

LAW OFFICES
SCOTT & JACKSON

16935 WEST BERNARDO DRIVE, SUITE 170
SAN DIEGO, CA 92127

JEFFREY G. SCOTT
BLAISE J. JACKSON

(858) 675-9896
FAX (858) 675-9897

Of Counsel
JAMES R. DODSON

DATE: October 19, 2018

TO: Board of Directors
Barry Jantz, CEO

FROM: Jeffrey G. Scott, General Counsel

RE: Consideration of Resolution Outlining the Intention to Transition from "At-Large" to "Zone-Based" Elections

Attached for Board consideration is Resolution No. 05-18 outlining the intention to transition from an at-large election method to a by-zone election system.

The resolution complies with the requirements set forth in Elections Code section 10010(e)(3)(A) and outlines the specific steps the District will undertake to facilitate the transition, including conducting public outreach and the encouragement of public participation and public input. The transition process will be completed within 180-days from Board passage of the resolution.

Also attached is a draft tentative schedule that outlines the estimated time frame and dates of the required public hearings, including the public hearings prior to the preparation of the new draft boundary maps and the dates of the public hearings after the maps have been prepared and circulated for public review.

RESOLUTION NO. 05-18

**RESOLUTION OF THE BOARD OF DIRECTORS OF
GROSSMONT HEALTHCARE DISTRICT OUTLINING
THE INTENTION TO TRANSITION FROM
AT-LARGE TO DISTRICT-BASED ELECTIONS
PURSUANT TO ELECTIONS CODE 10010(e)(J)(A)**

WHEREAS, GROSSMONT HEALTHCARE DISTRICT (“District”) is a California health care district duly organized and existing pursuant to the laws of the State of California, particularly the Local Health Care District Law, constituting Division 23 of the Health and Safety Code of the State of California, and, more particularly, Health and Safety Code sections 32000 et seq. (the “Law”); and

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; and

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

WHEREAS, the Board wishes to effectuate this transition from at-large to by-zone elections in order to ensure the District 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; and

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

WHEREAS, Elections Code section 10010(e)(3)(C) was added in 2018 to allow a political subdivision like the District and a prospective plaintiff to enter into a written agreement to extend the time period for completing the transition process for up to an additional 90-days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input; and

WHEREAS, the District has entered into a written agreement pursuant to Elections Code section 10010(e)(3)(C) which allows the District to extend the time to complete the transition process up to 180-days from the passage of this resolution; and

WHEREAS, under the Elections Code, the Board must first hold a series of public hearings prior to drawing the proposed new zone-based boundary maps to provide public

participation and input and hold a series of public hearings after the draft maps have been drawn and prior to adoption of a resolution moving to by-zone elections; and

WHEREAS, the District's Board finds it shall serve the best interests of the District and communities served, and to ensure the most effective expenditure of the District's resources and avoid a waste of public funds, to transition from an at-large method to a by-zone election system.

NOW, THEREFORE, this Board of Directors of Grossmont Healthcare District does hereby resolve:

Section 1. The foregoing recitals are true and correct.

Section 2. The Chief Executive Officer is hereby authorized and directed to confer with the District's General Counsel and hire independent consultants whom the Chief Executive Officer deems necessary and appropriate in order to begin the transition from at-large to zone-based elections.

Section 3. The Chief Executive Officer 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 Chief Executive Officer 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 the District before the District draws any draft maps of the proposed boundaries for District elections. These public hearings shall be held over a period of no more than forty-five (45) days and the first public hearing shall occur within forty-five (45) days of the adoption of this resolution.

Section 5. In accordance with Elections Code section 10010(a)(2), the Chief Executive Officer of the District is hereby authorized and directed to confer with the District's General 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, the District shall publish and make available for release to the public draft maps for five (5) zones in the current District boundaries. If members of the District Board will be elected in their districts at different times, to provide for staggered terms of office, and the potential sequence of the elections.

