

# NORTH COUNTY FIRE PROTECTION DISTRICT

[www.ncfireprotectiondistrict.org](http://www.ncfireprotectiondistrict.org)

330 S. Main Avenue

Fallbrook, California 92028-2938

Phone: (760) 723-2005

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## BOARD OF DIRECTORS

RUTH HARRIS  
BOB HOFFMAN  
FRED LUEVANO  
KENNETH E. MUNSON  
JOHN VAN DOORN

STEPHEN J. ABBOTT - Fire Chief/CEO - [sabbott@ncfire.org](mailto:sabbott@ncfire.org)  
ROBERT H. JAMES - District Counsel Robert James - [roberthjameslaw@gmail.com](mailto:roberthjameslaw@gmail.com)  
LOREN A. STEPHEN-PORTER - Executive Assistant/Board Secretary - [lstephen@ncfire.org](mailto:lstephen@ncfire.org)

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**SUBJECT:** BOARD MEETING PACKAGE  
**DATE:** FEBRUARY 19, 2019

Enclosed is your Board package for a **Special February** Board Meeting. We have tried to include the information you will need to effectively consider and act on agenda items. The Board meeting will be held at the normal meeting venue at **FALLBROOK PUBLIC UTILITY DISTRICT, 990 EAST MISSION ROAD, FALLBROOK, CALIFORNIA.**

Please note this month's meeting is scheduled for **Tuesday, February 19, 2019**, beginning at **8:30 a.m.**

It is our goal to be prepared to respond accurately to Board questions and concerns. You can help us achieve this goal by contacting me **prior to** the Board meeting with your questions and concerns. This will allow time for the Staff and me to provide the appropriate information for review at the Board meeting.

*To ensure a quorum is present, please call Loren in advance of the meeting if you will be unable to attend. She may be reached at (760) 723-2012.*

Respectfully,



Stephen Abbott  
Fire Chief/CEO



PROUDLY SERVING THE COMMUNITIES OF FALLBROOK, BONSALE AND RAINBOW



# NORTH COUNTY FIRE PROTECTION DISTRICT

## AGENDA FOR SPECIAL BOARD MEETING

FEBRUARY 19, 2019 - 8:30 A.M.

LOCATION:

**FALLBROOK PUBLIC UTILITY DISTRICT  
990 EAST MISSION ROAD  
FALLBROOK CALIFORNIA**

### PUBLIC ACTIVITIES AGENDA

*For those joining us for the Public Activities Agenda, we invite you to stay for the remainder of the business meeting.  
Please feel free to depart at the close of the Public Activities Agenda.*

#### CALL TO ORDER ROLL CALL INVOCATION PLEDGE OF ALLEGIANCE

#### 1. PUBLIC COMMENT — PRESIDENT LUEVANO:

(pgs.1-2)

- STANDING ITEM: Members of the Public may directly address the Board of Directors on items of interest to the Public provided no action will be taken on non-agenda items. The Board President may limit comments to three minutes per speaker (Board of Directors Operations – Elections, Officers and Terms SOG § 3.2.6.3.)

### ACTION/DISCUSSION AGENDA

*All items listed under the Action Items Agenda will be presented and discussed prior to the Board taking action on any matter. Members of the public may comment on items at the time they are presented.  
Time Certain Items will commence precisely at the time announced in the Agenda.*

#### 2. PUBLIC HEARING DATE/TIME CERTAIN FEBRUARY 19, 2019 AT 8:30 A.M. — FOR HEARING ON (pgs.3-6) FORMATION OF ELECTION DISTRICTS — CHIEF ABBOTT

- NEW ITEM: First Public Hearing to receive input from public regarding formation of Election Districts.

STANDING DISCUSSION EVENTS: All Events listed under the Standing Discussion Events are presented every meeting.

#### ● COMMENTS/QUESTIONS:

(pgs.7-8)

#### ● STAFF:

- Chief Abbott
- Other Staff

#### ● BOARD

#### ● BARGAINING GROUPS

#### ● PUBLIC COMMENT

### ADJOURNMENT

#### SCHEDULED MEETINGS

The next regularly scheduled Board meeting is: Tuesday, February 26, 2019, 5:00 p.m. at FPUD.

