

**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

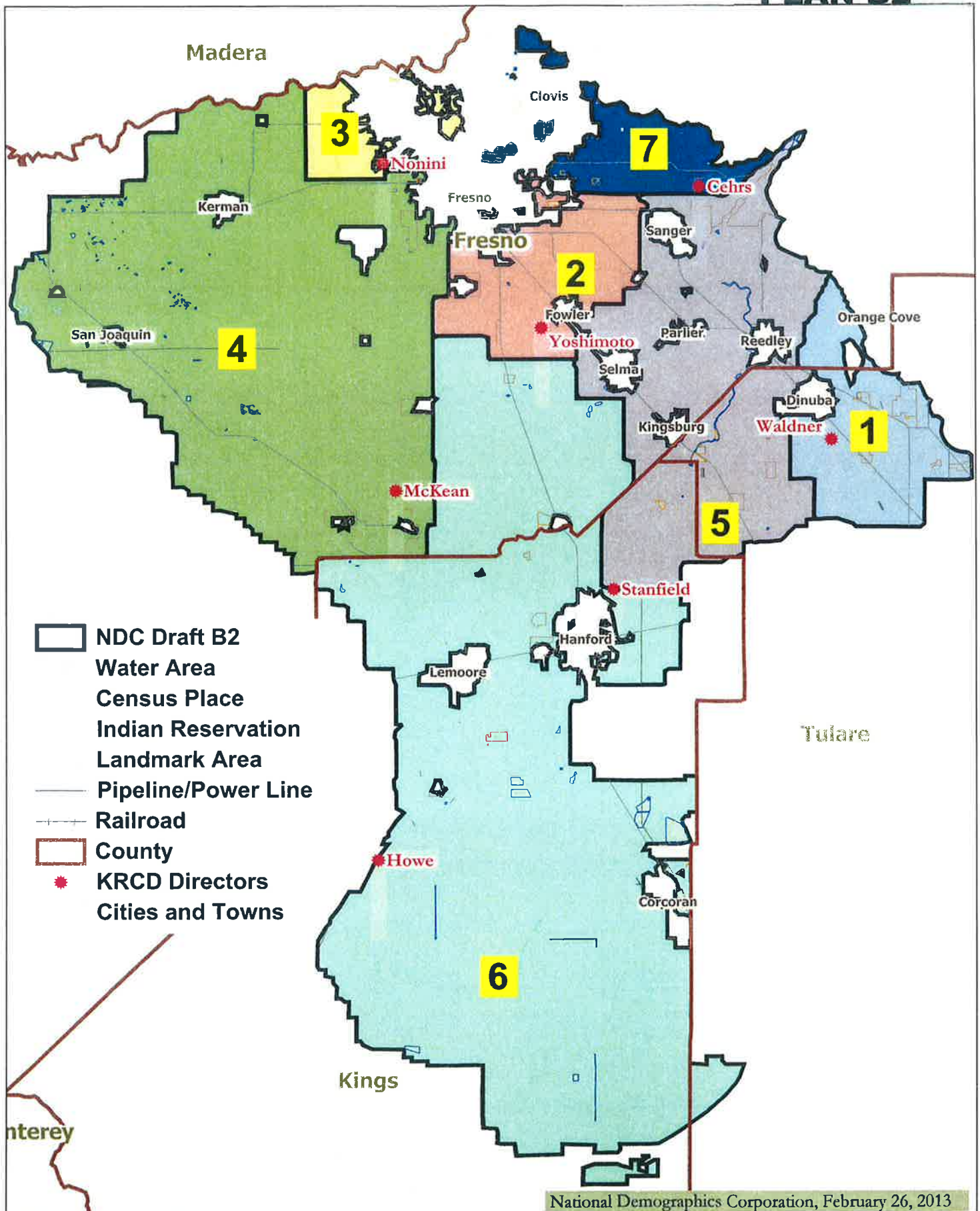
EXHIBIT "1"

