

**BEFORE THE BOARD OF DIRECTORS OF THE
KINGS RIVER CONSERVATION DISTRICT**

RESOLUTION NO. 13-04

**RE-ALIGNMENT OF DIRECTOR DIVISIONS
PURSUANT TO SENATE BILL 1090 (2012)**

A Resolution by the Board of Directors of the Kings River Conservation District to Re-align the Boundaries of Areas from Which Members of the Board Will Be Elected.

RECITALS

1. The Kings River Conservation District (“District” or “KRCD”) has historically elected each member of its governing board in “from-division” elections, *i.e.*, elections in which candidates for the District’s governing board (the “Board”) must reside within a specific geographic subarea of the District called a “director division,” but candidates are elected by the voters of the District at large.

2. On September 14, 2012, Governor Brown signed into law Senate Bill No. 1090. Section 26 of S.B. 1090 requires the Board to adopt a resolution on or before May 1, 2013, that divides KRCD into seven single-member electoral divisions. Section 27 provides that one director shall be elected by the voters of each electoral division and must reside in the division. And Section 28 requires the Board to review the boundaries of the seven electoral divisions following each decennial census and, if necessary, adjust the boundaries to ensure compliance with the legal criteria.

3. Section 26, subdivision(b), of S.B. 1090 provides, “Using the most recent federal census data as a basis, the electoral divisions shall be as far as practicable, equal in population as required by law.”

4. Section 26, subdivision (c), of S.B. 1090 further provides, “In establishing the boundaries of the electoral divisions, the board may give consideration to the topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and the community of interests of the electoral divisions.”

5. To comply with S.B. 1090 the District has retained experienced legal counsel to advise it on the process of re-aligning the existing director divisions and wishes to retain an experienced redistricting/demographic consultant to prepare draft director division maps.

6. On January 8, 2013, the Board and the public received a presentation from the District’s legal counsel regarding the procedures and legal and policy criteria governing redistricting, and a presentation from the District’s demographic consulting regarding the demographics of the District’s current director divisions under the 2010 census.

7. On January 8, 2013, following the presentation on existing demographics, the Board solicited public input regarding appropriate criteria for the realignment of director division boundaries and adopted the following criteria to guide the re-alignment of director divisions consistent with legal requirements, including substantial equality of population and compliance with Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the District:

- The boundaries of the director divisions shall be realigned so that the divisions are equal in population as defined by law.
- The boundaries of the director divisions shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

- The boundaries of the director divisions shall be realigned so that the director divisions do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
- The boundaries of the director divisions shall observe communities of interest, including the current director divisions, rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
- The boundaries of the director divisions shall be compact, insofar as practicable.
- The boundaries of the director divisions shall be created to contain cohesive, contiguous territory, insofar as practicable. In determining whether a division is contiguous, the Board may take into account the existence of numerous incorporated islands within the boundaries of KRCD that are not part of the District.
- The boundaries of the director divisions may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc., as natural boundaries between director divisions, insofar as practicable.
- Unless otherwise required by law, the director divisions shall be created using whole census blocks.
- The boundaries of the director divisions may avoid the “pairing” of incumbents in the same director division, insofar as this does not conflict with the constitution and laws of the State of California and the United States.
- The boundaries of the director divisions shall comply with such other factors which become known during the redistricting process and are formally adopted by the Board of Directors.

8. Subsequent testimony also indicated that consideration of the different watersheds within the District was an appropriate criterion, given the purpose of the District; and

9. On February 12, 2013, NDC presented three draft director division plans, Plans A, B and C (incorporated herein), to the Board and to the public, which were developed according to the criteria set forth above; and

10. The Board held a duly-noticed public hearing at a meeting of the Board on February 12, 2013, to seek public comment with respect to those three plans; and

11. The Board held a second duly-noticed public hearing at a meeting of the Board on March 12, 2013, to seek further public comment with respect to those three plans; and

