

**AGENDA
IRVINE RANCH WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING**

June 4, 2018

PLEDGE OF ALLEGIANCE

CALL TO ORDER

5:00 p.m., Board Room, District Office
15600 Sand Canyon Avenue, Irvine, California

ROLL CALL

Directors LaMar, Matheis, Swan, Withers and President Reinhart

NOTICE

If you wish to address the Board on any item, including Consent Calendar items, please file your name with the Secretary. Forms are provided on the lobby table. Remarks are limited to three minutes per speaker on each subject. Consent Calendar items will be acted upon by one motion, without discussion, unless a request is made for specific items to be removed from the Calendar for separate action.

COMMUNICATIONS TO THE BOARD

1. A. Written:

B. Oral:

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Recommendation: Determine the need to discuss and/or take immediate action on item(s).

PUBLIC HEARING

3. EVALUATING A CHANGE IN THE ELECTIONS PROCESS FOR THE
IRVINE RANCH WATER DISTRICT BOARD OF DIRECTORS AND
ESTABLISHING DIVISION BOUNDARIES

Recommendation:


- a. Declare that it is the time and place for a hearing.
- b. Inquire of the Secretary how the hearing was noticed.
- c. Receive and file the affidavits of posting and proof of publication.
- d. Request that legal counsel describe the nature of the proceedings.
- e. Open the hearing to solicit and accept comments.
- f. Request that the Government Relations Officer provide a report regarding the District's evaluation of changing the election process.
- g. Request that the Government Relations Officer report on written comments received.
- h. Hear any person who wishes to provide comments on the proposed change to by-division elections, the composition of divisions, and the sequence of elections.
- i. Inquire of the Board members if they have any comments or questions.
- j. Close the first public hearing and note that a second hearing will be held on June 18, 2018.

OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

4. A. General Manager's Report
- B. Directors' Comments
- C. Adjourn

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Irvine Ranch Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance to the Board of Directors Room of the District Office. The Irvine Ranch Water District Board Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

June 4, 2018
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook 

PUBLIC HEARING

EVALUATING A CHANGE IN THE ELECTIONS PROCESS FOR THE
IRVINE RANCH WATER DISTRICT BOARD OF DIRECTORS
AND ESTABLISHING DIVISION BOUNDARIES

SUMMARY:

Pursuant to Water Code section 35180, IRWD uses an at-large method to elect the members of its Board of Directors. The at-large method allows for voters from the entire service area to elect each of the five members of the Board of Directors. The California Voting Rights Act favors a by-division method of election instead of an at-large method of election for electing members of local government governing bodies. A by-division method divides a service area into separate divisions and allows the voters from each division, as opposed to voters from the entire service area, to elect a member of the board of directors. In a by-division method of election, the elected individual serves as the division's representative on the board and must reside in that division.

Since 2017, Elections Code section 10650 has authorized special districts such as IRWD to move from an at-large method of election to a by-division method of election in furtherance of the purposes of the California Voting Rights Act. Elections Code section 10010 governs the process for evaluating and transitioning to a by-division method of election. The first step in initiating the process is the adoption of a resolution of "Intent to Initiate the Process of Establishing Divisions and Elections by Divisions." The IRWD Board of Directors adopted a resolution of "Intent to Initiate the Process of Establishing Divisions and Elections by Divisions" on April 2, 2018. The next steps involved a series of public hearings.

Pursuant to Elections Code section 10010, the public hearing being held on June 4 and the public hearing to be held on June 18 are being conducted before the drawing of a draft map or maps of proposed division boundaries. The purpose of the hearings is to invite and solicit public comment on the proposed move to by-division elections, the composition of divisions and the sequence of elections.

RECOMMENDED HEARING PROCEDURE:

President: Declare the Board meeting of June 4, 2018, to be the time and place for a hearing on evaluating a change in the elections process for the Irvine Ranch Water District Board of Directors and establishing division boundaries, and asks the Board Secretary to announce how the hearing was noticed.

Board Secretary: Announce that the hearing was noticed by publication in the *Orange County Register* on Sunday, May 20, 2018; by electronic posting on the IRWD website, through which the notice can be translated into approximately 20 languages; and by physical posting at IRWD's

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Board of Directors and Establishing Division Boundaries

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headquarters. The Board Secretary presents affidavits of posting and proof of publication to the Board related to the hearing.

Board of Directors: The Board of Directors receives and files the affidavits of posting and proof of publication as presented by the Board Secretary.

President: Request legal counsel to describe the nature of the proceedings, and to explain the purpose of the hearing.

Legal Counsel: Describe the nature of the proceedings, and explains the purpose of the hearing as being the opportunity to invite and solicit public comment on the proposed move to by-division elections, the composition of divisions and the sequence of elections prior to the drawing a draft map or maps of proposed division boundaries.

Board of Directors: Open the hearing by taking the following recommended action:

RECOMMENDED MOTION: THAT THE PUBLIC HEARING BE OPENED TO SOLICIT AND ACCEPT COMMENT ON THE PROPOSED MOVE TO BY-DIVISION ELECTIONS AND THE COMPOSITION OF DIVISIONS PRIOR TO THE DRAWING OF A DRAFT MAP OR MAPS OF PROPOSED DIVISION BOUNDARIES.

President: Request that the Government Relations Officer provide a report to the Board regarding the District's evaluation of changing its election process, and on any written comments received.

Government Relations Officer: Provide a report to the Board regarding the District's evaluation of changing its election process, and on any written comments received.

President: Inquire whether there is any person present who wishes to provide comments on the proposed move to by-division elections, the composition of divisions and the sequence of elections.

Inquire whether there are any comments or questions from members of the Board of Directors. After comments or questions, states that the hearing will be closed.

