

ORDINANCE NO. 121

**AN ORDINANCE OF THE NOVATO SANITARY DISTRICT
PROVIDING FOR THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS
BY-DISTRICT, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION
NUMBERS FOR FIVE DIVISIONS, AND ESTABLISHING THE ELECTION
ORDER FOR EACH DIVISION**

WHEREAS, pursuant to law and legislative acts which established the Novato Sanitary District (“District”), the five members of the Board of Directors of the District are currently elected through an at-large election where all voters within the District vote for each Director; and

WHEREAS, in the current at-large system, candidates may live in any part of the District; and

WHEREAS, the California Voting Rights Act (“CVRA”) was enacted by the State of California subsequent to the establishment of the District; and

WHEREAS, although the District submits that its election system has been in compliance with the CVRA and all other provisions of law influencing the Federal Voting Rights Act and asserts that its election system has been and is legal in all respects, the Board of Directors has determined that the public interest will be well served by initiating a process for transition to a by-district election system; and

WHEREAS, the California Legislature recently amended Elections Code Section 10010, to provide a method whereby jurisdictions can expeditiously transition to a by-district election system; and

WHEREAS, the District’s legal counsel retained an experienced demographer, Q2 Data and Research, LLC (“Q2”) to assist the District with the process of analyzing the District’s population, developing draft maps, and gathering input from residents on the possible maps; and

WHEREAS, at public hearings on April 8, 2019 and April 15, 2019, the public was invited to provide input regarding the composition of the District’s divisions before any draft map was drawn, and the Board of Directors discussed and considered the same; and

WHEREAS, Q2 prepared a draft map, known as Draft Map A, that was published at least seven (7) days in advance of the District’s public hearing on May 6, 2019; and

WHEREAS, at a public hearing on May 6, 2019, the public was invited to provide input regarding Draft Map A; and

WHEREAS, following the May 6, 2019 hearing, Q2 prepared a revised map for consideration, known as Draft Map B, and the District published the map for public review at least seven (7) days in advance of its May 28, 2019 meeting; and

WHEREAS, at a public hearing on May 28, 2019, the public was invited to provide input on Draft Maps A and B, the proposed election sequence, and to comment on a proposed Ordinance; and

WHEREAS, following the conclusion of the May 28, 2019 public hearing, the Board of Directors gave direction to legal counsel to finalize an Ordinance to transition the District to by-district elections, including the Voting Divisions Map prepared by the demographer, and putting Divisions 1 and 4 on the November 2020 ballot for the District's first regular election of Board members following adoption of this Ordinance, with the remaining Divisions 2, 3, and 5 on the ballot for the November 2022 election; and

WHEREAS, pursuant to Elections Code section 10010, the District held a public hearing on the proposed Ordinance on June 10, 2019, prior to adoption of this Ordinance; and

WHEREAS, throughout the process, the District reached out to the public for its input and the Board of Directors has satisfied all legal prerequisites for the transition to a by-district electoral system; and

WHEREAS, in addition to satisfaction of all legal prerequisites, the District engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including but not limited to providing a Spanish interpreter at all public meetings, translating materials into Spanish, making all materials available on the District's website, posting an interactive map drawing tool for the benefit of the public on the District website, and posting notices at the Novato Public Libraries and the North Marin Community Service Centers; and

WHEREAS, in order to further the purposes of the CVRA, the District now wishes to adopt an Ordinance providing that the members of the Board of Directors shall be elected by-district in five divisions, beginning at the November 2020 general election; and

WHEREAS, the five divisions to be established are described further in this Ordinance and shown on the Voting Divisions Map, attached hereto as **Exhibit "A"** to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Novato Sanitary District as follows:

Section 1. Incorporation of Recitals. All of the foregoing recitals are true and correct, and the Board of Directors so finds and determines the recitals set forth are incorporated herein and are effective.

Section 2. By-District Elections. The District finds that its election system will transition from at-large to by-district elections, beginning with the November 2020 election of members for the Board of Directors.

Section 3. Establishment of Divisions. The District hereby establishes five (5) divisions within the District's jurisdiction. The boundaries and identifying number of each division shall be described on the Voting Divisions Map attached hereto as **Exhibit "A"** a copy of which shall also be on file in the District's administrative office.

Section 4. Election Process. The District establishes the following election process:

- A. Members of the Board of Directors shall be elected in the electoral divisions established by this Ordinance and subsequently reapportioned as provided for in State law and as set forth in Section 6 of this Ordinance. Elections shall take place by Divisions 1, 2, 3, 4, and 5, meaning that one (1) Director shall be elected from each division, by the voters of that division.
- B. A Director elected or appointed to represent a division must reside within that division and be a registered voter within that division. Likewise, any candidate for the Board of Directors must reside in and be a registered voter within the division in which he or she seeks election at the time nomination papers are issued.
- C. 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 to which he or she was elected. In the event a vacancy occurs before the end of the term of a Director in office at the time this Ordinance takes effect, a person who is appointed or elected by a special election to fill such vacancy may reside anywhere within the boundaries of the District.
- D. The term of each Director elected to the Board of Directors shall remain a four (4) year term.

Section 5. Order of Elections. Members of the Board of Directors shall be elected from Divisions 1 and 4 at the November 2020 election, and every four years thereafter. Members of the Board of Directors shall be elected from Divisions 2, 3, and 5 at the November 2022 election, and every four years thereafter.

Section 6. Adjustment of Boundaries. Pursuant to Elections Code Section 22000, as it may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the divisions following each Decennial Federal Census to ensure that the divisions are in compliance with all applicable provisions of law.

Section 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 8. Exemption from the California Environmental Quality Act. The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, “CEQA,” and 14 Cal. Code Reg. §§ 15000 *et seq.*, “CEQA Guidelines”). This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

Section 9. Publication and Effective Date. This Ordinance is effective upon the expiration of one week from the date of publication of a summary of the Ordinance in the Marin Independent Journal, a newspaper of general circulation published in the District, as prescribed by California Health and Safety Code Section 6490.

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PASSED AND ADOPTED this 10th day of June, 2019, by the Board of Directors of the Novato Sanitary District by the following vote:

AYES: Members: Dillon-Knutson, Long, Mariani, Miller, Peters

NOES: Members:

ABSENT: Members:

SIGNED:

/s/ President Carole Dillon-Knutson

Carole Dillon-Knutson, President
Board of Directors, Novato Sanitary
District

COUNTERSIGNED:

/s/ Sandeep Karkal

Sandeep Karkal, Secretary
Board of Directors, Novato Sanitary District

Approved as to Form:

/s/ Lauren E. Quint

Lauren E. Quint
Counsel for the District

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Exhibit A

