

Monterey County

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



Meeting Agenda - Final

Tuesday, May 25, 2021

10:30 AM

**IMPORTANT COVID-19 NOTICE ON PAGE 2-4
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4**

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

East Garrison Community Services District

*Chair Director Wendy Root Askew - District 4
Vice Chair Director Mary L. Adams - District 5
Director Luis A. Alejo - District 1
Director John M. Phillips - District 2
Director Chris Lopez - District 3*

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 <https://monterey.legistar.com/Calendar.aspx>, <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; however, additional seating with audio of the Board meeting will be available in the Monterey Room on the 2nd floor of the County Government Center is needed for overflow.

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

<https://monterey.legistar.com/Calendar.aspx>, <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; sin embargo, se necesitarán asientos adicionales con audio de la reunión de la Junta en el Salón Monterey en el segundo piso del Centro de Gobierno del Condado para el de

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 and other special districts

10:30 A.M. - Call to Order

Roll Call

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.

Public Comment

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.

10:30 A.M. - Scheduled Matters

1. CONTINUED FROM MARCH 16, 2021 - Acting as the Board of Directors of the East Garrison Community Services District:
 1. Consider whether to hold an election for a directly elected Board of Directors in November 2021 or November 2022;
 2. If held in November 2021, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution directing the Registrar of Voters (ROV) to conduct the election as more fully described in the staff report and adopt a resolution directing EGCSO to reimburse the Elections Department (ED), in full, for costs associated with conducting the election and the ROV certifying the election results.
 3. If held in November 2022, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution declining a November 2021 election and directing staff to return with a procedure and/or options for a November 2022 election.

Attachments: [Board Report](#)
[Attachment A - March 16, 2021 Board Report](#)
[Attachment B - Detailed Background and Discussion](#)
[Attachment C - Detailed Timeline](#)
[Attachment D - SB 1092 - Section 61029.5](#)
[Attachment E - County Counsel Memorandum](#)
[Attachment F- EGCSO AC Election Preference Letter](#)
[Attachment G - Elections Code 10404](#)
[Attachment H - Draft Resolution 11/2/21](#)
[Attachment I - Draft BOD Reso Decline 11/2/21 Election](#)

Adjournment



Monterey County

Item No.1

Board Report

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

Legistar File Number: EGCSO RES 21-003

May 25, 2021

Introduced: 5/14/2021

Current Status: Consent Agenda

Version: 1

Matter Type: East Garrison CSD
Resolution

CONTINUED FROM MARCH 16, 2021 - Acting as the Board of Directors of the East Garrison Community Services District:

1. Consider whether to hold an election for a directly elected Board of Directors in November 2021 or November 2022;
2. If held in November 2021, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution directing the Registrar of Voters (ROV) to conduct the election as more fully described in the staff report and adopt a resolution directing EGCSO to reimburse the Elections Department (ED), in full, for costs associated with conducting the election and the ROV certifying the election results.
3. If held in November 2022, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution declining a November 2021 election and directing staff to return with a procedure and/or options for a November 2022 election.

..Report

RECOMMENDATION:

CONTINUED FROM MARCH 16, 2021 - Acting as the Board of Directors of the East Garrison Community Services District:

1. Consider whether to hold an election for a directly elected Board of Directors in November 2021 or November 2022;
2. If held in November 2021, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution directing the Registrar of Voters (ROV) to conduct the election as more fully described in the staff report and adopt a resolution directing EGCSO to reimburse the Elections Department (ED), in full, for costs associated with conducting the election and the ROV certifying the election results.
3. If held in November 2022, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution declining a November 2021 election and directing staff to return with a procedure and/or options for a November 2022 election.

SUMMARY/DISCUSSION:

This item came before the Board on March 16, 2021 and it was continued to a date uncertain to allow staff an opportunity to respond to questions from several supervisors and EGCSO Advisory Committee members. (See March 16, 2021 Board Report as Attachment A and Detailed Background and Discussion as Attachment B) A question arose as to whether the election should be set in November 2022, rather than November 2021, to reduce cost and increase voter participation by consolidating with the State general elections. Staff was specifically requested to determine whether the California Voters Participation Rights Act of 2015 (CVPR) required consolidation with

State general elections, in consultation with the ED.

The CVPR specifically states that it does not apply to special elections; the EGCSO independence elections are special elections, and therefore the CVPR does not apply to the independent election itself. The ED was consulted regarding this matter and while it concurs that the CVPR does not require holding the election in November 2022, it recommended that the election be held in November 2022, to avoid potential confusion with the gubernatorial recall election that is anticipated to be scheduled in November or early December of 2021. Further, the ED recommends that should EGCSO move to an elected board, regularly scheduled government board member elections be consolidated with statewide general elections to be in line with the CVPR and reduce the overall cost of elections to EGCSO.

When the State Legislature authorized the creation of the EGCSO, it allowed the BOS to serve as its initial BOD. The State Legislature required that the BOS call for an election to determine if the voters within EGCSO wished to establish an independent board when certain triggers were met, including the passage of ten (10) years after its formation, and when the ED certified that 500 voters were registered within EGCSO. Attachment C provides a detailed timeline of this matter.

Government Code Section 61029.5 states “The Board of Supervisors of the County of Monterey shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs...”. Elections Code Sections 1000 and 1500 provides a list of established election dates, to include March and November in odd-numbered years, with additional dates in May and August for solely mail-in ballot elections. (Attachment D)

California Special Districts Law (CSDL) requires elections be held in odd-numbered years. The Board can set the election date in 2022; however, either the by-laws of EGCSO BOD must be amended to provide the initial terms be one (1) and three (3) years rather than two (2) and four (4), in order to align general EGCSO BOD elections with odd-numbered years as required by CSDL or the BOS must determine that general EGCSO BOD elections be held on and consolidated with the statewide general election held in even-numbered years. Attachment E provides a detailed County Counsel May 11, 2021 Memorandum.

The EGCSO Advisory Committee provided a letter with their preference for an election in November of 2022 and take the necessary procedural steps to establish permanent even-year elections for an independently elected board when the community votes for independence. (Attachment F)

If the independence election is held and approved by voters in November 2021, the independently elected EGCSO BOD could later petition to request the County to postpone Board elections to the following even numbered year, which extends the term of the directors, who would be up for reelection, for no more than one (1) year. (Attachment G-Elections Code Section 10404)

OTHER AGENCY INVOLVEMENT:

CC will prepare an impartial summary of the ballot measure upon Board direction. The County Administrative Office supports the proposed resolution, and the ED has reviewed this staff report and affirmed the accuracy of representations regarding their position.