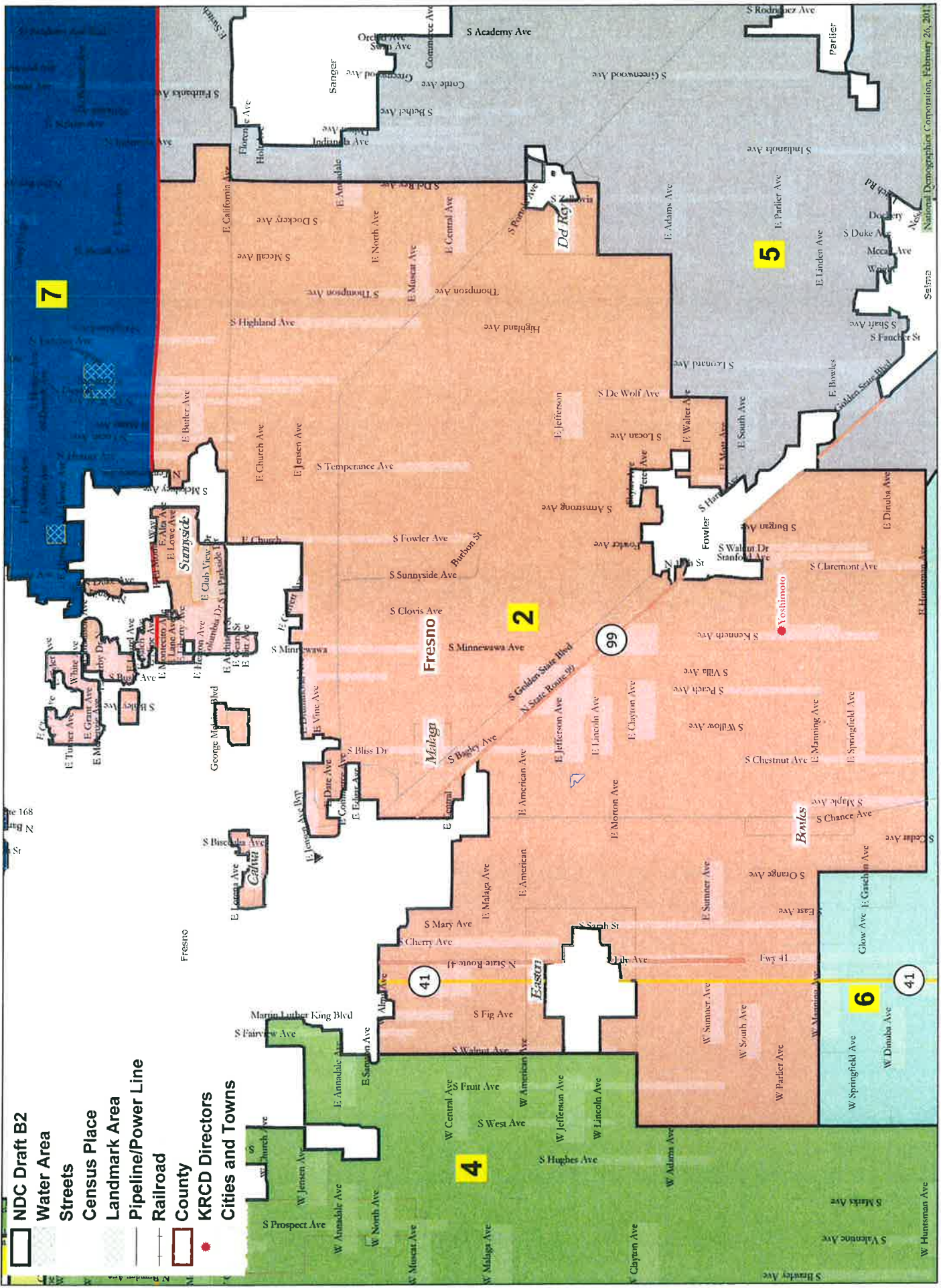
MAP AND DEMOGRAPHICS OF PLAN #B2

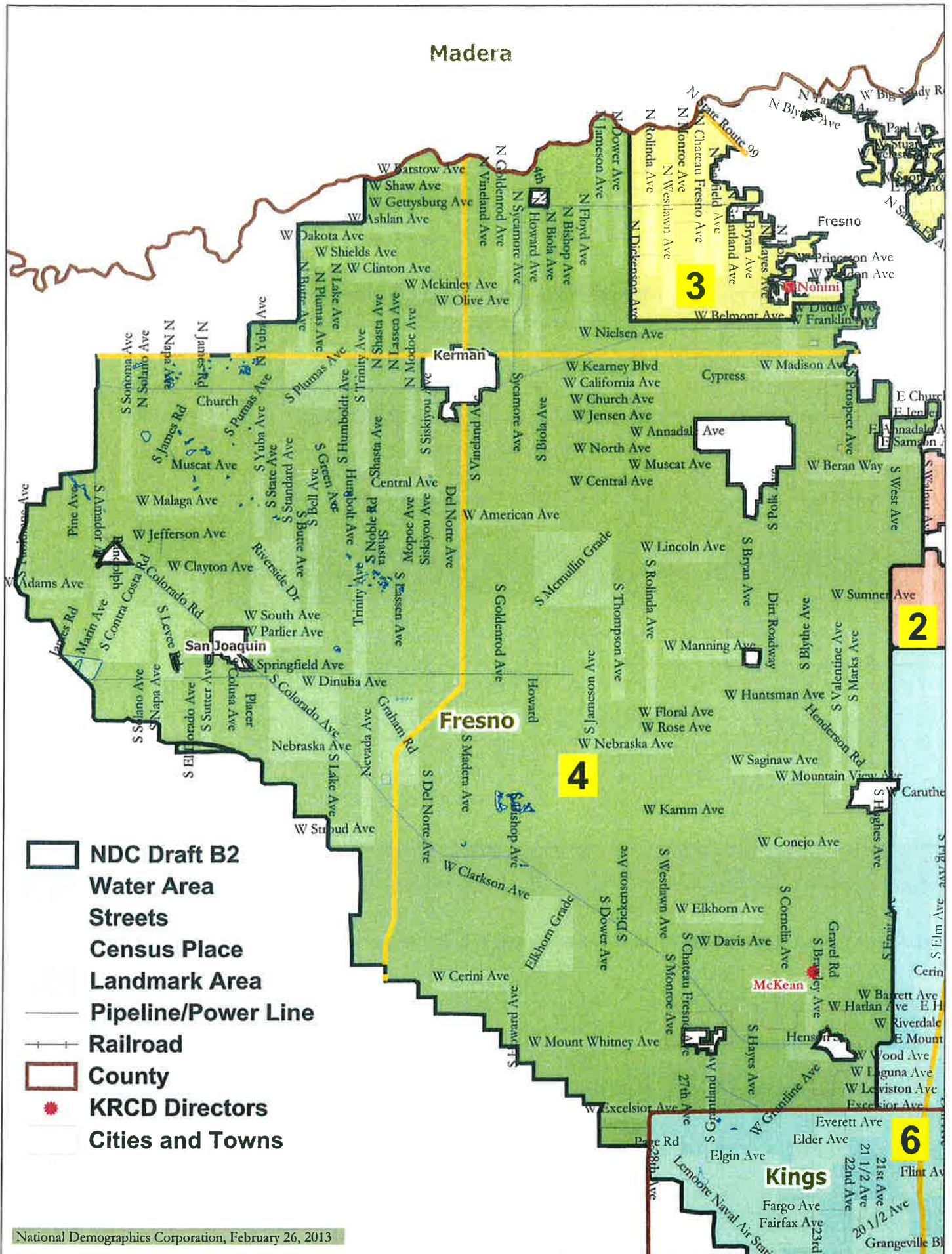
ADOPTED BY BOARD OF DIRECTORS

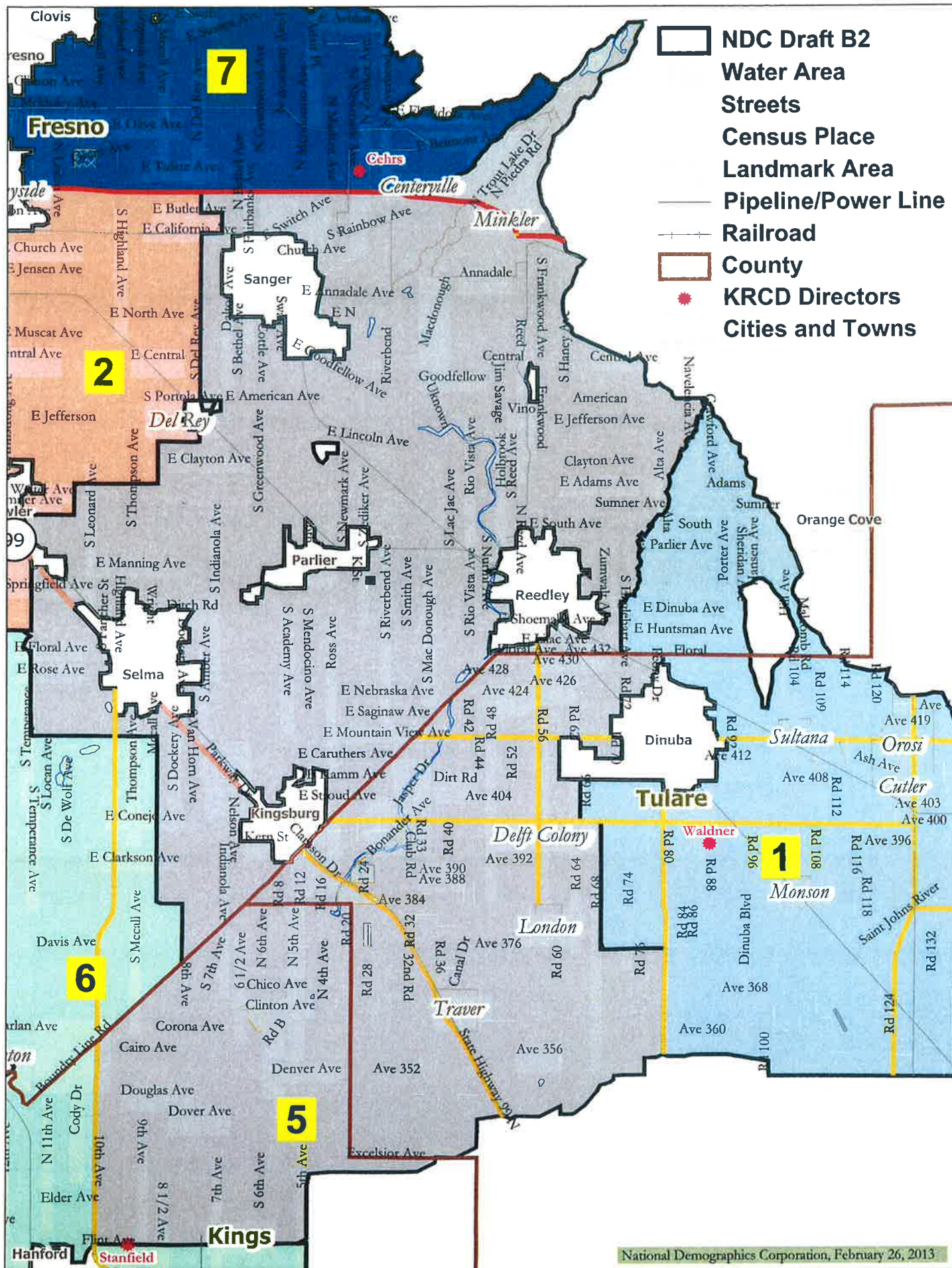
MARCH 12, 2013

PLAN B2









NDC Draft B2

Water Area

Streets

Census Place

