

**SAN JUAN WATER DISTRICT
SPECIAL BOARD MEETING AGENDA**
April 14, 2020
4:00 p.m.
9935 Auburn Folsom Road
Granite Bay, CA 95746

In accordance with the California Department of Public Health's and the Governor's Executive Orders N-29-20 and N-33-20, the District's boardroom is closed and this meeting will take place solely by videoconference and teleconference. The public is invited to listen, observe, and provide comments during the meeting by either method provided for below. The Board President will call for public comment on each agenda at the appropriate time and all votes will be taken by roll call.

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*****Important Notice:** The public conference lines will be terminated when the Board adjourns into closed session. Members of the public who would like to receive the report out from closed session and time of adjournment from closed session into open session and adjournment of the meeting should provide their name and an email address to the District's Board Secretary, Teri Grant, at: tgrant@sjwd.org, before or during the meeting. No other business will be conducted after the Board adjourns from closed session into open session. The Secretary will email the written report to all persons timely requesting this information promptly after the meeting.

The Board may take action on any item on the agenda, including items listed on the agenda as information items. The Board may add an item to the agenda (1) upon a determination by at least three Board members that an emergency situation exists, or (2) upon a determination by at least four Board members (or by three Board members if there are only three Board members present) that the need to take action became apparent after the agenda was posted.

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. Public comment on items within the jurisdiction of the Board is welcome, subject to reasonable time limitations for each speaker. Upon request, agenda items may be moved up to accommodate those in attendance wishing to address that item. Please inform the General Manager.

Documents and materials that are related to an open session agenda item that are provided to the District Board less than 72 hours prior to a regular meeting will be made available for public inspection and copying at the District office during normal District business hours.

If you are an individual with a disability and need assistance or accommodation to participate in this Board meeting, please call Teri Grant, Board Secretary, at 916-791-0115, or email Ms. Grant at tgrant@sjwd.org.

Please silence cell phones and refrain from side conversations during the meeting.

I. ROLL CALL

II. TRANSITION TO DIVISION-BASED ELECTIONS

Action: *Consider a motion to determine to which election (2020 or 2022) the division maps would apply*

III. TRANSITION TO DIVISION-BASED ELECTIONS

Action: *Consider approval of Resolution 20-03*

President Costa to call for Closed Session

IV. CLOSED SESSION

1. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(b); significant exposure to litigation involving claim of violation of the California Voting Rights Act asserted by the Southwest Voter Registration Education Project.

V. OPEN SESSION

1. Report from Closed Session

VI. ADJOURN

UPCOMING MEETING DATES

April 22, 2020

May 27, 2020

I declare under penalty of perjury that the foregoing agenda for the April 14, 2020 special meeting of the Board of Directors of San Juan Water District was posted by April 13, 2020, on the outdoor bulletin boards at the District Office Building, 9935 Auburn Folsom Road, Granite Bay, California, and was freely accessible to the public.

Teri Grant, Board Secretary

AGENDA ITEMS II & III

STAFF REPORT

To: Board of Directors
From: Paul Helliker, General Manager
Date: April 14, 2020
Subject: Division-based Elections

RECOMMENDED ACTION

Approve Resolution 20-03.

BACKGROUND

On March 30, San Juan Water District received a letter from Shenkman and Hughes, concerning alleged violations of the California Voting Rights Act by the District, as a result of the at-large election process that the District employs. That letter is attached.

We do not agree that the at-large voting process is necessarily discriminatory. However, the prospect of that position prevailing in court is not good. Shenkman and Hughes has successfully challenged at-large voting procedures in a number of jurisdictions in California, and many of these decisions resulted in six- and seven-figure costs to these jurisdictions for attorney's fees paid to Shenkman and Hughes. We do not recommend pursuing such litigation. At its meeting on April 7, the Board directed Legal Counsel and me to develop the information and draft documents to implement division-based elections.

