



**JOSHUA BASIN WATER DISTRICT
ADJOURNED REGULAR BOARD MEETING
OF THE BOARD OF DIRECTORS
WEDNESDAY, APRIL 10, 2019, AT 6:30 PM
61750 CHOLLITA ROAD, JOSHUA TREE, CA 92252**

The April 3, 2019 Regular Meeting of the Board of Directors by Motion & Order of the Board was adjourned to 6:30PM, April 10, 2019. The Notice of Adjournment was posted within 24 hours after said adjournment in the manner required by Government Code Section 54955.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **DETERMINATION OF A QUORUM**
4. **APPROVAL OF AGENDA**
5. **PUBLIC COMMENT**

Members of the public may address the Board at this time with regard to matters within the Board's jurisdiction that are not listed on the agenda. State law prohibits the Board of Directors from discussing or taking action on items not included on the agenda. Members of the public will have the opportunity for public comment on any item listed on the agenda when it is addressed on the agenda. Please limit comments to three (3) minutes or less.
6. **PUBLIC HEARING #4 – PUBLIC HEARING TO TAKE INPUT REGARDING POTENTIAL TRANSITION TO BY-DISTRICT ELECTIONS FOR BOARD MEMBERS AND CONSIDER DRAFT VOTING DISTRICT MAPS; INTRODUCTION AND FIRST READING OF ORDINANCE ESTABLISHING DISTRICT BASED ELECTIONS.**

The public hearing should be conducted as follows:

 - A. HEARING OPENED BY PRESIDING OFFICER
 - B. STAFF AND CONSULTANT PRESENTATIONS
 - C. QUESTIONS OF STAFF BY BOARD
 - D. PUBLIC TESTIMONY OPENED BY PRESIDING OFFICER
 - E. PUBLIC TESTIMONY HEARING CLOSED
 - F. DISCUSSION AND QUESTIONS BY BOARD MEMBERS
 - G. BOARD ACTION
8. **ADJOURNMENT**

INFORMATION

The public is invited to comment on any item on the Agenda during discussion of that item. Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 974-0072, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation. Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

JOSHUA BASIN WATER DISTRICT

AGENDA REPORT

DATE: APRIL 10, 2019

TO: GENERAL MANAGER/BOARD OF DIRECTORS

FROM: SPECIAL COUNSEL, JENNIFER FARRELL (RUTAN & TUCKER LLP)

SUBJECT: PUBLIC HEARING TO TAKE INPUT REGARDING POTENTIAL TRANSITION TO BY-DISTRICT ELECTIONS FOR BOARD MEMBERS AND CONSIDER DRAFT VOTING DISTRICT MAPS; INTRODUCTION AND FIRST READING OF ORDINANCE ESTABLISHING DISTRICT BASED ELECTIONS

RECOMMENDED ACTION:

It is recommended that the Board (1) hold a public hearing and receive public comment and discuss the draft voting district maps presented (Attachment E) pursuant to Elections Code section 10010(a)(2); and (2) introduce an Ordinance of the Board of Directors of the Joshua Basin Water District Establishing and Implementing District Based Elections (Attachment F).

BACKGROUND:

On December 21, 2018, the District received a letter from Kevin Shenkman, an attorney of the law firm of Shenkman & Hughes threatening to sue the District for alleged violations of the California Voting Rights Act ("CVRA") (Elec. Code §§ 14025-14032) unless the District voluntarily converts to a district-based election system. The CVRA only applies to jurisdictions, like the Joshua Basin Water District, that utilize an at-large election method, where voters of the entire jurisdiction elect each of the members of the Board. Similar letters have been served and lawsuits have been filed in recent years against dozens of cities and other public agencies for alleged CVRA violations, including many nearby cities. Every public agency defendant in the history of the CVRA that has challenged the conversion to district elections has either lost in court or settled/agreed to implement district elections, and been forced to pay at least some portion of the plaintiffs' attorneys' fees and costs. A copy of Mr. Shenkman's letter is attached to this staff report (Attachment A).

The threshold to establish liability under the CVRA is extremely low, and prevailing CVRA plaintiffs are guaranteed to recover their attorneys' fees and costs. As a result, every government defendant in the history of the CVRA that has challenged the conversion to district elections has either lost in court or settled/agreed to implement district elections, and been forced to pay at least some portion of the plaintiffs' attorneys' fees and costs. Several cities that have extensively litigated CVRA cases have been eventually forced to pay multi-million dollar fee awards.

In order to avoid the potentially significant litigation expenses that are likely to occur if the District retains its at-large election method of election, at the District's February 6, 2019 hearing, the Board adopted Resolution No. 19-994 outlining its intention to transition from at-large to district-based elections, pursuant to Elections Code section 10010(e)(3)(A). (Attachment B.) As stated in that Resolution, the Board took that action in furtherance of the purposes of the CVRA. Pursuant to Elections Code section 10010(a)(1), the Board must now hold two public hearings within a thirty day period (before drawing any draft maps of proposed voting districts) in order to receive public input regarding the composition of the districts. The first public hearing was held on March 13, 2019. The second public hearing was held on March 20, 2019, and the third public hearing was held on April 3, 2019. This is the fourth public hearing.

DISCUSSION:

- ***The California Voting Rights Act***

The CVRA was specifically enacted in 2002 to eliminate several key burden of proof requirements that exist under the federal Voting Rights Act of 1965 ("FVRA") (52 U.S.C. § 10301 *et seq.*) after several jurisdictions in California successfully defended themselves in litigation brought under the FVRA. The intent of the legislature was to facilitate private suits that ultimately force public entities to shift from "at-large" to "district-based" elections.

Specifically, the CVRA removes two elements that must be met in order to establish a violation under the FVRA: (1) the "geographically compact" FVRA precondition (e.g., can a majority-minority district be drawn?), and; (2) the "totality of the circumstances" or "reasonableness" test, whereby the defendant can defeat a lawsuit by demonstrating that certain voting trends – such as racially polarized voting – occur for reasons other than race, or that minority voters are still able to elect their candidate of choice. Under the CVRA, the only "element" a plaintiff must establish is that racially polarized voting occurs in a jurisdiction with at-large elections, without regard for why it might exist. (Elec. Code § 14028.) Despite its removal of key safeguards contained in the FVRA, California courts have held that the CVRA is constitutional. (See, *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660.)

Most recently, on February 23, 2018, the U.S. District Court for the Southern District of California dismissed a lawsuit challenging the constitutionality of the CVRA and of the City of Poway's adopted district map. The lawsuit was initiated by the former mayor of Poway, Don Higginson, who alleged that the CVRA and Poway's by district map adopted

pursuant thereto violate the equal protection clause of the U.S. Constitution. Higginson sought an order declaring both the CVRA and Poway's map unconstitutional and enjoining their enforcement and use. The Court not only denied Higginson's motion for a preliminary injunction, but also dismissed the case in its entirety based on lack of standing. (See *Higginson v. Becerra, et al.* (Feb. 23, 2018, No. 17cv2032-WQH-JLB) ___ F.Supp.___.)

Over the relatively short history of the CVRA, plaintiff public agencies have paid over \$15 million to CVRA plaintiff attorneys, including a recent settlement in West Covina for \$220,000. (See Table of Results of CVRA Litigation (Attachment C).) The City of Modesto, which challenged the CVRA's constitutionality, ultimately paid \$3 million to the plaintiffs' attorneys, and the cities of Palmdale and Anaheim, who also aggressively litigated CVRA claims, ultimately paid \$4.5 million and \$1.2 million in attorneys' fees, respectively. These figures do not include the tens of millions of dollars government agency defendants have spent on their own attorneys and associated defense costs. All of the above cities – like all other CVRA defendants – ultimately ended up converting to district elections.

Recognizing the heavy financial burden at-large jurisdictions are now facing, in 2016, the California Legislature amended the Elections Code to simplify the process of converting to district-based elections to provide a "safe harbor" process designed to protect agencies from litigation. (Elec. Code § 10010(e)(3).) If a public entity receives a demand letter, such as the Shenkman letter here, the public entity is given 45 days of protection from litigation to assess its situation. If within that 45 days, the public entity adopts a resolution declaring the Council or Board's intent to transition from at-large to district-based elections, the potential plaintiff is prohibited from filing a CVRA action for an additional 90 day period, during which time the process outlined below must occur. (Elec. Code § 10010(e)(3).)

- **Process For Switching To By-District Elections**

In order to avoid the significant litigation expenses that are likely to occur if the District retains its at-large election method of election, at the Board's February 6, 2019 hearing, the Council adopted Resolution No. 19-994 outlining its intention to transition from at-large to by-district elections, pursuant to Elections Code section 10010(e)(3)(A). (Attachment B.) As a result, no potential plaintiff can file a CVRA lawsuit against the District before May 7, 2019.

Now that the District has adopted a resolution of intent, the first step in the process in the District's conversion from its current at-large method of election to a district-based system is to hold two public hearings to receive public comment regarding the composition of the yet to be formed voting districts. (Elec. Code § 10010(a)(1).) The first public hearing was held on March 13, 2019. The second public hearing was held on March 20, 2019, and the third public hearing was held on April 3, 2019. This is the fourth public hearing.

Based in part on input received at these hearings, the District's districting consultant, National Demographics Corporation ("NDC"), has now drawn several proposed voting district maps. (Attachment E.)

The purpose of this meeting is to take public comment, discuss these proposed maps and provide any further input to NDC that the Board deems necessary.

At the Board's prior April 3, 2019 meeting, both the Board and the public expressed their desire to proceed with adopting Map 103. If, after conducting the public hearing tonight, the Board still desires to proceed with the adoption of Map 103, it is suggested that the Board introduce and waive reading an Ordinance of the Board of Directors of the Joshua Basin Water District Establishing and Implementing District Based Elections (Attachment F). If the Board proceeds with the first reading of the Ordinance tonight, the second reading will occur at a public hearing on April 17, 2019.

- **Criteria to be Considered**

While all public input concerning the composition of the District's yet to be formed voting districts should be considered, there are several mandatory criteria that the District will have to comply with when the actual districts are created:

1. Population equality across districts. (Elec. Code § 21601; Gov. Code § 34884 ["The districts shall be as nearly equal in population as may be."].)
2. Race cannot be the "predominant" factor or criteria when drawing districts. (*Shaw v. Reno* (1993) 509 U.S. 630; *Miller v. Johnson* (1995) 515 U.S. 900.)
3. Compliance with the FVRA, which, among other things, prohibits districts that dilute minority voting rights, and encourages a majority-minority district if the minority group is sufficient large and such a district can be drawn without race being the predominant factor. (See, *Bartlett v. Strickland* (2009) 556 U.S. 1.)

Additionally, pursuant to Elections Code section 21601 and Government Code section 34884, the Board *may* consider the following factors when establishing districts (which are not exclusive): (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests. The Board may also plan for future growth, avoid head-to-head contests between incumbents (to the extent possible), consider boundaries of other political subdivisions, and consider physical/visual geographical and topographical features (natural and man-made). The Board may choose to include some, all or none of these criteria, or may choose to come up with unique criteria that Board believes is applicable to the District. In addition, members of the community may suggest additional or alternative criteria that the Board may want to consider.