Section 6. In accordance with Elections Code section 10010(a)(2), the District shall hold at least two (2) public hearings over a period of no more than 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 32100.1, the Chief Executive Officer of the District 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 area of the District. At this hearing, any elector of the District may present his or her views and plans in relation to the proposed zoning, but the Board shall not be bound thereby and the Board's decision in the resolution adopted shall be final. This public hearing shall occur no later than forty-five (45) days after the last public hearing referenced in Section 6 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 dividing 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 32100.1.

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

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Grossmont Healthcare District at a regular meeting held this 19th day of October, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael Emerson, President
Board of Directors
Grossmont Healthcare District

ATTEST:

Gloria Chadwick RN, MPH, Vice-President
Board of Directors
Grossmont Healthcare District

180-DAY CALENDAR (DRAFT)

GROSSMONT HEALTHCARE DISTRICT 180-DAY TIMELINE PROCESS TO TRANSITION FROM AT-LARGE VOTING TO BY-ZONE VOTING DISTRICTS (California Voting Right Act "CVRA")

The following is a tentative calendar that describes the process for transitioning the Grossmont Healthcare District ("District") from at-large voting to "by zones" or "district type" elections.

**October 19, 2018
(Regular Board
Meeting)**

PASSAGED OF RESOLUTION OF INTENTION TO TRANSITION FROM AT-LARGE TO ZONE-BASED ELECTIONS

At the October 19, 2018, regular meeting, the Board would approve the "Transition Resolution" outlining the process to transition from at-large to by-zone voting districts and the CEO will be provided authority to retain a demographics consultant. The statute governing the process (Elec. Code, § 10010) has been amended and provides that the process may be completed in 180 days, from the date the Transition Resolution is passed.

**October 20, 2018 –
December 3, 2018**

PUBLIC OUTREACH

During this period the staff would conduct public outreach that will include holding community forums and meetings and disseminating information throughout the District explaining the transition process and encouraging public participation.

**December 3, 2018
(Regular Board
Meeting)**

FIRST PUBLIC HEARING PRIOR TO DRAWING THE MAPS

The Board might consider holding one or more of the public hearings that are required in this process in different locations within the District. At this meeting, the consultant will explain the process, and the Board will hold a public hearing for public input. **Public outreach continues.**

**January 7, 2019
(Regular Board
Meeting)**

SECOND PUBLIC HEARING PRIOR TO DRAWING THE MAPS

At this meeting, the consultant will again explain the process and the Board will hold a second public hearing for public input. It might also be an opportunity to hold the meeting in another part of the District. **Public outreach continues.**

**Between January 8
and February 8,
2019**

PREPARATION OF DRAFT BOUNDARY MAPS

From January 8 through February 8, 2019, the draft maps are drawn. After the draft maps are drawn, the drafts will be published and made available for release to the public by February 8, 2019. **Public outreach continues.**

180-DAY CALENDAR (DRAFT)

**February 15, 2019
(Regular Board
Meeting)**

FIRST PUBLIC HEARING POST PREPARATION OF DRAFT MAPS

At this meeting, the consultant will review the draft maps and the rationale for each. Interested members of the public will have the opportunity to provide input, and the Board will also have the opportunity to comment. The consultant will also review the proposed sequence of zone elections.

**March 15, 2019
(Regular Board
Meeting)**

SECOND PUBLIC HEARING POST PREPARATION OF DRAFT MAPS

At this meeting, the consultant will review the changes to the draft maps. Interested members of the public will have the opportunity to provide input, and the Board will also have the opportunity to comment. The consultant will also review the proposed sequence of zone elections.

**April 1, 2019
(Regular Board
Meeting)**

BOARD ADOPTION OF FINAL MAPS

At this meeting, the consultant will present the final version of the new map and sequencing of the zone elections. The Board will pass a resolution approving the final map that will show the boundaries of the new zones.