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PASSCODE: 3802020

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Call to Order

Board of Directors Workshop - Engineering
Tuesday, January 11, 2022

Chairperson – Director Harrison
Vice-Chair – Director Hayes

Introductions

Following the introduction of Directors and District staff, participants may use this time to state their name and agency/affiliation in order to be included in the formal record of attendees.

Public Comment

Any person may address the Board on matters within its jurisdiction.

- *Please use the chat feature on the Zoom toolbar or digitally raise your hand to let the moderator know you would like to make a comment.*

Public Hearing Item 3.1 (Pg. 3)

Public Hearing on the Redistricting of Valley District's Division Boundaries

Overview

- California Elections Code Section 22000 requires each special district to adjust division boundaries after each decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population
- *Introduction to Redistricting*
Matt Rexroad, Chief Legal Counsel - Redistricting Insights, LLC

The logo features a stylized orange location pin icon with a white circle in the center, set against a white square background.

Redistricting **Insights**

Prepared for the *San Bernardino Valley Municipal Water District*

January 2022

WHAT IS REDISTRICTING?

Redistricting is at its core the act of equalizing population among districts.

This is important in order to meet two requirements - one constitutional, one from Supreme Court precedent:

- Equal Representation (14th Amendment) - how effective any resident can be at advocating for themselves or being represented within a jurisdiction.
- One Person One Vote - equal ability to elect a candidate of choice.

WHAT IS REDISTRICTING?

Redistricting has changed significantly over the years as federal and state laws, norms, best practices, and public opinion has transformed.

In California/Municipal Law:

- Prop 11 and 20 (Statewide Redistricting)
- CA FAIRMAPS Act

REDISTRICTING/REAPPORTIONMENT

They are different things but people mistakenly conflate them

Reapportionment

Allocating the 435 Congressional seats among the states

**N.Y. loses single seat in Congress by just 89 people as
Census Bureau releases reapportionment figures**

April 26, 2021

Redistricting

Drawing district lines within the states, counties, cities, school districts

DEFINITIONS



REAPPORTIONMENT
CENSUS BUREAU FOR CONGRESS
(30 SECONDS)

REDISTRICTING
DONE BY STATES, CITIES, SCHOOL
BOARDS

GERRYMANDER

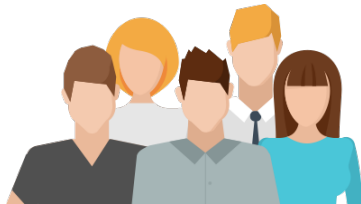
PRINCIPLES OF REDISTRICTING



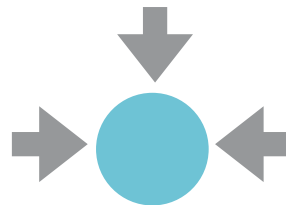
POPULATION EQUALITY



**FEDERAL VOTING RIGHTS ACT
SECTION 2**



COMMUNITIES OF INTEREST



COMPACTNESS



CONTIGUITY

POPULATION EQUALITY

For Congress it is 1 person for deviation

For State and local governments it is a deviation range of 10%

D1	21,000	1000	5%
D2	20,200	200	1%
D3	19,800	-200	-1%
D4	19,250	-750	-3.75%
D5	19,750	-250	-1.25%

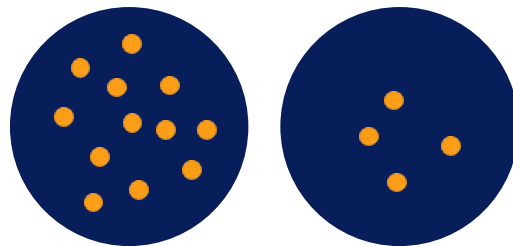
**These numbers are just an example and not reflective of the district's current population*

EQUAL POPULATION

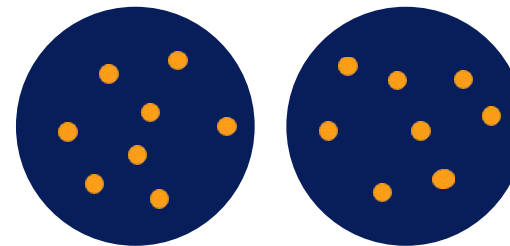
What is “equal” population has been a key subject in redistricting litigation.

- Population Equality is based on “People” not citizens or voters or other metrics.
- The metric used is called “deviation” which is a measure of how close a district is to equal size.

Not Equal Districts



Equal Districts

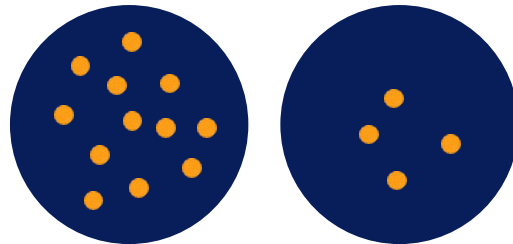


EQUAL POPULATION

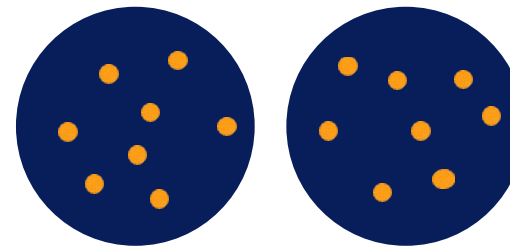
What is “equal” population has been a key subject in redistricting litigation.

- Equality is Required
- *Strict adherence to a numeric goal for equality beyond what is required is not necessarily better.*

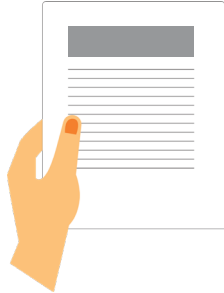
Not Equal Districts



Equal Districts



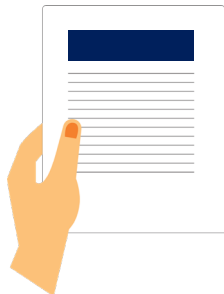
FEDERAL VOTING RIGHTS ACT



FEDERAL VOTING RIGHTS ACT
OF 1965



MOBIL V. HOLDER (1980)



CONGRESSIONAL RESPONSE TO
MOBIL V. HOLDER (1982)



THORNBURG V. GINGLES (1985)

WHAT IS THE VOTING RIGHTS ACT?

The decision to invoke Section 2 is something that requires legal counsel.

Does the minority population qualify under Section 2?

Is the proposed district a sufficient remedy – is it an “effective” majority minority district?

Is there a claim for a coalition district?

Without Section 2, a community of interest can still be supported but race cannot be a predominant factor in drawing lines.

GINGLES FACTORS

“Gingles factors” are three preconditions that a minority group must meet to establish a violation of Section 2 of the Voting Rights Act. These preconditions are the following:

1. A minority group must be sufficiently large and geographically compact to comprise a majority of the district;
2. The minority group must be politically cohesive (it must demonstrate a pattern of voting for the same candidates, also known as “bloc voting”); and,
3. A majority of voters vote sufficiently as a bloc usually to defeat the minority group’s preferred candidate.

BUT THE GINGLES FACTORS HAVE LIMITS.....



SHAW V. RENO, [509 U.S. 630](#) (1993)

SIGNIFICANCE: LEGISLATIVE AND CONGRESSIONAL DISTRICTS WILL BE STRUCK DOWN BY COURTS FOR VIOLATING THE EQUAL PROTECTION CLAUSE IF THEY CANNOT BE EXPLAINED ON GROUNDS OTHER THAN RACE. WHILE NOT DISPOSITIVE, “BIZARRELY SHAPED” DISTRICTS ARE STRONGLY INDICATIVE OF RACIAL INTENT.

MILLER V. JOHNSON, [515 U.S. 900](#) (1995)

SIGNIFICANCE: A DISTRICT BECOMES AN UNCONSTITUTIONAL RACIAL GERRYMANDER IF RACE WAS THE “PREDOMINANT” FACTOR IN THE DRAWING OF ITS LINES

Source: NCSL

COMMUNITIES OF INTEREST

Redistricting plans are built with census data to put communities of interest together to form districts.

When members of the public come forward to testify about their communities it can be almost anything.

Items to consider:

- What is the community of interest that is being described through the testimony?
- What is the geographic area of that community of interest?
- What data can be utilized to help identify that community of interest?
- How does that community of interest relate to San Bernardino County?

COMPACTNESS

Many measures based on geography are available but in California we tend to adhere to

“shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.”

CONTIGUITY

This is not an issue in most counties... unless they have islands.

State law does not allow point contiguity...it is advisable to seek functional contiguity where you can travel through the district to each point.

Point Contiguity



Functional Contiguity



WHAT IS REDISTRICTING?

Redistricting has changed significantly over the years as federal and state laws, norms, best practices, and public opinion has transformed.

In Public Opinion / Media:

- 97% of Voters agree that “local government should be required to have transparent / open redistricting.”
- Media and Community Based Organizations have become much more adept at covering redistricting.

ONLINE MAPPING

There are other mapping tools the public may use, but are not controlled by the commission or city staff.

- These tools are *perfectly appropriate* for the community to use as input.
- Data and maps from these programs can be imported to our tools and reviewed by the commission.



COMMUNITIES OF INTEREST

Bringing like people together for representation

What are you looking for in trying to judge the applicability of a Community of Interest to the redistricting process?