- **Permissible Forms of By District Government**

In addition to the above criteria, the District has several options when it comes to the number of districts permitted. A public entity may adopt an ordinance that requires the members of the legislative body to be elected in five, seven, or nine districts (Gov. Code § 34871(a)); or in four, six, or eight districts, with an elective mayor/president (Gov. Code § 34871(c)). Thus, the District should consider (in conjunction with NDC) the number of districts to be established.

Although permitted by Government Code 34871(c), there is an open legal question as to whether a public entity that adopts a district-based method of election but establishes a separately elected at-large mayoral/presidential office is insulated from liability under the CVRA. The CVRA defines "at-large method of election" to include any method of election "that combines at-large elections with district-based elections." (Elec. Code § 14026(a)(3).) This definition could arguably include district elections where the mayor/president is separately elected at large. Only an at-large method of election can violate the CVRA. (Elec. Code § 14027.) Accordingly, while many entities have retained their separately elected mayor when facing a CVRA lawsuit and have not been challenged, there is at least an argument that doing so makes the entire method of election "at-large" for the purposes of CVRA.

ENVIRONMENTAL ANALYSIS:

This item is not subject to CEQA review.

CONCLUSION:

It is recommended that the Board (1) hold a public hearing and receive public comment and discuss the draft voting district maps presented (Attachment E) pursuant to Elections Code section 10010(a)(2); (2) introduce and waive reading of an Ordinance of the Board of Directors of the Joshua Basin Water District Establishing and Implementing District Based Elections (Attachment F).

FISCAL IMPACT:

There is no fiscal impact associated with holding this public hearing.

The fiscal impact of moving forward with the transition to district elections, including the demographic consultant cost (\$8,500), the District's anticipated legal fees (\$18,000), and the amount likely to be paid to Sherkman under the CVRA safe harbor provision (\$30,000), is estimated to be approximately \$56,500. Additional legal costs could be incurred for additional analysis and public hearings.

ALTERNATIVE ACTION:

The Board could provide other direction.

| SUPPORTING DOCUMENTS: | PAGE # |
|---|---------------|
| A. Letter from Shenkman & Hughes | 8-11 |
| B. Board Resolution No.19-994..... | 12-15 |
| C. Table of Results of CVRA Litigation..... | 16-19 |
| D. NDC PowerPoint on CVRA..... | 20-31 |
| E. NDC Proposed District Maps..... | 32-37 |
| F. Ordinance | 38-42 |

SID KUKMAN & HUGHES, PC

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VIA CERTIFIED MAIL

December 21, 2018

Mickey Luckman, President
Curt Sauer, General Manager
Joshua Basin Water District
P.O. Box 675
61750 Chollita Road
Joshua Tree, CA 92252

JBWD
DEC 26 2018
RECEIVED BY: PE

Re: Violation of California Voting Rights Act

I write on behalf of our client, Southwest Voter Registration Education Project and its members. The Joshua Basin Water District ("JBWD" or "District") relies upon an at-large election system for electing candidates to its Board of Directors. Moreover, voting within the Joshua Basin Water District is racially polarized, resulting in minority vote dilution, and, therefore, the District's at-large elections violate the California Voting Rights Act of 2001 ("CVRA").

The CVRA disfavors the use of so-called "at-large" voting — an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. See generally *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 667 ("*Sanchez*"). For example, if the U.S. Congress were elected through a nationwide at-large election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter's district, and the 435 candidates receiving the most nationwide votes would be elected. At-large elections thus allow a bare majority of voters to control every seat, not just the seats in a particular district or a proportional majority of seats.

Voting rights advocates have targeted "at-large" election schemes for decades, because they often result in "vote dilution," or the impairment of minority groups' ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. See *Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) ("*Gingles*"). The U.S. Supreme Court "has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting

strength" of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to "ignore [minority] interests without fear of political consequences"), citing *Rogers v. Lodge*, 458 U.S. 613, 623 (1982); *White v. Register*, 412 U.S. 755, 769 (1973). "[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters." *Gingles*, at 47. When racially polarized voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group's ability to elect its preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act ("FVRA"), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large election schemes. *Gingles* at 37; *see also* Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash. & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, "[t]he Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965." *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4th 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered "restrictive interpretations given to the federal act." Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a "majority-minority district." *Sanchez*, at 669. Rather, the CVRA requires only that a plaintiff show the existence of racially polarized voting to establish that an at-large method of election violates the CVRA, not the desirability of any particular remedy. *See* Cal. Elec. Code § 14028 ("A violation of Section 14027 is established if it is shown that racially polarized voting occurs ...") (emphasis added); *also see* Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 ("Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).")

To establish a violation of the CVRA, a plaintiff must generally show that "racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision." Elec. Code § 14028(a). The CVRA specifies the elections that are most probative: "elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class." Elec. Code § 14028(a). The CVRA also makes clear that "[e]lections conducted prior to the filing of an action ... are

more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action." *Id.*

Factors other than "racially polarized voting" that are required to make out a claim under the FVRA – under the "totality of the circumstances" test – "are probative, but not necessary factors to establish a violation of" the CVRA. Elec. Code § 14028(e). These "other factors" include "the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns." *Id.*

The Joshua Basin Water District's at-large system dilutes the ability of Latinos (a "protected class") – to elect candidates of their choice or otherwise influence the outcome of the District's elections. The District serves the city of Joshua Tree. As of the 2010 Census, the City of Joshua Tree had a population of 7,414. According to this data, Latinos comprise approximately 18%. However, in the District's history, there has not been a single Latino Board member. Therefore, not only is the contrast between the significant Latino proportion of the electorate and the absence of Latinos to be elected to the JBWD Board of Directors outwardly disturbing, it is also fundamentally hostile towards participation by members of this protected class.

The JBWD's at-large election system has also impeded the emergence of Latino candidates from the community. Again, in the District's history, there has only been one Latino who has emerged as a candidate for the JBWD Board. Opponents of fair, district-based elections may attribute the lack of Latinos vying for elected positions to a lack of interest in local government from these communities. On the contrary, the alarming absence of Latino candidates seeking election to the District's Board reveals vote dilution. See *Westwego Citizens for Better Government v. City of Westwego*, 872 F. 2d 1201, 1208-1209, n. 9 (5th Cir. 1989).

- The District's election history is additionally illustrative. Notwithstanding the fact that there has never been a Latino to serve on the JBWD's Board, Al Marquez announced his candidacy in 2008 but lost that election. Once more, in 2010, Mr. Marquez ran for the Board and lost. Even still, Mr. Marquez declared his candidacy in 2012 and most recently in 2018. Despite support from the local Latino community in each of these four elections, Mr. Marquez lost each time. These four (4) elections evidence vote dilution which is directly attributable to the JBWD's unlawful at-large election system.

December 21, 2018

Page 4 of 4

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale city council, with districts that combine all incumbents into one of the four districts.

More recently, this month, after a 7-week trial, we also prevailed against the City of Santa Monica, after that city needlessly spent millions of dollars defending its illegal election system – far in excess of what was spent in the Palmdale litigation - taxpayer dollars which could have been more appropriately spent on indispensable municipal services and critical infrastructure improvements. Just prior to the trial in that case, counsel for the City of Santa Monica Kohn Scolnick, a partner at Gibson Dunn & Crutcher LLP proclaimed that, "the reality is that if Santa Monica fails the CVRA test, then no city could pass, because Santa Monica is doing really well in terms of full representation and success of minority candidates." ("In Rare California Voting Rights Trial, Gibson Dunn Steps Up for Santa Monica", Law.com, August 1, 2018). Notwithstanding Mr. Scolnick's prediction, Plaintiffs succeeded in proving that Santa Monica's election system was in violation of the CVRA and the Equal Protection Clause of the California Constitution.

Given the historical lack of Latino representation on the Joshua Basin Water District's Board of Directors in the context of racially polarized elections, we urge the District to voluntarily change its at-large system of electing its Board members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than February 12, 2019 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,



Kevin I. Shenkman

RESOLUTION NO. 19-994

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT EXPRESSING THE BOARD'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010 (e)(3)(A), TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING DISTRICT-BASED ELECTIONS FOR BOARD MEMBERS

WHEREAS, the Joshua Basin Water District, ("District") is duly organized under the constitution and laws of the State of California; and

WHEREAS, the members of the Board of Directors of the District are currently elected in at-large elections, in which each Board member is elected by all registered voters of the entire District; and

WHEREAS, Section 10650 of the Elections Code authorizes any district change to a district-based system without the need to put such a change to voters; and

WHEREAS, the District Board of Directors has determined that it is in the best interest of the District to move from its current at-large electoral system to a district-based election for members of the District Board, in response to the provisions of the California Voting Rights Act (CVRA); and

WHEREAS, the District intends to make the transition from an at-large system to a district-based system in accordance with the procedural rules outlined in Election Code 10650 and Elections Code 10010; and

WHEREAS, the District received a letter threatening action under the California Voting Rights Act on December 26, 2018 less than forty-five (45) days before the date of this Resolution; and

WHEREAS, the District will begin by working with an experienced demographer to assist the District in establishing maps for a district-based electoral system; and

WHEREAS, before drawing a draft map of the proposed boundaries of the districts, the District will hold at least two (2) public hearings over no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts; and

WHEREAS, the District will then publish and make available for release at least one (1) draft map of the new electoral districts, including the potential sequence of elections shown; and

WHEREAS, once the draft map(s) have been publicized for at least seven (7) days, the District will hold at least two (2) additional public hearings, over no more than forty-five days, at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections prior to the public hearing at which the District Board of Directors adopts a map; and

WHEREAS, if a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven (7) days before the District chooses to adopt it; and

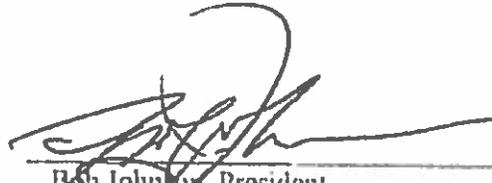
WHEREAS, in determining the final sequence of staggered District elections, the District Board of Directors will give special consideration to the purposes of the CVRA, and will take into account the preferences expressed by the public; and

NOW, THEREFORE, BE IT RESOLVED by the Board of the Joshua Basin Water District, as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. The Board of Directors hereby resolves, pursuant to Elections Code section 10010, to consider adopting a district-based election system by ordinance as authorized by California Elections Code section 10650, for use in the Districts General Election for Board Members.
3. The Board of Directors further resolves to retain a qualified demographer, hold at least five (5) public hearings and publish at least one (1) draft map and staggering sequence, pursuant to the proposed tentative hearing schedule attached hereto as Exhibit "I".
4. The District's redistricting/demographic consulting firm, acting under the supervision of special counsel, is hereby authorized to direct and formulate one or more electoral district scenarios for review by the public and Board at two or more public hearings if necessary, in accordance with the District's proposed tentative timeline.
5. Working with the demographic consulting firm, staff is directed to publicize relevant maps, information, notices, agendas and other materials regarding District-based elections and to establish means of communication to answer questions from the public.

6. All public hearings shall be noticed on the District's website, and in addition, as follows: posting on the District's website at least ten (10) calendar days in advance of the hearing and publication at least ten (10) days in advance of the hearing in the newspaper adjudicated to provide notice within the District.
7. The General Manager is authorized to take any and all other necessary actions to give effect to this Resolution.
8. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED at the Regular Meeting of the Board of Directors of the Joshua Basin Water District on the 6th day of February, 2019, by the following vote:



Bob Johnson, President
Joshua Basin Water District and of
the Board of Directors thereof.

