AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: January 16, 2024 Agenda Item: 8A

Department: City Clerk
Prepared By Laura Campagnolo, City Clerk

Subject:
CONSIDERATION OF ADOPTION (SECOND READING) OF ORDINANCE NO. 1770 AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO MAKE MODIFICATIONS TO THE DISTRICT MAP AND INTRODUCTION (FIRST READING) OF ORDINANCE NO. 1771 REGARDING ELECTION SEQUENCING

Fiscal Impact:
None.

Summary:
The City has almost completed the districting process under Election Code section 10010. Following a series of public hearings required by the California Voting Rights Act, on November 7, 2023, the City Council adopted Ordinance No. 1762, which established by-district elections for City Council and added Sections 2.04.010 through 2.04.012 to the San Clemente Municipal Code (SCMC). City Council also directed staff to return with an ordinance amending the 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.

At its meeting of December 5, 2023, the City Council introduced Ordinance No. 1770, which, if adopted, would make Map 111 the final district map. At that time, no changes were made or proposed to the election sequence, which was adopted by Ordinance No. 1762 on November 7, 2023. On December 5, 2023, the City Council also directed that staff return with the second reading of Ordinance No. 1770 and include a review of the election sequence for discussion.

If the City Council is satisfied with the Ordinance No. 1770 (Map 111), it should conduct a second reading and adopt the Ordinance. If the City Council would like to make changes to the final election sequence to match Map 111 consistent with Election Code section 10010(b), the City Council will want to consider introducing Ordinance No. 1771.

Current Election Sequence:

The current election sequence set forth in SCMC section 2.04.12 states that:

1. Councilmembers from Council Districts 3 and 4 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter;
2. Councilmembers from Districts 1 and 2 shall be elected beginning at the General Municipal Election in November 2026, and every four years thereafter; and

3. The Mayor shall be elected beginning in November 2026 and every two years thereafter, with a life-time limit of three terms, and without the ability to run for Mayor again after completing three terms.

Elections Code section 10010(b) states that "[i]n determining the final sequence of the district elections…, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001, and it shall take into account the preferences expressed by members of the districts."

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.

During public testimony at the November 7, 2023 public hearing, a concern was raised that Map 109 (which includes Trafalgar Canyon in District 4, while the rest of the Pier Bowl is in District 3) does not accurately reflect the Pier Bowl specific plan. Following discussion, City Council directed Staff to return with a proposed amendment to Map 109 (Map 120) to certain neighborhoods in the Pier Bowl with Trafalgar Canyon as the boundary cut off. Map 120 was posted on the City website on November 16, 2023. Additionally, City Council directed that Staff return with Map 111 for additional consideration.

At its meeting of December 5, 2023, City Council introduced Ordinance No. 1770, amending SCMC section 2.04.011 to select Map 111 as the final District Map. Ordinance No. 1770 is now before the City Council for a second reading.

If the City Council would like to have districts come up for election according to the numbering of Map 111, the City Council will want to consider introducing Ordinance No. 1771, which would change the election sequence set forth in SCMC section 2.04.12 to the following:

1. Councilmembers from Council Districts 2 and 3 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter; and
2. Councilmembers from Districts 1 and 4 shall be elected beginning at the General Municipal Election in November 2026, and every four years thereafter.

Such a final election sequence would take into account the preferences expressed by the members of those districts through previous elections and would be consistent with Elections Code section 10010(b).

Legal Requirements:

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

1. Following or concurrent with the decision to establish district-based elections for a legislative body, or following each federal decennial census for a legislative body that is already elected using district-based elections, the districting body shall, by ordinance or resolution, adopt boundaries for all of the election districts of the legislative body so that the election districts shall be substantially equal in population as required by the United States Constitution.

(a) Population equality shall be based on the total population of residents of the local jurisdiction as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171are available.
(b) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a local jurisdiction's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the local jurisdiction, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

2. Each council district shall be drawn in a manner that complies with the United States Constitution, the California Constitution, and the Federal Voting Rights Act of 1965.

