

AGENDA ITEM III-4

SAN JUAN WATER DISTRICT

Board of Director's Special Board Meeting Minutes

August 5, 2020 – 4:00 p.m.

Conducted via Videoconference and In-Person

BOARD OF DIRECTORS

Ted Costa	President
Pam Tobin	Vice President via videoconference
Marty Hanneman	Director via videoconference
Ken Miller	Director
Dan Rich	Director via videoconference

SAN JUAN WATER DISTRICT MANAGEMENT AND STAFF

Tony Barela	Operation Manager
Lisa Brown	Customer Service Manager
Adam Larsen	Field Services Manager
Andrew Pierson	Engineering Services Manager
Greg Turner	Water Treatment Manager
Greg Zlotnick	Water Resources Manager
Teri Grant	Board Secretary/Administrative Assistant
Jennifer Buckman	Legal Counsel

OTHER ATTENDEES

Amber Beckler	
Cheryl Berkema	
Shaunna Boyd	
Randy Dodd	
Sandra Harris	
Maryellen Peters	
David Peterson	
Dennis Revell	
Charlotte Turner	
John Brown	Counsel for Citrus Heights Water District
Mike McRae	Fair Oaks Water District
Nadine Reid	Fair Oaks Water District
Evan McLaughlin	Redistricting Partners
Paul Helliker	SJWD General Manager

AGENDA ITEMS

- I. Roll Call**
- II. Public Hearing**
- III. Adjourn**

President Costa called the meeting to order at 4:01 p.m.

I. ROLL CALL

The Board Secretary took a roll call of the Board. The following directors were present in-person: Ted Costa and Ken Miller. The following directors were present via videoconference: Marty Hanneman, Dan Rich and Pam Tobin.

II. PUBLIC HEARING

1. Transition to Division-Based Elections (W & R)

President Costa inquired about a memo from Legal Counsel which arrived via email just prior to the Board meeting. Legal Counsel Jennifer Buckman explained that the memo summarizes the “procedurally fair” standard that applies to quasi-legislative hearings such as the process the District is currently undertaking.

President Costa opened the Public Hearing at 4:04 pm. The Board Secretary confirmed that the notice of hearing was duly posted. She confirmed that two comments were received via email and were posted to the District website. In addition, a comment letter from FOWD was hand-delivered to the District office at 3:55 pm and will be distributed to the Board members and posted to the District website. President Costa read a portion of the letter which stated that the time of the public hearing was not reasonable. Ms. Buckman responded that the public was offered two public hearings at two different times this week to allow the public different opportunities to participate, given their schedules.

Ms. Buckman conducted a presentation which will be attached to the meeting minutes and posted to the District webpage. She reviewed the Process to Date, the Electoral Processes, Mapping the Divisions, Rules and Other Factors for Divisions, Applying the Factors to Create Divisions, Demographic Summary 2010 Census Figures, four maps showing Concentrations of African-American Residents, Concentrations of Asian-American Residents, Concentrations of Latino Residents, and Census Block Groups Population Numbers, and the Next Steps.

President Costa opened the floor for comments from the Board. Vice President Tobin thanked Ms. Buckman for her concise presentation.

President Costa opened the floor for comments from the Public. All comments will be posted to the District website. The Board Secretary read the comment from Mr. David Peterson which requested fair representation for the retail service area. Mr. Peterson also commented that the District should consider:

1. Consolidating the retail areas of the wholesale customers into SJWD, eliminating the wholesale agreements, and making SJWD one big retail area, with separate divisions.
2. Splitting SJWD Retail off into a separate utility, governed by its own elected board, and developing a wholesale supply agreement with SJWD. You could also have a staffing agreement between the 2 agencies, if it makes sense.

3. Making sure that each of the 5 districts also represented 1/5 of the retail area.

In response to President Costa's question, Ms. Buckman agreed that LAFCo would be the correct agency to request San Juan Retail be formed as its own District.

Ms. Amber Beckler addressed the Board and confirmed that the Board received her written comments and she read through her comments. She inquired what decisions are made by the wholesale board versus the retail service districts; commented that Granite Bay would not have good representation at the local level; inquired if Granite Bay could form its own retail service district; inquired if the current County-bound Municipal Advisory Committee for Granite Bay could represent the Granite Bay area for decisions related to a retail service water district and therefore make decisions/recommendations to the Wholesale Board without forming an official separate retail service district. Ms. Beckler also suggested that the board should consider the rural nature of eastern Granite Bay when making the division maps; consider the unfair cost for candidate statements when two counties are included in a division map; and consider that the map that was proposed by CHWD and FOWD violates the contiguous requirement of a boundary.

Ms. Buckman replied that these proceeding are to discuss transition of at-large elections to by-division elections and discussion of the formation of a separate retail district is beyond the scope of these proceedings.

Mr. John Brown addressed the Board and identified himself as an attorney with Best, Best & Krieger providing legal services to Citrus Heights Water District. He wanted to confirm that all communications from CHWD were being considered prior to August 3rd. Ms. Buckman confirmed that the written comment letter is being considered; however, the verbal comments from the July 8 meeting, as she mentioned on August 3rd, cannot be considered due to the transcript not being available and will not be part of the record. She indicated any verbal comments can be reiterated to the Board at these hearings and that is part of why the District had chosen to re-start the hearing process. Mr. Brown commented that CHWD forwarded letters to SJWD on July 2, 2015, and July 18, 2016, regarding the westerly portion of CHWD boundaries since they were not included in the SJWD wholesale boundaries.

Ms. Cheryl Berkema addressed the Board and confirmed that the Board received her written comments. She commented that she would like adequate representation for the Granite Bay residents, and suggested the board should base its factors on rural area community of interest and look at the retail service area as a separate interest.

In response to President Costa's question, Ms. Buckman informed the Board that they could submit information for the demographer to take into account when preparing the maps. In addition to the public comments, President Costa

would like to provide guidance from the Board to the demographer. He provided the following criteria that he would like the demographer to use:

1. County line
2. City lines
3. Rural Areas (horse – farm – big lots)
4. Bona fide Community Associations
5. Boundaries of Other Special Districts (water, fire, parks, cemeteries, etc.)

President Costa directed the Board to send their comments to Ms. Buckman.

In response to Director Miller’s question about the 4 PM start time for this hearing, Ms. Buckman explained that a public agency has the discretion to set its hearings at any time; therefore, the Board selected two separate start times in an effort to accommodate differences in schedules. In addition, comments are being accepted via email and regular mail and there were two information sessions in June and July; therefore, she is confident that the District is within the bounds of what the law permits.

Vice President Tobin will submit her recommendations. Director Rich commented that he is concerned with the counties being split which would increase the candidate statement cost for potential candidates – he wondered if this could constitute an economic community of interest. In addition, Director Rich is concerned about adequate representation for the retail service area.

Mr. Mike McRae, Fair Oaks Water District, addressed the Board and commented that San Juan Water District is primarily made up of four major retail areas - Citrus Heights Water District, Fair Oaks Water District, Orange Vale Water Company, and San Juan Retail. He requested that the Board place the wholesale agencies as a high priority for communities of interest and referenced the proposed maps from FOWD and CHWD which takes this into consideration.

President Costa closed the Public Hearing at 5:08 p.m.

III. ADJOURN

The meeting was adjourned at 5:08 p.m.

