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Before the Board of Supervisors of the County of Monterey,
Acting as the Board of Directors of the East Garrison Community Services District
State of California

Resolution No. 21-_____

Acting as the Board of Directors of the East Garrison)
Community Services District:)
a. Adopt a resolution recommending that the Monterey County)
Board of Supervisors: 1. Direct the Registrar of Voters to)
conduct a special election on November 2, 2021, wholly by)
Vote-By-Mail ballot on the following two questions: *i)* Shall)
the Board of Directors of the East Garrison Community)
Services District (currently the Monterey County Board of)
Supervisors) be changed to a Board of Directors elected at)
large by registered voters of the District with such directors)
taking office on the first Friday in December 2021? and *ii)* If)
a majority of registered voters in the East Garrison Community)
Services District adopt the foregoing measure, which five (5))
candidates shall be elected to serve? Vote for no more than two)
(Two-year term); Vote for no more than three (Four-Year)
Term); 2. Limit candidate statements to 200 words and)
require each candidate to pay the Elections Department for all)
costs associated with publishing their statement pursuant to)
Elections Code Section 13307; 3. Stipulate that in the event of)
a tie, the winning candidate(s) of the special election will be)
determined by a single coin toss conducted by the Registrar of)
Voters; 4. Direct the Registrar of Voters post the Resolution)
directing the Registrar of Voters to hold the special election in)
accordance with law and these specifications and render all)
services specified by the Elections Code relating to the)
election, such services include publication of the Formal)
Notice of Election Article 3 of Chapter 2, Division 9 of the)
Elections Code relating to arguments concerning county)
measures shall apply, as full measure text on the Elections)
website and Registrar shall provide printed copies upon request)
at a cost to the District; and 5. Direct the County of Monterey)
Office of the County Counsel to prepare an impartial summary)
of the ballot measure for the special election; and)
b. Direct East Garrison Community Services District to reimburse)
the Elections Department, in full, for costs associated with)
conducting the special election on November 2, 2021, and the)
Registrar of Voters certifying the Vote-By-Mail Ballot Special)
Election results.)
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)
)

WHEREAS, Government Code Section 61029.5(a) designates the Board of Supervisors of Monterey County as the Board of Directors of the East Garrison Community Services District (EGCSD), until conversion to a directly elected board of directors;

WHEREAS, Government Code Section 61029.5(b)(1) requires that when the Monterey County Registrar of Voters certifies, in writing, the number of voters in the EGCSD has reached or exceeded 500, the Monterey County Board of Supervisors shall adopt a resolution placing on the ballot the question of whether EGCSD shall have a directly elected board of directors;

WHEREAS, on July 23, 2020, the Monterey County Registrar of Voters certified in writing that the number of voters within the EGCSD has reached or exceeded 500 voters;

WHEREAS, Government Code Section 61029.5(c) also specifies that the voters shall elect members to the EGCSD Board of Directors;

WHEREAS, persons elected to the board of directors shall take office only if a majority of the voters are in favor of having a directly elected board of directors;

WHEREAS, pursuant to Elections Code Section 10002, EGCSD may by resolution request that the Monterey County Board of Supervisors permit the Registrar of Voters to render specified services to EGCSD relating to the conduct of the election and that EGCSD shall reimburse the Registrar of Voters, in full, for the services performed upon presentation of an invoice to EGCSD;

WHEREAS, Fiscal Year 2021/22 Budget, to be developed, will include the cost to reimburse the County of Monterey Elections Department for conducting the election and the Registrar of Voters for certifying the election results, at an estimated cost of \$45,000;

WHEREAS, approximately \$1,666 in expenses have already been incurred preparing for the election, which would be deducted from the total estimated cost.

