

Monterey County

*Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Meeting Agenda - Final

Tuesday, September 22, 2020

10:30 AM

<https://montereycty.zoom.us/j/224397747>

**IMPORTANT COVID-19 NOTICE ON PAGES 2-4
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINAS 2-4
East Garrison Community Services District**

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

Important Notice Regarding COVID 19

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, please do the following:

1. While the Board chambers remain open, you are strongly encouraged to observe the live stream of the Board of Supervisors meetings at http://monterey.granicus.com/ViewPublisher.php?view_id=19, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV or <https://www.facebook.com/MontereyCoInfo/>

If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals.

2. If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so in three ways:

a. submit your comment via email by 5:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at cob@co.monterey.ca.us. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

b. if you are watching the live stream of the Board meeting, you may submit your comment, limited to 250 words or less, to the Clerk of the Board at publiccomment@co.monterey.ca.us. General public comment must be received during the General Public Comment item on the agenda, and comments on specific agenda items must be received as it is being heard. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

c. you may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/224397747>

OR to participate by phone call any of these numbers below:

+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US

+1 301 715 8592 US

Enter this Meeting ID number: 224397747 when prompted. Please note there is no Participant Code, you will just hit # again after the recording prompts you.

You will be placed in the meeting as an attendee; when you are ready to make a public comment if joined by computer audio please Raise your Hand; and by phone please push *9 on your keypad.

3. You are encouraged to participate via Zoom as the Monterey Room on the 2nd floor of the County Government Center will not be available for overflow seating during this meeting.

Aviso importante sobre COVID 19

Basado en la guía del Departamento de Salud Pública de California y la Oficina del Gobernador de California, para minimizar la propagación del virus COVID 19, haga lo siguiente:

1. Mientras las cámaras de la Junta permanecen abiertas, le recomendamos que observe la transmisión en vivo de las reuniones de la Junta de Supervisores en http://monterey.granicus.com/ViewPublisher.php?view_id=19, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV o <https://www.facebook.com/MontereyCoInfo/>

Si asiste a la reunión de la Junta de Supervisores en persona, deberá mantener un distanciamiento social apropiado, es decir, mantener una distancia de 6 pies entre usted y otras personas.

2. Si elige no asistir a la reunión de la Junta de Supervisores pero desea hacer un comentario público general o comentar un tema específico de la agenda, puede hacerlo de tres maneras:

a. envíe su comentario por correo electrónico antes de las 5:00 p.m. el lunes anterior a la reunión de la Junta. Envíe su comentario al Secretario de la Junta a cob@co.monterey.ca.us. En un esfuerzo por ayudar al Secretario a identificar el ítem de la agenda relacionado con su comentario público, indique en la línea de asunto, el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de ítem (es decir, el ítem No. 10). Su comentario se colocará en el registro en la reunión de la Junta.

b. Si está viendo la transmisión en vivo de la reunión de la Junta, puede enviar su comentario, limitado a 250 palabras o menos, al Secretario de la Junta en publiccomment@co.monterey.ca.us. Los comentarios del público en general deben recibirse durante el elemento de Comentarios del público en general en la agenda, y los comentarios sobre los elementos específicos de la agenda deben recibirse mientras se escuchan. En un esfuerzo por ayudar al Secretario a identificar el ítem de la agenda relacionado con su comentario público, indique en la línea de asunto, el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de ítem (es decir, el ítem No. 10). Se hará todo lo posible para leer su comentario en el registro, pero algunos comentarios pueden

no leerse debido a limitaciones de tiempo. Los comentarios recibidos después de un ítem de la agenda serán parte del registro si se reciben antes del final de la reunión.

c. Puedes participar a través de ZOOM. Para participar en ZOOM, únase por audio de computadora en: <https://montereycty.zoom.us/j/224397747>

O para participar por teléfono, llame a cualquiera de estos números a continuación:

+1 669 900 6833 EE. UU. (San José)
+1346248 7799 EE. UU. (Houston)
+1312626 6799 EE. UU. (Chicago)
+1929205 6099 EE. UU. (Nueva York)
+1 253 215 8782 EE. UU.
+1301715 8592 EE. UU.

