

M E M O

TO: Board of Directors
FROM: Jack Bebee, General Manager
Paula de Sousa, General Counsel
DATE: February 28, 2022
SUBJECT: Public Hearing Regarding Redistricting of Division Boundaries for FPUD
Board of Directors

Purpose

Conduct first public hearing regarding redistricting of division boundaries for the Board of Directors.

Summary

Every ten years, agencies with by-division election systems must use new census data to review and, if needed, redraw electoral division lines to reflect how local populations have changed. This process, called redistricting, ensures all divisions comply with both state and federal law.

Public utilities districts are governed by Public Utilities Code section 15501 et seq., which provides that a district divided into divisions shall be divided so that the divisions shall be as nearly as equal in population as may be. (Pub. Util. Code § 15961.6(b)). Public utility districts divided into divisions are statutorily required to adjust their division boundaries by resolution after each federal decennial census. (Pub. Util. Code § 15963; Elec. Code, § 22000(a).) The District's Board of Directors is responsible for adjusting the District's division boundaries.

The primary goal of redistricting is to have the substantially equal populations in each division. However, perfect distribution is impractical and some deviation is tolerable, or even necessary, based on certain secondary considerations that the Board may consider, such as: (a) topography, (b) geography, (c) cohesiveness, (d) contiguity, (e) integrity, (f) compactness, and (g) communities of interest. In addition, division boundaries must comply with the U.S. Constitution, California Constitution, and the Federal Voting Rights Act (52 U.S.C. § 10301, as amended).

Prior to approving a new division map, the Board must receive comments on the redistricting plan prior to adoption by holding at least two open and noticed public hearings—one for public comment on the plan and one at the time of adoption. The purpose of this item is to hold the first of the public hearings.

At its December 13, 2021 meeting, the Board directed District staff to prepare a redistricting proposal for the Board's consideration at the public hearings, with support from BB&K.

Analysis of Current Divisions / Redistricting Proposal

The District's current division boundaries were adopted in 2016 as the result of a settlement in a legal action under the California Voting Rights Act of 2001 (Cal. Elec. Code § 14025 *et seq.*). Under the terms of the settlement, the District converted from an at-large election system to a by-division election system and adopted division maps compliant with state and federal law, including the Federal Voting Rights Act.

Analysis of the District's current division boundaries, adjusted for the 2020 Census data, shows the divisions remain population-balanced. The District's population is 34,738. The ideal division population is one-fifth of that number, or 6,948.

Determining population balance is done by measuring the spread, or deviation, between the least populated division and the greatest populated division. Deviations of 10% or less are generally considered acceptable under U.S. Supreme Court rulings on the equal population standard under the U.S. Constitution.

The current population of Division 3 is under the ideal at -6.08% while Division 1 is over the ideal at 3.56%. Combined, those deviations bring the District's current total deviation to 9.64%. As such, the division boundaries are not required to be adjusted to achieve a population balance of less than a 10% deviation.

Another consideration is the distribution of minority voters throughout the District, and whether there is a possibility of creating a majority-minority voting division pursuant to the Federal Voting Rights Act. This analysis involves reviewing the ethnicity demographics from the census data, specifically citizens of voting age population (CVAP).

Upon review of the District's CVAP data, the existing Divisions 3 is a majority-minority Hispanic division (a division in which an identified minority comprises the majority of voting age population).

Based on the above analysis of population and demographics, the Board may consider re-adopting the District's current division boundaries as the District's redistricting plan for 2022. The current division boundaries are shown in Attachment 1. Detailed demographic information is available on the District's website.

Next Steps

Following this public hearing and Board direction to staff (if any) regarding the redistricting proposal, the Board will hold a second public hearing at which it can consider adoption of a final redistricting plan. The District must complete its redistricting process by April 17, 2022 and provide the new division information to the Registrar of Voters by that date.

