

**BOARD MEETING AGENDA
SPECIAL MEETING OF THE BOARD OF DIRECTORS OF
CITRUS HEIGHTS WATER DISTRICT (CHWD)
JUNE 29, 2020 beginning at 6:00 PM**



**DISTRICT ADMINISTRATIVE OFFICE
6230 SYLVAN ROAD, CITRUS HEIGHTS, CA**

PHONE CALL IN: (253) 215-8782

PHONE MEETING ID: 995 7863 6466

COMPUTER AUDIO/LIVE MEETING PRESENTATIONS: <https://zoom.us/j/99578636466>

In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, please contact the General Manager at (916) 725-6873. Requests must be made as early as possible, and at least one full business day before the start of the meeting. Pursuant to Executive Order N-29-20, the meeting will be held at the listed physical location and electronically through the above phone number.

Directors and members of the public may attend the meeting in person at the District headquarters or remotely through the phone number and link above. In compliance with the California Department of Public Health's Guidance for the Use of Face Coverings issued June 18, 2020, all individuals attending the meeting in person shall wear a face covering unless they are exempt per the order.

CALL TO ORDER:

Upon request, agenda items may be moved to accommodate those in attendance wishing to address that item. Please inform the General Manager.

ROLL CALL OF DIRECTORS:

PLEDGE OF ALLEGIANCE:

VISITORS:

PUBLIC COMMENT:

The Public shall have the opportunity to directly address the Board on any item of interest to the public before or during the Board's consideration of that item pursuant to Government Code Section 54954.3. Public comment on items of interest within the jurisdiction of the Board is welcome. The Presiding Officer will limit comments to three (3) minutes per speaker.

(A) Action Item

(D) Discussion Item

(I) Information Item

CLOSED SESSION:

CL-1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section
54956.9: 1 case

BUSINESS:

B-1. Consideration and Approval of Resolution Submitting Proposed “By District” Map
to San Juan Water District (SJWD) for California Voting Rights Act (CVRA)
Transition Process (A)

Recommendation:

Adopt Resolution 11-2020 submitting a proposed map to SJWD related to
its transition to by district elections under the CVRA.

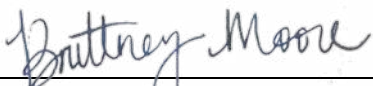
FUTURE CHWD BOARD OF DIRECTORS MEETING DATES:

July 15, 2020	6:30 PM	Regular Meeting—Cancelled
August 19, 2020	6:30 PM	Regular Meeting
September 15, 2020	6:30 PM	Regular Meeting
October 21, 2020	6:30 PM	Regular Meeting
November 18, 2020	6:30 PM	Regular Meeting
December 16, 2020	6:30 PM	Regular Meeting

ADJOURNMENT:

CERTIFICATION:

I do hereby declare and certify that this agenda for this Special Meeting of the Board of Directors of the Citrus Heights Water District was posted in a location accessible to the public at the District Administrative Office Building, 6230 Sylvan Road, Citrus Heights, CA 95610 at least 24 hours prior to the special meeting in accordance with Government Code Section 54956.



Brittney Moore, Management Analyst/ Deputy Board Clerk

Dated: June 25, 2020

CITRUS HEIGHTS WATER DISTRICT

DISTRICT STAFF REPORT TO BOARD OF DIRECTORS JUNE 29, 2020 SPECIAL MEETING

SUBJECT : CONSIDERATION AND APPROVAL OF RESOLUTION SUBMITTING
PROPOSED “BY DISTRICT” MAP TO SJWD FOR CVRA TRANSITION
PROCESS

STATUS : Action Item

REPORT DATE : June 29, 2020

PREPARED BY : Steve Anderson, General Counsel
John Brown, Special Counsel

OBJECTIVE:

Consider approval of a Resolution submitting a proposed “by district” map to San Juan Water District (“SJWD”) related to its transition to by district elections under the California Voting Rights Act (“CVRA”).

BACKGROUND AND ANALYSIS:

The CVRA provides a way for plaintiffs to allege racially polarized voting and to seek a change from a jurisdiction’s at-large election system to a different system, typically a by-district election system. It also allows for the recovery of a plaintiff’s attorneys’ fees. A violation of the CVRA may be established if it is shown that racially polarized voting has combined with an at-large voting system to impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election. “Racially polarized voting” under the CVRA means voting in which there is a difference between the choice of candidates or other electoral choices that are preferred by voters in a protected class and in the choice of candidates and electoral choices preferred by voters in the rest of the electorate. The CVRA does not require proof that racially polarized voting actually resulted in the defeat of a group’s preferred candidate. Nor does the CVRA require a plaintiff to show racial discrimination by an agency or other discriminatory intent.