Ingrese este número de ID de reunión: 224397747 cuando se le solicite. Tenga en cuenta que no hay un Código de participante, simplemente presionará # nuevamente después de que la grabación lo solicite.

Se lo colocará en la reunión como asistente; cuando esté listo para hacer un comentario público si se une al audio de la computadora, levante la mano; y por teléfono presione * 9 en su teclado.

3. Se le anima a participar a través de Zoom ya que la sala Monterey en el segundo piso del Centro de Gobierno del Condado no estará disponible para asientos adicionales durante esta reunión.

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

Please refer to the separate agenda for the Board of Supervisors

10:30 A.M. - Call to Order

Roll Call

Pledge of Allegiance

Additions and Corrections by Clerk

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

General Public Comments

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

Consent Calendar

1. Acting as the Board of Directors of the East Garrison Community Services District:
 - a. Adopt a resolution recommending that the Monterey County Board of Supervisors: 1. 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: *i)* Shall the East Garrison Community Services District have a directly elected Board of Directors? and *ii)* If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve?; 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 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; and
 - b. Direct East Garrison Community Services District to reimburse the Elections Department, in full, for costs associated with conducting the special election on May 4, 2021, and the Registrar of Voters certifying the Vote-By-Mail Ballot Special Election results.

Attachments: [Board Report](#)
[Attachment A-Statement of Registration Certification](#)
[Attachment B-Detailed Background and Discussion](#)
[Attachment C-Draft EGCSB BOD Resolution](#)

Adjournment



Monterey County

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: EGCSD RES 20-003

September 22, 2020

Introduced: 9/3/2020

Current Status: Consent Agenda

Version: 1

Matter Type: East Garrison CSD
Resolution

Acting as the Board of Directors of the East Garrison Community Services District:

- a. Adopt a resolution recommending that the Monterey County Board of Supervisors: 1. 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: *i)* Shall the East Garrison Community Services District have a directly elected Board of Directors? and *ii)* If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve?; 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 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; and
- b. Direct East Garrison Community Services District to reimburse the Elections Department, in full, for costs associated with conducting the special election on May 4, 2021, and the Registrar of Voters certifying the Vote-By-Mail Ballot Special Election results.

RECOMMENDATION:

It is recommended that the Board of Directors of the East Garrison Community Services District:

- a. Adopt a resolution recommending that the Monterey County Board of Supervisors: 1. 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: *i)* Shall the East Garrison Community Services District have a directly elected Board of Directors? and *ii)* If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve?; 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 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; and

b. Direct East Garrison Community Services District to reimburse the Elections Department, in full, for costs associated with conducting the special election on May 4, 2021, and the Registrar of Voters certifying the Vote-By-Mail Ballot Special Election results.

SUMMARY/DISCUSSION:

On July 21, 2005, the State Legislature approved the creation of the East Garrison Community Services District (EGCSD) and named the Monterey County Board of Supervisors 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 ten (10) years after formation, or earlier, if 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. In the August 29, 2017 EGCSD election, the measure to have a directly elected Board of Directors failed, and the Monterey County Board of Supervisor continues to serve as the BOD for EGCSD.

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). Staff requests that the EGCSD BOD recommend to the Monterey County Board of Supervisors to adopt a resolution directing the Monterey County Registrar of Voters to conduct a special election by Vote-By-Mail ballot on May 4, 2021, the earliest possible date for the required election, and direct County Counsel to prepare an impartial summary of the ballot measure. The legislation creating EGCSD requires that the Monterey County Board of Supervisors adopt a resolution, placing the question of having an independent elected board of directors on the ballot. The law further requires that, 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 BOD. Should the EGCSD BOD adopt this resolution, the Monterey County Board of Supervisors will consider its request as a separate item at the Monterey County Board of Supervisors' meeting later today.

