



# San Bernardino County

## Legislation Text

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**File #: 3468, Agenda Item #: 38**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION**

**January 5, 2021**

#### **FROM**

**BOB PAGE, Registrar of Voters, Registrar of Voters**

**LYNNA MONELL, Clerk of the Board, Clerk of the Board of Supervisors**

#### **SUBJECT**

Special District Requests to Change Election Cycle to Even-Numbered Years

#### **RECOMMENDATION(S)**

Adopt Resolution to:

1. Approve request from the governing body of Twentynine Palms Water District to move its election dates from mail ballot elections held in August of odd-numbered years to statewide general elections held in November of even-numbered years, commencing with the November 8, 2022 Statewide General Election.
2. Approve request from the governing body of Cucamonga Valley Water District to move its election dates from consolidated elections held in November of odd-numbered years to statewide general elections held in November of even-numbered years, commencing with the November 8, 2022 Statewide General Election.

(Presenter: Bob Page, Registrar of Voters, 387-2100)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Pursue County Goals and Objectives by Working with Other Agencies.**

#### **FINANCIAL IMPACT**

Approval of this item will not require additional Discretionary General Funding (Net County Cost). Adequate appropriation and revenue was included in the Registrar of Voters (ROV) and Clerk of the Board (COB) 2020-21 budgets to process this election change request.

#### **BACKGROUND INFORMATION**

Approval of the proposed resolution would consolidate elections for Twentynine Palms Water District and Cucamonga Valley Water District with the statewide general elections held in November of even-numbered years, commencing in 2022.

California Elections Code section 10404 authorizes a special district, by resolution of its governing body, to move its governing body election to the statewide general election in November of each even-numbered year.

Elections Code sections 14050 through 14057, known as the California Voter Participation Rights Act (Act),

prohibits cities, school districts, and special districts from holding an election other than on a statewide election date in even-numbered years, if holding an election on a non-concurrent date has historically significantly decreased voter turnout. Significant decrease in voter turnout is defined as at least 25 percent less than the average voter turnout within the jurisdiction for the previous four statewide general elections. Local agencies must consolidate their elections with a statewide election no later than the November 8, 2022 Statewide General Election.

**Twentynine Palms Water District:**

- The Twentynine Palms Water District has held its governing body elections as mail ballot elections in August of odd-numbered years since 2009 when its voters approved the move.
- The District's most recent election was held on August 27, 2019 and voter turnout was 18.33%.
- The average voter turnout in statewide general elections of 2012, 2014, 2016 and 2018 was 59.40%.
- The District's voter turnout in 2019 was significantly decreased as defined in the Act.
- On October 23, 2019, Twentynine Palms Water District's Board of Directors adopted two resolutions requesting the Board of Supervisors authorize a change to its general elections from August of odd-numbered years to November of even-numbered years in compliance with the Act.
- On November 9, 2020, the Twentynine Palms Water District submitted Resolutions 19-13 and 19-14 for Board of Supervisors' consideration.

**Cucamonga Valley Water District:**

- The Cucamonga Valley Water District held its governing body elections in November of odd-numbered years until 2005, moved its elections to November of even-numbered years from 2008 through 2014, and moved its elections back to November of odd-numbered years for 2017 and 2019.
- On December 20, 2017, the Cucamonga Valley Water District's Board of Directors adopted Resolution No. 2017-12-1 requesting the Cucamonga Valley Water District's elections be consolidated with the statewide general election held in November of even-numbered years, commencing with the November 2020 Presidential General Election.
- On March 20, 2018 (Item No. 57), the Board of Supervisors rejected Cucamonga Valley Water District's request.
- The District's most recent election was held on November 5, 2019 and voter turnout was 11.11%.
- The average voter turnout in statewide general elections of 2012, 2014, 2016 and 2018 was 60.71%.
- The District's voter turnout in 2019 was significantly decreased as defined in the Act.
- On January 28, 2020, Cucamonga Valley Water District's Board of Directors adopted Resolution 2020-1-2, requesting the Board of Supervisors authorize a change to its general elections from November of odd-numbered years to November of even-numbered years in compliance with the Act.
- On December 7, 2020, the Cucamonga Valley Water District submitted Resolution 2020-1-2 for Board of Supervisors' consideration.

**California Elections Code section 10404:**

- Requires the County to notify all districts located in the County of a consolidation request and to request input from each district on the effect of the consolidation.
- Authorizes the Registrar of Voters to prepare and transmit to the Board of Supervisors an impact analysis of the proposed consolidation and a report on the cost effectiveness of the proposed action.
- Provides that "The Board of Supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled."
- Provides that resolutions to move election dates become operative upon approval by the Board of Supervisors.
- Require ROV to notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the Board of Supervisors within 30 days of that approval. The notice will be sent by

mail at the expense of the districts.

On December 11, 2020 the COB sent notices to all districts located in the county of the receipt of the resolution for the proposed change in the election date and requested their input on the effects of the change no later than December 23, 2020. No responses to the requests for comments were received.

ROV prepared an impact analysis of the proposed consolidation that takes into consideration the overall impact to all jurisdictions if the requests are approved. The impact analysis indicates: (1) that ROV can produce a ballot which contains all of the ballot styles required, (2) the voting equipment and computer capacity can handle these changes, and (3) the consolidation will extend the terms of all currently elected District Board members by one year.

Approval of both Districts' election change requests will likely decrease revenue to the County in odd-numbered years and slightly increase revenue to the County in even-numbered years. Approval of the requests will decrease the Districts' election costs and may slightly decrease election costs for other special districts that hold their governing body elections in November of even-numbered years.

It is, therefore, recommended that the Board of Supervisors adopt the proposed resolution approving the requests from both districts for consolidation with the statewide general elections held in November of even-numbered years, commencing with the November 8, 2022 Statewide General Election.

#### **PROCUREMENT**

N/A

#### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-4310) on December 9, 2020; Finance (Elias Duenas, Administrative Analyst, 387-4052) on December 15, 2020; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 16, 2020.