

Attachment B

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**Before the Board of Directors in and for
the East Garrison Community Services District**

Resolution No: 17 - xxx

Ordering a general election on August 29, 2017,)
wholly by mailed ballot on the questions of: 1))
Shall the East Garrison Community Services)
District have a directly elected Board of)
Directors; 2) If the East Garrison Community)
Services District shall have a directly elected)
Board of Directors, which five (5) candidates)
shall be elected to serve; and 3) Shall all future)
ballots cast for the East Garrison Community)
Services District election be cast solely by
mailed ballot?

RECITALS:

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, until conversion to a directly elected board of directors; and

WHEREAS, Government Code Section 61029.5(b)(3) requires that ten years after the effective date of the East Garrison Community Services District's formation the Board of Supervisors of the County of Monterey to adopt a resolution placing on the ballot the question of whether the East Garrison Community Services District shall have a directly elected board of directors; and

WHEREAS, Government Code Section 61029.5 became operative on January 1, 2006, and more than 10 years has passed since the effective date of the East Garrison Community Services District's formation; and

WHEREAS, Government Code Section 61029.5(c) provides that, at the election, the voters shall also elect members to the East Garrison Community Services District's Board of Directors and that those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question; and

WHEREAS, on April 26, 2017, in compliance with Elections Code Section 10509, the Secretary of the East Garrison Community Services District delivered notice to the Monterey County Registrar of Voters of the elective offices of the District to be filled at the next general district election; and

WHEREAS, on April 26, 2017, in compliance with Elections Code Section 10522, the Secretary of the East Garrison Community Services District delivered notice to the Monterey

County Registrar of Voters a map showing the boundaries of the district and the 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 general district election; and

WHEREAS, pursuant to Elections Code Section 10002, the East Garrison Community Services District may by resolution request that the Monterey County Board of Supervisors permit the Registrar of Voters to render specified services to the District relating to the conduct of the election and that the District shall reimburse the Registrar of Voters in full for the services performed upon presentation of a bill to the District; and

WHEREAS, the East Garrison Community Services District has sufficient funds to reimburse the County of Monterey for conducting the election;

WHEREAS, pursuant to Elections Code Section 4000, a local election may be conducted wholly by mail if: 1) the governing body of the local agency authorizes use of mailed ballots for the election; 2) the election is held on an established mailed ballot election date pursuant to Section 1500; and 3) the election is one in which no more than 1,000 registered voters are eligible to participate;

WHEREAS, the election is proposed to be held on August 29, 2017, which is an established mailed ballot election date pursuant to Elections Code Section 1500; and

WHEREAS, no more than 1,000 registered voters are eligible to participate in the proposed election; and

WHEREAS, Election Code Section 4104 requires that at the first general district election conducted by all-mailed ballot that the ballot ask voters to indicate “Yes” or “No” as to whether the mailed ballot shall be used to conduct all future general district elections; and

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

WHEREAS, Elections Code Section 15651 requires the district to determine the means and manner in 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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the East Garrison Community Services District, as follows:

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

Section 2. The Monterey County Board of Supervisors is requested to adopt a resolution directing the Registrar of Voters to take all steps necessary to conduct a general election on August 29, 2017, solely by mailed ballots for all registered voters within the boundaries of the East Garrison Community Services District to submit to the voters of the District the following two questions: “

- 1) Shall the East Garrison Community Services District have a directly elected Board of Directors?
- 2) Shall the mailed ballot be used to conduct all future general district elections?”

In addition, the ballot shall contain the general board member contest electing five (5) candidates to serve as the East Garrison Community Services District that shall take effect if the question of a directly elected Board of Directors is approved by a majority of votes cast.

The Monterey County Board of Supervisors is further requested to 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 directing the County Counsel to prepare an impartial analysis.

Section 3. It is further requested 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 District shall reimburse the Registrar of Voters in full for the services performed by the Registrar of Voters upon presentation of a bill to the District. 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.

Section 5. In the event of any tie votes, the winning candidate will be determined by a single coin toss conducted by the Registrar of Voters.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this _____ day of _____, _____ by the following vote, to wit:

AYES:
NOES:
ABSENT:

I, Gail T. Borkowski, 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 order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book. _____ for the meeting on _____.

Dated:
File Number:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By: _____
Deputy