STAFF REPORT

To: Board of Directors

From: Paul Helliker, General Manager

Date: June 10, 2020

Subject: Division-based Elections – Public Hearing No. 1

RECOMMENDED ACTION

Receive public input.

BACKGROUND

On May 13, 2020, the Board of Directors adopted a resolution of intention to transition from at large to division-based elections. Pursuant to Elections Code 10010, the District is required to hold at least two public hearings over a period of no more than 30 days before any map or maps of the boundaries for the proposed voting districts are drawn.

At the public hearings, the community is invited to provide input regarding the composition of the districts. The Board of Directors will then define the criteria used to create one or more proposed district maps, and present the draft map or maps for public comment and review in two subsequent public hearings. The Board will then provide further direction to finalize the map, which will be presented to the Board for a final vote. The Board is the final decision-making body on adopting districting boundaries. To ensure a cap of $30,000 on the limitation of the District's reimbursement to prospective plaintiffs challenging the District's compliance with 10010 of the Election Code (known at the "limited safe harbor" provision), adoption of the ordinance must occur within a 180 day timeframe.

Criteria for Creating Division Maps

Jurisdictions must comply with the following criteria required by federal law:

1. Each district must have equal populations or "shall be as nearly equal in population as may be," which is known as the one person, one vote rule. (Elections Code § 21601; Gov. Code § 34884(a)(1); Equal Protection Clause of the U.S. Constitution.)

2. Race cannot be the "predominant" factor or criteria when drawing districts. (Shaw v. Reno (1993) 509 U.S. 630; Miller v. Johnson (1995) 515 U.S. 900.)

3. The districting plan must comply with the Federal Voting Rights Act ("FVRA"), which prohibits districts from diluting minority voting rights and encourages a majority minority district if the minority group is sufficiently large and such a district can be drawn without race being the predominant factor. (Bartlett v. Strickland (2009) 556 U.S. 1.)

Additionally, jurisdictions may, but are not required to, give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the Board member districts. (Elections Code § 21601; Government Code § 34884(a)(1).)

Public Outreach

To increase public awareness of the transition to district elections, the District will be using a variety of public communication channels to engage members of the community. Districting information will be featured on the District's website and social media channels (e.g., Facebook, Twitter, Nextdoor). The District's website will be populated with information related to this process and frequently asked districting questions. Members of the public can submit draft maps electronically or on paper. District staff will be available for assistance and questions throughout the process.

Schedule

Task	Date/Timeline	Notes
Board meeting/Public Hearing #1 – Introduce Public Engagement Process	June 10, 2020	Before draft map(s) are released, the date of the first hearing establishes the deadline to hold two public hearings within 30 days.
Board meeting/Public Hearing #2 – Public Engagement Process.	July 8, 2020	Must be held within 30 days of Hearing #1.
Board meeting/Public Hearing #3 – Board and public input on draft maps of proposed divisions.	September 9, 2020	First draft of map(s) shall be published 7 days before Hearing #3.
Board meeting/Public Hearing #4 – Map approval and introduction of ordinance.	October 14, 2020	Must be held within 45 days of Hearing #3.
Board regular meeting – Second reading and enactment of ordinance and final division map. Final map must be filed with Registrars of Voters.	November 9, 2020	Draft ordinance must be introduced 5 days before second reading and adoption.