

ORDINANCE NO. 148
AN ORDINANCE OF THE LINDA COUNTY WATER DISTRICT
PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION,
ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF
EACH ELECTORAL DIVISION, AND ESTABLISHING THE SEQUENCE OF
ELECTIONS

The Board of Directors of the Linda County Water District hereby finds and declares as follows:

A. The Linda County Water District is governed by governing board of five persons known as Directors, each whom currently are elected by an at-large voting system which provides that each registered voter within the District is eligible to cast a vote for each candidate for a director position to be elected at each General District Election;

B. At-large electoral systems provide that a local agency director may reside in any location within the agency and therefore there is no guarantee that elected directors will reside in all areas of the agency and ensure representation of different communities of interest residing within and receiving service from that agency;

C. The Board of Directors is aware that several voting rights groups claim that at-large voting systems may violate the California Voting Rights Act, and that a costly lawsuit might result if the District does not voluntarily transition to a by-division voting system, which such groups maintain provide fairer representation;

D. While the Board disputes any assertion which might be made that the District's existing at-large voting system violates the California Voting Rights Act, it finds and determines that it is in the best interests of the District and its ratepayers and voters if the District transitions to a by-division voting system as the most representative method of electing Directors;

E. At a noticed public meeting on February 14, 2022, the Board of Directors adopted Resolution No. 697 stating an intent to transition to division-based elections, whereby the District would be divided into five voting divisions, and the voters of each division will elect one Director who resides within the boundaries of that division to represent that division on the Board;

F. The District held public engagement sessions during public Board meetings on March 13, 2023 and April 10, 2023, at which times the District provided information to the public regarding the division-based elections process and received public comment on the proposed transition to a division-based voting system;

G. The District retained the services of an expert demographer, National Demographics Corporation, to prepare draft maps reflecting Board and public input and criteria established by the Board for proposed director voting divisions and a sequence of elections.

H. Based on input from the Board, staff, the Yuba County Registrar of Voters, and the public, the demographer prepared four draft maps and sequences of elections, and, as required by Elections Code section 10010, the District has duly published and posted copies of the proposed maps and elections sequence prior to each duly noticed public hearing described below;

I. In accordance with Elections Code section 10010, the District held two public hearings on July 10, 2023, and August 14, 2023, during which it received presentations from the demographer and input from the public and the Board on the four proposed voting division maps and sequences of elections;

J. At its August 14, 2023 meeting, the Board selected draft Map 4 and the accompanying proposed elections sequence as the proposed final map and sequence of elections to be finally presented to the public for comments and to the Board for review and possible approval at the September 11, 2023 regular board meeting;

K. Pursuant to Elections Code section 10010, the District published a notice of the September 11, 2023 hearing on September 1, 2023, and such notice included publication of the final draft map and proposed sequence of elections; and

L. At the public hearing held on September 11, 2023, the public was invited to provide input on the proposed final map and elections sequence and, after the close of the public hearing, the Board considered the final map and sequence of elections, and now finds and determines that the proposed final map and sequence of elections most closely satisfies the legal requirements and guiding criteria for establishing five fair and reasonably proportional voting divisions within the District.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LINDA COUNTY WATER DISTRICT ORDAINS AS FOLLOWS:

1. Establishment of Voting Divisions. The Board of Directors hereby establishes a by-division voting system for electing the five positions of Director of the Linda County Water District beginning with the 2024 General District Election, subject to the following requirements:

(a) Five voting divisions are established in accordance with the boundaries shown in proposed Map 4, which is hereby enacted and adopted as the final and official map of the boundaries of the five voting divisions of

the District, and which map is attached to and made a part of this ordinance as Exhibit A.

(b) One Director shall be elected from each of the five voting divisions established by this ordinance according to the sequence of elections set forth in paragraph 2 of this ordinance beginning with the 2024 General District Election.

(c) Candidates for each position of a District Director must be a registered voter in Yuba County and reside within the boundaries of the voting division that they would represent.

(d) Candidates shall be elected to a four-year term as Director, except for Directors who first assumed office by appointment or special election because of a vacancy, in which case the length of any subsequent term to which they are elected shall be in accordance with Government Code section 1780 and other applicable law.

Section 2. Sequence of Elections. The Board approves the following sequence of elections, and which shall apply beginning with the 2024 General District Election:

(a) Elections for the office of Director representing Divisions 2 and 3 shall be held initially in 2024, and then every four years thereafter.

(b) Elections for the office of Director representing Divisions 1, 4, and 5 shall be held initially in 2026, and then every four years thereafter.

Section 3. Interim Vacancies. Notwithstanding any other provision of this Ordinance, each Director in office at the time this ordinance takes effect shall continue in office until the expiration of the term to which they are elected. In the event a vacancy occurs before the expiration of the term of a Director in office at the time this ordinance takes effect, a person who is appointed to fill such vacancy shall not be subject to the provisions of this ordinance, except that the appointee shall only serve out the remainder of the at-large term to which they are appointed or elected.

Section 4. Effective Date. This ordinance shall take effect 30 days after its adoption.

Section 5. Filing, Publication and Posting. The District Secretary is directed to file a copy of the approved final map and sequence of elections with the Yuba County Registrar of Voters' office. The District Secretary also shall publish a copy or summary of this ordinance in a newspaper of general circulation, and post a copy of this ordinance at three public places within the District and on the District's website within 15 days of its enactment. The ordinance shall remain posted for at least one week.