ATTEST:

EDWARD J. “TED” COSTA, President
Board of Directors
San Juan Water District

TERI GRANT, Board Secretary

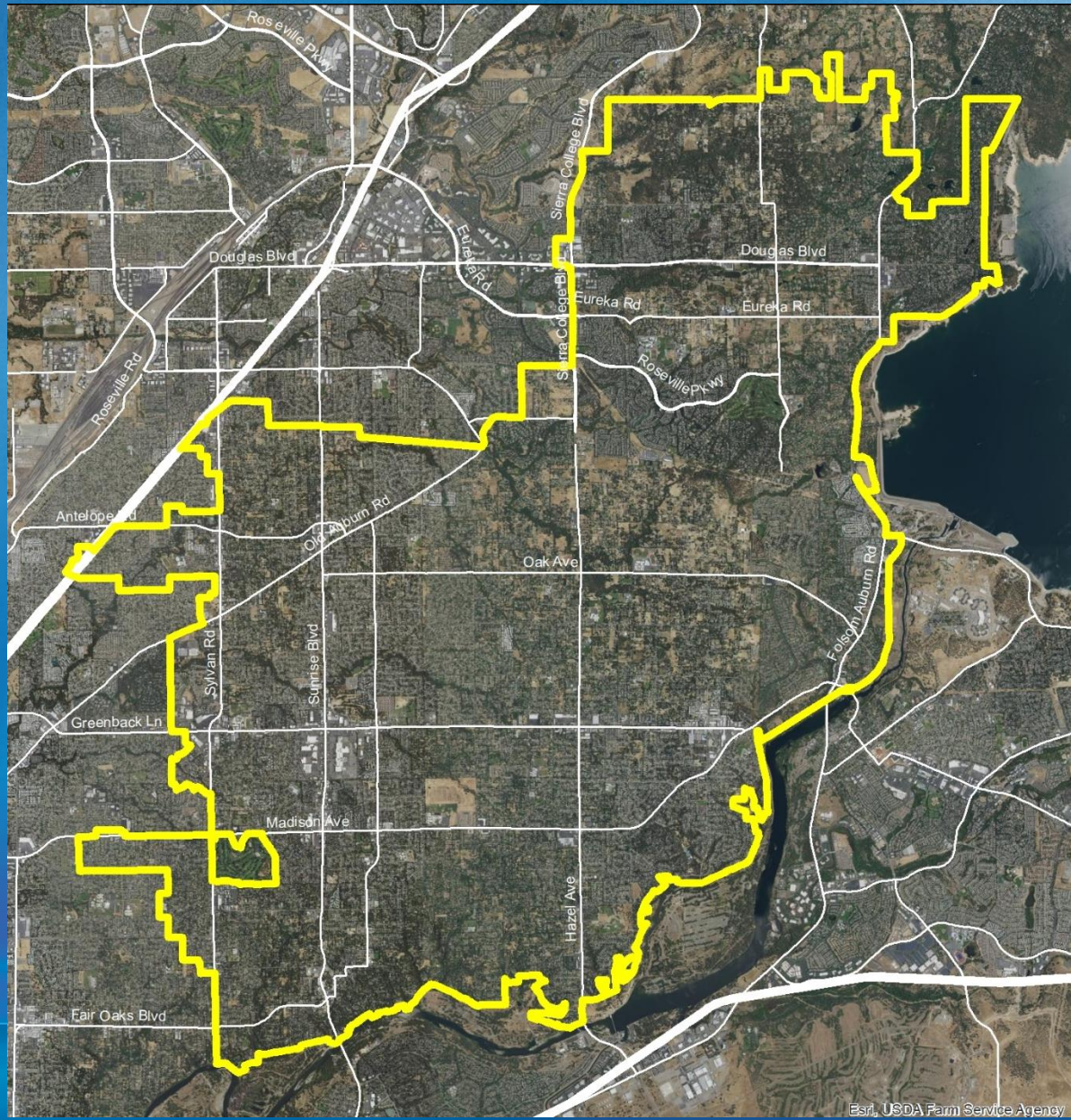


**San Juan Water District
Transition to Division-Based Elections
Public Hearing #2
August 5, 2020**

**Jennifer Buckman
General Counsel**



SJWD Service Area





Process to Date

- March 30 CVRA letter – potential legal challenge
- May 13 SJWD Board decision – use safe harbor process (180 days)
- Prior proceedings – June 10, July 8
- 1st Hearing – August 3
- Tonight's Hearing – 2nd of 2 initial hearings
 - Take input from public on factors
 - Input used to shape draft maps
 - Maps presented at subsequent hearings



