

**RESOLUTION 2022-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS,  
CALIFORNIA, ADJUSTING THE BOUNDARIES OF THE CITY COUNCIL  
DISTRICTS IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE §§  
21601-21609 AND MUNICIPAL CODE § 2.20.080(b)(1)**

WHEREAS, in 2017 the City Council of Encinitas adopted Ordinance No. 2017-15 approving the change of the City's electoral system from an at-large to a "by-district" electoral system with a separately elected mayor; and

WHEREAS, the districts adopted thereby were used at the 2018 and 2020 elections; and

WHEREAS, California Elections Code § 21601 requires each city that uses by-district elections to readjust those district boundaries in the year following the release of a new Census, to ensure compliance with constitutional equal population requirements; and

WHEREAS, the existing council districts have a "total deviation" of population between the districts of 9.69% based on the 2020 Census; and

WHEREAS, the United States Supreme Court has held that a "total deviation" under 10% is presumptively constitutional; and

WHEREAS, under changes to state law adopted by the Legislature in 2019 there are additional criteria that must be complied with, including contiguity, minimizing division of neighborhoods and communities of interest to the extent possible, following easily understandable boundaries to the extent possible, and encouraging the compactness of population to the extent practicable; and

WHEREAS, the City has retained an experienced redistricting/demographic consulting firm, National Demographics Corporation (NDC), and experienced legal counsel, Nielsen Merksamer, to advise it on the process of preparing a revised district plan; and

WHEREAS, on June 9, 2021, the City Council received a presentation from the City's retained special voting rights counsel regarding the redistricting process and the legal and policy criteria governing redistricting, after which the Council approved a detailed timeline and work plan for the redistricting process; and

WHEREAS, the Census Bureau belatedly released the 2020 redistricting data files on August 12, 2021; and

WHEREAS, on August 16, 2021, the City's consultants and staff conducted an online informational public workshop to educate the public regarding online mapping tools, estimated demographics, process and criteria, and receive public input regarding the process and regarding communities of interest; and

WHEREAS, on September 22, 2021, the Council conducted a duly noticed public hearing at its regular council meeting to receive public testimony regarding the composition of the districts; and

WHEREAS, the California Statewide Database released an “adjusted” version of the Census redistricting data on September 21, 2021, as required by law, and a corrected version of those adjusted data on September 27, 2021; and

WHEREAS, on October 16, 2021, the City’s staff and consultants conducted an in-person public workshop at the Encinitas Community Center to educate the public regarding online mapping tools, estimated demographics, process and criteria, and receive public input regarding the process and regarding communities of interest; and

WHEREAS, on November 17, 2021, the Council received a presentation regarding the demographics of the current council districts based upon the adjusted 2020 Census data, after which the Council conducted a second duly noticed public hearing at its regular council meeting to receive public testimony regarding the composition of the districts and instructed its consultants to prepare draft maps for consideration at future public hearings; and

WHEREAS, on January 19, 2022, NDC presented an initial set of three draft council district plans (NDC 101, NDC 102, and NDC 103), prepared according to the criteria set forth in state law, as well as 39 maps submitted by members of the public; and

WHEREAS, following the demographic consultant’s presentation the Council conducted a third duly-noticed public hearing regarding the draft maps, after which it requested NDC prepare one or more additional maps making specified changes; and

WHEREAS, on March 9, 2022, NDC presented two additional council district plans (p69847c, p69847e) as requested by the Council plus an additional plan (p102644) submitted by a member of the public; and

WHEREAS, following NDC’s presentation the Council conducted a fourth duly-noticed public hearing regarding the draft maps; and

WHEREAS, throughout this process the City has maintained a detailed redistricting website as required by law, <https://encinitasca.gov/Government/Departments/City-Clerk/City-Council-Redistricting>; and

WHEREAS, the City has provided notices and other materials in Spanish, and has provided translation services upon request; and

WHEREAS, the City has engaged in good-faith public outreach to community groups and other interested parties as required by law; and

