



ORIGINAL

CLERK. BOARD OF SUPERVISORS

**MERCY SPRINGS WATER DISTRICT
RESOLUTION NO. 54-2021**

**RESOLUTION TO IMPLEMENT A DISTRICT ELECTION PLAN TO HOLD ALL SUBSEQUENT
DISTRICT ELECTIONS DURING EVEN-NUMBERED YEARS
AFTER NOVEMBER 2021**

- A. WHEREAS, Mercy Springs Water District (the "District") is a California water district located in Fresno County established under Division 13 of the California Water Code; and
- B. WHEREAS, the District is governed by a Board of Directors (the "Board") consisting of five (5) members who are each elected for a term of four (4) years; and
- C. WHEREAS, the District currently has odd-numbered year elections, with the next scheduled elections being November, 2021 and November, 2023; and
- D. WHEREAS, the State's enactment of Senate Bill 415 (Elections Code §§ 14050-14057) requires special districts to consolidate future Board elections with statewide general elections on even-numbered years no later than the November 8, 2022, statewide general election; and
- E. WHEREAS, many special districts in Fresno County have changed their elections to coincide with statewide general elections (even-numbered year elections); and
- F. WHEREAS, it will be more cost effective to hold the District's elections in even-numbered years, when the County of Fresno is already conducting other elections; and
- G. WHEREAS, generally, voter participation is greater for statewide general elections than for special local elections; and
- H. WHEREAS, Elections Code Sections 1303, subdivision (b), and 10404, subdivision (b), authorizes the Board to adopt a resolution requiring elections of its Board to occur on the same day as the statewide general elections, and submit that resolution to the Fresno County Board of Supervisors not later than 240 days before the date of the currently scheduled Board election, which resolution becomes operative upon approval by the Fresno County Board of Supervisors; and
- I. WHEREAS, the deadline to submit the resolution to the Fresno County Board of Supervisors has passed for the November, 2021, therefore the District will conduct an election in 2021, but wishes to change the election date for all future elections; and
- J. WHEREAS, if the change in election date is approved by the Fresno County Board of Supervisors, the Board requests that the future election date be moved from 2023 to

November, 2024, and the election date scheduled for 2025 moved to November, 2026; with Board members whose terms would have expired in 2023 being extended to 2024, and Board members elected in 2021 whose terms would have expired in 2025 being extended to 2026, as required by Elections Code Section 10404, subdivision (i), and as more particularly described in Exhibit "A" to this Resolution; and

K. WHEREAS, it is in the District's best interest to change to even-numbered year elections to take advantage of shared election expense cost savings.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Mercy Springs Water District hereby finds as follows:

1. The above Recitals are deemed true and correct and are incorporated herein by this reference.

2. The Board adopts this Resolution pursuant to Elections Code Section 10404 to move the District Board elections to even-year elections to coincide with the statewide general election in November, beginning with the 2023 election year being consolidated with the 2024 election year.

3. This Resolution shall first become operative and apply to all specific dates necessary for the Board election to be held in concurrence with the statewide general election in November 2024 and each subsequent election of the Board members shall occur in even-numbered years at the same time as the statewide general election.

4. For those Board members whose terms of office would have expired in 2023, their terms of office are extended to 2024. For those Board members elected in 2021 whose terms of office would have expired in 2025, their terms of office will be extended to 2026. A list of the Directors, current election year, and proposed election year dates are identified on the table attached hereto as Exhibit "A" and incorporated herein by this reference.

5. Attached hereto as Exhibit "B" and incorporated herein by this reference are the dates and procedures for the election of Board members pursuant to the California Elections Code.


6. The President of the District's Board, or his designee, is authorized to take additional and further actions and execute any instruments and documents as may be required by the Fresno County Board of Supervisors and other County Officials in order to effectuate the change of election dates required by this Resolution.