WHEREAS, November 2, 2021, is an established election date;

WHEREAS, pursuant to Elections Code Section 13307, whenever an election is called by a district having offices to be filled, the district is required to fix and determine the number of words, either 200 or 400, a candidate may submit on their candidate's statement of qualifications and determine if the candidate and/or political subdivision will pay for the cost of the statement;

WHEREAS, on February 9, 2021, in compliance with Elections Code Section 10509, the Secretary of the EGCSD delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSD Board of Directors (BOD) to be filled at a special district election and each candidate is to pay for the publication of a statement of qualifications pursuant to Section 13307;

WHEREAS, on February 9, 2021, in compliance with Elections Code Section 10522, the Secretary of the EGCSD delivered notice to the Monterey County Registrar of Voters a map showing the boundaries of the district and boundaries of the divisions of the district within Monterey County and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next EGCSD special district election;

WHEREAS, Elections Code Section 15651 requires the district to determine the means and manner which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes (“tie votes”) for an office to be voted upon; and

WHEREAS, Community Services District Law Section 61042(a) requires board of directors to take office at noon on the first Friday in December following their election;

WHEREAS, upon certification by the Monterey County Registrar of Voters that a majority vote of EGCSB registered voters decided that EGCSB shall have a directly elected board of directors, they would take office effective at noon on December 3, 2021;

NOW, THEREFORE, BE IT RESOLVED THAT the Monterey County Board of Supervisors, acting as the Board of Directors of the EGCSB (EGCSB BOD), hereby resolves to approve the following:

Section 1. The foregoing recitals are true and correct, and the Board of Directors so finds and determines.

Section 2. The EGCSB BOD recommends that the Monterey County Board of Supervisors adopt a resolution directing the Registrar of Voters to take all steps necessary to conduct a special election on November 2, 2021, solely by Vote-by-Mail ballot, for all registered voters within the boundaries of the EGCSB to submit to the voters of EGCSB the following questions:

“1) Shall the Board of Directors of the East Garrison Community Services District (currently the Monterey County Board of Supervisors) be changed to a Board of Directors elected at large by registered voters of the District with such directors taking office on the first Friday in December 2021?”

“2) If a majority of registered voters in the East Garrison Community Services District adopt the foregoing measure, which five (5) candidates shall be elected to serve? Vote for no more than two (Two-year term); Vote for no more than three (Four-Year Term).”

Candidate’s statements shall be limited to 200 words and all candidates for office shall pay for the publication of a statement of qualifications pursuant to Elections Code Section 13307. Candidate statement acceptance starts on July 12, 2021 and ends on August 6, 2021. Information about how to become a candidate can be located at the Monterey County Elections website under Candidates and Candidates Guidelines.

The EGCSB BOD further recommends the Monterey County Board of Supervisors adopt a resolution directing the Registrar of Voters to hold the election in accordance with law and these specifications and render all services specified by the Elections Code relating to the election, such services include the publication of the Formal Notice of Election Article 3 of Chapter 2 Division 9 of the Elections Code relating to arguments concerning county measures shall apply, and further direct the County of Monterey Office of the County Counsel to prepare an impartial analysis of the ballot measure.

Section 3. The EGCSB BOD further recommends that the Monterey County Board of Supervisors direct the Registrar of Voters to post the Resolution as full measure text on the Elections

website and shall provide printed copies upon request at a cost to the District. The impartial analysis shall include the phrase “The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the Elections Office at (831) 796-1499, and a copy will be mailed at no cost to you.”

Section 4. The EGCSB BOD further recommends that in the event of any tie votes, the winning candidate(s) will be determined by a single coin toss conducted by the Registrar of Voters.

Section 5. The EGCSB BOD further recommends upon certification by the Monterey County Registrar of Voters that a majority vote of EGCSB registered voters decided that EGCSB shall have a directly elected board of directors, they would take office at noon effective December 3, 2021.

Section 6. The EGCSB BOD further recommends this resolution shall take effect immediately upon its adoption.

Section 7. The EGCSB BOD directs that EGCSB shall reimburse the Elections Department, in full, for the services performed by the Elections Department and Registrar of Voters to conduct the special election by Vote-By-Mail ballot and certify the results, respectively, upon presentation of an invoice to EGCSB.

PASSED AND ADOPTED on this 16th day of March 2021, by roll call vote:

AYES: Supervisors

NOES:

ABSENT:

(Government Code 54943)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof Minute Book ___ for the meeting on March 16, 2021.

Dated:
File Number:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy