

RESOLUTION NO. 2019-7

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NOVATO FIRE PROTECTION DISTRICT PROVIDING FOR THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS BY FIVE VOTING DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH VOTING DISTRICT, AND ESTABLISHING THE ELECTION ORDER OF EACH VOTING DISTRICT

WHEREAS, members of the Board of Directors of the Novato Fire Protection District ("District") are currently elected in "at-large" elections, in which each Director is elected by the registered voters within the geographical boundaries of the entire District; and

WHEREAS, California Elections Code Section 10650 authorizes the governing body of a special district to require the members of its governing body be elected using district-based elections; and

WHEREAS, in recent months, several local governmental agencies in Marin County have adopted resolutions memorializing their intention to transition from at-large to district-based elections; and

WHEREAS, some of these Marin local agencies have received certified letters from Kevin Shenkman of the law firm Shenkman and Hughes asserting that their respective at-large electoral systems violate the California Voting Rights Act ("CVRA") and threatening litigation if the individual agency recipients decline to voluntarily change to a district-based election system for electing members to each governing body; and

WHEREAS, although the District submits that its election system has been in compliance with the requirements of the CVRA and all other provisions of law including the Federal Voting Rights Act and asserts that its election system has been and is legal in all respects, nevertheless, the Board of Directors ("Board") has determined that the public interest will be well-served by transitioning to a district-based election system, thereby avoiding the risks associated with maintaining its current at-large election process; and

WHEREAS, on May 1, 2019, the Board adopted a Resolution of Intent to transition to district-based elections, including a tentative timeline for the consideration and implementation of transitioning to a district-based election system; and

WHEREAS, the District retained Redistricting Partners, LLC ("Consultant") to assist the District with analyzing the District's jurisdictional population, developing draft maps, and gathering input from residents on the proposed District boundary maps; and

WHEREAS, at public hearings held on May 22nd and June 5th, 2019, the District invited the public to provide input regarding the composition of the District's voting districts before any draft maps were drawn, at which meetings the Consultant presented an overview of the transitioning process, and at which the Board discussed and considered the same; and

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WHEREAS, following these hearings, Consultant prepared draft maps, all of which were published at least seven days prior to the District's third public hearing conducted on June 19, 2019; and

WHEREAS, the Board held a third public hearing on June 19, 2019, during which members of the public who wanted to provide input on the draft maps were afforded an opportunity to do so; and

WHEREAS, following the conclusion of the June 19, 2019 public hearing, the Board gave direction to Consultant to prepare revisions to the boundaries of the proposed "Plan A" District voting district boundary map in order to better reflect fire station service area boundaries as well as following historical neighborhood demarcations; and

WHEREAS, the District published and posted a "Revised Plan A" map proposal on Monday, June 24, 2019, reflecting the changes requested by the Board at its June 19th, 2019 meeting; and

WHEREAS, the Board wishes to adopt this Resolution in order to effect a transition from at-large to district-based elections, adopt the revised voting district map prepared by Consultant referred to as "Novato Fire District Plan A Revised," (hereafter, the "Novato Fire Protection District Voting District Map") and putting Voting Districts 1, 2 and 3 as reflected on that map on the November 20, 2020 ballot for the District's first regular election of Board members following adoption of this Resolution, with the remaining Voting Districts 4 and 5 on the ballot for the November, 2022 election; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting Director, each of whom will serve out his current term; and

WHEREAS, the District and the Board have satisfied all procedural requirements of Elections Code Section 10010 in order to expeditiously transition to a by-district election system and avoid the high cost of litigation under the CVRA, and have fulfilled all legal requirements for the enactment of this present Resolution.

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. Incorporation of Recitals. All of the foregoing recitals are true and correct, and the Board of Directors so finds and determines the recitals set forth are incorporated and made effective.

SECTION 2. Declaration of Purpose. In accordance with and in satisfaction of the requirements of California Elections Code Section 10650, the Board hereby declares that the change in the method of electing members to the Board is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5, commencing with Section 14025, of Division 14 of the Elections Code).

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SECTION 3: Transition to District-Based Election System. The Board hereby determines that its election system will transition from at-large to by-Voting District elections, beginning with the November 2020 election of members of the Board of Directors.

SECTION 4: Establishment of Voting Districts. The District through its Board hereby establishes five Director Voting Districts within the District's jurisdiction. The boundaries and identifying number of each division shall be as described on the Novato Fire Protection District Voting District Map attached hereto as "Exhibit A", a copy of which shall also be on file in the District offices .

SECTION 5: Election Process.

A. Members of the Board of Directors shall be elected in the Voting Districts established by this Resolution and subsequently reapportioned as provided for in State law and as set forth in Section 7 of this Resolution. Elections shall take place by Voting Districts 1, 2, 3, 4 and 5, meaning that one Director shall be elected from each Voting District, by the voters of that Voting District.

