

ORDINANCE NO. 1096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SAN JUAN CAPISTRANO MUNICIPAL CODE SECTIONS 2-4.301 THROUGH 2-4.304 REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP

WHEREAS, on June 21, 2016, the City Council of the City of San Juan Capistrano ("City Council") held a final public hearing on establishing Council election district boundaries, received additional public input, and formally selected the voting district map, set forth in Ordinance No. 1035 which established the five current San Juan Capistrano City Council election districts codified at San Juan Capistrano Municipal Code §§ 2-4.301 through 2-4.304, which have been utilized to date in City Council elections; and

WHEREAS, the United States Census Bureau is required by Article I, Section 2, of the United States Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, California Elections Code § 21601 requires that following each decennial federal census, and using that census as a basis, the Council shall adjust the boundaries of any or all of the Council election districts of the City so that the districts shall be substantially equal in population as required by the United States Constitution, California Constitution, and the Federal Voting Rights Act. In establishing the boundaries of the districts the Council must give consideration to the following factors in the following priority: (a) contiguity of districts, (b) respecting communities of interest, (c) drawing easily identifiable districts through use of natural or artificial boundaries and (d) compactness of territory in districts; and

WHEREAS, California Elections Code § 21602 requires that the Council adopt an ordinance amending Council districts no later than April 17, 2022; and

WHEREAS, on September 27, 2021, the Census Bureau sent 2020 Census data to the State of California with an official population estimate of 35,271 residents for the City of San Juan Capistrano; and

WHEREAS, the City Council held four public hearings on February 1, 2022, February 15, 2022, March 1, 2022 and March 7, 2022, where the Council received briefings from the City's demographic consultant relating to the redistricting process and state and federal redistricting criteria, including the California Elections Code, the Federal Voting Rights Act and the United States Constitution, heard public testimony, and directed staff and the City's demographic consultant to prepare a draft Council district map for consideration; and

WHEREAS, in addition, City staff conducted public outreach by way of print and digital advertisements. During the public hearings, public comment was received on redistricting criteria and communities of interest; and

WHEREAS, at the February 15, 2022, March 1, 2022, and March 7, 2022, public hearings, the Council received and reviewed a draft map prepared by the City's demographic consultant for compliance with applicable laws and standards and reviewed community of interests submitted by the public; and

WHEREAS, at the March 1, 2022, public hearing, the City Council agreed on a map and directed that it be introduced and adopted by Ordinance; and

WHEREAS, at the public hearings on redistricting, the Council heard testimony relating to "communities of interest," which led the Council to reach the following determinations about communities of interest on the map, as required under federal and state law:

- (1) The election districts are geographically contiguous. The districts are arrayed in a simple and logical form without any islands and with minimal intrusions from the area of one district into another;
- (2) . To the extent practicable, the preferred map respects the geographic integrity of local neighborhoods and local communities of interest. The Council heard testimony about what constitutes communities of interest in the public's view.
- (3) The election districts are easily identifiable and understandable by residents. The districts in the preferred map form a relatively simple pattern.
- (4) To the extent practicable, the election districts are geographically compact. Their configurations for the most part are compact, simple shapes, with nearby populations included in the same districts.
- (5) The election districts are balanced in terms of total population and voting age population. The districts are well within the one-person/one-vote deviations permitted under federal and state voting rights laws.
- (6) The election districts conform to concentration of minority voters. The preferred map creates one majority/minority voting district.

WHEREAS, all information in the staff reports, maps, presentations, Council debate and public testimony referenced above is hereby incorporated into this decision and serves as evidentiary basis for these findings and legislative decision.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Public Hearings Prior to Adoption.

This Ordinance is adopted following four noticed City Council public hearings as required by California Elections Code § 21607.1.

SECTION 2. Article 3 of Chapter 4 of Title 2 of the San Juan Capistrano Municipal Code is hereby amended as follows:

“Sec. 2-4.301 By-District Electoral System

A. Pursuant to California Government Code section 34886, Members of the City Council of the City of San Juan Capistrano shall be elected by-district in five (5) single-member districts.