Elections Code Section 10010 provides a "safe harbor" process to minimize the legal cost of a transition to district (division) -based elections. That section limits the payment to all plaintiffs such as Shenkman and Hughes to a maximum of \$30,000 (subject to documentation by the plaintiff and mutual agreement on the amount by the District and the plaintiff), if the District meets the following requirements:

1. Within 45 days of receipt of the letter from the first plaintiff, adopt a resolution laying out the steps the District will take to implement division-based elections and the schedule for doing so
2. Within 90 days of adoption of the resolution, conduct at least four hearings
3. The first two of these hearings will be conducted over no more than 30 days, to receive input from the public prior to the release of electoral division maps
4. The third and fourth hearings would be held over a period of no more than 45 days, the first of which would be no earlier than 7 days after the release of at least one draft electoral map

Attachment A of Resolution 20-03 lays out this series of hearings, and requirements associated with them. The Board would need to adopt an ordinance defining the electoral map at a regular meeting. If the Board wants to select a date for that regular meeting which is different from the current set of regular meetings each year defined in Board Policy 2.1 (the 4th Wednesday of the month, except in November and December), it will need to specify by resolution the time and date of the additional regular meeting(s).

Division-based elections would be implemented during the November 3, 2020 election if the division maps are adopted by the Board and submitted to the elections offices in Sacramento and Placer Counties by July 1, 2020. Otherwise, they would be implemented during the November, 2022 elections. Four different potential schedule examples are provided in the additional versions of Attachment A that are also attached to this report, reflecting schedules that would meet a July 1, 2020 completion date; completion within the 90-day statutory deadline (July 14, 2020); completion within an additional 90-day window (October 19, 2020), which would require the agreement of the plaintiff; and a schedule in 2021 after the 2020 census data is available, which would also require agreement by the plaintiff.



28905 Wight Road
Malibu, California 90265
(310) 457-0970
kshenkman@shenkmanhughes.com

VIA CERTIFIED MAIL

March 26, 2020

Edward J. Costa, Board President
Paul Helliker – General Manager
Teri Grant – Board Secretary
San Juan Water District
9935 Auburn-Folsom Road
Granite Bay CA 95746

Re: Violation of California Voting Rights Act

I write on behalf of our client, Southwest Voter Registration Education Project and its members residing in the San Juan Water District. The San Juan Water District (“SJWD” or “District”) relies upon an at-large election system for electing candidates to its governing board. Moreover, voting within the District is racially polarized, resulting in minority vote dilution, and therefore SJWD’s at-large elections violate the California Voting Rights Act of 2001 (“CVRA”).

The CVRA disfavors the use of so-called “at-large” voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 667 (“Sanchez”). For example, if the U.S. Congress were elected through a nationwide at-large election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter’s district, and the 435 candidates receiving the most nationwide votes would be elected. At-large elections thus allow a bare majority of voters to control *every* seat, not just the seats in a particular district or a proportional majority of seats.

Voting rights advocates have targeted “at-large” election schemes for decades, because they often result in “vote dilution,” or the impairment of minority groups’ ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) (“Gingles”). The U.S. Supreme Court “has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength” of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to “ignore [minority]

interests without fear of political consequences”), citing *Rogers v. Lodge*, 458 U.S. 613, 623 (1982); *White v. Register*, 412 U.S. 755, 769 (1973). “[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Gingles*, at 47. When racially polarized voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group’s ability to elect its preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large election schemes. *Gingles* at 37; see also Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash. & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, “[t]he Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965.” *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4th 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “majority-minority district.” *Sanchez*, at 669. Rather, the CVRA requires only that a plaintiff show the existence of racially polarized voting to establish that an at-large method of election violates the CVRA, not the desirability of any particular remedy. See Cal. Elec. Code § 14028 (“A violation of Section 14027 **is established** if it is shown that racially polarized voting occurs . . .”) (emphasis added); also see Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001–2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”)

To establish a violation of the CVRA, a plaintiff must generally show that “racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.” Elec. Code § 14028(a). The CVRA specifies the elections that are most probative: “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to

the filing of an action ... are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.” *Id.*

Factors other than “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of the circumstances” test – “are probative, but not necessary factors to establish a violation of” the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

SJWD’s at-large system dilutes the ability of Latinos (a “protected class”) – to elect candidates of their choice or otherwise influence the outcome of the District’s board elections.

