



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers

168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 21-051

March 16, 2021

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Matter Type: BoS Resolution

Adopt a resolution to:

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 to 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 East Garrison Community Services 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to: 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 East Garrison Community Services 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.

SUMMARY/DISCUSSION:

When the State Legislature authorized the creation of the East Garrison Community Services District (EGCSD), it allowed the Monterey County Board of Supervisors to serve as its initial Board of Directors (BOD). The State Legislature required that the Board of Supervisors call for an election to determine if the voters within EGCSD wished to establish an independent board when certain triggers were met, including the passage of ten (10) years after its formation, and when the Monterey County Elections Department certified that 500 voters are registered within EGCSD.

On August 29, 2017, an election was held to meet the requirement of holding an election ten years after formation; however, EGCSD only had approximately 400 registered voters. The August 29, 2017 EGCSD election measure to have a directly elected Board of Directors failed, and the Monterey County Board of Supervisor continues to serve as the EGCSD BOD.

On July 23, 2020, the Monterey County Registrar of Voters certified that as of the July 9, 2020 State Report of Registration, the number of registered voters within EGCSD was 1,280 (Attachment A-Statement of Registration Certification).

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 of the elective offices of the EGCSD Board of Directors 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 13007. On the same day, notice was sent 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 office is to be elected at large at the next EGCSD special district election.

On March 16, 2021 (today), the EGCSD BOD approved a resolution recommending the Monterey County Board of Supervisors adopt a resolution directing the Monterey County Registrar of Voters to conduct a special election by Vote-By-Mail ballot on November 2, 2021 and directing the County of Monterey Office of the County Counsel prepare an impartial summary of the ballot measure. At the same election, if a majority of voters choose to have an elected board of directors, then the voters shall also elect five (5) members to the EGCSD Board of Directors.

Community Services District Law Section 61042(a) specifies directors shall take office at noon on the first Friday in December following their election.

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 of the elective offices of the EGCSD Board of Directors 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 13007. On the same day, notice

was sent 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 office is to be elected at large at the next EGCSO special district election.

Elections Code Section 13307 specifies 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 their candidate's statement and determine if the candidate and/or political subdivision will pay for the cost of the statement. The EGCSO Resolution recommends that the Monterey County Board of Supervisors establish a 200-word limit for candidate statements and require each candidate to pay the Elections Department for all costs associated with publishing the candidate's statement of qualifications.

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. The EGCSO BOD recommends that the Monterey County Board of Supervisors stipulate that in the event of a tie, the winning candidate(s) be determined by a single coin toss conducted by the Registrar of Voters.

Attachment B provides a detailed background and discussion of this matter.

The Monterey County Board of Supervisors is asked to adopt a resolution directing the Monterey County Registrar of Voters to take all steps necessary to conduct a special election for EGCSO on November 2, 2021, in accordance with law and as delineated in the EGCSO BOD adopted resolution (Attachment C-EGCSO BOD Resolution).

OTHER AGENCY INVOLVEMENT:

On March 16, 2021, the EGCSO BOD adopted a resolution recommending that the Monterey County Board of Supervisors direct that a special election be conducted for EGCSO. The County of Monterey Office of the County Counsel will prepare an impartial summary of the ballot measure upon Board direction. The County Administrative Office supports the proposed resolution.

FINANCING:

EGCSO will reimburse the Elections Department for all costs associated with conducting the proposed special election. The Monterey County Registrar of Voters estimates the cost of a Vote-By-Mail Ballot Measure for approximately 1,267 registered voters at \$45,000. Approximately \$1,666 in expenses have already been incurred preparing for an election, which would be deducted from the total estimated cost. The Fiscal Year 2021/22 Budget to be developed will include the cost of holding this election as there are sufficient funds available in the uncommitted fund balance for EGCSO, Fund 181, Appropriation Unit RMA106, to reimburse staff costs and County Elections Department costs associated with conducting a Vote-By-Mail Ballot special election and the Registrar of Voters certifying its results. This funding is derived from a special tax imposed upon residential properties within East Garrison.

The financial impact to EGCSO in forming an independent district is unknown. Currently, management of EGCSO is handled by the County Public Works, Facilities & Parks Department (PWFP) and

charged to EGCS D. If EGCS D were to contract with a third-party for the general management of the EGCS D, it would still have to establish and maintain a governance and management function to oversee such a contract.

EGCS D’s Special Tax receipts fund services provided by the County, including Sheriff protection and public road maintenance and operations (estimated at over \$850,000, at full development, in 2012 Dollars). The agreements currently in place will remain enforceable obligations unless changed or rescinded by mutual consent of the EGCS D and County. The process of the County receiving reimbursements for EGCS D-funded services will require coordination with the independent EGCS D BOD and the County to ensure timely and accurate payment for services are received.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Holding an election to determine if EGCS D shall have an independently elected Board of Directors supports the Board of Supervisors’ Strategic Initiatives for Economic Development, Infrastructure, and Public Safety. Efficient EGCS D operations enhance the economic well-being of Monterey County residents by providing for attractive, well maintained public infrastructure and improving public safety. Effective public infrastructure is an important objective in East Garrison. A properly functioning CS D enhances and maintains East Garrison’s infrastructure. EGCS D contributes to the public safety of East Garrison and the County by bearing its fair share of costs for Sheriff protection services.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Attachments are on file with the Clerk of the Board:

- Attachment A-Statement of Registration Certification
- Attachment B-Detailed Background and Discussion
- Attachment C-EGCS D BOD Resolution
- Attachment D-Draft Resolution