

**CITY OF DANA POINT**  
**AGENDA REPORT**

<b>Reviewed By:</b>	
DH	_____
CM	<u>  X  </u>
CA	<u>  X  </u>

**DATE:** MAY 1, 2018

**TO:** CITY MANAGER/CITY COUNCIL

**FROM:** CITY ATTORNEY

**SUBJECT:** FIRST READING OF ORDINANCE ADOPTING TRANSITION TO BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

**RECOMMENDED ACTION:**

It is recommended that the Council introduce for first reading either attached Ordinance No. 18-XX (Action Document A), or attached Ordinance No. 18-XX (Action Document B), adopting a by-district election system and election sequence for the City Council entitled:

Action Document A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS (GOV. CODE § 34886 & ELEC. CODE §10010);

Action Document B:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS AND AN AT-LARGE MAYOR (GOV. CODE § 34886 & ELEC. CODE §10010).

**BACKGROUND:**

On February 2, 2018, the City received a letter from attorney Russell D. Myrick of the law firm RDM Legal Group threatening to sue the city for alleged violations of the California Voting Rights Act ("CVRA") (Elec. Code §§ 14025-14032) unless the city voluntarily converts to a by-district election system. The CVRA only applies to jurisdictions, like the City of Dana Point, that utilize an at-large election method, where voters of the entire jurisdiction elect each of the members of the City Council. Similar letters have been served and lawsuits have been filed in recent years against dozens of cities and other public agencies for alleged CVRA violations, including many nearby cities. A copy of Mr. Myrick's letter is attached to this staff report (Attachment C).

The threshold to establish liability under the CVRA is extremely low, and prevailing CVRA plaintiffs are guaranteed to recover their attorneys' fees and costs. As a result, every government defendant in the history of the CVRA that has challenged the conversion to district elections has either lost in court or settled/agreed to implement district elections, and been forced to pay at least some portion of the plaintiffs' attorneys' fees and costs. Several cities that have extensively litigated CVRA cases have been eventually forced to pay multi-million dollar fee awards.

In order to avoid the potentially significant litigation expenses that are likely to occur if the City retains its at-large election method of election, at the City Council's February 20, 2018 hearing, the Council adopted Resolution No. 18-02-20-04 outlining its intention to transition from at-large to by-district elections, pursuant to Elections Code section 10010(e)(3)(A). (Attachment D.) As stated in that Resolution, the City Council took that action in furtherance of the purposes of the CVRA.

The City Council is now reaching the end of its transition to a by-district method of election, having held four public hearings following the Council's adoption of Resolution No. 18-02-20-04. Pursuant to Elections Code section 10010(a)(1), the City held two public hearings (before drawing any draft maps of proposed voting districts) in order to receive public input regarding the composition of the districts. The first such hearing was held on March 6, and the second hearing was held on March 20. At the City Council's April 3 and April 17, 2018 public hearings, the City's districting consultant, NDC, presented multiple proposed district maps pursuant to input provided by both the Council and the public. Pursuant to the Council's direction, NDC prepared variations of maps with five voting districts, as well as maps with four districts and an at-large mayoral office. Public comment was also taken. In addition, pursuant to the Council's request, two additional public forums on the proposed district maps were held on April 9, 2018 and April 25, 2018. At the forums, the City provided a Spanish-language interpreter for members of the public, and the written materials were provided in both English and Spanish. After discussion and consideration of public comment at the April 9, 2018 public forum, three new maps were added to the City's website. Staff will provide an update regarding any developments from the April 25<sup>th</sup> forum at the May 1<sup>st</sup> Council meeting.

In order to allow the Council maximum flexibility following the final hearing on May 1<sup>st</sup>, staff prepared two ordinances: one adopting a five (5) councilmember district map prepared by NDC, and one adopting a four (4) councilmember district map with an at-large Mayor prepared by NDC. (See Attachments A and B). If the Council desires to avail itself of the safe harbor provision it needs to choose a district map (and in doing so determine if it wishes to have 4 or 5 districts), and make a determination regarding sequencing (i.e., determine which districts will have elections in 2018 and which will have elections in 2020). The draft ordinances have blanks which need to be filled in once these choices have been made.

**DISCUSSION:**

- **The California Voting Rights Act**

The CVRA was specifically enacted in 2002 to eliminate several key burden of proof requirements that exist under the federal Voting Rights Act of 1965 (“FVRA”) (52 U.S.C. § 10301 *et seq.*) after several jurisdictions in California successfully defended themselves in litigation brought under the FVRA. The intent of the legislature was to facilitate private suits that ultimately force public entities to shift from “at-large” to “by-district” elections.

Specifically, the CVRA removes two elements that must be met in order to establish a violation under the FVRA: (1) the “geographically compact” FVRA precondition (e.g., can a majority-minority district be drawn?), and; (2) the “totality of the circumstances” or “reasonableness” test, whereby the defendant can defeat a lawsuit by demonstrating that certain voting trends – such as racially polarized voting – occur for reasons other than race, or that minority voters are still able to elect their candidate of choice. Under the CVRA, the only “element” a plaintiff must establish is that racially polarized voting occurs in a jurisdiction with at-large elections, without regard for why it might exist. (Elec. Code § 14028.) Despite its removal of key safeguards contained in the FVRA, California courts have held that the CVRA is constitutional. (See *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660.)

Most recently, on February 23, 2018, the U.S. District Court for the Southern District of California dismissed a lawsuit challenging the constitutionality of the CVRA and of the City of Poway’s adopted district map. The lawsuit was initiated by the former mayor of Poway, Don Higginson, who alleged that the CVRA and Poway’s by district map adopted pursuant thereto violate the equal protection clause of the U.S. Constitution. Higginson sought an order declaring both the CVRA and Poway’s map unconstitutional and enjoining their enforcement and use. The Court not only denied Higginson’s motion for a preliminary injunction, but also dismissed the case in its entirety based on lack of standing. (See *Higginson v. Becerra, et al.* (Feb. 23, 2018, No. 17cv2032-WQH-JLB) \_\_\_ F.Supp.\_\_\_.)

Over the relatively short history of the CVRA, plaintiff public agencies have paid over \$15 million to CVRA plaintiff attorneys, including a recent settlement in West Covina for \$220,000. (See Table of Results of CVRA Litigation (Attachment E).) The City of Modesto, which challenged the CVRA’s constitutionality, ultimately paid \$3 million to the plaintiffs’ attorneys, and the cities of Palmdale and Anaheim, who also aggressively litigated CVRA claims, ultimately paid \$4.5 million and \$1.2 million in attorneys’ fees, respectively. These figures do not include the tens of millions of dollars government agency defendants have spent on their own attorneys and associated defense costs. All of the above cities – like all other CVRA defendants – ultimately ended up converting to district elections.

Recognizing the heavy financial burden at-large jurisdictions are now facing, in 2016, the California Legislature amended the Elections Code to simplify the process of converting to by-district elections to provide a “safe harbor” process designed to protect agencies

from litigation. (Elec. Code § 10010(e)(3).). If a city receives a demand letter, such as the RDM letter here, the city is given 45 days of protection from litigation to assess its situation. If within that 45 days, the city adopts a resolution declaring the Council's intent to transition from at-large to district based elections, the potential plaintiff is prohibited from filing a CVRA action for an additional 90 day period, during which time the process outlined below must occur. (Elec. Code § 10010(e)(3).) The Council was advised of this information at its February 20<sup>th</sup> meeting, and at that time voted unanimously to adopt Resolution No. 18-02-20-04, and to approve a tentative timeline that was presented and which included a schedule that would allow for compliance with the 90 day safe harbor time frames.

- **Process For Switching To By-District Elections**

In order to avoid the significant litigation expenses that are likely to occur if the City retains its at-large election method of election, at the City Council's February 20, 2018 hearing, the Council unanimously adopted Resolution No. 18-02-20-04 outlining its intention to transition from at-large to by-district elections, pursuant to Elections Code section 10010(e)(3)(A). (Attachment D.) It also approved a timeline that would allow for compliance with the 90 day time frame included in the safe harbor process. As a result, no potential plaintiff can file a CVRA lawsuit against the City before May 21, 2018.

Having adopted a resolution of intent, the first steps in the City's process of converting from its current at-large method of election to a by-district system was to hold two public hearings to receive public comment regarding the composition of the yet to be formed voting districts. (Elec. Code § 10010(a)(1).) The first such hearing was held on March 6, 2018, and the second such hearing was held on March 20, 2018.

Following the March 20<sup>th</sup> meeting, the City's districting consultant, National Demographics Corporation ("NDC"), prepared multiple proposed district maps pursuant to input provided by both the Council and the public. Pursuant to the Council's direction, NDC prepared variations of maps with 5 voting districts, as well as maps with 4 districts and an at-large mayoral office which were considered at the April 3<sup>rd</sup> and April 17<sup>th</sup> public hearings. Public comment was also taken. Pursuant to the Council's request, two additional public forums on the proposed district maps was held on April 9 and April 25, 2018. The City provided a Spanish-language interpreter for members of the public, and the written materials were provided in both English and Spanish. After discussion and consideration of public comment at the public forum on April 9, 2018, three new maps were added to the City's website.

The final required public hearing is set for May 1, 2018. After the public hearing, and assuming the Council desires to avail itself of the safe harbor provision, it must adopt an ordinance transitioning the City to by-district elections. The ordinance should establish districts and set a sequencing for elections, including which seats will be filled in 2018 and which seats will be filled in 2020. In setting a sequencing schedule, it should be noted that the term of the two at large seats currently held by Councilmembers Lewis and Wyatt will not expire until 2020.



- **Criteria to be Considered**

While all public input concerning the composition of the City's proposed voting districts should be considered, there are several mandatory criteria that the City will have to comply with when the actual districts are created:

1. Population equality across districts. (Elec. Code § 21601; Gov. Code § 34884 ["The districts shall be as nearly equal in population as may be."].)
2. Race cannot be the "predominant" factor or criteria when drawing districts. (*Shaw v. Reno* (1993) 509 U.S. 630; *Miller v. Johnson* (1995) 515 U.S. 900.)
3. Compliance with the FVRA, which, among other things, prohibits districts that dilute minority voting rights, and encourages a majority-minority district if the minority group is sufficient large and such a district can be drawn without race being the predominant factor. (See, *Bartlett v. Strickland* (2009) 556 U.S. 1.)

Additionally, pursuant to Elections Code section 21601 and Government Code section 34884, the City Council *may* consider the following factors when establishing districts (which are not exclusive): (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests. The City Council may also plan for future growth, avoid head-to-head contests between incumbents (to the extent possible), consider boundaries of other political subdivisions, and consider physical/visual geographical and topographical features (natural and man-made). The City Council may choose to include some, all or none of these criteria, or may choose to come up with unique criteria that Council believes is applicable to the City. In addition, members of the community may suggest additional or alternative criteria that the Council may want to consider.

The district map ultimately chosen by the Council should take into account a number of factors, including concerns the Councilmembers have heard from the public, keeping communities of interest together, other traditional districting criteria, and ensuring both continuity and a comprehensive "entire city" orientation to decision making as the City transitions to district elections.

- **Permissible Forms of By-District Government**

In addition to the above criteria, the City has several options when it comes to the number of districts permitted. A city may adopt an ordinance that requires the members of the legislative body to be elected in five, seven, or nine districts (Gov. Code § 34871(a)); or in four, six, or eight districts, with an elective mayor (Gov. Code § 34871(c)). Thus, the City should consider (in conjunction with NDC) the number of districts to be established.

Although permitted by Government Code 34871(c), there is an open legal question as to whether a City that adopts a by-district method of election but establishes a separately

elected at-large mayoral office is insulated from liability under the CVRA. The CVRA defines “at-large method of election” to include any method of election “that combines at-large elections with district-based elections.” (Elec. Code § 14026(a)(3).) This definition could arguably include district elections where the mayor is separately elected at large. Only an at-large method of election can violate the CVRA. (Elec. Code § 14027.)

As explained to the Council and public at the April 3<sup>rd</sup> public hearing (and the April 9<sup>th</sup> and April 25<sup>th</sup> forums), this issue was being litigated in an action involving the City of Rancho Cucamonga, although that case has now settled. As part of the settlement, the City is required to pay the plaintiff’s legal fees. The amount has not yet been determined, but the plaintiff is seeking \$1,300,000 and the City asserts the amount should not exceed \$190,000. Until a court of appeals rules on the issue, there is no certainty as to whether a City may avoid CVRA liability if it has a directly elected, at-large mayor. In short, notwithstanding the City’s ongoing efforts to comply with the CVRA safe harbor provision, the City is at risk of being sued for a CVRA violation if the City adopts a by-district method of election but establishes a separately elected at-large mayoral office. The plaintiff bar position on this issue is perhaps best exemplified by the following excerpt from a document filed with the court by the plaintiff’s attorney in the Rancho Cucamonga case, in which he addresses the alleged inadequacies of the at-large mayoral system:

For more than fifty years, courts have recognized that when addressing the violation of voting rights, “the court has not merely the power, but the duty, to render a decree which will, so far as possible, eliminate the discriminatory effects of the past as well as bar like discrimination in the future.” *Louisiana v. United States*, 380 U.S. 145, 154 (1965). Ignoring this established principle, Defendant asks this Court to declare Plaintiffs’ case moot and, in so doing, neither “eliminate the discriminatory effects of the past,” as unlawfully-elected council members would remain in office until December 2020, nor “bar like discrimination in the future,” as one council seat would continue to be elected in the same at-large manner that has proven to dilute the Latino vote in Rancho Cucamonga and the other four would be elected pursuant to a district map that emulates the previous at-large system. *Id.*

While Defendant’s newly adopted plan, to be phased in over the next four years, may be marginally better than its previous system of electing all five of its council members through at-large elections, it does not go nearly far enough. Under that new plan, one of the five council seats, coined the “mayor,” would be elected in the same at-large manner, and thus the new plan is still a suspect “at-large method of election,” as that phrase is explicitly defined in the California Voting Rights Act (“CVRA”). With nothing more in that new plan to eliminate the racially polarized voting that has plagued Defendant’s city council elections, that new plan violates the CVRA just like its predecessor. Moreover the four-district map drawn by the self-interested city council without the oversight of this Court, was not drawn to remedy the years of vote dilution suffered by Latinos in Rancho Cucamonga as any remedy for the violation of the CVRA must be; it was drawn to

perpetuate the political careers of its unlawfully elected authors and frustrate this case.