ATTEST:



Curt Sauer, Secretary
Joshua Basin Water District and of
the Board of Directors thereof.

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF)

I, Curt Sauer, Secretary of the Board of Directors of the Joshua Basin Water District do hereby certify that the foregoing Resolution No. 19-994 was duly adopted and passed at the regular meeting of the Board of Directors on the 6th day of February 2019, by the following vote to wit:

AYES: *Reynolds, Wickman, Hand, Unger, Johnson*

NOES:

ABSTAIN:

ABSENT:

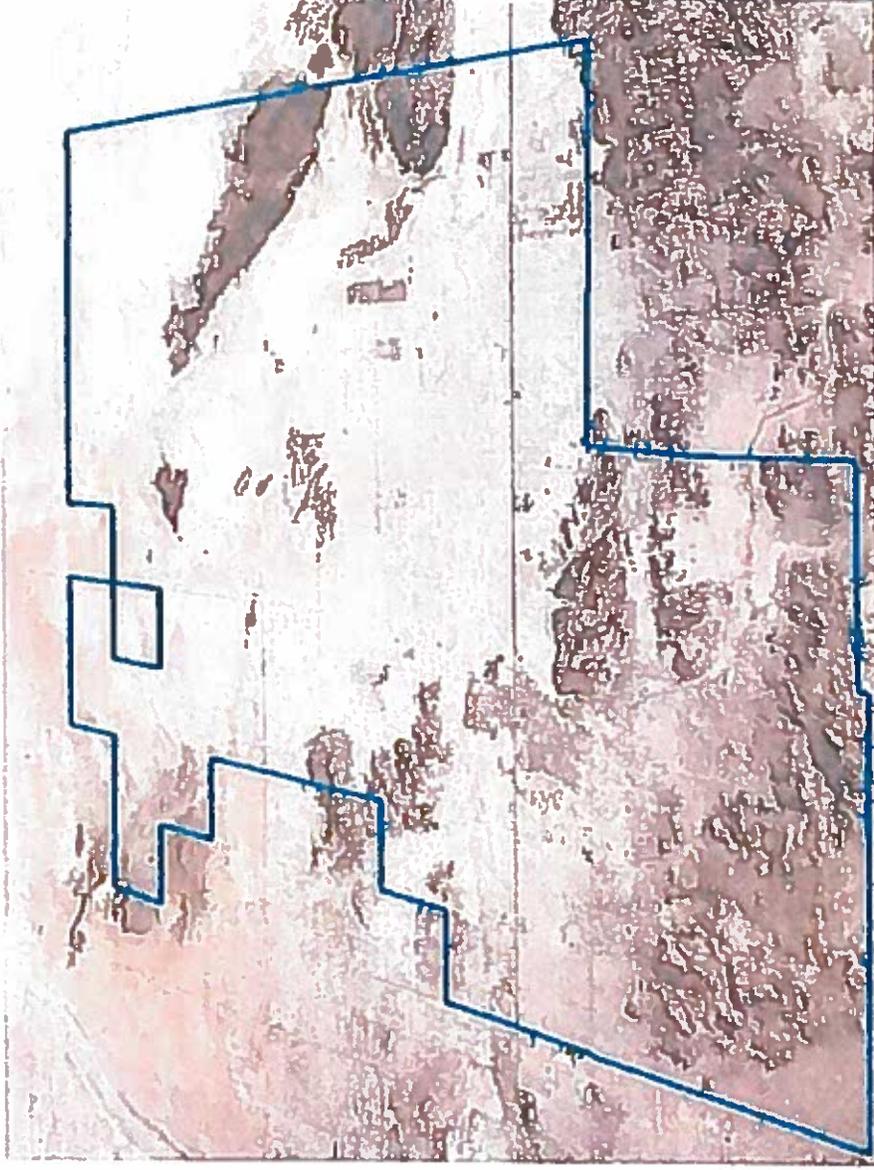

Curt Sauer, Secretary
Joshua Basin Water District and of
the Board of Directors thereof;

| City/Political | Subdivision Defendant Settlement Conditions | Attorneys' Fees | Notes |
|---|--|-----------------|--|
| City of Palmdale | Agreed to have voters choose elected officials by districts, including two with Latino majorities | \$1,500,000 | City lost trial on the merits, held an election that plaintiffs argued was illegal, and unsuccessfully challenged an injunction stopping the city from certifying the results of the election; settlement subsequently reached |
| City of Modesto | Moved to District elections; voters had already approved a move to districts before settlement | \$3,000,000 | Settlement; Additional \$1,700,000 to defense attorneys |
| Madera Unified School District / Madera County Board of Education | Moved to "by trustee" area elections via admission of liability | \$162,500 | Court award |
| City of Compton | Moved to by-district elections via ballot measure; kept mayor at large | Confidential | Settlement |
| Tulare Local Healthcare District | Agreed to hold an election re changing to district elections in 2012 and agreed to cancel 2010 elections | \$500,000 | Settlement |
| City of Tulare | City agreed to place a ballot measure before voters regarding a move to district elections | \$225,000 | Settlement |
| Hanford Unified School District | Agreed to move to by-trustee district elections | \$110,000 | Settlement |

| City/Political | Subdivision Defendant Settlement Conditions | Attorneys' Fees | Notes |
|--|--|-----------------|--|
| Compton Community College District | Agreed to move to by-district elections | \$40,000 | Settlement |
| Ceres Unified School District | Moved to by-trustee district elections before litigation was filed | \$3,000 | Settlement |
| Cerritos Community College District | Moved to by-district elections | \$55,000 | Settlement |
| San Mateo County | County moved to by-district elections (through a ballot measure) and further agreed to redraw its previously-approved district boundaries by forming a nine-person redistricting committee | \$650,000 | Settlement |
| City of Anaheim | Agreed to place ballot measure on November 2016 ballot re moving to by-district elections | \$1,200,000 | Settlement after first litigating: expected costs include at least another \$800,000 |
| City of Whittier | Case dismissed as moot when City changed voting system: unsuccessful post-election challenge re at-large mayor | \$1,000,000 | Court awarded fees under analyst theory, even though case was dismissed |
| Santa Clarita Community College District | Agreed to conduct cumulative voting and by trustees | \$850,000 | Settlement |
| City of Garden Grove | Moved to by-district elections via stipulated judgment | \$290,000 | Settlement |

| City/Political | Subdivision Defendant Settlement Conditions | Attorneys' Fees | Notes |
|---------------------------------|---|-----------------|---------------------------|
| City of Escondido | Settled via court order (consent decree) after vote of the people failed to adopt by district elections | \$585,000 | Settlement |
| City of Santa Clarita | Agreed to move to cumulative voting method | \$600,000 | Settlement |
| City of Visalia | Stipulated judgment, court ordered by-districts | \$125,000 | Settlement |
| City of Santa Barbara | Agreed to move to by-district; major remained elected at-large | \$599,500 | Settlement |
| City of Fullerton | Agreed to pay attorneys' fees -- negotiate in good faith; required placing measure on November 2016 ballot to move to districts | Undisclosed | Settlement |
| City of Merced | Settled before lawsuit filed; agreed to ballot measure | \$43,000 | Settlement |
| City of Bellflower | Agreed to place ballot measure on November 2016 ballot; measure adopted | \$250,000 | Settlement |
| Sulphur Springs School District | Agreed to move to by-district elections | \$141,000 | Settlement |
| City of Costa Mesa | Moved to districts before lawsuit was filed | \$55,000 | Pre-Litigation Settlement |

| City/Political | Subdivision Defendant Settlement Conditions | Attorneys' Fees | Notes |
|--------------------------|--|---------------------|---|
| City of West Covina | Waited until after lawsuit was filed to hire demographer and voluntarily move to by-district elections via ordinance | \$220,000 | Settlement |
| City of Rancho Cucamonga | Ongoing; currently being litigated | Ongoing | Ongoing |
| City of San Marcos | Moved to districts within safe harbor before lawsuit could be filed | \$0 | Transitioned to districts before lawsuit could be filed |
| City of Carlsbad | Moved to districts within safe harbor before lawsuit could be filed | \$0 | Transitioned to districts before lawsuit could be filed |
| City of Poway | Ongoing; moved to districts within safe harbor | Ongoing | Ongoing |
| | TOTAL PAYMENTS TO PLAINTIFFS' ATTORNEYS | \$15,007,000 | |



Joshua Basin Water District

Introduction to Districting

April 10, 2019

Public Hearing No. 4

California Voting Rights Act (CVRA)

2

- Under the Federal Voting Rights Act (passed in 1965), a jurisdiction must fail 4 factual tests before it is in violation of the law.
- The California VRA makes it significantly easier for plaintiffs to force jurisdictions into “by-district” election systems by eliminating two of the US Supreme Court *Gingles* tests:
 - ~~1. Can the protected class constitute the majority of a district?~~
 2. Does the protected class vote as a bloc?
 3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 - ~~4. Do the “totality of circumstances” indicate race is a factor in elections?~~
- Liability is now determined only by the presence of racially polarized voting
- The only “floor” protecting small jurisdictions is a state ban on by-district elections for jurisdictions with less than 100 registered voters.

- Switched (or in the process of switching) as a result of CVRA:
 - At least 170 school districts
 - 28 Community College Districts
 - 100+ cities
 - 1 County Board of Supervisors
 - At least 15 water, hospital and other special districts.

- Palmdale, Santa Clara and Santa Monica have gone to trial, and all of them lost (Santa Monica and Santa Clara are on appeal).
 - Palmdale spent \$2 million on its defense
 - Santa Clara spent \$500,000 so far
 - Santa Monica spent at least \$5 million so far

- Sample Settlement Payments to Plaintiffs:
 - Palmdale: \$4.7 million
 - Modesto: \$3 million
 - Highland: \$1.35 million
 - Rancho Cucamonga: \$1.3 million
 - Anaheim: \$1.1 million
 - Whittier: \$1 million
 - Santa Barbara: \$600,000
 - Tulare Hospital: \$500,000
 - Madera Unified: about \$170,000
 - Hanford Joint Union Schools: \$118,000
 - Merced City: \$42,000
 - Placentia: \$20,000

Districing Process

| Step | Description |
|----------------------------|---|
| Two Initial Hearings | Held prior to release of draft maps. Education and to solicit input on the communities in the District. |
| Release draft maps | Maps must be posted at least 7 days prior to 3 rd hearing. |
| Two Draft Map Hearings | Two meetings to discuss and revise the draft maps and to discuss the election sequencing. |
| Final Hearing and Adoption | Public hearing to discuss and take public comment on draft maps and proposed sequence of elections. Map selection & ordinance introduction. |
| 2020 | First by-division elections |
| 2021 | Map adjusted using 2020 Census data |
| 2022 | Remaining districts hold first by-zone elections |

Districting Rules and Goals

Federal Laws

- Equal Population
- Federal Voting Rights Act
- No Racial Gerrymandering

Traditional Redistricting Principles

- Communities of interest
- Compact
- Contiguous
- Visible (Natural & man-made) boundaries
- Respect voters' choices / continuity in office
- Planned future growth*





Demographic Summary

Latinos are 16% of the total population and 16% of the eligible voters (measured by CVAP data).

The most-Latino legal division possible is 21 to 23 percent of CVAP.

Asian-Americans are 7% of eligible voters and African-Americans are 1%.

