

LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT

MEMORANDUM

DATE: FEBRUARY 27, 2018

TO: BOARD OF DIRECTORS
Lake Arrowhead Community Services District



CATHERINE CERRI, General Manager

SUBJECT: PUBLIC HEARING FOR RESOLUTION NO. 2018-01 TO
ESTABLISH A DISTRICT-BASED ELECTION SYSTEM,
DEFINING DISTRICT BOUNDARIES AND SCHEDULING
ELECTIONS WITHIN THE DISTRICTS

A. RECOMMENDATION

That the Board of Directors open public comment to receive any additional input regarding the proposed Lake Arrowhead Community Services District Map and the switch from an at-large to a district-based election system, and vote to approve Resolution No. 2018-01 that establishes a district-based election system, defines district boundaries and schedules elections within the districts.

B. REASON FOR RECOMMENDATION

The District has been following the procedure set forth under California Elections Code Section 10010 to transition from at-large to district-based elections under the California Voting Rights Act of 2001. Pursuant to Assembly Bill No. 2389, filed with the Secretary of State on September 28, 2016, the governing body of a special district may require, by resolution, that the members of its governing body be elected using district-based elections without being required to submit the resolution to the voters for approval. (See California Elections Code Section 10650). That resolution must include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (“CVRA”).

On December 12, 2017, the Board adopted a resolution of intention to transition from at-large to district-based elections. On January 9, 2018, the Board held its first public hearing in accordance with California Elections Code section 10010(a)(1), regarding the establishment of possible district boundaries for district-based elections. As required under state law, the Board conducted a second public hearing regarding the establishment of possible district boundaries for district-based elections and any parameters to be considered on January 23, 2018. On February 13, 2018, in accordance with California

Elections Code section 10010(a)(2), the Board held a third public hearing regarding the content of draft maps prepared by the District's demographer with extensive experience with the CVRA, that included information on proposed staggered terms of office and the potential sequence of elections. During the February 13, 2018 public hearing, the Board considered two draft maps that were posted on the District's website on February 2, 2018, and the potential sequence of elections resulting from those proposed draft maps. There was no public input received on revising the draft maps and staggered terms of office and the potential sequence of elections. The Board set an additional public hearing for this evening's public meeting, and also directed District staff to bring back the Lake Arrowhead CSD "Orange" Draft Map for possible approval. Following the District's second hearing regarding the content of draft maps prepared by the District's demographer, the Board of Directors will consider adoption of Resolution No. 2018-01 and approval of the Lake Arrowhead CSD "Orange" Draft Map as the District's district boundaries and with that map, the proposed sequence of elections based on those proposed district boundaries.

C. BACKGROUND INFORMATION

The California Voting Rights Act ("CVRA") was adopted in 2002 and applies to at-large election voting systems, or those that combine at-large with district-based elections. The CVRA prohibits elections that prevent members of a protected class from electing their chosen candidates to a public agency's governing board or otherwise impairs the ability of voters from a protected class to influence elections. However, the District received a letter on September 26, 2017, from a lawyer named Kevin Shenkman who specializes in suing public entities with at-large elections systems, alleging that the District's at-large election system violates the CVRA because it results in minority vote dilution. While the District does not believe that its current at-large system violates the CVRA, LACSD has initiated the voluntary change to a by-district election system to avoid costly litigation. There has been a tremendous amount of litigation on this issue. As a result, many municipalities and special districts throughout the state are making similar changes to their elections system to avoid the significant costs and risks associated with litigation. On December 12, 2017, the Board of Directors adopted Resolution No. 2017-17 stating the intent of the District to transition from an at-large election system to a district-based election system pursuant to California Elections Code section 10010.

On January 9, 2018, the Board held an initial public hearing and received public input regarding the composition of proposed district boundaries for the District's election system and set a second public hearing for January 23, 2018. During that discussion, the Board also heard from General Counsel regarding state law requirements in creating districts for a by-district based election system. Specifically, under California Elections Code section 22000(a), each special district adjusting division boundaries shall use the federal decennial census to create divisions that are as far as practicable, equal in population. Additionally, the District Board may consider several factors in adjusting the boundaries: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the division.

On January 23, 2018, the Board held a second public hearing as required under state law to receive the public's input on the composition of proposed district boundaries for the District's election system and provide any direction on the creation of draft maps and any parameters to be considered. There was no input from the public at that time.

