

NOVATO SANITARY DISTRICT

Special Meeting Date: May 28, 2019

The Board of Directors of Novato Sanitary District will hold a **SPECIAL** meeting at 5:30 p.m., **Tuesday, May 28, 2019**, at the District Offices, 500 Davidson Street, Novato.

Materials related to items on this agenda that are public records, are available for public inspection at the District Office, 500 Davidson Street, Novato, during normal business hours. They are also available on the District's website: www.novatosan.com. Note: All times and order of consideration for agenda items are for reference only. The Board of Directors may consider item(s) in a different order than set forth herein.

AGENDA

1. **PLEDGE OF ALLEGIANCE:**
2. **AGENDA APPROVAL:**
3. **PUBLIC COMMENT (PLEASE OBSERVE A THREE-MINUTE TIME LIMIT):**

This item is to allow anyone present to comment on any subject listed on the agenda. Each Individual will be limited to a three-minute comment period, and comments must be spoken into the microphone set up to receive public comment.

4. **REVIEW OF MINUTES:**
 - a. Approve minutes of the May 6, 2019 special meeting.
5. **PUBLIC HEARING PURSUANT TO CALIFORNIA VOTING RIGHTS ACT (CVRA) AND ELECTIONS CODE (EC) 10010 - DISTRICT BOUNDARIES; 4TH PUBLIC HEARING:**
 - a. Open public hearing.
 - b. Receive District Counsel, Consultant, and staff presentations, if any.
 - c. Receive Draft Ordinance No. 121: Establishing an Electoral District-based System for the Novato Sanitary District.
 - d. Initial questions and comments by Board, if any.
 - e. Public comments: Receive public input on draft electoral district (zone/division) maps and election sequencing.
 - f. Board comments: Receive Board input on draft electoral district (zone/division) maps, election sequencing, and the transition to by-district (division) elections.
 - g. Close public hearing.

Upon close of Public Hearing, take the following Actions:

- h. Select a final electoral districts map and election sequence and provide further direction regarding same and the Draft Ordinance to District Counsel, Consultant, and staff, if any.

6. **ADJOURNMENT:**

Next Resolution No. 3133.

Next Regular meeting date: Monday, June 10, 2019, 5:30 PM, at the Novato Sanitary District office, 500 Davidson Street, Novato, CA.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 892-1694 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.

NOVATO SANITARY DISTRICT

Board Meeting Minutes

(DRAFT)

Special Meeting Date: May 6, 2019

A Special meeting of the Board of Directors of the Novato Sanitary District was held at 5:30 p.m., Monday, May 6, 2019, at the District offices, 500 Davidson Street, Novato.

BOARD MEMBERS PRESENT: President Carole Dillon-Knutson, Directors William C. Long, Jean Mariani, Brant Miller, and Jerry Peters.

STAFF PRESENT: General Manager-Secretary Sandeep Karkal, District Counsel Robin Donoghue, and Administrative Services Specialist June Brown.

ALSO PRESENT: Jaime Clark, Q2 Data and Research
Dale Thrasher, Administrative Services Officer, Novato Sanitary District
Ricardo Wohler, Interpreter
Gary Butler, Novato resident
Drew McIntyre, General Manager, North Marin Water District, and
Novato resident.

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL: The agenda was approved as presented.

PUBLIC COMMENT: None.

REVIEW OF MINUTES:

- Approve minutes of the April 15, 2019 special meeting:

On motion of Director Peters, seconded by Director Miller, and carried unanimously, minutes of the April 15, 2019 special meeting were approved as written.

- PUBLIC HEARING PURSUANT TO CALIFORNIA VOTING RIGHTS ACT (CVRA) AND ELECTIONS CODE (EC) 10010 - DISTRICT BOUNDARIES; 3RD PUBLIC HEARING:

The General Manager stated that, as discussed at previous meetings, the District elected to transition from “at-large” to electoral zone based elections under the provisions of the California Voting Rights Act of 2001 (“CVRA”). He stated that the current meeting was the third of five public hearings in connection with zone elections to invite and solicit public comments on the draft zone map which has been published on the District’s website. Detailed information was also provided in English and Spanish for posting at Novato libraries and North Marin Community Services Centers. A Spanish translation of up to date information on the proposed zone election transition is also provided on the District website.

