

RESOLUTION NO. 2021-081

RESOLUTION OF THE BOARD OF DIRECTORS OF
CENTRAL CONTRA COSTA SANITARY DISTRICT
ADJUSTING THE DIRECTOR DIVISION BOUNDARIES PURSUANT TO HEALTH &
SAFETY CODE § 6592 AND ELECTIONS CODE § 22000

WHEREAS, by Resolution No. 2020-053, adopted in November 2020, Central Contra Costa Sanitary District established by-division elections (“Director Divisions” or “election divisions”) whereby each member of the governing board is elected in an election division in which candidates for the District’s governing board (the “Board”) must reside and are only elected by the voters residing in that election division; and

WHEREAS, Health & Safety Code § 6591(e) requires “the divisions shall be as nearly equal in population as possible” and “[i]n establishing the boundaries of the divisions the district board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the divisions; and

WHEREAS, Health & Safety Code § 6592 requires the Board to review the boundaries of the electoral divisions following each decennial census and, if the district board finds that the population of any election division has varied so that they no longer meet the equal population criterion, “the district board shall adjust the boundaries of the election divisions so that the divisions shall be as nearly equal in population as possible;” and

WHEREAS, to comply with these requirements, the District has retained experienced legal counsel to advise it on the process of adjusting the existing director divisions and an experienced redistricting/demographic consultant to prepare draft director division maps; and

WHEREAS, on July 1, 2021, the Board and the public received a presentation from the District’s special legal counsel regarding the procedures and legal and policy criteria governing adjustment of the Director Division boundaries, and information concerning the release of the 2020 Census data that was delayed from March 2021 to August 2021 due to the COVID-19 pandemic; and

WHEREAS, on August 12, 2021, the Census Bureau released its decennial P.L. 94-171 redistricting data files; and

WHEREAS, on October 4, 2021, the Board received a presentation from its demographic consultant, including updated demographic information about the current direct divisions reflecting the Census Bureau’s final numbers, which indicated that the divisions are no longer substantially equal in population and require adjustments to the boundaries of Director Divisions 4 and 5 while all other divisions remain population balanced as required by law, and following the presentation, the Board conducted a duly noticed public hearing to receive public input regarding potential adjustments to the Director Division boundaries; and

WHEREAS, on October 25, 2021, the Board and the public received a presentation from the District's demographic consultant demonstrating options for adjustments to the Director Division boundaries to bring them into substantial population balance as required by law, which options were labeled, "Green Map", "Tan Map", and "Orange Map", and after the presentation, the Board solicited public input regarding the maps and adjustments to the election division boundaries in a public hearing; and

WHEREAS, the Board, in response to public input, requested the development of a map that united the Rossmoor neighborhood with the rest of the City of Walnut Creek and determined not to move the "Green Map" forward; and

WHEREAS, the Board established on its website an easily accessible webpage for information concerning and the process of adjusting the Director Division boundaries and provided on-line facilities whereby members of the public could submit to the District proposals for adjustment of the election division boundaries, and solicited public input regarding adjustments to the election division boundaries and publicized the process through the following means: Dedicated elections webpage on the District's website, news release, outreach to service area municipal and county agencies, advertisement and legal notice publications in service area newspaper circulations, social media posts, newsletter publications, and speakers bureau presentations; and

WHEREAS, on November 18, 2021, the Board and the public received a presentation from the District's demographic consultant demonstrating further options for adjustments to the Director Division boundaries as required by law, which options were labeled, "Tan Map", "Orange Map", and "Purple Map" (unification of Rossmoor with rest of Walnut Creek), and after the presentation, the Board solicited public input regarding the maps and adjustments to the election division boundaries in a public hearing; and

WHEREAS, at the close of the public hearing on November 18, 2021, the Board identified the "Purple" Map as the preferred approach to adjusting the District's election division boundaries so the populations of the Director Divisions were substantially equal as required by law; and

WHEREAS, the Board thereafter caused to be posted the "Purple" Map on the webpage for the adjustment of the District's Director Division boundaries for seven days, and

WHEREAS, the Board has considered all public comments on the options for adjustments to the Director Division boundaries; and

WHEREAS, Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and the "Purple" Map complies with Section 2 of the Voting Rights Act; and

WHEREAS, "Purple" Map also observes topography, geography, cohesiveness, contiguity, integrity and compactness of territory and community of interests of the Director Divisions as initially established in 2020 pursuant to those criteria,

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. BASIS OF RESOLUTION.

This resolution is based on the above recitals, which are true and correct.

SECTION 2. PURPOSE AND AUTHORITY.

The purpose of this Resolution is, pursuant to Health & Safety Code §§ 6591 and 6592, to adjust the boundaries of the District’s Director Divisions so “the divisions shall be as nearly equal in population as possible” and “[i]n establishing the boundaries of the divisions the district board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the divisions.” The authority for the Board’s action is contained in Health & Safety Code §§ 6591 and 6592.

SECTION 3. DIRECTOR DIVISION BOUNDARY ADJUSTMENTS.

The Board hereby adopts amendments to its current Director Division boundaries as reflected in “Purple” Map, attached hereto as Exhibit “1” and incorporated herein by this reference, for use at the District’s November 2022 election and subsequent elections until a further adjustment is required pursuant to Health & Safety Code § 6592.

SECTION 4. IMPLEMENTATION.

a. The General Manager and/or his designee shall take all actions necessary to notify the appropriate County elections officials of the Board’s determination forthwith and provide whatever assistance may be required by the Elections Departments to complete the process.

b. Because the new adjusted plan may contain technical anomalies caused by errors in the 2020 Census line files that do not substantively affect the populations in the director divisions, the division boundaries, or the intent of this resolution, which anomalies are not revealed until implementation begins, the General Manager and/or his designee is authorized to make technical emendations to the new redistricting plan that do not substantively affect the populations in the director divisions, the division boundaries, or the intent of this resolution, and shall advise the Board of any such emendations that are found to be required in plan implementation by the respective county elections officials.

c. That the General Manager and/or his designee shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

SECTION 5. EXEMPTION FROM CEQA.

The Board of Directors finds that the actions taken in this Resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) because it can be said with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Central Contra Costa County Sanitary District hereby declares that it would have passed this resolution and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

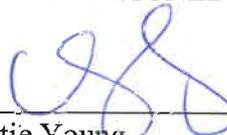
THE FOREGOING RESOLUTION was passed and adopted by the Board of Directors of the Central Contra Costa Sanitary District this 2nd day of December 2021, by the following vote:

AYES: Members: Hockett, Lauritzen, McGill, Williams, Pilecki
NOES: Members: None
ABSENT: Members: None



Tad J. Pilecki
President of the Board of Directors
Central Contra Costa Sanitary District,
County of Contra Costa, State of California

COUNTERSIGNED:



Katie Young
Secretary of the Central Contra Costa
Sanitary District, County of Contra Costa,
State of California

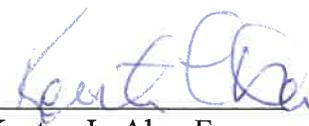
Approved as to Form: 
Kenton L. Alm, Esq.
District Counsel

EXHIBIT "1"
MAP AND DEMOGRAPHICS OF "PURPLE MAP"
ADOPTED BY BOARD OF DIRECTORS
December 2, 2021