FINANCING:

EGCSO will reimburse the ED for all costs associated with conducting the proposed special or general election. The ROV estimates the cost of a Vote-By-Mail (VBM) Ballot Measure for approximately 1,267 registered voters at \$45,000. To date, ED has incurred \$5,019.46 in expenses preparing for a May 2021 election, of which \$3,329.57 is for services that cannot be used, and \$1,689.89 is for services that can be used for a 2021 postponed election which would be deducted from the total estimated cost. The Fiscal Year 2021-2022 or 2022-2023 Budget to be developed will include the cost of holding this election as there are sufficient funds available in the uncommitted fund balance for EGCSO, Fund 181, Appropriation Unit RMA106, to reimburse staff costs and ED costs associated with conducting a VBM Ballot special election and the ROV certifying its results. This funding is derived from a special tax imposed upon residential properties within East Garrison.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Holding an election to determine if EGCSO shall have an independently elected BOD supports the BOS' Strategic Initiatives for Administration due to an election being required by law and therefore supports the administration of government functions.

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

Prepared by: Dawn Yonemitsu, Management Analyst II (831) 755-5304

Reviewed by: Dalia Mariscal-Martinez, Management Analyst III

Reviewed by: Shawne E. Ellerbee, Assistant Director of Public Works, Facilities, & Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, & Parks

Attachments:

Attachment A - March 16, 2021 Board Report

Attachment B - Detailed Background and Discussion

Attachment C - Detailed Timeline

Exhibit 1 - Statement of Registration Certification

Exhibit 2 - BOS Adopted Resolution No. 20-305

Exhibit 3 - BOS and EGCSO BOD Adopted Resolution No. 21-027 and 21-095

Exhibit 4 - Community Services District Law Section 61042

Attachment D - Senate Bill 1092- Section 61029.5

Attachment E - County Counsel May 11, 2021 Memorandum

Attachment F - EGCSO AC November 2022 Election Preference Letter

Attachment G - Elections Code 10404

Attachment H - Draft BOD Resolution November 2, 2021 Election

Attachment I - Draft BOD Resolution Decline November 2, 2021 Election

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



Monterey County

Item No.1

Board Report

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

Legistar File Number: EGCSO RES 21-003

May 25, 2021

Introduced: 5/14/2021

Current Status: Consent Agenda

Version: 1

Matter Type: East Garrison CSD
Resolution

CONTINUED FROM MARCH 16, 2021 - Acting as the Board of Directors of the East Garrison Community Services District:

1. Consider whether to hold an election for a directly elected Board of Directors in November 2021 or November 2022;
2. If held in November 2021, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution directing the Registrar of Voters (ROV) to conduct the election as more fully described in the staff report and adopt a resolution directing EGCSO to reimburse the Elections Department (ED), in full, for costs associated with conducting the election and the ROV certifying the election results.
3. If held in November 2022, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution declining a November 2021 election and directing staff to return with a procedure and/or options for a November 2022 election.

RECOMMENDATION:

CONTINUED FROM MARCH 16, 2021 - Acting as the Board of Directors of the East Garrison Community Services District:

1. Consider whether to hold an election for a directly elected Board of Directors in November 2021 or November 2022;
2. If held in November 2021, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution directing the Registrar of Voters (ROV) to conduct the election as more fully described in the staff report and adopt a resolution directing EGCSO to reimburse the Elections Department (ED), in full, for costs associated with conducting the election and the ROV certifying the election results.
3. If held in November 2022, adopt a resolution recommending that the Monterey County Board of Supervisors (BOS) adopt a resolution declining a November 2021 election and directing staff to return with a procedure and/or options for a November 2022 election.

SUMMARY/DISCUSSION:

This item came before the Board on March 16, 2021 and it was continued to a date uncertain to allow staff an opportunity to respond to questions from several supervisors and EGCSO Advisory Committee members. (See March 16, 2021 Board Report as Attachment A and Detailed Background and Discussion as Attachment B) A question arose as to whether the election should be set in November 2022, rather than November 2021, to reduce cost and increase voter participation by consolidating with the State general elections. Staff was specifically requested to determine whether the California Voters Participation Rights Act of 2015 (CVPR) required consolidation with

State general elections, in consultation with the ED.

The CVPRA specifically states that it does not apply to special elections; the EGCSO independence elections are special elections, and therefore the CVPRA does not apply to the independent election itself. The ED was consulted regarding this matter and while it concurs that the CVPRA does not require holding the election in November 2022, it recommended that the election be held in November 2022, to avoid potential confusion with the gubernatorial recall election that is anticipated to be scheduled in November or early December of 2021. Further, the ED recommends that should EGCSO move to an elected board, regularly scheduled government board member elections be consolidated with statewide general elections to be in line with the CVPRA and reduce the overall cost of elections to EGCSO.

When the State Legislature authorized the creation of the EGCSO, it allowed the BOS to serve as its initial BOD. The State Legislature required that the BOS call for an election to determine if the voters within EGCSO wished to establish an independent board when certain triggers were met, including the passage of ten (10) years after its formation, and when the ED certified that 500 voters were registered within EGCSO. Attachment C provides a detailed timeline of this matter.

Government Code Section 61029.5 states “The Board of Supervisors of the County of Monterey shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs...”. Elections Code Sections 1000 and 1500 provides a list of established election dates, to include March and November in odd-numbered years, with additional dates in May and August for solely mail-in ballot elections. (Attachment D)

California Special Districts Law (CSDL) requires elections be held in odd-numbered years. The Board can set the election date in 2022; however, either the by-laws of EGCSO BOD must be amended to provide the initial terms be one (1) and three (3) years rather than two (2) and four (4), in order to align general EGCSO BOD elections with odd-numbered years as required by CSDL or the BOS must determine that general EGCSO BOD elections be held on and consolidated with the statewide general election held in even-numbered years. Attachment E provides a detailed County Counsel May 11, 2021 Memorandum.