(a) Consistent with the districting body's existing obligations under the federal Voting Rights Act, the districting body shall determine whether it is possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, as set forth in *Thornburg v. Gingles* (1986) 478 U.S. 30, and as interpreted in case law regarding enforcement of the federal Voting Rights Act with respect to redistricting. The districting body shall publish on its redistricting web page, at a minimum, the results of its analysis within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.
(b) If the districting body, consistent with its existing obligations under the federal Voting Rights Act, conducts an analysis to determine whether "racially polarized voting," as defined in case law regarding enforcement of the federal Voting Rights Act, exists in the local jurisdiction, the districting body shall publish on its redistricting web page, at a minimum, a summary of its analysis and findings within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

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 or applicable law, the City Council may consider other traditional principles in the development of districts.

Council Options:

- Conduct a second reading and adopt Ordinance No. 1770, which would adopt Map 111 as the final district map effective with the November 2024 election.

- Modify Ordinance No. 1770 and introduce and conduct a first reading of the ordinance as modified.

- Introduce and conduct a first reading of Ordinance No. 1771, which would change the election sequence in SCMC section 2.04.12 to match Map 111.

- Direct Staff to return to City Council with additional information.

- Take no action, which would leave SCMC section 2.04.12 in place as adopted.

Environmental Review/Analysis

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

Recommended Actions:

Staff Recommendation

1. Conduct a second reading of and adopt 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," which has Map 111 as Exhibit A to the Ordinance.

   And

2. Introduce and conduct the first reading of Ordinance No. 1771 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.012 RELATED TO DISTRICT ELECTION SEQUENCING.

Attachments:

1. Ordinance No. 1770 with Map 111 as Exhibit A (which is up for adoption).
2. Ordinance No. 1762 (which is the current ordinance and sets forth current election sequencing).
3. Ordinance No. 1771 (which would amend the election sequencing to match Map 111 and could be introduced for a first reading).

Notification:

Publication in the Orange County Register on January 5, 2024.

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 111 meets all the requirements of state and federal law and was posted on October 10, 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 111, 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 111, 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. 1770 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 _____, _____.

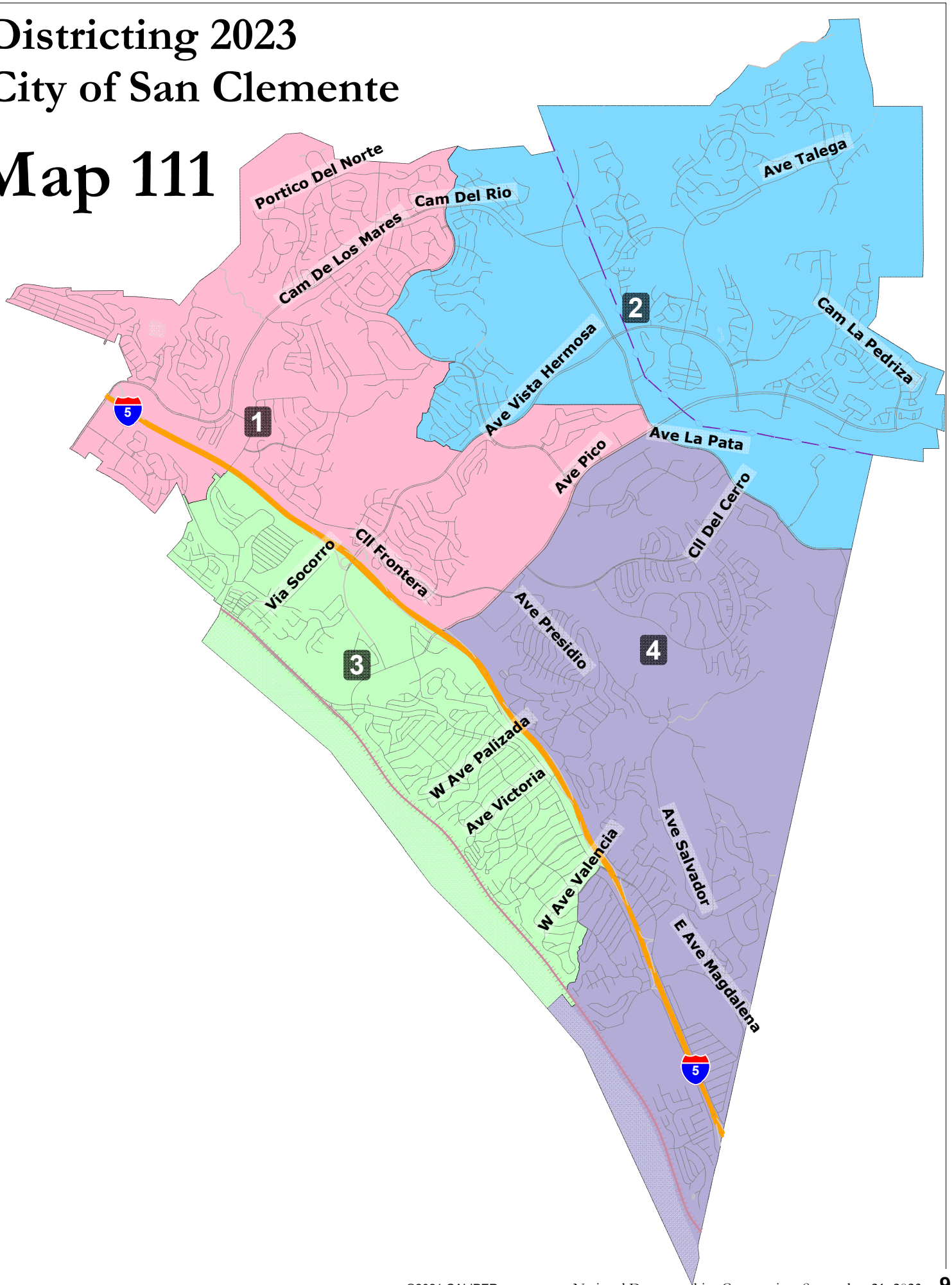
_____
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

