

FILED

AUG 08 2017

Resolution No. 111

FRESNO COUNTY CLERK
By  DEPUTY

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SIERRA CEDARS COMMUNITY SERVICES DISTRICT APPROVING
Rescheduling of Election of Members of Board of Directors**

WHEREAS, the current date for election of members of the Board of Sierra Cedars Community Services District (“District”) is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) Elections Code section 1302 (a));and

WHEREAS, statewide general elections are held in California only in June and November of even-numbered years (e.g., November 2016) (Elections Code section 1001); and

WHEREAS, the District is located within Fresno County; and

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years; and

WHEREAS, California Senate Bill 415, an act (which may be cited to as the California Voter Participation Rights Act (herein “the Act”)) to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, was approved by the California Governor and filed with the Secretary of State on September 1, 2015; and

WHEREAS, commencing January 1, 2018, the Act prohibits a political subdivision from holding an election other than on a statewide election date (i.e., “off-cycle”) if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly scheduled election in the political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous four statewide general elections; and

WHEREAS, a political subdivision may, however, hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide general election not later than the November 8, 2022, statewide general election; and

WHEREAS, the Act authorizes attorney’s fees to a prevailing plaintiff who has appropriately filed an action in superior court to enforce the Act’s prohibition; and

WHEREAS, the District may achieve a savings in the cost of its elections, if the District’s elections are consolidated with the statewide general elections; and

WHEREAS, as a result of these facts, the Board desires to change the date of future Board member elections to be consolidated with the California statewide general election in order to save public funds and provide greater voter input into school board elections; and

WHEREAS, Elections Code section 1303(b) establishes a procedure whereby the Governing Board may change the election date for its Board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code section 10404);

WHEREAS, the rescheduled election cycle shall be achieved by scheduling Board member elections as follows:

1. Members whose term of office expires in December 2019 shall continue their term of office to the statewide general election held in November 2020 (for a term of five (5) years) and their successors are thereupon elected and qualified:
2. Members whose term of office expires in December 2021 shall continue their term of office to the statewide general election held in November 2022 (for a term of five (5) years) and their successors are thereupon elected and qualified; and

WHEREAS, if the change in election date is approved, it is requested that the new election dates be moved from the first Tuesday after the first Monday in odd-numbered years to the first Tuesday after the first Monday in even-numbered years and be thereby consolidated with the state-wide general elections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby finds, determines, and/or declares as follows:

1. Each of the foregoing is true and correct.
2. The Board declares its intent to adopt this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even-numbered years (Elections Code section 1001) pursuant to Elections Code section 1303(b).
3. The District will forward this resolution to the Fresno County Board of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a public meeting held within 60 days after submission and after the resolution has been posted in accordance with the law.
4. The District will notify the Fresno County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Fresno County Board of Supervisors as required by Elections Code 10404 (e).
5. If the consolidation of election is approved by the Board of Supervisors, the date of Board member elections will be moved to the first Tuesday after the first Monday in November 2020 and November 2022 and each subsequent Board member election will be held two (2) years thereafter in November of even years.

PASSED AND ADOPTED by the Board of Directors on August 7, 2017, by
the following vote:

AYES: 3
NOES: 0
ABSENT: 2
ABSTAIN: 0

Pete Conrad
Board President

Attest:

[Signature]
Secretary (GENERAL MANAGER)

Exhibit A

Sierra Cedars Community Services District

Board of Directors

<u>Current Board Member</u>	<u>Current Election Year (As of 01/01/18)</u>	<u>Proposed Election Year</u>
1. Pete Conrad	2019	2020
2. Bill Paloutzian	2021	2022
3. Dan Mockbee	2019	2020
4. Vicki Collier-McDonald	2019	2020
5. Phil Erdman	2021	2022

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 Fresno County Elections Official 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 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 5:00p.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 5:00p.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. (§ 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.