Group with shared culture / characteristics



Geographic Nature / Density / Ability to be mapped

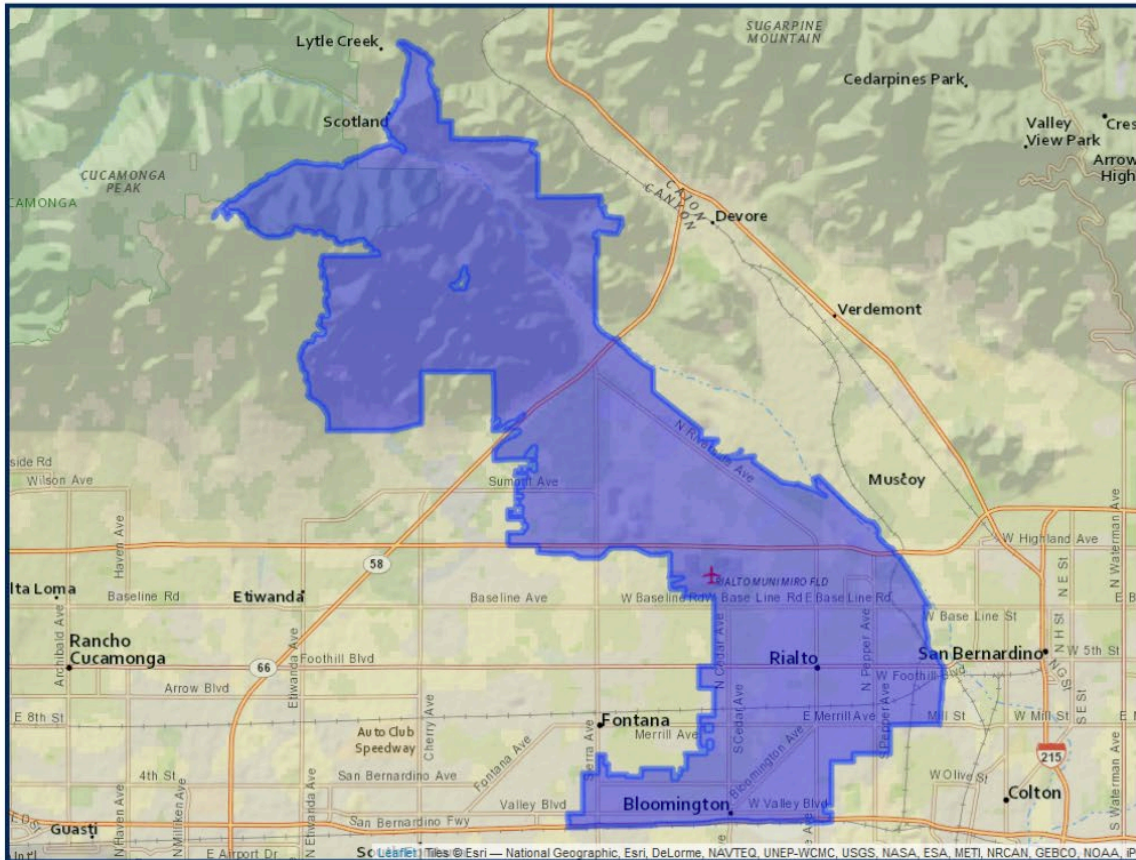


Relationship to Agency / Policies

CURRENT SBVMWD DIVISIONS

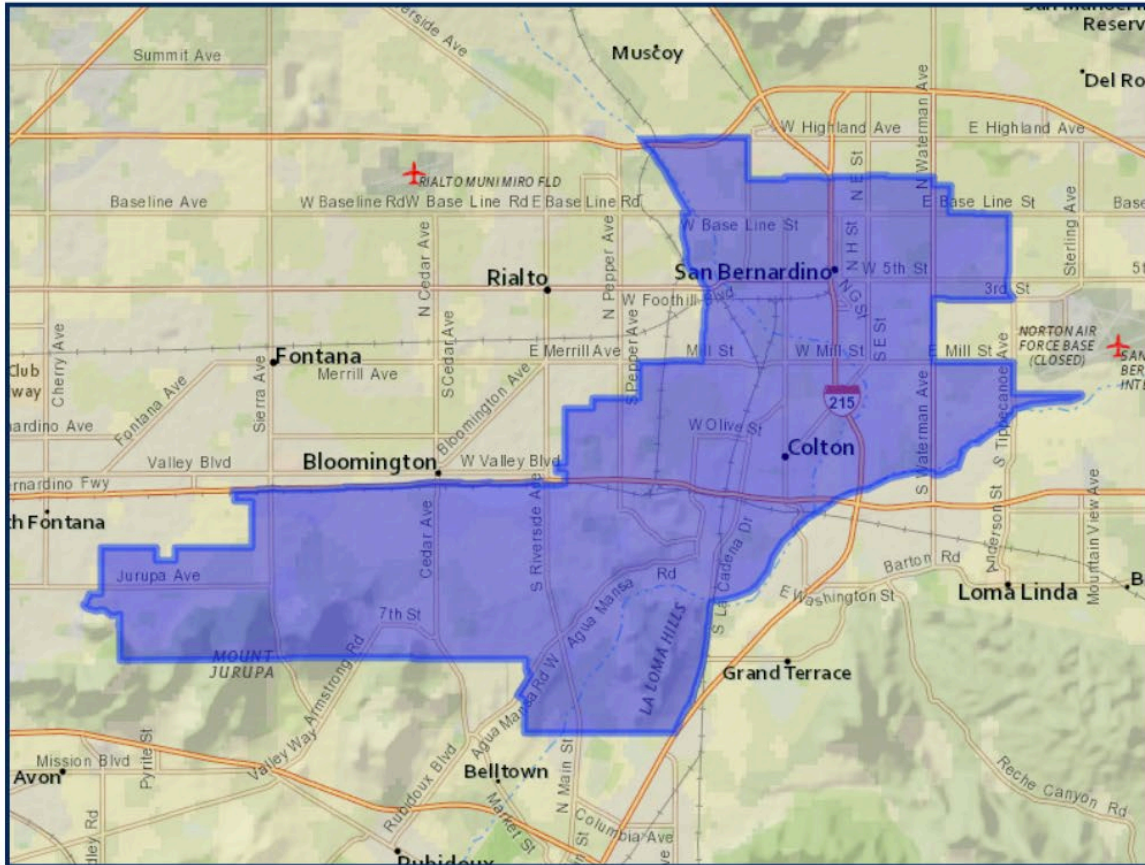
	Division 1	Division 2	Division 3	Division 4	Division 5
2020 Census Count*	150,873	139,390	151,473	134,243	147,698
Deviation #	6,138	-5,345	6,738	-10,492	2,963
Deviation %	4.1%	-3.8%	4.4%	-7.8%	2.0%
2010 Census Count	140,414	136,727	131,883	125,054	138,587
2019 CVAP*	84,080	75,628	93,491	93,202	93,308
2010 CVAP	72,036	61,945	77,525	82,644	82,615

CURRENT DIVISION 1



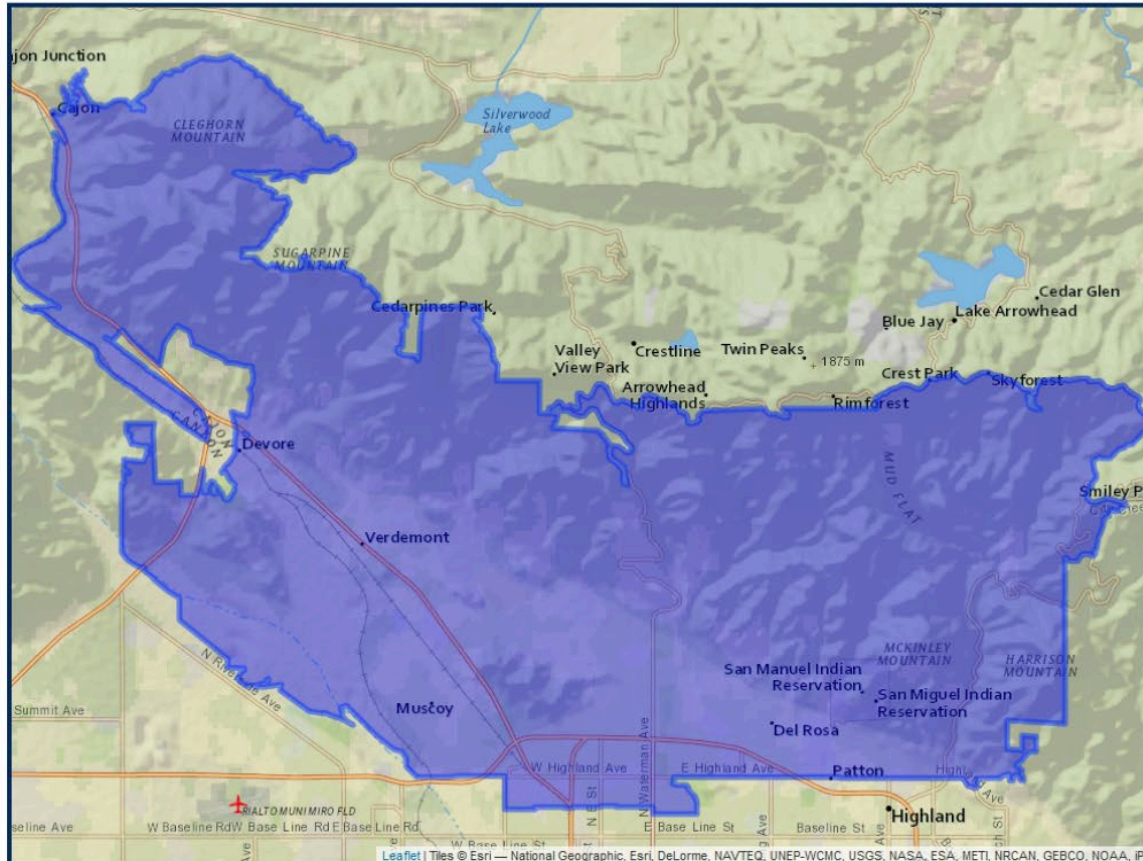
	2020 Count*	2019 CVAP*
Total	150,873	84,080
White	10.07%	16.92%
Black	9.99%	14.98%
Asian	3.39%	3.45%
Hispanic	73.80%	63.14%