12. The Board has considered all public comments on the plans; and

13. The populations in the proposed electoral divisions of Plan A, Plan B and Plan C are all substantially equal, in conformance with legal requirements; and

14. 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 draft director division Plans A, B and C comply with Section 2 of the Voting Rights Act; and

15. Section 3(c) of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), as amended, also provides that in establishing the boundaries of the divisions, the Board may give consideration to (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory and (4) community of interests of the divisions; and

16. Proposed Plans A, B and C give consideration to topography, geography, cohesiveness, contiguity, integrity and compactness of territory and community of interests of the divisions, as well as to observing established communities insofar as practical; using census geography and geographical features for division boundaries insofar as practical, and striving for division shapes which are reasonably compact and contiguous, and take into account, to the extent practicable, the different watersheds within the District; and

17. The Board prefers the electoral division boundaries in proposed Plan B2 and desires no changes to proposed Plan B2 as presented to the Board at its regular meeting on March 12, 2013, and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. That the above recitals are true and correct.

B. That the Board hereby adopts a revision to its current director division boundaries and adopts Plan B2, attached hereto as Exhibit "1" and incorporated herein by this reference, for use at the District's November 2014 election and subsequent elections until a further re-alignment is required pursuant to Elections Code § 22000, following the release of the 2020 Census.

C. That the General Manager and/or his designee 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.

D. That because the new redistricting plan may contain technical anomalies caused by errors in the 2010 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.

E. 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.

THE FOREGOING RESOLUTION was passed and adopted by the Board of Directors at the Regular Meeting of the Board of Directors of the Kings River Conservation District on this 12th day of March 2013, by the following vote:

AYES: President McKean, Vice President Cehrs, Directors Stanfield, Waldner, Nonini and Yoshimoto

NOES: Director Howe

ABSENT: None

ATTEST:


Secretary

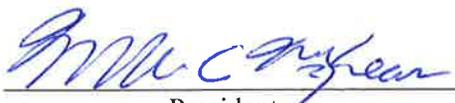

President

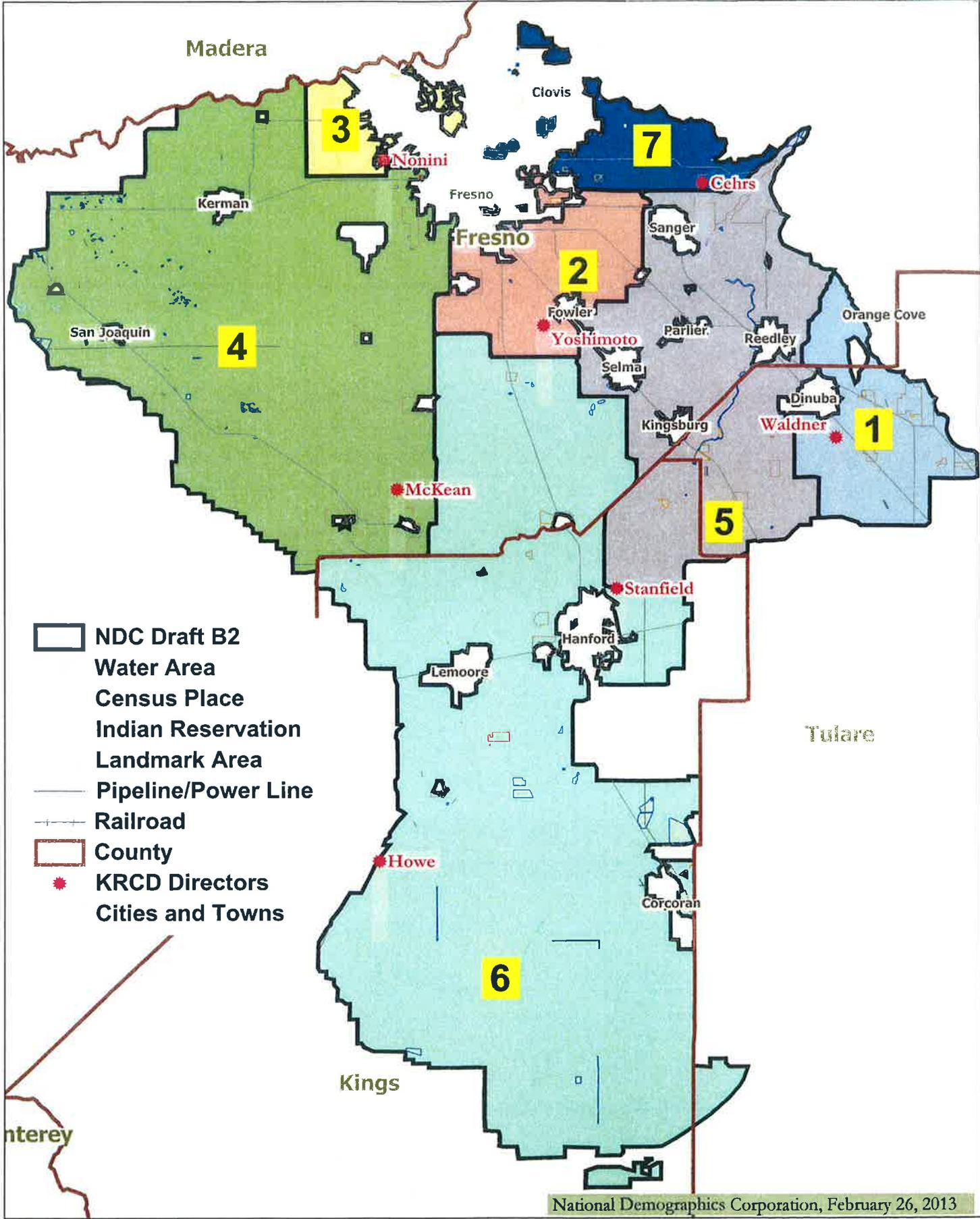
EXHIBIT "1"

