

STAFF REPORT

DATE: February 20, 2019
TO: Board of Directors
FROM: Maureen Zamarripa,
 General Manager
BY: Sigrid Asmundson, General Counsel
SUBJECT: Board of Director Elections



RECOMMENDATION

The Board of Directors takes action on one of the following options for electing Directors:

1. Approve a resolution placing an initiative measure on the ballot which, if approved by the electorate, converts the Board elections from at-large to by-district
2. Approve a resolution placing an initiative measure on the ballot which, if approved by the electorate, converts the Board elections from at-large to from-district

**if choosing options 1 or 2, the Board must also take action to decide whether to call a special election in November 2019 or place the initiative measure on the District's next general election in November 2020*

3. Submit an advisory, non-binding measure to the electorate at the November 2020 election asking whether the District should adopt a resolution converting to by-district elections
4. Approve a resolution converting from at-large to by-district elections, commencing with the November 2020 election
5. Approve a resolution converting from at-large to by-district elections, commencing with the November 2022 election
6. Designate 1-2 Directors to work with staff and state legislators to create special legislation allowing a hybrid election system for the Board consisting of some Directors elected at-large and others elected by-district and/or from-district
7. Designate 1-2 Directors to work with staff and state legislators to create special legislation allowing a rank choice voting system for the District
8. Direct staff to work with a demographer to prepare several district map options for consideration and further discussion at a future Board meeting
9. Take no further action

BACKGROUND / ANALYSIS

This report is based on initial discussion conducted by the Board and members of the public at the Board's December 19, 2018 meeting.

Election Options Authorized by Law

There are 3 methods for converting from at-large to by-district or from-district elections (collectively referred to here as "division elections"):

1. At least 25% of the registered voters of the District file an initiative petition measure with the Board which would be placed on the next election ballot and, if approved by the electorate, converts the Board from at-large to division elections
2. The Board approves a resolution placing an initiative measure on the ballot which, if approved by the electorate, converts the Board from at-large to division elections
3. The Board adopts a resolution converting from at-large to by-district elections¹

As you know, the District Board is currently elected "at-large," meaning Board members may live anywhere within the District's jurisdictional boundary and are elected by the entire population of the District. There are 2 types of division elections. "By-district" elections means that the District is split into 5 districts and each Board member must reside in a district, also known as a division of the District's jurisdictional boundaries, and be elected by the registered voters within that district. "From-district" elections means that the District is split into 5 districts and each Board member must reside in a district, but the Board members are elected by the entire District's population of registered voters.

2008 Measure S

On October 4, 2006, as a condition of its approval of the dissolution of the Galt Fire Protection District and its annexation into the then Elk Grove Community Services District, the Sacramento Local Agency Formation Commission ("LAFCO") mandated that the newly former Cosumnes Community Services District would place a ballot measure on the next general election asking the electorate whether the Board of Directors would be elected by-district or at-large. The District placed the following question, known as Measure S, on the November 4, 2008 ballot:

Shall the Cosumnes Community Services District change the system in which Board members are elected from the current at-large electoral system, meaning Board members may reside anywhere in the jurisdiction and are elected by all voters within the District, to a system in which the Cosumnes Community Services District jurisdiction is divided into five equally-populated geographical divisions, with one Board member elected from each division by all voters within the District?

Measure S received 53.55% No votes (30,584) and 46.45% Yes votes (26,530). In 2008, the District's population was approximately 169,500.² According to the District's 2018-2019 Final Budget, the District's estimated population as of May 1, 2018 was 195,376.

¹ This option is only available if the District switches to by-district elections. The District cannot switch to from-district or back to at-large elections by resolution only

² This is gross population, not registered voters.

Division Elections

The Board may convert from at-large to division elections in one of three ways:

By Board-Sponsored Initiative Measure

The Board may adopt a resolution submitting to the voters at a general District election the question of whether the District should transition from at-large to division elections. (Gov. Code §61025.) The resolution must be adopted at least 88 days prior to the election. The next general District election is November 2020.

By Voter-Sponsored Initiative Measure

Alternatively, at least 25% of the registered voters of the District may submit a petition to the District requesting that the Board adopt a resolution placing the question on the ballot.³ (Gov. Code §61025.) This process takes significantly longer, as the initiative proponent must submit a notice of intention to the District prior to circulating the petition, receive a ballot title and summary, and have 180 days to circulate the petition and submit it to the District for signature verification. (Elec. Code §9310.)

By Board Resolution

As of January 1, 2017, the Board has the option to adopt a resolution converting from at-large to by-district elections without voter approval. (Elec. Code §10650.) The resolution must include a declaration that the change in the method of electing Board members is being made in furtherance of the purposes of the California Voting Rights Act. The Board is required to hold at least two public hearings on the proposal to establish the district boundaries prior to holding a public hearing to approve the resolution approving by-district elections. (Elec Code §10010.)

Creating District Divisions

The divisions are based on the last decennial census (conducted in 2010), with each division being as nearly equal in population as possible. In establishing the boundaries of the divisions, the Board may give consideration to the following factors:

- Topography
- Geography
- Cohesiveness, contiguity, integrity, and compactness of territory
- Community of interests of the divisions

The divisions are drawn by a demographer. NDC demographers provided a cost estimate of between \$24,750-\$50,000 to create divisions. The baseline cost includes creation of 2-4 initial draft maps for the Board and public consideration, and cooperation with the County Registrar of Voters to implement the final adopted plan. Additional costs can be incurred at the discretion of the District, including the demographer's in-person attendance at meetings or public forums, preparation of public handouts, providing a website for public participation and information, and language translation of materials.

The divisions must comply with certain requirements. First, each division must be as nearly equal in population as possible. The California Supreme Court has ruled that making the population in each division as equal as possible is the first priority in creating the divisions, and that divisions will be presumed valid if they each have between 17-23% of the District's population. Having badly unbalanced voter numbers in each division can violate the equal protection clause of the Fourteenth Amendment to the US Constitution.

³ The 25% threshold is specific to this type of initiative petition and is significantly higher than a regular initiative measure. Regular initiative measures only require 10% of the registered voters to place an initiative measure on the ballot. (Elec. Code §9310.)

