

## EAST GARRISON COMMUNITY SERVICES DISTRICT DETAILED TIMELINE

On August 29, 2017, an election was held to meet the requirement of holding an election ten (10) years after formation; however, EGCS D only had 498 registered voters. The August 29, 2017 EGCS D election measure to have a directly elected BOD failed, and the BOS continues to serve as the EGCS D BOD.

On July 23, 2020, the ROV certified that as of the July 9, 2020 State Report of Registration, the number of registered voters within EGCS D was 1,280 (Exhibit 1-Statement of Registration Certification).

On August 11, 2020, in compliance with Elections Code Section 10522, the Secretary of the EGCS D delivered notice to the ROV of the elective offices of the EGCS D 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 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 EGCS D special district election.

On September 22, 2020, the BOS adopted Resolution No. 20-305 (Exhibit 2) for a May 4, 2021 special election.

On January 13, 2021, CC determined that a May 2021 election date created legal inconsistencies with structuring new Board terms and a November 2021 election would resolve those inconsistencies.

On January 26, 2021, the BOS approved Resolution No. 21-027 (Exhibit 3) cancelling the May 4, 2021 special election, with staff indicating that they would return at a later date to set the election for November 2021

On February 9, 2021, in compliance with Elections Code Section 10522, the Secretary of the EGCS D delivered notice to the ROV of the elective offices of the EGCS D 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 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 EGCS D special district election.

On March 16, 2021, staff presented a resolution to the BOS setting the election for November 2, 2021; the BOS and members of the EGCS D Advisory Committee questioned whether the election should be held in November 2022 during the statewide general election for the purpose of increasing voter participation and lowering costs. The item was continued with direction to staff to return with responses to questions regarding the California Voter Participation Rights Act.

# MONTEREY COUNTY ELECTIONS



1441 Schilling Place-North Building  
Salinas, CA 93901

PO Box 4400  
Salinas, CA 93912

831-796-1499 Phone  
831-755-5485 Fax

[www.MontereyCountyElections.us](http://www.MontereyCountyElections.us)

[elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us)

**Claudio Valenzuela**  
Registrar of Voters

**Gina Martinez**  
Assistant Registrar of Voters

## STATEMENT OF REGISTRATION CERTIFICATION

I, Claudio Valenzuela, Registrar of Voters, of the County of Monterey, do hereby certify the number of voters registered to vote within the **East Garrison Community Services District** to be **one thousand two hundred and eighty (1,280)**, as per the last Report of Registration submitted to the California Secretary of State on July 9, 2020.

DATED:

SIGNED:

This 23rd day of July 2020

Claudio Valenzuela, Registrar of Voters





EXHIBIT 2

# Monterey County Board of Supervisors

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066  
www.co.monterey.ca.us

## Board Order

A motion was made by Supervisor John M. Phillips seconded by Supervisor Mary L. Adams to approve Consent Calendar Item Number's 16 through 30.

### Adopted Resolution No.: 20 - 305 to:

- a. Direct the Registrar of Voters to conduct a special election on May 4, 2021, wholly by Vote-By-Mail ballot on the following two questions:
  - 1) Shall the East Garrison Community Services District have a directly elected Board of Directors? and
  - 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?;
- b. 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;
- 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 Registrar of Voters;
- d. 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 (EGCSD); and
- e. Direct the County of Monterey Office of the County Counsel to prepare an impartial summary of the ballot measure for the special election.

PASSED AND ADOPTED on this 22<sup>nd</sup> day of September 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

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 order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 22, 2020.

Dated: September 22, 2020  
File ID: RES 20-150  
Agenda Item No.: 27

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



Joel G. Pablo, Deputy

*Before the Board of Supervisors in and for the  
County of Monterey State of California*

**Resolution No. 20 - 305**

- a. Direct the Registrar of Voters to conduct a special election on May 4, 2021, wholly by Vote-By-Mail ballot on the following two questions: 1) Shall the East Garrison Community Services District have a directly elected Board of Directors? and 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?;
- b. 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;
- 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 Registrar of Voters;
- d. 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
- e. Direct the County of Monterey 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 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 may 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, EGCSO has sufficient funds in Fiscal Year 2020-21 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, 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 August 11, 2020, in compliance with Elections Code Section 10509, the EGCSO Secretary delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSO 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 13307;

WHEREAS, on August 11, 2020, in compliance with Elections Code Section 10522, the EGCSO Secretary delivered 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 EGCSO 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;

