

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: COUNTY CLERK RECORDER (ELECTIONS)

Urgent \_\_\_\_\_ Routine X

BOARD AGENDA # \*A-9.c.

AGENDA DATE 9-18-01

CEO Concurs with Recommendation YES \_\_\_\_\_ NO \_\_\_\_\_  
(Information Attached)

4/5 Vote Required YES \_\_\_\_\_ NO X

SUBJECT:

REQUEST APPOINTMENTS IN LIEU OF ELECTION TO THE NEWMAN DRAINAGE DISTRICT

STAFF  
RECOMMEN-  
DATIONS:

WHEREAS NOT MORE THAN ONE PERSON HAS BEEN NOMINATED FOR EACH OF THE ELECTIVE OFFICES TO BE FILLED AT THE DISTRICT ELECTION ON NOVEMBER 6, 2001, OR THERE WERE NO NOMINEES AS OF 5:00 P.M. AUGUST 15, 2001, REQUEST THE BOARD OF SUPERVISORS MAKE APPOINTMENTS IN LIEU OF ELECTION AS INDICATED:

DIVISION I - NO CANDIDATE FILED FOR A LONG TERM

DIVISION III - NO CANDIDATE FILED FOR SHORT TERM

AT LARGE - NO CANDIDATES FILED FOR TWO LONG TERMS

AT LARGE - NO CANDIDATES FILED FOR ONE SHORT TERM

FISCAL  
IMPACT:

NOT APPLICABLE.

BOARD ACTION

No. 2001-693

On motion of Supervisor Simon, Seconded by Supervisor Caruso, and approved by the following vote,

Ayes: Supervisors: Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

- 1) X Approved as recommended
  - 2) \_\_\_\_\_ Denied
  - 3) \_\_\_\_\_ Approved as amended
- Motion:

*Cristine Ferraro*

File No.

**POLICY  
DISCUSSION:**

**THE ATTACHED DOCUMENT IS A RESULT OF THE NOMINATION PROCESS FOR THE NEWMAN DRAINAGE DISTRICT DISTRICT ELECTION WHICH WAS TO BE HELD ON NOVEMBER 6, 2001**

**IF BY THE 83RD DAY PRIOR TO AN ELECTION NO ONE HAS BEEN NOMINATED, OR THERE ARE INSUFFICIENT NOMINEES AND A PETITION WHICH IS SIGNED BY 10% OF THE VOTERS OR 50 VOTERS (WHICHEVER IS THE LESSER NUMBER) HAS NOT BEEN FILED, ELECTION CODE SECTION 10515 REQUIRES THE CLERK TO CERTIFY THESE FACTS TO THE "SUPERVISING AUTHORITY" DEFINED AS BOARD OF SUPERVISORS (ELECTION CODE 10500(B)(14)) AND REQUEST THAT AUTHORITY, AT A REGULAR OR SPECIAL MEETING HELD PRIOR TO THE LAST MONDAY BEFORE THE FIRST FRIDAY IN DECEMBER, APPOINT NOMINEES, IF ANY, OR THERE WERE NO QUALIFIED NOMINEES THEN ANY PERSON WHO IS QUALIFIED ON THE DATE THE ELECTION WOULD HAVE BEEN HELD.**

**OFFICES TO BE FILLED WERE:**

**DIRECTOR, DIVISION I - LONG TERM**

**DIRECTOR, DIVISION III - SHORT TERM**

**DIRECTOR, AT LARGE - LONG TERM**

**DIRECTOR, AT LARGE - LONG TERM**

**DIRECTOR, AT LARGE - SHORT TERM**

**POLICY ISSUE:**

**REQUEST THE BOARD OF SUPERVISORS MAKE THE APPROPRIATE APPOINTMENTS IN LIEU OF AN ELECTION NO LATER THAN DECEMBER 3, 2001.**

