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BOARD OF SUPERVISORS

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October 24, 2017

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. 101217-R-03**

Dear Ms. King:

Our office serves as general counsel to the Denair Unified School District ("District"). The District requested we send you the enclosed Denair Unified School District Board of Trustees Resolution No. 101217-R-03 - Resolution to Reschedule Election of Governing Board Members ("Resolution"). On October 12, 2017, the Board of Trustees 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. 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, the District adopted the 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 new election date from the first Tuesday after the first Monday in November 2019 to the first Tuesday after the first Monday in November 2020 with Board members whose terms would have expired in 2019 being extended to 2020. Board members whose terms would have expired in 2021 will be extend to 2022.

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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 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) 978-4040 or District Superintendent, Aaron Rosander at (209) 632-7514.

Very truly yours,

DANNIS WOLIVER KELLEY



Roman J. Muñoz

Attachments: Resolution No 101217-R-03 - Rescheduling Election of Governing Board Members

cc: Aaron Rosander, Superintendent
Kathi Dunham-Filson, Board President
Lee Lundrigan, Stanislaus County Registrar of Voters and Clerk Recorder

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

RESOLUTION NO. 101217-R-03

Resolution to Reschedule Election of Governing Board Members

A Resolution by the Governing Board of the Denair Unified School District ("Board") for consolidation of future governing board member election with the statewide general election pursuant to Elections Code § 1302(b).

RECITALS

WHEREAS, the Governing Board ("Board") of the Denair Unified School District ("District") consists of five (5) members elected at large from within the District; and

WHEREAS, Education Code § 35105 sets forth the general rule that school district governing board members serve staggered terms and are elected in odd numbered years; and

WHEREAS, the current date for the election of governing board members of the 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 § 5000 and Elections Code § 1302 (a)); and

WHEREAS, the next Governing Board elections for positions held by Robert Hodges and Sandi Dirkse are currently scheduled for 2017 and the next Governing Board elections for positions held by Ray Prock Jr., Kathi Dunham-Filson, and John Plett are currently scheduled for November 2019; and

WHEREAS, statewide general elections are held in California in even numbered years (e.g., November 2018) (Elections Code § 1001); and

WHEREAS, the District is located within Stanislaus County; and

WHEREAS, generally voter participation is greater for statewide general elections conducted in even numbered years than for local elections conducted in odd numbered years; and

WHEREAS, commencing January 1, 2018, Election Code § 14050 through 10457 known as the *California Voter Participation Rights Act* requires districts to adopt a plan by January 1, 2018 to transition their governing board elections to the same date at statewide general elections conducted in even numbered years if past governing board elections held on election dates in odd numbered years resulted in a significant decrease in voter turnout; and

WHEREAS, a significant decrease in voter turnout is defined as voter turnout at least 25% less than the average voter turnout for the previous four statewide general elections; and

WHEREAS, based on history of voter participation within the boundaries of the District it is likely that the District may be required to adopt a plan to transition to even numbered year statewide general elections no later than January 1, 2018, pursuant to Election Code § 14052(b); and

WHEREAS, a political subdivision may hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate future elections with a statewide general election no later than the November 8, 2022, statewide general election; and

WHEREAS, regardless of whether the District is required to formulate a plan and as a result of these facts, the Governing Board desires to change the date of future Governing Board member elections to be consolidated with the California statewide general election which may result in a cost savings of public funds and provide greater voter input into school board elections; and

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

WHEREAS, if the change in election date is approved, the November 2019 Governing Board election date will be moved to the first Tuesday after the first Monday in November 2020 and the November 2021 Governing Board election date will be moved to the first Tuesday after the first Monday in November 2022. The terms of Governing Board members which would have expired in 2019 and 2021 will be extended by one (1) year. Election Code § 10404.5(g) *[refer to Appendix A]*; and

NOW, THEREFORE, BE IT RESOLVED that the Denair Unified School District adopts this resolution to consolidate the election date for members of the Governing Board with the date for the California general election on the first Tuesday after the first Monday in November of each even numbered year (Election Code 1001) pursuant to Election Code §1302(b).

BE IT FURTHER RESOLVED The Superintendent will forward this resolution to the Stanislaus County Board of Supervisors 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 made public and posted in accordance to Election Code 10404.5(d)(2) unless the Board of Supervisors finds that the ballot style, voting equipment or computer capacity is such that additional elections or materials cannot be handled.

BE IT FURTHER RESOLVED If the consolidation of election is approved by the Board of Supervisors, the terms of office shall be extended one (1) year as described in Appendix A.

BE IT FURTHER RESOLVED that if the consolidation of election is approved, the term of office of Governing Board members expiring in December 2019 will be extended to December 2020 and the term of Governing Board members expiring in December 2021 will be extended to December 2022 and each subsequent Governing Board member election will be held two (2) years thereafter in November of even numbered years.

BE IT FURTHER RESOLVED that the District will pay the Stanislaus County Registrar of Voters for the expense of mailing the notice of approval of the change in election dates as required by Election Code § 10404.5(e).

BE IT FURTHER RESOLVED The District Superintendent and his designees are hereby authorized and directed to take any other steps necessary to effectuate the purpose and intent of this resolution.

PASSED AND ADOPTED by the _____ Denair Unified _____ School District Board of

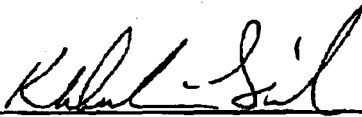
Education on this 12th day of _____ October, 2017 _____ by the following vote:

AYES: 4

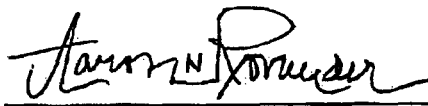
NOES: 0

ABSENT: 1

ABSTAIN: 0



Kathi Dunham-Filson,
President of the Governing Board



Aaron N Rosander,
Clerk of the Governing Board

Appendix A**Resolution to Reschedule Election of Governing Board Members****RESOLUTION NO. 101217-R-03**

Current Board Member	Post-2017 Election Year Cycle	Proposed Election Year Cycle
Sandi Dirkse*	2021	2022
Robert Hodges*	2021	2022
Kathi Dunham-Filson	2019	2020
John Plett	2019	2020
Ray Prock Jr.	2019	2020

Governing Board member elections in 2020 and 2022 will be for a four (4) year term.

*The current Board members are not seeking reelection in November 2017. These are identified to provide reference as to current and proposed election cycles.