

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



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

**PHONE CALL IN: (253) 215-8782  
PHONE MEETING ID: 959 3129 4158**

**COMPUTER AUDIO/LIVE MEETING PRESENTATIONS:** <https://zoom.us/j/95931294158>

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 electronically through the above phone number. Directors and members of the public may attend the meeting remotely through the phone number or link.

**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

**PUBLIC HEARING:**

PH-1. Hold Public Hearing #3 to Receive Public Comments on Transition to "By-District" Electoral System under the California Voting Rights Act (A)

Recommendations:

1. Conduct the public hearing and provide feedback on the draft map and sequence of elections.
2. If the Board wishes to see additional draft maps, this hearing is the time in the process to request them.

**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

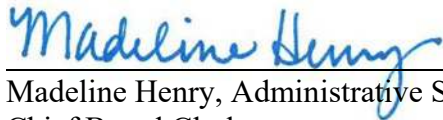
**FUTURE CHWD BOARD OF DIRECTORS MEETING DATES:**

May 20, 2020	6:30 PM	Regular Meeting
June 17, 2020	6:30 PM	Regular Meeting
July 15, 2020	6:30 PM	Regular Meeting—Cancelled
August 19, 2020	6:30 PM	Regular Meeting
August 26, 2020	6:30 PM	Special 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 Regular 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 54954.2.



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Madeline Henry, Administrative Services Manager/  
Chief Board Clerk

Dated: May 5, 2020

# CITRUS HEIGHTS WATER DISTRICT

## DISTRICT STAFF REPORT TO BOARD OF DIRECTORS MAY 6, 2020 MEETING

SUBJECT : PUBLIC HEARING #3 TO RECEIVE PUBLIC COMMENTS ON TRANSITION TO “BY-DISTRICT” ELECTORAL SYSTEM UNDER THE CALIFORNIA VOTING RIGHTS ACT

STATUS : Action Item

REPORT DATE : April 27, 2020

PREPARED BY : Josh Nelson, Assistant General Counsel  
Madeline Henry, Administrative Services Manager/Chief Board Clerk  
Susan Talwar, Director of Finance and Administrative Services

### **OBJECTIVE:**

Conduct Public Hearing #3 to receive public comments on transition to “By-District” electoral system under the California Voting Rights Act.

### **BACKGROUND AND ANALYSIS:**

The Citrus Heights Water District currently elects its Board of Directors through an “of-division” electoral system in which each Board Member must reside within a division but each Board member is elected by the voters of the entire electorate to provide District-wide representation.

The California Voting Rights Act (“CVRA”) became law in 2003. It 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.

In 2016, the California Legislature adopted AB 350 amending Elections Code section 10010 to cap the attorneys’ fees a prospective plaintiff may recover to \$30,000, if a public agency adopts a resolution of intention to change to a by-district/by-division system of elections within 45 days following the receipt of a letter from that prospective plaintiff alleging a CVRA violation and completes the transition process (see below).

While CHWD has not yet received such a demand letter from a prospective plaintiff, the Board of Directors desired to take proactive means to avoid the high costs and legal risks associated with a potential CVRA lawsuit. Therefore, on December 19, 2019, the Board took the first step by adopting Resolution No. 24-2019, a resolution declaring the intention to transition from at-large to by-district elections pursuant to Elections Code section 10010.

Now that the Board has adopted a Resolution of Intention, AB 350 (Elections Code section 10010) sets forth a specific process for the adoption of a resolution to transition to by-district elections. The process includes a series of public hearings at which the public is invited to provide input regarding the composition of the districts.

Before drawing a draft map or maps, the Board held two public, at which the public is invited to provide input regarding the composition of the divisions. The first of these hearings was held on March 2, 2020. The second hearing was held on March 18, 2020.

To assist with this process, the District retained Douglas Johnson, a professional demographer with National Demographics Corporation, who has extensive experience in the CVRA and drafting Board divisions. Dr. Johnson recommends retaining the District's existing map of election divisions and simply changing from District-wide to by-district elections. CHWD has published the existing divisions map as a draft map under the requirements of Elections Code 10010 (Attachment 1). The District has also published the potential sequence of elections, which also follows the District's current election sequence (Attachment 1). CHWD must now hold at least two additional public hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft maps and the proposed sequence of elections. The first of these hearings will be on May 6, 2020. The second will be held on May 15, 2020.

Public comments on the transition and the proposed CHWD map or maps are very important and all residents within the district are encouraged to participate in these hearings.

