

From: [Teri Grant](#)
To: [comments](#)
Subject: FW: SJWD redistricting issue
Date: Tuesday, August 11, 2020 9:54:30 AM

From: David Peterson [<mailto:dpeterson@pbieng.com>]
Sent: Friday, July 17, 2020 3:17 PM
To: Paul Helliker <phelliker@sjwd.org>
Cc: Joshua M. Horowitz <jmh@bkslawfirm.com>; Jennifer Buckman <jtb@bkslawfirm.com>
Subject: [Potential SPAM] RE: SJWD redistricting issue
Importance: Low

Paul,

I understand what you are saying, but I don't think you understand what I am saying. I am saying that the retail area is operated as a separate cost center, with separate rates and fees, and it cannot be fairly represented by 4 directors elected by people outside that area, and only one director elected by people in the retail area. The same argument holds if the numbers end up being 3 outside, 2 inside. Rates and fees for SJWD Retail can essentially be established by 3 votes of the board, and all of them can be outsiders. I can think of 2 ways to resolve this issue:

1. Consolidate the retail areas of the wholesale customers into SJWD, eliminate the wholesale agreements, and make it one big retail area, districted as you note in your staff report.
2. Split off SJWD Retail into a separate utility, governed by it's own elected board, and develop a wholesale supply agreement with SJWD. You could also have a staffing agreement between the 2 agencies, if it makes sense.

I can't see how the intent of the law is met for the Retail customers if they are at the mercy of a board majority made up of outsiders.

Dave Peterson, P.E.

Peterson Brustad Inc.

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From: Paul Helliker <phelliker@sjwd.org>
Sent: Friday, July 17, 2020 7:07 AM
To: David Peterson <dpeterson@pbieng.com>
Cc: Joshua M. Horowitz <jmh@bkslawfirm.com>; Jennifer Buckman <jtb@bkslawfirm.com>
Subject: Re: SJWD redistricting issue

Hi, Dave - thanks for the note. I updated my staff report, to include our updated schedule, and to add the correct code citations for CSDs. It is attached.

Our service area is as shown in the powerpoint presentation, and on our website here <https://www.sjwd.org/files/664583453/WholesaleServiceAreaMap.pdf>

That is the geographic area in which we will need to create five electoral divisions. As noted in the staff report and in the powerpoint, there are various criteria that the divisions must meet.

I'm not sure what you mean by a separate set of divisions for the retail area. The retail service area is not a distinct legal entity - it is part and parcel of our organization. As such, it will be represented by directors serving in new electoral divisions, which will cover the retail service area, as well as the other parts of our complete service area.

We have not yet proposed any division maps, so I am not sure how many divisions will exist within our retail service area. We will need to ensure that the divisions are as equal in population as practicable, are contiguous and do not divide concentrations of minority populations. There are other factors that the Board may consider, as listed in the staff report.

Thanks for being engaged on this issue. Please feel free to give me a call, if I can clarify anything further.

Paul Helliker

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From: David Peterson <dpeterson@pbieng.com>
Sent: Thursday, July 16, 2020 7:40 PM
To: Paul Helliker
Cc: Joshua M. Horowitz; kshenkman@shenkmanhughes.com
Subject: [Potential SPAM] SJWD redistricting issue

Paul,

I read your 7/8/20 staff report and ppt on Voter Rights Act redistricting, and have a fundamental concern that I would like you and the board to consider. Your proposed process will create 5 districts out of the SJWD wholesale area, which will achieve equal representation for that entity under the voter rights act. That part is good. However, the new board will not adequately represent the SJWD retail area. The SJWD retail area is a separately budgeted and financially tracked service area that represents about half of the SJWD revenues, and therefore requires its own separate representational districting. Under your proposed process, your new board makeup will include only 1 member from the retail area, and 4 from outside. That board will determine physical actions, rates, and penalties within the retail area. The 4 outsiders do not qualify as representatives of the ratepayers in the retail area.

I brought this up at the April 14 board meeting, but it appears my comment was either not heard or ignored. So I am re-stating my concern again here. I am requesting that you please modify the re-districting plan to create a fair representational board for SJWD Retail.

Dave Peterson, P.E.

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