B. (1) Beginning with the municipal election in November 8, 2016, Members of the City Council shall be elected in the electoral districts established by Sec.2-4.302 and subsequently reapportioned as provided by State law. Elections shall take place “by-district” 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. Each Member of the City Council shall serve a four-year term until his or her successor is qualified.

(2) The Council Member elected or appointed to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside in, 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.

(3) Termination of residency in a district by a Council Member shall create a vacancy for that Council district unless a substitute residence with the district is immediately declared and established within thirty (30) days after the termination of residency. In the event that a vacancy is created as a result of termination of residency as provided herein, such vacancy shall be filled pursuant to the provisions of Sec. 2-1.301.

Sec. 2-4.302 City Council Electoral Districts

A. ***Effective for all Council offices newly elected at the November 8, 2022, general municipal election and at each general municipal election thereafter,*** members of the City Council shall be elected on a “by-district” basis from the Council districts described as follows:

(1) Council District 1 shall comprise all that portion of the City enclosed within the area bounded by a line beginning at the point of intersection of the San Juan Canyon and I-5, and proceeding southeasterly along I-5 to El Horno Street, and proceeding southwesterly along El Horno Street, and proceeding northerly and westerly along nonvisible boundaries to Via San Vicente, and proceeding northerly along Via San Vicente to Via El Socorro, and proceeding westerly along Via El Socorro to Calle Santa Rosalia, and proceeding southerly along Calle Santa Rosalia to a nonvisible boundary, and proceeding westerly along a nonvisible boundary to Camino Capistrano, and proceeding southeasterly along Camino Capistrano to La Zanja Street, and proceeding westerly along La Zanja Street to Avenida De La Vista, and proceeding northerly along Avenida de la Vista to Oso Road, and proceeding easterly along Oso Road to the AT and SF Railway, and proceeding northwesterly along AT and SF Railway to the Trabuco Creek, and proceeding northerly and southwesterly along San Juan Canyon to the San Juan Capistrano/Laguna Niguel city line, and proceeding northerly and southeasterly along the San Juan Capistrano/Laguna Niguel city line to the San Juan Canyon, and proceeding southwesterly along San Juan Canyon to the point of beginning.

(2) Council District 2 shall comprise all that portion of the City enclosed within the area bounded by a line beginning at the point of intersection of the San Juan Canyon and I-5, the district boundary proceeds southeasterly along I-5 to the San Juan Creek, and proceeding northeasterly along the San Juan Creek to La Novia Avenue, and proceeding southerly along La Novia Avenue to the San Juan Creek Road, and proceeding northeasterly along the San Juan Creek Road to Juliana Farms Road, and proceeding southeasterly and easterly along nonvisible lines to the San Juan Capistrano/Rancho Mission Viejo city line, and proceeding northerly and northwesterly along the San Juan Capistrano city line to the San Juan Canyon, and proceeding southwesterly along the San Juan Canyon to the point of beginning.

(3) Council District 3 shall comprise all that portion of the City enclosed within the area bounded by a line beginning at the point of intersection of the San Juan Creek and I-5, and proceeding southwesterly along I-5, and proceeding southeasterly along the nonvisible line to Valle Road, and proceeding southwesterly along Valle Road to Vista Marina, and proceeding easterly along Vista Marina to Avenida California, and proceeding easterly and southwesterly along a nonvisible boundary to Avenida Calita, and proceeding northeasterly and southeasterly along Avenida Calita to Via De Agua, and proceeding southwesterly along Via de Agua to a nonvisible boundary, and proceeding northwesterly and southwesterly along the nonvisible boundary to Calle Canto, and proceeding westerly on Calle Canto to Via Cascada, and proceeding southerly along Via Cascada to a nonvisible boundary, and proceeding westerly and southwesterly along the nonvisible boundary to Calle de Bonanza, and proceeding southwesterly along Calle de Bonanza to Paseo Brillo, and proceeding southwesterly and easterly along Paseo Brillo to Via De Agua, and proceeding southerly along Via de Agua to Camino Las Ramblas, and proceeding westerly along Camino Las Ramblas to Via California, and proceeding southerly along Via California to the San Juan Capistrano/San Clemente city line, and proceeding southerly along the San Juan Capistrano/San Clemente city line to the San Juan Capistrano/Dana Point city line, and northerly and westerly along the San Juan Capistrano/Dana Point city line to the San Juan Capistrano/Laguna Niguel city line, and proceeding northerly, westerly, and northerly along the San Juan Capistrano/Laguna

