RECOMMENDED ACTION AND JUSTIFICATION:

Pass and adopt a Resolution amending Resolution No. 04-360 to state that the County will bill the Mariposa County Unified School District for costs of services performed in conducting a portion of the election relating to the Mariposa County Unified School District.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors on August 3, 2004 approved a Resolution consolidating the elections of the Healthcare District and School District elections with the general election. At that time it was believed that the School District had signed an Agreement with respect to providing such functions at no charge. Pursuant to Election Code Section 10002 “Unless other arrangements satisfactory to the county have been made, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district”.

While the history in this matter is somewhat convoluted, it has been the previous position of the County that under approved agreements, the County would only provide the staff costs at no charge and all other costs such as printing of ballots, notices, and other expenditures would be proportionately billed to the districts participating in the election. According to the files of the County Clerk, the Mariposa County Unified School District took the position in 1999 that it would not pay the $11,275.50 related to the 1998 primary and general elections. This is inconsistent with prior practices. Please see attached memorandum for a more complete discussion.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. The School District will not be required to pay its prior costs;
2. The School District will not be required to pay the costs associated with the election; and
3. No prior Agreement is in place as is allowed by Elections Code Section 10002.

Financial Impact? ( ) Yes ( ) No Current FY Cost: $  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $  
Additional Funding Needed: $  
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

Annual Recurring Cost: $  
List Attachments, number pages consecutively
Memorandum from County Counsel w/attachments

CLERK’S USE ONLY:
Res. No.: 884-498  
Vote – Ayes: 5  
Absent:  
( ) Approved
( ) Minute Order Attached  ( ) No Action Necessary

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

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By:  

Revised Dec. 2002
MEMORANDUM

Date: August 26, 2004

To: Board of Supervisors

From: Thomas P. Guarino, County Counsel

Re: Mariposa County Unified School District (Ballot Fees)

Based upon direction from the Board at its meeting of August 3, 2004, I have continued the review of this matter and obtained the files of the County Clerk.

After the original 1979 Agreement separating the School District from the County was signed it appears that the School District’s understanding was that it would pay costs for elections. This is evidenced in part by a July 31, 1987 letter from then Superintendent of Schools Barendse requesting the costs associated with ballots, etc. This is further evidenced by Resolution No. 96-5 of the Mariposa County Unified School District Governing Board stating “The Mariposa County Unified School District shall pay those costs applicable to its portion of the election”. Thus between 1979 and 1996 it appears from the County Clerk’s files that the School District clearly understood that it had to pay certain costs associated with elections.

It appears the County under the 1979 Agreement of its own accord allowed certain staff services to be made available to the District at no charge. There is no evidence discussed to date that all costs of elections and other matters are to be provided at no cost. There is however no Agreement that has been discovered which would prohibit the County from requesting the School District to recover the substantial out of pocket expenses associated with elections, ordinances, etc. In fact, Elections Code Section 10002 specifies that unless there is a satisfactory arrangement the full costs for services performed must be paid by a district upon presentation of a bill. Election Code Section 10520 also provides that a district will reimburse the County for costs.

This is consistent with the activities of other districts. The Election Billing Roster for the primary and general election of 1998 indicate that Yosemite Joint Union High School District, the John C. Fremont Healthcare District, and the Bass Lake Joint Unified Elementary School District all paid their proportionate share of costs. (Election Billing Roster attached).

Based upon a review of the records, it has been the previous position of the County that it has only sought to recover out of pocket costs. However, in July of 1996 the Board passed Resolution No. 96-309 which directed the full recovery of election costs from the districts in a consolidated election. (See attached July 9, 1996 Resolution No. 96-309).
Accordingly, as it appears that the Agreement believed to be in place at the time of the August 3, 2004 Board of Supervisors Resolution is in fact not in place. This Resolution before you today has been prepared for your consideration, review, and action to correct this error.

TPG/rs

Attachments -

- Election Billing Roster from 1998
- Check from John C. Fremont Healthcare Dist.
- Mariposa County Resolution No. 96-309
- MCUSD Resolution No. 96-5
- March 24, 1999 Letter from Supt. Hamilton
- March 17, 1999 Letter from Sequoia Pacific
## ELECTION BILLING ROSTER
Primary and General Election 1998