WHEREAS, the City made available to the public paper and online mapping tools to permit them to submit draft maps if so desired;

WHEREAS, the Council has considered all public comments on the proposed council district plans; and

WHEREAS, the Council believes that the districts contained in proposed map 69847e (the “Preferred Map”), incorporated herein, would best serve the interests of the City and the public at large; and

WHEREAS, the populations in the proposed districts of Preferred Map are substantially equal in compliance with legal requirements; and

WHEREAS, Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and the Preferred Map complies with section 2 of the Voting Rights Act; and

WHEREAS, the Preferred Map is drawn is geographically contiguous; and

WHEREAS, the Preferred Map seeks to minimize the division of communities of interest and neighborhoods to the extent possible; and

WHEREAS, the Preferred Map uses easily understandable boundaries, like streets, natural and artificial barriers, and the boundaries of the City, to the extent possible; and

WHEREAS, the Preferred Map is drawn to encourage geographical compactness to the extent practicable;

**NOW, THEREFORE**, the City Council of the City of Encinitas, California, does hereby resolve, declare, and determine as follows:

**SECTION ONE:** FINDINGS AND DETERMINATIONS.

All of the recitals set forth above are true and correct, and the City Council so finds and determines.

**SECTION TWO:** ADOPTION OF NEW COUNCIL DISTRICT MAP.

Pursuant to California Elections Code section 21601 and Municipal Code § 2.20.080(b)(1), the City Council prefers the district boundaries in proposed map 69847e, attached hereto as Exhibit "A" and incorporated herein by this reference; believes that its adoption would be serve the public interest of the City's residents and voters; and by this resolution hereby adopts the district boundaries in that Preferred Map for use at the City's November 2022 election and subsequent elections until a further re-alignment is required pursuant to Elections Code § 21601 and Municipal Code § 2.20.080(b)(1), following the release of the 2030 Census.

**SECTION THREE:** IMPLEMENTATION.

(1) The City Manager and/or her designee shall take all actions necessary to notify the San Diego County Registrar's Office of the Council's determination forthwith and provide whatever assistance may be required by the Registrar's Office to implement the new lines.

(2) Because the new district plan may contain technical anomalies caused by errors in the 2020 Census line files that do not substantively affect the populations in the districts, the district boundaries, or the intent of this resolution, which anomalies are not revealed until implementation begins, the City Manager and/or her designee is authorized to make technical emendations to the new plan that do not substantively affect the populations in

the districts, the district boundaries, or the intent of this resolution, and shall advise the Council of any such emendations that are found to be required in plan implementation by the County Registrar's Office.

(3) The City Manager shall consult with legal counsel and/or the City's demographic consultant as necessary to resolve any legal or technical issues necessary to give effect to this Resolution.

SECTION FOUR: CEQA COMPLIANCE.

The City Council finds that the proposed realignment of the existing council district map is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment

SECTION FIVE: CONFLICTING MEASURES.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof.

SECTION SIX: INTERPRETATION.

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

SECTION SEVEN: SEVERABILITY

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

SECTION EIGHT: PUBLICATION.

The City Clerk is directed to cause a copy of this Resolution to be published in the official newspaper at least once within fifteen (15) days after its approval by the Council.

PASSED, APPROVED AND ADOPTED this 9th day of March, 2022 by the City Council of the City of Encinitas, State of California.



