO "BY DISTRICT," TO ESTABLISH A TASK FORCE TO RECOMMEND DISTRICT BOUNDARIES, AND TO REQUIRE A SPECIAL ELECTION IF THE CITY COUNCIL DOES NOT ADOPT THE TASK FORCE'S RECOMMENDATION.

Option 2

Schedule the initiative for voter determination at the General Municipal Election of November 8, 2016 by taking the below actions:

1. Adopt Resolution No. 16-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, AS CALLED BY RESOLUTION NO. 16-32.
2. State Law (E.C. 9282) provides that the persons filing an initiative petition may file a written argument in favor of the measure, and the legislative body may submit an argument against the measure. If Council wishes to submit an argument against the measure, Staff recommends that Council appoint a subcommittee to compose the argument to be signed by any other member(s) of the Council who Council authorizes to sign the argument. After these decisions are made, Staff recommends that Council adopt Resolution 2(a) below if Council wishes to direct the City Attorney to prepare an Impartial Analysis to be printed in the Sample Ballot, or Resolution 2(b) if an Impartial Analysis is not desired:
 - 2(a) Resolution No. 16-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBER BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A

GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

OR

- 2(b) Resolution No. 16-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016.
3. If Council desires to allow rebuttals to arguments filed with regard to the City measure concerning election of City Council members by district, Staff recommends that Council take action as follows:
1. Adopt Resolution No. 16-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016.
 2. State law (E.C. 9285) allows the author or a majority of the authors of a direct argument relating to a city measure to prepare and submit a rebuttal argument or to authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. If Council authorizes members of its body to submit an argument against the measure, and Council adopts Resolution No. 16-51 providing for the filing of rebuttal arguments, then Staff recommends that Council appoint a subcommittee to either compose the rebuttal to be signed by a majority of the Councilmembers who signed the direct argument, or to prepare written notification to the City Clerk, to be signed by a majority of the Councilmembers who signed the direct argument, authorizing up to five other persons to prepare, submit, or sign the rebuttal argument.

If Council does not wish to delegate the decision to a subcommittee as to whether other persons can prepare, submit, or sign the rebuttal argument, Council can take action at this time to either require that the rebuttal be signed by the same Councilmembers that were authorized to sign the direct argument, or to provide direction to the subcommittee relative to the name(s) of the person or persons who it shall authorize to prepare and submit the rebuttal argument to the City Clerk.

8-2-16 / 9C-5

8-30-16 / 8-35

Option 3

Order a report concerning the effect of the proposed initiative, pursuant to Elections Code Section 9212 (attached as Attachment 9). State law requires that the report be presented to Council within the time prescribed by Council, but no later than 30 days from this meeting. When the report is presented to Council, it is required to either adopt the ordinance within 10 days or submit the initiative for election at the City's next regular election occurring not less than 88 days after the date of the order of election.

Attachments:

1. Notice of intent to circulate petition and request for ballot title and summary as filed by Brad Malamud.
2. Ballot title and summary as prepared by City Attorney.
3. Affidavit from Orange County Register certifying publication of the notice of intent, ballot title and summary.
4. Certificate as to Verification of Signatures on Petition from the Orange County Registrar of Voters.
5. Draft resolution to add initiative measure to the November 8, 2016 General Municipal Election ballot.
6. Draft resolution setting priorities for filing written arguments and directing the City Attorney to prepare an Impartial Analysis.
7. Draft resolution setting priorities for filing written arguments (no Impartial Analysis).
8. Draft resolution providing for the filing of rebuttal arguments.
9. Elections Code Section 9212.
10. Draft Ordinance to enact Council elections by district.

Notification: 1) Brad Malamud, Initiative Proponent

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8-2-16 / 9C-6

8-30-16 / 8-36

ATTACHMENT 6

March 25, 2016

City Clerk
City of San Clemente

City of San Clemente

MAR 28 2016

City Clerk Department

Please be advised that I am hereby requesting the City Attorney to prepare a ballot title and summary per California State Elections Code 9230 of the attached proposed measure.

