

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

DEPT: Clerk Recorder - Elections Division

BOARD AGENDA # *A-5

Urgent

Routine

AGENDA DATE September 15, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Request Appointment in Lieu of Election to the Oak Flat Water District Board of Directors

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for each of the elective offices to be filled at the Consolidated District Election to be held on Tuesday, November 3, 2009, or there were no nominees as of 5:00pm on Wednesday, August 12, 2009, request the Board of Supervisors make appointments in lieu of election as indicated:

Two full term director positions - Two candidates filed:
Fred Beltran, Steve Arnaudo

One short term director position - No candidate(s) filed

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-611

On motion of Supervisor Grover, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

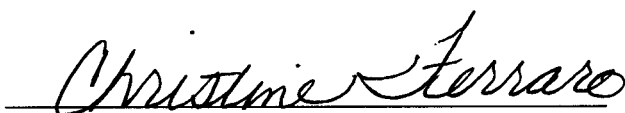
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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DISCUSSION: Pursuant to California Elections Code 10515 (a) (4), "The election official... shall submit a certificate of these facts to the supervising authority..."

POLICY ISSUE: Pursuant to Election Code 10515 (a) (4), "The county election official ... shall request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments. (b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office."

STAFFING IMPACT: There is no staffing impact associated with this item.

NOTE:

**DISTRICT SECRETARY'S NOTICE TO
COUNTY CLERK**

(Elections Code Section 10515)

To the County Clerk of Stanislaus County

OAK FLAT WATER DISTRICT

(Name of District)

Pursuant to Section 10515 of the Elections Code you are hereby notified that in the above named district for the general election to be held on November 3, 2009:

RECEIVED
STANISLAUS COUNTY
CLERK-RECORDING
2009 AUG -3 AM 11:26
ELECTIONS DIV.

- (A) Whereas only one person has filed a declaration of candidacy for each elective office to be filled, and no petition requesting the election be conducted has been filed with the District, no election shall be held for the offices listed below. Request the Board of Supervisors appoint the candidates as indicated no later than December 4, 2009 per Election Code 10515.

<u>Offices</u>	<u>Candidates (if any)</u>
Director (4-year term)	Fred Beltran
Director (4-year term)	Steve Arnaudo
Director (2-year term)	(vacant - no filings)

- (B) A sufficient petition, signed by 50 voters or by 10% of the voters of the district (or of the division if the election is by division), whichever is the smaller number, having been presented to the District within the time prescribed by the Election Code Section 10515 the following offices will appear on the ballot:

<u>Offices</u>	<u>Candidates (if any)</u>
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Dated: 9/1/2009


District Secretary

Instruction: To be delivered in person or sent by certified mail to the County Clerk after the 83rd day before the general district election (Elections Code Sections 10504, 10515)