Even if the districts are nearly equal in population, diluting the voting strength of minorities may also violate the federal Voting Rights Act. This can occur if minority voters are spread between divisions with larger white voting populations that vote as a bloc for white candidates, so that the minority voters are unable to elect their preferred candidates. On the other hand, the US Supreme Court has held that race can be considered when creating divisions, provided that race is not the "predominant" factor. Thus, racial gerrymandering may also violate the equal protection clause. This can occur when divisions are designed with improbable shapes that lump together areas of a jurisdiction with little in common, for reasons that appear to be based solely on ethnic considerations.

Timing For First By-District Elected Officials

Generally, the members of the Board up for re-election shall be elected through divisions at the first regular election after the voters approve the initiative measure or the Board adopts a resolution converting to by-districts. For example, if the initiative measure is approved at the November 2020 election, the first division elections would occur at the November 2022 election. If the Board adopts a resolution converting to by-districts, the Board would have sufficient time to hold the first division elections in November 2020. However, it is also possible for the Board to adopt a resolution, or the voters to approve an initiative measure, that delays the first division elections. For example, if the Board or voters adopt a resolution in 2019 approving division elections, that resolution may provide that the first division election will not occur until the November 2022 election, after the 2020 Census.

2020 Census

The next federal decennial census will be performed in 2020. If the District converts to division elections it will be required to go through a district boundary readjustment in 2021. (Elec. Code §22000.) This will result in new divisions for the November 2022 elections. Thus, if the Board were to convert to division elections and create district boundaries for the November 2020 election, only the seats up for election in November 2020 will be subject to those divisions before the District is required to re-draw its divisions.

Pros and Cons⁴

Below are potential pros and cons of being elected at-large or through division elections:

At-Large

Pros:

- Board members in an at-large system are more impartial, rise above the limited perspective of a single district and concern themselves with the problems of the whole community
- Vote trading between Board members is minimized
- Number of candidates available for an election tends to be larger

Cons:

- At-large elections can weaken the representation of particular groups, such as people of color, especially if the group does not have a District-wide base of operations or is an ethnic/racial group concentrated in a specific area of the District
- Increased election and campaign costs
- Potential decrease in voter turnout

Division Elections

Pros:

- Division elections give groups (such as geographic or ethnic groups) a better chance of being represented on the Board. The California Voting Rights Act and several court cases have

⁴ The National League of Cities prepared a pros and cons comparison which were added to this list:
<http://www.nlc.org/resource/cities-101-at-large-and-district-elections>

mandated by-district elections in local agencies where ethnic minority groups have traditionally lacked representation.

- Officials elected through divisions are more attuned to the unique problems of their district's constituents
- Division elections may improve citizen participation because councilmembers who represent a specific district may be more responsive to their constituency
- Decreased election and campaign costs

Cons:

- Officials elected through divisions may experience more in-fighting and be less likely to prioritize the good of the District over the good of their specific district
- More contentious campaigning for District seats because it is a "winner take all" system

Overlapping Local Agencies

There are several local agencies whose boundaries overlap, in part, with the District. Their elections are as follows:

- City of Elk Grove: from-district elections with 4 divisions and the mayor elected at-large
- City of Galt: at-large elections for all 5 councilmembers
- County of Sacramento: by-district elections for all 5 supervisors
- Florin Resource Conservation District: at-large elections for all 5 board members
- Elk Grove Unified School District: from-district elections for all 7 trustees
- Galt Joint Union High School District: at-large elections for all 5 trustees
- Galt Joint Union Elementary School District: at-large elections for all 5 trustees

Sacramento County Agencies

As of the November 6, 2018 election, 3 special districts are elected by-district, 3 special districts are elected from-district, and all other special districts are elected at-large.⁵ Citrus Heights recently voted to switch to by-district elections commencing with the November, 2020 election. A list of the method by which all local agencies were elected as of November 6, 2018, including all cities, school districts and special districts, is attached to this report as Attachment A.⁶

Similar Sized Agencies with By-District Elections

There is no consolidated data on the number of California cities and special districts that are elected by-district. Preliminary research provides that 100 of California's approximately 480 cities currently have district elections, with the majority changing from at-large to by-district in recent years.⁷ By-district elections are much less common for special districts. According to a January, 2019 informal conversation with the California Special District Association (CSDA), the vast majority of special districts are elected at-large. In the last 3 years, approximately 20 special districts have converted to by-district with the majority of those being healthcare districts. The only known community services district elected by-district is Lake Arrowhead Community Services District, which has an estimated population of 15,000.

City of Elk Grove Notice to Convert to By-District Elections

On February 16, 2018, the City received a letter alleging that the City's current voting method (at-large mayor and from-district council) disenfranchises the City's Latino voters. The City Council currently has 3 Asian-Americans and 2 Caucasians. The last Latina councilmember was Sophia Scherman, who left office in 2012.

⁵ SMUD is elected by "ward," which is the same as division elections.

⁶ Attachment A does not include the following agencies, which hold their elections in June: Sacramento County Board of Education (by-district); Twin Rivers Unified School District (by-district); County Board of Supervisors (by-district); City of Sacramento (by district).

⁷ https://laist.com/2019/01/02/the_massive_election_change_in_california_youve_likely_never_heard_of.php

At its April 11, 2018 meeting, the City Council voted 4-1 to retain its current from-district election system, with Mayor Steve Ly preferring the by-district system. A copy of the City's April 11, 2018 staff report (without attachments) is attached hereto as Attachment B.

Additional Considerations

While not required, the County Registrar of Voters has asked to review the division boundaries before they are adopted. The County prefers for the District's division boundaries to be as closely aligned as possible to other public agencies' division boundaries within its jurisdiction (i.e. City of Elk Grove) to prevent voter confusion.

ALTERNATIVE OPTIONS REQUIRING SPECIAL LEGISLATION

While California law requires the District to electing its Board from one of the following methods – at-large, by-district or from-district – special legislation could authorize the following options:

Ranked Choice Voting

Ranked Choice Voting (also known as instant-runoff, single transferable vote or proportional voting) gives voters the option of choosing multiple candidates in order of preference. After the ballots are first counted, the candidate with the fewest top-rank votes is eliminated and the next choices of that candidate's supporters are apportioned among the remaining candidates. The process continues until the number of candidates left equals the available seats.

California law only authorizes charter cities to implement this election option. Four cities – San Francisco, Oakland, San Leandro and Berkeley – use this model. An upside to this model is that voters can support the candidate they prefer, rather than a candidate that they favor less but has a better chance of winning. Also, this has resulted in lower election costs. A downside to this model is that it can defeat a leading candidate who lacks second-choice votes.