The EGCSO Advisory Committee provided a letter with their preference for an election in November of 2022 and take the necessary procedural steps to establish permanent even-year elections for an independently elected board when the community votes for independence. (Attachment F)

If the independence election is held and approved by voters in November 2021, the independently elected EGCSO BOD could later petition to request the County to postpone Board elections to the following even numbered year, which extends the term of the directors, who would be up for reelection, for no more than one (1) year. (Attachment G-Elections Code Section 10404)

OTHER AGENCY INVOLVEMENT:

CC will prepare an impartial summary of the ballot measure upon Board direction. The County Administrative Office supports the proposed resolution, and the ED has reviewed this staff report and affirmed the accuracy of representations regarding their position.

FINANCING:

EGCSD will reimburse the ED for all costs associated with conducting the proposed special or general election. The ROV estimates the cost of a Vote-By-Mail (VBM) Ballot Measure for approximately 1,267 registered voters at \$45,000. To date, ED has incurred \$5,019.46 in expenses preparing for a May 2021 election, of which \$3,329.57 is for services that cannot be used, and \$1,689.89 is for services that can be used for a 2021 postponed election which would be deducted from the total estimated cost. The Fiscal Year 2021-2022 or 2022-2023 Budget to be developed will include the cost of holding this election as there are sufficient funds available in the uncommitted fund balance for EGCSD, Fund 181, Appropriation Unit RMA106, to reimburse staff costs and ED costs associated with conducting a VBM Ballot special election and the ROV certifying its results. This funding is derived from a special tax imposed upon residential properties within East Garrison.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Holding an election to determine if EGCSD shall have an independently elected BOD supports the BOS' Strategic Initiatives for Administration due to an election being required by law and therefore supports the administration of government functions.

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

Prepared by: Dawn Yonemitsu, Management Analyst II (831) 755-5304

Reviewed by: Dalia Mariscal-Martinez, Management Analyst III

Reviewed by: Shawne E. Ellerbee, Assistant Director of Public Works, Facilities, & Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, & Parks

DocuSigned by:

Randell Ishii
C09779208FE94F3...

Attachments:

Attachment A - March 16, 2021 Board Report

Attachment B - Detailed Background and Discussion

Attachment C - Detailed Timeline

Exhibit 1 - Statement of Registration Certification

Exhibit 2 - BOS Adopted Resolution No. 20-305

Exhibit 3 - BOS and EGCSD BOD Adopted Resolution No. 21-027 and 21-095

Exhibit 4 - Community Services District Law Section 61042

Attachment D - Senate Bill 1092- Section 61029.5

Attachment E - County Counsel May 11, 2021 Memorandum

Attachment F - EGCSD AC November 2022 Election Preference Letter

Attachment G - Elections Code 10404

Attachment H - Draft BOD Resolution November 2, 2021 Election

Attachment I - Draft BOD Resolution Decline November 2, 2021 Election

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

Attachment A

This page intentionally left blank.



Monterey County

Item No.

Board Report

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

Legistar File Number: RES 21-051

March 16, 2021

Introduced: 3/1/2021

Current Status: Agenda Ready

Version: 3

Matter Type: BoS Resolution

Adopt a resolution to:

1. Direct the Registrar of Voters to conduct a special election on November 2, 2021, wholly by Vote-By-Mail ballot on the following two questions: *i)* Shall the Board of Directors of the East Garrison Community Services District (currently the Monterey County Board of Supervisors) be changed to a Board of Directors elected at large by registered voters of the District with such directors taking office on the first Friday in December 2021? and *ii)* If a majority of registered voters in the East Garrison Community Services District adopt the foregoing measure, which five (5) candidates shall be elected to serve? Vote for no more than two (Two-year term); Vote for no more than three (Four-Year Term); 2. Limit candidate statements to 200 words and require each candidate to pay the Elections Department for all costs associated with publishing their statement pursuant to Elections Code Section 13307; 3. Stipulate that in the event of a tie, the winning candidate(s) of the special election will be determined by a single coin toss conducted by the Registrar of Voters; 4. Direct the Registrar of Voters to post the Resolution directing the Registrar of Voters to hold the special election in accordance with law and these specifications and render all services specified by the Elections Code relating to the election, such services include publication of the Formal Notice of Election Article 3 of Chapter 2, Division 9 of the Elections Code relating to arguments concerning county measures shall apply, as full measure text on the Elections website and Registrar shall provide printed copies upon request at a cost to the East Garrison Community Services District; and 5. Direct the County of Monterey Office of the County Counsel to prepare an impartial summary of the ballot measure for the special election.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to: 1. Direct the Registrar of Voters to conduct a special election on November 2, 2021, wholly by Vote-By-Mail ballot on the following two questions: *i)* Shall the Board of Directors of the East Garrison Community Services District (currently the Monterey County Board of Supervisors) be changed to a Board of Directors elected at large by registered voters of the District with such directors taking office on the first Friday in December 2021? and *ii)* If a majority of registered voters in the East Garrison Community Services District adopt the foregoing measure, which five (5) candidates shall be elected to serve? Vote for no more than two (Two-year term); Vote for no more than three (Four-Year Term); 2. Limit candidate statements to 200 words and require each candidate to pay the Elections Department for all costs associated with publishing their statement pursuant to Elections Code Section 13307; 3. Stipulate that in the event of a tie, the winning candidate(s) of the special election will be determined by a single coin toss conducted by the Registrar of Voters; 4. Direct the Registrar of Voters post the Resolution directing the Registrar of Voters to hold the special election in accordance with law and these specifications and render all services specified by the Elections Code relating to the election, such

services include publication of the Formal Notice of Election Article 3 of Chapter 2, Division 9 of the Elections Code relating to arguments concerning county measures shall apply, as full measure text on the Elections website and Registrar shall provide printed copies upon request at a cost to the East Garrison Community Services District; and 5. Direct the County of Monterey Office of the County Counsel to prepare an impartial summary of the ballot measure for the special election.

SUMMARY/DISCUSSION:

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

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

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

On February 9, 2021, in compliance with Elections Code Section 10522, the Secretary of the EGCSD delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSD Board of Directors to be filled at a special district election and each candidate is to pay for the publication of a statement of qualifications pursuant to Section 13007. On the same day, notice was sent showing the boundaries of the district and boundaries of the divisions of the district within Monterey County and a statement indicating in which divisions a director is to be elected and whether any elective office is to be elected at large at the next EGCSD special district election.