In keeping with the established principle that voting rights violations should be *completely* remedied when they are called to the attention of the courts, the Legislature enacted the CVRA, commanding this Court to formulate what *it* believes are “appropriate remedies.” Elec. Code 14029. With its motion, Defendant seeks to substitute its own judgment for that of this Court, hoping that this Court will abdicate its “duty...to eliminate the discriminatory effects of [Defendant’s] past [violation of the CVRA] as well as bar [violations of the CVRA] in the future. *Louisiana v. United States*, 380 U.S. 145, 154 (1965). The law does not permit Defendant to usurp the role of this Court by adopting a half-measure that will continue to dilute the Latino vote. Plaintiffs’ claim is plainly not moot because there is plenty of relief that the Court could, and should, order. For example:

- a truly district-based election system with all district-elected council members;
- a district map tailored to remedy the years of dilution of the Latino vote in Rancho Cucamonga; and
- a special election to have a district-elected council as soon as practicable;

All of that is the same sort of relief that has been ordered by other courts addressing CVRA violations, and federal courts addressing violations of the analog federal Voting Rights Act (“FVRA”). This Court should decide whether those measures, or perhaps something completely different, are “appropriate remedies” in this case once it has heard all of the evidence at trial. Having been denied their most fundamental of rights for decades, the Latino residents of Rancho Cucamonga deserve nothing less.

At this point, it is unclear whether such arguments will ultimately be upheld by the Courts. The point of including the above is to simply ensure that the City Council is aware that the issue is still unsettled, and the City is at risk of not getting the benefit of the CVRA safe harbor provisions if it chooses to adopt a separately elected at-large mayoral system.

- **Remedies Other Than Districting**

At past Council meetings on this topic, there has been discussion regarding Mission Viejo’s approach to CVRA compliance, i.e., acknowledging racially polarized voting exists, but then asserting the appropriate remedy is something other than districting. There may in fact be other ways of remedying violations of the CVRA, however if the City Council decides to pursue a different remedy, the City will lose the benefit of the safe harbor provisions in Elections Code Section 10010(e)(3). This means that the City will be at risk of being sued, and having to prove in court that its chosen remedy is appropriate. At a minimum this

means that the City would incur significant legal fees, and it plainly puts the City at risk of losing what is known to be very costly litigation.

To date, no remedy other than districting has been “approved” by the courts. In response to the Mission Viejo approach, the plaintiffs’ lawyer is quoted in the Voice of OC as saying that while there may be other ways to remedy a violation, the only option the Courts currently recognize is districting:

“This is maybe a bit of a nuance here -- but in my view, districts would be a remedy, but likely not the best remedy in Mission Viejo,” Shenkman said. “But to say that districts are not a remedy is a mischaracterization ... districts are the only really safe harbor (under state law) for better or for worse. And we operate based on what the law is and not what the law should be.”

The entire article is included herein as Attachment F. On March 22<sup>nd</sup>, a lawsuit was filed against the City of Mission Viejo seeking to enjoin its approach and asserting that it has violated the CVRA because of the admitted existence of racially polarized voting, as well as an alleged history in the city that comprises “an atmosphere of racial hostility.” It is worth noting that the Complaint seeks to enjoin the current at large system. It remains to be seen if the Plaintiff will seek an injunction in connection with the 2018 election to prevent it from going forward as an at large election, and seek to impose district elections, cumulative voting, or other remedies as part of this election cycle. That approach would be similar to what occurred in Palmdale where the result was districts drawn by the plaintiff and all five seats being put up for election at once. Staff will monitor the litigation and advise the Council of any material developments.

#### **CONCLUSION:**

It is recommended that should the Council wish to avail itself of the safe harbor provision, it introduce for first reading either attached Ordinance No. 18-XX (Action Document A), or attached Ordinance No. 18-XX (Action Document B), to adopt a by-district election system and election sequence for the City Council. The Council needs to provide input to “fill in the blanks” of the draft ordinances as to its selected map, and the election sequencing it desires.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with holding this public hearing.

The fiscal impact of moving forward with the transition to district elections, including the demographic consultant cost, the City’s anticipated legal fees, and the amount likely to be paid to RDM under the CVRA safe harbor provision, is estimated to be approximately \$80,000. Additional legal costs could be incurred for additional analysis and public hearings. The City’s good faith and voluntary approach to transition to by-district elections may forestall further threats and demands for attorneys’ fees, but that cannot be

guaranteed as other jurisdictions have suffered such demands even after initiating such efforts.

Should the Council choose not to voluntarily convert to district elections and defend the threatened lawsuit, the costs are projected to be significant due to the requirement that the City pay the plaintiff’s fees and costs. As demonstrated in Attachment C, awards in these cases have reached upwards of \$4,500,000. When sued, even the settlements reached by cities have included paying the plaintiff’s attorneys’ fees. If the City Council chooses to maintain its at-large elections and defend the threatened lawsuit, it should budget a significant amount for its own attorneys’ fees, and should consider a contingency budget for use to pay the plaintiff’s legal fees in the event of a loss.

**ALTERNATIVE ACTION:**

The City Council could provide other direction.

**ACTION DOCUMENTS:**

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**ACTION DOCUMENT A****ORDINANCE NO. 18-XX****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
DANA POINT, CALIFORNIA ESTABLISHING AND  
IMPLEMENTING BY-DISTRICT ELECTIONS (GOV. CODE  
§ 34886 & ELEC. CODE §10010)**

**WHEREAS**, the City of Dana Point currently elects its members of the City Council using an at-large method of election where candidates may reside in any part of the City and each member of the City Council is elected by the voters of the entire City; and

**WHEREAS**, while the City Council of the City of Dana Point strongly believes that the interests of all of the City's residents have been fully and fairly represented under the City's current at-large method of election, the City Council nonetheless finds that moving to a by-district method of election is in the best interest of the City and its taxpayers because of the status of State law, and the significant litigation costs that could result if the City does not change its method of election; and

**WHEREAS**, California Government Code Section 34886, which became effective January 1, 2017, permits the City Council to change the City's method of election by ordinance to a "by-district" system in which each member of the City Council is elected only by the voters in the district in which the candidate resides; and

**WHEREAS**, under the provisions of California Elections Code, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, two public hearings following the release of draft voting district map(s); and a fifth public hearing for the purpose of adopting an ordinance, that includes district maps, in order to transition to district voting; and

**WHEREAS**, at regular meeting of the City Council of the City of Dana Point held on the 20th day of February, 2018, the City Council adopted Resolution No. 18-02-20-04 that initiated the process of establishing a by-district election system and adopted the schedule therefore; and

**WHEREAS**, at regular meetings of the City Council of the City of Dana Point held on the 6th and 20th day of March, 2018, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Dana Point considered and discussed the same; and

**WHEREAS**, thereafter, at regular meetings of the City Council of the City of Dana Point held on the 3rd and 17th day of April, 2018, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited

to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the City Council of the City of Dana Point considered and discussed the same; and

**WHEREAS**, additional public forums were held to take public input regarding potential maps on April 9 and April 25, 2018; and

**WHEREAS**, at the regular meeting of the City Council of the City of Dana Point held on the 1st day of May, 2018, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, and introduced this Ordinance for a first reading which: formally selects voting district **map \_\_\_\_\_**, attached hereto; directs that seats for Council Districts **\_\_\_\_, \_\_\_\_ and \_\_\_\_** will be placed on the City's 2018 ballot; and directs that the seats for Council Districts **\_\_\_\_ and \_\_\_\_** will be placed on the 2020 ballot; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an Ordinance providing for the election of members of the City Council of the City of Dana Point by-district in five single-member districts as reflected in Exhibit A to this Ordinance, 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 to implement the guarantees of Section 7 of Article 1 and of Section of Article II of the California Constitution.

**NOW, THEREFORE**, the City Council of the City of Dana Point does ordain as follows:

**SECTION 1.** The foregoing recitals are true and correct.

**SECTION 2.** Chapter 2.05 of the Dana Point Municipal Code is hereby amended by adding new Sections 2.05.085, 2.05.086 and 2.05.087 to read as follows:

**2.05.085 By-District Electoral System.**

Pursuant to California Government Code Section 34886 and the schedule established in Section 2.05.087 of this Chapter, beginning in November 2018, members of the City Council shall be elected on a by-district basis from five (5) single-member Council Districts. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (a).

**2.05.086 Establishment of City Council Electoral Districts.**

A. Pursuant to Section 2.05.085 of this Chapter, members of the City Council shall be elected on a by-district basis, as that term is defined in California Government Code Section 34871, subdivision (a), from the five Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:

1. Council District 1 shall comprise all that portion of the City reflected on Exhibit A.
  2. Council District 2 shall comprise all that portion of the City reflected on Exhibit A.
  3. Council District 3 shall comprise all that portion of the City reflected on Exhibit A.
  4. Council District 4 shall comprise all that portion of the City reflected on Exhibit A.
  5. Council District 5 shall comprise all that portion of the City reflected on Exhibit A.
- B. Members of the City Council shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.
- C. Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, each member of the City Council 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 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. Termination of residency in a district by a member of the City Council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.
- D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the members of the City Council in office at the time the Ordinance codified in this Chapter 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. At the end of the term of each member of the City Council that member of the City Council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in this Chapter.

#### **2.05.087 Election Schedule.**

Except as otherwise required by California Government Code Section 36512, the members of the City Council shall be elected from Council **Districts X, X, and X** beginning at the General Municipal Election in November 2018, and every four years thereafter, as such Council Districts shall be amended. Members of the City Council shall be elected from Council **Districts X and X** beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts shall be amended.



**SECTION 3.** A map showing the districts described in this Ordinance and codified in Section 2.05.086 of the City of Dana Point Municipal Code is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 4.** If necessary to facilitate the implementation of this Ordinance as determined by the County Registrar of Voters, the City Clerk 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 Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise endeavor to provide the City Council with 3 days advance notice of any such adjustments required in the implementation of the districts.

**SECTION 5.** In the event at any time in the future the California Voting Rights Act is amended, found to be unconstitutional, or otherwise is no longer applicable to the City, the City Council expressly indicates its intention that the by-district election method be re-examined, and on behalf of itself and all future City Councils, expressly reserves its right to repeal or modify this Ordinance.

**SECTION 6.** 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 7.** In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

**SECTION 8.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Dana Point hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 9.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days from its adoption.

**INTRODUCED** at a regular meeting of the City Council of the City of Dana Point held on the 1st day of May, 2018, and thereafter,

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Dana Point held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Richard Viczorek, Mayor

**ATTEST:**

\_\_\_\_\_  
Kathy M. Ward, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF DANA POINT )

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. 18-XX was duly introduced at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2018, and was duly adopted and passed at a regular meeting of the City Council on the day of \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote, to wit:

AYES:           COUNCILMEMBER:  
NOES:           COUNCILMEMBER:  
ABSENT:        COUNCILMEMBER:  
ABSTAIN:       COUNCILMEMBER:

\_\_\_\_\_  
Kathy M. Ward, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

AFFIDAVIT OF POSTING  
AND PUBLISHING

KATHY WARD, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 18-XX, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
DANA POINT, CALIFORNIA ESTABLISHING AND  
IMPLEMENTING BY-DISTRICT ELECTIONS (GOV. CODE  
§ 34886 & ELEC. CODE §10010)**

was published in summary in the Dana Point News on the \_\_\_\_ day of \_\_\_\_\_, 2018, and the \_\_\_\_ day of \_\_\_\_\_, 2018, and in further compliance with City Resolution No. 91-10-08-01 on the \_\_\_\_ day of \_\_\_\_\_, 2018, and on the \_\_\_\_ day of \_\_\_\_\_, 2018 was caused to be posted in four (4) public places in the City of Dana Point, to wit:

- Dana Point City Hall
- Capistrano Beach Post Office
- Dana Point Post Office
- Dana Point Library

\_\_\_\_\_  
KATHY WARD, CITY CLERK  
Dana Point, California

**ACTION DOCUMENT B****ORDINANCE NO. 18-XX****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS AND AN AT-LARGE MAYOR (GOV. CODE § 34886 & ELEC. CODE §10010)**

**WHEREAS**, the City of Dana Point currently elects its members of the City Council using an at-large method of election where candidates may reside in any part of the City and each member of the City Council is elected by the voters of the entire City; and

**WHEREAS**, while the City Council of the City of Dana Point strongly believes that the interests of all of the City's residents have been fully and fairly represented under the City's current at-large method of election, the City Council nonetheless finds that moving to a by-district method of election is in the best interest of the City and its taxpayers because of the status of State law, and the significant litigation costs that could result if the City does not change its method of election; and

**WHEREAS**, California Government Code Section 34886, which became effective January 1, 2017, permits the City Council to change the City's method of election by ordinance to a "by-district" system in which each member of the City Council is elected only by the voters in the district in which the candidate resides, and permits a mayor to be elected at-large, in accordance with California Government Code Section 34871, subdivision (c); and

**WHEREAS**, under the provisions of California Elections Code, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, two public hearings following the release of draft voting district map(s); and a fifth public hearing for the purpose of adopting an ordinance, that includes district maps, in order to transition to district voting; and

**WHEREAS**, at regular meeting of the City Council of the City of Dana Point held on the 20th day of February, 2018, the City Council adopted Resolution No. 18-02-20-04 that initiated the process of establishing a by-district election system and adopted the schedule therefore; and

**WHEREAS**, at regular meetings of the City Council of the City of Dana Point held on the 6th and 20th day of March, 2018, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Dana Point considered and discussed the same; and

**WHEREAS**, thereafter, at regular meetings of the City Council of the City of Dana Point held on the 3rd and 17th day of April, 2018, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the City Council of the City of Dana Point considered and discussed the same; and

**WHEREAS**, additional public forums were held to take public input regarding potential maps on April 9 and April 25, 2018; and

**WHEREAS**, at the regular meeting of the City Council of the City of Dana Point held on the 1st day of May, 2018, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, and introduced this Ordinance for a first reading which: formally selects voting district map \_\_\_\_\_, attached hereto; directs that seats for Council Districts \_\_\_ and \_\_\_ will be placed on the City's 2018 ballot; directs that the seats for Council Districts \_\_\_ and \_\_\_ will be placed on the 2020 ballot; and directs that the mayoral seat be elected at large every two years commencing with the City's 2018 ballot; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an Ordinance providing for the election of members of the City Council of the City of Dana Point by-district in four single-member districts as reflected in Exhibit A to this Ordinance, with the Mayor elected at-large, 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 to implement the guarantees of Section 7 of Article 1 and of Section of Article II of the California Constitution.

**NOW, THEREFORE**, the City Council of the City of Dana Point does ordain as follows:

**SECTION 10.** The foregoing recitals are true and correct.

**SECTION 11.** Chapter 2.05 of the Dana Point Municipal Code is hereby amended by adding new Sections 2.05.085, 2.05.086 and 2.05.087 to read as follows:

**2.05.085 By-District Electoral System.**

Pursuant to California Government Code Section 34886 and the schedule established in Section 2.05.087 of this Chapter, beginning in November 2018, members of the City Council shall be elected on a by-district basis from four (4) single-member Council Districts. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (c).