Under both Governor Schwarzenegger and Governor Brown, the California state legislature has proposed bills to allow local agencies to implement this model. Both bills passed the legislature but were vetoed by the governor.⁸ Of note is that Governor Brown was mayor of Oakland from 1999 to 2007, prior to Oakland's 2010 implementation of Ranked Choice voting. Governor Newsom was mayor of San Francisco from 2004 to 2010, after San Francisco's 2002 implementation of Ranked Choice voting.

Hybrid Election

Under a hybrid system, some District seats would be elected at-large and others by or from district. An upside to this approach is that some Directors (at-large Directors) would be accountable to the entire District while the other Directors (by or from district Directors) would represent a smaller population of the District. The downsides to this model are: (a) under the CVRA, this is still considered an "at-large method of election," and (b) by having less districts, you increase the size of each district thereby running the risk of diluting the weight of each vote of a member of a protected class. A hybrid system with at-large and by-district seats would have lower election costs than an all at-large system. A hybrid system with at-large and from-district seats would have higher election costs than an all at-large system.

Larger cities in the Sacramento region, such as Elk Grove, Sacramento and West Sacramento, use a hybrid model in which the mayor is elected at-large while all councilmembers are elected by or from district. Government Code Section 34902 authorizes cities to create this type of hybrid election model; there is no similar legislation applicable to the District.

⁸ AB 1294 was vetoed by Governor Schwarzenegger in 2007. SB 1288 was vetoed by Governor Brown in 2016.

Some special districts, such as Castaic Lake Water Agency, also have a hybrid system. However, these hybrid systems are created either by LAFCO at the time of the district's formation or consolidation with another special district, or by special legislation.

IMPACT ON DISTRICT RESOURCES

There are several cost factors involved in converting from at-large to division elections.

First, the District will need to hire a demographer to draw divisions. The District must re-draw the division boundaries after each decennial census and after any major population change, such as an annexation. As noted above, a demographer would cost between \$24,750-\$50,000. However, if the Board adopts a resolution converting to by-district starting at the November 2020 election, the District will need to hire a consultant to draft division boundaries for the November 2020 election and again draft new division boundaries applicable to the November 2022 election.

Second, there is the additional cost of placing the initiative measure on the ballot, should the District or voters decide to submit the question to the electorate. This estimate was not provided by the County Registrar of Voters but would be higher if the measure is placed on a special election (November 2019, March 2020) as opposed to consolidated with the general (November 2020) election.

Third, if the District converts to by-district, its election costs will decrease. If it converts to from-district, its election costs will increase. The County Registrar of Voters prepared a rough estimate of the costs based on the November, 2018 election, at which the District had 105,538 registered voters. The election cost estimates for November 2020 are as follows⁹:

<u>Voted "At Large"</u>	
Base Set-up fee =	\$2,008.00
First Contest fee per registered voters	.9051 x 105,538 = \$95,522.44
	"At Large" Total = \$97,530.44
<u>Voted "By District"</u>	
Director 1	
Base Set-up fee =	\$2,008.00
First Contest fee per registered voters	.9051 x 21,107 = \$19,103.95
Director 2	
Base Set-up fee =	\$2,008.00
First Contest fee per registered voters	.9051 x 21,107 = \$19,103.95
Director 3	
Base Set-up fee =	\$2,008.00
First Contest fee per registered voters	.9051 x 21,107 = \$19,103.95
	"By District" Total = \$63,335.85

*The estimate is based on 3 seats being up for election in November 2020. If only 2 seats were up, the by-district estimated cost would decrease to **\$42,223.90**.

⁹ These costs do not include candidate statement costs.

An estimate was not provided for "from-district" elections but, based on the calculations above, from-district elections would be the most expensive, as follows:

Voted "From District"	
Base Set-up fee =	\$2,008 x 5 = \$10,040
First Contest fee per registered voters	.9051 x 105,538 = \$95,522.44
	"From District" Total = \$105,562.44

Should you have any questions, please contact me prior to the Board meeting.

Respectfully submitted,



Maureen Zamarripa
General Manager

ATTACHMENTS

- A. Sacramento County list of positions up for election on November 6, 2018 and the method of election
- B. City of Elk Grove April 11, 2018 Staff Report
- C. Resolution No. 2019-10 calling an election to place an initiative measure on the ballot to convert the Board elections from at-large to by-district
- D. Resolution No. 2019-10 calling an election to place an initiative measure on the ballot to convert the Board elections from at-large to from-district
- E. Resolution No. 2019-10 calling an election to place an advisory measure on the ballot regarding whether the District should convert to by-district elections
- F. Resolution No. 2019-10 converting from at-large to by-district elections

Positions Up for Election

Attachment A

November 6, 2018 General Election

(This information is subject to change at any time)

DISTRICT	POSITION	NO. TO BE ELECTED	TERM OF OFFICE	ELECTED
County Board of Education				
Placer County Board of Education, Area 1	Governing Board Member	2	4	Qualified and elected by area
Community College Districts				
Los Rios Community College District, Area 1	Governing Board Member	1	4	Qualified and elected by area
Los Rios Community College District, Area 2	Governing Board Member	1	4	Qualified and elected by area
Los Rios Community College District, Area 6	Governing Board Member	1	4	Qualified and elected by area
San Joaquin Delta Community College District, Area 3 *	Governing Board Member	1	4	Qualified by area, elected at large
San Joaquin Delta Community College District, Area 4	Governing Board Member	1	4	Qualified by area, elected at large
San Joaquin Delta Community College District, Area 7 *	Governing Board Member	1	4	Qualified by area, elected at large
Sierra Joint Community College District, Area 1	Governing Board Member	1	4	Qualified by area, elected at large
Sierra Joint Community College District, Area 2 *	Governing Board Member	1	4	Qualified by area, elected at large
Sierra Joint Community College District, Area 5 *	Governing Board Member	1	4	Qualified by area, elected at large
Sierra Joint Community College District, Area 6 *	Governing Board Member	1	4	Qualified by area, elected at large
Schools				
Arcohe Union School District	Governing Board Member	3	4	Elected at large
Center Joint Unified School District	Governing Board Member	3	4	Elected at large
Dry Creek Joint Elementary School District	Governing Board Member	3	4	Elected at large
Elk Grove Unified School District, Area 2	Governing Board Member	1	4	Qualified by area, elected at large
Elk Grove Unified School District, Area 4	Governing Board Member	1	4	Qualified by area, elected at large
Elk Grove Unified School District, Area 5	Governing Board Member	1	4	Qualified by area, elected at large
Elverta Joint Elementary School District	Governing Board Member	3	4	Elected at large
Folsom Cordova Unified School District	Governing Board Member	3	4	Elected at large
Galt Joint Union Elementary School District	Governing Board Member	3	4	Elected at large
Galt Joint Union High School District	Governing Board Member	3	4	Elected at large
Natomas Unified School District	Governing Board Member	2	4	Elected at large
River Delta Unified School District, Area 1 *	Governing Board Member	1	4	Qualified by area, elected at large
River Delta Unified School District, Area 2	Governing Board Member	1	4	Qualified by area, elected at large
River Delta Unified School District, Area 3	Governing Board Member	1	4	Qualified by area, elected at large
River Delta Unified School District, Area 5 *	Governing Board Member	1	4	Qualified by area, elected at large
Robla School District	Governing Board Member	3	4	Elected at large
Roseville Joint Union High School District	Governing Board Member	2	4	Elected at large
Sacramento City Unified School District, Area 1	Governing Board Member	1	4	Qualified and elected by area

