

RESOLUTION NO. 791

RESOLUTION OF THE BOARD OF DIRECTORS OF TRI-CITY HEALTHCARE DISTRICT ESTABLISHING AND IMPLEMENTING ZONE-BASED ELECTIONS PURSUANT TO ELECTIONS CODE 10010(e)(3)(A) AND HEALTH AND SAFETY CODE 32100.1

WHEREAS, TRI-CITY HEALTHCARE DISTRICT (the “District”) is a California healthcare district duly organized and existing under the laws of the State of California, particularly the Local Health Care District Law, constituting Division 23 of the Health and Safety Code of the State of California, and more particularly, Health and Safety Code §§ 32000 *et seq.*; and

WHEREAS, the governing board is currently composed of seven Directors who are voted into office by an “at-large” election method, meaning one in which the voters of the entire jurisdiction elect the members to the governing body; and

WHEREAS, on May 25, 2017, the District Board of Directors approved Resolution No. 785, Resolution of the Board of Directors of Tri-City Healthcare District Outlining Intention to Transition from At-Large to District-Based Elections Pursuant to Elections Code 10010(e)(3)(A); and

WHEREAS, as reflected in Resolution No. 785, the Board of Directors wishes to effectuate this transition from at-large to zone-based elections in order to ensure the District maintains an election method that does not impair the ability of any protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class, as defined by Elections Code section 14026; and

WHEREAS, as also reflected in Resolution No. 785, the San Diego Local Agency Formation Commission (“LAFCO”) identified, as part of a five-year sphere of influence and service review report on San Diego County healthcare services published on May 4, 2015, certain areas for potential boundary changes that LAFCO recommended that the District annex into the District’s boundaries including areas within Vista and Carlsbad which would, if annexed, increase the District’s population by at least an estimated 60,000 residents aged 18 and over; and

WHEREAS, as also reflected in Resolution No. 785, the District Board of Directors found it is in the best interest of the District, in order to ensure the most effective expenditure of the District’s resources and avoid a waste of public funds, to consider potential annexations as part of transitioning to the district-based election method; and

WHEREAS, on July 27, 2017, the District Board of Directors approved Resolution No. 787, Resolution of Application to San Diego Local Agency Formation Commission from the Board of Directors of Tri-City Healthcare District for the Annexation of Territory & Amendment of Tri-City Healthcare District’s Sphere of Influence (“LAFCO Resolution of Application”), and

WHEREAS, the LAFCO Resolution of Application proposes a number of annexations and detachments to change TCHD's current boundaries to be generally more coterminous with the District's three cities' boundaries; and

WHEREAS, the District Board of Directors resolved to move forward with the LAFCO annexations and the CVRA districting process concurrently so that both can be completed in a timely and efficient manner, believing it is prudent to process the annexations first in order to avoid having to go through the process of drawing election districts twice – saving time, money, and confusion; and

WHEREAS, in an abundance of caution, the District proceeded with drawing proposed maps for both scenarios – one contemplating the District's current boundaries, and one contemplating the District's projected boundaries after the reorganization is approved; that way, the District could assure the public that it will have zone-based elections for the November 2018 elections, irrespective of whether or not the LAFCO reorganization was finalized before the next election cycle; and

WHEREAS, on August 31, 2017, at a regular meeting of the Board of Directors, the District held a public hearing in accordance with Elections Code section 10010(a)(1) at which the public was invited to provide input regarding the composition of the Zones before any map or maps of proposed boundaries were drawn, and the Board of Directors considered and discussed the same; and

WHEREAS, on September 28, 2017, at a regular meeting of the Board of Directors, the District held a second public hearing in accordance with Elections Code section 10010(a)(1) at which the public was invited to provide input regarding the composition of the Zones before any map or maps of proposed boundaries were drawn, and the Board of Directors considered and discussed the same; and

WHEREAS, on October 19, 2017, the District first published and made available for the public four versions of draft maps (two for the District's current boundaries, two for the proposed new boundaries), all four of which divided the District into seven (7) single-member zones, and proposed corresponding sequences of elections; and

WHEREAS, on October 26, 2017, at a regular meeting of the Board of Directors, the District held the first of five public hearings at which the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections, and the Board of Directors considered and discussed the same; and

WHEREAS, on November 28, 2017, as a result of public input on the first four maps, the District published and made available two additional maps (one for the District's current boundaries, one for the proposed new boundaries), both of which divided the District into seven (7) single-member zones; and

WHEREAS, on November 29, 2017, at 5:00 p.m., at a special meeting of the Board of Directors, the District held the second of five duly noticed public hearings at the El Corazon Senior Center located at 302 Senior Center Drive, Oceanside, CA 92054, at which meeting the

public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections, and the Board of Directors considered and discussed the same; and

WHEREAS, on November 29, 2017, at 7:00 p.m., at a special meeting of the Board of Directors, the District held the third of five duly noticed public hearings at the Carlsbad City Library located at 1775 Dove Lane, Carlsbad, CA 92001, at which meeting the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections, and the Board of Directors considered and discussed the same; and

WHEREAS, on November 30, 2017, at 5:30 p.m., at a special meeting of the Board of Directors, the District held the fourth of five duly noticed public hearings at the Morris B. Vance Community Room located at 200 Civic Center Drive, Vista, CA 92084, at which meeting the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections, and the Board of Directors considered and discussed the same; and

WHEREAS, on December 7, 2017, at 3:00 p.m., at a special meeting of the Board of Directors, the District held the fifth of five duly noticed public hearings at the District assembly room, at which meeting the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections, and the Board of Directors considered and discussed the same; and

