



CITY OF RANCHO SANTA MARGARITA
CITY COUNCIL REGULAR MEETING MINUTES
September 27, 2023

The meeting was called to order at 7:01 p.m. in the Council Chambers. **Present:** Mayor Jerry Holloway, Mayor Pro Tempore Carol A. Gamble, Council Members L. Anthony Beall, Anne D. Figueroa and Bradley J. McGirr (5). **Absent:** None (0). The Salute to the Flag was led by Council Member Beall.

Staff Present: Jennifer M. Cervantez, City Manager; Gregory E. Simonian, City Attorney; Cheryl Kuta, Assistant City Manager/Development Services Director; Stefanie Turner, Finance Director; Mihaela Kennedy, Captain; Amy Diaz, City Clerk.

1. SCHEDULE OF FUTURE EVENTS

Jennifer M. Cervantez, City Manager, announced the following:

- 1.1 ELECTRONIC WASTE DISPOSAL AND DOCUMENT SHREDDING EVENT – SATURDAY, OCTOBER 14, 2023, FROM 8:00 A.M. TO 12:00 P.M., LOCATED AT APPLIED MEDICAL'S R100 BUILDING PARKING LOT

2. PRESENTATIONS AND PROCLAMATIONS

Mayor Holloway invited Josh Bastian, President of the RSM Chamber of Commerce, forward to present the following:

- 2.1 RSM CHAMBER OF COMMERCE – RANCHO FAMILY FEST PREVIEW

Mayor Holloway invited Mayor Pro Tempore Gamble forward to present the following:

- 2.2 PROCLAMATION – HUNGER ACTION MONTH, SEPTEMBER 2023

3. PUBLIC COMMENTS

The following individuals addressed the Council on matters within the jurisdiction of the City Council:

Shellie Okon, City of Rancho Santa Margarita resident, thanked the City Council for their caring consideration on making decisions for the community; and shared information and statistics regarding concerns with election integrity.

Ethan Murray, District 38 Representative for Senator Catherine Blakespear, provided a Legislative Update to the City Council.

The following individuals submitted eComments on matters within the jurisdiction of the City Council:

Ann Lawson, City of Rancho Santa Margarita resident, addressed her concern for the intersection of Alma Aldea and Avenida de los Fundadores. Ms. Lawson stated the crosswalk has a high amount of pedestrian traffic and drivers are unaware of the crosswalk; asked the Council to install flashing LED lights, although a recent traffic study declined the lights due to no "major incidents".

4. CONSENT CALENDAR

Council Member Figueroa moved, seconded by Council Member McGirr to approve the Consent Calendar (Item Nos. 4.1 through 4.8).

The motion was approved by the following vote:

AYES: Council Members Beall, Figueroa, McGirr, Mayor Pro Tempore Gamble and Mayor Holloway (5)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: None (0)

4.1 WAIVE READING IN FULL OF ALL ORDINANCES ON THE AGENDA

Waived reading in full of all ordinances on the agenda and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

4.2 APPROVAL OF A PROCLAMATION

Approved a Proclamation declaring Hunger Action Month during the month of September 2023.

4.3 APPROVAL OF MINUTES

Approved the following:

- 1) September 13, 2023 City Council Special meeting minutes; and
- 2) September 13, 2023 City Council Regular meeting minutes.

4.4 APPROVAL OF WARRANT REGISTERS DATED SEPTEMBER 11, 2023 AND SEPTEMBER 18, 2023

Approved the warrant registers totaling \$1,305,680.69.

4.5 INVESTMENT REPORT FOR THE MONTH OF AUGUST 2023

Received and filed the Investment Report for the month of August 2023.