* Sacramento County qualified registered voters are not eligible to be candidates for San Joaquin Delta Community College District, Areas 3 and 7; Sierra Joint Community College District, Areas 2, 5 and 6; and River Delta Unified School District, Areas 1 and 5.

Sacramento City Unified School District, Area 2	Governing Board Member	1	4	Qualified and elected by area
Sacramento City Unified School District, Area 6	Governing Board Member	1	4	Qualified and elected by area
San Juan Unified School District	Governing Board Member	2	4	Elected at large
Cities				
City of Citrus Heights	Councilmember	3	4	Elected at large
City of Elk Grove	Mayor	1	2	Elected at large
City of Elk Grove, District 2	Councilmember	1	4	Qualified by area, elected at large
City of Elk Grove, District 4	Councilmember	1	4	Qualified by area, elected at large
City of Folsom	Councilmember	3	4	Elected at large
City of Galt	Councilmember	3	4	Elected at large
City of Isleton	Councilmember	3	4	Elected at large
City of Rancho Cordova	Councilmember	2	4	Elected at large
Community Service Districts				
Cosumnes CSD	Director	2	4	Elected at large
Rancho Murieta CSD	Director	3	4	Elected at large
San Juan Water District	Director	3	4	Elected at large
Fire Protection Districts				
Courtland Fire Protection District	Director	1	4	Elected at large
Delta Fire Protection District	Director	1	4	Elected at large
Herald Fire Protection District	Director	2	4	Elected at large
Pacific Fruitridge Fire Protection District	Director	3	4	Elected at large
River Delta Fire Protection District	Director	1	4	Elected at large
Sacramento Metro Fire Protection District, Division 1	Director	1	4	Qualified and elected by division
Sacramento Metro Fire Protection District, Division 3	Director	1	4	Qualified and elected by division
Sacramento Metro Fire Protection District, Division 7	Director	1	4	Qualified and elected by division
Sacramento Metro Fire Protection District, Division 9	Director	1	4	Qualified and elected by division
Walnut Grove Fire Protection District	Director	1	4	Elected at large
Wilton Fire Protection District	Director	2	4	Elected at large
Flood Control District				
American River Flood Control District	Trustee	3	4	Elected at large
Municipal Utility District				
Sacramento Municipal Utility District, Ward 3	Director	1	4	Qualified and elected by ward
Sacramento Municipal Utility District, Ward 4	Director	1	4	Qualified and elected by ward
Sacramento Municipal Utility District, Ward 6	Director	1	4	Qualified and elected by ward
Sacramento Municipal Utility District, Ward 7	Director	1	4	Qualified and elected by ward
Recreation and Park Districts				
Arcade Creek Recreation and Park District	Director	2	4	Elected at large

Arcade Creek Recreation and Park District	Director	1	2	Elected at Large
Arden Manor Recreation and Park District	Director	3	4	Elected at large
Arden Manor Recreation and Park District	Director	1	2	Elected at large
Arden Park Recreation and Park District	Director	3	4	Elected at large
Cordova Recreation and Park District	Director	3	4	Elected at large
Fair Oaks Recreation and Park District	Director	2	4	Elected at large
Fair Oaks Recreation and Park District	Director	1	2	Elected at large
Fulton-El Camino Recreation and Park District	Director	2	4	Elected at large
North Highlands Recreation and Park District	Director	2	4	Elected at large
North Highlands Recreation and Park District	Director	1	2	Elected at large
Orangevale Recreation and Park District	Director	2	4	Elected at large
Orangevale Recreation and Park District	Director	1	2	Elected at large
Rio Linda-Elverta Recreation and Park District	Director	3	4	Elected at large
Southgate Recreation and Park District, Division 1	Director	1	4	Qualified and elected by division
Southgate Recreation and Park District, Division 3	Director	1	4	Qualified and elected by division
Southgate Recreation and Park District, Division 4	Director	1	4	Qualified and elected by division
Southgate Recreation and Park District, Division 5	Director	1	2	Qualified and elected by division
Resource Conservation Districts				
Florin RCD	Director	3	4	Elected at large
Water/Irrigation Districts				
Carmichael Water District, Division 3	Director	1	4	Qualified by division, elected at large
Carmichael Water District, Division 5	Director	1	4	Qualified by division, elected at large
Citrus Heights Water District, Division 2	Director	1	4	Qualified by division, elected at large
Citrus Heights Water District, Division 3	Director	1	4	Qualified by division, elected at large
Del Paso Manor Water District	Director	3	4	Elected at large
Fair Oaks Water District, Division 1	Director	1	4	Qualified by division, elected at large
Fair Oaks Water District, Division 2	Director	1	4	Qualified by division, elected at large
Fair Oaks Water District, Division 3	Director	1	4	Qualified by division, elected at large
Florin County Water District	Director	2	4	Elected at large
Florin County Water District	Director	1	2	Elected at large
Galt Irrigation District, Division 1	Director	1	4	Qualified by division, elected at large
Galt Irrigation District, Division 2	Director	1	4	Qualified by division, elected at large
Galt Irrigation District, Division 4	Director	1	4	Qualified by division, elected at large
Rio Linda/Elverta Community Water District	Director	2	4	Elected at large
Sacramento Suburban Water District, Division 2	Director	1	2	Qualified and elected by division
Sacramento Suburban Water District, Division 3	Director	1	4	Qualified and elected by division
Sacramento Suburban Water District, Division 4	Director	1	4	Qualified and elected by division
Sacramento Suburban Water District, Division 5	Director	1	4	Qualified and elected by division



CITY OF ELK GROVE CITY COUNCIL STAFF REPORT

AGENDA TITLE: Receive information regarding the City's form of governance, voting structure, demographics, and election history

MEETING DATE: April 11, 2018

PREPARED BY Jonathan P. Hobbs, City Attorney
DEPARTMENT HEADS: Jason Lindgren, City Clerk

RECOMMENDED ACTION:

Staff recommends the City Council receive information regarding the City's form of governance, voting structure, demographics, and election history, and provide direction as appropriate.

