

RESOLUTION NO. 2018-26

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT PROVIDING FOR THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS BY FIVE DIVISIONS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DIVISION, AND ESTABLISHING THE ELECTION ORDER OF EACH DIVISION

WHEREAS, pursuant to law and legislative acts which established the West Valley Water District, the five members of the Board of Directors of the West Valley Water District (“Water District”) are currently elected through at-large elections where all voters within the Water District vote for each director; and

WHEREAS, in the current at-large system, candidates may live in any part of the Water District;

WHEREAS, the California Voting Rights Act (“CVRA”) was enacted by the State of California subsequent to the establishment of the West Valley Water District; and

WHEREAS, the West Valley Water District Board of Directors previously appointed a Board Committee to analyze the applicability of the CVRA to the West Valley Water District and advisability of transitioning to a district-based election votes; and

WHEREAS, although the West Valley Water District submits that its election system has been in compliance with the CVRA and all other provisions of law including the Federal Voting Rights Act and asserts that its election system has been and is legal in all respects; nevertheless, the Board of Directors has determined that the public interest will be well-served by initiating a process for transition to a district-based election system and thereby avoiding the potential risks associated with maintaining its current at-large election process; and

WHEREAS, California Government Code Section 34886. Authorizes that the legislative body of a Special District may adopt an ordinance, under certain circumstances, to change its method of election from an at-large system to a district-based system in which either (a) each board member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the California Legislature recently amended Elections Code Section 10010, to provide a method whereby a jurisdiction can expeditiously transition to a district-based election system and thereby avoid the high cost of litigation under the California Voting Rights Act; and

WHEREAS, the West Valley Water District retained special legal counsel which retained an experienced expert demographer and/or other consultants to assist the Water District with the process of analyzing the Water District’s population, developing draft

maps, and gathering input from residents on the possible maps; and

WHEREAS, at public hearings on July 13, 2018, and July 26, 2018, the public was invited to provide input regarding the composition of the Water District's divisions before any draft maps were drawn, and the Board of Directors discussed and considered the same; and

WHEREAS, the demographer prepared drafts maps, all of which were published at least seven days in advance of the Water District's public hearing on August 16, 2018; and

WHEREAS, the Board of Directors held a public hearing on August 16, 2018, during which all members of the public who wanted to provide input on the draft maps could do so; and

WHEREAS, following the July 26, 2018 public hearing, the demographer prepared a map for consideration, and the District published two (2) maps for public review at least seven days prior to its August 16, 2018 public hearing; and

WHEREAS, the Water District held a public hearing on September 6, 2018, during which time the public was invited to provide input on the revised draft maps;

WHEREAS, following the conclusion of the September 6, 2018 public hearing, the Board of Directors gave direction to legal counsel and consultants to draft a Resolution to transition the Water District to by-division elections, adopt the voting division map prepared by the demographer that is referred to as "Draft Plan 101b", and putting Divisions 1, 4 and 5 on the November 2019 ballot for the Water Districts first regular election of Board members following adoption of this Resolution with the remaining Divisions 2 and 3 on the ballot for the election, thereafter; and

WHEREAS, in accordance with Water Code Section 31027, at least 5 days before the public hearing, a summary of this Resolution was published in the San Bernardino County Sun, a newspaper of general circulation, and a certified copy of the full text of this Resolution was posted in the Water District offices; and

WHEREAS, through the process, the Water District reached out to the public for its input, and the Board of Directors has satisfied all legal prerequisites to the enactment of this Resolution; and

WHEREAS, the purpose of this Resolution is to adopt a Resolution for the election of the members of the Board of Directors of the West Valley Water District by district in five single-member divisions as reflected in "Exhibit A" to this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the

West Valley Water District declares, directs and orders as follows:

Section 1. Incorporation of Recitals

All of the foregoing recitals are true and correct, and the Board of Directors so finds and determines the recitals set forth are incorporated herein and made effective.

Section 2. Adoption of Resolution

The Board of Directors held a meeting on September 20, 2018, at 6:00 p.m. at 855 West Baseline Road, Rialto, CA 92377 to received oral and written testimony regarding this Resolution.

Section 3. Transition to By-Division Election

The West Valley Water District hereby finds that its election system will transition from at-large to by-division elections, beginning with the November 2019 election of members of the Board of Directors.

Section 4. Establishment of Divisions

The West Valley Water District hereby establishes five Director divisions within the West Valley Water Districts jurisdiction. The boundaries and identifying number of each division shall be as described on the West Valley Water District Division Map attached hereto as "Exhibit A", a copy of which shall also be on file in the West Valley Water Districts Headquarters.