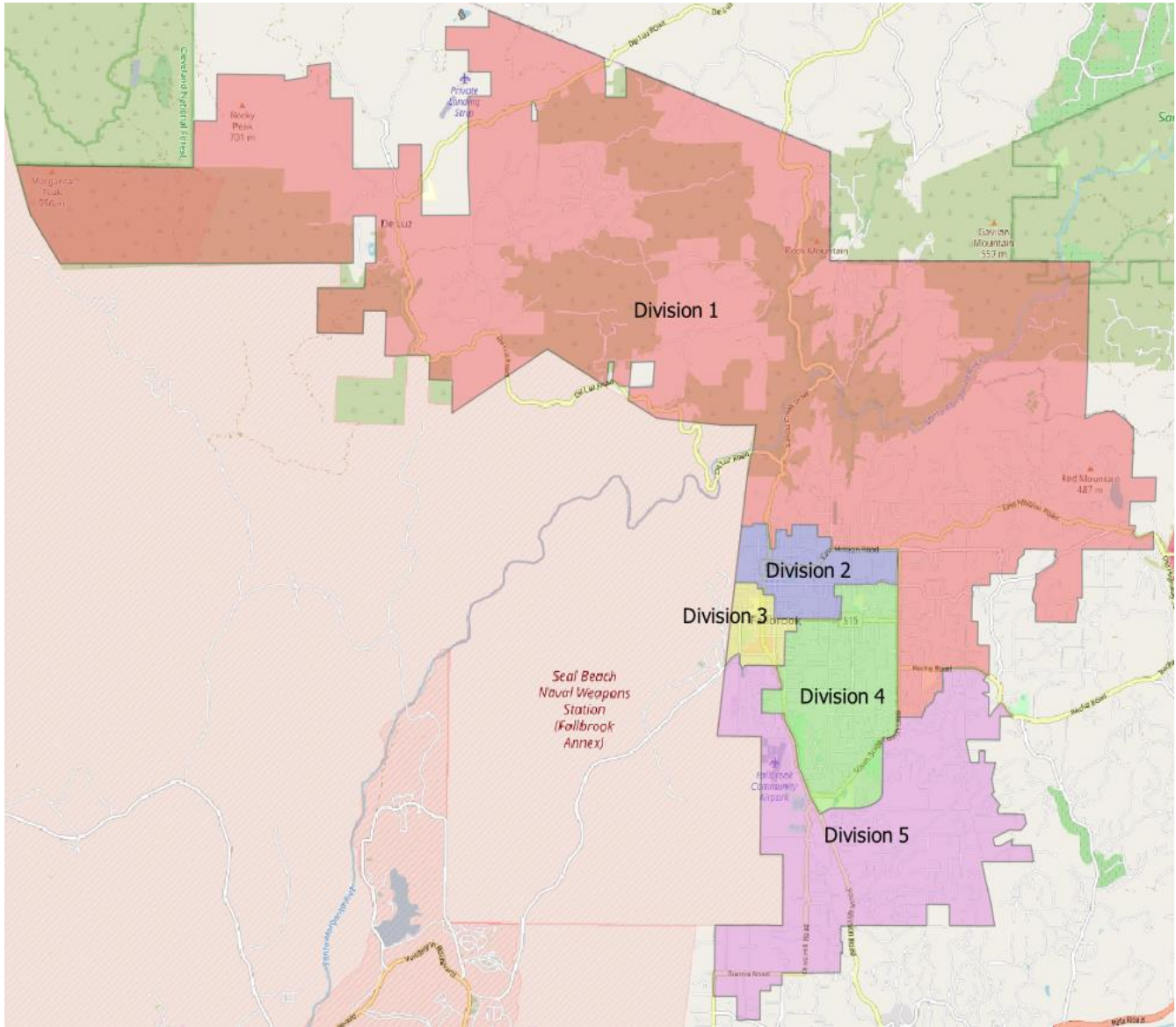
Recommended Action

1. Receive a report from District staff on the redistricting proposal and permissible criteria to be considered to redraw division boundaries;

2. Conduct a public hearing to receive public input on division boundaries; and
3. Provide direction to staff (if any) regarding the redistricting proposal to be considered at the next public hearing.

Attachment 1

Current / Proposed Division Boundaries



Attachment &

**FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
NOTICE OF PUBLIC HEARING**

**To Receive Public Input and Proposals Regarding
Board of Director Division Boundaries**

NOTICE IS HEREBY GIVEN that, pursuant to California Elections Code Section 22001, the Board of Directors of Fallbrook Public Utility District will hold a public hearing to receive input regarding potential redistricting of Director divisions.

Public Hearings are scheduled as follows:

DATES: February 28, 2022 and March 28, 2022

TIMES: 4:00 p.m.

LOCATION: 990 East Mission Road, Fallbrook, CA 92028

<https://us06web.zoom.us/j/82003172211?pwd=UU10YWltMkVwWGVaUeFNkQnA2bHA4Zz09>

The public is invited to attend and/or submit information regarding their Communities of Interest, and proposed division boundaries for the 2021 redistricting process. Draft maps will not be available until census-block level 2020 U.S. census data is released.

Questions or input may also be emailed to: leckert@fpud.com

Complete redistricting information can be found at <https://www.fpud.com/redistricting-process>

Dated: February 17, 2022

By: /s/ Lauren Eckert
Executive Assistant/Board Secretary