Niguel city line to a nonvisible boundary, and proceeding northerly and southerly along the nonvisible boundary to Peppertree Bend, and proceeding southwesterly along Peppertree Bend to Calle Aspero, and proceeding southeasterly along Calle Aspero to Del Obispo Street, and proceeding southwesterly along Del Obispo Street to a nonvisible boundary, and proceeding along the nonvisible boundary southeast, southwest, and southeast to Alipaz Street, and proceeding northeasterly along Alipaz Street to an unnamed Local Road, and proceeding southeasterly and easterly along a nonvisible boundary to the Trabuco Creek, and proceeding south on the Trabuco Creek to the San Juan Creek, and proceeding northeasterly along the San Juan Creek to the point of beginning.

(4) Council District 4 shall comprise all that portion of the City enclosed within the area bounded by a line beginning at the point of intersection of El Horno Street and I-5, and proceeding southwesterly along El Horno Street, and proceeding northerly and westerly along nonvisible boundaries to Via San Vicente, and proceeding northerly along Via San Vicente to Via El Socorro, and proceeding westerly along Via El Socorro to Calle Santa Rosalia, and proceeding southerly along Calle Santa Rosalia, and proceeding westerly along invisible lines to Camino Capistrano, and proceeding southeasterly along Camino Capistrano to La Zanja Street, and proceeding westerly along La Zanja Street to Avenida De La Vista, and proceeding northerly along Avenida De La Vista to Oso Road, and proceeding easterly along Oso Road to the AT and SF Railway, and proceeding northwesterly along the AT and SF Railway to the Trabuco Creek, and proceeding northerly and southwesterly along San Juan Canyon to the San Juan Capistrano/Laguna Niguel city line, and proceeding southerly and easterly along the San Juan Capistrano/Laguna Niguel city line to a nonvisible boundary, and proceeding northerly and southerly along the nonvisible boundary to Peppertree Bend, and proceeding southwesterly along Peppertree Bend to Calle Aspero, and proceeding southeasterly along Calle Aspero to Del Obispo Street, and proceeding southwesterly along Del Obispo Street to a nonvisible boundary, and proceeding along the nonvisible boundary southeast, southwest, and southeast to Alipaz Street, and proceeding northeasterly along Alipaz Street to an unnamed Local Road, and proceeding southeasterly and easterly along a nonvisible boundary to the Trabuco Creek, and proceeding south on the Trabuco Creek to the San Juan Creek, and proceeding northeasterly along the San Juan Creek to I-5, and proceeding northerly along I-5 to the point of beginning.

(5) Council District 5 shall comprise all that portion of the City enclosed within the area bounded by a line beginning at the point of intersection of the San Juan Creek and I-5, and proceeding northeasterly along the San Juan Creek to La Novia Avenue, and proceeding southerly along La Novia Avenue to San Juan Creek Road, and proceeding northeasterly along San Juan Creek Road to Juliana Farms Road, and proceeding southeasterly and easterly along invisible lines to the San Juan Capistrano/Rancho Mission Viejo city line, and proceeding southeasterly along the San Juan Capistrano city line to the San Juan Capistrano/San Clemente city line, and proceeding southeasterly, westerly, southerly and westerly along the San Juan Capistrano/San Clemente city line to Via California, and proceeding northerly along Via California to Camino Las Ramblas, and proceeding easterly along Camino Las Ramblas to Via de Agua, and proceeding northerly along Via de Agua to Paseo Brillo, and proceeding westerly and northerly along Paseo Brillo to Calle de Bonanza, and proceeding northwesterly along Calle de Bonanza, and proceeding northeasterly and

easterly along a nonvisible boundary to Via Cascada, and proceeding northerly along Via Cascada to Calle Canto, and proceeding easterly along Calle Canto to a nonvisible boundary, and proceeding northeasterly and southeasterly along a nonvisible boundary to Via de Agua, and proceeding northeasterly along Via de Agua to Avenida Calita, and proceeding northwesterly and southwestly along Avenida Calita to the end of Avenida Calita, and proceeding northeasterly and westerly along the nonvisible boundary to Vista Marina, and proceeding westerly along Vista Marina to Valle Road, and proceeding northeasterly along Valle Road to a nonvisible boundary, and proceeding northwesterly along an invisible line to I-5, and proceeding northeasterly along I-5 to the point of beginning .

