



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: December 5, 2023

Agenda Item: 8A

Department: City Clerk

Prepared By Laura Campagnolo, City Clerk

Subject:

INTRODUCTION (FIRST READING) OF AN ORDINANCE AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO MAKE MODIFICATIONS TO THE ADOPTED DISTRICT MAP

Fiscal Impact:

None.

Summary:

Following a series of public hearings required by the California Voting Rights Act to transition to by-district elections, on November 7, 2023, the City Council adopted Ordinance No. 1762, which completed the process in transitioning from at-large to by-district elections for City Council and added Sections 2.04.010 through 2.04.012 to the San Clemente Municipal Code. Council also directed staff to return with an ordinance amending the adopted map to include neighborhoods north of Trafalgar Canyon as part of the Pier Bowl in District 3, instead of District 4, and to include another consideration of Map 111.

Background:

On August 15, 2023, the City Council adopted Resolution No. 23-85 declaring the City of San Clemente's Intent to Initiate Procedures to Consider Transition from At-Large Elections to By-District Elections pursuant to California Elections Code Section 10010. The City Council held public hearing numbers 1 and 2 on August 15, 2023 and September 5, 2023, to receive public input regarding the composition of the districts, the number of districts and potential election sequencing. On October 3, 2023, the City Council held public hearing number 3 to receive input on draft maps and potential election sequencing for by-district elections.

Following the timeline set forth in Resolution No. 23-85 and Election Code 10010, the City Council held two more public hearings and introduced an ordinance transitioning from at-large to by-district elections on October 17, 2023. On November 7, 2023, Council held its sixth public hearing and adopted Ordinance No. 1762 to transition to by-district elections. The adopted map (109) includes Trafalgar Canyon in District 4, while the rest of the Pier Bowl is in District 3.

During public testimony at November 7, 2023 public hearing, a concern was raised that the district map that was adopted (Map 109) did not accurately reflect the Pier Bowl specific plan. Following discussion, Council directed Staff to return with a proposed amendment to the map, which included certain neighborhoods in the Pier Bowl with Trafalgar Canyon as the cut off. The draft revised map (Map 120) is included as Attachment 1. Map 120 was posted on the City

website on November 16, 2023. Additionally, Council directed that Staff return with Map 111 for additional consideration.

If Council determines that steps should be taken to modify the district election map, Ordinance No. 1769 (provided as attachment 3) or Ordinance No. 1770 (provided as attachment 4), should be introduced and a first reading conducted.

Legal Requirements:

In considering any proposed district map, the City Council should evaluate whether it meets legal requirements, specifically:

1. Each council district shall contain a nearly equal population as required by law.
2. Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act. No council district shall be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
3. To the extent practicable, council districts shall be geographically contiguous. Areas within districts that meet only at the points of adjoining corners are not contiguous.
4. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest should be respected and included within a single district for purposes of its effective and fair representation in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.
5. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
6. To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations and where doing so does not conflict with higher-ranked criteria.
7. Where doing so does not conflict with higher-ranked criteria, the City Council may consider other traditional principles in the development of districts. For example, to the extent practicable, each council district shall respect the previous choices of voters by avoiding the creation of head-to-head contests between councilmembers previously elected by the voters, insofar as this does not conflict with federal or state law.

Council Options:

- Introduce Ordinance No. 1769, which would modify the district election map adopted in Ordinance No. 1762 to include Trafalgar Canyon in the Pier Bowl in District 3.

- Introduce Ordinance No. 1770, which would adopt an alternative map (like Map 111) as the final district map effective with the November 2024 election.
- Direct Staff to return to Council with additional information.
- Take no action.

Environmental Review/Analysis

This is not a “project” under the California Environmental Quality Act.

Recommended Actions:

Staff Recommendation

1. Open the Public Hearing, hear public testimony, and close the Public Hearing.
2. If Council chooses to adopt Map 120, introduce and conduct the first reading of Ordinance No. 1769 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO REVISE THE DISTRICT ELECTION MAP.