Section 6. Redistricting. The Board shall review and, if necessary, adjust the boundaries of the five voting divisions established in this ordinance after each federal decennial census, beginning after the 2030 Census, in accordance with the requirements of Elections Code sections 22000 and following. The Board also may consider making an interim adjustment to voting division boundaries as provided in subdivision (h) of Elections Code section 22000.

PASSED AND ADOPTED by the Board of Directors of the Linda County Water District at a regular meeting on September 11, 2023, by the following vote:

AYES: Director Saunders, Director McAleer, Director Whitaker, Director Stevens

NOES:

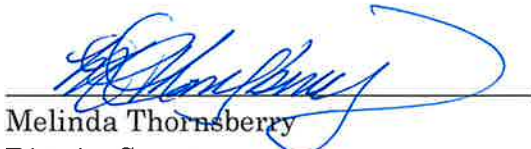
ABSENT: Director Knudson

ABSTAINED:



John McAleer
President, Board of Directors

Attest:

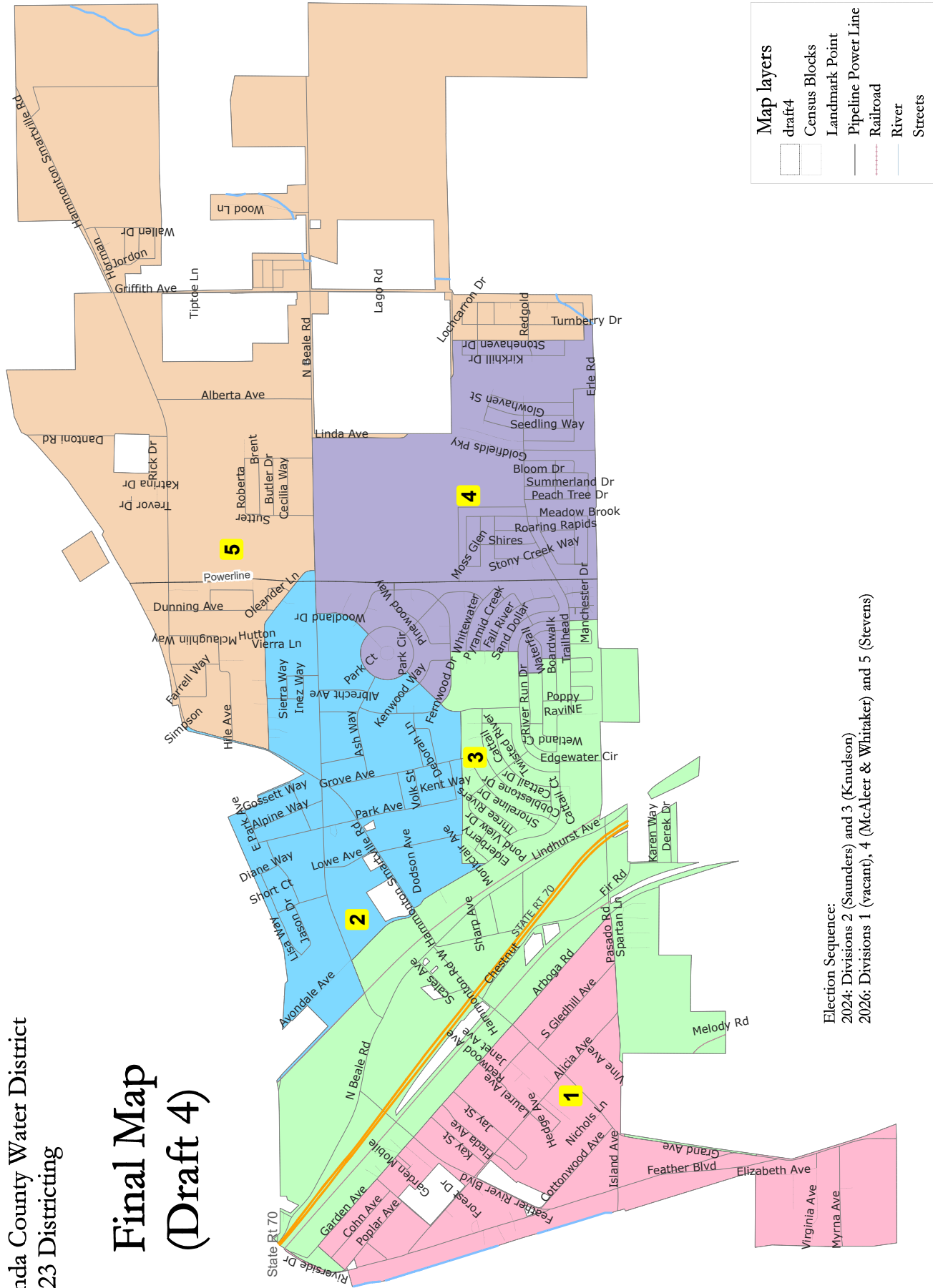


Melinda Thornsberry
District Secretary



Linda County Water District
2023 Districting

Final Map (Draft 4)



Election Sequence:
2024: Divisions 2 (Saunders) and 3 (Knudson)
2026: Divisions 1 (vacant), 4 (McAleer & Whitaker) and 5 (Stevens)