

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No: 22-149

Ordering a general election consolidated with the)
November 8, 2022, on the questions of: 1) Shall)
the East Garrison Community Services District)
have a directly elected Board of Directors; 2) If)
the East Garrison Community Services District)
shall have a directly elected Board of Directors,)
which five (5) candidates shall be elected to)
serve.)

RECITALS:

WHEREAS, Government Code Section 61029.5(a) designates the Board of Supervisors of Monterey County as the Board of Directors of the East Garrison Community Services District (EGCSD), until conversion to a directly elected board of directors; and

WHEREAS, Government Code Section 61029.5(b)(3) requires that, ten years after the effective date of the EGCSD’s formation, the Board of Supervisors of the County of Monterey shall adopt a resolution placing on the ballot the question of whether the EGCSD shall have a directly elected board of directors; and

WHEREAS, Government Code Section 61029.5 became operative on January 1, 2006, and more than 10 years has passed since the effective date of the EGCSD’s formation; and

WHEREAS, Government Code Section 61029.5(b)(1) requires that, when the Registrar of Voters certifies in writing that the number of voters within the EGCSD has reached or exceeded 500, the Board of Supervisors of the County of Monterey to adopt a resolution placing on the ballot the question of whether the EGCSD shall have a directly elected board of directors; and

WHEREAS, on July 23, 2020, the Monterey County Registrar of Voters certified in writing that the number of voters within the EGCSD reached or exceeded 500 voters, and

WHEREAS, Government Code Section 61029.5(c) provides that, at the election, the voters shall also elect members to the EGCSD’s Board of Directors and that those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question; and

WHEREAS, on August 11, 2020, in compliance with Elections Code Section 10509, the Secretary of the EGCSD delivered notice to the Monterey County Registrar of Voters of the elective offices of the District to be filled at the next general district election; and

WHEREAS, on August 11, 2020, in compliance with Elections Code Section 10522, the Secretary of the EGCSD delivered notice to the Monterey County Registrar of Voters a map showing the boundaries of the district and the boundaries of the divisions of the district within Monterey County and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next general district election; and

WHEREAS, pursuant to Elections Code Section 10002, the EGCS D may by resolution request that the Monterey County Board of Supervisors permit the Registrar of Voters to render specified services to the District relating to the conduct of the election and that the District shall reimburse the Registrar of Voters in full for the services performed upon presentation of a bill to the District; and

WHEREAS, the EGCS D has sufficient funds to reimburse the County of Monterey for conducting the election; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, the elections may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district for the submission of any office to be filled is to be consolidated within a statewide election, and that office to be filled is to appear upon the same ballot as that provided for that statewide election, the district shall at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation of the election shall be adopted and filed at the same time as the adoption of the resolution calling the election; and

WHEREAS, various district, county, state and other political subdivision elections have been called to be held on November 8, 2022; and

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a district has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate's statement to be either 200 or 400 words and to determine if the candidate and or political subdivision will pay the cost of the statement; and

WHEREAS, Elections Code Section 15651 requires the district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon; and

WHEREAS, on March 1, 2022, the EGCS D Board of Directors adopted Resolution No. 22-108, requesting that the Monterey County Board of Supervisors: a) consolidate elections of an independent EGCS D Board of Directors with statewide general elections; b) set an election date of November 8, 2022; and c) authorize reimbursement to the County of Monterey Elections Department for rendered services associated with the conduct of the November 8, 2022 election as required by Elections Code Section 10002.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Monterey County Board of Supervisors, as follows:

Section 1. The foregoing recitals are true and correct and the Board of Supervisors so finds and determines.

Section 2. The Board of Supervisor approves the March 1, 2022 request by the EGCSO Board of Directors, via Resolution No. 22-108 to: a) consolidate elections of an independent EGCSO Board of Directors with statewide general elections; b) set an election date of November 8, 2022; and c) authorize reimbursement to the County of Monterey Elections Department for rendered services associated with the conduct of the November 8, 2022, is approved.

Section 3. The Registrar of Voters shall take all steps necessary to conduct a general election on November 8, 2022, within the boundaries of the East Garrison Community Services District, to submit to the voters of the District the following question:

1. "Shall the Board of Directors of the East Garrison Community Services District (currently the Monterey County Board of Supervisors) be changed to a Board of Directors with five (5) directors elected at large by registered voters of the District with such directors taking office on the first Friday in December 2022?"

In addition, following the Measure question, the ballot shall contain the general board member contests electing five (5) members to serve as the East Garrison Community Services District that shall take effect if the question of a directly election Board of Directors is approved by a majority of votes cast. There shall be three (3) seats to be elected to a full-term of four-years and two (2) seats to be elected to a short-term of two-years.

The Registrar of Voters shall hold the election in accordance with law and these specifications (which are consistent with Resolution No. 22-108 adopted by the East Garrison Community Services District Board of Directors on March 1, 2022) and render all services specified by the Elections Code relating to the election, such services include the publication of the Formal Notice of Election Article 3 of Chapter 2 Division 9 of the Elections Code relating to arguments concerning county measures shall apply. County Counsel shall prepare an impartial analysis.

Section 4. The Registrar of Voters shall post the Resolution as full measure text on the Elections website and shall provide printed copies upon request at a cost to the East Garrison Community Services District. The impartial analysis shall include the phrase "The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Elections Office at (831) 796-1499 and a copy will be mailed at no cost to you."

Section 5. The East Garrison Community Services District shall reimburse the Registrar of Voters in full for the services performed by the Registrar of Voters upon presentation of a bill to the District. Candidate's statements shall be limited to 200 words and all candidates for office shall pay for the publication of a statement of qualifications pursuant to Elections Code Section 13307. Candidate statement acceptance starts on July 18, 2022 and ends on August 12, 2022.

Section 6. In the event of any tie votes, the winning candidate will be determined by a single coin toss conducted by the Registrar of Voters.

Section 7. If the Monterey County Registrar of Voters certifies that a majority of East Garrison Community Services District registered voters decided that the East Garrison Community Services District shall have a directly elected board of directors, the elected members shall take office at noon effective December 2, 2022.

Section 8. The East Garrison Community Services District Board of Directors authorized reimbursement of the Elections Department, in full, for the costs of issuing notices of a consolidated election as required by Elections Code 10404.

Section 9. The East Garrison Community Services District Board of Directors authorized reimbursement of the Elections Department, in full, for the costs of conducting an election on November 8, 2022 as required by Elections Code 10002, and certify the results.

Section 10. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on this 26th day of April 2022, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting April 26, 2022.

Dated: May 3, 2022
File ID: RES 22-085
Agenda Item No.: 67

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Julian Lorenzana, Deputy