_____
Elizabeth A. Mitchell, CITY ATTORNEY

Districting 2023
City of San Clemente

Map 111



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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%
	% NH Black	1%	2%	0%	0%	1%
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%
	% NH Black est.	1%	2%	0%	0%	1%
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. 1762

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING SECTIONS 2.04.010 THROUGH 2.04.012 TO THE SAN CLEMENTE MUNICIPAL CODE, ESTABLISHING A BY-DISTRICT ELECTION PROCESS IN FOUR COUNCIL DISTRICTS WITH AN ELECTIVE OFFICE OF MAYOR PURSUANT TO CALIFORNIA ELECTIONS CODE § 10010 AND CALIFORNIA GOVERNMENT CODE §§ 34871(C) AND 34886 AND SETTING MAYORAL TERM LIMITS

WHEREAS, the City of San Clemente currently elects its five City Councilmembers using an at-large election system, and the City Council selects a Mayor and Mayor Pro Tem from among its members; and

WHEREAS, in the at-large election system, candidates may reside in any part of the City and each City Councilmember is elected by the voters of the entire City; and

WHEREAS, the City's current electoral system observes the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution, the Equal Protection Clause of the United States Constitution, and the federal Voting Rights Act; 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, on July 10, 2023, the City received a letter from the Law Offices of Michelle R. Jackson, asserting the City's at-large electoral system violated the California Voting Rights Act, and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high, even if the City is successful, and at this time such an expensive defense would severely burden the City's budget and curtail the City's ability to provide needed services to its residents; and

WHEREAS, under the provisions of California Government Code sections 34870-34884, a proposal to adopt a by-district method of election in a general law city must ordinarily be submitted to the voters of the city; and

WHEREAS, California Government Code section 34886 permits the City Council, to change the City's method of election by ordinance, with certain formalities, to a "by-district" system; and

WHEREAS, California Government Code section 34886, as amended effective January 1, 2020, provides:

> Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in

subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall comply with the requirements and criteria of Section 21601 or 21621 of the Elections Code, as applicable, and include a declaration that the change in the method of electing members of the legislative body is being made 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); and

WHEREAS, California Government Code section 34871(c) provides for the election of members of the legislative body of a city by districts in four districts, with a separately elected mayor; and

WHEREAS, the City wishes to avoid litigation and take advantage of the provisions of Government Code section 34886, and therefore, pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the City Council of the City of San Clemente made by this Ordinance also implements the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act, and

WHEREAS, at its regular meeting of August 15, 2023, the City Council adopted a resolution of intent to establish a by-district voting process pursuant to Elections Code section 10010, Resolution No. 23-85; and