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

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

On February 9, 2021, in compliance with Elections Code Section 10522, the Secretary of the EGCSD delivered notice to the Monterey County Registrar of Voters of the elective offices of the EGCSD Board of Directors to be filled at a special district election and each candidate is to pay for the publication of a statement of qualifications pursuant to Section 13007. On the same day, notice

was sent showing the boundaries of the district and boundaries of the divisions of the district within Monterey County and a statement indicating in which divisions a director is to be elected and whether any elective office is to be elected at large at the next EGCSO special district election.

Elections Code Section 13307 specifies whenever an election is called by a district having offices to be filled, the district is required to fix and determine the number of words, either 200 or 400, a candidate may submit their candidate's statement and determine if the candidate and/or political subdivision will pay for the cost of the statement. The EGCSO Resolution recommends that the Monterey County Board of Supervisors establish a 200-word limit for candidate statements and require each candidate to pay the Elections Department for all costs associated with publishing the candidate's statement of qualifications.

Elections Code Section 15651 requires the district to determine the means and manner which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon. The EGCSO BOD recommends that the Monterey County Board of Supervisors stipulate that in the event of a tie, the winning candidate(s) be determined by a single coin toss conducted by the Registrar of Voters.

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

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

OTHER AGENCY INVOLVEMENT:

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

FINANCING:

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

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

charged to EGCSO. 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.

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 BOD and the County to ensure timely and accurate payment for services are received.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Holding an election to determine if 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, Management Analyst I (831) 755-5304

Reviewed by: Dalia Mariscal-Martinez, Management Analyst III

Reviewed by: Shawne E. Ellerbee, Assistant Director of Public Works, Facilities, & Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, & Parks

DS

RI

Attachments are on file with the Clerk of the Board:

Attachment A-Statement of Registration Certification

Attachment B-Detailed Background and Discussion

Attachment C-EGCSO BOD Resolution

Attachment D-Draft Resolution

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 (EGPFA). EGCSD maintenance and funding responsibilities are defined in the Urban Services Agreement, adopted between the County 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, 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 BOS 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 ten (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, the ROV certifies that the number of registered voters within the EGCSD exceeds 500. If the ROV 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 BOS to the newly elected EGCSD BOD.

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, PWFP provides these services. If the majority of EGCSD votes not in favor of becoming an independent board, the BOS acting as the EGCSD BOD and PWFP day-to-day management of EGCSD will remain in effect.

This page intentionally left blank

Attachment C

This page intentionally left blank.

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, EGCSO only had 498 registered voters. The August 29, 2017 EGCSO election measure to have a directly elected BOD failed, and the BOS continues to serve as the EGCSO 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 EGCSO was 1,280 (Exhibit 1-Statement of Registration Certification).

On August 11, 2020, in compliance with Elections Code Section 10522, the Secretary of the EGCSO delivered notice to the ROV 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.

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 EGCSO delivered notice to the ROV 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.

On March 16, 2021, staff presented a resolution to the BOS setting the election for November 2, 2021; the BOS and members of the EGCSO 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

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





EXHIBIT 2

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 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 22nd 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 22nd 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. Paolo, 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 26th 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 26th 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 26th 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

This page intentionally left blank

Attachment D

This page intentionally left blank.

[Cal Gov Code § 61029.5](#)

Deering's California Codes are current through Chapter 14 of the 2021 Regular Session, including all urgency legislation effective April 15, 2021 or earlier.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 6 Districts (Divs. 1 — 5) > Division 3 Community Services Districts (Pts. 1 — 7) > Part 2 Internal Organization (Chs. 1 — 5) > Chapter 2 Reorganizing the Board of Directors (§§ 61025 — 61030)

§ 61029.5. East Garrison Community Services District; Board of directors; Election

- (a) Notwithstanding any other provision of this division, the Board of Directors of the East Garrison Community Services District shall be the Board of Supervisors of the County of Monterey, until conversion to a directly elected board of directors.
- (b) The Board of Supervisors of the County of Monterey shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs:
 - (1) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded 500.
 - (2) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded a lower number specified by the Local Agency Formation Commission of Monterey County as a term and condition of approving the formation of the East Garrison Community Services District.
 - (3) Ten years after the effective date of the East Garrison Community Services District's formation.
 - (4) The Local Agency Formation Commission of Monterey County has required, as a term and condition of approving the formation of the East Garrison Community Services District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the East Garrison Community Services District's formation.
- (c) At the election, the voters shall also elect members to the East Garrison Community Services District's Board of Directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.
- (d) If the question is submitted to the voters at a general district election, the notice required by [Section 12112 of the Elections Code](#) shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of the election and ballot shall contain a statement of the question.

History

Added [Stats 2005 ch 108 § 2 \(SB 1092\)](#), effective July 21, 2005, operative January 1, 2006.

This page intentionally left blank

Attachment E

This page intentionally left blank.

MONTEREY COUNTY

OFFICE OF THE COUNTY COUNSEL



MEMORANDUM

DATE: May 11, 2021

TO: Board of Supervisors

FROM: Leslie J. Girard, County Counsel

SUBJECT: East Garrison Community Services District Election to Determine if the Board of Directors is Directly Elected.

INTRODUCTION

This memorandum addresses the timing of an election to determine if the Board of Directors of the East Garrison Community Service District ("District"), currently the Board of Supervisors, should be directly elected.

QUESTION PRESENTED

When may or must the election occur to determine if the Board of Directors of the District is directly elected?

SHORT ANSWER

The Board of Supervisors has discretion to determine when the election, which is a special election, should be held, whether in 2021 or 2022, but it must be on election dates established in the Elections Code. If the election is held in 2022, either the by-laws of the District must be amended to provide that the initial terms be one and three years rather than two and four, in order to align general District elections with odd-numbered years as required by the Community Services District Law ("CSD Law"), or the Board of Supervisors must determine that general District elections be held on and consolidated with the statewide general election held in even-numbered years.