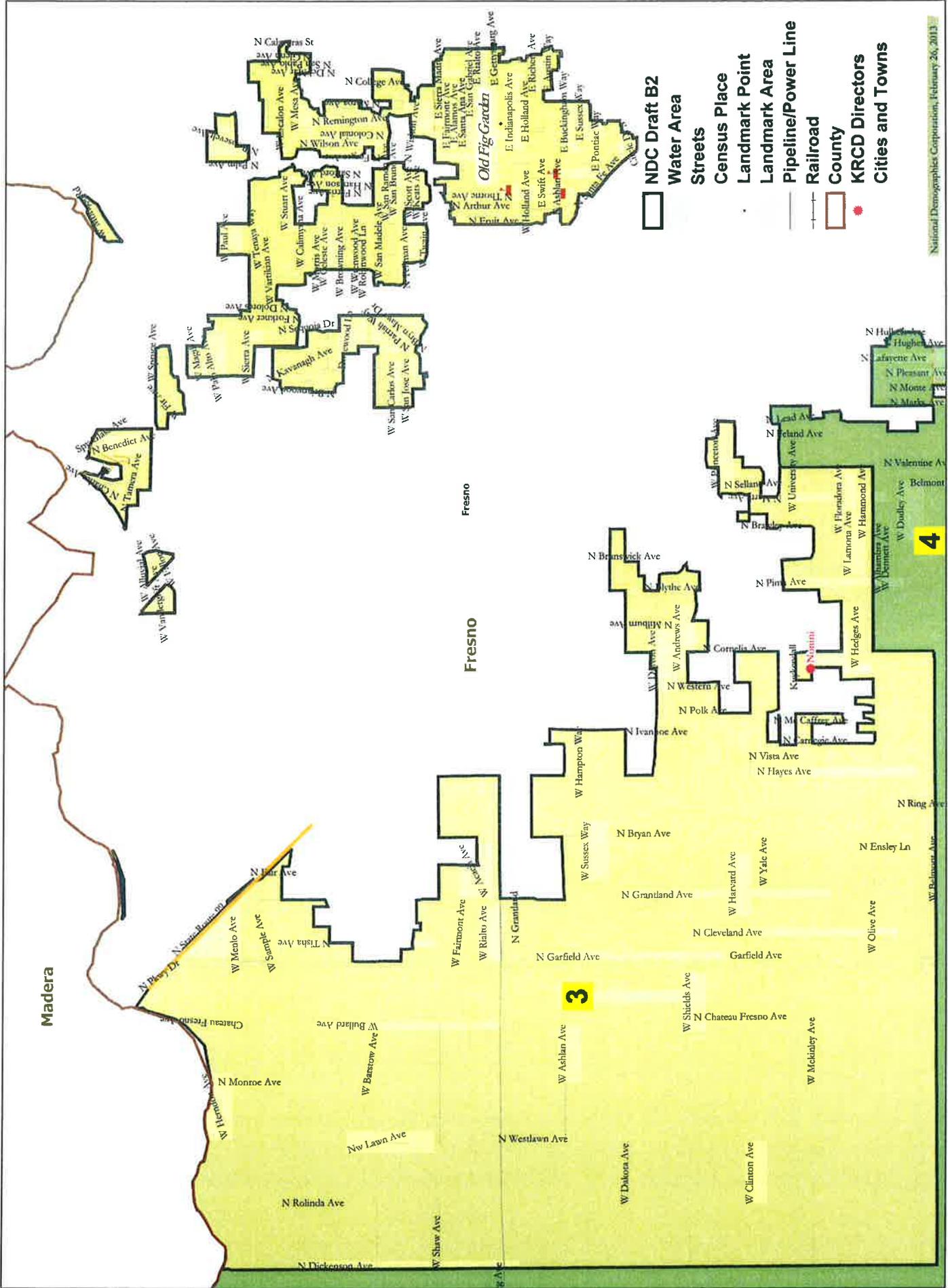
MAP AND DEMOGRAPHICS OF PLAN #B2

ADOPTED BY BOARD OF DIRECTORS

MARCH 12, 2013

PLAN B2





Madera

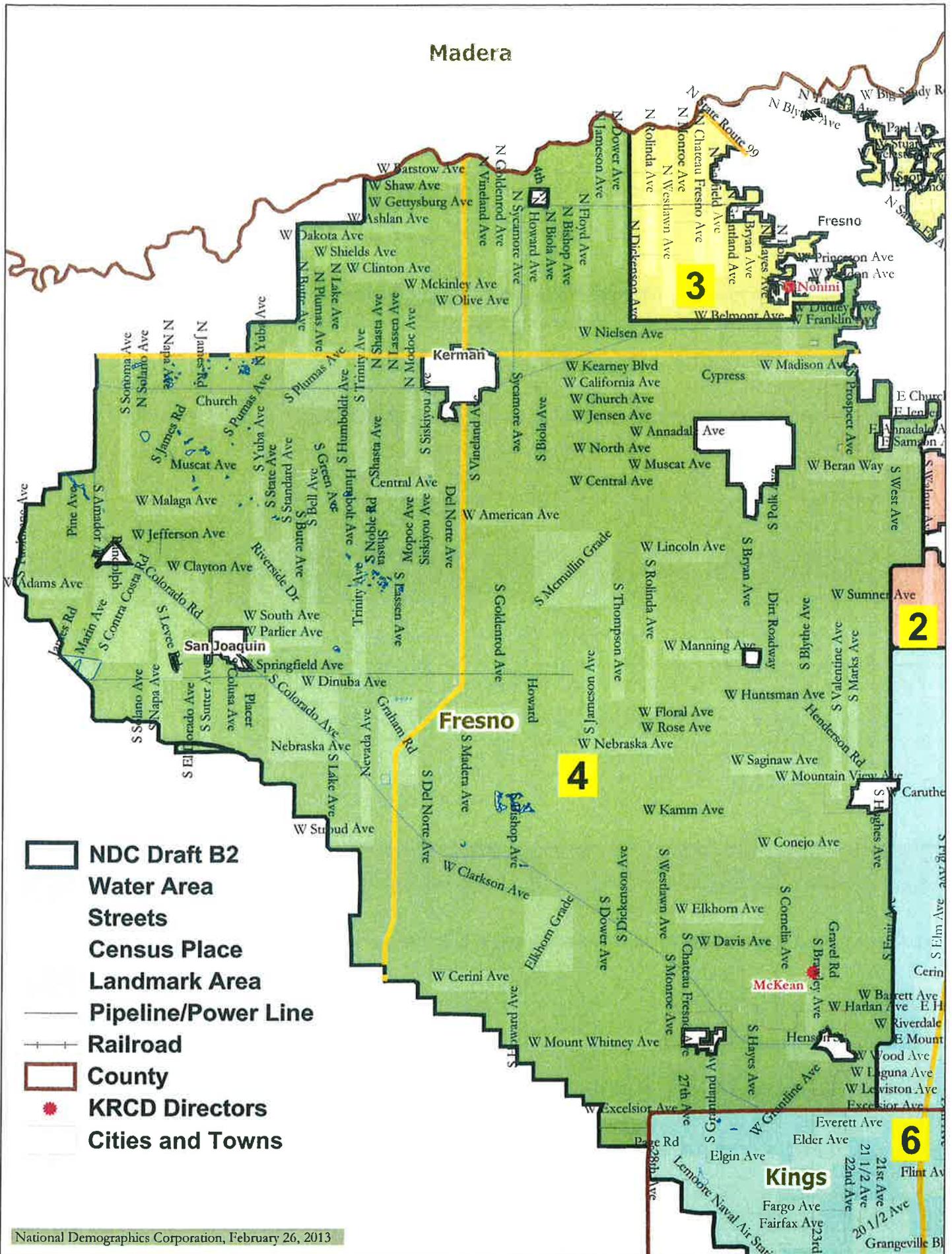
Fresno

Fresno

