

**RESOLUTION OF THE BOARD OF DIRECTORS OF WEST COUNTY
WASTEWATER DISTRICT, COUNTY OF CONTRA COSTA, CALIFORNIA**

RESOLUTION NO. 2020-3

**ESTABLISHING A DISTRICT-BASED ELECTION SYSTEM FOR ELECTING BOARD
MEMBERS EFFECTIVE FOR THE NOVEMBER 2020 ELECTION AND ADOPTING A
MAP DESCRIBING THE BOUNDARIES OF EACH DISTRICT (ELECTIONS CODE
§10010)**

The Board of Directors of the West County Wastewater District finds and determines as follows:

- A. The West County Wastewater District ("District" or "WCWD") supports the full participation of all citizens in electing members of its Board of Directors.
- B. The District is a sanitary district, duly organized under the constitution and laws of the State of California and is a "special district" as defined by California Elections Code Section 10650(b). District elections are subject to the provisions of the Uniform District Election Law (California Elections Code Sections 10500-10556).
- C. All five of the members of the District Board of Directors are currently elected in at-large elections, in which each Board member is elected by all registered voters of the entire District.
- D. California Elections Code Section 10508 provides that the principal act under which the District is organized shall govern whether members of its Board of Directors are elected by divisions or at large, and authorizes the District's Board of Directors to require that the members of the Board of Directors be elected using district-based elections pursuant to California Elections Code Section 10650.
- E. California Elections Code Section 10650 provides that notwithstanding any other law, the District Board of Directors may require, by resolution, that the members of its Board of Directors be elected using district-based elections, as defined in Elections Code Section 14026(b), without being required to submit the resolution to the voters for approval. In a district-based elections system, a candidate for the District Board of Directors must reside in the voting district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who that district's representative will be.
- F. On September 19, 2019, the District received a petition demanding that the District transition from the at-large method of electing Directors to a district-based method of electing Directors, and threatening litigation if the District refused to transition to district-based elections.
- G. At its October 29, 2019 regular meeting, within 45 days after receiving that petition, the District Board of Directors adopted Resolution 2019-59 whereby it declared its intention, pursuant to California Elections Code Section 10010(e)(3)(A)

to transition from at- large to district-based elections for electing Board members effective with the November 2020 statewide general election.

- H. Under the provisions of California Elections Code Section 10010, a special district that changes from the at-large Board of Director method of election to a district-based method of election requires a total of four public hearings, which includes at least two public hearings regarding potential voting district boundaries within a period of no more than 30 days prior to the release and consideration of any draft voting district maps, and two more public hearings over a period of no more than 45 days following the release of draft voting district maps.
- I. On November 6, 2019, pursuant to California Elections Code Section 10010(a)(1), the District Board of Directors held a public hearing where the public was invited to provide input regarding the composition of the District's voting districts before any draft maps are drawn, and the Board considered and discussed the same.
- J. On November 20, 2019, the District Board of Directors conducted a second public hearing to invite public input regarding the composition of District voting districts before any draft maps were drawn.
- K. On November 27, 2019, pursuant to California Elections Code Section 10010(a)(2), the District published and made available for release several draft maps prepared by its demographic consultant of proposed voting districts. This publication occurred at least seven days before the Board considered the draft maps at a public hearing.
- L. On December 11, 2019, pursuant to California Elections Code Section 10010(a)(2), the District conducted the first public hearing at which the public was invited to provide input regarding the contents of the draft election district maps and the proposed sequence of elections.
- M. On December 18, 2019, pursuant to California Elections Code Section 10010(a)(2), the District conducted the second public hearing at which the public was invited to provide input regarding the contents of the draft election district maps and the proposed sequence of elections.
- N. After the Board duly considered all public input, the input and recommendations of its demographic consultant, staff input and Director comments, the Board directed its demographic consultant to prepare several draft maps for consideration at its January 15, 2020 regular board meeting. All of those draft maps were published and made available to the public at least seven days prior to the January 15, 2020 meeting together with the proposed sequence of elections.
- O. The District Board of Directors finds and determines that it is in the best interest of the District to move from its current at-large electoral system to a district-based election system for members of the Board of Directors, in furtherance of the purposes of California Voting Rights Act of 2001.

