MARIPOSA COUNTY

BOARD OF SUPERVISORS

AGENDA

DEPARTMENT: ELECTIONS
BY: Marjorie Wass, Asst.
PHONE: 966-2007
RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: ( ) Yes  ( x ) No)

Pass a resolution declaring as elected Joel Simmons who filed a declaration of candidacy for the office of the Mariposa County Unified School District Board of Trustees, District 3, pursuant to Election Code 10515a.

Pass a resolution appointing Kevin Kelly to the Mariposa County Unified School District Board of Trustees, District 1, pursuant to Election Code 10515b.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors declares those persons as elected when only one person files for such office. EC 10515a.

The Board of Supervisors appoints if no person has filed for the office. EC 10505b

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Vacancies would occur in the Mariposa Unified School District Board of Directors.

COSTS: ( ) Not Applicable
A. Budgeted Current FY $ __________________________
B. Total Anticipated Costs $ __________________________
C. Required additional funding $ _______________________
D. Internal Transfer $ ________________________________

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated Revenues $ __________________________
B. Reserve for Contingencies $ _________________________
C. Source Description: Balance left in Reserve for Contingencies, if approved: $ _______________________

SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively.

2 Pages
Letter from Superintendent

CLERK'S USE ONLY:
Res. No. 02-1428
Ord. No. __________________________
Vote: Ayes: 5
Noes: __________________________
Absent: __________________________
Abstained: _______________________
Approved: ( )
Denied: ( )
Minute Order Attached: ( )
No Action Necessary: ( )

The foregoing instrument is a correct copy of the original on file in this office.

Date: __________________________
ATTEST: __________________________

Margie Williams, Clerk of the Board
By: __________________________
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

_______ Recommended
_______ Not Recommended
_______ For Policy Determination
_______ Returned for Further Action

Comments:

________________________________________

C.A.O. Initials: ________________

Actiform-School Board Elect4ed 11/25/98
with the declaration of candidacy.

The county elections official or district secretary, or a person designated by the county elections official or district secretary, shall administer the oath.  
(Amended by Stats. 1998, c. 199, §39.)

10513. Examination of declaration of candidacy.

Upon filing each declaration of candidacy, the county elections official shall examine the declaration to determine if it conforms with the provisions of this part and shall certify whether it is sufficient. For this purpose, the elections official shall be entitled to obtain from any officer of an affected county all information necessary to make this determination.  
(Amended by Stats. 1994, c. 920, §2.)

10514. Qualification of candidate.

The qualifications of a candidate for elective office, and of an elective officer, of a district shall be determined by the principal act of that district.  
(Amended by Stats. 1994, c. 920, §2.)

10515. Appointment of candidates.

(a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

(b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make the appointment.  
(Amended by Stats. 1994, c. 920, §2.)

10516. Time extension if incumbent fails to file.

(a) Notwithstanding any other provision of law, in any district or agency election, if a declaration of candidacy for an incumbent elective officer of a district is not filed by 5 p.m. on the 88th day before the general district election, any person other than the person who was the incumbent on the 88th
November 25, 2002

Honorable Board of Supervisors
County of Mariposa
P. O. Box 784
Mariposa, CA 95338

Dear Board of Supervisors Members:

The Mariposa County Unified School District Board of Trustees is in the process of recruiting for a qualified candidate to replace Kevin Kelly, District 1 representative. Mr. Kelly did not run for reelection to continue his term, which expires January 6, 2003. The Board of Trustees has not been successful at this time in finding a replacement, and recommends that the Board of Supervisors appoint Mr. Kelly to continue to serve as District 1 representative. Mr. Kelly is willing to continue to serve in this capacity.

Please contact this office should you have any questions.

Sincerely,

Patrick J. Holland, Ed.D.
Superintendent