

BOARD OF SUPERVISORS

WESTPORT FIRE PROTECTION DISTRICT

RESOLUTION NO. 002-2017

2017 DEC 13 A 9:53

Resolution to Reschedule Election of Governing Board Members

A Resolutions by the Governing Board of the Westport Fire Protection District (“Board”) for consolidation of future governing board member elections with the statewide general election pursuant to Elections Code 1303(b)

RECITALS

WHEREAS, the Governing Board (“Board”) of the Westport Fire Protection District consists of five (5) members elected from within the District; and

WHEREAS, Election Code 1304 set forth the general rule that Fire Protection 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) (Election Code 1303(b) and Elections Code 10404(b); and

WHEREAS, the next Governing Board elections for positions held by John Varni and Stacy Cardoso are currently scheduled for 2019, and the nest Governing Board elections for positions held by Edward Amador and Norman Hyder are currently scheduled for November 2021; 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 yeas 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 if 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 Elections 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 to 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 Fire Protection board elections; and

WHEREAS, Elections Code 1303(b) establishes a procedure whereby the Governing Board may change the elections 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(b); Elections Code 10505(d); Health & Safety Code 13886); 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 on (1) year (not to exceed beyond December 31 of the extended year.) Election Code 10404(i) [refer to Appendix A]; and

NOW, THEREFORE, BE IT RESOLVED that the Westport Fire Protection 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 1303(b)

BE IT FURTHER RESOLVED The Board President will forward this resolution to the 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(e) 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 of all members of the Governing Board 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 (f).

BE IT FURTHER RESOLVED The Board President 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 Westport Fire Protection District Board

Education on this 12 day of December by the following vote:


AYES: Directors: Ed Amador, Stacy Cardoso and Norman Hyer

NOES: None

ABSENT: John Varni

ABSTAIN: None

Board President:


Ed Amador