#### CERTIFICATION OF AGENDA POSTING

I certify that this Agenda was posted in accordance with the provisions of the Government Code § 54950 et. seq. The posting locations were: [1] the entrance of North County Fire Protection District Administrative Offices, [2] Fallbrook Public Utility District Administrative Offices and [3] the Roy Noon Meeting Hall. The Agenda was also available for review at the Office of the Board Secretary, located at 330 S. Main Avenue, Fallbrook (760) 723-2012. Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet, are available for public inspection in the Office of the Board Secretary, located at 330 S. Main Avenue, Fallbrook (760) 723-2012, during normal business hours or may be found on the District website at <https://www.ncfire.org>, subject to the Staff's ability to post the documents before the meeting. The date of posting was February 15, 2019."

Board Secretary Loren Stephen-Porter

Date: February 15, 2019



**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS

**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO

**DATE:** FEBRUARY 19, 2019

**SUBJECT:** PUBLIC COMMENT

**PUBLIC COMMENT:**

1. *Members of the Public may directly address the Board of Directors on items of interest to the Public provided no action will be taken on non-agenda items. The Board President may limit comments to three minutes per speaker (Board of Directors Operations – Elections, Officers and Terms SOG § 3.2.6.3.).*



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**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** FEBRUARY 19, 2019  
**SUBJECT:** PUBLIC HEARING ON FORMATION OF ELECTION DISTRICTS

**ACTION/DISCUSSION AGENDA - 08:30 TIME CERTAIN**

**Background:**

At the January 22, 2019 Board meeting, the District adopted the Embracement Resolution 2019-01, determining to move toward adoption of a District-based election process. This process includes holding at least two additional public hearings over a period of no more than forty-five (45) days to gather public input on determination of election district boundaries. This is the first of the two public hearings to solicit public input, after which draft maps will be made available to the public, no later than seven (7) days prior to our first public hearing to review those draft maps.

**Discussion:**

The Supreme Court recognizes a set of general principles that guide districting, often referred to as “traditional districting principles.” These traditional principles are at the heart of the work to designate election districts. The Supreme Court has identified keeping “communities of interest” intact as a traditional districting principle, which is “a geographic area comprised of residents who share similar interests including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.”

The North County Fire Protection District’s communities of interest are its overlapping sets of neighborhoods, networks, and groups that share interests, views, cultures, histories, languages, and values. In gathering input for development of election districts the Board should pay attention to public input regarding:

- Shared interests in schools, housing, crime, transit, health conditions, land use, and environmental conditions;
- Common social and civic networks, including churches, temples, homeowner associations, and community centers, and shared use of community spaces, like parks and shopping centers;
- Racial and ethnic compositions, cultural identities, and households that predominantly speak a language other than English;



- Similar socio-economic status, including but not limited to income, home-ownership, and education levels;
- Shared political boundary lines from jurisdictions, including school districts, community college districts, and water districts;
- Visible natural and man-made features, street lines and/or City boundary lines

Additionally, the Supreme Court has identified contiguity and compactness as traditional districting principles. A district is contiguous if its perimeter can be traced in one, unbroken line. A district consisting of two or more unconnected areas is not contiguous. There are various social science measures of compactness, but most courts have applied an intuitive “eyeball” test to determine if a district is compact. *Cuthair v. Montezuma-Cortez, Colo. Sch. Dist.*, 7 F. Supp. 2d 1152, 1167 (D. Colo. 1998).

Incumbency is also a factor in districting. As a result, the Board cannot consider where current Board members live while drawing lines. Nor can it consider which district compositions would favor incumbents or anticipated challengers. Finally, the Board cannot consider which district compositions would generate the easiest playing field for any political party, now or in the future.

In a series of court cases in the 1960s, the Supreme Court held that the Fourteenth Amendment of the United States Constitution requires that all districts within a political jurisdiction have “substantial equality of population.” Drawing district lines that keep communities of interest intact, that are reflective of public testimony, and that are reasonably compact and contiguous may result in districts that have slightly different populations.

