

RESOLUTION NO. 2023-02-15-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SALTON COMMUNITY SERVICES DISTRICT TO RESCHEDULE THE
ELECTION OF GOVERNING BOARD MEMBERS FROM ODD YEARS TO
EVEN YEARS**

WHEREAS, On February 15, 2023, at the regular meeting of the Board of Directors, the Board of Directors resolved to change the Salton Community Services District election of Governing Board members from odd years to even years to have such District elections be held on the same day as the statewide general election to save money by reducing the cost charged by the elections officials for the election:

WHEREAS, the District is located within Imperial County;

WHEREAS, the Governing Board ("Board") of the Salton Community Services District ("District") consists of five (5) members elected at large from within the District;

WHEREAS, the Board members hold staggered terms where three (3) Directors are elected in certain years and two (2) Directors are elected in certain other years to maintain continuity on the Board;

WHEREAS, currently and historically the 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 2023);

WHEREAS, Elections Code Section 1303(a) and 1304 provide that, unless otherwise provided in the principal act of the District, 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;

WHEREAS, the Imperial County Registrar of Voters charges the District significantly more for holding elections in odd numbered years and significantly less when the elections are held in even numbered years because the cost is shared by a greater number of other districts in even numbered years;

WHEREAS, Elections Code Section 1303(b) provides that a governing body of a special district may require, by resolution, that its elections of governing body members be held on the same day as the statewide general election with the resolution becoming operative upon the approval of the Imperial County Board of Supervisors pursuant to Elections Code Section 10404;

WHEREAS, Government Code Section 61008(b) applicable to Community Services Districts, such as the Salton Community Services District, provides as follows:

“A board of directors may require that the election of members to the board of directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.”

WHEREAS, Elections Code Section 10404 applies only to special districts having elections for Board members in odd numbered years, such as the Salton Community Services District, and states in pertinent part as follows:

(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.

WHEREAS, the next governing Board elections for positions held by directors Dale Johnson, Michelle Gilmore and Michael Friese are currently scheduled for November 2023, which is more than 240 days from the date of this resolution, and the next Governing Board election for positions held by Manuel Ramos and Lidia Sierra are currently scheduled for November 2025; (Director Friese was appointed by the Board to fill the vacancy left by Director Flores; Director Flores' term expires in 2025; but under Government Code Section 1780 Director Friese's term expires after two of the full four year term in 2023; therefore, in 2024 this seat will be for a short two year term expiring in 2026)

WHEREAS, statewide general elections are held in California in even numbered years

(e.g., November 2024) (Elections Code §1001);

WHEREAS, Elections Code Section 10404 provides that (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;

WHEREAS, under this Resolution the next governing Board elections for positions held by directors Dale Johnson, Michelle Gilmore and Michael Friese will be rescheduled to 2024, and the next Governing Board election for positions held by Manuel Ramos, and Lidia Sierra will be rescheduled to November 2026;

WHEREAS, upon the passage of this Resolution and the delivery of this Resolution to the Clerk of the Imperial County Board of Supervisors and the Imperial County Registrar of Voters, the County is required to comply with Elections Code Section 10404(c)-(j) as follows:

(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.

(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; and

WHEREAS, the District Board of Directors desires to reschedule the date of the elections for members of the Board from odd years to even years as referenced in the forgoing recitals.

NOW THEREFORE, THE FORGOING RECITALS BEING HEREBY INCORPORATED BY THIS REFERENCE, IT IS RESOLVED AS FOLLOWS:

SECTION 1. The Board of Directors does hereby resolve that the District's elections of governing body members be held on the same day as the statewide general election;

SECTION 2. The Board of Directors does hereby resolve that the District's elections of governing body members shall no longer be held in odd numbered years;

SECTION 5. If the Imperial County Board of Supervisors approves this resolution pursuant to Elections Code Section 10404 subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with Elections Code Section 10404 subdivision (a), unless the approval is later rescinded by the

Board of Supervisors.

SECTION 6. The term of Governing Board members of the District whose terms would have expired in 2023, in the absence of this Resolution, shall be extended by one year and shall expire in December 2024 and the term of Governing Board members expiring in December 2025, in the absence of this Resolution, will be extended to 2026 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 7. The Board of Directors does hereby resolve that the 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 the Elections Code pertaining to the primary or general election shall apply.

SECTION 8. 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 9. 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 (i).

SECTION 10. That the Secretary to the Board of Directors is hereby authorized and directed to take any other steps necessary to effectuate the purpose and intent of this resolution.

SECTION 11. This Resolution shall take effect immediately upon approval of the Imperial County Board of Supervisors as provided in Elections Code Section 1303(b).

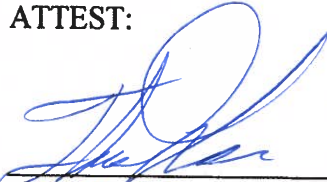
PASSED AND ADOPTED BY the Board of Directors of the Salton Community Services District, Salton City, California, at a regular meeting on February 15, 2023, by the following vote:

	YES	NO
Ms. Michelle Gilmore, Board President	<u>X</u>	_____
Mr. Michael Friese, Vice President	<u>X</u>	_____
Mr. Manuel H. Ramos, Director	<u>X</u>	_____
Mr. Dale Johnson, Director	<u>X</u>	_____
Ms. Lidia A. Sierra, Director	<u>X</u>	_____



Michelle Gilmore, President of the Board of Directors

ATTEST:



Thania Garcia, Secretary of the Board of Directors