Electoral Processes

- Existing (1954-2020) – “At-large” – voters throughout SJWD elect 5 Board members, on staggered terms
- New (2022 and beyond) – “By-division”
 - The SJWD service area will be divided into 5 voting divisions
 - Each division will elect one director
 - Only the voters in that division will be able to vote for the director that will represent the division



Mapping the Divisions

- To transition to division-based elections, SJWD will need to define the 5 voting divisions
- A map will be drawn showing the location of each division
- This is a public process and SJWD will be taking the input of the community as it develops and refines the maps, consistent with applicable the legal standards



Rules and Other Factors for Divisions

Legal Considerations in Drawing Electoral Divisions:

- Reasonably Equal Populations (average +/- 10%)
- Contiguous Divisions
- No Racial Gerrymandering
- Respect Communities of Interest
- Compact Divisions



Applying the Factors to Create Divisions

Paramount Legal Principles:

- Reasonably Equal Populations (average +/- 10%) – this criterion is imposed by federal law and must be respected
- Avoid Diluting Votes of Racial, Ethnic & Language Minority Voting Groups
 - Avoid “packing” – when a community could be 55% of 2 different divisions but are concentrated into a supermajority in 1 division
 - Avoid “cracking” – fragmenting concentrations of minority voters among multiple districts



Applying the Factors to Create Divisions

Paramount Legal Principles:

- Contiguity
 - No islands or donuts
 - Perimeter = one unbroken line
- Compactness – “reasonable” standard



Applying the Factors to Create Divisions

Other Legal Principles:

- Compactness – “reasonable” standard
- Respect for “Communities of Interest”



Applying the Factors to Create Divisions

- Communities of Interest
 - Most “enigmatic” of the traditional districting principles
 - The community group should have “actual shared interests.” *Miller*, 515 U.S. at 916.
 - "Residents of political units such as townships, cities, and counties often develop a community of interest, particularly when the subdivision plays an important role in the provision of governmental services." *Karcher*, 462 U.S. at 758 (Stevens, J., concurring)



Applying the Factors to Create Divisions

- Communities of Interest
 - Other political subdivisions, shared cultural or economic interests may also qualify
 - Should be kept intact if feasible, given application of other factors. *Bush v. Vera*, 517 U.S. at 977.
 - Often not possible to respect all political subdivision borders and also comply with “reasonably equal population”
 - Board determines what the relevant communities of interest are, after taking public input



