

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 7th day of May, 2024.

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 April 16, 2024, 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 May, 2024, and said ordinance was adopted by the following vote:

AYES: DUNCAN, ENMEIER, KNOBLOCK, LOEFFLER

NOES: MAYOR CABRAL

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of of the City of San Clemente, California, this 15th day of May, 2024.



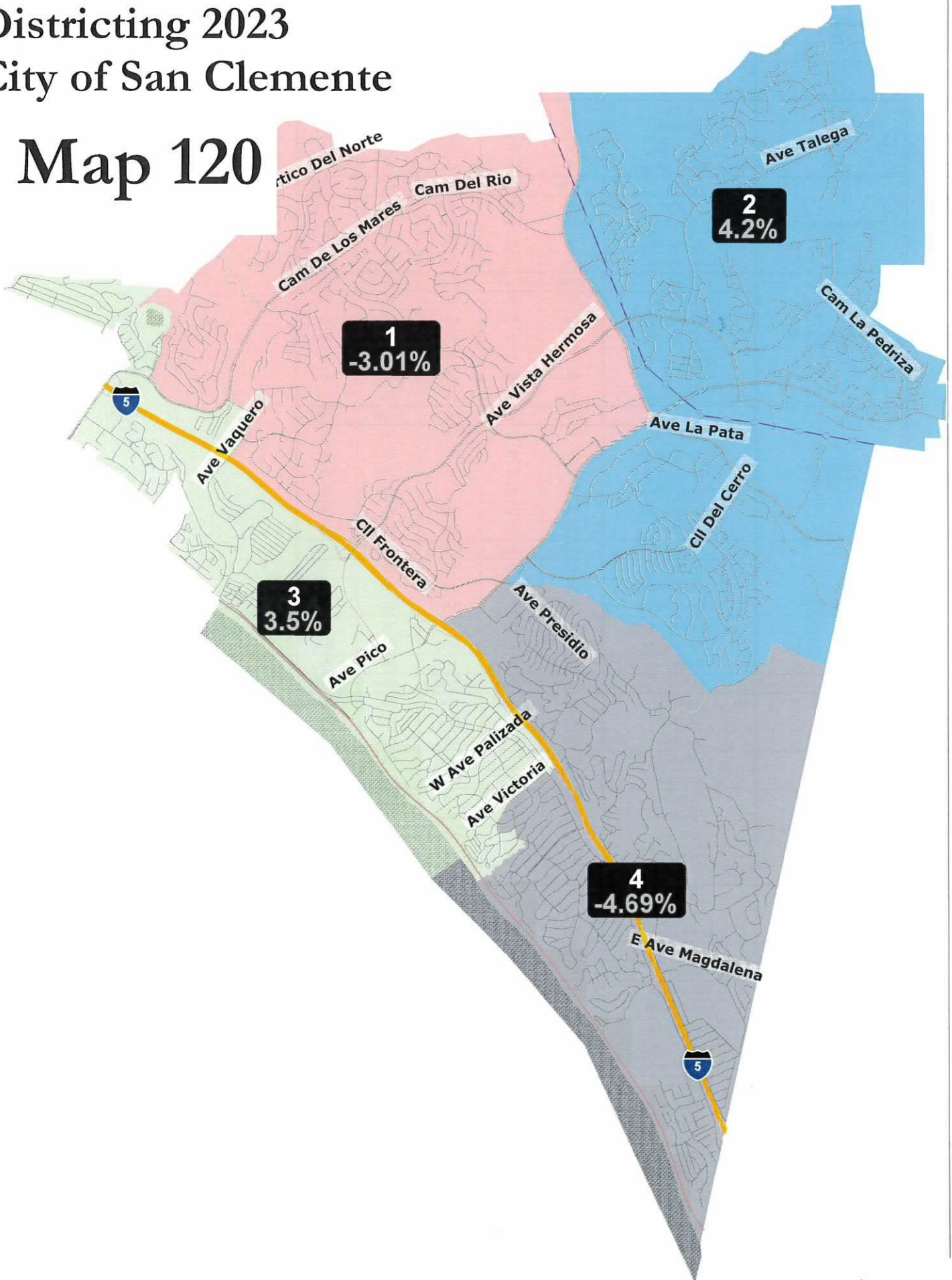
CITY CLERK of the City of
San Clemente, California

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.