

# CHIRIACO SUMMIT WATER DISTRICT

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## BEFORE THE GOVERNING BODY OF THE CHIRIACO SUMMIT WATER DISTRICT COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

A Resolution of the Governing Body of the Chiriaco Summit Water District Approving the Rescheduling of Governing Body Member Elections from Odd-Numbered Years to Even-Numbered Years, in Accordance with Elections Code § 1303(b) and Senate Bill 415 (2015-2016 Regular Session), and Requesting the Approval of the County of Riverside to Consolidate the Same with the Statewide General Election Pursuant to Elections Code § 10404.

### RESOLUTION NO: 2018-01

**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 nonconcurrent date resulted in a significant decrease in voter turnout, as defined, and further authorizes voters to enforce this prohibition by filing an action in superior court; and

**WHEREAS**, the Chiriaco Summit Water 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 Riverside 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, held in conjunction with the statewide general 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 Riverside County Board of Supervisors, it is requested 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),

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## EXHIBIT A

### Consolidation of Elections - California Elections Code Section 10404

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.



# CHIRIACO SUMMIT WATER DISTRICT

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 Chiriaco Summit Water 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. The District shall forward the original copy of this resolution to the Riverside County Elections, who will compile the district resolutions, and will explain the rationale for the resolutions and request formal approval of the change by the Riverside County Board of Supervisors at a public meeting within 60 days after submission and after the resolutions have been posted in accordance with law.
4. The District shall pay the expenses of mailing notice of approval of the change in election date by the Riverside County Board of Supervisors as required by Elections Code § 10404 subdivision (f).
5. If the consolidation of election is approved by the Board of Supervisors, the date of the District's next election will be moved to November 2018, and each subsequent governing body member election will be held two years thereafter in November of even-numbered years.
6. 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 terms of members expiring in November 2019 will be extended to November 2020 (refer to Exhibit A).
7. In the event that the Riverside County Board of Supervisors declines to authorize consolidation in 2018 on the grounds specified in Elections Code § 10404(e), the Chiriaco Summit Water District Governing Body requests that the Riverside County Board of Supervisors authorize such consolidation at the soonest feasible date.
8. The District and/or her designee is authorized to take such actions and execute such agreements and documentation as are necessary to effect the intent of this Resolution.

The foregoing RESOLUTION was adopted this 9<sup>th</sup> day of January, 2018, at a regular meeting of the Governing Body of the Chiriaco Summit Water District, by the following vote:

AYES:

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NOES:

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ABSTAIN:

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ABSENT:

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Dated: 1-9-18

Margit F. Chiriaco Rusehe

President

Chiriaco Summit Water District

## CERTIFICATION

I, Heather L. Garcia, District Secretary of the Chiriaco Summit Water District, do hereby certify that the foregoing Resolution was proposed by Governing Body Member Bob Chiriaco, seconded by Governing Body Member Claudio Figueroa 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 Jan. 9, 2018.

Dated: 1-9-18, Clerk

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**REBECCA SPENCER**  
Registrar of Voters



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**ART TINOCO**  
Assistant Registrar of Voters

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**REGISTRAR OF VOTERS**  
COUNTY OF RIVERSIDE

November 7, 2017

**Subject: Special Districts - Senate Bill 415**

The Riverside County Registrar of Voters Office is providing you with an important update to election laws that will impact your schedule of elections. It is strongly recommended that jurisdictions consult with their respective legal counsel regarding this matter.

**Overview of SB 415**

Senate Bill ("SB") 415 may require your jurisdiction to transition to November of even-year elections. This memorandum provides a summary of SB 415, and an overview of the process for transitioning to November of even-year elections.

On September 1, 2015, Governor Jerry Brown signed SB 415 into law. The law requires jurisdictions with regularly scheduled odd-year elections which have experienced "significant decrease in voter turnout" in the last regularly scheduled election to adopt a plan to transition to even-numbered year general elections no later than January 1, 2018. Significant decrease in voter turnout is described as voter turnout at least 25% less than the average turnout for the previous four statewide general elections.

**Applying SB 415 to Riverside County**

The average turnout for the previous four statewide general elections (2016, 2014, 2012, and 2010) was 60.93%; in comparison, the turnout for the regularly scheduled 2015 election was 22.17%, the difference in turnout is 38.76%. Voter turnout for odd year elections in comparison to even year elections consistently yields a difference greater than 25%. As such, it is our understanding that your jurisdiction may be required to adopt a resolution to initiate the transition to November of even-numbered year elections, no later than January 1, 2018. It is our interpretation that if a resolution to initiate the transition to November of even-numbered year elections is passed before January 1, 2018 pursuant to SB 415, the jurisdiction has the option to delay the official transition to even-numbered year elections to the 2022 statewide general election, at the latest.

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**REBECCA SPENCER**  
Registrar of Voters



**ART TINOCO**  
Assistant Registrar of Voters

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**REGISTRAR OF VOTERS**  
**COUNTY OF RIVERSIDE**

**Special Districts May Move to 2018**

Elections Code section 1303(b) allows the governing body of a special district the ability to transition to November of even-numbered year elections regardless of whether they experience decreased voter turnout.

**Steps Required for Jurisdiction to Move**

Briefly, here are the steps that Elections Code 10403.5 specifies:

1. The jurisdiction submits a resolution to the Registrar of Voters;
2. The Registrar of Voters Office notifies all jurisdictions of the resolution and seeks input;
3. The Board of Supervisors must approve the consolidation within 60 days unless it finds cause not to;
4. After Board of Supervisors approval, the Registrar of Voters Office sends a notice to all registered voters regarding the change at the jurisdiction's expense; and
5. The terms of incumbent officeholders are extended accordingly, no term of office shall be increased by more than 12 months.

We have included a sample resolution with this letter for your reference; however we recommend that you consult with your own legal counsel as to the proper format of the resolution for your jurisdiction's purposes.

Please refer questions to Rachel Rathbone at (951) 486-7318 or Leticia Flores at (951) 486-7212.

Sincerely,

**REBECCA SPENCER**  
Registrar of Voters