

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

DEPT: Clerk-Recorder, Elections Division

BOARD AGENDA # A-4b

Urgent

Routine

AGENDA DATE October 30, 2012

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 Del Puerto Health Care District Board of Directors for the November 6, 2012 Presidential General Election

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for the elective offices to be filled at the Presidential General Election to be held on Tuesday, November 6, 2012, or there were no nominees as of 5:00 p.m. on Friday, August 10, 2012, request the Board of Supervisors make appointments in lieu of election as indicated:

Director (Short Term) - Fred E. Beltran

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-541

On motion of Supervisor De Martini, Seconded by Supervisor Monteith

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Request Appointment in Lieu of Election to the Board of the Del Puerto Health Care District Board of Directors for the November 6, 2012 Presidential General 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



**OFFICE OF COUNTY CLERK-RECORDER
& REGISTRAR OF VOTERS
ELECTIONS DIVISION**

**LEE LUNDRIGAN
Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage**

Elections: 1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5200 Facsimile: 209.525.5802

**CERTIFICATE OF COUNTY CLERK
REQUEST FOR APPOINTMENT OF OFFICES
IN LIEU OF ELECTION FOR THE
DEL PUERTO HEALTH CARE DISTRICT – SHORT TERM**

I, LEE LUNDRIGAN, County Clerk of the County of Stanislaus, hereby certify as follows:

As of the close of the candidate nomination filing period at 5:00 p.m. on August 10, 2012, not more than one person had been nominated for each of the elective offices for said District to be filled at the Presidential General Election to be held on Tuesday, November 6, 2012, and no petition signed by the voters of said District requesting the election be conducted was presented to this office.

The following person(s) have been nominated:

One Director (Short Term) – Fred E. Beltran

Request is hereby made that, pursuant to Section 10515 of the Elections Code, the Board of Supervisors of the County of Stanislaus declare elected said nominees. If no person filed for any office, the supervising authority shall appoint any qualified person to the office who is qualified by the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at the general district election.

I certify under penalty of perjury that the foregoing is true and correct.

Dated this 17th day of October 2012.

Sincerely,

**LEE LUNDRIGAN
County Clerk-Recorder & Registrar of Voters**



Communication may be made with the district by contacting:

Del Puerto Health Care District
Attn: **Barry Hurd**
PO Box 187
Patterson CA 95363