

**RESOLUTION NO. 2021-06**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A)**

**WHEREAS**, the Board of Directors of the Chino Valley Independent Fire District (“District”) is an elected legislative public body serving the citizens of the District; and

**WHEREAS**, the District presently has an at-large election system (where the entire jurisdiction votes for each member of the Board of Directors), rather than a “by-division” election system (where the jurisdiction is divided into divisions, each Board candidate must reside in the division he or she will represent, and only voters within a given division vote for that division’s Board representative); and

**WHEREAS**, in 2002, the California legislature adopted the California Voting Rights Act (“CVRA”), which became law on January 1, 2003; and

**WHEREAS**, the CVRA, in an attempt to prevent the disenfranchisement of protected classes of persons and establishes a low threshold for plaintiffs and their attorneys seeking to force local public agencies to convert from at-large to by-division elections; and

**WHEREAS**, local public agencies that have been sued under the CVRA have almost universally lost those cases and typically have been forced to pay extremely large sums to the plaintiffs’ attorneys; and

**WHEREAS**, the District is aware that other local public agencies in the area have received demand letters from potential plaintiffs, alleging that their at-large election systems diluted the ability of certain protected classes of persons within those jurisdictions to elect candidates of their choice, and thereby violate the CVRA; and

**WHEREAS**, while the District has not yet received such a demand, the Board of Directors anticipates that such a demand could likely be made in the near future and, therefore, desires to take proactive means to avoid the high costs and legal risks associated with a CVRA lawsuit; and

**WHEREAS**, in addition to the potential threat of litigation posed by the current at-large voting system, the recent completion of the 2020 federal census provides an appropriate opportunity to initiate a transition to by-division elections within the District; and

**WHEREAS**, pursuant to California Election Code 10650, the Board of Directors has determined that that the change in the method of electing members of the Board is being made in furtherance of the purposes of the CVRA; and

**WHEREAS**, the Board of Directors desires to declare its intention to adopt a resolution pursuant to Elections Code sections 10010 and 10650 transitioning from at-large to by-division elections, establish specific steps it will undertake to facilitate this transition, and establish an estimated time frame for doing so.

**NOW, THEREFORE,** the Board of Directors of the Chino Valley Independent Fire District resolves as follows:

**SECTION I. Incorporation of Recitals.** The recitals stated above are true and correct and are incorporated herein by reference.

**SECTION II. Intention to Transition to a By-Division Election System.** The Board of Directors intends to adopt a resolution, pursuant to Elections Code section 10650 to transition the election of its Members of the Board of Directors from an at-large electoral system to a by-division system.

**SECTION III. Instructions Related to Transition.** In accordance with Elections Code 10010, the following specific steps it will be undertaken to facilitate the transition to by-division elections:

(a) Engage a demographer, in order to assist the District in establishing divisions, in compliance with the CVRA;

(b) Conduct public outreach to explain the process of forming divisions and to encourage public participation;

(c) Before drawing any draft map of the proposed division boundaries, hold at least two public hearings over a period of no more than thirty (30) days, at which the public is invited to provide input regarding the composition of the divisions and to consider division boundaries, as provided in Elections Code Section 10010;

(d) After drawing a draft map, publish the draft map and the potential sequence of the division elections, and hold at least two noticed public hearings over a period of no more than forty-five (45) days, at which the public will be invited to provide input regarding the content of the draft map and the proposed sequence of elections; and

(e) Hold a public meeting at which the Board of Directors will consider a resolution establishing by-division elections, including the adoption of a division boundary map and the sequence of the division elections.

The estimated timeframe for completing the above-referenced actions is as follows: taking into consideration the time required for public outreach and input, and the timeframes and required actions established by Elections Code section 10010, the above-referenced actions shall be taken so that the division boundaries will be established by November 1, 2021, in accordance with California Health & Safety Code 13847.

**SECTION IV. CEQA.** Based upon the whole of the administrative record before it, the Board of Directors hereby finds that a transition from at-large to by-division elections is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Resolution is an organizational and administrative activity of the District, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for

purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event adoption of this Resolution does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the San Bernardino County Clerk a CEQA Notice of Exemption within five (5) working days following the adoption of this Resolution.

**SECTION V. Severability.** The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

**SECTION VI.** This Resolution shall become effective upon its adoption.

**SECTION VII.** The Clerk shall certify to the adoption of this Resolution.

**REVIEWED, APPROVED, AND ADOPTED** at a Regular Board Meeting held on the 13th of January, 2021, by the following vote, to wit:

**AYES:           BOARD MEMBERS:**  
**NOES:           BOARD MEMBERS:**  
**ABSENT:       BOARD MEMBERS:**  
**ABSTAIN:       BOARD MEMBERS:**

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SARAH RAMOS-EVINGER, PRESIDENT

**ATTEST:**

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SANDRA HENEY, CLERK OF THE BOARD