

Attachment D

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

Resolution No. 20- _____

- Adopt a resolution 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 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 EGCSB 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, EGCSB 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 EGCSB Secretary delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSB 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 EGCSB 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 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 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, EGCSB 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 EGCSB;

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 EGCSB 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 EGCSB on May 4, 2021, in accordance with law and as delineated in the EGCSB BOD adopted resolution; and

WHEREAS, upon certification by the Monterey County Registrar of Voters that a majority vote of EGCS D registered voters had decided that EGCS D 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 22nd day of September 2020, 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 September 22, 2020.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors

File Number:

County of Monterey, State of California

By _____
Deputy