



**TO:** Board of Directors,  
San Lorenzo Valley Water District

**FROM:** Gina R. Nicholls, General Counsel

**DATE:** November 19, 2020

**RE:** Process for Filling Board of Directors Vacancy; Proposed Resolution No. 8 (20-21) Ordering an Election  
502665-0001

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**SUMMARY:**

At the regular meeting of the Board of Directors (Board) that was conducted on November 5, 2020, the Board determined that a vacancy exists on the Board.

At the Board meeting on November 10, the Board passed a motion to fill the vacancy by calling for an election, and to immediately notify the elections office of this decision. As directed by the Board, on November 11 the District Manager notified the County Clerk of the Board's decision.

On November 16, the District Counsel contacted the County Clerk to request information about what the County Clerk's office needs in order to move forward with calling the special election. In response, the County Clerk provided a template for a resolution ordering an election. (See Attachment A.)

**RECOMMENDATION:**

Assuming the Board wants to move forward with calling an election, it is recommended that the Board, by motion, adopt proposed Resolution No. 8 (20-21) attached hereto. The proposed resolution adheres to the County's template.

Alternatively, the Board could adopt the proposed Resolution with modifications. Any modifications should be consistent with the County's template in order to avoid a potential need for further action by the Board.

Alternatively, the Board could take no action. This alternative is not recommended because it would result in an uncertain record regarding how the vacancy will be filled. Should the Board not adopt the proposed resolution, the Board may provide alternative direction regarding how to proceed.

**BACKGROUND:**

Pursuant to California Government Code Section 1780, in the event of a vacancy in any elective office of a governing board of a special district, the remaining board members may fill the vacancy by appointment or by calling for an election within sixty (60) days. (See Attachment B.) Because the Board determined that a vacancy exists on November 5, 2020, the Board must call for an election or make an appointment to fill the vacancy, if at all, no later than Monday, January 4, 2021. Otherwise the ability to fill the vacancy will transfer to the County Board of Supervisors.

**Election Process:**

Government Code Section 1780 allows the Board to call for an election to be held on the next established election date. The election date must be at least 130 days after the District calls for an election.<sup>1</sup> (Gov. Code, § 1780(c),(e).) The next date for which an election could be called under the applicable portion of the Elections Code is November 2, 2021.<sup>2</sup> (See Gov. Code, § 1780(e)(2); Elections Code, § 1000.)

This would result in election costs incurred by the District on the order of approximately \$4 per registered voter within the District, unless another local entity calls for an election to be conducted on the same date, in which case the costs would be shared. The costs are estimated to be up to roughly \$72,184 on the high end (assuming exactly \$4.00 per registered voter and 18,046 registered voters within the District, and no other local entity participates in the election).

**ATTACHMENTS:**

Attachment A – County Template: *“Resolution Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election”*

Attachment B – Government Code Section 1780

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<sup>1</sup> June 26, 2020 would have been the deadline to call for a special district election for inclusion on the November 2020 ballot.

<sup>2</sup> Although there is an established election date for the “first Tuesday after the first Monday in May of each year,” that date is only available for conducting an all-mail ballot election under Elections Code Section 4000, et seq. This date may be used to conduct a County Water District election on matters such as an assessment ballot proceeding, but it is not available for the election of directors.

**SAN LORENZO VALLEY WATER DISTRICT  
RESOLUTION NO. 8 (20-21)**

**SUBJECT: RESOLUTION ORDERING AN ELECTION, REQUESTING COUNTY  
ELECTIONS TO CONDUCT THE ELECTION, AND REQUESTING  
CONSOLIDATION OF THE ELECTION**

**San Lorenzo Valley Water District**

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Name of City or Special District exactly as it will appear on the ballot

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the County to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

**WHEREAS**, the County requires that the resolution of the governing body of the city or district shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the city or district shall reimburse the County in full for the services performed upon presentation of a bill to the city or district; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond 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, they 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, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision 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 exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot, acknowledging that the

consolidation election will be held and conducted in the manner prescribed in Section 10418. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable.

**WHEREAS**, the County requires that the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

**WHEREAS**, various district, county, state and other political subdivision elections may be, or have been, called to be held on November 2, 2021;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board of Directors of the San Lorenzo Valley Water District hereby orders an election be called and consolidated with any and all elections also called to be held on November 2, 2021 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the San Lorenzo Valley Water District and requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401, 10403 and 10418.

