

NORTH COUNTY FIRE PROTECTION DISTRICT



RESOLUTION 2019-01

RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH COUNTY FIRE PROTECTION DISTRICT OUTLINING INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS PURSUANT TO ELECTIONS CODE SECTION 10010(e)(1)(A)

WHEREAS, NORTH COUNTY FIRE PROTECTION DISTRICT ("NCFPD") is an independent California fire protect district duly organized and existing under the laws of the State of California, particularly the District Law, constituting Division 12 of the Health and Safety Code of the State of California, and more particularly, Health and Safety Code Sections 13000 et seq. (the "Law");

WHEREAS, the governing board ("Board") is currently composed of five (5) directors who are voted into office by an "at-large" election method, meaning one in which the voters of the entire jurisdiction elect the members to the governing body;

WHEREAS, the Board wishes to transition the method of election for the NCFPD Board from an "at-large" method to a "by-zone" or "district-based" election method, meaning a method of electing members to the governing body of NCFPD in which the candidate must reside within an election district that is a divisible part of NCFPD's jurisdiction and is elected only by voters residing within that election district;

WHEREAS, the Board wishes to effectuate this transition from at-large to district-based elections in order to ensure that NCFPD maintains an election method that does not impair the ability of any protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters, who are members of a protected class, as defined by Elections Code Section 14026;

WHEREAS, this Resolution is expressly intended to address the requirements of Elections Code Section 10010(e)(3)(A), and thereby outline NCFPD's intention to transition from at-large to district-based elections, outline specific steps that NCFPD will undertake to facilitate this transition, and set forth an estimated time frame for doing so; and,

WHEREAS, under the Law, NCFPD must first hold a public hearing prior to adoption of a resolution moving to divisional elections and must follow the process laid out under the Law for a transition to district-based elections;

NOW, THEREFORE, this Board of Directors of North County Fire Protection District does hereby resolve:

Section 1. The foregoing recitals are true and correct.

Section 2. The Fire Chief/CEO is hereby authorized and directed to confer with the District's legal counsel and hire independent consultants whom the Fire Chief/CEO deems necessary and appropriate in order to begin the transition from at-large to district-based elections.

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Section 3. The Fire Chief/CEO is hereby authorized and directed to coordinate and effectuate outreach to the public, including to non-English speaking communities, to explain the districting process and to encourage public participation.

Section 4. Pursuant to Elections Code Section 10010, the Fire Chief/CEO is hereby authorized and directed to propose a schedule for no less than two (2) public hearings, at which the public shall be invited to provide input regarding the composition of NCFPD before NCFPD draws any draft maps of the proposed boundaries for district elections. These public hearings shall be held over a period of no more than thirty (30) days and the first public hearing shall occur within thirty (30) days of the adoption of this Embracement Resolution.

Section 5. In accordance with Elections Code Section 10010(a)(2), the Fire Chief/CEO of NCFPD is hereby authorized and directed to confer with NCFPD legal counsel and any consultants, and to create draft maps of the zones or districts for presentation to the Board at a public meeting to be held pursuant to Section 6 below. At the Board meeting, NCFPD shall also publish and make available for release to the public draft maps for five (5) zones in the current NCFPD boundaries and shall also disclose the following: a) whether members of the NCFPD Board will be elected in their districts at different times, b) provide for proposed staggered terms of office; c) identify the potential sequence of the elections.

Section 6. In accordance with Elections Code section 10010(a)(2), NCFPD shall hold at least two (2) public hearings over a period of at least forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections, if applicable. The first version of the draft map(s) shall be published at least seven (7) days before consideration at a public hearing. If the draft map(s) is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted. The first of these two public hearings shall be no later than thirty (30) days after the last Board meeting referenced in Section 4 above, or as soon thereafter as practicable.

Section 7. Pursuant to Health and Safety Code Section 13846, the Fire Chief/CEO of NCFPD is hereby authorized and directed to subsequently coordinate and effectuate a public hearing on the proposed establishment of zones or districts for the district-based elections, at which the Board shall provide for representation in accordance with demographic, including population and geographic factors of the entire geographic area of NCFPD. At this hearing, any elector of NCFPD may present his or her views and plans in relation to the proposed zoning, but the Board shall not be bound thereby and its decision, in the resolution adopted, shall be final. This public hearing shall occur no later

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than forty-five (45) days after the last public hearing referenced in Section 4 above, or as soon thereafter as practicable. After this hearing, the Board will be presented with a resolution to divide the District into the zones or districts.

Section 8. If the Board elects to approve a resolution which divides the district into the zones or districts presented, the zones or districts shall be effective for the next district election after the resolution of the Board for which there is time to implement the zones and elections within the zones, or as provided for in Health & Safety Code Section 13846.

Section 9. This Resolution shall take effect immediately upon its adoption.

APPROVED, SIGNED AND ADOPTED at a Regular Meeting of the Board of Directors of the North County Fire Protection District held on this 22nd day of January, 2019, by the following vote:

AYES: Directors Harris, Hoffman, Luevano, Munson and Van Doorn

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: None

Fred Luevano, Board President

I HEREBY CERTIFY that foregoing is a true and correct copy of the Resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District at the meeting thereof held on the 22nd day of January, 2019, and that the same now appears on record in my office.

IN WITNESS THEREOF, I hereunto set my hand and affixed by official seal this this 22nd day of January, 2019.

Loren A. Stephen-Porter, Board Secretary



Official Seal