4.6 NOTICE OF COMPLETION FOR THE CITY HALL AND BTRCC HVAC REPLACEMENT PROJECT

- 1) Accepted the improvements for the City Hall and BTRCC HVAC Replacement Project; and

- 2) Authorized the City Clerk to file a Notice of Completion with the County of Orange Recorder's Office within fifteen (15) calendar days, as required by Section 9204 of the California Civil Code; and
 - 3) Authorized the retention monies to be released thirty-five (35) days after the Date of Recordation of the Notice of Completion, if all Stop Notices have been resolved and all potential claims are settled.
- 4.7 APPROVAL OF PROPOSED AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC. FOR CONTINUED, UNINTERRUPTED SERVICES TO PROVIDE REQUIRED HABITAT RESTORATION MONITORING AND MAINTENANCE FOR THE SANTA MARGARITA PARKWAY BRIDGE HINGE PROJECT
- 1) Approved proposed Amendment No. 3 to the Professional Services Agreement with Biggs Cardosa Associates, Inc., to increase the total contract amount by \$37,574.74, in order to provide continued habitat restoration monitoring and maintenance for the Santa Margarita Parkway Bridge Hinge Repair Project; and
 - 2) Authorized the Mayor to execute proposed Amendment No. 3 to the Professional Services Agreement with Biggs Cardosa Associates, Inc.
- 4.8 FISCAL YEAR 2022/2023 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE CITY OF RANCHO SANTA MARGARITA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Authorized staff to submit the Fiscal Year 2022/2023 Consolidated Annual Performance and Evaluation Report, including public comments, to the U.S. Department of Housing and Urban Development.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None.

5. PUBLIC HEARING ITEMS

- 5.1 FOURTH PUBLIC HEARING TO CONSIDER COMPOSITION OF DISTRICTS FOR CONTINUING THE PROCESS TO TRANSITION TO BY-DISTRICT ELECTIONS AND INTRODUCTION AND FIRST READING OF AN ORDINANCE IMPLEMENTING BY-DISTRICT ELECTIONS

Mayor Holloway introduced Gregory E. Simonian, City Attorney, who provided a brief overview of the staff report, and invited Dr. Justin Levitt, Vice President of National Demographics Corporation (NDC), to provide a brief PowerPoint presentation and report.

Mayor Holloway opened the item to City Council questions of staff.

Council Member Beall inquired if the focus maps are in full compliance with the districting rules and goals that were set forth in the PowerPoint presentation; inquired if the California Voting Rights Act (CVRA) set forth different rules for a large city versus a smaller city; asked how a City like Rancho Santa Margarita, a homogeneous community, is reflected by the census data; and mentioned there have been complaints and threats of litigation relating to one of the maps and inquired if there is any element or claim that would support such a challenge.

Council Member Figueroa shared that it is important for the residents to know the fiscal impact regarding the process that has been imposed on the City and asked City Manager Cervantez to elaborate on the filing attorney costs.

City Manager Cervantez shared regarding the filing attorney costs.

Gregory E. Simonian, City Attorney, further stated that the attorney fees are capped at roughly \$37,500, and how it is not an automatic number; the attorney who served the demand letter will have to demonstrate in writing, objectively that they incurred \$37,500 worth of legal fees.

Council Member McGirr asked for clarification that each elected official, although elected by their district, would represent the entire City.

Mayor Pro Tempore Gamble expressed her disinterest in the districting process and finds the entire process offensive. Mayor Pro Tempore Gamble clarified that there is no income considerations for the districting process; asked staff to clarify how other recent City related projects dealt with income.

Cheryl Kuta, Assistant City Manager/Development Services Director, provided information on how City related projects have dealt with income.

Mayor Pro Tempore Gamble inquired regarding further considerations of the 2030 census; she believes there is a misunderstanding regarding the expansion of dwelling units versus the need for them to be population balanced. Mayor Pro Tempore Gamble noted that it is important to her to maintain an equilibrium between the districts and not have a large swing, primarily to maintain the district map and not have to change the map in the future.

Mayor Holloway thanked Dr. Levitt for his concise and detailed answers.

Mayor Holloway opened the public hearing.

The following individuals submitted eComments on matters within the jurisdiction of the City Council:

Sandra Trinidad, City of Rancho Santa Margarita resident, noted her support for map no. 112.

Jaime Trinidad, City of Rancho Santa Margarita resident, noted his support for map no. 112.

Nicoletta Mehrmand, City of Rancho Santa Margarita resident, noted her support for map no. 112.

Anonymous, noted their family's support for map no. 112.

Brian Pate, City of Rancho Santa Margarita resident, noted his support for map no. 112.