Landmark Area

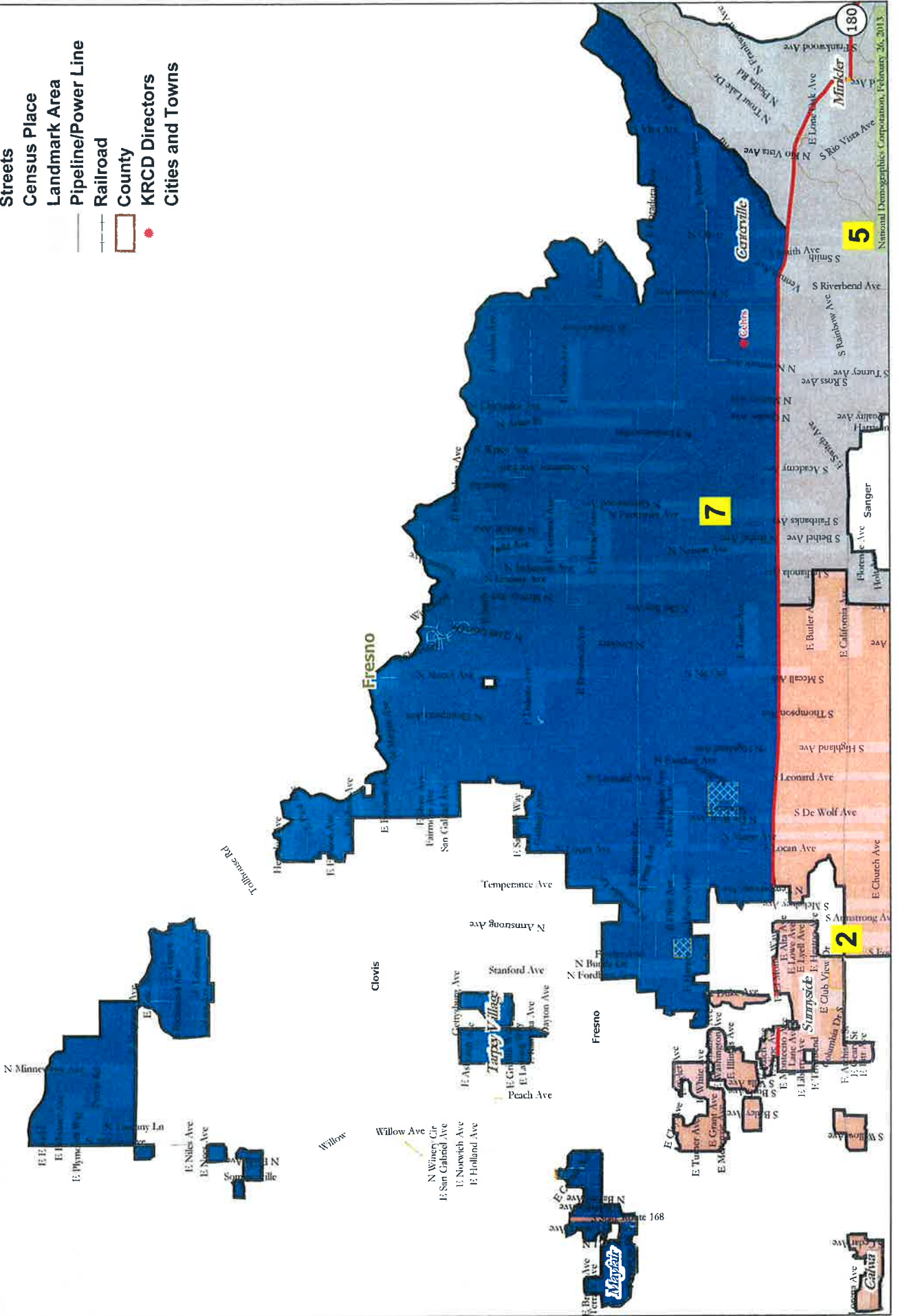
Pipeline/Power Line

Railroad

County

KRCD Directors

Cities and Towns



NDC

NDC Draft B2 Demographics

Plan B2	Tot. Pop.	Dev.	% Dev.	Hisp	NH Wht	NH DOJ	Blk	NH DOJ	Ind	NH DOJ	Asn	DOJ	Hwn	DOJ	Orh	DOJ	NH	OrhMR
1	23,188	47	0.20%	19,156	2,616	115	112	1079	5	60	38							
2	23,119	-22	-0.10%	12,309	6,922	576	209	2,894	36	56	94							
3	23,378	237	1.02%	6,324	14,319	555	237	1,688	44	84	92							
4	23,188	47	0.20%	14,694	6,555	427	184	1,181	28	40	54							
5	23,207	66	0.29%	13,853	7,969	113	192	963	13	61	34							
6	23,353	212	0.92%	11,264	9,875	463	598	988	44	41	56							
7	22,554	-587	-2.54%	8,459	10,781	461	316	2,355	37	46	73							
Total	161,987	824	3.56%	86,059	59,037	2,710	1,848	11,148	207	388	441							
Ideal	23,141																	

