

RESOLUTION 2017-80

BOARD OF SUPERVISORS **CONSOLIDATING THE BOARD OF DIRECTORS' ELECTIONS FROM ODD-NUMBERED YEARS TO EVEN-NUMBERED YEARS TO BE HELD WITH THE GENERAL ELECTION**

17 DEC -7 P 12:22

WHEREAS, the Modesto Irrigation District (MID) currently conducts Board elections on odd-numbered years pursuant to the Elections Code §10505(a); and

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

WHEREAS, MID is located within Stanislaus County; and

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including special districts 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 by 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 four previous 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 future elections with the statewide elections no later than the November 8, 2022 statewide general election; and

WHEREAS, the Act authorizes attorneys' fees to a prevailing plaintiff who successfully files an action in Superior Court to enforce the Act's prohibition; and

WHEREAS, MID may achieve a savings in the cost of its elections, if MID's elections are consolidated with the statewide general 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 avoid potential litigation, save public funds, and provide greater voter input to special district elections; and

WHEREAS, Elections Code §10404 establishes a procedure whereby the special district may change the election date for its board members by adopting a resolution seeking approval of the change by the Board of Supervisors in Stanislaus County; and

WHEREAS, if this change in election date is approved, it is requested that the new election date for Divisions 1 and 5 be moved from the first Tuesday after the first Monday in November 2019 to the first Tuesday after the First Monday in November of 2020 and that the election date for Divisions 2, 3, and 4 be moved from the first Tuesday after the first Monday in November of 2021 to the first Tuesday after the first Monday in November 2022 (please see Appendix A).

NOW, THEREFORE BE IT RESOLVED, That the Modesto Irrigation District Board of Directors hereby finds, determines, and/or declares, as follows:

1. The Board of Directors declares its intent to adopt this resolution to consolidate the election date for the Directors of the Board with the date for the California general election in November in even-numbered years pursuant to Elections Code §10404.
2. MID will forward this resolution to the Stanislaus County Board of Supervisors explaining the rationale for the resolution and requesting formal approval of the changes 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.
3. MID 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 by the Stanislaus County Board of Supervisors as required by Elections Code §10404(f).
4. If consolidation of election is approved by the Board of Supervisors, the date of that election for Divisions 1 and 5 will be moved to the first Tuesday after the first Monday in November 2020 and that the date of election for Divisions 2, 3, and 4 will be moved to the first Tuesday after the first Monday in November 2022.

Director	Election Year	Proposed Election Year
1	2019	2020
2	2021	2022
3	2021	2022
4	2021	2022
5	2019	2020

Under the proposed rescheduled election cycle, Governing Board member elections in 2015 and 2017 will be for a five (5) year term. Subsequent Governing Board member elections in 2020 and 2022 will be for a four (4) year term.

Moved by Director Wenger, seconded by Director Campbell, that the foregoing resolution be adopted.

The following vote was had:

Ayes: Directors Blom, Byrd, Campbell and Mensinger

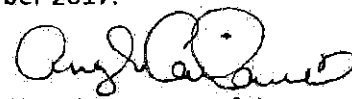
Noes: Director None

Abstained: Director Wenger

The President declared the resolution adopted.

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I, Angela Cartisano, Board Secretary of the Modesto Irrigation District, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a special meeting of said Board of Directors held the twenty-first day of November 2017.



Board Secretary of the
Modesto Irrigation District