B. The Council districts specified in subdivision (A) shall continue in effect until they are amended or repealed in accordance with law. separately

C. Notwithstanding any other provision of this Article, and pursuant to California Elections Code § 21626 (a) and (b), each of the Council Members currently in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which they were regularly elected or appointed. Any vacancy in or recall election for a Council term currently in effect shall be filled based on the Council districts in effect at the time the current Council term was last elected at a general municipal election or appointed in lieu of a general municipal election pursuant to California Elections Code §10229 or successor statute.

Sec.2-4.303 Election Schedule

Council Members shall be elected in Council Districts 1 and 5 beginning at the **general** municipal election on November 8, 2016, and every four years thereafter. Council Members shall be elected from Council Districts 2, 3, and 4 beginning at the **general** municipal election on November 6, 2018, and every four years thereafter.

Sec.2-4.304 Implementation

A map showing the districts described in the Ordinance codified in this Article is attached hereto as Exhibit A and incorporated herein by this reference. To the extent there is a conflict between the descriptions contained in the Ordinance codified in this Article and the map incorporated herein, the map shall prevail.

If necessary to facilitate the implementation of this Ordinance, the City Clerk **or 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 **or designee** shall consult with the City Manager and 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 3. 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 government the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 4. City Clerk to Provide Certified Copy of Ordinance to County.

The City Clerk is hereby directed to provide a certified copy of this Ordinance to the Orange County Registrar of Voters for use in subsequent San Juan Capistrano City Council Elections.

SECTION 5. Interpretation.

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

SECTION 6. Compliance with California Environmental Quality Act.

This activity is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). The redistricting process is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event the transition process does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply.

SECTION 7. Severability.

If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 8. Effective Date.

This Ordinance shall be effective immediately as an ordinance relating to an election pursuant to Government Code §36937(a).

SECTION 9. Publication.

The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of San Juan Capistrano, pursuant to all legal requirements.

PASSED, APPROVED AND ADOPTED this 15th day of March 2022.

Derek Reeve
DEREK REEVE, MAYOR

ATTEST:

Maria Morris For
MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN JUAN CAPISTRANO)

I, **MARIA MORRIS**, City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1096** which was regularly introduced and placed upon its first reading at the Adjourned Regular Meeting of the City Council on the 7th day of March 2022 and that thereafter, said Ordinance was duly adopted and passed at the Regular Meeting of the City Council on the 15th day of March 2022 by the following vote, to wit:

AYES: COUNCIL MEMBERS: Farias, Taylor and Mayor Pro Tem Hart
NOES: COUNCIL MEMBERS: Mayor Reeve
ABSENT: COUNCIL MEMBERS: Bourne

Maria Morris For
MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF SAN JUAN CAPISTRANO)


AFFIDAVIT OF POSTING

I, **MARIA MORRIS**, declare as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California, on the 8th day of March 2022, at least 5 days prior to the adoption of the ordinance, I caused to be posted a certified copy of the proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SAN JUAN CAPISTRANO MUNICIPAL CODE SECTIONS 2-4.301 THROUGH 2-4.304 REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP

This document was posted in the Office of the City Clerk

 For

MARIA MORRIS, CITY CLERK
San Juan Capistrano, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF SAN JUAN CAPISTRANO)

AFFIDAVIT OF POSTING


I, **MARIA MORRIS**, declare as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; that in compliance with State laws, Government Code section 36933(1) of the State of California.