BACKGROUND INFORMATION:

During the regular meeting of March 28, 2018, the City Council gave direction to staff to return with an informational report on the City's governance, voting structure, demographics, and voting history. Staff has prepared the following informational report.

History of Incorporation of Elk Grove and Governing Structure

The process of incorporation for the City of Elk Grove was conducted through the Sacramento Local Agency Formation Commission (LAFCo). Proposed incorporation efforts were initiated in 1986 and 1992, and, though those initial efforts were approved by LAFCo, the electorate subsequently rejected the first two incorporation efforts. A third incorporation effort commenced in 1994. The third effort was again approved by LAFCo, and this effort was approved by the electorate on March 7, 2000 with the passage of Measure J (Yes [15,454 / 69.8%]; No [6,693 / 30.2%]).

LAFCo Resolution No. 1207 established Elk Grove as a general law city under California law with five elected representatives on the City Council, operating under a Council/Manager form of government. Under a Council/Manager form of government the City Manager, appointed by the

City Council, administers the day-to-day affairs of the City, and the City Council provides policy direction.

The election held on the same ballot as the incorporation question under Measure J established an at-large election for the members of the City Council. Council member seats are for a term of four years. Thereafter, consistent with the provision of LAFCo Resolution No. 1207, future council member elections would follow the “from” district model, and the resolution required the initial district boundaries to be adopted by the first City Council. A further discussion of the different types of election models follows below.

At-large, From District, and By District Election Models

Non-district “at-large” elections have no individual districts defined. Elections are held across the entire city or jurisdiction, with eligible voters of the entire jurisdiction voting for all candidates. Candidates must reside and be a registered voter within the jurisdiction’s geographic boundaries. There are no residency location restrictions for non-district at-large elections.¹

“From” district elections have individual districts defined, with the number of districts determined by the number of elected council member representatives. The “from” district method of election requires that a candidate reside and be a registered voter in the district in which the council seat is open, and candidates are voted on citywide by all registered voters of the City who vote in the election. (Gov. Code § 34871)

“By” district elections have individual districts defined, with the number of districts determined by the number of elected council member representatives. The “by” district election method requires that a candidate reside and be a registered voter in the district in which the council seat is open, and candidates are voted on only by the registered voters within that district. (Gov. Code § 34871)

¹ The California Voting Rights Act includes within the definition of “at-large method of election” the following: (1) an election in which the voters of the entire jurisdiction elect the members to the governing body; (2) an election in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or (3) an election that combines at-large elections with district-based elections. (Elec Code § 14026) For sake of discussion in this staff report, unless otherwise specified, the term “at-large” election refers to the first definition, i.e., an election method without districts.

Elk Grove's first election at incorporation on March 7, 2000 was a non-district at-large election. From 2002 to 2010 Elk Grove elections were "from" district elections with five representative districts. Council members were required to reside in a particular district to run for that district's seat, and the candidates were voted on citywide, with all of the City's registered voters eligible to vote for all candidates. Since council member seats are for four year terms, half of the seats would be up for election every two years (the two even numbered districts in 2002, 2006, and 2010; the three odd numbered districts in 2004 and 2008). The Elk Grove district map was revised in 2004 with the annexation of Laguna West to the City.

Current Governing Structure of Elk Grove

Prior to November of 2010, the five council members selected one of their own to serve as mayor on an annual basis. On November 2, 2010, the City's electorate approved measures creating the office of the directly elected mayor, i.e., a mayor elected directly by the voters to a two-year term, rather than by the City Council annually. This resulted in the positions of the elected mayor and four council members. The mayoral candidate must reside within the City limits, but not a particular district.

There are currently four council residency districts, and council members are elected citywide for four-year terms. From 2012 to the present, Elk Grove elections include the directly elected mayor at-large, and "from" district elections amongst four representative districts. Elk Grove elections are held in November of even numbered years, and the seat of the directly elected mayor and two of the city council residency districts are voted on during any given election cycle. Elk Grove remains a Council/Manager form of government. In addition to the City Manager being appointed directly by the City Council, the positions of City Attorney and City Clerk are also appointed by the City Council.

District Maps, Redistricting, and Census Data on Demographics

The first "from" district map was approved by Resolution No. 2002-64 with five districts. Redistricting processes were conducted in 2004 and 2011. The 2004 redistricting process was required as a result of the annexation of Laguna West at the end of 2003, and a final "from" district map was approved by Resolution No. 2004-122 with five districts at a City population of 81,816. The 2011 redistricting process was required following the decennial federal census, and the process was conducted after the approval of the directly elected mayor. The current "from" district map,

provided as Attachment 1, was approved by Resolution No. 2011-142 with four districts at a City population of 153,015. The next redistricting process for the City of Elk Grove is expected to occur in 2021 after the next decennial federal census, and the current population estimate is 171,059.

During the 2011 redistricting process, information was provided from the 2010 Census on demographics of the City including displays of population trends. The staff report from April 27, 2011 containing this information is included as Attachment 2. From that, the current City district map configuration was finalized. The staff report from July 13, 2011 is included as Attachment 3.

