



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: April 16, 2024

Agenda Item: 7B

Submitted By: City Clerk

Prepared By: Laura Campagnolo

Subject:

EIGHTH PUBLIC HEARING AND INTRODUCTION (FIRST READING) OF AN ORDINANCE FINALIZING THE DISTRICT MAP TO BRING THE PIER BOWL COMMUNITY OF INTEREST INTO ONE DISTRICT (DISTRICT 3)

Fiscal Impact:

None.

Summary:

Following a series of public hearings required by the California Voting Rights Act (CVRA) and in order to fall within the safe harbor provisions of the CVRA, on November 7, 2023, the City Council adopted Ordinance No. 1762 to transition from at-large to by-district elections for the City Council. At that time, the City Council indicated that a minor, final adjustment to the district map 109 was still needed in order to bring the Pier Bowl community of interest into one district (District 3) rather than having it split between Districts 3 and 4.

On March 19, 2024, three members of the City Council directed staff to return with an ordinance making this final adjustment to the district map. Before the City Council for introduction and a first reading is Ordinance No. 1775, which would adopt Map No. 120. The only difference between Map No. 109 and Map No. 120 is that it moves the boundary between Districts 3 and 4 to Trafalgar Canyon and therefore keeping the Pier Bowl specific plan area together in District 3.

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 section 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, the City Council held its sixth public hearing and adopted Ordinance No. 1762 to transition to by-district elections.

November 7, 2023 was the last regular City Council meeting before the expiration of one of the safe harbors under the CVRA. If the City had not adopted Ordinance No. 1762 at that meeting,

the City would have faced increased litigation and damages exposure. The City had previously requested an extension of the deadlines under the CVRA from the attorney for the plaintiff who had threatened to sue the City under the CVRA and such extension request was denied.

During public testimony at the November 7, 2023 public hearing, it was brought to the City Council's attention that the district map up for second reading and adoption (Map 109) did not accurately reflect the Pier Bowl specific plan. Following discussion, the City Council directed staff to return with an amendment to the map to include the neighborhoods in the Pier Bowl with Trafalgar Canyon as the cut off for District 3. Map 120 is included as Exhibit A to Ordinance No. 1775 (Attachment 1) of this administrative report.

It should be noted that in order for this final modification to the district map to be effective for the November 5, 2024 General Municipal Election, any changes to the map must be completed and filed with the Orange County Registrar of Voters no later than July 3, 2024. With the introduction of the proposed Ordinance tonight (the City Council meeting on April 16, 2024), the second reading and adoption of the Ordinance could take place on May 7, 2024. The Ordinance would then become effective 30 days after the date of adoption (*i.e.*, June 6, 2024). At that point, staff would send the final map to the Registrar of Voters and no further changes could be made for the 2024 election.

Legal Requirements:

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.

Council Options:

- Introduce Ordinance No. 1775, which (on adoption) would make final modifications to the district election map to bring all of the Pier Bowl specific plan area into District 3 (as reflected in Map 120) and complete the transition to by-district elections.
- Modify and introduce Ordinance No. 1775.
- Direct staff to return to Council with additional information.
- Take no action, which would leave Map 109 in place.

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 comment and testimony, and close the public hearing; and
2. Introduce and conduct the first reading of Ordinance No. 1775 entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 2.04.11 TO FINALIZE THE DISTRICT MAP AND BRING THE PIER BOWL COMMUNITY OF INTEREST INTO ONE DISTRICT (DISTRICT 3).”

Attachment:

1. Ordinance No. 1775

Notification:

1/8 Page Ad in the San Clemente Times in English and Spanish

ORDINANCE NO. 1775

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 2.04.11 TO FINALIZE THE DISTRICT MAP AND BRING THE PIER BOWL COMMUNITY OF INTEREST INTO ONE DISTRICT (DISTRICT 3)

WHEREAS, the City of San Clemente, California (“City”) is a general law city, duly organized under the Constitution and laws of the State of California; and

WHEREAS, the City of San Clemente adopted Ordinance No. 1762 on November 7, 2023 transitioning from an at-large election system to by-district elections; and

WHEREAS, November 7, 2023 was the last regular City Council meeting before the expiration of one of the safe harbors under the California Voting Rights Act (CVRA) and if the City had not adopted Ordinance No. 1762 at that meeting, the City would have faced increased litigation and damages exposure; and

WHEREAS, the City had previously requested an extension of the deadlines under the CVRA from the attorney for the plaintiff who had threatened to sue the City under the CVRA and such extension request was denied; and

WHEREAS, during public testimony at the November 7, 2023 public hearing, it was brought to the City Council’s attention that the district map up for second reading and adoption (Map 109, which was a map drawn by a member of the public) did not accurately reflect the Pier Bowl Specific Plan (a community of interest) and following discussion, the City Council directed staff to return with an amendment to the map to include the neighborhoods in the Pier Bowl with Trafalgar Canyon as the boundary for District 3; and

WHEREAS, the City Council, while being aware of the error, adopted Map 109 on November 7, 2023 in order to stay within the safe harbor provisions of California Elections Code § 10010(e)(3)(B), and avoid exposure to litigation; and

WHEREAS, when it adopted Ordinance No. 1762, the City Council stated its intent that the error in the boundary of the Pier Bowl should be corrected after map adoption; and

WHEREAS, the Pier Bowl is a community of interest and having the entire Pier Bowl Specific Plan area in the same district is consistent with the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act and the California Voting Rights Act (CVRA); and

WHEREAS, the Pier Bowl community of interest can be united without substantially affecting the populations of the new districts or the intent of Map 109; and