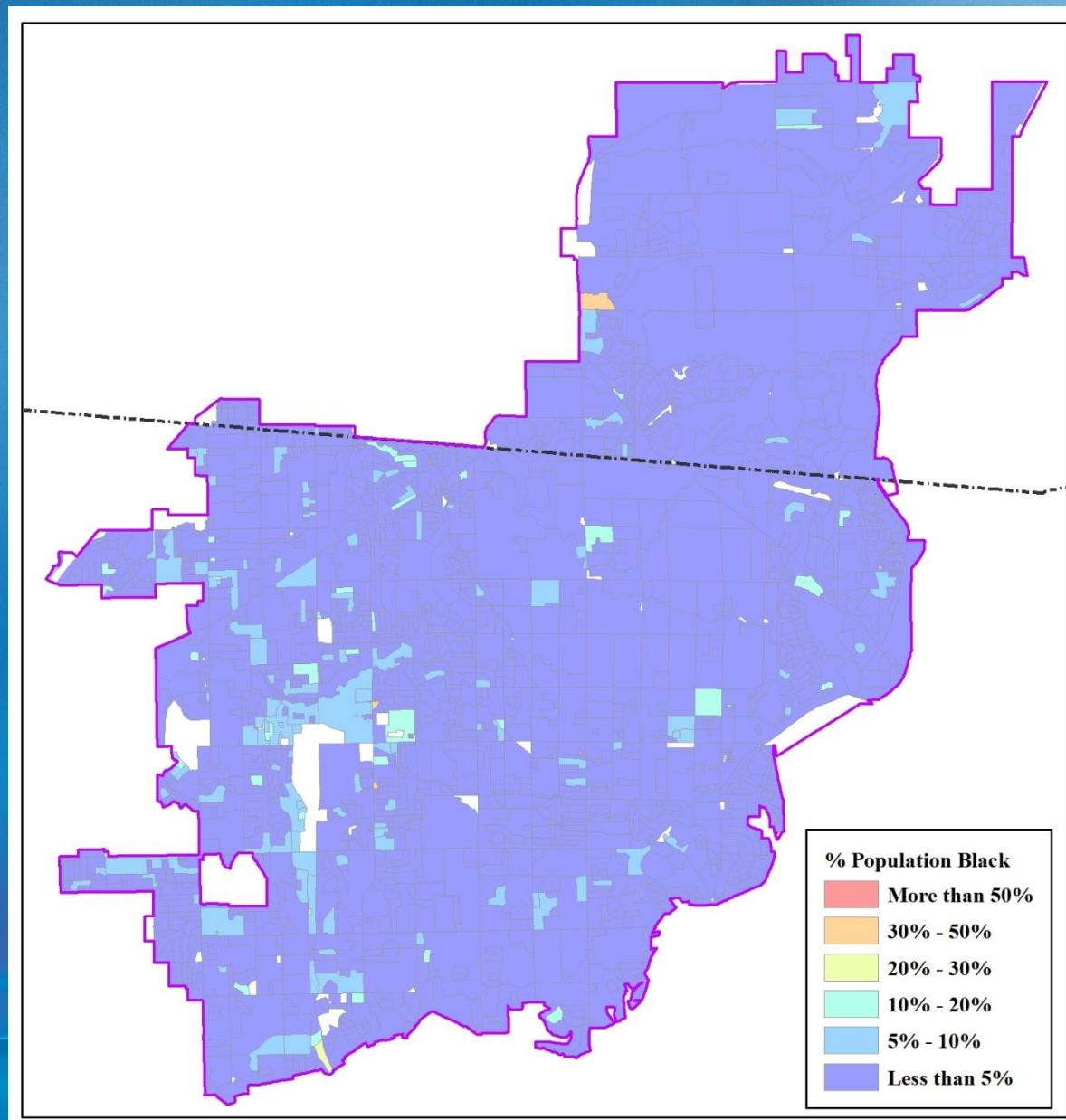
Demographic Summary

2010 Census Figures

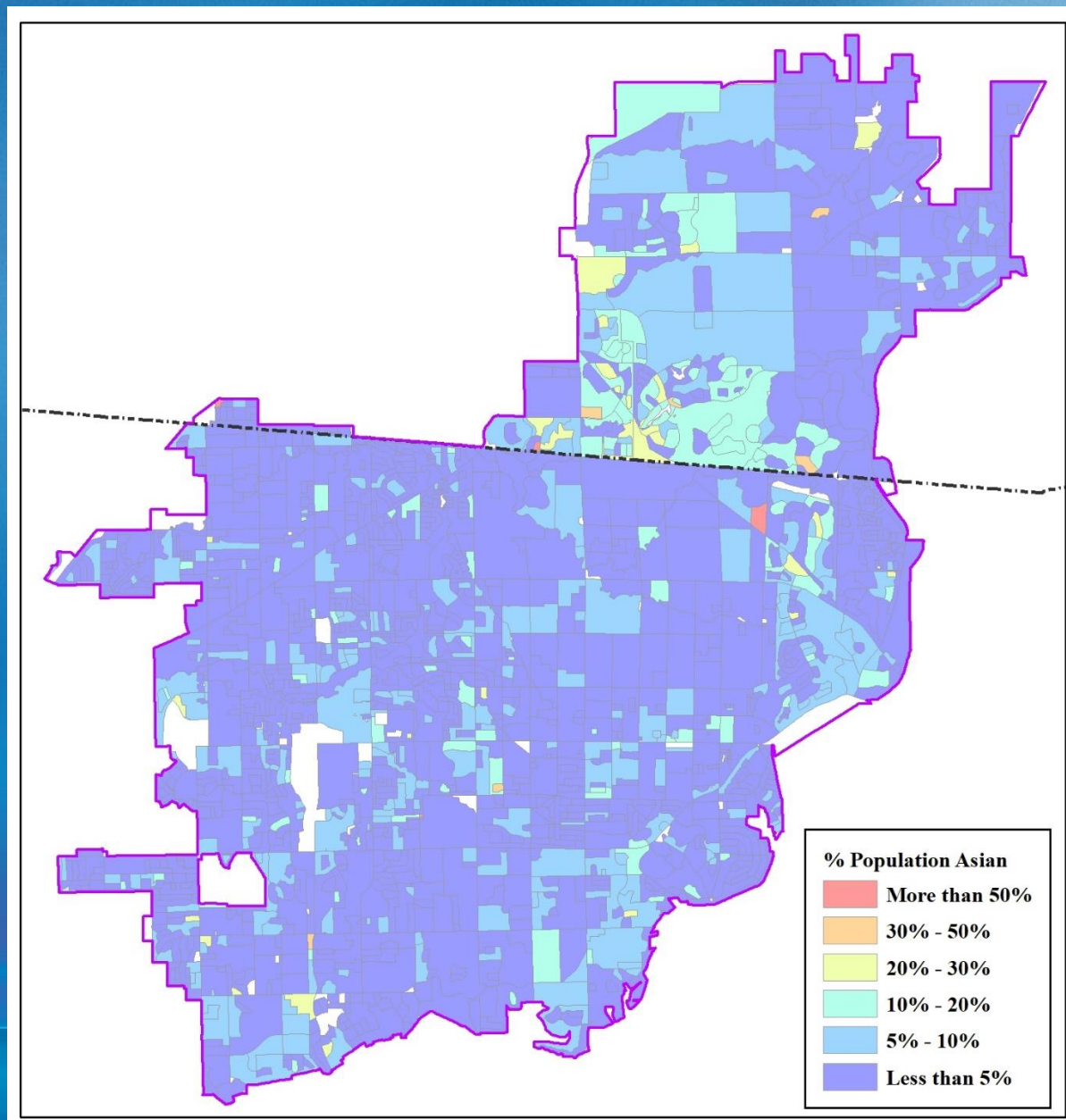
**Each Board
Member
District Would
Contain
Approximately
30,100
Residents,
+/- 10%**

Category	Total Population
African-American	3,021
Asian-American	5,801
Latino	17,770
White	117,316
Other	6,587
Total	150,499