OR

3. If Council chooses to adopt an alternative map that has already been published, identify the alternative map by number and introduce and conduct the first reading of Ordinance No. 1770 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO REVISE THE DISTRICT ELECTION MAP with the appropriate map number inserted.

Attachment:

1. Map 120
2. Map 111
3. Ordinance No. 1769
4. Ordinance No. 1770

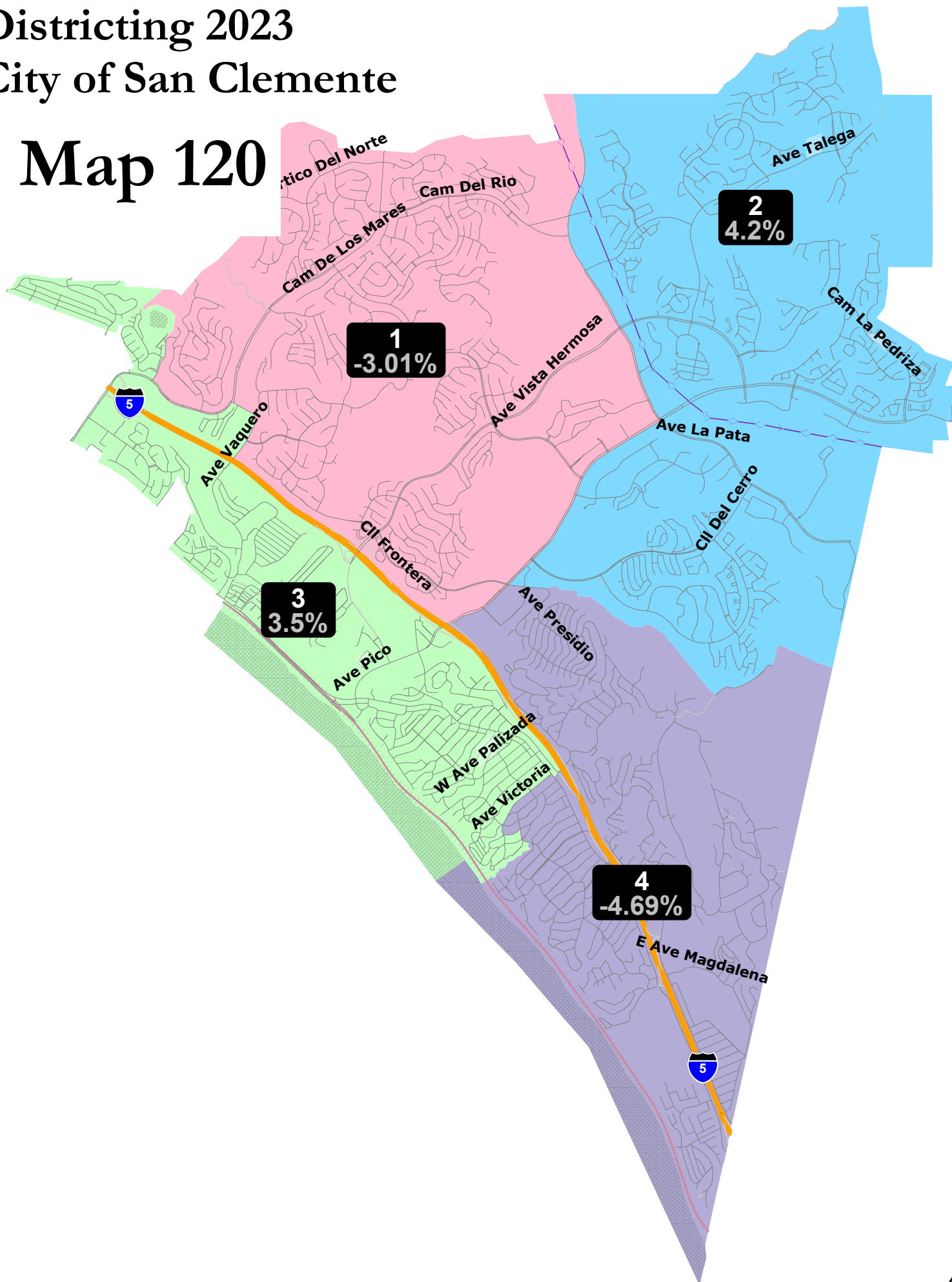
Notification:

