

## KATHY WARD

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**From:** David <sanoyahu@yahoo.com>  
**Sent:** Wednesday, March 21, 2018 6:27 PM  
**To:** KATHY WARD  
**Subject:** Dividing Dana Point into election Districts

I strongly oppose dividing Dana Point into election districts.

I understand opposing redistricting involves litigation, but opposing is the right thing for Dana Point to do.

Voting by district is appropriate where it's appropriate. It's not appropriate for Dana Point.

David Drenick  
33312 Mesa Vista Drive  
Dana Point, CA 92629

Agenda Item No. 11  
4/3/18

**From:** Jill Donello <jill.donello@cox.net>  
**Date:** March 25, 2018 at 1:50:08 PM PDT  
**To:** <kward@danapoint.org>  
**Subject:** ReDistricting

Dana Point City Council,

I regret that I will not be able to attend the meeting on 4/3 to discuss the re-districting maps.

As a 20+ year resident of Dana Point, I'm disappointed in the process used to make changes to our voting processes. I attended the last meeting and was shocked by some council representatives opinion that an open forum with residents is not appropriate when a city is deciding on voting processes for its citizens.

Even if you believe your opinion and "expert assessment" is all that is needed to make these decisions and that public comment will not sway your vote, to state that the residents should not be informed or listened to is frankly appalling. Your job is to inform and educate and to listen in order to represent your constituents. How can you represent if you are not available to inform and listen?

As to the redistricting issue, I'm opposed to moving forward without valid reasons on how this change will lead to better representation and equity for our city. If the city council does decide to move forward, I support the motion to have 4 districts and 1 mayor at-large.

The change being pushed forward is not one to be taken lightly. Thank you to the council members who have taken the time to educate, update and listen to residents. An educated populace is fundamental to democracy and we rely on our elected officials to keep us informed of the issues.

Jill Donello

Agenda Item No. 11  
April 3, 2018

**From:** Jill Richardson <[Jilllivinglarge@cox.net](mailto:Jilllivinglarge@cox.net)>

**Date:** March 30, 2018 at 3:42:28 PM PDT

**To:** <[Kward@Danapoint.org](mailto:Kward@Danapoint.org)>

**Subject:** districting in Dana Point

Hello,

The decision on districting in Dana Point, needs to be fully detailed. Before reaching a decision, the Council should fully inform residents and attempt to achieve the best possible solution for the residents of Dana Point. Informing the citizens is priority number one.

Thank you,

Jill Richardson

Agenda Item No. 11  
April 3, 2018

**From:** Nadia Starner Travel <[bchcities@outlook.com](mailto:bchcities@outlook.com)>

**Date:** March 30, 2018 at 7:21:09 PM PDT

**To:** "[Kward@danapoint.org](mailto:Kward@danapoint.org)" <[Kward@danapoint.org](mailto:Kward@danapoint.org)>

**Subject:** District voting green msp

Not okay with this.

Nadia khalil

Capo beach resident

Agenda Item No. 11

April 3, 2018



**From:** Maryellen Marsh <[marshmellon8@gmail.com](mailto:marshmellon8@gmail.com)>

**Date:** March 30, 2018 at 10:29:55 PM PDT

**To:** [Kward@danapoint.org](mailto:Kward@danapoint.org)

**Subject:** Green Map

Hello Ms. Ward

As a representative of our Capo Beach neighborhood, I'm writing to let you know that we are opposed to the green map. Please reconsider. It is not a good plan!

We'll be at the meeting to represent our neighborhood.

Hope you're on our side.

Regards,

Maryellen Marsh

Sent from my iPhone

Agenda Item No. 11  
April 3, 2018

**From:** Carole Weling <[weling6659@gmail.com](mailto:weling6659@gmail.com)>

**Date:** March 31, 2018 at 10:24:44 AM PDT

**To:** KATHY WARD <[Kward@danapoint.org](mailto:Kward@danapoint.org)>

**Subject:** DISTRICTING

KATHY --- Jim and Carole Weling of Capistrano Beach do not agree with the current districting.

It is a clear attempt by the city to dilute the voice of the Capo Cares organization.

Carole Weling/James Weling  
34866 Doheny Place  
Capistrano Beach.

CAPISTRANO BEACH SHOULD CONSIDER APPROACHING SAN CLEMENTE FOR AN ANNEXATION

Agenda Item No. 11  
*April 3, 2018*

**From:** truudy@aol.com

**Date:** March 31, 2018 at 9:27:00 AM PDT

**To:** kward@danapoint.org

**Subject:** April 3 Agenda - Item 11

If I have to decide & weigh in on this, I choose four (4) districts and to vote for a mayor elected by all of us!

However, I do not approve of making our small town into any districts for voting purposes. Why would anyone cave to some attorney in La Jolla without first doing full due diligence and full discovery as to whether his claims were even correct? Sounds like we are stuck now with again ridiculous decision making by our politicians.

I've been here since 1975 and this splits up our town unnecessarily. Unconscionable behavior on the part of our City Attorney and Council Members!

Respectfully submitted,  
Trudy Daverso

Agenda Item No. 11  
April 3, 2018

**From:** lynn smith <[smittycapobeach@hotmail.com](mailto:smittycapobeach@hotmail.com)>  
**Date:** March 31, 2018 at 9:22:06 AM PDT  
**To:** "[Kward@danapoint.org](mailto:Kward@danapoint.org)" <[Kward@danapoint.org](mailto:Kward@danapoint.org)>  
**Subject:** re-district topic

Hello Kathy,

The map that the current city council is going to try to push a vote on is amess. why would it divide up capo beach and put part of our area, into the lantern district. this is a "cluster" that does not make sense. Capo Beach should stay together as the community it is. PLease let al the concilknow this is not what the community wants. The council's job is to represent the ciizens not themselves.

thank you

lynn smith  
capistrano beach  
1971-present

Agenda Item No. 11

April 3, 2018

**From:** Michael Hoffman <[43saintmichael@gmail.com](mailto:43saintmichael@gmail.com)>

**Date:** March 31, 2018 at 8:34:12 AM PDT

**To:** [kward@danapoint.org](mailto:kward@danapoint.org)

**Subject:** April 3

On the April 3rd agenda item 11 the  
4 district plan is GOOD, 5 district plan is BAD! It's obviously a Trump/Nazi/racist voter  
suppression scam. The clown who proposed this should be exposed for his corruption. Who paid  
him to come up with this lunacy?

Blessed, not stressed -  
Michael Hoffman, Dr.AD

Agenda Item No. 11  
April 3, 2018

**From:** Steve Leonard <sleonard53@cox.net>  
**Date:** March 31, 2018 at 11:11:32 AM PDT  
**To:** <JMuller@DanaPoint.org>  
**Subject:** District

March 31, 2018

Dear Councilperson Muller,

I spoke to Mission Viejo City Council member Brian Goodell last week on the subject of districting. He is very much against it and Mission Viejo is not moving toward doing it. I beg you to take a much slower approach in the case of Dana point.

Districting will dilute the votes of every Dana Point voter. You will be taking away our right of full participation in the electoral process. We would be able to vote for only one or maybe two of the five council seats. This will do massive damage to our city for decades to come.

I watched the last Council meeting on T.V. and noted that 14 of the 15 public speakers were against "Districting". You can be assured that a vote to "District" Dana Point will insure the failure of every Council member voting for it to never be re-elected.

The citizens of Dana Point want our votes to count. We are ready, willing, and able to fight for our rights in the courts of law. And We Will.

Respectfully,

Stephen & Sally Leonard

Agenda Item No. 11

April 3, 2018

**From:** <2irene@cox.net>

**Date:** March 31, 2018 at 12:49:49 PM PDT

**To:** DEBRA LEWIS <dlewis@danapoint.org>, <rviczorek@danapoint.org>, <jmuller@danapoint.org>, <jtomlinson@danapoint.org>, <pwyatt@danapoint.org>, <jlittler@danapoint.org>, <mkillebrew@danapoint.org>, <2irene@cox.net>

**Cc:** <kward@danapoint.org>

**Subject:** Agenda Item #15 & 11....4/3/18 City Council Meeting: Coffee Importers - at "Harbor".....notice of Homeless Situation....Handout

**Reply-To:** <2irene@cox.net>

To: Mayor Richard Viczorek, Mayor Pro Tem Joe Muller, Councilwoman Debra Lewis, Councilman Paul Wyatt, Councilman John Tomlinson, City Manager - Mark Denny, Director of Administrative Services Department - Mike Killebrew

CC: City Clerk - Kathy Ward

From: Irene Fascher

Re: Outreach to Dana Point Residents - Notification Process: By-District vs At-Large Elections Call For "Feedback"

###Please include this e-mail in the Council Packet for April 3, 2018 and also put this comment in the record for the meeting since I may be unable to attend the April 3, 2018 Council Meeting to provide this comment at the podium

Thank you.

Irene

At the harbor today, there were handouts on what to do if you encounter a Homeless Person. This was an "excellent" vehicle for communication to the public.

\*\*\*\*\*Can the city have handouts, also, in "very visible" places in Dana Point ....i.e. Chamber businesses, banks, grocery stores, etc. to get the word out about FORUMS that will be held to educate the public regarding the elections process for this November? Most residents have no idea what the difference is between the two voting choices.

Please have community forums.

When I asked people about how they vote for their Council Members in San Clemente or Laguna Niguel, most do not even know if they are By-District or At-Large. That's why more "education" of the public is desperately needed.

Additionally, this is a high holiday time for many people and they may be out of town and cannot provide feedback due to Easter, Passover, etc. City government is not on their minds.

Again, please have forums regarding this topic. The public needs "excellent" information and "excellent" legal information regarding this complicated issue to make informed choices.

Agenda Item No. 11 + 15  
April 3, 2018

**From:** Anne Galvan <agibson93is@gmail.com>

**Date:** March 31, 2018 at 8:03:06 PM PDT

**To:** [Kward@danapoint.org](mailto:Kward@danapoint.org)

**Subject:** Dana Point Voting Districts

It is important that residents be fully informed before any final decision is made, particularly since there was no public vote or survey on this issue. If districting is unavoidable:

- I would prefer four districts and an at large Mayor.
- Hold community forums before making a decision.

Sincerely,

Anne Galvan

Dana Point Homeowner and Resident

Agenda Item No. 11

April 3, 2018



**From:** Nancy Lynn <nancylynn@gmail.com>

**Date:** March 31, 2018 at 8:41:24 PM PDT

**To:** kward@danapoint.org

**Subject: Districting - Please distribute to City Council**

Mayor Viczorek, Mayor Pro Tem Muller, and Council Members,

I want to be very clear...I am opposed to districting. To me it takes away our most basic right. The right for our voice to be heard. But if we have to go to districting I prefer four districts and an at large mayor. I would also like public forums to be held prior to making a decision.

After looking at the district maps I prefer the Oak map. My second choice would be Pine. I live in Niguel Shores.

Sincerely,

Nancy Lynn

Sent from my iPad Pro

Agenda Item No. 11

April 3, 2018

**From:** Carole Weling <[weling6659@gmail.com](mailto:weling6659@gmail.com)>

**Date:** April 1, 2018 at 2:46:28 PM PDT

**To:** KATHY WARD <[Kward@danapoint.org](mailto:Kward@danapoint.org)>, Capo Cares <[capocares@gmail.com](mailto:capocares@gmail.com)>

**Subject:** REDISTRICTING

KATHY --- Please advise me who to contact regarding this re-districting.

To place the Bluff area into the Lantern District does not make sense and it frankly "smells". It looks like a clear case of Jerrymandering to dilute the voice of Capocares and the Capistrano Beach community.

If this is what the city is going to do then an concerted effort should be made to partition the village and the bluff area to San Clemente.

Jim and Carole Weling

Agenda Item No. 11

April 3, 2018

**From:** Justine Furton <[jsliwka@yahoo.com](mailto:jsliwka@yahoo.com)>

**Date:** April 1, 2018 at 3:22:07 PM PDT

**To:** [kward@danapoint.org](mailto:kward@danapoint.org)

**Subject:** No districting!!!

TO THE DANA POINT CITY COUNCIL: This resident wants you to know I oppose the decision to district this city.

There simply is no need, with a population (and city area) this size, and the manner in which you are conducting this incredibly impactful decision is suspicious and sneaky.

IT IS IMPORTANT THAT RESIDENTS BE FULLY INFORMED BEFORE ANY FINAL DECISION IS MADE ON DISTRICTING, PARTICULARLY SINCE THERE WAS NO PUBLIC VOTE OR SURVEY ON THIS ISSUE.

The council has a obligation to HOLD COMMUNITY FORUMS BEFORE MAKING SUCH A DECISION, and if you don't, we voters will hold you all accountable in your next elections.

Stop trying to minimize the value of the individual voter in this town.

Sincerely,

Justine Furton

Agenda Item No. 11  
April 3, 2018

**From:** Roger Budris <[rbudris@cox.net](mailto:rbudris@cox.net)>  
**Date:** April 2, 2018 at 12:02:53 AM PDT  
**To:** <[kward@danapoint.org](mailto:kward@danapoint.org)>  
**Subject:** DP Districting

I AM SIGNING THIS PETITION REGARDING A HISTORIC DECISION TO CREATE VOTING DISTRICTS IN DANA POINT. IT IS IMPORTANT THAT RESIDENTS BE FULLY INFORMED BEFORE ANY DECISION IS MADE, PARTICULARLY SINCE THERE WAS NO PUBLIC VOTE OR SURVEY ON THIS ISSUE. I ASK THAT THE CITY COUNCIL TAKE THE ACTIONS INDICATED FROM THE LIST BELOW BEFORE IMPOSING DISTRICTING UPON OUR CITY. (Please check below the preferences for city council action on districting).

