

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

DEPT: Clerk-Recorder, Elections Division *[Signature]* BOARD AGENDA # A-41

Urgent Routine

AGENDA DATE October 29, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Request Appointment in Lieu of Election to the Board of Empire Sanitary District Board of Directors for the November 5, 2013 Consolidated District Election

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for the elective offices to be filled at the Consolidated District Election to be held on Tuesday, November 5, 2013, or there were no nominees as of 5:00 p.m. on Friday, August 9, 2013, request the Board of Supervisors make appointments in lieu of election as indicated:

Three Full Term Positions: Charles Thornsberry, L. B. Haney, Louise Little

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2013-538

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

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

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.

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DISCUSSION:

Pursuant to California Elections Code 10515, the Clerk - Recorder - Registrar of Voters submits to the Board of Supervisors and requests that the Board of Supervisors in its capacity as the supervising authority of the district, make appropriate appointment(s) in lieu of the election.

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.

POLICY ISSUE:

Approval of the recommendation is in alignment with the Board's priority of ensuring Efficient Delivery of Public Services.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Lee Lundrigan, Clerk-Recorder (209) 525-5211