

RESOLUTION NO. 2020-1-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CUCAMONGA VALLEY WATER DISTRICT CHANGING THE GENERAL DISTRICT ELECTION DATE FROM NOVEMBER OF ODD-NUMBERED YEARS TO THE STATEWIDE GENERAL ELECTION IN NOVEMBER OF EVEN-NUMBERED YEARS, COMMENCING WITH THE NOVEMBER 2022 ELECTION, IN ORDER TO COMPLY WITH SB 415

WHEREAS, the California Voter Participation Rights Act (SB 415 – California Elections Code Sections 14050-14057) became effective January 1, 2018 and prohibits a political subdivision (including a special district) from holding a general election on a date other than on a statewide general election date in even-numbered years, if holding an election on a non-statewide election date has previously resulted in a “significant decrease in voter turnout,” which is defined by SB 415 as at least 25% less voter turnout than the average voter turnout within the District for the previous four statewide general elections (November, 2010, 2012, 2014 & 2016). According to County voting records, the average eligible voter turnout within the District for the previous four statewide general elections would point to the conclusion that the District is required to change to statewide general election dates in even-numbered years; and

WHEREAS, in order to change its general election date to comply with SB 415, Elections Code Section 1303(b) authorizes the District to adopt a resolution changing its general district election date from November of odd-numbered years to the statewide general election in November of even-numbered years. The resolution must then be submitted to the San Bernardino County Board of Supervisors for approval; and

WHEREAS, in order to comply with SB 415, it is the intent of the Board of Directors to change the general district election date for Board members from November of odd-numbered years to the statewide general election in November of even-numbered years, commencing with the November 2022 election. Elections Code Section 10404 provides that if the election date is changed to the statewide general election date in even-numbered years, those Board members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified; and

WHEREAS, it is also the intent of the Board of Directors to extend terms of office in order to implement SB 415 as follows. Directors in Divisions 1 and 2, which were elected to office on November 5, 2019, will have 1 year added to their terms so that their terms will expire in 2024 (2019 + 4 = 2023 + 1 = 2024) in order to comply with SB 415 which requires even-year elections as of November 2022. Directors in Divisions 3, 4, and 5 currently have terms which expire November 2021. This Resolution will extend those current terms by one year (2021 + 1 = 2022); and

WHEREAS, this election schedule will serve the purpose of avoiding an election in the next odd year of 2021 which would result in significant costs being charged to the District by the County Registrar of Voters since the District would be one of few agencies, and perhaps the only agency, still on an odd-year cycle.

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BY SM DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 2020-1-2

NOW THEREFORE BE IT RESOLVED by the Board of Directors as follows:

Section 1 Incorporation of Recitals All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

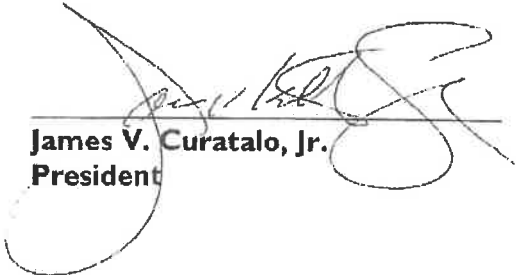
Section 2 Previous Resolutions Are Hereby Superseded As of the effective date of this Resolution, Resolutions Nos. 2017-12-1 and 2015-10-5 shall be deemed to be superseded and shall be of no further force or effect. As a result, the general district elections for the District shall hereby occur on the first Tuesday after the first Monday in November of even-numbered years going forward, beginning with November of 2022.

Section 3 Even-Numbered Year General District Elections Pursuant to California Elections Code Sections 1303(b) and 14050-14057, and commencing with the November 2022 election, the date of the general district election shall be deemed to be the same date as the statewide general election each even-numbered year. As a result, upon the effective date of this Resolution, the November 2, 2021 election will be cancelled.


Section 4 Effective Date Pursuant to Elections Code Section 1303(b), this Resolution shall not become effective until it is approved by the San Bernardino County Board of Supervisors. The Secretary of the Board of Directors shall transmit copies of this Resolution to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for San Bernardino County.

Section 5 Severability If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

PASSED AND ADOPTED this 28th day of January, 2020.


James V. Curatalo, Jr.
President

ATTEST:


John Bosler
Secretary