On February 13, 2018, the Board held a third public hearing for the proposal to establish district boundaries for district-based elections, based on two draft maps that were prepared by Doug Johnson, a professional demographer with extensive experience in the CVRA. Those maps were posted on LACSD's website for at least 7 days prior to the hearing in accordance with state law. The draft maps included information on staggered terms of office for elected Board members. There was no input from the public at that time. At the February 13, 2018 Board meeting, the Board directed staff to bring back the Lake Arrowhead CSD "Orange" Draft Map, and also set a subsequent public hearing for the Board's next regularly scheduled meeting on February 27, 2018 pursuant to California Elections Code Sections 10010 and 10650. Both draft maps prepared by Doug Johnson (the Lake Arrowhead CSD "Orange" Draft Map and the Lake Arrowhead CSD "Green" Draft Map) have remained available on the District's website for review and are included as attachments to this staff report.

Staff prepared Resolution No. 2018-01 to switch from at-large to by-district based elections, pursuant to California Elections Code section 10650.

D. FISCAL INFORMATION

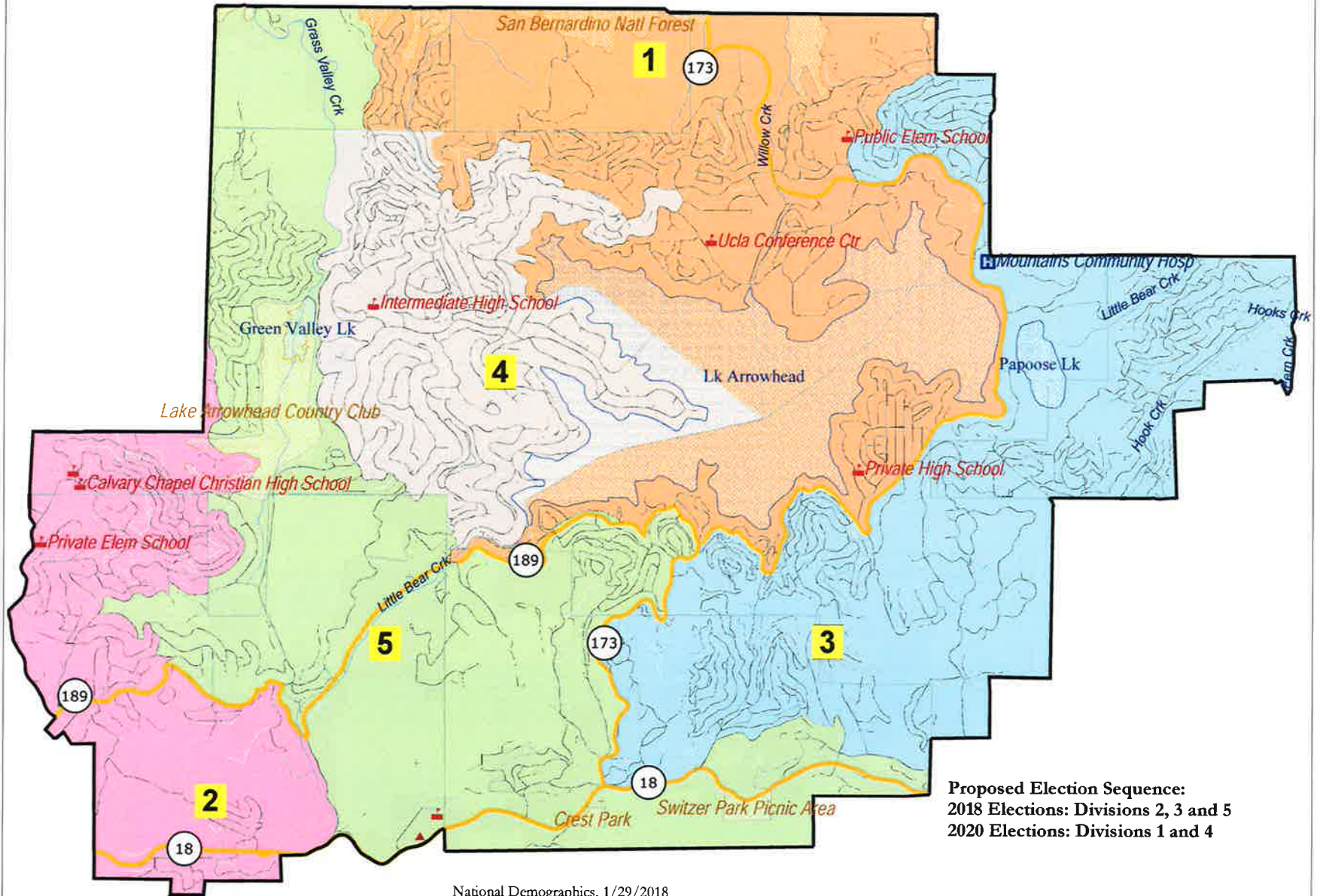
Changing the District's election system will result in related legal and consulting fees. If the District does not change its election system and litigation is filed against the District, it would result in additional legal costs to the District.