- ☒ (X) DO NOT FAVOR DISTRICTING  
☐ ( ) I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR  
☐ ( ) HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION  
☐ ( ) Other  
suggestions \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NAME: Roger Budris

ADDRESS:  
33813 Malaga Dr.  
Dana Point

Agenda Item No. 11  
April 3, 2018

**From:** Rose Sparks <caporose@icloud.com>

**Date:** April 2, 2018 at 8:20:31 AM PDT

**To:** Kathy Ward <kward@danapoint.org>

**Subject:** For city council regarding districting

Please, please keep Capo Beach intact in your district mapping. We are ONE community. If you must vote for districting I prefer the 4 districts with one keeping Capo Beach intact. I would recommend the mayor election be every 2 years rather than every 4 years.

Rose Sparks  
Capistrano Beach

Agenda Item No. 11  
April 3, 2018

**From:** Lynn Nelson <[lynnknelson@cox.net](mailto:lynnknelson@cox.net)>

**Date:** April 2, 2018 at 9:14:51 AM PDT

**To:** Kathy Ward <[kward@danapoint.org](mailto:kward@danapoint.org)>

**Cc:** <[rvicezorek@danapoint.org](mailto:rvicezorek@danapoint.org)>, <[jmuller@danapoint.org](mailto:jmuller@danapoint.org)>, <[dlewis@danapoint.org](mailto:dlewis@danapoint.org)>, <[jtomlinson@danapoint.org](mailto:jtomlinson@danapoint.org)>, <[pwvyatt@danapoint.org](mailto:pwvyatt@danapoint.org)>

**Subject:** By-district voting

The City Council should see a large red Stop Sign on the road to deciding by district voting. Step back and do appropriate research, due diligence, before taking away voting rights. The citizens of Dana Point deserve a voice in this decision.

While the CVRA was instituted in 2001, California **AB 278**, signed into law in 2016 does the following with regard to voting:

Addresses particularly cities of under 100,000 population

Requires a public hearing

Allows for a vote on voting by district

After a vote, the preparation of a districting map with the suggestion to seek public input, inclusive of maps prepare by the public.

With a population of under 50,000 Dana Point does not need five districts, and especially ones that are ill conceived with regard to demographics. Has an appropriate demographic study even been conducted? Other than a few maps designed, what other studies have taken place?

Time to stop speeding toward the cliff. Do the job you were voted to do.

---

C.K.W. Nelson  
64 Saint Michael  
Dana Point, CA 92629  
[lynnknelson@cox.net](mailto:lynnknelson@cox.net)

Agenda Item No. 11

April 3, 2018

**From:** Gary Webber <dpwebbers@gmail.com>

**Date:** April 2, 2018 at 10:20:57 AM PDT

**To:** kward@danapoint.org

**Subject:** Dana Point redistricting

To Whom it May Concern,

My husband and I have been residents of Dana Point for more than 30 years and find it very curious and saddened by the following:

1. The City Council should bully their way in and not give the citizens their right to vote on districting both Dana Point and Capo Beach. We deserve a public hearing and a vote as to districting.
2. Dana Point does NOT need 5 districts.
3. Why would Colegio, which parallels Golden Lantern, be used a districting line instead what is typically used, a large street as Golden Lantern?
4. It's baffling that you would consider putting Capo Beach's Bluff Area with the Lantern District and divide Niguel Shores.

Suspensions arise as to how quickly this is trying to be passed through. It leaves one with a great uneasy feeling of distrust. Other options need to be investigated to obtain more answers instead of rushing into this

Thank you,

Gary and Sue Webber

Agenda Item No. 11  
April 3, 2018

## BOBBI OGAN

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**From:** KATHY WARD  
**Sent:** Monday, April 02, 2018 11:59 AM  
**To:** BOBBI OGAN  
**Subject:** Fwd: Please lodge my petition  
**Attachments:** Petition.pdf; ATT00001.htm

Begin forwarded message:

**From:** Gina Grant <[ginacapobeach@gmail.com](mailto:ginacapobeach@gmail.com)>  
**Date:** April 2, 2018 at 11:22:36 AM PDT  
**To:** [Kward@danapoint.org](mailto:Kward@danapoint.org)  
**Subject:** Please lodge my petition

Agenda Item No. 11

April 3, 2018



## PETITION

### THREE VOTES WILL CHANGE OUR CITY

AT THE APRIL 3<sup>RD</sup> CITY COUNCIL MEETING THE COUNCIL WILL BE VOTING TO CREATE 5 VOTING DISTRICTS IN DANA POINT. IF APPROVED YOU WILL ONLY GET ONE VOTE EVERY 4 YEARS FOR A COUNCIL CANDIDATE IN YOUR DISTRICT. ONLY 3 VOTES ON THE COUNCIL ARE NEEDED TO MAKE THIS HISTORIC CHANGE.

RESIDENTS SHOULD BE AWARE OF THE POSSIBILITY OF HAVING 4 DISTRICTS AND AN AT LARGE MAYOR ALSO THAT NO FORMAL STUDY HAS BEEN DONE PROVING DANA POINT VOTERS EXPERIENCE RACIAL POLARIZATION AND IF SO WHERE ARE THOSE AREAS.

PLEASE TAKE A FEW MINUTES TO SEND IN THIS PETITION TO THE DANA POINT CITY COUNCIL:

C/O [Kward@danapoint.org](mailto:Kward@danapoint.org)

I AM SIGNING THIS PETITION REGARDING A HISTORIC DECISION TO CREATE VOTING DISTRICTS IN DANA POINT. IT IS IMPORTANT THAT RESIDENTS BE FULLY INFORMED BEFORE ANY DECISION IS MADE, PARTICULARLY SINCE THERE WAS NO PUBLIC VOTE OR SURVEY ON THIS ISSUE. I ASK THAT THE CITY COUNCIL TAKE THE ACTIONS INDICATED FROM THE LIST BELOW BEFORE IMPOSING DISTRICTING UPON OUR CITY. (Please check below the preferences for city council action on districting).

( ) DO NOT FAVOR DISTRICTING

( ) I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☒ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

( ) Other suggestions \_\_\_\_\_

<u>CINA GRANT</u>	<u>34605 Via Catalina</u>
<u>Capistrano Beach, CA 92624</u>	
NAME	ADDRESS

**From:** "Richard Thompson" <[richardthompson92@gmail.com](mailto:richardthompson92@gmail.com)>

**Date:** April 2, 2018 at 11:23:32 AM PDT

**To:** <[KWARD@danapoint.org](mailto:KWARD@danapoint.org)>

**Subject:** District Voting Plans

My wife Patti and I have two residences in Dana Point. One in Capo Beach and the other in Lantern Bay Villas.

Recognizing that District Voting is inevitable to avoid a lawsuit, and understanding that it will do little to resolve any inequalities for Hispanic minorities, we strongly believe that a four district solution is the only acceptable outcome. This allows all voters to have greater input into council leadership and an opportunity to vote every two years instead of every four with a five district plan. Of the two four district plans, we strongly favor the Pine solution as it keeps contiguous neighborhoods more intact without diluting minority interests.

If the council decides to go with a five district plan, we strongly believe that the Green plan is completely unacceptable. It appears to be gerrymandering at its worst and non-beneficial to solving any minority representation problem. Of the remaining four district plans, we prefer Tan followed by Violet and Orange.

Please see that the council members get this communication.

Thank you

Rickhard Thompson

[Richardthompson92@gmail.com](mailto:Richardthompson92@gmail.com)

415-806-4686

Agenda Item No. 11

April 3, 2018

**From:** Brian Dvorak <JediinCA@hotmail.com>

**Date:** April 2, 2018 at 11:35:15 AM PDT

**To:** "KWARD@DANAPPOINT.ORG" <KWARD@DANAPPOINT.ORG>

**Subject:** District Elections in Dana Point

City Council:

As a resident of Capistrano Beach, I am appalled that you would submit to the demands of a lawyer who doesn't even live in our county, let alone city, to change the way Dana Point elects its City Council. You should have told this lawyer to take a hike, and let him prove his allegations in court.

Any change in the method of electing our Councilmembers should be decided by the voters of Dana Point and no one else. If the City Council wants to put a proposal on a future ballot, so be it, but the Council should not be pressured by an outsider to change our election procedures. We need leaders who will not be cowed in this manner.

Kind regards,  
Brian Dvorak

Agenda Item No. 11  
April 3, 2018

**From:** pete cavanaugh <[cavanagh\\_construction@yahoo.com](mailto:cavanagh_construction@yahoo.com)>

**Date:** April 2, 2018 at 11:53:17 AM PDT

**To:** [kward@danapoint.org](mailto:kward@danapoint.org)

**Subject:** Agenda item 11

Hello,

I would like more information on this issue. Anytime so idiot in public service suggests a no vote from the people they are supposedly serving I become concerned no matter the idiotic excuses they justify to themselves. I will be attending this town hall meeting and bring my entire block. Capistrano beach does not need self-serving public servants.

Thank you

Pete Cavanagh

PalasadesCapo beach.

949 357 7717

Agenda Item No. 11  
april 3, 2018

**From:** denise iger <deniseiger@gmail.com>  
**Date:** April 2, 2018 at 12:00:29 PM PDT  
**To:** KATHY WARD <kward@danapoint.org>  
**Subject:** Note to City Council - Districting

I would appreciate if this can be passed on to the City Council -

I have been reading about the concept of districting being considered by the Council. I understand that this concept was not raised because of a perceived need for our City or because people living in the City raised issues that provoked thoughtful consideration by the Council. Instead, the issue was raised as a result of a "shake-down" letter from an out-of-town attorney. It is the fear of a lawsuit that is driving this conversation, instead of what is best for our community.

The law provides that "district-based elections shall not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice as a result of the dilution or the abridgment of the rights of voters who are members of a protected class." Our City is some 35,000 people. The overwhelming majority is not in a protected class. That means that the several thousands of residents who are in a protected class will now be further divided into 5 districts, potentially limiting their ability to vote as a "block." The impact of districting in a small city, with a small percentage of people in the protected class may alienate those in the protected class.

For a change, can we stop being reactionary every time there is a concern about being sued and start planning? I agree that the City is too small to stand alone and be targeted every time some attorney threatens the City with a lawsuit. Why can we not join forces with other small cities and think these things through?

At a minimum, we have to look at whether districting will have a positive impact on protecting minority voting rights. While districting may work well in places with large populations, particularly minority populations that are living in the same areas, it may not have the intended effect in a small city, with a small minority population, and where those minorities that do vote do not all live in the same proposed district. Can we not achieve similar or more beneficial results by developing a campaign to register minority voters in our City? Can we not do something that we actually think will promote representation of protected classes, rather than just do something being suggested by an out-of-town attorney who likely has zero interest in what is beneficial to minorities in Dana Point?

I really, really appreciate your efforts for our City. I believe each and every one of you tries his or her best to serve our community. But, you need to come to terms with the fact that the people of this City are losing faith in our government. The perception is that you spend a lot of money on issues that very few people care about and then don't act on very important issues because of concerns about liability (money). Taking a passive stance on really important issues (like sober living homes, overgrowth and overbuilding, increasing transient populations, etc.) the government will continue to be mistrusted.

People don't understand what is at stake with districting. We all need to slow down and think about what we are actually doing to the City before just caving in and doing what this guy wants. Please reach out to other cities. Please think it through. Wait for the community to give you input. Educate people as to what is at stake and what is being considered.

Denise Iger

Agenda Item No. 11  
April 3, 2018

**From:** Vicki Sweet <[vsweetrn@gmail.com](mailto:vsweetrn@gmail.com)>

**Date:** April 2, 2018 at 2:06:09 PM PDT

**To:** [kward@danapoint.org](mailto:kward@danapoint.org)

**Subject:** Election proposals - Please share with Council

As a 60+ year resident of Dana Point and with 43 years of home ownership and residency in Capistrano Beach, I am extremely concerned about this rush to change our at-large election process. From what I have read, it seems to be a knee-jerk reaction to a perceived litigation threat.

While I hope you do not vote to upend our voting rights, if you do, my next concern is the districting. How can you even consider breaking up the community of Capistrano Beach? We have been a community long before Dana Point became a city. This is not sitting well with residents.

I respectfully request that we, as a city, carefully weigh the impact of caving in to a threat.

Vicki Sweet  
Capistrano Beach Resident

Sent from my iPhone

Agenda Item No. 11

April 3, 2018

**From:** Marian <[mmapes1231@aol.com](mailto:mmapes1231@aol.com)>

**Date:** April 2, 2018 at 2:33:16 PM PDT

**To:** [Kward@danapoint.org](mailto:Kward@danapoint.org)

**Subject:** Districting

As a Dana Point resident for the last 28 years, I feel the council should explore better alternatives to the proposed districting.

