

RESOLUTION NO. 869

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS PURSUANT TO ELECTIONS CODE SECTION 10010

RECITALS

WHEREAS, the Board of Directors of the Santa Maria Public Airport District (the "District") are currently elected in "at-large" elections, in which each District member is elected by the registered voters of the entire District; and

WHEREAS, California Elections Code section 10010(e)(3)(A) permits the legislative body of a special district to change its method of election by ordinance from an "at-large" system to a "district-based" system in which each member of the legislative body is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the District received a certified letter on October 15, 2018, from Kevin I. Shenkman, Esq., on behalf of his client Southwest Voter Registration Project asserting that the District's at-large electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the District declined to adopt district-based elections; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code section 14028(a)). "Racially polarized voting" means voting in which there is a difference in 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 that are preferred by voters in the rest of the electorate (Elections Code section 14026(e)); and

WHEREAS, the District denies that its election system violates the CVRA or any other provision of law and asserts that the District's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its District's elections; and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the District has concluded that the public interest would be better served by transitioning to a district-based electoral system because: 1) the extraordinary cost to defend against a CVRA lawsuit, 2) the risk of losing such a lawsuit would require the District to pay prevailing plaintiffs attorneys' fees, and 3) reimbursable costs and attorneys' fees are capped at a maximum of \$30,000 by following the procedures set forth in Election Code section 10010 as amended by AB 350; and

WHEREAS, the District Board of Directors unanimously directed staff to commence the process to establish district-based elections; and

WHEREAS, the District has retained an experienced demographer and legal counsel to assist it in establishing a district-based electoral system.

WHEREAS, prior to the District's approval of a proposal to establish district boundaries for a district-based electoral system, California Elections Code section 10010 requires all of the following:

1. The District shall hold at least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts.
2. After all draft maps are drawn, the District shall publish and make available for release at least one draft map and, if members of the District's Board of Directors will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published.
3. The District shall also hold at least two (2) additional hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
4. The first version of a draft map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Maria Public Airport District, as follows:

- A. The above recitals are true and correct.
- B. The Board of Directors hereby resolves to adopt a district-based election system as authorized by California Elections Code section 10010 for use in the District's General Municipal Election for Board of Directors beginning in November 2019.
- C. The Board of Directors hereby approves the tentative timeline contained in Exhibit A and attached hereto, for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before adopting any such map.
- D. The timeline contained in Exhibit A shall be subject to adjustment by the Board of Directors as it deems necessary, provided that such adjustments shall not prevent the District from meeting its goal of finalizing the change to district-based elections in time for the November 2019 elections.
- E. The General Manager shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

PASSED AND ADOPTED at the Special meeting of the Board of Directors of the Santa Maria Public Airport District held on November 19, 2018 on Motion of Director _____, Seconded by Director _____, and carried by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Hugh Rafferty, President

Carl Engel, Secretary

EXHIBIT “A”

TENTATIVE TIMELINE: ADOPTION OF “DISTRICT BASED” ELECTION METHOD

DATE	EVENT	COMMENT
November 19, 2018	Resolution of Intention: The District Board adopts a resolution declaring its intention to transition to district-based elections.	CVRA Action cannot be commenced for 90 days.
November 20 – November 28, 2018	Public Outreach (optional but recommended)	Re: Process and public participation NO MAPS YET DRAWN
December 13, 2018	1st Public Hearing	Re: Composition of Districts NO MAPS YET DRAWN
December 18, 2018	2nd Public Hearing	Re: Composition of Districts NO MAPS YET DRAWN <i>Special Meeting</i>
January 3, 2019	Publish draft maps and potential sequence of staggered elections	
January 10, 2019	3rd Public Hearing	Re: Review draft map(s)
January 17, 2019	Publish amended map(s), if any	
January 24, 2019	4th Public Hearing. If map selected, District Board may introduce ordinance establishing by-district elections	Re: Review draft map(s)
January 31, 2019	Publish amended map(s), if any	
February 7, 2019	5th Public Hearing. If map selected, District Board may introduce ordinance establishing by-district elections OR 2nd reading of ordinance	Re: Review draft map(s) OR Approve or defeat by-district election ordinance

DATE	EVENT	COMMENT
February 14, 2019	Final Public Hearing 2nd reading of ordinance establishing by-district elections	Re: Approve or defeat by-district election ordinance
February 17, 2019	DAY 90	
November 3, 2020	First election using new by- district election system	