**2.05.086 Establishment of City Council Electoral Districts.**

A. Pursuant to Section 2.05.085 of this Chapter, members of the City Council shall be elected on a by-district basis, as that term is defined in California

Government Code Section 34871, subdivision (c), from the four Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:

1. Council District 1 shall comprise all that portion of the City reflected on Exhibit A.
2. Council District 2 shall comprise all that portion of the City reflected on Exhibit A.
3. Council District 3 shall comprise all that portion of the City reflected on Exhibit A.
4. Council District 4 shall comprise all that portion of the City reflected on Exhibit A.

B. Members of the City Council, excluding the Mayor, shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.

C. Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, the member of the City Council 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 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. Termination of residency in a district by a member of the City Council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the members of the City Council in office at the time the Ordinance codified in this Chapter 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. At the end of the term of each member of the City Council, excluding the separate office of Mayor, that member of the City Council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in this Chapter.

E. Nothing in this Section shall effect the election of the Mayor, who shall be elected on a City-wide basis, in accordance with Government Code sections 34871, subdivision (c), and 34900 et seq.

#### **2.05.087 Election Schedule.**

Except as otherwise required by California Government Code Section 36512, the members of the City Council shall be elected from Council **Districts X and X**

beginning at the General Municipal Election in November 2018, and every four years thereafter, as such Council Districts shall be amended. Members of the City Council shall be elected from Council **Districts X and X** beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts shall be amended. Except as otherwise required by California Government Code Section 36512, the Mayor shall be elected at-large beginning at the General Municipal Election in November 2018, and every two years thereafter.

**SECTION 12.** A map showing the districts described in this Ordinance and codified in Section 2.05.086 of the City of Dana Point Municipal Code is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 13.** If necessary to facilitate the implementation of this Ordinance as determined by the County Registrar of Voters, the City Clerk 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 Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise endeavor to provide the City Council with 3 days advance notice of any such adjustments required in the implementation of the districts.

**SECTION 14.** In the event at any time in the future the California Voting Rights Act is amended, found to be unconstitutional, or otherwise is no longer applicable to the City, the City Council expressly indicates its intention that the by-district election method be re-examined, and on behalf of itself and all future City Councils, expressly reserves its right to repeal or modify this Ordinance.

**SECTION 15.** 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 16.** In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

**SECTION 17.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Dana Point hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 18.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days from its adoption.

**INTRODUCED** at a regular meeting of the City Council of the City of Dana Point held on the 1st day of May, 2018, and thereafter,

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Dana Point held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Richard Viczorek, Mayor

**ATTEST:**

\_\_\_\_\_  
Kathy M. Ward, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF DANA POINT )

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. 18-XX was duly introduced at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2018, and was duly adopted and passed at a regular meeting of the City Council on the day of \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote, to wit:

- AYES: COUNCILMEMBER:
- NOES: COUNCILMEMBER:
- ABSENT: COUNCILMEMBER:
- ABSTAIN: COUNCILMEMBER:

\_\_\_\_\_  
Kathy M. Ward, City Clerk



STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

AFFIDAVIT OF POSTING  
AND PUBLISHING

KATHY WARD, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 18-XX, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
DANA POINT, CALIFORNIA ESTABLISHING AND  
IMPLEMENTING BY-DISTRICT ELECTIONS AND AN AT-  
LARGE MAYOR (GOV. CODE § 34886 & ELEC. CODE  
§10010)**

was published in summary in the Dana Point News on the \_\_\_\_ day of \_\_\_\_\_, 2018, and the \_\_\_\_ day of \_\_\_\_\_, 2018, and in further compliance with City Resolution No. 91-10-08-01 on the \_\_\_\_ day of \_\_\_\_\_, 2018, and on the \_\_\_\_ day of \_\_\_\_\_, 2018 was caused to be posted in four (4) public places in the City of Dana Point, to wit:

- Dana Point City Hall
- Capistrano Beach Post Office
- Dana Point Post Office
- Dana Point Library

\_\_\_\_\_  
KATHY WARD, CITY CLERK  
Dana Point, California

## SUPPORTING DOCUMENT C



San Francisco | Orange County | San Diego

Russel D. Myrick  
Attorney at Law

RDM LEGAL GROUP  
Manchester Financial Building  
7979 Ivanhoe Avenue  
Fourth Floor, Suite 400  
La Jolla, California 92037  
P. 888.482.8266 | F. 858.449.3400  
russel@rdmlg.com

CITY OF DANA POINT  
FEB 2 P 12: 58  
RECEIVED  
CITY CLERK'S DEPARTMENT

February 2, 2018

SENT VIA PERSONAL SERVICE

Ms. Kathy Ward  
City Clerk  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629  
Phone: (949) 248-3505  
Email: <kward@danapoint.org>

**RE: VIOLATION OF CALIFORNIA VOTING RIGHTS ACT**

Dear Ms. Ward:

I write on behalf of several concerned citizens residing in the City of Dana Point ("Dana Point"). Dana Point relies upon an at-large election system for electing candidates to its City Council. Moreover, voting within Dana Point is racially polarized, resulting in minority vote dilution, and therefore Dana Point's at-large elections violate the California Voting Rights Act of 2001 ("CVRA").

The CVRA disfavors the use of so-called "at-large" voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally, Sanchez v. Modesto* (2006) 145 Cal.App.4th 660, 667 ("Sanchez"). For example, if the U.S. Congress were elected through a nationwide election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter's district, and the 435 candidates receiving the most nationwide votes would be selected. At-large elections thus allow a bare majority of voters to control every seat, not just the seats in a particular district, or a proportional majority of seats.

Voting rights advocates have targeted "at-large" election schemes for decades, because they often result in "vote dilution," or the impairment of minority groups' ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) ("Gingles"). The U.S. Supreme Court "has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength" of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to "ignore [minority] interests without fear of political consequences"), citing *Rogers v. Lodge* 458 U.S. 613, 623 (1982); *White v. Register* 412 U.S. 755, 769 (1973). "[T]he majority, by virtue of its

Uncompromising excellence in legal services.

numerical superiority, will regularly defeat the choices of minority voters.” *Gingles*, at 47. When racially polarized voting occurs, dividing the political unit into single member districts, or some other appropriate remedy may facilitate a minority group’s ability to elect preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large elections schemes. *Gingles* at 37; see also Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, “[t]he Legislature intended to expand the protections against vote dilution over those provided by the federal Voting Rights Act of 1965.” *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4<sup>th</sup> 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2001 Reg. Sess.) as amended Apr. 9, 2002, p.2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “minority-majority district.” *Sanchez*, at 669. Rather, the CVRA requires only that a plaintiff show the existence of racially polarized voting to establish that an at-large method of election violates the CBRA, not the desirability of any particular remedy. See Cal. Elec. Code § 14028 (“A violation of Section 14027 is established if it is shown that racially polarized voting occurs...”) (emphasis added); see also Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2001 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”)

To establish a violation of the CVRA, a plaintiff must generally show that “racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by voters of the political subdivision.” Elec. Code § 14028(a). The CVRA specifies the elections that are the most probative: “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to the filing of an action . . . are more probative to establish the existence of racially polarized voting than elections conducted after the filing of an action.” *Id.*

Factors other than “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of circumstances” test – “are probative, but not necessary factors to establish a violation of” the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate

effectively in the political process, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

Dana Point’s at-large system dilutes the ability of Latinos (a “protected class”) – to elect candidates of their choice or otherwise influence the outcome of Dana Point’s council elections.

The last ten elections are illustrative. During that twenty-year period, three Latinos ran for City Council – and only one of them, Carlos Olvera – was actually elected. Raquel Olamendi and Mario Melendez were not elected in 1998 and 2006 respectively, despite garnering support from Latino voters, due to the bloc voting of the non-Latino majority. Besides the three aforementioned individuals, no other Latino candidates have sought positions on the Dana Point Council in the last twenty years. Opponents of fair district-based elections may attribute the lack of Latinos vying for City Council positions to a lack of Latino interest in local government. On the contrary, the alarming absence of Latino candidates seeking election to the Dana Point City Council reveals vote dilution. See *Westwego Citizens for Better Government v. City of Westwego*, 872 F.2d 1201, 1208-1209, n. 9 (5<sup>th</sup> Cir. 1989).

According to recent data, Latinos comprise 17.8% of the population of Dana Point. However, there are no Latinos on the City Council – and there is only *one* single candidate in the last twenty years who has been able to successfully secure a City Council seat. The contrast between the significant Latino proportion of the electorate and the near absence of Latinos elected to the City Council is telling.

As you may be aware, in 2012, a similar lawsuit was brought against the City of Palmdale for violating the CVRA. That lawsuit was successful after an eight-day trial. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale City Council, with districts that combined all four incumbents into one of the four districts.

Given the historical lack of Latino representation on the City Council in the context of racially polarized elections, we urge Dana Point to voluntarily change its at-large system of electing council members. Otherwise, on behalf of several concerned residents of the City of Dana Point, we will be forced to seek judicial relief. Please advise us no later than March 19, 2018 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Regards,



RUSSEL MYRICK, ESQ.

## SUPPORTING DOCUMENT D

## RESOLUTION NO. 18-02-20-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010(e)(3)(A), TO CONSIDER INITIATING PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

WHEREAS, the City of Dana Point, California ("City") is a general law city, duly organized under the constitution and laws of the State of California; and

WHEREAS, the members of the Dana Point City Council are currently elected in at-large elections, in which each City Council member is elected by all registered voters of the entire City; and

WHEREAS, Section 34886 of the Government Code authorizes any city to change to a by-district system or by-district system with an elective mayor without the need to put such a change to voters; and

WHEREAS, the City Council has determined that it is in the best interest of the City to move from its current at-large electoral system to a by-district election for members of the City Council, in response to the provisions of the California Voting Rights Act; and

WHEREAS, the City intends to make this transition from an at-large system to a by-district system in accordance with the procedural rules outlined in Government Code Section 34886 and Elections Code 10010; and

WHEREAS, the City received a letter threatening action under the California Voting Rights Act on February 2, 2018 less than forty-five (45) days before the date of this Resolution; and

WHEREAS, the City will begin by working with an experienced demographer to assist the City in establishing maps for a by-district electoral system; and

WHEREAS, before drawing a draft map of the proposed boundaries of the districts, the City will hold at least two (2) public hearings over no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts; and

WHEREAS, the City will then publish and make available for release at least one (1) draft map of the new electoral districts, including the potential sequence of elections shown; and

WHEREAS, once the draft map(s) have been publicized for at least seven (7) days, the City will hold at least two (2) additional public hearings, over no more than forty-five (45) days,

Resolution No. 18-02-20-04  
Establishing and Implementing By-District Elections  
Page 2

at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections prior to the public hearing at which the City Council adopts a map; and

WHEREAS, if a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven (7) days before the City chooses to adopt it; and

WHEREAS, in determining the final sequence of staggered district elections, the City Council will give special consideration to the purposes of the CVRA, and will take in to account the preferences expressed by the members of the districts; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dana Point, California, as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. The City Council hereby resolves, pursuant to Elections Code section 10010, to consider adopting a by-district election system by ordinance as authorized by California Government Code section 34886, for use in the City's General Municipal Election for City Council Members.
3. The City Council further resolves to retain a qualified demographer, hold at least five (5) public hearings and publish at least one (1) draft map and staggering sequence, pursuant to the proposed tentative hearing schedule attached hereto as Exhibit "1".
4. The city's redistricting/demographic consulting firm, acting under the supervision of the City Attorney, is hereby authorized to direct and formulate one or more electoral district scenarios for review by the public and City Council at two or more public hearings if necessary, in accordance with the city's proposed tentative timeline.
5. Working with the demographic consulting firm, staff is directed to publicize relevant maps, information, notices, agendas and other materials regarding by-district elections and to establish means of communication to answer questions from the public.

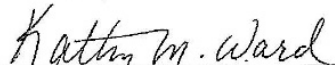
Resolution No. 18-02-20-04  
Establishing and Implementing By-District Elections  
Page 3

6. All public hearings shall be noticed on the City's website, and in addition, as follows: posting on the city's website at least ten (10) calendar days in advance of the hearing and publication at least ten (10) days in advance of the hearing in the newspaper adjudicated to provide notice within the City.
7. The City Manager and City Attorney are authorized to take any and all other necessary actions to give effect to this Resolution.
8. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Dana Point on the 20<sup>th</sup> day of February, 2018, by the following vote:

  
RICHARD A. VICZOREK, MAYOR

ATTEST:

  
KATHY M. WARD, CITY CLERK

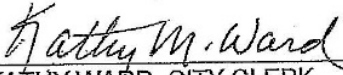
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Resolution No. 18-02-20-04  
Establishing and Implementing By-District Elections  
Page 4

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF DANA POINT )

I, Kathy Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 18-02-20-04 was duly adopted and passed at a regular meeting of the City Council on the 20th day of February 2018, by the following roll-call vote, to wit:

AYES: Council Members Lewis, Tomlinson, Wyatt, Mayor Pro Tem Muller, and Mayor Viczorek  
NOES: None  
ABSENT: None

  
KATHY WARD, CITY CLERK



## SUPPORTING DOCUMENT E

<u>City/Political Subdivision Defendant</u>	<u>Settlement Conditions</u>	<u>Attorneys' Fees</u>	<u>Notes</u>
City of Palmdale	Agreed to have voters choose elected officials by districts, including two with Latino majorities Moved to District elections; voters had already approved a move to districts before settlement	\$4,500,000	City lost trial on the merits, held an election that plaintiffs argued was illegal, and unsuccessfully challenged an injunction stopping the City from certifying the results of that election; settlement subsequently reached
City of Modesto		\$3,000,000	Settlement; Additional \$1,700,000 to defense attorneys
Madera Unified School District; Madera County Board of Education	Moved to "by trustee area" elections via admission of liability Moved to by-district elections via ballot measure; kept mayor at large	\$162,500	court award
City of Compton	Agreed to hold an election re changing to district elections in 2012 and agreed to cancel 2010 elections	confidential	settlement
Tulare Local Healthcare District	City agreed to place a ballot measure before voters regarding a move to district elections	\$500,000	Settlement
City of Tulare		\$225,000	Settlement
Hanford Unified School District	Agreed to move to by-trustee district elections	\$110,000	Settlement
Compton Community College District	Agreed to move to by-district elections	\$40,000	Settlement
Ceres Unified School District	Moved to by-trustee district elections before litigation was filed	\$3,000	Settlement
Cerritos Community College District	Moved to by-trustee district elections	\$55,000	Settlement