Farnaz Lurey, City of Rancho Santa Margarita resident, noted her strong support for map no. 112 and stated that four districts will create an odd grouping of the area neighborhoods.

Sarah Burt, City of Rancho Santa Margarita resident, asked the Council to adopt map no. 112 because the map follows natural boundaries and creates a district to address the Latino population in the City, which will give them an opportunity to elect someone to represent their interests; supports a five district map and opposes a four district map.

Mike Ebel, City of Rancho Santa Margarita resident, noted his support for map no. 112 because it fully complies with the rules set forth in the CVRA; noted his opposition for a four district map.

Steven Trinidad, City of Rancho Santa Margarita resident, noted his support for map no. 112.

Steven, City of Rancho Santa Margarita resident, noted his support for map no. 112.

Cindy Ashley, City of Rancho Santa Margarita resident, noted her support for map no. 112, believes it creates a district (4) with a 21% Latino voter registration population which is the same population of Latino residents in the City as a whole and does not dilute the Latino population.

Anastasia Surch, City of Rancho Santa Margarita resident, noted her support for map no. 112; believes the focus maps are in direct violation of the Fair Maps Act, by dividing the Arroyo Vista/Golf Course community; strongly suggested Council reconsider their choices and choose a five district map that does not disenfranchise a generous portion of the City.

Chris McLaughlin, City of Rancho Santa Margarita resident, referenced how the City Council would like to have an ultra-low total deviation percentage when the Federal Law allows for up to ten percent; noted there were several good maps submitted with a 7.49% total deviation; shared how the City of Mission Viejo enacted a map with a 9.49% total deviation, and believes the City of Rancho Santa Margarita is built-out and does not expect a change in population before the 2030 Census.

Beth Heard, City of Rancho Santa Margarita resident, noted she is opposed to the district election system because it violates maintaining the fair and representative governance the community has enjoyed since the inception of the City; is in favor of a four district plus a directly elected at-large Mayor map since it will give the RSM elector two voting opportunities, noted her preference for map no. 113 or 118 since it represents the best choice for the City's electorate; urged the City Council to reverse the use of the district election system and return to the at-large election system.

Betty Remington, City of Rancho Santa Margarita resident, noted she is opposed to districting and is not happy with losing her voting power, however, supports the four district plus a directly elected at-large Mayor, which allows her two votes; noted her support for map nos. 113 or 118.

Dan Lundberg, City of Rancho Santa Margarita resident, noted he is opposed to districting, although he understands the City's position to not get in a legal battle; believes a four district plus a directly elected at-large Mayor is an effective way to ensure balanced representation and strong leadership in the city; noted his support for map nos. 113 and 118.

Rhonda Lundberg, City of Rancho Santa Margarita resident, noted she is opposed to districting since it threatens the very principles of fairness, representation, and community

cohesion that the City stands for; believes a four district plus a directly elected at-large Mayor is an effective way to ensure balanced representation and strong leadership in the City; noted her support for map nos. 113 or 118.

Kevin Shaw, Dove Canyon resident, noted his opposition to districting, however, given the circumstances, the City's decision not to fight the concept is sound; noted his support for map nos. 113 or 118.

The following individuals addressed the Council on matters within the jurisdiction of the City Council:

Cindy Ashley, City of Rancho Santa Margarita resident, spoke in favor of map no. 112, she believes it creates five logical districts; noted the city is moving to districts because of the CVRA, it provides a remedy to eliminate the well-established bias of at-large elections, and RSM has never had a Latino member on the Council; District 4 in map no. 112 creates a district with a 21% Latino voter population. Ms. Ashley asked if the Council likes the system of government because that is what she hears them stating; noted that the Councils' positions are temporary but their legacy will last forever; asked the Council if they will choose a map that benefits the City or choose a map that will allow for the Council to continue to run for office.

Ric Heard, Dove Canyon resident, expressed how surprised he was that the City and residents were accused of being racist and of violating a voting election law; read aloud his wife, Beth Heard's eComment.

Chris McLaughlin, City of Rancho Santa Margarita resident, spoke regarding the Fair Maps Act and does not believe any of the focus maps are code compliant; stated that if any of the focus maps are enacted into law then there will be a chance of a code enforcement action; encouraged the Council to select one of the residents' code complaint maps.

