

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
2.7
(ID # 5895)

MEETING DATE:

Tuesday, December 5, 2017

FROM : REGISTRAR OF VOTERS:

SUBJECT: REGISTRAR OF VOTERS: Request for Change in Election Date, Districts 1 and 3.
[\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Rancho California Water District's request for change in election date.

ACTION: Consent


Rebecca Spencer 11/21/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: December 5, 2017
xc: ROV

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|-----------------------------|-----------------------------|--------------------------|---------------------------|---------------------|
| COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| SOURCE OF FUNDS: N/A | | | Budget Adjustment: | No |
| | | | For Fiscal Year: | 17/18 |

C.E.O. RECOMMENDATION:

BACKGROUND:

Summary

The Rancho California Water District has submitted the attached resolution requesting the Board of Supervisors' approval to change the District's election date from August of odd numbered years to be consolidated with Elections held in November of even numbered years. California Elections Code § 10404 allows special districts to consolidate their election with Elections held in November of even numbered years with the Board of Supervisors' approval. The code further stipulates that the Board shall approve such request unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled. State law also requires that within 30 days after approval of the resolution, a notice is to be mailed to all registered voters of the District informing them of the change in election date and the terms of officeholders which will be changed. The cost of this mailing will be reimbursed by the District. The Registrar of Voters can accommodate this change of election date. Staff recommends approval of the request of the Rancho California Water District to change the election date per Rancho California Water District Resolution No. 2017-10-1.

Impact on Residents and Businesses

The change in election date to occur on the same date as the even-year General Election would encourage greater voter participation at no additional cost. Registered voters will save a trip to the polling place for both this district and the even-year General Election.

ATTACHMENT A. Rancho California Water District Resolution No. 2017-10-1



**Rancho
Water**

October 17, 2017

Kecia Harper-Ihem
Clerk of the Board
COUNTY OF RIVERSIDE
4080 Lemon Street, 1st Floor
Riverside, CA 92501

RECEIVED
2017 OCT 19 11:14 AM
COUNTY OF RIVERSIDE
CLERK OF THE BOARD

**SUBJECT: RANCHO CALIFORNIA WATER DISTRICT RESOLUTION
CONVERTING DISTRICT ELECTION FROM AUGUST OF
ODD-NUMBERED YEARS TO NOVEMBER OF EVEN-
NUMBERED YEARS IN COMPLIANCE WITH SB 415**

Board of Directors

Stephen J. Corona
President

Ben R. Drake
Senior Vice President

Lisa D. Herman

John E. Hoagland

Danny J. Martin

William E. Plummer

Bill J. Wilson

Officers

Jeffrey D. Armstrong
General Manager

Eva Plajzer, P.E.
Assistant General Manager
Engineering and Operations

Richard R. Aragon, CPFO
Director of Finance/Treasurer

Jason A. Martin
Director of Administration

Andrew L. Webster, P.E.
Chief Engineer

Kelli E. Garcia
District Secretary

James B. Gilpin
Best Best & Krieger LLP
General Counsel

Dear Ms. Harper-Ihem:

At its October 12, 2017 meeting, the Rancho California Water District ("RCWD/District") Board of Directors ("District Board") adopted Resolution No. 2017-10-1, changing the District's Board election date from August of odd-numbered years to November of even-numbered years. An executed copy of the Resolution is attached hereto as Attachment A. As you know, under Elections Code Section 10404, the District Board must submit the approved resolution to the Riverside County Board of Supervisors ("County Board") for the County Board's review and approval. The District respectfully requests that the County Board commence the process outlined in Election Code Section 10404 and approve the Resolution.

The District Board adopted the resolution based in large part on the recent adoption of SB 415.¹ SB 415 provides that a public agency, including a special district, cannot hold its regular election on any date other than a statewide election date if holding an election on a non-statewide election date results in a "significant decrease in voter turnout." A "significant decrease in voter turnout" is defined as at least 25 percent less than the average voter turnout within that public agency for the previous four statewide general elections. Statewide general elections are held in November of even-numbered years. (Elec. Code § 1200.)

The District's regular elections are currently held in August of each odd-numbered year. (District Administrative Code § 3.6.1.) Only approximately 16 percent of eligible voters voted in the District's August 2017 election. The District anticipates that due to low voter turnout in its elections, either the 2017 election and/or a future election will trigger SB 415's requirement to convert the District's election date to the statewide general election date. If the District's election date is not changed to the statewide general election date, SB 415 provides that a voter may file an action to enforce SB 415 and, if the voter is the prevailing party, he or she may be entitled to reasonable attorney, court, and expert witness fees. (Gov. Code § 14054.)

¹ Codified as Chapter 1.7 of Division 14 of the Elections Code (commencing with Section 14050).

The Resolution shall become operative upon approval by the County Board. (Elec. Code § 10404(j).) The District respectfully requests that the County Board complete all necessary legal and procedural requirements, including notifying all districts of this Resolution, preparing a report analyzing the cost-related effects of the proposed change to the District's election, and approving the Resolution.

Please let us know if you have any questions, concerns, or comments regarding the Resolution. Thank you for your consideration.