Board of Directors: Close the hearing by taking the following recommended action:

RECOMMENDED MOTION: THAT THIS FIRST PUBLIC HEARING BE CLOSED AND THAT A SECOND PUBLIC HEARING ON THE SAME SUBJECT BE HELD ON JUNE 18, 2018.

BACKGROUND:

In 2002, Governor Gray Davis signed the California Voting Rights Act (CVRA) into law. The CVRA states that an at-large method of election may not be used to elect local governing boards if it “impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election.” (Elections Code §14027)

A violation of the CVRA may be established if it is shown that racially polarized voting, combined with an at-large voting system, impairs the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election. (Elections Code §14028(a)) Under the CVRA, “racially polarized voting” means voting in which there is a difference between the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. (Elections Code §14026(e))

As of the writing of this report, IRWD has not been presented with any evidence of racially polarized voting in its elections, but many local governments have had their at-large method of election challenged under the CVRA. Additionally, many local governments have voluntarily moved to a by-division method of election because it is the only election method not vulnerable to a challenge under the CVRA.

Statutorily Mandated Process for Evaluating a By-Division Method of Election:

While the current at-large method of election used by IRWD pursuant to Water Code section 35180 has served the District’s customers and constituents well, Elections Code section 10650 allows the board of a special district, like IRWD, to move from an at-large method of election to a by-division method of election in furtherance of the purposes of the CVRA.

Elections Code section 10010 provides the process for evaluating divisions and a transition to by-division elections. That process requires, at a minimum, that a special district:

- Adopt a resolution of intent to change the election system;
- Hold at least four public hearings to discuss division maps and the sequence of the division elections;
 - The first and second hearing must be held within 30 days of each other and the public is invited to provide input regarding the composition of the divisions and sequence of elections;
 - After draft division maps are drawn, one or more proposed maps are published at least seven days before the third hearing. Any further revisions to the proposed map(s) would be published at least seven days before being adopted; and
 - The third and fourth public hearings are held within 45 days of each other; and

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- Hold at least one more public hearing at which it considers final action to transition to by-division elections and considers adoption of a final map of division boundaries.

IRWD Initiation of Process to Establish Divisions and Elections by Divisions:

On April 2, 2018, the IRWD Board of Director adopted a resolution of “Intent to Initiate the Process of Establishing Divisions and Elections by Divisions.” In its adoption of the resolution, the Board determined that the public interest was best served by initiating the process to evaluate divisions and a transition to by-division elections. The Board authorized the General Manager, or his designee, to initiate a public evaluation process that complies with Elections Code section 10010, and encourages and allows for full public participation, careful consideration and input into an evaluation of divisions and a transition to by-division elections within IRWD.

The first step in the District’s evaluation process was the release of data related to the population characteristics of the IRWD’s service area. That data was presented to the Board during a Board workshop on May 14, 2018. Attached as Exhibit “A” is a copy of the summary of “Existing Conditions for Irvine Ranch Water District” provided to the Board.

Legally Required Factors Considered When Evaluating Division Boundaries:

While a number of federal and state laws govern the drawing of division boundaries, the U.S. Constitution establishes the fundamental principle which governs the drawing of division boundaries. Above all else, the Constitution requires that divisions be equal, or nearly equal, in total population. Federal courts have ruled that this means that the population difference between the most and least populous divisions may not exceed ten percent. California Elections Code section 22000 further suggests that divisions should be drawn to be, “as far as practicable, equal in population” using the population numbers from the last federal decennial census.

Provided that the equality in population, based on the last decennial census, requirement is met, the Elections Code also allows for consideration of: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) communities of interests of the division” when determining where division boundaries are placed.

Effective Date of Divisions:

Elections Code section 22000(d) prohibits a special district board from changing division area boundaries within 180 days prior to an election for any director of its governing board. The next election of directors for the IRWD Board is scheduled for November 6, 2018, and 180 days prior to that election is May 10, 2018. Additionally, the Orange County Registrar of Voters must receive any change in electoral boundaries 125 days before an election in order to implement that change in the next election; 125 days before the next election is July 3, 2018.

The May 10 and July 3 deadlines do not allow adequate time for the District to provide the public with the ability to fully participate in the process, to acquire meaningful public input, and to conduct all of the required steps to adopt division boundaries for implementation before the 2018

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election. For these reasons, if approved, the new divisions would not become effective until the election in November 2020.

FISCAL IMPACTS:

Due to the adoption of a resolution of “Intent to Initiate the Process of Establishing Divisions and Elections by Divisions” and by undertaking the Elections Code section 10010 process to evaluation by-divisions elections, the District is incurring costs of a demographer and special legal counsel in addition to potentially other costs.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was not reviewed by a Committee.

LIST OF EXHIBITS:

Exhibit “A” – Existing Conditions for Irvine Ranch Water District

Existing Conditions for Irvine Ranch Water District

Table 1. Population by Race/Ethnicity for IRWD

	Number	Percent
2010 Total Population	337,151	100.0%
Hispanic or Latino of any Race	40,325	12.0%
Non-Hispanic White	171,195	50.8%
Non-Hispanic Asian	104,775	31.1%
Non-Hispanic Black or African-American	5,173	1.5%
All Other Non-Hispanic Races/Ethnicities	15,681	4.7%
2010 Population 18 Years and Older	261,651	100.0%
Hispanic or Latino of any Race	28,531	10.9%
Non-Hispanic White	138,759	53.0%
Non-Hispanic Asian	81,062	31.0%
Non-Hispanic Black or African-American	4,029	1.5%
All Other Non-Hispanic Races/Ethnicities	9,266	3.5%
2016 Citizen Voting Age Population (CVAP)	244,343	100.0%
Hispanic or Latino of any Race	27,413	11.2%
Non-Hispanic White	135,507	55.5%
Non-Hispanic Asian	68,731	28.1%
Non-Hispanic Black or African-American	4,810	2.0%
All Other Non-Hispanic Races/Ethnicities	7,879	3.2%

