

Approved April 24, 2018

**MINUTES OF A SPECIAL MEETING/ANNUAL WORKSHOP OF THE  
CUCAMONGA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS  
April 12, 2018**

A special meeting of the Cucamonga Valley Water District Board of Directors was called to order at 6:00 p.m. by President Curatalo. President Curatalo led the Pledge of Allegiance.

CALL TO ORDER  
6:00 p.m.

In Attendance:

Board James V. Curatalo, Jr., President  
Luis Cetina, Vice President  
Oscar Gonzalez, Director  
Randall J. Reed, Director  
Kathleen J. Tiegs, Director

Staff Martin Zvirbulis, General Manager/CEO  
Jeff Ferre, BB&K, Legal Counsel

Agnes Boros, Finance Supervisor  
John Bosler, Assistant General Manager  
Chad Brantley, Director of Finance and Technology Services  
Frank Chu, Information Technology Manager  
Cindy Cisneros, Executive Assistant, General Manager/CEO  
Carrie Corder, Assistant General Manager  
Eduardo Espinoza, Director of Engineering Services  
Eric Grubb, Principal Management Analyst  
Roberta Kalarsarinis, Customer Service Manager  
Angelo Orioli, Customer Service Supervisor  
Taya Victorino, Executive Assistant, Board of Directors

ADDITIONS/DELETIONS TO AGENDA

None.

PUBLIC COMMENT

None.

PUBLIC COMMENT

CONSIDERATION OF A RESOLUTION OF INTENT TO CONVERT FROM AT-LARGE TO BY-DIVISION ELECTION SYSTEM

ADOPT RESOLUTION NO. 2018-4-4 DECLARING INTENTION TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS AND SETTING FORTH THE PROCESS FOR TRANSITIONING

RESOLUTION OF INTENT TO CONVERT TO BY-DIVISION ELECTION SYSTEM

**PASSED 4-1  
(Cetina opposed)**

Mr. Jeff Ferre referred to the Staff Report and gave a presentation on proposed Resolution No. 2018-4-4. The presentation included background on the California Voting Rights Act (CVRA) which provides a way for plaintiffs to allege racially polarized voting and to seek a change from at-large elections to by-division elections. It was explained that the CVRA does not require proof that racially polarized voting has resulted in the defeat of a group's preferred candidate, nor does it require a plaintiff to prove actual discrimination.

On February 26, 2018, the District received a letter from the law firm of Shenkman & Hughes containing allegations that the District's at-large electoral system violates the CVRA. Mr. Ferre explained that due to the low threshold in the law for establishing racially polarized voting, no public agency has yet succeeded in court when challenged under the CVRA. Due to this low probability of litigation success, and the potential of being required to pay the plaintiff's attorney's fees, many agencies have voluntarily elected to change from at-large to by-division elections rather than engage in a potentially expensive lawsuit.

It was further explained that AB350, passed by the Legislature, places a cap on the amount of attorney's fees that can be received by a plaintiff's attorney so long as the District adopts a resolution of intent to change to by-division elections within 45 days of receipt of the plaintiff's letter. In this case, the District would also be required to complete the conversion within a tight time frame for public hearings and Board action.

In order to spare the rate payers potentially expensive litigation, the District's legal counsel and staff recommended that the Board adopt Resolution No. 2018-4-4 to declare the intention to change to by-division elections. Mr. Ferre stated that if the Board wished to adopt the Resolution, a clerical error would be made in sixth recital of the Resolution to replace "denied" with "hereby denies."

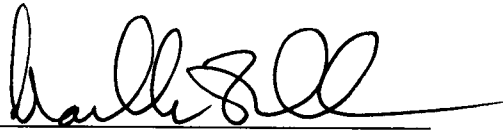
Following a discussion of this matter by the Board, **a motion was made by Director Reed, and seconded by Director Tiegs, to adopt Resolution No. 2018-4-4 Declaring Its Intention To Transition From At-Large To By-Division Elections And Setting Forth The Process For Transitioning To By-Division Elections. The motion passed 4-1 (Cetina voting no).**

Following adoption of the Resolution, comments were made by Board members including a statement by Director Reed that he believes the Board is diverse and has represented the community appropriately, and has also appointed past Directors from diverse backgrounds when an appointment needed to be made. Mr. Ferre then responded to questions from Board members regarding how the plaintiff's attorney would calculate his fees that he would then seek to collect, taking into account the \$30,000 cap instituted by AB350.

ADJOURNMENT

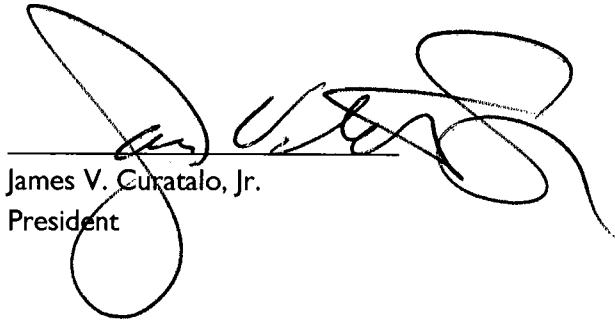
There being no further business to come before the Board, President Curatalo adjourned the meeting at 6:12 p.m.

ADJOURNED  
AT 6:12 p.m.



Martin E. Zvirbulis  
Secretary/General Manager

ATTEST:



James V. Curatalo, Jr.  
President