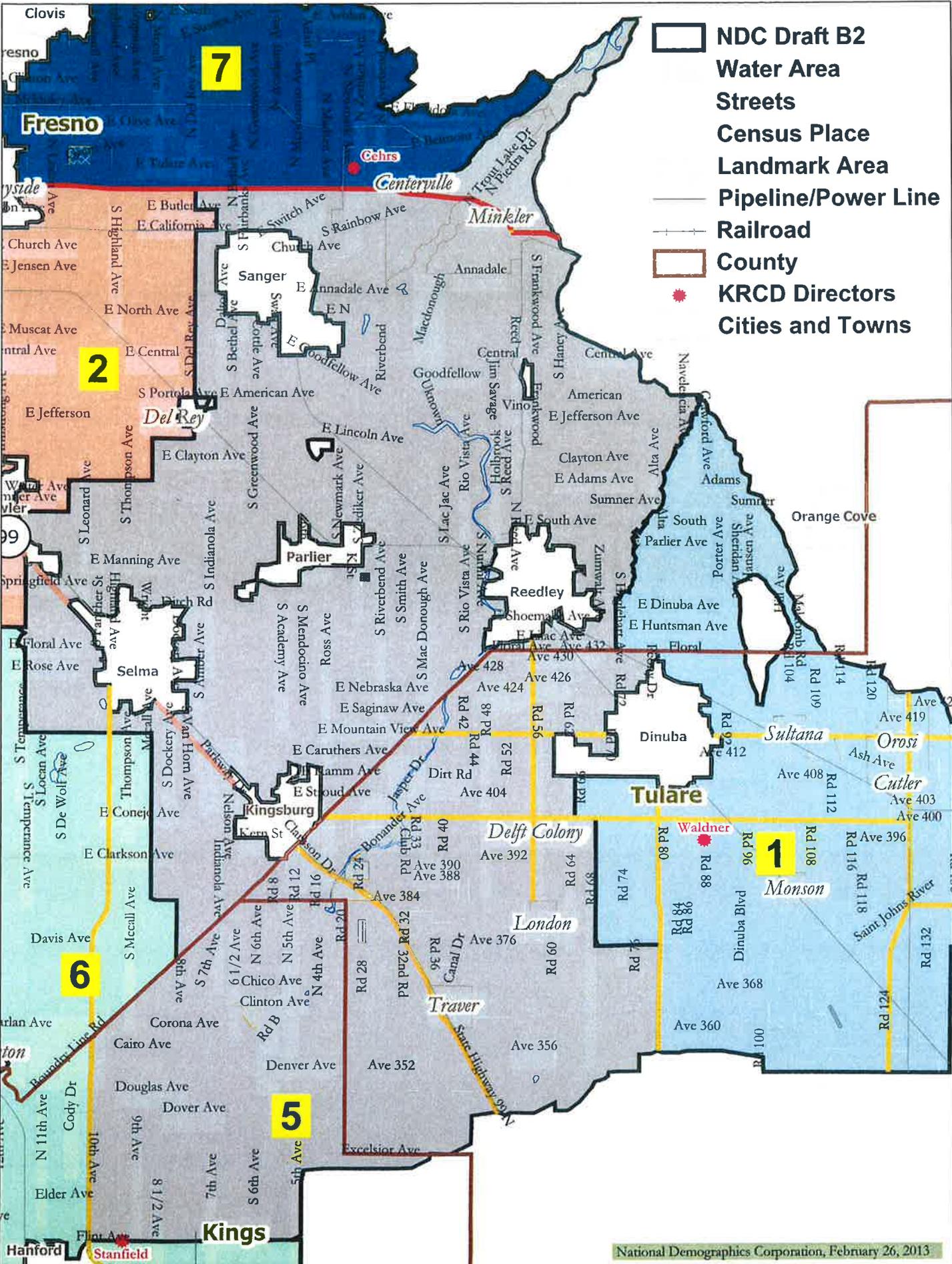
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- NDC Draft B2
- Water Area
- Streets
- Census Place
- Landmark Point
- Pipeline/Power Line
- Railroad
- County
- KRCD Directors
- Cities and Towns



-  NDC Draft B2 Water Area
-  Streets
-  Census Place
-  Landmark Area
-  Pipeline/Power Line
-  Railroad
-  County
-  KRCD Directors
-  Cities and Towns



