

BOARD OF SUPERVISORS
2016 NOV 14 P 3:14

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ROMAN J. MUÑOZ
Attorney at Law
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Sacramento

November 7, 2016

VIA FACSIMILE, CERTIFIED MAIL AND U.S. MAIL

County of Stanislaus
Elizabeth A. King
Clerk of the Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: **Request for Rescheduling Election of Governing Board Members - Resolution No. 06-16/17**

Dear Ms. King:

Our office serves as general counsel to the Ceres Unified School District ("District"). The District requested we send you Resolution No. 06-16/17 - Rescheduling Election of Governing Board Members for the Ceres Unified School District. On October 20, 2016, our Governing Board adopted the above-mentioned resolution to request a change from odd-year elections to even-year elections.

The District Board adopted this resolution in order to save public funds, provide greater voter input and participation into school board elections, and avoid any potential liability under the California Voter Participation Act (commencing with Election Code section 14050 and following). The District may achieve a savings in the cost of its elections if the District's elections are consolidated with the statewide general elections and the elections are held in either two or three trustee areas at each general election. Additionally, voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years.

Under California Elections Code section 10404.5, Ceres Unified School District adopted a resolution to change their election dates from November of odd-numbered years to the statewide direct primary of even-numbered years. The resolution requests the Board of Supervisors to approve the District's request to schedule Board member elections in 2017 and 2019 for five (5) year terms. The subsequent Board member elections (2022 and 2024) shall be for a term of four (4) years for consolidation of its elections with the statewide primary elections beginning in 2022. California Elections Code section 10404.5(d)(1) provides that the Board of Supervisors shall approve such a school district consolidation resolution unless it finds

County of Stanislaus
Clerk of the Board of Supervisors
November 7, 2016
Page 2

that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

If you should have any questions, please feel free to contact me at (916) 978-4049 or District Superintendent, Dr. Scott Siegel at (209) 556-1500.

Very truly yours,

DANNIS WOLIVER KELLEY



Roman J. Muñoz

RJM:mg

Attachments: Resolution No. 06-16/17 - Rescheduling Election of Governing
Board Members

cc: Dr. Scott Siegel, Superintendent
Lourdes Perez, Board President
Lee Lundrigan, Stanislaus County Registrar of Voters and Clerk Recorder

**GOVERNING BOARD
OF THE
CERES UNIFIED SCHOOL DISTRICT**

Resolution to Reschedule Election of Governing Board Members

Resolution No. 06-16/17

WHEREAS, the current date for election of members of the Governing Board of Ceres Unified School District ("District") is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) (Education Code section 5000 and Elections Code section 1302 (a)); and

WHEREAS, statewide general elections are held in California only in June and November of even-numbered years (e.g., November 2016) (Elections Code section 1001); and

WHEREAS, the District is located within Stanislaus County; and

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years; and

WHEREAS, California Senate Bill 415, an act (which may be cited to as the California Voter Participation Rights Act (herein "the Act")) to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, was approved by the California Governor and filed with the Secretary of State on September 1, 2015; and

WHEREAS, commencing January 1, 2018, the Act prohibits a political subdivision from holding an election other than on a statewide election date (i.e., "off-cycle") if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly scheduled election in the political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous four statewide general elections; and

WHEREAS, a political subdivision may, however, hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide general election not later than the November 8, 2022, statewide general election; and

WHEREAS, the Act authorizes attorney's fees to a prevailing plaintiff who has appropriately filed an action in superior court to enforce the Act's prohibition; and

WHEREAS, the District may achieve a savings in the cost of its elections, if the District's elections are consolidated with the statewide general elections; and

WHEREAS, as a result of these facts, the Governing Board desires to change the date of future Board member elections to be consolidated with the California statewide general election in order to save public funds and provide greater voter input into school board elections; and

WHEREAS, Elections Code section 1302(b) establishes a procedure whereby the Governing Board may change the election date for its Board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code section 10404.5);

WHEREAS, the rescheduled election cycle shall be achieved by scheduling Board member elections in 2017 and 2019 for a term of five (5) years. The subsequent Board member elections (2022 and 2024) shall be for a term of four (4) years [refer to Appendix A]; and

WHEREAS, if the change in election date is approved, it is requested that the new election date be moved from the first Tuesday after the first Monday in November 2021 to the first Tuesday after the first Monday in November 2022.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby finds, determines, and/or declares as follows:

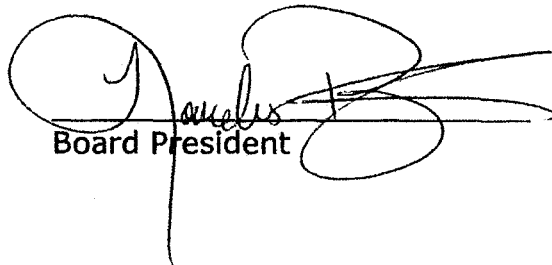
1. Each of the foregoing is true and correct.
2. The Governing Board declares its intent to adopt this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even-numbered years (Elections Code section 1001) pursuant to Elections Code section 1302(b).
3. The Superintendent will forward this resolution to the Stanislaus County Board of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a public meeting held within 60 days after submission and after the resolution has been posted in accordance with the law.
4. The Superintendent will notify the Stanislaus County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Stanislaus County Board of Supervisors as required by Elections Code 10404.5(e).