<table>
<thead>
<tr>
<th>Mariposa County Unified School District</th>
<th>Date Billed</th>
<th>Primary Election</th>
<th>General Election</th>
<th>Enter Date Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Election Superintendent of Schools (@50%)</strong></td>
<td>03/23/99</td>
<td>$1,899.85</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Primary Election Bond Measure A</strong></td>
<td>03/23/99</td>
<td>$2,316.30</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>General Election Bond Measure A</strong></td>
<td>03/23/99</td>
<td></td>
<td>$3,362.60</td>
<td></td>
</tr>
<tr>
<td><strong>General Election Governing Board Member</strong></td>
<td>03/23/99</td>
<td></td>
<td>$3,696.75</td>
<td></td>
</tr>
<tr>
<td><strong>District No. 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yosemite Joint Union High School District</td>
<td>03/23/99</td>
<td></td>
<td>$350.00</td>
<td>5-25-99</td>
</tr>
<tr>
<td><strong>Primary Election Bond Measure B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John C. Fremont Healthcare District</td>
<td>03/23/99</td>
<td></td>
<td>$3,230.30</td>
<td>5-25-99</td>
</tr>
<tr>
<td><strong>General Election Tax Initiative Measure B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bass Lake Joint Union Elementary School District</td>
<td>03/25/99</td>
<td></td>
<td>$623.20</td>
<td>4-22-99</td>
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<tr>
<td><strong>General Election Governing Board Member</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Oakhurst Attendance Area</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub Totals By Election</strong></td>
<td></td>
<td></td>
<td>$4,566.15</td>
<td>$10,912.85</td>
</tr>
<tr>
<td><strong>TOTAL BILLING BOTH ELECTIONS</strong></td>
<td></td>
<td></td>
<td><strong>$15,479.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** For Billing Next Election, we will bill each election separately. Talk with Chuck Rivera when we have our pre-election meeting. We will need a breakdown for each district at the time we receive our bill from Sequoia Pacific. *We will calculate what percent of total bill the cost of each district is, and use that percent to figure other cost to bill to the district. Example, Extra Help hired to work the election work 100% for the election, their Salary will be charged to a district at the % figure as calculated above, example 10% of 100% or full salary, as opposed to someone only working 25% of the time on election, which would be figured at 10% of 25% of Salary.*
March 25, 1999

Bass Lake Joint Union Elementary School district
Attn.: Accounts Payable
40096 Indian Springs Road
Oakhurst, CA. 93644

To Whom It May Concern:

Enclosed please find the statement for Governing Board Member totaling $623.20 representing the Oakhurst Attendance Area (Wawona/Bass Lake District's) prorated cost of printing for the Consolidated General Elections held November 3, 1998. This is based on number of ballot types in which they appeared, ballot printing, pages in booklet, and measure copy, text page setup and typesetting, where applicable. These are expenses incurred to place this on the ballot. Bills are due and payable 30 days from date of billing.

Sincerely,

Marjorie Wass, Assistant County Clerk

Encl: 1
Bass Lake Joint Union Elementary School District

November 3, 1998
Consolidated
General

Prorated cost for Governing Board Member, Oakhurst Attendance Area (appeared on Ballot Type 6 only)

Bill at Actual Cost Only

Printing of Ballots (230) $231.10
Printing of Booklets (300) $392.10

Amount Due $623.20

Please Make Checks Payable to:
Mariposa County Clerk
P.O. Box 247
Mariposa, CA. 95338

Bills are due and payable 30 days from billing date
Thankyou
July 28, 1987

Mr. Jerry McCarthy
Mariposa County Clerk
P.O.Box 247
Mariposa, CA 95338

Dear Jerry,

Thank you for giving me some time this morning to discuss the technicalities of placing a special tax proposal on the June, 1988, primary election ballot.

As advised by legal counsel, it is my position that this proposal may be placed on the ballot by a resolution of our Governing Board; however, it will require a two-thirds positive vote to pass.

I would appreciate receiving the following information from you at your convenience:

1. The number of days required before the June 7, 1988, election date to submit the proposal to your office.

2. The requirements of consolidating the election including time frames.

3. A rough estimate of the cost charged to the school district.

Thank you for your assistance and consideration.

Sincerely,

George J. Barendse
Superintendent of Schools
MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA ACTION FORM

DATE: July 9, 1996
AGENDA ITEM #: 

DEPARTMENT: County Clerk
BY: Lynne Robinson, Chief Deputy
PHONE: 966-2007

RECOMMENDED ACTION AND JUSTIFICATION (Policy Item: YES ....... NO X)
Pass and adopt this resolution: (1) Consolidating John C. Fremont Healthcare District Election and Mariposa County Unified School District Election with the November 5, 1996 General Election, pursuant to E. C. Section 10401; (2) Directing the County Clerk to canvass returns of said election pursuant to E. C. Sections 10411 and 15301; (3) Directing County Clerk to bill the Healthcare District and School District in full for costs of services performed in the conduct of the portion of the election relating to each of the Districts.

BACKGROUND AND HISTORY OF BOARD ACTIONS
Board of Supervisors has allowed consolidation of Healthcare District and School District Elections with the General Election for many years.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION
A separate election would have to be held, incurring expenses for the ballots, precinct supplies, precinct workers and staff costs.