Neither group is large or concentrated enough to impact a division's demographics.

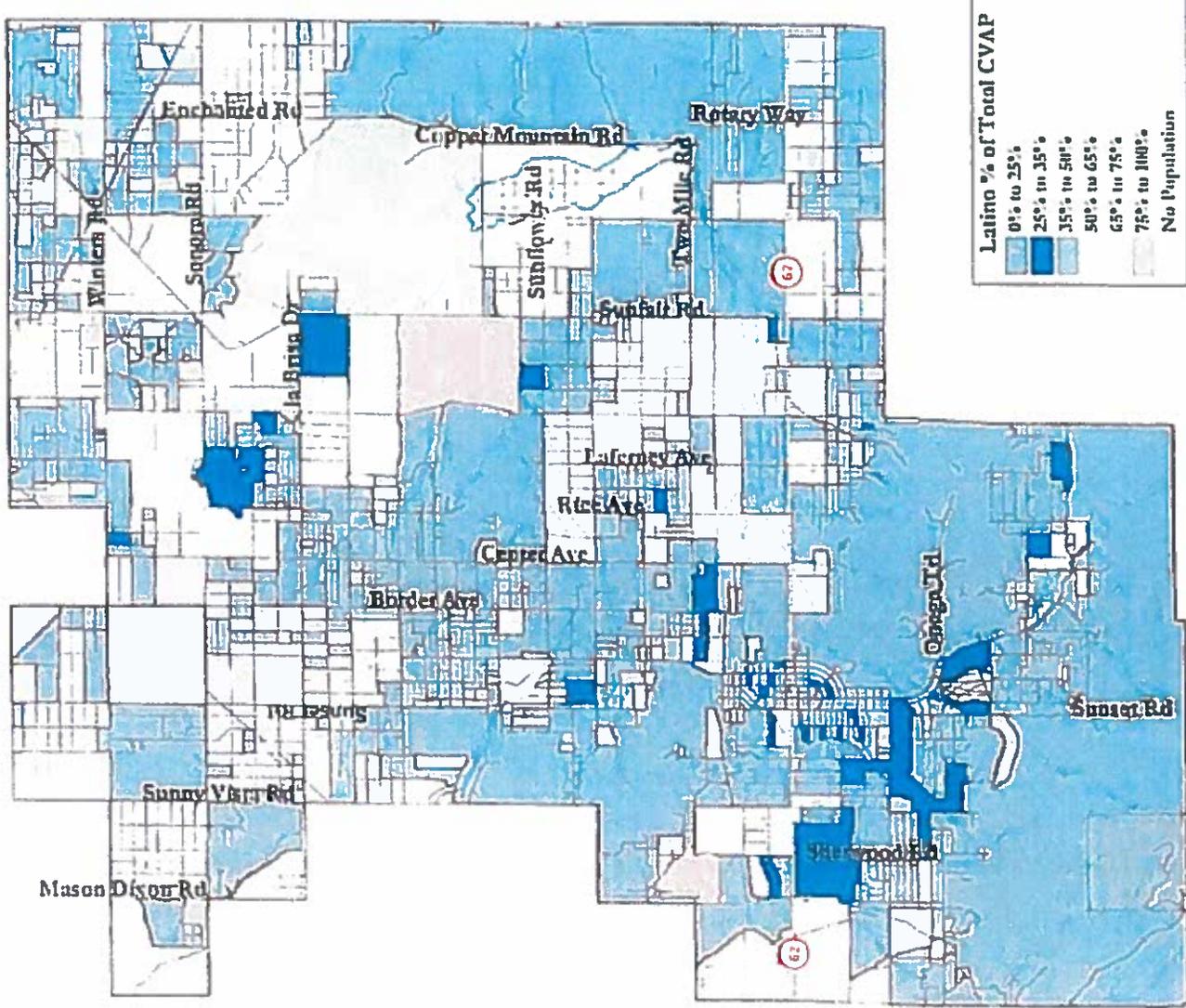
With 5 divisions, each district would have about 1,908 residents.

| Category | Field | Count | Pct | Category | Field |
|-------------------------------|-------------------|-------|------------|---------------------------------|-----------------------------------|
| Total Pop | Total Pop | 9,542 | | ACS Pop. Est. | Total |
| | Hisp | 1,556 | 16% | Age | age0-19 |
| | NH White | 7,184 | 75% | | age20-60 |
| | NH Black | 317 | 3% | | age60plus |
| Citizen Voting Age Pop | Asian-American | 186 | 2% | Immigration | immigrants |
| | Total | 6,737 | | | naturalized |
| | Hisp | 1,092 | 16% | Language spoken at home | english |
| | NH White | 4,947 | 73% | | spanish |
| NH Black | 63 | 1% | asian-lang | | |
| Voter Registration (Nov 2016) | Asian/Pac.Isl. | 417 | 7% | Language Fluency | other lang |
| | Total | 4,238 | | | Speaks Eng. "Less than Very Well" |
| | Latino est. | 421 | 10% | Education (among those age 25+) | hs-grad |
| | Spanish-Surnamed | 378 | 9% | | bachelor |
| Voter Turnout (Nov 2016) | Asian-Surnamed | 35 | 1% | Child in Household | graduate/degree |
| | Filipino-Surnamed | 18 | 0% | | child-under18 |
| | NH White est. | 3,582 | 85% | Pct of Pop. Age 16+ | employed |
| | NH Black | 86 | 2% | | income 0-25k |
| Voter Turnout (Nov 2014) | Total | 3,349 | | Household Income | income 25-50k |
| | Latino est. | 303 | 9% | | income 50-75k |
| | Spanish-Surnamed | 272 | 8% | | income 75-200k |
| | Asian-Surnamed | 26 | 1% | | income 200k-plus |
| Voter Turnout (Nov 2014) | Filipino-Surnamed | 13 | 0% | Housing Stats | single family |
| | NH White est. | 2,862 | 85% | | multi-family |
| | NH Black | 69 | 2% | | rented |
| | Total | 1,820 | | | owned |
| Voter Turnout (Nov 2014) | Latino est. | 125 | 7% | Housing Stats | single family |
| | Spanish-Surnamed | 112 | 6% | | multi-family |
| | Asian-Surnamed | 13 | 1% | | rented |
| | Filipino-Surnamed | 10 | 1% | | owned |
| Voter Turnout (Nov 2014) | NH White est. | 1,576 | 87% | Housing Stats | single family |
| | NH Black est. | 60 | 3% | | multi-family |

Protected Class Populations

Latinos are spread throughout the District

There is no large concentration of Asian-American, African-American or Native American voters in the District.

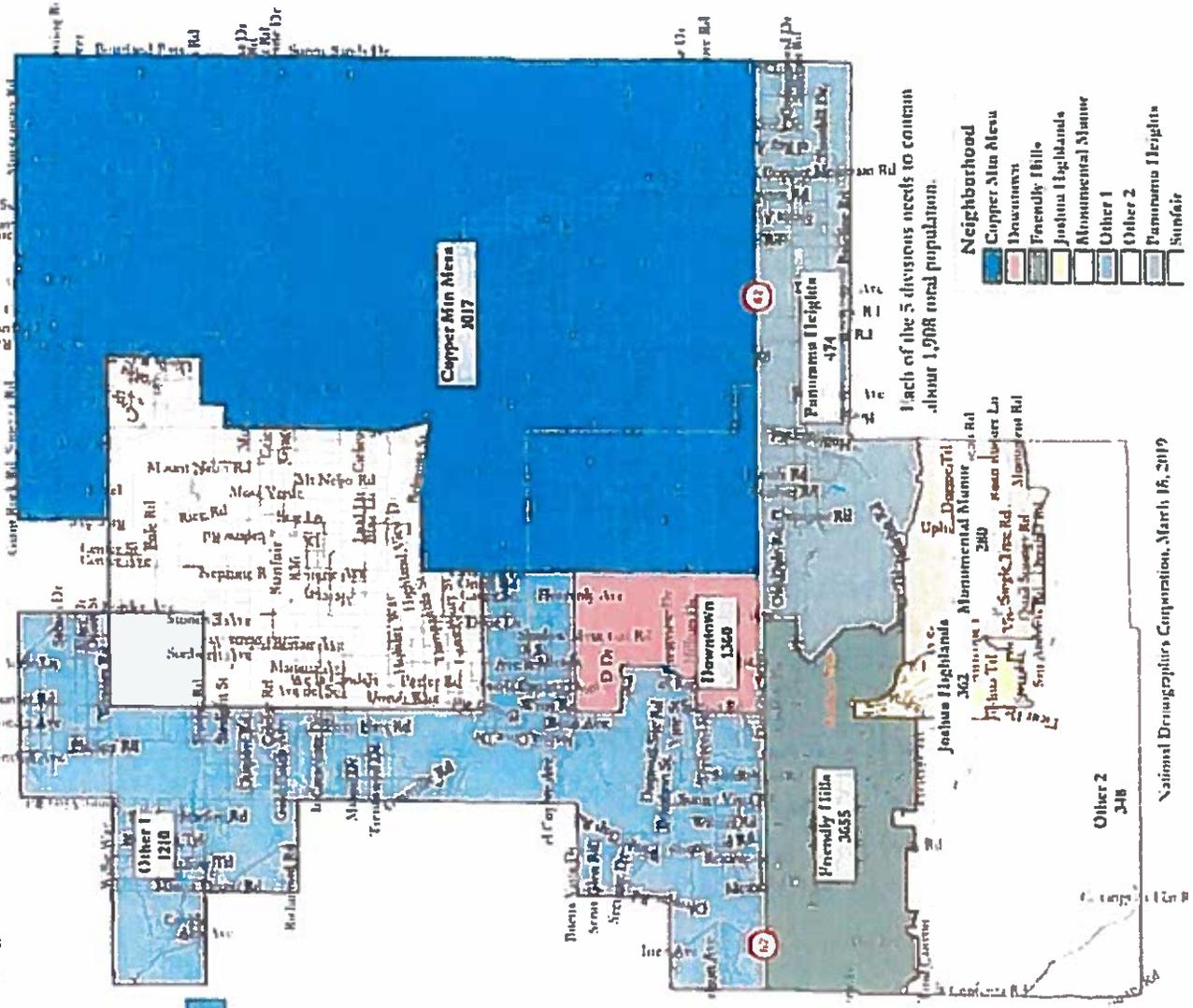




General Map of Communities

Reminder: 1,908 people needed for each division.

Population by approximate neighborhood



Defining Communities of Interest

9

1st Question: what is your neighborhood or community of interest?

A Community of Interest is generally defined as a neighborhood or community of shared interests, views, problems, or characteristics.

Possible community feature/boundary definitions include:

- School attendance areas
- Natural neighborhood dividing lines, such as highway or major roads, rivers, canals, and/or hills
- Areas around parks and other neighborhood landmarks
- Common issues, neighborhood activities, or legislative/election concerns
- Shared demographic characteristics
 - Such as similar levels of income, education, or linguistic isolation

2nd Question: Does a Community of Interest want to be united in one district, or to be divided to have a voice in multiple elections?

