

Before the Board of Supervisors of the County of Monterey  
State of California

Resolution No. 21- \_\_\_\_\_

- Adopt a resolution to: )
- a. Direct the Registrar of Voters (ROV) to conduct a special election on November 2, 2021, wholly by Vote-By-Mail ballot on the following two (2) questions: 1) Shall the Board of Directors (BOD) of the East Garrison Community Services District (EGCSD) (currently the Monterey County Board of Supervisors (BOS)) be changed to a BOD elected at large by registered voters of the District with such directors taking office on the first Friday in December 2021? and 2) If a majority of registered voters in the EGCSD adopt the foregoing measure, which five (5) candidates shall be elected to serve? Vote for no more than two (2) (two-year term); Vote for no more than three (3) (four-year term); )
  - b. Limit candidate statements to 200 words and require each candidate to pay the Elections Department (ED) for all costs associated with publishing their statement pursuant to Elections Code Section 13307; )
  - c. 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 ROV; )
  - d. Direct the ROV to post the Resolution directing the ROV to hold the special election in accordance with law and this resolution; and )
  - e. Direct the Office of the County Counsel to prepare an impartial summary of the ballot measure for the special election. )

WHEREAS, Government Code Section 61029.5(a) designates the BOS of Monterey County as the BOD of the EGCSD, until conversion to a directly elected board of directors;

WHEREAS, Government Code Section 61029.5(b)(1) requires that when the ROV certifies, in writing, the number of voters in the EGCSD has reached or exceeded 500, the BOS 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 ROV certified in writing that the number of voters within the EGCSD reached or exceeded 500 voters;

WHEREAS, Government Code Section 61029.5(c) also specifies that the voters shall elect members to the EGCSB BOD;

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, the EGCSB may by resolution request that the BOS permit the ROV to render specified services to the District relating to the conduct of the election and that the District shall reimburse the ROV, in full, for the services performed upon presentation of an invoice to EGCSB;

WHEREAS, EGCSB Fiscal Year 2021-2022 Budget, to be developed, will include the cost to reimburse the ED for conducting the election and the ROV for certifying the election results, at an estimated cost of \$45,000;

WHEREAS, \$1,689.89 in expenses have already been incurred preparing for the election, which would be deducted from the total estimated cost;

WHEREAS, County's obligation is to oversee EGCSB;

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 EGCSB Secretary delivered notice to the ROV of the elective offices of the EGCSB 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 EGCSB Secretary delivered to the ROV 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 EGCSB 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 (2) or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon;

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, on May 25, 2021, the EGCSB BOD adopted a resolution recommending that the BOS adopt a resolution directing the ROV take all steps necessary to conduct a special

election for EGCS D on November 2, 2021, in accordance with law and as delineated in the EGCS D BOD adopted resolution; and

WHEREAS, upon certification by the ROV that a majority of EGCS D registered voters decided that EGCS D shall have a directly elected board of directors, those elected directors would take office effective at noon on December 3, 2021.

NOW, THEREFORE, the Monterey County Board of Supervisors hereby resolves as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The Registrar of Voters shall 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 EGCS D to submit to the voters of the District the following question:

“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 (2) (two-year term); Vote for no more than three (3) (four-year term).”

Candidate 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 is located on the County of Monterey Elections Department website under Candidates-Candidate Guidelines (<https://www.montereycountyelections.us/candidate-guidelines/>).

The Registrar of Voters shall hold the election in accordance with law and this resolution and render all services specified by the California 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, and the County of Monterey Office of the County Counsel shall prepare an impartial analysis of the ballot measure.

Section 3. The Registrar of Voters shall 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 Department at (831) 796-1499, and a copy will be mailed at no cost to you.”

Section 4. In the event of any tie vote(s), the winning candidate(s) shall be determined by a single coin toss conducted by the Registrar of Voters.

Section 5. Upon certification by the Monterey County Registrar of Voters that a majority of EGCS D registered voters decided that EGCS D shall have a directly elected board of directors, those elected directors would take office at noon effective December 3, 2021.

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

PASSED AND ADOPTED on this 25th day of May 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 May 25, 2021.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors

File Number:

County of Monterey, State of California

By \_\_\_\_\_  
Deputy