Julia Stevenson, City of Rancho Santa Margarita resident, stated that the proposed focus maps has evoked many to speak out against the manipulated districts, and the gerrymandering of the maps allow no representation in the middle of the City; stated the City needs a fair map that separates the districts by easily identifiable boundaries and the allowed deviation of ten percent is fair; noted she supports map no. 112.

Faiza Tajammul, City of Rancho Santa Margarita resident, stated she is confused because map no. 112 is missing from the PowerPoint presentation she received at the meeting; asked how the residents are supposed to compare and make a decision when one map is missing and many are voting for it; stated she is confused by the comment made by Mayor Pro Tempore Gamble earlier regarding districting being offensive.

City Attorney Simonian confirmed that map no. 112 is included in the agenda packet and available in the back of the Council Chambers, is also published on the City's website and available in the City Clerk's office; also clarified that the public is referencing the PowerPoint presentation.

Janice Cople, City of Rancho Santa Margarita resident, noted she has lived in the City for 28 years and loves what the Council has done with the City; she commended the Council for keeping the City safe; stated she agrees with Mayor Pro Tempore Gamble regarding not being able to vote for all the Council Members; noted she is against

districting but understands it needs to be done; urged the Council to choose map no. 113 because each district is evenly distributed with the less than the 3 percent difference between the districts; it also gives the residents the opportunity to vote for a Mayor.

Mayor Holloway read an eComment that was misplaced earlier in the evening:

Sherri Lex, City of Rancho Santa Margarita resident, noted her opposition to districting, however, supports map no. 113, the four districts are all within 3 percent of each other in residents, and it gives residents the opportunity to elect their Mayor and two voting opportunities.

The following individuals continued to address the Council on matters within the jurisdiction of the City Council:

Keri Baert, City of Rancho Santa Margarita resident, stated she prefers that the City not change to districting, however, is glad the City is taking the course of not fighting the lawsuit; understands it's a difficult decision for the current Council to select a map that involves their positions on the Council; encouraged the Council to make a sound decision because it will impact the future of the City; does not support four districts and expressed her support for five districts; the City was planned and built with five equal Council Members and a Mayor from the five Council Members; noted that while it's true that the four districts and a Mayor would enable residents to have two votes she is concerned about the negative impact, not necessarily of this Council; she prefers map nos. 102, 104, and 112 because the focus maps divide the school districts.

Patty Ebel, City of Rancho Santa Margarita resident, voiced her support for the five district map no. 112 because it allows for compact and easily identifiable boundaries, keeping school districts and neighborhoods together; the Council's focus maps break up communities and break up three incumbents to two districts allowing for the third to run for Mayor; the purpose of districting is to allow every neighborhood to have a representative that reflects their concerns as well as the City population overall; shared that there is a concentration of Council Members in one area of the City; disagrees that a four district map would give constituents better representation overall; stated how the Council have spoken repeatedly about how problems in the City have stemmed from the Governor in Sacramento, believes that the Council Members took an oath of office to uphold California state law and federal laws as Council Members; noted she has not seen any Council Members walk neighborhoods and discussed concerns their neighbors have; believes that five districts would lead to more community input.

Anastasia Surch, City of Rancho Santa Margarita resident, stated that at the last meeting Council Member Figueroa mentioned that "this is something our City doesn't need, it's unfortunate;" believes that the Council Members have chosen new maps to keep their seats, disenfranchising some of the very people you have a responsibility to protect; also noted Council Member Figueroa said "this is not fun stuff to be looking at, I'm appalled;" suggested Council Member Figueroa step down and allow new Council Members who will do the hard work and not complain about it at City Council meetings; noted the Council is missing the point of the basic principal of district based voting, stated that Mayor Holloway and Mayor Pro Tempore Gamble are not affected by the districting personally because they live in two non-adjacent areas to any other member, however, Council Members Beall, Figueroa and McGirr all live in the Golf Course village and to split the district is in direct violation of the Fair Maps Act; expressed her support for map no. 112 and five districts.

