

STAFF REPORT

To: Board of Directors
From: Jennifer Buckman, General Counsel
Date: November 5, 2020
Subject: Division-based Elections – Proposed Adoption of Ordinance

RECOMMENDED ACTIONS

Second reading and adoption of Ordinance establishing electoral divisions, approving map of electoral divisions, and setting sequence of division elections

BACKGROUND

As you know, the District has been engaged in a transition to by-division elections for its directors for the last several months. The District has completed its hearing process as required by Elections Code section 10010, with the last of the four public hearings being completed on October 14, 2020. At that same meeting, the Board introduced and waived the first reading of Ordinance 20-02, an Ordinance of the San Juan Water District providing for the election of directors by division, establishing the boundaries and identification number of each electoral division, and establishing the order of election for each division.

District Counsel prepared a summary of the proposed ordinance, and on November 2, 2020, the District published the summary of the proposed ordinance in a newspaper of general circulation published in Placer and Sacramento counties. That same day, the Clerk of the Board also posted the summary in the Clerk's office and on the District's web page.

RECOMMENDATION

Today, staff recommends that the Board waive the second reading and adopt Ordinance 20-02, an Ordinance of the San Juan Water District providing for the election of directors by division, establishing the boundaries and identification number of each electoral division, and establishing the order of election for each division, a copy of which is attached hereto. Adoption of this Ordinance will complete the District's transition to by-division elections, approve the map to establish the District's electoral divisions, and establish a sequence for future by-division elections.

Attachments

*Ordinance 20-02, including:
Exh. 1 - Electoral Division Map
Exh. 2 - Sequence of Elections*

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ORDINANCE NO. 20-02

AN ORDINANCE OF THE SAN JUAN WATER DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION

Section 1. The Board of Directors of the San Juan Water District hereby finds and declares as follows:

- A.** The San Juan Water District is governed by five (5) Directors, who are elected by an at-large system which provides that each voter within the District is eligible to cast a vote for each Director;
- B.** At-large electoral systems provide that a Director may reside in any location within the District;
- C.** The District received a demand letter from Shenkman and Hughes, PC on behalf of the Southwest Voter Registration Education Project on March 30, 2020, asserting that the District's at-large electoral system violates the California Voting Rights Act, which threatened costly litigation should the District not voluntarily transition to a district-based electoral system;
- D.** The District disputes the assertion that its at-large electoral system violates the California Voting Rights Act;
- E.** The District determined that it would be prohibitively costly to defend against any lawsuit alleging its at-large electoral system violates the CVRA, and the District further determined it was in the best interests of its ratepayers to transition voluntarily to a district-based electoral system;
- F.** Following a public hearing, on May 13, 2020, the District adopted a resolution noticing an intent to transition to district-based elections, whereby the District will be divided into five electoral divisions, and the voters of each division will elect one Director who resides within the boundaries of that division to represent that division on the Board;
- G.** The District held public engagement sessions during public Board meetings on June 10, 2020 and July 8, 2020, during which it provided information to the public regarding the division-based elections process and invited and received public comment;
- H.** The District held two (2) public hearings on July 27, 2020, and August 3, 2020, in accordance with Elections Code section 10010, during which it invited and received

input from the public and established criteria relevant to the creation of electoral districts;