Sources: 2010 Decennial Census P.L. 94-171 Redistricting Data;

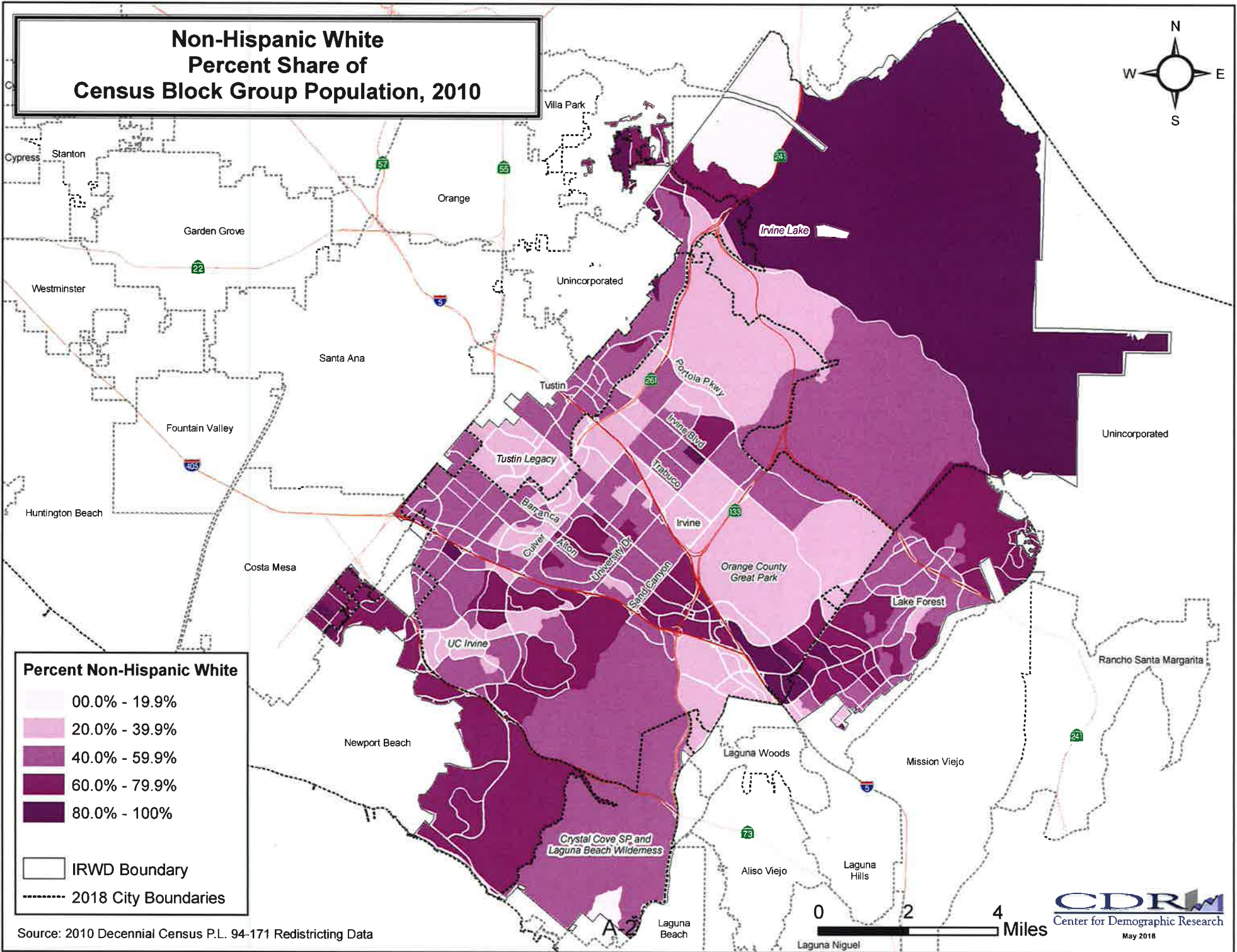
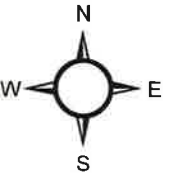
U.S. Census Bureau American Community Survey 5-year estimates, 2012-2016

The target director division population is calculated by dividing the total population by the number of board members.

Table 2. Target Population for Division Scenarios

Division ID	Division Type	Total 2010 Population	Target Population for Each Division	Division Majority (50% + 1)	Majority of CVAP (50% +1)
5	5-Division Plan	337,151	67,430	33,716	24,435