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 EGCSD Secretary 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 their candidate statement.

On August 11, 2020, in compliance with Elections Code Section 10522, the EGCSO Secretary delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSO 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 EGCSO special district election.

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 Secretary 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.

OTHER AGENCY INVOLVEMENT:

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, so the General Fund will not be impacted. 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. Sufficient funding is budgeted in the Fiscal Year 2020-21 Adopted Budget 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.

The financial impact to EGCSO in forming an independent district is unknown. The costs for EGCSO management will likely increase, given that EGCSO would need to establish its own governance and administrative function. Currently, these functions are handled by the County Resource Management Agency (RMA). If EGCSO were to contract with a third-party for the general management of the EGCSO, it would still have to establish and maintain a governance and management function to oversee such a contract.

Voter approval of an independent board could potentially impact the County financially, since over half of EGCSO'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 EGCSO and County, the process of the County receiving reimbursements for EGCSO-funded services will require coordination with the independent EGCSO and the County to ensure required services are provided and timely, accurate payment for services are received.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Holding an election to determine if the EGCSO shall have an independently elected Board of Directors supports the Board of Supervisors' Strategic Initiatives for Economic Development, Infrastructure, and Public Safety. Efficient EGCSO 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 CSO enhances and maintains East Garrison's infrastructure. EGCSO 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

Prepared by: Dawn Yonemitsu, RMA Special Districts Management Analyst I (831) 755-5304
Reviewed by: Melanie Beretti, Property Administration/Special Programs Manager
Approved by: Shawne Ellerbee, Assistant Director of Resource Management Agency
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment A-Statement of Registration Certification
Attachment B-Detailed Background and Discussion
Attachment C-Draft Resolution
(Attachments are on file with the Clerk of the Board)



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: EGCSD RES 20-003

September 22, 2020

Introduced: 9/3/2020

Current Status: Agenda Ready

Version: 1

Matter Type: East Garrison CSD
Resolution

Acting as the Board of Directors of the East Garrison Community Services District:

- a. Adopt a resolution recommending that the Monterey County Board of Supervisors: 1. 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: *i)* Shall the East Garrison Community Services District have a directly elected Board of Directors? and *ii)* If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve?; 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 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; and
- b. Direct East Garrison Community Services District to reimburse the Elections Department, in full, for costs associated with conducting the special election on May 4, 2021, and the Registrar of Voters certifying the Vote-By-Mail Ballot Special Election results.

RECOMMENDATION:

It is recommended that the Board of Directors of the East Garrison Community Services District:

- a. Adopt a resolution recommending that the Monterey County Board of Supervisors: 1. 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: *i)* Shall the East Garrison Community Services District have a directly elected Board of Directors? and *ii)* If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve?; 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 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; and

b. Direct East Garrison Community Services District to reimburse the Elections Department, in full, for costs associated with conducting the special election on May 4, 2021, and the Registrar of Voters certifying the Vote-By-Mail Ballot Special Election results.

SUMMARY/DISCUSSION:

On July 21, 2005, the State Legislature approved the creation of the East Garrison Community Services District (EGCSD) and named the Monterey County Board of Supervisors 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 ten (10) years after formation, or earlier, if 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. In the August 29, 2017 EGCSD election, the measure to have a directly elected Board of Directors failed, and the Monterey County Board of Supervisor continues to serve as the BOD for EGCSD.

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). Staff requests that the EGCSD BOD recommend to the Monterey County Board of Supervisors to adopt a resolution directing the Monterey County Registrar of Voters to conduct a special election by Vote-By-Mail ballot on May 4, 2021, the earliest possible date for the required election, and direct County Counsel to prepare an impartial summary of the ballot measure. The legislation creating EGCSD requires that the Monterey County Board of Supervisors adopt a resolution, placing the question of having an independent elected board of directors on the ballot. The law further requires that, 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 BOD. Should the EGCSD BOD adopt this resolution, the Monterey County Board of Supervisors will consider its request as a separate item at the Monterey County Board of Supervisors' meeting later today.

