

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



ITEM
3.20
(ID # 9416)

MEETING DATE:
Tuesday, April 2, 2019

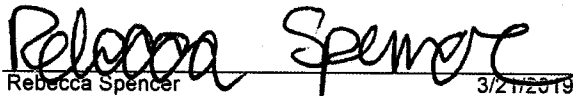
FROM : REGISTRAR OF VOTERS:

SUBJECT: REGISTRAR OF VOTERS: Approval of Election Services for the Moreno Valley Unified School District, Trustee Area 5 Special Vacancy Mail Ballot Election; District 5; [\$53,000]; Reimbursement from the Moreno Valley Unified School District to the General Fund.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Registrar of Voters to conduct election services for the May 7, 2019, Moreno Valley Unified School District, Trustee Area 5 Special Vacancy Mail Ballot Election


ACTION: Consent


Rebecca Spencer 3/27/2019

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: April 2, 2019
xc: ROV

Kecia Harper
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	\$ 53,000	\$ 0	\$ 53,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Reimbursement from the Moreno Valley Unified School District to the General Fund (100%)			Budget Adjustment: No	
			For Fiscal Year: 18/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

California Elections Code §§ 10002, 10402, and 10403 allow jurisdictions to request that the Board of Supervisors approve the Registrar of Voters to conduct elections by submitting a resolution requesting these services. The Moreno Valley Unified School District has complied with this requirement and has requested the Registrar of Voters to conduct its election. The department has the resources to provide these services. The County will receive reimbursements from the jurisdiction based on associated direct costs of conducting their election.

Impact on Residents and Businesses

Registered voters in the Moreno Valley Unified School District will have the opportunity to vote on a seat on the board of trustees.

Additional Fiscal Information

The County will receive reimbursements from the jurisdiction based on associated direct costs of conducting their election. Approximately \$53,000 of election costs will be reimbursed by the Moreno Valley Unified School District.

ATTACHMENTS:

ATTACHMENT A. RESOLUTION NO. 09-19


Rohini Dasika, Principal Management Analyst 3/25/2019



RIVERSIDE COUNTY SUPERINTENDENT OF SCHOOLS

RESOLUTION NO. 09-19

RESOLUTION CONSTITUTING ORDER OF SPECIAL ELECTION TO FILL VACANT SEAT ON THE GOVERNING BOARD OF THE MORENO VALLEY UNIFIED SCHOOL DISTRICT

WHEREAS, Education Code section 5090 provides that a vacancy is created on a school district governing board upon the occurrence of any of the events specified in Government Code Section 1770; and

WHEREAS, on August 28, 2018, a vacancy was created on the Governing Board of the Moreno Valley Unified School District within the meaning of Education Code section 5090 and Government Code section 1770(h) when Board Member Evan Morgan resigned; and

WHEREAS, Education Code section 5091(a) allows a school district governing board to make a provisional appointment to fill such a vacancy; and

WHEREAS, on October 16, 2018, pursuant to Education Code section 5091(a), the Governing Board of the Moreno Valley Unified School District appointed Darrell Peeden as a provisional appointment to the vacancy created by Board Member Evan Morgan; and

WHEREAS, Education Code section 5091(c) allows the registered voters of a school district to petition the county superintendent of schools to call for the conduct of a special election to fill a vacancy on a school district governing board within 30 days of a provisional appointment; and

WHEREAS, on November 15, 2018, pursuant to Education Code section 5091(c), registered voters of the Moreno Valley Unified School District submitted a petition to the Riverside County Superintendent of Schools for the conduct of a special election to fill the vacancy created by Board Member Evan Morgan (the "Petition"); and

WHEREAS, Education Code section 5091(c)(2) requires that the county superintendent of schools, within 30 days of the receipt of a petition to call for the conduct of a special election to fill a vacancy on a school district governing board, verify the signatures on said petition within the meaning of Education Code section 5091(c)(1) and verify that the petition conforms with the requirements set forth in Education Code section 5091(f)(1); and