Non-Hispanic White Percent Share of Census Block Group Population, 2010



Percent Non-Hispanic White

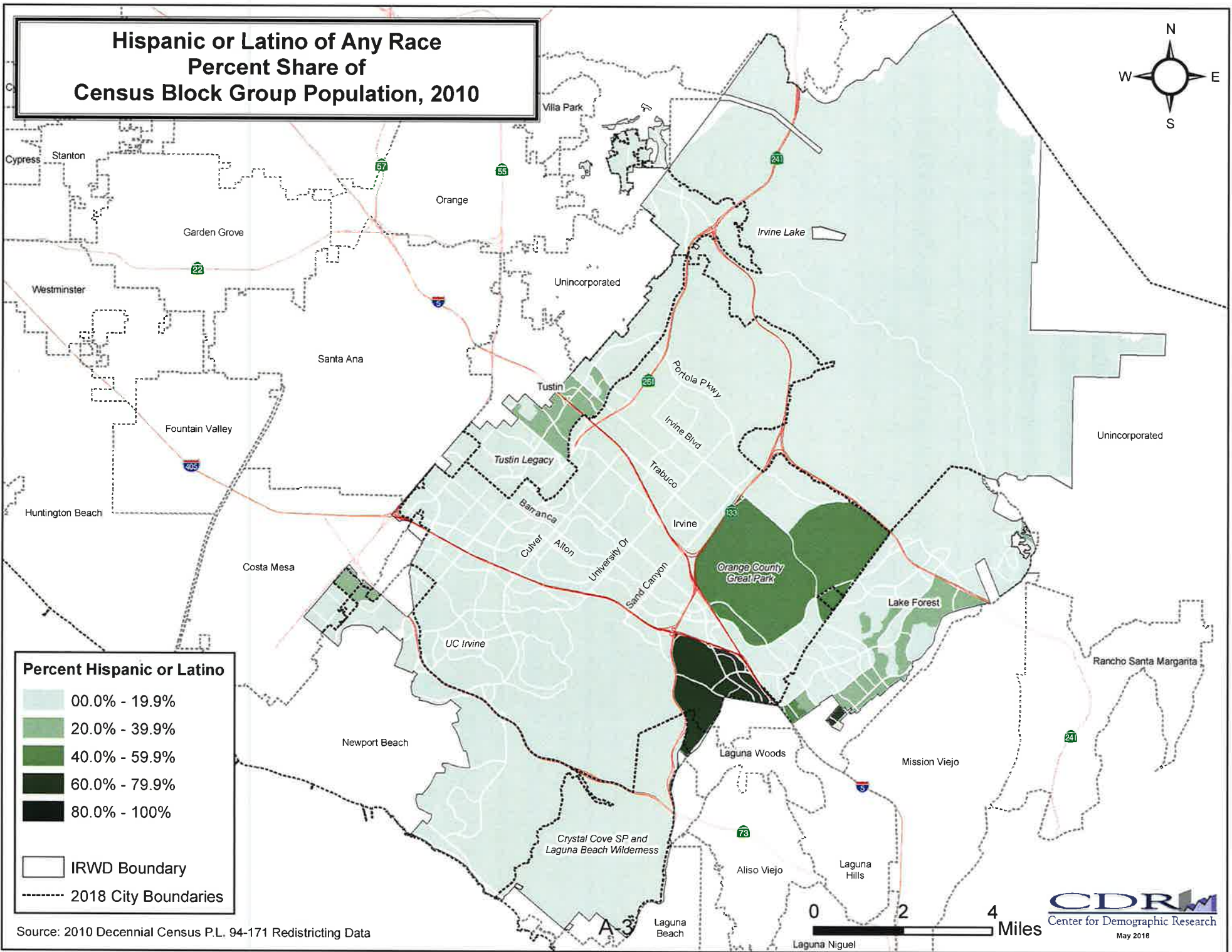
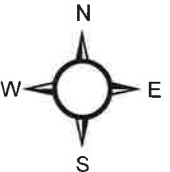
- 00.0% - 19.9%
- 20.0% - 39.9%
- 40.0% - 59.9%
- 60.0% - 79.9%
- 80.0% - 100%

- IRWD Boundary
- 2018 City Boundaries

Source: 2010 Decennial Census P.L. 94-171 Redistricting Data



Hispanic or Latino of Any Race Percent Share of Census Block Group Population, 2010



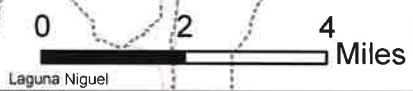
Percent Hispanic or Latino

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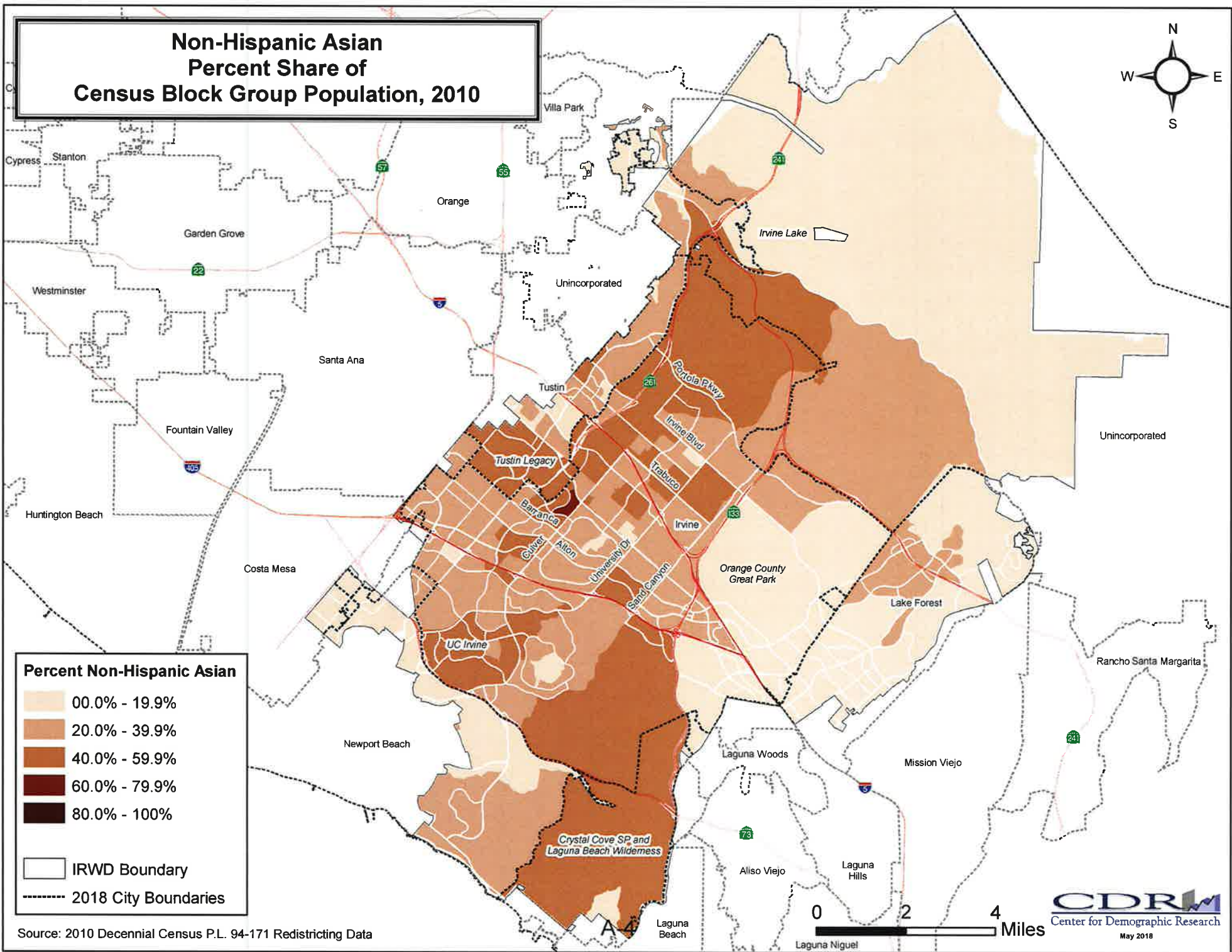
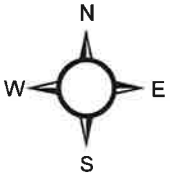
IRWD Boundary

