



## **Agenda Item: 3**

**Date:** February 12, 2010

**Subject:** Resolution No. 10-06 Calling the November 2, 2010 District Election, Requesting Consolidation of Elections and Designating Payment for Publication of Statements of Qualifications

**Staff Contact:** Jan Gentry, Assistant to the General Manager

### **Recommended Board Action:**

It is recommended that the Board of Directors approve the following actions:

1. Adopt Resolution No. 10-06 Calling the November 2, 2010 District Election, Requesting Consolidation of Elections and Designating Payment for Publication of Statements of Qualifications.
2. Authorize the General Manager/Secretary to prepare, execute and submit the necessary documents to the Sacramento County Office of Voter Registration and Elections to call for the election of Directors for Divisions 3, 4 and 5 at the November 2, 2010 general election, including the Notice of District Election and Publication of Notice of Election.
3. Authorize payment of invoices for fees required by the Sacramento County Office of Voter Registration and Elections for the District's share of costs for the elections held in 2010.

### **Discussion:**

To place items on the November 2, 2010 ballot, the District must take several actions to meet requirements of the County of Sacramento, Office of Voter Registration and Elections. Three items must be returned to the Office of Voter Registration and Elections by the County's administrative deadline of June 2, 2010. Those items include:

- Resolution Calling the Election
- Notice of District Election
- Publication of Notice of Election

The resolution calling the election, pursuant to elections code, must request consolidation of the District's election of Directors with the General Election and set forth the exact form of any office to be voted upon at the election. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the resolution calling the election. It must

include the date and purpose of the election, a determination of the limits of the candidate's statements of qualifications, and a statement of the determination of payment for the publication of the voluntary candidates' statement.

In the last election, the District collected the money for the candidate's statement in advance of the election. Staff is recommending again to collect the funds for the candidate's statement prior to the election. The resolution reflects this in section 4.

The Notice of Election must provide information on the date of the election, offices for which candidates may file, qualifications required for the candidates, and, in an effort to reduce costs to the District while still meeting requirements of election code, the statement that the election notice will be published combining information with other districts scheduled for the November 2, 2010 election into one notice. The District must pay the costs of its share of the election in accordance with the fee schedule provided by the office of the Sacramento County Voter Registration and Elections.

The Elections Code further requires that at least 125 days prior to the election, a current map and boundary description must be delivered to the Office of Voter Registration and Elections. However, if there are no boundary changes since the last election, the District may certify there have been no boundary changes in the resolution to be submitted to the County. This certification is included in Resolution 10-06, section 2.

Legal Counsel edited the resolution and forms included in this report.

**Fiscal Impact:**

While final costs will not be known until a bill is submitted to the District after the November 2, 2010 election, the District has budgeted for expected costs for the election of three directors in 2010.

**Strategic Plan Alignment:**

Customer Service – 3.C. Operate in an open and public manner.

Elections provide the customers an opportunity to become directly involved in SSWD.

## **RESOLUTION NO. 10-06**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SACRAMENTO SUBURBAN WATER DISTRICT CALLING THE NOVEMBER 2, 2010 DISTRICT ELECTION, REQUESTING CONSOLIDATION OF ELECTIONS AND DESIGNATING PAYMENT FOR PUBLICATION OF STATEMENTS OF QUALIFICATIONS**

WHEREAS, a statewide general election will be held within the County of Sacramento on Tuesday, November 2, 2010;

WHEREAS, it is the District's policy to hold its elections for Directors on the same date as the statewide general election on the first Tuesday after the first Monday in November in even numbered years;

WHEREAS, an election is required to be held within the Sacramento Suburban Water District on November 2, 2010 for the purpose of electing members of the Board of Directors by and from Divisions 3, 4 and 5, which will affect Sacramento County;

WHEREAS, the Board of Directors adopted a description of the boundaries of and map designating the District's voting divisions on April 19, 2004 ("Map"), a copy of which Map was certified and delivered to the Sacramento County Board of Supervisors and Registrar of Voters;

WHEREAS, it is the District's policy to require candidates for seats on the Board of Directors to pay for the cost of publishing their statements of qualifications; and

WHEREAS, Elections Code section 10403 requires the District to file with the Board of Supervisors, with a copy to the Registrar of Voters, a resolution requesting consolidation with a statewide election if such consolidation is desired.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Sacramento Suburban Water District as follows:

1. In accordance with Elections Code section 10403, the District requests that the Board of Supervisors of Sacramento County consolidate the regularly scheduled general district election with the statewide election to be held on November 2, 2010.
2. The Board hereby re-certifies the Map, which is on file with the Registrar of Voters, and confirms that there have not been any changes in the boundaries of the District's electoral divisions since the Map was certified and filed with the Registrar;
3. In accordance with Water Code sections 30733 and 30735 and section 1, subdivision (h)(3) of Resolution No. LAFC 1237, the Board (a) determines that a candidate for

election to the Board of Directors of the District will be a resident of the division from which he or she is elected, and will be elected by the voters alone of that division, and (b) authorizes and directs the General Manager to hold an election in Divisions 3, 4 and 5, as such divisions are shown on the Map, at the November 2, 2010 general district election.

