

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

DEPT: Clerk Recorder / Elections Division

BOARD AGENDA # A-7g

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 Orestimba Flood Control 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 Sunday, November 6, 2011, request the Board of Supervisors make appointments in lieu of election as indicated:

Three full term director positions - Earl Perez, Clyde Peters, vacant

Contact Person: Lee Lundrigan, Clerk-Recorder

Telephone: (209) 525-5211

FISCAL IMPACT:

BOARD ACTION AS FOLLOWS:

No. 2011-598

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 Orestimba Flood Control District Board of Directors for the November 6, 2011 Landowner District Election

Page 2

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