WHEREAS, pursuant to Elections Code Section 10002, EGCSO 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 an invoice to EGCSO;

WHEREAS, May 4, 2021, is an established Vote-by-Mail ballot election date pursuant to Elections Code Section 1500;

WHEREAS, on September 22, 2020, the EGCSO BOD adopted a resolution recommending that the Monterey County Board of Supervisors adopt a resolution directing the Monterey County Registrar of Voters take all steps necessary to conduct a special election for EGCSO on May 4, 2021, in accordance with law and as delineated in the EGCSO BOD adopted resolution; and

WHEREAS, upon certification by the Monterey County Registrar of Voters that a majority vote of EGCSO registered voters had decided that EGCSO shall have a directly elected board or directors, it would become effective immediately.

NOW, THEREFORE, BE IT RESOLVED THAT the Monterey County Board of Supervisors hereby resolves to approve the following:

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

Section 2. The Registrar of Voters shall take all steps necessary to conduct a special election on May 4, 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:

*“Shall the East Garrison Community Services District have a directly elected Board of Directors?”*

In addition, the ballot shall contain the general board member contest to elect five (5) candidates to serve as the EGCS D BOD that shall take effect if the question of a directly elected Board of Directors is approved by a majority of votes cast. 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 January 11, 2021 and ends on February 5, 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 these specifications 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 shall apply, and the County of Monterey Office of the 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 Office 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. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on this 22<sup>nd</sup> day of September 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

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 order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 22, 2020.

Dated: September 22, 2020

File ID: RES 20-150

Agenda Item No.: 27

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

  
\_\_\_\_\_  
Joel G. Pablo, Deputy



EXHIBIT 3

**Monterey County  
Board of Supervisors**

**Board Order**

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066  
www.co.monterey.ca.us

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to:

**Resolution No.: 21-027 and Resolution No.: 21-095**

Direct the Registrar of Voters to:

- a. Cancel the East Garrison Community Services District (EGCSD) special election scheduled on May 4, 2021, and
- b. Remove the posting for the EGCSD special election and take other actions necessary to effectuate the cancellation of the election.

PASSED AND ADOPTED on this 26<sup>th</sup> day of January 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams  
NOES: None  
ABSENT: None  
(Government Code 54953)

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 order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting January 26, 2021.

Dated: January 27, 2021  
Revised Date: April 12, 2021  
File ID: RES 21-017  
Agenda Item No.: 54

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

  
Julian Lorenzana, Deputy

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

**Resolution No.: 21-027**

- Direct the Registrar of Voters to: )
- a. Cancel the special election on May 4, 2021; and )
- b. Remove the posting of the special election and take other actions )
- necessary to effectuate the cancellation of the election..... )

**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**, on September 22, 2020, the Monterey County Board of Supervisors adopted Resolution No. 20-305 directing the Monterey County Registrar of Voters conduct a special election for EGCSD on May 4, 2021;

**WHEREAS**, on January 13, 2021, it was determined by County Counsel that a May election date created legal inconsistencies with structuring new district board terms;

**WHEREAS**, Public Works, Facilities, & Parks concurs with cancelling the May special election and recommends moving it to a November date to resolve legal inconsistencies;

**WHEREAS**, EGCSD has sufficient funds in Fiscal Year 2020-21 to reimburse the County of Monterey Elections Department for preparations for the May 4, 2021 special election;

**WHEREAS**, the County requested the election and can cancel its request; therefore, the Elections Department is not legally mandated to hold this election; and

**WHEREAS**, on January 26, 2021, the EGCSD BOD concurrently adopted a resolution recommending that the Monterey County Board of Supervisors adopt a resolution directing the Monterey County Registrar of Voters to cancel the special election on May 4, 2021 and to remove the posting of the special election and take other actions necessary to effectuate the cancellation of the election.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Monterey County Board of Supervisors hereby resolves to approve the following:

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

Section 2. Directs that the Registrar of Voters shall cancel the EGCSD special election on May 4, 2021 and remove the posting of the special election and take other actions necessary to effectuate the cancellation of the election.



**PASSED AND ADOPTED** on this 26<sup>th</sup> day of January 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)


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 order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting January 26, 2021.

