



The Board of Directors of
The Hayward Area Recreation and Park District

RESOLUTION NO. R-2324-57

**A RESOLUTION OF THE BOARD OF DIRECTORS OF HAYWARD AREA RECREATION AND PARK DISTRICT DECLARING
ITS INTENTION TO TRANSITION FROM AT-LARGE TO BY-DISTRICT BOARD OF DIRECTORS ELECTIONS UNDER
ELECTIONS CODE § 10010**

WHEREAS, members of the Board of Directors are currently elected in "at-large" elections, in which each director is elected by all registered voters within the jurisdiction of the entire District; and

WHEREAS, California Elections Code Section 10650 authorizes a recreation and park district to change its method of election from an "at-large" system to a "district-based" system in which directors are elected only by the voters in the district in which the candidate resides notwithstanding the requirements of Public Resources Code Section 5785 if such change is in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code 14025-14032 (CVRA)); and

WHEREAS, the District, on April 19, 2024, received a notice from Scott Rafferty that the District's at-large Board of Directors electoral system may violate the California Voting Rights Act; and

WHEREAS, under California Elections Code Section 14028(a), a CVRA violation is established if it is shown that racially polarized voting and vote dilution occurs in elections. "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although Mr. Rafferty's letter provides no evidence that racially polarized voting has occurred in any District-wide election and the District is unaware of the existence of any other evidence of the occurrence of racially polarized voting in District-wide elections, the Board of Directors believes that it is in the best interests of the District to change the manner in which directors are elected to the Board of Directors from an at-large election to district-based election process and has directed staff to initiate the process to establish district-based elections; and

WHEREAS, Elections Code Sections 10010 and the provisions of the Fair and Inclusive Redistricting for Municipal and Political Subdivisions (FAIR MAP) Act of 2023 (Elections Code Section 21100 *et seq.*) require certain procedural steps be taken in order for a district to change from an at-large election process to district-based elections, including the adoption of a resolution outlining the district's intention to transition from at-large to district-based elections, the specific steps that it will undertake to facilitate the transition and estimated timeframe for doing so within forty-five (45) days of receipt of a notice of possible violation of the CVRA (Elections Code Section 10010(e)(3)(A));

WHEREAS, Elections Code Sections 10010 and 21130 require that a district, prior to dividing the district into districts, hold public hearings at which residents within the jurisdictional boundaries of the district may provide input regarding the composition of the districts, and, after preparing maps of the proposed boundaries of the districts, holding public hearings for residents to provide input regarding the contents of the proposed division/district maps;

WHEREAS, the content of the district-based election maps must be consistent with, among other things, the requirements of Public Resources Code Section 5785, Elections Code Section 10010 and the FAIR MAPS Act of 2023;

WHEREAS, the District intends to retain an experienced demographer to assist the District to develop a proposal for a division or district-based electoral system; and

WHEREAS, the District is committed to being inclusive, transparent and to perform public education and outreach to ensure community members understand the purpose of district-based electoral maps and provide an opportunity to ask questions and submit public input; and

WHEREAS, the adoption of a district-based electoral system will not affect the terms of any current director, each of whom must be allowed to serve out their current term by law.

NOW, THEREFORE THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

1. That the District, by adoption of this resolution, hereby expresses its intention to transition from at-large to district-based (or by division) elections for director positions on the Board of Directors beginning with the election in November 2026 and that the District will comply with, among other statutes and regulations, the election transition procedures set forth in Election Code Sections 10110 and 21130.
2. That the District's intended transition to district based (or by division) elections for director positions on the Board of Directors is being made in furtherance of the purposes of the California Voting Rights Act of 2001.
3. That the General Manager is hereby authorized and directed to undertake the process to transition the District's election process for directors from at-large to district-based (or by divisions) elections as set forth in Elections Code Sections 10110 and 21130 and other relevant statutes and regulations, including, but not limited to, the collection of demographic data of the voters within the District jurisdictional boundary, the preparation of a map or maps dividing the District into five districts (or divisions) and the scheduling of public hearings to allow members of the public to provide input regarding the composition of proposed districts (or divisions) and the content of a proposed map or maps dividing the District into five districts (or divisions).
4. That General Manager is authorized and directed to execute a professional services agreement with an experienced demographer in an amount not to exceed Seventy-five thousand (\$75,000) and to work with the retained demographer and other appropriate consultants as needed, to provide a detailed analysis of the District's current demographics and any other information or data necessary to prepare a draft map or maps that divides the District into five districts (or divisions) in a manner consistent with the intent and requirements of the California Public Resources Code and the Elections Code, including, but not limited to the FAIR MAP Act of 2023 and the California Voting Rights Act.
5. That the General Manager, following the completion of the procedural steps reference herein and the preparation of a map or maps dividing the District into district (or divisions), prepare a resolution for the Board of Director's consideration approving district based (or by divisions) elections for directors of the Board of Directors.

DATE: May 20, 2024

INTRODUCED BY: Hatcher

AYES: Andrade, Hatcher, Hodges, and Rosen

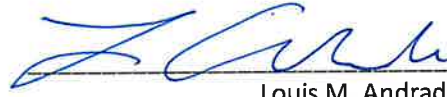
NOES: None

ABSTAIN: None

ABSENT: Lamnin



Peter Rosen, President



Louis M. Andrade, Secretary

