



AGENDA ITEM NO. 6.A.

DATE: March 24, 2022
TO: Board of Directors
FROM: Tammy Rudock, General Manager

SUBJECT: CONSIDER MPWD DIVISION MAP PLAN 2 FOR THE BOARD OF DIRECTORS ELECTORAL SYSTEM, PURSUANT TO THE CALIFORNIA VOTING RIGHTS ACT, AND ADOPT ORDINANCE NO. 122 APPROVING THE CHANGE FROM AT-LARGE TO DIVISION-BASED ELECTIONS FOR MEMBERS OF THE MPWD BOARD OF DIRECTORS COMMENCING NOVEMBER 2022, AND DIRECTING THE GENERAL MANAGER TO PROCEED WITH THE NECESSARY STEPS TO ENSURE COMPLIANCE FOR THE MPWD

RECOMMENDATION:

1. Receive final presentation of MPWD Division Map Plan 2 by Redistricting Partners.
2. Open the public hearing.
3. Receive public input on MPWD Division Map Plan 2.
4. Enter into the record three (3) comments received via emails from
 - A. Deniz Bolbol on February 28, 2022, that supported Division Map Plan 2 because “it correctly supported the neighborhoods”;
 - B. Kristin Mercer on February 28, 2022, that supported Division Map Plan 2 because “it most accurately reflected the intent of districting for keeping communities of like-interests together”; and
 - C. Donald Carow on March 7 and 8, 2022, who “did not support districting or the unfunded state mandates” for these types of processes.
5. Close the public hearing.
6. Adopt Ordinance No. 122.

FISCAL IMPACT:

Contract w/Redistricting Partners (for on-site meetings-MAX)	\$42,000
Plus 10% Contingency	<u>\$ 4,200</u>
Total Project Budget	\$46,200

Estimated advertising costs for publishing public hearing notices in the Daily Journal—two times each month from January 2022 through March 2022 (\$6,000); and John Davidson’s time for website management of this project (\$2,500).

BACKGROUND:

What is the California Voting Rights Act?

The California Voting Rights Act (CRVA) takes the principles of the Federal Voting Rights Act and expands it. The CRVA prohibits the use of at-large election systems in local government if there is racially polarized voting.

- “At-large” is defined as anything other than a system in which an elected official resides and is only elected by members of that district (zone or division).
- “Racially polarized voting” is determined through an analysis that quantifies the amount of voting, which can be shown to be correlated to race.

MPWD Electoral System

- The MPWD Board of Directors is currently comprised of five (5) Directors who serve four-year staggered terms and are elected in even-numbered years, pursuant to California Water Code Sections 30500 and 30501, and California Elections Code Section 10505.
- The MPWD’s enabling legislation (California Water Code Sections 30292 et seq.) mandated that the Directors be elected at-large.
- In 2020, the Board had no information as to whether polarized voting existed in the MPWD service area; however, it decided to be proactive and forego the process of obtaining demographic data to make that determination, and instead voluntarily chose to change the electoral system to a zone-based system from its current at-large system to ensure the fairest and most-inclusive elections process.
- There was not sufficient time for the MPWD to meet the Department of Elections deadline of June 1, 2020, for an electoral system change for the November 2020 election. Therefore, the MPWD intended to have its Directors elected by new zones beginning in November 2022. Three (3) Director positions are set to be on the ballot in November 2022 and the remaining two (2) in November 2024.
- Due to the global COVID-19 emergency pandemic the U.S. 2020 Census results were not expected to be timely delivered by the July 31, 2021, deadline. In fact, the census data was not published until September 2021.

Here is a timeline of past Board action and activities related to the MPWD electoral conversion process:

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|-------------------|---|
| June 25, 2020: | The Board approved Resolution 2020-19 Approving the Intention to Change from At-Large to Zone-Based Elections for Election of Members of the Board of Directors Commencing in November of 2022. |
| May 27, 2021: | The Board approved a contract for professional services between the MPWD and Redistricting Partners (RP) for the Zone-Based Election Process Demography, and a total project budget in the amount of \$46,200. |
| October 28, 2021: | The Board received a presentation by consultant Redistricting Partners of two (2) draft preliminary Division maps for MPWD November 2022 Board Member Elections. |
| January 27, 2022: | First Public Hearing on the conversation from an at-large electoral system for members of the MPWD Board of Directors to a system based on five (5) divisions. The MPWD’s demographer consultant presented the updated census data for the MPWD’s service area, identified significant neighborhoods and communities, and summarized the two (2) draft maps of the five (5) potential election divisions. No public comment was received. |

February 24, 2022: Second Public Hearing on the conversion from at-large electoral system for members of the MPWD Board of Directors to a system based on five (5) divisions. The MPWD's demographer consultant summarized the two (2) draft map plans of the five (5) election divisions. Following Board discussion, the MPWD Draft Map Plan 2 was the preferred option for moving forward.

DISCUSSION:

In continuance of its electoral conversion process, this evening the Board will hold its final public hearing to solicit input regarding the preferred MPWD Division Map Plan 2. Consultant Redistricting Partners will make its presentation based on the data compiled from the 2020 U.S. Census.

The Public Hearing Notice was posted at the MPWD and its website on January 19, 2022. It was e-blasted on Nextdoor throughout Belmont and neighboring communities (including San Carlos). A promotional card was mailed to each MPWD customer during the week of February 14th. Finally, notice of the public hearings was published in the Daily Journal twice each month in January, February, and March.

All information related to the MPWD's districting process was posted for public information and advance review: <https://www.midpeninsulawater.org/elections>

Attachment: Ordinance No. 122
PowerPoint Presentation by Redistricting Partners

BOARD ACTION: A PPROVED:_____ DENIED:_____ POSTPONED:_____ STAFF DIRECTION:_____

UNANIMOUS_____ WHEELER_____ VELLA_____ ZUCCA_____ JORDAN_____ SCHMIDT_____