To provide a safe harbor from expensive lawsuits and settlements, the Legislature amended Elections Code section 10010 by AB 350. In part, this law permits an agency to avoid challenge by voluntarily adopting a resolution of intent and then converting to district elections pursuant to a specific accelerated time schedule and after holding at least four public hearings. Below is a summary of San Juan Water District’s CVRA compliance process:

- May 13, 2020 - Adopt Resolution of Intention (already adopted)
- June 10, 2020 - Public Hearing No. 1 (already conducted)
- July 8, 2020 - Public Hearing No. 2
- By September 2, 2020 - Publication of Draft Map(s)
- September 9, 2020 - Public Hearing No. 3
- October 14, 2020 - Public Hearing No. 4
- November 9, 2020 - Adoption of Resolution Making Transition to By-Division Elections

As noted above, SJWD is currently conducting its two “pre-map” public hearings to receive input on potential. Once those hearings are completed, its demographer will prepare draft maps for public review and comment.

In accordance with Resolution 05-2020 adopted on April 15, 2020, CHWD has been participating in the SJWD transition process. This has included making comments at the May and June SJWD hearings. It is

imperative that SJWD districts ensure appropriate and adequate representation from all SJWD residents, including those being served by other retail providers. To that end, CHWD in consultation with Fair Oaks Water District has prepared a draft map and comment letter that the Board should consider submitting to SJWD at its upcoming hearing. As discussed in more detail in the draft comment letter, this map proposes basing districts to the extent possible on existing communities of interest within SJWD namely, existing boundaries for counties, cities, and census designated places (i.e., unincorporated communities like Fair Oaks, Carmichael and Granite Bay). This approach furthers the expressed intent of the CVRA and ensures fair and adequate geographic diversity on the SJWD Board. It also ensures more diverse portions of SJWD have the opportunity to elect local candidates.

RECOMMENDATION:

Adopt Resolution 11-2020 submitting a proposed map to SJWD and the County of Sacramento related to its transition to by district elections under the CVRA.

ATTACHMENTS:

1. Resolution 11-2020

ACTION:

Moved by Director _____, Seconded by Director _____, Carried _____

RESOLUTION NO. 11-2020

A RESOLUTION OF THE CITRUS HEIGHTS WATER DISTRICT SUBMITTING PROPOSED “BY DISTRICT” MAP TO SAN JUAN WATER DISTRICT AND COUNTY OF SACRAMENTO RELATED TO ITS CVRA TRANSITION PROCESS

WHEREAS, the Citrus Heights Water District (“CHWD”) is a retail water agency served by the San Juan Water District (“SJWD”); and

WHEREAS, the SJWD currently utilizes an “at large” system to elect its Board of Directors; and

WHEREAS, SJWD received a letter alleging that its election system violates the California Voting Rights Act (“CVRA”) and has begun the process to transition to a “by district” election system; and

WHEREAS, CHWD and other SJWD retail customers are uniquely impacted by this process as SJWD decisions directly impact the retail agencies, including the setting of wholesale water rates; and

WHEREAS, while the residents of the retail agencies vote for the SJWD Board of Directors, they have been historically underrepresented on the SJWD Board of Directors; and

WHEREAS, CHWD and other interested retail agencies wish to submit a comment letter and proposed electoral map to SJWD for it to consider during the process; and

WHEREAS, this map largely draws districts based on existing communities of interest representing county, city, and census designated place lines.

The Board of Directors does hereby resolve as follows:

SECTION 1. Recitals. That the recitals set forth above are true and correct.

SECTION 2. Comment Letter and Draft Map. For the reasons set forth in this Resolution, the accompanying staff report, and any verbal discussion at the Board meeting, the Board of Directors hereby authorizes the President to sign and submit the attached comment and letter and proposed map to SJWD and the County of Sacramento at or prior to its July 8, 2020 public hearing. This comment letter may be jointly submitted by any interested SJWD retail water agency. The President may further submit correspondence during SJWD’s consideration of draft maps in the future consistent with this Resolution.

SECTION 3. Severability. That the Board of Directors declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Resolution as hereby adopted shall remain in full force and effect

SECTION 4. Effective Date. That this Resolution shall take effect upon its adoption.

PASSED, APPROVED, AND ADOPTED this 29th day of June, 2020.

AYES:

NOES:

ABSENT:

ABSTAINED:

Raymond A. Riehle, President

ATTEST:

Brittney Moore, - Deputy Board Clerk

Exhibit A
Comment Letter



June 29, 2020

President Edward J. "Ted" Costa
San Juan Water District
PO Box 2157
Granite Bay, CA 95746

Re: *Proposed "By District" Map*

Dear President Costa,

The undersigned Presidents of the Citrus Heights Water District and Fair Oaks Water District ("Retail Agencies"), on behalf of their respective Boards of Directors representing over 60% of SJWD wholesale water service connections, urge you and your colleagues to develop draft electoral maps consistent with the attached draft map. This map proposes electoral districts that most closely align to established county, city, neighborhoods, and other communities of interest.

