

**RESOLUTION NO. 2022-19**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE WEST VALLEY WATER DISTRICT**  
**CHANGING THE DISTRICT ELECTION DATE**  
**FROM JUNE OF 2022 TO THE STATEWIDE**  
**GENERAL ELECTION IN NOVEMBER 2022**  
**IN ORDER TO COMPLY WITH SB 415**

**WHEREAS**, the California Voter Participation Rights Act (SB 415 – California Elections Code Sections 14050-14057) became effective January 1, 2018 and prohibits a political subdivision (including a special district) from holding an election on a date other than on a statewide election date in even-numbered years, if holding an election on a non-statewide election date has previously resulted in a “significant decrease in voter turnout,” which is defined by SB 415 as at least 25% less voter turnout than the average voter turnout within the District for the previous four statewide general elections (November, 2010, 2012, 2014, 2016, & 2018). According to County voting records, the average eligible voter turnout within the District for the previous four statewide general elections would point to the conclusion that the District is required to change to statewide general election dates in even-numbered years; and

**WHEREAS**, in order to change its Board of Directors election date to comply with SB 415, Elections Code Section 1301(b) authorizes the District to adopt a resolution changing its district election date from June 2022 to the statewide general election in November of even-numbered years. The resolution must then be submitted to the San Bernardino County Board of Supervisors for approval; and

**WHEREAS**, in order to comply with SB 415, it is the intent of the Board of Directors to change the district election date for Board members from Division 1, Division 2 and Division 3 from June of even-numbered years to the statewide general election in November of 2022, commencing with the November 2022 general election. Elections Code Section 10404 provides that if the election date is changed to the statewide election date in even-numbered years, those Board members whose terms of office would have, prior to the adoption of the resolution, expired prior to the elections shall, instead, continue in their offices until their successors are elected and qualified; and

**WHEREAS**, it is also the intent of the Board of Directors to extend terms of office in order to implement SB 415 as follows: Directors in District 2 and 3, which were elected to office on November 5, 2017, will have approximately one (1) year added to their terms so that their terms will expire in 2022 ( $2017 + 4 = 2021$ ) in order to comply with SB 415 which requires even-year elections no later than November 2022. Directors Districts 2 and 3 currently have terms which will expire November 2021. This Resolution will extend those current terms to November 2022; and

**WHEREAS**, this election schedule served the purpose of avoiding an election in the odd year of 2021 which would have resulted in significant cost being charged to the District by the County Registrar of Voters since the District would be one of few agencies, and perhaps the only agency, still on an odd-year cycle.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors as follows:

**Section 1**      Incorporation of Recitals. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution

**Section 2**      Previous Resolutions Are Hereby Superseded. As of the effective date of this Resolution, Resolution 2021-1 shall be deemed to be superseded and shall be of no further force or effect. As a result, the Board of Directors elections for all District Divisions will now occur on even numbered years and the elections for Division 1, Division 2, and Division 3 shall hereby occur on the general statewide election date of even-numbered years going forward, beginning with November 2022.

**Section 3**      Even-Numbered Year General District Elections. Pursuant to California Elections Code Sections 1301(b) and 14050-14057, and commencing with the November 2022 primary election, the date of the District election shall be deemed to the same date as the statewide general election of each even-numbered year. Division 1, Division 2 and Division 3 elections will be in November of 2022.

**Section 4**      Effective Date. Pursuant to Elections Code Section 1301(b), this Resolution shall not become effective until it is approved by the San Bernardino County Board of Supervisors. The Secretary of the Board of Directors shall transmit copies of this Resolution to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for San Bernardino County.

**Section 5**      Severability. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**ADOPTED, SIGNED, AND APPROVED THIS 21st DAY OF JULY 2022.**

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Channing Hawkins  
President of the Board of Directors  
West Valley Water District

**ATTEST:**

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Jon Stephenson  
Board Secretary