

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

DEPT: Clerk Recorder / Elections Division

BOARD AGENDA # A-7f

Urgent

Routine

AGENDA DATE October 4, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Request Appointments 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 Landowner District Election to be held on Tues. November 8, 2011, request the Board of Supervisors make appointments in lieu of election as indicated:

Three full term director positions - John E. Beltran, Joe J. Martini, vacant

Contact Person: Lee Lundrigan, Clerk-Recorder Telephone: (209) 525-5211

FISCAL IMPACT:

BOARD ACTION AS FOLLOWS:

No. 2011-597

On motion of Supervisor Chiesa, Seconded by Supervisor DeMartini

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

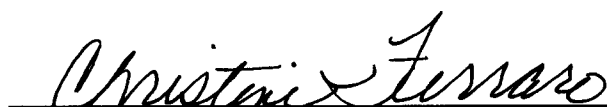
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Request Appointment in Lieu of Election to the Board of the Oak Flat Water District
Board of Directors for the November 8, 2011 Landowner District Election

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DISCUSSION: Pursuant to California Elections Code 10515, "Request the Board of Supervisors makes the appropriate appointment(s) in lieu of the election."

POLICY ISSUE: Pursuant to Elections Code 10515. (a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she 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.

**STAFFING
IMPACT:**

There is no staffing impact associated with this item.

CONTACT PERSON: Lee Lundrigan, Clerk-Recorder (209) 525-5211

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

To the County Clerk of Stanislaus County:

OAK FLAT WATER DISTRICT
Name of District

The above named Landowner District hereby notifies Stanislaus County Registrar of Voters under Election Code §10515 that the following applies in and for the General Election to be held on November 8, 2011:

Complete applicable section A or B:

(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, therefore no election shall be held for the offices listed below. This District requests the Stanislaus County Board of Supervisors appoint the candidates as indicated per Election Code § 10515.

<u>Offices</u>	<u>Candidates (if any)</u>
Director – 4 year term	John E. Beltran
Director – 4 year term	Joe J. Martini
Director – 4 year term	(None)

OR

(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 § 10515 the following offices will appear on the ballot:

<u>Offices</u>	<u>Candidates (if any)</u>
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Dated: 5/18/11



Signature of Person Completing Form

William D. Harrison, District Secretary and General Manager
Print Name and Title of Person Completing Form

P. O. Box 1596 – Patterson, CA 96363
Mailing Address

(209) 892-4470
Telephone

PROOF OF PUBLICATION
(2015.5 C.C.P)

STATE OF CALIFORNIA
County of Stanislaus

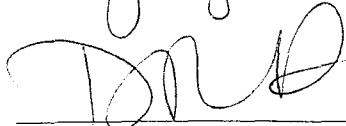
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Patterson Irrigator, a newspaper of general circulation, printed and published once a week on Thursdays, in the city of Patterson, California, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Stanislaus, State of California, under the date of June 23, 1952, Case Number 47304; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

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all in the year 2011.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Patterson, California, this 21
day of July, 2011



Signature

This space is for the County Clerk's Filing stamp

NOTICE OF GENERAL DISTRICT ELECTION

OAK FLAT WATER DISTRICT

Pr

Notice is hereby given that a District Election will be held in this District on Tuesday, November 8, 2011.

The names of the offices for which candidates may be nominated are as follows:

Director - Three (3) - 4-year terms

The qualifications of a nominee and of the elective officer of the district are as follows:

Each director shall be a holder of title to land within the district.

Official nominating petitions for eligible candidates desiring to file for any of the elective offices may be obtained from the Secretary of the District at 17840 Ward Avenue, Patterson, California.

Forms for declaring candidacy shall be available commencing July 18, 2011 and shall be filed with the Secretary of the District at the above address, either in person or by certified mail, received not later than 5:00 p.m., August 12, 2011, before the election.

In the event there are no nominees or an insufficient number of nominees for each elective office and a petition for an election is not timely filed, an appointment to such elective office shall be made. (Election Code Sec. 10515)

The candidate is to pay for the publication of a Candidate's Statement pursuant to Elections Code Sec. 13307.

Polls will be open from 7:00am to 8:00pm on Election Day.

Dated: July 15, 2011

By: William D. Harrison,
District Secretary

7/21/11