As of the 2010 Census, Latinos comprised approximately 13% of the District’s population, and likely a greater proportion today. However, in recent history (at least the past two decades) there appears to have been a complete absence of Latinos on the District’s Board, and that lack of representation continues today. The contrast between the significant Latino proportion of the electorate and the complete absence of Latinos to be elected to the SJWD Board is outwardly disturbing and fundamentally hostile towards participation from members of this protected class.

In light of the District’s underrepresentation of Latinos, it is no wonder why Latino residents do not emerge as candidates. During the past two decades, there seem to have been no Latinos to emerge as candidates for the SJWD Board. Opponents of fair, district-based elections may attempt to attribute the lack of candidates within protected classes to a lack of interest from their respective communities within the District. On the contrary, the virtual absence of Latino candidates reveals vote dilution. *See Westwego Citizens for Better Government v. City of Westwego*, 872 F. 2d 1201, 1208-1209, n. 9 (5th Cir. 1989).

Where there are no “endogenous” elections involving candidates who are members of the protected class, the analysis under the CVRA necessarily turns to “elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” *See Elec. Code § 14028.* Typically, Propositions 187, 209 and 227 are analyzed for this purpose in California voting

rights cases. Each of these propositions, though strongly opposed by the Latino community, were supported by the majority non-Hispanic white electorate in SJWD, resulting in their victory within SJWD.

Recently, this underrepresentation has manifested itself in decisions by the SJWD Board. For example, we understand that SJWD recently decided to use two different water sources for its customers – providing the better water to the more-affluent less-Latino portions of SJWD, while refusing to do the same for the less-affluent more-Latino portions of SJWD. This lack of responsiveness to the minority community is exactly what the U.S. Supreme Court cautioned is the inevitable result of at-large elections. (See *Thornburg v. Gingles* (1986) 478 U.S. 30, 48, n. 14 [at-large election system tends to cause elected officials to “ignore [minority] interests without fear of political consequences.”].)

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale City Council, with districts that combine all incumbents into one of the four districts.

More recently, after a 7-week trial, we also prevailed against the City of Santa Monica, after that city needlessly spent millions of dollars defending its illegal election system – far in excess of what was spent in the Palmdale litigation - taxpayer dollars which could have been more appropriately spent on indispensable municipal services and critical infrastructure improvements. Just prior to the trial in that case, counsel for the City of Santa Monica – Kahn Scolnick, a partner at Gibson Dunn & Crutcher LLP proclaimed that, “the reality is that if Santa Monica fails the CVRA test, then no city could pass, because Santa Monica is doing really well in terms of full representation and success of minority candidates.” (“In Rare California Voting Rights Trial, Gibson Dunn Steps Up for Santa Monica”, Law.com, August 1, 2018). Notwithstanding Mr. Scolnick’s prediction, Plaintiffs succeeded in proving that Santa Monica’s election system was in violation of the CVRA and the Equal Protection Clause of the California Constitution.

Given the historical lack of representation of those from this protected class on the SJWD Board in the context of racially polarized elections, we urge the District to voluntarily change its at-large system of electing board members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than May 15, 2020 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,



Kevin I. Shenkman

RESOLUTION NO. 20-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JUAN WATER DISTRICT DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE ELECTIONS TO DIVISION-BASED ELECTIONS AND ESTABLISHING A PROCESS FOR THE TRANSITION

WHEREAS, the Directors of the San Juan Water District ("District") are currently elected in "at-large" elections, in which each Board member is elected by all registered voters residing within the District's wholesale service area;

WHEREAS, on March 30, 2020, the District received a certified letter from the law firm of Shenkman & Hughes(the "Letter") alleging on behalf of the Southwest Voter Education Project that the District's at-large electoral system for its Board of Directors ("Board") violates the California Voting Rights Act (Elections Code sections 14025- 14032; the "CVRA") and threatening litigation if the District did not transition to a by-division system for electing its Directors in accordance with the safe harbor provisions set forth in California Elections Code section 10010;

