

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA# *A-2

Urgent _____ Routine X

AGENDA DATE August 7, 2001

CEO Concurs with Recommendation YES X NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO CONSOLIDATE WITH THE NOVEMBER 6, 2001 GENERAL
ELECTION TWO BALLOT MEASURES FOR THE SALIDA FIRE PROTECTION
DISTRICT

STAFF RECOMMENDATIONS:

1. APPROVE CONSOLIDATING WITH THE GENERAL ELECTION ON
NOVEMBER 6, 2001 TWO BALLOT MEASURES FOR THE SALIDA FIRE
PROTECTION DISTRICT

FISCAL IMPACT:

NONE

BOARD ACTION AS FOLLOWS:

No. 2001-583

On motion of Supervisor Blom, Seconded by Supervisor Caruso

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

MOTION:

STANISLAUS COUNTY CLERK'S OFFICE -- ELECTION DIVISION

MEMO TO: *Christine*

DATE: *8/1/01*

FROM: *Nancy*

SUBJECT: *Salida Fire Protection Dist*

*These resolutions are asking for 2
measures to be put on the ballot
in November. Is anything else
needed?*

BOARD OF SUPERVISORS
2001 JUG - 1 P 2: 18

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LisaBeth D. Rothman
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File No: 178/5

July 31, 2001

VIA TELECOPIER AND U.S. MAIL

Nancy Huntley, Clerk
Department of Elections
County of Stanislaus
1021 I Street, Suite 101
Modesto, California 95354

Re: Two Measures To Be Placed on the Ballot for the November 6, 2001 County of Stanislaus General Election

Dear Ms. Huntley:

Enclosed please find copies of the two resolutions passed by the Board of Directors ("Board") of the Salida Fire Protection District ("District") regarding placement of two (2) measures on the Stanislaus County ("County") ballot for the November 6, 2001 general election. These ballot measures are in final form and are hereby submitted on behalf of the District, in advance of the statutory deadline. See Elections Code § 10407(a).

As we discussed on Wednesday, July 25, 2001 and again this morning, the Board, at its regular meeting on July 18, 2001, passed resolutions to place the following questions on the ballot: 1) whether the directors comprising the Board should be elected, rather than appointed to their positions; and, 2) whether the election of directors should be staggered. As we further discussed, and consistent with California law and County elections procedures, please ensure that notice of the election is published by August 7, 2001 in a newspaper having general circulation published in the District. Elections Code § 12112(a). The notice shall contain a statement of the question to appear on the ballot. Health & Safety Code § 13848(c).

Please contact the undersigned as soon as possible to confirm your receipt of these resolutions and ballot measures.

Very truly yours,



Robert D. Pontelle

RDP:mek
Enclosures

REGISTRATION AND
2001 JUL 31 PM 4:42
CLERK

RESOLUTION NO.01-08**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SALIDA FIRE PROTECTION DISTRICT
REQUESTING THAT THE QUESTION OF WHETHER
THE DISTRICT BOARD SHOULD CONSIST OF
APPOINTED OR ELECTED MEMBERS BE PLACED ON
THE STANISLAUS COUNTY BALLOT FOR THE
NOVEMBER 6, 2001 GENERAL DISTRICT ELECTION**

WHEREAS, California Health and Safety Code section 13848(b) authorizes the Salida Fire Protection District ("District") to place, by resolution, on a general election ballot, the question of whether individual members of the District's Board of Directors ("Board") should be elected rather than appointed; and

WHEREAS, District Directors are currently appointed to their Board positions; and

WHEREAS, The Board currently consists of five (5) Directors, each of whom is appointed by the Board of Supervisors of Stanislaus County for a term of three years, without any restriction on the number of terms a member may serve; and

WHEREAS, the District desires to submit the following question to voters in, the District boundaries at the general district election; whether the individual Directors of the District shall be elected by the voters, rather than appointed, to their Board positions.

NOW, THEREFORE THE SALIDA FIRE PROTECTION DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That a measure be placed on the ballot for the County of Stanislaus general election to be held on Tuesday, November 6, 2001 for the purpose of submitting to the voters the issue of whether the individual directors of the Salida Fire Protection District shall be elected by the voters, rather than appointed, to their positions.

SECTION 2. That the Board of Directors of the District, pursuant to its right and authority, does order to be submitted to the voters at the Tuesday, November 6, 2001 general election the following question:

SALIDA FIRE PROTECTION DISTRICT - MEASURE "A"

Shall the five Directors comprising the Salida Fire Protection District Board of Directors be elected, rather than appointed, to their Director positions?

Yes

No

Exhibit A 1

SECTION 3.

That the full text of the proposed ordinance is attached hereto as

SECTION 4.

That the ballots to be used at the election shall be in form and

content as required by law.

SECTION 5.

That in all particulars not recited in this resolution, the election

shall be held and conducted as provided by law for holding municipal elections.

SECTION 6.

That notice of the time and place of holding the election is given

and the District Secretary is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7.

That write-in votes shall be counted at the Stanislaus Registrar's

Office.

SECTION 8.

That this Resolution shall take effect on JULY 18, 2001.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Board of Directors of the Salida Fire Protection District at a regular meeting of said District held on the 18th day of July, 2001, by the following roll call vote:

PASSED and ADOPTED at the regular meeting of the District Directors held on July 18, 2001, at Salida, California by the following vote:


AYES: Becker, Heinrich, Burns

NOES: None

ABSENT: teVelde, Boer

ABSTAIN: None

Dated: July 18, 2001


Thomas J. Burns
Chairman, Board of Directors

ATTEST:


David E. Boyd, Clerk of the Board

APPROVED AS TO FORM:

William D. Ross, District Counsel

NOVEMBER 6, 2001 COUNTY GENERAL ELECTION

MEASURE A. Proposing an ordinance of the County of Stanislaus, which reads in its entirety as follows:

The people of the Salida Fire Protection District do ordain as follows:

SECTION 1. The individual directors comprising the Salida Fire Protection District Board of Directors shall henceforth be elected, rather than appointed to their director positions.