Legislative Activity on “By” District voting

The California Legislature considered various bills in 2015 addressing the issue of converting general law cities to “by” district voting models. The focus of the discussion moved towards cities with a population of over 100,000 residents (or those that would be close to exceeding 100,000 by 2020). Based on the 2010 Census, there were 66 cities in California with a population of at least 100,000 residents. Of those 66 cities, 41 were charter cities. The 25 general law cities had 21 cities with at-large voting structures. Elk Grove was the only city having a “from” district voting structure. One city had a “by” district voting structure, and two cities were in the midst of lawsuits converting from at-large voting structures into alternative voting systems. Four additional cities were identified that were expected to be over 100,000 in population by 2020, and each had at-large voting structures. Through Senate Bill 493, effective January 1, 2016, the Legislature authorized cities with a population of less than 100,000 to move to a “by” district method of election by ordinance without requiring voter approval.

In 2016, the Legislature passed Assembly Bill 2220. That bill removed the 100,000 resident population limitation. Thus, effective January 1, 2017, any size city in California may move to a “by” district method of election without submitting the question to the voters. (Gov. Code § 34886)

Election History of the City of Elk Grove

The City of Elk Grove consolidates elections with the Sacramento County Voter Registration and Elections office. The election results for the City of Elk Grove from March 7, 2000 to November 6, 2016 are included as Attachment 4. Elections are won simply by determining the candidate with

the most votes, regardless of whether the candidate receives more than 50% of the votes. City of Elk Grove elections are considered non-partisan, which means political parties do not nominate candidates.

Measures and Efforts for Alternative Government Structures in Elk Grove

In November 2010, the City of Elk Grove presented an Advisory Vote measure asking if residents wanted to expand the number of council member seats from five to seven. That measure was defeated (No [22,727 / 57.45%]; Yes [16,833 / 42.55%]). The Cosumnes Community Services District presented a measure in November 2008 asking if residents wanted to change to a “by” district voting structure. That measure was also defeated (No [30,584 / 53.55%]; Yes [26,530 / 46.45%]).

In September 2017, the City Clerk received notice from an initiative proponent indicating an intent to circulate a petition seeking to take steps toward changing from a “from” district election method to a “by” district election method. Consistent with state law, the City Attorney prepared a ballot title and summary for the proposed initiative. On September 28, 2017, the City Clerk delivered the ballot title and summary to the initiative proponent to seek signatures for the proposed initiative. The initiative proponent has not filed any petition materials with the City Clerk, and the 180 day deadline to do so expired on March 27, 2018. (Elec. Code § 9208)

ANALYSIS:

Current Governing Structure of Elk Grove

As noted above, the City of Elk Grove is a general law city with a Council/Manager form of government. The city has a directly elected mayor and four council members elected “from” district. Some other attributes of the City’s governing structure are as follows:

- Elk Grove elected officials are not full time positions, and elected officials do not have individual, full-time, salaried staff.
- Elk Grove does not have a Strong Mayor provision. The position of the directly elected mayor serves as the presiding officer at council meetings, is the figurehead and spokesperson of the City, and makes appointments to boards, committees, and commissions (with the approval of the City Council). The mayor otherwise serves in the same capacity as a council member (but with a two-year term). The

mayor's vote carries the same weight as other council members, and there is no veto power of the general law city directly elected mayor.

- Elk Grove is not a full service City. Fire and parks services are provided by the Cosumnes Community Services District. Health and human services are provided by Sacramento County. Education services are provided through the Elk Grove Unified School District and Los Rios Community College system. Many utilities (power, water, gas) are provided through separate utility providers. Library services are provided by a regional government authority. Numerous local services are provided by separate government agencies or private entities, each having different governing bodies and administrations.

Other Election Models in the area of Elk Grove

While the City of Elk Grove follows a "from" district approach with a directly elected mayor, other jurisdictions in the area have varying election models. The Cosumnes Community Services District is a local example of a non-district at-large election system. The City of Sacramento, a charter city with additional authority granted to it by its charter, is a local example of a "by" district election system that also has a directly elected mayor. The Elk Grove Unified School District is a local example of a "from" district election system (with no at-large seats, all seats are "from" district).

Currently, in the City of Elk Grove, a qualified voter that votes in every election votes six times for each four-year election cycle. In one election, an individual will vote for mayor and two council member seats. In the next election the individual will vote for mayor and the other two council member seats. The mayor is voted on every two years, and council member seats are four year terms with two seats decided and staggered every other election. If the City of Elk Grove had a directly elected mayor and "by" district voting system, a voter would vote three times for each four year election cycle; voting for the mayor in both elections, and voting for a district representative in one of the two election years, but not voting for any of the other district representative seats. A fully "from" district model (with no directly elected mayor), as well as an at-large system, would provide a registered voter an opportunity to vote five times every two elections. A fully "by" district model (with no directly elected mayor) would provide a registered voter an opportunity to vote once every two elections, voting only for the district representative in which the voter resides.

Demographics of the City of Elk Grove

The April 27, 2011 City Council staff report (Attachment 2) contained maps showing population densities in Elk Grove for African-Americans, Asians, and Latinos, showing dispersal of these ethnic groups across the City. The July 13, 2011 City Council staff report (Attachment 3) provided a precinct level breakdown of demographics under the “Plan 9” option, which was the plan adopted as the City of Elk Grove district map. The district demographics were compared with the citywide demographics (African American 11.22%, Asian 26.31%, Latino 18.03%, White 46.06%). Below is Table 1 setting forth the City’s ethnic demographics by district, with an additional set of data for persons of voting age (18 and older).

Table 1 - Percentage Breakdowns by Ethnicity – Four Districts (2010 Census @153,015)

	District 1	District 2	District 3	District 4	Citywide
African American	11.75	8	11.6	13.41	11.22
Asian	23.56	20.32	28.45	32.56	26.31
Latino	18.01	16.4	18.86	18.78	18.03
White	40.35	49.41	34.45	28.74	46.06
African American 18+	11.7	7.55	11.11	12.77	10.75
Asian 18+	24.18	20.3	28.77	34.35	27
Latino 18+	15.85	13.83	16.79	16.46	15.75
White 18+	43.71	53.71	37.89	31.4	49.52

Prior to the start of the redistricting process, demographics based on the five-district model of the City (for both the 2000 and 2010 Census) were provided, and those district demographics were again compared with the citywide demographics as shown in Tables 2 and 3 below:

Table 2 - Percentage Breakdowns by Ethnicity - Five Districts (2000 Census @81,816)

	2001					
	Population					
	District 1	District 2	District 3	District 4	District 5	Citywide
African American	10.78	4.28	10.59	8.56	4.51	7.74
Asian	22.69	9.3	22.18	13.53	5.51	14.61
Latino	14.2	11.95	14.1	13.15	14.59	13.61

Table 3 - Percentage Breakdowns by Ethnicity - Five Districts (2010 Census @153,015)

	District 1	District 2	District 3	District 4	District 5	Citywide
African American	13.29	9.34	12.4	12.59	6.31	11.22
Asian	24.2	24.02	33.49	30.44	9.44	26.31
Latino	20.52	16.67	18.21	17.53	19.05	18.03

During the 2011 redistricting process, District 5 was absorbed by Districts 2, 3, and 4.

