



RESOLUTION NO. 2011-02

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING MPWMD RESOLUTION No. 2010-16,
ORDERING AN ELECTION,
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

WHEREAS, this Resolution amends Resolution 2010-16 calling for an election on May 3, 2011, which was adopted by the Monterey Peninsula Water Management District (MPWMD or Water Management District) Board of Directors on December 13, 2010; and

WHEREAS, on November 15, 2010, the Water Management District Board of Directors received the resignation of the representative for District 1 and voted to conduct a special election to fill the vacancy; and

WHEREAS, pursuant to Government Code Section 1780, the Water Management District may call an election to fill a vacancy; and

WHEREAS, pursuant to Division 4 of the Elections Code, a local, special or consolidated election may be conducted wholly by mail provided that the governing body of the local agency authorizes the use of mailed ballots for the election, the election is held on an established mailed ballot election date, and the election is an election of the Directors of the Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977; and

WHEREAS, pursuant to Division 4 of the Elections Code, the Water Management District Board of Directors has authorized the special election to fill the vacancy on the Board to be conducted by all-mailed ballots; and

WHEREAS, pursuant to Election Code 1500, the Water Management District Board of Directors has authorized the special election to fill the vacancy to be conducted on May 3, 2011; and

WHEREAS, pursuant to Elections Code Section 10002, the Water Management District Board of Directors requests the Board of Supervisors of the County of Monterey to permit the county elections official to conduct a mailed-ballot election to be held on May 3, 2011; and

WHEREAS, pursuant to Elections Code Section 10002, the Water Management District shall reimburse the County in full for the services performed upon presentation of a bill to the District; and

WHEREAS, as a means to encourage greater voter participation in a mailed-ballot election to be held on May 3, 2011, the Monterey Peninsula Water Management District shall pay the postage for the return of the actual voted ballots for the voter; and

WHEREAS, pursuant to elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, the Monterey Peninsula Water Management District hereby orders the mail-ballot election be called and consolidated with any and all elections also called to be held on May 3, 2011, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of Monterey Peninsula Water Management District. The Monterey Peninsula Water Management District hereby requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Sections 10401 and 10403.

WHEREAS, the Monterey Peninsula Water Management District hereby encourages to Registrar to place one or more drop boxes at central locations within the Voting Division; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the Board of Supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting for the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 10515, should only one person file for candidacy, the county elections official shall cancel the election, and the Board of Supervisors of the County of Monterey shall appoint that candidate to fill the vacancy. Should no person file for candidacy, the county elections official shall cancel the election, and the Board of Supervisors of the County of Monterey shall appoint the candidate the fill the vacancy; and

WHEREAS, pursuant to Elections Code Division 13, and as directed by the Board of Directors on December 20, 2010, each candidate's Statement of Qualifications shall be limited to 400 words. Each candidate shall be responsible for paying the cost of publishing his or her Statement of Qualifications in the Voter's Information Pamphlet at the time of the filing of the statement; and

WHEREAS, pursuant to Elections Code Section 10551, if a tie vote makes it impossible to determine which of two or more candidates has been elected, the county elections official shall notify the Water Management District Board of Directors, who shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated. The Water Management District Board of Directors shall, at that time and place, determine the tie by lot and declare the results; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on May 3, 2011.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE Monterey Peninsula Water Management District hereby orders a mailed-ballot special election to fill one vacancy on the Board of Directors be called on May 3, 2011; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE Monterey Peninsula Water Management District hereby orders the mailed-ballot special election be consolidated with any and all elections also called to be held on May 3, 2011, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of Monterey Peninsula Water Management District. The Monterey Peninsula Water Management District hereby requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Sections 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County elections Department shall conduct the election for the following office on the May 3, 2011 ballot.

<u>SEATS OPEN</u>	<u>OFFICE</u>	<u>TERM</u>	<u>DIST/DIV</u>
1	Director	4 years	1

BE IT FURTHER RESOLVED AND ORDERED that the Monterey Peninsula Water Management District shall pay the postage for the return of the actual voted ballots for the voter in a mailed-ballot election to be held on May 3, 2011; and

BE IT FURTHER RESOLVED AND ORDERED that the Registrar is encouraged to place one or more drop boxes at central locations within the Voting Division.

BE IT FURTHER RESOLVED AND ORDERED that should only one person file for candidacy, the county elections official shall cancel the election, and the Board of Supervisors of the County of Monterey shall appoint that candidate to fill the vacancy. Should no person file for candidacy, the county elections official shall cancel the election, and the Board of Supervisors of the County of Monterey shall appoint the candidate the fill the vacancy; and

BE IT FURTHER RESOLVED AND ORDERED that if a tie vote makes it impossible to determine which of two or more candidates has been elected, the Water Management District Board of Directors shall, at that time and place, determine the tie by lot and declare the results.

On a motion by Director Doyle and second by Director Markey the foregoing resolution is duly adopted this 27th day of January 2011 by the following votes.

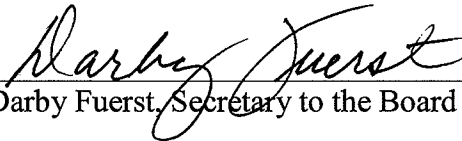
Ayes: Directors Doyle, Markey, Brower, Lehman and Pendergrass

Nays:

Absent: Director Potter

I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 27th day of January 2011.

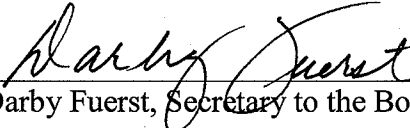
Witness my hand and seal of the Board of Directors this 27th day of January 2011.



Darby Fuerst, Secretary to the Board

COPY CERTIFICATION

I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of Resolution No. 2011-02 duly adopted on the 27th day of January 2011.



Darby Fuerst, Secretary to the Board

1/28/11
Date