As you know, the preparation of voting district maps requires compliance with certain state and federal requirements. Perhaps the most important requirement is the long-recognized "one-person, one vote" standard, which requires all voting districts be as nearly equal in population as possible. Other factors that should be considered in preparing voting district boundaries are maintaining existing counties, cities, neighborhoods and other communities of interest, using identifiable geographic boundaries, ensuring districts are geographically contiguous, and ensuring geographical compactness. (See Article 21 of California Constitution.) Additionally, drawing districts solely to accommodate the place of residence of any existing Director is not an appropriate consideration. (See Article 21 of California Constitution.)

Enclosed is a proposed map we strongly recommend that SJWD utilize. We have examined a number of possible permutations for drawing maps, and this approach most closely aligns with the state and federal requirements and considerations. This map draws districts largely based on established county, city, neighborhoods, and other communities of interest. Specifically, districts endeavor to respect the municipal boundaries of Citrus Heights, Folsom, and Roseville and the boundaries of the census designated places of Carmichael, Fair Oaks, Granite Bay, and Orangevale. This approach respects and utilizes these existing communities as natural proxies for electoral districts.

President Edward J. "Ted" Costa
Proposed Map
June 29, 2020

For the above reasons and on behalf of the Retail Agencies, we urge the SJWD Board to utilize the enclosed proposed map when drawing its electoral districts.

Sincerely,

Ray Riehle
President
Citrus Heights Water District

Gary Page
President
Fair Oaks Water District

cc: Board of Directors of CHWD
Board of Directors of FOWD

Attachment

Exhibit A: Attachment 1
San Juan City Plan Letter

The goal of the California Voting Rights Act is to convert districts like San Juan Water District into by-area election systems in which the residents can have a true voice in their local elections. A key to the CVRA is the issue of representation for local “Communities of Interest” which should serve as the building blocks for any districting plan.

A key community of interest under the CVRA is the ethnic population that is represented by the San Juan Water District Board of Directors. In the case of the San Juan Water District, that is most likely to be the Latino community, with roughly 18,000 residents based on the last US Census. Second in their ethnic concentration would be the Asian population at nearly 6,000 residents. This is something your staff and demographer have done an excellent job of demonstrating in your June 10th presentation

However, anyone who has lived in the San Juan District knows that there are more ways to define the district than race or ethnicity. One key Community of Interest is simply the city or unincorporated community in which we live. Residents identify with their area as a community of interest. Other communities of interest for the purposes of this redistricting might be the local water district, major streets and thoroughfares that divide the area, and the rural and suburban, even more urban communities.

We utilized these communities of interest, incorporating data from the US Census and other sources, to create a sensible districting plan for your consideration. We are calling it the “City and Census Place Plan” and have devised it to be a fair and easily understood plan that achieves the goals of the CVRA and can serve as the foundation of the San Juan Water District’s election boundaries for decades to come.

The City and Census Place plan meets several criteria of the districting process under the Federal Voting Rights Act, the California Voting Right Act and other sections of California law dealing with redistricting.

- The plan achieves population “equality” utilizing the rule that no district is more than 10% larger or smaller than another. The total deviation (sum of the absolute values of the deviations of the smallest and largest) is just 5.5% when using the 2010 US Census total population count - well within the 10% rule.
- The plan respects the rules of compactness in California which state that districts should not bypass nearby population for people farther away. The California rule on compactness favors districts that are rational, can be understood by voters, and do not have serpentine or unnaturally elongated, strange shapes. This plan is very compact and each shape is based on rational criteria.
- The plan recognizes the Latino population within the Citrus Heights area as a Community of Interest, allowing for two districts, one at 11.3% Latino and one at 13.1% Latino utilizing the Citizen Voting Age Population from the most recent American Community Survey dataset.
- The plan makes district boundaries align with both the legal physical boundaries of the underlying cities and recognized census places (unincorporated communities) and follows where residents identify their community. For example, the boundary between Orangevale and Fair Oaks is drawn not at the census place boundaries, but where residents identify “Fair Oaks” as their residence on their voter registrations. Resident identification is a strong indication of a

municipal Community of Interest.

- The plan does not consider where members of political parties, current board incumbents or candidates reside. This is consistent with the new Fair Maps laws which are being mandated upon counties and cities and are a best practice for municipal redistricting.

Attached please find several maps which illustrate the sensible boundaries utilized in this plan.

