

RESOLUTION NO. 21-430

**A RESOLUTION OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT
DECLARING ITS INTENTION TO TRANSITION FROM
AT-LARGE TO DISTRICT-BASED ELECTIONS BY NOVEMBER 2022**

RECITALS

WHEREAS, the Board of Directors of the San Simeon Community Services District (the "District") is currently elected in at-large elections, in which each District member is elected by the registered voters of the entire District; and

WHEREAS, the California Elections Code section 10650 permits the governing body of a special district to adopt a resolution that requires members of the governing body to be elected using district-based elections, without being required to submit the resolution to the voters for approval; and

WHEREAS, the California Voting Rights Act ("CVRA") prohibits any political subdivision from using any at-large method of election that "impairs the ability of a protected class to elect candidates of its choice or influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class..." (Elections Code section 14027); and

WHEREAS, the CVRA provides for a prospective plaintiff to allege "racially polarized voting" in a jurisdiction with an at-large voting system and to seek change that would result in the jurisdiction utilizing a district-based voting system; and

WHEREAS, the District denies that its at-large voting system violates the CVRA or any other provision of law and asserts that it is legal in all respects; and

WHEREAS, the District has nevertheless determined due to the high cost of litigation, including the potential payment of a plaintiff's attorneys' fees, that the public interest is better served by initiating a process for transition to a district-based election system in order to avoid the costs associated with defending a potential lawsuit under the CVRA; and

WHEREAS, the District desires to declare its intention to adopt a resolution transitioning from at-large to district-based elections for its November 2022 election, establish specific steps it will undertake to facilitate this transition, and establish an estimated timeframe for doing so.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the San Simeon Community Services District, as follows:

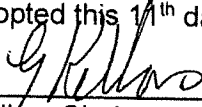
1. The above recitals are true and correct and incorporated herein by this reference.

2. Before the November 2022 regular election, the District will consider adoption of an ordinance and/or resolution to institute a district-based election system as authorized under Elections Code section 10650.
3. Prior to considering an ordinance and/or resolution to institute a district-based election system, the District will take the following actions pursuant to Elections Code section 10010:
 - a. Hire a qualified consultant to provide demographic services and assist in the preparation of proposed district maps;
 - b. Conduct public outreach, including to non-English speaking communities, to explain the districting process and to encourage public participation;
 - c. 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 districts and to consider district boundaries;
 - d. After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the district 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
 - e. Hold a public hearing at which the District will consider the adoption of an ordinance establishing district-based elections, including a district boundary map and the sequence of the district elections.
4. This resolution will take effect upon its adoption and wherein the District declares that the change in method of election is being made in furtherance of the purposes of the California Voting Rights Act.
5. The General Manager is hereby authorized to enter into a professional services contract as necessary with a consultant qualified to provide demographic services to the District.

ADOPTED by the Board of Directors of the San Simeon Community Services District on Feb. 11, 2021 by the following roll call vote:

AYES: *Kellas, Carson, De la Rosa, Maurer*
 NOES: *Giacchetti*
 ABTAIN: *—*
 ABSENT: *—*

The foregoing Resolution is hereby adopted this 11th day of January 2021.



Gwen Kellas, Chairperson
Board of Directors

ATTEST:



Jeffrey Minnery
District Counsel