1/8 Page Ad in the San Clemente Times

Districting 2023

City of San Clemente

Map 120



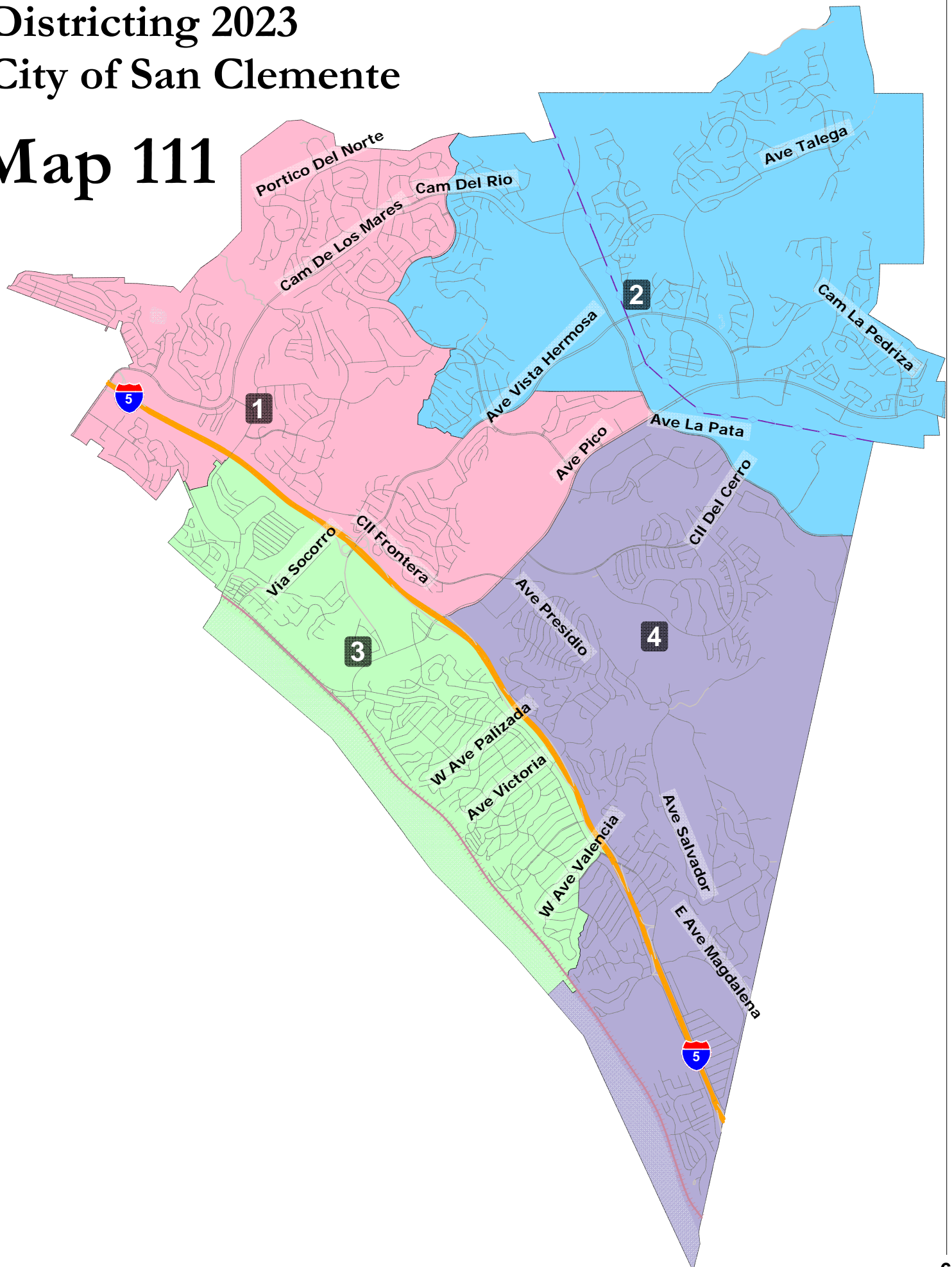
Map 120

District		1	2	3	4	Total
	Total Pop	15,611	16,772	16,660	15,341	64,384
	Deviation from ideal	-485	676	564	-755	1,432
	% Deviation	-3.01%	4.20%	3.50%	-4.69%	8.89%
Total Pop	% Hisp	13%	16%	28%	15%	18%
	% NH White	75%	71%	64%	76%	71%
	% NH Black	1%	2%	1%	1%	1%
	% Asian-American	7%	8%	4%	4%	6%
Citizen Voting Age Pop	Total	11,758	11,193	12,463	12,272	47,686
	% Hisp	10%	13%	15%	11%	12%
	% NH White	81%	74%	76%	79%	78%
	% NH Black	0%	5%	2%	2%	2%
	% Asian/Pac.Isl.	8%	7%	6%	5%	6%
Voter Registration (Nov 2020)	Total	11,858	10,416	10,164	11,592	44,030
	% Latino est.	7%	8%	13%	8%	9%
	% Spanish-Surnamed	7%	8%	12%	8%	9%
	% Asian-Surnamed	3%	3%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	89%	85%	84%	89%	87%
	% NH Black	0%	2%	1%	0%	1%
Voter Turnout (Nov 2020)	Total	10,836	9,370	8,852	10,391	39,449
	% Latino est.	7%	8%	12%	8%	8%
	% Spanish-Surnamed	7%	8%	12%	8%	8%
	% Asian-Surnamed	3%	4%	2%	2%	3%
	% Filipino-Surnamed	1%	1%	1%	0%	1%
	% NH White est.	0%	2%	1%	0%	1%
	% NH Black	0%	2%	1%	0%	1%
Voter Turnout (Nov 2018)	Total	8,444	6,882	5,998	7,835	29,159