CURRENT DIVISION 2



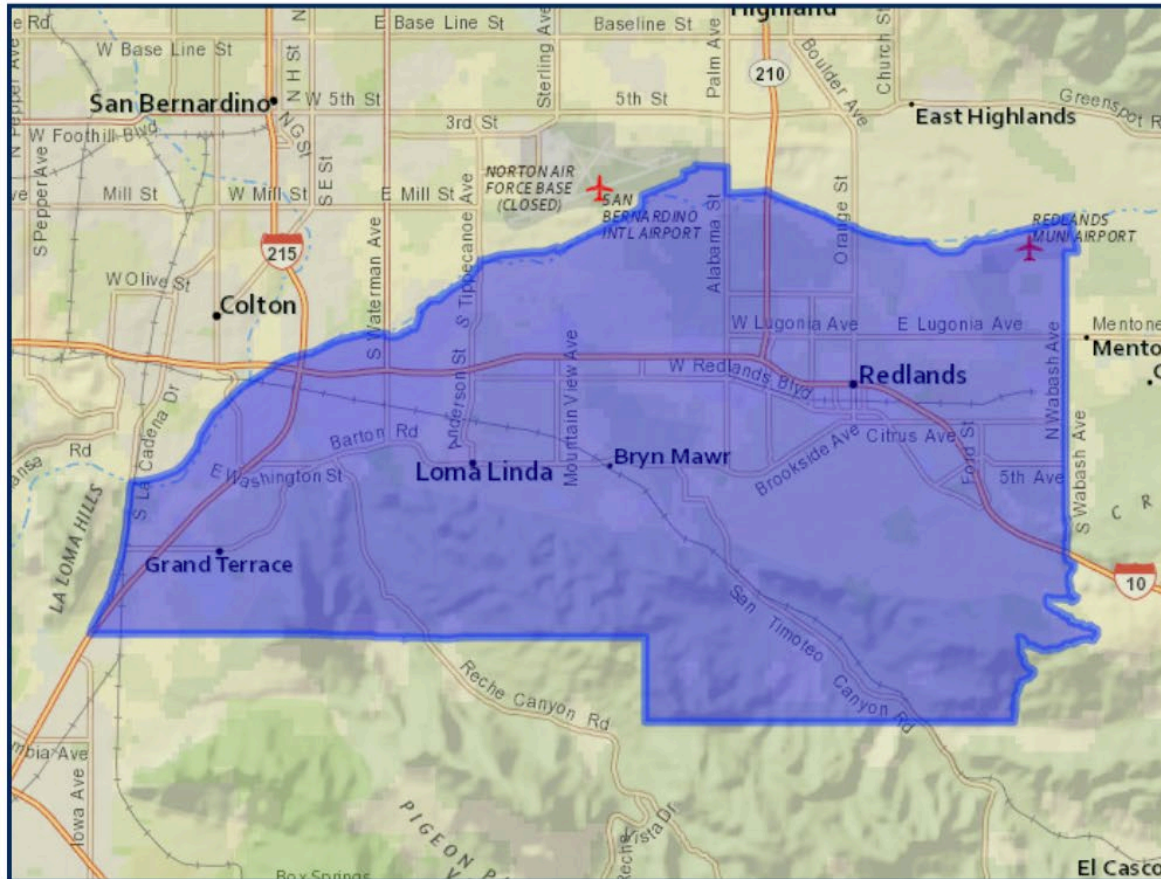
	2020 Count*	2019 CVAP*
Total	139,390	75,628
White	6.67%	14.82%
Black	7.91%	12.91%
Asian	3.19%	3.65%
Hispanic	79.98%	66.99%

CURRENT DIVISION 3



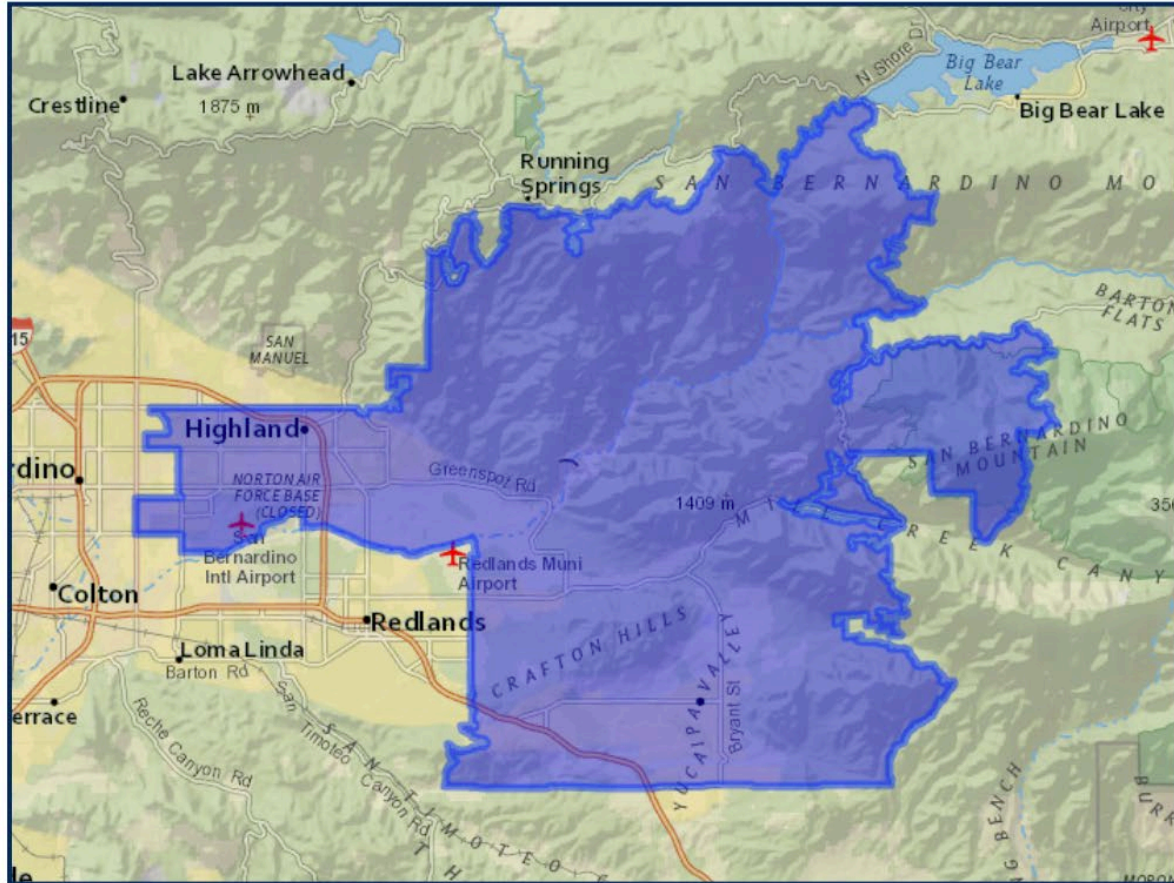
	2020 Count*	2019 CVAP*
Total	151,473	93,491
White	17.77%	25.16%
Black	11.79%	15.58%
Asian	3.43%	2.90%
Hispanic	63.11%	52.34%

CURRENT DIVISION 4



	2020 Count*	2019 CVAP*
Total	134,243	93,202
White	35.71%	46.49%
Black	7.37%	7.22%
Asian	13.66%	11.26%
Hispanic	37.66%	31.93%

CURRENT DIVISION 5



	2020 Count*	2019 CVAP*
Total	147,698	93,308
White	36.07%	47.59%
Black	6.67%	7.25%
Asian	5.24%	4.45%
Hispanic	47.32%	37.83%



Summary of Previous Meeting (Pg. 32)

Board of Directors Workshop – Engineering – December 14,
2021

Discussion Item 5.1 (Pg. 48)

Matthew E. Howard, MS – Water Resources Senior Planner

Consider the Draft Groundwater Sustainability Plan for the Yucaipa Sustainable Groundwater Management Agency

Staff Recommendation

Staff recommends the Board direct staff to place this item on the January 18, 2022 Board of Directors regular meeting for consideration and adoption of the Yucaipa Sustainable Groundwater Management Agency Groundwater Sustainability Plan.

