

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

DEPT: Clerk Recorder - Elections Division

BOARD AGENDA # *A-3

Urgent

Routine

AGENDA DATE September 22, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Request Appointment in Lieu of Election to the Board of the Orestimba Creek Flood Control District

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 5:00 pm on Wednesday, August 12, 2009, request the Board of Supervisors make appointments in lieu of the election as indicated:

Two full term directors positions - Two candidates filed:

- John Beltran
- Glen Crow

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-638

On motion of Supervisor Chiesa, Seconded by Supervisor Grover, 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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Request Appointment in Lieu of Election to the Board of the Orestimba Creek Flood Control District

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DISCUSSION: Pursuant to California Elections Code 10515, "The election officialshall submit a certificate of these facts to the supervising authority...."

POLICY ISSUE: Pursuant to Election Code 10515 (a) (4), "(a) The county election official "shall submit a certificate of these facts to the supervising authority and 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:



RECEIVED
STANISLAUS COUNTY
CLERK'S OFFICE
2009 SEP 14 PM 2:00

**DISTRICT SECRETARY'S NOTICE
TO COUNTY CLERK**
(Elections Code Section 10515)

To the County Clerk of Stanislaus County:

Orestimba Creek Flood Control DISTRICT
(Name of District)

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

- (A) Whereas only one person has filed a declaration of candidacy for each elective office to be filled; or no one has filed a declaration of candidacy for such offices, 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 Stanislaus County Board of Supervisors appoint the candidates as indicated per Election Code 10515:

<u>Offices</u>	<u>Candidates (if any)</u>
2 Directors	John Beltran Glen Crow

- (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 officer conducting the election within the time prescribed by Elections Code Section 10515 the following offices will appear on the ballot:

Dated: 9-10-09

District Secretary: *Hayk Arutyunyan*