

RECEIVED
JUL 27 2022

ORIGINAL

CLERK. BOARD OF SUPERVISORS

**PANOCHÉ DRAINAGE DISTRICT
RESOLUTION NO. 792-21**

**A RESOLUTION OF THE BOARD OF DIRECTORS TO CHANGE DISTRICT ELECTIONS
TO BE HELD ON THE SAME DATE AS THE STATEWIDE GENERAL ELECTION**

WHEREAS, Panoche Drainage District (the "District"), is a California drainage district duly organized and existing under and pursuant to the Constitution and laws of the State of California; and

WHEREAS, the District is governed by a Board of Directors consisting of five members who are elected for a term of four years; and

WHEREAS, the District currently holds elections for its Board of Directors under the Elections Code and other applicable law on the second Tuesday of November in each odd-numbered year for expiring terms; and

WHEREAS, the State's enactment of Senate Bill 415 (Elections Code sections 14050 – 14057) requires special districts to adopt a plan to move the Board of Directors elections to even-numbered years on the same November date as the general state-wide elections; and

WHEREAS, generally, voter participation is greater for statewide general elections than for special local elections, including water districts; and

WHEREAS, the Board of Directors seeks to encourage voter participation and specifically to increase the percentage of voters participating in the District's Board of Directors elections and the Board of Directors believes that rescheduling to general elections in even-numbered years will have that effect; and

WHEREAS, Elections Code sections 1303, subdivision (b), and 10404, subdivision (b), authorizes the Board of Directors to adopt a resolution requiring elections of its members to occur on the same day as the statewide general elections and to submit that resolution to the Fresno county Board of supervisors, which resolution becomes operative upon approval by the Fresno County Board of Supervisors; and

WHEREAS, the next scheduled general election for Directors is November 9th, 2021; and

WHEREAS, if the change in election date is approved by the Fresno County Board of Supervisors, the Board of Directors requests that the next election date of November 9th, 2021, be kept and that the following general election be moved from November 2023 to November 2022, with Directors whose terms would have expired in 2023 now expiring in 2022, and that the election scheduled for November 2025 be moved to November 2024, with Directors whose terms would have expired in 2025 now expiring in 2024, as required by Elections Code section 10404, subdivision (i), and as more particularly described in Exhibit A to this resolution; and

WHEREAS, if the change in election dates is approved by the Fresno County Board of Supervisors, the specific dates for the filing of nomination papers, notices, canvass of votes, certification of election results, and all other procedural requirements pertaining to the general election shall conform to the Elections Code as it pertains to general elections and the election of Directors to the Board of Directors and as set forth in Exhibit B to this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The Board of Directors of the Panoche Drainage District hereby finds and determines the above Recitals are true and correct and are incorporated herein.

2. The Board of Directors adopts this resolution under Elections Code section 10404 to change the election dates for Directors so that, beginning in November 2022, the District's general elections will occur on the same date as statewide general elections in November in even-numbered years;

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 2022 and each subsequent election of directors shall occur in even-numbered years at the same time as the statewide general election; *provided*, however, that the currently-set general election for November 9th, 2021, shall proceed.

4. For those Directors whose terms of office would have expired in 2023, their terms of office shall now expire in 2022. The term of any Director elected in November 2022 shall run to November 2026. Exhibit A describes the new timeline in greater particularity.

5. For those Directors whose terms of office would have expired in 2025, their terms of office shall now expire in 2024. The term of any Director elected in November 2024 shall run to November 2028. Exhibit A describes the new timeline in greater particularity.

6. The President of the District's Board, or his designee, is authorized to take additional and further actions and to 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 President of the District's Board of Directors, or his designee, 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. This Resolution shall become effective upon approval by the Fresno County Board of Supervisors.

8. The specific dates for the filing of nomination papers, notices, canvass of votes, certification of election results, and all other procedural requirements of the Elections Code, shall conform to the Elections Code as it pertains to general elections and the election of directors to the Board of Directors.

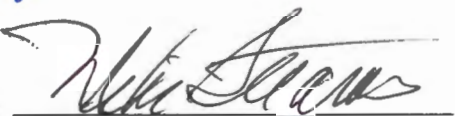
PASSED AND ADOPTED on this 25th day of May 2021, by the following vote, to wit:

AYES: Redfern-West, Stearns, Linneman
NOES: None
ABSENT: Bennett, Koda
ABSTAIN: None



John Bennett, President

Attest:

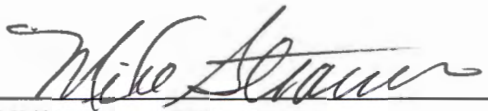


Michael Stearns, Secretary

**CERTIFICATE OF SECRETARY
OF
PANOCHÉ DRAINAGE DISTRICT
A California Drainage District**

I, Michael Stearns, do hereby certify that I am the duly authorized and appointed Secretary of the Panoche Drainage District, a California Drainage 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 25th day of May 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 25th day of May 2021.



MICHAEL STEARNS, Secretary

Exhibit A

Panoche Drainage District Board of Directors

Proposed Change in Elections for Director

	<u>Division</u>	<u>Current Board Member</u>	<u>Current or Next Election Year</u>	<u>Proposed Election Year Cycle*</u>		
Group A**	2	Ross Koda	2021	2021	2024	2028
	3	Suzanne Redfern-West	2021	2021	2024	2028
	4	Michael Stearns	2021	2021	2024	2028
Group B**	1	John Bennett	2023	2022	2026	2030
	5	Michael Linneman	2023	2022	2026	2030

* Cycle continues in four year increments as of the last year noted.

** Group identifiers are for reference and organizational purposes only.

EXHIBIT B:

Dates and Procedures for the Election of Directors

(All section references are to the California 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 the 90th days before the date of the general election, the County elections official with 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 days 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, ay 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, subd. (b), 10516, subd. (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 candidates for Director shall appear on the general election ballot. (§ 13112.)
7. Between the 57th and 14th days of 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 days after the general election, the official canvass of the returns is to be completed. (§§ 10547 – 10549; 15300, *et seq.*)

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