WHEREAS, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

WHEREAS, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on August 15, 2023 and September 5, 2023, at which time input from the public on the proposed composition of the districts was invited and heard; and

WHEREAS, on September 21, 2023, consistent with the provisions of California Elections Code section 10010, the City published and made available for public review, thirteen (13) draft maps for consideration by the Council, two of which were prepared by the City's demographic consultant, and the rest of which were submitted by members of the public; and

WHEREAS, the potential sequence of elections for each such map was also published at that time; and

WHEREAS, between October 4, 2023 and October 10, 2023, the City published six (6) more draft maps submitted by the public and NDC, in addition to those already published on September 21, 2023, together with potential sequences of elections for each of those maps; and

WHEREAS, as required by California Elections Code section 10010, the City held a third public hearing on October 3, 2023, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, after the close of the public hearings on October 3, 2023, the City Council provided instruction to the City's demographic consultant about making revisions to draft maps and identified map numbers 109, 111 and 112, which had been submitted by members of the public and NDC, as "Focus Maps"; and

WHEREAS, revised maps and the "Focus Maps", in addition to more maps submitted by the public, were made available for public review on October 10, 2023, and the potential sequence of elections for those maps was published as well; and

WHEREAS, as required by California Elections Code section 10010, the City held a fourth public hearing on October 17, 2023, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, as required by California Elections Code section 10010, the City held a fifth public hearing on October 17, 2023, at which the public was again invited to provide input regarding Ordinance No. 1762; and

WHEREAS, it is the considered view of the City Council that map 109, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the City of San Clemente; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of the members of the City Council of the City of San Clemente by-district in four single-member districts, and a separately elected office of Mayor.

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

Section 10: SAN CLEMENTE MUNICIPAL CODE SECTION 2.04.10, ADDED

Section 2.04.10 of the San Clemente Municipal Code is hereby added as follows:

2.04.10 Four City Councilmembers and Elective Mayor.

Pursuant to California Government Code sections 34886 and 34871(c), commencing with the November 2024 general municipal election, the members of the San Clemente City Council shall be elected by-districts in four (4) single-member districts with an elective Mayor. Each Councilmember shall serve a term of four years subject to the term limit set forth in section 2.04.090. The Mayor shall be elected at large by the people of San Clemente and shall serve a term of two years, with a life-time term limit of three full terms, and without the ability to run for Mayor again after completing three full terms.

Section 2: SAN CLEMENTE MUNICIPAL CODE SECTION 2.04.11, ADDED

Section 2.04.11 of the San Clemente Municipal Code is hereby added as follows:

2.04.11. By-District Electoral System for Four City Councilmembers.

A. Beginning with the general municipal election in November 2024, Councilmembers shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated fully herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the City Council shall be elected from each district, by the voters of that district alone, except for the Mayor, who shall be elected citywide. In accordance with section 2.04.10, each Councilmember shall serve a four-year term until his or her successor has qualified.

B. Except as provided in subdivision (C) hereof, the Councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Councilmember shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within 30 days after the termination of residency.

(3) Notwithstanding any other provision of this section, each of the Councilmembers in office at the time this article takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Councilmember offices elected at-large may be filled from the City at-large. At the end of the term of each Councilmember, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

Section 4: SAN CLEMENTE MUNICIPAL CODE SECTION 2.04.12, ADDED

Section 2.04.12 of the San Clemente Municipal Code is hereby added as follows:

2.04.12 Election Schedule for Councilmembers Elected By-District.

A. Consistent with Sections 2.04.10 and 2.04.11, Councilmembers from Council Districts 3 and 4 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter.

A. Consistent with Section 2.04.11, the Mayor shall be elected beginning in 2026 and every two years after, and Councilmembers from Council Districts 1 and 2 shall be elected beginning at the General Municipal Election in November 2026, and every four years thereafter.

Section 5: 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 6: ENVIRONMENTAL REVIEW

The City Council finds that the proposed amendments to the San Clemente Municipal Code are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project that has the potential for causing a significant effect on the environment.

