



RESOLUTION NO. 2011-08

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ORDERING AN ELECTION IN VOTER DIVISIONS 3, 4 AND 5,
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city or district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; 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 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 forth 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 10400, such election for cities and special districts may be either completely or partially consolidated; 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 November 8, 2011;

WHEREAS, the election shall be conducted in MPWMD voter divisions 3, 4 and 5. One seat is open in each division, each with a term of four years.

WHEREAS, pursuant to Elections Code Section 10515, should only one person file for candidacy in voter division 3, 4 or 5, the county elections official shall cancel the election in the affected division, and the Board of Supervisors of the County of Monterey shall appoint that candidate to fill the vacancy. Should no person file for candidacy in voter division 3, 4 or 5, the county elections official shall cancel the election in the affected division, and the Board of Supervisors of the County of Monterey shall appoint the candidate to fill the vacancy; and

WHEREAS, pursuant to Elections Code Division 13, and as directed by the Board of Directors on May 16, 2011, 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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT the governing body of the Monterey Peninsula Water Management District hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 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 the Monterey Peninsula Water Management District, and requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 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 conduct the election for the following offices on the November 8, 2011 ballot:

SEATS OPEN	OFFICE	TERM	DIVISION
1	Director	4 years	3
1	Director	4 years	4
1	Director	4 years	5

BE IT FURTHER RESOLVED AND ORDERED that 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

BE IT FURTHER RESOLVED AND ORDERED that should only one person file for candidacy in voter division 3, 4 or 5, the county elections official shall cancel the election in the affected division, and the Board of Supervisors of the County of Monterey shall appoint that candidate to fill the vacancy. Should no person file for candidacy in voter division 3, 4 or 5, the county elections official shall cancel the election in the affected division, and the Board of Supervisors of the County of Monterey shall appoint the candidate to 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 motion of Director Doyle, and second by Director Lehman, the foregoing resolution is duly adopted this 16th day of May, 2011 by the following votes:

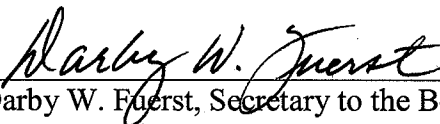
AYES: Directors Doyle, Lehman, Brower, Lewis, Markey and Pendergrass

NAYS: None

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 16th day of May, 2011.

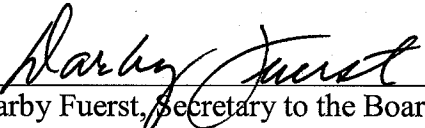
Witness my hand and seal of the Board of Directors this 25th day of May, 2011



Darby W. 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. 2011-08 duly adopted on the 16th of May 2011.



Darby Fuerst, Secretary to the Board

5/25/11
Date