E. ATTACHMENT

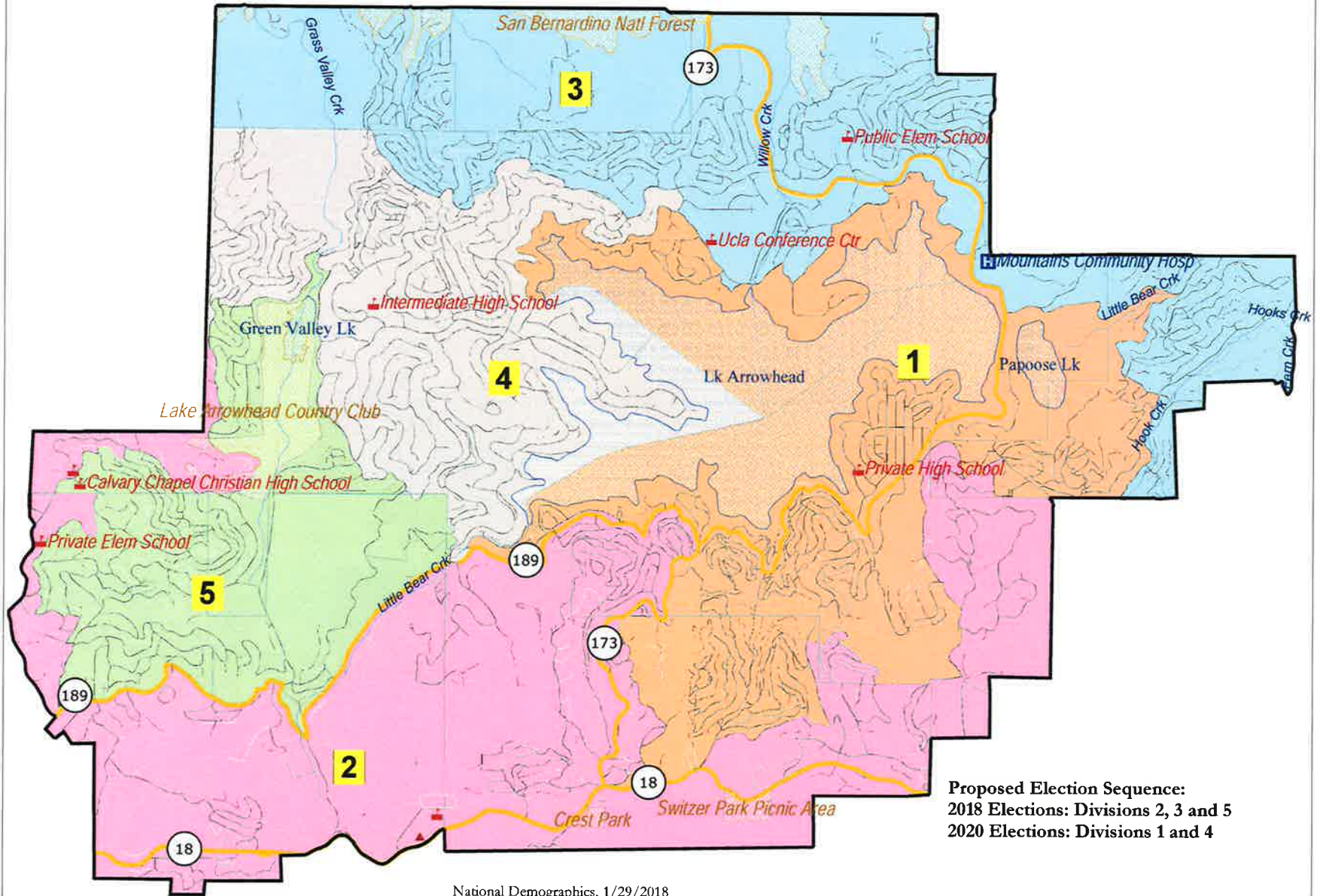
-Draft maps prepared by demographer Doug Johnson (the Lake Arrowhead CSD "Orange" Draft Map and the Lake Arrowhead CSD "Green" Draft Map)

-Resolution No. 2018-01

Lake Arrowhead CSD "Orange" Draft Map



Lake Arrowhead CSD "Green" Draft Map



RESOLUTION NO. 2018-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ESTABLISHING A DISTRICT-BASED ELECTION SYSTEM, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS, AND FINDING THIS TRANSITION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15061(b)(3), 15320, AND 15378(b)(5)

