

# ARROWBEAR PARK COUNTY WATER DISTRICT

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## Policy Handbook

**POLICY TITLE:** **Residency requirements for Candidates and for Elected Board Members**

**POLICY NUMBER:** **4005**

**A. Introduction:**

The Arrowbear Park County Water District is a County Water District organized and existing pursuant to the County Water District Law, California Water Code Section 30000 et seq.

Section 30500 requires the District be governed by a Board of 5 directors, each of whom, whether elected or appointed, shall be a “voter of the District.” Section 30021 further requires that a “voter of the District” be a resident of the District and that the term “residence” defined in the Elections Code, at Section 349, as the person’s “domicile.”

**B. Statement of Policy:**

In accordance with, and pursuant to, the laws of the State of California, an individual who desires to be elected or appointed to the Board of Directors shall be domiciled within the jurisdictional boundary of the Arrowbear Park County Water District, and shall maintain such domicile during his or her term. The failure to establish and maintain his or her domicile in the District shall result in an automatic vacancy of that seat on the Board.

**C. Definition of “Domicile”; Residence Is Not Sufficient:**

In order to comply with the residency requirements applicable to members of the Board of Directors of the District, an individual must prove that he/she is “domiciled” within the District, and not merely a resident. The differences are distinctive, as follows:

“Domicile” for purpose of being a member of the Board of Directors of the District includes the following four elements:

1. The person’s place of habitation is fixed; and
2. The person has the intention of remaining at the place of fixed habitation; and
3. The person has the intention of returning to that place whenever he/she leaves; and
4. The person can have only one domicile.

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By contrast, a person may have more than one residence, because a residence is defined as a place of habitation for a period of time, but at which the person does not have any intention of remaining. Common examples include persons who are assigned to work temporarily elsewhere (whether civilian or military), or the owners of second (or third or more) vacation homes. Although domicile and residence are usually in the same physical location and are often used synonymously, “domicile” properly denotes one location with which for legal purposes a person is considered to have the most settled and permanent connection, where he/she intends to remain and to which, when absent, he/she intends to return, as opposed to having several “residences” for different purposes.

**Therefore, a person can have only one domicile, but several residences.** The choice of which residence is the “domicile” for election purposes can be determined by examining objective acts of the individual, as listed in paragraph D below. **It is the responsibility of the individual, not the District, to prove his or her domicile.**

### **D. Proof of Domicile:**

The burden of proving one’s domicile is on the individual Board member. In order to prove one’s place of domicile, one must be prepared to produce the following original documents:

1. California driver’s license;
2. Motor vehicle registration(s);
3. Federal income tax return;
4. State income tax return;
5. Original envelopes and enclosures reflecting mailing address information, such as:
  - (a) Annual Statement from the Social Security Administration;
  - (b) Veterans Administration mail;
  - (c) Mastercharge, Visa or other credit card statements;
  - (d) Gasoline credit card statements;
  - (e) Bank statements;
  - (f) Magazines, newspapers.
6. Auto insurance policies;
7. Grant deed to property in the District’s jurisdiction;
8. San Bernardino County Homeowners Exemption (Rev. and Taxation Code, Sec. 218);
9. Property tax bills;

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10. Utility services statements (water, sewer, electric, cable TV and refuse bills);
11. Employment history;
12. If self-employed, self-employment history, including business names, addresses and other contact information;
13. If property in the District is rented, copy of rental agreements;
14. Renter's tax credit information (Rev. and Taxation Code Sec. 17053.5);
15. Addresses of residences of spouse, children, parents.
16. Credit/ debit card & bank statements showing expenditures indicative of ongoing domicile in the Arrowbear Lake area.

The documents produced to prove domicile should cover the entire period between the date the individual is elected to the Board of Directors to the date the question concerning the individual's domicile is asked.

*Board Adopted: 01/13/2012*