

RESOLUTION – No. 22-02

NORTH CENTRAL FIRE PROTECTION DISTRICT

A RESOLUTION OF THE NORTH CENTRAL FIRE PROTECTION DISTRICT BOARD OF DIRECTORS ADOPTING DISTRICTS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010

WHEREAS, members of the Board of Directors of the North Central Fire Protection District (the "District") are currently elected by at-large elections, whereby each member is elected through a District-wide vote; and

WHEREAS, the California Voting Rights Act ("CVRA") became law in 2003, and provides a means for attorneys and plaintiffs to allege racially polarized voting and to seek a change from a jurisdiction's at large election system to a different system, typically a by-district election system, and also allows for the recovery of a plaintiffs attorneys' fees; and

WHEREAS, a violation of the CVRA may be established if it is shown that racially polarized voting has combined with an at-large voting system to impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election; and

WHEREAS, "racially polarized voting" under the CVRA means voting in which there is a difference between the choice of candidates or other electoral choices that are preferred by voters in a protected class and in the choice of candidates and electoral choices preferred by voters in the rest of the electorate; and

WHEREAS, the California Legislature recently amended Elections Code Section 10010 to provide a method whereby a jurisdiction may expeditiously transition to a district-based election system and avoid the high cost of litigation under the CVRA by its adoption of AB 350; and

WHEREAS, prior to the District's consideration of a resolution to establish district boundaries for a district-based electoral system, the District is first required under Elections Code section 10010 to hold public hearings where the public may provide input on the composition of the districts, then to draw proposed maps that must be published and available for the public to comment on during at least two public hearings, and to thereafter adopt a resolution with the new map showing the districts; and

WHEREAS, on September 30, 2021, the Board of Directors adopted a resolution declaring its intention to transition from an at-large to district-based elections for its next election, conducted hearings, and considered and adopted a District map, all consistent with the provisions in Elections Code section 10010, *et seq.*

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE NORTH CENTRAL FIRE PROTECTION DISTRICT HEREBY RESOLVES:

Section 1. Recitals

That the recitals set forth above are true and correct.

Section 2. Prior Actions Related to District-Based Elections

On November 18, 2021, the District's Board of Directors conducted a public hearing to take and consider public testimony regarding the District's transition to by-district elections. On December 9, 2021, the District's Board of Directors conducted a second meeting to take and consider public testimony regarding the District's transition to by-district elections. On January 13, 2022, the Board of Directors conducted its first hearing to take public testimony and consider five different maps as options for proposed District boundaries. On January 27, 2022, the Board of Directors conducted its second hearing to take public testimony and consider five different maps as options for proposed District boundaries.

Section 3. Adoption of Maps. On February 24, 2022, after considering five different maps as options for proposed by-district voting, the Board considers and adopts this resolution establishing district or zone elections, including the adoption of a district map (the "5 Map" option), which is attached hereto and incorporated herein by this reference.

Section 4. Severability

That the Board of Directors declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 5. Repeal of Conflicting Provisions

That all the provisions heretofore adopted by the District or the Board of Directors that are in conflict with the provisions of this Resolution are hereby repealed.

Section 6. Effective Date

That this Resolution shall take effect upon its adoption.

Section 7. Certification

That the Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 8. CEQA

That a transition from at-large to district-based elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Public Resources Code §§ 21000 *et seq.*) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14 § 15000 *et seq.*) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Resolution is an organizational and administrative activity of the District, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. In the event adoption of this Resolution does constitute a project, it is categorically exempt under Class 20 (Changes in the Organization of Local Governments) categorical exemption.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the North Central Fire Protection District, on this 24th day of February, 2022, by the following vote, to wit:

Ayes: Abrahamian, Foglio, Golden, Nonini and Souza

Noes:

Absent:

Abstain:



Ken Abrahamian, President
North Central Fire Protection District

ATTEST:



Ananda Souza, Secretary
North Central Fire Protection District