NDC Draft B2

Water Area

Streets

Census Place

Landmark Area

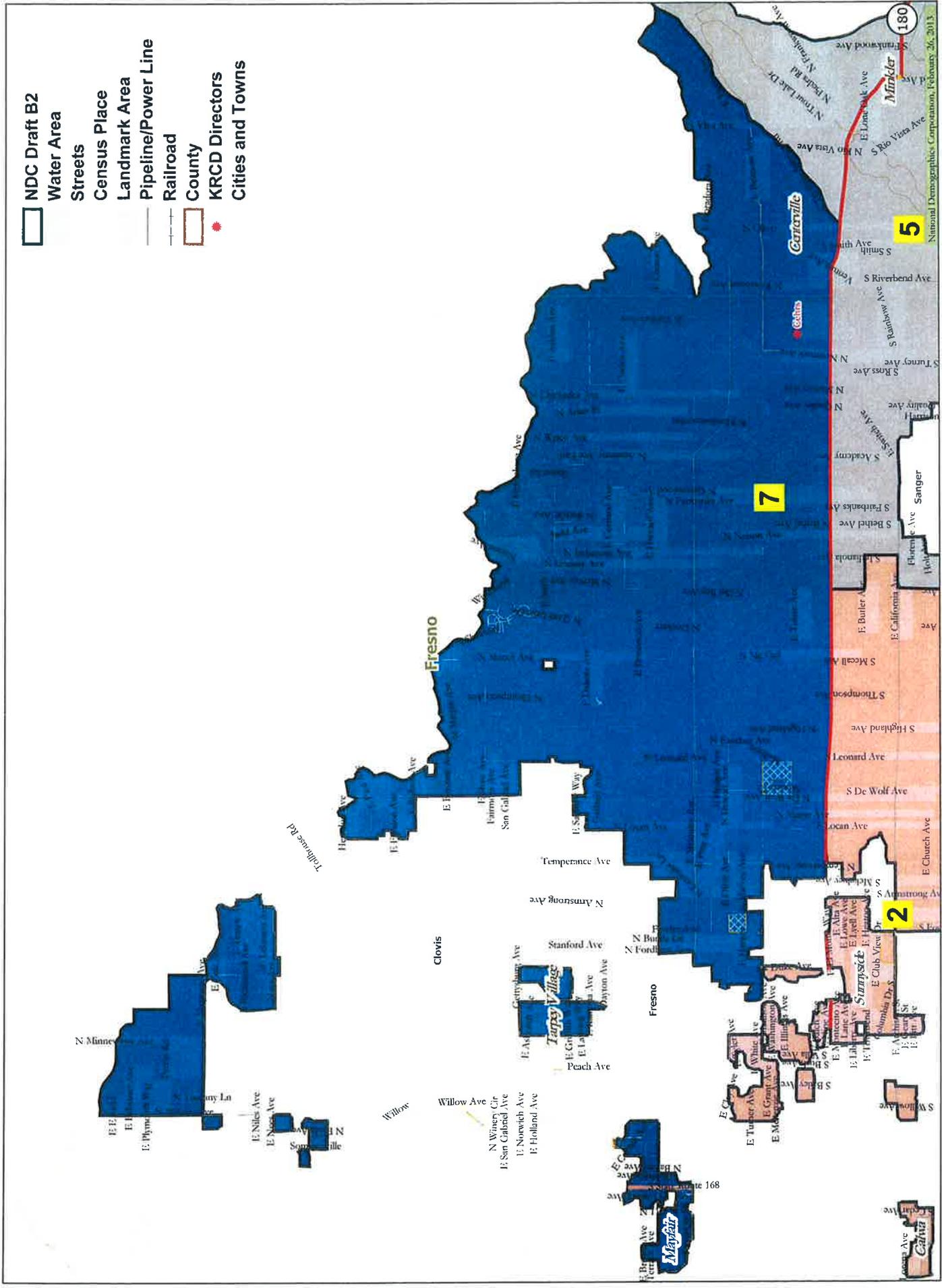
Pipeline/Power Line

Railroad

County

KRCD Directors

Cities and Towns



Plan B2	% NH		% NH		% NH		% NH		% NH		% NH		% NH		% NH		% NH		
	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	
1	82.6%	11.3%	0.5%	0.5%	4.7%	0.0%	0.3%	0.3%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
2	53.2%	29.9%	2.5%	2.5%	12.5%	0.2%	0.2%	0.2%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
3	27.1%	61.2%	2.4%	2.4%	7.2%	0.2%	0.4%	0.4%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
4	63.4%	28.3%	1.8%	1.8%	5.1%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
5	59.7%	34.3%	0.5%	0.5%	4.1%	0.1%	0.3%	0.3%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
6	48.2%	42.3%	2.0%	2.0%	4.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
7	37.5%	47.8%	2.0%	2.0%	10.4%	0.2%	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
Total	53.1%	36.4%	1.7%	1.7%	6.9%	0.1%	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%

Abbreviations:
Dev. = Deviation
Hisp = Hispanic
NH = "Non-Hispanic"
Whit = White
Blk = Black / African American
Ind = Native American
Asn = Asian American
Haw or Hwn = Hawaiian and Pacific Islander
Oth = Other
OthMR or MR = Multi-Race
Fil = Filipino
"DOJ" = Aggregated according to U.S. Department of Justice guidance
Reg = Voter Registration
CVAP = Citizen Voting Age Population