BACKGROUND

The formation, governance and powers of a Community Services District are generally set forth in the CSD Law, Division 3 of Title 6 of the Government Code (Section 61000 et seq.). The District was formed in October of 2005, and Government Code section 61029.5 provides that the Board of Directors of the District is the Board of Supervisors until conversion to a directly elected board. The Board of Supervisors is directed to place the question of whether to have a directly elected board on a ballot upon the happening of one of four events: (1) the registrar of voters certifies that the number of voters in the District has reached or exceeded 500; (2) the registrar of voters certifies that the number of voters in District has reached or exceeded a lower number specified

CONFIDENTIAL COMMUNICATION -- NOT A PUBLIC RECORD

Page 2

To: Board of Supervisors
Re: EGCS D Election of Directors
Page 2

by the Local Agency Formation Commission as a term and condition of approving the formation of the District; (3) ten years after the effective date of the District's formation; or (4) the Local Agency Formation Commission has required, as a term and condition of approving the formation of the District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the District's formation. There is no specific time set forth in the statute for when the election is to occur. The election will have two parts: a) should the Board of Directors be directly elected; and, b) election of Directors. The election of Directors will be effective only if the first question is passed. The first threshold, number of registered voters, has been met, triggering the requirement for the election.

Except as may be set forth in the CSD Law, elections for the District are governed by the Uniform District Election Law, Part 4 of Division 10 of the Elections Code (Section 10500 et seq.), and other provisions of the Elections Code. Pursuant to Elections Code section 1400, a District special election may be held on any of the election dates set forth in the Elections Code, which includes "[t]he first Tuesday after the first Monday in November of each year." Elections Code section 1303 provides that general District elections for Directors must be in the odd-numbered years.¹ Directly elected directors take office at noon on the first Friday in December following their election.

By Resolution No. E/G 06-002, adopted by the Board of Supervisors acting as the Board of Directors of the District on March 14, 2006, by-laws for the District Board were approved. Section 2.03 of the by-laws provides for the initial election of a directly elected Board, and creates two classes of directors; one to be initially elected for terms of two years, and the other to be elected for terms of four years. Thereafter, all terms will be four years. A copy of the by-laws is enclosed as Attachment 1.

ANALYSIS

Because the time for holding the EGCS D election is not specifically set forth, it is by definition a "special election." Elections Code section 356.² As a special election, the California Voter Participation Rights Act ("Act") (Elections Code section 14050 et seq.)³

¹ That section provides in relevant part: "(a) Unless the principal act of a district provides that an election shall be held [on a different specified date], a general district election to elect members of the governing board shall be held in each special district subject to [the Uniform District Election Law] on the first Tuesday following the first Monday in November of each odd-numbered year."

This requirement does not apply when the Board of Supervisors is acting as the Board of Directors because Supervisors are elected in even-numbered years. Accordingly, this requirement will apply when Directors are directly elected, unless modified as set out later in this memorandum.

² That section provides: "'Special election' is an election, the specific time for the holding of which is not prescribed by law."

³ Generally, the Act provides that local elections must be consolidated with statewide elections when voter turnout at a prior non-consolidated local election resulted in a

CONFIDENTIAL COMMUNICATION -- NOT A PUBLIC RECORD

Page 3

To: Board of Supervisors
Re: EGCS D Election of Directors
Page 3

does not apply. Elections Code section 14056.⁴ Nevertheless, as mentioned above, Elections Code section 1400 provides that a District special election may be held on any of the designated election dates set forth in the Elections Code. These include:

- (a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The second Tuesday of April in each even-numbered year.
- (d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four.
- (e) The first Tuesday after the first Monday in November of each year.

In addition, the Elections Code establishes the following as statewide elections dates:

- (a) An election held in November of an even-numbered year.
- (b) An election held in June of an even-numbered year that is not evenly divisible by four and in March of each even-numbered year that is evenly divisible by four.

Thus, the Board of Supervisors may set the special election for the District on any of these established election dates; however, if set in 2022, the by-laws of the District must be amended to provide that the initial terms of the two classes of directly elected directors be one and three years, respectively, so as to align with the odd-numbered year requirement for general District elections (no such change is necessary if the election is held in 2021).

Alternatively, if the Board desires to set the election in 2022, and rather than amend the by-laws, it can provide that District elections be held in even-numbered years. Both the CSD Law and various provision of the Elections Code provide that District elections may be held on and consolidated with the statewide general election, which is held on the first Tuesday after the first Monday in November of each even-numbered year. See e.g. Elections Code section 10404, Government Code section 61008 (b). To do so, when the election for 2022 is called, the Board of Supervisors, acting as the Board of Directors, must request the Board of Supervisors to make that change. The Board of Supervisors, acting for the County, must then approve that change. There are some procedural steps to take, which are laid out in Elections Code section 10404, a copy of which is enclosed as Attachment 2.

CONCLUSION

The Board of Supervisors has discretion to set the special election to determine if directors of the District are directly elected; however, it must be set on one of the

significant reduction in voter turnout (as defined).

⁴ That section provides: "This chapter [the Act] does not apply to special elections."

CONFIDENTIAL COMMUNICATION -- NOT A PUBLIC RECORD

Page 4

To: Board of Supervisors
Re: EGCSD Election of Directors
Page 4

specified election dates in the Elections Code. If set in 2022, either the by-laws of the District must be amended or the Board of Supervisors must set the general elections for the District to be held on and consolidated with the statewide general election in even-numbered years.



Leslie J. Girard
County Counsel

LJG:ljg
Enclosures (2)
cc: Claudio Valenzuela, Registrar of Voters
Randy Ishii, PWFP Director
Anne Brereton, Deputy County Counsel
Kristi Markey, Deputy County Counsel

ATTACHMENT 1

**Board of Directors of the
East Garrison Community Services District**

Resolution No: E/G 06-002

Adopt By-Laws for the East Garrison)
Community Services District.....)

WHEREAS, the East Garrison Community Services District ("EGCSD") has organized itself under the Community Services District Law (Government Code Sections 61000 et seq.); and

WHEREAS, the Board of Supervisors of the County of Monterey has appointed the Board of Directors of the EGCSD pursuant to Government Code Section 61029.5; and

WHEREAS, Government Code Section 61045(f) requires the EGCSD to establish rules or bylaws for the conduct of its business;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST GARRISON COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Bylaws of the East Garrison Community Services District (Bylaws), in the form attached hereto and incorporated herein by reference, are hereby adopted.

PASSED AND ADOPTED this 14th day of March, 2006, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Potter and Smith

NOES: None

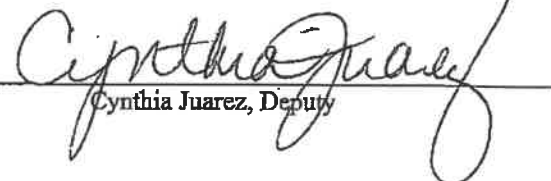
ABSENT: Supervisor Lindley

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the forgoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 73, on March 14, 2006.