Election Results in the City of Elk Grove

Staff reviewed election trends for the City of Elk Grove, with a preliminary review of the number of candidates, analysis of ethnicity and gender, and notation on the performance of incumbent or appointed incumbent candidates. A summary of this information is provided under Attachment 5. Over the course of eight election cycles, there were 21 seat contests (either seats for the directly elected mayor or council member seats), with 68 total candidates competing for these offices. For these races, 80.95% of the time incumbents or appointed incumbents won the election.

With the exception of the 2014 mayoral election cycle, in which the incumbent ran uncontested, the candidate pools for mayor have had double the average of candidates than for council member elections (council member seats average 2-4 candidates, 2012 had six candidates for mayor, and 2016 had seven candidates for mayor).

Staff also compared precinct level voting for City of Elk Grove elections, to determine if citywide votes varied significantly from district level elections (for instance, if a candidate won in his or her district, but lost because of votes in precincts outside of his or her residency district). The precinct level data was taken and the placement of candidates in each precinct was color coded (green = most votes, yellow = 2nd most votes, red = 3rd most votes, and blue = placements 4th and below). These tables are summarized under Attachment 6.

In summary, the election results citywide compare equivalently to individual precinct results. Overall, there is little variation between the first place candidate and the second place candidate. Often votes are exchanged more evenly between the second and third place candidates. There has not been an instance where one candidate has won his or her district, but lost the election because of precinct votes outside of their district.

FISCAL IMPACT:

The informational report has no fiscal impact.

ATTACHMENTS:

1. Current City of Elk Grove District Map
2. Redistricting Overview staff report April 27, 2011
3. District Map Approval staff report July 13, 2011
4. City of Elk Grove Election results 2000-2016
5. Comparison of Candidates Per Election Cycle
6. Comparison of precinct level voting in City of Elk Grove Elections 2000-2016

RESOLUTION NO. 2019-10

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT CALLING A SPECIAL ELECTION TO BE HELD ON _____, 20__ TO PLACE BEFORE THE VOTERS OF THE COSUMNES COMMUNITY SERVICES DISTRICT THE QUESTION OF WHETHER TO CHANGE FROM AN AT-LARGE ELECTION PROCESS TO A BY DIVISION ELECTION PROCESS FOR THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT

WHEREAS, the Community Services District Law (Gov. Code, §§ 61000 *et seq*; 61025) provides that if a majority of the voters voting upon the question are in favor of the question, the Board of Directors (the “Board of Directors”) of the Cosumnes Community Services District (“District”) may be elected by one of the following methods: (1) at-large; (2) by divisions; or (3) from divisions; and

WHEREAS, the Board of Directors of the District are currently elected through an at-large election process; and

WHEREAS, Government Code section 61025 of the Community Services District Law further provides that the Board of Directors may adopt a resolution placing the question of the method of election on the ballot; and

WHEREAS, the Board of Directors wishes to place on the _____, 20__ the question of whether to change from an at-large election process to a by division election process for the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. Election. Pursuant to Government Code section 61025(b), the Board of Directors of the District hereby calls a special election be held on _____, 20__ to submit to the voters of the District, the following question (“Measure”):

Shall the Cosumnes Community Services District change the system in which Board members are elected from the current at-large electoral system, where voters throughout the District elect Board members who may live anywhere in the District, to a system in which the Cosumnes Community Services District jurisdiction is divided into five equally populated geographical divisions, where only voters who live in a division may vote for a Board member who lives in that division?	YES	
	NO	

Section 2. Election Procedures.

- A. The Board consents to the consolidation of the election on this Measure with all other elections being held in the same territory on _____, 20____, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Sacramento County is hereby requested to consent to having the Registrar of Voters render such election services to the Cosumnes Community Services District as may be requested by the General Manager, the County of Sacramento to be reimbursed in full for such services as are performed.
- D. The election services which the Cosumnes Community Services District requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the General Manager; and the performance of such other election services as may be requested by the General Manager.
- E. The General Manager is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the District.
- H. Notice of the time and place of holding the election is given and the General Manager is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Sacramento County Registrar of Voters is hereby authorized to canvass the returns of said election.

K. The General Manager shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the Board of Directors, as required by law.

Section 3. Necessary Acts. The General Manager or her designee is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution.

Section 4. Delivery of Resolution to County. The General Manager shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The Board of Directors directs the General Manager to deliver copies of this Resolution to the Clerk of the Board of Supervisors of Sacramento County and to the Registrar of Voters of Sacramento County.

Section 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Board of Directors hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 20th day of February, 2019.

President of the Board of Directors

ATTEST:

Secretary of the Board of Directors

RESOLUTION NO. 2019-10

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT CALLING A SPECIAL ELECTION TO BE HELD ON _____, 20__ TO PLACE BEFORE THE VOTERS OF THE COSUMNES COMMUNITY SERVICES DISTRICT THE QUESTION OF WHETHER TO CHANGE FROM AN AT-LARGE ELECTION PROCESS TO A FROM DIVISION ELECTION PROCESS FOR THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT

WHEREAS, the Community Services District Law (Gov. Code, §§ 61000 et seq., 61025) provides that if a majority of the voters voting upon the question are in favor of the question, the Board of Directors (the “Board of Directors”) of the Cosumnes Community Services District (“District”) may be elected by one of the following methods: (1) at-large; (2) by divisions; or (3) from divisions; and

WHEREAS, the Board of Directors of the District are currently elected through an at-large election process; and

WHEREAS, Government Code section 61025 of the Community Services District Law further provides that the Board of Directors may adopt a resolution placing the question of the method of election on the ballot; and

WHEREAS, the Board of Directors wishes to place on the _____, 20__ the question of whether to change from an at-large election process to a by division election process for the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. Election. Pursuant to Government Code section 61025(b), the Board of Directors of the District hereby calls a special election be held on _____, 20__ to submit to the voters of the District, the following question (“Measure”):

Shall the Cosumnes Community Services District change the system in which Board members are elected from the current at-large electoral system, where voters throughout the District elect Board members who may live anywhere in the District, to a system in which the Cosumnes Community Services District jurisdiction is divided into five equally populated geographical divisions, where voters throughout the District elect a Board member from each division?	YES	
	NO	

Section 2. Election Procedures.