How much deviation in population is allowed between districts? The Supreme Court has stated that deviation of up to ten percent (10%) will be treated as presumptively constitutional, meaning that it is assumed to be constitutional unless proven otherwise. Deviation between districts is determined as follows:

1. Divide the total population of the District by five to determine the “average” number of people that should be in each City Council district. Based upon 2010 U.S. Census figures this equates to 10,149 per district (50,746/5).
2. Once a district map is drawn, calculate how much larger the largest district is (on a percentage basis) than the “average.”
3. Next calculate how much smaller the smallest district is (on a percentage basis) than the “average.”
4. Add the percentage deviation above the average for the largest district to the percentage deviation below the average for the smallest district. The sum of the two constitutes the total deviation for that particular district map.

If the sum is under ten percent (10%), the district map is presumed to comply with the constitutional requirement of substantial equality of population. Maps with population deviations above ten percent (10%) can be justified only in rare circumstances. Below is

## PUBLIC HEARING ON FORMATION OF ELECTION DISTRICTS

February 19, 2019

Page 3 of 3

an example of hypothetical population deviation for four Chula Vista districts that would meet the constitutional standard.

The hypothetical population distribution in **Example 2** would be presumed constitutional for the purposes of substantial equality of population. Population deviation is determined by adding the percentage by which the largest district is over the average district size (4.9%) to the percentage by which the smallest district is below the average district size (4.8%). The result, 9.7%, is within the allowable limit for population deviation for local jurisdictions, as determined by the Supreme Court.

### Chula Vista

total pop: 256,780<sup>21</sup>

|            | <b>Example 1: Exact population equality</b> |                       |                              | <b>Example 2: Allowable population deviation under the "substantial equality of population" standard</b> |                       |                              |
|------------|---|-----------------------|------------------------------|--|-----------------------|------------------------------|
|            | Residents per district                      | % of total population | Deviation from avg. district | Residents per district   | % of total population | Deviation from avg. district |
| District 1 | 64,195                                      | 25%                   | 0%                           | 76,777   | 29.9%                 | +4.9%                        |
| District 2 | 64,195                                      | 25%                   | 0%                           | 62,141   | 24.2%                 | -0.8%                        |
| District 3 | 64,195                                      | 25%                   | 0%                           | 65,992   | 25.7%                 | +0.7%                        |
| District 4 | 64,195                                      | 25%                   | 0%                           | 51,870   | 20.2%                 | -4.8%                        |
|            | 256,780                                     | 100%                  | 0%                           | 256,780  | 100%                  | 9.7%                         |

Retrieved 2-15-19 from: *Guide to Districting Law, Prepared for the Chula Vista Districting Commission* (November, 2014). American Civil Liberties Union, California Voting Rights Act Project.

### FISCAL ANALYSIS:

Provided that the District is able to develop election districts with the internal resources available, there should only be minimal expenses resulting from Staff time to develop associated map products and data analysis.