Gayle Eccleston, City of Rancho Santa Margarita resident, stated that she has lived in the City since 1986; noted that the United States Supreme Court decided a case involving the implementation of new congressional districting maps in Alabama, spoke regarding the case and noted that the Supreme Court found in favor of the voters; believes the same important principals apply to both situations of fairness, integrity and discretion; our elected officials must protect the rights of all citizens and not a chosen few; trusts the City Council will apply these principals as they decide the future of the City.

Josh Bastian, City of Rancho Santa Margarita resident, stated that he is also not in favor of the districting but noted he is impressed by the many maps and careful consideration of what is best for the City in moving forward with the district elections; believes individual neighborhoods should not be divided, believes the lowest population deviation should be considered, and supports four districts and an elected at-large Mayor because it gives the voter the ability to vote for two representatives; supports map no. 113 and thanked the Council for all they do for the City.

Mayor Holloway closed the public hearing.

Mayor Holloway re-opened the public hearing to hear from one more speaker.

William Furniss, City of Rancho Santa Margarita resident, noted that it has been a while since coming before the Council and believes it is because the Council has done an excellent job coming out of the pandemic and managing the City with extremely good financial considerations and it requires a great deal of talent for those who get re-elected; he commended the staff, Police Services and legal team; stated the City is not racially polarized; prefers at-large voting but understands the City is in a difficult situation and believes the Council has made the best financially viable solution; recommends map no. 113; noted the boundaries are set so that the homeowners associations remain intact; the southern section of the community needs to consider the fact that it has the business park and Chiquita Ridge.

Mayor Holloway closed the public hearing.

Mayor Holloway opened the item to Council discussion and deliberation.

Council Member McGirr thanked everybody for attending tonight's Council meeting; clarified that the City is obligated to comply with the Fair Maps Act, CVRA and Federal Law; noted that the Federal Law does not allow for racial gerrymandering which he discussed with Dr. Levitt at the last Council meeting; noted that the speaker tonight referenced a Supreme Court decision in Alabama, where the State was dividing populations that were misrepresenting their Councils in their State, but in the City's situation, the maps do not do that; he stated that there is no racial polarized voting in the City, noted that there is an area in the City with a higher percentage of Hispanic voters and map no. 113 includes them all in one district. Council Member McGirr noted he is in favor of the four districts plus a directly elected at-large Mayor; he thinks it's very persuasive that the biggest complaint that he has regarding the CVRA is that it takes away the right to vote for five individuals on the City Council; four districts plus a directly elected at-large Mayor allows residents to vote for two people and those two individuals do not represent a district but rather the entire City; noted the City is a homogenous City; expressed he is not in favor of the CVRA; stated that as Council Members they take an oath to abide by the Federal and State constitution, they do not lose their first amendment rights to talk about something that is coming down from Sacramento that they don't

particularly agree with. Council Member McGirr favors map no. 113 and the alternative map no. 114.

Council Member Beall thanked all the residents who submitted proposed maps and written comments and noted the public input is crucial to everyone in making a decision; he is deeply disappointed that the City has been forced into this situation; noted the City was designed so that a variety and mixture of people and housing types are spread throughout the City; the homeowners associations identify, protect and govern each of the individual neighborhoods and communities; noted a public speakers comments regarding people from Irvine flocking to Rancho Santa Margarita because of the quality of life our City has; stated the City does not have a history of racially polarized voting; strongly prefers that the City keep the current at-large election process. Council Member Beall believes the City is being forced to switch to districts, believes it's a misguided social experiment to push a political agenda; the result is that it disenfranchises the voters in the City; believes the law in California is poorly written for a master planned City. Council Member Beall stated that many do not like that the Council will be choosing the district map but noted all the Council Members took an oath to support the Constitution of the Federal Government in the State of California and to obey the laws. Council Member Beall stated he supports changing to four districts plus a directly elected at-large Mayor, because it gives every voter at least the opportunity to vote directly for two elected representatives; supports map no. 113 and noted that the map was not prepared by the City's demographer but rather prepared by a group of concerned residents, the map has a low population deviation and follows the boundaries of the homeowners associations and keeps them intact.