San Mateo County	County moved to by-District elections (through a ballot measure) and further agreed to redraw its previously-approved District boundaries by forming a nine-person redistricting committee	\$650,000 Settlement	Settlement after first litigating; expected costs include at least another \$800,000
City of Anaheim	Agreed to place ballot measure on November 2016 ballot re moving to by district elections	\$1,200,000	
City of Whittier Santa Clarita Community College District	Case dismissed as moot when City changed voting system; unsuccessful post election challenge re at large mayor	\$1,000,000	Court awarded fees under catalyst theory, even though case was dismissed
City of Garden Grove	Agreed to conduct cumulative voting, and by trustees	\$850,000	Settlement
City of Escondido	Moved to by district elections via stipulated judgment Settled via court order (consent decree) after vote of the people failed to adopt by district elections	\$290,000	Settlement
City of Santa Clarita	Agreed to move to cumulative voting method	\$385,000	Settlement
City of Visalia	Stipulated judgment, court ordered by districts	\$600,000	Settlement
City of Santa Barbara	Agreed to move to by district; mayor remains elected at large	\$125,000	Settlement
		\$599,500	Settlement

City of Fullerton	Agreed to pay attorneys fees - negotiate in good faith; required placing measure on November 2016 ballot to move to districts	undisclosed	Settlement
City of Merced	Settled before lawsuit filed; agreed to ballot measure	\$43,000	Settlement
City of Bellflower Sulphur Springs School District	Agreed to place ballot measure on November 2016 ballot; measure adopted	\$250,000	Settlement
City of Costa Mesa	Agreed to move to by district elections	\$144,000	Settlement
City of West Covina City of Rancho Cucamonga	Moved to districts before lawsuit was filed Waited until after lawsuit was filed to hire demographer and voluntarily move to by district elections via ordinance	\$55,000	pre-litigation settlement
City of San Marcos	Ongoing; currently being litigated Moved to districts within safe harbor, before lawsuit could be filed	\$220,000	Settlement
City of Carlsbad	Moved to districts within safe harbor, before lawsuit could be filed	\$0	ongoing transitioned to districts before lawsuit could be filed
City of Poway	Ongoing; moving to districts within safe harbor	\$0	transitioned to districts before lawsuit could be filed
<b>TOTAL PAYMENTS TO PLAINTIFFS' ATTORNEYS</b>		<b>\$15,007,000</b>	ongoing

SUPPORTING DOCUMENT F

DISTRICT ELECTIONS

# Suit or No Suit? Confusion Over Voting Rights Issue in Mission Viejo



SPENCER CUSTODIO, Voice of OC

The Mission Viejo City council members conduct their district elections public hearing on Jan. 23, 2018.

By SPENCER CUSTODIO (<https://voiceofoc.org/author/scustodio/>) March 19, 2018


**25**  
 SHARES


**23**


**2**



Is Mission Viejo guaranteed it won't be sued for not creating individual districts to elect its five city council members?

"Bottom line here folks is that Mission Viejo is no longer threatened with a lawsuit demanding we move to district voting in the city," Mayor Ed Sachs wrote March 10 in a personal newsletter to his subscribers.

Not so fast, responded election rights attorney Kevin Shenkman, who sparked the city's study of district elections as a possible replacement for the current citywide elections.

"I think the most important thing is I didn't say that or anything remotely close to that," Shenkman said in a phone interview. "But Mayor dickhead (Sachs) decided to jump the gun and decided to talk about how district elections are off the table, before even attempting to gain understanding of other potential remedies."

What caused the confusion?

Mission Viejo has been considering district elections since it received a Sept. 29 letter from Shenkman warning the city it had a racially polarized voting system and demanding it fix it.

It's an issue that has hit a number of Orange County cities in recent years, including [Anaheim](https://voiceofoc.org/2015/01/anaheim-makes-moves-toward-district-elections/) (<https://voiceofoc.org/2015/01/anaheim-makes-moves-toward-district-elections/>), [Fullerton](http://v) (<http://v>) and [Lake Forest](https://voiceofoc.org/2017/11/lake-forest-finalizes-map-to-create-city-council-districts/) (<https://voiceofoc.org/2017/11/lake-forest-finalizes-map-to-create-city-council-districts/>) [Santa Ana](https://voiceofoc.org/2018/03/santa-ana-asking-court-to-put-district-elections-on-june-ballot/) (<https://voiceofoc.org/2018/03/santa-ana-asking-court-to-put-district-elections-on-june-ballot/>) is in the middle of a [political fight](https://voiceofoc.org/2018/03/after-dramatic-days-santa-ana-district-elections-now-appear-dead-for-june-ballot-but-maybe-not/) (<https://voiceofoc.org/2018/03/after-dramatic-days-santa-ana-district-elections-now-appear-dead-for-june-ballot-but-maybe-not/>) over whether it should put the district elections issue on the June primary election ballot.

The five Mission Viejo City Council members never gave their views on being elected by district, until the fifth and final public hearing. In the end, a unanimous council voted Feb. 13 to reject the switch from at-large elections to district-based elections and instead explore "alternative" options to fix the voting problem it admits is racially polarized under the California Voting Rights Act.

Shenkman's Sept. 29 letter warned the [city its at-large city council districts violate state law](https://voiceofoc.org/2017/11/mission-viejo-to-consider-district-elections/) (<https://voiceofoc.org/2017/11/mission-viejo-to-consider-district-elections/>) by diluting the Latino vote. In his letter,

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According to the 2010 Census report, ([https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?\\_af=CE](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?_af=CE)), there are 93,300 residents in Mission Viejo. Nearly 70 percent are white, 17 percent are Latino, nine percent are Asian and just over one percent are black. But when the city looked at ways to draw district boundaries that would give Latinos and Asians a stronger voice, it found minority voters were too scattered throughout the community to draw sensible district lines.

The council now is looking at alternatives, possibly including a system called "cumulative voting," an idea proposed by City Attorney Bill Curley during the Feb. 13 final council hearing on district elections.

Cumulative voting gives registered voters more than one vote, based on how many city council seats are up for election. For example, if three seats are up, a voter can cast one vote for each of three candidates. Or the voter could vote twice for one candidate and once for a second candidate. Finally, the voter could opt to cast all three votes for a single candidate.

Sachs said his news letter was based on a report he received from Curley, who spoke by phone with Shenkman after the Feb. 13 city council meeting that turned down the district election option.

Curley said in a March 14 phone interview with a reporter that he discussed the council's decision with Shenkman and later Shenkman called him again.

"He (Shenkman) called me about two weeks later, and said 'I had my experts look at it and they agree with you. It is kind of a unique situation that you can't really do something with districts.'

"Practically, Shenkman agrees that districts are not really feasible, so why would he sue and say 'court, compel them to go to districts even though I agree they don't make any sense in that city?'" Curley asked.

In his newsletter, sent from his personal email, Sachs wrote an account of the conversation between Curley and Shenkman but later said it was a "joke."

After the March 13 council meeting, Sachs told Voice of OC the emailed account of the conversation was part of his "imagination."

"That isn't a transcript of the conversation," Sachs said. "The end result isn't a joke ... It wasn't meant as a rib or anything. It was just a joyous representation of the city's path."

Shenkman clarified that he didn't throw away the possibility of districts.

"This is maybe a bit of a nuance here -- but in my view, districts would be a remedy, but likely not the best remedy in Mission Viejo," Shenkman said. "But to say that districts are not a remedy is a mischaracterization ... districts are the only really safe harbor (under state law) for better or for worse. And we operate based on what the law is and not what the law should be."

He also said the city may think Shenkman is backing off and "we're (Shenkman and his client) not going to do anything, [the city] got Shenkman to back down and that's just not what happened."

During the March 13 meeting, Councilwoman Wendy Bucknam asked Curley to summarize his conversations with Shenkman about the city's rejection of districts and its potential alternatives.

"They (Shenkman and his staff) had confirmed that our findings were correct: that districting would not solve the racial polarization in town," Curley said.

"That he appreciated, that the council did an above board -- took responsibility, acted in a professional manner. That we are moving forward to a solution," Curley said. "To look to a solution that makes sense and that's where we left it ... I told him we'd be forming an ad hoc committee to help us."

The council appointed Mayor Pro Tem Greg Rath and Councilwoman Trish Kelley to the ad hoc committee.

**SUPPORTING DOCUMENT G - CORRESPONDENCE**

**BOBBI OGAN**

---

**From:** papageo13@aol.com  
**Sent:** Sunday, April 22, 2018 9:09 PM  
**To:** districting; RICHARD VICZOREK; Debra Lewis; JOE MULLER; JOHN TOMLINSON; Paul Wyatt  
**Subject:** 3rd draft, districting maps

We will not be able to attend the next meeting on April 25 on the districting process. My comments on the latest draft are as follows:

Tan II-- This map is in no way acceptable. It splits both the Monarch Beach Estates HOA and the Nigel Shores HOA into two different districts.

Tan III--Acceptable as for the Monarch Beach Estates HOA. However, it removes the Ritz Cove subdivision from the Monarch Beach Community and splits Niguel Shores into two districts. Nigel Shores is an integral part of The Monarch Beach Community. This map includes several areas that are not a part of the Monarch Beach Community,

Original TAN--This map best addresses the Monarch Beach Community concept with a minor switch of two areas which are addressed in TanIV.

Tan IV-- Same comments as TanIII,

We do not favor the four districts and at large mayor concept. If this alternative is chosen, both Oak IV and Pine IV are OK.

George and Barbara Miller  
24005 Atun  
Dana Point, CA 92629  
(949) 487-9996

**BOBBI OGAN**

---

**From:** Angi Hansen <angihansen@yahoo.com>  
**Sent:** Monday, April 23, 2018 12:49 PM  
**To:** districting  
**Subject:** Concern over City's District Map Suggestions for the Bal Harbour at Dana Point!  
**Attachments:** Tan II with adjustments (optional area included).png; ATT00001.htm; Tan II with adjustments (optional area included).pdf; ATT00002.htm

To Whom It Concerns,

My name is Angela Hansen of 8 Indigo Way, Dana Point.

I live in the neighborhood HOA called the Bal Harbour at Dana Point. We are located on the hilltop at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.
- We have one entrance to our neighborhood immediately off PCH.
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.
- We are directly impacted by events in the Harbor and Lantern District areas!!!
  - Concerns and issues associated with these areas impact us due to proximity.
  - We can view and walk to these areas from our homes.
  - Shopping and use of personal services is done primarily in these areas.



◦ Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.

To date, the following Map options most closely represent our wishes:

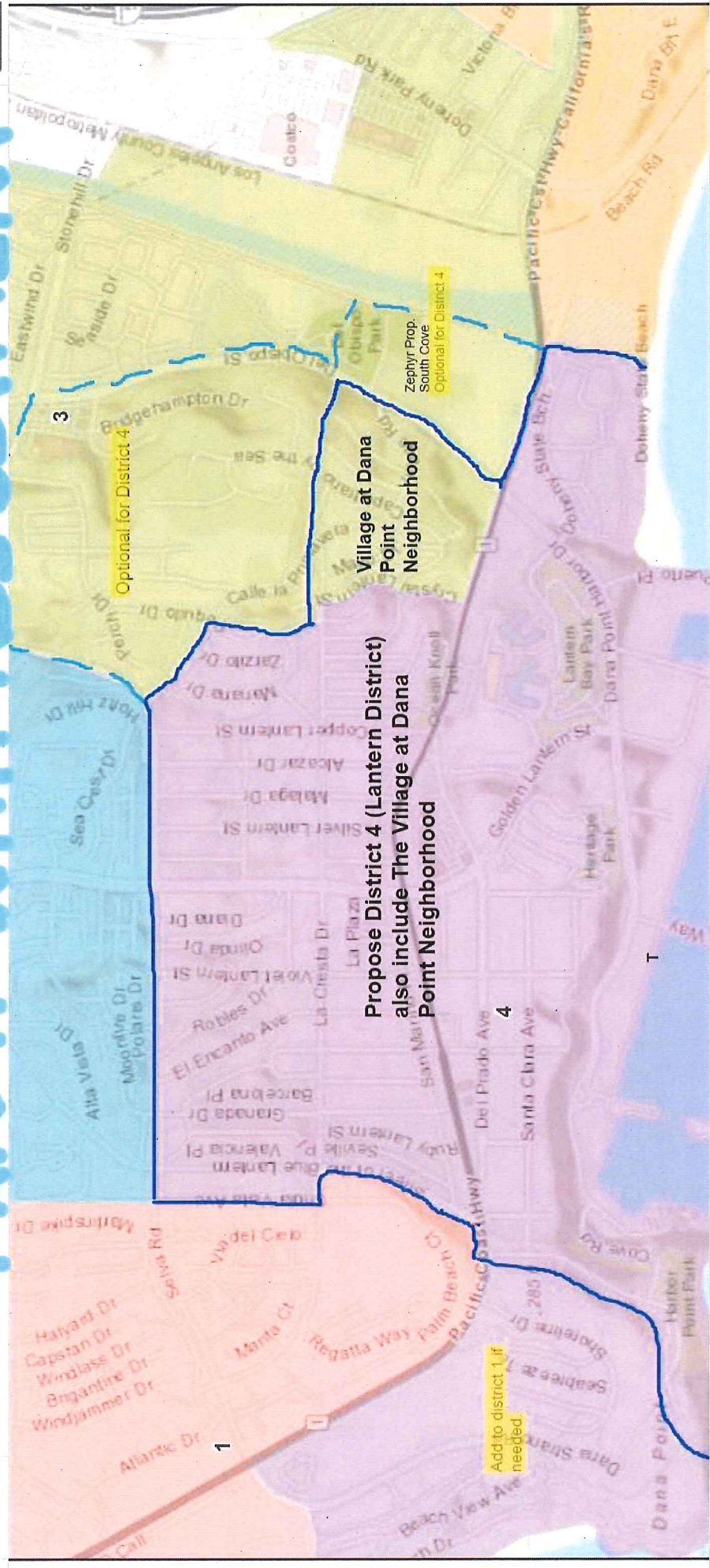
- For the 4 District, at large Mayor Option
  - Map Option Pine III
  - Map Option Pine IV.
- For the 5 District, Council Elected Mayor Option
  - Map Option Tan II (with adjustments. See Attached!)
  - Map Option Orange II.

If you vote to use Map Option Tan II, please consider the following border adjustments:

- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.

Angela Hansen



## BOBBI OGAN

---

**From:** Robert Buaas <buaas@wireless.net>  
**Sent:** Monday, April 23, 2018 9:12 PM  
**To:** districting  
**Cc:** Robert Buaas  
**Subject:** Concern over City's District Map  
**Attachments:** Tan II with adjustments (optional area included).pdf

Hello,

My name is Robert Buaas.

My address is 34082 Bedford Ln. Dana Point CA 92629

I live in the neighborhood HOA called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.
- We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.
- We are directly impacted by events in the Harbor and Lantern District areas.
  - Concerns and issues associated with these areas impact us due to proximity.
  - We can view and walk to these areas from our homes.
  - Shopping and use of personal services is done primarily in these areas.
  - Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.