IT IS IMPORTANT THAT RESIDENTS BE FULLY INFORMED BEFORE ANY FINAL DECISION IS MADE ON DISTRICTING, PARTICULARLY SINCE THERE WAS NO PUBLIC VOTE OR SURVEY ON THIS ISSUE. IF DISTRICTING IS UNAVOIDABLE:

- I WOULD PREFER FOUR DISTRICTS AND AN AT LARGE MAYOR
- HOLD COMMUNITY FORUMS BEFORE MAKING A DECISION

Marian Mapes  
33695 Marlinspike Dr  
Dana Point

Agenda Item No. 11  
april 3, 2018

**Jitendra R. Bhatt, M.D. F.A.C.O.G.**

**34561 Camino Capistrano**

**Capistrano Beach, CA 92624-1231**

(949) 257-2770

E-mail: [writeg2@gmail.com](mailto:writeg2@gmail.com)

CITY OF DANA POINT

310-277-2 A 10:15

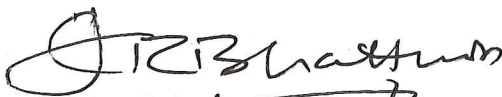
RECEIVED  
CLERK'S DEPARTMENT

March 31, 2018

Dear City Council members,

I am offended and disgusted that the demographer or anyone on City Council would consider splitting up Capistrano Beach into multiple districts. We are the epitome of a "community of interest" as defined by the demographer. How dare you even *consider* taking the prime coastal properties and moving them into the Lantern District? How on earth is Capo Beach associated in any way with the Lantern District? We are a distinct community that shares history, culture and even a zip code. Doheny Village is a vital part of 92624 and impacts the Palisades area immeasurably. This districting disenfranchises both the minority and majority voters in Dana Point. PLEASE vote for 4 districts plus an at large mayor and give us at least 2 votes.

Sincerely,



J.R. Bhatt, M.D.

Agenda Item No. 11

April 3, 2018



**Wanda Lucia Hernandez**  
**34561 Camino Capistrano**  
**Capistrano Beach, CA 92624-1231**

(949) 257-2770

E-mail WHBhatt@gmail.com

CITY OF DANA POINT

2018 APR -2 A 10:17

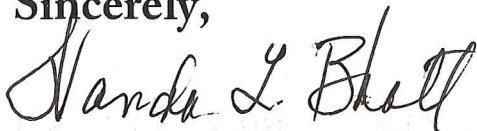
RECEIVED  
CITY CLERK'S DEPARTMENT

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Sincerely,



Wanda L. Bhatt

Agenda Item No. \_\_\_\_\_

11

April 3, 2018

Critique of the District Maps for Dana Point

CITY OF DANA POINT

2018 APR -2 P 1:14

One of the primary principles of the organization of the District Maps should be that all residents in an Home Owners Association(HOA) have the same community of interest and must be kept in the same voting district. Likewise, all residents in recognized neighborhoods should be kept in the same voting district. Examples of neighborhoods include: Dana Woods, Thunderbird, Lantern Village, etc.

My wife and I live in the Monarch Beach HOA, which is a gated community, in the area of town known as Monarch Beach. Our community of interest is along Niguel Road, Sea Terrace Park and the Monarch Beach Resort. Our main entrance is Niguel Road. The main road cutting through our HOA is Monarch Beach Drive. Most maps cut our HOA into two different districts. One map has part of our HOA in a district that goes down Stonehill Road almost to Del Obispo.

The Tan Map meets both criteria of keeping our HOA in one district and with our community of interest. It would be acceptable.

The Violet Map cuts us in half with one section going down Stonehill towards Del Obispo. It misses both criteria above.

The Green Map and the Orange Map cuts us in half and does not meet either criteria.

The Oak Map is for a different concept with four districts and a mayor voted city wide. We rejected this map as we do not like this concept and strongly prefer keeping five council members with a different mayor yearly voted in by the other council members. Let's only change to district voting at this time and we can consider this option at a future time if appropriate.

Terry and Lee Walsh

32722 Ballena

Dana Point, Ca.

9949-493-7118

Agenda Item No. 11

April 3, 2018

PETITION  
THREE VOTES WILL CHANGE OUR CITY

CITY OF DANA POINT  
2018 APR -2 P 3:30

RECEIVED  
CITY CLERK'S DEPARTMENT

AT THE APRIL 3<sup>RD</sup> CITY COUNCIL MEETING THE COUNCIL WILL BE VOTING TO CREATE 5 VOTING DISTRICTS IN DANA POINT. IF APPROVED YOU WILL ONLY GET ONE VOTE EVERY 4 YEARS FOR A COUNCIL CANDIDATE IN YOUR DISTRICT. ONLY 3 VOTES ON THE COUNCIL ARE NEEDED TO MAKE THIS HISTORIC CHANGE.

RESIDENTS SHOULD BE AWARE OF THE POSSIBILITY OF HAVING 4 DISTRICTS AND AN AT LARGE MAYOR ALSO THAT NO FORMAL STUDY HAS BEEN DONE PROVING DANA POINT VOTERS EXPERIENCE RACIAL POLARIZATION AND IF SO WHERE ARE THOSE AREAS.

PLEASE TAKE A FEW MINUTES TO SEND IN THIS PETITION TO THE DANA POINT CITY COUNCIL:

C/O [kward@danapoint.org](mailto:kward@danapoint.org)

I AM SIGNING THIS PETITION REGARDING A HISTORIC DECISION TO CREATE VOTING DISTRICTS IN DANA POINT. IT IS IMPORTANT THAT RESIDENTS BE FULLY INFORMED BEFORE ANY DECISION IS MADE, PARTICULARLY SINCE THERE WAS NO PUBLIC VOTE OR SURVEY ON THIS ISSUE. PLEASE PRESENT OTHER OPTIONS FOR CONSIDERATION. (Please check preferred action by council)

☒ DO NOT FAVOR DISTRICTING

☐ I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☐ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

☐ Other suggestions It doesn't seem to me that we  
have racial polarization in Dana Point. Has this been  
Brenda Anderson 32731 Johnathan Circle studied?  
Dana Point CA 92629

NAME

ADDRESS

*Brenda Anderson*

Agenda Item No. 11  
April 3, 2018

Also, if districts are made it seems that the current council making the districts should not be allowed to run again for office as it would be a conflict of interest.



## PETITION

### THREE VOTES WILL CHANGE OUR CITY

CITY OF DANA POINT

2018 APR -2 P 3:30

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☐ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

☐ Other suggestions \_\_\_\_\_

Jenna Larson Kayfasz 33381 Periwinkle Dr.

NAME

ADDRESS

92629

*Jenna Kayfasz*

Agenda Item No. 11

April 3, 2018

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☐ Other suggestions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME

JAMES SCHWARTZ  
James Schwartz

ADDRESS

32742 JOURNAL CIR  
DANA POINT CA  
92629

Agenda Item No. 11  
April 3, 2018

**From:** Amy Hanacek <[amyhanacek@gmail.com](mailto:amyhanacek@gmail.com)>

**Date:** April 2, 2018 at 3:56:20 PM PDT

**To:** [kward@danapoint.org](mailto:kward@danapoint.org)

**Subject:** 4/3 agenda item 11

Dear Ms. Ward,

Please forward the following to all council members:

As a long time resident of Capistrano Beach (since 1988), I am greatly concerned about the process and transparency around CVRA. I understand the desire to not run afoul of the legal letter received, but I am surprised by the rush to fulfill without proper diligence and process. I am very proud of the city of Dana Point and I find it "out of character" to rush to placate while other cities are pursuing a more intentional and measured path.

The options put forth are confusing and some may even go against the intended purpose of the CVRA, so I ask that you please garner ALL community input in a transparent mode so that our tax dollars on this issue are used to actually create an accepted (acceptable), studied, deliberate solution that could be a template for other cities following suit.

Most importantly, please do not disenfranchise our Hispanic population and keep the appropriately diverse community of Capistrano Beach (zip 92624) in tact - Capistrano Beach has been a "good partner" during the many tumultuous years and the specter of neighbors who are united by similar values being represented by different individuals is not the most productive way to lead in Dana Point. Thank you for your consideration and I have faith that common sense solutions will prevail.

Regards, David & Amy Hanacek

Agenda Item No. 11

April 3, 2018

CITY OF DANA POINT

2018 APR -2 P 4: 54

RECEIVED  
CITY CLERK'S DEPARTMENT

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☒ DO NOT FAVOR DISTRICTING

☐ I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☒ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

☒ Other suggestions - This looks like a major change to the voting process for city council members. Residents of Dana Point should have an opportunity take part in deciding about districting.

Ann M & Udo B Stockmann 24621 EL CAMINO CAPISTRANO, DP 92629 4/2/18

NAME

ADDRESS

*Ann M. Stockmann*

24621 EL CAMINO CAPISTRANO  
DP 92629

*Udo B. Stockmann*

24621 EL CAMINO CAPI  
DANA POINT, CA  
92629

Agenda Item No. 11

April 3, 2018

AStockmann@cox.net

**From:** Doug Kelly <dougusn@aol.com>

**Date:** April 2, 2018 at 4:46:17 PM PDT

**To:** [rvicezorek@danapoint.org](mailto:rvicezorek@danapoint.org), [jmuller@danapoint.org](mailto:jmuller@danapoint.org), [dlewis@danapoint.org](mailto:dlewis@danapoint.org),  
[jtomlinson@danapoint.org](mailto:jtomlinson@danapoint.org), [pwyatt@danapoint.org](mailto:pwyatt@danapoint.org)

**Cc:** <[kward@danapoint.org](mailto:kward@danapoint.org)>

**Subject:** Comments Regarding Districting Issue

2 April, 2018

Dana Point City Council  
33282 Golden Lantern  
Dana Point, CA  
92629

Dear Mr. Mayor and Members of the Dana Point City Council,

I am writing to request that in regards to the districting issue scheduled to be discussed at the city council meeting tomorrow, the 3rd of April, that the council considers making this a ballot measure in the upcoming election, rather than deciding this issue among the council itself.

It seems to be a very clear conflict of interest for the council members who are up for re-election in November to vote on this issue. As such, I believe those three council members should recuse themselves from this vote. This would mean a quorum is not reached, thus making a ballot measure the only ethical course of action to reach a decision.

If you decide however not to make this a ballot measure and go ahead with your vote on this, then I would also like to request that you allow each newly created district to choose to re-elect or replace their council person in this upcoming election, regardless of their existing term limit. If you want to change the rules of the game, then it seems like the residents should have a chance to start fresh and all still get a vote. You could also consider applying this decision to future elections after the one this year, so all our city residents can still have a voice about your decision when we are at the polls.

This pending lawsuit purports that districting is the only fair way to ensure there is no discrimination against minority candidates. Doesn't the burden of proof however lie with the plaintiff to show that Dana Point has ever had a statistically significant number of minority candidates who had run for office in the past and who were not elected due to our current city-wide system of elections? I highly doubt that the data will show this to be true. We should invest in a study to see if racially-polarized voting is occurring first before taking action.

We should also wait to see the outcome of Mission Viejo's search for "other remedies" to this problem, before simply giving in fully to their demands. It would seem prudent to coordinate with Mission Viejo and learn what we can before continuing forward on this course of action. We should not allow ourselves to disenfranchise so many voters within our city based solely on an outside threat of litigation.

I thank you all for your time in reading this and for so patiently considering all the outcomes and possible solutions to this legal challenge. Choosing a course of action that would make so many of our residents feel disenfranchised and unable to fully vote in the next election would be a mistake.

Gratefully,

Douglas Kelly  
Dana Point Resident

Agenda Item No. 11  
April 3, 2018



**From:** Robin Dier <[robinandbobdier@yahoo.com](mailto:robinandbobdier@yahoo.com)>  
**Date:** April 2, 2018 at 7:21:37 PM PDT  
**To:** KATHY WARD <[kward@danapoint.org](mailto:kward@danapoint.org)>  
**Subject:** Districts in Dana Point  
**Reply-To:** Robin Dier <[robinandbobdier@yahoo.com](mailto:robinandbobdier@yahoo.com)>

Hi Kathy:

Please put my letter in the council member packets for Tuesday night. I am highly disappointed in the city council and their decision to embrace election districts in our town without evaluating all of the alternatives. This will not be good for Dana Point as it will pit the districts against each other and will not bring us together for the common good. If there is no alternative to districts, once alternatives exhausted, **then the entire city should be able to vote for the city's mayor. The mayor should represent all of the constituents of the city.**

Sincerely,

Robin Dier  
35415 Paseo Viento

Agenda Item No. 11  
April 3, 2018

**From:** Bob Dier <[bobdier@yahoo.com](mailto:bobdier@yahoo.com)>  
**Date:** April 2, 2018 at 7:30:59 PM PDT  
**To:** "Kward@danapoint.org" <[Kward@danapoint.org](mailto:Kward@danapoint.org)>  
**Subject:** Districting in Dana Point  
**Reply-To:** "bobdier@yahoo.com" <[bobdier@yahoo.com](mailto:bobdier@yahoo.com)>

Hi Kathy,

Please put my letter in the council members packet.

I am totally against breaking Dana Point into 4 or 5 districts for voting for representation on the city council. Each council member should be aware of what is best for Dana Point as a whole. Districting will break us apart as a city. With one council member representing 4 or 5 separate districts will create division on the council rather than harmony. If there is districting or not, each voter in the city should have the right to vote for the mayor. Please consider the city as a whole and not as 4 or 5 separate districts.

