

RESOLUTION No. 607

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUNNYSLOPE COUNTY WATER DISTRICT DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO BY-DISTRICT ELECTIONS AND SETTING FORTH THE PROCESS FOR TRANSITIONING TO BY-DISTRICT ELECTIONS

WHEREAS, Board members of the Sunnyslope County Water District (District) are currently elected by at-large elections, as each member is elected through a District-wide vote; and

WHEREAS, the California Voting Rights Act ("CVRA") became law in 2003 and provides a means for prospective plaintiffs to allege racially polarized voting and to seek a change from a jurisdiction's at large election system to a different system, typically a by-district or by-division election system where only registered voters within a specific division may vote for a candidate running from their specific division, and also allows for the recovery of a plaintiff's attorneys' fees; and

WHEREAS, a violation of the CVRA may be established if it is shown that racially polarized voting has combined with an at-large voting system to impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election; and

WHEREAS, "racially polarized voting" under the CVRA means voting in which there is a difference between the choice of candidates or other electoral choices that are preferred by voters in a protected class and in the choice of candidates and electoral choices preferred by voters in the rest of the electorate; and

WHEREAS, in 2023, the District received a certified letter from attorney Kevin Shenkman of the law firm Shenkman & Hughes, on behalf of his client, the Southwest Voter Registration Education Project, asserting that the District's at-large election system may violate the CVRA and threatening litigation if the District does not voluntarily transition to a district-based election system for electing its Board members; and

WHEREAS, the District denies that its election system violates the CVRA or any other similar law; and

WHEREAS, although Mr. Shenkman's letter was not accompanied by evidence of the existence of racially polarized voting or evidence supporting the claim of a CVRA violation, the Board of Directors has nevertheless determined due to the high cost of litigation, including the potential payment of plaintiff's attorneys' fees, that the public interest is better served by initiating a process for transition to a division-based election system in order to avoid the costs associated with defending a lawsuit under the CVRA; and

WHEREAS, the Board of Directors expresses its desire and intent that the division-based election system be implemented in a way that will minimize divisiveness in the community; and

WHEREAS, the California Legislature has provided in Elections Code Section 10010 a method whereby a jurisdiction may expeditiously transition to a district- or division-based election system and avoid the high cost of litigation under the CVRA by its adoption of AB 350; and

WHEREAS, prior to the District's consideration of a resolution to establish boundaries for a division-based electoral system, the District is first required under Elections Code section 10010 to hold public hearings where the public may provide input on the composition of the divisions, then to draw proposed maps that must be published and available for the public to

comment on during at least two public hearings, and to thereafter adopt a resolution with the new maps showing the divisions; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting Board member, each of whom will serve out his or her current term; and

WHEREAS, the District has retained an experienced demographer to assist the District to develop a proposal for a district-based electoral system.

WHEREAS, the District now desires to declare its intention to adopt a resolution transitioning from an at-large to district-based elections for its next election, establish specific steps it will undertake to facilitate this transition, and establish an estimated timeframe for doing so.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1: Recitals

The recitals set forth above are true and correct.

Section 2: Intent to Transition to District-Based Elections

The Board of Directors intends to consider adoption of a resolution, consistent with and Elections Code Section 10010, to transition to a division-based or zone election system for use in the District's next general election for its Board of Directors and directs its legal counsel to inform Mr. Shenkman of the District's adoption of this resolution and its intent to transition from an at-large election system to a by-district system.

Section 3: Upcoming Actions

The Board of Directors shall take, or shall cause District staff to take, the following actions, within the time frames established by Elections Code Section 10010 following the effective date of this Resolution, taking into consideration time required for public outreach and input, agenda requirements under the Brown Act, and the Board of Directors' meeting schedule:

- (a) Conduct public outreach, including to non-English speaking communities, to explain the districting process and to encourage public participation;
- (b) Before drawing a draft map or maps of the proposed division boundaries, hold at least two public hearings at which the public is invited to provide input regarding the composition of the divisions and to consider division boundaries as provided in Elections Code Section 10010;
- (c) After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the division elections and hold at least two public hearings at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections; and
- (d) Hold a public hearing at which the Board of Directors will consider and adopt a resolution establishing division elections, including the adoption of a division boundary map and the sequence of the division elections.

Section 4: Severability

The Board of Directors declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 5: Conflicting Provisions

All of the provisions heretofore adopted by the District or the Board of Directors that are in conflict with the provisions of this Resolution are hereby repealed.

Section 6: Effective Date

This Resolution shall take effect upon its adoption.

Section 7: CEQA

The transition from at-large to district-based elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Public Resources Code §§ 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Resolution is an organizational and administrative activity of the District, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. In the event adoption of this Resolution does constitute a project, it is categorically exempt under Class 20 (Changes in the Organization of Local Governments) categorical exemption.

Section 8: Authorization

The Secretary or any officer of this Board of Directors be, and hereby is, authorized and directed to take the above action for and on behalf of the Board of Directors and any and all actions that may be necessary or appropriate, including procurement of necessary supplies and services to prepare for and conduct said general election in accordance with the District Law.

The above Resolution was passed by the following vote of the Board of Directors of the Sunnyslope County Water District held on January 28th, 2025.

AYES: Martinez, Mauro, Brown, and Buzzetta

NAYS:

ABSENT: Alcorn

SUNNYSLOPE COUNTY WATER DISTRICT

By:




Michael Alcorn, President



(SEAL)

ATTEST:



Drew A. Lander, Secretary