



# Oceano Community Services District

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**Date:** June 23, 2021

**To:** Board of Directors

**From:** Will Clemens, General Manager

**Subject:** **Agenda Item #9(A):** Public Hearing to Receive Input from the Community Regarding the Creation of a Division Based Election System

## Recommendation

It is recommended that your Board:

- 1) Receive a report on the division creation process and permissible criteria to be considered to create division boundaries; and
- 2) Conduct a public hearing to receive public input on division boundaries.

## Discussion

On September 9, 2020, the Board adopted Resolution No. 2020-11 declaring its intention to transition from at-large to division-based elections for the Board of Directors commencing with the General Election in November 2022. Elections Code Section 10010 provides that before any map or maps of the boundaries for the proposed divisions are drawn, the District must conduct two (2) Public Hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of said divisions.

The first Public Hearing was held on June 9, 2021. This is the second of those Public Hearings. The Public Hearing Notice was published in English and Spanish and mailed to each District customer of record. The Notice was also posted at the District Office and on the District Facebook page.

The purpose of this Public Hearing is to inform the public about the division creation process and to hear from the community on what factors should be taken into consideration while creating division boundaries.

The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting division maps. A *community of interest* is a neighborhood or group that would benefit from being in the same division because of shared interests, views, or characteristics. Possible community features include, but are not limited to:



## Oceano Community Services District

Board of Directors Meeting

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- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:
  - (1) Similar levels of income, education, or linguistic insolation;
  - (2) Languages spoken at home; and
  - (3) Single-family and multi-family housing unit areas.

The District must ensure compliance with the following state and federally-mandated criteria:

- Each division must contain a nearly equal population.
- Each division must be drawn in a manner that complies with the Federal Voting Rights Act.
- Each division must not be drawn with race as the predominate factor in violation of the principles established by the U.S. Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

### *Next Steps*

Following this hearing, draft division maps will be created once 2020 census data is available in late 2021, and in addition to the draft division maps, proposed election sequencing will be posted to the District website and available at the District Office before March 2022.

The District is scheduled to conduct Public Hearing #3 to seek public input on the content of draft division map(s) and sequence of elections on March 9, 2022.

The District is scheduled to conduct Public Hearing #4 to select and adopt a preferred map, or direct amendments as necessary, on March 23, 2022. If amendments are necessary, a fifth Public Hearing will be required to be held in April 2022.

District staff and the demographer will then work with the County Elections Office to have the division maps integrated into the countywide voting system. The first by- division election will be held in November 2022.



# Oceano Community Services District

Board of Directors Meeting

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## **Other Agency Involvement**

The San Luis Obispo County Clerk Recorder's Office.

## **Financial Considerations**

There is no fiscal impact associated with this public hearing. However, transitioning to division elections required the District to retain the services of a demographer. The District has retained National Demographics Corporation for these services. The cost of such services should be approximately \$20,000-\$25,000. Should the District ultimately adopt an ordinance to transition to a division-based electoral system, the District will not be exposed to the potentially much higher legal fees involved in defense of a lawsuit brought under the California Voting Rights Act (CVRA).

## **Results**

Compliance with the CVRA helps to ensure a well governed community.

Attachment:

Timeline

## TIMELINE: CONSIDERATION AND IMPLEMENTATION OF DIVISION-BASED ELECTIONS SYSTEM

DATE	EVENT	COMMENT
September 9, 2020	Resolution of Intention	District approved transition from at large elections to division-based elections
June 9, 2021	First Public Hearing	Public hearing regarding composition of division. No map(s) to be drawn yet.
June 23, 2021	Second Public Hearing	Public hearing regarding composition of division. No map(s) to be drawn yet. <i>First and second public hearings must occur within a period of 30 days.</i>
Late 2021 or Early 2022	Post Draft Map(s) and Potential Sequence of Elections	Draft map(s) and proposed sequence must be posted publicly at least 7 days before next hearing.
March 9, 2022	Third Public Hearing	Public hearing regarding published draft map(s). <i>Third and fourth public hearings must occur within a period of 45 days.</i>
March 15, 2022	Post Draft Map(s) and Potential Sequence of Elections	Draft map(s) and proposed sequence must be posted publicly at least 7 days before next hearing.
March 23, 2022	Fourth Public Hearing	Public hearing regarding published drafts map(s). <i>If selected map is amended, next public hearing cannot be held until 7 days after the amended map is published.</i>
April 2022	Fifth Public Hearing	If necessary
May 2022	County Elections Division	Staff and the demographer will work with the County Elections Division to implement division into the County's elections database.
November 2022	General Election	First election utilizing adopted division boundaries.