

## **NOVATO SANITARY 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**

**WHEREAS**, the Novato Sanitary District (“District”) currently uses an at-large system of electing the members of its Board of Directors (“Board”); and

**WHEREAS**, the Board is aware that under state law an at-large method of election may be deemed to impair the ability of some voters to elect candidates of their choice or to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001, California Elections Code § 14025, *et seq.* (“CVRA”); and

**WHEREAS**, the Board denies that its election system violates the CVRA or any other provision of law, but nevertheless is committed to diversity and inclusion with respect to its elections; and

**WHEREAS**, the District has decided to initiate the process of establishing electoral “zones” and changing the method of electing members of the Board, in order to ensure compliance with the CVRA; and

**WHEREAS**, California Government Code Section 34886, in certain circumstances, authorizes the legislative body of a special district to adopt an ordinance to change its method of election from an “at-large” to “district-based” (or “zone” based) method, in which each board member is elected only by the voters residing in the district (or zone ) in which the candidate resides; and

**WHEREAS**, the California Legislature, in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction, including a special district, can expeditiously change to a by-district election system and avoid litigation under the CVRA; and

**WHEREAS**, the Board intends to initiate a very deliberate, careful, and public process for establishing such “zones”, and for changing the method of electing members of the Board, to take effect commencing with the November 2020 election, and

**WHEREAS**, prior to the Board’s consideration of an ordinance to establish boundaries for a district-based election system by zone, the Board shall comply with all applicable requirements of Elections Code Section 10010 including, without limitation, the following: prior to drawing a draft map or maps of the proposed boundaries of the zones, holding at least two public hearings over a period of no more than 30 days, at which the public will be invited to provide input regarding the composition of the zones; holding at least two additional public hearings over a period of no more than 45 days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections; and publishing all versions of the draft map or maps and the proposed election sequencing for at least seven days before adoption; and

**WHEREAS**, the District’s General Counsel shall retain an experienced demographer to assist the District to develop its proposal for a district-based electoral system by zones; and

**WHEREAS**, the transition from at-large to zone- based elections is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines, sections 15061(b)(3), 15320, and 15378(b)(3); and

**WHEREAS**, the adoption of a zone- based electoral system will not affect the term of any sitting Board member, each of whom will serve out his or her current term.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby finds the foregoing recitals to be true and correct; and

**BE IT FURTHER RESOLVED** that the Board directs the District's General Counsel and the District's General Manager-Chief Engineer or their designees to immediately initiate the legal and regulatory process to establish electoral zones within the District, in sufficient time for such zones to be established for the November 2020 election of members of the Board; and

**BE IT FURTHER RESOLVED** that the Board directs the District's General Counsel and the District's General Manager-Chief Engineer or their designees to collaborate with the demographer, to prepare draft "by zone " area map scenarios for public review and input at upcoming meetings, prepare a tentative timeline for conducting the transition process, and administer a comprehensive public outreach program.

\* \* \* \* \*

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the Board of Directors of the Novato Sanitary District, Marin County, California, at a meeting thereof duly held on the 1<sup>st</sup> day of April 2019, by the following vote:

AYES, and in favor thereof, Members: Dillon-Knutson, Long, Mariani, Peters

NOES, Members: \_\_\_\_\_

ABSENT, Members: Miller

/s/ Carole Dillon-Knutson

Carole Dillon-Knutson, President  
Board of Directors  
Novato Sanitary District

ATTEST:

/s/ Sandeep Karkal

Sandeep Karkal,  
Secretary, Board of Directors  
Novato Sanitary District

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