

ORDINANCE NO. 19

ORDINANCE OF THE GOVERNING BOARD OF THE CARPINTERIA SANITARY DISTRICT APPROVING TRANSITION FROM AT-LARGE ELECTIONS TO DIVISION-BASED ELECTIONS, APPROVING MAP OF ELECTION DIVISIONS, AND ESTABLISHING SEQUENCE FOR ELECTIONS

SECTION 1: The Board of Directors (the “Board”) finds and determines as follows:

- A. The five Directors on the Board governing the Carpinteria Sanitary District (the “District”) are currently elected by an at-large election method under which the voters of the District’s entire jurisdiction elect the Board members.
- B. Elections Code Sections 10508 and 10650 authorize the District to change from its current at-large election method to a district or division-based election method under which each candidate must reside within an election division that is a geographically defined part of the District’s jurisdictional boundaries and is elected only by voters residing within that election division. The procedures for changing from at-large elections to a division-based elections are set forth in Elections Code Section 10010.
- C. On May 12, 2022, the District received a notice from a perspective plaintiff as contemplated by Elections Code Section 10010(E)(1) alleging violations of the California Voting Rights Act of 2001 (“CVRA”) codified at Elections Code Section 14025, *et seq.*;
- D. On June 21, 2022, the Board adopted Resolution No. R-355 declaring its intent to transition from an at-large system to a division-based elections system in accordance with Government Code Section 34886 and Elections Code Section 10010 before the next general District election in 2024;
- E. The District denied that its current at-large method of election violated the CVRA or any other provision of law and asserted that the District’s election system is legal in all respects. Nevertheless, to avoid the costs and uncertainty that litigation involves, the District entered into a Settlement Agreement with the perspective plaintiff on August 16, 2022 and confirmed the District’s intent to transition to division-based elections.
- F. Pursuant to the Resolution of Intention, the District undertook the following steps to facilitate the transition from at-large elections to division-based elections, as required by Elections Code Section 10010:
 - 1. Before drawing draft maps of the proposed boundaries of the election districts, the District held two public hearings over a period of not more

than 30 days, at which the public was invited to provide input regarding the composition of the election divisions. Before those hearings, the District conducted outreach to the public to explain the division formation process and to encourage public participation.

2. After the draft maps were drawn, the District published and made available for release the draft maps and the potential sequence of elections for the staggered terms of District Board members. The District also held two additional hearings over a period of not more than 45 days, at which time the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections. The first version of a draft map was published at least seven days before consideration at the first review hearing.

- G. This Ordinance is adopted to provide for election of the Directors to the District Board by-divisions in five single-member divisions as reflected in Exhibit A to this Ordinance, which is incorporated by reference, to implement the purposes of the CVRA and protect the guarantees of the California Constitution.

SECTION 2: Election Divisions. The Board approves and adopts the map attached as Exhibit “A,” and incorporated by reference, and its five election divisions.

SECTION 3: Division-Based Elections. Commencing with the November 2024 regular election, Board members shall be elected using a division-based election method under which the candidate must (i) be a registered voter residing within an election division identified on Exhibit “A”, and (ii) be elected only by registered voters residing within that election division.

SECTION 4: Sequence of Elections. The Board members shall serve for staggered terms of four (4) years each. The following sequence shall apply to the first division-based elections following the effective date of this Ordinance:

ELECTION DIVISION	FIRST ELECTION DATE
Election Division 1	November 2024
Election Division 2	November 2026
Election Division 3	November 2024
Election Division 4	November 2024
Election Division 5	November 2026

In determining the sequence of elections, the Board has given special consideration to the purposes of the CVRA, and has taken into account any preferences expressed by members of the election divisions.

SECTION 5: Term and Vacancies

- A. Any Board member who in office as of the effective date of this Ordinance shall continue to hold office until the expiration or earlier termination of the term for which the Board member was elected or appointed, regardless of the election division in which such Board member resides.
- B. If the position of a Board member who in office as of the effective date of this Ordinance becomes vacant prior to the expiration or earlier termination of the term for which the Board member was elected or appointed, the person who is appointed or who is elected at a special election to fill the vacancy may reside anywhere within the District's boundaries.
- C. If the position of a Board member who is elected or appointed from an election district on or after the applicable first election date identified in Section 3 above becomes vacant prior to the expiration or earlier termination of the term for which the Board member was elected or appointed, the person who is appointed or who is elected at a special election to fill the vacancy must reside in that same election division.

SECTION 6: Processing. The General Manager 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 division. The General Manager must consult with the District's legal counsel concerning any technical adjustments deemed necessary and advise the Board of any such adjustments required in the implementation of the divisions. The General Manager is directed to submit a copy of this Ordinance to the Santa Barbara County and Ventura County Elections Offices, to work with the Elections Offices, and to take any additional actions that are necessary to facilitate the completion of the transition to division-based elections in time for the November 2024 regular election.

SECTION 7: Future Adjustments. Pursuant to Elections Code Section 22000, Health and Safety Code Section 6592, and such other provisions of law that may amend or replace said code sections in the future, the Board may adjust the boundaries of the election divisions identified on Exhibit "A" after each decennial federal census, commencing with the 2030 federal census, to ensure that the election divisions are in compliance with all applicable law.

SECTION 8: Environmental Assessment. This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; "CEQA Guidelines") in that it is not a "project" for purposes of CEQA (as defined by CEQA Guidelines § 15378). Specifically, this Ordinance proposes an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (CEQA Guidelines § 15378(b)(5)). Further, even if this Ordinance was deemed a "project," and therefore subject to CEQA, the Ordinance adoption would be exempt as it can be seen with certainty that there is no

possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

SECTION 9: Publication. The Secretary of the District is authorized and directed to publish this Ordinance, or a summary, once in a newspaper published in the District in accordance with Health and Safety Code Section 6490.

SECTION 10: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the Board of Directors intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Ordinance are severable.

SECTION 11: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 12: Effective Date. This Ordinance takes effect one week after the date of publication.

PASSED AND ADOPTED by the Governing Board of CARPINTERIA SANITARY DISTRICT this 18th day of July 2023 by the following vote:

AYES: Murphy, Graf, Damron, Modugno, Velasco

NAYS: None

ABSENT: None

Mike Modugno, President
Board of Directors
CARPINTERIA SANITARY DISTRICT

ATTEST:

Gerald Velasco, Secretary
Board of Directors
CARPINTERIA SANITARY DISTRICT

CERTIFICATION

I, Debbie Murphy, Secretary of the CARPINTERIA SANITARY DISTRICT, hereby certify that the foregoing is a true copy of Ordinance No. 19 duly and legally adopted by the Governing Board of the District at a legal meeting of said body duly and specially held on July 18, 2023.

DATE CERTIFIED: July 18, 2023

Debbie Murphy, Secretary Pro-Tem
Board of Directors
CARPINTERIA SANITARY DISTRICT

Carpinteria Sanitary District 2023

GREEN MAP

