



V City of San Clemente, Initiative for Election of City Council Members by District

Shall the ordinance be adopted to change the manner in which City Council members are elected from “at large” to “by district,” to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force’s recommendation?

What your vote means

YES	NO
<p>A “YES” vote on the measure will change how city council members are elected from “at large” to “by district” with district boundaries to be recommended by a task force and either accepted by the city council or by voters at a special election if the city council does not accept the task force’s proposed boundaries. Only those voters within a council district would elect the council member for that particular district.</p>	<p>A “NO” vote on the measure would not change the current method of electing city council members. Each council member would continue to be elected “at large” by the voters citywide.</p>

For and against

FOR	AGAINST
<p>Brad Malamud</p>	<p>Bob Baker Mayor 2016</p> <p>Kathy Ward Mayor Pro Tem 2016</p> <p>Tim Brown Council Member 2016</p> <p>Lori Donchak Council Member 2016</p> <p>Chris Hamm Council Member 2016</p>



Ballot Measures-V

Full Text of Measure V City of San Clemente

To the City Council of the City of San Clemente:

I/We the undersigned, registered and qualified voter(s) of the State of California, residents of the City of San Clemente, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Clemente this petition and request that the following proposed amendment to the charter of the City and proposed municipal ordinance be submitted immediately to the registered and qualified voters of the City for their adoption or rejection at a Regular or Special election on a date to be determined by the City Council pursuant to sections 9214 & 9255 of Division 9 of the Elections Code.

The proposed amendment and proposed ordinance read as follows (with amended language in **bold face type** and deleted language in strike out type):

SECTION 1 – TITLE

This measure shall be known and may be cited as “Voters Election Reform Initiative for a True Accountability System”(“VERITAS”)

SECTION II – FINDINGS AND DECLARATIONS

The People find and declare as follows:

Political power should not be concentrated in the hands of a few long term City Council incumbents. Such concentrated power stifles competition and discourages other qualified candidates from seeking office.

Every neighborhood in San Clemente should have an equal voice on the City Council. Currently, some San Clemente neighborhoods are less frequently represented, or not represented at all, on the City Council.

Our system of democratic government depends upon representatives who are accountable to the citizens they serve. To improve accountability, Council members should reside in, and be elected from, neighborhoods in the City. Neighborhood district elections will promote more personal contact with Council representatives, insure a wider and more diversified range of input on issues before the Council, reduce the reliance upon City-wide slate mailings, and decrease the cost of running for office.

The VERITAS neighborhood districts give a voice and a vote to five of San Clemente’s neighborhood areas, balanced according to census data as required by law.

The Council Members should be elected by a majority of the voters in each district. Currently, Council Members usually are elected with substantially less than a fifty percent (50%) majority vote. VERITAS implements American traditions.

The VERITAS reforms, which include neighborhood district elections, will strengthen our city manager form of government by creating a more accurate and effective method for the People to communicate their will to the city government.

The VERITAS five neighborhood districts comply with the criteria established in the ordinance and will create natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and will provide fair representation on the City Council.

The voters understand that the district boundaries that will be used after the first elections under districts that will be drawn by the city based on the benefit of the census data published for the decennial census in 2010-2011; the people find that the City of San Clemente is a built-out community and that the distribution of its population has remained relatively stable among its neighborhoods; and believe that the district boundaries will be created with districts nearly equal in size both before and after the 2010-2011 census.

SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE

The City municipal code is amended to read:

a. Number, Term, & Districts.

The City Council shall consist of five voting members elected from the City by district at the times and in the manner provided herein, and who shall serve for a term of four years.

The term of all members shall commence on the first Tuesday following such election and each member shall serve until the member’s successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

b. The five members of the City Council shall be elected by five districts as established by ordinance. These districts shall be used for the election or recall of members of the City Council, and for the filling of any vacancy in the City Council by appointment.

c. Upon approval of this amendment, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code (as approved by amendment herein).

Within 60 days following the publication of the decennial federal census beginning in 2020, the City Clerk shall determine the total population of the City of San Clemente and each of the five districts and report its findings to the City Council. If any district deviates more than the maximum percentage allowable under established law, the City Clerk shall convene the District Elections Task Force in the manner set forth in the Municipal Code.

(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end



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upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

(e) Any Council Member in office at the time this Amendment takes effect may continue in office until his or her term in office expires and may run for a district council seat at the first municipal election under districts. Section ____, of Article ____, of the City _____, shall be amended to read:

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination. No person shall be eligible to hold office as a City Council Member unless he or she is a qualified elector in the district for which he or she seeks office for at least thirty days prior to the first date for filing as a candidate or thirty days prior to appointment to fill a vacancy on the City Council.

