

BEFORE THE GOVERNING BOARD OF THE
HARTNELL COMMUNITY COLLEGE DISTRICT
COUNTY OF SAN BENITO, STATE OF CALIFORNIA

Approving the Rescheduling of Governing Board Elections from
Odd-Numbered Years to Even-Numbered

A Resolution of the Governing Board of the **Hartnell Community College District** Approving the Rescheduling of Governing Board Member Elections from Odd-Numbered Years to Even-Numbered Years, in Accordance with Elections Code §1302 and Senate Bill 415 (2015-2016 Regular Session), and Requesting the Approval of the County of San Benito to Consolidate the Same with the Statewide General Election Pursuant to Elections Code § 10405.7.

Resolution No. 16:22

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 would authorize voters to seek a court order to change local elections dates to even-numbered years if voter-turnout in odd-numbered year local elections is substantially lower than the average in recent statewide elections; and

WHEREAS, the **Hartnell Community College District** currently conducts its elections for members of the Board of Trustees in November of odd-numbered years (*e.g.*, November 2015) pursuant to Education Code § 5000 and Elections Code § 1302 subdivision (a); and

WHEREAS, voter participation in San Benito County is greater for statewide general elections than for odd-year local elections, including school board member elections; and

WHEREAS, the Board believes that rescheduling to even-numbered year elections may enhance voter participation and further increase the percentage of voters participating in the Community College Board elections; and

WHEREAS, it is considered the view of the Board that starting with the **2018** Board elections, the public interest will be better served by election of its Board members in even-numbered year elections, held in conjunction with the statewide general elections; and

WHEREAS, the Board 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 Board desires to change the date of future Board member elections to be consolidated with the California statewide general election in order to increase and enhance voter participation; and

WHEREAS, Elections Code § 1302(b) establishes a procedure whereby the Board may change the election date for its Board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county, *see* Elec. Code § 10405.7; and

WHEREAS, if the change in election date is approved by the San Benito 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 Board members whose terms would have expired in **2017** being extended to **2018** and Board members whose terms would have expired in **2019** being extended to **2020** as required by Elections Code § 10404.5(g) (refer to Exhibit A),

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 **Hartnell Community College District** Governing Board, do hereby adopt this resolution to consolidate the election date for members of the Board with the state general election in November of even-numbered years, beginning in **2018** pursuant to Elections Code § 1302(b).
3. The Superintendent shall forward the original copy of this resolution to the San Benito County Superintendent of Schools, who will compile the district resolutions, and will explain the rationale for the resolutions and request formal approval of the change by the San Benito 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 San Benito County Board of Supervisors as required by Elections Code § 10405.7 subdivision (e).

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 Board 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 Board members expiring in **2017** will be extended to November **2018** and the terms of Board members expiring in November **2019** will be extended to November **2020** (see Exhibit A).
7. In the event that the San Benito County Board of Supervisors declines to authorize consolidation in **2018** on the grounds specified in Elections Code § 10405.7 (d)(1), the **Hartnell Community College District** Governing Board requests that the San Benito County Board of Supervisors authorize such consolidation at the soonest feasible date.
8. The Superintendent 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 6th day of December 2016, at a regular meeting of the Governing Board of the **Hartnell Community College District**, by the following vote:

AYES: DePauw, Donohue, Montemayor, Osorio, Padilla-Chavez, Salazar

NOES: None

ABSTAIN: None

ABSENT: Serena

Dated: December 6, 2016



President, Board of Trustees
Hartnell Community College District

CERTIFICATION

I, Willard Lewallen, Clerk of the Board of Trustees of the **Hartnell Community College District**, do hereby certify that the foregoing Resolution was proposed by Board member **Ray Montemayor** seconded by Board member **Candi DePauw** and was duly passed and adopted by a majority of the members of said Board, at an official and public meeting thereof held on December 6, 2016.

Dated: 6 Dec 2016

Willard Lewallen, Clerk

Consolidation of Elections - California Elections Code Section 10405.7

10405.7. (a) The resolution of the community college district governing board to establish an election day pursuant to subdivision (b) of Section 1302 shall be adopted and submitted to the board of supervisors not later than 240 days prior to the date of the currently scheduled election for the governing board members of the community college district.

(b) The final date for the submission of the resolution by the community college district governing board to the board of supervisors is not subject to waiver.

(c) The board of supervisors shall notify all community college 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) (1) 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 may each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(2) 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.

(e) Within 30 days after the approval of the resolution by the board of supervisors, 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 community college district.

(f) An election day established pursuant to subdivision (b) of Section 1302 shall be prescribed to occur not less than one month, nor more than 12 months, subsequent to the Election Day prescribed in Section 5000 of the Education Code. As used in this subdivision, "12 months" means the period from the Election Day prescribed in Section 5000 of the Education Code to the first Tuesday after the first Monday in the 12th month subsequent to that day, inclusive.

(g) If, pursuant to subdivision (b) of Section 1302, a district governing board member election is held on the same day as a statewide general election, those district governing board members whose four-year terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until successors are elected and qualified.