

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

DEPT: County Clerk-Recorder

BOARD AGENDA #: \*A-4c

AGENDA DATE: September 26, 2017

**SUBJECT:**

Approval of Appointment in Lieu of Election to the Denair Municipal Advisory Council for the November 7, 2017 Consolidated District Election

**BOARD ACTION AS FOLLOWS:**

No. 2017-525

On motion of Supervisor Olsen, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

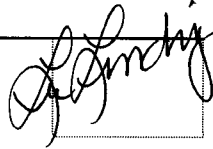
MOTION:

ATTEST: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: County Clerk-Recorder  
Urgent  Routine



BOARD AGENDA #: \*A-4c  
AGENDA DATE: September 26, 2017

CEO CONCURRENCE:

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval of Appointment in Lieu of Election to the Denair Municipal Advisory Council for the November 7, 2017 Consolidated District Election

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**STAFF RECOMMENDATIONS:**

1. Whereas not more than one person was nominated for the elective offices to be filled at the Consolidated District Election to be held on Tuesday, November 7, 2017, or there were no nominees as of 5:00 p.m. on Wednesday, August 16, 2017, the Registrar of Voters requests the Board of Supervisors make appointments in lieu of election as indicated:

Three Directors (4 Year Full Term): Billy Myers, James Brugger (no other candidate(s) filed)

**DISCUSSION:**

Pursuant to California Elections Code 10515, the County Clerk - Recorder - Registrar of Voters submits to the Board of Supervisors and requests that the Board of Supervisors in its capacity as the supervising authority of the district, make appropriate appointment(s) in lieu of the election.

California Elections Code 10515 provides the following directive to elections officials and district boards: (a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

Approval of Appointment in Lieu of Election to the Denair Municipal Advisory Council for the November 7, 2017 Consolidated District Election

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**POLICY ISSUE:**

Pursuant to California Election Code 10515, the Board of Supervisors shall make appointments of those who have filed declarations of candidacy in lieu of election.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended action of Appointment in Lieu of Election supports the Board's priority of ensuring Efficient Delivery of Public Services by maintaining and improving the efficiency of County government processes through the Appointment in Lieu of Election process.

**STAFFING IMPACT:**

There is no staffing impact associated with this item; existing staff within the County Clerk-Recorder Elections division have prepared and issued the attached statement.

**CONTACT PERSON:**

Lee Lundrigan, County Clerk-Recorder (209) 525-5211

**ATTACHMENT(S):**

1. Certificate of County Clerk

Attachment

Certificate of County Clerk  
Request for Appointment in Lieu of Election



**OFFICE OF COUNTY CLERK / RECORDER  
& REGISTRAR OF VOTERS  
ELECTIONS DIVISION**

**LEE LUNDRIGAN**  
**County Clerk / Recorder / Registrar of Voters &  
Commissioner of Civil Marriage**

*Elections: 1021 "I" Street, Suite 101, Modesto, CA 95354  
Telephone: 209.525.5200 Facsimile: 209.525.5802*

**CERTIFICATE OF COUNTY CLERK  
REQUEST FOR APPOINTMENT OF OFFICES  
IN LIEU OF ELECTION FOR THE  
DENAIR MUNICIPAL ADVISORY COUNCIL**

**I, LEE LUNDRIGAN, County Clerk of the County of Stanislaus, hereby certify as follows:**

**As of the close of the candidate nomination filing period at 5:00 p.m. on August 16, 2017, not more than one person had been nominated for each of the elective offices for said District to be filled at the Consolidated District Election to be held on Tuesday, November 7, 2017, and no petition signed by the voters of said District requesting the election be conducted was presented to this office.**

**The following person(s) have been nominated:**

**Three Directors (4 Year Full Term) – Billy Myers, James Brugger (no other candidates filed)**

**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. If no person filed for any office, the supervising authority shall appoint any qualified person to the office who is qualified by the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at the general district election.**

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

**Dated this 7<sup>th</sup> day of September 2017.**



**Lee Lundrigan**  
**County Clerk / Recorder / Registrar of Voters**  
**County of Stanislaus**  
**State of California**