

RESOLUTION NO. 18-01 CLERK. BOARD OF SUPERVISORS

**BEFORE THE BOARD OF DIRECTORS OF THE
LIBERTY WATER DISTRICT**

**RESOLUTION TO HOLD ALL SUBSEQUENT DISTRICT ELECTIONS DURING
EVEN-NUMBERED YEARS**

WHEREAS, the Liberty Water District ("District") is a special district formed and operating under California Water Code Sections 34000, *et seq.*; and

WHEREAS, the District is governed by a Board of Directors ("Board") consisting of five (5) members who are each elected for a term of four (4) years; and

WHEREAS, the District currently has odd-numbered year elections, with the next scheduled election being November 2019; and

WHEREAS, the California Voter Participation Rights Act - Senate Bill 415 (Elections Code Section 14050-14057) became effective on January 1, 2018 and prohibits local governmental entities, including special districts, from holding a regular election on a date other than on a statewide primary or general election date of even-numbered years, if holding a regular election on a non-statewide election date has previously resulting in a "significant decrease in voter turnout", which is defined by SB 415 to mean at least 25% less voter turnout than the average voter turnout within the governmental entity for the previous four statewide general elections (2010, 2012, 2014 and 2016); and

WHEREAS, the District has not held an election for its Directors in previous years, as applicants have been unopposed due to the small number of voters and individuals qualified and willing to serve as directors, and directors have therefore been appointed to their positions and the District therefore has no record of voter turnout according to the Fresno County Elections Office; and

WHEREAS, the District has nonetheless opted to change the District's regular election date to even-numbered years on the same November date as the general state-wide elections; and

WHEREAS, many special districts in Fresno County have changed their elections to coincide with statewide general elections (even-numbered year elections); and

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

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

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becomes operative upon approval by the Fresno County Board of Supervisors; and

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 November 2019 to November 2020 and the election date scheduled for November 2021 moved to 2022; with Board members whose terms would have expired in 2019 being extended to 2020, and Board members whose terms would have expired in 2021 being extended to 2022, as required by Elections Code Section 10404, subdivision (i), and as more particularly described in Exhibit "A" to this Resolution.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the Liberty Water District that:

1. The above recitals are true and correct, and this Board so finds and determines.
2. The Board adopts this Resolution under Elections Code Section 10404 to move District Board elections to even-year elections to coincide with the statewide general election in November, beginning with the 2019 election year being consolidated with the 2020 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 2020 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 2019, their terms of office are extended to 2020. For those Board members whose terms of office would have expired in 2021, their terms of office will be extended to 2022. 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.

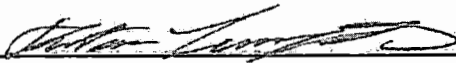
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WE, THE UNDERSIGNED, being the duly qualified and acting President and Secretary, respectively, of the Board of Directors of the Liberty Water District, do hereby certify that the above and foregoing resolution was duly and regularly adopted and passed by the Board of Directors of said District at a meeting duly held on January 19, 2018 by the following roll call vote:

AYES, and in favor thereof, Directors: Tony Campos
Robert Nielsen, Jr.
Ted Raven
Kenneth Georgeson
Fermin Campos

NOES, Directors: None

ABSENT/ABSTAINING, Directors: None



Tony Campos, President



Kevin R. Johansen, Secretary

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EXHIBIT "A"

**LIBERTY WATER DISTRICT
BOARD OF DIRECTORS**

Board Member	Current Election Year	Proposed Election Year
Tony Campos	2019	2020
Robert Nielsen Jr	2019	2020
Fermin Campos	2021	2022
Ted Raven	2019	2020
Kenneth Georgeson	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 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.)
3. 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).)
4. 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.)
5. 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.)
6. 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.)
7. 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 et seq.)

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.