

Heber Public Utility District Report to the Board of Directors

MEETING DATE: January 18, 2018

FROM: Laura Fischer, General Manager

SUBJECT: Adopt Resolution 2018-01 to Reschedule Election of Governing Board Members to Even Years

ISSUE:

Shall the Heber Public Utility Board of Directors adopt Resolution 2018-01 to reschedule election of Governing Board Members to even years?

GENERAL MANAGER RECOMMENDATION:

Adopt Resolution 2017-1 to reschedule election of Governing Board Members to even years.

FISCAL IMPACT:

HPUD will pay for the cost to publish the notice of public hearing as required by the County of Imperial. This amount is expected to be minimal and within the adopted budget.

DISCUSSION:

In September 2015, the Governor signed Senate Bill No. 415 (SB 415), known as the California Voter Participation Rights Act, which in most instances required local jurisdictions that currently hold elections for governing board member in odd-numbered years to move their elections to even-numbered years.

Elections that are held at the same time as statewide elections are often referred to as “on-cycle” elections, while elections held at other times are often referred to as “off-cycle” elections. Once the Heber PUD Board of Directors adopts Resolution 2018-1, the HPUD staff will forward the Resolution to the County of Imperial Board of Supervisors for approval. The Board of Supervisors is required by section 10404 to approve the proposed change unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.” Upon approval by the Board of Supervisors, the Elections Department will prepare and mail a notice within 30 days, at the districts; expense, to the registered voters of the districts affected by the consolidation informing them of the election date change.

CONCLUSION:

Under the proposed rescheduled election cycle, the change in election date in November 2019 Governing Board 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 the District Board members which would have expired in 2018 and 2021 will be extended by one year.

Therefore, it is staff's recommendation that the Board adopt Resolutions 2018-1 to reschedule the HPUD election dates from odd years to even years.

Respectfully Submitted,

Laura Fischer, General Manager

Attachments: Resolution 2018-1

RESOLUTION NO. 2018-1

HEBER PUBLIC UTILITY DISTRICT

A RESOLUTION OF THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT TO RESCHEDULE ELECTION OF GOVERNING BOARD MEMBERS TO EVEN YEARS

WHEREAS, the Governing Board (“Board”) of the Heber Public Utility District (“District”) consists of five (5) members elected from within the District; and

WHEREAS, Election Code § 1304 sets forth the general rule that a general district election shall be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year to choose a successor for each elective officer; and

WHEREAS, the current date for the election of governing board members of the District is every two (2) years on the first Tuesday and after the first Monday in November of odd numbered years (e.g., November 2019) (Election Code § 1303(b) and Elections Code § 10404(b)); and

WHEREAS, the next Governing Board elections for positions held by Martin Nolasco, Jr., and Pompeyo Tabarez, Jr., are currently scheduled for 2019, and the next Governing Board election for positions held by Tony Sandoval, Moises Cardenas, and Kaine Garcia are currently scheduled for November 2021; 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 Imperial 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 required district to adopt a plan by January 2018 to transition their governing board elections to the same date as 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, Elections Code § 1303(b) establishes a procedure whereby the Governing Board may change the election date for its Governing Board member by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code § 10404(b); 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 one (1) year. Election code § 1001 pursuant to Election Code § 1303(b).

WHEREAS, this Resolution constitutes this District's plan to consolidate future elections with a statewide general election as provided in SB 415 (Elections Code sec. 14052(b)).

NOW, THEREFORE, THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the matters set forth in the recitals to this Resolution are true and correct statements and by this reference are incorporated herein and made findings and determinations by the Governing Board.

SECTION 2. That the Governing Board of Heber Public Utility District, pursuant to Elections Code sections 1303(b) and 10404(b), hereby approves changing the date of its regular election for Board of Directors from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday after the first Monday of even-numbered years.

SECTION 3. That the General Manager 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 election or materials cannot be handled.

SECTION 4. That if the consolidation of election is approved by the Board of Supervisors, the terms of office of all current members of the Governing Board shall be extended one (1) year as described in Appendix A.

SECTION 5. 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 2022 and each subsequent Governing Board member election will be held every two (2) years thereafter in November of even numbered years in accordance with the statewide general election.

SECTION 6. Special elections called for the purpose of filling Board vacancies, recall of Directors, consideration of District initiative or referendum measures, and for other lawful purposes, are not affected by this Resolution, and may be called at anytime authorized by applicable law.

SECTION 7. That the District will pay the Imperial 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).

SECTION 8. That the General Manager and her designees are hereby authorized and directed to take any other steps necessary to effectuate the purpose and intent of this resolution.

SECTION 9. This Resolution shall take effect immediately upon approval of the Imperial County Board of Supervisors.

PASSED, ADOPTED AND APPROVED this the 18th day of January, 2018, by the following vote:

Ayes:

Noes:

Absent:

Attest:

Raquel Carrillo
Secretary of the Board

Martin Nolasco, Jr.
Board President

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
HEBER PUBLIC UTILITY)
DISTRICT)

I, RAQUEL CARRILLO, Secretary of the Board of the Heber Public Utility District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District at its regularly scheduled meeting held on the 18th of January 2018.

By _____
Raquel Carrillo, Secretary of the Board

Appendix A

Resolution 2018-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT TO RESCHEDULE ELECTION OF GOVERNING BOARD MEMBERS TO EVEN YEARS

	Positions Held by Current Board Member	Election Conducted	Current Election Year Cycle	Proposed Election Year Cycle
1	Martin Nolasco Jr.	2015	2019	2020
2	Pompeyo Tabarez Jr.	2015	2019	2020
3	Tony Sandoval	2017	2021	2022
4	Moises Cardenas	2017	2021	2022
5	Kaine Garcia	2017	2021	2022

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.