WHEREAS, the Letter alleges that the District's at-large electoral system results in "racially polarized voting" as defined in Sections 14026(e) and 14028 of the CVRA, but the Letter was not accompanied by any evidence to support the claim of a CVRA violation, and the Board denies that its existing at-large electoral system violates the CVRA or any other provision of law;

WHEREAS, the Letter also alleges that the District has decided to use two different water sources for its customers -- providing better-quality water to the more-affluent parts of its wholesale service area and lower-quality water to less-affluent portions of SJWD -- an allegation which is false because the District provides the same high-quality surface water supplies to all of its retail and wholesale customers, and the only other water supply provided to water users in the District's wholesale service area is groundwater pumped by the District's wholesale customers at their sole discretion;

WHEREAS, the Board has considered the significant resources incurred by multiple cities and other public entities in litigating similar CVRA claims, and the impact that the expenditure of such costs could have on the District's ability to provide essential services at a fair cost to the District's residents and businesses;

WHEREAS, Elections Code section 10010 provides a method whereby the District may transition to a by-division electoral system and thereby avoid the high cost and risk of litigation under the CVRA;

WHEREAS, prior to the Board's consideration of an ordinance to establish a by- division electoral system, Elections Code Section 10010 requires all of the following:

1. Before drawing one or more draft maps of the boundaries of the proposed electoral divisions: (a) the Board may direct staff to conduct public outreach, including to non-English-speaking communities, to explain the process of divisioning the District and to encourage public participation in the process; and (b) after conducting initial public outreach, if any, the Board must hold at least two public hearings over a period of no more than 30 days to solicit public input regarding the proposed division boundaries.
2. After all maps are drawn, the District must select, publish and make available to the public at least one draft map and, if Directors will be elected by their divisions at different times to provide for staggered terms, publish the potential sequence of the elections.
3. The Board also must hold at least two additional hearings over a period of no more than 45 days to receive public input regarding the content of the draft map or maps and the proposed sequence of elections.
4. The first version of a draft map must be published at least seven days before it is considered at a hearing, and if a draft map is revised at or following a hearing, it must be republished and made available to the public for at least seven days before it is adopted;

WHEREAS, the District was formed and has continued to hold its elections for the office of Director using staggered terms under a rotation in which two Directors are elected at one election and the other three Directors are elected at the subsequent election;

WHEREAS, the Board will retain the Sacramento County's or Placer County's Registrars of Voters' offices or an experienced private demographer to assist the District in developing a proposal for a by-division electoral system that complies with the CVRA and other federal and state legal requirements; and

WHEREAS, the Board's adoption of a by-division electoral system will not affect the terms of any sitting Director, each of whom shall serve out his or her existing term; and

WHEREAS, the Board now desires to declare its intention to adopt a resolution consistent with Elections Code section 10010 to transition the District's electoral system from at-large to by-division beginning with the 20XX District Election, establish the process to complete this transition, and to establish an estimated schedule for the transition.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Juan Water District as follows:

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

2. This resolution states the Board's intention to consider enacting an ordinance to transition its electoral system from at-large to by-division for the purpose of electing its Directors beginning with the November 20XX election, pursuant to Elections Code section 10010.

3. Subject to Board approval and direction, staff shall retain and work with elections officials of Sacramento County or Placer County or an experienced private demographer, and with other appropriate consultants as needed, to provide a detailed analysis of the District's current demographics and any other information or data necessary to prepare one or more draft maps as directed by the Board which divides the District into five electoral divisions consistent with the intent and purpose of the California Voting Rights Act, the Federal Voting Rights Act, and appellate decisions interpreting those Acts. The General Manager is also directed to prepare a proposal for Board consideration for conducting public outreach on the proposed transition of the District electoral system.

4. The Board Secretary is directed to post information on the District's website regarding the proposed transition to a by-division electoral system, including maps, notices, agendas and other information, and to establish a means of communication to answer questions from the public.

5. The Board hereby approves the estimated timelines set forth in Exhibit A, attached to and made a part of this resolution, for conducting a process to solicit public input and testimony on proposed district-based electoral maps before the Board enacts an ordinance approving the final map.