Demographer consultants, Q2 Data & Research, developed a draft Zone Map of the District’s service area which was included with the Board agenda packet. The General

Manager stated that demographer Jaime Clark will present an interactive live map-drawing session whereby members of the public and Board Members may react and provide input on proposed boundary lines. The District would consider adoption of an ordinance establishing by-zone elections at their June 10, 2019 meeting.

- Open public hearing. President Dillon-Knutson opened the Public Hearing at 5:38 p.m. She stated that the purpose of the Public Hearing is to receive the report regarding draft zone maps and election sequencing; and to receive public and Board input on draft zone maps, election sequencing, and the transition to by-district (zone) elections.

Receive report(s) regarding draft district (zone) maps, and election sequencing from District Counsel, Consultant (Q2 Data & Research, LLC), and staff: District Counsel described the nature of the proceedings and explained the purpose of the hearing, which is to provide an opportunity for public comment on the draft zone map which was published on the website at least seven days prior to the hearing, and the potential sequence of elections for the directors from each division to provide for staggered terms of office. She added that Jaime Clark, demographer, will answer questions about the tentative zone map and has the ability to change map zones if necessary.

Ms. Clark began her PowerPoint presentation and, at the request of Director Mariani, indicated on the draft Zone Map where each director lives. It was established that one director lives in Zone 3, three directors live in Zone 4, and one director lives in Zone 5. Ms. Clark outlined the boundaries of each proposed Zone and explained the percentage deviation of each Zone compared to the ideal population requirement of approximately 10,624 for each Zone. Deviations from the ideal population were +0.66% for Zone 1, +4.69% for Zone 2, -4.48% for Zone 3, +2.00% for Zone 4, and -2.87% for Zone 5.

It was noted that the 2020 census may change the population statistics but there is justification to balance out the current boundaries in the interim and then refine it, if necessary, when the next census is published.

- Public comments: Receive public input on the composition of new voting districts (zones) to be established and the transition to by-district (zone) elections: Drew McIntyre, General Manager, North Marin Water District, and resident of Novato, noted that as a District rate-payer, it was important to him that the Board consider the importance to District customers of maintaining experience on the Board.

Dale Thrasher, Administrative Services Officer, Novato Sanitary District, and resident of Novato, suggested that rather than creating a new map, the Board could consider modifying a map drawn for the City of Novato.

Mr. McIntyre left the meeting at 6:25 p.m.

- Board comments: Receive Board input on the composition of new voting districts (zones) to be established and the transition to by-district (zone) elections: Following review, Directors suggested certain boundary revisions to minimize deviations from the target population numbers. Ms. Clark adjusted the boundaries, resulting in population deviations

of -0.74% in Zone 1, +1.58% in Zone 2, +1.16% in Zone 3, +0.03% in Zone 4, and -2.03% in Zone 5.

Mr. Wohler left the meeting at 6:31 p.m.

In response to a question by Director Miller, District Counsel confirmed that the draft maps are responsive to legal requirements and that she did not see any issues of non-compliance with state and federal law.

President Dillon-Knutson recommended that the term “divisions” be used instead of “zones”. Legal counsel confirmed that “divisions” is more the norm, and the Board concurred with the recommendation.

- Close public hearing: President Dillon-Knutson closed the Public Hearing at 6:50 p.m.

- Provide direction to District Counsel, Consultant, and staff, if any: The Board directed staff to “publish” the draft “Divisions” map, Map “B”, with a potential election sequence of Divisions 1 and 4 for the 2020 election, and Divisions 2, 3 and 5 for the 2022 District election, in addition to the draft “Zone” map, (now Map “A”), published earlier. The Board thanked Ms. Clark for her time and efforts.

ADJOURNMENT: There being no further business to come before the Board, President Dillon-Knutson adjourned the meeting at 6:52 p.m.

