DEPARTMENT: Elections

BY: Keith M. Williams, County Clerk
PHONE: 966-2007

RECOMMENDED ACTION AND JUSTIFICATION:

Pass and adopt a resolution pursuant to Election Code 10404 changing the Lake Don Pedro Community Services District Directors election date to correspond with the Statewide General Election held in even numbered years.

In accordance with Elections Code 10404(b) Special Districts can require that elections for their governing body members be held on the same date as the statewide general election. Election Code 10404(c) states that the Board of Supervisor’s shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

The attached analysis and impact report provides outlines and actions taken in compliance with section 10404 of the Elections Code.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously approved requests that allow Districts to save money by consolidating their elections with the Statewide General Election.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Deny the District’s request and the District would continue to incur the full cost of their District elections.

<table>
<thead>
<tr>
<th>Financial Impact? ( ) Yes (X) No</th>
<th>Current FY Cost:</th>
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<tbody>
<tr>
<td>Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded</td>
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<tr>
<td>Amount in Budget: $</td>
<td></td>
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<td>Additional Funding Needed: $</td>
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<td>Source:</td>
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<td>Internal Transfer</td>
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<td>Unanticipated Revenue</td>
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<td>Transfer Between Funds</td>
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<td>Contingency</td>
<td></td>
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<tr>
<td>( ) General ( ) Other</td>
<td></td>
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Annual Recurring Cost: $0

List Attachments, number pages consecutively
Analysis and Impact
Lake Don Pedro CS Res. #2006-10

CLERK’S USE ONLY:
Res. No.: 07 - 46 Ord. No. _____
Vote – Ayes: 5 Noes: _____
Absent: _____
Approved: [ ]
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
County of Mariposa, State of California
By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
[ ] Requested Action Recommended
[ ] No Opinion
Comments:
____________________________________
____________________________________

CAO: ____________
MEMORANDUM

Date: January 26, 2007

To: Board of Supervisors

From: Keith M. Williams, County Clerk/Registrar of Voters

Re: Lake Don Pedro Comm. Service District

Analysis and Impact

The Lake Don Pedro Community Services District has requested that they be allowed to consolidate their district elections which are currently held in November of odd numbered years to the statewide general elections which are held in even numbered years. Election Code 10404 provides the process that is used for this request. The request involves a resolution by the District Board, an analysis by the Election Official, and approval by the Board of Supervisors. In addition EC 10404 outlines dates, time frames and other requirements that this document will list.

The Lake Don Pedro Comm. Services District has complied with their requirements under EC 10404. On December 4, 2006 they provided the County Election Official with a resolution dated September 18, 2006 requesting the date of the election be changed from the odd years to even years. They outlined the Director's terms and the future election dates each would be on a ballot.

The impact of this consolidation to our office will be minimal. During the Statewide General Election cycle the office is in full election mode. The various tasks associated with an election are already being carried out. The Elections office has the capacity to handle this request. The Lake Don Pedro Directors elections will function in the same manner as the John C. Fremont Healthcare District Directors.

The majority of the cost of conducting a district election is passed on directly to the district. By consolidating the election the district will either share costs or have costs offset by the SB90 claiming process.

Tuolumne County has been notified and acting on this item February 6, 2007.
All other sections in EC 404 are either related to this Board Supervisor’s actions or out of the scope of the elections office. Below is a brief summary of each code section and their related actions.

Summary

10404 (a): A narrative paragraph regarding this code section.

10404 (b): The special district has complied by passing the attached resolution.

10404 (b) (1): The dates are set on the resolution to coincide with the State’s November general election.

10404 (b) (2): The 240 day deadline is March 9, 2007. This meeting and Board action complies with the deadline.

10404 (c): There are no other districts in the County affected by this request.

10404 (d): Provided by this document.

10404 (e): The sixty day timeframe has been met with this Board meeting. The reasons for denial by the Board are limited to ballot style, voting equipment, or computer capacity in such that additional elections or materials cannot be handled. The cost effectiveness is contained in this report.

10404 (f): The Elections Office is prepared to notify voters upon Board approval.

10404 (g): Notices have been made in accordance with GC 25151.

10404 (h): The Tuolumne County Election Office will present this item also.

10404 (i): The election must be held in 2008, and the incumbent’s terms cannot be extended beyond December 31st of that year.

10404 (j): Approval means that the next district election will be held with the Statewide General Election in 2008 unless rescinded.

10404 (k): Once approved it cannot be repealed until at least one election has been held.

Election Code 10404

10404. (a) This section applies only to special districts electing members of the governing body in November of odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or
community college distr or special assessment district.

(b) Notwithstanding any other provision of law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of the Elections Code pertaining to the primary or general election.

(2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.

(c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.

(e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.

(g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.

(h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.

(i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.

(j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with
subdivision (a), unless approval is later rescinded by the board of supervisors.

(k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.