Section 7: 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 8: 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 9: INTERPRETATION

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

Section 10: SUNSET PROVISIONS

This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the City of San Clemente, or is amended such that its provisions no longer apply to the City of San Clemente. In the event that this Ordinance is of no further force and effect pursuant to this section, the City Council shall immediately consider an ordinance repealing Sections 2.04.10 through 2.04.12 of the Municipal Code of the City of San Clemente. In the event that this Ordinance is of no further force and effect pursuant to this section, the incumbent Councilmembers elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Councilmembers expire and in accordance with all other provisions of law, until such time as a different method of election City Councilmembers is approved in accordance with applicable law.

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.

Section 11: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this 7th of November, 2023.

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. 1762 having been regularly introduced at the meeting of October 17, 2023, 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 7th day of November, 2023, and said ordinance was adopted by the following vote:

AYES: CABRAL, KNOBLOCK, LOEFFLER

NOES: ENMEIER, MAYOR DUNCAN

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 16th day of November, 2023.

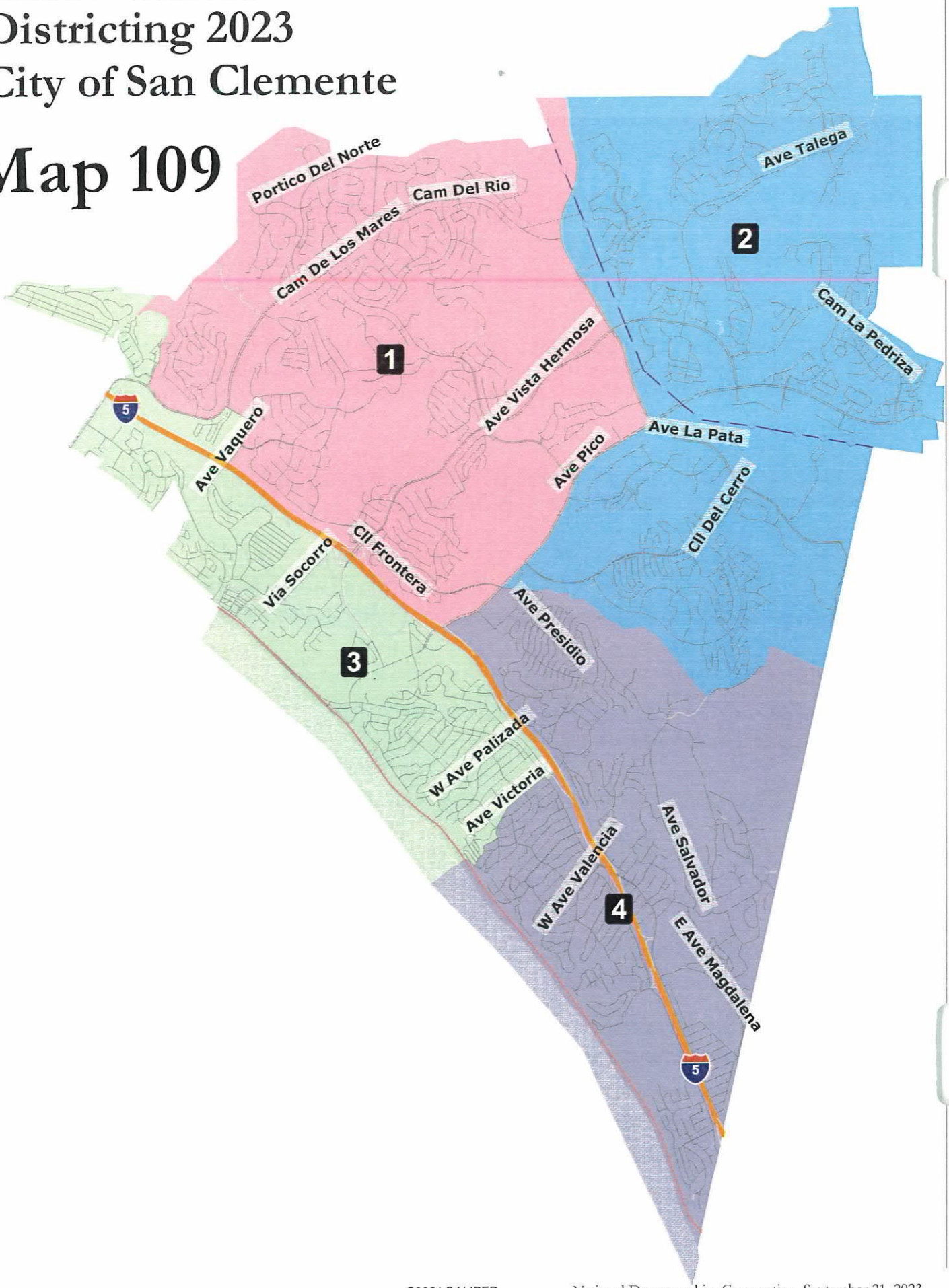
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