Respectfully submitted,

Sandeep Karkal
Secretary

June Brown, Recording

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Public Hearing – California Voting Rights Act (CVRA) and Elections Code (EC) 10010.	MEETING DATE: May 28, 2019 AGENDA ITEM NO.: 5.a. through 5.g.
RECOMMENDED ACTIONS: Conduct a fourth public hearing to receive public input on draft district (division) maps and election sequencing, and the transition to by-district (division) elections, and provide direction to District Counsel, Consultant, and staff, if any.	
SUMMARY AND DISCUSSION: <p>At a special Board meeting on April 1, 2019, the District committed to transition its Board elections from an “at-large” to an electoral district based election system under the provisions of the California Voting Rights Act of 2001 (“CVRA”). Accordingly, at that meeting, the Board unanimously adopted Resolution No. 3131 declaring its intent to voluntarily transition to by-district (or “zone”) elections.</p> <p>Pursuant to California Elections Code Section (EC) 10010, the Board is required to hold at least five public hearings in connection with the establishment of electoral districts. Attachment 1 provides a schedule of public hearings and related events. Note that this schedule provides a best-case scenario, and may change as needed or as circumstances dictate. Two hearings must be held before any map or maps of electoral district boundaries are drawn. These initial hearings provide an opportunity for the public to give input on the criteria for and composition of the proposed electoral districts.</p> <p>The first public hearing was held at a regular Board meeting on April 8, 2019, where the Board unanimously also adopted a schedule of public hearings and related events (“Timeline”, Attachment 1). The second hearing was held at a special meeting on April 15, 2019 to receive input on electoral district composition and preference for electoral district lines, and resulted in Draft Zone Map A (published April 29, 2019 - see Attachment 2). The third hearing was held on May 6, 2019 at a special meeting, and resulted in a change of terminology for electoral districts from “zones” to “divisions”, the generation of Draft Divisions Map B, and the proposed election sequencing noted therein.</p> <p>Today’s meeting is the fourth of the five public hearings. The goals of tonight’s meeting are to review and comment on proposed Ordinance No. 121 establishing by-district elections; receive additional public comment on the proposed by-district boundary lines, election sequencing, and the draft Ordinance; consider other submitted maps (if any); and select a final by-district map and election sequence. The selected final map and draft Ordinance will be posted to the District’s website following the hearing, and publicized, to meet the 7-day publication requirement of the CVRA, prior to a fifth public hearing on June 10, 2019. Notice of tonight’s hearing, in English and Spanish, has been posted on the District’s website and distributed at various sites within its service area. Spanish translation will also be available at the meeting.</p> <p>It is expected that Ordinance No. 121 will be adopted at the Board’s June 10, 2019 regular meeting.</p>	
ATTACHMENTS: <ol style="list-style-type: none"> 1. Timeline for Consideration and Implementation of By-District Elections. 2. Novato Sanitary District Draft Zones Map A, and Draft Zone Demographics – Map A. 3. Novato Sanitary District Draft Divisions Map B, and Draft Division Demographics – Map B. 4. Draft Ordinance No. 121: Establishing an Electoral District-based System for Novato Sanitary District. 	
STRATEGIC PLAN INFORMATION: This item addresses Goal 3 (Board District and Community Alignment and Communications) of the latest Strategic Plan Update.	
DEPT. MGR.: RD, SSK	GENERAL MANAGER: SSK

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Novato Sanitary District
 District Secretary
 500 Davidson Street
 Novato, CA 94945