To date, the following Map options most closely represent our wishes:

- For the 4 District, at large Mayor Option
  - Map Option Pine III
  - Map Option Pine IV.
- For the 5 District, Council Elected Mayor Option
  - Map Option Tan II (*with adjustments. See Attached!*)
  - Map Option Orange II.

If you vote to use **Map Option Tan II**, please consider the following border adjustments:

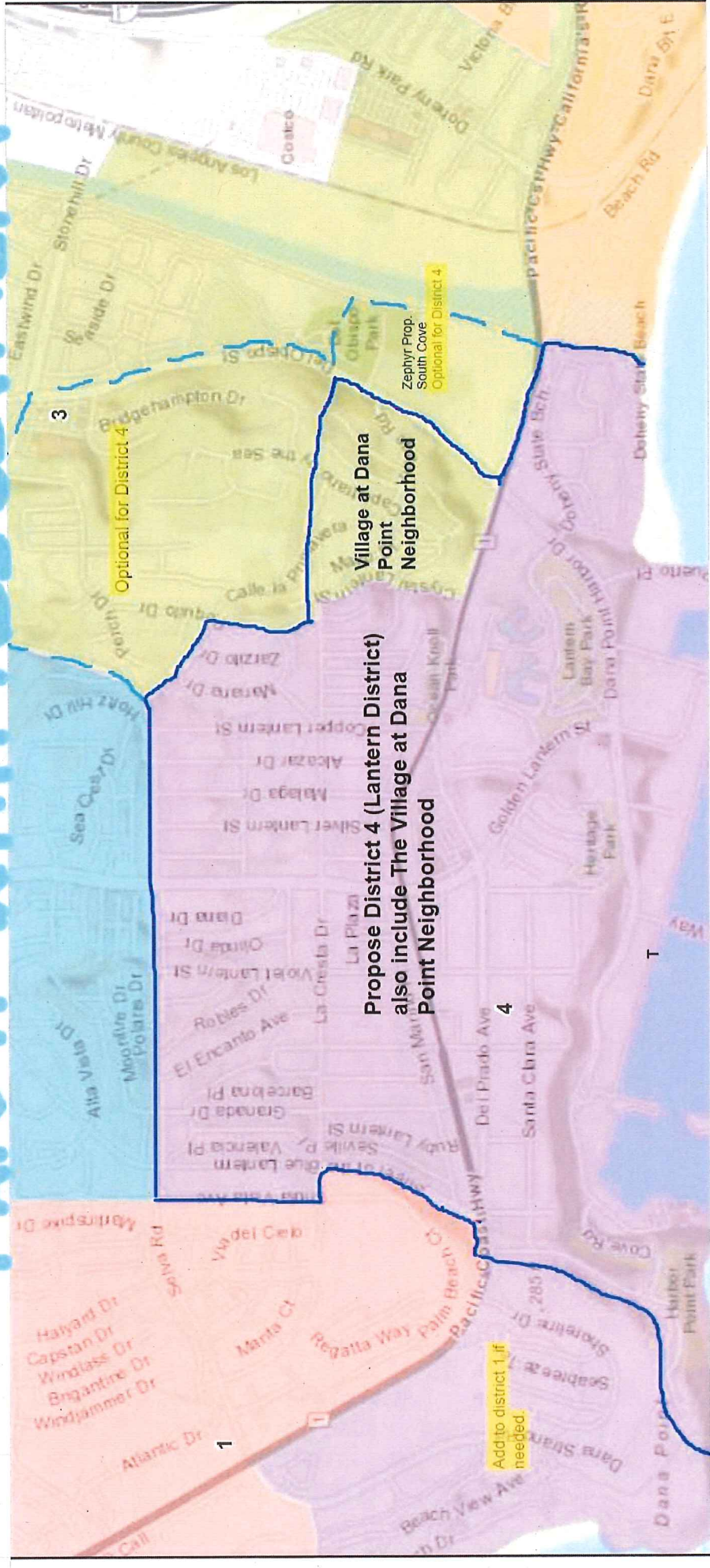
- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.

Sincerely,

/s/Robert Buaas





## BOBBI OGAN

---

**From:** Kimberly <galceran1@aol.com>  
**Sent:** Monday, April 23, 2018 4:38 AM  
**To:** districting  
**Subject:** Concern with districting map

Hello,

my name is Kimberly Hernandez  
I live at 25362 Village rd Dana Point

I live in the neighborhood HOA called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.

We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).

There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.

We are directly impacted by events in the Harbor and Lantern District areas.

Concerns and issues associated with these areas impact us due to proximity.

We can view and walk to these areas from our homes.

Shopping and use of personal services is done primarily in these areas.

Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.  
To date, the following Map options most closely represent our wishes:

For the 4 District, at large Mayor Option

Map Option Pine III

Map Option Pine IV.

For the 5 District, Council Elected Mayor Option

Map Option Tan II (with adjustments. See Attached!)

Map Option Orange II.

If you vote to use Map Option Tan II, please consider the following border adjustments:

Shift the Border between District 1 and 4 to Street of the Green Lantern.

Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.

If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.

Kimberly Hernandez  
949 887-7013

## **BOBBI OGAN**

---

**From:** brandon.day@wellsfargoadvisors.com  
**Sent:** Friday, April 20, 2018 11:10 AM  
**To:** districting  
**Subject:** District Maps IV

I just wanted to voice my support for the Tan IV map. This map will satisfy the 5 district requirement, enough said! I am completely opposed to both Oak and Pine IV, the proposed 4/1 idea is not only not in the full faith of the law, which could cause us to be sued, but is also unfair to the Hispanic community (the main focus of the law).

Additionally, the tactics of the Capo Cares army and their rudeness over the issue should also be a factor in not approving the 4/1 format. They are bullies and they only represent 17% of the population but somehow manage to get 42% of the CIP budget. The time has come to stop this and get our fiscal house in order (proportional spending based on need, not desire).

Glad, finally, that some of us in Monarch Beach spoke up at the last council meeting. We don't live in Capo and if Capo wants to spin off, go ahead please! But they have serious fiscal and structural issues that only can be fixed by: 1) Cutting services; 2) Raise an assessment for 92624 or 3) Stop the anti-growth attitude down there and build, so we can build revenue, so all residents get the services they require.

Brandon Day  
24051 Tiburon  
Dana Point, CA 92629  
Email – Brandon\_day@msn.com  
Cell 949-899-0964

Brandon M. Day, AAMS  
Senior Vice President - Investment Officer  
Wells Fargo Advisors  
27201 Puerta Real, Suite 220  
Mission Viejo, CA 92691  
(949)282-2680  
Toll Free 877-226-5163  
Fax (949)582-3957

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## BOBBI OGAN

---

**From:** Linda Traylor <Linda\_Traylor@msn.com>  
**Sent:** Monday, April 23, 2018 11:16 AM  
**To:** districting  
**Subject:** Districting

Hello,

My name is Linda Traylor, I live in the Village.

I live in the neighborhood HOA called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us. Instead, we should be considered as part of the Lantern District for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.
- We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.
- We are directly impacted by events in the Harbor and Lantern District areas.
  - Concerns and issues associated with these areas impact us due to proximity.
  - We can view and walk to these areas from our homes.
  - Shopping and use of personal services is done primarily in these areas.
  - Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option. To date, the following Map options most closely represent our wishes:

- For the 4 District, at large Mayor Option
  - Map Option Pine III
  - Map Option Pine IV.
- For the 5 District, Council Elected Mayor Option
  - Map Option Tan II (***with adjustments. See Attached!***)
  - Map Option Orange II.

If you vote to use **Map Option Tan II**, please consider the following border adjustments:

- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.

*Linda Traylor*

**BOBBI OGAN**

---

**From:** Judith Burns <jobbfp@gmail.com>  
**Sent:** Monday, April 23, 2018 3:13 PM  
**To:** districting  
**Cc:** Judith Burns  
**Subject:** districting areas for the City as effects 34022 Bedford Lane, the Village at Dana Point  
**Attachments:** Tan II with adjustments (optional area included).png; Tan II with adjustments (optional area included).pdf

City of Dana Point,

I live in the above HOA and we are located at the area of Del Obispo and Pacific Coast Highway, directly across from the entrance to the Harbor. The new South Cove Community by Zephyr Properties is across the street from our Community.

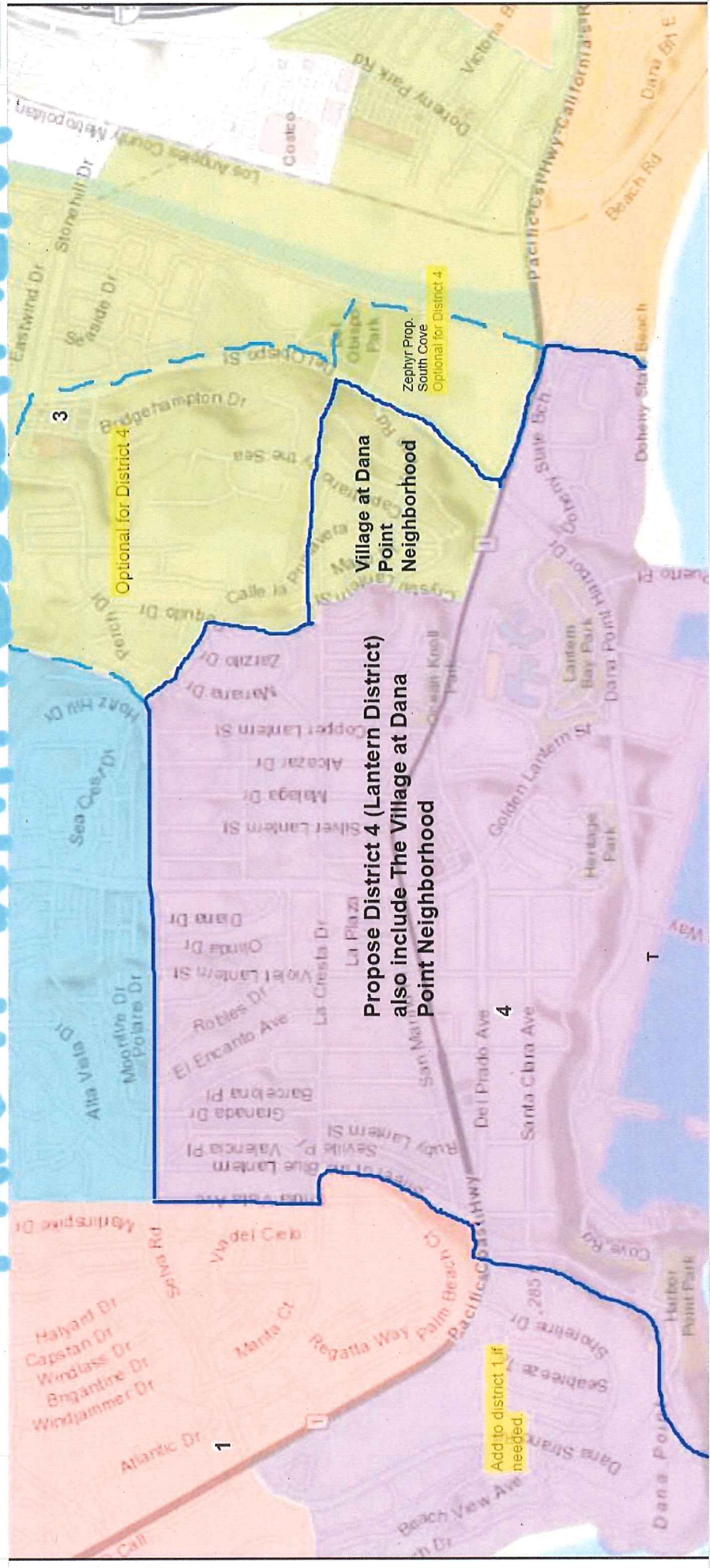
My concerns are that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. Shown as District 3 for the 5 District option and District 2 for the 4 District option. These areas are not geographically located near us because there are open land and physical barriers.

Instead, we should be considered as part of the Lantern District because we walk the areas and have Friends that we have commonality with because we share the same issues and concerns as relate to Dana Point. This would not be true of the other areas.

Please vote to use **Map Option Tan II**, with their border adjustments or expand into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you,

Judith O Burns



## BOBBI OGAN

---

**From:** Shirley Tenger <tenger@earthlink.net>  
**Sent:** Monday, April 23, 2018 1:32 PM  
**To:** districting  
**Subject:** Districting  
**Attachments:** 3AA6AACF-44DD-437E-B1A3-3A0F58BBB098.png

Hello,

My address is 34082 Cambridge Road

I live in the neighborhood HOA called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us.

Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.

We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).

There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.

We are directly impacted by events in the Harbor and Lantern District areas.

Concerns and issues associated with these areas impact us due to proximity.

We can view and walk to these areas from our homes.

Shopping and use of personal services is done primarily in these areas.

Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.

To date, the following Map options most closely represent our wishes:

For the 4 District, at large Mayor Option

Map Option Pine III

Map Option Pine IV.

For the 5 District, Council Elected Mayor Option

Map Option Tan II (with adjustments. See Attached!)

Map Option Orange II.

If you vote to use Map Option Tan II, please consider the following border adjustments:

Shift the Border between District 1 and 4 to Street of the Green Lantern.

Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.

