

RESOLUTION NO. 22-004

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE APPLE VALLEY FIRE PROTECTION DISTRICT ESTABLISHING BY-DIVISION ELECTIONS FOR THE BOARD OF DIRECTORS, DEFINING DIVISION BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DIVISIONS

WHEREAS, the Board of Directors of the Apple Valley Fire Protection District is a five-member elected legislative and deliberative public body serving the citizens of the Apple Valley Fire Protection District (District); and

WHEREAS, the District presently has an “at-large” election system for the Board of Directors (where the entire jurisdiction votes for each member of the public agency’s governing body) rather than a “by-division” election system (where the jurisdiction is divided into divisions, each Board candidate must reside in the division he or she will represent, and only voters within a given division vote for that division’s Board representative); and

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

WHEREAS, in order to avoid potential litigation under the CVRA, the Board of Directors has determined that it is in the best interest of the District to transition from its current at-large electoral system to a by-division electoral system; and

WHEREAS, on October 15, 2019, the Board of Directors adopted Resolution No. 19-010, a resolution declaring the District’s intention to transition from at-large to division-based elections by the November, 2022 General District Election, pursuant to California Elections Code Section 10010 (AB 350); and

WHEREAS, the District engaged an expert demographic firm to assist the District with the process of analyzing the District’s population, developing draft electoral division maps, and gathering input from residents on the possible maps; and

WHEREAS, in accordance with California Elections Code section 10010, the Board of Directors held two “pre-map” public hearings to obtain input on any proposed electoral division boundaries on January 18, 2022 and February 1, 2022; and

WHEREAS, on February 8, 2022, the District made one draft map prepared by its demographer available on its website for public review and on March 8, 2022, the District made a total of three draft maps prepared by its demographer available on its website for public review; and

WHEREAS, no draft maps were submitted by members of the public; and

WHEREAS, on February 15, 2022 and March 15, 2022, the Board of Directors held two further “post-map” public hearings at which the public was invited to provide input regarding the content of the draft maps and the sequence of elections; and

WHEREAS, California Elections Code Section 10650 (AB 2389) authorizes the governing body of a special district to change that body’s method of election, by resolution and without an election, to a by-division system in which each member is elected only by the voters in the division in which the candidate resides; and

WHEREAS, the purpose of this Resolution is to enact, pursuant to California Elections Code Sections 10010 (AB 350) and 10650 (AB 2389), a resolution providing for the election of the Members of the Board of Directors of the Apple Valley Fire Protection District by-division in five single-member divisions as reflected in Exhibit A to this Resolution; and

WHEREAS, pursuant to California Elections Code Section 10650, it is further declared that the purpose of the change in the method of electing members of the Board of Directors of the Apple Valley Fire Protection District made by this Resolution is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code; and

WHEREAS, all other prerequisites to adoption of this Resolution have been satisfied.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE APPLE VALLEY FIRE PROTECTION DISTRICT DOES HEREBY RESOLVE:

SECTION 1. The recitals stated above are true and correct and are incorporated herein by reference.

SECTION 2. BY-DIVISION ELECTIONS FOR BOARD OF DIRECTORS.

- (A) By-Division Elections – Five Divisions. Members of the Board of Directors of the Apple Valley Fire Protection District shall be elected “by-division”, as that term is defined in California Health and Safety Code Section 13846, in the five (5) single-member divisions shown and numbered on the map titled ‘Map Option No. 1’ attached as Exhibit A, and as said map may subsequently be amended due to division reapportionment as provided by State law. A copy of the division map shall be on file in the District Secretary’s office. At the November, 2022 General District Election, and every four years thereafter, the following two Board divisions shall be elected by-division: Division 3 and Division 4. At the November, 2024 General District Election, and every four years thereafter, the following three Board divisions shall be elected by-division: Division 1, Division 2 and Division 5.

(B) General Rules Applicable to All By-Division Elections.

1. A Board member elected or appointed to represent a division must reside in that division and be a registered voter in that division, and any candidate for Board of Directors must reside in, and be a registered voter in, the division in which he or she seeks election at the time nomination papers are issued.
2. Termination of residency in a division by a Board member shall create a vacancy for that Board division unless a substitute residence within the division is immediately declared and established within thirty (30) days after the termination of residency.
3. Notwithstanding any other provision of this Section, Board members in office at the time this Resolution takes effect shall continue in office until the expiration of the term to which they were elected or appointed in lieu of an election. In the event a vacancy occurs before the expiration of the term of a Board member in office at the time this Resolution takes effect, a person who is appointed or elected by special election to fill such vacancy may reside anywhere within the legal boundaries of the District. A person appointed or elected to fill such a vacancy shall hold the office in accordance with California Health and Safety Code Section 13852 and California Government Code Section 1780.

(C) Amendment of Division Boundaries. Pursuant to California Elections Code Section 22000, as it may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the divisions following each decennial federal census to ensure that the divisions are in compliance with all applicable provisions of law.

SECTION 3. If necessary to facilitate the implementation of this Resolution, the District Secretary is authorized to make technical adjustments to the division boundaries that do not substantively affect the populations in the divisions, the eligibility of candidates, or the residence of elected officials within any division. The District Secretary shall consult with the Fire Chief and District Legal Counsel concerning any technical adjustments deemed necessary and shall advise the Board of Directors of any such adjustments required in the implementation of the divisions.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the Board of Directors hereby finds that a transition from at-large to by-division elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Resolution is an organizational and administrative activity of the District, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State

CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event adoption of this Resolution does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the San Bernardino County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Resolution.

SECTION 5. Severability. 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 not be affected by such invalidity.

SECTION 6. This Resolution shall become effective upon its adoption.

SECTION 7. The District Secretary shall certify to the adoption of this Resolution and shall file a copy of this Resolution with the San Bernardino County Registrar of Voters.

PASSED, APPROVED, AND ADOPTED this 15th day of March, 2022.



(SEAL)



DANIEL J. LEARY
President of the Apple Valley Fire Protection
District and the Board of Directors thereof

ATTEST:



KENNETH HARRISON
Secretary of the Apple Valley Fire Protection
District and the Board of Directors thereof

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

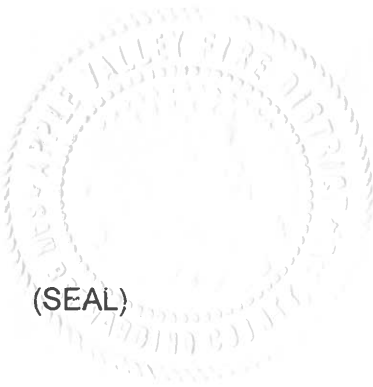
I, Kenneth Harrison, Secretary of the Apple Valley Fire Protection District, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of Apple Valley Fire Protection District held on the 15th day of March 2022. The Resolution was adopted by the following vote:

YES: Vice President Conley, Director Hultquist, President Leary, Director Salas

NO: None

ABSTAIN: None

ABSENT: Director Hernandez



(SEAL)


Secretary of the Apple Valley Fire Protection District and the Board of Directors thereof.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, Kenneth Harrison, Secretary of the Apple Valley Fire Protection District, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of Resolution #22-004 of the Board of Directors of the Apple Valley Fire Protection District and that the same has not been amended or repealed.

Dated: March 15, 2022


Secretary of the Apple Valley Fire Protection District and the Board of Directors thereof

EXHIBIT A

(Five-Division Electoral Map – Map Option No. 1)