Catherine S. Blakespear, Mayor

ATTEST:



Kathy Hollywood, City Clerk

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney

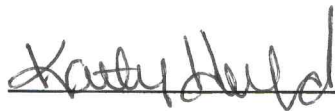
CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 9th day of March, 2022 by the following vote:

AYES: Blakespear, Hinze, Kranz, Lyndes, Mosca

NOES: None

ABSENT: None

ABSTAIN: None



Kathy Hollywood, City Clerk

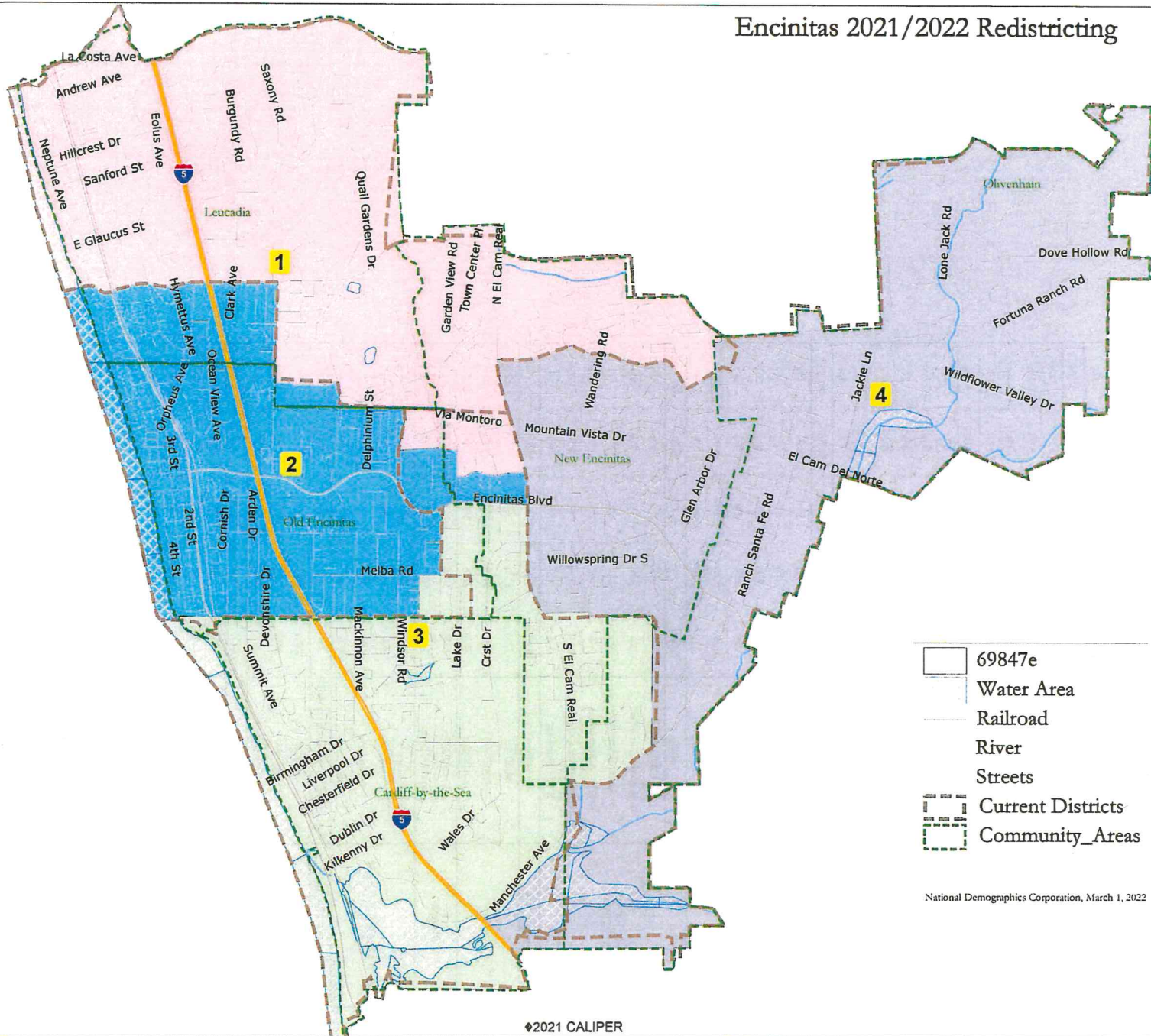
Attachment:

Exhibit A (Map 69847e)