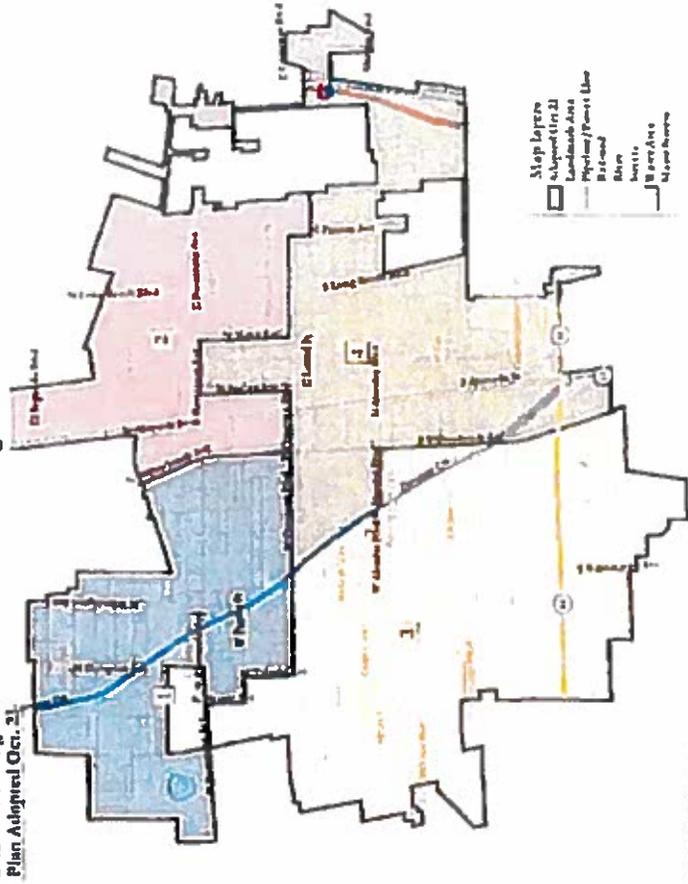


Sample Compact Maps

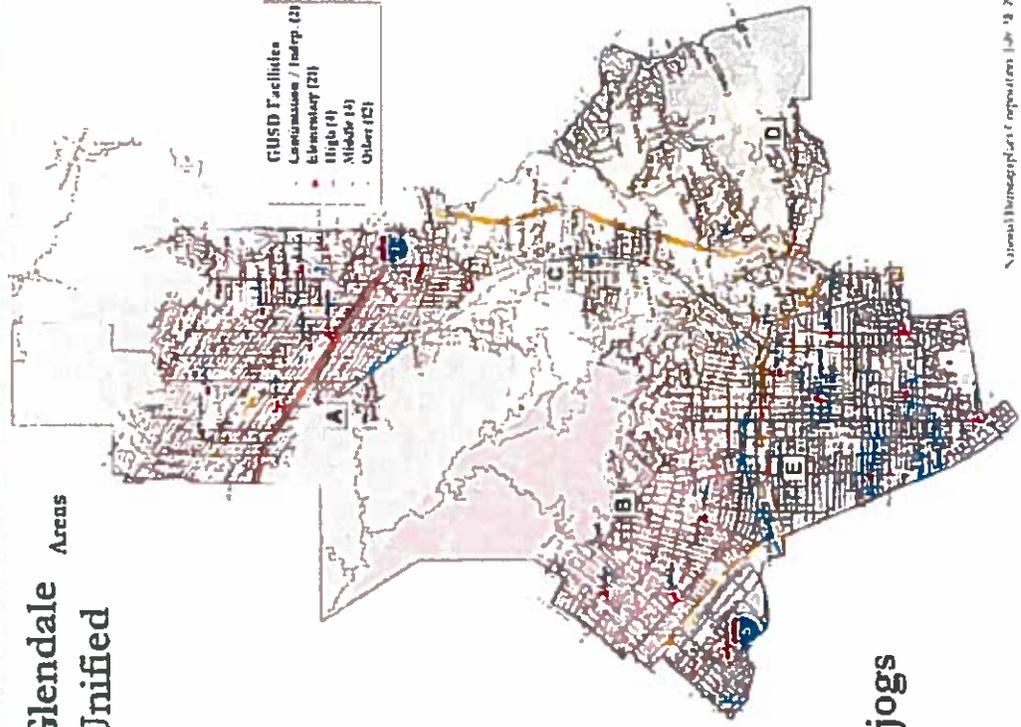
10

City of Compton
2012 Redistricting
Plan Adopted Oct. 21

Compton



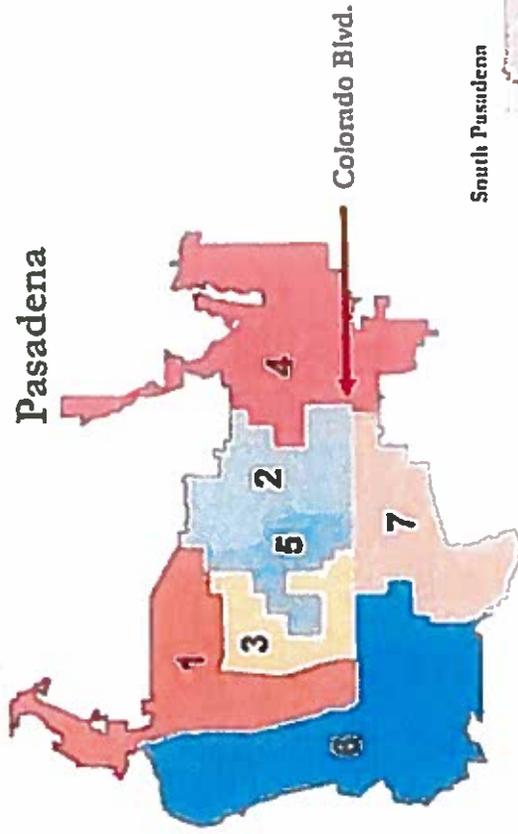
Glendale
Arcas
Unified



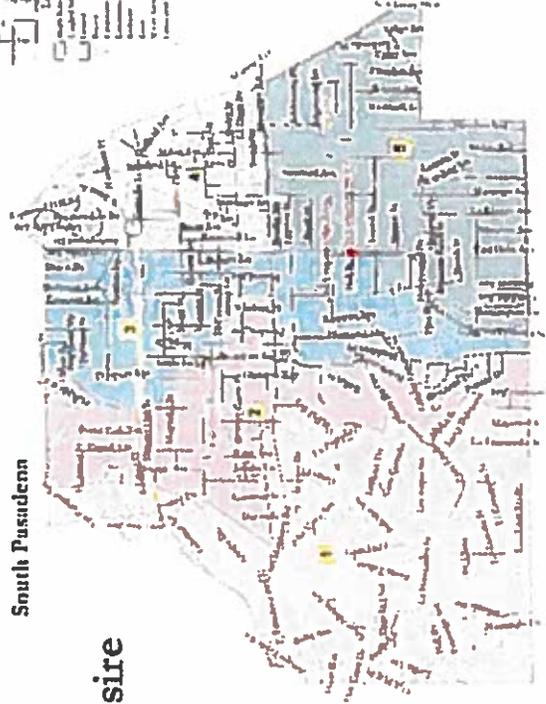
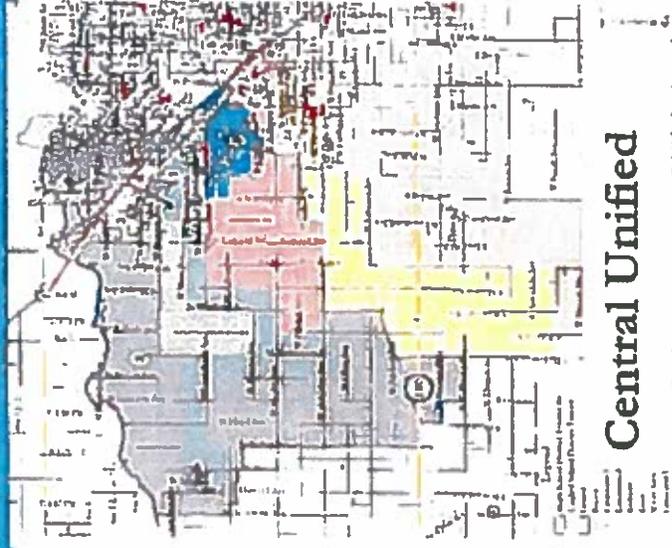
Examples of highly compact maps, with nooks and jogs driven only by equal population requirements.

Sample Multiple-Representative Maps

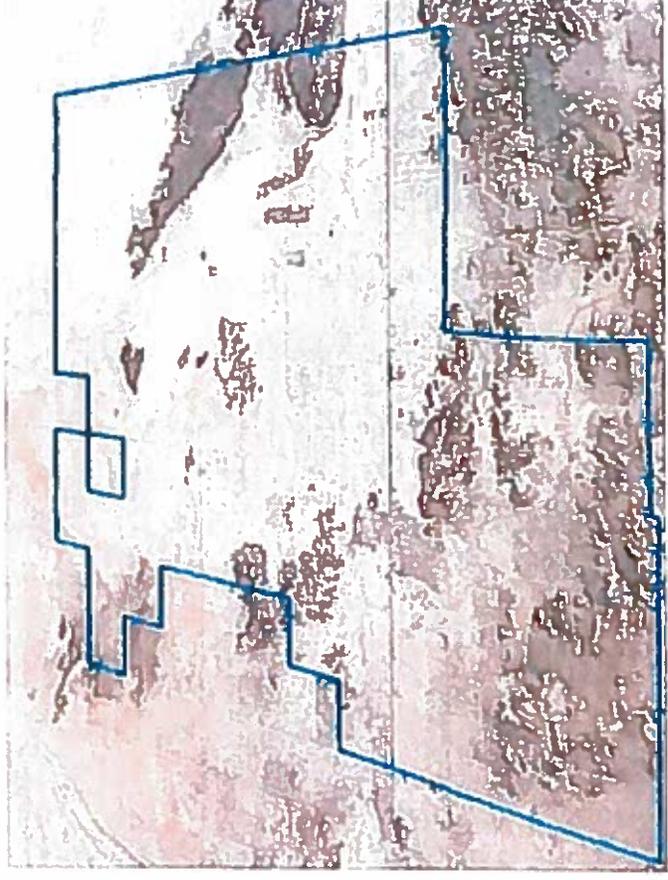
11



Examples of maps where a desire to have all members touch downtown (Pasadena) or rural areas (Central), or as many neighborhoods as possible (South Pas), led to policy-driven but non-compact maps.



