

Barry Hamory

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12/9/16

Re: Bluffs Community Service District



CLERK. BOARD OF SUPERVISORS

To Fresno County Board of Supervisors:

The Bluffs Community Service District is petitioning to change the election dates for members of the Board so that they occur at the same time as statewide general elections in November in even-numbered years, at the same time. The resolution was approved and adopted by the Board of Directors for the Bluffs Community Service District on November 29, 2016. Please see the attached resolution. We kindly request approval of this change by the Fresno County Board of Supervisors. Please contact us with any further questions or concerns.

Sincerely,

Barry Hamory, BCSD Board Member

Resolution No. ____ 11 ____

Bluffs Community Services District

Election of Directors

WHEREAS, the Bluffs Community Services District (District) is a special district operating under Government Code Title 6, Division 3 (beginning with section 61000) (the principal act); and

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

WHEREAS, the District currently holds elections for its Board under the Uniform District Elections Law (UDEL), specifically Elections Code, Division 10, Part 4 (beginning with section 10500); and

WHEREAS, those elections are conducted in odd-numbered years by the Fresno County Clerk/Registrar of Voters (County Clerk) under Elections Code section 10517; and

WHEREAS, the District is required to reimburse the County for the costs incurred by the County Clerk to conduct those elections;

WHEREAS, historically, all special districts held their elections in odd-numbered years and the costs incurred by the County Clerk to conduct those elections were shared by all of the special districts with elections in odd-numbered years;

WHEREAS, over the past several years, most special districts in Fresno County have migrated their election cycle to the November of even-numbered years, which has left fewer special districts to share the costs incurred by the County Clerk for those elections and has caused a significant increase in the amount each special district is required to reimburse the County for each election in an odd-numbered year;

WHEREAS, the cost of those elections in odd-numbered years that the District is obligated to bear has become a significant financial hardship for the District;

WHEREAS, moving the District's elections to coincide with the statewide general elections will result in a significant cost savings to the District and the Board desires to conserve its financial resources to advance the interests of the District and the citizens residing within it;

WHEREAS, generally, voter participation is greater for statewide general elections than for special local elections, including for Community Services Districts;

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

WHEREAS, the Board believes that the public interest will be better served by changing the District's Board elections to even-numbered years in conjunction with statewide general elections;

WHEREAS, because of those facts, the Board desires, starting with the December 2017 Board elections, to change the date of future Board elections so that they occur at the same time as statewide general elections, to occur on the first Tuesday after the first Monday in November of each even-numbered year;

WHEREAS, Elections Code sections 1303, subdivision (b), and 10404, subdivision (b), authorizes the Board to adopt a resolution requiring elections of its members to occur on the same day as 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

WHEREAS, the current Board has 3 members whose term will expire in 2017 and 2 members whose term will expire in 2019, as more particularly described in exhibit A to this resolution, which is attached;

WHEREAS, while the Board recognizes the significant cost savings to the District resulting from holding its elections at the same time as statewide general elections, this factor is not the sole motivation for the Board's decision, but is an additional benefit that furthers the District's policy of fiscal responsibility;

WHEREAS, while the Board recognizes that the terms of its members would be extended as a result of holding its elections at the same time as statewide general elections, this is not the reason for the Board's decision;

WHEREAS, if the change in election date is approved by the Fresno County Board of Supervisors, the Board requests that the next election date be moved from 2017 to 2018, with Board members whose terms would have expired in 2019 being extended to 2020, 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 date 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 of the Elections Code pertaining to the general election of Board members are as set forth in exhibit B to this resolution, which is attached;

NOW, THEREFORE, THE BOARD HEREBY RESOLVES, FINDS, AND ORDERS AS FOLLOWS:

1. All of the recitals above are true and correct.
2. The Board adopts this resolution under Elections Code section 10404 to change the election dates for members of the Board so that they occur on at the same time as

statewide general elections in November in even-numbered years, at the same time and place as the statewide general elections conducted by the Fresno County Clerk.

3. This resolution shall first become operative with the statewide general election held on November 2018 and each subsequent election of 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 2017, their terms of office are extended to 2018. For those Board members whose terms of office would have expired in 2019, their terms of office will be extended to 2020, as more particularly described in exhibit A to this resolution.
5. The President of the District's Board, or his designee, will notify the Fresno County Elections Office that the District is prepared to pre-pay the estimated expenses of mailing notice of approval of the change in election dates by the Fresno County Board of Supervisors, as required by section 10404, subdivision (f), of the 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 President of the District's Board 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 District required by Election Code section 10520, shall reimburse the County for the actual costs incurred by the Fresno County Clerk in conducting the District's elections of Board members during statewide general elections, within 45 days of being presented with an invoice.
9. 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 pertaining to the election of Board members are as provided in exhibit B to this resolution.

This resolution is approved and adopted by the Board of Directors for the Bluffs Community Services at a regular meeting on November 29, 2016, by the following roll call vote:

Director: Barry Hamory	<u>Aye</u>	No	Absent	Abstain
Director: Patty Berberian	<u>Aye</u>	No	Absent	Abstain
Director: Jill Smit	<u>Aye</u>	No	Absent	Abstain
Director: Larry Pickens	<u>Aye</u>	No	Absent	Abstain
Director: Cassandra Smith	<u>Aye</u>	No	Absent	Abstain



Barry Hamory
President, Board of Directors

I, the undersigned, hereby certify that the foregoing Resolution Number 1 was duly passed and adopted by the Board of Directors for the Bluffs Community Services District at a regular meeting on November 29, 2016.

District Manager for the Bluffs Community Services District

Attest: _____ Patty Berberian _____

Secretary

Exhibit A

Bluffs Community Services District

Board of Directors

Board Member	Current Election Year	Proposed Election Year
Cassandra Smith	2017	2018
Patty Berberian	2017	2018
Larry Pickens	2017	2018
Jill Smit	2019	2020
Barry Hamory	2019	2020

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, on 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. of 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 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 28th day after the date of the general election, the official canvass of the returns is to be completed. (§§ 10547–10549, 15300 et seq.)
9. No later than the Monday before the first Friday in December the County elections official shall declare the elected candidate or candidates. The elections official shall make out and deliver to each person elected a certificate of election

that is signed and authenticated by the elections official. Elective officers take office at noon on the first Friday in December next following the general District election. Prior to taking office, each elective officer shall take the official oath and execute any bond required by the principal act. (§§ 10551, 10554, 15401.)

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.