Dated: March 14, 2006

LEW C. BAUMAN, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By


Cynthia Juarez, Deputy

BYLAWS OF THE
EAST GARRISON COMMUNITY SERVICES DISTRICT

THE DISTRICT

Section 1.01. Name of District. The official name of the District shall be the "East Garrison Community Services District".

Section 1.02. Seal of District. The seal of the District shall be in the form of a circle and shall bear the name of the District and the year of its organization.

Section 1.03. Office of District and Place of Meeting. The office of the District shall be at 168 West Alisal Street, Salinas, California, or as designated by resolution. There is currently no facility within the District boundary where meetings of the Board of Directors (Board) may be held. Therefore, the District meetings shall be held in the Monterey County Board of Supervisors Chambers, 168 West Alisal Street, Salinas, California, until the Board designates a location within the District boundary to meet. This is the closest meeting facility outside of the District, as is required by the Ralph M. Brown Act (the "Brown Act", Gov. Code, § 54950 et seq.).

Section 1.04. Powers. The powers of the District shall be vested in the Board thereof then in office, who reserve unto themselves the right to delegate by resolution such powers as are appropriate and permissible by law.

ARTICLE 2. DIRECTORS

Section 2.01. Directors. A legislative body of five members known as the Board shall govern the District.

Section 2.02. Term of Office. The term of office of each member of the Board is four years or until his or her successor qualifies and takes office. Members of the Board shall take office as provided by the Community Services District Law (Government Code Section 61000 et seq.).

Section 2.03. Election. So long as the Monterey County Board of Supervisors serves as the Board, the election of members of the Board shall be governed as they would be for the County Board of Supervisors. When the conversion to a directly elected independent Board is accomplished under Government Code Section 61029.5, elections will be conducted pursuant to state law. Members of the Board shall be classified 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 office that begin after the first general District election pursuant to Government Code Section 61029.5 shall be four years. For the class that has two members, the initial terms of offices that begin after the first general District election pursuant to Government Code Section 61029.5 shall be two years. Thereafter, the terms of all members shall be four years.

Section 2.04. Compensation. Members of the Board shall receive such compensation as the Board prescribes, but said compensation shall not exceed what is permissible under the Community Services District Law, currently One hundred Dollars (\$100.00) per member for each meeting of the Board attended by the member, provided no member shall receive compensation for attending more than six (6) meetings of the Board during any calendar month. In addition, members shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties, in accordance with Government Code Section 61047.

Section 2.05. Vacancies. Any vacancy in the office of a member elected to the Board shall be filled pursuant to Government Code Section 1780.

ARTICLE 3. BOARD AND DISTRICT OFFICERS; POWERS

Section 3.01. Officers. The officers of the Board shall be a President and Vice President. Until conversion to a directly elected Board, the Board shall elect a President and Vice President annually. District officers shall be a General Manager and a Treasurer.

Section 3.02. President. The Board shall elect a President of the District within 45 days after each general election. The President shall serve until the following general election, at which point the Board shall either elect a new President within 45 days or re-elect the incumbent. The President shall preside at all meetings of the Board. Except as otherwise authorized by resolution of the Board or the provisions of these Bylaws, the President shall sign all contracts, deeds and other instruments made by the District.

Section 3.03. Vice President. The Board shall elect a Vice President within 45 days after each general election. The Vice President shall serve until the following general election, at which point the Board shall either elect a new Vice President within 45 days or re-elect the incumbent. The Vice President shall perform the duties of the President in the absence or incapacity of the President. In case of the resignation or death of the President, the Vice President shall perform such duties as are imposed on the President until such time as the Board shall elect a new President.

Section 3.04. General Manager. The Board shall appoint a General Manager, who shall serve at the pleasure of the Board. The General Manager shall have general supervision over the administration of District business and affairs, including the supervision of District facilities, services, and finances, subject to the direction of the Board. The General Manager shall be responsible for the appointment, supervision, discipline, and dismissal of the District's employees, consistent with the District's employee relations system.

Section 3.05. Treasurer. The County Treasurer shall serve as the Treasurer of the District. If the Board designates an alternative depository pursuant to Government Code Section 61053, the Board shall appoint a District Treasurer, who shall serve at the pleasure of the Board.

Section 3.06. Clerk. The Board shall appoint a Clerk, who shall serve at the pleasure of the Board. The Clerk shall keep the records of the District, act as secretary at meetings of the Board, record all votes and keep a record of the proceedings of the Board in a journal of proceedings to be kept for such purpose, and perform all duties incident to the Clerk's office.

Section 3.07. Counsel. The Board shall engage legal Counsel, who shall serve at the pleasure of the Board. Counsel shall be responsible for the preparation of all proposed resolutions, laws, rules, contracts, bonds and other legal papers for the District. Counsel shall give advice or opinions in writing to the President or other Board or District officers whenever requested to do so. Counsel shall attend to all suits and other matters to which the District is a party or in which the District may be legally interested and provide such other legal services as the Board may request.

Section 3.08. Compensation. The Board shall set the compensation, if any, of all Board and District officers and employees, provided that no compensation for President or Vice President may be in excess of the limits in Section 2.04 of this Article.

Section 3.09. Additional Duties. The officers of the Board and the District shall perform such other duties and functions as may from time to time be required by the Board or the Bylaws or rules of the District.

Section 3.10. Absences and Vacancies. In the temporary absence of the President and Vice President, the Board shall elect a member present as temporary President for the purpose of conducting meetings and performing the duties of the President.

ARTICLE 4. MEETINGS

Section 4.01. Meetings. The Secretary shall give notice of, and the Board shall conduct, regular or special meetings in accordance with the Brown Act and the Community Services District Law. The day, time, and location of regular meetings of the Board shall be as set forth by Resolution.

Section 4.02. Right of Public to Appear and Speak. At every regular meeting, members of the public shall have an opportunity to address the Board on matters within the District's subject matter jurisdiction. Except for matters scheduled for formal public hearing, public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment provided, however, that the Board may provide that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda.

The President or presiding officer may limit the total amount of time allocated for public discussion of particular issues and the time allocated for each individual speaker.