**Groundwater
Sustainability
Plan, GSP
(Due 1/31/22)**

2012

**Safe Yields &
Capacities**
(Geoscience, 2012-
13)

**Change in
Storage &
Recharge
Study**
(Geoscience,
Exploratory
Borings, 2014)

**Infiltration
Test Work
Plan and Field
Recharge
Testing (TODD
Groundwater)
(2018)**

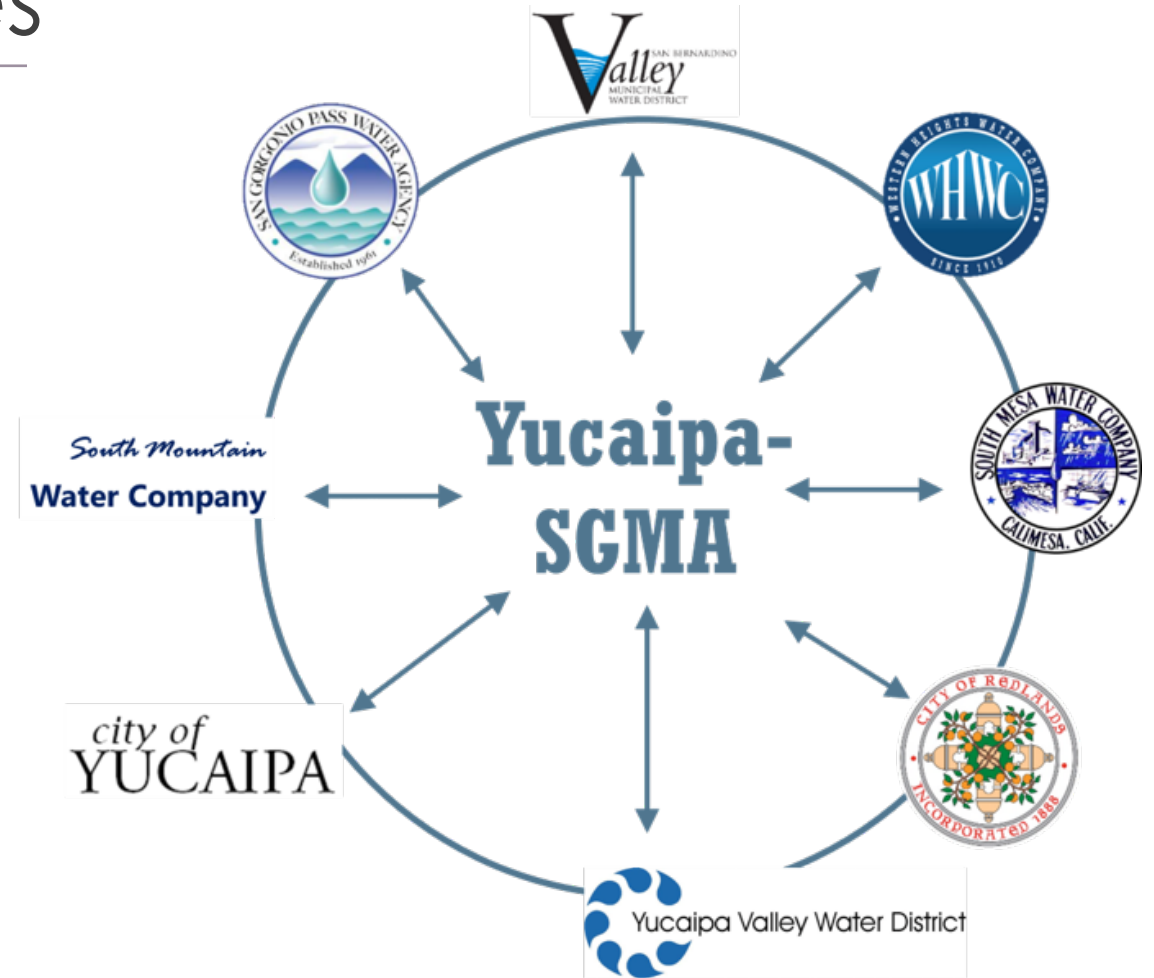
**Data
Management
System
Development
(Dudek, 2021)**

**Development
of
Groundwater
Flow Model
for the
Yucaipa
Subbasin
(USGS, 2022)**

Yucaipa Subbasin Agencies

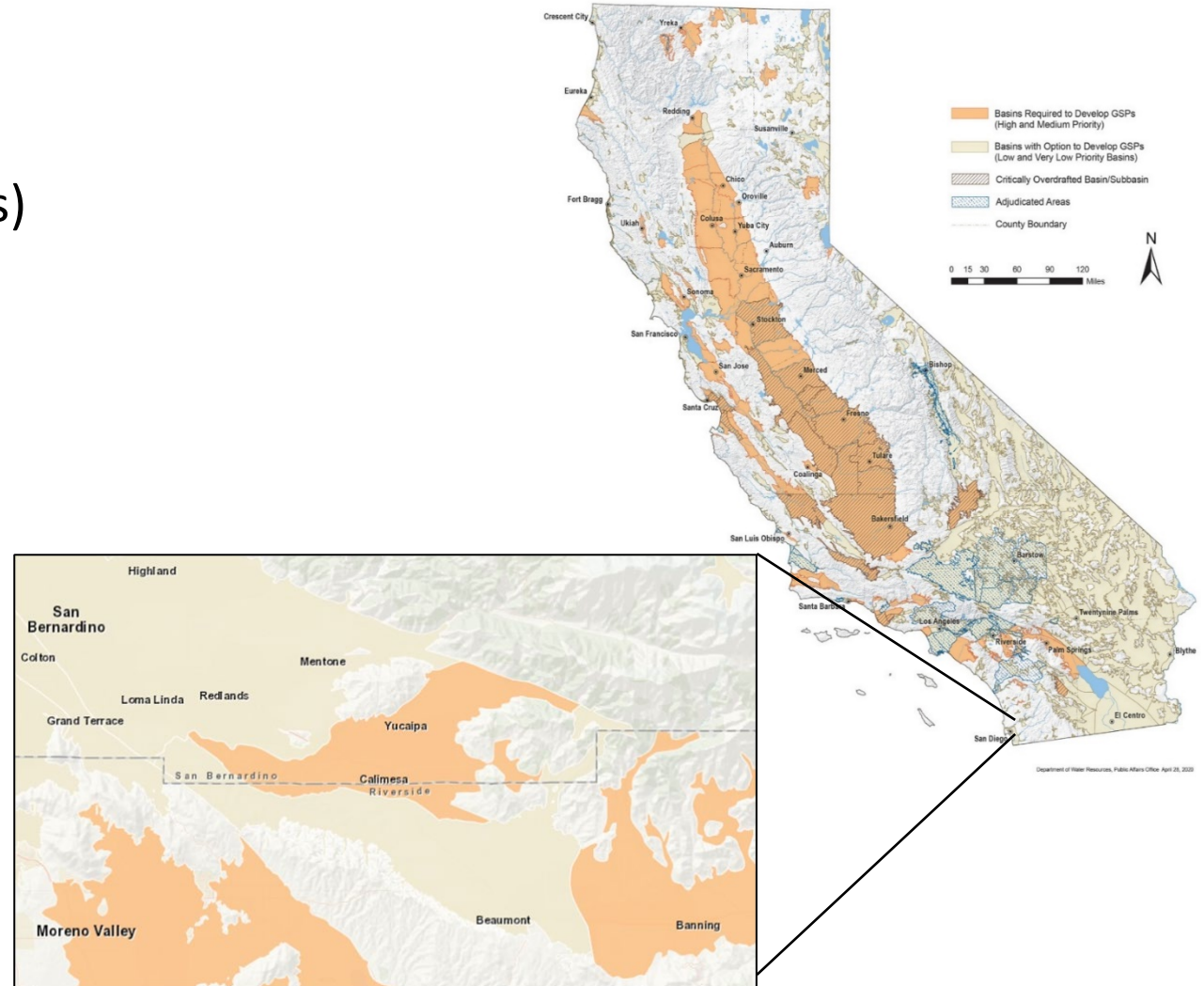
• Yucaipa-SGMA Member Agencies

- City of Redlands
- City of Yucaipa
- San Bernardino Valley Municipal Water District
- San Gorgonio Pass Water Agency
- South Mesa Water Company
- South Mountain Water Company
- Western Heights Water Company
- Yucaipa Valley Water District



Sustainable Groundwater Management Act

- Enacted September 2014
- **Groundwater Sustainability Agencies (GSAs)**
- **Groundwater Sustainability Plan (GSP)**
- **Manage California’s groundwater basins sustainably**
 - Overseen by California Department of Water Resources (DWR)
 - Sustainable Yield
 - Sustainability Indicators



Groundwater Basins and Management Entities

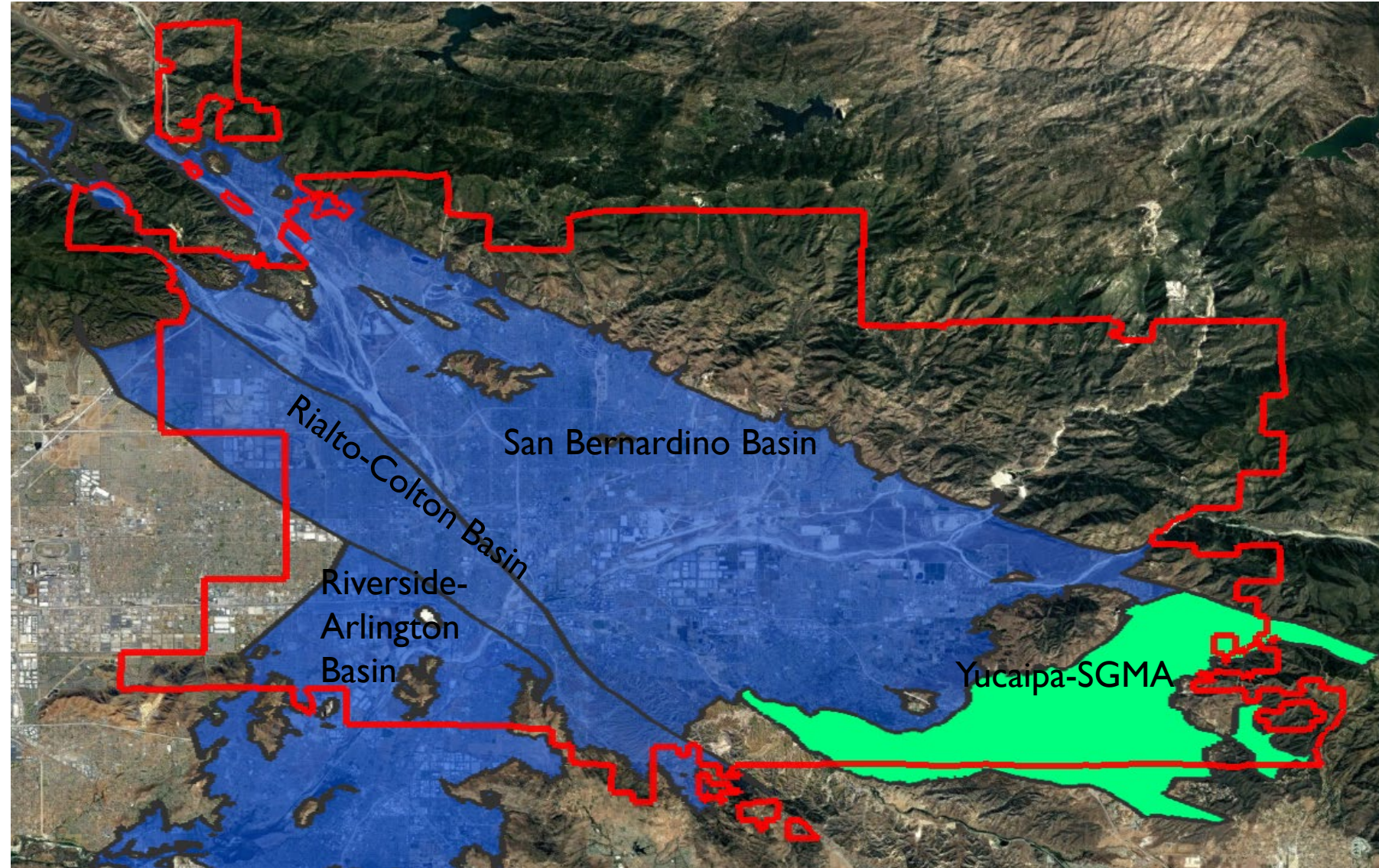


Western-San Bernardino
Watermaster Basins (Blue):