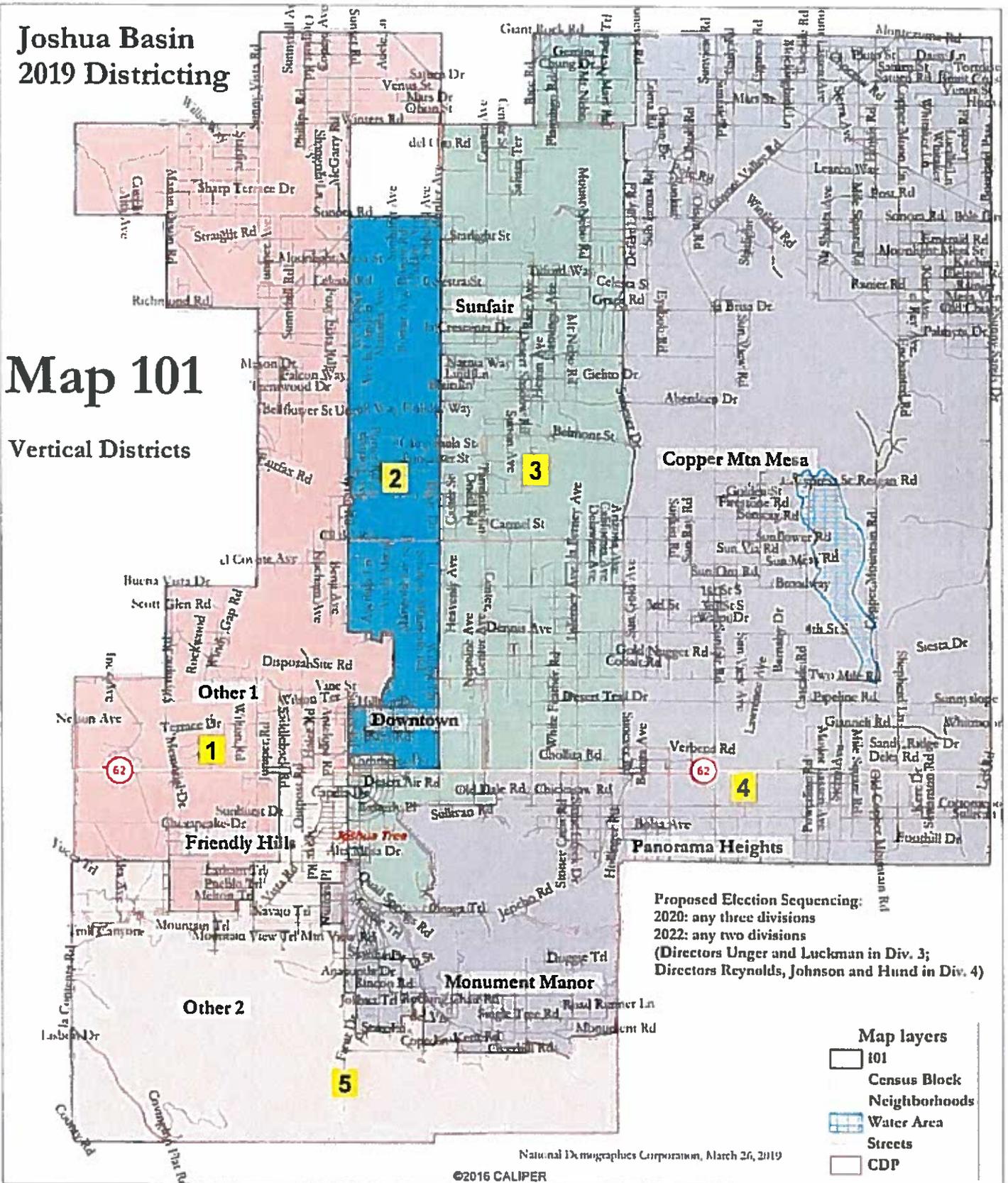
1. What are the boundaries of your neighborhood or “community of interest”?
2. Do you want your neighborhood united in one division, or with multiple Directors elected from it?
3. What neighborhoods do you think make sense to be with your neighborhood in a division or divisions because of common issues?
4. What other “communities of interest” do you see in the District?



Joshua Basin 2019 Districting

Map 101

Vertical Districts



Joshua Basin - Map 101

| District | | 2 | 1 | 3 | 4 | 5 | Total | |
|---------------------------------|-----------------------------------|----------|--------|--------|-------|-------|-------|-----|
| Ideal | Total Pop | 1,929 | 1,894 | 1,901 | 1,909 | 1,909 | 9,542 | |
| | Deviation from ideal | 21 | -14 | -7 | 1 | 1 | 35 | |
| 1,908 | % Deviation | 1.10% | -0.73% | -0.37% | 0.05% | 0.05% | 1.83% | |
| | % Hisp | 21% | 14% | 17% | 11% | 19% | 16% | |
| Total Pop | % NII White | 70% | 78% | 74% | 81% | 73% | 75% | |
| | % NII Black | 5% | 3% | 4% | 2% | 3% | 3% | |
| | % Asian-American | 2% | 1% | 2% | 2% | 3% | 2% | |
| | Total | 1,254 | 1,331 | 1,293 | 1,352 | 1,507 | 6,737 | |
| Citizen Voting Age Pop | % Hisp | 22% | 15% | 11% | 17% | 16% | 16% | |
| | % NII White | 70% | 74% | 81% | 78% | 66% | 73% | |
| | % NII Black | 0% | 2% | 1% | 1% | 1% | 1% | |
| | % Asian/Pac Isl. | 5% | 6% | 2% | 1% | 17% | 7% | |
| Voter Registration (Nov 2016) | Total | 583 | 935 | 931 | 910 | 879 | 4,238 | |
| | % Latino est. | 11% | 9% | 11% | 11% | 8% | 10% | |
| | % Spanish-Surnamed | 10% | 8% | 10% | 10% | 8% | 9% | |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% | |
| | % Filipino-Surnamed | 0% | 0% | 1% | 1% | 0% | 0% | |
| | % NII White est. | 87% | 84% | 82% | 82% | 88% | 85% | |
| Voter Turnout (Nov 2016) | % NII Black | 0% | 2% | 4% | 1% | 2% | 2% | |
| | Total | 442 | 750 | 721 | 714 | 722 | 3,349 | |
| | % Latino est. | 10% | 8% | 10% | 10% | 8% | 9% | |
| | % Spanish-Surnamed | 9% | 7% | 9% | 9% | 7% | 8% | |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% | |
| | % Filipino-Surnamed | 0% | 0% | 1% | 1% | 0% | 0% | |
| Voter Turnout (Nov 2014) | % NII White est. | 88% | 85% | 83% | 83% | 89% | 85% | |
| | % NII Black | 0% | 2% | 4% | 2% | 2% | 2% | |
| | Total | 222 | 362 | 400 | 455 | 381 | 1,820 | |
| | % Latino est. | 9% | 6% | 8% | 7% | 5% | 7% | |
| | % Spanish-Surnamed | 8% | 5% | 7% | 6% | 4% | 6% | |
| | % Asian-Surnamed | 0% | 1% | 1% | 1% | 1% | 1% | |
| ACS Pop. Est. | % Filipino-Surnamed | 0% | 0% | 1% | 1% | 0% | 1% | |
| | % NII White est. | 87% | 89% | 80% | 86% | 90% | 87% | |
| | % NII Black est. | 2% | 1% | 9% | 1% | 4% | 3% | |
| | Total | 1,708 | 1,750 | 1,731 | 1,804 | 1,782 | 8,775 | |
| | Age | age0-19 | 23% | 24% | 24% | 23% | 24% | 24% |
| | | age20-60 | 55% | 52% | 54% | 53% | 52% | 53% |
| age60plus | | 21% | 24% | 23% | 25% | 24% | 23% | |
| Immigration | immigrants | 6% | 10% | 8% | 8% | 11% | 9% | |
| | naturalized | 39% | 70% | 62% | 68% | 79% | 66% | |
| Language spoken at home | english | 88% | 90% | 89% | 89% | 90% | 89% | |
| | spanish | 9% | 7% | 8% | 7% | 6% | 7% | |
| | asian lang | 3% | 1% | 1% | 2% | 0% | 1% | |
| | other lang | 0% | 3% | 2% | 2% | 3% | 2% | |
| Language Fluency | Speaks Eng. "Less than Very Well" | 1% | 5% | 3% | 4% | 6% | 4% | |
| Education (among those age 25+) | hs grad | 72% | 64% | 67% | 64% | 60% | 65% | |
| | bachelor | 13% | 15% | 14% | 14% | 17% | 15% | |
| | graduatedegree | 7% | 8% | 8% | 8% | 9% | 8% | |
| Child in Household | child-under18 | 25% | 23% | 24% | 22% | 24% | 24% | |
| Pct of Pop. Age 16+ | employed | 49% | 40% | 43% | 40% | 37% | 42% | |
| Household Income | income 0-25k | 37% | 33% | 35% | 35% | 30% | 34% | |
| | income 25-50k | 33% | 28% | 29% | 26% | 25% | 28% | |
| | income 50-75k | 11% | 15% | 14% | 17% | 16% | 14% | |
| | income 75-200k | 19% | 21% | 20% | 18% | 22% | 20% | |
| | income 200k plus | 0% | 4% | 3% | 4% | 7% | 3% | |
| Housing Stats | single family | 88% | 91% | 90% | 93% | 90% | 91% | |
| | multi family | 12% | 9% | 10% | 7% | 10% | 9% | |
| | rented | 48% | 45% | 47% | 43% | 48% | 46% | |
| | owned | 52% | 55% | 53% | 57% | 52% | 54% | |

Total population data from the 2010 Decennial Census

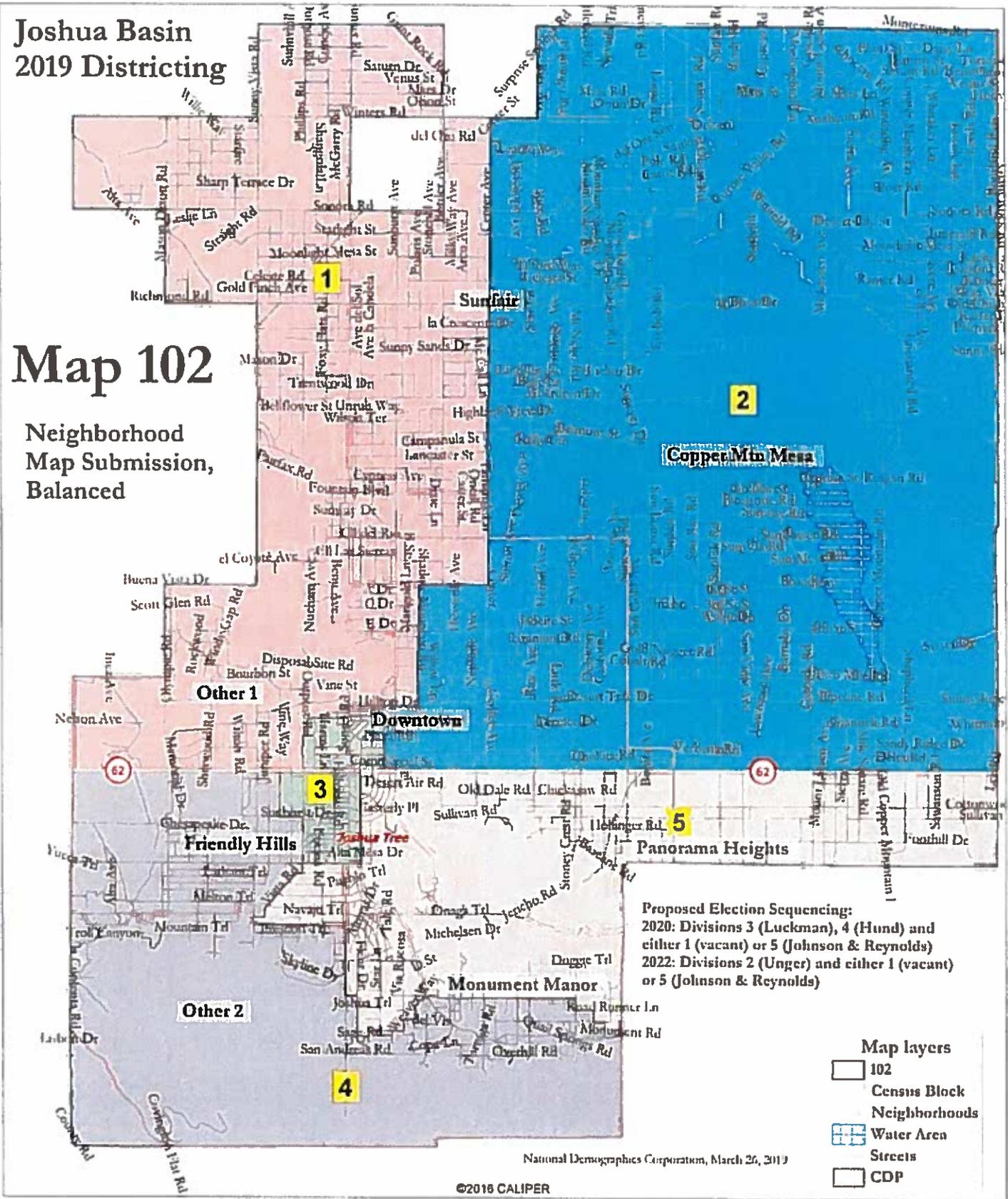
Surname based Voter Registration and Turnout data from the California Statewide Database

Latino voter registration and turnout data are Spanish surname counts adjusted using Census Population Department undercount estimates. NII White and NII Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 3 year data.

