



County of Sonoma  
State of California

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Date: August 30, 2022

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Making Certain Findings, Appointing Evan Wiig To Fill A Vacancy On The Board Of Zoning  
Adjustments And Planning Commission, And, To The Extent Necessary, Waiving The  
Residency Requirement Set Forth In Sections 2-78 And 2-79 Of The Sonoma County Code.**

**Whereas**, there is currently a vacancy on the Board of Zoning Adjustments/Planning Commission caused by the resignation of one of the District Three representative, Gina Belforte; and

**Whereas**, District Three Supervisor, Chris Coursey, has recommended the appointment of Mr. Wiig to the Board of Zoning Adjustments; and

**Whereas**, Mr. Wiig was a resident of District Three until the recent redistricting adjusted the district boundaries and reallocated his residence to District One; and

**Whereas**, Article VI of Chapter 2 of the Sonoma County Code establishes the County's Planning Agency, which consists of two bodies—a Planning Commission and a Board of Zoning Adjustments; and

**Whereas**, Sections 2-78 and 2-79 of the Sonoma County Code require that there be one resident from each supervisorial district on the Planning Commission and Board of Zoning Adjustments, respectively; and

**Whereas**, each of the five districts' appointees to the Planning Commission and the Board of Zoning Adjustments ("BZA") rotate between the two bodies pursuant to Section 2-79.5 of the Sonoma County Code; and

**Whereas**, while Mr. Wiig no longer technically resides in District Three, in light of the recent redistricting process and a relevant Attorney General Opinion, the Board finds that the appointment of Mr. Wiig to fill the District Three seat on the BZA/Planning Commission is appropriate for the reasons more fully discussed below; and

**Whereas**, on December 14, 2021, the Board of Supervisors adopted Ordinance No. 6364 revising supervisorial district boundaries county-wide, as required by Elections Code sections 21500 and following (the "California Fair Maps Act") to reapportion the populations of each district to reflect the 2020 Census statistics; and

**Whereas**, pursuant to Section IX of Ordinance No. 6364, the revised district boundaries took effect immediately upon adoption pursuant to Elections Code section 21500(e), Elections Code section 9235(a), and Government Code section 25131; and

**Whereas**, the California Fair Maps Act does not provide clear guidance on how an incumbent official whose district boundaries change as a result of redistricting is to continue to represent constituents; nor does it address how to fill vacancies in appointed positions when changes to supervisorial district boundaries due to redistricting displace those officials; and

**Whereas**, the Attorney General recently addressed this issue for elected officials in Opinion No. 22-501 (the "AG Opinion") with respect to supervisorial district boundary changes in Orange County created by the most recent redistricting process; and

**Whereas**, the AG Opinion concluded that should a supervisorial seat become vacant prior to the first election after redistricting, Elections Code section 21506 provides that a special election to fill that vacancy must be conducted according to the district boundaries as they existed when the term began; and

**Whereas**, the rationale for this conclusion flows from the fact that the vacancy for the remainder of the supervisorial term should be filled by the same electors that originally elected the supervisor in question; and

**Whereas**, the AG Opinion also addressed continued representation of former constituents through the end of a supervisor's existing term, concluding that after redistricting and before the next regular election, a supervisor could not be prohibited from representing constituents in areas of his or her district from which they were originally elected, although the board could direct that the supervisors *also* represent their newly drawn districts during that period; and

**Whereas**, County Counsel previously opined that that seated appointed officials could continue to serve on their appointed bodies until the next regular election for their seat's district supervisor, which is consistent with the guidance expressed in the AG Opinion; and

**Whereas**, finding a qualified applicant who is interested in serving on the BZA/Planning Commission and is also a resident of District Three has been challenging; and

**Whereas**, Evan Wiig submitted an application for and is imminently qualified to serve on the BZA/Planning Commission, bringing a documented career of public service and a commitment to the Sonoma County community; and

