

RESOLUTION NO. 1113

A RESOLUTION OF THE CARPINTERIA VALLEY WATER DISTRICT BOARD OF DIRECTORS ADJUSTING THE BOUNDARIES OF THE DIRECTOR DIVISIONS FOR USE IN ELECTIONS COMMENCING IN NOVEMBER 2022

WHEREAS, Members of the Board of Directors of the Carpinteria Valley Water District (“Water District” or “District”) are currently elected in “by-division” elections, i.e., elections in which each candidate for membership on the board is required to be a resident of an electoral division of the District and is elected only by the registered voters residing in that division (Elec. Code § 14026(a)(1); Water Code §§ 30730 & 30735); and

WHEREAS, the District first established by-division elections in August of 2020 in Resolution No. 1083; and

WHEREAS, Resolution No. 1083, provides in Section 4: “In accordance with Elections Code section 22000, after release of the 2020 Census tabulations the District General Manager shall cause the map to be reviewed for compliance with all applicable laws including requirements for relatively equal population in the divisions and the federal Voting Rights Act”; and

WHEREAS, Resolution No. 1083, further provides in Section 4: “If the map is not in compliance with law, the General Manager shall propose to the Board of Directors a process and timeline for making such adjustments to the division boundaries as may be necessary to bring the map into compliance with law. Any such adjustments shall be finalized prior to May 12, 2022, in accordance with Elections Code § 22000(d)”; and

WHEREAS, 2021 amendments to Elections Code § 22000.1 now require adjustments to be finalized on or before April 17, 2022; and

WHEREAS, Elections Code § 22000 requires special districts, by resolution, after each federal decennial census, and using that census as a basis, to adjust the boundaries of the director divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 10301 of Title 52 of the United States Code, as amended (section 2 of the federal Voting Rights Act); and

WHEREAS, Elections Code § 22000 also permits a special district, in adjusting the boundaries of the divisions, to consider the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the division; and

WHEREAS, Water Code § 30734(c) permits the Board of Directors at any time after initially dividing the district into divisions but not less than 85 days before a general district election, by resolution to change the boundaries of the divisions to keep them as nearly as equal in size as practicable; and

WHEREAS, when the District first established by-division elections in August of 2020 it considered all the factors enumerated in Elections Code § 22000; and

WHEREAS, the District has retained experienced legal counsel to advise it on the process of adjusting the existing director divisions and an experienced redistricting/demographic consultant to analyze the District's demographics under the 2020 Census and to prepare draft adjusted Director Division boundaries if adjustments are required; and

WHEREAS, the demographic consultant determined that the 2020 Director Divisions do not comply with the requirement that, as far as practicable, the divisions be equal in population; and

WHEREAS, the demographic consultant developed a map adjusting the boundaries of the Director Divisions to bring them into compliance with the equal population requirements ("Draft Redistricting Map"); and

WHEREAS, the Draft Redistricting Map complies with section 2 of the federal Voting Rights Act and preserves the features of the August 2020 map that considered (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the divisions; and

WHEREAS, the District held duly noticed public hearings on April 6, 2022 and April 13, 2022 to receive public comment on the Draft Redistricting Map; and

WHEREAS, the sequence of elections in the Director Division map adopted by Resolution No. 1113 provides an opportunity for the voters in the most Latino portion of the District to have the opportunity to elect a chosen candidate for membership on the Board of Directors at the November 2022 elections, the first elections at which the by-division electoral system will be used, and the Board wishes to preserve that sequence of elections.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. RECITALS ARE TRUE AND CORRECT.

The above recitals are true and correct and form the basis of this Resolution.

SECTION 2. PURPOSE AND AUTHORITY.

The purpose of this Resolution is, pursuant to California Elections Code section 22000, to adjust the boundaries of the Director Division boundaries in accordance with the 2020 Census, and using that census as a basis, to provide that the divisions are, as far as practicable, equal in population and in compliance with Section 10301 of Title 52 of the United States Code, as amended (section 2 of the federal Voting Rights Act), for use in the November 2022 and thereafter until changed in accordance with law. This Resolution is adopted pursuant to the District's authority under California Elections Code section 22000 and California Water Code section 30734.

SECTION 3. DIVISIONS.

(a) Subject to Subsection (b) and (d) of this section, the Director Divisions of the District shall be as reflected in the map attached hereto as Exhibit A, which is incorporated herein by this reference.

(b) In accordance with Elections Code section 22000, after release of the 2030 Census tabulations the District General Manager shall cause the map to be reviewed for compliance with all applicable laws including requirements for relatively equal population in the divisions and the federal Voting Rights Act.

(c) If the map is not in compliance with law, the General Manager shall propose to the Board of Directors a process and timeline for making such adjustments to the division boundaries as may be necessary to bring the map into compliance with law.

(d) If necessary to facilitate the implementation of this Resolution, the General Manager or his or her designee is authorized to make technical adjustments to the division boundaries that do not substantively affect the populations in the divisions or the eligibility of candidates. The General Manager shall consult with the District's Special Counsel concerning any technical adjustments deemed necessary and shall advise the Board of Directors of any such adjustments required in the implementation of the divisions.

(e) The divisions specified in subdivision (a) shall continue in effect until they are amended or repealed in accordance with law.

SECTION 4. TERM OF OFFICE AND ELECTIONS

(a) A Director in office at the time this Resolution takes effect shall continue in office until the expiration of the full term to which he or she was elected or appointed and until his or her successor is qualified. If vacancies in Director offices elected at-large occur before expiration of the full term thereof, such vacancies may be filled according to law from the District at-large.

(b) Upon expiration of the full term of each Director elected at-large, that Director's successor shall be elected only on a by-division basis in the divisions established by this Resolution. A vacancy in a Director office elected or appointed by-division shall be filled according to law by a person qualified to hold the office, who lives, and is a registered voter, in the division.

(c) In November 2022, Directors shall be elected for Divisions 1, 3, and 5.

(d) In November 2024, Directors shall be elected for Divisions 2 and 4.

(e) The Director elected to represent a division must live in that division and be a registered voter in that division, and any candidate for Director must live in and be a registered voter in, the division in which he or she seeks election at the time nomination papers are issued, pursuant to California Water Code section 30735 and California Elections Code section 10227.

SECTION 5. EXEMPTION FROM CEQA.

The Board of Directors finds that the actions taken in this Resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) because it can be said with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Resolution. The Board of Directors of the Carpinteria Valley Water District hereby declares that it would have passed this Resolution and each section or subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 7. ADMINISTRATIVE IMPLEMENTATION.

The General Manager is authorized and directed to establish appropriate administrative procedures consistent with the provisions of this Resolution and to take reasonable and appropriate action to fully implement the provisions of this Resolution.

ADOPTED by the Board of Directors of the Carpinteria Valley Water District, a public agency in the State of California, Carpinteria, at its regular meeting held on the 13th day of April 2020, by the following vote:

AYES: Board Members: Johnson, Stendell, Van Wingerden, Holcombe & Roberts

NOES: Board Members: none

ABSTAIN: Board Members: none

ABSENT: Board Members: none

DocuSigned by:
Case Van Wingerden
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Case Van Wingerden, President,
Board of Directors

APPROVED AS TO FORM:

DocuSigned by:
Marguerite Leoni
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Marguerite Leoni, Special Counsel

EXHIBIT A