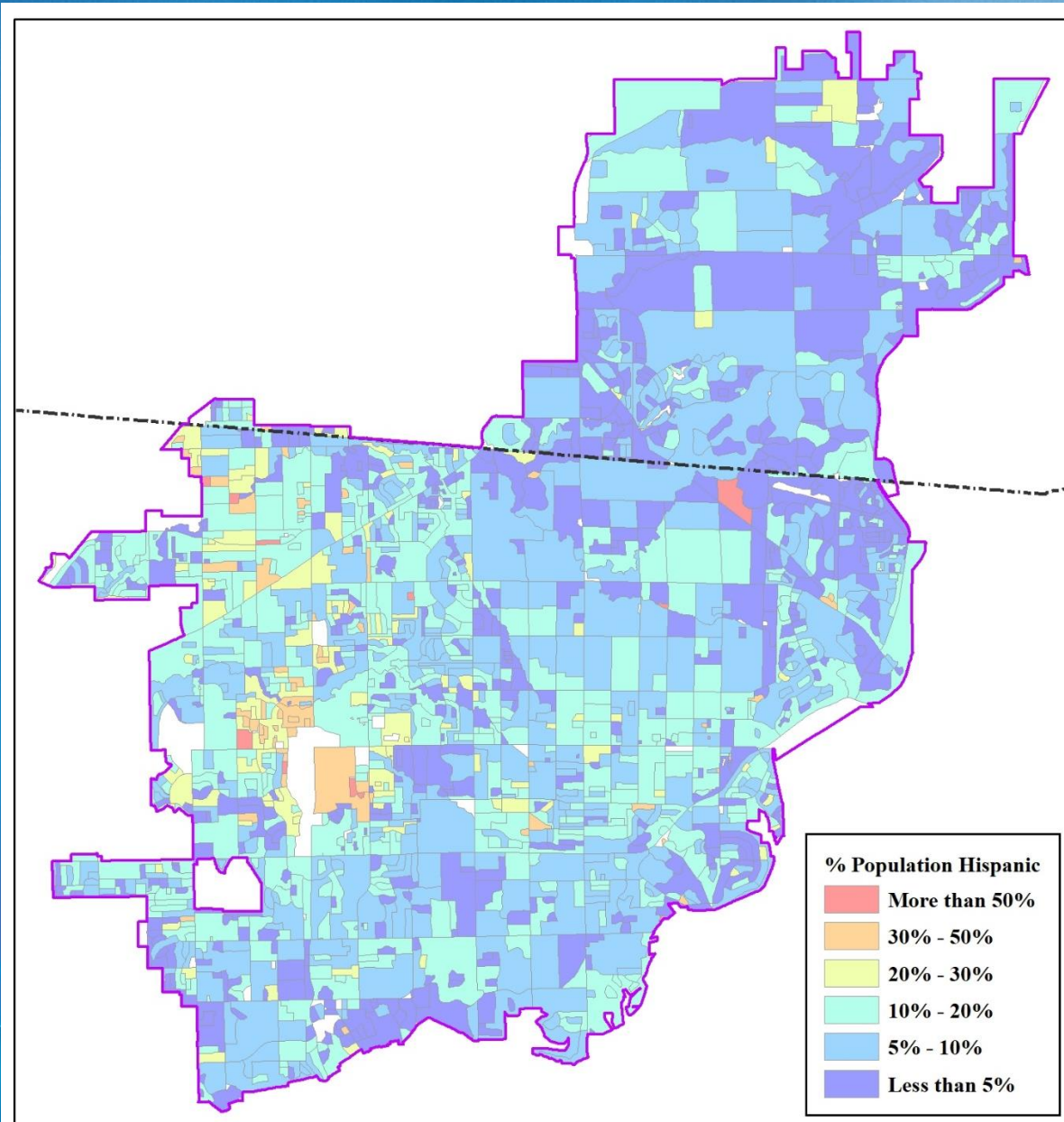
Concentrations of African-American Residents