Sincerely,

RANCHO CALIFORNIA WATER DISTRICT


Kelli E. Garcia
Secretary of the Board of Directors

Enclosure: RCWD Resolution No. 2017-10-1

cc: ✓ Rebecca Spencer, Riverside County Registrar of Voters
Jeff Armstrong, RCWD General Manager
James Gilpin, RCWD General Counsel

RESOLUTION NO. 2017-10-1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CALIFORNIA WATER DISTRICT, RIVERSIDE COUNTY, CALIFORNIA, CHANGING THE REGULAR ELECTION OF THE BOARD OF DIRECTORS FROM AUGUST OF ODD-NUMBERED YEARS TO THE STATEWIDE GENERAL ELECTION IN NOVEMBER OF EVEN-NUMBERED YEARS

WHEREAS, pursuant to California Elections Code Section 1500(c) and Section 3.6.1 of the Rancho California Water District Administrative Code, the Rancho California Water District ("District") currently holds its regular election for its Board of Directors in August of each odd-numbered year; and

WHEREAS, the California Voter Participation Rights Act (SB 415) becomes effective on January 1, 2018, and prohibits a political subdivision (including special districts) from holding a regular election on a date other than on a statewide primary or general election date in even-numbered years, if holding a regular election on a non-statewide election date has previously resulted in a "significant decrease in voter turnout," which is defined by SB 415 as at least 25 percent less voter turnout than the average voter turnout within a district for the previous four statewide general elections (November 2010, 2012, 2014, and 2016); and

WHEREAS, the District's regular election date is not a statewide election date and the 2017 District regular election resulted in approximately 16 percent of eligible voter participation; and

WHEREAS, elections held in odd-numbered years have historically resulted in lower participation and higher expenses to the District; and

WHEREAS, in order to change its regular election date to comply with SB 415, Elections Code Section 1303(b) authorizes the District to adopt a resolution changing its regular election date from August of odd-numbered years to the statewide general election in November of even-numbered years; and

WHEREAS, the resolution must then be submitted to the County of Riverside Board of Supervisors by no later than December 31, 2018, which is at least 240 days before the next scheduled District regular election date (August 27, 2019), and the resolution must be approved by the Board of Supervisors in order to change the District's election date; and

WHEREAS, it is the intent and desire of the District's Board of Directors to change its regular election date for Directors from August of odd-numbered years to the statewide general election in November of even-numbered years; and

WHEREAS, State law allows the District to extend the terms of current Directors until their successors are elected and qualified, in order to match their terms with a changed regular election date (Elections Code Section 10404(i)); and

WHEREAS, it is also the intent and desire of the District's Board of Directors to extend the terms of office of current Directors by one year (to November 2020 and November 2022, respectively) in order to match their terms with the changed regular election dates; and

WHEREAS, this Resolution constitutes the District's plan to consolidate future elections with a statewide election as provided in SB 415 (Elections Code Section 14052(b)).

NOW, THEREFORE, be it hereby resolved, determined, and ordered by the Board of Directors of the Rancho California Water District as follows:

Section 1. The matters set forth in the recitals to this Resolution are true and correct statements and by this reference are incorporated herein and made findings and determinations of the Board of Directors.

Section 2. The Board of Directors of the Rancho California Water District, pursuant to Elections Code Sections 1303(b) and 10404(b), hereby approves changing the date of its regular election for the Board of Directors from the last Tuesday in August of odd-numbered years to the statewide general election on the first Tuesday after the first Monday in November of even-numbered years.

Section 3. Approval of this Resolution will extend the term of office for the current Directors with terms expiring in December 2019 to December 2020, and will extend the term of office for the current Directors with terms expiring in December 2021 to December 2022. Directors elected to new terms in November 2020, November 2022, and in all future elections shall serve standard four-year terms.

Section 4. The Board of Directors of the District hereby requests approval from the Riverside County Board of Supervisors to consolidate the District's currently scheduled August 2019 regular election with the November 2020 statewide general election, and to consolidate all future District elections with the statewide general election to be held in November of even-numbered years. The Board President and General Manager are hereby authorized to take any and all actions, and execute any documents necessary, to assist the Riverside County Board of Supervisors in its review and approval of this Resolution.

Section 5. Special elections called for the purpose of filling Board vacancies, recall of Directors, consideration of District initiative or referendum measures, and for other lawful purposes, are not affected by this Resolution, and may be called at any time authorized by applicable law.

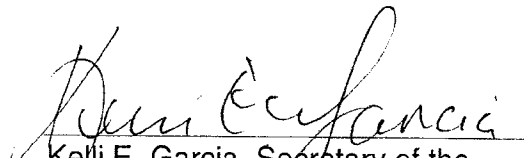
Section 6. The Clerk of the Board of Directors of the District shall transmit certified copies of this Resolution to the Clerk of the Board of Supervisors and to the Registrar of Voters for the County of Riverside no later than December 31, 2018.

Section 7. This Resolution shall take effect upon approval by the Riverside County Board of Supervisors.



Stephen J. Corona, President of the
Board of Directors of the
Rancho California Water District

ATTEST:

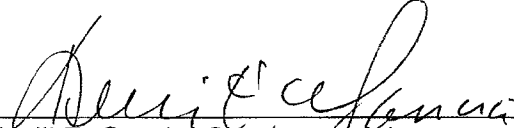


Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the foregoing Resolution No. 2017-10-1 was duly adopted by the Board of Directors of said District at a regular meeting thereof held on the 12th day of October 2017, and that it was so adopted by the following vote:

| | | |
|----------|------------|--|
| AYES: | DIRECTORS: | Corona, Drake, Herman, Hoagland, Martin, Plummer, and Wilson |
| NOES: | DIRECTORS: | None |
| ABSENT: | DIRECTORS: | None |
| ABSTAIN: | DIRECTORS: | None |

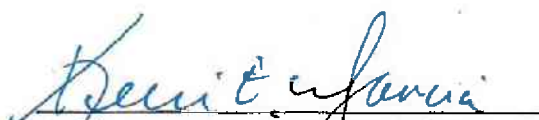

Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 2017-10-1 of said Board, and that the same has not been amended or repealed.

DATED: October 12, 2017



Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)