Please do not hesitate to contact me with any comments and/or questions relating to this matter.

Initiative Proponent;



Brad Malamud
4 Calle Ameno
San Clemente, CA 92672

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of San Clemente for the purpose of amending the Municipal Code of the City of San Clemente. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

1. San Clemente residents are disenfranchised by the majority of city councilmembers living in one section of one neighborhood in our city.
2. City councilmembers are unable to address citywide issues due to the concentration of their residences in one neighborhood in our city.
3. Current councilmembers ignore the concerns of residents in areas they do not frequent or travel to outside their personal neighborhood.
4. Taxpayer resources have been disproportionately dedicated to the general area of the concentration of current councilmembers neighborhood.
5. The people of San Clemente should have the right to representatives that represent the unique and diverse ethnic, geographic, and demographic areas of the community.



Brad Malamud
4 Calle Ameno
San Clemente, CA 92672

Date: March 25, 2016

Proponent Statement of Acknowledgement

I, Brad Malamud, acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than the qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Brad Malamud

Date: March 25, 2016

4 Calle Ameno,

San Clemente, CA 92672

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9235 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face** type and deleted language in strike out type):

SECTION I – TITLE

This measure shall be known and may be cited as "Voters Election Reform Initiative for a True Accountability System" ("VERITAS")

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente's neighborhood areas, balanced according to census data as required by law.

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city management form of government by creating a more accurate and effective method for the People to communicate their will to the City government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas or contiguous and compact territory bounded by natural boundaries or street grids, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task

Attachment 1

There shall be independent City and the Council shall draw from a hat random numbers from 1 to 5 and that in the area in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

Any City Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under this Section, of Article ___ of the City ___ shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section ___ of article ___ of the City ___ shall be amended to read:

SECTION IV- PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section ___ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the District Election Task Force shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clement resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho San Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members. The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent

5

8-2-16 / 9C-12

8-30-16 / 8-42

dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION ____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively.



REVISOR
Richard
13/11
11/11/11
on
11/11/11

BALLOT TITLE

Initiative for Election of City Council Members by District

BALLOT SUMMARY

The initiative would amend the San Clemente Municipal Code to require that the City be divided into five geographic districts and that each city councilmember be required to reside in one of those districts and be elected by voters within that district. The city councilmembers would continue to serve four-year terms.

The initiative would require that a seven-member District Elections Task Force be created by the City and that the Task Force, within 30 days of its appointment and after holding at least three public hearings to seek public input, recommend proposed district boundaries to the City Council for adoption. The District Elections Task Force would consist of two residents selected by the City Council and five members selected by the City Clerk from the following areas of the City: Talega, Rancho San Clemente, South-West, Forster Ranch, and North Beach.

If the initiative is adopted, the first district election would take place after the District Elections Task Force makes its recommendation to the City Council and the City Council adopts the recommendation. If the City Council fails to adopt the recommendation of the District Elections Task Force, then the proposed boundaries of the five districts as recommended by the District Elections Task Force shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days after such failure by the City Council to adopt the district boundaries. Once the districts are established, either by adoption by the City Council, or by special election, the City Council shall draw, by lot, to determine the sequencing of the district elections, provided that any councilmember in office at the time the initiative is adopted may continue in office until his or her term of office is completed.

In the event that, following publication of the decennial federal census, beginning in 2020, the population of any district varies by more than the maximum percentage allowable by law, the City Clerk shall convene the District Elections Task Force, in the manner provided for in this initiative, to consider, and if necessary, recommend an adjustment of the district boundaries to the City Council.