- P. The District Board of Directors finds and determines that the election districts reflected on the Map attached as Exhibit A to this Resolution and on file with the District create fair and reasonable districts from which Directors can be elected, and that such map and the district-based system for election of Directors adopted by this Resolution complies with and further the purposes of the California Voting Rights Act of 2001.
- Q. The District Board of Directors finds and determines that the sequence of elections provided for in this Resolution is fair and reasonable and adequately addresses all legal requirements and considerations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST COUNTY WASTEWATER DISTRICT, AS FOLLOWS:

1. The foregoing recitals are true and correct statements of fact and are incorporated into this Resolution by this reference.
2. Pursuant to California Elections Code Sections 10010, 10508 and 10650, members of the District Board of Directors shall be elected on a district-based electoral system from five (5) single-member electoral districts. For purposes of this Resolution, “district-based electoral system” shall mean the election of members of the District’s Board of Directors by the voters of the voting district from which he or she runs.
3. Directors shall be elected on a district-based electoral system from the five electoral districts described as follows, which shall continue in effect until they are amended, repealed or reapportioned in accordance with law.
 - a. Election District 1 shall comprise all that portion of the District identified as District 1 reflected in the Map attached as Exhibit A hereto and incorporated herein by this reference.
 - b. Election District 2 shall comprise all that portion of the District identified as District 2 reflected in the Map attached as Exhibit A hereto and incorporated herein by this reference.
 - c. Election District 3 shall comprise all that portion of the District identified as District 3 reflected in the Map attached as Exhibit A hereto and incorporated herein by this reference.
 - d. Election District 4 shall comprise all that portion of the District identified as District 4 reflected in the Map attached as Exhibit A hereto and incorporated herein by this reference.

- e. Election District 5 shall comprise all that portion of the District identified as District 5 reflected in the Map attached as Exhibit A hereto and incorporated herein by this reference.
- 4. Except as provided in Section 5 of this Resolution, the Director elected to represent an election district must be a resident elector in that district at the time nomination papers are issued as required by California Health & Safety Code Section 6585. Termination of residency in an election district by a Director shall create an immediate vacancy for that Director's district.
- 5. Notwithstanding any other provision of this Resolution, and consistent with the requirements of California Elections Code Section 22000, the Directors in office at the time this Resolution is adopted shall continue in office until the expiration of the full-term for which he or she was elected and until his or her successor is qualified. At the end of the term of each Director, the successor of that Director shall be elected on a district-based system from one of the voting districts established by this Resolution.
- 6. The terms of office for Directors Stanley, Wiener and Zepeda expire after their successors are elected and qualified following the November 3, 2020 statewide general election. Their eligibility to run for reelection at the November 3, 2020 election will depend upon whether they are placed into the same election district as Directors Alvarado and Sudduth. If all current Directors are placed in different election districts, the election sequencing will be as follows for the election districts in which they are placed:

Director Alvarado	November 8, 2022
Director Stanley	November 3, 2020
Director Sudduth	November 8, 2022
Director Wiener	November 3, 2020
Director Zepeda	November 3, 2020

This election sequence is subject to change if two or more Directors are placed in the same election district. Director Zepeda was appointed to fill a vacancy created upon the passing of former Director McNeil, so if he is eligible to and does run for reelection, it will be for a two-year term expiring when his successor is elected and qualified at the November 8, 2022 election.

- 7. A map showing the election districts created by and described in this Resolution is attached as Exhibit A hereto and incorporated herein by this reference.
- 8. If necessary to facilitate the implementation of this Resolution, the General Manager or the General Manager's designee is authorized to make technical adjustments to the voting district boundaries that do not substantively affect the populations of the districts, the eligibility of candidates, or the residence of elected officials within any voting districts.

9. This Resolution shall become effective immediately upon its adoption.

*

*

*

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Board of Directors of the West County Wastewater District, Contra Costa County, California, at a regular meeting thereof held on the 15th day of January, 2020, by the following vote:

AYES: Alvarado, Zepeda, Stanley, Sudduth, Wiener

NOES: None

ABSTAIN: None

ABSENT: None

Vice President of the Board of Directors
West County Wastewater District
Contra Costa County, California