- I.** The District retained the services of an expert demographer to prepare draft maps, reflecting the public input received as well as criteria established by the Board for proposed electoral district divisions;
- J.** The District held an additional informational workshop on August 15, 2020, where it invited and received additional input from the public and answered questions concerning the process;
- K.** The demographer prepared four (4) draft maps, based on input from the Board and staff, and two (2) draft maps based on plans submitted by others, and Fair Oaks Water District and Citrus Heights Water District submitted two (2) draft maps;
- L.** The District held an additional informational workshop on August 27, 2020, where it presented the demographer's work and potential mapping options and provided a forum for the Board of Directors to interact with the demographer, and where Director Miller submitted one (1) additional draft map for consideration;
- M.** Pursuant to Elections Code section 10010, the District published and made available on September 2, 2020 all nine (9) draft maps and a potential sequence of elections for consideration in advance of a public hearing scheduled for September 9, 2020;
- N.** At a public hearing held September 9, 2020, the Board considered all nine (9) draft maps and determined one draft map, known as "Plan B" and attached to this Ordinance as "Exhibit 1", most closely satisfied the requisite criteria and determined slight revisions were necessary;
- O.** On October 7, 2020, the District published the revised map;
- P.** The District held a public hearing on October 14, 2020 for purposes of considering adoption of the draft map and sequence of elections advanced after the September 9, 2020 public hearing, and to receive public input on the proposed map as revised, as well as the potential sequence of elections, and at the conclusion of this hearing, the Governing Board did formally select the electoral division map and election sequence as set forth in this Ordinance, which was introduced at this meeting;
- Q.** At its regular meeting on November 9, 2020, the Governing Board adopted this Ordinance;
- R.** The purpose of this Ordinance is to establish a by-division electoral system for the election of Directors of the San Juan Water District, pursuant to Elections Code sections 10010, et seq.

WHEREBY, THE BOARD OF DIRECTORS OF THE SAN JUAN WATER DISTRICT ORDAINS AS FOLLOWS:

Section 2. Section 1100.01 of the Code of Ordinances of the San Juan Water District is amended to read as follows:

1100.01 Election of Directors

The Board of Directors is the governing body of the District. The Board shall act only at its regular meetings, regular adjourned meetings, special meetings, or emergency meetings.

1100.01.1 General

- A. Number of Directors:** One (1) director shall be elected from each of five (5) electoral divisions established by this ordinance and pursuant to 1100.01.2.
- B. Residency:** A candidate for Director must reside within the boundaries of the electoral division that he or she will represent.

1100.01.2 By-District Electoral Divisions

- A. Divisions:** There are established five (5) divisions of the San Juan Water District.
- B. Map of Electoral Divisions:** The boundaries and identifying number of each division shall be described on the San Juan Water District Division Map attached hereto as “Exhibit 1,” a copy of which shall also be on file in the District Office. The Board shall examine and, if necessary, adjust the boundaries of the five divisions in accordance with Government Code section 61026.

1100.01.3 Election Process

- A. Terms:** A Director shall be elected for a term of four years.
- B. Sequence of Elections:** Elections for Divisions 1, 3, and 5 shall initially be held in 2022, and every four years thereafter. Elections for Divisions 2 and 4 shall initially be held in 2024 and every four years thereafter. The San Juan Water District Sequence of Initial Elections is attached hereto as “Exhibit 2,” a copy of which shall also be on file in the District Office.

Section 3. Vacancies. Notwithstanding any other provision of this Ordinance, each Director in office at the time this Ordinance takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the expiration of the term of a

Director in office at the time this Ordinance takes effect, a person who is appointed or elected by special election to fill such vacancy shall not be subject to the provisions of this ordinance, except that the appointee or Director elected by special election shall only serve out the remainder of the at-large term to which he or she is appointed or elected.

Section 4. Effective Date. This ordinance shall take effect 30 days after its adoption.

Section 5. Publication and Posting. The District Secretary is directed to, within 15 days after final adoption of this ordinance, publish a copy of this ordinance in a newspaper of general circulation, and post a copy of this ordinance in the District’s Boardroom and at three public places within the District. The ordinance shall remain posted for at least one week.

INTRODUCED by the Board of Directors on the 14th day of October 2020.