Section ____ of article ____ of the City _____ shall be amended to read:

SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE

Section ____ is added to the San Clemente Municipal Code to read as follows:

At such time as the voters of San Clemente mandate City Council elections by district, five City Council Districts shall be bounded and described as follows until and unless redefined in the manner set forth by the City Municipal Code.

Because the exact district(s) boundaries are not known, the **District Election Task Force** shall create the five districts within one month of the approval of district elections and shall make these districts contiguous and for the most part follow the natural neighborhood boundaries based on the descriptions and history of each area consistent with the titles provided above. The process for setting the boundaries shall be consistent with the provision set-forth below.

The City Clerk shall convene the District Elections Task Force for the purpose of creating (after approval of the amendments) or reapportionment of council districts following the decennial federal census every decade.

The District Elections Task Force shall consist of seven members. The City Council shall appoint two San Clemente residents as members of the Task Force. The City Clerk shall appoint one San Clemente resident from each of the five districts. For the initial creation of the Districts, the City Clerk shall appoint one San Clement resident from different geographical areas of the City which shall be herein described as 1) Talega, 2) Rancho S an Clemente, 3) South-West, 4) Forester Ranch, and 5) North Beach and Marblehead Coastal. The City Clerk and City Attorney shall serve on the Task Force as non-voting, ex-officio members. None of the members can be present or former City Council members.

The District Elections Task Force shall recommend to the City Council for its final adoption the boundaries of all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, represent the geographical areas herein established, constitute natural neighborhood areas of contiguous and compact territory bounded by natural boundaries or street lines, and provide fair representation on the City Council. Population variations between districts should be limited to the maximum percentage allowable under established law. Within the maximum percentage allowable under established law, care should be taken to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the city. The District Elections Task Force shall hold at least three public hearings to seek public input. The District Elections Task Force shall report its conclusions to the City Council within thirty days of its appointment. If the City Council fails to adopt the new proposed boundaries as recommended by the District Elections Task Force, the new proposed boundaries shall be submitted to a vote of the people at a special election to be held not less than 88 days nor more than 103 days later.

SECTION ____

If any portion of this initiative is declared invalid by a Court, the remaining portions are to be considered valid, in full force and effect, and to that extent the remaining portions are deemed to be severable.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time these Amendments and ordinances take effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Except as otherwise provided, the provisions of this measure shall become effective immediately and applied prospectively.



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Impartial Analysis City of San Clemente Measure V

Measure V is an initiative measure proposed by more than 10 percent but fewer than 15 percent of San Clemente voters who signed a petition to place it on the ballot. It proposes to change how San Clemente City Council members are elected. Currently, all council members are elected “at large.” They must be registered voters, but may live in any part of the City. All voters may vote for any candidate regardless of where that candidate lives in the City.

Measure V proposes to change the method of election to be “by district.” If adopted, the Measure would require that each council member come from one of five new city council districts. Only voters residing in a district would elect the council member for that district.

To establish the new districts, the measure would require the creation of a “District Elections Task Force” to recommend district boundaries for the city council’s consideration. The task force would consist of seven City residents, two selected by the council (from anywhere in the City) and five selected by the city clerk (one each from the Talega, Rancho San Clemente, South-West, Forster Ranch, and North Beach areas of the City).

Within 30 days of the task force’s appointment, the task force would be required to hold at least three public hearings to seek input and submit its recommendation to the council. The council may then adopt the recommended boundaries or decline to do so. If the council declines, then the Measure would require the City to hold a special election 88 to 103 days later to submit the recommendation directly to the voters.

Once boundaries are adopted, then the city council would draw lots to determine the order in which districts will elect their representatives to the council as current council members complete their terms of office. Current council members will remain in office until they complete their respective terms.

If the measure is approved and if the 2020 federal census shows a significant change in population distribution among the districts, the task force would reconvene to recommend boundary adjustments to the council.

In summary:

A “YES” vote on the measure will change how city council members are elected from “at large” to “by district” with district boundaries to be recommended by a task force and either accepted by the city council or by voters at a special election if the city council does not accept the task force’s proposed boundaries. Only those voters within a council district would elect the council member for that particular district.

A “NO” vote on the measure would not change the current method of electing city council members. Each council member would continue to be elected “at large” by the voters citywide.

s/Scott C. Smith
San Clemente City Attorney



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Argument in Favor of Measure V

San Clemente is a great city with a beach town feel. The Initiative will allow the city to remain special. If approved, this Initiative only changes the method of electing Council members from at-large to by/from-districts. Council members will have to live in the district they represent, and will be elected only by voters living in the district.