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5. If the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to the first Tuesday after the first Monday in November 2022 and each subsequent Board member election will be held two (2) years thereafter in November of even years.

PASSED AND ADOPTED by the Governing Board on October 20, 2016 by the following vote:

AYES: 9 - Wigt, Davis, Welsh, Kinard, Lane, Guerrero, Perez and
NOES: 0 Student Reps Soni and Del Valle
ABSENT: 0
ABSTAIN: 0


Board President

Attest:


Secretary

Appendix A

Resolution to Reschedule Election of Governing Board Members

Resolution No. 06-16/17

<u>Trustee Area</u>	<u>Current Board Member</u>	<u>Current Election Year Cycle</u>	<u>Proposed Election Year Cycle</u>
1	Jim Kinard	2023	2024
2	Mike Welsh	2021	2022
3	Valli Wigt	2021	2022
4	Faye Lane	2023	2024
5	Lourdes Perez	2021	2022
6	Betty Davis	2021	2022
7	Teresa Guerrero	2023	2024

Under the proposed rescheduled election cycle, Board member elections in 2017 and 2019 will be for a five (5) year term. Subsequent Board member elections in 2022 and 2024 will be for a four (4) year term.



"OUR STUDENTS, OUR COMMUNITY, OUR FUTURE"

510 Keystone Boulevard
Patterson, CA 95363
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Fax: (209) 892-5803



November 21, 2016

PHILIP M. ALFANO
Superintendent

STEVE MENGE
Assistant Superintendent
Administrative Services

VERONICA MIRANDA
Assistant Superintendent
Educational Services

SHAWN POSEY
Assistant Superintendent
Human Resources/CWA


DAVID HODGE
Executive Director
Student Services

TRACY MANZONI
Executive Director
Special Education

JEFFREY ROWE
Executive Director
Career & Technical
Education

To Whom It May Concern:

Pursuant to Election Code Section 10404.5(C), that the Board of Trustees of the Patterson Joint Unified School District is submitting to the Board of Supervisors for approval a Resolution #11072016-A moving governing board member elections for the District, currently scheduled in November of odd-numbered years, to even-numbered years beginning 2018 and thereafter.



Steve Menge
Assistant Superintendent
Administrative Services

BOARD OF TRUSTEES

•Michele Bays •Carlos Fierros •Alyssa Homen •James Leonard •Grace McCord •Michael McLaughlin •Jose Reynoso

**PATTERSON JOINT UNIFIED SCHOOL DISTRICT
RESOLUTION # 11072016-A**

RESCHEDULING ELECTION OF GOVERNING BOARD MEMBERS

WHEREAS, the current date for election of governing board members of the Patterson Joint Unified School District (“District”) is every two (2) years on the first Tuesday after the first Monday in November of odd years (e.g., November 2017) (Education Code section 5000 and Elections Code section 1302 (a)); and

WHEREAS, statewide general elections are held in California only in June and November of even years (e.g., November 2018) (Elections Code section 1001); and

WHEREAS, the District is located within Stanislaus and Santa Clara Counties; and

WHEREAS, the District has been informed that there would be a cost savings for the District resulting from aligning the District’s elections with the statewide general elections; and

WHEREAS, generally voter turnout is greater for statewide general elections than for special local elections including school board member elections; and

WHEREAS, as a result of these facts, the Board desires to change the date of future board member elections to be consolidated with the California statewide general election in order to save District monies and to provide greater voter input into school board elections; and

WHEREAS, Elections Code 1302 (b) establishes a procedure whereby the Board may change the election date for its board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code section 10404.5); and

WHEREAS, if the change in election date is approved, it is being requested that the new election date be moved from November 2017 to November 2018 with board members whose terms would have expired in 2017 being extended to 2018 and board members whose terms would have expired in 2019 being extended to 2020 *[refer to Appendix A]*.

NOW, THEREFORE, BE IT RESOLVED that the Patterson Joint Unified School District Board of Education adopts this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even years (Elections Code 1001) pursuant to Elections Code section 1302 (b).

BE IT FURTHER RESOLVED that the Superintendent will forward this resolution to the Stanislaus and Santa Clara County Boards of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a

public meeting within 60 days after submission and after the resolution has been posted in accordance with law.

BE IT FURTHER RESOLVED that the Superintendent will notify the Stanislaus and Santa Clara County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Stanislaus and Santa Clara County Boards of Supervisors as required by Elections Code 10404.5 (e).

BE IT FURTHER RESOLVED that if the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to November 2018 and each subsequent board member election will be held two years thereafter in November of even years.

BE IT FURTHER RESOLVED that if the consolidation of election is approved, the term of office of current board members expiring in November 2017 will be extended to November 2018 and the term of board members expiring in November 2019 will be extended to November 2020.