- San Bernardino Basin
- Rialto-Colton Basin
- Riverside-Arlington Basin

Sustainable Groundwater
Management Act (SGMA)
Basin (Green):

- Yucaipa Sustainable
Groundwater Management
Agency (Yucaipa-SGMA)



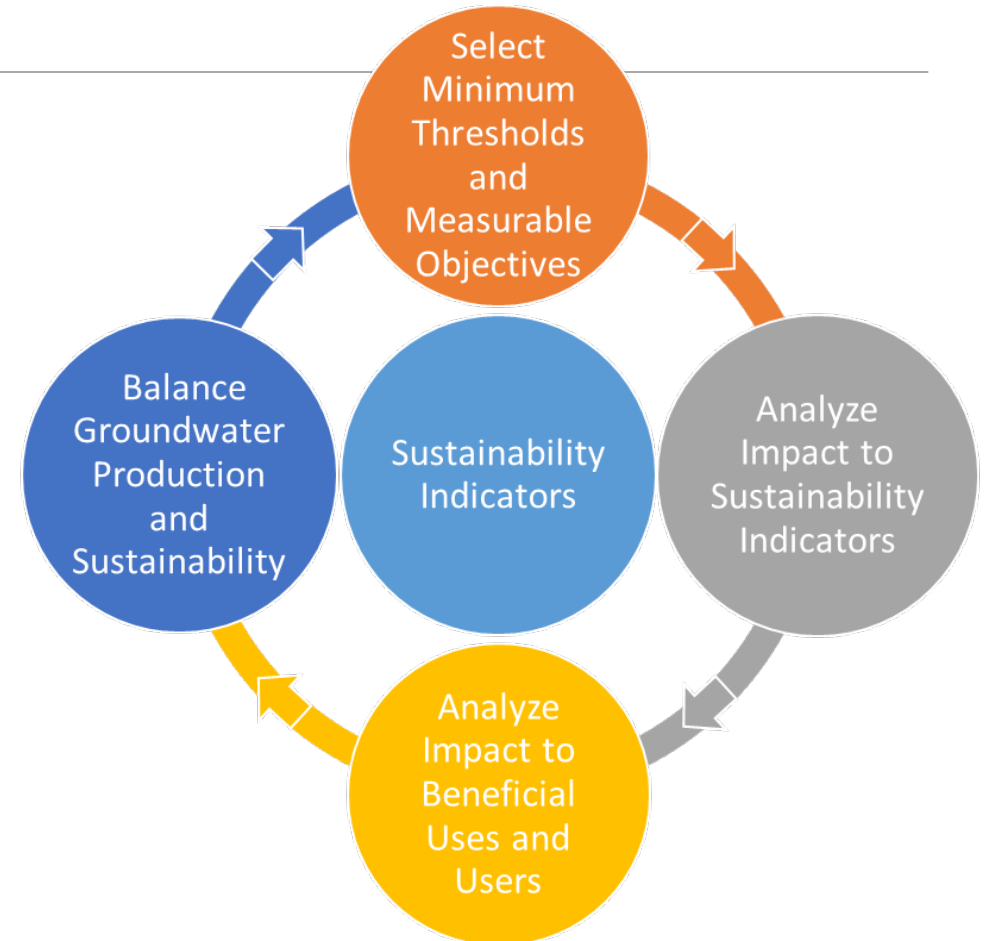
Sustainable Groundwater Management Act

- **Groundwater Sustainability:**













- Managing the use of groundwater without causing undesirable results to the Sustainability Indicators.

- **Sustainable Yield**

- Maximum quantity of groundwater that can be withdrawn annually without causing an undesirable result based on long-term conditions.
- Sustainable Yield for the Yucaipa Subbasin: 10,980 AFY



Sustainability Indicators that Apply to Yucaipa Subbasin

-   Chronic Lowering of Groundwater Elevations
-   Reduction of Groundwater in Storage
-   Interconnected surface water and groundwater
-   Land Subsidence
-   Degradation in Groundwater Quality
-   Seawater Intrusion

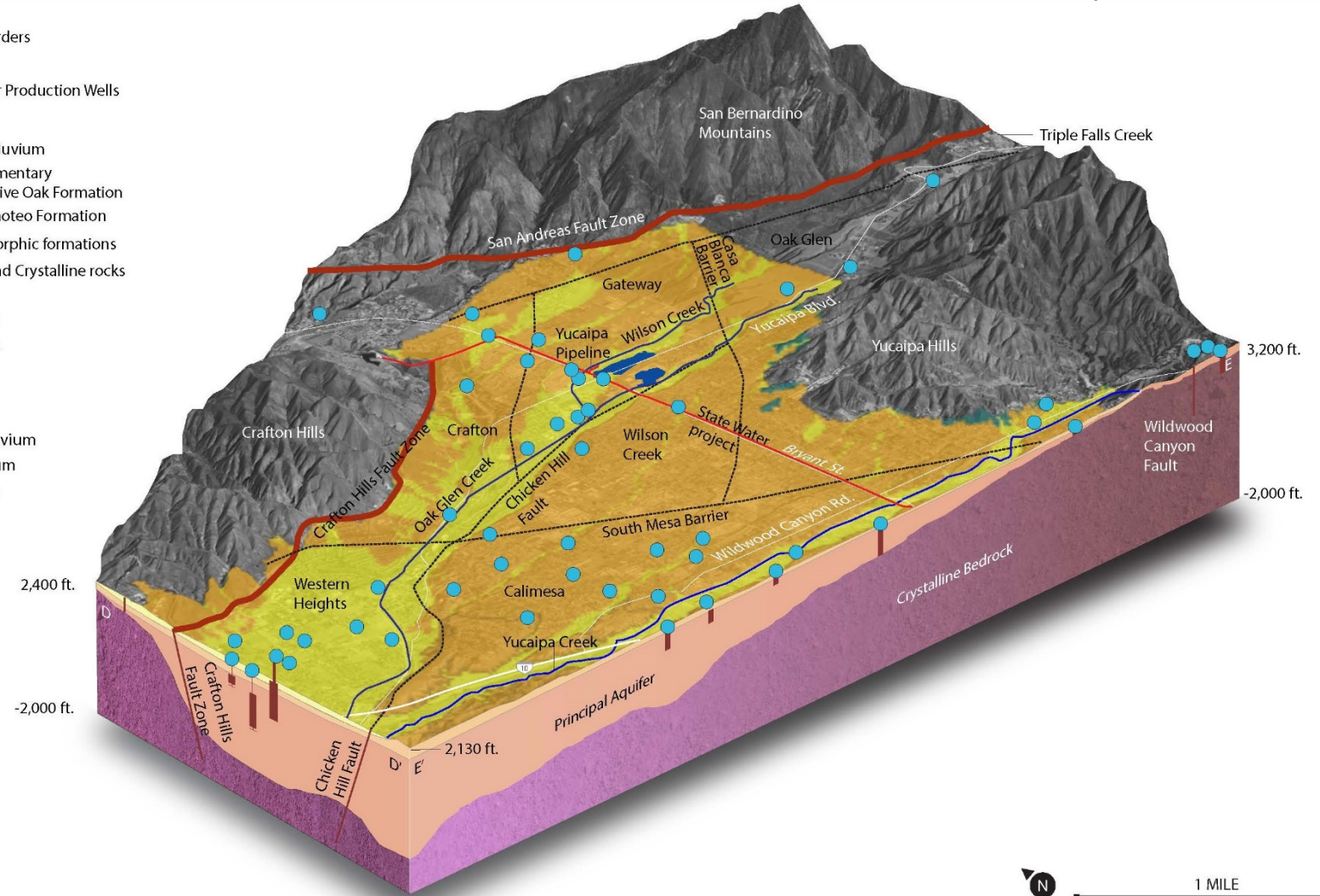
USGS Hydrogeological Conceptual Model



Principal Aquifer =
Stores and yields significant
or economic quantities of
groundwater

All wells draw groundwater
from principal aquifer

- LEGEND**
- Subbasin borders
 - Fault Zones
 - Groundwater Production Wells
- Geology**
- Qa, Young Alluvium
 - Qsdloc, Sedimentary Deposits of Live Oak Formation
 - QTst, San Timoteo Formation
 - pKm, Metamorphic formations
 - gr, Granite and Crystalline rocks
- Spreading Basins**
- Wilson Creek
 - Oak Glen
- Formations**
- Younger alluvium
 - Older alluvium
 - San Timoteo Formation
 - Bedrock



Water Budget Analysis



Accounting of Water in the Basin

Inflows

- Precipitation
- Mountain Front Recharge
- Stream Flow Leakage
- Imported SWP Water
- Return Flows
- Subsurface Flows

Outflows

- Pumping
- Evapotranspiration
- Groundwater Discharge to Streams
- Subsurface Flows