WHEREAS, pursuant to Education Code section 5091(c)(2), a provisional appointment to a vacancy on a school district governing board is terminated upon the county superintendent of schools' determination that a petition for the conduct of a special election to fill a vacancy on a school district governing board is legally sufficient; and

WHEREAS, pursuant to Education Code section 5091(c)(2) a county superintendent of schools is required to order a special election if they deem a petition for the conduct of a special election to fill a vacancy on a school district governing board to be legally sufficient; and

WHEREAS, pursuant to Education Code section 5091(c)(2), a county superintendent of schools may order that a special election to fill a vacancy on a school district governing board be conducted no later than the 130th day after the determination that a petition for a special election to fill a board vacancy is legally sufficient; and

WHEREAS, pursuant to Education Code section 5091(e), a person elected to fill a vacancy on a school district governing board shall hold office for the remainder of the unexpired term created by the vacancy; and

WHEREAS, Board Member Evan Morgan's term on the Governing Board of the Moreno Valley Unified School District would have otherwise ended in December, 2020; and

WHEREAS, pursuant to Education Code Section 5091(g), special elections held pursuant to Education Code section 5091(c) shall be conducted in nearly the same manner as practicable as other governing board member elections; and

WHEREAS, pursuant to Education Code section 5322, a county superintendent of schools may concurrently designate the date and purpose of an election with an order of election, otherwise known as the "specifications of the election order"; and

WHEREAS, pursuant to Elections Code sections 10400 through 10418, a county superintendent of schools may request consolidation of a special election to fill a vacancy on a school district governing board with a regular statewide election.

NOW, THEREFORE, THE RIVERSIDE COUNTY SUPERINTENDENT OF SCHOOLS HEREBY RESOLVES that pursuant to Education Code section 5091(c)(2) the Petition is deemed legally sufficient as it contains a sufficient number of signatures within the meaning of Education Code section 5091(c)(1) and conforms with the requirements set forth in Education Code section 5091(f)(1).

IT IS FURTHER RESOLVED that pursuant to Education Code section 5091(c)(2), the provisional appointment of Darrell Peeden to the Governing Board of the Moreno Valley Unified School District is immediately terminated.

IT IS FURTHER RESOLVED that, pursuant to Education Code sections 5091(c)(2) and 5322, the Riverside County Superintendent of Schools hereby orders that a special election shall be held for the electors within the boundaries of the Moreno Valley Unified School District to fill the vacancy created by Board Member Evan Morgan on August 28, 2018.

IT IS FURTHER RESOLVED that, pursuant to Education Code section 5322, the Riverside County Superintendent of Schools designates that the specifications of the election order as follows:

The special election shall be held on ~~March 5, 2019~~ **May 7, 2019***. **The special election shall be an all mail ballot election in accordance with Elections Code 4004.^**

*January 4, 2019 - Election date revised to May 7, 2019 for compliance with Education Code 5091(g) and Elections Code 10603.

^January 29, 2019 - Amended in accordance with Elections Code 4004

The purpose of the special election is to fill the vacancy created by Board Member Evan Morgan on August 28, 2018, for which term shall expire in December, 2020.

IT IS FURTHER RESOLVED that the issue is to appear on the ballot as follows:

“To elect a member to fill the vacancy on the Governing Board of the Moreno Valley Unified School District which term will expire December, 2020. (Vote for one only)”

ADOPTED by the Riverside County Superintendent of Schools this 14th day of December, 2018, at Riverside, California and revised on January 2, 2019.



Judy D. White
Riverside County Superintendent of Schools

Signed by Paul C. Jessup
Riverside County Deputy Superintendent of
Schools

*January 4, 2019 - Election date revised to May 7, 2019 for compliance with Education Code 5091(g) and Elections Code 10603.

^January 29, 2019 - Amended in accordance with Elections Code 4004