B. The term of the elected members of the Board of Directors that commence prior to the effective date of this Resolution shall not be affected by the adoption of this Resolution.

C. A Director elected or appointed to represent a Voting District must reside within that Voting District and be a registered voter within that Voting District. Likewise, any candidate for the Board of Directors must reside in and be a registered voter within the Voting District in which he or she seeks election at the time nomination papers are issued.

D. Notwithstanding any other provision of this Resolution, the Directors in office at the time this Resolution takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the end of the term of a Director in office at the time this Resolution takes effect, a person who is appointed or elected by a special election to fill such vacancy may reside anywhere within the corporate boundaries of the District.

E. The term of each Director elected to the Board of Directors shall remain a four (4) year term.

SECTION 6: Implementation. The by-Voting District election system shall be implemented, beginning at the November 2020 election of the Board of Directors, as follows: Members of the Board of Directors shall be elected in Voting Districts 1, 2 and 3 beginning at the November 2020 election of the Board of Directors, and every four years thereafter, and Directors in Voting Districts 4 and 5 shall take place in November 2022. Thereafter elections will take place every four years.

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SECTION 7: Adjustment of Boundaries. Pursuant to Elections Code section 22000, as it may be amended from time to time, the Board shall adjust the boundaries of any or all of the Voting Districts following each Decennial Federal Census to ensure that the Voting Districts are in compliance with all applicable provisions of law.

SECTION 8: Exemption from the California Environmental Quality Act. The Board hereby finds that the Resolution is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of regulations, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 9: Severability. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

PASSED AND ADOPTED by the Board of Directors, Novato Fire Protection District, on the 3rd day of July 2019, by the following vote:

AYES: *Davis, Gomes, Meteko, Silverman, Galli*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

Paul Galli

President, Board of Directors

Attest:

Jeanne Villa

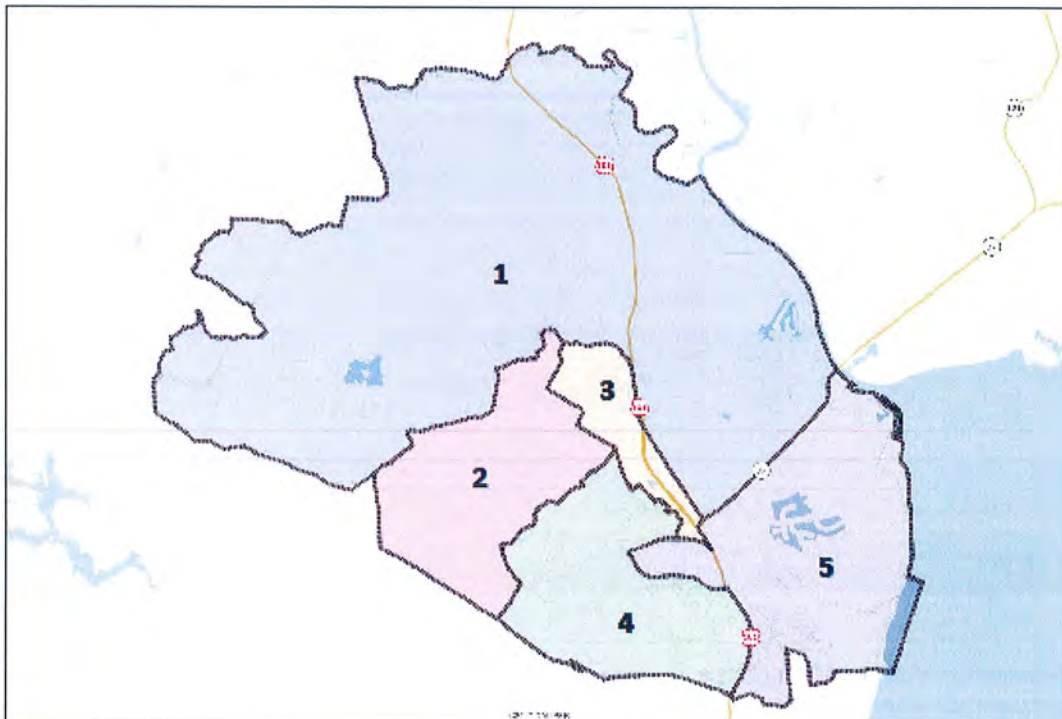
Jeanne Villa, Clerk of the Board

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EXHIBIT A

Novato Fire Protection District Voting District Map



Voting District Map

District	2010 Census			Citizen Voting Age Population (CVAP)						
	Population	Deviation		Population	Latino	Asian	Black			
1	12,010	273	2.3%	9,530	897	9%	542	6%	55	1%
2	11,467	(270)	-2.3%	8,990	765	9%	449	5%	74	1%
3	11,587	(150)	-1.3%	7,708	978	13%	422	5%	298	4%
4	11,902	165	1.4%	8,645	789	9%	300	3%	171	2%
5	11,719	(18)	-0.2%	7,907	946	12%	702	9%	202	3%