Elizabeth A. Mitchell, CITY ATTORNEY

Districting 2023
City of San Clemente

Map 109



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National Demographics Corporation, September 21, 2023

Map 109						
District		1	2	3	4	Total
	Total Pop	15,611	16,772	16,118	15,882	64,384
	Deviation from ideal	-485	676	22	-214	1,161
	% Deviation	-3.01%	4.20%	0.14%	-1.33%	7.22%
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	12,012	12,723	47,686
	% Hisp	10%	13%	16%	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	9,791	11,965	44,030
	% Latino est.	7%	8%	13%	8%	9%
	% Spanish-Surnamed	7%	8%	13%	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	8,527	10,716	39,449
	% Latino est.	7%	8%	12%	8%	8%
	% Spanish-Surnamed	7%	8%	11%	7%	8%
	% Asian-Surnamed	3%	3%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	0%	1%
	% NH White est.	89%	86%	85%	90%	88%
	% NH Black	0%	2%	1%	0%	1%
Voter Turnout (Nov 2018)	Total	8,444	6,882	5,801	8,032	29,159
	% Latino est.	6%	7%	10%	6%	7%
	% Spanish-Surnamed	6%	6%	10%	6%	7%
	% Asian-Surnamed	2%	3%	1%	1%	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	15,943	15,889	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%	78%	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%	43%	43%	43%
	income 200k-plus	36%	36%	17%	29%	29%
Housing Stats	single family	95%	80%	50%	70%	71%
	multi-family	5%	20%	50%	30%	29%
	rented	15%	23%	57%	37%	35%
	owned	84%	77%	43%	63%	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.

ORDINANCE NO. 1771

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.012 OF THE SAN CLEMENTE MUNICIPAL CODE RELATED TO DISTRICT ELECTION SEQUENCING

WHEREAS, the City of San Clemente adopted Ordinance No. 1762 on November 7, 2023 as part of the process in transitioning from an at-large election system to by-district elections with four districts and an elected Mayor pursuant to Elections Code section 10010; 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, Map 111 and alternate maps, and introduced Ordinance No. 1770, which included Map 111 as the final district map; and

WHEREAS, at its regular meeting of January 16, 2024, 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, and conducted a second reading of and adopted Ordinance No. 1770 and Map 111; and

WHEREAS, Elections Code section 10010(b) states in relevant part that "[i]n determining the final sequence of the district elections…, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001, and it shall take into account the preferences expressed by members of the districts"; and

WHEREAS, amending the election sequencing set forth in San Clemente Municipal Code (SCMC) section 2.04.12 to match Map 111 will further the purposes of the California Voting Rights Act of 2001, will take into account the preferences expressed by the members of those districts through previous elections, is consistent with Elections Code section 10010(b) and will serve the best interests of the public and the City.

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 2.04.012 OF THE SAN CLEMENTE MUNICIPAL CODE.

Section 2.04.012 of the San Clemente Municipal Code is hereby stricken in its entirety and replaced with the following:

2.04.12 Election Schedule for Councilmembers Elected By-District

A. Consistent with Sections 2.04.010 and 2.04.011, Councilmembers from Council Districts 2 and 3 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter.
B. Consistent with Section 2.04.011, the Mayor shall be elected beginning in 2026 and every two years after, and Councilmembers from Council Districts 1 and 4 shall be elected beginning at the General Municipal Election in November 2026, and every four years thereafter.

Section 3: COMPLETION OF DISTRICTING PROCESS

The effectiveness of this Ordinance shall be deemed to complete the districting process set forth in Elections Code section 10010.

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. 1771 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