

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

July 26, 2022

FROM

**MICHAEL JIMENEZ, Interim Registrar of Voters, Registrar of Voters
LYNNA MONELL, Clerk of the Board, Clerk of the Board of Supervisors**

SUBJECT

West Valley Water District Request to Change Election Cycle to Statewide General Election

RECOMMENDATION(S)

Adopt **Resolution No. 2022-159** to approve a request from the governing body of the West Valley Water District to move its election dates to the statewide general elections held in November of even-numbered years, commencing with the November 8, 2022 Statewide General Election.

(Presenter: Michael Jimenez, Interim Registrar of Voters, 387-2100)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not require the use of Discretionary General Funding (Net County Cost). Approval of the request will decrease the West Valley Water District's (District) election costs and may slightly decrease election costs for other districts that hold their governing body elections in November of even-numbered years. This is because the greater number of districts that participate in an election results in lower election costs borne per district. Adequate appropriation and revenue are included in the Registrar of Voters (ROV) and Clerk of the Board of Supervisors 2022-23 budgets to process this election change request.

BACKGROUND INFORMATION

Approval of the proposed Resolution would consolidate the District's elections with the statewide general elections held in November of even-numbered years, commencing in 2022. California Elections Code (Elections Code) section 10404 authorizes a special district, by resolution of its governing body, to move its governing body election to the Statewide General Election held in November of each even-numbered year.

On or about February 19, 2021, the District provided the County with Resolution No. 2021-1 requesting the Board of Supervisors (Board) approve holding the elections in the statewide primary election. Litigation commenced between the County and the District to determine the legality of the District's request to hold its elections in the statewide primary election. On February 1, 2022, the Court of Appeal ruled that the District could only move its elections to the Statewide General Elections in November of even-numbered years.

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July 26, 2022**

Elections Code sections 14050 through 14057, known as the California Voter Participation Rights Act (Act), prohibits cities, school districts, and special districts from holding an election other than on a statewide election date in even-numbered years if holding an election on a non-concurrent date has historically significantly decreased voter turnout. Significant decreases in voter turnout is defined as at least 25 percent less than the average voter turnout within the jurisdiction for the previous four statewide general elections. Local agencies fitting the criteria under the Act must consolidate their elections with a statewide election no later than the November 8, 2022 Statewide General Election.

Elections Code section 10404:

- Requires the County to notify all districts located in the county of a consolidation request and to request input from each district on the effect of the consolidation.
- Authorizes the ROV to prepare and transmit to the Board an impact analysis of the proposed consolidation and a report on the cost effectiveness of the proposed action.
- Provides that, "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".
- Provides that the Resolution to move election dates becomes operative upon approval by the Board.
- Requires ROV to notify all registered voters of the District affected by the consolidation of the approval of the Resolution by the Board within 30 days of that approval. The notice will be sent by mail at the expense of the District.

On July 22, 2022, the Clerk of the Board sent notices to all special districts located in the county of the receipt of the Resolution for the proposed change in the election date requesting their input on the effects of the change.

ROV prepared an impact analysis of the proposed consolidation that takes into consideration the overall impact to all jurisdictions if the request is approved. The impact analysis indicates: (1) that ROV can produce a ballot which contains all of the ballot styles required; and (2) the voting equipment and computer capacity can handle these changes. The resolution from the District states that the elections for the Board of Directors for the District shall occur on the general statewide election date of even-numbered years going forward, beginning with November 2022.

On July 21, 2022, the District's Board of Directors approved Resolution No. 2022-19 to move its election to November in the even-numbered years, beginning with the November 8, 2022 election, to coincide with statewide general elections in even-numbered years to comply with the Act.

A portion of the District is in Riverside County and under Election Code section 10404(h), if a district is in more than one county, the district may not consolidate an election if any county in which the district is located denies the request for consolidation. The proposed Resolution states it is only effective if Riverside County also approves the consolidation.

PROCUREMENT

N/A

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on July 19, 2022; Finance (Elias Duenas, Administrative Analyst, 387-4052, and Erika Rodarte, Administrative Analyst, 387-4919) on July 20, 2022; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 20, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 26, 2022



cc: W/RESOLUTION
File- Registrar of Voters/General w/attach
LA 07/26/2022