Section 5. Election Process

- A. Members of the Board of Directors shall be elected in the electoral divisions established by this Resolution and subsequently reapportioned as provided for in State law and as set forth in Section 7 of this Resolution. Elections shall take place **by divisions 1, 2, 3, 4 and 5**, meaning that one Director shall be elected from each division, by the voters of that division.
- B. The term of the elected members of the Board of Directors that commence prior to the effective date of this Resolution shall not be affected by the adoption of this Resolution.
- C. A Director elected or appointed to represent a division must reside within that division and be a registered voter within that division. Likewise, any candidate for the Board of Directors must reside in and be a registered voter within the division in which he or she seeks election at the time nomination papers are issued.
- D. Notwithstanding any other provision of this Resolution, the Directors 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. In the event a vacancy occurs before

the end of the term of a Director in office at the time this Resolution takes effect, a person who is appointed or elected by a special election to fill such vacancy may reside anywhere within the corporate boundaries of the Water District.

- E. The term of each Director elected to the Board of Directors shall remain a four (4) year term.

Section 6. Implementation

The by-division election system shall be implemented, beginning at the November 2019 election of the Board of Directors, as follows:

- A. Members of the Board of Directors shall be elected in Division 1, 4 and 5 beginning at the November 2019 election of the Board of Directors, and every four years thereafter; and
- B. The next election of the Board of Directors for Divisions 1, 4 and 5 shall take place in November 2019. Directors in Divisions 2 and 3 shall take place in November 2022. Thereafter elections will take place every four years.

Section 7. Adjustment of Boundaries

Pursuant to Elections Code section 22000, as it may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the divisions following each Decennial Federal Census to ensure that the divisions are in compliance with all applicable provisions of law.

Section 8. Exemption from the California Environmental Quality Act

The Board of Directors finds that the Resolution is 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 seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 9. Signature

The President of the Board of Directors shall sign this Resolution and the Secretary of the Board of Directors shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption. Within fifteen (15) days after adoption of this Resolution, a summary of the Resolution shall be published with the names of those directors voting for and against this Resolution and a certified copy of the full text of this Resolution, along with the names of those Directors voting for and against this Resolution, shall be posted in the Water District offices.

Section 10. Validity of Remainder of Resolution


If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Hereby resolves to consider adoption of Resolution 2018-26, as authorized by Government Code Section 34886 and consistent with Elections Code Section 10010, to transition to a district-based election system for use in the West Valley Water District's General Municipal Election for Board of Director members beginning at the General Municipal Election scheduled for November 2019. The Board of Directors does not, at this time, decide the nature of such district-based election system. Rather, the details of such system shall be determined only after community outreach and appropriate public hearings.

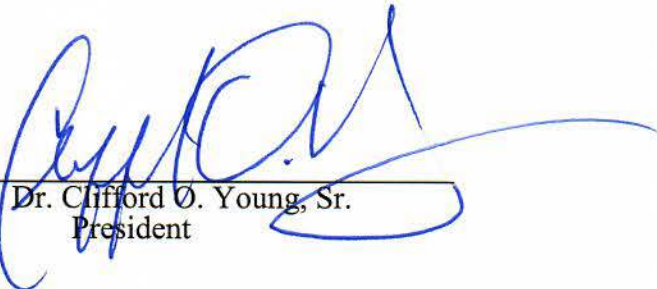
IN BOARD MEETING DULY PASSED this 20th day of September, 2018.

AYES: President Dr. Clifford Young, Vice President Greg Young, Director Don Olinger, Director Dr. Michael Taylor, Director Kyle Crowther
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Crystal L. Escalera
Clerk of the Board

APPROVED:


Dr. Clifford O. Young, Sr.
President

APPROVED AS TO FORM:

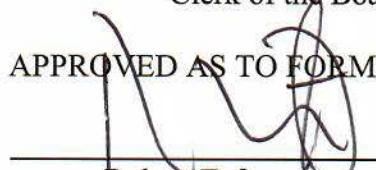

Robert Tafoya
General Counsel

Exhibit A

Tentative Timeline: Consideration and Implementation of District-Based Election System

May 17, 2018	Resolution of Intent: Board of Directors adopts Resolution declaring its intention to transition from at-large to district-based elections.
May 18 - July 11, 2018	Public Outreach; Process & Participation; No Maps Yet Drawn
July 13, 2018	First Public Hearing re: Composition of Districts; No Maps Yet Drawn
July 26, 2018	Second Public Hearing re: Composition of Districts; No Maps Yet Drawn
August 8, 2018	Publish Draft Maps
August 16, 2018	Third Public Hearing re: Draft Maps
August 31, 2018	Any Amended Maps Posted
September 6, 2018	Fourth Public Hearing to Select Map; Board of Directors
September 20, 2018	Introduced Resolution 2018-26 establishing district elections, including District Boundaries and Election Sequence
September 20, 2018	Effective date and adoption of Resolution 2018-26 establishing district elections

Exhibit A

West Valley Water District (North Section)

Draft Map 101b