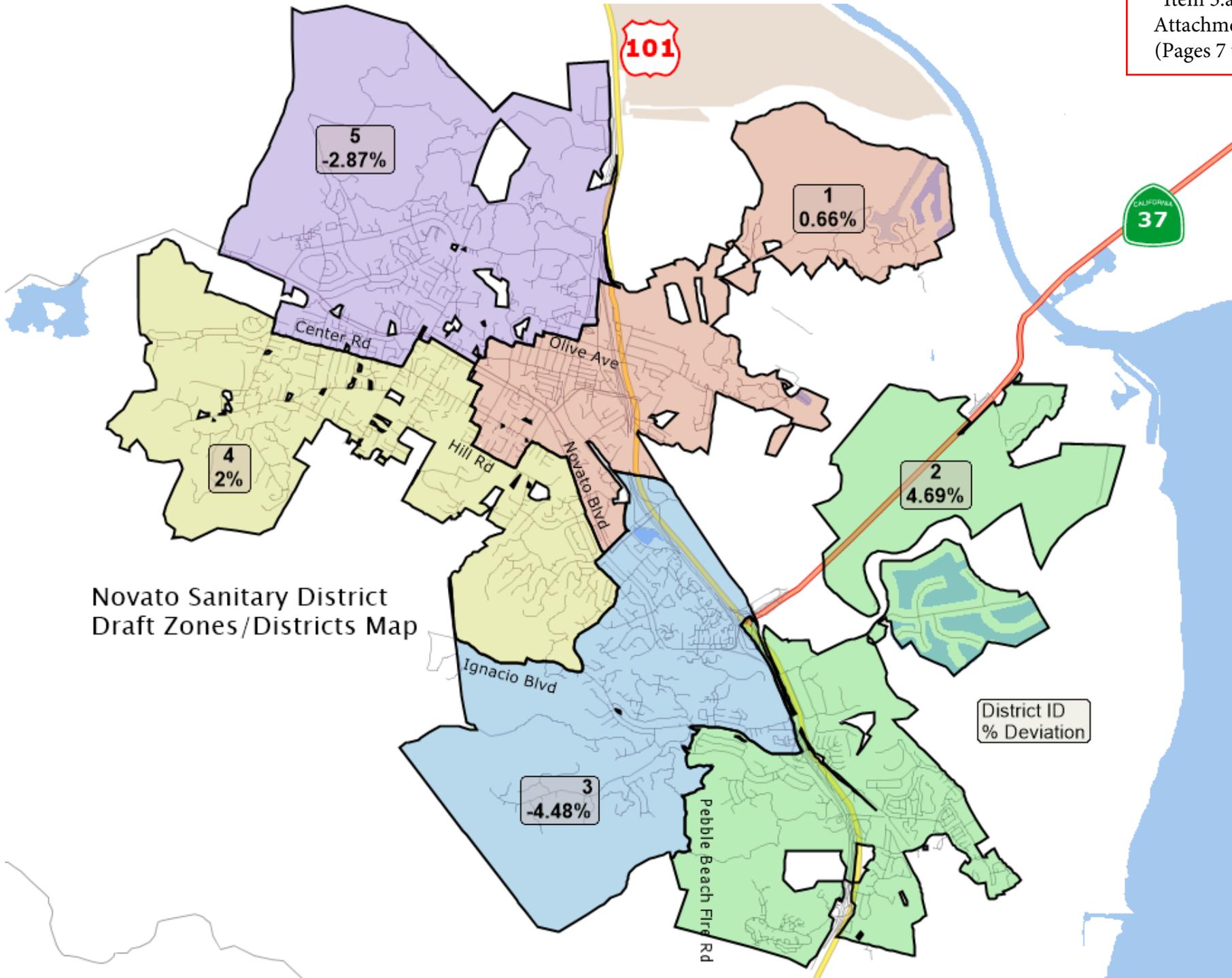
NOTICE OF PUBLIC HEARINGS

The Novato Sanitary District (District) Board of Directors (Board) has initiated the process to change from the District’s current at-large election system to by-district elections to conform with the California Voting Rights Act (CVRA). On April 1, 2019, the Board took action to adopt District Resolution No. 3131 – “Resolution Declaring the Intent to Initiate Procedures to Transition From At-Large Elections to District-Based Elections (By Zone) Pursuant to the California Voting Rights Act and Taking Related Actions”. The following schedule is proposed to hold the required minimum of five (5) public hearings to transition to district (or zone) elections, but may be subject to change.

NOVATO SANITARY DISTRICT
Proposed Timeline for Consideration and Implementation of District-Based Elections

DATE	EVENT	COMMENT
Monday, April 1, 2019	Board adopts Resolution declaring its intention to transition from at-large to by-district (zone) elections (Special Meeting).	
Monday, April 8, 2019	1st Public Hearing (Regular Meeting)	No maps for review, but take public comments on composition of districts (zones) and preference for zone lines.
Monday, April 15, 2019	2nd Public Hearing (Special Meeting)	No maps for review, but take public comments on composition of districts (zones) and preference for zone lines.
By Monday, April 29, 2019	Publish draft map(s) for at least seven (7) days before 3 rd public hearing	Publication can be on website and posting in other places
Monday, May 6, 2019	3rd Public Hearing (Special Meeting) Publish for review any new or amended district election maps and potential sequence of elections.	Take public comments on proposed maps; engage in line drawing as desired. Maps must be available for review at least 7 days before consideration at the 4th public hearing.
Tuesday, May 28, 2019 (as Monday, Memorial Day, is a District holiday).	4th Public Hearing (Special Meeting) Publish for review new or amended district election maps (if any) and potential sequence of elections.	Take public comments on proposed maps; final line drawing as desired. <i>- If selected map is amended, ordinance cannot be adopted until 7 days after amended map is published.</i>
Monday, June 10, 2019	5th Public Hearing (Regular Meeting)	Board adopts ordinance establishing by-district elections