Council Member Figueroa stated it is unfortunate that the City is losing at-large voting by having to go into districts; noted that districting divides communities and a City; agrees with Council Member McGirr's comments that districting takes voting opportunities away and would prefer residents vote for two members instead of just one; would like to keep the districts as balanced as possible, which is why she supports map no. 113, it provides the most representation for the residents, meets the requirements of the Fair Maps Act and is contiguous. Council Member Figueroa thanked all the residents and addressed a public speaker's comment where she previously stated this was not a fun process; Council Member Figueroa clarified that her comments were to thank the residents for taking the time to learn about districting, and noted that it is not a fun process to learn about, she thanked the residents for submitting their opinions to the Council.

Mayor Pro Tempore Gamble shared how the City was incorporated and how she was a participant in the process; noted that the passions that were in existence at that time are similar to the passions and disagreements of tonight with one defining difference, sadly she sees a greater propensity towards nastiness towards people they don't agree with and she will not participate in that. Mayor Pro Tempore Gamble stated that the end product of the incorporation was the creation of a beautiful City that incorporated Dove Canyon, Walden, Robinson Ranch, Rancho Cielo, beautiful communities that were not originally anticipated to be part of the City. Mayor Pro Tempore Gamble stated she is speaking tonight as a protected Council Member because almost every map that has been drawn includes the area she resides in and she is the only one that lives in that area; noted that any map would protect her seat. Mayor Pro Tempore Gamble stated that there are laws in the State of California that she does not agree with, she will not be giving up her first amendment rights to opine on certain laws. Mayor Pro Tempore Gamble stated that there is no guidance or definition of what is racially polarized voting. Mayor Pro Tempore Gamble does not believe they intended to form a cottage industry for

lawyers to sue cities. Mayor Pro Tempore Gamble shared how years ago, there was a proposal to convert the City's incorporation from a five member City Council to a four member City Council with an elected Mayor, and that is different from complying with the law. Mayor Pro Tempore Gamble shared that everyone needs to stop caring about what political party everyone is associated with and what we need to care about is each other and the community. Mayor Pro Tempore Gamble expressed her concerns with rhetoric like illegal and lawsuit and up to code, and asked the City Attorney and Dr. Levitt to opine on those statements.

City Attorney Simonian noted that the maps at issue all comply with the criteria set forth in State Law, also made the point that the City Council, City Planners, City staff, City management staff and the City Attorney's office did not draw any of the draft maps. City Attorney Simonian noted that the people drew the draft maps, with a few drawn by NDC, which is the premier independent demographic firm. City Attorney Simonian noted that NDC reviewed all the draft maps and confirmed their compliance in the criteria with State Law and has opined as to their legal defensibility, to which he concurs. City Attorney Simonian stated that map drawing and the CVRA are about addressing racially polarized voting and vote dilution, to help protect the protected class of voters; it is not about personal attacks on or apparent dislike for incumbents in office by a few. City Attorney Simonian stated that the City strictly followed state and federal law and the safe harbor provisions that are spelled out in state law to ensure a complete process that was done in strict conformance with all the legal requirements; the legal focus is on ensuring fair and effective representation and all the focus maps do that.

Dr. Levitt, NDC Consultant, stated that the maps that have had issues or challenges have been noted and believes all the maps, except two maps, are legally compliant.

Mayor Pro Tempore Gamble confirmed with Dr. Levitt whether they have had a meeting, a telephone call or exchanged emails or any communications outside of the presentations at a Council meeting.

Dr. Levitt, NDC Consultant, clarified that his only communication with members of the City Council has been in a Council meeting.

Mayor Pro Tempore Gamble stated that she prefers map no. 113, noted it was prepared by a group of residents; also noted the map keeps the Hispanic community intact in one of the districts, likes the connection of Robinson Ranch and Dove Canyon and because of the need to have the communities population balanced, the natural demarcation point is Antonio Parkway; thinks the majority of the community in the central part of the City is a significant area of community interests, the green section extends into the City, and the purple section keeps a community of interest together around the Golf Course; is interested in keeping the residents around the business park to have sufficient representation. Mayor Pro Tempore Gamble supports four districts plus a directly elected at-large Mayor; the maps are legal; understands and appreciates the time that the residents took to comment on the maps and to learn about the districting process; encouraged more harmony.