Joshua Basin 2019 Districting

Map 102

Neighborhood
Map Submission,
Balanced



Joshua Basin - Map 102

| District | | 1 | 2 | 3 | 4 | 5 | Total |
|---------------------------------|-----------------------------------|--------|-------|-------|--------|-------|-------|
| Ideal | Total Pop | 1,902 | 1,917 | 1,915 | 1,886 | 1,922 | 9,542 |
| 1,908 | Deviation from ideal | -6 | 9 | 7 | -22 | 14 | 36 |
| | % Deviation | -0.31% | 0.47% | 0.37% | -1.15% | 0.73% | 1.89% |
| Total Pop | % Hisp | 18% | 14% | 21% | 12% | 16% | 16% |
| | % NII White | 73% | 76% | 70% | 80% | 77% | 75% |
| | % NII Black | 3% | 4% | 4% | 3% | 3% | 3% |
| | % Asian-American | 1% | 3% | 2% | 2% | 2% | 2% |
| Citizen Voting Age Pop | Total | 1,208 | 1,389 | 1,673 | 1,262 | 1,204 | 6,737 |
| | % Hisp | 17% | 17% | 16% | 16% | 15% | 16% |
| | % NII White | 74% | 74% | 66% | 75% | 81% | 73% |
| | % NII Black | 1% | 0% | 1% | 2% | 1% | 1% |
| | % Asian/Pac Isl. | 4% | 3% | 16% | 7% | 2% | 7% |
| Voter Registration (Nov 2016) | Total | 641 | 779 | 782 | 1,007 | 1,029 | 4,238 |
| | % Latino est. | 9% | 11% | 10% | 9% | 11% | 10% |
| | % Spanish Surnamed | 8% | 10% | 9% | 8% | 9% | 9% |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% |
| | % Filipino-Surnamed | 0% | 1% | 0% | 0% | 1% | 0% |
| | % NII White est. | 85% | 82% | 85% | 88% | 83% | 85% |
| | % NII Black | 1% | 0% | 2% | 2% | 5% | 2% |
| Voter Turnout (Nov 2016) | Total | 501 | 605 | 615 | 821 | 807 | 3,349 |
| | % Latino est. | 9% | 11% | 9% | 8% | 9% | 9% |
| | % Spanish Surnamed | 8% | 10% | 8% | 7% | 8% | 8% |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% |
| | % Filipino-Surnamed | 0% | 1% | 0% | 0% | 1% | 0% |
| | % NII White est. | 85% | 82% | 86% | 89% | 84% | 85% |
| | % NII Black | 1% | 0% | 2% | 2% | 5% | 2% |
| Voter Turnout (Nov 2014) | Total | 271 | 323 | 315 | 428 | 484 | 1,820 |
| | % Latino est. | 8% | 9% | 7% | 5% | 6% | 7% |
| | % Spanish Surnamed | 7% | 8% | 6% | 5% | 6% | 6% |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% |
| | % Filipino-Surnamed | 0% | 1% | 0% | 0% | 1% | 1% |
| | % NII White est. | 87% | 81% | 86% | 93% | 85% | 87% |
| | % NII Black est. | 1% | 3% | 4% | 1% | 7% | 3% |
| ACS Pop. Est | Total | 1,698 | 1,750 | 1,758 | 1,760 | 1,808 | 8,775 |
| Age | age0-19 | 23% | 23% | 24% | 24% | 24% | 24% |
| | age20-60 | 55% | 55% | 53% | 52% | 52% | 53% |
| | age60plus | 22% | 23% | 23% | 24% | 24% | 23% |
| Immigration | immigrants | 6% | 6% | 10% | 11% | 10% | 9% |
| | naturalized | 39% | 41% | 71% | 79% | 78% | 66% |
| Language spoken at home | english | 88% | 88% | 90% | 90% | 90% | 89% |
| | spanish | 9% | 9% | 7% | 6% | 6% | 7% |
| | asian lang | 2% | 3% | 1% | 0% | 0% | 1% |
| | other lang | 0% | 1% | 3% | 3% | 3% | 2% |
| Language Fluency | Speaks Eng. "Less than Very Well" | 1% | 2% | 4% | 6% | 6% | 4% |
| Education (among those age 25+) | hs-grad | 71% | 71% | 63% | 60% | 61% | 65% |
| | bachelor | 12% | 12% | 15% | 17% | 16% | 15% |
| | graduatedegree | 7% | 7% | 8% | 9% | 8% | 8% |
| Child in Household | child-under18 | 24% | 23% | 24% | 24% | 23% | 24% |
| Per of Pop. Age 16+ | employed | 48% | 46% | 41% | 37% | 37% | 42% |
| | income 0-25k | 37% | 38% | 33% | 30% | 31% | 34% |
| | income 25-50k | 32% | 30% | 28% | 25% | 24% | 28% |
| | income 50-75k | 12% | 14% | 14% | 16% | 17% | 14% |
| | income 75-200k | 19% | 17% | 21% | 22% | 21% | 20% |
| | income 200k-plus | 0% | 1% | 4% | 7% | 6% | 3% |
| Housing Stats | single family | 90% | 91% | 90% | 90% | 91% | 91% |
| | multi-family | 10% | 9% | 10% | 10% | 9% | 9% |
| | rented | 45% | 43% | 48% | 48% | 46% | 46% |
| | owned | 55% | 57% | 52% | 52% | 54% | 54% |

Total population data from the 2010 Decennial Census

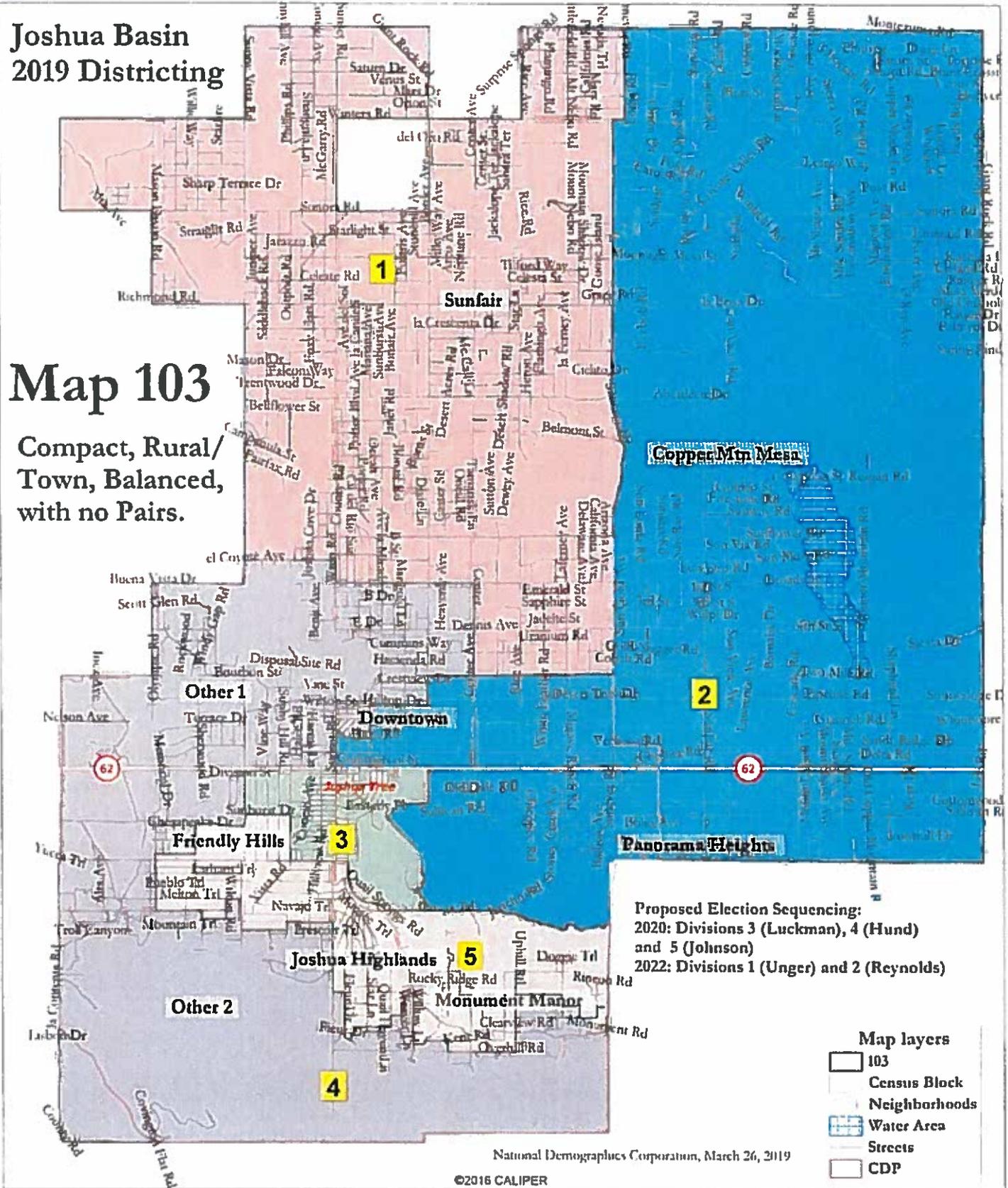
Surname based Voter Registration and Turnout data from the California Statewide Database

Latino voter registration and turnout data are Spanish surname counts adjusted using Census Population Department undercount estimates. NII White and NII Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5 year data.

Joshua Basin 2019 Districting

Map 103

Compact, Rural/
Town, Balanced,
with no Pairs.