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Novato Sanitary District
Draft Zones/Districts Map

District ID
% Deviation

Zone/District election sequencing will take place at third public hearing on May 6, 2019.

**Novato Sanitary District
Draft Zone Demographics - Map A**

District (Zone) ID	Population	%Deviation	%Latino	%White	%Black	%Asian
1	10,694	0.66%	27.58%	59.74%	3.31%	7.75%
2	11,122	4.69%	24.09%	61.45%	3.97%	8.44%
3	10,148	-4.48%	23.21%	62.28%	3.34%	9.04%
4	10,836	2.00%	12.83%	77.81%	2.07%	5.85%
5	10,319	-2.87%	14.28%	73.53%	2.13%	8.52%
Totals	53,119	--	20.42%	66.95%	2.97%	7.90%

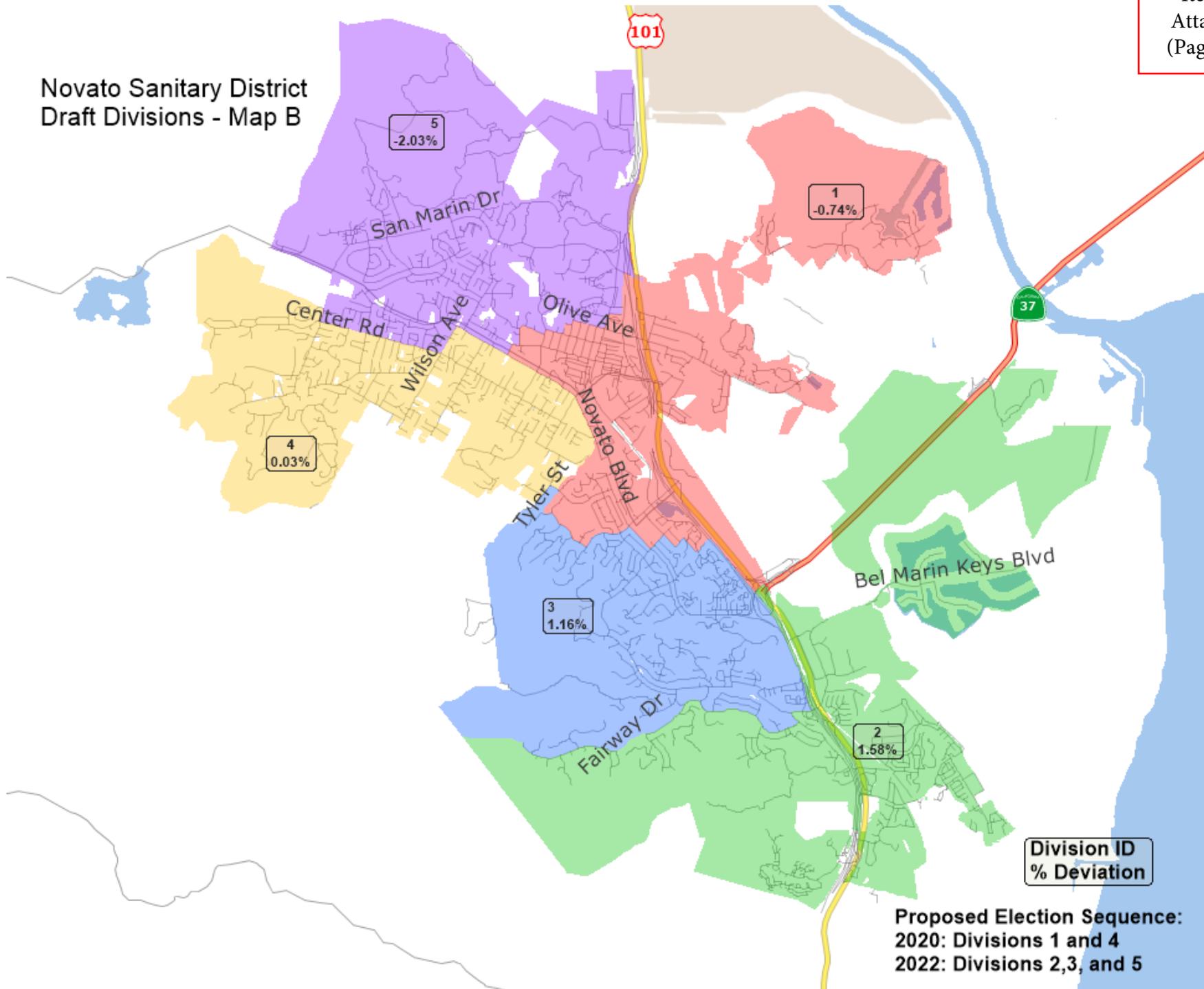
Ideal Population: 10,624

Estimates were rounded and therefore the detail may not exactly add to the total

Data Sources:

(1) 2010 Census Redistricting Data [P.L. 94-171] Summary File, U.S. Census Bureau

Novato Sanitary District Draft Divisions - Map B



Proposed Election Sequence:
2020: Divisions 1 and 4
2022: Divisions 2,3, and 5

**Novato Sanitary District
Draft Division Demographics - Map B**

District Division ID	Population	%Deviation	%Latino	%White	%Black	%Asian
1	10,545	-0.74%	29.99%	58.81%	2.56%	7.09%
2	10,792	1.58%	21.78%	63.88%	3.91%	8.50%
3	10,747	1.16%	19.80%	66.14%	3.07%	8.81%
4	10,627	0.03%	15.90%	72.75%	3.15%	6.62%
5	10,408	-2.03%	14.57%	73.30%	2.12%	8.47%
Totals	53,119	--	20.42%	66.95%	2.97%	7.90%

Ideal Population: 10,624

Estimates were rounded and therefore the detail may not exactly add to the total

Data Sources:

(1) 2010 Census Redistricting Data [P.L. 94-171] Summary File, U.S. Census Bureau

**DRAFT
ORDINANCE NO. 121**

**AN ORDINANCE OF THE NOVATO SANITARY DISTRICT
PROVIDING FOR THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS
BY-DISTRICT, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION
NUMBERS FOR FIVE DIVISIONS, AND ESTABLISHING THE ELECTION
ORDER FOR EACH DIVISION**

WHEREAS, pursuant to law and legislative acts which established the Novato Sanitary District (“District”), the five members of the Board of Directors of the District are currently elected through an at-large election where all voters within the District vote for each Director; and