If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

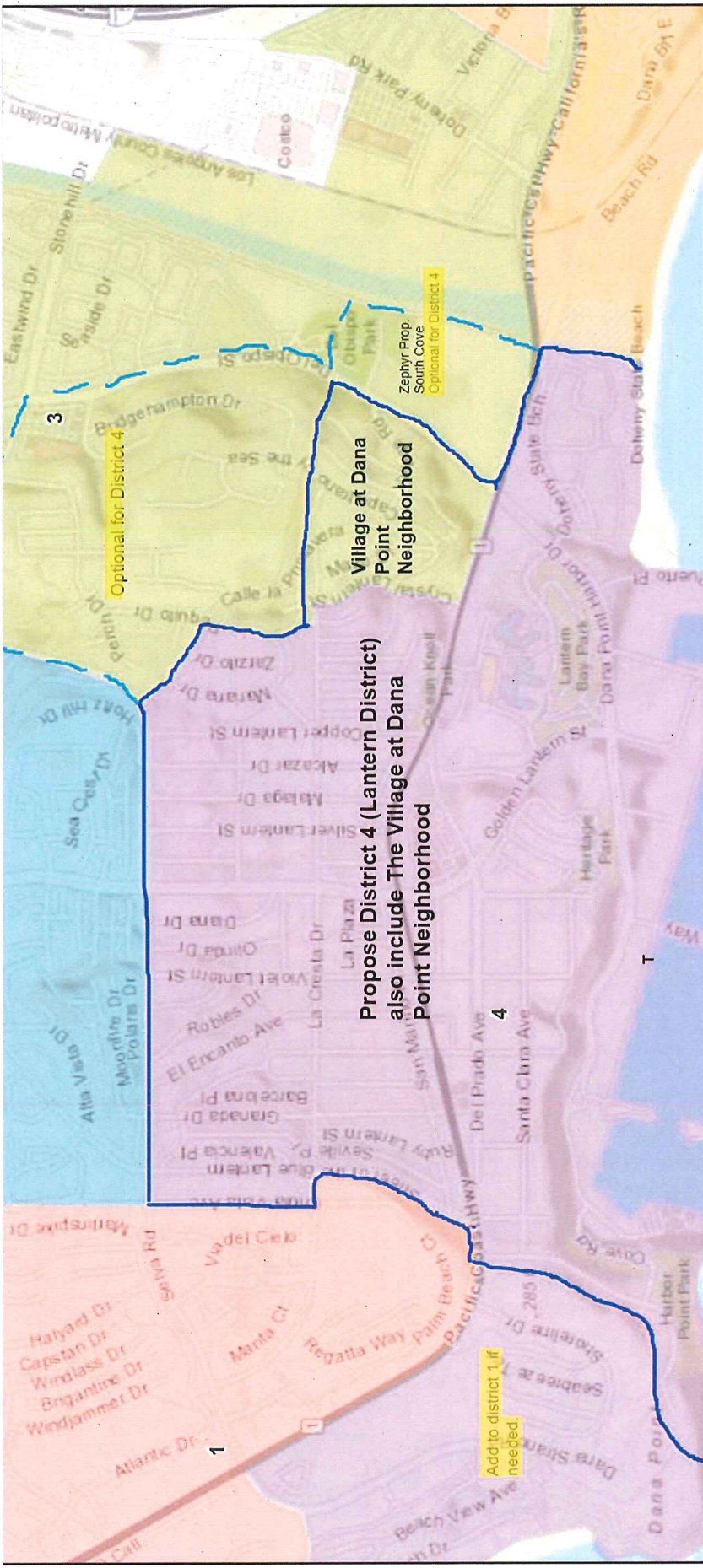
Thank you for your consideration.

Shirley & Peter Tenger

Shirley Tenger, CRS, GRI, SRES  
Berkshire Hathaway Home Services  
California Properties  
2 Ritz Carlton Drive, Ste 201  
Monarch Beach, CA 92629  
CalBre#00902612 CalBre#01317331



To enter data on this form, click anywhere and begin typing. Click 'DONE' to proceed.



**BOBBI OGAN**

---

**From:** Karyl Moncur <kmoncur@estream.com>  
**Sent:** Monday, April 23, 2018 2:41 PM  
**To:** districting  
**Subject:** FW: Concern over City's District Map Suggestions for the Bal Harbour at Dana Point!  
**Attachments:** Tan II with adjustments (optional area included).pdf

To Whom It Concerns,

My name is Karyl Moncur of 11 Midnight Lane, Dana Point.

I live in the neighborhood HOA called the Bal Harbour at Dana Point. We are located on the hilltop at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

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- We are directly impacted by events in the Harbor and Lantern District areas!!!
  - Concerns and issues associated with these areas impact us due to proximity.
  -

We can view and walk to these areas from our homes.

- Shopping and use of personal services is done primarily in these areas.

- Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.

To date, the following Map options most closely represent our wishes:

- For the 4 District, at large Mayor Option

- Map Option Pine III

- Map Option Pine IV.

- For the 5 District, Council Elected Mayor Option

- Map Option Tan II (with adjustments. See Attached!)

- Map Option Orange II.

If you vote to use Map Option Tan II, please consider the following border adjustments:

- Shift the Border between District 1 and 4 to Street of the Green Lantern.

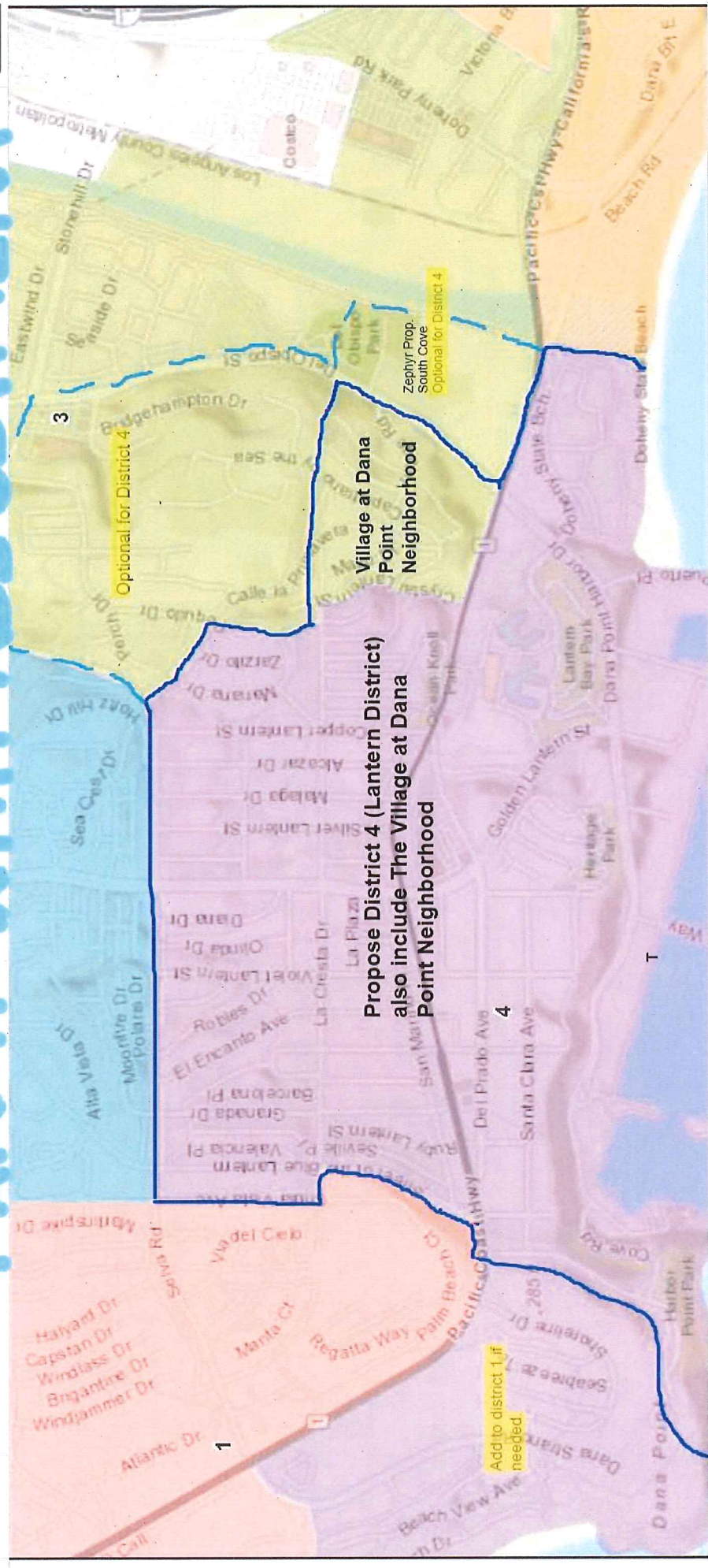
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.

- If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.

Karyl Moncur





## BOBBI OGAN

---

**From:** Jenene Rudder <jenenerudder@yahoo.com>  
**Sent:** Friday, April 20, 2018 4:46 PM  
**To:** districting  
**Subject:** Fw: Map Preference and Additional Suggestions  
**Attachments:** Tan II with adjustments.png; Tan II with adjustments (optional area included).png; Tan II with adjustments (optional area included).pdf; Tan II with adjustments.pdf

Please use the below map examples for Tan II.  
I mistakenly sent an unaltered map in previous email.

----- Forwarded Message -----

**From:** Jenene Rudder <jenenerudder@yahoo.com>  
**To:** districting@danapoint.org <districting@danapoint.org>  
**Sent:** Friday, April 20, 2018, 4:43:37 PM PDT  
**Subject:** Map Preference and Additional Suggestions

Hello,

My address is 34122 Bedford Lane. My home is located on the hillside at the corner of PCH and Del Obispo directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is being constructed across from our community. Our neighborhood HOA is called The Village at Dana Point.

Several of the district maps you have posted have our neighborhood aligned with either District 3 (for the 5 District Options) or District 2 (for the 4 District options). I have met with several neighbors and we feel this does not place us in the appropriate district for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not go through Stonehill to Del Obispo.
- We are directly impacted by events in the harbor and Lantern districts and associate ourselves more with those areas of Dana Point.
  - Our shopping and use of personal services are done primarily in the Lantern and Harbor areas.
  - Concerns and issues associated with the Harbor directly impact us due to proximity. (We can view and walk there from our homes)
  - The PCH area parallel with the harbor directly impacts us. (Traffic and future construction considerations are of extreme importance to our area)
- There is also a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from the area by Stonehill and Del Obispo.

For those reasons, we would like to be included in the Lantern/Harbor Districts for any adopted option.

The following Map options most closely represent our wishes:

- For 4 Districts with an at large Mayor, Map Option Pine III or Map Option Pine IV.
- For 5 Districts, Map Option Orange II or Map Option Tan II (*with adjustments*).

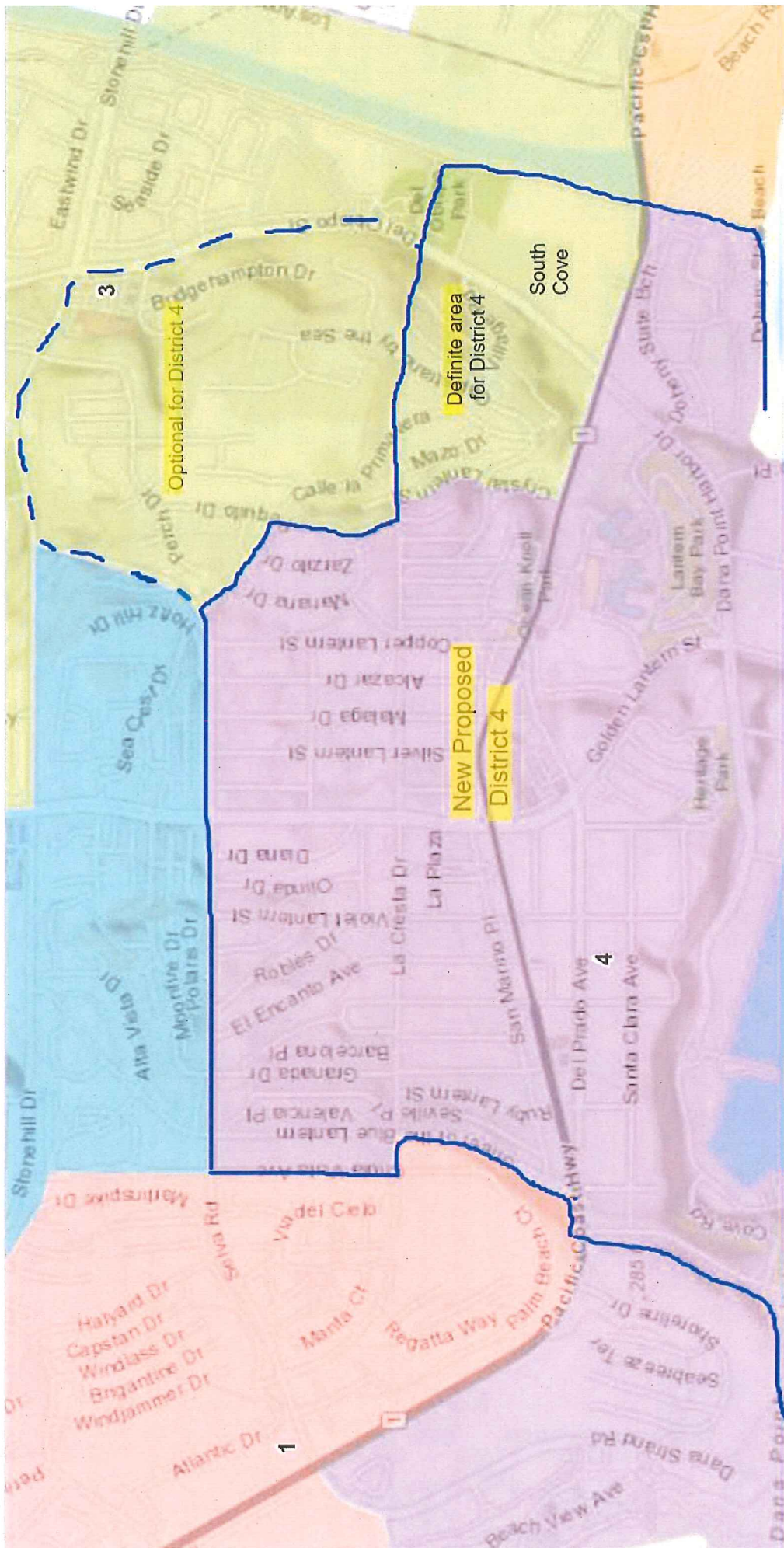
I am enclosing a modified version of the Map Option Tan II. If you decide to go this route, please consider the following border adjustments:

- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work consider expanding into the area marked optional on my attached map. South Cove can also be excluded since I did not get direct feedback from their community on their wishes.
- I have attached two PDF's to demonstrate these changes to Map Option Tan II.

Thank you for your consideration. Please feel free to contact me if necessary. Cell 703-403-5958.

Jenene Rudder





## BOBBI OGAN

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**From:** Jenene Rudder <jenenerudder@yahoo.com>  
**Sent:** Friday, April 20, 2018 4:49 PM  
**To:** districting  
**Subject:** Fw: Map Preference and Additional Suggestions  
**Attachments:** Tan II with adjustments.png; Tan II with adjustments (optional area included).png; Tan II with adjustments (optional area included).pdf

Apologize again...please see Map attachment below.

----- Forwarded Message -----

**From:** Jenene Rudder <jenenerudder@yahoo.com>  
**To:** districting@danapoint.org <districting@danapoint.org>  
**Sent:** Friday, April 20, 2018, 4:43:37 PM PDT  
**Subject:** Map Preference and Additional Suggestions

Hello,

My address is 34122 Bedford Lane. My home is located on the hillside at the corner of PCH and Del Obispo directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is being constructed across from our community. Our neighborhood HOA is called The Village at Dana Point.