2018 City Boundaries

Source: 2010 Decennial Census P.L. 94-171 Redistricting Data



Non-Hispanic Asian Percent Share of Census Block Group Population, 2010



Percent Non-Hispanic Asian

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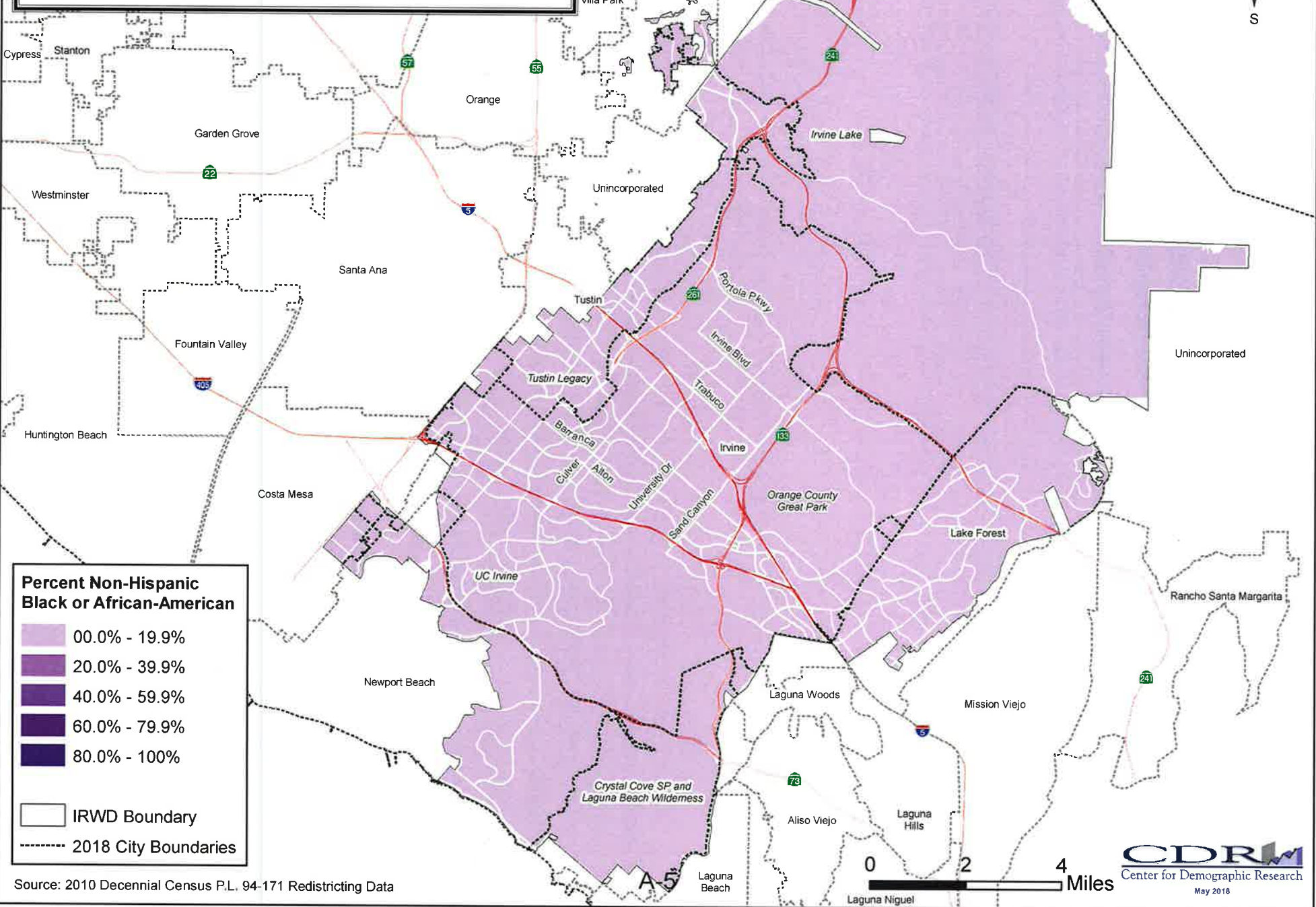
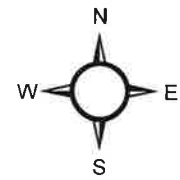
IRWD Boundary