Section 4.03. Non-Agenda Items. Matters brought before the Board at a regular meeting that were not placed on the agenda of the meeting shall not be acted upon by the Board at that meeting unless action on such matters is permissible pursuant to the Brown Act. Those non-agenda items brought before the Board that the Board determines will require Board consideration and action and where Board action at that meeting is not so authorized shall either be placed on the agenda for the next regular meeting or referred to staff as directed by the President or the presiding officer.

Section 4.04. Quorum. Three (3) members of the Board shall constitute a quorum for the purpose of conducting District business, exercising District powers and for all other purposes, but a smaller number may adjourn from time to time until the quorum is obtained. Every official act of the Board shall be adopted by a majority vote. A majority vote shall mean a majority of the total membership of the Board, except as otherwise specifically provided by law.

Section 4.05. Order of Business. At the regular meetings of the Board, the following shall be the order of business provided, however, that the President may address items out of order for the efficient conduct of the meeting:

- I. Roll call;
- II. Approval of the minutes of the previous meeting;
- III. Public communications and comment;
- IV. Bills and correspondence;
- V. Acknowledgments, awards and announcements;
- VI. Business items and matters; and
- VII. Adjournment.

All resolutions shall be in writing and designated by number, reference to which shall be inscribed in the Minutes and an approved copy of each resolution filed in the official book of resolutions of the Board.

Section 4.06. Manner of Voting. The Board shall act only by ordinance, resolution or motion. The minutes of the Board shall record the ayes, noes and members present not voting for the passage of all ordinances, resolutions or motions.

ARTICLE 5. AMENDMENTS

Section 5.01. The Board may amend these Bylaws at any regular or special meeting by majority vote provided that no such amendment shall be adopted unless at least seven (7) days

written notice thereof has been previously given to all members of the Board. Such notice shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE 6. CONFLICT PROVISIONS

Section 6.01. Consistency With Law. In the event any provision contained herein is inconsistent with the Brown Act, the Community Services District Law, or any other mandatory and applicable provision of law, as such law currently exists or as it may be subsequently amended, the mandatory and applicable provision of law shall prevail.

Section 6.02. Conflicts. Conflicts shall be determined and governed by a Conflict of Interest Code to be adopted by the Board.

ATTACHMENT 2



ELECTIONS CODE - ELEC

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS [10000 - 10735] (*Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

PART 3. CONSOLIDATION OF ELECTIONS [10400 - 10418] (*Part 3 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

- 10404.** (a) This section applies only to special districts electing members of the governing body in odd-numbered years. As used in this section, “special district” means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.
- (b) Notwithstanding any other law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.
- (1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of this code pertaining to the primary or general election.
- (2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.
- (c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.
- (d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.
- (e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.
- (f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.
- (g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.
- (h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.
- (i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.
- (j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.
- (k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.

Attachment F

This page intentionally left blank.

East Garrison Community Services District Advisory Committee

May 13, 2021

East Garrison Community Services District Board of Directors/
Board of Supervisors
c/o Public Works, Facilities & Parks
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901-4527

Dear Board Members,

The East Garrison Community Services District (EGCSD) Advisory Committee (AC) requests the EGCSD Board of Directors recommend to the County Board of Supervisors (BOS) to hold the election for independence in November of 2022. The AC further requests that the Board take the necessary procedural steps to establish permanent even-year elections for an independently elected board when the community votes for independence. If EGCSD moves to an elected board, regularly scheduled government board member elections should consolidate with statewide general elections to be in line with the California Voters Participation Rights Act of 2015. Having the election with a statewide general election would also reduce the overall cost of elections to EGCSD.

Therefore, the EGCSD Advisory Committee is requesting the election for independence be held in November of 2022 and take the necessary procedural steps to establish permanent even-year elections for an independently elected board when the community votes for independence.

Sincerely,



Teri Short,
EGCSD Advisory Committee Chair

This page intentionally left blank

Attachment G

This page intentionally left blank.



California Code, Elections Code - ELEC § 10404

Current as of January 01, 2019 | Updated by [FindLaw Staff \(https://www.findlaw.com/company/our-team.html\)](https://www.findlaw.com/company/our-team.html).

Search California Codes

Search by Keyword or Citation

Enter Keyword or Citation

SEARCH

[« Prev \(https://codes.findlaw.com/ca/elections-code/elec-sect-10403-5.html\)](https://codes.findlaw.com/ca/elections-code/elec-sect-10403-5.html).

[Next » \(https://codes.findlaw.com/ca/elections-code/elec-sect-10404-5.html\)](https://codes.findlaw.com/ca/elections-code/elec-sect-10404-5.html)

(a) This section applies only to special districts electing members of the governing body in odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.

(b) Notwithstanding any other law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of this code pertaining to the primary or general election.

(2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.

(c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.

(e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.

(g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to [Section 25151 of the Government Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I012b6cc01a5b11e983eed1f4ed731\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I012b6cc01a5b11e983eed1f4ed731).

(h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.

Latest Blog Posts

- Federal Judiciary Requests More Money, Judgeships to Handle Increasing Workload (https://blogs.findlaw.com/greedy_associate/judiciary-requests-more-money-judgeships-to-handle-increasing-workload.html)
- Supreme Court Holds That Nominal Damages Is Enough for Standing (https://blogs.findlaw.com/supreme_court/21-court-holds-that-nominal-damages-is-enough-for-standing.html)
- Big Law Poised to Win Again in 2021. What About Small Law Firms? (<https://blogs.findlaw.com/strategist/2021/0-law-poised-to-win-again-in-2021-what-about-small-law-firms.html>)
- Revisiting the Legality of Password Sharing as Netflix Begins to Crack Down (<https://blogs.findlaw.com/technologist/2021/the-legality-of-password-sharing-as-netflix-begins-to-crack-down.html>)
[View More » \(https://www.findlaw.com/legalblogs.html\)](https://www.findlaw.com/legalblogs.html)

(i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.

(j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.

(k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.

[« Prev \(https://codes.findlaw.com/ca/elections-code/elec-sect-10403-5.html\)](https://codes.findlaw.com/ca/elections-code/elec-sect-10403-5.html).

[Next » \(https://codes.findlaw.com/ca/elections-code/elec-sect-10404-5.html\)](https://codes.findlaw.com/ca/elections-code/elec-sect-10404-5.html).

[Read this complete California Code, Elections Code - ELEC § 10404 on Westlaw \(https://1.next.westlaw.com/Document/IEBF4E08030DA11E98C61BF2AFCE12A9D/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)\)](https://1.next.westlaw.com/Document/IEBF4E08030DA11E98C61BF2AFCE12A9D/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).