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA

County of Orange

I, the undersigned, of the State of California, residing at the County of Orange, do hereby certify that the above entitled matter, in the principal work of The Orange County Register, a newspaper of general circulation, published in the city of Santa Ana, County of Orange, and which newspaper has been adjudged to be a newspaper of general circulation by the Supreme Court of the State of California, under the date of November 19, 1905, Case No. A-21146, and the notice, of which the annex is a true printed copy, has been published in each regular and entire issue of said newspaper and also in any supplement thereof on the following dates, to-wit:

04/02/16

I am a true and correct copy of the original of the above entitled matter, in the principal work of The Orange County Register, as published on the above dates.

Witness my hand and the seal of the County of Orange, California, at

Orange, April 02, 2016

Jandra Cooper

The Orange County Register
625 N. Grand Ave.
Santa Ana, CA 92701
(714) 796-2200

PROOF OF PUBLICATION

NOTICE OF INTENTION TO CIRCULATE PETITION

Notice is hereby given to the general public that the undersigned, members of their duly elected and legal bodies, and the City of San Clemente, for the purpose of submitting the Petition and Code of the City of San Clemente. A statement of the contents of the proposed petition is set forth in the petition as follows:

- 1. San Clemente residents are inconvenienced by the amount of city government fees and charges levied on the City of San Clemente.
- 2. City councilmembers are unable to address citizens' concerns by the amount of fees levied on residents of San Clemente in a timely manner.
- 3. Current tax rates are high and the amount of revenue is being used for the city's general fund to address their current needs.
- 4. Property owners have been disproportionately impacted by the amount of fees levied on residents of San Clemente.
- 5. The amount of San Clemente fees has the right to representatives that represent the public and create better geographic and demographic areas of the community.

Ballot Title:

BALLOT TITLE

Resolution of the City Council to Amend the Charter of the City of San Clemente

BALLOT SUMMARY

The undersigned intend to submit the San Clemente Municipal Code to amend that the City be divided into geographic zones and that each zone be represented by no more than one representative in any of those zones and be elected by voters within that district. The city councilmembers shall continue in office until their terms expire.

The undersigned intend to submit the San Clemente Municipal Code to amend that the City be divided into geographic zones and that each zone be represented by no more than one representative in any of those zones and be elected by voters within that district. The city councilmembers shall continue in office until their terms expire.

The undersigned intend to submit the San Clemente Municipal Code to amend that the City be divided into geographic zones and that each zone be represented by no more than one representative in any of those zones and be elected by voters within that district. The city councilmembers shall continue in office until their terms expire.

The undersigned intend to submit the San Clemente Municipal Code to amend that the City be divided into geographic zones and that each zone be represented by no more than one representative in any of those zones and be elected by voters within that district. The city councilmembers shall continue in office until their terms expire.

**CERTIFICATE AS TO VERIFICATION
OF SIGNATURES ON PETITION**

State of California)
)ss.
County of Orange

I, Neal Kelley, Registrar of Voters of the County of Orange, do hereby certify that I am the county officer having charge of the registration of voters in the County of Orange, and I have examined, or caused to be examined, the petition submitted to the City of San Clemente entitled "Election of Members of the City Council by District".


I further certify that from said examination I have determined the following facts regarding this document:

Number of signatures filed:	<u>5,138</u>
Number of signatures required:	<u>3,730</u>
Number of signatures verified:	<u>5,114</u>
Number of signatures found valid:	<u>3,867</u>
Number of signatures found invalid:	<u>1,247</u>
Invalid because of Duplicate:	<u>70</u>

WITNESS my hand and Official Seal this 12th Day of July, 2016.