- 1) In Exhibit A-Attachment 2, "City based Plan with Census Places", is a map which shows the overlay of the proposed new districts with the cities and "census places" – unincorporated areas identified by the US Census. This is the first look at how the plan is utilizing this very clear and well-understood way that residents of our area identify their community of interest.
- 2) In Exhibit A-Attachment 3, "City based Plan with Census Places with Registered Voters", is the same as #1, but this map includes nearly 100,000 geocoded voters of the San Juan Water District and is coded by their self-identification of their "city" on voter registration forms. This is most significantly used:
 - a. as the justification for putting the eastern arm of the district into District E as the majority of that community identifies as Fair Oaks, and,
 - b. for the division of Districts D and B, following this line as the boundary between those two districts.

Exhibit A- Attachment 2

Proposed Map: City Based Plan with Cities

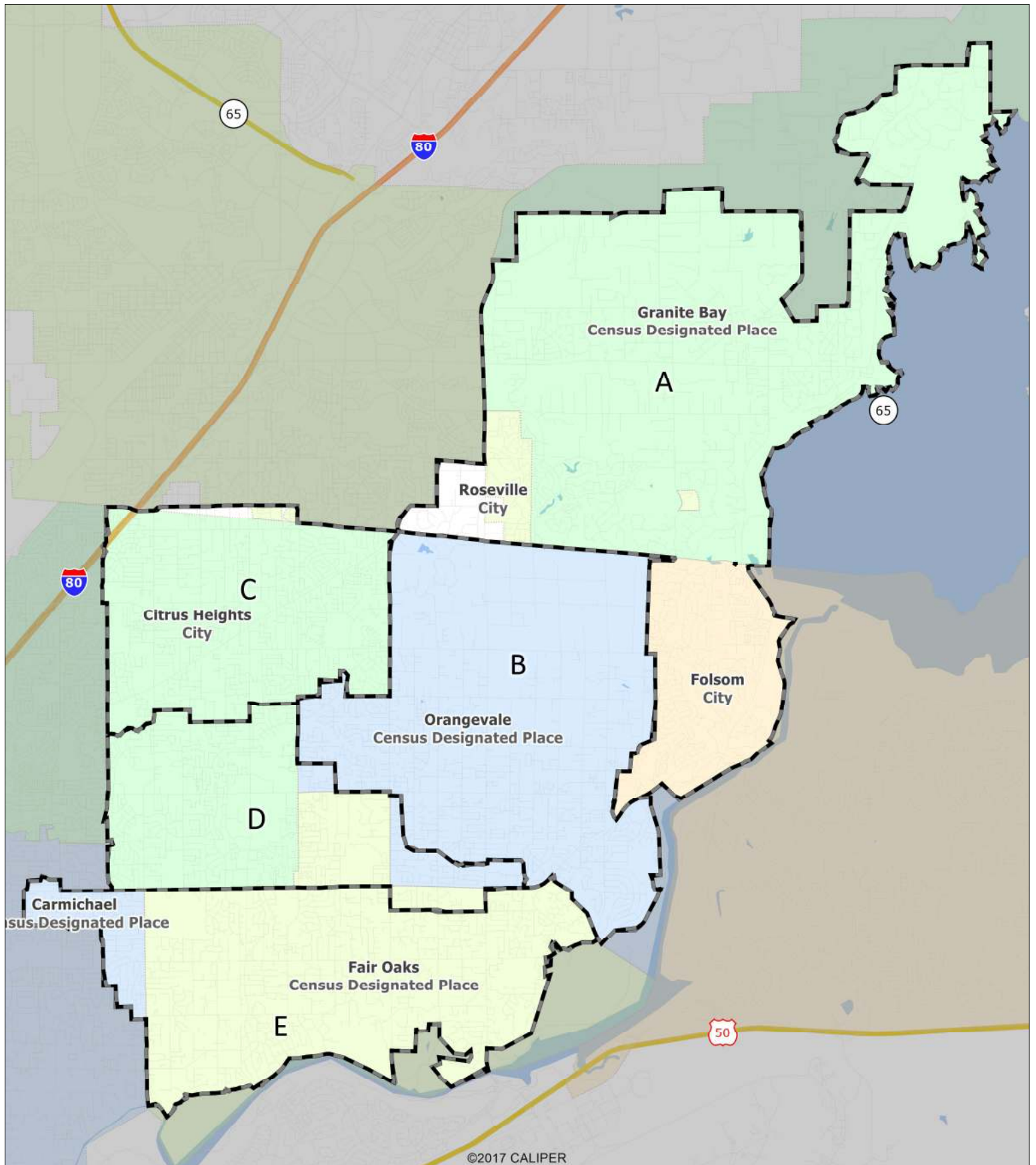


Exhibit A- Attachment 3

Proposed Map: City Based Plan with Registered Voters