If approved, the Initiative takes effect with the November 2020 election and requires the Council seats up for election be elected by/from districts. In November 2022, the remaining Council seats will be elected by/from districts. The Initiative establishes a procedure for setting districts and requires that the districts comply with state and federal law.

Advantages of district elections include local representation, lower campaign costs, more candidates, increased public engagement, increased voter participation, and eliminating one location from controlling a majority of Council seats. These are all benefits everyone should embrace.

The choice is yours. If adopted, this Initiative will result in district elections of Council members.

I urge you to vote YES.

s/ Brad Malamud

Date 9-6-16

Rebuttal to Argument in Favor of Measure V

For 88 years, San Clemente residents have enjoyed the right to vote for all 5 city council seats, every four years. Whether you live at the beach, on the hill, at the north end or furthest eastern limits of the city. You are given 2 or 3 votes every 2 years to elect (or re-elect) the representative that best supports your views.

Make no mistake, voting districts will divide our city and turn neighbor against neighbor.

This initiative will take away your right to 5 votes every 4 years and restrict you to a single vote every 4 years (based solely on geography).

San Clemente is a great town and the choice is yours. Do you want the right to vote every 2 years for the persons who best represent you, or would you rather be restricted to a single vote, once every 4 years for someone who lives within a certain geographic radius of your home?

What happens if nobody from your neighborhood runs for city council? What are you going to do if you really like what the candidate from one street over has to say, but he/she lives outside of your designated district? Why would you relinquish your voting rights?

Stand up for your right to vote and vote NO!

s/ Paige D. Foreman

s/ Jamie Murphy

s/ David L. Hurwitz

s/ Dan W. Yeilding

s/ Robert B. Wohlfarth



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Argument Against Measure V

Rebuttal to Argument Against Measure V

Vote NO on Measure V.

Measure V does not take away your voting rights or carve up San Clemente. Instead, it empowers all of us. Opponents are trying to confuse and mislead you to keep their power.

Dividing San Clemente would be disastrous. If Measure V passes, Residents would lose the right to vote for all 5 City Council seats. Districts would reduce voting rights from the ability to vote for 2 or 3 open seats every two years, to voting for a single seat every 4 years. Effectively, this reduces voter representation from 5 to 1 (based entirely off of geographic location). If you disagree with your representative, *you are left without a voice.*

Voting for Measure V makes your vote count for more. Opponents argue 5 worthless votes are better than 1 that counts. **You know better.**

For almost 100 years, every voter in San Clemente has had the opportunity to vote for every council seat. This system has served our city and its residents well. Only 14% of California cities have divided into districts (most of whom are much larger or have underrepresented minority voters—neither of which apply to San Clemente). 86% of California cities continue to use the same At-Large voting system San Clemente has enjoyed since it was founded.

Measure V gives you the power to:

- Elect someone who truly represents you and your neighborhood;
- Make your voice better heard at Council; and,
- Elect a representative who will fight for your needs.

Independent research (through the NDC) reveals that moving San Clemente to district elections would significantly reduce the electoral influence of Latino and Asian-American voters. Additionally, districting would split budget priorities and council member focus (each member would likely be more focused on their specific area, rather than city-wide, mutually beneficial intent). Make no mistake, dividing our city into districts is a bad idea and poor fit for our small town culture.

Measure V creates true neighborhood districts that will better serve ALL residents.

Having a Council member from, and elected by, your neighborhood means she will understand your local needs and respond quickly to local concerns which will result in safer neighborhoods and stronger property values for **ALL** San Clemente residents.

San Clemente is beautiful, well-run, safe, fiscally sound and is one of the best places in the world to live. Don't divide San Clemente. Don't draw lines between neighborhoods. Don't pit neighbor against neighbor. Don't support voting districts in our great town.

Don't take my word. The National League of Cities states:

“District elections give all legitimate groups ... a better chance of being represented ... especially minority groups. ... District council members are more sensitive to the small but important problems of their constituents ...”

Vote NO on Measure V. Don't divide. Continue to unite. One team, One town.

Measure V guarantees that every individual is heard by our Council.

Vote **YES** on Measure V to keep San Clemente an exceptional place to live and raise a family.

s/ Bob Baker
Mayor 2016

s/ Brad Malamud

s/ Kathy Ward
Mayor Pro Tem 2016

September 14, 2016

s/ Tim Brown
Council Member 2016

s/ Lori Donchak
Council Member 2016

s/ Chris Hamm
Council Member 2016