

PETALUMA HEALTH CARE DISTRICT RESOLUTION NO. 6-22

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PETALUMA HEALTH CARE DISTRICT DECLARING ITS INTENTION TO TRANSITION
FROM AT-LARGE TO DISTRICT-BASED ELECTIONS PURSUANT TO
CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A)**

WHEREAS, the Board of Directors of the Petaluma Health Care District is an elected legislative and deliberative public body serving the residents of the Petaluma Health Care District; and

WHEREAS, the District currently has an at-large election system where the entire jurisdiction votes for each member of the Board of Directors rather than a by-district election system where the jurisdiction is divided into districts and only voters within a given district vote for that district's representative; and

WHEREAS, in 2003, the California Voting Rights Act ("CVRA") became law; and

WHEREAS, the CVRA, in an attempt to prevent the disenfranchisement of protected classes of persons, seeks to force public agencies in California to convert from at-large to by-district elections; and

WHEREAS, public agencies that have been sued under the CVRA have typically been forced to pay large sums to settle with plaintiffs' attorneys; and

WHEREAS, in late 2016, the California Legislature adopted AB 350 amending Elections Code Section 10010 to cap the attorneys' fees a prospective plaintiff may recover if a public agency adopts a resolution of intention to change to a by-district system of elections within 45 days of the receipt of a letter from that prospective plaintiff alleging a CVRA violation and then, following several procedural steps, transitions to by-district elections within the next 90 days; and

WHEREAS, the District has not yet received a letter from a prospective plaintiff threatening litigation under the CVRA; and

WHEREAS, Elections Code Section 10010(e)(3)(A) permits a political subdivision to adopt a resolution of intent to transition from at-large to district-based elections before receiving a threat letter from a prospective plaintiff and thereby avoid the payment of a reimbursement to a prospective payment; and

WHEREAS, the Board desires to avoid the high costs and legal risks associated with a CVRA lawsuit and has determined that it is in furtherance of the purposes of the CVRA to transition from at-large to by-district elections but does not contend that it has violated the CVRA; and

WHEREAS, the Board desires to declare its intention to adopt a resolution pursuant to Elections Code section 10010 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, BE IT RESOLVED by the Board of Directors of Petaluma Health Care District as follows:

1. The recitals set forth above are true and correct and are incorporated herein by reference.
2. The Board of Directors intends to transition the election of its Board of Directors from an at-large electoral system to a by-district system.
3. In accordance with Elections Code 10010, the following specific steps will be undertaken to facilitate the transition to by-division elections:

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- i. Engage a demographer, in order to assist the District in establishing divisions, in compliance with the CVRA;
- ii. Conduct public outreach to explain the districting process and to encourage public participation;
- iii. Before drawing a draft map(s) of the proposed district 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 districts and to consider district boundaries as provided in Elections Code Section 10010;
- iv. After drawing a draft map(s), publish the draft map(s) and the potential sequence of the district elections, and hold at least two public hearings over a period of no more than forty-five (45) days, at which the public is invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections; and
- v. Hold a public hearing at which the Board of Directors will consider a resolution establishing district elections, including the adoption of a district boundary map and the sequence of the district 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 **April 30, 2024**.

4. 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 shall not be affected by such invalidity.

5. This Resolution shall become effective upon its adoption.

6. The Clerk of the Board shall certify to the adoption of this Resolution.

ADOPTED this 19 day of October 2022.

Ayes: Ambrosi, Dufour, Hempel, Nelson, Tobias
Absent: Ø

Nays: Ø
Abstain: Ø

ATTESTED:


Crista Nelson, President


Gabriella Ambrosi, Secretary