6. The actions set forth in this resolution are exempt from review under the Environmental Quality Act and the Guidelines interpreting it (collectively "CEQA"), specifically under CEQA Guidelines sections 15061(b)(3) and 15320. In addition, the adoption of this resolution and the actions provided in it are organizational and administrative activities of the District that will not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and therefore is not a project as defined under CEQA Guidelines section 15378(b)(3).

PASSED AND ADOPTED by the Board of Directors of the San Juan Water District on the XX day of April 2020, by the following vote:

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:

EDWARD J. "TED" COSTA
President, Board of Directors

TERI GRANT
Secretary, Board of Directors

Attachment A

California Voting Rights Act District-Based Elections Actions and Timeline

The selected schedule will be inserted here after its approval by the Board.

Attachment A

California Voting Rights Act District-Based Elections Actions and Timeline Alternative 1 – 71 Day Schedule

Task	Date/Timeline ¹	Notes
District received letter alleging violation of CVRA.	March 30, 2020	
Board meeting – Adopt resolution of intent.	April 14, 2020	Must adopt resolution within 45 days of receiving letter (May 14). The date the resolution is adopted establishes the 90-day deadline to enact by-division elections.
Board meeting/Public Hearing #1 – Introduce Public Engagement Process ² .	April 22, 2020	Before draft map(s) are released, the date of the first hearing established the deadline to hold two public hearings within 30 days.
Board meeting/Public Hearing #2 – Public Engagement Process.	May 13, 2020	Must be held within 30 days of Hearing #1.
Board meeting/Public Hearing #3 – Board and public input on draft maps of proposed divisions.	May 27, 2020	First draft of map(s) shall be published 7 days before Hearing #3.
Board meeting/Public Hearing #4 – Map approval and introduction of ordinance.	June 10, 2020	Must be held within 45 days of Hearing #3.
Board regular meeting – Second reading and enactment of ordinance and final division map. Final map must be filed with Registrars of Voters.	June 24, 2020 ³	Draft ordinance must be introduced 5 days before second reading and adoption.

Notes

- 1 - May 13 and June 10 would be special meetings which would occur on the second Wednesdays of the month.
- 2 - Before the hearings begin, the Board may conduct a public outreach campaign, including to non-English-speaking communities, to explain the elections transition process and to encourage public participation.
- 3 - This date could be as late as June 30, but needs to be a regular meeting of the Board (thus requiring a resolution designating the meeting as a regular meeting).

Attachment A

California Voting Rights Act Division-Based Elections Actions and Timeline Alternative 2 – Compliance with Statutory Deadlines (90 days)

Task	Date/Timeline¹	Notes
District received letter alleging violation of CVRA.	March 30, 2020	
Board meeting – Adopt resolution of intent.	April 14, 2020	Must adopt resolution within 45 days of receiving letter (May 14). The date the resolution is adopted establishes the 90-day deadline to enact by-division elections.
Board meeting/Public Hearing #1 – Introduce Public Engagement Process ² .	April 22, 2020	Before draft map(s) are released, the date of the first hearing established the deadline to hold two public hearings within 30 days.
Board meeting/Public Hearing #2 – Public Engagement Process.	May 27, 2020	Must be held within 30 days of Hearing #1.
Board meeting/Public Hearing #3 – Board and public input on draft maps of proposed divisions.	June 10, 2020	First draft of map(s) shall be published 7 days before Hearing #3.
Board meeting/Public Hearing #4 – Map approval and introduction of ordinance.	June 24, 2020	Must be held within 45 days of Hearing #3.
Board regular meeting – Second reading and enactment of ordinance and final division map. Final map must be filed with Registrars of Voters.	July 14, 2020 ³	Draft ordinance must be introduced 5 days before second reading and adoption.

Notes

- 1 - All dates on and after April 22 are the dates of regular Board meetings, except June 10 (2nd Wednesday) and July 14 (2nd Tuesday, and last day of 90-day window).
- 2 - Before the hearings begin, the Board may conduct a public outreach campaign, including to non-English-speaking communities, to explain the elections transition process and to encourage public participation.
- 3 - This date would require a Board resolution designating it as a date for a regular Board meeting.