LEGEND

- Subbasin borders
- Fault Zones
- Groundwater Production Wells

Geology

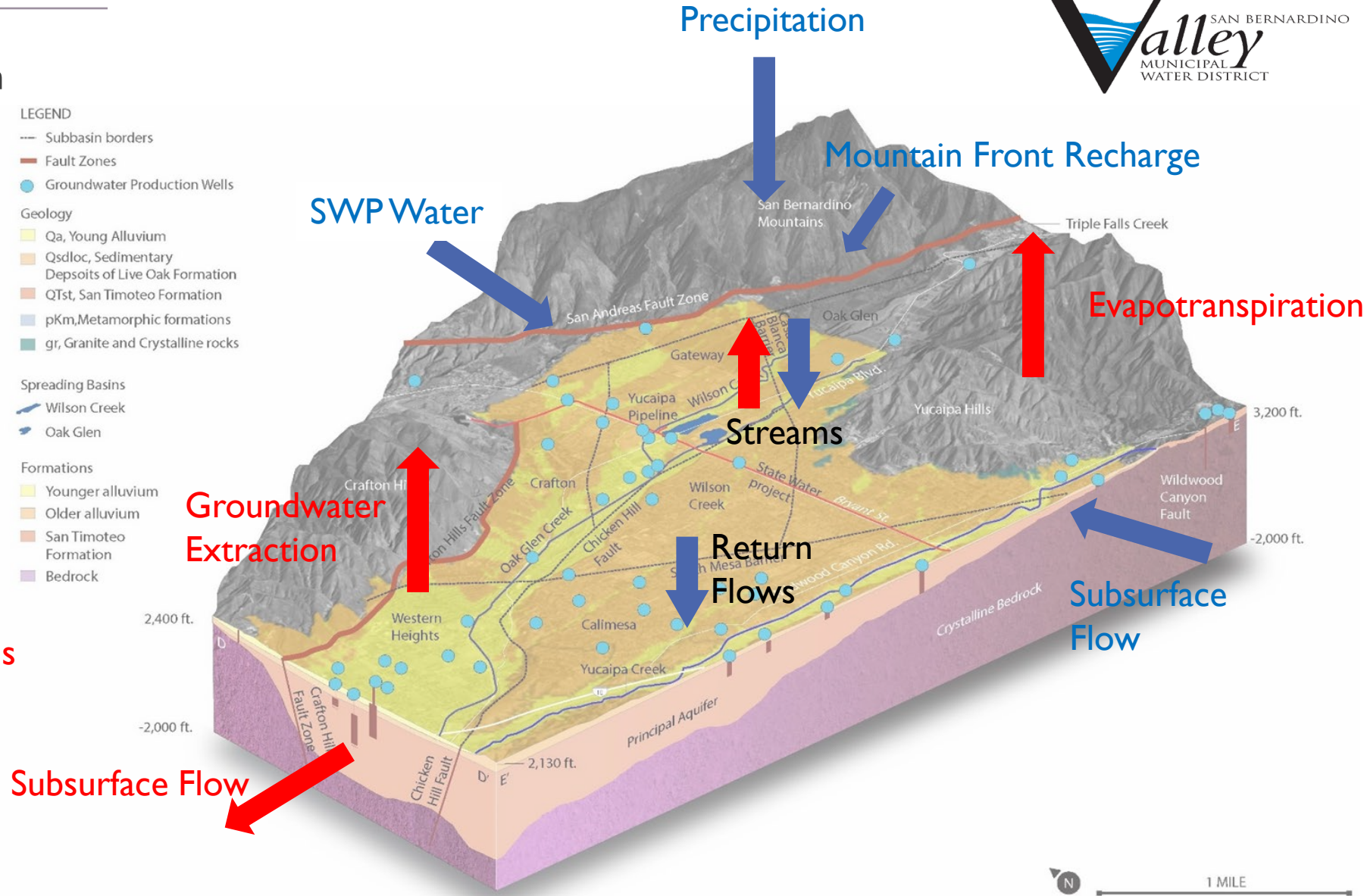
- Qa, Young Alluvium
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- QTst, San Timoteo Formation
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Spreading Basins

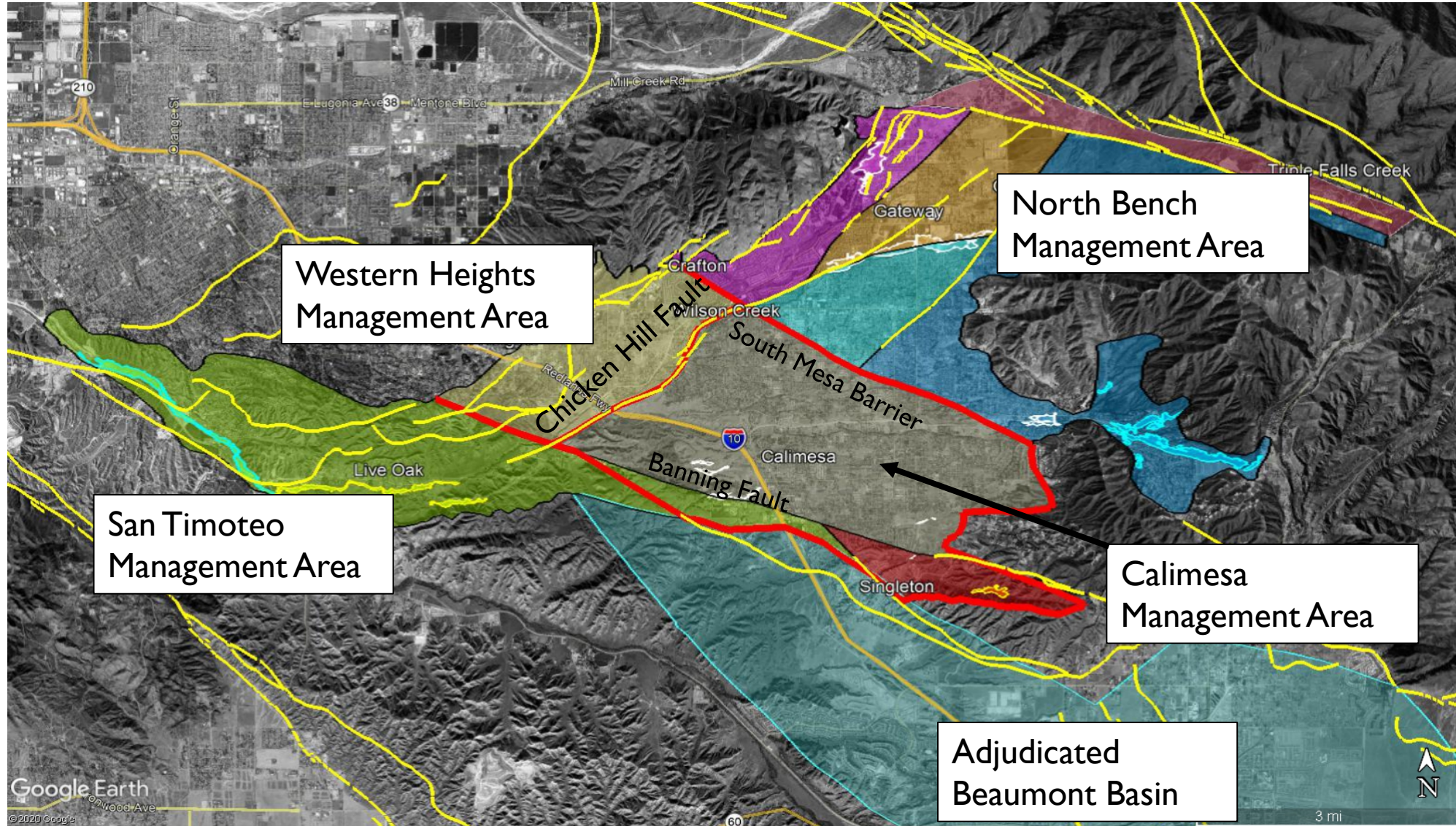
- Wilson Creek
- Oak Glen

Formations

- Younger alluvium
- Older alluvium
- San Timoteo Formation
- Bedrock



Yucaipa Subbasin Management Areas



North Bench Management Area

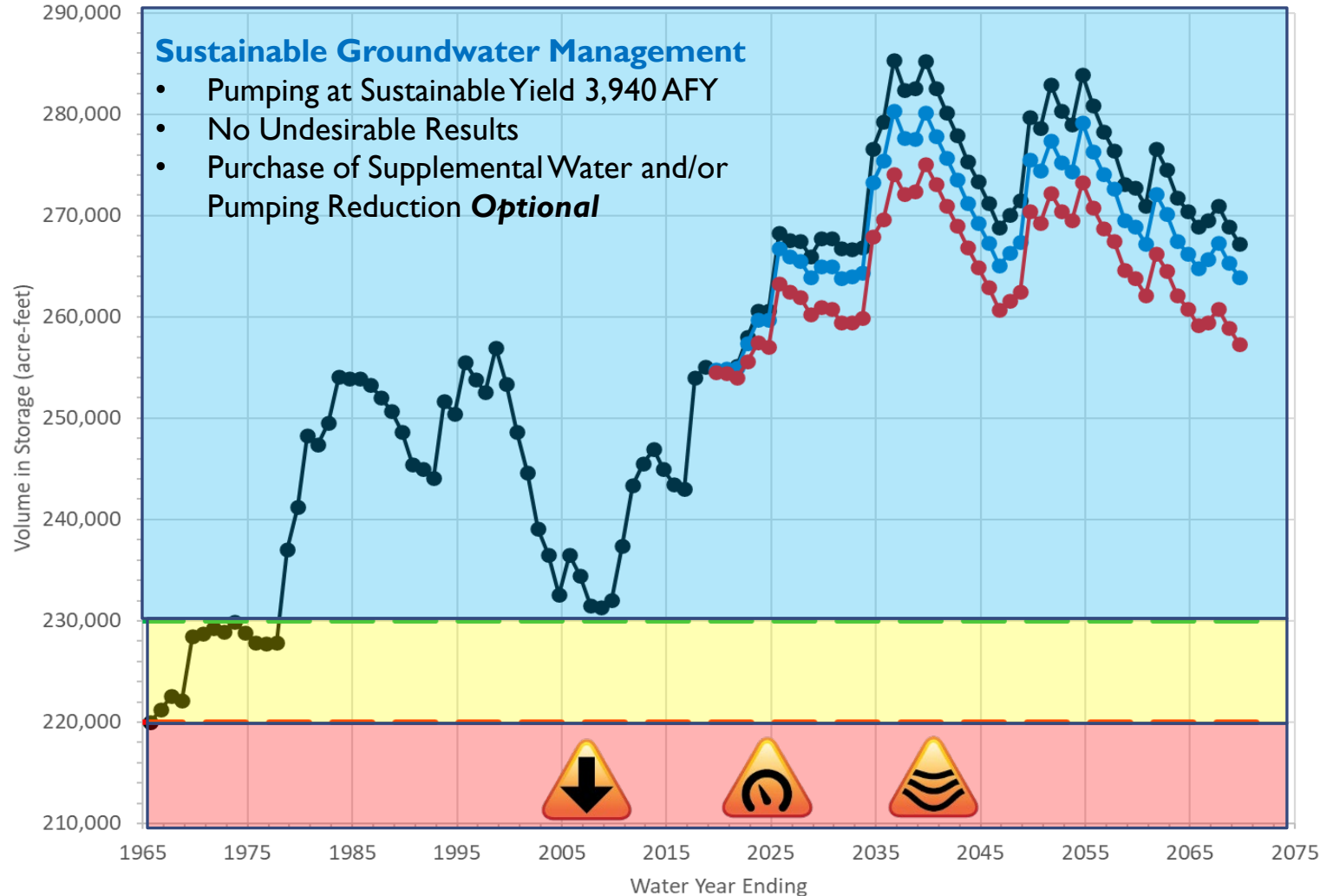


- Historical and Future Baseline
- Future Baseline with 2030 Climate Change Factors
- Future Baseline with 2070 Climate Change Factors
- Measurable Objective
- Minimum Threshold