Plan B2	% H18+		% NH18+		% NH18+		% NH18+		% NH18+		% NH18+		% NH18+		% NH18+		% NH18+		
	Pop	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk	Whit	Blk
1	79.3%	14.2%	0.5%	0.5%	5.1%	0.0%	0.2%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
2	48.2%	35.9%	2.4%	2.4%	11.8%	0.1%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
3	23.3%	66.0%	2.1%	2.1%	6.7%	0.2%	0.3%	0.3%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
4	57.2%	34.0%	2.1%	2.1%	5.2%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
5	54.4%	39.1%	0.5%	0.5%	4.6%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
6	42.7%	47.7%	2.0%	2.0%	4.5%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%
7	32.1%	54.2%	1.9%	1.9%	9.4%	0.1%	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
Total	47.4%	42.3%	1.6%	1.6%	6.8%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%

Plan B2	% Total		% Total		% Total		% Total		% Total		% Total		% Total		% Total		% Total	
	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP
1	58.7%	66.5%	24.5%	24.5%	1.2%	1.2%	6.9%	6.9%	0.2%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2	81.3%	43.9%	38.4%	38.4%	1.4%	1.4%	10.6%	10.6%	1.0%	1.0%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
3	96.7%	22.9%	67.0%	67.0%	2.2%	2.2%	6.2%	6.2%	0.0%	0.0%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
4	64.8%	44.7%	45.3%	45.3%	3.2%	3.2%	5.6%	5.6%	0.0%	0.0%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
5	73.7%	38.4%	50.8%	50.8%	1.1%	1.1%	6.7%	6.7%	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
6	80.7%	28.2%	59.1%	59.1%	3.1%	3.1%	3.9%	3.9%	0.1%	0.1%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
7	88.7%	25.7%	60.4%	60.4%	2.8%	2.8%	1.5%	1.5%	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
Total	78.3%	36.2%	51.6%	51.6%	2.9%	2.9%	7.1%	7.1%	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%

Special Tabulation

Plan B2	% NH		% NH		% NH		% NH		% NH		% NH		% NH		% NH		% NH	
	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP	CVAP
1	59.4%	65.6%	25.7%	25.7%	0.4%	0.4%	1.3%	1.3%	6.6%	6.6%	0.3%	0.3%	19.1%	19.1%	3.4%	3.4%	3.7%	3.7%
2	75.3%	42.3%	38.3%	38.3%	5.2%	5.2%	1.3%	1.3%	10.7%	10.7%	0.4%	0.4%	22.3%	22.3%	3.7%	3.7%	2.7%	2.7%
3	92.5%	23.4%	66.2%	66.2%	2.6%	2.6%	0.5%	0.5%	5.9%	5.9%	0.0%	0.0%	7.9%	7.9%	2.7%	2.7%	3.7%	3.7%
4	68.0%	43.8%	43.6%	43.6%	4.1%	4.1%	0.6%	0.6%	6.1%	6.1%	0.1%	0.1%	17.6%	17.6%	3.7%	3.7%	4.9%	4.9%
5	72.7%	44.3%	46.6%	46.6%	0.8%	0.8%	1.5%	1.5%	5.5%	5.5%	0.1%	0.1%	15.3%	15.3%	4.9%	4.9%	2.3%	2.3%
6	77.9%	32.3%	56.3%	56.3%	5.1%	5.1%	1.3%	1.3%	3.6%	3.6%	0.2%	0.2%	10.2%	10.2%	2.3%	2.3%	3.1%	3.1%
7	87.4%	28.3%	56.4%	56.4%	3.3%	3.3%	0.9%	0.9%	10.1%	10.1%	0.1%	0.1%	13.7%	13.7%	3.1%	3.1%	3.3%	3.3%
Total	76.6%	37.8%	49.6%	49.6%	3.2%	3.2%	1.0%	1.0%	7.0%	7.0%	0.1%	0.1%	14.5%	14.5%	3.3%	3.3%	3.3%	3.3%

American Community Survey (ACS)