Neal Kelley
NEAL KELLEY
Registrar of Voters
Orange County

	Petition Result Breakdown	Attachment 4
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***#AA150- Election of Members of the City Council**
Election of Members of the City Council by District

Signatures Required	3730		
Raw Count	5,138		
Sample Size	5,138	<i>Percent of Sigs Checked</i>	<i>Percent of Sample Size</i>
Signs Checked	5,114		
Signs Not Checked	24		0.5 %
Signs Valid	3,867	75.6 %	75.3 %
Signs Invalid	1,247	24.4 %	24.3 %
Duplicated	70	1.0 %	1.4 %
Non-duplicate Invalids	1,177	23.0 %	22.9 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	3,867	75.6 %
NotReg	Not Registered	880	17.2 %
OutOfDist	Out of District	41	0.8 %
Duplicate	Signed more than once	70	1.4 %
Withdrawn	Withdrawn	1	0.0 %
RegLate	Registered Late	35	0.7 %
RegDiffAdd	Registered at a Different Address	152	3.0 %
Declncmp	Declaration Incomplete	9	0.2 %
NoResAdd	No Residence Address Given	22	0.4 %
NoSig	No Signature	1	0.0 %
SigNoMatch	Signatures Don't Match	29	0.6 %
WrongCnty	Page Filed in Wrong County	7	0.1 %

RESOLUTION NO. 16-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, AS CALLED BY RESOLUTION NO. 16-32.

WHEREAS, at its meeting of June 13, 2016, the San Clemente City Council adopted Resolution No. 16-32 that called a General Municipal Election to be held on Tuesday, November 8, 2016; and

WHEREAS, the San Clemente City Council also adopted Resolution No. 16-33 at its meeting of June 13, 2016 that requested that the Board of Supervisors of the County of Orange consolidate the City's General Municipal Election of November 8, 2016 with the General Election to be held on that date, pursuant to Section 10403 of the Elections Code; and

WHEREAS, in response to a qualified initiative that was presented to the San Clemente City Council at its meeting of August 2, 2016, the Council determined to add a measure to the previously-called General Municipal Election of November 8, 2016, that relates to the election of City Council members by district.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election of November 8, 2016 that will be held in consolidation with the General Election to be held on that date, the following question:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

Resolution No. 16-49

Section 2. That the proposed measure submitted to the voters is attached as Exhibit A.

Section 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

Section 4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 6. That the provisions contained in Resolution Nos. 16-32 and 16-33 shall also apply to the measure concerning election of City Council members by district that is hereby added to the November 8, 2016 General Municipal Election.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

Resolution No. 16-49

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

Attachment 5

Exhibit A

ok - inserted

Full Text of Measure _____

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9255 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face type** and deleted language in strike out type):

SECTION 1 – TITLE

This measure shall be known and may be cited as "Voters Election Reform Initiative for a True Accountability System"("VERITAS")

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente's neighborhood areas, balanced according to census data as required by law.

8-2-16 / 9C-21

8-30-16 / 8-51

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city manager form of government by creating a more accurate and effective method for the People to communicate their will to the city government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

(e) Any Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under districts. Section _____, of Article _____, of the City _____, shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section _____ of article _____ of the City _____ shall be amended to read:

SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section _____ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the **District Election Task Force** shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clemente resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho San Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members.

The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION _____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively

ATTACHMENT 6

Attachment 5

I certify that Ordinance No. ____ was adopted by the electorate of the City of San Clemente at a General Municipal Election held on ---. This Ordinance was adopted as a result of the passage of Measure _____. Please refer to Resolution No. --- for the recitation of the election results.

Joanne M. Baade
City Clerk

p:\my documents\my word\fulltext-by-district\elections.docx

8-2-16 / 9C-25

8-30-16 / 8-55

RESOLUTION NO. 16-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of San Clemente, California on November 8, 2016, in consolidation with the General Election to be held on that date; and

WHEREAS, the following measure will be submitted to the voters at the General Municipal Election of November 8, 2016:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p> <p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>YES</p>
	<p>NO</p>

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes the following member(s) of its body to file a written argument(s) not exceeding 300 words regarding the City measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

RESOLUTION NO. 16-50

Page 2

(Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)
 (Council Member in Favor)

(Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)
 (Council Member Against)

SECTION 2. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of Argument.