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

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

WHEREAS, although the District submits that its election system has been in compliance with the CVRA and all other provisions of law influencing the Federal Voting Rights Act and asserts that its election system has been and is legal in all respects, the Board of Directors has determined that the public interest will be well served by initiating a process for transition to a by-district election system; and

WHEREAS, the California Legislature recently amended Elections Code Section 10010, to provide a method whereby jurisdictions can expeditiously transition to a by-district election system; and

WHEREAS, the District’s legal counsel retained an experienced demographer, Q2 Data and Research, LLC (“Q2”) to assist the District with the process of analyzing the District’s population, developing draft maps, and gathering input from residents on the possible maps; and

WHEREAS, at public hearings on April 8, 2019 and April 15, 2019, the public was invited to provide input regarding the composition of the District’s divisions before any draft map was drawn, and the Board of Directors discussed and considered the same; and

WHEREAS, Q2 prepared a draft map, known as Draft Map A, that was published at least seven (7) days in advance of the District’s public hearing on May 6, 2019; and

WHEREAS, at a public hearing on May 6, 2019, the public was invited to provide input regarding Draft Map A; and

WHEREAS, following the May 6, 2019 hearing, Q2 prepared a revised map for consideration, known as Draft Map B, and the District published the map for public review at least seven (7) days in advance of its May 28, 2019 meeting; and

WHEREAS, at a public hearing on May 28, 2019, the public was invited to provide input on Draft Maps A and B, the proposed election sequence, and to comment on a proposed Ordinance; and