- A. The Board consents to the consolidation of the election on this Measure with all other elections being held in the same territory on _____, 20____, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Sacramento County is hereby requested to consent to having the Registrar of Voters render such election services to the Cosumnes Community Services District as may be requested by the General Manager, the County of Sacramento to be reimbursed in full for such services as are performed.
- D. The election services which the Cosumnes Community Services District requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the General Manager; and the performance of such other election services as may be requested by the General Manager.
- E. The General Manager is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the District.
- H. Notice of the time and place of holding the election is given and the General Manager is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

J. The Sacramento County Registrar of Voters is hereby authorized to canvass the returns of said election.

K. The General Manager shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the Board of Directors, as required by law.

Section 3. Necessary Acts. The General Manager or her designee is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution.

Section 4. Delivery of Resolution to County. The General Manager shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The Board of Directors directs the General Manager to deliver copies of this Resolution to the Clerk of the Board of Supervisors of Sacramento County and to the Registrar of Voters of Sacramento County.

Section 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Board of Directors hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of February, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

President of the Board of Directors

ATTEST:

Secretary of the Board of Directors

RESOLUTION NO. 2019-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, SUBMITTING TO THE DISTRICT’S VOTERS AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 AN ADVISORY MEASURE PERTAINING TO THE TRANSITION FROM AT-LARGE ELECTIONS TO BY DIVISION ELECTIONS

WHEREAS, the Cosumnes Community Services District (“District”) desires to switch to a “by district” or “by division” election system for all future elections of the District; and

WHEREAS, pursuant to Elections Code section 9603, the District may submit an advisory measure to the electorate to provide direction to the Board of Directors of the District on whether it should change from an at-large election process to a “by district” or “by division” election system; and

WHEREAS, the results of the advisory vote will in no manner be binding on the Board of Directors; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. Election. Pursuant to Elections Code Section 9603 and 10400 *et seq.*, the Board of Directors of the District hereby calls a special election be held on November 3, 2020, to submit to the voters of the District, the following question (“Measure”):

<u>ADVISORY VOTE ONLY.</u>		
Shall the Cosumnes Community Services District change the system in which Board members are elected from the current at-large electoral system, where voters throughout the District elect Board members who may live anywhere in the District, to a system in which the Cosumnes Community Services District jurisdiction is divided into five equally populated geographical divisions, where only voters who live in a division may vote for a Board member who lives in that division?	YES	
	NO	

Section 2. Election Procedures.

- A. The Board consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 3, 2020, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418.

- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Sacramento County is hereby requested to consent to having the Registrar of Voters render such election services to the Cosumnes Community Services District as may be requested by the General Manager, the County of Sacramento to be reimbursed in full for such services as are performed.
- D. The election services which the Cosumnes Community Services District requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the General Manager; and the performance of such other election services as may be requested by the General Manager.
- E. The General Manager is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the District.
- H. Notice of the time and place of holding the election is given and the General Manager is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Sacramento County Registrar of Voters is hereby authorized to canvass the returns of said election.
- K. The General Manager shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the Board of Directors, as required by law.

Section 3. Necessary Acts. The General Manager or her designee is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution.

Section 4. Delivery of Resolution to County. The General Manager shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The Board of Directors directs the General Manager to deliver copies of this Resolution to the Clerk of the Board of Supervisors of Sacramento County and to the Registrar of Voters of Sacramento County.

Section 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Board of Directors hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 20th day of February, 2019 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

President of the Board of Directors

ATTEST:

Secretary of the Board of Directors

RESOLUTION NO. 2019-10

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT AUTHORIZING THE TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS AND SETTING FORTH THE PROCESS FOR TRANSITIONING TO BY DIVISION ELECTIONS

WHEREAS, the Board of Directors of the Cosumnes Community Services District (“District”) are currently elected through an at-large election process; and

WHEREAS, subdivision (a) of Election Code section 10650 authorizes a special district to, by resolution, require 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, in furtherance of the purposes of the California Voting Rights Act of 2001 (“CVRA”); and

WHEREAS, many public agencies are moving from at-large to by-district elections, and the District is also considering making that transition; and

WHEREAS, the Board of Directors desires to adopt a resolution pursuant to Government Code Section 10650 transitioning from at-large to by-district elections commencing with the November _____, 20__ general election and establish specific steps it will undertake to facilitate this transition.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COSUMNES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. Adoption of Recitals. The recitals set forth above are true and correct.

Section 2. Transition to District-Based Elections. The Board of Directors hereby provides that the members of its governing body shall be elected using by-district based elections, commencing with the November ____, 20__ general election. The Board of Directors hereby declares through its adoption of this resolution that it is electing to change from the at-large to by-district method of electing members of the governing body in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

Section 3. Upcoming Actions. The Board of Directors shall take, or shall cause District staff to take, the following actions prior to the November ____, 20__ general election, taking into consideration the time required for public outreach and input, agenda requirements under the Brown Act, the Board of Director’s meeting schedule, and the timeframes established under Elections Code section 10010:

(a) Conduct public outreach, including to non-English speaking communities, to explain the districting process and to encourage public participation;

(b) Before drawing a draft map or maps of the proposed division boundaries, hold at least two public hearings at which the public is invited to provide input regarding the composition of the divisions and to consider division boundaries as provided in Elections Code section 10010;

(c) After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the division elections and hold at least two public hearings at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections; and

(d) Hold a public hearing at which the Board of Directors will consider and adopt a resolution establishing division elections, including the adoption of a division boundary map and the sequence of the division elections.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Board of Directors hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 5. Repeal of Conflicting Provisions. That all of the provisions heretofore adopted by the District or the Board of Directors that are in conflict with the provisions of this Resolution are hereby repealed.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

Section 7. Certification. The Secretary is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County election official of the County of Sacramento.

PASSED, APPROVED AND ADOPTED this ____ day of February, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

President of the Board of Directors

ATTEST:

Secretary of the Board of Directors