PASSED AND ADOPTED by the Board of Directors of the San Juan Water District at a regular meeting on the 9th day of November 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Edward J. “Ted” Costa
President, Board of Directors

Attest:

Teri Grant
Board Secretary

EXHIBIT 1
MAP OF ELECTORAL DIVISIONS

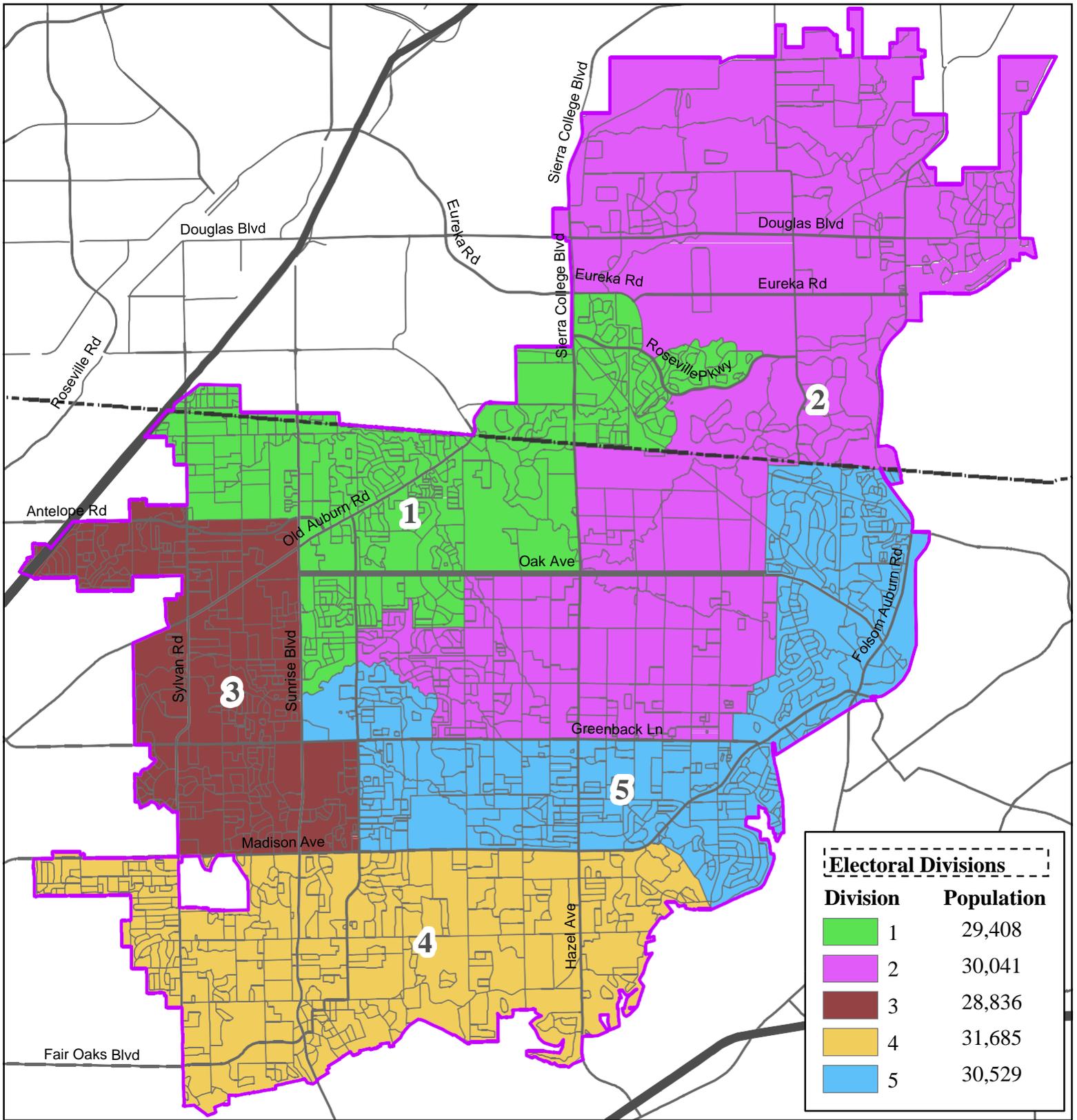


EXHIBIT 2
SEQUENCING OF ELECTIONS BY DIVISION

Divisions 1, 3 and 5 (green, brown and blue, respectively) will stand for election in 2022, and thereafter every four years

Divisions 2 and 4 (purple and yellow, respectively) will stand for election in 2024, thereafter election every four years.