On the 16th day of March 2022, I caused to be posted a certified copy of **Ordinance No. 1096**, adopted by the City Council on March 15, 2022, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SAN JUAN CAPISTRANO MUNICIPAL CODE SECTIONS 2-4.301 THROUGH 2-4.304 REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP

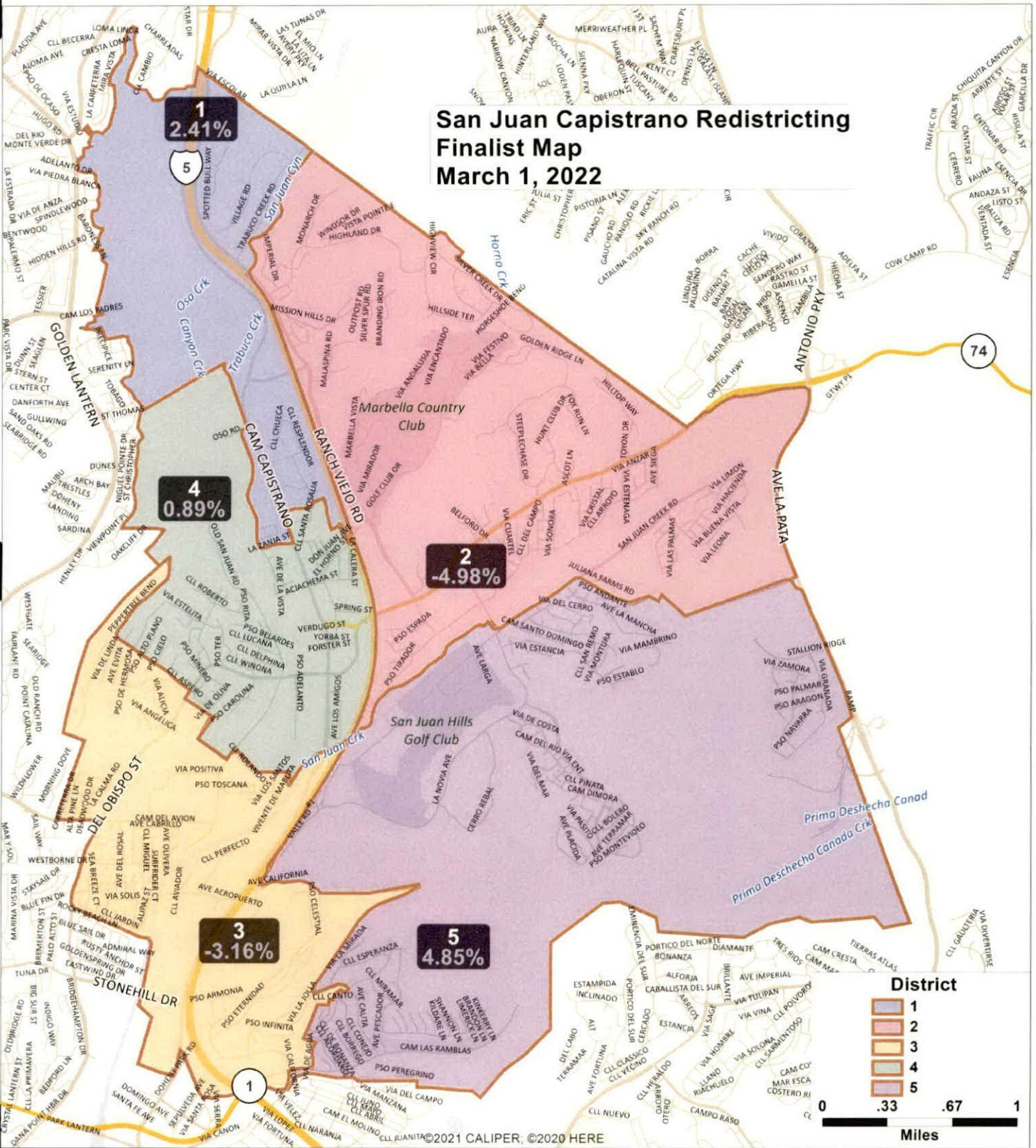
This document was posted in the Office of the City Clerk

 For

MARIA MORRIS, CITY CLERK
San Juan Capistrano, California

Exhibit "A"
Map of City of San Juan Capistrano Electoral Districts (5)
(effective for new terms elected at the November 8, 2022, General Municipal Election
and each General Municipal Election thereafter)

San Juan Capistrano Redistricting Finalist Map March 1, 2022



District

- 1
- 2
- 3
- 4
- 5

0 .33 .67 1
Miles