#### Criteria for Establishing Districts

The drawing of Board divisions is regulated by both state and federal law, including the CVRA and the Federal Voting Rights Act. For example, under federal law, Board divisions must comply with the Federal Voting Rights Act and may not be drawn with race as the predominate factor. (*Shaw v. Reno* (1993) 509 U.S. 630.) Further, under the equal protection clause of the U.S. Constitution and under California Elections Code section 22000, divisions must be drawn as nearly equal in population as may be according to the latest federal decennial census. In establishing the boundaries, the Board may consider "traditional redistricting principles" and Elections Code Section 22000 states that the Board of Directors may give consideration to the following factors:

- (1) Topography;
- (2) Geography;
- (3) Cohesiveness, Contiguity, Integrity, and Compactness of Territory; and
- (4) Community of Interest of the Divisions.

The professional demographer retained by the District to draw Board divisions will ensure the divisions are compliant with these standards.

#### Cost

NDC has shared that retaining the current election division map for this year's election (instead of having the firm draw new maps) will save \$3,000 off the firm's original project price.

Regardless of whether the Board decides to retain the current election divisions map or draws a new map, the Board will have to update the map following the 2021 release of the 2020 Census data.

Retaining the existing election divisions map will also save any charges the County Registrar may impose for implementation of a new map in the Registrar's mapping and voter registration systems.

**Public Outreach**

At the March 2, 2020 public hearing, the Board directed staff to conduct public outreach regarding the public hearings and the transition process.

In preparation for the March 18, 2020 and May 6, 2020 hearings, the District created a webpage explaining the process and listing hearing dates, posting the hearing information on the District's Facebook and Nextdoor pages, and including a summary in the Spring WaterLine newsletter.

The final public hearing to solicit public input on the map required under Elections Code 10010 is scheduled for May 20<sup>th</sup>. Following that hearing, it is anticipated the Board will take final action to approve a map and election sequence for use in the Board election this November.

**RECOMMENDATION:**

1. Conduct the public hearing and provide feedback on the draft map and sequence of elections.
2. If the Board wishes to see additional draft maps, this hearing is the time in the process to request them.