2018 City Boundaries

Source: 2010 Decennial Census P.L. 94-171 Redistricting Data



Non-Hispanic Black or African-American Percent Share of Census Block Group Population, 2010



Percent Non-Hispanic Black or African-American

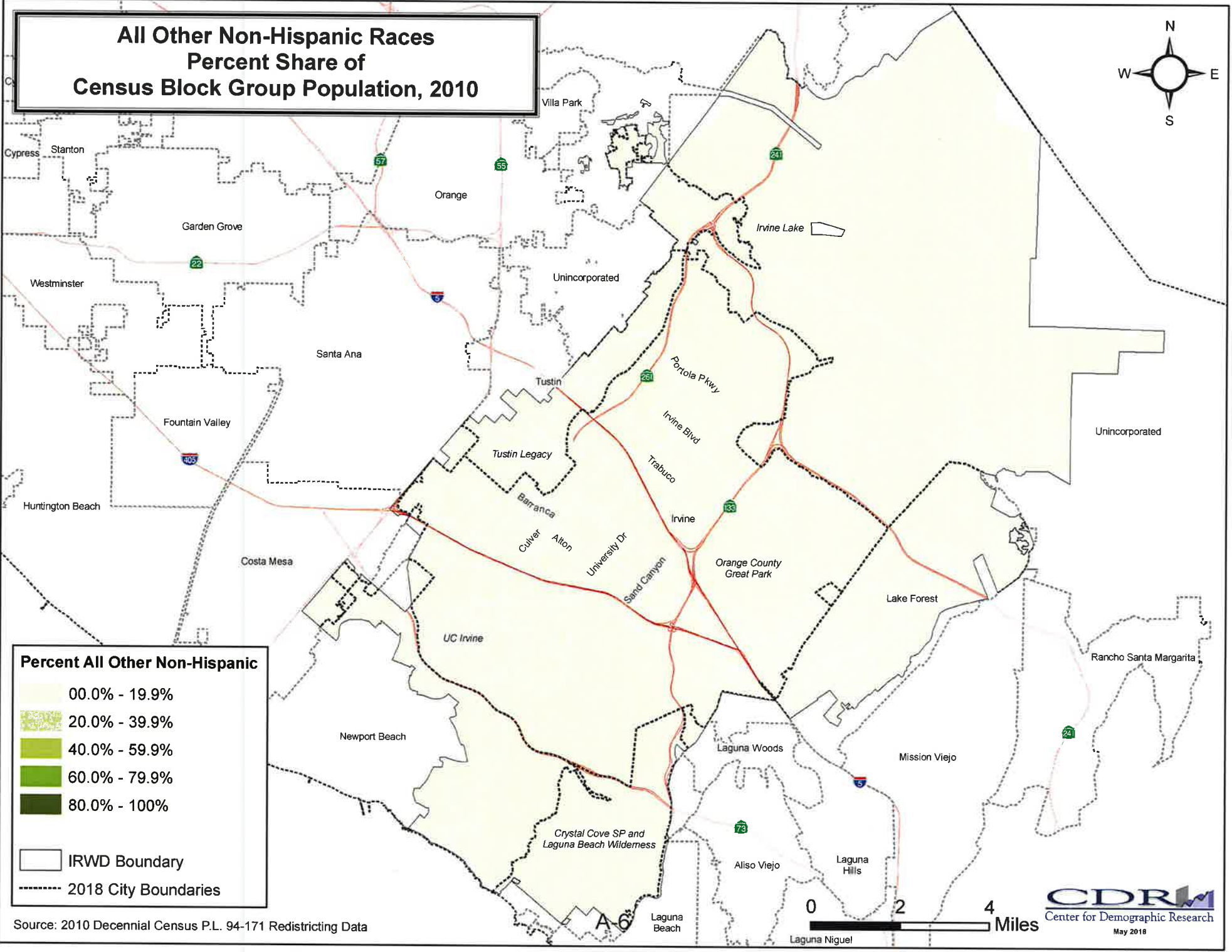
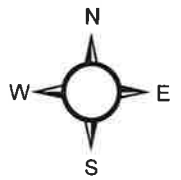
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- IRWD Boundary
- 2018 City Boundaries

Source: 2010 Decennial Census P.L. 94-171 Redistricting Data



All Other Non-Hispanic Races Percent Share of Census Block Group Population, 2010

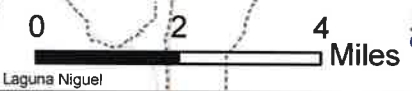


Percent All Other Non-Hispanic

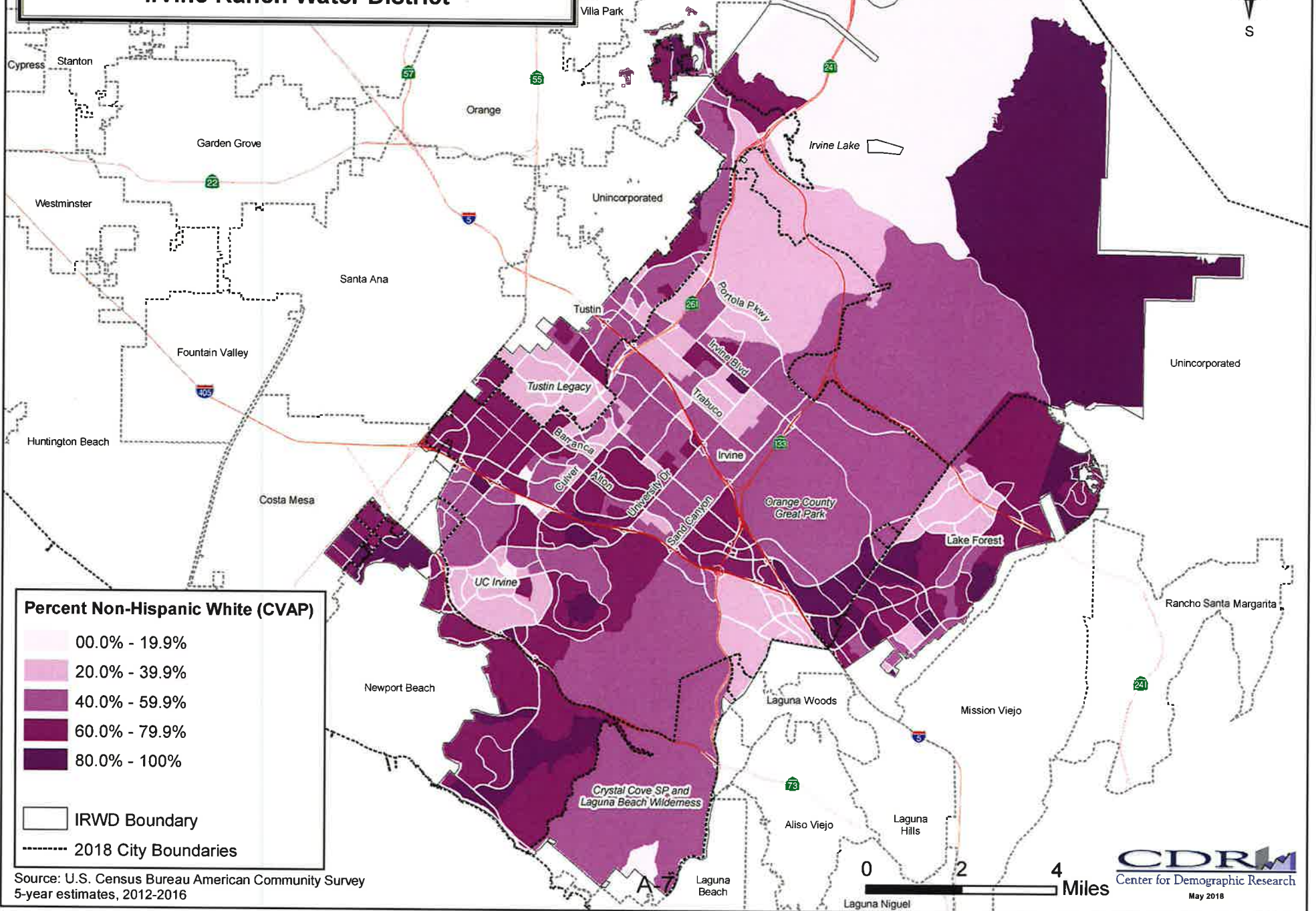
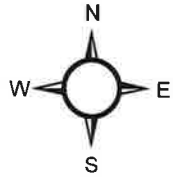
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IRWD Boundary
 2018 City Boundaries

Source: 2010 Decennial Census P.L. 94-171 Redistricting Data



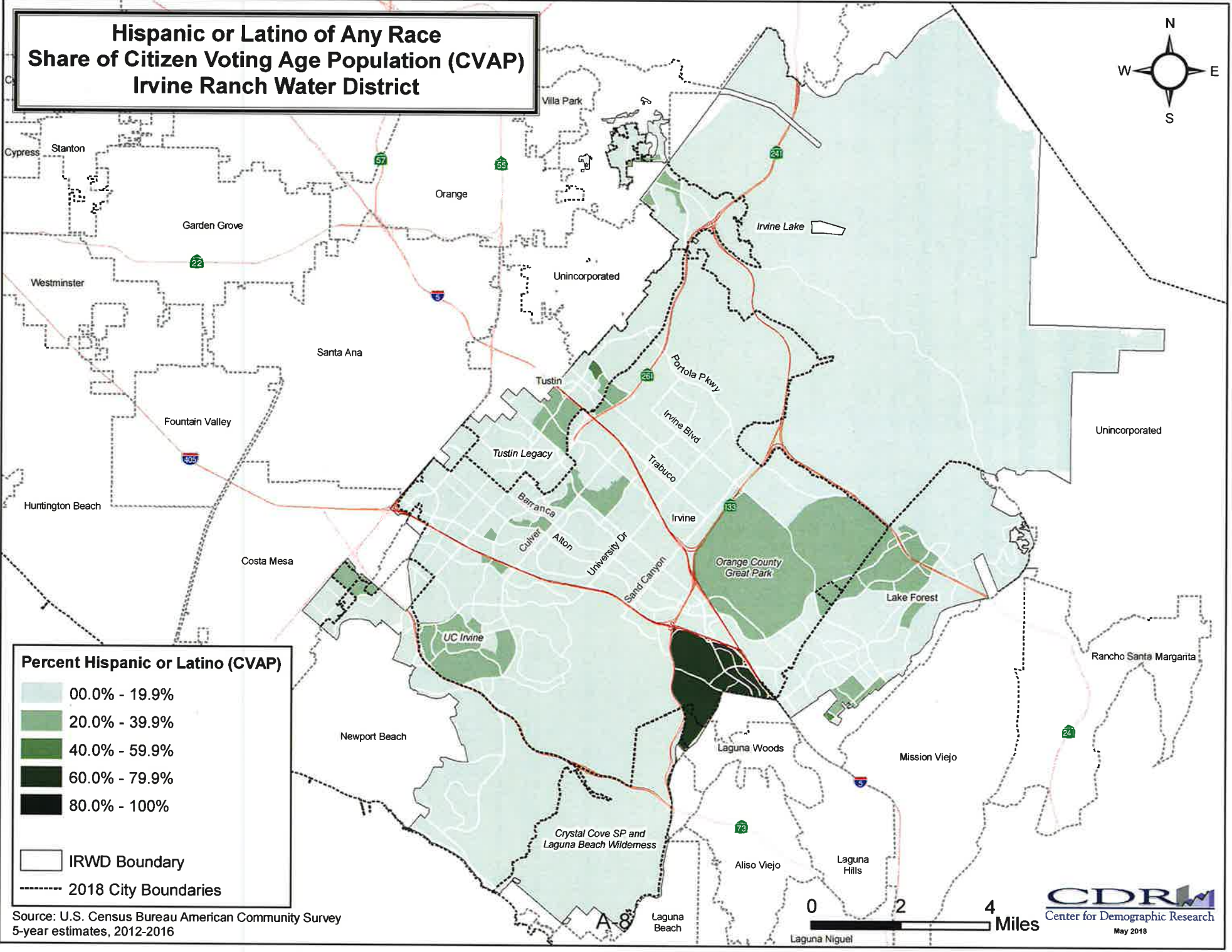
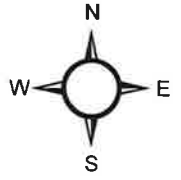
Non-Hispanic White Share of Citizen Voting Age Population (CVAP) Irvine Ranch Water District



Source: U.S. Census Bureau American Community Survey
5-year estimates, 2012-2016



Hispanic or Latino of Any Race Share of Citizen Voting Age Population (CVAP) Irvine Ranch Water District



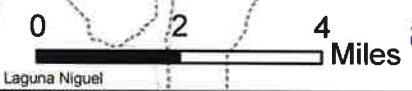
Percent Hispanic or Latino (CVAP)

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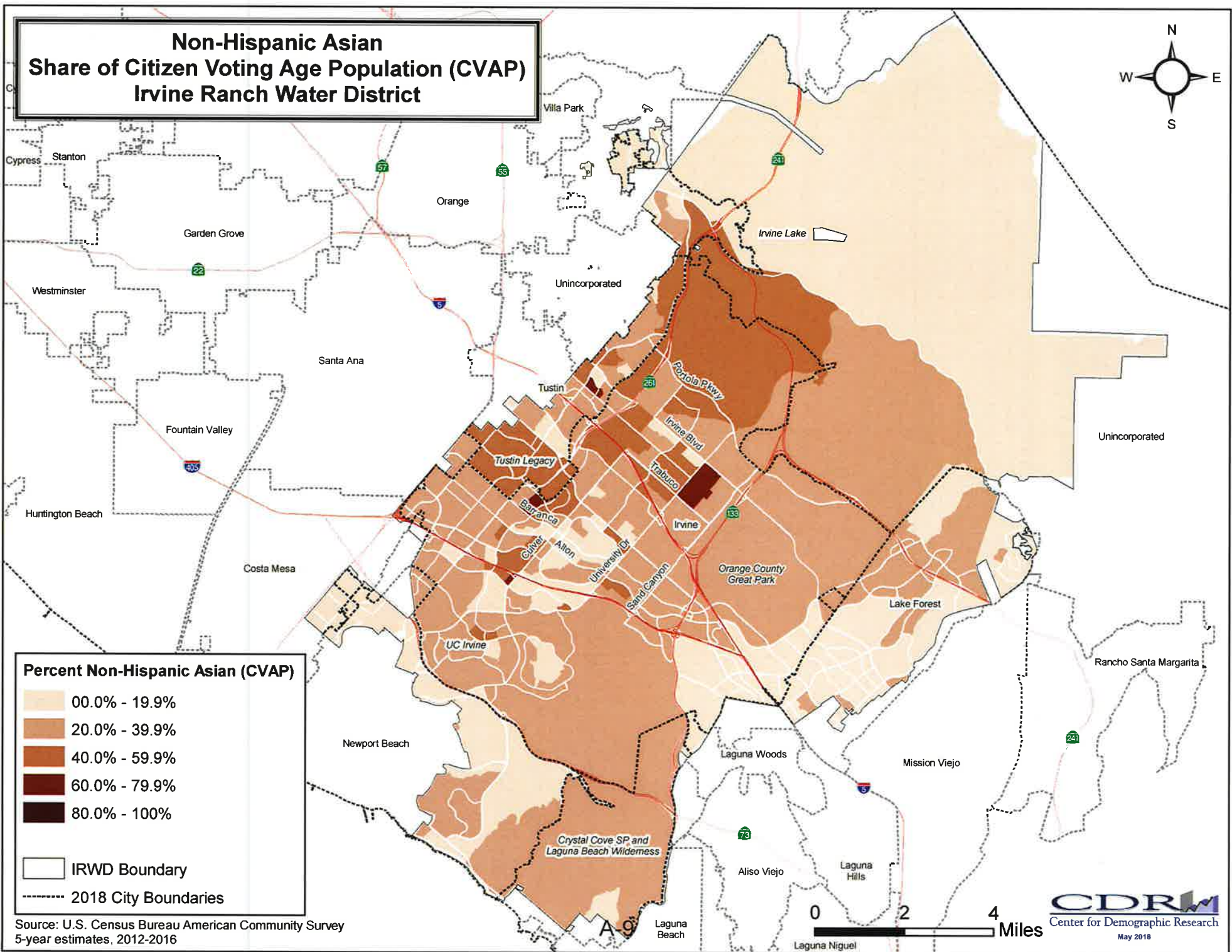
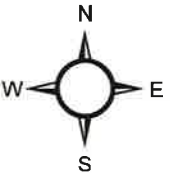
IRWD Boundary

2018 City Boundaries

Source: U.S. Census Bureau American Community Survey
5-year estimates, 2012-2016



Non-Hispanic Asian Share of Citizen Voting Age Population (CVAP) Irvine Ranch Water District



Percent Non-Hispanic Asian (CVAP)

- 00.0% - 19.9%
- 20.0% - 39.9%
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- IRWD Boundary
- 2018 City Boundaries

Source: U.S. Census Bureau American Community Survey
5-year estimates, 2012-2016