WHEREAS, on March 5, 2018, LAFCO unanimously approved the District's LAFCO Resolution of Application for reorganization, which approval modifies the jurisdictional boundaries of the District; and

WHEREAS, on April 26, 2018, at 3:30 p.m., at a regular meeting of the Board of Directors, the District held a public hearing on the proposed establishment of Zones pursuant to Health and Safety Code section 32100.1, and at that hearing, any elector of the District was permitted to present his or her views and plans in relation to the proposed zoning; and also at that hearing, the Board selected one of the proposed draft maps previously published and made available for public comment and consumption for the new jurisdictional boundaries of the District, and determined a sequence of elections by assigning consecutive numbers to specific Zones; and

WHEREAS, the purpose of this Resolution is to enact, pursuant to Health and Safety Code section 32100.1 and Elections Code section 10010, a resolution providing for the division of the District into seven (7) zones as reflected in **Exhibit A** to this Resolution, and for the election of members of the Board of Directors by-zone in the seven single-member zones reflected in Exhibit A to this Resolution, in furtherance of the California Voting Rights Act of 2001 and in the best interests of the District; and

WHEREAS, in establishing these Zones, the Board of Directors intends to and does provide for representation in accordance with demographic, including population, and geographic factors of the entire area of the local hospital district in accordance with Health and Safety Code section 32100.1; and

WHEREAS, in determining the final sequence of the District elections, the District Board of Directors gives special consideration to the purposes of the California Voting Rights Act of

2001, and it takes into account the preferences expressed by members of the seven proposed zones; and

NOW, THEREFORE, this Board of Directors of Tri-City Healthcare District does hereby resolve:

Section 1. The foregoing recitals are true and correct.

Section 2. The Tri-City Healthcare District is hereby divided into seven (7) consecutively numbered Zones and the boundaries of the Zones are more particularly described in **Exhibit A**, which is attached hereto and incorporated by this reference. Exhibit A also shows the Zone numbers assigned to each Zone, from one (1) through seven (7).

Section 3. At the November 2018 General Election, three members of the Tri-City Healthcare District Board of Directors shall be elected on a by-zone basis from the three even-numbered single-member Zones (specifically, Zones 2, 4, and 6, as such Zones may be amended), and every four years thereafter. At the General Election in November 2020, four members of the Tri-City Healthcare District Board of Directors shall be elected from the four odd-numbered single-member Zones (specifically, Zones 1, 3, 5, and 7, as such Zones may be amended), and every four years thereafter.

Section 4. Upon implementation of this Resolution and beginning with the November 2018 General Election, the member of the Board of Directors elected to represent a Zone must be a resident of the zone from which he or she is elected for 30 days preceding the date of the election and must be a registered voter in that Zone, and any candidate for the Tri-City Board of Directors must reside in, and be a registered voter in, the Zone in which he or she seeks election at the time nomination papers are issued pursuant to Health and Safety Code section 32100.1 and Elections Code section 201.

Section 5. Termination of residency in a Zone by a member of the Board of Directors shall create an immediate vacancy for that Zone unless a substitute residence with the Zone is established within thirty (30) days after the termination of residency.

Section 6. Any vacancy upon the Board shall be filled by appointment by a majority of the remaining members of the Board of Directors consistent with Health and Safety Code section 32100.1. The person appointed to fill the vacancy must reside within the Zone left unrepresented on the Board of Directors. Any person appointed to fill the vacancy shall hold office for the duration of the unexpired term.

Section 7. Notwithstanding any other provision of this Section, and consistent with the requirements of Government Code section 36512, the members of the Board of Directors in office at the time this Resolution takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is elected or appointed, and sworn in. At the end of the term each member of the Board of Directors, that Board Director's successor shall be elected on a by-zone basis in the Zones established in this Resolution.

Section 8. The Tri-City Healthcare Board of Directors Board Secretary or designee shall maintain a map of the District showing the current boundaries and Zone numbers of each District Zone as may be established and amended from time to time by resolution of the Board of Directors.

Section 9. If necessary to facilitate the implementation of this Resolution, the Chief Executive Officer is authorized to make technical adjustments to the District boundaries that do not substantively affect the populations in the Zones, the demographics in the Zones, eligibility of candidates, the residence of elected officials within any Zone, and that do not contradict the intent or terms of the California Voting Rights Act of 2001. The Chief Executive Officer shall consult with the Board Chair and the District General Counsel concerning any technical adjustments deemed necessary and shall advise the Board of Directors of any such adjustments required in the implementation of the Zones.

Section 10. To the extent the terms and provisions of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior District resolution, motion, rule, regulation, or bylaw governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof.

Section 11. In interpreting this Resolution or resolving any ambiguity, this Resolution shall be interpreted in a manner that effectively accomplishes its stated purpose.

Section 12. This Resolution shall take effect immediately upon its adoption.

ADOPTED, PASSED AND APPROVED this 26th day of April, 2018, at a regular meeting of the Board of Directors, at which a quorum was present and acting throughout, at Oceanside, California, by the following vote:

**AYES: DIRECTORS: DAGOSTINO, GRASS, KELLETT,
MITCHELL, NYGAARD, RENO AND
SCHALLOCK**

**NOES: DIRECTORS: NONE
ABSTAIN/ABSENT: DIRECTORS: NONE**

ATTEST:

By: 
Secretary, Board of Directors

By: 
Chairperson, Board of Directors

Orange II

Tri-City Healthcare District 2017 Districting

Election Sequence:
2018: even-numbered zones
2020: odd-numbered zones
(map numbering can be changed)

National Demographics Corporation
January 17, 2018