SECTION 2. The measure is necessary because Health and Safety Code section 13848(a) requires the question of whether a district that has an appointed district board shall have an elected district board to be submitted to the voters of the district.

SECTION 3. If any section of this measure is held invalid, such invalidity shall not affect other provision(s) or application(s) of this measure, which can be given effect without the invalid provision(s) or application(s) and to this end, the provisions of this measure are declared severable.

RESOLUTION NG. 01-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALIDA FIRE PROTECTION DISTRICT REQUESTING THAT THE QUESTION WHETHER THE ELECTED MEMBERS OF THE DISTRICT BOARD SHOULD SERVE STAGGERED TERMS, SUCH THAT TWO MEMBERS WILL BE STANDING FOR ELECTION IN TWO YEARS, AND THE OTHER THREE WILL BE STANDING FOR ELECTION IN FOUR YEARS BE PLACED ON THE STANISLAUS COUNTY BALLOT FOR NOVEMBER 6, 2001 GENERAL DISTRICT ELECTION.

WHEREAS, California Health and Safety Code section 13843(a) states that each Director of the Salida Fire protection District ("District") shall serve terms of office of four years or until his or her successor qualifies and takes office; and

WHEREAS, District Directors are currently appointed to their Board positions; and

WHEREAS, the Board currently consists of five (5) Directors, each of whom is appointed by the Board of Supervisors of Stanislaus County for a term of four years, without any restriction on the number of terms a member may serve; and

WHEREAS, the District desires to submit the following question to voters in the District boundaries at the general district election: whether Directors' terms should be staggered, such that two (2) Directors will be standing for initial re-election in two (2) years, while the remaining three (3) Directors will be standing for election in four (4) years?

NOW, THEREFORE, THE SALIDA FIRE PROTECTION DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That a measure be placed on the ballot for the County of Stanislaus general election to be held on Tuesday, November 6, 2001 for the purpose of submitting to the District's voters the question of whether the terms of the individual directors of the Salida Fire Protection District, if the Directors are to be elected to their positions, shall be staggered, such that two (2) Directors will be standing for initial re-election in two (2) years, while the remaining three (3) Directors will be standing for election in four (4), years?

SECTION 2. That, the Board of Directors, of the District, pursuant to its right and authority does order to be submitted to the voters at the Tuesday, November 6, 2001 general election the following question:

SALIDA FIRE PROTECTION DISTRICT - MEASURE "B"

Shall two of the five Directors comprising the Salida Fire Protection District Board of Directors be standing for election in two years while the other three Directors shall be standing for election in four years, such that their terms henceforth are to be staggered?

Yes

No

SECTION 3. That the, proposed measure to be submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the District Secretary is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That write-in votes shall be counted at the Stanislaus Registrar's Office.

SECTION 8. That this resolution shall take effect on July 18, 2001.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Board of Directors of the Salida Fire Protection District at a regular meeting of said District held on the 18th day of July, 2001 by the following roll call vote:

PASSED and ADOPTED at the regular meeting of the District Directors held on July 18, 2001~ at Salida, California by the following vote:

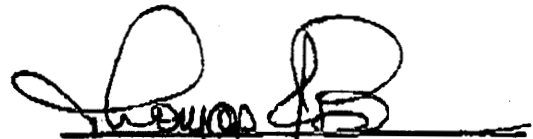
AYES: Becker, Heinrich, Burns

NOES: None

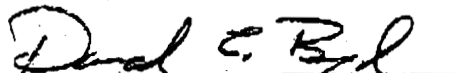
ABSENT: teVeide, Boer

ABSTAIN: NONE

Dated: July 18, 2001


Thomas J. Burns
Chairman, Board of Directors

ATTEST


David E. Boyd, Clerk to the Board

APPROVED AS TO FORM

William D. Ross, District Counsel

NOVEMBER 5, 2001 COUNTY GENERAL ELECTION

MEASURE C. Proposing an ordinance of the County of Stanislaus, which reads in its entirety as follows:

The people, of the Salida Fire Protection District do ordain as follows:

SECTION 1. Two District Directors shall be standing for election two years from the initial election of Directors, while the remaining three Directors shall be standing for election four years from the initial election of Directors. Henceforth, each Director shall serve a term of four years from the date of election, such that the terms and election dates for the individual directors comprising the Salida Fire Protection District Board of Directors be staggered.

SECTION 2. The measure is necessary because Health and Safety Code provisions do not address the sequencing of Director elections.

SECTION 3. If any section of this measure is held invalid, such invalidity shall not effect other provision(s) or application(s) of this measure, which can be given effect without the invalid provision(s) or application(s) and to this end, the provisions of this measure are declared severable.

EXHIBIT A

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2001 JUL 31 PM 5:29

File No 178/5

TELECOPY COVER LETTER

TIME ATTORNEY/SECRETARY
ASAP RDP/mek

WE ARE TRANSMITTING FROM (213) 892-1519

TO Nancy Huntley, Clerk, County of Stanislaus

FROM Robert D. Pontelle, Esq.

ON July 31, 2001 AT _____
(Date) (Time)

TOTAL NUMBER OF PAGES 11 (INCLUDING COVER LETTER)

TELECOPY PHONE NUMBER (209) 525-5210

CONFIRMATION PHONE NUMBER _____

CONFIRMED BY _____
(Receiving Party)

OPERATOR NAME Margaret E. Kadric

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MESSAGE: _____

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