

Heber Public Utility District BOARD OF DIRECTORS

MEETING DATE: June 18, 2020

FROM: Laura Fischer, General Manager

SUBJECT: Adopt Resolutions - Number 2020-07 Calling and Giving Notice of Election; and Number 2020-08 Requesting to Consolidate a District Election with the Statewide General Election.

ISSUE:

Shall the Heber Public Utility Board of Directors approve Resolution 2020-07 and Resolution 2020-08 giving notice of an election to be held on November 3, 2020, and calling for an election that would be conducted by the County, and requesting the consolidation of such an election for two seats on the HPUD Board?

CITY MANAGER RECOMMENDATION:

Approve Resolution Numbers 2020-07 and 2020-08 calling for an election that would be conducted by the County and requesting the consolidation of such an election for two Board seats.

FISCAL IMPACT:

Approximately \$2,000 is included in FY 2020-21 for HPUD's fair share of election costs.

DISCUSSION

Upon the end of 2020, two seats on the Heber Public Utility District will become vacant. Mr. Pompeyo Tabarez, Jr. and Mr. Martin Nolasco, Jr. have provided excellent service to the HPUD over the past five years, and their term is set to expire at the end of 2020.

In 2016, a new California law was approved that requires cities, counties, school districts and special districts that have a regular election date that is different from the statewide primary or general election (June and November of even-numbered years). Public agencies with "off schedule" regular elections must change their date to either the statewide primary or general election, if the agency's voter turnout for its current election date is at least 25 percent lower than its average turnout for the last four statewide general elections (Nov. 2014, 2012, 2010, 2008). Public Agencies covered by SB 415 must start complying by Jan. 1, 2018 or, at the very least adopt a plan by that time to change the regular election date by Nov. 8, 2022.

CONCLUSION

An approval of Resolution 2020-07 and 2020-08 will allow the above described vacant seats to be placed on the November 3, 2020 ballot. The timeliness of the approval will enable the District to file the correct documents with the County of Imperial Clerk Recorder/Elections Department and to proceed with following the required guidelines and set deadlines effectively.

Respectfully Submitted,

Laura Fischer, General Manager

Attachments: Resolution 2020-07 & Resolution 2020-08

RESOLUTION NO. 2020-07

OF THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT CALLING AND GIVING NOTICE OF THE HOLDING OF A DISTRICT ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO SPECIAL DISTRICTS

WHEREAS, under the provisions of the laws relating to Special Districts in the State of California, a District Election shall be held on November 3, 2020, for the election of District officers; and

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to Special Districts there is called and ordered to be in the Town of Heber, California, on Tuesday, November 3, 2020, a District Election for the purpose of electing Two (2) Directors for a term of office which ends December, 2024.

SECTION 2. That the ballot to be used at the election shall be in form and content as required by law.

SECTION 3. That the secretary to the Board of Directors is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding District Elections.

SECTION 6. That notice of the time and place of holding the election is given and the Secretary to the Board of Directors is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That the secretary to the Board of Directors shall certify to passage and adoption of the Resolution and enter it into the book of original Resolutions.

PASSED, ADOPTED AND APPROVED this 18th day of June, 2020, by the following vote:

Ayes:

Noes:

Absent:

Attest:

Raquel Carrillo
Secretary of the Board

Moises Cardenas
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 June 2020.

By _____
Raquel Carrillo, Secretary of the Board

RESOLUTION NO. 2020-08

OF THE BOARD OF DIRECTORS OF HEBER PUBLIC UTILITY DISTRICT REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A DISTRICT ELECTION TO BE HELD ON NOVEMBER 7, 2017, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

WHEREAS, Heber Public Utility District will hold an election on November 3, 2020, for the purpose of the election of Two (2) Directors for the Board of Directors for a term of office which ends November 2024; and

WHEREAS, it is desirable that the District Election be consolidated with the Statewide General Election to be held on the same date and that within the district the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Imperial canvass the returns of the District Election and that the election be held in all respects as if there were only one election.

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

SECTION 1. That pursuant to the requirements §10403 of the Elections Code, the Board of Supervisors of the County of Imperial is hereby requested to consent and agree to the consolidation of a District Election with the Statewide General Election on Tuesday, November 3, 2020 for the purpose of the election of Two (2) Directors for the Board of Directors for a term of office which ends December, 2024.

SECTION 2. That the County Elections Department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instruction to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That Heber Public Utility District recognized that additional costs will be incurred by the County by reason of the consolidation and agrees to reimburse the County for any such additional costs related to the District Election.

SECTION 5. That the Heber Public Utility District is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Imperial.

SECTION 6. That the secretary to the Board of Directors shall certify as to passage and adoption of the Resolution and enter it into the book of original Resolutions.

PASSED, ADOPTED AND APPROVED this 18th day of June 2020, by the following vote:

Ayes:

Noes:

Absent:

Attest:

Raquel Carrillo
Secretary to the Clerk of the Board

Moises Cardenas
Board President

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

I, RAQUEL CARRILLO, Secretary to the Clerk 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 June 2020.

By _____
Raquel Carrillo, Secretary to Clerk of the Board