

BEFORE THE GOVERNING BOARD OF THE
MONTEREY COUNTY BOARD OF EDUCATION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

A Resolution of the Monterey County Board of Education 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 Monterey to Consolidate the Same with the Statewide General Election Pursuant to Elections Code § 10404.5.

RESOLUTION NO: 16-17-20

WHEREAS, the Monterey County Board of Education currently conducts its elections for members of the Board 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 Monterey County is greater for statewide general elections than for odd-year local elections, including board member elections; and

WHEREAS, the Board seeks to enhance voter participation and specifically to increase the percentage of voters participating in 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 board member elections; and

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 enactment of the statute itself appears to signify the Legislature's general preference that local elections be conducted in conjunction with statewide elections in even-numbered years; 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 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 resulting from aligning the 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 members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county, *see* Elec. Code § 10404.5; and

WHEREAS, if the change in election date is approved by the Monterey 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 Monterey County Board of Education, do hereby adopt this resolution to consolidate the election date for members of the Board with the state general election in November in even-numbered years pursuant to Elections Code § 1302(b).
3. The Board of Education is prepared to pay the expenses of mailing notice of approval of the change in election date by the Monterey County Board of Supervisors as required by Elections Code § 10404.5 subdivision (e).
4. 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 6, 2018, and each subsequent Board member election will be held two years thereafter in November of even-numbered years.
5. If the consolidation of election is approved, the terms of office of current Board members expiring in November 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).

6. In the event that the Monterey County Board of Supervisors declines to authorize consolidation in 2018, on the grounds specified in Elections Code § 10404.5(d)(1), the Monterey County Board of Education requests that the Monterey County Board of Supervisors authorize such consolidation at the soonest feasible date.
7. The County Superintendent of Schools 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 19th day of October, 2016, at a regular meeting of the Monterey County Board of Education, by the following vote:

AYES: 5

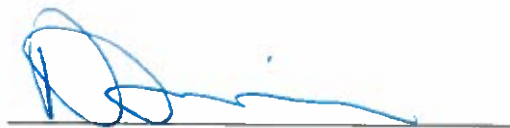
NOES: 0

ABSTAIN: 0

ABSENT: 2

Dated: _____

10/19/16



Ron Panziera, President
Monterey County Board of Education

CERTIFICATION

I, Nancy Kotowski, Clerk of the Monterey County Board of Education, do hereby certify that the foregoing Resolution was proposed by Board member John McPherson, seconded by Board member Harvey Kuffner, and was duly passed and adopted by a majority of the members of said Board, at an official and public meeting thereof held on October 19, 2016.

Dated: _____

1/2/17

 , Clerk

EXHIBIT A

Consolidation of Elections - California Elections Code Section 10404.5

10404.5 (a) A resolution of the governing board of a school district or county board of education 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 of the district or for the members of the county board of education.

(b) The final date for the submission of the resolution by the governing board of a school district or county board of education to the board of supervisors is not subject to waiver.

(c) The board of supervisors shall notify all school districts and the county board of education 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 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 school district or if applicable, the county board of education.

(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 or pursuant to Section 1007 of the Education Code, as appropriate. As used in this subdivision, "12 months" means the period from the Election Day prescribed in Section 5000 of the Education Code or pursuant to Section 1007 of the Education Code, as appropriate, to the first Tuesday after the first Monday in the 12th month subsequent to that day, inclusive.

(g) In the event that the Election Day for a school district governing board or county board of education is established pursuant to subdivision (b) of Section 1302, the term of office of all then incumbent members of that governing board or county board of education shall be extended accordingly.