Abbreviations: Dev. = Deviation Hisp = Hispanic NH = "Non-Hispanic" Wht = White Blk = Black / African American Ind = Native American Asn = Asian American Hwn 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	18+ Pop	H18+ Pop	NH18+ Wht	NH18+ Blk	NH18+ DOJ	NH18+ Ind	NH18+ Asn	NH18+ Hwn	NH18+ DOJ	NH18+ Oth	NH18+ OthMR	Tot. Reg.	Hisp. Reg.	Asn. Reg.	Fil. Reg.	Tot. Vote.	Asn. + Fil. Vote.
1	15,431	12,241	2,188	72	83	781	5	32	22	4,935	3,054	73	154	227	2,492	1,238	46 72 118
2	16,732	8,060	6,009	397	152	1,968	23	46	54	10,898	3,900	540	92	632	5,861	1,634	262 49 311
3	18,248	4,246	12,048	380	173	1,228	28	55	58	14,909	2,447	412	139	551	9,800	1,172	215 82 297
4	15,971	9,139	5,436	330	139	835	19	24	28	8,179	2,857	295	76	371	4,373	1,112	163 45 208
5	16,690	9,072	6,532	80	161	763	13	35	28	9,720	3,223	364	79	443	5,824	1,362	225 36 261
6	16,720	7,135	7,977	331	396	751	36	32	39	10,046	2,657	404	167	571	6,243	1,190	239 100 339
7	16,657	5,351	9,029	319	251	1,567	24	31	56	12,313	2,723	312	81	393	7,122	1,083	137 36 173
Total	116,449	55,244	49,219	1,909	1,355	7,893	148	255	285	71,000	20,861	2,400	788	3,188	41,715	8,791	1,287 420 1,707

American Community Survey (ACS)																	
Plan B2	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Ind CVAP	NH Asn CVAP	NH Hwn CVAP	NH MR CVAP	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Ind CVAP	NH Asn CVAP	NH Hwn CVAP	NH MR CVAP	NH Orh CVAP
1	9,056	6,025	2,215	64	109	627	20	0	9,159	6,011	2,354	38	117	600	24	1,747	308
2	13,601	5,974	5,224	613	184	1,443	131	46	12,597	5,326	4,819	649	169	1,349	50	2,807	461
3	17,638	4,044	11,820	381	174	1,101	7	93	16,887	3,944	11,181	443	85	991	7	1,326	463
4	10,350	4,623	4,693	333	77	582	2	39	10,862	4,756	4,731	449	66	661	6	1,912	399
5	12,305	4,729	6,255	134	294	830	27	42	12,133	5,377	5,650	101	178	671	9	1,856	594
6	13,496	3,801	7,977	704	418	533	11	48	13,027	4,213	7,340	667	173	469	22	1,334	299
7	14,777	3,801	8,924	408	215	1,365	26	46	14,563	4,121	8,216	478	129	1,468	10	2,000	450
Total	91,222	32,997	47,108	2,637	1,472	6,480	224	314	89,227	33,748	44,290	2,826	916	6,210	126	12,982	2,974

Plan B2	% NH										% NH									
	% Hisp.	% Wht	% DOJ	% Blk	% DOJ	% Ind	% DOJ	% Asn	% DOJ	% Hwn	% DOJ	% Oth	% DOJ	% OthMR	% NH					
1	82.6%	11.3%	0.5%	0.5%	0.5%	4.7%	0.0%	0.3%	0.3%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
2	53.2%	29.9%	2.5%	0.9%	0.9%	12.5%	0.2%	0.2%	0.2%	0.4%	0.4%	0.4%	0.4%	0.4%	% NH					
3	27.1%	61.2%	2.4%	1.0%	1.0%	7.2%	0.2%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	% NH					
4	63.4%	28.3%	1.8%	0.8%	0.8%	5.1%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
5	59.7%	34.3%	0.5%	0.8%	0.8%	4.1%	0.1%	0.3%	0.3%	0.1%	0.1%	0.1%	0.1%	0.1%	% NH					
6	48.2%	42.3%	2.0%	2.6%	2.6%	4.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
7	37.5%	47.8%	2.0%	1.4%	1.4%	10.4%	0.2%	0.2%	0.2%	0.2%	0.2%	0.3%	0.3%	0.3%	% NH					
Total	53.1%	36.4%	1.7%	1.1%	1.1%	6.9%	0.1%	0.2%	0.2%	0.2%	0.2%	0.3%	0.3%	0.3%	% NH					