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 EGCSD Secretary 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 their candidate statement.

On August 11, 2020, in compliance with Elections Code Section 10522, the EGCSO Secretary delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSO 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 EGCSO special district election.

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 Secretary 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.

OTHER AGENCY INVOLVEMENT:

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, so the General Fund will not be impacted. 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. Sufficient funding is budgeted in the Fiscal Year 2020-21 Adopted Budget 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.

The financial impact to EGCSO in forming an independent district is unknown. The costs for EGCSO management will likely increase, given that EGCSO would need to establish its own governance and administrative function. Currently, these functions are handled by the County Resource Management Agency (RMA). If EGCSO were to contract with a third-party for the general management of the EGCSO, it would still have to establish and maintain a governance and management function to oversee such a contract.

Voter approval of an independent board could potentially impact the County financially, since over half of EGCSO'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 EGCSO and County, the process of the County receiving reimbursements for EGCSO-funded services will require coordination with the independent EGCSO and the County to ensure required services are provided and timely, accurate payment for services are received.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:


Holding an election to determine if the EGCSO shall have an independently elected Board of Directors supports the Board of Supervisors' Strategic Initiatives for Economic Development, Infrastructure, and Public Safety. Efficient EGCSO 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 CSO enhances and maintains East Garrison's infrastructure. EGCSO 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

Prepared by: Dawn Yonemitsu, RMA Special Districts Management Analyst I (831) 755-5304

Reviewed by: Melanie Beretti, Property Administration/Special Programs Manager

Approved by: Shawne Ellerbee, Assistant Director of Resource Management Agency

Approved by: Carl P. Holm, AICP, RMA Director 

Attachments:

Attachment A-Statement of Registration Certification

Attachment B-Detailed Background and Discussion

Attachment C-Draft Resolution

(Attachments are on file with the Clerk of the Board)

Attachment A

This page intentionally left blank.

MONTEREY COUNTY ELECTIONS

1441 Schilling Place-North Building
Salinas, CA 93901

www.MontereyCountyElections.us

Claudio Valenzuela
Registrar of Voters

PO Box 4400
Salinas, CA 93912

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

elections@co.monterey.ca.us

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:

This 23rd day of July 2020

SIGNED:

Claudio Valenzuela, Registrar of Voters



This page intentionally left blank

Attachment B

This page intentionally left blank.

EAST GARRISON COMMUNITY SERVICES DISTRICT DETAILED BACKGROUND AND DISCUSSION

EGCSD was created to provide and fund the provision of urban services to the East Garrison Community. EGCSD is funded by a Mello-Roos Community Facilities Special Annual Tax imposed by the East Garrison Public Financing Authority. EGCSD maintenance and funding responsibilities are defined in the Urban Services Agreement, adopted between the County of Monterey, and EGCSD, adopted in 2006, and amended March 26, 2013. The primary responsibilities of the EGCSD are maintenance and operation of urban facilities, including open space, fencing, drainage facilities, roadway landscaping and Lincoln Park. The EGCSD is also required to reimburse the County for County provided services, namely Sheriff's Patrol and perimeter road operations and maintenance. The Fiscal Analysis prepared by Keyser Marston in 2013 identified EGCSD annual costs at full development, in 2012 Dollars, at approximately \$1.75 Million, of which about half was for County Sheriff services and County perimeter roads. EGCSD maintenance activities are currently performed by private contractors, under an interim maintenance agreement with the developer, Union Community Partners (UCP).

The Board of Supervisors has acted as the governing board of the EGCSD since its inception. Delays in the development of East Garrison, due to the Great Recession, caused the development to be considerably behind the stage envisioned at EGCSD's formation. Inadvertently, the election was not placed on the November 2016 ballot to meet the election being conducted after 10-years of formation; however, it was held at the next general election on August 29, 2017. This prior election did not have the required number of registered voters residing with EGCSD. For the proposed election, if the Registrar of Voters certifies that the number of registered voters within the EGCSD exceeds 500 and certifies the election results as a majority of voters within EGCSD has voted in favor of having an independent board, the governance of EGCSD immediately transfers from the Board of Supervisors to the newly elected EGCSD Board of Directors.