WHEREAS, the Lake Arrowhead Community Services District (“District”) is organized and operates pursuant to California Government Code Section 61000, *et seq.* (“The Community Services District Law”); and

WHEREAS, the District has a five person Board of Directors and an at-large election system, where each of the Directors is required to live within the boundary of the District but not in any one specific area; and

WHEREAS, The Community Services District Law, California Government Code section 61008, makes the District subject to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the California Elections Code; and

WHEREAS, California Elections Code Section 10508 allows the District Board of Directors to be elected using district-based elections pursuant to California Elections Code Section 10650; and

WHEREAS, the District has complied with the requisite California Elections Code procedural requirements in its proposed switch from an at-large to by-district based election system, beginning with the adoption of Resolution No. 2017-17 on December 12, 2017, through a series of properly noticed public hearings and culminating in the passage of this Resolution No. 2018-01; and

WHEREAS, the District has engaged an expert demographer to assist the District in the process of analyzing District population, developing draft district-based election system maps for the District, and gathering input regarding those draft maps; and

WHEREAS, at its February 13, 2018 meeting, the Board of Directors provided direction to staff to prepare the Lake Arrowhead Community Services District Map, prepared by the District’s demographer as a draft map first published February 2, 2018, and as reflected as Exhibit “A” of this Resolution, for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Lake Arrowhead Community Services District as follows:

1. Incorporation of Recitals: The Recitals set forth above are incorporated herein and made an operative part of this Resolution and made findings of the Board of Directors.

2. CEQA. Based upon the whole of the administrative record before it, the District hereby finds that a transition from at-large to district-based elections is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(5). Adoption of this Resolution is an organizational and administrative activity of the District, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event adoption of this Resolution does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the San Bernardino County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Resolution.

3. California Voting Rights Act of 2001. The District declares that the change in the method of electing the Board of Directors, from at-large to by-district, is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (California Elections Code Section 14025, *et. seq.*).

4. Change to a By-District-Based Election System. Consistent with California Elections Code section 10650, the District hereby expresses its intent that the Board of Directors be elected using “district-based elections,” as reflected as Exhibit “A” of this Resolution, and instructs staff to take the necessary steps to do so.

- (a) District-based elections. For purposes of this Resolution, District-based elections shall have the same definition as that set forth in Chapter 1.5 of Division 14 of the California Elections Code, Section 14026(b), as may be amended from time to time. District-based elections means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.
- (b) Board of Directors’ residency. A member of the Board of Directors elected or appointed to represent an electoral district must reside in that electoral district and be a registered voter in that electoral district, and any candidate for the Board of Directors must reside in, and be a registered voter in, the electoral district in which he or she seeks election at the time nomination papers are issued. Termination of residency in an electoral district by a member of the Board of Directors shall create a vacancy for that electoral district, unless a substitute residence within the electoral district is immediately declared and established within thirty (30) days after the termination of residency.
- (c) Board of Directors serving at the time of Resolution. Notwithstanding any other provision of this Section, the Board members in office at the time this Resolution takes effect shall continue in office until the expiration of the term

to which he or she was elected. The procedure to fill a Board member vacancy shall follow the requirements under state law.

- (d) By-District elections. All five Board of Directors shall be elected on a “by-district” basis, based on the electoral districts shown and numbered on the map title Lake Arrowhead Community Services District Map as “Divisions,” attached as Exhibit “A” of this Resolution, a copy of which shall be on file in the office of the Secretary to the Lake Arrowhead Community Services District. In 2018, and every four years thereafter, the following three Board of Directors shall be elected by-district: Divisions 2,3 and 5. In 2020, and every four years thereafter, the following two Board Director districts shall be elected by-district: Divisions 1 and 4.
- (e) Amendment of By-District Boundaries. The Lake Arrowhead Community Services District shall adjust any and all by-district electoral boundaries following each decennial federal census to ensure that the electoral districts are in compliance with all applicable provisions of law.

4. Severability. If any provision or clause of this Resolution is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution hereto are declared to be severable.

ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District, Lake Arrowhead, California, at a regular meeting of the Board of Directors held on February 27, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

John Wurm, President of the Lake
Arrowhead Community Services District
Board of Directors

ATTEST:

Kathleen Field, Secretary to the Lake
Arrowhead Community Services District and
to the Board of Directors

(SEAL)

Exhibit "A" Lake Arrowhead Community Services District Map

Lake Arrowhead CSD "Orange" Draft Map

