

## RESOLUTION NO. 2021 (2017)

### IN THE DISTRICT BOARD OF THE WEST BAY SANITARY DISTRICT COUNTY OF SAN MATEO, STATE OF CALIFORNIA

A Resolution of the Governing Body of the West Bay Sanitary District Approving the Rescheduling of Governing Body Member Elections from Odd-Numbered Years to Even-Numbered Years, in Accordance with Elections Code §§ 1030(b) and 14050, and Requesting the Approval of the County of San Mateo and County of Santa Clara to Consolidate the Same with the Statewide General Election Pursuant to Elections Code § 10404.

WHEREAS, on September 1, 2015, Governor Brown signed Senate Bill 415 (Reg. Sess.), codified at Stats. 2015, ch. 235, enacting Elections Code §§ 14050-14057, which prohibits the holding of an election other than on a statewide election date if holding an election on a non-concurrent date resulted in a significant decrease in voter turnout, as defined, and further authorizes voters to enforce this prohibition by filing action in superior court; and

WHEREAS, the West Bay Sanitary District currently conducts its elections for members of the District in November of odd-numbered years (*e.g.*, November 2015) pursuant to Elections Code § 1303 subdivision (a); and

WHEREAS, voter participation in San Mateo County and Santa Clara County is greater for statewide general elections than for odd-year local elections, including special district governing body member elections; and

WHEREAS, the District believes that rescheduling to even-numbered year elections may enhance voter participation and further increase the percentage of voters participating in the Special Districts elections; and

WHEREAS, it is considered the view of the District that starting with the [2018] Special Districts elections, the public interest will be better served by election of its governing body members in even-numbered year elections; and

WHEREAS, the District further recognizes that there may also be a cost savings to the District resulting from aligning the District's elections with the statewide general elections; and

WHEREAS, as a result of these facts, the District desires to change the date of future governing body member elections to be consolidated with the California statewide general election in order to increase and enhance voter participation; and

WHEREAS, Elections Code § 1303(b) establishes a procedure whereby the District may change the election date for its governing body members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county, see Elec. Code § 10404; and

WHEREAS, if the change in election date is approved by the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors, it is required that the new election date be moved from November of odd-numbered years to November of even-numbered years commencing in [2018] with governing body members whose terms would have expired in [2017] being extended to [2018] and governing body members whose terms would have expired in [2019] being extended to [2020], as required by Elections Code § 10404(i) (refer to Exhibit A),

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are true and correct.
2. The undersigned, constituting at least a majority of the members of the West Bay Sanitary District Governing Body, do hereby adopt this resolution to consolidate the election date for members of the District with the state general election in November of even-numbered years, beginning in [2018] pursuant to Elections Code § 1303(b).
3. That this Resolution shall take effect and be effective immediately, and shall be submitted to the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors no later than 240 days prior to the date of the currently scheduled 2017 District Election.
4. The District Board makes the following requests:
  - a. That the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors notify all districts located in their county of the District's resolution to consolidate and request input from each district in the effect of consolidation.
  - b. That the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors authorize and direct their elections officials to prepare and transmit to them impact analyses of the proposed consolidation, including reports on the cost-effectiveness of the proposed action.
  - c. That the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors adopt a resolution to approve this Resolution within 60 days from the date of its submission and specify that henceforth, the District's Board elections shall occur regularly on the same date as statewide general elections occurring in even-numbered years, with the first such election occurring on November 6, 2018, unless they find that their ballot styles, voting equipment, or computer capacities are such that additional elections or materials cannot be handled.
  - d. That San Mateo County and Santa Clara County issue public notices of the proceedings in which their resolution is to be considered for adoption, pursuant to Cal. Government Code Section 25151.
  - e. That if they approve the Resolution, the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors authorize and direct their election officials to deliver by mail at the District's expense, the payment of which is hereby authorized, notice to all registered voters of the District within their jurisdiction of said approval within 30 days, as required by Elections Code § 10404 subdivision (f).
5. If the consolidation of election is approved, the terms of office of current governing body members expiring in November [2017] will be extended to November [2018] and the term of members expiring in November [2019] will be extended to November [2020] (see Exhibit A).
6. In the event that the San Mateo County Board of Supervisors and Santa Clara County Board of Supervisors declines to authorize consolidation in [2018] on the grounds specified in Elections Code § 10404(e), the West Bay Sanitary District Governing Body requests that the San Mateo County Board of Supervisors authorize such consolidation at the soonest feasible date.

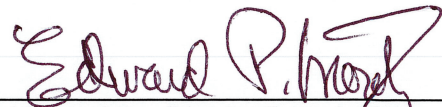
The foregoing RESOLUTION was adopted this 22<sup>nd</sup> day of February, 2017, at a regular meeting of the Governing Body of the West Bay Sanitary District, by the following vote:

AYES: MORITZ, THIELE-SARDINA, WALKER, DEHN, OTTE

NOES: NONE

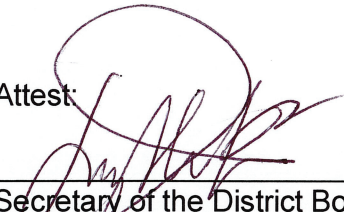
ABSTAIN: NONE

ABSENT: NONE



\_\_\_\_\_  
President of the District Board of the  
West Bay Sanitary District of San Mateo  
County, State of California

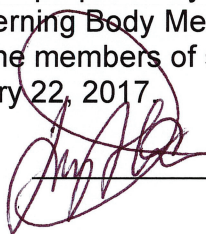
Attest:

  
\_\_\_\_\_  
Secretary of the District Board of the  
West Bay Sanitary District of San Mateo  
County, State of California

#### CERTIFICATION

I, Roy Thiele-Sardina, District Secretary of the West Bay Sanitary District, do hereby certify that the foregoing Resolution was proposed by Governing Body Member Thiele-Sardina, seconded by Governing Body Member Otte, and was duly passed and adopted by a majority of the members of said Governing Body, at an official and public meeting thereof held on February 22, 2017.

Dated: February 22, 2017



\_\_\_\_\_, Clerk

# Exhibit A

## Consolidation of Elections – California Elections Code Section 10404

- (a) This section applies only to special districts electing members of the governing body in odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.
- (b) Notwithstanding any other law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.
  - (1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of this code pertaining to the primary or general election.
  - (2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.
- (c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.
- (d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.
- (e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.
- (f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.
- (g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to *Section 25151 of the Government Code*.
- (h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.
- (i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.
- (j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.
- (k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.