Mayor Holloway thanked those that attended the meeting and for those that had input on the item; commended staff for the detailed and lengthy process. Mayor Holloway asked if there was a perfect map, in choosing a map he looked at what is in the best interest of the City residents, noted that if there was a conflict of interest then the City Attorney would advise the Council. Mayor Holloway stated he trusts the process, trusts the

decisions of the Council and is confident with the decision being made tonight. Mayor Holloway noted his preference for map no. 113.

City Attorney Simonian noted the unanimous consensus of the City Council district map no. 113. City Attorney Simonian stated the next part of the discussion and deliberation is the sequencing of elections for four districts and a directly elected at-large Mayor; which will be up for election in November 2024 and which district and/or Mayor will be up for election in November 2026.

Dr. Levitt, NDC Consultant, further detailed and explained the sequencing of elections.

Mayor Pro Tempore Gamble moved, seconded by Council Member Figueroa to approve the following recommendations:

Approve the election sequencing to be as follows: Mayor and District 3 in 2024, and Districts 1, 2 and 4 in 2026; and

Introduced for first reading, read by title only, and waived further reading of the proposed Ordinance, Alternative B, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADDING SECTIONS 2.01.080 AND 2.01.090 TO CHAPTER 2.01 OF TITLE 2 OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF COUNCIL MEMBERS FROM FOUR COUNCIL DISTRICTS, ESTABLISHING BOUNDARY LINES THEREFOR, WITH THE MAYOR ELECTED AT-LARGE

The motion was approved by the following vote:

AYES: Council Members Beall, Figueroa, McGirr, Mayor Pro Tempore Gamble and Mayor Holloway (5)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: None (0)

6. **CONTINUED ITEMS** – None.

7. **NEW BUSINESS** – None.

8. **PUBLIC COMMENTS**

The following individual addressed the Council on matters within the jurisdiction of the City Council:

Chris McLaughlin, City of Rancho Santa Margarita resident, spoke in reference to Government Code Section 24886 and the map approval process.

City Attorney Simonian clarified that this portion of the Public Comment section is for non-agendized items, anything related to the Agenda Item No. 5.1 would not be appropriate for further discussion because that matter has been voted upon and is no longer on the table for the Council.

Mayor Holloway inquired with the next public speaker if her comments were for Agenda Item No. 5.1 or a non-agenda item. The public speaker noted that her comments are for Agenda Item No. 5.1.

City Attorney Simonian clarified that the Council has established policies and procedures, there are rules and decorum, and that he was not aware of what Mr. McLaughlin was going to speak about and out of professional courtesy he allowed it to continue but he does not recommend that we continue further violating the Council's policies.

9. CITY MANAGER REPORT – None.

10. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

10.1 COMMITTEE ASSIGNMENT REPORTS

RECOMMENDATION: Received an Oral Report on the following City Council Committee Assignment:

1) FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCIES

Council Member Beall reported he attended the Foothill/Eastern Transportation Corridor Agencies (TCA) meeting held on September 14, 2023. Council Member Beall reported the TCA received a budget status report for the current fiscal year and is pleased to report a strong and healthy financial situation; reported on the toll road usage and shared the expenditures at the agency were below budget.

10.2 COUNCIL MEMBER REPORT/COMMENT

Mayor Pro Tempore Gamble congratulated staff for completing the long awaited HVAC project and for excellent testing by the Building Inspector, Shane Peery.

Council Member Figueroa shared that RSM Cares does a Food Pantry twice a month and encouraged residents to donate food items.

Mayor Holloway thanked the Orange County Sheriff's Department for keeping the residents safe, especially the eBikers. Mayor Holloway reminded everyone to shop and dine in the City.

ADJOURNMENT

Mayor Holloway adjourned the meeting at 9:32 p.m., to the next regularly scheduled meeting of the City Council to be held on Wednesday, October 11, 2023, at 7:00 p.m., in the City Council Chambers, City Hall, located at 22112 El Paseo, Rancho Santa Margarita, California.



JERRY HOLLOWAY, MAYOR

PREPARED BY:



AMY DIAZ, CITY CLERK

Approved: October 11, 2023