

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE 11/18/97
AGENDA ITEM #: CA-14

DEPARTMENT: County Clerk

BY: Marjorie Wass

PHONE: 966-2007

RECOMMENDED ACTION AND JUSTIFICATION (Policy Item: YES NOx.....)

Pursuant to Election Code Section 10515, when the number of candidates who have filed a declaration of candidacy, does not exceed the number of offices to be filled, the Supervising Authority shall appoint such persons.

Pass a resolution appointing Clifford Collins, and Peggy Walz to the Lake Don Pedro Community Services District Board of Directors.

BACKGROUND AND HISTORY OF BOARD ACTIONS

The Board of Supervisors appoints those persons who have filed declarations.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION

Two vacancies will occur if no one is appointed.

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:
Copy of Election Code 10515

CLERK'S USE ONLY:

Res. No. 97-428 Ord. No. _____

Vote = Ayes 4 Noes _____

Absent Pickard 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

BY:

Deputy

ADMINISTRATIVE OFFICER'S
RECOMMENDATION

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action
- Submitted with Comment

Comment: _____

CAO Initials

10513.

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS

elections official shall be entitled to obtain from any officer of an affected county all information necessary to make this determination.

(Added 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.

(Added 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.

(Added 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 day shall have until 5 p.m. on the 83rd day before the election to file a declaration of candidacy for the elective office.

(b) This section is not applicable where there is no incumbent to be elected. If this section is applicable, notwithstanding Section 10510, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on the 83rd day before the general election.

(Added by Stats. 1994, c. 920, §2.)