

RESOLUTION NO. 610

A RESOLUTION OF THE BOARD OF DIRECTORS OF SUNNYSLOPE COUNTY WATER DISTRICT CHANGING FROM AN AT-LARGE ELECTION SYSTEM TO A BY-DIVISION ELECTION SYSTEM FOR ELECTING MEMBERS OF THE BOARD OF DIRECTORS COMMENCING WITH THE BOARD ELECTIONS IN NOVEMBER 2026

The Sunnyslope County Water District has made the following findings:

WHEREAS, the members of the Board of Directors of the Sunnyslope Water District ("District") are currently elected in "at-large" elections in which each member of the Board of Directors is elected by the registered voters of the entire District and serves a four-year term; and

WHEREAS, California Elections Code § 10650, in certain circumstances, authorizes the Board of Directors of a special district to change its method of election from "at-large" to "by-divisions" in which each member of the Board of Directors is elected only by the voters residing in the division in which the candidate resides; and

WHEREAS, the District received a certified letter from the law firm of Shenkman & Hughes, asserting that the District's electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the District declines to change voluntarily to a by-division election system for electing board members; and

WHEREAS, litigation under the CVRA is very expensive, and if the defendant loses it is required to pay the plaintiff's attorneys' fees and expenses, which in most cases to date have been significantly over a million dollars; and

WHEREAS, the California Legislature, in amendments to Elections Code § 10010 and in Elections Code § 10650, has provided a method whereby a special district can change to a by-division election system and be protected from litigation under the CVRA; and

WHEREAS, changing to a by-division electoral system pursuant to Elections Code § 10010 would avoid the extraordinary cost to defend against a CVRA lawsuit, even if the District were to prevail in that action; and

WHEREAS, the District denies that its at-large system for electing Directors violates the CVRA or any other provision of law and asserts the District's election system is legal in all respects and further denies any wrongdoing in connection with the manner in which it has conducted its elections; and

WHEREAS, despite the foregoing, the Board of Directors determined that the public interest would be best served by changing to a by-division election system to avoid the risks and costs of defending against a CVRA lawsuit; and

WHEREAS, on January 28th, 2025, the Board of Directors passed Resolution No. 607 declaring its intention to transition from an at-large electoral system to a by-division electoral system and adopting a tentative calendar of public hearings and other actions in accordance with California Elections Code § 10010(a); and

WHEREAS, on February 25 and March 25, 2025, pursuant to California Elections Code § 10010(a)(1), the Board held duly-noticed public hearings where the public was invited to provide input regarding the composition of the Director Divisions before any draft maps were drawn; and

WHEREAS, on April 15, 2025, the District made public draft Director Division plans prepared by its demographic consultant, and a proposed sequencing of elections in each draft map, which were posted on the District's redistricting website; and

WHEREAS, at the formal Board of Directors meeting on April 15 and April 22, 2025, the Board conducted duly-noticed public hearings to receive public testimony regarding the draft maps; and

WHEREAS, on April 22, 2025, the Board of Directors held a fifth duly-noticed public hearing after which it selected Map "Tangerine" as the by-division electoral plan for the District and adopted the following sequence of elections published therewith;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Sunnyslope County Water District does resolve as follows:

The forgoing recitals are true and correct and form the basis of this Resolution.

Purpose and Authority.

The purpose of this Resolution is, pursuant to California Elections Code §10010, to change the method for the election of members of the Board of Directors of the Sunnyslope Water District from at-large to by-division in five (5) single-member divisions commencing with the November 2026 elections for Board of Directors, and thereafter until changed in accordance with law. This Resolution is adopted pursuant to the District's authority under California Elections Code §10010 and California Elections Code §10650.

By-Division Electoral System.

Pursuant to California Elections Code §10010 and §10650, and except as provided in Section 5(a), below, Directors shall be elected by-divisions in five (5) divisions as that term is defined in Public Resources Code §5785(b)(1), meaning "the election of each member of the board of directors by voters of the division alone."

Divisions.

The divisions shall be as reflected in the map attached hereto as Exhibit A, which is incorporated herein by this reference. The divisions specified in Exhibit A shall continue in effect until they are amended or repealed in accordance with law.

Term of Office and Elections.

A Director in office at the time this resolution takes effect shall continue in office until the expiration of the full term to which they were elected or appointed and until his or her successor is qualified. If vacancies in Director offices elected at-large occur before expiration of the full term thereof, such vacancies shall be filled according to law from the District at-large.

In November 2026, Directors shall be elected in Divisions 2, 4, and 5; and In November 2028, Directors shall be elected in Divisions 1 and 3; and

Except as provided in subsection (a) of this section, the Director elected to represent a division must live in that division and be a registered voter in that division, and any candidate for Director must live in and be a registered voter in, the division in which they seek election at the time nomination papers are issued, pursuant to California Elections Code § 10227.

Exemption from CEQA.

The Board of Directors finds that the actions taken in this Resolution are 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), because it can be said with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Implementation.

If necessary to facilitate the implementation of this Ordinance, the General Manager or his or her designee is authorized to make technical adjustments to the division boundaries that do not substantively affect the populations in the divisions or the eligibility of candidates. The

General Manager shall consult with counsel concerning any technical adjustments deemed necessary and shall advise the Board of Directors of any such adjustments required in the implementation of the divisions.

The General Manager is authorized and directed to take all other reasonable and appropriate actions to fully implement the provisions of this resolution.

Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this resolution and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Reservation of Right.

The District Board of Directors reserves the right to repeal this resolution or re-establish at-large elections in accordance with law should the CVRA be declared illegal, or as may be in the best interests of the District.

PASSED AND ADOPTED this 22nd day of April, 2025, at a regular meeting of the Board of Directors of the Sunnyslope Water District, California, by the following vote:

AYES: Brown, Buzzetta, Mauro, Martinez, & Alcorn

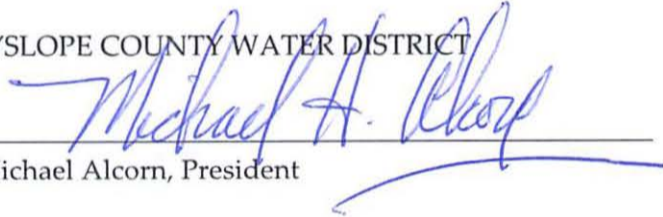
NAYS:

ABSENT:

SUNNYSLOPE COUNTY WATER DISTRICT

By: _____

Michael Alcorn, President



(SEAL)

ATTEST: _____

Drew A. Lander, Secretary