For Dana Point as a whole,

Robert E. Dier  
35415 Paseo Viento

Get organized with Yahoo Mail

Agenda Item No. 11  
April 3, 2018

**BOBBI OGAN**

---

**From:** Carole Daly <carolejdaly@gmail.com>  
**Sent:** Saturday, March 31, 2018 1:02 PM  
**To:** districting  
**Subject:** Insanity

The proposed chopping up of districts will not improve the quality of life in Dana Point. So please busy yourselves with important problems.

Agenda Item No. 11  
April 3, 2018

**BOBBI OGAN**

---

**From:** Alan Nowak <aen2005@cox.net>  
**Sent:** Saturday, March 31, 2018 11:45 AM  
**To:** districting  
**Subject:** Districting

Dear Council,

We built our house in Capistrano Beach in 1986. Always so proud of my home town. What you propose to do is extremely divisive. In fact, one of the meanings of divide in the dictionary ( yes, I am looking at a dictionary) means to separate into opposing sides or parties. This does not reflect community! Again out of the dictionary, community is a body of people living in the same place under the same laws.

We have always had the feeling of community in Dana Point/Capistrano Beach. Don't change that!!!! We are against the redistricting!

The Nowaks

Agenda Item No. 11  
April 3, 2018

**BOBBI OGAN**

---

**From:** Carol Wilson <wilsonsc@cox.net>  
**Sent:** Saturday, March 31, 2018 11:22 AM  
**To:** districting  
**Subject:** District Maps

I would like to express my vehement opposition to dividing Capo Beach. I have lived here 40 years and we have been fighting for true representation for years. We are our own zip code we have our own post office and our identity and lifestyle is quite different than most of DP. The green map is the absolute worst, no way should you take the Palisades beach strip and put it with the harbor, we are nothing like the harbor. DO NOT DO THIS.

Sincerely

Carol Wilson

Agenda Item No. 11  
April 3, 2018

To Kathy Ward

From: residents of the Landing in Dana Point

Please include these petitions in the council packets for tonight's meeting Item # 11

Thank you

Barbara Wilson

CITY OF DANA POINT

2018 APR -3 A 9:02

RECEIVED  
CITY CLERK'S DEPARTMENT

## THREE VOTES WILL CHANGE OUR CITY

2018 APR -3 A 9:00

RECEIVED  
CITY CLERK'S DEPARTMENT  
TO CREATE 5 VOTING

C/O [Kward@danapoint.org](mailto:Kward@danapoint.org)

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☐ I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☐ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

( ) Other suggestions \_\_\_\_\_

DANIEL NEDECHISER	32780 LEAH DR., DP 92629
NAME	ADDRESS

## PETITION

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CITY OF DANA POINT

2010 APR -3 A 9:00

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PLEASE TAKE A FEW MINUTES TO SEND IN THIS PETITION TO THE DANA POINT CITY COUNCIL:

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☐ Other suggestions

*9*  
*Janet* *32845 LEAH DR.*  
NAME ADDRESS *DANA POINT CA*



## PETITION

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☐ Other suggestions \_\_\_\_\_

Virginia Meinen 32845 Leah Dr.  
NAME ADDRESS Dana Pt.,  
CA  
92629

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☐ Other suggestions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME

Debby Jennings

ADDRESS

32802 Matthew Drive  
Dana Point, CA 92629

## PETITION

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☐ Other suggestions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME

GARY JENNINGS  
*[Signature]*

ADDRESS

32802 MATTHEW  
DR 92129

## PETITION

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☐ Other suggestions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME

ADDRESS

Geraldine W. Jennings

32802 Matthew  
Dana Pt. Ca

92624



## PETITION

### THREE VOTES WILL CHANGE OUR CITY

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2010 APR -3 A 9:01

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☒ DO NOT FAVOR DISTRICTING

☐ I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☒ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

☐ Other suggestions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME

ADDRESS

CATHERINE F. CAROLAN 32772 Matthews  
Dana Pt CA  
92629

## PETITION

### THREE VOTES WILL CHANGE OUR CITY

CITY OF DANA POINT

2018 APR -3 A 9:01

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☐ Other suggestions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME

Rich + Janna Cowper

ADDRESS

32792 Matthew Dr  
Dana Point, CA  
92629

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**THREE VOTES WILL CHANGE OUR CITY**

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☐ Other suggestions \_\_\_\_\_

Dawn Dark

NAME

32742 Johnathan Cir  
DP 92629

ADDRESS

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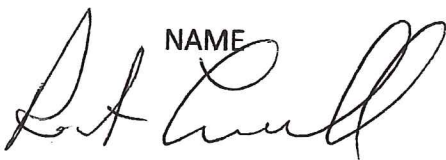
☐ I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☐ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

☒ Other suggestions All council members should be termed out prior  
to changing our form of City Government. Start fresh with 5 new council  
members.

Richard A. Cornell

32745 Johnathan Circle

NAME  


ADDRESS



## PETITION

### THREE VOTES WILL CHANGE OUR CITY

CITY OF DANA POINT  
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☐ Other suggestions \_\_\_\_\_

Debbie Cornell

NAME

32745 Johnathan Circle

ADDRESS Dana Point

## PETITION

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☐ Other suggestions \_\_\_\_\_

Sanja : Sean Strelec 32666 Rachel Cir. DP 92629  
NAME ADDRESS

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☐ Other suggestions \_\_\_\_\_

<u>Devon Cutchins</u>	<u>32871 Leah Dr., Dana Point, CA</u>
NAME	ADDRESS

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\_\_\_\_\_  
Kathy Cutchins

NAME  
K Cutchins

ADDRESS  
32871 Leal  
Dana Pt CA  
92629



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☐ Other suggestions \_\_\_\_\_

\_\_\_\_\_  
Vicky Michener                      24392 Timothy Dr.  
NAME                                      ADDRESS

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☐ Other suggestions \_\_\_\_\_

Mark Conger

NAME

24372 Timothy Dr. Dana Pt.

ADDRESS

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Mauro BRODDI 24362 Turnberry Dr. D.P.  
NAME ADDRESS

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☒ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

☐ Other suggestions I do not favor districting  
but the process being offered our  
residents is unacceptable

NAME

ADDRESS

Barbara Wilson

24361 Temolby Dr.



## KATHY WARD

---

**From:** Michael Hoffman <43saintmichael@gmail.com>  
**Sent:** Saturday, March 31, 2018 8:38 AM  
**To:** districting  
**Subject:** 4 Districts ONLY

Everybody with a 3rd grade education knows the 5 district plan is Trump-era voter suppression. How can anyone with integrity not see this scam?  
Vote 4 districts only; Dana Point isn't Nazi land.

Blessed, not stressed -  
Michael Hoffman, Dr.AD

Agenda Item No. 11

4/3/18

## KATHY WARD

---

**From:** Richard Litwinski <litwinski@sbcglobal.net>  
**Sent:** Monday, April 02, 2018 9:31 PM  
**To:** KATHY WARD  
**Subject:** District maps- message for city council

I am writing with the intent that you pass along my comments on the change to "at large" elections to the City council before Tuesday's meeting.

I am firmly opposed to the change to district voting. As for the maps, I choose (c) none of the above.

I have detailed my opposition in a prior email. In a nutshell, such a change will disenfranchise far more voters than are supposedly disenfranchised now. I implore you to do due diligence in assessing the risks vs benefits and not simply roll over.

Respectfully,  
Mary Litwinski

Sent from Yahoo Mail for iPhone

Agenda Item No. 11  
4/3/18

## KATHY WARD

---

**From:** Patricia Happy <phappy@hcpsocal.org>  
**Sent:** Tuesday, April 03, 2018 6:42 AM  
**To:** KATHY WARD  
**Subject:** Election Changes

As a resident of Capistrano Beach, I wish to convey my desire for a more thoughtful process or if it is truly necessary to establish districts and if it is, to not rush through establishment of those districts without public input. Of the proposals, I would favor 4 districts and one at-large mayor. While I would like to see more representation of our minority communities, this is just another reason why a review of the proposed districts is important so that Dana Point does not weaken these voices and to make sure there is no political gerrymandering. Why is the City Council rushing this through?

Patricia Happy

Agenda Item No. 11

4/3/18

## KATHY WARD

---

**From:** Kathy Boka <kathy.boka@gmail.com>  
**Sent:** Tuesday, April 03, 2018 7:53 AM  
**To:** KATHY WARD  
**Subject:** Voting districts-4/3/18 item 11

I do not favor making district voting and certainly not before the citizens of Dana Point have a chance to understand the ramifications and voice their opinions! I'm against the green map as it divides Capo Beach into areas that don't share the same issues. Please slow down and not act in unwise haste.

Sincerely,  
Kathy Boka  
Capo Beach homeowner

Agenda Item No. 11

4/3/18

## KATHY WARD

---

**From:** Hank Thomas <hankthomas2000@gmail.com>  
**Sent:** Tuesday, April 03, 2018 9:32 AM  
**To:** KATHY WARD  
**Subject:** Voting Districts

As a voting citizen and resident of Capo. Bch. since 1968, (50 yrs.) I request a minimum of (1) addition public meeting be held, so as, properly inform the citizens of the effect of dividing into 4 or 5 voting districts.

Respectfully

Henry "Hank" Thomas  
949 496-1606

Agenda Item No. 11  
4/3/18

## KATHY WARD

---

**From:** RACHEL JOHNSON  
**Sent:** Tuesday, April 03, 2018 9:26 AM  
**To:** MARK DENNY; KATHY WARD  
**Subject:** Fwd: 4 or 5 districts

Rachel Johnson

Assistant Administrative Analyst

City of Dana Point | Community Development

33282 Golden Lantern Dana Point, CA 92629  
office: 949.248.3553  
rjohnson@danapoint.org | www.danapoint.org

----- Forwarded message -----

From: Hank Thomas <hankthomas2000@gmail.com>  
Date: Apr 3, 2018 12:25  
Subject: 4 or 5 districts  
To: districting <districting@DanaPoint.org>  
Cc:

As a voting citizen and resident of Capo Bch. since 1968, (50 yrs.) I'm in favor of 4 Districts.

Respectfully,

Henry "Hank" Thomas  
949 496-1606

Agenda Item No. 11

4/3/18

## PETITION

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( ) DO NOT FAVOR DISTRICTING

( ) I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR

☒ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

( ) Other suggestions the council's decision to move ahead  
is most troubling.

Markus Lenger 34605 Via Catalina

NAME

ADDRESS

Agenda Item No. 11  
April 3, 2018



## KATHY WARD

---

**From:** Nancy Leonard <nancyjleonard@me.com>  
**Sent:** Monday, April 02, 2018 9:34 PM  
**To:** KATHY WARD  
**Subject:** Letter to City Attorney

Dear Kathy,

I need to correct a major typographical error in my letter to Mr. Munoz that also went to the City Council and the City Manager. I am out of the country and do not have word processing so that I may bring up the file and correct.

Would you be able to add this email with the correction as an attachment to my letter?

Thank you.

Mr. Munoz, Mayor and City Council and Mr Denny:

My apologies for a typographical error in my letter of April 1. I am out of the county and do not have access to my word program so that I may correct in properly in the body of the letter.

In the 7th paragraph, the next to last paragraph, the sentence that proposes a new boundary should read, "...west from Silver Lantern to Golden Lantern.....". As written it reads, "....east from Silver Lantern to Golden Lantern....". I am certain you realized my intention, but I did want to correct it for the record.

Sincerely,  
Nancy Leonard  
Dana Point

Sent from my iPad

Agenda Item No. 4  
4/3/18



April 1, 2018

Patrick Munoz  
City Attorney  
City of Dana Point  
33282 Golden Lantern Drive  
Dana Point, CA 92629

CITY OF DANA POINT  
2018 APR -2 P 3:16  
RECEIVED  
CITY CLERK'S DEPARTMENT

Dear Mr. Munoz,

While each of the draft district maps have worthy issues for vigorous debate, my focus is on the Oak and Pine maps Douglas Johnson and his team at National Demographic Corporation (NDC) prepared for consideration at upcoming public hearings. Since you hired Mr. Johnson and as he takes direction and reports directly to you, I have addressed this letter to you with copies to each City Council Member and the City Manager.

Obvious to those who follow Dana Point government operations and the actions of the majority of the incumbent City Council (Mayor Viczorek, Council Members Muller and Tomlinson), is that the Oak and Pine maps are designed to prevent specific individuals who live on Colegio Drive the ability to participate as a candidate for general City Council seats as long as Councilmember Lewis and Wyatt are eligible to run for election. The carve-out, which includes Silver Lantern, is obvious and is a deliberate attempt to thwart the ability of candidates that generally oppose the majority incumbents' decisions to run against the same in the upcoming election.

You, the City Council and the Mr. Johnson know that my husband, Edward Leonard, and I have publically voiced criticism of the actions you have recommended, ones that Mr. Johnson has endorsed, and the City Council majority are following to date re: the City's response to Russel Myrick's, Esq. letter, alleging that the City of Dana Point is in violation of the California Voting Rights Act. Further, another resident and our neighbor who resides on Colegio Drive between Selva and La Paz has been a member of the Financial Review Committee and was, as others on our street, including myself and my husband vocal and active advocates for Measure H and for Council members' Lewis and Wyatt's election campaigns. Finally, you and the City Council know that I have been an active participant at City Council meetings and through letters to the City Council as a critic of many of your recommendations and the majority's actions. It is clear that the proposed boundaries as drawn on Silver Lantern are an intentional act intended to limit my running for City Council.