SECTION 3. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an Impartial Analysis of the measure (not exceeding 500 words) showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating that the measure was placed on the ballot by a petition signed by the requisite number of voters. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the City Clerk's office at 949-361-8345 and a copy will be mailed at no cost to you." The Impartial Analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on the _____ day of _____, 2016

 MAYOR of the City of
 San Clemente, California

RESOLUTION NO. 16-50

Page 3

ATTEST:

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

RESOLUTION NO. 16-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016

WHEREAS, a General Municipal Election is to be held in the City of San Clemente, California on November 8, 2016, in consolidation with the General Election to be held on that date; and

WHEREAS, the following measure will be submitted to the voters at the General Municipal Election of November 8, 2016:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p>	<p>YES</p>
<p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	<p>NO</p>

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes the following member(s) of its body to file a written argument(s) not exceeding 300 words regarding the City measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

RESOLUTION NO. 16-50

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_____(Council Member in Favor)
 _____(Council Member in Favor)
 _____(Council Member in Favor)
 _____(Council Member in Favor)
 _____(Council Member in Favor)

_____(Council Member Against)
 _____(Council Member Against)
 _____(Council Member Against)
 _____(Council Member Against)
 _____(Council Member Against)

SECTION 2. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of Argument.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on the _____ day of _____, 2016.

 MAYOR of the City of
 San Clemente, California

ATTEST:

 CITY CLERK of the City of
 San Clemente, California

RESOLUTION NO. 16-50

Page 3

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

RESOLUTION NO. 16-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016

WHEREAS, §9282 of the Elections Code of the State of California provides for written arguments to be filed in favor of or against city measures not to exceed 300 words in length; and

WHEREAS, §9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections; and

WHEREAS, a General Municipal Election is to be held in the City of San Clemente, California, on November 8, 2016, in consolidation with the November 8, 2016 General Election, at which there will be submitted to the voters the following measure:

<p>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</p> <p>Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?</p>	YES
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure (not exceeding 300 words each) which will be printed and distributed to the voters, the elections official shall immediately provide a copy of an argument in favor of the measure to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure.

RESOLUTION NO. 16-51

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The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by a "Form of Statement to be Filed by Authors of Argument".

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 8, 2016 and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

RESOLUTION NO. 16-51

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, JOANNE BAADÉ, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 16-51 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

EXCERPT FROM CALIFORNIA ELECTIONS CODE

9212.

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

(Amended by Stats. 2000, Ch. 496, Sec. 2. Effective January 1, 2001.)

ORDINANCE NO. 1629

**AN ORDINANCE OF THE CITY OF SAN CLEMENTE,
CALIFORNIA TO CHANGE CITY COUNCIL ELECTIONS
FROM "AT LARGE" TO "BY DISTRICT," TO ESTABLISH
A TASK FORCE TO RECOMMEND DISTRICT
BOUNDARIES, AND TO REQUIRE A SPECIAL ELECTION
IF THE CITY COUNCIL DOES NOT ADOPT THE TASK
FORCE'S RECOMMENDATION**

Whereas, the "Initiative for Election of City Council Members by District" ("Initiative") (as titled by the City Attorney) has qualified for the November 8, 2016 election ballot; and

Whereas, the Initiative is included, unaltered, and in its entirety as Attachment A; and

Whereas, the Initiative would change City Council elections from "at large" to "by district," establish a task force to recommend district boundaries, and, if the City Council does not adopt the task force's recommendation, require a special election; and

Whereas, section 9215 of the California Elections Code requires the Council to do one of the following with respect to the Initiative: Adopt the initiative without alteration, submit to the voters the ordinance without alteration, or order a report of the initiative pursuant to section 9212; and

Whereas, the Council wishes to adopt the Initiative without alteration and in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DOES
ORDAIN AS FOLLOWS:**

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council

Section 2. The Initiative is adopted without alteration.

Section 3. All prior actions of the City Council that are inconsistent with the Initiative are hereby rescinded.