Though a majority decision to create an independent board shifts the governance and management of EGCSD to the new independent board, the Urban Services Agreement, currently in place, will remain an enforceable obligation of the parties, unless it is amended by mutual consent. Upon establishment of an independent board, EGCSD would need to establish its own governance (e.g., adoption of by-laws, etc.) and management structure (e.g., financial, legal, risk management, purchasing, human resources, etc.) Since EGCSD's inception, the County has provided its governance and day-to-day management. Currently, the Resource Management Agency (RMA) provides these services. If the majority of EGCSD votes not in favor of becoming an independent board, the BOS acting as the EGCSD Board of Directors and RMA day-to-day management of EGCSD will remain in effect.

This page intentionally left blank

Attachment C

This page intentionally left blank.

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

Resolution No. 20- _____

Acting as the Board of Directors of the East Garrison Community Services District:)
a. Adopt a resolution recommending that the Monterey County Board of Supervisors: 1. 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: *i)* Shall the East Garrison Community Services District have a directly elected Board of Directors? and *ii)* If the East Garrison Community Services District shall have a directly elected Board of Directors, which five (5) candidates shall be elected to serve?; 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 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; and)
b. Direct East Garrison Community Services District to reimburse the Elections Department, in full, for costs associated with conducting the special election on May 4, 2021, and the Registrar of Voters certifying the Vote-By-Mail Ballot Special Election results.)

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 or District), 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 EGCSO has reached or exceeded 500, the Monterey County Board of Supervisors may adopt a resolution placing on the ballot the question of whether EGCSO 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 EGCSO has reached or exceeded 500 voters;

WHEREAS, Government Code Section 61029.5(c) also specifies that the voters shall elect members to EGCSO 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, 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, EGCSO has sufficient funds in Fiscal Year 2020-21 to reimburse the County of Monterey Elections Department for conducting the election, at an estimated cost of \$45,000;

WHEREAS, this election is proposed to be held on May 4, 2021, which is an established Vote-by-Mail ballot election date pursuant to Elections Code Section 1500;

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 Secretary of the EGCSO delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSO Board of Directors (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 August 11, 2020, in compliance with Elections Code Section 10522, the Secretary of EGCSO delivered notice 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; and

WHEREAS, upon certification by the Monterey County Registrar of Voters that a majority vote of EGCSB registered voters had decided that EGCSB 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, acting as the Board of Directors of EGCSB (EGCSB 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 EGCSB BOD recommends that the Monterey County Board of Supervisors adopt a resolution directing the Registrar of Voters to 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 EGCSB to submit to the voters of the District the following question:

“1) 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 electing five (5) candidates to serve as the EGCSB BOD that shall take effect if the question of a directly elected Board of Directors is approved by a majority of votes cast. 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. Candidate statement acceptance starts on January 11, 2021 and ends on February 5, 2021. Information about how to become a candidate can be located at the Monterey County Elections website under Candidates and Candidates Guidelines.

The EGCSB BOD further recommends the Monterey County Board of Supervisors 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 direct the County of Monterey Office of the County Counsel to prepare an impartial analysis of the ballot measure.

Section 3. The EGCSB BOD further recommends 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 EGCSB BOD further recommends that in the event of any tie votes, the winning candidate(s) will be determined by a single coin toss conducted by the Registrar of Voters.

Section 5. The EGCSB BOD further recommends this resolution shall take effect immediately upon its adoption.

Section 6. The EGCSB BOD directs that EGCSB shall reimburse the Elections Department, in full, for the services performed by the Elections Department and Registrar of Voters to conduct the special election by Vote-By-Mail ballot and certify the results, respectively, upon presentation of an invoice to EGCSB.

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:

File Number:

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

By _____
Deputy