	% Latino est.	6%	7%	10%	6%	7%
	% Spanish-Surnamed	2%	3%	1%	2%	2%
	% Asian-Surnamed	2%	3%	1%	2%	2%
	% Filipino-Surnamed	1%	1%	0%	0%	0%
	% NH White est.	90%	88%	87%	91%	89%
	% NH Black est.	0%	2%	1%	0%	1%
ACS Pop. Est.	Total	16,008	16,584	16,488	15,344	64,424
Age	age0-19	26%	33%	19%	20%	24%
	age20-60	46%	49%	55%	49%	50%
	age60plus	28%	18%	26%	31%	26%
Immigration	immigrants	12%	10%	14%	9%	11%
	naturalized	77%	77%	50%	80%	69%
Language spoken at home	english	86%	86%	76%	88%	84%
	spanish	5%	5%	16%	8%	9%
	asian-lang	1%	2%	3%	2%	2%
	other lang	8%	7%	5%	2%	5%
Language Fluency	Speaks Eng. "Less than Very Well"	4%	2%	7%	4%	4%
Education (among those age 25+)	hs-grad	43%	38%	47%	47%	44%
	bachelor	30%	38%	25%	29%	30%
	graduatedegree	23%	23%	19%	19%	21%
Child in Household	child-under18	36%	45%	22%	24%	31%
Pct of Pop. Age 16+	employed	62%	67%	68%	62%	65%
Household Income	income 0-25k	8%	7%	11%	11%	9%
	income 25-50k	8%	8%	14%	10%	10%
	income 50-75k	6%	7%	15%	8%	9%
	income 75-200k	42%	41%	44%	42%	43%
	income 200k-plus	36%	36%	16%	29%	29%
Housing Stats	single family	95%	80%	49%	72%	71%
	multi-family	5%	20%	51%	28%	29%
	rented	15%	23%	57%	36%	35%
	owned	84%	77%	43%	64%	65%