Proposed Election Sequencing:
2020: Divisions 3 (Luckman), 4 (Hund)
and 5 (Johnson)
2022: Divisions 1 (Unger) and 2 (Reynolds)

- Map layers**
- 103
 - Census Block
 - Neighborhoods
 - Water Area
 - Streets
 - CDP

Joshua Basin - Map 103

| District | | 1 | 2 | 3 | 4 | 5 | Total |
|---------------------------------|-----------------------------------|---------|--------|-------|-------|--------|-------|
| Ideal | Total Pop | 1,907 | 1,887 | 1,983 | 1,909 | 1,856 | 9,542 |
| 1,908 | Deviation from ideal | -1 | -21 | 75 | 1 | -52 | 127 |
| | % Deviation | -0.05% | -1.10% | 3.93% | 0.05% | -2.73% | 6.66% |
| Total Pop | % Hisp | 15% | 13% | 24% | 17% | 12% | 16% |
| | % NII White | 77% | 77% | 67% | 75% | 81% | 75% |
| | % NII Black | 3% | 4% | 4% | 4% | 2% | 3% |
| | % Asian-American | 1% | 3% | 2% | 1% | 2% | 2% |
| Citizen Voting Age Pop | Total | 1,230 | 1,452 | 1,557 | 1,394 | 1,104 | 6,737 |
| | % Hisp | 13% | 16% | 13% | 19% | 21% | 16% |
| | % NII White | 80% | 76% | 67% | 71% | 75% | 73% |
| | % NII Black | 1% | 1% | 1% | 1% | 1% | 1% |
| Voter Registration (Nov 2016) | % Asian/Pac.Isl. | 1% | 3% | 17% | 8% | 2% | 7% |
| | Total | 632 | 701 | 986 | 861 | 1,058 | 4,238 |
| | % Latino est. | 9% | 12% | 10% | 10% | 9% | 10% |
| | % Spanish-Surnamed | 8% | 11% | 9% | 9% | 8% | 9% |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% |
| | % Filipino-Surnamed | 0% | 1% | 0% | 0% | 0% | 0% |
| Voter Turnout (Nov 2016) | % NII White est. | 84% | 81% | 84% | 83% | 87% | 85% |
| | % NII Black | 1% | 1% | 5% | 1% | 2% | 2% |
| | Total | 508 | 538 | 785 | 661 | 857 | 3,349 |
| | % Latino est. | 8% | 11% | 9% | 9% | 8% | 9% |
| | % Spanish-Surnamed | 7% | 10% | 8% | 8% | 7% | 8% |
| | % Asian-Surnamed | 1% | 1% | 1% | 1% | 1% | 1% |
| Voter Turnout (Nov 2014) | % Filipino-Surnamed | 0% | 1% | 0% | 0% | 0% | 0% |
| | % NII White est. | 84% | 82% | 85% | 86% | 88% | 85% |
| | % NII Black | 1% | 1% | 5% | 1% | 2% | 2% |
| | Total | 275 | 315 | 435 | 331 | 463 | 1,820 |
| | % Latino est. | 7% | 8% | 6% | 8% | 6% | 7% |
| | % Spanish-Surnamed | 7% | 7% | 6% | 7% | 5% | 6% |
| ACS Pop. Est. | % Asian-Surnamed | 1% | 1% | 1% | 0% | 1% | 1% |
| | % Filipino-Surnamed | 0% | 1% | 1% | 0% | 0% | 1% |
| | % NII White est. | 85% | 83% | 82% | 88% | 93% | 87% |
| | % NII Black est. | 2% | 2% | 10% | 1% | 0% | 3% |
| | Total | 1,712 | 1,751 | 1,851 | 1,729 | 1,732 | 8,775 |
| | Age | age0-19 | 23% | 23% | 24% | 24% | 24% |
| age20-60 | | 55% | 54% | 52% | 54% | 52% | 53% |
| age60plus | | 22% | 24% | 24% | 22% | 24% | 23% |
| Immigration | immigrants | 6% | 6% | 11% | 8% | 11% | 9% |
| | naturalized | 39% | 51% | 79% | 62% | 79% | 66% |
| Language spoken at home | english | 88% | 88% | 90% | 89% | 90% | 89% |
| | spanish | 9% | 8% | 6% | 8% | 6% | 7% |
| | asian-lang | 2% | 2% | 0% | 1% | 0% | 1% |
| | other lang | 1% | 1% | 3% | 2% | 3% | 2% |
| Language Fluency | Speaks Eng. "Less than Very Well" | 1% | 2% | 6% | 3% | 6% | 4% |
| Education (among those age 25+) | hs-grad | 71% | 68% | 60% | 67% | 60% | 65% |
| | bachelor | 12% | 13% | 17% | 14% | 17% | 15% |
| | graduatedegree | 7% | 7% | 9% | 8% | 9% | 8% |
| Child in Household | child-under18 | 24% | 23% | 24% | 24% | 24% | 24% |
| Pet of Pop. Age 16+ | employed | 47% | 43% | 37% | 43% | 37% | 42% |
| | income 0-25k | 37% | 38% | 30% | 34% | 30% | 34% |
| | income 25-50k | 32% | 29% | 25% | 29% | 25% | 28% |
| | income 50-75k | 12% | 15% | 16% | 13% | 16% | 14% |
| | income 75-200k | 18% | 17% | 22% | 20% | 22% | 20% |
| Housing Stats | income 200k-plus | 0% | 2% | 7% | 3% | 7% | 3% |
| | single family | 90% | 93% | 90% | 89% | 90% | 91% |
| | multi-family | 10% | 7% | 10% | 11% | 10% | 9% |
| | rented | 44% | 42% | 48% | 48% | 48% | 46% |
| | owned | 56% | 58% | 52% | 52% | 52% | 54% |

Total population data from the 2010 Decennial Census.

Surname based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish surname counts adjusted using Census Population Department undercount estimates. NII White and NII Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data

ORDINANCE NO. 19-10

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE JOSHUA BASIN WATER DISTRICT ESTABLISHING
AND IMPLEMENTING DISTRICT BASED ELECTIONS
(ELEC. CODE §§ 10010, 10650)**

WHEREAS, the Joshua Basin Water District currently elects its members of the Board of Directors using an at-large method of election where candidates may reside in any part of the District and each member of the Board of Directors is elected by the voters of the entire District; and

WHEREAS, while the Board of Directors of the Joshua Basin Water District strongly believes that the interests of all of the District's residents have been fully and fairly represented under the District's current at-large method of election, the Board of Directors nonetheless finds that moving to a by-district method of election is in the best interest of the District and its taxpayers because of the status of State law, and the significant litigation costs that could result if the District does not change its method of election; and

WHEREAS, under the provisions of California Elections Code, a District that changes from an at-large Board of Directors method of election to a by-district Board of Directors method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, two public hearings following the release of draft voting district map(s); and a fifth public hearing for the purpose of adopting an ordinance, that includes district maps, in order to transition to district voting; and

WHEREAS, at the regular meeting of the Board of Directors of the Joshua Basin Water District held on the 6th of February, 2019, the Directors adopted Resolution No. 19-994 that initiated the process of establishing a district based election system and adopted the schedule therefore; and

WHEREAS, at the special and regular meetings of the Board of Directors of the Joshua Basin Water District held on the 13th and 20th of March, 2019, pursuant to California Elections Code Section 10010(a)(1), the Board of Directors held public hearings where the public was invited to provide input regarding the composition of the District's voting districts before any draft maps were drawn, and the Board of Director of the Joshua Basin Water District considered and discussed the same; and

WHEREAS, thereafter, at regular and adjourned regular meetings of the Board of Directors of the Joshua Basin Water District held on the 3rd and 10th of April, 2019, pursuant to California Elections Code Section 10010(a)(2), the Board of Directors held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the Board of Directors of the Joshua Basin Water District considered and discussed the same; and

WHEREAS, at the regular adjourned meeting of the Board of Directors of the Joshua Basin Water District held on the 10th day of April, 2019, after holding a public hearing on the proposal to establish district boundaries and reviewing additional public input, the Board of Directors introduced this Ordinance for a first reading which formally selects voting district map 103, attached hereto; directs that seats for Districts 3, 4 and 5 will be placed on the District's 2020 ballot; and directs that the seats for Districts 1 and 2 will be placed on the 2022 ballot; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Elections Code Sections 10010 and 10650, an Ordinance providing for the election of members of the Board of Directors of the Joshua Basin Water District by-district in five single-member districts as reflected in Exhibit A to this Ordinance, 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) and to implement the guarantees of Section 7 of Article 1 and of Section of Article II of the California Constitution.

NOW, THEREFORE, the Board of Directors of the Joshua Basin Water District does hereby ordain as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Transition to District-Based Elections.

The District hereby finds that it will transition from at-large elections to district-based elections, beginning with its next regular election of the Board of Directors.

SECTION 3. Establishment of Districts.

The District hereby establishes five Director Districts within the Joshua Basin Water District. The boundaries and identifying number of each district shall be as depicted on the Joshua Basin 2019 Districting Map No. 103, a copy of which is attached hereto as Exhibit "A," and which shall be maintained on file at the District's office.

SECTION 4. Election Process.

A. Members of the Board of Directors shall be elected in the electoral districts established by this Ordinance and subsequently reapportioned as provided for by State Law and Section 7 of this Ordinance. Elections shall take place "by district," meaning that one director shall be elected from each district by the voters of that district alone.

B. No term of any member of the Board of Directors that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

C. A Director elected or appointed to represent a district must reside in that district and be a registered voter in that district. Any candidate for the Board must reside in and be a registered voter in the district in which he or she seeks election at the time the nomination papers are issued.

D. Notwithstanding any other provision of this Ordinance, the Directors in office at the time this Ordinance takes effect shall continue in office until the expiration of the term for which he or she was 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 or elected by special election to fill such vacancy may reside anywhere in the district.

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

SECTION 5. Implementation.

The district based election system shall be implemented, beginning at the next regular election of the Board of Directors, as follows:

A. Members of the Board of Directors shall be elected in Districts 3, 4, and 5 beginning at the next regular election of the Board of Directors in 2020, and every four years thereafter; and

B. Members of the Board of Directors shall be elected in Districts 1 and 2 beginning at the regular election of the Board of Directors held in 2022, and every four years thereafter.

SECTION 6. Adjustment of Boundaries.

Pursuant to Elections Code 22000, as may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure the districts are in compliance with all applicable provisions of law.

SECTION 7. If necessary to facilitate the implementation of this Ordinance as determined by the County Registrar of Voters, the Secretary is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The Secretary shall consult with the General Manager and District Attorney concerning any technical adjustments deemed necessary and shall endeavor to provide the Board of Directors with 3 days advance notice of any such adjustments required in the implementation of the districts.

SECTION 8. In the event at any time in the future the California Voting Rights Act is amended, found to be unconstitutional, or otherwise is no longer applicable to the District, the Board of Directors expressly indicates its intention that the by-district election method be re-examined, and on behalf of itself and all future Board of Directors, expressly reserves its right to repeal or modify this Ordinance.

SECTION 9. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinance,

motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 10. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 11. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Joshua Basin Water District hereby declares the Board would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 12. The President shall sign and the Secretary shall attest to the passage of this Ordinance. The Secretary shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days from its adoption.

INTRODUCED at a regular adjourned meeting of the Board of Directors of the Joshua Basin Water District held on the 10th day of April, 2019, and thereafter,

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Joshua Basin Water District held on the ___ day of _____, 2019.

Robert Johnson, President

ATTEST:

Curt Sauer, Secretary

APPROVED AS TO FORM:

Special Counsel, Rutan & Tucker by Jennifer Farrell, Esq.

I, CURT SAUER, Secretary of the Joshua Basin Water District, do hereby certify that the foregoing Ordinance No. 19-10, was duly adopted and passed by the Board of Directors of the Joshua Basin Water District at a regular meeting thereof held on 17th day of April, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Curt Sauer, Secretary