At the March 3, 2018, City Council meeting, Doug Johnson described in detail the factors to consider when drawing districts. One factor Mr. Johnson detailed is "community of interest." To quote Mr. Johnson's power point, "A community of interest is generally defined as a neighborhood or community of shared interests, views, problems or characteristics.

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Community of Interest is just one of the "Traditional Redistricting Criteria," Mr. Johnson discusses in his presentation. The others are Compactness, Contiguity, and Visible Boundaries (natural and man made).

Mr. Johnson continued by asking the question, "What are your boundaries of your neighborhood or community of interest?" and offers community features and boundary definitions to include: "natural neighborhood dividing lines, such as highways, or major roads, rivers, canals and or hills."

Silver Lantern, the dividing line on the Oak and Pine maps between District #2 and #3 is not a major road. It is a neighborhood, residential road, used primarily by those who reside on that street. It is not a transportation corridor for commercial vehicles as would be a major road. Colegio Drive is a short, one block street that begins at Selva Road and dead ends at La Paz. It picks up again south of La Paz but, again, is a short street. Why, on the Oak map, is Colegio divided into two districts, #2 and #3? That only confuses voters who live on Colegio Drive. Interestingly, our residence is in proposed district #2, again Lewis and Wyatt's district, while the second half of Colegio is in proposed District #3. Why is not Golden Lantern, clearly a main and, arguably, arterial street, the boundary between Districts 2 and 3? Golden Lantern meets a natural neighborhood dividing line criteria: "major road." Silver Lantern does not. The decision to carve out Colegio is clearly a personal attack on my running for City Council.

As Mr. Johnson notes, equal population among districts or as equal as possible, is a "harsh" criteria to meet under the Federal Voting Rights Act. Cognizant of that, on both the Oak and Pine maps, drawing the boundary between proposed Districts #2 and #3 east from Silver Lantern to Golden Lantern and then south on Golden Lantern to where it meets the existing boundary adds population, but the added number of residents meets population guidelines and, thus, would not be in violation of either the Federal or State Voting Rights Act. There is no defensible reason why the Oak and Pine maps were drawn with the carve-out of Silver Lantern and Colegio Drive. Conversely, there is every reason to draw the Oak and Pine maps to include those who reside on Silver Lantern and Colegio Drive. In fact, the added population to the proposed Oak District map actually makes the overall population more in line with the other proposed districts.

Not to re-configure the Oak and Pine maps to include Silver Lantern and Colegio Drive in District 2 is, from my perspective a deliberate infringement on my right to run for City Council. It is a calculated, punitive action designed to disenfranchise me as an American citizen to run for office. It is not an action you should endorse.

Very truly yours,

A handwritten signature in black ink that reads "Nancy J. Leonard". The signature is fluid and cursive, with the first name "Nancy" and last name "Leonard" clearly legible.

Nancy J. Leonard

Attachments: Dana Point Districting: Oak map  
Dana Point Districting: Pine map

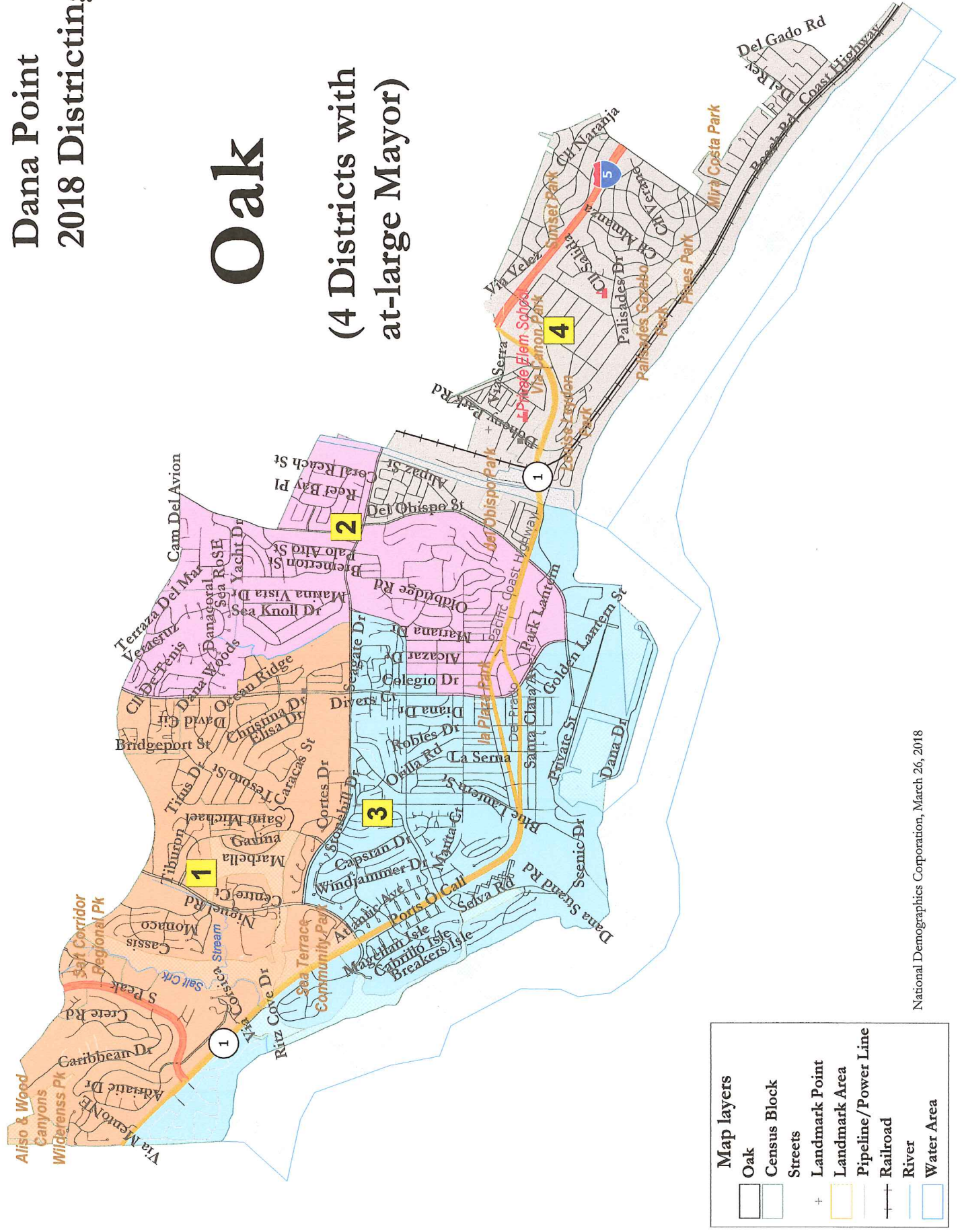
Cc Mayor Richard Viczorek  
Mayor Pro Tem Joe Muller  
Council Member Debra Lewis  
Council Member John Tomlinson  
Council Member Paul Wyatt  
Mark Denny, City Manager  
Erika Ritchie, Orange County Register  
Daniel Ritz, Dana Point Times



# Dana Point 2018 Districting

# Oak

**(4 Districts with  
at-large Mayor)**



National Demographics Corporation, March 26, 2018

# Dana Point - Oak 4-District Map

District		1	2	3	4	Total
Ideal	Total Pop	8,562	8,307	8,256	8,226	33,351
8,338	Deviation from ideal	224	-31	-82	-112	336
	% Deviation	2.69%	-0.37%	-0.98%	-1.34%	4.03%
Total Pop	% Hisp	13%	18%	18%	19%	17%
	% NH White	80%	76%	75%	74%	76%
	% NH Black	1%	1%	1%	1%	1%
	% Asian-American	5%	4%	4%	4%	4%
Citizen Voting Age Pop	Total	6,876	6,062	7,462	6,278	26,679
	% Hisp	10%	9%	13%	19%	12%
	% NH White	83%	86%	83%	75%	82%
	% NH Black	0%	1%	1%	3%	1%
	% Asian/Pac.Isl.	5%	4%	3%	2%	4%
Voter Registration (Nov 2016)	Total	5,620	5,523	5,457	5,270	21,870
	% Latino est.	8%	9%	8%	11%	9%
	% Spanish-Surnamed	7%	8%	7%	10%	8%
	% Asian-Surnamed	2%	2%	1%	1%	2%
	% Filipino-Surnamed	1%	1%	1%	0%	1%
	% NH White est.	86%	85%	87%	82%	85%
	% NH Black	0%	1%	1%	2%	1%
Voter Turnout (Nov 2016)	Total	4,642	4,559	4,496	4,341	18,038
	% Latino est.	7%	8%	7%	10%	8%
	% Spanish-Surnamed	6%	8%	7%	9%	7%
	% Asian-Surnamed	3%	2%	1%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	0%	1%
	% NH White est.	86%	86%	87%	82%	85%
	% NH Black	0%	1%	1%	2%	1%
Voter Turnout (Nov 2014)	Total	2,476	2,664	2,870	2,352	10,363
	% Latino est.	6%	6%	5%	8%	6%
	% Spanish-Surnamed	5%	6%	5%	7%	6%
	% Asian-Surnamed	2%	2%	1%	2%	2%
	% Filipino-Surnamed	0%	0%	0%	0%	0%
	% NH White est.	92%	86%	87%	83%	87%
	% NH Black est.	0%	0%	1%	1%	0%
ACS Pop. Est.	Total	8,937	8,876	9,060	8,045	34,917
Age	age0-19	17%	20%	17%	17%	18%
	age20-60	50%	56%	57%	52%	54%
	age60plus	32%	24%	26%	30%	28%
Immigration	immigrants	16%	19%	17%	13%	16%
	naturalized	74%	34%	47%	65%	53%
Language spoken at home	english	83%	73%	78%	77%	78%
	spanish	7%	21%	13%	21%	15%
	asian-lang	3%	1%	1%	1%	2%
	other lang	8%	4%	8%	2%	5%
Language Fluency	Speaks Eng. "Less than Very Well"	4%	12%	9%	8%	8%
Education (among those age 25+)	hs-grad	41%	50%	46%	53%	47%
	bachelor	31%	25%	27%	25%	27%
	graduatedegree	24%	16%	21%	11%	18%
Child in Household	child-under18	19%	24%	20%	18%	20%
Pct of Pop. Age 16+	employed	56%	63%	65%	61%	61%
Household Income	income 0-25k	10%	16%	12%	16%	13%
	income 25-50k	17%	14%	15%	19%	16%
	income 50-75k	15%	18%	19%	16%	17%
	income 75-200k	41%	39%	37%	36%	38%
	income 200k-plus	18%	12%	18%	13%	15%
Housing Stats	single family	73%	64%	59%	80%	69%
	multi-family	27%	36%	41%	20%	31%
	rented	34%	41%	45%	31%	38%
	owned	66%	59%	55%	69%	62%

Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.



# Pine

(4 Districts with  
at-large Mayor)



Dana Point - Pine 4-District Map						
District		1	2	3	4	Total
Ideal	Total Pop	8,499	8,237	8,389	8,226	33,351
8,338	Deviation from ideal	161	-101	51	-112	273
	% Deviation	1.93%	-1.21%	0.61%	-1.34%	3.27%
Total Pop	% Hisp	9%	18%	22%	19%	17%
	% NH White	83%	75%	72%	74%	76%
	% NH Black	1%	1%	1%	1%	1%
	% Asian-American	5%	4%	3%	4%	4%
Citizen Voting Age Pop	Total	6,971	6,077	7,352	6,278	26,679
	% Hisp	8%	10%	13%	19%	12%
	% NH White	85%	84%	83%	75%	82%
	% NH Black	0%	1%	1%	3%	1%
	% Asian/Pac.Isl.	5%	4%	3%	2%	4%
Voter Registration (Nov 2016)	Total	5,855	5,430	5,315	5,270	21,870
	% Latino est.	7%	10%	8%	11%	9%
	% Spanish-Surnamed	6%	9%	7%	10%	8%
	% Asian-Surnamed	2%	2%	1%	1%	2%
	% Filipino-Surnamed	1%	1%	1%	0%	1%
	% NH White est.	86%	85%	88%	82%	85%
	% NH Black	0%	1%	1%	2%	1%
Voter Turnout (Nov 2016)	Total	4,855	4,493	4,349	4,341	18,038
	% Latino est.	6%	9%	8%	10%	8%
	% Spanish-Surnamed	6%	8%	7%	9%	7%
	% Asian-Surnamed	3%	2%	1%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	0%	1%
	% NH White est.	86%	85%	88%	82%	85%
Voter Turnout (Nov 2014)	% NH Black est.	0%	1%	1%	2%	1%
	Total	2,844	2,719	2,448	2,352	10,363
	% Latino est.	5%	6%	6%	8%	6%
	% Spanish-Surnamed	5%	5%	6%	7%	6%
	% Asian-Surnamed	2%	2%	1%	2%	2%
	% Filipino-Surnamed	0%	0%	1%	0%	0%
ACS Pop. Est.	% NH White est.	90%	85%	90%	83%	87%
	% NH Black est.	0%	1%	1%	1%	0%
	Total	8,757	8,724	9,392	8,045	34,917
	age0-19	17%	20%	17%	17%	18%
	age20-60	50%	53%	59%	52%	54%
	age60plus	33%	26%	24%	30%	28%
Immigration	immigrants	15%	19%	18%	13%	16%
	naturalized	76%	40%	41%	65%	53%
Language spoken at home	english	84%	74%	76%	77%	78%
	spanish	5%	20%	16%	21%	15%
	asian-lang	3%	2%	1%	1%	2%
	other lang	8%	5%	7%	2%	5%
Language Fluency	Speaks Eng. "Less than Very Well"	3%	10%	11%	8%	8%
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	bachelor	32%	26%	24%	25%	27%
	graduatedegree	25%	18%	19%	11%	18%
Child in Household	child-under18	19%	24%	20%	18%	20%
Pct of Pop. Age 16+	employed	56%	61%	67%	61%	61%
Household Income	income 0-25k	9%	16%	13%	16%	13%
	income 25-50k	16%	14%	16%	19%	16%
	income 50-75k	15%	17%	20%	16%	17%
	income 75-200k	40%	42%	36%	36%	38%
	income 200k-plus	20%	12%	16%	13%	15%
Housing Stats	single family	74%	67%	55%	80%	69%
	multi-family	26%	33%	45%	20%	31%
	rented	32%	37%	50%	31%	38%
	owned	68%	63%	50%	69%	62%
Total population data from the 2010 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.						