Management Actions

Reduce Net Use of Groundwater by 25% of the Sustainable Yield

Reduce Net Use of Groundwater by 35% of the Sustainable Yield



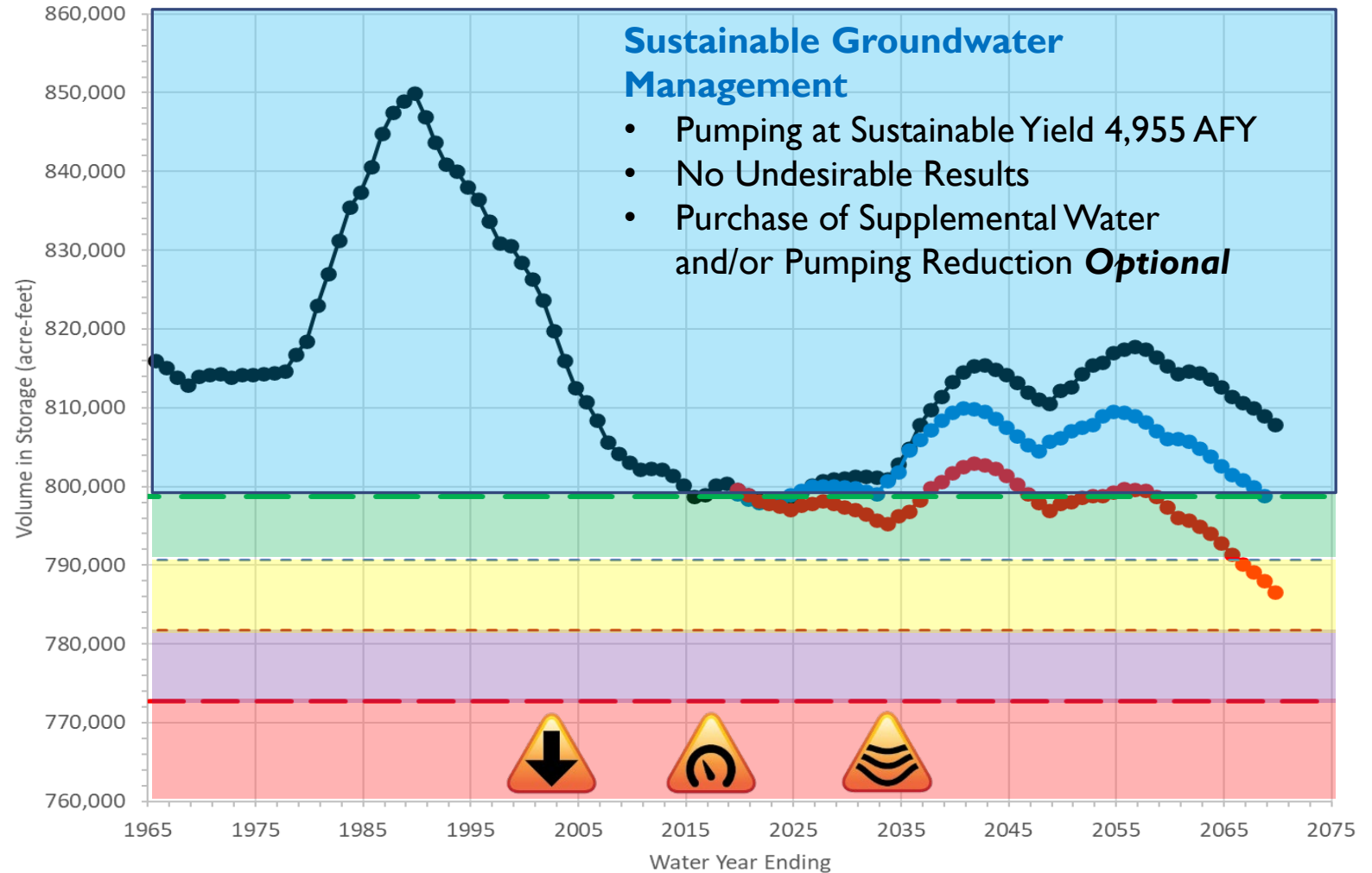
Calimesa Management Area



- Historical and Future Baseline
- Future Baseline with 2030 Climate Change Factors
- Future Baseline with 2070 Climate Change Factors
- Measurable Objective
- Minimum Threshold

Management Actions

- Reduce Net Use of Groundwater by 5% of the Sustainable Yield
- Reduce Net Use of Groundwater by 10% of the Sustainable Yield
- Reduce Net Use of Groundwater by 15% of the Sustainable Yield
- Reduce Net Use of Groundwater by 20% of the Sustainable Yield



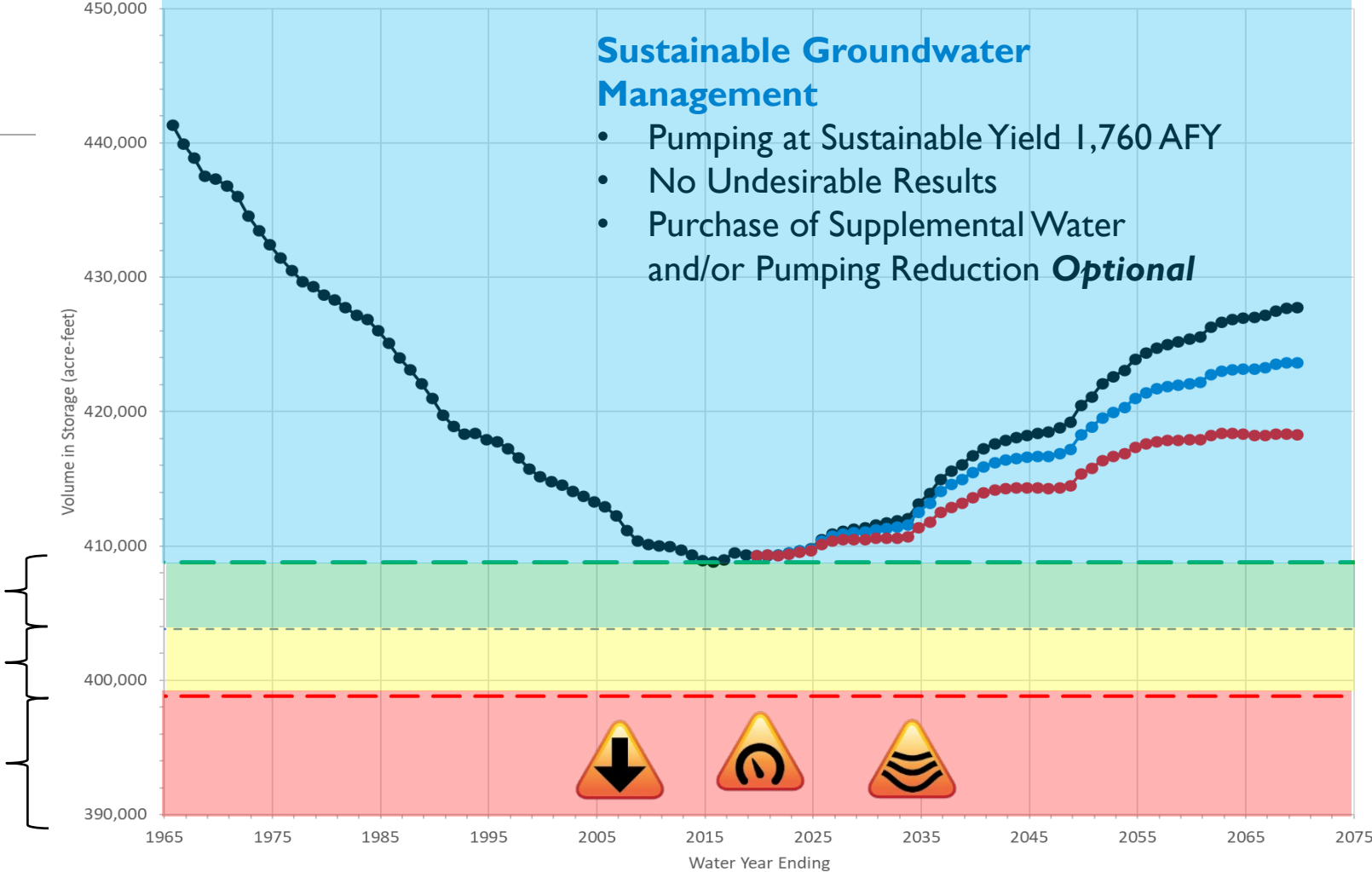
Western Heights Management Area



- Historical and Future Baseline
- Future Baseline with 2030 Climate Change Factors
- Future Baseline with 2070 Climate Change Factors
- Measurable Objective
- Minimum Threshold