7. The District's Secretary shall submit this Resolution to the Fresno County Board of Supervisors for approval under Elections Code Section 10404, subdivision (b)(2), and request formal approval of the change by the Board of Supervisors at a public meeting within 60 days after that submission and after the Resolution has been posted as required by law. The change

to even-year elections shall become effective upon approval by the Fresno County Board of Supervisors.


PASSED, APPROVED, AND ADOPTED this 30th day of June, 2021 by the following vote:

AYES: Brand Gleason, Rich Wathen, Juan Cadena, Michael Linneman
NAYS: None
ABSTAIN: None
ABSENT: None



MICHAEL LINNEMAN, President
Mercy Springs Water District

Attest:



ARA AZHDERIAN, Secretary

**CERTIFICATE OF SECRETARY
OF
MERCY SPRINGS WATER DISTRICT,
A California Water District**

I, Ara Azhderian, do hereby certify that I am the duly authorized and appointed Secretary of the Mercy Springs Water District, a California water district (the "District"); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the District on the 30th day of June, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 30th day of June,
2021.



Ara Azhderian
Secretary of Mercy Springs Water District

EXHIBIT "A"
MERCY SPRINGS WATER DISTRICT
BOARD OF DIRECTORS

Board Member	Current Election Year	Proposed Election Year
Brad Gleason*	2021	2026, if re-elected
Vacant*	2021	2026, if filled
Michael Linneman	2023	2024
Juan Cadena	2023	2024
Richard Wathen	2023	2024

* District will conduct an election in 2021 for two director positions. Upon approval of this resolution by the Fresno County Board of Supervisors, those positions shall be up for election in 2026.

EXHIBIT "B"

Dates and Procedures for the Election of Board Members

(All section references are to the Elections Code.)

1. No later than 125 days before the date of the general election, the District secretary shall deliver a notice of election to the County elections office listing the elective offices to be filled, specifying which offices, if any, are for the balance of an unexpired term and whether the District or the candidate is to pay for the publication of a statement of qualifications under section 13307. A map of the District must accompany the notice. (§§ 10509, 10522.)
2. Between the 120th and 90th day before the date of the general election, the County elections official will publish, one time, a notice of election in a newspaper of general circulation containing the date of the election, the offices to be filled, qualifications for candidacy required by the principal act, where nomination papers are available, the deadline for filing declarations for candidacy, and a notice that appointment will be made in lieu of election in accordance with law. (§12112.)
3. Between the 113th and 88th day before the date of the general election, candidates for the District's Board may obtain and file their declarations of candidacy along with their candidate's statement of qualifications if they choose to submit one. (§§ 10510, 10511, 13307, 13311.)
4. If an incumbent member of the Board does not file a declaration of candidacy by 5:00 p.m. on the 88th day before the date of the general election, any person other than the incumbent may file a declaration of candidacy by 5:00 p.m. on the 83rd day before the date of the general election. (§§ 10407, sub. (b), 10516, sub. (b).)
5. If, by 5:00 p.m. on the 83rd day before the date of the general election: (1) only one person has filed a declaration of candidacy for any position to be filled on the Board; or (2) no one has filed a declaration of candidacy for such office; the County Board of Supervisors may appoint a person to the position. (§ 10515.)
6. On the 82nd day before the date of the general election, the Secretary of State shall conduct the randomized alphabet at 11:00 a.m. to determine the order in which the Board candidates will appear on the general election ballot. (§ 13112.)
7. Between the 57th and 14th day before the date of the general election, write in candidates must file their statement of write-in candidacy and nomination Papers with the County elections official. (§ 8601.)
8. Between the 2nd and 30th day after the date of the general election, the official canvass of the returns is to be completed. (§§ 10547- 10549, 15300 etseq.)

If there is any future amendment of the Elections Code provisions identified above, the amended provisions are applicable. Where the dates described above are inconsistent with those provided in the Elections Code for the statewide general elections, the dates for statewide general elections are controlling.