## KATHY WARD

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**From:** John Schoeffel <gjsdds@gmail.com>  
**Sent:** Tuesday, April 03, 2018 10:11 AM  
**To:** KATHY WARD  
**Subject:** Petition - On Districting  
**Attachments:** Dana Point Districts.pdf

Attached

Agenda Item No. 11  
4/3/18



## PETITION

### THREE VOTES WILL CHANGE OUR CITY

AT THE APRIL 3<sup>RD</sup> CITY COUNCIL MEETING THE COUNCIL WILL BE VOTING TO CREATE 5 VOTING DISTRICTS IN DANA POINT. IF APPROVED YOU WILL ONLY GET ONE VOTE EVERY 4 YEARS FOR A COUNCIL CANDIDATE IN YOUR DISTRICT. ONLY 3 VOTES ON THE COUNCIL ARE NEEDED TO MAKE THIS HISTORIC CHANGE.

RESIDENTS SHOULD BE AWARE OF THE POSSIBILITY OF HAVING 4 DISTRICTS AND AN AT LARGE MAYOR ALSO THAT NO FORMAL STUDY HAS BEEN DONE PROVING DANA POINT VOTERS EXPERIENCE RACIAL POLARIZATION AND IF SO WHERE ARE THOSE AREAS.

PLEASE TAKE A FEW MINUTES TO SEND IN THIS PETITION TO THE DANA POINT CITY COUNCIL:

C/O [Kward@danapoint.org](mailto:Kward@danapoint.org)

I AM SIGNING THIS PETITION REGARDING A HISTORIC DECISION TO CREATE VOTING DISTRICTS IN DANA POINT. IT IS IMPORTANT THAT RESIDENTS BE FULLY INFORMED BEFORE ANY DECISION IS MADE, PARTICULARLY SINCE THERE WAS NO PUBLIC VOTE OR SURVEY ON THIS ISSUE. PLEASE PRESENT OTHER OPTIONS FOR CONSIDERATION. (Please check preferred action by council)

( ) DO NOT FAVOR DISTRICTING

~~I WOULD PREFER 4 DISTRICTS AND AN AT LARGE MAYOR~~

☒ HOLD COMMUNITY WORKSHOPS BEFORE MAKING A DECISION

( ) Other suggestions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME

ADDRESS

G JOHN SCHOFFER

*John Schaffer*

32881 LEAF DR

DANA POINT, CA 92629

## KATHY WARD

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**From:** Mary Spivey <mtspiveypru@gmail.com>  
**Sent:** Tuesday, April 03, 2018 12:06 PM  
**To:** KATHY WARD  
**Subject:** Still holding out hope for Vickzorek!

Hello Ms. Ward,

I marched all over DP to get votes for R. Vickzorek when he was running. Because he said there is "One Dana Point, we need to unite, it's all one City!" I agreed with R Vickzorek, that was part of DP's problem, is the division between area's. Especially the long over due revitalization of the area of DP, known as the "South Bottom's or Doheny Village." This area has been patiently waiting for it's attention. Mean while the other side of DP has been redone a couple times since it's existence. Reworking road ways, so on and so forth. The Changes to the zoning in that area and not to the South Bottom's. Seems evident that the steering of adult day care, or medical facilities like methadone clinics would soon populate the South Bottoms, this plan seems well underway. I'm referring to the building that R. Vickzorek once had his legal practice, which is in close proximity to preschool and children's swim lessons. This now supplies treatment to so many south counties Rehab Rivera's homes. The only business that seems to flourish in our area. I have often asked these patient's to pick up their cigg butts, I literally must teach them not to litter, it goes straight to our Ocean. They laughingly refer to our neighborhood as the "Rehab Rivera". An employee of one of the Rehab Rivera Homes, informed me once done with treatment these kids set up home in our homeless population. Of course this Rehab Rivera reputation has nothing to do with why we can't seem to bring business to the area. I have heard it so

many time's, our area has a reputation for this all over US, not just Southern Ca.

After R. Vickzorek was voted in, I told him my concerns for crime in this area of DP, he told me there has to be a bad part of every town. The problem with this theory, is criminals don't like districts or do they stay in their little sections you are giving them. I asked R. Vickzorkek if he'd point to the "Bad area's" of cities that are well run, heres an example: Aliso Viejo. They clearly have "No Bad area's" comparatively speaking to our own South Bottoms. R.

Vickzorek then encouraged us as citizens to unite and make the changes, that the civil servants will listen and respond. This was not the case, in fact Mueller has tried to silence people or humiliate on camera during council meetings in the past.

D. Lewis sat as Mayor and for the first time the respect to those tax paying, registered voters was paid. This only brought forth more unity in our city, from all areas of DP.

Many talk about how our city sit's in the back ground watching while other cities take action on serious issues, we wait to see the outcome prior to becoming involved. While involving itself in legal action we clearly shouldn't be apart of at other times. Why are we are we jumping the gun on something that is clearly dividing the City, literally. This division with districts isn't wanted by a majority of people and this should be taken into consideration before making a hasty decision. My fear is this will only cause more friction and remove power of minority voter's, especially in the South Bottoms. Capo loves South Bottoms, and the people. We volunteer countless hours to make lives better, empower them as DP citizens.

There is a troll in the paper, AKA Jolly and various other names, Jolly implied this districting will change upcoming elections, in the favor of Vickzorek and Mueller team. How Jolly figures that, not sure? I assume he's thinking, if they divide up Capo, we'll loose power. What Jolly doesn't know, R. Vickzorek asked us to unite... we did, the whole City, "We are one city, DP". This upcoming election will soon show how untied this city actually is, the whole city, not just the former area known as Capo. Please tell the council to smile for the camera, as it's not just local camera's watching any longer, were making big new's!

I wanted you to know that a large group of us who have children at home and cant attend meeting's we are watching, as well as those retired and those just too tired at the end of a long work day to sit in the chambers. Please know we listened to R. Vickzorek, who encouraged us to get involved, just viewing from the comfort of our own homes.

## KATHY WARD

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**From:** Sandy Szemenyei <sandy.szemenyei@gmail.com>  
**Sent:** Tuesday, April 03, 2018 12:45 PM  
**To:** KATHY WARD  
**Subject:** Not in favor of new district plans

I do not favor making district voting and certainly not before the citizens of Dana Point have a chance to understand the ramifications and voice their opinions! I'm against the green map as it divides Capo Beach into areas that don't share the same issues. Please slow down and not act in unwise haste.

Sincerely,

Steve and Sandy Szemenyei  
Homeowners in Capo Beach

Sent from my iPhone  
God bless your day

Agenda Item No. 11

4/3/18

**The Law Office  
of  
MARK N. ZANIDES**

*34145 Pacific Coast Highway #216  
Dana Point, Ca. 92629  
TEL 949 545 6526  
FAX 888 422 8816  
mzanides@mnzlaw.com*

April 3, 2018

Via Electronic Mail To  
Kathy Ward

Honorable Mayor Richard A. Viczorek  
Mayor Pro Tem Joseph L. Muller  
Council Members  
Debra Lewis,  
John A. Tomlinson  
Paul N. Wyatt

RE: Item 11 of April 3, 2018 Agenda

Dear Mr. Viczorek  
Members of the City Council:

I write to address briefly the comments by the City Attorney in regard to Item 11 on tonight's agenda in regard to issues related to a potential four districts with an at large mayor plan.

Preliminarily, I observe that the City Council has hastily succumbed to the letter of Myrick, and capitulated in 15 days, not the statutorily authorized 45 days to take full advantage of the safe harbor provisions of the CVRA. To the extent the City Attorney advised that this reply should be made so hastily, it was bad advice. This is so because even if the Council ultimately concluded it should establish districts, the hasty reply radically shortened the time available to the Council to determine whether a demographic study was necessary and appropriate to permit a measured analysis of the allegations and to formulate an informed response.<sup>1</sup> Equally importantly, the shortened time has made it

<sup>1</sup> As has been pointed out by others, this process is one advocated by the demographer on the <https://www.ndcresearch.com/voting-rights-act-demographic-analysis/what-can-you-do/>

much more difficult to hold public forums and otherwise educate the citizens of Dana about the drastic implications this change has for our City.

With specific regard to Agenda item 11, part if Item 11 is the decision whether to “consider eliminating any draft maps that it no longer wishes to consider adopting, as well as determining the number of districts the Council will ultimately adopt.” This Agenda item is placed before Item 16, which is a proposal to hold public workshops, consider conduct research into the districting issue, and take steps to reach out to the community to educate the public about the issue. A decision on number of districts would moot the Agenda item 16, and once again demonstrate the majority’s disdain for an orderly process and the views of its citizens.

The City Attorney’s memorandum with regard to Item 11 concedes that adopting four districts and an at large mayor system is statutorily permissible. However, he provides a lengthy description of what plaintiff’s attorneys could argue in contending that such a four district plus at large mayor plan still violates the CVRA. He states: “[a]t this point, it is unclear whether such arguments will ultimately be upheld by the Courts. The point however is that the City Council should be 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. City Attorney Mem. April 3, 2018, at 6.

The City Attorney does not cite to any case holding that a four district plus at large mayor scheme violates the CVRA and I am not aware of any such case. Rather, he simply creates the specter of such litigation. But the prospect of such litigation is remote, because the demographer’s four district plans (Oak and Pine) increases the concentration of Hispanic voters from 18% to 19% in the most concentrated Hispanic district. Thus a four district plan actually arguably improves the electoral power of minority voters in

- 
- 1) Conduct a proactive analysis of potential liability;
  - 2) Follow the efficient approach recommended—one that minimizes the expense to clients by doing the following:
    - a) Study the demographic data to determine if it is clear that the jurisdiction faces liability;
      - If it does show the prospect of liability, no further analysis is needed.
      - If it does not or if the answer is unclear do the following:
    - b) Study potential polarized voting patterns in statewide elections, an analysis more cost effective than an analysis of local elections;
      - If those results remain indecisive, an analysis of local elections is recommended.

As Mr. Johnson states, **“In this step-by-step manner, we ensure that you receive the information needed to make an informed decision in the most cost effective way possible.”**



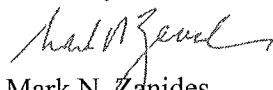
Dana Point. Under such circumstances, the likelihood of a plaintiff's lawyer filing a lawsuit is remote, because the chance of recovery is remote.<sup>2</sup>

This is not only my view, but the view of a very experienced municipal lawyer who has litigated many of these cases with whom I very recently have spoken.

Nor does the City Attorney memo address the many advantages of such a plan. Both of the 4 district maps keep Capo Beach in its natural state as one district, fit the City's natural geographic divisions better, and avoid the illogical and arbitrary divisions of the five district maps. Moreover it would permit all of the City's voters, including Hispanics, to select a mayor for all of the districts, thereby reducing the risk of district balkanization and division within our community. As well, it would permit a greater use of the City's talent pool to help govern our City, since two capable persons who happened to reside in one district would each be permitted to run for a governing position.<sup>3</sup>

For the foregoing reasons, if the Council decides to adopt a redistricting plan tonight, the Council should adopt a four district plus at large mayor plan.

Sincerely,



Mark N. Zanides

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<sup>2</sup> It is also not clear that the safe harbor provisions of the statute would not apply if the City adopted a new system with four districts plus at large mayor. Courts have been unwilling to find automatically that a new and changed system of voting is violative of the statute without an actual voting record under the new system. It is my understanding that this is what occurred in Rancho Cucamonga, the plaintiffs' lawyers claims notwithstanding. Thus the City Attorney's lengthy quote from the Rancho Cucamonga case is misleading: the trial court rejected that claim.

<sup>3</sup> The four district plan would also likely largely silence complaints that there has been an attempt to gerrymander the five districts to place critics of the current Council majority into one district. The exception, of course, is the arbitrary division of Colegio, which must be remedied in any plan accepted.