**BE IT FURTHER RESOLVED AND ORDERED** that the Board of Directors of the San Lorenzo Valley Water District hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services.

**BE IT FURTHER RESOLVED AND ORDERED** that the Santa Cruz County Elections Department conduct the election for the following office on the November 2, 2021 ballot:

| Seats open | Office  | Term                             | District/Division<br>(if app) |
|------------|---|----------------------------------|-------------------------------|
| One (1)    | Board of Directors of the San Lorenzo Valley Water District | Four (4) years<br>ending in 2022 | N/A                           |
|            |   |                                  |                               |

\*\*\*\*\*

**PASSED AND ADOPTED** by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the 19th day of November 2020, by the following vote of the members thereof:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Lois Henry, Chairperson,  
Board of Directors of the  
San Lorenzo Valley Water District

ATTEST:

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Holly B. Hossack,  
District Secretary

## **Attachment A**

Resolution No. \_\_\_\_\_

**Resolution Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election**

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**Name of City or Special District exactly as it will appear on the ballot**

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

**WHEREAS**, the resolution of the governing body of the city or district shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond 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, they 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, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision 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 exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot, acknowledging that the consolidation election will be held and conducted in the manner prescribed in Section 10418. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable.

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

**WHEREAS**, various district, county, state and other political subdivision elections may be or have been called to be held on November 3, 2020;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the governing body of the

\_\_\_\_\_  
(Name of City/District)

hereby orders an election be called and consolidated with any and all elections also called to be held on November 3, 2020 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the \_\_\_\_\_  
(Political Jurisdiction)

and requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401, 10403 and 10418.

**BE IT FURTHER RESOLVED AND ORDERED** that said governing body hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

**Check the following that apply:**

☐ **BE IT FURTHER RESOLVED AND ORDERED** that the Santa Cruz County Elections Department conduct the election for the following offices on the November 3, 2020 ballot:

| Seats open | Office | Term | District/Division (if app) |
|------------|--------|------|----------------------------|
|            |        |      |                            |
|            |        |      |                            |
|            |        |      |                            |
|            |        |      |                            |



- ☐ **BE IT FURTHER RESOLVED AND ORDERED** that the Santa Cruz County Elections Department shall conduct the election for the attached MEASURE(S) to be voted on at the November 3, 2020 election. (attach 75-word ballot question)

**BE IT FURTHER RESOLVED AND ORDERED THAT** Santa Cruz County Elections Department is requested to: [Check one of the following]

- ☐ Print the attached measure text exactly as filed or indicated on the filed document in the County Voter Information Guide for the November 3, 2020 election. Cost of printing and distribution of the measure text will be paid for by the city/district.
- ☐ Do NOT print the measure text in the County Voter Information Guide. Instead, send a copy to voters upon request at the cost of said city/district.

**BE IT FURTHER RESOLVED AND ORDERED THAT** in accordance with section 9313 and 9280 of the California Elections Code, the County Counsel, District Attorney, or City Attorney is hereby directed to prepare an impartial analysis of this measure.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

\_\_\_\_\_  
Chairperson of said Governing Board/City Council

Attested: \_\_\_\_\_  
Secretary

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*To assist us in keeping our records up to date, please provide us with current information regarding your district as well as a list of all your current board or council members' names, addresses and telephone numbers.*

## Contact Information/Incumbent Roster

Name of District/City: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Website: \_\_\_\_\_

[illegible]

## **Attachment B**


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### GOVERNMENT CODE - GOV

**TITLE 1. GENERAL [100 - 7914]** ( Title 1 enacted by Stats. 1943, Ch. 134. )

**DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]** ( Division 4 enacted by Stats. 1943, Ch. 134. )

**CHAPTER 4. Resignations and Vacancies [1750 - 1782]** ( Chapter 4 enacted by Stats. 1943, Ch. 134. )

### ARTICLE 2. Vacancies [1770 - 1782]

( Article 2 added by Stats. 1943, Ch. 134. )

**1780.** (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision

(d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city

council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

*(Amended by Stats. 2007, Ch. 343, Sec. 4. Effective January 1, 2008.)*