COSTS: (X if not applicable)
A. Budgeted current FY $_______
B. Total anticipated costs $_______
C. Required additional funding $_______
D. Internal transfers $_______

SOURCE: ( ) 4/5th Vote Required
A. Unanticipated revenues $_______
B. Reserve for contingencies $_______
C. Source description: Balance in Reserve for Contingencies, if approved: $_______

SPECIAL INSTRUCTION:
List the attachments and number the pages consecutively:
1. School Board Action
2. Healthcare Action

CLERK’S USE ONLY:
Res. No. 76-96 Ord. No. 
Vote = Ayes Noes
Absent Abstain

( ) 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 County of Mariposa, State of California

ADMINISTRATIVE OFFICER’S RECOMMENDATION
This item on agenda as:
Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment: 

A.O. Initials ____________________

Action Form Revised 5/92
MARIPOSA COUNTY SUPERINTENDENT OF SCHOOLS
Mariposa, California

RESOLUTION #96-5
RESOLUTION ORDERING GOVERNING BOARD MEMBER ELECTION

WHEREAS, the regular biennial election of Governing Board members is ordered by law pursuant to Section 5000 and 5008 of the Education Code to fill offices of members of the Governing Board of the Mariposa County Unified School District.

NOW THEREFORE, BE IT RESOLVED that the County Superintendent of Schools for Mariposa County calls the election as ORDERED and in accordance with the designations contained in the following specifications of the Election Order made under the authority of Education Code Sections 5304 and 5320.

Specifications of the Election Order

The election shall be held on Tuesday, November 5, 1996. The purpose of the election is to elect four (4) members of the Governing Board of Mariposa County Unified School District.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Mariposa is requested to consolidate the Trustee election with the Statewide General Election, and to canvass the returns of the election. The Mariposa County Unified School District shall pay those costs applicable to its portion of the election.

PASSED AND ADOPTED by the Governing Board of the Mariposa County Unified School District this 16th day of May, 1996 by the following vote:

AYES: Ross, Bruun, Collins, Dixon, Bartholomew
NOES: None
ABSENT: None

ATTEST: William F. Pettus, Superintendent

96-5c/res2
March 24, 1999

Mr. Don Phillips  
County Clerk  
P. O. Box 36  
Mariposa, CA 95338

Dear Mr. Phillips:

I am in receipt of the letter sent to Valerie Fall of my office concerning billing to the School District in the amount of $11,275.50 for printing costs related to the 1998 primary and general elections. I have also reviewed County Counsel’s opinion regarding the language in the agreement between the County of Mariposa and the Mariposa County Unified School District.

The agreement specifies that “services” of various departments of the County government, including County Counsel, County Treasurer, County Auditor, County Assessor, County Clerk and the County Purchasing Agent, shall be provided to the County Board of Education and Superintendent. Although the specific meaning of the word “services” could be argued, the past practice since 1979 between our two agencies has been that the School District has not paid for printing costs for primary and general elections. The County and School District have also mutually cooperated in other areas, such as the waiver of fees, as this is basically trading money from one public agency to another.

Although we understand your current interpretation of the agreement, it is clear that the actual practice between our agencies has not included payment for such election costs, and we must respectfully deny your request.

Sincerely,

[Signature]

Jeffrey N. Hamilton, Ed.D.  
Superintendent

cc: Dalene Pena, Director of Business Services
March 17, 1999

Marjorie Wass, Asst.CC
Mariposa County Elections
Hall of Records
4982 10th Street
Mariposa, CA 95338

Dear Marjorie:

In response to your request for a breakdown of printing costs for ballots and booklet portions created by the Mariposa County Board of Education in the November 1998 General election, the prorated costs for printing of 10,500 ballots was $2,002.75 and for the page portion in 11,000 sample ballot booklets, the printing cost was $1,694.00.

As for the June, 1998 Primary election, the prorated costs for the County Superintendent of Schools for printing of 11,400 ballots was $2,079.70. For printing of the page in 11,050 sample ballot booklets, the prorated cost was $1,720.00.

If you need any additional information, please advise.

Sincerely,

[Signature]

CHARLES K. RIVERA
Election Services Rep.
TO: TOM GUARINO, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: RESOLUTION AMENDING RESOLUTION NO. 04-360 OF AUGUST 3, 2004

Resolution No. 04-408

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on September 7, 2004

ACTION AND VOTE:

B) Pass and Adopt a Resolution Amending Resolution No. 04-360 to State that the County will Bill the Mariposa County Unified School District for Costs of Services Performed in Conducting a Portion of the Election Relating to the Mariposa County Unified School District.

BOARD ACTION: Discussion was held. Supervisor Pickard advised of his review of the agreements of his discussion with a School Board member relative to payment of the costs. Supervisor Parker noted that the other School District entities have been paying their share of the costs; and he feels we need to reach agreement on contract language that clarifies these issues.

Val Fall, representing Mariposa County Unified School District, advised that the School Board has not discussed or acted on this matter. She noted that the other School District entities do not have a fiscal separation agreement with the County; and she advised that this matter has been referred to their legal counsel.

cc: Marjorie Wass, County Clerk
File