4. Each candidate for the office of Director in Divisions 3, 4 and 5 will pay the District his or her pro rata share of the costs of publication of that candidate's statement as required under Elections Code section 13307. The limitation on the number of words that each candidate may use in his or her candidate's statement is 200 words. Each candidate will prepay the costs of his or her candidate's statement to the Secretary at the District's administrative office.
5. In accordance with Elections Code sections 1303, 10509 and 10522 and the Sacramento County Registrar of Voters' administrative regulations, the District Board authorizes and directs the Secretary to execute and seal this resolution, and to deliver the signed and sealed resolution to the Sacramento County Registrar of Voters, who will submit this Resolution to the Sacramento County Board of Supervisors on behalf of the District as required by law, by no later than June 2, 2010.
6. The District agrees to reimburse the Registrar of Voters for actual costs incurred to conduct the District election, such costs to be calculated by the method set forth in the County's current Election Cost Allocation Procedures.
7. In accordance with the Sacramento County Registrar of Voters' administrative guidelines, the District hereby certifies that it will use the following method of selecting a winning candidate for Director in Division 3, 4 or 5 in case of a tie vote at the November 2, 2010 general District election:

Upon notification of a tie by the Registrar of Voters, the District Secretary will notify the candidates who have received the tie votes and order those candidates or their designated representatives to appear before the Board of Directors for a determination of the winner at the time and place designated by the Board. At the designated time and place, the Board will determine the tie by a drawing of lots conducted by the Board President or his or her designee, and the winner of the drawing shall be declared the winner by the Board. (Elections Code Section 10551, subd. (b).)

PASSED AND ADOPTED by the Board of Directors of Sacramento Suburban Water District at a meeting on the 22<sup>nd</sup> day of February 2010 by the following vote:

AYES:  
NOES:  
ABSENT:

By: \_\_\_\_\_  
Thomas C. Fellenz  
President, Board of Directors  
Sacramento Suburban Water District

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I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the Board of Directors of Sacramento Suburban Water District at a regular meeting hereof held on the 22<sup>nd</sup> day of February 2010.

(SEAL)

By: \_\_\_\_\_  
Robert S. Roscoe  
General Manager/Secretary  
Sacramento Suburban Water District

## NOTICE OF DISTRICT ELECTION

Sacramento Suburban Water District

Notice is hereby given that a General District Election will be held November 2, 2010 in this district. The offices for which candidates may declare their candidacy are:

Director, three positions, representing each of Divisions 3, 4 and 5

Qualifications: Each candidate must meet the following qualifications for office as specified in the principal act under which the District is organized (Water Code sections 30000 et seq.):

Each candidate must reside in and be a registered voter of the Division by and from which he or she would be elected both while a candidate and if elected, while he or she remains in office.

(Elections Code section 359; Water Code sections 30021 and 30735.)

Official declarations of candidacy for eligible candidates desiring to file for any of the above elective offices may be obtained from the office of the Registrar of Voters at 7000 65<sup>th</sup> Street, Suite A, Sacramento, CA 95823-2315, on and after July 12, 2010, and must be filed not later than 5:00 p.m. on August 6, 2010. However, if a declaration of candidacy for an incumbent is not filed by the latter date and hour, any person other than the incumbent shall have until 5:00 p.m. on August 11, 2010, to file a declaration of candidacy for such office.

Appointment to each elective office will be made by the supervising authority as prescribed by Elections Code §10515 in the event there are no candidates or an insufficient number of candidates for such office and a petition for an election is not filed within the time prescribed by Elections Code §10515; that is, by 5:00 p.m. on August 11, 2010.

Dated this 22nd day of February, 2010.

(District Seal)

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Robert S. Roscoe  
District Secretary

## PUBLICATION OF NOTICE OF ELECTION

Elections Code §12112 requires the publication of a "Notice of Election." The notice shall contain the date of the general district election, name the offices for which candidates may file, and state the qualifications required by the principal act for each office, as well as other pertinent information.

### Sacramento Suburban Water District

Recommends the following (check one only):

The Registrar of Voters publish a combined election notice with other districts

or

A separate/individual district notice.

*If a separate/individual district notice is requested, the district requesting is responsible for publication in a newspaper that circulates district-wide.*

Dated: February 22, 2010

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Robert S. Roscoe  
District Secretary