WHEREAS, following the conclusion of the May 28, 2019 public hearing, the Board of Directors gave direction to legal counsel to finalize an Ordinance to transition the District to by-district elections, including the Voting Divisions Map prepared by the demographer, and putting Divisions 1 and 4 on the November 2020 ballot for the District's first regular election of Board members following adoption of this Ordinance, with the remaining Divisions 2, 3, and 5 on the ballot for the November 2022 election; and

WHEREAS, pursuant to Elections Code section 10010, the District held a public hearing on the proposed Ordinance on June 10, 2019, prior to adoption of this Ordinance; and

WHEREAS, throughout the process, the District reached out to the public for its input and the Board of Directors has satisfied all legal prerequisites for the transition to a by-district electoral system; and

WHEREAS, in addition to satisfaction of all legal prerequisites, the District engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including but not limited to providing a Spanish interpreter at all public meetings, translating materials into Spanish, making all materials available on the District's website, posting an interactive map drawing tool for the benefit of the public on the District website, and posting notices at the Novato Public Libraries and the North Marin Community Service Centers; and

WHEREAS, in order to further the purposes of the CVRA, the District now wishes to adopt an Ordinance providing that the members of the Board of Directors shall be elected by-district in five divisions, beginning at the November 2020 general election; and

WHEREAS, the five divisions to be established are described further in this Ordinance and shown on the Voting Divisions Map, attached hereto as **Exhibit "A"** to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Novato Sanitary District as follows:

Section 1. Incorporation of Recitals. All of the foregoing recitals are true and correct, and the Board of Directors so finds and determines the recitals set forth are incorporated herein and are effective.

Section 2. By-District Elections. The District finds that its election system will transition from at-large to by-district elections, beginning with the November 2020 election of members for the Board of Directors.

Section 3. Establishment of Divisions. The District hereby establishes five (5) divisions within the District's jurisdiction. The boundaries and identifying number of each division shall be described on the Voting Divisions Map attached hereto as **Exhibit "A"** a copy of which shall also be on file in the District's administrative office.

Section 4. Election Process. The District establishes the following election process:

- A. Members of the Board of Directors shall be elected in the electoral divisions established by this Ordinance and subsequently reapportioned as provided for in State law and as set forth in Section 6 of this Ordinance. Elections shall take place by Divisions 1, 2, 3, 4, and 5, meaning that one (1) Director shall be elected from each division, by the voters of that division.
- B. A Director elected or appointed to represent a division must reside within that division and be a registered voter within that division. Likewise, any candidate for the Board of Directors must reside in and be a registered voter within the division in which he or she seeks election at the time nomination papers are issued.
- C. Notwithstanding any other provision of this Ordinance, the Directors in office at the time this Ordinance takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the end of the term of a Director in office at the time this Ordinance takes effect, a person who is appointed or elected by a special election to fill such vacancy may reside anywhere within the boundaries of the District.
- D. The term of each Director elected to the Board of Directors shall remain a four (4) year term.

Section 5. Order of Elections. Members of the Board of Directors shall be elected from Divisions 1 and 4 at the November 2020 election, and every four years

thereafter. Members of the Board of Directors shall be elected from Divisions 2, 3, and 5 at the November 2022 election, and every four years thereafter.

Section 6. Adjustment of Boundaries. Pursuant to Elections Code Section 22000, as it may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the divisions following each Decennial Federal Census to ensure that the divisions are in compliance with all applicable provisions of law.

Section 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 8. Exemption from the California Environmental Quality Act. The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, “CEQA,” and 14 Cal. Code Reg. §§ 15000 *et seq.*, “CEQA Guidelines”). This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

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Section 9. Publication and Effective Date. This Ordinance is effective upon the expiration of one week from the date of publication of a summary of the Ordinance in the Marin Independent Journal, a newspaper of general circulation published in the District, as prescribed by California Health and Safety Code Section 6490.

PASSED AND ADOPTED this 10th day of June, 2019, by the Board of Directors of the Novato Sanitary District by the following vote:

AYES: Members:

NOES: Members:

ABSENT: Members:

SIGNED:

President of the Board of Directors
Novato Sanitary District

COUNTERSIGNED:

Secretary of the
Novato Sanitary District
County of Marin, State of California

Approved as to Form:

Lauren E. Quint
Counsel for the District

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