Several of the district maps you have posted have our neighborhood aligned with either District 3 (for the 5 District Options) or District 2 (for the 4 District options). I have met with several neighbors and we feel this does not place us in the appropriate district for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not go through Stonehill to Del Obispo.
- We are directly impacted by events in the harbor and Lantern districts and associate ourselves more with those areas of Dana Point.
  - Our shopping and use of personal services are done primarily in the Lantern and Harbor areas.
  - Concerns and issues associated with the Harbor directly impact us due to proximity. (We can view and walk there from our homes)
  - The PCH area parallel with the harbor directly impacts us. (Traffic and future construction considerations are of extreme importance to our area)
- There is also a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from the area by Stonehill and Del Obispo.

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- For 5 Districts, Map Option Orange II or Map Option Tan II (*with adjustments*).

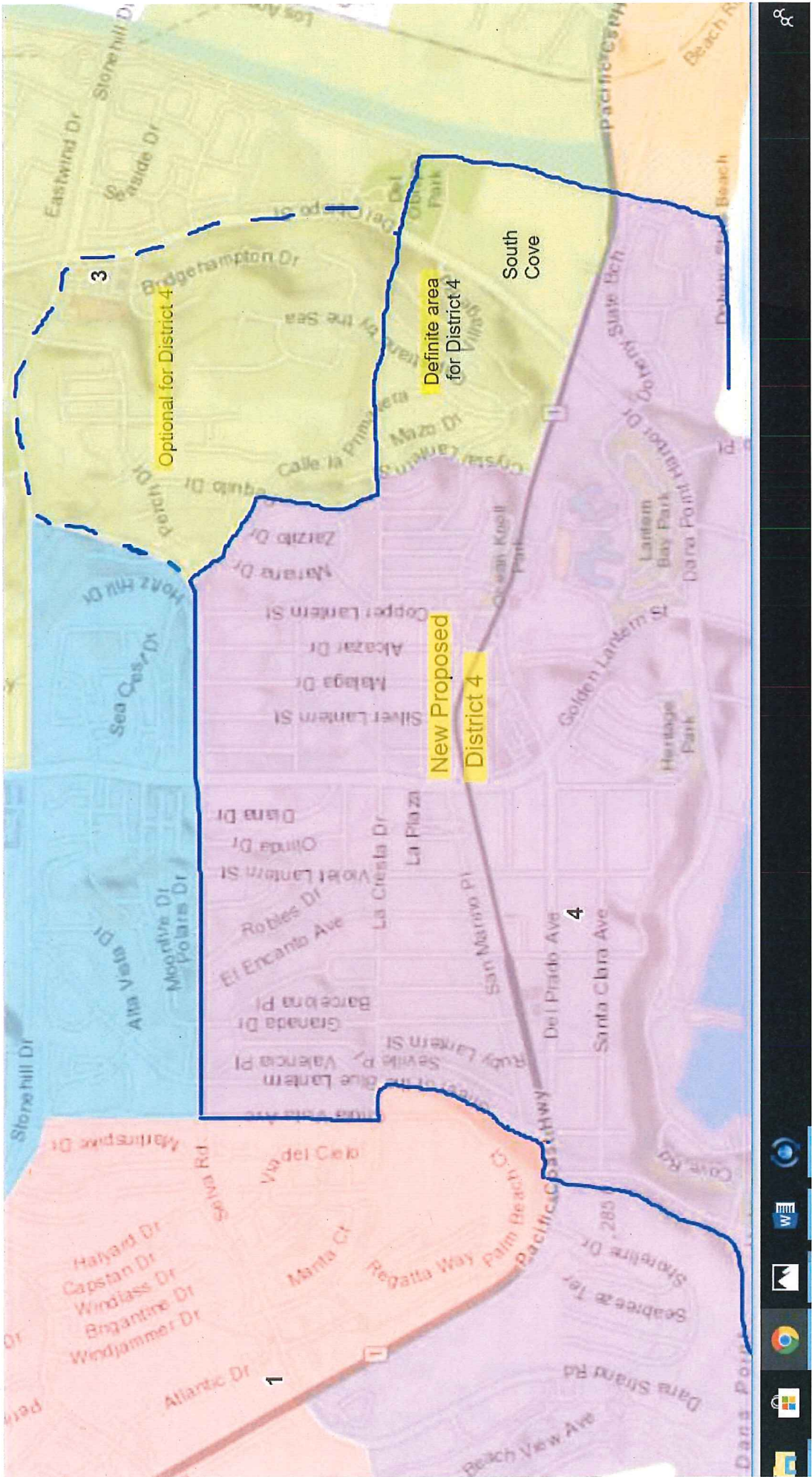
I am enclosing a modified version of the Map Option Tan II. If you decide to go this route, please consider the following border adjustments:

- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work consider expanding into the area marked optional on my attached map. South Cove can also be excluded since I did not get direct feedback from their community on their wishes.
- I have attached two PDF's to demonstrate these changes to Map Option Tan II.

Thank you for your consideration. Please feel free to contact me if necessary. Cell 703-403-5958.

Jenene Rudder





3

Optional for District 4

Definite area for District 4

South Cove

New Proposed District 4

4

1

## BOBBI OGAN

---

**From:** Cliff Rudder <cjrudder2@gmail.com>  
**Sent:** Sunday, April 22, 2018 10:32 PM  
**To:** districting  
**Subject:** Fwd: Important: Please read. Concern over City's District Map Suggestions for the Village at Dana Point!  
**Attachments:** Tan II with adjustments (optional area included).png; Tan II with adjustments (optional area included).pdf

Hello,

My Name is: Cliff Rudder

My address is: 34122 Bedford Lane Dana Point CA

I live in the neighborhood HOA called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.
- We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.
- We are directly impacted by events in the Harbor and Lantern District areas.
  - Concerns and issues associated with these areas impact us due to proximity.
  - We can view and walk to these areas from our homes.
  - Shopping and use of personal services is done primarily in these areas.
  - Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.

To date, the following Map options most closely represent our wishes:

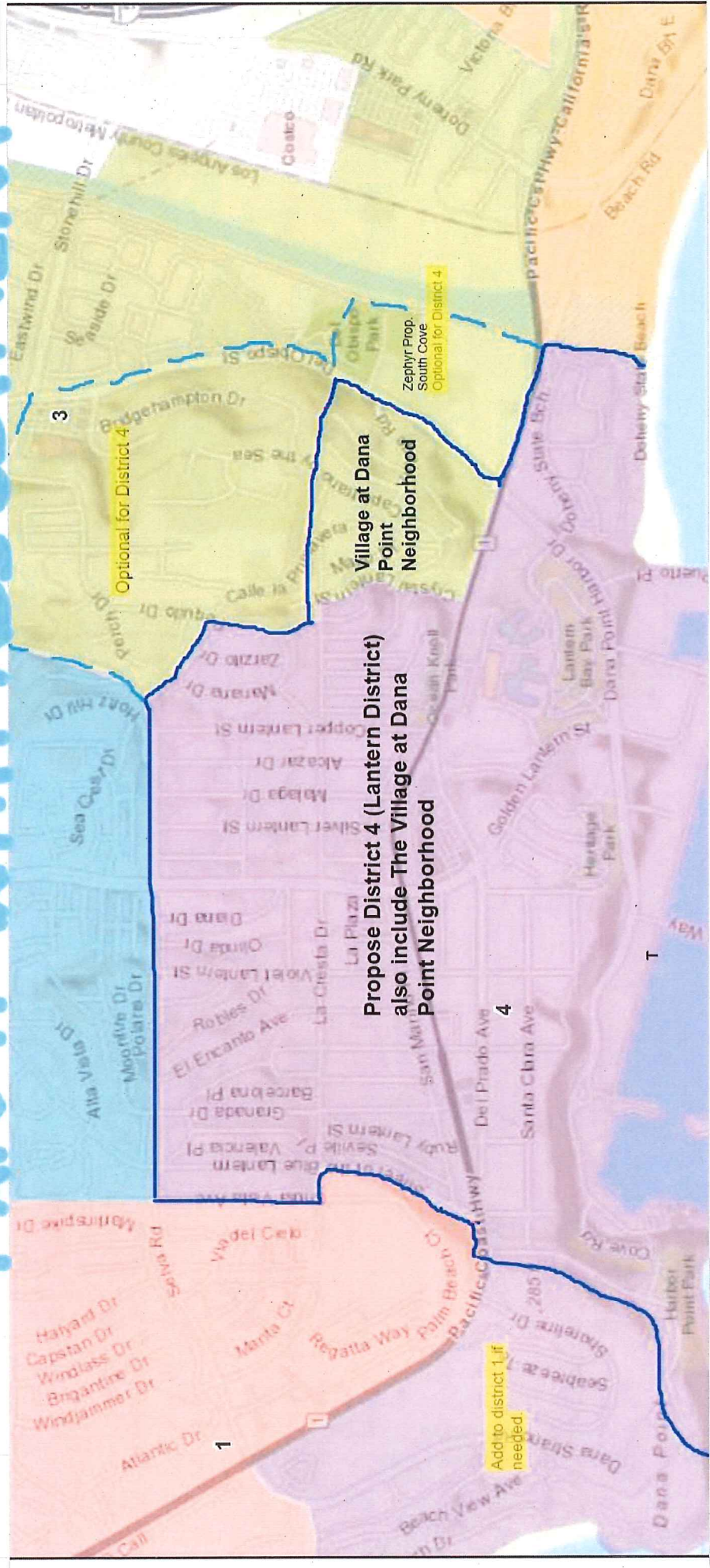
- For the 4 District, at large Mayor Option
  - Map Option Pine III
  - Map Option Pine IV.
- For the 5 District, Council Elected Mayor Option
  - Map Option Tan II (**with adjustments. See Attached!**)
  - Map Option Orange II.

If you vote to use **Map Option Tan II**, please consider the following border adjustments:



- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.



## BOBBI OGAN

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**From:** Jenene Rudder <jenenerudder@yahoo.com>  
**Sent:** Friday, April 20, 2018 4:44 PM  
**To:** districting  
**Subject:** Map Preference and Additional Suggestions  
**Attachments:** Tan II with adjustments.png; Tan II with adjustments (optional area included).png; Tan II with adjustments - Copy.pdf; Tan II with adjustments (optional area included).pdf

Hello,

My address is 34122 Bedford Lane. My home is located on the hillside at the corner of PCH and Del Obispo directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is being constructed across from our community. Our neighborhood HOA is called The Village at Dana Point.

Several of the district maps you have posted have our neighborhood aligned with either District 3 (for the 5 District Options) or District 2 (for the 4 District options). I have met with several neighbors and we feel this does not place us in the appropriate district for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not go through Stonehill to Del Obispo.
- We are directly impacted by events in the harbor and Lantern districts and associate ourselves more with those areas of Dana Point.
  - Our shopping and use of personal services are done primarily in the Lantern and Harbor areas.
  - Concerns and issues associated with the Harbor directly impact us due to proximity. (We can view and walk there from our homes)
  - The PCH area parallel with the harbor directly impacts us. (Traffic and future construction considerations are of extreme importance to our area)
- There is also a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from the area by Stonehill and Del Obispo.

For those reasons, we would like to be included in the Lantern/Harbor Districts for any adopted option.

The following Map options most closely represent our wishes:

- For 4 Districts with an at large Mayor, Map Option Pine III or Map Option Pine IV.
- For 5 Districts, Map Option Orange II or Map Option Tan II (*with adjustments*).

I am enclosing a modified version of the Map Option Tan II. If you decide to go this route, please consider the following border adjustments:

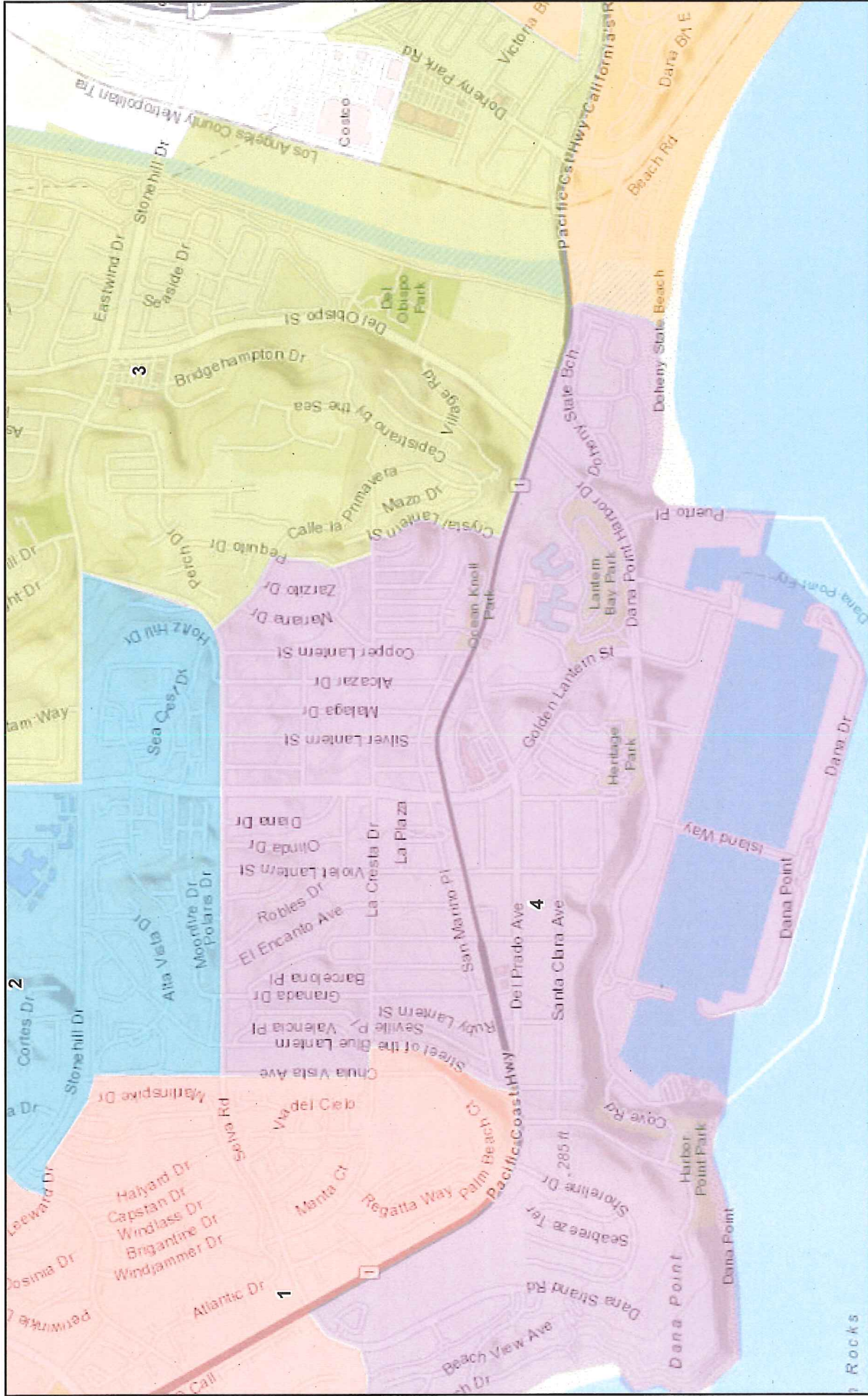
- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work consider expanding into the area marked optional on my attached map. South Cove can also be excluded since I did not get direct feedback from their community on their wishes.
- I have attached two PDF's to demonstrate these changes to Map Option Tan II.