Attachment A

California Voting Rights Act District-Based Elections Actions and Timeline Alternative 3 – Statutory Deadline Plus 90-Day Extension¹

Task	Date/Timeline²	Notes
District received letter alleging violation of CVRA.	March 30, 2020	
Board meeting – Adopt resolution of intent.	April 22, 2020 ³	Must adopt resolution within 45 days of receiving letter (May 14). The date the resolution is adopted establishes the 90-day deadline to enact by-division elections.
Board meeting/Public Hearing #1 – Introduce Public Engagement Process ⁴ .	May 27, 2020	Before draft map(s) are released, the date of the first hearing established the deadline to hold two public hearings within 30 days.
Board meeting/Public Hearing #2 – Public Engagement Process.	June 24, 2020	Must be held within 30 days of Hearing #1.
Board meeting/Public Hearing #3 – Board and public input on draft maps of proposed divisions.	July 22/ August 26, 2020	First draft of map(s) shall be published 7 days before Hearing #3.
Board meeting/Public Hearing #4 – Map approval and introduction of ordinance.	August 26/ September 23, 2020	Must be held within 45 days of Hearing #3.
Board regular meeting – Second reading and enactment of ordinance and final division map. Final map must be filed with Registrars of Voters.	September 23/ October 19, 2020 ⁵	Draft ordinance must be introduced 5 days before second reading and adoption.

Notes

- 1 - This option would require the approval of claimant Southwest Voter Registration Education Project, the attorney for which has stated would provide its approval.
- 2 - All dates after March 30, 2020 are dates of regular Board meetings, except for October 11, 2020; the schedule for Public Hearings 3 and 4 would depend on whether or not the Board decides to cancel its July or August regular meetings
- 3 - This date could be as late as May 14, 2020, to be within the 45-day statutory requirement
- 4 - Before the hearings begin, the Board may conduct a public outreach campaign, including to non-English-speaking communities, to explain the elections transition process and to encourage public participation.
- 5 - If the Board decides to hold its final regular meeting after September 23, 2020, it would need to adopt a resolution designating the meeting date as a regular meeting; October 19 (end of 180 day window) is the 3rd Monday

Attachment A

California Voting Rights Act District-Based Elections Actions and Timeline Alternative 4 – Statutory Deadline Waived by Settlement¹

Task	Date/Timeline²	Notes
District received letter alleging violation of CVRA.	March 30, 2020	
Board meeting – Adopt resolution of intent.	April 22, 2020 ³	Must adopt resolution within 45 days of receiving letter (May 14). The date the resolution is adopted establishes the 90-day deadline to enact by-division elections.
Board meeting/Public Hearing #1 – Introduce Public Engagement Process ⁴ .	May 26, 2021	Before draft map(s) are released, the date of the first hearing established the deadline to hold two public hearings within 30 days.
Board meeting/Public Hearing #2 – Public Engagement Process.	June 23, 2021	Must be held within 30 days of Hearing #1.
Board meeting/Public Hearing #3 – Board and public input on draft maps of proposed divisions.	September 22, 2021	First draft of map(s) shall be published 7 days before Hearing #3.
Board meeting/Public Hearing #4 – Map approval and introduction of ordinance.	November 10, 2021	Must be held within 45 days of Hearing #3.
Board regular meeting – Second reading and enactment of ordinance and final division of map. Final map must be filed with Registrars of Voters.	December 8, 2021	Draft ordinance must be introduced 5 days before second reading and adoption.

Notes

- 1 - This schedule would require a settlement agreement with the claimant, Southwest Voter Registration Education Foundation
- 2 - All dates after March 30, 2020 are dates of regular Board meetings; schedule for Public Hearings starts after 2020 Census data are available, and allows for cancellation of July or August meetings
- 3 - This date could be as late as May 14, 2020, to be within the 45-day statutory requirement
- 4 - Before the hearings begin, the Board may conduct a public outreach campaign, including to non-English-speaking communities, to explain the elections transition process and to encourage public participation.