### DISCUSSION QUESTIONS:

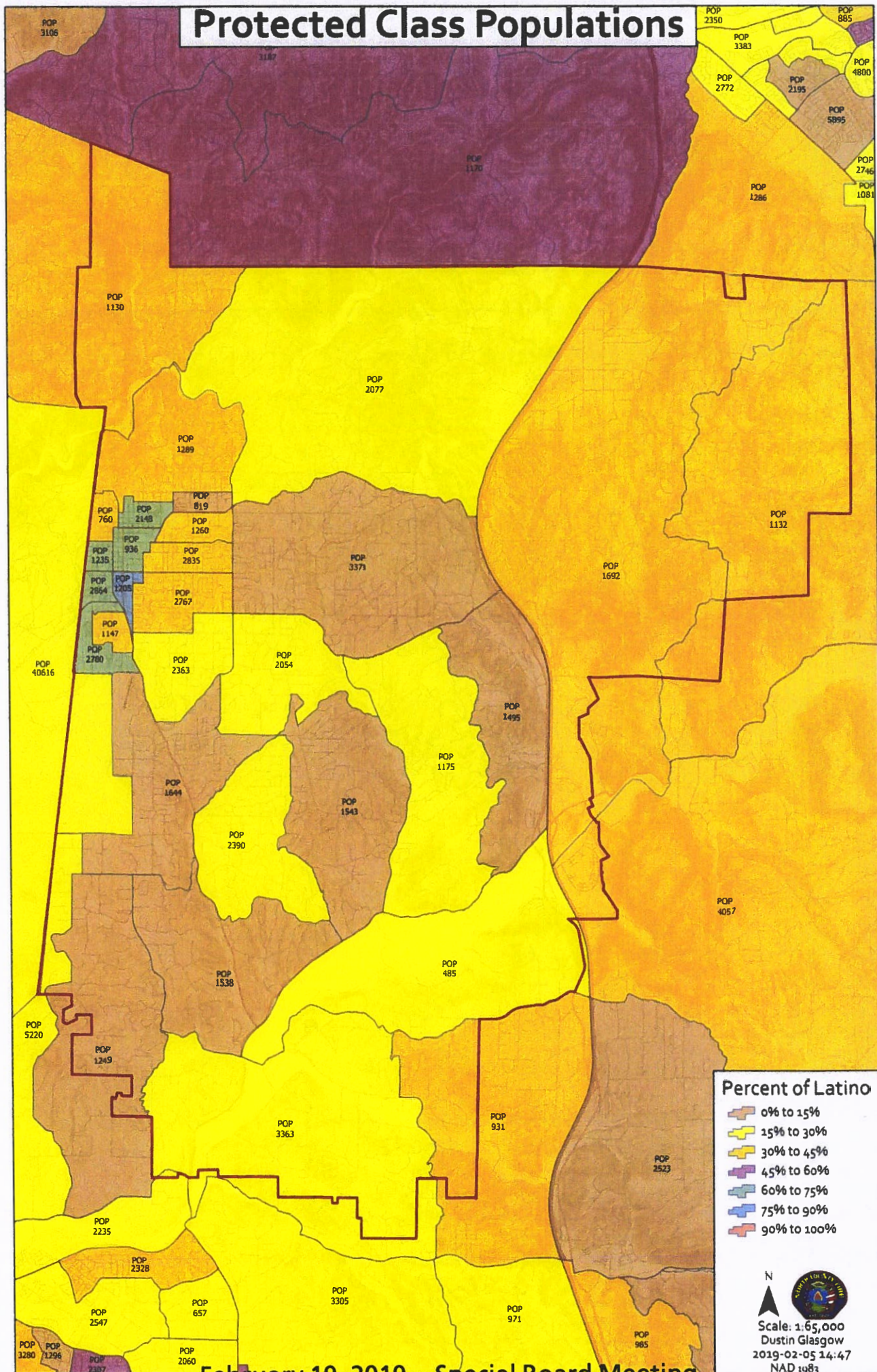
1. Are there communities of interest desiring representation?
2. Are there pre-existing communities with similar issues/interests?
3. How would those communities like to be represented?
4. What existing boundary lines facilitate boundary formation?
5. What will be the impact of future development?

### RECOMMENDATION:

Discussion only. Obtaining input from the public on formation of election district boundaries in accordance with the California Voting Rights Act will allow the District to successfully complete the transition to district-based elections on time and meet community expectations.



# Protected Class Populations



## Percent of Latino

- 0% to 15%
- 15% to 30%
- 30% to 45%
- 45% to 60%
- 60% to 75%
- 75% to 90%
- 90% to 100%



Scale: 1:65,000  
Dustin Glasgow  
2019-02-05 14:47  
NAD 1983





**NORTH COUNTY FIRE  
PROTECTION DISTRICT  
FIRE CHIEF/CEO**

**TO:** BOARD OF DIRECTORS  
**FROM:** STEPHEN ABBOTT, FIRE CHIEF/CEO  
**DATE:** FEBRUARY 19, 2019  
**SUBJECT:** COMMENTS, REPORTS AND UPDATES

● **STAFF COMMENTS/REPORTS/UPDATES:**

● **STEPHEN ABBOTT, FIRE CHIEF/CEO:**

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● **CHIEF OFFICERS & STAFF:**

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● **BOARD:**

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● **BARGAINING GROUPS:**

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● **PUBLIC COMMENT:**

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