Total population data from the California adjustment to the 2020 Decennial Census.
Surname-based Voter Registration and Turnout data from the California Statewide Database.
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2017-2021 American Community Survey and Special Tabulation 5-year data.

Districting 2023 City of San Clemente

Map 111



Map 111

District		1	2	3	4	Total
	Total Pop	16,038	15,612	16,155	16,579	64,384
	Deviation from ideal	-58	-484	59	483	967
	% Deviation	-0.36%	-3.01%	0.36%	3.00%	6.01%
Total Pop	% Hisp	17.1%	14%	26%	16%	18%
	% NH White	72%	73%	66%	74%	71%
	% NH Black	1%	1%	1%	1%	1%
	% Asian-American	6%	8%	4%	5%	6%
Citizen Voting Age Pop	Total	12,116	10,672	12,273	12,625	47,686
	% Hisp	12%	12%	12%	13%	12%
	% NH White	81%	70%	81%	78%	78%
	% NH Black	1%	5%	1%	2%	2%
	% Asian/Pac.Isl.	5%	12%	5%	5%	6%
Voter Registration (Nov 2020)	Total	11,632	9,835	10,479	12,084	44,030
	% Latino est.	8%	8%	12%	8%	9%
	% Spanish-Surnamed	8%	7%	11%	8%	9%
	% Asian-Surnamed	2%	4%	1%	2%	2%
	% Filipino-Surnamed	0%	1%	1%	1%	1%
	% NH White est.	88%	86%	86%	88%	87%
Voter Turnout (Nov 2020)	Total	10,568	8,919	9,123	10,839	39,449
	% Latino est.	8%	7%	11%	8%	8%
	% Spanish-Surnamed	7%	7%	10%	7%	8%
	% Asian-Surnamed	2%	3%	2%	2%	2%
	% Filipino-Surnamed	2%	3%	2%	2%	2%
	% NH White est.	88%	86%	87%	89%	88%
	% NH Black	1%	2%	0%	0%	1%
Voter Turnout (Nov 2018)	Total	8,303	6,422	6,222	8,212	29,159
	% Latino est.	10%	9%	17%	10%	11%
	% Spanish-Surnamed	6%	6%	9%	6%	7%
	% Asian-Surnamed	2%	3%	1%	2%	2%
	% Filipino-Surnamed	0%	1%	0%	0%	0%
	% NH White est.	90%	88%	89%	91%	89%
ACS Pop. Est.	Total	16,088	16,917	15,905	15,514	64,424
Age	age0-19	23%	37%	18%	19%	24%
	age20-60	47%	48%	57%	48%	50%
	age60plus	31%	16%	24%	33%	26%
Immigration	immigrants	13%	10%	12%	11%	11%
	naturalized	72%	80%	46%	81%	69%
Language spoken at home	english	85%	83%	81%	87%	84%
	spanish	9%	5%	13%	8%	9%
	asian-lang	2%	2%	2%	2%	2%
	other lang	4%	11%	4%	3%	5%
Language Fluency	Speaks Eng. "Less than Very Well"	3%	4%	7%	4%	4%
Education (among those age 25+)	hs-grad	44%	34%	46%	50%	44%
	bachelor	28%	37%	29%	27%	30%
	graduatedegree	24%	26%	17%	18%	21%
Child in Household	child-under18	30%	55%	22%	23%	31%
Pct of Pop. Age 16+	employed	61%	67%	71%	61%	65%
Household Income	income 0-25k	11%	3%	9%	13%	9%
	income 25-50k	9%	6%	14%	11%	10%
	income 50-75k	8%	4%	13%	10%	9%
	income 75-200k	44%	43%	43%	41%	43%
	income 200k-plus	28%	44%	22%	25%	29%
Housing Stats	single family	88%	90%	47%	71%	71%
	multi-family	12%	10%	53%	29%	29%
	rented	23%	18%	58%	33%	35%
	owned	77%	82%	42%	67%	65%

Total population data from the 2020 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2017-2021 American Community Survey and Special Tabulation 5-year data.

