

**RESOLUTION NO. 21-43**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH PLACER MUNICIPAL UTILITY DISTRICT DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE/FROM-DISTRICT ELECTIONS TO BY-DISTRICT ELECTIONS AND ESTABLISHING A PROCESS FOR THE TRANSITION**

WHEREAS, the Directors of the South Placer Municipal Utility District ("District") are currently elected in a hybrid "at-large" election process under the California Public Utilities Code, Sections 11801 and 11830, in which each Board member must reside within one of five District wards, but is elected at-large by all registered voters residing within the District's service area; and

WHEREAS, the California Voting Rights Act (Elections Code sections 14025-14032; the "CVRA") sets forth legal standards for drawing electoral boundaries within political subdivisions to prohibit racially polarized voting; and

WHEREAS, litigation has been filed against various jurisdictions under the CVRA alleging that an at-large electoral system results in "racially polarized voting" as defined in Sections 14026(e) and 14028 of the CVRA; and

WHEREAS, the Board has considered the significant resources incurred by multiple cities and other public entities in litigating 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; and

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

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

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 by-district elections 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 thirty (30) days to solicit public input regarding the proposed voting 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 wards 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 forty-five (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 (7) 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 (7) days before it is adopted; and

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; and

WHEREAS, the District has retained an experienced private demographer to assist the District in developing a proposal for a by-district electoral system that complies with the CVRA and other federal and state legal requirements, whereby a Director residing in a particular ward shall be elected only by those voters residing in that ward; and

WHEREAS, the Board's adoption of a by-district electoral system will not affect the terms of any sitting Director, each of whom shall serve out his 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-district beginning with the 2022 District Election, whereby a Director residing in a particular ward shall be elected only by those voters residing in that ward, and 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 South Placer Municipal Utility 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-district for the purpose of electing its Directors beginning with the November 2022 election, pursuant to Elections Code section 10010.
3. Staff shall work with elections officials of Placer County and its retained 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.

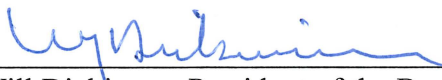
4. The Board Secretary is directed to post information on the District's website regarding the proposed transition to a by-district electoral system, including maps, notices, agendas, and other information, and to establish a means of communication to answer questions from the public.


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 Board designates as a regular meeting of the Board a meeting to be held on March 3, 2022, at 4:30 p.m.

PASSED AND ADOPTED by the Board of Directors of the South Placer Municipal Utility District on the 4 day of November 2021, by the following vote:

AYES: 5	DIRECTORS: Williams, Mitchell, Murdock, Dickinson, Durfee
NOES: 0	DIRECTORS:
ABSENT: 0	DIRECTORS:

Signed:   
Will Dickinson, President of the Board of Directors

Attest:   
Emilie Costan, Board Secretary

**Exhibit A**

**South Placer Municipal Utility District  
By-District Elections Actions and Timeline**

<b>Task</b>	<b>Date/Timeline</b>	<b>Notes</b>
<b>Board meeting/Public Hearing No. 1</b> – Adopt resolution of intent.	November 4, 2021	Before draft map(s) are released, the date of the first hearing establishes the deadline to hold two public hearings within 30 days.
<b>Board meeting/Public Hearing No. 2</b> – Public Engagement Process	December 2, 2021	Must be held within 30 days of adoption of resolution of intent.
<b>Board meeting/Public Hearing No. 3</b> – Public Engagement Process.	January 6, 2022	First draft of map(s) shall be published 7 days before Hearing No. 3.
<b>Board meeting/Public Hearing No. 4</b> – Map approval and introduction of ordinance.	February 3, 2022	Must be held within 45 days of Hearing No. 3.
<b>Board regular meeting</b> – Second reading and enactment of ordinance and final map. Final map must be filed with Registrars of Voters.	March 3, 2022	Draft ordinance must be introduced 5 days before second reading and adoption.