## KATHY WARD

---

**From:** 2irene@cox.net  
**Sent:** Tuesday, April 03, 2018 12:01 PM  
**To:** RICHARD VICZOREK; JOE MULLER; Debra Lewis; Paul Wyatt; JOHN TOMLINSON; JACKIE LITTLER  
**Cc:** 2irene@cox.net; KATHY WARD  
**Subject:** FYI: San Clemente - Ballot Initiative for Nov. 2018 ...Fwd: Elections: At-Large & By-District  
**Attachments:** XSADMIN - CLERK - .pdf

To: Mayor Viczorek, Mayor Pro Tem Muller, Councilwoman Lewis, Councilman Wyatt, Councilman Tomlinson, City Manager - Mark Denny, City Attorney - Patrick Munoz

Re: Initiative for San Clemente Residents before a "Demand Letter" has been received

When the 2015 Palmdale Election case settled, which was being watched by many cities at the time, this issue could have been addressed by Dana Point without paying any attorney fees for a demand letter.

To bring this issue to residents after almost three years, is a concern to me as well as what the legal advice was that was given to City Council, unless perhaps Council and City Staff chose to ignore the issue until a demand letter was received.

Additionally, not to give enough time to the issue to communicate and explain the issue to the public is not city government transparency. It has created a "Stir" within the community. Is it a 5 member council or 4 members with elected mayor? Which maps are the ones to comment on?

\*\*\*\*\*Please partner with CUSD to perhaps use their facilities or the Community Center to inform the public regarding the ramifications of maps, etc. Neighborhoods should be kept together.

As brochures were provided at Coffee Importers at the Harbor to alert the public to "Taking Back Our Community", Homelessness, Stem Career Day at R.H. Dana Elementary, and California Wine Festival, there should also be brochures explaining the need for meetings to address By-District and At-Large Elections. A small article in Dana Point Times is not enough.

With respect to: "Taking Back Our Community":

Dana Point has been changed dramatically by all the special events that come to Dana Point and this may have also contributed to the increase in crime of 28% over the last five years because Dana Point has been "put on the map" for all of Southern California.

Please read below how San Clemente has treated the At-Large or By-District topic.

Thank you,

Irene Fascher

Agenda Item No. 11  
4/3/18

----- Original Message -----

From: "Baade, Joanne" <BaadeJ@san-clemente.org>

To: "2irene@cox.net" <2irene@cox.net>

Date: April 3, 2018 at 8:43 AM

Subject: Elections: At-Large & By-District

Irene:

A measure relating to possibly changing the manner by which San Clemente City Council members are elected from at-large to by-district will appear on the November 6, 2018 ballot. This measure was added to the ballot through the public initiative process, not because of a demand letter (which we have not received). A copy of the resolution calling the election, which includes the text of the measure is attached.

Joanne Baade

San Clemente City Clerk

**From:** 2irene@cox.net [mailto:2irene@cox.net]

**Sent:** Monday, April 02, 2018 7:25 PM

**To:** CityClerk Mail <CityClerk@san-clemente.org>

**Subject:** Elections: At-Large & By-District

To: City Clerk of San Clemente

Re: Attorney Demand Letter regarding election process

1. Has San Clemente received a "demand letter" from an attorney requesting San Clemente to change to By-District elections of City Council Members? If so, what is the attorney's name?

2. When would a special election be held if the City Council does not adopt the task force's recommendation?

3. How would the Task Force be selected to recommend district boundaries ? Will a consultant firm, also, be utilized to draw boundaries, or will it be an all citizen participation task force?

Thank you for the clarification,

Irene

RESOLUTION NO. 16-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2018, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to election of City Council members by district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of San Clemente, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing three Members of the City Council, all for the full term of four years.

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

<b>[Insert Measure Letter] San Clemente, Initiative for Election of City Council Members by District</b>  Shall the ordinance be adopted to change the manner in which City Council members are elected from "at large" to "by district," to establish a task force to recommend district boundaries, and to require a special election if the City Council does not adopt the task force's recommendation?	<b>YES</b>
	<b>NO</b>

Section 3. That the proposed complete text of the measure to be submitted to the voters is attached as Exhibit A.

Section 4. That the vote requirement for the measure specified above to pass is a majority (50%+1) of the votes cast.

Section 5. That the ballots to be used at the election shall be in the form and content as required by law.

Section 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 7. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code §10242, except as provided in §14401 of the Elections Code of the State of California.

Section 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

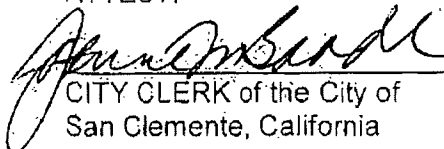
Section 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 30th day of August, 2016.



MAYOR of the City of  
San Clemente, California

ATTEST:

  
CITY CLERK of the City of  
San Clemente, California

STATE OF CALIFORNIA       )  
COUNTY OF ORANGE       ) SS  
CITY OF SAN CLEMENTE     )

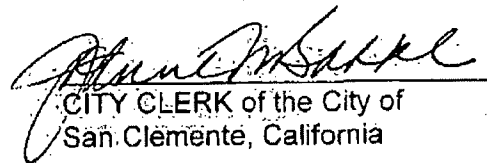
I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 16-49 was adopted at an adjourned regular meeting of the City Council of the City of San Clemente held on the 30th day of August, 2016, by the following vote:

AYES:    BROWN, DONCHAK, HAMM, WARD

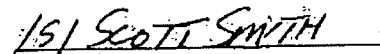
NOES:    MAYOR BAKER

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, this 7TH day of SEPT., 2016.

  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

  
City Attorney

**Exhibit A.**

**Full Text of Measure \_\_\_\_\_**

To the City Council of the City of San Clemente:

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

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

**SECTION 1 – TITLE**

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

**SECTION II – FINDINGS AND DECLARATIONS**

The People find and declare as follows:

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

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

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

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

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

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

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

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

### **SECTION III – PROPOSED AMENDMENTS TO CITY MUNICIPAL CODE**

The City municipal code is amended to read:

**a. Number, Term, & Districts.**

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

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

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

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

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



(d) For the purpose of nominating and electing the five members of the City Council by districts, the first election under this Amendment shall be held after the City Council established the five districts pursuant to the District Elections Task Force as described in the amendments to the Municipal Code as soon as possible after the amendments herein are approved by voters in a special election(s) as defined in Section 1400 following adoption of this Amendment. Council Members shall be elected by district based on the number of Council Seats up for elections (San Clemente staggers seats every two years thus either 3 or 2 seats are up in every two year election period) and shall serve a period of up to the four year term (as the term shall end upon the new Council Members taking office after the next General Election). Because of this, the first five districts will be set by the Council after the District Elections Task Force's recommendations and the Council shall draw from a hat random numbers from 1 to 5 and that is the order in which the districts Council Members shall be elected, i.e. in the first district election, if 2 seats are open, then districts 1 and 2 shall be elected and if 3 seats are open, then the Council members shall be elected for districts 1, 2 and 3, respectively.

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

**Eligibility.**

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

Section \_\_\_\_\_ of article \_\_\_\_\_ of the City \_\_\_\_\_ shall be amended to read:

**SECTION IV-PROPOSED ORDINANCE FOR MUNICIPAL CODE**

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

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

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

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

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

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

#### **SECTION \_\_\_\_\_**

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

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

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

I certify that Ordinance No. \_\_\_\_ was adopted by the electorate of the City of San Clemente at a General Municipal Election held on --. This Ordinance was adopted as a result of the passage of Measure \_\_\_\_\_. Please refer to Resolution No. -- for the recitation of the election results.

Joanne M. Baade  
City Clerk

p:\my documents\my word\fulltext-by-districtelections.docx

## KATHY WARD

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**From:** Mary Booth <mary@pawd.com>  
**Sent:** Tuesday, April 03, 2018 11:22 AM  
**To:** KATHY WARD  
**Subject:** changing voting districts

Dear Kathy, City Clerk

I am a resident and registered voter of Capo Beach. I must voice my opposition to these proposed district changes, I do not believe it is in our best interest to be split and joined to Lantern district.

The only proposals I would accept are the Oak or Pine which leave us in tact!!

Please count our voice!!

Thanks,  
Mary Booth

Agenda Item No. 11

4/3/18

## KATHY WARD

---

**From:** Marlys Gillies <casigngal@cox.net>  
**Sent:** Tuesday, April 03, 2018 11:17 AM  
**To:** KATHY WARD  
**Subject:** Dividing our city into districts for voting purposes????

To Whom It May Concern

I adamantly disagree with dividing our city into districts!!!! Why are you trying to divide us as a city??? Isn't our country divided enough as it is? We live in Dana Point because we love it here and we enjoy all the different parts of our city. As a tax payer in this city I believe I should have a say in what goes on in this city. Are you trying to make me feel like a foreigner in my own city?? Please don't divide us!!!!

I won't be attending the meeting tonight because we have a family from Swaziland staying with us. I shared with them what you are trying to do and they thought the idea was unexplainable as I do. Coming from the dictatorship that they live under they told us to fight for our freedom and our right to vote for our leaders.

Thank you for considering my vote as a NO.  
Marlys Gillies

Agenda Item No. 11

4/3/18

## KATHY WARD

---

**From:** Mary Booth <boothms@gmail.com>  
**Sent:** Tuesday, April 03, 2018 11:15 AM  
**To:** KATHY WARD  
**Subject:** voting districts

Hi,  
I just wanted to voice my opinion as a voter.  
I object to the idea of splitting Capo Beach .  
I can only accept the proposed Oak and Pine maps leaving our neighborhood in tact.

Please hear our votes!!!

Thanks,  
David Booth  
(registered voter on Via California)

Agenda Item No. 11

4/3/18

## KATHY WARD

---

**From:** RACHEL JOHNSON  
**Sent:** Tuesday, April 03, 2018 10:57 AM  
**To:** MARK DENNY; KATHY WARD  
**Subject:** Fwd: District maps

Another one.

Rachel Johnson

Assistant Administrative Analyst

City of Dana Point | Community Development

33282 Golden Lantern Dana Point, CA 92629  
office: 949.248.3553  
rjohnson@danapoint.org | www.danapoint.org

----- Forwarded message -----

From: Cindy Fleming <cfleming@flemingalliance.com>  
Date: Apr 3, 2018 13:53  
Subject: District maps  
To: districting <districting@DanaPoint.org>  
Cc:

How does this give the supposed disenfranchised more power in their vote? It would seem to block the few minorities from having any real voting power at all! Our minority populations are distributed in several areas of the town. By splitting the city into districts it seems to dilute ALL voters say. This whole issue looks as though it was cooked up to make sure that voters have LESS say in our government, not more. The fact that the council is set to make ANY decisions without multiple REAL open forums where we can ask questions and get answers makes one suspicious of motives. And how is this supposed to make the governing of our town any better? By having each area represented by a councilman who only represents their own district, it would seem that no one is looking out for the good of the town as a whole. No evidence that I am aware of has been presented that we even have disenfranchised minority voters any more than disenfranchised majority voters. This whole issue needs real study and an open process.

All of that aside and after looking at the maps available today, I would have to say that ***IF*** we are forced to accept districts at all and ***AFTER*** much more study and real answers to questions, the fewer districts and an at large mayor would definitely be a better solution than more. Dana Point is not a large town. In any case it makes absolutely no sense whatsoever to split a neighborhood. As such splitting the Lantern District, Capo Beach, the 'Bible-belt' area and surroundings or Monarch Beach is not acceptable. These are the major neighborhoods in Dana Point and if we have to play one neighborhood against the other (that's what I believe districting will do) then they must remain intact at the very least.

Please do not select or narrow any options at this point. Do the real work to determine if there are real issues and make it readily available to ALL voters.

Agenda Item No. 11

4/3/18





Cindy Fleming, AIA, LEED AP

**FLEMING ALLIANCE ARCHITECTURE, INC.**

24672 San Juan Avenue, Suite 101

Dana Point, CA 92629

TEL 949-276-7001 FAX 949-276-7003

CELL 949-874-1654

[www.FlemingAlliance.com](http://www.FlemingAlliance.com)

## KATHY WARD

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**From:** 2irene@cox.net  
**Sent:** Tuesday, April 03, 2018 2:07 PM  
**To:** KATHY WARD  
**Cc:** Debra Lewis; RICHARD VICZOREK; JOE MULLER; Paul Wyatt; JOHN TOMLINSON; JACKIE LITTLER; 2irene@cox.net  
**Subject:** Also: Please Add My Latest E-mail to the City Website.....RE: Thank You.....RE: San Clemente - Ballot Initiative for Nov. 2018 ...Fwd: Elections: At-Large & By-District

Kathy,

Can you please ADD my previous e-mail sent to you referencing City of San Clemente's Ballot Measure to all the comments that are now on the website. I will copy and paste it for your convenience. Also, residents need to know that brochures were at Coffee Importers that did not address such an important issue as elections.

I only saw one of my e-mails on the website.....requesting forums.....and it is important to add my other e-mail to the information for the public that San Clemente is voting in November on this issue.

ADDITIONALLY, it is imperative for residents to know that this is not a "new" issue.....it has been visible even before the Palmdale settlement for over 4 million dollars in the year 2015. City Attorneys were vigilantly watching this issue to see the outcome for many years before the demand letter sent to Dana Point.

Thank you,

Irene

To: Mayor Viczorek, Mayor Pro Tem Muller, Councilwoman Lewis, Councilman Wyatt, Councilman Tomlinson, City Manager - Mark Denny, City Attorney - Patrick Munoz

Re: Initiative for San Clemente Residents before a "Demand Letter" has been received

When the 2015 Palmdale Election case settled, which was being watched by many cities at the time, this issue could have been addressed by Dana Point without paying any attorney fees for a demand letter.