Section 4. This ordinance is not subject to the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 150609(c)(2), because the action will not result in a direct or reasonably foreseeable indirect physical change in the environment, nor is it subject to CEQA because it is not a project as defined in CEQA Guidelines section 15378.

Ordinance No. 1629

Page 2

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

Section 6. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published as required by law.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Clemente this _____ day of _____, 2016.

Mayor
City of San Clemente, California

ATTEST:

City Clerk
City of San Clemente, California

Ordinance No. 1629

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1629 was introduced and adopted, the reading in full thereof unanimously waived, at a regular meeting of the City Council held on the ____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this ____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment 10



Attachment A

Full Text of Measure _____

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9255 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face type** and deleted language in strike out type):

SECTION 1 – TITLE

This measure shall be known and may be cited as "Voters Election Reform Initiative for a True Accountability System"("VERITAS")

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente's neighborhood areas, balanced according to census data as required by law.

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city manager form of government by creating a more accurate and effective method for the People to communicate their will to the city government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

(e) Any Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under districts. Section ____, of Article ____, of the City ____, shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section ____ of article ____ of the City _____ shall be amended to read:

SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section ____ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the **District Election Task Force** shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clemente resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho San Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members.

The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION _____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively.

ORDINANCE NO. 1629

AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO CHANGE CITY COUNCIL ELECTIONS FROM "AT LARGE" TO "BY DISTRICT," TO ESTABLISH A TASK FORCE TO RECOMMEND DISTRICT BOUNDARIES, AND TO REQUIRE A SPECIAL ELECTION IF THE CITY COUNCIL DOES NOT ADOPT THE TASK FORCE'S RECOMMENDATION

Whereas, the "Initiative for Election of City Council Members by District" ("Initiative") (as titled by the City Attorney) has qualified for the ballot; and

Whereas, the Initiative is included, unaltered, in its entirety as Attachment A; and

Whereas, the Initiative would change City Council elections from "at large" to "by district," establish a task force to recommend district boundaries, and, if the City Council does not adopt the task force's recommendation, require a special election; and

Whereas, section 9215 of the California Elections Code requires the Council to do one of the following with respect to the Initiative: Adopt the initiative without alteration, submit to the voters the ordinance without alteration, or order a report of the initiative pursuant to section 9212; and

Whereas, at its meeting of August 12, 2016, Council ordered a report of the initiative pursuant to section 9212 and directed that the report be agendaized for Council consideration at its Adjourned Regular Meeting of August 30, 2016; and

Whereas, the Council received the report of the initiative pursuant to section 9212 at its Adjourned Regular Meeting of August 30, 2016; and

Whereas, the Council wishes to adopt the Initiative without alteration and in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council

Section 2. The Initiative is adopted without alteration.

Section 3. All prior actions of the City Council that are inconsistent with the Initiative are hereby rescinded.

Section 4. This ordinance is not subject to the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 150609(c)(2), because the action will not result in a direct or reasonably foreseeable indirect physical change in the environment, nor is it subject to CEQA because it is not a project as defined in CEQA Guidelines section 15378.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

Section 6. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published as required by law.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Clemente this _____ day of _____, 2016.

Mayor
City of San Clemente, California

ATTEST:

City Clerk
City of San Clemente, California

Ordinance No. 1629

Page 3

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1629 was introduced and adopted, the reading in full thereof unanimously waived, at an adjourned regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment A

Full Text of Measure _____

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9255 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face type** and deleted language in strike out type):

SECTION 1 – TITLE

This measure shall be known and may be cited as "Voters Election Reform Initiative for a True Accountability System" ("VERITAS")

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente's neighborhood areas, balanced according to census data as required by law.

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city manager form of government by creating a more accurate and effective method for the People to communicate their will to the city government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member's successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

(e) Any Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under districts. Section ____, of Article ____, of the City _____, shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section ____ of article ____ of the City _____ shall be amended to read:

SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section ____ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the **District Election Task Force** shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clemente resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho San Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members.

The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION _____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively.