

ORDINANCE NO. 2022 - 01

URGENCY ORDINANCE OF THE COASTSIDE FIRE PROTECTION DISTRICT PROVIDING FOR ELECTION OF MEMBERS OF THE FIRE BOARD BY DISTRICT, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, AND ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378, 15601(b)(3)

WHEREAS, the Coastside Fire Protection District has historically used an at large method of election, which is consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; and

WHEREAS, California Government Code Section 34886 permits the Fire Board to change the method of election by ordinance to a "by-district" system in which each member of the Fire Board is elected only by the voters in the district in which the candidate resides, in accordance with California Government Code Section 34871; and

WHEREAS, a by-district system can also be consistent with the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

WHEREAS, on March 24, 2021, the Fire Board adopted a Resolution that initiated the process of establishing a by-district election system and stated its intent to complete this transition prior to the November 2022 election; and

WHEREAS, under the provisions of California Elections Code Section 100100, a district that changes from an at-large method of election to a by-district method of election must hold a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map; and

WHEREAS, on August 25, 2021, January 12, 2022, and January 26, 2022, pursuant to California Elections Code Section 10010(a)(1), the Fire Board held three public hearings where the public was invited to provide input regarding the composition of voting districts before any draft maps were drawn, and the Fire Board considered and discussed the same; and

WHEREAS, on February 23, 2022 pursuant to California Elections Code Section 10010(a)(2), the Fire Board held a fourth public hearing where the public was invited to provide input regarding the content of proposed draft maps that had been released and published at least seven (7) days before each meeting, and the proposed sequence of the elections, and the Fire Board considered and discussed the same and appointed an ad hoc subcommittee to hold two additional meetings at which the public was invited to attend and provide input regarding district boundaries; and

WHEREAS, the ad hoc subcommittee held public meetings on March 3, 2022 and March 8, 2022 to receive additional public input; and

WHEREAS, on March 23, 2022, the Fire Board held a final public hearing on the proposal to establish district boundaries, reviewed and considered additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in an ordinance, which was introduced for a first reading at the same regular meeting; and

WHEREAS, the Fire District has been informed by the County Elections Office that it must have an adopted districts boundaries map by April 17, 2022 in order for that map, and the by-district voting system, to apply to the November 2022 election; and

WHEREAS, due to the COVID-19 pandemic, the Federal Census Bureau was six months delayed in releasing the 2020 Census data necessary to draw district boundary lines, which significantly truncating the time to complete the transition to by-district elections; and

WHEREAS, the District signed a settlement agreement with a prospective plaintiff, which calls for the District to transition to by-district elections in time for the November 2022 election; and

WHEREAS, the settlement agreement contemplates that the District may not be able to complete this transition in time for the November 2022 election due to the Census data delay, but the District wishes to adopt this ordinance on an urgency basis in order to meet the November 2022 election deadline; and

WHEREAS, completing the transition to by-district elections in furtherance of the protections created by the California Voting Rights Act in advance of the November 2022 election protects the public peace, health, and safety by conducting that election by a method found by the State to offer the most fair and equitable representation; and

WHEREAS, California Government Code Section 36937 authorizes the Fire Board to adopt an Urgency Ordinance measure by a four-fifths (4/5) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance; and

WHEREAS, pursuant to California Government Code Section 34886, the purpose of this Ordinance is to provide for the election of members of the Fire Board of the Coastside Fire Protection District by district in 5 single-member districts as reflected in the voting district map attached as Exhibit A to this Ordinance, in furtherance of the California Voting Rights Act of 2001 (Chapter 1.5 [commencing with Section 14025] of Division 14 of the Elections Code) to encourage by-district elections as one method to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

IT IS HEREBY ORDAINED by the Board of the Coastside Fire Protection District to adopt an ordinance as follows:

SECTION ONE: The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

SECTION TWO: Election of members of the Fire Board by district.

- (A) *Districts Established.* Fire Board districts are hereby established in the Coastside Fire Protection District. The boundaries and identities of each district shall be as described and shown on the District Map attached as Exhibit A, and incorporated by reference.
- (B) *Election of members of the Fire Board by-district.*
 - (1) Following the effective date of this Ordinance and upon the commencement of "by-district" elections in the order established by this Ordinance, members of the Fire Board shall be elected "by-district" as defined in the California Government Code Section 34871 or any successor statute. Any candidate for Fire Board must have been a resident and elector of the district in which they seek election by the time they pull nomination papers for such office, or such person's appointment to fill a vacancy therein. No term of any member of the Fire Board that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance. A vacancy in an office filled by an at large election shall be filled by appointment or by an at large election.
 - (2) Registered voters voting for a member of the Fire Board shall be residents of the geographical area making up the district from which the member is to be elected.
 - (3) The terms of the office of each member elected to the Fire Board shall remain four (4) years.
- (C) *Commencement of district elections.*
 - (1) Commencing on the General Election in 2022 and every four years thereafter the voters in districts C, D, and E shall elect members of the Fire Board by district for four (4) year terms. At the General Election in 2024, and every four years thereafter, the voters in districts A and B shall elect members of the Fire Board by district for four (4) year terms.
 - (2) The term of office of any Board member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which they were elected.

SECTION THREE: Technical Adjustments and Metes-and-Bounds. If necessary to facilitate the implementation of this Ordinance, the Board Secretary 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 district. The Board Secretary shall consult with the District's Attorney concerning any technical adjustments deemed necessary and shall advise the Fire Board

of any such adjustments required in the implementation of the districts. The Board Secretary shall also direct the District's demographer to provide a metes-and-bounds description of each district as shown on the map attached as Exhibit A and incorporated herein by reference, which shall be submitted to the Fire Board at its next regular meeting and kept on file in the District's office for public review.

SECTION FOUR: CEQA Determination. This Ordinance is not subject to the California Environmental Quality Act (CEQA) because it is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, since there is no potential of the Ordinance to result in direct or indirect physical change to the environment. In addition, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility the Ordinance may have a significant effect on the environment.

SECTION FIVE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Fire Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION SIX: Pursuant to Section 36937 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect immediately upon its passage.

SECTION SEVEN: The Board Secretary shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

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Passed and adopted by the Coastside Fire Protection District Board of Directors at a meeting thereof held on the 13th day of April 2022, by the following vote of the members thereof:

AYES, and in favor thereof, Board members: Burke, Cockrell, MacKimmie, Sherrill, Stockman

NOES, Board members: none

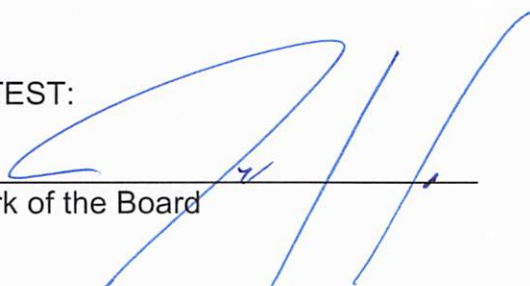
ABSENT, Board members: none

ABSTAIN, Board members: none



President of the Board

ATTEST:



Clerk of the Board