To bring this issue to residents after almost three years, is a concern to me as well as what the legal advice was that was given to City Council, unless perhaps Council and City Staff chose to ignore the issue until a demand letter was received.

Additionally, not to give enough time to the issue to communicate and explain the issue to the public is not city government transparency. It has created a "Stir" within the community. Is it a 5 member council or 4 members with elected mayor? Which maps are the ones to comment on?

\*\*\*\*\*Please partner with CUSD to perhaps use their facilities or the Community Center to inform the public regarding the ramifications of maps, etc. Neighborhoods should be kept together.

As brochures were provided at Coffee Importers at the Harbor to alert the public to "Taking Back Our Community", Homelessness, Stem Career Day at R.H. Dana Elementary, and California Wine Festival, there should also be brochures explaining the need for meetings to address By-District and At-Large Elections. A small article in Dana Point Times is not enough.

With respect to: "Taking Back Our Community":

Dana Point has been changed dramatically by all the special events that come to Dana Point and this may have also contributed to the increase in crime of 28% over the last five years because Dana Point has been "put on the map" for all of Southern California.

Please read below how San Clemente has treated the At-Large or By-District topic.

Thank you,

Irene Fascher

On April 3, 2018 at 12:52 PM KATHY WARD <[kward@DanaPoint.org](mailto:kward@DanaPoint.org)> wrote:

No worries Irene....all of these letters will be on our website for the public and Council's review prior to the meeting.

Both Council Members are teleconferencing into the meeting tonight as well.

**From:** 2irene@cox.net [mailto:2irene@cox.net]

**Sent:** Tuesday, April 03, 2018 12:49 PM

**To:** KATHY WARD

**Subject:** Thank You.....RE: San Clemente - Ballot Initiative for Nov. 2018 ...Fwd: Elections: At-Large & By-District

Since two Council Members will be absent tonight, I appreciate you forwarding the information to the Council.

It's unfortunate that more time has not been allocated to really explain this to the community and all the "details" that go with it.

Appreciate your responsiveness.

On April 3, 2018 at 12:35 PM KATHY WARD <[kward@DanaPoint.org](mailto:kward@DanaPoint.org)> wrote:

Irene - I'll distributed this one too!

Best regards,

Kathy M. Ward, MMC

City Clerk

City of Dana Point

33282 Golden Lantern, Suite 203

Dana Point, CA 92629

Phone: 949-248-3505

Fax: 949/248-9920

**From:** [2irene@cox.net](mailto:2irene@cox.net) [mailto:2irene@cox.net]

**Sent:** Tuesday, April 03, 2018 12:01 PM

**To:** RICHARD VICZOREK; JOE MULLER; Debra Lewis; Paul Wyatt; JOHN TOMLINSON;  
JACKIE LITTLER

**Cc:** [2irene@cox.net](mailto:2irene@cox.net); KATHY WARD

**Subject:** FYI: San Clemente - Ballot Initiative for Nov. 2018 ...Fwd: Elections: At-Large &  
By-District

To: Mayor Viczorek, Mayor Pro Tem Muller, Councilwoman Lewis, Councilman Wyatt, Councilman Tomlinson, City Manager - Mark Denny, City Attorney - Patrick Munoz

Re: Initiative for San Clemente Residents before a "Demand Letter" has been received

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Thank you,

Irene Fascher

----- Original Message -----

From: "Baade, Joanne" <BaadeJ@san-clemente.org>

To: "2irene@cox.net" <2irene@cox.net>

Date: April 3, 2018 at 8:43 AM

Subject: Elections: At-Large & By-District

Irene:

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district will appear on the November 6, 2018 ballot. This measure was added to the ballot through the public initiative process, not because of a demand letter (which we have not received). A copy of the resolution calling the election, which includes the text of the measure is attached.

Joanne Baade

San Clemente City Clerk

**From:** [2irene@cox.net](mailto:2irene@cox.net) [<mailto:2irene@cox.net>]  
**Sent:** Monday, April 02, 2018 7:25 PM  
**To:** CityClerk Mail <[CityClerk@san-clemente.org](mailto:CityClerk@san-clemente.org)>  
**Subject:** Elections: At-Large & By-District

To: City Clerk of San Clemente

Re: Attorney Demand Letter regarding election process

1. Has San Clemente received a "demand letter" from an attorney requesting San Clemente to change to By-District elections of City Council Members? If so, what is the attorney's name?
2. When would a special election be held if the City Council does not adopt the task force's recommendation?
3. How would the Task Force be selected to recommend district boundaries ? Will a consultant firm, also, be utilized to draw boundaries, or will it be an all citizen participation task force?

Thank you for the clarification,

Irene

## KATHY WARD

---

**From:** Cindy Fleming <cflaming@flemingalliance.com>  
**Sent:** Tuesday, April 03, 2018 2:15 PM  
**To:** KATHY WARD  
**Subject:** Voting Districts  
**Attachments:** Letter to City Council 4-3-18.pdf

Kathy –

Would you please distribute the attached letter to the Council members?

Thank you!



Cindy Fleming, AIA, LEED AP  
**FLEMING ALLIANCE ARCHITECTURE, INC.**  
24672 San Juan Avenue, Suite 101  
Dana Point, CA 92629  
TEL 949-276-7001 FAX 949-276-7003  
CELL 949-874-1654  
[www.FlemingAlliance.com](http://www.FlemingAlliance.com)

Agenda Item No. 11

4/3/18



April 3, 2018

Councilmen -

Please fully research the issue of voting districts in Dana Point before you make ANY decisions. It certainly seems that some of you are pushing this issue forward without doing your homework to know whether it is needed and how it will affect the City over the long term.

How does districting in Dana Point give the supposed disenfranchised more power in their vote? It would seem to block the few minorities from having any real voting power at all! Our minority populations are distributed in several areas of the town. By splitting the city into districts it seems to dilute all voters say. This whole issue looks as though it was cooked up to make sure that voters have less say in our government, not more. The fact that the council is set to make ANY decisions without multiple REAL open forums where we can ask questions and get answers is unwise. And how is this supposed to make the governing of our town any better? By having each area represented by a councilman who only represents their own district, it would seem that no one is looking out for the good of the town as a whole. No evidence that I am aware of has been presented that we even have disenfranchised minority voters in greater concentrations than disenfranchised majority voters. This whole issue needs real study and an open process. That is what democracy is all about.

All of that aside and after looking at the maps available today, I would have to say that IF we are forced to accept districts at all and AFTER much more study and real answers to questions, the fewer districts and an at large mayor would definitely be a better solution than more. Dana Point is not a large town. In any case it makes absolutely no sense whatsoever to split a recognized neighborhood. As such splitting the Lantern District, Capo Beach, the 'Bible-belt' /Dana Woods area and surroundings, or Monarch Beach is not acceptable. These are the major neighborhood areas in Dana Point and if we have to play one neighborhood against the other (that's what I believe districting will do) then they must remain intact at the very least.

Please do not select or narrow any options at this point. Do the real work to determine if there are real issues and make it readily available to ALL voters first.

Sincerely,

Cindy Fleming

## Council Meeting of April 3, 2018: Agenda Items 11, 15

We are being frog-marched by the City into the most far reaching change in our corporate governance since incorporation forty years ago. City officials are forcing us into by-district voting by a wholly imaginary deadline of May 1, if not before.

What's the need for the indecent rush?

Even if you somehow believe there is no flexibility in the "safe harbor" period provided by the CVRA:

- (1) The City had 45 days to react to Mr. Myrick's demand letter: it arrived on February 2; by February 20 the Council had already adopted the resolution of intention to transition to by-district elections –curtailing the margin of action by four weeks.
- (2) That in turn set another 90-day clock ticking , but instead of proceeding with all deliberate speed, we're now on another headlong rush to curtail our voting rights by stealth - without even assessing there's even been a CVRA violation, without proper information, without proper consultation, without speaking with the lawyer from la Jolla, without seeing his clients, without any outreach to the Latino community and without even awaiting the outcome of reported settlement talks in our neighboring city Mission Viejo.

Item 11 on the Agenda -headed "Public Hearings" - recommends

*"That the City Council receive public comment and discuss the draft voting district maps presented (Attachment A) pursuant to Elections Code section 10010 (a) (2)."*

It was only to be expected that the City wants the public to confine our comments to the draft maps, although (as was clear in the meeting of March 20) most speakers would rather have answers first to the myriad questions raised by the arrival out of the blue of the Myrick demand letter, when Dana Point is one of the least obvious cities to be thought of as "low hanging fruit" for a CVRA complaint - and not a single, member of a protected class, let alone a minority community group has come forward in support of the lawyer's demand. That's probably not

surprising since you only have to do the math to see that far from increasing the voting influence of the Latino community, the districting plan will dilute it.

Not every busy reader would appreciate that there is a sting in the tail. The next sentence of Item 11 reads:

*"It is further recommended that the Council consider eliminating any draft maps that it no longer wishes to consider adopting, **as well as determining the number of districts the Council will ultimately adopt.**"*

Council Members will presumably recall the almost universal opposition expressed by speaker after speaker at the last Council meeting to this rushed plan, quite apart from the fact that very few members of the general public are even aware of it, given the dearth of information provided by the City.

It's absolutely clear from the Staff Memorandum that the City Attorney has no interest in the "four plus at large mayor" option and is pushing the five districts.

But we should not even be poring over maps at all until you have decided on the fundamental issue: are you going to disenfranchise forty per cent of the City by going to a system that does not even address any concerns of the Latino community, and may even reduce their voting influence?

There is no need to rehearse at length the multiplicity of issues raised. Speakers two weeks ago were dismayed by the openly dismissive attitude of the City Attorney who insisted that there was no alternative but to capitulate immediately.

It was only as a result of Ms. Lewis's insistence in closed session that

- (1) the Demographer was asked to draw up draft maps for this "4 districts + at large mayor" model; and
- (2) the City Attorney was instructed to write to Mr. Myrick to propose a meeting to ascertain what it was he wanted.

Both of those measures decided by the Council – at Ms. Lewis's insistence - to introduce at least some pause for reflection to this reckless and headlong train wreck have been rendered entirely vain by the Staff recommendation. What is the

point of holding talks with the lawyer if you've decided already? And what's the point in drawing up "4 district" maps if you've already decided you don't even want to discuss them?

Given that the "recommendation" pre-empts any discussion, many of us are asking: Who runs this City, the Council or the City Attorney?

Ms. Lewis has put down an item on the Agenda proposing to discuss the quick liability analysis, hold public forums, consult with the Mission Viejo City Attorney, reach out to the Latino Community and give maximum publicity to the issue.

The contempt you have already shown for the citizens and voters of Dana Point throughout this sorry process is underscored by the Mayor's placing Ms. Lewis' proposal as Item 15 on the Agenda. Again, what would be the point in any of these sensible steps if, as you wanted to do, you have already decided anyway?

This is pure Alice in Wonderland: *"Sentence First, Verdict afterwards."*

I'm asking you, and almost everybody in the room tonight will no doubt ask you the same thing, to reject the second sentence of Item 15 and postpone any decision on districts until wiser counsel prevails.

The City should immediately do five things:

- Commission the 'quick and dirty' analysis suggested by its own demographer to establish whether there has even been a CVRA violation as a necessary prelude to any final decision: even if there is a violation such a study, which would be protected from disclosure as "work product" would have been an invaluable tool to informing any discussions with Myrick;
- Reach out to the Latino community to ascertain their views and concerns (we have heard nothing from them so far;
- Hold the meeting with Mr Myrick – and his so far unidentified clients- as instructed by the Council, with the City Attorney to be accompanied by the two Council members whose terms do not expire this year;
- Hold a series of open public forums to be attended by all five members of the Council, City officials and the demographer at which questions will be allowed

and answers given (so far only Mas Lewis has held open information meetings and was scolded by Mr. Tomlinson for her pains);

- Coordinate with Mission Viejo and other similarly placed cities and in any case take no decision until the outcome of the reported settlement talks is known.

Julian Joshua,

Dana Point.

## KATHY WARD

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**From:** Chad George <chadgeorge123@gmail.com>  
**Sent:** Tuesday, April 03, 2018 2:36 PM  
**To:** KATHY WARD  
**Subject:** April 3rd Council Meeting: Item 11

Kathy,

Per the subject heading, I am writing in regards to item 11 on tonight's city council meeting agenda. I am going to do my best to attend tonight's meeting so that I can voice my concern regarding item 11, however my wife is currently battling cancer and I may not be able to leave her to attend the meeting.

First, I would like to express my extreme disappointment that the members of the city council did not take the maximum amount of time allowed by law to study the issue of creating voting districts. It appears that the decision to respond so quickly has backed the council, and subsequently the citizens of Dana Point, into a corner with very few good options. Creating voting districts will ultimately limit rather than improve representation, it will divide rather than unify. In short, it will stifle civic progress.

It is my understanding that due to the council's hasty actions, the city is already committed to creating voting districts. If in fact this is the case, I urge the council members to create a district that will encompass all of Capo Beach. Many promises, most of which have since been broken, were made prior to the 1989 "wedding" that Capo Beach would continue to have its own identity. ANY voting district that divides Capo Beach will validate the infinite number of claims made that Capo Beach residents are treated as second class citizens. **I urge the council members to keep Capo Beach unified in a single district and allow its citizens to vote for a council member as well as the mayor!** This is the only option that will fulfill the stated goal of maximization of representation!

Thank you for your consideration,

Chad George

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