

RESOLUTION NO. 21-10

A RESOLUTION OF THE NORTH CENTRAL FIRE PROTECTION DISTRICT BOARD OF DIRECTORS DECLARING ITS INTENTION TO TRANSITION FROM AN AT LARGE TO BY-DISTRICT OR ZONE ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010 AND SETTING FORTH THE PROCESS FOR TRANSITIONING TO DISTRICT OR ZONE ELECTIONS

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 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, the Board of Directors now desires to declare its intention to adopt a resolution transitioning from an at-large to district-based elections for its next election, establish specific steps it will undertake to facilitate this transition, and establish an estimated time frame for doing so.

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. Intent to Transition to District-Based Elections

That the Board of Directors intends to consider adoption of a resolution, consistent with Health & Safety Code Section 32100.1 and Elections Code Section 10010, to transition to a district-based or zone election system for use in the District’s next general election for its Board of Directors.

Section 3. Upcoming Actions

That the Board of Directors shall take, or shall cause District staff to take, the following actions, as close as possible to 90 days following the effective date of this Resolution, taking into consideration time required for public outreach and input, agenda requirements under the Brown Act, the Board of Directors’ meeting schedule, and the timeframes established under Elections Code section 10010:

- (a) Conduct public outreach, including to non-English-speaking communities, to explain the districting process and to encourage public participation;
- (b) Before drawing a draft map or maps of the proposed district or zone boundaries, hold at least two public hearings at which the public is invited to provide input regarding the composition of the districts and to consider district or zone boundaries as provided in Elections Code Section 10010;
- (c) After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the district elections, and hold at least two public hearings at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections; and
- (d) Hold a public hearing at which the Board of Directors will consider and adopt a resolution establishing district or zone elections, including the adoption of a district or zone boundary map and the sequence of the district or zone elections.

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 Board Secretary 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 30th day of September, 2021, by the following vote, to wit:

- Ayes:
- Noes:
- Absent:
- Abstain:

Ken Abrahamian, Chair

ATTEST:

Amanda Souza, Board Secretary

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF KERMAN)

I, Amanda Souza, Board Secretary of the North Central Fire Protection District, do hereby certify the foregoing Resolution of the Board of Directors of the North Central Fire Protection District was duly passed and adopted at a Special Meeting of the Board of Directors on September 30, 2021.

DATED: September 30, 2021

Amanda Souza, Board Secretary