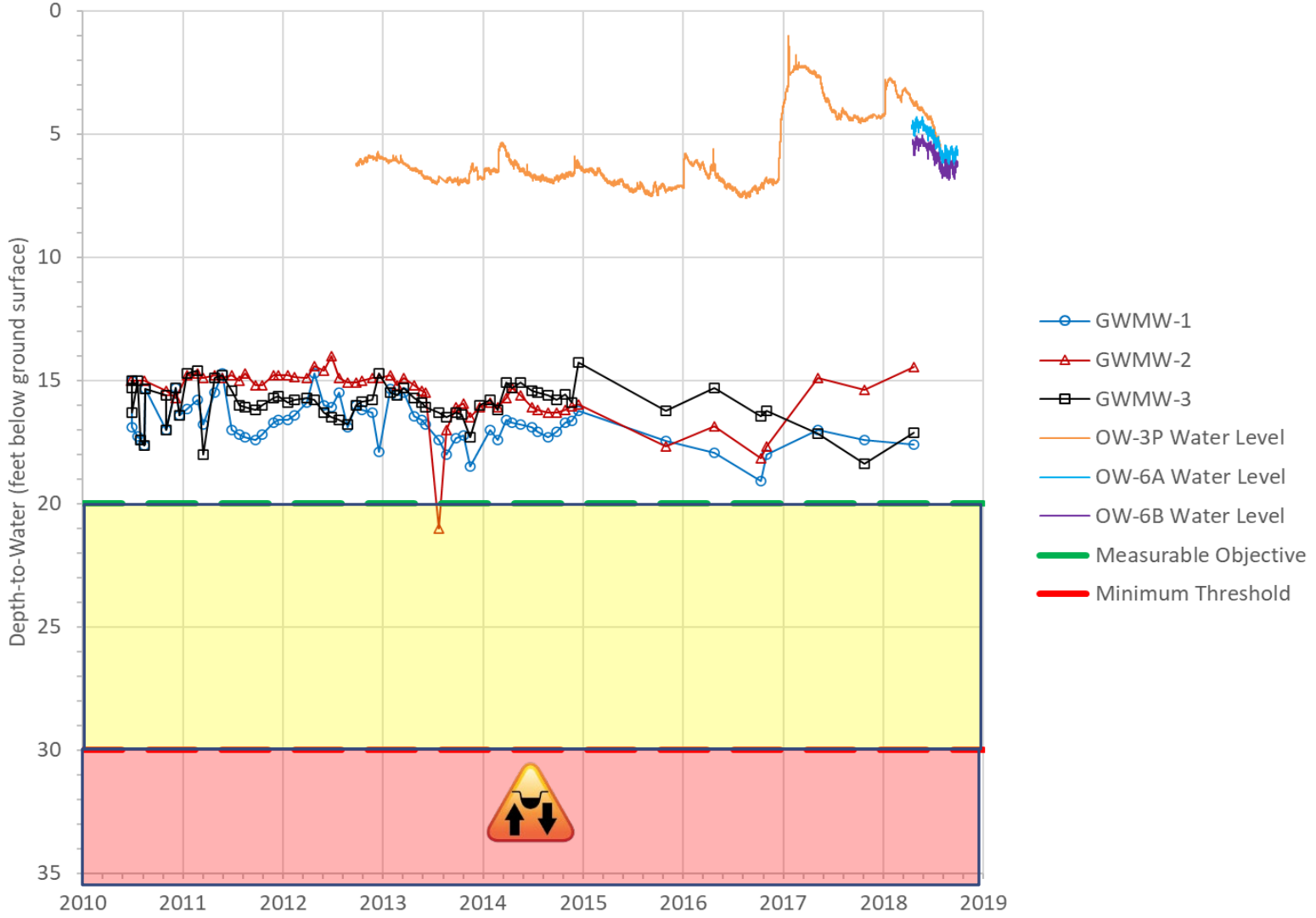
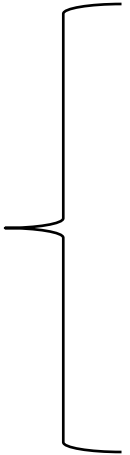
Management Actions

- Reduce Net Use of Groundwater by 5% of the Sustainable Yield
- Reduce Net Use of Groundwater by 10% of the Sustainable Yield
- Reduce Net Use of Groundwater by 15% of the Sustainable Yield



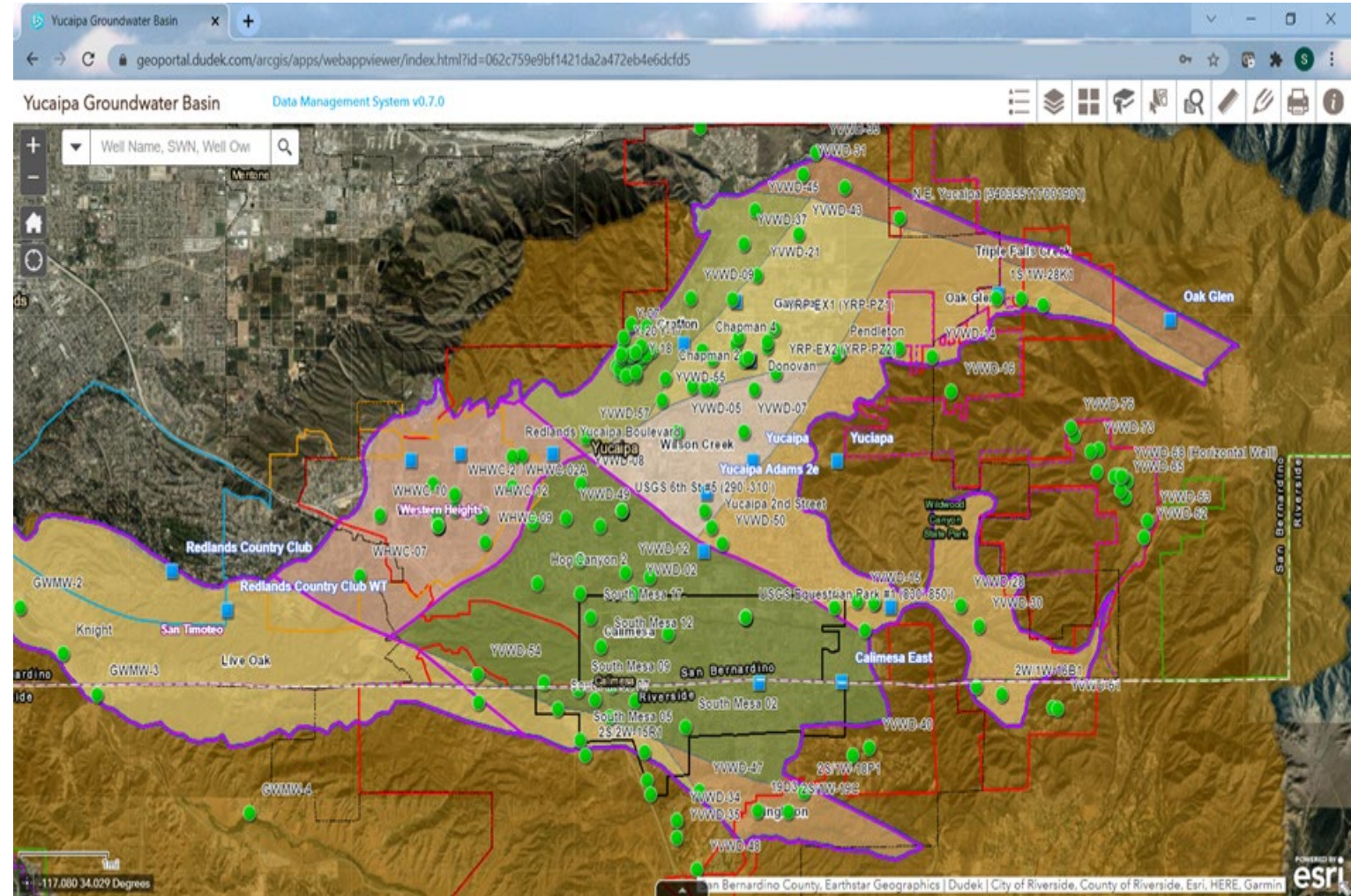
San Timoteo Management Area

Confirm hydraulic connection between principal aquifer and surface water;
If confirmed, reduce net use of groundwater to prevent significant and unreasonable decline in groundwater levels.



GSP Implementation

- Management Actions Nos. 1, 2 and 3 in effect when GSP is adopted
- Data uploaded to Data Management System
- Data Collection – minimum every Fall/Spring
- 1st Annual Report due April 1, 2022
- 5-Year Evaluation Report due April 1, 2026



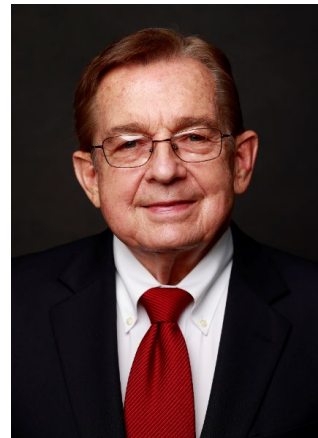
Director Comments and Discussion



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director



Susan Longville
Director

Staff Recommendation

Staff recommends the Board direct staff to place this item on the January 18, 2022 Board of Directors regular meeting for consideration and adoption of the Yucaipa Sustainable Groundwater Management Agency Groundwater Sustainability Plan.

Discussion Item 5.2 (Pg. 65)

Matthew E. Howard, MS – Water Resources Senior Planner

Consider Contract Amendment with Dudek to Prepare the 2022 Annual Report for the Yucaipa Sustainable Groundwater Management Agency

Staff Recommendation

Forward this item to the next regular Board of Directors' meeting for consideration.

Director Comments and Discussion



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director



Susan Longville
Director

Staff Recommendation

Forward this item to the next regular Board of Directors' meeting for consideration.

Future Business

Adjournment