WHEREAS, dividing the Pier Bowl community of interest exposes the City to potential litigation under the FAIR MAPS Act; and

WHEREAS, adjusting the boundary between Districts 3 and 4 to Trafalgar Canyon would unite a community of interest into a single district for its fair and effective representation, would align the boundary between District 3 and District 4 with the Pier Bowl Specific Plan and the natural boundary of that specific plan, would not substantively affect the populations in those districts, the eligibility of candidates, or the residence of elected officials within any district, is a technical adjustment that the City Council expressly stated and intended be made when it adopted Ordinance No. 1762, is consistent with and furthers the purposes of the CVRA and the FAIR MAPS Act, and is in the best interests of the public;

WHEREAS, on March 19, 2024, the City Council directed staff to return with this Ordinance to make the final adjustment to the district map; and

WHEREAS, the final adjustment to the district map was published as "Map 120" and was made available for public review.

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

Section 1: SAN CLEMENTE MUNICIPAL CODE SECTION 2.04.11 AMENDED

San Clemente Municipal Code section 2.04.11 is hereby amended to replace Exhibit A (Map 109) with Exhibit A (Map 120) attached hereto and incorporated into this Ordinance fully by this reference.

Section 2: 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 3: INTERPRETATION

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

Section 4: 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 5: IMPLEMENTATION

If necessary to facilitate the implementation of this Ordinance, the City Clerk 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 Clerk 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: CERTIFICATION

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 ____ 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. 1775 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 _____, _____.

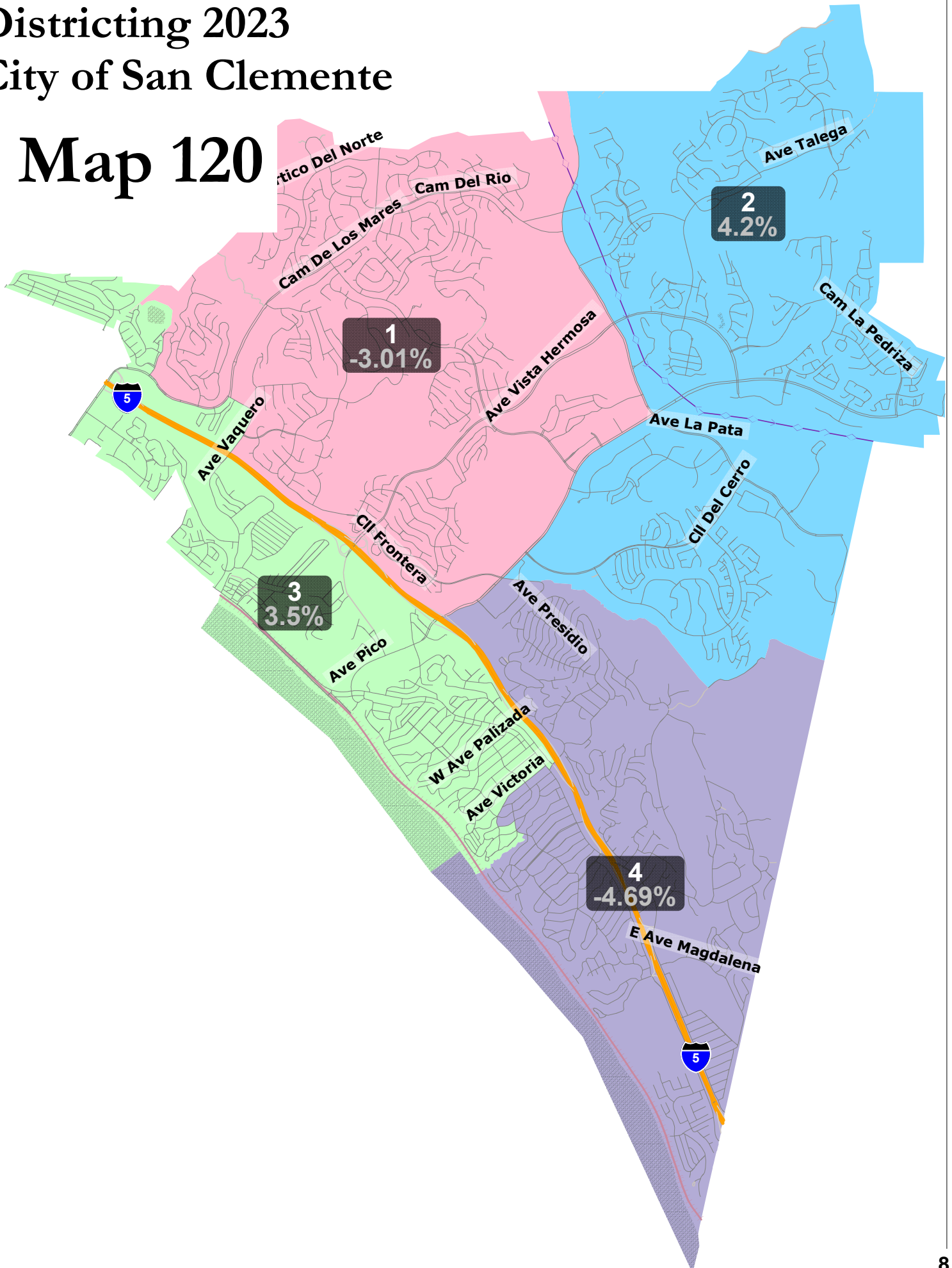
 CITY CLERK of the City of
 San Clemente, California

APPROVED AS TO FORM:

 Elizabeth A. Mitchell, City Attorney

Districting 2023 City of San Clemente

Map 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.