ORDINANCE NO. 1769

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO REVISE THE DISTRICT ELECTION MAP

WHEREAS, the City of San Clemente adopted Ordinance No. 1762 on November 7, 2023 formally transitioning from an at-large election system to by-district elections with four districts and an elected Mayor and selecting Map 109 as the adopted district map; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, adopted Map 109 includes certain neighborhoods north of Trafalgar Canyon as part of the Pier Bow in District 3, which are more appropriately included in District 4 as reflected on Map 120;

WHEREAS, at its regular meeting of December 5, 2023, the City Council held a duly noticed public hearing and received and considered public testimony and all other information presented before or during the public hearing regarding Map 120; and

WHEREAS, Map 120 meets all the requirements of state and federal law and was posted on November 16, 2023 on the City's website for public consideration at least seven (7) days before the introduction of this Ordinance; and

WHEREAS, it is the considered the view of the City Council that Map 120, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the City of San Clemente.

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

Section 1: INCORPORATION OF RECITALS.

The above recitals are true and correct and incorporated into this Ordinance as findings.

Section 2: AMENDMENT TO SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE.

Exhibit A (Map 109) to Section 2.04.011 of the San Clemente Municipal Code is hereby stricken in its entirety and replaced by Map 120, which is attached to this Ordinance as Exhibit A and incorporated fully herein by this reference.

Section 3: IMPLEMENTATION

If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

Section 4: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of San Clemente hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5: INCONSISTENCIES

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

Section 6: INTERPRETATION

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

Section 7: EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of San Clemente shall cause this Ordinance to be published pursuant to the provisions of Government Code § 36933.

APPROVED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

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

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted 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:

Elizabeth A. Mitchell, CITY ATTORNEY

ORDINANCE NO. 1770

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO REVISE THE DISTRICT ELECTION MAP

WHEREAS, the City of San Clemente adopted Ordinance No. 1762 on November 7, 2023 formally transitioning from an at-large election system to by-district elections with four districts and an elected Mayor and selecting Map 109 as the adopted district map; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, at its regular meeting of December 5, 2023, the City Council held a duly noticed public hearing and received and considered public testimony and all other information presented before or during the public hearing regarding Map 109 and alternate maps; and

WHEREAS, Map [REDACTED] meets all the requirements of state and federal law and was posted on November 16, 2023 on the City's website for public consideration at least seven (7) days before the introduction of this Ordinance; and

WHEREAS, it is the considered the view of the City Council that Map [REDACTED], attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the City of San Clemente.

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

Section 1: INCORPORATION OF RECITALS.

The above recitals are true and correct and incorporated into this Ordinance as findings.

Section 2: AMENDMENT TO SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE.

Exhibit A (Map 109) to Section 2.04.011 of the San Clemente Municipal Code is hereby stricken in its entirety and replaced by Map [REDACTED], which is attached to this Ordinance as Exhibit A and incorporated fully herein by this reference.

Section 3: IMPLEMENTATION

If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

Section 4: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of San Clemente hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5: INCONSISTENCIES

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

Section 6: INTERPRETATION

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

Section 7: EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of San Clemente shall cause this Ordinance to be published pursuant to the provisions of Government Code § 36933.

APPROVED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

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

I, **LAURA CAMPAGNOLO**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted 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:

Elizabeth A. Mitchell, CITY ATTORNEY