Dated: January 27, 2021

File ID: RES 21-017

Agenda Item No.: 54

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

  
Julian Lorenzana, Deputy

*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*

**Amended Resolution No. 21-095**

Acting as the Board of Directors of the East Garrison Community Services District: )  
Adopt a resolution recommending the Monterey County Board of Supervisors: )  
a. Direct the Registrar of Voters to cancel special election on May 4, 2021, and )  
b. Direct the Registrar of Voters to remove the posting of the election and take any )  
other actions necessary to effectuate the cancellation of the election..... )

**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**, on September 22, 2020, the Board of Directors of the EGCSD adopted Resolution No. 20-307 recommending the Monterey County Board of Supervisors direct the Monterey County Registrar of Voters to conduct a special election on May 4, 2021;

**WHEREAS**, on September 22, 2020, the Monterey County Board of Supervisors adopted Resolution No. 20-305 directing the Monterey County Registrar of Voters to conduct a special election on May 4, 2021;

**WHEREAS**, on January 13, 2021, a May election date created legal inconsistencies with structuring new Board terms;

**WHEREAS**, a November election would resolve the legal inconsistencies with structuring new Board terms;

**WHEREAS**, the EGCSD Board of Directors bylaws' state members of the Board shall be classified into two classes;

**WHEREAS**, one class shall have three members with four-year terms and the other class shall have two members with two-year terms, thereafter, the terms for all members shall be four years; **WHEREAS**, Directors shall take office at noon on the first Friday in December following their election;

**WHEREAS**, County requested the election, County can cancel its request, the Elections Department is not legally mandated to hold this election.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Monterey County Board of Supervisors, acting as the Board of Directors of the EGCSD (EGCSD 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 EGCSD BOD recommends that the Monterey County Board of Supervisors adopt a resolution directing the Registrar of Voters to cancel special election on May 4, 2021 and remove the posting of the election and take any other actions necessary to effectuate the cancellation of the election.

**PASSED AND ADOPTED** on this 26<sup>th</sup> day of January 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

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 order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting January 26, 2021.

Dated: January 27, 2021

Revised Date: April 12, 2021

File ID: RES 21-017

Agenda Item No.: 54

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

  
Julian Lorenzana, Deputy

## CHAPTER 3. BOARD OF DIRECTORS

61040. (a) A legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall not be considered an incompatible office with service as a member of a board of directors.

(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

61041. Notwithstanding subdivision (a) of Section 65040, this section applies only to those districts that on December 31, 2005, had boards of directors that consisted of three members. Those districts shall continue to have boards of directors that consist of three members until the next general district election after January 1, 2006, after which date those districts shall have boards of directors that consist of five members. At that election, the voters shall fill the two vacancies on the board of directors. Those two members of the board of directors shall serve for the terms of office determined pursuant to Section 10506 of the Elections Code.

61042. (a) The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election.

(b) For districts formed before January 1, 2006, where the members of the board of directors are not serving staggered terms, at the first meeting after January 1, 2006, the members shall classify themselves by lot into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the terms of the offices that begin after the next general district election shall be four years. For the class that has two members, the initial terms of the offices that begin after the next general district election shall be two years. Thereafter, the terms of all members shall be four years.

(c) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780.

61043. (a) Within 45 days after the effective date of the formation of a district, the board of directors shall meet and elect its officers. Thereafter, within 45 days after each general district or unopposed election, the board of directors shall meet and elect the officers of the board of directors. A board of directors may elect the officers of the board of directors annually.

(b) The officers of a board of directors are a president and a vice president. The president shall preside over meetings of the board of directors and the vice president shall serve in the president's absence or inability to serve.

(c) A board of directors may create additional offices and elect members to those offices, provided that no member of a board of directors shall hold more than one office.

61044. A board of directors shall hold a regular meeting at least once every three months. Meetings of the board of directors are subject to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

61045. (a) A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business.

(b) The board of directors shall act only by ordinance, resolution, or motion.

(c) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the board of directors to take action.

(d) The minutes of the board of directors shall record the aye and no votes taken by the members of the board of directors for the passage of all ordinances, resolutions, or motions.

(e) The board of directors shall keep a record of all its actions, including financial transactions.

(f) The board of directors shall adopt rules or bylaws for its proceedings.

(g) The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.

61046. (a) Ordinances may be passed by the voters by initiative pursuant to Article 1 (commencing with Section 9300) of Chapter 4 of Division 9 of the Elections Code.

(b) Legislative acts may be disapproved by the voters by referendum pursuant to Article 2 (commencing with Section 9340) of Chapter 4 of Division 9 of the Elections Code.

(c) Members of the board of directors may be recalled by the voters pursuant to Chapter 1 (commencing with Section 11000) of Division 11 of the Elections Code.

61047. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an