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

Plan B2	% NH										% NH									
	% H18+	% Wht	% DOJ	% Blk	% DOJ	% Ind	% DOJ	% Asn	% DOJ	% Hwn	% DOJ	% Oth	% DOJ	% OthMR	% NH					
1	79.3%	14.2%	0.5%	0.5%	0.5%	5.1%	0.0%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
2	48.2%	35.9%	2.4%	0.9%	0.9%	11.8%	0.1%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	% NH					
3	23.3%	66.0%	2.1%	0.9%	0.9%	6.7%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	% NH					
4	57.2%	34.0%	2.1%	0.9%	0.9%	5.2%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
5	54.4%	39.1%	0.5%	1.0%	1.0%	4.6%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
6	42.7%	47.7%	2.0%	2.4%	2.4%	4.5%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					
7	32.1%	54.2%	1.9%	1.5%	1.5%	9.4%	0.1%	0.2%	0.2%	0.2%	0.2%	0.3%	0.3%	0.3%	% NH					
Total	47.4%	42.3%	1.6%	1.2%	1.2%	6.8%	0.1%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	% NH					

Amrcian Community Survey (ACS)

Plan B2	% NH										% NH									
	% Total	% Hisp	% Wht	% Blk	% CVAP	% Ind	% CVAP	% Asn	% CVAP	% Hwn	% CVAP	% Oth	% CVAP	% Oth	% NH	% NH	% NH	% NH	% NH	% NH
1	58.7%	66.5%	24.5%	0.7%	1.2%	6.9%	0.2%	6.9%	0.2%	10.6%	1.0%	0.3%	0.3%	0.3%	0.4%	1.3%	6.6%	0.3%	19.1%	3.4%
2	81.3%	43.9%	38.4%	4.5%	1.4%	10.6%	1.0%	10.6%	1.0%	10.6%	1.0%	0.3%	0.3%	0.3%	5.2%	1.3%	10.7%	0.4%	22.3%	3.7%
3	96.7%	22.9%	67.0%	2.2%	1.0%	6.2%	0.0%	6.2%	0.0%	6.2%	0.0%	0.5%	2.6%	2.6%	66.2%	0.5%	5.9%	0.0%	7.9%	2.7%
4	64.8%	44.7%	45.3%	3.2%	0.7%	5.6%	0.0%	5.6%	0.0%	5.6%	0.0%	0.6%	4.1%	4.1%	43.6%	0.6%	6.1%	0.1%	17.6%	3.7%
5	73.7%	38.4%	50.8%	1.1%	2.4%	6.7%	0.2%	6.7%	0.2%	6.7%	0.2%	0.8%	46.6%	46.6%	43.6%	1.5%	5.5%	0.1%	15.3%	4.9%
6	80.7%	28.2%	59.1%	5.2%	3.1%	3.9%	0.1%	3.9%	0.1%	3.9%	0.1%	1.3%	56.3%	56.3%	32.3%	1.3%	3.6%	0.2%	10.2%	2.3%
7	88.7%	25.7%	60.4%	2.8%	1.5%	9.2%	0.2%	9.2%	0.2%	9.2%	0.2%	0.9%	56.4%	56.4%	28.3%	0.9%	10.1%	0.1%	13.7%	3.1%
Total	78.3%	36.2%	51.6%	2.9%	1.6%	7.1%	0.2%	7.1%	0.2%	7.1%	0.2%	1.0%	49.6%	49.6%	37.8%	1.0%	7.0%	0.1%	14.5%	3.3%