Thank you for your consideration. Please feel free to contact me if necessary. Cell 703-403-5958.

Jenene Rudder



# Tan II with adjustments

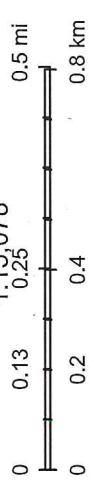


April 20, 2018

Tan II

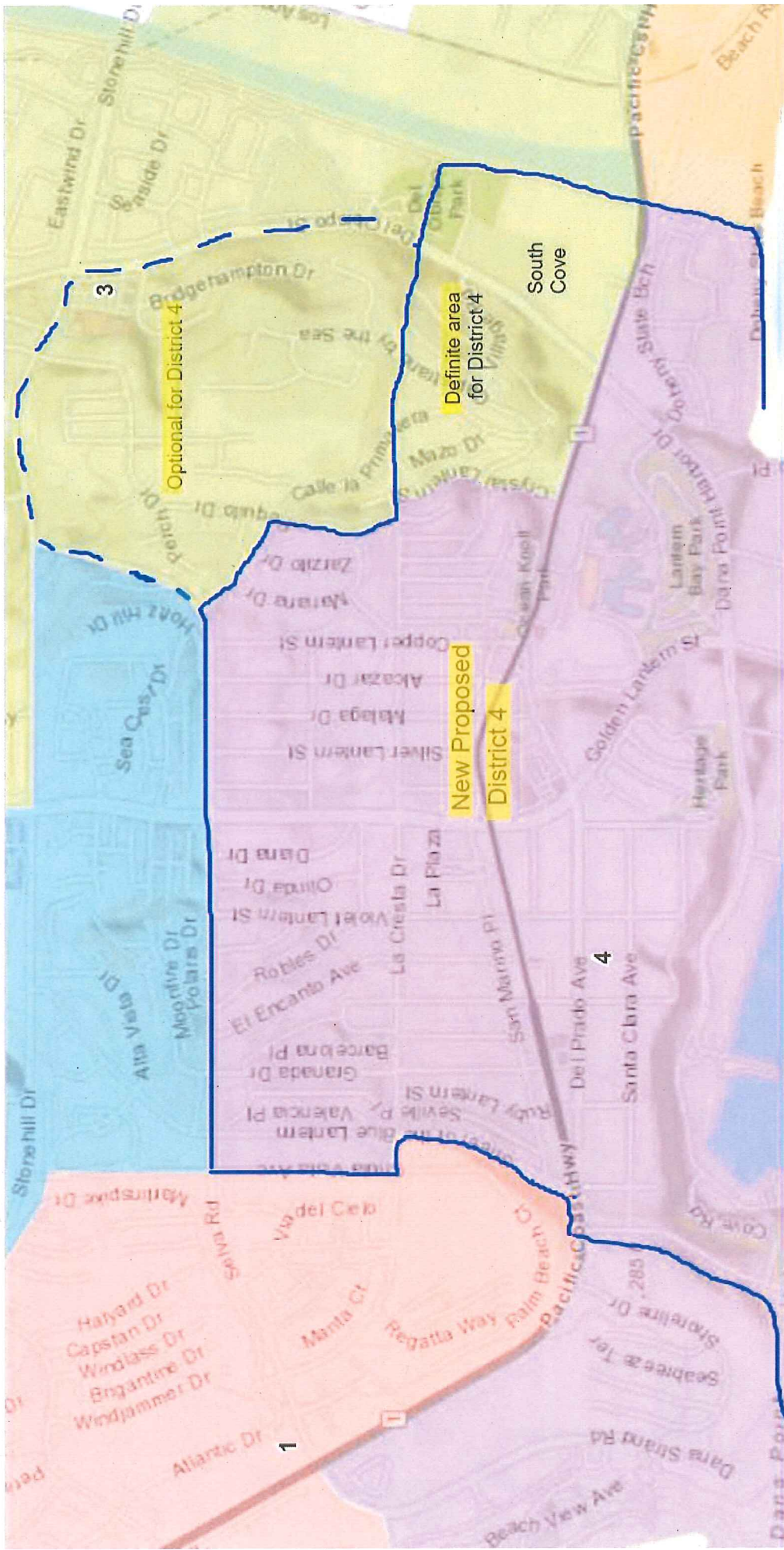
- Override 1
- Override 2
- Override 3
- Override 4
- Override 5

1:15,078



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri





Optional for District 4

Definite area for District 4

New Proposed District 4

South Cove

1

3

4



**BOBBI OGAN**

---

**From:** Barry Vaniel <barryvaniel@gmail.com>  
**Sent:** Monday, April 23, 2018 8:00 AM  
**To:** districting  
**Subject:** New Districts within Dana Point

Hello,

My Name is Barry Vaniel

My address is 25382 Village Road, Dana Point

I live in the neighborhood HOA called the Village at Dana Point.

*My home is located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor.*

The new South Cove Community by Zephyr Properties is located across Del Obispo Street from our community.

I have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option): This is a major concern for us. **WE SHOULD NOT BE INCLUDED IN THE DOHNEY OR STONEHILL DISTRICTS.** Neither of these areas is in close proximity to us and both have physical or open land areas that separate us.

**Instead, we should be considered as part of the Lantern District for the following reasons:**

- I primarily enter our neighborhood via US 1 and PCH.
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular.
- There is also open space that separates us from Stonehill.
- **We are directly impacted by events in the Harbor and Lantern District areas.**
  - Concerns and issues associated with these areas impact us due to proximity.
  - We can view and walk to these areas from our homes.
  - Shopping and use of personal services are done primarily in these areas.
  - Traffic and future construction or development considerations along this area are of extreme importance to us.

I would like to be included in the Lantern/Harbor Districts for any adopted option.

Thank you for your consideration.

Barry Vaniel

## BOBBI OGAN

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**From:** Susan Swayze <susanaswayze@gmail.com>  
**Sent:** Monday, April 23, 2018 8:54 AM  
**To:** districting  
**Subject:** Potential Impact of Districting on the Village at Dana Point Neighborhood  
**Attachments:** Tan II with adjustments (optional area included).png

Dear Dana Point City Council Members,

I currently live in the Dana Point neighborhood called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

**Our neighborhood has major concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas.** (District 3 for the 5 District Option/District 2 for the 4 District option). **Neither of these areas are in close proximity to us and both have physical or open land areas that separate us which are criteria that the CVRA strongly suggests be considered when drawing up districts.**

Instead, we should be included as part of the Lantern District for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.
- We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.
- We are directly impacted by events in the Harbor and Lantern District areas in the following ways:
  - Concerns and issues associated with these areas impact us due to proximity.
  - We can view and walk to these areas from our homes.
  - Shopping and use of personal services is done primarily in these areas.
  - Traffic and future construction or development considerations along this area are of extreme importance to us.

To date, the following Map options most closely represent our wishes:

- For the 4 District, at large Mayor Option
  - Map Option Pine III
  - Map Option Pine IV.
- For the 5 District, Council Elected Mayor Option
  - Map Option Tan II (**with adjustments. See Attached!**)
  - Map Option Orange II.

If you vote to use **Map Option Tan II**, please consider the following border adjustments:

- Shift the Border between District 1 and 4 to Street of the Green Lantern.
- Shift the Border between District 4 and 3 to continue along La Cresta to Dartmouth Lane to Del Obispo Park.
  - If that shift does not work alone, please consider expanding into some or all of the areas marked optional on the attached Updated Tan II map.

Thank you for your consideration.

Susan Swayze

34112 Cambridge Road

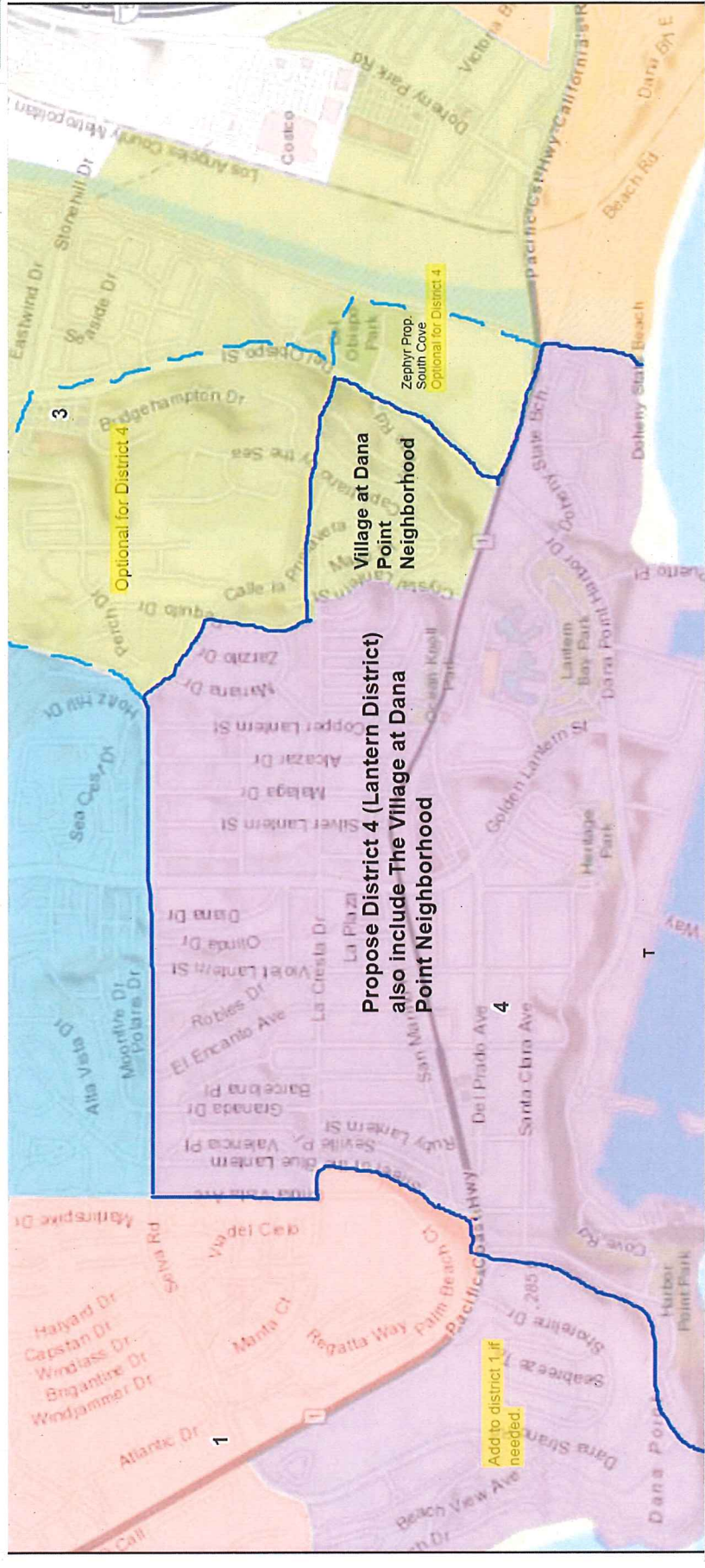
Dana Point, CA 92629

[susanaswayze@gmail.com](mailto:susanaswayze@gmail.com)

(c) 240-447-6925



To enter data on this form, click anywhere and begin typing. Click 'DONE' to proceed.



**BOBBI OGAN**

---

**From:** Terry Walsh <walshtew@hotmail.com>  
**Sent:** Tuesday, April 24, 2018 2:55 PM  
**To:** districting; RICHARD VICZOREK; Debra Lewis; JOE MULLER; JOHN TOMLINSON; Paul Wyatt  
**Subject:** Re: 3rd draft, districting maps

As we cannot attend the meeting Wednesday night, please assure that our critique is included in the feedback to the demographer. He told me at the last meeting at the community center that he had not received any of the e mails or feedback from the first set of maps.

=====

Critique of Maps 4-22-2018

Tan II is totally unacceptable as it cuts us off in Monarch Beach HOA from the rest of the HOA. I live near Atun.

Tan III is acceptable to me as a resident of the Monarch Beach HOA as it keeps us together. However, it cuts Niguel Shores HOA at PCH..

Tan IV is the same comment as Tan III.

Original Tan is best for the Monarch Beach area with a minor change in the Monarch Beach HOA that is in Tan IV.

We reject maps Oak IV, Pine IV, and all other maps with four districts as We want to keep our mayor selected the same as we have today with a new mayor annually selected by the other council members.

Until we decide to take the legal risk and create the rules for the mayor and, then vote to go to four districts and the mayor selected at large, it seems a waste of time to continue to make maps with four districts.

Terry and Lee Walsh

32722 Ballena

Dana Point, Ca. 92629

E mail [walshtew@hotmail.com](mailto:walshtew@hotmail.com)

Home Phone 949-493-7118

## BOBBI OGAN

---

**From:** Janet Barnett <janetbarnett@cox.net>  
**Sent:** Monday, April 23, 2018 9:12 AM  
**To:** districting  
**Subject:** re districting

Hello,

Our name is Dennis & Janet Barnett and our address is: 34132 Capistrano by the Sea in Dana Point.

I live in the neighborhood HOA called the Village at Dana Point. We are located on the hillside at the corner of PCH and Del Obispo, directly across from the main entrance to the Harbor. The new South Cove Community by Zephyr Properties is located across from our community.

We have concerns that several of the proposed district maps have our neighborhood aligned with the Doheny Village and Stonehill areas. (District 3 for the 5 District Option/District 2 for the 4 District option). This is of huge concern for us. Neither of these areas are in close proximity to us and both have physical or open land areas that separate us.

Instead, we should be considered as part of the Lantern District for the following reasons:

- We primarily enter our neighborhood via US 1 and PCH. We do not use Stonehill to Del Obispo.
- We have two entrances to our neighborhood: One immediately off PCH, the other off Crystal Lantern Street (within the Lantern District).
- There is a physical barrier (San Juan Creek) that separates us from Capo Beach and Doheny Village in particular. There is also open space that separates us from Stonehill.
- We are directly impacted by events in the Harbor and Lantern District areas.
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  - We can view and walk to these areas from our homes.
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  - Traffic and future construction or development considerations along this area are of extreme importance to us.

We would like to be included in the Lantern/Harbor Districts for any adopted option.

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Thank you for your consideration.