PASSED AND ADOPTED by the Patterson Joint Unified School District Board of Education at a regularly scheduled meeting this 7th day of November, 2016, by the following vote:

AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0



Grace McCord,
President of the Governing Board



James Leonard,
Clerk of the Governing Board

Appendix A
to Resolution No. 11072016-A

<u>Board Member</u>	<u>Current Election</u> <u>Year</u>	<u>New Election Year</u>
Michele Bays (Area 2)	2017	2018
Grace McCord (Area 6)	2017	2018
Alyssa Homen (Area 4)	2017	2018
James Leonard (Area 7)	2019	2020
Michael McLaughlin (Area 1)	2019	2020
Carlos Fierros (Area 3)	2019	2020
Jose Reynoso (Area 5)	2019	2020

**PATTERSON JOINT UNIFIED SCHOOL DISTRICT
RESOLUTION # 11072016-A**

RESCHEDULING ELECTION OF GOVERNING BOARD MEMBERS

WHEREAS, the current date for election of governing board members of the Patterson Joint Unified School District (“District”) is every two (2) years on the first Tuesday after the first Monday in November of odd years (e.g., November 2017) (Education Code section 5000 and Elections Code section 1302 (a)); and

WHEREAS, statewide general elections are held in California only in June and November of even years (e.g., November 2018) (Elections Code section 1001); and

WHEREAS, the District is located within Stanislaus and Santa Clara Counties; and

WHEREAS, the District has been informed that there would be a cost savings for the District resulting from aligning the District’s elections with the statewide general elections; and

WHEREAS, generally voter turnout is greater for statewide general elections than for special local elections including school board member elections; and

WHEREAS, as a result of these facts, the Board desires to change the date of future board member elections to be consolidated with the California statewide general election in order to save District monies and to provide greater voter input into school board elections; and

WHEREAS, Elections Code 1302 (b) establishes a procedure whereby the Board may change the election date for its board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code section 10404.5); and

WHEREAS, if the change in election date is approved, it is being requested that the new election date be moved from November 2017 to November 2018 with board members whose terms would have expired in 2017 being extended to 2018 and board members whose terms would have expired in 2019 being extended to 2020 [*refer to Appendix A*].

NOW, THEREFORE, BE IT RESOLVED that the Patterson Joint Unified School District Board of Education adopts this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even years (Elections Code 1001) pursuant to Elections Code section 1302 (b).

BE IT FURTHER RESOLVED that the Superintendent will forward this resolution to the Stanislaus and Santa Clara County Boards of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a

public meeting within 60 days after submission and after the resolution has been posted in accordance with law.

BE IT FURTHER RESOLVED that the Superintendent will notify the Stanislaus and Santa Clara County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Stanislaus and Santa Clara County Boards of Supervisors as required by Elections Code 10404.5 (e).

BE IT FURTHER RESOLVED that if the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to November 2018 and each subsequent board member election will be held two years thereafter in November of even years.

BE IT FURTHER RESOLVED that if the consolidation of election is approved, the term of office of current board members expiring in November 2017 will be extended to November 2018 and the term of board members expiring in November 2019 will be extended to November 2020.

PASSED AND ADOPTED by the Patterson Joint Unified School District Board of Education at a regularly scheduled meeting this 7th day of November, 2016, by the following vote:

AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0



Grace McCord,
President of the Governing Board



James Leonard,
Clerk of the Governing Board

Appendix A
to Resolution No. 11072016-A

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**PATTERSON JOINT UNIFIED SCHOOL DISTRICT
RESOLUTION # 11072016-A**

RESCHEDULING ELECTION OF GOVERNING BOARD MEMBERS

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WHEREAS, the District has been informed that there would be a cost savings for the District resulting from aligning the District’s elections with the statewide general elections; and

WHEREAS, generally voter turnout is greater for statewide general elections than for special local elections including school board member elections; and

WHEREAS, as a result of these facts, the Board desires to change the date of future board member elections to be consolidated with the California statewide general election in order to save District monies and to provide greater voter input into school board elections; and

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BE IT FURTHER RESOLVED that the Superintendent will forward this resolution to the Stanislaus and Santa Clara County Boards of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a

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BE IT FURTHER RESOLVED that the Superintendent will notify the Stanislaus and Santa Clara County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Stanislaus and Santa Clara County Boards of Supervisors as required by Elections Code 10404.5 (e).

BE IT FURTHER RESOLVED that if the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to November 2018 and each subsequent board member election will be held two years thereafter in November of even years.

BE IT FURTHER RESOLVED that if the consolidation of election is approved, the term of office of current board members expiring in November 2017 will be extended to November 2018 and the term of board members expiring in November 2019 will be extended to November 2020.

PASSED AND ADOPTED by the Patterson Joint Unified School District Board of Education at a regularly scheduled meeting this 7th day of November, 2016, by the following vote:

AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0



Grace McCord,
President of the Governing Board



James Leonard,
Clerk of the Governing Board

Appendix A
to Resolution No. 11072016-A

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