**Whereas**, Mr. Wiig was a resident of District Three areas that have been reallocated to District One under Ordinance No. 6364 and was part of the constituency who originally elected current District Three Supervisor, Chris Coursey, to office in 2020; and

**Whereas**, the AG Opinion declares that the fundamental purpose of district elections is choosing a supervisor to represent each district, and a board of supervisors may not prohibit a duly elected supervisor from representing the district as it existed when the supervisor was elected; and

**Whereas**, the AG Opinion further provides that, based on the language set forth in Government Code section 25040, a supervisor represents the same district from which he or

she was elected until the next regularly scheduled election for the district after redistricting;  
and

**Whereas**, the AG Opinion further notes that a foundational principle of our representative democracy is that constituents in an area elect a particular legislator to represent their interests; and

**Whereas**, the AG Opinion concludes that because a supervisor represents the district that elected the supervisor for the entirety of the supervisor's term, a supervisor may not be prohibited from representing the supervisor's old district between redistricting and the next regular election for that seat; and

**Whereas**, Supervisor Coursey was elected to represent District Three as it existed prior to redistricting; and

**Whereas**, post redistricting but before the next regular election for District Three supervisors in 2024, Supervisor Coursey has a duty to continue representing constituents in areas of his district from which he was originally elected; and

**Whereas**, Supervisor Coursey believes that appointing Mr. Wiig—who was part of the constituency that elected Supervisor Coursey—to serve as the District Three representative on the BZA/Planning Commission fulfills his duty to continue to represent the constituents who elected him to office; and

**Whereas**, the County has several significant planning items coming before the Planning Commission and BZA/Planning Commission in the next eighteen months, and it is critical that the Board expeditiously fill this vacancy on the BZA/Planning Commission with a qualified appointee to ensure a full complement of commissioners is seated to review these important planning items; and

**Whereas**, the Board of Supervisors has reviewed the AG Opinion and concurs with its conclusions; and

**Whereas**, while the appointment of Mr. Wiig to fill a vacancy on the BZA/Planning Commission is not squarely analogous to the situation analyzed in the AG Opinion, the Board of Supervisors finds that the rationale underlying the AG Opinion is applicable to the situation here; and

**Whereas**, the Board of Supervisors finds that the appointment of Mr. Wiig to the BZA/Planning Commission is consistent with the rationale for the advice provided in the AG Opinion and is in the best interests of the residents of District Three; and

**Whereas**, the Board of Supervisors desires to appoint Mr. Wiig to the BZA/Planning Commission to fill the remainder of the term for the seat vacated by Ms. Belforte and, to the extent necessary, waive the residency requirement set forth by Sections 2-78 and 2-79.

**Now, Therefore, Be It Resolved** that the Board of Supervisors hereby finds that, consistent with Attorney General Opinion 22-501, it is in the best interests of the constituents of District Three—as the boundaries existed prior to the adoption of Ordinance No. 6364—to appoint Evan Wiig as the District Three representative on the BZA/Planning Commission for the remainder of Gina Belforte’s term, which is coextensive with Supervisor Coursey’s current term in office.

**Be It Further Resolved** that, the Board of Supervisors interprets Attorney General Opinion 22-501’s conclusion that Supervisor Coursey continues to serve the constituency that elected him until the first election after redistricting to include the appointment of one of those constituents to fill a vacancy on the BZA/Planning Commission and, to the extent necessary, expressly waives the district residency requirements set forth in Section 2-78 and 2-79 of the Sonoma County Code and hereby appoints Evan Wiig to serve on the BZA/Planning Commission to fill the vacancy created by the resignation of Gina Belforte.

**Be It Further Resolved** that, the Board of Supervisors acknowledges that Mr. Wiig’s term shall expire on or before January 7, 2025.

**Supervisors:**

Gorin:                  Rabbitt:                  Coursey:                  Hopkins:                  Gore:

Ayes:                  Noes:                  Absent:                  Abstain:

**So Ordered.**