FindLaw Codes are provided courtesy of Thomson Reuters Westlaw, the [industry-leading online legal research system \(https://legalsolutions.thomsonreuters.com/law-products/westlaw-legal-research/\)](https://legalsolutions.thomsonreuters.com/law-products/westlaw-legal-research/). For more detailed codes research information, including annotations and citations, please visit [Westlaw \(https://www.westlaw.com/\)](https://www.westlaw.com/).

FindLaw Codes may not reflect the most recent version of the law in your jurisdiction. Please verify the status of the code you are researching with the state legislature or via Westlaw before relying on it for your legal needs.

BACK TO TOP

Research

Cases & Codes (<https://caselaw.findlaw.com/>)
Opinion Summaries (<https://caselaw.findlaw.com/summary.html>)
Sample Business Contracts (<https://corporate.findlaw.com/contracts/>)
Research An Attorney or Law Firm (<https://lawyers.findlaw.com/>)
Forms (<https://forms.lp.findlaw.com/>)
Reference (<https://reference.findlaw.com/>)
Legal Commentary (<https://supreme.findlaw.com/legal-commentary.html>)






Practice

Law Technology (<https://technology.findlaw.com/>)
Law Practice Management (<https://practice.findlaw.com/>)
Law Firm Marketing Services (<https://www.lawyermarketing.com>)
Corporate Counsel (<https://corporate.findlaw.com/>)
JusticeMail (<http://www.justice.com>)
Jobs & Careers (<https://careers.findlaw.com/>)

About Us

Company History (<https://www.findlaw.com/company/company-history/findlaw-corporate-information-press-company-background.html>)
Who We Are (<https://www.findlaw.com/company/company-history/findlaw-com-about-us.html>)
Privacy (<https://www.thomsonreuters.com/en/privacy-statement.html>)
Terms (<https://www.findlaw.com/company/findlaw-terms-of-service.html>)
Disclaimer (<https://www.findlaw.com/company/disclaimer.html>)
Advertising (<https://www.findlaw.com/company/media-kit.html>)

Social

 Facebook (<https://www.facebook.com/FindLawConsumers>)
 YouTube (<https://www.youtube.com/watch?v=WQinBzazOhw>)
 Twitter (<https://twitter.com/findlawconsumer>)
 Pinterest (<https://pinterest.com/findlawconsumer/>)
 Newsletters (<https://newsletters.findlaw.com/>)

Law Firm Marketing

Attorney Websites (https://www.lawyermarketing.com/services/mobile-friendly-websites/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)
Online Advertising (https://www.lawyermarketing.com/services/integrated-marketing-solutions/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)
Buy a Directory Profile (<https://store.lawyermarketing.com>)

Marketing Resources

On-Demand Webcasts (https://www.lawyermarketing.com/webcasts/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)
White Papers (https://www.lawyermarketing.com/white-papers/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)

Jobs (<https://www.findlaw.com/company/employment/employment.html>)

Cookies (http://info.evidon.com/pub_info/15540?v=1&nt=0&nw=false)

Do Not Sell My Info (<https://privacyportal-cdn.onetrust.com/dsarwebform/dbf5ae8a-0a6a-4f4b-b527-7f94d0de6bbc/5dc91c0f-f1b7-4b6e-9d42-76043adaf72d.html>)

FindLaw.

Copyright © 2021, Thomson Reuters. All rights reserved.



This page intentionally left blank

Attachment H

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. 21- _____

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 (ROV) to conduct a special election on November 2, 2021, wholly by Vote-By-Mail ballot on the following two (2) questions: *i*) 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 *ii*) 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); 2. 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; 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 ROV; 4. Direct the ROV to post the Resolution directing the ROV to hold the special election in accordance with law and this resolution; and 5. Direct the Office of the County Counsel to prepare an impartial summary of the ballot measure for the special election; and)
b. Direct EGCSD to reimburse the ED, in full, for costs associated with conducting the election on and the ROV certifying the election results.)

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 EGCSO on November 2, 2021, in accordance with law and as delineated in the EGCSO BOD adopted resolution; and

WHEREAS, upon certification by the ROV that a majority of EGCSO registered voters decided that EGCSO 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 EGCSO BOD recommends that the BOS adopt a resolution directing the Registrar of Voters to 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 EGCSO 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 EGCSO BOD further recommends the BOS adopt a resolution directing the Registrar of Voters to 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 EGCSO BOD further recommends the BOS adopt a resolution directing 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 Department 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 vote(s), the winning candidate(s) shall be determined by a single coin toss conducted by the Registrar of Voters.

Section 5. The EGCSB BOD further recommends upon certification by the Monterey County Registrar of Voters that a majority of EGCSB registered voters decided that EGCSB shall have a directly elected board of directors, they would take office at noon effective December 3, 2021.

Section 6. The EGCSB BOD further recommends this resolution shall take effect immediately upon its adoption.

Section 7. The EGCSB BOD directs the EGCSB shall reimburse the Elections Department, in full, for the services performed by the Elections Department and Registrar of Voters to conduct the election on November 2, 2021 and certify the results, respectively, upon presentation of an invoice to EGCSB.

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:

File Number:

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

By _____
Deputy

Attachment I

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. 21- _____

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: Decline a November 2,)
2021 special election; and)
b. Direct staff to come back with the procedure and/or)
options for a November of 2022 election.)

WHEREAS, Government Code Section 61029.5(a) designates the BOS
of Monterey County as the BOD of the EGCSB, 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 EGCSB has reached or exceeded 500, the BOS
shall adopt a resolution placing on the ballot the question of whether EGCSB 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 EGCSB 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, County's obligation is to oversee EGCSB;

WHEREAS, November of 2022, is an established election month;

WHEREAS, California Voters Participant Rights Act of 2015 does not require holding
the election in November 2022;

WHEREAS, ED recommends election be held in November 2022;

NOW, THEREFORE, the Monterey County Board of Supervisors, acting as the Board of
Directors of the EGCSB (EGCSB BOD), hereby resolves as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The EGCSB BOD recommends that the BOS adopt a resolution declining a
November 2, 2021 special election.

Section 3. The EGCSB BOD further recommends the BOS adopt a resolution directing staff to come back with the procedure and/or options for a November of 2022 election.

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:

File Number:

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

By _____
Deputy