Exhibit A to Resolution No. 2022- 26

(Map of City Council Districts – 2020 Census)

# Encinitas 2021/2022 Redistricting



- 69847e
- Water Area
- Railroad
- River
- Streets
- Current Districts
- Community\_Areas

National Demographics Corporation, March 1, 2022

69847e

District		1	2	3	4	Total
	Total Pop	16,296	15,446	15,139	15,226	62,107
	Deviation from ideal	769	-81	-388	-301	1,157
	% Deviation	4.95%	-0.52%	-2.50%	-1.94%	7.45%
Total Pop	% Hisp	12.4%	23%	14%	11%	15%
	% NH White	75%	67%	76%	77%	74%
	% NH Black	1%	1%	1%	1%	1%
	% Asian-American	8%	6%	6%	7%	7%
Citizen Voting Age Pop	Total	11,975	11,863	12,154	11,510	47,502
	% Hisp	6%	17%	8%	12%	11%
	% NH White	85%	77%	86%	81%	82%
	% NH Black	1%	1%	1%	1%	1%
	% Asian/Pac.Isl.	7%	4%	4%	6%	5%
Voter Registration (Nov 2020)	Total	11,928	10,446	11,098	11,689	45,161
	% Latino est.	6%	11%	8%	6%	8%
	% Spanish-Surnamed	6%	10%	7%	6%	7%
	% Asian-Surnamed	3%	2%	2%	3%	3%
	% Filipino-Surnamed	0%	1%	1%	0%	1%
	% NH White est.	90%	85%	89%	89%	88%
% NH Black	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2020)	Total	10,851	9,278	10,032	10,655	40,816
	% Latino est.	6%	11%	7%	6%	7%
	% Spanish-Surnamed	5%	10%	7%	6%	7%
	% Asian-Surnamed	3%	2%	2%	3%	3%
	% Filipino-Surnamed	0%	1%	1%	0%	0%
	% NH White est.	90%	86%	89%	90%	89%
% NH Black	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2018)	Total	8,856	7,386	8,122	8,795	33,159
	% Latino est.	5%	9%	6%	6%	7%
	% Spanish-Surnamed	5%	9%	6%	5%	6%
	% Asian-Surnamed	3%	2%	2%	3%	3%
	% Filipino-Surnamed	1%	1%	0%	0%	0%
	% NH White est.	90%	87%	91%	90%	90%
% NH Black est.	1%	1%	1%	1%	1%	
ACS Pop. Est.	Total	16,472	15,992	15,663	15,040	63,167
Age	age0-19	22%	21%	20%	24%	22%
	age20-60	49%	57%	50%	49%	51%
	age60plus	28%	23%	30%	27%	27%
Immigration	immigrants	13%	16%	11%	11%	13%
	naturalized	58%	52%	66%	73%	61%
Language spoken at home	english	81%	79%	90%	84%	84%
	spanish	9%	16%	6%	10%	10%
	asian-lang	3%	2%	1%	2%	2%
	other lang	6%	3%	3%	4%	4%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	7%	3%	3%	5%
Education (among those age 25+)	hs-grad	26%	26%	30%	24%	26%
	bachelor	36%	37%	35%	35%	36%
	graduatedegree	26%	22%	25%	30%	26%
Child in Household	child-under18	28%	28%	26%	32%	28%
Pct of Pop. Age 16+	employed	58%	73%	63%	66%	65%
Household Income	income 0-25k	14%	12%	10%	6%	11%
	income 25-50k	13%	14%	12%	8%	12%
	income 50-75k	14%	12%	12%	12%	12%
	income 75-200k	35%	40%	41%	42%	40%
	income 200k-plus	24%	22%	25%	32%	25%
Housing Stats	single family	71%	67%	74%	89%	75%
	multi-family	29%	33%	26%	11%	25%
	rented	39%	49%	41%	21%	38%
	owned	61%	51%	59%	79%	62%

Total population data from the 2020 Decennial Census.

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

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.