Concentrations of Asian-American Residents



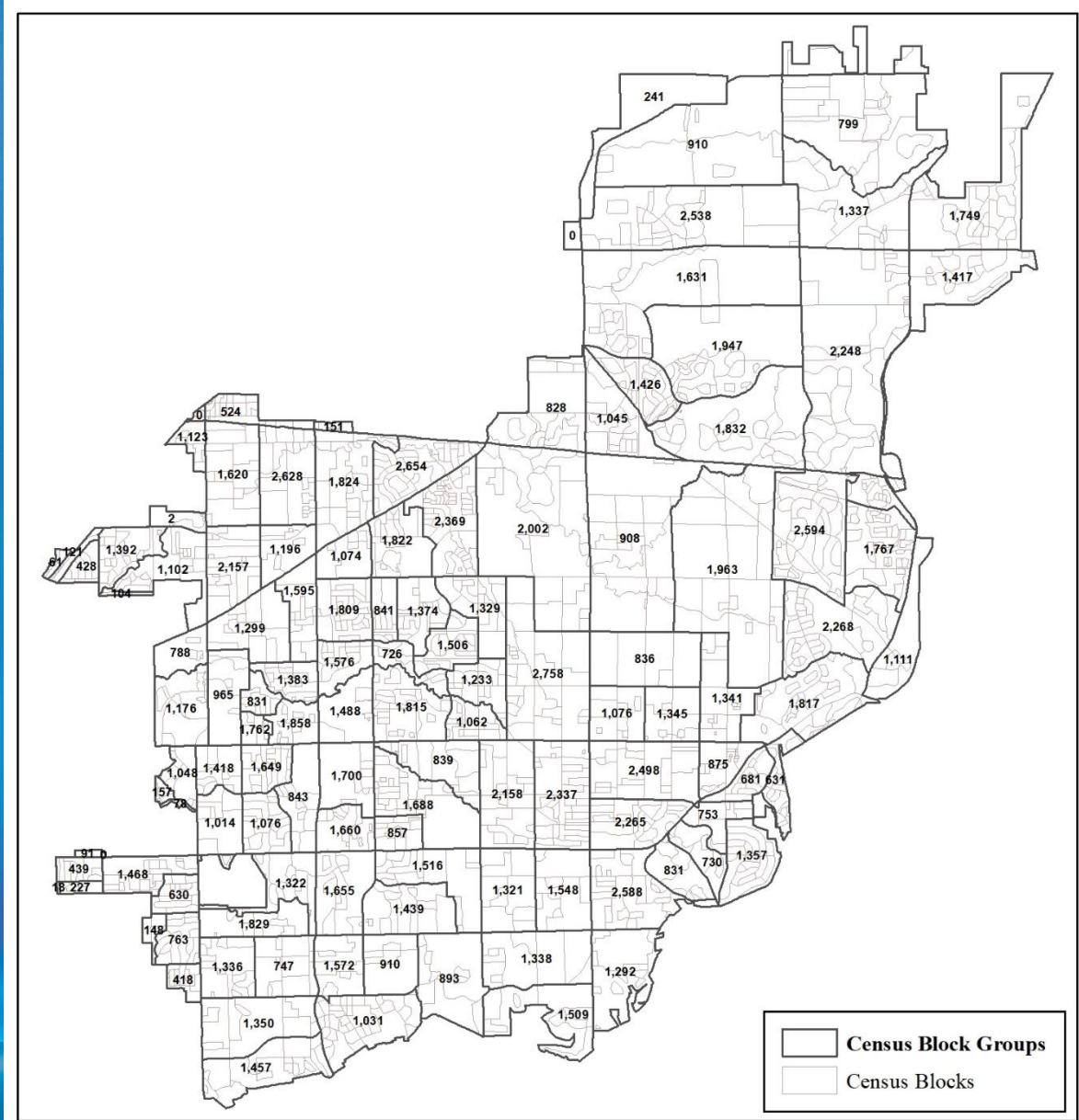
Concentrations of Latino Residents





Census Block Groups Population Numbers

Image is available
on sjwd.org





Next Steps

Step	Description
Informational Sessions June 10 & July 8	Public Outreach.
Two Initial Hearings August 3 & August 5	Held prior to release of draft maps. Opportunity for public to learn and provide input.
Release Draft Maps	Maps must be released by September 2.
Two Hearings on Draft Maps Sept. 9 & Oct. 14	Two meetings to discuss and revise draft maps.
Final Adoption of Map November 9	Second reading of ordinance and approval of map.
Update Map Based on 2020 Census Data	Make any revisions that might be necessary, based on new census data.
November 2022	Election for first three new division seats.
November 2024	Election of remaining two division seats.



More Information

Transitioning to Division-Based Elections Website:

<https://www.sjwd.org/transitioning-to-division-based-elections>

Comments:

comments@sjwd.org