**ATTACHMENT:**

1. Proposed Map and Sequence of Elections

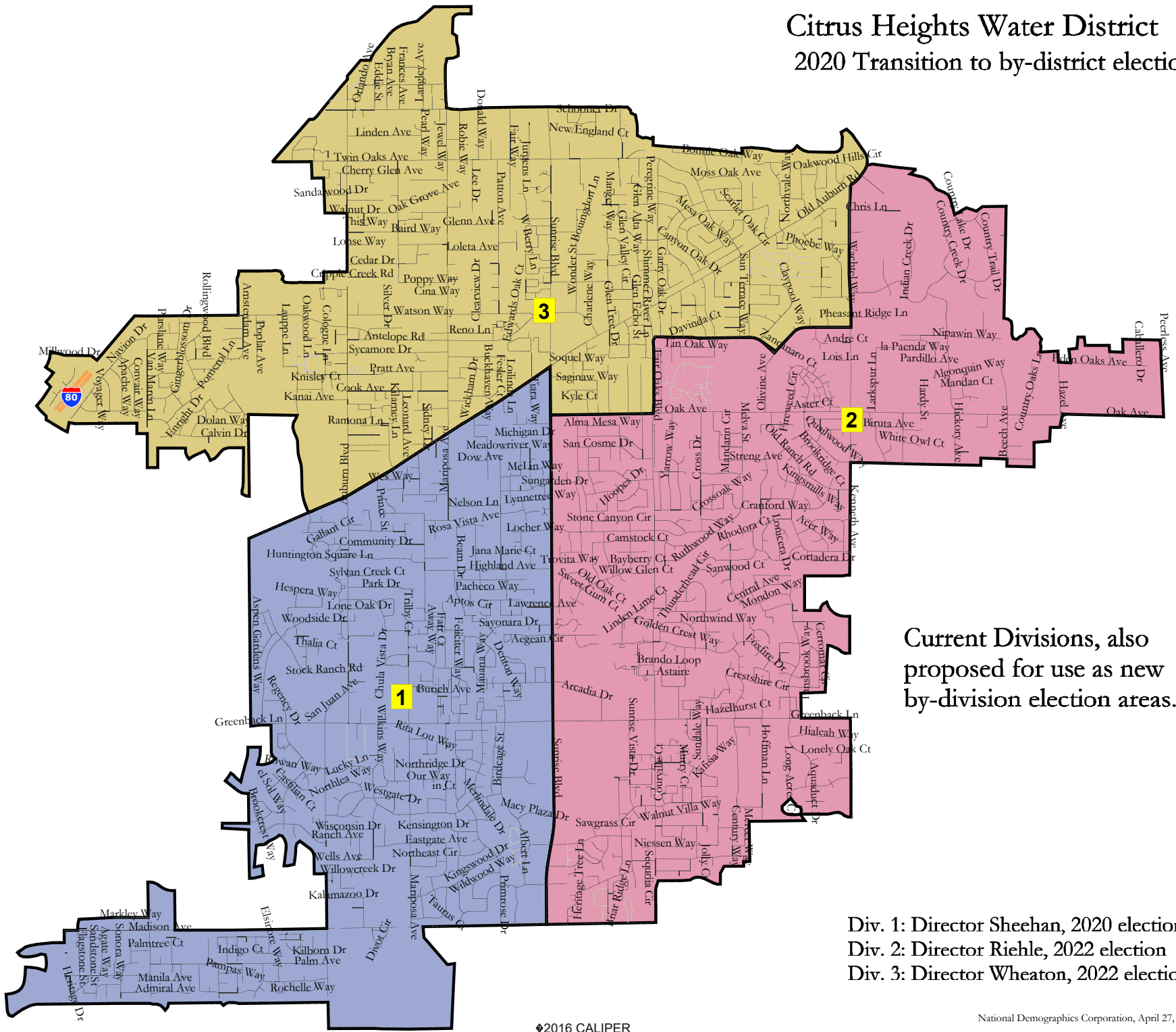
**ACTION:**

Moved by Director \_\_\_\_\_, Seconded by Director \_\_\_\_\_, Carried \_\_\_\_\_

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# Citrus Heights Water District 2020 Transition to by-district elections



Current Divisions, also proposed for use as new by-division election areas.

- Div. 1: Director Sheehan, 2020 election
- Div. 2: Director Riehle, 2022 election
- Div. 3: Director Wheaton, 2022 election

### Citrus Heights Water District - Existing Divisions

District		1	2	3	Total
	Total Pop	22,583	22,018	22,486	67,087
	Deviation from ideal	221	-344	124	565
	% Deviation	0.33%	-0.51%	0.18%	0.84%
Total Pop	% Hisp	19%	14%	15%	16%
	% NH White	69%	76%	76%	74%
	% NH Black	4%	3%	3%	3%
	% Asian-American	4%	5%	4%	4%
Citizen Voting Age Pop	Total	16,907	16,806	18,206	51,919
	% Hisp	11%	12%	13%	12%
	% NH White	78%	77%	76%	77%
	% NH Black	6%	4%	3%	4%
	% Asian/Pac.Isl.	4%	5%	6%	5%
Voter Registration (Nov 2018)	Total	11,342	12,562	12,390	36,294
	% Latino est.	10%	9%	10%	10%
	% Spanish-Surnamed	9%	8%	9%	9%
	% Asian-Surnamed	2%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%
	% NH White est.	82%	84%	85%	84%
	% NH Black	5%	4%	3%	4%
Voter Turnout (Nov 2018)	Total	7,361	8,824	8,438	24,624
	% Latino est.	9%	8%	9%	9%
	% Spanish-Surnamed	8%	7%	8%	8%
	% Asian-Surnamed	1%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%
	% NH White est.	85%	86%	87%	86%
	% NH Black	4%	4%	3%	4%
Voter Turnout (Nov 2016)	Total	8,643	10,002	9,743	28,388
	% Latino est.	9%	8%	9%	9%
	% Spanish-Surnamed	8%	7%	8%	8%
	% Asian-Surnamed	2%	2%	1%	2%
	% Filipino-Surnamed	1%	1%	1%	1%
	% NH White est.	83%	86%	86%	85%
	% NH Black est.	4%	3%	3%	3%
ACS Pop. Est.	Total	23,580	22,412	23,342	69,334
Age	age0-19	24%	23%	21%	23%
	age20-60	57%	56%	56%	56%
	age60plus	19%	21%	22%	21%
Immigration	immigrants	16%	11%	12%	13%
	naturalized	43%	60%	60%	53%
Language spoken at home	english	77%	84%	82%	81%
	spanish	11%	8%	9%	9%
	asian-lang	2%	2%	3%	2%
	other lang	10%	6%	6%	7%
Language Fluency	Speaks Eng. "Less than Very Well"	11%	6%	7%	8%
Education (among those age 25+)	hs-grad	67%	68%	69%	68%
	bachelor	15%	18%	16%	16%
	graduatedegree	6%	7%	7%	6%
Child in Household	child-under18	28%	24%	25%	26%
Pct of Pop. Age 16+	employed	58%	60%	61%	59%
Household Income	income 0-25k	21%	15%	15%	17%
	income 25-50k	24%	24%	23%	24%
	income 50-75k	20%	23%	20%	21%
	income 75-200k	33%	35%	38%	35%
	income 200k-plus	2%	3%	3%	3%
Housing Stats	single family	63%	71%	80%	71%
	multi-family	37%	29%	20%	29%
	rented	53%	46%	37%	45%
	owned	47%	54%	63%	55%

Total population data from the 2010 Decennial Census. Surname-based Voter Registration and Turnout data from the California Statewide Database. Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2013-2017 American Community Survey and Special Tabulation 5-year data.