**STAFFING  
IMPACT:**

**NONE.**

**CERTIFICATE OF COUNTY CLERK  
REQUEST FOR DECLARATION OF ELECTION**

**TO THE**

**NEWMAN DRAINAGE DISTRICT**

**I, KAREN L. MATHEWS, County Clerk of the County of Stanislaus, hereby certify as follows:**

**As of 5:00 o'clock p.m. on August 15, 2001, not more than one person had been nominated for each of the elective offices to be filled at the Consolidated Districts' Election to be held on November 6, 2001, and no petition signed by the voters of the NEWMAN DRAINAGE District requesting the election be conducted was presented to this office.**

**The offices of FIVE (DIVISION I - LONG TERM, DIVISION III - SHORT TERM, TWO AT LARGE - LONG TERMS, ONE AT LARGE - SHORT TERM) Director(s) are to be filled as indicated for the district, and only the following persons have been nominated:**

**NO CANDIDATES FILED FOR ANY OF THE TERMS**

**Request is hereby made that, pursuant to Section 10515 of the Elections Code, the Board of Supervisors of the County of Stanislaus declare elected said Nominees.**

**I certify under penalty of perjury that the foregoing is true.**

**Dated this 21ST day of AUGUST, 2001**

**KAREN L. MATHEWS  
County Clerk-Recorder**

BY   
\_\_\_\_\_  
**JOYCE GOUDIE  
Assistant Registrar of Voters**

**Communication may be made with the district by contacting:**

**DENNIS HAY  
P O BOX 1129  
TRACY CA 95376  
(209) 835-3232**

ROSTER OF PUBLIC AGENCY MEMBERS

Public Agency: **NEWMAN DRAINAGE DISTRICT**

Membership Selection: Elected

MEMBERSHIP

<u>Name</u>		<u>Representing</u>	<u>Term Expires</u>
Timothy J. Azevedo	<b>VACANT</b>	Division #1	<del>12/07/01</del>
William P. Cerutti		Division #2	12/05/03
Medeiros	<b>VACANT</b>	Division #3	<del>12/03/99</del>
Raymond J. Lopes		Public Member at Large	12/07/01
Ed Perry	<b>VACANT</b>	Public Member at Large	<del>12/07/01</del>
Ray Sherman	<b>EXPIRED</b>	Public Member at Large	<del>12/03/99</del>

Official Contact Person of Agency: Dennis L. Hay  
Attorney

Official Mailing Address of Agency: P.O. Box 1129  
Tracy, CA 95378  
Phone: 835-3232  
Fax: 835-4792  
Email:  
Website:

Revised: 9/18/01  
Reference: **DD-14**

COMMITTEE FACT SHEET

NAME: **NEWMAN DRAINAGE DISTRICT**  
Established: December 8, 1970

COMPENSATION: None

LEGAL AUTHORITY: Drainage District Act of 1903; Statutes of 1903 as amended. Deering's Water Uncodified Acts, Act 2202, West's Water Code Appendix, Chapter 8, Section 8-1 et seq.

MEMBERSHIP: 6 Directors  
QUALIFICATION: **Elected**, must be a registered voter within the District.  
AND RESIDENCY 3 Directors elected by Division  
REQUIREMENTS: 3 Directors elected at large within boundaries by District.  
Vacancies filled by remaining directors within 60 days if a quorum exists; by the Board of Supervisors between 60 and 90 days; and by election after 90 days. Appointee shall hold office until next district election.  
(Government Code, Section 1780)

TERM: 4 Year Term

DUTIES: Operate and maintain an agricultural sub-surface drainage system serving 1,300 acres

MEETING DATE AND LOCATION: One annual meeting. Other meetings held as needed.  
Cerutti Brothers, 26120 McClintock Road, Newman

CONTACT: Dennis L. Hay, Attorney  
P.O. Box 1129  
Tracy, CA 95378  
Phone: 835-3232  
Fax: 835-4792  
Email:  
Website:

FILE #: DD-14  
BYLAWS:  
VERIFICATION REQUESTED: 9/18/01  
VERIFICATION DATE: 7/20/00